

Friends of Historic Flemington

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Flemington Borough Settles Open Public Records Act Lawsuits with Friends of Historic Flemington

Flemington Borough Council approved a resolution at its July 10 meeting that will reimburse Friends of Historic Flemington \$5,000 for attorney fees as part of the settlement of Open Public Records Act (OPRA) lawsuits filed in September 2016 and March 2017.

At the same meeting Mayor Phil Greiner stated that the Borough has spent over \$20,000 on attorney fees, in addition to the settlement, responding to these suits. This is a shameful waste of taxpayer money that was completely avoidable.

The Friends of Historic Flemington, a 501c3 not-for-profit corporation established to protect and celebrate Flemington's history, has spent the past 15 months fighting a redevelopment project proposed by Jack Cust Jr. and his Flemington Center Urban Renewal LLC which would demolish the very heart of Flemington's nationally recognized Historic District.

Mr. Cust submitted a plan to Flemington Borough to demolish four significant historic structures on the town's Main Street, including the iconic Union Hotel, to construct a new 100-room hotel, a fitness facility, and a 900-car parking garage along with 250 apartments, restaurants, retail space anchored by Flemington Furs, a college, and a medical component within a complex of 7- and 8-story buildings.

Though Flemington Borough's Master Plan for that four-acre block specifies that any new construction top-out at four stories or below and that 51 stacked flats, 90 apartments, an operational Union Hotel, structured parking, 13,500-square-feet of retail, and 6,000-square-feet of restaurant and tavern space are the appropriate density for the location, Flemington Borough Council accepted Mr. Cust's massive plan without releasing an RFP that would have allowed a competitive bidding process, and the opportunity for other entities to present options for redevelopment better in keeping with the approved Master Plan. Council signed a Redevelopment Agreement formally authorizing Cust as the designated redeveloper for the site in March 2017.

The Friends of Historic Flemington believe not only that the destruction of Flemington's historic core would alter the town forever, but that the scale of Mr. Cust's plan would destroy quality of life as borough and county residents know it.

The Friends are not alone in their fight. Other groups that have expressed concern about the project include The National Trust for Historic Preservation, Preservation New Jersey, the New

Development, YES. Demolition, NO.

Jersey Historical Commission, Flemington Historic Preservation Commission, Hunterdon County Historical Society, Hunterdon County Cultural and Heritage Commission, Hunterdon Land Trust, and Rural Awareness Inc.

The payment settles matters over Open Public Records Act (OPRA) requests the Friends filed in an effort to obtain and review key documents and communications around the Cust redevelopment project. “When the Borough repeatedly failed to provide the information we requested, we had no choice but to file suit to get it,” said Gary Schotland, a Friends of Historic Flemington trustee and Borough commercial property owner. “The Borough has maintained a complete lack of transparency around this redevelopment project from the outset.”

Mayor Phil Greiner, Councilman Brian Swingle and Council attorney Barry Goodman have attempted to cast lawsuits brought by the Friends as “frivolous,” but the fact is that none were dismissed by the court. Mayor Greiner publicly admitted to Open Public Meetings Act (OPMA) violations and changed procedures as a result. The Friends voluntarily withdrew an OPMA complaint once Council complied with the law. Under the OPRA settlement, the Borough is supplying documents as requested.

The Friends of Historic Flemington continues to question the absence of a credible market study proving the project is viable; a traffic study proving that Borough streets will not be overwhelmed; a definitive determination of the sewer and water infrastructure upgrade costs that will be borne by Borough rate payers; a fiscal cost-benefit analysis of the project by a qualified neutral third party; and audited financial statements from Mr. Cust and his investors proving Flemington Center Urban Renewal LLC has the resources to fund and complete the project.

Learn more at www.FriendsofHistoricFlemington.com

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