

Adopted May 18, 2018

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

**Richard J. Sullivan Center
Terrence D. Moore Room
15 C Springfield Road
New Lisbon, New Jersey
April 27, 2018 - 9:30 a.m.**

MINUTES-OPEN SESSION

MEMBERS IN ATTENDANCE: Chairman Sean Earlen, Candace Ashmun (via telephone), Jordan Howell, Ed Lloyd and Richard Prickett

MEMBERS ABSENT: Robert Barr and Paul E. Galletta

STAFF PRESENT: Executive Director Nancy Wittenberg, Larry L. Liggett, Susan R. Grogan, Ed Wengrowski, Robyn Jeney, Paul Leakan and Betsy Piner. Also present via telephone conference call were Lauren LaRusso and Craig Ambrose, with the Governor's Authorities Unit.

1. Call to Order

Due to the delayed arrival of Chairman Earlen, Commissioner Lloyd served as Acting Chairman and called the meeting of the Comprehensive Management Plan (CMP) Policy and Implementation (P&I) Committee to order at 9:45 a.m.

2. Pledge Allegiance to the Flag

All present pledged allegiance to the Flag.

3. Adoption of minutes from the March 23, 2018 CMP Policy & Implementation Committee Meeting

Commissioner Prickett moved the adoption of the March 23, 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

Egg Harbor Township Ordinance 35-2017, amending Chapter 225 (Zoning) by revising permitted uses in the RCD (Regional Commercial Development) District, within the Regional Growth Area

Ms. Grogan said that Egg Harbor Township Ordinance 35-2017 adds adult day care centers and assisted living facilities to two nonresidential zoning districts, one of which is located within the

Regional Growth Area (RGA) while the other is outside the Pinelands Area. Ms. Grogan directed the Committee to the map in the meeting packet and displayed on the SmartBoard. She said the ordinance raises issues related to the provisions for assisted living facilities. Some time ago, the CMP was amended to address specific conditions for assisted living facilities, establishing a density in the RGA with a Pinelands Development Credit (PDC) obligation for projects at a density greater than eight units per acre. She said neither the density nor the PDC obligation is addressed in the ordinance.

Ms. Grogan noted that she had explained to the Township Administrator that the CMP standards must be addressed and she had believed the Township would request an extension in order to make appropriate revisions. However, she said, the Township is not happy with the requirements and has asked that the Commission review the ordinance as submitted. She said she had suggested a number of ways in which the Township could make appropriate changes, including adopting the CMP provisions directly, as described in Attachment A to the Report, or permitting a higher density with an associated PDC component. She said staff is recommending conditional certification of Ordinance 35-2017, following which the Township will have 120 days to respond with an amended ordinance or perhaps by deciding to apply the provisions to the zone outside the Pinelands Area only. She said staff would work with the Township in responding to the conditional certification.

Ms. Grogan confirmed Commissioner Lloyd's conjecture that if the Township were to do nothing, Ordinance 35-2017 would automatically be disapproved at the end of the 120-day period. It would then not be in effect in the Pinelands Area.

Chairman Earlen arrived at 9:50.

Commissioner Lloyd moved the recommendation to the Commission to conditionally certify Egg Harbor Township Ordinance 35-2017. Commissioner Prickett seconded the motion and all voted in favor.

5. Discussion of Winslow Township's Regional Growth Area rezoning plan

Ms. Grogan said representatives of Winslow Township were here today regarding a rezoning project that has been many years in the making. She said the Township was interested in promoting commercial development along the Route 73 corridor but first had to deal with issues related to water supply. She reminded the Committee that in December 2017, the Commission had approved an Amended Memorandum of Understanding (MOU). She said now that the infrastructure issues have been addressed, the Township is returning to discuss its proposal.

Winslow Township Mayor Barry Wright, introduced Ms. Mika Apte, with CME, the Township Planner. He said she would be describing the rezoning proposal the Township has been discussing with staff for the past four years.

Ms. Apte delivered a PowerPoint Presentation (*see Attachment A to these minutes and also posted at:*

<http://www.nj.gov/pinelands/home/presentations/Winslow%20rezoning%20presentation.pdf>)

She described the Winslow project area, which comprises both sides of Route 73, the major road through the Township (the largest in Camden County) and an ideal site for commercial development. She said currently there was inadequate residential development to support expanded commercial development. She said the Township's proposal anticipates providing more "rooftops" or residential development as a means of drawing more commercial development to the area.

Ms. Apte described the three relevant sections of Winslow's portion of Route 73 and the zoning proposal for each. She said the Pinelands Town Center zone, the northernmost segment (Section 1) has not achieved the development envisioned. The proposal calls for split zoning of the large lots in this zone with commercial development at the front, along Route 73, and residential (particularly townhouses) to the rear. This will involve some 227 acres. Ms. Apte said Section 2 (just to the south of Section 1) will involve multiple rezonings to increase both commercial development and residential density and will involve some 582 acres. The southernmost section, Section 3, does not have the large lots of the other two so, although no split zoning is proposed, it will involve rezoning some 244 acres to allow major commercial development. She said the Township's ongoing commitment to protect the environment is reflected in its proposed *de minimus* increase in impervious cover, its proper treatment of stormwater runoff, and its ongoing water conservation program.

Ms. Grogan said with Winslow's proposed increase in density comes an obligation for the use of PDCs. As has been done recently in other municipalities, the Township is proposing to incorporate mandatory requirements for PDCs, using a sliding scale by zoning district that may encourage higher density residential development.

Commissioner Ashmun said higher residential development works well in conjunction with the recently approved MOU for wastewater.

Ms. Grogan said, under this proposal, the overall total residential capacity will increase from 3,142 units to 4,344 units, with PDCs as a mandatory component of all residential projects. Most of the increased capacity is attributed to the rezoning to the PR-4, the highest-density residential zone, in Sections 1 and 2. She said the CMP prescription for Winslow is one of the lowest in the Pinelands RGA. She said sewer capacity is not a concern at this time but, at full build-out, Winslow may require additional capacity. She said under the amended MOU, if the demand for water exceeds supply, the assurance is there that the water supply will come from a non-

Kirkwood-Cohansey source. Ms. Grogan said staff believes this proposal meets CMP standards but, before the Township proceeds with developing ordinances, she wanted the Committee to be updated and feel comfortable with the proposal.

Mr. Liggett said staff believes Winslow should be given credit for its strong conservation measures and that, based on the number of proposed dwelling units, there appears to be sufficient water from New Jersey American Water Company and existing Kirkwood-Cohansey wells at this time. He said originally, all RGAs were assigned a density based upon the prevailing development in 1980, which for Winslow was very sparse at that time. In 2004, the Pinelands Housing Task Force (<http://www.nj.gov/pinelands/landuse/recent/housing/Housing%20Final%20Rpt.pdf>) recommended re-assigning the densities across the Pinelands. He said it would have been too disruptive to do it Pinelands-wide all at once, but this is an opportunity that Winslow is pursuing. The Housing Task Force said it was incumbent upon the Pinelands Commission to promote the efficient use of land.

Ms. Grogan said the Housing Task Force had many representatives from both private and government sectors. She said the Task Force had engaged in a comprehensive evaluation of future population growth, housing needs, land availability, etc. She noted that one of the report's conclusions was the need for "rooftops" to support economic development.

Ms. Apte said the Pinelands Town Center concept never came to fruition and the hope is that the proposed split zoning will facilitate the economic viability the Township seeks.

Mr. Stuart Platt introduced himself as the Winslow Township solicitor and said the Master Plan will be updated to address issues such as traffic impacts, open space, recreation etc. Many elements will be evaluated before Winslow proceeds with the rezoning.

Mr. Liggett noted that the Township has a municipal complex at the center of the project area, including the Township offices, a library and a high school. He said the sewer lines were updated using Pinelands Infrastructure Trust Fund (PITF) monies, so the Commission has a vested interest in this project.

Mayor Wright said rooftops support commercial development and this proposed rezoning was a step in the right direction. He concluded the discussion by stating that the Township wanted to move as quickly as possible on this project.

Commissioner Ashmun disconnected from the conference call at 10:20 a.m.

At the conclusion of Winslow's presentation, the Committee took a brief unannounced break.

6. Update on Pinelands Conservation Fund land acquisition projects (Open Session)

Ms. Jeney delivered a PowerPoint presentation updating the Committee on the four land acquisition projects in the current round of the Pinelands Conservation Fund (*Attachment B to these minutes and posted on the Commission's web site at:*
<http://www.nj.gov/pinelands/home/presentations/2018%2004%2027%20PI%20meeting%20PCF%20OPEN%20SESSION%20ONLY.pdf>)

As described in further detail in her presentation, Ms. Jeney reviewed the three projects that have met their deadlines, one of which, New Jersey Conservation Foundation's (NJCF) Thompson-White project in Southampton and Woodland townships is requesting funding in advance of closing as described in the meeting packet materials.

Ms. Grogan said staff is recommending the advance payment to NJCF. However, Commissioner Lloyd said he had to recuse himself from the matter as did Commissioner Ashmun who was contacted privately after she disconnected from the meeting. Therefore, absent a quorum, no action could be taken by the Committee today.

Ms. Jeney said the fourth project requires the Committee to meet in closed session.

After a motion and second to convene in closed session, the Committee decided to proceed with the open agenda and move into closed session at the end of the meeting.

7. Pilot Program for Alternate Design Wastewater Treatment Systems

Prior to the meeting, staff distributed to all Commissioners a copy of the April 27, 2018 Report on the Implementation of the Alternate Design Treatment Systems Pilot Program. It was subsequently posted on the Commission's web site at:
http://www.nj.gov/pinelands/landuse/current/altseptic/Final%20April%2027%202018%20%202018_ImplementationReport.pdf)

Mr. Wengrowski made a PowerPoint presentation (*Attachment C to these minutes and also posted on the Commission's web site at:*
[http://www.nj.gov/pinelands/home/presentations/Final_%20Implementation%20Report%20Presentation_%20April%2027,2018%20\(Nov.pdf](http://www.nj.gov/pinelands/home/presentations/Final_%20Implementation%20Report%20Presentation_%20April%2027,2018%20(Nov.pdf))

Mr. Wengrowski provided an overview of the program and discussed the status of the various technologies that are currently authorized for use, have been removed from the program or have "graduated" from the pilot program and are now authorized for permanent use in the Pinelands Area. He provided data on the various systems by number of installations, by management area, by year, by technology and also the cost and current status regarding program participation. He summarized the various Implementation Report recommendations, particularly the need to allow for continued installation of pilot program technologies beyond the current August 5, 2018 deadline. Staff is recommending that the deadline be deleted from the CMP.

In response to Commissioner Lloyd's question if a CMP amendment were needed by the August 5, 2018 deadline for installation, Ms. Grogan said yes, but it is not possible to complete the rulemaking process within such a short time period. She said staff wanted the Commission to be aware of the installation deadline, which has been an ongoing issue since the inception of the program, requiring that the deadline be changed periodically. She said she had written amendment language to deal with this issue and will be back before the Commission with it shortly. However, she said, meanwhile there is a concern for those applicants in various stages of the development process and how they can be assisted while dealing with this pending deadline. She said in the early days of the program, it was important to have an installation deadline, but staff now believes there are adequate safeguards built into the pilot program, so a hard and fast deadline isn't necessary.

Mr. Wengrowski closed by saying that the Bioclere, Amphidrome and FAST systems have "graduated" from the pilot program so the deadline for installations does not apply to them.

8. Public Comment

Mr. Fred Akers, with the Great Egg Harbor Watershed Association, referenced a recent article in the *Press of Atlantic City*, http://www.pressofatlanticcity.com/news/breaking/state-preserves-acres-in-mays-landing/article_b3f2261e-8ec6-54e6-bf40-4f3d7885dcef.html regarding Atlantic County's acquisition of some 1,155 acres in flood prone area of Mays Landing.

Mr. Leakan displayed the Pinelands map of permanently protected lands on the SmartBoard. Ms. Grogan identified the subject area, noting that much of the property is wetlands, zoned for 70 acres/unit in the Forest Area. She said the protection of this land fits in well with other land preservation activities in the area.

Mr. Acres said the federal Wild and Scenic River designation of the Egg Harbor River was referenced as a reason to protect the property.

Also, Mr. Akers updated the Committee on his impervious cover project in Winslow Township with Rutgers University and said that "Sustainable Monroe" (Monroe Township) is interested in an impervious cover assessment project.

9. Update on Pinelands Conservation Fund land acquisition projects (Closed Session)

At 11:15 a.m. Commissioner Lloyd moved that the Committee meet in closed session to discuss matters related to land acquisition. Commissioner Howell seconded the motion and all voted in the affirmative.

During closed session (11:20 a.m.), Mr. Craig Ambrose, with the Governor's Authorities Unit, thanked and replaced Ms. LaRusso on the conference call.

At 11:22 a.m., the Committee returned to Open Session but no members of the public were present.

Ms. Jeney said that the Committee had granted a deadline extension to one project until December 1, 2018. She also provided a status of the projects, noting that if all four projects in the current round go to closing, 801 acres will be preserved at a cost of roughly \$475,000 of the \$500,000 initially available for the current round of the Pinelands Conservation Fund. (See Attachment B)

There being no other items of interest, Commissioner Prickett moved the adjournment of the meeting and Commissioner Lloyd seconded the motion. The meeting was adjourned at 11:26 a.m.

Certified as true and correct:

A handwritten signature in black ink, appearing to read "Betsy Piner", is written over a horizontal line.

Betsy Piner,
Principal Planning Assistant

Date: May 9, 2018