

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING
Richard J. Sullivan Center / Terrence D. Moore Lecture Hall
15C Springfield Road
New Lisbon, New Jersey
September 28, 2012 – 9:30 a.m.

MINUTES

MEMBERS IN ATTENDANCE: Chairman Mark Lohbauer, Robert Jackson, Richard Prickett, and D'Arcy Rohan Green (2nd Alternate)

MEMBERS ABSENT: Leslie Ficcaglia and Paul E. Galletta

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 9:42 a.m.

1. Adoption of minutes from the August 31, 2012 CMP Policy and Implementation Committee meeting

Commissioner Prickett moved the adoption of the minutes of the August 31, 2012 CMP Policy and Implementation Committee meeting. Commissioner Jackson seconded the motion and all voted in favor.

2. Presentation by Atlantic County on secondary impacts related to the improvement of Garden State Parkway Interchange 44

Mr. Liggett made a PowerPoint presentation (*Attachment A to these Minutes*). He said that the Garden State Parkway passes through many different Management Areas and a 2006 CMP amendment creating a Parkway Overlay District allows certain permitted uses to occur within this District, no matter what the management area. Such uses include roadways, bridges, accessory facilities related to the operation and maintenance of the Parkway as well as improvements to existing interchanges. He said that Interchange #44 (at Pomona Road near The Richard Stockton College of New Jersey [Stockton] in Atlantic County) is an incomplete interchange (egress only from the South-bound lane and entrance only to the North-bound lane) and the Turnpike Authority is proposing to make it a full interchange. He said that this is the third time that staff has evaluated the secondary impacts of improvements to interchanges within this Overlay District. An evaluation must be done as to what will occur along major roads within 1.5 miles of the interchange and areas of concern must be identified to be sure that such improvements do not lead to development that is inconsistent with the CMP. Interchange #44 is located in the Rural Development Area where, on septic, there is very low commercial intensity and sewers are not permitted; the Commission wants to prevent secondary impacts, particularly pressure to extend sewer lines from nearby Stockton College. He noted that the RDA zoning is 1 dwelling unit per 5 acres in this vicinity and there have been a number of major projects proposed in the past.

Mr. Liggett introduced Mr. Joe Maher, Department Head, and Mr. John Peterson, Deputy Director for the Division of Planning, with the Atlantic County Office of Regional Planning and Development.

Mr. Maher said that Atlantic County is responsible for acquiring easements to allow the construction of the Interchange. He said that the County agrees with the concerns of the staff and has agreed to preserve and acquire lands near Interchange #44. He said that the Commission had approved the development application for Interchange #41 at its September 14, 2012 meeting.

Mr. Maher said that studies done some time ago by the Delaware Valley Regional Planning Commission (DVRPC) for the widening of the Parkway and a more recent study by RBA, specifically for Interchange #44, indicated little impact if current zoning does not change. But, there is concern that there will be pressure to change zoning and bring in sewer in the future. Working with Pinelands staff, Atlantic County has agreed to “freeze” zoning or acquire lands to avoid secondary impacts. He said that Atlantic County had much experience with acquiring lands in the vicinity of the Great Egg Harbor River and he requested that the Committee meet in closed session to discuss lands and landowners. He said that the County had identified five large nodes of land of interest that could have the zoning memorialized (“frozen”) or the lands purchased or a combination of both.

Ms. Roth said that the “memorialization” of the zoning eliminates speculative value of the land. Mr. Liggett added that the Turnpike Authority had looked at that approach for other exits and chose to purchase the land outright; it was an easier process. Mr. Maher said that if one approaches the landowner regarding the purchase of an easement, the price goes up; the County will probably seek a combination of approaches.

3. Closed Session

At 10:00 a.m., Commissioner Jackson moved that the Committee meet in closed session to discuss matters related to land acquisition. Commissioner Rohan Green seconded the motion and all were in favor. Members of the public left the room

The Committee returned to open session at 10:45 a.m. Ms. Roth announced that the Commission had met in closed session to discuss land acquisition matters related to the development of a full interchange at the Garden State Parkway Exit #44 as well as a Pinelands Conservation Fund acquisition. She stated that once the issues are no longer confidential, the minutes will be available to the public.

4. Executive Director’s Report

Hamilton Township’s 2012 Master Plan Reexamination Report and Ordinance 1722-2012, Amending Chapter 203 (Land Use and Development) of the Township’s Code in response to amendments to the CMP related to forestry, wetlands management, and residential cluster development in the Pinelands Forest and Rural Development Areas

Ms. Grogan said that Hamilton Township’s Master Plan Reexamination Report and Ordinance 1722-2012 were before the Committee today. These documents are the Township’s response to the Commission’s CMP amendments related to cluster development, forestry and wetlands management. In addition there is a zoning change of two lots (Block 1319) from a residential zoning district to a non-residential district in the Regional Growth Area (RGA) in recognition of existing commercial development. As this change will have no impact on residential zoning capacity or the use of PDCs, it is consistent with the CMP.

Hamilton has responded fully to the new forestry standards but, perhaps inadvertently, deleted the provisions of the new wetlands management standards that had been included in the model ordinance provided by staff to the Township. Ms. Grogan said that one condition for certification is that wetlands management be added back to the permitted uses in wetlands.

Ms. Grogan said that the bulk of the discussion in the report focuses on the clustering provisions for the Forest (FA) and Rural Development Areas (RDA). She identified three areas where Hamilton has made changes. Hamilton requires that the individual lots in a cluster project contain at least 50% developable land (no wetlands or wetlands buffers). She said that this seems reasonable in order to accommodate a home, a septic system, accessory uses, etc. and this does not appear to be an issue.

The second change relates to a modification of the bonus density. The CMP provides for a bonus density in order to encourage lot consolidation that will lead to larger projects with proportionally larger tracts of open space being preserved. The Township has chosen to mandate that developers, no matter how much land they have in their projects, acquire additional lands after April 2009, the effective date of the clustering amendments, in order to be eligible for the bonus units. Buena Vista Township has done likewise and the Commission approved their ordinance in March of this year. It will be Hamilton's responsibility to administer the process of record-keeping for any additional acquisitions and Commission staff will not be involved in determining if additional lands have been obtained.

It is the goal of the clustering amendments to consolidate lots and get the biggest piece of open space possible. Because most lots in the FA and RDA are small, aggregation is an important goal.

It is the third item that is problematic. Hamilton proposes calculating bonus units only on uplands property. No credit would be given to the developer for wetlands property. It will encourage the acquisition of uplands and although municipalities have a certain amount of flexibility, changes to the CMP must be based on specific local circumstances. When staff asked the Township to justify the limitation, Hamilton submitted a letter (*Exhibit #1*) noting that there are many environmentally sensitive lands in the Township. Ms. Grogan stated that this is true for every FA in the Pinelands and staff does not feel that it is justified to limit the bonus density to uplands only. She said that the bonus density is mandatory and is to be encouraged. She said that, based on information from the Environmental Integrity Assessment (EIA), staff had provided suggestions to Hamilton for rezoning to recognize the sensitive areas rather than trying to reduce development everywhere through bonus unit limitations. She said that she believed that there are some zoning changes that Hamilton could make.

Mr. Liggett said that the Township is concerned with downzoning and its effects on individual landowners.

Ms. Grogan added that staff does not suggest that downzoning would be an easy approach but staff is finding that many towns are starting to do analyses on their own development potentials. The clustering rules have brought about the realization of what might occur in their communities. She said that next month the Committee would see some other ordinances where municipalities have taken detailed and specific approaches to deal with the bonus densities.

Finally, she stated that two property owners had objected to Hamilton's approach and there are letters included in the report expressing their concerns.

Commissioner Jackson moved the recommendation to the Commission of conditional certification of Hamilton Township's April 2012 Master Plan Reexamination Report and Ordinance 1722-2012. Commissioner Rohan Green seconded the motion and all were in favor.

5. Update on the Pinelands Conservation Fund projects

Ms. Grogan stated that CRI has received several applications for the 2012 Round of Pinelands Conservation Fund land acquisition projects and Mr. Catania and Ms. Heasley will be discussing them at the Committee's October meeting.

6. Public Comment

Mr. Fred Akers, with the Great Egg Harbor Watershed Association (GEHWA), noted the effective planning done by Atlantic County to develop an active park system, much of which is along the Great Egg Harbor River. He said that there was much public access and excellent and well-staffed facilities. Such efforts by the County contributed to the successful designation of the GEH as a Wild and Scenic River.

Referring to his public comment at the August 31, 2012 Committee meeting, Mr. Akers said that while Mr. Liggett had been helpful in addressing his questions about sewer service areas (SSAs), not all his concerns had been answered. He expressed concern that the mapping was done first without appropriate planning efforts, e.g., determination of build-out numbers on sewer, confirmation of an adequate water supply to accommodate sewered development, adequate wastewater treatment facilities, etc. He cited the Pinelands Water Quality Management "Fact Sheet" on the Commission's web site and questioned what he considered to be conflicting information.

Ms. Wittenberg responded that the Fact Sheet references two different planning processes: that of the Commission and that of DEP. She and Ms. Roth described the process that had led to the Memorandum of Understanding and said that there had been no changes made to wastewater planning in the Pinelands other than to preserve Pinelands boundaries.

Mr. Jay Mounier, Franklin Township resident, asked for the deadline for public comment on Plan Review. Staff said that it was midnight tonight (September 28, 2012).

Dr. Jaclyn Rhodes, with the Pinelands Preservation Alliance (PPA) said that PPA was sponsoring a roadside vegetation management workshop on October 1 from 8:30 to 12:30. All the Pinelands counties will be sending representatives as well as the NJ Department of Transportation. Ms. Robyn Jeney (Regulatory Programs Specialist) will be making a presentation on issues related to mowing and roadside vegetation maintenance. Other presenters will be discussing soil compaction and vegetation options. She said that she hoped to offer the program to Pinelands municipality in the future and she invited all present today to attend.

7. Other Items of Interest

Ms. Wittenberg said that the public hearing for the proposed MOA with the Richard Stockton College of New Jersey would be conducted at 7 p.m. on Tuesday, October 2, 2012 at the Galloway Township Municipal Building. She and Ms. Roth will be attending.

Ms. Wittenberg also said that Ms. Roth had attended the Pinelands Municipal Council (PMC) meeting on Wednesday September 26, 2012 in Ocean Township.

Ms. Roth said that the PMC meeting focused on comment to be submitted regarding Plan Review. One issue of concern is expediting applications. She said that she had been pleased to report on the Commission's LEAN initiative which is intended to help in that regard.

Ms. Wittenberg noted that the Plan Review public meeting (September 24, 2012) had been well attended and there were quite a number of comments on PPAs recommendation #10 regarding the bonding of Enduro events.

Commissioner Prickett said that he found it interesting that the comments offered at the Hamilton public meeting were quite different from those presented here in New Lisbon.

There being no additional items of interest, the meeting adjourned at 11:25 a.m. (moved by Commissioner Rohan Green and seconded by Commissioner Jackson).

Certified as true and correct:

Betsy Piner, Principal Planning Assistant

Date: October 5, 2012

Adopted by the CMP P&I Committee

October 26, 2012

/CS15A