

**IN THE MATTER OF THE APPLICATION OF THE TOWNSHIP OF HARRISON  
IN GLOUCESTER COUNTY  
DOCKET NO. GLO-L-908-15 (MOUNT LAUREL)**

**NOTICE OF FAIRNESS HEARING  
TO APPROVE AMENDED SETTLEMENT AGREEMENT**

**PLEASE TAKE NOTICE** that on FRIDAY, MARCH 11, 2022 at 9:00 A.M., and as may be continued thereafter, the Honorable Timothy W. Chell, P.J.Cv., will conduct a Fairness Hearing (the “Hearing”) in the matter known as In the Matter of the Application of the Township of Harrison in Gloucester County, bearing Docket No. GLO-L-908-15 (the “Action”), at the Superior Court of New Jersey, Gloucester County Courthouse, 1 North Broad Street, 2<sup>nd</sup> Floor, Woodbury, New Jersey 08096. The purpose of the Hearing is for the Court to determine whether the terms of an Amended Settlement Agreement (the “Agreement”), dated December 20, 2021, reached by and between the Township of Harrison (“Township”) and interested party Fair Share Housing Center (“FSHC”) is fair and reasonable to low- and moderate-income households and creates a realistic opportunity for the creation of affordable housing pursuant to the Township’s constitutional responsibilities under the Mount Laurel Doctrine.

*NOTE:* Due to the COVID-19 pandemic, the court is operating under modified procedures and physical access to the court is limited. Pursuant to the January 11, 2022 Case Management Order entered by Judge Chell, ***the Hearing will be conducted virtually via the Zoom platform. Log-in information will be provided by the court in advance of the hearing.*** Further information regarding courtroom procedures and closures is available online at [www.njcourts.gov](http://www.njcourts.gov).

The above action was instituted by the Township seeking a judicial declaration that its affordable housing plan (the “Plan”) is presumptively valid because it presents a realistic opportunity to provide for its fair share of the housing region’s present and prospective need for low- and moderate-income housing, and declaratory judgment granting the Township immunity and repose pursuant to N.J.S.A. 52:27D-313 and the New Jersey Supreme Court’s decision in the matter of In re Adoption of N.J.A.C. 5:96 & 5:97 by NJ Council on Affordable Housing, 221 N.J. 1 (2015) (“Mount Laurel IV”).

During the pendency of the proceedings, the Parties entered into a settlement agreement, dated November 14, 2019, that amicably resolved the issues brought forth in the action. The Court conducted a Fairness Hearing on January 7, 2020, and by Order entered January 27, 2021, found that the agreement was fair and reasonable to the interests of low- and moderate-income households and approved the agreement. Following a Compliance Hearing held on January 15, 2021, on January 27, 2021, the Court granted a Conditional Judgment of Compliance and Repose. During the process of finalizing compliance with the requirements of the Conditional Judgment, the Township was notified of the anticipated sale of certain parcels set forth in the Township’s compliance plan, necessitating an amendment to the original settlement agreement. The Parties were able to reach agreement on an amended plan and entered into an Amended Settlement Agreement dated December 20, 2021 that is the subject of this hearing.

The Agreement addresses the components of the Township's affordable housing obligation for the period 1987 – 2025, which includes a Prior Round obligation of 198 units, a Present Need / Rehabilitation Share obligation of 0 units, and a Third Round Prospective Need obligation of 625 units. The Agreement also sets forth the amended compliance mechanisms for the Township's compliance with those obligations. The Agreement anticipates that, if approved by the Court, the Township will take further actions to implement the Agreement, leading to the Court's approval of the Township's Plan and implementing ordinances at a subsequent Compliance Hearing. Pursuant to the Court's January 11, 2022 Order, the Compliance Hearing is scheduled for Friday, May 20, 2022 at 9:00 a.m.

This notice is being provided to advise all parties who may be interested that the Court will conduct a fairness hearing on the amended settlement pursuant to East/West Venture v. Borough of Fort Lee, 286 N.J.Super. 311 (App. Div. 1996), and if the Court determines that: (a) the settlement has apparent merit; (b) that notice was properly made; (c) that the hearing was conducted on the settlement where those affected had sufficient time to prepare; and (d) that the settlement is "fair and reasonable to members of the protected class," the amended settlement will be approved and the Court will set a Compliance Hearing in order to evaluate the Township's Plan for Mount Laurel compliance. Following the compliance portion of the Hearing, the Township will seek formal approval of its Plan and the entry of a Judgment of Compliance and Repose pursuant to N.J.S.A. 52:27D-313. Such Judgment will entitle the Township to immunity and protection from any Mount Laurel builder's remedy lawsuits for a ten year period of time as determined by the Court.

Any interested party may seek to appear and be heard at the Hearing to address the Agreement and Township's proposed Plan, and offer any comments or objections, provided any such person first files with the Court via e-filing and/or at the above address, its comments or objections, in writing, ***no later than fourteen (14) days prior to the Hearing*** and simultaneously serves and emails such objections or comments upon the following who have entered appearances in the Action:

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and the Court appointed Special Master:  
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This Notice is provided pursuant to directive of the Court and is intended to inform all interested parties of the basic subject matter of the March 11, 2022 Hearing; the existence of the amended Settlement Agreement; the possible consequences of the Court's approval of the Agreement; the

existence of the Township's proposed amended Affordable Housing Plan; and the Township's request for a final Judgment of Compliance and Repose. Copies of the Agreement and all documents related to this Action may be viewed or obtained at requestor's expense from the Township Clerk, Harrison Township Municipal Building, 114 Bridgeton Pike, Mullica Hill, New Jersey 08062, during normal business hours.

This Notice does not indicate any view by the Court or the parties as to the merits of the Action, the fairness, reasonableness, or adequacy of the proposed settlement, or of any of the issues to be addressed and resolved at the Hearing.

MASON, GRIFFIN & PIERSON, PC  
Attorneys for the Township of Harrison  
By: Kevin A. Van Hise, Esq.