



# 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**

<b>Applicant:</b>	Atlantic County Improvement Authority
<b>Municipality:</b>	Egg Harbor Township
<b>Management Area:</b>	Pinelands Military/Federal Installation Area
<b>Date of Report:</b>	February 15, 2019
<b>Proposed Development:</b>	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



State of New Jersey

THE PINELANDS COMMISSION  
PO Box 359  
NEW LISBON, NJ 08064  
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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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PHILIP D. MURPHY  
Governor  
SHEILA Y. OLIVER  
Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto: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

THE PINELANDS COMMISSION

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General Information: [Info@njpines.state.nj.us](mailto:Info@njpines.state.nj.us)  
Application Specific Information: [AppInfo@njpines.state.nj.us](mailto:AppInfo@njpines.state.nj.us)



Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

### **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 by the 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 AR*				AYE NAY NP AR*				AYE NAY NP AR*			
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 20, 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 Avery moves and Commissioner Barr  
seconds the motion that:

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.

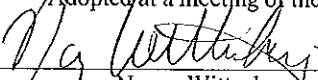
**Record of Commission Votes**

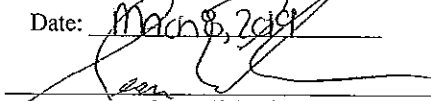
AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*					
Ashmun			X	Howell			X	Prickett	X				
Avery	X			Jannarone			X	Quinn			X		
Barr	X			Lloyd			X	Rohan Green	X				
Christy			X	Lohbauer	X			Earlen	X				
Galletta	X			Pikolycky	X								

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: March 8, 2001

  
 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.

<b>Years of Service</b>	<b>Number of vacation days each year</b>
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.

<b>Support Assistants: Custodial and Clerical</b>					
<b>Title/Level</b>	<b>Range #</b>	<b>2017 Minimum</b>	<b>2017 Maximum</b>	<b>2018 Minimum</b>	<b>2018 Maximum</b>
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

<b>Support Assistants: Business and Maintenance</b>					
<b>Title/Level</b>	<b>Range #</b>	<b>2017 Minimum</b>	<b>2017 Maximum</b>	<b>2018 Minimum</b>	<b>2018 Maximum</b>
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

<b>Technical Assistants: Land Use, Planning, Legal, Public Programs</b>					
<b>Title/Level</b>	<b>Range #</b>	<b>2017 Minimum</b>	<b>2017 Maximum</b>	<b>2018 Minimum</b>	<b>2018 Maximum</b>
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

<b>Specialists: Environmental, Public Programs, GIS, MIS</b>					
<b>Title/Level</b>	<b>Range #</b>	<b>2017 Minimum</b>	<b>2017 Maximum</b>	<b>2018 Minimum</b>	<b>2018 Maximum</b>
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

<b>Research Scientists</b>					
<b>Title/Level</b>	<b>Range #</b>	<b>2017 Minimum</b>	<b>2017 Maximum</b>	<b>2018 Minimum</b>	<b>2018 Maximum</b>
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