



On January 31, 2020, the developer for the Center of Excellence filed suit against the Bridgewater Township Planning Board. The intent of this document is to help answer some of the questions we have been getting from residents on this matter.

Q: So what is Advance Realty's lawsuit about?

A: Advance is seeking a court order forcing Bridgewater's Planning Board to memorialize its December 10, 2019 site plan approval of the Center of Excellence proposal with a resolution.

Q: What is site plan approval?

A: Site plan approval is required for certain developments. It is designed to ensure that the proposed development complies with a town's zoning ordinance (its regulations on what can be built in a certain area of town and how it can be built).

Q: Didn't the Planning Board already approve the Center of Excellence?

A: Yes, the Planning Board granted site plan approval for Center of Excellence redevelopment project on December 10, 2019, in the last days of the Hayes Administration.

Q: So why does Advance want the Planning Board to also pass a resolution?

A: When any applicant goes before the Planning Board, approval or denial is typically a two-step process. The first step is a voice vote at the final meeting where hearings are conducted. That occurred for the Center of Excellence on December 10, 2019. The second step is the passage of a resolution by the Planning Board memorializing (setting down the specifics of the approval in writing) the Board's decision. That resolution is typically approved by the Planning Board at the next month's meeting. Advance contends that the resolution should have been passed at the

Planning Board's regular meeting on January 28, 2020 – the first regular meeting after the December 19, 2019 approval.

Q: Can this resolution change or rescind the approvals granted on December 10, 2019?

A: No, the resolution must reflect the approvals granted by Mayor Hayes' Planning Board in December. The resolution cannot change the approvals, but must accurately reflect what was approved to make sure nothing is granted in the resolution that wasn't voted on by the Planning Board. The new members of the Planning Board cannot even vote on this resolution since they weren't on the Planning Board at the time of the voice vote granting site plan approval.

Q: Isn't the Center of Excellence resolution already scheduled for a vote?

A: Yes, the Center of Excellence resolution is scheduled for a vote on February 25, 2020.

Q: Why wasn't the Planning Board resolution for the Center of Excellence approved on January 28, 2020?

A: While the law does state that Planning Board resolutions must be approved within forty-five days of the original vote granting site plan, various factors might delay such an approval. In this matter, many Planning Board members were replaced on January 1, 2020. A new Planning Board attorney was hired on January 14, 2020. While the prior board attorney began the resolution, the new Board Attorney is ultimately responsible for the resolution (which is currently a 39-page draft). The new attorney still needs to familiarize himself with the application and finalize the resolution for consideration. For an application as lengthy and complicated as the Center of Excellence, this takes more than the fourteen days between January 14, 2020 and January 28, 2020, so the resolution was carried to February. Additionally, while new members cannot vote, they still have a right to provide input on the resolution, and need time as well.

Q: Hasn't the developer delayed this project a lot already?

A: Yes, the original site plan was filed almost two years ago. It was voluntarily dismissed by the developer and re-filed on May 11, 2018. It took three months for the developer to file a completed application. Advance requested no hearings at all between November 27, 2018 and September 23, 2019, a period of 301 days (nearly ten months).

Q: What happens now?

A: The attorney for the Township's Planning Board will answer the lawsuit, but since the resolution is scheduled for February 25, 2020, the lawsuit will likely be eventually rendered moot.

Q: How does this lawsuit affect the Center of Excellence development project?

A: It really doesn't. Former Mayor Hayes' Planning Board approved this project on December 10, 2019. That Planning Board's decision will be memorialized on February 25, 2020. This lawsuit merely seeks to compel the Planning Board to do what it already intends to do.

Q: I heard that Mayor Moench didn't reappoint many of the members of the Planning Board that voted "yes" on the Center of Excellence application? How can the Planning Board do a resolution if those members aren't on the Board anymore?

A: The answer to this question is a bit confusing. Since there has already been ten full hearings on this project, and a voice vote approving the site plan application, none of the new members appointed by Mayor Moench can vote on this resolution. Only members who participated in all ten hearings (or certified that they listened to the audio recordings of the hearing) AND who were sworn members of the Planning Board on December 10, 2019 can vote on the resolution. This would be true even if there were only one member left from Mayor Hayes' planning board. In this case, there are three such members eligible to vote.

Q: So what happens next?

A: The Planning Board will consider a resolution on February 25, 2020. At that point, Advance will have to enter into a Redeveloper's Agreement with the Township, and that is the next opportunity to scrutinize the Center of Excellence Project. There are still many unanswered questions and many items of great concern related to this project, and the Mayor and Township Council will heavily scrutinize Advance's plan and continue the fight for a fair, reasonable redevelopment of the old Sanofi-Aventis site that puts Bridgewater residents first.