

March 8, 2025

From: Christopher Maynes

To: Mayor Colleen Bianco-Bezich
Commissioner Frank Troy
Commissioner David Siedell
Solicitor Salvatore Siciliano

You are hereby notified of the following with respect to the Consent Order filed in the case of Huehnergarth and Maynes vs. Borough of Haddonfield on March 6, 2025:

1. The Consent Order requires the Borough to conduct a “de novo” review of the nine (9) Bancroft RFP responses, and that de novo review shall be based on the version of the Bancroft Redevelopment Plan which existed as of the date of the RFP’s issuance, without consideration of any subsequently adopted amendments to the Bancroft Redevelopment Plan.
2. The Consent Order further requires that the de novo review AND ultimate decision as to the RFP responses shall not incorporate any predetermined findings from its prior RFP response review and shall afford no additional weight or credibility to Woodmont’s response based on its prior selection, nor discount any of the other RFP respondents’ responses based on their prior non-selection.

Failure to conduct a bona fide de novo review could be considered Contempt per Section 2C:29-9 of the New Jersey Code of Criminal Justice, which states that a person is guilty of a crime of the fourth degree if the person purposely or knowingly disobeys a judicial order (such as the Consent Order).

The elements of Contempt include the following:

1. An Order of the Court has been entered, AND
2. The defendant knew of the existence of the Order, AND
3. The defendant purposely or knowingly disobeyed the Order.

Each of you is hereby on notice regarding #1 and #2 above. Regarding #3 above, I am fearful that you are on the path to knowingly disobeying the Consent Order, based on the fact that, as of March 7, 2024 – less than 24 hours after the Consent Order was finalized, the Borough had already placed the Resolution naming a conditional redeveloper for the Bancroft property on the agenda for the March 10th Commissioners’ Meeting. While I am not privy to the contents of that resolution, since it has not been published for public review, I don’t see how you could have already accomplished a bona fide de novo review of all nine RFP responses, and you certainly couldn’t have conducted any meaningful follow-up discussion with any of the respondents or any in-depth financial analysis of any of the responses. This leads me to believe that you may be planning a “dog-and-pony” show to satisfy the residents and the Court, by claiming that your two-hour closed session meeting on March 5, 2024, and/or your March 10, 2024, Work Session discussion constitute a bona fide de novo review – before ultimately renaming Woodmont as the conditional redeveloper out of impatience, exhaustion, fear of builders remedy or some other factor or factors apart from the RFP process at issue. I hope that my fears are misguided, but to rename Woodmont as the redeveloper would be prima facie evidence that they are not.

A bona fide de novo review of the RFP responses must include, among other things, a comparison of each of the responses’ conceptual plans to the parameters outlined in the RFP itself, which are largely based on the Bancroft Redevelopment Plan. Such a review – if done in good faith – would immediately result in the rejection of six of the nine responses – Alterra, DR Horton, Ivy Group, Petrucci, Sterling, and Woodmont – for failure to meet the Redevelopment Plan parameter specifying “market rate townhouses” or “market rate condominium flats.”

Subsequent to its now-nullified May 13, 2024, designation of Woodmont as the conditional redeveloper, the Borough amended the Bancroft Redevelopment Plan to add “market rate rental apartments” as an option. Per the Consent Order, this amendment may not be considered in the current de novo review, since it was made after May 13, 2024. **And, although, the RFP does allow for revisions to the Redevelopment Plan if requested**

by a developer due to market and/or site conditions, there is no evidence of either market or site conditions warranting such a change. As such, the six rental apartment proposals MUST BE REJECTED.

Regarding the three remaining proposals, they each fail for other reasons and must also be rejected.

The Lennar proposal violates the 300' EPA setback rule from Cooper River, and likely violates the setbacks required from the streets, given the height of the buildings (49') and the requirement that two feet of additional setback are added for each foot of height above 40'. Aside from these quantitative shortcomings, the Lennar proposal, with its monolithic, "cookie cutter" design, fails to meet the RFP's goals of "presenting pleasing architectural features given the visible location of the project, the inclusion of the Property in the Borough's historic district, and minimizing any impact on existing residential properties."

The Toll Brothers proposal, with 24 of its 84 total units abutting Kings Hwy East requiring modification of the existing berm between Kings Highway and the parcel, also fails to meet the goals of "presenting pleasing architectural features given the visible location of the project, the inclusion of the Property in the Borough's historic district, and minimizing any impact on existing residential properties."

The Scannapieco proposal, with its "impressive" 32 luxury flats in FIVE-STORY BUILDINGS WITH PARKING UNDERNEATH also fails to meet the goals of "presenting pleasing architectural features given the visible location of the project, the inclusion of the Property in the Borough's historic district, and minimizing any impact on existing residential properties." Further, its 36 mammoth 2,850 square foot multi-level townhomes hardly meet the goal of providing "age-targeted" and "affordable" housing for downsizing seniors.

Another element that is glaringly missing from this review process is a meaningful public comment period. You've been aware since February 14th that this review would be required. Yet you only published the responses days ago, on an obscure link on the Borough website, and you already have a Resolution on Monday's agenda to name the redeveloper immediately after a single public comment period, during a Work Session, only days after publishing the RFP responses for the first time ever – 18 months after receiving them.

The RFP stipulates that "The Borough reserves the right to reject any and all proposals which, in the Borough's sole judgement, is/are not in compliance with the terms of, or is/are not responsive to, the RFQ/P or any part thereof, or which is/are not deemed in the best interest of the Borough." Were you to conduct a good faith de novo review, you could only conclude that this is your only option.

Many residents have been advocating for the Borough to initiate the process to build the ten required affordable units in order to eliminate the risk of "builders remedy" and then to initiate a secondary process, with community involvement, to determine the disposition of the remainder of the property. This secondary process could include a referendum on the question of open space vs further development, and it could be done thoughtfully and deliberately, without the sword of builders remedy dangling above our heads. **It is a reasonable, logical, and most importantly, viable, path out of this situation, and it will likely garner widespread support and appreciation from a majority of Haddonfield residents.**

I hope for your sake, and for the sake of all Haddonfield residents who have been so distraught by the Borough's actions since last May, that you will come to your senses and heed the will of the people – which was so clearly conveyed in Commissioner Troy's very own focus group – and seek a solution that is in the multi-generational long-term interests of Haddonfield and its residents.

Sincerely,



Chris Maynes