



February 19, 2010

Stan Shewlakow, Chair  
Linda Branin, Secretary  
Planning Board Subcommittee  
The City of Millville  
City Hall, 12 S. High St,  
Millville, NJ 08332.

RE: Lakeshore Conservation District formal comments for future land use

Dear Mr. Shewlakow:

The undersigned organizations of the South Jersey Bayshore Coalition (SJBC) would like to thank the City of Millville for inviting the Coalition to formally provide input on a future land use strategy for the 315 acres of land within the Lakeshore Conservation District. We would also like to take this opportunity to commend the city on its continuing efforts to encourage public participation throughout this process.

The Coalition firmly believes that the highest and best use for all remaining lakeside lands, including the 60-acre "Bluffs" tract along the southwest shoreline of Union Lake, is public acquisition by NJ Department of Environmental Protection to expand the Division of Fish & Wildlife's Union Lake Wildlife Management Area (WMA). We have expressed this interest in preservation to the WAWA Corporation and NJDEP.

We hope that every effort to preserve the land as public open space will first be pursued. However, if outright preservation of the remaining tract fails to transpire, the Coalition would like to offer the following recommendations for a clustered development plan for the site. We understand and support the city's well-established need to alleviate potential impacts and traffic densities that could result from the existing Lakeshore Conservation Ordinance. Our recommendations are designed to address this concern, as well as resident concerns and other goals outlined within the city's master plan, which address public welfare, enhancement of quality of life, environmental protection, and sustainable, balanced land use.

The Coalition recommends that any development of the tract be confined/clustered on approximately 75-80 acres in the southeastern portion of the tract. We believe this areas' proximity to established residential neighborhoods and options for vehicular access to existing and future roads, as well as comparative distance to Union Lake, render it a more suitable location for development. While much of the  $\approx$ 240-acre portion of the remaining tract along Union Lake has been classified as Environmentally Sensitive under the State Plan Map (PA5), the southeastern portion is within the Suburban Planning Area (PA2 Suburban). By limiting the development footprint to the area within the Suburban Planning Area through use of clustering and mandatory open space, the city will be able to create a land use strategy that is in conformance with the State Plan that simultaneously preserves about 75%, or  $\approx$ 240 acres of the tract. Again permit us to stress that the best option would be to preserve the entirety.

In addition to conforming with the State Plan, the city must also work with DEP in order to achieve overall compliance with new state Water Quality Management Planning Rules adopted to protect critical watershed lands, habitat, and aquatic resources from degradation. These new standards have led to the development of statewide maps by DEP, which designate areas appropriate for new sewer lines, and the growth they enable, as well as areas where future sewer service would be prohibited to protect areas designated as Critical Environmental Sites (CES). The forested area provides a critical buffer to Union Lake, and is assigned one of the highest rankings under the DEP Landscape Project (Rank 4) for habitat supporting State endangered species. Thus, the entire 315-acre area has been designated as an Environmentally Sensitive Area (ESA) by our State's biologists.

While the state Office of Smart Growth (OSG) has developed a State Plan Map, which supports suburban development on the southeastern portion of the tract, its status as an ESA has led DEP to recommend a prohibition of future sewer service across the entire site. This would significantly reduce density and development levels by requiring all new units served by private septic to meet the new statewide nitrate-dilution standards. While conformance with the new standards supports the city's goal of preventing unacceptable impacts to traffic flow by limiting permitted units and resultant density, it would also prevent clustering onto smaller lots with public sewer, which may be necessary to preserve the remaining 240 acres as open space. The DEP recommendation also lends clout to any planning decision to prohibit further development of the site since approximately 80 acres have been added to the adjacent interchange zone, making protection efforts of the remaining lands that much more critical.

Given the environmental sensitivity of the lakeside forest and need to offset impacts from the intensive land use of the adjacent Union Lake Crossing Shopping Center/ Interchange District's 165 acres of impervious cover, the city should not increase base density beyond a maximum of .5 units per acre. Furthermore, there is no justification to provide a density bonus. With the recommended requirement of a minimum of 75% open space, future development within the identified 75-80 acre area could provide for approximately 158 units on clustered lots.

A maximum density of .5 units per acre will adequately address both the city's and neighboring resident's legitimate concerns about increased traffic congestion by significantly reducing the overall number of units from that previously called for in the Matzel Mumford development plan. This recommended density will ensure that future clustered development within the southeastern portion of the tract will provide greater area for natural vegetative cover and other amenities. Additionally, the open space minimum of 75% coupled with a maximum density of 158 units will enable the city to protect about 240-acres of open space, while retaining equity for the landowner.

#### **Other considerations:**

**Balanced Land Use Strategy:** Phase II should not be considered in isolation to Phase I and Union Lake Crossing. For example, the newly created 85-acre Interchange District was only recently still part of the Lakeshore Conservation Zone, which called for significantly less intensive land use with a requirement for 40% open space. Indeed, existing big-box type superstores, restaurants and other large commercial venues, as well as infrastructure anticipated in the new district, represent an urban land use that together will result in a significant amount of acreage (approximately 165 acres) dedicated to impervious surface-cover, which is a leading cause of water quality degradation. Put differently the decision to develop the adjacent 165 acres (Phase I) so intensely calls for taking much greater environmental precautions with the remaining area.

Scientists assert that once even 10% of a watershed is lost to impervious cover, water quality suffers. Given the highly consumptive land use called for in the Interchange District that is certain to result in many football fields of pavement for parking and large structures, it is not unreasonable to project that

20% of the 400-acre tract will be dedicated to impervious surface cover. As the city considers a variety of land use options for the remaining tract, it should seriously consider how much more impervious surface is appropriate given its proximity and potential for adverse impacts to Union Lake and supporting ecology of the surrounding area. We believe the city has sufficient cause to exceed the open space proposed by the current lakeshore district. If anything, the lessons learned from the Matzel Mumford plan and public opposition to it suggest a smaller development footprint is preferable to a larger one. Therefore, now that the Interchange District has become a reality, the city should approach Phase II with the goal of reducing density on the remaining tract to minimize ecological damage and offset impacts to the immediate lakeshore watershed from converting even greater forest resources to impervious surface cover and urban use.

**Planned Unit Development:** The Coalition believes that the current Planned Unit Development (PUD) model permitted in the existing Lakeshore Conservation District should be modified to prohibit some of the conditional uses called for in the existing ordinance. Some of the conditioned uses are not compatible with the goals of protecting Union Lake's sensitive ecology, or reflective of existing and future nearby land use. Therefore, we recommend that such permitted and/or conditional uses in the existing ordinances such as golf courses, campgrounds, convenience stores and offices be prohibited. Commercial uses are more than adequately provided for in both the Union Lake Crossing Shopping Center and Interchange District.

**Other Standards:** The Coalition recommends that areas dedicated to stormwater management facilities, private yards, traffic medians, pocket parks, and other buffers within the confined development area not be considered in calculating for open space on the remaining tract. A modified Lakeshore Conservation plan should also limit all clearing and soil disturbance activities to that which is necessary to accommodate a permitted activity to ensure that all existing wooded areas are not cleared and converted to lawns except when specifically intended for active human use such as play fields, and lawns associated with a residence or other principal non-residential uses. Native trees of 8" diameter or better should be retained, and native trees and shrubs should be required for all revegetation and landscaping purposes. Every effort should be made to restrict development to those lands east of the Interchange District boundary line.

**Rezone areas east of Carmel Road and north of Route 49:** We also recommend that the city consider rezoning the entire area north of Route 49 and along the eastern side of Carmel Road in order create a uniform land use strategy consistent with the improved Lakeshore Conservation District that better protects the immediate watershed of Union Lake. Much of the land within the Union Lake WMA is wetlands, and remaining vacant or partially developed parcels abutting these areas serve as a critical upland buffer to Union Lake. Future land use of this area can either protect or degrade these resources. Therefore, we recommend that all lands north of Route 49 between Sharp Street and Carmel Road, as well as east of Carmel Road should be required to adhere to the same zoning and density standards recommended for those lands bordering the eastside of the lake.

**Conclusion:** The Coalition believes that the highest and best use for all remaining lakeside lands along Union Lake is preservation and public open space for conservation purposes and recreational uses. Should preservation fail to occur, a modified Lakeshore Conservation District plan should be in place that requires development be limited to the 75-80 acre southeastern portion of the tract where existing land use and proximity to public infrastructure would facilitate the most economically-efficient and least ecologically-consumptive use of the overall tract.

In order to offset existing and future density in the Interchange District and Union Lake Crossing Shopping Center, as well as to protect the water quality, ecology and outstanding recreational uses of Union Lake, permitted densities should be modified to a maximum .5 units per acre. The city should also prohibit the use of a density bonus since density and reasonable economic return have been more than

provided for in Phase I and adjacent Union Lake Crossing. The modified ordinance should require that no less than 75% of the tract be set-aside as open space for conservation purposes, public use and access to the lake. The ordinance should include language requiring a legally binding conservation easement on all open space, which can be held or sold outright to the city, state Division of Fish & Wildlife, or a non-profit land trust entity acceptable to all parties.

The South Jersey Bayshore Coalition reiterates its support for outright preservation and sale of both the entire 315-acre tract and 60-acre “Bluff’s” tract to the State Green Acres Program for conservation, public access, and recreational uses. We see the conserved area as offering a wealth of opportunities for passive public enjoyment, education, hiking, hunting, birdwatching, fishing, cross country, jogging trails, photography, geocaching and the like.

Representatives from the SJB Coalition would like to meet with the Planning Board subcommittee at its convenience to further discuss these recommendations and answer any questions it may have at that time. If we can be of any further assistance, please do not hesitate to contact us. We commend the planning board and staff for revisiting the zoning along the shores of Union Lake and we hope they will seek more protective planning strategies for the entire lakeshore region. Links to data regarding riparian corridors and water quality can be found below. Thanking you again for this opportunity to comment.

**Overview of recommended changes to Lakeshore Conservation District:**

- Limit development to the southeastern portion of the tract and preserve the entire area west of the Interchange District.
- Reduce the existing zoning schedule to allow a maximum of .5 units per acre.
- Mandate clustering and design standards that complement the adjacent neighborhoods.
- Remove PUD elements and Conditional Uses not compatible with existing neighborhood.
- Expand rezoning area north of Route 49 and along the eastern side of Carmel Road in order create a uniform land use strategy consistent with the improved Lakeshore Conservation District
- Require 75 % Open Space set aside for passive recreational and educational uses.
- Require a legally binding conservation easement on all open space.
- Limit all clearing and soil disturbance activities to that which is necessary to accommodate a permitted activity.
- Mandate all existing wooded areas shall not be cleared and converted to lawns except when directly associated with or adjacent to a proposed structure, right of way or playing field.
- Native trees (8” diameter or better) and shrubs should be retained on site and native species be used for revegetation and landscaping purposes

Sincerely,

Sandy Batty, Executive Director  
Association of New Jersey Environmental Commissions

Jody Carrara, ANJEC Project Director

Jane Galetto, President  
Citizens United to Protect the Maurice River and Tributaries

Matthew Blake, Manager  
American Littoral Society

Eric Stiles, VP Conservation & Stewardship

New Jersey Audubon Society

Jane Nogaki  
New Jersey Environmental Federation

Christine Nolan  
South Jersey Land and Water Trust

cc: Tim Shannon, Mayor  
Joseph Derella, Jr, Vice Mayor  
Kim Ayres, Planning Director  
Commissioner Dale Finch

<http://njaes.rutgers.edu/njriparianforestbuffers/links.htm>

Rutgers Research Riparian Buffers

[http://www.nj.gov/dep/watershedmgt/cleanwaterbook/waterbook\\_chp4.htm](http://www.nj.gov/dep/watershedmgt/cleanwaterbook/waterbook_chp4.htm)

NJDEP "The Clean Water Book"