



Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

## State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

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Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

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## MEMORANDUM

To: CMP Policy & Implementation Committee

From: Susan R. Grogan   
Chief Planner

Date: March 15, 2017

Subject: March 24, 2017 Committee meeting

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Enclosed please find the agenda for the Committee's upcoming meeting on March 24, 2017. We have also enclosed the following items:

- \* The minutes from the Committee's October 25, 2016 meeting;
- \* Draft resolutions and reports on the Egg Harbor City and Waterford Township ordinances on the agenda;
- \* The draft resolution prepared by Commissioner Lloyd regarding the designation of areas within Wharton State Forest as inappropriate for motor vehicle use;
- \* A memorandum outlining the staff's recommendations for a new round of land acquisition using the Pinelands Conservation Fund; and
- \* A memorandum on the Long-Term Environmental and Economic Monitoring Programs

/CS15

cc: All Commissioners (agenda only)



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### **CMP POLICY & IMPLEMENTATION COMMITTEE MEETING**

Richard J. Sullivan Center  
Terrence D. Moore Room  
15 C Springfield Road  
New Lisbon, New Jersey

March 24, 2017

9:30 a.m.

#### **Agenda**

1. Call to Order
2. Pledge Allegiance to the Flag
3. Adoption of minutes from the October 25, 2016 CMP Policy & Implementation Committee meeting
4. **Executive Director's Reports**

Egg Harbor City Ordinance 2-2017, amending Chapter 170 (Land Use and Development) of the City's Code by adopting revised standards for signs, including changeable copy and electronic message center signs

Waterford Township's 2015 Housing Element and Fair Share Plan and Ordinances 2015-17, 2016-25, 2017-6 and 2017-7, amending Chapter 176 (Land Use, Development and Zoning) and adopting a revised Redevelopment Plan for the Haines Boulevard Redevelopment Area

5. Discussion of off-road vehicle activities at Wharton State Forest

6. **Pinelands Conservation Fund**

Discussion of recommendations for a new round of land acquisition

7. Public Comment on Agenda Items

## **CMP POLICY & IMPLEMENTATION COMMITTEE MEETING**

Richard J. Sullivan Center  
Terrence D. Moore Room  
15 C Springfield Road  
New Lisbon, New Jersey  
Tuesday, October 25, 2016 - 9:30 a.m.

### **MINUTES**

**MEMBERS IN ATTENDANCE:** Sean Earlen (Chairman), Robert Barr, Ed McGlinchey, Richard Prickett and Joe DiBello (Alternate)

**MEMBER ABSENT:** Candace Ashmun, Paul E. Galletta and Ed Lloyd

**STAFF PRESENT:** Executive Director Nancy Wittenberg, Larry L. Liggett, Susan R. Grogan, Joseph Sosik, Paul D. Leakan and Betsy Piner.

Chairman Earlen called the meeting of the Comprehensive Management Plan (CMP) Policy and Implementation (P&I) Committee to order at 9:33 a.m.

All present pledged allegiance to the Flag.

#### **1. Adoption of minutes from the August 26, 2016 CMP Policy & Implementation Committee meeting**

Commissioner McGlinchey moved the adoption of the August 26, 2016 meeting minutes. Commissioner Barr seconded the motion. The minutes were adopted with all Committee members present voting in the affirmative (*Commissioner DiBello arrived shortly thereafter*).

#### **2. Discussion of Waterford Township's Redevelopment Plan for the Haines Boulevard Redevelopment Area**

Ms. Grogan said staff had asked Waterford Township to update the Committee on its proposed Redevelopment Plan for the Haines Boulevard Redevelopment Area (Plan). She said staff wanted to provide the Committee with an opportunity to become aware of the issues related to water use and CMP requirements and express its concerns. She said the Plan had not yet been adopted by the Township. She introduced Mr. David Patterson, the municipal attorney.

Mr. Patterson thanked the Commission for inviting Waterford representatives here today. He introduced Mr. Ralph Condo (Planning Board Chairman), Ms. Susan Danson (Administrator), Mr. Edward Toussaint, Construction Code Official, and Mr. Andrew Levecchia, AICP, P.P. Mr. Patterson made a presentation (*Attachment A to these minutes and posted on the Commission's website at*

<http://www.nj.gov/pinelands/home/presentations/HainesBoulevardRedevelopmentPlan-Sosik-NewMaps.pdf>) on the Township's Haines Boulevard Plan. From a series of maps he identified

the location of Waterford Township in southern Camden County and the Redevelopment Area in the vicinity of Routes 30 and 73, and the NJ Transit station at Atco. He said this location puts the 146-acre area in a viable position to be developed. In 2001, Waterford Township designated this to be an area in need of redevelopment and then certified a Redevelopment Plan. At that time, Haines Boulevard was a new road and it traversed the property in a manner to promote the commercial development the Township wanted to encourage in order to improve its tax base. Since 2001, nothing has happened. In late 2015, the current Township Committee decided to be more proactive and hired Heyer, Gruel & Associates to study the area. Heyer, Gruel presented a Plan to the Committee in April 2016 proposing mixed development and establishing boundaries promoting areas for various development types while allowing the flexibility to include commercial, industrial and residential elements.

Mr. Patterson said the Township was currently in court regarding its Affordable Housing obligation and was in discussion with Fair Share Housing to accommodate Waterford's obligation on this site. He said this property is in the Regional Growth Area (RGA) and has no environmental constraints.

Mr. Patterson described the advantages of an approved Redevelopment Plan as by-right approvals are granted. The developer must meet density requirements but need not worry about variances. Mr. Patterson identified the areas where various development types could occur. He said three developers have shown some interest, noting that the Plan has merit, especially with the access to buses and trains at the Transit Oriented Development area, which is of particular benefit to senior citizens. He said the overall concept allows more concentrated development and the Township believes it will be attractive to developers because it provides for flexibility.

Mr. Patterson summarized the Plan by saying, in addition to the opportunity for commercial and industrial uses, there will be a maximum of 792 dwelling units, including up to 240 low- and moderate-income units. He said until now, there has not been much affordable housing in Waterford but this Plan will demonstrate that the Township is meeting its constitutional obligation by planning for those units. He said the Township believed the court will approve this Plan. He said if residential development is inclusionary, one of every five units will be affordable. For a 100% affordable project, development can occur at a density of eight units per acre. There will be a PDC obligation of 30% for all residential units with an exemption for up to 240 affordable units.

He said the next steps will include approval by the municipal planning board then a public hearing and a vote by the governing body over two meetings before submission to the Commission for formal approval. He said the Township will work with the Camden County Improvement Authority to seek a redeveloper. Also, he said, water usage and sewer capacity must be considered and Waterford feels it has been able to accommodate those needs. He said the Township is in negotiations with the NJ American Water Company to contract with them for water supply once the withdrawal limit from the Kirkwood Cohansey aquifer has been reached. Mr. Patterson thanked the Committee.

Mr. Patterson said there are some 20 distinct property owners in the redevelopment area. He said the Township does not own the property, but does have the right of eminent domain, although

has no interest in imposing it. He said he believed all the property owners would be willing sellers at the right price.

Ms. Grogan continued the presentation and discussed how the Plan relates to CMP requirements. She said the challenge is to look at the total number of units proposed and be mindful of the PDC obligation. She said the Township has proposed increasing the density from the maximum permitted by the CMP, 3.375 units/acre, to 5.42 units/acre, but much of that increase is to accommodate the affordable housing units. She said Waterford proposed to accommodate PDCs by imposing a 30% *mandatory* requirement for the use of PDCs. This would be similar to the mandatory PDC requirements approved by the Commission in other municipalities in recent years. As the property is in the RGA with no environmental issues (as confirmed by Commission staff some years ago), and the use of PDCs is mandatory, staff believes the increased residential zoning capacity is justified. Furthermore, the number of units that will be required to use PDCs is virtually the same as that for which an opportunity would be provided under the lower density CMP requirement. She said the Township has a streamlined permitting process in place for the Redevelopment Area, so that should be attractive to potential developers. She said Mr. Liggett will discuss the other areas of concern: the infrastructure and water supply issues.

Commissioner McGlinchey asked about the obligation to obtain water from sources other than the Kirkwood-Cohansey aquifer once 70% of the capacity is allocated. Mr. Patterson said Waterford will have a contract in place with a water provider.

Commissioner McGlinchey said he was familiar with the site and that this Plan has been a long time coming. He thanked Waterford for promoting this endeavor.

Mr. Liggett made a presentation on the water supply issues related to the Plan. *Attachment B to these minutes and posted on the Commission's website at <http://www.nj.gov/pinelands/home/presentations/10212016%20water%20issues.pdf>*

Mr. Liggett said the Camden County Pinelands municipalities (Chesilhurst, Waterford and Winslow) were special in that the Commission had dealt with substantial water/sewer issues here in the past by linking zoning, sewer capacity and water supply in the Regional Growth Area of these municipalities. The goal is to reduce the water loss from streams at the headwaters of the Mullica River due to interbasin transfer of wastewater to the Camden County wastewater treatment plant. Mr. Liggett said the Mullica River is the most important Pinelands river and all three communities and the Camden County Municipal Utilities Authority partnered and agreed to certain conditions to protect the headwaters of the Mullica. This includes imposing a 25% downzoning on the three municipalities, adopting a water supply master plan, amending the wastewater management plan and establishing a stream monitoring program with the United States Geological Survey (USGS).

Mr. Liggett said the Redevelopment Plan will result in water demands that exceed the Township's water allocation. However, the Township is proposing a self-imposed limit of 70% of the total Kirkwood-Cohansey allocation. Once that limit is reached, the Township will purchase water elsewhere. Mr. Liggett described the analyses done on water supply and demand

under the Redevelopment Plan, concluding that roughly one third of the redevelopment area could be served before a non-Kirkwood-Cohansey source would be required.

In response to Commissioner Prickett's question if the Commission was concerned with mixing water sources, i.e. well water and a municipal water supply, Mr. Liggett said that Winslow is doing that now and one cannot tell which water is from which source although there is a difference in price.

Commissioner McGlinchey said all wells have sensors that indicate how many gallons are being pumped.

Commissioner Prickett asked if there are any infrastructure problems with having two water supply sources. Mr. Liggett said not to his knowledge.

Commissioner Barr asked how one would keep track of the amount of development that was occurring under the Plan.

Mr. Liggett said the Commission will know what development activity is occurring when it receives copies of municipal approvals.

Ms. Grogan added that under the streamlined permitting program, applicants in the Redevelopment Area do not need to come to the Commission to obtain Certificates of Filing. Rather, they go directly to Mr. Ed Toussaint, Waterford's local review officer. Once the Planning Board grants site plan or subdivision approval, copies of those approvals will be forwarded to the Commission for review. There will need to be a notification system in place to track PDC requirements, affordable housing units and projected water usage.

Mr. Patterson said the Township will get back to Fair Share Housing following this meeting and that entity wants this Plan to move forward. He said he believed Fair Share Housing was happy with the number of affordable units being accommodated and pleased that the issue would be resolved. He said he had a conference call with the Court on Monday to indicate the number of affordable units proposed in the Plan. The Township will adopt the Plan and send it to the Commission for review and action.

Chairman Earlen asked if the Township will bear the cost of the water line associated with a non-Kirkwood/Cohansey water source. Mr. Patterson said the Township intends for that to be the responsibility of the redeveloper.

In response to Commissioner Barr's question to staff regarding the anticipated schedule, Ms. Grogan said once the Plan is adopted, staff will conduct a public hearing, write a report and return to the P&I Committee in four to five months with a recommendation. Mr. Patterson added it should take about two months for the Township to complete its adoption process and submit the Plan to the Commission.

Mr. Liggett said Mr. Toussaint and Ms. Grogan will coordinate the administration of the Plan.

In response to a question from Commissioner Prickett regarding monthly USGS water flow reports and what would happen if the water level starts to drop, Mr. Liggett said there is an annual analysis of data. He said comparing the flow in a river to wells elsewhere some distance away is statistically tricky.

Mr. Sosik noted that staff had just received a report from USGS and could update the Committee at a future meeting.

Chairman Earlen said he thought this was a great plan as it helps the municipality and thanked the Township for being proactive in working with staff.

Mr. Patterson thanked Ms. Grogan and Mr. Liggett for their work with the Township.

*The Waterford Township representatives left the meeting at 10:35 a.m.*

### **3. Plan Review- Update on proposed PDC enhancements**

Ms. Grogan made a presentation focusing on the comments received from the builders (New Jersey Builders Association [NJBA] and Builders League of South Jersey [BLSJ] and the New Jersey Farm Bureau (NJFB) on the earlier PDC enhancement proposal along with the staff response. (*Attachment C to these minutes and posted on the Commission's website at: <http://www.nj.gov/pinelands/home/presentations/October%202016%20update.pdf>*)

Ms. Grogan said the builders are requesting more flexibility as they wish to build higher density housing (townhouses, duplexes and apartments) because that is what they believe the market demands. She said Mr. Sosik and Mr. Liggett looked at vacant lands where zone density is 3 units or greater and determined that requiring municipalities to allow multiple housing types would be appropriate in those zones. She said staff had researched residential housing types proposed in recently completed applications (since 2011) and found the vast majority are single family dwellings. There are very few townhouse or apartment projects in the RGA or Pinelands Towns.

Ms. Grogan said there are also few projects where PDC use is required. Of the 28 completed applications in the RGA involving two or more units, only eight required PDCs. Of the 37 RGA and Town applications completed since 2011 for two or more units, 960 total units are proposed and only 197 rights are required. She said most of the RGA zones have a base density of 2-3 units/acre. Historically, applicants have chosen not to build at higher densities where the need for PDCs would be triggered. She acknowledged that there are cases where an applicant cannot achieve higher densities due to on-site environmental constraints or the imposition of various municipal standards. She said under this proposal, the Commission will review existing municipal open space, height and buffer standards to ensure they do not prevent permitted densities from being achieved.

Ms. Grogan said another interest of the builders would be allowing those who propose projects with the use of PDCs to appeal local Planning Board denials to the Commission. Currently, the Commission does not receive or review local denials from the 53 certified municipalities. The



CMP requires that only approvals be submitted to the Commission for review. She said staff does not support this suggestion as it would negate the certified municipal zoning plans that staff and the municipalities have worked so hard on. She said the Commission has the ability to suspend or revoke a municipality's certification status if it becomes evident that a municipality is not implementing its zoning ordinance correctly or consistently.

Commissioner Prickett asked if, rather than denying projects, a municipality could change its zoning plan. Ms. Grogan said that was always a possibility. She said municipalities determine if their goals for a particular area have changed and rezone accordingly, rather than issuing denials. She said the process should include increasing staff involvement when projects are being proposed. Staff does this consistently with some towns.

Ms. Grogan said the builders are also interested in changing the function of the PDC Bank. Ms. Grogan said she agreed that it would be good if the Bank could be more active but is somewhat limited under the current arrangement and lack of funding. The builders would like the Bank to serve more as a clearinghouse for the buying and selling of PDCs at an annually established purchase price. She said if the Commission is enhancing the PDC program, the Bank has to be more efficient, and moving the Bank to the Commission, updating the membership and securing funding will contribute to that effort.

In response to Chairman Earlen's question as to the reality of this happening, Ms. Wittenberg said it needs the support from the farmers and developers. She said Ms. Roth is working on legislation.

Ms. Roth said sponsoring legislators will be needed to move the bills forward and that an appropriation could be requested as currently there is no funding source. She said the PDC Bank Act of 1985 placed the Bank within the Department of Banking and Insurance.

Ms. Grogan said the final issue posed by the builders was the relationship between the cost of the type of housing proposed and the cost of the PDCs. She said staff believes the proposed sliding scale already responds to that concern because the higher the density, the lower the cost of PDCs per unit.

Ms. Grogan said prior to the meeting, staff had distributed an October 24, 2016 letter from the New Jersey Farm Bureau (NJFB) expressing both support for and concerns about the latest PDC proposal (*Attachment D to these minutes*).

She said staff believes the NJFB's concerns with exempting 100% affordable projects from a PDC obligation is valid. It could have unintended negative consequences on the demand for PDCs. She said staff is now recommending a PDC exemption for affordable units only in inclusionary projects, those where the affordable units comprise no more than 20% of the units.

Mr. Liggett reviewed the final slide on supply and demand. He noted that the proposed PDC enhancements, as revised based on the staff's recommendations, will provide enough demand to use the supply of PDCs, albeit there are a lot of assumptions made in preparing these calculations.



Ms. Grogan said there are many factors in determining the future supply of PDCs, including how many property owners will apply for a Letter of Interpretation and how many future farmland preservation program easements will extinguish existing PDCs. Also, she said, not all property owners in the PDC sending areas will sever their credits.

Ms. Grogan said staff will share today's presentation with NJBA, BLSJ and the Farm Bureau and she will draft revised rules.

Commissioner Prickett said he supported these revisions and that staff had done a good job of seeking feedback from the stakeholders. He said the Commission needed to do something to enhance the PDC program.

Commissioner Barr said he supported these changes to the proposal and that they needed to be done as soon as possible.

In response to Commissioner Barr's question regarding a report on the PDC program, Ms. Grogan noted that the FY-2016 Annual Report had been issued in August and was available on the website:

<http://www.nj.gov/pinelands/pdcbank/reports/2016%20Annual%20PDC%20Bank%20Report%20Final%20Web%20Version.pdf>

Chairman Earlen said it was great that staff had solicited feedback. He expressed concerns that municipalities will push back on increased density, noting the difference between density that is *required* vs. that which is *allowed*.

Ms. Grogan responded that permitted densities will not be changed; rather, permitted housing types will need to be changed, thereby better enabling already permitted densities to be achieved. Removing the CMP "caps" on permitted density in the RGA will provide municipalities and the Commission with greater flexibility.

Ms. Grogan said that Ms. Tiffany CuvIELLO had attended previous presentations on PDC enhancements. Ms. CuvIELLO represents a number of Pinelands municipalities, as well as the Pinelands Municipal Council. She is aware of the proposals under consideration and the most recent suggestions from the builders. Staff will make sure that the affected municipalities are kept informed. She said today's presentation has not yet been shared with the builders or the Farm Bureau because staff wanted to be sure the Committee had an opportunity to provide input in advance of any such distribution.

Chairman Earlen concluded the discussion by asking staff to move forward with the proposal.

#### **4. Public Comment**

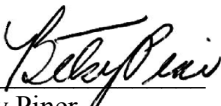
No member of the Public offered comment.

**5. Other Items of Interest**

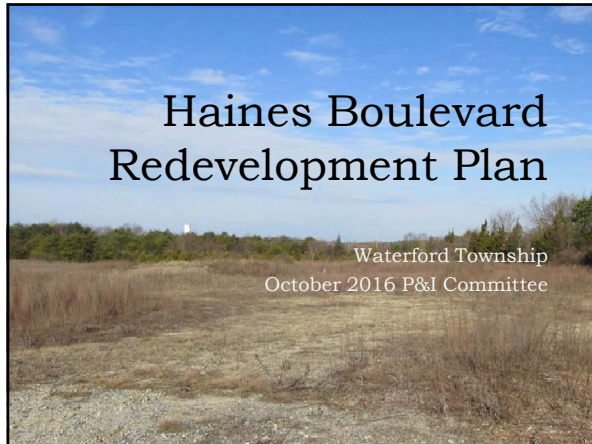
Commissioner Prickett noted that he had attended the World Water Monitoring Challenge last Friday (October 21, 2016) at Batsto Village and had appreciated the efforts of the various staff members who had participated. He said that he was very proud to be a part of the Pinelands Commission knowing that staff presents such a great face to the public, particularly in the education of children.

There being no other items of interest, the meeting adjourned at 11:22 a.m. (moved by Commissioner Barr and seconded by Commissioner McGlinchey.)

Certified as true and correct:

  
\_\_\_\_\_  
Betsy Piner,  
Principal Planning Assistant

Date: November 1, 2016

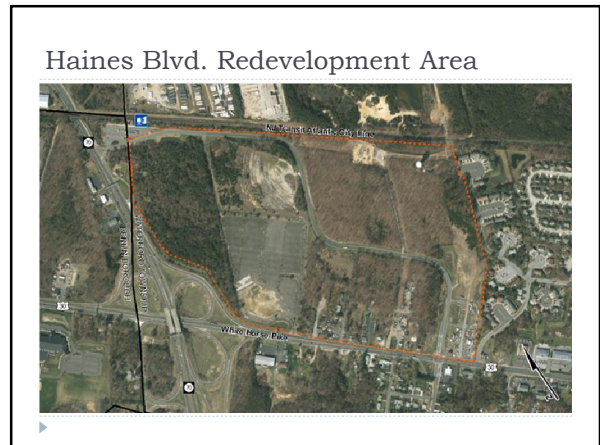


### Introduction

- ▶ 146 acres
- ▶ Current redevelopment plan allows only nonresidential uses
- ▶ Atco Train Station provides a unique opportunity for TOD
- ▶ Proposed mix of residential, commercial, and institutional uses
- ▶ Accommodates affordable housing

### Introduction

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### Haines Blvd. Redevelopment Area

**Proposed Redevelopment Area**

- Red: Redevelopment Area
- Green: Redevelopment Area
- Yellow: Redevelopment Area
- Orange: Redevelopment Area
- Purple: Redevelopment Area
- Blue: Redevelopment Area
- Grey: Redevelopment Area


**Proposed Network**

- Red: Redevelopment Area
- Green: Redevelopment Area
- Yellow: Redevelopment Area
- Orange: Redevelopment Area
- Purple: Redevelopment Area
- Blue: Redevelopment Area
- Grey: Redevelopment Area

### RD-1 Residential District

- ▶ **Principal Permitted Uses**
  - ▶ Detached single-family dwellings
  - ▶ 5 units per acre

### RD-2 Residential District



- ▶ **Principal Permitted Uses**
  - ▶ Detached single-family dwellings
  - ▶ Two-family dwellings
  - ▶ Attached single-family dwellings (townhouses)
  - ▶ 6 units per acre

### TOD/Mixed Use



- ▶ **Principal Permitted Uses**
  - ▶ Retail stores, shops, restaurants
  - ▶ Personal service businesses
  - ▶ Instructional facilities
  - ▶ Banks and finance institutions
  - ▶ Child care centers
  - ▶ Professional offices
  - ▶ Two-family dwellings and townhomes
  - ▶ Mixed-use development w/ dwelling units on upper floors
  - ▶ Multi-family units
  - ▶ 12 units per acre

### Community Commercial



- ▶ **Principal Permitted Uses**
  - ▶ Retail stores, shops, restaurants
  - ▶ Personal service businesses
  - ▶ Instructional facilities
  - ▶ Banks and finance institutions
  - ▶ Child care centers
  - ▶ Professional offices
  - ▶ Mixed-use development w/dwelling units on upper floors
  - ▶ 5 units per acre

### ID Institutional



- ▶ **Principal Permitted Uses**
  - ▶ Retail stores, shops, restaurants
  - ▶ Educational facilities
  - ▶ Health care facilities
  - ▶ Libraries
  - ▶ Assisted living facilities
  - ▶ Community centers
  - ▶ Hotels/conference centers
  - ▶ Two-family dwellings and townhomes
  - ▶ 6 units per acre

### Summary of Redevelopment Plan

- ▶ **Maximum of 792 units permitted**
- ▶ **Affordable housing permitted**
  - ▶ Inclusionary developments (20%)
  - ▶ 100% affordable projects at 8 units per acre
- ▶ **30% PDC requirement for all residential units**
  - ▶ Exemption for up to 240 affordable units

### Density and PDC Requirements

	CMP Requirements	Proposed Redevelopment Plan
Permitted Density	3.375	5.42
Total Units	492	792
PDC Units	164	165

### Justification for Increased Density

- ▶ The CMP allows municipalities to zone for increased residential zoning capacity and provide additional density bonuses in RGAs if:
  - ▶ The site is appropriate for higher intensity development
    - ▶ 146 acres in RGA with no environmental limitations
  - ▶ Sufficient PDC opportunities are provided
    - ▶ 30% mandatory PDC requirement
  - ▶ Sufficient infrastructure exists or can be provided
    - ▶ Non-K/C water source required when 70% of capacity is allocated



## Water Supply Issues: Haines Boulevard Redevelopment Plan Waterford Township

October 25, 2016


### Background

- In 1987, the Camden County Municipal Utility Authority (CCMUA) proposed an interbasin transfer of wastewater from the Regional Growth Area in Chesilhurst, Waterford and Winslow to the Delaware River Basin
- CCMUA evaluated the proposal's potential effects which Pinelands Commission staff concluded would result in significant reductions in subbasin recharge
- PC Study: "An Assessment of Sewer and Water Supply Alternatives for Pinelands Growth Areas in the Mullica River Basin, Camden County"

### Background

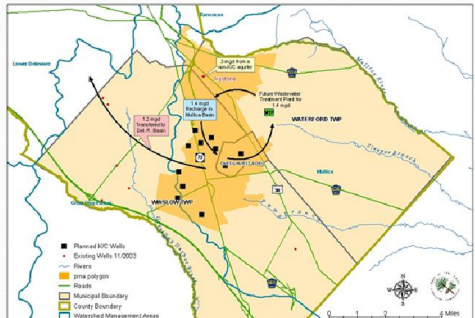
- The assessment considered 16 scenarios
- Water/wastewater planning:
  - How much water can be transferred without depleting Pinelands streams?
  - How much water can be recharged without polluting Pinelands streams?
- Demand reduction through downzoning

AN ASSESSMENT OF SEWER AND WATER SUPPLY ALTERNATIVES FOR PINELANDS GROWTH AREAS IN THE MULLICA RIVER BASIN, CAMDEN COUNTY



NEW JERSEY PINELANDS COMMISSION  
MAY 1988

### Background



### Background

- The PC assessment resulted in:
  - Density decreases in all three municipalities
  - Adoption of a water supply master plan
  - Amendments to the wastewater management plan
  - A stream monitoring program with USGS

### Future Water and Sewer Demands

- Future water demands were reduced for the three municipalities to 2.6 million gallons per day (MGD)

	Winslow			Waterford			Chesilhurst		
	1980	Future	Total	1980	Future	Total	1980	Future	Total
1.2 MGD Export	0.44	0.10	0.54	0.40	0.11	0.51	0.12	0.03	0.15
0.3 MGD Non-K/C		0.19			0.08			0.03	
1.4 MGD In-basin Recharge		1.09			0.20			0.11	
<b>Totals</b>	<b>0.44</b>	<b>1.19</b>	<b>1.63</b>	<b>0.40</b>	<b>0.31</b>	<b>0.71</b>	<b>0.12</b>	<b>0.14</b>	<b>0.26</b>

Total Future Demands: 2.60 MGD

### Future Water and Sewer Demands

- As amended in 1988, Waterford is allocated 592,000 gallons per day (GPD) of wastewater flow to the CCMUA's Camden facility
- Waterford has a current water supply allocation of 652,000 GPD (approx. 521,000 GPD in terms of wastewater, which is under the current cap)
- Future development will have to use non-K/C water:
  - Current water allocation 652,000 GPD
  - Current usage - 348,000 GPD
  - Remaining allocation 304,000 GPD

### Haines Blvd. Redevelopment Plan

- Waterford's redevelopment plan for Haines Boulevard permits 792 new residential units and nonresidential development, for which water demands would exceed the Township's water allocation
- The Township proposes a self-imposed limit to 70% of total K/C water supply allocation
- Upon reaching this limit, the Township will secure a non-K/C source to meet future demands
- PC staff will work with Waterford to track development approvals and projected water use to ensure compliance

### Haines Blvd. Redevelopment Plan

**Present water supply situation in Waterford:**

- Current allocation: 652,000 GPD
- Usage: 348,000 GPD (53%)
- Available allocation: 304,000 GPD (47%)

### Haines Blvd. Redevelopment Plan

**Water supply situation after redevelopment plan:**

- Upon reaching the 70% cap, Waterford will cease diverting water from the K/C aquifer
- 70% of full allocation: 456,400 GPD

### Haines Blvd. Redevelopment Plan

**Water supply situation after redevelopment plan:**

- Revised "allocation": 456,400 GPD
- Usage: 348,000 GPD
- Available "allocation": 108,400 GPD

### Haines Blvd. Redevelopment Plan

- PC build-out analysis suggests a Township-wide future water demand of 720,000 GPD
  - 310,000 GPD from redevelopment plan
  - 160,000 GPD from other RGA units
  - 250,000 GPD from commercial development
- With 108,400 GPD of the revised "allocation" still available, at best, one-third of the redevelopment area could be served before a non-K/C source is required





### Response to NJBA/BLSJ

Suggestion	Response
<ul style="list-style-type: none"> <li>Use of PDCs on any site should trigger higher densities and a wider variety of housing types, essentially "bypassing" municipal zoning</li> <li>Townhouses and apartments need to be permitted because the market for SFDs is flat</li> </ul>	<ul style="list-style-type: none"> <li>Remove cap on density</li> <li>Require municipalities to permit townhouses and apartments when zone density is 4+ units per acre</li> <li>Require municipalities to permit multiple housing types when zone density is 3+ units per acre</li> </ul>

### Development Applications Completed July 1, 2011- June 30, 2016

	Applications Completed	Proposed Units
RGA	144	1,378
Town	42	264
<b>Total</b>	<b>186</b>	<b>1,642</b>

### Development Applications Completed July 1, 2011- June 30, 2016

	Applications Completed	Applications for 1 Unit	Applications for 20+ Units	Applications Proposing Multi-Family Units
RGA	144	116	13	5
Town	42	33	3	2
<b>Total</b>	<b>186</b>	<b>149</b>	<b>16</b>	<b>7</b>

### Development Applications Completed July 1, 2011- June 30, 2016

	Applications For 2+ Units	Applications for 2+ Units Requiring PDCs	Proposed Units	Rights Required
RGA	28	8	729	197
Town	9	0	231	0
<b>Total</b>	<b>37</b>	<b>8</b>	<b>960</b>	<b>197</b>

### Response to NJBA/BLSJ

Suggestion	Response
<ul style="list-style-type: none"> <li>Increase on-site design flexibility so that maximum permitted zone densities can be achieved</li> </ul>	<ul style="list-style-type: none"> <li>Establish minimum lot size requirements for SFDs</li> <li>Require a variety of housing types in higher density zones</li> <li>Reduce PDC obligation for lots with significant environmental constraints</li> <li>Review existing municipal open space, height and buffer standards to ensure they do not prevent permitted densities from being achieved</li> </ul>

### Response to NJBA/BLSJ

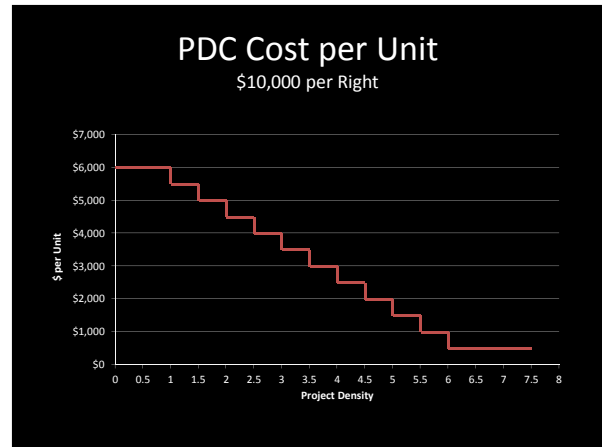
Suggestion	Response
<ul style="list-style-type: none"> <li>Allow applicants who propose the use of PDCs to appeal Planning Board denials to the Commission</li> </ul>	<ul style="list-style-type: none"> <li>Emphasize the Commission's ability to revoke or suspend municipal certification if ordinance is not being implemented</li> <li>Increase engagement with municipal boards and staff when reviewing proposed projects</li> </ul>

### Response to NJBA/BLSJ

Suggestion	Response
<ul style="list-style-type: none"> <li>Mend/Fix/Fund the PDC Bank so that applicants can purchase PDCs directly from the Bank at an established price</li> </ul>	<ul style="list-style-type: none"> <li>Move PDC Bank from DOBI to the Commission and update membership</li> <li>Enable the Bank to function as a clearinghouse (buying and selling PDCs at an annually established price)</li> <li>Obtain funding for initial PDC purchase</li> <li>Obtain funding for increased staff</li> </ul>

### Response to NJBA/BLSJ

Suggestion	Response
<ul style="list-style-type: none"> <li>Better match the cost of PDCs to the cost and type of proposed residential unit</li> </ul>	<ul style="list-style-type: none"> <li>Apply sliding scale to determine PDC obligation. Very low PDC % will apply to higher density projects, which typically contain the smaller, less expensive units.</li> <li>No change to proposal</li> </ul>



### Response to Farm Bureau

Concern	Response
<ul style="list-style-type: none"> <li>Ensure that exemptions for affordable housing do not negate the PDC enhancements by significantly reducing demand</li> </ul>	<ul style="list-style-type: none"> <li>Exempt all affordable units from PDC requirements</li> <li>Exempt affordable units only in projects where the affordable units comprise no more than 20% of the units ("inclusionary" projects)</li> </ul>

### PDC Demand and Projected Buildout September 2016

Receiving Area	Current Demand (Rights)	Proposed Demand (Rights)	Zone Capacity (Units)	Projected Buildout (Units)
RGA	2,004	5,865	44,752	23,730
Town	0	1,024	7,794	5,080
<b>Total</b>	<b>2,004</b>	<b>6,852</b>	<b>52,546</b>	<b>28,810</b>

**Current Supply**    6,750 rights

October 25, 2016

Attachment D



168 West State Street, Trenton New Jersey 08608

Phone: 609-393-7163

Fax: 609-393-7072

Email: [mail@njfb.org](mailto:mail@njfb.org)

Website: [www.njfb.org](http://www.njfb.org)

October 24, 2016

To: Nancy Wittenberg, executive director  
NJ Pinelands Commission

From: Peter J. Furey, executive director

A handwritten signature in black ink, appearing to read 'P. Furey'.

Re: PDC revision proposal

Here are a few further comments to explain our support for the concepts outlined in the Pinelands staff recommendations as noted above:

1. this endorsement reflects the view of the leading Pinelands farmers who take an interest in Pinelands policies. We feel confident that the distribution of the draft was widely circulated and the feedback is positive. So a start of the formal review process is fine with us.
2. we will allow the NJDA to speak for itself, but we believe they endorse it also as do the county boards of agriculture in the Pinelands region.
3. the most common frustration among these farmers about the PDC program is the current opportunity to allow new residential development in designated growth areas without requiring the use of Pinelands credits. That is, building below the base density effectively dilutes the development demand to the point where credits would be scarcely if ever be used. Hence, we support the change to "mandatory use."
4. further, most of the feedback we received objected to a complete exemption from using credits for affordable housing projects. We note approvingly that this proposal has already been modified to require at least some credit use for this type of construction.
5. this set of changes is by no means seen as a great cure for the PDC system. This TDR program has been saddled with structural problems from the outset (large developments permitted without the use of credits, inadequate infrastructure funding, environmental restrictions undermining the achievement of bonus densities for developers/builders) such that no one holds high expectations that these changes will substantially reverse the depressed PDC credit market overnight.
6. we strongly believe that the PDC credits ought to be made part of a statewide TDR credit redemption program, so that state-funded investments for sewer, water, transit that create areas of strong development demand in selected parts of the state can lift the demands for PDC's. Of course, that is beyond the jurisdiction of the Pinelands Commission, and is a matter for state legislation.

#

cc: Monique Purcell, NJDA  
Jay Mounier



**RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

**NO. PC4-17-\_\_\_\_\_**

**TITLE:** Issuing an Order to Certify Ordinance 2-2017, Amending Chapter 170 (Land Use and Development) of the Code of Egg Harbor City

**Commissioner \_\_\_\_\_ moves and Commissioner \_\_\_\_\_ seconds the motion that:**

**WHEREAS**, on February 6, 1987, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Egg Harbor City; and

**WHEREAS**, Resolution #PC4-87-13 of the Pinelands Commission specified that any amendment to the City’s certified Master Plan and codified Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

**WHEREAS**, Resolution #PC4-87-13 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

**WHEREAS**, on December 15, 2016, Egg Harbor City adopted Ordinance 2-2017, amending Chapter 170 (Land Use and Development) of the City’s Code; and

**WHEREAS**, Ordinance 2-2017 establishes changeable-copy signs and electronic message center signs as permitted uses in three zoning districts within the Pinelands Town area, including standards controlling for illumination levels, message duration, and message transition; and

**WHEREAS**, the Pinelands Commission received a certified copy of Ordinance 2-2017 on February 16, 2017; and

**WHEREAS**, by letter dated February 17, 2017, the Executive Director notified the City that Ordinance 2-2017 would require formal review and approval by the Pinelands Commission; and

**WHEREAS**, a public hearing to receive testimony on Ordinance 2-2017 was duly advertised, noticed and held on March 8, 2017 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

**WHEREAS**, the Executive Director has found that Ordinance 2-2017 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

**WHEREAS**, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinance 2-2017, amending Chapter 170 (Land Use and Development) of the Code of Egg Harbor City, is in conformance with the Pinelands Comprehensive Management Plan; and

**WHEREAS**, the Commission’s CMP Policy and Implementation Committee has reviewed the Executive Director’s report and has recommended that Ordinance 2-2017 be certified; and

**WHEREAS**, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 2-2017 and has reviewed the Executive Director’s report; and

**WHEREAS**, the Pinelands Commission accepts the recommendation of the Executive Director; and

**WHEREAS**, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

**NOW, THEREFORE BE IT RESOLVED** that

1. An Order is hereby issued to certify that the Ordinance 2-2017, amending Chapter 170 (Land Use and Development) of the Code of Egg Harbor City, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Egg Harbor City’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

**Record of Commission Votes**

AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Ashmun				Galletta				McGlinchey			
Avery				Hays				Prickett			
Barr				Jannarone				Quinn			
Brown				Lloyd				Rohan Green			
Chila				Lohbauer				Earlen			

\* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: \_\_\_\_\_

\_\_\_\_\_  
Nancy Wittenberg  
Executive Director

\_\_\_\_\_  
Sean W. Earlen  
Chairman



State of New Jersey  
 THE PINELANDS COMMISSION  
 PO Box 359  
 NEW LISBON, NJ 08064  
 (609) 894-7300  
 www.nj.gov/pinelands



Chris Christie  
 Governor  
 Kim Guadagno  
 Lt. Governor

General Information: Info@njpines.state.nj.us  
 Application Specific Information: AppInfo@njpines.state.nj.us

Sean W. Earlen  
 Chairman  
 Nancy Wittenberg  
 Executive Director

**REPORT ON ORDINANCE 2-2017, AMENDING  
 CHAPTER 170 (LAND USE AND DEVELOPMENT)  
 OF THE CODE OF EGG HARBOR CITY**

March 24, 2017

Egg Harbor City  
 500 London Avenue  
 Egg Harbor City, NJ 08215

**FINDINGS OF FACT**

I. Background

The City of Egg Harbor is located within central Atlantic County, in the eastern portion of the Pinelands Area. Pinelands municipalities adjacent to Egg Harbor City include the Townships of Mullica and Galloway in Atlantic County, and Washington Township in Burlington County.

On February 6, 1987, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Egg Harbor City.

On February 9, 2017, Egg Harbor City adopted Ordinance 2-2017, amending Chapter 170 (Land Use and Development) of the Code of Egg Harbor City. Ordinance 2-2017 adopts regulations controlling changeable copy signs and electronic message center (EMC) signs. In particular, it establishes such signs as permitted uses in the Retail Commercial, Highway Commercial, and Industrial Zoning Districts, all of which are located in a Pinelands Town management area, and provides additional standards controlling for illumination levels, message duration, and message transition. The Pinelands Commission received a certified copy of Ordinance 2-2017 on February 16, 2017.

By letter dated February 17, 2017, the Executive Director notified the City that Ordinance 2-2017 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

The following ordinance has been submitted to the Pinelands Commission for certification:

- \* Ordinance 2-2017, amending Chapter 170 (Land Use and Development) of the Code of Egg Harbor City, introduced on January 19, 2017 and adopted on February 9, 2017.

This ordinance has been reviewed to determine whether it conforms to the standards for certification of municipal master plans and land use ordinances as set out in N.J.A.C. 7:50-3.39 of the Pinelands Comprehensive Management Plan. The findings from this review are presented below. The numbers used to designate the respective items correspond to the numbers used to identify the standards in N.J.A.C. 7:50-3.39.

**1. Natural Resource Inventory**

Not applicable.

**2. Required Provisions of Land Use Ordinance Relating to Development Standards**

Ordinance 2-2017 amends Chapter 170 (Land Use and Development) Section 170-71 (Note 19: Signs) of the Code of Egg Harbor City. In particular, it establishes regulations permitting and controlling for changeable copy signs and electronic message center (EMC) signs. The ordinance defines a changeable copy sign as “a sign with the capability of content change by means of manual or remote input” and defines an EMC sign as “an electronically activated changeable-copy sign whose variable message and/or graphic presentation capability can be electronically programmed by a computer from a remote location.” The EMC sign definition further notes that such signs “typically use light emitting diodes (LED) as a lighting source.”

The ordinance permits such signs in the Retail Commercial, Highway Commercial, and Industrial Zoning Districts, all of which are located in the Pinelands Town management area. The ordinance establishes additional standards requiring that all such signs: shall be in accordance with established signage standards of the district in which they are located; may account for a portion of or all of the total permitted sign area for a given location; shall be prohibited from providing off-site advertising except public service information approved by the City; and shall not obstruct traffic, distract drivers, or create a traffic hazard. The ordinance provides additional standards for EMC signs, including provisions that such signs: incorporate automatic dimming controls; retain a minimum message display time of 8 seconds; shall not exceed a maximum luminance level of 750 cd/m<sup>2</sup> between sunset and sunrise; shall not use continuous scrolling and/or traveling, flashing, blinking, twinkling, spinning, rotating, and similar moving effects; and shall turn off or display a blank screen when malfunctioning.

The amendments made by Ordinance 2-2017 must be evaluated in terms of their consistency with the CMP’s scenic management program (N.J.A.C. 7:50-6, Part X), which contains standards for signs. The scenic management standards of the CMP include a general prohibition on signs that are designed to attract attention by physical or lighting change (N.J.A.C. 7:50-6.107(a)). Additionally, N.J.A.C. 7:50-6.107(e) requires that to the maximum extent practical, the character and composition of construction materials for all signs shall be harmonious with the scenic values of the Pinelands.

This ordinance presents a potential conflict with the 7:50-6.107(a) because, by design, EMC signs allow for the contents of a sign to change at relatively frequent intervals through the use of LED technology. It is noteworthy that the CMP does not provide any standards for sign lighting (e.g., internal or external lighting). Thus, it is not the use of the LED technology (internal illumination) by EMC signs that raises an issue with the CMP, but the fact that EMC signs



involve the changing of one static image to another, or even the use of video, to attract attention. However, it is important to note that this particular standard of the CMP was written in 1980 at a time when such LED technology was not common, but is now in pervasive use.

Ordinance 2-2017 incorporates numerous standards to control the location, size and appearance of changeable message signs and EMC signs as outlined above. Given that these types of signs are permitted only in the Pinelands Town Management Area of Egg Harbor City, where the CMP permits and encourages all types of residential and commercial development, these standards sufficiently address concerns with scenic management.

The amendments adopted by Ordinance 2-2017 are consistent with the land use and development standards of the CMP. Therefore, this standard for certification is met.

**3. Requirement for Certificate of Filing and Content of Development Applications**

Not applicable.

**4. Requirement for Municipal Review and Action on All Development**

Not applicable.

**5. Review and Action on Forestry Applications**

Not applicable.

**6. Review of Local Permits**

Not applicable.

**7. Requirement for Capital Improvement Program**

Not applicable.

**8. Accommodation of Pinelands Development Credits**

Not applicable.

**9. Referral of Development Applications to Environmental Commission**

Not applicable.

**10. General Conformance Requirements**

Ordinance 2-2017, amending Chapter 170 (Land Use and Development) of the Code of Egg Harbor City, is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan.

This standard for certification is met.

**11. Conformance with Energy Conservation**

Not applicable.

**12. Conformance with the Federal Act**

Ordinance 2-2017, amending Chapter 170 (Land Use and Development) of the Code of Egg Harbor City, is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act.

This standard for certification is met.

**13. Procedure to Resolve Intermunicipal Conflicts**

Not applicable.

**PUBLIC HEARING**

A public hearing to receive testimony concerning Egg Harbor City's application for certification of Ordinance 2-2017 was duly advertised, noticed and held on March 8, 2017 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing, at which no testimony was received.

Written comments were accepted through March 13, 2017; however, no comments were received.

**CONCLUSION**

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance 2-2017 complies with the Comprehensive Management Plan's standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify Ordinance 2-2017 of Egg Harbor City.



**RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

**NO. PC4-17-\_\_\_\_\_**

**TITLE:** Issuing an Order to Certify Waterford Township’s 2015 Housing Element and Fair Share Plan and Ordinances 2015-17, 2016-25, 2017-6 and 2017-7, Adopting a Redevelopment Plan for the Haines Boulevard Redevelopment Area and Amending Chapter 176 (Land Use, Development and Zoning) of the Township’s Code

**Commissioner \_\_\_\_\_ moves and Commissioner \_\_\_\_\_ seconds the motion that:**

**WHEREAS**, on July 8, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Waterford Township; and

**WHEREAS**, Resolution #PC4-83-56 of the Pinelands Commission specified that any amendment to Waterford Township’s certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

**WHEREAS**, Resolution #PC4-83-56 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

**WHEREAS**, on November 9, 2015, Waterford Township adopted Ordinance 2015-17, amending Chapter 176 (Land Use, Development and Zoning) of the Township’s Code by rezoning two lots (Block 601, Lots 44 and 45) from the PHB (Planned Highway Business) Zone to the R-4 (Residential, High Density) Zone, within the Regional Growth Area; and

**WHEREAS**, on December 7, 2015, the Waterford Township Land Use Board adopted Resolution 2015-16, approving a Housing Element and Fair Share Plan, dated November 2015, which outlines the Township’s affordable housing obligation, provides information on past efforts to provide affordable housing and recommends the rezoning of property to provide additional affordable housing opportunities; and

**WHEREAS**, the Pinelands Commission received adopted copies of the 2015 Housing Element and Fair Share Plan and Ordinance 2015-17 on December 21, 2015; and

**WHEREAS**, by email dated January 12, 2016, Waterford Township requested an extension of the Pinelands Commission’s review period for the 2015 Housing Element and Fair Share Plan and Ordinance 2015-17 in order to provide an opportunity for the Township to consider additional ordinance amendments; and

**WHEREAS**, by letter dated January 12, 2016, the Executive Director notified the Township that an extension until March 14, 2016 was granted; and

**WHEREAS**, by email dated March 22, 2016, Waterford Township requested a further extension of the Commission’s review period in order to provide an opportunity for the Township to complete the adoption process for additional ordinance amendments; and

**WHEREAS**, by letter dated March 24, 2016, the Executive Director notified the Township that an extension through May 6, 2016 was granted; and

**WHEREAS**, by letter dated October 12, 2016, Waterford Township requested that the Commission’s review period for the 2015 Housing Element and Fair Share Plan and Ordinance 2015-17 again be extended so that it would coincide with Commission review of a revised redevelopment plan being adopted by the Township; and

**WHEREAS**, by letter dated October 18, 2016, the Executive Director notified the Township that an extension until December 31, 2016 was granted; and

**WHEREAS**, on December 14, 2016, Waterford Township adopted Ordinance 2016-25, approving a revised redevelopment plan for the Haines Boulevard Redevelopment Area to allow for mixed use and high density residential development; and

**WHEREAS**, the Pinelands Commission received a certified, adopted copy of Ordinance 2016-25 on December 20, 2016; and

**WHEREAS**, on February 8, 2017, Waterford Township adopted Ordinances 2017-6 and 2017-7, amending Chapter 176 by revising the submission requirements for development applications in the Haines Boulevard Redevelopment Area and requiring the use of Pinelands Development Credits for residential development in the R1, R2, R3 and R4 Zones; and

**WHEREAS**, the Pinelands Commission received certified, adopted copies of Ordinances 2017-6 and 2017-7 on February 13, 2017; and

**WHEREAS**, by letter dated February 15, 2017, the Executive Director notified the Township that the 2015 Housing Element and Fair Share Plan and Ordinances 2015-17, 2016-25, 2017-6 and 2017-7 would require formal review and approval by the Pinelands Commission; and

**WHEREAS**, a public hearing to receive testimony concerning the Township’s application for certification of its 2015 Housing Element and Fair Share Plan and Ordinances 2015-17, 2016-25, 2017-6 and 2017-7 was duly advertised, noticed and held on March 8, 2017 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

**WHEREAS**, the Executive Director has found that the 2015 Housing Element and Fair Share Plan and Ordinances 2015-17, 2016-25, 2017-6 and 2017-7 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

**WHEREAS**, the Executive Director has submitted a report to the Commission recommending the issuance of an order to certify that Waterford Township’s 2015 Housing Element and Fair Share Plan and Ordinances 2015-17, 2016-25, 2017-6 and 2017-7, adopting a redevelopment plan for the Haines Boulevard Redevelopment Area and amending Chapter 176 (Land Use, Development and Zoning) of the Township’s Code, are in conformance with the Pinelands Comprehensive Management Plan; and

**WHEREAS**, the Commission’s CMP Policy and Implementation Committee has reviewed the Executive Director’s report and recommended that the 2015 Housing Element and Fair Share Plan and Ordinances 2015-17, 2016-25, 2017-6 and 2017-7 be certified; and

**WHEREAS**, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning the 2015 Housing Element and Fair Share Plan and Ordinances 2015-17, 2016-25, 2017-6 and 2017-7 and has reviewed the Executive Director’s report; and

**WHEREAS**, the Pinelands Commission accepts the recommendation of the Executive Director; and

**WHEREAS**, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

**NOW, THEREFORE BE IT RESOLVED** that

1. An Order is hereby issued to certify that Waterford Township’s 2015 Housing Element and Fair Share Plan and Ordinances 2015-17, 2016-25, 2017-6 and 2017-7, adopting a redevelopment plan for the Haines Boulevard Redevelopment Area and amending Chapter 176 (Land Use, Development and Zoning) of the Township’s Code, are in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to the Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

**Record of Commission Votes**

AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*
Ashmun				Galletta				McGlinchey			
Avery				Hays				Prickett			
Barr				Jannarone				Quinn			
Brown				Lloyd				Rohan Green			
Chila				Lohbauer				Earlen			

\* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: \_\_\_\_\_

\_\_\_\_\_  
Nancy Wittenberg  
Executive Director

\_\_\_\_\_  
Sean W. Earlen  
Chairman



State of New Jersey  
 THE PINELANDS COMMISSION  
 PO Box 359  
 NEW LISBON, NJ 08064  
 (609) 894-7300  
 www.nj.gov/pinelands



Chris Christie  
 Governor

Kim Guadagno  
 Lt. Governor

General Information: Info@njpines.state.nj.us  
 Application Specific Information: AppInfo@njpines.state.nj.us

Sean W. Earlen  
 Chairman

Nancy Wittenberg  
 Executive Director

**REPORT ON WATERFORD TOWNSHIP'S 2015 HOUSING ELEMENT AND FAIR SHARE PLAN AND ORDINANCES 2015-17, 2016-25, 2017-6 AND 2017-7, ADOPTING A REDEVELOPMENT PLAN FOR THE HAINES BOULEVARD REDEVELOPMENT AREA AND AMENDING CHAPTER 176 (LAND USE, DEVELOPMENT AND ZONING) OF THE TOWNSHIP'S CODE**

March 24, 2017

Waterford Township  
 2131 Auburn Avenue  
 Atco, NJ 08004

**FINDINGS OF FACT**

I. Background

The Township of Waterford is located in the western portion of the Pinelands Area, in eastern Camden County. Pinelands municipalities that abut Waterford Township include the Boroughs of Berlin and Chesilhurst and the Townships of Berlin and Winslow in Camden County, the Townships of Evesham, Medford and Shamong in Burlington County and the Town of Hammonton in Atlantic County.

On July 8, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Waterford Township.

On November 9, 2015, Waterford Township adopted Ordinance 2015-17, amending Chapter 176 (Land Use, Development and Zoning) of the Township's Code by rezoning two lots (Block 601, Lots 44 and 45) from the PHB (Planned Highway Business) Zone to the R-4 (Residential, High Density) Zone, within the Regional Growth Area.

On December 7, 2015, the Waterford Township Land Use Board adopted Resolution 2015-16, approving a Housing Element and Fair Share Plan, dated November 2015, which outlines the Township's affordable housing obligation, provides information on past efforts to provide affordable housing and recommends the rezoning of property to provide additional affordable housing opportunities. The Pinelands Commission received adopted copies of the 2015 Housing Element and Fair Share Plan and Ordinance 2015-17 on December 21, 2015.

By email dated January 12, 2016, Waterford Township requested an extension of the Pinelands Commission's review period for the 2015 Housing Element and Fair Share Plan and Ordinance 2015-17 in order to provide an opportunity for the Township to consider additional ordinance amendments. By

letter dated January 12, 2016, the Executive Director notified the Township that an extension until March 14, 2016 was granted.

By email dated March 22, 2016, Waterford Township requested a further extension of the Commission's review period in order to provide an opportunity for the Township to complete the adoption process for additional ordinance amendments. By letter dated March 24, 2016, the Executive Director notified the Township that an extension through May 6, 2016 was granted.

By letter dated October 12, 2016, Waterford Township requested that the Commission's review period for the 2015 Housing Element and Fair Share Plan and Ordinance 2015-17 again be extended so that it would coincide with Commission review of a revised redevelopment plan being adopted by the Township. By letter dated October 18, 2016, the Executive Director notified the Township that an extension until December 31, 2016 was granted.

On December 14, 2016, Waterford Township adopted Ordinance 2016-25, approving a revised redevelopment plan for the Haines Boulevard Redevelopment Area to allow for mixed-use and high density residential development. The Pinelands Commission received a certified, adopted copy of Ordinance 2016-25 on December 20, 2016.

On February 8, 2017, Waterford Township adopted Ordinances 2017-6 and 2017-7, amending Chapter 176 by revising the submission requirements for development applications in the Haines Boulevard Redevelopment Area and requiring the use of Pinelands Development Credits for residential development in the R1, R2, R3 and R4 Zones. The Pinelands Commission received certified, adopted copies of Ordinances 2017-6 and 2017-7 on February 13, 2017.

By letter dated February 15, 2017, the Executive Director notified the Township that the 2015 Housing Element and Fair Share Plan and Ordinances 2015-17, 2016-25, 2017-6 and 2017-7 would require formal review and approval by the Pinelands Commission.

## II. Master Plans and Land Use Ordinances

The following documents have been submitted to the Pinelands Commission for certification:

- \* Resolution 2015-16, amending the Master Plan of Waterford Township by adopting a Housing Element and Fair Share Plan, dated November 2015, adopted by the Waterford Township Land Use Board on December 7, 2015;
- \* Ordinance 2015-17, amending Chapter 176 (Land Use, Development and Zoning) of the Code of Waterford Township, introduced on October 14, 2015 and adopted on November 9, 2015;
- \* Ordinance 2016-25, adopting a Redevelopment Plan for the Haines Boulevard Redevelopment Area, introduced on November 9, 2016 and adopted on December 14, 2016;
- \* Ordinance 2017-6, amending Chapter 176 (Land Use, Development and Zoning) of the Code of Waterford Township, introduced on January 19, 2017 and adopted on February 8, 2017; and

- \* Ordinance 2017-7, amending Chapter 176 (Land Use, Development and Zoning) of the Code of Waterford Township, introduced on January 19, 2017 and adopted on February 8, 2017.

The above-referenced master plan and ordinance amendments have been reviewed to determine whether they conform with the standards for certification of municipal master plans and land use ordinances as set out in N.J.A.C. 7:50-3.39 of the Pinelands Comprehensive Management Plan. The findings from this review are presented below. The numbers used to designate the respective items correspond to the numbers used to identify the standards in N.J.A.C. 7:50-3.39.

## 1. **Natural Resource Inventory**

Not applicable.

## 2. **Required Provisions of Land Use Ordinance Relating to Development Standards**

### *Affordable Housing*

Land Use Board Resolution 2015-16 adopts the Township's November 2015 Housing Element and Fair Share Plan. The Housing Element provides an inventory of the municipality's existing housing stock, a brief discussion of the projected housing stock and detailed demographic and employment data related to Waterford. The Fair Share Plan outlines the Township's affordable housing obligation, provides information on past efforts to provide affordable housing and recommends the rezoning of property in the Regional Growth Area to provide additional affordable housing opportunities.

Subsequent to adoption of the above-described Housing Element and Fair Share Plan, the Township entered into a settlement agreement with Fair Share Housing Center. Said settlement agreement establishes the Township's Third Round prospective need of 205 affordable housing units, applies a 16-unit credit carried over from the prior round and details the manner in which the remaining obligation will be met. Based on the terms of the settlement agreement, the Township's entire Third Round prospective need will be met in the Haines Boulevard Redevelopment Area, where up to 240 affordable housing units will be developed. All new residential development of five or more units in the Redevelopment Area will be required to set aside a minimum of 20 percent of all units as affordable for low- and moderate-income households. Projects where 100 percent of the units are made affordable for such households will also be permitted. The settlement agreement between the Township and Fair Share Housing Center does not require the rezoning of other properties in the Regional Growth Area to accommodate affordable housing.

### *Haines Boulevard Redevelopment Plan*

In 2001, Waterford Township adopted a Redevelopment Plan for the Haines Boulevard Redevelopment Area, an area encompassing approximately 140 acres of land at the intersection of State Highway 73 and U.S. Highway 30 in the Regional Growth Area. At the time, the Redevelopment Area was already substantially developed with a mixture of residential and commercial uses. Based on the Redevelopment Plan adopted for the area by Ordinance 2001-30,



a variety of nonresidential uses were permitted in the Redevelopment Area, including commercial retail centers, conference centers, hotels, theaters, warehousing, research and design laboratories and light manufacturing facilities. Ordinance 2001-30 was reviewed by the Commission and found to raise no substantial issues with respect to conformance with the Pinelands Comprehensive Management Plan.

After many years with no redevelopment activity, the Township began reevaluating market conditions and the future development potential of the Redevelopment Area. The need for new residential development to support future commercial development was identified, as was the need to accommodate affordable housing in accordance with the above-described settlement agreement. Accordingly, the Township adopted Ordinance 2016-25, approving a revised Redevelopment Plan for the Haines Boulevard Redevelopment Area.

The boundaries of the Redevelopment Area (see Exhibit #1) remain the same. However, whereas the prior redevelopment plan limited future development to nonresidential uses, the revised plan adopted by Ordinance 2016-25 permits a wide variety of both residential and nonresidential uses, including mixed-use projects, single-family dwellings, townhouses, assisted living facilities, retail and service establishments, offices and institutional uses. The revised Redevelopment Plan establishes six land use districts within the Redevelopment Area, each with permitted uses, density and other design standards. There are two residential districts, the RD-1 and RD-2 Districts, within which residential development is permitted at five and six units per acre, respectively. Higher density (12 units per acre) is permitted in the TOD/Mixed-Use District, where townhouses, apartments and mixed-use buildings with commercial uses on the ground floor are envisioned. Mixed-use development is likewise permitted in the Community Commercial District at a density of five units per acre. The Institutional Use District allows for a variety of nonresidential uses including schools, libraries, community centers, retail and service establishments and hotels but also permits duplexes, townhouses and assisted living facilities at a density of six units per acre. For any residential project of five or more units in the above-described land use districts, twenty percent of the units must be made affordable for low- and moderate-income households. In addition, should all of the units in a project located in one of these five land use districts be affordable, a density of eight units per acre is permitted. Finally, the Redevelopment Plan includes a Utility District where roads, stormwater facilities and other infrastructure is and will be located. Exhibit #2 depicts the Land Use Plan for the Redevelopment Area with the boundaries of the six land use districts.

The revised Redevelopment Plan also includes a concept plan (see Exhibit #3) to illustrate how the Redevelopment Area might be developed in the future. This concept plan depicts area of highest residential density clustered near the Atco Train Station, with lower density areas adjacent to off-site residentially developed areas. Traditional commercial development is located along U.S. Highway 30 (the White Horse Pike). While not binding, the concept plan may prove to be a useful tool in the Township's future work with redevelopers, a task complicated by the fact that there are 24 lots in the Redevelopment Area and nearly as many individual owners.

In total, the Redevelopment Plan adopted by Ordinance 2016-25 permits a maximum of 792 new residential units, which equates to a gross density of 5.65 units per acre in the Redevelopment Area as a whole. Such a density is significantly higher than that prescribed by the Comprehensive Management Plan for Waterford's Regional Growth Area. N.J.A.C. 7:50-5.28(a)1 and 3 require the Township to zone for a density of only 3.675 units per upland acre in its Regional Growth Area, for a total of 492 units. However, the Comprehensive Management

Plan does provide municipalities with the ability to zone portions of their Regional Growth Areas for higher densities, provided the lands in question are appropriate for more intensive development, sufficient opportunities for the use of Pinelands Development Credits are provided and infrastructure exists or can be provided to support the increased density.

The Haines Boulevard Redevelopment Area was the subject of detailed review by Commission staff in 2011. The area is partially developed, effectively surrounded by existing development and contains no wetlands or required wetlands buffer areas. Site inspections and review of prior records and applications led the staff to conclude the area has a low likelihood of supporting local populations of threatened and endangered species. All of these factors led to the Commission's decision to approve an alternate permitting program for the Redevelopment Area in 2012. More fully described in sections 3 and 6 below, this permitting program allows property owners to submit their development applications directly to the Township, without the need for prior Commission review or issuance of Certificates of Filing. Based on the existing development pattern, lack of environmental constraints and proximity to the existing Atco train station, the Haines Boulevard Redevelopment Area is clearly appropriate for higher intensity development, be it residential, nonresidential or mixed-use. In addition, the use of Pinelands Development Credits has been accommodated and, in fact, guaranteed, in the Redevelopment Area by Ordinance 2016-25 (see Section 8 below).

In terms of infrastructure, concerns with the availability and source of water to serve new development are explicitly addressed in the revised Redevelopment Plan. The Plan specifies that when the Township has allocated 70 percent of its available water capacity, no further applications for major development in the Haines Boulevard Redevelopment Area may be approved until the municipality has contractual arrangements in place to receive water from a source other than the Kirkwood-Cohansey aquifer. This requirement is of particular importance in Waterford Township, where the allocation of water and wastewater flow has been strictly controlled by the Commission, the Department of Environmental Protection and the Camden County Municipal Utilities Authority since 1988. Waterford's current water supply allocation of 652,000 gpd (gallons per day) from the Kirkwood-Cohansey was established at that time. Of that allocation, approximately 348,000 gpd or 53 percent is currently being used by existing development. This means that 47 percent, or 304,000 gpd, remains available for future development throughout the municipality. While not insignificant, this is insufficient to support full build-out in the Township's Regional Growth Area, nor will it support the increased intensity of development permitted in the revised Haines Boulevard Redevelopment Plan. The Township acknowledges the need to secure other sources of water to support future development and has already begun to explore available alternatives. When 70 percent of the available water capacity has been allocated, the Township will need to have contracts in place to implement one of these alternatives. Approximately 108,400 gpd of water can be allocated before the 70 percent "cap" is reached. At best, that amount of water might support one-third of the development potential of the Redevelopment Area. Securing an alternative source of water will therefore be critical to the Township's redevelopment efforts which, as noted previously, include both residential and nonresidential development and the municipality's entire prospective need for affordable housing.

### *Rezoning*

Ordinance 2015-17 amends Chapter 176 (Land Use, Development and Zoning) of the Township's Code by rezoning two lots (Block 601, Lots 44 and 45) from the PHB (Planned

Highway Business) Zone to the R-4 (Residential, High Density) Zone, within the Regional Growth Area (see Exhibit #4). The lots are vacant, unconstrained by wetlands or required wetlands buffer areas, and total approximately 22 acres in size.

Permitted uses in the PHB Zone include a wide variety of retail commercial uses, warehousing, research laboratories, offices, hospitals and commercial-scale solar power arrays. New residential development is not permitted. By contrast, permitted uses in the R4 Zone are limited to residential development (single-family detached units, duplexes, townhouses and senior citizen housing), at a maximum permitted density of 5.25 units per acre. By rezoning Block 601, Lots 44 and 45 to the R4 Zone, Ordinance 2015-17 increases the residential zoning capacity of Waterford's Regional Growth Area by 117 units.

Ordinance 2015-17 was originally adopted to implement one of the recommendations of the Township's 2015 Fair Share Plan. The two rezoned lots were thought to be an appropriate location for higher density (8 units per acre) affordable housing. Ultimately, however, the Township elected to accommodate its entire affordable housing obligation in the Haines Boulevard Redevelopment Area. Therefore, although the new residential zoning designation for Block 601, Lots 44 and 45 remains, these two lots are no longer designated for affordable housing and are subject to the permitted density and other requirements of the R4 Zone. The use of Pinelands Development Credits for a certain percentage of the units developed on this rezoned property and others in the R4 Zone is discussed in section 8 below.

### *Summary*

The above-described redevelopment plan and zoning change affect developable lands in Waterford's existing Regional Growth Area. Together, they increase the residential zoning capacity of the Regional Growth Area by approximately 900 units, while providing increased opportunities for mixed-use development, affordable housing and a variety of residential housing types. The 2015 Housing Element and Fair Share Plan and Ordinances 2015-17 and 2016-25 are consistent with CMP goals and objectives for the Regional Growth Areas. Therefore, this standard for certification is met.

### **3. Requirement for Certificate of Filing and Content of Development Applications**

Ordinance 2017-6 amends Chapter 176 (Land Use, Development and Zoning) of the Code of Waterford Township by revising the simplified permitting system previously established for the Haines Boulevard Redevelopment Area. Under this process, which was certified by the Commission in February 2012, the Township's Local Review Officer first determines whether a proposed development is located in the Redevelopment Area, is consistent with the Redevelopment Plan, is or will be served by public sanitary sewer, and otherwise addresses all applicable standards in Article VIII (General Provisions and Design Standards) of Chapter 176, including stormwater management. Applications for development which are found to meet these criteria are not required to include wetlands delineation mapping, threatened and endangered species surveys, cultural resource surveys (with the exception of Block 301, Lot 13) or Certificates of Filing from the Commission. They may simply proceed to the Planning Board to obtain subdivision and/or site plan approvals. If an application does not meet the specified criteria, it must follow the "normal" application process and obtain a Certificate of Filing from the Commission before seeking any municipal approvals.

Ordinance 2017-6 adds one additional step to the permitting process. Upon determining that an application for development in the Redevelopment Area is complete, the Local Review Officer will now be required to provide certain important information about that application to the Commission. This includes the block and lot designation of the property proposed for development, the number of proposed units, the number of affordable housing units, the proposed square footage of any nonresidential development, the anticipated water needs of the proposed development and the proposed source for the necessary water supply. Receipt of this information will allow the Commission to track proposed development activity in the Haines Boulevard Redevelopment Area and alert the Township and applicants to any possible issues with anticipated water use, affordable housing or use of Pinelands Development Credits. As noted in section 2 above, when the Township has allocated 70 percent of its available water capacity, additional major development projects in the Redevelopment Area cannot be approved until contractual arrangements are in place for a non-Kirkwood-Cohansey source of water. Also, when and if 240 affordable housing units are approved in the Redevelopment Area, any additional affordable units will be subject to the Pinelands Development Credit requirements described in section 8 below. It is therefore critical that the information required in Ordinance 2017-6 be provided to the Commission so that any issues can be identified early on in the application process.

The Commission adopted a set of amendments to the CMP effective August 1995 in an attempt to afford Pinelands municipalities greater flexibility in establishing and implementing alternative local permitting programs. N.J.A.C. 7:50-3.81 through 3.85 of the Comprehensive Management Plan specify that an alternative permitting program may be certified by the Commission if certain standards are met as follows: the municipality in question must demonstrate the capability to implement the program efficiently and effectively; the program must ensure that its application requirements and resulting permit decisions are adequate to determine compliance with subchapters 5 and 6 of the Comprehensive Management Plan and the municipality's land use ordinances; the program must ensure that adequate, qualified and capable personnel will administer it and that safeguards exist if personnel changes occur; and the program must ensure that all applicants receive any necessary Waivers of Strict Compliance from the Commission. The permitting system adopted by Ordinance 2011-19 for the Haines Boulevard Redevelopment Area, as amended by Ordinance 2017-6, continues to comply with these standards.

The August 1995 Comprehensive Management Plan amendments also require that the Executive Director periodically review and report to the Commission on any approved alternative permitting program. The purpose of such review is to enable the Commission to evaluate whether or not development approved under an alternative permitting system is meeting all applicable Pinelands standards. Because no such development has been approved since the Commission's certification of the permitting program in 2012, there has been nothing to evaluate to this point in time. A full review will be completed within three years of the Commission's certification of Ordinance 2017-6.

#### **4. Requirement for Municipal Review and Action on All Development**

Not applicable.

## **5. Review and Action on Forestry Applications**

Not applicable.

## **6. Review of Local Permits**

As noted in Section 3 above, Ordinance 2017-6 makes minor revisions to the alternate permitting process previously adopted by Ordinance 2011-19 and certified by the Commission. This process currently requires the Township's Local Review Officer to determine whether an application for development: (1) is located in the Haines Boulevard Redevelopment Area; (2) is consistent with the Redevelopment Plan; (3) is served or proposed to be served by public sanitary sewer; and (4) otherwise addresses all applicable standards in Article VIII (General Provisions and Design Standards) of Chapter 176, including stormwater management. Upon making such a determination, the application is deemed eligible for participation in the alternate permitting program and allowed to proceed directly to the Township Planning Board for any necessary subdivision and/or site plan approvals. As is specified in Section 176-14.3B by Ordinance 2011-19, any approvals or permits for development within the Haines Boulevard Redevelopment Area will continue to be subject to the normal notice and review requirements of the Comprehensive Management Plan and Sections 176-14.6 and 176-14.7 of Waterford Township's Land Development Ordinance. This requirement meets the standards of N.J.A.C. 7:50-3.83(a)5, which specifies that any alternative permitting program must either allow for Commission review of local approvals or provide for periodic review of local permits by the Commission.

The permitting system previously established by Ordinance 2011-19 and amended by Ordinance 2017-6 continues to provide sufficient opportunity for Commission review of applications for development within the Haines Boulevard Redevelopment Area. Therefore, this standard for certification is met.

## **7. Requirement for Capital Improvement Program**

Not applicable.

## **8. Accommodation of Pinelands Development Credits**

N.J.A.C. 7:50-3.39(a)8 specifies that in order to be certified by the Commission, municipal land use ordinances must provide for sufficiently residentially zoned property in the Regional Growth Area to be eligible for an increase in density to accommodate Pinelands Development Credits as provided for in N.J.A.C. 7:50-5.28(a)3. As described in Section 2 above, Ordinances 2015-17 and 2016-25 zone new areas within Waterford's Regional Growth Area for residential development, increasing residential zoning capacity by approximately 900 units.

In order to comply with N.J.A.C. 7:50-3.39(a)8, Ordinance 2016-25 requires that Pinelands Development Credits be acquired and redeemed for 30 percent of all market-rate residential units in projects of five units or more in the Haines Boulevard Redevelopment Area. Affordable housing units are excluded from the Pinelands Development Credit requirement until such time

as the number of affordable units proposed in the Redevelopment Area exceeds 240, at which point Pinelands Development Credits will be required for all future units at the 30 percent rate, whether they are affordable or market-rate. Based on the revised Redevelopment Plan adopted by Ordinance 2016-25, this Pinelands Development Credit requirement will result in an opportunity for use of 165 rights (41.25 full Pinelands Development Credits) in the Haines Boulevard Redevelopment Area.

Ordinance 2017-7 requires that Pinelands Development Credits be acquired and redeemed for 30 percent of all units in the four residential zones in the Township's Regional Growth Area (R1, R2, R3 and R4), regardless of project size or density. Affordable housing units in these four zones will not be "exempt" from the Pinelands Development Credit requirement. Only one exception is provided by Ordinance 2017-17: the development of one home on an existing conforming lot will not be subject to the 30 percent Pinelands Development Credit requirement. When applied to the property rezoned from the PHB (Planned Highway Business) Zone to the R4 Zone by Ordinance 2015-17, the 30 percent requirement results in a new opportunity for use of 36 rights (9 full Pinelands Development Credits). In addition, vacant lands already in these four residential will be subject to the new requirement; they will no longer have a traditional "base" density and an optional "bonus" density achievable through the use of credits. Instead, the previously certified maximum zone densities (2.25 units per acre in R1; 3.0 in R2; 4.5 in R3; 5.25 in R4) will be permitted as a matter of right, with Pinelands Development Credit use a required component of every project.

While the 30 percent Pinelands Development Credit requirement adopted for the Redevelopment Area and R1, R2, R3 and R4 Zones is not as high a number as would be provided through the more traditional zoning approach where Pinelands Development Credits would account for 33 percent of the total number of permitted units, it is important to remember that the traditional base density/bonus density approach utilized throughout the Pinelands Area only provides an *opportunity* for the use of Pinelands Development Credits. There is no requirement under the traditional approach that any credits be used in any particular development project. With minor exceptions, Ordinance 2017-7 *guarantees* that Pinelands Development Credits will be purchased and redeemed as part of the approval of any residential development within the R1, R2, R3 and R4 Zones, regardless of the density or number of units that are ultimately built. Likewise, the use of credits will be guaranteed in any market rate development in the Haines Boulevard Redevelopment Area of five or more units. Given the greater certainty provided by this approach, the Executive Director believes that the Pinelands Development Credit requirements adopted by Ordinances 2016-25 and 2017-7 should be viewed as being consistent with Comprehensive Management Plan standards.

This standard for certification is met.

## **9. Referral of Development Applications to Environmental Commission**

Not applicable.

**10. General Conformance Requirements**

Waterford Township's 2015 Housing Element and Fair Share Plan and Ordinances 2015-17, 2016-25, 2017-6 and 2017-7, adopting a Redevelopment Plan for the Haines Boulevard Redevelopment Area and amending Chapter 176 (Land Use, Development and Zoning) of the Code of Waterford Township, are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan.

This standard for certification is met.

**11. Conformance with Energy Conservation**

Not applicable.

**12. Conformance with the Federal Act**

Waterford Township's 2015 Housing Element and Fair Share Plan and Ordinances 2015-17, 2016-25, 2017-6 and 2017-7, adopting a Redevelopment Plan for the Haines Boulevard Redevelopment Area and amending Chapter 176 (Land Use, Development and Zoning) of the Code of Waterford Township, are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act.

This standard for certification is met.

**13. Procedure to Resolve Intermunicipal Conflicts**

With one exception, the zoning changes adopted by Waterford Township do not affect lands on the municipality's boundary. The western edge of the Haines Boulevard Redevelopment Area does, however, abut Berlin Borough's Regional Growth Area. In Berlin Borough, the adjacent lands straddle State Highway 73 and are included in the PC-2 (Neighborhood Commercial) Zone, where a wide variety of retail and service uses are permitted, as well as offices, restaurants, health clubs, child care centers and animal hospitals. Preexisting residential uses are also permitted. This range of permitted uses is not dissimilar to what is permitted by Ordinance 2016-25 in the revised Redevelopment Plan for the Haines Boulevard Redevelopment Area. Therefore, intermunicipal conflicts are not anticipated and this standard for certification is met.

**PUBLIC HEARING**

A public hearing to receive testimony concerning Waterford Township's application for certification of its 2015 Housing Element and Fair Share Plan and Ordinances 2015-17, 2016-25, 2017-6 and 2017-7 was duly advertised, noticed and held on March 8, 2017 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing, at which the following testimony was received:



Katie Smith, with the Pinelands Preservation Alliance (PPA), stated that PPA remains concerned with the alternate permitting system previously certified by the Commission for development in the Haines Boulevard Redevelopment Area. She noted the potential habitat in the area for timber rattlesnake, great blue heron and bog turtle. She stated that the presence of rare plants in the area is unknown because no survey has been done. Ms. Smith concluded by stating that PPA would be submitting written comments.

There being no further testimony, the hearing was concluded at 9:40 a.m.

Written comments on Waterford Township's 2015 Housing Element and Fair Share Plan and Ordinances 2015-17, 2016-25, 2017-6 and 2017-7 were accepted through March 13, 2017 and were received from the following individual:

Katherine Smith, Policy Advocate, Pinelands Preservation Alliance (see Exhibit #5)

### **EXECUTIVE DIRECTOR'S RESPONSE**

The concerns expressed by Ms. Smith for the Pinelands environment are appreciated and were taken into account during the certification process for Waterford Township Ordinance 2011-9, which established the alternate permitting process currently in place in the Haines Boulevard Redevelopment Area. At that time, the Commission staff conducted a detailed review of the Redevelopment Area for consistency with the threatened and endangered species protection standards of the CMP. Commission staff site inspections, consideration of the vegetation communities present in the Redevelopment Area, review of numerous prior applications in the Redevelopment Area, known threatened and endangered species sighting information and the existing land use pattern of the surrounding area all indicated that the Redevelopment Area had a low likelihood of supporting local populations of threatened and endangered species. The staff determined that the submission of threatened and endangered species surveys for purposes of determining consistency with the CMP was unnecessary. Further detail about this determination, made in 2012, follows:

When viewing an aerial photograph of the region (see Exhibit #1), the Redevelopment Area appears to be effectively surrounded by existing development. Specifically, the Redevelopment Area is surrounded by the following:

- State Highway 73 borders the Redevelopment Area to the west and a “clover-leaf” interchange at the intersection of US Highway 30 and State Highway 73 borders the southwestern portion of the Redevelopment Area. Sporadic commercial development is located immediately across State Highway 73 from the Area; however, high intensity residential and commercial development is located less than a mile west of State Highway 73;
- A New Jersey Transit rail line and existing commercial/industrial uses borders the Redevelopment Area to the north;
- High density residential development borders the Redevelopment Area to the east; and
- U.S. Highway 30 and existing commercial and residential uses borders the Redevelopment Area to the south.
- Approximately half the Redevelopment Area is forested. The other half consists of existing developed commercial and residential uses and cleared acreage.

Since 1981, the Commission staff has reviewed 25 applications for development in the Redevelopment Area. The Commission staff also reviewed an application for the development of Haines Boulevard, which bisects the Redevelopment Area. Review of these applications included staff site inspections and review of the proposed developments for consistency with all environmental standards of the CMP, including the threatened and endangered species protection standards.

During 2011, Commission staff performed two additional site inspections of the Redevelopment Area, specifically associated with the Commission's discussions with Waterford Township regarding the possibility of an alternate permitting program within the Redevelopment Area.

Based upon review of past applications, available threatened and endangered species sighting information, the existing land use pattern of the surrounding environs and consideration of the vegetation communities present on the parcel, it was determined that the Redevelopment Area had a low likelihood of supporting local populations of threatened and endangered species for the following reasons:

- Eastern box turtle and Great Blue heron, both mentioned by Ms. Smith in her oral comments, are not listed as threatened or endangered by the New Jersey Department of Environmental Protection and are not afforded threatened and endangered species protection pursuant to the CMP.
- The Commission has one record of Timber rattlesnake, from 1980, in a forest patch within the Redevelopment Area. However, the Redevelopment Area does not contain suitable hibernacula habitat for Timber rattlesnake.
- The existing development pattern surrounding and within the Redevelopment Area acts as a fragmenting barrier that makes the Redevelopment Area unlikely for use by Northern pine snake and/or Timber rattlesnake.
- The Redevelopment Area does not appear to contain suitable nesting habitat for Northern pine snake.
- The Commission staff has no records for other threatened or endangered animal species in the vicinity of the Redevelopment Area.
- The Commission has a record of one threatened/endangered plant species, Pine Barrens boneset, in the vicinity of, but not in, the Redevelopment Area. This species is a wetland species and there is little likelihood that this wetlands species would be present within the Redevelopment Area because there are no wetlands located within the Redevelopment Area.
- If individual development applications for parcels within the Redevelopment Area were submitted to the Commission, based upon existing habitat and the lack of known sightings of threatened and endangered plant species in this area, threatened and endangered plant surveys would not be required. Since threatened or endangered plant surveys would not be required for an individual application in the Redevelopment Area, it did not seem necessary or appropriate to require the completion of a threatened or endangered plant survey prior to approving an alternate permitting process for the area as a whole.
- Regarding Ms. Smith's concern with the presence of unknown threatened and endangered plant populations, although the staff does acknowledge that there are sites throughout the Pinelands that

contain threatened and endangered plant species populations yet to be discovered, it is unlikely that the Redevelopment Area contains any threatened or endangered plant populations. This determination is based upon the extent of development that has already occurred within the Redevelopment Area, the continued review of the Redevelopment Area by Commission staff during the course of 25 development applications, staff site inspections and the lack of other threatened or endangered plant species in the vicinity of the Redevelopment Area.

It should be noted that the amendments made by Ordinance 2017-6 consist of minor changes to the alternate permitting system so that it will reflect the revisions made to the Haines Boulevard Redevelopment Plan relative to permitted uses, affordable housing and water use. These changes require the Local Review Officer to report certain information to the Commission upon determining that an application for development in the Redevelopment Area is complete. The addition of this notice requirement will provide the Commission with greater ability to keep track of the amount of development being proposed in the Redevelopment Area and its associated water use. The remainder of the permitting process remains unchanged and continues to be appropriate for the Redevelopment Area.

### **CONCLUSION**

Based on the Findings of Fact cited above, the Executive Director has concluded that Waterford Township's 2015 Housing Element and Fair Share Plan and Ordinances 2015-17, 2016-25, 2017-6 and 2017-7 comply with Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify the 2015 Housing Element and Fair Share Plan and Ordinances 2015-17, 2016-25, 2017-6 and 2017-7 of Waterford Township.

SRG/CWT  
Attachments



**H**  
0 200 400 Feet  
Source: NJDEP, NJGIN, NJOGIS, NJDOT,  
Waterford Twp, 2015 Aerial Imagery

Aerial Map  
Haines Boulevard Redevelopment Plan - Waterford, NJ

**HEYER GRUEL & ASSOCIATES**  
April 2016





**Redevelopment Area**

**Proposed Network**

- Mandatory 1st Floor Commercial
- RD1: Single Family Residential
- RD-2: Single-, Two-Family, & Townhouse
- TOD/Mixed Use
- Community Commercial
- ID: Institutional
- Utilities

0 200 400 Feet

Source: NJDEP, NJGIN, NJOGIS, NJDOT, Waterford Twp

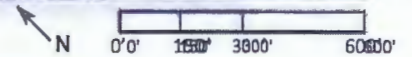
Land Use Plan  
Haines Boulevard Redevelopment Plan - Waterford, NJ

HEYER GRUEL & ASSOCIATES  
April 2016





Haines Boulevard Redevelopment Area Illustrative Concept Plan





# Waterford Township




## Proposed Zoning Change

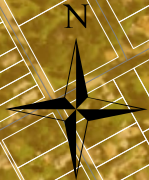
Executive Director's Report  
Waterford Township  
Ordinance 2015-17  
March 24, 2017  
Exhibit 4

Lots proposed to be rezoned from PHB to R4

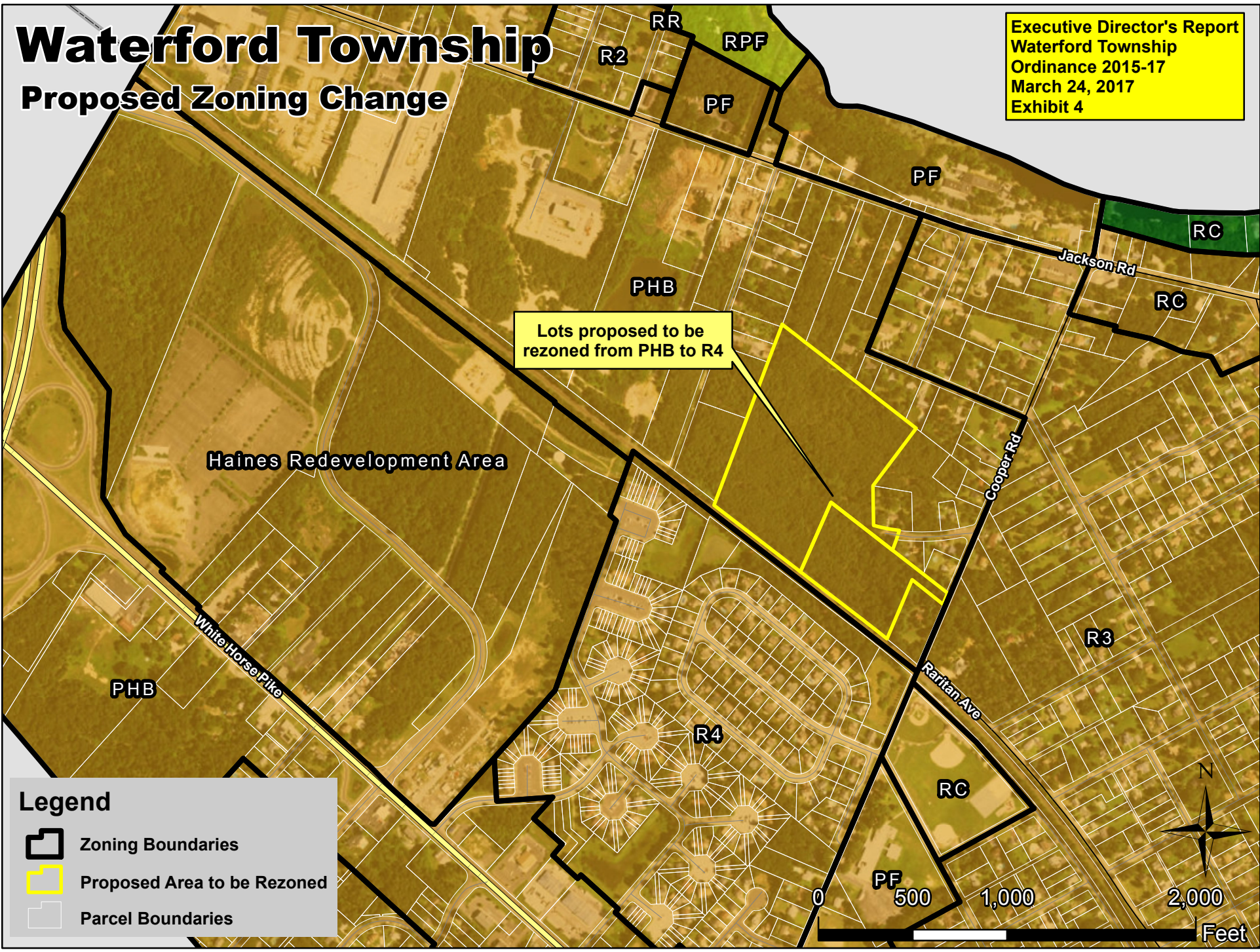
Haines Redevelopment Area

**Legend**

-  Zoning Boundaries
-  Proposed Area to be Rezoned
-  Parcel Boundaries


0 500 1,000 2,000 Feet







## Pinelands Preservation Alliance

Bishop Farmstead ♦ 17 Pemberton Road ♦ Southampton NJ ♦ 08088  
Phone: 609-859-8860 ♦ ppa@pinelandsalliance.org ♦ www.pinelandsalliance.org

Protecting the Pinelands  
since 1989

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with linseed ink.

March 13, 2017

New Jersey Pinelands Commission  
15 Springfield Road  
New Lisbon, NJ 08064  
Waterford Township – Ordinance 2017-6

I am writing to express my concerns with Waterford Township ordinance 2017-6, which excludes developments within the Haines Boulevard Redevelopment Area from requirements to conduct mapping/delineation of wetlands, cultural resources surveys, and threatened and endangered species surveys. A preliminary review of the landscape data available for the proposed redevelopment indicates that the much of area is home to State-listed endangered species, as seen in the attached map. PPA submitted comments at the time that similar Waterford Township Ordinance 2011-19 was before the Commission, and the concerns remain the same for this area. NJAC 7:50-6.27 and 7:50-6.33 explicitly prohibit development unless designed to avoid irreversible adverse impacts on habitats critical to the survival of threatened or endangered plant or wildlife species. Of particular concern is habitat for timber rattle snake. Without a survey, it is unknown what species of threatened and endangered plants are likely to occur on this site. Neither this ordinance nor the redevelopment plan provides evidence that adverse impacts would be avoided.

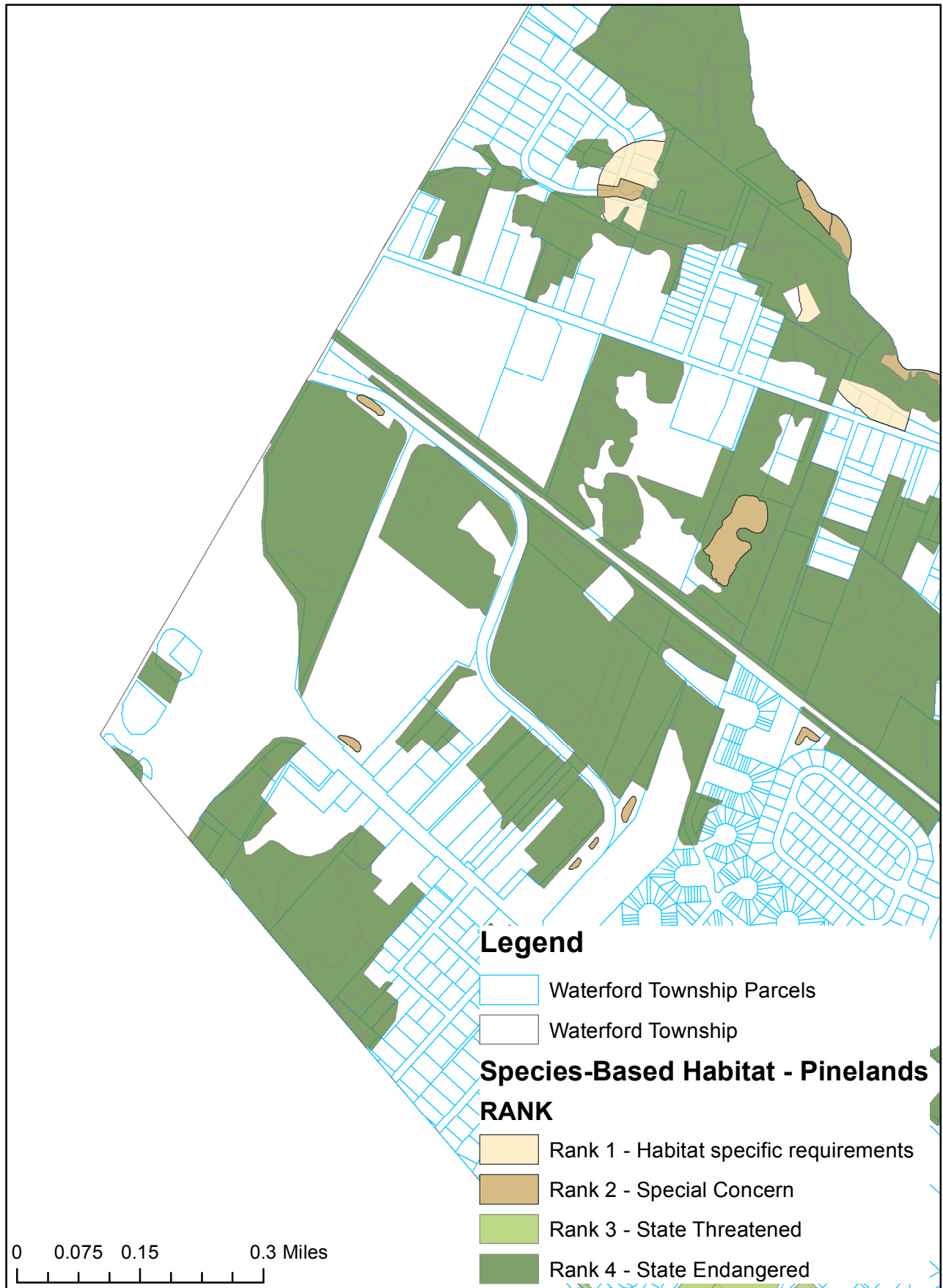
Sincerely,

A handwritten signature in black ink, appearing to read 'Katherine Smith', written in a cursive style.

Katherine Smith  
Policy Advocate  
Pinelands Preservation Alliance



# Waterford Township Redevelopment





**DRAFT**

**RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

NO. PC4-17-\_\_\_\_\_

**TITLE:** Designating certain areas within Wharton State Forest as Inappropriate for Use by Motor Vehicles.

Commissioner \_\_\_\_\_ moves and Commissioner \_\_\_\_\_ seconds the motion that:

**WHEREAS**, pursuant to the Comprehensive Management Plan ("CMP"), the Pinelands Commission "shall from time to time designate areas which are inappropriate for use of motor vehicles;" N.J.A.C. 7:50-6.143(a)3; and

**WHEREAS**, N.J.A.C. 7:50-6.143(a)3 provides that "such designation shall be based upon" the following enumerated considerations:

- (1) A need to protect a scientific study area;
- (2) A need to protect the location of threatened or endangered plant or animal species;
- (3) A need to provide a wilderness recreational area;
- (4) A need to prevent conflicts with adjoining intensively used recreational areas;
- (5) A need to protect historic or archaeological sites;
- (6) A need to protect critical wildlife habitats;
- (7) A need to address a situation of public health and safety;
- (8) A need to protect extensively disturbed areas from further impact; and
- (9) The extent to which such road closure would substantially impair recreation access to and uses of surrounding resources;

**WHEREAS**, the CMP further provides that "such designation shall be based upon . . . consultation with the New Jersey Department of Environmental Protection and other interested persons;" N.J.A.C. 7:50-6.143(a)3; and

**WHEREAS**, at the Pinelands Commission meeting on January 15, 2016, Richard Boornazian, NJDEP Assistant Commissioner for Natural and Historic Resources, asked for the Commission's input on any new Motorized Access Plans (MAP) developed for Wharton State Forest; and

**WHEREAS**, at its January 15, 2016 meeting, the Policy & Implementation Committee of the Pinelands Commission heard testimony from the public regarding the damages being done by motorized vehicles to areas of Wharton State Forest that are not on currently mapped roads; and

**WHEREAS**, at its January 29, 2016 meeting, the Policy & Implementation Committee of the Pinelands Commission heard extensive testimony from the public regarding the damages being done by motorized vehicles to areas of Wharton State Forest that are not on currently mapped roads; and

**WHEREAS**, at its January 29, 2016 meeting, the Policy & Implementation Committee of the Pinelands Commission also heard extensive testimony from the public who use motorized vehicles in Wharton State Forest about their concerns for the preservation of the off-road areas of the Pinelands; and

**WHEREAS**, at its January 29, 2016 meeting, the Policy & Implementation Committee of the Pinelands Commission also heard extensive testimony from the public regarding the importance of access via mapped roads into the Pinelands for emergency purposes, as well as for recreational purposes; and

**WHEREAS**, at its October 14, 2016 meeting, the Pinelands Commission Executive Director reported that the Commission has been working closely with the NJDEP and will continue collaborating on the next steps at Wharton State Forest; and

**WHEREAS**, at its October 14, 2016 meeting, the Pinelands Commission heard a comprehensive presentation from its staff identifying 296 damaged sites that were reported to the Commission; and

**WHEREAS**, at its October 14, 2016 meeting, the Pinelands Commission Executive Director reported that the data that Commission staff has assembled about the disturbed sites will allow the Commission and the NJDEP to develop a variety of initiatives at Wharton State Forest including: enforcement strategies, restoration projects, monitoring of the parks landscape and future protection; and

**WHEREAS**, at its October 14, 2016 meeting, the Pinelands Commission heard a presentation from Mark Texel, NJDEP Director of Parks and Forestry, describing NJDEP's efforts to protect Environmentally Sensitive Areas (ESAs) at Wharton State Forest; and

**WHEREAS**, at its October 14, 2016 meeting, NJDEP Director Texel further stated that DEP had identified 11 areas at Wharton State Forest that needed immediate attention due to illegal off-road activity; and

**WHEREAS**, after consideration of the extensive public testimony and review of available mapped information, the Commission has identified the 1997 USGS Topological maps as providing the best baseline for designation of roads in Wharton State Forest; and

**WHEREAS**, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

**NOW, THEREFORE BE IT RESOLVED** that based upon the foregoing provisions of the CMP and the public presentations to the Pinelands Commission and its Policy & Implementation Committee:

- (1) The Pinelands Commission hereby designates as inappropriate for use of motor vehicles any and all areas on the 1997 USGS Topographical maps, attached hereto as Exhibit A and incorporated herein by reference, which are not designated as roads; and
- (2) The Pinelands Commission hereby declares that motor vehicle traffic is restricted to the roads marked on the attached 1997 USGS Topographical maps, and on any other roads that the NJDEP or Pinelands Commission may, from time to time, deem unsuitable for motor vehicle passage.
- (3) The Pinelands Commission directs its staff to forward this Resolution to the New Jersey Department of Environmental Protection and to consult with the Department regarding the areas designated in Paragraph (1) above.

**Record of Commission Votes**

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun					Galletta					McGlinchey				
Avery					Hays					Prickett				
Barr					Jannarone					Quinn				
Brown					Lloyd					Rohan Green				
Chila					Lohbauer					Earlen				

\* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: \_\_\_\_\_

\_\_\_\_\_  
Nancy Wittenberg  
Executive Director

\_\_\_\_\_  
Sean W. Earlen  
Chairman



Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

## State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

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Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

General Information: Info@njpines.state.nj.us  
Application Specific Information: AppInfo@njpines.state.nj.us

## MEMORANDUM

To: Members of the CMP Policy & Implementation Committee

From: Robyn A. Jeney *RAJ*

Date: March 15, 2017

Subject: Recommendations for a new round of acquisition using the Pinelands Conservation Fund

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The Pinelands Conservation Fund (PCF) was established to further the Commission's land protection program and ensure a greater level of preservation for the unique resources of the Pinelands Area. One of the four components of the PCF is the Land Acquisition Program.

At its August 8, 2014 meeting, the Pinelands Commission approved revisions to the PCF, including the transfer of \$500,000 from the Community Planning and Design account to the Land Acquisition account to further the Commission's permanent land protection efforts. A 2015 PCF grant round allocated \$750,000 to five projects, three of which successfully closed and two of which fell through. Following that round, the PCF Land Acquisition account currently contains just under \$1,000,000 available for grant allocations.

The Commission staff is proposing a new round of land acquisition, with the following recommendations:

- Dedicate \$500,000 of the current PCF Land Acquisition account for funding of a new round of projects in order to permanently protect important natural, cultural, historic and agricultural resources through the purchase of land interests.
- Prioritize allocations to:
  - Lands designated by Section 502 of the 1978 National Parks and Recreation Act, of which approximately 12,600 acres remain unpreserved;

- The 20 Planning Areas previously identified by the Commission’s Permanent Land Protection Committee as containing sensitive ground and surface water resources, threatened and endangered species habitat and unbroken forest cover, of which approximately 118,400 acres remain unpreserved (including approximately 13,200 acres in the Preservation Area District and approximately 63,600 acres in the Forest Area); and
  - Forest Areas within Ocean County, based on the original intent of a portion of the 2015 funds that was contributed to the PCF Land Acquisition account in 2008 by the New Jersey Turnpike Authority for the acquisition of parcels in association with a 2008 Memorandum of Agreement, \$768,042 of which became unrestricted as of June 30, 2014.
  - Environmentally significant properties currently experiencing or likely to experience off-road vehicle trespass. Commission staff recognizes that illegal use of large tracts of privately-owned lands by off-road vehicles is a threat to the continued ecological integrity of such sites. In many cases, lands may be deed-restricted or otherwise administratively protected from development but are not actively managed for protection from other impacts.
- Approval of the allocation of funds must be granted by:
    - The Policy and Implementation (P&I) Committee for lands located within the above three “priority allocation” areas; and
    - The full Pinelands Commission for “contingency” projects on lands located outside of the three “priority allocation” areas.
  - Allocation of funds may be made up to a maximum 33.3% of the project’s total cost, unless otherwise approved by the P&I Committee.
  - Use the same Deed of Conservation Restriction language from prior PCF rounds.

In the 2006 and 2009 Rounds of the PCF Land Acquisition Program, Conservation Resources Inc. (CRI) served as the Commission’s contracted facilitator. CRI collected grant applications, evaluated projects based on the Commission’s criteria, presented grant recommendations to the appropriate Committee, and ensured that grantees proceeded at a reasonable pace to complete their acquisition projects in accordance with the Commission’s assigned deadlines. CRI is no longer in operation, and as it was the only organization to respond to the Commission’s Requests for Proposals in 2006 and 2009, it is unlikely that the Commission can find another organization to serve as facilitator for the PCF Land Acquisition Program. Therefore Commission staff will undertake all responsibilities previously performed by CRI for the 2017 Round of grants, as it successfully did for the 2015 Round.

To assist in selecting projects that best meet the intent of the PCF Land Acquisition Program, Commission staff has developed project evaluation criteria (attached) to rank projects according to objective factors, such as project size, surface and/or head water presence, habitat quality and project feasibility. New factors for this round will address off-road vehicle threat and ongoing stewardship plans following property acquisition. Staff will use these rankings as the basis for allocation recommendations to the P&I Committee. In the event of a large number of funding applications and/or a total number of allocation requests that exceeds the amount of available funding, this evaluation system will be most helpful.

Should the P&I Committee authorize the initiation of this new round of PCF acquisition, staff is prepared to distribute applications and information to local, statewide and regional land conservation groups to announce the availability of funding on or around April 1, 2017. After review of the submitted applications, staff anticipates presenting recommended projects to the P&I Committee at its July 28, 2017 meeting.

**2017 Pinelands Conservation Fund Land Acquisition Project Evaluation Criteria:**

FACTOR	LOW (1)	MEDIUM (3)	HIGH (5)
<b>Location:</b> is the project located in one of the PCF focus areas (sub-regional plan corridors, 502 target areas, 18 planning areas, GSP/Ocean County)?	In Regional Growth, Town, Village or Rural Development Area <b>AND</b> none of the pre-designated focus areas	In pre-designated focus areas <b>OR</b> Preservation Area District, Special Ag Production Area, Ag Production Area or Forest Area	In pre-designated focus areas <b>AND</b> in Preservation Area District, Special Ag Production Area, Ag Production Area or Forest Area
<b>Contiguity:</b> is the project site contiguous with any protected lands?	Not contiguous with protected land	Contiguous with less than 100 acres of protected land	Contiguous with 100 acres or more of protected land
<b>Size:</b> how large is the parcel to be acquired for conservation?	Less than 50 acres	Between 50 and 100 acres	100 acres or more; <b>add another 5 points above 500 acres</b>
<b>Off-road vehicle threat:</b> is there evidence of illegal off-road vehicle use on or in the immediate vicinity of the site?	No evidence within a mile	Evidence of off-road vehicle use within a mile of the project site <b>(ADD 5 total points)</b>	Evidence of off-road vehicle use on the project site <b>(ADD 10 total points)</b>
<b>Surface and head waters:</b> what is link to surface and headwaters?	No surface water present	Any stream or other surface water present	1 <sup>st</sup> or 2 <sup>nd</sup> order stream present
<b>Wetlands:</b> how much of the site is comprised of wetlands?	Less than 25% wetlands	Between 25% and 50% wetlands	50% or more wetlands
<b>T&amp;E species and habitat:</b> are there any sightings of T&E species or critical habitat?	No state/federal T&E habitat, per NJDEP SBH Landscape Model <b>AND</b> no documented T&E sightings on site, per NJPC and ENSP data	State/federal T&E habitat, per NJDEP SBH Landscape Model <b>OR</b> documented T&E sightings on site, per NJPC or ENSP data	State/federal T&E habitat, per NJDEP SBH Landscape Model <b>AND</b> documented T&E sightings on site, per NJPC or ENSP data

FACTOR	LOW (1)	MEDIUM (3)	HIGH (5)
<b>Feasibility:</b> is the project likely to be completed in reasonable time?	<b>0</b> of the following: <ul style="list-style-type: none"> <li>• Signed contract w/ landowner</li> <li>• Completed appraisal</li> <li>• Certification of Fair Market Value</li> <li>• Documentation that at least 50% of balance has been secured</li> <li>• Anticipated closing date within 12 months</li> </ul>	<b>1 or 2</b> of the following: <ul style="list-style-type: none"> <li>• Signed contract w/ landowner</li> <li>• Completed appraisal</li> <li>• Certification of Fair Market Value</li> <li>• Documentation that at least 50% of balance has been secured</li> <li>• Anticipated closing date within 12 months</li> </ul>	<b>3 or more</b> of the following: <ul style="list-style-type: none"> <li>• Signed contract w/ landowner</li> <li>• Completed appraisal</li> <li>• Certification of Fair Market Value</li> <li>• Documentation that at least 50% of balance has been secured</li> <li>• Anticipated closing date within 12 months</li> </ul>
<b>Organizational reliability:</b> capacity, expertise & experience of sponsoring organization to complete the project	Organization has neither completed a project using PCF \$, nor has organization completed at least 5 land acquisition projects for conservation purposes	Organization has completed at least one project using PCF \$ <b>OR</b> organization has completed at least 5 land acquisition projects for conservation purposes	Organization has completed at least one project using PCF \$ <b>AND</b> organization has completed at least 5 land acquisition projects for conservation purposes
<b>Future stewardship plans:</b> does the future long-term owner have past experience implementing stewardship plans on other sites, and/or is a stewardship plan drafted for this site?	Future long-term owner has neither past experience implementing stewardship plans, nor has drafted a stewardship plan for this site	Future long-term owner has past experience implementing stewardship plans <b>OR</b> has drafted a stewardship plan for this site	Future long-term owner has past experience implementing stewardship plans <b>AND</b> has drafted a stewardship plan for this site





Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

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Application Specific Information: AppInfo@njpines.state.nj.us




Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

## MEMORANDUM

To: Members, CMP Policy and Implementation Committee

From: Nancy Wittenberg   
Executive Director

Date: March 15, 2017

Subject: National Park Service Funded Monitoring Programs

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Each year, we receive funding from the National Park Service that sustains our environmental and economic monitoring programs. As part of the process, we prepare quarterly progress reports on both programs, copies of which are attached for your review.

This year is different: we have a new federal designee (Frank Hays) who is also our liaison for these funds; our demographer, Joe Sosik has left the Commission and we are in the middle of seeking a replacement; and NPS has asked us to compile an update brochure (complete, previously sent to you) and begin a periodic reassessment of our two programs (economic and environmental). To address these matters, we will be scheduling an in-depth meeting with Commissioner Hays.

As part of the annual report, please note that cost sections are still being prepared but we thought it would be worthwhile to give the Committee a preview of where we are today.

/R4K1/R4K2

Attachments

## **October – December 2016 Quarterly Progress Report on Long-Term Economic Monitoring Program**

From October – December 2016, the following tasks were completed:

1. A panel to review the program and provide feedback is in the planning stages. A list of questions has been drafted along with a list of potential invitees that have various backgrounds in economics and public policy.
2. Staff continued to make progress on making enhancements to the Pinelands Development Credit program.

### Next Two Quarters:

Three situations are dictating that no data report be compiled this year:

1. The Pinelands is currently dealing with changes in staffing as the person who is primarily responsible for the program is leaving the Commission.
2. NPS has asked the Commission to conduct a “big picture” re-evaluation of the economic monitoring programs with outside experts which we are beginning (see #1 above).
3. We are exploring making the annual report more user- friendly. We will be surveying users and looking at web hosting.

Due to time required to hire and adequately familiarize a new employee with the program, and to revise it per experts and users, no report will be published this year. Rather, the next report will probably be produced in 2018 and may feature multiple years’ worth of new data (e.g., two years 2015 & 2016).

**October - December 2016 Quarterly Progress Report  
Long-term Environmental-monitoring Program and Related Projects**

From October - December 2016, we:

1. Completed the October round of pH and specific conductance sampling at the 47 Pinelands-wide stream sites, completed the trend analysis of these two parameters, and drafted part of the report to describe the methods and results of the analysis;
2. Completed the October, November, and December rounds of water-level measurements at the 35 forest plots and 30 ponds and downloaded the continuous water-level data collected on the data loggers installed in seven other ponds;
3. Completed all field work for the EPA-funded Pond-vulnerability Study, continued to identify dragonflies and damselflies from photographs taken during the study, and began to proof vocalization recordings from frog and toad surveys;
4. Completed all field work for the EPA-funded Created-wetland Study, began to use aerial photographs to characterize wetland structure for the full inventory of stormwater basins mapped in the Pinelands, continued to identify plant voucher specimens collected during the study, and began to proof vocalization recordings from frog and toad surveys;
5. Reviewed maps showing the distribution and genetics results of northern and southern leopard frogs and the newly described Atlantic Coast leopard frog that were produced as part of a nine-state collaborative study conducted by the New York Natural Heritage Program; and
6. Hosted presentations on testosterone and body size in eastern fence lizards, benthic invertebrate community composition in the Barnegat Bay, and nutrient history and ecosystem services of tidal marshes, as part of the Pinelands Research Series.

In the next two quarters, we will:

1. Complete the April and June rounds of pH and specific conductance sampling at the 47 Pinelands-wide stream sites and finalize the report on temporal trends in these two parameters;
2. Complete the monthly water-level measurements at the 35 forest plots and 30 ponds, and download the continuous water-level data collected by the data loggers installed in seven other ponds;
3. For the EPA-funded Pond-vulnerability and Created-wetland studies, finalize the data collected on wetland structure, landscape setting, land use, water quality, water level, vegetation, frogs and toads, fish, and dragonflies and damselflies and initiate data analysis and report writing;
4. Review the draft manuscript describing the results of the multi-state study on the newly described Atlantic Coast leopard frog;
5. Host presentations as part of the Pinelands Research Series.