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Pine snake again stymied Walmart's plan for Route 37 store in Toms River

By **KIRK MOORE** • TOMS RIVER BUREAU • March 25, 2010

TOMS RIVER — Walmart and partner developer Jay Grunin thought they had the solution to threatened northern pine snakes on the site of their planned Route 37 West store.

After an initial version of the project was rejected by the state Department of Environmental Protection in June 2006, the partners and their professionals conferred repeatedly with DEP experts on shortcomings in the plan. In three years, a redesigned package emerged: a buffer area and adjacent woodlands to be preserved around a snake den, preserving another 21 adjacent acres, and enhancing other areas for pine snakes west of Lakehurst.

Yet pine snakes were at the top of the list of issues when the DEP again denied a Coastal Area Facility Review Act application for Walmart. Other regulatory issues over building and paving areas versus open space loomed large in the decision too, and Gov. Chris Christie got involved when he heard about the rejection Monday evening.

Already DEP Commissioner Tom Martin has been planning for a meeting with Walmart representatives, Christie said Tuesday. News of the governor's interest tempered excitement among Walmart critics, who had urged the DEP to apply stricter criteria that limited the project to covering no more than 30 percent of the property with the building and pavement - a measure that was another major blow against CAFRA approval.

The American Littoral Society and Pinelands Preservation Alliance opposed Walmart's contention that the CAFRA application should be analyzed using the higher lot coverage limits allowed by state rules for the Toms River regional coastal center, said Helen Henderson of the littoral society.

Henderson said she's been trying to stress to state and local officials that too much impervious coverage is a major factor in stormwater pollution that affects Barnegat Bay.

"Barnegat Bay is suffering the consequences of the last decade of development that occurred due to the establishment and extensions of Coastal Centers under CAFRA," she said. In the case of the Walmart rejection, she added, "It is a baby step towards limiting growth that will protect the bay from further degradation due to stormwater runoff but a step that must be taken."

Robert Shea, the Toms River lawyer who's representing Jay Grunin and wife Linda as the landowners and local applicants, said they were all taken aback by the DEP's assertion that the project still does not do enough to protect pine snake habitat. CAFRA reviewers, citing opinions from the agency's Endangered and Non-Game Species Program, said the loss of 21.4 acres of snake habitat and disturbance that would probably lead to snakes abandoning a den on the property failed the test.

Still, Shea said the Grunins and Walmart want to meet again with DEP officials and see what changes they can make.

"Jay and Linda are committed to seeing this project through," he said.

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"If there's a meeting with the DEP it should be an open public meeting," said activist Jerry Chudoff of the Wake Up Walmart campaign, an effort by unionized supermarket workers and other Walmart critics to fight the company's expansion.

Chudoff said labor officials are trying to reach Christie to put in their two cents — as have the mayors of Toms River and Manchester, who told Christie in the days after his election in November that they want the Walmart and its shared property tax revenue on the borders of their towns.

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