

TOWNSHIP OF MONTVILLE

NOTICE OF RESCHEDULED FAIRNESS AND PRELIMINARY COMPLIANCE HEARING FOR THE TOWNSHIP OF MONTVILLE, COUNTY OF MORRIS, REGARDING SETTLEMENT AGREEMENTS RELATED TO THE TOWNSHIP'S OBLIGATION TO PROVIDE AFFORDABLE HOUSING TO LOW- AND MODERATE-INCOME HOUSEHOLDS

DOCKET NO.: MRS-L-1633-15

PLEASE TAKE NOTICE that a Fairness and Preliminary Compliance Hearing (“Hearing”) previously scheduled for February 1, 2019 at 10 a.m. before the Honorable Maryann L. Nergaard, J.S.C. at the Morris County Courthouse, Washington & Court Streets, 5th Floor, Courtroom #17, Morristown, New Jersey 07963 had been adjourned to a new date of March 1, 2019 at 10 a.m., at the same location.

The Township of Montville (“Township”) has entered into various settlement agreements with the following four (4) intervenors to facilitate the production of affordable housing:

- (1) Fair Share Housing Center (“FSHC”) – Settlement Agreement;
- (2) VL Associates, which owns property consisting of approximately thirteen (13) acres at Block 81, Lot 7 – Settlement Agreement, Modification to Settlement Agreement, and Second Modification to Settlement Agreement;
- (3) MCRT Investments, LLC, which is the contract-purchaser of property consisting of approximately 13.45 acres at Black 159, Lot 5.01, with access for ingress/egress from Changebridge Road via an easement over the existing drive on the adjacent property at Black 159, Lot 5.02 – Settlement Agreement; and
- (4) Avalonbay Communities, Inc., which is the contract-purchaser of property consisting of approximately thirty-nine (39) acres at Block 167, Lots 28-32, Block 178, Lot 3, and Block 179, Lot 1 – Settlement Agreement and Amendment No. 1 to the Settlement Agreement.

The purpose of the Hearing is for the Court to consider whether the terms of the settlement agreements (“Settlement Agreements”) meet the Township’s obligation to provide a realistic opportunity to satisfy the Township’s rehabilitation, Prior Round, and Third Round “fair share” of the regional need for affordable housing for low- and moderate-income households pursuant to the Mount Laurel decisions and their progeny, 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 March 10, 2015 decision in 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 Agreements fully address the existing components of the Township’s affordable housing obligations for the period 1987-2025, including the Township’s Present Need Obligation (or rehabilitation obligation) of 32, or some lesser number to be determined, its Prior Round obligation of 261 housing units, and its Third Round new construction obligation of 850 units. Pursuant to the Settlement Agreements, VL Associates shall provide fourteen (14) affordable units, MCRT Investments, LLC shall provide 15% of the first 250 units constructed as

affordable units and 20% of the balance of the constructed units as affordable units, and Avalonbay Communities, Inc. shall provide 15% of the total units constructed as affordable units. The proposed Settlement Agreements provide detailed lists of the Township's total affordable housing obligation and compliance mechanisms demonstrating the Township's compliance with those affordable housing obligations. The full Settlement Agreements are available for public inspection and/or photocopying (at requestor's expense) during the hours of 8:30 a.m. to 4:30 p.m. at the Township Clerk's Office located at the Montville Township Municipal Building, 195 Changebridge Road, Montville, New Jersey 07045.

On the date of the Hearing, the Court will conduct a Fairness Hearing to determine whether the Settlement Agreements are fair to low- and moderate-income households and create a realistic opportunity for satisfaction of the Township's affordable housing obligations. The Township will seek a Judgment of Compliance and Repose formally approving the Settlement Agreements, subject to appropriate conditions, if any, that may be imposed by the Court, which Judgment of Compliance and Repose will entitle the Township to protection from any Mount Laurel builder's remedy lawsuits through July 1, 2025.

Any interested person may seek to appear and be heard at the March 1, 2019 Hearing on the Settlement Agreements and shall have the opportunity to present any position on the Settlement Agreements. Objections or comments by any interested person must be filed with the Honorable Maryann L. Nergaard, J.S.C., Morris County Courthouse, Washington & Court Streets, 5th Floor, Morristown, New Jersey 07963 on or before February 15, 2019, with duplicate copies forwarded by mail and email to the attention of each of the following:

Fred Semrau, Esq.
Dorsey & Semrau, LLC
714 Main Street
P.O. Box 228
Boonton, NJ 07005
fsemrau@dorseysemrau.com

Joshua D. Bauers, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002
joshbauers@fairsharehousing.org

Elizabeth K. McManus, Special Master
Kyle & McManus Associates
P.O. Box 236
45 E. Broad Street
Hopewell, NJ 08525
bmcmanus@kylemcmamus.com

Joseph H. Burgis, PP, AICP
Burgis Associates, Inc.
25 Westwood Avenue
Westwood, NJ 07675
jhb@burgis.com

Derek W. Orth, Esq.
Inglesino, Webster, Wyciskala & Taylor, LLC
600 Parsippany Road, Suite 204
Parsippany, NJ 07054
DOrth@iwt-law.com

Jonathan I. Epstein, Esq.
Drinker Biddle & Reath, LLP
105 College Road East
Princeton, NJ 08542-0627
Jonathan.Epstein@dbr.com

Jeffrey Kantowitz, Esq.
Law Office of Abe Rappaport
195 Route 46 W, Suite 6
Totowa, NJ 07512
Jeffrey.kantowitz@gmail.com

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

/s/ Leena M Abaza
Leena M Abaza
Township Clerk
Township of Montville