

McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP
1300 Mount Kemble Avenue
P.O. Box 2075
Morristown, New Jersey 07962-2075
(973) 993-8100
Joseph Sordillo, Esq., Attorney ID No. 032962004
Attorneys for Borough of Far Hills

**IN THE MATTER OF THE
APPLICATION OF THE BOROUGH OF
FAR HILLS, COUNTY OF SOMERSET**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
SOMERSET COUNTY

DOCKET NO.: SOM-L-903-15

CIVIL ACTION – *MOUNT LAUREL*

**AMENDED ORDER OF FAIRNESS AND
PRELIMINARY ROUND 3
COMPLIANCE**

THIS MATTER having been opened to the Court by Joseph Sordillo, Esq., and Michael A. Jedziniak, Esq. appearing on behalf of declaratory plaintiff, Borough of Far Hills (hereinafter “the Borough” or “Far Hills”) via a Declaratory Judgment Complaint filed on July 2, 2015 seeking judicial approval of the Borough’s Round 3 Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”) in response to In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) (“Mount Laurel IV”); and the Court having granted the Borough immunity from Mount Laurel lawsuits, which has remained in force, without interruptions, from July 2, 2015 to the present; and the Court having appointed James Kyle, P.P., A.I.C.P. as the Special Master (hereinafter the

“Court Master”); and Fair Share Housing Center (“FSHC”) having participated in the Borough’s DJ Action as an interested party; and, on the Borough requesting an extension of time from the associated deadlines necessary for the Borough to secure its Final Round 3 Judgment of Compliance and Repose; and good cause having been shown;

It is hereby ordered on this 20th day of February, 2020, as follows:

1. The Borough shall proceed to address its remaining items to come into compliance with its obligations pursuant to the Settlement Agreement between the Borough and Fair Share Housing Center approved by the court in an Order dated February 26, 2019 and the requirements of the Special Master’s December 18, 2018 report in accordance with the amended schedule attached hereto as Exhibit A.

2. Any other outstanding resolutions, ordinances, or other municipal actions required by the Settlement Agreement or the Special Master’s report shall also be completed by April 6, 2020.

3. Assuming completion of all of the items required by this Order on a timely basis a final compliance hearing in this matter will be scheduled by the court thereafter.

4. Immunity is hereby extended to April 6, 2020 and shall expire on that date and not be extended further absent (a) a formal motion by the Borough with opportunity to be heard by the interested parties to this case; or (b) the completion of all of the items required by this Order prior to April 6, 2020 and the resulting setting by the court of a final compliance hearing in this matter prior to that date, in which case immunity shall be extended through the date of the final compliance hearing.

5. The court retains jurisdiction over this matter pending the final compliance hearing. In the event that the Borough does not proceed in accordance with the amended schedule provided in Exhibit A the parties to this matter may file a motion in aid of litigant’s

rights to enforce the court's prior orders prior to April 6, 2020 which may include an application to seek to revoke immunity.

6. Counsel for the Borough shall provide copies of this Order to the Borough's Service List within seven (7) days of receipt.

/S/ THOMAS C. MILLER, P.J.Cv.

HON. THOMAS C. MILLER, ~~J.S.C.~~
P.J.Cv.

EXHIBIT A
Borough of Far Hills
Affordable Housing – 3rd Round
Settlement Agreement Compliance
Amended Schedule

<u>Project</u>	<u>Process</u>	<u>Date for Completion</u>
Master Plan		
	Adoption of Master Plan Amendment, Fair Share Plan & Housing Element – Planning Board (Public Hearing & Resolution)	Completed in July 2019
	Endorsement of Master Plan Amendment, Fair Share Plan & Housing Element – Borough Council (Resolution)	Completed in August 2019
Errico Acres - Melillo / Pulte Home		
	Negotiation and Finalization of Affordable Housing Agreement with Melillo/Pulte Homes (Age-restriction & Revised Concept Plans)	Completed in November 2019
	Public Meeting on Revised Proposal (Age-restriction & Revised Concept Plans) – Borough Council	Completed on November 25, 2019
	Introduction of Zoning Ordinance – Borough Council	Completed on December 9, 2019
	Authorization of the Affordable Housing Agreement via Resolution – Borough Council	Completed on December 9, 2019
	Review of Zoning Ordinance – Planning Board	Completed on December 16, 2019
	Public Hearing and Adoption of Zoning Ordinance – Borough Council	Completed on December 23, 2019
Matheny School – Group Homes (46 Peapack Road)		
	Affordable Housing Agreement with Matheny – Group Homes (2 Group Homes - 8 Total Bedrooms)	Completed
	Subdivision of 46 Peapack Road – 3 New Lots	Completed
	Public Meeting on Group Home Development – Borough Council	Completed in October 2019
	Introduction of Zoning Ordinance – Borough Council	Completed in October 2019
	Review of Zoning Ordinance – Planning Board	Completed in

		November 2019
	Public Hearing and Adoption of Zoning Ordinance – Borough Council	Completed in November 2019
Hotz – Affordable Housing Rental Apartments (8 & 10 Peapack Road)		
	Negotiation and Finalization of Affordable Housing Agreement with Hotz (7 Total Rental Apartments)	February 24, 2020
	Public Meeting on Proposed Development (7 Rental Apartments) – Borough Council	Completed on February 10, 2020
	Introduction of Zoning Ordinance – Borough Council	February 24, 2020
	Authorization of the Affordable Housing Agreement via Resolution – Borough Council	February 24, 2020
	Review of Zoning Ordinance – Planning Board	March 2, 2020
	Public Hearing and Adoption of Zoning Ordinance – Borough Council	March 23, 2020
Settlement Agreement with FSHC		
	Negotiation and Finalization of Amended Affordable Housing Settlement Agreement with Fair Share Housing Center and Authorization of same by Resolution– Borough Council	March 23, 2020
Spending Plan		
	Adoption of Resolution seeking Court approval of its Affordable Housing Spending Plan – Borough Council	March 23, 2020