

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