

**Adopted March 23, 2018**

**CMP POLICY & IMPLEMENTATION COMMITTEE MEETING**

Richard J. Sullivan Center  
Terrence D. Moore Room  
15 C Springfield Road  
New Lisbon, New Jersey  
January 26, 2018- 9:30 a.m.

**MINUTES**

**MEMBERS IN ATTENDANCE:** Chairman Sean Earlen, Candace Ashmun (via telephone), Robert Barr, Paul E. Galletta, and Ed Lloyd

**MEMBER ABSENT:** Richard Prickett

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

**STAFF PRESENT:** Executive Director Nancy Wittenberg, Stacey P. Roth, Larry L. Liggett, Susan R. Grogan, Brad Lanute, 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 9:38 a.m.

**2. Pledge Allegiance to the Flag**

All present pledged allegiance to the Flag.

**3. Adoption of minutes from the November 17, 2017 CMP Policy & Implementation Committee Meeting**

Commissioner Ashmun moved the adoption of the November 17, 2017 meeting minutes. Commissioner Barr seconded the motion. The minutes were adopted with all Committee members voting in the affirmative.

#### 4. Executive Director Reports

##### **Hamilton Township's Mays Landing Neighborhood Plan and Ordinance 1858-2017, Amending Chapter 203 (Land Use and Development) of the Township's Code by revising zoning boundaries and permitted uses in Regional Growth Area zoning districts**

Mr. Lanute said Hamilton Township's Planning Board amended its Master Plan, adopting the recently completed Mays Landing Neighborhood Plan (the Plan), in November of 2015. From the SmartBoard, Mr. Lanute identified the Plan's study area (*Exhibit 1 from the meeting packet*) and noted that Mays Landing is largely within the Pinelands Area and almost entirely in the Regional Growth Area (RGA).

Mr. Lanute said the Plan incorporates new data, public input and analysis, and provides recommendations addressing flood resiliency, economic development, zoning, and development regulations. Many of the recommended action items required implementing ordinances.

In October of 2017, the Township adopted Ordinance 1858-2017, which implements many of the action items of the Plan. He said the ordinance includes zoning changes as well as revisions to permitted uses and development standards within the Mays Landing area.

Mr. Lanute said the Ordinance rezones 11 lots to expand the existing Village Commercial (VC) District. The VC District is an existing district that permits single-family homes and a variety of nonresidential uses compatible with the historic character of Mays Landing. Mr. Lanute directed the Committee to Exhibit 2 on the Smart Board, noting that it illustrates the lots affected by the ordinance. Five of the 11 lots are located outside the Pinelands Area in the Pinelands National Reserve while the remaining six lots are located in the Pinelands RGA. All of the lots within the Pinelands Area have existing development compatible with the VC District.

Mr. Lanute said Ordinance 1858-2017 also expands the permitted uses in the VC district and in the R-9 and R-22 districts as part of the Plan's efforts to stimulate economic development in Mays Landing. Because the affected zones are in the Pinelands RGA, these newly permitted uses are generally consistent with what the CMP allows.

Mr. Lanute said, in the VC District, the ordinance would conditionally permit mixed-use development in the form of residential units over commercial. He said, based on staff analysis, there is virtually no vacant developable land within Mays Landing, so this provision is geared more towards allowing the conversion of existing building stock in the downtown area. He said, in theory, this mixed-use option increases the potential number of residential units in the Township's RGA, which requires the accommodation of Pinelands Development Credits. However, Mr. Lanute noted, the potential for new units from conversions would likely be

minimal. It's difficult to estimate how many conversions might take place or to assign a permitted residential density to this type of mixed use redevelopment.

Mr. Lanute said staff suggested and the Township agreed that in case a substantial redevelopment occurs, the ordinance should contain PDC provisions. He said if five or more new units are developed, PDCs would need to be redeemed at a rate of one right for every four non-income restricted units. He said this approach allows the Township to pursue redevelopment opportunities in the historic district that will advance the Mays Landing Neighborhood Plan while still incorporating the PDC requirements of the CMP for larger developments.

Mr. Lanute said Phil Sartorio, Hamilton Township's Community Development Director, provided comment at the public hearing in which he described the Township's planning efforts and the nature of ordinance, as more fully described in the Executive Director's report. Mr. Lanute said there were no other comments received and staff is recommending approval.

Commissioner Lloyd moved the recommendation to the Commission of the certification of Hamilton Township Ordinance 1858-2017. Commissioner Galletta seconded the motion.

In response to Commissioner Lohbauer's question if there were any potential interested developers, Mr. Lanute said the parcel lots are very small and these are sites that would probably appeal to small individual developers. Ms. Grogan said there are no specific redevelopment plans, rather this is a comprehensive look at Mays Landing as the Township wants to increase the potential interest in the area.

Commissioner Galletta said he thought the Plan will enhance the area and was consistent with the historic character of Mays Landing.

In response to Commissioner Barr's question if requiring PDCs for projects with more than five units was due to an opportunity or rather was it an "insurance policy", Ms. Grogan said that was a great phrase to use. She said although there are no real plans for the area, as markets change, the Township wanted to be prepared in the event of a larger development coming forth.

In response to Commissioner Lloyd's question as to why PDCs were required for five unit projects, Ms. Grogan responded that five units is the CMP threshold for minor vs. major development and that is also the level of development at which stormwater rules apply.

The vote occurred with all Committee members voting in favor.

**Jackson Township's June 2017 Amended Housing Element and Fair Share Plan and Ordinance 22-17, amending Chapter 244 (Land Use and Development) of the Township's Code with respect to permitted residential development in the RG-2 and RG-3 Zones**

Ms. Grogan said Jackson Township has submitted its Housing Element and Fair Share Plan as well as implementing Ordinance, 22-17. She presented Exhibit 1 (the map from the meeting packet) on the SmartBoard and said it showed the array of management areas within the Pinelands Area of Jackson Township. She identified the RGA on the map and said the RG-2 and RG-3 zones, the two residential zones in the RGA, are most affected by the ordinance. She noted this has been a long process over the last seven years to bring this ordinance before the Commission. The provisions of the ordinance have gone nearly full circle in that time as the Township worked on various density and conditional use issues, and consideration (not realized) of eliminating residential development from its RGA. She said various planning and zoning alternatives have been pursued in what was probably a response to the Township's affordable housing obligations. She said the Township has a signed settlement with the Fair Share Housing Center and Jackson has a large affordable housing obligation. She said the Plan identifies affordable housing sites, most of which are outside the Pinelands Area. However, she said, there are three projects within the Pinelands RGA, with 20% set asides and no changes in density or permitted use except that affordable housing can be developed as attached units; this will provide the Township with more flexibility in housing types. She said, in the RG-2 Zone, two units per acre are permitted or three units per acre with the use of PDCs, just as zoned in the early 1980's. As previously PDC use was optional, zero PDCs have been used in Jackson Township since 1980. Staff was concerned that there needed to be a different and better approach to PDC use provided in the ordinance.

Ms. Grogan said Jackson had adopted a 30% PDC obligation for market rate units, a requirement that is slightly higher than used elsewhere, but largely in recognition that no PDCs had been used to date and there is relatively little vacant land available. She said permitted density remains the same but now there is a PDC obligation.

Ms. Grogan noted that Jackson Township attorney, Ms. Jean Cipriani, was here in the audience today should the Committee have any questions for her.

Ms. Grogan said that staff recommends approval of the Housing Plan and Ordinance 22-17. Little has changed other than the PDC obligation and staff is happy to be at this point.

Commissioner Barr moved the recommendation to the Commission of the certification of Jackson Township's June 2017 Amended Housing Element and Fair Share Plan and Ordinance 22-17. Commissioner Lloyd seconded the motion and all voted in favor.

**Manchester Township Ordinance 17-025, amending Chapter 245 (Land Use and Development) of the Township's Code by revising zoning boundaries and permitted uses in Regional Growth Area zoning districts**

*Ms. Cipriani noted that she also represented Manchester Township and would stay for this discussion.*

Mr. Lanute said Manchester Township Ordinance 17-025 makes a number of revisions to its land development ordinance (many of which are “housekeeping items” as described in detail in the Executive Director’s report) and rezones a tract of land. He said Ordinance 17-025 permits Garden Apartments and Townhouse Developments in a number of zones within the Pinelands Area (RGA or Pinelands Town of Whiting) on lots of at least 10 acres. He said the permitted maximum gross density is six units per acre for Garden Apartments and eight units per acre for Townhouse Developments. As such, these newly permitted uses are generally consistent with the CMP.

Mr. Lanute said the other major change is the rezoning of four lots, totaling approximately 129 acres, in the RGA from the Pinelands Retirement Community (PRC-1) district to the Pinelands Office-Light Industrial (POR-LI) district, which he displayed on a map on the SmartBoard (*Exhibit 1 from the meeting packet*). He said this rezoning eliminates the PRC-1 zone.

Mr. Lanute said this contiguous tract of land was part of a builders’ remedy settlement agreement in 2007, which compelled the Township to zone the tract for residential development. Since then, one of the lots has been purchased by Ocean County to use as the site of a County Roads Department garage. The remaining three lots are privately held. One lot is vacant and the other two lots are developed and classified as industrial. He said, since 2007, it has become clear that the builder is no longer pursuing development on that tract and the Township is seeking to revert it back to its original zoning for Office and Light Industrial. However, the ordinance would allow Garden Apartments and Townhouse Developments as a conditional use in the POR-LI zone.

Mr. Lanute said as part of the rezoning and the newly permitted Garden Apartments and Townhouse developments, staff performed an analysis to assess the change in residential zoning capacity in the RGA, the details of which are described in the Executive Director’s report. He said the analysis shows that residential zoning capacity of Manchester’s RGA would decrease by 132 units as a result of the ordinance. This is to be expected, given Ocean County’s acquisition of vacant, residentially zoned land in the RGA and the effective expiration of an old builder’s remedy agreement.

Mr. Lanute said the ordinance has implications for PDC use. The Township’s previously certified zoning plan for the rezoned tract required the acquisition and redemption of PDCs for 30% of the market rate units developed on the site. In order to remain in compliance with the rules, the ordinance incorporates the same 30% PDC requirement for Garden Apartments and Townhouse Developments if developed in both the POR-LI and PB-1 zoning districts. Units made affordable to low- and moderate-income households are excluded from the PDC requirement for up to 20% of the total units in the development.

Mr. Lanute said the PDC requirements adopted by the ordinance would result in an opportunity for the use of 87 rights and *guarantee* a PDC redemption rate of 30% for market-rate garden

apartments or townhouses in the POR-LI and PB-1 districts. He said no comments had been received and staff is recommending approval of the ordinance.

Commissioner Lloyd moved the recommendation to the Commission of the certification of Manchester Township Ordinance 17-025. Commissioner Galletta seconded the motion and all voted in favor.

## **5. Update on CMP Amendments**

Ms. Wittenberg said that January 31, 2018 was the end of the veto period for the rule adoption notice that the Commission had approved at its meeting of December 12, 2017.

In response to Commissioner Lloyd's question if staff had received any indication that the Governor's office had concerns, Ms. Grogan said typically the Commission has to wait the full 30 working days. The adoption notice will be sent to the Office of Administrative Law for publication in the March 5, 2018 edition of the New Jersey Register. She added, meanwhile staff is working on the fees and other procedural issues in order to be prepared when the rules take effect on March 5.

In response to concerns expressed by Commissioner Galletta, Ms. Wittenberg said the veto period for the minutes of the December 12<sup>th</sup> meeting has ended, except for the adoption of CMP amendments, which has a longer review period.

## **6. Public Comment**

Ms. Marilyn Miller stated that she lives in Berkeley Township and, as it borders Manchester Township, was concerned with the ordinance on today's agenda that will allow more development in Manchester. She said she does not receive communications as others do, has no cell phone and checks the website only periodically which is how she found about today's agenda. She said since there is a "builders' remedy" there should also be a "citizens' remedy" to limit overcrowding due to development. She said many residents in her community were receiving letters offering to purchase their properties and that the local infrastructure cannot support any more development.

Mr. Fred Akers, with the Great Egg Harbor River Watershed Association, thanked the Committee and staff for the support of his Winslow Township infrastructure project with Rutgers University. He said he had been out in the field and noted many good stormwater projects in Winslow Township. He noted that an unintentional consequence of the building moratorium since 2004, when the stormwater rules took effect, was that good infrastructure (basins) had been developed. Mr. Akers also addressed the issue of motorized vehicles, particularly large trucks and the destruction of tiger salamander habitat. He said the good work being done in the Wharton State Forest needs to take place elsewhere on state lands.

Commissioner Lloyd said he assumed there had been no discussions on Wharton with the new administration. Ms. Wittenberg said he was correct but the good news was that Rob Auermuller had returned as the Superintendent of Wharton State Forest.

Ms. Wittenberg announced that two new Commissioners had been appointed: Jordan Howell to represent Camden County and Bill Pikolycky to represent Cape May County. She said she was awaiting the official appointment letters but that she had spoken with each of them.

Commissioner Lloyd said he thought it worthwhile to provide them each with a copy of John McPhee's book (*The Pine Barrens*). Ms. Wittenberg said she believed she had two copies in her office.

In response to Commissioner Galletta's question if there had been an appointment from the Department of the Interior. Ms. Wittenberg said there had not.

There being no other business, Commissioner Lloyd moved to adjourn the meeting. Commissioner Galletta seconded the motion and all voted in favor. The meeting was adjourned at 10:20 a.m.

Certified as true and correct:



Betsy Piner,  
Principal Planning Assistant

Date: February 14, 2018