

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

This meeting was conducted both remotely and in-person
The public could view/comment through Pinelands Commission YouTube link:

<https://www.youtube.com/watch?v=GJf5XGz2D3U>

Meeting ID: 879 6100 7273
Richard J. Sullivan Center
15C Springfield Rd
New Lisbon, New Jersey 08064
April 28, 2023 - 9:30 a.m.

MINUTES

Members in Attendance – Alan W. Avery, Jr., Jerome H. Irick, Theresa Lettman, Mark S. Lohbauer, Chair Laura E. Matos

Members Absent – Ed Lloyd, Douglas Wallner

Commission Staff in Attendance – Gina Berg, Ernest Deman, Marci Green, Susan R. Grogan, Kim Laidig, Brad Lanute, Paul Leakan, Stacey Roth, and Steven Simone; also in attendance was Janice Venables of the Governor’s Authorities Unit

1. Call to Order

Chair Matos called the meeting to order at 9:31 a.m.

2. Adoption of the Minutes from the March 31, 2023, Meeting of the CMP Policy and Implementation Committee

Commissioner Lohbauer moved the adoption of the March 31, 2023, meeting minutes.
Commissioner Avery seconded. All voted in favor.

3. Review of the Executive Director’s report on Monroe Township Ordinance O:04-2023 adopting the Hexa Builders Redevelopment Plan

Brad Lanute, Planning Specialist, presented a summary of Monroe Township Ord. O:04-2023, adopting the Hexa Builders Redevelopment Plan (presentation attached). The plan seeks to facilitate warehouse development in a Pinelands Regional Growth Area (RGA). The 158-acre site contains three lots located on the Black Horse Pike (U.S. Route 322) and is zoned for mixed-use residential development with a corresponding Pinelands Development Credit (PDC) requirement. It is located partially in the RGA and partially in a Pinelands Rural Development Area (RDA).

There are approximately 127 acres of land in the Township's Regional Growth-Mixed Use District (RG-MU) and the remaining 31 acres are situated in the Rural Development-Residential Receiving District (RD-RR). The RDA portion of the site is comprised of forest and wetlands. The RDA portion was included to encompass the entire lot in the redevelopment area, although no development is planned for that area due to restrictions on development in wetlands and wetlands buffers.

Mr. Lanute continued with a history of the zoning for the area. The Township performed a comprehensive master plan reexamination in 2010, which led to the creation of the 127-acre RG-MU District. The Commission's certification of this district necessitated a management area change from RDA to RGA. When the area was redesignated to RGA in 2010, the Commission identified it as suitable for increased development potential in its Ecological Integrity Assessment project. The area was contiguous with the existing RGA, and no Threatened and Endangered Species (T&E) habitats were identified onsite.

Mr. Lanute said that the Township now believes the site is also appropriate for commercial development, given its location on the Black Horse Pike. Susan R. Grogan, Executive Director, noted the existing commercial zoning on Route 322 in the vicinity of the redevelopment area, both in the RDA and RGA.

Mr. Lanute said that the RG-MU district was established to accommodate planned mixed-use development, permitting residential, commercial, and institutional uses. The existing RG-MU zoning requires the use of PDCs for 25% of market rate units, and one-quarter credit must be purchased and redeemed for every residential unit with less than 400 units. The tract has not been developed since the 2010 zoning change, and a potential developer is interested in constructing a warehouse on the site. The lack of interest in residential or mixed-use development led the Township to propose this redevelopment plan.

Mr. Lanute noted that the redevelopment plan does not replace the underlying zoning. The plan explicitly states that no warehouse development is permitted in the RDA portion of the redevelopment area and that all development must meet the Pinelands Comprehensive Management Plan's (CMP) minimum environmental standards. The redevelopment plan also includes a PDC requirement for nonresidential uses at a mandatory rate of one-quarter credit per 18,000 square feet of gross floor area. Mr. Lanute said this PDC requirement would yield up to 91 PDC rights. All development would require mandatory redemption of PDCs.

Mr. Lanute described public comment received at the hearing and in writing.

Commissioner Lohbauer asked if there were any public comments received that were supportive of the project. Mr. Lanute said there was a supportive letter from the Township attorney.

Commissioner Lohbauer asked if the 31-acre portion in the RDA is entirely forested or wetlands. Mr. Lanute said the RDA lands are comprised of wetlands or wetlands buffers and that the underlying zoning maintaining restrictions on development in wetlands and wetlands buffers is not changing. ED Grogan added that the RDA segment is included because it is part of a larger

lot under common ownership. She said it is clear in the redevelopment plan and the staff report that warehouses are not permitted in that area.

Commissioner Lohbauer expressed concern about the potential clearing of woods along the U.S. Route 322 frontage. ED Grogan said there are portions of the RGA tract that contain woodlands, and some of those will likely be cleared if development of any type proceeds. Commissioner Lohbauer asked if any of the clearing would occur in the RDA. ED Grogan said no.

Commissioner Lohbauer asked what kind of development would occur along the Route 322 frontage. Mr. Lanute said the concept plan envisions a warehouse that would occupy a large area of the RGA section.

Commissioner Lohbauer asked if T&E evaluation should be required for the redevelopment plan. ED Grogan said that when a development application is ultimately filed, it will have to meet all CMP standards including T&E protections. Commission staff will determine if surveys are necessary at that stage. ED Grogan added the Ecological Integrity Assessment referenced previously was a higher-level evaluation that found the rezoned area had a lower score relative to other areas.

Commissioner Lettman said she had reviewed the staff's report as well as the redevelopment plan itself. She said the redevelopment plan gave her no confidence that the Township understands CMP requirements. She cautioned that we are not in this alone, and the municipality plays a role. She said she is concerned that the Township's redevelopment plan lists both the RGA and RDA as part of a sewer service area. She noted that sewer service is not permitted in the RDA. She also noted her concern with the fact that the redevelopment plan only requires compliance with the minimum standards of the CMP and questioned how the Township will apply them. She added that she was not supportive of the 2010 rezoning that redesignated this site to the RGA.

ED Grogan said the phrase "minimum environmental standards" is language taken directly from the title of subchapter 6 of the CMP. The redevelopment plan echoes the standards of the CMP. She said that any development would require application to the Commission and the Regulatory Programs staff will ensure that all CMP standards are met.

Commissioner Lettman said she finds no reason for the RDA to be part of the redevelopment plan. ED Grogan said the redevelopment area was drawn to follow ownership patterns and lot lines, and that is why the RDA section is included.

Commissioner Irick said he applauded the requirements for the purchase of PDCs for commercial development as well as the solar requirement incorporated in the redevelopment plan.

Commissioner Irick asked what percentage of impervious cover is allowed under the new ordinance as opposed to the existing zoning. ED Grogan said staff would provide impervious coverage figures at the Commission meeting.

Commissioner Irick asked what the PDC requirement would be if only part of the site is developed as a warehouse and the remainder is residentially developed. Mr. Lanute said the underlying RG-MU District zoning would be applied if residential or mixed-use development is proposed. He said residential development is unlikely to be compatible with the redevelopment plan given that RG-MU zoning district requires a minimum of 400 dwelling units to be built and that ¼ PDC must be redeemed for every dwelling unit under the total 400.

Commissioner Avery asked if the Township has discussed subdividing the RDA portion with the prospective developer.

Tim Kernan, Monroe Township Engineer, said the concept plan showed no development in the RDA. He said development in the RDA would not be feasible with the existing wetlands buffers. He said he did not see the benefit of a subdivision.

ED Grogan suggested the Township consider requiring a deed restriction on the wetlands and wetlands buffer portions of the redevelopment area as part of the development application. This would encompass most or all the RDA portion of the redevelopment area. Mr. Kernan agreed that a deed restriction would be appropriate.

Commissioner Avery moved to recommend certification of the ordinance to the full Commission. Commissioner Irick seconded the motion. Commissioner Lettman voted no. All other Commissioners present voted in favor and the motion carried.

4. Overview of recommended Black Run Watershed management area redesignations and CMP amendments

ED Grogan gave a presentation on the rulemaking process for the Southern Medford/Evesham Sub-Regional Natural Resource Protection Plan, also known as the Black Run plan (presentation attached). The plan was formally endorsed by the Commission in 2006. She outlined the goals of the Black Run plan, showing the ecological integrity, Pinelands wetlands, and the intensity of surrounding development. She said many of the plan's goals have already been reached, but the management area redesignation from Rural Development Area (RDA) to Forest Area (FA) to reduce development potential from 290 dwelling units down to 40 dwelling units remains to be completed.

This change to the Land Capability Map must occur via the formal rulemaking process. The amendment to the CMP will also propose an offsite clustering program outside the Black Run watershed in a sewer service area with a designated number of dwelling units, minimum lot size requirements, and a reduced requirement for threatened or endangered species surveys. The offsite clustering program would also require land to be deed restricted in the watershed. There would be a 175-acre development area outside the watershed, and the potential for approximately 1,600 acres of preserved land in and around the Black Run watershed.

Commissioner Lohbauer asked if the Committee needed to take any formal action. ED Grogan said no but staff is seeking any final Committee input before bringing the full rule proposal for

action. Commissioner Lohbauer said he had no concerns or reservations on the Black Run project, and thanked Commission staff and officials in Evesham Township for their collaboration on the matter.

5. Public Comment

Michelle Forman of Pemberton Township asked if Commissioner Lettman voted no on the Monroe Township ordinance. Chair Matos said yes. Ms. Forman suggested taking a roll call vote during Committee meetings. Chair Matos said that roll call votes occur at her discretion, and she did not deem it necessary at this meeting. Ms. Forman also asked about providing a list of applications that have been denied.

Chair Matos closed public comment at 10:33 a.m.

Chair Matos asked for a motion to adjourn the meeting at 10:33 a.m. Commissioner Avery made the motion. Commissioner Irick seconded. All members voted in favor.

Certified as true and correct:



Trent R. Maxwell, Planning Technical Assistant

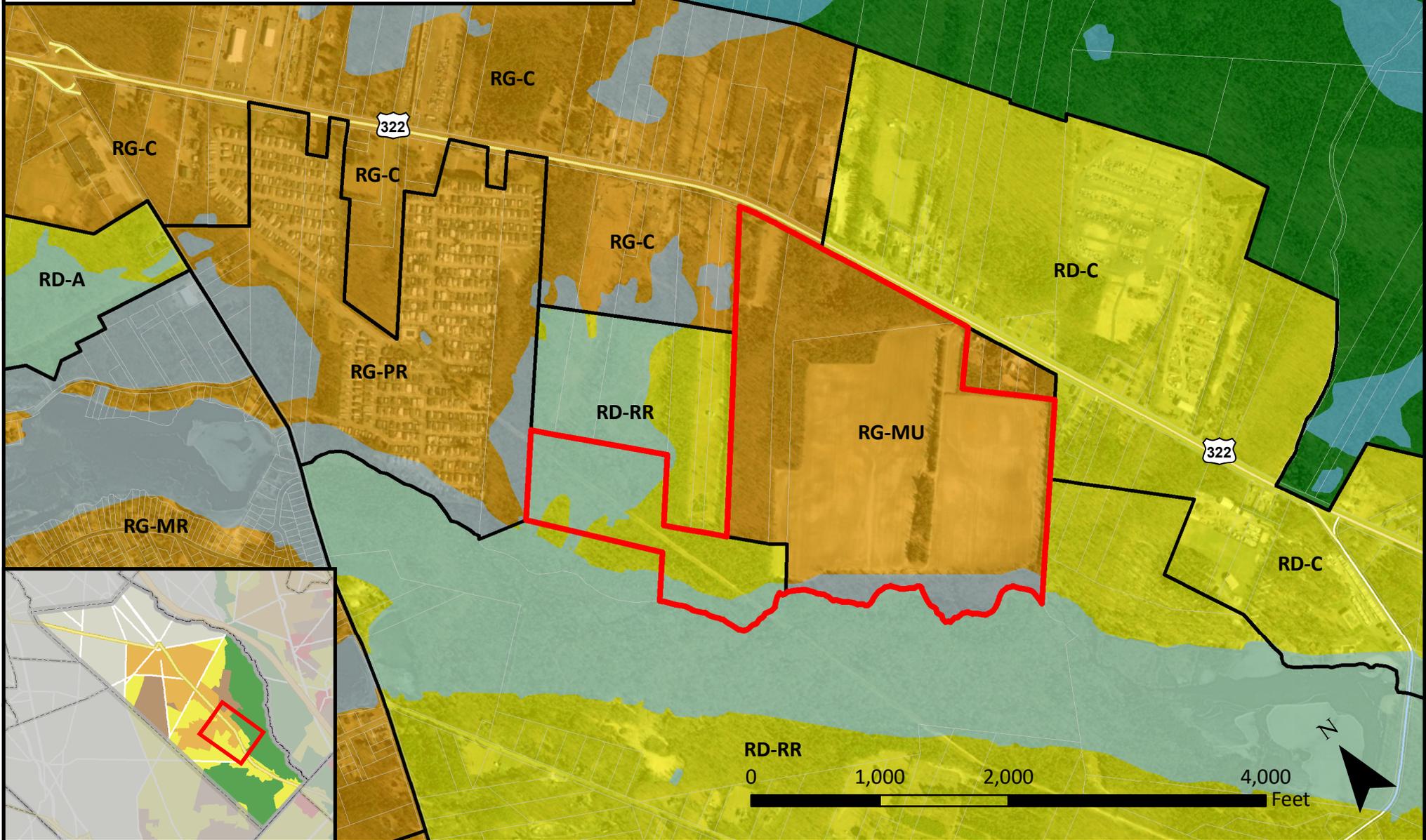
Date: May 10, 2023

Monroe Township

Hexa Builders Redevelopment Area

Executive Director's Report
Monroe Twp Ord. O:04-2023
4/28/2023
Exhibit #1

-  Regional Growth Area
-  Rural Development Area
-  Forest Area
-  Redevelopment Area
-  Existing Zoning
-  Lots
-  Pinelands Wetlands



Black Run Proposal Discussion



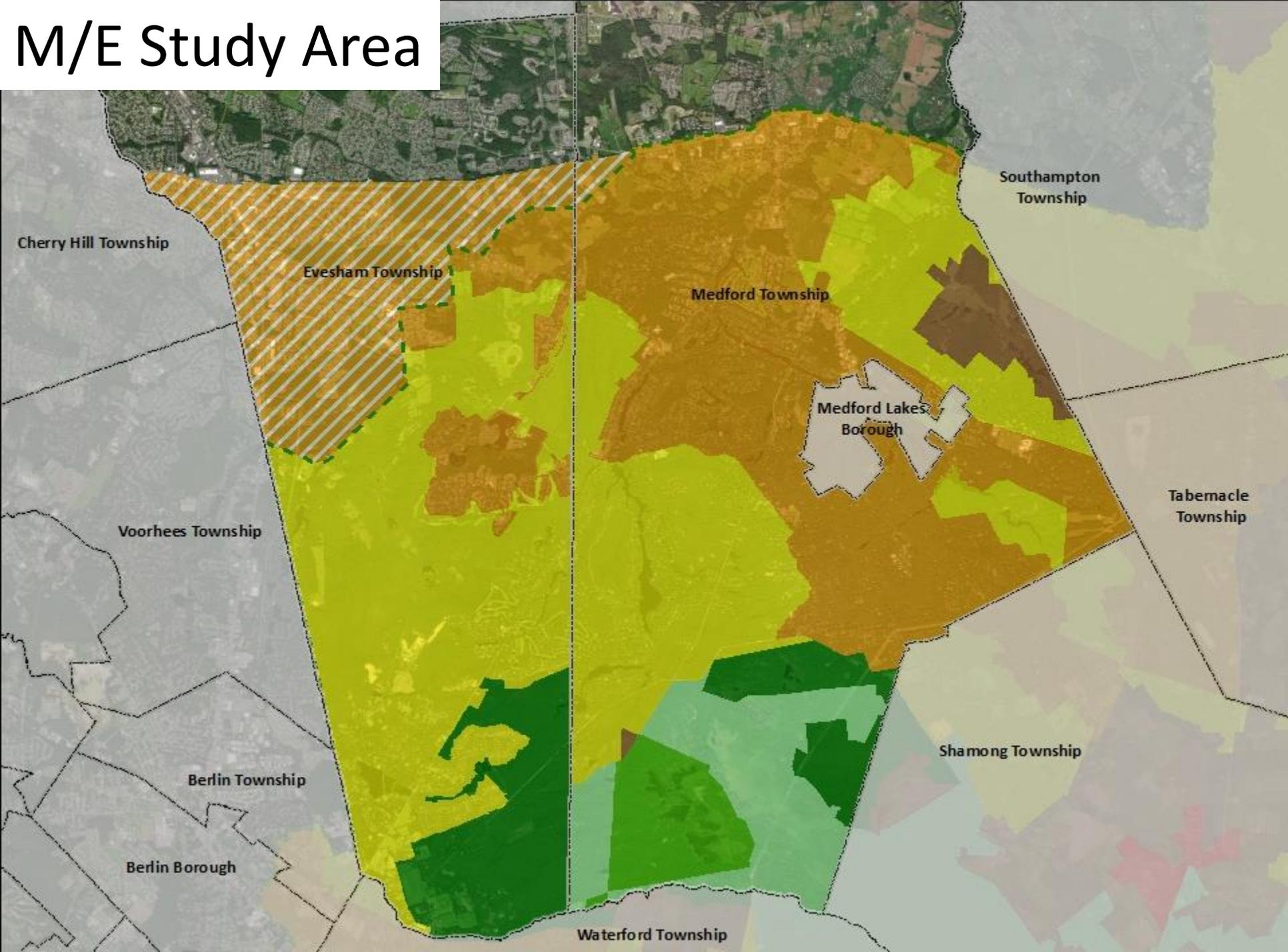
Policy & Implementation Committee
April 28, 2023

Southern Medford/Evesham

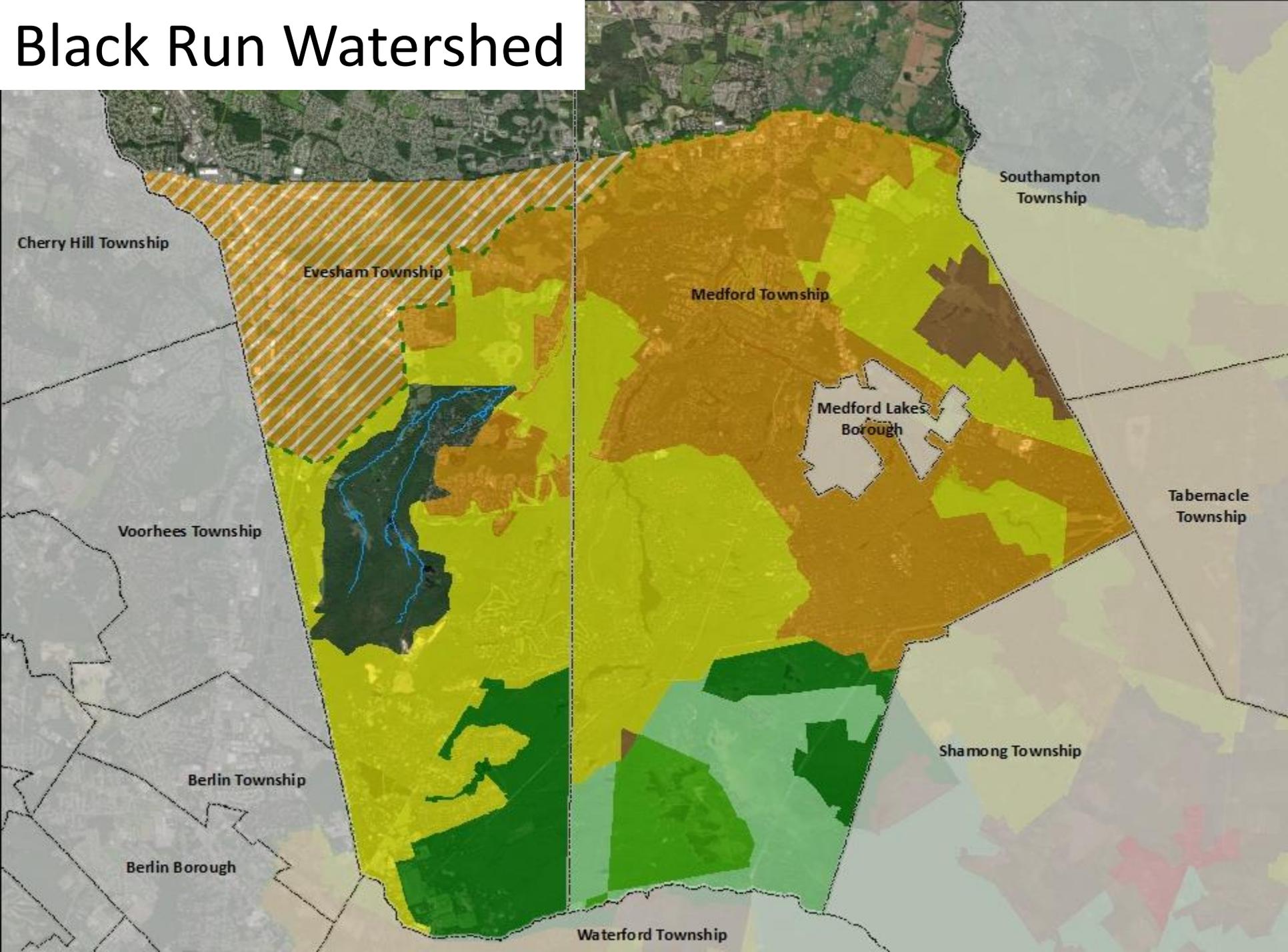
Sub-Regional Natural Resource Protection Plan

- Funded by 2004 grant from William Penn Foundation
- Steering Committee: Commission, NJDEP, Evesham and Medford
- Advisory Committee, Technical Working Group
- Plan recommendations
 - Zoning changes to reduce disturbance in Black Run
 - Land acquisition
 - Rare plant inventory
 - Stewardship through education
- Endorsed by Pinelands Commission in 2006

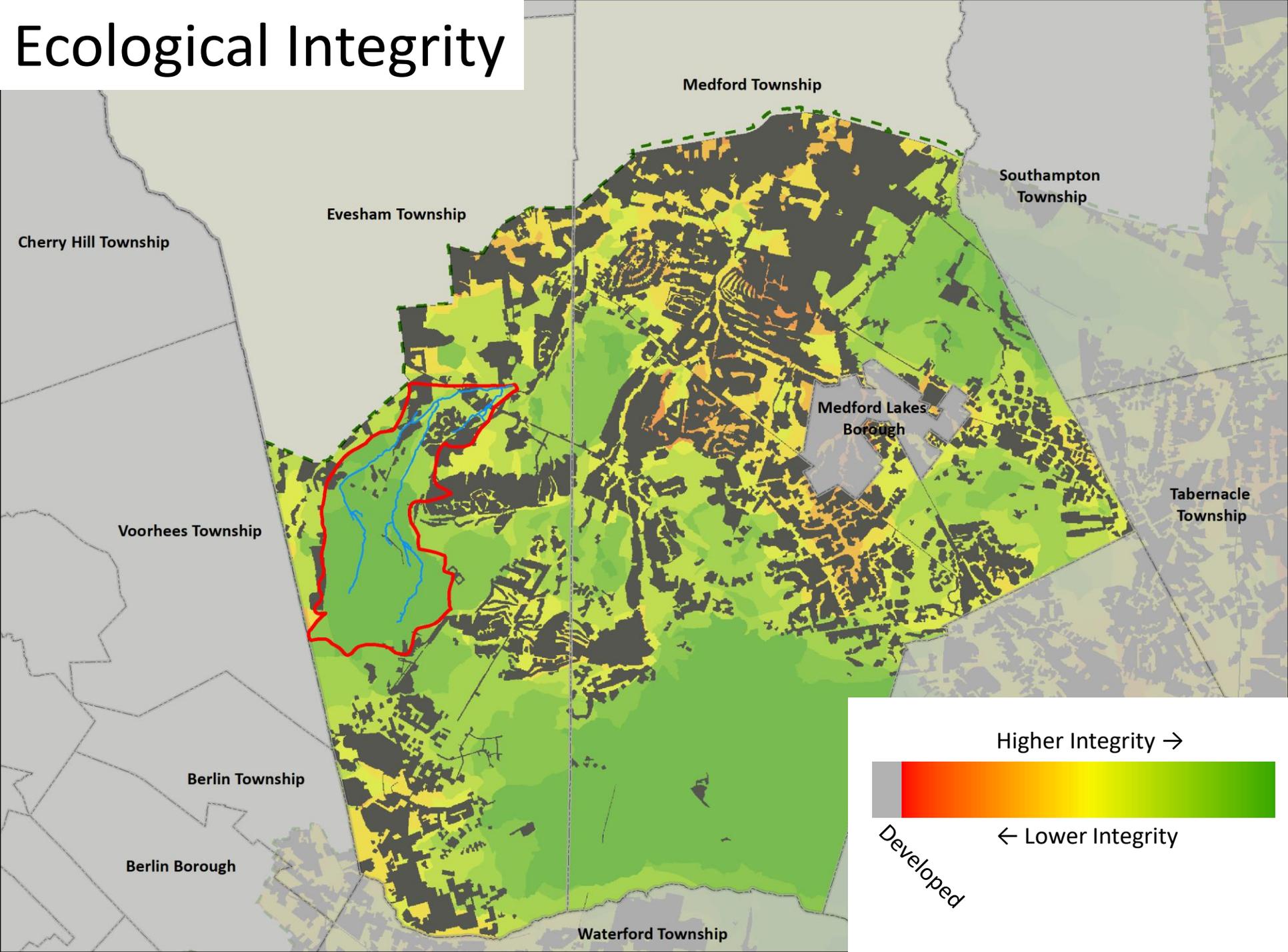
M/E Study Area



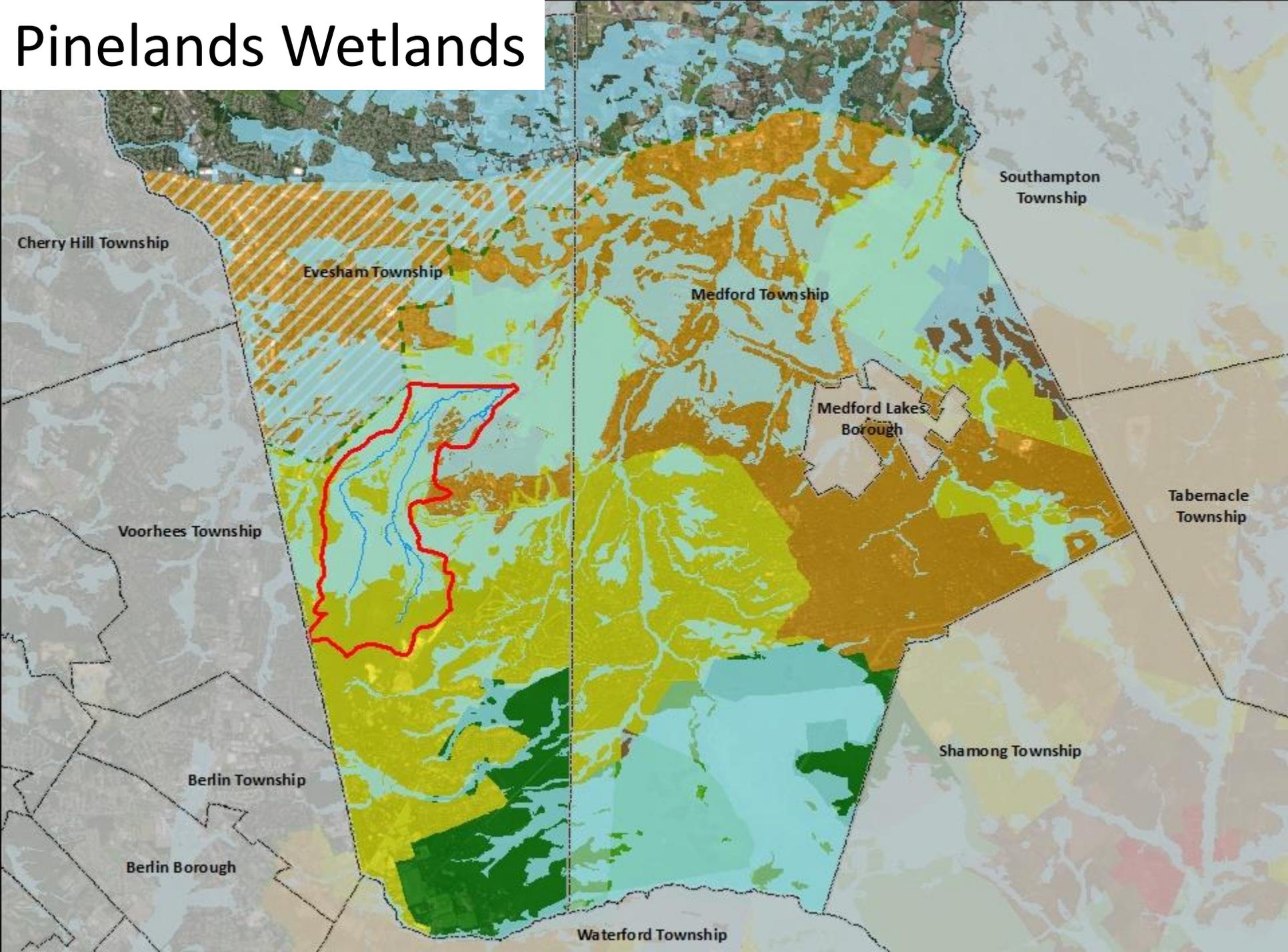
Black Run Watershed



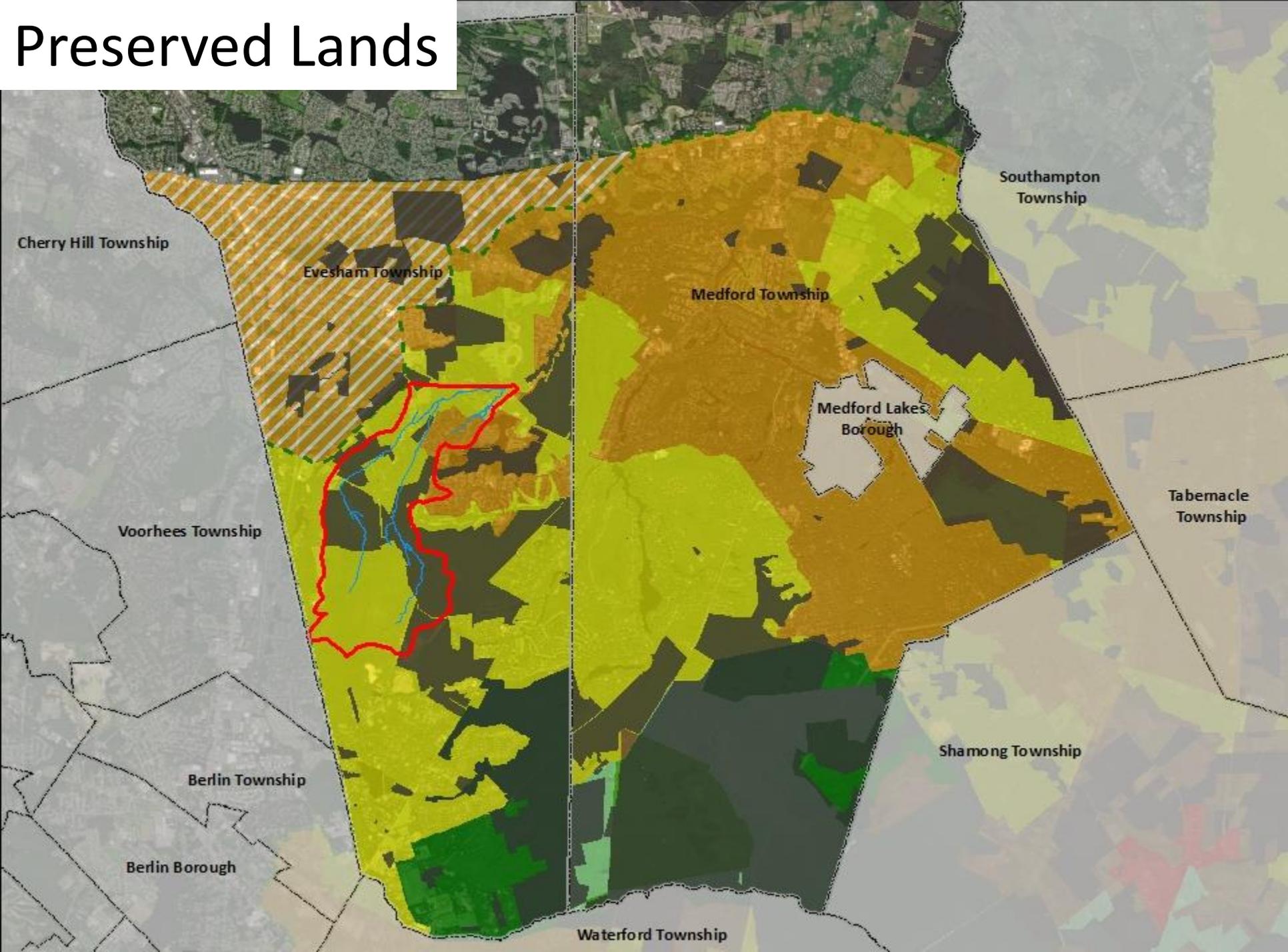
Ecological Integrity



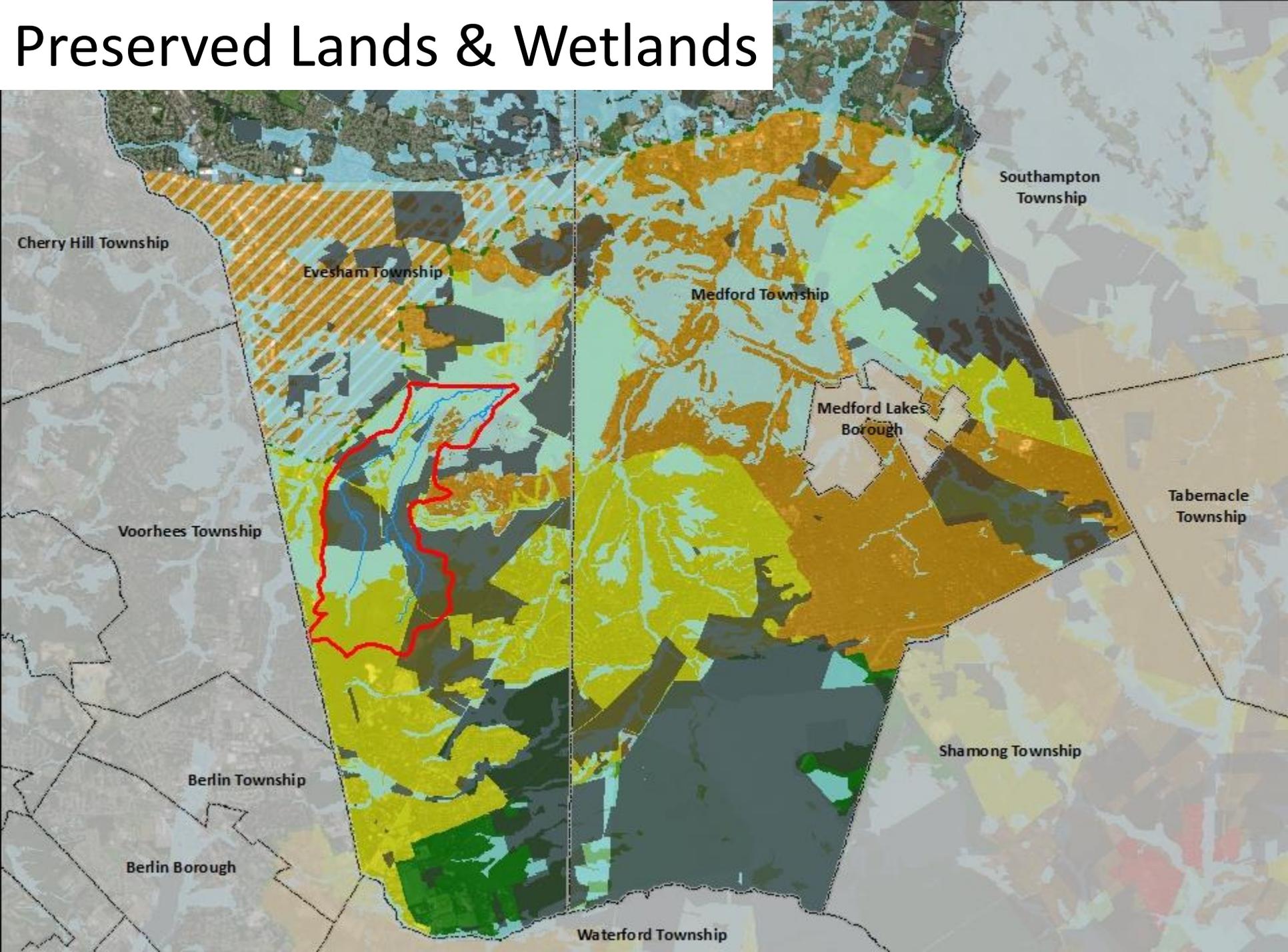
Pinelands Wetlands



Preserved Lands



Preserved Lands & Wetlands



Plan Implementation Achievements

- Acquisition and preservation of +/- 1,300 acres
- Rare plant surveys and inventory
- Backyard habitat project (flyer)
- Mandatory clustering
- 2022 Evesham Township zoning amendments
 - 671 acres of preserved lands rezoned from RDA to FA
 - Kings Grant rezoned from RDA to RGA (733 acres);

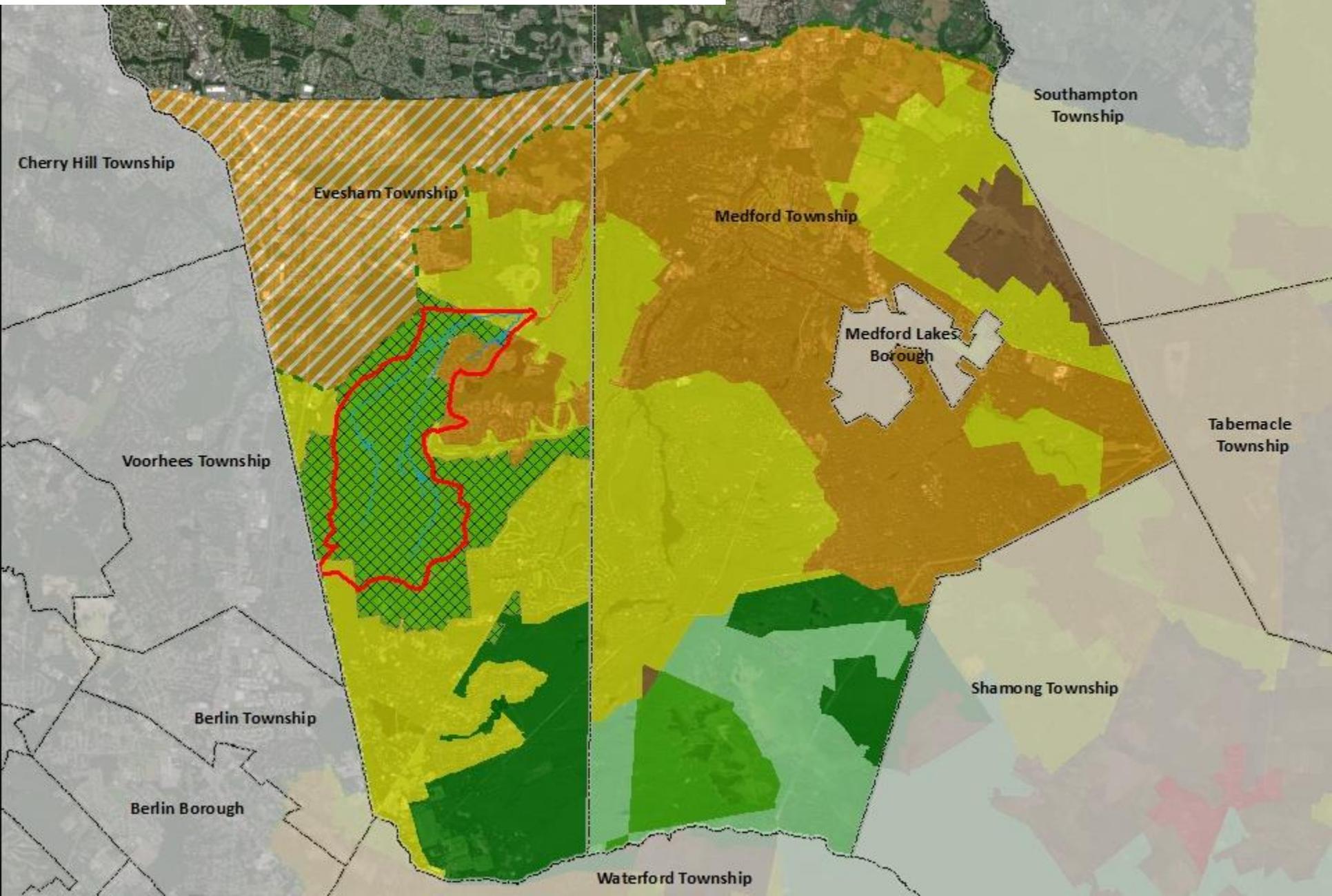
Remaining recommendations:

- Management area redesignation
- Off-site clustering pilot program

Proposed Forest Area Redesignation

- Redesignate 2,700 acres from the Rural Development Area to the Forest Area
- Includes Black Run watershed, adjacent lands in common ownership and other public and permanently protected lands

2023 Proposed RDA to FA



Proposed Forest Area



Voorhees Township

Medford Township

Tomlinson Mill Rd

Braddock Mill Rd

Kettle Run Rd

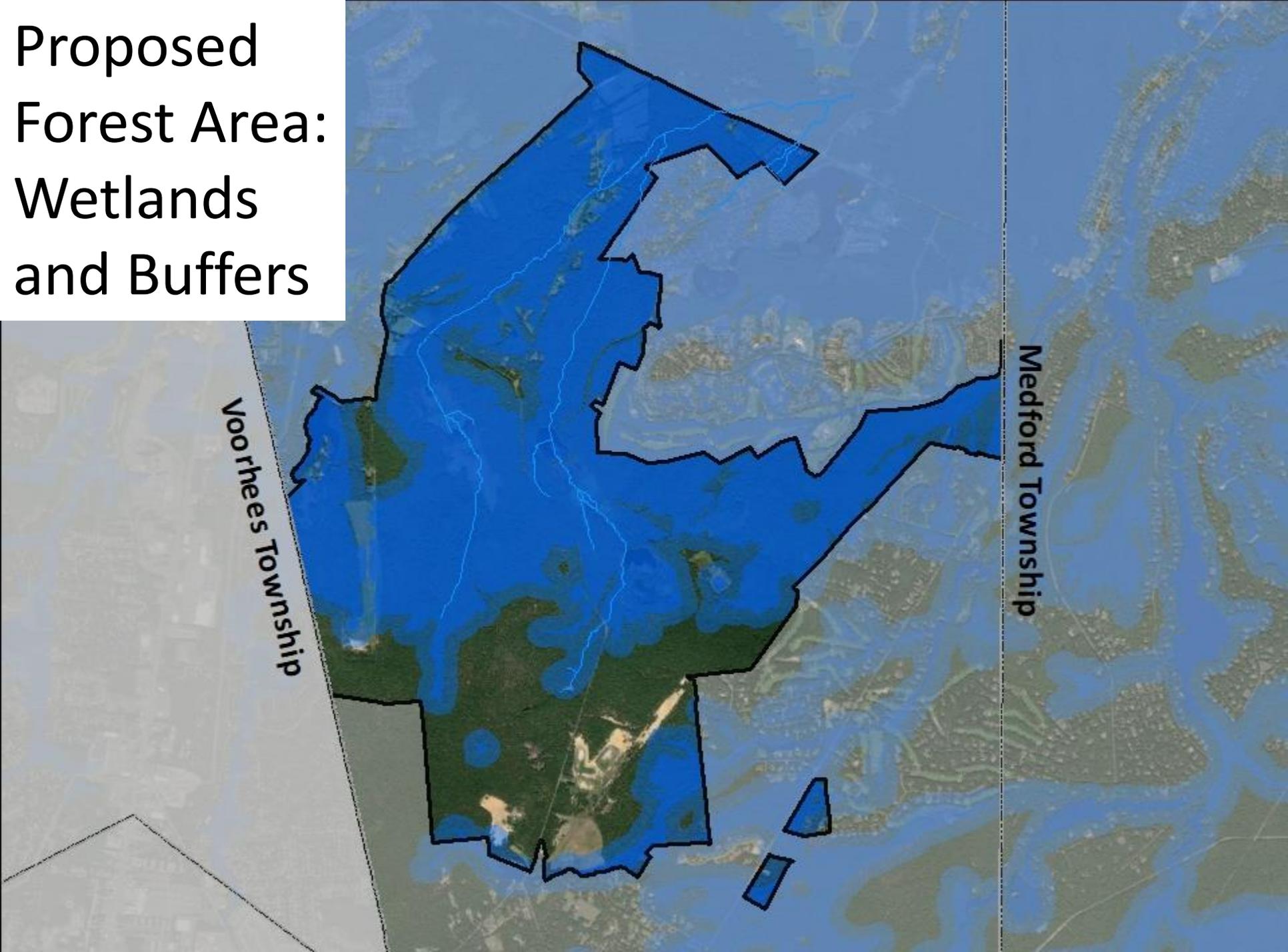
Taunton Lake Rd

Barton Run Blvd

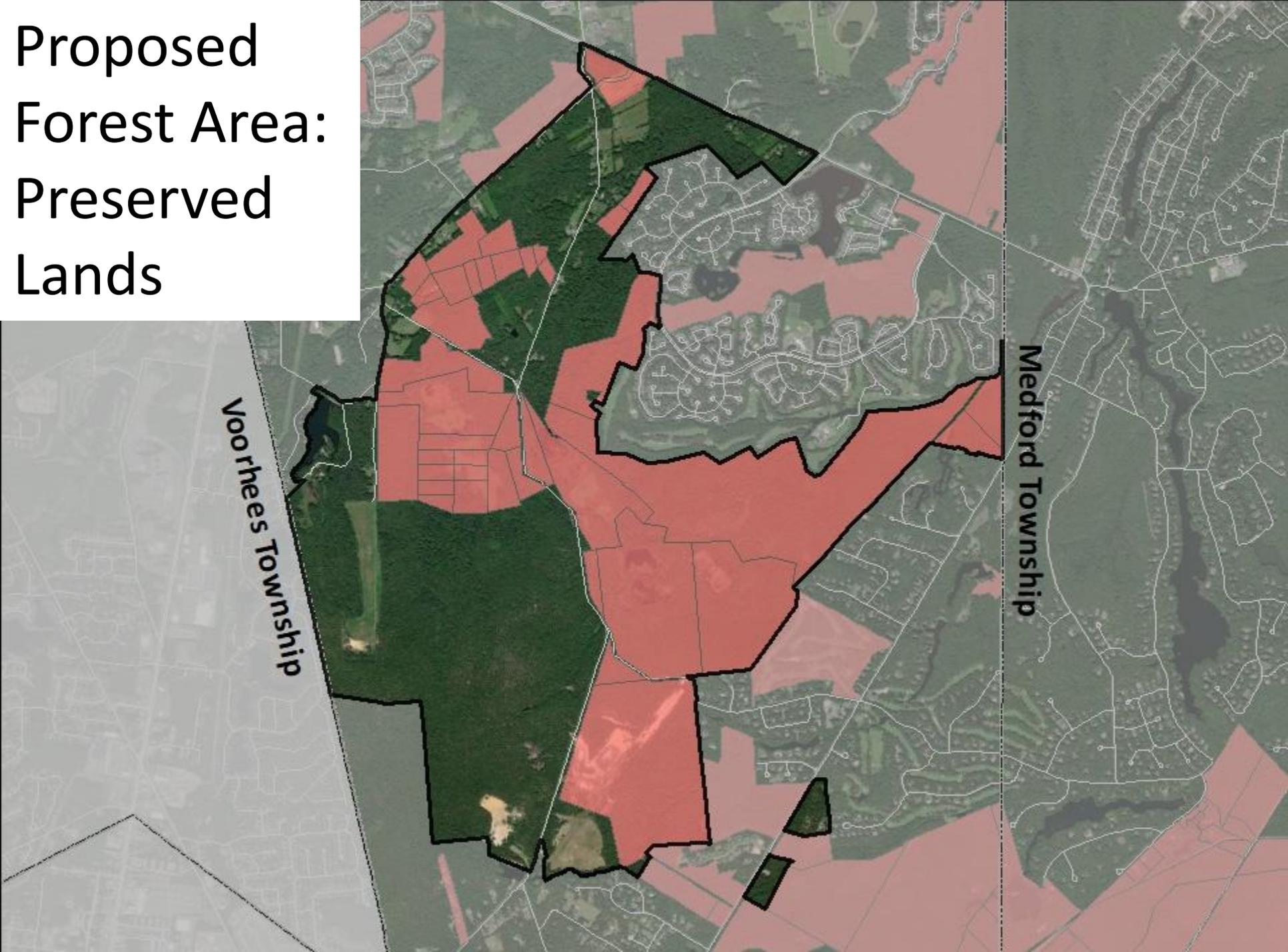
Kettle Run Rd

Hopewell Rd

Proposed Forest Area: Wetlands and Buffers



Proposed
Forest Area:
Preserved
Lands



Impact of Forest Area Redesignation

- Current Rural Development Area zoning
 - Permitted density:
 - RD-1: 1 unit/6 acres
 - RD-2: 1 unit/4 acres
 - RD-3: 1 unit/3.2 acres
 - Zoning capacity of ~290 units
- Proposed Forest Area zoning
 - Maximum density of 1 unit per 25 acres
 - Zoning capacity of ~40 units

Proposed Off-Site Clustering Pilot Program

- Goal: encourage clustering/transfer of all residential development potential in Evesham's new and existing Forest Area to a designated development area in the RDA outside the Black Run watershed
- Every unit constructed in the designated development area would require permanent protection of vacant acreage in the Township's Forest Area

Proposed Off-Site Clustering Pilot Program

Development Area Specifications

- Maximum of 175 acres, outside the Black Run watershed
- Maximum of ~290 units (SFDs, TFDs, THs)
- Maximum lot size: 15,000 square feet for SFDs
- Sewer service required
- Reduced survey requirements for threatened and endangered species

Conservation Area

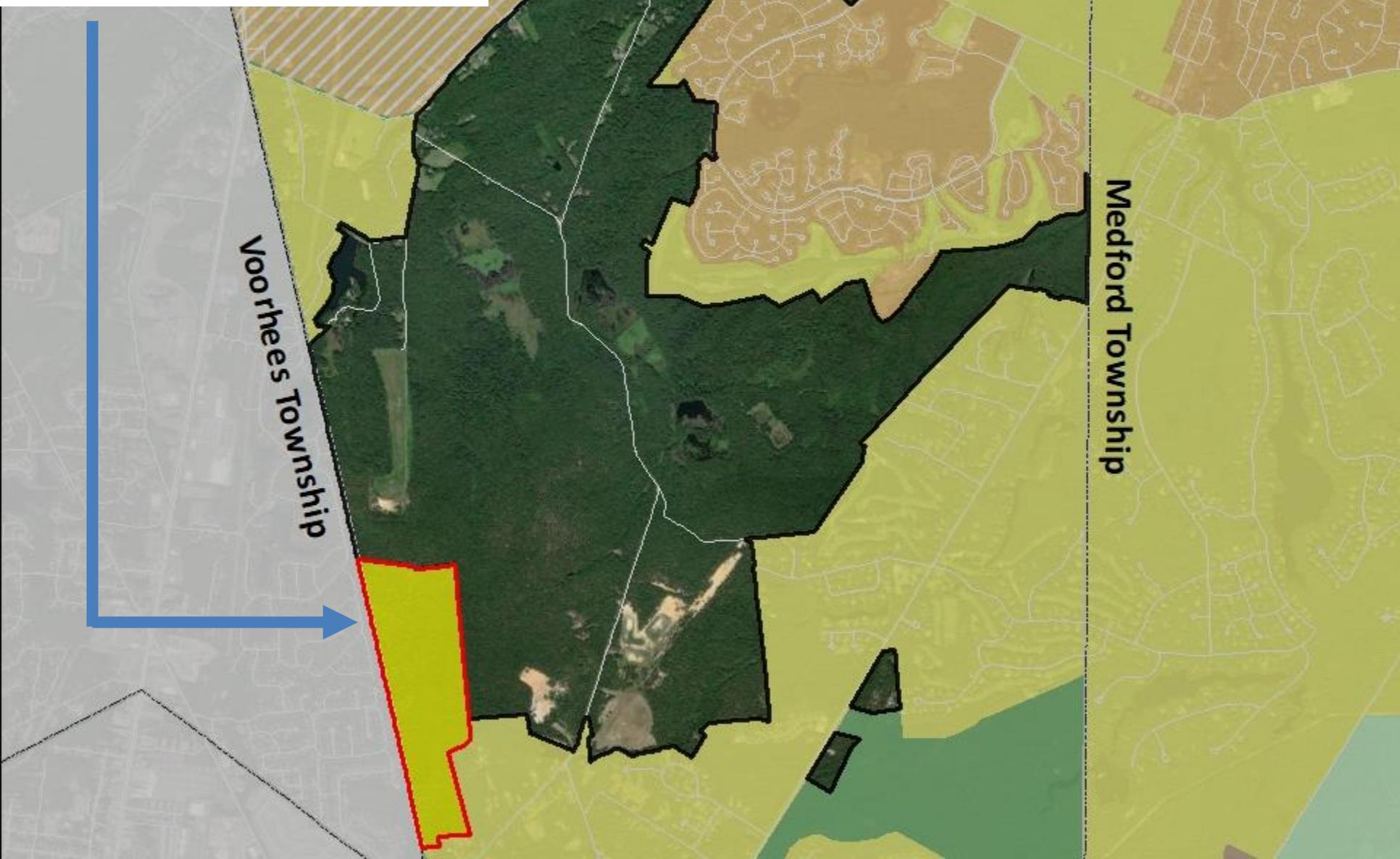
New Evesham Forest Area

~1,400 vacant acres

Existing Evesham Forest Area

~250 vacant acres

Potential RDA Receiving Area



Rulemaking Process and Schedule

Pinelands Commission rulemaking

- April 28 CMP P&I Committee Presentation
- Approval by Governor's office
- July rule proposal authorization by Commission
- New Jersey Register publication
- Public hearing + 60-day comment period
- Adoption by Commission
- 9-12 months

Township implementation

- Adoption of master plan and ordinance amendments
- Commission certification