

MAURICE RIVER TOWNSHIP LAND USE BOARD

Meeting Minutes: September 5, 2012

Present: B. Stowman, Chairman, C. Thompson, V. Chairman, Mayor K. Ireland, R. Chard, J. Carrara, R. Hoffman, G. Gross, J. Lafferty, J. Pflaumer, Alt. #1, T. Imbaratto, Alt. #2, T. CuvIELLO, Planner, C. Morrissey, PE and M. Benson, Solicitor.

The Chairman announced that this meeting was being held in accordance with the Open Public Meetings Act of New Jersey.

The minutes of the 8-1-12 meeting were approved on a motion by Chard and seconded by Ireland. Carrara, Gross and Pflaumer abstained. All others voted in favor of the motion.

Resolution No. 2012-06 for the approval of a front yard setback variance granted to Robert and Patricia Calhoun for Block 305, Lot 1, was adopted on a motion by Chard and seconded by Thompson. Carrara, Gross, and Pflaumer abstained. All others voted in favor of the motion.

Resolution No. 2012-07 for the approval of a minor subdivision, major site plan and several variances granted to John Lafferty, Sr. along with the Board's recognition of previously issued permits involving Block 236, Lots 18 & 19; Block 124, Lots 9, 11 & 12; and Block 230, Lot 35, was adopted on a motion by Chard and seconded by Ireland. Carrara, Gross, Lafferty, Pflaumer, and Imbaratto abstained. All others voted in favor of the motion.

The Secretary announced receipt of the following correspondence:

1. Copy of a letter to Gordon Gross, ZO, from the US Coast Guard dated 7-23-12, with regard to improvements and equipment to be installed at the cell tower site located at 311 Main St. in connection with their "Rescue 21" program previously described to the Board.
2. E-mail notice from the Pinelands Commission with regard to their fourth in depth review of the Comprehensive Management Plan and meetings for public comment on Friday, 9-14-12 and Monday, 9-24-12 at the Richard Sullivan Center in Pemberton. Public comment will also be accepted by regular mail and e-mail until 9-28-12. CuvIELLO advised the Board of several Pinelands municipalities that were able to acquire a streamlined permit process creating a development friendly atmosphere for business where it is appropriate. The Board agreed that CuvIELLO should prepare a comment to the Pinelands Commission to request a streamlined permit process for Maurice River Township.
3. Memo from Pinelands regarding a public hearing on Weymouth Township's Master Plan and Ordinance to implement CMP changes to be held on 9-10-12 at 9:30 AM at the Richard Sullivan Center.
4. Recreation Permit #1198 issued by the Pinelands Commission on 8-28-12 for the

Ormond Farm Hare Scramble scheduled for September 8 & 9 on Block 117, Lots 13 & 17.01.

MASTER PLAN RE-EXAMINATION AND UPDATE

Tiffany CuvIELLO, Board Planner, gave an overview of the Master Plan Re-Examination and Update. She explained that the law has changed to require a Master Plan re-examination every ten years. Our last re-examination was done in 2006. The purpose of this re-examination at this time was to implement Pinelands amendments to their Comprehensive Management Plan (CMP) involving mandatory clustering, wetlands management and forestry. Some of the changes to the CMP will affect development patterns that were not anticipated in previous reports. CuvIELLO further explained that we now also have 2010 census data to update the 1990 census data in the current Master Plan.

CuvIELLO stated that the Pinelands Commission has not certified the 2006 Master Plan Re-examination Report and Update due to the Township's stated intent to encourage intensive recreational activities on former mining sites. The Commission requested more detail and an implementing ordinance to review along with the Master Plan as the certification of both must be simultaneous. Those particular references to encourage intensive recreation are now removed from the 2006 Master Plan Report and the objectives of the 2000 Master Plan are reinstated. The township will continue to work on active recreation possibilities and will address the issue again in a future re-examination.

CuvIELLO also discussed the 2012 Pinelands CMP amendments regarding solar and wind energy facilities and the 2009 changes in the Municipal Land Use Law to specifically include wind and solar facilities and structures as inherently beneficial uses. While the Township recognizes this, the Board made no provision to permit these types of uses as a permitted use in the development regulations, but would rather consider each proposal on a case by case basis as a variance application. CuvIELLO added that there are very few appropriate sites in the Township.

CuvIELLO then discussed the 2009 CMP amendment for mandatory clustering in rural and forest areas. Pinelands purpose was to encourage larger contiguous forest areas to provide and protect important habitat, to preserve and protect the character of the environment and to discourage scattered development. She stated that the Board reviewed eleven (11) areas with respect to the impacts of the cluster program. Each area was analyzed individually. Of the four (4) zones affected, which were PR, PRDA-R, PC and PRDA-C, approximately one-third of the involved

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acreage would qualify for clustering once existing development and publicly owned property was excluded.

As a result of analyzing the areas where mandatory clustering would apply, the Board's concerns were: the potential for change to the character of the community; an increase in development pressure; the inability to allow for large lot development; the ownership of the required open space area; and, a demand for increased municipal services.

Further clustering discussion involved formulas for bonus units. Pinelands has allowed for bonus units as an incentive to cluster. The Board gave this item considerable attention and determined that there is a benefit to clustering and preserving larger tracts of land. However, the Board determined that bonus calculations should include only upland areas. Wetlands areas will be excluded from bonus density calculations since they are already preserved. The Board further clarified that open waters that are part of a mining operation (man made ponds) and proposed to be incorporated into an overall design for future uses, such as lakefront development, would not be considered wetlands.

There was also considerable discussion with regard to lot width requirements for newly created, clustered lots. In order to remain consistent with the development patterns and to preserve larger forested areas, an appropriate minimum lot width will remain at 200 ft. In those areas where there is no alternative but to create new roads for development, a minimum lot width may be reduced to 150 ft.

Cuviello stated that the appendix of the Master Plan Report contained proposed language for the necessary ordinance to amend the Land Development Regulations in order to implement the clustering, wetlands and forestry changes. A model ordinance was provided by Pinelands. No changes are proposed to the model ordinance as it relates to wetlands management and forestry, however, the Board has proposed language to address bonus calculations, minimum lot widths, etc. as they relate to mandatory clustering.

On a motion by Carrara, seconded by Chard and a unanimous vote, the public hearing was opened.

Wade Sjogren, of Whibco, Inc. was sworn in. He complemented the Board on their work. He stated that his company is primarily a sand and gravel business; however, he would like to see a reduction of frontage to a minimum of 125 ft. and no bias on creating new roads. With regard to forestry, Sjogren stated that he would like the opportunity to have his forester look at the language. He stated that lakefront housing makes sense, but as long as mining operations exist, his company does not want to bring residential in too close.

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There being no further public comment, Lafferty motioned to close the public hearing. Hoffman seconded. Unanimous.

In response to Sjogren's comment on the creation of new roads, CuvIELlo stated that in Area 3, outside of Port Elizabeth along Weatherby Rd., she did not see the potential for new roads because of the wetlands areas that exist. For Area 6, along Leesburg-Belleplain Rd. and Carlisle Place Rd., the same amount of development could occur on the existing street frontage as with new roads.

On a motion by Carrara, the Master Plan Re-Examination Report and Update was adopted. Hoffman seconded. Unanimous roll call vote.

On a motion by Carrara and seconded by Thompson, the proposed ordinance amendment to implement the CMP changes will be forwarded to the Township Committee with a recommendation for adoption. Unanimous roll call vote.

Ireland motioned to open a public comment session. Lafferty seconded. Unanimous.

Roy Oliver, of Dorchester, was sworn in. He stated his concerns with small businesses in the Township and that he would have advocated for Jack Lafferty at last month's meeting if he had not been away at the time. He also stated that he would advocate for Bill Ashton as well if he were to come in and let the Board complete their review.

Oliver continued that local businesses should be supported as they expand the tax base and create jobs. He stated that politics do affect business and that Governor Christie is pro business. He further spoke of the COAH (Council On Affordable Housing) fee requirements that have been postponed but are due to be implemented in 2013 and then asked other business owners in the audience if they were aware of these fees. He stated that there is an informational black hole and that he would like to see some entity of the Township provide information to small businesses so that they can plan appropriately. Oliver stated that the Board was fair to him during the application process for his business.

Stowman stated that the Board promotes business within the rules and regulations in which we have to work.

There being no further business, Carrara motioned to adjourn. Chard seconded. Unanimous.

Respectfully submitted,

Barbara D. Sutton, Secretary

