

Non-Condensation

Area in Need of Redevelopment Study Preliminary Investigation Report

Block 62, Lots 30 and 31.01

Manchester Township, NJ



July 28, 2022



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The original document was appropriately signed and sealed in accordance with the Chapter 41 Title 13 of the State Board of Professional Planners.

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1: INTRODUCTION

Purpose of Study

This Area in Need of Redevelopment Determination Study has been prepared pursuant to Resolution 22-240, adopted by the Township Council of Manchester Township on May 23, 2022, which directed the Planning Board to undertake this preliminary investigation. A copy of this resolution can be found in Appendix A. Following which, the Township Planning Board authorized CME Associates to review and prepare the preliminary investigation report in accordance with the procedures set forth in the Local Redevelopment and Housing Law (LRHL), per resolution adopted July 5, 2022, found in Appendix B.

The subject area is made up of two properties identified on the tax maps of the Township of Manchester as Block 62, Lots 30 and 31.01. These two properties collectively will be referred to as the “Study Area.”

This analysis will investigate the aforementioned tax lots and determine if the Study Area meets the statutory criteria necessary to declare it as an “Area In Need of Redevelopment.” The authorizing resolution specifies the study should be conducted as a preliminary investigation analysis for a **Non-Condemnation** Area in Need of Redevelopment determination. The use of eminent domain by the Township to acquire any or all of the properties within the Study Area shall not be permitted.

This investigation serves to formally assess the Study Area in order to identify whether said area meets the statutory criteria of an Area in Need of Redevelopment, pursuant to N.J.S.A. 40A:12A-5, the New Jersey Local Redevelopment and Housing Law. A particular parcel or area qualifies for redevelopment if it meets any one of the eight statutory criteria (criteria a through h) that are listed in Section 5 of the LRHL. Additionally, a particular parcel can be included as part of the redevelopment area if it does not, on its own, meet one of the above mentioned criteria, if it is needed to effectuate redevelopment of an overall Study Area, per Section 3 of the LRHL. These criteria, and the degree to which the parcels within the Study Area meet these criteria, are outlined in detail within *Section 4: Application of Statutory Criteria* of this report. In the preparation of the study, the following records have been reviewed:

- Official Tax Maps of Manchester Township
- Tax and Building Records for the Study Area
- Aerial photos of the Study Area
- Ownership and sales information
- Manchester Township Master Plan Reexamination Report
- Relevant Redevelopment Studies and Plans
- Zoning Map and Ordinances of Manchester Township

CME conducted an on-site inspection of the property on July 15, 2022. This on-site inspection assessed the status of existing use of the properties, improvements, surrounding context, and configuration of the site including evidence of occupancy or lack thereof, and physical conditions using

a photographic inventory of the Study Area in support of the Area in Need of Redevelopment determination. Photographs of the Study Area are included in Appendix D.

Type of Designation

On September 6, 2013, Chapter 159 was signed into law, requiring that a municipality's decision to reserve the power of eminent domain shall be moved to the very beginning of the redevelopment process. This changes the process by requiring a municipal governing body to indicate whether it is seeking a "Non-Condemnation Redevelopment Area" or a "Condemnation Redevelopment Area" when asking the local planning board to investigate an area as being in need of redevelopment. The Township Council has decided to pursue a **Non-Condemnation** Area In Need of Redevelopment Study.

Redevelopment Process

The role of the Township Council and the Planning Board includes a multi-step process set forth in the redevelopment statute that must be observed by the municipal governing body and Planning Board in order to enable Manchester Township to lawfully exercise the powers which accrue as a result of the employment of redevelopment planning. This process is outlined below.

- The Governing Body (Township Council) must authorize the Planning Board, by resolution, to undertake an investigation of the delineated area to determine whether it meets the criteria in section 5 of P.L.1992, c.79 (C.40A:12A-5). This was accomplished through Resolution 22-240 on May 23, 2022. Additionally, the Governing Body must decide whether condemnation will be authorized in the redevelopment area. This report confirms this is a **Non-Condemnation** Redevelopment Area.
- 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 Township Council in the form of a Planning Board resolution for formal action.
- Upon receipt of the recommendation from the Planning Board, the Township Council may act to adopt a resolution designating the area in question, or any part thereof, as an area in need of redevelopment.
- Upon designation, the Planning Board or municipal entity is then required to prepare a Redevelopment Plan, which establishes the goals and objectives of the municipality and outlines the actions to be taken to accomplish these goals and objectives.
- The Redevelopment Plan, after review by the Planning Board for consistency with the municipal master plan, is referred to the Committee.
- Upon receipt of the Redevelopment Plan from the Planning Board, the Township Council may act to adopt the plan by ordinance. The adopted plan will become an amendment to the municipality's zoning district map and zoning ordinance. The amendment may be treated as an overlay that keeps existing zoning intact while offering a different development alternative or it may supersede the existing zoning entirely. Only after completion of this public process, is a municipality able to exercise the powers granted under the redevelopment statute.

2: STUDY AREA DELINEATION AND DESCRIPTION

Study Area Description

The Study Area consists of two contiguous properties, known as Block 62, Lots 30 and 31.01 on the tax maps of Manchester Township. The two properties are located in the northeast corner of the Township, near and along the Township’s border with Jackson Township to the north. The Study Area is located in the Pinelands portion of the Township. According to the Township Tax Maps and Ocean County property records, Lot 31.01 consists of 164.933 acres and Lot 30 consists of +/- 60 acres, for a total of 224.933 acres. The following chart provides the size and location of each parcel:

| Block | Lot | Area | Location | Current Use |
|-------|-------|---------------|---|-------------|
| 62 | 30 | +/- 60 acres | Volante Road (no frontage) | Vacant |
| | 31.01 | 164.933 acres | Secondary Access Road (Freemont Avenue) | Vacant |

Lot 30 has no frontage along any public right-of-way. According to the tax map, a roadway easement exists along the northeastern and northwestern boundaries of Lot 31.01. The “Deed of Easement for Access and Right-of-Way” (found in Appendix C), dated February 9, 2004, is related to Freemont Avenue, a private secondary access road which runs from South Hope Chapel Road in neighboring Jackson Township to the Renaissance at Manchester age-restricted development, and allows access to and from Renaissance during daytime hours. Manchester Township is responsible for snow removal and light maintenance of Freemont Avenue, per a Maintenance and Indemnification Agreement executed in March 2014.

Both lots were subject to a Builders’ Remedy Settlement Agreement known as Manchester Development Group, LLC, et al vs. Manchester Township for the Stavola Tract. The requirements of this Agreement were codified in the Township Zoning Article in May 2007 by Ordinance number 07-018. The requirements for the zone that emerged from the agreement and that the Study Area is subject to, the PED-1, are discussed in the “Land Use and Zoning” sub-section below.

The study area boundaries and individual lot lines are illustrated in the Study Area Aerial Map found in Appendix F. The Aerial Map is also provided in the following pages. It is noted that all Maps within this report are based on a revised shapefile from the Ocean County Department of Planning. This shapefile did not have accurate boundaries for Lot 31.01 (as indicated by the tax maps and subdivision plan), so the boundaries were modified to more accurately reflect the existing boundary; however, an accurate representation may be found on the Township Tax Map found in Appendix D and the subdivision plan found in Appendix E.

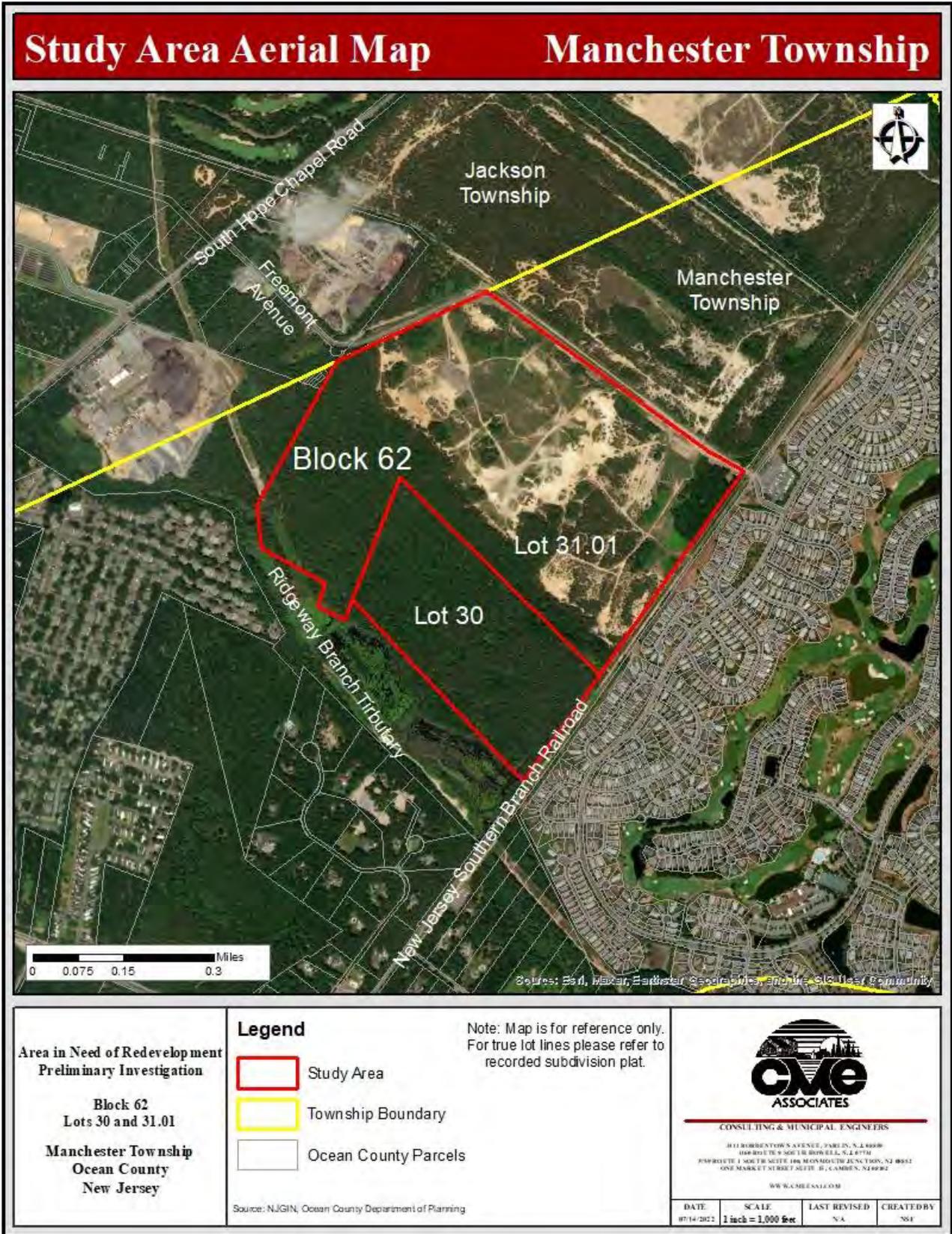
Both Lots 30 and 31.01 are listed as being vacant in the Ocean County property records. Both are owned by Stavola Construction Materials Incorporated, and Lot 31.01 was used by Stavola from the late 1970s until the mid-1990s for sand and gravel mining. Since these operations ceased, the site

has remained vacant, but it still shows the signs of having been used for mining, as seen in the Aerial Map. Historical aerial imagery from April 1995 (see Appendix do not show signs of the mining operation utilizing Lot 30. The western and southwestern areas of Lot 31.01 are heavily wooded and vegetated, as is the entirety of Lot 30. The Manchester Police Department has indicated that they have periodically received calls regarding ATV users trespassing on the site.

The surrounding land uses consist of industrial uses, vacant land, and single-family residential. Both lots are bordered to the southeast by a railroad owned and operated by New Jersey Southern Branch Consolidated Rail. Beyond the railroad is the Renaissance at Manchester age-restricted community of single-family homes. To the southwest is a tributary of the Ridgeway Branch of the Toms River. Lot 31.01 is bordered to the northeast by Freemont Avenue, beyond which is Lot 31.02 which is currently vacant land owned by Ocean County. To the northwest, along the nearby South Hope Chapel Road, are a recycling and asphalt plant, and to the west is a second asphalt plant.

A review of New Jersey Department of Environmental Protection (NJDEP) records and the NJ Geo-web database indicates several environmental constraints on the two properties, as shown in the Environmental Constraints map in the following pages (which is also provided in Appendix F). First, there are wetlands associated with the Ridgeway Branch tributary identified on both properties in their western reaches. The tributary is also responsible for the presence of small patches of Flood Zone A on Lot 31.01. Zone A, according to FEMA, are areas with a 1% chance of flooding annually, and a 26% chance of flooding over the life of a 30-year mortgage. The rest of the Study Area is located in Zone X: Area of Minimal Flood Hazard. Finally, the entirety of the Study Area is identified by the NJDEP Landscape Project as being either Rank 3 or Rank 4 habitat for specific species. The Rank 3 designation means that the land provides suitable area for some aspect of life for State-designated threatened species, while Rank 4 marks suitability for State-designated endangered species. The area of Lot 31.01 previously utilized for sand/gravel mining is identified as “occupied habitat” for the northern pine snake. The rest of the Study Area is identified as “occupied habitat” for the northern pine snake and the timber rattlesnake. There is also a small section of land corresponding with the northern-most wetlands on Lot 30 that is identified as being suitable foraging ground for the great blue heron.

Both parcels in the Study Area are located in sewer, electric, and gas service coverage areas.



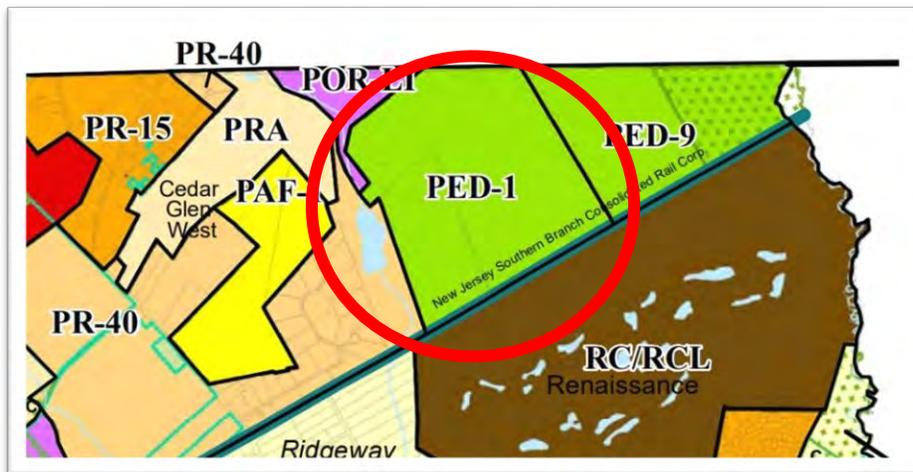


Land Use and Zoning

Both properties in the Study Area (Lots 30 and 31.01) are listed in the Ocean County property records as vacant. Lot 31.01 has previously been used by the current owner (Stavola Construction Materials, Inc.) as a sand and gravel mine. As noted above, the surrounding land uses consist of industrial uses, vacant land, and single-family residential. Both lots are bordered to the southeast by a railroad owned and operated by New Jersey Southern Branch Consolidated Rail. Beyond the railroad is the Renaissance at Manchester age-restricted community of single-family homes. To the southwest is a tributary of the Ridgeway Branch of the Toms River. Lot 31.01 is bordered to the northeast by Freemont Avenue, beyond which is Lot 31.02 which is currently vacant land owned by Ocean County. To the northwest, along the nearby South Hope Chapel Road, are a recycling and asphalt plant, and to the west is a second asphalt plant.

The Study Area is completely located within the PED-1 Zone, as indicated on the Township's zoning map. There is a discrepancy regarding the name of the zone between the zoning map and the Zoning Article: the map names the PED-1 zone as "Planned Environmental Development" while the Zoning Article names it as "Pinelands Environmental Development." The following image is a detail of the zoning map showing the approximate location of the Study Area. The image shows the Study Area located in the PED-1 district, and the surrounding areas zoned PED-9 Pinelands (or Planned) Environmental Development, POR-LI Pinelands Office, Research and Light Industrial, PR-40 Pinelands Single Family Residential, and RC/RCL Retirement Community/Residential Cluster. As the names imply, the PED-9, POR-LI, and PR-40 zones are all, like the Study Area, located in the Pinelands. In contrast, the RC/RCL zone is located in the non-Pinelands area of the Township.

The purpose of the PED zones is, per §245-33.V.(1) of the Zoning Article, "to permit low density residential development with a development option for a planned retirement community that required development to be located away from environmentally sensitive land...to designated development "receiving areas." The receiving areas mentioned are the PED-1 properties in the Study Area.



Per §245-33.V.(3)(a)(2) of the Zoning Article, the PED-1 zone permits single family housing at a density of one unit per 3.2 acres (or 0.313 units per acre). Development is required to be clustered on lots of one acre with a minimum lot width of 200 feet, and Pinelands must be acquired and redeemed at the rate of one right (0.25 credits) for every 3.33 non-income restricted units. A maximum of 350

detached single-family age-restricted units are permitted within the PED-1 zone, unless a developer agrees to and proposes the development of affordable housing units that conform to the requirements of a Builders' Remedy Settlement Agreement. In that case, the developer would be allowed to construct 350 age-restricted market-rate single family units and 35 age-restricted or non-age restricted affordable housing units, for a total of 385. Additionally, per the Zoning Article, the PED-1 zone is a receiving area for up to 250 detached single-family age-restricted units from the sending area located at Block 22501 Lots 1 and 2 in Jackson Township, to the north, thus increasing the maximum permitted number of dwellings to 600. An intermunicipal agreement between Manchester and Jackson Townships, along with additional requirements and restrictions, would be required to permit such a development.

Master Plan Perspective

The Township adopted a composite Master Plan in 2011 that incorporated various Elements that had been adopted at different times. That Master Plan was reexamined in 2014 and 2017. The 2014 and 2017 Re-Examinations do not suggest any changes to the Goals and Objectives identified in the 2011 composite Master Plan. The 2011 Master Plan identifies the following goals and objectives that are relevant to the Study Area and its possible redevelopment:

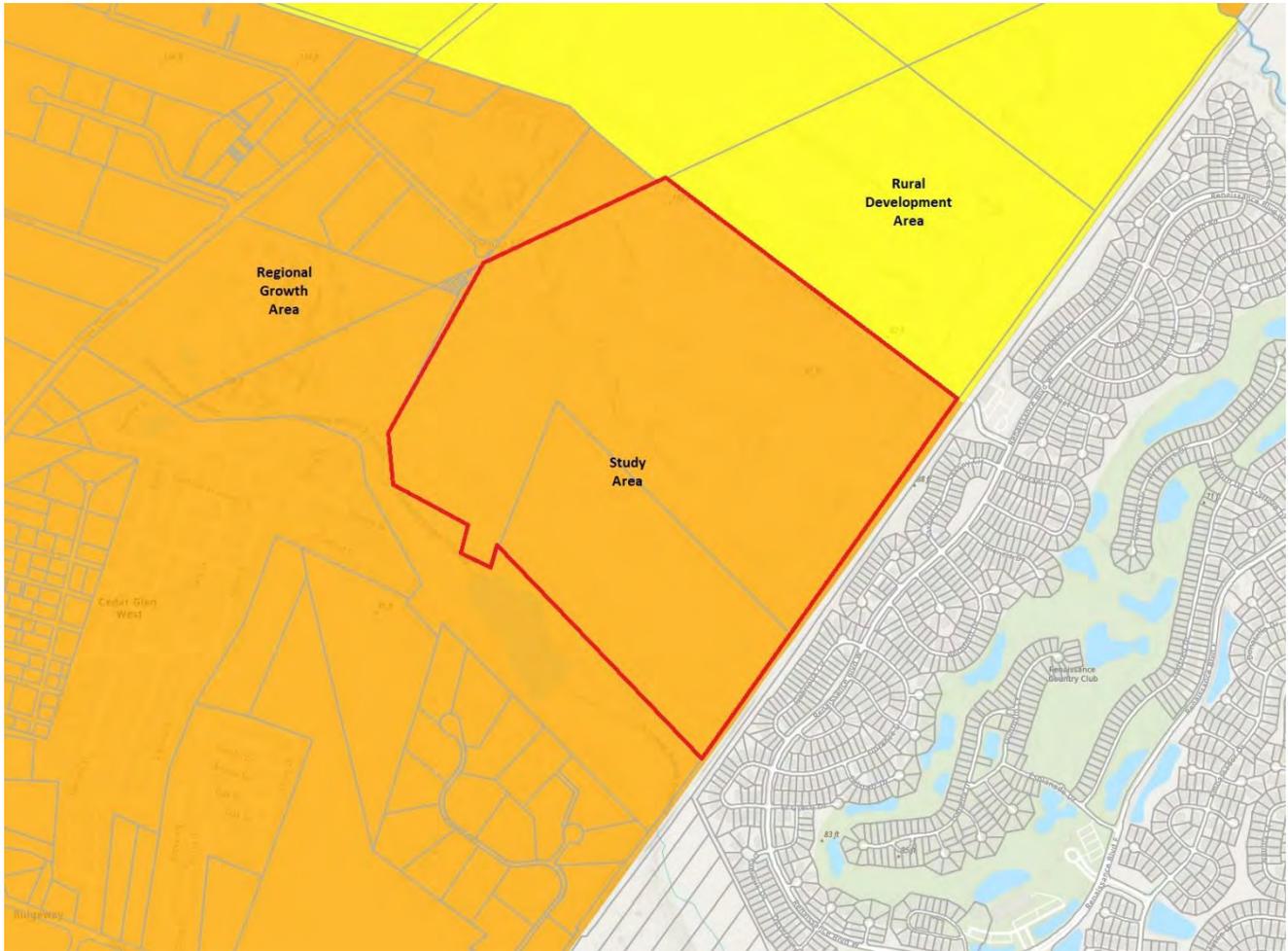
- To create a balanced and compatible arrangement of residential, commercial, office and industrial land uses.
- To permit future residential and non-residential growth in a coordinated and managed approach.
- To protect environmentally sensitive areas, such as wetlands and floodplains, and stream corridors.
- To preserve woodland and open space areas within the Pinelands National Reserve and CAFRA Areas.
- To continue to use practical and flexible development criteria, in order to protect existing open space, conserve the natural landscape, protect sensitive ecological areas and provide for development on a controlled and comprehensive basis.
- To provide for a variety of housing types and choices in the Master Plan and provide for Manchester's fair share of low and moderate income housing as set forth in the Housing Plan.
- To allocate proper areas of the remaining vacant land for future community facilities, including school sites, recreation and open space, fire and first aid stations and government functions based on current and future project population growth.

In addition to these overall Goals, the PED-1 and PED-9 zones are discussed in the 2011 composite Master Plan Land Use Element. No changes to these zones were recommended in either the 2014 or 2017 Master Plan Re-Examinations.

State Planning Area and Pinelands Management Area Classifications

The State Plan Policy Map classifies the Study Area and its surrounding areas in this section of Manchester Township as part of the Pinelands Area. The Pinelands Comprehensive Management Plan (PCMP) further divides the Pinelands into Management Areas, of which there are eight. According to the Pinelands Interactive Map published on the internet by the Pinelands Commission,

the entirety of the Study Area is located in the Regional Growth Area of the PCMP. A detail of the Interactive Map is provided below showing the Study Area and surrounding areas of Manchester Township and Jackson Township. The PCMP, per N.J.S.A. §7:50-5.13(g), defines the Regional Growth Area as “areas of existing growth or lands immediately adjacent thereto which are capable of accommodating regional growth influences while protecting the essential character and environment of the Pinelands”. At N.J.S.A. §7:50-5.28 the PCMP further stipulates that the total number of dwelling units permitted in Manchester Township is equal to 3.5 dwelling units per acre.



Pinelands Management Area Classifications

Pinelands Interactive Map, accessed July 16, 2022

3: STATUTORY CRITERIA

Under N.J.S.A. 40A: 12A-5, a delineated area may be declared in need of redevelopment if, after investigation, notice, and hearing, the governing body of the municipality, by resolution, concludes that within the delineated area any of the following conditions are 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 building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings, significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be un-tenantable.
- 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 property therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, 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, 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.
- 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 criteria, the redevelopment statute states:

“A redevelopment area may include lands, buildings, or improvements, which 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.”

This is known as “Section 3” of the redevelopment criteria.

4: APPLICATION OF STATUTORY CRITERIA

Overview

Based upon the site study, existing conditions, master plan goals and objectives, and Township land use regulations, we find that the Study Area meets the applicable statutory criteria for designation as an area in need of redevelopment.

Both lots have been reviewed individually, with its applicable criteria per N.J.S.A. 40A: 12A-5 noted. Photographs of the Study Area can be found in Appendix D.

Evaluation of Properties

Block 62, Lot 30

Location: Volante Road (no frontage)

Owner: Stavola Construction Materials, Inc.

Owner Address: P.O. Box 482, Red Bank, NJ 07701

Area: +/-60 acres

Description:

This property consists of +/-60 acres of vacant, undeveloped land, and it does not have frontage along a public road. The property is bordered to the southeast by the New Jersey Southern Branch Consolidated Rail, and to the northeast and northwest by Lot 31.01 (also in the Study Area). To the southwest the property is bordered by land surrounding the Ridgeway Branch tributary. Further to the southeast, beyond the railroad tracks, is the Renaissance at Manchester age-restricted community of single-family homes.

Review of FEMA's National Flood Hazard Layer reveals that the site is almost entirely located in Zone X: Area of Minimal Flood Hazard, with the exception of a small sliver of land in the far southern corner of the property. The site is encumbered with wetlands at this far southern corner and through a narrow corridor running north and then east from the tributary. The tax maps for Manchester Township do not indicate any easements on the property.

Aerial photographs indicate that the site has been in its current condition since the 1990s (see Appendix J).

There are no property/zoning code violations associated with this property on record within the last five years. Further, there are no site plan development applications associated with this property within the last 10 years.

Redevelopment Criteria: c

This lot meets criteria "c" of the LRHL. The property is vacant and undeveloped, and has remained so since at least the 1990s. As indicated, no development activity has taken place on this lot despite being located in developable area of the Pinelands (Regional Growth Area of PCMP and the PED-1 zone of Manchester Township). The lot has no frontage on a public right-of-way, and thus lacks a

means of access to developed sections or portions of the municipality. The lot is unlikely to be developed through the instrumentality of private capital alone.

Block 62, Lot 31.01

Location: Secondary Access Road (Freemont Avenue)

Owner: Stavola Construction Materials, Inc.

Owner Address: P.O. Box 482, Red Bank, NJ 07701

Area: 164.933 acres

Description:

This is a large, irregularly-shaped property of just under 165 acres in area. The other property in this study, Lot 30, is located to the southwest. The property is currently vacant, but was previously utilized by the owner as a sand and gravel quarry. Based on aerial imagery the property has remained undeveloped since the 1990s, which is when Stavola ceased mining operations on the site. The signs of this previous use are still evident in aerial photographs of the area and during the site visit. Both reveal the property has a mix of sand dunes, uneven topographical features, and wooded areas at varying levels of sparseness. During the site visit, trash and debris were observed at different locations throughout the site, as was evidence of recent vehicular activity (possibly ATVs or dirt bikes). According to a report prepared by Phillips Preiss Grygiel Leheny Hughes, LLC for a contract purchaser of the site, the surface of the property that was mined for sand and gravel “was lowered nearly to the groundwater table (as little as 3.5 feet below the surface)” (pg. 11). The report also notes that a site visit revealed “at least two gravel and asphalt milling stockpiles within the northern portion of the property” (pg. 11). The site is only accessible by Freemont Avenue, a private secondary access road that only intersects with South Hope Chapel Road to the north.

The property is encumbered with wetlands along most of its far western boundary with neighboring Lot 29, which encompasses the Ridgeway Branch tributary. Two small sections of the property in this area are also located in the Zone A flood zone, which according to FEMA indicates a 1% chance of flooding annually, and a 26% chance of flooding over the life of a 30-year mortgage. There are two easements on the property according to the Township Tax Map (see Appendix D): the access easement for the Renaissance development (see Appendix C) that has been discussed previously in this report and a right-of-way for J.C.P. & L. Co. in the far western corner of the property.

To the southeast of the property is the age-restricted single family residential development known as Renaissance at Manchester. There are no property/zoning code violations on record within the last five years associated with this particular property. However, the Manchester Police Department has indicated that they have periodically received calls regarding ATV users trespassing on the property. The current boundaries of the property were approved by the Planning Board and recorded by the Ocean County Clerk in January 2020 (see subdivision plat in Appendix E). On August 25, 1992 the Manchester Planning Board memorialized a Resolution granting preliminary and final site plan approval to Stavola Realty Company to construct a scale house on Block 62 Lot 31 (Resolution and associated documents may be found in Appendix G). From aerial images it appears that this scale house was located near the northeast corner of what is now Lot 31.01. On June 14, 1993 the Township Planning Board memorialized a Resolution approving a preliminary major subdivision approval which was related to the construction of a secondary access road for what was then known as the Leisure

Glen Development and would later become the Renaissance at Manchester (Resolution and associated documents may be found in Appendix H). The road, which became known as Freemont Avenue, was not completed until 2014.

Redevelopment Criteria: c

This lot meets criteria “c” of the LRHL. The property is currently vacant and undeveloped, and has remained so since at least the 1990s. As indicated, no development activity has taken place on this lot despite being located in developable area of the Pinelands (Regional Growth Area of PCMP and the PED-1 zone of Manchester Township). The lot only has frontage on Freemont Avenue (the “secondary access road”) which is not a public right-of-way and is specifically for use by those going to or from the Renaissance at Manchester development. Further, the site is characterized by an uneven landscape due to its history as a sand and gravel quarry. This previous use also lowered the ground level so that at some points on the property the surface is 3.5 feet from the water table. Because of these factors the lot is unlikely to be developed through the instrumentality of private capital alone.

5: STUDY CONCLUSION & RECOMMENDATIONS

It is our conclusion and recommendation that the subject sites be designated as a “Non-Condemnation Area in Need of Redevelopment,” under the criteria listed in the following table in accordance to the LHRL. In summary, the Study Area is unimproved vacant land, a large portion of which was previously utilized as a sand and gravel quarry. Despite the properties being the subject of a Builders’ Remedy Settlement Agreement and subsequently being zoned so that age-restricted homes could be built on them, no development, with the exception of the secondary access road to/from the Renaissance at Manchester project, has been undertaken. Neither of the lots has frontage on a public right-of-way, with Lot 30 having no frontage along any road. The secondary access road along the eastern border of Lot 31.01 is a private road, making its expansion for further development of the Study Area unlikely without assistance from public resources. The topography and nature of the soil, specifically its depth to the groundwater table, on Lot 31.01 make development on the property difficult. For these reasons, it is unlikely that development of the Study Area will occur with just the instrumentality of private capital.

| Property | | | Redevelopment Recommendation | |
|----------|-------|---|------------------------------|----------|
| Block | Lot | Address | Redevelopment Area | Criteria |
| 62 | 30 | Volante Road | +/- 60 acres | C |
| 62 | 31.01 | Secondary Access Road (Freemont Avenue) | 164.933 acres | C |

6: Appendices

Appendix A - Governing Body Resolution

#22-240

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, REFERRING TO THE MANCHESTER TOWNSHIP PLANNING BOARD FOR A DETERMINATION AS TO WHETHER BLOCK 62, LOTS 30 & 31.01 (VOLANTE ROAD & SECONDARY ACCESS ROAD) IS AN AREA IN NEED OF REHABILITATION IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12A-1 et seq

WHEREAS, the Township Council of the Township Manchester, County of Ocean, State of New Jersey (hereinafter referred to as the "Township") has been approached by the owners of Block 62, Lot 30 & 31.01, Manchester Township, Ocean County, New Jersey, (hereinafter referred to as the "Property") for a determination as to whether the Township finds the subject Property to be an area in need of Rehabilitation, and therefore the subject of a Redevelopment Plan and Redevelopment Agreement in accordance with the provision of N.J.S.A. 40A:12A-1 et seq; and

WHEREAS, the Township believes this issue should be first addressed by the Planning Board, so that the Planning Board can determine whether or not the Property is in need of redevelopment, without utilization of eminent domain powers, in accordance with the aforementioned Statute; and

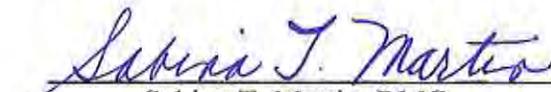
NOW, THEREFORE, BE IT RESOLVED, this 23rd day of May 2022, by the Township Council of the Township of Manchester, County of Ocean, State of New Jersey, as follows:

1. The Planning Board is hereby directed to determine whether the subject Property is in an area in need of redevelopment, in accordance with the provision of N.J.S.A. 40A:12A-1.
2. The Planning Board is authorized to undertake a public hearing in order to determine this issue, and thereafter report to the Township as to their findings and conclusions.
3. The Mayor, Township Clerk and Township Administrator are hereby authorized to execute the Escrow Agreement, a true copy of which is on file at the Office of the Township Clerk and can reviewed during normal business hours, as well as any other documents to implement the intent of this Resolution.
4. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

- (a) Honorable Robert Hudak, Mayor;
- (b) Brandon Umba, Business Administrator;
- (d) Gregory Hock, Esquire, Attorney for Planning Board
- (e) John Paul Doyle, Esquire, Attorney for Property Owner
- (f) Robert Mullin, PE, Township Engineer
- (g) Al Yodakis, PE, PP; and
- (f) Jerry J. Dasti, Esquire

CERTIFICATION

I, Sabina T. Martin, Clerk of the Township of Manchester, County of Ocean, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Council on the 23rd day of May 2022.


Sabina T. Martin, RMC
Municipal Clerk

Appendix B - Planning Board Resolution

RESOLUTION OF THE MANCHESTER TOWNSHIP PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE IF THE PROPERTY SHOWN AS BLOCK 62; LOTS 30 & 31.01 IS AN AREA IN NEED OF REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A-6

WHEREAS, the Township Council of the Township of Manchester was approached by potential redeveloper, Active Acquisitions, LLC with a plan for redevelopment of the property identified on the official tax map of the Township of Manchester as Block 62, Lots 30 & 31.01, commonly known as Volante Road and Secondary Access Road (“property”); and

WHEREAS, the Township Council is desirous of determining whether the Property is an area in need of redevelopment; and,

WHEREAS, prior to making such determination, the governing body must authorize the Planning Board to undertake a preliminary investigation to determine whether the property meets the criteria of an area in need of redevelopment as set forth in N.J.S.A. 40A:12-5; and,

WHEREAS, the Township Council of the Township of Manchester adopted Resolution #22-259 on June 13, 2022 authorizing and directing the Planning Board to undertake a preliminary investigation to determine whether the property is “an area in need of redevelopment” pursuant to N.J.S.A. 40A:12A-6 of the Local Redevelopment and Housing Law; and

WHEREAS, the Planning Board understands that any designation of the property for redevelopment shall only be as a “Non-Condensation Redevelopment Area” under N.J.S.A. 40A:12A-6; and

WHEREAS, to assist the Board with its investigation, the Planning Board has determined to direct Special Projects Board Planners, CME Associates, to prepare and submit to the Board a map of the properties being studied and a report as to their findings upon an analysis of the applicable statutory criteria; and

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Manchester that it authorizes and directs CME Associates, to undertake inspections of the property shown on the municipal tax map as Block 62 Lots 30 & 31.01 and to submit to the Board a map of said area and a report of their findings as to the conditions within the delineated areas with reference to the provisions of N.J.S.A. 40A:12A-5 of the Local Redevelopment and Housing Law; and

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Secretary of the Planning Board to be a true copy be forwarded to:

- a. Hon. Robert Hudak, Mayor
- b. Sabina T. Martin, RMC, CMR, CPM, Township Clerk

- c. Brandon Umba, Business Administrator
- d. Gregory J. Hock, Esq., Planning Board Attorney
- e. Jerry J. Dasti, Esq.
- f. Malvika Apte, PP, AICP, CME Associates.
- g. Robert Mullin, PE, PP, CME, CPWM, Planning Board Engineer
- h. Pasquale Popolizio, Township Zoning Officer
- i. John Paul Doyle, Esq., Attorney for Property Owner

Moved By: Frank Stavalo

Seconded By: Felicia Finn

ROLL CALL VOTE

Those in Favor: Chairman William Barron, Felicia Finn, Rory Wells, William Foor, James Teague, Frank Stavalo

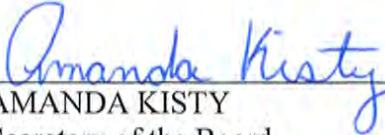
Those Opposed: None

Those Absent: Timothy Poss, Todd Luttmann

Those Not Voting: Michele Zolezi

CERTIFICATION

I hereby certify that the foregoing is a true copy of a Resolution duly adopted by The Manchester Township Planning Board at its regular meeting on July 5, 2022 in the Manchester Township Municipal Building.


AMANDA KISTY
Secretary of the Board

Appendix C – Deed of Easement for Access and Right-of-Way



2nd Access Rd
Draft #2
01/2608/03

Prepared by:

| | |
|---------------------|---------------|
| COUNTY OF OCEAN | less than 100 |
| CONSIDERATION | |
| REALTY TRANSFER FEE | exempt |
| DATE | 2/20/04 DC |

JOHN R. HALLERAN, ESQ.

DEED OF EASEMENT FOR ACCESS AND RIGHT-OF-WAY

THIS INDENTURE, made the 1st day of February, 2004;

BY AND BETWEEN:

STAVOLA CONSTRUCTION MATERIALS, INC., a New Jersey corporation, with offices located at 175 Drift Road, Tinton Falls, New Jersey 07724

(hereinafter referred to as "**Grantor**")

AND:

STAVOLA REALTY COMPANY, a New Jersey General Partnership, with offices located at 175 Drift Road, Tinton Falls, New Jersey 07724 ("**Stavola**"), **CENTEX HOMES, L.L.C.**, formerly known as CALTON HOMES, INC., with offices located at 500 Craig Road, Manalapan, New Jersey 07726 ("**Centex**"), **RENAISSANCE HOMEOWNERS ASSOCIATION, INC.**, a New Jersey non-profit membership corporation with offices located at 500 Craig Road, Manalapan, New Jersey 07726 ("**HOA**") and **TOWNSHIP OF MANCHESTER**, in the County of Ocean, a municipal corporation with offices located at 1 Colonial Drive in the Township of Manchester, Ocean County, New Jersey (the "**Township**" and collectively with Stavola, Centex and HOA, the "**Grantees**")

WHEREAS, Stavola is an affiliate of Grantor and the owner-developer of a planned retirement community project known as "**Renaissance**" which was originally planned for 2,300 residential dwelling units ("**Dwelling Units**"), and is currently under development on what was originally designated as Lot 1 in Block 61 on the Official Tax Map of the Township of Manchester (the "**Township**"), situated east of Wilbur Avenue, and bounded (i) on the north by the Conrail Railroad right-of-way (the "**Conrail ROW**"), (ii) on the south by the Holly Oaks residential development, and (iii) on the east by the North Branch of the Toms River (the "**Renaissance PRC**"), having its main entrance running west from Wilbur Avenue to a controlled intersection at County Route #571; and

WHEREAS, Centex is the contract purchaser of improved lots in Renaissance PRC on which Centex constructs, markets and sells retirement homes to third-party purchasers and which is governed by HOA; and

⑧ / Diordano
110. chg 1063

WHEREAS, the development approvals for Renaissance PRC obtained by Stavola from the Township have consistently required that, upon completion and sale of 1,500 dwelling units in Renaissance PRC (the "**2nd Rd. Condition**"), Stavola must construct and complete a secondary access road from the northerly boundary of the Renaissance PRC across the Conrail ROW north to County Road #547 (the "**2nd Access Rd.**"); and

WHEREAS, Grantor is the owner of (i) Lots 30, 31 & 32 in Block 62 in the Township which are situated north of and adjacent to Renaissance PRC (the "**Grantor's Manchester Property**") separated only by the Conrail ROW, and (ii) Lot 28 in Block 54 in the Township of Jackson which is adjacent to the Grantor's Manchester Property and fronts on County Road #547 (collectively with the Grantor's Manchester Property, the "**Grantor's Lands**"), thereby providing unbroken title, access and control over the entire route of the 2nd Access Rd. from the Conrail ROW to County Road #547; and

WHEREAS, there is an existing road traversing the Grantor's Lands running from the southerly terminus of Freemont Avenue in the Township of Jackson south through the Grantor's Lands to an existing crossing over the Conrail ROW at Milepost 62.67 (the "**Conrail Crossing**") and into Renaissance PRC which road is more particularly described on **EXHIBIT "A"** annexed hereto and has been used by Stavola, Centex and their respective sub-contractors as the construction entrance to Renaissance PRC (the "**Construction Road**"); and

WHEREAS, Stavola intends to (i) improve the Construction Road along its entire length from the Conrail Crossing to the existing paved portion of Freemont Avenue in the Township of Jackson (the "**Stavola Improvements**") as shown on the plans described on **EXHIBIT "B"** (the "**2nd Rd. Plans**"), and (ii) pay all of the amounts necessary for Consolidated Rail Corporation ("**Conrail**") to improve the Conrail Crossing pursuant to the License Agreement For Private Crossing among Stavola, New Jersey Transit and Conrail dated January 28, 2004, a true copy of which is annexed hereto as **EXHIBIT "C"** (the "**Conrail Crossing Agreement**"); and

WHEREAS, on September 2, 2003, the Planning Board of the Township of Manchester ("**Planning Bd.**") approved an application by Stavola for amended preliminary and final subdivision approval of Section 2D of Renaissance PRC in which the Planning Bd. approved the use of the Construction Road as the 2nd Access Rd. upon conditions set forth in said resolution (a copy of which is annexed hereto as **EXHIBIT "D"** [the "**1st §2D Resolution**"]) and completion of the Stavola Improvements; and

WHEREAS, on January 5, 2004, the Planning Bd. approved an application by Stavola for an amendment to certain conditions contained in the 1st §2D Resolution pertaining to the time period in which the Stavola Improvements are to be completed (a copy of which resolution is annexed hereto as **EXHIBIT "E"** [the "**Amending §2D Resolution**" and, collectively with the 1st §2D Resolution, the "**§2D Resolutions**"]) each of the 2D Resolutions containing various conditions to be satisfied by Stavola (the "**Approved Conditions**"); and;

WHEREAS, upon the completion of Stavola Improvements and Conrail's improvements to the Conrail Crossing pursuant to the Conrail Crossing Agreement (the "**Crossing Improvements**"), Grantor and Stavola intend the Construction Road to serve, and do hereby dedicate the Construction Road as, the 2nd Access Rd. to satisfy one of the Approved Conditions (the "**2nd Access Rd.**").

NOW, THEREFORE, Grantor, in consideration of LESS THAN ONE HUNDRED AND 00/100 (\$100.00) DOLLARS, the receipt of which is hereby acknowledged, and the covenants and conditions herein contained, does hereby give, grant and convey unto Grantees individually and collectively, and their successors and assigns forever, but at all times subject to the conditions hereinafter set forth, a permanent non-exclusive easement in, and free uninterrupted and unobstructed right-of-way across, the 2nd Access Rd. (the "**Permanent Easement**") as set forth in this Deed of Easement For Access And Right-Of-Way (this "**Deed of Easement**").

The Permanent Easement is herewith granted to permit all Grantees other than the Township, and their respective agents, servants, contractors, sub-contractors, invitees, guests and residents of the Renaissance PRC, and its and their respective assigns, to enter in and upon the Permanent Easement in vehicles at any and all times (other than as may be limited by the Conditions hereinafter set forth in this Deed of Easement), for the purposes of (a) access to and egress from Renaissance PRC; (b) subject to Stavola's obligations as herein provided or as may be otherwise provided by written agreement among Stavola, Grantor and the HOA (but in the event of Stavola's default thereunder), constructing, installing, operating, maintaining, repairing, renewing or replacing the 2nd Access Rd., and (c) doing anything reasonably necessary for the enjoyment of the Permanent Easement herein granted, subject to the terms and conditions of this Deed of Easement. The Permanent Easement is herewith granted to the Township to permit Township police, fire, first aid and all other emergency and government personnel to enter in and upon the Permanent Easement in vehicles at any and all times for the purpose of access to and egress from Renaissance PRC in order to perform any and all governmental functions, services and obligations (the "**Tp. Services**").

All of the Approved Conditions imposed upon Stavola in the §2D Resolutions are incorporated herein by reference.

All of the terms and conditions imposed upon the Grantees by the Conrail Crossing Agreement are incorporated herein by reference and shall give and control the use of the Conrail Crossing (the "**CCA Conditions**").

The use of the 2nd Access Rd. is intended to be, and is hereby, limited to operating hours commencing at dawn and terminating at dusk (except for Tp. Services of an emergent nature) with specific hours to be initially established by Grantor until such time as the construction and sale of Dwelling Units in Renaissance PRC has been completed and the HOA has been vested with full governmental control and authority over Renaissance PRC, whereupon specific hours of operation shall be regulated by HOA, subject to any approvals necessary from the Township or Conrail (the "**Assn. Takeover**").

Stavola shall complete all Stavola Improvements to the 2nd Access Rd. (other than the Crossing Improvements) within the time specified in the Amending §2D Resolution (the "**Completion Date**"). Stavola shall undertake all construction and maintenance for which it is responsible required to perform under this Deed of Easement and pursuant to the §2D Resolutions, Approved Conditions and CCA Conditions, in a good and workmanlike manner, in accordance with all applicable governmental requirements and in accordance with the terms of the 2nd Rd. Plans, and subject at all times to the inspection and approval of the Township Engineer.

It is understood and agreed as part of the consideration for this Permanent Easement, Grantees' acknowledgment of, and agreement to which is evidenced by (i) Stavola through its execution of this Deed of Easement, and (i) the other Grantees by the recordation of this Deed of Easement in the Ocean County Clerk's Office ("***This Recordation***"), that Grantees shall use the 2nd Access Rd. so as in no way to hinder or prevent the permanent, use and enjoyment by Grantor, its successors and assigns of the roads, paths, walkways, buildings and other improvements which may hereafter be completed by Grantor, its successors and assigns, as part of the development of the Grantor's Lands.

The Permanent Easement and all rights granted hereunder to Grantees are expressly subject to the following restrictions imposed by, and rights reserved unto, Grantor, the acceptance of which are evidenced by This Recordation:

1. **Relocation.** Subject to applicable governmental approvals and all development approvals which may be required by applicable provisions of the Land Use Regulations of the Township, Stavola shall have the right to relocate all or portions of the Permanent Easement at Grantor's sole cost and expense and upon the condition that (a) such relocation will be undertaken in a manner which guarantees continuing and uninterrupted access to, and egress from, Renaissance PRC, (b) the completion of such relocation will be assured through performance guarantees in such forms and amounts as the Planning Bd. and Township Engineer shall determine, and (c) such relocation preserves the security and integrity of Renaissance PRC.
2. **Liability Insurance.** From the date hereof until the earlier of (i) the date upon which the underlying fee of Grantor's Lands is sold and conveyed to a third party purchaser, (ii) the Assn. Takeover, or (iii) as may otherwise be provided by written agreement among Stavola, Grantor and the HOA, when under any such event the HOA shall undertake all responsibilities for maintenance, repair and insurance coverage of the Permanent Easement, Grantor shall maintain insurance coverage, and shall provide Grantee with certificates of insurance naming, Grantees as additional insureds and confirm insurance coverage on the Permanent Easement for policy or policies of Comprehensive Public Liability Insurance with broad form contractual and personal injury liability endorsements with respect to the Permanent Easement, in which insurance both Grantees and Grantor shall be adequately covered under limits of liability in such amounts as specified under the Conrail Crossing Agreement.
3. **Permits; Compliance with Regulations.** At all times from and after the date of this Deed of Easement, Stavola shall obtain at its cost and expense, and provide true and complete copies to Grantees of, all permits, approvals and licenses required by any applicable statute, ordinance or regulation as a condition to the construction, installation, operation and maintenance of the 2nd Access Rd. At all times from and after the date of this Deed of Easement, Stavola shall comply with all applicable laws, ordinances, rules and regulations having applicability to Grantee's use and enjoyment of the Permanent Easement and the rights granted hereunder.
4. **No Hazardous Substances.** Neither Grantor nor any Grantee shall use the Permanent Easement nor any portion thereof to generate, manufacture, refine, transport, treat, store, handle or dispose of any hazardous substances or wastes as defined in any Federal, state, county, municipal or other governmental law, ordinance, rule, regulation, requirement and/or directive pertaining to the environment including, but not limited to, the New Jersey Spill Compensation and Control Act (N.J.S.A. 58:10-23.11 *et seq.*); the Worker and Community Right To Know Act

(N.J.S.A. 58:10A – 1 *et seq.*); the Resource Conservation and Recovery Act of 196 (42 U.S.C. Section 6901 *et seq.*); and the Industrial Site Recovery Act (N.J.S.A. 13:1K-6 *et seq.*).

5. ***Indemnification.*** Until the occurrence of the Assn. Takeover, or as may otherwise provided by written agreement among Stavola, Grantor and the HOA, Stavola shall, at Stavola's sole cost and expense, repair, maintain and replace all improvements on the Permanent Easement in a good and workmanlike manner. In the event that Stavola fails to repair, maintain or replace any improvements on the Permanent Easement (except for the Conrail Crossing) within thirty (30) days following written notice from any Grantee that such work is necessary, or in the event of an emergency condition requiring immediate repairs to, or replacements of, any of the Permanent Easement (except for the Conrail Crossing), any Grantee shall have the right, but not the obligation, to enter onto the Permanent Easement and conduct such work, and Stavola shall reimburse such Grantee for the reasonable cost of such work within thirty (30) days after receiving such Grantee's invoice therefor.

(Items #1 through #5, together with the §2D Conditions and CCA Conditions are collectively referred to throughout this Deed of Easement as the "Conditions").

Grantor does hereby covenant with Grantees that it is lawfully seized and possessed of the real estate above described; that it has a good and lawful right to convey it, or any part thereof; and the Grantor covenants that it has not done or executed, or knowingly suffered to be done or executed, any act, deed or thing whatsoever whereby or by means whereof the Construction Road conveyed herein, or any part thereof, now are or at any time hereafter, will or may be charged or encumbered in any manner or way whatsoever.

The Permanent Easement granted herein shall run with the land in perpetuity and shall bind and inure to the benefit of the Parties hereto, their successors and assigns.

IN WITNESS WHEREOF, the Grantor and Stavola have hereunto caused these presents to be signed and attested by their authorized officers the day and year first above written.

ATTEST:

STAVOLA CONSTRUCTION MATERIALS, INC.


JOSEPH C. STAVOLA, III
Assistant Secretary

By: 
JOHN W. STAVOLA, JR., *President*

ATTEST:

STAVOLA REALTY COMPANY
BY: **STAVOLA CONSTRUCTION MATERIALS, INC.**
(Authorized Partner)


JOSEPH C. STAVOLA, III,
Assistant Secretary

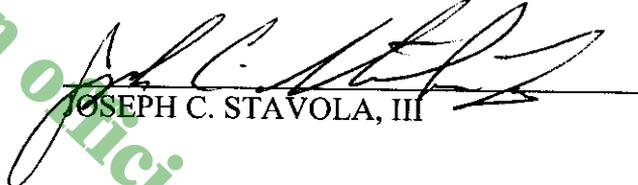
By: 
JOHN W. STAVOLA, JR., *President*

STATE OF NEW JERSEY :
: SS.
COUNTY OF MONMOUTH:

BE IT REMEMBERED, that on this 9th day of February, 2004, before me, the subscriber, personally appeared JOSEPH C. STAVOLA III, who, being by me duly sworn on his oath, deposes and makes proof to my satisfaction, that he is the Treasurer of Stavola Construction Materials, Inc., the Authorized Partner of STAVOLA CONSTRUCTION MATERIALS, INC., the Partnership named in the within Instrument; that JOHN W. STAVOLA, JR. is the President of said Authorized Partner; that the execution as well as the making of this Instrument, has been duly authorized by a proper resolution of the Board of Directors of the said Authorized Partner; that deponent well knows the corporate seal of said Authorized Partner; and that the seal affixed to said Instrument is the proper corporate seal and was thereto affixed and said Instrument signed and delivered by said President as and for the voluntary act and deed of said Authorized Partner, in presence of deponent, who thereupon subscribed his name thereto as attesting witness and that the full and actual consideration paid or to be paid for the transfer of title to realty evidenced by the within deed, as such consideration is defined in P.L. 1968, c.49, Sec.1(c), is less than <\$100.00.

Sworn to and subscribed
before me the date aforesaid


RUTH A. JANKOWSKI
Notary Public of the State of New Jersey

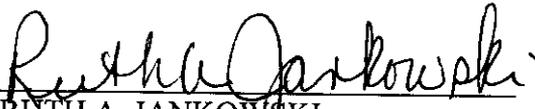

JOSEPH C. STAVOLA, III

RUTH A. JANKOWSKI
A Notary Public of New Jersey
My Commission Expires March 11, 2008

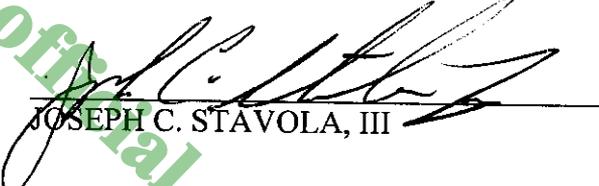
STATE OF NEW JERSEY :
: SS.
COUNTY OF MONMOUTH:

BE IT REMEMBERED, that on this 9th day of February, 2004, before me, the subscriber, personally appeared JOSEPH C. STAVOLA III, who, being by me duly sworn on his oath, deposes and makes proof to my satisfaction, that he is the Treasurer of Stavola Construction Materials, Inc., the Authorized Partner of STAVOLA REALTY COMPANY, the Partnership named in the within Instrument; that JOHN W. STAVOLA, JR. is the President of said Authorized Partner; that the execution as well as the making of this Instrument, has been duly authorized by a proper resolution of the Board of Directors of the said Authorized Partner; that deponent well knows the corporate seal of said Authorized Partner; and that the seal affixed to said Instrument is the proper corporate seal and was thereto affixed and said Instrument signed and delivered by said President as and for the voluntary act and deed of said Authorized Partner, in presence of deponent, who thereupon subscribed his name thereto as attesting witness and that the full and actual consideration paid or to be paid for the transfer of title to realty evidenced by the within deed, as such consideration is defined in P.L. 1968, c.49, Sec.1(c), is less than <\$100.00.

Sworn to and subscribed
before me the date aforesaid


RUTH A. JANKOWSKI
Notary Public of the State of New Jersey

RUTH A. JANKOWSKI
A Notary Public of New Jersey
My Commission Expires March 11, 2008


JOSEPH C. STAVOLA, III

DEED OF EASEMENT FOR ACCESS AND RIGHT-OF-WAY

STAVOLA CONSTRUCTION MATERIALS, INC.
a New Jersey corporation ("Grantor")

AND:

STAVOLA REALTY COMPANY, a New Jersey general partnership,
CENTEX HOMES, L.L.C., a limited liability company of the New Jersey,
RENAISSANCE HOMEOWNERS ASSOCIATES, INC., a New Jersey
non-profit membership corporation, and **TOWNSHIP OF MANCHESTER**,
a municipal corporation ("Grantees")

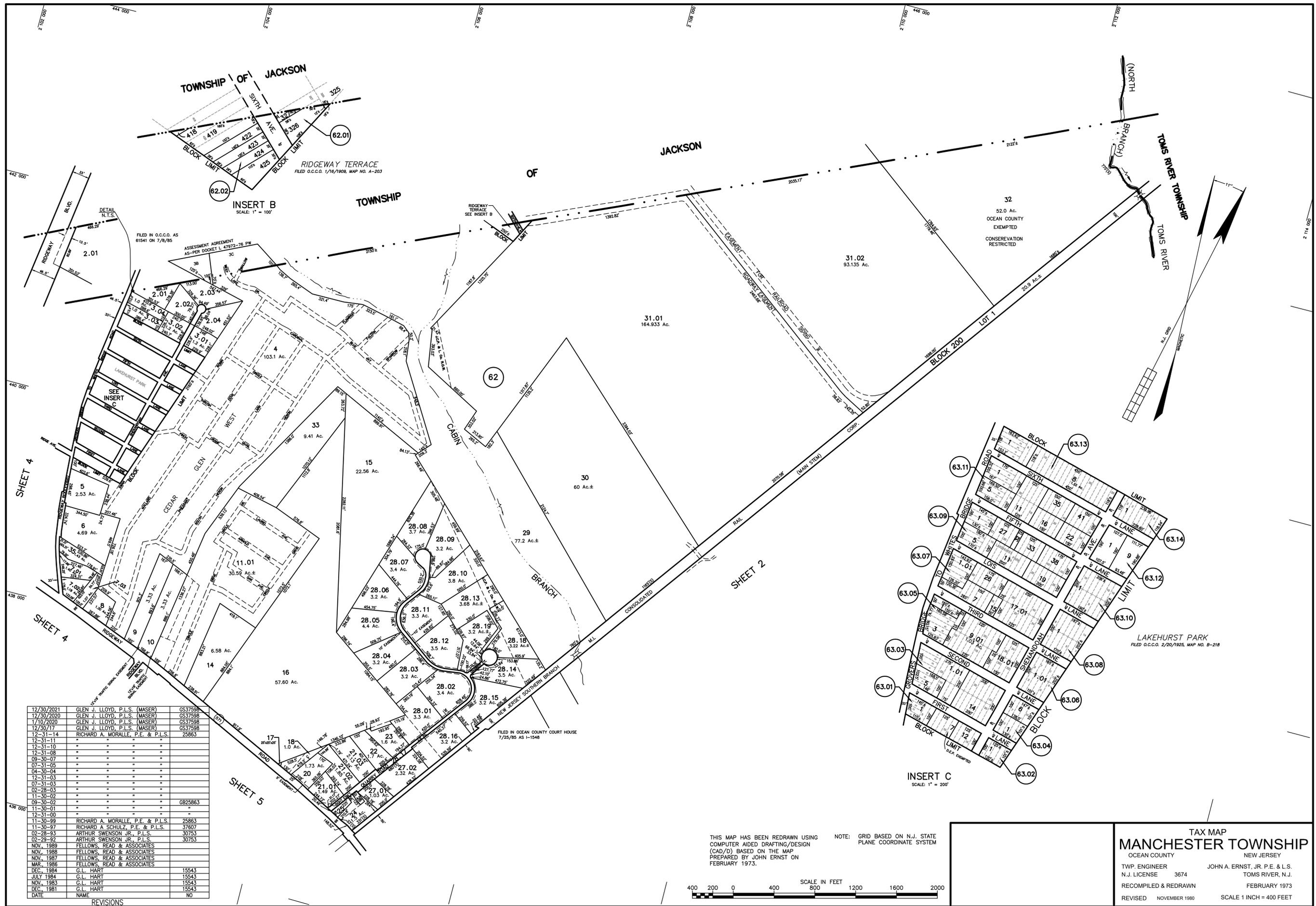
DATED: February 12, 2004

Record & Return to:

John R. Halleran, Esq.
Giordano Halleran & Ciesla, P.C.
P.O. Box #190
Middletown, New Jersey 07748

::ODMA\PCDOCS\ghdocs\367237\1

Appendix D – Township Tax Map



TOWNSHIP OF JACKSON

INSERT B
SCALE: 1" = 100'

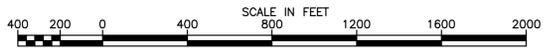
INSERT C
SCALE: 1" = 200'

| DATE | NAME | NO |
|------------|-----------------------------------|---------|
| 12/30/2021 | GLEN J. LLOYD, P.L.S. (MASER) | 6537598 |
| 12/30/2020 | GLEN J. LLOYD, P.L.S. (MASER) | 6537598 |
| 1/10/2020 | GLEN J. LLOYD, P.L.S. (MASER) | 6537598 |
| 12/30/17 | GLEN J. LLOYD, P.L.S. (MASER) | 6537598 |
| 12-31-14 | RICHARD A. MORALLE, P.E. & P.L.S. | 25863 |
| 12-31-11 | " | " |
| 12-31-10 | " | " |
| 12-31-08 | " | " |
| 09-30-07 | " | " |
| 07-31-05 | " | " |
| 04-30-04 | " | " |
| 12-31-03 | " | " |
| 07-31-03 | " | " |
| 02-28-03 | " | " |
| 11-30-02 | " | " |
| 09-30-02 | " | 6825863 |
| 11-30-01 | " | " |
| 12-31-00 | " | " |
| 11-30-99 | RICHARD A. MORALLE, P.E. & P.L.S. | 25863 |
| 11-30-97 | RICHARD A. SCHULZ, P.E. & P.L.S. | 37607 |
| 02-28-93 | ARTHUR SWENSON JR., P.L.S. | 30753 |
| 02-29-92 | ARTHUR SWENSON JR., P.L.S. | 30753 |
| NOV., 1989 | FELLOWS, READ & ASSOCIATES | " |
| NOV., 1988 | FELLOWS, READ & ASSOCIATES | " |
| NOV., 1987 | FELLOWS, READ & ASSOCIATES | " |
| MAR., 1986 | FELLOWS, READ & ASSOCIATES | " |
| DEC., 1984 | G.L. HART | 15543 |
| JULY 1984 | G.L. HART | 15543 |
| NOV., 1983 | G.L. HART | 15543 |
| DEC., 1981 | G.L. HART | 15543 |
| DATE | NAME | NO |

REVISIONS

THIS MAP HAS BEEN REDRAWN USING COMPUTER AIDED DRAFTING/DESIGN (CAD/D) BASED ON THE MAP PREPARED BY JOHN ERNST ON FEBRUARY 1973.

NOTE: GRID BASED ON N.J. STATE PLANE COORDINATE SYSTEM



TAX MAP
MANCHESTER TOWNSHIP
OCEAN COUNTY NEW JERSEY
TWP. ENGINEER JOHN A. ERNST, JR. P.E. & L.S.
N.J. LICENSE 3674 TOMS RIVER, N.J.
RECOMPILED & REDRAWN FEBRUARY 1973
REVISED NOVEMBER 1980 SCALE 1 INCH = 400 FEET

Appendix E – Recorded Subdivision Plat

Appendix F – Study Area Mapping

Study Area Aerial Map

Manchester Township



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

**Area in Need of Redevelopment
Preliminary Investigation**

**Block 62
Lots 30 and 31.01**

**Manchester Township
Ocean County
New Jersey**

Legend

- Study Area
- Township Boundary
- Ocean County Parcels

Source: NJGIN, Ocean County Department of Planning

Note: Map is for reference only.
For true lot lines please refer to
recorded subdivision plat.



CONSULTING & MUNICIPAL ENGINEERS

3141 BORDENTOWN AVENUE, PARLIN, N.J. 08859
1460 ROUTE 9 SOUTH HOWELL, N.J. 07731
3759 ROUTE 1 SOUTH SUITE 100, MONMOUTH JUNCTION, NJ 08852
ONE MARKET STREET SUITE 1F, CAMDEN, NJ 08102

WWW.CMEUSAL.COM

| | | | |
|--------------------|------------------------------|---------------------|-------------------|
| DATE 07/14/2022 | SCALE 1 inch = 1,000 feet | LAST REVISED N/A | CREATED BY NSF |
|--------------------|------------------------------|---------------------|-------------------|

Environmental Constraints

Manchester Township



Area in Need of Redevelopment Preliminary Investigation

**Block 62
Lots 30 and 31.01**

**Manchester Township
Ocean County
New Jersey**

Legend

- Study Area
- Zone A Flood Zone
- Wetlands

Landscape Project Rank

- Rank 1 - Habitat specific requirements
- Rank 2 - Special Concern
- Rank 3 - State Threatened

- Rank 4 - State Endangered
- Rank 5 - Federal Listed

Source: NJGIN, Ocean County Department of Planning



Note: Map is for reference only
CONSULTING & MUNICIPAL ENGINEERS

3141 BORDENTOWN AVENUE, PARLIN, N.J. 08859
1460 ROUTE 9 SOUTH HOWELL, N.J. 07731
3759 ROUTE 1 SOUTH SUITE 100, MONMOUTH JUNCTION, NJ 08852
ONE MARKET STREET SUITE 1F, CAMDEN, NJ 08102
WWW.CMEUSAL.COM

| | | | |
|--------------------|----------------------------|---------------------|-------------------|
| DATE 07/15/2022 | SCALE 1 inch = 583 feet | LAST REVISED N/A | CREATED BY NSF |
|--------------------|----------------------------|---------------------|-------------------|

Appendix G – 1992 Site Plan Approval Resolution

**RESOLUTION OF MEMORIALIZATION OF
THE MANCHESTER TOWNSHIP PLANNING BOARD**

RE: STAVOLA REALTY COMPANY
Block: 62 Lot: 31
Preliminary and Final Site Plan Approval

WHEREAS, Stavola Realty Company, whose address is Post Office Box 482, Red Bank, New Jersey, has applied to the Manchester Township Planning Board for Preliminary and Final Site Plan Approval for premises known as Block 62, Lot 31 on the Tax Map of the Township of Manchester, which premises are located between Route 547 and the Central Railroad of New Jersey right-of-way, located within the M-1 Zone District, to construct a scale house at the current Stavola Company mining site which would replace a prior scale house that was destroyed by fire; and

WHEREAS, such proof of publication of Notice of Hearing as is required by New Jersey Statutory and Municipal Ordinance requirements has been furnished; and

WHEREAS, such proof of service as is required by New Jersey Statutory and Municipal Ordinance requirements upon appropriate property owners and governmental agencies has been furnished; and

WHEREAS, a public hearing was held on said application on July 28, 1992 in the Municipal Building of the Township of Manchester, at which time testimony and exhibits were presented to the Manchester Township Planning Board on behalf of the Applicant, and all interested parties were heard; and

WHEREAS, the Manchester Township Planning Board, having considered said application, testimony and exhibits submitted, makes the following findings of fact:

1. The within application is deemed complete pursuant to the applicable provisions of the Manchester Township Zoning Ordinance.

2. Applicant's proposal is a permitted use in the M-1 Zone District.

3. Applicant proposes to construct a scale house at the current Stavola Company mining site to replace a prior scale house which had been destroyed by fire.

4. Applicant has agreed to revise its plan in accordance with the recommendations of the Manchester Township Planning Board as follows:

(a) To provide for a turn-around area for vehicles in order to avoid the necessity of vehicles having to back up to exit the scale house area;

(b) To limit the access to the scale house to Route 547 only; and

(c) To prohibit access to the site by way of Volante Road.

NOW, THEREFORE, BE IT RESOLVED on this 25th day of August, 1992 by the Manchester Township Planning Board that the aforesaid application for Preliminary and Final Site Plan Approval for premises known as Block 82, Lot 31 on the Tax Map of the Township of Manchester, be and the same hereby is granted subject to the following terms and conditions:

1. That Applicant comply in all respects with the technical review letter prepared by the Manchester Township Planning Board Engineer dated June 25, 1992 a copy of which is annexed to this Resolution and made a part hereof.

2. That Applicant shall provide for a turn-around area for vehicles in order to avoid the necessity of vehicles having to back up to exit the scale house area.

3. That Applicant shall limit the ingress and egress to the scale house site to Route 547 and that Applicant shall prohibit access to Volante Road.

4. That the Applicant obtain the necessary approval from the Ocean County Soil Conservation Committee for the proposed drainage system.

5. That the Applicant obtain any and all other approvals with respect to this application from any federal, state, county or municipal agency having jurisdiction over same.

6. That the Applicant resubmit this entire proposal should there be any substantive deviation from this Resolution, the technical review letter annexed hereto except as amended by Paragraphs 2 and 3 above or the submitted plans and documents which are hereby made a part hereof and shall be binding upon the Applicant.

7. That Applicant submit proof of publication of a notice of the decision of the Manchester Township Planning Board in this matter, which shall be published by Applicant at Applicant's expense, in accordance with applicable statutes and ordinances

within thirty (30) days of the date of this Resolution.

8. That Applicant post all required guarantees in form and substance satisfactory to the Township Engineer prior to the commencement of any clearing of construction activity on the site.

9. That Applicant supply proof by way of appropriate affidavit certifying the payment of all outstanding real estate taxes on the subject premises.

Moved By: Donald Belvin
Seconded By: Sandford Krasky

ROLL CALL VOTE

Those in Favor: Messrs. Belvin-yes, Krasky-yes, Foster-yes,
Mayor Cameron-yes, Messrs. Frank-yes, Czekanski-yes
Those Opposed: None

Those Absent: Sabina Skibo

Those Not Voting: Samuel Fusaro (stepped down from the hearing of
this application)

CERTIFICATION

I hereby certify that the foregoing is a true copy of a Resolution duly adopted by The Manchester Township Planning Board at its regular meeting on August 25, 1992, in the Manchester Township Municipal Building.


Laura E. Wilmoth
Secretary

DATED: August 26, 1992

Page 4 of 4



ELEVEN COLONIAL ROAD MANCHESTER TOWNSHIP JACKSON TOWNSHIP 08733

June 25, 1992

MTPB-R1580

Laura Wilmoth, Secretary
Manchester Township Planning Board
One Colonial Drive
Lakehurst NJ 08733

Re: Preliminary and Final Site Plan Application
Scale House
Block 62, Lot 31

Dear Laura:

Please be advised that I have reviewed the above referenced application. It pertains to the construction of a scale house at the current Stavola Company mining site. The property is known as Block 62, Lot 31 and is located in the M-1 zone north of the Consolidated Rail right-of-way and south of Whitesville Road. A portion of the lot is located within Jackson Township. However, the scale house, which is the subject of this application, is to be located in Manchester Township.

The scale house consists of a fenced area of 150' x 100'. Within the fenced area will be located a scale to weigh the trucks and their contents, an office trailer, and an on-site septic disposal field. The site selected is in a previously cleared area and adjacent to an existing haul road which will be utilized for access to the scale.

My review comments are as follows:

1. Testimony should be provided by the applicant on the proposed frequency of use for this facility and its impacts on the access points to the property.
2. Provisions for electrical and telephone services to the site should be presented.
3. Provisions for security, lighting and the intended hours of operation during which the site will be manned should be discussed with the Board.

ENGINEERS PUBLIC WORKS AND SITE DESIGN CONSULTANTS PLANNERS SURVEYORS

1101-4 COLONIAL MANCHESTER TOMS RIVER 08733

JUN 29 1992



Le: Laura Wilmoth, Secretary
Re: Preliminary and Final Site Plan Application
Scale House - Block 62, Lot 31

4. The proposed drainage system outlets to an elevation consistent with the proposed bottom elevation of mining for the site. The plans indicate that the current elevation at the proposed outlet is approximately 20 feet higher than the final grade. The operation of the proposed drainage system under existing conditions should be reviewed. Due to the small area of the proposed site, it may be advisable to eliminate the collection system in favor of overland runoff and gravel surfacing.
5. The quantity and type of vehicles proposed to be stored in the vehicle storage area should be discussed with the Board.
6. The limits of any paved area should be shown on the plan.
7. The application before the Board is for a scale house. The references to the mining activity which include elevations, limits of disturbance, restoration requirements, etc. are the subject of the mining license and license review procedures. ~~This application will not grant approval for any particular~~

If you have any questions concerning this matter, please do not hesitate to call.

Very truly yours,

FOR: WILLIAM P. FARRELL, JR., P.E.
MANCHESTER TOWNSHIP ENGINEER

WPF:JGM:ah

BY:


J. GORDON MILNES, P.E., P.P.
SENIOR SUPERVISING ENGINEER

cc: Edward Liston, Esq., Planning Board Attorney
Ian Borden, Project Manager,
Fellows, Read & Associates, Inc.
310 Main Street
Toms River NJ 08753

Appendix H – 1993 Preliminary Major Subdivision Approval Resolution

RESOLUTION OF MEMORIALIZATION OF
THE MANCHESTER TOWNSHIP PLANNING BOARD

RE: STAVOLA REALTY COMPANY
Block: 62 Lot: 31
Preliminary Major Subdivision Approval

WHEREAS, Stavola Realty Company, whose address is Post Office Box 482, Red Bank, New Jersey, has applied to the Manchester Township Planning Board for Preliminary Major Subdivision Approval for premises known as Block 62, Lot 31 on the Tax Map of the Township of Manchester, which premises are located between Route 547 and the Central Railroad of New Jersey right-of-way, located within the PM-1 Zone District, to construct a secondary access road; and

WHEREAS, such proof of publication of Notice of Hearing as is required by New Jersey Statutory and Municipal Ordinance requirements has been furnished; and

WHEREAS, such proof of service as is required by New Jersey Statutory and Municipal Ordinance requirements upon appropriate property owners and governmental agencies has been furnished; and

WHEREAS, a public hearing was held on said application on April 27, 1993 in the Municipal Building of the Township of Manchester, at which time testimony and exhibits were presented to the Manchester Township Planning Board on behalf of the Applicant, and all interested parties were heard; and

WHEREAS, the Manchester Township Planning Board, having considered said application, testimony and exhibits submitted, makes the following findings of fact:

1. The within application is deemed complete pursuant to the applicable provisions of the Manchester Township Zoning Ordinance.

2. Applicant's proposal is a permitted use in the PM-1 Zone District.

3. Applicant proposes to construct a secondary access road to extend from the proposed Section 2 of the Leisure Glen Development in the vicinity of Consolidated Rail Corporation right-of-way northward to Lakehurst-Whitesville Road in Jackson Township.

4. Applicant applied to the Manchester Township Planning Board for preliminary major subdivision approval for the secondary access road in January of 1992. The application was subject to the secondary access road being approved by the Jackson Township Planning Board. On April 13, 1993, the Jackson Township Planning Board adopted a Resolution affirming the Preliminary Major Subdivision Approval subject to conditions. A copy of said Resolution is annexed hereto and made a part hereof. Applicant amended its application to re-align the secondary access road.

NOW, THEREFORE, BE IT RESOLVED on this 14th day of June, 1993 by the Manchester Township Planning Board that the aforesaid application for Preliminary Major Subdivision Approval for premises known as Block 62, Lot 31 on the Tax Map of the Township of Manchester, be and the same hereby is granted subject to the following terms and conditions:

1. That Applicant comply in all respects with the technical review letter prepared by the Manchester Township Planning Board Engineer dated April 22, 1993 a copy of which is annexed to this

Resolution and made a part hereof.

2. That Applicant comply in all respects with the conditions imposed by the Jackson Township Planning Board in its Resolution of Approval approved April 13, 1993 a copy of which is annexed to this Resolution and made a part hereof.

3. That the Applicant obtain any and all other approvals with respect to this application from any federal, state, county or municipal agency having jurisdiction over same.

4. That the Applicant resubmit this entire proposal should there be any substantive deviation from this Resolution, the technical review letter annexed hereto except as amended by Paragraph 2 above or the submitted plans and documents which are hereby made a part hereof and shall be binding upon the Applicant.

5. That Applicant submit proof of publication of a notice of the decision of the Manchester Township Planning Board in this matter, which shall be published by Applicant at Applicant's expense, in accordance with applicable statutes and ordinances within thirty (30) days of the date of this Resolution.

6. That Applicant post all required guarantees in form and substance satisfactory to the Township Engineer prior to the commencement of any clearing or construction activity on the site.

7. That Applicant supply proof by way of appropriate affidavit certifying the payment of all outstanding real estate taxes on the subject premises.

Moved By:

Moved By: Sandford Krasky

Seconded By: Mayor Jane C. Cameron

ROLL CALL VOTE

Those in Favor: Mr. Krasky-yes, Mayor Cameron-yes, Mrs. Skibo-yes,
Messrs. Shaw-yes, Foster-yes, Czekanski-yes

Those Opposed: None

Those Absent: None

Those Not Voting: Samuel Fusaro (abstained)

CERTIFICATION

I hereby certify that the foregoing is a true copy of a Resolution duly adopted by The Manchester Township Planning Board at its regular meeting on June 14, 1993, in the Manchester Township Municipal Building.

Laura E. Wilmoth
Secretary

DATED: June 15, 1993

TM

ELEVEN MILL ROAD WOODLETCHAM NEW JERSEY 07749

908 871-6400

FAX 908 871-7385

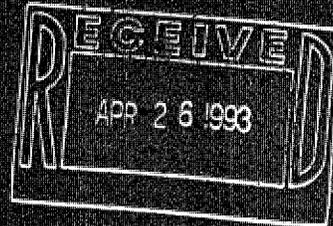
ASSOCIATES

MTPB-R1460

April 22, 1993

Laura Wilmoth, Secretary
Manchester Township Planning Board
One Colonial Drive
Lakehurst NJ 08733

Re: Leisure Glen - Secondary Access Road
Revised Realignment



Dear Ms. Wilmoth:

I have reviewed the proposed new alignment of the secondary access road as shown on plans prepared by Fellows, Read and Associates dated January 28, 1993. I offer the following comments for the Board's consideration:

1. Test pits should be performed in order to insure that the retention basin bottoms are at least two feet above the seasonal high water table.
2. The stormwater management plan proposes 100 percent storage for the 50 year storm event. In addition to this storage requirement, the Township ordinance also requires evidence that no increase in the rate of runoff will occur for the 100 year storm event. This office would have no objection to a waiver of this requirement since no improvements are proposed other than the roadway at this time. However, this office recommends that an easement or deed restriction be provided around the retention areas to protect them from further disturbance. Also as development applications are submitted for adjacent properties, their stormwater management reports must consider drainage from the secondary access road, and the Township Stormwater Management requirements must be fully satisfied.
3. Drainage calculations should be submitted for sizing the collection system piping.
4. It appears that parking facilities are proposed adjacent to the southerly guard house. The quantity and purpose of these facilities should be discussed with the Board.
5. Guard rails should be provided in areas of fill greater than four feet (Station 2+25 to Station 6+00).

TM

Sheet 2 of 3
April 22, 1993

Le: Laura Wilmoth, Secretary
Re: Leisure Glen - Secondary Access Road
Revised Realignment

6. A design waiver has been requested for curbing. This office recommends curbing from the railroad right-of-way to and including the turn around area.
7. A design waiver has been requested for eliminating shade trees adjacent to the roadway. This office recommends that shade trees be provided.
8. The roadway and drainage facilities should remain in private ownership.
9. The roadway should not be used as a construction access or for use in the mining operation once it is opened to the public.
10. The applicant should provide the Board with a copy of the Jackson Township Planning Board resolution of approval. The conditions of the Jackson approval should be incorporated into any approval considered by the Manchester Township Planning Board.
11. Application should be made to the Manchester Township Shade Tree Commission. The Commission should comment on the applicant's request for a shade tree waiver.
12. Traffic control signage and speed limits must be approved by the NJDOT and posted by the applicant.
13. A copy of the approval for the railroad crossing should be provided.
14. Pavement markings should be shown. Centerline and edge of road striping is recommended.
15. The pavement cross section detail should be revised to indicate 2" bituminous stabilized base.
16. Gravel sumps should not be provided in the catch basins.
17. Since there were significant changes to the plans, which include revisions to horizontal and vertical alignment, drainage facilities, etc., the applicant should be required to pay any additional costs related to the Township's review.

TM

Sheet 3 of 3
April 22, 1993

Le: Laura Wilmoth, Secretary
Re: Leisure Glen - Secondary Access Road
Revised Realignment

If you have any questions concerning this matter, please do not
hesitate to call.

Very truly yours,

FOR: WILLIAM P. PARRELL, JR., P.E.
MANCHESTER TOWNSHIP ENGINEER

WPF:RGB:ah

BY:


J. GORDON MILNES, P.E., P.P.
SENIOR SUPERVISING ENGINEER

cc: Edward Liston, Esq., Planning Board Attorney ✓

Appendix I – Study Area Photographs

Photos of Study Area taken on July 15, 2022



Sand Dunes and Tire Tracks



Dunes, Tire Tracks, Trash, and Woodlands in Site







Uneven vehicular path in interior of site



Debris in interior of site



Tire tracks and trash within interior of site



Asphalt and sand piles in interior of site

Photo credit: Phillips Preiss Grygiel Leheny Hughes, LLC

Appendix J – Historical Aerial Imagery and Street View Images



Google Earth Aerial Imagery, April 1995. Study Area is highlighted in red.



Google Earth Imagery, December 2002. Study Area is highlighted in red.



Google Earth Imagery, April 2021. Study Area is highlighted in red.