

**TOWNSHIP OF MAHWAH
DOCKET NO.: BER-L-6281-15**

**PUBLIC NOTICE OF “FAIRNESS HEARING” TO APPROVE AN
AMENDED SETTLEMENT AGREEMENT BETWEEN TOWNSHIP OF
MAHWAH AND FAIR SHARE HOUSING CENTER; AND AMENDED
AGREEMENT BETWEEN TOWNSHIP OF MAHWAH AND
CROSSROADS DEVELOPERS ASSOCIATES AND GARDEN
CROSSROADS, LLC.**

PLEASE TAKE NOTICE that a virtual “Fairness Hearing” will be held on February 3, 2023, before the Honorable Christine A. Farrington, J.S.C., Superior Court of New Jersey, Law Division, at 11:00 a.m. at the Bergen County Superior Court of New Jersey, 10 Main Street, Chambers 323 Hackensack, NJ 07601 to consider the proposed amended settlement agreements between the Township of Mahwah and the Fair Share Housing Center (hereinafter “FSHC”) and the Township of Mahwah and Crossroads Developer Associates and Garden Crossroads, L.L.C (hereinafter “Crossroads”) in In the Matter of the Application of the Township of Mahwah, Docket Number BER-L-6281-15. Information about courtroom closings is available at njcourts.gov. Any interested party should contact the office of Michael J. Edwards, Esq. of Surenian, Edwards and Nolan LLC at 732-612-3100, at least 48 hours in advance of the hearing to determine how he/she can participate. For the convenience of the public and since a virtual link to participate in the Fairness Hearing is not currently available from the Court, said virtual link will be posted on the Township’s website <https://www.mahwahtwp.org> as soon as it is made available by the Court, if necessary.

Through this judicial proceeding, the Court will evaluate whether the proposed amended settlement agreements are 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), affd 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).

The Township has already received approval of its original FSHC Settlement Agreement, dated June 8, 2018, and its Housing Element and Fair Share Plan, dated May 29, 2019. On October 11, 2022, the Township entered an amendment to its FSHC Agreement (the “FSHC Amendment”). The purpose and scope of this hearing is to evaluate the items which have been amended and not to revisit previously approved mechanisms or terms. The Township will no longer rely upon a “Vacant Land Adjustment” or VLA and will address its entire Round 3 new construction obligation as follows:

<u>Project</u>	<u>Hard Units</u>	<u>Bonus</u>	<u>Type/Tenure</u>	<u>Status</u>
Surplus Prior Round Credits				
Ramapo Brae for sale units	35		Family Sale	Complete
Society Hill – Village II	60		Family For-Sale	Complete
Society Hill – Village III Darlington Ridge	80		Family For-Sale	Complete

Franklin Heights	73		Family For-Sale	Complete
Ridge Gardens	120		Family For-Sale	Complete
Extension of Affordability Controls				
Ramapo Brae –Rental	54		Family Rental	Complete
Completed Extensions Pursuant to Original 2018 Agreement	13		Family For-Sale	Complete
Additional Extensions Pursuant to Amended Agreement	35		Family For-Sale	Complete
Market to Affordable				
Norfolk Village	45	15	Age-Restricted Rental	Constructed
New Municipally-Sponsored Market To Affordable Program	9	7	7 family rental; 2 family for-sale	Proposed
100 % Affordable Developments				
Madeline	13	4	Senior Rental	Complete
Madeline (Special Needs)	8	8	Alt Living Arrangements	Complete
70 Island Road (BCUW)	19	19	Special Needs Rental	Approved Development Application
Children’s Aid	4	4	Special Needs	Complete
Inclusionary Developments				
Crossroads Alternative Development	74	74	Family Rental	Proposed
Monarch (Mahwah Town Center/Block 82)	32	11	Senior Rental; Assisted Living	Proposed
Brandywine	11	(Potential)	Senior rental; Assisted Living	Complete (TBD)
Fyke Road	5	5	Family Rental	Proposed
Totals	690	147 (208 Max)		
Grand total		837		
Surplus		7		

The FSHC Amendment details changes and revisions to the Crossroads Project, which are further described in the Crossroads Amended Settlement, dated December 2, 2022, which is also subject to this hearing. The executed Settlement Agreements have been placed on file for public inspection and copying during regular business hours at the office of the Township Clerk, 475 Corporate Drive, Mahwah, NJ 07430. Given the Township’s current operating schedule, you may contact the

Township Clerk at 201-529-5757 or by email: cgeorge@mahwahtwp.org, during normal business hours to request copies of the documents be sent to you. In addition, you may contact Michael J. Edwards, Esq., at 732-612-3100 to request a copy of these documents.

Any interested party, including any low- or moderate income person residing in the housing region, any organization representing the interests of low- and moderate-income persons, any owner of property in the Township of Mahwah, or any organization representing the interests of owners of property in the Township of Mahwah may file written comments on, or objections to, the Settlement Agreements. All objections should provide: (1) a clear and complete statement as to each aspect of the Township’s Settlement Agreements contested by the objector; (2) an explanation of the basis for each objection; and (3) copies of any and all expert reports, studies, or other data relied upon by the objector.

If an interested person or party intends to present testimony (whether expert or factual) or arguments at the hearing as to the fairness of the Settlement Agreements, such comments or objections, together with copies of any and all supporting affidavits or other documents, must be submitted in writing, on or before January 24, 2023 at 4:00 p.m., to the Honorable Christine A. Farrington, J.S.C. at the Bergen County Superior Court 10 Main Street, Chambers 323 Hackensack, NJ 07601, with copies of all papers being forwarded by mail and e-mail by that date to:

<p>Carolyn George, Clerk Township of Mahwah 475 Corporate Drive Mahwah, NJ 07430 cgeorge@mahwahtwp.org</p>	<p>Michael J. Edwards, Esq. Surenian, Edwards & Nolan LLC 311 Broadway, Suite A Point Pleasant Beach, NJ 08742 MJE@Surenian.com</p>
<p>Joshua Bauers, Esq. Fair Share Housing Center 510 Park Boulevard Cherry Hill, NJ 08002 adamgordon@fairsharehousing.org</p>	<p>Elizabeth K. McManus, Court Master Kyle + McManus Associates 2 East Broad Street, Second Floor Hopewell, NJ 08525 bmcmanus@kylemcmanus.com</p>
<p>Peter Flannery, Esq. Bisgaier Hoff, LLC 25 Chestnut Street, Suite 3 Haddonfield, NJ 08033 pflannery@bisgaierhoff.com</p>	

This Notice is intended to inform all interested parties of the existence of the proposed amended settlement agreements and the possible consequences of Court approval of the settlement agreements. It does not indicate any view by the Court as to the fairness, reasonableness, or adequacy of the proposed settlements, or whether the Court will approve the settlements. This Notice does not express any view by the Court, the Special Master, the Township, or Developer as to whether the Court will approve the manner by which the Township proposes to satisfy its fair share.