

Adopted January 25, 2019

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.**

MINUTES

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

MEMBERS ABSENT: Candace Ashmun 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: Nancy Wittenberg, Stacey Roth, Larry L. Liggett, Susan R. Grogan, Gina Berg, Robyn Jeney, 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 9:35 a.m.

2. Pledge Allegiance to the Flag

All present pledged allegiance to the Flag.

3. Adoption of minutes from the September 28, 2018 CMP Policy & Implementation Committee Meeting

Commissioner Prickett moved the adoption of the September 28, 2018 meeting minutes. Commissioner Barr seconded the motion. The minutes were adopted with all Committee members voting in the affirmative.

4. Executive Director's Report

Medford Township 2018 Housing Element and Fair Share Plan and Ordinance 2018-16, adopting the Stokes Square Redevelopment Plan

Ms. Grogan said that Medford Township had signed its agreement with the Fair Share Housing Center some time ago and has since adopted its Housing Element and Fair Share Plan, which

documents how the Township intends to meet its affordable housing obligation. She said that obligation will be met mostly outside the Pinelands Area through rezonings and projects on the north side of Route 70. She noted that the Township seemed particularly pleased that it had chosen to provide the bulk of the obligation outside the Pinelands Area but she added that it would not have been a problem for the Commission if these units had been proposed within Medford's Regional Growth Area (RGA). Medford has proposed one rezoning within the Pinelands Area.

Ms. Grogan said Medford has adopted Ordinance 2018-16, approving a Redevelopment Plan for the Stokes Square Redevelopment Area in order to implement one of the recommendations of the Fair Share Plan. She directed the Committee to Exhibit #1 of the meeting packet, depicting the 67-acre site, at the intersection of Stokes and Himmelein Roads, a portion of which contains some commercial development, including an office building and a bank along the road frontage, but the majority of which is vacant wetlands (as depicted in Exhibit 2). She said the Redevelopment Plan will allow a maximum of 120 units of senior apartments with Pinelands Development Credits (PDCs) required for 20 percent of the units. There will be no affordable units in the Stokes Road project; rather a monetary contribution from the developer to the Township's affordable housing trust fund will be used towards affordable housing units to be constructed in another project outside the Pinelands Area. Ms. Grogan directed the Committee to Exhibit # 3 the conceptual site plan, noting all the units will be contained within a single building of no more than 45' in height. She said additional nonresidential development will be permitted in the Stokes Square Redevelopment Area and public sewer and water will need to be extended to both the new apartment building and the existing office building. She said the development will be directed to the uplands area at the northern end of the parcel and at least 50 percent of the remainder of the parcel will be deed restricted open space or agriculture to preserve the scenic vistas of the community. She noted that "Cow Point", an area of permanently preserved open space, is directly across Stokes Road from this Redevelopment Area. Ms. Grogan noted that the increased residential density at this site is significantly greater than what the CMP prescribes for Medford's RGA. She added, as the project will be sewer, a portion of the site is suitable for more intense development and the Plan mandates significant PDC use, thus CMP standards are met and staff is recommending its approval.

In response to questions from the Committee, Ms. Grogan said this is only one piece of the Township's agreement with the Fair Share Housing Center and the Township will be meeting its affordable housing obligation outside the Pinelands Area. She said the funding agreement between the developer and the Township is not an issue of concern to the Commission. She also said any increase in traffic on Stokes Road will be addressed on the basis of air quality as part of the development application and that the aesthetics of the height of the building is not a CMP standard to be addressed as this is a Regional Growth Area where no height limitations apply.

Ms. Roth added that the existing commercial development is a two-story building at a five-point signalized intersection. She said that is an issue of concern to Medford, not the Commission.

In response to a question from Commissioner Lloyd if the Commission would review the deed restriction for the remainder of the parcel, Ms. Grogan said the Commission will likely not see it until after it has been filed and then the protected lands will be mapped as part of our open space inventory.

In response to Commissioner Prickett's remark that the large proposed parking lot could accommodate many solar panels, Ms. Wittenberg said to require them would necessitate a CMP amendment.

Commissioner Lloyd moved the recommendation to the Commission of certification of Medford Township's 2018 Housing Element and Fair Share Plan and Ordinance 2018-16. Commissioner Barr 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 applicant for participation in the Limited Practical Use (LPU) land acquisition program had been denied a waiver at the Commission's November 9, 2018 meeting. She said the property is located in the Rural Development Area of Buena Vista Township in the vicinity of a number of parcels acquired by the state. She said staff believes the property meets the eligibility requirements for the program and asked that the Committee recommend its eligibility to the full Commission.

Commissioner Lloyd moved the recommendation to the full Commission of the eligibility of a parcel for acquisition under the LPU program. Commissioner Prickett seconded the motion and all voted in favor.

6. Update on the Pinelands Conservation Fund land acquisition projects and consideration of extension request.

Ms. Jeney made a PowerPoint presentation on the Pinelands Conservation Fund (PCF) (*Attachment A to these minutes and posted at:*

<https://www.nj.gov/pinelands/home/presentations/2018%2011%2030%20P&I%20meeting%20Updates%20and%20Extensions.pdf>

Ms. Jeney said, of the four projects approved for PCF grants in 2017, three have closed while the remaining project is making progress but has requested an extension of time to secure certified market value and an executed grant agreement. Ms. Jeney said the Rancocas Conservancy is the applicant for this roughly 200-acre Katz property in Pemberton Township. She summarized the particularly desirable features of this property, noting that, although a PDC deed-restricted property, it has been subjected to much off-road vehicle damage and this current round of PCF funding is focused on preserving those properties that would benefit from better land stewardship to protect them from further such damage.

Ms. Jeney said, in recognition of the value received from the PDCs severed from the parcel, the landowner has agreed to lower the selling price and, in addition, has donated some \$2,500 towards the clean-up of the property through the Rancocas Conservancy Stewardship Fund. She noted that the Conservancy and the Pinelands Preservation Alliance (PPA) will be sponsoring a cleanup event at the site on December 1, 2018.

Ms. Jeney said the Conservancy has requested an extension beyond the current December 1, 2018 deadline to complete the remaining requirements of the project. Ms. Jeney said staff feels sufficient progress has been made for them to meet their objectives by May 31, 2019.

Ms. Jeney confirmed this Committee is authorized to grant an extension and the request does not require action by the full Commission.

Commissioner Lloyd moved the granting of an extension until May 31, 2019 for the Rancocas Conservancy to obtain certified market value and a grant agreement for the Katz property. Commissioner Prickett seconded the motion and all voted in favor.

Ms. Jeney concluded her presentation by saying, with the closing of the Katz property, the current round of the Pinelands Conservation Fund will have preserved some 779 acres.

7. Pinelands Infrastructure Trust Fund

Ms. Berg made a PowerPoint presentation on proposed amendments to the Pinelands Infrastructure Trust Fund (PITF) and efforts to award some \$15 million in funds to appropriate projects (Attachment B to these minutes and posted at <https://www.nj.gov/pinelands/home/presentations/PITF%20Ranking%20&%20funding%20PI%20%2011-30-18.pdf>)

Ms. Berg said the PITF was established in 1985 with a goal of defraying the cost of infrastructure in the RGA while simultaneously offering land value equity to the landowners who had severed PDCs from the sending areas.

Ms. Berg reviewed the amendment process, noting that staff has engaged in extensive outreach by contacting municipalities, counties and utility authorities to determine infrastructure needs. She said the PITF is offered for water/sewer extensions, transportation and stormwater projects. She reviewed the proposed timeline, ranking criteria and funding formula as described in detail on the slides. She said, should the Committee choose to proceed, the next step will be a public hearing on a proposed PITF amendment in early 2019, after which staff will return to this Committee with a final recommendation for the ranking criteria and funding structure. The amendment would then go to the full Commission for approval. Ms. Berg reviewed the remainder of the steps involved in awarding funding for projects.

In response to Commissioner Howell's questions regarding the funding structure, Ms. Berg said the combination of grants and loans would allow the program to be appealing to the applicants while still providing some financial return to the PITF. She said the Commission can change that structure if it wishes. She also noted that during their outreach thus far, staff received no feedback regarding the financing structure.

Mr. Liggett said the program involves a lengthy process so it is not very competitive as a funding source. Staff feels the grants will make the program more appealing but could gauge the interest in grants vs. loans through the public hearing process. He said the previous awards were 40 percent grant, 40 percent loan and 20 percent local contribution but those allocations can be adjusted. He said he was concerned that little input will be received. He said staff had contacted all the RGA municipalities and the municipal utilities authorities but, thus far, there is little interest in the program. He said, during the outreach process, staff found some of the engineers are the same as from the late 1980's. He said he had been told of eight possible projects, but some may be very weak. He said there is no longer the strong demand for sewers as there had been in 1980 but there is a bigger interest in water supply projects. He noted concerns with protecting the Kirkwood-Cohansey aquifer and surface waters and that connecting to a public water supply is a significant expense.

In response to Commissioner Howell's question as to what sort of projects had he seen, Mr. Liggett summarized the following:

- a. Projects involving connecting to the New Jersey American public water supply, an option for municipalities on the western edge of the Pinelands
- b. Ocean County-one of the original PITF projects that was never completed (Manchester and Jackson townships)
- c. Atlantic County-project involving moving utilities at a "nightmare" road intersection with adjacent PDC protected lands
- d. A new development project in Monroe Township requiring public sewer and water
- e. Atlantic County-an acquisition project to preserve land for water recharge for the aquifer
- f. Ocean County-a project in the Dover Road vicinity
- g. Atlantic County: an innovative project involving "mining" an interceptor for reuse on a golf course, an expensive project
- h. Infiltration/inflow (i&i) projects to repair cracked and broken sewer pipes

In response to Commissioner Prickett's question regarding interceptors, Mr. Liggett explained that a sewer system is comparable to the branches of a tree with the local collector (branches) flowing to a series of increasingly larger interceptors. He said most Pinelands sewage flows to large regional treatment plants outside the Pinelands and from there to the Atlantic Ocean.

Mr. Liggett said Atlantic County is where most of the RGA development in the Pinelands occurs and where most of the PDCs are planned to be used. But, he said, the poor health of the casino industry has slowed development and there is little concern with current sewage capacity.

In response to Commissioner Prickett's question regarding injecting treated wastewater back into the ground, Mr. Liggett said there are projects in Buena Borough and Hammonton but currently most treated wastewater is going to the ocean. He said discharge to the ocean is unlikely to occur in the future as, world-wide, there is recognition of the need for groundwater recharge.

Commissioner Lohbauer asked about the status of the osmosis processing plant in Buena Borough and if that technology was being promoted elsewhere.

Mr. Liggett said that most municipalities do not have their own treatment plants; rather, they send their wastewater to large regional county plants. He added that the New Jersey Department of Environmental Protection (NJDEP) is looking at that system.

Mr. Wengrowski said Commissioner Lohbauer was referring to the membrane bioreactor system, similar to a reverse osmosis system but less expensive.

Mr. Liggett said the proposed PITF master plan amendment would offer a bonus for recharge but no entity is treating wastewater at 100 percent. He said one does not want to return slightly polluted wastewater to the groundwater.

Commissioner Lloyd said perhaps the municipal share is the biggest hurdle for a project.

Chairman Earlen said the municipalities will be challenged by upfront costs and debt service.

Mr. Liggett said Hammonton has been trying to repair its aging sewer system and could be a good candidate for a project but it is not in the RGA so is ineligible for PITF funding.

In response to Commissioner Lloyd's question regarding the cost of the eight potential projects that he had listed, Mr. Liggett said the Jackson/Manchester project would require roughly \$4 million in PITF funds while the Atlantic County intersection would be about \$1 million. He said he was unsure of the costs of the other potential projects and it is possible that there would be insufficient projects to use the entire \$15 million.

Commissioner Barr moved the recommendation that staff proceed with a public hearing on amendments to the PITF Master Plan. Commissioner Prickett seconded the motion and all voted in favor.

8. Update on the Long-Term Economic Monitoring Program: re-evaluation and recommendations

Ms. Berg made a PowerPoint presentation on the Long-Term Economic Monitoring (LTEM) Program (Attachment C to these minutes and posted at:

<https://www.nj.gov/pinelands/home/presentations/Re-Eval%20PI%20Nov%202018.pdf>)

Ms. Berg said in May, staff had updated the Committee regarding the status of the re-evaluation process, including the panel discussions, the Rutgers report and the interest in providing the report in digital form on the web site using Socrata software. (The slide presentation from the May 18, 2018 meeting is located at:

<https://www.nj.gov/pinelands/home/presentations/0518%20economic%20monitoring.pdf>)

Ms. Berg provided the Rutgers' recommendations as well as those of staff. She noted that while the Rutgers report recommended studying 53 economic variables, staff recommended the continued study of 23 existing and addition of seven new variables, while researching an additional seven for possible future release and deferring action on the remaining 16.

Ms. Berg said Rutgers recommended continuing the current geographic comparisons and staff concurs. However, she said, staff felt the timing of quarterly report releases combined with increased number of variables recommended by Rutgers and the panels is not viable with the current staff size/resources and the limitations on data availability. Rather, staff is recommending a rolling release of data as they become available- (once the web-based platform is available)- with an annual executive summary or report to provide an overview.

Mr. Liggett said there was interest expressed by panelists and Rutgers in examining tourism but staff was unsure if a single measure exists on which data is collected. Staff put the tourism topic in the "Research" category to determine if it were possible to obtain local results that were meaningful and available on a regular basis.

Ms. Berg said Special Studies are periodically selected as part of the LTEM. She said staff received suggestions for tourism, ecotourism and ecological services.

Mr. Liggett says New Jersey studies ecological services state-wide and staff anticipates working with NJDEP to try to report on them within the Pinelands.

Ms. Berg's final slide provided a work plan timeframe, including the hiring of a new analyst in January 2019, as budgeted.

Ms. Wittenberg said this has been a long, but continuing, process.

Mr. Liggett said the LTEM will continue with rolling release of available data including the additional seven variables.

In response to Commissioner Howell's question as to what would be the benefit of rolling releases of information, Ms. Berg said, for all data, releasing them as they are available will benefit decision makers as they will have the most recent information on which to base those decisions.

Ms. Wittenberg said, in most cases, the Commission is collecting data gathered by others.

Mr. Liggett said currently, our lag time is long, perhaps at least a year, but the goal is to have the most recent data available.

Commissioner Lohbauer said, as a private sector data consumer, he appreciated knowing that data are the most recent available. Also, he urged staff to pursue the recommendations regarding tourism as he felt that is one of the most critical contributors to the Pinelands economy. He said tourism is one element in which the Pinelands stands apart from other areas.

Ms. Berg said for special studies, one must first assure that data are available.

Mr. Leakan noted that a recent copy of his monthly "press clips" had contained an article about NJDEP's release of information related to the number of visitors at various state parks.

In response to Commissioner Lloyd's question if the state park data were available, Ms. Berg said the data could be provided but State park visitor data does not fit the geography used in the report. She was unsure if the inside Pinelands/outside municipalities comparison could be applied.

Commissioner Prickett asked if climate assessment and its effects on the Pinelands economy could be a component of the LTEM report.

Ms. Berg said the Federal Emergency Management Agency (FEMA) has flood data that might be available at a municipal level geography. However, that data does not explain whether the flooding is climate-based, nor could the LTEM report do so as it only reflects available data.

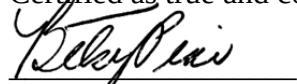
9. Public Comment

Dr. Jonathan Peterson, with the City University of New York, distributed a document (*Attachment D to these minutes*) from which he read a portion asking, "Now that 50 percent of the Pinelands is preserved, what is the future regarding conservation vs. development efforts?"

Ms. Wittenberg announced that an Open House will be held on December 11, 2018 for the new visitors center (*Candace McKee Ashmun Pinelands Education Exhibit*). She said Mr. Jonathan Meade, who may become the Secretary of the Interior's designee to the Commission, is planning to attend. She said she hoped the current Commission members would also attend.

There being no other items of interest, Commissioner Barr moved the adjournment of the meeting and Commissioner Prickett seconded the motion. The meeting was adjourned at 10:50 a.m.

Certified as true and correct:



Betsy Finer,
Principal Planning Assistant

Date: January 14, 2019