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Our File No.: C22172

(Revised March 26, 2018)

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FILED

MAR 27 2018

Maryann L. Nergaard
J.S.C.

IN THE MATTER OF THE TOWNSHIP
OF CHATHAM FOR A JUDGMENT
OF COMPLIANCE OF ITS
THIRD ROUND HOUSING ELEMENT
AND FAIR SHARE PLAN

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION: MORRIS COUNTY
: DOCKET NO.: MRS -L-1659-15

: (MOUNT LAUREL)

: *Civil Action*

: **CASE MANAGEMENT**
: **ORDER ON PARTIAL**
: **FAIRNESS HEARING**

THIS MATTER having been opened to the Court by DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C., attorneys for the Township of Chatham ("Township"), Steven A. Kunzman, Esq., appearing, in the presence of Kevin Walsh, Esq., attorney for Interested Party, Fair Share Housing Center, Inc. ("FSHC"), Daniel Barros, Esq., and Gregg Sodini, Esq., attorneys for Interested Party, Vernon Grove Condominium Association, Inc., and Douglas Henshaw, Esq., attorney for Intervenors, Sun Homes, LLC, and Sterling Properties, LLC, seeking a Partial Fairness Hearing, which Partial Fairness Hearing to be held pursuant to and in accordance with East/West Venture v. Borough of Fort Lee, 286 N.J. Super 311 (App. Div. 1996); and sufficient notice of the Partial Fairness Hearing to be given in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 & 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (Mount Laurel IV) and Morris County Fair Housing Council v.

Boonton Tp., 197 N.J. Super 359 (Law Div. 1984); and the Court having considered the submission of the parties; and it further appearing that all counsel of record having consented to the entry of this Order in the form submitted as provided pursuant to R. 4:42-1(d); and good cause having been shown;

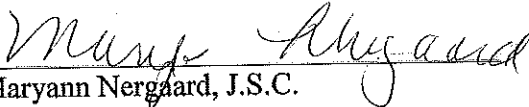
IT IS on this 27th day of March, 2018, **ORDERED** that:

1. That a Partial Fairness Hearing on that Settlement Agreement between the Township of Chatham and the Vernon Grove Condominium Association, Inc., providing that the Master Deed for the Vernon Grove Condominium be amended to extend the affordability controls at the Vernon Grove Condominium for thirty (30) years is hereby scheduled for May 4, 2018 at 1:30 P.M.
2. That the Township shall provide notice to the public of the Fairness Hearing in accordance with Morris County Fair Share Housing Council v. Boonton Township, supra, on or before April 4, 2018.
3. That the Township shall publish the Notice of Fairness Hearing in the form attached to this Order as Exhibit A in two (2) newspapers circulating in the County of Morris and mailed by certified mail, return receipt requested and regular mail to the Vernon Grove Condominium unit owners on or before April 4, 2018.
4. That the Vernon Grove Condominium Association, Inc., or its counsel, shall provide the Notice of the Fairness Hearing in the form attached as Exhibit A to the lenders of the Vernon Grove Condominium unit owners on or before April 4, 2018.
5. That all objections to the Settlement Agreement must be submitted, in writing, to the Court, the Special Master and all interested parties on or before April 24, 2018.
6. That any judgment approving the Settlement Agreement will be certified as a final judgment pursuant to R. 4:42-2 as to the Vernon Grove Condominium Association, Inc., and the

unit owners within the Vernon Grove Condominium regarding the Amendment to the Master Deed and the extension of the affordability controls for the units at the Vernon Grove Condominium.

7. Any and all rights of FSHC to contest (a) the finality of any final judgment; or (b) affordable housing credits for the units within the Vernon Grove Condominium as set forth in Paragraph 6 above are reserved to FSHC.

8. A copy of this Order shall be served upon all counsel within seven (7) days of the date of this Order.


Maryann Nergaard, J.S.C.

Opposed

Unopposed

NOTICE OF PARTIAL FAIRNESS HEARING FOR THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS ("TOWNSHIP"), REGARDING A SETTLEMENT AGREEMENT WITH VERNON GROVE CONDOMINIUM ASSOCIATION, INC., PROVIDING THAT THE VERNON GROVE CONDOMINIUM MASTER DEED BE AMENDED TO EXTEND THE AFFORDABILITY CONTROLS FOR THE UNITS AT THE VERNON GROVE CONDOMINIUM FOR THIRTY (30) YEARS TO PROVIDE AFFORDABLE HOUSING TO LOW AND MODERATE HOUSEHOLDS FOR THE AFFORDABLE HOUSING PERIOD 1987-2025

Docket No. MRS-L-1659-15

PLEASE TAKE NOTICE that on May 4, 2018, beginning at 1:30 P.M., there will be a Partial Fairness Hearing ("Hearing") before the Honorable Maryann Nergaard, J.S.C., at the Morris County Courthouse, Washington and Court Streets, P.O. Box 910, Morristown, New Jersey 07963-0910 ("Court").

The purpose of the Hearing is for the Court to consider whether the Settlement Agreement between the Township and the Vernon Grove Condominium Association, Inc., providing that the Vernon Grove Condominium Master Deed be amended to extend the affordability controls for the units at the Vernon Grove Condominium for thirty (30) years is fair to low and moderate income households, and creates a realistic opportunity to satisfy a portion of the Township's Prior Round and Third Round "fair share" of the regional need for housing affordable to low income and moderate income households pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301, et seq., the substantive applicable regulations of the New Jersey Council on Affordable Housing ("COAH"), the New Jersey Supreme Court's decision in the matter of In re N.J.A.C. 5:96 & N.J.A.C. 5:97, 221 N.J. 1 (2015) and other applicable laws.

The Settlement Agreement partially addresses the existing components of the Township's affordable housing obligations for the period 1987-2025, including the Prior Round (1987-1999). The Settlement Agreement will be available for public inspection and/or photocopying (at requestor's expense) between the hours of 8:30 A.M. and 4:00 P.M. at the Township Clerk's office located at Municipal Complex, 58 Meyersville Road, Chatham, New Jersey 07928.

On the date of the Hearing, the Court will conduct a Partial Fairness Hearing to determine whether the Settlement Agreement is fair to low and moderate income households, and creates a realistic opportunity for satisfaction of a portion of the Township's affordable housing obligation pursuant to the Mount Laurel decisions and their progeny, the Fair Housing Act

Exhibit A

(N.J.S.A. 52:27D-301, et seq.), and the applicable procedural and substantive regulations of COAH and the Supreme Court's decision in the matter of In re N.J.A.C. 5:96 & N.J.A.C. 5:97, 221 N.J. 1 (2015), to partially satisfy the Township's affordable housing responsibilities for the period 1987-2025.

The Township will seek a Partial Final Judgment formally approving the Settlement Agreement, including a final judgment as to the Vernon Grove Condominium Association, Inc., and the unit owners within the Vernon Grove Condominium regarding the Amendment to the Master Deed and the extension of the affordability controls for the units at the Vernon Grove Condominium, subject to appropriate conditions, if any, that may be imposed by the Court.

Any interested third party that seeks to appear and be heard at the May 4, 2018 Hearing on the Settlement Agreement shall have the opportunity to present any position on the Settlement Agreement. Objections or comments by any interested person must be filed with the Court at the above address on or before April 24, 2018, with duplicate copies forwarded by mail and e-mail to the attention of the following:

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This Notice is provided pursuant to directive of the Court and is intended to inform interested parties of the proposed Settlement Agreement and inform such parties that they are able to comment on the Settlement Agreement before the Court reviews and evaluates whether to approve the Settlement Agreement. This Notice does not indicate any view by the Court as to the fairness or the adequacy of the Settlement Agreement.

Gregory J. LaConte, RMC
Clerk of the Township of Chatham