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Coalition for Responsible Development, Inc.*

PRINCETON COALITION FOR
RESPONSIBLE DEVELOPMENT, INC.

Plaintiff,

v.

MAYOR & COUNCIL OF THE
MUNICIPALITY OF PRINCETON and the
MUNICIPALITY OF PRINCETON
PLANNING BOARD,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MERCER COUNTY

DOCKET NO.:

CIVIL ACTION

**COMPLAINT IN LIEU OF
PREROGATIVE WRITS**

Plaintiff, Princeton Coalition for Responsible Development, Inc. (hereinafter “PCRD”), by way of Complaint against Defendants, the Mayor & Council of the Municipality of Princeton (hereinafter “Council”) and Defendant, Municipality of Princeton Planning Board (hereinafter “Board”) says:

NATURE OF THE ACTION

1. This action in lieu of prerogative writs challenges the Council’s July 22, 2024 improper adoption of Ordinance #2024-30, entitled “An Ordinance by the Municipality of Princeton, County Mercer, State of New Jersey, Adopting the Redevelopment Plan for the Princeton Theological Seminary Properties for the Real Properties Designated as Block 35.01,

Lots 25 and 26, and Block 36.01, Lots 15, 16 and 17" (hereinafter "Ordinance #2024-30"), a true and accurate copy of which is attached hereto as **Exhibit A.**¹

2. The Council sought to utilize its authority pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., (hereinafter "LRHL") to adopt Ordinance #2024-30, along with the redevelopment plan, prepared by Kyle McManus Associates, dated July 1, 2024, and entitled "Redevelopment Plan for the Princeton Theological Seminary Properties" for properties designated as Block 35.01, Lots 25 & 26 and Block 36.01, Lots 15, 16 and 17 (hereinafter "Redevelopment Plan"), which was included as an exhibit to Ordinance #2024-30.

3. To the extent that the Council relied on the recommendations of the Municipality of Princeton Planning Board (hereinafter "Board") to adopt Ordinance #2024-30, this action also challenges the validity of the Board's review of Ordinance #2024-30 at its July 18, 2024 meeting, wherein the Board improperly determined that Ordinance #2024-30 was consistent with the Princeton Master Plan and Reexamination Report adopted on November 30, 2023, as well as the 1996 Princeton Community Master Plan and the Reexamination Reports adopted in 2001, 2007 and 2017. The Board adopted a Resolution purportedly setting forth its findings and recommendations at its July 18, 2024 meeting, which is attached hereto as **Exhibit B.**

4. This Court has subject matter jurisdiction over Plaintiff's claims in this Complaint pursuant to Rule 4:69.

THE PARTIES

5. Plaintiff PCRD, a non-profit corporation with a registered address of 28 Hibben Road, Princeton, New Jersey, promotes responsible land development and redevelopment in the

¹ The copy of Ordinance #2024-30 attached as Exhibit A was obtained from the Municipality's website on the date of this Complaint: <https://www.princetonnj.gov/495/Ordinances>.

Municipality of Princeton (hereinafter “Municipality”). Its directors are comprised of residents of Princeton, living near the historic Princeton Theological Seminary campus, including the properties encompassed in the Redevelopment Plan.

6. Defendant Council is a duly constituted municipal corporation of the State of New Jersey, with offices located at 400 Witherspoon Street, Princeton, New Jersey 08540.

7. Defendant Board is a municipal agency created pursuant to ordinance under the authority of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., with offices located at 400 Witherspoon Street, Princeton, New Jersey 08540.

RELEVANT FACTS

8. Upon information and belief, the Regional Planning Board of Princeton was organized in January 1970 and vested with the responsibility of preparing a regional master plan for both Princeton Township (hereinafter “Township”) and Princeton Borough (hereinafter “Borough”), two individual municipal entities which eventually merged to become the municipality involved in this action.

9. On or around December 12, 1996, the Princeton Regional Planning Board adopted the Princeton Community Master Plan (hereinafter “1996 Master Plan”).

10. Although the Township and Borough did not merge until 2013, the 1996 Master Plan contained goals and objectives that applied to both municipalities.

11. On or around October 18, 2001, the Regional Planning Board of Princeton adopted the Princeton Community Master Plan Reexamination Report (hereinafter “2001 Reexamination Report”).

12. On or around October 18, 2007, the Regional Planning Board of Princeton adopted the Princeton Community Master Plan 2007 Reexamination Report (hereinafter “2007 Reexamination Report”).

13. Effective January 1, 2013, the Township and the Borough merged to create the Municipality of Princeton, and the Board was created to replace the Regional Planning Board of Princeton.

14. Shortly after its creation, the Board readopted the 1996 Master Plan.

15. Upon information and belief, the Board adopted the Princeton Community Master Plan 2017 Reexamination Report on or around November 2, 2017 (hereinafter “2017 Reexamination Report”).

16. The 2017 Reexamination Report identified the following elements of the 1996 Master Plan that had been amended and updated since the 2007 Reexamination Report: (1) 2008 Housing Element; (ii) 2009 Land Use Element; (iii) 2011 Open Space and Recreation element; (iv) 2013 Circulation Element; and (v) 2013 Historic Element.

17. In Section II, Land Use of the 2017 Reexamination Report, addressing the extent to which the problems and objectives had been reduced or increased since the 2007 Reexamination Report, it was noted that “[t]he Princeton Seminary has indicated it is evaluating options for its Tenant campus on Stockton Street, and the community will need to provide input on how and if this site should be redeveloped.”

18. In Section IV, Land Use of the 2017 Reexamination Report, recommending specific changes to the master plan or development regulations, the Board recommended that an update of the long range plans for the Princeton Theological Seminary be completed prior to any major

expansions to ensure “that any development at these institutions is compatible with surrounding neighborhoods and roadway capacity”, as it was critical to the well-being of the community.

19. On June 25, 2018, the Council adopted Resolution 18-218, directing the Board to investigate whether properties owned by the Princeton Theological Seminary, such properties being located on Stockton Street, Library Place, Edgehill Street, and Hibben Road, met the LRHL criteria for designation as a non-condemnation area in need of redevelopment.

20. Resolution 18-218 identified the parcels subject to the investigation (hereinafter “AINR Study Area”) as set forth in the chart below:

Label	Block	Lot	Address	Acreage
#1	35.01	29	4 Hibben Road	2.18
#2	35.01	26	34-36 Hibben Road	0.37
#3	35.01	25	34-36 Hibben Road	0.50
#4	36.01	17	Tenant Hall/108 Stockton Street	2.93
#5	36.01	16	100 Stockton Street	0.58
#6	36.01	15	92 Stockton Street	0.46
#7	36.02	20	35 Edgehill Street	0.20
#8	36.02	5	26 Library Place	0.37
#9	36.02	6	20 Library Place	1.52
#10	36.02	7	12 Library Place	0.65

21. During the public hearing on Resolution 18-218, a number of residents expressed their concerns regarding the redevelopment process, noting that the inclusion of historical properties in the AINR Study Area required public input and should not be rushed, and that there should be transparency under the process so that residents can be informed.

22. Specifically, one resident indicated that the parcels involved include the Adams House and 3 Steadman houses which are historical properties.

23. In response, a member of the Council advised that the adoption of Resolution 18-218 is simply the first step, and that there would be many public opportunities during the process.

24. Additionally, a representative from Princeton Theological Seminary advised that the parcels referenced by said member of the public are contiguous properties, and that the seminary guaranteed the Municipality that those homes would not be altered and that the Hibben Athletic fields would be preserved as open space.

25. On or about July 12, 2018, the Board considered the referral from the Council regarding the Princeton Theological Seminary properties and unanimously decided to appoint Looney Ricks Kiss (hereinafter “LRK”) as its consultant to assist the Board in its investigation of whether these properties should be designated as an area in need of redevelopment.

26. Thereafter, LRK prepared a preliminary investigation report, entitled “Area in Need of Redevelopment Preliminary Investigation of Princeton Theological Seminary Properties”, dated September 6, 2018 (hereinafter “Preliminary Report”).

27. The introduction of the Preliminary Report cites the 2017 Reexamination Report, referencing the fact that the properties in the AINR Study Area require community input on any future redevelopment, and also notes that if properties in the AINR Study Area are designated as in need of redevelopment, the Council will need to evaluate commencing with the preparation of a redevelopment plan **with community input** as called for in the master plan.

28. Further, in Section 3.7 of the Preliminary Report, several goals of the 1996 Master Plan are identified, including: (i) preserving the scenic quality of Princeton’s principal gateways, and where possible taking steps to enhance and protect those gateways; (ii) encouraging historic preservation through land use policies which support the preservation of historic buildings and sites; and (iii) preserving and protecting the character of established neighborhoods.

29. Importantly, Section 3.7 of the Preliminary Report identifies the directive in the 1996 Master Plan that “the Princeton Theological Seminary and the community share a unique

relationship, and that it is critical that there be an open and on-going dialogue, with the goal ‘to address major impacts in the community, such as traffic, transportation, housing, development, and environmental concerns.’ What is particularly important is the transition between the institutional use and the surrounding historic residential neighborhood.”

30. Following a public hearing held on September 27, 2018, the Board voted to recommend to the Council that the Princeton Theological Seminary properties be declared a non-condemnation area in need of redevelopment.

31. At its October 8, 2018 meeting, the Council voted to adopt Resolution 18-336, which declared the AINR Study Area identified in Resolution 18-218, and in Paragraph 20 above, as a non-condemnation redevelopment area pursuant to the LRHL (hereinafter “AINR Property”), and directed the Board to prepare a redevelopment plan for the AINR Property (the “Draft Redevelopment Plan”).

32. On or around November 1, 2018, the Board appointed an Ad Hoc Committee (the “Ad Hoc Committee”) to work on the Draft Redevelopment Plan, with LRK providing consulting planning services.

33. On or around December 6, 2018, the Board Chairperson announced that there would be neighborhood meetings in Erdman Hall about the redevelopment project on December 8, 2018 and December 10, 2018 (hereinafter “2018 Neighborhood Meetings”), and the Board then adopted a Resolution for Professional Service Agreement with LRK for planning services in connection with the preparation of the Draft Redevelopment Plan.

34. Upon information and belief, though the 2018 Neighborhood Meetings appear to have been conducted by the Ad Hoc Committee, no agendas or minutes are publicly available.

35. Upon information and belief, on or around December 17, 2018 the Council adopted three resolutions in connection with the AINR Property, specifically: (1) Resolution 18-400, authorizing a supplemental Professional Services Agreement with LRK in connection with the AINR Study Area investigation (“Resolution 18-400”); (2) Resolution 18-401, authorizing a professional services agreement with LRK to prepare a concept plan for the AINR Property; and (3) Resolution 18-402, authorizing a professional services agreement with Miller, Porter & Muller, P.C. in connection with the aforementioned concept plan.

36. Upon information and belief, the Princeton Historic Preservation Committee (“HPC”) formed a subcommittee for the proposed redevelopment of the AINR Property on or around January 14, 2019 (“HPC Subcommittee”).

37. From January 2019 to May 2019 the Ad Hoc Committee and/or the HPC Subcommittee conducted meetings regarding the proposed redevelopment of the AINR Property, which involved substantial public input and participation.

38. These efforts on the preparation of a Draft Redevelopment Plan ultimately stalled, and, upon information and belief, Herring Properties (“Herring”), a private developer, entered into a contract in or about 2021 with the Princeton Theological Seminary to purchase a portion of the AINR Property, specifically: (1) Parcel A, approximately 3.96 acres comprising Tenant Hall/108 Stockton Street, Block 36.01, Lot 17 also identified as Label #4 in the AINR Study Area, 100 Stockton Street, Block 36.01, Lot 16 also identified as Label #5 in the AINR Study Area, and 92 Stockton Street, Block 36.01, Lot 15 also identified as Label #6 in the AINR Study Area (collectively, “Parcel A”); and (2) Parcel B, approximately 0.88 acres comprising 34-36 Hibben Road, Block 35.01, Lot 26 also identified as Label #2 in the AINR Study Area and Block 35.01,

Lot 25 also identified as Label #3 in the AINR Study Area (collectively, “Parcel B”, together with Parcel A, the “TRW Property”).

39. In 2021, the Municipality sought to update the 1996 Master Plan, which culminated in the Board’s adoption of the 2023 Master Plan and Reexamination Report (hereinafter “2023 Master Plan”) on November 30, 2023, which has been challenged by PCRD and is the subject of on-going litigation captioned Princeton Coalition for Responsible Development, Inc. v. Municipality of Princeton Planning Board, et al., Docket No. MER-L-100-24.

40. Simultaneously with the Municipality’s attempts to update the 1996 Master Plan, public discussions regarding the potential redevelopment of the “Princeton Theological Seminary property” resumed.

41. Upon information and belief, on or around March 18, 2023, a roundtable discussion on “Princeton Theological Seminary property” occurred in the main meeting room of the Princeton Municipal Building at 400 Witherspoon Street, Princeton. A copy of the PowerPoint presentation prepared by the Municipality, Kyle and McManus Associates, the Municipality’s special redevelopment planner, and Greenbaum, Rowe, Smith and Davis, LLP, the Municipality’s special redevelopment counsel, is available on the Municipality’s website (the “March 2023 TRW Presentation”).

42. The March 2023 TRW Presentation specifically identifies site access and traffic, preservation of historic homes, and scale and density as site-specific and neighborhood concerns related to the proposed redevelopment of the TRW Property.

43. Upon information and belief, on or around May 6, 2023, a second community roundtable event on the proposed redevelopment of the TRW Property was held in the same location as the first roundtable event, the Princeton Municipal Building. A copy of a PowerPoint

presentation prepared by the Municipality, the Municipality's special redevelopment planner, and the Municipality's special redevelopment counsel, is available on the Municipality's website (the "May 2023 TRW Presentation").

44. The May 2023 TRW Presentation specifically identifies considerations from the first community roundtable, such as the proportion and scale of the proposed redevelopment to the rest of the area, addressing density and scale early in the process, and the need for the collaborative process.

45. Further, pursuant to the Municipal Perspective section, the Municipality opined that it was concerned about increasing its supply of affordable housing and enhancing high quality design through the use of density as an incentive.

46. Some of the next steps identified in the May 2023 TRW Presentation available on the Municipality's website include engagement with the contract purchaser of the TRW Property (Herring), a tentative September 2023 third community meeting, and a redevelopment plan to be adopted in 2023.

47. Upon information and belief, the third community "forum" on the proposed redevelopment of the TRW Property took place on October 17, 2023 in the Princeton Municipal Complex, during which an update on the redevelopment process and a concept plan prepared by the contract purchaser of the TRW Property (Herring) was presented. The presentation prepared by Paul Phillips, principal at Phillips Preiss and planning consultant for Herring, is available on the Municipality's website (the "October 2023 TRW Presentation").

48. Despite the October 2023 TRW Presentation's indication that it would build upon the community-wide priorities and responsibilities as expressed at the May 6, 2023 community roundtable, the October 2023 TRW Presentation set forth the priorities expressed by the

Municipality, such as increasing the supply of affordable housing, recognizing that the property accommodated institutional type buildings of a “distinct mass, scale and height that were part of the historic neighborhood fabric,” and acknowledging that density can effectively be used as an incentive.

49. The concept plan for the TRW Property included in the October 2023 TRW Presentation proposes a total of 238 residential units (190 market rate and 48 affordable housing units), a density of nearly 49 units per acre, a total of 262 parking spaces (221 spaces in a basement garage and 41 surface spots), and a maximum building height of 3-4 stories not to exceed 50 feet above the building eave.

50. The proposed concept plan for the TRW Property would tower over the surrounding residential uses, as a development of this scale would have a profound effect on the character of the neighborhood.

51. Nearly six (6) years after the Council first directed the Board to prepare a redevelopment plan for the AINR Property, Kyle McManus Associates prepared the Redevelopment Plan dated July 1, 2024 (hereinafter “Redevelopment Plan”) specifically for the TRW Property.

52. The below chart identifies the lots included in the AINR Property and the lots subject to the Redevelopment Plan, i.e. the TRW Property:

	Lots within Designated Redevelopment Area	Lots Subject to Redevelopment Plan
Block 35.01	Lot 25	Lot 25
	Lot 26	Lot 26
	Lot 29	--
Block 36.01	Lot 15	Lot 15
	Lot 16	Lot 16
	Lot 17	Lot 17
	Lot 20	--
Block 36.02	Lot 5	--
	Lot 6	--
	Lot 7	--

53. Prior to the adoption of Ordinance #2024-30, the TRW Property was zoned E-4B, an education use zone which reflects the historical use of the property by the Princeton Theological Seminary.

54. Permitted uses within the E-4B Zone were one-family and two-family dwellings, educational uses such as classrooms and offices, parks and playgrounds, and day care centers.

55. Conditional uses within the E-4B Zone included attached and multiple dwellings, conversion of a house built prior to 1968 to a multiple dwelling of not more than four units or a rooming house, and various educational facilities including dormitories, athletic facilities, and theaters.

56. The Redevelopment Plan permits construction of four-story buildings, with a maximum building height of 56 feet, with 238 residential units at a density of fifty (50) units per acre.

57. On July 8, 2024, the Council introduced Ordinance #2024-30, and directed the Municipal Clerk to refer Ordinance #2024-30, along with the Redevelopment Plan attached thereto as an exhibit, to the Board for its review and recommendations pursuant to the LRHL, with the expectation that such review would occur within forty-five (45) days of the referral.

58. On July 18, 2024, the Board determined that Ordinance #2024-30 was substantially consistent with the 2023 Master Plan as well as the 1996 Master Plan, 2001 Reexamination Report, 2007 Reexamination Report, and the 2017 Reexamination Report, and incorporated these recommendations into a Resolution which the Board adopted on the same date. See Exhibit B.

59. The Council considered Ordinance #2024-30 for adoption at its July 22, 2024 meeting.

60. Multiple members of the public appeared at the July 22, 2024 meeting to express their concerns and disapproval of the Redevelopment Plan.

61. At the conclusion of the July 22, 2024 meeting, despite the concerns raised by the public, the Council adopted Ordinance #2024-30.

COUNT I

THE ADOPTION OF ORDINANCE #2024-30 WAS VIOLATIVE OF LAW.

62. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs as if set forth at length herein.

63. Ordinance #2024-30 purports to be an exercise of the Council's authority pursuant to the LHRL to adopt a valid redevelopment plan.

64. N.J.S.A. 40A:12A-7 mandates certain prerequisites for a valid redevelopment plan.

65. N.J.S.A. 40A:12A-7(a)(1) requires that a redevelopment plan indicate, among other things, how the redevelopment plan relates to improved traffic and public transportation. Contrary to this section of the statute, the Redevelopment Plan does not contain any information regarding such improvements, nor any technical support such as a traffic study.

66. N.J.S.A. 40A:12A-7(c) requires the redevelopment plan to describe its relationship to pertinent municipal development regulations as defined in the Municipal Land Use Law,

N.J.S.A. 40:55D-1, et seq. Contrary to this section of the statute, the Redevelopment Plan does not describe its relationship to pertinent municipal development regulations.

67. Ordinance #2024-30 supersedes the existing development regulations of the E-4B Zone.

68. Pursuant to N.J.S.A. 40A:12A-7(c), when the redevelopment plan supersedes applicable provisions of the development regulations of the municipality, then the ordinance adopting the redevelopment plan must contain an explicit amendment to the zoning map included in the zoning ordinance.

69. Contrary to the statute, Ordinance #2024-30 does not contain an explicit amendment to the zoning district map included in the ordinance.

WHEREFORE, Plaintiff demands judgment against Defendants as follows:

- (a) Finding that the Council's actions in adopting Ordinance #2024-30 were contrary to law;
- (b) Invalidating Ordinance #2024-30 and the actions of the Council at its July 22, 2024 meeting concerning Ordinance #2024-30 as ultra vires and without effect;
- (c) For attorneys' fees, costs of suit and interest; and
- (d) For any and all such other relief as this Court deems equitable and just.

COUNT II

**ORDINANCE 2024-30 IS CONTRARY TO THE PURPOSES OF
PLANNING SET FORTH IN N.J.S.A. 40:55D-2.**

70. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs as if set forth at length herein.

71. The Redevelopment Plan permits a density of 50 du per acre, which exceeds any nearby densities. The Redevelopment Plan provides no rationale or explanation for this excessive density.

72. The scale and mass permitted by the Redevelopment Plan are not compatible with the 35 foot height restriction and 2.78 du per acre of adjoining zones.

73. There are different regulations for specific parcels in the TRW Property. The TRW Property should be one unified site and not broken down by parcels.

74. The Redevelopment Plan creates a parking setback of four (4) feet, which is inadequate for landscaping.

75. The Redevelopment Plan allows rooftop appurtenances of 18 foot above roof, without any explanation or justification.

76. The Redevelopment Plan permits an excessive height of buildings, 56 feet based on average finished grade, and does not include parking garage height.

77. As Ordinance 2024-30 is contrary to the purposes of planning set forth in N.J.S.A. 40:55D-2, adoption of this ordinance was arbitrary, capricious and unreasonable.

WHEREFORE, Plaintiff demands judgment against Defendants as follows:

- (a) Finding that the Council's actions in adopting Ordinance #2024-30 were contrary to law;
- (b) Invalidating Ordinance #2024-30 and the actions of the Council at its July 22, 2024 meeting concerning Ordinance #2024-30 as ultra vires and without effect;
- (c) Invalidating any recommendations by the Board that Ordinance #2024-30 is consistent with the 2023 Master Plan and Reexamination Report and any

predecessor Master Plan and Reexamination Report adopted for Princeton, as contained in the Resolution adopted by the Board on July 18, 2024;

(d) For attorneys' fees, costs of suit and interest; and

(e) For any and all such other relief as this Court deems equitable and just.

COUNT III

THE COUNCIL AND THE BOARD IMPROPERLY FAILED TO ACKNOWLEDGE THAT ORDINANCE #2024-30 WAS INCONSISTENT WITH THE MASTER PLAN, RENDERING ITS ADOPTION AS VIOLATIVE OF LAW.

78. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs as if set forth at length herein.

79. N.J.S.A. 40A:12A-7(d) requires that all provisions of a redevelopment plan either be "substantially consistent with the municipal master plan or designed to effectuate the master plan."

80. The 2023 Master Plan was adopted on November 30, 2023, approximately eight (8) months prior to the adoption of Ordinance #2024-30.

81. The Land Use Element of the 2023 Master Plan has no proscribed density or intensity of use for the Multifamily Residential designation encompassing the TRW Property.

82. Even though the Council had declared the TRW Property to be a non-condemnation area in need of redevelopment in 2018, the Land Use Element of the 2023 Master Plan does not discuss changing the zoning of the E-4B Zone or a portion of the E-4B Zone to the type of high-density residential use created by the Redevelopment Plan.

83. The Resolution adopted by the Board on July 18, 2024 contains an improper and inadequate cursory conclusion that the Redevelopment Plan is "substantially" consistent with the 2023 Master Plan and its predecessor Plans and Reexamination Reports, without specifically

assessing and comparing the Redevelopment Plan to the 2023 Master Plan and its predecessor Plans and Reexamination Reports.

84. The Resolution adopted by the Board on July 18, 2024 fails to constitute the necessary report required by N.J.S.A. 40A:12A-7(e).

85. The Council failed to adequately review and compare the Redevelopment Plan to the 2023 Master Plan and its predecessor Plans and Reexamination Reports prior to adoption of Ordinance #2024-30.

86. The Council did not review, deliberate or discuss the recommendations of the Board prior to its adoption of Ordinance #2024-30, contrary to the provisions of N.J.S.A. 40A:12A-7(e).

87. To the extent that the Council relied on any recommendations of the Board prior to its adoption of Ordinance #2024-30, such reliance was inappropriate based on the Board's inadequate review and comparison of the Redevelopment Plan to the 2023 Master Plan and its predecessor Plans and Reexamination Reports and creation of the report required by N.J.S.A. 40A:12A-7(e).

88. To the extent that the Board found the Redevelopment Plan to be substantially consistent with the 2023 Master Plan and its predecessor Plans and Reexamination Reports, that decision was improper, inaccurate, arbitrary, capricious and unreasonable.

89. N.J.S.A. 40A:12A-7(d) allows a municipal governing body to adopt a redevelopment plan that is inconsistent with or not designed to effectuate the master plan but, in such instances, the governing body must set forth the reasons for so acting. The Council did not set forth its reasons for adopting a redevelopment plan that is inconsistent with the 2023 Master Plan when it adopted Ordinance #2024-30.

90. The Board's recommendation of Ordinance #2024-30 as being substantially consistent with the 2023 Master Plan and its predecessor Plans and Reexamination Reports is therefore violative of law.

91. The Council's adoption of Ordinance #2024-30 is also violative of law.

WHEREFORE, Plaintiff demands judgment against Defendants as follows:

- (a) Finding that the Council's actions in adopting Ordinance #2024-30 were contrary to law;
- (b) Invalidating Ordinance #2024-30 and the actions of the Council at its July 22, 2024 meeting concerning Ordinance #2024-30 as ultra vires and without effect;
- (c) Invalidating any recommendations by the Board that Ordinance #2024-30 is consistent with the 2023 Master Plan and Reexamination Report and any predecessor Master Plan and Reexamination Report adopted for Princeton, as contained in the Resolution adopted by the Board on July 18, 2024;
- (d) For attorneys' fees, costs of suit and interest; and
- (e) For any and all such other relief as this Court deems equitable and just.

COUNT IV

ADOPTION OF ORDINANCE 2024-30 CONSTITUTES A MISUSE OF NEW JERSEY'S LOCAL REDEVELOPMENT AND HOUSING LAW.

92. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs as if set forth at length herein.

93. Typically, the LRHL is designed to reduce conditions of deterioration in housing, commercial and industrial installations, public services and facilities and other physical components of community life.

94. Redevelopment of an area of a municipality typically benefits the surrounding neighborhoods.

95. The surrounding neighborhoods will not benefit from the adoption of Ordinance #2024-30 and the Redevelopment Plan.

96. The Redevelopment Plan does not require the removal of blight because the blight has already been removed.

97. The Redevelopment Plan seeks to increase the value of the TRW Property through a more intense use of the TRW Property, improperly created by the unsupported increase in the permitted density, which is not detailed or explained in the recently adopted 2023 Master Plan.

98. Adoption of Ordinance #2024-30 and the Redevelopment Plan is violative of law and arbitrary, capricious and unreasonable.

WHEREFORE, Plaintiff demands judgment against Defendants as follows:

- (a) Invalidating Ordinance #2024-30 and the actions of the Council at its July 22, 2024 meeting concerning Ordinance #2024-30 as ultra vires and without effect;
- (b) Invalidating any recommendations by the Board that Ordinance #2024-30 is consistent with the 2023 Master Plan and Reexamination Report and any predecessor Master Plan and Reexamination Report adopted for Princeton, as contained in the Resolution adopted by the Board on July 18, 2024;
- (c) For attorneys' fees, costs of suit and interest; and
- (d) For any and all such other relief as this Court deems equitable and just.

COUNT V

**FAILURE TO ACKNOWLEDGE THE VALIDLY FILED PROTEST PETITION
PURSUANT TO N.J.S.A. 40:55D-63.**

99. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs as if set forth at length herein.

100. Pursuant to N.J.S.A. 40:55D-63, a Protest Petition was filed with the municipal clerk prior to the adoption of Ordinance #2024-30.

101. The Council's refusal to address, consider or acknowledge at the public hearing on Ordinance #2024-30 the validity of the filed Protest Petition pursuant to N.J.S.A. 40:55D-63 was arbitrary, capricious, unreasonable, and a violation of law, including Section 63 of the MLUL and the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq. (hereinafter "OPMA").

102. The Council's refusal to consider or acknowledge the Protest Petition deprived Plaintiff of its legal rights.

103. Ordinance #2024-30 is invalid, as adopted contrary to law.

WHEREFORE, Plaintiff demands judgment against Defendants as follows:

- (a) Finding that the Council's actions at the July 22, 2024 meeting concerning Ordinance #2024-30 were arbitrary, capricious, unreasonable and unlawful;
- (b) Invalidating Ordinance #2024-30 and the actions of the Council at its July 22, 2024 meeting concerning Ordinance #2024-30 as ultra vires and without effect;
- (c) For attorneys' fees, costs of suit and interest; and
- (d) For any and all such other relief as this Court deems equitable and just.

COUNT VI

**THE MUNICIPALITY FAILED TO PROVIDE ALL REQUIRED NOTICES OF
ORDINANCE #2024-30, LACKED JURISDICTION TO HOLD HEARINGS OR VOTE
ON THE ADOPTION OF ORDINANCE #2024-30, DEPRIVING PROPERTY OWNERS
OF DUE PROCESS.**

104. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs as if set forth at length herein.

105. Adoption of Ordinance #2024-30 effectuated a change to the classification or boundaries of a zoning district, as the TRW Property zoning changed from its prior E4-B zoning.

106. The Municipality was therefore required to provide notice in accordance with N.J.S.A. 40:55D-63 and N.J.S.A. 40:55D-62.1, as referenced therein.

107. Prior to its adoption of Ordinance #2024-30, the Council did not announce or demonstrate that it had provided appropriate notice in accordance with these statutes.

108. Further, the Council failed to comply with the provisions of N.J.S.A. 40:49-2 prior to adoption of Ordinance #2024-30, including but not limited to the potential attempt to substantively amend the proposed ordinance and simultaneously adopt it at the Council's July 22, 2024 meeting.

109. The adoption of Ordinance #2024-30 was invalid as the Council lacked jurisdiction to adopt the ordinance and the authority to adopt the ordinance and deprived property owners of their due process rights.

WHEREFORE, Plaintiff demands judgment against Defendants as follows:

- (a) Finding that the Council's actions at the July 22, 2024 meeting concerning Ordinance #2024-30 were arbitrary, capricious, unreasonable and unlawful;
- (b) Invalidating Ordinance #2024-30 and the actions of the Council at its July 22, 2024 meeting concerning Ordinance #2024-30 as ultra vires and without effect;

- (c) For attorneys' fees, costs of suit and interest; and
- (d) For any and all such other relief as this Court deems equitable and just.

COUNT VII

THE COUNCIL'S IMPROPER PROCEDURE AND LACK OF SUBSTANTIVE INVESTIGATION AND DISCUSSION IN THE ADOPTION OF ORDINANCE #2024-30 CONSTITUTES AN ILLEGAL GOVERNMENTAL ACTION.

110. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs as if set forth at length herein.

111. Prior to its adoption of Ordinance #2024-30, the Council did not properly discuss, consider or attempt to reconcile the changes to municipal development regulations on the TRW Property effectuated by the adoption of the Redevelopment Plan to the 2023 Master Plan or its predecessor Plans and Reexamination Reports or to the surrounding properties or the properties owned by members of the Plaintiff.

112. Failure to properly discuss, consider or attempt to reconcile these changes constitutes an illegal governmental action.

113. Accordingly, the adoption of Ordinance #2024-30 is violative of law and is arbitrary, capricious and unreasonable.

WHEREFORE, Plaintiff demands judgment against Defendants as follows:

- (a) Finding that the Council's actions at the July 22, 2024 meeting concerning Ordinance #2024-30 were arbitrary, capricious, unreasonable and unlawful;
- (b) Invalidating Ordinance #2024-30 and the actions of the Council at its July 22, 2024 meeting concerning Ordinance #2024-30 as ultra vires and without effect;
- (c) For attorneys' fees, costs of suit and interest; and
- (d) For any and all such other relief as this Court deems equitable and just.

COUNT VIII

FAILURE TO COMPLY WITH N.J.S.A. 40:55D-26 AND N.J.S.A. 40A:12A-7

114. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs as if set forth at length herein.

115. The Council's failure to review, consider and discuss at the public hearing on Ordinance #2024-30 the Board Resolution pursuant to N.J.S.A. 40:55D-26 and N.J.S.A. 40A:12A-7 was arbitrary, capricious, unreasonable, and a violation of law, including the MLUL, the LRHL and the OPMA.

116. The Council's refusal to review and consider the Board's Resolution at the public hearing on Ordinance #2024-30 was improper and deprived Plaintiff of its legal rights.

117. As the Board's Resolution was invalid as a matter of law, the Council's adoption of Ordinance #2024-30 was invalid and contrary to law.

WHEREFORE, Plaintiff demands judgment against Defendants as follows:

- (a) Finding that the Council's actions at the July 22, 2024 meeting concerning Ordinance #2024-30 where arbitrary, capricious, unreasonable and unlawful;
- (b) Invalidating Ordinance #2024-30 and the actions of the Council at its July 22, 2024 meeting concerning Ordinance #2024-30 as ultra vires and without effect;
- (c) For attorneys' fees, costs of suit and interest; and
- (d) For any and all such other relief as this Court deems equitable and just.

COUNT IX

THE ADOPTION OF ORDINANCE #2024-30 DEPRIVES PLAINTIFF AND ITS MEMBERS THEIR CONSTITUTIONALLY PROTECTED PROPERTY RIGHTS PURSUANT TO THE NEW JERSEY CONSTITUTION, N.J.S.A. 10:6-1, ET SEQ.

118. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs as if set forth at length herein.

119. All actions taken by the Board and the Council were done under color of law.

120. The actions taken by the Board and the Township caused the deprivation of Plaintiff's due process rights by denying Plaintiff its Constitutionally-protected due process rights to a fair and unbiased hearing.

121. Plaintiff's due process rights were established and well-settled at the time of the deprivation caused by the actions of the Board and the Council.

122. The arbitrary and predetermined findings of the Council and the Board deprived Plaintiff of its Constitutionally-guaranteed right to due process and a fair hearing.

123. Statements made by certain Council members during the July 22, 2024 made it clear that they had pre-judged their determination regarding Ordinance #2024-30 and the Redevelopment Plan.

124. The Council refused to consider in an unbiased and fair manner evidence and legal arguments regarding the Protest Petition and detrimental issues associated with the adoption of Ordinance #2024-30 and the Redevelopment Plan.

125. The Council knew or should have known that it was denying Plaintiff its right to publicly comment, in violation of the OPMA and N.J.S.A. 40:49-2.

126. The Council manipulated the public process and vote on Ordinance #2024-30 in violation of law.

127. The Council failed to act in good faith.

128. All attempts to obtain a fair hearing by Plaintiff were futile due to the predetermined actions and decisions by the Board and the Council.

129. The procedures, actions, and decisions of the Board and the Council which deprived Plaintiff of its due process rights demonstrate egregious government misconduct that shocks the conscience.

130. The procedures, actions, and decisions of the Board and the Council resulting in the deprivation of Plaintiff's rights were arbitrary, capricious, unreasonable and a manifest abuse of power.

131. The actions of the Board and the Council constitute final decisions by the respective municipal bodies.

132. Plaintiff reasonably expected to have the Defendants and their officials, employees and agents, as government officials, exercise their duty to properly act to protect Plaintiff's constitutional due process, equal protection and property rights.

133. The actions of the Defendants and their officials, officers, employees, and agents, regarding Ordinance #2024-30, were not logically or legally supportable, were arbitrary, capricious and unreasonable, were an abuse of discretion, and constitute a denial of the property and liberty rights of the Plaintiff under color of State law and in violation of the Constitution of New Jersey and the New Jersey Civil Rights Act, N.J.S.A. 10:6-1 et seq. (hereinafter "NJCRA").

134. Having acted without lawful warrant under color of state laws to deprive Plaintiff of its constitutional rights, the Defendants are liable to Plaintiff under the NJCRA and the New Jersey Constitution.

135. Plaintiff was deprived of its rights to due process and equal protection, and was denied its right to fair and unbiased proceedings by the Board's and the Council's actions in furtherance of their illegal campaign to adopt Ordinance #2024-30.

136. Said actions of Defendants rendered the Board's and the Council's findings as to Ordinance #2024-30 and any other ordinances adopted in furtherance of same, as invalid, arbitrary, capricious, and contrary to law.

137. Plaintiff is without alternative relief, administrative or otherwise, and therefore resorts to intervention by the Court.

WHEREFORE, Plaintiff demands judgment against Defendants as follows:

- (a) Finding that Defendants' actions resulted in an intentional deprivation of Plaintiff's rights;
- (b) Invalidating the actions of the Board at its July 18, 2024 meeting;
- (c) Invalidating the actions of the Council at its July 22, 2024 meeting as to Ordinance #2024-30 as ultra vires and without effect;
- (d) Invalidating Ordinance #2024-30;
- (e) Damages pursuant to N.J.S.A. 10:6-1, et seq.;
- (f) For reasonable attorney's fees and expert fees pursuant to N.J.S.A. 10:6-2(f);
- (g) For attorneys' fees, costs of suit and interest;
- (h) For any and all such other relief as this Court deems equitable and just.

COUNT X

**THE COUNCIL SHOULD BE ESTOPPED FROM ADOPTING THE
REDEVELOPMENT PLAN.**

138. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs as if set forth at length herein.

139. By letter dated October 22, 2021, Francis X. Regan, Esq., acting as Special Redevelopment Counsel for the Municipality of Princeton, acknowledged that members of the Plaintiff had been regularly contacting Council members and municipal staff to learn more about the anticipated Redevelopment Plan. A true copy of this letter is attached hereto as **Exhibit C**.

140. This letter advised that the Municipality had not taken any official action regarding the property other than declaring the area in need of redevelopment in 2018. See Exhibit C.

141. This letter states: “The purpose of this letter is to advise all of you that Princeton has determined that any redevelopment of the Property must be the result of a collaborative effort between the Contract Purchaser, the Coalition, the neighborhood, and the Property Owner as appropriate.” See Exhibit C.

142. As represented in this letter, Plaintiff reasonably anticipated that its members would be included in a redevelopment process for the Property prior to the adoption of any redevelopment plan.

143. As represented in this letter, Plaintiff reasonably anticipated that such inclusive redevelopment process would be designed and announced by the Council in early 2022.

144. Plaintiff relied on these representations and did not aggressively pursue opposition to any potential redevelopment project.

145. Contrary to these representations, the Redevelopment Plan approved by the adoption of Ordinance #2024-30 was created without Plaintiff’s inclusion and with minimal input from the community.

146. Development of the TRW Property according to the adopted Redevelopment Plan will result in decreased property values and loss of community character, directly harming the Plaintiff.

147. Adoption of the Redevelopment Plan has caused an erosion of trust between the Plaintiff members and the local government of the Municipality.

148. Plaintiff members detrimentally relied on the representations made in the October 22, 2021 letter and made personal and financial decisions which they would not have otherwise made without those representations.

149. Exclusion of the Plaintiff from the process to develop the adopted Redevelopment Plan has resulted in a missed opportunity to create a redevelopment plan with enhanced public spaces, better integration of new and old structures, and a more cohesive community.

WHEREFORE, Plaintiff demands judgment against Defendants as follows:

- (a) Finding that Defendants' actions resulted in an intentional deprivation of Plaintiff's rights;
- (b) Invalidating the actions of the Board at its July 18, 2024 meeting;
- (c) Invalidating the actions of the Council at its July 22, 2024 meeting as to Ordinance #2024-30 as ultra vires and without effect;
- (d) Invalidating Ordinance #2024-30;
- (e) For attorneys' fees, costs of suit and interest;
- (f) For any and all such other relief as this Court deems equitable and just.

HEROLD LAW, P.A.
 Attorneys for Plaintiff,
 Princeton Coalition for Responsible
 Development, Inc.

By: 

Robert F. Simon

Dated: September 5, 2024

DESIGNATION OF TRIAL COUNSEL PURSUANT TO R. 4:5-1(c) and R. 4:25-4

In accordance with R. 4:5-1(c) and R. 4:25-4, Robert F. Simon, Esq. of Herold Law, P.A. is hereby designated as trial counsel for Plaintiff, Princeton Coalition for Responsible Development, Inc.

HEROLD LAW, P.A.
Attorneys for Plaintiff,
Princeton Coalition for Responsible
Development, Inc.

By: 

Robert F. Simon

Dated: September 5, 2024

CERTIFICATION OF TRANSCRIPTS

Pursuant to R. 4:69-4, I hereby certify that I have ordered the transcripts of all relevant hearings, and that same shall be supplied to the Court within the time period required under said Rule.

HEROLD LAW, P.A.
Attorneys for Plaintiff,
Princeton Coalition for Responsible
Development, Inc.

By: 

Robert F. Simon

Dated: September 5, 2024

CERTIFICATIONS PURSUANT TO RULE 4:5-1(b)(2) AND -1(b)(3)

In accordance with R. 4:5-1(b)(2), I certify that the matter in controversy is not the subject of any other action or arbitration proceeding now pending in any Court or of any pending arbitration proceeding, except: Princeton Coalition for Responsible Development, Inc. v. Municipality of Princeton Planning Board and Mayor & Council of the Municipality of Princeton, Docket No. MER-L-000100-24. I certify that at this time no other parties should be joined in the action.

In accordance with R. 4:5-1(b)(2) and -1(b)(3), I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b). I certify that all of the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

HEROLD LAW, P.A.
Attorneys for Plaintiff,
Princeton Coalition for Responsible
Development, Inc.

By: 
Robert F. Simon

Dated: September 5, 2024

EXHIBIT “A”

ORDINANCE #2024-30

AN ORDINANCE BY THE MUNICIPALITY OF PRINCETON, COUNTY MERCER, STATE OF NEW JERSEY, ADOPTING THE REDEVELOPMENT PLAN FOR THE PRINCETON THEOLOGICAL SEMINARY PROPERTIES FOR THE REAL PROPERTIES DESIGNATED AS BLOCK 35.01, LOTS 25 AND 26, AND BLOCK 36.01, LOTS 15, 16 AND 17

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*, as amended and supplemented (the “**Redevelopment Law**”), provides a process for municipalities to participate in the redevelopment and improvement of areas designated as being in need of redevelopment; and

WHEREAS, on June 25, 2018, the Mayor and Council of the Municipality of Princeton (the “**Governing Body**”) approved Resolution No. 18-218 to direct the Planning Board for the Municipality of Princeton (the “**Planning Board**”) to undertake a preliminary investigation to determine whether the properties identified as Block 35.01, Lots 25, 26 and 29, Block 36.01, Lots 15, 16, 17 and 20, and Block 36.02, Lots 5, 6 and 7 (collectively referred to as the “**Redevelopment Study Area**”) qualify as a “non-condemnation” area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, on September 27, 2018, the Planning Board conducted a duly-noticed public hearing, pursuant to *N.J.S.A. 40A:12A-6*, to consider whether the Redevelopment Study Area qualifies as a “non-condemnation” area in need of redevelopment pursuant to the Redevelopment Law (the “**Planning Board Investigation Hearing**”); and

WHEREAS, after the Planning Board Investigation Hearing, the Planning Board determined that the Redevelopment Study Area met the criteria for designation as an area in need

of redevelopment and recommended that the Governing Body designate the Redevelopment Study Area as an area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, on October 8, 2018, the Governing Body accepted the recommendation of the Planning Board and approved Resolution No. 18-336 to designate the Redevelopment Study Area as a “non-condemnation” redevelopment area; and

WHEREAS, Kyle McManus Associates prepared a redevelopment plan, dated July 1, 2024, entitled Redevelopment Plan for the Princeton Theological Seminary Properties, for the real properties within the Redevelopment Study Area designated as Block 35.01, Lots 25, 26 and Block 36.01, Lots 15, 16 and 17 (the “**Redevelopment Plan**”); and

WHEREAS, the Governing Body has determined it to be in the best interest of the Municipality of Princeton (the “**Municipality**”) to adopt the Redevelopment Plan; and

WHEREAS, the Governing Body has directed the Municipal Clerk, immediately following the introduction of this Ordinance, to refer this Ordinance and the Redevelopment Plan to the Planning Board for its review and recommendations pursuant to the Redevelopment Law, which review shall take place within forty-five (45) days of the referral.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton, as follows:

SECTION 1: The above recitals are incorporated into this section of the Ordinance as if specifically set forth at length herein.

SECTION 2: That the redevelopment plan, dated July 1, 2024, entitled Redevelopment Plan for the Princeton Theological Seminary Properties, a copy of which is attached to this Ordinance as Exhibit A, is hereby adopted in its entirety, and referred to the Planning Board for review and recommendations pursuant to the Redevelopment Law.

SECTION 3: If any section, subsection, paragraph, sentence or any part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 4: All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5: This ordinance shall take effect after final passage and publication as prescribed by law.

ATTEST:

Rayna E. Harris, Municipal Clerk

Mark Freda, Mayor

Ordinance Introduced: July 8, 2024
Referral to Planning Board: July 9, 2024
Ordinance Adopted: July 22, 2024

NEWSPAPER PUBLICATIONS:

First Insertion: July 12, 2024
Final Insertion: July 26, 2024

Exhibit A

Redevelopment Plan for the Princeton Theological Seminary Properties

EXHIBIT “B”

RESOLUTION

RESOLUTION OF THE PRINCETON PLANNING BOARD MERCER COUNTY, NEW JERSEY

RESOLUTION REGARDING CONSISTENCY OF PROPOSED ORDINANCE #2024 -30 WITH MASTER PLAN

WHEREAS, on July 8, 2024, the Mayor and Council of the Municipality of Princeton referred proposed Ordinance #2024-30 and a redevelopment plan, dated July 1, 2024, entitled Redevelopment Plan for the Princeton Theological Seminary Properties, for the real properties within the Redevelopment Study Area designated as Block 35.01, Lots 25, 26 and Block 36.01, Lots 15, 16 and 17 (the “Redevelopment Plan”) for its review and recommendation by this Planning Board pursuant to the Redevelopment Law, within 45 days of the referral; and

WHEREAS, N.J.S.A. 40A:12A-7(d) of the Redevelopment Law requires a planning board to determine whether all provisions of the redevelopment plan are either substantially consistent with the municipal master plan or are designed to effectuate the master plan; and

WHEREAS, N.J.S.A. 40A:12A-7 (e) of the Redevelopment Law provides that the planning board shall transmit its report to the governing body containing its recommendations concerning the redevelopment plan, which shall include an identification of any provisions of the proposed redevelopment plan which are inconsistent with the master plan, any recommendation concerning any inconsistencies and any other matters the board deems appropriate; and

WHEREAS, the Princeton Planning Board has reviewed the aforesaid Ordinance and Redevelopment Plan and considered the matter at the public meeting held by the Board on July 18, 2024.

BE IT RESOLVED:

- 1) That proposed Ordinance #2024-30 and the Redevelopment Plan is substantially consistent with the Princeton Master Plan and Reexamination Report adopted on November 30, 2023 as well as the 1996 Princeton Community Master Plan and the Reexamination Reports adopted in 2001, 2007 and 2017.
- 2) That the Planning Board makes the following recommendations to the Mayor and Council of the Municipality of Princeton regarding the implementation of Ordinance #2024-30 and the Redevelopment Plan:

- a. The Council is encouraged to pay keen attention to preserving as many healthy mature trees on site as possible, including beyond street trees and beyond buffer areas, and that replacement trees be majority native species that will grow large at maturity and add to the tree canopy.
- b. The Council is encouraged to be especially mindful of grading plans, such that there is as little re-grading as possible.

3) That this Resolution be submitted to the Municipal Clerk promptly after adoption.

BE IT FURTHER RESOLVED, that this resolution shall be effective immediately.

CERTIFICATION

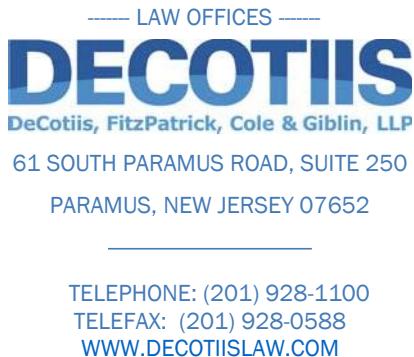
Certified to be a True Copy of a Resolution adopted on July 18, 2024 by the Princeton Planning Board at a duly convened meeting thereof.

DATE: July 19, 2024



Kerry A. Philip
Kerry A. Philip, Secretary

EXHIBIT “C”



October 22, 2021

VIA EMAIL AND REGULAR MAIL

Brad Middlekauff
Princeton Coalition for Responsible Development
28 Hibben Road
Princeton, New Jersey 08540

M. James Maley, Jr., Esq.
Maley Givens P.C.
1150 Haddon Avenue, Suite 210
Collingswood, New Jersey 08108

Jamie P. Herring
Herring Properties
281 Witherspoon Street, Suite 105
Princeton, NJ 08540

Richard S. Goldman, Esq.
FaegreDrinker
105 College Road East
P.O. Box 627
Princeton, New Jersey 08542-0627

RE: Princeton Theological Seminary Redevelopment Area (the “Property”)

Dear Gentlemen:

This firm represents the Municipality of Princeton (“Princeton”) as special redevelopment counsel. I’m writing with regards to the Princeton Theological Seminary Redevelopment Area.

Jamie Herring of Herring Properties, the contract purchaser for the Property (“Contract Purchaser”) recently met with Princeton municipal staff to discuss the potential redevelopment of the Property. Additionally, Princeton Coalition for Responsible Development (the “Coalition”) and its representatives have been regularly contacting Princeton Council members and municipal staff inquiring about the redevelopment of the Property.

To date, Princeton has not taken any official action with regard to the Property other than designating same as an area in need of redevelopment in 2018. A process was undertaken after such designation in conjunction with the Property owner, Princeton, and the neighborhood, to develop a plan for the redevelopment of the Property. No consensus among the interested parties was reached, and a redevelopment plan was not passed.

The purpose of this letter is to advise all of you that Princeton has determined that any redevelopment of the Property must be the result of a collaborative effort between the Contract Purchaser, the Coalition, the neighborhood, and the Property Owner as appropriate.

Princeton recognizes that the Coalition has concerns regarding the redevelopment of the Property. Princeton believes that those with immediate and direct interest in the redevelopment of the Property, including the Contract Purchaser, the Coalition, and other impacted neighbors, should work together to achieve a mutually acceptable plan.

Princeton is currently exploring possibilities for an inclusive and effective redevelopment process for the Property and will communicate next steps with all parties, including the Coalition and Contract Purchaser, once this has been determined. Please note that, at present, Princeton is focused on completing the final obligations necessary to meet its court-ordered affordable housing settlement, along with other time sensitive municipal priorities.

Princeton does not envision convening a formal process in 2021 but will discuss possible timing in the context of the annual council goal-setting in early 2022. Princeton urges all interested parties to make use of this time to engage in a productive dialogue.

Very truly yours,
DeCotiis, FitzPatrick, Cole & Giblin, LLP

By: /s/FRANCIS X. REGAN
Francis X. Regan

cc: Mayor and Municipal Council, Princeton
Bernard Hvocdovic, Jr., Administrator
Michael LaPlace, PP, Planning Director
Deanna Stockton, PE, Municipal Engineer
James Purcell, PE, Land Use Engineer
Derek Bridger, Zoning Officer
Trishka Cecil, Esq.
Kevin Van Hise, Esq.

Civil Case Information Statement

Case Details: MERCER | Civil Part Docket# L-001764-24

Case Caption: PCRD, INC. VS MAYOR & COUNCIL OF P RINCETON

Case Initiation Date: 09/05/2024

Attorney Name: ROBERT F SIMON

Firm Name: HEROLD LAW PA

Address: 25 INDEPENDENCE BLVD

WARREN NJ 070596747

Phone: 9086471022

Name of Party: PLAINTIFF : PCRD, Inc.

Name of Defendant's Primary Insurance Company

(if known): Unknown

Case Type: ACTIONS IN LIEU OF PREROGATIVE WRITS

Document Type: Complaint

Jury Demand: NONE

Is this a professional malpractice case? NO

Related cases pending: YES

If yes, list docket numbers: MER-L-000100-24

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Does this case involve claims related to COVID-19? NO

Are sexual abuse claims alleged by: PCRD, Inc.? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? YES

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO Medical Debt Claim? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

09/05/2024

Dated

/s/ ROBERT F SIMON

Signed

