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State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
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✓ info rec'd 8/23/10
BOB MARTIN
Commissioner

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

August 20, 2010

James Moran
Administrator
Stafford Township
260 E. Bay Avenue
Manahawkin, New Jersey 08050

Re: Conservation Deed Restriction
Stafford Township Landfill

Dear Mr. Moran:

On December 7, 2006, the Township of Stafford executed a Declaration of Covenants and Restrictions (recorded by the Ocean County Clerk on December 11, 2006) which deed-restricted certain portions of Block 25, Lot 93, Block 13, Lots 22.01 and 68 within the larger 370 acre mixed use redevelopment project known as the Stafford Business Park Project (Project). The deed restriction was put in place in order to provide equivalent protection of Pinelands resources as mitigation for adverse impacts on wetland buffers and certain threatened and endangered plant and animal species and habitat that were expected to be caused by closure of the landfill.

Stafford has indicated to the Department and the Pinelands Commission, that it wishes to partially release the above-described deed restriction in order to allow for construction/placement by the Township's designated redeveloper, the Walters Group, of a solar panel array atop the closed landfill as part of the larger redevelopment project. The solar array is expected to generate 13.5 mega watts of electricity and to provide a significant portion of the energy needed for the overall project.

Pursuant to the New Jersey Conservation Restriction and Historic Preservation Restriction Act, N.J.S.A. 13:8B-1 et seq., Stafford must obtain approval of the release from the Commissioner of the New Jersey Department of Environmental Protection. (N.J.S.A. 13:8B-6). If approved, the Commissioner will issue a certificate releasing the deed restriction which must be recorded with the Ocean County Clerk in the same manner that the original Declaration was recorded. Before the Commissioner will determine whether to approve the release, Stafford must hold a public hearing and must provide notice of that hearing in a newspaper of general circulation in Stafford. Notice must be published at least twice in each of the three weeks preceding the public hearing.

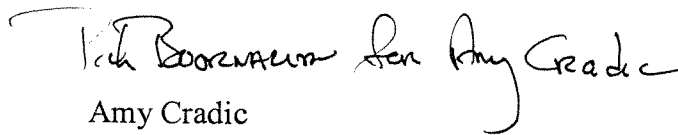
We have also determined that execution of a lease for the solar project with Walters will trigger the Green Acres diversion process since the Township's conservation easement interest in the landfill should have been listed on its Recreation and Open Space Inventory. The lease would be classified as a "major" parkland diversion pursuant to *N.J.A.C. 7:36-26.10* due to the size of the parkland involved in the project.

At this time, based upon the facts known to DEP, including the extensive review of the Project conducted by the Pinelands Commission, DEP's review of the landfill closure plan and the overall unique economic and environmental benefits associated with the Project in general and solar project in particular, DEP may be willing to conditionally approve release of the Declaration of Covenants and Restrictions described above subject to the following:

- Stafford initiates the conservation release process and the Green Acres diversion process for approval of the lease by conducting a combined public hearing for the conservation easement release and the scoping hearing for the Green Acres diversion application.
- Stafford provides the required newspaper notice of the combined easement release/Green Acres public hearing in the three weeks prior to the hearing date and follows the other public notice requirements for a Green Acres scoping hearing;
- Stafford holds the required public hearing at an appropriate location in the Township of Stafford;
- No public comments are received that disclose facts or considerations that indicate to the Commissioner of DEP, in his sole discretion, that the release of the conservation should not be approved because approval would be inappropriate, improper, or inadequate;
- Stafford obtains the approval of the Pinelands Commission for any revisions or amendments to the 2006 Memorandum of Agreement among Stafford Township, Ocean County and the Pinelands Commission that are necessary to accommodate the solar panel project;
- Stafford completes the Green Acres diversion process prior to commencing construction of the solar panel project.

If the above conditions are met, I believe Commissioner will be in a position to issue a certificate giving final approval to release the Stafford Landfill deed restriction and thereby allow for the placement of the solar panel array.

Sincerely,



Amy Cradic
Assistant Commissioner
Natural Resources

c: John Stokes, Executive Direction, Pinelands Commission