

**IN THE MATTER OF THE APPLICATION OF THE
TOWNSHIP OF HOPEWELL
DOCKET NO. MER-L-1557-15 (MOUNT LAUREL)
DOCKET NO. A-2665-17 (APPEAL)
DEER VALLEY REALTY, LLC V TWP. OF HOPEWELL
ET AL. DOCKET NO. MER-L-2326-17 (PREROGATIVE
WRIT)**

**NOTICE OF FAIRNESS HEARING ON PROPOSED
GLOBAL MOUNT LAUREL SETTLEMENT AGREEMENT
AND REQUEST TO AMEND FINAL JUDGMENT OF
COMPLIANCE AND REPOSE INVOLVING THE
TOWNSHIP OF HOPEWELL,
COUNTY OF MERCER**

NOTICE IS HEREBY PROVIDED that the Township of Hopewell in the County of Mercer in the State of New Jersey is a declaratory judgment petitioner in third round affordable housing compliance proceedings that are pending in the Superior Court in Mercer County captioned In the Matter of the Application of the Township of Hopewell, Docket No. MER-L-1557-15 (Mount Laurel) and Appellate Docket No. A-2665-17. The Township has entered into a Global Settlement Agreement which amends in part prior settlement agreements approved by the Superior Court with the following interested parties or intervenors to facilitate the production of affordable housing in the third round which spans for a period of 26 years from 1999 to 2025:

(a) Fair Share Housing Center, (b) CF Hopewell CC&L LLC, (c) Woodmont Properties, LLC and Federal City Road, LLC, (d) Albert Enourato and U.S. Home Corporation d/b/a Lennar and (e) Deer Valley Realty, LLC, (collectively, the "Parties"). An Amended Housing Element and Fair Share Plan explains the Township's stipulated third round fair share number and how the Township will achieve compliance with that number. The Amended Housing Element and Fair Share Plan addresses the Township's rehabilitation and/or indigenous need obligation of zero (0) units, a prior round obligation pursuant to N.J.A.C. 5:93 of 520 units, and a 26-year third round prospective need and expanded present need obligation of 1,141 units.

Upon conclusion of the Hearing, the Court will determine whether the terms of the Global Settlement Agreement are fair and reasonable to low- and moderate-income households in the region and whether the Township's Amended Housing Element and Fair Share Plan and implementing Ordinances satisfies the Township's obligation to provide a realistic opportunity for the creation of affordable housing pursuant to its constitutional responsibilities under the Mount Laurel Doctrine. The Court will also determine whether the 17 Conditions of the Third Round Judgment of Compliance and Repose previously issued by the Court dated January 10, 2017 have been adequately satisfied taking into account the Global Settlement Agreement and Amended Housing Element and Fair Share Plan.

The Township seeks an amendment to the Final Judgment of Compliance and Repose, which will continue to afford the Township, among other things, a period of protection from any builder's remedy or constitutional compliance lawsuits brought pursuant to the Mount Laurel Doctrine through July 1, 2025. The Amended Housing Element and Fair Share Plan adds to the Plan intervenor Deer Valley Realty, LLC. If the Court approves the Global Settlement Agreement and the Amended Housing Element and Fair Share Plan, Deer Valley Realty, LLC property (Block 93, Lots 19, 45.01, 20 and 46 and Lot 60) will be rezoned to allow 125 age restricted affordable housing units, and prior requirements for affordable housing on other lands along the east and west sides of Scotch Road between Interstate 295 and Washington Crossing Pennington Road will be correspondingly reduced by 125 units.

BE ADVISED that The Honorable Mary C. Jacobson, A.J.S.C. will conduct a combined **FAIRNESS HEARING AND REQUEST TO AMEND THE FINAL JUDGMENT OF COMPLIANCE AND REPOSE** on the Global Settlement Agreement and Amended Housing Element and Fair Share Plan on **Thursday, August 29, 2019 beginning at 10:00 a.m.** in her

Fourth Floor Court Room in the Mercer County Criminal Courthouse, 400 South Warren Street, Trenton, New Jersey 08640. Any interested party may appear and be heard at the Hearing to address the Global Settlement Agreement and the Amended Housing Element and Fair Share Plan and offer comments or objections provided that such person first files with the Court at the above address written comments and objections no later than August 15, 2019 and serves by e-mail or otherwise such comments or objections upon the following persons:

John Maczuga, P.P., Court Master
JDM Planning Associates, LLC
614 Harbor Road
Brick, New Jersey 08724
jmaczuga@jdmplanning.com

Linda A. Galella, Esquire
Parker McCay P.A.
9000 Midlantic Drive, Suite 300
P.O. Box 5054
Mount Laurel, New Jersey 08054-5054
lgalella@parkermccay.com

Adam Gordon, Esquire
Fair Share Housing Center, Inc.
510 Park Boulevard
Cherry Hill, New Jersey 08002
adamgordon@fairsharehousing.org

Ryan P. Kennedy, Esquire and
Christopher S. Tarr, Esquire
Stevens & Lee, P.C.
100 Lenox Drive, Suite 200
Lawrenceville, New Jersey 08648
rpke@stevenslee.com

Thomas F. Carroll, III, Esquire
Hill Wallack
21 Rozel Road
Princeton, New Jersey 08540
tcarroll@hillwallack.com

Frank J. Petrino, Esquire
Eckert Seamans

P.O. Box 5404
Princeton, New Jersey 08543
fpetrino@eckertseamans.com

Arnold C. Lakind, Esquire
Szaferman, Lakind, Blumstein & Blader
Quakerbridge Executive Center
101 Grovers Mill Road, Suite 200
Lawrenceville, New Jersey 08648
ALakind@szaferman.com

Mark Kataryniak, Township Engineer
Township of Hopewell
201 Washington Crossing-Pennington Road
Titusville, New Jersey 08560
mkataryniak@hopewelltwp.org

Laurie Gompf, RMC
Municipal Clerk
Township of Hopewell
201 Washington Crossing-Pennington Road
Titusville, New Jersey 08560
lgompf@hopewelltwp.org

Frank J. Banisch, P.P.
Banisch Associates, Inc.
111 Main Street
Flemington, New Jersey 08822
frankbanisch@banisch.com

The Global Settlement Agreement and Amended Housing Element and Fair Share Plan is on file with the Municipal Clerk of the Township at the Hopewell in the Municipal Building located at 201 Washington Crossing-Pennington Road, Titusville, New Jersey 08560, and are available for public inspection and photocopying during normal business hours. The Global Settlement Agreement and Amended Housing Element and Fair Share Plan are also posted on the Township's website at www.hopewelltwp.org.

This Notice is intended to inform interested parties of the Global Settlement Agreement and Amended Housing Element and Fair Share Plan and let them know that they will have an

opportunity to offer comments and/or objections on the Global Settlement Agreement and the Amended Housing Element and Fair Share Plan to the Court before it decides whether or not to approve the Global Settlement Agreement and the Amended Housing Element and Fair Share Plan. It does not indicate any view by the Court as to the fairness of the Global Settlement Agreement or the adequacy of the Amended Housing Element and Fair Share Plan.

Linda A. Galella, Esquire
Parker McCay P.A.
9000 Midlantic Drive, Suite 300
P.O. Box 5054
Mount Laurel, NJ 08054-5054
856-985-4052
Affordable Housing Attorney
Township of Hopewell