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July 6, 2018

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Sent Via Certified and Regular Mail

John Hitchner
Land Use Board Secretary
Hopewell Township
590 Shiloh Pike
Bridgeton, NJ 08302

RE: Land Use Application
Property Address: 66 and 75 Peace Lane, Block 88, Lots 11, 12 and 16
Our File No. 62192(22)

Dear Mr. Hitchner:

Please be advised of my representation of William Martin, an adjacent property owner with regards to the above land use application. I am writing at this time in order to ensure that appropriate notices are provided to my client and myself of any consideration of the application by municipal board officials. My concern is that the application has been adjourned on several instances following submission of the application and as indicated in the minutes at the April hearing the application was to be considered at the June hearing. For unknown reasons the application was not heard at the June hearing and there is no indication as to what the status of the application is at the present moment. When my client attempted to determine the status of the application through OPRA requests, he was informed there has been no communications at all between the board and the applications. I find this very concerning in that there certainly had to be some reasons as to why the application was not heard at the June meeting. I am furthermore concerned in that there is a suspicion that the board or members of the board improperly met with the applicants at the municipal building despite informing my client that the hearing had been cancelled. I would certainly object and protest any informal meetings with the applicant whereby any substance of the application is considered. Not only would such constitute a potential violation of my client's property rights but such may also violate the Open Public Meetings Act. In response to my client's request for video from the night of the last hearing which would show if the applicant's actually met with anyone at the municipal building, my client was informed that such was being withheld pursuant to the Gilleran case. Please be advised that I disagree that the Gilleran case provides a unilateral blanket exception to producing

the requested video footage. I would ask that such request be reconsidered and that the video footage be provided as the request would not impair or impact upon security concerns. I believe that this is only one of several instances where my client's ability to enforce and protect his property rights is being overlooked. I am concerned that efforts are being made to simply try and find ways to avoid providing my client with public records rather than attempting to provide the information while still recognizing and protecting certain rights as set forth in exceptions. I do not understand why there has been ongoing resistance to my client's efforts to determine that he has the entire application and any documents which had been reviewed or considered by board members with regards to this application.

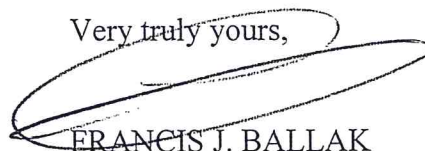
Additionally, I have serious concerns with regards to what is believed to be an actual conflict of interest by the current board solicitor. In this matter it is my understanding that a conflict attorney had been brought in to handle this application as the current board solicitor has been involved in representing the interest of another adjacent property owner with a sale of such property to the current applicants. I do not believe that such conflict goes away following completion of such transaction and would raise an objection to further involvement by the current solicitor. By copy of this notice I am informing the municipal solicitor of such perceived conflict as I believe there needs to be some independent advice provided.

I am further concerned in that it is my understanding that there has been significant construction undertaken at this property by these applicants in order to ready the property for the intended use as set forth in the variance application. It is further my understanding that despite the necessity to obtain permits for such work that no permits have been requested or otherwise issued by the municipality. If I am correct, I would ask that you please provide a copy of any permits which have been issued. I believe that such actions do go towards the board consideration of whether or not to grant the application if it proceeds to hearing in the future.

Additionally, I do want to set forth a belief that without an entire site plan the application cannot be properly considered. Please understand that this is not a waiver or intended to constitute the extent of any objections which may be raised but rather a belief as to a major flaw with regards to the pending application. To reiterate, I need to make sure that my client and myself are provided with proper notices to any future hearings to which the application may be considered. I also am submitting this correspondence as an ongoing request that I be provided with any supplemental filings or additional information which is considered by the board as part of the application. This would include copies of any Proof of Service by the applicants as well as any professional reports submitted.

Thank you for your attention and consideration to the above.

Very truly yours,

A handwritten signature in dark ink, appearing to read "FRANCIS J. BALLAK", is written over a horizontal line. The signature is stylized with a large, sweeping loop that extends upwards and to the right.

FJB/ac

C: Will Martin
Matthew W. Ritter, City Attorney
Robert J. Pryor, Planning and Zoning Board Attorney