

SPECIAL MEETING SUMMARY

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RADBURN CITIZENS' ASSOCIATION SPECIAL MEETING

Date: May 20, 2009
Time: 7:30pm
Location: Grange Hall

Number in attendance (signed in): 75 (including 7 Radburn trustees)

THIS WAS A SPECIAL MEETING TO DISCUSS THE STATUS OF DALY FIELD.

As of this May 20, Daly Field is still under "contract" but any party can terminate. On May 29, the Special Master issues report/ recommendations to Judge Harris. On June 23, Judge Harris will issue a ruling on COAH and the "builder's remedy". The ruling can override the Boro's zoning. Landmark has asked to be allowed to build 200 units (25 units more than proposed originally because of the affordable housing requirement). Judge Harris will look at all aspects presented prior to making his determination. His ruling can be appealed.

According to DEP, a "No Further Action" (NFA) letter stating that the site is clean has not been issued, however, a development project is allowed to be built on property that is not completely clean. Art Murray stated that there will be no development for at least 2 years as the remediation continues.

The Hayward tract is not owned by the Radburn Association and is not part of the "contract" with the Radburn Association. (Hayward is owned outright (i.e., fee simple) by Bergen Development, a separate entity.) Bergen Development can still seek to build a project notwithstanding a Radburn "contract" cancellation.

The Boro wants to petition the court for eminent domain to purchase only Daly Field. On Daly Field, the Boro wants to set aside approx. 3.5 acres as open space and proposes to build 40 to 70 senior citizens' housing units on the other 2 acres, including 40 affordable units. (On Hayward, approx. 92 other units are proposed.) The COAH requires affordable units to be 15% of rental units built and 20% of owned (purchased) units built. The Boro has been told that Green Acres money can not be used for the eminent domain purchase. Maureen Moriarty stated that the Boro is frustrated with Radburn and that COAH is very difficult to deal with but that the Boro is dedicated to open space and has \$4 million available in the Open Space Fund and that other money is available which can be borrowed cheaply by the Boro.

Landmark said it would talk to the Boro to discuss possible options. The Radburn Association declined to talk to the Boro. Brian Press noted that if the trustees spoke to the Boro in secret, then Landmark could possibly sue for interfering with a contract ("tortious interference") and accusing Radburn of not dealing in good faith.

Eminent domain would require a formal assessment process to determine the value of the "taking" and therefore what the Radburn Association would be paid for Daly Field (the amount could ultimately be different than the amount the "contract" stipulates).

If the Landmark "contract" goes forward, the new development would pay the yearly Radburn Fund Charge to the Radburn Association. The 200 new units would use the existing Radburn common facilities and amenities, and would conceivably generate traffic from perhaps over 400+ additional automobiles. Art Murray indicated that nothing is to be built on the Archery Plaza parcel.

The Landmark project is described by the developer as a "fourth neighborhood" designed according to the "Radburn Idea", however, this proposed "fourth neighborhood", and the previous (third?) "Hirschclau" project, do not appear to meet the criteria of the "Radburn Idea" and/or "superblock" as described by Clarence Stein, as to the scale and configuration and/or lack of internalized parks, the lack of circulation hierarchy and separation characteristics and cul-de-sac configuration, the lack of reverse plan housing, and other features of the "superblock" community unit and the "Radburn idea".

The new development would have its own additional common interest association (in addition to Radburn). Under the PREDFDA act, this new association can vote to sever ties to Radburn, at which point no further fees would be paid to Radburn and the new development would not be authorized to use the Radburn common facilities.

Art Murray indicated that since the Radburn trustees can break the contract at any time, they wish to wait and see what happens with the Boro and Judge Harris. He stated that the trustees' opinions vary with plenty of criticism of the Landmark scheme. Art said that the trustees allowed the Boro to make their proposal, but knows of no time the council has simply asked for a meeting. He said the Boro has not offered to talk. Radburn has spent approx. \$70K to date [May, 2009] on Landmark litigation. Radburn will not sue the Boro if they do the eminent domain. Art Murray encouraged everyone to contact the trustees with opinions and thoughts, but attendees repeatedly expressed frustration that their opinions were not being heard and that the trustees were unresponsive (Gina Gruber stated that she was told previously that the trustees answer to the Radburn Association and not to the residents). Art said the trustees have discussed the possibility of taking a poll.

Don Morris indicated that the Radburn Board declined the Boro's written offer to purchase Daly Field. He stated that on a Mother's day weekend the Boro gave only (6) days to take the offer. He further said that since they [the BOT] are trustees they "can be held accountable". If Radburn took the \$4 million for Daly Field, the Boro would then build the senior citizens' housing and Radburn would be out of it. Also, Landmark could cram Hayward with units "not like Radburn". The RA has asked for modification of the Landmark design. The Boro's proposal is only a "conceptual plan" with a general layout.

Additional information on the Daly Field status will be made available at the June 17 meeting.

The meeting was adjourned by Art Murray.

Respectfully submitted this 17th day of June, 2009 by,
Laurence ("Larry") Koplik
Radburn Citizens' Association Secretary