

Adopted 4/28/2017

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

Richard J. Sullivan Center
Terrence D. Moore Room
15 C Springfield Road
New Lisbon, New Jersey
March 24, 2017 - 9:30 a.m.

MINUTES

MEMBERS IN ATTENDANCE: Sean Earlen (Chairman), Paul E. Galletta, Ed McGlinchey, and Richard Prickett

MEMBERS PARTICIPATING BY CONFERENCE CALL: Candace Ashmun, Robert Barr and Ed Lloyd

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

STAFF PRESENT: Executive Director Nancy Wittenberg, Stacey P. Roth, Larry L. Liggett, Susan R. Grogan, Brad Lanute, Robyn A. Jeney, Paul D. Leakan and Betsy Piner. Also present (by telephone) was Lisa LeBoeuf with the Governor's Authorities Unit

1. Call to Order

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

2. Pledge Allegiance to the Flag

All present pledged allegiance to the Flag and remained standing for a moment of silence in memory of Commissioner Frank Hays, Department of Interior designee, who passed away on March 3, 2017.

Noting the presence of eight Commissioners, Ms. Roth read the Open Public Meetings Act statement and reminded all present that the Committee is an advisory board to the full Commission and no formal action would be taken by the Committee today.

3. Adoption of minutes from the October 25, 2016 CMP Policy & Implementation Committee meeting

Commissioner Prickett moved the adoption of the October 25, 2016 meeting minutes. Commissioner Barr seconded the motion. The minutes were adopted with all Committee members present voting in the affirmative.

4. Executive Director's Reports

Egg Harbor City Ordinance 2-2017, amending Chapter 170 (Land Use and Development) of the City's Code by adopting revised standards for signs, including changeable copy and electronic message center signs

Mr. Lanute said Egg Harbor City Ordinance 2-2017 regulates on-site, changeable copy and electronic message center (EMC) signs in three zoning districts, all of which are in the Pinelands Town (PT) management area. The ordinance contains provisions controlling illumination levels, message transition and message duration. Electronic billboards are not allowed. He said this is similar to ordinances certified by the Commission for Egg Harbor, Buena Vista and Monroe townships.

Mr. Lanute projected a map on the SmartBoard indicating where these signs are permitted (*Attached to these minutes*).

In response to Chairman Earlen's question as to how this ordinance is different from those certified for the other municipalities, Ms. Grogan said that it is a matter of the management areas in which these EMC signs are permitted. For Egg Harbor City it is PT; for Egg Harbor Township it is the Regional Growth Area (RGA); for Buena Vista Township it is PT and Pinelands Village.

In response to Commissioner Galletta's questions, Mr. Lanute said these are Light Emitting Diode (LED) lights. No public comments were received

Commissioner Prickett moved the recommendation to the Commission for the certification of Egg Harbor City Ordinance 2-2017. Commissioner McGlinchey seconded the motion and all voted in favor.

Waterford Township's 2015 Housing Element and Fair Share Plan and Ordinances 2015-17, 2016-25, 2017-6 and 2017-7, amending Chapter 176 (Land Use, Development and Zoning) and adopting a revised Redevelopment Plan for the Haines Boulevard Redevelopment Area

Ms. Grogan said Waterford Township has submitted a number of ordinances along with a revised Redevelopment Plan for the Haines Boulevard Redevelopment Area. She reminded the Committee that some years ago the Township had adopted a different iteration of this Plan in that it permitted only nonresidential development. She said Waterford had had little success in attracting a redeveloper for that earlier version of the Plan. She said currently the parcel contains some scattered development as well as the large parking lot that had been built in conjunction with the multiplex movie theater that has since been razed. The current Redevelopment Plan encourages mixed use development and provides an opportunity for the municipality to meet its affordable housing obligation. From a series of maps (*Attachments to the meeting packet or available from the Commission's April 7, 2017 meeting packet at <http://www.nj.gov/pinelands/home/meetings/documents/040717%20Meeting%20Packet.pdf>*), Ms. Grogan described the various development areas and highlighted various portions,

including the Atco train station where higher density residential development would be encouraged and the area along the White Horse Pike where commercial development would be appropriate. She said the Township's vision is for 800 residential units, including some 240 affordable units, which is enough to meet its affordable housing obligation. Staff believes with no wetlands, wetland buffers or threatened and endangered species issues on the site, this level of development is appropriate. The Township is requiring PDCs for 30% of the market rate units.

Ms. Grogan said there is a concern with water supply as Waterford is held to a strict agreement regarding water withdrawal from the Kirkwood-Cohansey aquifer. She said when the allocation reaches a level equivalent to 70% of maximum development, the Township must obtain an alternative water supply before additional development may proceed. She said Waterford is working on securing such an alternate source and will be tracking and reporting development and associated water use to the Commission.

Mr. Liggett said the New Jersey American Water company has supply lines nearby but he was not sure if they were adequate to serve this project.

Ms. Grogan said the redevelopment area consists of multiple lots and 19 different landowners. This is unusual in that most redevelopment plans involve either municipally owned property or a single landowner. She said the concept plan included in the Plan represents Waterford's vision for the area and is not a site plan. She said the property owners themselves may have different ideas.

In response to questions from Commissioner Prickett, Ms. Grogan said the Commission is being asked to approve a zoning plan, not the concept plan. In the future, it can be amended. The Township has been in direct communication with the landowners and will be issuing a Request for Proposals shortly seeking redevelopers.

In response to questions from Commissioner Lohbauer, Ms. Grogan said the area is sewered and the access to the train station serving the line from Atlantic City to Philadelphia renders this an appropriate site for a transit village. She said some years ago the Commission had approved an alternative permitting process for the area following intense Commission staff site inspection. This process enables an applicant to go directly to the local zoning officer to secure permits, and not to the Commission. She said when the Commission had reviewed the previous Redevelopment Plan, it had received the same comments regarding habitat as received currently but with the presence of roads and surrounding development, this is not an area where habitat is a concern. She said staff believes this is an appropriate area for an alternative permitting process and Waterford hopes to use that as a marketing technique to attract developers who might appreciate not having to go to the Commission for Certificates of Filing.

Ms. Grogan said, additionally, Waterford is rezoning two lots of about 20 acres total from the Highway Business Zone to the R4 Zone, a higher density residential zone so this will increase residential development potential in the RGA. She said the 30% PDC obligation will apply throughout the RGA. She said staff was happy to recommend approval of these documents.

Commissioner McGlinchey moved the recommendation to the Commission for the certification of Waterford Township's 2015 Housing Element and Fair Share Plan and Ordinances 2015-17, 2016-25, 2017-6 and 2017-7. Commissioner Galletta seconded the motion and all voted in favor.

5. Discussion of off-road vehicle activities at Wharton State Forest

Ms. Wittenberg provided the Committee with an update on the Commission's activities regarding off-road vehicle (ORV) damage in Wharton State Forest. She said Ms. Jeney has submitted a dataset of disturbed sites to the New Jersey Department of Environmental Protection (NJDEP), which is using the data in a variety of ways to assist park police such as defining appropriate Enduro routes. She said the draft resolution prepared by Commissioner Lloyd (*included in the meeting packet*) references a 1997 United States Geological Survey (USGS) map. However, she said, it appears that there is no such single map encompassing the entirety of Wharton State Forest. Staff has assembled several USGS quad maps from various years, including 1997, to create a single map of Wharton and she identified it on both a PowerPoint presentation and on the easel. Ms. Wittenberg introduced Ms. Terry Schmidt, Senior Management Assistant for the NJ State Parks Service.

Ms. Schmidt provided a handout to Committee members (*Pinelands Pond Protection-Part 1; Attached to these minutes*) and discussed the collaborative effort with a variety of stakeholders to identify sensitive sites and construct wooden barriers to protect four intermittent ponds that had been targets of ORV damage. She credited Ryan Rebozo, Ph.D., with the Pinelands Preservation Alliance (PPA), with proposing the involvement of volunteers with the project. She said Trenton took care of the paperwork that allowed Park staff to work with the volunteers on this construction project. All four barriers were constructed on a single day, February 25, 2017. She said the barriers are designed to create minimal disturbance to the sites and have 3' breaks to allow foot traffic but discourage ATVs from entering these sensitive areas. She said Mr. John Bunnell and NJDEP staff will be monitoring the natural revegetation. She thanked Mr. Charles Horner, Director, Regulatory Programs, for reducing the "red tape" necessary to implement the project. She said following the construction of the barriers, she had met with the DEP Assistant Commissioner and Park Superintendent in the field to review the protection activity. The Division of Parks and Forestry will manage these barriers but there are many other ponds that need to be protected and they will be addressed during future winters. She said there needed to be a compromise among the various park users and she hoped that these barriers will serve that purpose.

In response to Commissioner Galletta's question about the 3' openings, Ms. Schmidt said staff has a measuring bar that serves to gauge the opening so as to preclude ATV access. She said she wasn't particularly concerned about motorcycles as they tend not to move in the mud like the ATVs and oversized vehicles.

Commissioner Prickett said by delineating these areas with fencing, it will be obvious that this is a special place.

Ms. Schmidt said the Park Service is in the midst of a large communications blitz and some want to see more signs. She said she didn't want more signs but perhaps an information kiosk that explains why the pond needs protection and why it is important to the ecosystem; users of the forest need to know these things. She said she was happy with the collaborative effort and that the more people who are involved, the more they will feel they have ownership of protecting the forest.

In response to a question from Chairman Earlen, Ms. Schmidt said the barrier construction is permitted from November 1 through March 1 when everything is dormant but she was considering asking that the higher risk areas be addressed sooner than next season.

In response to a question from Commissioner McGlinchey, Ms. Schmidt said that not every pond receives the same attention and not every pond is accessible. She said that the park Superintendent, the Division of Fish and Wildlife and the scientists will make a decision as to which ponds need the barriers; it is a moving target.

Commissioner Lohbauer thanked Ms. Schmidt for putting this program together. He said the Commission had received a lot of heat but not a lot of light on this issue. He said he thought this was an elegant solution and a wonderful start. He said it was nice to see the volunteer collaborative.

Ms. Wittenberg said there are some 3,000 natural and excavated ponds in Wharton and the data regarding off-road vehicle damage will help prioritize the ponds to be protected. She said staff reports to NJDEP for matters needing investigation and coordinates enduro routes with Wharton staff so there have been a number of things put in place to help protect the forest.

Referencing the 1997 map, commissioner Prickett said he didn't think USGS prepares all the maps all the time.

Mr. Liggett said in the 1990's, USGS switched from hand drawn to electronic maps. These later maps are less detailed. He said it is likely that the last hand drawn maps of this area were done in 1997.

Commissioner Lohbauer asked if the Commission should lobby for a map from the 1980's.

Commissioner McGlinchey said that he used the hand drawn maps. He said the various interest groups all seem to agree with using the maps presented today.

Commissioner Earlen asked how the public would see the map as it needs to be in a portable form, not the large format presented today.

Commissioner McGlinchey said many enduro riders, hunters and others take the maps with them into the forest. He said the NJDEP should be the lead agency on any protection measure; the Commission can offer scientific resources.

Commissioner Lloyd said when he drafted the first resolution, based on a 2014 map, the public objected and said to use the 1997 era maps as the best and most appropriate. The purpose of the resolution is to identify where vehicular traffic is allowed.

A lengthy discussion ensued regarding the draft resolution, the Commission's authority, consulting with NJDEP regarding a map, distinguishing between a road and a trail and how to move forward.

Chairman Earlen said he wanted to make the process as efficient as possible.

Commissioner McGlinchey suggested a subcommittee could handle this issue. Commissioners Prickett and Lohbauer offered to participate and Chairman Earlen said it should be opened up to all Commission members before a decision is made.

6. Pinelands Conservation Fund-Discussion of recommendations for a new round of land acquisition

Ms. Jeney made a presentation on the Pinelands Conservation Fund (PCF) land acquisition program (*Attachment to these minutes and posted on the Commission's web site at http://www.nj.gov/pinelands/home/presentations/032417%20p&i_presentation%20PCF.pdf.*)

She reviewed the history of the program, including funding sources, acres preserved and the interest in soliciting for another round of projects using \$500,000 from the FY-2017 budget. She provided a proposed schedule and discussed how projects are prioritized, noting that this new round would have a focus on areas impacted by illegal off-road vehicle use.

Commissioner Ashmun moved to accept the staff recommendation to establish a new round of acquisition using \$500,000 from the Pinelands Conservation Fund. Commissioner Barr seconded the motion and all voted in favor.

Ms. Roth announced that the State Ethics Commission will be distributing financial disclosure statements within the next day or so and that they are due on May 15, 2017.

(Commissioner Barr announced that he was disconnecting from the Conference Call.)

7. Public Comment on Agenda Items

Ms. Lee Yeash, a resident of Lumberton Township, said that as an avid hiker she felt rules were needed in the State forests to control Off-Road Vehicles and that the Commission should do something NOW. She said that the map prepared by Rob Auermuller (*former Superintendent, Wharton State Forest*) should be used.

Mr. John Druding, with Open Trails New Jersey, said he appreciated today's discussion. He said his group supported the activities described by Ms. Schmidt and supported the use of the 1997 maps. He said his primary concerns were the resources for maintenance of the recently installed protective barriers.

Dr. Emile DeVito, with the New Jersey Conservation Foundation, referencing the discussion of Wharton Forest said that designating sensitive areas by designating roads is the only way the forest can be protected.

(Commissioner Galletta left the meeting at 11:31 a.m.)

Ms. Arlene Griscom said she was unsure of the term “stakeholder” and hoped that she was considered a stakeholder. She said no more destruction should be allowed and that the Commission was trying to placate everyone. She said the focus should be on protecting the ecosystem.

Mr. Jason Howell, with the Pinelands Preservation Alliance, said he was glad to see the process moving forward. Referencing Ms. Griscom’s comments, he said members of the public are indeed stakeholders and he asked that the Commission not forget them. He offered to help if the Commission has questions about the topographic maps. Referencing the presentation on land acquisition, he said he knows of a blueberry farmer in the middle of Wharton who tries to block access from trespassing vehicles but, due to the location, there are just too many access points. He said he was encouraged to hear that the Commission wants to control this damaging use.

Mr. George Griscom, a resident of Mount Laurel Township, said the Commission’s job is to post a map that law enforcement can use. He said people will go wherever they want but law enforcement needs a map.

Dr. DeVito said that NJCF wanted to acquire a heavily damaged property and was pleased to see that the PCF was giving priority to such lands.

Commissioner Prickett shared some newspaper articles from some 30 years ago regarding dumping in the Pinelands and asked if the Commission no longer has an enforcement unit due to reduced staff.

Ms. Grogan explained that the Commission has never had enforcement authority but previously did have staff members in an Intergovernmental Coordination and Enforcement Office who worked on violations.

Commissioner McGlinchey, a Board member of the Pinelands Development Credit (PDC) Bank, said the Commission has been struggling to enhance the PDC program but has met much resistance. He said at the last Board meeting, there was a constructive discussion and an interest in finding a funding mechanism for the PDC Bank. He said there is money available from the old PDC Special Purchase Program and he asked if perhaps those funds plus some Pinelands Conservation Funds could be used to purchase PDCs and get something started as far as making the Bank more active. He said he felt it would be useful for the Commission to consider a funding mechanism for the Bank and that nothing will happen until the Commission is pro-active on behalf of the Bank.

In response to Ms. Wittenberg's question as to how much money he was seeking for the Bank, he responded, \$1 million.

Ms. Grogan said that would be enough to purchase some of the 1,000 rights on the market today. She said it was an intriguing idea. She said the funds remaining from the old PDC Purchase Program are tied up in an agreement with the Department of Agriculture but, with legislative and regulatory changes, and the release of those funds, the Bank become more active. She said the Bank is currently a processing agency and is not an active player in the market.

Commissioner McGlinchey said he thought supporting the Bank would be a good use of PCF moneys. Also, he said, if the Bank is going to get help from the New Jersey Builders Association (NJBA), it needs to show it can be active.

In response to Commissioner Ashmun's statement that she'd like to speak with Commissioner McGlinchey and share some of the philosophy of PDCs expressed years ago by Commissioner Bud Chavooshian, Commissioner McGlinchey said he would appreciate hearing that history.

Commissioner Prickett praised the staff on the success of the 28th Annual Pinelands Short Course that had been conducted at Stockton University on March 11, 2017.

Mr. Leakan said the Commission is going to sponsor the first Summer Short Course on July 27, 2017 in Hammonton. The program is still under development but staff wanted to take advantage of the weather and the season. He said some suggested programs were a walking history tour of Hammonton, an outing at Batsto for a science experience or a blueberry farm tour.

There being no other items of interest, the meeting adjourned at 11:55 a.m. (moved by Commissioner McGlinchey and seconded by Commissioner Prickett.)

Certified as true and correct:



Betsy Piner,
Principal Planning Assistant

Date: April 12, 2017

Revised April 28, 2017