

*Adopted July 27, 2012*

**CMP POLICY & IMPLEMENTATION COMMITTEE MEETING**

Richard J. Sullivan Center / Terrence D. Moore Lecture Hall

15C Springfield Road

New Lisbon, New Jersey

June 29, 2012 – 9:30 a.m.

**MINUTES**

**MEMBERS IN ATTENDANCE:** Chairman Mark Lohbauer, Leslie Ficcaglia, Robert Jackson, Richard Prickett, Candace Ashmun (1<sup>st</sup> Alternate)

**MEMBERS ABSENT:** Paul E. Galletta

**OTHER COMMISSIONERS PRESENT:** Ed Lloyd, who did not vote on any matter

**STAFF PRESENT:** Executive Director Nancy Wittenberg, Stacey Roth, Larry Liggett, Susan Grogan, Robyn Jeney, Paul Leakan, and Betsy Piner

Chairman Lohbauer called the meeting to order at 9:32 a.m.

**1. Adoption of minutes from the May 25, 2012 CMP Policy and Implementation Committee meeting**

Commissioner Ashmun moved the adoption of the minutes of the May 25, 2012 CMP Policy and Implementation Committee meeting. Commissioner Jackson seconded the motion and all voted in favor.

**2. Executive Director's Report**

**Berlin Township Ordinance 2012-1, amending Chapter 129 (Zoning) of the Township's Code by adopting a new Zoning Map which redesignates lands from the Rural Development Area to the Regional Growth Area**

Mr. Tyshchenko said that Berlin Township Ordinance 2012-1 adopts a revised zoning map adjusting some 46 acres from the Rural Development Area to the Regional Growth Area on three areas, with an additional zoning change (not constituting a Management Area change) in a fourth area. The ordinance also rescinds two previous iterations of the ordinance that had not been certified by the Commission. He provided further details of each parcel: a 25-acre existing industrial park; a 21 acre area including the public works garage and some active recreational fields along with some low-integrity Pinelands habitat with little opportunity for further development due to wetlands; a 2-acre parcel containing an abandoned single family dwelling that was "inadvertently" sewered as the Township erroneously believed it was already in the RGA. The fourth rezoning is within a commercial zone which the Commission's records identify as already lying within the RGA thus raising no issue.

The proposed Zoning Map recognizes existing development and the proximity to heavily traveled Route 73. These are areas of extensive commercial and industrial development and the management area change will allow the extension of sanitary sewer (or in the case of the one 2-acre lot, recognize the existing sewer) to this highly developed area. Sewering these parcels will reduce the likelihood of groundwater contamination in the immediate vicinity which lies in the headwaters of the Mullica River and permit likely changes of use over time. None of the 48 acres have issues related to threatened and endangered species and there would be no impact on the PDC program from residential development as these areas are all appropriately within a commercial zone. However, if the rezoning encourages redevelopment, the opportunity for PDC use might occur as the base floor area ratio of 1.8% can be increased up to as much as 36% with the use of PDCs.

Mr. Tyshchenko concluded by stating that the Executive Director had found the ordinance consistent with the CMP and recommends certification.

In response to questions from Commissioner Ashmun, Ms. Grogan responded that no residential development would be permitted in this new commercial zone. The one existing single family dwelling would likely be redeveloped commercially.

Commissioner Ficcaglia moved the recommendation of certification by the Pinelands Commission of Berlin Township Ordinance 2012-1. Commissioner Jackson seconded the motion and all voted in favor.

### **3. Update on the Pinelands Conservation Fund projects**

Mr. Michael Catania provided a PowerPoint presentation on the status of Pinelands Conservation Fund Projects (*see Attachment A-Open Session*) and noted that the Committee would need to meet in closed session to discuss acquisition matters.

At 9:45 a.m., Commissioner Jackson moved that the Committee meet in closed session to discuss acquisition matters. Commissioner Ficcaglia seconded and all agreed.

At 10:00 a.m., the Committee resumed its open session meeting.

Mr. Catania summarized the closed session and said that the Committee had voted to increase the funding to 40% of a project which has until the end of July to negotiate a Purchase and Sale Contract. Assuming that the project goes to contract, the PCF will have \$424,889.44 available for a future funding round. This does not include the restricted funds for the Turnpike Parcels and Cape May projects. He said that CRI recommends that the Commission announce a new funding round and, if the project described today fails to conclude, that funding will be included. He said that if applications are received by September 30, 2012, CRI could present the projects to the Committee at its October meeting.

Commissioner Jackson moved that a new round of funding for the Pinelands Conservation Fund be advertised with applications due by September 30, 2012. Commissioner Ashmun seconded and all voted in favor.

#### **4. Recommendation for extension of the Commission's Limited Practical Use Agreement with the New Jersey Department of Environmental Protection – Green Acres Program**

Ms. Grogan described the Limited Practical Use (LPU) land acquisition program that has been in effect since 1995. This is a program through which small landowners (those with no more than 50 acres in the Pinelands Area) can become eligible to have their vacant lands purchased by the State, specifically by the Green Acres program. She said that in the early years, the Commission conducted a series of rounds to advertise and process applications. The Federal funds have since been spent so the Commission no longer actively recruits applications. However, there are still some State funds available through the Pinelands license plate program. Green Acres staff continues to process those few applications referred to it by the Pinelands Commission or through its own version of the program in which landowners approach Green Acres directly.

Ms. Grogan said that for several years now, there has been an agreement whereby the Commission pays half the Green Acres administrative costs of the LPU program up to \$16,000 per year. Ms. Grogan said that Green Acres has reiterated its commitment to the program and staff recommends renewing the contract for another year.

Commissioner Ashmun moved the renewal of the contract with the Green Acres Program for half the costs, up to \$16,000, for administering the Limited Practical Use land acquisition program. Commissioner Jackson seconded and all voted in favor.

#### **5. Public comment**

Mr. Fred Akers, with the Great Egg Harbor Watershed Association, thanked the Commission for having established the Pinelands Conservation Fund, noting that the purchase of land for the purpose of preservation is the best means of conservation. He also noted that he had observed construction at the site of the Buena Borough wastewater treatment plant indicating that the upgrades were underway to improve the discharge to Deep Run.

#### **6. Other Items of Interest**

Commissioner Prickett expressed concerns about the role of the P&I Committee in its recommendation and approval of MOAs. He said that because MOAs are precise legal documents, he felt that the Commission should receive more information as to what is in the document, particularly in regard to any changes that are made following Committee review. He said that he felt that this would also be particularly helpful to the non-Committee members. Also, he said that even if applicants want something done by a particular deadline, it should not reduce the steps taken for the Commission to do a thorough review of the MOA.

Ms. Wittenberg said that sometimes non-substantive changes occur at the Commission meeting.

Mr. Liggett added that the MOA process is outlined on the web site. This addresses some of the Commissioners' questions as to how the process works.

Ms. Wittenberg said that staff would review that process and can certainly provide the Commission with a list of substantive (necessitating the public comment process) and other changes that have been made to a document.

Commissioner Ashmun said that then there should also be an opportunity for public comment before the Commission votes.

Chairman Lohbauer said that this had been a fair comment from the public. It is a matter of keeping the record open until the vote.

Commissioner Ficcaglia added that the record could stay open unless the changes are *not* substantive.

Ms. Wittenberg said that the processing of public documents is constrained by time and money. She said that she was not disagreeing with the Committee's concerns but the staff needed to look at the process.

Chairman Lohbauer noted that he had attended the annual Whitesbog Blueberry Festival last weekend and thanked Commissioner Prickett for his efforts as the President of the Whitesbog Preservation Trust.

The meeting adjourned at 10:20 (moved by Commissioner Jackson and seconded by Commissioner Ficcaglia).

Certified as true and correct:

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Betsy Piner, Principal Planning Assistant

Date: July 12, 2012

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15C Springfield Road  
New Lisbon, New Jersey  
June 29, 2012 – 9:30 a.m.

SUMMARY

The Committee adopted the minutes of the May 25, 2012 meeting.

The Committee recommended Commission certification of Berlin Township Ordinance 2012-1.

The Committee received an update on Pinelands Conservation Fund projects and, in closed session, agreed to an increase to 40% of the certified market value of one large project; normally 33.3% is the program's contribution. The Committee also agreed to announce a new funding round with applications due to Conservation Resources, Inc. by September 30, 2012.

The Committee recommended a 1-year extension at the current cost (\$16,000) of the agreement with the Green Acres Program for administering the Limited Practical Use land acquisition program.