

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING
15 Springfield Road
New Lisbon, NJ

November 30, 2012 – 9:30 a.m.

MINUTES

MEMBERS IN ATTENDANCE: Leslie Ficcaglia, Robert Jackson, Richard Prickett, and Candace Ashmun (1st Alternate)

MEMBERS ABSENT: Chairman Mark Lohbauer and Paul E. Galletta

STAFF PRESENT: Executive Director Nancy Wittenberg, Larry Liggett, Susan Grogan, Stacey Roth, Paul Leakan, Robyn Jeney, and Betsy Piner

Acting Chairman Ficcaglia called the meeting to order at 9:32 a.m.

1. Adoption of minutes from the October 26, 2012 CMP Policy and Implementation Committee meeting

Commissioner Ashmun moved the adoption of the minutes of the October 26, 2012 CMP Policy and Implementation Committee meeting (open and closed sessions). Commissioner Jackson seconded the motion and all voted in favor.

2. Executive Director's Reports

Evesham Township Resolution PB-12-06, Approving the 2012 Master Plan Reexamination and Amendment for the Pinelands Area and May 2012 Open Space and Recreation Plan, and Ordinance 20-7-2012, Amending Chapter 160 (Zoning) of the Township's Code in response to amendments to the Pinelands CMP related to forestry, wetlands management, and residential cluster development in the Pinelands Forest and Rural Development Areas

Ms. Grogan said that these documents constituted the response to the three sets of CMP amendments (forestry, wetlands management, and residential cluster development in the Pinelands Forest and Rural Development Areas) with two variations from the rules. She reviewed the map (Exhibit #1) provided with the Report and identified the location of the Black Run watershed. She noted that this was an area identified in the Southern Medford/Evesham Plan (*A SUB-REGIONAL NATURAL RESOURCE PROTECTION PLAN for Southern Medford/Evesham, April 2006* <http://www.state.nj.us/pinelands/landuse/perm/medeve.html>), (the Plan), as worthy of protection. The Plan offered numerous zoning and acquisition recommendations. Evesham Township Ordinance 20-7-2012 does not adopt those specific recommendations but incorporated others designed to achieve the same objectives.

Ms. Grogan said that the Ordinance provides for the clustering of residential development on 1-acre lots everywhere in the Forest and Rural Development Areas but allows for the bonus density only in cluster development outside the Black Run watershed. This serves as an incentive to locate the development area outside the Black Run. The second change allows density to be

achieved using non-contiguous parcels, as a further incentive to locating development outside the Black Run watershed.

Ms. Grogan noted that the Commission had received much support for the ordinance as evidenced by the comments included in Exhibit #2.

Commissioner Ashmun's stated that she was encouraged to see the results of the Plan finally happening. She asked if other recommendations would also be implemented.

Ms. Grogan responded that the municipality might consider rezonings and acquisition projects. Staff will continue to work with the Township on any such changes. Also, as part of the Plan Review process, the Commission might consider management area changes that could help the Township further. She also clarified for Commissioner Ashmun that one can build within the watershed but no bonus densities will be applied.

Mr. Liggett added that Evesham Township supports management area changes. In response to questions from Commissioner Prickett, Mr. Liggett said that the Black Run itself has almost no development.

Commissioner Prickett said that he was pleased to see how many members of the public had written in support of the ordinance.

Commissioner Prickett moved the recommendation to the full Commission of certification of Evesham Township Resolution PB-12-06 and Ordinance 20-7-2012. Commissioner Jackson seconded the motion and all voted in favor.

Mr. Liggett noted that a landowner with property in the Black Run has sued the Township over this ordinance.

3. Pinelands Conservation Fund

At 9:42 a.m., Mr. Michael Catania, with Conservation Resources, Inc. the Commission's consultant for land acquisition through the Pinelands Conservation Fund, joined the meeting by telephone to discuss the request from The Nature Conservancy for the advancement of funds prior to settlement for the Lenape Farms project. He said that he had signed copies of the agreements and all was in place for closing to occur by the end of the year. He said that he was pleased to recommend that the Committee provide the funding and that it would be placed in an escrow account to be held by CRI until settlement.

Commissioner Ashmun moved the approval of advance funding to The Nature Conservancy for closing on the Lenape Farms land acquisition project. Commissioner Prickett seconded the motion and all voted in favor.

Following the vote, Mr. Catania disconnected from the meeting.

4. Alternate Design Treatment Systems Pilot Program

Mr. Wengrowski gave a brief review of the *2012 Implementation of the Alternate Design Treatment Systems Pilot Program Report* (included as a packet item). He said that two of the pilot systems, Cromaglass and FAST, cannot be installed after August 5, 2013. These are two systems that have been working to meet the 14 mg/l total Nitrogen in final effluent standard through a series of retrofits. There seems to be some improvement in treatment system performance and the Executive Director has recommended that their participation in the pilot program be extended until August 5, 2016. This date will coincide with the authorization date of the four new recently authorized systems (Bio-Barrier, Busse GT, Hoot ANR and SeptiTech) and would provide Commission staff the opportunity to continue to review effluent monitoring. He said that if the FAST and Cromaglass systems cannot meet the standards for one-acre lots, ultimately they might be approved for lots greater than an acre, depending upon the efficiency of their Nitrogen removal systems. This is similar to the approval granted to the Ashco RFS systems on lots of at least 1.5 acres

Commissioner Ashmun stated that the intent of the pilot program was not to create new 1-acre lots, just to serve existing 1-acre lots.

In response to questions from Commissioner Prickett, Mr. Wengrowski said that Nitrogen in water has detrimental health impacts on humans and the environment but no impact in the air. These innovative treatment systems utilize aerobic and anaerobic processes to remove the Nitrogen from the effluent and release it into the air.

Ms. Grogan said that staff would draft a formal rule proposal related to extending the installation period to present to the Committee early next year.

5. Public Comment

Mr. Fred Akers, with the Great Egg Harbor River Council, congratulated the Commission on the Lenape Farms open space acquisition, noting its benefit to the Great Egg Harbor watershed. Also, he expressed concern about the reliance on Homeowners' Associations if they are responsible for the maintenance/protection of open space associated with clustered development. He said that particularly for the larger projects, the responsibility for open space and stormwater management issues could become burdensome to these Associations. He said that some municipalities, including his own home town, Buena Vista Township, have not had experience with Homeowners' Associations. Perhaps the obligations of such Associations should be established by the developers before construction of their projects begin.

Commissioner Ashmun stated that she felt because the clustering rules provide a number of options for municipalities to use in determining how to manage the open space, she did not feel it was the Commission's authority or obligation to determine how Homeowners' Associations are established. The municipalities can choose to manage it themselves if they are concerned about such Associations.

Ms. Grogan said that a number of towns have expressed concerns with Homeowners Associations and some would prefer to take control of the open space themselves. Also, several municipalities recognize the difference between a small cluster of perhaps only four homes vs. a large residential project.

Commissioner Prickett suggested that perhaps the Pinelands Municipal Council (PMC) could share experiences regarding stormwater basin management through Homeowners Associations.

From the audience, Mr. Jay Mounier, Franklin Township resident, said that it is likely that the League of Municipalities is a better resource than the PMC as they have more extensive experience with major development than do any Pinelands municipalities

6. Other Items of Interest

There being no additional items of interest, the meeting adjourned at 10:04 a.m. (moved by Commissioner Jackson and seconded by Commissioner Ashmun).

Certified as true and correct:

Betsy Piner, Principal Planning Assistant

Date: December 6, 2012

Adopted by the CMP Policy and Implementation Committee January 4, 2013.

/CS15A