CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

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

MINUTES

MEMBERS IN ATTENDANCE: Sean Earlen (Chairman), Robert Barr, Ed Lloyd, Ed McGlinchey and Richard Prickett

MEMBERS ABSENT: Candace Ashmun and Paul E. Galletta

OTHER COMMISSIONER PRESENT: Mark Lohbauer

STAFF PRESENT: Executive Director Nancy Wittenberg, Stacey P. Roth, Susan R. Grogan, John Bunnell, Brad Lanute, Robyn A. Jeney, Paul D. Leakan and Betsy Piner. Also present was Nicholas Kant 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 9:35 a.m.

2. Pledge Allegiance to the Flag

All present pledged allegiance to the Flag.

3. Adoption of minutes from the April 28, 2017 CMP Policy & Implementation Committee meeting

Commissioner Barr moved the adoption of the April 28, 2017 meeting minutes. Commissioner McGlinchey seconded the motion. The minutes were adopted with all Committee members present voting in the affirmative.

4. Executive Director's Reports

Barnegat Township Ordinance 2017-12, amending Chapter 55 (Land Use) by adding condominium developments as a conditional use in the Neighborhood Commercial Zone

Mr. Leakan displayed on the SmartBoard the map from the meeting packet associated with the Executive Director's Report on Barnegat Township Ordinance 2017-12.

On the map, Ms. Grogan identified the C-N (Neighborhood Commercial) Zone within Barnegat Township's Regional Growth Area (RGA) as well as the Ocean Acres development directly to the south and the nearby Shoreline Sand and Gravel and Compass Point Redevelopment Area (for which the Redevelopment Plan was approved by the Commission at its May 12, 2017 meeting). Ms. Grogan said Barnegat Township Ordinance 2017-12 adds condominium development as a conditional use in that portion of the C-N Zone within the RGA. The ordinance requires that condominium development be located on property directly accessed by a county road, that the property is at least nine acres, that all units be age-restricted and limited to one- and two-bedroom units with a maximum density of 15 units per acre and that PDCs are mandatory for 25% of all units. There is no affordable housing requirement, which is unusual for a new RGA zone. Only a single property qualifies to meet the standards for this new conditional use.

Ms. Grogan said staff had worked closely with Barnegat Township in developing these standards, that no public comment had been received and that staff recommends approval of the ordinance.

In response to Commissioner Lohbauer's question regarding the impact of development on the flooding problems, Ms. Grogan said stormwater must be managed on site. She noted that to the south of Barnegat's Ocean Acres is the site where the Commission approved a basin to help deal with the flooding problem in the Stafford Township portion of Ocean Acres.

Commissioner Barr moved the recommendation to the Commission for the certification of Barnegat Township Ordinance 2017-12. Commissioner McGlinchey seconded the motion and all voted in favor.

Ocean County's Amendment to the Comprehensive Public Safety Tower Plan for Pinelands, revising the siting policy for proposed local communications facilities

Mr. Lanute made a presentation on Ocean County's amendment to the Comprehensive Public Safety Tower Plan for Pinelands (*Attachment B and on the Commission's web site at <u>http://www.nj.gov/pinelands/home/presentations/OIT%20Plan%20Amendment-</u>%20P&I%20Meeting%206.30.pdf and reminded the Committee that it had received an in-depth presentation on the public safety tower plan at its April 28, 2017 meeting. He presented a brief overview of the various comprehensive local communications facilities plans that the Commission has approved. He explained the siting policy that has been approved with each plan and that the search area of each siting policy is based on the radio frequency that the facility transmits and receives. He stated that the Comprehensive Public Safety Tower Plan for Pinelands represents county public safety facilities operating in the 700 MHz spectrum.*

Mr. Lanute said Ocean County had determined that the approved site for a public safety tower in Jackson Township's Patriot's Park was unsuitable as the land is on the Recreational and Open

Space Inventory (ROSI), which permits only recreation or conservation on such properties. The County has identified another site, the public works garage some 2.5 miles away from the park, and determined this to be a more suitable location. However, this other site is outside the approved one-mile search area. The County found that the search area was overly restrictive because of the relationship between the frequencies for public safety radio communications and the propagation distance at these frequencies. He said the amendments propose an expansion of the approved search area from a one-mile search radius to a three-mile radius as well as the addition of greater flexibility in siting a facility on developed, publicly-owned land. Mr. Lanute said that public agencies differ from private companies in that the counties generally want to site on existing publicly-owned developed sites rather than purchasing raw land for development of towers. He said that no new facilities are proposed under this amendment.

In response to questions from Commissioners Lloyd and Barr as to why the amended search area was not increased to five miles, such as for the first approved Plan in 1998, Mr. Lanute said staff felt that was too large an area because the signal propagation engineering is now more advanced and there is a broader understanding of the relationship between the service frequency and the search area. He said siting facilities on developed publicly-owned sites would provide flexibility to the counties that would not be available to the commercial providers. Furthermore, under the hierarchy of preferred management areas, public towers can be located on a site within the Management Area, or one less constrained, for which they were approved.

Ms. Grogan said it was unfortunate that staff had not recognized that the Patriot's Park site was on the ROSI when the Tower Plan was originally approved. . She said it is difficult for staff to do a detailed site analysis at the comprehensive plan stage. She said staff believes these amendments are a significant improvement to the Public Safety Tower Plan.

In response to Commissioner Prickett's statement that Ocean County could buy additional land to accommodate its new tower, Ms. Grogan said that was true, but the Commission is trying to promote the use of developed publicly-owned land.

Commissioner McGlinchey moved the recommendation to the Commission for the approval of Ocean County's amendment to the Comprehensive Public Safety Tower Plan for Pinelands. Commissioner Lloyd seconded the motion and all voted in favor.

5. Off-road vehicle activities in Wharton State Forest: consideration of a resolution providing guidance to the New Jersey Department of Environmental Protection

Ms. Wittenberg said the Commission has been discussing vehicle damage in the Wharton State Forest (Wharton) for two years. She said it had spent a considerable amount of time on this issue including a March 15, 2015 site visit with some Commissioners, various stakeholder meetings with the New Jersey Department of Environmental Protection (NJDEP) as well as multiple Commission and P&I Committee meetings. She said that staff had sent disturbed sites data to the NJDEP and had met with them regarding park protection. She said the "1997" USGS map of Wharton State Forest provided today (*on display in the meeting room*) was cobbled together from hand-drawn maps of various years because there is no one map dated 1997 that includes all

of Wharton. Ms. Wittenberg said that based on the draft resolutions prepared by Commissioner Lloyd, this is the map that can be used as a baseline for roads that exist in Wharton. She said Wharton is massive and there is a broad definition as to what is a road.

Commissioner Lohbauer said he had strong feelings about protecting Wharton. He thanked the staff and Executive Director for their efforts on this project. He said he hoped the P&I Committee would see fit to recommend that the Commission address this issue. He says the draft resolution included in the packet would allow the Commission to use its narrow authority to help enforce the protection of Wharton. He said although he was not a voting member of the Committee, he suggested that the title of the resolution be changed from "identifying to "designating" as follows (*Identifying Designating Roads within Wharton State Forest that are Appropriate for Recreational Use by Motor Vehicles*).

Commissioner Prickett said NJDEP currently uses the hand-drawn USGS maps to identify roads in Wharton, so this map must not be alien to them.

Ms. Wittenberg responded that NJDEP concurs that there is no single 1997 map that covers all of Wharton.

In response to Chairman Earlen's question if NJDEP had seen this composite map, Ms. Wittenberg said staff has seen the map but not the resolution.

Commissioner Barr observed that this map is just for the sake of the public and asked if Ms. Wittenberg anticipated receiving more feedback from NJDEP.

Ms. Wittenberg responded that the relationship with NJDEP staff was very good and there had been a lot of back-and-forth on various issues of common interest. She said she did not know how NJDEP would feel about the resolution but she thought staff could meet with the NJDEP Commissioner to discuss it.

Commissioner Prickett said he believed the language of the draft resolution reflects all the Committee's discussion and he didn't feel it contained any surprises.

Commissioner McGlinchey displayed his personal collection of USGS maps and said that there was no question that using USGS base maps was the correct thing to do as they are the most detailed. However, he said he still had a problem with designating every trail, road, firebreak etc. that appears on those base maps as appropriate for motor vehicles. He said he knew there were some instances that those roads dead-end right into sensitive areas and target the heart of the forest. He said he believed the Commission could designate sensitive areas, not so much roads, and said he didn't believe in giving *carte blanche* access to all the roads on the map. He said he was against the damage but didn't believe designating every jeep trail on this map would help resolve the problem. He said the Commission needs to focus on all the forests, not just on Wharton due to its notoriety. He said he had mixed emotions as to how to proceed.

Commissioner Lloyd said this is not perfect and he agreed that more should be done than just Wharton but not all the State forests could be addressed at once. He said this is a first step to help enforcement.

Commissioner McGlinchey said this map shows narrow trails that will indicate incorrectly that they are permissible for vehicular traffic.

Commissioner Lloyd said that Commissioner McGlinchey was looking for perfection to which Commissioner McGlinchey responded that he was looking for *areas* to designate, rather than roads.

Commissioner Lohbauer said he agreed that the Commission is trying to protect areas by allowing access only on designated roads. He said he believed the designated roads go *to* the sensitive areas, not *through* the sensitive areas. He said there is a problem if roads are not designated because law enforcement cannot defend its position against violators in court. He said there will be future modifications and roads might be opened or closed. He said staff has tried for years to overcome the objections of the public.

Commissioner McGlinchey said he agreed with the efforts but didn't believe it was appropriate to say everything on the map was an acceptable vehicle road. He said he did not believe the Commission should be designating any roads.

Commissioner Lloyd moved the recommendation to the Commission for the approval of a resolution providing guidance to the NJDEP regarding off-road vehicle activities in Wharton State Forest with the provision that the word "Identifying" be replaced with "Designating" in the title of the resolution. Commissioner Prickett seconded the motion.

Chairman Earlen said until he heard from NJDEP and the various interested parties regarding this resolution, he supported advancing the resolution to the full Commission for discussion but, was not yet convinced that this was the correct approach.

Ms. Wittenberg said she would seek a response from NJDEP before the next meeting.

The vote occurred with all voting in favor of advancing the resolution to the full Commission.

6. Pinelands Conservation Fund: 2017 Land Acquisition Round

Ms. Jeney said she would update the Committee on the 2017 round of Pinelands Conservation Fund projects and that a closed session would be required as most of these projects are not yet under contract. She made a presentation (*Attachment B to these minutes and posted on the Commission's web site at:*

http://www.nj.gov/pinelands/home/presentations/2017%2006%2030%20P&I%20meeting%20Pr oject%20Recs.pdf)

Ms. Jeney said that eight applications for funding had been submitted for the 2017 round, five in Ocean County and three in Burlington County. She reviewed the evaluation criteria that staff

applied when making its recommendations to the Committee noting that the threat from off-road vehicles (ORVs) and planned stewardship by the acquiring entity was a prominent new feature of this round. She said following the Committee's approval, a December 1, 2017 deadline would be imposed for securing complete appraisals, certification of market value, obtaining a signed contract with the landowner and executing the grant agreement with the Commission. She said one of the projects to be presented today was a contingency project (outside the pre-designated acquisition target areas) that required grant approval by the full Commission.

Ms. Roth read a resolution stating the Committee would meet in closed session to discuss land acquisition matters.

At 10:35 a.m., Commissioner Prickett moved that the Committee meet in closed session to consider allocation requests and staff recommendations. Commissioner Lloyd seconded the motion and all voted in favor.

The Committee then decided that it would hear public comment on agenda items prior to entering into closed session.

7. Public Comment on Agenda Items

<u>Ms. Paula Yudkowitz, a resident of Oaklyn, NJ, said she had attended many of these meetings</u> discussing damage from ORVs and she felt Chairman Earlen appeared not to have any interest in stopping the damage. She said every weekend hundreds of vehicles continue to damage the forest and asked how many impassioned pleas from the public were necessary to protect the area. She asked what the members of the public could do to secure the forest from this damage.

<u>Dr. Emile DeVito</u>, with New Jersey Conservation Foundation (NJCF), thanked the Committee for advancing the Wharton resolution to the full Commission. He said that designating roads for use by vehicles is the easiest way to designate areas that should be avoided. He said he agreed with Commissioner McGlinchey that some of the road sections on the proposed map run into sensitive areas and will need to be closed. Dr. DeVito also expressed concern with the routes that NJDEP has approved for Enduro events through sensitive areas that, over the last ten years, have led to documented destruction of pine snakes/nests and other habitat damage.

<u>Ms. Harriett Rola</u>, a resident of Haddon Township, NJ, said she was a Pinelands advocate and hoped the Commission would move swiftly to resolve the issues of ORV damage to the crown jewel of New Jersey's natural environment. She suggested that many of the roads through the forest be closed and restored to preclude public access.

Commissioner Prickett clarified that the Committee had just voted unanimously to move the resolution regarding road designation in Wharton State Forest for the consideration of the full Commission.

<u>Mr. Joe Morrison</u>, a resident of Waterford Township asked who owns the roads within Wharton State Forest, noting that West Mill Road, a gravel road intersecting Route 206 in Hammonton is

one of many roads whose jurisdiction was unclear. He said he felt the Commission needed that information.

Ms. Wittenberg said the roads have multiple owners, e.g. a county, a municipality or the State.

Commissioner Lloyd said he felt the issue was not one of ownership but of jurisdiction.

<u>Mr. Jason Howell</u>, with the Pinelands Preservation Alliance, said he felt if a map were created, it would provide the public with a great access opportunity. He said it is important to get more people out into the woods.

Ms. Wittenberg said she hoped the public could understand that sometimes taking action is not a matter of what the Commission wants to do but what it can do legally. If one reads the CMP, the language never says the Commission can designate "roads"; rather it can designate "areas." She said she doesn't want the public to think the Commission is avoiding a difficult issue; it is a matter of wanting a defensible document.

At 10:50 a.m., the Committee met in closed session.

Pinelands Conservation Fund: 2017 Land Acquisition Round (continued discussion)

At 11:20 a.m., the Committee reconvened in open session.

Ms. Jeney summarized the action that had taken place in closed session (*See Attachment B*), noting that the Committee reviewed 8 projects and approved three allocations with a deadline of December 1, 2017 to meet certain requirements. She said a fourth project, requiring full Commission authorization, was recommended for advancement for the Commission's consideration at its July 14, 2017 meeting. Ms. Jeney said if all projects are completed, the entire allocation of \$500,000 for the 2017 Round will have been expended.

In response to Commissioner Prickett's request for an update on the Pinelands Summer Short Course, Mr. Leakan said efforts were ongoing to boost enrollment for the July 27, 2017 event. He reminded the Commissioners that they are welcome to attend at no change.

In response to Commissioner Prickett's question for an update on the trees that had been cut at Harrisville Lake, Ms. Wittenberg said that she had spoken with NJDEP representatives and the tree cutting was associated with a dam safety project. NJDEP was to have notified the Commission in advance of such activities but had failed to do so. She said she should know more by the July Commission meeting.

In response to the statement by Commissioner Prickett that the Commission needed enforcement powers which he believed it once had, Ms. Grogan said, in the past, the Commission had sufficient staff to *identify* violators, but has never had enforcement powers.

Commissioner Lohbauer complimented Commissioner Prickett on the success of the June 24-25, 2017 Whitesbog Blueberry Festival.

Commissioner Prickett noted that the event has been a success for 34 years thanks to the thousands of hours of volunteer efforts.

There being no other items of interest, the meeting adjourned at 11:30 a.m. (moved by Commissioner Barr and seconded by Commissioner McGlinchey).

Certified as true and correct:

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Betsy Viner, Principal Planning Assistant

Date: August 9, 2017

Ocean County's Amendment to the Public Safety Tower Plan



Policy & Implementation Committee June 30, 2017

Local Communications Facilities (LCF)

Height Limits: RGA & Pinelands Towns = No limit Everywhere else = 35 foot limit

- Local Communications Facilities Regulations RGA and Pinelands Town N/A Everywhere else LCF up to 200 feet tall, provided that:
 - Demonstrate need

 - Colocation on existing suitable structures
 Design towers to accommodate other providers
 Siting standards for new towers

 - Comprehensive planning
 Applications for individual applications after plan

Summary of Comprehensive Plans

Background

Plan	Certified	Participants	
Cellular Plan	9/11/1998	Bell Atlantic Mobile; Comcast/Cellular One; Nextel	
PCS Plan	1/14/2000	Sprint; Omnipoint	
AT&T Plan	12/12/2003	AT&T	
T-Mobile Plan	11/10/2011	T-Mobile	
Sprint Plan	11/8/2013	Sprint	
Public Safety Tower Plan	5/11/2012	Pinelands Counties	

Public Safety Tower Plan

Commission Certified: May 11, 2012

Participants: Seven Pinelands Area counties

Purpose: Comprehensive plan for County facilities necessary to provide critical public safety communications coverage within the Pinelands Area.

Proposed Facilities: 49 total

- Phase 1 & 2 : 22 (1 built; 1 approved)
- Phase 3 : 27 (o built; o approved)

Siting Policy & Search Area

- Each LCF Plan has an approved siting policy
 - Acknowledges uncertainty of long-range plans
 Provides final siting flexibility with constraints
 - Bounded by the search area radius • Hierarchy of preferred management areas

LCE Dlass	Service Frequency	Search Area	Hierarchy
LCF Plan	(in MHz)	Extent (in miles)	Outside the
Cellular Plan	800	5	Pinelands
PCS Plan	1850-1900	0.5	RGA/PT
AT&T Plan	1850-1900	0.5	RDA, APA,
T-Mobile Plan	1850-1900	1	Select Villages
Sprint Plan	1850-1900	1	0
Public Safety Tower Plan	700	1	PAD, FA, SAPA, Select Villages

Ocean County Proposed Tower

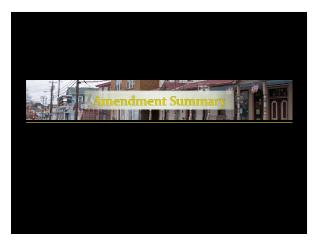


Ocean County Proposed Tower

Newly Proposed Site: County Roads Garage • Pinelands Village

• Meets coverage needs; less disturbance and visual impacts





Proposed Amendment

- It expands the extent of the search area for the final siting of a proposed facility from a 1-mile radius to a 3-mile radius.
- 2. It provides greater flexibility when siting a facility on developed, publically-owned land.

Proposed Amendment

- The amendment does not include any additional proposed facilities.
- Applies only to facilities proposed in the Public Safety Tower Plan.
- Applies to all of the proposed Phase 1 and 2 facilities within the Public Safety Tower Plan.



PCF 2017 Round of Applications

- April 4 2017: Commission announced grant availability to eligible entities
- eligible entities
 May 31 2017: 2017 PCF grant
- Staff reviewed and evaluated applications
- applications →Using authorized evaluation criteria
 - ightarrow Including site visits
- June 30 2017: Staff presents projects recommended for PCF allocations to P&I Committee for approval





- 8 applications submitted:
- OCNLT, Ocean County 5
- NJCF, Burlington County 1
- Rancocas Conservancy, Burlington County – 1
- TPL, Burlington County 1



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Evaluation Criteria

- Project size
- Contiguity with other permanently protected lands
- Habitat quality
- Protection of headwaters
- ORV damage threat & planned stewardship
- Project feasibility





Today's Recommendations

Following the Committee's approval to allocate funds, a **December 1, 2017** deadline will be imposed to:

- Complete appraisals
- Obtain certification of fair market value
- ♣ Sign contract with

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landowner; and

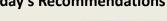
Execute grant agreement.

Deadline extensions are permissible, with the Committee's approval.



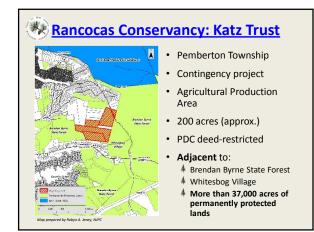
Today's Recommendations

If the Committee agrees, one project requires grant approval by the full Pinelands Commission, due to its location outside of a pre-designated target area.



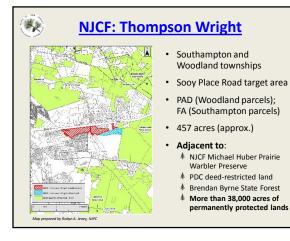


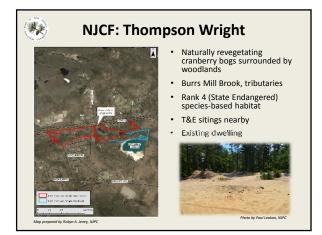




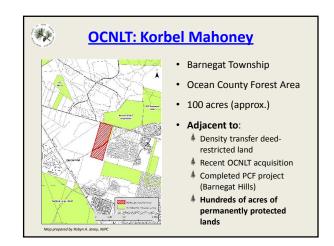


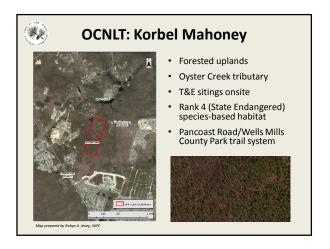


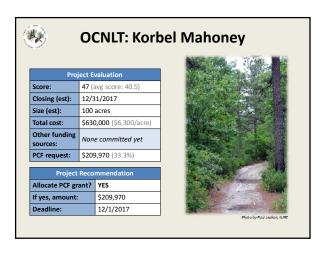


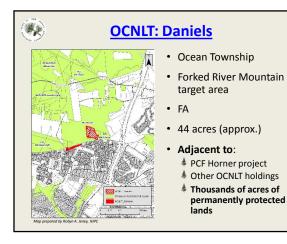


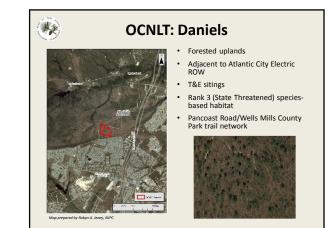
NJCF: Thompson Wright					
Pro	ject Evaluation	1	1 Martin Sta		
Score:	49 (avg score:	40.5)			
Closing (est):	Early 2018				
Size (est):	457 acres				
Total cost:	\$512,500 (\$1,121/acre)				
Other funding	Green Acres:	\$86,000			
sources:	Open Space Institute:	\$99,537			
PCF request:	\$169,000 (33%)				
Project	Recommenda	tion	A REAL PROPERTY AND		
Allocate PCF gr	ant? YES		FUELS AS		
If yes, amount:	\$169,00	0	A BALLAND TO THE REAL		
Deadline:	12/1/2017				
			Photos by Paul Leokan, NJPC		

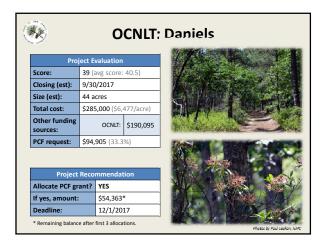


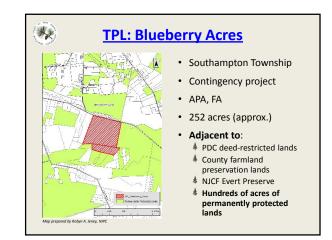


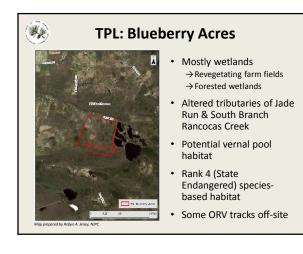


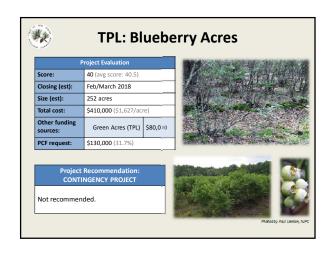








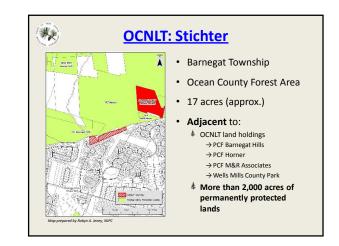


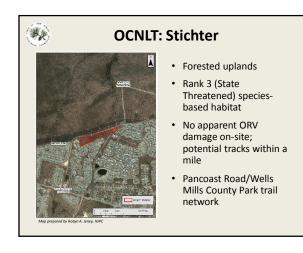


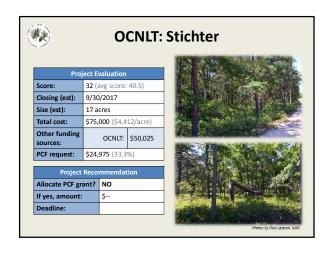


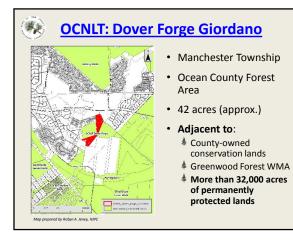
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۲	OCNLT: J&M Land					
Pro	ject Evaluation					
Score:	36 (avg score: 40.5)		See 6 2 Contract of Part			
Closing (est):	7/14/2017					
Size (est):	30 acres					
Total cost:	\$70,000 (\$2,333/acre)		78 10 State 1			
Other funding sources:	OCNLT:	\$46,667				
PCF request:	\$23,333 (33.3%)					
Project	Recommenda	tion				
Allocate PCF gr	ant? NO					
If yes, amount:	\$					
Deadline:						
			Photo by Paul Leakan, NPC			



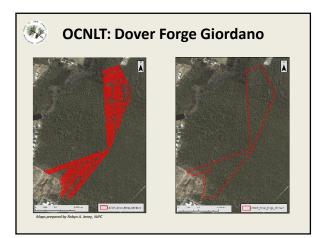


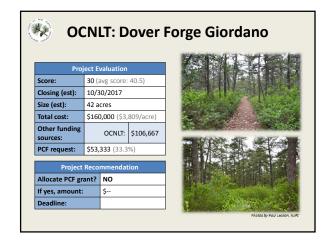




OCNLT: Dover Forge Giordano Mostly forested uplands

- No tributaries or headwaters
- Hundreds of lots
- Street vacation
- Rank 4 (State Endangered) speciesbased habitat







Following the Committee's approval to allocate funds, a **December 1, 2017** deadline will be imposed to:

- Complete appraisals;
 Obtain certification of fair market value;
- market value;
 \$ Sign contract with
- landowner; and

Execute grant agreement.
Deadline extensions are

permissible, with the Committee's approval.



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Today's Recommendations

Following the Committee's recommendation, one project will be presented to the full Pinelands Commission for grant approval at its July 14, 2017 meeting.

The same December 1, 2017 deadline will apply.



Approve Recommendations?

Funding recommendations:

- OCNLT's Korbel Mahoney and Daniels projects
- NJCF's Thompson Wright project
- Rancocas Conservancy's Katz project (contingency)







