



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15- 08

**TITLE:** Approving With Conditions Applications for Public Development (Application Numbers 1984-1062.004 & 1997-0045.009)

Commissioner Galletta moves and Commissioner Earlen 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 applications for Public Development be approved with conditions:

**1984-1062.004**

**Applicant:** NJDEP NJ State Forestry Services  
**Municipality:** Washington Township  
**Management Area:** Pinelands Preservation Area District  
**Date of Report:** April 17, 2015  
**Proposed Development:** Road restoration activities, forestry and a forest fire fuel break ; and

**1997-0045.009**

**Applicant:** Lenape Regional High School District  
**Municipality:** Tabernacle Township  
**Management Area:** Pinelands Regional Growth Area  
Pinelands Rural Development Area  
**Date of Report:** April 16, 2015  
**Proposed Development:** Construction of a 485 square foot building addition at the main entrance to the existing Seneca High School.

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

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

WHEREAS, the Pinelands Commission hereby determines that each of the proposed public developments conform 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 Numbers 1984-1062.004 & 1997-0045.009 for public development are hereby approved subject to the conditions recommended by the Executive Director.

### Record of Commission Votes

AYE NAY NP ABS				AYE NAY NP ABS				AYE NAY NP ABS			
Ashmun	X			Earlen	X			Prickett	X		
Avery	X			Galletta	X			Quinn	X		
Barr	X			Jannarone		X		Rohan Green	X		
Brown	X			Lloyd	X			Witt			X
DiBello	X			McGlinchey		X		Lohbauer	X		

Adopted at a meeting of the Pinelands Commission

Date: May 8, 2015

Nancy Wittenberg  
Nancy Wittenberg  
Executive Director

Mark S. Lohbauer  
Mark S. Lohbauer  
Chairman



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 THE PINELANDS COMMISSION  
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Chris Christie  
 Governor

Kim Guadagno  
 Lt. Governor

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)

Mark S. Lohbauer  
 Chairman

Nancy Wittenberg  
 Executive Director

April 17, 2015

Lynn Fleming, State Forester  
 NJDEP NJ State Forestry Services  
 Mail Code 501-04  
 P.O. Box 420  
 Trenton, NJ 08625

Re: Application # 1984-1062.004  
 Washington Turnpike Road  
 Block 8, Lot 1  
 Block 9, Lot 1  
 Block 11, Lot 1  
 Block 13, Lot 1  
 Block 16.01, Lot 1  
 Block 16.02, Lot 1  
 Block 17, Lot 1  
 Block 39.01, Lot 1  
 Block 39.02, Lot 7.01  
 Block 40.01, Lot 10  
 Block 41, Lot 5.02  
 Block 41.01, Lot 1  
 Washington Township

Dear Ms. Fleming:

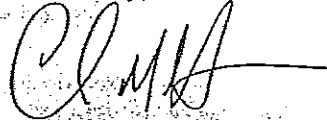
The Commission staff has completed its review of this application for road restoration activities, forestry and a forest fire fuel break on the above referenced parcel. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its May 7, 2015 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, Washington Township Planning Board (via email)
- Washington Township Construction Code Official (via email)
- Secretary, Burlington County Planning Board (via email)



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Chris Christie  
 Governor  
 Kim Guadagno  
 Lt. Governor

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

Mark S. Lohbauer  
 Chairman  
 Nancy Wittenberg  
 Executive Director

**PUBLIC DEVELOPMENT APPLICATION REPORT**

April 17, 2015

Lynn Fleming, State Forester  
 NJDEP NJ State Forestry Services  
 Mail Code 501-04  
 P.O. Box 420  
 Trenton, NJ 08625

Application No.: 1984-1062.004

Location: Washington Turnpike Road  
 Block 8, Lot 1  
 Block 9, Lot 1  
 Block 11, Lot 1  
 Block 13, Lot 1  
 Block 16.01, Lot 1  
 Block 16.02, Lot 1  
 Block 17, Lot 1  
 Block 39.01, Lot 1  
 Block 39.02, Lot 7.01  
 Block 40.01, Lot 10  
 Block 41, Lot 5.02  
 Block 41.01, Lot 1  
 Washington Township

This application proposes road restoration activities, forestry and a forest fire fuel break on the above referenced 1,053 acre parcel in Washington Township.

Washington Turnpike Road is an existing 21 foot wide sand road. The applicant has provided information representing that the road was approximately 30 feet in width in 1974. This application proposes to restore the road to a width of 30 feet for a distance of approximately five miles between Bulltown Road and Hawkins Bridge Road. The road will be restored to its former width by removing an approximate 4.5 foot wide earthen (sand) bermed shoulder area located along both sides of the existing road. The applicant represents that the berms have formed due to poor road maintenance practices. Trees that have grown on the bermed shoulders will be removed. The bermed areas will be regraded back into the existing sand road. The regraded road surface will be approximately 30 feet wide.

The applicant represents that the existing berms are preventing stormwater runoff from reaching existing stormwater drainage ditches located on both sides of the road. The applicant further represents that the

concerned drainage ditches run the entire length of the road. The application proposes to remove all trees and stumps from the existing nine foot wide drainage ditches. The proposed road and drainage ditch restoration will result in the clearing of approximately 16 acres of forest.

The application also proposes forest thinning of approximately 745 acres of overstocked forested uplands on the south side of Washington Turnpike Road. The proposed forestry is intended to provide a strategic forest fire fuel break and to reduce risk from Southern Pine beetle. Diseased and less vigorous trees of all sizes will be removed, as well as trees six inches or less in diameter.

The application also proposes a forest fire fuel break along both sides of the approximately five mile road. The forest fire fuel break will be created by removing all trees within a 20 foot wide strip for approximately five miles on each side of Washington Turnpike Road between Bulltown Road and Hawkins Bridge Road. The stumps will not be removed from these 20 foot wide strips. The concerned 20 foot wide forest fire fuel breaks will be located immediately adjacent to the restored drainage ditches. The proposed fuel break will result in the clearing of approximately 25 acres of forest.

The proposed road restoration activities in combination with the proposed forest fire fuel break will result in an approximately five mile long 88 foot wide cleared cross section.

### 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. 7:50-5.22(a)3 & (b)4)

The proposed road restoration activities, forestry and a forest fire fuel break are located in the Pinelands Preservation Area District. The proposed development is a permitted land use in the Pinelands Preservation Area District.

#### Wetlands Standards (N.J.A.C. 7:50-6.13 & 6.9)

There are wetlands located within the project area. The CMP prohibits most development in wetlands and requires a buffer of up to 300 feet to wetlands. The proposed road restoration will be located in wetlands and the required buffer to wetlands. The CMP allows road improvements (linear development) in wetlands and the required buffer to wetlands provided the applicant demonstrates that certain conditions are met.

The applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in wetlands or that will result in a less significant adverse impact to wetlands. The proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the wetlands. The applicant has indicated that the proposed road restoration is necessary to permit the safe use of the road for access and control line during a wildfire emergency. The applicant has demonstrated that the need for the road restoration overrides the importance of protecting the wetlands.

Forestry, including tree removal, is also permitted in wetlands and the required buffer to wetlands.

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

The proposed development will be located within existing forested areas. The proposed road restoration activities and fuel break will result in the clearing of approximately 41 acres of forest. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. This application does not propose any revegetation.

Threatened and Endangered Species Standards (N.J.A.C. 7:50-6.27 & 6.33)

The project has been reviewed by the New Jersey Division of Fish and Wildlife, Endangered and Nongame Species Program. That review concluded that there would be no irreversible adverse impacts on any local populations of those threatened or endangered wildlife species known to be in the project area.

The NJDEP Office of Natural Lands Management determined that there would be no irreversible adverse impacts on any local populations of threatened or endangered plant species known to be in the project area.

**PUBLIC COMMENT**

This applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the proposed activities was completed on March 3, 2015. Newspaper notice was completed on March 2, 2015. The application was designated as complete on the Commission's website on March 26, 2015. The Commission's public comment period closed on April 10, 2015. No public comment was submitted to the Commission regarding this application.

**CONDITIONS**

1. The proposed forestry activities shall adhere to the "Proposal for Silvicultural Activity on State Forest and Park Lands New Jersey State Forestry Services," dated February 9, 2015.
2. The Commission's approval for the approximately 745 acres of proposed forestry shall expire on May 7, 2025.
3. Except as modified by the below conditions, the proposed road restoration activities and forest fire fuel break shall adhere to the typical cross section sketch titled "Washington Turnpike Activity – NJSFS," received by the Commission on March 2, 2015.
4. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
5. 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.

6. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
7. Prior to work occurring on any portion of the Washington Turnpike Road which will result in the disturbance of any wetland area, a Freshwater Wetland Permit shall be obtained pursuant to the New Jersey Freshwater Wetlands Protection Act.

#### 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.



State of New Jersey

THE PINELANDS COMMISSION

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Kim Guadagno  
Lt. Governor

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

Mark S. Lohbauer  
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 within eighteen days of the date of the Executive Director's determination and must 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.





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

Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

April 16, 2015

James Hager  
Lenape Regional High School District  
93 Willow Grove Road  
Shamong, NJ 08088

Re: Application # 1997-0045.009  
Block 401, Lot 12.01  
Tabernacle Township

Dear Mr. Hager:

The Commission staff has completed its review of this application for construction of a 485 square foot building addition at the main entrance to the existing Seneca High School. 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 May 7, 2015 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, Tabernacle Township Planning Board (via email)  
Tabernacle Township Construction Code Official (via email)  
Secretary, Burlington County Planning Board (via email)  
Dante Guzzi, P.E.





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Chairman

Nancy Wittenberg  
Executive Director

## PUBLIC DEVELOPMENT APPLICATION REPORT

April 16, 2015

James Hager  
Lenape Regional High School District  
93 Willow Grove Road  
Shamong, NJ 08088

Application No.: 1997-0045.009

Location: Block 401, Lot 12.01  
Tabernacle Township

This application proposes the construction of a 485 square foot building addition at the main entrance to the existing Seneca High School located on the above referenced 49.7 acre lot in Tabernacle Township. The lot is located partially in a Pinelands Regional Growth Area (33.3 acres) and partially in a Pinelands Rural Development Area (16.4 acres). The proposed development is located entirely in the Pinelands Regional Growth Area portion of the lot.

### 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. 7:50-5.28(a))

The proposed development is located in a Pinelands Regional Growth Area. The proposed development is a permitted land use in a Pinelands Regional Growth Area.

#### Water Quality Standard (N.J.A.C. 7:50-6.83)

Seneca High School is served by an onsite wastewater treatment system. School security staff will occupy a portion of the proposed 485 square foot building addition. The proposed development will meet the CMP groundwater quality (septic dilution) standard.

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

The proposed development will be located over existing impervious surfaces and within a maintained grassed area. The proposed clearing and soil disturbance is limited to that which is necessary to

accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. Due to the size and location of the proposed development, this application does not propose any revegetation.

#### PUBLIC COMMENT

The CMP defines the proposed development as "minor" development. The CMP does not require public notice for minor public development applications. The Commission's public comment period closed on April 10, 2015. 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 one sheet, prepared by Dante Guzzi Engineering Associates and dated March 18, 2015.
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.

---



Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

## State of New Jersey

### THE PINELANDS COMMISSION

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Mark S. Lohbauer  
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 within eighteen days of the date of the Executive Director's determination and must 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. PC4-15- 09

**TITLE:** Approving With Conditions an Application for Public Development (Application Number 2009-0089.001)

Commissioner Avery moves and Commissioner Brown 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:

**2009-0089.001**  
**Applicant:** Buena Vista Township  
**Municipality:** Buena Vista Township  
**Management Area:** Pinelands Forest Area  
Pinelands Village  
**Date of Report:** April 8, 2015  
**Proposed Development:** Development of a tourist railroad.

WHEREAS, the Commission received a request for an appeal of the Executive Director's Public Development Report from a Third Party, which was denied, because such request failed to demonstrate a statutory right or a particularized property interest sufficient to trigger the right to such a hearing under the Administrative Procedures Act at N.J.S.A. 52:14B-3.3(a); 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 2009-0089.001 for public development is hereby approved subject to the conditions recommended by the Executive Director.

**Record of Commission Votes**

AYE NAY NP ABS				AYE NAY NP ABS				AYE NAY NP ABS			
Ashmun	X			Earlen	X			Prickett	X		
Avery	X			Galletta	X			Quinn	X		
Barr	X			Jannarone			X	Rohan Green	X		
Brown	X			Lloyd	X		X	Witt			X
DiBello	X			McGlinchey			X	Lohbauer	X		

Adopted at a meeting of the Pinelands Commission  
Nancy Wittenberg  
Nancy Wittenberg  
Executive Director

Date: May 8, 2015  
Mark S. Lohbauer  
Mark S. Lohbauer  
Chairman



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

Mark S. Lohbauer  
 Chairman

Nancy Wittenberg  
 Executive Director

April 8, 2015

Chuck Chiarello, Mayor  
 Buena Vista Township  
 890 Harding Highway  
 P.O. Box 605  
 Buena, NJ 08310

Re: Application # 2009-0089.001  
 Block 700, Lots 15 - 17  
 Block 4527, Lots 2 - 5  
 Buena Vista Township

Dear Mayor Chiarello:

The Commission staff has completed its review of your application for Development of a tourist railroad. Enclosed is a copy of a Public Development Application Report. On March 23, 2015 we mailed a cover letter and a Public Development Application Report for this application. Enclosed please find a corrected copy of the Report, dated April 8, 2015, addressing the Pinelands Management Areas of the proposed development. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its April 10, 2015 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, Buena Vista Township Planning Board (via email)  
 Buena Vista Township Construction Code Official (via email)



Atlantic County Department of Regional Planning and Development (via email)  
Atlantic County Division of Public Health (via email)  
David S. Scheidegg (via email)  
Mark Demitroff (via email)  
Fred Akers (via email)  
Stephen D. Martinelli (via email)  
Denise Garner



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Mark S. Lohbauer  
 Chairman

Nancy Wittenberg  
 Executive Director

**PUBLIC DEVELOPMENT APPLICATION REPORT**

(Corrected Copy – Page 2, para. 2 & page 6, para. 2: Pinelands Management Area)

April 8, 2015

Chuck Chiarello, Mayor  
 Buena Vista Township  
 P.O. Box 605  
 Buena, NJ 08310

Application No.: 2009-0089.001

Location: Block 700, Lots 15 - 17  
 Block 4527, Lots 2 - 5  
 Buena Vista Township

This application proposes the development of a tourist railroad station. The application includes 1,900 linear feet of railroad track, a railroad boarding platform, a guard shack, a ticket booth and a switch tower on the above referenced 13.82 acre parcel in Buena Vista Township. The application also proposes approximately one acre of stone parking areas/drive isles and a 156 linear foot long stone access driveway from U.S. Route 40 to the parcel. There are two existing commercial buildings and an existing single family dwelling located on the parcel.

Most of the proposed development on the parcel occurred between 2006 and 2009 without application to the Commission in violation of the application requirements of the Buena Vista Township land use ordinance and the Pinelands Comprehensive Management Plan (CMP). This application is intended to address and resolve the violation.

On September 27, 2004, the Commission staff issued a letter which determined that the installation of approximately 5,655 linear feet of sidewalk along the Route 40 right-of-way was consistent with the terms of the Memorandum of Agreement between the Pinelands Commission and Buena Vista Township (App. No. 2004-0319.001). That letter authorized the proposed sidewalk development to proceed. To maintain consistency with the stormwater management standards contained in the Township land use ordinance and the CMP, the Township proposed to install stormwater management swales adjacent to the proposed sidewalk. The concerned swales were either constructed and subsequently filled or were not constructed. In the absence of the approved stormwater swales, the sidewalks subject of App. No. 2004-0319.001 constitute a violation of the stormwater requirements of the Buena Vista Township land use ordinance and the CMP. The applicant previously submitted information to resolve an approximately 4,089 linear foot portion of the Route 40 sidewalk violation. The current application for the tourist railroad station proposes to retain and infiltrate stormwater runoff from the remaining approximately 1,566 linear foot portion of the Route 40 sidewalk violation.



## STANDARDS

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

### Land Use (N.J.A.C. 7:50-5.23(a)15 & 5.27(a))

Approximately 13.39 acres of the parcel is located in the Pinelands Village of Richland and approximately 0.43 acres is located in a Pinelands Forest Area. All proposed development, except for an approximately 350 linear foot portion of the proposed railroad track, is located in a Pinelands Village Management Area. An approximately 350 linear foot portion of the 1,900 linear feet of proposed railroad track is located in a Pinelands Forest Area. The proposed development is a permitted land use in a Pinelands Village Management Area and Pinelands Forest Management Area.

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

The proposed development will be located in maintained grass and wooded areas. In combination, the clearing that occurred on the parcel without application to the Commission and the clearing that is currently proposed for one of the stormwater basins will result in the clearing of approximately 9.4 acres of forest. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

### Water Quality Standard (N.J.A.C. 7:50-6.84)

The two existing commercial buildings and the existing single family dwelling are serviced by onsite septic systems. The application does not propose wastewater disposal facilities for the proposed development. The applicant has demonstrated that the existing and proposed development will be consistent with the groundwater quality (septic dilution) standard of the Buena Vista Township land use ordinance and the CMP.

### 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 of the CMP. To meet the stormwater management standards, the application proposes to modify a small existing stormwater basin located on the parcel and construct an approximately two acre stormwater basin on the parcel.

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

A cultural resource survey was prepared for this application. No cultural resources eligible for Pinelands designation were found within the project area.

**PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on October 10, 2014. Newspaper public notice was completed on October 13, 2014. The application was designated as complete on the Commission's website on February 27, 2015. The Commission's public comment period closed on March 13, 2015. The Commission received comments from four members of the public regarding this application. These comments are summarized below. The Commission staff will provide copies of the public comment to any Commissioner or member of the public requesting same.

**Public Commenter One:**

Between April 24, 2009 and March 13, 2015, Commenter One provided approximately 287 pages of written comments that included observations, pictures, questions, stormwater and soils analysis and various other information. Some of the public comment was related to the proposed tourist railroad station subject of the current application. Some of the public comment was general in nature, addressing topics in Buena Vista Township that are not directly related to the proposed tourist railroad station.

The nature and format of the information submitted by Commenter One makes specific responses to comment challenging. (Copies of the public comments are available upon request.)

**Below, the staff has attempted to identify, categorize and respond to Commenter One's written comments that are directly related to the proposed tourist railroad station.**

**Stormwater Comments from Commenter One:**

Who is responsible for the approval of the stormwater management plan?

Concerns expressed regarding a proposed package sanitary sewer treatment plant/stormwater management basin apparently regarding the tourist railroad station parcel.

A picture depicting flooding in a grass field where the Township proposes to locate "siding basins."

Concerns regarding the soil boring identifying seasonal high water table that were submitted by the engineering firm representing the Township.

Comments regarding misnumbering of pages in an unspecified Table of Contents apparently for the tourist railroad station stormwater management calculations.

Concerns regarding stormwater management proposed for the tourist railroad station.

Detailed questions regarding the stormwater runoff curve number utilized by the Township Engineer for the proposed development.

Extensive comments regarding a soil analysis completed by the Commenter.

The Commenter provided observations and an analysis of the seasonal high water table in the area.

**Staff Response to Stormwater Comments from Commenter One:**

The proposed stormwater management plan was designed and signed and sealed by a New Jersey Licensed Professional Engineer. The Commission staff has reviewed the proposed stormwater management plan for consistency with the stormwater management standards of the CMP. These standards include, among others, a minimum distance of two feet between the bottom of the proposed stormwater basins and the seasonal high water table, the retention and infiltration of the design year storm and the permeability of the soils below the stormwater basins. The Commission staff's review is typically conducted based upon the information provided by the New Jersey Professional Engineer designing the plan. The Commission staff site inspected the parcel subject of this application. It is the Commission staff's opinion that the proposed stormwater management plan meets the stormwater management standards of the CMP.

The Commission staff's review should not be construed as guaranteeing that, once constructed, the proposed stormwater management plan will function as designed. The CMP does not address all aspects of stormwater design that are included in the municipal land use ordinance. The Commission staff does not perform stormwater facility construction inspection or stormwater facility maintenance inspections. Such inspections are the responsibility of the municipality. The New Jersey Professional Engineer designing the proposed stormwater management plan, in this instance the Township Engineer, is responsible for the design of the stormwater system.

With respect to two of the above comments, no package sanitary sewer treatment plant or onsite septic system are proposed on the parcel and no stormwater basins are proposed along the railroad siding.

**Wetland Public Comments from Commenter One:**

Concerns expressed about hydric (wetland) soils on the parcel.

**Staff Response to Wetlands Comments from Commenter One:**

The Commission staff has site inspected the parcel. It is the staff's finding that there are no wetlands, as defined by the CMP, located on or within 300 feet of the parcel proposed for development.

**Cultural Resource Public Comments from Commenter One:**

Concerns regarding cultural resources in Richland Village, in general, and additional comments questioning the adequacy of the cultural resource survey prepared for the application.

**Staff Response to Cultural Resource Comments from Commenter One:**

A cultural resource survey was prepared for this application. No cultural resources eligible for Pinelands designation were found within the project area. It is the staff's finding that the proposed development is consistent with the cultural resource protection standard of the CMP.

**Public Notice Comments from Commenter One:**

Questions regarding when the required newspaper public notice for the proposed development was completed.

Questions whether the public notices provided for the application referenced the correct block and lot numbers.

General concerns regarding the public notice completed for the proposed development.

Concerns that not all property owners within 200 feet of the proposed development received public notice of the proposed development.

**Staff Response to Public Notice Comments from Commenter One:**

The newspaper public notice and the required notice to all property owners within 200 feet of the parcel proposed for development were completed in accordance with the requirements of the CMP.

**General Public Comments Related to the Proposed Tourist Railroad Station from Commenter One:**

Concerns about the extent of the proposed development.

Concerns about the addition of lots to the application as the application progressed.

Concern regarding the shape and geographic location of Block 700, Lot 17.

Concerns regarding the disposal of "dump piles" apparently associated with the construction of the proposed railroad siding.

Concerns regarding when responses would be provided to the submitted comments.

Questions regarding the Pinelands Management Area of the proposed development.

Comments regarding development occurring on the tourist train station parcel without application to the Commission.

Concerns regarding the Township and others trespassing on the Commenter's land.

Information regarding the Township proposing a maintenance easement for the proposed railroad siding on the Commenter's lands.

Comments regarding the Commission's OPRA process and Commenter's inability to secure a site plan from the Commission.

Written request to be advised of all revisions to the submitted site plan for the tourist railroad station.

**Staff Response to General Public Comments Related to the Proposed Tourist Railroad Station from Commenter One:**

The Commission staff has reviewed these general concerns regarding the proposed development. The proposed development meets the applicable standards of the CMP. The parcel is located partially in a Pinelands Village Management Area (13.39 acres) and partially a Pinelands Forest Management Area (0.43 acres). The allegation of trespass and discussion of a proposed maintenance easement on Commenter's lands are matters between two private parties. The staff has provided every document subject of OPRA that was requested by the Commenter. The Commission staff provided a copy of the site plan referenced in this Report to the Commenter. The Commenter was consistently advised that whenever the site plan was revised, a copy was available for review at the Commission office.

**Below, is a representative list of written comments submitted by Commenter One that were not directly related to the tourist railroad station application. These comments are provided for informational purposes only.**

Comments were offered regarding the approval status of Sawmill Park (App. No. 2009-0180.001), a Township park located on a noncontiguous parcel in Buena Vista Township.

Numerous questions regarding why the site plan submitted for the proposed tourist railroad station did, or did not, depict certain information, which was or was not included on a different site plan prepared for a feasibility study to provide a community wastewater system for Richland Village.

Concerns regarding a stormwater management basin for the Richland Village Fire House located on a non-contiguous parcel from the tourist railroad station.

Reference to and comments regarding a "Proposed Redevelopment Plan for Richland Village West."

Concerns about removal of five NJDEP groundwater test wells by Conrail without NJDEP's consent.

Concerns about a natural gas line installed in Richland Village in anticipation of redevelopment.

Extensive comments regarding the reuse of railroad ties at multiple sites in Buena Vista Township.

Comments regarding "Redevelopment" and "Smart Growth."

Comments alleging that the Township has not applied for all sidewalks installed as a part of Application No. 2004-0319.001.

Concerns about flooding problems located "east" of the proposed tourist railroad station near the Richland Village Fire House

Photographs depicting ponding water in the vicinity of the Richland Village Firehouse.

Concerns about development occurring outside of the designated redevelopment area.

Comments regarding development being undertaken in Buena Vista Township without application to the Commission.

**Staff Response to General Comments Not Directly Related to the Tourist Railroad Station Application from Commenter One:**

The staff appreciates the commenter's concern with protection of the Pinelands. While some of the above comments may involve activities regulated by the Pinelands Commission, they are not directly related to the tourist railroad station application.

With respect to the concern expressed about the removal of five NJDEP groundwater test wells by Conrail without NJDEP's consent, by letter dated January 16, 2014, the Commission staff advised NJDEP of this allegation.

**Public Comment from Commenter Two:**

The Commenter expressed a concern that the Commission is costing the Township money by requiring the Township to resolve certain development violations in the Township.

**Staff Response to Commenter Two:**

The Commission staff understands the financial implications of requesting that development applications be completed for public development that has occurred in the Township without Commission approval. However, the regulations administered by the Commission staff require the Township to complete applications for development prior to undertaking the respective development projects.

**Public Comments from Commenter Three:**

The Commenter expressed concerns that the Township had undertaken numerous development projects in the Pinelands without application to the Commission and recommended that the current application be reviewed by the Commission's Policy and Implementation Committee

**Staff Response to Commenter Three:**

The staff agrees that a number of public development projects have been completed in the Township without application to, or approval by, the Commission. The staff has met with representatives of the Township in an effort to resolve existing violations and ensure that Commission approval is obtained prior to the Township initiating future land development projects. Aside from the tourist railroad station, there remains one outstanding Township development violation. That violation concerned certain improvements made to a Township park. The Township is nearing completion of its application to the Commission to address that violation.

The regulations contained in the CMP do not provide for Commission Committee review of individual development applications. Review and actions on public development applications is a function of the full Commission. This does not preclude the Commission's Policy and Implementation Committee from discussing the generic issue of public agencies undertaking development in the Pinelands Area without application to, and approval by, the Commission.

**Public Comments from Commenter Four:**

The commenter expressed a concern that the stormwater management plan for the proposed project be thoroughly reviewed.

**Staff Response to Commenter Four:**

The staff has thoroughly reviewed the proposed stormwater management plan. It is the staff's opinion that the proposed stormwater management plan meets the stormwater management standards of the CMP.

**CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of four sheets, prepared by Schaeffer Nassar Scheidegg, all sheets dated November 24, 2010 and revised to January 19, 2015.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
4. 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.
5. Prior to any development, the applicant must provide documentation that the concerned 0.16 acres, proposed to be subject of a preservation easement to meet the CMP nonstructural stormwater management standard, has been filed with the Atlantic County Clerk's office.

**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.



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



Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

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)

Mark S. Lohbauer  
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 within eighteen days of the date of the Executive Director's determination and must 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. PC4-15- 10

**TITLE:** Expressing the Commission's appreciation to Robert Jackson for his service as a member of the Commission between June 2008 and March 2015

Commissioner Ashmun moves and Commissioner Lloyd seconds the motion that:

WHEREAS, Robert Jackson was first appointed by Governor Jon Corzine on June 12, 2008 and served on the Pinelands Commission with great distinction until March 2015; and

WHEREAS, during his tenure as a Commissioner, Mr. Jackson served on the Policy and Implementation Committee, the Public and Governmental Programs Committee, the Permanent Land Protection Committee and the Plan Review Committee; and

WHEREAS, during Mr. Jackson's tenure, the Commission strengthened the Pinelands protection program by adopting 11 amendments to the Pinelands Comprehensive Management Plan; and

WHEREAS, during Mr. Jackson's tenure on the Permanent Land Protection and Policy and Implementation committees, the Commission helped to permanently preserve more than 7,000 acres of land in the Pinelands Area through the allocation of \$9.6 million from the Pinelands Conservation Fund; and

WHEREAS, Commission members are unpaid volunteers and Mr. Jackson devoted hundreds of hours of his time and logged more than 23,000 miles driving to and from Commission and Committee meetings; and

WHEREAS, Mr. Jackson's passion for preserving the Pinelands was clearly evident during his deliberations as a Commissioner; and

WHEREAS, the members of the Commission want to recognize Mr. Jackson's significant contributions and express their appreciation for the service that he performed.

NOW, THEREFORE BE IT RESOLVED that the members of the Pinelands Commission, assembled at the Richard J. Sullivan Center for Environmental Policy and Education on this 8<sup>th</sup> day of May, 2015, do hereby express our appreciation to our colleague and friend, Robert Jackson, for his commitment to the Pinelands and for his service as a member of the Commission between June 2008 and March 2015.

**Record of Commission Votes**

AYE NAY NP ABS				AYE NAY NP ABS				AYE NAY NP ABS			
Ashmun	X			Earlen	X			Prickett	X		
Avery	X			Galletta	X			Quinn	X		
Barr	X			Jannarone		X		Rohan Green	X		
Brown	X			Lloyd	X			Witt	X		
DiBello	X			McGlinchey		X		Lohbauer	X		

Adopted at a meeting of the Pinelands Commission

Date: May 8, 2015

Nancy Wittenberg  
Nancy Wittenberg  
Executive Director

Mark S. Lohbauer  
Mark S. Lohbauer  
Chairman



## **RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

NO. PC4-15- 11

**TITLE:** To Authorize the Executive Director to enter into Agreements with the Communications Workers of America, Local 1040 and to Revise the FY 2015 Operating Budget

Commissioner Ashmun moves and Commissioner Aversy seconds the motion that:

**WHEREAS**, the prior Collective Bargaining Agreement between the Pinelands Commission and its three employee bargaining units (non-supervisory unit, professional unit and supervisory units) expired on June 30, 2011; and

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

**WHEREAS**, negotiations for a new Collective Bargaining Agreement for the term from July 1, 2011 through June 30, 2015, commenced 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"); on November 11, 2011; and

**WHEREAS**, after numerous negotiating sessions, mediation sessions and fact finding, the Pinelands Commission's negotiating team has now negotiated new collective bargaining 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, 2011 through June 30, 2015; 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 or about April 14, 2015 to ratify the Tentative Agreement; and

**WHEREAS**, it is estimated that the retroactive cost to the FY 2014 and FY 2015 Commission budgets, as a result of the across the board salary increases contained within the Tentative Agreement, will total approximately \$34,238.60 and \$48,758.57, respectively; and

**WHEREAS**, this results in changes to the FY 2015 Operating Budget totaling approximately \$82,997.17; 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.

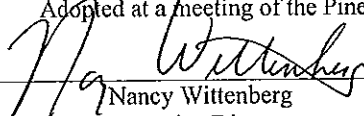
2. The Pinelands Commission hereby authorizes the Executive Director to implement the terms of the Tentative Agreement with regard to the Commission's employees who are members of the Commission's the three certified negotiating units of the Communications Workers of America, Local 1040.

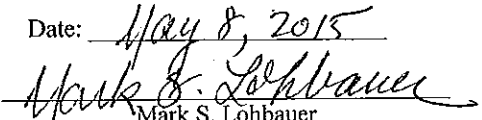
**Record of Commission Votes**

AYE NAY NP ABS				AYE NAY NP ABS				AYE NAY NP ABS			
Ashmun	X			Earlen	X			Prickett	X		
Avery	X			Galletta	X			Quinn	X		
Barr	X			Jannarone			X	Rohan Green	X		
Brown	X			Lloyd	X			Witt	X		
DiBello	X			McGlinchey			X	Lohbauer	X		

Adopted at a meeting of the Pinelands Commission

Date: May 8, 2015

  
 Nancy Wittenberg  
 Executive Director

  
 Mark S. Lohbauer  
 Chairman

**Tentative Agreement ("TA") Amongst the New Jersey Pinelands Commission, the  
Communications Workers of America, AFL-CIO, and Local 1040, Communication Workers of  
America, AFL-CIO, For Successor Collective Negotiations Agreements For the Non-Supervisory  
(RO-2007-053), Professional (RO-2007-063) and Supervisory (RO-2007-52)  
Collective Negotiations Units**

The parties in New Jersey Pinelands Commission, the Communications Workers of America, AFL-CIO (CWA) and Local 1040, Communication Workers of America, AFL-CIO agree as follows:

This Tentative Agreement covers the Non-Supervisory Unit (RO-2007-053); the Professional Unit (RO-2007-063); and the Supervisory Unit (RO-2007-52), however, when the final document is drafted, each unit will have their own collective bargaining agreement.

1. **Term of the Collective Bargaining Agreement:**

July 1, 2011 through June 30, 2015

2. **Salary:**

- a. There shall be no across the board salary increases for the first two years of this contract (July 1, 2011 through June 30, 2013).
- b. Effective July 1, 2013, all employees shall receive a 1.0% increase. This increase is retroactive to July 1, 2013.
- c. Effective July 1, 2014, all employees shall receive a 1.75% increase. This increase is retroactive to July 1, 2014.

3. **Merit Pay:**

- a. There will be no merit increases for the term of the contract.
- b. Merit pay remains a negotiable item as part of negotiations for the next contract term. Nothing in this agreement shall prevent the Union from raising the issue of merit increases based on performance evaluations in any future negotiation.
- c. Nothing in this agreement shall obligate the Commission to agree to merit increases in any future negotiation.

4. **Lump Sum Payments:**

- a. Effective September 1, 2014, all employees shall receive a \$500 lump sum payment that will not be applied to an employee's base salary. This lump sum payment will be disbursed following ratification by both parties.

- b. Effective June 30, 2015, each employee shall receive a \$500 lump sum payment that will not be applied to an employee's base salary.

5. **Paid Leave Bank Days:**

- a. All employees shall receive seven (7) Paid Leave Bank Days. These Paid Leave Bank Days must be used by January 1, 2016. Any Paid Leave Bank Days that remain unused after January 1, 2016, will expire.

6. **Sick Leave:**

- a. Effective July 1, 2014, all employees shall receive 2 additional sick days for a total of 12 paid sick leave days per year. This increase in the number of sick days is retroactive to July 1, 2014 from the date of ratification.

7. **Preamble and Recognition:**

- B. In the first sentence, after the word "Included;" delete the phrase "as follows" and replace with "in the following titles."

The parties agree to review the list of job titles in the Recognition clause and update to reflect current job titles.

8. **ARTICLE 3 – Grievance Procedure:**

- C. Add the following sentence to the end of the existing paragraph: "The term 'working days' as used herein means all days except Saturdays, Sundays, Holidays and full-day office closures as ordered by the Executive Director."

D. **Step One:**

First sentence: change "The Union shall institute written action..." to "The grievant or" the Union shall institute written action..."

First Sentence: Change "seven (7) working days" to "ten (10) working days".

G. **Step Three:**

- 1. First sentence: delete the phrase "exclusive of designated holidays, Saturdays and Sundays"

- 2. **Subparagraph "a":** Insert the following prior to the last sentence: "The parties may agree to make a verbatim record through a certified court reporter, with the attendance fee for the court reporter shared between the parties. Absent agreement, either party may request a verbatim record through a certified court reporter, with the attendance fee for the court reporter to be paid by the requesting party. In either case, each party will

bear the cost of any transcript it orders. In the event the arbitrator requests a transcript, the cost of the transcript, including the attendance fee, shall be shared equally between the parties.”

3. **Add new subparagraph “b” as follows:**

“The Commission, upon request, will make available to the Union, relevant documents in its possession necessary to the processing of grievances through arbitration. Management shall provide the requested documents within fourteen (14) business days from receipt of the request. In the event additional documents are thereafter discovered, their use shall not be precluded so long as the documents are disclosed not later than three (3) business days prior to the arbitration hearing.”

4. **Add new subparagraph “c” as follows:**

“The Union, upon request, will make available to the Commission, relevant documents in its possession necessary to the processing of grievances through arbitration. The Union shall provide the requested documents within fourteen (14) business days from receipt of the request. In the event additional documents are thereafter discovered, their use shall not be precluded so long as the documents are disclosed not later than three (3) business days prior to the arbitration hearing.”

9. **ARTICLE 5 – Overtime**

B. Add the following sentence to the end of paragraph B: “When an employee is required to work hours outside of the employee’s normal work day or work week the Commission will not avoid paying overtime by changing the employee’s hours of work within the work day or work week that such hours were worked.”

10. **ARTICLE 6 – Vacation Leave**

A. Second sentence: Change “20 or more hours per week” to “25 or more hours per week.”

Third sentence: Change “20” to “25” (i.e. “Seasonal employees and part time continuing employees who are scheduled to work less than ~~20~~ **25** hours per week are not eligible for paid vacation leave.”)

Change the Years of Service in the vacation schedule to the following:

<u>Years of Service</u>	<u>Number of Vacation days each year</u>
0 through 5 years	12 days a year (84 hours)
6 through 12 years	15 days a year (105 hours)
13 through 20 years	20 days per year (140 hours)

21 plus years

25 days per year (175 hours)

11. ARTICLE 7 – Sick Leave

A.3. Add “civil union partner, step mother, step father, step child” to the list of family members covered under this section.

C. Second sentence: Change “twenty (20) hours per week” to “twenty-five (25) hours per week.”

G. Modify the existing paragraph G, as follows;

“Employees reporting sick leave shall notify their supervisor as early as possible, but not later than one (1) hour prior to the start of the work day, or reasonable time in the case of emergency. The supervisor will notify employees of one specified phone number to call when an employee calls out. Subsequent to this notification under this paragraph, the employee reporting sick leave must notify the supervisor of:

1. Personal certification of the need for a sick day;
2. The telephone number where the employee may be contacted during sick leave; and
3. The expected duration of the sick leave, if known.

The Human Resources Specialist shall have the right to contact the employee to ascertain the nature of the illness and follow-up as necessary.”

J. First sentence: Change “four (4) consecutive days” to “four (4) consecutive work days...” and change the third sentence to read as follows:

“The certification must be presented to the Human Resources Specialist or the Executive Assistant to the Executive Director before the employee can report for duty.”

R. Add a new paragraph R as follows:

“An employee who has been absent on sick leave for periods totaling more than fifteen (15) days in any calendar year, consisting of multiple periods of less than five (5) days, shall have his/her sick leave record reviewed by the Executive Director or his/her designee. If sick leave abuse is substantiated (except those cases where the employee is entitled to FMLA leave), the employee shall be required to submit acceptable medical evidence for any additional sick leave in that year. In cases where an illness is of a chronic or recurring nature causing

recurring absences of one (1) day or less, only one (1) submission of such proof shall be necessary for a period of six (6) months.”

12. **ARTICLE 8 – Administrative Leave**

- A. Second sentence: Change “twenty (20) or more hours” to “twenty-five or more hours.”

13. **ARTICLE 9 – Bereavement Leave**

- B. Add to the list of family members “step father, step mother, step child, minor child under legal guardianship.”
- C. Add new section: “Employees will be permitted one (1) working day of bereavement leave in the event of death of the following family members: grandparent, grandchild, sister-in-law, brother-in-law, non-minor child under legal guardianship.”
- D. Re-title former paragraph “C” as paragraph “D”.

14. **ARTICLE 10 – Insurance**

- B. Delete subparagraph “a” which reads “effective upon ratification of this agreement, all employees who have health benefits shall pay 1.5% of their base salary for the medical plan.” Replace with the following language: “Employees shall contribute to their health insurance benefits in accordance with C.78, P.L. 2011.”

15. **ARTICLE 11 – Holidays**

- A. Delete “Lincoln’s Birthday” and “Washington’s Birthday” and replace with “President’s Day.”

Delete the sentence under the list of holidays which reads: “Should the New Jersey Legislature pass legislation changing Lincoln’s Birthday and Washington’s birthday to one presidential holiday, such provision shall be incorporated into this agreement.”

- D. Change “20” to “twenty-five (25)”
- E. Change “20” to “twenty-five (25)”

16. **ARTICLE 15 – Discrimination and Coercion**

- A. Change paragraph A to read as follows:



“The Commission and the Union agree that there shall be no discrimination against any employee because of age, race, creed, color, religion, marital status, sex, sexual orientation, national origin, political affiliation, nationality, familial status, or any protected ADA/NJLAD disability.”

17. **ARTICLE 16 - Provisional Status**

The following new provision will be added as Paragraph D:

Employees who are promoted or transferred to a new job title during the term of this Agreement shall serve a probationary period of six (6) months from the date of the promotion or transfer. During this probationary period, the Commission reserves the right to return such employee to his/her previous position. The probationary period may be extended at the direction of the Program Director/Division Manager with the approval of the Executive Director for two extensions of forty-five (45) days each.

18. **ARTICLE 18 – Deductions From Salary**

B. Eliminate “the Commission’s Business Services Manager” and replace with “the Commission’s Human Resources Specialist”.

19. **ARTICLE 25 – Job Vacancies**

Add the following sentence: “All vacancies shall be emailed to all current Commission employees.”

20. **ARTICLE 28 – Hours of Work**

Add new paragraphs B and C as follows:

“B. When an employee is unable to get to his/her assigned work location because of weather conditions, his/her absence may be compensated if he/she has sufficient compensatory time balance or, if none is available, a charge may be made against vacation balance or administrative leave balance, if requested by the employee. Such excused absence will alternatively be without pay. Unless the Executive director or his/her designee determines otherwise, the Commission’s offices will be closed for inclement weather (or on a delayed opening) only if, and to the extent that, the State’s offices are closed for inclement weather (or on a delayed opening).”

“C. Absence without notice and approval for five (5) or more consecutive work days or failure to return from any leave of absence for five (5) or more consecutive work days may be recorded as a termination of employment absent any extenuating circumstances.”

21. **ARTICLE 29 - Layoff and Recall Provisions:**

There are no changes to the Layoff and Recall provisions from the prior contract. Those provisions will appear in the new contract in their current form.

22. **ARTICLE 30 – Access to Personnel Files**

Second sentence: Change the second sentence to read” “employees shall be notified and given the opportunity to initial derogatory or negative file entries.”

Last sentence: Change the last sentence to read: “The employee will have ten (10) calendar working days from the date of notification to file a response to any document placed in the file.

23. **ARTICLE 31 – Performance Evaluations**

B. Add the following sentence to the end of existing paragraph B, now paragraph C: “the required signature of the employee on the annual evaluation form, or on any other related form, shall be acknowledgement of receipt but shall not be construed to mean agreement with the content of such form, unless such agreement is stated thereon by the employee.”

A new paragraph B shall be added as follows:

“B. There will be three categories of ratings for performance evaluations, as follows:

Exceeds Expectations, which will equate to a numeric value of three (3)

Satisfactory, which will equate to a numeric value of two (2)

Unsatisfactory, which will equate to a numeric value of one (1)”

Remaining paragraphs in this Article B, C & D, shall be redesignated at C, D & E, respectively.

24. **New Article – Out of Title Work**

A. The Commission and the Union agree that employees should not be assigned work that is inappropriate to or not within their job title.

B. Instances of out-of-title work identified by the Union and formally brought to the attention of the Commission shall be corrected by phasing out such assignment(s) at the earliest time possible. Any dispute concerning out-of-title work or the phasing out period shall be resolved through the grievance procedure.

C. Nothing in this article is meant to prohibit employees from electing, at their own option, to perform out-of-title work for no additional compensation and no guarantee of promotion.

25. All terms and conditions are subject to ratification and approval by the Pinelands Commission and the members of the Non-Supervisory Unit (RO-2007-053); the Professional Unit (RO-2007-063); and the Supervisory Unit (RO-2007-52), of the CWA.
26. This Tentative Agreement represents the parties' complete agreement. All of the provisions of the parties' 2008-2011 collective bargaining agreements not expressly addressed by this Tentative Agreement shall remain in full force and effect and shall be incorporated in the new agreement.
27. All parties agree to recommend these terms to their respective constituents for approval and ratification.

NJ Pinelands Commission

Dated: \_\_\_\_\_, 2015

CWA, AFL-CIO

*Paul L. Barnett*  
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Dated: 7 27, 2015

Local 1040, CWA, AFL-CIO

*Joseph J. Ward* (Rep)  
*Joseph J. Ward*, Staff Rep  
*Paul W. Tappin*  
*Paul W. Tappin*  
*Quon Lago*

Dated: 4 27, 2015