

## TOWNSHIP OF MILLSTONE

### NOTICE OF MOUNT LAUREL JOINT FAIRNESS AND COMPLIANCE HEARING ON THE AMENDMENT TO THE MILLSTONE/FSHC AGREEMENT AND THE AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN OF THE TOWNSHIP OF MILLSTONE, COUNTY OF MONMOUTH

#### Docket Number: MON-L-2501-15

**PLEASE TAKE NOTICE** that, on July 31, 2023, beginning at 9:00 a.m. the Honorable Linda Grasso Jones, J.S.C. will conduct a virtual “Joint Fairness and Compliance Hearing” in In The Matter of the Application of the Township of Millstone, County of Monmouth, bearing Docket No. MON-L-2501-15, at the Monmouth County Superior Courthouse located at 71 Monmouth Park, Freehold NJ 07728. Any person who wishes to remotely participate in the Joint Hearing should contact the Township Clerk at 732-446-4249 or the Township’s Special Affordable Housing Counsel, Jeffrey R. Surenian, Esq., or his paralegal, Laura Nelson, at 732-612-3100. For the convenience of the public, and since a virtual link and/or a phone number to participate in the Joint Hearing is not currently available from the Court, said virtual link and/or phone number will be posted on the Township’s website (<https://www.millstonenj.gov/>) as soon as it is made available by the Court prior to the Joint Hearing.

The purpose of the Joint Hearing is to have a Fairness Hearing on the amendment to an agreement with Fair Share Housing Center, Inc. dated September 5, 2019 (hereinafter “Amendment to FSHC Agreement”); and to have a Compliance Hearing on the changes to the Housing Element and Fair Share Plan previously approved and subject to a Judgment of Compliance and Repose, dated April 28, 2020 (hereinafter “JOR”). The changes set forth in the Amendment to FSHC Agreement are incorporated into an Amended Housing Element and Fair Share Plan (“Amended HEFSP”).

As to the Fairness Hearing, Millstone Township, FSHC and Showplace Farms, LLC (“Showplace”) entered an agreement on September 5, 2019 in the case entitled, In the Matter of the Application of the Township of Millstone, Docket Number MON-L-2501-15. The Township and FSHC wish to secure approval of the Amendment to the FSHC Agreement (a) to increase the size of the CKV project from 49 units to 66 units (plus an additional one for the superintendent) to maximize the ability of CKV to obtain access to Low Income Housing Tax credits; (b) to reduce the size of the Shu Lee Apartments project from 30 units to 25 to maximize that developer’s ability to obtain funding; (c) to redevelop the property at 6 Novad Court and (d) to make various other minor changes. The purpose of the Fairness Hearing is to determine whether the Amendment to the FSHC Agreement is fair and reasonable to the region’s very-low, low-, and moderate-income households according to the principles set forth in 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), and East/West Venture v. Bor. of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996).

As to the Compliance Hearing, the Millstone Township Planning Board has already adopted an Amended HEFSP to implement the anticipated Amendment to the FSHC Agreement. On July 5, 2023, the Township is scheduled to consider the adoption of a Resolution authorizing the execution

of the Amendment to the FSHC Agreement and endorsing the Amended HEFSP. The purpose of the Compliance hearing is to determine whether the changes to the Amended HEFSP warrants any change to the Court's conclusion when it entered a JOR April 28, 2020 to declare that the Township and Planning Board have a plan that satisfies their affordable housing obligations.

If the Court determines that the changes reflected in the Housing Element and Fair Share Plan do not warrant a change in its conclusion that the Township and Planning Board have a Plan that satisfies their affordable housing obligations, it is anticipated that the Court will enter an Amended Final Round 3 Judgment of Compliance and Repose, which among other things, will continue to provide the Township with legal protection (repose) from all Mount Laurel exclusionary zoning lawsuits through July 1, 2025.

The Township has presented to the Court, and placed on file with the Township Clerk, a copy of the current draft of the Amendment to the FSHC Agreement, and related documents. Upon execution, the draft agreement on file will be replaced with an executed copy of the agreement. The Township has presented to the Court, and placed on file with the Township Clerk, a copy of the Amended Housing Element and Fair Share Plan previously adopted by the Planning Board, together with related documents. These documents are available for public inspection at the office of the Township Clerk located at 470 Stage Coach Road Millstone, NJ 08510 during normal business hours. In addition, you may contact the Township's Special Affordable Housing Counsel, Jeffrey R. Surenian, Esq. or his paralegal, Laura Nelson, at 732-612-3100 to request that a copy of these documents be sent to you.

The primary changes to the Agreement with FSHC reflected in the Amendment to the FSHC Agreement may be summarized as follows:

- (a) The CKV project (located at 27 Burnt Tavern Rd., Block 57, Lot 16.03) will be increased in size from 49 units to 66 units plus an additional one for the superintendent to maximize the ability of CKV to obtain access to Low Income Housing Tax credits;
- (b) The Shu Lee Apartments (located at 10 & 14 Novad Court; Block 57.01, Lot 21.02) will be reduced from 30 units to 25 units to maximize that developer's ability to obtain funding; and
- (c) 6 Novad Court (Block 57.01, Lot 20.01) will be redeveloped with three (3) two-bedroom affordable rental units.

The primary changes to the Housing Element and Fair Share Plan that was the subject of a JOR and that is incorporated into the Amended HEFSP makes the changes outlined above so that the Amended Agreement with FSHC and the Amended Housing Element and Fair Share Plan are consistent with one another.

Any interested party may file written comments on, or objections, to the Township's application for approval of the Amendment to the FSHC Agreement or to the changes to the Housing Element and Fair Share Plan that was the subject of a JOR and that is incorporated into the Amended HEFSP. Objections must provide: 1) A clear and complete statement as to each aspect of the changes to the Affordable Housing Plan contested by the objector; 2) An explanation of the basis for each objection; and 3) copies of all such expert reports, studies, or other data relied upon by the objector. In order for an objector to offer the testimony of an expert during the Joint Hearing,

an accompanying written expert report must be filed with all interested parties by the deadline below.

All comments or objections, together with copies of any supporting affidavits, expert reports, or other documents, **must be filed in writing**, on or before July 24, 2023, at 4:30 p.m. with the Honorable Linda Grasso Jones. at the Monmouth County Superior Courthouse located at 71 Monmouth Park, Freehold NJ 07728, with copies of all papers being forwarded by mail or e-mail to:

**Jeffrey R. Surenian, Esq.**  
*Affordable Housing Counsel - Township*  
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**Michael Steib, Esq.**  
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**Kathleen Hart, Clerk**  
Township of Millstone  
470 Stage Coach Road  
Millstone, NJ 08510  
k-hart@millstonenj.gov

**Richard Hoff, Esq.**  
*Counsel for Showplace Farms, LLC*  
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25 Chestnut St., Suite 3  
Haddonfield, NJ 08033  
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If no objections are filed by July 24, 2023, at 4:30 p.m., the Township will ask the Court to decide its application on the documents before the court without the need for a Joint Hearing.

This Notice is intended (a) to inform all interested parties of the existence Amendment to the FSHC Agreement and (b) an Amended Affordable Housing Plan adopted by the Millstone Township Planning Board on June 14, 2023 and scheduled for consideration of endorsement by the Township Committee on July 5, 2023 to make the changes set forth in the Amendment to the FSHC Agreement. This Notice does not indicate any view by the Court will approve the Township's application for approval of the Amendment to the FSHC Agreement or the changes to the Housing Element and Fair Share Plan reflected in the Amended HEFSP.