

Redevelopment Study Area Determination of Need

Block 20, Lots 1.04 and 1.05



Borough of South Toms River
Ocean County, New Jersey

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August 28, 2015

The original of this report was signed in accordance with NJSA 45:14A-12.

MC Project No. STB042

TABLE OF CONTENTS

INTRODUCTION3

CRITERIA FOR REDEVELOPMENT AREA DETERMINATION.....5

DESCRIPTION OF STUDY AREA7

 SITE DESCRIPTION.....7

 TABLE 1 – PROPERTY INFORMATION – BLOCK 20, LOTS 1.04 & 1.0510

 SITE HISTORY10

 ZONING IN THE STUDY AREA.....18

 MASTER PLAN STUDIES19

 ENVIRONMENTAL CONTAMINATION AND REMEDIATION.....20

AREA EVALUATION FOR CONFORMITY WITH REQUIRED REDEVELOPMENT CRITERIA23

 STUDY APPROACH.....23

 PROPERTY EVALUATION: BLOCK 20, LOT 1.0423

 PROPERTY EVALUATION: BLOCK 20, LOT 1.0525

STUDY CONCLUSION AND RECOMMENDATIONS26

APPENDIX 1 - BOROUGH OF SOUTH TOMS RIVER LANDFILL, REPORT BY MASER CONSULTING, OCTOBER 7, 2011.....27

APPENDIX 2 - RESOLUTION 2015-12135

APPENDIX 3 - RESOLUTION-17537

APPENDIX 4 - ENDANGERED SPECIES INVESTIGATION39

MAP 1 – GIS MAP OF STUDY AREA9

MAP 2 – 1931 AERIAL.....10

MAP 3 – 1940 AERIAL.....12

MAP 4 – 1956 AERIAL.....12

MAP 5 – 1963 AERIAL.....13

MAP 6 – 1972 AERIAL.....13

MAP 7 – 1986 AERIAL.....14

MAP 8 – 1995 AERIAL.....15

MAP 9 – 2002 AERIAL.....15

MAP 10 – 2006 AERIAL.....16

MAP 11 – 2007 AERIAL.....16

MAP 12 – 2010 AERIAL.....17

MAP 13 – 2013 AERIAL.....17

MAP 14 – ZONING MAP w. STUDY AREA HIGHLIGHTED IN YELLOW18

INTRODUCTION

The purpose of this report is to determine whether Block 20, Lots 1.04 and 1.05, (hereinafter “Study Area”) located on Attison Avenue, qualifies as an Area in Need of Redevelopment as defined by the Local Redevelopment and Housing Law (NJSA 40:12A-1 et seq., “LRHL”). This analysis has been conducted pursuant to the LRHL, which specifies the conditions that must be met within the delineated areas and the process to be undertaken by the Planning Board during the investigation.

The report is written pursuant to Section 6 of the LRHL (NJSA 40-12A-6) that requires the following:

- a) No area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in Section 5 of P.L. 1992 (C.40A:12A-5). Such determination shall be made after public notice and public hearing as provided in subsection b. of this section. The governing body of a municipality shall assign the conduct of the investigation and hearing to the planning board of the municipality.
- b) (1) Before proceeding to a public hearing on the matter, the planning board shall prepare a map showing the boundaries of the proposed redevelopment area and the location of the various parcels of property included therein. There shall be appended to the map a statement setting forth the basis for the investigation.

(2) The planning board shall specify a date for and give notice of a hearing for the purpose of hearing persons who are interested in or would be affected by a determination that the delineated area is a redevelopment area.

The Municipal Council, in a Resolution #2014-222, dated July 21 2014 (see Appendix), requested that the Planning Board undertake a preliminary investigation as to whether the Study Area identified in the resolution is in need of redevelopment pursuant to the LRHL.

Section 6b(4) of the LRHL also requires the Planning Board to hold a hearing on this matter prior to recommending that the delineated area, or any part thereof, be determined or not determined a redevelopment area by the governing body. After obtaining the Planning Board’s recommendation, the Municipal Council may adopt a resolution determining that the delineated area, or any part thereof, is a redevelopment area (Section 6b(5) of the LRHL).

Before presenting the Study Area investigation and parcel level analysis, it is important to note that the determination of need presented in this analysis is only the first step of the redevelopment process and does not provide guidance with respect to planning, development or redevelopment of the Study Area.

Section 40A:12A-7 of the LRHL describes the tool (the redevelopment plan) which specifies how the redevelopment should be planned, in addition to the process through which such a plan is prepared.

A redevelopment plan, which may supersede the zoning of an area or serve as an overlay thereto, specifies the following:

- Relationship of the project area to local objectives as to appropriate land uses, density of population, improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
- Proposed land uses and building requirements in the project area.
- Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing housing market.
- An identification of any property within the redevelopment area, which is proposed to be acquired in accordance with the redevelopment plan. (Note: not every property in a redevelopment area must be acquired and, in fact, none may be acquired; the redevelopment plan can specify buildings or uses to remain in the redevelopment area and to be incorporated into the future design and development of the area.)
- Any significant relationship of the redevelopment plan to the master plan of contiguous municipalities, the master plan of the county, and the State Development and Redevelopment Plan.

This report and investigation are aimed only at determining whether the Study Area meets the statutory criteria to be identified as an Area in Need of Redevelopment and therefore does not contain any of the specific planning guidance contained in a redevelopment plan.

CRITERIA FOR REDEVELOPMENT AREA DETERMINATION

Section 5 of the LRHL outlines the criteria that can be considered in evaluating a Study Area. An area may be determined to be in need of redevelopment if, after investigation, notice and hearing, the governing body of the municipality concludes by resolution that any one of the following relevant conditions is found:

- 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 entity, or unimproved vacant land that has remained so for a period of ten years prior to the 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. (new language from P.L. 2013, Chapter 159 *underlined*)
- f) Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the 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) In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L.1983, c. 303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c. 79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L.1991, c. 431 (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L.1991, c. 441 (C.40A:21-1 et seq.). The municipality shall not utilize any other

redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L.1992, c. 79 (C.40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.

- h) The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

In addition to the above criteria, Section 3 of the LRHL, which defines the redevelopment area, allows the inclusion of parcels necessary for the effective redevelopment of the area, by stating “a redevelopment area may include land, buildings, or improvements, which of themselves are not detrimental to the 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 in which they are a part”.

DESCRIPTION OF STUDY AREA

SITE DESCRIPTION

The Study Area consists of two contiguous tax lots, 1.04 and 1.05 of Block 20, located off of Attison Avenue in South Toms River. The site is currently accessed through the municipal Public Works parcel on Lot 1.03 on Drew Lane and the Drake Lane Athletic Fields facilities on Lot 1.02 on Drake Lane, respectively. Both streets are dead-ends in residential neighborhoods. Although unofficial, there is also unsecured access to the site through the NJP&L easement where a sand trail with electrical transmission towers and power lines on Lot 1.05 meets First Avenue in Berkeley Township, as well as from Dover Road in Berkeley Township.

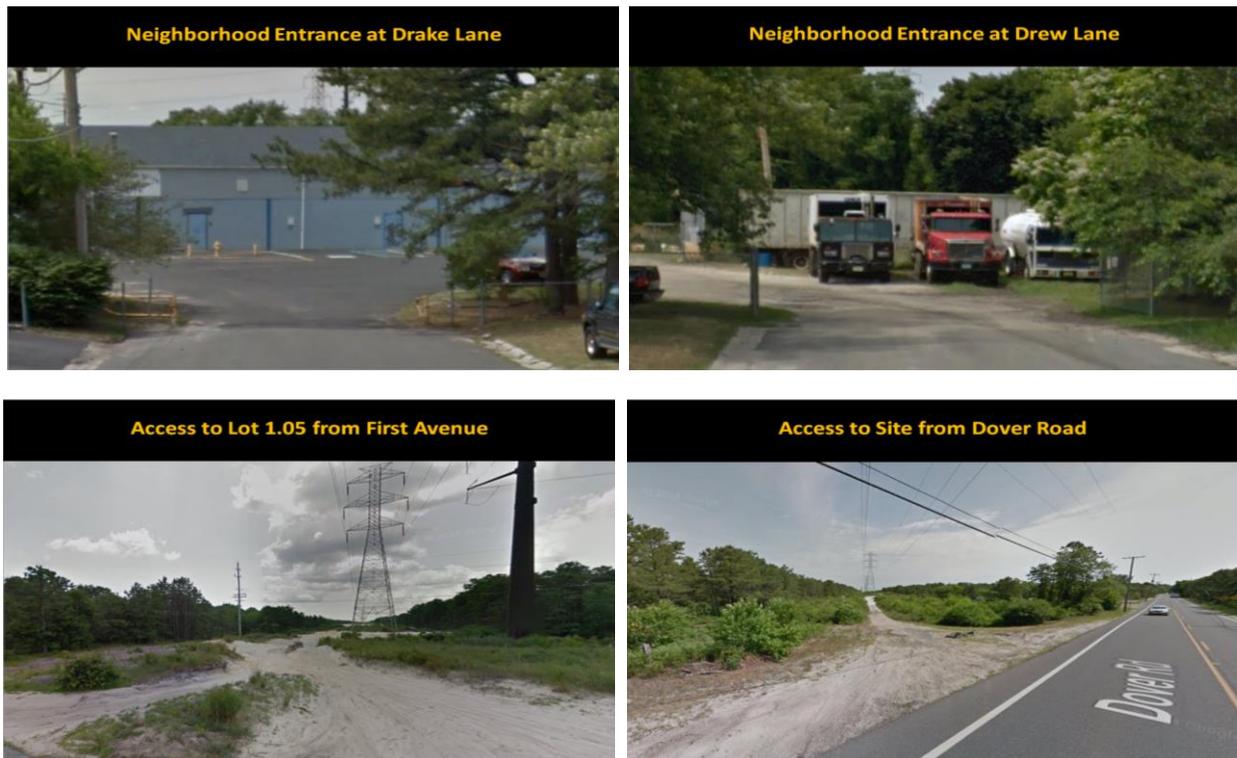


Figure 1: Site Accessibility - Top Left: The entrance to the landfill site through Lot 1.02 on Drake Lane through Drake Lane Athletic Fields, viewed from Attison Avenue; Top Right: Entrance to the landfill site through Lot 1.03 on Drew Lane, viewed from Attison Avenue; Bottom Left: Unsecured access to the site from First Avenue, Berkeley Township through JCP&L easement; Bottom Right: Unsecured access to the landfill site from Dover Road, Berkeley Township through JCP&L easement.

No buildings or improvements are found on either Lot 1.04 or Lot 1.05, except for 13 abandoned industrial tanks on Lot 1.04. The entire land area of the two lots is 28.83 acres, with 15.42 acres on Lot 1.04 and 13.41 acres on Lot 1.05. The two Borough-owned parcels comprise the former Borough landfill property, although the landfill itself is placed on current Lot 1.04.

The Study Area is included in the designated Area In Need of Rehabilitation that includes all of the Borough of South Toms River as of Resolution 2015-121, dated April 27, 2015 (Appendix 2). The Rehabilitation Area is focused on revitalizing the entirety of the Borough between the Borough of Beachwood to the south, the Township of Toms River to the north, and the Township of Berkeley to the west. The area surrounding the former landfill site is bordered by Berkeley Township to the north and west and is characterized by established single-family residential neighborhoods, a municipal public works building, and public recreational fields and facility.



Figure 2: Adjacent uses to the west include community church (top left); Medium- to high-density single-family residential (top right); Public athletic fields/recreation area (bottom center)

Map 1 below provides an aerial view of the Study Area highlighted in yellow and within the context of and bounded by the municipal boundary line in black lines. There are two paper roads that run through the property – North Road and 3rd Avenue – as well as a NJP&L easement with power lines and transmission towers that runs north-south between Lots 1.04 and 1.05. The line of the former Pennsylvania & Atlantic Railroad, which now contains power lines, separates the site from Berkeley Township to the north. The Study Area is also bordered by Berkeley Township to the west. Immediately adjacent to the east is the Borough-owned Drake Lane Athletic Fields on Block 20, Lot 1.02, which includes 9.40 acres of fields baseball and multi-use fields¹. Prior to the landfill, the Athletic Fields were

¹ John Leoncavallo Associates, April 2011. Page R-2. South Toms River Borough Master Plan.

formerly part of Lot 1, which consisted of 40 acres of land, including the current study area. The fields are listed on the Borough’s Green Acres Recreation and Open Space Inventory (ROSI).

MAP 1 - GIS Map of Study Area



The summary of tax data for the two parcels in the Study Area (Block 20, Lots 1.04 and 1.05) are shown in Table 1 below. As mentioned above, there are no buildings on either of the lots and the improvement value for both parcels is zero (\$0). The land on Lot 1.04 is valued at \$1,542,000 and the land on Lot 1.05 is valued at \$1,341,000. Generally a property that is generating a normal economic productivity will be developed with improvements that are valued at least as much as the land itself. Properties where the land is worth more than the improvements often indicates that the improvements are old and or either obsolete and/or deteriorated so that they depreciate rather than appreciate in value as would be the case with economically productive properties. In the case of Lots 1.04 and 1.05, there haven’t been any improvements since the closure of the landfill in 1985 and the site is currently not generating any economic value other than the value of the real estate. However, the property taxes are fairly high for unimproved land.

TABLE 1 – PROPERTY INFORMATION – BLOCK 20

| Block | Lot | Street Address | Land Desc | Bldg Desc | Zone | Land Value | Improve Value | Total Value | 2011 Tax Ratio | Property Taxes |
|-------|------|----------------|-------------|-----------|------|------------|---------------|-------------|----------------|----------------|
| 20 | 1.04 | DREW LANE | 15.42 acres | - | ML | 1542000 | 0 | 1542000 | 83.96% | 12783.18 |
| 20 | 1.05 | 1 DRAKE LANE | 13.41 acres | - | ML | 1341000 | 0 | 1341000 | 83.96% | 11116.89 |

SITE HISTORY

Historic information pertaining to the site was obtained from online aerial photography² for years dating between 1931 and 2013 at various intervals. Additionally, a review was conducted of various documents provided by the Borough regarding the history of the site and compared with the historical aerials below. A letter and report to the Mayor and the Borough Council Members, prepared by Maser Consulting, P.A., dated October 7, 2011 regarding the landfill site clearly laid out the events and progress of the site and associated applications between 1971 and 1992, as well as the The Study Area has been highlighted in yellow in each of the photographs to display the changes to the site throughout those years.

The photos show the Study Area as undeveloped in 1931 (Map 2), but was originally a sand pit that was mined for minerals, according to a Borough Department of Public Works representative.³ A basin of water, or a small lake, resulted from the exposed mining pit. By 1940, there are some visible changes to Lot 1.04 (Map 3) where it appears that the lake had expanded. However, the landfill was not introduced to the site until after 1974 after the lake was filled in again. The landfill was planned to initially occupy about five (5) acres on a site of about 15 acres in that area⁴. The original Landfill Plan was prepared by Mackle Associates and was dated July 31, 1971. The landfill was officially closed in 1985, giving the site a relatively short lifespan of use.

The area surrounding the site was slow to develop. Only a few single-family homes were found in the vicinity until the early 1960s when a new residential development with over a hundred small new homes was placed adjacent to the site. This type of development was typical with the rapid suburbanization of the region. However, further growth beyond that time within the area of the site and within the Borough was limited. The slow and restricted growth has partially contributed to the large amount of open space that has remained within South Toms River for the public benefit and municipal use.

² www.historicaerials.com

³ August 28, 2015. Field visit led by Borough of South Toms River Department of Public Works staff member.

⁴ October 7, 2011. Borough of South Toms River Landfill Report. MC Project No. STB-007. Prepared by Maser Consulting, P.A.

MAP 2 - 1931 AERIAL

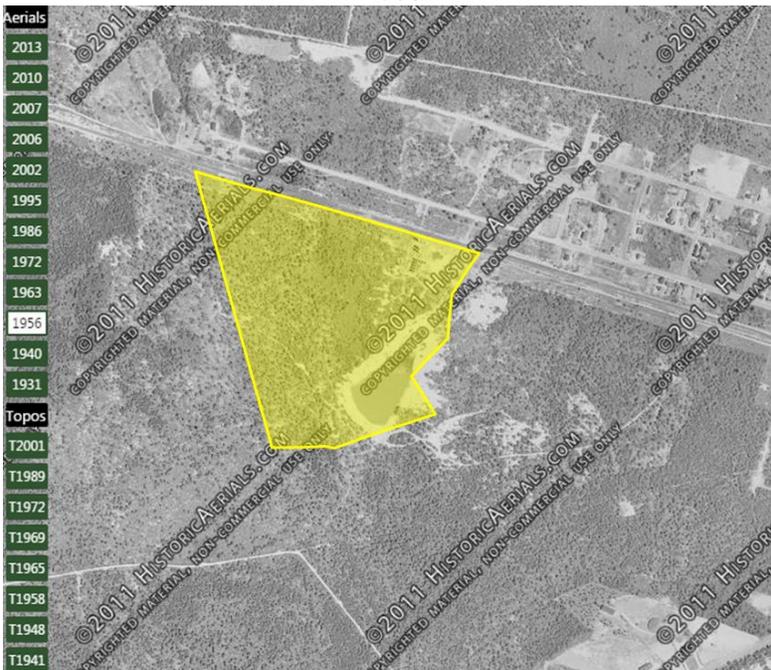


Map 2 above shows the Study Area highlighted in yellow. The sand mining pit is evident in the southeastern portion of the site, as mentioned above, and was filled with water, creating a small lake. Abutting the Study Area to the north is the Pennsylvania & Atlantic Railroad. The outline of some of the unpaved streets of the Manitou Park neighborhood to the north in Berkeley Township is partially visible. Very little development is otherwise visible. Much of the area, where not forested, is covered in sand. In 1940, shown in Map 3 below, the site looks largely the same, except that the body of water expanded slightly and the Manitou Park neighborhood has become more well-defined. The 1931 aerial is too unclear to show, but by 1940 there are at least 13 large industrial silo-like tanks in the northeastern edge of the site. The silos have remained on the site since that time.

MAP 3 - 1940 AERIAL



MAP 4 - 1956 AERIAL



Between 1940 and 1956 (Map 4), some of the sandy areas within and around the site became more filled in with vegetation and trees and the lake where the mining had taken place is larger and more visible. The street grid in Manitou Park also expanded and a clearing in the forest to the southeast of the site in South Toms River can be seen where a new development would be going.

MAP 5 - 1963 AERIAL



The 1963 aerial above (Map 5) shows a new, large subdivision with new roads being constructed immediately to the southeast of the Study Area. The subdivision contains over a hundred small single-family homes. Also noticeable is that the small lake on the site had been drained and filled in with sand.

MAP 6: 1972 AERIAL



By 1972 (Map 6), the subdivision to the southeast of the site was filled in with homes and a new recreational field (baseball field) can be seen between the site and the neighborhood, which are the Drake

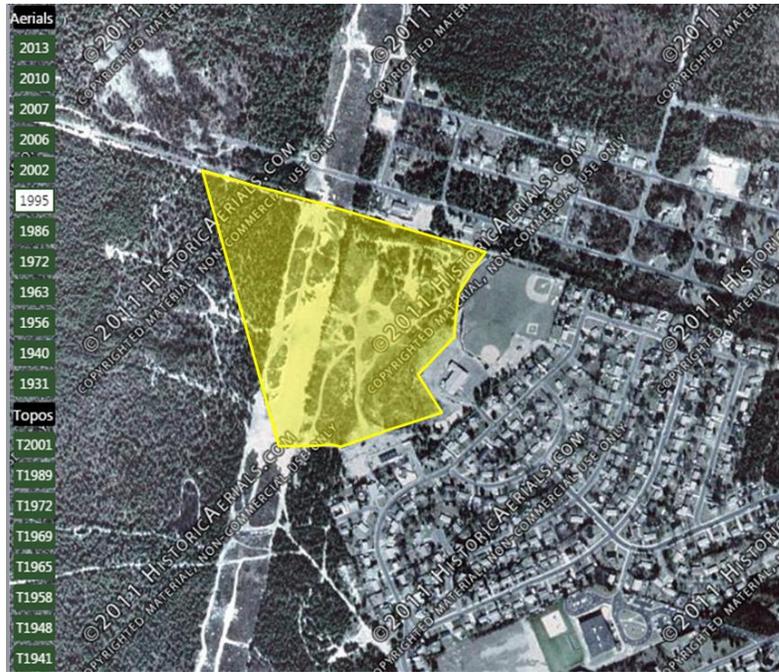
Lane Athletic Fields that now belong to the Borough. The Manitou Park neighborhood in Berkeley Township also has a more clearly delineated street grid. A 270 ft easement had also been cleared through the middle of the site between Lots 1.04 and 1.05 for electrical power lines by NJP&L, which is visible running north-south on the center-left of the image. Although the landfill would soon fill the drained lake/sandy area on the site beginning around 1974, there is nothing visible at this point. The application and engineering plans dated 1971 were submitted to NJDEP in 1974. **The original plans of 1971 are included in this report as Appendix 2.** The first landfill pit was about five (5) acres.

MAP 7 - 1986 AERIAL



In 1986, the landfill had already closed to new fill. Much of the site, particularly on Lot 1.04 had been cleared of forest between 1972 and 1986 and had a layer of sand coverage. The surrounding area remained mostly the same, although some new buildings have filled in the neighborhoods to the north and the southeast and the fields and public works buildings were also completed.

MAP 8 - 1995 AERIAL

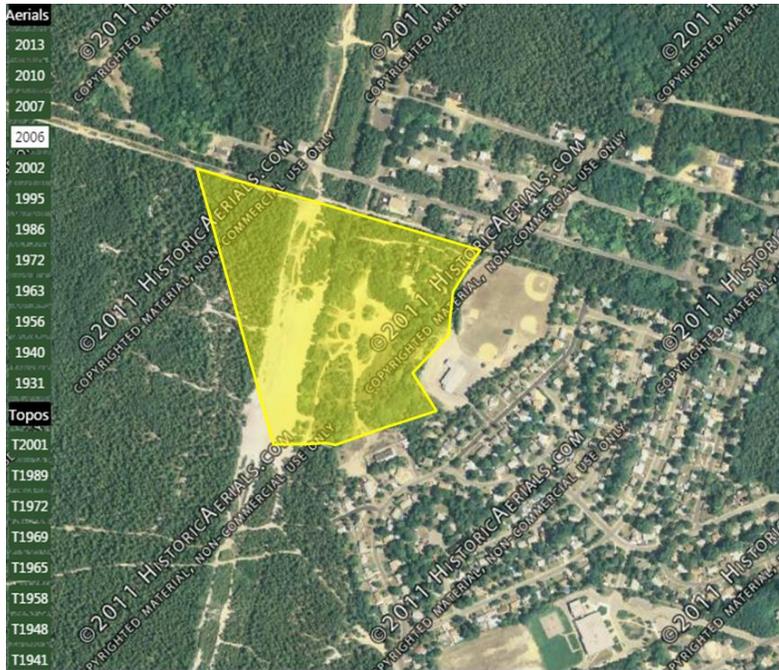


The landfill area of the Study Area appeared to be mostly covered in vegetation again by 1995 (Map 8), except for some unpaved roads leading to the project site. However, it wasn't until 2002 (Map 9) that the aerial images show significant tree growth in that area. There are few other noticeable changes to the area within those years.

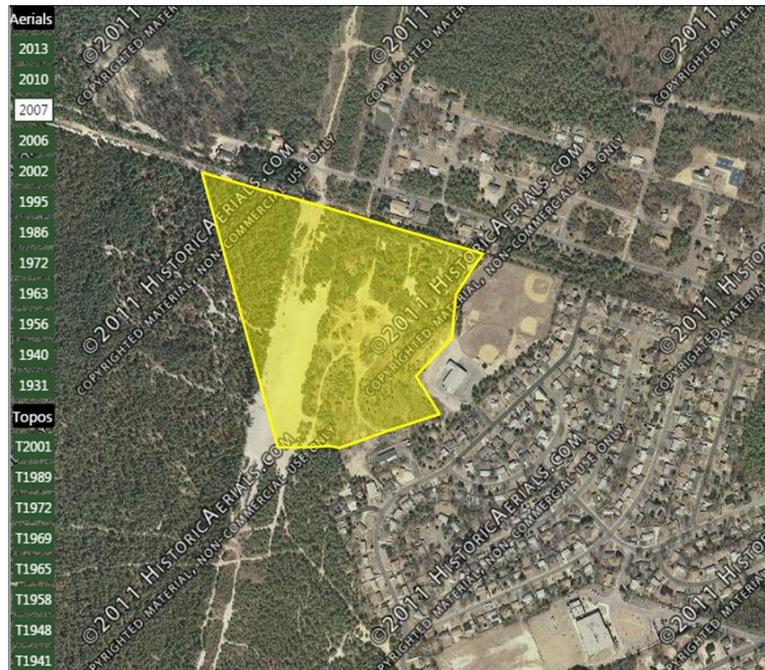
MAP 9 - 2002 AERIAL



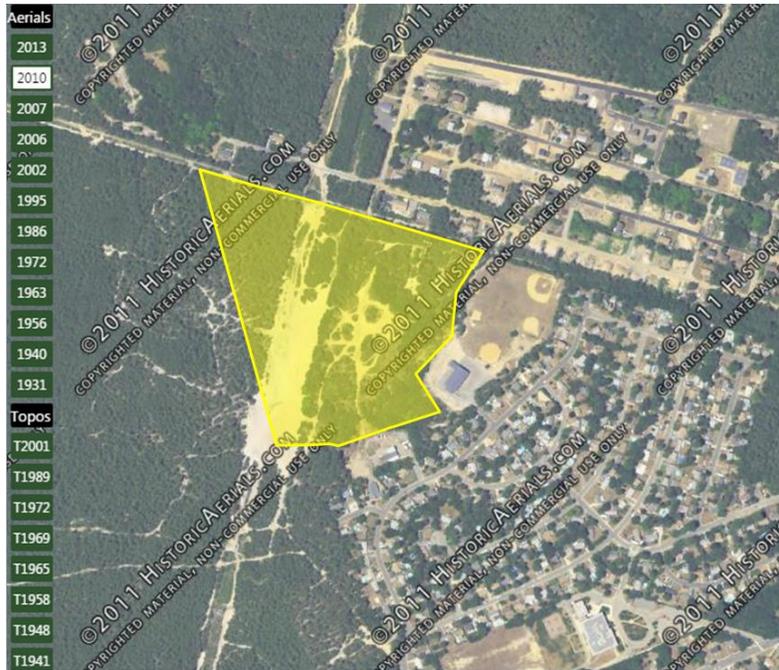
MAP 10 – 2006 AERIAL



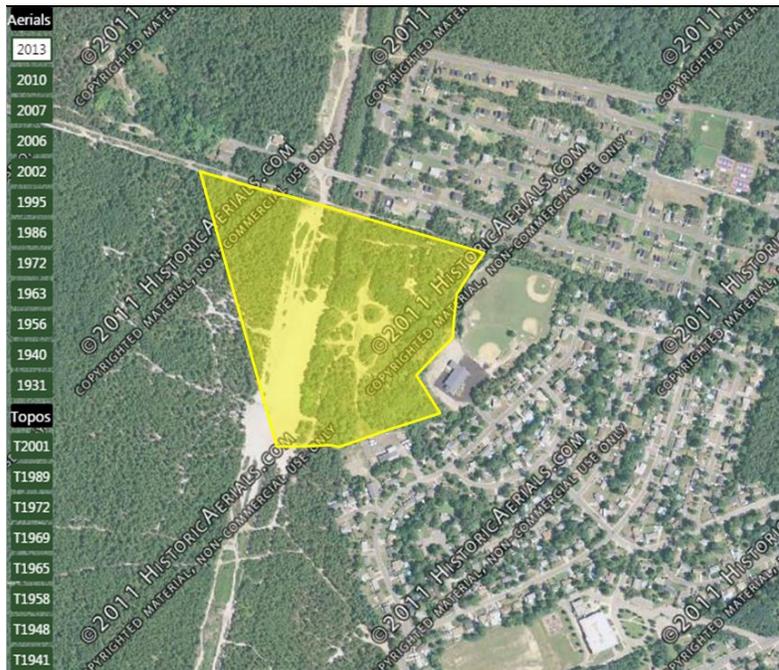
MAP 11 – 2007 AERIAL



MAP 12 – 2010 AERIAL



MAP 13 - 2013 AERIAL

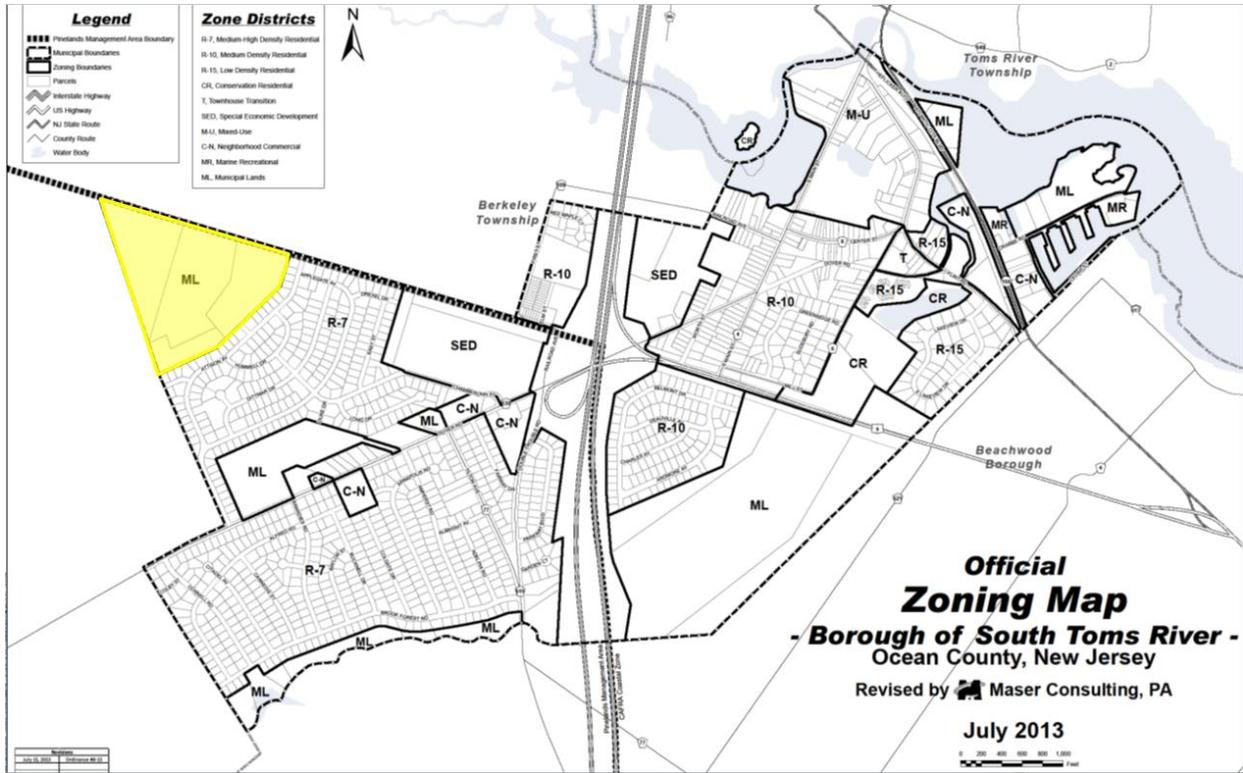


Between 2002 (Map 9) and 2013 (Map 13), there were few other significant changes to the site in question or to the surrounding area. However, the tree growth within the landfill area increased in density considerably and a new street with more single-family homes were added to the Manitou Park neighborhood to the north between 2010 (Map 12) and 2013.

ZONING IN THE STUDY AREA

The Study Area, Block 20, Lots 1.04 and 1.05, lies within the Municipal Lands (ML) zone, which includes Borough-owned parks, schools, open space and public buildings.⁵ The surrounding neighborhood is R-7 Medium-High Density Single-Family Residential with minimum 7,000 sq. ft. lots.

MAP 14: ZONING MAP w. STUDY AREA HIGHLIGHTED IN YELLOW



⁵ South Toms River Master Plan, April 2012, John Leoncavallo, CLA, PP, page L-5

MASTER PLAN STUDIES

BOROUGH OF SOUTH TOMS RIVER MASTER PLAN (2012)

The Borough of South Toms River Master Plan was last updated and adopted in 2012 and describes the Municipal Lands Zone as follows:

The Municipal Lands land use classification includes Borough owned parks, schools, open space and public buildings. Several additional parcels are proposed to be included within the ML district to better reflect existing municipal properties.⁶

The goals and objectives of the Master Plan⁷ emphasize revitalization of Borough properties, particularly underutilized parcels, as follows:

GOALS

Economic and Non Residential

7. Encourage the development of a diversified economic base that generates employment growth, increases property values and income levels, and promotes the reuse of underutilized properties

Community Identity

3. Preserve, restore, maintain and enhance the appearance of all Borough properties.

Conservation

9. Encourage the remediation of brownfield sites and their reuse in a sustainable manner.

OCEAN COUNTY PLANNING BOARD COMPREHENSIVE MASTER PLAN (2011)

Similarly, the Ocean County Planning Board Comprehensive Master Plan of 2011, although it is not a regulatory document, provides goals and guidelines for various land use issues. The following is consistent with the property in question in the Area in Need of Redevelopment study.

NJDEP Brownfield Sites and Redevelopment Opportunities⁸

Opportunities exist in Ocean County for redevelopment projects at underutilized commercial sites or current Brownfield sites. The US Environmental Protection Agency (USEPA) defines a Brownfield as: "With certain legal exclusions and additions, the term "brownfield site" means real

⁶ South Toms River Master Plan, April 2012, John Leoncavallo, CLA, PP, page L-5

⁷ South Toms River Master Plan, April 2012, John Leoncavallo, CLA, PP, page S-2 - S-5

⁸ Work, Richard. Ocean County Planning Board Comprehensive Plan. December 2011. Page 94.

property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.” It is important to note that there need only be a potential contaminant on the site for it to be labeled a Brownfield. As of June 2011, NJDEP reports 407 known contaminated sites (KCS) throughout Ocean County. Figure 7-4 lists the total number of NJDEP identified KCS by municipality.

According to Figure 7-4 in the Ocean County Comprehensive Plan in 2011, South Toms River has 8 KCS (known contaminant sites).⁹ The landfill is such an underutilized and current Brownfield site.

ENVIRONMENTAL CONTAMINATION AND REMEDIATION

There is a lot of uncertainty surrounding early industrial operations on the site in question, as well as remediation process, if any, that occurred, and the full extent of environmental degradation and remediation that will need to occur in the future. However, there is the distinct possibility that there are concentrations of arsenic, lead, and other pollutants from the dredge mining that occurred on the site prior to the landfill. Therefore, there could be additional environmental hazards underneath the landfill and wherever the water from the lake that filled the mining pit was released, as it would have contained high concentrations of minerals and contaminants.

After the mining area was acquired by the Borough, the lake was rained and the pit was filled with material until the landfill was declared closed by the Borough in 1986. However, it was not officially closed until 2013.

In addition to the other environmental reports and permits, an Endangered Species Investigation was conducted for the “DPW Yard Site”, performed by ERS Consultants, Inc. on July 16, 2012 (Appendix 4). The investigation identified habitat and/or rare species of two reptiles within ¼ mile of the subject site, including corn snake (*Elaphe guttata guttata*), which is a State Endangered species, and the northern pine snake (*Pituophis melanoleucus melanoleucus*), which is a State Threatened species. However, it was concluded that due to the fill materials, dense vegetation, and the type of previous disturbance within the study area, the potential habitat for each snake species is minimal and none were observed during thorough searches.

Finally, the Department of Public Works staff member who was interviewed was not aware of any methane venting and there was not any evidence of vents.¹⁰ It is estimated that the cleanup and closure cost of the site would total nearly \$1.2 million, not including methane protection and deep dynamic compaction.

⁹ Figure 7-4: NJDEP Active Sites with Contamination Confirmed, June 2011. Ocean County Comprehensive Plan. December 2011.

¹⁰ August 28, 2015. Field visit led by Borough of South Toms River Department of Public Works staff member.

BOROUGH OF SOUTH TOMS RIVER LANDFILL: LANDFILL HISTORY¹¹

The following is a summary of the Landfill History provided by Maser Consulting in a report in 2011.

The first pit of the landfill was about five (5) acres and intended to expand to 15 acres. According to an inspection report dated September 28, 1979, it was indicted that filling of the first five (5) acres was in progress; however, fill was mounded 5 to 10 feet higher than the surrounding areas. Additionally, because the original plan showed five (5) acres as landfill, but new plans submitted by the Borough indicated that the landfill was over 15 acres, the NJDEP issued two letters in January and March 1979 indicating that the engineering plans and operation plans were not acceptable and that the landfill fell within the Pinelands, and therefore must receive approval from the Pinelands Commission first.

The Borough Engineer submitted a Public Need Exception Application to the Pinelands Commission in March 1979, who then deferred to the NJDEP for approval. NJDEP approved the plans and allowed two (2) more years of operation, following its acceptance of the submission of revised plans as “Complete” in January 1980.

The NJDEP Division of Water Resources issued a NJPDES #005610 on October, 1, 1985. The permit required the installation of groundwater monitoring wells, which were required to be sampled and monitored every quarter. The permit was for three (3) years.

A survey of the landfill was performed on October 1, 1985 to determine if the facility had any approved capacity remaining. Elevations were found to exceed those that were established in much of the fill area - 42 feet and 44 feet in areas where the final elevations ranged from 40 to 42 feet. Filling activity outside the limit of fill area has previously occurred along the southwestern portion of the site as well as northern most area of the site. The acreage covered by these overfills is approximately 2/3 of an acre. An existing drainage swale was present and was required to remain for drainage. Additionally, an existing pit was found at the northeastern end of the landfill, which was 50% outside of the limit of the fill area and, therefore, very little, if any solid waste could be deposited there.

On November 14, 1985, the NJDEP requested a closure plan for the facility and ordered the Borough to cease disposal of more fill as of December 3, 1985. Furthermore, they specified a final cover for the landfill and an impermeable cap. The closure plan was also supposed to address the Methane gas issues in and around the landfill.

On January 24, 1986, the Borough attorney requested that the NJDEP grant an extension for Closure Plan submission and on March 31, 1986, the Borough wrote to the NJDEP declaring that the landfill officially closed. The Borough then indicated that a Closure Plan and specifications was being prepared; however, NJDEP stated that a Closure Plan had not submitted in a letter in February of 1988, and the Borough was assessed a penalty.

¹¹ Theodos, Chris A. and Gouda, Moustafa A. Maser Consulting. Borough of South Toms River Landfill. MC Project No. STB-007. October 7, 2011.

NJDEP directed the Borough to monitor methane gas and if methane is within acceptable limits, that can eliminate the need for a methane gas venting system, and if ground water testing indicated that water is not contaminated, the need for an impervious cap as part of the landfill closure would be eliminated. The ground water monitoring wells testing performed in October 1990 indicated that ground water had Manganese, Iron and Ammonia Nitrogen exceeding NJDEP's permit limits. Based on available records, it appears that the ground water monitoring well sampling and analysis had ceased as of 1995. The NJDEP complained several times about the lack of ground water monitoring and groundwater conditions were unknown until the Feasibility Study in 2013 detailed below.

In 1991, the estimate for the cost of closure was about \$1,000,000, not including the cost of 30 years of maintenance of the landfill closure. The plans were supposed to be accompanied by a stormwater management and drainage report, but Maser Consulting did not find a copy of this report.

FEASIBILITY STUDY FOR LANDFILL CLOSURE

According to the August 26, 2013 Feasibility Study for Landfill Closure report prepared by Maser Consulting, P.A., the site reconnaissance performed revealed that there were still minor areas of uncovered trash and areas of ponding water, although no noticeable leachate was observed and the water wells were observed to be in place. The report stated that the trash needs to be covered with one foot of granular materials.

Maser Consulting also created a topographic survey at one-(1) foot intervals as part of their service. They found that based on the topographic survey, the landfill ground surface ranges from Elevation +30 to +44 MSL and suggested that site grading during closure of the landfill may require some cut and fill.

The Landfill Gas Investigation included two methane gas surveys performed at various locations around the perimeter and interior of the landfill. Negligible to no methane gas was detected at the landfill property line; however, high to moderate methane gas levels of concentration were detected near the center of the landfill. The sampling survey results can be found in an attached map titled "Methane Gas Sampling Results".

The Ground Water Sampling section of the report maintained that the existing wells have been sampled every three months in accordance with NJDEP regulations. Maser Consulting compared the water quality report dated 1991 to data obtained in 2011, as well as test results for water quality and groundwater levels from May 2011, January 2012, August 2012, January 2013, and June 2013. Lead was reported at one test site, which is the only significant change from the 1991 data and was most likely a result of high turbidity in the sample. There were also some minor readings exceeding the NJDEP threshold for pH, sodium, iron, and ammonia.

The report concluded that the final landfill cover and the Methane Gas Venting System were two major issues that would affect the cost of the closure program. The NJDEP requested a Closure Plan for the landfill facility in November 1985 and ordered that the Borough cease disposal of more fill as of December of the same year, as well as specifying the consistency and thickness of the final cover, which would include sand, clay, top soil, and an impermeable cap. However, it was advised by the NJDEP that an impervious cap would not be needed as part of the landfill closure if ground water testing indicated

that the water was not contaminated. It is Maser Consulting's opinion that there is no need for an impermeable cap to cover the landfill, based on the test results. A layer of one-foot of granular clean fill would be sufficient pending approval of NJDEP.

Additionally, the Borough was directed to monitor methane gas and it was indicated by NJDEP that if methane is within acceptable limits that a methane gas venting system can be eliminated. It is Maser Consulting's opinion that based on the two methane gas surveys performed by our staff, there is no need for a venting system. However, we recommend that a three-foot deep trench be constructed along the landfill property line, which will act as a cut off wall to prevent any methane gas from flowing to the outside of the landfill. Any building construction atop of the landfill shall take into consideration the presence of methane gas and therefore, future building shall be designed to include a methane gas protection system.

AREA EVALUATION FOR CONFORMITY WITH REQUIRED REDEVELOPMENT CRITERIA

STUDY APPROACH

An analysis of the Study Area's existing physical characteristics was completed through various measures to provide an accurate account of the site.

Site reconnaissance within the landfill was conducted to check for potential gaps or compromises in the cover, locate potential leachate seeps, potential monitoring well protection issue and other potential issues by three Maser Consulting employees prior to the 2013 Feasibility Study for Landfill Closure.

Further inspection was conducted with one of the Borough's Department of Public Works staff members on August 28, 2015 of the property on Block 20, Lots 1.04 and 1.05. We also examined various Borough records and documents and analyzed historic aerial photographs. Furthermore, tax records, the Borough's Master Plan and Zoning Ordinance were reviewed. It should be noted that all non-aerial photos were taken on August 28, 2015, unless otherwise noted.

PROPERTY EVALUATION: BLOCK 20, LOT 1.04

This property consists of 15.42 acres, with access through the Department of Public Works on Drew Lane, Lot 1.03, and the recreation facility on Drake Lane, Lot 1.02.

Based on an examination of historic aerial photos coinciding with an interview with a Department of Public Works Employee, a mining operation involving mineral extraction from the sand existed on the site at least by 1931. The sand pit was eventually filled with water and the high concentrations of minerals likely contaminated the sand and groundwater. After the Borough acquired the land, the area was filled by 1963 and was the site of the landfill. It is unclear whether any remediation occurred to the

sand and where the water was released, although the drainage swales surrounding the landfill and swampy area indicate that it may have been released into the swamps.

The landfill was in operation on the site from 1974 to 1986. The Borough was ordered to submit a Closure Plan by the NJDEP by December 1985 due to exceeding capacity and filling outside of the approved fill area. The landfill was also responsible for the leaching of several pollutants into the groundwater and soil. The Borough declared that the landfill had official closed on March 31, 1986.

While most of the landfill was covered as directed by the NJDEP following its closure, there were still reports of some areas exposed in 2013 until the landfill was officially closed that year. However, there are still many incidences occurring of illegal dumping on the property. The site investigations showed that concentrations of pollutants had been contained and mostly reduced throughout the site; although there are high levels of methane gas that still exist in the center of the site. There appears to be no vents for the methane.

Residential neighborhoods and recreational fields have also closely surrounded the contaminated site since they were built in the early 1960s.

While there are no existing buildings on the property and, therefore, it does not qualify under Criteria “a” or “b”, we have found that the lot qualifies under other criteria.

Based on the above, we believe that Lot 1.04 meets the following statutory criteria:

The landfill site is unimproved land that is owned by the Borough of South Toms River and has remained so for a period nearly thirty years prior to the adoption of the resolution in 2015. The property can only be accessed through other lots with existing improvements not of the landfill property, except where there is illegal access through the NJP&L easement. By reason of its location, remoteness, lack of means of access to developed areas, and the nature of the soil and groundwater being compromised due to its former uses, uncertainty of the extent of environmental degradation, and the likely expensive cost of cleanup, methane protection, and deep dynamic compaction, it is not likely to be developed privately in its current state and, therefore, meets Criterion “c”:

Criterion “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.*

The excessive land coverage and deleterious land use of the landfill to the surrounding neighborhood, obsolete layout (as it is no longer functioning), as well as hazardous physical condition of the site due to pollutants and built-up methane gas associated with the fill presents a threat to the public safety and health. Additionally, there are 13 industrial tanks standing on the northern edge of the property since at least 1940, which have been discontinued in use and abandoned. These improvements are no longer considered improvements for tax purposes and may pose a physical harm to anyone entering the site. The property and the tanks are unsecured and easily accessible to the public where there is uncertainty about the environmental contamination and other physical and health risks. There is continuous

evidence of people walking through the site, using it recreationally, and dumping illegally. Lot 1.04 therefore meets Criterion “d”:

Criterion “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.*

PROPERTY EVALUATION: BLOCK 20, LOT 1.05

Block 20, Lot 1.05 is Borough-owned land that is part of the larger landfill site, but was not used for landfill. There are no existing buildings or improvements on the property and, therefore, it does not qualify under Criteria “a” or “b”.

The property is unimproved and has remained so for a period longer than ten years prior to the adoption of the resolution in 2015. The NJP&L easement containing electrical power lines separates it entirely from Lot 1.04. By reason of its location, remoteness, lack of means of access to developed areas, particularly without road access and being divided from the adjacent lot, and the nature of the soil and groundwater being compromised due to the neighboring landfill use, uncertain history with mining operations and other environmental degradation, it is not likely to be developed privately in its current state and, therefore, meets Criterion “c”:

Criterion “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.*

Additionally, the landfill site, which includes Lot 1.05, is an excessive coverage of land and faulty arrangement and design due to inaccessibility and underutilization of the property.

Criterion “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.*

Finally, the configuration of Lot 1.04 and 1.05 within the Study Area, in the northwest corner of the Borough, separated from the rest of the development in the Borough by the landfill and without primary road access, has left the properties vacant and unproductive, and likely the reason for the placement of the landfill in the first place. The Borough-owned municipal property has caused an impediment to land assemblage or undertaking of improvements. It is presumed that the landfill has a negative social and economic impact on the lot and the surrounding area. The presumption that the condition is negatively impacting the social and economic welfare of the community is borne out by the emphasis in the Master

Plan on the need to revitalize brownfield sites¹² and the prior action of the governing body in designating the Borough in its entirety as an Area in Need of Rehabilitation. These reasons preclude this lot from being fully utilized by any single use that would promote the purpose of the Municipal Lands Zone, as described earlier in the 2012 Master Plan, or that of any other zone.

STUDY CONCLUSION AND RECOMMENDATIONS

The Study Area consists of a total of two tax lots – Lot 1.04 and 1.05 on Block 20. Evidence for multiple of the statutory criteria of Section 5 of the Local Redevelopment and Housing Law were found to exist on both of them. The landfill, although only in use from 1974 to 1985, acts as more of an impediment than an improvement to the site and poses environmental issues. The industrial tanks on the property are the only improvements and date back at least seventy to eighty years and have been abandoned and allowed to deteriorate, and do not currently possess any economic value. Lot 1.04, due to issues of discontinuance of use of the tanks, municipal land that is unimproved and vacant for over ten years, faulty land assemblage/configuration of the lots and lack of access, poor soil conditions and environmental degradation that might prevent the land from being developed by private capital, and it is a detriment to the health and safety of the surrounding areas, meets Criteria “b”, “c”, and “d”. Lot 1.05 meets Criteria “c” and “d” for reasons of unimproved, vacant municipal land, poor soil conditions and detriment to public health and safety due to its proximity to the landfill, and faulty land assemblage and lack of access with Lot 1.04 and the rest of the Borough.

Finally, as was described for the discussion of Block 5, Lots 1,2 and 3, the configuration of Lots within the Study Area with three private owners, the undersized nature of Lots 2 and 3 and the dependence of the privately owned marina on Lot 1 on Lots 4 and 6 for boat storage and launching cause an impediment to land assemblage. Therefore, we believe that Criterion “e” can be applied to the Study Area. Together, both lots have reached the point that they meet the conditions of Criteria “b”, “c”, “d”, and “e”.

Based on the above, we recommend that the entire Study Area qualify for designation as an Area In Need of Redevelopment and that a redevelopment plan be prepared that would advance the Borough’s ability to foster the assemblage of the block for redevelopment consistent with its Master Plan.

¹² South Toms River Master Plan, April 2012, John Leoncavallo, CLA, PP, page S-5

APPENDIX 1 – BOROUGH OF SOUTH TOMS RIVER LANDFILL, REPORT BY
MASER CONSULTING, OCTOBER 7, 2011



331 Newman Springs Road
Suite 203
Red Bank, NJ 07701
Tel: 732.383.1950 • Fax: 732.383.1984

October 7, 2011

Mayor Joseph Champagne, Jr. &
Borough Council Members
Borough of South Toms River
144 Mill Street
South Toms River, NJ 08757

Re: Borough of South Toms River Landfill
MC Project No. STB-007

Dear Mayor Champagne & Borough Council Members:

It is our understanding that the Borough of South Toms River desires to properly close and possibly develop the existing South Toms River Landfill.

In order to understand and gather information regarding the history of the landfill, we performed the following tasks:

1. Meeting held with the NJDEP Solid Waste Department personnel to discuss the landfill status. They confirmed that municipal landfills are not currently subject to administrative penalties and our dealing will be with the Solid Waste Bureau. NJDEP personnel suggested that we file for an OPRA request so we can review their files.
2. Maser Consulting P.A. submitted an OPRA request and was granted access to NJDEP files. Mr. Moustafa Gouda of our office reviewed the files and requested copies of important documents.
3. Maser Consulting also met with the staff of O'Donnell, Stanton & Associates, the former Borough Engineer to review their files. Several documents were copied.
4. Materials and documents received from NJDEP and O'Donnell, Stanton were reviewed by our staff.
5. Based on our review of existing documents, we were able to construct the history of the landfill, past activities and concluded the need for a course of action to bring the landfill in compliance and evaluate the method of landfill closure.

Landfill History

1. The application and engineering plans dated 1971 were submitted to NJDEP in 1974. The original plans of 1971 are included in this report as Appendix 1.
2. The landfill is about 15 acres. However, the first pit was about five (5) acres.



To: Mayor Joseph Champagne, Jr. & Borough Council Members
Re: South River Toms River Landfill
MC Project No. STB-007

October 7, 2011
Page 2 of 8

3. An inspection report dated September 28, 1979 indicted that filling the first five (5) acres was in progress; however, fill was mounded 5 to 10 feet higher than the surrounding areas.
4. In January 1979, the NJDEP issued a letter indicting that the engineering plans and operation plans prepared by the Borough engineer, Mr. Mackle, were not acceptable.
5. In March 1979, Mr. Mackle wrote to the NJDEP stating that the landfill is only used for domestic waste. No sludge, chemical or industrial waste was deposited in the landfill.
6. In March 1979, the NJDEP indicated that the original plan showed five (5) acres as landfill; however, new plans submitted by the Borough indicate that the landfill is over 15 acres. Since the landfill is within the Pinelands, the New Jersey Pinelands Commission must approve the plans first.
7. Mr. Mackle submitted a Public Need Exception Application to the Pinelands Commission in March 1979.
8. Pinelands deferred to the NJDEP for approval.
9. In July 1979, NJDEP approved the plans and allowed two (2) more years of operation, pending revision of the plans.
10. Final plans were submitted in December 1979. A letter from Mr. Mackle explaining the discrepancy in the plans between 1971 and 1979 is included in Appendix 2.
11. The NJDEP accepted submission of the plans as "Complete" in January 1980.
12. In February 1980, the NJDEP Solid Waste Department indicated that the site needs a CAFRA permit and requested that the NJDEP Bureau of Costal Enforcement issue the required permit.
13. The NJDEP Bureau of Costal Enforcement indicated that vertical expansion of an existing landfill does not require a CAFRA permit. Only horizontal expansion requires such permit.
14. The NJDEP Division of Water Resources issued a NJPDES #005610 on October, 1, 1985. The permit required the installation of four (4) groundwater monitoring wells. Sampling of ground water and analyzing of water from the wells was required to take



To: Mayor Joseph Champagne, Jr. & Borough Council Members
Re: South River Toms River Landfill
MC Project No. STB-007

October 7, 2011
Page 3 of 8

place every quarter. The permit was for three (3) years. A copy of the permit is in Appendix 3.

15. Survey of the landfill is stated to be based on top of Hydrant El. 44.45.
16. A survey of the landfill was performed on October 1, 1985. The NJDEP issued a memo on October 24, 1985. The landfill was surveyed to determine if the facility had any approved capacity remaining. **Elevations were established throughout the landfill and compared to the final contours, 42 feet and 44 feet in areas where the final elevations ranged from 40 to 42 feet.** Filling activity outside the limit of fill area has previously occurred along the southwestern portion of the site as well as northern most area of the site. The acreage covered by these overfills is approximately 2/3 of an acre. The only area where the landfill is below the final elevations was along the eastern end. An existing drainage swale is present. This swale ranged from elevation 34 feet to 36 feet. The final elevation for this was approximately 40 feet. The width of the swale was less than 20 feet wide. This swale was required to remain for drainage. A pit exists at the northeastern end of the landfill. This pit was more than 50% outside the limit of fill area. The bottom elevation was approximately 20 feet. Very little, if any solid waste could be deposited because of the proximity to the limit of fill area.
17. On November 14, 1985, the NJDEP requested a closure plan for the facility and ordered the Borough to cease disposal of more fill as of December 3, 1985. **In addition, specify in order that final cover shall consist of either twelve (12) inches of clay, or a geomembrane material having a minimum thickness of twenty (20) mils, or alternative materials (i.e., hydraulic asphalt, concrete, bentonite, soil cement or composite systems) which have a demonstrated hydraulic conductivity not to exceed 1.0×10^{-7} cm/sec.** An impermeable cap of clay or geomembrane material shall be constructed over a six (6) inch sand bedding material and shall be overlain by a six (6) inch or twelve (12) inch drainage layer of well drained sand for the clay cap or the geomembrane cap, respectively. The system shall be overlain by a minimum of twelve (12) inches of compacted soil of which the upper six (6) inches shall consist of top soil. In addition, the minimum required depth of eighteen (18) inches of soil above the impermeable cap may be increased to insure that the impermeable cap is situated below the average frost depth. The closure plan was also supposed to address the Methane gas issues in and around the landfill.
18. On January 24, 1986, the Borough attorney requested that the NJDEP grant an extension for closure plan submission.



To: Mayor Joseph Champagne, Jr. & Borough Council Members
Re: South River Toms River Landfill
MC Project No. STB-007

October 7, 2011
Page 4 of 8

19. The Borough wrote to the NJDEP on March 31, 1986 declaring that the landfill is officially closed.
20. On September 5, 1986, Mr. Mackle wrote to the NJDEP indicating that he is preparing a closure plan and specifications.
21. Four (4) monitoring wells were installed in 1985-1986. The Well Data Plan is enclosed with this letter in Appendix 4.
22. On Feb 29, 1988, NJDEP stated that a closure plan had not been submitted. A penalty was assessed in September 12, 1988.
23. **A pre-application meeting regarding a closure plan was held on October 12th, 1988. The NJDEP directed the Borough to monitor methane gas via explosimeter. If methane is within acceptable limits, that can eliminate the need for an expensive methane gas venting system. In addition, the NJDEP advised the Borough engineer that if ground water testing indicated that water is not contaminated, this will eliminate the need for an impervious cap as part of the landfill closure. The NJDEP requested a topographic map and soil borings in the proposed retention basin. Due to the importance of this meeting, we are including a copy of meeting minutes and Mr. Mackle's letter to the Borough dated February 28, 1989. A copy of this letter is attached with this Memo in Appendix No. 5.**
24. Test borings were performed in December 1989. Logs of these borings are included with this letter in Appendix 6.
25. The four (4) ground water monitoring wells testing performed in October, 1990 indicated that ground water had Manganese, Iron and Ammonia Nitrogen exceeding NJDEP's permit limits. **Based on available records, it appears that the ground water monitoring well sampling and analysis had ceased as of 1995.** The NJDEP complained several times about the lack of ground water monitoring. Current ground water conditions are unknown.
26. The NJPDES Permit expired in 1988; however, the Borough only submitted a request to renew the permit in October 1990. A plan showing water wells in the area and surface water as part of the renewal submission is included in Appendix 7.
27. It appears that the Borough retained O'Donnell Stanton as the Borough Engineer to replace Mr. Mackle. Mr. O'Donnell wrote a letter requesting information about the



To: Mayor Joseph Champagne, Jr. & Borough Council Members
Re: South River Toms River Landfill
MC Project No. STB-007

October 7, 2011
Page 5 of 8

landfill to assist with preparing plans for the landfill closure. O'Donnell's letter of February 22, 1991 is included in Appendix 8.

28. On August 19, 1991, O'Donnell submitted an estimate of the closure cost at about \$1,000,000. This value does not include cost of 30 years of maintenance of the landfill closure. A copy of the letter is included in Appendix 9.
29. **On November 16, 1992, O'Donnell Stanton submitted Scope of Services and engineers estimates for the landfill closure engineering and construction.** Per Mr. O'Donnell this scope was not authorized. A copy of the letter and Scope of services are enclosed in Appendix 10.
30. O'Donnell assumed that they can use the preliminary grading plan and a grading plan for the landfill closure prepared by Mr. Mackle dated October 11, 1989. A copy of these two plans is enclosed in Appendix 11. The plan was supposed to be accompanied by a stormwater management and drainage report. Maser Consulting did not find a copy of this report.

DISCUSSION

Based on review of the available information, it is apparent that the current ground water conditions and the current level of Methane gas along with the current contour map of the site are unknown. Site grades, ground water and level of methane gas level conditions will dramatically affect the cost of the Closure Plan.

Maser Consulting is recommending that this missing information be obtained first before we prepare a closure plan procedure and before we prepare a list of required documents for submission to the NJDEP.

Maser Consulting is recommending that Phase I of our work include the following:

1. Site Reconnaissance;
2. Prepare a current contour map of site;
3. Measurements of the levels of Methane gas in an around the landfill (if Methane Gas levels are below the lower Explosion Limits, we can eliminate the need for expensive methane gas venting system);
4. Activation of the existing wells which have not been sampled since 1995;



To: Mayor Joseph Champagne, Jr. & Borough Council Members
Re: South River Toms River Landfill
MC Project No. STB-007

October 7, 2011
Page 6 of 8

5. Perform one round of sampling and analysis of the ground water. If ground water meets the NJDEP cleanup standards, we can eliminate the need for an expensive impervious cap.
6. Prepare a summary report with recommendations for the scope and budget of Phase II to prepare and submit a Closure Plan.

SCOPE OF SERVICES

1. Site Reconnaissance

Maser recommends that a site reconnaissance be performed to check for potential gaps or compromises in the cover, locate potential leachate seeps, potential monitoring well protection issues and other potential issues that may be present at the site. Maser will provide a field team to walk the site and note potential environmental issues. Should leachate seeps be encountered, Maser will collect samples for laboratory analysis. We have included \$1,000 of laboratory analysis. We estimate that one (1) day will be required to conduct the site reconnaissance and collected leachate seep sampled (if encountered).

2. Topographic Survey

Maser Consulting will obtain an aerial survey of the site utilizing a new flight from an aerial survey company at a 1"=50' scale and will show contours at one-(1) foot intervals. This data will be used to prepare a topographic map of the site. Our services will include a 200-foot overlap beyond the subject lot. The horizontal and vertical control will be relative to NAD 1983 (NJPCS) and NAVD 1988.

Exclusions and Understanding

Services relating to the following items are not considered for the project or cannot be quantified at this time. Therefore, any service associated with the following items is specifically excluded from the scope of professional services within this agreement:

- Construction Stake-Out and/or additional field surveying information except as noted;
- Wetland delineation, reports, or surveys;
- Flood plain analysis and Flood Hazard Area Application;
- Tree Location Plan and/or survey;
- Utility Survey;
- Supplemental road or highway surveys; and
- Subdivision or Consolidation Plans, Legal Boundary Descriptions and/or Parcel Maps.



To: Mayor Joseph Champagne, Jr. & Borough Council Members
Re: South River Toms River Landfill
MC Project No. STB-007

October 7, 2011
Page 7 of 8

If an item listed herein, or otherwise not specifically mentioned within this agreement, is deemed necessary, Maser Consulting may prepare an addendum to this agreement for your review outlining the scope of additional services and associated professional fees with regard to the extra services.

3. Landfill Gas Investigation

Maser recommends that a landfill gas investigation be completed at the site to evaluate soil gas conditions. Maser Consulting will provide a field team to conduct the gas survey at the landfill. Slam bar probes will be completed at various locations around the perimeter and interior of the landfill. A GEM 2000 Plus Gas Analyzer designed for landfill gas investigations will be utilized for this task. The meter will detect the following parameters:

- Methane: 0 to 100%
- Carbon Dioxide: 0 to 100%
- Carbon Monoxide: parts per million
- Hydrogen Sulfide: parts per million
- Oxygen: 0 to 25%
- Differential pressure: 0 to 10" w.c.
- Static pressure: 0 to 100" w.c.

Logs of the field reading will be completed and included in the final report. We estimate that one (1) day will be required to conduct the landfill gas investigation.

4. Monitoring Well Redevelopment

Based on the information we have received on the project, there are four monitoring wells which are used to monitoring groundwater quality around the landfill. These wells have not been sampled since 1995. Therefore, we recommend that the wells be re-developed to remove sediment and clean-up the screened well intervals. This is needed because the wells have not been sampled and pumped for approximately 16 years. Maser will provide a field team to purge and surge block each well in an effort to remove sediment and clean the well screens. Our re-development field methods have proven to be an effective process for wells which have not seen activity (pumping or sampling) in over 10 years. Water pumped from the wells will be discharged directly to the ground and will not be containerized. We estimate that two (2) days will be required to properly redevelop the four existing monitoring wells.

5. Ground Water Sampling and Report

A minimum of two (2) weeks after the wells have been redeveloped, Maser Consulting will collect one round of representative groundwater samples from the four existing wells. The samples will be submitted to a New Jersey Certified Laboratory for analysis.



To: Mayor Joseph Champagne, Jr. & Borough Council Members
Re: South River Toms River Landfill
MC Project No. STB-007

October 7, 2011
Page 8 of 8

We have reviewed a copy of the September 11, 1991 submittal to the NJDEP for a list of parameters to be tested for each well. Based on that review, the following parameters will be analyzed: Copper, Iron, Lead, Selenium, Silver, Sodium & Zinc, Biological Oxygen Demand, Dissolved Chloride, Dissolved Chemical Oxygen Demand, Total Coliform, Color, MBAS, Dissolved Ammonia, Dissolved Nitrate, Odor, Phenols, Dissolved Sulfate, Total Dissolved Solids, Total Organic Carbon and Turbidity. We estimate that one day will be needed to sample the four (4) existing wells at the landfill.

Once the field work has been completed and all final laboratory reports have been received, Maser will prepare a letter report. The report will document the groundwater sampling event conducted at the subject site and contain summary analytical tables. Laboratory analytical results will be compared to the most recent NJDEP Ground Water Quality Criteria (GWQC). Groundwater quality and flow direction will also be discussed.

6. Phase I – Final Report

The result of Phase I will be summarized in a report which will include field test results along with scope and budget for Phase II.

Please review the above and enclosed at your convenience and advise us should you have any questions or desire additional information. We request your authorization prior to proceeding with the Scope of Services recommended for Phase I of the landfill closing.

Very truly yours,

MASER CONSULTING P.A.

Chris A. Theodos, P.E., P.P., CME
Borough Engineer

Moustafa A. Gouda, P.E., D.GE, F.ASCE
Director of Geotechnical/Environmental Services

MAG/sab
Attachments
cc: Elizabeth Silvestri, Borough Clerk
Guy Ryan, Esq., Borough Attorney

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RESOLUTION 2015-121

RESOLUTION OF THE BOROUGH OF SOUTH TOMS RIVER, COUNTY OF OCEAN, STATE OF NEW JERSEY, DESIGNATING THE ENTIRE AREA OF THE BOROUGH AS AN AREA IN NEED OF REHABILITATION PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 et seq.*

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”) authorizes municipalities to determine whether certain parcels of land in the municipality constitute “areas in need of rehabilitation,” as defined in the Redevelopment Law; and

WHEREAS, in accordance with the Redevelopment Law, the municipal council (“**Municipal Council**”) of the Borough of South Toms River (the “**Borough**”) has determined to investigate whether the entire area of the Borough (the “**Study Area**”) should be designated as an area in need of rehabilitation; and

WHEREAS, *N.J.S.A. 40:12A-14* provides that prior to the adoption of a resolution designating the Study Area as an area in need of rehabilitation (the “**Designation Resolution**”), the Municipal Council must first submit a copy of the Designation Resolution to the Borough Planning Board (the “**Planning Board**”) for review; and

WHEREAS, on April 13, 2015, the Municipal Council, acting by resolution, referred a copy of the Designation Resolution, substantively as written herein, to the Planning Board for review and comment pursuant to *N.J.S.A. 40A:12A-14*; and

WHEREAS, in accordance with the requirements of *N.J.S.A. 40A:12A-14*, the Borough Tax Assessor has determined that more than half of the housing stock in the Study Area is at least fifty (50) years old; and

WHEREAS, based on the findings of the Borough Tax Assessor, the Planning Board transmitted to the Municipal Council the recommendation that because more than half of the housing stock in the Study Area is at least fifty (50) years old, the statutory criteria as set forth in *N.J.S.A. 40A:12A-14* is satisfied and the Borough should designate the Study Area as an area in need of rehabilitation; and

WHEREAS, the Municipal Council believes that the designation of the Study Area as an area in need of rehabilitation is expected to prevent further deterioration and promote the overall development of the Borough in accordance with the requirements of *N.J.S.A. 40:12A-14*.

576412

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of South Toms River as follows:

Section 1. The Municipal Council hereby designates the Study Area (*i.e.* the entire area of the Borough) as an “area in need of rehabilitation” pursuant to the Redevelopment Law, which designation allows the Municipal Council to, among other things, grant tax exemptions pursuant to the Five Year Exemption and Abatement Law, *N.J.S.A. 40A:21-1 et seq.*, upon the adoption of an ordinance setting forth the eligibility requirements for various property structures.

Section 2. The Municipal Council hereby directs that the Borough Clerk transmit a copy of this Resolution to the Commissioner of the Department of Community of Affairs for review in accordance with the Redevelopment Law.

Section 3. This Resolution shall take effect in accordance with applicable law.

CERTIFICATION

I, Joseph Kostecki, Borough Clerk of the Borough of South Toms River, Ocean County, New Jersey, do hereby certify the foregoing to be a true and exact copy of the resolution which was adopted by the Municipal Council at a meeting held on the 27th day of April, 2015.


Joseph Kostecki, MPA, RMC, CMR
Municipal Clerk

576412

RESOLUTION 2015-175

RESOLUTION OF THE BOROUGH OF SOUTH TOMS RIVER, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE PLANNING BOARD TO INVESTIGATE WHETHER THE PROPERTIES COMMONLY KNOWN AS BLOCK 20, LOTS 1.04 AND 1.05 ON THE TAX MAP OF THE BOROUGH OF SOUTH TOMS RIVER, SHOULD BE DESIGNATED AS AN AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, et seq.

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, to determine whether certain parcels of land constitute an area in need of redevelopment, under the Redevelopment Law the municipal Council of the Borough of South Toms River (the “**Municipal Council**”) must authorize the Planning Board to conduct a preliminary investigation of the area and make recommendations to the Municipal Council; and

WHEREAS, the Municipal Council hereby requests that an investigation occur with respect to the land commonly known on its tax maps as Block 20, Lots 1.04 and 1.05, consisting of the Borough landfill and the adjacent vacant land, which together comprise approximately 28.8 acres (the “**Study Area**”), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically *N.J.S.A. 40A:12A-5*, and should be designated as an area in need of redevelopment; and

WHEREAS, if the Study Area is determined to meet the criteria for designation as an area in need of redevelopment, the Municipal Council further authorizes the Borough to use all of those powers provided under the Redevelopment Law for use in a redevelopment area, excluding the power of eminent domain (a “**Non-Condemnation Redevelopment Area**” as defined in the Redevelopment Law) pursuant to *N.J.S.A. 40A:12A-8(c)*; and

WHEREAS, the Municipal Council has determined that it is in the best interests of the Borough to direct the Planning Board to undertake a preliminary investigation of the Study Area pursuant to the procedures of the Redevelopment Law and provide its recommendations to the Municipal Council.

NOW THEREFORE BE IT RESOLVED, by the Municipal Council of the Borough of South Toms River, in the County of Ocean, New Jersey, as follows:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Planning Board is hereby authorized and directed to conduct an investigation pursuant to *N.J.S.A. 40A:12A-6* to determine whether the Study Area satisfies the criteria set forth in *N.J.S.A. 40A:12A-5* to be designated as an area in need of redevelopment, which designation would permit the Borough to utilize all of the redevelopment powers, excluding eminent domain (as defined in the Redevelopment Law, a Non-Condemnation Redevelopment Area).

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Section 3. As part of its investigation, the Planning Board shall prepare maps showing the boundaries of the Study Areas and the location of the parcels contained therein and appended thereto shall be a statement setting forth the basis of the investigation.

Section 4. The Planning Board shall conduct a public hearing in accordance with the Redevelopment Law, specifically *N.J.S.A. 40A:12A-6*, after giving due notice of the proposed boundary of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment. The notice of the hearing shall specifically state that the redevelopment area determination would not authorize the Borough to exercise the power of eminent domain to acquire any property in the delineated area, for the Study Area is being investigated as a possible Non-Condensation Redevelopment Area.

Section 5. At the public hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that a Study Area is a redevelopment area. All objections to a determination that a Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

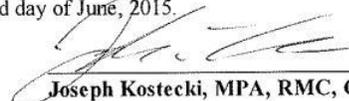
Section 6. After conducting its investigation, preparing a map of the Study Areas, and conducting a public hearing at which all objections to the designations are received and considered, the Planning Board shall make recommendations to the Municipal Council as to whether the Municipal Council should designate the Study Area as an area in need of redevelopment pursuant to the Redevelopment Law.

Section 7. The Mayor is further authorized to direct Maser Consulting, P.A. to undertake the redevelopment study for the Study Area for an amount not to exceed \$20,000.

Section 8. This resolution shall be effective in accordance with applicable law.

CERTIFICATION

I, Joseph Kostecki, Borough Clerk of the Borough of South Toms River, Ocean County, New Jersey, do hereby certify the foregoing to be a true and exact copy of the resolution which was adopted by the Municipal Council at a meeting held on the 22nd day of June, 2015.


Joseph Kostecki, MPA, RMC, CMR
Municipal Clerk

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ERS CONSULTANTS, INC.
11 Forester Avenue * Warwick, NY 10990
Tel # (845) 987-1775 * Fax # (845) 987-1788

July 16, 2012

Donna-Marie Stipo
DMS Consulting Services, Inc.
65 Ramapo Valley Road, Suite 4
Mahwah, New Jersey

**RE: Endangered Species Investigation – DPW Yard Site
South Toms River, Ocean County, New Jersey**

Dear Ms. Stipo,

As requested, ERS Consultants, Inc. performed an Endangered Species Investigation at the DPW Yard Site off Drake Lane, known as Bock 20, Lot 1.03 in the Borough of South Toms River, Ocean County, New Jersey. The investigation was conducted on June 19, 2012 within the proposed development site areas or study areas identified as Area B and Area C on your site map.

The State of New Jersey, Department of Environmental Protection Natural Heritage Program identified habitat and/or rare species of two reptiles within ¼ mile of the subject site. These species included corn snake (*Elaphe guttata guttata*) and northern pine snake (*Pituophis melanoleucus melanoleucus*). The corn snake is listed as a State Endangered species and the northern pine snake is a State Threatened species.

ERS CONSULTANTS, INC.

**11 Forester Avenue * Warwick, NY 10990 Tel # (845) 987-1775 * Fax # (845)
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The State of New Jersey, Department of Environmental Protection Natural Heritage Program identified habitat and/or rare species of two reptiles within 1/4 mile of the subject site. These species included corn snake (*Elaphe guttata guttata*) and northern pine snake (*Pituophis melanoleucus melanoleucus*). The Corn Snake is listed as a State Endangered species and the northern pine snake is a State Threatened species.

The study areas have been previously disturbed and appear to have been a dump site. Vegetation includes pitch pine (*Pinus rigida*) and black locust (*Robinia pseudoacacia*) in the overstory, red cedar (*Juniperus virginiana*) and cherry in the understory (*Prunus serotina*). The herbaceous layer consisted of panic grass (*Panicum lanuginosum*) and ragweed (*Ambrosia artemisiifolia*). Vines consisted of poison ivy (*Toxicodendron radicans*) and Virginia creeper (*Parthenocissus quinquefolia*). Vegetation is dense in each layer.

Soils within the study area consist of fill including sands, gravel, and small concrete and macadam materials. Due to the fill materials, dense vegetation and the type of previous disturbance within the study areas potential habitat for each snake species is minimal. Additionally, no corn or northern pine snakes were observed during thorough searches of the study areas conducted at mid-morning and early evening hours.

If you have any questions and/or need any additional information, please feel free to contact me at (845) 987-1775.

Sincerely,
ERS Consultants, Inc.



David Griggs
Senior Wildlife Biologist

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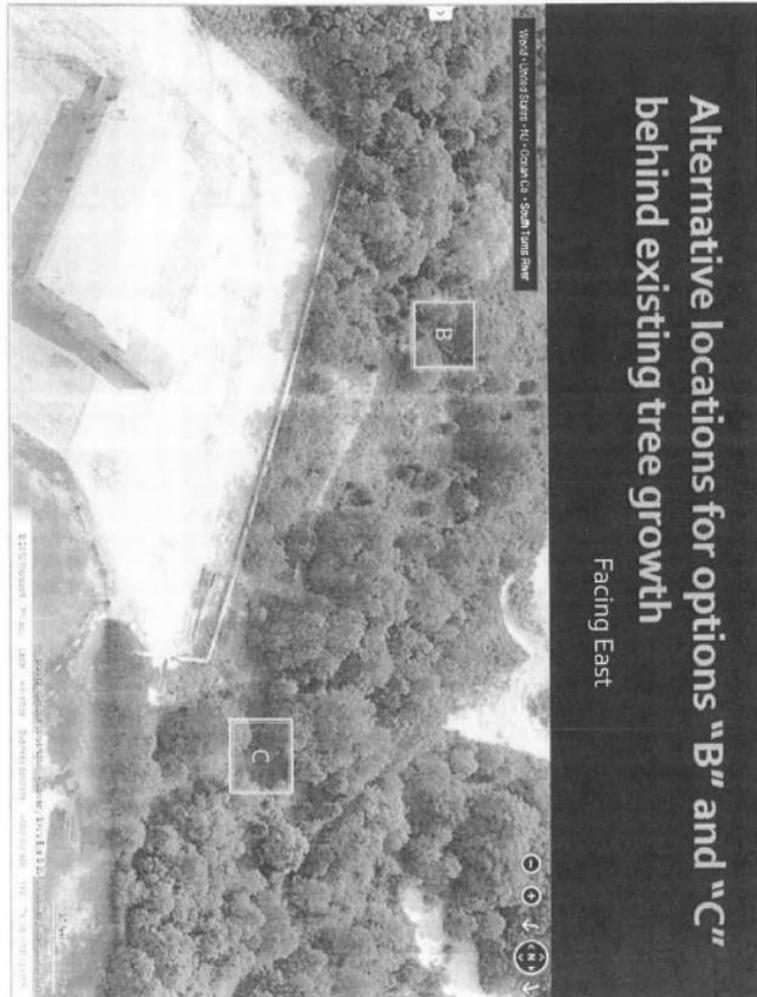
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Sincerely, ERS Consultants, Inc.

o, A 𐀀 𐀀 David Griggs Senior Wildlife Biologist



Alternative locations for options “B” and “C” behind existing tree growth

Facing East

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