

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
January 30, 2026 – 9:30 a.m.

MINUTES

Members in Attendance: Chair Laura E. Matos, Guy Matro

Members in Attendance (Zoom): Alan W. Avery, Jessica Rittler Sanchez

Members Absent: Deborah Buzby-Cope, Jerome H. Irick, Theresa Lettman, Mark S. Lohbauer, Douglas Wallner

Staff Present: Gina Berg, John Bunnell, Ernest Deman, April Field, Lori Friddell, Susan R. Grogan, Brad Lanute, Paul Leakan, 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 9:30 a.m.

2. Adoption of minutes from the November 21, 2025 CMP Policy & Implementation Committee Meeting

Commissioner Rittler Sanchez requested a revision of the minutes related to the discussion of accessible trail paving. The requested revision would read, “Ms. Berg responded that although the CMP may allow paved trails in wetlands buffers, it would not require paving.”

Commissioner Avery moved the adoption of the minutes of the November 21, 2025 meeting minutes as revised. Commissioner Rittler Sanchez seconded the motion. All Ayes. The motion passed.

3. Update on Jackson Township’s Affordable Housing Plan

Attachment A to these minutes and posted on the Commission’s website at the following address:
https://www.nj.gov/pinelands/home/presentations/2026.01.30_P_I_Jackson%20Update.pdf

Chief Planner Brad Lanute provided an update on Jackson Township’s Affordable Housing Plan. He outlined the materials the Township has submitted to the Commission for review and noted that Commission staff have communicated concerns regarding the plans and ordinances. He stated that the Township requested, and was granted, an extension of the Commission’s review

period in order to meet with Commission staff, discuss the concerns raised, and provide a response.

Mr. Lanute provided an overview of Jackson Township's geography, highlighting the portions of the Township located within the Pinelands Area and the composition of Pinelands management areas. He noted the presence of extensive wetland systems, as well as significant tracts of preserved land, particularly along the Toms River Corridor and the Ridgeway Branch.

Mr. Lanute then reviewed the Township's 2025 Housing Element and Fair Share Plan. He discussed the Township's Fourth Round prospective need obligation, which was set at 1,000 units, and noted that this was among the largest obligations of any Pinelands municipality. He described the proposed affordable housing sites within the Pinelands Area for both the Third Round (1999–2025) and Fourth Round (2025–2035), noting that none of the sites have been constructed. He emphasized that 58% of the Township's Fourth Round prospective need (581 units) is planned to be met within the Pinelands Area. He also noted that the cumulative Third and Fourth Round project sites within the Pinelands Area would total 5,390 units, of which 1,047 would be affordable. He stated that all Pinelands sites are proposed as inclusionary developments, consisting of a mix of market-rate and affordable units.

Mr. Lanute then reviewed the proposed Fourth Round project sites within the Pinelands Area, including the Pine Barrens Golf Course (Rural Development Area), the Rutherford Site (Pinelands Village), and the Grawtown site and Viviano Properties (Regional Growth Area). He indicated that mixed-use development is proposed on all sites and compared the proposed development intensity at each site to what is permitted under the Township's currently certified zoning. He noted that none of the proposed projects conform to the current certified zoning.

Mr. Lanute briefly spoke about the implementing ordinances submitted by the Township. Two ordinances establish affordable housing overlay districts that would allow inclusionary mixed-use development at a density of eight units per net developable acre (exclusive of affordable housing). The ordinances allow townhouses and affordable multifamily dwellings and require the acquisition and redemption of Pinelands Development Credits for 30% of the market-rate units.

Mr. Lanute concluded by outlining next steps. He stated that Commission staff plans to meet with Jackson Township representatives next week to discuss the concerns raised by the submitted master plans and ordinances. Staff will continue to provide guidance regarding where increases in density may be appropriate and will discuss the documentation needed to demonstrate that adequate sewer and water capacity is available to support any increased density. He also noted that staff will continue to monitor the ongoing court challenge to the Township's Housing Element and Fair Share Plan, which the Commission is not a party to.

Commissioner Rittler Sanchez inquired if there is a difference in allowable units based on New Jersey Department of Environmental Protection (NJDEP) wetlands requirements and in Pinelands wetlands requirements. ED Grogan said concerns with density are not related specifically to the extent of wetlands. Wetlands buffers will constrain the area of development. Commissioner Rittler Sanchez followed up asking if the housing numbers were based on a larger acreage because NJDEP wetlands restrictions do not apply to affordable housing. ED Grogan said that Pinelands Comprehensive Management Plan (CMP) standards for wetlands buffers would be applied and that NJDEP regulations would not be applicable in the Pinelands Area. She

added that the Rural Development Area site presents additional concerns about residential density and the importance of the Toms River headwaters and the Toms River Corridor Plan. Mr. Lanute recapped the broad methodology for calculating the number of housing units.

Commissioner Rittler Sanchez asked who would take the next step to identify areas that are appropriate for the additional residential density and whether Commission staff had identified areas with water and sewer where these densities would be appropriate. ED Grogan said the Commission's role in reviewing the housing plan does not include identifying areas for development and added that Regional Growth Areas are already designated for higher density to be served by public utilities. She noted that the calculation of need for municipal affordable housing units is based on the developable area in the Regional Growth Area, not in a Rural Development Area. She said there are many active residential development applications in the Township's Regional Growth Area that are currently held up for various reasons, including the lack of public sanitary sewers. Ed Grogan said the primary concern about density is related to selecting sites in the Rural Development Area and Village where those high densities are not appropriate or permitted by the CMP.

Commissioner Avery asked if any municipalities are using mechanisms other than mandatory set asides for affordable housing, referred to as inclusionary zoning. Mr. Lanute said almost all are using inclusionary zoning to accommodate affordable housing. The Commission has seen few plans or ordinances that propose 100% affordable housing projects. He said that reliance on inclusionary zoning raises concerns over the total number of dwelling units needed to satisfy the affordable housing required.

Commissioner Avery asked whether any portion of the golf course site was deed restricted due to threatened and endangered species concerns. Mr. Lanute said a significant portion of the golf course site was deed restricted.

Commissioner Avery noted that the Ocean County Natural Lands Trust owns a parcel that spans both sides of the Toms River adjacent to the Grawtown site. He questioned whether the Grawtown site consists entirely of uplands or is less constrained by wetlands buffer requirements. ED Grogan that there is some encroachment of wetlands and wetlands transition areas onsite and there are likely to be threatened or endangered species habitat considerations, as well.

4. Overview of Public Notice Amendments

Attachment B to these minutes and posted on the Commission's website at the following address:
<https://www.nj.gov/pinelands/home/presentations/Presentation%20on%20Public%20Notice%20Amendments%20-%20January%2030%202026.pdf>

Chief of Legal and Legislative Affairs Stacey Roth presented an overview of the state's 2025 Public Notice law and associated tasks that the Commission must complete. She said effective March 1, 2026, the Commission will be required to publish its legal notices and maintain an archive of such notices on the Commission's website. She said that the Commission will also need to provide hyperlinks to the New Jersey Secretary of State for its centralized legal notice webpage when the site is operational. She reviewed other impacts on Commission application procedures and legal notices required of applicants. ED Grogan said applicants often contact the

Commission to ask what the official newspaper is for their development site, and we will have to be able to provide guidance to applicants. Ms. Roth said there is no prohibition against using newspapers and some may choose to provide notice both online and in newspapers. The presentation ended with next steps including drafting related CMP amendments, implementing website changes and a public notice archive, updating applicant guidance and regulatory documents, and sharing the hyperlinks with the Secretary of State website for public notices published by the Commission.

Commissioner Rittler Sanchez asked for further clarification on procedures that applicants must follow if a public notice is required for their application and expressed disappointment about the low level of public participation in public hearings. She asked how notice was provided for the public hearing on the cell tower amendment. ED Grogan responded that the Commission provides public notice via publication in the Commission's official newspapers, on our website and via extensive distribution to email contacts. The applicant was not required to do public notice for the hearing. They were required to provide notice to other cell carriers of the filing of their proposed plan amendment. She said that declining public participation at hearings has been an issue, not just at Commission public hearings but also for other agencies, for several years. It is not known whether the change to online notices will increase public participation at hearings.

Commissioner Avery questioned the need to continue newspaper publication of notices after the Secretary of State's website is operational and when the Commission provides links to that website and updates the Commission website to have all Commission notices. He said the State's website will contain all public notices and it is searchable. ED Grogan elaborated on the law's requirement for a one-year transition period during which the Commission must post notices on our website but also publish in an online newspaper that meets the circulation requirements. Commissioner Avery said that it has become increasingly difficult to identify what newspaper is of general circulation in any given geographic area because of decrease in regional papers and an increase in special interest, free papers. Ms. Roth said the legislation contains criteria for determining what constitutes an eligible online news publication. Commissioner Avery noted that the Secretary of State's website will result in a substantial savings for public agencies that are required to provide public notices and this will also benefit the public who will have easier, free access to those notices.

Chief Permit Administrator April Field noted that development applications involving General Permits and certain other development types should be added to the list of CMP amendments and regulatory documents that might require updates to address the law. Ms. Field asked if the law applied to notices applicants must provide to property owners within 200 feet of their proposed development. Ms. Roth said the law only applies to public notices and not to notices mailed to nearby property owners. ED Grogan said that the applicant's obligation to notify nearby property owners, via mail, will continue.

5. 2025 Year-end Conformance Summary Presentation

Attachment C to these minutes and posted on the Commission's website at the following address:
https://www.nj.gov/pinelands/home/presentations/2026.01.30_P_I_2025%20Conformance%20Review.pdf

Chief Planner Brad Lanute presented a summary of activity seen in 2025 in reviewing municipal ordinances and plans for conformance with the CMP. He said much of the conformance program activity related to affordable housing plans and ordinances. He said that redevelopment plans and cannabis-related zoning changes formed another significant piece of municipal conformance reviews. The presentation finished with notes on anticipated needs for municipal ordinances to implement affordable housing plans, the NJDEP REAL rules adopted on January 20, 2026 and associated new requirements for stormwater management, and ongoing responses to cannabis and warehouse economies.

6. Public Comment

Mark Pesotski expressed his concerns regarding the proposed construction of a data center in Monroe Township. He said the proposed center will require 99 of 171 acres of the property and that the property contains wetlands and is an active wildlife corridor. Mr. Pesotski remarked that the Monroe Township Municipal Utilities Authority (MUA) has approved 1.4 million gallons of water per day for the site. He said AI data centers produce diesel waste, noise pollution, and soil and water contaminants. He urged the Commission to prohibit its construction.

Fernando Powers read a prepared statement (Attachment D) regarding beaver created wetlands and the hydrological system on block 8401 lots 8-10 in Monroe Township. He expressed his opposition to the construction of a data center at the site and said the presence of the beaver triggers protections under the CMP, as well as NJDEP wetlands and water-allocation standards and is un-approvable under federal law.

Kimberly Pesotski said her family property is within 50 feet of the proposed data center in Monroe Township. She inquired about what the redevelopment plan allows. She said the site was previously protected and hopes the Pinelands Commission will continue to uphold the CMP and its mission statement to protect the area.

Russell Juelg, speaking on behalf of the Partnerships for New Jersey Plant Conservation, said the Pinelands Commission staff's work plan includes updating the CMP list of protected plant species. He recommended the New Jersey Natural Heritage Program as a resource and suggested the creation of a working group. He referenced additional consultation sources and provided a comprehensive plant species protected and endangered list (Attachment E). Mr. Juelg remarked that a data-sharing agreement between the Commission and the NJDEP is unlikely to happen.

Emile Devito supported the comments and research of Mr. Juelg. He added that utilizing the spreadsheets as provided and eliminating from the list those species already under state protection and those protected as wetlands species leaves only 30 that would require additional protection. Regarding the Monroe Township proposed data center, he said the use of 1.4 million gallons of water a day is substantial and equivalent to the water demand of 17,000 people. He said the Township's amended ordinance that added data centers to the redevelopment area is a substantial change and should be addressed.

Heidi Yeh of the Pinelands Alliance, regarding public notices, expressed concern with the lack of notification regarding proposed redevelopment plans to nearby residents. She said residents are notified of a development application after a redevelopment plan is adopted. The development may comply with the adopted redevelopment plan, but this process limits the opportunity for public engagement when it could be most effective prior to the development application or site plan review at the municipal level. Ms. Yeh advocates that staff should discuss redevelopment

plans and ordinances if a data center is being added as a permitted use with Commissioners before administratively allowing the ordinances to take effect. Lastly, Ms. Yeh suggested the topic of road salt use within the Pinelands for future discussion and study. She said calcium chloride is a more eco-friendly option.

Paul Riviere said he is a member of the Jackson Conservation Coalition. He said the Coalition supports the Pinelands Commission and is unhappy with the Jackson Township affordable housing plan. He recognized the efforts and pressures that might be exerted on the Pinelands Commission and asked that rules not be bent for Jackson Township. He expressed concern with clear cutting in Jackson Township and the impact on wildlife. He requested public advertising of any meetings with Jackson Township and inquired if presentations from today's meeting would be made public. Paul Leakan, Pinelands Communications Officer, responded that all presentations are posted to the website after the meeting. Mr. Riviere stated he hopes the Commission will obtain copies of all plans related to the Jackson Township lawsuit.

Holly Reynolds, a resident of Jackson Township and member of the Environmental Commission and Jackson Conservation Coalition, expressed concern with Jackson Township's ordinances, affordable housing plans and land capacity factor used in the affordable housing plan. She requested the Pinelands Commission hold Jackson responsible for complying with the CMP and respecting environmentally sensitive areas. Ms. Reynolds noted that a significant area of land near the golf course has been clear cut.

Janine Geise, a resident of Monroe Township, expressed concern with development applications that are related to data centers and warehouses. She urged that decisions protect land and people not big business. She supported prior comments on the proposed AI data center, adding that it will impact the quality of lives and land and that there is a lack of public notification regarding redevelopment plans. She said public participation and knowledge is important and feels decisions are made prior to residents being notified. Ms. Geise said she is grateful for the Pinelands Commission's livestreaming of meetings and agenda posting.

Fred Akers of the Great Egg Harbor Watershed Association expressed concern with the water use proposed with the Monroe Township data center. He said data center water use is a new issue with little reference data. He said the State Water Supply Plan shows 4.5 million gallons available and therefore the proposed 1.4 million gallons per day use for one applicant accounts for a third of total available water, and that existing demand already accounts for the available water in the watershed. He said allowing a data center to receive this additional water allocation may limit other development and use of Pinelands Development Credits (PDCs) in the future. Mr. Akers said he would continue research and provide written comments to the Commission.

7. Adjournment

There being no other business, Commissioner Matro moved to adjourn the meeting. Commissioner Avery seconded the motion. All Ayes. The meeting was adjourned at 11:33 a.m.

Certified as true and correct:



Gina A. Berg, Director
Land Use Programs

Date: February 3, 2026