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DAVID HUEHNERGARTH and	:	SUPERIOR COURT OF NEW JERSEY
CHRISTOPHER MAYNES,	:	LAW DIVISION
	:	CAMDEN COUNTY
Plaintiffs,	:	
	:	DOCKET NO. CAM-L-1971-24
v.	:	
	:	<u>CIVIL ACTION</u>
BOARD OF COMMISSIONERS OF THE	:	
BOROUGH OF HADDONFIELD and	:	FIRST AMENDED COMPLAINT IN
WOODMONT PROPERTIES, LLC,	:	LIEU OF PREROGATIVE WRITS
	:	
Defendants.	:	
	:	

Plaintiffs David Huehnergath and Christopher Maynes, by and through their undersigned attorneys and by way of First Amended Complaint in Lieu of Prerogative Writs against defendants Board of Commissioners of the Borough of Haddonfield and Woodmont Properties, LLC, say the following:

PARTIES

1. Plaintiff David Huehnergath is a resident of the State of New Jersey and the owner of the property located at 419 Mount Vernon Avenue, Haddonfield, New Jersey.
2. Plaintiff Christopher Maynes is a resident of the State of New Jersey and the owner of the property located at 7 Roberts Avenue, Haddonfield, New Jersey.

3. Defendant Board of Commissioners of the Borough of Haddonfield (“the Commissioners”) is an elected body organized and existing under the Walsh Act which maintains its principal address at 242 Kings Highway East, Haddonfield, New Jersey.

4. Upon information and belief, defendant Woodmont Properties, LLC (“Woodmont”) is a New Jersey limited liability company which maintains its principal address at 100 Passaic Avenue, Suite 240, Fairfield, New Jersey.

OPERATIVE FACTS

5. Plaintiffs incorporate all of the foregoing paragraphs by reference as if those paragraphs were fully set forth at length herein.

6. For over one hundred years, the properties currently designated at Block 13, Lot 25 and Block 14, Lot 2 on the Haddonfield Borough Tax Map were utilized as a facility for children afflicted by various types of developmental disabilities (the “Bancroft Property”).

7. The Bancroft Property comprises approximately 19.22 acres and is bisected by Hopkins Lane; Block 13, Lot 25 (6.07 acres) is situated to the west and Block 14, Lot 2 (13.15 acres) is situated to the east.

8. On or about September 8, 2015, the Commissioners adopted Resolution No. 2015-09-08-151 which authorized and directed the Planning Board of the Borough of Haddonfield (“Planning Board”) to conduct a preliminary investigation to determine if the Bancroft Property met the criteria for designation as “an area in need of redevelopment” as established by the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (“LRHL”).

9. The Planning Board thereafter completed the preliminary investigation, conducted a public hearing and recommended that the Commissioners designate the Bancroft Property as “an area in need of redevelopment.”

10. The Commissioners accepted the Planning Board’s recommendation and, on or about January 12, 2016, adopted Resolution No. 2016-01-12-019 designating the Bancroft Property as “an area in need of redevelopment.”

11. On or about April 6, 2016, the Commissioners adopted the Bancroft Redevelopment Plan.

12. On or about January 16, 2018, the Commissioner adopted the Amended Bancroft Redevelopment Plan.

13. On or about May 26, 2023, the Commissioners issued a Request for Qualifications and Proposals for the so-called “Residential” portion of the Bancroft Property, which is a section of Block 14, Lot 2 comprising approximately 8.2 acres (“RFQ/P”).

14. The RFQ/P specifically sought “well capitalized, motivated and creative partners in redevelopment who share the Borough’s vision to develop an age-targeted residential community, with both market rate and affordable for-sale units.”

15. The RFQ/P explained that the Amended Redevelopment Plan contemplated “market-rate and affordable age-targeted residential units” which could take the form of “market-rate townhomes (with affordable housing in duplexes) or market-rate condominium flats (with affordable housing as condominium flats) in mid-rise buildings, or a combination of either.”

16. The RFQ/P clarified that “submissions will be evaluated on the extent to which they meet the Borough’s need to provide a type of housing stock that will attract age-restricted or age-targeted residents.”

17. Upon information and belief, the Commissioners received nine (9) responses to the RFQ/P, including a response from Woodmont.

18. Despite the RFQ/P's emphasis on proposals for age-targeted and for-sale units, Woodmont's response proposed neither.

19. Instead, Woodmont proposed a development consisting of 120 non-age restricted rental apartments.

20. The Commissioners never publicly discussed the various responses received to the RFQ/P nor did the Commissioners conduct any meeting allowing for public questions and comments prior to voting on the same.

21. On May 13, 2024, the Commissioners voted 2-1 to designate Woodmont as the conditional redeveloper of the Residential portion of the Bancroft Property, with Mayor Colleen Bianco Bezich and Commissioner Kevin Roche voting in favor and Commissioner Frank Troy voting against.

COUNT I

22. Plaintiffs incorporate all of the foregoing paragraphs by reference as if those paragraphs were fully set forth at length herein.

23. New Jersey law establishes certain eligibility criteria for persons holding local elective office.

24. As defined by N.J.S.A. 40A:9-1.11, "local elective office" means "any office of a local unit regularly filled at an election by the voters, but does not mean any office established by the State Constitution."

25. N.J.S.A. 40A:9-1.12 requires the holder of a local elective office to be a "resident of the local unit to which the office pertains" and further explains that if that person should

“cease to be a resident of the local unit to which the office pertains” the office “shall be vacant, and shall be filled in the manner prescribed by law.”

26. The Commissioners are required to be residents of Haddonfield in order to hold the office of Commissioner.

27. Upon information and belief, Commissioner Kevin Roche ceased being a resident of Haddonfield no later than March 28, 2024.

28. Upon information and belief, Commissioner Kevin Roche was not eligible to hold the office of Commissioner on May 13, 2024.

29. Notwithstanding this situation, Commissioner Kevin Roche participated in the meeting on May 13, 2024 and voted to designate Woodmont as the conditional redeveloper of the Residential portion of the Bancroft Property.

30. The Commissioners’ actions with the participation of Commissioner Kevin Roche were ultra vires.

31. The Commissioners’ actions with the participation of Commissioner Kevin Roche were arbitrary, capricious, unreasonable and contrary to law.

WHEREFORE, plaintiffs David Huehnergath and Christopher Maynes demand the entry of judgment in their favor and against defendants Board of Commissioners of the Borough of Haddonfield and Woodmont Properties, LLC, for the following:

- (a) An Order setting aside and invalidating the resolution adopted by the Commissioners designating Woodmont as the conditional redeveloper of the Residential portion of the Bancroft Property;
- (b) An Order setting aside and invalidating any and all contractual rights or entitlements granted by the Commissioners to Woodmont; and

(c) Such other relief the Court should deem equitable and just.

COUNT II

32. Plaintiffs incorporate all of the foregoing paragraphs by reference as if those paragraphs were fully set forth at length herein.

33. The January 16, 2018 Amended Bancroft Redevelopment Plan contemplates market-rate and affordable age-targeted residential units which could take the form of “market-rate townhomes (with affordable housing in duplexes) or market-rate condominium flats (with affordable housing as condominium flats) in mid-rise buildings, or a combination of either.”

34. The RFQ/P echoed the January 16, 2018 Amended Bancroft Redevelopment Plan and emphasized that “submissions will be evaluated on the extent to which they meet the Borough’s need to provide a type of housing stock that will attract age-restricted or age-targeted residents.”

35. Despite the RFQ/P’s emphasis on proposals for age-targeted and for-sale units, Woodmont’s response proposed neither.

36. Instead, Woodmont proposed a development consisting of 120 non-age restricted rental apartments.

37. Notwithstanding this deviation, the Commissioners voted 2-1 to designate Woodmont as the conditional redeveloper of the Residential portion of the Bancroft Property.

38. The Commissioners’ actions with the participation of Commissioner Kevin Roche were arbitrary, capricious, unreasonable and contrary to law.

WHEREFORE, plaintiffs David Huehnergath and Christopher Maynes and demand the entry of judgment in their favor and against defendants Board of Commissioners of the Borough of Haddonfield and Woodmont Properties, LLC, for the following:

- (a) An Order setting aside and invalidating the resolution adopted by the Commissioners designating Woodmont as the conditional redeveloper of the Residential portion of the Bancroft Property;
- (b) An Order setting aside and invalidating any and all contractual rights or entitlements granted by the Commissioners to Woodmont; and
- (c) Such other relief the Court should deem equitable and just.

BARON & BRENNAN, P.A.
Attorneys for Plaintiffs

JEFFREY M. BRENNAN, ESQUIRE

Dated: July 8, 2024

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that Jeffrey M. Brennan, Esquire is hereby designated trial counsel for plaintiffs.

BARON & BRENNAN, P.A.
Attorneys for Plaintiffs

JEFFREY M. BRENNAN, ESQUIRE

Dated: July 8, 2024

CERTIFICATION PURSUANT TO RULE 4:5-1

I hereby certify that the matter in controversy, herein, is not the subject of any other action pending in any other Court or arbitration process. Further, I hereby certify that no other action or arbitration process is contemplated. I further certify that it is not contemplated that any other party should be joined in this action.

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

BARON & BRENNAN, P.A.
Attorneys for Plaintiffs

JEFFREY M. BRENNAN, ESQUIRE

Dated: July 8, 2024

CERTIFICATION PURSUANT TO RULE 4:69-4

I hereby certify that a transcript of the local agency proceedings in this cause has been ordered.

BARON & BRENNAN, P.A.
Attorneys for Plaintiffs

JEFFREY M. BRENNAN, ESQUIRE

Dated: July 8, 2024