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Local supermarket owner allowed involvement in Walmart dispute

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TOMS RIVER BUREAU

Ocean County's largest supermarket chain was allowed to continue its role as an objector to a proposed Walmart on Route 37, as the township Planning Board heard details of the revised project.

It's the second attempt to win approvals by Jay Grunin, a Toms River developer who's built retail space on Hooper Avenue there and first proposed the Walmart project in 2005. It faces a host of opponents: labor unions, environmental groups and Michael Perlmutter, CEO of the Perlmutter family chain of ShopRite stores, who could see business siphoned away from his Manchester store by a 24-hour Walmart grocery operation.

The project has enthusiastic approval from Manchester and Toms River officials, who have already lobbied Gov. Chris Christie for help in obtaining a state environmental permit for the development. The site straddles their boundary, and the towns would share in the property tax revenue from a new store and split responsibilities for emergency response and code enforcement through an interlocal agreement, said Robert Shea, a lawyer for Grunin and Walmart.

But the original application was blocked by the state Department of Environmental Protection, which withheld a Coastal Area Facility Review Act permit. One factor was the discovery on the property of a northern pine snake, a threatened species under state regulations, and the revised plans include a buffer area and a 3,700-foot-long wall, 4½ feet high, to keep the reptiles out of the parking lot.

As outlined by site plan engineer Michael Moonan of Bohler Engineering, the complex of about 193,000 square feet would include Walmart's usual retail operation, plus a garden center, a grocery market and pharmacy section, and restaurant. It would be open around the clock.

"This will be the first design of its kind in this area," said architect Brian Wolfe. The stores use newer graphics and design to guide customers, and represent a big change from the warehouse-style Walmart in Toms River that was built 16 years ago, he said. It's also a design revision that downsizes the first "super center" proposal, he said.

There would be a bus pickup and dropoff area in the center of the entrance promenade, to accommodate coaches from Manchester's big senior communities, plus 25 handicapped parking spaces as requested by Manchester officials.

"You can never have enough handicapped spots," said board Chairman James Vaccaro.

Deliveries by tractor-trailer would approach six unloading docks located off Northampton Boulevard on the east side of the site.

In all, the property would comprise 17 acres in Toms River and 26 acres in Manchester — although the latter township will have just 142 parking spaces of the 800-plus planned. Those spaces will be bigger, as per Manchester's rules: 10 feet wide and 20 feet long, compared to 9½ by 18 feet required by Toms River.

Much of the Manchester acreage will be given over to maintaining forest cover and habitat for pine

snakes on about 60 percent of the 26 acres. Shoppers driving into the site from eastbound Route 37 would follow a curving drive edging a circle 164 feet in diameter: that's the buffer area that DEP experts recommend around the pine snake den site that was found in the winter of 2005-06.

Grunin has additional acreage off Beckerville Road, several miles west in the township's Pinelands area, that would be used to create enhanced pine snake habitat — refuges of downed tree limbs and mounded sand — as part of recommendations from the DEP.

To handle storm water runoff, two shallow infiltration basins would take water from the entrance drive, with a larger basin deeper inside the property to serve the parking area. Runoff from the roof will be infiltrated into the soil with underground pipes beneath the parking lot.

Supermarket executive Perlmutter will be allowed to continue as an objector, despite an attempt by a lawyer for the developers to have him disqualified.

"Mr. Perlmutter is a classic example -- that will be direct and open competition," lawyer Shea said of the CEO of the Perlmutter ShopRite chain. Citing a court case from Paramus, Shea said, "The mere threat that they (Perlmutter stores) will have increased business competition" does not give Perlmutter standing to object before the township Planning Board, he said.

"My recollection is this was addressed at the first hearing" in 2005, countered Ron Gasiorowski, Perlmutter's lawyer. The board granted standing to Perlmutter then, and his interest has been reaffirmed in a civil court case involving him and Walmart in Superior Court in Toms River, Gasiorowski added.

The board agreed to keep Perlmutter involved, on the advice of its attorney, Edward Liston.
