



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

State of New Jersey
THE PINELANDS COMMISSION
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SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

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Application Specific Information: AppInfo@pinelands.nj.gov

MEMORANDUM

To: CMP Policy & Implementation Committee

From: Susan R. Grogan 
Chief Planner

Date: November 21, 2018

Subject: November 30, 2018 Committee meeting

Enclosed please find the agenda for the Committee's upcoming meeting on November 30, 2018. We have also enclosed the following:

- The minutes from the Committee's September 28, 2018 meeting;
- A draft resolution and report on Medford Township's Housing Element and Fair Share Plan and ordinance amendments;
- A draft resolution relating to the eligibility of one parcel for the Limited Practical Use land acquisition program; and
- A draft amendment to the Pinelands Infrastructure Trust Fund Master Plan

/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

November 30, 2018

9:30 a.m.

Agenda

1. Call to Order
2. Pledge Allegiance to the Flag
3. Adoption of minutes from the September 28, 2018 CMP Policy & Implementation Committee meeting
4. Executive Director's Reports

Medford Township 2018 Housing Element and Fair Share Plan and Ordinance 2018-16, adopting the Stokes Square Redevelopment Plan
5. Review of the Executive Director's recommendation to the Pinelands Commission as to the eligibility of a parcel for acquisition under the Limited Practical Use program
6. Update on Pinelands Conservation Fund land acquisition projects and consideration of extension request
7. Pinelands Infrastructure Trust Fund
 - Discussion of draft Master Plan amendment
 - Review of proposed schedule
8. Update on the Long-Term Economic Monitoring Program: re-evaluation and recommendations
9. Public Comment

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

**Richard J. Sullivan Center
Terrence D. Moore Room
15 C Springfield Road
New Lisbon, New Jersey
September 28, 2018- 9:30 a.m.**

MINUTES

MEMBERS IN ATTENDANCE: Chairman Sean Earlen, Jordan Howell, Ed Lloyd and Richard Prickett

MEMBERS ABSENT: Candace Ashmun, Robert Barr and Paul E. Galletta

OTHER COMMISSIONER PRESENT: Mark Lohbauer (as a non-member of this Committee, Commissioner Lohbauer did not vote on any matter)

STAFF PRESENT: Stacey Roth, Larry L. Liggett, Susan R. Grogan, Paul Leakan and Betsy Piner. (Craig Ambrose, with the Governor's Authorities Unit, attended by telephone.)

1. Call to Order

Chairman Earlen called the meeting of the Comprehensive Management Plan (CMP) Policy and Implementation (P&I) Committee to order at 9:32 a.m.

2. Pledge Allegiance to the Flag

All present pledged allegiance to the Flag.

3. Adoption of minutes from the August 24, 2018 CMP Policy & Implementation Committee Meeting

Commissioner Prickett moved the adoption of the August 24, 2018 meeting minutes. Commissioner Howell seconded the motion. The minutes were adopted with all Committee members voting in the affirmative.

4. Executive Director's Reports

Ms. Grogan said today she would be presenting two redevelopment plans, noting that such plans seem to be a popular means of implementing affordable housing obligations.

**Galloway Township 2018 Housing Element and Fair Share Plan and Ordinances
1993-2018 and 1994-2018, amending Chapter 233 (Land Management) and
adopting the Nantucket Redevelopment Plan**

Ms. Grogan said Galloway Township has a relatively large affordable housing obligation and has submitted to the Commission its Housing Element and Fair Share Plan as well as Ordinance 1993-2018, adopting affordable housing requirements to implement that Plan. The Township has also submitted Ordinance 1994-2018, approving a redevelopment plan for the Nantucket Redevelopment Area. Ms. Grogan said this is among several projects that Galloway has employed in recent years to implement its agreement with Fair Share Housing Center. She reminded the Committee that some time ago the Commission had approved zoning to accommodate a 4-story apartment building with 100% affordable units (*Resolution PC4-15-20, adopted August 14, 2015 certifying Galloway Township Ordinance 1909-2015*). Also, the Township has adopted a requirement that all residential development in its Regional Growth Area (RGA) include a 25% affordable housing component.

Ms. Grogan said the Nantucket Redevelopment Area is a vacant 60-acre parcel next to a CVS on the White Horse Pike near West Jimmie Leeds and Pomona Roads, which lead to Stockton University. She said the current zoning is Highway Commercial (HC-2), with housing permitted, and for several years the Township had hoped for high-density senior housing on this parcel. There have never been any approvals for such development at this site. The Township feels it will be suitable for affordable housing with apartments and multi-family housing at ten dwelling units per acre, with commercial development on the White Horse Pike and presumably, apartments to the rear. The Township anticipates perhaps 60 affordable units. The Pinelands Development Credit (PDC) requirement from the prior senior housing conditional use is retained.

Ms. Grogan said staff is recommending approval of these documents and believes that this project could move forward relatively quickly.

In response to Commissioner Lohbauer's questions regarding the retail component, Ms. Grogan said permitted uses will allow retail, commercial and office space. The Township hopes to attract at least 40,000 square feet of commercial development.

In response to Commissioner Lloyd's question about clustering, Ms. Grogan said much of the development will be apartments so that is cluster development. From the map, she identified one lot at the western end of the parcel as having extensive wetlands. She said some 600 units will be permitted but Galloway anticipates only some 300 to 350 units will be developed, depending upon parking and stormwater requirements.

Commissioner Lloyd moved the recommendation of Commission certification of Galloway Township's 2018 Housing Element and Fair Share Plan and Ordinances 1993-2018 and 1994-2018. Commissioner Prickett seconded the motion and all voted in favor.

Pemberton Township Ordinance 13-2018, amending the Browns Mills Town Center Redevelopment Plan

Prior to this discussion, Commissioner Prickett received confirmation from Ms. Roth that, although he lives in Pemberton Township and had served on the Township Council previously, as he had no involvement with the preparation of this Plan, he was eligible to participate/vote on this matter.

Ms. Grogan said roughly a year ago, the Commission had certified the Browns Mills Town Center Redevelopment Plan (*Resolution PC4-17-28, September 14, 2017*). She said meanwhile the Township had already started working on a revised redevelopment plan in recognition that the initial iteration with its many zoning districts, detailed design standards, etc. would be difficult to administer. The Local Planning Services (LPS) division of the Department of Community Affairs (DCA) prepared the revised plan before the Committee today. Ms. Grogan said this amended plan is simpler, reduces the number of zoning districts from six to four and more realistically embodies the Township's goals.

Ms. Grogan directed the Committee to Exhibit #1 of the Executive Director's Report noting that it identified the four new districts within the Redevelopment Area. She said the old Acme shopping center is in the Town Center-Retail (TC-R) Zone and is being demolished as the Township is preparing the site in anticipation of attracting a redeveloper for that nearly abandoned strip mall. This area also encompasses the relatively new Acme in a small shopping center. She identified the Town Center-Neighborhood (TC-N) Zone, containing an area of wetlands that will become dedicated open space to offset the anticipated residential development, most likely multi-family housing, which the Township desires. She said the Town Center-Mixed Use (TC-MU) Zone currently contains residential, commercial, a fire station, and a number of now-vacant parcels the Township has acquired in order to demolish substandard structures in anticipation of revitalizing the area. Finally, it is anticipated that the Town Center-Waterfront (TC-W) District could take advantage of proximity to Mirror Lake and potential waterfront recreation as well as a hotel.

Ms. Grogan said Exhibit #2 is a concept map but the actual configuration and structures will depend upon the development that is actually proposed by a redeveloper and approved.

Ms. Grogan said in terms of the CMP, the entire Redevelopment Area is in the RGA; there is a requirement of PDCs for projects of five or more dwelling units with densities ranging from 5-20 dwelling units per acre. The area is limited in terms of single family residential development opportunities due to wetlands and buffer requirements.

Commissioner Prickett noted that there are relatively few historic structures left in Browns Mills and asked if the Plan recognizes their presence.

Ms. Grogan responded that, although not identified in the Plan, the Township does have standards for historic structures.

In response to Commissioner Lloyd's question if Pemberton has an affordable housing obligation, Ms. Grogan said they do not.

Also in response to a question from Commissioner Lloyd regarding the involvement of DCA in preparing redevelopment plans, Ms. Grogan said that DCA staff is former staff from the Council on Affordable Housing (COAH) and they provide this service at no charge to the municipalities. When that agency became inactive, the staff recognized that, with its planners and GIS staff, it could help the municipalities complete certain projects. She said this is particularly helpful for the smaller municipalities with limited resources. She said in the Pinelands, Woodbine and Folsom have agreements with DCA for master plans.

Mr. Liggett said DCA brings an element of realism to the municipalities by providing economic data and background analysis.

Ms. Grogan added that DCA uses the Pinelands Commission's Long Term Economic Monitoring Report among other resources. She also noted that DCA had been working with Lakehurst Borough on a redevelopment plan for the municipal landfill. However, she felt DCA had brought a level of realism to what appears to have been an unrealistic project.

In response to Commissioner Prickett's question if there were still an Urban Economic Zone in Pemberton, Ms. Grogan responded yes, but it extends beyond the Browns Mills Redevelopment Area.

Commissioner Prickett said Pemberton has no affordable obligation because it is a very affordable municipality and there are many vacant houses.

Ms. Grogan said, yes, and the Township believes there is a need for multifamily housing, townhouses and apartments. She said the Township hopes new housing will support new commercial development.

Commissioner Lloyd moved the recommendation of Commission certification of Pemberton Township Ordinance 13-2018. Commissioner Howell seconded the motion and all voted in favor.

5. Review of the Executive Director's recommendation to the Pinelands Commission as to the eligibility of a parcel for acquisition under the Limited Practical Use program

Ms. Grogan said the Commission rarely received applications for the Limited Practical Use (LPU) program currently but hundreds of applications had been received in the past. Today's

application is submitted by the owner of a 4.15 acre parcel in Galloway Township who had been denied a waiver at the Commission's August 20, 2018 meeting and has submitted a questionnaire to determine eligibility in the LPU program. The parcel meets all criteria and staff is recommending eligibility.

Commissioner Prickett moved the recommendation to the Commission of the eligibility of the subject parcel for the Limited Practical Use land acquisition program. Commissioner Lloyd seconded the motion and all voted in favor.

6. Proposed Comprehensive Management Plan amendments (Pilot Program for Alternate Design Wastewater Treatment Systems)

Ms. Grogan said the Commission had authorized the proposal of amendments to the CMP eliminating the August 5, 2018 installation deadline for alternative design treatments systems. She said one commenter, Rich Bizub, in the audience today, had attended the public hearing and supported the proposal, but no written comments were received. Ms. Grogan said if the Commission approves the amendments at its October 12, 2018 meeting, she will try to schedule publication in the New Jersey Register by the end of the year. She said a couple of applications utilizing these systems are "stuck" and will need to switch systems or delay their projects until the deadline is removed.

In response to Commissioner Prickett's statement that rulemaking appears to be an amazingly tedious job, Ms. Grogan said it is a lengthy process.

Commissioner Lloyd added that Ms. Grogan had done remarkably well to advance these rules within some four months.

Commissioner Prickett moved the recommendation to the Commission of the adoption of CMP amendments for the pilot program for alternate design wastewater treatment systems. Commissioner Howell seconded the motion and all voted in favor.

7. Public Comment

Mr. Jay E. Mounier, a resident of Franklin Township, noted that Commissioner Galletta was doing well following a recent medical procedure.

In response to Commissioner Howell's questions regarding the Pinelands Infrastructure Master Plan, Mr. Liggett said, in the late 1980's, the Commission awarded grants to Pinelands RGA communities for the development of sewers. All the available money had been used but now there is a new pool of money resulting from repayment of loans. He said staff is talking with the municipalities and counties to see if they are interested in applying for funding for infrastructure needs, including those other than sewers. He said the Committee will need to determine if it wants to make changes to the types of projects (i.e., beyond sewers), the criteria, and the terms of the agreements, noting that previously the projects had been funded

with 40% loans, 20% grants and 20% local contributions. He said, following the Commission's approval, a Request For Proposals will be issued and money awarded for projects, but there is no additional money beyond the \$15 million from the loan repayments.

In response to Commissioner Howell's question if there were any updates on the Memorandum of Agreement (MOA) for the Atlantic City Airport, Ms. Roth said the Governor had conditionally vetoed A-3676 (*Creates Garden State Growth Zone at Atlantic City International Airport and surrounding areas*).

Mr. Leakan presented the bill on the SmartBoard: <https://legiscan.com/NJ/text/A3676/2018>

Ms. Roth said she and Ms. Grogan had worked with the legislators on revising this bill regarding the Aviation District, a one-mile radius around the Airport, to ensure that a PDCs obligation was included for residential development. She said staff will work with the South Jersey Transportation Authority (SJTA) on the MOA and awaits their development plans for the area around the airport. She said SJTA would prefer an amended MOA that merely removes the conservation zone but staff feels it needs to include future development potential also. She said she will reach out to them and develop a schedule.

Ms. Grogan said staff had learned from the Governor's office that there are a lot of plans for the airport and surrounding area.

Mr. Liggett added that the RGA around the airport is zoned to accommodate 30% to 40% of all future PDC use in the Pinelands Area..

Ms. Roth noted that the bill does not appear to reflect an understanding of the PDC program. Furthermore, there is a reference to the preserved open space owned by the Pinelands Commission; as the Commission owns no land, this may be an issue for the NJ Department of Environmental Protection.

Ms. Grogan added that the bill is specific to the Atlantic City Airport.

Ms. Roth added that the other geographic areas listed in an earlier iteration of the bill have since been removed.

In response to Commissioner Prickett's question if any federal agencies have plans to assist the three grassland species currently protected in the conservation zone, Ms. Roth said she would check with Mr. Chris Boggs, with the Department of Agriculture, with whom she has been working.

Commissioner Prickett said perhaps a revised MOA might involve enhancing habitat for these species at the Joint Base.

There being no other items of interest, Commissioner Lloyd moved the adjournment of the meeting and Commissioner Prickett seconded the motion. The meeting was adjourned at 10:25 a.m.

Certified as true and correct:



Betsy Piner,
Principal Planning Assistant

Date: October 4, 2018



DRAFT

RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18-_____

TITLE: Issuing an Order to Certify the 2017 Housing Element and Fair Share Plan and Ordinance 2018-16 of Medford Township

Commissioner _____ moves and Commissioner _____
seconds the motion that:

WHEREAS, on May 6, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Medford Township; and

WHEREAS, Resolution #PC4-83-37 of the Pinelands Commission specified that any amendment to the Township'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 #PC4-83-37 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 June 28, 2017, the Medford Township Planning Board adopted Resolution 20-2017, approving the Township's 2017 Housing Element and Fair Share Plan; and

WHEREAS, on August 15, 2017, Medford Township adopted Ordinance 2017-10, approving a redevelopment plan for the Stokes Square Redevelopment Area for purposes of implementing one of the recommendations contained in the 2017 Fair Share Plan; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 2017-10 on August 21, 2017; and

WHEREAS, the Pinelands Commission received a certified copy of Resolution 20-2017 and the adopted 2017 Housing Element and Fair Share Plan on October 4, 2017; and

WHEREAS, by email dated October 3, 2018, Commission staff informed the Township that revisions to the Stokes Square Redevelopment Plan would be necessary for purposes of conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, by email dated October 6, 2017, Medford Township requested an extension of the Pinelands Commission's review period for Ordinance 2017-10 in order to provide an opportunity to discuss possible revisions to the Stokes Square Redevelopment Plan prior to formal Commission action; and

WHEREAS, by letter dated October 10, 2017, the Executive Director notified the Township that an extension was granted through December 31, 2017; and

WHEREAS, by letter dated December 8, 2017, Medford Township requested a further extension of the Pinelands Commission's review period for Ordinance 2017-10 to provide sufficient time for the Township to address the issues identified by Commission staff; and

WHEREAS, by letter dated December 27, 2017, the Executive Director notified the Township that a second extension was granted through March 31, 2018; and

WHEREAS, by email dated March 21, 2018, Medford Township requested an additional extension of the Pinelands Commission's review period for Ordinance 2017-10 during which discussion of revisions to the Stokes Square Redevelopment Plan would continue; and

WHEREAS, by letter dated March 26, 2018, the Executive Director notified the Township that an extension was granted through April 30, 2018; and

WHEREAS, by email dated June 5, 2018, the Township provided the Commission with a draft copy of a revised redevelopment plan for review; and

WHEREAS, on September 4, 2018, Medford Township adopted Ordinance 2018-16, approving an amended redevelopment plan for the Stokes Square Redevelopment Area that includes increased residential densities and requirements for the provision of affordable housing and use of Pinelands Development Credits; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 2018-16 on October 3, 2018; and

WHEREAS, by letter dated October 4, 2018, the Executive Director notified the Township that Planning Board Resolution 20-2017 and Ordinance 2018-16 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on the 2017 Housing Element and Fair Share Plan and Ordinance 2018-16 was duly advertised, noticed and held on November 7, 2018 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 Medford Township’s 2017 Housing Element and Fair Share Plan and Ordinance 2018-16 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 issuance of an order to certify that Medford Township’s 2017 Housing Element and Fair Share Plan and Ordinance 2018-16 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 has recommended that the 2017 Housing Element and Fair Share Plan and Ordinance 2018-16 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning the 2017 Housing Element and Fair Share Plan and Ordinance 2018-16 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 Medford Township’s 2017 Housing Element and Fair Share Plan and Ordinance 2018-16 are in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Medford 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					Howell					Prickett				
Avery					Jannarone					Quinn				
Barr					Lloyd					Rohan Green				
Chila					Lohbauer					Earlen				
Galletta					Pikolycky									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
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**REPORT ON MEDFORD TOWNSHIP'S 2017 HOUSING ELEMENT
AND FAIR SHARE PLAN AND ORDINANCES 2017-10 AND 2018-16**

November 30, 2018

Medford Township

FINDINGS OF FACT

I. Background

The Township of Medford is located in central Burlington County, in the northwestern section of the Pinelands Area. Pinelands municipalities that abut Medford Township include the Township of Waterford in Camden County and the Borough of Medford Lakes and the Townships of Evesham, Shamong, Southampton and Tabernacle in Burlington County.

On May 6, 1983, the Pinelands Commission fully certified the Master Plan and Land Development Ordinance of Medford Township.

On June 28, 2017, the Medford Township Planning Board adopted Resolution 20-2017, approving the Township's 2017 Housing Element and Fair Share Plan.

On August 15, 2017, Medford Township adopted Ordinance 2017-10, approving a redevelopment plan for the Stokes Square Redevelopment Area for purposes of implementing one of the recommendations contained in the 2017 Fair Share Plan. The Stokes Square Redevelopment Area is located in a Pinelands Regional Growth Area.

The Pinelands Commission received a certified copy of Ordinance 2017-10 on August 21, 2017 and a certified copy of Resolution 20-2017 and the adopted 2017 Housing Element and Fair Share Plan on October 4, 2017.

By email dated October 3, 2018, Commission staff informed the Township that revisions to the Stokes Square Redevelopment Plan would be necessary for purposes of conformance with the Pinelands Comprehensive Management Plan. Subsequently, by email dated October 6, 2017, Medford Township requested an extension of the Pinelands Commission's review period for Ordinance 2017-10 in order to provide an opportunity to discuss possible revisions to the Stokes Square Redevelopment Plan prior to formal Commission action. By letter dated October 10, 2017, the Executive Director notified the Township that an extension was granted through December 31, 2017.

By letter dated December 8, 2017, Medford Township requested a further extension of the Pinelands Commission's review period for Ordinance 2017-10 to provide sufficient time for the Township to address the issues identified by Commission staff. By letter dated December 27, 2017, the Executive Director notified the Township that a second extension was granted through March 31, 2018.

By email dated March 21, 2018, Medford Township requested an additional extension of the Pinelands Commission's review period for Ordinance 2017-10 during which discussion of revisions to the Stokes Square Redevelopment Plan would continue. By letter dated March 26, 2018, the Executive Director notified the Township that an extension was granted through April 30, 2018.

By email dated June 5, 2018, the Township provided the Commission with a draft copy of a revised redevelopment plan for review.

On September 4, 2018, Medford Township adopted Ordinance 2018-16, approving an amended redevelopment plan for the Stokes Square Redevelopment Area that includes increased residential densities and requirements for the provision of affordable housing and use of Pinelands Development Credits. The redevelopment plan adopted by Ordinance 2018-16 entirely supersedes that previously adopted by Ordinance 2017-17. The Pinelands Commission received a certified copy of Ordinance 2018-16 on October 3, 2018.

By letter dated October 4, 2018, the Executive Director notified the Township that Planning Board Resolution 20-2017 and Ordinance 2018-16 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

The following master plan and ordinance amendments have been submitted to the Pinelands Commission for certification:

- * The 2017 Housing Element and Fair Share Plan of Medford Township, adopted by the Planning Board on June 28, 2017; and
- * Ordinance 2018-16, adopting the Stokes Square Redevelopment Plan, adopted on September 4, 2018.

These 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 Master Plans and Land Use Ordinances Relating to Development Standards

Medford Township's 2017 Housing Element and Fair Share Plan contains updated data and analysis pertaining to Medford's current and projected demographic, housing stock, and employment characteristics, as well as an updated Fair Share Plan for the cumulative period 1987-2025. The Township's Fair Share Plan indicates a rehabilitation obligation of 25 units, a prior round obligation of 418 units and a third round prospective need of 483 units. The Fair Share Plan provides information on past efforts to provide affordable housing and outlines the mechanisms that will facilitate the attainment of the Township's affordable housing obligation. These mechanisms include the rezoning of five sites, only one of which is located in the Pinelands Area. Referred to in the Housing Element and Fair Share Plan as "Stokes Square", this site is proposed for 120 market rate units and a monetary contribution to subsidize the development of affordable housing units in another project, outside the Pinelands Area. These recommendations reflect the terms of a 2017 settlement agreement between Medford Township and Fair Share Housing Center.

Ordinance 2018-16 adopts a Redevelopment Plan for the Stokes Square Redevelopment Area. This redevelopment area consists of four lots (Block 2701.20, Lots 9.01, 9.02, 9.03 and 10.01) located at the intersection of Himmelein Road and Stokes Road (see Exhibit #1). In total, 67 acres are included in the new redevelopment area, 34 of which were previously located in the residential GD (Growth) District and 33 of which were in the RC (Restricted Commercial) District. An existing bank, office building and salon are located in the redevelopment area but the majority of the area is currently vacant and comprised of wetlands (see Exhibit #2). There are approximately 20 acres of uplands in the redevelopment area. The entire redevelopment area is located in a Pinelands Regional Growth Area.

The purpose of the Stokes Square Redevelopment Plan is to provide for new residential housing in a compact format. To that end, permitted uses in the new zone include "independent living" in the form of senior apartments. A maximum of 120 such units is permitted, with the acquisition and redemption of Pinelands Development Credits required for 20% of all units. The Redevelopment Plan does not require that any of the new units be made affordable to low and moderate income households; instead, a contribution to the Township's affordable housing trust fund is required, with the collected funds to be used to produce affordable housing units in another project, outside the Pinelands Area. A variety of nonresidential uses are also permitted in the redevelopment area, including offices, retail sales and service establishments, restaurants, indoor and outdoor recreation, public parks, community buildings and open space. Any development that occurs within the redevelopment area must comply with all other municipal application requirements and development regulations, as well as the Comprehensive Management Plan.

According to the Redevelopment Plan, the new independent living senior apartments will be located all in one building of no more than 45 feet in height. The apartment building will be sited on Himmelein Road in close proximity to the existing commercial uses (see conceptual site plan, Exhibit #3). In order to accommodate the proposed redevelopment project, sanitary sewer will need to be extended to the site and public water will need to be provided to both the new apartment building and the existing office building. With respect to the remainder of the redevelopment area, the Redevelopment Plan requires that at least 50% of the area be "dedicated

and preserved open space or agriculture” so as to preserve scenic vistas and the community greenbelt.

The Stokes Square Redevelopment Plan provides an opportunity for development of 120 new units in Medford’s Regional Growth Area. The resulting density in the Redevelopment Area is significantly higher than that prescribed by the Comprehensive Management Plan, which requires the Township to zone for a density of only one unit per upland acre in its Regional Growth Area. 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, infrastructure exists or can be provided to support the increased density and sufficient opportunities for the use of Pinelands Development Credits are provided. The Stokes Square Redevelopment Area meets these standards.

Medford Township’s 2017 Housing Element and Fair Share Plan and Ordinance 2018-16 are consistent with the land use and development standards of the Comprehensive Management Plan. 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

Ordinance 2018-16 adopts a new redevelopment plan for a portion of Medford Township’s Regional Growth Area. Based on this plan, 120 age-restricted apartments will be permitted in the Stokes Square Redevelopment Area, with the use of Pinelands Development Credits (PDC)

required for 20% of all proposed units. No exemption for affordable housing units is provided, as no such units are required in the Redevelopment Area.

The result is increased residential zoning capacity and opportunities for the redemption of PDCs in the Township's Regional Growth Area. A maximum of 120 new units can be developed, which would require the redemption of 24 rights (6.0 PDCs). These numbers are well in excess of what the Comprehensive Management Plan prescribes for Medford's Regional Growth Area.

It is important to note that the new Stokes Square Redevelopment Area standards described above represent a departure from the traditional zoning and PDC strategy outlined in N.J.A.C. 7:50-5.28(a). This section of the Comprehensive Management Plan anticipates that municipalities will establish "base" densities in their various Regional Growth Area zoning districts and then provide opportunities to increase such densities through the use of PDCs. In Medford's Regional Growth Area, the Comprehensive Management Plan establishes a "base" density of one unit per developable acre and directs the Township to provide for "bonus" density through the use of PDCs to allow for a total of 1.5 units per developable acre. There is nothing in the CMP that prevents municipalities from exceeding these minimum requirements, which is exactly what Medford Township has elected to do. The Township has chosen to provide for higher density in the Stokes Square Redevelopment Area as a means of advancing its affordable housing objectives. At the same time, the Township has adopted standards to ensure that PDC use will be a significant part of the anticipated redevelopment project.

Rather than relying on the traditional approach of providing developers with the *option* of using PDCs to increase permitted density, Ordinance 2018-16 *guarantees* a PDC redemption rate of 20% for residential development within the Redevelopment Area. Medford Township implemented similar requirements in its other Regional Growth Area residential zones many years ago, again as a means of facilitating affordable housing development. In those zoning districts, the use of PDCs is required for 25% or 33% of all market rate units. Those higher percentages, coupled with the higher than normal density in the new redevelopment area, allow the PDC requirement in the Stokes Square Redevelopment Area to be slightly lower.

Given the greater certainty provided by the Township's overall approach in terms of PDC use, the Executive Director finds that the PDC requirements adopted by Ordinance 2018-16 are 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

Medford Township's 2017 Housing Element and Fair Share Plan and Ordinance 2018-16 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

Medford Township's 2017 Housing Element and Fair Share Plan and Ordinance 2018-16 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act. Therefore, this standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

The redevelopment area established by Ordinance 2018-16 does not include lands that are adjacent to any other municipalities. Therefore, intermunicipal conflicts are not anticipated and this standard for certification is met.

PUBLIC HEARING

A public hearing to receive testimony concerning Medford Township's application for certification of its 2017 Housing Element and Fair Share Plan and Ordinance 2018-16 was duly advertised, noticed and held on November 7, 2018 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 November 14, 2018; however, no such comments were received.






CONCLUSION

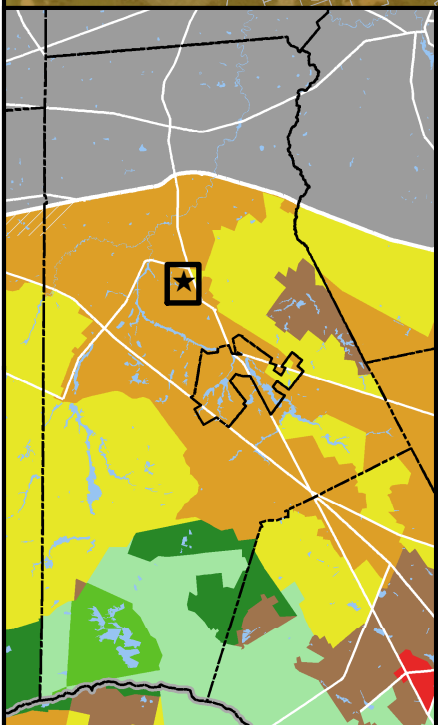
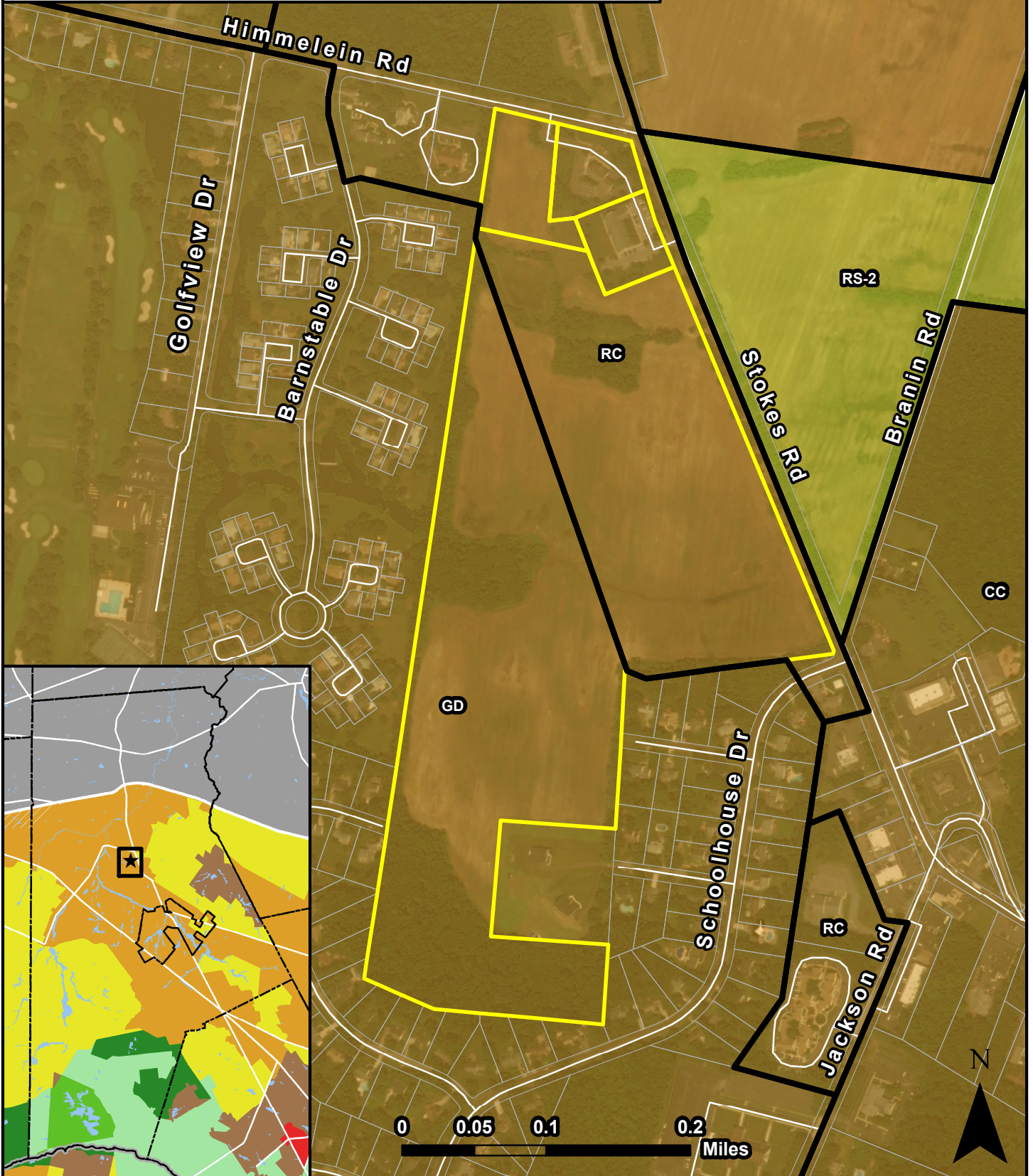
Based on the Findings of Fact cited above, the Executive Director has concluded that Medford Township's 2017 Housing Element and Fair Share Plan and Ordinance 2018-16 comply with Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify the 2017 Housing Element and Fair Share Plan and Ordinance 2018-16 of Medford Township.

SRG/CME
Attachments

Stokes Square Redevelopment Area

Executive Director's Report
Medford Ordinance 2018-16
Exhibit 1
11/30/2018

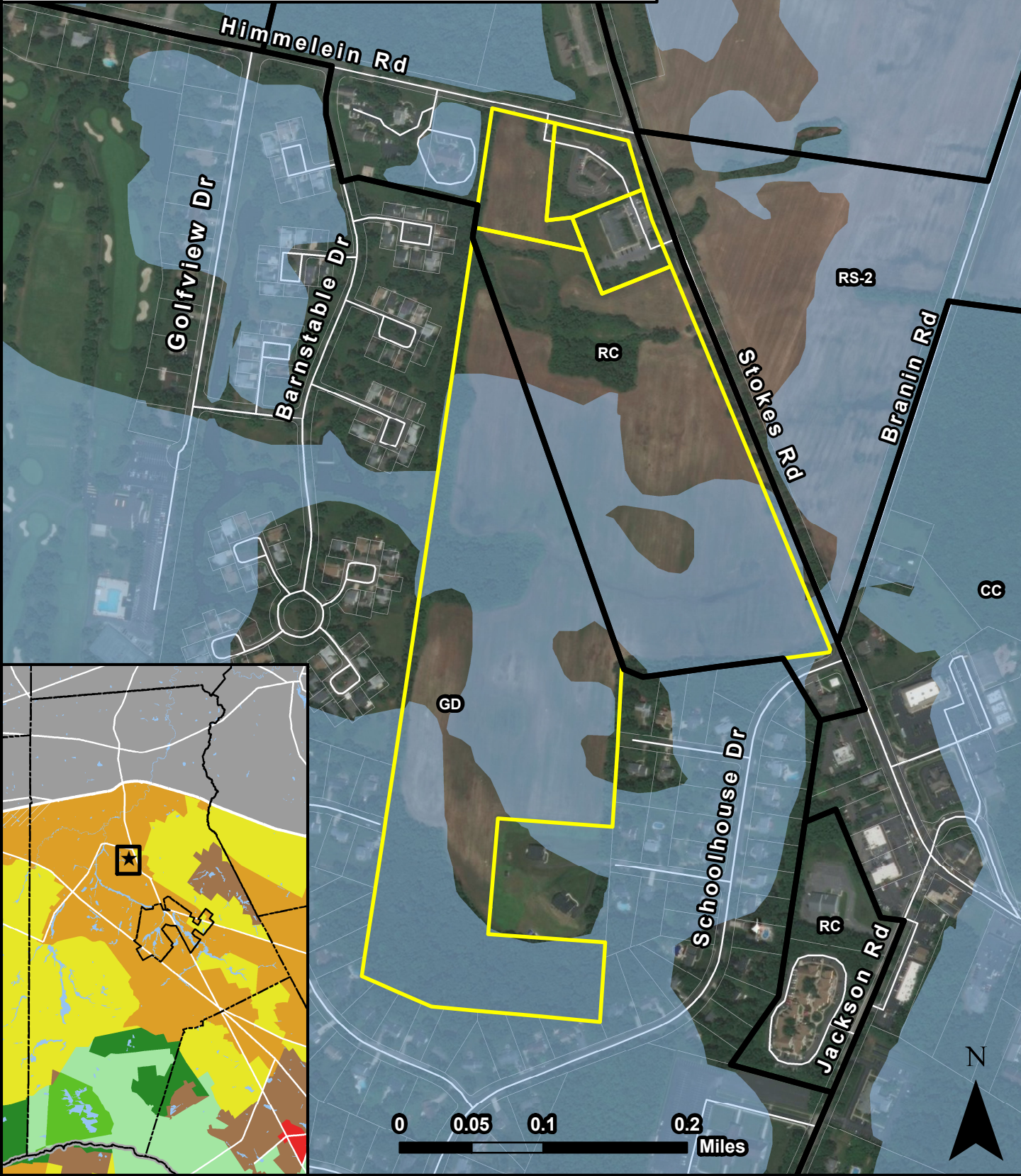
-  Redevelopment Parcels
-  Parcels
-  Existing Zoning
- Pinelands Management Areas**
-  Rural Development Area
-  Regional Growth Area



Stokes Square Redevelopment Area

-  Redevelopment Parcels
-  Pinelands Wetlands
-  Parcels
-  Existing Zoning

Executive Director's Report
Medford Ordinance 2018-16
Exhibit 2
11/30/2018





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18-_____

TITLE: Determining the Eligibility of a Parcel of Land for Acquisition by the Department of Environmental Protection Pursuant to the Limited Practical Use Program

Commissioner _____ **moves and Commissioner** _____ **seconds the motion that:**

WHEREAS, the Pinelands Commission has reviewed the Findings of Fact, Conclusion and recommendation of the Executive Director that the following parcel is eligible for acquisition under the Limited Practical Use program:

2016-0115.001 **Barbara Baldwin**, Block 3003, Lot 14; Buena Vista Township, 0.57 ac.; Pinelands Rural Development Area; waiver application denied November 9, 2018.

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director’s recommendation has been received for this parcel; and

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director for this parcel; and

WHEREAS, the Pinelands Commission hereby determines that the parcel conforms to the criteria set forth in N.J.A.C. 7:50-9.2 and 9.3 for eligibility for acquisition under the Limited Practical Use program; 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 the Pinelands Commission approves the acquisition of the following parcel and authorizes the Executive Director to transmit the name of this property owner to the Department of Environmental Protection for acquisition, provided that the landowner freely agrees to sell his parcel:

2016-0115.001 **Barbara Baldwin**, Block 3003, Lot 14; Buena Vista Township, 0.57 ac.; Pinelands Rural Development Area; waiver application denied November 9, 2018.

Record of Commission Votes

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

*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



PHILIP D. MURPHY
 Governor
 SHEILA Y. OLIVER
 Lt. Governor

SEAN W. EARLEN
 Chairman
 NANCY WITTENBERG
 Executive Director

General Information: Info@pinelands.nj.gov
 Application Specific Information: AppInfo@pinelands.nj.gov

**REPORT ON PROPERTY ELIGIBILITY FOR THE
 PINELANDS LIMITED PRACTICAL USE PROGRAM**

November 19, 2018

Barbara Baldwin.
 5711 Mary A Court
 Bladensburg, MD 20710

Please Always Refer to
 This Application Number
 App. No. 2016-0115.001
 Buena Vista Township
 Block 3003, Lot 14

Dear Ms. Baldwin:

The Commission staff has completed its review of this application for eligibility in the Pinelands Limited Practical Use (LPU) land acquisition program. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application at its December 14, 2018 meeting.

FINDINGS OF FACT

This application is for a determination of eligibility for the Pinelands Limited Practical Use Land Acquisition Program. The property is located in Buena Vista Township's Rural Development Area and contains 0.57 acres. An application for a Waiver of Strict Compliance by the applicant to develop a home on this parcel was denied by the Pinelands Commission on November 9, 2018.

The subject parcel contains all contiguous land in common ownership on or after January 14, 1981. There are no principal structures located on the parcel. No resource extraction operation has been approved for this parcel. No development has been approved for this parcel. There are no Pinelands Development Credits allocated to the parcel. Based on the available information, the parcel cannot be developed consistent with the requirements of the Comprehensive Management Plan (CMP). The applicant owns less than 50 acres of land in the Pinelands as of July 17, 1995.

CONCLUSION

N.J.A.C.7:50-9.2 and 7:50-9.3 set forth the standards which must be met in order for a property to be determined eligible for the Limited Practical Use Program. The first condition is that the Pinelands Commission has either denied a Waiver of Strict Compliance for the parcel in question pursuant to N.J.A.C. 7:50-4, Part V or has approved a Waiver of Strict Compliance for the parcel and granted a transferable development right to other lands in accordance with N.J.A.C.7:50-4.66(b)3 and 5.30(a). As the applicant received a Waiver denial on November 9, 2018, the applicant meets the criteria contained in N.J.A.C. 7:50-9.2(a)1.

The second condition is that the parcel contains less than 50 acres. As the parcel contains 0.57 acres, the parcel meets the criteria contained in N.J.A.C. 7:50-9.2(a) 2.

The third condition is that the standards contained in N.J.A.C. 7:50-9.3 relative to the ownership and the present and potential uses of the parcel in question have been met. The applicant has demonstrated that the parcel meets the standards contained in N.J.A.C. 7:50-9.3 so the parcel meets the criteria contained in N.J.A.C. 7:50-9.2(a)3.

The property is eligible for the Limited Practical Use acquisition program because all program eligibility criteria in N.J.A.C. 7:50-9.2 and N.J.A.C. 7:50-9.3 have been met. As a result, it is recommended that the Pinelands Commission APPROVE the application and notify the Department of Environmental Protection that the subject parcel is eligible to be acquired under the provisions of N.J.A.C. 7:50-9.

APPEAL

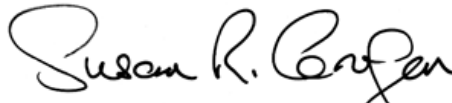
The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission no later than 5:00 PM on December 4, 2018 and include the following information:

- A. the name and address of the person requesting the appeal;
- B. the application number;
- C. a brief statement of the basis for the appeal; and
- D. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received, the Pinelands Commission will act on this application at its meeting on December 14, 2018. At this meeting, the Commission may either approve the determination of the Executive Director or refer the application to the Office of Administrative Law for a hearing.

If you have any questions, please contact Betsy Piner of our staff.

Sincerely,



Susan R. Grogan, P.P., AICP
Chief Planner

/A4

C: Donna Browne, (via email)

DRAFT

PINELANDS INFRASTRUCTURE TRUST MASTER PLAN AMENDMENT
PROJECT RANKING CRITERIA AND FUNDING STRUCTURE

PC-18-__

Table of Contents

Overview..... 3

Objectives 4

Ranking Criteria..... 5

 Mandatory Requirements..... 5

 Bonus Factors..... 5

Financing Structure..... 6

Outline for Project Funding Applications..... 7

Appendix I. Application Form..... 8

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Overview

The Pinelands Infrastructure Fund (PITF) was established in 1985 to help local governments and utility authorities defray the costs associated with supporting the population and economic growth targeted to Pinelands Regional Growth Areas. The Pinelands Infrastructure Bond Act became law on August 23, 1985. Voters subsequently approved a bond issue that allowed \$30 million to fund the PITF. The funds are disbursed through grants and loans for certain types of infrastructure projects that serve the needs of Pinelands Regional Growth Areas. The types of infrastructure that may be funded pursuant to the Act include wastewater treatment and collection systems, stormwater management facilities, water supply systems, and transportation projects. To date, only wastewater projects have been funded.

The Pinelands Commission prepared the original Pinelands Infrastructure Master Plan as required by the PITF Act. The Infrastructure Master Plan accomplished three things. First, it delineated a funding structure for loans, grants, and local matching funds (40%, 40%, and 20%, respectively). Second, it created a ranking system by which proposed infrastructure projects would be judged for funding eligibility. Third, it generated the list of projects that were deemed eligible for the initial round of funding. Projects proposed for funding must first be approved by the Pinelands Commission and are then forwarded to the State Infrastructure Bank for processing and legislative approval.

At this time, the repayment of loans from earlier funding rounds has replenished the PITF and there is approximately \$15 million available to disburse as loans or grants. In July 2018, Commission staff reviewed the program with the CMP Policy & Implementation Committee. Subsequently, the Commission staff reached out via mail, e-mail, web notice, telephone and in-person meetings with local officials and utility authorities to gauge the infrastructure needs of the Regional Growth Areas. Commission staff has also been working to create a new set of ranking criteria by which to evaluate any applications for funding.

The new ranking criteria and funding structure are the subjects of this proposed PITF Master Plan amendment. A future amendment will be prepared to incorporate the list of projects recommended for funding. Following review of this proposed amendment by the Policy & Implementation Committee, a public hearing must be held regarding the amendment. Then, the proposal will return to the Committee for a recommendation to forward it on to the Commission for approval. The amended Master Plan must then be submitted to the Department of Environmental Protection for administration through the Water Bank (formerly Environmental Infrastructure Trust) process.

Following adoption of this amendment to the Pinelands Infrastructure Master Plan, the Commission will then announce a Request for Proposals to solicit applications for project

funding. Submitted applications will be ranked by staff and reviewed by the Policy & Implementation Committee. Subsequently, a second Master Plan amendment will be prepared. The second amendment will revise the funding structure, if necessary, and it will include the list of projects to be funded. The second amendment will then proceed through the same route of public hearing, committee review, formal Commission action and submittal to the Water Bank. The list of projects identified in the second Master Plan amendment must proceed through legislative adoption as part of the overall Intended Use Plan prepared by the Water Bank for SFY2020.

Objectives

The purpose of this Pinelands Infrastructure Trust Master Plan amendment is twofold. First, it proposes to create a new set of ranking criteria for evaluating projects involving wastewater, water supply or transportation to serve the needs of the Pinelands Regional Growth Areas. Second, it proposes a new funding structure to disburse available funds from the Pinelands Infrastructure Trust. The ranking criteria offer an objective means for comparing the relative value of an array of infrastructure projects against goals related to the Pinelands Comprehensive Management Plan and to the Pinelands Infrastructure Bond Act. Specifically, the project must serve development in the Pinelands Regional Growth Areas and any facilities must be located in the Pinelands Protection Area. The ranking criteria are also intended to measure projects alongside environmental objectives and community needs. Funding will only be awarded to wastewater (including stormwater and green infrastructure), transportation, or water supply projects. The proposed funding structure will require that a portion of the disbursed funds be loaned such that future funding rounds may be made available.

In addition, the Pinelands Infrastructure Act was intended to enhance the use of Pinelands Development Credits (PDCs). Therefore, any project that receives PITF funding in this round must support new residential development or residential redevelopment that will need PDCs to be completed. This amendment will prioritize infrastructure projects associated with development that increases demand for PDCs. Thus, projects that will necessitate the use of more PDCs will receive a higher rank than projects that will require fewer PDCs and projects that support mandatory PDC use will receive a higher rank than projects that support optional PDC use.

The remaining objectives of the funding are reflected in the ranking criteria and include consideration of project cost per residential unit, environmental enhancements, and Kirkwood-Cohansey aquifer benefits.

Ranking Criteria

There are two categories of ranking criteria: mandatory requirements and bonus factors. Mandatory requirements allow any project to earn up to 100 points associated with Regional Growth Area concerns. Up to 70 Bonus Points can be earned for factors related to best management practices and project design. Please see the ranking criteria, below.

Mandatory Requirements

All projects must be located in a Regional Growth Area. Only project costs associated with facilities and infrastructure inside the Pinelands Area will be eligible for funding.

A project may be awarded up to 100 points for mandatory requirements.

1. Must primarily serve zoning districts with the potential for PDC use, based on certified municipal zoning
Minimum number of PDCs = 50 rights or 12.5 PDCs
Greater numbers of PDCs increases awarded points
The project may serve areas where PDC use is optional or mandatory.
2. Must primarily serve new residential development in the Regional Growth Area with new infrastructure or the project may fix a problem that has hindered redevelopment or new residential development with the potential for PDC use (e.g. insufficient sewer capacity related to infiltration and inflow; traffic congestion; other)
3. Local matching funds
Not less than 10% of project funding must come from non-PITF sources, unless a hardship exists and the project otherwise is highly ranked.
4. Level of Service
Number of new dwelling units potentially served based on municipal zoning. Higher number of total units will result in greater points awarded.
A lower cost per new dwelling unit in Pinelands Infrastructure Trust funding will result in greater points awarded.

Bonus Factors

No more than 70 points total will be awarded for these bonus factors.

1. Serves areas where the certified municipal zoning ordinance requires use of PDCs for at least 16.7% of the market rate units in any residential project
2. Development meets EPA Water Sense standards
3. Local Match funds greater than 10% of total project cost
4. Project recharges wastewater to groundwater
5. Best Management Practice enhanced stormwater techniques and green infrastructure that exceeds current Pinelands Comprehensive Management Plan regulations
6. Non-Kirkwood Cohansey water source
7. Serves areas zoned for residential development at a net density of at least 3.7 units per acre

Financing Structure

According to the Pinelands Infrastructure Trust Act, the Infrastructure Master Plan sets the funding structure which may be amended periodically. When the funding structure includes a portion of the award to be disbursed as loan(s), the Act requires that the interest rate will not “exceed 50% of the average interest rate of the Bond Buyer Municipal Bond Index for bonds available for purchase during the last 26 weeks preceding approval of the loan....” Terms of the loan or grant agreement shall be specified by the State Treasurer.

The Act limits project costs that would be eligible for award to those remaining after deducting any Federal contribution. The Act indicates that the following costs may be included in the project award:

- Acquisition and development of real estate for use in connection with the project
- Execution of agreements or franchises
- Procurement of engineering, inspection, planning, legal, financial or other professional services
- Administrative, organizational or operating expenses incident to the authorized project
- Establishment of working capital

The Pinelands Infrastructure Master Plan financing structure for disbursement of the loans and grants will be amended as follows:

1. The portion awarded as loans will be 50% of the total project award.
2. The portion awarded as grants will be 40% of the total project award.
3. A local match of 10% of the total project award will be required. In cases where a hardship has been identified, the local match may be waived and the award will be allocated as 50% loan and 50% grants.
4. Loans will carry an interest rate of 1%.

Outline for Project Funding Applications

- I. Application form
 - a. See attached form
 - b. Project Map (all maps must also be submitted in GIS formats)
 - i. Facility and infrastructure location
 - ii. Zoning district boundaries
 - iii. Development to be served boundary
 - iv. Pinelands Management Area boundaries
 - v. Municipal Boundaries
 - vi. Scale
 - vii. Compass Rose
- II. Detailed Proposal
 - a. Facilities, System and Service Area Description
 - b. Block and lot numbers, if applicable
 - c. Municipal Zoning Districts to be served
 - d. PDC Use – total number of residential units to be served (subject to verification)
 - i. Number of units expected as PDC units
 - ii. Assurance of PDC use where voluntary
 - e. Municipal/Regional Benefits (for example, where the project will correct an existing problem or support redevelopment of an area)
 - f. Best Management Practices, Conservation, or Environmental Design Elements of Project
 - g. Costs – including a statement of the local or non-PITF funding match for the project and a statement of Federal funding associated with the project
 - h. Governing body resolution indicating intent to provide local match
 - i. Project Schedule

Appendix I. Application Form

I. Applicant Information

Applicant Name

Applicant Address

Contact Name and Address

Contact Phone Number

II. Costs and Financing

Estimated Total Project Cost

Local Match Funds

Federal Funds

PITF Funding Assistance Requested

III. Detailed Proposal

Attach project description and map as described in “Outline for Project Funding Applications”

IV. Resolution of the Governing Body

Attach a copy of the adopted resolution authorizing application and assigning the point of contact