

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

**Richard J. Sullivan Center
Terrence D. Moore Room
15 C Springfield Road
New Lisbon, New Jersey
May 18, 2018 - 9:30 a.m.**

MINUTES

MEMBERS IN ATTENDANCE: Chairman Sean Earlen, Robert Barr, Paul E. Galletta (via telephone), Jordan Howell, and Richard Prickett

MEMBERS ABSENT: Candace Ashmun and Ed Lloyd

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

STAFF PRESENT: Executive Director Nancy Wittenberg, Larry L. Liggett, Susan R. Grogan, Brad Lanute, Gina Berg, Paul Leakan and Betsy Piner. Also present was Craig Ambrose, 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 9:30 a.m.

2. Pledge Allegiance to the Flag

All present pledged allegiance to the Flag.

3. Adoption of minutes from the April 27, 2018 CMP Policy & Implementation Committee Meeting

Commissioner Prickett moved the adoption of the April 27, 2018 meeting minutes. Commissioner Howell seconded the motion. The minutes were adopted with all Committee members voting in the affirmative except for Commissioner Barr who abstained.

4. Executive Director's Reports

Mullica Township Ordinance 6-2018, amending Chapter 144 (Land Development) of the Township's Code by revising permitted uses, water quality standards and zoning boundaries applicable to the WV (Weekstown Village) District.

Ms. Grogan said Mullica Township Ordinance 6-2018 adds a portion of one lot to the Pinelands Village of Weekstown and expands the permitted uses to include boat building repair and sales.

On the SmartBoard, Mr. Leakan displayed the maps included in the meeting packet (*Exhibits #1 and #2*) identifying the facility, the subject property, the portion of the lot to be rezoned and the extensive wetlands in the area.

Ms. Grogan said the subject lot, currently in the Preservation Area (PA) is the site of Viking Yachts, formerly Ocean Yachts, a boat building operation established in 1977, thus pre-dating the CMP. Ms. Grogan said it is unknown why an establishment of this magnitude was not included within the boundaries of Weekstown Village at the time Mullica came into conformance in 1984. She said boat building is a nonconforming use in the PA and the facility was allowed to continue operations as a pre-existing use with a limit of 50% expansion of floor area or capacity.

Ms. Grogan said, over the years, as the Commission has dealt with a number of approvals for the facility, it has become increasingly apparent that the Township should consider a rezoning to deal with the fact that the operation has met the 50% expansion yet wishes to expand by adding more employees and additional cover over existing impervious surfaces. She said due to the heavy presence of wetlands, there is virtually no opportunity for Viking to expand outward and, as the portion of the lot to the north of the facility is vacant wetlands, only the portion of the lot containing the active facility will be rezoned. Through this rezoning, Viking would no longer be limited to the 50% expansion permitted by a pre-existing non-conforming use in the PA.

Ms. Grogan said the issue of split zoning normally would create a problem with septic dilution calculations as lands used for septic dilution purposes must be in the same zone in order to make sure water quality standards are met. The ordinance is written to allow Viking Yachts to use the entire lot, both that in the newly designate Pinelands Village as well as the remainder in the PA, in calculating septic dilution. She said this provision is so narrowly written it is unlikely that it will apply to any structure elsewhere in the Pinelands. She said this is a classic example of municipal flexibility.

Ms. Grogan said three written comments were received, one of which was critical of adding the facility site to the Pinelands Village. She said if the parcel were vacant, staff would agree with this criticism and would not recommend the proposed rezoning.

Commissioner Lohbauer said the proposal seems clear and reasonable and asked for confirmation that the business would not be allowed to expand its septic field into wetlands.

Ms. Grogan confirmed that the septic field would not expand into wetlands; rather the vacant portion of the parcel would be used for calculations based on the septic dilution model.

In response to Commissioner Prickett's questions, Ms. Grogan said once the facility is located in the PV, if a proposal did not meet water quality standards, an alternate design septic system could be used to allow for an increase in the number of employees. She said the presence of wetlands will limit the expansion of parking areas or additional impervious surfaces, perhaps only to the area immediately adjacent to existing buildings. She said any expansion will require an application to the Commission and, at that point, issues related to wetlands buffers, parking etc. will be evaluated.

Ms. Grogan said this rezoning has been a joint effort by the municipality, the new owners and Pinelands staff.

Commissioner Barr moved the recommendation to the Commission of certification of Mullica Township Ordinance 6-2018. Commissioner Prickett seconded the motion and all voted in favor.

5. Update on the Long-Term Economic Monitoring Program: reexamination and recommendations

Mr. Lanute delivered a PowerPoint presentation on the Long Term Economic Monitoring (LTEM) Program's Reexamination Process. *See Attachment A to these minutes and also posted on the Commission's web site at*

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

He reviewed the origins of the program noting that both it and the Long Term Environmental Monitoring Program have been funded by the National Park Service (NPS) since 1996. He said the program's goal is to continually evaluate the economic health of the Pinelands in an objective and reliable manner. Mr. Lanute said the core program collects data within four general areas of economic monitoring: population, real estate, the economy and municipal finance. He added that these four core topics inform the selection of periodic special studies. He said that the program reports on these findings in annual reports that are in the format of a statistical compendium containing tables, graphs and text regarding core economic indicators as well as an associated municipal and county fact book.

Mr. Lanute described some of the challenges that had come up over the course of the program. They included: the selection of the segments of the economy to monitor; the challenge of the Pinelands Area crossing many administrative boundaries; and data availability. He also explained the challenges of selecting geographies when performing comparative evaluations of Pinelands Area municipalities compared to other South Jersey municipalities as well as the State as a whole.

Mr. Lanute said that upon the recommendation of NPS, staff had undertaken a reexamination process of the program over the last year in order to develop strategies and recommendations for improving the program. This reexamination process included two facilitated meetings including

a Public Users meeting on August 9, 2017 followed by an Expert Panel meeting on October 27, 2017 (lists of meeting participants were included in the meeting packet). He described the second element of the reexamination process that included contracting with a team of Rutgers University's Bloustein School faculty to participate in the meetings as well as to issue a report. He said that the report was to offer a review of the core program's economic indicators and provide recommendations for additional indicators, their evaluation and reporting in addition to potential special studies. Mr. Lanute said that report is still under review by staff but among some recommendations for special studies are quality of life; community services (the cost of providing fire, police, emergency services); tourism and hospitality in the Pinelands; the cost of development in the Pinelands; and the feasibility of rail-based transit-oriented development.

Mr. Lanute said staff is interested in promoting an enhanced web presence, one that could be interactive with data accessibility/direct data downloads by users. He said the staff has been exploring options in consultation with the New Jersey Office of Information Technology (OIT). Mr. Lanute concluded the presentation by describing the upcoming steps which included bring more detailed recommendations regarding new indicators, special studies, reporting format and an enhanced website. He said that staff still needed time to assess the list of indicators provided by meeting participants and the Rutgers team. Given the quantity of indicators recommended, staff will necessarily need to parse the list given data availability, program objectives and staff resources.

At 10:10 a.m., Commissioner Galletta disconnected from the conference call.

Mr. Lanute asked for recommendations from the Committee regarding future improvements.

Commissioner Lohbauer said he thought the LTEM was a wonderful program and thanked staff for allowing his participation. He said he felt it particularly helpful for people to see the impact of the CMP. He said making the data available online and available for others to use would be fantastic. He said he supported looking at quality of life issues as they go hand-in-hand with property values and taxes.

Commissioner Prickett said he too supported a study of quality of life issues due to the desirability of clean air and water and having a healthy environment. He suggested when the annual report is issued, that not just a link to the report, but a direct link to the respective page in the municipal fact book, be sent to each municipality to draw their interest. He noted that the August stakeholders meeting had been attended chiefly by planners and suggested that for future meetings, zoning and planning board chairpersons be included in an attempt to involve more municipal officials.

Mr. Lanute said, in the past, hard copies of the report had been sent to the municipal and county clerks and noted that perhaps the reports were not getting to the most appropriate audiences. He said staff is interested in further investigating quality of life indicators and that a special study could be one potential avenue for determining appropriate indicators of "quality of life."

Commissioner Barr said he thought the studies were valuable but that 36 indicators, as recommended by Rutgers for future reports, were too many, given the limit of staff resources. He said they were all good and valuable but would be very time consuming to process.

Mr. Lanute responded that staff has had an internal dialog regarding finding efficiencies. He said typically a single staff member is responsible for the report so staff has tried to dissect the steps to find efficiencies.

Commissioner Barr said the Commission needs to increase awareness of the report and how it might be used. He said the report needs to provide people with the information they need.

Commissioner Howell said suggested that staff consider the development of a few headline indices for the LTEM Program. He described it as something that could aggregate multiple indicators that could be reported on by municipality. He said that it is important to consider the intended audience and the frequency of the data. He said that if a lot of the indicators are coming from the decennial census, reporting less frequently should be considered.

Ms. Wittenberg said NPS likes the annual report the Pinelands National Reserve is the only park with a considerable population and economic activity. She said she uses the report frequently and it should be valuable to the municipalities. She said that she is hesitant to adopt all-encompassing indices such as a quality of life index as it would inevitably be ranking Pinelands Area communities. She said that we need be conscious about the Pinelands Commission creating a negative designation.

In response to Chairman Earlen's question as to what constitutes South Jersey, Ms. Berg said the eight counties (seven Pinelands counties plus Salem County).

Chairman Earlen asked about the comparison between a town in the northern Pinelands, e.g., Jackson Township, vs. a small town in South Jersey.

Ms. Berg responded that is the question in a nutshell; what is quality of life.

Chairman Earlen said it is an issue that is different to every person in this room.

Mr. Lanute said in the early days of the LTEM program, two economic experts helped the Commission determine the nature of the comparisons. He said comparing the Pinelands with North Jersey is even more difficult than comparing it with South Jersey. Similarly, he said, the level of data collection varies with other areas of the country because their data are collected/measured differently.

Chairman Earlen said he thought the divisions were not just North and South Jersey, but also Central Jersey.

6. Public Comment

Ms. Katie Smith, with the Pinelands Preservation Alliance (PPA), said she appreciated the thorough staff presentation on the LTEM program and her organization found the information provided by the report very useful. She said she was excited to hear the Commission was considering putting the data on line and suggested that information about the program be shared with universities and their interested staff. Also she said that she hoped to hear more about the proposed CMP amendment to protect the Black Run.

Commissioner Prickett thanked Ms. Smith for the letter and her presence at the public hearing on Mullica Township Ordinance 6-2018.

Mr. Jay E. Mounier, a resident of Franklinville, said the value of development rights should be considered alongside the value of land. He said there is a vast difference between the two.

7. Other Items of Interest

Ms. Wittenberg raised a matter concerning South Jersey Transportation Authority (SJTA) and the Atlantic City Airport. She referenced the 2004 Memorandum of Agreement (MOA) <http://www.nj.gov/pinelands/infor/moa/State%20Agencies/SJTA/SJTA%20-%20ACY%20-%20February%202004.pdf> and said this MOA allowed some development in exchange for the creation of some 300 acres of grassland bird habitat. She said the Federal Aviation Authority (FAA) no longer supports the presence of that habitat so close to the runway due to concerns with bird strikes and aircraft safety. The FAA wants the habitat moved elsewhere. She said the process of amending an MOA is somewhat lengthy and would require finding another suitable habitat location. She said the 2004 Federal Environmental Impact Statement had been quite lengthy, that SJTA has expressed an urgency for this to be done, but that the FAA has not yet applied any pressure on the Commission to act. She said this is nesting season and if the habitat were to be removed now, it would be devastating to the bird population.

In response to Chairman Earlen's question if the Commission refused to relocate the habitat, Ms. Wittenberg said if the request is due to a safety issue, the Commission would need to abide by it. She said Commission staff was going to the site next week along with representatives from FAA, the New Jersey Department of Environmental Protection (NJDEP) and possibly federal Fish and Wildlife Service.

In response to Commissioner Barr's question if she had yet received a letter instructing her to move the habitat, she said she had not but had been told it was forthcoming.

In response to his question regarding the length of time required to amend an MOA, Ms. Grogan said, many months.

Ms. Wittenberg said, although the habitat is preserved for small birds, their presence attracts other species. Also, she said, the Commission has a good relationship with the FAA.

Commissioner Prickett said it was important that the Commission work with the other agencies.

There being no other items of interest, Commissioner Prickett moved the adjournment of the meeting and Commissioner Barr seconded the motion. The meeting was adjourned at 10:40 a.m.

Certified as true and correct:

A handwritten signature in cursive script, appearing to read "Betsy Pfner", is written over a horizontal line.

Betsy Pfner,
Principal Planning Assistant

Date: May 30, 2018