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FILED

September 1, 2021

MICHAEL GAUS, J.S.C.

<p>I/M/O THE BOROUGH OF CHATHAM MOUNT LAUREL COMPLIANCE</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MORRIS COUNTY</p> <p>DOCKET NO.: MRS-L-1906-15</p> <p>Civil Action</p> <p>ORDER APPROVING JUNE 14, 2021 FIRST AMENDMENT TO THE SETTLEMENT AGREEMENT BETWEEN CHATHAM BOROUGH AND FAIR SHARE HOUSING CENTER, FINDING PRELIMINARY CONSTITUTIONAL COMPLIANCE, AND SCHEDULING A FINAL COMPLIANCE HEARING</p>
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This matter having been opened to the Court by the joint application of Jonathan E. Drill, Esq. (of Stickel, Koenig, Sullivan & Drill, LLC, attorney for the Borough) and Bassam F. Gergi, Esq. (attorney for FSHC, a public interest organization representing the housing rights of New Jersey's poor, and a defendant-intervenor through settlement in this matter) for the scheduling of a fairness hearing (the "fairness hearing") to be

conducted on the Zoom virtual courtroom platform on the June 14, 2021 First Amendment (the "First Amendment") to the November 7, 2016 Settlement Agreement previously entered into in this matter by and between the Borough and FSHC and previously approved by the court; and the terms of the First Amendment being set forth in a written agreement by and between the Borough and FSHC last signed on June 14, 2021, which was submitted via eCourts on June 14, 2021, and which was entered into evidence during the fairness hearing on August 6, 2021 as Exhibit P-1; and the Court being satisfied that proper notice of the fairness hearing was provided by the Borough in accordance with 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), followed and expanded upon in East/West Venture v. Bor. of Fort Lee, 289 N.J. Super. 311 (App. Div. 1996), and in accordance with In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1 (2015) (Mount Laurel IV); and the court being further satisfied with the Proof of Service and Proof of Publication of notice dated August 3, 2021, which was submitted via eCourts on August 3, 2021, and which was entered into evidence during the fairness hearing on August 6, 2021 as Exhibit P-2; and the Borough also publishing / posting the link to the virtual courtroom on its website as reflected in the Proof of Publication of the Zoom link dated August 4, 2021, which was submitted via eCourts on August 4, 2021, and which was entered into evidence during the fairness

hearing on August 6, 2021 as Exhibit P-3; and the court's special master, Joseph H. Burgis, PP, AICP, having submitted a report dated August 3, 2021 (the "master's report"), which was submitted via eCourts on August 4, 2021, and which was entered into evidence during the fairness hearing on August 6, 2021 as Exhibit P-4; and the court having considered the master's report and having heard the testimony during the fairness hearing on August 6, 2021 from the Borough's planning expert, Kendra Lelie, PP, AICP and from Mr. Burgis; and the court finding compelling the rationale expressed in the master's report and expressed in the testimony of Ms. Lelie and Mr. Burgis for determining that the First Amendment should be approved as fair and reasonable to the region's low- and moderate-income households and adequately protects their interests in accordance with East/West Venture v. Bor. of Fort Lee, supra.; and, for the reasons set forth on the record upon the conclusion of the fairness hearing on August 6, 2021, the First Amendment should be approved because it is fair and reasonable to the region's low- and moderate-income households and adequately protects their interests in accordance with East/West Venture v. Bor. of Fort Lee, supra., and that the Borough's compliance plan, as will be amended in accordance with the First Amendment, is preliminarily adjudged to be constitutionally compliant in accordance with Mount Laurel IV and, as such, the within order should be entered;

September

IT IS ON THIS 1st DAY OF ~~AUGUST~~, 2021, ORDERED AS FOLLOWS:

1. Approval of First Amendment. The First Amendment is hereby approved as fair and reasonable to, and adequately protecting the interests of, the region's low- and moderate-income households.

2. Preliminary Constitutional Compliance. The Borough's compliance plan, as will be amended in accordance with the First Amendment, is preliminarily adjudged to be constitutionally compliant, subject to the conditions set forth in ordering paragraph #3 below.

3. Conditions of Preliminary Constitutional Compliance and Required for Amended Final Judgment of Compliance and Repose. Within 120 days of the entry of this order, the Borough shall satisfy the following as conditions of the court's adjudication that the Borough's compliance plan is preliminarily constitutionally compliant, which conditions shall be satisfied prior to the Borough obtaining an amended final judgement of compliance and repose:

a. The Planning Board shall adopt and the Mayor and Council shall endorse an Amended Housing Element and Fair Share Plan ("HE&FSP") as required by paragraph 12 of the First Amendment.

b. The Borough shall adopt an amended Spending Plan by resolution as required by paragraph 12 of the First Amendment.

c. The Borough shall introduce and adopt all ordinance(s) to implement the terms of the First Amendment as required by paragraph 12 of the First Amendment. This includes the ordinance(s) establishing the Gateway 1 overlay zone and the Gateway

2 overlay zone as referenced in paragraph 8.b(i) and (ii) of the First Amendment.

4. The Borough shall amend the Post Office Plaza redevelopment plan by January 1, 2022, as referenced in paragraph 8.b(iii) of the First Amendment.

5. Scheduling of Compliance Hearing. The final compliance hearing in this matter shall be conducted on Friday, February 11, 2022, at 2:30 pm, with the location and/or the virtual courtroom link to be determined by the court closer to said date. At least 30 days prior to the compliance hearing, the Borough shall provide notice of the compliance hearing in the same manner and to the same extent it gave notice of the fairness hearing.

6. Continuation of Immunity. The immunity from builders' remedy lawsuits and exclusionary zoning lawsuits previously granted to the Borough in ordering paragraph 2 of the Final Judgment of Compliance and Repose which was entered in this matter on September 9, 2016 continues in full force and effect.

7. Service of Order. A copy of the within order shall be served via eCourts.

/s Michael C. Gaus

HON. MICHAEL C. GAUS, J.S.C.