

# Area In Need of Redevelopment Planners Report



A Preliminary Investigation of the Heritage Minerals Tract Site  
(Block 75.01, Lot 1 and Block 44, Lot 16)  
For a Determination of Suitability to be Designated an Area in Need  
of Redevelopment In Accordance with N.J.S.A. 40A:12A-1 et seq.

TOWNSHIP OF MANCHESTER  
Ocean County New Jersey

Prepared by:  
MANCHESTER TOWNSHIP PLANNING BOARD

**Preliminary Investigation of the Heritage Minerals Tract Site**

**NJSH 70 and NJSH 37  
(Block 75.01, Lot 1 and Block 44, Lot 16)**

**For Determination of Suitability To Be Designated  
As An Area In Need Of Redevelopment  
In Accordance with N.J.S.A. 40A:12A-1 et seq.**

**Prepared by:**



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**Table of Contents**

Introduction and Purpose ..... 1

Statutory Process and Authority ..... 2

Study Area Delineation..... 3

Heritage Minerals Tract - History and Mining Operations ..... 6

    ASARCO ..... 7

    Humphrey’s Gold, Inc. .... 8

    Mineral Recovery, Inc. .... 8

    Heritage Minerals, Inc. (HMI) Production Processes..... 8

    Termination of Mining Operations / Nuclear Regulatory Commission ..... 9

    Court Cases..... 9

Environmental Conditions ..... 10

    Streams and Lakes ..... 10

    Elevation and Steep Slopes..... 10

    Freshwater Wetlands ..... 10

    Remedial Property Investigation ..... 11

Pinelands National Reserve and CAFRA Area..... 11

Existing Land Use, Master Plan and Zoning Designations..... 12

    Existing Land Use ..... 12

    Master Plan..... 12

    Reexamination Report ..... 13

    Zoning..... 14

    State-Wide Planning Areas: New Jersey State Development and Redevelopment Plan..... 16

Consideration of Conditions For An Area In Need Of Redevelopment ..... 17

Description of Existing Study Area Conditions and Property Evaluations ..... 18

    Police Report Summary for the Property..... 18

    Individual Property Evaluations ..... 19

    Application of the Statutory Criteria to the Redevelopment Study Area Properties ..... 20

Consideration of a Redevelopment Area Designation for the Study Area ..... 21

    Utilities ..... 22

    Affordable Housing ..... 22

Subsequent Procedural Steps ..... 22

Preparation of a Redevelopment Plan ..... 23

## Appendix

Appendix 1 - Aerial Map

Appendix 2 - Tax Maps

Appendix 3 - Regional Location Map

Appendix 4 – Site Plan Map – Heritage Minerals Tract

Appendix 5 – Mine Tailings and Plant Area Map

Appendix 6 - Existing Land Use Map

Appendix 7 - Master Plan Map

Appendix 8 - Zone Map

Appendix 9 - State Plan / CAFRA /  
Pinelands National Reserve Map

Appendix 10 – Police Report

Appendix 11 – Photos

Appendix 12 - Resolutions

**PLANNERS REPORT**  
**For**  
**AREA IN NEED OF REDEVELOPMENT**  
**PRELIMINARY INVESTIGATION**  
**For**  
**HERITAGE MINERALS TRACT STUDY AREA**

**Introduction and Purpose**

On January 27, 2014, the Manchester Township Council adopted Resolution #14-066 authorizing the Township Planning Board to undertake a preliminary investigation and public hearing to determine whether the Heritage Minerals Tract located south of NJSH 70 and west of NJSH 37 (Block 75.01, Lot 1 and Block 44, Lot 16) and containing 3,792 acres meets the statutory criteria for designation as “an area in need of redevelopment” in accordance with the Local Redevelopment and Housing Law, P.L. 1992, c.79 (N.J.S.A. 40A:12A-1 et seq.) as amended last amended by P.L. 2013 Chapter 159 approved on September 6, 2013.

In compliance with the Township Council resolution, the Planning Board adopted a resolution on February 3, 2013 authorizing the Planning Board Planner, Engineer and Township staff to investigate the Heritage Minerals Tract properties, prepare a Redevelopment Area Boundary Map and prepare a report setting forth the basis for the investigation including the findings of the property investigation to determine whether the subject properties are in need of redevelopment, as required by N.J.S.A. 40A:12A-1 et seq.

The Township Council revised Resolution #14-066 and adopted #14-079 in its place on February 10, 2014. The revised Resolution stated that the intention of the Township Council is not to exercise the power of eminent domain for a designated redevelopment area site. The Resolution is in accordance with amendments to N.J.S.A. 40A:12A-6 approved as P.L. 2013 Chapter 159 on September 6, 2013. The Resolution stated the following:

*“The Township Council does not desire to invoke its right to use eminent domain in conjunction with any designation of a redevelopment area.”*

The Local Redevelopment Law requires that the area being studied as a potential redevelopment area be mapped in order for the Planning Board, Township Council, the property owners, regulatory reviewing agencies and the public to clearly identify the limits of the area being studied as “an area in need of redevelopment”. In compliance with the Local Redevelopment and Housing Law, several maps are included in this report as Appendices 1-3. Appendix 1 is an Aerial Map showing the boundaries and location of the Study Area. Appendix 2 includes the applicable Township Tax Maps which comprise the Study Area properties. Appendix 3 is a Regional Location Map which shows the relationship of the Study Area within Manchester Township to the adjacent municipalities of Berkeley and Toms River Townships. Within the

report are other maps showing portions of the Master Plan, the current Zoning Districts, the New Jersey State Development and Redevelopment Plan and the regional boundaries of the Coastal Area Facilities Review Act (CAFRA) and the Federal Pinelands National Reserve. A map of the study area boundaries was presented to the Planning Board at a hearing on April 7, 2014.

This report provides an analysis of current conditions of the Study Area and a review of the ownership, existing land use, Zoning and Master Plan policies, building and site conditions, environmental constraints, property and building records, and a summary of police reports pertaining to the properties. An analysis of the overall findings is presented in accordance with the statutory criteria for redevelopment to determine whether the conditions of the Study Area warrant a “need for redevelopment” designation. Finally, overall conclusions regarding the Study Area potential redevelopment criteria are presented along with the next steps required to formally designate the Heritage Minerals Tract Study Area as a “redevelopment area”.

### **Statutory Process and Authority**

Under the New Jersey Local Redevelopment and Housing Law (LRHL) municipalities are empowered to determine whether an area is in need of rehabilitation or redevelopment, to adopt a redevelopment plan, and to implement redevelopment projects. The Redevelopment Law requires a multi-step process in order for a planning board and municipal governing body to lawfully exercise these powers. The process for designating an “area in need of redevelopment” is outlined in the seven (7) steps below:

1. The governing body must authorize the planning board, by resolution, to undertake an investigation of the delineated area to determine whether it meets the criteria set forth in section 5 of the LRHL.
2. The planning board must then prepare a map showing the boundaries of the study area and the location of the various parcels therein.
3. The planning board must conduct a preliminary investigation and hold a duly noticed public hearing in order to discuss the findings of the investigation and to hear persons who are interested in or would be affected by the contemplated action. The results and recommendations of the hearing are then referred to the governing body in the form of a planning board resolution.
4. Upon receipt of the recommendations from the planning board, the governing body may act to adopt a resolution designating the area in question, or any part thereof, as an area in need of redevelopment.
5. Upon designation, the planning board or governing body then prepares a redevelopment plan, which establishes the land development goals and objectives of the municipality and outlines the actions to be taken to accomplish these goals and objectives.
6. The redevelopment plan, after a public hearing and review by the planning board, is referred to the governing body.

7. Upon receipt of the redevelopment plan from the planning board, the governing body may act to adopt the plan by ordinance. The adopted redevelopment plan may become an amendment to the municipality zoning districts map and zoning ordinance or may be treated as an overlay zone to existing study area zoning.

This report addresses the requirement in Step 2, preparing a “map showing the boundaries of the Study Area and the location of the various parcels therein” and the first part of Step 3, “conduct a preliminary investigation”. This study provides the Planning Board and Township Council with the necessary information required in the Local Redevelopment Law to determine the appropriateness of a redevelopment designation for all or a portion of the properties within the Study Area.

Following completion of the public review and public hearing process, the Township Council would be able to exercise the powers granted to municipalities for designating a site as a redevelopment area under the Local Redevelopment law. The powers that would be applicable to the Heritage Minerals Tract Study Area are highlighted in **bold**.

1. Acquiring property (including by exercise of eminent domain, if necessary).
2. **Clearing an area, install, construct or reconstruct streets, facilities, utilities and site improvements.**
3. **Negotiating and entering into contracts with private redevelopers or public agencies for the undertaking of any project or redevelopment work.**
4. Making loans to redevelopers to finance any project or redevelopment work.
5. **Entering buildings or property to conduct investigations or make surveys; contracting with public agencies for relocation of residents, industry or commerce.**
6. **Making plans for voluntary repair or rehabilitation of buildings.**
7. **Enforcing laws, codes and regulations relating to use and occupancy; repairing, rehabilitating, demolishing or removing buildings.**
8. **Exercising other powers, including the power to do all things necessary or convenient to carry out its plans.**

### **Study Area Delineation**

An Aerial Map (Appendix 1) and Tax Maps (Appendix 2) delineate the boundaries of the Study Area. Per Township Resolution 14-079, the area of preliminary investigation of the overall Heritage Mineral Tract consists of Block 75.01, Lot 1, and Block 44, Lot 16 located generally south of NJSH 70 and west of NJSH 37 and along the Toms River Branch of the Consolidated

Rail Corporation (CONRAIL) railroad as identified on the official Manchester Township tax maps.

Block 75.01, Lot 1 contains 3,767.61 acres which is owned by Heritage Minerals, Inc. and Hovsons, Inc. The bulk of this parcel, 3,050 acres is vacant and wooded. It is assessed as “farm qualified”. A cleared portion of the property containing 717.61 acres is assessed as “industrial”. The “industrial” portion includes the former dredge mining area and mineral processing buildings and mining materials storage areas. The cleared area also includes two dredge lakes, one three-quarters of a mile in length and the second nearly one and one-half mile in length.

Block 44, Lot 16, owned by Homeland Corporation, a subsidiary of Hovsons, Inc., contains 24.3 acres and is located at 2101 NJSH 37. Lot 16 is a vacant, wooded parcel extending between NJSH 37 and the Toms River Branch of the Consolidated Rail Corporation railroad right-of-way.

Four (4) additional properties have been identified within the study area and are contiguous to Lot 1 in Block 75.01. These four (4) properties are owned by Heritage Minerals, Inc. and Hovsons, Inc. include Block 75.01 lot 2 (9.10 acres), Lot 4 (0.87 acres), Lot 6 (8.60 acres) and Lot 12 (12.10 acres) these parcels are assessed as “vacant”.

Also, one small parcel consisting of 0.18 acres (Block 75.35, Lot 51) is not owned by Hovsons, Inc and is excluded from the study area. The parcel is wooded and vacant and owned by the Sine-Averbeck Trust in LaCrosse, Wisconsin.

In total, the overall Heritage Minerals study Area contains 3,822.56 acres which is shown as Exhibit 1.

A Regional Location Map of the Study Area is shown in Appendix 3. The Heritage Minerals Tract Study Area is located in the east central portion of the Township adjacent to Berkeley and Toms River Township borders and south of NJSH 37 and the Consolidated Rail Corporation-Toms River Branch railroad right-of-way.

**EXHIBIT 1**  
**HERITAGE MINERALS REDEVELOPMENT STUDY AREA**  
**CURRENT PROPERTY OWNERS**  
**TOWNSHIP OF MANCHESTER**

<b>BLOCK</b>	<b>LOT</b>	<b>ACRES</b>	<b>OWNER</b>	<b>LOCATION</b>	<b>PROPERTY CLASS</b>	<b>DEED DATE</b>	<b>TAX MAP</b>
75.01	1 & 1-Q	3,050.00	HERITAGE MINERALS INC / HOVSONS INC One Hovchild Plaza, Tinton Falls NJ	CRR OF NJ*	3B-Farm Qualified	2/26/86	9
75.01	1 & 1-Q	717.61	HERITAGE MINERALS INC / HOVSONS INC	CRR OF NJ*	4B-Industrial	2/26/86	9
75.01	2	9.10	HERITAGE MINERALS INC / HOVSONS INC	CRR OF NJ*	1-Vacant	2/26/86	9
75.01	4	0.87	HERITAGE MINERALS INC / HOVSONS INC	CRR OF NJ*	1-Vacant	2/26/86	9
75.01	6	8.60	HERITAGE MINERALS INC / HOVSONS INC	CRR OF NJ*	1-Vacant	2/26/86	9
75.01	11	12.10	HERITAGE MINERALS INC / HOVSONS INC	CRR OF NJ*	1-Vacant	2/26/86	9
44	16	24.28	HOMELAND CORP / HOVSONS INC One Hovchild Plaza, Tinton Falls NJ	NJSH 37 and CRR of NJ*	1-Vacant	11/5/86	8
<b>TOTAL</b>		<b>3,822.56</b>					

\* CRR of NJ: Consolidated Rail Corporation Railroad  
 NJSH: New Jersey State Highway

Source: Ocean County Clerk Tax Records, March 2014

The Study Area properties will be discussed individually in greater detail in the following sections of this report.

### **Heritage Minerals Tract - History and Mining Operations**

The Heritage Minerals Tract designated Study Area constitutes a portion of a 7,000 acre tract owned by Hovsons, Inc. The Hovsons properties extend four miles through the central portion of the Township from the Berkeley and Toms River Township boundaries northwest toward Lakehurst Borough and four miles from the Consolidated Rail Corporation rail line paralleling NJSH 37.

The Heritage Minerals Tract is located in the southeastern portion of the Pinelands. Early development within the Tract area consisted of sawmills along the Davenport Branch and Wrangle Brook in the 1750s and 1760s. In the late 1700s and early 1800s, the Tract was acquired by bog iron operators who established forges and furnaces within the Township. One of the forges was the Federal Forge located in what is now Lakehurst Borough. In 1821 William A. Torrey and his bride, Adeline, were given one square mile (640 acres) as a wedding gift in the “Pine Barrens” by Adeline’s father, Samuel Whittlemore. The property surrounded the Federal Forge. In 1841 Torrey acquired the “Monmouth Tract” totaling 27,500 acres surrounding the Dover Forge (located in what is now Berkeley Township on the Cedar Creek east of Whiting). The Monmouth Tract included what are now the Heritage Mineral Tract and other Hovsons, Inc. properties. Torrey also acquired additional properties around Federal Forge and Federal Furnace. He and Adeline moved to the Federal Forge settlement in 1841. The settlement had become known as “Manchester Village” as shown on an 1838 map. On October 4, 1841 the village officially became “Manchester” with the establishment of a post office by the U.S. Postal Service. William Torrey was the first Post Master. The Federal Forge produced bog iron which was obtained from the area streams while the Federal Furnace produced charcoal utilizing the oak and pine trees within the Monmouth Tract. Both products were transported to Toms River where they were loaded onto sailing vessels and transshipped to New York and Pennsylvania.

On February 2, 1850 Ocean County was formed from Monmouth County. Sometime later, a large portion of the Monmouth Tract, which had been named after Monmouth County, became known as the Manchester Tract. The Heritage Minerals Tract then became a portion of the Manchester Tract. Manchester Township was incorporated on April 6, 1865 consisting of 82.5 square miles making it the second largest municipality geographically in Ocean County. By the 1870s, the Federal Forge and Federal Furnace had ceased operations and the Manchester Tract was used periodically for logging.

In the mid-1950s minerals also became an important commercial enterprise in Ocean County and other parts of the Pinelands when Federal regulations prohibited the use of lead in paint. Major paint manufacturers turned from lead to ilmenite as a basic binder ingredient in paint. Ilmenite is an iron-black mineral comprised of iron, titanium and oxygen ( $\text{FeTiO}_3$ ) located in several locations within the Pinelands.

Ilmenite mining in the Pinelands utilized a hydraulic dredging program to extract the subsurface sand from which ilmenite and other minerals were processed. Subsurface sand is extracted by

dredging a lake on the mining site and separating the small flecks of ilmenite and other minerals from the sand. The ilmenite and other extracted minerals were then shipped to processing plants where the minerals were refined and purified for manufacturing use. In addition to ilmenite, minerals which were extracted in the Pinelands included zircon and rutile. Zircon and rutile are used in manufacturing processes. Due to the high cost of extraction of ilmenite in the Pinelands and the development of other binder materials for paint, ilmenite mining operations began to phase out in the late 1980s.

One of the major ilmenite mining operations occurred in Manchester Township at the American Smelting and Refining Company (ASARCO) site which contained nearly 7,000 acres south of the Borough of Lakehurst. A second large scale ilmenite mining operation occurred in nearby Jackson Township established by the Glidden Paint Company. DuPont and other paint manufacturers established other ilmenite mining operations within other portions of the Pinelands.

## **ASARCO**

In 1957 the American Smelting and Refining Company (ASARCO) purchased an option on the Heritage Minerals Tract and initiated an investigation to identify the presence of titanium bearing heavy-mineral sands. As a result of the successful investigation, ASARCO purchased approximately 7,000 acres of land in 1960 for the purpose of ilmenite mining and recovery. Based upon market conditions the design and construction of a mineral recovery plant did not begin until 1968 and was not completed until 1973. Mining operations began in mid-1973 and continued until February 1982 when ASARCO halted hydraulic mining operations. The extent of the previously mined areas, as compiled from historic maps and aerial photographs in relation to the overall site, is shown in Appendix 4, Site Map for the Heritage Minerals, Inc. site (HMI).

The ASARCO mining operations entailed hydraulic dredging of the exposed surface of the Cohansy Formation, which was accomplished using a floating barge connected to a slurry pipeline. The resulting dredge lakes include one lake approximately one and one-half miles in length and a second lake approximately three-quarters of a mile in length. The heavy-mineral sand dredged from the two lakes contained titanium minerals (ilmenite, rutile, and leucosene) along with zircon, quartz, kyanite, sillimanite, monazite, and other trace minerals. Once dredged, the sand slurry was screened, and excess water and gravel were returned to the resulting borrow pits. After screening, the ore-bearing sand slurry was transferred to a Wet Mill located within the central Plant Area which consisted of a series of vertical spirals designed to physically separate the heavier and lighter mineral fractions. The lighter fraction, which accounted for approximately 96 percent of the original mass of the titanium ore, was returned to the borrow pits. The recovered heavy-mineral concentrate produced from the Wet Mill (Wet Mill concentrate) was stockpiled and allowed to de-water in an area referred as the “Grey Area.” The water draining from the stockpiled heavy-mineral concentrate flowed into an adjacent Settling Basin located to the southeast. Appendix 5 shows a closer view of the buildings of the plant area and the locations known as the “blue” and “grey” tailing areas.

Water used in the Wet Mill process was routed through a former clarifying basin at the location now referred to as the “Blue Area” (Appendix 5). The clarifying basin consisted of a shallow

impoundment enclosed by earthen berms, which contained an internal network of “finger dikes” designed to promote settling of suspended particulate material. After passing through the clarifying basin the water was then reused within the Wet Mill.

The stockpiled Wet Mill concentrate was fed through a rotary kiln for drying and then screened. The screened fines were processed in the Dry Mill, while coarse product retained on the screen was returned to the borrow pits. The titanium-oxide minerals, which are electrically conductive, were separated from the screened product by high tension separators, and then further processed magnetically to produce a final product for sale. Materials resulting from the Dry Mill process, which contained zircon and monazite, unrecovered titanium oxides, and other minerals, were stockpiled near the Dry Mill for future re-processing. This material represented the approximately 2.5 percent of the original mass of ore that was mined.

### **Humphrey’s Gold, Inc.**

From April 1982 until September 1982, ASARCO leased the Heritage Minerals Tract to Humphrey’s Gold, Inc. for plant-scale pilot tests of zircon extraction using the ASARCO dry mill tailings. Humphrey’s Gold reportedly leased the site for six (6) months, although the pilot tests were only conducted for one (1) month. Humphrey’s Gold reportedly operated the existing Wet Mill and Dry Mill for recovery of zircon. The process involved feeding the ASARCO Dry Mill tailings to the Wet Mill using a portable conveyor to produce a higher grade mineral concentrate. The heavy-mineral concentrate was then transferred to the Dry Mill feed hopper, where it was fed into the existing oil-fired rotary drier for drying and heating prior to being processed through electrostatic processors in the Dry Mill. The recovery process was found to be inefficient and Humphrey’s Gold suspended operations after approximately one (1) month of testing. The Wet Mill and Dry Mill tailings produced from the pilot operation were reportedly returned to the existing stockpiles located within the Grey Area. ASARCO placed the Site on standby until 1986, when it sold the property to Heritage Minerals, Inc.

### **Mineral Recovery, Inc.**

From October 1986 until August 1987, Heritage Minerals, Inc. leased the mineral processing facilities to Mineral Recovery Inc. (MRI). The lease encompassed a total area of 287.3 acres which was utilized for re-processing the stockpiled Dry Mill tailings for zircon, leucoxene, and rutile, using the former ASARCO plant facilities. MRI reportedly altered the configuration of the dry mill process to include additional electrostatic and electromagnetic separators in order to maximize separation of zircon, leucoxene, and rutile. MRI reportedly started production during October 1986 and continued until August 1987, when Heritage Minerals, Inc. terminated their lease and assumed operational control of the property.

### **Heritage Minerals, Inc. (HMI) Production Processes**

Heritage Minerals Inc., (HMI) performed mineral recovery operations at the site from August 1987 until the end of 1990. The operations generally consisted of the processing of dry mill tailings stockpiled by past operations to extract zircon, titanium, and other minerals.

Heritage Minerals, Inc. (HMI) operated the site from August 1987 until the end of 1990. During “Phase I” of the HMI operations, which took place from August 1987 through March 1990, HMI operations consisted of the processing of the existing ASARCO Dry Mill tailings through the Wet Mill and Dry Mill facilities to recover zircon, leucoxene, and rutile. During that process, the monazite that was physically separated from the zircon at the Dry Mill was combined with the tailings produced from the Wet Mill, and the combined tailings were pumped into the former settling basin located in what is now referred to as the “Blue Area”. During their Phase I operations, HMI reportedly re-processed 1,046,485 tons of the ASARCO Dry Mill tailings, from which approximately 69,000 tons of zircon concentrate was extracted, along with approximately 29,000 tons of titanium mineral concentrates.

Phase II of the HMI operations, which took place from April 1990 through August 1990, entailed the re-processing of the combined tailings from previous operations to recover additional leucoxene, rutile, and zircon. During this phase of the HMI operations, a monazite-rich concentrate produced from the Dry Mill was stockpiled separately from the other tailings in an area known as the “Monazite Pile” (Appendix 5). Operations were suspended at the end of 1990 due to depressed market conditions. During Phase II of the HMI operations, approximately 118,000 tons of tailings stockpiled in the “Blue Area” were re-processed, from which roughly 3,800 tons of zircon concentrate and 1,200 tons of titanium mineral concentrates were recovered.

### **Termination of Mining Operations / Nuclear Regulatory Commission**

At the termination of mining operations on the Heritage Minerals Tract, the former Wet Mill and Dry Mill were found to contain material categorized as “*licensable source material*” by the Nuclear Regulatory Commission (NRC). During the period from May 2003 to January 2005 both the Wet Mill and Dry Mill buildings were decommissioned and demolished to support the termination of NRC License SMB-1541. The License was subsequently terminated on August 23, 2006. The building materials and the concrete buildings slabs were decontaminated to achieve the appropriate release criteria specified by the NRC, which were confirmed by subsequent radiological surveys. During the period from July 9, 2001 to January 19, 2005, a total of 4,245.7 tons of soil was shipped to the International Uranium Corporation (IUC) facility in White Mesa, Utah for disposal. Approximately 3,385 tons of this soil consisted of material from the former “Monazite Pile”. The location of the former monazite pile and the former NRC license area are shown in Appendix 5. The decontaminated concrete pads that supported the former Wet Mill and Dry Mill remain in place.

### **Court Cases**

The Heritage Minerals tract was the subject of both Federal and New Jersey Superior court cases. The State case was a builder’s remedy lawsuit vs. Manchester Township under the Mount Laurel doctrine. Both cases were settled in 2005 with two separate settlement agreements and are discussed further below.

## **Environmental Conditions**

Environmental conditions in the Study Area were analyzed in order to document the presence of critical features and any natural constraints on development. Environmental conditions that were reviewed include streams and lakes, steep slopes, freshwater wetlands and natural habitat.

### **Streams and Lakes**

The property contains two (2) dredge lakes and three (3) streams. The two lakes include the north borrow pit and the south borrow pit. The north lake is sometimes locally referred to as “Crystal Lake” or “Blue Lake” (and cited on the internet as such) although it is not officially recognized by these names by the USGS<sup>1</sup>. The north borrow pit is just over 9,000 feet in length (1.7 miles) with an average width of 450 feet. The south borrow pit, which is located adjacent to and southwest of the north borrow pit, is approximately 4,000 feet in length with an average width of 550 feet. Over the years the borrow pits filled with ground water and because the sides and bottom of the lakes are comprised of sand, the reflection of the lake makes the water appear to have a blue turquoise color similar to that of a Caribbean beach. The depths of the lakes are approximately 25 to 30 feet but can extend to depths of 50 feet at certain locations. The sides of the lakes are shallow for the first several feet and then drop off dramatically.

The streams include the Sunken Branch, Green Branch, and Wrangle Brook Branch which flow through Berkeley Township into the Toms River. The Sunken Branch and Green Branch are headwater streams originating on the Heritage Minerals Tract while the Wrangle Brook Branch originates the adjacent State of New Jersey Whiting Wildlife Management Area and flows through the Tract to the Toms River. The streams and lakes are shown on the Aerial Map in Appendix 1.

### **Elevation and Steep Slopes**

There are no natural areas of steep slopes located on the Heritage Tract. According to the USGS vertical elevation data the property extends between 50 feet above Mean Sea Level (MSL) along the streams to 112 feet MSL at the highest point in the northeast corner of the site along the old railroad line. Steep banks do occur along the manmade north and south borrow pits.

### **Freshwater Wetlands**

Freshwater wetlands are located on the property and are associated with the three streams. A map showing the approximate extent of the wetlands is shown in Appendix 6. Wetlands occur along the western property boundary southwest of the borrow pit lakes adjacent to the Whiting Wildlife Management Area.

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<sup>1</sup> The location of the site is on 7.5 minute USGS quadrangle sheet “Keswick Grove” with a small portion of the site located on “Lakehurst.” (2011)

## **Remedial Property Investigation**

Subsequent to the NRC License being terminated on August 23, 2006, AMEC Earth & Environmental, Inc. (AMEC) was retained by Heritage Minerals, Inc. to perform a Remedial Investigation (RI) of the property located on Block 75.01, Lot 1. The RI was carried out in accordance with a Remedial Investigation Work Plan (RIWP) submitted to the New Jersey Department of Environmental Protection on April 30, 2009, as amended by RIWP Addenda submitted on April 20 and September 20, 2010. The April 30, 2009 RIWP and the April 20, 2010 RIWP Addendum were approved by the NJDEP in a letter dated May 4, 2010. Approval of the September 20, 2010 RIWP Addendum was given by the NJDEP on September 24, 2010.

The main purpose of the RI was to support the development of remedial alternatives for the management of TENORM<sup>2</sup> at the Site, and to better define and limit the extent of areas requiring further environmental investigation and (or) remediation under the Administrative Consent Order (ACO), which was executed between the NJDEP and Heritage Minerals on October 1, 1993 and subsequently amended on February 14, 1996.

Upon approval of the RIWP, AMEC carried out a multi-phase field investigation during the period from June 2010 through October of 2010, which included a surface GPS gamma radiological survey, as well as the sampling and laboratory analysis of soil, surface-water and groundwater for both radiological and non-radiological parameters. Thereafter AMCE and HMI submitted a Remedial Investigation Report (RIR) describing the results of the investigation to the NJDEP on December 7, 2011. A revised RIR was subsequently submitted in response to NJDEP comments on December 12, 2012. The results of that revised RIR were approved by the NJDEP on July 22, 2013. Since that time HMI has been working on a Remedial Action Workplan (RAW) to complete the cleanup of the TENORM issues.

Concurrently with the TENORM investigation HMI has also continued to work towards closing the open oil issue on the site and submits semi-annual compliance reports to the NJDEP, who maintains jurisdiction over both issues, as to the progress of the soil remediation.

## **Pinelands National Reserve and CAFRA Area**

The Heritage Minerals Tract Study Area is located within the Pinelands National Reserve and the New Jersey Coastal Areas Facilities Review Act (CAFRA) areas.

The Pinelands National Reserve area in Manchester is regulated by the NJDEP through CAFRA and is not within the New Jersey Pinelands Commission regulatory area. An Inter-Agency Agreement between the Pinelands Commission and the NJDEP provides planning and

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<sup>2</sup> **Naturally Occurring Radioactive Materials (NORM) and Technologically Enhanced Naturally Occurring Radioactive Materials (TENORM)** consist of materials enriched with radioactive elements found in the environment, such as uranium, thorium and potassium and any of their decay products, such as radium and radon. These natural radioactive elements are present in very low concentrations in earth's crust and are brought to the surface through human activities such as oil and gas exploration or mining and through natural processes like leakage of radon gas to the atmosphere or through dissolution in ground water.

environmental coordination between the two regulatory agencies. The Pinelands Commission is also able to review and comment on development applications that are subject to CAFRA review and approval.

CAFRA regulates residential developments of 25 or more dwelling units and commercial developments of 50 or more parking spaces within the CAFRA regulatory areas as defined in the Coastal Facilities Review Act of 1973. Therefore, any large-scale future development within the Heritage Minerals Tract site will be affected by regulations and policies of the NJDEP and CAFRA.

## **Existing Land Use, Master Plan and Zoning Designations**

### **Existing Land Use**

The existing land use of the Study Area is primarily vacant wooded and undeveloped land. There is an area where the mining operations were located known as the “cleared area” consisting of approximately 1,030 acres. This area includes two borrow pits, the plant area which includes several dilapidated, abandoned or demolished buildings, a settling basin area and a mill tailings basin. Existing land uses adjacent to the study area include: the State of New Jersey Whiting Wildlife Management Area properties to the west; a vacant property owned by Hovsons, Inc. along the abandoned rail line and Manchester Township High School to the north; and to the east between NJSH Route 37 and the Toms River Branch of the Consolidated Rail Line are a variety of commercial and residential uses and some vacant properties. The specific uses in this area are shown in Appendix 6.

The adjacent properties around the Heritage Minerals Tract site are located in Appendix 6, Existing Land Use Map.

### **Master Plan**

Manchester Township adopted its current Master Plan in 1993. It has been amended several times since that date. The last amendments were adopted on December 5, 2011 and consisted of the background Population section (Chapter IV) and the Land Use Plan section (Chapter VII).

The current Master Plan designation for the Study Area is shown in Appendix 7 and consists of three distinct areas.

Area 1 - Block 44, Lot 16, fronting on NJSH 37, is designated HD-3. Highway development HD-3 areas are designated on the Master Plan along NJSH 37 and NJSH 70 to include a minimum lot area of three (3) acres and a minimum frontage of 300 feet.

Area 2 - Block 75.01, Lot 1 – (cleared area) is designated RC-2. The RC-2 area is described in the Master Plan as follows:

***RC-2 Retirement Community-2*** - *An RC-2 area has been designated on the Master Plan south of Route 37 and east of Route 70 within a portion of an area referred to as the Heritage Minerals*

*Tract in accordance with a Court ordered Settlement Agreement in the matter of Hovsons, Inc. et al. vs. Manchester Township. The total Heritage Minerals Tract contains approximately 7,175 acres within Manchester and Berkeley Townships and Lakehurst Borough. As a result of a separate Federal Stipulation of Agreement, a “development area” consisting of 995 acres and two access ways, one from Route 37 and one from Route 70, will be permitted. The remaining 6,180 acres will be dedicated to the State of New Jersey as a Conservation Area. This site will provide 2,205 age-restricted single family dwelling units on-site and 68 affordable units off-site and 128 affordable housing credits within the Township or through an RCA. The Settlement Agreement also provides that the developer will make a contribution of \$5,000,000 to a Township Open Space Fund with a reduction of such contribution to adjust for water infrastructure costs.*

Area 3 - Block 75.01, Lot 1 (remaining area) is designated “Conservation”. The conservation area is described in the Master Plan as follows:

**Conservation Area** - *The 2006 Master Plan contains a newly designated “Conservation Area”. This area contains approximately 6,000 acres and will be dedicated to the State of New Jersey in accordance with a Settlement Agreement and Court Order in the matter of Hovsons, et al vs. the U.S. Department of Interior, the State of New Jersey (NJDEP) and the Pinelands Commission when final approvals are granted for the 995 acre development area. The property would remain under ownership of Hovsons et al during the interim.*

### **Reexamination Report**

The Planning Board adopted a Reexamination Report on April 7, 2014. The previous Reexamination Report was adopted on September 27, 2010. The April 7, 2014 Reexamination Report described two potential redevelopment areas, one of which was the Heritage Minerals Tract as follows:

**Heritage Minerals Tract.** *The “Heritage Minerals Tract” is owned by Hovsons, Inc. with one minor exception. It is comprised of Block 75.01, Lot 1 consisting of approximately 3,767 acres, Lot 2 consisting of 9.10 acres, Lot 4 consisting of 0.87 acres, Lot 6 consisting of 8.60 acres and Lot 11 consisting of 12.10 acres. One small lot surrounded by the Heritage Minerals properties is Block 75.35 Lot 51 consisting of 0.18 acres is owned by a separate owner. These properties are located southeast of N.J. Route 70 and south of the Consolidated Rail Line. An additional property owned by Hovsons, Inc. adjacent to the larger tract is Block 44 Lot 16 consisting of approximately 24.28 acres located on N.J. Route 37 north of the Consolidated Rail Line. The overall “Heritage Minerals Tract” redevelopment study area (including Block 44 Lot 16 and Block 75.35 Lot 51) is 3,822.13 acres.*

*The Township Council adopted Resolution #14-066 on January 27, 2014 authorizing the Planning Board to undertake a preliminary investigation to determine whether the Heritage Minerals Tract is “an area in need of redevelopment” pursuant to N.J.S.A. 40A:12A-6 of the Local Redevelopment and Housing Redevelopment Law.*

*The Planning Board has directed the Planning Board Planner, the Township Engineer, and the staff of the Township to inspect the premises and prepare and submit to the Planning Board a map of the properties being studied and a report as to their findings.*

*The designation of the Heritage Minerals Tract properties for redevelopment would be for a “Non-Condernation Redevelopment Area” under N.J.S.A. 40A:12A-6 as amended by Chapter 159 of the Laws of 2013 approved on September 6, 2013. Portions of the Heritage Minerals Tract may qualify under provisions of the Redevelopment Law which include the following criteria:*

*a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.*

*b. The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.*

*c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.*

*d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.*

*e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other• similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.*

## **Zoning**

The current zoning for the Study Area consists of three distinct areas. A portion of the Zoning Map is shown in Appendix 8.

Area 1 - Block 44, Lot 16 is designated HD-3 Highway development. The HD-3 zone regulations are located in §245-31. Permitted uses in the HD-3 zone include: retail trade; finance, insurance and real estate; services; health services; education; and other similar uses. The minimum lot area is 3 acres and the maximum building and lot coverage are 18 percent and 65 percent respectively.

Area 2 - Block 75.01, Lot 1 – (cleared area) is designated RC-2. The RC-2 area is located in §245-31 H. The RC-2 zone provides for 2,205 age-restricted market units on the property in accordance with a court settlement agreement and zoning ordinance #O-053 adopted by the Township Council on November 28, 2005. The purposes of the Ordinance were as follows:

*“Within the RC-2 Retirement Community Zone shall be a permitted use providing for an inclusionary development of 2,205 age-restricted market housing units on the designated development area in accordance with the Manchester Settlement for a Builder's Remedy and the order approving the Manchester Settlement in the matter of Hovsons, Inc. v. Township of Manchester, Docket No. OCN-L-4357-93PW. The RC-2 Zone is located on a 995.4 acre portion of Block 75.01, Lot 1, referred to in the Manchester Settlement as the "development area," which development area is within the property commonly referred to as the "Heritage Minerals Tract," together with additional acreage associated with accessways between the development area and NJ Route 70 and NJ Route 37/Colonial Drive. This zone is intended to permit, effectuate and implement the Heritage project as it is described in the Manchester Settlement and the Federal Court Stipulation in the matter of Hovsons, Inc. and Homeland Corporation vs. Bruce Babbitt, Secretary of the United States Department of the Interior, Robert C. Shinn, Jr., Commissioner of the NJDEP and Annette Barbaccia, Executive Director of the New Jersey Pinelands Commission (Civil Action No. 00-3943). The Manchester Settlement provides for an inclusionary development of 2,205 age-restricted market housing units within the development area together with the construction off tract of 68 affordable housing units and a monetary contribution toward affordable housing. In the event of a conflict between this subsection and any other municipal law, regulation or ordinance, the provisions of subsection ordinance shall prevail.”*

Area 3 - Block 75.01, Lot 1, 2, 4, 6, 11 – (vacant wooded area) is predominately designated as FA-S (Forest Area – Sending). A portion of the wooded area is designated FA-RAF (Forest Area – Receiving Affordable Housing) northeast of the FA-S area adjacent to Manchester High School. This zoning was adopted in 1997 and was not changed following the Manchester Settlement cited above.

The FA-S Zone permits single family residential dwellings at a gross density of one dwelling unit per 20 acres in accordance with the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-1 et seq.) adopted on November 21, 1980. The density in the FA-S was permitted to be increased to one dwelling unit per five acres only when developed in conjunction with a FA-RAF Planned Residential Development and further provided that all development was located within the area designated as FA-RAF. The FA-S Zone density was also permitted to be increased to one dwelling unit per 10 acres when developed in accordance with residential cluster conditional uses standards contained in the Land Use Ordinance and provided the developer provides a minimum of 10% of all units as affordable housing units.

The purpose of the FA-RAF Forest Area Receiving Affordable zone is as follows:

*Purpose. The purpose of the FA-RAF Forest Area - Receiving Zone is to recognize that this zone and the FA-S Zone are part of the Pinelands National Reserve, which is subject to the National Parks and Recreation Act of 1978 signed into law by President Jimmy Carter on November 10, 1978; to permit planned residential development in accordance with N.J.S.A. 40:55D-39b; to provide for low- and moderate-income inclusionary development in accordance with the Fair Housing Law, N.J.S.A. 52:27D-301 and COAH Procedural and Substantive Regulations contained in N.J.A.C. 5:91 and 5:93; to provide for consistency in planning for the FA-S and FA-RAF areas in accordance with the New Jersey State Development and Redevelopment Plan,*

*the New Jersey Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-1 et seq.), the New Jersey Coastal Resource and Development Rules (N.J.A.C. 7:7E-1 et seq.), and Interagency Agreement between the NJDEP and the Pinelands Commission for the planning of the Pinelands National Reserve Area, the Ocean County 208 Waste Water Management Plan and the Manchester Township Master Plan adopted on October 18, 1993, through density transfer from the FA-S Zone to the FA-RAF Zone and a density bonus to encourage development on cleared lands north of two man-made dredge mining lakes in accordance with the FA-R area delineated on the Manchester Township Master Plan adopted on October 18, 1993.*

The FA-RAF zone was designed for two permitted use options as follows:

1. FA-RAF Forest Area option. All uses and standards as permitted and specified in the FA-S Forest Area - Sending Zone.
2. Affordable housing planned development option. The following uses shall be permitted in accordance with the provisions for planned developments in N.J.S.A. 40:55D-1 et seq., and provided that all development shall be serviced by public water and sanitary sewer facilities; that all residential development shall include a minimum of 10% of all housing units as affordable housing units for low- and moderate-income households in accordance with the affordability requirements of Article XI, Affordable Housing Regulations, and that single-family detached affordable units shall contain a minimum of three bedrooms.

- [1] Single-family homes in accordance with the R-10 through R-40 Zones.
- [2] Multifamily housing in accordance with the conditions provided for townhouse developments contained in §245-74 of this chapter.
- [3] Commercial resort facilities including hotels, indoor and outdoor recreation facilities and conference and convention facilities.
- [4] Golf courses and clubhouse facilities.

### **State-Wide Planning Areas: New Jersey State Development and Redevelopment Plan**

The New Jersey State Development and Redevelopment Plan (SDRP) was adopted on March 1, 2001. The Heritage Minerals Tract was designated as primarily Environmentally Sensitive, PA-5 with a portion of the cleared area designated as Suburban Planning Area PA-2. A petition was submitted by Hovsons, Inc. and Heritage Minerals Inc. in August 2004 to the State Planning Commission to revise the SDRP to include the entire cleared area resulting from the mineral mining operations including the two dredge lakes which was designated as the “development area” in the Federal Stipulation of Settlement to be included in the PA-2 Suburban Planning Area. The petition was discussed by the State Planning Commission and on November 23, 2004 the Commission voted to amend the SDRP to include the “development area” as a PA-2 Suburban Development area in the Stipulation of Settlement. The SDRP provides the following in terms of goals and objectives for Suburban Planning Areas:

- provide for much of the state’s future development;
- promote growth in Centers and other compact forms;
- protect the character of existing stable communities;
- protect natural resources;
- redesign areas of sprawl;
- reverse the current trend toward further sprawl; and
- revitalize cities and towns

The characteristics of the cleared area and its location in Planning Area 2 make it suitable for concentrating development within this area subject to approvals from the Federal and State Courts, CAFRA, the Pinelands Commission and the Township. The current Township zoning and Master Plan designations for the Study Area are consistent with the State Plan policies and goals for the cleared area as described above.

The wooded, undeveloped portion of the Heritage Minerals Tract Study Area is located within the SDRP Environmentally Sensitive Planning Area (PA5). The Environmentally Sensitive Planning Area consists of large expanses of lands that encompass freshwater wetlands, stream headwaters, habitat for threatened and endangered species, as well as non-threatened and game species, forested areas.

The Township Master Plan designations of “Conservation” and the Zoning District designations of FA-S Forest Area–Sending and FA-R Forest Area-Receiving for the Heritage Minerals properties are consistent with the SDRP. Appendix 9 shows the State Plan designation for Redevelopment Study Area.

### **Consideration of Conditions For An Area In Need Of Redevelopment**

The Local Redevelopment and Housing Law For requires that for a municipality to make a determination that an area is in need of redevelopment, existing conditions of the designated area must meet at least one of the eight criteria specified under N.J.S.A. 40A:12A-5. Based on the existing Study Area conditions criteria that may be applied to the Heritage Minerals Tract are highlighted in **bold**:

- a. **The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light air, or space, as to be conducive to unwholesome living or working conditions.**
- b. **The discontinuance of the use of buildings previously used for commercial manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair so as to be untenable.**
- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or

portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.

- d. **Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.**
- e. **A growing lack or total lack of proper utilization of areas caused by the condition of title, diverse ownership of the real property caused therein or other conditions resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety, and welfare.**
- f. Areas, in excess of five contiguous areas, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.
- g. *Note: Criterion (g) only applies to Urban Enterprise Zones and is not applicable.*
- h. **The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.**

In addition to the criteria listed above, the Local Redevelopment and Housing Law states:

*“A redevelopment area may include lands, buildings, or improvements, which of themselves are not detrimental to the public health, safety, or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part” (N.J.S.A. 40A:12A-3).*

## **Description of Existing Study Area Conditions and Property Evaluations**

### **Police Report Summary for the Property**

Due to the large size and physical characteristics of the Heritage Minerals Tract, particularly the two dredge lakes, combined with the absence of regular mining activities for more than ten years, the Heritage Minerals Tract has attracted a variety of uninvited trespassers that roam through the site on 4-wheel vehicles, all-terrain vehicles, and motorcycles, while the two lake are utilized by uninvited, swimmers, divers, partiers and other trespassers.

Since the Heritage Minerals Tract is private property the Manchester Township Police department has been called frequently to the site to provide protection of the property, remove trespassers and issue violations for a variety of incidents.

Between 2007 and 2013 there have been 813 trespassing violations and 61 other arrests or incidents reported. Some of these arrests/incidents include burglary, motor vehicle theft/recovered stolen property, sexual assault, narcotics possession, fire/arson, robbery, simple assault and one accidental death from drowning. A summary report of the trespass and incident violations obtained from the Manchester Township police records is presented in Appendix 10.

### **Individual Property Evaluations**

The following analysis details the existing conditions on each of the subject properties in the Study Area including physical characteristics, exterior building and site conditions, and conformance to zoning regulations. Each property is then assessed with respect to the eight redevelopment criteria to determine which, if any, are met.

Area 1 - Block 44, Lot 16. As previously described Block 44, Lot 16 is a 24.3 acre vacant wooded property that is zoned HD-3. The site itself has no remarkable characteristics or anything that would distinguish it as an area in need of redevelopment by itself. It does, however, provide an important and critical primary access point to NJSH 37 from the main portion of the Heritage Minerals property in Block 75.01. The property therefore should be considered as part of the overall Study Area and be linked to any designation, statutory criteria and description for Block 75.01, Lot 1 (remaining area) due to its critical access to the Heritage Mineral Tract properties.

Area 2 - Block 75.01, Lot 1 – (cleared area). The cleared area (containing approximately 1,030 acres), which contains the former mining operations, has not been operational since 1990. The buildings on site are dilapidated and abandoned and in some cases have been demolished with only the concrete pads remaining. The remaining buildings on-site are unsafe. A series of photographs of the buildings and land is shown in Appendix 11. Buildings on-site that are substandard, unsafe, dilapidated, obsolete and meet conditions “a” and “b” of the statutory criteria as stipulated in N.J.S.A 40A:12A-5. A portion of the cleared area is also the subject of on-going environmental remediation and would meet condition “d” of the statutory criteria as stipulated in N.J.S.A. 40A:12A-5.

**The conditions identified above provide evidence that the property meets criterion ‘a’, ‘b’ and ‘d’ as stipulated in N.J.S.A. 40A:12A-5. Further analysis is provided in “Application of the Statutory Criteria to the Study Area Properties.”**

Area 3 - Block 75.01, portion of lot 1; Block 75.01, lots 2, 4, 6, 11 (considered the “remaining area”). The area outside the cleared area contains the balance of Block 75.01, Lot 1 and comprises approximately 2,737.59 acres of wooded vacant land. Access to the site is through a paved roadway through Block 74 Lot 5 owned by Hovsons, Inc. which is not part of the Study Area (See Appendix 11). This portion of the property generally surrounds the cleared area. The remaining lots owned by Hovsons, as noted in Exhibit 1, within wooded areas described above comprise approximately 30.67 acres.

The Heritage Minerals Tract property is the largest single privately held vacant property in Ocean County<sup>3</sup>. The property has been an attractive nuisance in the Township for many years due to its size and unique features. The police department has issued 813 trespassing violations and 61 other arrests or incidents between 2007 and 2013. Some of these arrests/incidents include burglary, motor vehicle theft/recovered stolen property, sexual assault, narcotics possession, fire/arson, robbery, simple assault and accidental death.

Because this large property has not been utilized in nearly 25 years it has become stagnant and is not fully productive to serve the community in a meaningful way.

Due to the condition of the abandoned mining operation (including the land, buildings and improvements) with its detrimental effect to the safety, health and welfare of the community, condition "d" of the statutory criteria is met.

In addition, the lack of utilization of the site for nearly two decades and the regulatory constraints on the Heritage Minerals Tract, a stagnant and unproductive condition has resulted which contributes to an adverse effect on the general public health, safety and general welfare of the community. For this reason, condition 'e' of the statutory criteria is met.

**The conditions identified above provide evidence that the property meets criterion "d" and "e" as stipulated in N.J.S.A. 40A:12A-5. Further analysis is provided in “Application Of The Statutory Criteria To The Study Area Properties.”**

### **Application of the Statutory Criteria to the Redevelopment Study Area Properties**

The Heritage Minerals Tract property has remained unproductive for nearly twenty years following the termination of the dredge mining operations and mineral refining activities on the site. There are a number of contributing factors that impact the property including:

- Abandoned and dilapidated industrial buildings
- Abandoned mining operations
- On-going environmental remediation of the site
- Inadequate accessibility to the site
- Excessive land coverage
- Attractive nuisance of the property resulting in numerous trespass violations
- Numerous incidents involving arrest

As discussed these factors all contribute to the overall obsolescent conditions of the former mining area and the impact on the general welfare of the Township.

It is anticipated that the industrial structures within the Study Area site will continue to deteriorate in the future. Due to the overall size of the study area and the isolated nature of the structures and the existence of the two dredge lakes, the Study Area will continue to be a site that

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<sup>3</sup> Source: Ocean County Tax Assessment Data – vacant land search (February 2014)