

BOROUGH OF RUMSON

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

PLEASE TAKE NOTICE that a “Fairness Hearing” will be held on March 12, 2020 before the Honorable Linda Grasso Jones, J.S.C., Superior Court of New Jersey, Law Division, at 9:00 a.m. at the Monmouth County Courthouse, 71 Monument Park, Freehold, New Jersey for the Court to consider approval of a proposed Settlement Agreement between: (1) the Borough of Rumson and Fair Share Housing Center (“FSHC”); and (2) the Borough of Rumson and Yellow Brook Property Co., LLC (“Yellow Brook”) in the Mount Laurel Declaratory Action entitled In the Matter of the Application of the Borough of Rumson, County of Monmouth, Docket Number MON-L-2483-15. Through this judicial proceeding, the Court will evaluate whether the proposed Settlement Agreements 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).

FSHC, 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 Rumson. The Borough of Rumson and FSHC have resolved various substantive issues concerning Rumson’s affordable housing “fair share”, and the means by which the Borough intends to satisfy those obligations, subject to all required public hearings. The terms of the settlements with FSHC and Yellow Brook have been memorialized in the formal Settlement Agreements referenced above.

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

1. Rumson Borough’s Rehabilitation Obligation is 29.
2. Rumson Borough’s Prior Round Obligation (1987-1999) is 268.
3. Rumson Borough’s Round 3 Obligation (2015-2025) is 335.
4. Rumson has a combined Prior Round and Round 3 Realistic Development Potential (“RDP”) of 51, which leaves a combined remaining “unmet need” of 552.
5. The Borough will address its Rehabilitation Obligation of 29 by participating in the Monmouth County Rehabilitation Program and/or by hiring a separate entity to run a local rehabilitation program.
6. The Borough will address its combined Prior Round and Round 3 RDP of 51 as follows:
 - a) 5 already constructed and occupied affordable units.
 - b) 9 proposed Market To Affordable units to be created under the Borough’s already existing Market to Affordable program.
 - c) 14 affordable units from the proposed Carton Street Project: Under the terms of the Settlement Agreement between the Borough and Yellow Brook, developer Yellow Brook will be constructing up to 18 total market rate units on 132 Bingham Avenue (Block 94, Lot 5), and up to 16 total market rate units on 91 Rumson Road (Block 124, Lot 31). Instead of affordable units being constructed by the developer on these sites, the developer will donate another site that it owns located on Carton Street (Block 59, Lot 10) to the Borough, and will also make an

additional payment of \$1.45 million to the Borough's Affordable Housing Trust Fund. The Borough will then work with a non-profit to build a 14-unit 100 percent affordable project on Carton Street, using monies from its Affordable Housing Trust Fund.

- d) 10 units from the 100% Affordable North Street Project, located on North Street (Block 45, Lot 4), which will be constructed and run by an experienced non-profit developer.
 - e) 13 rental bonus credits.
7. The Borough will address its remaining "Unmet Need" as follows:
- a) Faith Institution Overlay Zones:
 - i. Holy Cross Church: An overlay zone will be adopted over the Holly Cross Church site (Block 104, Lot 1.01), which will allow for a residential project to be developed at a density of 6 du/acre, and will require a 20% affordable housing set-aside.
 - ii. First Presbyterian Church: An overlay zone will be adopted over the First Presbyterian Church site (Block 10, Lot 6), which will allow for a residential project to be developed at a density of 8 du/acre, and will require a 20% affordable housing set-aside.
 - iii. Congregation B'Nai Israel: An overlay zone will be adopted over the Congregation B'Nai Israel site (Block 81, Lot 6), which will allow for a residential project to be developed at a density of 6 du/acre, and will require a 20% affordable housing set-aside.
 - b) Downtown GB/NB/POB Overlay Zone: The Borough will establish an affordable housing overlay over the GB, NB and POB Zones, as depicted on the map attached to the FSHC Settlement Agreement as Exhibit B, to allow multi-family mixed-use projects of up to three stories at 12 du/acre with a 20% affordable housing set-aside.
 - c) R-2 Overlay Zone: The Borough will adopt an overlay zone on certain parcels in the R-2 district, as depicted on the map attached to the FSHC Settlement Agreement as Exhibit B, to permit multi-family housing at a density of 3 du/acre on a minimum lot size of 3 acres, but with an affordable housing set-aside equal to what would be required at a density of 6 du/acre. The Borough will subsidize the affordable housing units associated with a density that exceeds the 3 du/acre. The Borough will provide language in the ordinance that indicates that the maximum density will be 6 units per acre if funding for the affordable housing units is not made available. The overlay zone will require a 20% affordable housing set-aside.
 - d) R-4 Overlay Zone: The Borough will adopt an overlay zone on certain parcels in the R-4 district, as depicted on the map attached to the FSHC Settlement Agreement as Exhibit B, to permit multi-family housing at a density of 8 du/acre on a minimum lot size of one acre with a 20% affordable housing set-aside.
 - e) R-5 Overlay Zone: The Borough will adopt an overlay zone on certain parcels in the R-5 district, as depicted on the map attached to the FSHC Settlement Agreement as Exhibit B, to permit multi-family housing at a density of 12 du/acre on a minimum lot size of one acre with a 20% affordable housing set-aside.

- f) 10 Accessory Apartment Units.
- g) The adoption of a Mandatory Set-Aside Ordinance (“MSO”).
- h) The continued implementation of the Borough’s Development Fee Ordinance.

The FSHC Settlement Agreement and the Yellow Brook Settlement Agreement have been placed on file for public inspection and copying during regular business hours at the Office of the Borough Clerk, Borough of Rumson, 80 East River Road, Rumson, NJ 07760. Any interested party, including any low- or moderate-income person residing in Monmouth, Ocean, or Mercer County, any organization representing the interests of low- and moderate-income persons, any owner of property in the Borough of Rumson, or any organization representing the interests of owners of property in the Borough of Rumson may file comments on, or objections to, the executed Settlement Agreements. Any objections to the FSHC Settlement Agreement and/or the Yellow Brook Settlement Agreement **must be filed in writing** together with a list of any expert witnesses, if the objector intends to rely upon any expert witnesses, along with copies of all supporting expert reports, affidavits or documents, **on or before February 20, 2020**, to the Honorable Linda Grasso-Jones, J.S.C. at Monmouth County Courthouse located at 71 Monument Park, 2nd floor Freehold, NJ 07728, with copies of all papers being forwarded by mail or e-mail on or before February 20, 2020 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 or the fairness, reasonableness, or adequacy of the proposed settlements, or whether the Court will approve the Settlement Agreements.