

BOROUGH OF PEAPACK AND GLADSTONE PUBLIC NOTICE OF PROPOSED SETTLEMENT AND FAIRNESS HEARING TO APPROVE THE BOROUGH'S HOUSING ELEMENT AND FAIR SHARE PLAN

PLEASE TAKE NOTICE that a fairness hearing will be held on **June 14, 2018** before the Honorable Thomas C. Miller, J.S.C., P.J.C.v. Superior Court of New Jersey, at **8:30 a.m.** at the Somerset County Courthouse located at 20 North Bridge Street, 2nd Floor, Somerville, New Jersey, 08876 to consider a settlement agreement between Borough of Peapack and Gladstone and Fair Share Housing Center, based up a proposed Settlement Agreement, Housing Element and Fair Share Plan, which have been submitted to the Court in In the Matter of Peapack and Gladstone, Docket Number SOM-L-000905-15. Through this proceeding, the court will evaluate the proposed settlement agreement and evaluate whether to declare the Borough of Peapack and Gladstone in has prepared a plan to meet its obligation to have provided and to provide realistic opportunities for the construction of housing affordable to low and moderate income households as defined in the "Mount Laurel Cases," and in the New Jersey Fair Housing Act of 1985, as amended. In the lawsuit resulting in the settlement and the adoption of the Housing Element and Fair Share Plan, the Borough of Peapack and Gladstone sought a declaration verifying and confirming its full compliance with its constitutional affordable housing obligations and its protection against exclusionary zoning litigation through July 7, 2025. Fair Share Housing Center, a public interest organization representing the housing rights of New Jersey's poor and interested party in connection with the lawsuit, has sought to enhance to opportunities for low and moderate income housing within the Borough of Peapack and Gladstone. The Borough of Peapack and Gladstone and Fair Share Housing Center have agreed to settle the lawsuit upon the terms that are set forth in a certain Settlement Agreement approved by both entities. The Settlement Agreement will result in an amendment to the Borough of Peapack and Gladstone's Affordable Housing Ordinance, which shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Borough of Peapack and Gladstone pursuant to the Borough's proposed Housing Element and Fair Share Plan. As amended, the Affordable Housing Ordinance will provide for an affordable housing of 78 units with credits of 26 units for a total of 104 units. In addition, the Settlement Agreement provides as follows:

1. The Borough shall adopt the aforementioned amendments to the Affordable Housing Ordinance and Zoning Ordinance implementing the Settlement Agreement.
2. The Borough's Housing Element & Fair Share Plan shall be approved by the Court as an acceptable Plan for compliance with the Borough's prospective affordable housing obligation, which is established to be 104, for a period through July 7, 2025.

3. The Borough shall be granted the judicial equivalent of substantive certification for a period through July 7, 2025.
4. The lawsuit shall be dismissed with prejudice.

The full text of the proposed Settlement Agreement and the Housing Element and Fair Share Plan may be examined and copied during regular business hours from 8:30 a.m. to 4:30 p.m. at the Somerset County Clerk's Office, 20 Grove St, Somerville, NJ 08876. 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 Borough of Peapack and Gladstone, or any organization representing the interests of owners of property in the Borough of Peapack and Gladstone, may file objections to the proposed Settlement Agreement or Housing Element and Fair Share Plan and may present evidence in support of such objections. Objections should be filed in writing, together with copies of any supporting affidavits or documents, on or before June 4, 2018 with the Honorable Thomas C. Miller, J.S.C., P.J.C.v. Somerset County Courthouse, 2nd Floor, 20 North Bridge Street, Somerville, New Jersey, 08876 with duplicate copies being forwarded by mail and e-mail to the attention of the following:

Stephen M. Eisdorfer, Esq.
Hill Wallack, LLP
21 Roszel Road
Princeton, NJ 08540

Peter A. Buchsbaum, Of Counsel
(Retired N.J. Superior Court Judge)
LANZA & LANZA LLP
5 Main Street, P.O. Box 2520
Flemington, NJ 08822

Kevin D. Walsh, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, New Jersey 08002

This Notice is intended to inform all interested parties of the existence of the proposed settlement and the possible consequences of Court approval of the Settlement Agreement and Housing Element and Fair Share Plan and the entry of a Judgment approving the same. It does not indicate any view by the Court as to the merits of the lawsuit, the fairness, reasonableness or adequacy of the proposed settlement, or whether the Court will approve the settlement.

Dolan and Dolan

By Roger W. Thomas,
P.O. Box D
Newton, New Jersey 07860
Borough of Peapack and Gladstone
Affordable Housing Counsel