

Township Counsel Expects Walmart Litigation Headed to Appellate Division

Lawsuit over construction of planned Super Walmart to be heard in state appellate court

- By [Nick Malfitano](#)

Litigation over the [planned development of a Super Walmart site](#) is likely headed to a state appellate court in the springtime, according to Manchester's legal counsel in the matter.

The litigation was initiated by the ownership of the Manchester-based ShopRite supermarket, the Perlmutter family.

Edward F. Liston, Jr., attorney for Manchester Township, the defendant in the suit, stated that the township had won on the trial level, and the plaintiffs had filed an appeal to the State Superior Court's Appellate Division, located in Trenton.

"Briefs will be filed in the next 30 to 60 days, and I'd expect oral arguments to take place in the spring," said Liston.

Liston noted that the litigation would be contested in front of a three-judge court, which comprises the Superior Court's Appellate branch.

Marianne Borthwick, coordinator for the Manchester Township Planning Board, also said that nothing could proceed without a decision from the appellate court, which appears to be months away.

The decision to construct the Super Walmart, to be located on the corner of Route 37 and Northampton Boulevard between Toms River and Manchester, had not been without detractors in the past.

The Pinelands Preservation Alliance (PPA) and the New Jersey Department of Environmental Protection (NJDEP) had previously expressed concern and opposition regarding the construction of the Super Walmart, due to their belief that the building will threaten the habitat and local population of the Northern Pine Snake.

However, a compromise was reached last year between the NJDEP and developer Jaylin Holdings, that for every developed acre of the Super Walmart, 10 acres would be set aside to protect the Northern Pine Snake's habitat. With the store planned to be 21

acres in size, that amounts to more than 200 acres of Pitch Pine trees and small sandy hills that go on for miles alongside Route 37.

Planned conservation efforts include Jaylin's construction of five den areas called hibernacula, canopy sections needed for snake basking, nesting areas and a fence to block human interaction.