

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
September 26, 2025 – 9:30 a.m.

MINUTES

Members in Attendance: Alan W. Avery, Jr., Deborah Buzby-Cope, Jerome H. Irick, Jessica Rittler Sanchez

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

Members Absent: Laura E. Matos, Theresa Lettman

Staff Present: Gina Berg, John Bunnell, Ernest Deman, Lori Friddell, Susan R. Grogan, Christian Jeitner, Brad Lanute, Paul Leakan

Also in attendance: Dorian Smith with the Governor's Authorities Unit (Zoom)

1. Call to Order

Vice Chair Avery called the meeting to order at 9:31 a.m.

2. Adoption of minutes from the August 29, 2025 CMP Policy & Implementation Committee Meeting

Commissioner Lohbauer moved the adoption of the August 29, 2025 meeting minutes. Commissioner Rittler Sanchez seconded the motion. All Ayes. The motion passed.

3. Rule Package #1 Response to Comments

Attachment A to these minutes and posted on the Commission's website. Click [here](#).

Executive Director (ED) Susan Grogan presented a summary of the oral and written public comments received from 490 commenters regarding the Rule Package #1. She said it is one of the largest responses received to a rule proposal, with the majority of the comments being positive and in support of the rule proposal.

ED Grogan discussed the broad categories of comment topics and the staff's recommended responses, which will be included in the Notice of Adoption and are outlined in the presentation (Attachment A.) She said most comments pertained to the re-designation of the Black Run watershed from Rural Development Area to Forest Area. She said a smaller number of comments addressed other aspects of the rule proposal and highlighted those comments and responses.

ED Grogan reviewed the response to one commenter who expressed concern that the re-designation would affect access to his property and requested that the Commission should require other property owners to guarantee access to the landlocked property. She said staff researched and found that his property is not within the area proposed to be re-designated. The draft response notes that his property will not be affected by the rule proposal and clarified that the Commission does not have the authority to grant easements across private lands.

ED Grogan said there were a group of non-specific comments opposed to all development or encouraged protection and preservation of the Black Run and the Pinelands Area in general. She reiterated that the redesignation does not preserve the land but reduces development potential consistent with the Forest Area designation. She said the property remains privately owned.

ED Grogan reported that comments were received specific to Evesham Township zoning. She said the response explains that with this large-scale management area change, the Commission must adopt the Pinelands Land Capability Map amendment first before the Township can proceed. Evesham Township then has one year to adopt necessary zoning changes to implement the re-designation in the municipal ordinances. She added that the Commission and Evesham officials have been in contact and have been supportive of re-designating the Black Run watershed to Forest Area.

She reviewed the recommended response to a comment suggesting accessible trail management standards be included in the rule proposal. She said that it is not part of this rule package, but that accessible trail standards are being considered for future rule amendments.

ED Grogan reported that two comments were received in support of application fee amendments. The response to comments will thank the commenters for their support.

She said three comments were received regarding the rule proposal's amendment setting expiration of completeness documents and waivers. ED Grogan explained the expiration dates and grace periods for those documents will be based on the date of issuance. She said staff attempted to notify all applicants who have a Certificate of Filing (CF) that was issued after 2004. The notification informed applicants that their CF will expire five years after the date it was issued, unless a local permit or approval is submitted to the Commission, and is allowed to take effect consistent with the Comprehensive Management Plan (CMP).

A commenter stated that the rule should be revised to allow an additional grace period before CFs expire. ED Grogan said the current rules give the Executive Director the authority to determine that a local permit or approval raises no substantial issue with respect to CMP standards. This could provide the ability to sign off on an approval after the expiration date of the associated CF. She emphasized that this authority allows sufficient flexibility to address the variety of situations that will arise. Therefore, no revision of the proposed rule is needed. She said staff are working on internal policies and procedures to implement the rules relating to expiring completeness documents and will provide additional notice and information to applicants and municipalities.

ED Grogan said in most cases the CFs that will expire are very old. When applicants apply for and obtain local permits using very old CFs, it causes problems for the applicants, the municipalities and the Commission staff. She said that it is in the interest of the applicant to reapply to make sure the proposed development remains consistent with current rules.

Commissioner Rittler Sanchez inquired why notifications were only sent to those with Certificates issued after 2004. ED Grogan explained that if a CF was issued after 2004, applicants can keep their Certificates from expiring by submitting a local permit or approval to the Commission for review before the CF expiration date. However, for CFs issued before 2004, the Certificate will expire automatically upon rule adoption.

ED Grogan continued with a comment that suggested that the expiration of completeness documents constitutes a taking. ED Grogan said a CF is not an approval and does not confer any development or property rights. Therefore, expiration of a CF is not a taking. She said the same commenter suggested that CFs should remain valid for whatever time period is necessary for applicants to assemble land and obtain permits for development. She emphasized this represents the current situation with CFs that do not expire and that it causes the problems that the amendments are trying to fix. She said the amendment assigns a five-year lifespan to a CF, which provides sufficient time to obtain at least one local permit or approval to keep the CF active. She said the Commission encourages applicants to proceed in a timely fashion and the suggestion of CFs remaining in effect indefinitely has proved to be impractical.

ED Grogan reviewed responses to comments about amendments to the PDC (Pinelands Development Credit) program in Regional Growth Areas.

Commissioner Irick inquired if allowing municipalities to exempt affordable housing from PDC use then allows municipalities to increase the density within the Regional Growth Area without requiring PDCs use. ED Grogan responded that it does not and said that if a town wants to increase the density, it can adopt a mandatory requirement for the use of PDCs.

She said one comment was received in support of allowing PDCs to be used for non-residential development. She said that this is a key change as it allows towns to respond to changes in the real estate market, and at the same time assures the continued demand for PDCs in the future.

ED Grogan said one comment was received regarding affordable housing in the PDC program. The commenter suggested municipalities should be required to create an exemption from PDC requirements for all residential units within a development where affordable housing is proposed. ED Grogan reviewed the response, noting that the Pinelands Protection Act prohibits consideration of low- to moderate-income housing in the Commission's review of municipal ordinances and development approvals. She said municipalities have flexibility to accommodate different types of housing and that the suggested approach would have a negative impact on the overall PDC program.

ED Grogan summarized the next steps in the rule making process. She reported that no changes are being recommended to the language of the rule proposal. She said the Commission has already received approval from the Governor's office to move forward with the adoption of the

rule and if this Committee recommends the rule package to the full Commission for adoption, it could be acted on at the October 10, 2025 meeting. She said following expiration of the Governor's 30-working day veto period, publication in the NJ Register is expected to occur in the first week of January 2026, at which point the rules will take effect.

Regarding the suggested schedule, Commissioner Rittler Sanchez asked if the Governor's approval of the minutes could come sooner considering the public support for the change in designation of the Black Run Watershed. ED Grogan said the schedule has already been expedited through the authorization to proceed with adoption at the October Commission meeting. She said that any rush to publish before January contradicted the advice provided in notifications sent to applicants on the proposed expiration date of their Certificates of Filing. Therefore, she does not feel it would be appropriate to formally request further expedited approval.

Regarding waivers of strict compliance, Commissioner Buzby-Cope inquired if staff reached out to applicants with waivers issued prior to 1992. ED Grogan explained the rule will provide them an additional year before the waiver expires, and they will be notified after rule adoption of the pending year 2027 expiration. Commissioner Buzby-Cope asked if towns will also be notified. ED Grogan said they will.

Commissioner Irick complimented ED Grogan and staff for their efforts in responding to the comments.

Commissioner Wallner said it was an excellent summary and commended the courteous method of addressing public comments in the adoption notice. He said he recommends moving forward.

Commissioner Rittler Sanchez agreed that responses were both polite and explanatory.

Commissioner Lohbauer moved to recommend the Rule Package #1, without changes, to the full Commission for adoption. Commissioner Rittler Sanchez seconded the motion.

All Ayes. Motion passed.

4. Pinelands Long-Term Water Level Monitoring Program Summary

Attachment B to these minutes and posted on the Commission's website. [Click here.](#)

Pinelands Commission Research Scientist Chris Jeitner presented a summary of the Pinelands long-term water level monitoring program. Mr. Jeitner said the work being presented has been funded by the National Park Service.

He reviewed the well arrays and procedures for groundwater monitoring in forest plots. Mr. Jeitner reported that of the 33 forest plots measured, water levels at five plots have been recorded since 1987, and the remaining 28 plots have been monitored since 2004. He reviewed the location of the forest plots noting that many were originally selected to support the Kirkwood-Cohansey Project. He said plot locations represent a spectrum of proximity to development with some plots in more remote areas and some closer to developed areas.

Mr. Jeitner presented an example of a hydrograph from 2 forest plots and reviewed water table levels and typical seasonal impacts. He noted drought impact, with the lowest levels in the past 38 years reported in 2024. He explained annual gaps in early data exist because water levels were not originally measured in winter months due to the ponds being frozen.

Mr. Jeitner described the more recent installation and use of hourly data loggers in some wells. He shared a hydrograph of eight years of hourly groundwater data from the well at McDonalds Branch that had a data logger installed in 2017.

Mr. Jeitner said the Commission staff also measure the surface water level in 37 ponds, 14 of which have been monitored since 1996. He presented a map showing pond locations geographically disbursed across the Pinelands Area. He discussed data collection methods and frequency. Mr. Jeitner showed preliminary data of pond water level changes throughout the year and during the 2024 drought. He noted damage to ponds caused by off road vehicles.

He described data logger upgrades, miniature weather station installations, and the capability of retrieving data remotely using the upgraded equipment. He said the ability to monitor data collection remotely saves on staff travel and reduces data gaps because malfunctions are more quickly identified and addressed. Mr. Jeitner discussed plans to replace data loggers with remote weather stations that allow viewing real time data on the internet. He noted that having rainfall data recorded at the location of a pond increases understanding of how water levels change not only in response to fluctuations in groundwater levels but also in response to rainfall.

Mr. Jeitner said the goal of the Science Office in 2026 is to replace data loggers with weather stations at three additional locations and to make the live weather station data available on the Pinelands Commission website to allow the public to view current conditions at the ponds and download weather data. He said the department wants to analyze existing data for long-term trends to learn if water levels have been increasing or decreasing and to identify regional differences.

Vice Chair Avery asked Commissioners for their questions or comments.

Commissioner Rittler Sanchez said she supports additional weather stations. She inquired about the difference in water levels between Button Pond and Colliers Mill. Mr. Jeitner explained that Button is a shallower pond than Colliers Mill.

Commissioner Rittler Sanchez further inquired how long a pond can stay dry before it impacts the animals and flora. Chief Scientist John Bunnell responded that frog populations can usually handle a drought in their lifespan, but timing of the drought can cause problems if it occurs at a critical stage of development. Commissioner Rittler Sanchez commented that the seasonality does make a difference.

Commissioner Irick inquired how deep well points are installed. Mr. Jeitner said about one to two meters below the surface, depending on where they are in the landscape gradient from uplands to wetlands. Commissioner Irick asked if wells need to be redrilled, with groundwater subsiding. Mr. Jeitner responded that in 2024 a few wells went dry and needed to be redrilled. Commissioner Irick suggested going deeper when installing newer wells.

Commissioner Buzby-Cope inquired if any studies connected fire impacts to water levels. Mr. Jeitner said he is not aware of any studies on that subject. He added anecdotally from field observations in 2024 that fires occurred in areas that were drier.

Commissioner Irick inquired regarding the effect of groundwater mounding under ponds. Chief Scientist Bunnell responded that ponds are excavated into the water table. These ponds are a discharge zone where water travels down gradient and feeds into the pond. Therefore, no mounding occurs.

Vice Chair Avery inquired if monitoring sites were chosen for their remoteness from development. Mr. Bunnell responded that most of the ponds are more remotely located on State land. However, a few sites are located closer to agricultural areas. Regarding monitoring wells, he said some are on State lands and locations were chosen for the Kirkwood-Cohansey project to compare water levels across the entire Pinelands Area.

Commissioner Rittler Sanchez asked if the wells are in locations that could be influenced by drawdown from municipal water supply wells. Mr. Bunnell said most monitoring wells are located outside areas where drawdown from water supply wells would be expected, although the Albertson and Stockton sites could have impact from development.

Commissioner Lohbauer inquired if there could be immediate use for the long-term data collected. He suggested the data could help inform the NJDEP in their drought policy decisions or water allocation permitting. Mr. Bunnell agreed and said most of the well sites were established or used as part of other studies. He said staff plans to share data online in real time will be an additional benefit to NJDEP or other agencies.

Vice Chair Avery inquired about the cost of the weather stations. Mr. Jeitner approximated costs at \$2,000 per station, with an additional annual data plan fee of \$200.

Vice Chair Avery remarked on the potential for vandalism. Mr. Bunnell said weather stations are safer at pond sites than at wells.

Discussion followed on cost effectiveness of the weather stations in comparison to maintenance, monitoring, traveling to sites and potential data loss.

Commissioner Irick suggested that the budget should provide for the purchase of additional weather stations. ED Grogan said one has already been purchased.

5. Update on Commission Review of 4th Round Affordable Housing Plans

Attachment C to these minutes and posted on the Commission's website. Click [here](#).

Chief Planner Brad Lanute provided a recap covering the background on affordable housing in New Jersey, changes to the process in 2015, and the 2024 Fair Housing Act Amendments, including the establishment of the Affordable Housing Dispute Resolution Program (the Program). He reviewed the 4th Round affordable housing process, the requirements and deadlines for municipalities to maintain immunity from exclusionary zoning lawsuits. He said municipalities were required to adopt and submit their Municipal Housing Elements and Fair

Share Plans by June 30, 2025. He explained that challenges to municipal plans had to be submitted by August 31, 2025, and that the Program is working through those challenges with municipalities to meet a December 31, 2025, deadline for plan revisions or responses to challenges.

Mr. Lanute reviewed what has been submitted to the Commission and what is anticipated. He reported that 39 Pinelands municipalities adopted binding resolutions and 14 did not. He explained that those that have not adopted resolutions are smaller municipalities that did not participate in the 3rd Round of affordable housing.

Mr. Lanute shared the status of the housing plans submitted. He reported that the Commission issued no substantial issue finding letters for 21 of the municipal housing plans. He said these municipalities met their affordable housing obligations either with no proposed sites in the Pinelands Area or with no proposed zoning changes in the Pinelands Area. He said that after review, the plans of ten municipalities were determined to be incomplete, explaining that the plans may lack an adopted implementing ordinance for a proposed zoning change. He said some municipalities are waiting until the end of the challenge period before adopting those ordinances. Mr. Lanute said three municipal housing plans are pending review, an additional three have not been submitted, and two have indicated they are not moving forward in the housing plan process.

Mr. Lanute explained the vacant land adjustment and durational adjustment options available to municipalities to adjust their prospective needs. He said 18 of the submitted housing plans include either a vacant land adjustment, a durational adjustment, or both to either defer or lower the number of 4th Round units required.

He said that of the 37 submitted housing plans, only ten plans proposed 4th Round sites within the Pinelands Area. He provided a summary by municipality where project proposals are consistent with certified zoning. He then provided a summary by municipality where project proposals would require a zoning change. He said that staff had engaged with representatives from those municipalities requiring zoning changes and offered assistance with drafting implementing ordinances.

Mr. Lanute noted that Jackson Township has not submitted its housing plan, although it has been adopted. He expressed concerns with Jackson Township's proposed sites, especially those within the Rural Development Area and Pinelands Village. He said Commission staff is anticipating further discussion with the Township.

In looking ahead, Mr. Lanute shared future deadlines of December 31st for municipalities to respond to challenges or revise their plans and March 15, 2026, for municipalities to adopt implementing ordinances and resolutions. He said he expects there may be extensions to those deadlines. He said he anticipates Monroe Township, Hamilton Township and Galloway Township having their redevelopment plans come before the Commission for review. He said overall the 4th Round process has not raised many concerns.

Commissioner Irick inquired if many challenges were received. Mr. Lanute said that the Fair Share Housing Center reported challenges ranging from needing more information to having those plans challenged because they do not appear compliant. Although they did not provide

specific numbers, they noted that most of the challenges were in northern parts of the state. ED Grogan said many of the challenges were issued by Fair Share Housing. She anticipated there would be many challenges for the Program to address in a short time period.

Commissioner Irick inquired if the Program must act before the Commission can. Mr. Lanute said the procedures of the Fair Housing Act do not expressly consider the Commission's review process. He said it is unlikely that a municipality will proceed with adopting ordinance amendments while a challenge is in progress. Therefore, formal action by the Commission is unlikely to occur until after a challenge is resolved. Staff has engaged with Fair Share Housing to stay apprised of challenges within the Pinelands Area. ED Grogan said staff have worked closely with towns so that only a few will have issues needing to be resolved.

Mr. Lanute noted that the Commission only reviews plans for consistency with CMP standards, not for consistency with the Fair Housing Act.

Commissioner Rittler Sanchez inquired if the definition of affordability is set by the state, region or municipality. Mr. Lanute responded that the definition of low and moderate income is based on a housing region.

Commissioner Rittler Sanchez asked what percentage of Jackson is in the Pinelands. ED Grogan responded that about 50% is within the Pinelands, largely in the Preservation Area District and Forest Area, with only about 7% in the Regional Growth Area.

6. Public Comment

Vice Chair Avery opened public comment.

Dr. Amy Golden, representing Friends of the Black Run Preserve, thanked the Commission for moving forward with the rule proposal and said their group recognizes that the re-designation will not take effect until January 2026. She said the Friends of the Black Run Preserve are working with other environmental groups in negotiating with the current landholder to achieve permanent preservation of the property.

Steven Elliott of the Pinelands Preservation Alliance directed a question to Chief Planner Brad Lanute. He inquired what factors go into determining adequate or inadequate water when discussing the affordable housing durational adjustment. He asked if it is for existing infrastructure or also for water supply.

Mr. Lanute said he will research and respond to Mr. Elliott.

Heidi Yeh of the Pinelands Preservation Alliance (PPA) said that the PPA opposes the way that the rule amendments were packaged together despite the fact that the individual pieces of the amendments were not related to each other. She said any issue with one piece of the package of amendments could delay the whole package. She said that with future rule amendments, substantially different amendment topics should not be packaged together.

Vice Chair Avery commented that amendments do not proceed quickly.

Ed Ferruggia, as a member of the Sturbridge Lakes Homeowners Association, thanked the Commission for advancing the rule proposal.

There were no further public comments.

7. Adjournment

There being no other business, Commissioner Lohbauer moved to adjourn the meeting. Commissioner Irick seconded the motion. All voted in favor. The meeting was adjourned at 11:18 a.m.

Certified as true and correct:

A handwritten signature in cursive script, reading "Lori A. Friddell", is written over a horizontal line.

Lori Friddell
Land Use Programs Technical Assistant

Date: October 14, 2025