



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?

