

Rule Package #1 Response to Comments

Policy & Implementation
Committee

September 26, 2025

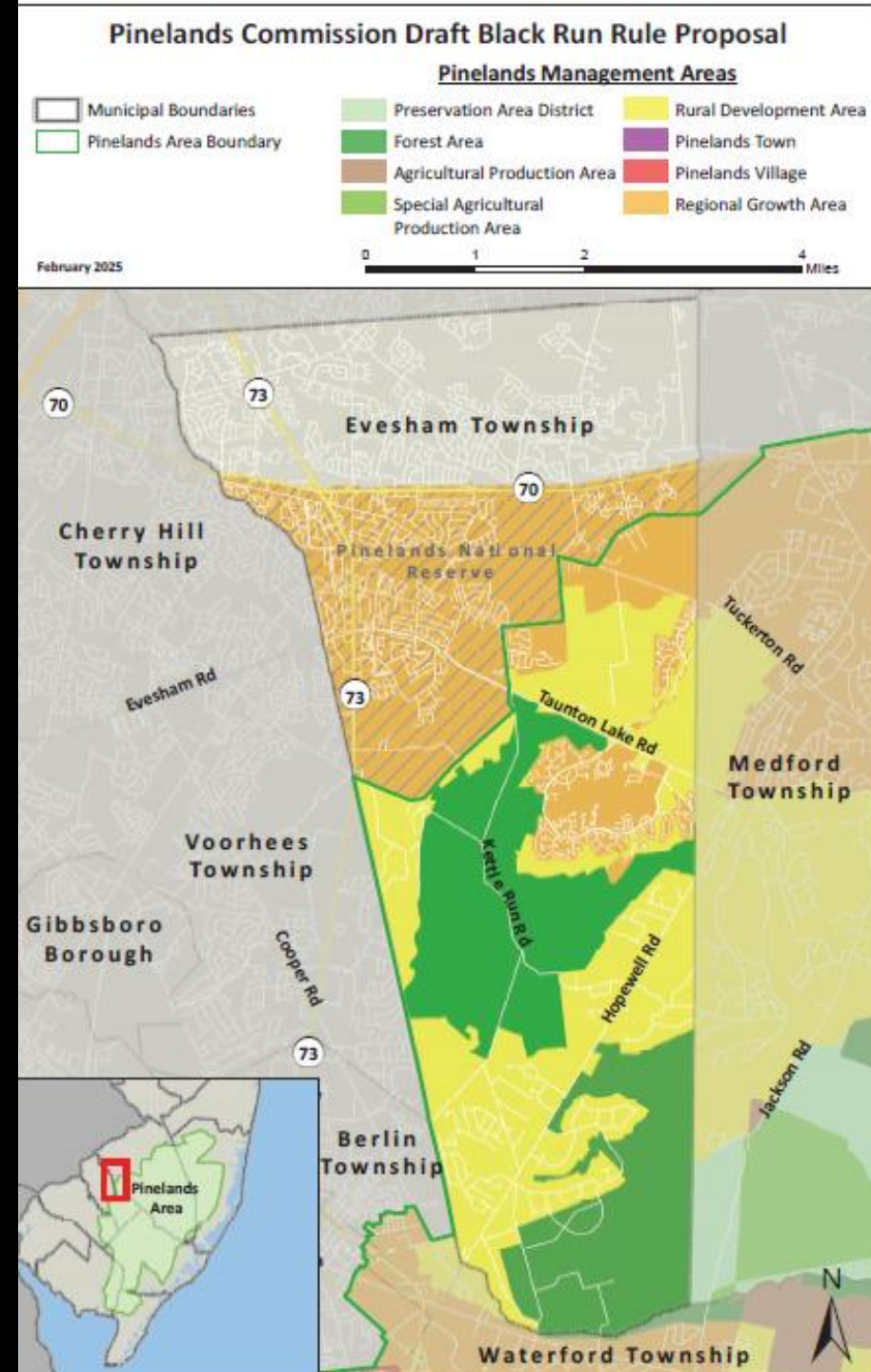


490 Commenters Submitted Oral and/or Written Comments

Category	# of Comments
Re-designation of Black Run watershed from Rural Development to Forest Area	342 +1
Protect the Black Run/ the Pinelands in general/ Evesham focused comments/ & Accessible trails	111 + 5 +32 +1
Application Fees	2
Expiration of completeness documents	3
PDC Program in Regional Growth Areas	3
Other comments	2

Re-designation of Black Run watershed from Rural Development to Forest Area

- Most commenters on this topic supported redesignation (342)
- One commenter was concerned about how the amendment would affect access to his land and to development of a single family dwelling in the future
 - Commenter's lands are not in the area to be redesignated
 - No change to residential density in RD-3 zoning district where commenter's land is located
 - Landlocked: the Commission does not have the authority to grant easements



Protect the Black
Run/ the Pinelands/
the resources of the
Pinelands; &
Evesham-focused
comments

- These comments did not address specific parts of the rule proposal
- Most opposed development in the Black Run watershed (111)
 - Reiterate that redesignation does not result in land preservation
- Multiple comments asked for municipal re-zoning (5)
 - Note that the redesignation precedes municipal re-zoning
- 32 supported protecting the Pinelands, the K-C aquifer, the resources of the Pinelands

Accessible Trails

- One commenter supported the re-designation but asked for any trails to be managed to provide accessibility for all
 - The rule does not create open space or approve development of trails
 - The Commission recognizes the need for accessible trails throughout the Pinelands
 - CMP amendments addressing inclusive trail development will be discussed with the Commission in the future

Application Fees

Increased fees for applications to resolve violations, Non-PDC Letters of Interpretation & Waivers of Strict Compliance

Two commenters: Both expressed support for fee amendments

Expiration of Completeness Documents and Waivers

Three commenters

Comments addressed:

- Further grace period
- Local approval process (reliance on approval)
- Taking resulting from expiration
- Support for expiration of CFs and pre-1992 Waivers

(More detail in following slides)

Expiration of completeness documents – Grace period

- CMP should provide a longer grace period before CFs expire
 - +/- 1600 applicants/property owners with CFs issued after 1/1/2004 were individually notified in August 2025
 - The ED retains the authority to determine that permit or approval raises no substantial issue with respect to CMP standards and allow it to take effect after the expiration date of a CF
- Expiration constitutes a taking
 - CF is not an approval and, as such, does not confer any development or property rights



Expiration of completeness documents – Local approvals

CF should remain in effect while local permits and approvals are pursued and land is assembled

- Applicants will have sufficient time (5 years) to use a CF as follows:
 - Pursue and obtain one local permit or approval
 - Submit one local permit or approval to the Commission
 - Resolve any identified inconsistencies with the CMP
 - Obtain letter from Commission allowing permit or approval to take effect
- Upon completion of the above process, associated CF will not expire
- Impractical for the Commission to track and make decisions based on the active pursuit of local approvals or status of land acquisition/assembly.





PDC Program in Regional Growth Areas

- Amendments codify long-standing practice of using the municipal flexibility standards in the CMP:
 - To allow PDC use for non-residential development
 - To allow municipality to exempt affordable housing from PDC use
 - Does not reduce the overall obligation for PDC use in the Regional Growth Area
- One comment in support of allowing PDCs to be used for non-residential development

PDC Program –Affordable Housing

- Comment:
 - Entire development project should be exempt from PDC use if it contains any affordable units
 - Commission should require municipalities to exempt all projects with affordable units from PDC requirements
- Response:
 - Pinelands Act prohibits consideration of low-mod income housing in ordinance or application review
 - Municipality flexibility: accommodate different housing types, densities and nonresidential development; maintain PDC demand; adapt to changing market
 - Would have a significant negative impact on the PDC Program

Other Comments

One commenter
said the rule
proposal must be
supported

One commenter
said deforestation
should be
prohibited

Next Steps

No changes recommended to the language of the rule proposal published in June 2025

Submitted to and approval received from Proposed Rules (Governor's Office)

P&I recommendation to full Commission

Commission action on October 10, 2025

Governor's veto period (30 working days)

Submit to OAL by December 10, 2025

Effective date/NJ Register publication early January 2026



Questions?