



Todd Harrison
Attorney at Law

June 9, 2026

VIA EMAIL AND U.S. MAIL

Township of Clinton
1225 Route 31 South
Lebanon, New Jersey 08833

ATTN: Richard Cotter, Zoning Officer; Thomas A. Petto, Construction Official; Christopher Sorrentino, Fire Official; Trishka Waterbury Cecil, Township Attorney; and Mayor Brian Mullay and Members of the Township Council

Re: **Adult & Teen Challenge of New England and New Jersey – Demand for Immediate Issuance of Fire/Life-Safety Permit for 245 Stanton Mountain Road**

Dear Mr. Cotter:

We, along with First Liberty Institute and Weber Gallagher Simpson Stapleton Fires & Newby LLP, represent Adult & Teen Challenge of New England and New Jersey (“A&TC”) in connection with the fire/life-safety permit for its operations at 245 Stanton Mountain Road in Clinton Township, New Jersey. We write regarding the Township’s refusal to issue the fire/life-safety permit needed for A&TC to install the hardwired fire-exit signage and related life-safety work identified by Township officials so that the building could house A&TC residents.

The Township has denied or withheld that permit for arbitrary, capricious, and discriminatory reasons unrelated to the safety work itself, including the pendency of separate zoning proceedings. That refusal has imposed a substantial hardship and burden on A&TC, and it violates the First and Fourteenth Amendments, RLUIPA, the Fair Housing Act, § 1983, the New Jersey Uniform Construction Code, the NJLAD, the NJCRA, and the Clinton Township Code. A&TC demands that the Township immediately issue all permits and related approvals necessary for installation of the required fire/life-safety work.

I. Background

On June 26, 2014, the Township issued a zoning permit to A&TC, confirming that the Teen Challenge program was “permitted by ordinance.” After obtaining all necessary approvals, A&TC began operating its program at the Stanton Mountain Road property in 2015 and has continually maintained operations there ever since that time. From 2015 through 2022, during seven years of operation, the Township raised no concerns regarding the legality of the program nor pursued any zoning enforcement against A&TC.

At the end of 2022, A&TC submitted Application No. BOA-2022-12 to the Clinton Township Board of Adjustment, seeking approval for a use variance and related site improvements, including landscaping and minor building expansions. The Township, however, has been subjecting A&TC to a never-ending administrative process over zoning issues relating to a newly asserted need for Township approval to continue their program.

These proceedings have not been limited to neutral land-use issues. The hearing record reflects repeated questioning and commentary regarding A&TC’s Christian identity, parachurch status, nonprofit mission, vocational ministry, management philosophy, and accreditation.

The record also reflects apparent discrimination against individuals with substance-use disorders. These individuals are handicapped and protected under applicable federal and state laws. The Board attacked the program’s success rate, raising questions that reflect fear and innuendo about criminal elements, drug use, and other unproven impacts. Despite the 10-year history at the site, drug testing at entry and during the residential stay, the lack of any serious incidents during that time in Clinton Township, and the existence of over 200 centers throughout the United States with similar operations (12 in New Jersey and New England), the Board has focused on its unsupported fears that residents of the program could harm the community.

Taken together, the Board has shown barely veiled hostility toward the mission of A&TC and has crossed over from its required role of an unbiased quasi-judicial forum to a biased partisan body opposing protected religious exercise. Indeed, even the Board’s attorney has assumed the role of both judge and prosecutor, unilaterally setting the bounds of witness testimony and ruling on any objections.

On July 12, 2024, while the zoning proceedings were still pending (and may be subject to challenge in the future), the Township issued a Notice and Order of Penalty alleging that A&TC had changed the use of the main house/office to an R-2 dormitory without prior approval. The Township imposed a \$2,000 fine and an additional \$1,000 per week for continued violation, a heavy penalty for a nonprofit parachurch organization.



NOTICE AND ORDER OF PENALTY

Permit/Control #:
 Date issued: 7/12/2024
 Violation #: V-24-0005

A-50

IDENTIFICATION

Work Site Location: 245 STANTON MOUNTAIN ROAD, NJ
 Block: 19 Lot: 52 Qualification Code:
 Owner in Fee: TEEN CHALLENGE OF NEW ENGLAND INC
 Owner Address: 245 STANTON MOUNTAIN ROAD, LEBANON NJ 08833
 Agent/Contractor:
 Address:
 To: Owner Other:
 Agent/Contractor

ACTION

- On 7/12/2024, you were found to be in violation of the State Uniform Construction Code Act and Regulations promulgated thereunder. A Notice of Violation and Order to Terminate, Notice of Unsafe Structure, Notice of Imminent Hazard was issued. Reinspection of the work site on revealed the following violation(s) remain:
 N.J.A.C. 5:23-2.8 (b) CHANGE OF USE
 CHANGE OF USE OF MAIN HOUSE/OFFICE TO R-2 (DORMITORY) WITHOUT APPROVALS. CHANGE REQUIRES PRIOR APPROVALS AND USE CHANGE ANALYSIS BY A NJ LICENSED PROFESSIONAL.
- On , you were found to be in violation of the State Uniform Construction Code Act and Regulations promulgated thereunder, in that you made a false or misleading written statement, or omitted required information in an application or request for approval; or failed to obtain a construction permit; or failed to request required inspections; or allowed occupancy prior to receiving a certificate of occupancy.
- On , you were found to be in violation of the State Uniform Construction Code Act and Regulations promulgated thereunder. A Stop Construction Order was issued. Reinspection of the work site on revealed a failure to comply with that Stop Construction Order.

PENALTY

Therefore, you are hereby ORDERED to pay a penalty in the amount of \$2,000.00 for each violation for a total penalty of \$2,000.00.

Further, take NOTICE that for each week day that any of the said violations remain outstanding after 7/26/2024, an additional penalty of \$1,000.00 per week day shall result.

If you wish to contest this ORDER, you may request a hearing before the Construction Board of Appeals of the HUNTERDON BOARD OF APPEALS within 10 days of receipt of this ORDER as provided by N.J.A.C. 5:23 A-2.1. The Application of the Construction Board of Appeals may be used for this purpose.

Your application for appeal must be in writing, setting forth your name and address, the address of the building or site in question, the permit number, the specific sections of the Regulations in question, and the extent and nature of your reliance on them. You may include a brief statement setting forth your position and the nature of the relief sought by you. You may also append any documents that you consider useful.

The fee for an appeal is \$100.00 and should be forwarded with your application to the Construction Board of Appeals Office at: Social Services
 8 County Plaza, Building 2
 FLEMINGTON, NJ 08822

If you have any questions concerning this matter, please call: (908) 735-8500

NOTICE AND ORDER OF PENALTY

Date: 7/12/2024

Thomas A. Petto

U.C.C. 1215 equlr (rev. 4/2003)

The Township has since begun using other trumped-up regulatory mechanisms, including fire and building codes, to improperly interfere with A&TC's operations. Most recently, a fire inspector required installation of a hardwired exit sign in the residential building. While A&TC was and is happy to make the change, on March 14, 2025, the Township refused to issue the necessary permit, citing the ongoing zoning proceedings and directing A&TC to include the request in the pending BOA-2022-12 application. As a result of this improper refusal of permission to simply hardwire a safety device, A&TC cannot house residents in the building, thereby imposing a significant burden upon their religious programming.



Clinton Township
ZONING OFFICER
1225 ROUTE 31 SOUTH
SUITE 411, BLD D
LEBANON, NJ 08833
908-735-8800 X217 FAX(908) 735-0759
ZONING@CLINTONTWP.NJ.ORG

Application Date: 3/7/2025
Application Number: ZA-25-043
Permit Number: _____
Project Number: _____
Fee: \$50

Denial of Application

Date: 3/14/2025

To: DENNIS KOWAL ARCHITECT
52 W MAIN ST
SOMERVILLE, NJ

CC: APP TELE:(908) 231-0201
APP EMAIL:DENNISKOWAL@KOWALARCHITECTS.COM

RE: 245 STANTON MOUNTAIN ROAD
BLOCK: 19 LOT: 32 QUAL: ZONE: RC

DEAR DENNIS KOWAL ARCHITECT,
TENANCY REVIEW/CHANGE IN USE
EXISTING: BUSINESS
PROPOSED: RESIDENTIAL
RAW MATERIAL: N/A
MACHINERY: N/A
WATER: 15 GAL/DAY PER PERSON
EMPLOYEES: 1 PER SHIFT
PARKING: EXISTING 3 PAVES SPACES

Your request is hereby denied based upon the following requirements:
THE PROPOSED CHANGE IN USE/TENANCY REVIEW REQUIRES USE VARIANCE RELIEF AND THEREFORE,
CANNOT BE APPROVED ADMINISTRATIVELY. THE APPLICANT MAY INCLUDE THIS REQUEST FOR USE
VARIANCE RELIEF IN THEIR PENDING APPLICATION NO. BOA-2022-12 BEFORE THE BOARD OF
ADJUSTMENT.

Sincerely,

II. Legal Claims

A. First Amendment

The Township's conduct violates the First Amendment to the United States Constitution, including A&TC's right to the free exercise of religion. The zoning-hearing record reflects evidence of religious hostility and pretext, including questioning regarding A&TC's Christian identity, parachurch status, vocational ministry, nonprofit character, management philosophy, and accreditation. Rather than acting as an unbiased quasi-judicial body, the Board has shown barely veiled and unfair hostility toward A&TC's mission. This discriminatory and pretextual conduct is sufficient reason for the Township's actions to be "set aside . . . without further inquiry." *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 525 n.1 (2022). In any event, the Township's unlawful burden on A&TC's religious exercise cannot survive strict scrutiny. *Id.* at 525.

B. Equal Protection, Due Process, and Section 1983

The Township's actions also violate the Equal Protection and Due Process Clauses of the Fourteenth Amendment. U.S. Const. amend. XIV. Section 1983 authorizes claims against persons acting under color of state law who deprive others of rights secured by the Constitution and federal law. 42 U.S.C. § 1983. A refusal to permit A&TC to correct a safety condition identified by the Township is arbitrary,

punitive, and particularly suspect given A&TC's religious identity, its residents' protected status, the Township's prior history with the property, and the existence of comparable rehabilitation or residential recovery facilities treated more favorably. The hearing record also supports equal-protection and due-process claims because it reflects hostility toward A&TC's religious mission and apparent discrimination against persons with substance-use disorders, including fear-based and unsupported questioning about criminal elements, drug use, and other unproven impacts.

C. RLUIPA

The Township's conduct also violates the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), 42 U.S.C. § 2000cc et seq. RLUIPA prohibits governments from imposing or implementing land-use regulations that substantially burden religious exercise unless the government proves that the burden furthers a compelling governmental interest and is the least restrictive means of furthering that interest. 42 U.S.C. § 2000cc(a)(1). RLUIPA also prohibits land-use regulations that treat religious assemblies or institutions on less than equal terms with nonreligious assemblies or institutions, discriminate on the basis of religion or religious denomination, or unreasonably limit religious assemblies, institutions, or structures within a jurisdiction. 42 U.S.C. § 2000cc(b)(1)–(3). A&TC is a faith-based ministry, and the Township's refusal to issue the fire/life-safety permit has displaced residents and disrupted A&TC's recovery program. The Township cannot plausibly claim that blocking a permit for a required fire-exit sign is the least restrictive means of achieving zoning compliance. Requiring a permit and then refusing to issue that permit for a safety device which is meant to save lives in the event of an emergency is unconscionable. The town must issue the permit for the exit sign immediately.

D. Fair Housing Act

The Township's conduct also violates the Fair Housing Act ("FHA"), 42 U.S.C. § 3601 et seq. The FHA prohibits making housing unavailable or denying a dwelling because of disability and requires reasonable accommodations in rules, policies, practices, or services where necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling. 42 U.S.C. § 3604(f)(1), (f)(3)(B). DOJ guidance confirms that local governments may not use zoning or land-use policies to exclude or discriminate against individuals with disabilities, including persons recovering from addiction who are not currently using illegal drugs. *See* U.S. Dep't of Justice & U.S. Dep't of Hous. & Urban Dev., *Joint Statement on State and Local Land Use Laws and Practices and the Application of the Fair Housing Act* (Nov. 10, 2016); 42 U.S.C. § 3602(h).

E. New Jersey Law

New Jersey law independently prohibits discriminatory and arbitrary municipal action. The New Jersey Law Against Discrimination (“NJLAD”) protects access to real property without discrimination based on creed or disability and prohibits municipalities from exercising land-use or housing regulatory power in a discriminatory manner. N.J. Stat. Ann. §§ 10:5-4, 10:5-12.5. The New Jersey Civil Rights Act (“NJCRA”) authorizes damages, injunctive relief, and attorneys’ fees where officials acting under color of law deprive persons of due process, equal protection, or other substantive rights. N.J. Stat. Ann. § 10:6-2(c), (f).

Additionally, the Township may contend that it is simply following the New Jersey Uniform Construction Code (“UCC”), which requires “prior approvals”, including zoning approvals, before any construction permit is issued. N.J. Admin. Code §§ 5:23-2.15(a)(5), 5:23-1.4. That argument fails for several independent reasons.

First, installing a single hardwired exit sign is not “construction” within the meaning of the UCC. N.J. Admin. Code § 5:23-2.14(a) requires a construction permit only for work that “construct[s], enlarge[s], repair[s], renovate[s], alter[s], [or] reconstruct[s]” a structure. Hanging a single exit sign does none of those things in any meaningful sense, it is a safety appliance installation, not a building alteration. The purpose of the prior approvals requirement is to ensure zoning compliance before major construction begins, not to prevent a property owner from installing a single safety device that the fire code itself may require.

Second, even if a permit is required, this work qualifies for the minor work exception, which does not require prior approvals. Because the sign is a new installation, it constitutes minor work as either (i) the installation of a fire detection or suppression device or (ii) a single electrical fixture or device installation where existing circuits are adequate to support the load. N.J. Admin. Code §§ 5:23-2.17A(c)(4)–(5). The Township cannot bootstrap a zoning approval requirement onto a minor work fire safety installation.

Third, even if state law were to support the Township’s position, the Supremacy Clause governs. The Township’s refusal to issue the permit violates the constitutional and federal statutory rights set forth above, including the First and Fourteenth Amendments, RLUIPA, and the Fair Housing Act. State and local regulatory requirements cannot be wielded to override those federally protected rights.

F. Clinton Township Code

The pendency of BOA-2022-12 does not authorize the Township to withhold a discrete fire/life-safety permit where A&TC seeks to perform the very safety work identified as necessary by Township

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officials. Clinton Township Code § 165-88(A) requires zoning approval before certain construction permits or certificates of occupancy are granted, but as set forth above, this work does not constitute construction triggering that requirement. Even if it did, § 165-88 does not authorize the Township to deny a safety-related permit for reasons unrelated to the proposed work itself. Clinton Township, N.J., Code § 165-88.

III. Conclusion

Accordingly, A&TC demands that, no later than **14 days after receipt of this letter**, the Township issue or cause to be issued all permits, signoffs, prior approvals, inspections, and authorizations necessary for installation of the hardwired fire-exit sign and directly related life-safety work identified by Township officials.

If the Township refuses to comply, A&TC is prepared to seek emergency relief in court without further notice, including a temporary restraining order, preliminary injunction, declaratory relief, damages, costs, and attorneys' fees under the First and Fourteenth Amendments, the RLUIPA, the Fair Housing Act, § 1983, the NJLAD, the NJCRA, and applicable New Jersey land-use and construction-code law.

We reserve all rights and waive none.

Sincerely,

/s/ Todd Harrison
Partner
McDermott Will & Schulte LLP

Jeremiah G. Dys
Senior Counsel
Ryan Gardner
Senior Counsel
First Liberty Institute

Richard S. Ranieri
Partner
Weber Gallagher Simpson Stapleton Fires & Newby LLP