

To: The Item (Publish)

cc: TAP (FYI – not a paid publication)

By e-mail: 11/20/2019

The Item: Please publish in your November 28th edition of “The Item”. Also, please provide an affidavit of publication for this notice. Thank you.

TOWNSHIP OF MILLBURN
PUBLIC NOTICE OF "FAIRNESS HEARING" TO APPROVE
SETTLEMENT OF MOUNT LAUREL LITIGATION

PLEASE TAKE NOTICE that a "Fairness Hearing" will be held on January 3, 2020 at 8:45 a.m. before the Honorable Robert H. Gardner, J.S.C., Superior Court of New Jersey, Law Division, at the Essex County Historic Courthouse located at 470 Dr. Martin Luther King, Jr. Blvd, Room 404, Newark, New Jersey 07102, to consider the proposed Settlement Agreement between the Township of Millburn and the Planning Board of the Township of Millburn (collectively, the "Township") and 85 Woodland Road, LLC, 87 Woodland Road, LLC, 54 Chatham Road, LLC and SL58 Chatham Road, LLC (collectively, the “Developer”) in the Mount Laurel action entitled 85 Woodland Road, LLC, 87 Woodland Road, LLC, 54 Chatham Road, LLC and SL58 Chatham Road, LLC v. Township of Millburn and Township of Millburn Planning Board, Docket No. ESX-L-2672-18. Through this judicial proceeding, the Court will evaluate whether the proposed Settlement Agreement is fair and reasonable to the region's very-low, low and moderate income households according to the principles set forth in Morris County Fair Housing Council v. Boonton Tp., 197 N.J. Super. 359 (Law Div.1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986) and East/West Venture v. Bor. of Fort Lee, 286 N.J. Super.311 (App. Div. 1996).

Developer is the owner of approximately 1.56 acres of property located in the Township of Millburn and known and designated as Block 1904, Lots 72-75 on the Official Tax Map of the Township of Millburn and commonly known as 85 Woodland Road, 87 Woodland Road, 54 Chatham Road and 58 Chatham Road, Millburn, New Jersey (the “Property”). In connection with the above mentioned litigation, Developer sought to construct an inclusionary residential development containing an affordable housing component on the Property. The Township and Developer have resolved various substantive issues concerning the development of the Property and the terms of the settlement have been memorialized in a Settlement Agreement executed on behalf of the Township and the Developer, which is available for public inspection and copying during regular business hours at the office of the Township Clerk, Township of Millburn, Town Hall, 375 Millburn Avenue, Millburn, New Jersey 07041.

The terms of the settlement with Developer include, but are not limited to, the following:

1. The Developer will seek approvals to develop the Property with a mixed-use development consisting of the following components: (a) a Multi-Family Apartment Component with 62 non-age restricted rental apartment dwelling units, 50 of which will be market rate units and 12 of which will be affordable housing units (“AHU’s”); (b) not to exceed 10,000 square feet of medical offices on the first (ground) floor of the portion of the building fronting Chatham Road; and (c) 192 parking stalls (all 192 spaces in structured parking facility below the residential and medical

office structured floors) of which 50 parking stalls shall be designated for the medicals offices. In the Multi-Family Apartment Component, the 50 market rate units will consist of 47 two-bedroom units and 3 one-bedroom units and the 12 AHU's will consist of 3 three-bedroom units, 7 two-bedroom units and 2 one-bedroom units. A minimum of two (2) AHU's shall be reserved for very low income households. The AHU's shall be integrated and dispersed with the market-rate units in the development and shall be governed by controls on affordability and affirmatively marketed in accordance with the Uniform Housing Affordability Controls or any successor statutes or regulations, except as to the very low income housing obligation which shall be as required by N.J.S.A. 52:27D-329.1 and the terms of the Settlement Agreement. The affordability controls shall apply for a minimum of thirty (30) years and until the Township elects to release the controls.

Any interested party, including, without limitation, any very-low, low or moderate income person residing in the housing region, any organization representing the interests of very-low, low and moderate income persons, any owner of property in the Township, or any organization representing the interests of owners of property in the Township may file comments on, or objections to, the Settlement Agreement. Such comments or objections, together with copies of any supporting affidavits or other documents, must be filed in writing, on or before December 20, 2019. In addition, any person wishing to be heard, whether or not a written objection has been filed, shall advise of that intention in writing on or before December 20, 2019. Failure to provide such written notice will preclude presentation of any evidence, oral presentation or argument. Written responses by any of the parties to the comments or objections shall be filed on or before December 27, 2019. Such comments, objections and responses, together with copies of any supporting affidavits or other documents, must be filed in writing with the Honorable Robert H. Gardner, J.S.C. at the Essex County Historic Courthouse located at 470 Dr. Martin Luther King, Jr. Blvd, Room 404, Newark, New Jersey 07102, with copies of all papers being forwarded by first class mail, postage prepaid or e-mail to:

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This Notice is intended to inform all interested parties of the existence of the Settlement Agreement and the possible consequences of Court approval of the Settlement Agreement. It does not indicate any view by the Court as to the merits of the above referenced Mount Laurel action, the fairness, reasonableness, or adequacy of the settlement, or whether the Court will approve the settlement.

Dated: November 28, 2019

/s/ Christine Gatti

Christine Gatti,
Township Clerk