

NOTICE OF PUBLIC HEARING

Please take notice that the Planning Board of the Township of Upper (the “Township”) will hold a Public Hearing on July 2, 2026, as part of the Planning Board’s preliminary investigation as to whether Block 599, Lots 37, 51, 52, 56, and 59 through 63 as shown on the Township Tax Maps (the “Study Area”) meet one or more of the criteria of an Area in Need of Redevelopment under the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (“Redevelopment Law”).

Upon completion of its investigation, the Planning Board will provide its recommendation to the Committee of the Township of Upper (“Committee”).

If the Committee adopts a Resolution determining that the Study Area is an area in need of redevelopment, the Study Area shall be designated as a “Non-Condemnation Redevelopment Area,” which shall not authorize the Township to exercise the power of eminent domain to acquire property in the Study Area, but shall authorize the Township to use all other powers provided by the Redevelopment Law, including offering tax or other financial incentives to encourage appropriate redevelopment of the area. Pursuant to the Redevelopment Law, any person may challenge such determination within forty-five (45) days after the Committee adopts a resolution setting forth its determination.

A map of the Study Area, along with a statement setting for the basis for the preliminary investigation, is on file with the Township Clerk and is available for inspection Monday through Friday from 8:30 a.m. to 4:00 p.m.

Anyone interested in, or who would be affected by, a determination that the Study Area is in need of redevelopment, as defined in the Redevelopment Law, may be heard at the Planning Board meeting on July 2, 2026 at 6:00 P.M. at Township Hall, 2100 Tuckahoe Road, Petersburg, New Jersey 08270.

DETERMINATION OF NEED REPORT

TOWN CENTER REDEVELOPMENT AREA
BLOCK 599, LOTS 37, 51, 52, 56, 59, 60, 61, 62 & 63

TOWNSHIP OF UPPER
CAPE MAY COUNTY, NEW JERSEY

Prepared for:
TOWNSHIP OF UPPER

June 17, 2026

As recommended by the Planning Board on _____ by Resolution # _____;
Adopted by the Governing Body on ----- by Resolution -----

*T*iffany A. Cuiello, PP, LLC
A.C. Community Development
& Planning

Tiffany A. Morrissey, PP, AICP
7 Equestrian Drive
Galloway, NJ 08205
(856) 912-4415
tmorrissey@tacplanning.com

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BLOCK 599, LOTS 37, 51, 52, 56, 59, 60, 61, 62 & 63
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CAPE MAY COUNTY, NEW JERSEY

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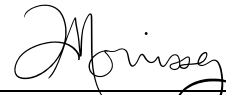
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PREPARED BY:



Tiffany A. Morrissey, AICP, PP#5533

The original of this document was signed and
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INTRODUCTION

On September 8, 2025, the Mayor and Township Committee of the Township of Upper (the “Governing Body”), by Resolution No. 282-2025, directed the Planning Board to conduct a preliminary investigation of the properties identified on the Official Tax Maps of the Township as Block 599, Lots 37, 51, 52, 56, 59, 60, 61, 62, and 63 (the “Study Area”), to determine whether the Study Area qualifies as an Non- Condemnation Redevelopment Area in accordance with the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (“Redevelopment Law”). While the Study Area includes multiple parcels, the primary focus of the investigation is Block 599, Lot 51, also known as 11 U.S. Route 9 South.

The Local Redevelopment and Housing Law requires the Planning Board to evaluate existing conditions of the identified properties and make a recommendation to the Governing Body that the Study Area, or any part thereof, be determined, or not be determined, to be a redevelopment area. A determination by the Governing Body that the Study Area is a Non-Condemnation Redevelopment Area shall authorize the Governing Body to use all those powers provided by the Legislature for use in a redevelopment area, including the preparation and adoption of a redevelopment plan, issuance of bonds for redevelopment projects, acquisition of buildings and land through negotiated sales, leasing or selling property without public bidding, contracts with private entities, the use of various tax exemptions or abatements, and other actions in conjunction with the adopted redevelopment plan pursuant to the Redevelopment Law.

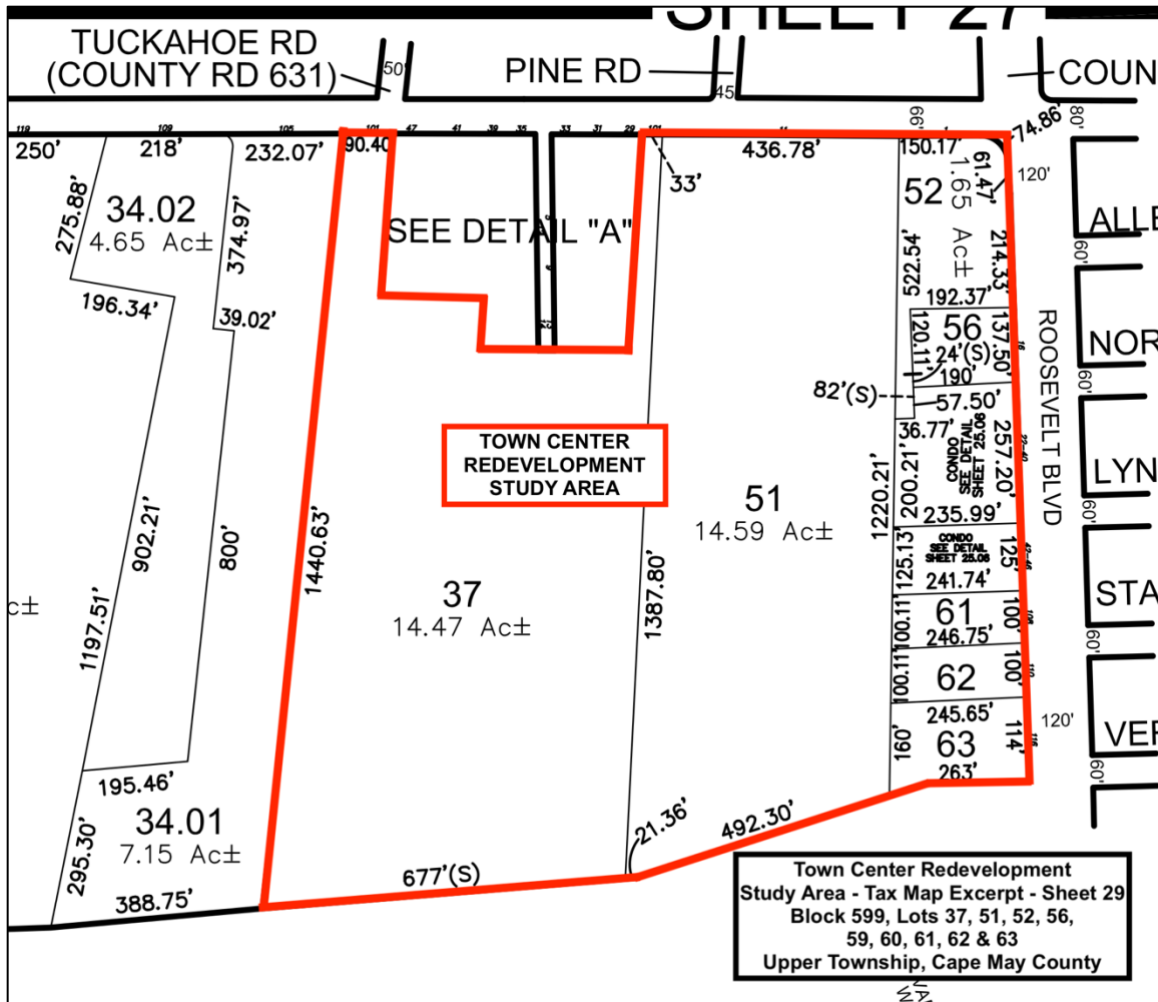
STUDY AREA

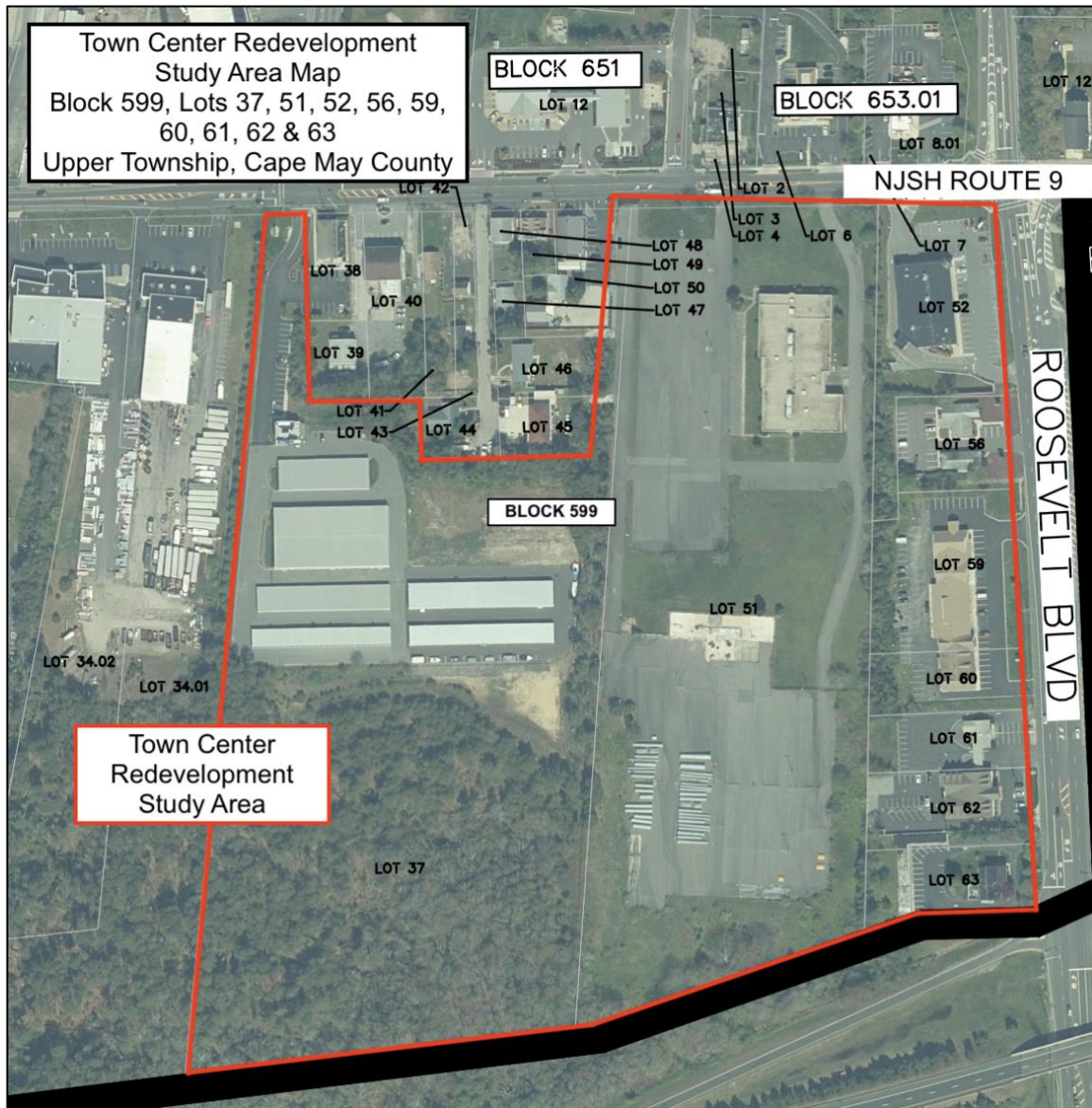
The Study Area includes Block 599, Lots 37, 51, 52, 56, 59, 60, 61, 62, and 63, as identified within Resolution No. 282-2025. The Study Area is located along U.S. Route 9 South and Roosevelt Boulevard for access and abuts the Garden State Parkway. The primary focus of this report is Lot 51; the additional parcels are evaluated for their necessity to the effective redevelopment of the area as a whole.

The properties in the Study Area include the former Verizon property, a self-storage facility along Route 9, the CVS at the intersection of Route 9 and Roosevelt Boulevard. Along Roosevelt Boulevard the properties include office buildings which are listed for sale, Roosevelt Plaza with existing tenants, Connolly Dermatology, law and medical offices, and the Boulevard Motel. These parcels all provide a potential access to Roosevelt Boulevard which is integral to the ultimate redevelopment of the Verizon property.

The complete Study Area is depicted on the Redevelopment Area Map and Tax Map below. Specifically, the identified properties as shown in the Table below and within Resolution # 282-2025 of the Governing Body are included in the Study Area.

BLOCK	LOT	ADDRESS	OWNER	USE
599	37	101 U.S. Route 9	SS Marmora LLC	Self-Storage
599	51	11 U.S. Route 9 South	11 Marmora LLC	Vacant Office
599	52	1 U.S. Route 9	Progress Drugstore LLC	CVS Pharmacy
599	56	16 Roosevelt Blvd	Marmora Integrated LLC	Office Buildings
599	59 & 60	22-40 Roosevelt Blvd 42-46 Roosevelt Blvd	Various Condo Ownership	Roosevelt Plaza
599	61	108 Roosevelt Blvd	Atlantic Cape Builders	Office Space
599	62	110 Roosevelt Blvd	Moonlighting Investments, LLC	Office Space
599	63	116 Roosevelt Blvd	Boulevard Motel Marmora, LLC	Boulevard Motel



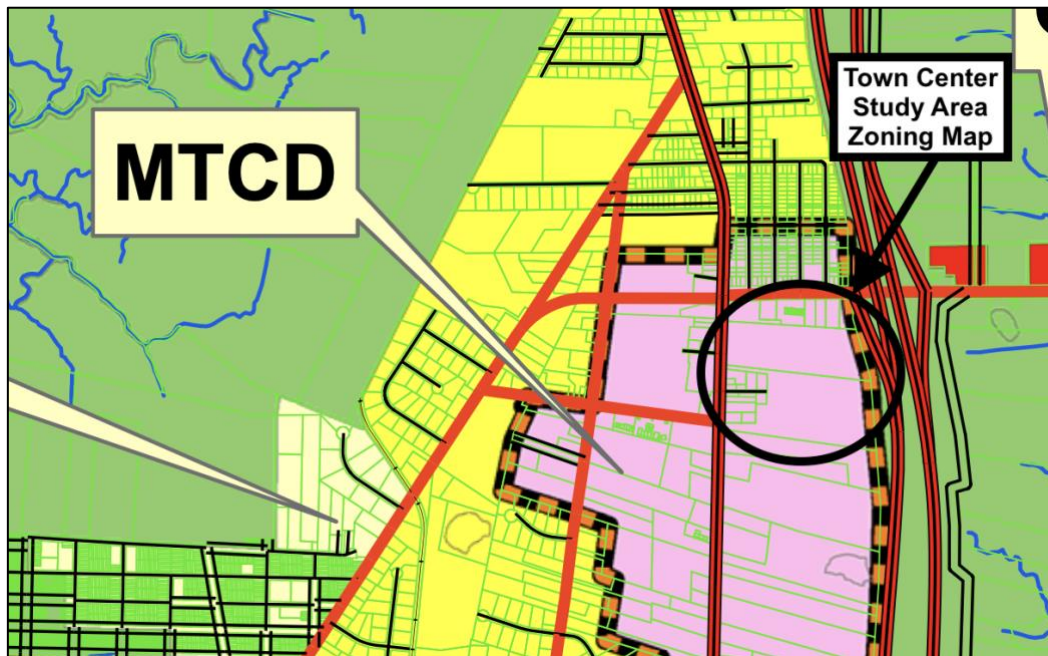




Town Center Redevelopment Area (Source Cape May Co Parcel Viewer)

Zoning

The Study Area is located within the Township of Upper's Marmora Town Center District (MTCD). The Marmora Town Center District was created as part of the implementation of the Township's Housing Element and Fair Share Plan. The intent is to permit a mix of commercial and residential uses while creating a Route 9 streetscape which is walkable and incorporates the village atmosphere of a traditional downtown area.



The permitted land uses in the MTCD zone include a mix of commercial, office, civic, and inclusionary residential uses designed to create a pedestrian-oriented, village-style development pattern along the Route 9 corridor. The purpose of the MTCD zoning is set forth at Section 20-4.20 of the Township Code¹:

“The purpose of the district is intended to promote a desirable mix of commercial, office, civic and inclusionary residential land uses within a vibrant, pedestrian-friendly, village environment with an emphasis on uses that service local needs. It is intended to encourage pedestrian flow throughout the area by generally permitting stores and shops and personal

¹ The Revised General Ordinances of the Township of Upper, 1989

service establishments on the ground floor of buildings and promoting the use of upper floors for offices and inclusionary residential dwelling units in order to enhance the orientation of land uses toward pedestrian shopping and circulation within a village-style mixed-use environment. The district promotes a denser development through the use of community wastewater treatment facilities or sanitary sewer connection. The MTCD District is intended to create a variety of residential housing densities and options including affordable housing units. The MTCD district is further intended to promote non-residential development and balance the mix of residential to non-residential uses."

Surrounding Area

The Study Area is bounded on the northwest by Route 9 and on the northeast by Roosevelt Boulevard. On the north side of Route 9 is a Wawa Superstore, Cooper Urgent Care, Dunkin Donuts and the Shop Rite shopping center. The Study Area is bounded on the east by Roosevelt Boulevard. Along the south side of Route 9 is Marmora Hardware and properties along Roberts Avenue. To the southwest of Lot 37 is the Dollar General and surrounding commercial properties. To the southeast of the Study Area is the Garden State Parkway. The Study Area is highlighted on the aerial and tax maps above, showing the surrounding area and land uses.

STATUTORY REQUIREMENTS

The Legislature adopted the Redevelopment Law to help local governments reverse conditions of deteriorated land uses, services, facilities and other physical components and supports of community life, as well as improper, or lack of proper, development. The Redevelopment Law assists local governments in “promoting the physical development that will be most conducive to the social and economic improvements of the State and its several municipalities.” N.J.S.A. 40A:12A-2(a), (c).

This document is a “Determination of Need” report, a gathering and evaluation of existing conditions in the Study Area created as part of the Planning Board’s preliminary investigation to determine if such conditions support a finding that the Study Area is in need of redevelopment pursuant to N.J.S.A. 40A:12A-5 and -6. The criteria warranting a

determination that an area is in need of redevelopment have been clarified by the courts and changed in part through legislative action over the years.

In 2013, the Legislature amended the Redevelopment Law to require either a “condemnation” or a “non-condemnation” redevelopment designation. This amendment also clarified the conditions necessary to support a redevelopment area designation pursuant to “Criterion e”. N.J.S.A. 40A:12A-5(e). In 2019, the Legislature expanded “Criterion b” to explicitly include discontinued use or abandonment of single buildings, retail, and shopping malls or plazas, as well as significant vacancies of such buildings. N.J.S.A. 40A:12A-5(b).

A determination that an area is in need of redevelopment requires the Governing Body to conclude by resolution that one or more of the following conditions listed at N.J.S.A. 40A-12A-5 exist(s) in the area:

- a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.
- b. The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive

land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.
- f. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.
- g. In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to Sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L.1991, c.441 (C.40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L.1992, c.79 (C.40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.
- h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

In addition to the above Section 5 criteria, Section 3 of the Redevelopment Law provides that “a redevelopment area may include land, buildings, or improvements, which of themselves are not detrimental to the health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area in which they are a part.”

Section 6 of the Redevelopment Law requires that the Governing Body’s redevelopment area determination be supported by substantial evidence. Case law has clarified that substantial evidence must be supported by credible expert testimony. The determination cannot rest solely on unsupported “net opinions” or a mere recitation of the statute. The findings and conclusions set forth in this Determination of Need Report satisfy this requirement.

FINDINGS

An investigation of the property within the Study Area was completed which included, but was not limited to, a review of the existing land uses, the physical condition of the properties, the relationships among its uses, the relationship to the community and region, and other similar items. The conditions of the area were also examined in relation to the rest of the community. The investigation supports the conclusion that the Study Area meets one or more of the statutory criteria to be declared an area in need of redevelopment as defined by the Redevelopment Law for the reasons set forth below.

Block 599, Lot 37

This property is partially developed as a Public Storage facility with site access at the controlled, signalized intersection of Tuckahoe Road and Route 9. The developed portion of the property is located behind various commercial and residential buildings along Route 9. Lot 37 is a “flag” lot with two “stems” of the property which provide access to Route 9 on either side of the property. The rear of the property is wooded and

undeveloped, extending back to the Garden State Parkway. This site provides a unique opportunity for a shared access to Route 9 via a controlled intersection. Because plans for effective redevelopment of the Study Area cannot be made until after a redevelopment area determination, inclusion of Lot 37 is necessary for effective redevelopment of the area.

Block 599, Lot 51

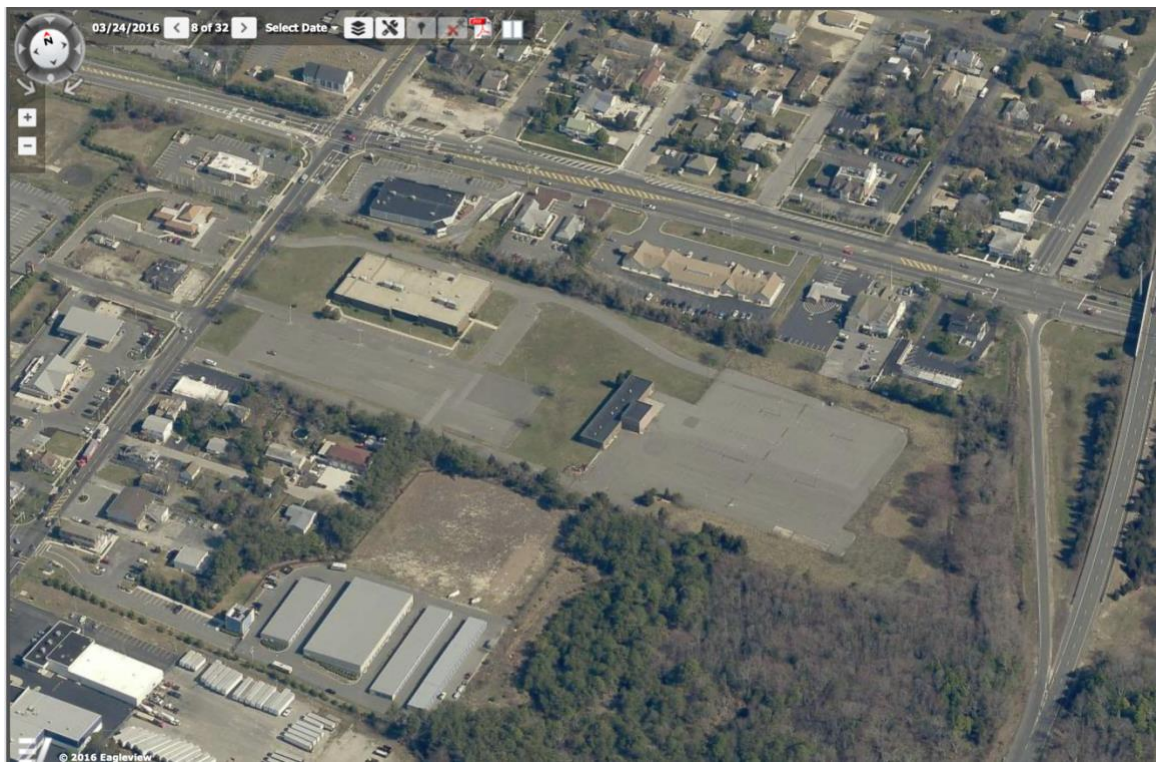
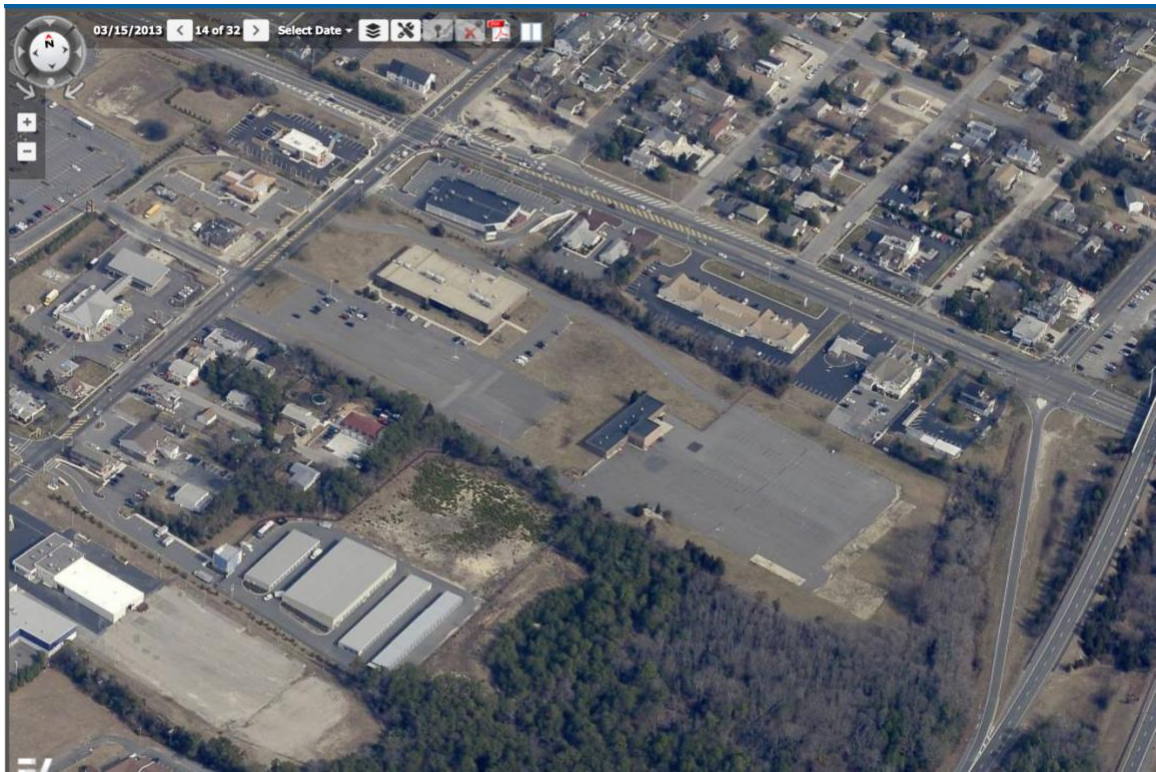
This property consists of a vacant former Verizon telecommunications facility which was constructed in the early 1970's. The site contains 14.59 acres of land and includes a vacant office building of approximately 26,240 square foot, paved parking areas, internal driveways, stormwater infrastructure, and other associated site improvements. The property was originally occupied by New Jersey Bell and later Verizon Communications and then Verizon Wireless. The principal building of 26,240 square feet was utilized as office space and operations. A secondary building of 8,802 square feet, which was constructed around 1977 and demolished in 2018, contained vehicle maintenance facilities, equipment storage, and associated support functions. The office building has remained vacant for an extended period and has become blighted from long-term disuse and deferred maintenance.

In 2019 through 2025 the parking area on the property was temporarily used by Atlantic City Electric for storage of construction materials and construction staging. This was an interim use with short term intentions to address a nearby construction project. The temporary use was limited in scope and use. There was no use of the building or improvements made to the property.

The principal building was constructed pursuant to permits issued in 1974. An addition was constructed onto the principal building for new office space to the front of the building pursuant to a 1988 site plan approval. The site remained occupied and utilized for telecommunications-related operations through the following decades. By 2019, the secondary building had been demolished, leaving the principal building and associated paved areas. The property is currently vacant. The following aerial views from Cape May

County Mapping show the site being partially utilized in 2009 and 2013 with subsequent dates in 2016 and 2025 showing the site vacant and unutilized.

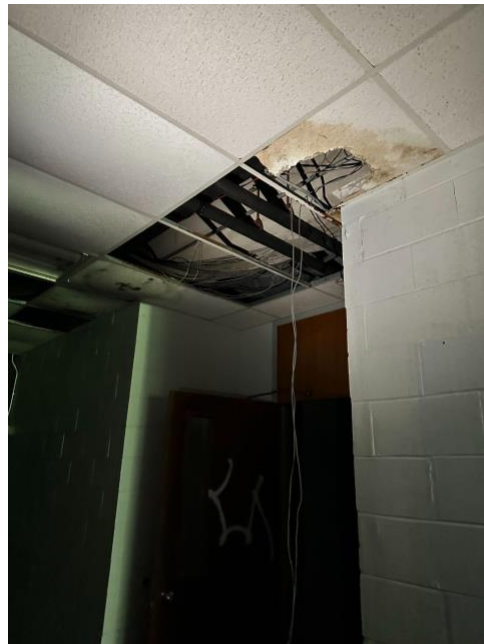
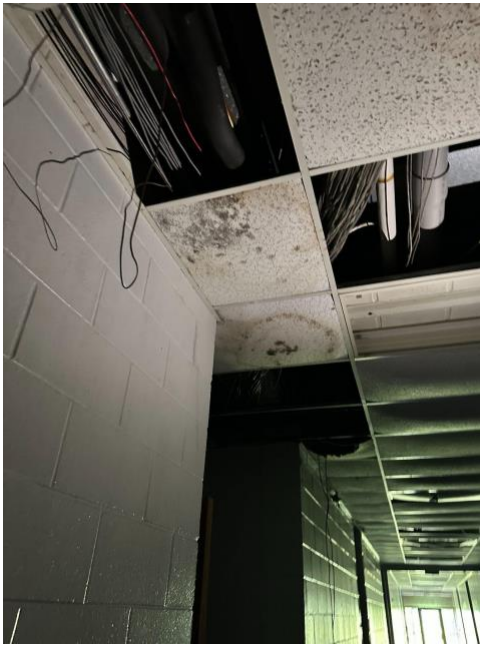






Building Conditions

A site inspection, which included a walk-through of the building on May 6, 2026, showed visible deterioration of the building. The photographs below, taken on the same date of the walk-through, show the building is in poor condition. The large glass windows have been broken out and boarded up with plywood. The building has been vandalized. There is deterioration including water intrusion, damaged and missing ceiling finishes, deteriorated wall surfaces, and exposed building systems. The building has no active HVAC system and is musty and has areas of mold and/or mildew as shown in the photographs. Portions of the structure have been adversely impacted by prolonged vacancy and lack of maintenance and would require substantial rehabilitation before being returned to productive use.





Boarded up / Broken Windows



Boarded up Broken Windows



Property Conditions

Lot 51 contains numerous existing and former utility improvements associated with its historic telecommunications operations. Historic records indicate that the property was previously served by underground fuel oil storage tanks, potable wells, septic systems, a gasoline dispensing area, and associated utility infrastructure. Stormwater facilities, a septic manhole, a backup diesel generator, and multiple environmental monitoring wells remain present on the property. These existing and former utility improvements represent obsolete infrastructure that may require removal, abandonment, investigation, or coordination as part of future redevelopment activities.

A Phase I Environmental Site Assessment Report was prepared for the property by Dynamic Earth on January 8, 2025. The Phase I Report notes that the property is affected by environmental constraints associated with both on-site and off-site historic activities. An existing groundwater Classification Exception Area associated with an off-site petroleum release extends across a substantial portion of the Site. Historic vehicle maintenance operations, former fuel storage and dispensing activities, former septic systems, historic agricultural use, and the presence of freshwater wetlands may require additional investigation, permitting, remediation, or environmental controls as redevelopment proceeds. Multiple monitoring wells associated with current and former environmental investigations remain present throughout the property.

The property contains large open parking areas with broken asphalt and overgrown vegetation. Shown in the following photos are existing site conditions. The large expanse of open asphalt areas is obsolete and represent excessive land coverage which is not useful and has limited reuse opportunities. The temporary use by Atlantic City Electric for storage of construction materials has been the only interim use and is shown to utilize the rear of the site in the last photograph. These operations have completed or are at the end of use.

Photographs of Existing Site Conditions:







The combination of prolonged vacancy, building deterioration, obsolete infrastructure, environmental constraints, and underutilization limit the productive use of the property and creates physical and economic impediments to redevelopment. These conditions contribute to the obsolescence of the Site.

Block 599, Lot 52

This parcel includes the existing CVS Pharmacy. The property is located at the corner of Route 9 and Roosevelt Boulevard. The pharmacy was constructed in 2011. The property is a unique shape and includes a leg which is 36-feet wide and runs between Lot 51 and Lots 56 and 59. This property not only provides a direct connection to Roosevelt Boulevard, it also is necessary to allow for any connection of Lot 56 if necessary for improved traffic circulation. This property is necessary to the effective redevelopment of the Study Area to allow maximum flexibility in creating and configuring direct access to Roosevelt Boulevard from Lot 51.

Block 599, Lot 56

This property contains two vacant office buildings with frontage along Roosevelt Boulevard. The total building area is 3,818 square feet with 22 parking spaces. One building is 2,194 square feet and was previously a health and wellness center. The second building is 1,624 square feet and includes various office rooms. Former occupants include a mortgage and lending business and an awning business. The property and buildings are currently listed for sale as of the writing of this report. The lot is separated from Lot 51 by a stem of the CVS Pharmacy property, Lot 52. This property is also necessary to the effective redevelopment of the Study Area to allow maximum flexibility in creating and configuring direct access to Roosevelt Boulevard from Lot 51.

Block 599, Lot 59 & 60

This is an occupied commercial building, with each unit a condominium ownership. There are several individual condominium units. The existing users include a building company, an orthodontist office, an electrical contractor, oral surgeon and veterinary hospital. This property is also necessary to the effective redevelopment of the Study Area to allow maximum flexibility in creating and configuring direct access to Roosevelt Boulevard from Lot 51.

Block 599, Lot 61

The property contains the Connolly Dermatology office. Formerly, the property was a drive-thru bank. It is a one-story structure which has been repurposed as an office space. The drive-thru facility improvements remain but are not being utilized by the current tenant. This property is also necessary to the effective redevelopment of the Study Area to allow maximum flexibility in creating and configuring direct access to Roosevelt Boulevard from Lot 51.

Block 599, Lot 62

This is a two-story office building with various tenants. The building is not fully occupied. The property is also necessary to allow maximum flexibility in creating and configuring direct access to Roosevelt Boulevard from Lot 51, and is therefore necessary for the effective redevelopment of the Study Area.

Block 599, Lot 63

The last property on Roosevelt Avenue before the Garden State Parkway is the Boulevard Motel. The Motel is in the rear of the parcel and an office with owner's quarters is located along Roosevelt Boulevard. The motel was built in 1949. The property is also necessary to allow maximum flexibility in creating and configuring direct access to Roosevelt Boulevard from Lot 51, and is therefore necessary for the effective redevelopment of the Study Area.

State Plan

The State Development and Redevelopment Plan ("SDRP") adopted on December 17, 2025, is a state-level guidance document that provides a vision for the future with the intent to preserve and enhance the quality of life for all residents of New Jersey. The SDRP was initially released in 2001 and was recently updated and readopted in December of 2025. The purpose of the State Plan is to coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination.

The State Plan includes the following overarching goals, which include:

1. ***Economic Development Goal*** – Promote economic growth that benefits all residents of New Jersey.
2. ***Housing Goal*** – Provide an adequate supply of housing for residents of all ages and incomes in communities of their choosing that meet their needs and offer ready access to the full range of supportive goods and services.
3. ***Infrastructure Goal*** – Economic opportunity through nation leading infrastructure.
4. ***Revitalization and Recentering Goal*** – Revitalize and Recenter the State's underutilized developed areas.

5. ***Climate Change Goal*** – Effectively address the adverse impacts of global climate change.
6. ***Natural and Water Resource Goal*** – Protect, maintain, and restore the State’s natural and water resources and ecosystems.
7. ***Pollution and Environmental Clean-up Goal*** - Protect the environment, prevent and clean up pollution.
8. ***Historic and Scenic Resources Goal*** - Protect, enhance and improve access to areas with exceptional archeological, historic, cultural, scenic, open space, or recreational value.
9. ***Equity Goal*** – Implement equitable planning practices to promote thriving communities for all New Jerseyans.
10. ***Comprehensive Planning Goal*** – Foster sound and integrated planning and implementation at all levels statewide.

The State Plan Policy Map has two major components: Planning Areas, which identify the unique natural and built infrastructure in specific areas across New Jersey; and Centers and Environs, which identify the scale, location and design of livable communities and natural landscapes. For each component, the State Plan recognizes that New Jersey requires different approaches in its Metropolitan, Suburban, Fringe, Rural, and Environmentally Sensitive Planning Areas.

The identified properties are located within the Marmora-Palermo-Beasley's Point Town Center, a designated Center recognized through the State Plan Endorsement process. Upper Township first received Plan Endorsement on February 21, 2007, and sought continuation of its Center designations, including the Marmora-Palermo-Beasley's Point Town Center, as part of its re-endorsement efforts. The Township has undertaken numerous planning initiatives intended to promote redevelopment, economic vitality, housing opportunities, and walkable development patterns within its designated centers.

The Township's planning efforts have included Master Plan updates, affordable housing planning, transportation planning initiatives, and adoption of the Marmora Town Center District (MTCD). The Township's 2018 Master Plan Reexamination specifically

identified the future need for redevelopment within the Marmora Town Center area. The MTCD was established as part of the implementation of the Township's Housing Element and Fair Share Plan and is intended to encourage a mix of commercial, office, civic, and residential uses, including affordable housing opportunities, within a walkable mixed-use environment along the Route 9 corridor.

The Study Area consists primarily of a vacant and underutilized former telecommunications facility located within the Marmora Town Center District. Redevelopment of the property would promote reinvestment in an existing developed site, support housing and economic development opportunities, utilize existing infrastructure, and further the Township's long-standing planning objectives for the Marmora Town Center area.

REDEVELOPMENT DETERMINATION

Substantial credible evidence exists to support a determination that the Study Area is A Non-Condemnation Redevelopment Area because the parcels in the Study Area meet one or more of the criteria outlined in Section 5 of the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-5(a)-(h)) or their inclusion is necessary to the effective redevelopment of the area. Specifically, the following criteria are met:

Criterion b

Under Criterion b, an area qualifies as an area in need of redevelopment where there is "the discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable." (N.J.S.A. 40A:12A-5(b).)

Lot 51 in the Study Area was previously occupied by New Jersey Bell and Verizon and functioned as a telecommunications operation's facility consisting of office space, maintenance operations, and equipment storage. These operations have ceased and the

property is currently vacant and unoccupied. One of the principal buildings formerly located on the property has been demolished, leaving a concrete slab within the central portion of the Site. The remaining commercial building is vacant and no longer tenantable due to the conditions observed during site inspection. As detailed above, site inspection identified water intrusion, damaged ceiling systems, exposed building infrastructure, vandalism, and evidence of unauthorized entry. These conditions adversely affect the utility of the structure and would require substantial rehabilitation before the building could be returned to productive occupancy.

The discontinuance of the former telecommunications use of the building with no subsequent productive use, the continued vacancy of the building, and the deteriorated condition of the structure observed on site visit each independently satisfy Criterion b.. Accordingly, the Study Area satisfies Criterion b of the Local Redevelopment and Housing Law.

Criterion d

Under Criterion d, an area qualifies as an area in need of redevelopment when the area contains buildings or improvements which “by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.” (N.J.S.A. 40A:12A-5.(d).)

Lot 51 in Study Area contains a former telecommunications operations facility originally developed for office, maintenance, equipment storage, and related utility functions. The existing improvements were specifically designed to support the operational needs of New Jersey Bell and Verizon and no longer serve their original purpose. One of the buildings formerly located on the property has been demolished and the remaining building has remained vacant and unoccupied for an extended period of time.

Site inspection revealed conditions in remaining building associated with prolonged vacancy and deferred maintenance including water intrusion, damaged and missing ceiling systems, deteriorated interior finishes, exposed building infrastructure, vandalism, evidence of unauthorized entry, and extensive areas of vacant office space. The property also contains obsolete utility infrastructure associated with its former telecommunications use, including former fuel storage and dispensing facilities, septic systems, environmental monitoring wells, and related site improvements.

In addition, the property is affected by environmental constraints including an existing groundwater Classification Exception Area, historic maintenance operations, former fuel storage activities, historic agricultural use, freshwater wetlands, and ongoing environmental monitoring requirements. These conditions create physical and economic impediments to redevelopment and contribute to the obsolescence of the property.

The existing building, site layout, and supporting infrastructure were designed for a single-user telecommunications campus and are no longer suitable for occupancy or reuse, as evidenced by their prolonged vacancy. The large, paved areas with broken up concrete and contribute to the obsolescence of the property.

Lot 37 fails to contribute to the local economy through jobs, commerce, or housing, and its continued state impedes development. Additionally, the dilapidation of the property invites criminal activity such as trespassing and vandalism as evidenced by the above photographs. The combination of deterioration, obsolete improvements, obsolete site design, environmental constraints, and prolonged underutilization is detrimental to the safety, health, and welfare of the community.

Accordingly, it is the opinion of the undersigned that the Study Area satisfies criterion "d" of the Local Redevelopment and Housing Law.

Criterion “h”

Under criterion “h”, an area qualifies as an area in need of redevelopment when “the designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.” (N.J.S.A. 40A:12A-5.(h))

The entire Study Area is within a Smart Growth Area as designated by the Office of State Planning. The site is also within the Marmora Town Center, a designated center under the SDRP. The Township has received Plan Endorsement from the Office of State Planning demonstrating that its planning and zoning is consistent with smart growth planning principles.

The Study Area is located within the Marmora Town Center District (MTCD), a zoning district established by the Township in accordance with their Plan Endorsement approval. The MTCD district is intended to promote a compact, mixed-use, pedestrian-oriented development pattern along the Route 9 corridor. The purpose of the MTCD zone is to encourage an integrated mix of commercial, office, civic, and residential uses, including affordable housing opportunities, while creating a walkable village-style environment that supports both economic development and community revitalization, consistent with smart growth principles.

The existing development within the Study Area includes a vacant and underutilized former telecommunications facility that no longer contributes to the planning objectives of the district. The existing site layout and improvements on Lot 51 were designed for a single-user telecommunications campus and are inconsistent with the mixed-use, pedestrian-oriented development pattern envisioned by the Township.

Redevelopment of the Study Area would facilitate the adaptive reuse and reinvestment of an already developed property located within an established growth area served by existing transportation infrastructure. Redevelopment would further the Township's land use, housing, and economic development objectives by promoting

productive use of an underutilized property while supporting the creation of a more compact and efficient development pattern.

The redevelopment of the Study Area allows for the continued planning and redevelopment of underutilized properties within designated Smart Growth areas. Accordingly, the designation of the Study Area as a Non-Condemnation Area in Need of Redevelopment is consistent with smart growth planning principles and satisfies criterion "h" of the Local Redevelopment and Housing Law.

Section 3 of the Redevelopment Law

In addition to the above criteria, Section 3 of the Redevelopment Law allows the inclusion in a redevelopment area of “land, buildings, or improvements, which of themselves are not detrimental to the health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area in which they are a part.” In the Study Area there are several parcels that are not detrimental to the health, safety or welfare, but which are essential to the effective redevelopment of the Study Area due to their location and ability to provide secondary site access to Lot 51. M

CONCLUSION

The primary focus of this investigation is Block 599, Lot 51, which contains a former Verizon telecommunications facility that has remained vacant and unoccupied following the discontinuance of its historic use. The property contains a deteriorated and underutilized commercial building, obsolete infrastructure associated with former telecommunications and maintenance operations, environmental constraints, and a site layout that no longer supports the planning objectives of the Marmora Town Center District. These conditions have limited the productive use of the property and are detrimental to the safety, health, and welfare of the community.

The Study Area, based upon substantial credible evidence as set forth herein, satisfies the following criteria under the Local Redevelopment and Housing Law as an area in need of redevelopment:

- **N.J.S.A. 40A:12A-(b).** The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- **N.J.S.A. 40A:12A-5(d).** Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.
- **N.J.S.A. 40A:12A-5(h).** The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

The history of the property, existing conditions, environmental constraints, discontinued commercial use, building deterioration, obsolete improvements, and underutilization of the Site support the conclusion that the Study Area is in need of redevelopment pursuant to N.J.S.A. 40A:12A-5(b), (d), and (h).

In addition to the above criteria, Section 3 of the Redevelopment Law allows the inclusion of parcels which are necessary for the effective redevelopment of the area but that may not satisfy conditions (a) through (h), by stating “a redevelopment area may include land, buildings, or improvements, which of themselves are not detrimental to the health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area in which they are a part.” Specifically, lot 37 provides an opportunity to connect to a controlled intersection access point along Route 9. Additionally, lots 52, 56, 59, 60, 61, 62 and 63 all provide an opportunity to have access on a secondary roadway and reduce potential congestion and while improving traffic circulation. These additional parcels are necessary for the effective

redevelopment of the Study Area. These parcels also satisfy Section (h) as the redevelopment of the entire Study Area would be consistent with smart growth planning principles.

It is submitted, therefore, that the Study Area meets the statutory definition for an “area in need of redevelopment” and that the Governing Body and Planning Board take the action necessary, after public notice and hearing as required by the Redevelopment Law, to make that determination according to law.

APPENDICES

Appendix I - Governing Body Resolution

Appendix II - Phase I ESA prepared by Dynamic Earth (without Exhibits)

Appendix I - Governing Body Resolution

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N**

RESOLUTION NO. 282 -2025

**RE: DIRECTING THE PLANNING BOARD OF THE TOWNSHIP OF UPPER TO
CONDUCT A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER AN
AREA IS IN NEED OF REDEVELOPMENT**

WHEREAS, N.J.S.A. 40A:12A-6, authorizes the governing body of any municipality, by resolution, to direct its Planning Board to conduct a preliminary investigation to determine whether any area of the municipality is an area in need of redevelopment pursuant to the criteria set forth in N.J.S.A. 40A:12A-5; and

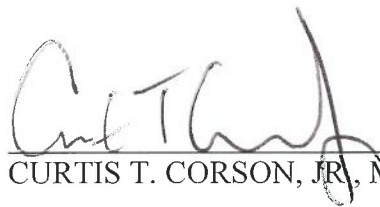
WHEREAS, the Mayor and Township Committee of the Township of Upper consider it to be in the best interest of the Township to have the Township's Planning Board ("Planning Board") conduct such an investigation regarding parcels designated on the Township of Upper tax maps as Block 599, Lots 37, 51, 52, 56, 59, 60, 61, 62, and 63 (the "Study Area"); and

WHEREAS, a determination by the Township that the Study Area or any part thereof is a redevelopment area shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, except it shall not authorize the use of eminent domain (hereinafter referred to as a "Non-Condemnation Redevelopment Area"); and

WHEREAS, the Study Area may be in a state of dilapidation, vacancy, obsolescence, or present conditions within the Study Area may otherwise be detrimental to the safety and welfare of the community thereby requiring redevelopment to better serve the Township.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Upper, County of Cape May, State of New Jersey as follows:

1. The Planning Board is hereby directed to conduct a preliminary investigation to determine whether the Study Area, or any part thereof, if applicable, is a Non-Condemnation Redevelopment Area according to the criteria set forth in N.J.S.A. 40A:12A-5.
2. The Planning Board is hereby directed to comply with the statutory requirements outlined in N.J.S.A. 40A:12A-6 and to prepare a report of its findings and, once completed, to transmit the report to the Township Committee of the Township of Upper for their review and approval in accordance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.
3. This Resolution shall take effect immediately.


CURTIS T. CORSON, JR., Mayor


JOANNE R. HERRON, Township Clerk

Resolution No. 282 -2025
Offered by: Nappen Seconded by: Casaccio
Adopted: September 8, 2025
Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Casaccio	X			
Nappen	X			
S. Palombo	X			
Z. Palombo	X			
Corson	X			

**Appendix II - Phase I ESA prepared by Dynamic Earth
(without Exhibits)**

Phase I Environmental Site Assessment Report

Commercial Property
11 Route 9
Block 599, Lot 51
Upper Township
Cape May County, New Jersey

Prepared for:
Fairhaven Development Holdings, LLC
19 Kris Court
Newark, Delaware 19702

Prepared by:



245 Main Street, Suite 110
Chester, New Jersey 07930

Project #: 5540-24-03087

January 8, 2025



January 8, 2025

via email

FAIRHAVEN DEVELOPMENT HOLDINGS, LLC

19 Kris Court

Newark, Delaware 19702

Attention: David Steinberg

Regarding: PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT

Commercial Property

11 Route 9

Block 599, Lot 51

Upper Township, Cape May County, New Jersey

Dynamic Earth Opportunity No.: 5540-24-03087

Dear Mr. Steinberg:

Dynamic Earth, LLC (Dynamic Earth) is pleased to submit for your review the attached *Phase I Environmental Site Assessment Report* for the above-referenced Site. Please contact us with any questions or comments regarding the enclosed report.

Sincerely,

DYNAMIC EARTH, LLC



Victoria Ryback
Senior Project Manager



Anthony George
Project Manager

Enclosures

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APPENDIX F

User Questionnaire

APPENDIX G

User Provided Documents & NJDEP Files

EXECUTIVE SUMMARY

Dynamic Earth, LLC (Dynamic Earth) was retained by Dynamic Engineering Consultants, PC on behalf of Fairhaven Development Holdings, LLC to perform a Phase I Environmental Site Assessment (ESA) of the commercial property located at 11 Route 9 in Upper Township, Cape May County, New Jersey. The Site is identified further as Block 599, Lot 51 and is hereinafter referred to as the “Site”. The Site reconnaissance was conducted on November 26, 2024. A *Site Location Map* and *Existing Conditions & REC Location Plan* are included as Figures 1 and 2, respectively.

The Site comprises approximately 14.59 acres and currently is developed with a vacant, single-story commercial structure located in the northern portion of the Site. A concrete slab associated with a former building is located in the central portion of the Site. Asphalt-paved parking areas are located to the west and southeast of the commercial structure and concrete slab, respectively. An area of wetlands is located in the southwestern portion of the Site and the remaining portions of the Site consist of landscaped areas.

According to historic sources, the Site consisted of agricultural land between at least 1931 and 1961. By 1974, the original footprint of the current Site structure was built (expanded in 1988) in the northern portion of the Site with associated asphalt-paved parking areas to the west. Agricultural use continued in the southeastern portion of the Site in 1974. By 1975, an additional structure was built in the central portion of the Site with asphalt-paved parking areas to the southeast. The Site was occupied by New Jersey Bell (Verizon) since original development. The northern structure was reportedly used as office space and the central structure consisted of a truck maintenance facility/garage and equipment storage. A gasoline fuel dispenser was also formerly located to the south of the maintenance building.

In accordance with ASTM E1527-21, the following recognized environmental conditions (RECs), controlled recognized environmental conditions (CRECs), and/or historical recognized environmental conditions (HRECs) were identified at the Site:

- **REC-1: Levari Citgo CEA/VEC:** The Levari Citgo facility located immediately northwest of the Site was identified under NJDEP Site Remediation Program Interest Number 001122 for petroleum impacts to groundwater. This facility maintains a groundwater Classification Exception Area (CEA) that was established on June 23, 2011 for benzene, methyl tertiary butyl ether (MTBE), t-butyl alcohol (TBA), ethylbenzene, toluene, and total xylenes impacts to groundwater. The CEA has a duration of 33.6 years and a restriction depth of 200 feet below the ground surface (bgs). The CEA covers 61.3 acres including the majority of the Site, aside from the southeastern portion, and represents a potential VEC.
- **REC-2: Maintenance Building Septic System:** According to historic sources, vehicle maintenance operations and the storage of potentially hazardous materials and petroleum products occurred in the maintenance building formerly located in the central portion of the Site. This building was reportedly serviced by a septic system located in the southern portion

of the Site. Historic discharges of potentially hazardous materials/wastes to sinks, drains, etc. may have impacted subsurface conditions in the area of the septic system.

- **REC-3: Historic Agricultural Use:** According to historic aerial photographs reviewed by Dynamic Earth, the Site was historically used for agricultural purposes from at least 1931 until 1974. Accordingly, historic application or use of pesticides, herbicides, and fertilizers could have resulted in residual contamination in on-Site soils. According to NJDEP's February 2022 *Historically Applied Pesticide Site Technical Guidance*, properties where historically applied pesticides are assumed to be present because of prior use may defer the requirements associated with investigation and remediation until there is a change of use to a school, child care center, or residence. As the Site is proposed for residential development, further investigation of this REC is required.
- **HREC-1: Former 10,000-Gallon No. 2 Fuel Oil UST:** According to historic documentation, a 10,000-gallon No. 2 fuel oil underground storage tank (UST) reportedly was removed from the northeastern exterior of the Site office building on November 24, 1986, after failing a tank tightness test (NJDEP Case Number 86-04-08-0700). Based on post-excavation soil sampling results and a groundwater investigation conducted to evaluate subsurface conditions, a December 28, 1988 letter was issued by NJDEP indicating compliance with NJDEP requirements.
- **HREC-2: Former 8,000-Gallon No. 2 Fuel Oil UST:** According to historic documentation, an 8,000-gallon No. 2 fuel oil UST reportedly was removed from the southeastern exterior of the former Site maintenance building on June 4, 1991 (TMS No. C91-1318). Based on Site observations and post-excavation soil sampling results, a June 23, 1992 letter was issued by NJDEP indicating compliance with NJDEP requirements.
- **HREC-3: Former 275-Gallon Waste Oil and Two 6,000-Gallon Gasoline USTs:** According to historic documentation, one 275-gallon waste oil UST and two 6,000-gallon gasoline USTs reportedly were removed from the vicinity of the Site maintenance building on February 12, 1990 and a release to soil was reported (NJDEP Case Number 90-02-12-1149). The NJDEP Communications Center Notification Report indicated soil will be excavated; however, no post-excavation sampling data was available for review. Monitoring well installation and sampling was conducted in 1990 and 1991, and based on the results, a February 5, 1992 letter was issued by NJDEP indicating compliance with NJDEP requirements.
- **HREC-4: Former 10,000-Gallon Gasoline UST:** According to historic documentation, a 10,000-gallon gasoline UST reportedly was removed from the vicinity of the Site maintenance building on June 30, 2010 (TMS No. N10-7241). Based on post-excavation soil sampling results, an unrestricted use, AOC-Response Action Outcome was issued for the UST on March 30, 2011 and amended on June 7, 2011 for administrative deficiencies.

**Phase I Environmental Site Assessment Report
Commercial Property
11 Route 9
Upper Township, Cape May County, New Jersey**

No CRECs as defined by ASTM E1527-21 were identified during this Phase I ESA.

Recommendations for further evaluation and/or remediation of the RECs listed above are provided in Section 8.2 of this report. Items that are not identified as RECs, however, may require limited investigation or corrective action as business environmental risks (BERs) are summarized in Section 8.3 of this report.

1.0 INTRODUCTION

Dynamic Earth, LLC (Dynamic Earth) was retained by Dynamic Engineering Consultants, PC on behalf of Fairhaven Development Holdings, LLC to perform a Phase I Environmental Site Assessment (ESA) of the commercial property located at 11 Route 9 in Upper Township, Cape May County, New Jersey. The Site is identified further as Block 599, Lot 51 and is hereinafter referred to as the “Site”. This report documents the findings, conclusions, and recommendations of the Phase I ESA.

1.1 Purpose and Scope of Work

A Phase I ESA includes Site research and visual evaluation regarding potential environmental concerns which may require further evaluation. The Phase I ESA does not include any sampling, testing or intrusive investigation of potential environmental concerns, asbestos containing materials (ACM), or lead based paint (LBP). Such services may be proposed separately, if requested.

Dynamic Earth conducted this Phase I ESA in general accordance with ASTM *Standard Practice for Environmental Site Assessments* (E1527-21). The Phase I ESA is intended to satisfy the *All-Appropriate Inquiry Rule* (AAI) and qualitatively identify recognized environmental conditions (RECs) that may require further evaluation or corrective action. The Phase I ESA included the following activities:

- Obtaining and reviewing a copy of the current deed and/or environmental lien search;
- Confirming current site ownership through the local or county tax assessor’s office and evaluating historical ownership and land use to the extent that such records are readily available;
- Utilizing on-line services to access federal and state databases to determine if reported environmental conditions exist on Site or on adjacent or nearby properties;
- Conducting a search for and review of Sanborn Fire Insurance Maps, City Directories, aerial photographs and historical topographic maps, if available;
- Interviewing current and/or past owners/occupants of the Site or owners/occupants of neighboring property, as necessary;
- Performing a reconnaissance of the property to identify and assess potential recognized environmental conditions and adjacent property usage;
- Accessing and reviewing publicly-available records and/or interviewing officials at federal, state, local, and/or tribal regulatory agencies to determine if past or current environmental enforcement, investigative or corrective actions have been implemented at or in the vicinity of the property; and
- Preparing a summary Phase I ESA report of findings, conclusions, and recommendations.

The Phase I ESA is intended to identify RECs, controlled recognized environmental conditions (CRECs), and historical recognized environmental conditions (HRECs), at the Site. These conditions are defined as follows:

- **REC:** The term “recognized environmental condition” refers to the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment;
- **CREC:** The term “controlled recognized environmental condition” refers to a recognized environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls;
- **HREC:** The term “historical recognized environmental condition” refers to a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by the regulatory authority without subjecting the property to any required controls;

The Phase I ESA is designed to satisfy AAI of ASTM Standard Practice E1527-21.

A business environmental risk (BER) is defined by ASTM E1527-21 as a risk which can have a material environmental or environmentally-driven impact on the business associated with the current or planned use of a parcel or commercial real estate.

1.2 Limitations and Exceptions of Assessment

Information contained in this report was obtained from document research, government databases, interviews, and observations. The information obtained as part of the assessment does not imply that Dynamic Earth has acquired all pertinent information or data that exist.

The assessment is intended to identify environmental conditions that are obvious to an environmental professional. It is not intended to represent exhaustive research of all potential RECs that may exist. Any RECs, CRECs, and HRECs noted in this report may require a more detailed comprehensive study to characterize the nature and extent of contamination and to further evaluate possible environmental and financial implications.

As part of the agreement with the client, Dynamic Earth has conducted the Phase I ESA in accordance with ASTM *Standard E1527-21, Standard Practice for Environmental Site Assessments: Phase I Environmental*

Phase I Environmental Site Assessment Report
Commercial Property
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Site Assessment Process. This assessment is not intended for reuse by third parties or execution of alternate projects.

This report does not represent or imply future Site conditions or events. Situations or activities that occur subsequent to this report that result in adverse environmental impacts are not relevant to this assessment.

1.3 User Reliance

Fairhaven Development Holdings, LLC, Dynamic Engineering Consultants, PC, their successors, representatives, and/or assigns may rely upon the findings and conclusions of this document. This document was prepared for the sole use of Fairhaven Development Holdings, LLC, Dynamic Engineering Consultants, PC, their successors, representatives, and assigns, and should not be relied upon by any third party without Dynamic Earth's written consent.

Phase I Environmental Site Assessment Report
Commercial Property
11 Route 9
Upper Township, Cape May County, New Jersey

2.0 SITE DESCRIPTION

A current description of the Site including location, improvements, current and former uses, utilities, surrounding properties, topography, geology, and hydrology/hydrogeology is summarized in the following table:

Site Location:	11 Route 9 Upper Township, Cape May County, New Jersey Block 599, Lot 51 Latitude: 39.2624, Longitude: -74.6464	
Total Acreage:	14.59 acres	
Site Improvements:	The Site comprises approximately 14.59 acres and currently is developed with a vacant, single-story commercial structure located in the northern portion of the Site. A concrete slab associated with a former building is located in the central portion of the Site. Asphalt-paved parking areas are located to the west and southeast of the commercial structure and concrete slab, respectively. An area of wetlands is located in the southwestern portion of the Site and the remaining portions of the Site consist of landscaped areas.	
Current Uses of Site:	The Site currently is vacant and unoccupied.	
Former Uses of Site:	According to historic sources, the Site consisted of agricultural land between at least 1931 and 1961. By 1974, the original footprint of the current Site structure was built (expanded in 1988) in the northern portion of the Site with associated asphalt-paved parking areas to the west. Agricultural use continued in the southeastern portion of the Site in 1974. By 1975, an additional structure was built in the central portion of the Site with asphalt-paved parking areas to the southeast. The Site was occupied by New Jersey Bell (Verizon) since original development. The northern structure was reportedly used as office space and the central structure consisted of a truck maintenance facility/garage and equipment storage. A gasoline fuel dispenser was also formerly located to the south of the maintenance building.	
Site Utilities:	Electric:	The Site currently is vacant and not serviced by utilities. A pad-mounted electrical transformer is located to the northeast of the Site building. Additionally, overhead electric lines were observed along Route 9 to the northwest.
	Natural Gas:	The current Site building was formerly serviced by a 10,000-gallon No. 2 fuel oil underground storage tank (UST) and the former maintenance building was formerly serviced by an 8,000-gallon No. 2 fuel oil UST. According to historic sources, the Site was converted to natural gas in 1991; however, no evidence of natural gas lines entering the Site was identified during Dynamic Earth's Site reconnaissance.
	Water:	According to historic sources, the Site was serviced by two 65-foot potable wells located in the northern and central portions of the Site. During Dynamic Earth's Site reconnaissance, public water lines were observed entering the Site from Route 9 to the northwest. The current water supply is unknown.

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	Sanitary Sewer:	According to historic sources, the Site was serviced by three septic systems located in the central and southern portions of the Site. A septic manhole was observed in the central portion of the Site during Dynamic Earth's Site reconnaissance.
	Storm Sewer:	Stormwater inlets were observed throughout the Site.
	Other:	A backup diesel generator was observed within the Site building during Dynamic Earth's Site reconnaissance. Additionally, several monitoring wells associated with current and former on-Site and off-site groundwater investigations were observed throughout the Site.
Surrounding Properties:	North:	Dunkin' Donuts, Urgent Care, and a vacant restaurant beyond Route 9 and CVS and Active Spine & Joint Institute
	East:	Humphreys Awnings, Roosevelt Plaza, Connolly Dermatology, law/medical offices, and Boulevard Motel
	South:	Public Storage and undeveloped, wooded land
	West:	Wawa beyond Route 9 and Marmora Hardware and residential properties
Topography:	Topography at the Site slopes toward the southeast from a high elevation of approximately 32 feet above mean sea level (msl) to a low elevation of approximately 5 feet above msl.	
Geology:	Based on information obtained from NJDEP's geographic information system (GIS) database (GeoWeb), the Site is situated in the Coastal Plain Physiographic Province of New Jersey. The Site is underlain by the Cape May Formation, Unit 2 (Qcm2), which consists of very pale brown, yellow, reddish-yellow, white, olive yellow, and gray sand, pebble gravel, minor silt, clay, peat, and cobble gravel, as much as 200 feet thick on the Cape May Peninsula, but generally less than 50 feet thick elsewhere. Bedrock geology at the Site was identified as the Cohansey Formation (Tch) consisting of medium to coarse-grained quartz sand.	
Hydrology/ Hydrogeology:	Based on information obtained from NJDEP's GeoWeb database, the bedrock aquifer underlying the Site is the Kirkwood-Cohansey aquifer system (kcas). Based on recharge potential, this aquifer has a "B-A" ranking indicating the aquifer yield is between 250 gallons per minute and greater than 500 gallons per minute. A review of the United States Fish and Wildlife Service (USFWS) <i>National Wetlands Inventory Map</i> indicated an area of Freshwater Forested/Shrub Wetlands appear to encroach onto the eastern portion of the Site. The Site is located within the Cape May Watershed Management Area. The Site is located within Tier 1, Tier 2, and Tier 3 Non-Community Well Head Protection Areas. The Site is not located within a Community Well Head Protection Area. The Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), Flood Plains Map was reviewed by Dynamic Earth. The Site is not located within a flood hazard area.	

3.0 SITE HISTORY

3.1 Site Ownership/Occupancy

Based on a deed search through the Cape May County Clerk's Office Public Search website, the Site currently is and has been owned by 11 Marmora LLC since December 26, 2023. The Site was previously owned by Charitable Adult Rides & Services, Inc. A copy of the most recent deed is provided in Appendix A.

The Site currently is vacant and unoccupied.

3.2 Fire Insurance Maps

EDR was engaged to retrieve available Sanborn Fire Insurance Maps for the Site. Sanborn Fire Insurance Map coverage was not available for the Site or surrounding area. The EDR Sanborn Map Report is included in Appendix A.

3.3 City Directories

EDR was engaged to retrieve available city directories for the Site. The City Directory report is provided in Appendix A. Historic Site occupants and years of operation are included as follows:

- **1975-2000:** Address not listed in research sources
- **2005:** Verizon Communications Inc.
- **2010:** Verizon Wireless
- **2014-2020:** Address not listed in research sources

3.4 Historical Aerial Photographs

EDR was commissioned to provide an Aerial Photo Decade Package for the Site. Aerial photographs were procured from EDR for the years 1931, 1940, 1951, 1954, 1961, 1974, 1977, 1984, 1986, 1991, 1995, 2006, 2010, 2015 and 2019. The EDR aerial photographs are included in Appendix A.

1931: In 1931, the Site consisted of an agricultural field. The surrounding properties consisted of agricultural land with sporadic suspected residences to the north, west, and east. Undeveloped, wetland areas were evident to the south and east of the Site.

Phase I Environmental Site Assessment Report
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- 1940:** No significant changes were apparent to the Site between 1931 and 1940. By 1940, agricultural use on surrounding properties decreased as wooded vegetation increased in the areas.
- 1951:** By 1951, a circular path was evident in the southeastern portion of the Site, and two suspected shed structures were present in the northern and northwestern portions of the Site. Residential development was apparent on surrounding properties to the northeast and west of the Site. Additionally, land clearing was evident to the southwest of the Site.
- 1954:** No significant changes were apparent to the Site between 1951 and 1954. By 1954, construction of the Garden State Parkway was evident to the east and south of the Site.
- 1961:** By 1961, the circular path formerly located in the southeastern portion of the Site and the suspected shed structures were no longer apparent. The Site continued to be used for agricultural purposes. Residential development continued to the west and northeast of the Site and construction of the Garden State Parkway was completed to the east and south.
- 1974:** By 1974, the current commercial structure was built in the northern portion of the Site. Asphalt-paved parking and driveway areas were located in the western and northern portions of the Site. The southern and eastern portions of the Site continued to be used for agricultural purposes. Suspected commercial and residential development was evident to the north, east and west of the Site.
- 1977:** By 1977, an additional suspected commercial structure was built in the central portion of the Site. Additional asphalt-paved parking areas were constructed in the southeastern half of the Site as agricultural uses ceased. Suspected commercial development continued to the west of the Site.
- 1984:** No significant changes were apparent to the Site between 1977 and 1984. By 1984, suspected commercial development continued to the north and east of the Site. The western corner of the Site and surrounding properties to the west were not shown on the 1984 aerial photograph.
- 1986:** No significant changes were apparent to the Site between 1984 and 1986. By 1986, suspected commercial development continued to the west of the Site.
- 1991:** By 1991, an addition was built onto the northern portion of the current Site building. Suspected commercial development continued to the north and west of the Site.

- 1995-2015:** No significant changes were apparent to the Site between 1991 and 2015. Between 1995 and 2010, commercial development was evident to the north and west of the Site.
- 2019:** By 2019, the building formerly located in the central portion of the Site was demolished. Additional commercial development was evident to the north and west of the Site.

3.5 Historical Topographic Maps

EDR was commissioned to provide a Historical Topographic Map Report for the Site. *Topographic Quadrangles* were procured for the years 1890, 1893/1894, 1941/1942, 1943, 1946, 1948, 1952, 1972, 1989, 1994, 2014, 2016 and 2019. These maps are included in Appendix A. Structures were not depicted on the topographic maps dated 1890 and 1893/1894. The Site was depicted as undeveloped on the topographic maps dated 1941 through 1972. The southeastern portion of the Site was depicted as a wetland area. Surrounding properties to the north, west and east were depicted as developed with suspected residential and commercial structures. The Site was developed with two commercial structures on the 1989 and 1994 topographic maps. Access driveways were also depicted entering the Site from Route 9 to the northwest. Increased suspected commercial and residential development was depicted on surrounding properties to the north, west and east. The 2014, 2016 and 2019 USGS topographic maps did not depict structures, only topography.

4.0 USER-PROVIDED INFORMATION

The following section summarizes information provided by the client regarding the *User* responsibilities as outlined in ASTM *Standard E1527-21*.

4.1 User Questionnaire

The Site Owner provided the following responses pertaining to the Site. A copy of the completed questionnaire is included in Appendix F.

Question	Response
Name of Preparer and User Entity	Alex Balan, Manager Fairhaven Development
Are you aware of any environmental cleanup liens against the property that are filed or recorded under federal, tribal, state or local law?	No
Are you aware of any Activity and Use Limitations, such as engineering controls, land use restrictions or institutional controls that are in place at the site and/or have been filed or recorded in a registry under federal, tribal, state or local law?	No
As the user of this ESA do you have any specialized knowledge or experience related to the property or nearby properties? For example, are you involved in the same line of business as the current or former occupants of the property or an adjoining property so that you would have specialized knowledge of the chemicals and processes used by this type of business?	No
Does the purchase price being paid for this property reasonably reflect the fair market value of the property? If you conclude that there is a difference, have you considered whether the lower purchase price is because contamination is known or believed to be present at the property?	Yes
Are you aware of commonly known or reasonably ascertainable information about the property that would help the environmental professional to identify conditions indicative of releases or threatened releases? For example, as user: Do you know the past uses of the property? Do you know of specific chemicals that are present or once were present at the property? Do you know of spills or other chemical releases that have taken place at the property? Do you know of any environmental cleanups that have taken place at the property?	Yes – Phase I from seller

Question	Response
As the user of this ESA, based on your knowledge and experience related to the property are there any obvious indicators that point to the presence or likely presence of contamination at the property?	Yes – Two monitoring wells

4.2 Environmental Liens and Activity Use Limitations

Dynamic Earth reviewed a copy of the current deed for the Site through the Cape May County Clerk's Public Search website. No environmental liens/Activity and Use Limitations (AULs) were identified in the deed. A copy of the most recent deed for the Site is provided in Appendix A. The User and/or Owner did not provide any specialized knowledge of environmental liens or AULs on the Site.

The Levari Citgo facility located immediately northwest of the Site was identified under NJDEP Site Remediation Program Interest Number 001122 for petroleum impacts to groundwater. This facility maintains a groundwater Classification Exception Area (CEA) that was established on June 23, 2011 for benzene, methyl tertiary butyl ether (MTBE), t-butyl alcohol (TBA), ethylbenzene, toluene, and total xylenes impacts to groundwater. The CEA has a duration of 33.6 years and a restriction depth of 200 feet below the ground surface (bgs). The CEA covers 61.3 acres including the majority of the Site, aside from the southeastern portion,

4.3 Specialized Knowledge

The User provided the following documents/reports for Dynamic Earth's review:

- Letter prepared by NJDEP, dated May 6, 1986

This letter indicated that a 10,000-gallon heating oil UST was formerly located at the Site and failed a tightness test. The NJDEP required four monitoring wells to be installed for a groundwater evaluation in the area.

- Groundwater Monitoring Letter prepared by Environmental Measurements & Analysis, dated August 6, 1986

This letter summarizes the sampling activities conducted as required by NJDEP in the previously summarized letter. Four monitoring wells were sampled on June 13, 1986, and no detections of applicable contaminants were identified.

- Memorandum prepared by NJDEP, dated November 12, 1986

This Memorandum indicated the previously installed and sampled monitoring wells were required to be sampled for a second time by NJDEP, and if results are consistent with the first sampling event, the case would be closed.

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- Memorandum prepared by Cape May County Department of Health, dated December 2, 1986

This Memorandum indicated a County Health Department representative witnessed the removal of a 10,000-gallon UST on November 24, 1986. No petroleum odors were noted during the removal process and six soil samples were collected by others from below the tank.

- Groundwater Monitoring Letter prepared by Environmental Measurements & Analysis, dated December 30, 1986

This letter summarizes the sampling activities conducted as required by NJDEP on November 12, 1986. Four monitoring wells were sampled on December 9, 1986, and no detections of applicable contaminants were identified.

- Communications Center Notification Report prepared by NJDEP, dated February 12, 1990

This letter indicated that a 275-gallon waste oil UST and a 6,000-gallon gasoline UST (actually two 6,000-gallon gasoline USTs) were removed from the Site. A release to soil was noted during the closure activities and NJDEP Case Number 90-02-12-1149 was assigned to the release.

- Discharge Investigation and Corrective Action Report prepared by Handex of New Jersey, Inc., dated October 31, 1990

This Discharge Investigation and Corrective Action Report (DICAR) was submitted to NJDEP for the NJDEP Case Number 90-02-12-1149. On June 13, 1990, three monitoring wells (W-1 through W-3) were installed at the Site. On June 28, 1990, the monitoring wells and an on-Site potable well were sampled. Total benzene, toluene, ethylbenzene, and xylenes (BTEX) were identified at 5.2 parts per million (ppm) in W-2 and no detections were identified in the remaining samples collected. The report indicated one additional round of sampling was recommended, followed by case closure if similar results were identified.

- Update DICAR Report prepared by Handex of New Jersey, Inc., dated July 29, 1991

This report indicated the second round of groundwater sampling occurred on March 22, 1991, and consisted of collecting samples from the three on-Site wells and from the nearest off-site potable well in the downgradient direction. The sample collected from monitoring well W-2 identified 1,1,1-trichloroethane (TCA) at 3.2 parts per billion (ppb) and the potable well sample identified chloroform at 1.5 ppb. The remaining analytes were non-detect in the samples collected. Based on the results of the two groundwater sampling events, Handex requested the case be closed.

- Underground Storage Tanks Site Assessment Summary prepared by Handex of New Jersey, Inc., dated August 27, 1991

This report indicated that on June 4, 1991, an 8,000-gallon No. 2 fuel oil UST was removed from the vicinity of the maintenance building formerly located at the Site. No holes were noted in the tank and no odors or staining were observed on surrounding soils. Seven soil samples were collected from the base of the excavation and one sample was collected from beneath the associated piping. All post-

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excavation samples yielded results below 25 ppm for total petroleum hydrocarbons (TPHC). No additional investigation was recommended.

- *UST Closure Report* prepared by Handex of New Jersey Inc. dated October 2, 1991

This report was prepared for the closure of the 8,000-gallon No. 2 fuel oil UST. Seven post-removal soil samples were collected from beneath the tank and one sample was collected from beneath the associated piping. The samples were analyzed for TPHC. All sample results for TPHC were less than 25 ppm. No additional sampling was required.

- Letter prepared by NJDEP, dated February 5, 1992

This letter indicated that based on a report received by NJDEP on October 31, 1990, the corrective actions conducted in association with the two 6,000-gallon gasoline USTs and the 275-gallon waste oil UST (NJDEP Case Number 90-02-12-1149) complied with NJDEP requirements. The letter stated a NPDES permit to address groundwater remediation is not required.

- Peer Review Memo prepared by NJDEP, dated May 27, 1992

This Memo indicated that the former 8,000-gallon No. 2 fuel oil UST (misidentified as 4,000 gallons) was removed from the Site and seven base and two piping post-excavation samples were collected. TPHC concentrations ranged from 25 ppm to 41 ppm. NJDEP recommended the case be closed based on the sampling results.

- Letter prepared by NJDEP, dated June 23, 1992

This letter indicated that based on a report received by NJDEP on October 2, 1991, for the closure of the 8,000-gallon No. 2 fuel oil UST (TMS No. C91-1318), the UST system closure conducted at the Site complied with closure requirements and corrective actions were not required.

- Preliminary Assessment and Site Investigation prepared by NJDEP, dated September 29, 1995

This document indicated the Site had been leased by New Jersey Bell (Verizon) since 1973. In 1974, the original portion of the current Site building was constructed, and the building was expanded in 1988. This structure was historically used for office space. The building formerly located in the central portion of the Site was built in 1975 and was used for truck maintenance, equipment storage, and as a garage. Hazardous materials stored in the building included degreasers, waste oil, brake and steering fluids, rust dissolvers, spray paint, etc.

The report stated the current Site building was reportedly converted to natural gas after removal of the heating oil tank in 1991. Floor drains within the maintenance building reportedly discharged to a 1,000-gallon underground holding tank. Three septic systems were reportedly located at the Site. The septic system that serviced the current Site building is located in the lawn area located in the central portion of the Site. The septic system that serviced the former maintenance building is located beneath the parking lot in the southeastern portion of the Site. A third, smaller septic system is reportedly

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located to the north of the maintenance building and was assumed to receive run-off from the maintenance building's roof drains.

Three sets of monitoring wells were reportedly installed at the Site totaling 13 wells. The first four monitoring wells were installed in 1986 in association with the closure of a 10,000-gallon heating oil UST. The wells were reportedly sealed in 1991 (one was reportedly determined to remain open and functional in 1995). The next set of three wells were reportedly installed in 1990 in association with the closure of two 6,000-gallon gasoline USTs. The wells were sealed in 1992 after the associated case was closed. The last set of six wells was installed in 1991 in association with a NPDES permit for increasing discharge to the facility's septic system. Five of the wells were operational at the time of the NJDEP report. The Site reportedly received potable water from two 65-foot on-Site wells.

The report indicated local potable wells were identified to be contaminated by carbon tetrachloride. The NJDEP conducted site investigation activities to assess the possibility of an on-Site source. Sampling conducted in 1995 in the vicinity of the septic systems noted soil below applicable standards and petroleum-related impacts in groundwater near the small septic system. Carbon tetrachloride impacts were not identified and NJDEP indicated no further action was necessary. Tetrachloroethene was noted in a groundwater sample collected from monitoring well MW-5, located downgradient of the southern septic disposal field. The source of the tetrachloroethene was unknown and no additional information was provided. Groundwater samples collected from MW-5 in 2009 and 2010 as part of delineation efforts associated with the off-site Levari Citgo case indicated tetrachloroethene was not detected.

- Letter prepared by NJDEP, dated June 12, 2006

This letter indicated that an investigation was conducted at the Site due to methyl tertiary butyl ether (MTBE) discovered in an off-site potable well. A Site Investigation Report associated with the former 10,000-gallon gasoline UST was submitted on May 1, 2006. Monitoring well MW-7 was reportedly installed on October 7, 2005, near the northwestern corner of the Site. Monitoring wells MW-1 through MW-6 (previously installed as part of a 1991 NPDES application related to the Site septic fields) were located. Monitoring well MW-6 was reportedly sealed. On December 12, 2005, monitoring well MW-8 was installed downgradient of the 10,000-gallon gasoline UST and fueling area. On January 4, 2006, monitoring wells MW-1 through MW-4, MW-7, MW-8, and an NJDEP well, located near the northwestern property boundary adjacent to Route 9, were sampled. Petroleum compounds were identified in the upgradient NJDEP monitoring well at concentrations exceeding applicable standards. No exceedances were identified in the on-Site monitoring wells. Based on the findings, the impacts were concluded to originate from an off-site source and NJDEP indicated no further investigation was required for the Site.

- *Site Investigation Report* prepared by EnviroTrac Ltd., dated March 2011

This report was submitted to detail the investigation conducted at the 10,000-gallon gasoline UST that was removed from the Site on June 30, 2010. Seven soil samples were reportedly collected along the centerline of the excavation and beneath the former dispenser. No exceedances of applicable standards were identified. An Unrestricted Use Response Action Outcome was recommended for this area of concern.

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- *Response Action Outcome* prepared by EnviroTrac Ltd., dated March 30, 2011

This Unrestricted Use, Area of Concern Response Action Outcome associated with the closure of the 10,000-gallon gasoline UST formerly located at the Site was issued on March 30, 2011.

- *Response Action Outcome* prepared by EnviroTrac Ltd., dated June 7, 2011

This amended Unrestricted Use, Area of Concern Response Action Outcome associated with the closure of the 10,000-gallon gasoline UST document was submitted to supersede the previously submitted RAO and to correct administrative deficiencies.

- *Site Investigation Results* prepared by EnviroTrac Ltd., dated December 2012

This report was submitted to detail the investigation conducted for the oil/water separator system, hydraulic lift, and telephone pole storage area formerly located at the Site. A 4,000-gallon wastewater tank and a 275-gallon wastewater tank associated with the former oil/water separator system were removed from the Site on August 29, 2012. A total of 11 soil samples were collected from the excavation and no exceedances of NJDEP standards were identified. On August 28, 2012, the hydraulic lift casing was removed, and residual fluids were pumped and disposed off-site. No indications of a release were identified in this area. Between August 27 and August 29, 2012, soil excavation activities were conducted by Verizon in the former telephone pole storage area at the Site. A total of 658.44 tons of impacted soil was removed and disposed off-site. A total of 49 post-excavation soil samples were collected from sidewalls and the base of excavation by EnviroTrac. No exceedances of NJDEP standards were identified in the samples collected. No further investigation of the former oil/water separator system, hydraulic lift, and/or telephone pole storage area were recommended.

- *Soil Sampling & Laboratory Analysis Summary Report* prepared by CALMAR Associates, LLC, dated June 12, 2023

This report detailed a shallow soil sampling event conducted in the northeastern portion of the Site. Four soil samples were reportedly collected on June 1, 2023 and analyzed for volatile organic compounds. No exceedances of NJDEP standards were identified in the samples collected. The report did not detail the reasoning for this sampling event and the purpose remains unknown.

- *Phase I Environmental Site Assessment* prepared by Site Remediation Group LLC, dated November 2023

The report indicated the Site is developed with a single-story vacant office building which was most recently occupied by Verizon. The central portion of the Site was formerly developed with a repair and storage garage for Verizon's vehicles and equipment. The office building was reportedly heated by fuel oil in the past which was stored in an 8,000-gallon UST that was removed on June 5, 1991. The building was then reportedly converted to natural gas. The Site reportedly was serviced by three septic systems and two potable wells in the past. The report could not confirm current utility services at the time.

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Historically, one 10,000-gallon heating oil UST removed on November 24, 1986, two 6,000-gallon unleaded gasoline USTs and one 275-gallon waste oil UST were removed on December 19, 1989 (otherwise noted as February 12, 1990), one 8,000-gallon No. 2 heating oil UST was removed on June 3, 1991, one 10,000-gallon unleaded gasoline UST was removed on June 30, 2010, one 275-gallon wastewater UST (oil/water separator) and one 4,000-gallon wastewater UST (oil/water separator) were removed on August 29, 2012.

The report identified the following RECs:

- Pole-mounted/Pad-mounted Transformers;
- Historic Operations;
- Floor Drains;
- Backup Generator;
- Potential USTs;
- Septic Systems;
- Stressed Vegetation; and
- Offsite CEA.

Further investigation was recommended for Historic Operations, Floor Drains, Potential USTs, Septic Systems, and Stressed Vegetation.

Dynamic Earth was not provided with any documentation pertaining to evaluation of the RECs identified above.

4.4 Commonly Known or Reasonably Ascertainable Information

With the exception of the information summarized in Section 4.3 above, the User did not provide any commonly known or reasonably ascertainable information that is material to RECs at the Site.

4.5 Valuation Reduction for Environmental Issues

The User and/or Owner did not provide any information regarding valuation reductions for environmental issues related to the Site.

4.6 Owner, Property Manager, and Occupant Information

Owner: 11 Marmora LLC
483 Oak Glen Road
Howell, New Jersey 07731

Occupant: The Site currently is vacant and unoccupied.

4.7 Reason for Performing the Phase I ESA

It is the understanding of Dynamic Earth that the Phase I ESA is being performed as a part of a prospective purchaser due diligence evaluation.

5.0 RECORDS REVIEW

5.1 Federal and State Database Search

EDR was engaged to conduct a search of federal and state databases relating to contaminated properties and other facilities that may potentially impact the Site. The EDR report meets the approximate minimum search distances as defined by ASTM *Standard E1527-21*. The EDR report is provided for reference in Appendix A. This report includes a map depicting all “plotted” facilities of concern. Plotted facilities are properties that have been located by address or by latitudinal and longitudinal coordinates.

Plotted locations of facilities included in the EDR report are not always accurate. Dynamic Earth uses information from other sources, such as publicly available geographic information systems (GIS) databases and direct observations, when data included in the EDR report are determined or suspected to be inaccurate.

The EDR report identified nine “orphan” list properties. Properties on the orphan list are facilities that could not accurately be plotted due to inadequate location information. None of the facilities included on the orphan list were identified as being associated with the Site.

5.1.1 Site Database Search

Dynamic Earth reviewed the EDR report to determine if the Site was identified within the applicable ASTM search radii. The Site was identified on the Underground Storage Tank (UST), NJ Release, Historic Leaking Underground Storage Tank (HIST LUST), UST Finder, UST Finder Release, Manifest, Resource Conservation and Recovery Act Non-Generator/No Longer Regulated (RCRA NonGen/NLR), Aerometric Information Retrieval System (AIRS), Enforcement and Compliance History Online (ECHO), National Pollutant Discharge Elimination System (NPDES), New Jersey Environmental Management System (NJEMS), and Facility Index System (FINDS) environmental regulatory databases as summarized below.

- **UST**

Marmora District Work Center was identified on the UST database associated with a 10,000-gallon (8,000-gallon incorrectly identified as 10,000-gallon) No. 2 heating oil tank that was reportedly installed on January 1, 1975 and removed on June 3, 1991. The Site was listed under NJDEP Program Interest Number 006851.

- **UST Finder & UST Finder Release**

Verizon Marmora WC (36074) was identified on the UST Finder and UST Finder Release databases associated with a 275-gallon waste oil UST and two 6,000-gallon unleaded gasoline USTs that were removed on December 19, 1989 (otherwise noted as February 12, 1990), an 8,000-gallon No. 2 heating oil UST that was removed on June 4, 1991, and a 10,000-gallon unleaded gasoline UST that was

removed on June 30, 2010. A release associated with the tanks was reportedly remediated and received an NFA on February 12, 1990.

- **NJ Release & HIST LUST**

Marmora Work Center (NJB) and Plant were identified on the NJ Release and/or HIST LUST databases associated with a release of waste oil which was reported on February 2, 1990. NJDEP Case Number 90-02-12-1149 was assigned and received an NFA from NJDEP on February 5, 1992.

- **AIRS**

Marmora DSC (36067) was identified on the AIRS database associated with an emission permit which expired on August 3, 2010. No additional information regarding this listing was available for Dynamic Earth's review.

- **NPDES**

RT 9 Upper TWP was identified on the NPDES database associated with a Sanitary Subsurface Disposal general permit which expired on October 31, 2023. No additional information regarding this listing was available for Dynamic Earth's review.

- **Manifest**

Verizon Communications Inc MAC #176 was identified on the Manifest database under EPA ID NJD980592166. The manifest was associated with the transportation of 110 gallons of ignitable waste on June 29, 2010.

- **RCRA NonGen/NLR & ECHO**

Marmora District Work Center was identified on the RCRA NonGen/NLR and ECHO databases under EPA ID NJD980648935. The Site was a large quantity generator in 1981 and a verified non-generator from 2006 to 2008. No violations were identified for the Site.

- **FINDS & NJEMS**

Verizon NJ Inc Marmora DSC #36067, Verizon Communications Inc MAC #176, and Marmora District Work Center were identified on the FINDS and NJEMS databases related to Air Program, Hazardous Waste Program, State Cleanup Site, and Emergency Planning and Community Right-to-Know Act (EPCRA) listings as described above.

5.1.2 Off-Site Property Database Search

The EDR report also was reviewed to identify off-site facilities that are located within the applicable ASTM search radii. The following is a summary of EDR listings located within close proximity to the Site.

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Database	Search Distance	Number of Sites Identified Within Search Distance
NPL	1.0 mile	0
Federal SEMS	0.5 mile	1
Federal SEMS ARCHIVE	0.5 mile	0
Federal RCRA CORRACTS	1.0 mile	0
Federal RCRA non-CORRACTS TSD	0.5 mile	0
Federal RCRA SQG	0.25 mile	1
Federal RCRA VSQG	0.25 mile	4
Federal RCRA LQG	0.25 mile	0
NJ SHWS	1.0 mile	13
NJ SHWF	0.5 mile	2
NJ LUST	0.5 mile	2
NJ HIST LUST	0.5 mile	6
NJ UST	0.25 mile	5
NJ ENG CONTROLS	0.5 mile	0
NJ INST CONTROL	0.5 mile	2
NJ Voluntary Cleanup Sites	0.5 mile	1
NJ Brownfields	0.5 mile	4
<i>Other Ascertainable Records</i>		
RCRA NonGen/NLR	0.25 mile	1
MINES MRDS	0.25 mile	2
Drycleaners	0.25 mile	0
UST Finder	0.25 mile	4
UST Finder Release	0.5 mile	2
E Manifest	0.25 mile	3
Manifest	0.25 mile	3
MED WASTE	0.25 mile	8
EDR Hist Auto	0.125 mile	1
EDR Hist Cleaner	0.125 mile	2

The databases listed above were reviewed to determine if the potential exists for contamination to migrate to the Site from adjoining and nearby facilities. The following nearby facilities with the potential to impact the Site were identified:

- Levari Citgo:** Levari Citgo was formerly located less than 0.01 mile to the northwest of the Site, immediately northwest beyond Route 9. The facility was identified on several databases including the NJ Release, UST Finder, Historical HWS, UST, LUST, Institutional Control, Brownfields, SHWS, and Liens databases. The facility is listed under NJDEP PI Number 001122 and maintains a groundwater CEA that was established on June 23, 2011 for petroleum impacts. The CEA has a duration of 33.60 years and a restriction depth of 200 feet bgs. The CEA encompasses approximately 61 acres and covers the majority of the Site, aside

from the southeastern portion. The documented petroleum impacts represent an environmental risk to the Site.

- **Mobil Service Station/Marmora Shell/Marmora Mobil/Marmora Texaco/Grace Oil Company:** The former Marmora Shell Service Station, located approximately 0.06 mile to the northeast, was identified on several databases including the Historic LUST, UST Finder, UST Finder Release, Historic Hazardous Waste Site (HWS), UST, LUST, Liens, Institutional Control, SEMS, RCRA NonGen/NLR, Brownfields, Manifest, Solid Hazardous Waste Facility (SHWF), and State Hazardous Waste Site (SHWS) databases. The facility is listed under NJDEP Program Interest (PI) Number 025569 and maintains a groundwater Classification Exception Area (CEA) that was established on September 15, 2015 for petroleum impacts and tetrachloroethene (PCE). The CEA has an indeterminate duration and a restriction depth of 25 feet bgs. The CEA boundary is approximately 290 feet to the northeast of the Site at the nearest point.

No additional nearby facilities were considered to be a potential environmental risk to the Site due to their closed NJDEP case statuses, distances, and/or downgradient locations from the Site. Pursuant to New Jersey's *Spill Compensations and Control Act* (N.J.S.A. 58:10-23.11), environmental liability associated with migration of contaminants (if any) to the Site from off-site locations would be the responsibility of the owner/operator of the property or properties from which the contamination is emanating. For additional information on specific database results, please see the EDR Radius Map Report included in Appendix A.

5.1.3 NJDEP GeoWeb Search

Dynamic Earth conducted a review of NJDEP's GeoWeb website. The following information was available for the Site and immediate surrounding area:

- NJEMS listing
 - The Site was identified on the NJEMS database associated with hazardous waste, water quality, and air permits, as well as right-to-know listings, and closed Site Remediation Program (SRP) cases as described in Section 5.1.1.
 - Levari Citgo is located less than 0.01 mile to the northwest of the Site, immediately beyond Route 9. The facility was identified under NJDEP PI Number 001122 for petroleum impacts to groundwater. This facility is discussed in further detail in Section 5.1.2.
 - Marmora Shell, located approximately 0.06 mile to the northeast, was identified under NJDEP PI Number 025569 for petroleum and PCE impacts to groundwater. This facility is discussed in further detail in Section 5.1.2.
 - Additional surrounding properties were identified on the NJEMS database associated with air, radiation, water supply, water quality, solid waste, hazardous waste, land use permits, as well as Right-to-Know and closed SRP cases. No impacts from these surrounding properties are anticipated.

- Deed Notice Areas
 - None identified at the Site or in the vicinity.
- Groundwater Classification Exception Areas (CEAs)
 - Levari Citgo formerly was located less than 0.01 mile to the northwest of the Site, immediately beyond Route 9. The facility was identified with a CEA for petroleum impacts to groundwater which was established on June 23, 2011. The CEA encompasses approximately 61 acres and covers the majority of the Site, aside from the southeastern portion.
- Known Contaminated Sites List
 - None identified at the Site.
 - Levari Citgo formerly was located less than 0.01 mile to the northwest of the Site, immediately beyond Route 9. The facility was identified under NJDEP PI Number 001122 for petroleum impacts to groundwater. This facility is discussed in further detail in Section 5.1.2.
 - Marmora shell, located approximately 0.06 mile to the northeast, was identified under NJDEP PI Number 025569 for petroleum and PCE impacts to groundwater. This facility is discussed in further detail in Section 5.1.2.
- Drycleaners
 - None identified at the Site or in the vicinity.
- Gasoline Stations/Auto Body Shops
 - None identified at the Site.
 - Wawa Food Market #758 was identified less than 0.1 mile to the west of the Site under NJDEP PI Number 001122 for petroleum impacts to groundwater. This facility is discussed in further detail in Section 5.1.2.
- Chromate sites
 - None identified at the Site or in the vicinity.
- Historic Fill
 - None identified at the Site or in the vicinity.

5.2 Additional Environmental Records Searches

5.2.1 NJDEP Records

On November 18, 2024, Dynamic Earth submitted a request to the NJDEP for access to government records under the *Open Public Records Act* (OPRA, N.J.S.A. 47:1 A-1 et seq.). On November 25, 2024, NJDEP Office of Records Access Custodian Matthew J. Coefer responded that responsive records were identified in the Department's files. Documentation provided included a UST Registration Summary and UST Facility Certification Questionnaires indicating an 8,000-gallon No. 2 heating oil UST was removed on June 4, 1991, two 6,000-gallon unleaded gasoline USTs and a 275-gallon waste oil UST were removed on December 19, 1989 (otherwise noted as February 12, 1990), and a 10,000-gallon unleaded gasoline UST was removed on June 30, 2010. Additional documentation provided included a UST Registration Certificates for a 10,000-gallon unleaded gasoline UST from beginning in 2002 and expiring in 2010 and Notification Letters from NJDEP indicating the Site must retain an LSRP to conduct remediation at the Site. A December 28, 1988 Letter from NJDEP indicated that

based on a report received by NJDEP on March 9, 1987, the corrective actions conducted in association with a discharge from the former 10,000-gallon heating oil UST (NJDEP Case Number 86-04-08-0700) complied with NJDEP requirements. The letter stated a NPDES permit to address groundwater remediation is not required.

Additional documentation available from NJDEP associated with historic Site investigations is summarized in Section 4.3 of this report.

Copies of the OPRA request and response/records are included in Appendix B.

5.2.2 Cape May County

On November 18, 2024, Dynamic Earth submitted an OPRA request to Cape May County to review available government records pertaining to historic use of the Site and the release or potential release of petroleum products or hazardous substances. A November 20, 2024, response from Cape May County provided an April 2003 permit for repairs to an existing septic system and associated documentation. Two monitoring well permits associated with the Site were also provided. A copy of the OPRA request and response/records are included in Appendix B.

5.2.3 Upper Township

On November 18, 2024, Dynamic Earth submitted an OPRA request to Upper Township to review available government records pertaining to historic use of the Site and the release or potential release of petroleum products or hazardous substances. A November 20, 2024, response from Upper Township provided construction permits, UST removal documentation, documents pertaining to the on-Site septic system, and a property record card. The septic system documentation indicated an addition was proposed for the Site building and no alterations to the septic system were required. The construction permits were related to the installation and removal of the USTs formerly located at the Site. An Unrestricted Use, Area of Concern Response Action Outcome, dated March 30, 2011 was also provided. The Response Action Outcome was associated with a 10,000-gallon gasoline UST. Copies of the OPRA request and response/records are included in Appendix B.

5.3 Data Gaps/Failures

The following data gaps/failures were identified for the Site:

- Contact information for the current Site owner was not provided to Dynamic Earth, and an interview could not be conducted for inclusion in this report.
- Recent groundwater sampling data associated with the Levari Citgo CEA was not available for review.

Based on the history of the Site and documentation provided by the Site owner, these data gaps/failures could represent significant missing/incomplete information that, if available, would alter the opinion of the Environmental Professional.

6.0 SITE RECONNAISSANCE

The observations noted below were made during a visit to the Site by Anthony George of Dynamic Earth on November 26, 2024. Photographs taken during the reconnaissance are included in Appendix C.

6.1 Site Description

A detailed description of the Site and Site improvements is provided in Section 2.0 of this report.

6.2 Roads

The Site can be accessed from Route 9 to the northwest of the Site. Asphalt-paved driveway and parking areas are located throughout the Site.

6.3 Potable Water Supply

According to historic sources, the Site was serviced by two 65-foot potable wells located in the northern and central portions of the Site. During Dynamic Earth's Site reconnaissance, public water lines were observed entering the Site from Route 9 to the northwest. The current water supply is unknown.

6.4 Sewage Disposal Systems

According to historic sources, the Site was serviced by three septic systems located in the central and southern portions of the Site. A septic manhole was observed in the central portion of the Site during Dynamic Earth's Site reconnaissance.

6.5 Heating/Cooling Source

The current Site building was formerly serviced by a 10,000-gallon No. 2 fuel oil UST and the former maintenance building was formerly serviced by an 8,000-gallon No. 2 fuel oil UST. According to historic sources, the Site was converted to natural gas in 1991; however, no evidence of natural gas lines entering the Site was identified during Dynamic Earth's Site reconnaissance.

6.6 Site Observations

Site observations are provided in the following table:

Phase I Environmental Site Assessment Report
Commercial Property
11 Route 9
Upper Township, Cape May County, New Jersey

	Identified (Yes or No)	Description (if identified)	Picture #*
Interior and Exterior Observations			
Underground Storage Tanks (USTs)	No	However, a suspected fill port possibly associated with the former waste oil UST was identified within the former maintenance building slab.	5
Aboveground Storage Tanks (ASTs)	No	-----	NA
Odors	No	-----	NA
Pools of Liquid	No	-----	NA
Drums	No	-----	NA
Unidentified Substance Containers	No	-----	NA
Potential Polychlorinated Biphenyl (PCB)-Containing Equipment	Yes	A pad-mounted electrical transformer was observed to the northwest of the Site building. Additionally, fluorescent light ballasts were observed throughout the Site building. No staining or indications of release were observed in the vicinity of these features.	7
Exterior Observations			
Hazardous Materials or Petroleum Product Containers	No	-----	NA
Pits, Ponds, and Lagoons	No	-----	NA
Stained Soil or Pavement	No	-----	NA
Stressed Vegetation	No	-----	NA
Solid Waste	Yes	Miscellaneous solid waste was observed in the western portion of the Site during Dynamic Earth's Site reconnaissance. No evidence of potentially hazardous materials or staining was observed in the area.	12
Wastewater	No	-----	NA

Phase I Environmental Site Assessment Report
Commercial Property
11 Route 9
Upper Township, Cape May County, New Jersey

	Identified (Yes or No)	Description (if identified)	Picture #*
Wells	Yes	Several monitoring wells associated with current and former on-Site and off-site groundwater investigations were observed throughout the Site during Dynamic Earth's reconnaissance.	8 & 9
Septic Systems	Yes	A septic manhole was observed in the central portion of the Site during Dynamic Earth's Site reconnaissance.	NA
Current or Past Agricultural Activity	Yes	The Site historically was utilized for agricultural purposes from at least 1931 until 1974.	NA
Interior Observations			
Hazardous Materials or Petroleum Product Containers	Yes	A backup diesel generator was identified within the Site building during Dynamic Earth's Site reconnaissance. Staining was observed on the intact concrete floor beneath the generator. No floor drains or pathways to the subsurface were observed in the vicinity of this feature.	6
Stains or Corrosion	Yes	Staining was observed on the intact concrete floor beneath the backup diesel generator within the Site building. No floor drains or pathways to the subsurface were observed in the vicinity of this feature.	NA
Drains and Sumps	Yes	Floor drains were observed within the restrooms and utility room of the Site building. No staining or evidence of a release was observed in the vicinity of these features.	NA
NA = Not applicable or available			

*Photographs are included in Appendix C.

6.7 Vapor Encroachment Conditions (VECs)

A review of available information was conducted to evaluate the potential for a vapor encroachment condition (VEC) to exist at the Site. A VEC is defined as the presence or likely presence of vapor migration to the surface and/or subsurface of the subject property resulting from contaminant plume(s) of chemicals of concern (COC) on or in the vicinity of the Site. Based upon the documentation reviewed by Dynamic Earth, the Levari Citgo formerly located on the adjacent

property to the northwest of the Site (NJDEP Program Interest Number 001122) is an environmental risk to the Site. The CEA for volatile organic compounds (VOCs) impacts in groundwater extends onto a majority of the Site, aside from the southeastern portion. Based on the documented groundwater contamination, vapor intrusion into future Site buildings is a VEC.

6.8 Non-Scope Items

6.8.1 Asbestos Containing Materials (ACM)

Structures constructed prior to 1981 may have been built using asbestos containing construction or insulation materials. Based on the date of construction of the Site building (constructed prior to 1974), the presence of ACM is suspected.

6.8.2 Lead Based Paint (LBP)

Structures constructed prior to 1978 may be coated with lead-based paint (LBP). Based on the date of construction of the Site building (constructed prior to 1974), the presence of LBP is suspected. As the Site building is proposed for demolition, no further investigation of LBP is recommended.

6.8.3 Mold/Microbial Growth

Areas of mold/microbial growth were observed in the Site building. As the Site building is proposed for demolition, no further action is recommended for the mold/microbial growth.

7.0 INTERVIEWS

Interviews conducted by Dynamic Earth with knowledgeable Site representatives and/or public officials are summarized below.

7.1 Site Owner/Owner Representative

Site owner contact information was not provided to Dynamic Earth, and an interview could not be conducted. According to the client, the current Site owner purchased the property approximately one year ago and he has minimal knowledge on the Site.

7.2 Site Manager

Site manager contact information was not provided to Dynamic Earth, and an interview could not be conducted. According to the client, the current Site owner purchased the property approximately one year ago and he has minimal knowledge on the Site.

7.3 Occupant

The Site currently is vacant and unoccupied.

7.4 Local Government Officials

No interviews with local government officials were conducted during this Phase I ESA. OPRA responses received from local government agencies are discussed in Section 5.2.

7.5 Others

Name, Title:	Alex Balan
Representing:	Fairhaven Development Holdings, LLC
Date Contacted:	November 26, 2024
Type of Interview:	In Person

Mr. Balan provided access to the Site and Site building during Dynamic Earth's reconnaissance. He indicated the current Site owner purchased the property approximately one year ago and he has minimal knowledge on the Site. Mr. Balan provided a November 2023 *Phase I ESA* prepared by Site Remediation Group LLC, for Dynamic Earth's review. This document is summarized in Section 4.3 of this report.

8.0 FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

Dynamic Earth has performed a Phase I ESA in conformance with the scope and limitations of ASTM Practice E1527-21 of the commercial property located at 11 Route 9 in Upper Township, Cape May County, New Jersey. Any exceptions to, or deletions from this practice are described in Section 1.2 of this report.

The following recognized environmental conditions (RECs), controlled recognized environmental conditions (CRECs), or historical recognized environmental conditions (HRECs) that warrant further investigation or remediation were identified during this investigation. Recommendations for further investigation or remediation of these RECs are included in Section 8.2 below. The locations of the RECs identified below are depicted on Figure 2.

8.1 Findings

8.1.1 REC Roster

The following RECs as defined by ASTM E1527-21 with the potential to impact the Site were identified during this study:

- **REC-1: Levari Citgo CEA/VEC:** The Levari Citgo facility located immediately northwest of the Site was identified under NJDEP Site Remediation Program Interest Number 001122 for petroleum impacts to groundwater. This facility maintains a groundwater Classification Exception Area (CEA) that was established on June 23, 2011 for benzene, methyl tertiary butyl ether (MTBE), t-butyl alcohol (TBA), ethylbenzene, toluene, and total xylenes impacts to groundwater. The CEA has a duration of 33.6 years and a restriction depth of 200 feet below the ground surface (bgs). The CEA covers 61.3 acres including the majority of the Site, aside from the southeastern portion, and represents a potential VEC.
- **REC-2: Maintenance Building Septic System:** According to historic sources, vehicle maintenance operations and the storage of potentially hazardous materials and petroleum products occurred in the maintenance building formerly located in the central portion of the Site. This building was reportedly serviced by a septic system located in the southern portion of the Site. Historic discharges of potentially hazardous materials/wastes to sinks, drains, etc. may have impacted subsurface conditions in the area of the septic system.
- **REC-3: Historic Agricultural Use:** According to historic aerial photographs reviewed by Dynamic Earth, the Site was historically used for agricultural purposes from at least 1931 until 1974. Accordingly, historic application or use of pesticides, herbicides, and fertilizers could have resulted in residual contamination in on-Site soils. According to NJDEP's February 2022 *Historically Applied Pesticide Site Technical Guidance*, properties where historically applied pesticides are assumed to be present because of prior use may defer the requirements associated

with investigation and remediation until there is a change of use to a school, child care center, or residence. As the Site is proposed for residential development, further investigation of this REC is required.

8.1.2 CREC Roster

CRECs as defined by ASTM E1527-21 with the potential to impact the Site were not identified during this study.

8.1.3 HREC Roster

The following HRECs as defined by ASTM E1527-21 with the potential to impact the Site were identified during this study:

- **HREC-1: Former 10,000-Gallon No. 2 Fuel Oil UST:** According to historic documentation, a 10,000-gallon No. 2 fuel oil underground storage tank (UST) reportedly was removed from the northeastern exterior of the Site office building on November 24, 1986, after failing a tank tightness test (NJDEP Case Number 86-04-08-0700). Based on post-excavation soil sampling results and a groundwater investigation conducted to evaluate subsurface conditions, a December 28, 1988 letter was issued by NJDEP indicating compliance with NJDEP requirements. Accordingly, no further investigation is recommended.
- **HREC-2: Former 8,000-Gallon No. 2 Fuel Oil UST:** According to historic documentation, an 8,000-gallon No. 2 fuel oil UST reportedly was removed from the southeastern exterior of the former Site maintenance building on June 4, 1991 (TMS No. C91-1318). Based on Site observations and post-excavation soil sampling results, a June 23, 1992 letter was issued by NJDEP indicating compliance with NJDEP requirements. Accordingly, no further investigation is recommended.
- **HREC-3: Former 275-Gallon Waste Oil and Two 6,000-Gallon Gasoline USTs:** According to historic documentation, one 275-gallon waste oil UST and two 6,000-gallon gasoline USTs reportedly were removed from the vicinity of the Site maintenance building on February 12, 1990 and a release to soil was reported (NJDEP Case Number 90-02-12-1149). The NJDEP Communications Center Notification Report indicated soil will be excavated; however, no post-excavation sampling data was available for review. Monitoring well installation and sampling was conducted in 1990 and 1991, and based on the results, a February 5, 1992 letter was issued by NJDEP indicating compliance with NJDEP requirements. Accordingly, no further investigation is recommended.
- **HREC-4: Former 10,000-Gallon Gasoline UST:** According to historic documentation, a 10,000-gallon gasoline UST reportedly was removed from the vicinity of the Site maintenance building on June 30, 2010 (TMS No. N10-7241). Based on post-excavation soil sampling results, an unrestricted use, AOC-Response Action Outcome was issued for the UST on

March 30, 2011 and amended on June 7, 2011 for administrative deficiencies. Accordingly, no further investigation is recommended.

8.2 Conclusions and Recommendations

The following activities are recommended to address the RECs listed above:

REC-1:

- Remedial investigations and remedial actions to address the groundwater contamination identified at the Site in association with the former Levari Citgo should be continued to be conducted by the responsible party and/or NJDEP in accordance with the Site Remediation Reform Act (SRRA). Any additional environmental reports completed for the Site should be provided to Fairhaven Development for review.
- Due to on-Site groundwater contamination, the potential for vapor intrusion into the future Site building exists. Accordingly, the installation of a vapor mitigation system beneath the proposed Site building is recommended.
- In the event that existing groundwater monitor wells observed on-Site will be used for future sampling in association with the active NJDEP case, relocation of these wells may be required to accommodate development activities. If the wells located on the Site will no longer be used for sampling purposes, these wells should be properly abandoned per NJDEP requirements prior to Site development activities.
- Regulated dewatering during construction may be required due to the documented groundwater impacts.
- Due to the groundwater remediation activities being conducted by the responsible party or NJDEP, an access agreement may be needed to allow the responsible party or NJDEP to conduct any future groundwater sampling at the Site.

REC-2:

- Dynamic Earth recommends conducting a Phase II ESA including soil and/or groundwater sampling and analyses. The Phase II ESA should include a geophysical survey to confirm or refute the presence of subsurface features of environmental concern (if any) associated with the former Site operations.

REC-3:

- Dynamic Earth recommends completing a Historically Applied Pesticide (HAP) Investigation at the Site including soil sampling and analyses to evaluate shallow soils in the location of historic agricultural land use.

8.3 BER Roster

Items that are not identified as RECs, however, may require limited investigation or corrective action as business environmental risks (BERs) include the following:

- **Potential Abandoned/Inactive USTs:** Site structures historically utilized six USTs to store heating oil, gasoline, and waste oil at the Site. These USTs reportedly have been removed from the Site; however, a suspected fill port possibly associated with the former waste oil UST was identified within the former maintenance building slab. Additional abandoned/inactive USTs may remain at the Site. A geophysical survey could be conducted to confirm or refute the presence of abandoned/inactive USTs. In the event that a UST is encountered during redevelopment activities, the UST system should be properly closed in accordance with local and state regulations.
- **On-Site Septic Systems:** The Site buildings reportedly were serviced by three on-Site septic systems located in the central and southern portions of the Site. A septic tank lid was observed in the central portion of the Site during Dynamic Earth's Site reconnaissance. If not intended for future use, the septic systems should be closed in accordance with local Health Department guidelines.
- **Potential Abandoned/Inactive Potable Wells:** According to historic sources, two 65-foot potable wells were located in the northern and central portions of the Site. Accordingly, abandoned/inactive potable wells may remain at the Site. Potable wells identified during redevelopment activities (if any) should be closed by a licensed well driller in accordance with state and local protocol.
- **Potential Asbestos Containing Materials (ACM):** Structures constructed prior to 1981 may have been built using asbestos containing construction or insulation materials. Based on the age of the structure (constructed in 1974), the presence of ACM is suspected. An ACM survey and asbestos abatement, as necessary, should be conducted prior to building demolition.
- **Polychlorinated Biphenyls (PCBs):** A pad-mounted electrical transformer was observed to the northwest of the Site building. Additionally, fluorescent light ballasts were observed throughout the Site building. No staining or indications of release were observed in the vicinity of these features. Prior to any future redevelopment activities, suspect PCB-containing equipment should be inspected for PCB content and removed in accordance with federal and state waste management regulations.
- **Former Oil/Water Separator:** According to historic sources, an oil/water separator was located to the southeast of the former maintenance building. The oil/water separator reportedly consisted of a 4,000-gallon wastewater tank and a 275-gallon wastewater tank. The system was removed from the Site on August 29, 2012. A total of 11 soil samples were collected from the excavation by others and no exceedances of NJDEP standards were identified. If

requested by the Client, supplemental soil sampling could be conducted to obtain a higher level of certainty of subsurface conditions in the area.

- **Former Telephone Pole Storage Area:** According to historic sources, soil excavation activities were conducted in the former telephone pole storage area located in the southeastern portion of the Site between August 27 and August 29, 2012. A total of 658.44 tons of impacted soil was removed and disposed off-site. A total of 49 post-excavation soil samples were collected from sidewalls and the base of excavation by others. No exceedances of NJDEP standards were identified in the samples collected. If requested by the Client, supplemental soil sampling could be conducted to obtain a higher level of certainty of subsurface conditions in the area.
- **Former Hydraulic Lift:** According to historic sources, a hydraulic lift was located within the maintenance building formerly located in the central portion of the Site. On August 28, 2012, the hydraulic lift casing was removed, and residual fluids were pumped and disposed off-site. No indications of a release were identified in this area and no investigation was recommended by others. If requested by the Client, soil sampling could be conducted to obtain a higher level of certainty of subsurface conditions in the area.
- **On-Site Wetlands:** A review of the USFWS *Nationals Wetlands Inventory Map* indicated an area of Freshwater Forested/Shrub Wetlands encroach onto the eastern portion of the Site. The necessary jurisdictional determinations and/or permitting (if any) should be obtained prior to any future Site development activities.
- **Solid Waste/Debris:** An area of miscellaneous solid waste/debris was observed in the western portion of the Site. All solid waste and debris should be removed for compliant off-site disposal prior to property transfer.

8.4 Opinion

The RECs noted above may present a threat to future liability, add additional costs, and/or cause time delays to the implementation of proposed Site redevelopment. The BERs noted above should be properly evaluated and handled prior to any redevelopment.

SIGNATURE OF ENVIRONMENTAL PROFESSIONALS

The following environmental professional was involved in the preparation of this document by Dynamic Earth.

“We declare that to the best of my professional knowledge and belief, we meet the definition of *Environmental Professional* as defined in §312.10 of 40 CFR 312 and we have the specific qualifications based on education, training and experience to assess a property of the nature, history and setting of the subject property. We have developed and performed all appropriate inquiries in conformance with the standard and practices set forth in 40 CFR Part 312.”



Victoria Ryback
Senior Project Manager

January 8, 2025

Date



Anthony George
Project Manager

January 8, 2025

Date

Qualifications for the Dynamic Earth environmental professionals responsible for conducting this Phase I ESA are provided in Appendix E of this report.