

Cluster Development in Pinelands Rural Development and Forest Areas



Presented to the Pinelands Commission
CMP Policy & Implementation Committee

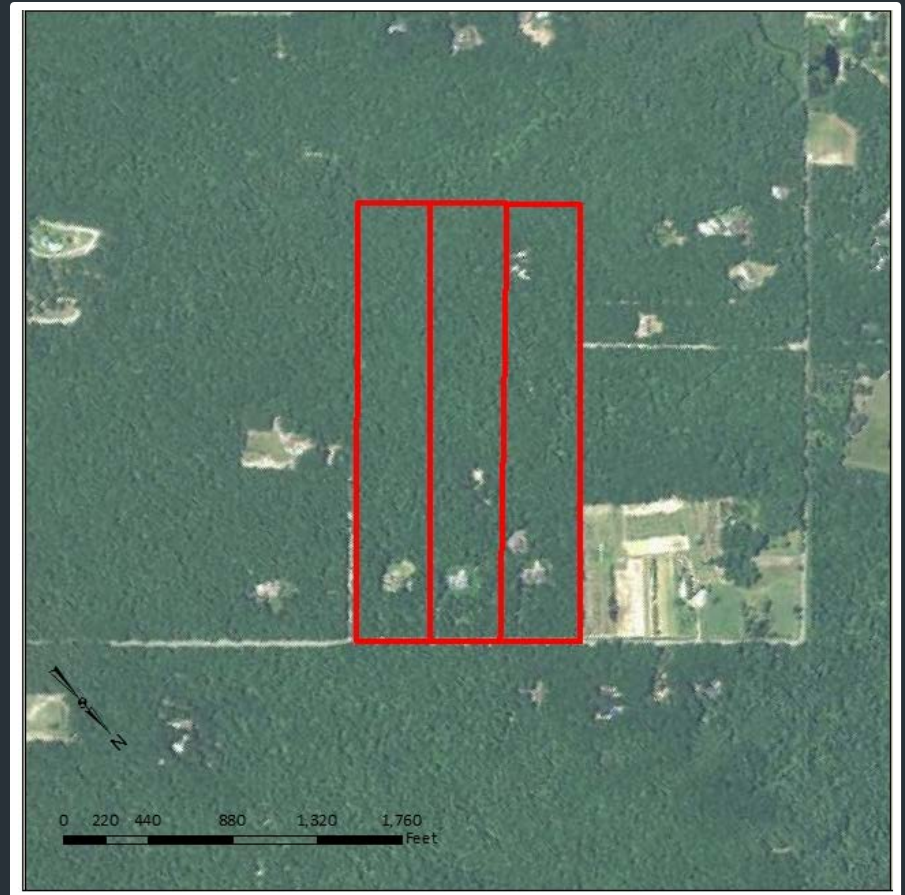
May 31, 2019

10-year Cluster Rule Review

- Review implementation to date, with:
 - Regulatory staff
 - Municipal officials
 - Consultants
 - Applicants/developers
- Evaluate application data from 2009 – 2019
- Reconsider concerns raised during 2009 rule proposal
- Identify primary issues
- Propose solutions to issues

Development of Cluster Rule

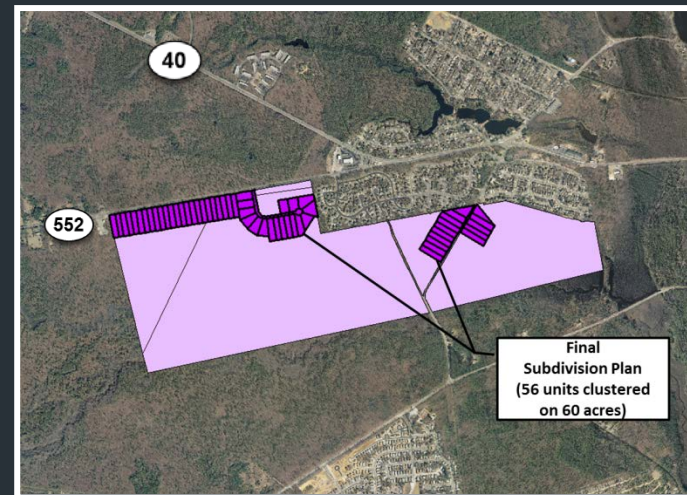
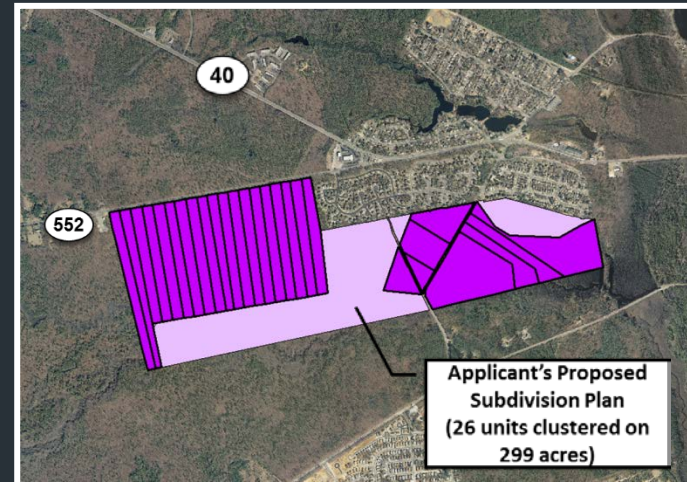
- Concern over forest fragmentation
- Desire to protect sensitive areas
- Prevention of scattered, piecemeal development



Costa Subdivision, Winslow Township
Forest Area: 60 acres
Average lot size: 20 acres
No deed-restriction

What is Clustering?

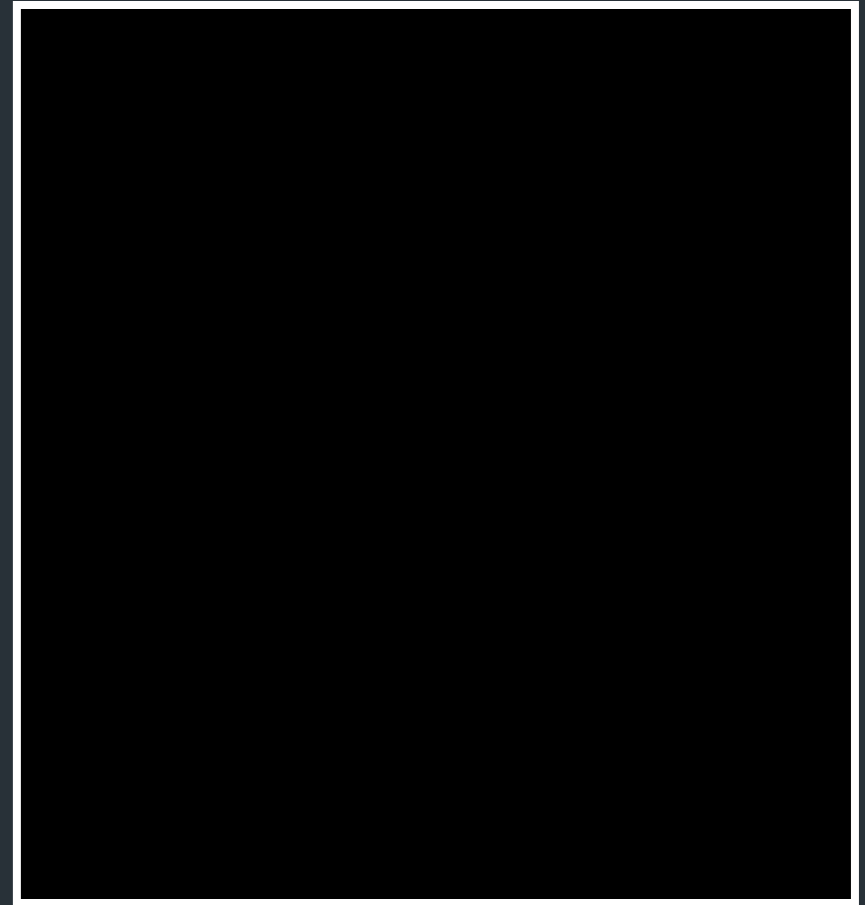
- Clustering:
 - Reduces minimum lot sizes in exchange for preservation of open space
 - Provides open space for residents
 - Maintains rural character
 - Reduces site improvement costs



Misty Pines, Hamilton Township
Forest Area: 436.5 acres

Pre-2009 Clustering Rule

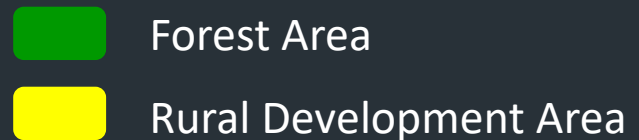
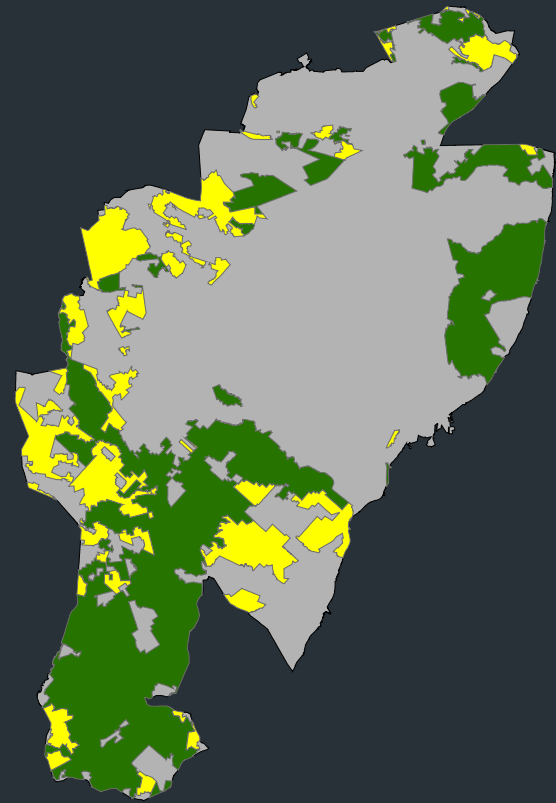
- Encouraged in RDA
- Permitted in FA
- Underused in RDA & FA
 - Fewer than 20 applications over 23 years
- Minimum lot size in:
 - FA: 3.2 acres
 - RDA: 1.0 acre



Tranquility Ridge, Southampton Township
Forest Area: 600 acres
Average lot size: 4.4 acres
386 acres (64% of parcel) deed-restricted

2009 Clustering Rule

Made clustering **mandatory**
in Forest and Rural
Development areas when 2
or more dwellings are
proposed



Key Requirements

- **Development area:**
 - One acre lots
 - Contains all development
 - May use standard septic systems
 - Must be near existing development or roads
- **Open space remainder:**
 - Must be permanently deed-restricted
 - Limited to low-intensity recreation, ecological management, forestry and existing agricultural use
- Subdivisions of larger parcels may qualify for **bonus units**

Municipal Implementation

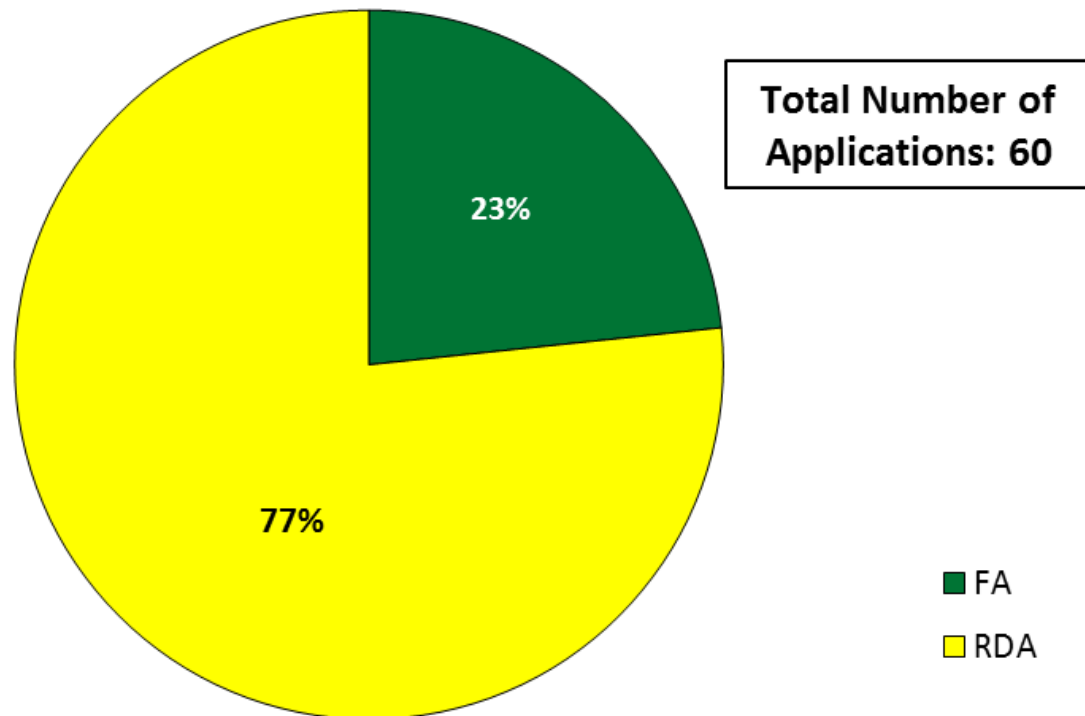
- Commission offered grants to offset municipalities' implementation costs
- All municipalities required to incorporate clustering into ordinances have done so
 - Most made no changes to CMP language
 - Some used municipal flexibility provision:
 - Bonus density restrictions, minimum lot size, designated receiving areas, open space ownership, scenic setback
- Challenging process - took 9 ½ years!

Completed Cluster Applications

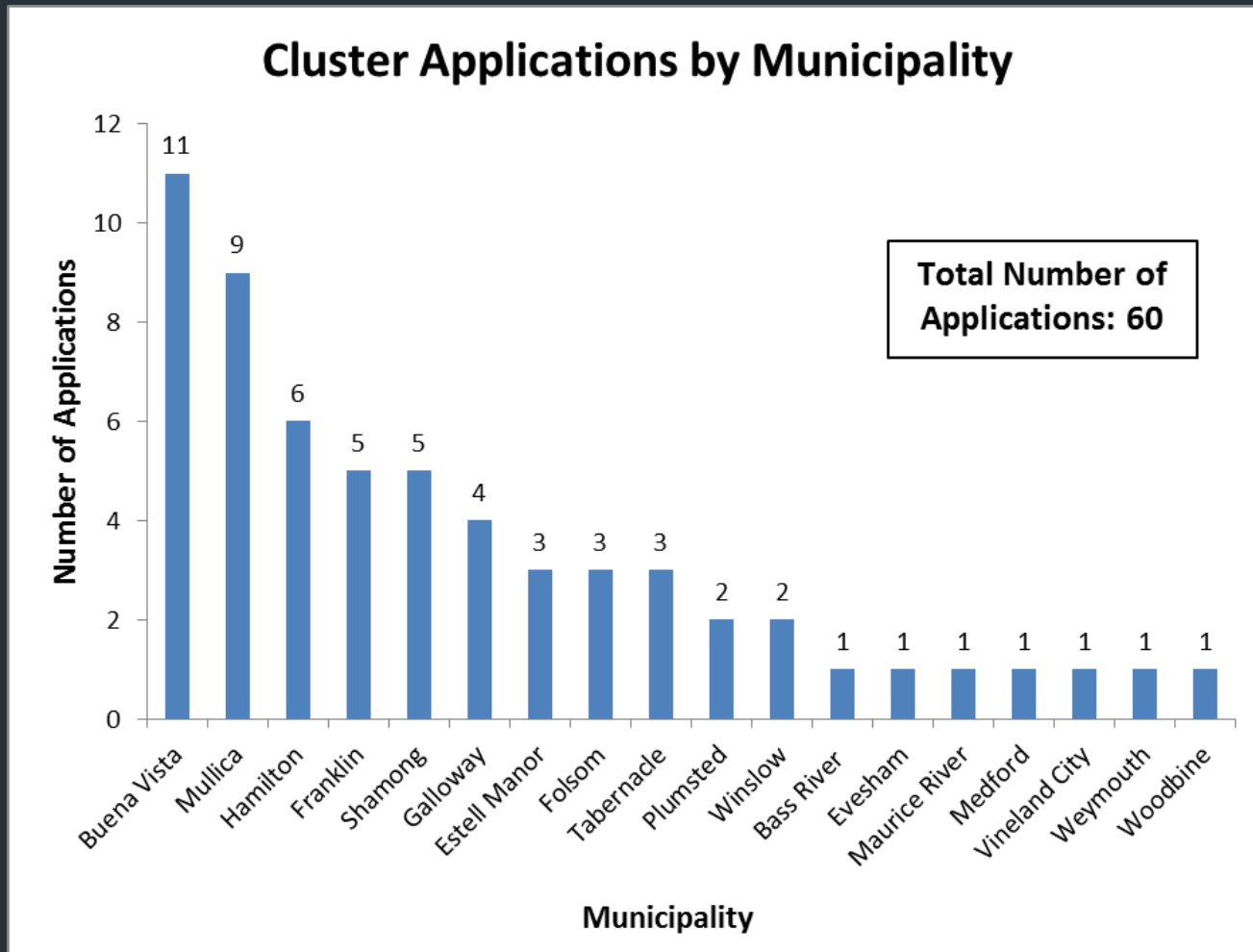
- **18 applications** for a total of **75 units** have been completed (i.e., have recorded a cluster deed restriction)
- **0** applications used **bonus units**
- **0** applications included continuation of existing farm
- **427** acres deed-restricted as open space

Where is Clustering Happening?

Cluster Applications by Management Area

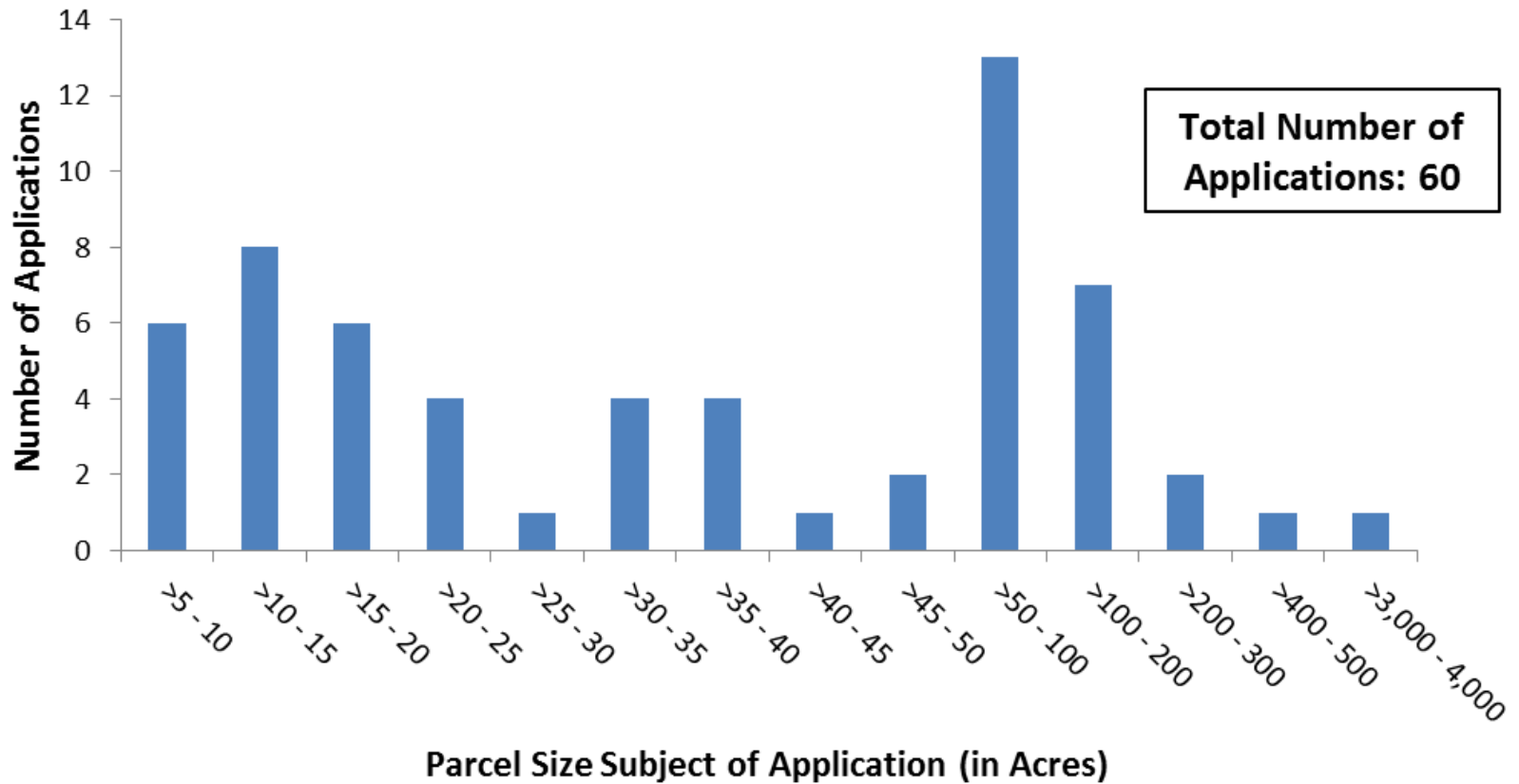


Where is Clustering Happening?



Overall Parcel Size

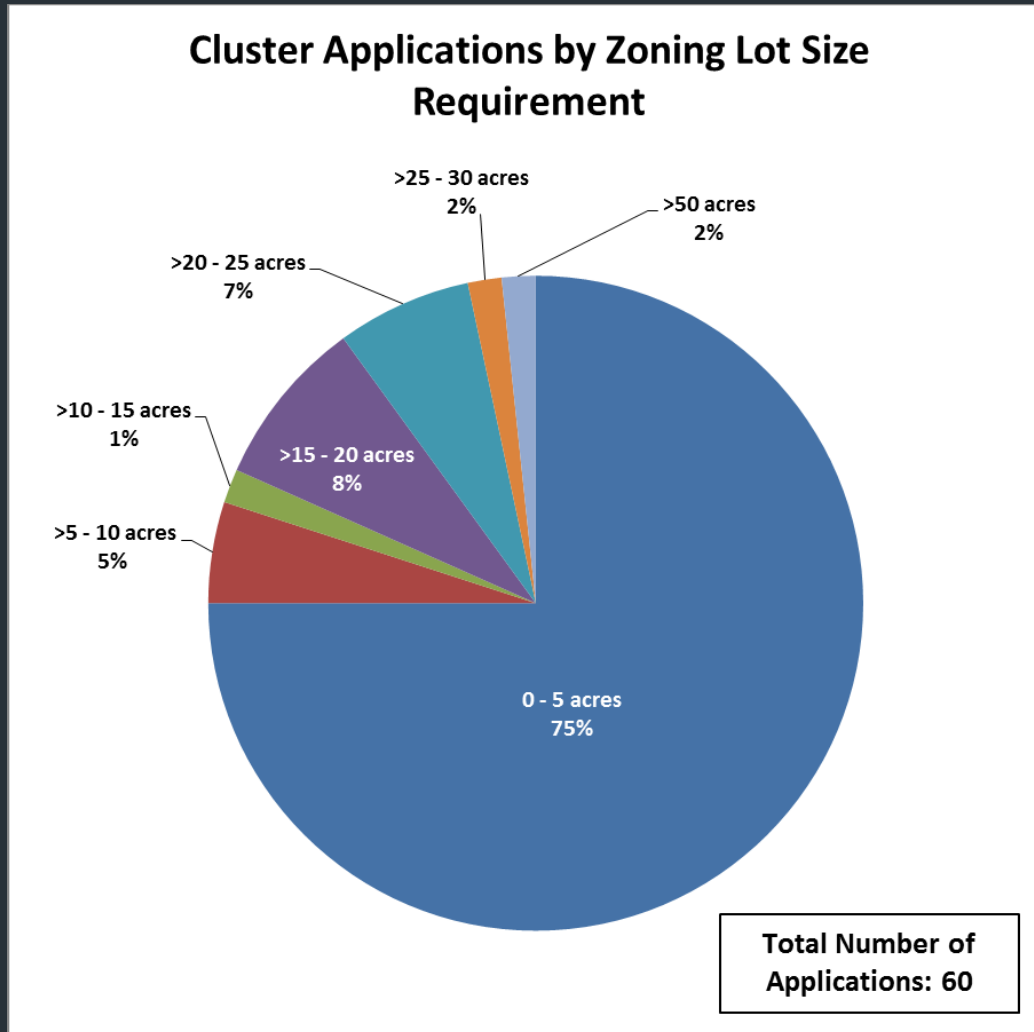
Cluster Applications by Overall Parcel Size



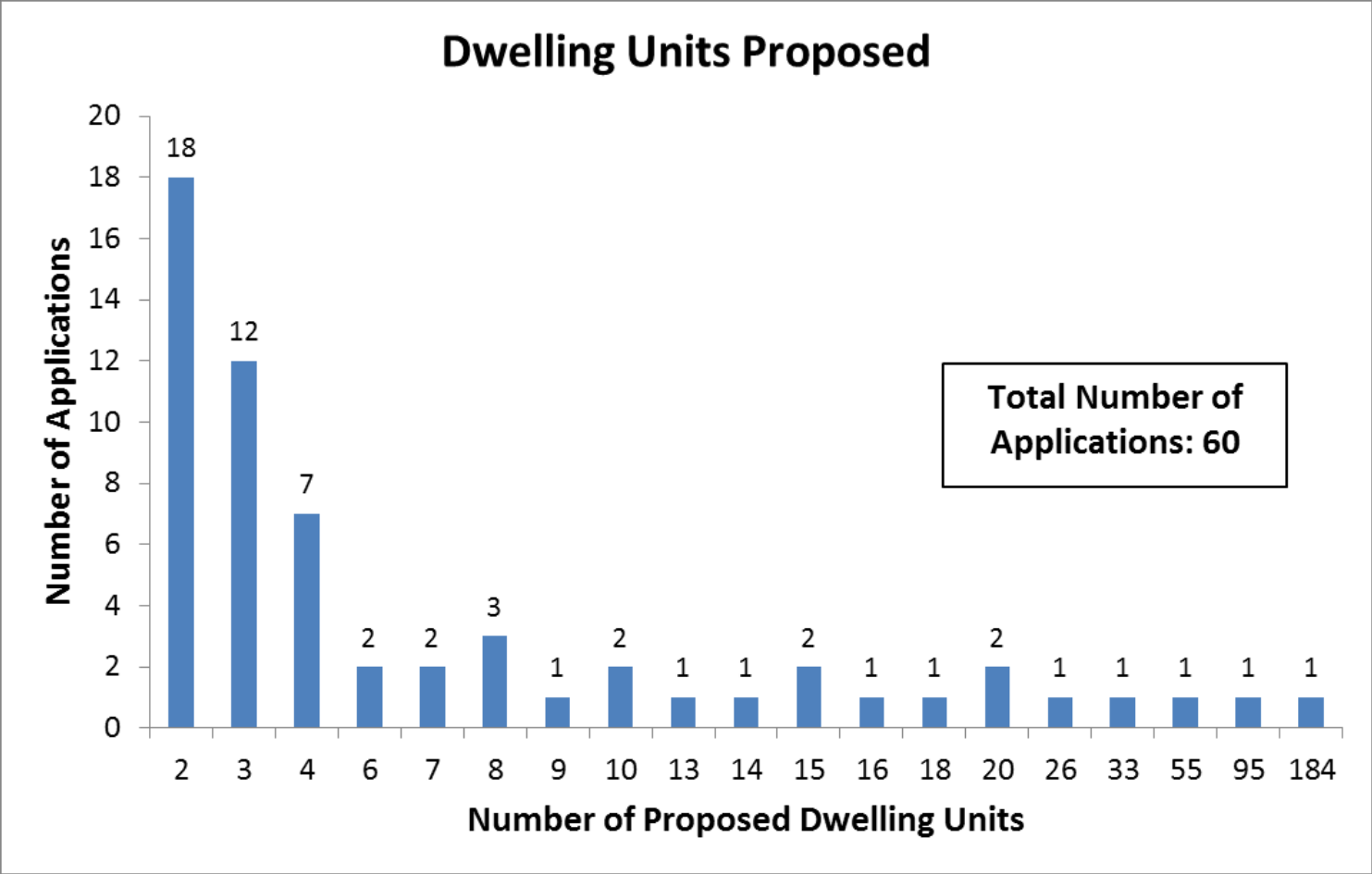
Use of Bonus Units

- **50-acre minimum parcel size** to be eligible
- **To encourage assemblage** of larger parcels
- **Of 60 applications:**
 - **19 (32%) were eligible** based on parcel size
 - 2 proposed the use of bonus units
 - **14 bonus units** for a total of 95 units on 261 acres
 - **13 bonus units** for a total of 55 units on 425 acres
 - **3** did not propose bonus units
 - **14** were incomplete applications (as yet undetermined)
 - **41 (68%) were ineligible** based on parcel size

Where are Applications Being Proposed?



Number of Proposed Dwelling Units

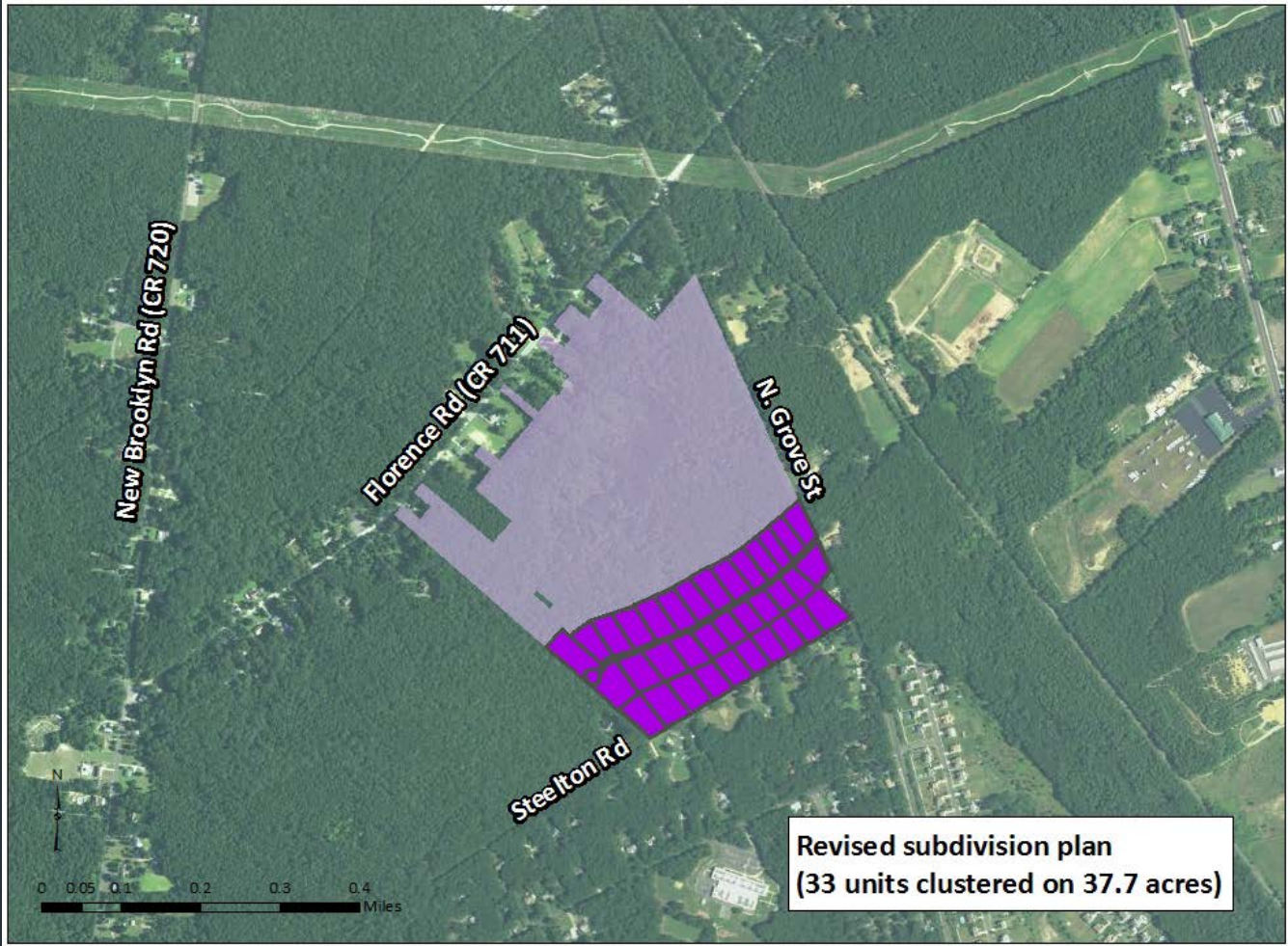


Deed-restricted Open Space

Management Area	# of Units	Sum of Project Acreage	Deed-restricted Open Space (acres)	Percent Open Space
RDA	58	446	232	52%
FA	17	275	195	71%
TOTAL	75	721	427	59%

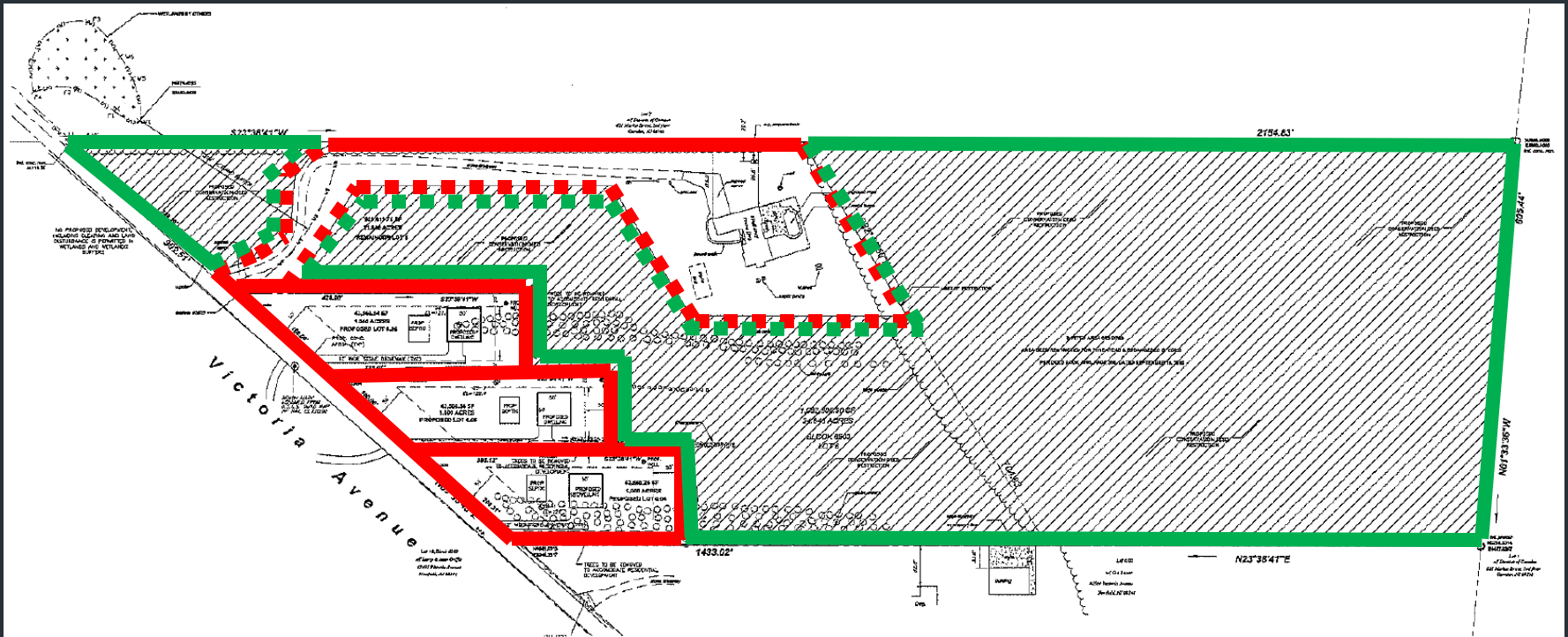
Numbers are based on 18 applications that are complete and have recorded their cluster open space deed restrictions.

Clustering Projects





Rural Development Area in Winslow Township

Clustering Projects



Rural Development Area in Franklin Township

-  Developed area
-  Conservation area

Clustering Projects



Rural Development Area in Franklin Township



Developed area

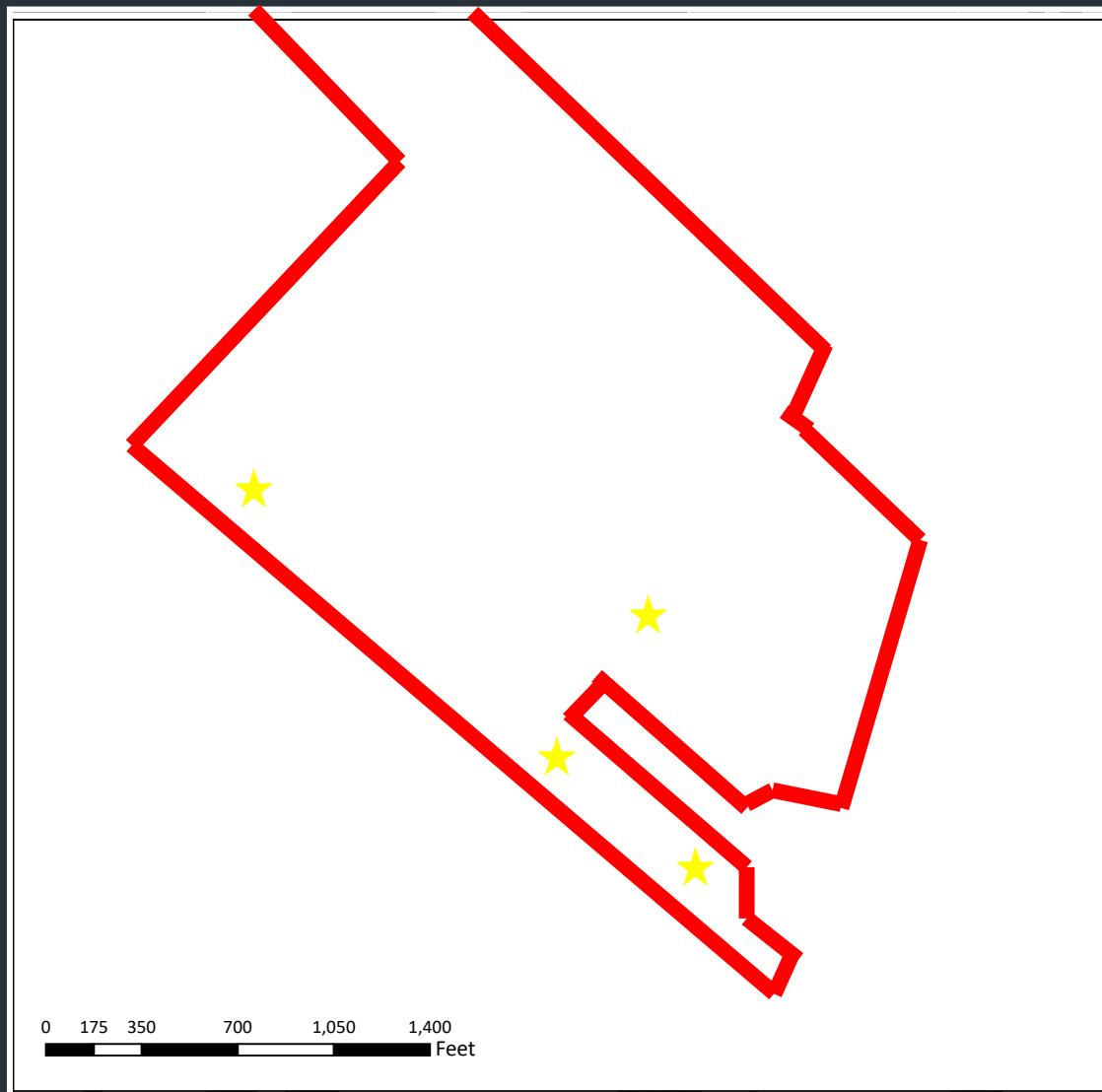


Conservation area

Issues

- Administrative:
 - Pre-2009, not-yet-completed subdivisions no longer protected from zoning changes under MLUL
 - Small projects
 - Continuation of existing agricultural use
- Municipal:
 - Scenic setback/surrounding development pattern inconsistency
 - Open space ownership and uses

Example of Challenging Project



★ Remaining vacant lots (4 total)

■ 21-lot subdivision

Decision: not required to cluster remaining lots

Rural Development Area in Hamilton Township

Example of Challenging Project



Stormwater management basins installed

Internal subdivision road constructed

Dwelling partially constructed prior to receiving Commission sign-off

Decision: required to cluster dwellings on existing lots

Rural Development Area in Buena Vista Township

Next Steps

- Amend CMP to address specific issues
- Return with proposed amendments to P&I Committee for review
- Support municipalities in using municipal flexibility provision to identify and incorporate into ordinance:
 - Solutions specific to their community
 - Areas inappropriate for clustering
 - Overlay areas