



## State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

[www.nj.gov/pinelands](http://www.nj.gov/pinelands)



Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

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Application Specific Information: [AppInfo@njpines.state.nj.us](mailto:AppInfo@njpines.state.nj.us)

Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

## MEMORANDUM

To: CMP Policy & Implementation Committee

From: Susan R. Grogan *S.R.G.*  
Chief Planner

Date: January 18, 2017

Subject: January 27, 2017 Committee meeting

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Enclosed please find the agenda for the Committee's upcoming meeting on January 27, 2017. We have also enclosed the following items:

- \* The minutes from the Committee's October 25, 2016 meeting;
- \* The draft resolution prepared by Commissioner Lloyd regarding the designation of areas within Wharton State Forest as inappropriate for motor vehicle use; and
- \* A memorandum outlining the staff's recommendations for a new round of land acquisition using the Pinelands Conservation Fund

/CS15

cc: All Commissioners (agenda and Annual Report only)



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## CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

Richard J. Sullivan Center  
Terrence D. Moore Room  
15 C Springfield Road  
New Lisbon, New Jersey

January 27, 2017

9:30 a.m.

### Agenda

1. Call to Order
2. Pledge Allegiance to the Flag
3. Adoption of minutes from the October 25, 2016 CMP Policy & Implementation Committee meeting
4. Discussion of off-road vehicle activities at Wharton State Forest
5. **Pinelands Conservation Fund**  
Discussion of recommendations for a new round of land acquisition
6. Public Comment on Agenda Items

*Please note that public comment will be accepted on agenda items only. The record on the South Jersey Gas matter closed on January 24, 2017; therefore, no further comment regarding that matter can be accepted.*

## **CMP POLICY & IMPLEMENTATION COMMITTEE MEETING**

Richard J. Sullivan Center

Terrence D. Moore Room

15 C Springfield Road

New Lisbon, New Jersey

Tuesday, October 25, 2016 - 9:30 a.m.

### **MINUTES**

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

**MEMBER ABSENT:** Candace Ashmun, Paul E. Galletta and Ed Lloyd

**STAFF PRESENT:** Executive Director Nancy Wittenberg, Larry L. Liggett, Susan R. Grogan, Joseph Sosik, Paul D. Leakan and Betsy Piner.

Chairman Earlen called the meeting of the Comprehensive Management Plan (CMP) Policy and Implementation (P&I) Committee to order at 9:33 a.m.

All present pledged allegiance to the Flag.

#### **1. Adoption of minutes from the August 26, 2016 CMP Policy & Implementation Committee meeting**

Commissioner McGlinchey moved the adoption of the August 26, 2016 meeting minutes. Commissioner Barr seconded the motion. The minutes were adopted with all Committee members present voting in the affirmative (*Commissioner DiBello arrived shortly thereafter*).

#### **2. Discussion of Waterford Township's Redevelopment Plan for the Haines Boulevard Redevelopment Area**

Ms. Grogan said staff had asked Waterford Township to update the Committee on its proposed Redevelopment Plan for the Haines Boulevard Redevelopment Area (Plan). She said staff wanted to provide the Committee with an opportunity to become aware of the issues related to water use and CMP requirements and express its concerns. She said the Plan had not yet been adopted by the Township. She introduced Mr. David Patterson, the municipal attorney.

Mr. Patterson thanked the Commission for inviting Waterford representatives here today. He introduced Mr. Ralph Condo (Planning Board Chairman), Ms. Susan Danson (Administrator), Mr. Edward Toussaint, Construction Code Official, and Mr. Andrew Levecchia, AICP, P.P. Mr. Patterson made a presentation (*Attachment A to these minutes and posted on the Commission's website at*

<http://www.nj.gov/pinelands/home/presentations/HainesBoulevardRedevelopmentPlan-Sosik-NewMaps.pdf>) on the Township's Haines Boulevard Plan. From a series of maps he identified

the location of Waterford Township in southern Camden County and the Redevelopment Area in the vicinity of Routes 30 and 73, and the NJ Transit station at Atco. He said this location puts the 146-acre area in a viable position to be developed. In 2001, Waterford Township designated this to be an area in need of redevelopment and then certified a Redevelopment Plan. At that time, Haines Boulevard was a new road and it traversed the property in a manner to promote the commercial development the Township wanted to encourage in order to improve its tax base. Since 2001, nothing has happened. In late 2015, the current Township Committee decided to be more proactive and hired Heyer, Gruel & Associates to study the area. Heyer, Gruel presented a Plan to the Committee in April 2016 proposing mixed development and establishing boundaries promoting areas for various development types while allowing the flexibility to include commercial, industrial and residential elements.

Mr. Patterson said the Township was currently in court regarding its Affordable Housing obligation and was in discussion with Fair Share Housing to accommodate Waterford's obligation on this site. He said this property is in the Regional Growth Area (RGA) and has no environmental constraints.

Mr. Patterson described the advantages of an approved Redevelopment Plan as by-right approvals are granted. The developer must meet density requirements but need not worry about variances. Mr. Patterson identified the areas where various development types could occur. He said three developers have shown some interest, noting that the Plan has merit, especially with the access to buses and trains at the Transit Oriented Development area, which is of particular benefit to senior citizens. He said the overall concept allows more concentrated development and the Township believes it will be attractive to developers because it provides for flexibility.

Mr. Patterson summarized the Plan by saying, in addition to the opportunity for commercial and industrial uses, there will be a maximum of 792 dwelling units, including up to 240 low- and moderate-income units. He said until now, there has not been much affordable housing in Waterford but this Plan will demonstrate that the Township is meeting its constitutional obligation by planning for those units. He said the Township believed the court will approve this Plan. He said if residential development is inclusionary, one of every five units will be affordable. For a 100% affordable project, development can occur at a density of eight units per acre. There will be a PDC obligation of 30% for all residential units with an exemption for up to 240 affordable units.

He said the next steps will include approval by the municipal planning board then a public hearing and a vote by the governing body over two meetings before submission to the Commission for formal approval. He said the Township will work with the Camden County Improvement Authority to seek a redeveloper. Also, he said, water usage and sewer capacity must be considered and Waterford feels it has been able to accommodate those needs. He said the Township is in negotiations with the NJ American Water Company to contract with them for water supply once the withdrawal limit from the Kirkwood Cohansey aquifer has been reached. Mr. Patterson thanked the Committee.

Mr. Patterson said there are some 20 distinct property owners in the redevelopment area. He said the Township does not own the property, but does have the right of eminent domain, although

has no interest in imposing it. He said he believed all the property owners would be willing sellers at the right price.

Ms. Grogan continued the presentation and discussed how the Plan relates to CMP requirements. She said the challenge is to look at the total number of units proposed and be mindful of the PDC obligation. She said the Township has proposed increasing the density from the maximum permitted by the CMP, 3.375 units/acre, to 5.42 units/acre, but much of that increase is to accommodate the affordable housing units. She said Waterford proposed to accommodate PDCs by imposing a 30% *mandatory* requirement for the use of PDCs. This would be similar to the mandatory PDC requirements approved by the Commission in other municipalities in recent years. As the property is in the RGA with no environmental issues (as confirmed by Commission staff some years ago), and the use of PDCs is mandatory, staff believes the increased residential zoning capacity is justified. Furthermore, the number of units that will be required to use PDCs is virtually the same as that for which an opportunity would be provided under the lower density CMP requirement. She said the Township has a streamlined permitting process in place for the Redevelopment Area, so that should be attractive to potential developers. She said Mr. Liggett will discuss the other areas of concern: the infrastructure and water supply issues.

Commissioner McGlinchey asked about the obligation to obtain water from sources other than the Kirkwood-Cohansey aquifer once 70% of the capacity is allocated. Mr. Patterson said Waterford will have a contract in place with a water provider.

Commissioner McGlinchey said he was familiar with the site and that this Plan has been a long time coming. He thanked Waterford for promoting this endeavor.

Mr. Liggett made a presentation on the water supply issues related to the Plan.  
*Attachment B to these minutes and posted on the Commission's website at*  
<http://www.nj.gov/pinelands/home/presentations/10212016%20water%20issues.pdf>

Mr. Liggett said the Camden County Pinelands municipalities (Chesilhurst, Waterford and Winslow) were special in that the Commission had dealt with substantial water/sewer issues here in the past by linking zoning, sewer capacity and water supply in the Regional Growth Area of these municipalities. The goal is to reduce the water loss from streams at the headwaters of the Mullica River due to interbasin transfer of wastewater to the Camden County wastewater treatment plant. Mr. Liggett said the Mullica River is the most important Pinelands river and all three communities and the Camden County Municipal Utilities Authority partnered and agreed to certain conditions to protect the headwaters of the Mullica. This includes imposing a 25% downzoning on the three municipalities, adopting a water supply master plan, amending the wastewater management plan and establishing a stream monitoring program with the United States Geological Survey (USGS).

Mr. Liggett said the Redevelopment Plan will result in water demands that exceed the Township's water allocation. However, the Township is proposing a self-imposed limit of 70% of the total Kirkwood-Cohansey allocation. Once that limit is reached, the Township will purchase water elsewhere. Mr. Liggett described the analyses done on water supply and demand

under the Redevelopment Plan, concluding that roughly one third of the redevelopment area could be served before a non-Kirkwood-Cohansey source would be required.

In response to Commissioner Prickett's question if the Commission was concerned with mixing water sources, i.e. well water and a municipal water supply, Mr. Liggett said that Winslow is doing that now and one cannot tell which water is from which source although there is a difference in price.

Commissioner McGlinchey said all wells have sensors that indicate how many gallons are being pumped.

Commissioner Prickett asked if there are any infrastructure problems with having two water supply sources. Mr. Liggett said not to his knowledge.

Commissioner Barr asked how one would keep track of the amount of development that was occurring under the Plan.

Mr. Liggett said the Commission will know what development activity is occurring when it receives copies of municipal approvals.

Ms. Grogan added that under the streamlined permitting program, applicants in the Redevelopment Area do not need to come to the Commission to obtain Certificates of Filing. Rather, they go directly to Mr. Ed Toussaint, Waterford's local review officer. Once the Planning Board grants site plan or subdivision approval, copies of those approvals will be forwarded to the Commission for review. There will need to be a notification system in place to track PDC requirements, affordable housing units and projected water usage.

Mr. Patterson said the Township will get back to Fair Share Housing following this meeting and that entity wants this Plan to move forward. He said he believed Fair Share Housing was happy with the number of affordable units being accommodated and pleased that the issue would be resolved. He said he had a conference call with the Court on Monday to indicate the number of affordable units proposed in the Plan. The Township will adopt the Plan and send it to the Commission for review and action.

Chairman Earlen asked if the Township will bear the cost of the water line associated with a non-Kirkwood/Cohansey water source. Mr. Patterson said the Township intends for that to be the responsibility of the redeveloper.

In response to Commissioner Barr's question to staff regarding the anticipated schedule, Ms. Grogan said once the Plan is adopted, staff will conduct a public hearing, write a report and return to the P&I Committee in four to five months with a recommendation. Mr. Patterson added it should take about two months for the Township to complete its adoption process and submit the Plan to the Commission.

Mr. Liggett said Mr. Toussaint and Ms. Grogan will coordinate the administration of the Plan.

In response to a question from Commissioner Prickett regarding monthly USGS water flow reports and what would happen if the water level starts to drop, Mr. Liggett said there is an annual analysis of data. He said comparing the flow in a river to wells elsewhere some distance away is statistically tricky.

Mr. Sosik noted that staff had just received a report from USGS and could update the Committee at a future meeting.

Chairman Earlen said he thought this was a great plan as it helps the municipality and thanked the Township for being proactive in working with staff.

Mr. Patterson thanked Ms. Grogan and Mr. Liggett for their work with the Township.

*The Waterford Township representatives left the meeting at 10:35 a.m.*

### **3. Plan Review- Update on proposed PDC enhancements**

Ms. Grogan made a presentation focusing on the comments received from the builders (New Jersey Builders Association [NJBA] and Builders League of South Jersey [BLSJ] and the New Jersey Farm Bureau (NJFB) on the earlier PDC enhancement proposal along with the staff response. (*Attachment C to these minutes and posted on the Commission's website at:* <http://www.nj.gov/pinelands/home/presentations/October%202016%20update.pdf>)

Ms. Grogan said the builders are requesting more flexibility as they wish to build higher density housing (townhouses, duplexes and apartments) because that is what they believe the market demands. She said Mr. Sosik and Mr. Liggett looked at vacant lands where zone density is 3 units or greater and determined that requiring municipalities to allow multiple housing types would be appropriate in those zones. She said staff had researched residential housing types proposed in recently completed applications (since 2011) and found the vast majority are single family dwellings. There are very few townhouse or apartment projects in the RGA or Pinelands Towns.

Ms. Grogan said there are also few projects where PDC use is required. Of the 28 completed applications in the RGA involving two or more units, only eight required PDCs. Of the 37 RGA and Town applications completed since 2011 for two or more units, 960 total units are proposed and only 197 rights are required. She said most of the RGA zones have a base density of 2-3 units/acre. Historically, applicants have chosen not to build at higher densities where the need for PDCs would be triggered. She acknowledged that there are cases where an applicant cannot achieve higher densities due to on-site environmental constraints or the imposition of various municipal standards. She said under this proposal, the Commission will review existing municipal open space, height and buffer standards to ensure they do not prevent permitted densities from being achieved.

Ms. Grogan said another interest of the builders would be allowing those who propose projects with the use of PDCs to appeal local Planning Board denials to the Commission. Currently, the Commission does not receive or review local denials from the 53 certified municipalities. The

CMP requires that only approvals be submitted to the Commission for review. She said staff does not support this suggestion as it would negate the certified municipal zoning plans that staff and the municipalities have worked so hard on. She said the Commission has the ability to suspend or revoke a municipality's certification status if it becomes evident that a municipality is not implementing its zoning ordinance correctly or consistently.

Commissioner Prickett asked if, rather than denying projects, a municipality could change its zoning plan. Ms. Grogan said that was always a possibility. She said municipalities determine if their goals for a particular area have changed and rezone accordingly, rather than issuing denials. She said the process should include increasing staff involvement when projects are being proposed. Staff does this consistently with some towns.

Ms. Grogan said the builders are also interested in changing the function of the PDC Bank. Ms. Grogan said she agreed that it would be good if the Bank could be more active but is somewhat limited under the current arrangement and lack of funding. The builders would like the Bank to serve more as a clearinghouse for the buying and selling of PDCs at an annually established purchase price. She said if the Commission is enhancing the PDC program, the Bank has to be more efficient, and moving the Bank to the Commission, updating the membership and securing funding will contribute to that effort.

In response to Chairman Earlen's question as to the reality of this happening, Ms. Wittenberg said it needs the support from the farmers and developers. She said Ms. Roth is working on legislation.

Ms. Roth said sponsoring legislators will be needed to move the bills forward and that an appropriation could be requested as currently there is no funding source. She said the PDC Bank Act of 1985 placed the Bank within the Department of Banking and Insurance.

Ms. Grogan said the final issue posed by the builders was the relationship between the cost of the type of housing proposed and the cost of the PDCs. She said staff believes the proposed sliding scale already responds to that concern because the higher the density, the lower the cost of PDCs per unit.

Ms. Grogan said prior to the meeting, staff had distributed an October 24, 2016 letter from the New Jersey Farm Bureau (NJFB) expressing both support for and concerns about the latest PDC proposal (*Attachment D to these minutes*).

She said staff believes the NJFB's concerns with exempting 100% affordable projects from a PDC obligation is valid. It could have unintended negative consequences on the demand for PDCs. She said staff is now recommending a PDC exemption for affordable units only in inclusionary projects, those where the affordable units comprise no more than 20% of the units.

Mr. Liggett reviewed the final slide on supply and demand. He noted that the proposed PDC enhancements, as revised based on the staff's recommendations, will provide enough demand to use the supply of PDCs, albeit there are a lot of assumptions made in preparing these calculations.

Ms. Grogan said there are many factors in determining the future supply of PDCs, including how many property owners will apply for a Letter of Interpretation and how many future farmland preservation program easements will extinguish existing PDCs. Also, she said, not all property owners in the PDC sending areas will sever their credits.

Ms. Grogan said staff will share today's presentation with NJBA, BLSJ and the Farm Bureau and she will draft revised rules.

Commissioner Prickett said he supported these revisions and that staff had done a good job of seeking feedback from the stakeholders. He said the Commission needed to do something to enhance the PDC program.

Commissioner Barr said he supported these changes to the proposal and that they needed to be done as soon as possible.

In response to Commissioner Barr's question regarding a report on the PDC program, Ms. Grogan noted that the FY-2016 Annual Report had been issued in August and was available on the website:

(<http://www.nj.gov/pinelands/pdcbank/reports/2016%20Annual%20PDC%20Bank%20Report%20Final%20Web%20Version.pdf>)

Chairman Earlen said it was great that staff had solicited feedback. He expressed concerns that municipalities will push back on increased density, noting the difference between density that is *required* vs. that which is *allowed*.

Ms. Grogan responded that permitted densities will not be changed; rather, permitted housing types will need to be changed, thereby better enabling already permitted densities to be achieved. Removing the CMP "caps" on permitted density in the RGA will provide municipalities and the Commission with greater flexibility.

Ms. Grogan said that Ms. Tiffany Cuvillo had attended previous presentations on PDC enhancements. Ms. Cuvillo represents a number of Pinelands municipalities, as well as the Pinelands Municipal Council. She is aware of the proposals under consideration and the most recent suggestions from the builders. Staff will make sure that the affected municipalities are kept informed. She said today's presentation has not yet been shared with the builders or the Farm Bureau because staff wanted to be sure the Committee had an opportunity to provide input in advance of any such distribution.

Chairman Earlen concluded the discussion by asking staff to move forward with the proposal.

#### **4. Public Comment**

No member of the Public offered comment.

## **5. Other Items of Interest**

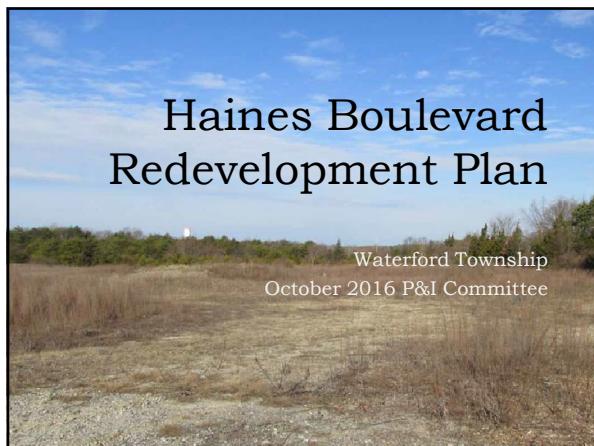
Commissioner Prickett noted that he had attended the World Water Monitoring Challenge last Friday (October 21, 2016) at Batsto Village and had appreciated the efforts of the various staff members who had participated. He said that he was very proud to be a part of the Pinelands Commission knowing that staff presents such a great face to the public, particularly in the education of children.

There being no other items of interest, the meeting adjourned at 11:22 a.m. (moved by Commissioner Barr and seconded by Commissioner McGlinchey.)

Certified as true and correct:

  
\_\_\_\_\_  
Betsy Piner,  
Principal Planning Assistant

Date: November 1, 2016



## Haines Boulevard Redevelopment Plan

Waterford Township  
October 2016 P&I Committee

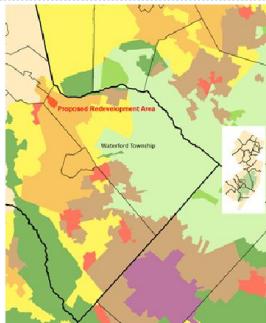
### Introduction

- ▶ 146 acres
- ▶ Current redevelopment plan allows only nonresidential uses
- ▶ Atco Train Station provides a unique opportunity for TOD
- ▶ Proposed mix of residential, commercial, and institutional uses
- ▶ Accommodates affordable housing

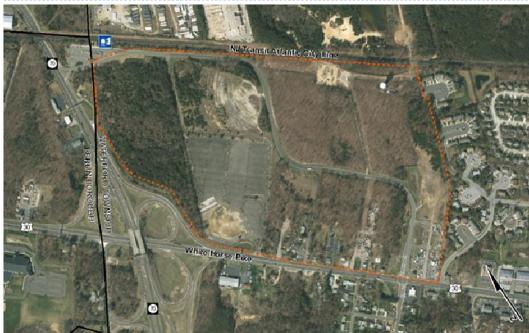


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### Haines Blvd. Redevelopment Area



### Haines Blvd. Redevelopment Area

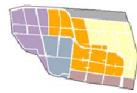


### RD-1 Residential District

- ▶ Principal Permitted Uses
- ▶ Detached single-family dwellings
- ▶ 5 units per acre



### RD-2 Residential District



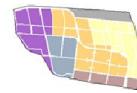
#### ► Principal Permitted Uses

- ▶ Detached single-family dwellings
- ▶ Two-family dwellings
- ▶ Attached single-family dwellings (townhouses)
- ▶ 6 units per acre

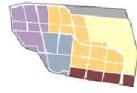
### TOD/Mixed Use

#### ► Principal Permitted Uses

- ▶ Retail stores, shops, restaurants
- ▶ Personal service businesses
- ▶ Instructional facilities
- ▶ Banks and finance institutions
- ▶ Child care centers
- ▶ Professional offices
- ▶ Two-family dwellings and townhomes
- ▶ Mixed-use development w/ dwelling units on upper floors
- ▶ Multi-family units
- ▶ 12 units per acre



### Community Commercial



#### ► Principal Permitted Uses

- ▶ Retail stores, shops, restaurants
- ▶ Personal service businesses
- ▶ Instructional facilities
- ▶ Banks and finance institutions
- ▶ Child care centers
- ▶ Professional offices
- ▶ Mixed-use development w/dwelling units on upper floors
- ▶ 5 units per acre

### ID Institutional

#### ► Principal Permitted Uses

- ▶ Retail stores, shops, restaurants
- ▶ Educational facilities
- ▶ Health care facilities
- ▶ Libraries
- ▶ Assisted living facilities
- ▶ Community centers
- ▶ Hotels/conference centers
- ▶ Two-family dwellings and townhomes
- ▶ 6 units per acre



### Summary of Redevelopment Plan

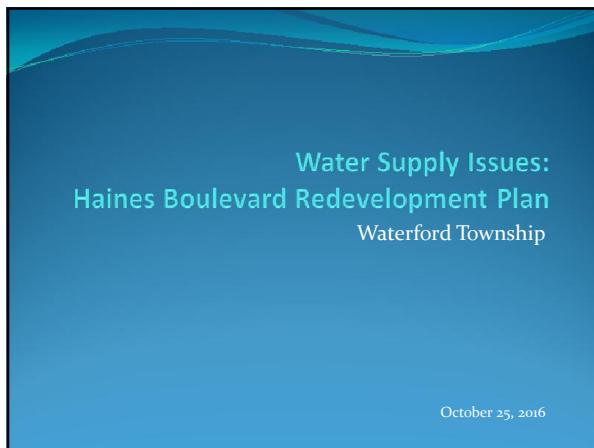
- ▶ Maximum of 792 units permitted
- ▶ Affordable housing permitted
  - ▶ Inclusionary developments (20%)
  - ▶ 100% affordable projects at 8 units per acre
- ▶ 30% PDC requirement for all residential units
  - ▶ Exemption for up to 240 affordable units

### Density and PDC Requirements

	CMP Requirements	Proposed Redevelopment Plan
Permitted Density	3.375	5.42
Total Units	492	792
PDC Units	164	165

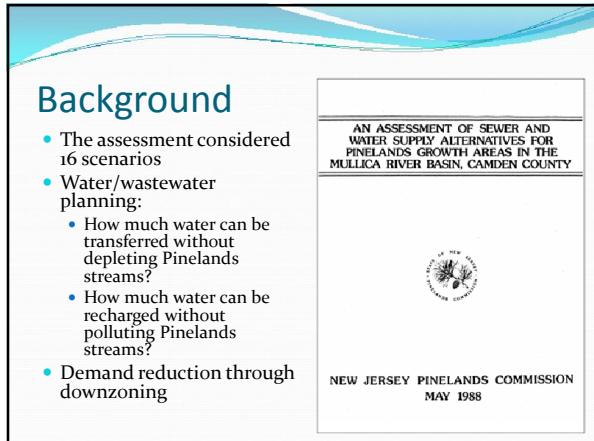
#### Justification for Increased Density

- ▶ The CMP allows municipalities to zone for increased residential zoning capacity and provide additional density bonuses in RGAs if:
  - ▶ The site is appropriate for higher intensity development
    - ▶ 146 acres in RGA with no environmental limitations
  - ▶ Sufficient PDC opportunities are provided
    - ▶ 30% mandatory PDC requirement
  - ▶ Sufficient infrastructure exists or can be provided
    - ▶ Non-K/C water source required when 70% of capacity is allocated



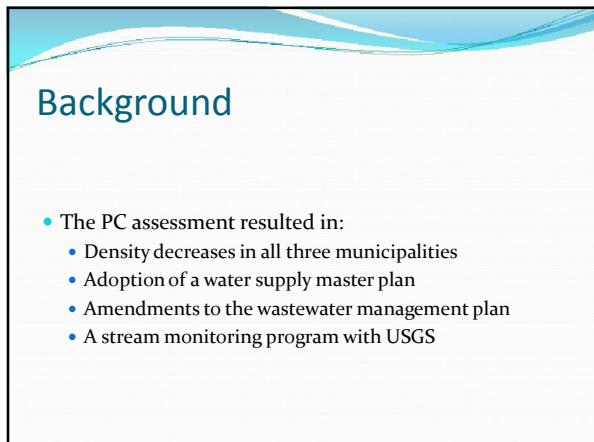
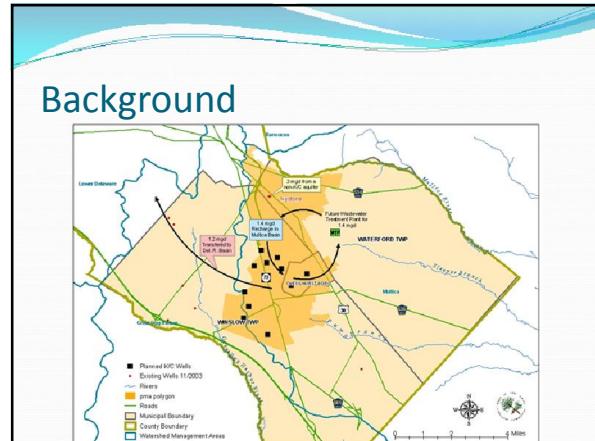
## Background

- In 1987, the Camden County Municipal Utility Authority (CCMUA) proposed an interbasin transfer of wastewater from the Regional Growth Area in Chesilhurst, Waterford and Winslow to the Delaware River Basin
- CCMUA evaluated the proposal's potential effects which Pinelands Commission staff concluded would result in significant reductions in subbasin recharge
- PC Study: "An Assessment of Sewer and Water Supply Alternatives for Pinelands Growth Areas in the Mullica River Basin, Camden County"



## Background

- The assessment considered 16 scenarios
- Water/wastewater planning:
  - How much water can be transferred without depleting Pinelands streams?
  - How much water can be recharged without polluting Pinelands streams?
- Demand reduction through downzoning



## Future Water and Sewer Demands

- Future water demands were reduced for the three municipalities to 2.6 million gallons per day (MGD)

	Winslow			Waterford			Chesilhurst		
	1980	Future	Total	1980	Future	Total	1980	Future	Total
1.2 MGD Export	0.44	0.10	0.54	0.40	0.11	0.51	0.12	0.03	0.15
0.3 MGD Non-K/C		0.19				0.08			0.03
1.4 MGD In-basin Recharge		1.09				0.20			0.11
<b>Totals</b>	<b>0.44</b>	<b>1.19</b>	<b>1.63</b>	<b>0.40</b>	<b>0.31</b>	<b>0.71</b>	<b>0.12</b>	<b>0.14</b>	<b>0.26</b>

Total Future Demands: 2.60 MGD

## Future Water and Sewer Demands

- As amended in 1988, Waterford is allocated 592,000 gallons per day (GPD) of wastewater flow to the CCMUA's Camden facility
- Waterford has a current water supply allocation of 652,000 GPD (approx. 521,000 GPD in terms of wastewater, which is under the current cap)
- Future development will have to use non-K/C water:
  - Current water allocation 652,000 GPD
  - Current usage 348,000 GPD
  - Remaining allocation 304,000 GPD

## Haines Blvd. Redevelopment Plan

- Waterford's redevelopment plan for Haines Boulevard permits 792 new residential units and nonresidential development, for which water demands would exceed the Township's water allocation
- The Township proposes a self-imposed limit to 70% of total K/C water supply allocation
- Upon reaching this limit, the Township will secure a non-K/C source to meet future demands
- PC staff will work with Waterford to track development approvals and projected water use to ensure compliance

## Haines Blvd. Redevelopment Plan

**Present water supply situation in Waterford:**

- Current allocation: 652,000 GPD
- Usage: 348,000 GPD (53%)
- Available allocation: 304,000 GPD (47%)

Allocation Type	Value (GPD)	Percentage of Full Allocation
Used Allocation	348,000	53%
Available Allocation	304,000	47%
Full Water Allocation	652,000	100%

## Haines Blvd. Redevelopment Plan

**Water supply situation after redevelopment plan:**

- Upon reaching the 70% cap, Waterford will cease diverting water from the K/C aquifer
- 70% of full allocation: 456,400 GPD

Allocation Type	Value (GPD)	Percentage of Full Allocation
Used Allocation	456,400	70%
Unusable K/C Allocation	195,600	30%
Cap Available	195,600	30%
Full Water Allocation	652,000	100%

## Haines Blvd. Redevelopment Plan

**Water supply situation after redevelopment plan:**

- Revised "allocation": 456,400 GPD
- Usage: 348,000 GPD
- Available "allocation": 108,400 GPD

Allocation Type	Value (GPD)	Percentage of Full Allocation
Used Allocation	348,000	70%
Unusable K/C Allocation	108,400	20%
Cap Available	108,400	20%
Revised Allocation	456,400	100%

## Haines Blvd. Redevelopment Plan

- PC build-out analysis suggests a Township-wide future water demand of 720,000 GPD
  - 310,000 GPD from redevelopment plan
  - 160,000 GPD from other RGA units
  - 250,000 GPD from commercial development
- With 108,400 GPD of the revised "allocation" still available, at best, one-third of the redevelopment area could be served before a non-K/C source is required



## Response to NJBA/BLSJ

### Suggestion

- Use of PDCs on any site should trigger higher densities and a wider variety of housing types, essentially “bypassing” municipal zoning
- Townhouses and apartments need to be permitted because the market for SFDs is flat

### Response

- Remove cap on density
- Require municipalities to permit townhouses and apartments when zone density is 4+ units per acre
- Require municipalities to permit multiple housing types when zone density is 3+ units per acre

Development Applications Completed July 1, 2011- June 30, 2016		
	Applications Completed	Proposed Units
RGA	144	1,378
Town	42	264
Total	186	1,642

## Development Applications Completed July 1, 2011- June 30, 2016

	Applications Completed	Applications for 1 Unit	Applications for 20+ Units	Applications Proposing Multi-Family Units
RGA	144	116	13	5
Town	42	33	3	2
Total	186	149	16	7

Development Applications Completed July 1, 2011- June 30, 2016				
	Applications For 2+ Units	Applications for 2+ Units Requiring PDCs	Proposed Units	Rights Required
RGA	28	8	729	197
Town	9	0	231	0
Total	37	8	960	197

## Response to NJBA/BLSJ

### Suggestion

- Increase on-site design flexibility so that maximum permitted zone densities can be achieved

### Response

- Establish minimum lot size requirements for SFDs
- Require a variety of housing types in higher density zones
- Reduce PDC obligation for lots with significant environmental constraints
- Review existing municipal open space, height and buffer standards to ensure they do not prevent permitted densities from being achieved

## Response to NJBA/BLSJ

Suggestion	Response
<ul style="list-style-type: none"> <li>Allow applicants who propose the use of PDCs to appeal Planning Board denials to the Commission</li> </ul>	<ul style="list-style-type: none"> <li>Emphasize the Commission's ability to revoke or suspend municipal certification if ordinance is not being implemented</li> </ul>
	<ul style="list-style-type: none"> <li>Increase engagement with municipal boards and staff when reviewing proposed projects</li> </ul>

## Response to NJBA/BLSJ

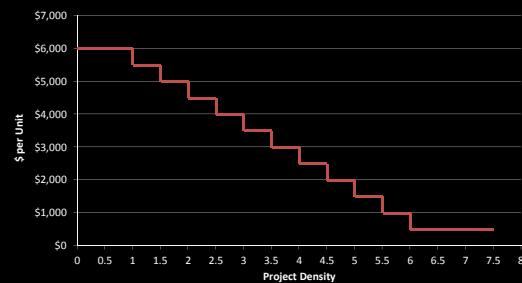
Suggestion	Response
	<ul style="list-style-type: none"> <li>Mend/Fix/Fund the PDC Bank so that applicants can purchase PDCs directly from the Bank at an established price</li> </ul>
	<ul style="list-style-type: none"> <li>Move PDC Bank from DOBI to the Commission and update membership</li> </ul>
	<ul style="list-style-type: none"> <li>Enable the Bank to function as a clearinghouse (buying and selling PDCs at an annually established price)</li> </ul>
	<ul style="list-style-type: none"> <li>Obtain funding for initial PDC purchase</li> </ul>
	<ul style="list-style-type: none"> <li>Obtain funding for increased staff</li> </ul>

## Response to NJBA/BLSJ

Suggestion	Response
<ul style="list-style-type: none"> <li>Better match the cost of PDCs to the cost and type of proposed residential unit</li> </ul>	<ul style="list-style-type: none"> <li>Apply sliding scale to determine PDC obligation. Very low PDC % will apply to higher density projects, which typically contain the smaller, less expensive units.</li> </ul>
	<ul style="list-style-type: none"> <li>No change to proposal</li> </ul>

## PDC Cost per Unit

\$10,000 per Right



## Response to Farm Bureau

Concern	Response
<ul style="list-style-type: none"> <li>Ensure that exemptions for affordable housing do not negate the PDC enhancements by significantly reducing demand</li> </ul>	<ul style="list-style-type: none"> <li>Exempt all affordable units from PDC requirements</li> </ul>
	<ul style="list-style-type: none"> <li>Exempt affordable units only in projects where the affordable units comprise no more than 20% of the units ("inclusionary" projects)</li> </ul>

## PDC Demand and Projected Buildout

September 2016

Receiving Area	Current Demand (Rights)	Proposed Demand (Rights)	Zone Capacity (Units)	Projected Buildout (Units)
RGA	2,004	5,865	44,752	23,730
Town	0	1,024	7,794	5,080
<b>Total</b>	<b>2,004</b>	<b>6,852</b>	<b>52,546</b>	<b>28,810</b>

Current Supply      6,750 rights



168 West State Street, Trenton New Jersey 08608

CMP P&I Committee

October 25, 2016

Attachment D

Phone: 609-393-7163

Fax: 609-393-7072

Email: [mail@njfb.org](mailto:mail@njfb.org)

Website: [www.njfb.org](http://www.njfb.org)

October 24, 2016

To: Nancy Wittenberg, executive director  
NJ Pinelands Commission

From: Peter J. Furey, executive director

Re: PDC revision proposal

Here are a few further comments to explain our support for the concepts outlined in the Pinelands staff recommendations as noted above:

1. this endorsement reflects the view of the leading Pinelands farmers who take an interest in Pinelands policies. We feel confident that the distribution of the draft was widely circulated and the feedback is positive. So a start of the formal review process is fine with us.
2. we will allow the NJDA to speak for itself, but we believe they endorse it also as do the county boards of agriculture in the Pinelands region.
3. the most common frustration among these farmers about the PDC program is the current opportunity to allow new residential development in designated growth areas without requiring the use of Pinelands credits. That is, building below the base density effectively dilutes the development demand to the point where credits would be scarcely if ever be used. Hence, we support the change to "mandatory use."
4. further, most of the feedback we received objected to a complete exemption from using credits for affordable housing projects. We note approvingly that this proposal has already been modified to require at least some credit use for this type of construction.
5. this set of changes is by no means seen as a great cure for the PDC system. This TDR program has been saddled with structural problems from the outset (large developments permitted without the use of credits, inadequate infrastructure funding, environmental restrictions undermining the achievement of bonus densities for developers/builders) such that no one holds high expectations that these changes will substantially reverse the depressed PDC credit market overnight.
6. we strongly believe that the PDC credits ought to be made part of a statewide TDR credit redemption program, so that state-funded investments for sewer, water, transit that create areas of strong development demand in selected parts of the state can lift the demands for PDC's. Of course, that is beyond the jurisdiction of the Pinelands Commission, and is a matter for state legislation.

#

cc: Monique Purcell, NJDA  
Jay Mounier



# **RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

**NO. PC4-17-**\_\_\_\_\_

**TITLE:** Designating certain areas within Wharton State Forest as Inappropriate for Use by Motor Vehicles.

**Commissioner \_\_\_\_\_ moves and Commissioner \_\_\_\_\_ seconds the motion that:**

**WHEREAS**, pursuant to the Comprehensive Management Plan (“CMP”), the Pinelands Commission “shall from time to time designate areas which are inappropriate for use of motor vehicles;” N.J.A.C. 7:50-6.143(a)3; and

**WHEREAS**, N.J.A.C. 7:50-6.143(a)3 provides that “such designation shall be based upon” the following enumerated considerations:

- (1) A need to protect a scientific study area;
- (2) A need to protect the location of threatened or endangered plant or animal species;
- (3) A need to provide a wilderness recreational area;
- (4) A need to prevent conflicts with adjoining intensively used recreational areas;
- (5) A need to protect historic or archaeological sites;
- (6) A need to protect critical wildlife habitats;
- (7) A need to address a situation of public health and safety;
- (8) A need to protect extensively disturbed areas from further impact; and
- (9) The extent to which such road closure would substantially impair recreation access to and uses of surrounding resources;

**WHEREAS**, the CMP further provides that “such designation shall be based upon . . . consultation with the New Jersey Department of Environmental Protection and other interested persons;” N.J.A.C. 7:50-6.143(a)3; and

**WHEREAS**, at the Pinelands Commission meeting on January 15, 2016, Richard Boornazian, NJDEP Assistant Commissioner for Natural and Historic Resources, asked for the Commission’s input on any new Motorized Access Plans (MAP) developed for Wharton State Forest; and

**WHEREAS**, at its January 15, 2016 meeting, the Policy & Implementation Committee of the Pinelands Commission heard testimony from the public regarding the damages being done by motorized vehicles to areas of Wharton State Forest that are not on currently mapped roads; and

**WHEREAS**, at its January 29, 2016 meeting, the Policy & Implementation Committee of the Pinelands Commission heard extensive testimony from the public regarding the damages being done by motorized vehicles to areas of Wharton State Forest that are not on currently mapped roads; and

**WHEREAS**, at its January 29, 2016 meeting, the Policy & Implementation Committee of the Pinelands Commission also heard extensive testimony from the public who use motorized vehicles in Wharton State Forest about their concerns for the preservation of the off-road areas of the Pinelands; and

**WHEREAS**, at its January 29, 2016 meeting, the Policy & Implementation Committee of the Pinelands Commission also heard extensive testimony from the public regarding the importance of access via mapped roads into the Pinelands for emergency purposes, as well as for recreational purposes; and

**WHEREAS**, at its October 14, 2016 meeting, the Pinelands Commission Executive Director reported that the Commission has been working closely with the NJDEP and will continue collaborating on the next steps at Wharton State Forest; and

**WHEREAS**, at its October 14, 2016 meeting, the Pinelands Commission heard a comprehensive presentation from its staff identifying 296 damaged sites that were reported to the Commission; and

**WHEREAS**, at its October 14, 2016 meeting, the Pinelands Commission Executive Director reported that the data that Commission staff has assembled about the disturbed sites will allow the Commission and the NJDEP to develop a variety of initiatives at Wharton State Forest including: enforcement strategies, restoration projects, monitoring of the parks landscape and future protection; and

**WHEREAS**, at its October 14, 2016 meeting, the Pinelands Commission heard a presentation from Mark Texel, NJDEP Director of Parks and Forestry, describing NJDEP's efforts to protect Environmentally Sensitive Areas (ESAs) at Wharton State Forest; and

**WHEREAS**, at its October 14, 2016 meeting, NJDEP Director Texel further stated that DEP had identified 11 areas at Wharton State Forest that needed immediate attention due to illegal off-road activity; and

**WHEREAS**, after consideration of the extensive public testimony and review of available mapped information, the Commission has identified the 1997 USGS Topological maps as providing the best baseline for designation of roads in Wharton State Forest; and

**WHEREAS**, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

**NOW, THEREFORE BE IT RESOLVED** that based upon the foregoing provisions of the CMP and the public presentations to the Pinelands Commission and its Policy & Implementation Committee:

- (1) The Pinelands Commission hereby designates as inappropriate for use of motor vehicles any and all areas on the 1997 USGS Topographical maps, attached hereto as Exhibit A and incorporated herein by reference, which are not designated as roads; and
- (2) The Pinelands Commission hereby declares that motor vehicle traffic is restricted to the roads marked on the attached 1997 USGS Topographical maps, and on any other roads that the NJDEP or Pinelands Commission may, from time to time, deem unsuitable for motor vehicle passage.
- (3) The Pinelands Commission directs its staff to forward this Resolution to the New Jersey Department of Environmental Protection and to consult with the Department regarding the areas designated in Paragraph (1) above.

#### **Record of Commission Votes**

AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*
Ashmun				Galletta				McGlinchey			
Avery				Hays				Prickett			
Barr				Jannarone				Quinn			
Brown				Lloyd				Rohan Green			
Chila				Lohbauer				Earlen			

Ashmun				Galletta				McGlinchey			
Avery				Hays				Prickett			
Barr				Jannarone				Quinn			
Brown				Lloyd				Rohan Green			
Chila				Lohbauer				Earlen			

\* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: \_\_\_\_\_

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Nancy Wittenberg  
Executive Director

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Sean W. Earlen  
Chairman



## State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

[www.nj.gov/pinelands](http://www.nj.gov/pinelands)



Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

General Information: [Info@njpines.state.nj.us](mailto:Info@njpines.state.nj.us)  
Application Specific Information: [AppInfo@njpines.state.nj.us](mailto:AppInfo@njpines.state.nj.us)

Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

## MEMORANDUM

To: Members of the CMP Policy & Implementation Committee

From: Robyn A. Jeney *RAJ*

Date: January 18, 2017

Subject: Recommendations for a new round of acquisition using the Pinelands Conservation Fund

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The Pinelands Conservation Fund (PCF) was established to further the Commission's land protection program and ensure a greater level of preservation for the unique resources of the Pinelands Area. One of the four components of the PCF is the Land Acquisition Program.

At its August 8, 2014 meeting, the Pinelands Commission approved revisions to the PCF, including the transfer of \$500,000 from the Community Planning and Design account to the Land Acquisition account to further the Commission's permanent land protection efforts. A 2015 PCF grant round allocated \$750,000 to five projects, three of which successfully closed and two of which fell through. Following that round, the PCF Land Acquisition account currently contains just under \$1,000,000 available for grant allocations.

The Commission staff is proposing a new round of land acquisition, with the following recommendations:

- Dedicate \$500,000 of the current PCF Land Acquisition account for funding of a new round of projects in order to permanently protect important natural, cultural, historic and agricultural resources through the purchase of land interests.
- Prioritize allocations to:
  - Lands designated by Section 502 of the 1978 National Parks and Recreation Act, of which approximately 12,600 acres remain unpreserved;

- The 20 Planning Areas previously identified by the Commission’s Permanent Land Protection Committee as containing sensitive ground and surface water resources, threatened and endangered species habitat and unbroken forest cover, of which approximately 118,400 acres remain unpreserved (including approximately 13,200 acres in the Preservation Area District and approximately 63,600 acres in the Forest Area); and
  - Forest Areas within Ocean County, based on the original intent of a portion of the 2015 funds that was contributed to the PCF Land Acquisition account in 2008 by the New Jersey Turnpike Authority for the acquisition of parcels in association with a 2008 Memorandum of Agreement, \$768,042 of which became unrestricted as of June 30, 2014.
  - Environmentally significant properties currently experiencing or likely to experience off-road vehicle trespass. Commission staff recognizes that illegal use of large tracts of privately-owned lands by off-road vehicles is a threat to the continued ecological integrity of such sites. In many cases, lands may be deed-restricted or otherwise administratively protected from development but are not actively managed for protection from other impacts.
- Approval of the allocation of funds must be granted by:
    - The Policy and Implementation (P&I) Committee for lands located within the above three “priority allocation” areas; and
    - The full Pinelands Commission for “contingency” projects on lands located outside of the three “priority allocation” areas.
  - Allocation of funds may be made up to a maximum 33.3% of the project’s total cost, unless otherwise approved by the P&I Committee.
  - Use the same Deed of Conservation Restriction language from prior PCF rounds.

In the 2006 and 2009 Rounds of the PCF Land Acquisition Program, Conservation Resources Inc. (CRI) served as the Commission’s contracted facilitator. CRI collected grant applications, evaluated projects based on the Commission’s criteria, presented grant recommendations to the appropriate Committee, and ensured that grantees proceeded at a reasonable pace to complete their acquisition projects in accordance with the Commission’s assigned deadlines. CRI is no longer in operation, and as it was the only organization to respond to the Commission’s Requests for Proposals in 2006 and 2009, it is unlikely that the Commission can find another organization to serve as facilitator for the PCF Land Acquisition Program. Therefore Commission staff will undertake all responsibilities previously performed by CRI for the 2017 Round of grants, as it successfully did for the 2015 Round.

To assist in selecting projects that best meet the intent of the PCF Land Acquisition Program, Commission staff has developed project evaluation criteria (attached) to rank projects according to objective factors, such as project size, surface and/or head water presence, habitat quality and project feasibility. New factors for this round will address off-road vehicle threat and ongoing stewardship plans following property acquisition. Staff will use these rankings as the basis for allocation recommendations to the P&I Committee. In the event of a large number of funding applications and/or a total number of allocation requests that exceeds the amount of available funding, this evaluation system will be most helpful.

Should the P&I Committee authorize the initiation of this new round of PCF acquisition, staff is prepared to distribute applications and information to local, statewide and regional land conservation groups to announce the availability of funding on or around February 15, 2017. After review of the submitted applications, staff anticipates presenting recommended projects to the P&I Committee at its May 23, 2017 meeting.

**2017 Pinelands Conservation Fund Land Acquisition Project Evaluation Criteria:**

FACTOR	LOW (1)	MEDIUM (3)	HIGH (5)
<b>Location:</b> is the project located in one of the PCF focus areas (sub-regional plan corridors, 502 target areas, 18 planning areas, GSP/Ocean County)?	In Regional Growth, Town, Village or Rural Development Area <b>AND</b> none of the pre-designated focus areas	In pre-designated focus areas <b>OR</b> Preservation Area District, Special Ag Production Area, Ag Production Area or Forest Area	In pre-designated focus areas <b>AND</b> in Preservation Area District, Special Ag Production Area, Ag Production Area or Forest Area
<b>Contiguity:</b> is the project site contiguous with any protected lands?	Not contiguous with protected land	Contiguous with less than 100 acres of protected land	Contiguous with 100 acres or more of protected land
<b>Size:</b> how large is the parcel to be acquired for conservation?	Less than 50 acres	Between 50 and 100 acres	100 acres or more; <b>add another 5 points above 500 acres</b>
<b>Off-road vehicle threat:</b> is there evidence of illegal off-road vehicle use on or in the immediate vicinity of the site?	No evidence within a mile	Evidence of off-road vehicle use within a mile of the project site ( <b>ADD 5 total points</b> )	Evidence of off-road vehicle use on the project site ( <b>ADD 10 total points</b> )
<b>Surface and head waters:</b> what is link to surface and headwaters?	No surface water present	Any stream or other surface water present	1 <sup>st</sup> or 2 <sup>nd</sup> order stream present
<b>Wetlands:</b> how much of the site is comprised of wetlands?	Less than 25% wetlands	Between 25% and 50% wetlands	50% or more wetlands
<b>T&amp;E species and habitat:</b> are there any sightings of T&E species or critical habitat?	No state/federal T&E habitat, per NJDEP SBH Landscape Model <b>AND</b> no documented T&E sightings on site, per NJPC and ENSP data	State/federal T&E habitat, per NJDEP SBH Landscape Model <b>OR</b> documented T&E sightings on site, per NJPC or ENSP data	State/federal T&E habitat, per NJDEP SBH Landscape Model <b>AND</b> documented T&E sightings on site, per NJPC or ENSP data

FACTOR	LOW (1)	MEDIUM (3)	HIGH (5)
<b>Feasibility:</b> is the project likely to be completed in reasonable time?	<p><b>0</b> of the following:</p> <ul style="list-style-type: none"> <li>• Signed contract w/ landowner</li> <li>• Completed appraisal</li> <li>• Certification of Fair Market Value</li> <li>• Documentation that at least 50% of balance has been secured</li> <li>• Anticipated closing date within 12 months</li> </ul>	<p><b>1 or 2</b> of the following:</p> <ul style="list-style-type: none"> <li>• Signed contract w/ landowner</li> <li>• Completed appraisal</li> <li>• Certification of Fair Market Value</li> <li>• Documentation that at least 50% of balance has been secured</li> <li>• Anticipated closing date within 12 months</li> </ul>	<p><b>3 or more</b> of the following:</p> <ul style="list-style-type: none"> <li>• Signed contract w/ landowner</li> <li>• Completed appraisal</li> <li>• Certification of Fair Market Value</li> <li>• Documentation that at least 50% of balance has been secured</li> <li>• Anticipated closing date within 12 months</li> </ul>
<b>Organizational reliability:</b> capacity, expertise & experience of sponsoring organization to complete the project	Organization has neither completed a project using PCF \$, nor has organization completed at least 5 land acquisition projects for conservation purposes	Organization has completed at least one project using PCF \$ <b>OR</b> organization has completed at least 5 land acquisition projects for conservation purposes	Organization has completed at least one project using PCF \$ <b>AND</b> organization has completed at least 5 land acquisition projects for conservation purposes
<b>Future stewardship plans:</b> does the future long-term owner have past experience implementing stewardship plans on other sites, and/or is a stewardship plan drafted for this site?	Future long-term owner has neither past experience implementing stewardship plans, nor has drafted a stewardship plan for this site	Future long-term owner has past experience implementing stewardship plans <b>OR</b> has drafted a stewardship plan for this site	Future long-term owner has past experience implementing stewardship plans <b>AND</b> has drafted a stewardship plan for this site