

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
GREEN ACRES PROGRAM AND  
DIVISION OF FISH AND WILDLIFE  
AND THE NEW JERSEY STATE HOUSE COMMISSION  
Commencing 6:48 p.m.

IN RE: :  
 :  
 : TRANSCRIPT OF  
PROPOSED EXCHANGE OF : PROCEEDINGS HELD VIA  
PROPERTY WITH THE : VIDEOCONFERENCE  
CENTRAL JERSEY RIFLE :  
AND PISTOL CLUB, INC., :  
IN JACKSON TOWNSHIP, : MARCH 31, 2021  
OCEAN COUNTY, AND :  
UPPER FREEHOLD :  
TOWNSHIP, MONMOUTH :  
COUNTY :  
----- :

P R E S E N T:

MARY MONTESCHIO, ESQ., Regulatory Officer  
NJDEP Division of Fish and Wildlife

JUDITH YEANY, NJDEP Green Acres Program

MATTHEW McINERNEY, NJDEP Green Acres Program

PETER WINKLER, Central Regional Superintendant  
NJDEP Division of Fish and Wildlife

A P P E A R A N C E S:

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"PRESERVING YOUR RECORD"

1 MS. YEANY: We're going to attempt to  
2 keep the participants muted when people are not  
3 presenting just to cut down on background noise and  
4 interference. At the end of the hearing, or at the  
5 end of the presentation, we will give everybody a  
6 chance to make whatever comments they want to make.  
7 But, the first thing I need to let people know is  
8 that we are going to record this hearing, so I'm  
9 about to hit the button on that, and we're going to  
10 make that video available to the court reporter, and  
11 most likely we'll post it online as well, because the  
12 court reporter is here to produce a verbatim  
13 transcript of the hearing, which we're required to do  
14 as part of this process.

15 We normally release that transcript to  
16 the public, so I think we'll probably release the  
17 video as well; it's just kind of new territory to us.  
18 So let me just hit the button on that, and we will  
19 get started.

20 Okay, so, welcome everyone. Thanks for  
21 coming. We're here to discuss a proposed land  
22 exchange between the New Jersey Department of  
23 Environmental Protection and the Central Jersey Rifle  
24 and Pistol Club.

25 My name is Judith Yeany. That's

1 Y-E-A-N-Y. I'm with the Green Acres Program at the  
2 DEP, and a lot of you are familiar with our program  
3 because we're responsible for administering Green  
4 Acres bond and tax money. We use it to buy property  
5 on behalf of the State, and we also distribute it to  
6 towns, counties, and non-profits, to either buy parks  
7 or develop parks for recreation or conservation  
8 purposes. We also serve as the real estate office  
9 for the DEP, so when issues come up with DEP  
10 properties, such as someone wanting to swap land with  
11 us, we handle that transaction for the Department.

12 So, we're here today to conduct a public  
13 hearing on a proposed exchange of property with the  
14 Central Jersey Rifle and Pistol Club. Part of the  
15 reason we're conducting the hearing is that we have a  
16 statute that governs the conveyance of over an acre  
17 of DEP property.

18 So anytime we want to convey a property  
19 interest in an amount greater than an acre -- excuse  
20 me, somebody's trying to -- okay, thank you -- we  
21 have a process we have to follow that's dictated by  
22 what we call our DEP conveyance statute. Some of you  
23 may also know that as the Ogden-Rooney legislation.  
24 It's a statute that's been in place since 1990 and  
25 it's named after the original sponsors of the bill.

1           Our statute requires that when we want to  
2 convey more than one acre of property, we have to  
3 follow a pretty lengthy and detailed process before  
4 we go through with the conveyance.

5           The first step in that process is to  
6 prepare a report analyzing the transaction. The  
7 report is available on the Green Acres website, and  
8 for those of you joining us by video, we can post a  
9 link to the report in the chat, if you haven't seen  
10 it already. Assuming most of you went to our public  
11 notices page to log in, the report and the associated  
12 exhibits are there.

13           So we prepare a report analyzing the  
14 transaction and describe what it is that we want to  
15 do, and we're required to analyze both the economics  
16 and the environmental aspects of the transaction.  
17 We're then required to distribute that report to  
18 certain local officials, both at the municipal and  
19 county level, and to select members of the  
20 legislature, and to advertise at least 30 days in  
21 advance that we're going to conduct a public hearing  
22 on the proposed conveyance.

23           The Public Hearing Notice gets  
24 distributed in the New Jersey Register, the DEP  
25 bulletin, several newspapers, and we also post it on

1 our website. If we give notice that we're having a  
2 public hearing, and if the transaction involves over  
3 five acres, we're actually required to have two  
4 public hearings.

5 The first hearing is normally held in the  
6 municipality in which the Department's property is  
7 located, which in this case is Jackson Township, and  
8 we're then required to have a second hearing two  
9 weeks later in the City of Trenton where our agency  
10 is located.

11 In this matter, due to the State public  
12 health emergency, both hearings are being conducted  
13 remotely. So we will be having a second public  
14 hearing on this transaction on April 15 at three  
15 p.m., and the details of that hearing are also on our  
16 website and in the report.

17 The second hearing is a joint hearing  
18 with the State House Commission, which is a  
19 legislative commission that is also required to  
20 conduct a hearing on DEP conveyances that trigger  
21 this statute. The State House Commission is a  
22 legislative commission that has oversight over State  
23 property for all State agencies, so they will be  
24 jointly conducting that second hearing with us as a  
25 precursor to potentially approving this transaction

1 down the line.

2           Once we conduct the second public hearing  
3 and allow time for additional public comment, we are  
4 required to wait 90 days before we can finalize any  
5 proposed conveyance of property. So, the second  
6 hearing is April 15; we allow time for public  
7 comments after that hearing, and we're not allowed to  
8 then go through with conveyance on April 16th; we  
9 have to wait 90 days before we seek this approval for  
10 -- the approvals for this proposal.

11           So the earliest that we can take any  
12 action on this proposal is going to be roughly the  
13 middle of July, which would be 90 days from the April  
14 15th hearing. At the end of our process, we're  
15 required to gain the approval of both the DEP  
16 Commissioner and the State House Commission. So if  
17 we decide to go through with this transaction, we  
18 would take it first to our commissioner, and make our  
19 recommendations to our commissioner; he would sign  
20 off on that, and after that, we would take it to the  
21 State House commission.

22           We have no definite date on which we  
23 would bring it before the State House Commission.  
24 They generally meet quarterly, and a meeting date  
25 isn't set that far in advance, but they usually meet

1 in September after meeting in June. So our  
2 prediction on this is, if we go through with it, we  
3 would be seeking our final approvals in September.  
4 If the transaction is approved by the commissioner  
5 and the State House Commission, then we would go  
6 through with the land exchange as proposed tonight  
7 and we execute the deeds and documents with the Club.

8 So I'm going to explain a little about  
9 what it is that we propose to do, and then we're  
10 going to have a representative of the Club explain  
11 why they asked us to undertake this action, and then  
12 we're going to open it up for you to give us your  
13 comments on your proposal. And I'll introduce the  
14 other DEP team after I just give you a brief overview  
15 of what we're proposing.

16 So, Matt, if you could pull up the  
17 overview map, I think we can see that right now. So  
18 can you zoom in just a little?

19 Okay, so down on the bottom right-hand  
20 corner of this general location map, in the light  
21 green color near where it says the words "Jackson  
22 Township" is our Colliers Mills Wildlife Management  
23 Area which consists of more than 12,000 acres in  
24 Jackson and Plumstead Townships in Ocean County.

25 Our land is designated for tax purposes

1 as Block 17601, Lots 1, 3, 4 and 7, and if you could  
2 see the blue outline just above where it says  
3 "Colliers Mills Wildlife Management Area," the area  
4 outlined in blue consists of about 43 acres, 43.05  
5 plus or minus. It's a little hard to see on this  
6 map, but we'll show you on a different map. The area  
7 in white in between the two areas of blue is the  
8 property of the Club, which is in the in-holding and  
9 our Wildlife Management Area.

10 So, for those of you who have seen our  
11 report, and the Club can correct me if I'm wrong when  
12 they speak, but my understanding is the Club was  
13 founded in 1960 in this location, and DEP came and  
14 assembled the land around it as part of the Wildlife  
15 Management Area in 1967, through a series of  
16 transactions funded with Green Acres dollars.

17 What we are proposing to do is to  
18 exchange the areas outlined in blue for 86.8 acres  
19 located in Upper Freehold off Route 539. If you hang  
20 on one second, we'll show you that map. So on this  
21 map, the areas outlined in light green are part of  
22 our Pleasant Run Wildlife Management Area, and the  
23 area outlined in orange is property currently owned  
24 by the Club that they are proposing to convey to the  
25 Department in exchange for the area that we just



1 showed you on the previous map. And we'll get a  
2 little into the rationale on that in a minute.

3 So here for the DEP, besides myself, we  
4 have Mary Monteschio, who is with our Division of  
5 Fish and Wildlife. For those of you who saw the  
6 public notice, she's the contact person for  
7 submitting written comments, and her e-mail address  
8 is both on the Public Hearing Notice and in the  
9 report.

10 We also have Pete Winkler, who's the  
11 Central Regional Superintendant for the Division of  
12 Fish and Wildlife, so he has oversight over both, I  
13 believe, Colliers Mills and Pleasant Run Wildlife  
14 Management Areas. Matt McInerney is with us from our  
15 Green Acres program just helping with the technical  
16 aspects of the transaction, and he's our mapmaker; he  
17 produced the pretty maps he just showed you.

18 So, in case I forget to say it at the  
19 end, at any time during this process you can send  
20 written comments to Mary's attention. We are going  
21 to close the record of this public hearing two weeks  
22 after today, mostly because we are required to do a  
23 post-hearing report to the DEP Commissioner and the  
24 State House Commission within 30 days of the hearing,  
25 so we have to kind of cut off comments for the first

1 hearing, summarize what happened, and then we keep  
2 the record open really until two weeks -- sorry,  
3 until two weeks after the second public hearing.

4 But it's a fluid process. At any point  
5 in this transaction, if you want to send in written  
6 comments to Mary, feel free to do so. Depending on  
7 when they come in, we'll make them part of the record  
8 for the first hearing or the second hearing, and then  
9 we will cut off public comment from the second  
10 hearing two weeks after April 15.

11 But, as I said, we can't take action on  
12 this until 90 days after that second hearing. So,  
13 May, June, July, if something occurs to you, that you  
14 want to bring it our attention, you can still contact  
15 us about this transaction.

16 So in the -- I don't know how many of you  
17 can see more than one window. If you're in the  
18 Microsoft Teams app, you can see multiple people, but  
19 if you joined us by phone or in your browser, you may  
20 only be able to see the window of the person who's  
21 speaking. But we have representatives of the Club  
22 are all in one window in the conference room and I'm  
23 going to ask them to describe kind of the history of  
24 this, why they approached us about the land exchange,  
25 and then we'll -- they'll turn it back to us before

1 we open it up for public comment.

2           And when we do get to public comment,  
3 those of you in the Microsoft Teams app do have the  
4 ability to use the raise your hand feature, but it's  
5 sometimes hard to tell who raised their hand first.  
6 If you're able to raise your hand and you want to  
7 comment, go ahead and use that feature; we'll call on  
8 those people, but we will go down the list and make  
9 sure that everyone who is logged into this meeting,  
10 if they want to speak, they can speak, whether  
11 they're on the phone or whether they've joined us by  
12 video, so we'll make sure everybody has a turn. So  
13 I'm going to turn it over to the Club.

14           MR. DAVISON: Thank you. My name is  
15 Duane Davison, Davison, Eastman, Munoz and Paone. We  
16 represent the Club in this particular transaction.

17           We would like to thank you for holding  
18 this hearing and the hearing yet to come. We think  
19 that the history that leads up to this is  
20 extraordinary and informative.

21           In order to relate the history that he  
22 has lived, I would call on the Chairman of the Board,  
23 Byron Loyer; that's L-O-Y-E-R, and, as I said, he's  
24 Chairman of the Board.

25           And can you give a brief history of the

1 Club and then the years that this particular  
2 transaction has been in the making, if you will?

3 MR. LOYER: Hi. My name is Byron Loyer.  
4 I am Chairman of the Board of the Central Jersey  
5 Rifle and Pistol Club. I'll give you a little  
6 history of myself. I belong to the Club for 20  
7 years; I've been on the Board of Directors for 16  
8 years. Current time I've been the Chairman of the  
9 Board for the past three years.

10 I have been involved in all the  
11 environmental projects that we have done at our club,  
12 okay. Our club is located on South Stump Tavern Road  
13 in Jackson, New Jersey. We own over 150 acres there.  
14 The particular piece that we're talking on is  
15 subdivided off. It's a 50-acre parcel which we're  
16 trying to incorporate the 43 acres into.

17 Back -- we have always had an  
18 environmental committee -- back in 2004, we had -- we  
19 hired a company call AMAC to do a study of our  
20 environmental issues of the club. We were proactive,  
21 so we wanted to do something. We spent in excess of  
22 \$30,000 to have that study done. It wasn't completed  
23 until 2007; it took over three years for them to  
24 complete it. The cost was in excess of \$30,000, and  
25 we had recommendations then, came back to the

1 environmental committee and the Board of Directors  
2 what we were going to do.

3           We started doing cleanups 11 years ago,  
4 okay, 12 years ago now. We did the first area of the  
5 Club was called the Action Pits; we cleaned that up,  
6 the lead; we -- it went to the companies that made  
7 batteries. So that was the first project we did. We  
8 reconfigured it to make it so the bullets would stay  
9 on our property and make it easier for us to clean it  
10 up.

11           The second project was our high power  
12 range, which is a 300-yard range. We did a major  
13 cleanup there. We reconfigured it; we made our  
14 shooting berm higher, and, again, to contain the lead  
15 so it's easier to clean up.

16           The next project was our 200-yard, what  
17 we call a general purpose range. Same thing; we did  
18 the cleanup there. We put in a higher berm; we put  
19 in a big wall for safety purposes.

20           The last one we did was two years ago,  
21 which was our outdoor pistol range. Again, we did a  
22 lead cleanup there, reconfigured everything, made the  
23 berm higher so no bullets would exit our property,  
24 and made it easier for us to clean up.

25           Right now, when we had that study done,

1 we realized this club was formed 1959, not 1960.  
2 Back then the surveys weren't very accurate; it was a  
3 stone here, a tree there, and it went all the way  
4 back to the King's Grant and I'm sure that came about  
5 with Colliers Mills when they were doing surveys  
6 then.

7           Anyway, when we realized that we were  
8 putting lead on Colliers Mills' property, right away  
9 we took a proactive issue on it, because we are  
10 proactive, and we contacted DEP to let them know that  
11 we had a problem, that we were putting lead onto  
12 their property.

13           With that, we had numerous meetings with  
14 the State about how to handle this. We went in and  
15 asked about a lease. The red tape was unbelievable.  
16 The second thing is, we asked to purchase the  
17 property. The DEP had no desire to sell the  
18 property. So they said maybe if you could get us  
19 some property in exchange for this property, we could  
20 do something.

21           We went out -- the State was trying to  
22 buy the property in Upper Freehold, which is the  
23 Socey property. They weren't very successful. The  
24 reason being, the Soceys wanted more money for it;  
25 they weren't going to do all the things that had to

1 be done, which was the survey, which involved ten  
2 different properties that cost in excess of \$30,000  
3 to have this survey done.

4 We were acceptable to that. We gave more  
5 money than the State was willing to give the Soceys.  
6 We also had surveys done; we had appraisals done. We  
7 put the money out to do this. We try and be good  
8 stewards of the land. That's why we're here with  
9 this meeting and trying to do this.

10 Our plans are to clean this property up.  
11 I have been the lead person on all this construction  
12 that we've done and all the cleanups. I'm a  
13 semi-retired general contractor, so I have a little  
14 bit of experience with this.

15 Right now, we have estimates to do the  
16 cleanup. After we do the cleanup, we intend to put a  
17 shop curtain up to contain the lead so it doesn't go  
18 off our property, and we can clean it up easier. If  
19 this goes through, which I hope it does, I think it's  
20 a win-win situation for both parties. Thank you.

21 MR. DAVISON: I just have one additional  
22 piece of information I would ask of Mr. Loyer, and  
23 that is, of the four cleanups that you have done  
24 already, what is the amount of money, approximately,  
25 that the Club has spent on this?

1 MR. LOYER: Four million dollars.

2 MS. YEANY: Thank you, Duane. Does  
3 anyone else on your end have any comments on this at  
4 this time?

5 MR. DAVISON: No, the remaining who are  
6 here, we have the consulting engineer, the surveyor,  
7 the appraiser, and then the President of the Club.  
8 But that gives the overview of the history of this,  
9 and the fact that -- one other thing that was  
10 discussed with DEP that I wanted to bring out was an  
11 access agreement.

12 So we -- obviously the Club could not go  
13 on DEP property with contractors to do a cleanup  
14 without permission, and the vehicle for that  
15 permission revolved around an access, a lease, to  
16 purchase the property or the exchange of the  
17 property.

18 I first became involved in this July 1st  
19 of 2014. It had preceded, the negotiations with DEP,  
20 had preceded prior to that. So it shows the length  
21 of the meetings, the negotiations trying to pick the  
22 right vehicle to accomplish this, and eventually, it  
23 came down to the exchange of property if the Club was  
24 successful in purchasing the Socey property.

25 Once that became the focus, then



1 obviously what the Club had to do is begin  
2 negotiations with the Soceys. And they were brothers  
3 who inherited the property; one a retired doctor in  
4 Florida, the other a retired lawyer who is in New  
5 Jersey and in Florida, and represented by their own  
6 attorney. So the negotiations for that were not what  
7 I would call quick, and that took some time, so that  
8 we purchased it.

9           Once we purchased it and surveyed it,  
10 then there was a list of requirements that DEP gave  
11 that had to be done in order for this property to be  
12 successful, in the event that this process is  
13 eventually approved, and all of those tasks had been  
14 done including decommissioning a well, or removing a  
15 foundation, and as we've already heard, the rather  
16 expensive survey.

17           So the Club has proceeded in good faith.  
18 This isn't a case where DEP came down on the Club and  
19 the Club was scrambling for an answer. This is a  
20 case where, exercising responsible citizenship, saw  
21 the problem and went to DEP and pointed it out and  
22 then began the process of working for a solution.  
23 Thank you.

24           MS. YEANY: Thank you, Duane. Matt,  
25 could you pull up a close-up map, I think it's map

1 number two, that shows the blue outline of what we're  
2 proposing to convey.

3           Okay, so I just wanted to point out  
4 something that wasn't very specific about when I  
5 first described what we were doing. If you look on  
6 the bottom of the map, the blue triangle that's kind  
7 of separate from the rest of the area outlined in  
8 blue, you can see that there is a small physical  
9 encroachment by the Club's shooting range on DEP  
10 property.

11           So the overshoot, the lead area, is at the  
12 other end of this transaction, but the little  
13 triangle on the bottom is because, as Mr. Loyer said,  
14 property lines out in this part of the State are  
15 sometimes difficult to ascertain, and when we did pin  
16 them down for purposes of this transaction, we  
17 figured out that there was an encroachment on that  
18 end as well.

19           So we're trying to accomplish a couple of  
20 things here. We're trying to account for that  
21 encroachment on the bottom and leave just a little  
22 bit of area, kind of square off that area, so that  
23 we're not just inviting another encroachment down the  
24 line, and we're trying to both allow sufficient area  
25 for cleanup at the top of the map there, plus a

1 little bit of a buffer area. So, again, we don't  
2 have to go through this again in the future if  
3 there's enough separation between our two uses out  
4 here.

5 We'll also point out, if you can see  
6 towards the center of the map kind of going north  
7 then east, that there's a little access road there  
8 that we do not use for access to the Wildlife  
9 Management Area, but is the only access off South  
10 Stump Tavern Road for the Club.

11 So the other thing this transaction would  
12 accomplish is to memorialize and firm up their access  
13 routes to their own property. We don't want any  
14 responsibility for maintaining that road, and we  
15 don't use it for access to the public.

16 So I believe that one little corner where  
17 the road crosses out of the green and goes into the  
18 area that's not shaded is already Club property,  
19 meaning that at the end of this, the road would be  
20 entirely on the Club's property and not DEP's  
21 property.

22 Okay, so we're going to open this up for  
23 public comment. I wanted to just ask if you do  
24 comment that you could identify yourself for the  
25 court reporter. If you could spell your last name,

1 please, and your first name if it's a difficult one,  
2 and give us your affiliation, if you choose to do so,  
3 and just if you can speak slowly enough for the court  
4 reporter to capture what you're saying, I'm sure she  
5 would appreciate that.

6 So I don't see anyone who used the raise  
7 their hand function, so I'm just going to go down the  
8 list as I -- which is pretty much alphabetical, and  
9 see who would like to comment.

10 So I'm going to start with the person  
11 whose phone number ends in 0211. Would you like to  
12 speak? Matt, I'm not able to unmute this person, so  
13 I'm not sure what's wrong there. Are you?

14 MR. MCINERNEY: No, I'm not able to  
15 either.

16 MS. YEANY: We might have messed with one  
17 setting too many, so let me see if I could fix that.  
18 Let me see now. Okay, I think -- I can't -- let me  
19 just try something.

20 MS. MONTESCHIO: It looks like he's off  
21 mute, Judith.

22 MS. YEANY: Yeah, I couldn't tell if that  
23 meant muted or unmuted. So, I'm sorry, the person  
24 whose phone number ends in 0211, would you like to  
25 comment? I'm not hearing anything.

1                   When we get to the end, if you were not  
2                   able to comment, and certainly if you're on by video,  
3                   you can drop us a message in the chat and let us know  
4                   you want to comment. Unfortunately, you can't do  
5                   that on the phone, but that's the only person on the  
6                   phone.

7                   So, the person who logged in as  
8                   anonymous, would you like to comment? Okay, that  
9                   person looks unmuted, but I'm not hearing anything.  
10                  Let me just double check. Mr. Quintalino, are you  
11                  able to unmute yourself and do you want to speak?

12                  MR. QUINTALINO: Not at this time. Thank  
13                  you.

14                  MS. YEANY: The person logged in as  
15                  Barry, would you like to speak?

16                  Mr. Gold, would you like to speak?

17                  MR. GOLD: Just briefly, can you hear  
18                  me?

19                  MS. YEANY: Yes, we can. And can you  
20                  identify yourself for the court reporter?

21                  MR. GOLD: Andrew Gold from the Pinelands  
22                  Preservation Alliance.

23                  MS. YEANY: Okay, go ahead. Thank you.

24                  MR. GOLD: We'll likely be following up  
25                  with comments as well, but just briefly. I heard the

1 representative from the Club talk about their efforts  
2 over the last several years in remediating the site  
3 and I appreciate their efforts. I think they're  
4 likely required to undertake these efforts per the  
5 Spill Act, but still, I hear what they're saying.

6 But I guess what we're not understanding  
7 about this proposal on the face of it is, I'm not  
8 sure why it's necessary for the cleanup to continue  
9 at the sites, at the DEP-owned sites, why the  
10 conveyance is necessary for that. Why the  
11 remediation would continue to be completed and for  
12 then there to be a conversation or discussion about  
13 conveying the land, it's just not quite adding up for  
14 us.

15 And just the broader issue, wetlands  
16 seems perilous potentially. The wetlands, they're  
17 proposed to be traded as part of this deal in Upper  
18 Freehold that's already regulated; that's a more  
19 highly regulated area, and the area that the DEP is  
20 going to be giving away in this deal is uplands. It  
21 seems, inevitably, those parcels are much more likely  
22 to be cleared, developed.

23 So from a public interest perspective,  
24 we'll say respectfully, we're really questioning this  
25 proposal. But, like I said, we'll be following up

1 further, and that's all I can say for now.

2 MS. YEANY: So a couple of things and,  
3 Mary, I think you know a little bit more about the  
4 Spill Act as it applies to shooting ranges than I do.  
5 You want to address that issue first, and then I'll  
6 address the second issue?

7 MS. MONTESCHIO: Yeah, and actually, I  
8 didn't have a chance to look up the law. The Spill  
9 Act is not the applicable law; it's RCRA, and I will  
10 look that up and give that to you before I'm done.

11 So the applicable law is RCRA, R-E-C-R-A  
12 (sic), I believe, and, again, I will get that before  
13 the end of this session. And under RCRA, if it is a  
14 live shooting range, they have Best Management  
15 Practices that state you go in and you clean it up  
16 once in a while. Only upon closing of a range, or  
17 abandoning of a range, do you have to do a full  
18 cleanup.

19 In addition, under either State law  
20 and/or federal law, the owner of the property is  
21 liable for the cleanup, not the person who has  
22 deposited the lead. So for us, getting rid of the  
23 problem meant getting rid of the land.

24 MS. YEANY: I think you could also  
25 appreciate that with the type of numbers that the

1 Club talked about from past cleanups, and that they  
2 anticipate incurring for this one, that expending  
3 that kind of money on product you don't own can be a  
4 little problematic. But, as Mary said, liability was  
5 a concern of ours; we didn't necessarily want to own  
6 the contaminated area.

7 MS. MONTESCHIO: And if I can just  
8 clarify.

9 MS. YEANY: Go ahead.

10 MS. MONTESCHIO: As you also heard, the  
11 Club has spent four million dollars on cleanup. We  
12 don't have that kind of money to do cleanup. We  
13 recondition our own ranges occasionally, and I  
14 guarantee you, we're not spending that kind of money.  
15 But for your information, RCRA is the Resource  
16 Conservation and Recovery Act. It is a federal law,  
17 and it's R-C-R-A, I'm sorry, I threw an extra E in  
18 there. I'm sorry, Judith, you were saying?

19 MS. YEANY: No, it's okay. I can just  
20 address a little of the second comment, and certainly  
21 we'll respond in more detail to whatever you write  
22 and that will be part of the record before we take it  
23 to the commission and the State House Commission, if  
24 we do.

25 But, you know, we in general share the



1 same concern that you express, that we don't normally  
2 want to go out and say that we're trading uplands for  
3 wetlands, although I'm fond of saying that one  
4 person's swampland is another's ecologically valuable  
5 wetlands, so sometimes it depends on your  
6 perspective. And I think any of us who have defended  
7 land use permit appeals over the years don't  
8 necessarily feel that wetlands are a hundred percent  
9 protected, so I'll leave that there.

10 But we were very careful, and this  
11 analysis is in the report, to figure out what, if  
12 anything, could be done with the property that we're  
13 proposing to convey to the Club, and the answer we  
14 got from the Pinelands Commission was you can't do  
15 anything with that property.

16 In fact, I think if the Club were to  
17 approach Pinelands about doing anything out there,  
18 there's other issues they would have to resolve  
19 first. But, certainly, new proposals, they were  
20 very -- Pinelands was very clear with us that adding  
21 this acreage to the Club would not make their site  
22 any more developable than it is now.

23 Now, if you want to argue that the  
24 Pinelands Commission could go away some day, maybe  
25 that's a different issue, but our understanding, and,

1 again, we laid this out in the report, is that  
2 conveying this uplands to the Club is not going to  
3 confer any development potential on their site that  
4 it doesn't already have.

5 So, in that perspective, having twice as  
6 much acreage at the end of the day for the public to  
7 actually use and enjoy and presumably hunt on was an  
8 acceptable outcome for the Department while resolving  
9 this contamination and liability problem that we have  
10 at Colliers.

11 And the property in Upper Freehold is not  
12 right next to a shooting range. I'm not sure how  
13 much public use this area is getting at the moment  
14 because of the proximity to the range. But, again,  
15 you're welcome to express those concerns in more  
16 detail, and we'll respond.

17 Was that everything, Andrew?

18 MR. GOLD: Yeah, I appreciate it and  
19 we'll follow up. It's just hard for us to imagine  
20 that, if the proposal is approved, that the Club  
21 doesn't at least desire to expand, I would assume if  
22 they can, into these areas that they will acquire.  
23 But I don't want to put words in their mouth, but  
24 that would seem like the logical outcome eventually.

25 MS. YEANY: And, you know, you're

1 welcome to speak to the same people at Pinelands that  
2 we spoke to. We can tell you who we talked to, even  
3 though I don't remember who it was at this moment.

4 MR. GOLD: Thank you.

5 MS. YEANY: You're welcome. Okay, next  
6 person I have, Ms. Miksiewicz, would you like to  
7 speak?

8 MR. DAVISON: Did you want to speak up,  
9 Byron?

10 MR. LOYER: We have --

11 MS. YEANY: I'm sorry, did the club want  
12 to speak to any of that?

13 MR. DAVISON: Yes, actually, just give me  
14 one second.

15 MR. LOYER: Judith, it's Byron again.

16 MS. YEANY: Go ahead.

17 MR. LOYER: We have had meetings with the  
18 Pinelands. We've had them out there three or four  
19 times. Initially, when we started doing our  
20 cleanups, we had them out there; we talked to them.  
21 We have no desire to develop anything at the  
22 property, even this new property, and the Pinelands  
23 isn't going to allow us to do anything, so it's a  
24 moot issue.

25 When they were there, we wanted to do

1 something with our driveway, so they sent their  
2 people out, I'm trying to think of her name, and --

3 UNIDENTIFIED SPEAKER: Nancy Wittenberg.

4 MR. LOYER: Nancy Wittenberg, and we  
5 actually went and met with them at their offices in  
6 South Jersey, and they asked us to put retention  
7 ponds along our driveway and you know what, we did  
8 it. So, like I said, we try to be good neighbors, so  
9 that's why we're trying to do this.

10 MS. YEANY: Okay, thank you. Again, Ms.  
11 Miksiewicz, would you like to speak?

12 MS. MIKSIEWICZ: That was a very good  
13 pronunciation of my last name, I have to say. I  
14 actually don't have anything at this time, but thank  
15 you.

16 MS. YEANY: Okay, even though the next  
17 name looks easier, I'm not sure I'm going to  
18 pronounce it correctly. Mr. Douglas, James Douglas,  
19 would you like to speak? You'll need to unmute  
20 yourself.

21 MR. DOUGLAS: Sorry, no, I would not like  
22 to speak.

23 MS. YEANY: Okay, thank you. Mr. Goch,  
24 G-O-C-H, would you like to speak?

25 MR. GOCH: Nothing at this time.

1 MS. YEANY: Thank you. Mr. Hendrick?

2 MR. HENDRICK: I'm a member of the Club.  
3 I'm just here to support.

4 MS. YEANY: Okay, thank you. Deanna,  
5 that's H-E-N-D-R-I-C-K.

6 Mr. Howell, would you like to speak?

7 MR. HOWELL: I don't know if there's more  
8 than one Mr. Howell on here.

9 MS. YEANY: I'm sorry, Jason Howell.  
10 You're the only Howell.

11 MR. HOWELL: Yeah, I will briefly  
12 comment. Again, I'm Jason Howell, and I work for  
13 Pinelands Preservation Alliance. I'm also on the  
14 board of a land trust and we had had encroachment  
15 issues. Even just a five-foot encroachment was met  
16 very aggressively by Green Acres to be addressed.

17 Now, this club, I'm not questioning their  
18 intentions or anything, but it's clear they've had  
19 encroachment issue a long time, and they've also  
20 severely polluted the public land, and it seems like  
21 they are benefiting from taking aggressive stands  
22 against public land by consolidating their own  
23 parcels, which they had been consolidating land in  
24 that area for a few decades now.

25 So it just seems on its face, and PPA is

1 going to have more substantial comments, but it seems  
2 on its face that we're allowing a polluter to benefit  
3 from their pollution, and I think that's very  
4 problematic. It looks bad and I think it's an issue.  
5 So that's all I wanted to say for now, but thank you.

6 MS. YEANY: You're welcome. If I can  
7 just respond a little to that, I'm actually -- I'm  
8 pretty sure I know the situation you're talking  
9 about, which I think involves a building.

10 You know, our first impulse is not to  
11 sell property or to vest ourselves of property. I  
12 think this was a little different because of the  
13 nature of the use because of the extent --  
14 contamination, and because of the price tag  
15 associated with the cleanup, and because of the  
16 substantial amount of acreage that the State will  
17 receive in return.

18 So I do understand your concern. Again,  
19 when you send in a comment we'll respond to it in  
20 more detail.

21 Okay, let me just check the list. Mr.  
22 Staba, would you like to speak?

23 MR. STABA: I have no comment at this  
24 time.

25 MS. YEANY: Thank you. That's S-T-A-B-A.

1 MR. STABA: Correct.

2 MS. YEANY: I'm spelling for the court  
3 reporter because I'm not sure she can see the list of  
4 participants.

5 Mr. Pomeranz, would you like to speak?

6 MR. POMERANZ: No, thank you.

7 MS. YEANY: Okay, that's P-O-M-E-R-A-N-Z.  
8 Someone named John, no last name, would you like to  
9 speak? There's a couple of Johns, but there's only  
10 one that I don't have the last name.

11 MR. HILL: It's John Hill, and, no, I do  
12 not need to speak; thank you.

13 MS. YEANY: Okay, Mr. Coakley, would you  
14 like to speak?

15 MR. COAKLEY: No comment at this time;  
16 thank you.

17 MS. YEANY: Okay, that's C-O-A-K-L-E-Y.  
18 Mr. DePoto, would you like to speak?

19 MR. DEPOTO: Yes I would. My name is John  
20 DePoto, D-e, capital P-O-t-O. I am a member of the  
21 Club; I am a retired Professional Land Surveyor and  
22 Professional Planner, licensed in New Jersey, been  
23 involved in a lot of land swaps over the years, and I  
24 just feel this is beneficial for both parties.

25 I think the DEP will benefit from the

1 amount of land that's being given or swapped by the  
2 Club, and the Club will benefit by able to be at  
3 their property lines straightened out and be able to  
4 maintain the property that they have. So I think  
5 it's a win-win for both parties, and that's all I  
6 have.

7 MS. YEANY: Thank you, Mr. DePoto. Mr.  
8 Radcliffe?

9 MR. RADCLIFFE: No, not at this time;  
10 thank you.

11 MS. YEANY: Deanna, that's  
12 R-A-D-C-L-I-F-F-E.

13 Mr. Goldsmith, would you like to speak?

14 MR. GOLDSMITH: No, I have nothing.

15 MS. YEANY: Thank you.

16 MR. GOLDSMITH: I have nothing, sorry.

17 MS. YEANY: Thank you. The person logged  
18 in as Ray S., would you like to speak? Not hearing a  
19 response. If you're not able to unmute yourself, let  
20 us know in the chat and we'll try to circle back to  
21 you.

22 The person logged in as Rob, no last  
23 name, would you like to speak? Okay, I'm not hearing  
24 a response there either. Again, if you're having  
25 trouble unmuting yourself and you're on by video, you



1 can let us know in the chat that you want to speak.

2 The person logged in as Tam, would you  
3 like to speak? Okay, and the person logged in as Tim  
4 Duffy, would you like to speak?

5 MR. DUFFY: No comment at this time.

6 MS. YEANY: Okay, thank you.

7 MS. MONTESCHIO: Judith, I think you may  
8 have skipped Joseph Iantasca (phonetic).

9 MS. YEANY: He let me know in the chat  
10 that he didn't want to speak.

11 MS. MONTESCHIO: Okay.

12 MS. YEANY: Okay, I'm just going to check  
13 the list one more time because I think I caught  
14 everybody who is not a DEP employee on the list, but  
15 let me just double check the list.

16 Okay, I'm not seeing anyone that I think  
17 I didn't call on, but if you feel I skipped you over,  
18 or you found something else you wanted to say, now  
19 would be the time to let us know, just unmute  
20 yourself.

21 Okay, Mary, do you feel -- I mean, we're  
22 an hour past the start time, so I don't think we're  
23 going to wait to see if anybody else drops in to the  
24 hearing, although we did have a couple of people join  
25 us while we were going through the comments, but I

1 think we said on the notice that it would be 8:00,  
2 8:30 we'll close the comments, whichever came first.

3           So I think I'm just going to reiterate  
4 that you can send your written comments to Mary  
5 Monteschio and she's at Mary.Monteschio,  
6 M-O-N-T-E-S-C-H-I-O, @dep.nj.gov. The record for  
7 this public hearing will close in two weeks, and then  
8 we'll have the second public hearing, and you're all  
9 welcome to drop in to that one if you would like as  
10 well.

11           We'll have pretty much the same hearing  
12 on April 15th, except that the State House Commission  
13 Secretary will be co-chairing that hearing with me.  
14 Members of the commission may or may not attend.  
15 They're invited, but in the past, they have not  
16 attended directly, and we'll accept additional  
17 comments at that time.

18           And as I said in my opening remarks, we  
19 will not be taking formal action on this transaction  
20 until the middle of July at the earliest, and most  
21 likely not until September because of having to get  
22 approval from the commission.

23           So unless there's any other questions, I  
24 think we're going to close the hearing, and thank you  
25 everyone for attending and for your patience with the

1 late start. And I'm going to turn off the recording  
2 button.

3 Okay, we're going to stop recording, and  
4 I'm just going to -- I'm not going to end the meeting  
5 if members of the public want to leave, if anyone has  
6 questions for us at the end, I'll stick around for a  
7 minute or two before I terminate the meeting. Thanks  
8 everyone.

9 MR. LOYER: Judith, it's Byron. I just  
10 want to thank you and Mary and Matt. You're very,  
11 very professional. We really appreciate what you  
12 have done. You worked very, very hard on this, as we  
13 have too, and hopefully this will happen. Thank you  
14 very, very much.

15 MS. YEANY: You're welcome. We  
16 appreciate the Club's patience. As Duane said, he  
17 got involved in 2014, but we had already been talking  
18 to the Club before that under a prior administration,  
19 so it took a while to figure out what the appropriate  
20 resolution of this matter was, so we appreciate the  
21 Club's cooperation. So, thanks everyone.

22 (Whereupon the public hearing was  
23 concluded at 7:39 p.m.)

24

25

## C E R T I F I C A T E

I, DEANNA WIZBICKI, a Registered Court Reporter of the State of New Jersey, certify that the foregoing is a true and accurate verbatim transcript of testimony provided under oath by and before me on the date and place hereinbefore set forth.

I FURTHER CERTIFY that I am neither attorney, nor counsel for, nor related to or employed by, any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed in this action, nor am I financially interested in this case.

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DEANNA WIZBICKI,  
Registered License No: 30CY00001700  
Notary ID No: 2330518



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