



PHILIP D. MURPHY
Governor
TAHESHA L. WAY
Lt. Governor

State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
www.nj.gov/pinelands



LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

MEMORANDUM

To: CMP Policy and Implementation Committee

From: Gina A. Berg *gab*
Director, Land Use Programs

Date: November 12, 2025

Subject: November 21, 2025 Committee Meeting

Enclosed please find the agenda for the Committee's upcoming meeting on Friday, November 21, 2025. We have also enclosed the minutes from the Committee's October 31, 2025 meeting.

The Committee meeting will be conducted in-person and via teleconference. Specific access information will be provided to all Committee members in a separate email. The public is invited to attend the meeting in-person or view and participate in the meeting through the following YouTube link:

www.youtube.com/c/PinelandsCommission



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CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

November 21, 2025 – 9:30 a.m.

This meeting will be held in person and virtually

Richard J. Sullivan Center for Environmental Policy and Education
Terrence D. Moore Conference Room
15C Springfield Road
New Lisbon, New Jersey

Watch the meeting on the Pinelands Commission YouTube channel:

www.youtube.com/c/PinelandsCommission

To Provide Public Comment, Please Dial: 1-929-205-6099 Meeting ID: **896 3499 8993**

Agenda

1. Call to Order
2. Adoption of minutes:
 - Open Session from the October 31, 2025, CMP Policy & Implementation Committee Meeting
 - Closed Session from the October 31, 2025, CMP Policy & Implementation Committee Meeting
3. NJDEP Artificial Turf Presentations
 - Green Acres Review of Recreation Project Proposals
 - Division of Science and Research Summary of Current Science
4. Discussion of Accessible Trail Standards
5. Public Comment
6. Adjournment

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

This meeting was conducted both remotely and in-person
The public could view/comment through Pinelands Commission YouTube link:

www.youtube.com/c/PinelandsCommission

Richard J. Sullivan Center
15C Springfield Rd
New Lisbon, New Jersey 08064
October 31, 2025 – 9:30 a.m.

MINUTES

Members in Attendance: Deborah Buzby-Cope, Jerome H. Irick, Chair Laura E. Matos, Jessica Rittler Sanchez

Members in Attendance (Zoom): Mark S. Lohbauer, Douglas Wallner

Members Absent: Alan W. Avery, Jr., Theresa Lettman

Staff Present: Gina Berg, April Field, Lori Friddell, Susan R. Grogan, Brad Lanute, Paul Leakan, Amber Mallm, Stacey P. Roth

Also in attendance: Michael Eleneski with the Governor's Authorities Unit (Zoom)

1. Call to Order

Chair Matos called the meeting to order at 9:32 a.m.

2. Adoption of minutes from the September 26, 2025 CMP Policy & Implementation Committee Meeting

Commissioner Rittler Sanchez moved the adoption of the September 26, 2025 meeting minutes. Commissioner Irick seconded the motion. All Ayes. The motion passed.

3. Pinelands Conservation Fund Acquisition Round Project Proposals

Attachment A to these minutes and posted on the Commission's website at the following address:

<https://www.nj.gov/pinelands/home/presentations/PCF%20Public%20Session%20PI%20103125.pdf>

Planning Specialist, Amber Mallm presented a summary and reviewed evaluation criteria for Pinelands Conservation Fund (PCF) 2025 Land Acquisition Project applications.

Ms. Mallm said that the \$3,000,000 currently available for land acquisition in the PCF came from an agreement with the South Jersey Transportation Authority. She said in May of 2025, notice of the PCF 2025 Land Acquisition grant round was provided to land acquisition partners including counties, municipalities and non-government organizations with a September 19th project proposal deadline. She reported that one application was received from the New Jersey Conservation Foundation.

Ms. Mallm reviewed the PCF project minimum requirements and matrix of evaluation criteria. She said discussion of project specifics and funding allocation requested will need to continue in closed session to protect project negotiations between the property owner and the applicant.

Commissioner Rittler Sanchez inquired why only one application was received. Executive Director (ED) Susan Grogan suggested that government and non-profit agencies may have difficulty in matching grant funds and in their ability to maintain additional property. Director of Land Use Programs Gina Berg added that many non-profit agencies rely on volunteer staff only.

Commissioner Buzby-Cope moved that the Committee meet in closed session. Commissioner Lohbauer seconded the motion. All Ayes. The motion passed.

The Committee met in closed session at 9:40 a.m.

The Committee reconvened in open session at 10:13 a.m.

Ms. Mallm summarized that during closed session, the Committee approved the award of \$3,000,000 in available funding to the New Jersey Conservation Foundation for acquisition and permanent land protection in the Medford-Evesham acquisition target area in Burlington County. She said the Committee recommended one year to execute the grant agreement, recognizing that the applicant will need to secure additional funding and meet other granting institution requirements. Ms. Mallm said the next step is a letter of notification of award to the project partner.

4. Discussion of Proposed CMP Amendments for “Gap” Applications

Attachment B to these minutes and posted on the Commission’s website at the following address:
https://www.nj.gov/pinelands/home/presentations/PI_Gap_103125_FINAL.pdf

Executive Director (ED) Susan Grogan presented draft CMP amendments for the “Gap” application process. She defined a “Gap” application as a private development application that receives no municipal or county approvals or permits because of pre-emption under State law or because the municipality or county does not require the development to obtain local approvals. She explained that an amendment is needed to establish procedures to ensure a final determination of consistency with the Comprehensive Management Plan (CMP) by the Commission and to provide opportunity for public review and comment.

For comparison, ED Grogan reviewed the current process for private development applications that do require local permits and approvals, as well as the process for public development applications, noting that in both cases the Commission staff reviews for consistency with the CMP. With private development, staff reviews a local permit or approval for consistency, and for public development projects, the full Commission determines consistency based on a Public Development Report prepared by the Commission staff. In both cases, there is opportunity for public input either at the local level on private development or at a Commission meeting with public development. She said some private development applications avoid the review for consistency and opportunity for public input when local permits or approvals are not issued. Ms. Grogan added that initially only utility lines were identified as falling into this procedural gap,

but staff has since identified several other types of development that may also need to be subject to the Gap procedures.

ED Grogan provided further explanation and examples of the broad category of Gap development applications, explaining that while local permit or approvals are not required, State permits such as those from New Jersey Department of Environmental Protection (NJDEP) or New Jersey Department of Transportation (NJDOT) may be required. However, permits issued by State agencies are not subject to Commission review.

ED Grogan said the Commission was previously directed by the Appellate Division to create a process for Gap applications through which the Commission, not just the Executive Director, would decide on consistency with the CMP. She said the Commission adopted a resolution establishing a procedure to meet the court directive for Commission review and action on a public utility project that was appealed. She said that it remains necessary to address the Court's directives by adopting CMP amendments for future projects that are subject to the procedural gap and to provide clarity.

She presented the draft Gap application rules. In addition to regular application review, an application for private development will be required to submit a written statement indicating whether the proposed development is exempt from obtaining county or municipal permits or approvals. Ms. Grogan explained that once an application is determined to be a Gap application it would then be reviewed by the Commission in accordance with the public development procedures, which gives the Commission the ability to determine if the development is consistent with the CMP. She said the Gap application rules procedures will clarify through the issuance of a resolution and report that no other state departments can issue approvals, licenses or permits for construction or disturbance on any land in the Pinelands Area without the Commission first determining that the development subject is consistent with the minimum standards of the Comprehensive Management Plan (CMP).

ED Grogan outlined the proposed Gap application process. She said the process allows for public comment submission and creates a record of comments prior to Commission action.

Ms. Grogan reviewed the timeline and steps for furthering the amendment and said that staff anticipates presenting a formal rule proposal to the Commission in 2026.

Commissioner Rittler Sanchez, in reference to the application process, inquired on the definition of major development and if the definition required change. ED Grogan said for residential development, major is five or more units and for non-residential it is 5,000 square feet of disturbance or more. ED Grogan said she would not want to change the definition; this is the current definition, and the public is familiar with it.

Commissioner Rittler Sanchez inquired if data centers would be an example of Gap applications. ED Grogan explained that a data center or warehouse would require a site plan and local approval and therefore would not be a Gap application.

Discussion followed on Gap application occurrence. ED Grogan said it does not occur often, but certain applications can be controversial and since these developments are not being reviewed

locally, with no other public process, it is good that they come before the Commission in an open public fashion.

Chair Matos supported keeping the process aligned with what already exists in the CMP and is recognized by the public.

ED Grogan said it is important for the Commission to act within its own capabilities while meeting the goals of the public process and establishing a decision of the Commission. Chief of Legal and Legislative Affairs Stacey Roth added that the Commission wants to create a factual record that supports its decision and this procedure will allow that for Gap applications.

Commissioner Buzby-Cope inquired if private developers are notified of the requirements for public notice when hearings are necessary due to inconsistencies with the CMP. ED Grogan responded that yes, the Commission provides explanation and instruction for the public hearing and notifications.

Commissioner Irick, regarding definitions, suggested outlining the difference between transmission line, distribution line and service line. He said there should be different levels of review for those types of projects. He referred to occurrences of inadvertent returns resulting from horizontal directional drilling (HDD). Commissioner Irick further suggested tightening standards related to HDD.

Lastly, Commissioner Irick suggested identifying a standard for general safety review for commercial development projects, such as those on the Garden State Parkway, that otherwise are not subject to site plan review. He said even if it requires hiring an independent consultant for an application.

ED Grogan said that the Commission can hire a consultant for a complex application review and require escrow from the applicant.

Commissioner Irick said if offshore drilling and offshore wind energy continues, there will be pipeline and transmission line issues arising that will need to be addressed.

Ms. Berg, regarding HDD, said that the Commission did not include it in the recent rule package because the NJDEP's pending REAL rules address HDD issues and inadvertent returns.

Commissioner Irick suggested that if the NJDEP does not adopt its rules or address HDD issues, then the Commission should. Ms. Roth said the pending NJDEP rule would require looking at HDD as part of their permitting process for wetlands.

Commissioner Lohbauer supported Commissioner Irick's comments that the Commission needs to be mindful of HDD issues, especially if the NJDEP REAL rule adoption is pushed back. He said the Gap application is a good name since these applications can otherwise fail to get CMP review on a local level or fail to offer public input before reaching the Commission. He added that the amendment addresses the superior court's direction. Commissioner Lohbauer inquired about an optional step in the Gap application process that would identify how a substantial issue of public interest is determined to warrant a public hearing.

ED Grogan responded that the public hearing determination is part of the private development application process when a local permit or approval is reviewed. Gap applications would have the opportunity for public input at Commission meetings in the same way that public development applications do. Ms. Roth said a Gap application will be treated as a public development application so the public will have an opportunity to comment. Regarding determination of a substantial issue, she said there are many standards to be met but no set matrix for what is substantial. ED Grogan said there will be a staff report that will identify all relevant CMP standards and provide explanation of any substantial issues that were found.

5. Public Comment

Robyn Jeney, representing the New Jersey Conservation Foundation, in response to Commissioner Rittler Sanchez's prior question, said she believes that the challenge of securing matching funding is why few Pinelands Conservation Fund applications are submitted. She added that a long-time private foundation that offered supporting conservation funds is no longer operating. Ms. Jeney expressed her gratitude to the staff for their recommendation and to the Commissioners for their allocation of \$3,000,000 of PCF funding for the NJCF project. She said the current landowner is very public about their intention to conserve the property and she is optimistic that this grant allocation will serve as a catalyst for moving forward and obtaining additional project funding. Ms. Jeney, as a former Pinelands employee, remarked on the amazing partnership to conserve the entire property and significantly reduce development. She said the NJCF is actively working towards a contract and intends to honor the acquisition timeline set by the Committee.

Stephen Elliott of the Pinelands Preservation Alliance and Friends of the Black Run Preserve echoed Ms. Jeney's comments of gratitude on the great step forward for the preservation of the headwaters of the Black Run. He thanked the Commissioners for their work. He inquired whether water allocation would be included in Gap applications and if so if there was a set limit.

Ms. Berg said the Commission does not regulate water allocation, just the impact of the diversions greater than 50,000 gallons per day. She said if any application for a new well meets that threshold, the Commission would review it, and the application could fall under the Gap rules.

6. Adjournment

There being no other business, Commissioner Buzby-Cope moved to adjourn the meeting. Commissioner Lohbauer seconded the motion. All voted in favor. The meeting was adjourned at 11:07 a.m.

Certified as true and correct:



Lori Friddell
Land Use Programs Technical Assistant

Date: November 6, 2025

A scenic photograph of a dirt path winding through a forest with vibrant autumn foliage. The path is bordered by a rustic wooden fence on both sides. The trees are covered in leaves of various shades of yellow, orange, and red, with some green still visible on the right. The path leads into the distance, creating a sense of depth.

Pinelands Conservation Fund

**Policy & Implementation Committee
Public Session**

October 31, 2025

Grant Round Summary

- \$3,000,000 available
- May 9, 2025, Commission announced grant availability to eligible entities
- September 19, 2025, project proposal applications due



Grant Round Summary

- 1 application submitted
 - NJCF
 - Burlington County
- Staff reviewed and scored against evaluation matrix
- Staff recommendation in closed session



Factor	Low (1)	Medium (3)	High (5)
Location: Is the project in PCF focus areas for flood or wildfire	In RGA, Town, Village or Rural Development Area AND one of the designated focus areas	In designated focus areas and Preservation Area District, Special Agricultural Production Area, Agricultural Production Area or Forest Area	Within a five-mile radius of the Atlantic City Airport operated by the South Jersey Transportation Authority (SJTA) and inside the State Pinelands Area
Threatened and Endangered Species Habitats:	No state/federal T&E habitat per NJDEP Landscape Model AND no NJPC and ENSP sightings	T&E habitat exists based upon NJDEP Landscape model and/or NJPC and ENSP sightings	Grassland habitat exists based upon NJDEP Landscape model and/or NJPC and ENSP sightings
Size:	Less than 50 acres	Between 50 and 100 acres	100 acres or more; add 3 additional points if greater than 500 acres
Contiguity:	Less than one mile from preserved open space	Less than one mile from preserved open space and known grassland T&E habitats but not contiguous	Contiguous with preserved open space and known grassland T&E habitats
Partner Contribution:	66.7% of acquisition costs	At least 75% of acquisition costs	Greater than 75% of acquisition costs
Maintenance & Stewardship:	Written maintenance /stewardship plan	Written maintenance/ stewardship plan and specific stewardship project proposal	Written maintenance/ stewardship plan and agreement to partner on future grant proposal for stewardship projects
Environmental Justice Communities Stressors:	One stressor identified	Three or four stressors identified	More than five stressors identified

Closed session



Closed Session Summary

- Committee approved award of all available funding, \$3,000,000, to NJCF
 - Acquisition in the Medford-Evesham Priority Acquisition Area, Burlington County
- Recommended 1 year to execute grant agreement (November 2, 2026) recognizing:
 - Additional funding sources
 - Other granting institution requirements
- Next steps: letter to project partner notifying of the award



Questions?



Draft CMP Amendment: “Gap” Application Process



CMP Policy & Implementation Committee

October 31, 2025

Purpose of the Amendment

- To codify the application process for development proposed by non-governmental entities that is not subject to local approval under State or federal law or that otherwise does not seek or receive any local permits or approvals
- Key objectives:
 - Provide an opportunity for public review and comment directly to the Commission
 - Ensure a final determination of consistency with the CMP by the Commission



Private Development Application Process

- Application submitted to Commission
- Upon completion of the application, staff issues a Certificate of Filing
- Certificate of Filing notes any inconsistencies with the CMP
- Applicant obtains local permits and approvals
 - Public notice requirements
 - Public participation/comment at municipal or county level
- Copies of all local permits and approvals are provided to the Commission staff for review to ensure consistency with the CMP





Private Development Application Process

- Commission staff reviews local permits and approvals and either:
 - Determines a permit or approval raises no substantial issues with respect to the CMP and issues a letter of no further review; or
 - Determines that a permit or approval raises a substantial issue with respect to the CMP and schedules a hearing
- Applicants usually resolve all identified issues prior to the hearing, allowing for release of the permit or approval
- Hearings are held before the Executive Director (typical) or OAL (uncommon)



Private Development Application Process

- If the applicant wishes to proceed with a staff hearing:
 - Applicant must provide public notice
 - The applicant and members of the public may attend and provide comments and/or written materials at the hearing
 - All written materials (reports, data, etc.) become part of the record
- After the hearing, staff prepares a report and recommendation to the Commission
- The Commission takes action at its next meeting to approve, conditionally approve or disapprove the development, based on the established record
- The municipality or county must revise or revoke its permit or approval in accordance with the Commission's action



Public Development Application Process

- Application is submitted to the Commission
- Application is listed on the Active Public Development Applications status report posted on the website
- Applicant provides public notice via certified mailings and newspaper publication (major development only)
- Staff determines application is complete
- Staff updates the status report to provide the date for oral public comment and deadline for submission of written comments
- Oral comments accepted at Commission meeting
- Written comments accepted through close of business on day of Commission meeting

Public Development Application Process

- Staff reviews application for consistency with the CMP and prepares a report and recommendation
- Report and recommendation are provided to the applicant, public commenters and others
- Appeal period for interested parties
- The Commission takes formal action on the application at its next meeting and may:
 - approve the Executive Director's recommendation; or
 - Refer the Executive Director's determination to OAL



Gap Development Applications

- Private development applications that do not require or obtain local (municipal or county) permits or approvals
- State permits (NJDEP, NJDOT) may be required and/or obtained, but they are not subject to Commission review
- Examples:
 - Public utility infrastructure projects
 - Water supply wells
 - Recycling facilities
 - Privately owned cellular facilities on municipal property
 - Private retail commercial uses at Garden State Parkway or AC Expressway service plazas
 - Offshore wind connections to power grid



Draft Gap Application Rules

- Upon submission of an application, private development applicants must provide:
 - A list of all permits and approvals required for the proposed development from county, municipal, state and federal agencies and, if applicable, a written statement indicating whether the proposed development is or will be exempt from the requirement to obtain any county or municipal permits or approvals, along with the reason for the exemption
 - N.J.A.C. 7:50-4.2(b)4xi (minor development)
 - N.J.A.C. 7:50-4.2(b)5xv (major development)



Draft Gap Application Rules

- If development is proposed, but review and approval by local permitting agencies is pre-empted by State or Federal law, or otherwise not required, the application will be reviewed by the Commission in accordance with the public development procedures
 - N.J.A.C. 7:50-4.28 (development in uncertified municipalities)
 - N.J.A.C. 7:50-4.43 (development in certified municipalities)



Draft Gap Application Rules

- Clarify that other state departments, officials and agencies cannot issue approvals, licenses, permits, etc. for construction of any structure or disturbance of any land in the Pinelands Area unless the Commission has determined that the development subject of such approval or grant is consistent with the minimum standards of this Plan. 7:50-4.81(a)



Proposed Gap Application Process

- Application received
- Information submitted indicating no local approvals or permits will be required or sought
- Application is posted on new status report webpage
- Applicant provides public notice (for major development only)
- Staff reviews for completeness and consistency with CMP
- Public comment accepted at Commission meeting and in writing
- Executive Director's report and recommendation issued
- Commission action via adoption of resolution



Timeline and next steps

- P&I comments/recommendation
- Prepare full rule proposal
- Obtain approval from the Governor's office
- Formal proposal by the Commission in 2026





Questions?

