



## **Salem County TDR Task Force**

**Thursday, March 17, 2011, 10 A.M. to 12 P.M.**

### **HIGHLIGHTS**

**Present:**

Don Asay Mannington Township  
Matt Blake American Littoral Society  
Steven Bruder State Agriculture Development Committee  
Joy Farber Office of Smart Growth, New Jersey Department of Community Affairs  
John Hasse Rowan University  
Louis Joyce Salem County Planning  
Suzanne McCarthy DVRPC  
Harry A. Moore Oldmans Township  
Francis Rapa New Jersey Conservation Foundation  
Cheryl Reardon ANJEC/Pilesgrove Township  
Joseph Scarpa Green Paradigm Realty  
Chris Sturm New Jersey Future  
Susan Weber New Jersey Department of Transportation

#### **Final Salem Regional TDR Report – Brief Review of Conclusions**

Suzanne McCarthy distributed a Summary of Conclusions drawn from the draft final report, and reviewed them briefly. She noted that the report discusses different options available to Salem County. It attempts to assess the prospects for sending areas and receiving areas generally, focusing on the most appropriate towns for each, with assessment of buildable units. It also discusses incentives that would encourage Salem municipalities to participate. These include using mechanisms where purchase of TDR credits or awards of bonus credits could enable:

- Low-density development that would otherwise be unavailable;
- Industrial/commercial development as in Warwick, PA;
- Exceeding impervious cover limits; or
- Using LEED-ND standards in development

Specific incentives for participating in a regional TDR program could include:

- Obtaining greater state funding generally (legislative changes needed)
- Receiving direct state funding for plan endorsement and other TDR-related planning at the regional or municipal level
- Getting priority funding for wastewater treatment plants, although a later discussion noted that such funding does not now exist at the state or federal level. The only funding for sewer treatment is the loan program from the NJ Environmental Infrastructure Trust, which is money that must be repaid. No future funding appears to be on the horizon. The Stimulus funds that turned some loans into grants last year (2010) were a one-time opportunity and will probably not occur again.

One comment made was that Salem County municipalities generally favor the idea of a regional TDR program. If additional funding becomes available, a TDR program is likely to go forward.

Suggestions for additions to the Report were made at this point, as follows:

Fran Rapa suggested adding cautionary language about use of non-contiguous cluster and mentioning the court cases against two municipalities – Franklin Township, Gloucester, and Springfield Township. Lou Joyce seconded that recommendation. Joy Farber offered to send to Suzanne the write-up she did for the Statewide Task Force Committee on non-contiguous clustering, for use in amending this section of the Salem Report.

Fran also suggested adding more information about the problems faced by Woolwich's TDR program. He advised that the TDR ordinance has effectively ended the regular Farmland Purchase of Development Rights (PDR) program in Woolwich by raising the minimum lot size for development to 15 acres if a property is not preserved through purchase of TDR credits. This, in turn, makes appraisals of farms too low for successful PDR preservation.

Fran also suggested adding more information about the Pinelands Development Credit program to the Salem Report. Suzanne noted that the Appendices to the Report were not emailed to Task Force members. There will be a section on other TDR programs throughout the country, including a fairly complete write-up of the Pinelands program. Another appendix will include the Municipal Profiles that were distributed to Task Force members some time ago.

There was a discussion of the Woolwich situation. Joy Farber noted that the main problem is wastewater availability and that Woolwich had believed at the beginning of the TDR process that there would be wastewater capacity either through Swedesboro or Logan. The TDR legislation mandates a three-year review of the program and a five-year expiration if the program is not fully established. If no sewer service is available, a town should be able to extend beyond the five-year period.

A major difference between Woolwich and successful TDR programs in Chesterfield and Lumberton is that the latter two programs were voluntary. Woolwich's program is mandatory, which has the advantage of providing more certainty to the TDR process. However, the voluntary TDR programs protect the land value until TDR is implemented because zoning is not changed to the same degree. This also protects the existing farmland preservation program using PDRs.

It was agreed that a fuller discussion of the Woolwich "lessons" should be mentioned in the Salem Report and that recommendations to the State about protecting existing zoning for farmland preservation within any TDR program, whether municipal or regional, should be included. This may be a topic that the Statewide TDR Task Force can work on. Another recommendation was to provide a caution about planning on something that is so long term, such as the Gloucester-Salem Alternative (the DuPont plant conversion) or other future sewer service. Don Asay remarked that we need more short term solutions, in place of long-term and possibly unrealizable long-term ones.

A final recommendation stemming from the discussion was to urge DEP to put together a plain language document for municipalities to understand where sewer service areas could actually be permitted, so that municipalities could have some solid reassurances before deciding to embark on any TDR program.

Other recommendations for changes to the Salem Report were to:

- include mention of open space protection in the regional TDR program. Specifically, environmentally sensitive areas should be considered for inclusion as potential sending areas;
- suggest creating TDR credit bonuses for habitat restoration on farms;
- incorporate a reference to the use of TDR credits for permitting alternative energy uses of land, especially solar energy, and keeping such usage to non-prime agricultural lands; and
- include a recommendation to link quality of soils and/or exceeding impervious cover limits to TDR credits;

- incorporate a way of utilizing environmental/ecological services in the TDR system. It was subsequently suggested that this idea needs to be investigated further and that it might be part of a subsequent Salem TDR project.

### **Brief Report on followup to State Task Force Report**

Chris Sturm of NJ Future reported that the State TDR Bank Board is meeting again and is currently looking into increased grant funding for municipalities. It recently awarded a grant to Jersey City. The Task Force is also talking to DEP about making regulations more predictable. Other activities include work on amending the Municipal Land Use Law as per recommendations in the Statewide Report. The Task Force is hoping to begin work on a revised TDR statute, as well.

### **Salem County Wastewater Management Plan – Status Report**

Lou Joyce, Salem County Planner, reported that there is a public meeting scheduled for March 22 at the Ware Building to present the Salem County Sewer Service (SSA) Planning Map. This will be followed by a 30-day comment period for input on the sewer service area.

Lou showed the proposed map to the group. It includes the yellow “proposed SSA,” which are areas that can be approved and adopted into the Salem Wastewater Management Plan (WMP) now. Those consist largely of currently served communities, with environmentally constrained areas removed. The constrained areas are wetlands, Landscape Project areas ranked 3, 4, or 5 as to presence of threatened or endangered species on state or federal lists and which are 25 acres or greater in size, and buffers to category 1 waters. The pink underlay areas on the map are previous SSAs that are being removed, primarily for these environmental reasons.

Another category, “Potential SSAs,” is shown on the map. These are areas that meet underlying density tests and are not considered environmentally sensitive, but for which there is no current sewer capacity or planned connections. They are largely areas that are already built, plus an expanded area in Oldmans Township. They include the Gateway Industrial park, beachfront properties in Elsinboro, and the Borough of Elmer. These are not being approved officially as part of the SSA at this time, but are part of the planning being done.

The final categories on the map are preserved farm parcels in dark green and other preserved lands (Burden Hill area, Parvin State Park, and other state-owned lands) in light green. All other non-preserved lands in the proposed SSA map are subject to the new state nitrate dilution model standards. These figures, used in the Salem TDR Report, are based on total eventual buildout on a watershed basis and are not calculated parcel by parcel. For Salem, the average zoning would need to be six to seven acres per residential unit to meet the standards. At full buildout, this equates to about 11,000 residential units.

### **Salem Regional TDR Project Next Steps**

Salem Task Force members agreed with the steps outlined in the Salem Report but had some suggestions for additions for future analysis. Chris Sturm suggested including a recommendation about generating scenarios of future growth related to sewer, and working with local officials on this. This would include scenarios based on the DuPont conversion Alternative. This might help to clarify the State, County, and local capability of controlling secondary growth resulting from the Alternative. This would also tie into analysis of the economic viability of TDR in Salem.

Another comment made is to point out in the Next Steps section that compact growth will not happen in Salem, or elsewhere in New Jersey for that matter, without equity protection.

A discussion ensued on what organization might help lead a future study. The William Penn Foundation may be willing to provide additional funding for further analysis or action on a regional TDR program in Salem, but their funding does not usually go to government agencies. DVRPC has lost the two staff members who had the most knowledge and experience in this area and will probably not be willing to

undertake a subsequent project. New Jersey Future may be willing, despite being located at a distance (Trenton). Lou Joyce advised that he is committed to the project and is willing to work as a local coordinator for it. John Hasse advised that Rowan University has just approved the offering of a Bachelor of Planning program and that the Geography and Environmental Science Departments have recently been merged. This project may fit in well with the goals of the University and Department.

Everyone present agreed that a future Salem Task Force needs to involve all Salem County towns, along with more participation by large landowners and farmers. More direct participation by the Freeholders, and additional representation by developers and the business community should also be sought.

The meeting adjourned at 12:20 pm.