Adopted March 24, 2016

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

Richard J. Sullivan Center
Terrence D. Moore Room
15 C Springfield Road
New Lisbon, New Jersey
February 26, 2016 - 9:30 a.m.

MINUTES

MEMBERS IN ATTENDANCE: Sean Earlen (Chairman), Candace Ashmun, Paul E. Galletta, Mark Lohbauer, Ed Lloyd, Richard Prickett, Joe DiBello (1st Alternate) and Ed McGlinchey (2nd Alternate)

STAFF PRESENT: Executive Director Nancy Wittenberg, Susan R. Grogan, Charles Horner, Stacey Roth, Robyn Jeney, Brad Lanute, Paul D. Leakan, and Betsy Piner. Also present was Chris Howard with the Governor's Authorities Unit.

Chairman Earlen called the meeting of the Policy and Implementation (P&I) Committee to order at 9:32 a.m.

Ms. Roth announced the presence of a quorum of the Commission and read the Open Public Meetings Act statement. She said that P&I is an advisory committee of the Commission and it will not be taking any action on behalf of the Commission, other than that authorized regarding permanent land protection. Also, the alternates will not be able to vote in order to ensure that there isn't a quorum vote.

1. Adoption of minutes from the January 29, 2016 CMP Policy & Implementation Committee meeting

Commissioner Lohbauer moved the adoption of the January 29, 2016 meeting minutes. Commissioner Prickett seconded the motion. The minutes were adopted with all Committee members voting in the affirmative.

2. Manchester Township Ordinance 15-009, amending Chapter 245 (Land Use and Development) of the Township's Code by eliminating affordable housing zoning designations and adopting a revised zoning map

Ms. Grogan said that Manchester Township Ordinance 15-009 is the second iteration of an ordinance the Township had been working on for some time to make a number of edits and revisions. She said the ordinance had been adopted previously but this version was the second attempt to adopt a revised zoning map, required to correct some notice issues in the earlier version. Of primary interest to the Commission are two small management area changes in the Pinelands Area that will correct some mapping discrepancies that have occurred over the years.

Ms. Grogan directed the Committee to the Exhibits in the meeting packet while Mr. Leakan posted them on the Smart Board. She said Exhibit #1 shows a parcel in the Pinelands Village (PV) of Beckerville that Township maps have shown as split between PV and the Preservation Area District (PAD), with that boundary going through the middle of a track on a horse farm. The correction moves the entire property into the PAD, consistent with the zoning originally certified by the Commission. This apparent mapping error involved roughly 20 acres. She said that if the parcel had instead been moved into PV, that would have raised issues as to how much potential future development could be allowed in the Village.

Ms. Grogan said the second management area change involves the boundary between the Pinelands Town of Whiting and the Forest Area (FA) on a small strip of land along the border between Manchester and Berkeley townships. She said when the Commission certified Manchester's master plan and land use ordinances in 1983, this narrow strip of land was deliberately kept in FA to prevent any potential land use conflicts between the densely developed retirement communities in Manchester and adjacent privately-owned lands in Berkeley's FA. Ms. Grogan said that the Berkeley side of the line is now permanently preserved State-owned open space so no further development will occur there. The adjacent strip of land in Manchester is restricted as common open space associated with two existing retirement communities. Ordinance 15-009 will rezone that strip of land from Manchester's FA to the Whiting Town Retirement Community Zone. She said this change involves about 30 acres and having the lots in one Pinelands management area and one zoning district will simplify the administration of the zoning map. She said staff supports this management area change.

Commissioner Ashmun noted that the maintenance of that FA strip in Manchester had been absolutely intentional at the time.

In response to Commissioner Ashmun's questions regarding the language of the easement for that strip of land, Ms. Grogan said staff would try to obtain it.

In response to Commissioner Galletta's question regarding the zoning in Whiting, Ms. Grogan said the Retirement Community Zone permits 5-6 units/acre.

In response to the concern of some Committee members that once this land was in the Town management area, additional development might occur, Ms. Grogan said that was an unlikely scenario as it would require filing an application with the Commission and shifting the common open space elsewhere on the property as required by the Township.

Commissioner Ashmun said the economics of these retirement communities depend upon volume.

Ms. Grogan said that land had served its purpose at the time, no new homes are being built in this area and staff believes that this change will not lead to new development.

Commissioner Ashmun moved the recommendation to the Commission of the certification of Manchester Township Ordinance 15-009. Commissioner Lohbauer seconded the motion.

Commissioner Prickett noted if the homeowners' association owns the easement on this strip of land, it is unlikely there will be any development pressure. However, if some other entity holds it, then there might be an interest in building more units.

Chairman Earlen said the motion was conditioned on staff trying to find the ownership and provisions of the easement. The vote occurred with all voting in favor.

Ms. Grogan said she would try to find that information.

3. Plan Review Recommendations - Update on Pinelands Development Credit enhancement proposal

Mr. Liggett made a presentation updating the Committee on the Pinelands Development Credit (PDC) enhancement proposal *(Attached to these minutes and located at:* http://www.nj.gov/pinelands/home/presentations/PDC%20Enhancements%20Presentation%20--%20February%2026,%202016.pdf

Mr. Liggett provided a background to the concern with maintaining the supply/demand balance for PDCs. He said the initiative started in 2005 when staff found that the supply of PDCs would exceed demand, meaning that some PDCs might never be used. He said recent estimates indicate that there is a supply of 6,800 rights but a demand for only 4,900. He said the tendency has been for builders to develop at only 60% of zone capacity, so PDCs are not being used. A proposal was developed in 2009 and approved by the P&I Committee but never moved forward under the new administration. He said there needs to be more places for rights (1 PDC=4 rights) to be used in order to achieve the fair balance needed to make the program work. He said over the past two years he has been meeting with various interest groups to discuss issues and options.

Mr. Liggett discussed the benefits and concerns with the 2009 proposal.

Mr. Liggett said, originally, the use of PDCs was optional; the current thinking is that their use should be mandatory. He said one technique, a sliding scale obligation, is a way to encourage the use of PDCs as the greater the density, the lower the PDC obligation with affordable housing projects needing very few PDCs as they tend to be built at the highest densities. This technique is simple, straightforward, and would allow the cost of the PDCs to be spread over all the units in a project. He said the municipality sets the cap on the number of units but, within the zone, the developers can determine the density at which the project is developed. With this proposal, the cap on residential density in RGAs is eliminated and the municipalities can more easily rezone for higher density projects such as mixed use and affordable housing.

Ms. Grogan said the current price per right is around $8,500 and has been falling.

Mr. Liggett said that, in the past, the PDC price had been as high as $40,000 per right.

In response to Commissioner Lohbauer's question regarding 100% affordable housing projects, Ms. Grogan said that generally it is the municipalities that sponsor affordable housing projects, rather than the developers. The sliding scale would be required for all market-rate units but not

for affordable units, so there would be no PDC obligation for a 100% affordable project. Some towns are in favor of this.

Commissioner Lohbauer said incentivizing 100% affordable housing may contribute to the isolation or segregation of affordable housing. Most think that it is preferable to incorporate affordable units within a market rate development.

In the final slides of his presentation, Mr. Liggett described how the current proposal differs from the 2009 version including: 1. Increasing on-site development flexibility to help builders meet density by allowing a variety of housing types and changes to the bulk standards; 2. eliminating mandatory use of PDCs for commercial development as municipalities believe it puts them at a competitive disadvantage in seeking ratables; 3. reducing the maximum PDC use from 60% to 50%; 4. reducing "rounding up" on small projects; 5. eliminating, for now, the addition of a Forest Area sending area; and 5. ensuring that old or expired approvals are subject to the new PDC requirements.

Mr. Liggett said Ms. Roth has, over the years, investigated how the Commission should deal with old approvals, some of which are for very large projects.

Ms. Roth referenced the case of D.D. Residential in Hamilton Township, noting that approvals by municipalities do not expire unless zoning has changed. In this situation, the project had an approval in 1980 with an obligation of 45 full PDCs. A portion of the project was completed and some years passed. When the project resumed, Hamilton Township issued its approvals despite many changes to the project. The Commission called up these approvals and ultimately the case went to the Office of Administrative Law (OAL). Ultimately the Commission prevailed (*in 2013).*

Mr. Liggett said that if the rules had allowed that approval to expire, the Commission would have been spared that lengthy dispute. He noted that some towns are generous in granting lengthy extensions or otherwise recognizing the continued validity of decades-old approvals. This has a negative impact on the PDC program. In concluding the presentation, he said that staff wants to draft rules, seek the approval of the Governor's office and propose amendments. He added that the builders had appreciated the time spent with them, but concerns linger.

In response to Commissioner Lloyd's question if he had done an economic analysis regarding PDCs for commercial development, Mr. Liggett said not since 2009. He said commercial developers feel that a PDC obligation by itself is not big but it is one of many fees that are imposed upon them.

Commissioner Lloyd asked Mr. Liggett to share the 2009 analysis with the Committee.

Mr. Liggett responded that the proposal had been for a PDC obligation on projects with more than 60% impervious surface.

Ms. Grogan said the proposal was for a PDC bonus system and would not have impacted many Pinelands commercial projects because they are not that intense.

Mr. Liggett said it is big shopping centers and warehousing that would be most affected.

In response to questions from Commissioner Ashmun, Mr. Liggett said, yes, municipalities could buy PDCs in order to facilitate a project and also that redevelopment ordinances are considered rezonings and PDCs have to be a part of the mix.

Ms. Grogan added that if a town has a redevelopment area in the RGA, any residential component will require PDCs; under this proposal, the sliding scale would apply to all RGA residential development. She said most municipalities doing redevelopment know that they must explicitly include language for density and PDC obligations.

Commissioner McGlinchey said that business growth is very lackluster and there is no interest in investing money in PDC purchases now. Those holding large blocks of PDCs are holding on to them as an investment and looking for them to go back to $30,000+ per right. He said the builders don't pay for PDCs; the home buyers do. He said many farmers pre-Pinelands, wanted to sell their farms for retirement money. Since the value of PDCs is a principal value of the land, he said he wanted to see their interests protected. Farming is difficult enough.

Commissioner McGlinchey said it seems that the Commission spends a lot of time and effort on Plan amendments only to have them terminated. He said he didn't know how the Commission could get around being treated like "stepchildren."

Commissioner Lohbauer said he supported the proposed changes to the PDC program, He said he agreed with the Chairman that PDCs constitute an added cost to a commercial project but the Commission needs to think about what sort of commercial development it wanted to foster in the Pinelands. He said he believed mixed use should be incentivized to allow communities to become self-sustaining and that commercial development should support the local community. One needed to look at the kind of commercial development that should be encouraged.

Mr. Liggett said staff has found that most commercial development in the Pinelands is "service to rooftops." He said some mixed use development has been seen recently but it is doubtful that the Pinelands will see much in the way of warehousing or industrial development.

Mr. Liggett said, unless this Committee wants staff to back and look at commercial development, that is not going to be pursued but staff will move ahead with this current proposal.

The Committee agreed that staff should proceed with the current proposal.

4. Pinelands Conservation Fund

At 10:48 a.m., Chairman Earlen stated he was recusing himself and that Commissioner Galletta will chair this portion of the meeting. Chairman Earlen left the room.

Ms. Jeney updated the Committee on the status of the Pinelands Conservation Fund (PCF) 2015 Round of Acquisitions *(The Slide presentation is attached to these minutes and also available at*: http://www.state.nj.us/pinelands/home/presentations/2%2026%202016%20P&I%20meeting%20PCF%20or%20website.pdf). She summarized the background of this current round and announced that two of the five projects have not only met their February 29, 2016 deadlines but had closed in December, 2015. The Toms River Ridgeway-Fagan project is an 11-acre parcel in Jackson Township's Forest Area, adjacent to more than 8,000 acres of permanently protected lands. The Deetz project is a 61-acre project in Barnegat Township's Forest Area and adjacent to more than 32,000 acres of permanently protected lands. The Ocean County Natural Lands Trust is the applicant for both those projects and the grants will be paid upon receipt of the filed deed of conservation restriction (DCR).

Ms. Jeney said a third project, the Bear Swamp Headquarters, for which the applicants are the Trust for Public Land and the Rancocas Conservancy, has a contract and appraisals but, due to a staffing problem at Green Acres, has not yet received the Certified Market Value nor the required grant agreement. Staff is recommending an extension be granted to meet these two requirements until June 30, 2016 for this 413-acre project in Southampton and Tabernacle townships, adjacent to more than 100 acres of permanently protected lands.

In response to Commissioner Ashmun's question regarding stewardship of the protected lands, Ms. Jeney said that there are a limited number of entities authorized to enter into these PCF agreements; Ms. Grogan added that stewardship is part of the DCR.

Ms. Roth said since the Bear Swamp project is under contract, it could be discussed in open session.

Commissioner Lohbauer moved the granting of an extension for the Bear Swamp project to receive certification of market value and an executed grant agreement until June 30, 2016. Commissioner Ashmun seconded the motion and all agreed. (*Commissioner McGlinchey was out of the room at this time.)*

Ms. Jeney said the other matters would require the Committee to meet in closed session.

At 11:00 a.m., Commissioner Prickett moved that the Committee meet in closed session to discuss matters related to land acquisition. Commissioner Lloyd seconded the motion and all voted in favor.
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Members of the public left the room.

At 11:17 a.m., the meeting resumed in open session.

Ms. Jeney concluded her slide presentation noting that the Committee had granted extensions for two additional projects until June 30, 2016.

5. Public Comment

Ms. Marilyn Miller (Toms River, NJ) said she liked the presentation on preserving land and noted that the Freeholders never mention the source of funding for their land acquisition projects. She said there is no available affordable housing other than the type shown during the Manchester presentation, that senior developments are not environmentally friendly based on the landscaping techniques used (mowing, pesticides, etc.) and that there needs to be a moratorium on building new houses while there are old houses in need of rehabilitation.

Mr. Jason Howell, with the Pinelands Preservation Alliance, noted that he had seen a bald eagle in Chatsworth on his way to this meeting. He noted that, thanks to an aggressive eagle management plan, the once nearly extinct bird has made a tremendous recovery. He asked what chance of survival has Hirst's panic grass when it is being annihilated by off-road vehicles and there is no plan to protect it.

Ms. Margo Pellegrino, a resident of Medford Lakes, asked on behalf of Ms. Marianne Clemente (who had left the meeting) why Commissioner Lohbauer had relinquished his position as Committee chairman.

Commissioner Lohbauer said that the Commission chairman assigns committee membership and chairmanship.

Ms. Pellegrino held up a newspaper article from the New York Times regarding "buyer's remorse" in relationship to gas pipelines: http://www.nytimes.com/2016/02/26/business/dealbook/once-a-coup-energy-transfer-deal-becomes-a-nightmare.html?_r=0. Also she said she echoed the comments of Ms. Miller regarding the need to refurbish existing housing and that the abuse by vehicles in Wharton State Forest needs to be stopped.

Ms. Jennifer Dixon, with Open Trails NJ, said the problem with Wharton State Forest ("Wharton") is the failure to maintain established roads. She said the roads need to be repaired properly, with sand, not with clay and gravel. Also, she said that the forest should not be privatized, nor should fee-based tours be allowed.

Ms. Apolonia (Pola) Galie, a resident of Medford, NJ, said caring for Wharton requires a holistic approach stressing information, education and volunteering. She said all the interest groups should deal with the damage/violation issues jointly.

Mr. Jay Mounier, a resident of Franklinville, Gloucester County, referenced Mr. Liggett's presentation of the PDC enhancements and said that he had not come close to explaining the complaints of those PDC landholders. He said that basic problem is that the threshold for the use of PDCs on a project was established above the existing market demand so builders have built at lower density. Because of that, much of the RGA is built out with no PDCs use at all. He said that landowners and PDC holders have been deprived of the full use of their lands for more than 35 years and the complaint is that they cannot use their lands to full potential. He said the commercial builders are concerned about the "Pinelands tax," and find it cheaper to develop

outside the Pinelands. The farmers are getting tired of being the only ones to pay the bill to preserve the resources.

Ms. Miller said that she would like to see the forest trails maintained for foot traffic.

6. Other Items of Interest

Wharton State Forest Motorized Access Plan (MAP)

Ms. Wittenberg said that staff was setting up a tour for Commissioners with Wharton Superintendent Rob Auermuller to see the damage to the forest from ORVs for themselves. She said that Chief Scientist John Bunnell and other Commission staff would be accompanying the Commissioners. She said that NJDEP had offered to return to provide an update on the success of their enforcement sweeps and interest in restricting areas based on environmental sensitivity.

Chairman Earlen asked what the Commission's role would be in restricting environmentally sensitive areas and noted that it was encouraging that NJDEP was looking into it since enforcement is their responsibility.

Commissioner Ashmun said she knew the intent and the words in the CMP and it seemed to her that the Commission has jurisdiction over the use of the land. She said she wanted to hear from NJDEP but asked that all Commissioners read the recreation section of the CMP. She said the Commission has responsibility of determining where vehicles can go.

Commissioner Lloyd said he felt the Commission should be more focused on policy, citing the provisions of 7:50-6.143(a)3:

The Commission shall from time to time designate areas which are inappropriate for use of motor vehicles. Such designation shall be based upon the following considerations and upon consultation with the New Jersey Department of Environmental Protection and other interested persons:

i. A need to protect a scientific study area;

ii. A need to protect the location of threatened or endangered plant or animal species;

iii. A need to provide a wilderness recreational area;

iv. A need to prevent conflicts with adjoining intensively used recreational areas;

v. A need to protect historic or archaeological sites;

vi. A need to protect critical wildlife habitats;

vii. A need to address a situation of public health and safety;

viii. A need to protect extensively disturbed areas from further impact; and

ix. The extent to which such road closure would substantially impair recreation access to and uses of surrounding resources.

Commissioner Lloyd said he believes any area not mapped on a current topo map is inappropriate for motorized vehicle use.

Chairman Earlen said he had no interest in closing roads but did want to look at protecting environmentally sensitive areas.

Commissioner Lohbauer said he thought Commissioner Lloyd was saying that motorized vehicles should be restricted to "roads". That will allow all those who say they are responsible to use the forest. He said he thought that it would be a great first step in protecting Wharton and that he didn't think there would be much dissent.

Chairman Earlen says the question becomes which roads and what map should be used.

Commissioner Lohbauer said as currently there are no restrictions whatsoever, the current topo map should be the map of choice.

Commissioner McGlinchey said that the caveat is that once the Commission steps in as the "lead" agency, the NJDEP might very well step back and hand over the responsibility of the roads to the Commission. He said that education and enforcement to back up the regulations are needed.

Commissioner Galletta said that on his farm, trespassing with all-terrain vehicles is an ongoing problem and he believed the law needed to be fixed.

Ms. Roth said there is nothing in the CMP regarding ATVs; it is motor vehicles that are addressed.

Commissioner Lloyd said the Commission has an obligation to select a map and set rules in place.

Ms. Roth said this provision has never been implemented and staff has asked the Attorney General's office for guidance.

Commissioner Lloyd said that the Commission has been told that it needs to exercise its authority to protect the environmentally sensitive areas.

Ms. Wittenberg said that staff is concerned with establishing an appropriate process.

Commissioner McGlinchey said there are many ticketable offenses such as erecting permanent tree stands, leaving debris, etc. that can be enforced on State lands.

Commissioner Ashmun said there are specific provisions in the CMP that reflect both the Federal and State acts. She said she agreed with Commissioner Lloyd; the Commission has a responsibility to do its job.

Chairman Earlen said dealing with trespassing requires significant enforcement powers, which NJDEP has and they should take the lead.

Commissioner Ashmun said the provisions within the CMP are specific to public lands.

Chairman Earlen said the Commission needed a law and signage to enforce.

In response to questions from Commissioner Prickett, Ms. Roth said the Division of Parks and Forestry has regulations and restrictions to enforce.

Ms. Wittenberg said she thought it best to have NJDEP address these issues; the Commission's role will be to determine where vehicles can go.

Ms. Roth said she wanted to make sure that the Commission followed due process. NJDEP might then have to adopt regulations.

In response to Commissioner Prickett's earlier questions about enforcement, Commissioner Lloyd said yes, a ticket has to be issued citing the violation of a particular provision of the law.

Chairman Earlen said the Commission needs to talk with NJDEP and make sure any road closure efforts have teeth.

In response to Chairman Earlen's question about enforcement, Ms. Roth said that normally, the Commission adopts amendments and the municipalities must then incorporate them into their regulations. Enforcement then becomes a municipal responsibility.

Commissioner DiBello said, from a Federal perspective, when it comes to issues of planning and enforcement, the Commission needs to identify those areas where vehicles can and cannot go and then reach an agreement with other entities for enforcement.

Commissioner Lloyd said he proposed the 2014 topo maps.

Commissioner Lohbauer said the Commission can set policy and NJDEP can do enforcement. He said he believes the Commission has an obligation to do something to protect the forest and to get the process started.

Commissioner Lloyd said he'd like to see a resolution on the next Commission agenda to get the process expedited.

Commissioner Ashmun added that this is an urgent matter.

Chairman Earlen said he believed a resolution was premature. He said he wanted to hear from NJDEP first on the status of its efforts.

Commissioner Lloyd said a resolution would provide the Commission with some parameters to discuss.

Affordable Housing

Chairman Earlen asked Ms. Wittenberg for an update regarding affordable housing issues.

Ms. Wittenberg, said that staff was having discussions with the Attorney Generals' office determining what to send to whom (courts? masters?) regarding the Commission's concern with the number of affordable units being proposed by various entities for the Pinelands Area.

Chairman Earlen suggested that a letter be sent to the municipalities.

Ms. Roth said that in the past the courts have sought the Commission's advice and Ms. Grogan had been involved with some of the special masters.

Ms. Grogan said she concurred with sending letters to the municipalities but, she added, it is not the municipalities that cause concern. She said, by and large, the municipalities know the rules, they know what they can and cannot do, they know what an RGA means, etc. She said the concern is with the other entities involved as one doesn't know how much they understand about the Pinelands.

Ms. Roth said these masters are not necessarily ones who are familiar with the Pinelands and with whom staff has dealt in the past. During the ensuing discussion, Ms. Roth noted that a letter to the municipalities can remind them that the Commission is available as a resource.

Commissioner Lloyd said he was not sure it was appropriate to reach out to the courts. He said for the past 40 years there has been a conflict between affordable housing and environmental protection. He suggested that Fair Share Housing be invited to meet with the Commission and discuss the numbers; he said based on the number of units they are proposing, they have given no consideration to environmental concerns.

Chairman Earlen said he thought the municipalities, since they are already involved, should be contacted immediately and asked to provide input to the court on behalf of the Commission.

Ms. Wittenberg added that the courts need to know that there are certain constraints imposed by the Commission's rules that must be taken into account before they start assigning numbers.

Commissioner Lloyd said housing is a constitutional obligation and the Commission needs to get its information before the court immediately.

Ms. Grogan said if the masters are unaware of Pinelands regulations, they won't know that they need to accommodate the CMP. She said the housing plans are master plan amendments, some of which go through details of specific sites. The better plans discuss zoning while the best plans identify that the projects are subject to Pinelands standards.

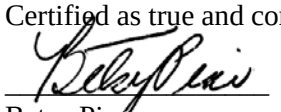
In closing, Commissioner Lohbauer noted that Commissioner Ashmun's birthday was on February 29, 2016. , Ms. Wittenberg announced that the Commission's telephone system was no longer functional and a new system was being sought.

Commissioner Prickett said that he believed that vacant homes were a resource that the Commission should consider in dealing with affordable housing.

Chairman Earlen responded that the vacant housing conversation was occurring in his town but the problem is reaching out to the banks that own the foreclosed homes.

There being no other items of interest, the meeting adjourned at 12:35 p.m. (moved by Commissioner Lohbauer and seconded by Commissioner Galletta).

Certified as true and correct:



Date: March 9, 2016

Betsy Piner,
Principal Planning Assistant

Pinelands Development Credit Program Enhancements

Update: Policy & Implementation Committee
2/26/16

Current PDC Program

- Municipalities individually set PDC requirements by zone
  - 100 zones in 24 RGAs
  - densities from 1 du/acre to 6 dus/acre
- In most cases:
  - Base density, with PDCs as an optional bonus
  - PDC use begins at a threshold of around 66% of the zone density
  - Projects have generally been approved at around 60% of zone density
- Result: insufficient PDC usage to accommodate all PDC supply

Solution: Residential "Sliding Scale"

Project Density (du/ac)	Units Requiring PDCs (mandatory)
0.00 – 0.99	60%
1.00 – 1.49	55%
1.50 – 1.99	50%
2.00 – 2.49	45%
2.50 - 2.99	40%
3.00 - 3.49	35%
3.50 - 3.99	30%
4.00 - 4.49	25%
4.50 - 4.99	20%
5.00 - 5.49	15%
5.50 - 5.99	10%
Above 6.00	5%

How the Sliding Scale Works

- Current Rules
  - zone permits 2 units/acre base density (w/o PDCs) and a maximum of 3 unit/acre with PDCs
    - Project built at 2 units/acre = **0% PDCs**
    - Project at full zone density (3 units/acre) = 33% PDCs
- Proposed
  - zone permits 3 units per acre; % PDCs depends upon project density
    - Project Built at 2 units/acre = **45% PDCs**
    - Project at full zone density (3 units/acre) = 35% PDCs

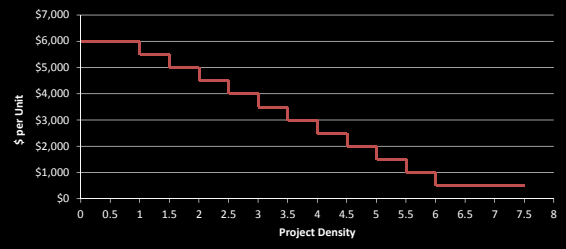
Cost per Unit

(when the cost is spread over all units)

- Examples
  - For projects at 3 units/acre @35% PDCs
    - @$10,000/right = $3,500/unit
    - @$20,000/right = $7,000/unit
  - For projects at 6 units/acre @5% PDCs
    - @$10,000/right = $500/unit
    - @$20,000/right = $1,000/unit

PDC Cost per Unit

$10,000 per Right



10 Acre Example

$10,000 per Right

Project Density*	1	2	3	4	5	6
Units	10	20	30	40	50	60
Required PDC %	55%	45%	35%	25%	15%	5%
Rights Required	6	9	11	10	8	3
Cost/unit @ $10,000/right	$6,000	$4,500	$3,667	$2,500	$1,600	$500

*Zoning only sets the maximum number of units; developer chooses the project density.

PDC Cost as % of Building Cost

Large unit/Low Density vs. Small unit/High Density

at $20,000 per Right

	Low Density (0.5 du/ac)	High Density (6.0 du/ac)
Unit Size	3,000 sq. ft.	1,000 sq. ft.
Lot Size	2 acres	7,000 sq. ft.
PDC Sliding Scale Rate	60%	5%
PDC Cost per Unit	$12,000	$1,000
Building Cost per Unit	$360,000	$120,000
PDC Cost as a % of Building Cost	**3.3%**	**0.8%**

Benefits of the 2009 proposal

1. Greater and more predictable PDC use.
2. Highest PDC % is applied to the lower density projects that can afford them.
3. Conflicts between PDC and affordable housing requirements are significantly reduced (lowest PDC % is applied to the higher density projects where affordable housing is most often proposed).

Benefits of the 2009 proposal (cont.)

4. PDCs are not required for affordable units.
5. The cap on residential density in RGAs is eliminated. Towns can more easily rezone for higher density projects, such as:
   - Affordable housing
   - Redevelopment
   - Mixed use
6. Rules are less complicated and easier to administer.

"Concerns" with the 2009 Proposal

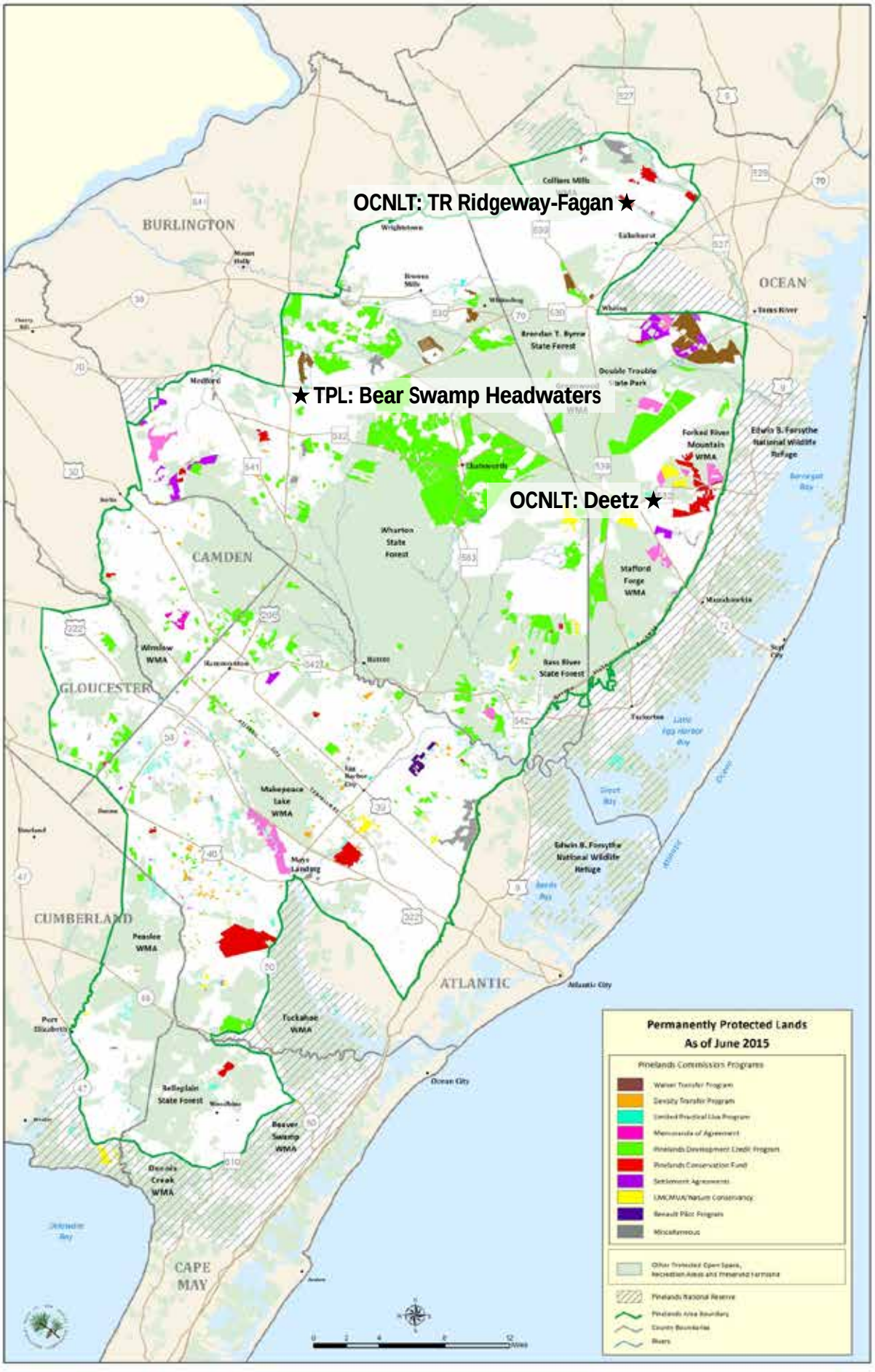
1. Builders: difficult to achieve full zone density, especially important with mandatory PDC use
2. Municipalities: fearful of competitive disadvantage if PDC use is mandated for commercial uses; % too burdensome for some residential projects
3. PDC Holders: fearful of lower PDC market price if PDCs are allocated to the Forest Area
4. Environmental Groups: none - they endorse the proposals if PDC use is sufficiently enhanced

Changes Proposed To Meet Concerns

	Towns	Builders	PDC Holders	Environ. Groups
1. Increase on-site development flexibility to meet density (housing types, bulk standards)		X		
2. Eliminate PDC requirements for commercial uses	X	X		
3. Reduce maximum PDC % from 60% to 50%	X	X		

Changes Proposed To Meet Concerns (cont.)

	Munies.	Builders	PDC Holders	Environ. Groups
4. Reduce rounding up on small projects.	X	X		
5. No new PDC allocations to the Forest Area.			X	
6. Ensure that old/expired approvals are subject to the new PDC requirements.			X	X


OCNLT: TR Ridgeway-Fagan ★
★ TPL: Bear Swamp Headwaters
OCNLT: Deetz ★
BURLINGTON
OCEAN
CAMDEN
GLOUCESTER
CUMBERLAND
ATLANTIC
CAPE MAY
Brendan T. Byrne State Forest
Double Trouble State Park
Wharton State Forest
Bass River State Forest
Penn State Forest
Belleplain State Forest
Forked River Mountain WMA
Stafford Forge WMA
Edwin B. Forsythe National Wildlife Refuge
Winslow WMA
Makepeace Lake WMA
Peaslee WMA
Tuckahoe WMA
Beaver Swamp WMA
Deacons Creek WMA
Permanently Protected Lands
As of June 2015
Pinelands Commission Programs
Pinelands National Reserve
Pinelands Area Boundary
County Boundaries
Rivers

PCF 2015 Round of Applications

October 30 2015 Meeting

Staff presented projects to P&I Committee with recommendations for PCF grant allocations

5 projects received PCF grant allocations

All PCF applicants notified of P&I Committee's decision


Photo by Paul Leakan, NJPC

2/26/16

PCF 2015 Round of Applications


Photo by Paul Leakan, NJPC

February 29 2016 Deadline

- ❑ Sign contract with landowner
- ❑ Complete appraisal(s)
- ❑ Obtain certification of fair market value
- ❑ Execute grant agreement

2/26/16

Today's Recommendations

Status

Of the **5** projects granted PCF allocations:

- **2** have met deadline
- **3** are requesting extensions

Deadline **extensions** are **recommended**, with the Committee's approval.


Photo by Paul Leakan, NJPC

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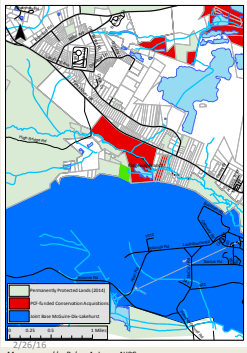
OCNLT: TR Ridgeway-Fagan


Map prepared by Robyn A. Jeney, NJPC

- Jackson Township
- Toms River Corridor
- 11.38 acres
- Forest Area
- Adjacent to more than 8,000 acres of permanently protected lands

2/26/16

OCNLT: TR Ridgeway-Fagan


Map prepared by Robyn A. Jeney, NJPC

- Pitch pine lowlands
- Ridgeway Branch tributary
- Entirely forested
- T&E sitings & habitat
- Landlocked; access via sand road

OCNLT: TR Ridgeway-Fagan

Project Details	
Size (deed):	11.3821 acres
Total cost:	$33,000 ($3,000/acre)
PCF Allocation:	$11,000 (33.3%)
Ultimate Landowner:	Ocean County Natural Lands Trust

Project Status	
Contract?	YES
Appraisal(s)?	YES
CFMV?	YES
Grant Agreement?	YES – 1/6/2016
Closed?	YES – 12/8/2015
Grant Paid?	No; awaiting filed DCR and reimbursement request

Photo by Paul Leakan, NJPC

2/26/16

OCNLT: TR Ridgeway-Fagan

Project Details	
Size (deed):	11.3821 acres
Total cost:	$33,000 ($3,000/acre)
PCF Allocation:	$11,000 (33.3%)
Ultimate Landowner:	Ocean County Natural Lands Trust

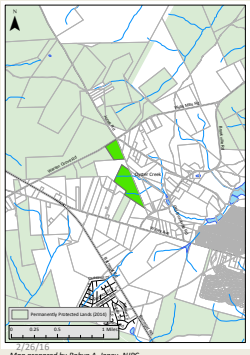
Project Status	
Contract?	YES
Appraisal(s)?	YES
CFMV?	YES
Grant Agreement?	YES – 1/6/2016
Closed?	YES – 12/8/2015
Grant Paid?	No; awaiting filed DCR and reimbursement request

Deadline met!

Photo by Paul Leakan, NJPC

2/26/16

OCNLT: Deetz



Map prepared by Robyn A. Jeney, NJPC

2/26/16

- Barnegat Township
- Ocean County Forest Area
- 61.44 acres
- Adjacent to more than 32,000 acres of permanently protected lands

OCNLT: Deetz

Map prepared by Robyn A. Jeney, NJPC

2/26/16

- Two Oyster Creek tributaries
- Entirely forested
- T&E sitings & habitat
- Lot 6.03 contains temporary T&E deed restriction and approved 1-acre development site

OCNLT: Deetz

Project Details	
Size (deed):	61.44 acres
Total cost:	$247,500 ($4,563/acre)
PCF Allocation:	$82,500 (33.3%)
Ultimate Landowner:	Ocean County Natural Lands Trust

Project Status	
Contract?	YES
Appraisal(s)?	YES
CFMV?	YES
Grant Agreement?	YES – 1/6/2016
Closed?	YES – 12/10/2015
Grant Paid?	No; awaiting filed DCR and reimbursement request

Photo by Paul Leakan, NJPC

2/26/16

OCNLT: Deetz

Project Details	
Size (deed):	61.44 acres
Total cost:	$247,500 ($4,563/acre)
PCF Allocation:	$82,500 (33.3%)
Ultimate Landowner:	Ocean County Natural Lands Trust

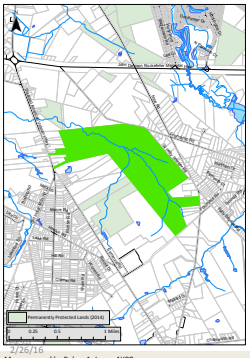
Project Status	
Contract?	YES
Appraisal(s)?	YES
CFMV?	YES
Grant Agreement?	YES – 1/6/2016
Closed?	YES – 12/10/2015
Grant Paid?	No; awaiting filed DCR and reimbursement request

Deadline met!

Photo by Paul Leakan, NJPC

2/26/16

TPL: Bear Swamp Headwaters



- Southampton & Tabernacle townships
- Bear Swamp (Rte 206)
- 413 acres (approx.)
- Regional Growth Area & Rural Development Area
- Adjacent to more than 100 acres of permanently protected lands

2/26/16

Map prepared by Robyn A. Jeney, NJPC

TPL: Bear Swamp Headwaters

- Mostly wetlands
- Bear Swamp River tributaries
- Almost entirely forested
- T&E habitat

2/26/16

Map prepared by Robyn A. Jeney, NJPC

TPL: Bear Swamp Headwaters

Project Details	
Size (est.):	413 acres
Total cost:	$600,000 ($1,452/acre)
PCF Allocation:	$150,000 (25%)
Ultimate Landowner:	Trust for Public Land, in coordination with Rancocas Conservancy

Project Status	
Contract?	**YES**
Appraisal(s)?	**YES**
CFMV?	No – with Green Acres
Grant Agreement?	No
Extension Requested?	**YES**
Extension Recommended?	**YES – 6/30/2016**

2/26/16

Photo by Paul Leakan, NJPC

TPL: Bear Swamp Headwaters

Project Details	
Size (est.):	413 acres
Total cost:	$600,000 ($1,452/acre)
PCF Allocation:	$150,000 (25%)
Ultimate Landowner:	Trust for Public Land, in coordination with Rancocas Conservancy

Project Status	
Contract?	**YES**
Appraisal(s)?	**YES**
CFMV?	No – with Green Acres
Grant Agreement?	No
Extension Requested?	**YES**
Extension Recommended?	**YES – 6/30/2016**

Extend deadline to June 30, 2016?

→ CFMV, grant agreement

2/26/16

Photo by Paul Leakan, NJPC

PCF Closed Session

Pine barren gentian (*Gentiana autumnalis*) remains closed on a cloudy day.
Photo by Robyn A. Jeney, NJPC

Closed session is necessary to afford confidentiality to proposed projects while landowners and potential buyers negotiate a contract.

2/26/16

PCF Open Session

Pine barren gentian (*Gentiana autumnalis*) opens in the sunlight.
Photo by Robyn A. Jeney, NJPC

Closed session was necessary to afford confidentiality to proposed projects while landowners and potential buyers negotiate a contract.

2/26/16

Summary of Closed Session

Two additional projects requested and were granted extensions.

New deadline of **June 30, 2016** to:

- Sign contract with landowner
- Complete appraisals
- Obtain certification of fair market value
- Execute grant agreement

Photo by Paul Leakan, NJPC

2/26/16

Extensions Approved

- TPL: Bear Swamp Headwaters
- A project in Ocean County
- A project in Atlantic County

New deadline: June 30, 2016

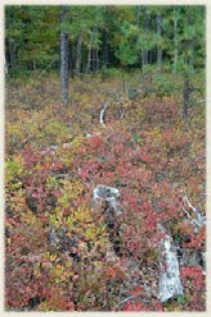


Photo by Paul Leakan, NJPC

2/26/16

2015 PCF Available Funds





Photos by Paul Leakan, NJPC

Initial funds available: **$750,000**

Allocation Area	# Projects	Allocated	Paid	Acres
Ocean County Forest Areas	2	$105,833	$--	91.44
Toms River Corridor	1	$11,000	$--	11.38
Bear Swamp (Rte 206)	1	$150,000	$--	413.00
502 Target/Estell Manor Forest	1	$483,167	$--	2,139.00
Total	**5**	**$750,000**	**$--**	**2,654.82**

2/26/16

Photo by Paul Leakan, NJPC