

August 30, 2017

VIA ELECTRONIC & FIRST CLASS MAIL

James Rhatican, Esq.
Hartz Mountain Industries, Inc.
400 Plaza Drive, P.O. Box 1515
Secaucus, New Jersey 07096-1515

Re: Rezoning/Redevelopment of 750 Walnut Avenue

Dear Jay:

I am in receipt of your letter, dated August 14, 2017, and the Township Committee appreciates the invitation to share its planning vision for the Hartz Mountain site. Since you recently changed your position from making clear that you would only consider a roughly 900-unit residential project to one where you indicated you would consider an alternative, the Township has asked its planner to prepare a concept plan for its consideration. As soon the Township has that and has an opportunity to discuss a possible concept with its planner, we will be in touch with you.

In the meantime, in anticipation of the Committee's next meeting on September 11, the Township is requesting the following additional information concerning your current development proposal:

- Your updated Fiscal Impact Report reflecting the new projected student enrollment. I contacted the Board of Education and was told that the Board has provided you with the updated student enrollment numbers from other multi-family developments in the Township. I understand that your prior requests had gone unanswered because of the Board's transition to a new email provider. If you are still waiting on information, please let me know immediately so I can assist.
- Information demonstrating Hartz's efforts to renew current leases and/or to lease space for the permitted uses. At the July Township Committee meeting, Hartz indicated that this would be provided as part of the Planning Board hearing on Hartz's application to rezone. If we ultimately replace the Planning Board hearing process with the redevelopment process, the Township will need this information as soon as possible.
- Any studies, reports, and other documents supporting the demographic conclusions presented regarding the proposed project's attractiveness to millennials.

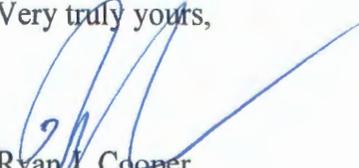
- Hartz's position on why redevelopment should be investigated *before* the Planning Board hears Hartz's application to rezone. Specifically, to the extent the Planning Board hearings would provide the Township and the public with greater detail regarding the benefits and costs of Hartz's proposed development, and to the extent that the Township could pursue a redevelopment designation *after* those hearings, please elaborate why the redevelopment process should be pursued first.

On that subject, the Township must also correct the misstatement that Hartz has pursued both rezoning and redevelopment simultaneously. Hartz chose to first pursue a rezoning application before the Planning Board. The application was filed on March 27, 2017. It was more than two months later, on May 30, 2017, that Hartz first met with the Mayor and Deputy Mayor to request that the Township Committee consider designating the property as area in need of redevelopment.

The Township also takes issue with the relevance of any anecdotal conversations you may have had with anyone regarding the property. Our Tax Assessor has no recollection of any comment whatsoever consistent with your description. Similarly, Mr. Vinegra could not and did not contact you on behalf of the Township. Your conversation predates any instructions or authority the Township gave Mr. Vinegra and his firm in this matter to act on the Township's behalf. Cranford is not bound in any way by any ad hoc discussions Hartz may have regarding any individual's subjective opinions on Hartz's proposal. They may make interesting anecdotes, but were not made with any authority of the governing body and are not binding on the Township.

Finally, I would be remiss in not expressing my disappointment concerning the accusation in Hartz's brief that the Township has acted in bad faith. The Township categorically denies such allegations; since we first met on May 30, the Township has moved with all deliberate speed to carefully and prudently weigh Hartz's request. Indeed, Cranford can maintain compliance with its affordable housing obligations *without* including the Hartz site in its Fair Share Plan. Nevertheless, Cranford remains open-minded and, as this letter demonstrates, it is expending significant resources to consider your proposal and possible alternatives. This demonstrates good faith in that the Township owes a consideration of your proposal – nothing more. N.J.S.A. 52:27D-310(f). I question the wisdom of a strategy of claiming that you wish to work with the Township on one hand while hurling accusations on the other.

Very truly yours,



Ryan J. Cooper
Township Attorney
for the Township of Cranford

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James Rhatican, Esq.



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cc (*via e-mail only*): Stephen Eisdorfer, Esq.
Terence M. Wall, Township Administrator