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Our File No.: C22172

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FILED
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Maryann L. Nergaard
J.S.C.

		: SUPERIOR COURT OF NEW JERSEY
IN THE MATTER OF THE TOWNSHIP	:	: LAW DIVISION: MORRIS COUNTY
OF CHATHAM FOR A JUDGMENT	:	: DOCKET NO.: MRS-L-1659-15
OF COMPLIANCE OF ITS THIRD	:	
ROUND HOUSING ELEMENT AND	:	: (MOUNT LAUREL)
FAIR SHARE PLAN	:	
	:	: <i>Civil Action</i>
	:	
	:	: PARTIAL JUDGMENT ON
	:	: PARTIAL FAIRNESS HEARING
	:	
	:	

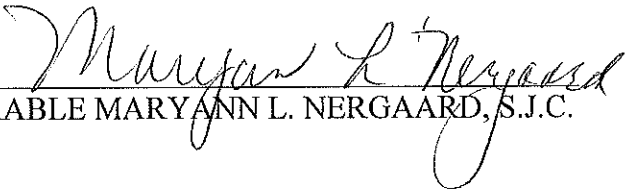
THIS MATTER having been opened to the Court by DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C., attorneys for the Plaintiff, Township of Chatham ("Township"), (Steven A. Kunzman, Esq., and Albert E. Cruz, Esq., appearing), in the presence of Kevin D. Walsh, Esq., attorney for interested party, Fair Share Housing Center, Inc. ("FSHC"), and in the presence of Gregg S. Sodini, Esq., attorney for the Vernon Grove Condominium Association, Inc. ("Vernon Grove"), and in the presence of the Court-appointed Special Master, Philip B. Caton, P.P., F.A.I.C.P., ("Special Master") on a Partial Fairness Hearing for approval of that Agreement between the Township of Chatham and Vernon Grove Condominium Association, Inc., last dated March 29, 2018, pursuant to East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996); and whereas the Agreement provides that after a Hearing, the Court may enter an Order approving the Agreement and the Amendment to the Master Deed

Extending Affordability Controls Thirty Years from September 24, 2016, in accordance with East/West Venture, *supra*, at 326, which held that Mount Laurel litigation may be settled only after a finding by the Court that (1) the settlement has apparent merit; (2) notice has been given to all members of the class and others who have an interest in the settlement; (3) a hearing has been conducted on the settlement where those affected have sufficient time to prepare; and (4) the settlement is “fair and reasonable to members of the protected class,” and the Court having determined for the reasons set forth on the record at the Partial Fairness Hearing held on May 4, 2018, and memorialized in this Order dated May 4, 2018, and the Court having further heard testimony of the Township’s Planner, Francis J. Banisch, III, P.P., A.I.C.P., and a representative of Vernon Grove as well as the Special Master, and the Court having received and reviewed other documentary evidence, and the Court having found (1) the Agreement is fair and reasonable to low and moderate income persons on whose behalf the affordability controls on the units proposed by the Agreement serve the implementation of the Township’s affordable housing plan; and the Court having found, upon the conclusion of the hearing, for the reasons set forth by the Court that applicable criteria set forth in East/West Venture have been satisfied; and the Court having determined to enter an Order as hereinafter set forth;

IT IS THEREFORE, ON THIS 4th DAY OF MAY, 2018, ADJUDGED, DECLARED AND ORDERED AS FOLLOWS:

1. Partial Judgment is hereby declared in favor of Township of Chatham approving the Agreement and the Amendment to the Master Deed Extending Affordability Controls Thirty Years from September 24, 2016, pursuant to East/West Venture v. Borough of Fort Lee and the Mount Laurel line of cases.

AND IT IS FURTHER ORDERED that a copy of this Partial Judgment on Partial Fairness Hearing be served upon all interested parties in accordance with the procedure previously established in Morris County Mount Laurel litigation matters.


HONORABLE MARYANN L. NERGAARD, S.J.C.

Opposed _____

Unopposed _____

*Reasons placed on the record
This date*