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Walmart justifies need for variances in plan for Toms River-Manchester store

By **KIRK MOORE** • TOMS RIVER BUREAU •
February 17, 2010

TOMS RIVER — The need to meet state environmental requirements — such as protecting northern pine snakes and maintaining native Pine Barrens woodland — and a site straddling the Toms River-Manchester boundary are big factors behind Walmart seeking a host of variances to local land-use rules, said an engineer who designed the retailer's proposed Route 37 West site.

"The snake corridor, the wetlands have forced the building to be developed entirely within the Toms River portion of the site," said Michael Moonen, who described those compromises as the Toms River Planning Board continued its hearing on the store's application.

Both towns approved an earlier plan in 2005, but it was nixed by the state Department of Environmental Protection over the presence of threatened pine snakes and the planned building and paving areas.

The revised plan by Walmart and local developer Jay Grunin uses much of the 25 acres in Manchester for preserved snake habitat — and scrunches the 193,000-square-foot store and garden center up toward the site's eastern edge, so close that one wall would be less than 16 feet from the curb of Northampton Boulevard.

One variance the applicants seek would allow the building to occupy almost 26 percent of the 17 acres in Toms River, up from the township's usual building footprint limit of 20 percent, said Ron Gasiorowski, a lawyer representing project opponent Michael Perlmutter.

Perlmutter is CEO of his family's Shop-Rite supermarket chain, the largest grocery company in Ocean County, and he's mounted a pushback campaign against Walmart in both towns. The planned Walmart would have about 21 percent of its floor space devoted to groceries, and be a direct competitor to Perlmutter's Route 70 Manchester store.

Overall, the store will occupy 10.3 percent of the entire 43 acres in both towns, Moonen said under cross-examination by Gasiorowski. The lawyer challenged the variance requests, arguing that a smaller building would not need a lot coverage variance, or a variance from 100-foot setbacks off Northampton Boulevard.

But lawyer Robert Shea, who represents Walmart and Grunin, led Moonen through another round of questions and answers to show how existing buildings in the nearby industrial park have setbacks of less than 100 feet.

The site plan now is "the net results of the constraints on the rest of the property," Moonen said. "We feel the design is acceptable."

More confrontation

The audience Wednesday night included a number of Perlmutter employees and union members, including Jerry Chudoff of the United Food and Commercial Workers Union Local 152, and an activist with the Wake Up Walmart campaign.

Chudoff questioned Moonen briefly about the roof drainage design. The union representative said earlier this week that he wants to remind the planning board about roof problems that temporarily closed Walmart's Manahawkin store and four others in South Jersey after the last major

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