



COMMERCIAL REAL ESTATE  
DEVELOPMENT ASSOCIATION

NEW JERSEY CHAPTER

## ***For Immediate Release***

### **NJDEP Officials, Industry Experts Discuss Evolving Rules Impacting Redevelopment, Remediation**

#### ***NAIOP NJ's Regulatory, Legislative and Legal Update Provides Insights and Actionable Steps for CRE Developers***

**EDISON, N.J. (July 17, 2023)** – Rapidly changing regulatory standards and legislative initiatives have a tremendous impact on how the commercial real estate industry approaches development in the Garden State. [NAIOP New Jersey](#) recently invited officials from the New Jersey Department of Environmental Protection (NJDEP), and experts in the public and private sectors to explore recent changes and provide insight into what companies must do to ensure they are positioned to move forward.

NJDEP commissioner Shawn LaTourette kicked off the annual NAIOP NJ Regulatory, Legislative and Legal Update – hosted at the Northeast Carpenters Apprentice Training Center in Edison – by sharing highlights of the department's key environmental initiatives. "In many ways, our environmental laws are inherently backward looking – they grew out of a direct response to crises," said LaTourette. "We are continuing our work to reorient our regulatory efforts in a more proactive, future-focused direction, so that we can ensure that the laws and regulations of yesteryear meet today's challenges."

Strategic areas of focus include the implementation of the NJPACT REAL (Resilient Environments and Landscapes) regulatory reform, which incorporates climate change considerations like sea level rise into the state's environmental land use regulations, including the Coastal Zone Management Rules, Flood Hazard Area Rules and Stormwater Management Rules. LaTourette acknowledged that the new regulations "will create new challenges, and you will have our support and continued collaboration as we work through these challenges together."

Water resource issues, including emerging contaminants such as PFAS, are also a priority for the department, as is a review of the highly successful site remediation program – with the intention of accelerating the process for getting sites to closure.

#### **An Emphasis on Collaboration and Creative Solutions**

The importance of collaboration and innovation emerged as a common theme throughout the July program's panel discussions.

Andrew B. Robins, chair of the Environmental Law Practice Group at Sills Cummis & Gross P.C., moderated a deeper dive into updates to NJ PACT's Inland Flood and Stormwater protection rules with Michael Sheenan, environmental engineer, NJDEP, and Kristen Roslund, senior project engineer with Langan. Topics included the need to incorporate flood elevation increases, criteria for grandfathering projects and innovative solutions to challenges such as elevating sites. Roslund noted, "The key takeaway for developers is that the changes in requirements will result in more area dedicated for stormwater facilities, which can affect the size of a site's developable area."

Dennis Toft, chair of Environmental Law with CSG Law, lead a discussion focused on the specifics of the NJDEP's review of the site remediation program, as well as an update on managing emerging contaminants. "This came out of the need to streamline the process of approving Remedial Action Permits (RAP)," said David Haymes, the NJDEP's assistant commissioner, Contaminated Site Remediation & Development, who is spearheading efforts to build on the success of the LSRP program.

Haymes noted that the department has introduced a Prioritized Initial Remedial Action Permit (RAP) Application to prioritize the review of certain applications based on the implemented remedial action. Cathleen Bryant, director of LSRP Services for EWMA, said, "From an LSRP perspective, it is frustrating to get to this point with a project and have a Remedial Action Permit sitting there for two years. I hope this allows more projects to move forward."

The final panel addressed the regulatory, legislative and community challenges that are creating barriers to warehouse development. Moderator Mark Shearer, senior managing director of Rockefeller Group and NAIOP NJ chapter president, and each of the panelists emphasized the need for developers to be preemptive and collaborative when it comes to managing local opposition. Joining in the discussion were Richard Levesque, SVP and general manager, MikeWorldWide; Scot Murdock, AIA, partner, KSS Architects; and Anthony Pizzutillo, principal, Pizzutillo Public Affairs.

"Working in advance with a town may avoid months of delays," Murdock said. "We need to be willing to understand the community's concerns and concede where needed. Being empathetic will be a key element of development in the future."

Pizzutillo noted, "It is incumbent on this industry to maintain a relationship with the legislature and make them aware of both the cost and benefit of any kind of community development." Murdock agreed, adding, "If we don't control the narrative, it will get controlled for us."

**PHOTO CAPTION (L-R):** Dennis Toft (CSG Law), Cathleen Bryant (EWMA) and David Haymes (NJDEP) discussed the specifics of the NJDEP's review of the site remediation program, as well as an update on managing emerging contaminants.

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[About NAIOP New Jersey](#)

317 George Street, #205, New Brunswick, NJ 08901

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**Media Contact:**

Maxine Aviles / Sandy Crisafulli

Caryl Communications

Phone: 201-796-7788

Email: [maxine@caryl.com](mailto:maxine@caryl.com) / [sandy@caryl.com](mailto:sandy@caryl.com)