

## **Post Haste, Post Waste**

*The Village Keepers expands its board, deepens its commitment.*

By Dirk Olin

You might have thought that the controversy over the misdevelopment of the Old Post Office site would have been resolved by the recent Democratic primary.

Because the only candidate for the Township Committee who supported the demolition-development scheme lost by a margin of nearly two-to-one, the Village Keepers had hoped that cooler heads might prevail now. The electorate clearly supports reconsideration of the project, and we had hoped that the agents of inertia would have chosen a non-litigious path.

Alas, no.

The TC is clearly in violation of the law (examined below). But that didn't mean a lawsuit had to proceed. Indeed, the Village Keepers sought to have the Planning Board resolve this administratively.

Unfortunately, a few weeks ago, the Planning Board (after adjourning into a closed session) voted to "decline jurisdiction" over the appeal. Why? The Board said that they lacked legal jurisdiction. That's wrong. A December 2014 ordinance specifically grants that jurisdiction.

The appeal, by the way, had simply asked for making public a site plan—still not provided—and a showing by the developer (as presumptive owner) of the "financial hardship" that they claim makes demolition necessary.

We didn't concoct these specifications. They are *required* by the

township's own master plan and ratifying ordinances (see below). We are merely asking the governing bodies to follow their own law.

If the Planning Board had followed reasonable administrative procedure, it could have saved the town a lot of time by extricating this matter from the litigation process.

They didn't.

That said, the Village Keepers are still hopeful that we can negotiate all of this without the involvement of a judge. This is acutely important for us since we are a community-funded David facing *two* Goliaths—the Township Committee *and* its handpicked, deep-pocketed developer.

To improve the chances for a pro-social outcome, the Village Keepers have launched a website ([www.villagekeeper.org](http://www.villagekeeper.org)) and vastly expanded our Board of Trustees to include a breadth of voice and a depth of domain expertise that we fervently hope will lead to a more progressive path of development.

Original board members include:

- Chairman Dirk Olin, a journalist and author with many years on the town's environmental and open space committees, in addition to leadership of local and international nonprofits;
- Dave Helmkamp, a licensed professional engineer and residential rental property investor and manager who was also among the founders of Engage Maplewood; and
- Al Kuehn, a lifelong Maplewood resident and CHS graduate

who is a mechanical engineer, the former president of an engineering and mechanical contracting firm, and a veteran member of the Environmental Advisory Committee.

Recent additions include:

- Former Mayor Fred Profeta, another CHS graduate who recently resigned his position on the Maplewood Village Alliance (see attached) to join the VK board. Fred is an appellate lawyer with a practice in Manhattan, and his other contributions to civic life in Maplewood-South Orange are too long to list;
- Beth Janson, a media and philanthropy strategist, based out of the Center for Social Innovation in New York City. She was most recently Executive Director of Tribeca Film Institute, which she helped to build over the course of 11 years. And she originated the anti-demolition petition.
- Bryan Magnus, a nine-year resident of Maplewood with many years on the town's environmental committee who is the global business manager for a New Jersey-based Fortune 100 company;
- Owen Moore, an 18-year resident, whose parents were raised in Maplewood and South Orange, and who today runs the Division of Campus Services for NYU;
- Frank McGehee, a recent arrival from Newton, Mass. (where he served on the economic development commission) who spends his daylight hours as a marketing executive for a New York software firm; and

- Steve Weber, a longtime Maplewood resident who helped reconfigure lower Manhattan as a top planner for New York City's Department of Transportation and who today provides planning services as a consultant.

We all subscribe to a basic critique of both the proposed development and the process that led to it. To the extent that we know the details (some of which, strangely, remain under wraps), we find the developer's proposed structure out of scale with the historic environs of the village. We also object to its provision of a huge developer tax break to privatize public land. On top of the lost community space, we also lament the complete absence of any consideration—much less formal study—of an environmentally responsible approach to adaptive reuse.

The legal case is even more stark.

First, no site plan has been made public. Indeed, the governing body posted a letter from King's saying that a loading issue had been resolved by moving the proposed building and by making other undisclosed changes —which, by definition, concedes that any site plan presented before that was not complete.

The citizenry deserves greater transparency as a matter of both law and good governance. What did the town give up by agreeing to move the building? What was in the space the building has now been moved into? How does that implicate any of the other costs and alleged benefits?

More problematic is that both the township's Master Plan of 2008 and a supporting ordinance passed by the Township Committee this past December mandate specific actions before any

demolition can take place.

The ordinance reads as follows:

"Demolition. In keeping with the preservation element of the Township of Maplewood's Master Plan, which recognizes the need to preserve structures of historical significance, no building within the District [the Village] shall be demolished without its owner demonstrating significant financial hardship and without having a proposed alternative for new construction (i.e., schematic plans drawn by a licensed architect or engineer) approved by the MVA Design Review Committee and the Village Alliance Board and the Planning Board with proof of project financing, i.e., lease agreements, loan agreements, mortgage commitments, etc."

It is clear from the ordinance that the showing of hardship and the economics of alternatives to demolition must be made to the Alliance DRC, the Alliance Board, *and* the Planning Board—all three. The showing has been made to none of these; in fact, the Alliance Board specifically refused to ask the town to make the showing. And, as mentioned above, the Planning Board dismissed an appeal to it from this decision, saying that it had no jurisdiction.

The Village Keepers filed a legal complaint with the greatest sadness but felt it necessary to protect the citizenry's rights. Still, we continue to hope that an agreement can be struck—soon—to revisit the misbegotten proposal.

That would lead to a proposal of greater community purpose, higher financial value, and more responsible environmental stewardship.