

August 26, 2015

Engage Maplewood
c/o Mr. John Harvey
8 Inwood Place
Maplewood, NJ 07040

TO:
Maplewood Township Committee
Mr. Joseph Forgione, JMF Properties

RE: JMF Properties application to Planning Board

To all, attached are recent communications I have had with Tom Carlson, Chair of the Maplewood Planning Board. On behalf of Engage-Maplewood and its supporters I have asked Tom for certain changes to the proposed schedule and procedures for the site plan hearing recently commenced regarding Mr. Forgione's application for his proposed building at the site of the former Maplewood Post Office.

Based on Tom's reply to me of August 25th, I am writing to request the applicant and the Township agree to certain modifications to the schedule and procedures as outlined below, presented in the order appearing in Tom's reply.

A request was made to Tom that the August 31st site plan hearing be held on September 8th, as was presumed at the beginning of the last Planning Board meeting when the date for the procedural discussion was set to September 8th. Tom indicated in his response that the Board could not reverse the August 31st date without agreement of the applicant. We believe that this proposed re-scheduling will be beneficial to the hearing proceeding as members of the community need not change vacation plans or school-year preparations so that they themselves can be present and prepared for the testimony and questioning of the applicant's witnesses.

Members of the Township Committee have over the past year stressed on numerous occasions during Township Committee meetings that the Planning Board hearing would be the time for public review of, and comment on, the proposed project. **We ask both the Committee and the applicant to support this previously stated intention of the Committee through a re-scheduling of the August 31st meeting to September 8th.**

A request was made to Tom that the applicant's witnesses be questioned by both the Board and the public immediately following each of their testimonies. This would allow the most timely cross-examination of witnesses, and allow the proceedings to benefit from testimony made sooner, rather than later. It would also allow members of the public to attend those sessions of most personal interest, and question witnesses immediately, or at the immediately following hearing date.

Tom indicated that the Board may re-address this question at the August 31st meeting. **We request that the applicant withdraw its request to have all witnesses testify prior to questioning by the public.**

A request was made of Tom that members of the public be allowed to testify at the end of each evening, on topics related to that evening's testimony. Tom indicated that this would run afoul of applicant's right and obligation to present its case in its entirety. We accept Tom's clarification on this point and understand his reasoning for not honoring this request.

A number of requests were made of Tom regarding public announcements of meeting dates and topics. Unfortunately, we found Tom's response to be focused on Board policy in general, and into the future, rather than on modifications that would improve the immediate proceedings.

To this end, we request that the Township Committee support our request to improve awareness of the site plan and procedural/hardship hearings by asking the Planning Board to avail itself of the social media outlets listed in our initial correspondence to Tom (attached below).

We further request of the applicant that an announcement be made of all intended witnesses, and that their presentations be made publicly available electronically at least one week prior to the scheduled appearance of each witness. We further welcome any other initiatives by the applicant to assure that the widest possible audience of Maplewood taxpayers and stakeholders are made aware of the hearing dates and content of meetings related to this application.

We thank you in advance for your attention to these matters. Our organization was formed 2.5 years ago for the express purpose of improving the amount and effectiveness of civic discourse on important topics within the Township of Maplewood. We have been motivated by the recognition that governmental processes, particularly in regard to public awareness, are endlessly challenging tasks that are compounded in the present by the realities of working households and the ever increasing demands of raising our children. We see all these factors as central to the vibrant and unique community that we are privileged to enjoy each day. We hope that you will address each of these requests with that context in mind.

We look forward to your response and the continuation of the subject hearings.

Sincerely, John Harvey

Founding Member, Engage Maplewood

Sincerely,

John F. Harvey

John Harvey
Founding member, Engage Maplewood

Attachments:

Copies of email exchange with Maplewood Planning Board Chair

----- Forwarded message -----

From: **Tom Carlson** <tpcarlson@comcast.net>

Date: Tue, Aug 25, 2015 at 9:42 AM

Subject: RE: Hearing for Applicant: JMF Properties

To: John Harvey <johnharveyt2p@gmail.com>

John,

Thanks for taking the time to reach out. Let me respond to your requests in the numerical sequence you posed them.

1) Meeting Schedule:

The site plan review process is now underway, having commenced with a duly submitted site plan application some weeks ago. This process is prescribed in statute, specifically the Municipal Land Use Law (MLUL) and, for this project, the Local Redevelopment and Housing Law (LRHL). At this juncture, the applicant is legally entitled to have his site plan heard in a timely manner.

Deciding to schedule a special meeting is never easy for the board, especially in late summer (and also in the November-December holiday period). However, the board has a great deal of business before it at this time, including the Village Keepers' appeal, and even more business in the pipeline over the next month or two. Indeed, we may need to schedule yet another special meeting, in September, to handle the backlog.

Notice of the August 31 meeting was formally announced at our last meeting, thus the site plan hearing will continue then. The board cannot unilaterally postpone the meeting; the applicant's agreement would be required.

2) Cross-Examination:

Admittedly, there are pros and cons to scheduling multiple witnesses before inviting cross-examination from the public. After seeing the applicant's presentation before the Village Alliance, my reaction was that the presentation before the planning board would benefit from hearing the first two witnesses back-to-back, as requested by the applicant. However, the board may revisit this matter at the start of the next session.

I must say, however, that I am surprised by your statement that, "the proposed arrangement requires members of the public to attend all meetings so as to know when a topic of interest will be addressed." I don't know any other way for an individual to become informed about the case except to attend all meetings. After all, that is how the members of the board function.

3) Testimony by the Public:

It is not possible to intersperse testimony from the public during the applicant's presentation. This would run afoul of the statutory rules for conducting the site plan hearing. The applicant is entitled, and expected, to present his entire case prior to any other parties (aka the public) presenting testimony.

4) Outreach:

Regarding meeting notices, the board complies with all legal requirements, and makes limited use of other forums. Judging from public dialog and meeting attendance, I would infer that we are performing satisfactorily in this regard. (We can always seek to improve, of course.) Regarding witnesses, the applicant is not required to identify individuals in advance. Finally, I agree that we could do a better job of providing public documents in electronic format. I have been working recently with municipal staff to advance the cause.

I hope this addresses your concerns.

Regards,

- Tom

From: John Harvey [mailto:johnharveyt2p@gmail.com]

Sent: Sunday, August 23, 2015 8:13 PM

To: tpcarlson@comcast.net

Subject: Hearing for Applicant: JMF Properties

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Tom, I hope all is well with you,

I am writing to you on behalf of Engage-Maplewood regarding the JMF Properties application that is currently before the Board. The purpose of this letter is to request modifications to the hearing schedule, and the organization of each meeting, so as to facilitate informed public input on this very critical parcel and the JMF application.

Engage-Maplewood was formed in 2013 with the goal of increasing the amount and effectiveness of discourse on important local civic matters. With the resources available, we have focused much of our efforts on the Post Office site, believing that all parts of Maplewood should be engaged in the process regarding this site.

Beginning before the first drafts of the Redevelopment Plan and following through the review of developer submissions, and most recently in the detailed evaluation of JMF's proposal and its modifications, we have attempted to share information community-wide so that individuals are better able to bring their personal views to the discourse.

During this two-year period we have made thousands of community connections(1) and worked alongside other efforts with respect to the site

We have several concerns regarding the proposed organization of the Planning Board hearing as we understand it:

1. The Board's decision to hold a special meeting August 31st to progress the site plan review represents an unreasonable hardship on community members in terms of vacation scheduling and the demands of the preparing for the new school year.

We believe that this date will result in substantially less community involvement and will also lower the quality of comments that members of the public can reasonably be expected to make. We request that instead the hearing be continued at the next regularly scheduled Planning Board meeting on September 8th, as was first agreed to early in the meeting of August 11th.

2. The applicant's request that all witnesses present before cross-examination interferes with focused consideration of each witness' area of expertise and makes informed, timely public comment much more difficult. At the August 11th meeting Mr. Norin suggested that this would reduce redundancy in questioning.

We believe such redundancy is of no consequence relative to the more relevant goals of addressing each topic at the time it is presented and with the accrued benefit of cross-examination of earlier witnesses. Moreover, the proposed arrangement requires members of the public to attend all meetings so as to know when a topic of interest will be addressed, and also to know when the public cross-examination period will actually begin.

These points notwithstanding, the current request also requires all parties (the public as well as Board members) to remember testimony for many weeks before the opportunity to question witnesses occurs. For these reasons, we request that cross-examination of each witness occur immediately after their testimony.

3. In addition to cross-examination, public testimony to the Board is also an essential part of this process. We anticipate substantial preparation by the public for this testimony, and request that it occur in as timely a manner as possible. For the pragmatic reasons outlined in item (2), we request that time be reserved at each hearing for public testimony focused on the witness presentation(s) completed that evening.

4. Engage-Maplewood has consistently reminded the Township Committee to provide detailed information to the public throughout the redevelopment planning process. Given the complexity and importance of this particular application (including the parallel hearing regarding process and financial hardship), we request that the Board assure that the public is kept informed as to all scheduled meetings and the expected content of each.

Use of the Township website, the Village Green, MaplewoodOnline, and Swap Lounge together would provide broad community awareness. Further to this goal, we request that the applicant identify all planned witnesses in advance, and make its presentations available electronically to the public.

Mayor De Luca and other TC members have stressed, on numerous occasions, that the Planning Board hearing would be an opportunity for the public to express their views on the JMF application. Engage-Maplewood, in its 2.5 year effort, has endeavored to inform and raise the level of public discourse on the topic.

For these reasons, we respectfully request that you address the concerns enumerated above before the next meeting of the Board, including bringing them to the Board as necessary.

Sincerely,

John

(Founding Member of Engage-Maplewood)

(1) In 2013-2014, 400 online contacts, 600+ petition signatures and numerous publications; in 2015, 700+ online contacts, 720 petition signatures, 500 "Village Keeper" lawn signs, a dozen weekends staffing tables on Maplewood Avenue, multiple displays of building height estimates using red balloons, the formation of the Village Keeper organization (not affiliated with Engage Maplewood).