

Malamut & Associates LLC

ATTORNEYS AT LAW

May 15, 2020

VIA eCourts only

The Honorable Thomas Miller, J.S.C.
Superior Court of New Jersey
P.O. Box 3000
Somerville, New Jersey 08876

Re: In the Matter of the Application of the City of
Lambertville
Docket No.: HNT-L-311-15

Dear Judge Miller:

As the Court is aware, we represent the City of Lambertville with regard to the above-captioned matter. Consistent with Your Honor's offer during the May 12, 2020 combined fairness and compliance hearing, please accept this correspondence as the City's summation for Your Honor's review and consideration prior to rendering a decision in this matter. For convenience of the Court, we have limited our submission to points that we believed needed to be amplified following objectors' comments during the public portion of the hearing, which mainly revolve around the redevelopment of the City's Police Headquarters Building.

In that regard, enclosed, please find a May 15, 2020 report from Suburban Consulting Engineers, Inc., the City's Engineer, wherein it concludes that based upon the most recent geotechnical investigation on the Police Headquarters Building, "the site is most definitely developable, the development design will simply need to anticipate a method of addressing the fill compaction issue." (See "Exhibit A") We submit that this site remains developable, within the COAH standards. Indeed, as part of any redevelopment of the site, the City would comply with the appropriate remediation standards, which is consistent with what has been testified to by the City's Planner during the May 12, 2020 hearing.

Cherry Hill Office

457 Haddonfield Road, Suite 500
Cherry Hill, New Jersey 08002

Princeton Office

100 Overlook Center, 2nd Floor
Princeton, New Jersey 08540

Hoboken Office

221 River Street, 9th Floor
Hoboken, New Jersey 07030

ph 856 424 1808 | toll free 877 567 5293 | fax 856 424 2032 | fax (wc) 856 295 4888 | fax (gov) 856 486 5966

www.MalamutLaw.com

In addition, several comments were made related to the location of the Police Headquarters building, and it remains our position that this site is appropriate for residential housing, in part due to its proximity to the City's blossoming northerly commercial district. Moreover, it is undisputed The City intends to fully comply with the State and Federal guidelines pertaining to domestic abuse when the police department is temporarily displaced by the Police Site Redevelopment. Arrangements will be made so that there is no lag in response times, particularly as it relates to the reporting of domestic violence matters. Lt. Brown, of the City's police department, will work in conjunction with other professionals to ensure that the temporary transition is as seamless as possible and comports with all requirements of the law. (See May 15, 2020 report of Emily R. Goldman, PP, AICP attached hereto as "Exhibit B" for further details.)

We request that Your Honor find that the City's amended settlement agreement with the Fair Share Housing Center is fair and reasonable for the low and moderate income families residing in the City of Lambertville.

Thank you for your consideration.

Respectfully submitted,

/s/Kelly A. Grant

Kelly A. Grant

Enclosure

cc: Court Master (via email)
Adam Gordon, Esq. (via eCourts)
William Caldwell, Esq. (via email)
Objectors (via email)
Posted on City's website

EXHIBIT A



SUBURBAN CONSULTING ENGINEERS, INC.

May 15, 2020

Via Electronic Mail (administrator@lambertvillenj.org)

Mr. Alex Torpey
 City Business Administrator
 City of Lambertville
 18 York Street
 Lambertville, NJ 08530

Re.: City of Lambertville, County of Hunterdon, State of New Jersey
 Review of 2014 Geotechnical Report for Police Headquarters
 Our File No.: SCE-R09786.Y20

Alex,

SUBURBAN CONSULTING ENGINEERS, INC. (SCE) is in receipt of the document entitled "*Report of Geotechnical Investigation, Existing Lambertville Police Headquarters Building*" prepared by Earth Engineering Incorporated and dated January 22, 2014. Upon your request I have thoroughly reviewed the referenced report with respect to the current plan to redevelop this site.


Based on the geotechnical report at some time in the past the site was filled, but the fill was not compacted properly and is resulting in settlement of the existing building. The report goes on to outline several common methods that could be utilized to allay the settlement.

The site is most definitely developable, the development design will simply need to anticipate a method of addressing the fill compaction issue. With a completely open site the City is also afforded additional options not feasible for the existing structure, such as simply removing/replacing the fill if it is not adequate or compacting the fill in place if it is a suitable material. The deep foundation methods mentioned in the 2014 report could also be implemented in the building design for the proposed development.

Remediation of the fill issue is easily accomplished; the remediation method is a matter of evaluating the benefit-cost ratios of several options that will be recommended in a new geotechnical report that would have to be completed specific to the scope of the development proposed.

If you have any questions or require additional information regarding this matter, please do not hesitate to contact our office.

Very truly yours,
SUBURBAN CONSULTING ENGINEERS, INC.


 David C. Battaglia, PE, CME, CFM
 City Engineer

DCB/dcb

cc: Mayor Julia Fahl
 Planner Emily Goldman
 Attorney Kelly Grant


EXHIBIT B



MEMORANDUM

Clarke Caton Hintz
 Architecture
 Planning
 Landscape Architecture

To: Kelly Grant, Esq.

From: Emily R. Goldman, PP, AICP 

Re: Additional Summations on behalf of the City of Lambertville

Date: May 15, 2020

100 Barrack Street
 Trenton NJ 08608
 clarkecatonhintz.com
 Tel: 609 883 8383
 Fax: 609 883 4044

On behalf of the City, Clarke Caton Hintz ("CCH") would like to add the following additional information to the record in response to some of the objectors' concerns raised in both their letters and during the Fairness and Compliance Hearing that took place on May 12, 2020 at 2:00 PM:

1. Domestic Abuse Concerns

The City intends to fully comply with the State and Federal guidelines pertaining to domestic abuse when the police department is temporarily displaced by the Police Site Redevelopment. Arrangements will be made so that there is no lag in response times, particularly as it relates to the reporting of domestic violence matters. Lt. Brown, of the City's police department, will work in conjunction with other professionals to ensure that the temporary transition is as seamless as possible and comports with all requirements of the law.

As I testified to during the hearing, the administrative functions, such as locker rooms and a holding cell, of the police are intended to be temporarily relocated to West Amwell while the day to day operations are anticipated to be located within the Lambertville Emergency and Rescue Squad located, which is located in the City. The City is also evaluating if a temporary office can be established within City Hall during this time. All finalized plans will be made available to the public so that the residents are aware of any changes.

2. Location of the Police Site Redevelopment

The proposed Police Site Redevelopment is located adjacent to the City's blossoming northerly commercial district. One of the City's goals with this redevelopment project is to provide more foot traffic to support this growing business district. This business district contains the newly opened Basil Bandwagon food market, a pharmacy, Homestead Farm Market, three restaurants, a café, bagel shop, ice cream

Philip Caton, FAICP
 John Hatch, FAIA
 George Hibbs, AIA
 Brian Slauch, AICP
 Michael Sullivan, AICP

Emeriti

John Clarke, FAIA
 Carl Hintz, AICP, ASLA



Clarke Caton Hintz

parlor, and more. Moreover, being only 1.1 square miles, the entire City of Lambertville, especially in the flat downtown section, is a walkable community.

3. Alleged Contamination at the Police Site Redevelopment

There is no evidence that contamination exists on the Police Redevelopment Site. The New Jersey Department of Environmental Protection does not include this site in its "Known Contaminated Sites" list nor has it identified a Deed Notice or a Groundwater Classification Area on the site.

As testified, at a minimum, a Phase I Environmental Assessment shall be required to determine if there are any Areas of Concern (AOCs) on the site. If AOCs are identified, the next step is to have a Phase II Environmental Assessment completed. Ultimately, if the various studies indicate that contamination is present, the site will have to be remediated under the direction of a Licensed Site Remediation Professional pursuant to the applicable New Jersey Department of Environmental Protection Standards.

We have included a supplemental response from the City's Engineer in response to the objections related to the alleged soil composition.

4. Public Participation Process

A number of objectors have raised concern about not being part of the process to identify the sites included within the Settlement Agreement. Understanding that the Settlement Agreement is the result of ongoing litigation and is negotiated through confidential discussions, the City did not and could not discuss the potential sites identified within the Settlement Agreement with the public prior to the execution of the Agreement.

With that said, the City received special disposition from Fair Share Housing Center and the Court Master to discuss the new projects identified within the Amended Settlement Agreement days before the Council took formal action on approving the Amended Settlement Agreement. Since then, the City has discussed these projects publicly and/or allowed for lengthy public questions at the following meetings:

Date	Body Meeting	Purpose
January 31, 2020	City Council	State of the City
February 1, 2020	City Council	Community Development Fair covering topics related to City



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		finances, affordable housing, redevelopment, historic preservation, economic development, flood mitigation, sustainability, parking and traffic, and community development
February 4, 2020	City Council	Approval the Amended Settlement Agreement
February 10, 2020	City Council	Community Development Fair Light covering topics related to City finances, affordable housing, and community development
February 20, 2020	City Council	<ul style="list-style-type: none"> • Public Discussion regarding Community Development Projects, including the Police Site Redevelopment • Introduction of the Amended Lambertville High School Redevelopment Plan
March 4, 2020	Planning Board	<ul style="list-style-type: none"> • Adoption of the Amended Housing Element and Fair Share Plan • Review of the Amended Lambertville High School Redevelopment Plan for consistency with the Master Plan
March 11, 2020	City Council	Public discussion regarding Community Development projects, including the Police Site Redevelopment
April 23, 2020	City Council	<ul style="list-style-type: none"> • Discussion on Amended Housing Element and Fair Share Plan • Adoption of the Amended Lambertville High School Redevelopment Plan • Introduction of Bond Ordinances to fund Affordable Housing and Community Development work
May 7, 2020	N/A	Affordable Housing Teach-In



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Additionally, the City has created two separate web pages with all of the information it has related to these projects to provide the public with as much information as feasible. Links to the web pages are:

- Community Development web page:
<https://www.lambertvillenj.org/communitydevelopment>
- Affordable Housing web page:
<https://www.lambertvillenj.org/affordablehousing>

Lastly, as testified, the City is creating a Community Advisory Team ("CAT"), comprised of 18-20 members of the community, to review and discuss future community development plans within the City, including the Police Redevelopment Plan. The CAT will engage with the City and its professionals from planning to ground breaking of the potential development projects for both the Police Site Redevelopment and addressing the City's facility needs. The CAT will determine what community priorities or concerns exist about these projects as they develop and bring the priorities, issues and concerns of the larger community to the attention of the City and the professionals. The CAT will act as a facilitator between the broader community and the City and share information about potential development project goals and objectives with their various constituencies and facilitate larger community outreach opportunities. The City envisions the CAT will advise in the creation of outreach and education opportunities for the public throughout the process and share the processes and procedures that will be followed in implementing the project with the public.