

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

Richard J. Sullivan Center
Terrence D. Moore Room
15 C Springfield Road
New Lisbon, New Jersey
Friday, March 27, 2015– 9:30 a.m.

MINUTES

MEMBERS IN ATTENDANCE: Chairman Mark Lohbauer, Candace Ashmun, Sean Earlen, Paul E. Galletta, Ed Lloyd, and Richard Prickett.

STAFF PRESENT: Executive Director Nancy Wittenberg, Stacey Roth, Larry Liggett, Susan R. Grogan, Paul Tyshchenko, Paul Leakan, and Betsy Piner. Also present was Michael Collins with the Governor’s Authorities Unit.

Chairman Lohbauer called the meeting of the Policy and Implementation (P&I) Committee to order at 9:38 a.m.

1. Adoption of minutes from the January 30, 2015 CMP Policy & Implementation Committee meeting (open and closed sessions)

Commissioner Galletta moved the adoption of the January 30, 2015 meeting (open and closed session) minutes. Commissioner Prickett seconded the motion. The minutes were adopted with all Commissioners voting in the affirmative.

Chairman Lohbauer said he had two announcements. He said at the January 30, 2015 P&I Committee meeting, he had discussed creating a Policy Advisory *ad hoc* Committee to review the Memoranda of Agreement (MOA) process. Since then, he had appreciated the input he had received from a number of interested parties. He had invited Ms. Eileen Swan (*Policy Director with New Jersey Conservation Foundation and former Executive Director of the New Jersey Highlands Council*) to participate as a member of this newly formed Committee. Chairman Lohbauer said she had declined but did offer to speak with the Committee. He said he had appointed the following seven regular members and two alternates:

- Commissioner Ashmun, Chairperson
- Commissioner Galletta
- Commissioner Lloyd
- Commissioner McGlinchey

A member of the Pinelands Municipal Council to be appointed by Mayor William Pikolycky, municipal representative

Ernest Kuhlwein, Director, Ocean County Department of Solid Waste Management, County representative

Fred Akers, public representative
Commissioner Avery, Alternate
Arnold Fishman, Public Alternate

Chairman Lohbauer said the Committee would not be required to take public comment and when its work was complete, it would make recommendations to the Pinelands Commission; public comment would be entertained at that time. He said Commissioner Ashmun would set the meeting schedule.

Chairman Lohbauer said his second announcement related to Commissioner McGlinchey's interest in creating an Agriculture Committee to focus on those issues that might otherwise go before the P&I Committee. He said he would discuss this further, following Agenda Item #4.

2. Franklin Township Ordinance O-6-14, amending Chapter 253 (Land Development) of the Township's Code by adopting revised sign standards

Ms. Grogan said Franklin Township Ordinance O-6-14 adopts a comprehensive sign ordinance similar to several the Committee has seen recently from other municipalities, revising standards for signs throughout the Township, including digital message signs. She said the Ordinance raises issues similar to those of other sign ordinances reviewed recently. These are not billboards but on-site signs and the Comprehensive Management Plan (CMP) did not anticipate this type of signage when the scenic standards were developed. Franklin's Pinelands Area includes only Agricultural Production (APA) and Rural Development (RDA) Areas. The provisions of Ordinance O-6-14 would permit digital signs in these Management Areas. Given the current limits of the Comprehensive Management Plan (CMP) and in keeping with recent practice, staff is recommending conditional certification by prohibiting these signs in the APA and RDA. A public hearing had been conducted at which no testimony had been offered but two written comments were received objecting to the ordinance as a violation of the CMP scenic standards. Ms. Grogan reminded the Committee that the CMP does not address internal vs. external lighting. Rather it is the scrolling, flashing, blinking and motion generated by changing messages that is the issue. The Commission has maintained that it is consistent with the CMP for municipalities to allow these changeable message signs in the development-oriented management areas where virtually all types of residential and nonresidential development are permitted. Since the Pinelands Area-portion of Franklin Township does not contain any Regional Growth Area or Pinelands Villages or Towns, such signs should not be allowed within the Pinelands Area of Franklin Township.

In response to Commissioner Galletta's question as to how many business signs would be allowed in the Rural Development Area, Ms. Grogan said staff had not done an evaluation since most of Franklin's development is outside the Pinelands Area.

In response to a comment from Commissioner Prickett, Ms. Grogan concurred that the concern with digital signs is that they scroll and move, which is inconsistent with the CMP's scenic standards for APA and RDA. She said that research on digital signs is ongoing and, probably later this spring, staff would present recommendations.

In response to Commissioner Prickett's question regarding a recent court decision, Ms. Roth said that she believed he was referring to a determination that municipalities have a right to regulate signs.

In response to Commissioner Lloyd's statement that he opposed certification as he believed digital signs were not allowed, Ms. Grogan explained that the conditions staff recommended would prohibit digital signs in the APA and RDA, the only management areas in the Pinelands Area of Franklin Township. Thus, no digital signs would be permitted in Franklin's Pinelands Area.

Commissioner Lloyd thanked Ms. Grogan for the clarification.

Commissioner Galletta said he would vote No because existing businesses might want to modernize. He said he understood the rationale of the CMP but would still vote against conditional certification.

Commissioner Prickett moved the recommendation that the Commission conditionally certify Franklin Township Ordinance O-6-14. Commissioner Ashmun seconded the motion and all voted in favor, except Commissioner Galletta who voted Nay. He said although he understood the reason for conditional certification, he felt that the existing businesses in the Pinelands portion of Franklin should be allowed these signs if they wanted to modernize.

3. Plan Review

Ms. Wittenberg said staff was proceeding with a Plan Review Recommendation related to the Black Run watershed.

- **Black Run Watershed**

Mr. Tyshchenko made a PowerPoint presentation on potential rulemaking to protect the Black Run watershed. *(See Attachment A to these minutes; also, following the meeting, the slides were posted on the Commission's web site at:*

[http://www.state.nj.us/pinelands/landuse/recent/medeves/Black%20Run%20Presentation%20\(3.27.2015\)\(REVISED\).pdf](http://www.state.nj.us/pinelands/landuse/recent/medeves/Black%20Run%20Presentation%20(3.27.2015)(REVISED).pdf)

Mr. Tyshchenko identified the location of the Black Run watershed in Evesham Township, the protected Black Run Preserve, and other highly valuable habitat nearby. He described its pristine nature of the Black Run itself, as well as the high Ecological-Integrity Assessment (EIA) scores for the surrounding habitat, and high value habitat as demonstrated by the NJ DEP Landscape Project habitat patches. He said protecting the Black Run would preserve a source of the headwaters of the Rancocas River, and protect Pinelands water quality, habitat and cultural resources. From a series of maps he described the various lands, both protected and unprotected, in the southern portions of both Evesham and Medford townships. He said the redesignation of these lands from the current Rural Development Area (RDA) to Forest Area (FA) would be more consistent with their high ecological value.

Commissioner Prickett noted that Burlington County is also interested in protecting the Rancocas Creek.

Mr. Tyshchenko summarized three possible measures to protect the Black Run watershed and adjacent lands of high ecological value:

1. Do nothing and continue to rely upon the current RDA management area designation as well as Evesham's ordinances with mandatory clustering at RDA densities (1 du/3.2, 4, 6 or 10 acres); or
2. Expand the Forest Area by redesignating some 4,000 acres (including both public and private lands) from RDA to FA in Evesham and Medford Township and reducing the permitted density to 1 du/25 acres; or
3. Expand the Forest Area as in Option 2 while authorizing a new off-site clustering pilot program to allow sewer residential development in a designated development area (RGA) if lands in a designated conservation area (FA) are protected.

Mr. Tyshchenko, referencing further details of Option 3, identified a 175-acre area, currently RDA, on Evesham's western border with Voorhees Township. He said current build-out for the area (with one dwelling unit per 3.2 ac. zoning) is 55 dwelling units. But, if rezoned to RGA (with two dwelling units per acre zoning), build-out would be closer to 325 units. Individual septic systems could not adequately service such higher-density development; some kind of wastewater infrastructure would be necessary. He also noted under Option 3, the Commission could streamline threatened and endangered species (T&E) survey requirement as it had done in the Toms River Plan and impose no PDC obligation.

Mr. Tyshchenko said the 4,000-acre proposed conservation area contains approximately 2,300 protected acres and 1,700 acres of privately owned lands, available for development. Under the current RDA zoning, build-out is 325 units. Under the proposed management area change to FA at a density of 1 du/25 ac., build-out would be 70 units.

Mr. Tyshchenko reviewed the pros and cons of the various options and summarized by saying that staff's recommendation is Option 3 (i.e., expand the FA in Evesham and Medford townships to include 4,000 acres of the Black Run watershed and adjacent areas of high ecological integrity while authorizing an off-site clustering pilot program with designated development and conservation areas).

Mr. Liggett reminded the Committee of the 2006 report entitled [A Sub-Regional Resource Protection Plan for Southern Medford/Evesham Townships](http://www.state.nj.us/pinelands/landuse/recent/medeves/4-06%20final%20rpt%20web.pdf), (posted on the Commission's website at:

<http://www.state.nj.us/pinelands/landuse/recent/medeves/4-06%20final%20rpt%20web.pdf>

The Medford/Evesham Plan had been a multi-year joint effort of the Commission, the two municipalities, the NJ Department of Environmental Protection and others. The protection of the Black Run was one of its recommendations.

Ms. Grogan said it would be better if the Commission were to implement some of the recommendations of the Medford/Evesham Plan rather than having the municipalities continue to try to do so.

Mr. Tyshchenko said the recommendations had been part of the proposed management area rule change in 2009 as well but that rule proposal did not move forth. He said the area meets the original CMP's ecological standards for FA designation. But, the presence of the Township's landfill had rendered it ineligible under the original CMP. Based on data unavailable at the time, the Commission no longer considers the landfill's presence a disqualifying feature.

Mr. Liggett said this is not unlike the Oyster Creek designation where a landfill was later found to have had little impact on environmental integrity. He said the Evesham landfill is no longer in operation but not yet capped. The designation of FA would create forest corridors, a linkage between protected lands.

Ms. Grogan said the 1996 Renault pilot program, the Commission's first pilot program, was similar in that it allowed off-site clustering between Galloway Township and Egg Harbor City. More intense sewer development in one area was offset by increased open space elsewhere. A significant amount of FA was created and that program is ongoing.

In response to a question from Commissioner Galletta regarding how this Black Run arrangement might work financially, Ms. Grogan said there are multiple property owners and it is complicated.

Mr. Tyshchenko described some of the factors complicating the off-site clustering proposal, including a lack of sewer service in the area to be rezoned from RDA to RGA. He also noted that there are significant landholdings (~800 acres) controlled by a single individual or a legally distinct but related entity. This landowner and other similarly situated landowners will be heavily impacted by the off-site clustering program.

Mr. Tyshchenko said under Option 3, there would be no net change in the amount of development that would be permitted in the area. Rather, only the location of that development will change. Under Option 3, the development will occur in an area where it will be less impactful. To address the lack of wastewater infrastructure, a treatment plant in the development area could be constructed. Another possibility is that sanitary sewer lines could be connected to the nearby Voorhees system although this would be an unusual arrangement since Voorhees is in a different county. Alternatively, sewer lines could be run through RDA to service the development area.

Ms. Grogan said the staff recommendation is based on the Medford/Evesham Plan recommendations to protect this area and develop elsewhere. The Plan was endorsed by the two townships, the NJ DEP and the Pinelands Commission. The Commission would prepare the rules to authorize Evesham to change its zoning and adopt ordinances. The Commission would authorize, not impose. She said rezoning some 4,000 acres to FA is a starting point.

Mr. Liggett said, under Option two multiple clusters of residential units could occur throughout the FA. Under Option 3, all those units are put in one place; that is a powerful conservation tool.

In response to Commissioner Prickett's questions, Mr. Liggett said he did not know whether the Black Run is used as a water supply source for Evesham or Medford townships. He also noted that the Commission has experience using streamlined T/E species surveys as a result of the Toms River corridor plan.

In response to Commissioner Prickett, Mr. Tyshchenko said that the percentage of wetlands can be determined from available data. Mr. Liggett added that the wetlands tend to be to the North; there are a lot of uplands in the southern area.

In response to Commissioner Lloyd's question if Evesham were interested in this proposal, Ms. Wittenberg said they were.

In response to Commissioner Earlen's question as to how much of the watershed is already preserved, Mr. Tyshchenko said roughly 1/3 of the Black Run watershed is preserved.

Mr. Earlen expressed concern for the landowners other than the one with 800 acres and what will happen to them when their zoning is reduced from 3.2 acres to 25 acres under an FA designation.

Mr. Tyshchenko responded that everyone who owns land in the conservation area would be eligible to participate in the program to develop in the newly created RGA.

Mr. Liggett says it is comparable to owning PDCs. If one wants to develop in the receiving area, one might be required to develop at the density to allow 325 units. The single landowner owns part of the receiving area but not all of it, a further example of how complex an issue this is.

Mr. Tyshchenko said the likely development area is owned partly by a single landowner who also owns land in the conservation area but it is not necessarily the only development area. Evesham will need to designate the precise location of the development area, he said.

Mr. Liggett added that Evesham may not want to implement this proposal unless all landowners participate.

In response to Commissioner Earlen's question if Evesham likes Option 2, Ms. Grogan said further discussions were needed with Evesham. She said one needed to keep in mind that there are significant issues with T/E in this area and under Option 2, it is likely that a number of small clustered areas would be developed. She said the other area to be changed to FA is mostly public property. The FA designation reducing theoretical development is a better match for the conditions on the ground.

Commissioner Ashmun said she did not disagree with most of this going forward but believed her fellow Commissioners needed to know more about the Medford/Evesham Plan and the data behind it. She said something needed to be done, but carefully.

Commissioner Prickett said that Elizabeth Woodford's efforts in Medford brought forth much protection to this area.

Commissioner Galletta said he was apprehensive about Option #3. He said 325 units was the equivalent of a small town and sewerage would be very complicated.

Ms. Grogan said staff agreed but wanted to present options consistent with the Medford/Evesham Plan to prevent scattered development. She said she believed, at the least, the FA designation should be made and whether or not to proceed with the pilot program is the next step. She said staff could return and review the Plan with the Committee. The data is there already for writing the rules.

Chairman Lohbauer said he would like a further discussion at the April P&I meeting and would like to know more about how private landowners will be compensated.

- **Memoranda of Agreement**

Chairman Lohbauer noted that he had already addressed the issue of the creation of an *ad hoc* Committee.

Commissioner Ashmun said the first meeting would take place following the April 24, 2015 P&I Committee meeting. She said she'd be sending some materials to the Committee and requesting a paragraph from each member regarding their concerns.

Commissioner Prickett added that the public could attend and listen.

4. Pilot program for special events and expanded economic opportunities in the Agricultural Production Area: discussion of possible schedule

Ms. Wittenberg said that staff was continuing its efforts to address non-agricultural activities on preserved lands. She said, independent of the issues related to the Tuckahoe Turf Farm (soccer tournaments), staff believed it valuable to look at the various other special events and expanded economic opportunities in the Agricultural Production Area (APA). She said she and Ms. Grogan had developed a schedule in anticipation of her meeting with Senator Lesniak and the Senate Economic Growth Committee before the end of the current legislative session.

Ms. Grogan presented slides (*Attachment B*) proposing an initial schedule leading to a rule proposal authorizing a pilot program. She said that the interested parties would include a variety of groups including the Counties, Farmland Preservation Program staff, municipalities etc. They will be asked to provide input as to the issues on which staff should focus. She said this is an ambitious schedule and calls for the creation of an outline before mid-June.

Commissioner Ashmun said, at the outset, can the Commission focus on its own concerns.

Ms. Grogan said the key point is to be specific as to what it is the Commission is piloting and an end-point needs to be designated. The pilot program will run for a specific length of time and then the Commission will determine if it wishes to make an affirmative decision to change the rules or not.

In response to Commissioner Prickett's question as to how the interested parties would be identified, Ms. Grogan said a definitive list has not yet been developed but certainly farmers and other holders of deed restrictions will be included. She said she hoped by the next P&I Committee meeting there will have been some meetings so that staff could present some input.

5. Other Items of Interest

As for his second announcement, Chairman Lohbauer said Commissioner McGlinchey has long shown an interest in establishing an Agricultural Committee, which he has offered to Chair. Chairman Lohbauer said that he would raise the issue at this meeting and he hoped that Commissioner Galletta would agree to serve.

Commissioner Galletta said he felt that Ms. Grogan's agricultural pilot program would be a logical first issue, to which Ms. Grogan responded that discussion of the issue needs to happen relatively quickly.

Commissioners Lloyd and Prickett said that they would be interested in serving.

Commissioner Ashmun said the Committee could run into PDC problems and potential conflicts leading to ethics issues.

Chairman Lohbauer said it was his sense that the Commission is a relatively large body whose members represent a variety of interests. He said input was needed from all and it was not good to stifle voices.

Commissioner Galletta thanked Chairman Lohbauer for those words.

Ms. Grogan displayed slides related to the Pinelands Conservation Fund (PCF) 2012 Zemel Project in Pemberton and Woodland townships (*Attachment C*). She asked the Committee to recall that in 2012, the P&I Committee had authorized the use of all remaining PCF acquisition funds, some \$28,000, on the New Jersey Conservation Foundation's (NJCF) Zemel project. She said this week staff had received notice that NJCF has managed to secure funds from a variety of other groups to purchase a 475-acre portion of the project in Woodland Township. The grant agreement was to expire on April 1, 2015 but closing is not scheduled to occur until May, 2015. Ms. Grogan said, under Ms. Wittenberg's authorization, an extension has been granted so that all the funds will be spent.

Chairman Lohbauer pronounced this wonderful news and thanked the staff for their efforts.

Ms. Grogan said the credit goes to NJCF for its perseverance.

6. Public Comment

Mr. Robert Jackson, former Commissioner, referenced the light emitting diode (LED) ordinance adopted by Franklin Township and said more attention should be paid to the hours during which such signs are lighted. He said dimmer switches are needed to reduce light pollution and save

energy. He also asked if a liaison from the Senate Economic Growth Committee (SEGC) would be attending the Agriculture Committee meetings.

Ms. Wittenberg responded that she would contact the SEGC and see if they wished to attend.

Mr. Jackson said he really appreciated his time as a Commissioner. He said it was like an “arranged marriage” and that over his nine years of service, he fell in love with the Pinelands. He said he felt all Commissioners vote to protect the Pinelands and that he sees the CMP as the Pinelands Constitution. He said it is a living organism and it is important to abide by the rules of the CMP.

All present applauded Mr. Jackson.

Mr. Bill Wolfe thanked Mr. Jackson for his service. He commented on a number of items, including that it was not the role of the Commission to compensate the landowners within the Black Run watershed and he supported Option #2.

In response to Mr. Wolfe’s question regarding the status of a proposed natural gas pipeline at the Joint Base, Ms. Wittenberg said there is no application although she had received a phone call from Assemblyman Ron Dancer whose constituents had expressed concern to him.

Mr. Wolfe asked about a response to his March 13, 2015 regarding climate change issues.

In response to Mr. Wolfe’s question regarding the Commission’s policy on press releases, Ms. Wittenberg said the Governor’s office approves all press releases.

Mr. Wolfe also said he objected to what he characterized as personal attacks, referencing a quote indicating “it is unfortunate that those...promote their own agendas”. He said he was putting objections on the record and, for the fourth time, he was asking how and when Ms. Roth was authorized to negotiate the MOA with South Jersey Gas. Also, he questioned the timeline as to when it was drafted and when the Commissioners saw the document. He said he wanted a written response.

Mr. Wolfe said, since the MOA Committee will not accept public comment, he wanted to express his concerns now regarding public agencies and public purpose, equivalent level of protection and putting a moratorium on all pending MOAs until CMP amendments can be adopted clarifying these rules. He closed by saying he was disgusted by the Senate approval of the new Commissioner.

Ms. Fran Brooks, a resident of Tabernacle Township, said she was glad to hear that staff is working on scenic standards as there need to be proper provisions for digital signs. She said she did not want the Pinelands to be turned into Disneyland. She hoped it would not take two years. Also, she asked if the soccer activities at Tuckahoe Turf Farms were continuing while staff considers a pilot program.

Ms. Wittenberg said staff has found Hammonton's preliminary and final site approvals for the site inconsistent and will be calling them up. A hearing will be scheduled.

Ms. Marianne Clemente, a resident of Barnegat Township, thanked Mr. Jackson for his superior service to the Commission over the years and expressed dismay regarding the replacement process and indicated she thought incoming Commissioner Bob Barr would be here today.

Chairman Lohbauer said Mr. Barr has yet to be sworn in as a Commissioner.

Ms. Clemente thanked Chairman Lohbauer for creating the MOA *ad hoc* Committee but said she was upset that public comment would not be allowed. Since this is an *ad hoc* to the full Commission, it gags the public from providing important information. She said she would have thought the MOA Committee would have been *ad hoc* to the P&I Committee, not the full Commission. She said it was a mistake to omit the public until the last minute. Finally she condescendingly criticized Ms. Grogan, when addressing the Commission, for referring to "your" rules as she said the rules belong to everyone, not just to the Commission members.

Ms. Georgina Shanley, a resident of Ocean City, thanked Mr. Jackson for his dedication and said she was excited that he was sitting on the public's side of the table today. She asked if there were any information about the South Jersey Gas litigation.

Ms. Roth responded that the Attorney General's office handles litigation on behalf of the Commission and no briefing schedule been provided.

Ms. Shanley said she applauded the creation of the MOA Committee and noted what she characterized as violations that had taken place. She read a series of redacted documents from the Pinelands Preservation Alliance (PPA) web site, noting that collusion had occurred during the MOA process.

Dr. Jaclyn Rhodes, with the (PPA), said PPA and also the Friends of the Black Run Reserve support Option #2 of the preservation choices presented this morning. She said she was disappointed the Commission was considering a pilot program for events on agricultural lands, and she hoped the Commission could fight the pressures from Trenton and elsewhere to bend the rules. Finally, she said she had spoken in Trenton to oppose the replacement of Commissioner Jackson. She said, like him, she had grown to love the Pinelands and she thanked the Commissioners for their service to protect this great area.

Commissioner Prickett, responding to the comment by Ms. Clemente regarding "your rules", said, as a Commissioner, it was his responsibility to uphold the rules. Yes, the rules pertain to all but it is the Commission members who vote and actually uphold those rules. It is totally appropriate for staff to refer to "your rules" when addressing the Commission and he thanked Ms. Grogan's recognition of that.

Commissioner Ashmun expressed her thanks to Bob Jackson for his service to the Commission and said it had been an honor to have worked with him.

Commissioner Earlen, referencing the comment regarding staff having discussions with applicants, said that he had been involved in many agreements and typically negotiations occur before an agreement goes before a Board for its evaluation. It is up to the Board to determine if it is appropriate.

Commissioner Lloyd said there is nothing wrong with discussions between staff and applicants. However, they should be transparent and open to the Commission, the staff and the public.

Commissioner Earlen concurred that discussion needs to be public.


Chairman Lohbauer said there is not a lot of direction in the CMP as to how the MOA process should occur. He said he did not feel that violations had occurred but there needs to be a better definition of the process and better guidance that is clear for applicants to follow. In addition he said it had been a privilege to have worked with Commissioner Jackson and noted that he had been a great example for all.

Commissioner Jackson said he hoped that public would provide incoming Commissioner Barr a chance and provide him with the same opportunities he had been given without pre-judgment. It would be best to give him a chance and then evaluate him.

Commissioner Galletta said “and that is why we will miss you, Bob”.

The meeting adjourned at 12:10 p.m. (moved by Commissioner Ashmun and seconded by Commissioner Prickett).


Certified as true and correct:



Betsy Piner,
Principal Planning Assistant

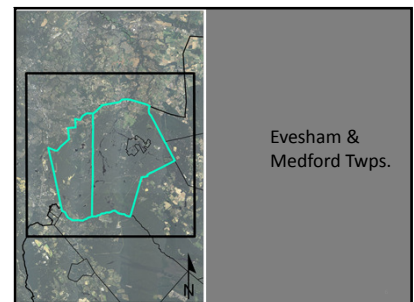
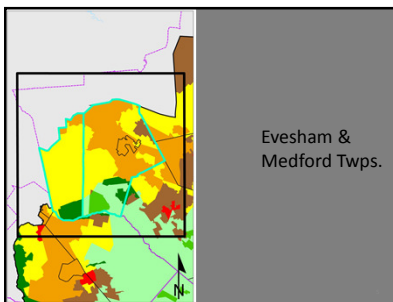
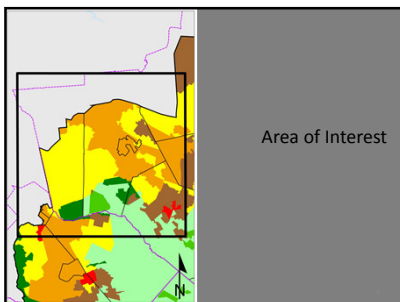
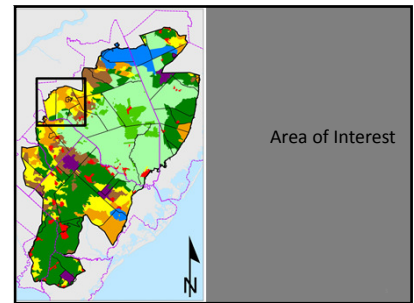
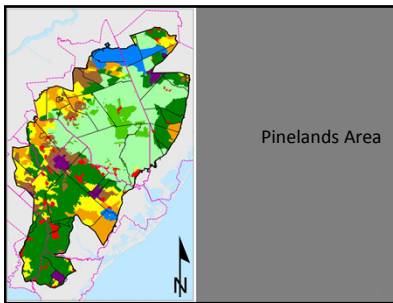
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Black Run Rule Proposal



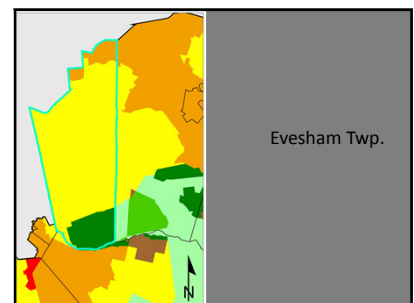
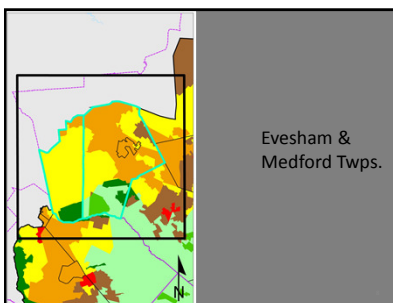
STATE OF NEW JERSEY
PINELANDS COMMISSION

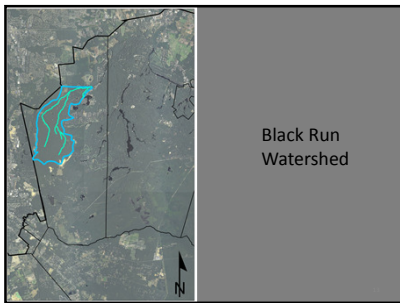
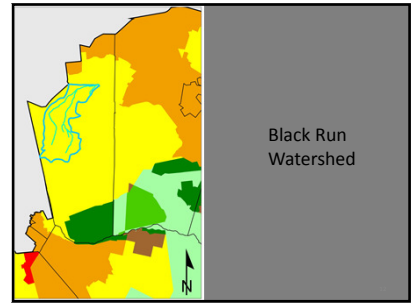
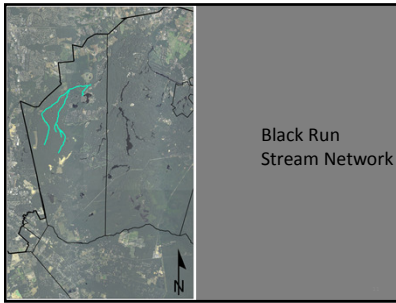
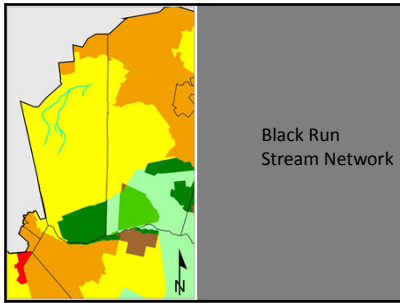
March 27, 2015
CMP Policy & Implementation Committee



What is the Black Run?

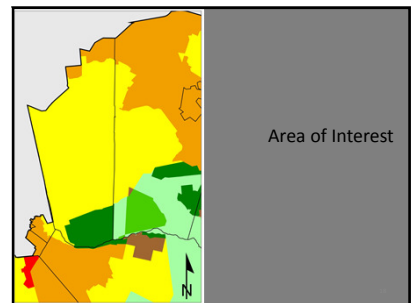
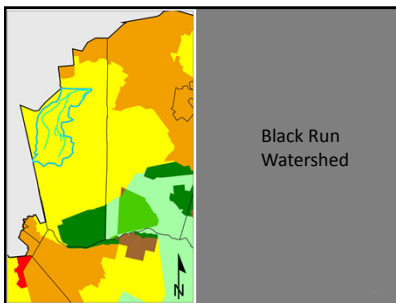
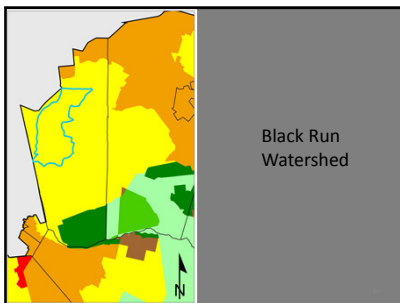
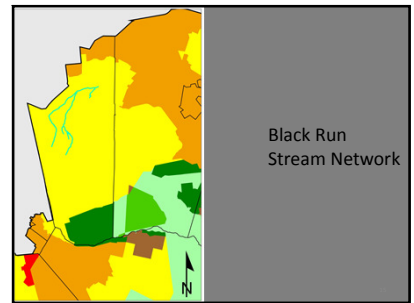
- A stream network
 - Pristine, characteristic Pinelands waters
- Its watershed
 - Pinelands habitat with high-ecological integrity scores
- T&E Species
 - Uplands
 - Northern Pine snake (*Pituophis melanoleucus*) (nesting and foraging)
 - Timber rattlesnake (*Crotalus horridus*) (foraging)
 - Wetlands
 - Swamp Pink (*Helonias bullata*)
 - Timber rattlesnake (*Crotalus horridus*)
 - Barred owl (*Strix varia*)

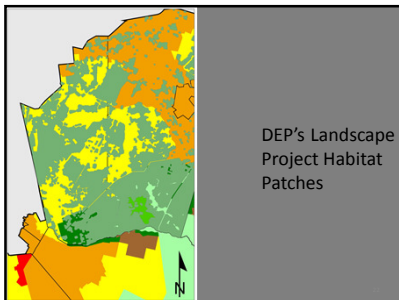
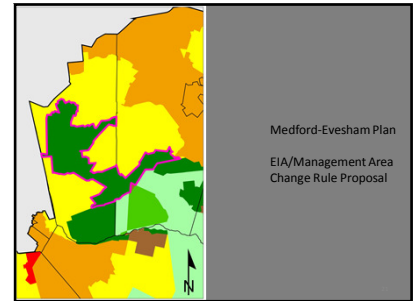
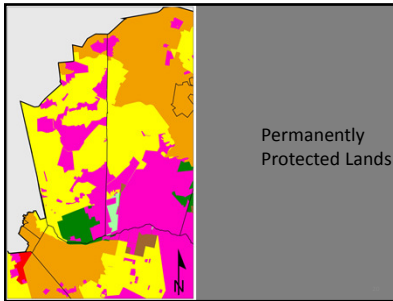
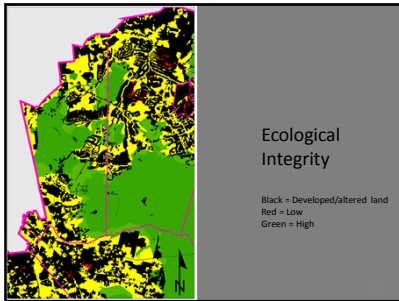




Why Protect the Black Run?

- To preserve the Black Run, its headwaters, and its watershed in its current, nearly pristine state
- To preserve a headwaters of the Rancocas
- To protect threatened and endangered plant and animal species' habitat
- To provide ancillary protection to other permanently protected lands in the area
- To better protect cultural resources (historic & prehistoric) in the area





Protecting the Black Run Watershed & Adjacent Areas of High Ecological-Integrity

- **Option 1: No Change**
 - Retain RDA management area designation
 - Continue to rely on the CMP and Evesham's ordinances to protect the Black Run watershed
 - Mandatory clustering
 - RDA residential densities (3.2 ac, 4 ac, 6 ac, or 10 ac)

Protecting the Black Run Watershed & Adjacent Areas of High Ecological-Integrity

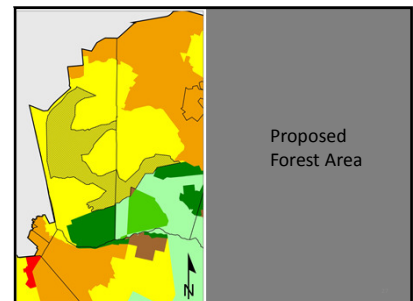
- **Option 2: Expand the Forest Area**
 - Redesignate +/- 4,000 acres from RDA to FA in Evesham and Medford
 - Rely on original FA delineation criteria in the CMP and the EIA
 - Decrease permitted density to 1 du/25 acres
 - Include public and permanently protected lands

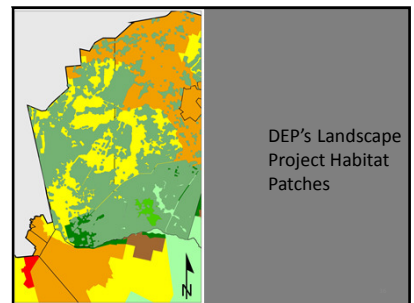
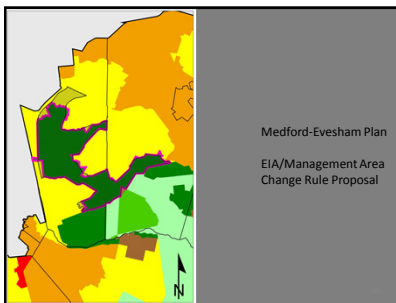
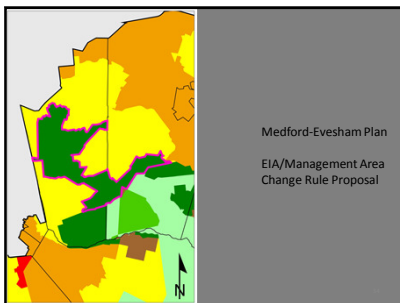
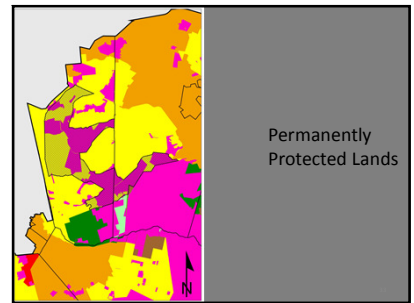
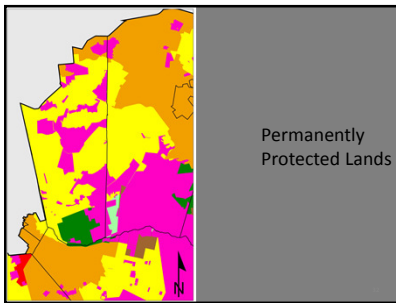
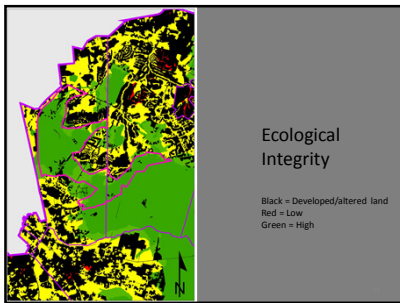
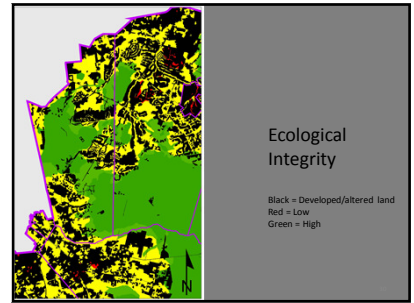
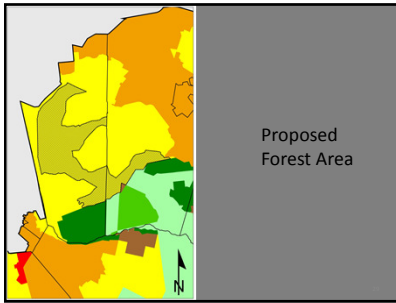
Original CMP Standards for FA Designation

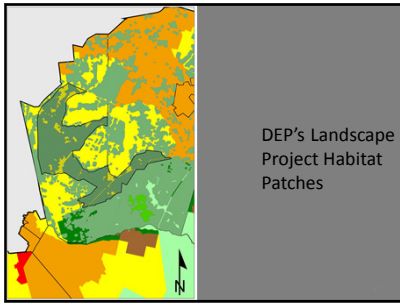
- Ecologically critical areas
- Undisturbed watersheds
- Wetlands
- Cranberry cultivation areas and areas draining into them
- Areas of deep aquifer recharge
- Unique resources
- Public lands managed for resource protection or recreation

Original CMP Standards for FA Designation

- Ecologically critical areas
- Undisturbed watersheds
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- Areas of deep aquifer recharge
- Unique resources
- Public lands managed for resource protection or recreation







DEP's Landscape Project Habitat Patches

Option 3: Forest Area with New Pilot Program

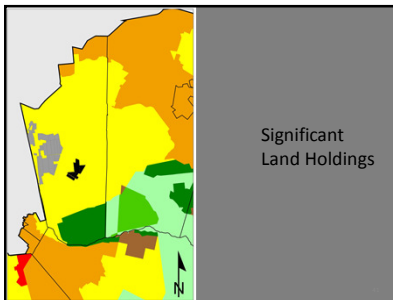
- Redesignate +/- 4,000 acres from RDA to FA
- Authorize a new Off-Site Clustering Pilot Program that would allow sewered residential development in a designated development area (RGA) if lands in a designated conservation area (FA) are protected.

Development Area

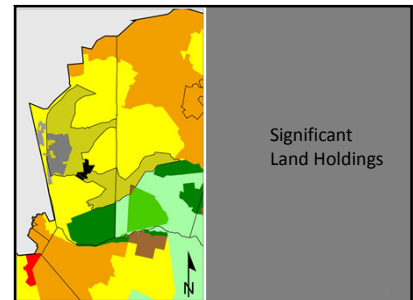
- +/- 175 acres on Evesham's border with Voorhees Township
- Current Management Area: RDA
- Current Zoning: Residential (3.2 ac)
- Current Build-out: 55 dwelling units
- Proposed Management Area: RGA
- Proposed density: 2.0 du/ac (325 units)
- Streamlined T&E survey requirements
- No PDC obligation
- Sewer service required

Conservation Area

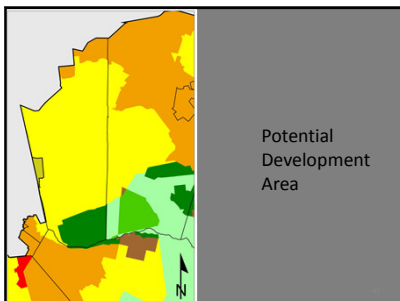
- 4,000 acres total
 - 2,300 acres already protected
 - 1,700 acres privately owned and available for development
- Current Management Area: RDA
- Current Zoning: Residential (3.2 ac, 4 ac, 6 ac, or 10 ac)
- Current Build-out: 325 dwelling units
- Proposed Management Area: FA
- Proposed Density: 1 du per 25 ac (70 units)



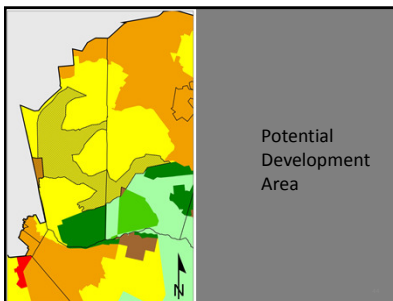
Significant Land Holdings



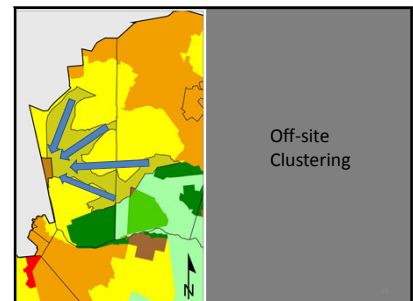
Significant Land Holdings



Potential Development Area



Potential Development Area



Off-site Clustering

Why a Pilot Program?

- To test whether the Commission's land conservation goals can be met through off-site clustering between management areas
- To allow protection of land in the FA to replace the normal obligation to use PDCs in the RGA
- To permit sewer to be run through RDA to service the development area, if necessary

Consistency with other Programs

- Both option 2 and option 3 are consistent with:
 - The 2014 Plan Review recommendations
 - The EIA/Management Area Change Rule Proposal
 - The "Medford-Evesham Plan"
 - DEP's Landscape Project
 - Prior CMP amendments
 - 4,100-acre Oyster Creek redesignation from RDA to FA
 - Renault Pilot Off-Site Clustering Program

Pros & Cons: Option 1 (No Change)

- Pros:
 - Simple: both conceptually and administratively
- Cons:
 - Area remains vulnerable to over-development
 - Current management area designation (RDA) does not accurately reflect the ecological value of the underlying area
 - Continues to create unrealistic development expectations

Pros & Cons: Option 2 (expanded Forest Area)

- Pros:
 - Simple: conceptually
 - Decreased density would make area significantly less vulnerable to over-development
 - Clustering is mandatory in FAs
 - Internal density transfer is permitted in FAs
 - Better aligns development expectations with environmental conditions
- Cons:
 - Significant, uncompensated loss of property-owners' value

Pros & Cons: Option 3 (FA with Pilot Program)

- Pros:
 - Development area is mostly low-integrity, upland habitat.
 - Development area is adjacent to highly disturbed lands with high-density development
 - Encourages development to occur in most appropriate location
 - Provides property-owners with more certainty that they can develop without T&E issues
 - Recognizes impact of FA designation on property values and provides potential compensation mechanism
- Cons:
 - Complex: both conceptually and administratively
 - Requires municipal cooperation
 - Requires cooperation among multiple property owners
 - Receiving area lacks wastewater infrastructure

Staff's Recommendation

- **Option 3**
 - Expand the Forest Area in Evesham and Medford Townships to include 4,000 acres (Black Run Watershed, Black Run Preserve, and adjacent areas of high ecological-integrity)
 - Authorize an Off-Site Clustering Pilot Program with designated development and conservation areas

APA Pilot Program Proposed Schedule

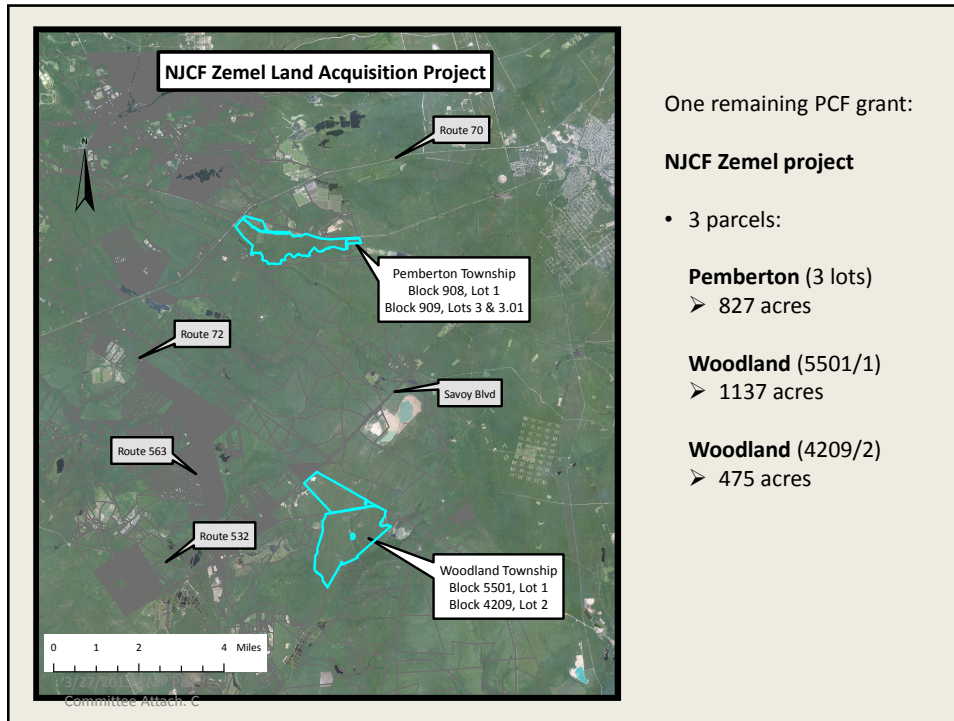
March 27, 2015	Committee discussion of proposed process and schedule
April 13-17, 2015	Meetings with interested parties
April 24, 2015	Committee discussion of interested party input, scope of pilot program and draft outline
May 29, 2015	Committee discussion of draft pilot program
June 15, 2015	Background information and draft pilot program provided to Senator Lesniak and Senate Economic Growth Committee

3/27/2015 CMP P&I Attachment B

Current CMP Pilot Programs

- Galloway and Egg Harbor City Off-Site Clustering
- Alternate Design Treatment Systems
- Electric Transmission Right-of-Way Maintenance

3/27/2015 CMP P&I Attachment B



One remaining PCF grant:

NJCF Zemel project

• 3 parcels:

Pemberton (3 lots)

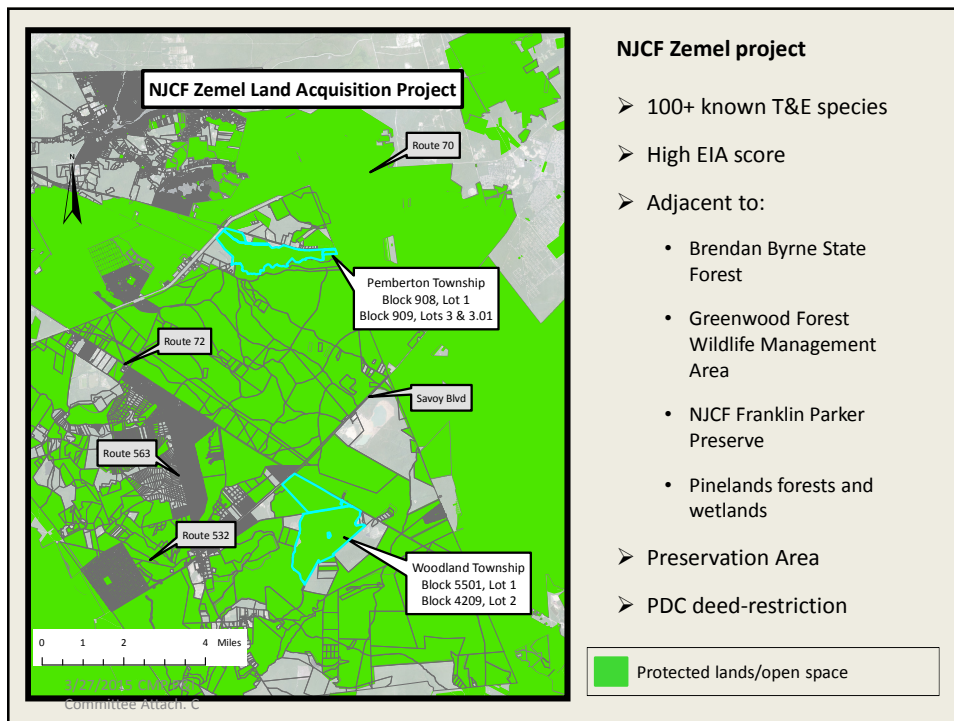
➤ 827 acres

Woodland (5501/1)

➤ 1137 acres

Woodland (4209/2)

➤ 475 acres



NJCF Zemel project

➤ 100+ known T&E species

➤ High EIA score

➤ Adjacent to:

- Brendan Byrne State Forest
- Greenwood Forest Wildlife Management Area
- NJCF Franklin Parker Preserve
- Pinelands forests and wetlands

➤ Preservation Area

➤ PDC deed-restriction

Protected lands/open space

The map displays the NJCF Zemel Land Acquisition Project area. A red border highlights the main map, which shows a large green parcel outlined in cyan. This parcel is labeled 'Block 4209, Lot 2 (Woodland)'. Surrounding roads are labeled: 'Savoy Blvd' to the west, 'Route 72' to the east, and 'Route 532' to the southwest. An inset map in the top left corner shows the project's location within a larger regional context, with a red box indicating the area shown in the main map. A scale bar at the bottom of the main map indicates distances of 0, 0.25, 0.5, and 1 mile. A north arrow is also present. The text '3/27/2015 Committee' is partially visible at the bottom left of the map area.

NJCF Zemel project

- Grant agreement extended to July 1, 2015
- Anticipates closing on 475 acre Woodland parcel (Block 4209, Lot 2) in May 2015
- Other funders:
 - Green Acres
 - Mazer Foundation
 - William Penn Foundation
 - Victoria Foundation
 - NJCF Capital Campaign