

June 28, 2006

**MEMORANDUM OF AGREEMENT
AMONGST
STAFFORD TOWNSHIP,
OCEAN COUNTY,
AND
THE NEW JERSEY PINELANDS COMMISSION**

I. PURPOSE

This Memorandum of Agreement (MOA) is entered into amongst Stafford Township (“Stafford”), Ocean County (the “County”), and the New Jersey Pinelands Commission (the “Commission”). This MOA concerns property located within Stafford Township, Ocean County, commonly known as the Stafford Business Park (the “Business Park”), which consists of approximately 363 acres that had been previously subdivided into approximately 67 separate tax lots. With the exception of two lots, Block 13, Lot 64 and Block 25, Lot 62, the remaining 65 lots are under Township, County or State ownership and contain the former Township landfill¹, several County and Township facilities, a New Jersey Motor Vehicle Commission inspection station, and a Township owned water tower. The Commission is an independent political subdivision of the State of New Jersey created pursuant to Section 4 of the Pinelands Protection Act, N.J.S.A. 13:18A-1 *et seq.*, and charged with the implementation of the Act and the Pinelands Comprehensive Management Plan (the “CMP”), N.J.A.C. 7:50. The Commission is also the planning entity authorized under Section 502 of the National Parks and Recreation Act of 1978.

Stafford has designated the Business Park as an area in need of redevelopment pursuant to Section 6 of the Local Redevelopment and Housing Law (“Redevelopment Law”), N.J.S.A. 40A:12A-6. Pursuant to Section 8 of the Redevelopment Law, N.J.S.A. 40A:12A-8, Stafford has designated its governing body as the redeveloping entity. On November 1, 2005, by Ordinance No. 2005-102, the Mayor and Town Council of Stafford adopted the redevelopment plan entitled “Redevelopment Plan for the Stafford Business Park,” prepared by Schoor DePalma and dated November, 2005 (Last revised to reflect Planning Board comments on October 5, 2005) (the “Redevelopment Plan”) attached hereto as Exhibit 1. This Redevelopment Plan calls for the closure of the Township’s former landfill site, development of a mixture of housing stocks and residential uses, including affordable housing, supportive neighborhood commercial and recreational opportunities and development of modern retail and office space. The Redevelopment Plan also calls for the relocation of Stafford (water tower), County (Resource Center, Recycling Center/Garage, Animal Shelter and Composting Facility) and State (NJ MVC Inspection Station) facilities. In accordance with the requirements of the Redevelopment Plan and as permitted by the Redevelopment Law, N.J.S.A. 40A:12A-8, Stafford has contracted with a redeveloper to redevelop the Business Park. This MOA is required in order to permit Stafford to proceed with the proposed closure of the landfill and the redevelopment of the Business Park

¹ The parcel also contains three areas of waste totaling approximately 25 acres in size where waste was deposited in the 1950’s thru 1970’s. As part of the landfill closure the waste located in these areas will be excavated and placed on the former Township landfill prior to installation of the impermeable cap.

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pursuant to the Redevelopment Plan, and to permit the relocation of the County and State facilities.

II. BACKGROUND

A. Stafford Business Park

The Business Park consists of approximately 363 acres located west of the Garden State Parkway, south of State Highway 72 and north and adjacent to the northeastern corner of the Stafford Forge Wildlife Management Area (hereinafter the Business Park Site). The Commission approved a public development application creating the Business Park on July 13, 1990 (Pinelands Application No. 1987-1159.002, attached hereto as Exhibit 2). As a result of 5 subsequent public development approvals for additional resubdivisions of the Business Park, the Business Park is currently comprised of approximately 67 lots. Twelve of these lots have been developed to date. The site is depicted on the plan attached hereto as Exhibit 3. Stafford owns approximately 332 acres of the Business Park; the County owns approximately 16.25 acres of the Business Park; the State owns approximately 5 acres of the Business Park and the remaining approximately 11 acres (two lots) of the Business Park are privately owned. The lots that comprise the Business Park and the owners of each lot are listed on Exhibit 4. The Business Park is located in a Pinelands Regional Growth Area as defined in the Pinelands CMP.

1. Ocean County Facilities in the Stafford Business Park

Within the Business Park are various lots owned by the County and on which are located various County facilities. These County facilities include an animal shelter, the Ocean County Resource Center, the Ocean County Recycling Center/Road Department Garage, composting facility and associated office space. As discussed below, buried waste extends onto certain of the County-owned lots, and in some instances waste is located beneath the existing structures and pavement. All of these County facilities are either antiquated and/or of insufficient size to meet the County's needs, and thus require modernization and/or enlargement.

2. State Facility in Stafford Business Park

A New Jersey Motor Vehicle Commission inspection station is located near the intersection of Recovery and Hay roads within the Business Park. Buried waste is also located on a portion of this site.

3. Township Facilities in Stafford Business Park

On the west side of Recovery Road, Stafford has a recycling drop-off facility. This facility is located partially over buried waste. The Township also has an existing water tank located on Block 25.02, Lot 10.

B. The Stafford Township Landfill

Stafford operated a sanitary landfill on approximately 55 acres in the western area of the Business Park on portions of Block 25, Lot 93; Block 13, Lot 22.01; and Block 13, Lot 68. This

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facility is sometimes known as the “New Landfill” and is referred to herein as the “Landfill”. The Landfill was registered with New Jersey Department of Environmental Protection (the “NJDEP”) in August 1970 as Facility No. 15623001. The Landfill ceased accepting solid waste on December 31, 1983. On May 13, 1994, the Pinelands Commission issued an amended public development approval for the closure of the Landfill (Pinelands Application No. 1987-1159.001). To date, Stafford has not closed the Landfill in accordance with its approved closure plan, the requirements of the Pinelands CMP, N.J.A.C. 7:50-6.75, and the NJDEP’s Solid Waste Rules, N.J.A.C. 7:26-2A.9. Among other things, the Landfill lacks an impermeable cap, proper grading, and a methane gas management system. Because Stafford lacks the financial resources to close the Landfill, as discussed below, Stafford has developed a redevelopment plan, pursuant to Section 7 of the Redevelopment Law, N.J.S.A. 40A:12A-7, that includes the closure of the landfill. The Redevelopment Plan calls for Stafford to redevelop the Business Park by contracting with a redeveloper, as permitted by the Redevelopment Law, N.J.S.A. 40A:12A-8. The redeveloper, acting as Stafford’s agent, will close the landfill at its own expense.

A leachate plume and seeps are emanating from the Landfill and contaminating the surface and ground waters of the Pinelands. Current monitoring data, quarterly from 2001 to 2005, shows exceedances of the Class 2 Ground Water Quality Standards (“GWQS”) for a variety of constituents (arsenic, cadmium, iron, lead, sodium). In addition, a much larger set of constituents (ammonia, arsenic, cadmium, chlorine, chloroform, chromium, iron, lead, manganese pH, silver, sodium, total dissolved solids (TDS), and zinc) exceed the Pinelands background standards. Constituents emanating from the Landfill have been detected in Mill Creek. The proper closure of the Landfill, including but not limited to installing an impermeable cap, is required by law and essential in order to protect the surface and ground waters and other resources of the Pinelands.

C. The “Old Landfill”

On the eastern side of the Business Park are three areas approximately 25 acres in size. These areas are sometimes collectively referred to as the Old Stafford Township Landfill (“Old Landfill”). The Old Landfill reportedly was used for disposal of solid waste from approximately 1955 to 1970, prior to promulgation of the Solid Waste Rules, and prior to the creation of the Commission in 1979. The Old Landfill occupies part of Block 25, Lot 61 and extends under Hay and Recovery roads and several other parcels including Block 25, Lot 27.01 to the north (Ocean County Resource Center); Block 13, Lot 60 to the northwest across Recovery Road (Stafford Township Recycling Drop-Off Facility); Block 13, Lot 55 (State of New Jersey Motor Vehicle Commission Inspection Station); and Block 25.01, Lot 59 to the west across Recovery Road (Ocean County Recycling Center/Road Department garage). Hay Road separates Block 13, Lot 60 and Block 25.01, Lot 59 at its intersection with Recovery Road. The Old Landfill has not been closed in accordance with the requirements of the Pinelands CMP, N.J.A.C. 7:50-6.75, and the Solid Waste Rules, N.J.A.C. 7:26-2A.9. The lots that comprise the Old Landfill and the owners of each lot are listed on Exhibit 5. Stafford also lacks the financial resources to remediate the Old Landfill.

Monitoring data shows that leachate is emanating from the Old Landfill and that a variety of constituents (total dissolved solids, ammonia, aluminum, arsenic, calcium, chromium, iron, lead, manganese, sodium and VOC benzene) exceed the Class 2 GWQS and Pinelands background

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levels. Remediation of the Old Landfill is essential in order to protect the surface waters, groundwaters and other resources of the Pinelands.

D. The 2005 Landfill Closure Plan

On or about January 2005, Stafford submitted to DEP a Major Landfill Waste Disruption Approval Report and Request for Beneficial Reuse Approval for the Old Landfill, and a Landfill Closure Report for the Landfill (collectively the "Closure Plan" attached hereto as Exhibits 6 & 7). These submissions propose to close the Old Landfill by excavating all of the buried waste from the area of the Old Landfill and regrading this area with clean fill. The non-hazardous waste excavated from the Old Landfill will be reused in the closure of the Landfill. The Township retains responsibility for the proper disposal, i.e. in accordance existing environmental laws, of any excavated waste that may not be reused in the Landfill closure. The closure of the Landfill will include grading to allow for proper drainage, and construction of a final cover system, landfill gas controls, and stormwater controls, all in accordance with the Pinelands CMP, N.J.A.C. 7:50-6.75, and the Solid Waste Rules, N.J.A.C. 7:26-2A.9. The Closure Plan also proposes the construction of an impermeable cap over the Landfill in accordance with the Pinelands CMP and the Solid Waste Rules. No leachate collection has been required for the closure of the Landfill. However, the NJDEP may subsequently require installation of a remedial treatment system should installation of the impermeable cap fail to control the leachate emanating from the Landfill. If installed, the Township will retain responsibility for the operation and maintenance of such pump and treat system. The pump and treat system would likely be installed along the northerly side of the landfill, because the groundwater testing shows the direction of flow to be south to north. The Closure Plan also provides for excavating soil from borrow areas throughout the Business Park as clean fill for the Old Landfill and as cover and grading material for the Landfill closure. This will involve moving approximately 70,000 truck loads of material around the Business Park including, among others things:

- Excavating approximately 430,000 cubic yards of waste material from the Old Landfill and beneficially reusing this to grade and contour the Landfill.
- Excavating approximately 516,000 cubic yards of clean fill from borrow areas throughout the Business Park and using this as clean fill for the Old Landfill.
- Excavating approximately 493,000 cubic yards of additional clean fill from borrow areas throughout the Business Park and using this for cover and grading material at the Landfill.

The direct costs of the Closure Plan are estimated to be approximately \$31 million. (See Exhibit 8). When engineering, facility relocation, financing and management costs are added, the total costs for the closure may approach \$45 to \$60 million.

E. The Redevelopment Plan for Stafford Business Park

1. Stafford's Designation of the Business Park as an Area in Need of Redevelopment

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On August 2, 2005, the Mayor and Stafford Township Municipal Council adopted Resolution No. 2005-223 directing the Stafford Township Planning Board to conduct a preliminary investigation into whether the Business Park site met the statutory criteria for designating it as an “area in need of redevelopment” as defined in the Redevelopment Law, N.J.S.A. 40A:12A-1 et seq. On September 21, 2005, by Resolution No. 2005-49, the Planning Board recommended to the governing body that the Business Park be designated as “an area in need of development” and that designation was subsequently made by resolutions dated October 4, 2005 (Resolution No. 2005-264), attached hereto as Exhibit 9 and November 1, 2005 (Resolution No. 2005-286), attached hereto as Exhibit 10 and Ordinance No. 2005-102, attached hereto as Exhibit 11. Pursuant to Section 7 of that Act, N.J.S.A. 40A:12A-7, Stafford adopted the Redevelopment Plan and designated its governing body as the redeveloping entity in accordance with Section 8 of that Act, N.J.S.A. 40A:12A-8. Pursuant to Section 7 of the Redevelopment Law, N.J.S.A. 40A:12A-7, the Redevelopment Plan amends the applicable provisions of Stafford’s zoning ordinance within the Business Park. The Redevelopment Plan has been submitted to the Pinelands Commission for its review, in accordance with N.J.A.C. 7:50, Subchapter 3. One of the standards that must be addressed as part of the certification process is whether Stafford’s amended zoning ordinance provides sufficient opportunity for the use of Pinelands Development Credits. It should be noted that as part of this Agreement, Stafford has agreed to amend its Redevelopment Plan to authorize construction of 30% of the market rate residential units through the use of Pinelands Development Credits.

2. The Components of the Redevelopment Plan

The Redevelopment Plan provides for the closure of the Landfill and Old Landfill in conjunction with the redevelopment of the Business Park. Because Stafford lacks the financial resources to complete the closure and provide for the post-closure care of the Landfill and the Old Landfill in accordance with the requirements of the Pinelands CMP and the Solid Waste Rules, the Redevelopment Plan contemplates that Stafford will contract with a redeveloper (the “Designated Redeveloper”) pursuant to Section 8 of the Redevelopment Law, N.J.S.A. 40A:12A-8. The Redevelopment Plan calls for the closure, and post-closure care of the Landfill and the Old Landfill. The Plan also provides for the development of a mixture of housing stocks and residential uses, including affordable housing, supportive neighborhood commercial and recreational opportunities, development of modern retail and office space and the relocation of various State and County facilities. (See Exhibits 12 & 13)

The development of the Business Park, in accordance with the Redevelopment Plan, involves the following:

- Resubdivision of the existing Business Park
- Excavation of the buried waste in the Old Landfill and reuse of such waste in the closure of the Landfill.
- Closure of the Landfill, including installation of a pump and treat system, if subsequently required.

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- Relocation of various County (animal shelter, the Resource Center, Recycling Center/Road Department Garage and composting facility), State (New Jersey MVC Inspection Station) and Stafford (recycling drop-off facility) facilities and associated site improvements.
- Relocation of Recovery and Hay roads and the utilities located therein.
- Relocation of an existing private office building (Andwin Facility) and associated construction of an ice skating rink.
- Residential development consisting of no more than 565 market rate residential units, plus up to an additional 112 residential units to be reserved for individuals of low and moderate income. The residential development will include a clubhouse and related amenities (hereinafter this shall be referred to as the “residential component” of the redevelopment project.).
- Commercial development consisting of up to 650,000 square feet of commercial space, including but not limited to retail development (hereinafter this shall be referred to as the “commercial component” of the redevelopment project.).
- Road improvements, including but not limited to: (1) the widening of Recovery Road in the vicinity of Route 72; and (2) improvements to an existing interchange (Exit 63) of the Garden State Parkway at Route 72 and signalization on Route 72.

F. The County’s Proposal

The County proposes to relocate its existing facilities from the lots on which they are now located to newly subdivided lots as described in Exhibit 14 pursuant to a Property Exchange Agreement entered into between the County and Stafford. This agreement reflects the history of discussions between Stafford and the County regarding the County’s need for additional property to replace and, in some instances, expand its facilities (Resource Center, Recycling Center/Garage and Animal Shelter) located within the Business Park. The new County facilities will be larger and/or more modern. The total cost of this development is approximately \$20 million. The County will receive \$2 million toward these costs and a new \$.75 million animal shelter in accordance with the terms of the Property Exchange Agreement. The subdivision and site plan for the County facilities is attached hereto as Exhibits 14 & 15 (the “County Development Plan”). In addition, the County Composting Facility will be relocated on the closed Landfill and will occupy no more than 20 acres of the 55 acre area of the Landfill that will be capped. Closure of that portion of the Landfill and construction of the impermeable cap thereon must proceed before the Composting Facility can be relocated. To allow for smooth operation of each of the County facilities, each new County facility must be constructed before such facility is vacated and demolished, and thus before waste excavation on the lot in the Old Landfill on which such County facility is now located can commence. There are environmental benefits associated with the relocation of the County facilities. In addition to allowing the excavation of waste located under the existing facilities, the new facilities will incorporate low impact site design principles and will be sized to provide better stormwater control. The bulk of the County’s recycling operations will now be conducted indoors, further minimizing

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contaminated stormwater runoff and litter. Furthermore, the Public Works garage will also see improved stormwater control as a result of the ability to store and maintain more equipment indoors. Moreover, the County has agreed to pursue the purchase of 75 acres of land that constitutes suitable habitat for Northern Pinesnake as part of its open space acquisition program.

III. IMPACTS ON THE RESOURCES OF THE PINELANDS ASSOCIATED WITH THE CLOSURE AND REDEVELOPMENT PLANS

Based on a review of the documents delineated in Attachment A, the provisions of the Pinelands CMP and the terms of this MOA, including the Environmental Conditions delineated in Attachment B, it appears that the development activities proposed in the Closure and Redevelopment Plans will be consistent with the minimum requirements of the Pinelands CMP, with the exception of the following: threatened or endangered plant and animal standards (N.J.A.C. 7:50-6.27 and 6.33) and the standards pertaining to wetland buffers (N.J.A.C. 7:50-6.6 and 6.14).

A. Threatened or Endangered Species Habitat

Implementation of the Closure and Redevelopment Plan will have irreversible adverse impacts on the survival of two local populations of threatened or endangered plants (N.J.A.C. 7:50-6.27) and on habitats that are critical to the survival of two local populations of threatened or endangered animal species designated by the NJDEP pursuant to N.J.S.A. 23:2A-1 et seq. (N.J.A.C. 7:50-6.33) Specifically, Little ladies tresses (*Spiranthes tuberosa*), a threatened or endangered plant of the Pinelands, can be found in three areas totaling approximately 740 square feet, which are located within an approximately 9,240 square foot rectangular area on Block 25, Lot 61, a portion of the Old Landfill. Knieskern's beaked rush (*Rhynchospora knieshernii*), a federally designated threatened plant species, can be found on the Landfill at Block 25, Lot 93. Both of these local populations of threatened or endangered plants will be eliminated as a result of the closure of the Landfill and remediation of the Old Landfill. In addition, critical habitat for Southern Gray Tree Frog (*Hyla chrysocelis*), an endangered animal species as designated by the NJDEP at N.J.A.C. 7:25-4.1, can be found within two existing stormwater basins located within the Business Park. One of these basins sits atop a pile of buried waste from the Old Landfill. Consequently, this basin, and its associated tree frog habitat, will be removed as part of the excavation of waste from the Old Landfill. Furthermore, the Business Park contains critical habitat for Northern Pine Snake (*Pituophis m. melanoleucus*), a threatened animal species designated by the NJDEP at N.J.A.C. 7:25-4.17. Pinesnake dens have been found within the confines of the Business Park site. One den is located within a pile of exposed debris within the area of the Old Landfill and another is located proximate to the Landfill on an eroding slope. In addition, potential nesting habitat likely exists on the site given the initial trapping of a gravid female Pinesnake on site and the subsequent retrapping of the same snake who was no longer gravid. Moreover, much of the Business Park constitutes foraging habitat for the local population of Northern Pinesnakes. Closure of the Landfill and remediation of the Old Landfill, including the excavation of fill from borrow areas throughout the Business Park required for the closure of the Landfill and remediation of the Old Landfill, will result in the elimination of at least two dens and destruction of foraging habitat. In addition, implementation of the Redevelopment Plan, including relocation of the various County, State and Stafford facilities,

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relocation of the Andwin facility and the subsequent redevelopment of the Business Park, will result in the elimination of much of the remaining foraging habitat in the Business Park.

B. Wetlands Buffers

The Pinelands CMP prohibits development in wetlands and wetland transition areas located within the Pinelands except as specifically authorized by Subchapter 6, Part I. N.J.A.C. 7:50-6.6. A portion of the Landfill extends into approximately 2 acres of Block 13, Lots 22.01 and 68 that was formerly wetlands and wetlands buffers. This area will be covered with an impermeable cap during the implementation of the Closure Plan. It does not appear that the Landfill extends into existing wetlands areas, however, this will be confirmed during the closure of the Landfill. In the event it is determined during the course of implementing the Closure Plan that any waste related work will extend into any wetlands area, the waste material located in such wetland areas will be excavated and relocated to existing areas of the Landfill that are not wetlands, but which may be wetlands transition areas.

Moreover, the proposed off-site roadway improvements including widening of Recovery Road, enlargement of the Garden State Parkway ramps and construction of stormwater retention basins in the vicinity of such ramps will result in further encroachments into two isolated wetland transition areas located south of N.J. State Highway Route 72, east of the southbound Garden State Parkway and west of Recovery Road.

In addition, in order to minimize impacts to the two threatened or endangered plants species (Little ladies tresses and Knieskern's beaked rush) adversely impacted by the closure of the Landfill and the remediation of the Old Landfill, enhancement of a wetlands buffer area located behind Block 13, Lot 55 is being considered in order to facilitate relocation of the two species to this location. .

IV. MEASURES PROPOSED TO AFFORD AN EQUIVALENT OR BETTER LEVEL OF PROTECTION FOR THE RESOURCES OF THE PINELANDS

As discussed in Paragraph III above, implementation of the Closure and Redevelopment Plans will result in impacts to certain threatened and endangered animal and plant species and their critical habitat and to wetlands buffers. Consequently, the proposed development is not consistent with a strict application of the following requirements of the Pinelands CMP: 1) N.J.A.C. 7:50-6.27 (Development prohibited in the vicinity of threatened or endangered plants), 2) N.J.A.C. 7:50-6.33 (Protection of threatened or endangered wildlife required), 3) N.J.A.C. 7:50-6.6 (Development Prohibited (Wetlands and wetlands transition areas)) and N.J.A.C. 7:50-6.14 (Wetland Transition Areas).

In order to provide an equivalent level of protection of the resources of the Pinelands, Stafford is proposing to purchase and deed restrict against future development at least 570 acres of land (at least three times the forested lands to be disturbed as a result of the implementation of the Closure and Redevelopment Plans) in the Forest Area, a portion of which will be located within the Mill Creek drainage area to offset for wetlands impacts, and the remainder of which will constitute suitable Pinesnake habitat, (See Exhibit 16). This land will supplement purchases made by the Township in accordance with its "Open Space" acquisition program.

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Stafford is also is proposing the following additional offsets:

- Limiting the amount of acreage on the capped Landfill to be utilized for the relocation of the County leaf composting facility to no more than 20 acres and revegetating the balance of the Landfill with native Pinelands vegetation;
- Recording, in the Ocean County Clerk's office, a conservation easement to ensure that the Landfill and other open space area on the redeveloped Business Park site, including wetland buffer areas, shall remain undeveloped as open space in perpetuity;
- Requiring its designated redeveloper to incorporate low impact site design measures into the residential and commercial components of the redevelopment project so as to reduce the size and reliance upon structural stormwater management facilities, reduce consumptive water use and reduce non-point source pollution. With the exception of rooftop runoff, where structural stormwater management facilities are utilized, they shall be designed in series to attain 96% removal of total suspended solids as calculated according to the NJDEP Stormwater BMP Manual. In addition, the redeveloper shall implement low maintenance landscape designs and beneficial re-use of stormwater;
- Requiring its designated redeveloper to incorporate "green building" design features into the residential component of the redevelopment project, including but not limited, to design features delineated in the "Rating System for Pilot Demonstration of LEED® for Homes Program", Version 1.72" and Project Checklist – Version 1.73 or the current version in effect at the time of registration of the commercial component with the United States Green Building Council for LEED certification and to integrate "green building" design measures into and obtain "Leadership in Energy and Environmental Design" (LEED®) certification from the United States Green Building Council for the commercial component of the redevelopment project. To obtain LEED® Certification for the commercial component, the designated redeveloper shall satisfy the requirements and utilize the technologies and strategies set forth in the "LEED®-NC, Green Building Rating System for New Construction and Major Renovations Version 2.2, dated October 2005, or the current version in effect at the time of registration of the commercial component with the United States Green Building Council for LEED certification. In addition, the designated redeveloper shall obtain 50% or more of the available credits from the Sustainable Sites and Water Efficiency categories for both the residential and commercial components. The LEED® documents referenced herein may be obtained from the U.S. Green Building Council at <http://www.usgbc.org> and are incorporated herein by reference;
- Requiring its designated redeveloper, at its own expense and in consultation with the Department of Transportation and the Pinelands Commission, to investigate and implement improved stormwater management measures to reduce total suspended solids directly discharged to the Mill Creek where it crosses Route 72 during a NJDEP water quality design storm by a minimum of 50%. Where such measures require ongoing maintenance of structural stormwater management BMP's, Stafford Township agrees to guarantee said maintenance of the BMP's in perpetuity. Such stormwater management

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measures shall be implemented upon receipt of the Department and Commission's approval and completed before construction permits are issued for the commercial component of the Redevelopment Plan; and

- Requiring its designated redeveloper to submit a Species Management Plan, consistent with Environmental Condition 4, to the Pinelands Commission staff for its review and approval in consultation with the NJDEP. Such plan shall be designed and implemented at the designated redeveloper's expense to achieve the following goals: protect the threatened and endangered plant and animal species located at the Business Park site from harm during the implementation of the Closure and Redevelopment Plans, reestablish the impacted threatened or endangered animal species on, proximate to the Business Park site, or at other appropriate areas designated by the Pinelands Commission and the New Jersey Department of Environmental Protection and reestablish the impacted plant species on the site.

V. THE BASIS FOR THE MOA

The Pinelands CMP (N.J.A.C. 7:50-4.52(c)2), authorizes the Commission to enter into intergovernmental memoranda of agreement with any agency of the Federal, State or local government which authorize such agency to carry out specified development activities that may not be fully consistent with the provisions of the Pinelands CMP, specifically N.J.A.C. 7:50-5 and 6. The agency must demonstrate, and the Commission must find, that any proposed development that is not fully consistent with the standards of the Pinelands CMP is accompanied by measures that will, at a minimum, afford an equivalent level of protection of the resources of the Pinelands as would be provided through strict application of the standards of the Pinelands CMP.

As discussed above, implementation of the Closure and Redevelopment Plans is not fully consistent with the threatened or endangered plants (N.J.A.C. 7:50-6.27) and animals (N.J.A.C. 7:50-6.33) standards of the Pinelands CMP as well as those standards pertaining to development in wetlands transition areas (N.J.A.C. 7:50-6.6 and 6.14). Consequently, as part of this MOA and discussed in detail in Paragraph IV above, Stafford and/or the County have agreed to undertake, or require the designated redeveloper to undertake, measures that will, at a minimum, afford an equivalent level of protection of the resources of the Pinelands than would be provided through the strict application of the standards of the CMP.

As discussed above, proper closure of the Landfill and remediation of the Old Landfill is required by law and necessary to protect the surface and groundwaters of the Pinelands. Moreover, relocation of the County facilities to new, modern facilities on the Business Park site will also provide better stormwater control and have a positive impact on the surface and groundwater resources of the Pinelands.

All of these measures, when taken together, will afford at least an equivalent level of protection of the resources of the Pinelands impacted by implementation of the proposed Closure and Redevelopment Plans as would be provided through strict application of the Pinelands CMP. As a result, entry of this MOA authorizing deviation from the standards of the Pinelands CMP

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pertaining to threatened or endangered plants or animal species (N.J.A.C. 7:50-6.27 & 6.33) and wetlands and wetlands transitions areas (N.J.A.C. 7:50-6.6 and 6.14) is warranted.

In accordance with N.J.A.C. 7:50-4.52(c)1, the Commission also may enter into intergovernmental memoranda with any agency of the Federal, State or local government which authorizes such agency to carry out specified development activities without securing individual development approvals from the Commission. As discussed above, measures are proposed that will afford an equivalent level of protection of the resources of the Pinelands. As a result, entry of a MOA authorizing alternative application procedures is also warranted.

VI. AGREEMENTS

A. Stafford agrees that:

1. It will require its designated redeveloper to implement the Closure and Redevelopment Plans, as delineated in Paragraphs II.D and II.E.2 above, in accordance with the list of documents set forth in Attachment A, attached hereto and made a part hereof.
2. It will require its designated redeveloper to implement the Closure and Redevelopment Plans, as delineated in Paragraphs II.D. and II.E.2 above, in accordance with all obligations of this MOA and the Pinelands CMP, unless a deviation therefrom is expressly authorized by this Agreement.
3. It will require its designated redeveloper to obtain any and all certificates, licenses, consent, approvals or permits required from any local, State and/or Federal entity prior to commencing implementation of the Closure and Redevelopment Plans, as delineated in Paragraphs II.D and II.E.2 above. No part of this MOA is intended to nor shall release Stafford and/or its designated redeveloper from the responsibility to obtain all other required local, State and/or Federal approvals.
4. It will require its designated redeveloper to implement the Closure and Redevelopment Plans, as delineated in Paragraphs II.D and II.E.2 above, in accordance with all of the Environmental Conditions set forth in Attachment B, attached hereto and made a part hereof, and the terms of this Agreement.
5. Any activity not specifically identified in Paragraph II.D. and II.E.2 and described in the documents listed in Attachment A, will require a formal application to the Commission in accordance with the Pinelands CMP (N.J.A.C. 7:50-4.52(b)) and that proposed development may not commence until an application has been completed with the Commission and the Commission has issued an approval.
6. To the extent that either new information becomes available or changes are made to the scope or design of the components of the Closure or Redevelopment Plans are made that result in more than a de minimis change to the impacts associated with any of the components delineated in Paragraphs II.D and II.E.2 above and described in the documents listed in Attachment A, such information or changes

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shall be submitted to the Pinelands Commission staff for review and for a consistency determination by the staff in accordance with Paragraph VI.C.7.

7. For the Resubdivision of the Existing Business Park, including the property to be transferred to the County in accordance with the Property Exchange Agreement between Stafford and the County, Stafford or its designated redeveloper shall provide the following information to the Commission staff at least forty five (45) days prior to undertaking any development activities with regard to the Closure or Redevelopment Plans:
 - a. A narrative statement indicating whether all lots being created meet municipal zoning requirements, are permitted uses in the Regional Growth Area and are consistent with all applicable environmental requirements of the Pinelands CMP, Subchapter 6, unless a deviation from such standard is expressly authorized by this Agreement.

8. For the proposed closure of the Landfill and remediation of the Old Landfill, Stafford or its designated redeveloper shall provide the following information to the Commission staff at least forty five (45) days prior to undertaking any development activities with regard to the Closure Plan:
 - a. Revised Landfill closure plans, Sheet No. 1, accurately depicting the verified wetlands lines and the 300' wetlands buffers to the Mill Creek wetlands complex and to the wetlands located off-site to the south of the parcel;
 - b. A detailed Stormwater Management Plan that complies with the standards set forth in N.J.A.C. 7:50-6.84 and this MOA;
 - c. A detailed Species Management Plan that complies with the requirements of Environmental Condition No. 4;
 - d. A detailed Revegetation Plan prepared in accordance with the requirements of N.J.A.C. 7:50-6.24 requiring revegetation of all but 20 acres of the capped Landfill with Native Pinelands grasses; and
 - e. A list of other permits or approvals required prior to commencement of any construction activity.

9. For the proposed relocation of the Stafford Recycling Drop-off, Stafford Water Tower, Recovery and Hay roads and the utilities located there under, relocation of the Andwin Facility and associated construction of an ice skating rink and construction of the proposed residential and commercial developments and off-site roadway improvements, Stafford or its designated redeveloper shall provide the following information to the Commission staff at least forty five (45) days prior to undertaking any of these projects:

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- a. Detailed plans for each project, which include: 1) a depiction of the wetlands and wetlands transition areas previously delineated by Stafford or its designated redeveloper and accepted by Commission staff as complying with the requirements of N.J.A.C. 7:50-6.3; and 2) the limits of clearing and land disturbance associated with each project;
 - b. A detailed Stormwater Management Plan for each project that complies with the standards set forth in N.J.A.C. 7:50-6.84 and this MOA;
 - c. A detailed analysis demonstrating compliance with all ambient air quality standards in N.J.A.C. 7:27, including carbon monoxide, in accordance with the requirements of N.J.A.C. 7:50-6.93 and 6.94;
 - d. A detailed Revegetation or Landscaping plan that complies with the requirements of Environmental Condition No. 1 and N.J.A.C. 7:50-6.24;
 - e. A detailed statement demonstrating that each project complies with the terms and conditions of this MOA and all applicable requirements of the Pinelands CMP from which a deviation has not been authorized by this MOA;
 - f. A list of other permits or approvals required prior to commencement of any construction activity.
10. For the proposed relocation of the New Jersey Motor Vehicle Commission Inspection Station, Stafford or its designated redeveloper shall provide the following information to the Commission staff at least forty five (45) days prior to undertaking any of these projects:
- a. A copy of any agreement executed between Stafford and/or its designated redeveloper and the State of New Jersey regarding the relocation of the inspection station;
 - b. A letter from the New Jersey Motor Vehicle Commission authorizing Stafford or its designated redeveloper to construct a new inspection station on the Business Park site on its behalf;
 - c. Detailed plans which include a depiction of the wetlands and wetlands transition areas previously delineated by Stafford or its designated redeveloper and accepted by Commission staff as complying with the requirements of N.J.A.C. 7:50-6.3; and the limits of clearing and land disturbance associated with the project;
 - d. A detailed Stormwater Management Plan for each project that complies with the standards set forth in N.J.A.C. 7:50-6.84 and this MOA;

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- e. A detailed analysis demonstrating compliance with all ambient air quality standards in N.J.A.C. 7:27, including carbon monoxide, in accordance with the requirements of N.J.A.C. 7:50-6.93 and 6.94;
 - f. A detailed Revegetation or Landscaping plan that complies with the requirements of Environmental Condition No. 1 and N.J.A.C. 7:50-6.24;
 - g. A detailed statement demonstrating that the project complies with the terms and conditions of this MOA and all applicable requirements of the Pinelands CMP from which a deviation has not been authorized by this MOA; and
 - h. A list of other permits or approvals required prior to commencement of any construction activity.
11. If it is determined by the Executive Director that any portion of the projects delineated in Paragraphs VI.A. 7 through 10 is inconsistent with the requirements of this MOA or the Pinelands CMP from which a deviation has not been authorized by this Agreement, Stafford agrees, on behalf of itself and its designated redeveloper, to modify that project until the Executive Director determines that it is consistent with all requirements. If Stafford disagrees with the Executive Director's determination, it may file a complete Public Development Application and seek formal approval from the Pinelands Commission for such project.
12. Neither it nor its designated redeveloper will commence a project delineated in Paragraphs VI.A. 7 through 10, and VI.B.1 until:
- a. It or its designated redeveloper receives written authorization from the Commission staff indicating that that proposed project is consistent with the requirements of this MOA and the Pinelands CMP or to the extent that new information is involved or changes made to the scope or design of a project pursuant to Paragraph VI.A.6 above, it or its designated redeveloper has received written authorization from the Commission staff pursuant to Paragraph VI.C.8; and
 - b. The Environmental Conditions set forth in Attachment B have been complied with or a mechanism ensuring compliance therewith has been put into place.
13. Stafford agrees to amend its Redevelopment Plan to authorize construction of 30% of the market rate residential units through the use of Pinelands Development Credits and to submit the original and revised Redevelopment Plan to the Pinelands Commission for its review and certification, in accordance with N.J.A.C. 7:50, Subchapter 3.
14. Stafford agrees to purchase and deed restrict against future development at least 570 acres of land (at least three times the forested lands to be disturbed as a result

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of the implementation of the Closure and Redevelopment Plans) in the Forest Area, a portion of which will be located within the Mill Creek drainage area to offset for wetlands impacts, and the remainder of which will constitute suitable Pinesnake habitat. Evidence of the purchase and deed restriction shall be provided to the Executive Director within three years of the effective date of this MOA;

15. In addition to agreeing to comply and requiring its designated redeveloper to comply with the Environmental Conditions set forth in Attachment B, Stafford also agrees to:
 - Limit the amount of acreage on the capped Landfill to be utilized for the relocation of the County leaf composting facility to no more than 20 acres and revegetating the balance of the Landfill with native Pinelands vegetation;
 - Record, in the Ocean County Clerk's office, a conservation easement to ensure that the Landfill and other open space area on the redeveloped Business Park site, including wetland buffer areas, shall remain undeveloped as open space in perpetuity;
 - Require its designated redeveloper to incorporate low impact site design measures into the residential and commercial components of the redevelopment project so as to reduce the size and reliance upon structural stormwater management facilities, reduce consumptive water use and reduce non-point source pollution. With the exception of rooftop runoff, where structural stormwater management facilities are utilized, they shall be designed in series to attain 96% removal of total suspended solids as calculated according to the NJDEP Stormwater BMP Manual. In addition, the redeveloper shall implement low maintenance landscape designs and beneficial re-use of stormwater;
 - Require its designated redeveloper to incorporate "green building" design features into the residential component of the redevelopment project, including but not limited to design features delineated in the "Rating System for Pilot Demonstration of LEED® for Homes Program", Version 1.72" and Project Checklist – Version 1.73 or the current version in effect at the time of registration of the commercial component with the United States Green Building Council for LEED certification and to integrate "green building" design measures into and obtain "Leadership in Energy and Environmental Design" (LEED®) certification from the United States Green Building Council for the commercial component of the redevelopment project. To obtain LEED® Certification for the commercial component, the designated redeveloper shall satisfy the requirements and utilize the technologies and strategies set forth in the "LEED®-NC, Green Building Rating System for New Construction and Major Renovations Version 2.2, dated October 2005, the current version in effect at the time of registration of

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the commercial component with the United States Green Building Council for LEED certification. In addition, the designated redeveloper shall obtain 50% or more of the available credits from the Sustainable Sites and Water Efficiency categories for both the residential and commercial components. The LEED® documents referenced herein may be obtained from the U.S. Green Building Council at <http://www.usgbc.org> and are incorporated herein by reference;

- Require its designated redeveloper, at its own expense and in consultation with the Department of Transportation and the Pinelands Commission, to investigate and implement improved stormwater management measures to reduce total suspended solids directly discharged to the Mill Creek where it crosses Route 72 during a NJDEP water quality design storm by a minimum of 50%. Where such measures require ongoing maintenance of structural stormwater management BMP's, Stafford Township agrees to guarantee said maintenance of the BMP's in perpetuity. Such stormwater management measures shall be implemented upon receipt of the Department and Commission's approval and completed before construction permits are issued for the commercial component of the Redevelopment Plan; and
 - Require its designated redeveloper to submit a Species Management Plan, consistent with Environmental Condition 4, to the Pinelands Commission staff for its review and approval in consultation with the NJDEP. Such plan shall be designed and implemented at the designated redeveloper's expense to achieve the following goals: protect the threatened and endangered plant and animal species located at the Business Park site from harm during the implementation of the Closure and Redevelopment Plans, reestablish the impacted threatened or endangered animal species on, proximate to the Business Park site or at other appropriate areas designated by the Pinelands Commission and the New Jersey Department of Environmental Protection and reestablish the impacted plant species on the site.
16. It will acquire the additional land required pursuant to Paragraph VI.A.14. above, without the use of Township "Open Space" acquisition funds, Green Acres funding or any other source of public funding dedicated to land acquisition for recreational or conservation purposes; and
17. It will reimburse the Commission for the staff time expended in developing and monitoring the implementation of this Agreement. Reimbursement shall be periodically remitted to the Commission within 60 days of the Township's receipt of a duly documented request for payment.

B. The County agrees that:

1. For the relocation of Ocean County facilities and associated site improvements, it or Stafford's designated redeveloper shall provide the following information to

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the Commission staff at least forty five (45) days prior to the commencement of any development activities with regard to such facilities:

- a. A copy of the detailed plans for the proposed Animal Shelter;
 - b. Revised site plans accurately scaling the wetlands buffer line located on Block 13, Lot 68, correcting the legend on Sheet 5 to accurately reflect the symbol for the buffer line used in the plan and including the notation that “No development permitted in wetlands or within 300’ of wetlands;”
 - c. A detailed Stormwater Management Plan that complies with the standards set forth in N.J.A.C. 7:50-6.84 and this MOA, including a letter from the County certifying that it will be responsible for maintenance of any stormwater measures constructed as part of the County facilities relocation project and this MOA;
 - d. A detailed analysis demonstrating compliance with all ambient air quality standards in N.J.A.C. 7:27, including carbon monoxide, in accordance with the requirements of N.J.A.C. 7:50-6.93 and 6.94;
 - e. A detailed Revegetation or Landscaping plan that complies with the requirements of N.J.A.C. 7:50-6.24 and requires the use of native Pinelands seeds, shrubs and plant species, except that limited non-native species may be utilized around the foundations of buildings; and
 - f. A list of other permits or approvals required prior to commencement of any construction activity.
2. It, Stafford or Stafford’s designated redeveloper shall implement the relocation of the Ocean County facilities and associated site improvements identified in Paragraph II.F.2 above, in accordance with the relevant documents set forth in Attachment A, attached hereto and made a part hereof.
 3. It, Stafford or Stafford’s designated redeveloper shall implement the relocation of the Ocean County facilities and associated site improvements identified in Paragraph II.F.2 above, in accordance with all obligations of this MOA and the Pinelands CMP, unless a deviation therefrom is expressly authorized by this Agreement.
 4. It, Stafford or Stafford’s designated redeveloper shall obtain any and all certificates, licenses, consent, approvals or permits required from any local, State and/or Federal entity prior to commencing implementation of the relocation of the Ocean County facilities and associated site improvements identified in Paragraph II.F.2 above. No part of this MOA is intended to nor shall release the County , Stafford and/or Stafford’s designated redeveloper from the responsibility to obtain all other required local, State and/or Federal approvals.

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5. It, Stafford or Stafford's designated redeveloper shall implement the relocation of the Ocean County facilities and associated site improvements identified in Paragraph II.F above, in accordance with all of the Environmental Conditions set forth in Attachment B, attached hereto and made a part hereof, and the terms of this Agreement.
6. Any activity not specifically identified in Paragraph II.F above and described in the relevant documents listed in Attachment A, will require a formal application to the Commission in accordance with the Pinelands CMP (N.J.A.C. 7:50-4.52(b)) and that proposed development may not commence until an application has been completed with the Commission and the Commission has issued an approval.
7. To the extent that either new information becomes available or changes are made to the scope or design of the Ocean County facilities and associated site improvements, identified in Paragraph II.F above, are made that result in more than a de minimis change to the impacts associated with the relocation of such facilities and described in the relevant documents listed in Attachment A, such information or changes shall be submitted to the Pinelands Commission staff for review and for a consistency determination by the staff in accordance with Paragraph VI.C.7.
8. If it is determined by the Executive Director that any portion of the relocation of the Ocean County facilities and associated site improvements identified in Paragraph II.F above, is inconsistent with the requirements of this MOA or the Pinelands CMP from which a deviation has not been authorized by this Agreement, the County agrees, on behalf of itself, Stafford and/or Stafford's designated redeveloper, to modify that project until the Executive Director determines that it is consistent with all requirements. If the County disagrees with the Executive Director's determination, it may file a complete Public Development Application and seek formal approval from the Pinelands Commission for such project.
9. Neither the County, Stafford nor Stafford's designated redeveloper will commence the relocation of the Ocean County facilities and associated site improvements identified in Paragraph II.F above, until:
 - a. The County, Stafford or Stafford's designated redeveloper receives written authorization from the Commission staff indicating that that proposed project is consistent with the requirements of this MOA and the Pinelands CMP or to the extent that new information is involved or changes made to the scope or design of a project pursuant to Paragraph VI.B.7 above, the County, Stafford or Stafford's designated redeveloper has received written authorization from the Commission staff pursuant to Paragraph VI.C.8; and

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- b. The Environmental Conditions set forth in Attachment B have been complied with or a mechanism ensuring compliance therewith has been put into place.
 10. The County agrees to purchase 75 acres of land that constitutes suitable habitat for Northern Pinesnake as part of its open space acquisition program. Evidence of the purchase shall be provided to the Executive Director within three years of the effective date of this agreement.
- C. The Pinelands Commission agrees that:
 1. It will not require the filing of formal public development applications in accordance with the Pinelands CMP, N.J.A.C. 7:50-4.52(b) for the projects delineated in Paragraphs II.D and II.E.2 above;
 2. Based on its review of the documents delineated in Attachment A, the provisions of the Pinelands CMP and the terms of this MOA, including the Environmental Conditions delineated in Attachment B, and with the exception of those standards for which a deviation is being granted pursuant to this MOA, the proposed Resubdivision of the Business Park appears to be consistent with the requirements of the Pinelands CMP, provided that the additional information required pursuant to Paragraphs VI.A.7 above is submitted to and deemed consistent by the Pinelands staff.
 3. Based on its review of the documents delineated in Attachment A, the provisions of the Pinelands CMP and the terms of this MOA, including the Environmental Conditions delineated in Attachment B, and with the exception of those standards for which a deviation is being granted pursuant to this MOA, the proposed closure of the Landfill and remediation of the Old Landfill appears to be consistent with the requirements of the Pinelands CMP, provided that the additional information required pursuant to Paragraph VI.A.8 above is submitted to and deemed consistent by the Pinelands staff.
 4. Based on its review of the documents delineated in Attachment A, the provisions of the Pinelands CMP and the terms of this MOA, including the Environmental Conditions delineated in Attachment B, and with the exception of those standards for which a deviation is being granted pursuant to this MOA, the proposed relocation of Ocean County facilities and associated site improvements, appears to be consistent with the requirements of the Pinelands CMP, provided that the additional information required pursuant to Paragraph VI.B.1 above is submitted to and deemed consistent by the Pinelands staff.
 5. Based on its review of the documents delineated in Attachment A, the provisions of the Pinelands CMP and the terms of this MOA, including the Environmental Conditions delineated in Attachment B, and with the exception of those standards for which a deviation is being granted pursuant to this MOA, the proposed relocation of the Stafford Recycling Drop-off, Stafford Water Tower, Recovery

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and Hay roads and the utilities located there under, relocation of the Andwin Facility and associated construction of an ice skating rink and construction of the proposed residential and commercial developments and off-site roadway improvements, appear to be consistent with the requirements of the Pinelands CMP, provided that the additional information required pursuant to Paragraph VI.A.9 above is submitted to and deemed consistent by the Pinelands Commission staff.

6. Based on its review of the documents delineated in Attachment A, the provisions of the Pinelands CMP and the terms of this MOA, including the Environmental Conditions delineated in Attachment B, and with the exception of those standards for which a deviation is being granted pursuant to this MOA, the proposed relocation of New Jersey Motor Vehicle Commission Inspection Station, appears to be consistent with the requirements of the Pinelands CMP, provided that the additional information required pursuant to Paragraph VI.A.10 above is submitted to and deemed consistent by the Pinelands Commission staff.
 7. Within thirty (30) days of receipt of the information submitted in accordance with Paragraphs VI.A.7 through 10 and VI.B.1, the Commission staff will provide written authorization in accordance with Paragraph VI.C.9 or a written explanation of inconsistencies in accordance with Paragraph VI.C.8 below.
 8. If the Executive Director determines that any portion of a proposed project is inconsistent with this MOA and/or the provisions of the Pinelands CMP, then the Commission staff shall provide a written explanation of the deficiencies and identify specific actions that must be taken by Stafford or its designated redeveloper to remedy such deficiencies.
 9. If the Executive Director determines, after review of information submitted in accordance with Paragraphs VI.A.7 through 10 and VI.B.1 and/or in response to any deficiency letter issued by the Commission staff pursuant to Paragraph VI.C.8, that a proposed project is consistent with this MOA and the provisions of the Pinelands CMP, a written authorization shall be issued to the County, Stafford or Stafford's designated redeveloper settling forth this determination. This written authorization shall constitute a public development approval.
 10. Based upon the environmental measures provided by the terms of this MOA, including those measures discussed in Paragraph IV above and the Environmental Conditions delineated in Attachment B, deviation from the following standards of the Pinelands CMP are warranted: 1) N.J.A.C. 7:50-6.27 (Development prohibited in the vicinity of threatened or endangered plants), 2) N.J.A.C. 7:50-6.33 (Protection of threatened or endangered wildlife required), 3) N.J.A.C. 7:50-6.6 (Development Prohibited (Wetlands and wetlands transitions areas)) and N.J.A.C. 7:50-6.14 (Wetland Transition Areas).
- E. Stafford and the Pinelands Commission agree that should Stafford's designated redeveloper obtain any public funding for the Closure of the Landfill or the

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implementation of the Redevelopment Plan, other than pursuant to a Brownfields Redevelopment Agreement in accordance with the Municipal Landfill Site Closure, Remediation and Redevelopment Act, N.J.S.A. 13:1E-116.1 et seq., 75% of such monies will be contributed to the Pinelands Conservation Fund.

VII. EFFECTIVE DATE AND DURATION

- A. In accordance with N.J.S.A. 13:18A-5(h), this MOA shall take effect following the conclusion of the Governor's review period and approval of the Pinelands Commission minutes authorizing entry of this MOA and then upon approval and signature by the authorized representatives of all parties to this agreement.
- B. This MOA shall remain in effect unless amended by written consent of all parties.

VIII. SIGNATURES

NEW JERSEY PINELANDS COMMISSION

Date: _____

By: _____
John C. Stokes, Executive Director

Approved as to form by:

Date: _____

By: _____
Valerie Haynes, DAG
State of New Jersey

TOWNSHIP OF STAFFORD

Date: _____

By: _____
Carl Block, Mayor

June 28, 2006

OCEAN COUNTY

Date: _____

By: _____
Alan Avery, County Administrator

ATTACHMENT A

Stafford Landfill and Business Park Documents

APPLICATION MATERIALS:

Major Landfill Waste Disruption Approval Report and Request for Beneficial Reuse Approval for the Old Stafford Township Landfill

Prepared by EMCON/OWT, Inc./Shaw Environmental, Inc.
Dated January 19, 2005

Revisions for Landfill Closure Report for the Stafford Township Landfill(2 binders)

Prepared by EMCON/OWT, Inc./Shaw Environmental, Inc.
Dated January 19, 2005; revised August 3, 2005

SITE PLANS:

Engineering Plans for the Waste Disruption and Closure of the Old Stafford Township Landfill, consisting of 11 sheets, prepared by Shaw EMCON/OWT, Inc./Shaw Environmental, Inc. and dated as follows:

Cover Sheet - January 2005
Sheets 1 through 10 - January 19, 2005

Engineering Plans for the Closure of the Stafford Township Landfill, consisting of 16 sheets, prepared by Shaw EMCON/OWT, Inc./Shaw Environmental, Inc. and dated as follows:

Cover Sheet - January 2005; revised November 2005
Sheets 1, 2, 10 & 14 - January 19, 2005; revised November 7, 2005
Sheets 3, 4, 5, 6, 11, 12 & 13 - January 19, 2005; revised November 3, 2005
Sheets 7, 8 & 9 - January 19, 2005; revised July 29, 2005
Sheet 10A - November 3, 2005

Landfill Closure Tree Clearing Plan, prepared by Speitel & Speitel, Inc., dated September 15, 2005 and revised September 26, 2005

Landfill Closure Borrow Area Plan, prepared by Speitel & Speitel, Inc., dated September 16, 2005 and revised September 26, 2005

Topographic & Wetland Survey, prepared by Thomas J. Ertle & Associates, LLC, dated November 11, 2005 and revised February 2, 2006

Southern Recycling Relocation Project plans (County facilities relocation plans), consisting of 22 sheets, prepared by Hatch Mott McDonald and dated as follows:

Cover Sheet - December 2005
Sheets 2 through 22 - December 14, 2005

Lot Consolidation-Subdivision Plan, prepared by Thomas J. Ertle & Associates, LLC, dated June 21, 2005 and revised February 20, 2006.

Stafford Park Mixed Use Development (Conceptual Plan), prepared by Minno & Wasko and dated February ??, 2006

Concept Plan-Route 72 & Recovery Road Roadway Improvements, prepared by TRC Raymond Keyes Associates, dated August 1, 2005 and revised February 22, 2006

AIR QUALITY:

New Jersey Department of Transportation Concept Review Application Traffic Impact Study, prepared by TRC Raymond Keyes Associates and dated August 1, 2005

Stafford Park Mixed-Use Community Project Air Quality Analysis of Mobile Sources, prepared by TRC Environmental Corporation and dated August 2005

Traffic Impact Study Addendum No. 1, prepared by TRC Raymond Keyes Associates and date March 15, 2006

ATTACHMENT B

Environmental Conditions

General Conditions

1. Only native Pinelands grasses, seeds, shrubs and plant species shall be used, in accordance with N.J.A.C. 7:50-6.24, for revegetation or landscaping performed as part of the implementation of the Closure and Redevelopment Plans, except that limited non-native plant species may be utilized around building foundations.
2. The Pinelands Commissions staff shall be permitted to inspect the Business Park site during implementation of the Closure and Redevelopment Plans to ensure compliance with the conditions and provisions of this MOA.

Threatened or Endangered Species

3. In accordance with the requirements of an approved Species Management Plan as required pursuant to Environmental Condition No. 4, at least one biologist qualified in the identification of each of the threatened or endangered plants and animals and their habitats, as defined at N.J.A.C. 7:50-6.27 and 6.33, shall be present at any location within the Business Park site where activities in furtherance of the implementation of the Closure and Redevelopment Plans are taking place. The biologist(s) shall ensure that all activities conducted in accordance with the Closure and Redevelopment Plans do not adversely impact any habitat critical to the survival of any threatened or endangered species of plants or animals, other than permitted by the terms of this Agreement, and that any such plants or animals discovered during construction are protected.
4. If any threatened or endangered animal species are discovered during implementation of the Closure and Redevelopment Plans, such species shall be captured by the qualified biologist(s) and relocated in accordance with a Species Management Plan to be prepared and submitted by Stafford, or its designated redeveloper, to the Pinelands Commission staff for its review and approval in consultation with the NJDEP. Such plan shall implement the goals set forth in Paragraph VI.A.15 and shall include, but not be limited to, identification of field measures, construction practices, time restrictions and protocols designed to minimize the impacts to threatened or endangered species and their associated habitat located at the Business Park site, and shall identify locations where such threatened or endangered species will be relocated, measures that will be funded and implemented to ensure the survival of such relocated threatened or endangered species, including but not limited to the construction of Pinesnake hibernacula and temporary or permanent barriers, as necessary, to preclude species returning to the site; new southern gray treefrog ponds; plant relocation sites, and a long term monitoring protocol to evaluate the success of the relocations. Funding for permanent barriers, if found to be necessary, shall be guaranteed by Stafford, or its designated redeveloper.
5. No site work may commence in furtherance of the Closure or Redevelopment Plan until Stafford, or its designated redeveloper, submits the Species Management Plan to the Commission staff and receives written confirmation of the staff's acceptance of such plan.

6. The Pinelands Commission and the NJDEP, Office of Natural Lands Management or Endangered and Non-Game Species Program (ENSP) shall be notified immediately if any threatened or endangered plants or animal species or habitat critical to their survival, other than those species and their associated habitat discussed in this Memorandum of Agreement, are discovered during the implementation of the Closure or Redevelopment Plans. If any Southern Gray Tree Frogs (*Hyla chrysocelis*) or Northern Pine Snakes (*Pituophis m. melanoleucus*), are discovered during the implementation of the Closure and Redevelopment Plans, the applicable provisions of the Species Management Plan, discussed in Environmental Condition No 4, shall be implemented. Except as provided in Environmental Condition No. 8, for all other threatened or endangered plant or animal species, all activities in the vicinity of such species or critical habitat shall immediately cease pending direction from Pinelands Commission staff, which will be provided in consultation with the NJDEP, ENSP. During that time, the qualified biologist(s) shall take all reasonable steps to ensure that such species or critical habitats are protected.
7. Except as otherwise provided in the Species Management Plan, known Northern Pine Snake dens shall not be disturbed during hibernation periods nor shall any potential nesting areas be disturbed during the nesting season.
8. The Species Management Plan prepared pursuant to Environmental Condition No. 4, shall include a plan for the re-establishment of the two threatened or endangered plant species (Little ladies tresses and Knieskern's beaked rush) located on the Business Park site. Such plan shall include a long term monitoring protocol to evaluate the success of the relocations. If the plants are not successfully established within two years, Stafford, or its designated redeveloper, shall submit a schedule to implement the contingency plan contained within the Species Management Plan for the Commission's approval and, once approved, shall implement such contingency plan.
9. Ponds designed to support the local population of Southern Grey Tree Frog shall be incorporated into the design for redevelopment of the Business Park.
10. Except as otherwise provided in the Species Management Plan, the potential nesting area for Northern Pine Snakes located in the vicinity of the northwesterly property boundary of the Business Park shall not be disturbed and shall be fenced off from the other areas of the site to be disturbed during implementation of the Closure and Redevelopment Plans.

Wetlands and Wetland Transition Areas

11. Appropriate measures, such as the installation of hay bales, shall be taken during the implementation of the Closure and Redevelopment Plans, including but not limited to implementation of the off-site improvements to Route 72, Recovery Road and Garden State Parkway Interchange 63, to preclude sedimentation from entering wetlands.
12. No activities shall occur in wetlands or wetlands buffers unless expressly authorized by the provisions of the MOA.

13. No heavy equipment may be placed, operated or stored within wetlands unless prior approval is obtained from the Executive Director for waste removal purposes. Heavy equipment may be placed in wetlands buffers for the limited purpose of relocating the Little ladies tresses and Knieskerns beaked rush, removing waste from the Old Landfill closure, capping of the Landfill, or construction of the off-site improvements to Route 72, Recovery Road and Garden State Parkway Interchange 63.
14. Any wetlands or wetlands buffers disturbed as a result of implementation of the Closure or Redevelopment Plans shall be graded to natural conditions and seeded with native Pinelands grass species suitable for such areas, except as otherwise authorized by the terms of this Memorandum of Agreement.
15. No storage/staging areas (i.e. locations for the storage, temporary or otherwise, of equipment or materials for the project) shall be located within wetlands or areas within 300 feet of wetlands unless approved by the Pinelands Commission staff prior to utilization of such areas.