

Adopted July 29, 2016

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

Richard J. Sullivan Center
Terrence D. Moore Room
15 C Springfield Road
New Lisbon, New Jersey
June 24, 2016 - 9:30 a.m.

MINUTES

MEMBERS IN ATTENDANCE: Sean Earlen (Chairman), Candace Ashmun, Robert Barr, Ed McGlinchey, Richard Prickett, and Joe DiBello (Alternate)

MEMBERS ABSENT: Paul E. Galletta and Ed Lloyd

OTHER COMMISSIONER PRESENT: Mark Lohbauer

STAFF PRESENT: Executive Director Nancy Wittenberg, Larry L. Liggett, Susan R. Grogan, Stacey P. Roth, Robyn Jeney, Joseph Sosik, Brad Lanute, Paul D. Leakan and Betsy Piner. Also present was Mr. Chris Howard with the Governor's Authorities Unit.

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

1. Adoption of minutes from May 27, 2016 CMP Policy & Implementation Committee meeting

Commissioner McGlinchey moved the adoption of the May 27, 2016 meeting minutes. Commissioner Prickett seconded the motion. The minutes were adopted with all Committee members voting in the affirmative except Commissioners Barr and DiBello, who abstained.

2. Pinelands Conservation Fund: Update on 2015 Acquisition Projects

Ms. Jeney provided the Committee with an update on the five projects it had approved for the 2015 round of acquisition through the Pinelands Conservation Fund (PCF) (*See Attachment A to these minutes or the Commission's web site at:*

<http://www.nj.gov/pinelands/home/presentations/6%2024%202016%20P&I%20meeting%20Project%20Status%20for%20website.pdf>). Ms. Jeney reminded the Committee that in 2015 it had

allocated \$750,000 from the PCF for the acquisition of five projects. Since then, three projects have closed using \$243,500 of the allocation and protecting some 487 acres. Two of the projects (TR Ridgeway, an 11-acre project in Jackson Township and Deetz, a 61-acre project in Barnegat Township) were acquired by the Ocean County Natural Lands Trust (OCNLT). Ms. Jeney said these two Ocean County projects had closed well before the February 29, 2016 deadline and staff is awaiting receipt of the filed deed and a request for reimbursement.

Ms. Jeney said the most recent project, the 414-acre Bear Swamp Headwaters in Southampton and Tabernacle townships, had been acquired by the Trust for Public Land (TPL), with payment in advance of closing provided upon approval by this Committee at its May 27, 2016 meeting. Staff is awaiting receipt of the filed deed restriction. Ms. Jeney noted that the NJ Natural Lands Trust, (NJNLT), the ultimate owner of the land, also owns roughly 1,000 non-contiguous acres on the west side of Route 206 so this is a nice addition to the Bear Swamp at Red Lion Preserve.

Ms. Jeney said the remaining two projects, one each in Ocean and Atlantic counties, are unlikely to meet the conditions required by the June 30, 2016 deadline due to ownership and price issues. However, she said staff will continue to work with the applicants. Meanwhile, as those projects did not close, there is the potential for a new round of acquisitions. Also, staff will likely return to P&I with some potential ideas to allow a more consistent and regular funding source.

In response to Commissioner Barr's question as to what happens to the money that was allocated but not spent, Ms. Jeney said it is returned to the pool of funds and the applicants that did not complete these two projects may re-apply if the Commission establishes another round. She said staff feels these were two good projects.

In response to Commissioner DiBello's question as to the source of PCF funding, Ms. Grogan said the initial \$13,000,000 contribution had been made as a condition of the 2004 Memorandum of Agreement (MOA) with the Board of Public Utilities (BPU) to allow Conectiv to build electric transmission lines along the Garden State Parkway (GSP). Additional funds came as a result of a 2006 CMP amendment to allow the expansion of the Cape May County Municipal Utilities Authority landfill. A small contribution came in 2008 from the NJ Turnpike Authority through an MOA to allow the widening of the GSP. She said the Commission determines how to allocate the funds from these various sources. As there is no regular source of funding, staff would like to consider ways in which the Commission could develop a steady funding source, perhaps by receiving funds from private contributions. Ms. Grogan said that various accounts have been established for distributing the PCF funds, including that for the visitors' center in the Richard Sullivan Center.

In response to Commissioner Prickett's question as to what the Commission needed to do to secure a funding source, Ms. Grogan said that staff was just beginning to discuss the issue. The Comprehensive Management Plan (CMP) makes no reference to the PCF so it is unlikely that any sort of amendment would be required. She said this is a new project for the next fiscal year.

3. Executive Director's Report - Pemberton Township's 2009 Master Plan, 2014 Master Plan Re-Examination Report and Ordinances 27-2009, 14-2014, 16-2014 and 20-2015

Commissioner Prickett announced he would recuse himself as he is a Pemberton Township resident and had served on Council at the time much of the subject material was developed. He left the room at 9:55 a.m.

Ms. Grogan said Pemberton Township had adopted a new Master Plan in 2009, a Master Plan Reexamination Report in 2014 and a series of ordinances implementing a number of mapping changes, only one of which involved a change in management area boundaries. Mr. Leakan displayed a series of maps on the Smart Board, all of which were included with the meeting packet. From these maps, Ms. Grogan identified the various zoning changes that Pemberton is proposing.

Ms. Grogan said Exhibit #1 identifies the 140-acre management area change from Forest Area (FA) to Agricultural Production Area (APA) along Mount Misery Road. Two farmers are involved and had requested this change of the Township. This management area change will provide them a potential opportunity to qualify for the Burlington County Farmland Preservation Program (FPP). Burlington County will purchase easements only on lands in the APA, not the FA. One property owner has already come to the Commission anticipating applying for a Letter of Interpretation (LOI) for PDCs as soon as the zoning is approved. It appears that he may wish to pursue a PDC deed restriction and protect his lands without any county involvement.

Ms. Grogan said the remaining zoning changes do not involve management area changes.

Ms. Grogan said Exhibit #2 identifies a 20 some acre stretch of the south side of County Route 530 from the Southampton Township line to Pemberton Borough. The proposed expansion of the GCLI (General Commercial/Light Industrial) District within the APA from a depth of 300' to 600' is a response to the impacts from the upcoming widening of the highway and involves small portions of three large lots that are currently assessed as farms. This expansion will allow existing businesses to relocate further back from the road and to preserve the limited development opportunities of the small pre-existing businesses along the road. One farm along this section of Route 530 is pursuing the County FPP.

Ms. Grogan said all remaining zoning changes involve the Regional Growth Area and were made to recognize existing development, correct lot lines, and to resolve a number of map errors.

She said Exhibit #3 identifies a proposed rezoning of a single 16-acre lot along Trenton Road from the R-80 (Single-Family Residential) District to the RA (Infill Residential District) to recognize the existing non-conforming apartments that will now become a permitted conforming use.

Ms. Grogan identified Exhibit #4 and said this proposed rezoning of 73 acres along the south side of Pemberton-Browns Mills Road will extend the current TC (Town Center) District of Browns Mills westward, replacing the existing GCLI District. She identified the "squiggly" line as the Rancocas Creek at the south end of the subject lots and said the TC District permits less intense uses than are permitted in the GCLI District. The existing uses are primarily residential, with a few commercial uses. She said the Township had been interested in expanding this new TC District even farther to the west into the existing Forest Area, but there seemed to be no justification to do so.

In response to Commissioner Ashmun's question if there were wetlands present, Ms. Grogan said yes, along the Rancocas Creek. However all buffer requirements will be maintained and it

was unlikely that this rezoning will lead to much new development. The rezoning will narrow the number of uses there.

Ms. Grogan said Exhibit #5 identifies a new zoning district, the Neighborhood Commercial Pinelands (NCP) District along Lakehurst Road in the vicinity of Country Lakes. Several areas will be rezoned from the current GCLI District, where a wide variety of commercial and industrial uses are permitted, to this new NCP District, where the focus is on small-scale retail and neighborhood service-oriented establishments.

Ms. Grogan noted that this is *not* the Browns Mills shopping center area where a redevelopment plan is still being considered and none of the documents presented today relate to that area. She said approval of a redevelopment plan for Browns Mills will be a separate action. She said the Township must overcome several significant hurdles before a redevelopment plan can be recommended to the Commission for approval.

Ms. Grogan said Exhibit #6 shows several proposed rezonings to the new NCP District in the vicinity of Pemberton Borough. These changes are intended to allow for additional commercial opportunities.

Ms. Grogan said Exhibit #7 provides an overview of all the proposed rezonings under consideration.

In response to Commissioner Ashmun's questions if the Master Plan discusses the ordinance rezoning the area along the Rancocas Creek with any precautionary words about wetlands, Ms. Grogan said the Master Plan contained the recommendation for this change to a new zone. She said staff will monitor the development approvals to make sure all requirements, including buffers to wetlands, are met.

Ms. Grogan said the Township also had made a number of changes outside the Pinelands Area of Pemberton. As the report mentions, the new zoning map replaces that from 1983 and with today's technology, a better map has been prepared. She recognized Mr. Sosik's intensive efforts to update the map and confirm where lines were adjusted appropriately. She said the end result is not a lot of changes and the staff recommends approval of the documents submitted by Pemberton Township.

Commissioner McGlinchey moved the recommendation to the Commission to certify Pemberton Township's 2009 Master Plan, 2014 Master Plan Re-Examination Report and Ordinances 14-2014, 16-2014 and 20-2015. Commissioner Barr seconded the motion and all Committee members voted in favor.

Commissioner Prickett returned to the meeting. Commissioner McGlinchey thanked Mr. Sosik for the maps he had provided.

4. Plan Review: Review of Draft CMP amendments

A. Black Run Forest Area and Pilot Program

Ms. Wittenberg said that efforts to protect the Black Run in Evesham Township have been an ongoing project that precedes her arrival at the Commission. She said staff believed the recommendations contained in “*A Sub-Regional Resource Protection Plan for Southern Medford/Evesham Townships, April 2006*” (the Medford/Evesham Plan) were moving forward and staff has developed language to implement some recommendations of the Plan.

Ms. Grogan made a presentation (*Attachment B to these minutes and posted on the Commission’s web site at:*

<http://www.state.nj.us/pinelands/home/presentations/Black%20Run%20Presentation%20at%205.27.16%20P&I%20meeting-RevisedMaps.pdf>

on proposed CMP amendments to implement the Black Run protection recommendation of the Medford/Evesham Plan. She said much effort had been put into protecting the southern end of Evesham and Medford townships, noting that the project area involves 3,200 acres in Evesham and 800 acres in Medford. She said these are mostly vacant lands within the RDA of the southern portions of these municipalities, of high integrity and much of which is already preserved. Those areas that are not preserved are highly constrained due to extensive wetlands.

Ms. Grogan’s presentation described the ecological value of the Black Run and the justifications to support a management area change from RDA to FA. She displayed various maps identifying the project location, relationship to the Commission’s Ecological Integrity Assessment, preserved lands in the area, various management areas and a potential development area. She described a two-step process, the first of which is a Forest Area redesignation. She said 3,200 acres of Evesham’s RDA and 800 acres in Medford would be rezoned to FA. Evesham’s current RDA zoning capacity of 360 units would be reduced to 56 units under the new FA. Once the management area designation was complete, the municipalities would be required to revise their master plans and land use ordinances to reflect the new FA designation. She said the second step would be for the Commission to authorize the Township of Evesham Off-Site Clustering Pilot Program, modeled after that established to accommodate the Renault Winery in Galloway Township and Egg Harbor City. She said the establishment of an off-site clustering pilot program will encourage the clustering of all residential development potential in both the new and existing FA of Evesham to a designated development area outside the Black Run. The development area, some 175 acres in a Restricted RGA, would allow development of some 400 units on lots of a maximum size of 15,000 square feet. Larger lots would not be permitted in order to allow the development of the maximum number of units (400.) She said sewer service would be required and every unit constructed in this development area would require the protection of 4 acres in the FA, with the use of PDCs permitted only if FA lands were unavailable.

In response to Commissioner McGlinchey’s question if the private landowners are aware that this management area change is being considered, Ms. Grogan said most of the lands are held by a single landowner who is involved but there has been no recent notification of the others. They had been notified of the Medford/Evesham Plan at the time it was being developed.

Ms. Roth said, if the Commission proceeds with CMP amendments, there will be notice through the public hearing process but there is no obligation to notify individuals.

In response to Commissioner McGlinchey's statement that he wanted them to be notified, Ms. Grogan said staff could work with the municipalities to do so. Furthermore, the Planner for Evesham was in the audience today.

Mr. Liggett said, generally, the smaller individually-held lands are in the northern section of the project area and constrained by wetlands.

Ms. Grogan said staff believes the FA designation is necessary to protect the area. She said such a rezoning would drop the density dramatically and an off-site clustering pilot program, similar to what had been done with the Renault pilot program, will direct development to a newly-created Restricted Regional Growth Area, adjacent to the Township's boundary with Voorhees. The development lots will be small so as to provide plenty of opportunities for some 400 units. She said the majority landowner would prefer large lots but multi-family units are also a possibility in order to provide increased flexibility.

In response to a question from Chairman Earlen, Ms. Grogan said the same large landowner owns the majority of the land in the new development area. There is one other landowner. She said as part of the pilot program rule, Evesham would adopt a new zoning map showing the RGA boundary.

Ms. Grogan said Evesham Township was supportive and that Ms. Leah Bruder is here representing the Township. She said she believed that the landowner and the Township are supportive of the pilot program concepts although they may have some concerns with the details. She said staff had provided draft rules and will continue in discussions with the Township and landowners. At an upcoming meeting staff will provide a full rule proposal, including background material, maps, etc.

Mr. Liggett noted that the TDR provisions will include all the other small landowners so they will be able to participate.

Ms. Grogan said developing a sewer line will be an expensive project, to be paid for by the developer. Mr. Liggett added that the likely route would be to a pumping station to the north.

In response to Commissioner Barr's question regarding a timeline, Ms. Grogan said staff would offer a full proposal next month and if recommended by the P&I Committee, it could be before the Commission at its August meeting. A public hearing would be scheduled and generally it takes about a year to adopt amendments. Meanwhile, Evesham might start now on its planning efforts.

In response to Commissioner Barr's question if there had been any public input, Ms. Grogan said the Friends of the Black Run have been very supportive.

Ms. Wittenberg reminded everyone that the protection of the Black Run is among the Plan Review recommendations.

Chairman Earlen said he had concerns with stakeholder involvement. He said the larger property owners know but asked how the Commission notifies the smaller ones. He said he wasn't saying he was opposed, only that he had concerns.

Mr. Liggett suggested the staff might be able to do something in conjunction with the Township.

Commissioner Lohbauer complimented the staff on this complex and creative plan. He noted that part of the Black Run to the northeast is outside the project area.

Ms. Grogan responded that he was correct but that it was part of the King's Grant community so was already developed.

Mr. Liggett noted that Voorhees Township is a densely developed area to the west of the receiving area proposed by staff.

Ms. Grogan said the landowner would prefer that the development area be larger and in a slightly different location.

In response to Commissioner Prickett's question as to when the Commission would be involved with the sewer route and will it be permitted to traverse preserved lands, Ms. Grogan said the sewer route will be part of a development application. She said it would not be allowed to be developed on preserved lands.

Mr. Horner confirmed that to be accurate.

Mr. Liggett said the public right of way due north would have little development potential.

Ms. Grogan said that at the conclusion of the pilot program, staff will write a report and make recommendations if it is successful. Staff may be asked if this program might be applicable elsewhere. In any case, this will be a lengthy process.

Commissioner Prickett said it seemed the risk of setting precedent was minimal.

Ms. Grogan said staff believes the pilot approach is limited and the evaluation component will mean there are extensive reporting requirements.

Commissioner Ashmun said this project is based on planning that has been ongoing for a long time. She said "well done."

Ms. Grogan said she felt this was an incredibly worthwhile project. Staff will return next month with the full proposal. Upon recommendation by this Committee, the Commission will decide whether or not to proceed.

Ms. Wittenberg said the basic language is in the meeting packet.

Ms. Grogan added that the rule is fairly simple but Evesham may wish to include additional design standards and other requirements.

In response to Commissioner McGlinchey's question as to how much a sign-off the Commission had from Medford, Ms. Grogan said the staff will communicate with Medford. They will need to adopt an ordinance for their expanded Forest Area but are otherwise not involved in the pilot program.

B. Signs

Ms. Wittenberg introduced Mr. Lanute and noted that "signs" were another Plan Review item.

Mr. Lanute prepared a presentation (*Attachment C to these minutes and also posted on the Commission's web site at:*

<http://www.nj.gov/pinelands/home/presentations/P&I%206.23.2016%20Signage%20Presentation.pdf>). He noted that a presentation on signs was given at the March 24, 2016 P&I meeting. He stated that the goal of the previous presentation was to present the current issues in sign regulation as well as to recommend general policy solutions to address those issues. He went on to say that the purpose of this presentation was to provide actual drafted language of those policy recommendations.

Mr. Lanute said that under the proposed rules, off-site sign rules would remain basically the same. He noted that lawfully existing off-site signs prior to the CMP will remain permitted in RGA and Towns as well as within limited prescribed circumstances in Villages and RDA. New signs will continue to be permitted in RGA and Towns, at the option of the municipality, with the use of a transferable sign right. A change in language, not policy, is also proposed to further clarify those signs eligible for the transfer program.

Mr. Lanute said that under the proposed rules regulatory authority for the control of on-site signs would be given to the municipality. He provided reasons why staff is recommending this approach. He stated that such signs have been exempt from Commission review since the beginning; it would allow the municipalities to treat all businesses equally regardless of management area; and would allow municipalities to respond more quickly to changes in technology and local values. He said the CMP's restrictions on permitted land use by management area will mitigate the potential for excessive commercial on-site signs and the vast majority of on-site signs will be located in the growth-oriented areas of the Pinelands.

Mr. Lanute said that under the proposed rules, municipalities may choose to allow the electronic message displays (EMDs) for off-site signs, but would be required to abide by additional design provisions included in the proposal. The provisions relate to sign brightness, shielding of external lights, duration between messages, message transition, automatic brightness dimmers, and a default message in case of a malfunction. He stated that these provisions are similar to those required by NJ Department of Transportation. He stated that municipalities would have authority over such electronic message displays for on-site signs, but the proposed language would encourage them to use the off-site standards included in the proposal as guidelines.

Mr. Lanute said that the Committee had expressed concerns about the impacts of light from digital signs at the previous presentation. He described the field of study into Artificial Light at Night (ALAN). He noted that there have been many studies on the impacts of ALAN, but that they focus on all types of light with little to no studies specifically related to signs. He stated that studies on the ecological impacts of ALAN tend to study individual species in controlled environments, with little to no studies at the ecosystem scale. Therefore, science-based brightness standards for electronic signs have yet to be developed to address ecological impacts. Typically, he said, the EMDs are shining outward, not upwards, so should have less impact on the night sky than current billboards that shine upwards.

In response to Commissioner Ashmun's question regarding a definition of "temporary," Mr. Lanute confirmed that the draft language does not define "temporary." He stated that the term is routinely defined in most municipal signage ordinances. He said it is a balancing act of not getting too specific regarding things that municipalities generally regulate.

Commissioner Ashmun said she thought "temporary" should be defined and also asked about "upkeep."

In response to Mr. Lanute's question if she were concerned about safety or aesthetics, Commissioner Ashmun said if one needs a sign and it is permitted, it needs to be maintained.

Ms. Grogan said that temporary signs are currently allowed by the CMP, but that each municipality determines that definition as it is not currently defined in the CMP. They might determine 30 days or 60 days. Staff believes that the definition of temporary should be left to the municipality. She concurred with Commissioner Ashmun's assessment that the Commission depends upon the municipalities to do the right thing.

In response to Commissioner Lohbauer's interest in seeing the studies that show the effects of light on various species, Mr. Lanute said the International Dark-Sky Association has a website containing an archive of articles and he would forward them.

Commissioner McGlinchey expressed concerns about farm stands and the 300' limit for placement of signs. He said he was not championing more signs but 300' is a mere blink of an eye and he thought the Commission should consider a greater distance between the farm stand and its signs.

Ms. Grogan said the CMP doesn't restrict where those signs are placed and perhaps it is either Winslow Township or the State Agriculture Development Committee (SADC) that has imposed that limit.

Mr. Lanute said staff had discussions on these types of signs and other state rules and it was recommended that it should be discussed with the Agriculture Committee at a future meeting.

Commissioner Prickett asked about the existing provisions related to sign size, removal etc.

Mr. Lanute said on the matter of on-site signs, the Commission will defer to the municipalities for such things as quantity and size of signs. They will establish the standards that meet the needs of their communities.

In response to Commissioner Prickett's concerns regarding appearance of signs and that they be harmonious with the scenic standards of the CMP to the maximum extent possible, Mr. Lanute said that was not included in the proposal as it is a difficult rule to enforce. He said in general, concrete standards are the best practice for sign regulation.

Similarly, Commissioner Prickett asked what the provisions related to sign "appearance" as mentioned in Mr. Lanute's memo were referring to.

Mr. Lanute responded that the appearance was referencing the provisions for electronic message display (EMD) signs.

C. Application fees and procedures, waivers, alternate design wastewater treatment systems

Ms. Grogan said that although staff had planned to discuss some of these other issues today, they found that they had many other ideas they wished to incorporate into any draft rules so the discussion will be deferred to a future meeting.

5. Public Comment

Mr. Jason Howell, with the Pinelands Preservation Alliance (PPA), noted that Batsto Lake currently is in a beautiful state and this is a good time of year to be outside and enjoy it. He said he had concerns with roads in general, noting the number of turtles he has rescued crossing the highway and that, although adult snakes seem to have learned not to cross paved roads, the neonates will migrate and are easy targets for injury. Such creatures cannot cross a road safely. Also, he noted evidence of illegal dirtbike trails on state lands that seem to be maintained with flag tape and directional saw cuts on the trees.

Mr. Brian Murphy, with the New Jersey Builders Association (NJBA), said he was accompanied today by Mr. Bob Washburn and Mr. Tim Schaeffer. He referenced the April 22, 2016 meeting of the Agriculture Committee at which staff had presented proposed enhancements to the PDC program. He said he is here today to respond to that presentation. He said the current PDC program providing for a base density with a bonus using PDCs is reasonable in theory but not in reality. He said often the municipalities impose anti-growth measures that builders cannot meet such as buffers, basins, setbacks and densities that make bonus densities unachievable. Furthermore, when open space lands are purchased in development areas, the development potential is reduced further. Mr. Murphy said the newly proposed PDC program requires mandatory use of PDCs on a sliding scale, with an increasingly reduced PDC obligation as the density is increased. Again, that sounds reasonable but he said he was not sure it is achievable. Mr. Murphy displayed a chart entitled *Proposed PDC Program Enhancement [Attachment D to these minutes]* emphasizing the increased costs for a 312-unit project in Winslow Township

comparing the current PDC obligation with that under a proposed mandatory sliding scale PDC obligation, as had been discussed previously with the Agriculture Committee. He said the increase in the cost of the project, if developed under the sliding scale, would have made it prohibitive. He said the stakeholders (builders and farmers) need a program with which they agree. He said he had spoken with Peter Furey (President, NJ Farm Bureau), who does not agree that the proposed program will function properly. He said everyone, including the Commission, builders, farmers, environmentalist and the municipalities want a functional PDC program and his group does not feel that the proposal will be an improvement. He said he had someone in mind who is very knowledgeable about the PDC program and would be happy to have him come to a future meeting and give a presentation.

In response to Ms. Wittenberg's question if this person has an alternative proposal, Mr. Murphy said, "Possibly."

Commissioner McGlinchey said, at the Agriculture Committee meeting, both the representatives from the Department of Agriculture and the Farm Bureau had supported the staff proposal and he asked when Mr. Murphy's meeting had taken place.

Mr. Murphy said they had met within the past few weeks.

In response to Chairman Earlen's question as to when the Committee's next PDC discussion was scheduled to take place, Ms. Wittenberg said it had not yet been scheduled but, if not at the July meeting, then likely it would be the August meeting.

6. Other Items of Interest

Commissioner Prickett reminded everyone that the 33rd Blueberry Festival was this weekend at Whitesbog, commemorating the 100th anniversary of the commercial blueberry industry (June 25-26, 2016 from 9 a.m. to 5 p.m. each day).

Commissioner McGlinchey added that Commissioner Galletta would want everyone to know that Hammonton's Red, White and Blueberry Festival was also scheduled for this coming weekend.

There being no other items of interest, the meeting adjourned at 11:35 a.m. (moved by Commissioner Ashmun and seconded by Commissioner Barr).

Certified as true and correct:



Betsy Piner,
Principal Planning Assistant

Date: July 11, 2016



PCF 2015 Round of Applications

October 2015	P&I Committee approved PCF grants for 5 projects (\$750,000 allocated)
December 2015	2 Ocean County projects closed
January 2016	Grant agreements executed for 2 Ocean County projects
February 2016	P&I Committee approved deadline extension for remaining 3 projects
May 2016	Grant agreement executed for Burlington County project
June 2016	P&I Committee approved advance funding for Burlington County project
	Burlington County project closed
	6/30: deadline for remaining 2 projects

OCNLT: TR Ridgeway-Fagan

Map prepared by Robyn A. Jerney, NJPC

- Jackson Township
- Toms River Corridor
- Forest Area
- 11.38 acres
- Features:
 - Adjacent to Colliers Mills WMA, county- and municipally-owned conservation land
 - Ridgeway Branch of Toms River
 - Pristine pitch pine lowlands
 - T&E sitings and habitat

OCNLT: TR Ridgeway-Fagan

Map prepared by Robyn A. Jerney, NJPC

Project Details	
Size (deed):	11.3821 acres
Total cost:	\$33,000 (\$2,899/acre)
PCF Allocation:	\$11,000 (33.3%)
Ultimate Landowner:	Ocean County Natural Lands Trust

Project Status	
Closed	12/8/2015
Grant Paid?	No; awaiting filed DCR and reimbursement request

Photos by Paul Leokan, NJPC

OCNLT: Deetz

Map prepared by Robyn A. Jerney, NJPC

- Barnegat Township
- Ocean County Forest Area
- 61.44 acres
- Features:
 - Adjacent to Greenwood Forest WMA
 - Pine-oak uplands
 - Oyster Creek tributaries
 - T&E sitings & habitat
 - Preservation of approved development lot

OCNLT: Deetz

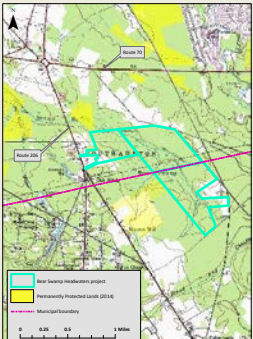
Map prepared by Robyn A. Jerney, NJPC

Project Details	
Size (deed):	61.44 acres
Total cost:	\$247,500 (\$4,028/acre)
PCF Allocation:	\$82,500 (33.3%)
Ultimate Landowner:	Ocean County Natural Lands Trust

Project Status	
Closed	12/10/2015
Grant Paid?	No; awaiting filed DCR and reimbursement request

Photos by Paul Leokan, NJPC

TPL: Bear Swamp Headwaters



- Southampton & Tabernacle townships
- Bear Swamp (Rte 206)
- Regional Growth Area & Rural Development Area
- 414.49 acres
- Features:
 - Adjacent to Bear Swamp at Red Lion Preserve and PDC deed-restricted land
 - Bear Swamp River tributaries
 - Forested wetlands
 - T&E habitat

Map prepared by Robyn A. Jersey, NJPC

TPL: Bear Swamp Headwaters



Project Details	
Size (survey):	414.489 acres
Total cost:	\$600,000 (\$1,448/acre)
PCF Allocation:	\$150,000 (25%)
Ultimate Landowner:	New Jersey Natural Lands Trust

Project Status	
Closed	6/10/2016
Grant Paid?	Yes; awaiting settlement statement, deed and filed DCR



Map prepared by Robyn A. Jersey, NJPC
Photos by Paul Leskan, NJPC

Remaining Projects

- A project in Ocean County
 - Status: one of landowners in disagreement over price; non-responsive
- A project in Atlantic County
 - Status: landowner in disagreement over price; taking property off market
- Both projects previously granted extensions to June 30, 2016
- Grant allocations for both projects will expire on June 30, 2016



Photos by Paul Leskan, NJPC

2015 PCF Available Funds



Initial funds available: **\$750,000**

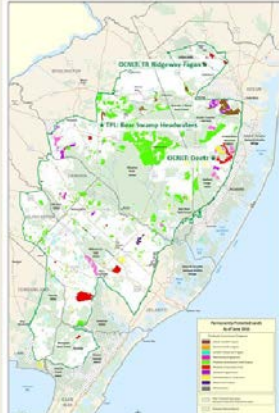
Allocation Area	# Projects	Allocated	Paid	Acres
Ocean County Forest Areas	1	\$82,500	\$--	61.44
Toms River Corridor	1	\$11,000	\$--	11.38
Bear Swamp (Rte 206)	1	\$150,000	\$150,000	414.49
Total	3	\$243,500	\$150,000	487.31

Remaining funds available: **\$506,500**

Photos by Paul Leskan, NJPC

PCF Next Steps

- Receive final submissions from and pay out grants to projects
- New round?
- Pursuit of consistent funding
- Will discuss and return with recommendations to consider at future P&I Committee meeting



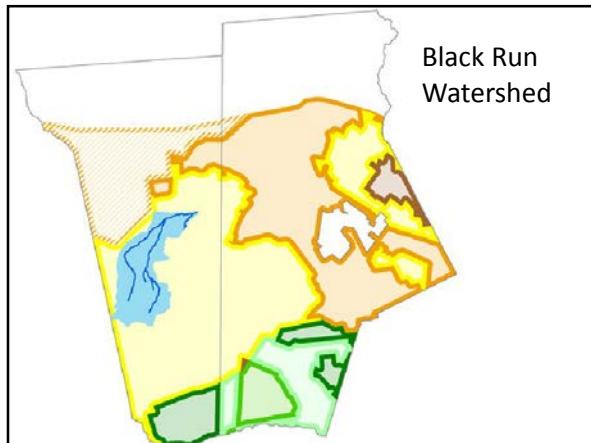

Black Run Rule Proposal



May 27, 2016
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 (nesting and foraging)
 - Timber rattlesnake (foraging)
 - Wetlands
 - Swamp Pink
 - Timber rattlesnake
 - Barred owl



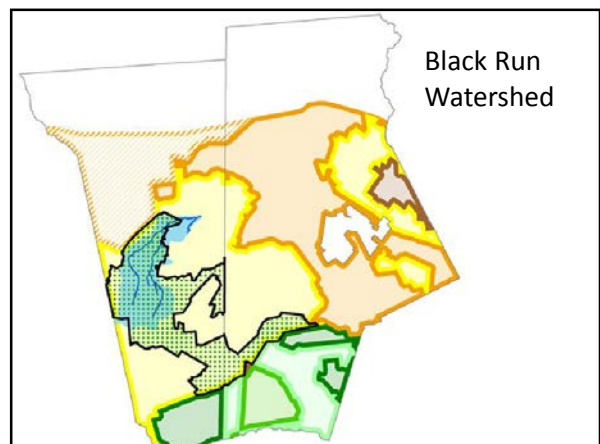
Black Run
Watershed

Why Protect the Black Run?

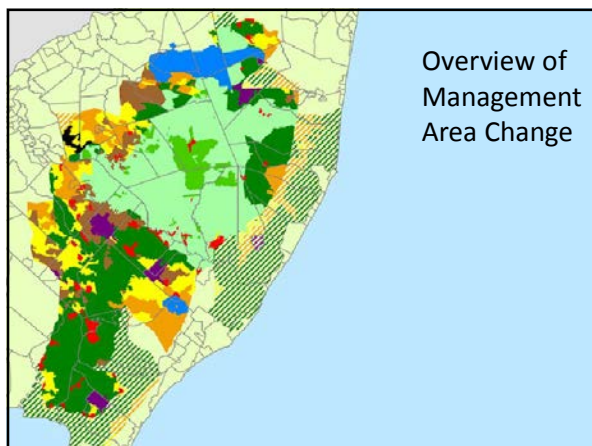
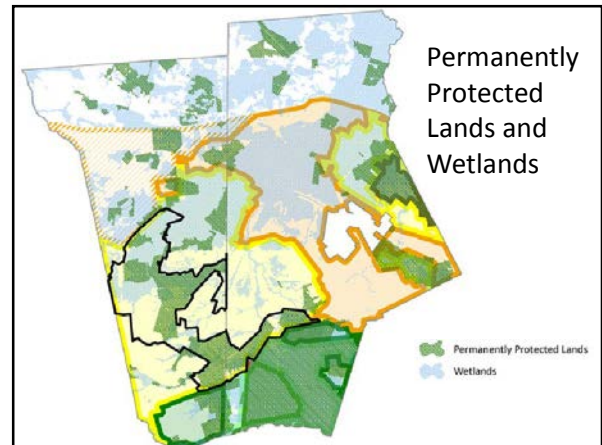
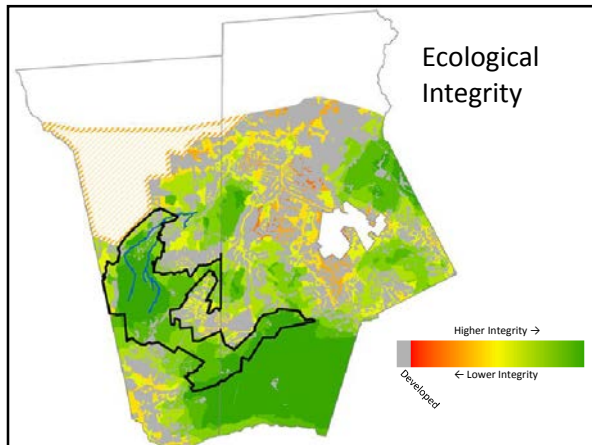
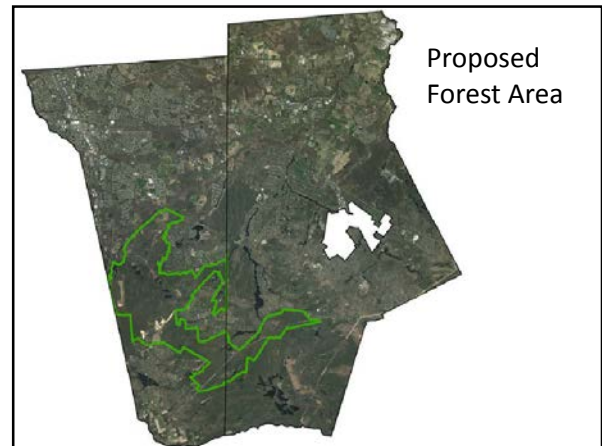
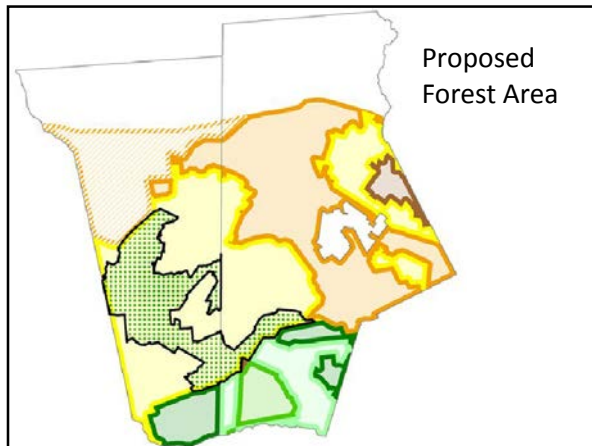
- To preserve the Black Run, its headwaters, and its watershed in its current, nearly pristine state
- To preserve a headwaters of the Rancocas
- To protect threatened and endangered plant and animal species' habitat
- To provide ancillary protection to other permanently protected lands in the area
-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

Step 1: Forest Area Redesignation

- 4,000 acres from RDA to FA
 - 3,200 acres in Evesham
 - 800 acres in Medford
- Includes Black Run, adjacent lands in common ownership and other public and permanently protected lands
- Connects to existing FA in both municipalities



Black Run
Watershed



Step 1: Forest Area Redesignation

- New Evesham Forest Area
 - 3,200 acres total
 - 1,400 vacant acres available for development
- Current RDA designation
 - Permitted density of 1 unit/3.2 acres to 1 unit/6 acres
 - Zoning capacity of 360 units
- New FA designation
 - Maximum density of 1 unit per 25 acres
 - Zoning capacity of 56 units

Step 2: Off-Site Clustering Pilot Program

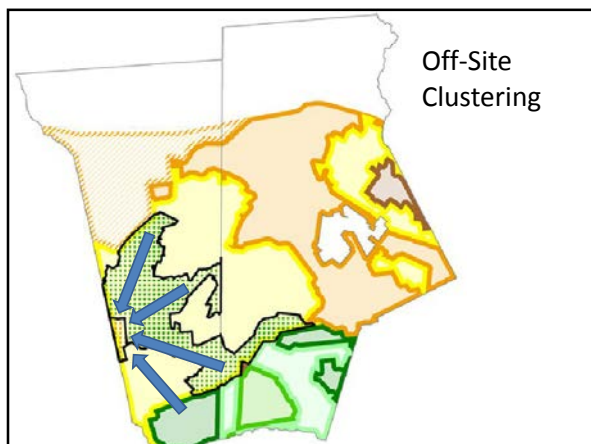
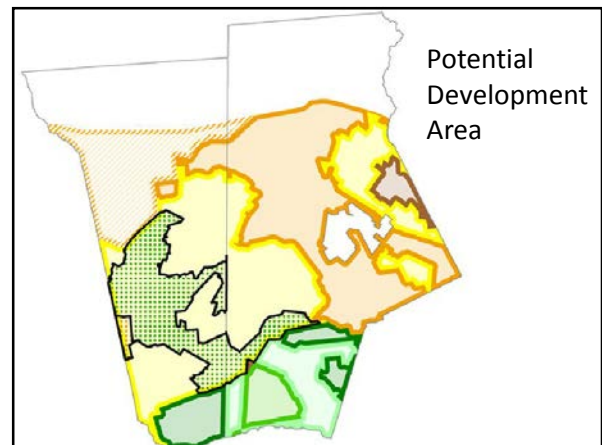
- To encourage the clustering of all residential development potential in Evesham's new and existing Forest Area to a designated development area outside the Black Run
- Every unit constructed in the development area would require protection of 4 acres in the Forest Area
- Use of PDCs permitted only if Forest Area lands are unavailable

Development Area

- 175 acres
- 400 units
- Maximum lot size: 15,000 square feet
- Restricted Regional Growth Area
- Sewer service required
- Threatened and endangered species protection standards met through permanent protection of lands in the Forest Area

Conservation Area

- New Evesham Forest Area
— 1,400 vacant acres
- Existing Evesham Forest Area
— 250 vacant acres



Proposed CMP Amendments: Signs

Policy & Implementation Committee
June 24, 2016



What's Proposed: Overview

1. Reorganized structure of the signage rules
2. Off-site signs
3. On-site signs
4. Electronic message displays



Review: Off-Site Signs



Review: Off-Site Signs

Current off-site sign types:

- Commercial
- Agricultural Commercial Establishments
- Directional
- Civil, Social, Political Activities

What's Proposed: Off-Site Signs

Off-site sign rules are substantially the same

- Lawfully existing off-site signs prior to CMP are permitted in:
 - RGA and Towns
 - Villages and RDA (limited)
- New off-site signs will be permitted in:
 - RGA and Towns
 - only w/ the use of transferable sign right
- Clarification of what signs are eligible for use in transfer program

What's Proposed: Off-Site Signs

“Special” off-site signs permitted in all management areas:

- Off-site Signs Advertising
Commercial Agricultural Establishments
- Off-site directional signs
- Temporary



Review: On-Site Signs



Review: On-Site Signs

Current on-site sign types:

- Business
- Home Occupation
- Institutional
- Temporary
- For Rent/For Sale
- Trespassing/Private Property
- Official Public Safety/Information

**All are exempt from
Commission review**

What's Proposed: On-Site Signs

Retain application exemption for all on-site signs

7:50-4.1 Applicability

- (a) For the purposes of this subchapter only, the following shall not be considered development except for development of any historic resource designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154

....

4. The construction, repair or removal of any sign, except for the construction or replacement of any off-site sign in accordance with N.J.A.C. 7:50-6.108(a)3, 4 or 5.

What's Proposed: On-Site Signs

Delegate regulatory control of on-site signs to municipalities

7:50-6.107 On-Site Signs

- (a) On-site signs may be permitted in any management area.
- (b) Municipalities are encouraged to adopt the standards for electronic message displays in N.J.A.C. 7:50-6.109(a)3 and 4 in formulating municipal ordinance standards for on-site signs.

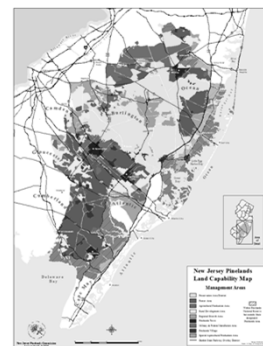
What's Proposed: On-Site Signs

Why favor this approach?

- Municipalities are already the primary regulator of such signs due to the long-standing exemption
- The impacts are local and municipalities can adapt and respond more quickly to changing technologies and varying community values
- Municipalities will be able to regulate business signs on an equal basis with regard to on-site signs, regardless of management area

What's Proposed: On-Site Signs

- On-site signs primarily relate to on-site business.
- The permitted locations of such land uses are still dictated by Management Areas



What's Proposed: Electronic Message Displays

- Permitted at the option of the municipality for on-site and off-site signs
- Non-conforming off-site signs are not permitted to have EMD
 - e.g., No EMD on non-conforming billboard in Forest Area or Preservation Area District
- CMP would contain standards for EMD on off-site signs
- Municipalities will be encouraged to apply CMP standards to on-site signs

What's Proposed: Electronic Message Displays

Standards

- All off-site sign lighting will be required to be shielded or directed such that light is not directed towards the sky
- Additional standards related to:
 - Default screen
 - Transition
 - Duration
 - Brightness standards and dimmers

7:50-6.109 Provisions for Permitted Signs

3. Off-site signs permitted pursuant to N.J.A.C. 7:50-6.108(a)4 and 5 may have electronic message displays provided that:
 - i. The electronic message display is programmed to freeze in one position if a malfunction occurs;
 - ii. The transition of one displayed message to another displayed message is accomplished within one second or less;
 - iii. The duration of the interval between the end of any transition and the start of its subsequent transition is at least eight seconds; and
 - iv. The municipality has adopted provisions governing the permitted brightness of the display at varying ambient light conditions and the brightness of the display is automatically adjusted based on ambient light conditions through the use of an integrated light sensing device.
4. Except as provided in (a)3 above, off-site signs shall not contain, include, or be illuminated by any flashing, intermittent, scrolling or moving light or lights. All sources of illumination shall be shielded or directed such that light is not directed towards the sky.

What's Proposed: Electronic Message Displays

Why favor this approach?

- The P&I Committee has generally agreed that digital signs may be acceptable in certain limited circumstances.
- Leaves decisions on on-site signs to the municipalities as already discussed
- Provides limited opportunities for off-site signs to convert to Electronic Message Displays with additional standards

What's Proposed: Electronic Message Displays

Impacts of Lighting

- Artificial Light At Night (ALAN)
 - Studies all sources of light emission
 - Impacts have been found on select species studied
- Policy Limitations
 - Few studies on the impacts of signs alone
 - Studies have focused on single species in controlled environments
 - Lack of consensus on ecosystem scale impacts
- Science-based brightness standards for electronic signs have yet to be developed to address ecological impacts.
- Such signs should have less impact on night sky

Summary

1. Reorganized structure of the signage rules
2. Off-site signs
3. On-site signs
4. Electronic message displays



PROPOSED PDC PROGRAM ENHANCEMENT

Example:

Actual project currently under construction

312 unit apartment complex

Winslow Township, NJ

Apartment Project in the PR-4 zone

Density:

Base Density = 2.6 du/ac

Max permitted Density with PDC's = 5.25 du/ac

Currently proposed = 3.1 du/ac

Current PDC Program Cost:

Currently requires: 12.5 PDC credits

Current Cost = \$ 10,000 per credit x 12.5 = \$125,000

Proposed Mandatory PDC Cost:

312 unit apartment project on 100.84 acres

Density = 3.1 du/acres = Sliding Scale units requiring PDC's = 35%

\$10,000/right = (35% x \$10,000) = \$3,500 per unit

Proposed Total Cost = \$3,500/unit x 312 units = \$ 1,092,000.00

Difference with mandatory PDC's = \$ 967,000.00