

The NJDEP is having a series of Public Meetings on the Green Acres Diversion process, also known as the Ogden Rooney Process, to reverse the NJDEP purchase of 80 acres of Millville Industrial Park lands from Durand back to the city for economic development purposes. The first meeting will be held Wednesday, May 7th in the Millville Commission Chambers at 6:30 PM. The second meeting is in Trenton on May 21st at 2:30 PM. The City Commission can use your support to stop NJDEP from purchasing developable lands in the City of Millville. The City already has 25% of its lands owned by the State or a conservatory agency and the County has over 38%. This does not include additional NJDEP restriction such as wetlands and sewer service area that severe restriction on the amount of lands available for economic opportunity in the City and County. Attached, is a history on this property know as Block 578 Lot 19 as well as some bullet points on the value and Millville's potential for job growth and retables on the property.

In the case of this recent purchase of City lands NJDEP Green Acres has purchase 80 acres of Industrial Zone Lands located in the Mike Lascarides Industrial Park in South Millville. These lands have already been served by sewer and water infrastructure with public funds, adjacent to the Winchester and Western railroad and worse yet located in a Planning Area 2 (PA2) as designated on the NJ State Master Plan. A PA2 is known as a "Suburban Planning Area" with existing infrastructure to support development, which is obviously a designation for growth under the State Planning Guidelines. The City and the County are jointly suing NJDEP for ignoring their own guidelines and public process and purchasing Industrial lands contrary to the city's master plan and the NJ State Plan.

Our discussion with Green Acres representatives has not been fruitful, they indicate that these "stealth" purchase of lands are within the guidelines of their regulations and should not be restricted since the transaction is between a "willing seller and a willing buyer". I fear this is a very slippery slope if NJDEP staff members feel this is their only guidelines for the use of public funds. The misuse of public funds by NJDEP, true environmentalist or "environmentalist" with an agenda could be and in this case is very dangerous. If there are not objective state guidelines to regulate the use of tax payer funds, where are the boundaries for their use?

This property has an interesting history that you can review and draw your own conclusions. Please support the City's and the County's efforts to preserve our right of "home rule" against the state, and allow the City and County to grow and create job opportunities for our residents in appropriate areas recognized by the City, County and State Master Plans without outside interference by the State and inside environmentalist.

Block 578, Lot 19

Sept. 25, 1989 **Approved Subdivision Application by Galetto Realty, Co., LP**

- Approved by Planning Board Resolution #69-89
- Seeking to subdivide into 148 compliant buildable lots
- Environmental Assessment Statement, Block 578 Lot 16, 17 and 18. City of Millville, Cumberland County NJ prepared by: Alexander M. Churchill, Association prepared for: **Galetto Realty, Co., LP**
- Conclusion: The Wild Life analysis shows fairly low abundance of wildlife due to the limited availability of water and lack of well-developed understory to provide cover. The conclusions also suggest that the existence of residential development in fact improves the wildlife habitat; the limited observance of wildlife was reported in the quadrant closest to development due to the availability of anthropogenic materials.
- Environmental assessment "shows the site suitable for residential development as proposed and shows no adverse effect on wildlife or vegetation and indicates that in comparing an adjacent development it actually improved the wildlife habitat in that area."
- The vegetation analysis reveals mainly pine forests due to the inability of soils to retain water.

April 24, 2000 **Galetto Realty, Co., LP Approved for Rezoning of Lot 19 from R-20 Residential to I-1 Industry**

Galetto Realty, Co., LP successfully re-divides 173 Acres at the southern end of Court and Crescent Boulevard. The purpose was to create Block 578 Lot 16 consisting of 93.67 Acres and sell it to the Nature Conservancy and to create Block 578 Lot 19 consisting of 79.75 Acres. The re-division request included a rezoning request for all of lot 19 and a 200' buffer stretching into lot 16 to be rezoned from an R-20 residential Zone to an I-1 Industrial Zone. The purpose stated by the applicant Galetto Realty Co., LP to locate the zone 200' into the adjacent lot was to meet the requirements of the Millville Land Use Ordinance thereby permitting complete use of lot 19 for industrial purposes.

Jan. 10, 2000 **Galetto Realty, Co., LP sells parcel to Durand Glass for Industrial development at a cost of \$398,750.00.**

March 29, 2002 **Galetto Realty, Co., LP sells Block 578 Lot 16 consisting of 93.67 Acres to Nature the Conservancy for \$775,000.00**

April 29, 2011 Letter from Durand Glass Mfg. to NJDEP requesting Block 578 Lot 19 be included in the sewer service area for the Cumberland County WMP including the NJDEP Draft Wastewater Service Area Mapping Correction Form.

June 30, 2011 NJDEP correspondence from Bill Purdie, Supervisor, Office of Land Use Planning to Durand Glass Mfg., requesting additional information on "threatened and endangered species habitat" to make a determination for inclusion of the property in the sewer service area.

Oct. 6, 2011 Letter from the City of Millville signed by Mayor Shannon and City Engineer John Knoop addressed to Marilyn Lennon, Asst. Commissioner for Land Use Management and Tom Micai, Director, Division of Land Use Planning requesting and supporting continued sewer area for the above referenced industrial property.

Oct. 7 2011 Submission from Durand Glass Mfg. to NJDEP including the above supporting correspondence from the City and the "Habitat Suitability Determination Report" prepared by Trident Consultants dated September 21, 2011. The report was able to satisfy NJDEP's June 30, 2011 request for additional information.

Feb. 8, 2012 **Sewer service area inclusion letter for Lot 19 issued by NJDEP**

The Assistant Commissioner Marilyn Lennon confirmed in writing to the City of Millville that Block 578 Lot 19 was appropriate for identification as a sewer service area within the Cumberland County Wastewater Management Plan and "I have directed my staff to include these parcels within the draft sewer service area to support the proposed development.

July 29, 2013 **Deed filed in the County Clerk's office transferring 80 Acres of land known as Block 578 Lot 19 from Durand Glass Manufacturing to the State of New Jersey for \$335,300.00.**

Aug. 15, 2013 Letter from Cumberland County Freeholder Director Joseph Derella to Lt. Governor Kim Guadano requesting her assistance in reversing the NJDEP land sale of Industrial acreage back to the City of Millville for economic development purposes as originally intended.

Nov. 15, 2013 Meeting between Bob Martin, NJDEP Commissioner, his staff members, Millville and County officials to discuss legal means of reversing this "ultra virus" NJDEP purchase.

80 Acre Green Acre Purchase of Industrial Lands

The City of Millville and Cumberland County are challenging NJDEP's recent purchase of 80 acres of industrially zoned property in South Millville's industrial park, thus jeopardizing a private company's plans to buy the property and develop a 400,000sf manufacturing plant which will employ more than 350 local residents.

- NJDEP purchased the property without a public process or notification to either Cumberland County or City of Millville governments.
- Land is within development areas recognized under Comprehensive Master Plan of the State, the NJDEP designated Sewer Service Area, Millville's UEZ, is proximate to State Highway 55, and has rail access, which is critical to the company's plans for growth. There are proposed interchange improvements shown on the property in the Circulation Element of the City's Master Plan.
- Water and Sewer mains suitable for future development run through the middle of property. These mains were extended at the expense of tax payers of the City of Millville for economic development purposes in response to February 8, 2012 letter from NJDEP Assist Commissioner
- Both County and City legal counsel have researched applicable statutes and case law and have concluded that NJDEP did not follow state law and the purchase should be nullified.
- The NJDEP has informed that the land could be "potentially" available through the Green Acres substitution process, known as the Ogden/Rooney Statute at the very earliest by August 19, 2014. This timeline may not meet the needs of the company and may necessitate a substantial expenditure of local taxpayer dollars and potentially over 1000 acres of additional preserved lands to rectify what the City feels was an erroneous act by the NJDEP.
- More importantly, a lengthy process jeopardizes the City, County, and State's efforts to retain 40 jobs and grow the company in Millville, New Jersey. The firm has alternative sites available in and out of state and has emphasized that the clock is running out on our chances.
- Finally, the City of Millville has previously indicated that we would purchase this property immediately from the NJDEP/State for full price. This restores the money to the state fund and will guarantee that this critical project is allowed to proceed and to provide much-needed employment and tax revenues Cumberland County, one of New Jersey's most distressed counties.