



Michael S. Kettler
Partner

Direct:
t: 973.451.8520
f: 973.538.1984
mkettler@riker.com

7 Giralda Farms, Suite 250
Madison, NJ 07940-1051

May 13, 2026

Via Email & Electronic Filing

Honorable Sherri L. Lewis
Secretary of the Board
State of New Jersey
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
PO Box 350
Trenton, New Jersey 08625-0350
board.secretary@bpu.nj.gov
karriemah.graham@bpu.nj.gov

Re: In the Matter of the Petition of New Jersey Natural Gas Company for a Determination Concerning the Manahawkin Fueling Station Pursuant to N.J.S.A. 40:55D-19, BPU Docket No. GO26050214

Dear Secretary Lewis:

On behalf of New Jersey Natural Gas Company (“NJNG” or the “Company”), enclosed for filing please find a Verified Petition, including supporting testimony and exhibits, appealing a decision of the Stafford Township Zoning Board of Adjustment denying the Company’s application for the construction of a proposed fueling station (the “Fueling Station” or “Facility”) pursuant to N.J.S.A. 40:55D-19. As set forth in the Petition, the Company respectfully requests that the Board determine that the construction of the Fueling Station on property owned by the Company at 878 North Main Street in Manahawkin, Stafford Township, New Jersey, is necessary for the service, convenience or welfare of the public, and that no alternative site or sites are reasonably available to achieve an equivalent public benefit. NJNG therefore requests that the Board issue an order concluding that the zoning, site plan review and all other Municipal Land Use Ordinances or Regulations promulgated under the auspices of Title 40 of the New Jersey Statutes and the Municipal Land Use Law of the State of New Jersey shall not apply to the proposed Facility, and authorizing the Company to construct the Facility as set forth in the Petition and supporting testimony and exhibits.

The Company requests in the Petition that the Board retain and hear this appeal directly, rather than transmitting it to the Office of Administrative Law, pursuant to N.J.S.A. 52:14F-8(b). This Petition implicates important issues regarding the energy and climate policies of the State of New

MADISON



TRENTON



NEW YORK CITY

www.riker.com

Honorable Sherri L. Lewis
May 13, 2026
Page 2

Jersey, including emissions reduction, energy efficiency, and renewables, and involves energy policies advanced by the Board and its prior orders in similar matters, and, as such, it would be appropriately heard and resolved by the Board directly.

Consistent with the Order issued by the Board dated March 19, 2020, in connection with Docket No. EO20030254, this document is being electronically filed with the Secretary of the Board and served by email on the attached Service List, except that Stafford Township and the Stafford Township Zoning Board of Adjustment are being served by email and Federal Express.

Very truly yours,

s/ Michael S. Kettler

Michael S. Kettler

cc: Attached Service List

4910-7325-7643, v. 1

**IN THE MATTER OF THE PETITION OF NEW JERSEY NATURAL GAS
COMPANY FOR A DETERMINATION CONCERNING THE MANAHAWKIN
FUELING STATION PURSUANT TO N.J.S.A. 40:55D-19
BPU Docket No. GO26050214**

SERVICE LIST

Board of Public Utilities Staff

Heather Weisband
Senior Counsel
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
P.O. Box 350
Trenton, NJ 08625-0350
heather.weisband@bpu.nj.gov

Stacy Peterson
Deputy Executive Director
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
P.O. Box 350
Trenton, NJ 08625-0350
stacy.peterson@bpu.nj.gov

Frank Gaffney
Director, Division of Reliability and
Security
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
P.O. Box 350
Trenton, NJ 08625-0350
francis.gaffney@bpu.nj.gov

Dean Taklif
Director, Division of Engineering
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
P.O. Box 350
Trenton, NJ 08625-0350
dean.taklif@bpu.nj.gov

Veronique Oomen
Director, Division of Clean Energy
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
P.O. Box 350
Trenton, NJ 08625-0350
veronique.oomen@bpu.nj.gov

Divison Of Law (DAGs)

Pamela Owen, Esq.
Assistant Section Chief
Dept. of Law & Public Safety -
Division of Law
Public Utilities Section
R.J. Hughes Justice Complex
25 Market Street
P.O. Box 112
Trenton, NJ 08625
pamela.owen@law.njoag.gov

Steven Chaplar, DAG
Dept. of Law & Public Safety -
Division of Law
R.J. Hughes Justice Complex
25 Market Street
P.O. Box 112
Trenton, NJ 08625
steven.chaplar@law.njoag.gov

Division Of Rate Counsel

Brian O. Lipman, Esq., Director
Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625
blipman@rpa.nj.gov

Maura Caroselli, Esq., Managing
Attorney, Gas & Clean Energy
Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625
mcaroselli@rpa.nj.gov

**IN THE MATTER OF THE PETITION OF NEW JERSEY NATURAL GAS
COMPANY FOR A DETERMINATION CONCERNING THE MANAHAWKIN
FUELING STATION PURSUANT TO N.J.S.A. 40:55D-19
BPU Docket No. GO26050214**

SERVICE LIST

New Jersey Natural Gas

Michael S. Kettler, Esq.
Riker Danzig LLP
7 Giralda Farms, Suite 250
Madison, NJ 07940
mkettler@riker.com

Anne-Marie Peracchio
New Jersey Natural Gas Company
1415 Wyckoff Road
P.O. Box 1464
Wall, NJ 07719
aperacchio@njng.com

Andrew Dembia, Esq.
New Jersey Natural Gas Company
1415 Wyckoff Road
P.O. Box 1464
Wall, NJ 07719
adembia@njng.com

Eileen Quinn, Esq.
New Jersey Resources
1415 Wyckoff Road
P.O. Box 1464
Wall, NJ 07719
equinn@njresources.com

Joseph Soter
New Jersey Natural Gas Company
1415 Wyckoff Road
P.O. Box 1464
Wall, NJ 07719
jsoter@njng.com

Stafford Township

Matthew von der Hayden
Township Administrator and Deputy
Clerk
Stafford Township
260 East Bay Avenue
Municipal Building/Complex
Manahawkin, NJ 08050
mvonderhayden@staffordnj.gov

Robin Bowles
Secretary
Stafford Township Zoning Board of
Adjustment
260 East Bay Avenue
Municipal Building/Complex
Manahawkin, NJ 08050
rbowles@staffordnj.gov

4921-8709-3675, v. 1

**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

IN THE MATTER OF THE PETITION OF	:	VERIFIED PETITION
NEW JERSEY NATURAL GAS COMPANY	:	
FOR A DETERMINATION CONCERNING	:	
THE MANAHAWKIN FUELING STATION	:	DOCKET NO. GO26050214
PURSUANT TO N.J.S.A. 40:55D-19	:	
	:	

**To: THE HONORABLE COMMISSIONERS OF
THE NEW JERSEY BOARD OF PUBLIC UTILITIES**

Petitioner New Jersey Natural Gas Company (“NJNG” or the “Company”), respectfully petitions the New Jersey Board of Public Utilities (the “Board” or “BPU”), pursuant to N.J.S.A. 40:55D-19, as follows:

1. NJNG appeals to the Board from a decision of the Stafford Township Zoning Board of Adjustment (“Stafford Zoning Board”) denying the Company’s application for the construction of a fueling station (the “Fueling Station”) at 878 North Main Street in Manahawkin, Stafford Township, New Jersey (the “Site”).

2. The Company respectfully requests, pursuant to N.J.S.A. 40:55D-19 and N.J.S.A. 48:2-23, and any other statutes or rules deemed applicable, that the Board determine that the construction of the Fueling Station, as more fully described herein, is reasonably necessary for the service, convenience, or welfare of the public and that no alternative site or sites are reasonably available to achieve an equivalent public benefit.

3. Additionally, the Company respectfully requests, pursuant to N.J.S.A. 52:14F-8(b), that the Board conduct the hearing in this matter directly and individually, rather than transmitting it to the Office of Administrative Law, as it concerns important issues regarding the energy and

climate policies of the State of New Jersey, including emissions reduction, energy efficiency, and renewables, and to prior orders of the Board.

4. Accordingly, NJNG requests that the Board issue an order: concluding that the zoning, site plan review, and all other Municipal Land Use Ordinances or Regulations promulgated under the auspices of Title 40 of the New Jersey Statutes and the Municipal Land Use Law of the State of New Jersey (the “MLUL”) shall not apply to the proposed Fueling Station; and determining that NJNG may proceed with the construction of the Fueling Station as described in this Petition and accompanying testimony and exhibits notwithstanding any determination of the Stafford Zoning Board.

I. PRELIMINARY STATEMENT

5. Through this Petition, NJNG seeks relief from local zoning laws so it may construct and operate a fueling station at a facility it owns in Manahawkin, located in Stafford Township, New Jersey. NJNG uses this facility as the home base for its personnel who respond to approximately 4,500 calls each year from the Company’s residential and business customers in the southern Ocean County area, including in Manahawkin, and as the home base for its personnel who service, maintain, and ensure the reliability of its natural gas distribution system in that area. These personnel read and service more than 11,000 meters in Stafford Township and approximately 89,000 meters in the southern Ocean County service area. NJNG also uses the Site to host quarterly meetings of approximately 40 NJNG personnel to address safety issues that arise across the Company.

6. The Fueling Station is needed to facilitate NJNG’s efforts to meet energy goals set by the State of New Jersey and being pursued by the BPU, and by the Company itself. The State has mandated that by 2050, greenhouse gas emissions from all sources in the State are reduced to,

or below, 80% of the 2006 levels. The Fueling Station would supply NJNG's existing vehicle fleet with compressed natural gas and renewable diesel. Use of these fuels would reduce the carbon emissions of the Company's vehicle fleet operating out of the Site, which presently uses conventional gasoline or diesel.

7. Despite the need for the Fueling Station in NJNG's southern Ocean County service area, there are no reasonably available alternatives to the Site that could achieve an equivalent public benefit. As described in the testimony of Joseph Soter, NJNG's Director for Energy Delivery Support, the Site already is supplied by a natural gas supply line and is the home base for NJNG's emergency responders and distribution crew for the Manahawkin area and surrounding communities. Other properties already owned by the Company that contain fueling stations are located too far outside Manahawkin and the surrounding area (20 miles or more) and could not reasonably support NJNG's local fleet. Likewise, no commercial fueling station that supplies compressed natural gas or renewable diesel is closer than 20 miles from the Site. Alternatively, procuring a new property in this part of its service territory would impose additional and unnecessary costs for site acquisition and the installation of fueling infrastructure and construction of impervious surfaces for vehicular traffic.

8. NJNG has taken steps to assess and minimize the potential impacts of the Fueling Station to the local community, and particularly, to residents who live adjacent to the Site. The Fueling Station's acoustical impacts, its impact on local air quality (including the potential to generate hazardous air pollutants or odors), and its visual impacts would comply with state and local limits and would have minimal effects on the local community.

9. Accordingly, the Board should approve the construction and operation of the Fueling Station; determine that the construction and operation of the Fueling Station is reasonably

necessary for the service, convenience, or welfare of the public, and that no alternative site or sites are reasonably available to achieve an equivalent public benefit; and issue an order that the zoning, site plan review and all other Municipal Land Use Ordinances or Regulations promulgated under the MLUL shall not apply to the Fueling Station.

II. PETITIONER NEW JERSEY NATURAL GAS

10. NJNG is a corporation duly organized under the laws of the State of New Jersey, and is a public utility engaged in the transportation and distribution of natural gas, and thereby subject to the jurisdiction of the Board. The principal business office of NJNG is located at 1415 Wyckoff Road, Wall, New Jersey 07719. As a local natural gas distribution company, NJNG provides regulated retail natural gas service to approximately 594,000 customers in Monmouth and Ocean Counties, as well as portions of Burlington, Middlesex, Morris, and Sussex Counties.

11. Communications and correspondence relating to this filing should be sent to:

Anne-Marie Peracchio, Vice President - Regulatory and Energy Efficiency
Andrew K. Dembia, Esq. - Regulatory Affairs Counsel
Eileen Quinn, Esq. – Assistant General Counsel
New Jersey Natural Gas Company
1415 Wyckoff Road
Wall, New Jersey 07719
(732) 938-1214
APeracchio@NJNG.com
adembia@NJNG.com
equinn@NJResources.com

Michael S. Kettler, Esq.
Riker Danzig LLP
7 Giralda Farms, Suite 250
Madison, New Jersey 07940
973-451-8520
mkettler@riker.com

12. This Petition is accompanied by the proposed Facility information and the following Exhibits, which are attached hereto and made part of this Petition:

Exh. P-1 – Direct Pre-filed Testimony of Joseph Soter
(Need for the Facility, Construction and
Design, Site Location, and Alternatives)

Exh. P-2 – Aerial View of Site

Exh. P-3 – Colorized Overall Site Plan

Exh. P-4 – Enlarged Site Layout and Dimension Plan

Exh. P-5 – Zoning Board Resolution for Z17-02
(August 23, 2017)

Exh. P-6 – Excerpt of Transcript of Stafford Zoning
Board – Final Vote (April 8, 2026)

13. NJNG is serving notice and a copy of this filing, together with a copy of the annexed exhibits being filed herewith, upon those individuals identified in the attached service list, including the Director, Division of Rate Counsel, Deputy Attorneys General from the Public Utility Section of the Division of Law – Office of the Attorney General, the Board Secretary of the Stafford Zoning Board and the Township Administrator and Deputy Clerk of Stafford Township. In accordance with an Order of the Board,¹ service is by email, except that the Stafford Township officials are being served by Federal Express and email.

14. As a natural gas “public utility,” as that term is defined in N.J.S.A. 48:2-13, NJNG is subject to regulation by the Board for the purpose of assuring that it provides safe, adequate and proper natural gas service to its customers pursuant to N.J.S.A. 48:2-23. As a result, the Company is obligated to, and does, maintain its public utility infrastructure in such condition as to enable it to meet its regulatory obligations to provide the requisite service. That infrastructure consists of

¹ In the Matter of the New Jersey Board of Public Utilities’ Response to the COVID-19 Pandemic for a Temporary Waiver of Requirements for Certain Non-Essential Obligations, BPU Docket No. EO20030254, Order dated March 19, 2020.

the property, plant, facilities and equipment within NJNG's natural gas distribution and transmission system throughout its service territory. Accordingly, NJNG is required to operate a vehicle fleet for its personnel to address calls from its residential and commercial customers and maintain and repair its distribution system, and must provide fuel for the operation of that fleet.

III. DESCRIPTION OF THE PROPOSED MANAHAWKIN FUELING STATION

15. The Fueling Station would be constructed as an accessory structure to an existing office building, maintenance bay, and parts storage area located at the Site, which is private property owned by NJNG. The Site itself and the location and design of the Fueling Station are more fully described in Exhibits P-2, P-3, and P-4 attached hereto. The Site is approximately 8.8 acres and presently developed with a one-story 4,518 sq. ft. office for NJNG's business operations along with an associated 1,900 sq. ft. vehicular maintenance bay with parts storage space. The proposed site plan is appended as Exhibits P-3 and P-4. The compressed natural gas equipment would be installed within an eight-foot-high chain-link fence with access gates for personnel, all at grade. The Fueling Station will have a gravel base cover, two concrete fueling dispenser islands for compressed natural gas fueling (containing three sphere tanks), and a renewable diesel tank with protective bollards. An emergency backup generator will be situated on a concrete pad. This equipment will be located approximately 215 feet from the nearest property line. As part of the Stafford Township's 2017 use variance and under a permit for the Site pursuant to the Coastal Area Facility Review Act, 3.65 acres are deed restricted to preserve a forest and wooded area, which is about 41 percent of the Site, and would not be altered by the proposed Fueling Station.

16. The Fueling Station would be for the exclusive use of NJNG's fleet vehicles, which are used by NJNG's emergency responders and by its distribution crews. These personnel read and service more than 11,000 meters in Stafford Township and approximately 89,000 meters in the

southern Ocean County service area. NJNG utilizes the Site as the regional hub for its public utility business offices and as the only location in its southern Ocean County service area to maintain and service NJNG's fleet of vehicles. These vehicles are essential both for NJNG's emergency responders to expeditiously address and resolve reports of gas leaks by NJNG customers and for NJNG's distribution crews to maintain NJNG's gas delivery infrastructure, thereby ensuring safe and reliable natural gas service in Stafford Township and the surrounding communities.

17. The Fueling Station would consist of three 100-gallon tanks for storage of compressed natural gas and one 950-gallon tank for storage of renewable diesel fuel, along with accessory equipment for supply connections and fuel delivery.

**IV. THE BPU'S JURISDICTION IN THIS MATTER AND
AUTHORITY TO CONDUCT THE HEARING DIRECTLY AND INDIVIDUALLY**

18. The Board has jurisdiction over this appeal pursuant to Section 10 of the MLUL, N.J.S.A. 40:55D-19, and can issue an order that the zoning, site plan review, and all other Municipal Land Use Ordinances and Regulations promulgated by the Township of Stafford under the auspices of the MLUL shall not apply to the proposed Fueling Station.

19. Pursuant to Section 10 of the MLUL, N.J.S.A. 40:55D-19, an appeal to the Board may be taken by a public utility that is "aggrieved by the action of a municipal agency through said agency's exercise of its powers under this act, with respect to any action in which the public utility or electric power generator has an interest."

20. On or about August 20, 2025, NJNG filed an application with the Stafford Zoning Board seeking preliminary and final site plan approval and a "D1" use variance for construction of the proposed Fueling Station. The Fueling Station would be constructed in a "Rural Business Zone" designated by Stafford Township under section 211-26.1 of its Township Code, pursuant to which a fueling station is not a permitted use. Previously, in 2017, the Stafford Zoning Board

granted NJNG a use variance, design waivers, and preliminary and final major site plan approval for NJNG's construction of a maintenance service bay and parts storage facility at the Site. [Exhibit P-5] Thereafter, the Company constructed those facilities at the Site together with a single-story office building, which is a permitted use in Stafford Township's Rural Business Zone for which a use variance was not required.

21. The Stafford Zoning Board convened a hearing on NJNG's application for the Fueling Station on March 11, 2026. During the hearing, the Company presented testimony from six witnesses, each of whom provided testimony in support of NJNG's application and to address the requirements for approval under Stafford Township's local ordinances and the MLUL. One Company witness described the proposed Fueling Station. The five other witnesses were independent outside experts and provided testimony in the areas of civil engineering, acoustical engineering, air quality, landscape design, and professional planning.

22. In light of various questions and concerns raised by residents of Manahawkin about NJNG's application at the March 11th hearing, the Company held a public meeting on March 25, 2026, so the Company could address those questions and concerns before the Stafford Zoning Board convened again on April 8, 2026. At the conclusion of the board's April 8, 2026 hearing, the members of the Stafford Zoning Board denied NJNG's application. [Exhibit P-6] As of the date of this filing, the Stafford Zoning Board has not issued a written Resolution memorializing its oral decision.

23. The Board may retain and hear this appeal directly, rather than transmitting it to the Office of Administrative Law. Pursuant to N.J.S.A. 52:14F-8(b), no administrative judge shall be assigned by the director of the Office of Administrative Law to hear a contested case with respect to "[a]ny matter where the head of the agency, a commissioner or several commissioners ...

determine to conduct the hearing directly and individually.” This petition implicates important issues regarding the energy and climate policies of the State of New Jersey, including emissions reduction, energy efficiency, and renewables, and involves energy policies advanced by the Board and its prior orders in similar matters. As such, the petition would be appropriately heard and resolved by the Board directly rather than through transmittal to the Office of Administrative Law for an initial decision.

V. STANDARD FOR BPU APPROVAL OF PETITION

24. N.J.S.A. 40:55D-19 provides in pertinent part as follows:

A hearing on the appeal of a public utility to the [BPU] shall be had on notice to the agency from which the appeal is taken and to all parties primarily concerned, all of whom shall be afforded an opportunity to be heard. *If, after such hearing, the [BPU] shall find that the present or proposed use by the public utility or electric power generator of the land described in the petition is necessary for the service, convenience or welfare of the public*, including, but not limited to, in the case of an electric power generator, a finding by the board that the present or proposed use of the land is necessary to maintain reliable electric or natural gas supply service for the general public and *that no alternative site or sites are reasonably available to achieve an equivalent public benefit*, the public utility or electric power generator may proceed in accordance with such decision of the [BPU], any ordinance or regulation made under the authority of this act notwithstanding. [emphases added]

25. The Appellate Division first interpreted the “necessary for the service, convenience or welfare of the public” standard (as set forth in a predecessor statute) in In re Hackensack Water Co., 41 N.J. Super. 408 (App. Div. 1956). In Hackensack Water, the Appellate Division concluded that the legislative intent is that the broad public interest in utility services shall prevail over “local interests expressed through prohibiting provisions of a municipal zoning ordinance” where the site of the building or structure is reasonably necessary for the service, convenience or welfare of the public. Id. at 419-20. The Appellate Division explained that while municipal ordinances are important to the public welfare, “such regulation is basically from the local aspect for a local public purpose,” and “the legislative intent is clear that such local regulation, however beneficent and

important, is of secondary importance to the broader public interest involved in assuring adequate [] service to a much larger area.” Id. at 423. Further, the Court found that the performance of a utility’s obligation to the public and the “power of the board to compel such performance in the interest of the general public good cannot be thwarted by the contrary action of one municipality....” Id.

26. Soon after Hackensack Water, the New Jersey Supreme Court, in In re Public Service Electric & Gas Co., 35 N.J. 358, 375 (1961) (“Public Service”), held that the governing statute is to be construed and applied in accordance with the principles and reasoning set forth in Hackensack Water. To further that end, the Supreme Court announced a series of guiding principles for application of the standard set forth in N.J.S.A. 40:55D-19. Since the Public Service decision, the courts and the BPU have uniformly held that in cases under N.J.S.A. 40:55D-19, the BPU should consider the following five factors established in Public Service:

[1] “[T]he phrase in the statute ‘for the service, convenience, and welfare of the public’ refers to all of the public served by the utility and not the local group benefited by a particular zoning ordinance;”

[2] “[T]he utility must show that the proposed use is reasonably, but not absolutely or indispensably, necessary for the public service, convenience and welfare of some particular location;”

[3] “[B]ecause the statute requires that the particular site or location ... be ‘reasonably necessary,’ the [BPU] must consider the community’s zone plan and ordinance, as well as physical characteristics of the property involved, as well as the surrounding neighborhood and the effect that the proposed use will have upon it;”

[4] In determining reasonable necessity, the BPU “must also consider alternate sites and methods, as well as their respective advantages and disadvantages to all of the interests involved, including costs”; and

[5] The BPU “must weigh all interests and factors in light of the entire factual picture and adjudicate the existence or non-existence of reasonable necessity therefrom” and “if the balance is equal, the utility is entitled to the preference, because the legislative intent is clear that the broad public interest to be served is greater than local consideration.”

I/M/O the Appeal of Jersey Cent. Power & Light Co. Pursuant to N.J.S.A. 40:55D-19 from a Decision of the Twp. of Tewksbury Land Use Bd., No. A-2150-09T1, 2011 N.J. Super. Unpub. LEXIS 302, at *12-13 (App. Div. Feb. 10, 2011) (citing Public Service, 35 N.J. at 376-77); In re Petition of N.J. Am. Water Co. For a Determination Concerning Fenwick Water Tank Pursuant to N.J.S.A. 40:55D-19, No. A-3903-22, 2024 N.J. Super. Unpub. LEXIS 2888, at *13 (App. Div. Nov. 20, 2024); Matter of Petition of S. Jersey Gas Co., 447 N.J. Super. 459, 481 (App. Div. 2016).

27. In sum, to obtain an order from the Board exempting a project from local land use and zoning ordinances and regulations, a public utility must demonstrate two things. First, the public utility must demonstrate that the proposed project is reasonably—but not absolutely or indispensably—necessary for the service, convenience or welfare of the entire public served by the public utility, taking into account the affected municipalities’ zone plans and zoning ordinances and the physical characteristics of the affected land and surrounding neighborhood (and the effect of the proposed use on that land and neighborhood). Second, the public utility must demonstrate that the site, method or route chosen for the proposed project is the best available, and thus its use is reasonably necessary, based on consideration of alternative sites, methods and routes and their comparative advantages and disadvantages to all interests involved, including costs.

28. In addition, as noted above, pursuant to N.J.S.A. 48:2-23, the Board may require a New Jersey public utility, like NJNG, to furnish “safe, adequate and proper service, including furnishing and performance of service in a manner that tends to conserve and preserve the quality of the environment and prevent the pollution of the waters, land and air of this State.” Under this provision, the BPU may also require a public utility to “maintain its property and equipment in such condition to enable it to do so.” Id. The Board’s Mission Statement also provides that it is the mission of the Board:

[t]o ensure that safe, adequate, and proper utility services are provided at reasonable, non-discriminatory rates to all members of the public who desire such services. To develop and regulate a competitive, economically cost-effective energy policy that promotes responsible growth and clean renewable energy sources while maintaining a high quality of life in New Jersey.”² (emphases added).

VI. NEED FOR THE MANAHAWKIN FUELING STATION

29. Here, the Fueling Station satisfies the requirements of the Public Service test and is reasonably necessary for the provision of safe, adequate and proper service to the public.

30. As more fully described below and in the accompanying testimony of Joseph Soter, attached hereto as Exhibit P-1, the Company’s operational need for the Fueling Station arises from its NJNG’s commitment to sustainable and climate-friendly practices that are embodied in the policies of the State of New Jersey and those of NJNG.

31. As described in the direct testimony of Joseph Soter, the State of New Jersey has included certain energy efficiency and conservation measures as part of its overall planning to meet its climate and clean energy goals. In 2008, the State enacted the Global Warming Response Act (L. 2007, c. 340), codified at N.J.S.A. 26:2C-37 *et seq.*, based on the Legislature’s findings that energy efficiency and conservation measures must be essential elements of the State’s energy future and that greater reliance on energy efficiency and conservation will provide significant benefits to the citizens of New Jersey. The Act provides that by 2050, greenhouse gas emissions from all sources in the State should be reduced to, or below, 80% of the 2006 levels. N.J.S.A. 26:2C-39, 2C-40. Section 13 of the Act permits gas public utilities to provide and invest in energy efficiency and conservation programs in their service territory on a regulated basis and allows the Board to incentivize those investments by approving recovery of those costs. N.J.S.A. 48:3-98.1(a)(1). A decade later, the State enacted the Clean Energy Act of 2018 (P.L. 2018, C. 17),

² <https://www.nj.gov/bpu/about/mission/>

N.J.S.A. 48:3-87.7 *et seq.*, which, for regulated public gas utilities, directed the Board to require those utilities to implement energy efficiency measures that, within five years of implementation, achieve an annual reduction of natural gas usage by 0.75 percent of the average annual usage in the prior three years. Subsequently, the Board issued several orders implementing the policies under the Clean Energy Act to promote energy efficiency and peak demand reduction.³

32. In the 2024 Energy Master Plan, the State has set forth its long-term strategic roadmap for meeting its climate and clean energy goals.⁴ It recognizes that, in New Jersey, the transportation sector is the largest source of greenhouse gas emissions.⁵

33. Compressed natural gas is a cleaner-burning and energy efficient alternative to conventional fuels. Compared to gasoline and diesel, the combustion of compressed natural gas generates lower greenhouse gas emissions and is less impactful to air quality. According to estimates by the U.S. Environmental Protection Agency (“EPA”), compared to conventional

³ In re the Implementation of P.L. 2018, c. 17 Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs, BPU Docket Nos. QO19010040, QO19060748, and QO17091004, Order dated June 10, 2020; In re the Implementation of P.L. 2018, c. 17, The New Jersey Clean Energy Act of 2018, Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs; In re the Implementation of P.L. 2018, c. 17, The New Jersey Clean Energy Act of 2018, Regarding the Second Triennium of Energy Efficiency and Peak Demand Reduction Programs; In re: Electric Public Utilities and Gas Public Utilities Offering Energy Efficiency and Conservation Programs, Investing in Class I Renewable Energy Resources and Offering Class I Renewable Energy Programs in Their Respective Service Territories on a Regulated Basis, Pursuant to N.J.S.A. 48:3-98.1 and N.J.S.A. 48:3-87.9 - Minimum Filing Requirements, BPU Docket Nos. QO19010040, QO23030150, and QO17091004, Order dated May 24, 2023; In the Matter of the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Establishment of Energy Efficiency and Peak Demand Reduction Programs, BPU Docket No. QO19010040, In the Matter of the Implementation of P.L. 2018, c. 17, the New Jersey Clean Energy Act of 2018, Regarding the Second Triennium of Energy Efficiency and Peak Demand Reduction Programs, BPU Docket No. QO23030150, and In the Matter of Electric Public Utilities and Gas Utilities Offering Energy Efficiency and Conservation Programs, Investing in Class I Renewable Energy Resources and Offering Class I Renewable Energy Programs in Their Respective Service Territories on a Regulated Basis, Pursuant to N.J.S.A. 48:3-98.1 and N.J.S.A. 48:3-87.9 – Minimum Filing Requirements, BPU Docket No. QO17091004, Order Directing the Utilities to Propose Second Triennium Energy Efficiency and Peak Demand Reduction Programs, Order dated July 26, 2023; In the Matter of the Implementation of P.L. 2018, C. 17 the New Jersey Clean Energy Act of 2018, Regarding the Second Triennium of Energy Efficiency and Peak Demand Reduction Programs, BPU Docket No. QO23030150, Order dated October 25, 2023.

⁴ New Jersey Energy Master Plan 2024, available at: <https://www.nj.gov/emp/pdf/2024NJEMP.pdf>.

⁵ 2024 Energy Master Plan at 58 (based on the 2021 inventory from the NJ DEP, the transportation sector accounts for the largest source of greenhouse gas emissions in the State, making up around 35% of gross emissions).

vehicles that run on gasoline, natural gas vehicles reduce carbon monoxide emissions by 90 to 97 percent; reduce carbon dioxide emissions by 25 percent; and reduce nitrogen oxide emissions by 35 to 60 percent. In addition, natural gas vehicles produce fewer toxic and carcinogenic pollutants as well as little or no evaporative emissions during fueling or operation. Compressed natural gas is produced by compressing natural gas to less than one percent of its volume, thereby making it suitable for vehicle fuel tanks.

34. Renewable diesel fuel, like compressed natural gas, is a cleaner-burning alternative to conventional diesel and better for air quality. Renewable diesel is a fuel made from fats and oils, such as soybean oil or canola oil, and is processed to be chemically the same as petroleum diesel. According to the EPA, vehicles fueled by renewable diesel can reduce greenhouse gas emissions by up to 78 percent on a per gallon basis compared to fossil diesel.⁶ According to the U.S. Department of Energy, renewable diesel vehicles reduce nitrogen oxide emissions compared with petroleum diesel.⁷

35. The expanded use of compressed natural gas in NJNG's fleet, together with the use of renewable diesel, would fit within various ways that NJNG has worked to promote the energy and climate policies of the State, including energy efficiency and the reduction of greenhouse gas emissions. NJNG has implemented various programs – with BPU approval – to reduce its greenhouse gas emissions and to meet or exceed its annual energy-efficiency reduction targets. In 2012, the BPU approved a \$10 million pilot program for NJNG to partner with municipalities and businesses to install compressed natural gas fueling stations for public and private use.⁸ Pursuant

⁶ <https://www.epa.gov/system/files/documents/2023-05/summary-lca-results-for-web-v1-1-2023-04.xlsx>.

⁷ <https://afdc.energy.gov/fuels/renewable-diesel>.

⁸ [In re Petition of New Jersey Natural Gas Company for Approval of a Pilot Program for the Installation of Compressed Natural Gas Infrastructure and an Associated Recovery Mechanism with the Approval of Changes in the Company's](#)

to that approval, NJNG launched its “Natural Gas Vehicle (NGV) Advantage” program and opened three compressed natural gas re-fueling stations in 2015-2016, which NJNG installed in Middletown, Freehold, and Toms River. In 2017, the BPU created a grant program to provide \$200,000 in funding to subsidize the incremental cost of purchasing certain new natural gas vehicles.⁹

36. The Fueling Station would also advance the goal embodied in the 2024 Energy Master Plan of reducing carbon emissions from the transportation sector, which is the largest source of greenhouse gas emissions in New Jersey.

37. Additionally, NJNG’s expanded use of compressed natural gas in its vehicle fleet would be consistent with requirements established by the Legislature under N.J.S.A. 27:1B-22, which requires that all New Jersey Transit buses purchased since 2007 are either powered by fuel other than conventional diesel fuel, such as compressed natural gas vehicles, or fitted with improved pollution controls and that reduce particulate emissions.

38. With respect to energy efficiency, in 2009, the BPU authorized NJNG to implement three energy efficiency programs for residential, commercial, and industrial use and authorized NJNG to establish a rate through which it would recover its costs.¹⁰ Through a series of orders, the BPU authorized NJNG to extend and expand these programs.¹¹ Acting pursuant to the Clean

Tariff for Gas Pursuant to N.J.S.A. 48:2-21 and 48:2-23 et seq., BPU Docket No. GR11060361, Orders of June 18, 2012; August 21, 2013; and April 24, 2014; see also <https://nj.gov/bpu/pdf/announcements/2012/fleety.pdf>.

⁹ <https://www.nj.gov/bpu/commercial/cng.html>; <https://nj.gov/bpu/about/divisions/opp/altfuelvehicle.html>.

¹⁰ In re the Petition of Energy Efficiency Programs and Associated Cost Recovery Mechanisms AND In re the Petition of New Jersey Natural Gas Company for Approval of Energy Efficiency Programs with an Associated Cost Recovery Mechanism, BPU Docket Nos. EO09010056 and EO09010057, Order dated July 17, 2009.

¹¹ In re the Petition of New Jersey Natural Gas for Approval of Regional Greenhouse Gas Initiative Programs and Associated Cost Recovery Mechanisms Pursuant to N.J.S.A. 48:3-98.1, BPU Docket No. GO10030225, Order dated September 24, 2010; In re the Petition of New Jersey Natural Gas for Approval of Regional Greenhouse Gas Initiative Programs and Associated Cost Recovery Mechanisms Pursuant to N.J.S.A. 48:3-98.1, BPU Docket No. GR11070425, Order dated January 18, 2012; In re the Petition of New Jersey Natural Gas Company for Approval of the Extension of Energy Efficiency Programs and the Associated Cost Recovery Mechanism Pursuant to N.J.S.A. 48:3-98.1 and In

Energy Act, the Board also has issued a series of Orders authorizing NJNG to implement energy efficiency and peak demand reduction programs.¹² The Fueling Station would advance the goal of reducing carbon emissions, which is consistent with the policy intent embodied in the energy efficiency and peak demand reduction policies of the Clean Energy Act, as implemented by the Board.

39. Accordingly, the Fueling Station would promote the greenhouse gas emissions reduction goals of the State by replacing NJNG's vehicles that now run on gasoline and diesel with cleaner-burning fuels.

VII. SITE SELECTION AND ALTERNATIVE SITE ANALYSIS

40. NJNG determined that the Site is the most suitable location for the Fueling Station and that no alternative site is reasonably available to achieve an equivalent public benefit.

41. As a general matter, NJNG makes every effort to avoid utilizing residentially-zoned properties and instead focuses on properties in areas with commercial, industrial or utility zoning,

re the Petition of New Jersey Natural Gas Company for Approval of the Cost Recovery Associated with Energy Efficiency Program, BPU Docket Nos. GO12070640 and GR12070641, Order dated June 21, 2013; In re the Petition of New Jersey Natural Gas Company for Approval of the Extension of Energy Efficiency Programs and the Associated Cost Recovery Mechanism Pursuant to N.J.S.A. 48:3-98.1, BPU Docket No. GO14121412, Order dated July 23, 2015; In re the Petition of New Jersey Natural Gas Company for Approval of the Extension of Energy-Efficiency Programs and the Associated Cost Recovery Mechanism Pursuant to N.J.S.A. 48:3-98.1, BPU Docket No. GO14121412, Order dated June 29, 2016; In re the Petition of New Jersey Natural Gas Company for Approval of Existing and New Energy Efficiency Programs and a Class I Renewable Energy Program and the Associated Cost Recovery Mechanism Pursuant to N.J.S.A. 48:3-98.1, BPU Docket No. GO18030355, Order dated September 17, 2018.

¹² In re the Petition of New Jersey Natural Gas Company for Approval of Energy Efficiency Program and the Associated Cost Recovery Mechanism Pursuant to the Clean Energy Act, N.J.S.A. 48:3-87.8 et seq. and 48:3-98.1 et seq., BPU Docket Nos. QO19010040 and GO20090622, Order dated March 3, 2021; In re the Petition of New Jersey Natural Gas Company for Approval of Energy Efficiency Programs and the Associated Cost Recovery Mechanism Pursuant to the Clean Energy Act, BPU Docket No. GO20090622, Order dated April 30, 2024; In re the Petition of New Jersey National Gas Company for Approval of New Energy Efficiency, Building Decarbonization Start-up, and Demand Response Programs and the Associated Cost Recovery Mechanism Pursuant to the Clean Energy Act, N.J.S.A. 48:3-87.7 et seq. and 48:3-98.1 et seq. Second Triennium, BPU Docket No. QO23120868, Order dated October 30, 2024; In re the Petition of New Jersey Natural Gas Company for Approval of the Cost Recovery Associated with Energy Efficiency Programs, BPU Docket No. GR25050319, Order dated December 17, 2025.

in order to minimize local opposition and difficulty with local land use approvals. The Company likewise avoids wetlands and low-lying areas because they present a heightened risk of flooding and, during the winter months, freezing. Further, NJNG looks for sites free from significant environmental or contamination issues and prefers sites with little or no required tree clearing to further minimize any environmental impact. And, again to minimize any environmental impact, NJNG prefers to build its facilities on already developed land. Also, NJNG is prohibited from locating its facilities on Farmland Preserved properties under any circumstance, and on properties purchased with Green Acres funding without first obtaining authorization from the State.

42. More specifically, for the reasons set forth in the testimony of Joseph Soter [Exhibit P-1], it was important from an operational standpoint to locate the Fueling Station within NJNG's southern Ocean County service area to ensure that NJNG's emergency responders and distribution crews that now operate out of the Site are in the vicinity of the customers that they serve.

43. The Site is already used as a home base by NJNG's emergency responders and distribution crews who service the southern Ocean County area and, additionally, is already supplied by natural gas through NJNG's distribution system. The Fueling Station would be used only by NJNG's fleet and as such would not introduce new traffic to the Site. The Site is not located in a wetlands or low-lying area and has no significant history of environmental or contamination issues. Moreover, the Site is already developed with an office building and a maintenance bay and storage area used by the distribution crews and would thereby require little site alteration to install the Fueling Station. NJNG is not required to clear many live trees or vegetation to construct the Fueling Station. The Site is not encumbered with Green Acres restrictions or a Farmland Assessment. Finally, although the Site is located in Stafford Township's "Rural Business Zone" and abutted by residences, NJNG has concluded that the proposed Fueling

Station can be operated safely and reliably at the Site and that impacts from operation of the Fueling Station would be minimal. Noise from the compressor and emergency generator would be within limits under New Jersey law and the Stafford Township Code (which specify the same limits as under State law) for daytime and nighttime hours. The use of the Fueling Station would not cause exceedances of any criteria for a hazardous air pollutant and, because natural gas is lighter than air, any leaks would flow upwards, minimizing odors that would more likely be experienced in close proximity to the Fueling Station. Finally, the Fueling Station would be barely visible with the existing amount of trees and shrubbery and entirely blocked from outside the Site when evergreen trees fully mature.

44. Another property owned by NJNG in the service area is located a short distance from the Site, on Mary Bell Road off Route 9, but is used as a station for liquified natural gas storage and lacks infrastructure needed for vehicle traffic and for the installation of a fueling station.

45. In addition to these locations, Mr. Soter's direct testimony explains that NJNG also considered using its existing fueling stations in Toms River, Lakewood, Wall, Freehold, or Middletown, but determined that those locations are unsuitable. The locations in Toms River (approximately 20 miles), Lakewood (30 miles), Wall (35 miles), Freehold (45 miles), and Middletown (55 miles), are located too far from the Site to reasonably provide fueling services to NJNG's southern Ocean County fleet. Moreover, no commercial fueling stations that supply either compressed natural gas or renewable diesel are located within 20 miles of the Site.

46. NJNG also considered purchasing new property within its southern Ocean County service area, but land acquisition costs would be significant, in addition to possible costs to develop

a new property to make fueling feasible for NJNG's vehicle fleet and costs to install fueling infrastructure that may not otherwise exist.

47. Ultimately, NJNG concluded that the Site is the most appropriate location for the Fueling Station because it currently houses NJNG's fleet of emergency response and service vehicles. It would be counterproductive to have the vehicles drive to an offsite location for this fueling.

48. In sum, the Site is the best available location and most suited for the Fueling Station. The Site already supports the Company's service operations in the southern Ocean County service area and would result in minimal impacts to nearby residents and the environment. Moreover, based on a consideration of alternative sites, their comparative advantages and disadvantages to all interests involved, including costs, there are no reasonably available alternative sites for the Fueling Station that will achieve an equivalent public benefit.

VIII. OTHER APPROVALS

49. The Company will apply to the New Jersey Department of Environmental Protection for a modification of the Company's Coastal Area Facility Review Act individual permit that it had obtained for the existing facility at the Site. The Company also will apply for an approval from the Ocean County Soil Conservation District for purposes of soil erosion and sediment control.

IX. REQUEST FOR RELIEF

WHEREFORE, New Jersey Natural Gas Company requests that the Board:

(1) determine that the Board shall retain this matter and conduct the hearing in this matter directly and individually rather than transmitting it to the Office of Administrative Law;

CERTIFICATION OF VERIFICATION

1. I am Vice President, Regulatory and Energy Efficiency, for New Jersey Natural Gas Company, the Petitioner in the foregoing Petition.

2. I have read the annexed Petition, and I hereby certify that the matters and things contained therein are true to the best of my knowledge and belief. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

New Jersey Natural Gas Company



By: _____
Anne-Marie Peracchio

Dated: May 13, 2026

CERTIFICATION OF SERVICE

I, Michael S. Kettler, of full age, certify and say:

I am an attorney at law in the State of New Jersey, with the law firm of Riker Danzig LLP, attorneys for Petitioner New Jersey Natural Gas Company (“Petitioner”).

On May 13, 2026, on behalf of Petitioner, and in accordance with the Order issued by the Board in connection with *In the Matter of the New Jersey Board of Public Utilities’ Response to the COVID-19 Pandemic for a Temporary Waiver of Requirements for Certain Non-Essential Obligations*, BPU Docket No. EO20030254, dated March 19, 2020, I caused the Petition of New Jersey Natural Gas Company for a Determination Concerning the Manahawkin Fueling Station Pursuant to N.J.S.A. 40:55D-19 to be electronically filed with the Secretary of the Board at board.secretary@bpu.nj.gov and filed using the Board’s e-filing pilot program, and caused it to be served on persons on the attached service list at the indicated email addresses and, with respect to Stafford Township only, also by Federal Express.

I hereby certify that the foregoing statements made by me are true and correct. I understand that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

s/ Michael S. Kettler
Michael S. Kettler

Dated: May 13, 2026

**NEW JERSEY NATURAL GAS COMPANY
PREPARED DIRECT TESTIMONY OF JOSEPH SOTER**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

I. INTRODUCTION

Q. Please state your name, affiliation, business address, and educational background.

A. My name is Joseph Soter. I am employed by New Jersey Natural Gas Company (“NJNG” or the “Company”), as the Director for Energy Delivery Support. My business address is 1415 Wyckoff Road, Wall, New Jersey 07719. I have been employed by the Company for over 20 years. I have a Bachelor of Science degree in Supply Chain Management from Michigan State University and a Master of Business Administration from Monmouth University.

Q. Please describe your responsibilities as the Director for Energy Delivery Support.

A. I am responsible for leading the Company’s energy delivery support team to ensure that natural gas delivered by NJNG to its customers is safe, adequate, and proper. Part of my role involves implementing clean fuel sustainability initiatives as well as implementing sustainability initiatives for NJNG’s facilities.

Q. What is the purpose of your direct testimony in this proceeding?

A. My testimony describes the need for a compressed natural gas and renewable diesel fueling station (the “Fueling Station”) as an accessory structure at 878 North Main Street, Manahawkin, Stafford Township (Block 51.13, Lot 52.01), New Jersey, which is owned and operated by NJNG (the “Site”). The Fueling Station is a necessary part of NJNG’s efforts to meet the sustainability and clean energy goals set by the State of New Jersey, and as such, is reasonably necessary for the service, convenience, or welfare of the public. My testimony further describes the reasons that the Site is the most feasible location in NJNG’s southern Ocean County service area for the Fueling Station, and why no alternative site or sites are reasonably available to achieve an equivalent public benefit.

**NEW JERSEY NATURAL GAS COMPANY
PREPARED DIRECT TESTIMONY OF JOSEPH SOTER**

1 **Q. Please provide a general description of the Fueling Station.**

2 A. The Fueling Station would be constructed as an accessory structure to an existing office
3 building, maintenance bay, and parts storage area located at the Site. The Fueling Station
4 would be for the use of NJNG's fleet vehicles, which are used by NJNG's emergency
5 responders and distribution crews. NJNG utilizes the Site as the regional hub for its public
6 utility business offices and as the only location in its southern Ocean County gas service
7 area to maintain and service its fleet of vehicles. The Company's vehicle fleet is essential
8 both for NJNG's emergency responders to expeditiously address and resolve reports of gas
9 leaks by NJNG customers and for NJNG's distribution crews to maintain NJNG's gas
10 delivery infrastructure, thereby ensuring safe and reliable natural gas service in Stafford
11 Township and the surrounding communities. Rather than using conventional vehicle fuels
12 such as gasoline and diesel, the Fueling Station would use compressed natural gas and
13 renewable diesel, which have considerably lower carbon emissions than conventional fuels
14 and less impactful to air quality. The proposed fuel station would include three 100-gallon
15 tanks of compressed natural gas and one 950-gallon tank of renewable diesel.

16 **Q. Please generally explain why NJNG believes the Fueling Station is needed at the Site.**

17 A. As explained more fully below, the Fueling Station is needed for the service, convenience,
18 or welfare of the public because it furthers policies and requirements under State law for
19 achieving energy efficiency and reductions in greenhouse gas emissions, in addition to
20 furthering NJNG's sustainability efforts. By employing compressed natural gas and
21 renewable diesel, fuels that are cleaner-burning and which generate lower greenhouse gas
22 emissions than conventional gasoline and diesel, the Company will reduce the carbon
23 footprint of its service vehicle fleet. The Fueling Station will not be available for public

**NEW JERSEY NATURAL GAS COMPANY
PREPARED DIRECT TESTIMONY OF JOSEPH SOTER**

1 use and will not generate additional traffic in the local area. The Fueling Station will be
2 surrounded by a fully fenced enclosure and will occupy a small portion of the 8.8-acre Site
3 in Manahawkin. The Site is surrounded by landscaping.

II. ABOUT NJNG

4
5 **Q. Please describe NJNG.**

6 A. NJNG is a regulated natural gas utility that serves approximately 594,000 residential and
7 business customers in Monmouth, Ocean, Morris, Middlesex, Burlington, and Sussex
8 counties. NJNG's operations are separated into the Northern, Central and Ocean Divisions.
9 The Company has a strong commitment to environmental sustainability. NJNG operates
10 the most environmentally-sound natural gas delivery system in New Jersey, as measured
11 by leaks per mile. After having set and already achieved our voluntary goal of a 50 percent
12 reduction of carbon emissions from our operational emissions in New Jersey by 2030,
13 NJNG has set a goal to reduce emissions from our New Jersey operations by 60 percent
14 from 2006 levels by 2030, with a long-term goal of net zero operations by 2050.

15 **Q. Please provide an overview of NJNG's delivery system.**

16 A. The Company operates a network of 245 miles of large diameter transmission lines,
17 approximately 7,704 miles of distribution mains, and approximately 554,822 service lines
18 exceeding 7,100 miles in total length. The distribution system includes various other
19 components and facilities, including line valves, pressure-reducing regulators and meter
20 stations. NJNG's system also includes two peak shaving facilities for liquified natural gas
21 that provide important pressure support to the local distribution system. The configuration
22 of NJNG's system varies depending on a number of factors, including customer demand,
23 population density and pipe vintage. The transmission lines, distribution mains, service

**NEW JERSEY NATURAL GAS COMPANY
PREPARED DIRECT TESTIMONY OF JOSEPH SOTER**

1 lines, and other components and facilities that make up NJNG's distribution system are
2 subject to considerable service and maintenance to ensure that NJNG fulfills its obligation
3 as a public utility to provide safe, adequate and reliable service to NJNG customers
4 throughout the entire year. To do so, NJNG maintains a fleet of service vehicles for use by
5 its distribution crews. For our southern Ocean County service area, NJNG operates its
6 vehicle fleet from the Site in Manahawkin. In addition to being used by NJNG's
7 distribution crew, the vehicle fleet in Manahawkin is used by NJNG's emergency
8 responders, who address calls from NJNG's customers about their service. The vehicle
9 fleet at the Site in Manahawkin consists of approximately 48 vehicles.

III. THE NJNG SITE IN MANAHAWKIN

11 **Q. Please describe the physical characteristics of the Site.**

12 A. The Site is approximately 8.8 acres and developed with a one-story 4,518 sq. ft. office for
13 NJNG's business operations along with an associated 1,900 sq. ft. vehicular maintenance
14 bay with parts storage space. These improvements on the Site help ensure that the vehicles
15 used by NJNG's emergency responders and distribution crews are functional and reliable
16 so as to enable the provision of safe, adequate, and proper natural gas service to the local
17 and surrounding communities. An aerial photograph of the Site is appended to my
18 testimony as Exhibit P-2. The Site is located on the west side of North Main Street at the
19 southwest corner of Silo Avenue and North Main Street (Route 9) and is located across
20 Route 9 from other commercial businesses. Beyond the Site to Route 9 to the north are a
21 host of various commercial and industrial uses. To the east is an area identified as a
22 Preservation Zone pursuant to the Stafford Township Code. The areas to the west and to
23 the south of the Site are designated as Rural Residential Zones. To the south is an existing

**NEW JERSEY NATURAL GAS COMPANY
PREPARED DIRECT TESTIMONY OF JOSEPH SOTER**

1 wood line, which is approximately 50 feet in width from the shared property line of the
2 residents. The Site has three frontages, on Route 9, Silo Road to the north, and Prospect
3 Avenue to the west. Entry to the Site is from a driveway via a two-way road coming in.
4 The Site is fully gated with a mechanized gate. There are 48 parking stalls located on the
5 property. To the east between the building and Route 9 is a stormwater management
6 detention basin. The Site is fairly wooded to the west. As part of Stafford Township's 2017
7 use variance and under a permit for the Site pursuant to the Coastal Area Facility Review
8 Act, 3.65 acres are deed restricted to preserve that forest and wooded area, which is about
9 41 percent of the Site.

10 **Q. Please describe how NJNG presently uses the Site.**

11 A. The Site serves as the home base for about 43 employees of NJNG, consisting of NJNG's
12 emergency responders, who address an average of 4,500 calls per year from the Site, and
13 distribution crews, who service critical gas infrastructure equipment in the southern Ocean
14 County portion of NJNG's territory, which includes Stafford Township and surrounding
15 communities. These personnel read and service more than 11,000 meters in Stafford
16 Township and approximately 89,000 meters in the southern Ocean County service area.
17 NJNG also utilizes the Site to host quarterly safety meetings, attended by approximately
18 40 NJNG personnel who report to the Site in addition to a few visitors, to address all areas
19 of safety issues that may arise for the Company.

20 **Q. What is the zoning of the Site?**

21 A. The Site is located in Stafford Township's "Rural Business Zone." Pursuant to section 211-
22 26.1 of the Stafford Township Code, permitted uses for properties located within the Rural
23 Business Zone include professional office buildings, retail shopping facilities and service

**NEW JERSEY NATURAL GAS COMPANY
PREPARED DIRECT TESTIMONY OF JOSEPH SOTER**

1 establishments, churches and places of worship, commercial recreation and amusement
2 facilities, funeral homes, restaurants, long-term care facilities, financial institutions, child-
3 and adult-care centers, veterinary offices, daycare homes and community residences.

4 **Q. Has NJNG obtained any permissions or approvals for its use of the Site?**

5 A. Yes. In 2017, the Township of Stafford Zoning Board of Adjustment (“Stafford Zoning
6 Board”) granted NJNG a use variance, design waivers, and preliminary and final major site
7 plan approval to construct the maintenance service bay and parts storage facility. [Exhibit
8 P-5] A stormwater management detention basin was also constructed as part of that
9 approval. Because the office building is a permitted use in the Rural Business Zone, a use
10 variance was not required to construct that building. As part of its resolution granting the
11 use variance, waivers, and site plan approval, the Stafford Zoning Board determined that
12 the vehicle maintenance and storage uses of the Site are part of an inherently beneficial
13 use, insofar as it determined that those uses “will promote the general welfare by ensuring
14 functional vehicles for emergency responders to effectively service the local community.”
15 The Stafford Zoning Board determined that “[v]ehicular reliability is critical to the success
16 of these first responders” and that such vehicular reliability “will ensure that gas leaks may
17 be addressed in a necessarily swift manner, thereby ensuring safe and reliable natural gas
18 service to approximately 8,600 meters in Stafford, as well as customers in the surrounding
19 community.” [Exhibit P-5 at pgs. 4-5] (Since 2017, when the Stafford Zoning Board
20 granted NJNG these approvals for the Site, NJNG has grown to service more than 11,000
21 meters in Stafford Township as of March 2026.) The Stafford Zoning Board further
22 determined that vehicular reliability is also “critical to the essential function” that the

**NEW JERSEY NATURAL GAS COMPANY
PREPARED DIRECT TESTIMONY OF JOSEPH SOTER**

1 distribution crews perform to ensure that NJNG's gas infrastructure "performs safely and
2 reliably" to service NJNG's customers. [Exhibit P-5 at 5]

3 **Q. Describe the physical characteristics of the Fueling Station?**

4 A. The proposed site plan is appended as Exhibits P-3 and P-4. The compressed natural gas
5 equipment would be installed within an eight-foot-high chain-link fence with access gates
6 for personnel, all at grade. The Fueling Station will have a gravel base cover, two concrete
7 fueling dispenser islands for compressed natural gas fueling (containing three sphere
8 tanks), and a renewable diesel tank with protective bollards. An emergency backup
9 generator will be situated on a concrete pad. This equipment will be approximately 215
10 feet from the nearest property line. The physical footprint of the Fueling Station would fall
11 within the permitted uses of Stafford Township's Rural Business Zone, section 211-26.1,
12 insofar as it allows a minimum lot area of one acre (the Site is 8.82 acres); a minimum lot
13 width of 200 feet (the Site is 381.48 feet wide); and a minimum lot depth of 200 feet (the
14 Site is 1,083.92 feet deep). Similarly, it would meet the Township's minimum setback
15 requirements: the front setback must be at least 60 feet (the Fueling Station would be 210.8
16 feet from the front property line); a side setback of at least 50 feet (the Fueling Station
17 would be 115.9 feet from the side property line); and rear setback of 40 feet (the Fueling
18 Station would be 640 feet from the rear property line). Finally, the building and impervious
19 surface associated with the existing building improvements and proposed Fueling Station
20 would cover only 12.12% of the Site, well below the maximum of 55% coverage allowed
21 under the Township's Code.

**NEW JERSEY NATURAL GAS COMPANY
PREPARED DIRECT TESTIMONY OF JOSEPH SOTER**

1 **Q. Why is NJNG seeking to use compressed natural gas and renewable diesel to fuel its**
2 **service fleet at the Site?**

3 A. Presently, NJNG's vehicle fleet at the Site in Manahawkin consists of about 48 vehicles,
4 of which 40 vehicles are fueled by conventional gasoline and 8 vehicles are fueled by
5 diesel. NJNG is seeking to move these vehicles, in addition to a significant portion of its
6 overall service fleet, to compressed natural gas and renewable diesel as part of our broader
7 efforts to reduce greenhouse gas emissions across all of our operations. Compressed natural
8 gas and renewable diesel are cleaner-burning and energy-efficient alternatives to
9 conventional gasoline and diesel fuels. Compressed natural gas is a gasoline and diesel fuel
10 alternative consisting primarily of methane. It is produced by compressing natural gas to
11 less than one percent of its volume, thereby making it suitable for vehicle fuel tanks.
12 According to estimates by the U.S. Environmental Protection Agency ("EPA"), compared
13 to conventional vehicles that run on gasoline, natural gas vehicles reduce carbon monoxide
14 emissions by 90 to 97 percent; reduce carbon dioxide emissions by 25 percent; and reduce
15 nitrogen oxide emissions by 35 to 60 percent. In addition, natural gas vehicles produce
16 fewer toxic and carcinogenic pollutants as well as little or no evaporative emissions during
17 fueling or operation. Renewable diesel is a fuel made from fats and oils, such as soybean
18 oil or canola oil, and is processed to be chemically the same as petroleum diesel. According
19 to the U.S. Department of Energy, renewable diesel vehicles reduce nitrogen oxide
20 emissions compared with petroleum diesel.¹ According to the EPA, vehicles fueled by

¹ <https://afdc.energy.gov/fuels/renewable-diesel>.

**NEW JERSEY NATURAL GAS COMPANY
PREPARED DIRECT TESTIMONY OF JOSEPH SOTER**

1 renewable diesel can reduce greenhouse gas emissions by up to 78 percent on a per gallon
2 basis compared to fossil diesel.²

3 **Q. Do vehicles fueled by compressed natural gas or renewable diesel require special**
4 **engines or other parts?**

5 A. Natural gas vehicles and engines are available directly from original equipment
6 manufacturers. Vehicles with traditional combustion engines that run on conventional
7 gasoline may be readily converted to use compressed natural gas systems certified by the
8 EPA. Renewable diesel can be used as a direct replacement fuel or blended with any
9 amount of petroleum diesel.

10 **Q. Describe the process of how vehicles at the Site would be fueled?**

11 A. Vehicles fueled by compressed natural gas would be fueled from natural gas supply lines
12 already in use from the existing Site improvements. Natural gas would be drawn from the
13 supply lines to a compression system and then to each of three 100-gallon tanks at the Site.
14 Compressed natural gas would then be pumped through a pressurized self-locking nozzle
15 and dispensed into NJNG vehicles. The system would be designed with an automatic
16 shutdown. NJNG's fleet vehicles hold about 24 gallons of compressed natural gas with a
17 "closed" fuel system that prevents spills or evaporation. Renewable diesel for fleet vehicles
18 would be supplied to the Site from a third party. The double-walled renewable diesel tank
19 would be fitted with leak detection and spill prevention devices.

² <https://www.epa.gov/system/files/documents/2023-05/summary-lca-results-for-web-v1-1-2023-04.xlsx>.

**NEW JERSEY NATURAL GAS COMPANY
PREPARED DIRECT TESTIMONY OF JOSEPH SOTER**

1 **Q. Does NJNG operate any other fueling stations using compressed natural gas or**
2 **renewable diesel?**

3 A. Yes. The Company currently has five operational compressed natural gas fueling stations.
4 Our stations are located in Toms River, Lakewood, Wall, Freehold, and Middletown. The
5 closest fueling station to the Site is in Toms River, which has public access. Additionally,
6 the Lakewood and Wall facilities have capability for renewable diesel fuel. We opened the
7 first of these fueling stations about 11 years ago with zero safety incidents in the time since.

8 **Q. Did the Company seek the necessary approvals from Stafford Township to construct**
9 **the Fueling Station?**

10 A. Yes. In August 2025, NJNG filed a development application for a “D1” use variance with
11 the Stafford Township for approval to install accessory structures for fueling of the
12 Company’s vehicles with compressed natural gas and renewable diesel. The application
13 also sought approval for unrelated site improvements consisting of the addition of 16
14 parking spaces. NJNG’s application was supported by a site plan, stormwater management
15 report, environmental impact statement, and acoustical analysis, among other things. In
16 two hearings of the Stafford Zoning Board conducted in March and April 2026, NJNG
17 presented testimony in support of its application. By vote of the board on April 8, 2026,
18 the Stafford Zoning Board granted the Company’s application for a variance to add the
19 additional parking spaces but denied a use variance for the Fueling Station.

**NEW JERSEY NATURAL GAS COMPANY
PREPARED DIRECT TESTIMONY OF JOSEPH SOTER**

III. REASONABLE NEED FOR THE MANAHAWKIN FUELING STATION

Q. Why is the Fueling Station needed within the NJNG delivery system?

A. The Fueling Station is needed to ensure that NJNG's vehicle fleet has reliable access to compressed natural gas and renewable diesel – fuels which will reduce the carbon emissions of its fleet and further the policies of the State of New Jersey.

Q. What policies of the State would be advanced by the Fueling Station?

A. The State of New Jersey has adopted a variety of laws and policies as part of its overall planning to respond to climate change and meet its climate and clean energy goals. The expanded use of compressed natural gas in NJNG's fleet, together with the use of renewable diesel, would fit within various ways that NJNG – with BPU approval – has worked to promote the State's policies, including energy efficiency and the reduction of greenhouse gas emissions. In 2008, the State enacted the Global Warming Response Act based on the Legislature's findings that energy efficiency and conservation measures must be essential elements of the State's energy future and that greater reliance on energy efficiency and conservation will provide significant benefits to the citizens of New Jersey. The Act provides that by 2050, greenhouse gas emissions from all sources in the State should be reduced to, or below, 80% of the 2006 levels. The Act permits gas public utilities to provide and invest in energy efficiency and conservation programs in their service territory on a regulated basis and allows the Board to incentivize those investments by approving recovery of those costs. A decade later, the State enacted the Clean Energy Act of 2018, which, for regulated public gas utilities, directed the Board to require those utilities to implement energy efficiency measures that, within five years of implementation, achieve an annual reduction of natural gas usage by 0.75 percent of the average annual usage in the

**NEW JERSEY NATURAL GAS COMPANY
PREPARED DIRECT TESTIMONY OF JOSEPH SOTER**

1 prior three years. Subsequently, the Board issued several orders to effectuate the
2 requirements of the Clean Energy Act.

3 **Q. How would the Fueling Station advance those State policies?**

4 A. Pursuant to the policies I mentioned, NJNG has implemented various programs – with BPU
5 approval – to reduce its greenhouse gas emissions and to meet or exceed its annual energy-
6 efficiency targets. In 2012, the BPU approved a \$10 million pilot program for NJNG to
7 partner with municipalities and businesses to install compressed natural gas fueling stations
8 for public and private use. Pursuant to that approval, NJNG launched its “Natural Gas
9 Vehicle (NGV) Advantage” program and opened three compressed natural gas re-fueling
10 stations in 2015-2016 (Middletown, Freehold, and Toms River). In 2017, the BPU created
11 a grant program to provide \$200,000 in funding to subsidize the incremental cost of
12 purchasing certain new natural gas vehicles. With respect to energy efficiency, in 2009, the
13 BPU authorized NJNG to implement three energy efficiency programs for residential,
14 commercial, and industrial use and authorized NJNG to establish a rate through which it
15 would recover its costs. Subsequently, pursuant to the Clean Energy Act, the BPU
16 authorized NJNG to extend and expand these programs. In the 2024 Energy Master Plan,
17 the State has set forth its long-term strategic roadmap for meeting its climate and clean
18 energy goals. It recognizes that, in New Jersey, the transportation sector is the largest
19 source of greenhouse gas emissions. The Fueling Station would promote the greenhouse
20 gas emissions reduction goals set by the State by substituting gasoline and diesel that now
21 powers NJNG’s vehicles with cleaner-burning fuels.

22 **Q. Would the Fueling Station further any other important policies or requirements?**

**NEW JERSEY NATURAL GAS COMPANY
PREPARED DIRECT TESTIMONY OF JOSEPH SOTER**

1 A. Yes. As I previously stated, NJNG has set a goal to reduce emissions from our New Jersey
2 operations by 60 percent from 2006 levels by 2030, with a long-term goal of net zero
3 operations by 2050.³ NJNG set these goals after having set and already achieved our
4 voluntary goal of a 50 percent reduction of carbon emissions from its operational emissions
5 in New Jersey by 2030. NJNG set these targets to promote and ensure consistency with the
6 State's emissions mandate.

7 **Q. Did the Company consider other locations for the Fueling Station?**

8 A. Yes. However, the Company determined that the Site is the most feasible location to install
9 the compressed natural gas and renewable diesel fueling capabilities. The Site already is
10 used as a home base by NJNG's emergency responders and distribution crews that work
11 primarily in the southern Ocean County portion of our territory and, additionally, already
12 is supplied by natural gas through NJNG's distribution system. Another property owned
13 by NJNG in the service area is located a short distance from the Site, on Mary Bell Road
14 off Route 9, but is used as a station for liquified natural gas storage, to add natural gas
15 capacity to NJNG's system during peak usage months, and lacks infrastructure needed for
16 vehicle traffic and for the installation of a fueling station. In addition to these locations,
17 NJNG also considered using its existing fueling stations in Toms River, Lakewood, Wall,
18 Freehold, or Middletown, but determined that those locations are unsuitable. The locations
19 in Toms River (approximately 20 miles), Lakewood (30 miles), Wall (35 miles), Freehold
20 (45 miles), and Middletown (55 miles), are located too far from the Site to reasonably
21 provide fueling services to NJNG's southern Ocean County fleet. NJNG also considered

³ NJR 2025 Sustainability Report at slide 16: https://www.njrsustainability.com/CSR_2025.pdf.

**NEW JERSEY NATURAL GAS COMPANY
PREPARED DIRECT TESTIMONY OF JOSEPH SOTER**

1 using commercial fueling stations that supply compressed natural gas and/or renewable
2 diesel. However, as reflected in information maintained by the U.S. Department of
3 Energy's Alternative Fuels Data Center, the nearest fueling stations for compressed natural
4 gas are approximately 20 to 25 miles from the Site.⁴ The closest is NJNG's facility in Toms
5 River, which is 20 miles from the Site. Two public fueling stations operated by Clean
6 Energy are located approximately 25 miles from the Site in Egg Harbor Township (Clean
7 Energy - Atlantic County Utilities Authority and Clean Energy - Atlantic City Jitney
8 Association). Another Clean Energy station (South Jersey Gas) is located in Waterford
9 Works, more than 30 miles from the Site. For renewable diesel, information from the U.S.
10 Department of Energy indicates that no fueling stations are located within 50 miles of the
11 Site; the nearest fueling station is located in North Brunswick Township (KW Rastall Oil
12 Co.), which is approximately 52 miles away.⁵ NJNG also considered purchasing new
13 property within its southern Ocean County service area, but land acquisition costs would
14 be significant, and there also possibly would be costs to develop a new property to make
15 fueling feasible for NJNG's vehicle fleet and costs to install fueling infrastructure that may
16 not otherwise exist. Ultimately, NJNG concluded that the Site is the most appropriate
17 location for the Fueling Station because it currently houses NJNG's fleet of emergency
18 response and service vehicles. It would be counterproductive to have the vehicles drive to
19 an offsite location for this fueling.

20 **Q. Will the Fueling Station be operated in compliance with all federal, state, and local**
21 **standards and requirements?**

⁴ <https://afdc.energy.gov/stations#/find/nearest?fuel=CNG&location=manahawkin,+new+jersey>.

⁵ <https://afdc.energy.gov/stations#/find/nearest?fuel=RD&location=manahawkin,+new+jersey>.

**NEW JERSEY NATURAL GAS COMPANY
PREPARED DIRECT TESTIMONY OF JOSEPH SOTER**

1 A. Yes. NJNG complies with all federal, state and local safety laws and regulations. The
2 Fueling Station would require NJNG to obtain permit modification by the New Jersey
3 Department of Environmental Protection of NJNG's existing permit under the Coastal Area
4 Facility Review Act, which is required for most residential, commercial, or industrial
5 developments, expansions, or renovations within designated coastal areas, including those
6 in the vicinity of the Site. The Fueling Station would also require a certification by the
7 Ocean County Soil Conservation District for purposes of soil erosion and sediment control.
8 NJNG will obtain those approvals pending the successful resolution of this Petition. The
9 Fueling Station would also meet requirements of the Stormwater Management Rules at
10 N.J.A.C. 7:8 and the Standards for Soil Erosion and Sediment Control in New Jersey, along
11 with Stafford Township's ordinances, which are identical to the state's requirements.
12 Additionally, the Fueling Station would comply with the state Air Pollution Control
13 regulations at N.J.A.C. 7:27 and the state Noise Control regulations at N.J.A.C. 7:29, along
14 with the identical requirements under the Stafford Township Code.

15 **Q. Did the Company consider noise, air emissions, or other possible impacts from the**
16 **Fueling Station?**

17 A. Yes, the Company commissioned studies of noise, air, and visual impacts, in addition to a
18 stormwater management report. Each of those studies concluded that the Fueling Station
19 would cause no adverse impact to local residents.

20 **Q. Please describe NJNG's analysis of noise impacts to the surrounding properties from**
21 **the Fueling Station.**

22 A. NJNG commissioned an acoustical analysis to assess compliance with the state noise
23 ordinance at N.J.A.C. 7:29 for daytime and night-time hours and the local noise ordinance

**NEW JERSEY NATURAL GAS COMPANY
PREPARED DIRECT TESTIMONY OF JOSEPH SOTER**

1 of Stafford Township, which adopts the state standard in its entirety. The acoustical
2 analysis assessed the two main expected sources of noise: the compressors, which
3 compress natural gas for vehicle fueling, and the backup generators, which power the
4 Fueling Station in the event of emergency loss of power. Based on data from NJNG's
5 compressed natural gas fueling station at its Wall facility, the acoustical analysis
6 determined that noise from the compressors at the Site would comply with the noise
7 ordinances. NJNG anticipates that the compressor will be active and noise-producing for
8 only about 20 minutes over a 24-hour period (and only during daytime hours) because it is
9 only functionally required when the natural gas supply must be repressurized for refueling.
10 With respect to the natural gas generator, it would function to provide backup power in the
11 event of an emergency.

12 **Q. Please describe NJNG's analysis of air quality impacts to the surrounding properties**
13 **from the Fueling Station?**

14 A. NJNG commissioned an air quality analysis which determined no adverse air quality
15 impacts are expected from emissions caused by the Fueling Station. The proposed changes
16 in the site operation will not change the vehicular traffic to the Site and, in fact, will reduce
17 the existing level of emissions from NJNG's vehicle fleet because compressed natural gas
18 and renewable diesel are cleaner fuels than conventional gasoline and diesel, respectively.
19 All emissions of hazardous air pollutants from the compressed natural gas storage vessels
20 and the generator are expected to be well below the reporting thresholds under the state's
21 Air Pollution Control Code and would pose no risk to the health or safety of nearby
22 residents. The air quality analysis also determined that the Fueling Station is not expected
23 to produce detectable odor from normal operation. Because natural gas is lighter than air,

**NEW JERSEY NATURAL GAS COMPANY
PREPARED DIRECT TESTIMONY OF JOSEPH SOTER**

1 it rises and dissipates, rather than pooling. Odors are expected to be minimal beyond the
2 immediate vicinity of the Fueling Station and would at most be similar to the smell of
3 lighting a gas stove.

4 **Q. Please describe NJNG’s analysis of visual impacts from the Fueling Station?**

5 A. NJNG commissioned a visual “sight-line” analysis to assess the off-site visual impacts of
6 the Fueling Station. The site line analysis concluded that the existing landscaping visually
7 blocks most of the Site already and that the Fueling Station will not be visible at all from
8 outside the Site when the evergreen trees growing along the perimeter of the Site reach
9 their fully mature height of 40 to 60 feet, which will be in approximately 10 to 15 years. In
10 addition, to minimize possible noise (and visual) impacts, an eight-foot tall board-on-board
11 fence would be constructed approximately 50 feet from the rear property line and between
12 the existing mature buffer vegetation and the evergreen trees that were planted in 2017.

13 **Q. What if any measures will NJNG take to minimize impacts from the Fueling Station
14 to the local community?**

15 A. NJNG intends to take all reasonable precautions to minimize impacts to neighbors of the
16 Site. To minimize noise from the compressors, both the compressors and the emergency
17 generators would be fitted with acoustical enclosures and sound-dampening mufflers.
18 NJNG’s emergency responders and distribution crew will be trained to fuel at the end of
19 their shift, only during daytime hours between 3:00 p.m. and 6:00 p.m. So that fueling does
20 not occur outside these hours, NJNG will outfit the Fueling Station with regulators that
21 would prevent fueling at night. The compressed natural gas would itself be stored within
22 containers with 2.5-inch thick walls to prevent leaks and punctures and protected by
23 bollards so vehicles could not damage or upend them. The Fueling Station would also be

**NEW JERSEY NATURAL GAS COMPANY
PREPARED DIRECT TESTIMONY OF JOSEPH SOTER**

1 fitted with detectors for hazardous air pollutants and automatic shutoffs in the case of leaks.
2 In any event, if a leak or spill were to occur, the fuel containers for renewable diesel would
3 be set within curbing that can handle the volume of the container so that fuel would not
4 enter the stormwater system. NJNG would implement standard practices to ensure that
5 relief valves are installed, maintained, and regularly replaced to vent gas in the event of
6 over-pressurization. Additionally, NJNG will train its employees at the Site to employ safe
7 driving techniques, will conduct professional inspections regularly, and will ensure
8 monitoring by competent and highly trained Company personnel 24 hours a day, seven
9 days a week, 365 days a year at NJNG Corporate Headquarters in Wall, New Jersey.

10 **Q. Has the Company considered the costs of the Fueling Station and are they reasonable?**

11 A. Yes and yes. The Company is committed to achieving its sustainability goals, which also
12 further the sustainability and clean energy goals of the State. The Fueling Station will help
13 the Company to achieve those goals and to maintain reliable service through cleaner
14 operation of its vehicle fleet. The current estimated cost for the Fueling Station, including
15 for adding more parking spaces that the Stafford Zoning Board approved, is approximately
16 \$3 million, including \$2.7 million for equipment and construction of the facility and
17 \$250,000 for the local approval process. The cost of the Fueling Station is reasonable
18 because it will allow the Company to further lower its operational carbon and pollutant
19 emissions, while at the same time decreasing its reliance on increasingly expensive and
20 volatily-priced gasoline and diesel.

21 **Q. Does this conclude your prepared direct testimony?**

22 A. Yes, it does. I reserve the right to supplement and/or amend this testimony.

**IN THE MATTER OF THE PETITION OF NEW JERSEY NATURAL GAS
COMPANY FOR A DETERMINATION CONCERNING
THE MANAHAWKIN FUELING STATION
PURSUANT TO N.J.S.A. 40:55D-19**

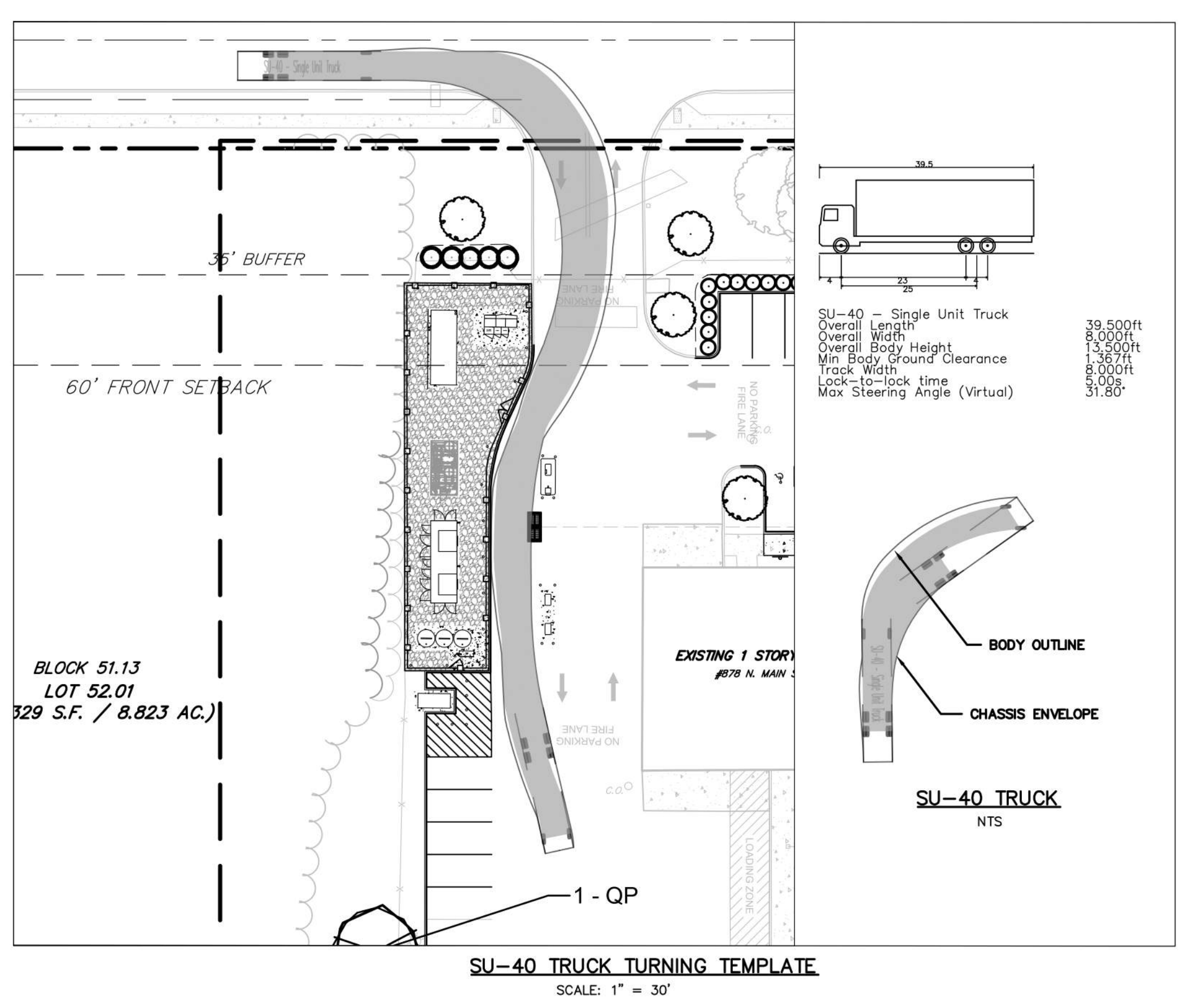
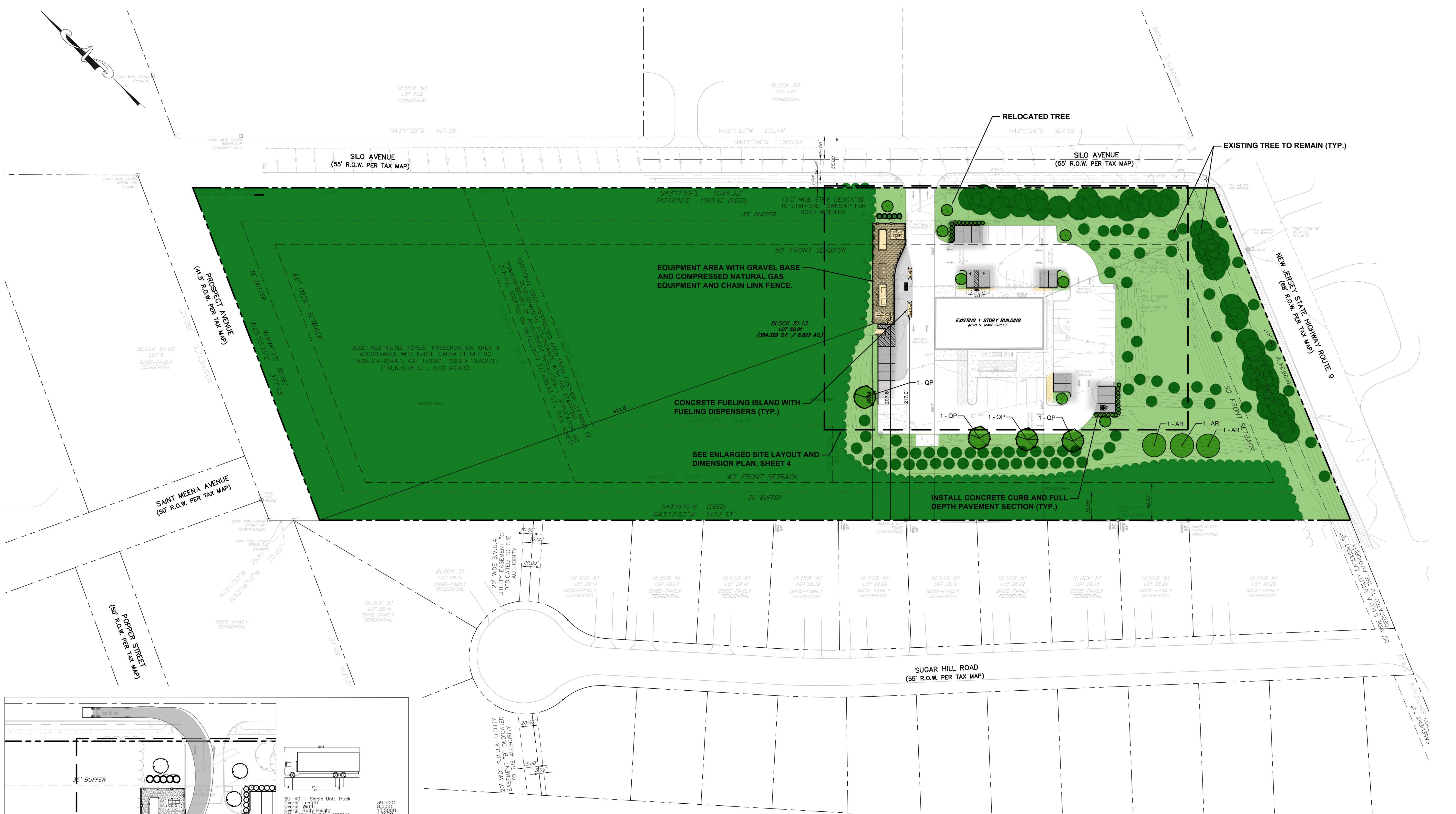
Exh. P-2

Aerial View of Site

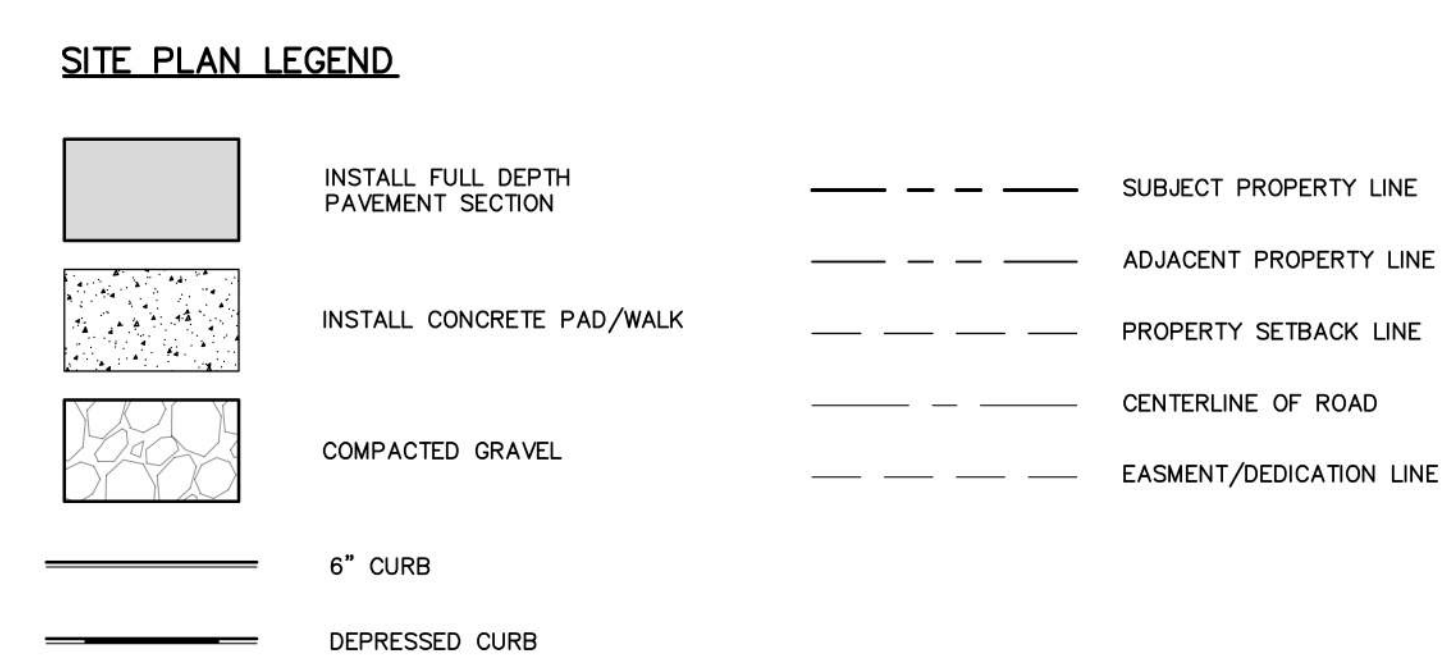
**IN THE MATTER OF THE PETITION OF NEW JERSEY NATURAL GAS
COMPANY FOR A DETERMINATION CONCERNING
THE MANAHAWKIN FUELING STATION
PURSUANT TO N.J.S.A. 40:55D-19**

Exh. P-3

Colorized Overall Site Plan



- TREE REPLACEMENT REQUIREMENTS:**
- IN ACCORDANCE WITH TOWNSHIP OF STAFFORD ORDINANCE SECTION 194-6.E.1, FOR EVERY TREE REMOVED WITH A DBH OF SIX INCHES TO 12.99 INCHES SHALL BE REPLANTED WITH ONE TREE WITH A MINIMUM DBH OF 1.5 INCHES IN ACCORDANCE WITH APPENDIX A (NATIVE TREE LIST)
 - SEVEN TREES WITH A DBH OF 6-12.99 INCHES ARE TO BE REMOVED, THEREFORE SEVEN TREES IN ACCORDANCE WITH THE TOWNSHIP NATIVE TREE LIST WITH A MINIMUM DBH OF 1.5 INCHES ARE TO BE REPLANTED.
 - SEE ENLARGED SITE LAYOUT AND DIMENSION PLAN FOR TREE SPECIES AND SIZE.



PLANT SCHEDULE

CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	MATURE SIZE	KEY	REMARKS
TREES								
AR	3*	ACER RUBRUM 'OCTOBER GLORY'	OCTOBER GLORY RED MAPLE	2.5" CAL.	B&B	60'-80" HEIGHT, 40'-50" SPREAD	N#	RED FALL FOLIAGE
JS	5	JUNIPERUS CHINENSIS 'SPARTAN'	SPARTAN JUNIPER	6'-8" HEIGHT	B&B	6'-15" HEIGHT, 3'-7" SPREAD		NARROW EVERGREEN TREE
QP	4*	QUERCUS PHELLOS	WILLOW OAK	2.5" CAL.	B&B	60'-80" HEIGHT, 40'-50" SPREAD	N#*	YELLOW FALL FOLIAGE

KEY:
 N = NATIVE PLANT OF NORTH AMERICA
 * = SPRING INSTALLATION ONLY
 & = SALT SPRAY TOLERANT
 # = SELDOM OR RARELY DAMAGED BY DEER AS PER RUTGERS AG AGENCY (HTTP://NJAES.RUTGERS.EDU)

No.	Date	Revision	By	Checked By
1.	2/3/2026	BOARD ENGINEER REVIEW LETTER	CFE	BRD

SCALE IN FEET

FPA
FRENCH & PARRELLO ASSOCIATES
 New Jersey • New York • Pennsylvania • Georgia

Corporate Office:
 1800 Rt. 24, Suite 101
 Wall, New Jersey 07719
 732.312.9800
 FPAengineers.com

BRIAN R. DECINA, P.E.
 PROFESSIONAL ENGINEER, N.J. LIC. No. GE45149

OVERALL SITE PLAN
 FOR
PRELIMINARY AND FINAL MAJOR SITE PLAN
NEW JERSEY NATURAL GAS COMPANY
 BLOCK 51.13, LOT 52.01

STAFFORD TOWNSHIP
 OCEAN COUNTY, NEW JERSEY

DATE: 07-08-2025
 DESIGNED BY: CFE
 DRAWN BY: CFE

SCALE: 1" = 40'
 CHECKED BY: BRD
 FIELD BOOK

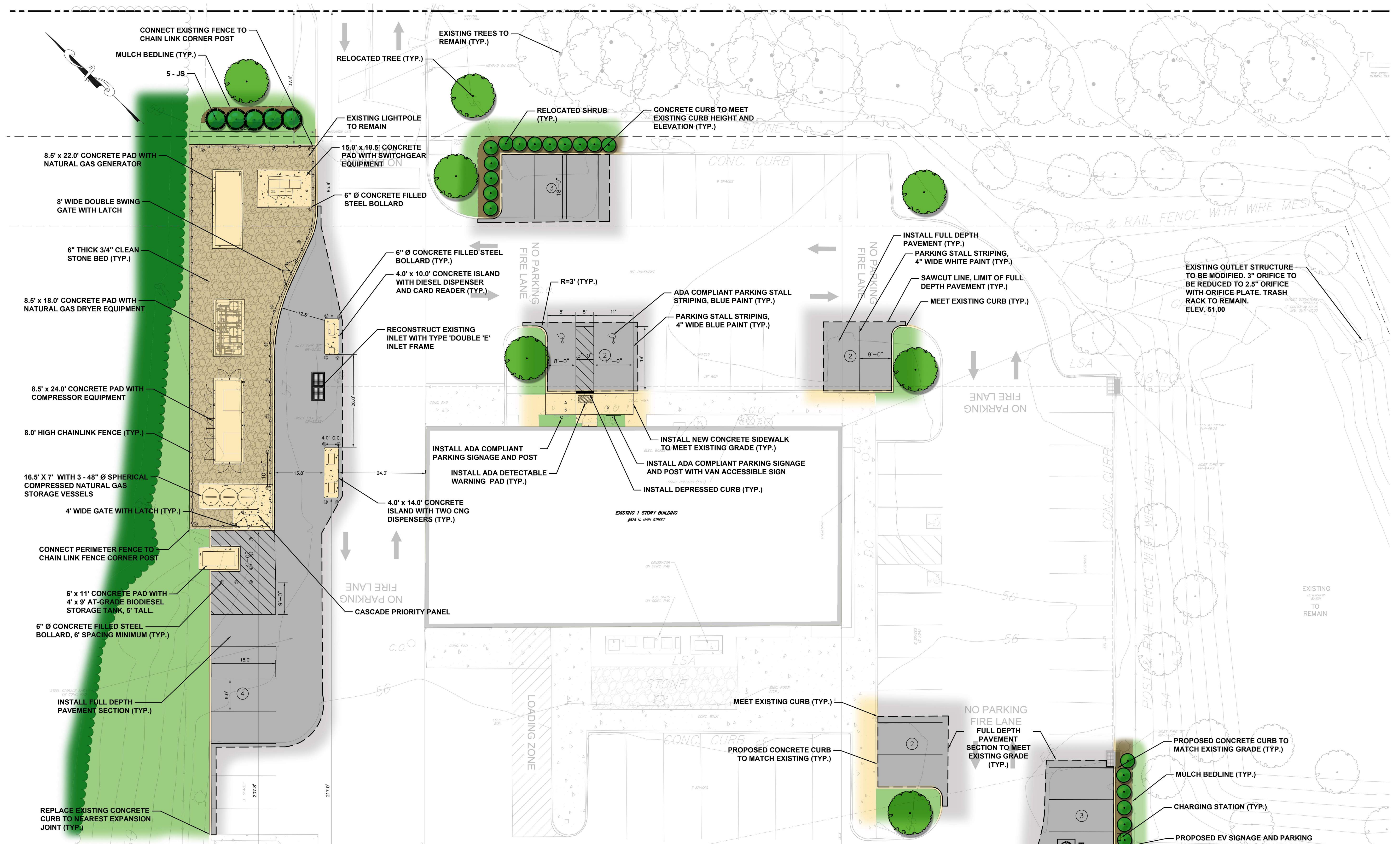
PROJECT NUMBER: 11214.003
 SHEET: 3 of 11

COPYRIGHT © 2025, FRENCH & PARRELLO ASSOCIATES - THE COPYING OR REUSE OF THIS DOCUMENT, OR PORTIONS THEREOF, WITHOUT THE WRITTEN PERMISSION OF FRENCH & PARRELLO ASSOCIATES, IS PROHIBITED. DUE TO INHERENT ERRORS IN REPRODUCTION METHODS, ERRORS MAY OCCUR WHEN SCALING THIS DRAWING.

**IN THE MATTER OF THE PETITION OF NEW JERSEY NATURAL GAS
COMPANY FOR A DETERMINATION CONCERNING
THE MANAHAWKIN FUELING STATION
PURSUANT TO N.J.S.A. 40:55D-19**

Exh. P-4

Enlarged Site Layout and Dimension Plan



PLANT SCHEDULE

CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	MATURE SIZE	KEY	REMARKS
AR	3*	ACER RUBRUM 'OCTOBER GLORY'	OCTOBER GLORY RED MAPLE	2.5" CAL.	B&B	60'-80" HEIGHT, 40'-50" SPREAD	N#*	RED FALL FOLIAGE
JS	5	JUNIPERUS CHINENSIS 'SPARTAN'	SPARTAN JUNIPER	6'-8" HEIGHT	B&B	6'-15" HEIGHT, 3'-7" SPREAD	N#*	NARROW EVERGREEN TREE
QP	4*	QUERCUS PHELLOS	WILLOW OAK	2.5" CAL.	B&B	60'-80" HEIGHT, 40'-50" SPREAD	N#&*	YELLOW FALL FOLIAGE

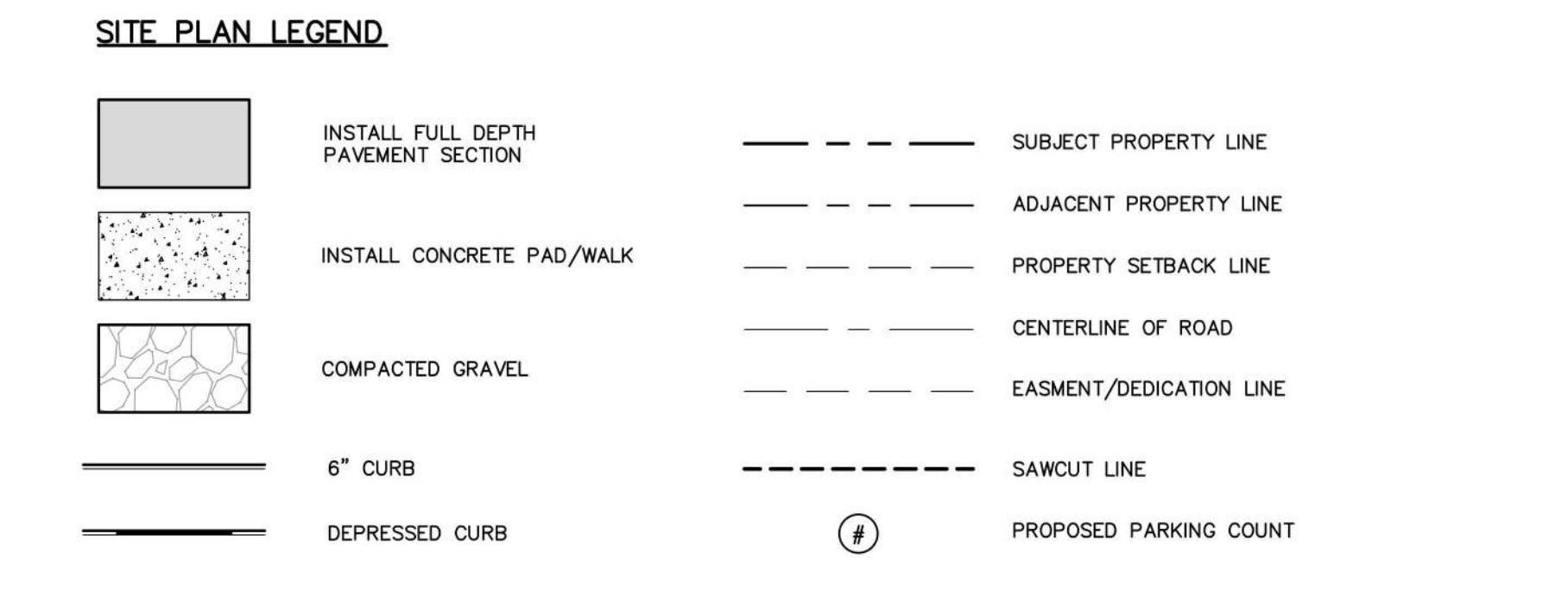
KEY:
 N = NATIVE PLANT OF NORTH AMERICA
 & = SALT SPRAY TOLERANT
 * = SPRING INSTALLATION ONLY
 # = SEASON OR RARELY DAMAGED BY DEER AS PER RUTGERS AG AGENCY (HTTP://NJAES.RUTGERS.EDU)

MULCH NOTE:
 THE LANDSCAPER IS ADVISED THAT AS PART OF THE PROPOSED WORK SHALL INCLUDE A REDUCTION OF MULCH AROUND THE BASE OF EXISTING ON SITE TREE TRUNKS TO EXPOSE THE FLARES. MULCH SHALL BE REMOVED AS DIRECTED BY THE TOWNSHIP PROFESSIONAL IN ORDER TO CORRECT THE ISSUE.

*** TREE REPLACEMENT REQUIREMENTS:**

- IN ACCORDANCE WITH TOWNSHIP OF STAFFORD ORDINANCE SECTION 194-6.1, FOR EVERY TREE REMOVED WITH A DBH OF SIX INCHES TO 12.99 INCHES SHALL BE REPLANTED WITH ONE TREE WITH A MINIMUM DBH OF 1.5 INCHES IN ACCORDANCE WITH APPENDIX A (NATIVE TREE LIST)
- SEVEN TREES WITH A DBH OF 6-12.99 INCHES ARE TO BE REMOVED, THEREFORE SEVEN TREES IN ACCORDANCE WITH THE TOWNSHIP NATIVE TREE LIST WITH A MINIMUM DBH OF 1.5 INCHES ARE TO BE REPLANTED.

UNDERGROUND UTILITY NOTE:
 DO NOT INSTALL PROPOSED PLANT MATERIAL DIRECTLY ON TOP OF ANY PROPOSED OR EXISTING UNDERGROUND UTILITIES. FIELD ADJUST MATERIAL AS NEEDED AS DIRECTED BY THE PROJECT PROFESSIONAL TO ACCOMMODATE ANY POTENTIAL CONFLICTS.



No.	Date	Description	CFE	BRD
1.	2/3/2026	BOARD ENGINEER REVIEW LETTER		
		Revision		

Scale in Feet: 0 10 20

FPA
 FRENCH & PARRELLO ASSOCIATES
 New Jersey • New York • Pennsylvania • Georgia

Corporate Office:
 1600 Rt. 24, Suite 101
 Wall, New Jersey 07719
 732.312.9800
 FPAengineers.com

BRIAN R. DECINA, P.E.
 PROFESSIONAL ENGINEER, N.J. LIC. NO. GE45149

ENLARGED SITE LAYOUT AND DIMENSION PLAN
 FOR
 PRELIMINARY AND FINAL MAJOR SITE PLAN
NEW JERSEY NATURAL GAS COMPANY
 BLOCK 51.13, LOT 52.01

STAFFORD TOWNSHIP
 OCEAN COUNTY, NEW JERSEY

DATE: 07-08-2025
 DESIGNED BY: CFE
 DRAWN BY: CFE

SCALE: 1" = 10'
 CHECKED BY: BRD
 FIELD BOOK

PROJECT NUMBER: 11214.003
 SHEET: 4 of 11

Copyright © 2025, FRENCH & PARRELLO ASSOCIATES - THE COPYING OR REUSE OF THIS DOCUMENT, OR PORTIONS THEREOF, WITHOUT THE WRITTEN PERMISSION OF FRENCH & PARRELLO ASSOCIATES, PA IS PROHIBITED. DUE TO INHERENT ERRORS IN REPRODUCTION METHODS, ERRORS MAY OCCUR WHEN SCALING THIS DRAWING.

**IN THE MATTER OF THE PETITION OF NEW JERSEY NATURAL GAS
COMPANY FOR A DETERMINATION CONCERNING
THE MANAHAWKIN FUELING STATION
PURSUANT TO N.J.S.A. 40:55D-19**

Exh. P-5

Zoning Board Resolution for Z17-02 (August 23, 2017)

**USE VARIANCE/
PRELIMINARY & FINAL MAJOR SITE PLAN
NEW JERSEY NATURAL GAS COMPANY
878 North Main Street
BLOCK 51, LOT 52.01
Zone: RB Rural Business Zone**

Application No. Z17-02

**RESOLUTION OF APPROVAL Z17-02
TOWNSHIP OF STAFFORD ZONING BOARD OF ADJUSTMENT**

WHEREAS, an application has been made by **New Jersey Natural Gas Company**, seeking approval of a use variance and preliminary & final major site plan approval for **Block 51, Lot 52.01**, as set forth on the Tax Maps of the Township of Stafford; and

WHEREAS, the Use Variance and Preliminary & Final Major Site Plan was prepared by Geller, Sive & Company, professional engineers, dated March 17, 2017; the Truck Turning Radius Plan was prepared by Geller, Sive & Company, professional engineers, dated March 15, 2017; the Boundary & Topographical Survey was prepared by James Heiser PLS dated June 14, 2016; the Stormwater Management Report was prepared by Geller, Sive & Company, professional engineers, dated March 17, 2017; the Traffic Impact Analysis was prepared by John Rea PE & Scott Kennel, dated March 30, 2017; and

WHEREAS, the applicant was represented by Nancy Skidmore Esq. at the May 24, 2017 & July 26, 2017 public hearings; and

WHEREAS, the Stafford Township Zoning Board of Adjustment, after carefully considering the evidence presented by the applicant, and the report from its professional staff, hereby makes the following findings of fact:

1. The applicant has a proprietary interest in the subject property.

2. The applicant has requested use variance, design waiver, and preliminary & final major site plan approval in accordance with the Land Use Ordinances of the Township of Stafford and all record property owners located within 200 feet of the subject property were duly notified of the public hearing, and a notice summarizing the application was duly published, as required by law, in an official periodical of the Zoning Board.

3. The property is located on the west side of North Main Street at the southwest corner of Silo Avenue and North Main Street (Route 9), and is located in the RB Rural Business Zone. The site is presently vacant land, consisting of 8.823 acres.

4. The applicant is a public utility regulated by the New Jersey Board of Public Utilities. The applicant is requesting a use variance and preliminary & final major site plan approval, with design waivers, for the purpose of constructing a business office/maintenance bay/parts storage facility at the site. The applicant proposes 4518 sq ft of office space, with a 1900 sq ft maintenance bay with storage space. The proposed facility will serve as a home base for the applicant's emergency responders, who respond to gas leaks, and distribution crews, who service critical gas infrastructure equipment to enable the provision of safe and reliable natural gas service.

The following variances are requested:

Use Variance: maintenance bay/storage is not a permitted use

The applicant is also seeking the following waivers:

Design waiver for 2ft cover over drainage pipes

Design waiver of street tree requirement along Silo Ave

Design waiver for curbs & sidewalks along Silo Ave (withdrawn at the hearing)

Submission waiver for off-site drainage plan

5. John J. Hess, P.E., of CME Associates, the Board's engineer, prepared reports to the Board dated February 28, 2017 and April 26, 2017. The Fire Official rendered a report dated March 8, 2017, with no comment on the application. The Historical Commission rendered a report dated April 14, 2017, with no comment on the application. The Environmental Commission rendered a report dated April 5, 2017, and the applicant agreed to comply with all recommendations in the same. The Board hereby adopts the findings in the reports of its professionals and incorporates

them in this Resolution by reference.

6. The applicant presented the testimony of Mike Geller, P.E., P.P, who is the applicant's engineer and planner. Mr. Geller's qualifications as an expert in the field of engineering and planning were accepted by the Board. He testified as to the proposed uses and site plan, and provided his opinion as to how the proposed uses and project met the applicable standards required for use variance and design waiver relief.

7. The site is a vacant/wooded lot, and is located across Route 9 from other commercial businesses. No hazardous materials will be stored onsite. The applicant proposes only minor storage on site consisting of mostly pipe, pipefittings and various parts needed to maintain gas lines. The Silo Ave curb & sidewalk waiver request was withdrawn. The applicant agreed to provide additional tree plantings extending on the west and south sides of the proposed parking area at 50ft intervals, plus any necessary additional street tree plantings along Silo Avenue as reasonably practical at the direction of the Board Engineer.

8. The applicant also agreed to provide a deed restriction against any further development of a large portion of the undisturbed area, consisting of 3.65 acres, as set forth and designated on the color rendering submitted as exhibit A-7 dated June 12, 2017. The applicant also offered to waive any right the applicant may have to subdivide the property in the future. The applicant's agreement to the aforementioned deed restriction and subdivision waiver was specifically conditioned upon the applicant obtaining approval of all required outside agencies having jurisdiction over the application and the applicant obtaining title to the property and proceeding with the proposed development. (In the event that such outside agency approval/obtaining title/proceeding with development does not occur with the aforementioned deed restriction, the applicant shall be required to apply for an amended approval before the Board).

9. Trash pick-up will be limited to 9am to 3pm Monday thru Friday. Site security will be provided by a controlled entrance gate and site cameras. The maintenance bay will have air conditioning in order that the garage doors will be closed throughout the year. The exit driveway will have a sign for right turn only exiting the site, and the applicant will ask the Township to make the south side of Silo Ave a no parking zone. Parking lot lighting will be on a timer for limited use.

10. The applicant's architect, Larry Cirangle, AIA, testified regarding the building

façade and roofing. Mr. Cirangle's qualifications as an expert in the field of architecture were accepted by the Board. The floor plan was revised and will be as depicted in exhibit A-11, and the maintenance building façade/roof will be as depicted in exhibit A-12, both exhibits being those that were presented to the Board at the July 26th hearing.

11. The applicant's property manager, Brian FitzPatrick, testified to the site operations, the scope of the applicant's natural gas service area and the need for the facility at this site. The applicant agreed that the chain link fence around the perimeter of the development area will be black to blend into the surroundings.

12. The testimony demonstrated that the proposed vehicular maintenance bay and parts storage areas are part of the overall inherently beneficial use proposed for the site and, in addition, that the proposed site is also particularly well suited for the gas service office space with maintenance bay and parts storage area proposed use, and that granting of the application will not be a substantial detriment to the public good and will not substantially impair the intent and purpose of the Township's zoning ordinance or the Township's master plan.

Based upon all of the testimony presented to the Stafford Township Zoning Board of Adjustment, the Board concurs with these representations and so finds.

WHEREAS, the Zoning Board of Adjustment has determined that the applicant should be granted the requested relief for the following reasons:

1. The proposed vehicular maintenance bay and storage uses satisfy the four-prong test required for inherently beneficial use variance relief outlined by the New Jersey Supreme Court in the case of Sica v. Board of Adjustment of Township of Wall, 127 N.J. 152 (1992).

2. As to the first prong, the applicant has appropriately identified the public interest at stake. The proposed vehicular maintenance and storage uses will promote the general welfare by ensuring functional vehicles for emergency responders to effectively service the local community. Vehicular reliability for emergency responders will ensure that gas leaks may be addressed in a necessarily swift manner, thereby ensuring safe and reliable natural gas service to approximately 8600 meters in Stafford, as well as customers in the surrounding community. An average of 4500 emergency calls per year are addressed by first responders out of the existing facility at 86 Stafford, which will move its operation to the subject site. Vehicular reliability is critical to the success of these first responders. In addition, distribution crews will consider this site their home base and will also have their vehicles serviced here. Distribution crews ensure that the applicant's

gas infrastructure performs safely and reliably to service the applicant's customers. Vehicular reliability is also critical to the essential function that these distribution crews perform. The storage use is likewise critical to the operation of the applicant's gas infrastructure, as it will house essential parts for gas service, such as pipe fittings. For these reasons, the Board concludes that the proposed maintenance and storage uses are part of an inherently beneficial use.

3. As to the second prong, the applicant has proven nominal detrimental impacts posed by the proposed maintenance and storage uses and the overall project. There will be less of an aesthetic/environmental/traffic impact than retail shopping facilities, restaurants, and child-care centers, which are all permitted uses in the zone, yet would result in significantly greater environmental, aesthetic, and traffic impacts than the proposed use. In terms of aesthetics, the building itself is about 740' away from the western property line along Prospect Avenue. It's about 180' away from the southern property line along Sugar Hill Road. And it is about 130 feet away from the Silo Avenue right-of-way and 220 feet away from the Route 9 right-of-way. Taking into account the existing and proposed tree buffers along each of those property lines, coupled with the distances and elevation changes presented to the Board, the building will essentially be invisible to property owners along Prospect Ave and Sugar Hill Rd. There will be little to no traffic impacts. Per the traffic analysis, 20 trips in the morning and 9 trips in the evening are expected. As described, this is substantially less than the traffic that would result from most of the uses that would otherwise be permitted on the site. There are little to no environmental impacts; there are no wetlands, wetland buffer areas, or other environmentally constrained areas that will be disturbed by the development. The development is low intensity: Less than 2.5 acres of the 8.8 acre site will be disturbed by the development. The applicant proposes a building coverage of only 1.7% and an impervious coverage of only 12.3%, whereas the allowable impervious coverage is 55%. The development meets every bulk requirement in the RB zone. The maintenance and storage uses themselves will be entirely contained within the building, and represent only 1900 square feet of the overall building. There will be no outdoor storage at all. The maintenance use is only for the applicant's vehicles, is only on an as-needed basis, and is not open to the public. Based upon these reasons, the Board concludes that there are little to no detrimental impacts associated with these proposed uses.

4. As to the third prong, the applicant presented enhancements to mitigate any detrimental effects. Mitigation was originally proposed in the form of the building siting, a varied and extensive landscaping plan, and the retention of significant wooded buffering. However,

based upon the comments of the Board and the public at the May 24th hearing, the applicant proposed the following additional development enhancements to further mitigate any detrimental impacts:

- A total deed restricted area of 3.65 acres, which includes an additional ½ acre that is not required by CAFRA, but that the applicant is providing to ensure an additional level comfort to neighboring property owners.
- Waiver of the applicant's right to subdivide the property in the future, subject to the conditions previously outlined.
- Restricting trash dumpster pick-up to between the hours of 9 a.m. and 3 p.m.
- Installation of cameras on the building.
- Restriction to right turn egress from the site with signage.
- Air conditioning of the maintenance bay.
- To the extent possible, the addition of street trees to Silo Avenue at the direction of the Township Engineer.
- Operation of the parking lot lights on a timer and the majority of the building lights on motion sensors.
- Installation of curbing and sidewalks along Silo Avenue.
- Enclosure of the recycling container area on three sides with fencing.
- Installation of additional deciduous trees along the western and southern sides of the disturbance area in addition to evergreen trees on the southern side of the disturbance area.
- Black-chain-linked-mesh fencing around the development area of the site.
- Enhancement of architectural details of the vehicular maintenance portion of the building.

The Board concludes that these enhancements more than mitigate any detrimental effects of the proposed uses.

5. Finally, the fourth prong of the Sica test requires the Board to balance the positive and negative impacts to determine whether, on balance, the application can be granted without substantial detriment to the public good. On balance, the provision of functioning vehicles for emergency response service and gas infrastructure repair service to local customers as well as a storage area for essential gas service parts will ensure continued safe and reliable natural gas service to heat Stafford residents' homes. These positive impacts far outweigh any minimal

negative impacts, and therefore this application can be granted without substantial detriment to the public good. Consequently, the Board concludes that the proposed uses fully satisfy the Sica four prong test.

6. Based upon all of the facts and testimony presented as part of the record, the Board concludes that the proposed uses also satisfy the requirements for the grant of a use variance pursuant to the mandate of Medici v. BPR Co., 107 N.J. 1 (1987).

7. In particular, the proposed site is particularly well suited for the proposed uses, in that the site has access from Silo Avenue on to Route 9, enabling the applicant to provide safe and reliable natural gas service to its service area customers, which are concentrated towards the east, with about 50% being located to the north in close proximity to Route 9 and approximately 50% being located to the south in close proximity to Route 9. Many other sites were investigated to the west of the proposed site that were eliminated from consideration since they were located too far from the applicant's customer base to the east, a situation which would negatively impact the applicant's ability to provide swift emergency response service. The location of the site along Route 9 thus affords the applicant the ability to provide swift emergency response. The site is situated in a commercial zone, the RB zone, which by its nature permits similar types of uses as those being proposed. The area of the site greatly exceeds the minimum lot area required in the RB zone, which enables the provision of significant buffers around the proposed development.

8. The Board also concludes that the use variance requested can be granted without substantial detriment to the public good. As discussed in detail in paragraph 3 above and incorporated herein by reference, there will be little to no aesthetic, environmental, and traffic impacts as a result of the proposed vehicular maintenance and storage uses and the overall project. The safety and well-being of the immediate area will not be adversely affected by the granting of the use variance. In fact, the safety and well-being of the residents in the immediate area will be promoted by the grant of the use variance, in particular by not only the mitigation proposed through the development enhancements discussed in paragraph 4, but also by the implementation of swift emergency response service and the facilitation of safe and reliable natural gas service.

9. The Board concludes that there is enhanced proof that the use variance is not inconsistent with the intent and purpose of the Zoning Ordinances and Master Plan of the Township of Stafford. The proposed vehicular maintenance and storage uses in conjunction with the permitted office use by this public utility are unique and were likely not contemplated by the Township when identifying the permitted uses in the RB Zone and the Master Plan. Indeed the

proposed office aspect of the use is permitted and similar to other permitted office uses in the RB Zone. The proposed vehicular maintenance and storage uses will not change the character of the neighborhood. There is no basis in the Master Plan for not allowing the proposed use at this location of the Township. To the contrary, in particular, the proposed use is consistent with the land use objectives contained in the Master Plan, which include as follows:

- a. Maintaining the rural character along the Route 9 corridor in the northern section of the Township, as the proposed facility will not have a direct access drive to Route 9;
- b. Limiting the number of access points along primary roadways (Route 9);
- c. Environmentally sensitive site design; and
- d. Compatibility with the State Highway Access Management Code.

10. The Board (and the applicant) has taken into consideration the comments of the public and the enhanced development proposal reflects that consideration.

11. The public interest is served by the proposed development of the site by the applicant.

12. Based upon the testimony of the applicant's engineer and planner, the Board also concludes that it would be impracticable for the applicant to comply with the Township design requirements for 2 feet of cover over all drainage pipes and to fully comply with the Township design requirement for street trees along Silo Avenue.

NOW THEREFORE BE IT RESOLVED, by the Zoning Board of Adjustment of the Township of Stafford that the Zoning Board hereby grants and approves the applicant's use variance, design waiver, and preliminary & final major site plan application, subject, however, to the following conditions :

- 1. The Silo Ave curb & sidewalk waiver request has been withdrawn.**
- 2. Subject to the applicant obtaining approval of all required outside agencies having jurisdiction over the application and the applicant obtaining title to the property and proceeding with the proposed development, the applicant shall provide a deed restriction against any further development of a large portion of the undisturbed area, consisting of 3.65 acres, as set forth and**

designated as tree saved area and additional proposed tree saved area on the color rendering submitted as exhibit A-7 dated June 12, 2017.

3. Subject to the applicant obtaining approval of all required outside agencies having jurisdiction over the application and the applicant obtaining title to the property and proceeding with the proposed development, the applicant shall be deemed to have waived any right the applicant may have to subdivide the property in the future.
4. In the event that such outside agency approval/obtaining title/proceeding with development does not occur with the aforementioned deed restriction, the applicant shall be required to apply for an amended approval before the Board.
5. The maintenance bay will have air conditioning in order that the garage doors will be closed throughout the year.
6. The applicant shall provide additional tree plantings extending on the west and south sides of the parking area at 50ft intervals, plus any necessary additional street tree plantings along Silo Avenue as directed by the Board Engineer.
7. The exit driveway will have a sign for right turn only exiting the site, and the applicant will ask the Township to make the south side of Silo Ave a no parking zone.
8. The floor plan will be as depicted in exhibit A-11, and the maintenance building façade/roof will be as depicted in exhibit A-12.
9. The chain link fence around the perimeter of the development area will be black to blend into the surroundings.
10. The applicant must comply with all conditions set forth in the board engineer's report referenced above dated April 26, 2017
11. The applicant shall comply with all recommendations of the Environmental Commission report dated April 5, 2017.

In addition to the above conditions, the following general conditions must also be satisfied prior to the signing of the plan or issuance of a Zoning Permit:

1. Submission of an affidavit signed by the Stafford Township Tax Collector certifying

payment of outstanding real estate taxes.

2. No building permit will be issued until the Zoning Board of Adjustment Secretary has confirmed that all professional fees have been paid in full. In the event a building permit is issued and there are outstanding Zoning Board of Adjustment professional fees, a stop work order will be filed against the applicant/contractor(s) and remain in effect until the fees have been paid.

3. In the event there is an *existing* violation, the applicant shall have ninety (90) days from the date the Notice of Decision is published to correct the violation. Failure to correct the existing violation within the time proscribed will result in the issuance of a summons.

4. Within fourteen days of receipt of the approved resolution, the applicant must submit for publication a Notice of Decision to an approved newspaper of the Township of Stafford. Once the Notice is published, the applicant must submit the Affidavit of Publication issued by the newspaper, along with all other resolution items, to the Zoning Board office.

5. Approval of the following agencies and any other municipal, county, state, and/or federal agency having jurisdiction over said application, if not already obtained, and if required:

- a. Ocean County Planning Board;
- b. Stafford Township Municipal Water and Sewer Department;
- c. Ocean County Soil Conservation District;
- d. NJ Department of Environmental Protection;
- e. NJ Department of Transportation.

6. Applicant must assemble all executed conditions in a COMPLETE package and submit them along with the reproducible original to the Zoning Board office so the plan can be signed and the Zoning Permit can be issued prior to an application for Building Permit being filed.

7. The applicant must obtain signed certifications from the Township Code Enforcement Officer certifying that the applicant has complied with all conditions of this Resolution of Approval.

8. Signing of the plan and issuance of a Zoning Permit will not take place until compliance with all conditions has been certified.

9. It is incumbent upon the applicant/owner to prominently display the address number on the premises so that it is clearly identifiable and visible from the street.

BE IT FURTHER RESOLVED, the applicant's request for use variance, design waiver, and preliminary & final major site plan approval, as set forth more fully in the preamble of this Resolution and reports of the Board's professionals as set forth above, be and hereby are approved.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the applicant, the Building Department, the Zoning Department and the Township Clerk by the Zoning Board of Adjustment secretary.

BE IT FURTHER RESOLVED that notification of this favorable Resolution must be published in an official newspaper of Stafford Township.

CERTIFICATION

I, Linda Yockachonis, Secretary of the Zoning Board of Adjustment of the Township of Stafford, County of Ocean and State of New Jersey, do hereby certify that the foregoing Resolution was duly adopted by the Township of Stafford Zoning Board of Adjustment at its meeting held on the 23 day of August, 2017.


Linda Yockachonis, Secretary



**IN THE MATTER OF THE PETITION OF NEW JERSEY NATURAL GAS
COMPANY FOR A DETERMINATION CONCERNING
THE MANAHAWKIN FUELING STATION
PURSUANT TO N.J.S.A. 40:55D-19**

Exh. P-6

Excerpt of Transcript of Stafford Zoning Board – Final Vote (April 8, 2026)

STATE OF NEW JERSEY
STAFFORD TOWNSHIP BOARD OF ADJUSTMENT

x ----- x WEDNESDAY
RE: : APRIL 8, 2026
:
Z25-11 - BLOCK 51.13, LOT 52.01 :
878 NORTH MAIN STREET :
NEW JERSEY NATURAL GAS :
:
x ----- x

B E F O R E :

DOMINICK ROSS, CHAIRMAN
JEFF LOPEZ, VICE CHAIRMAN
BRUCE HAGGAS
WILLIAM OTTE
LEONARD WILSON
THOMAS BRESNAHAN
ROYAL SMITH
TIM HART
NADINE CASCARDI

A P P E A R A N C E S :

TERRY BRADY, ESQ., BOARD ATTORNEY
JOHN HESS, BOARD ENGINEER
LINDA YOCHACHONIS, BOARD CLERK

CHIESLA SHAHINIAN & GIANTOMASI, PC
BY: LISA A. JOHN-BASTA, ESQ.
FOR: APPLICANT NJ NATURAL GAS

RC SHEA & ASSOCIATES, COUNSELLORS AT LAW
By: ROBERT C. SHEA II, ESQ.
FOR: OBJECTOR

M. DARLENE ENGEL, CCR
CERTIFIED COURT REPORTER
340 Chestnut Drive
Manahawkin, New Jersey 08050
(609) 978-1118 darcsr@comcast.net

(The meeting was called to order and
other matters were heard until 7:05 p.m.)

CHAIRMAN ROSS: Okay. Our first
application for public hearing is Z25-11, New
Jersey Natural Gas, carried from March 11th,
carried from January 28th, et cetera.

MR. SHEA: Yeah. I have a
jurisdictional issue that I want to discuss with
the Board. So that we can vet this out prior to
us going down a path that we probably shouldn't.

My name is Bob Shea from RC Shea &
Associates which was recently retained by a local
resident within 200 feet. We are here. We have a
professional, Brian Murphy, from FWH who is
a professional planner and engineer.

We're looking to object to the testimony
for the record. I understand that the Board is
governed by the rules of -- the Robert Rules of
Conduct, which are flexible in nature. And we
should be allowed pursuant to numerous cases
within the Municipal Land Use Law to present our
direct testimony.

So jurisdictionally we'd like to request
an answer from the Board because, quite frankly,
it's within your power, not the Applicant's, to

E X H I B I T S :

<u>NO.</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
A-6	Affidavit/Notice of Service	5
A-7	Letter to Carry	5
A-8	Meeting Minutes	5
A-9	Notices/FedEd Slips	10

allow us to present our testimony in opposition to
this application. We'd like to have an answer up
front so we don't waste anybody's time here.

MR. BRADY: I think we should hear from
the Applicant's counsel too.

MS. JOHN-BASTA: Hi. Good evening. For
the record, my name is Lisa John-Basta with the
law firm Chiesla Shaninian & Giantomasi on behalf
of the Applicant. I am the attorney of record for
New Jersey Natural Gas.

I was made aware of Mr. Shea's
representation through actually Mr. Brady since a
request was made directly with the Board without
even providing me with a courtesy copy.

Mr. Shea, who do you actually represent?

MR. SHEA: I do object. I represent
Robert van Norman, who is within 200 feet of the
property.

MS. JOHN-BASTA: Okay. So I will say we
do oppose and do not consent to any carrying of
this application. We consented last time to
extend the time for the Board to act. And I would
like to say why we're not granting this extension.

Number one, this application was filed
some time ago. The application was originally

1 direction, and you're go into your garage someday,
2 your basement, bedroom, and you get the smell of
3 ethyl mercaptan, the odor. Five to 15 percent --
4 boom. That's -- that has happened. That's why
5 I'm so concerned. I've seen it.

6 MR. LOPEZ: You've seen it specifically
7 with this type of application, a high pressure --
8 (Overlapping voices.)

9 MR. SMITH: Yes. I have. And several
10 incidents at refineries and some other locations,
11 some fueling stations. It's -- it's just life.
12 Life is not perfect.

13 MR. LOPEZ: No.

14 MR. SMITH: I would rather have propane
15 then I would natural gas. Propane is heavier.
16 It's a bigger molecule and it will sink. And you
17 can spray it with water and dissipate it. You
18 have your water here and houses up here, and
19 natural gas, compressed natural facility here,
20 that, to me, is dangerous.

21 MR. LOPEZ: Any other commentary from
22 the Board? Go ahead.

23 MR. BRESNAHAN: Yeah. I got something.

24 I agree with the safety concerns, I
25 think, that Roy brought up. And, you know, I

1 If no further commentary or questions, I
2 would ask --

3 MR. SMITH: Can we talk about the
4 biodiesel situation?

5 MR. LOPEZ: Sure. We're deliberating
6 before we vote.

7 MR. SMITH: I was concerned about
8 biodiesel gas and getting into the ground water,
9 but I am impressed with New Jersey Natural Gas'
10 spill prevention training and equipment. So that
11 portion of the application I'm comfortable with.
12 And I'm comfortable with the parking. It's just
13 the CNG tank that really concerns me.

14 MR. LOPEZ: So, Terry, I have a question
15 for you. Is this an all or nothing?

16 MR. BRADY: It's depends on the motion.
17 But the Board --

18 MR. LOPEZ: Okay.

19 MR. BRADY: The Board can review
20 whatever they want to on it.

21 MR. LOPEZ: So we could in theory --

22 MR. BRADY: Yes.

23 MR. LOPEZ: -- approve one or the other
24 or both or none.

25 MR. BRADY: Correct.

1 don't think I was compelled with the testimony
2 that was provided that this -- this use is
3 suitable for this property. And I think what we
4 got towards the end of the last meeting that we
5 had is kind of drilling down to the request. And
6 I think from some of the responses I got was that
7 what was driving this was a corporate initiative.
8 And I think, you know, while I can appreciate that
9 and wanting to do that, I -- at the end of the
10 day, I viewed it as more a nice-to-have as opposed
11 to something that is required.

12 And the testimony I believe -- I'm
13 sorry. I forget the individual's name that's here
14 now, but a representative from New Jersey Natural
15 Gas, was that it wasn't going to result in a lack
16 of service at all to the community -- to the
17 community or surrounding area. So without a --
18 you know, a significant lack of service for folks
19 that like to turn on their griddles and turn on
20 their stoves, again, I boiled it down of this to a
21 nice-to-have.

22 And for those reasons, I'm not compelled
23 that this is a suitable use for this particular
24 property.

25 MR. LOPEZ: Thank you.

1 MR. LOPEZ: To be fair. All
2 possibilities.

3 So I think we've talked through it
4 enough. At this point I would ask the Board for a
5 motion regarding this application.

6 MR. SMITH: I would be happy to make a
7 motion to approve the biodiesel facility, the
8 parking facility, with the amendment that the
9 attorney has -- has noted on the record, but I
10 would also deny the CNG facility as being a safety
11 hazard.

12 MR. LOPEZ: Would anyone like to second
13 that motion?

14 MR. OTTE: I would if it didn't include
15 the biodiesel.

16 (Laughter.)

17 (Overlapping voices.)

18 CHAIRMAN ROSS: Diesel? No second
19 there.

20 MR. LOPEZ: No second.

21 CHAIRMAN ROSS: So you're back to square
22 one. Make a different option.

23 MR. LOPEZ: All right. So would
24 anyone -- any voting members from last time, would
25 anyone second Roy's motion as is?

1 (No response.)
 2 MR. LOPEZ: Okay. So we then have to
 3 backpedal.
 4 MR. SMITH: What is the preference? Is
 5 it a denial of the whole package or approval --
 6 MR. LOPEZ: However you word it.
 7 MR. OTTE: Anything to do with fuel,
 8 denied.
 9 MR. SMITH: I'm sorry?
 10 MR. OTTE: Anything to do with fuel.
 11 They can have the parking or whatever, but I don't
 12 think it's appropriate to have any kind of fuel
 13 that close to residential.
 14 MR. SMITH: So the motion would then be
 15 deny the biodiesel and compressed natural gas
 16 facility; however, approve the parking request.
 17 MR. OTTE: Yes.
 18 MR. SMITH: That's acceptable to you?
 19 MR. OTTE: Yes.
 20 MR. SMITH: Okay. That would be then my
 21 motion.
 22 MR. OTTE: That I would second.
 23 THE BOARD CLERK: I'm just trying make
 24 heads or tails. Okay.
 25 Mr. Haggas?

C E R T I F I C A T E

1
 2
 3 I, M. DARLENE ENGEL, a Certified Court Reporter
 4 and Notary Public of the State of New Jersey, certify
 5 that the foregoing is a true and accurate transcript
 6 of the proceedings.
 7
 8 I further certify that I am neither attorney, of
 9 counsel for, nor related to or employed by any of the
 10 parties to the action; further that I am not a
 11 relative or employee of any attorney or counsel
 12 employed in this case; nor am I financially interested
 13 in the action.
 14
 15
 16
 17
 18
 19 /s/ M. Darlene Engel, CCR
 20 M. DARLENE ENGEL, CCR
 21 License No 30XI0102300
 22 Dated: April 22, 2026
 23 My Notary Commission Expires on
 24 November 21, 2029
 25 NJ ID No: 50117353

1 MR. HAGGAS: Yes.
 2 THE BOARD CLERK: Mr. Lopez?
 3 MR. LOPEZ: Yes.
 4 THE BOARD CLERK: Mr. Otte?
 5 MR. OTTE: Yes.
 6 THE BOARD CLERK: Mr. Wilson?
 7 MR. WILSON: Yes.
 8 THE BOARD CLERK: Mr. Bresnahan?
 9 MR. BRESNAHAN: Just to be clear, it's
 10 the addition of the parking that was --
 11 (Overlapping voices.)
 12 MR. LOPEZ: Pretty much. Yeah. That's
 13 it.
 14 MR. BRESNAHAN: Yes.
 15 THE BOARD CLERK: Mr. Smith?
 16 MR. SMITH: Yes.
 17 THE BOARD CLERK: Mr. Hart?
 18 MR. HART: I will vote yes.
 19 MR. BRADY: That's it. Thank you.
 20 CHAIRMAN ROSS: That's done.
 21 (Applause.)
 22 FROM THE FLOOR: Thank you.
 23 MS. JOHN-BASTA: Thank you for your time
 24 and consideration of this application. Thank you.
 25 (The application concluded at 8:08 p.m.)