

**BOROUGH OF CHESTER**

**PUBLIC NOTICE OF “FAIRNESS HEARING” TO APPROVE  
SETTLEMENT OF MOUNT LAUREL LITIGATION**

**PLEASE TAKE NOTICE** that a “Fairness Hearing” will be held on December 14, 2018 before the Honorable Maryann Nergaard, J.S.C, Superior Court of New Jersey, Law Division, at 9:00 a.m. at the Superior Court of NJ, Morris County, Washington and Court Streets, 5<sup>th</sup> Floor, Morristown, NJ 07963 to consider: 1) a proposed Settlement Agreement between the Borough of Chester and Fair Share Housing Center (“FSHC”) and 2) a proposed settlement with Intervenor/Defendant Turkey Farms Acquisitions, LLC (“TF”) in the Mount Laurel Declaratory Action entitled In the Matter of the Application of the Borough of Chester, County of Morris, Docket Number **MON-L-1661-15**. Through this judicial proceeding, the Court will evaluate whether the proposed Settlements Agreement are fair and reasonable to the region’s 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).

Fair Share Housing Center, a public interest organization representing the housing rights of New Jersey's low and moderate-income households and interested party in connection with the above-referenced lawsuit, has sought to enhance opportunities for low and moderate-income housing within the Borough of Chester. The Borough of Chester and FSHC have resolved various substantive issues concerning Chester’s affordable housing “fair share” and the means by which the Borough intends to satisfy those obligations, including the utilization of the TF site, subject to all required public hearings. The terms of the settlement have been memorialized in a formal Settlement Agreement.

The agreed upon terms of the settlement include, but are not limited to, the following:

- The agreed upon Rehabilitation Obligation is **12**.
- The agreed upon Prior Round Obligation is **16**.
- The agreed upon allocation of Round 3 regional need is **111**.
- The agreed upon RDP is **66**.

**Satisfaction of the Rehabilitation Obligation:** The Borough has a 12-unit rehabilitation obligation, and will work with Morris County or hire a separate entity to implement an indigenous need rehabilitation program to address this component of its fair share. The Borough acknowledges the rental component of the rehab obligation and its requirement to fulfill the same under the terms of this agreement and will satisfy the rental component of its rehabilitation through the Morris County program or any other program as may be necessary.

**Satisfaction of the Total RDP:** The Borough has a 66-unit Total RDP as calculated in Exhibit A, and shall satisfy that obligation as follows:

<b><u>Project</u></b>	<b><u>Type</u></b>	<b><u>Status</u></b>	<b><u>Units or Bedrooms</u></b>	<b><u>Bonus</u></b>	<b><u>Total</u></b>	<b><u>Description</u></b>
<b>CASH (Senior)</b>	Senior	Existing	15	NA	15	Existing Senior Affordable

<b>TF (Family Rental)</b>	Family Rental	Proposed	36	17	53	Mixed Commercial, Townhomes and Family Affordable Rental at the Turkey Farm and Mill Ridge Site
<b>Little Italian Kitchen</b>	Supportive	Proposed	4	NA	4	Proposed Supportive Housing
<b>Total</b>			55	17	72	

**Addressing the Remaining “Unmet Need”:** For the purposes of settlement, the Borough agrees to address the 45-unit (111-66=45) remaining portion of its allocation of the Prior Round and Round 3 regional need or “unmet need” through the following mechanisms:

- a) The Borough will adopt an overlay zone at Block 133, Lot 5, as identified on the Borough’s Tax Map (hereinafter the “Chester Mall” Site). The overlay zone will be zoned for mixed use with a required affordable housing set-aside of 20 percent, irrespective of whether project is rental or for sale. In addition, the Borough will adopt an ordinance requiring a mandatory affordable housing set aside for all new multifamily and single-family attached residential developments of five (5) units or more at a density of six (6) or more units per acre.

The executed Settlement Agreements have been placed on file for public inspection and copying during regular business hours at the Office of the Borough Clerk, Borough of Chester, 50 North Road Chester, NJ 07930. Any interested party, including any low or moderate-income person residing in the housing region, any organization representing the interests of low and moderate-income persons, any owner of property in the Borough of Chester, or any organization representing the interests of owners of property in the Borough of Chester may file comments on, or objections to, the executed Settlement Agreements. The Borough requests that all objections comply with N.J.A.C. 5:91-4.1 and 4.2, which provide minimum standards to which objections must comply. Such comments or objections, together with copies of any supporting affidavits or other documents must be filed in writing, on or before December 3, 2018 at 4:00 p.m. with the Honorable Maryann Nergaard, J.S.C, at the Superior Court of NJ, Morris County, Washington and Court Streets, 5<sup>th</sup> Floor, Morristown, NJ 07963 with copies of all papers being forwarded by mail or e-mail to:

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This Notice is intended to inform all interested parties of the existence of the proposed Settlement Agreements and the possible consequences of Court approval of the Settlement Agreements, which may ultimately lead to a Judgment of Compliance and Repose or the judicial equivalent of a grant of Substantive Certification pursuant to the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to -329. It does not indicate any view by the Court as to the merits of the Borough's Mount Laurel Declaratory Action, the fairness, reasonableness, or adequacy of the proposed settlements, or whether the Court will approve the Settlement Agreements.