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| IN RE: TOWNSHIP OF GREENWICH |) | SUPERIOR COURT OF NEW JERSEY |
| WITH THIRD ROUND MOUNT LAUREL |) | LAW DIVISION - WARREN COUNTY |
| AFFORDABLE HOUSING OBLIGATION |) | DOCKET No. WRN-L-228-15 |
| |) | |
| |) | Civil Action |
| |) | |
| |) | <u>Mount Laurel</u> |
| |) | |
| |) | ORDER APPROVING SETTLEMENT |
| |) | AGREEMENT AND, PRELIMINARILY, |
| |) | FAIR SHARE COMPLIANCE PLAN, |
| |) | AND ESTABLISHING NEXT STEPS |

This matter having been opened to the Court in accordance with East/West Venture v. Bor. of Fort Lee, 289 N.J. Super. 311 (App. Div. 1996) and 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), by the joint application of Stickel, Koenig, Sullivan & Drill, LLC (Jonathan E. Drill, Esq., appearing), attorney for Township of Greenwich (the "municipality"), and Joshua D. Bauers, Esq., staff attorney with and on behalf of Fair Share Housing Center ("FSHC"), a public interest organization

representing the housing rights of New Jersey's poor, for the review of a proposed settlement (the "settlement") of the within Mount Laurel declaratory judgment action ¹ at a so-called "fairness" hearing (the "Fairness Hearing"); and the terms of the settlement being set forth in a written agreement entered into by and between the municipality and FSHC dated September 18, 2017, last signed on September 27, 2017 (the "Settlement Agreement"), which Settlement Agreement is expressly subject to court approval following the Fairness Hearing; and the Court conducting the Fairness Hearing on December 7, 2017 and determining that the municipality provided proper notice of the Fairness Hearing as reflected in the Certification of Service and Publication of Notice (which was entered into evidence as Exhibit P-1); and the Court's special master, Francis J. Banisch, III, PP & AICP (the "master"), having submitted a report to the court dated December 7, 2017 (the "master's report") (which master's report was entered into evidence as Exhibit C-1); and the master having testified during the Fairness Hearing; and the municipality's affordable housing planner, Elizabeth McManus, PP & AICP, having also testified during the Fairness Hearing; and the master recommending in the master's report and during testimony that the Court approve the Settlement Agreement as fair and reasonable to and adequately protecting the interests of the protected class, namely, low and moderate income

¹ The within Mount Laurel declaratory judgment action was brought pursuant to Mount Laurel IV, 221 N.J. 1 (2015).

persons / households; and the Court determining for the reasons set forth on the record at the conclusion of the Fairness Hearing on December 7, 2017 that the Settlement Agreement (which was entered into evidence as Exhibit P-2) is fair and reasonable to and adequately protects the interests of low and moderate income persons / households; and the Court determining that an order should be entered memorializing the Court's findings and conclusions and providing for the next steps in the litigation;

IT IS ON THIS 22nd DAY OF DECEMBER, 2017, ORDERED AND ADJUDGED AS FOLLOWS:

1. Approval of Settlement Agreement. The Settlement Agreement is hereby approved as fair and reasonable to and adequately protecting the interests of low and moderate income persons / households.

2. Amendment of Housing Plan Element and Fair Share Plan. In accordance with paragraph 15 of the Settlement Agreement, the Township Planning Board shall adopt and the Township shall endorse, within 120 days of the entry of the within order, an amended Housing Plan Element of the Master Plan and Fair Share Plan, including a Spending Plan, to be consistent with the terms of the Settlement Agreement, including but not limited to paragraph 13 of the Settlement Agreement.

3. Adoption of Implementing Ordinance(s). In accordance with paragraph 15 of the Settlement Agreement, the Township shall

introduce and adopt, within 120 days of the entry of the within order, ordinance(s) to implement the amended Housing Plan Element of the Master Plan and Fair Share Plan and the terms of the Settlement Agreement.

4. FSHC Intervening Defendant. In accordance with paragraph 20 of the Settlement Agreement, FSHC is hereby deemed to have party defendant status in this matter and to have intervened in this matter as a defendant.

5. Scheduling of Compliance Hearing. The Court will schedule a Compliance Hearing in this matter to review and approve the amended Housing Plan Element and Fair Share Plan, including the Spending Plan, as well as all implementing ordinances, after consulting with the parties and the master as to availability for appearances.

6. Extension and Continuation of Temporary Immunity. The temporary immunity previously granted to the municipality and its Planning Board from any and all exclusionary zoning lawsuits is hereby extended and continued through the date of the Compliance Hearing.

7. Service of Order. A copy of the within order shall be served by counsel for the Township on all persons and/or entities on the municipal service list within five (5) days of the receipt of this order by the counsel for the Township.

Thomas C. Miller

HON. THOMAS C. MILLER, P.J.Civ.