



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-24- 22

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 1981-0656.024)

Commissioner Avery moves and Commissioner Pikolycky 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:

1981-0656.024

Applicant:	New Jersey Juvenile Justice Commission
Municipality:	Winslow Township
Management Area:	Pinelands Agricultural Production Area Pinelands Rural Development Area
Date of Report:	October 16, 2024
Proposed Development:	Construction of a Juvenile Justice Commission Secure Facility .

WHEREAS, there are four uncapped landfills that ceased operation on or after January 14, 1981 on the 605 acre parcel subject of Application No. 1981-0656.024; and

WHEREAS, the regulations contained in the Pinelands Comprehensive Management Plan (CMP) requires that if a landfill ceased operation on or after January 14, 1981, it must be capped in accordance with the requirements of the CMP (N.J.A.C. 7:50-6.75); and

WHEREAS, the four uncapped landfills constitute a violation of the regulations contained in CMP; and

WHEREAS, the CMP (N.J.A.C. 7:50-4.2(c)ii) provides that an application shall not be deemed complete if there is an outstanding violation on the parcel; and

WHEREAS, to address this CMP regulation, an applicant must agree in writing to take all measures necessary to eliminate any violation on the parcel in a time frame acceptable to the Commission's Executive Director; and

WHEREAS, the CMP (N.J.A.C. 7:50-1.7(a)) contains a provision that allows the Commission's Executive Director to request that a monetary escrow be posted with the Commission for review of complex matters, and

WHEREAS, the capping of the four landfills will involve complex matters, including but not limited to an analysis of the potential impacts of landfill leachate; and

WHEREAS, the Executive Director determined that if the New Jersey Department of Human Services (NJ DHS) posted a \$5,000 escrow to facilitate Commission staff review of the concerned landfills, the Executive Director would determine that the applicant had initiated the application process to cap the landfills in an acceptable time frame; and

WHEREAS, on October 4, 2024, the NJ DHS posted a \$5,000 escrow with the Pinelands Commission; and

WHEREAS, based upon the posting of this escrow with the Commission, the Executive Director has determined that the NJ DHS is taking a necessary measure to eliminate the violation on the parcel in an acceptable time frame; and

WHEREAS, no request for a hearing before the New Jersey Office of Administrative Law regarding 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 1981-0656.024 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

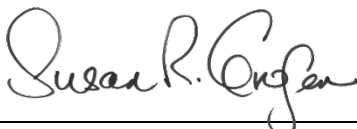
Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Asselta	X				Lettman			X		Rittler Sanchez	X			
Avery	X				Lohbauer	X				Wallner			X	
Christy			X		Mauriello	X				Matos	X			
Holroyd	X				Meade			X						
Irick	X				Pikolycky	X								

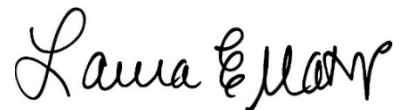
*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: November 8, 2024



Susan R. Grogan
Executive Director



Laura E. Matos
Chair



State of New Jersey

THE PINELANDS COMMISSION

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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

October 16, 2024

Thomas Guerriero (via email)
New Jersey Juvenile Justice Commission
PO Box 107
1001 Spruce Street
Trenton NJ 08625

Re: Application # 1981-0656.024
Block 6801, Lot 1
Winslow Township

Dear Mr. Guerriero:

The Commission staff has completed its review of this application for construction of a Juvenile Justice Commission Secure Facility. 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 November 8, 2024 meeting.

There are four uncapped landfills on the above referenced 605 acre parcel. The four uncapped landfills constitute a violation of the regulations contained in the Pinelands Comprehensive Management Plan. Based upon the information provided in the accompanying Public Development Application Report, the Commission's Executive Director has determined that the New Jersey Department of Human Services is taking all necessary measures to eliminate the violation on the parcel in an acceptable time frame. Accordingly, the Executive Director has deemed this Juvenile Justice Commission Secure Facility application complete.

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, Winslow Township Planning Board (via email)
Winslow Township Construction Code Official (via email)
Winslow Township Environmental Commission (via email)
Secretary, Camden County Planning Board (via email)
David Domen (via email)



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Application Specific Information: AppInfo@pinelands.nj.gov

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

October 16, 2024

Thomas Guerriero (via email)
New Jersey Juvenile Justice Commission
PO Box 107
1001 Spruce Street
Trenton NJ 08625

Application No.: 1981-0656.024
Block 6801, Lot 1
Winslow Township

This application proposes the construction of a Juvenile Justice Commission Secure Facility on the above referenced 605 acre parcel in Winslow Township. The Ancora Psychiatric Hospital is located on the parcel.

The proposed development will include three 5,925 square foot residential buildings, a 27,132 square foot office and support building, an 8,904 square foot gymnasium, a 328 square foot greenhouse, a 427 square foot equipment shed, an athletic field, a basketball court and three paved parking areas containing a total of 110 parking spaces.

Four Uncapped Landfills on the Parcel:

There are four uncapped landfills located on the parcel. The four landfills have a total surface area of approximately 18 acres. The concerned landfills ceased operation on or after January 14, 1981. The Pinelands Comprehensive Management Plan (CMP) requires that if a landfill ceased operation on or after January 14, 1981, it must be capped in accordance with the standards of the CMP (N.J.A.C. 7:50-6.75).

The uncapped landfills on the parcel constitute a violation of the CMP. The CMP (N.J.A.C. 7:50-4.2(c)ii) provides that an application shall not be deemed complete if there is an outstanding violation of the CMP on the parcel. To address this CMP regulation, an applicant must agree in writing to take all measures necessary to eliminate any violation on the parcel in a time frame acceptable to the Commission's Executive Director.

On December 23, 2008, the New Jersey Department of Human Services (NJ DHS) filed an application with the Commission to provide public sanitary sewer service to the Ancora Psychiatric Hospital parcel (App. No. 1981-0656.021). As part of App. No. 1981-0656.021, the NJ DHS submitted a January 30, 2009 proposal indicating that all landfills on the parcel would be capped by the Fall of 2014. The then

Commission Executive Director determined that this time frame to eliminate the uncapped landfill violation on the parcel was acceptable. On March 13, 2009, the Pinelands Commission approved the application to provide public sanitary sewer service to the Ancora Psychiatric Hospital parcel.

To date, an application to the Commission has not been completed for the capping of the concerned landfills and the landfills remain uncapped. The uncapped landfills on the parcel continue to constitute a violation of the CMP.

By email dated September 19, 2024, the NJ DHS indicated that they have been requesting state funding to cap the landfills since at least 2015. The NJ DHS further indicated that it is difficult to provide an updated timeline for the capping of the landfills due to budget and funding issues and that other critical life safety projects often require prioritization over the landfill capping. The NJ DHS estimates that the cost of capping the concerned landfills is over \$10 million.

The CMP (N.J.A.C. 7:50-1.7(a)) contains a provision that allows the Commission's Executive Director to request that a monetary escrow be posted with the Commission for review of complex matters. The capping of the four landfills will involve complex matters, including but not limited to an analysis of the potential impacts of landfill leachate. The Commission has previously utilized this CMP provision to determine whether a permeable or impermeable landfill cap is required for other landfills in the Pinelands Area.

Posting of such an escrow by the NJ DHS would allow the Commission staff to undertake a review of the landfills on the parcel. In reviewing the landfills, the Commission staff would evaluate the hydrologic framework of the landfills and surroundings, review landfill monitoring well data collected to date, determine compliance with the Commission's non degradation water quality standards, determine the potential need for additional groundwater sampling and review fate and transport modeling. The Commission staff would work with NJ DHS professionals to determine whether permeable or impermeable caps are required for the four landfills.

The Commission staff has previously required the posting of a \$5,000 escrow with the Commission to determine whether permeable or impermeable landfill caps are required. The Executive Director determined that if the NJ DHS posted a \$5,000 escrow to facilitate Commission staff review of the concerned landfills, the Executive Director would determine that the applicant had initiated the application process to cap the landfills in an acceptable time frame and deem the Juvenile Justice Commission Secure Facility application complete.

On October 4, 2024, the NJ DHS posted a \$5,000 escrow with the Pinelands Commission. Based upon the posting of this escrow with the Commission, the Executive Director has determined that the NJ DHS is taking a necessary measure to eliminate the violation on the parcel in an acceptable time frame. Accordingly, the Executive Director has deemed the Juvenile Justice Commission Secure Facility application complete.

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. 7:50-5.26)

The 605 acre parcel is partially located in a Pinelands Rural Development Area (532.17 acres) and partially located in a Pinelands Agricultural Production Area (72.83 acres). The proposed development will be located in the Pinelands Rural Development Area portion of the parcel. Institutional uses, including law enforcement facilities and public office buildings, are a permitted land use in a Pinelands Rural Development Area.

Wetlands Standards (N.J.A.C. 7:50-6.6)

Wetlands are located on the parcel. The proposed development will be located at least 300 feet from wetlands.

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

The proposed development will be located within an existing grassed area. The proposed 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. The applicant proposes to utilize a seed mixture which meets that recommendation.

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

On October 30, 2007 and as amended on June 10, 2010, the Pinelands Commission approved a Memorandum of Agreement (MOA) with the New Jersey Department of Human Services, the New Jersey Department of Environmental Protection and the Camden County Municipal Utilities Authority regarding future development on the Ancora Psychiatric Hospital's 605 acre parcel. The MOA addressed the provision of public sanitary sewer to service the Ancora Psychiatric Hospital parcel. The MOA designated an approximately 211 acre "development area" on the Ancora Psychiatric Hospital parcel. The remaining approximately 394 acres of the parcel is subject of a conservation deed restriction that prohibits most future development in the deed restricted area. The MOA authorized public sanitary sewer service in the Pinelands Rural Development Area and Pinelands Agricultural Production Area portions of the parcel. The MOA authorized public sanitary sewer to service both current and future development within the approximately 211 acre "development area." The development proposed in this application will connect to the public sanitary sewer main that serves the Ancora Psychiatric Hospital parcel and is located within the designated "development area" specified in the MOA.

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 be constructing eight stormwater infiltration basins.

Scenic Standards (N.J.A.C. 7:50-6.104)

The proposed development is located in the Pinelands Rural Development Area portion of the parcel. The parcel fronts on a public paved road. In a Rural Development Area, the CMP designates all public paved roads as scenic corridors. The CMP requires that all buildings be set back at least 200 feet from

the center line of a scenic corridor. The CMP further requires that if compliance with the 200 foot setback is constrained by environmental or other physical considerations, all buildings shall be set back as close to 200 feet as practical and the site shall be landscaped so as to provide screening from the corridor.

The proposed development is located within an existing cleared area on the parcel. The three proposed residential buildings will be located 135 feet to 150 feet from the centerline of Spring Garden Road, a paved public road. Each building is 35 feet in height. The above discussed MOA conservation deed restriction that was imposed on the parcel is located immediately adjacent to both sides of the area proposed for development. The conservation deed restriction constitutes a physical consideration that constrains the siting of development on the parcel.

There is an existing forested area on the parcel of varying width, averaging approximately 65 feet wide, located between Spring Garden Road and the three proposed residential buildings. Trees within the existing forested area are approximately 40 feet high. This existing forested area effectively provides landscape screening from Spring Garden Road.

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

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

PUBLIC COMMENT

The applicant has provided the requisite public notice. Newspaper public notice was completed on January 28, 2024. On August 22, 2024 the application was designated as complete for public comment on the Commission's website. The Commission's public comment period closed on September 13, 2024. 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 21 sheets, prepared by Marathon Engineering & Environmental Services, all sheets dated June 26, 2023 and revised to July 18, 2024.
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.
5. All development, including clearing and land disturbance, shall be located at least 300 feet from wetlands.

6. With respect to the four uncapped landfills on the parcel:
 - a. An application(s) for the capping of all four landfills shall be completed with the Pinelands Commission by April 8, 2026.
 - b. Absent a Pinelands Commission approval of an application for a Waiver of Strict Compliance based upon a compelling public need or a determination by the Commission's Executive Director that immediate action is necessary to remedy or prevent a condition that is dangerous to life health or safety, no further development applications shall be approved by the Commission on Block 6801, Lot 1 prior to Commission approval of an application(s) for the capping of all four existing landfills.
 - c. Utilizing the construction cost estimates that are required as part of the application(s) to the Commission for the capping of all four landfills, the NJ DHS shall take all necessary steps to pursue and secure funding for the capping of the four landfills.
 - d. All four landfills shall be capped by April 8, 2030.

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.



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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 by the Commission's office no later than 5:00 PM on November 4, 2024 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.