

**MINUTES OF SPECIAL MEETING  
TUESDAY, JUNE 21, 2022  
COMMON COUNCIL OF THE CITY OF SUMMIT**

Distributed: 7/1/22

Approved: 7/5/22

The meeting was called to order by Council at 7:30 PM. The City Clerk then read the following notice:

*"Adequate notice of this meeting has been provided by the City Clerk's Office in the preparation of Special Meeting Notice, dated June 13, 2022 setting forth the date, time and location of the special meeting and a revised notice dated June 16, 2022, changing the meeting location. Both notices were properly distributed and posted per statutory requirements.*

*Please be advised that the FIRE EXITS are at the back of the room, on your right and left and behind the council dais."*

**CALL TO ORDER**

**ROLL CALL**

PRESENT: Councilmembers Lisa Allen, Susan Hairston, Beth Little, Danny O'Sullivan, Greg Vartan and Council President Marjorie Fox.

ABSENT: Councilmember Andy Minegar

Also in attendance were staff members Michael Rogers, City Administrator; Tammie Baldwin, City Treasurer; Eric Evers, Fire Chief; Rosemary Licatase, City Clerk; Aaron Schrager, DCS Director; Steven Zagorski, Acting Chief of Police; Matthew Giacobbe, City Solicitor.

Also in attendance were Mayor Radest and staff members Michael Rogers, Rosemary Licatase and Professionals: Matthew Giacobbe, City Solicitor; Joseph Maraziti, Redevelopment Attorney, Annie Hindenlang, Topology LLC.

Due to the meeting being held off site at the Summit Community Center, there is no audio recording of this meeting. However, the meeting was recorded during livestreaming through YouTube and is found on the City website, [www.cityofsummit.org](http://www.cityofsummit.org), using the following link: <https://www.youtube.com/watch?v=Mr09ALo0PD8>

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

The following individuals provided comment regarding their thoughts and concerns about the proposed ordinance amending the Broad Street West Redevelopment Plan.

Following the list of names is a list of key points made.

Dennis Allocco, Stockton Road  
James Bennett, Fairview Avenue (*prepared statement, hereto attached*)  
Ruth McPherson, New England Avenue  
Marcus McNamara, Morris Avenue  
Debra Oliver, Tulip Street  
Kelly Iacovelli, Colonial Road  
Mary Zimmerman, Edgewood Road  
Al Dill, Montrose Avenue and former Councilmember  
Marilyn Pfaltz, Prospect Street  
Elliot Fishman, Webster Avenue  
Mary Farrell, Beekman Road  
Peter Lijoi, Canoe Brook Parkway  
Robert Burns, Maple Street  
Ashley Wiggins, Parkview Terrace  
Eric Moberg, New England Avenue  
Dorie Gagnon, Bedford Road  
Bill Mumma, Friar Tuck Circle

Mike Zobel, Blackburn Road  
Eric Kurs-Lasky, Broad Street  
Peter Kane, Iris Road  
John Petrides, West End Avenue  
Don Nelson, Plain Street  
Jim McTernan, Euclid Avenue  
Charles Cusumano, Bedford Road  
Alison Chieffo, Laurel Avenue  
Mike McTernan, Blackburn Road and former Councilmember  
Robert Zocca, Ashland Road  
Jonathan Betz, Stacey Court  
Lisa Glasband, Fernwood Road  
Guy Haselmann, Ruthven Place  
Sue Roberts, 48 Oakland Place  
Kevin McGoey, Woodland Avenue  
Gennaro D'Agostino, Stony Hill Court  
Karen Hadley, Maple Street  
Elaine Alevis, Plain Street

1. Appreciate difficult job of Council and thanked Council for its service.
2. Spoke of redevelopment in other towns and the style being in character with each.
3. Redevelopment is needed, but not at present scale.
4. Cost analyses should be done for potential sale to private developer and for the proposed parking.
5. Building does not fit character of Summit.
6. Question whether taxes have been projected after PILOT period.
7. Comparison of size of proposed building compared to proposed parking and size of building with fewer units using visuals.
8. Council urged to go back to the drawing board and change design in keeping with Summit.
9. Design is not in the best interest of the City, regarding density, inadequate parking, impact on traffic.
10. Hopes Council will learn lessons from the Primrose Academy Planning Board application.
11. Summit is not Westfield, Montclair or Morristown.
12. Council urged to investigate the developer.
13. Appreciate delay of ordinance hearing, but a lot of work needs to be done before September hearing.
14. Question why market value appraisal was not done.
15. The project has not involved the public.
16. The City should not be in the business of redevelopment.
17. The design should go back to the original redevelopment plan.
18. Suggest a proper study of the proposed on-street parking be conducted as it affects health and safety of drivers and pedestrians.
19. Cap rate financial analysis was disputed with suggestion that finances must be reviewed again.
20. Improved communication with the public is needed.
21. Firsthand experience with Toll Brothers developments says design not right for Summit.
22. Concerns re school impact.
23. Parking concerns in downtown.

24. Local developers would build within the Master Plan and keep the charm of the town.
25. Lawn signs are raising awareness of the project, helping to educate residents.
26. After reviewing documents on city website, it is not clear what problems are being solved.
27. Question if a power grid study has been done to address power outages.
28. Traffic concerns re frequency of garbage collection in the new development.
29. Proposed green space inadequate.
30. There is a lot of professional talent in town and City should tap into this resource.
31. Council urged to table the proposed ordinance.
32. Unintended consequences will result from the project, such as impact on traffic during the project, disruption to downtown.
33. Concerns re Council's legacy if project unsuccessful.
34. Perspective from a former resident and planning board member of Bernards Township that Toll Brothers is not the right developer for Summit.
35. Question if RDP amendments can be informally referred to the planning board without introduction of ordinance.
36. Questions regarding increased height of building with amendments.
37. No significant changes since last meeting except for hearing date change.
38. In other projects, the garage is always built first.
39. Question why residents have not received flyer about Broad Street West project.
40. Questions regarding how City or developer could opt out of the agreement.
41. Concerns expressed regarding change in number of affordable housing units.
42. Transparency needs improvement.
43. Proposed amendments will further regress from the Master Plan.
44. Request Toll Brothers to design a building which conforms to the current redevelopment plan.
45. Council urged to advise the public what it learns during the summer in a town hall meeting in the fall.
46. Question re square footage unchanged but number of units reduced.
47. Concerns if construction stops midway.
48. Citizens are objecting to the plan, question if council concerned about re-election.
49. The June 15 presentation exposed flaws in the financial analysis.
50. Questions if the redevelopment agreement specifies colors, materials to be used.
51. Financial analysis misleading
52. Proposal not in keeping with established project goals:
53. \$8 million sale price too low.
54. Financials should be reviewed to avoid consequences down the line.
55. Question re recouping parking spaces lost in Chestnut St. Lot.
56. Suggestion to conduct a trial period to test success of on-street parking on Morris Avenue.
57. Question regarding repercussions if developer backs out of agreement.
58. Sewer capacity concerns.

The Clerk then read into the record a statement received via email from Beverly Dori Brown of Kent Place Blvd, which is hereto attached.

In response to questions from the public, following are a summary of key responses.

Mayor Radest:

1. Will ask Toll Brothers what anticipated project duration will be.
2. Bristol Myers Squibb ("BMS") has sold east campus to private developer.
3. City does not know yet what taxes will be for BMS west campus.
4. Public can sign up for notifications and alerts on the city website.
5. Addressed school impact, planting of trees green space.

6. Addressed concerns re private garbage pickup in new development.
7. Wants ordinance introduced so the Planning Board can do its consistency review.
8. Agrees there should be better communication re BSW.
9. Explained change in number of affordable housing units was a trade-off in response to design changes community wanted.
10. Addressed project impact on sewer capacity.

Joseph Maraziti:

1. Addressed questions regarding details of the developer's agreement including project timing, delays, default.
2. Explained developer interview process.
3. Addressed questions regarding changing the redevelopment process now.
4. Explained how the RDP can only be amended by ordinance and the statutory procedure for same.
5. Explained assurances within agreement if developer does not meet timing milestones or defaults on project.

Council President Fox:

1. Explained on-street parking plan as a replacement for Chestnut Lot parking.
2. Residents of new development will not be eligible for on-street parking.
3. Addressed private garbage pickup at new development.

Annie Hindenlang:

1. Provided clarification of changes in proposed building height and reasons for same.
2. Explained RDP created using guiding principles of Master Plan.
3. Explained consistency determined by established goals and objectives in RDP and checked against Master Plan.

Councilmember Hairston:

1. Sought understanding of the differences between the 2019 Redevelopment Plan, the 2016 Master Plan, the financial plan and the proposed amendments to the Redevelopment Plan and how they relate to each other.
2. Felt it is the responsibility of the Planning Board to review the RDP and assure compliance with Master Plan.
3. Agrees more clarity is needed regarding the process.
4. Appreciates public input and expression of varying opinions regarding professionals and elected officials.
5. Agrees with delay of the ordinance hearing and vote.
6. Expressed support for the ordinance introduction and gave reasons for same.

Councilmember Vartan:

1. Summarized benefits of the project:
  - Promotes mixed use
  - Addresses City's housing obligations.
  - Will help the City with new revenue to offset current and future debt.
2. Agrees that benefits should be communicated through City website.
3. Council has spent significant amounts of time speaking with citizens.

4. Amended RDP does not change Master Plan.
5. This is an opportunity to ensure amendments are consistent with Master Plan.
6. Amendments to RDP are common amongst municipalities.
7. Amendments to RDP are not a binding agreement.
8. This is not the final step in the process.
9. Expressed his support of the ordinance and reasons for same.

Councilmember Allen, commented as follows and then followed with reading a prepared statement, which is hereto attached:

1. Shared her concerns regarding moving forward with the introduction of the proposed ordinance and explained her reasons for not supporting the ordinance.
2. Questioned the next steps in the process if the ordinance passes.
3. Questioned when will the financial agreement be made public.
4. Concerns with amending the RDP without getting a full financial picture first.
5. Shared concerns that the four subdistricts could potentially have more development according to the amended RDP.
6. Agreed communication needs improvement, giving examples of recent flyers send out by the City regarding recycling and anti-vehicle theft measures.

In response to questions from Councilmember Allen, Mr. Maraziti responded as follows:

1. Financial agreement still in progress and not completed until the financial advisor makes calculations.
2. When the financial agreement is finalized, it will be done in the form of an ordinance, requiring two readings.
3. Plans to introduce an ordinance for the financial agreement would take place after the current ordinance to amend the RDP is passed.
4. Amendment of the RDP is not binding and passage of the RDP amending ordinance only provides the opportunity to move forward with the financial plan for the project.
5. The developer's agreement would be scheduled after passage of the RDP amendment and financial agreement ordinances.

In response to Councilmember Allen's comments and statement, emphasized that the discussion tonight was about the RDP amendment and not about the RDP agreement. She further explained that the Councilmember Allen's concerns regarding the financial agreement would be discussed with council and the public later in the fall after the hearing on the ordinance.

Councilmember Hairston wished to emphasize that there are four distinct documents and is concerned that the names of the documents are being used interchangeably. She then read off the nine goals established in the Redevelopment Plan and encouraged all to read the plan. Stated that the nine goals established in the plan provide guidance and provide for accountability of elected officials to achieve the goals.

#### **ORDINANCE(S) FOR INTRODUCTION**

The respective Committee Chairman, Committee member, or Councilmember, as indicated for the Committee, introduced, for first reading, the following ordinance(s) as it (they) came up for consideration during the meeting, which was (were) individually read by City Clerk Licatese and unanimously adopted by the vote indicated below and referred to the Law Committee for study and report with a hearing(s) scheduled as indicated under Hearing Date below.

<u>Number</u>	<u>Title</u>	<u>Hearing Date</u>
<b><u>CAPITAL PROJECTS &amp; COMMUNITY SERVICES</u></b>		
22-3262	<b>AN ORDINANCE OF THE CITY OF SUMMIT AMENDING THE REDEVELOPMENT PLAN FOR THE BROAD STREET WEST REDEVELOPMENT AREA (Redevelopment Plan Amendment)</b>	07/19/22 <u>9/13/22</u>

Before taking a vote on the ordinance, at the beginning of the meeting, Council President Fox explained that after deliberation of the Council, along with guidance provided by the City's legal counsels, the Council would consider changing the hearing date from July 19 to September 13, to which no disagreement was put forth.

Councilmember Allen made a motion to table the ordinance, which was not duly seconded.

The vote to introduce the above entitled ordinance then proceeded, resulting in the following roll call vote:

<b>RESULT:</b>	<b>INTRODUCED [5 TO 1]</b>	<b>Next: 9/13/2022 7:30 PM</b>
<b>MOVER:</b>	O'Sullivan	
<b>SECONDER:</b>	Little	
<b>AYES:</b>	Fox, Hairston, Little, O'Sullivan, Vartan	
<b>NAYS:</b>	Allen	
<b>ABSENT:</b>	Minegar	

**RESOLUTIONS**

The respective Committee Chairman, Committee member, or Councilmember, as indicated for the Committee, introduced the following resolution(s) and on motion, duly seconded and on roll call, unanimously adopted or adopted by the vote shown, if any:

**CAPITAL PROJECTS & COMMUNITY SERVICES**

40354	Resolution of the Common Council of the City of Summit Referring a Proposed Amendment Of The Broad Street West Redevelopment Plan to the Planning Board of the City Of Summit Pursuant to N.J.S.A. 40a:12a-7 and also to the Planning Board of the County of Union Pursuant to N.J.S.A. 40:27-6.10
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Roll call vote:

<b>RESULT:</b>	<b>APPROVED [5 TO 1]</b>
<b>MOVER:</b>	O'Sullivan
<b>SECONDER:</b>	Little
<b>AYES:</b>	Fox, Hairston, Little, O'Sullivan, Vartan
<b>NAYS:</b>	Allen
<b>ABSENT:</b>	Minegar

**ADJOURNMENT SPECIAL MEETING** – Upon motion of Councilmember O’Sullivan, duly seconded and unanimously approved, the meeting was adjourned at 12:30 am.

Respectfully submitted,

Rosalia M. Licatase  
City Clerk

**MINUTES ATTACHMENTS - JUNE 21, 2022 SPECIAL MEETING**  
*(personal email addresses and mobile numbers have been redacted)*

1. J. Bennett, Fairview Avenue.
2. B. Dorl Brown, Kent Place Blvd.
3. Councilmember Allen, re ordinance introduction

Public Comment

June 21, 2022

Special Council Meeting

COMMENTS BY JAMES M. BENNETT CONCERNING BROAD STREET WEST  
REDEVELOPMENT  
JUNE 21, 2022

Good evening, Mayor Radest and Members of Common Council. I am Jim Bennett, 38 Fairview Avenue, Summit.

I have not finished talking about fiscal impact, and neither should you. We need to understand the implications before you vote on introducing a change to the redevelopment plan and sending it to the Planning Board.

Last week I sold myself short. On a question from Dr. Powell, I said that The Fiscal Impact Handbook by Burchell and Listokin was from 1978. It is correct that the book was first published then, but it has new material copyright 2012 by Taylor and Francis. So, the book no longer meets the ancient document exception to the hearsay rule.

That new information is probably not enough to change Dr. Powell's mind. Dr. Powell said he is not a fan of the Per Capita Multiplier Method.

But we await the written report that Dr. Powell promised, including the report from Richard B. Reading for municipal costs. It is noteworthy that Mr. Reading, who was not at the meeting, chose the two methodologies out of his four that produced the lowest fiscal impact on the City. His high annual number of \$677,205, which he did not select, came close to my number of \$658,638.

Once we have these reports, we may choose to have our expert evaluate them independently. This step is not to impugn the integrity of Dr. Powell, but Dr. Powell answers to a Council that wants to see this project through to a conclusion in its current proposed form. Experts generally want to please their boss as long as they can maintain professional and ethical standards. And there are areas where they can exercise discretion.

I said last week that the fiscal impact analysis should have happened years ago. Now Council is about to vote on introducing a redevelopment plan and sending it to the Planning Board before a written report on fiscal impact is available to Council or the public for review. I call on Council to table the proposal until September when residents are back, and there is time for a proper review.

Thank you.

~Jim Bennett



**Licatase, Rosemary**

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**Subject:** FW: Comment regarding June 21, 2022 Council Meeting/Broad Street Development

**From:** Beverly Brown

**Sent:** Monday, June 20, 2022 11:31 PM

**To:** Licatase, Rosemary <RLicatase@cityofsummit.org>

**Cc:** Marjorie Fox <mfox@cityofsummit.org>; Gregory Vartan <Gvartan@cityofsummit.org>; Susan Hairston <shairston@cityofsummit.org>; Danny O'Sullivan <dosullivan@cityofsummit.org>; Andy Minegar <aminegar@cityofsummit.org>; Beth Little <blittle@cityofsummit.org>; Lisa Allen <lallen@cityofsummit.org>

**Subject:** Comment regarding June 21, 2022 Council Meeting/Broad Street Development

Dear City Clerk and Council Members,

Despite the pleas of residents to hold this meeting when more people are in town, City Council has forged ahead. I am unfortunately away and therefore request my comment to be registered and/or read at tomorrow's meeting.

As a lifelong resident of Summit, I am hard pressed to recall an issue that has stirred such controversy than the Broad Street Development plans. Why is it that the Mayor and Council are turning a deaf ear to the impassioned arguments of residents and knowledgeable financial professionals who are calling a halt to this project? The numbers of disgusted residents are mounting.

The rational facts presented to Council can't be ignored. When you are before residents tomorrow night, remember that this decision will be forever linked to your names.

Do the right thing. Listen to those who voted for you.

Thank you,  
Beverly Dorl Brown  
221 Kent Place Blvd  
Summit, NJ

**Councilmember Allen Statement  
6/21/22 Special Council Meeting**

Over the last six months, there has been significant engagement regarding Broad Street West Redevelopment.

At our Council meeting on June 15th, residents came to listen to our experts and voice their opposition to the City of Summit's intention to amend the Redevelopment plan. My guess it's the longest Council meeting in Summit's history, which is a strong indication how important this issue is to our residents.

The vast majority of residents have **not** spoken out against developing.

The vast majority of residents have **not** spoken out against building affordable housing.

Our Residents are simply pleading with us to follow our current redevelopment plan that we already have in place.

The current redevelopment plan is a result of significant public input.

It was written fairly recently..... by dedicated City Staff, elected officials, and various Summit community volunteers who took great pride in **ensuring**..... Summit continued to be a **charming** city within a framework that stayed true to our character.

In February of 2022, I voted for the letter of intent because it was a nonbinding legal agreement to allow the City to share and discuss aspects of the BSW redevelopment plan. Without the LOI in place, the level of information the public has seen to date, **would not** have been possible and it is our responsibility to ensure **maximum** public engagement.

One of our City Professionals stated "Redevelopment plans only work if they are financially successful."

Based on our deliberation over the last several months, I'm still not clear if this plan will be financially a good deal for our town. It might be a GREAT deal, but I'm not comfortable saying it is, and I'm not going to gamble our redevelopment plan and Summit's future on an unknown.

I know.... extraordinary time and energy has gone into this project, and intentions here are good, but for me, good questions have been raised by the public and it is **our responsibility** to continue vetting them. Not forever, but at least until we resolve questions relative to the size of land density, revenue projections, density rights, parking, increased traffic, and the cost of school children going to our schools.

Another item I would like to mention that we haven't talked about, are the concerns from our Historic Preservation Commission. They raised legitimate red flags regarding this project's size and length of building, would impact the historical character of our downtown. These commissioners are experts we appointed and we're ignoring their apprehensions.

I don't believe our current Redevelopment plan is flawed and the minute we amend it, it's final.

And not only is it final, it establishes a new precedent that can leech into all of our community and may invite more high-density housing in other parts of town that the Master Plan and current zoning laws do not permit, but will soon become obsolete.

If we amend this plan we are sending a message to all our volunteers who've been involved the last twenty years— the hours you spend volunteering for Summit don't matter because when "Government thinks it knows best, Government does what it wants." I can't get on board with that.

One thing I do want to say. We've all lived in Summit a long time. Many in this room are friends, neighbors, or have volunteered together. For the most part, we are all connected by one or the maximum of two degrees of separation.

I could let my emotions drive my perspective, but as your elected official I want my conversations with you....the public.....to be guided by our relationship, that's based on openness, transparency, not from defensiveness.

I have tried to be incredibly respectful of my relationships both with my colleagues and our public. But ultimately we are all accountable to the PUBLIC.

It's been said that redevelopment is hard, but honestly, it doesn't have to be. We have our framework – it's our current redevelopment plan. It's not flawed, it's bipartisan.

Leadership isn't about doing the hard things. It's about doing the right things and ensure we create a space where residents feel heard and create an environment where YOU, public, trust your government is making credible decisions. That's what representative government means to me.

I hope my colleagues will consider voting no tonight so we can take a step back and get this right in the fall. I don't mean the first meeting in September, but by the end of the year so we can build a project that unifies our community and ensures we do not destroy the exact reason we all love this town.

Summit's character is a fabric.... it embodies our quaint downtown, our diversity, our benevolent spirit, and a suburban town with "urbanesque" feel.

Maybe there are other towns who parallel Summit's excellence, but I've lived all over the country and haven't found it yet. I think it's time to pause..... and ensure Summit's development progresses so it brings everyone along.

Thank you Council President.