

Adopted May 4, 2009

**CMP POLICY & IMPLEMENTATION COMMITTEE MEETING
SPECIAL MEETING: REVISIONS TO LAND CAPABILITY MAP**

Hamilton Township Municipal Building
6101 Thirteenth Street
Hamilton, New Jersey
April 6, 2009 – 9:30 AM

MINUTES

MEMBERS IN ATTENDANCE: Acting Chairman Norman Tomasello, Candace Ashmun, Leslie Ficcgaglia, Stephen Lee, Ed Lloyd, Paul E. Galletta (2nd Alternate), Daniel M. Kennedy (3rd Alternate)

MEMBERS ABSENT: Robert W. McIntosh

OTHER COMMISSIONER PRESENT: Robert Jackson

STAFF PRESENT: John Stokes, Larry Liggett, Susan Grogan, Paul Leakan, Paul Tyshchenko, Michael Yaffe, Robert Zampella, and Betsy Piner

Acting Chairman Tomasello called the meeting to order at 9:44 a.m.

Mr. Stokes read the Open Public Meetings Act Statement and called the roll. He noted the presence of Commissioner Haas in the audience who would not be participating in today's deliberations in order to avoid the perception of a conflict of interest. Commissioner Jackson, although not a member of the Committee, is here because of interest in today's agenda and will participate in the discussion. Although there is a quorum (8 members) of the Commission present, no formal action will be taken today. This is an opportunity for the Committee to further review some changes to the Land Capability Map (LCM).

Acting Chairman Tomasello thanked Hamilton Township for hosting the meeting and noted the presence of numerous local officials today including former Commission member and former Hamilton Township Mayor Charles Pritchard, Mayor Sonny McCullough (Egg Harbor Township), Mayor Thomas Bassford (Galloway Township), Jim Schroeder and Frank Sutton (Atlantic County Freeholders) and Councilwoman Meg Worthington (Galloway Township).

1. Adoption of minutes from the March 23, 2009 Special CMP Policy and Implementation Committee meeting

Commissioner Ashmun moved the adoption of the minutes of the March 23, 2009 meeting. Commissioner Galletta seconded and all were in favor.

Mr. Stokes said that he would provide background of the project for the benefit of the Committee and the public. He said that several years ago the Science Office began an assessment of data collected within the past 10-15 years. The results, the Ecological Integrity Assessment (EIA), were released last spring. It is a fairly involved report that is posted on the Commission's website. The EIA valued the natural resources of the Pinelands based on an elaborate and sophisticated analysis. The Planning Office then reviewed the results to see if any changes to the

Land Capability Map (LCM) were warranted. He said that the LCM is a pictorial representation of land use, assigning appropriate development to different areas of the Pinelands. In the early fall of 2008, the Planning Office identified potential areas of interest (those with conflicts between land use and existing resources) and began a series of meetings, including two at the Commission's office attended by more than 100 municipal officials. Over the past five months, the Planning Office has refined the possible areas of interest to include 131 areas that they felt warranted a change based on a series of planning criteria. These were presented to the CMP P&I Committee and the maps posted on the web site as they evolved. Mr. Stokes said that, as he reviewed the recommendations, he recognized the need to focus on those with regional significance and eleven polygons, each of more than 1,000 acres, were presented to the P&I Committee. Today the Committee will review the five that affect Atlantic County (one of which also includes a portion of Gloucester County). Mr. Stokes said that the Commission will need to determine if any changes of the land use designations should be made and what are the appropriate boundaries.

Mr. Stokes said that last month the Committee had met in Southampton Township to review potential changes to Burlington and Ocean Counties and next month would meet in Monroe Township to continue its review. Mr. Stokes suggested that prior to the Committee's review of the changes to the LCM, they might find it helpful to listen to the members of the public. The Committee agreed. Mr. Stokes concurred with Commissioner Lee's suggestion and said that it was his also intent that the public be allowed to comment again following the meeting in order to respond to the Committee's discussion.

Mr. Stokes asked that, in the interest of having an opportunity to hear from everyone present while allowing the Committee to conduct its business, commentators limit their remarks to 3-4 minutes, with the exception of Mr. Dale Goodreau (Egg Harbor Township Deputy Administrator) who had a small presentation of about 5 minutes.

Mr. Stokes also identified a number of documents that had been provided to the Committee prior to the meeting. (*Attachments A1-6 to the File Copy of the Minutes*) including:

- A-1 List of Blocks/Lots in Egg Harbor Township and an associated map
- A-2 Letter from Dr. Peter Mora, President of Atlantic Cape Community College, along with Mr. Stokes' response
- A-3 Letter to Mr. Ben Stowman, Chairman, Maurice River Township Land use Board along with Mr. Stokes' response
- A-4 March 2, 2009 resolution from Hamilton Township
- A-5 EIA Table prepared by Staff, similar to those provided previously, but now including some totals
- A-6 Table describing municipal zoning adjustments made since 2001. This information will help put into context the difference between the decisions made on a broad regional basis vs. working with a municipality to adjust boundaries based on local conditions. There are 24 such instances involving management area changes only and do not include other issues or internal zoning district changes.

Some members of the Committee expressed concern that limiting the length of the remarks might make it difficult for some to comment fully.

2. Public Comment

Mr. Phil Sartorio, Hamilton Township Director of Community Development, welcomed the Committee. He provided comment (*Attachment B*) noting that 25% of the entire area under

consideration was in Hamilton Township. He highlighted his letter noting concerns with the impact upon the Township, the definitions applied to the criteria, the designation of sewer service areas, and the application of the new clustering provisions as a means of preserving sensitive lands. He requested that the Commission table this endeavor until these issues were addressed.

Mr. Dale Goodreau, Egg Harbor Township Deputy Administrator, noted that he had received an email only 1-1/2 hours ago advising of the newly posted block/lot information on the Commission's web site and that it included 66 lots that had not been discussed previously. He gave a PowerPoint presentation (*Attachment C*) and indicated various areas that the Township wanted removed from consideration. Among the concerns he said that the area near the Shore Mall/Exit 36 of the Garden State Parkway was an area where they wanted interchange improvements and mall expansion; there is the issue of creating non-conforming lots in the Lakeside Development; and that a local referendum supported school expansion to accommodate the 45% increase in student population since 1999. He said that the Township's Livable Community Plan recommended traffic improvements related to flow between the Garden State Parkway and the Black Horse Pike and that the Township had set aside an area to meet its COAH obligation. Mr. Goodreau concluded by saying that the Township was supportive of the environmental conditions but that these were just some of the issues that should be considered before management area changes occur.

Mayor Thomas Bassford (Galloway Township), said that he knew that many of the earlier sites under consideration had been removed already but, as Exit #44 was going to become a full interchange, he didn't know why the Commission would restrict development in that area. He said that there is a new development proposed of ~1,000 units on Aloe Street, and he was concerned with what would happen to the individual landowners if such lands became worthless with a management area change. He said that with the economic crisis, this endeavor will further damage the economy. The Pinelands Commission is a poster child for what is wrong with New Jersey and some developers have refused to build west of the Parkway in order to avoid dealing with the regulations.

In response to Mr. Stokes request for clarification, Mayor Bassford confirmed that his recommendation was that nothing be changed. He also stated that he objected to placing a time limit on each speaker.

Mr. Jim Schroeder, Atlantic County Freeholder, said that he did not have specific recommendations but was concerned with the way the staff had treated the public and the municipalities. He said that the block and lot information was finally posted on the Commission's web site and that the reduction in the acres to be examined from (48,000 to 28,000+) was a step in the right direction. He said that he had suggested at an earlier meeting that the Commission notify all the property owners but had been told that there was no legal obligation to do so. He said that the Commission was rushing through the process and that Egg Harbor Township had raised some valid concerns. He also noted that the CMP clustering amendments take effect today; that was another example of a change being made without municipal input.

Mr. David Scheidegg, Buena Vista Township Municipal Planner and Engineer, said that he was here today on behalf of Mayor Chiarello. He provided a letter (*Attachment D*) which he summarized related to proposed management area changes in Polygon K. The Township is concerned that any management area changes to Forest Area still permit commercial development along Route 54. Areas redesignated from RDA to FA should be able to be used as offsets for the Comar redevelopment area. The Township also wanted the 440 acre Mays Landing Sand and

Gravel mine rezoned to the Forest Area to reduce residential development potential once it ceases operations.

Mr. Bill Sparkes, with the Nature Preservation Council (NPC), said that his organization owned 22 acres in Egg Harbor Township near Broadway and 9th Avenue. He said that he thought that this was supposed to be a “public” meeting and thus there should be separate meetings for the municipal officials as they need more time than individuals to express their concerns. He said that the NPC was not interested in development, other than perhaps a small treat-and-release facility for the treatment of injured wild birds. He said that his organization hoped to expand as there was good habitat nearby and he supported the designation of NPC lands to the Forest Area.

Mr. Stephen Nehmad, said that he represented Aloe Development Company and noted the presence of the owner, Mr. Steven Frankel, and company surveyor Mr. McManus. He identified the location of his client’s property and said that opposed the management area change as his client has been working on this project since 2004, has paid fees, expended \$1 million, and hired a coterie of individuals to develop the site based on its Town-Industrial zoning. He said that his remarks had both procedural and a substantive components and that these proposals are not of an ecological nature, rather they are social and economic. He said that he objected to being hurried through the remarks.

In response to Commissioner Galletta’s statement that he wanted to hear all the comment and would like to extend the time limit for individual speakers, Acting Chairman Tomasello said that the Committee wanted to hear from all who wanted to speak and that he’d appreciate it if Mr. Nehmad kept his comments brief.

Mr. Nehmad said that of his client’s 50 acre parcel, 38 acres are uplands; the wetlands are already protected under the existing law. He said that the municipality opposed the change as this is one of the last remaining commercial areas and in these times of deep economic stress, is concerned with further erosion of its ratable base. The site is within a sewer service area and that alone is the basis for removing it from consideration. He said that when the Commission undertook this initiative, Galloway was under tremendous growth pressure; with the current economic hardships, the project should be put aside until a later date.

In response to questions from the Committee, Mr. Nehmad and Mr. McManus said that of the 50 acre parcel, 38 acres are within the polygon, that the list of parcels posted on the Commission’s web site include some blocks and lots that are outside the polygon, the client had received the LOI for wetlands delineation in 2006 and that preparations were under way for filing a development application.

Ms. Michelle O’Leary said that she was a resident of Spruce Avenue where 12 existing homes are already in a Forest Area. She said that she applauded the Commission’s efforts to preserve the Forest Area but not to the extent of this rezoning. She said that her family had lived there for 25 years, the area is unsewered and very rural and she said that these changes would represent an economic hardship.

Ms. Tiffany CuvIELLO, Galloway Township Planner, said that the concept of looking at areas of regional significance seems to be an afterthought. Anything in the sewer service area should be excluded even though staff wants to see actual lines in the ground before an area can be excluded. She questioned the term, “substantially committed” and said that significant amounts of money had been expended by applicants and when in the process is the applicant considered to be “substantially committed”. What is the point of the maps? She said that she understood that the

sensitive areas deserved protection but for those lands that are wet or publicly owned, what effectively will change since they are already protected. She said that if the management areas are changed a property might go from a 5-acre lot in the Rural Development Area to a 70-acre lot in the Forest Area and the landowner would lose an opportunity to use that lot in a density transfer program. She said that she didn't support any of these changes and the expenses to make them were not warranted.

Mr. Clayton Davenport, Egg Harbor Township resident, said that his home is on a 1 acre lot and next door is a 0.99 acre vacant lot that he hoped to develop some day. He said that he had received a letter from the Township indicating that his land would be placed in a 40-acre zone. He noted the futility of going through the process to develop his land even though it is uplands that remained dry when Egg Harbor Township was struck by a 100-year storm 13 years ago and others were dealing with flooding and water contamination issues.

Mr. Frank Sutton, Atlantic County Freeholder, said that he wanted to expand upon Mr. Davenport's comments and expressed his concern for the owners of properties, especially those of smaller lots, who might not be able to sell their properties without loss of value as subsequent owners would be denied the opportunity to expand with an addition or a deck or such.

Mr. Tom Gerber, Burlington County resident, said that he owned three properties in Southampton Township (Block 2901, Lot 4, 123 acres; Block 2902, Lot 2, 6 acres; and Block 3003, Lot 38, 30 acres) that he would like to have excluded from consideration for a management area change. He said that he is a cranberry farmer who has perpetuated the industry and entered much of the lands in the farmland preservation program. If the buildable uplands were placed in the Forest Area, much of his investment would be taken from him. He noted that some years ago his lands had been considered as a potential school site by the Pinelands Commission and the Lenape Regional High School District.

Ms. Helena Rafferty, Hamilton Township resident, said that she had lived for 33 years near lands owned by the Aloe Corporation and was confused by the newspaper articles. She said that her house was on 4.8 acres but the article indicated that she would need 15 acres. She said that she did not intend to leave her land and questioned if her family had to sell, would her property be taken from her. Furthermore someone had posted signs near her property labeled "NJ Natural Lands Trust Mankiller Preserve" and she wanted to know who they were.

Mr. Stokes said that if Ms. Rafferty was planning to remain, staff would be happy to help answer her questions after the meeting.

Mr. Matt Liepe said that he was a farmer and owner of some 110 acres within Polygon J. His farm also includes 500 acres outside the polygon, hence his farm is split by this proposed management area change. He said that he is the 7th generation to farm this land, that his farm was heavily mortgaged based on ownership of what are now 5-ac. buildable lots, and that a rezoning would take away the value of his land. He said that the Commission should be looking at soil types to determine these changes.

Ms. Diane Pierson, resident of 5002 Spruce Street, thanked the Commission for its excellent work in preserving lands for future generations. However, she said that this project is affecting today's generations. She said that she owned property in Polygon B and due to the presence of wetlands, was not allowed to add even a shed or an addition to her small log cabin.

Mr. Gregory Laubert, Hamilton Township resident, asked for the proposed date on which these changes will take effect and if those who have received a C/F today will be able to build in the future.

Mr. Stokes said that he hoped that the P&I Committee would make a recommendation to the full Commission within the next month to start a detailed public review. As a C/F doesn't represent an approval (it allows a landowner to seek approvals from the municipality), it will not afford the protection of a local approval such as a municipal septic system permit.

Councilwoman Meg Worthington said that she had attended the February 18, 2009 special meeting and the minutes reflect that she had asked the question about sewer service as one of the criteria and Mr. Liggett said that those within sewer service areas would be removed from consideration. She said that she believed that the municipalities should be able to rely on the presence of infrastructure to direct development. The location of pump stations will direct where the system will be allowed to expand. If not fully utilized, infrastructure is more costly.

Mayor Sonny McCullough asked for the purpose of today's meeting.

Acting Chairman Tomasello said that the Committee was trying to gather more information as it would do next month in Williamstown.

Mayor McCullough said that the process was a moving target as the maps kept changing; as of 4:15 on Friday (April 3, 2009) new maps were put on the Commission's web site with additional changes to be proposed. He offered the Egg Harbor Township municipal building as the site of an additional meeting where changes could be further considered. He said that, on another note, the Bargaintown Fire Company had been damaged by a fire and needs to rebuild. He asked for a waiver from the application fees.

Acting Chairman Tomasello said that the public would hear from the Committee today when they discussed these potential changes following this public comment session.

Mr. Tony Cinotti asked about paved roads in Buena Vista Township in a 30-acre zone where development is limited yet there are existing natural gas and electric lines. He said that he understood that there were threatened and endangered species to be protected but suggested that development on the front of the properties should be permitted while keeping the rear of the properties protected. He said that he did understand the need to protect T/E species.

Commissioner Ashmun said that everyone needed to know that the discussion was not about zoning but about density. The CMP requirements for density are based on science. The municipalities determine their zoning and the Commission has made hundreds of acres of changes through the conformance process but cannot make block/lot changes at this level. If the Forest Area needs a density of 1 du/30 acres, it is up to the municipality to determine where that should apply. If these management areas are adopted, the municipalities will be making adjustments.

Mr. Ed Benish, Weymouth Township Committeeman, said that he had sent a letter opposing the clustering rules which the Commission chose not to consider. He said that the Township's land use ordinance that has been in effect since the 1980's but now does not meet the standards of the new clustering amendments.

Mr. Nehmad said that he wanted to respond to Commissioner Ashmun's comment that the Pinelands Commission doesn't zone. The Pinelands Commission controls density. If the Commission adopts these changes and the municipalities do not come into conformance, they become non-conforming so technically the Commission is involved in the zoning process.

Mr. Jay Henry, resident of Spruce Avenue, Egg Harbor Township, asked that the Commission not hurt the homeowners who need to be allowed to put additions on their homes or place sheds on their properties.

Ms. Denise Giannetta, resident of Broadway Avenue, said that she had lived on her 1-acre lot for 32 years and wanted to be grandfathered from any changes. She said that the residents needed more time to be notified of these meetings so that they could make suitable arrangements to attend.

Mr. Jay Mounier, Franklin Township resident, commented on using the term "high integrity Pinelands habitat" for determining polygons. He said that to say that lands with an EIA score of 70% to 80% are characteristic of current Forest Area habitat is foolish. He said that 90% of the FA has no land that scores that low. He said that an EIA score of 70% to 80% make up the bottom end of the FA rather than being characteristic FA. He said that being wooded does not make a forest area just as not being a wooded area does not mean that an area is not habitat. He said that habitat has been defined by the process and T/E species such as pine snakes have been found living in landfills and rattlesnakes have been found living in subdivisions in Evesham; these are not areas of habitat. He said that watershed disturbance is a tipping point and an indicator of an area that will not recover from more development. He said that large areas of some of these polygons, including J, have aquatic integrity scores of only 50% to 60% which means that they are already impacted. Under the definition of high integrity, these are not characteristic Pinelands habitat.

Ms. Camille Griffin said that she lived in the Forest Area and she thanked the Commission for keeping the area pristine.

The Committee adjourned from 11:45 a.m. until 12 Noon.

3. Ecological Integrity Assessment: continued review of revised Land Capability Map

Mr. Stokes asked Mr. Liggett to review the management areas within Atlantic County. He noted that as the meeting was being conducted outside the Commission's office, there were some limits as to the available data.

Mr. Liggett said that he wanted to address the concerns of those who felt that the parcel data was made available so late in the process. He said that with the changes that have evolved through the various meetings and gathering of new information, staff wanted to feel sure that the information was relatively complete and accurate. He said that the Commission's GIS layers are placed over the parcel data provided by the counties. Sometimes, when the data is not up-to-date or is incomplete, adjacent properties are picked up inadvertently, thus the misunderstanding that some properties are included that in reality are not.

In response to Commissioner Galletta's concern that he had asked for this information to be available a month ago and had been told it would be an onerous and lengthy task and yet now it was suddenly available, Mr. Tyshchenko said that Commissioner Galletta has asked for the block and lot information to be associated with the individual property owners; what is presented today

is only the first step of that task, the simpler portion that does not provide the link to the ownership information.

With assistance from Mr. Yaffe and Mr. Tyshchenko, Mr. Liggett reviewed the maps depicting the five polygons being considered today.

- Polygon H

Mr. Liggett reviewed Polygon H, noting that it is located east of Mays Landing and split between RGA and RDA. He noted that the Hamilton Township Resolution that had been distributed today had objected to the inclusion of Block 1132.33 in proposed changes but staff has been unable to identify such a property and will be checking with the Township.

In response to Commissioner Jackson's question as to what is sewerred, Mr. Liggett said that this is a definitional issue but it is where sewers are actually located and available. Commissioner Galletta asked if the Committee agreed and Commissioner Ashmun said that a sewer service area must be designated as such in an approved up-to-date plan.

Mr. Liggett said that DEP has asked all the counties to review their sewer service maps and address the constraints imposed by wetlands and T/E. Mr. Stokes added that the Committee should look at these areas from a regional context based on the criteria and that the sewer service area criteria might need some refinement. He said that the CMP provides that all RGA, PV and PT are sewer service areas in the broadest sense but it is unlikely that some of them will ever be sewerred. Mr. Liggett said that staff was looking for sewer lines in the ground. It was unavailable as a map layer but the information has been requested of all the municipalities and counties; Hamilton has provided their information and staff has based its recommendations on that information. The Committee discussed issues such as how close a line needs to be to serve an area and State requirements that property owners connect to public sewer if within a certain distance and the fact that the state is asking all the counties to provide their plans and that information should be available soon.

Mr. Stokes said that the Planning Office would take a closer look at this issue of "sewer availability" and "sewer service area" and describe how they've applied these criteria. He said that he agreed that relying on a broad definition of sewer service area was not warranted. For example, most of Hamilton's RGA is in a sewer service area yet that is not appropriate where there are extensive wetlands.

Referencing the table containing the Prioritization Methodology and EIA scores for the eleven parcels under the 1,000 acre criterion, Commissioner Lee expressed concern with the fact that 18% of polygon H had an EIA score of <70% and questioned why, based on the aerial that shows much of the polygon is undeveloped, would the EIA be so low? Where is the non-characteristic component of the EIA? Staff responded that the 18% refers only to a portion of the total tract and that the effect of development within the 1,000-meter window is driving down the EIA score. That 18% portion was included because it is all public lands (in the northern portion of the polygon). Mr. Stokes summarized that a high percentage of Polygon H is either publicly owned or wetlands.

- Polygon F

Mr. Liggett said that this is the area in the vicinity of Stockton College and he identified major features such as Pomona Road and GSP Exit #44. He said that Mayor Bassford had expressed

interest in some commercial development in this area but most of it is zoned residential. Stockton has purchased some lands in this polygon with the intent of using it as an offset to some upzoning on its campus. Mr. Tyschenko displayed four large maps of Polygon F (and provided 11"x17" copies to the Committee members; *Attachment to file copy only*) indicating in greater detail the aerial view, landscape integrity, wetland drainage integrity and aquatic integrity. Mr. Stokes said that this was an area for which the Committee had requested more information regarding the range of landscape scores.

Commissioner Galletta said that he believed that this polygon should be struck from the list of eleven potential areas as there were no lands in the 90%-100% range and way too much development. He said that he did not think examining this area was a good use of the Committee's time.

Commissioner Lee said that last month he had asked for an analysis based on a reduced radius and then last Friday asked for the breakout of the individual scores for the components of the EIA composite score. He said that he did not "see" features such as the electric transmission lines, the borrow pit, and the interchange reflected in the EIA scores.

Dr. Zampella said that the EIA window applies only to the landscape integrity and not to the wetlands; the science office had purposely looked at 300 random samples to evaluate the window and demonstrated that they were representative as they wanted to avoid subjectivity. He said they had asked the question, *at what point will changing the window not change the landscape integrity* and determined that it was at the 1000-m. level. He said that the Science Advisory Committee concurred that the size of the window was appropriate and there are literature citations confirming the same. The Science Office was not looking at just habitat but at ecosystems; the overall score measures the "system". The Science Office gathered the information but made no policy decisions.

Commissioner Jackson said that the smaller the window, the higher the integrity because the effect of the surrounding development is reduced.

Commissioner Lee said that the selection of the window size was a subjective decision. He said that he thought that by combining landscape integrity with high quality wetlands and aquatic integrity, one might get the impression that the forest is *better* than it really is.

Mr. Stokes said that the fact that there is no 90%-100% integrity score for the Stockton area does not mean that the whole map should be discarded. The relative rankings accurately reflect the conditions and he felt that it is relevant for the P&I Committee to know what areas in the polygons are in what range should the Committee wish to focus on particular areas. He also wanted to be sure that the Committee members asked all their questions so that staff could provide whatever new information that they felt would be helpful.

Commissioner Kennedy said that he was interested in knowing the end use for public lands, e.g. COAH, open space, school expansions; it might also be of interest to the taxpayers. Mr. Stokes responded that in many cases, staff will not know the answer. The ROSI (Recreation and Open Space Inventory) is not up-to-date and not all municipalities have provided this information. He said that the Commission needed to focus on a regional perspective and what criteria to apply to that regional perspective.

- Polygon I

Mr. Liggett said that this was the area of highest concern to Hamilton Township. On the map, he identified the future fairground site and Holly Avenue, noting that due to wetlands and soils, it was not an area suitable for development. Likewise Underhill Park is very wet and has limited development potential. He said that lands near the Atlantic Cape Community College are of high integrity with significant development constraints.

In response to Commissioner Lee's question regarding the regional perspective of a public use and how staff would respond if the College decided that it wanted to expand, Mr. Stokes said that staff would need specific plans and would support their efforts if the area were suitable for development.

Referencing previous public comment, Mr. Tyshchenko said that he had spoken with Mr. Alwyn Liepe and his attorney and believed that he had reviewed all their lands. None of those lands are included in the recommended changes.

Staff identified other features of this polygon which Mr. Liggett said includes at least 800 acres of vacant public uplands including an area recently purchased through the Pinelands Conservation Fund. Mr. Stokes said that staff had been led to believe that there was an industrial zone where ratables could be built but has now learned that it is a residential zone. He suggested that Mr. Sartorio might be able to help staff clarify some information.

Mr. Galletta said that he was concerned about those applicants who might have made investments on projects and he wanted them to be "protected" through the conformance process.

Mr. Stokes said that there was no guarantee that landowners would always be protected through the conformance process. The Pinelands Protection Act charges the Commission with setting regional policy with municipal involvement. He said that although the Commission might not do everything that the municipalities want, it does have a reputation of working with the municipalities on a local basis.

Mr. Stokes said that Commissioner Galletta had made a good point when he said that there ought to be a compelling public need to make management area changes on a regional basis. He said that staff had removed many of the initial recommendations. Although the criteria used are relevant, clearly the Committee might not agree with many of those early recommendations.

Commissioner Kennedy said that, at the February 18, 2009 (Special P&I Committee) meeting he had asked that a more liberal interpretation of "committed lands" be made as he felt that requiring a No Call-Up (NCU) letter was too restrictive. Mr. Liggett responded that staff had looked at numerous applications prior to recommending the NCU letter as the determining factor as to what lands are "committed"; many C/Fs sit for many years with projects never moving forward.

Mr. Stokes said that staff would provide the Committee with additional information on properties with C/Fs from the recent past. Should the Committee wish to apply different criteria (rather than relying upon a NCU letter), then the information should be helpful.

Commissioner Ashmun said that the Committee needed to remember that much of this land is undevelopable and that some landowners might think they can develop on lands where they cannot. In the Commission's efforts to protect water for the future, the landowners need to be informed as to where those places are.

The Committee discussed the fact that the exclusionary/inclusionary criteria applied to the eleven larger polygons, just as they had to the 131 smaller areas. Mr. Stokes said that staff would provide more information regarding the Committee's interest in the criterion of "inappropriate lot size."

- o Polygon B

Mr. Liggett said that this entire polygon is within Egg Harbor Township's RGA. He said that a number of areas had been removed from consideration based on input from the Township. He noted that much of the polygon is wetlands and he said that he was concerned that some of the land purchased by the Township for land banking is so wet that it might not work for that purpose. He said that the site that the Township has selected for a school appears to be wet. Also an existing condominium development appears to be in an entirely wet area. He said that several requests from the Township appear to make sense and that it was unlikely that whatever changes were made would have any effect on The Nature Preserve.

Mr. Liggett identified Spruce Avenue and said that there could be some reconfiguring of the polygon to recognize the existing linear development pattern there and that it was likely that decks, sheds etc. could be added by the residents.

In response to Commissioner Lee's question if any consideration were being given to the East-West traffic pattern in Egg Harbor Township between the malls, Mr. Stokes said that CRDA (the NJ Casino Reinvestment Development Authority) began an Atlantic City regional transportation initiative approximately two years ago that was now coming to a close. A presentation will be made to the Commission when it is complete but it was unlikely that the recommendations would be as detailed as the Commission might like in terms of geography and function. However, the consolidation of the polygons does not affect any planning efforts.

- o Polygon K

Mr. Liggett said that this was the largest of the polygons and includes portions of Monroe, Buena Vista and Franklin Townships. Buena Vista Township wants to be sure that commercial opportunities remain along Route 54 if there is a change to a Forest Area but Monroe and Franklin have not expressed any concerns.

Mr. Stokes said that this situation is similar to that reflected in his letter to Maurice River Township that he had distributed this morning; the designation of a Forest Area does not necessarily preclude all commercial development

In response to Commissioner Galletta's question if there was an objection to including the active mine in the Forest Area, as requested by Buena Vista Township, Mr. Liggett said that it is treated as any other existing business so no change was being recommended. In addition, as active mines would become non-conforming uses in the Forest Area, it wouldn't make sense. Mr. Stokes added that, if the town is concerned with how the lands will be used once the mine concludes operations, there is ample time now to begin a rezoning process to address their issue of perhaps too much potential residential development on the site.

Mr. Stokes said that the Committee should also take note of the abandoned mine purchased some time ago by DEP as a potential ORV park. The efforts to develop that park appear to have stalled and, as the area is highly constrained and of high ecological value, staff is recommending a

management area change from RDA to FA. In response to Acting Chairman Tomasello's question as to the size of the mine, Ms. Grogan said that it was some 200 to 300 acres.

4. Public Comment

Mr. Nehmad referenced Parcel J and said that Mr. Frankel's 52 acre property was entirely uplands (as confirmed by a wetlands delineation Letter of Interpretation issued by the Commission) and the staff recommendation will split 38 acres from a Town Industrial Zone to the Forest Area. There are no T/E issues. Another client, the Simon family, has owned 555 acres behind the Shore Mall for 40 years and he asked that the uplands portion remain in RDA. Mr. Stokes asked Mr. Nehmad to provide additional property information to staff.

Mr. Goodreau said that he did not know how the residentially developed area along Spruce Avenue met the criteria of a high integrity area and said that the Township had provided endless information and yet had been ignored. He said that the Township had provided a letter more than 30 days ago to which it had received no response. Mr. Stokes responded that he'd seen dramatic changes in the staff recommendations based on the Township's concerns.

Ms. Theresa Lettmann, with the Pinelands Preservation Alliance asked for clarifications regarding a large public area in Hamilton Township that had not been included as a recommended change. Staff clarified that it was part of the industrial park with a sewer line in front.

Mr. Bill Fox, Jackson Township resident, said that at a previous meeting he had asked the question if this effort is worth the pain to the landowners; based on the comment he had heard today, he did not believe that it was. Also, at the last CMP P&I meeting (March 27, 2009) he had spoken on the forestry rules. At the end of the process, how many Commissioners will need to "conflict out" of voting on these rules. Mr. Stokes responded that the Commission believed that all the members on the dais today could vote on the proposed management area changes.

Mayor Bassford said that a lot of the big parcels of land are wetlands that cannot be developed and he asked why the Commission was going through this process.

5. Other Items of Interest

There were no other items of interest. The meeting adjourned at 2:17 p.m. (moved by Commissioner Ashmun and seconded by Commissioner Galletta).

/CS15A

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING
SPECIAL MEETING: REVISIONS TO LAND CAPABILITY MAP

Hamilton Township Municipal Building
6101 Thirteenth Street
Hamilton, New Jersey
April 6, 2009 – 9:30 AM

SUMMARY

The Committee adopted the minutes from the March 23, 2009 Special Meeting.

The Committee received public comment and reviewed five potential management area changes in Atlantic County, one of which extends into Gloucester County

/CS15A