



PINELANDS PRESERVATION ALLIANCE

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May 8, 2012

Mr. David Smith
Department of Environmental Protection
Green Acres Program
Mail Code 501-01
P.O. Box 420
Trenton, NJ 08625-0420

**Re: Jackson Mills Road Compost Facility
Block 147.02, part of Lot 2 (New Block 2201, part of lot 2)**

Dear Mr. Smith:

Jackson Township has submitted an application to the NJ Green Acres program to divert from parkland use a portion of Block 2201, Lot 2 known as “the Jackson Mills Road recreation complex.” The entire 115 acre site was purchased with \$6.5 million of open space funding and was placed on Jackson Township’s Recreation and Open Space Inventory (ROSI).

This property was purchased to be developed solely for active recreation. To use it for another purpose, other than recreation, Jackson Township needs Green Acres approval for the diversion.

Currently this parkland is both the Jackson Mills Soccer Complex and a temporary leaf composting facility. Jackson Township established the composting facility on the site with temporary approval from Green Acres until they could find a permanent location.

In January 2012, Jackson Township submitted an application to NJ Green Acres to divert approximately 3 acres of the land from open space so that the composting facility can remain on the site permanently.

Jackson’s submitted application:

Page 1, A detailed description of how the proposed disposal/diversion will fulfill a compelling public need or yield a significant public benefit as defined at NJAC 7:36-26.9(d)1.

The Green Acres rules require that a parkland diversion application meet certain criteria before it can be removed from the municipalities open space inventory. The project must fulfill a

compelling public need, or yield a significant public benefit, or provide an exceptional recreation and or conservation benefit.

Jackson Township, at its scoping hearing, indicated that the public need was to give Jackson residents a site to dispose of and compost leaves. But Jackson Township had a facility on Kierych Memorial Drive and put in an application to the NJ Pinelands Commission for the use of the closed Legler Municipal Landfill site. Either of these sites remain as a viable options for leaf collection and would not require the diverting of 2 to 3 acres of parkland.

Jackson Township closed its Kierych Memorial Drive site because of the complaints from the adjacent neighbors, but the site was being used by residents and could continue to be used in some form for township leaf collection and composting.

Jackson Township submitted an application to the NJ Pinelands Commission to operate a composting facility at the closed Legler Municipal Landfill. This site received Pinelands Commission staff approval, but was pulled by Jackson Township just prior to the full Commission acting on the application. A copy of the October 25, 2010 letter is attached.

There would be no hazard to the public's health, safety or welfare if Jackson Township no longer operated a township leaf composting facility at either site. Jackson residents have access to the Ocean County Recycling facility, which accepts brush and leaves, located on New Hampshire Avenue in Lakewood Township and it is only about 10 miles away from the Jackson Mills Road site.

Page 4, A detailed description of any recreational facilities and or activities to be affected by the proposed disposal/diversion of parkland and an explanation of how they will be affected.

Jackson Township has stated "Each of these uses continues on the property and the continued operation of the compost facility will not result in any changes from the property's current use, nor will the proposed diversion result in any impacts to the Jackson Mills Soccer Complex." But this is incorrect.

A visit to the site on March 24, 2012 revealed that the site is gated and locked. This is, we were informed, due to the composting operation and the equipment stored on site. A sign is posted that the facility is only opened three days a week between the hours of 8:30 a.m. and 3 p.m. Someone coming to the soccer fields or parkland cannot gain entry to the site unless they have a key.

Jackson Township has clearly made a maintenance decision that the entire park must be closed to normal public access due to the fact that equipment is housed at the compost facility. The parkland is locked and closed at the main entrance and, according to residents, has been this way for a lengthy period of time. Certain individuals have a gate key, allowing limited access to a few organized soccer teams to the developed soccer fields. This means that the statement in Jacksons application which indicates that the composting facility will not "result in any impacts to the Jackson Mills Soccer Complex" is incorrect.

Residents have also expressed to us a concern that on weekends cars entering and exiting the facility, carrying young children to practice events, have to mix with truck traffic associated with

the composting drop-off and pick up activities. This mixing with truck traffic has an impact on the use of the site as parkland.

Page 5, Identify each alternative course of action that could be taken to fulfill the compelling public need or yield the significant public benefit to be derived from the project for which the disposal/diversion of parkland is proposed.

Jackson Township, in its application to NJ Green Acres, lists three alternatives to diverting the Jackson Mills parkland site. They are 1.) relocating the existing compost facility to a new site within the Township such as the Legler Landfill, Hope Chapel Road or Don Conner Boulevard; 2.) relocating the existing facility to the proposed replacement land; or 3.) entering into an agreement with a third party for Township wide collection and removal of organic waste.

Several of the above alternatives may be a feasible way of handling the Township leaves, but without the block and lot locations, the public is not able to fully review the sites. But we do agree with Jackson Township that the proposed replacement land, for the Jackson Mills diversion, Block 17272, Lots 14 & 15, would not be a suitable location for a composting facility. This land is in the Forest Management Area of the Pinelands and as such a composting facility would only be permitted at a disturbed site such as a closed landfill. This site also contains a large area of wetlands and the required buffer under Pinelands regulations would require a 300 foot buffer making the entire site undevelopable.

Page 5, Any alternatives suggested by the public at the scoping hearing or in the written comments submitted during the public comment period.

The public had very little opportunity to learn about the scoping hearing that was being held by Jackson Township. The legal notice appeared in the Asbury Park Press on Friday, December 23, 2011 which was the start of the long Christmas weekend.

Attached is a photo showing a locked gate at the entranceway to the Jackson Mills Soccer Complex. Also attached are photos of the no trespassing and operational hours signs which are posted outside the gate. These signs list the hours of operation for the composting facility, not for access to the recreational complex. This was the only time the public had an opportunity to enter and read about the details of the diversion and hearing which was held in January.

According to the Jackson Township file on the parkland diversion this display sign was, the only place residents would have had an opportunity to read the details of the scoping hearing. Nothing was posted in the area of the soccer fields or at the parking lot next to the compost area. If Jackson Township wanted information from the public as to alternatives, they needed to be more open with the public about the ongoing process.

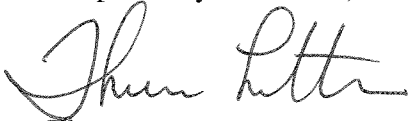
There were no members of the public who attended the public hearing. Jackson Township made no comments in its very short scoping hearing presentation to educate the public on what the diversion process entailed. Without this education process, those with knowledge of the Township lands couldn't get involved to offer any suggestions about alternative lands or sites for the composting facility.

On page 13, Jackson Township states “The existing compost facility exhibits sound land use planning and mitigates residents’ concerns regarding the operation of the compost facility.” The planning of this site was not to provide a location for residents to bring their leaves and brush for composting, but rather for open space and active recreation. Use of this site was planned as a recreational soccer complex and providing public open space with \$6.5 million public open space dollars invested.

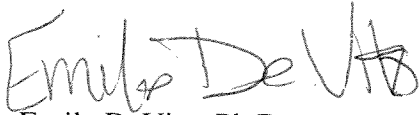
Page 16, a description of the Environmental Conditions on the parkland proposed for the disposal or diversion and replacement parcels.

Block 2201, Lot 2 was purchased for active recreation by Jackson Township and the portion of the site to be diverted are upland acres in contrast to the compensation site. The compensation site, Block 17272, Lots 14 & 15, contains over an acre of wetlands and is located within a Pinelands Forest Management area. The Pinelands Comprehensive Management Plan rules require wetlands in this management area to provide for a 300 foot buffer, making the entire site undevelopable for active recreation. The compensation site would therefore not provide any recreational benefit like that of the area being diverted on the Jackson Mills Road site.

Respectfully submitted,



Theresa Lettman
Director of Monitoring Programs



Emile DeVito, Ph D.
New Jersey Conservation Foundation

cc: Mayor Michael Reina
Jackson Township Council
Jackson Township Environmental Commission



Entranceway on March 24, 2012.



Signs at the gated entrance of site.



State of New Jersey
THE PINELANDS COMMISSION

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NEW LISBON, NJ 08064
(609) 894 7300

JOHN C. STOKES
Executive Director

CHRIS CHRISTIE
Governor
KIM GUADAGNO
Lt. Governor

**AMENDED REPORT ON AN APPLICATION
FOR MAJOR PUBLIC DEVELOPMENT**

(Page 3, Add First Para.)

October 28, 2010

Phil DeTurco
Jackson Township
95 West Veterans Highway
Jackson, NJ 08527

Please Always Refer To
This Application Number

Re: Application #: 1984-1345.007
Lakehurst Avenue
Block 18702, Lot 29
Block 19001, Lots 5, 6 & 8
Jackson Township

Dear Mr. DeTurco:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its November 12, 2010 meeting.

FINDINGS OF FACT

This application is for the development of a 2.8 acre vegetative composting facility, including a 2,000 linear foot stone access road and the installation of 1,135 linear feet of water main, on the above referenced 94.42 acre parcel in Jackson Township. The parcel is located in a Pinelands Rural Development Area.

The Legler municipal landfill is located on the parcel. On March 7, 1996, the Commission approved the closure of the Legler landfill (App. No. 1984-1345.002). The landfill

www.nj.gov/pinelands
E-mail: info@njpinelands.state.nj.us



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was subsequently closed according to the approved plan.

The Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-6.77), in part, permits composting facilities at closed landfills in a Rural Development Area provided that the composting facility only accept vegetative waste that is generated within the municipality in which the composting facility is located. This application proposes the development of the composting facility that will accept a maximum of 10,000 cubic yards of leaf litter and organic debris and 1,000 cubic yards of grass clippings annually. Use of the facility will be limited to vegetative waste generate within Jackson Township only.

The applicant has indicated that the proposed development will not be located over the areas previously utilized for landfill activities.

There are wetlands located within 300 feet of the parcel. The proposed development will be located at least 300 feet from wetlands.

The Commission staff consulted with the New Jersey Department of Environmental Protection, Bureau of Transfer Stations and Recycling Facilities (NJDEP) regarding the potential for impacts to groundwater quality from the proposed vegetative composting facilities. Based upon NJDEP's review of groundwater testing at other vegetative composting facilities approved by the NJDEP and the size of the proposed vegetative composting facility, the NJDEP indicated that the potential for the proposed vegetative composting facility to affect groundwater quality is extremely limited.

The proposed development will be located over existing bare soil. The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions.

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 a stormwater infiltration basin.

Based upon the existing site conditions and a review of information available to the Commission staff, it was determined that a survey for the presence of threatened and endangered species of plants and animals was not required.

Information available to the Commission staff did not provide sufficient evidence of significant cultural resources to require a full cultural survey.

The applicant has provided the requisite public notice. The Pinelands Commission has received 46 public comments regarding the application (To save the voluminous coping that would be required, the Commission staff will provide copies of the concerned comments upon request.) Generally, the comments express concern with the impact of the closed landfill on the area, including methane gas emanating from the landfill, multiple public safety, health and welfare issues, leaching of lawn chemicals from compost piles into groundwater, traffic concerns and property values.

Response to public comment: The CMP contains the regulations that the Commission must utilize to review the Township proposed compost facility. Those regulations specify if a proposed use is a permitted land use in certain areas of the Pinelands and, if a permitted use, the environmental standards that must be met. The Commission's regulations specify that composting facilities are a permitted land use at the site of closed landfills throughout the Pinelands Area. With respect to environmental standards, most of the submitted comments object to the proposed composting facility based upon concerns that are not regulated by the Commission. The CMP does not contain regulations regarding traffic, noise and odors. Most of the remaining submitted comments addressed issues such as methane gas and groundwater pollution from the existing closed landfill, not from the proposed vegetative composting facility. The submitted comment(s) regarding the potential groundwater quality impacts from the proposed vegetative composting facility was considered during the Commission staff's review of the application (see page 2, para. 4).

CONCLUSION

The proposed composting facility is a permitted use in a Pinelands Rural Development Area (N.J.A.C. 7:50-5.26(b)9v). If the following conditions are imposed, the proposed development will be consistent with the management standards contained in Subchapters 5 & 6 of the CMP and Jackson Township's certified master plan and land use ordinance.

1. Except as modified by the below conditions, the proposed development shall adhere to the plans, consisting of three sheets, prepared by T&M Associates and dated as follows:

Sheets 1 & 2 – undated; revised June 23, 2010
Sheet 3 – August 11, 2010
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. The proposed vegetative composting facility shall receive a maximum of 10,000 cubic yards of leaf litter and organic debris and 1,000 cubic yards of grass clippings annually. In addition, the facility is limited to vegetative waste generate within Jackson Township only. Any proposed increase in material or receipt of material from any other municipality will require the completion of a separate application with the Commission.

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.

APPEAL

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this recommendation 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 hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this Report and must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. 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.

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.

Recommended for Approval by: _____


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

ED/CMH

- c: Secretary, Jackson Township Planning Board
 Jackson Township Environmental Commission
 Ocean County Planning Board
 Ericka Naklicki, T&M Associates
 Ernest Deman
 Attached List