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*A Professional Corporation*

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**Attorneys for:** Township of Branchburg

IN THE MATTER OF THE TOWNSHIP	:	SUPERIOR COURT OF NEW JERSEY
OF BRANCHBURG'S HOUSING	:	LAW DIVISION
ELEMENT AND FAIR SHARE PLAN	:	SOMERSET COUNTY
	:	DOCKET NUMBER: SOM-L-898-15
	:	
	:	Civil Action
	:	
	:	Order Approving Settlement
	:	Agreement and Third Round Fair
	:	Share Number
	:	and
	:	Approving Fair Share
	:	Compliance Plan on a
	:	Preliminary Basis, with
	:	Conditions

This matter having been opened to the Court in accordance with the procedures of East/West Venture v. Borough of Fort Lee, 289 N.J. Super. 311 (App Div, 1996) and Morris County Fair Housing Council v. Boonton Township, 197 NJ Super 359 (Law Div, 1984), aff'd o.b. 209 NJ Super 108 (App Div, 1986), on the application of plaintiff Township of Branchburg ("Branchburg"), represented by Mark S. Anderson of Woolson Anderson Peach, PC; and in the presence of intervening defendant Fair Share Housing Center ("FSHC"), a public interest organization recognized as

presenting the housing rights of New Jersey low- and moderate-income households, represented by Bassam Gergi;

for a "fairness hearing" (the "Fairness Hearing") to review a settlement agreement in this Mount Laurel declaratory judgment action, the terms of which are embodied in a letter dated August 28, 2019 (the "Settlement Agreement") (marked as P-1 in evidence), which was accepted by Branchburg on August 26, 2019 by resolution 2019-192 (marked as P-2 in evidence) and by FSHC on September 24, 2019;

and the Court having conducted the Fairness Hearing in open court on December 18, 2019;

and the Court having determined that the Township provided proper notice of the Fairness Hearing as reflected in the Certified Receipts of mailing of notice (marked as P-3 in evidence) and Proofs of Publication (marked as P-4 in evidence) as well as filing by Ecourts in this action;

and no objections to the Settlement Agreement having been filed with the Court in advance of the Fairness Hearing and no objections having been presented to the Court at the Fairness Hearing;

and Branchburg having presented the testimony of Kendra Lelie, FP, AICP, ASLA, the planner principally responsible for preparing Branchburg's Affordable Housing Compliance Plan incorporated as Exhibit A to the Settlement Agreement, who testified that the Settlement Agreement is, in her professional opinion, fair and reasonable to very low-, low- and moderate-income households, and adequately protects the interest of lower-income persons for whom affordable housing is proposed to be built;

and Christine A. Nazzaro-Cofone, PP/AICP, appointed by the Court as Special Master in this action by Order dated February 5, 2016 (the "Special Master"), having submitted a letter report dated December 16, 2019 (marked as P-5 in evidence) recommending that the Court approve the Settlement Agreement, and having testified during the Fairness Hearing recommending that the Court approve the Settlement Agreement as fair and reasonable to, and adequately protecting the interests of, very low-, low- and moderate-income households;

and the Court having determined for the reasons set forth ~~in a written opinion filed on~~ in open Court on the record on December 18, 2019 that the Settlement Agreement is fair and reasonable to, and adequately protects the interests of, very low-, low- and moderate-income households and should be approved, subject to conditions;

IT IS on this 5th day of January, 2020, ORDERED AND ADJUDGED as follows:

1. FSHC Deemed an Intervening Defendant. In accordance with paragraph 19 of the Settlement Agreement, FSHC is hereby deemed to be an intervening defendant in this action.

2. Settlement Agreement Approved. The Settlement Agreement is hereby approved as fair and reasonable to, and adequately protecting of the interests of, very low- low- and moderate-income persons, subject to the conditions set forth in paragraph 4 below.

3. Specific Approvals. The following specific obligations and compliance mechanisms are hereby approved, subject to the conditions set forth in paragraph 4 below:

a. Present Need (Rehabilitation Obligation). Branchburg's present need (or rehabilitation obligation) share is established as 12 present need units. Branchburg's plan to continue implementation its affordable housing rehabilitation program funded through the Branchburg Township Affordable Housing Trust Fund and managed by Branchburg, and the Somerset County Housing Rehabilitation Program for the rehabilitation of owner-occupied housing units, to address the present need obligation of 12 is hereby approved.

b. Prior Round Obligation. Branchburg's Prior Round obligation is established as 302 units and the compliance mechanisms, including credits, to meet that obligation that are listed in the Settlement Agreement, Exhibit A, Table A are hereby approved.

c. Third Round Obligation. Branchburg's Third Round obligation is established as 1,000 units and the compliance mechanisms, including credits, to meet that obligation as listed in the Settlement Agreement, Exhibit A, Table B are hereby approved.

4. Conditions of Approval. The Township shall satisfy the following conditions:

a. Branchburg shall obtain and submit to the Court, the Special Master and FSHC letters from the developers of the North Branch Walk, Summit Green, and Judelson/Glen Willow developments providing firm commitments to construct those developments consistent with the descriptions of those developments in the Settlement Agreement, Exhibit A, Table B, within 30 days of the filing of this Order.

b. Adoption of ordinance for the "Judelson/Glen Willow" development. With the continued assistance of the Special Master and with the cooperation of FSHC, Branchburg shall complete and adopt a zoning ordinance for the Judelson/Glen Willow development consistent with the description of that development in the Settlement Agreement, Table B, not later than February 28, 2020.

c. Completion of Redevelopment Plan and adoption of zoning ordinance for "TJC/Premier" development. Branchburg shall complete and adopt a Redevelopment Plan for the TJC/Premier development consistent with the description of that development in the Settlement Agreement, Table B, and designate Premier as the redeveloper as soon as is practicable under the law, and shall adopt a zoning ordinance consistent with the description of that development in the Settlement Agreement, Table B, not later than 90 days after the designation of the redeveloper.

d. Preparation and Submission of revised Plans.

Branchburg's Housing Plan Element and Fair Share Plan, Spending Plan and Affirmative Marketing Plan to implement the terms of the Settlement Agreement shall be revised and submitted to the Court, the Special Master and FSHC, within 120 days of the filing of this Order.

5. Scheduling of Compliance Hearing. The Court will schedule a Compliance Hearing in this matter to review and approve the documents required to be submitted in accordance with the conditions set forth in paragraph 4, as well as to review and approve the Housing Plan Element and Fair Share Plan, Spending Plan, Affirmative Marketing Plan, and implementing

ordinances, after consulting with the parties and the Special Master as to availability.

6. Extension and Continuation of Temporary Immunity. The temporary immunity previously granted to Branchburg 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 this Order. A copy of this Order shall be served by counsel for Branchburg on all persons and entities on the service list by regular mail and by ecourts within five days of the receipt of this order by the counsel for Branchburg.

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

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