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May 15, 2020

Hon. Thomas C. Miller, P.J.Civ.
 Superior Court of New Jersey
 Somerset County Courthouse
 20 North Bridge Street
 Somerville, NJ 08876
VIA E-COURTS

Re: In the Matter of the Application of City of Lambertville
 Docket No. HNT-L-311-15

Dear Judge Miller:

Please accept this letter in response to Your Honor's invitation to submit any supplemental comments in the above-captioned matter following the Fairness and Compliance Hearing held before Your Honor on May 12, 2020.

N.J.S.A. 52:27D-311 gives municipalities a broad range of tools they can use to fulfill their fair share obligations. Especially to address a fairly small portion of a municipality's need, as the police station redevelopment site does, municipalities have numerous options to choose how to address their obligations.

FSHC was willing to move forward with the originally proposed site to address this part of the City's unmet need previously approved by the court, the Closson Farm site, including alterations to that site to ensure the historic building on that site was preserved. FSHC also was willing to move forward with other options including the YMAC and/or Napa Auto Parts site. But these sites ultimately also faced opposition and the City chose to move forward with the police station redevelopment.

As several objectors pointed out in their written objections and testimony, there are a number of challenges to developing the police station, including the impact of a C-1 stream on the site, the presence of fill that will have to be addressed in developing a new building on the site, and the need to ensure continuity of services provided by the police department, notably including the need to comply with applicable laws on domestic violence reporting. As is not unusual before a fully developed redevelopment plan and redevelopers agreement has been developed for a site, not all of these issues have been fully addressed at this point. These issues will have to be addressed in the redevelopment process. No doubt addressing some of these issues may impose additional costs compared to other potential sites; conversely, the sale of the site may also derive additional revenues for the City compared to non-municipally owned alternatives, though obviously there also will be costs to building a replacement police station as well.

That said, these issues, in FSHC's view of the evidence presented, do not prevent the court from approving the site at this stage. FSHC is not convinced that any of the issues raised show the site is not suitable as defined in COAH's regulations, N.J.A.C. 5:93-5.3(b), and the testimony of both the City's expert and the court-appointed special master provide the court with a credible basis to find the site is suitable. Like with all other sites, if ultimately the site is somehow found to be infeasible, Lambertville will have to come up with a substitute; because it is neither required by

the law nor feasible to require every site in a fair share plan to have a fully engineered site plan at the time of a fairness and compliance hearing, issues do sometimes arise, though again the issues raised at the hearing do not appear at this point to be insurmountable.

The conditions recommended by the Special Master in his report (as slightly modified by his testimony on the point of accessory apartments) are designed to ensure that the plan as currently proposed proceeds to reality, and FSHC supports those conditions. The time period proposed by Mr. Bolan, which he characterizes as an “extended period,” Report p. 5, gives over six months before a redevelopment plan is adopted and a year before a redevelopment agreement needs to be executed. FSHC believes it is important during this time period to work through how many of the issues raised by objectors will be addressed – as would generally happen in this phase of the process.

As to the objections raised by Mr. Wilson, first FSHC again notes for the record that no written objections were received to the plan, nor expert reports supporting Mr. Wilson’s view. Mr. Wilson was not qualified as an expert and thus his testimony cannot provide an expert opinion on the developability of the site. The municipality’s planner and special master have both found and testified that the zoning, which includes the potentially significant incentives to a developer of designating the property an area in need of redevelopment and significant increases in density above existing zoning, presents a realistic opportunity, and Mr. Wilson has not offered any expert reports or expert testimony that contradicts those conclusions.

Thus, FSHC respectfully requests that Your Honor grant a judgment of fairness and conditional compliance, conditioned on Mr. Bolan’s recommendations, and require the City to report on those conditions as they are fulfilled to the Court.

Thank you for your attention to this matter.

Respectfully,



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Counsel for Fair Share Housing Center

C (via e-mail and ecourts):

Michael Bolan, Special Master

Kelly Grant, Esq.

William Caldwell, Esq.

List of objectors attached to Special Master Bolan’s report