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Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
www.nj.gov/pinelands

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

April 17, 2019

Mr. Robert Lupp
State Library – NJ Reference Section
185 West State Street
P.O. Box 520
Trenton, New Jersey 08625

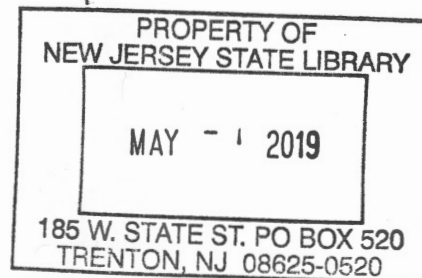
Dear Mr. Lupp:

Enclosed is the Pinelands Commission meeting minutes and attachments for March 8, 2019 for your information.

Sincerely,

Teri Melodick
Principal Clerical Assistant

PC1
Enclosure: Minutes



PINELANDS COMMISSION MEETING
Richard J. Sullivan Center
Terrence D. Moore Conference Room
15 Springfield Road
New Lisbon, New Jersey

MINUTES

March 8, 2019

Commissioners Present

Alan W. Avery Jr., Bob Barr, Paul E. Galletta, Mark Lohbauer, William Pikolycky, Richard Prickett and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Craig Ambrose and Deputy Attorney General (DAG) Kristina Miles.

Commissioners by Phone

D'Arcy Rohan Green

Commissioners Absent

Candace Ashmun, Daniel Christy, Jordan P. Howell, Jane Jannarone, Ed Lloyd and Gary Quinn.

Chairman Earlen called the meeting to order at 9:35 a.m.

DAG Miles read the Open Public Meetings Act Statement (OPMA).

Executive Director Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 8 Commissioners who participated in the meeting.)

The Commission and public in attendance pledged allegiance to the Flag.

Minutes

Chairman Earlen presented the open and closed session minutes from the February 8, 2019 Commission meeting. Commissioner Avery moved the adoption of the minutes. Commissioner Prickett seconded the motion.

The February 8, 2019 Commission meeting minutes (open and closed sessions) were adopted by a vote of 8 to 0.

Committee Chairs' Reports

Chairman Earlen provided an update on the February 22, 2019 Policy and Implementation (P&I) Committee meeting:

The Committee adopted the minutes of the January 25, 2019 meeting.

The Committee discussed potential offsets for the elimination of the grassland conservation habitat at the Atlantic City Airport. Pending adoption of a revised Memorandum of Agreement (MOA), the South Jersey Transportation Authority (SJTA) is offering \$500,000 in order to proceed with mowing prior to April 15. The details of the necessary offset would be negotiated, during which time no development applications would be approved.

The Committee received a presentation on how the Project Review office identifies and deals with violations. The Committee discussed ways in which it might increase its enforcement authority.

Commissioner Prickett asked about the status of the SJTA MOA.

Stacey Roth said a public hearing has been scheduled for March 19, 2019. She said the Atlantic County Freeholder Director, the County Executive and the Mayor of Egg Harbor Township have been notified. She said the draft MOA, the Executive Director's report and a summary of the public comment will be reviewed by the P&I Committee and then will go to the full Commission for a vote.

Commissioner Avery provided an update on the February 26, 2019 Personnel and Budget Committee meeting:

The Committee adopted the minutes from the June 19, 2018 meeting.

Staff reviewed the check registers, electronic disbursements and application fees covering June 2018 to January 2019. Fixed assets for disposal and surplus were also explained. An update on employee actions was also provided.

The Committee met in closed session to discuss the finalization of a personnel matter via settlement and the tentative agreement with the CWA Local 1040.

Executive Director's Reports

ED Wittenberg updated the Commission on the following items:

- Gloucester County has appointed Daniel Christy as Commissioner. He will replace Commissioner Chila who now serves as Gloucester County Surrogate. Mr. Christy is expected to attend the April Commission meeting.
- The SJTA MOA amendment is following a very rigid schedule. Public comment will be accepted on a number of options rather than limited to just one. This will allow staff to continue to work out the details of a suitable offset while addressing the safety concerns associated with the grassland habitat's proximity to the runway at the Atlantic City Airport.
- There was a recent legal filing related to the South Jersey Gas matter. R.C. Cape May Holding, an intervener in the case, notified the Court that it will not repower B.L. England. Oral argument has been rescheduled until the end of May. The Commission sent a letter to South Jersey Gas advising them that since the pipeline will not be supplying natural gas to B.L. England, the approval is no longer valid and a new application would need to be submitted for any amended projects.

Director Larry Liggett updated the Commission on the following:

- Staff is assisting both Winslow Township and Estell Manor on landfill closure plans. Staff wants to ensure that the plumes associated with the landfills have the least negative effects on the Pinelands.
- Staff is working on a master list of climate adaptations. The Environmental Protection Agency website is a great resource for adaptation information. The EPA is promoting educational initiatives to combat climate change.
- The Kirkwood-Cohansey rule proposal will be discussed at an upcoming P&I Committee meeting. The rule focuses on protecting the watershed and wetlands.
- Staff met with an applicant to discuss community solar and where it's permitted in the Pinelands Area.
- The Commission will be soliciting proposals for infrastructure capital projects that will be eligible for funding through the Pinelands Infrastructure Trust Fund.

Commissioner Galletta asked if the aquifer had been measured after the unprecedented amount of rainfall.

Director Liggett said the aquifer has not been recently measured.

Commissioner Prickett questioned if the Commission's dilution standards were strong enough with the amount of rainfall NJ has received.

Director Liggett said the rainfall does have an impact and it can be added to the climate change master list.

Director Chuck Horner provided information on the following regulatory matters:

- On February 27th staff met with Hammonton municipal officials. At that meeting, they discussed options associated with applying treated wastewater to a parcel located adjacent to the Boyer Avenue Wastewater Treatment facility.
- Staff has been involved in a matter in Winslow Township where a property owner has engaged in off-site soil removal without application to the Commission. An application was filed just before the matter was scheduled to be heard in municipal court. Based on the amount of soil removal, the CMP required an application to be filed even though the activity is associated with an agricultural operation.
- An attorney for a developer advised the Commission that they are no longer proceeding with a large residential development in Galloway Township, also known as Blue Heron East. The Commission issued a Certificate of Filing many years ago. The applicant imposed threatened and endangered species deed restrictions on the parcel. Staff is working with the applicant to determine if the deed restrictions can be lifted and the process to do so.
- The Pinelands Municipal Council held a meeting on March 5th, at which time officers of the Council were sworn in by Assemblyman Amato.

Stacey Roth provided additional information regarding the Winslow Township violation. She said a letter was sent to the judge advising that the matter should be heard and not transferred to the County Agricultural Board because it was not a farming matter and had nothing to do with the Right to Farm Act. She said she also asked for assistance from the Attorney General's enforcement section about the matter.

Chief Planner Susan R. Grogan said staff has been working with Pinelands Counties on Best Management Practices (BMPs) of roadside habitat for some time. The identified areas have specific mowing requirements related to the width of the span and height of the grass, including the timing of mowing and protection of rare plants. Staff has been eager to expand the program. Staff recently heard from the Department of Transportation (DOT), and it has agreed to implement a pilot program on specific segments of Route 206, Route 70 and Route 72 and adhere to the BMPs.

Chief Planner Grogan also said that Ocean County closed on the 8,000 acres in Lacey and Ocean townships in the Forked River Mountain area.

Communications Officer Paul Leakan provided an update on the following:

- Registration remains open for the 30th Annual Pinelands Short Course.
- The Pinelands Annual report has been distributed today and the report has been reformatted and professionally printed.

Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending a public development application.

Commissioner Galletta made a motion Approving With Conditions an Application for Public Development (Application Number 1987-1058.082) (construction of two parking

lots in Egg Harbor Township)(See Resolution # PC4-19-10). Commissioner Lohbauer seconded the motion.

Commissioner Prickett asked if the existing stormwater basins need to be modified for the development of the parking lots.

Director Horner said the existing basins have the capacity to accommodate the additional stormwater from the parking lots.

The Commission adopted the resolution by a vote of 8 to 0.

Public Comment on Public Development Applications and Items where the record is open

Chairman reminded the public that the comment period for the Bass River Fire Tower application (1990-0868.031) will close today at 5:00 p.m.

Howard Chew of Jenkins, NJ said he supports the cutting of the trees surrounding the Bass River Fire Tower. He said safety should come first and early fire detection is crucial. He said the Forest Service needs to be able to do its job.

Greg McLaughlin, NJ Forest Fire Service Chief, said the sole responsibility of the Forest Service is to protect life and property from wildfires. He said questions raised by the public and Commissioners were addressed in the application. He thanked the Commission for its consideration of the project.

Mark Herndon of Woodland Township, NJ said on behalf of himself and the Woodland Township Committee, they support the tree cutting surrounding the Bass River Fire Tower.

Kathy Gardiner said that Bass River Forest is New Jersey's first State Forest and home to Pine Barrens tree frog and timber rattle snake. She three-fourths of a mile of the Orange trail would be impacted. She asked Commissioners to vote no on this application. (A joint packet of information was submitted from K. Gardiner, R. Sweeney, R. Loeiswicz, K. Swanseen & C. Bitzberger)

Rose Sweeney of Bass River Township said her property is at risk of a forest fire. She spoke about the history of the Civilian Conservation Corps (CCC) as it relates to Bass River State Park. She said the Bass River Township Committee passed a resolution opposing the clear cutting. She said park personnel should be part of the conversation. She said the trees should not be cut.

Riki Loeiswicz said the DEP has submitted the same application as before. She provided the Commission with the following report "Fire Tower Study for the Adirondack Park" dated February 2010 https://www.dec.ny.gov/docs/lands_forests_pdf/ftowerstudy.pdf She said New Jersey is not embracing technology, the fire tower is structurally unsafe and the Commission should reject the application.

Karl Swanseen said safety is very important as is the preservation of the Bass River Forest. He said he still does not know how much the clear cutting and restoration of the project will cost. He said the current fire tower can be moved to a different location. He also suggested building a new tower at a higher location. He pointed out that the wrong application number was used for the public notice. He said the application should be rejected.

Carol Bitzberger of Bass River Township said the tree cutting is only a temporary fix. She said New Jersey should be looking at the advanced camera technology available to detect smoke/fires. She said we should be asking the state for money to fund the advanced technology. She asked the Commission to please vote no.

Buddie Pino of Green Bank said he owns horses and livestock and he supports whatever will protect the Forest. He said the Forest Service does a great job.

Tom Doherty of Bass River/New Gretna thanked everyone for protecting the Pines, including former Commissioner Floyd West. He said having heard about the option of moving the tower, he concluded the trees do not need to be cut. He said the Commission needs to use its leadership to require the state to use current and viable practices to achieve public safety.

William Cutts said he is a cranberry farmer with land throughout the Pinelands. He said he has land near the fire tower. He spoke about the importance of locating and extinguishing a fire while it's small. He said cameras cannot triangulate, and the human element is very important in spotting smoke. He said the Forest Service are the experts and the public should defer to its expertise.

Christopher Brower of Bass River Township, and a former member of the Bass River Township Planning Board, said he appreciates the Forest Service but does not support cutting the trees. He said the DEP should either build a new tower or use camera technology to spot fires.

Richard Buzby, Chief of Police for Little Egg Harbor, said he respects everyone's opinion on the Bass River Fire Tower matter. He said the CCC planted the forest at Bass River State Forest because the original forest was destroyed by fire. He said cameras are not suitable. He said early detection of a fire is crucial to fighting it. He said he would support moving the tower but right now the tower needs to be operational. He urged the Commission to approve DEP's amended application.

Rhyan Grech of the Pinelands Preservation Alliance said the application meets the forestry standards of the CMP. She commended the public who provided testimony.

John Waldrop of Bass River Township said the tower has become obsolete and is 10 years past its service life. He said alternative technologies used to detect fire need to be researched.

Bill Brash of the NJ Fire Safety Council provided fire history data from 1927-2018 for Bass River Township, Little Egg Harbor Township and Eagleswood Township. He said the Pinelands is a fire-adapted system. He said the application to clear cut certain spans surrounding the fire tower meets the criteria in the CMP and was recommended by the Commission's staff.

Steve Lee said he is a cranberry grower and former blueberry farmer. He said his family has been involved in forest stewardship in the Pinelands for over 150 years. He said his family was conducting prescribed burns before it was permitted in New Jersey. He added that controlled burns are only one aspect of forest management. He said the forest needs to be manipulated, thinned and clear cut. He said the Forest Service needs this tower and fire season starts in 30 days. He asked the Commission to make the right decision. He said DEP needs better resources to manage its forests. He read a quote by Stephen Pyne from Arizona State University who was interviewed by Kyle Dickman for an article featured in Rolling Stone magazine about Wildfires in NJ. "Sooner or later, southern New Jersey will know the fire equivalent of Hurricane Sandy." "The cost could be in the billions. The loss of life could be unthinkable."

Jeff Tittel, Sierra Club, said the clear cutting of 16 acres violates the CMP. He said satellite, air monitors and infrared cameras are more effective than the human eye and nose in detecting smoke. He said the New Jersey Forest Service should seek the assistance of the US Forest Service in updating its technology. He encouraged the Commission to vote no on this application.

Don Gant, a union iron worker, said the fire tower is structurally impaired. He suggested constructing a new tower. He asked the Commission to not approve this application. He submitted a picture of the tower.

Ordinances Not Requiring Commission Action

Chairman Earlen asked if any Commissioners had questions regarding the ordinances not requiring Commission action:

- Beachwood Borough Ordinance 2019-02
- Egg Harbor Township Ordinance 2-2019
- Galloway Township Ordinance 2006-2019
- Mullica Township Ordinance 1-2019
- City of Port Republic Ordinance 01-2019

No members of the Commission had questions.

Other Resolutions

Chairman Earlen said the next resolution is to approve the Commission's 2018 Annual Report.

Commissioner Avery made a motion To Approve the Pinelands Commission's 2018 Annual Report (See Resolution # PC4-19-11). Commissioner Lohbauer seconded the motion.

The Commission adopted the resolution by a vote of 8 to 0.

General Public Comment

Rhyan Grech of the Pinelands Preservation Alliance said the Commission needs to revoke its two prior resolutions related to the South Jersey Gas matter, one approving the application and the other establishing the approval process.

Dave Dempsey, an off road vehicle enthusiast said there are only 3.5 miles of trails for off-highway vehicles in the entire state of NJ. He said between 1993-2015, the state has collected \$16 million through the Recreational Trails Program (RTP). He said of that funding, 30% is to be used for motorized trails. He questioned what the money has been used for. He said he would like the Commission's support in providing trails for off-road vehicles.

Paula Yudkowitz of Oaklyn Borough said poor road conditions remain at Wharton State Forest.

Jason Howell of the Pinelands Preservation Alliance said with the help of the NJDEP a snake nest was protected at one of the state parks. He suggested that certain roads at Wharton should be closed during wet periods in an effort to save the roads from becoming destroyed.

Commissioner Lohbauer said he was interested in the RTP data that Mr. Dempsey referred to and asked if he was able to provide it to the Commission.

Resolution to Retire into Closed Session

DAG Miles read a resolution to enter into closed session to discuss pipeline litigation and collective bargaining.

Commissioner Pikolycky made a motion to enter into closed session. Commissioner Barr seconded the motion. The Commission agreed to retire into closed session by a vote of 8 to 0, beginning at 11:30 a.m.

Return to Open Session

The Commission entered back into open session at 11:46 a.m. DAG Miles provided a summary of the closed session. She said the Commission discussed litigation related to the South Jersey Gas matter and collective bargaining.

Chairman Earlen presented a resolution regarding the union contract.

Commissioner Avery made a motion To Authorize the Executive Director to enter into New Collective Negotiations Agreements with the Communications Workers of America, Local 1040 and to Revise the FY 2019 Operating Budgets (See Resolution # PC4-19-12). Commissioner Barr seconded the motion.

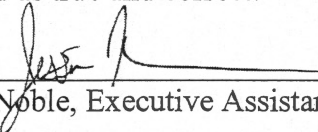
The Commission adopted the resolution by a vote of 8 to 0.

Adjournment

Commissioner Prickett asked if the Forest Service could be invited to a future P&I Committee meeting to talk about fire ecology.

Commissioner Lohbauer moved to adjourn the meeting. Commissioner Avery seconded the motion. The Commission agreed to adjourn at 11:54 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: March 15, 2019



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19- 10

TITLE: Approving With Conditions an Application for Public Development (Application Number 1987-1058.082)

Commissioner Galletta moves and Commissioner Lohbauer seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Report and the recommendation of the Executive Director that the following application for Public Development be approved with conditions:

1987-1058.082

Applicant: Atlantic County Improvement Authority
Municipality: Egg Harbor Township
Management Area: Pinelands Military/Federal Installation Area
Date of Report: February 15, 2019
Proposed Development: Construction of two parking lots containing a total of 50 parking spaces.

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director's recommendation has been received for this application; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for the proposed development; and

WHEREAS, the Pinelands Commission hereby determines that the proposed public development conforms to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

WHEREAS, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that Application Number 1987-1058.082 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*
Ashmun			X	Howell			X	Prickett	X		
Avery	X			Jannarone			X	Quinn		X	
Barr	X			Lloyd			X	Rohan Green	X		
Christy		X		Lohbauer	X			Earlen	X		
Galletta	X			Pikolycky	X						

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Date: March 8, 2019

Sean W. Earlen
Sean W. Earlen
Chairman



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PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

February 15, 2019

Timothy Edmunds (via email)
Atlantic County Improvement Authority
1333 Atlantic Avenue, Suite 700
Atlantic City, NJ 08203

Re: Application # 1987-1058.082
Block 101, Lot 9
Egg Harbor Township

Dear Mr. Edmunds:

The Commission staff has completed its review of this application for construction of two parking lots containing a total of 50 parking spaces. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its March 8, 2019 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.
Director of Regulatory Programs

Enc: Appeal Procedure

- c: Secretary, Egg Harbor Township Planning Board (via email)
Egg Harbor Township Construction Code Official (via email)
Egg Harbor Township Environmental Commission (via email)
Atlantic County Department of Regional Planning and Development (via email)
James Biegen, PE Maser Consulting (via email)





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General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

February 15, 2019

Timothy Edmunds (via email)
Atlantic County Improvement Authority
1333 Atlantic Avenue, Suite 700
Atlantic City, NJ 08203

Application No.: 1987-1058.082
Block 101, Lot 9
Egg Harbor Township

This application proposes construction of two parking lots containing a total of 50 parking spaces located on the above referenced 2,381 acre parcel in Egg Harbor Township. The parcel is owned by the Federal Aviation Administration (FAA).

On October 8, 2010, the Commission approved an application for the construction of a 66,000 square foot office building and 198 parking spaces on the above referenced parcel. The 66,000 square foot office building is currently under construction.

The two proposed parking lots will provide 50 additional parking spaces for the 66,000 square foot office building.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.29)

The Pinelands Protection Act designates the boundaries of the 938,000 acre Pinelands Area. Within the boundaries of the Pinelands Area, the Pinelands Protection Act also designates the 366,000 acre Pinelands Preservation Area and the 572,000 acre Pinelands Protection Area. The CMP then establishes Management Areas such as Regional Growth, Rural Development, Military and Federal Installation that overlay the entire Pinelands Area.

The parcel subject of this application is located in a Military and Federal Installation Management Area. The CMP permits any proposed use associated with the function of a federal installation in a Military and Federal Installation Management Area.

The applicant has indicated that the two proposed parking lots will provide additional parking to a 66,000 square foot office building currently under construction on the parcel. The two proposed parking lots and the 66,000 square foot office building are located within what is now known as the Stockton University National Aviation Research and Technology Park. The proposed development is located adjacent to the William J. Hughes Technical Center on lands leased from the FAA. The 66,000 square foot office building and the two proposed parking lots are associated with the function of the federal installation.

The CMP also requires that, where feasible, proposed development in a Military and Federal Installation Management Area shall be located in the Pinelands Protection Area portion of the Pinelands Area. The development proposed in this application meets this requirement.

As further required by the CMP, the proposed use will not require any development in a Forest Management Area or the Preservation Area District Management Area.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located within forested areas. Approximately 0.27 acres of forest will be cleared to accommodate the proposed development. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant proposes to utilize a seed mixture which meets that recommendation.

Stormwater Management Standards (N.J.A.C. 7:50-6.84(a)6)

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards contained in the CMP. To meet the stormwater management standards, the applicant will utilize an existing stormwater infiltration basin.

Cultural Resource Standards (N.J.A.C. 7:50-6.151)

The Commission staff reviewed the application for evidence of cultural resources on the parcel. Based upon the lack of potential for significant cultural resources, a cultural resource survey was not required.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Legal notice to required land owners within 200 feet of the above referenced parcel was completed on December 21, 2018. Newspaper public notice was completed on December 21, 2018. The application was designated as complete on the Commission's website on January 2, 2019. The Commission's public comment period closed on February 8, 2019. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of five sheets, prepared by Maser Consulting, and dated as follows:

Sheets C-3, C-4, C-5 & C-6 - July 3, 2017; revised to December 11, 2017

Sheet C-7 - September 15, 2016; revised to September 19, 2016.

2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP.. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

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Application Specific Information: AppInfo@njpines.state.nj.us

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 4:00 PM on March 5, 2019 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19- 11

TITLE: To Approve the Pinelands Commission's 2018 Annual Report

Commissioner Avery moves and Commissioner Lohbauer
seconds the motion that:

WHEREAS, in September 2006, then Governor Corzine issued Executive Order #37; and

WHEREAS, Executive Order #37 called for the preparation and approval of a comprehensive report concerning the operations of each State authority; and

WHEREAS, the report shall set forth the significant actions of the Commission; and

WHEREAS, since the report is to be done on an annual basis and it includes much of the same information as the Commission's Annual Report, which is required by the Pinelands Protection Act, the two reports have been combined every year since 2007 as a cost savings measure to eliminate waste and promote efficiency as called for in Executive Order #37; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that the attached 2018 Annual Report be approved, submitted to the Governor's Authorities Unit and posted on the Commission's web site.

Record of Commission Votes

AYE NAY NP A/R*					AYE NAY NP A/R*					AYE NAY NP A/R*				
Ashmun			X		Howell			X		Prickett	X			
Avery	X				Jannarone			X		Quinn			X	
Barr	X				Lloyd			X		Rohan Green	X			
Christy			X		Lohbauer	X				Earlen	X			
Galletta	X				Pikolycky	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Date: March 8, 2019

Sean W. Earlen
Sean W. Earlen
Chairman



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19- 12

TITLE: To Authorize the Executive Director to enter into New Collective Negotiations Agreements with the Communications Workers of America, Local 1040 and to Revise the FY 2019 Operating Budgets

Commissioner Alecy
seconds the motion that:

moves and Commissioner Barr

WHEREAS, the prior Collective Negotiation Agreements between the Pinelands Commission and its three employee bargaining units (non-supervisory, professional unit and supervisory units) expired on June 30, 2015; and

WHEREAS, the Commission's three bargaining units are represented by the Communications Workers of America (CWA), Local 1040; and

WHEREAS, negotiations for new Collective Negotiation Agreements for the term from July 1, 2015, through June 30, 2019, commenced on December 5, 2018 between the Pinelands Commission's Negotiating Team and the Employee Bargaining Unit Member Negotiating Team, which included employees from each of the Commission's three bargaining units and representatives of the CWA, Local 1040 (hereinafter referred to as the "CWA, Local 1040 Negotiating Team"); and

WHEREAS, after numerous negotiating sessions, the Pinelands Commission's Negotiating Team has now negotiated new Collective Negotiation Agreements between the Commission and each of the three certified negotiating units of the CWA, Local 1040; and

WHEREAS, the attached Tentative Agreement represents the complete and final understanding on all bargainable issues between the Commission and CWA for the period of July 1, 2015, through June 30, 2019; and

WHEREAS, the attached Tentative Agreement will apply to each of the three CWA bargaining units with the exception of Paragraph B of the Preamble and Recognition Section which will identify each unit individually; and

WHEREAS, the employees represented by CWA voted on March 4, 2019, to ratify the Tentative Agreement; and

WHEREAS, it is estimated that the retroactive cost to the FY 2018 and FY 2019 Commission budgets, as a result of the across the board salary increases and lump sum bonuses contained within the Tentative Agreement, will total approximately \$35,518.18 and \$69,996.00, respectively; and

WHEREAS, this results in changes to the FY 2019 Operating Budget totaling approximately \$105,514.18; and

WHEREAS, this results in changes to the annual salaries of approximately \$76,300 per year; and

WHEREAS, the Personnel and Budget Committee has reviewed the attached Tentative Agreement and recommends Commission approval and implementation of the draft Agreement; and

WHEREAS, the Pinelands Commission had reviewed the attached Tentative Agreement and finds the terms acceptable; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that

1. The Pinelands Commission hereby authorizes the Executive Director to enter into an Agreement, consistent with the attached Tentative Agreement, with each of the three certified negotiating units of the Communications Workers of America, Local 1040.
2. The Pinelands Commission hereby authorizes the Executive Director to implement the terms of the Tentative Agreement with regard to the Commission's employees who are members of the three certified negotiating units of the Communications Workers of America, Local 1040.

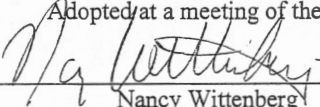
Record of Commission Votes

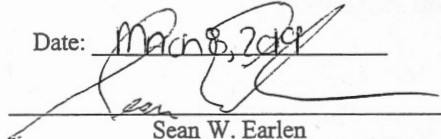
AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*
Ashmun			X	Howell			X	Prickett	X		
Avery	X			Jannarone			X	Quinn			X
Barr	X			Lloyd			X	Rohan Green	X		
Christy			X	Lohbauer	X			Earlen	X		
Galletta	X			Pikolycky	X						

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: March 8, 2009


Nancy Wittenberg
Executive Director


Sean W. Earlen
Chairman

MEMORANDUM OF AGREEMENT
BETWEEN
THE NEW JERSEY PINELANDS COMMISSION
AND
THE COMMUNICATIONS WORKERS OF AMERICA
(NON-SUPERVISORY, PROFESSIONAL, AND SUPERVISORY UNITS, LOCAL 1040)

Whereas, the contracts for employees of the New Jersey Pinelands Commission in the Non-Supervisory, Professional, and Supervisory units expired on June 30, 2015; and

Whereas, the parties have negotiated certain changes in the terms and conditions of employment and are desirous of entering into a successor agreement,

Now, therefore, the parties set forth the following memorandum of agreement.

1. All provisions of the 2011-2015 contracts will continue and are hereby incorporated into this Agreement, except as set forth below.

2. Article 4 (SALARIES) is amended to read as follows:

ARTICLE 4. SALARIES

A. Salary.

(1) The annual salary of each full-time employee will be in accordance with the salary range corresponding to his or her title (see Appendix). Salaries will be pro-rated for part-time employees. New employees will be hired at the minimum of their range, except that the Employer may place a new employee on a higher level if the employee's education and experience significantly exceed the minimum requirements.

(2) All employees will receive across-the-board salary increases as follows: 0% as July 1, 2015, 0% as of July 1, 2016, 2% as of July 1, 2017, and 2% as of July 1, 2018.

B. Signing Bonus. Upon execution of this Agreement, each employee who was on the payroll at the time of ratification will receive a one-time, lump-sum payment of \$450.

C. Retroactive Payments. In order to receive any retroactive salary adjustments required by this Article, employees must be on the payroll at the time of ratification.

3. Sections A and B of Article 6 (VACATION LEAVE) are amended to read as follows:

A. All full time, continuing employees earn vacation leave as set forth below. Part time, continuing employees who are scheduled to work 25 or more hours per week earn vacation leave on a proportionate basis. Seasonal employees and part time continuing employees who are scheduled to work less than 25 hours per week are not eligible for paid vacation leave. Vacation leave is earned based on years of service with the Commission and is granted on the basis of a seven-hour day.

(1) During the first calendar year of employment, an employee earns one vacation day for each completed month of service. To receive credit for the month, the employee must work at least one half of the work days.

(2) Thereafter, an employee earns vacation according to the following schedule. For the calendar years in which an employee will have completed 5, 12, or 20 years of service, the full increase in vacation leave prescribed by this schedule will be applied as of January 1.

Years of Service	Number of vacation days each year
Up to and including 5	12 (84 hours)
Over 5 through 12	15 (105 hours)
Over 12 through 20	20 (140 hours)
Over 20	25 (175 hours)

(3) In order to recruit the most qualified candidate or to acknowledge past governmental experience on the part of a new employee, the Employer may approve a higher level of vacation leave than prescribed above on a case-by-case basis.

B. Vacation leave is advanced at the beginning of each calendar year after an employee's first calendar year, but is earned on a month-by-month basis. Until employees earn that leave, it will be considered to be advanced and unearned. New employees will not vest in any earned vacation leave until after six (6) consecutive months of employment. Employees may carry over up to 30 accumulated vacation days into the next calendar year without written approval from the Executive Director.

4. Sections C and D of Article 7 (SICK LEAVE) are amended to read as follows:

C. (1) Beginning January 1, 2019, all full-time, continuing employees shall earn sick leave as follows:

(a) During the first calendar year of employment, an employee earns one day of sick leave for each completed month of service. To receive credit for the month, the employee must work at least one half of the work days.

(b) Thereafter, an employee earns 15 days or 105 hours of sick leave per calendar year.

(2) Part-time, continuing employees scheduled to work more than twenty-five (25) hours per week earn sick leave on a proportionate basis. The Human Resources Specialist shall notify each employee at the time of hiring as to the eligibility for sick leave. Employees do not earn sick leave for any overtime or while on leave without pay status.

(3) Upon execution of this Agreement, all employees on the payroll at the time of ratification will be granted three additional sick days on a one-time basis.

D. Sick leave is advanced at the beginning of each calendar year after an employee's first calendar year, but is earned on a month-by-month basis. Until employees earn that leave, it will be considered to be advanced and unearned.

5. Article 34 (DURATION) is amended to read as follows:

ARTICLE 34. DURATION

This Agreement shall be in full force and effect from the date of signing through June 30, 2019.

6. Salary ranges will be as set forth in the Appendix at the end of this Memorandum of Agreement.

FOR THE UNION

FOR THE EMPLOYER

Date of Signing _____

Date of Signing _____

APPENDIX. TITLES AND SALARY SCHEDULES

Minimums and maximums for 2017 and 2018 salary ranges take effect on July 1 of each year.

Support Assistants: Custodial and Clerical					
Title/Level	Range #	2017 Minimum	2017 Maximum	2018 Minimum	2018 Maximum
1	5	\$35,955	\$52,134	\$36,674	\$53,177
2	3	\$32,612	\$47,287	\$33,264	\$48,233
3	1	\$29,580	\$42,891	\$30,172	\$43,749

Support Assistants: Business and Maintenance					
Title/Level	Range #	2017 Minimum	2017 Maximum	2018 Minimum	2018 Maximum
1	7	\$39,640	\$57,478	\$40,433	\$58,628
2	5	\$35,955	\$52,134	\$36,674	\$53,177
3	3	\$32,612	\$47,287	\$33,264	\$48,233

Technical Assistants: Land Use, Planning, Legal, Public Programs					
Title/Level	Range #	2017 Minimum	2017 Maximum	2018 Minimum	2018 Maximum
1	13	\$53,121	\$77,026	\$54,184	\$78,567
2	10	\$45,888	\$66,538	\$46,806	\$67,869
3	7	\$39,640	\$57,478	\$40,433	\$58,628
4	5	\$35,955	\$52,134	\$36,674	\$53,177

Specialists: Environmental, Public Programs, GIS, MIS					
Title/Level	Range #	2017 Minimum	2017 Maximum	2018 Minimum	2018 Maximum
1	20	\$74,747	\$108,383	\$76,242	\$110,551
2	15	\$58,566	\$84,921	\$59,738	\$86,620
3	13	\$53,121	\$77,026	\$54,184	\$78,567
4	11	\$48,183	\$69,865	\$49,146	\$71,262

Research Scientists					
Title/Level	Range #	2017 Minimum	2017 Maximum	2018 Minimum	2018 Maximum
1	20	\$74,747	\$108,383	\$76,242	\$110,551
2	16	\$61,495	\$89,167	\$62,725	\$90,951
3	14	\$55,778	\$80,877	\$56,893	\$82,495
4	12	\$50,592	\$73,358	\$51,604	\$74,825