

Friends of Historic Flemington

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Friends of Historic Flemington.org



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Friends of Historic Flemington to File Appeal in Redevelopment Area Expansion Case

The Friends of Historic Flemington will appeal the disappointing ruling by a local trial level judge in a case it brought to challenge the designation of several parcels owned by Flemington Furs as an area in need of redevelopment. The Appeal is being filed to protect the integrity of the Flemington Historic District and the Borough's Master Plan for zoning.

The Borough has claimed that additional parcels were "necessary" to "square off" the Union Hotel redevelopment area. But the resulting expanded footprint is by no means square as it conspicuously avoids including adjacent properties owned by entities other than Flemington Furs.

The area in question consists of seven separate parcels of land with a total assessed value of \$2.8 million dollars owned by and in use by Flemington Furs. These properties are in current use, are occupied, and are not "blighted" under both the common understanding of the word and the legal use of the word.

The Friends' lawsuit questioned the process and legality of Flemington Borough's move last year to designate these parcels as a redevelopment area.

Superior Court Judge Michael O'Neill found, on August 30, that the Borough of Flemington possessed the legal authority to expand the Union Hotel redevelopment area footprint. Judge O'Neill said there was nothing in the redevelopment statute that prohibited the Borough of Flemington's actions. He also said that his ruling was on a narrow point of law and a higher court could find differently.

Speaking for the Friends, attorney M. James Maley said, "There's no question we're going to appeal. In "deferring" to the judgment of the Borough, rather than requiring the Borough to "prove" the blight, he is applying the wrong legal standard. Our appeal will be filed within 45 days." Mr. Maley is a Principal of Maley Givens P.C. of Collingswood, New Jersey, the law firm representing Friends of Historic Flemington.

The expansion, if allowed, will remove an assessed \$2.8 million dollars worth of property from paying taxes in Flemington. The property will be protected from the taxes all New Jersey citizens pay under an agreement that provides for a 30-year payment in lieu of taxes arrangement (PILOT) with designated redeveloper Flemington Center Urban Renewal LLC, presently owned by Jack Cust Jr. That arrangement essentially freezes the redeveloper's taxes for three decades while increasing the tax burden for Borough property owners not privy to the PILOT agreement,

as well as all property owners within the Flemington-Raritan and the Hunterdon Central Regional High School sending districts.

With the filing of this Appeal, the Friends will have four outstanding claims against the Borough of Flemington. An earlier suit was settled by the Borough by making a payment to the Friends because of the failure of the Borough and its advisors to follow required procedures, and for repeatedly failing to provide requested information under the state's Open Public Records Act (OPRA).

The Friends have opposed the Cust redevelopment plan since it was first unveiled in early 2016. Their first lawsuit against the project was filed two years ago, in September of 2016, when it became clear that citizen opposition to the project expressed at Borough Council meetings was consistently ignored and belittled.

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 opposition. Other groups that have expressed concern about the project include The National Trust for Historic Preservation, Preservation New Jersey, the New Jersey Historical Commission, Flemington Historic Preservation Commission, Hunterdon County Historical Society, Hunterdon County Cultural and Heritage Commission, Hunterdon Land Trust, and Rural Awareness Inc.

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