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October 6, 2021

Via Email and US Mail

Charles Rabolli Jr. Chairperson
Mahwah Zoning Board of Adjustment
Township of Mahwah
Municipal Offices
475 Corporate Drive
Mahwah, NJ 07430

**Re: Monarch Communities LLC
East Ramapo Ave/Franklin Turnpike/King Street/Siding Place
Docket No. 1478-20**

Dear Chairperson Rabolli:

It has come to my attention that a member of the Mahwah Zoning Board of Adjustment ("Board") has a significant conflict of interest, which is incompatible with the board member's oath and position as a zoning board member and requires, at a minimum, their recusal from this application. We will leave for others to decide if further disqualification from the Board is necessary.

As I am sure you appreciate, Monarch has expended a significant amount of time, money, and resources in bringing forth this inherently beneficial use application. Monarch has done so with the expectation it would receive an impartial and fair hearing before the Board. Monarch

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now questions whether its expectation remains possible. Since meeting with municipal officials and filing this application, the MUD-1 overlay zoning for the property has been changed, a Condemnation Redevelopment Area under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“LRHL”) has been introduced and advanced by the governing body regardless of the private market being active, the additional property on King Street that Monarch contracted to purchase is now slotted to be incorporated into the redevelopment area. Multiple contact attempts by person(s) believed to be associated with the Township with the current owners of the property Monarch has contracted to purchase have occurred. Now we have this previously undisclosed conflict revealed. It has become evident to Monarch, that one or more persons’ hand, is “on the scale” in an attempt to negatively influence the results of these hearings and the development of the property. We have and will continue to work to identify the scope and source(s) of the conflict, bias and influence being applied and the impacts it has or are intended to cause.

Board Member Richard Cannava (“RC”) was appointed to the Board on July 24, 2019. At the time of his appointment and currently RC is a trustee of an organization named CUPON Mahwah, Inc.—Citizens United to Protect our Neighborhoods. CUPON’s public website identifies their mission to be:

“to preserve the landscape and culture of Mahwah, protect the character of our neighborhoods, take care of the environment and to safeguard the health and safety of all citizens and first responders. We will ensure the laws set forth by local, state and federal government are followed **and oppose land use variances** that adversely affect our diverse community. We will hold accountable all elected officials to make certain that the laws and codes put into place to protect our residents and the environment are upheld and our town is safe-guarded.” (Exhibit A) (emphasis added).

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Pursuant to their website, the six main issues that CUPON focuses on are overdevelopment, code enforcement, illegal housing, zoning issues, beautification of neighborhoods and blockbusting. (Exhibit A). Beyond CUPON's stated opposition to variances, in general, and more troubling is CUPON's stated position in the Monarch application.

After the last hearing I received an image of a flyer (Exhibit B) being handed out by Mahwah Concerned Citizens, which stated their opposition to Monarch's application and solicited donations to hire Peter G. Steck to represent their position. Based on our research Mahwah Concerned Citizens, is an unincorporated or formed group whose presence appears to be a private Facebook group. We are currently investigating further whether there are additional members in common with various persons. However, the connection between Mahwah Concerned Citizens and CUPON is direct, clear, and demonstrated by recent public postings (Exhibit C). CUPON's Facebook page is soliciting donations for Mahwah Concerned Citizens to fund their opposition to the Monarch application for the stated purpose of hiring Peter G. Steck (Exhibit C). Monarch reserves the right to in the future request the disclosure of all funding sources and if needed, the Board's issuance of subpoenas to compel the complete disclosure. CUPON's Facebook page has a long running post opposing Monarch's outstanding application. The post advertises and requests support by attendance of its members/followers at Zoning Board meetings dating back to March 3, 2021.

RC's position as a trustee of CUPON demonstrates a clear and direct involvement in CUPON and creates a conflict of interest as a Member of the Board and as a Board Member judging the Monarch application over the past 18 months. It is concerning that RC was appointed as a member of the Board beginning in July of 2019, all the while serving as a trustee of

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CUPON, beginning in February of 2019 (Exhibit D), supporting positions directly in conflict with those he took an oath to uphold. We have requested and are awaiting receipt of the annual disclosure statements to ascertain whether this was disclosed previously. (Exhibit E).

Additionally, RC presently remains a trustee of CUPON as shown on the certification of their February 2, 2021 Annual Report. (Exhibit F). Considering the above information, I respectfully request that RC voluntarily recuse from this application or that the Board disqualify RC from this application.

Given that RC's conflict was hidden, undisclosed and existed from the start of the public hearings, I request that the Board obtain all prior meeting transcripts and that the transcripts be redacted to eliminate any participation by RC. (The redaction to be agreed upon by the Board Attorney and myself). Upon receipt of the transcripts, I request that all other Board Members read and certify that they will vote based on the redacted transcripts and not consider any prior participation by RC. In addition, I request that you poll the Board to confirm there are no other undisclosed conflicts.

Very truly yours,

/s/ Antimo A. Del Vecchio
Antimo A. Del Vecchio

cc: Ben R. Cascio Esq.

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Exhibits Attached:

- Exhibit A – CUPON Website
- Exhibit B – Mahwah Concerned Citizen Flyer
- Exhibit C – CUPON Facebook
- Exhibit D – Certificate of Incorporation
- Exhibit E –OPRA Request
- Exhibit F – 2021 Annual Report Certification