

Morris County Fair Housing Council
v. Boonton TWP (Florham Park)

1984

● - Notice of Proposed Settlement

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no p.i.

● CA000220N

MURPHY, KURNOS & NISH
 3 Prospect Street
 Morristown, New Jersey 07960
 (201) 539-5563

Morris County Fair Housing Council,
 et al.,

Plaintiffs

vs.

Boonton Township, et al.,

Defendants

NOTICE OF PROPOSED SETTLEMENT

TO: All Interested Persons:

A hearing will be held on *September 20*, 1984, before the Honorable Stephen Skillman, Superior Court of New Jersey, at 9:00 a.m. in the Middlesex County Court House, New Brunswick, New Jersey, to consider entry of a final judgment of compliance in favor of the Borough of Florham Park, based upon a proposed settlement agreement which has been submitted to the Court.

Entry of a final judgment of compliance would declare the Borough of Florham Park in compliance with its obligations to provide realistic opportunities for housing affordable to low- and moderate-income households under Southern Burlington County N.A.A.C.P. v. Mt. Laurel Township. Entry of a judgment of compliance may bar for six years any claim that the Borough of Florham Park is failing to provide sufficient realistic housing opportunities for low- and moderate-income households.

In these lawsuits, plaintiffs claim that the Borough of Florham Park's existing zoning and land use planning practices fail to provide adequate realistic opportunities for housing affordable to low- and moderate-income households to meet the needs of persons residing in the Borough of Florham

Park and to meet the Borough of Florham Park's fair share of the present and prospective regional housing need.

The Borough of Florham Park has denied these claims.

The parties have agreed to settle the case upon the following terms:

1. The Borough of Florham Park has an obligation between now and 1990 to create/realistic opportunities/ for safe, decent housing affordable to low- and moderate-income households for 200 households.

2. In the event that publicly subsidized housing for low- or moderate-income households is constructed in the Borough on or before March 1, 1990, the Borough shall receive credit for each unit towards satisfaction of its regional fair share obligation.

3. The Borough will rezone two designated sites for garden apartment or townhouses at densities to be established by the Borough but which will effect the requisite number of low- and moderate-income houses. The Borough shall not zone, rezone, grant variances, or grant any preliminary or final site plan approval for townhouses, garden apartments, or residential uses at gross densities higher than 4 units per acre unless:

what about decline in existing stock?

(a) development is subject to a mandatory set-aside for units affordable to low- and moderate-income direct households which construction shall constitute a direct per unit contribution towards the municipality's fair share obligation of 200; and

(b) the municipality has met its regional fair share obligation

4. The Borough shall modify its design standards and waive certain fees to further facilitate construction of affordable housing and shall amend its zoning ordinance in compliance with the settlement provisions and shall remain in full force and effect until 200 low- or moderate-

income units are constructed or March 1, 1990, whichever shall first occur.

The full text of the proposed agreement, including a map of the designated sites may be examined and copied during regular business hours at the Borough of Florham Park Clerk's office, or by appointment at the offices of the following attorney:

Joel A. Murphy, Esq.
Murphy, Kurnos & Nish
3 Prospect Street
Morristown, New Jersey 07960

Legal and factual justifications for the proposed settlement will be provided upon request, directed to Joel A. Murphy, Esq., at the above address.

Any interested party, including any low- or moderate-income person residing in northern New Jersey, any organization representing the interest of low- or moderate-income persons, any owner of property in the Borough of Florham Park, or any organization representing the interests of owners of property in the Borough of Florham Park may file objections to the proposed agreement and may present evidence in support of such objections. Objections must be filed in writing, together with copies of any supporting affidavits or documents with the Honorable Stephen Skillman, Middlesex County Court House, New Brunswick, New Jersey 08903 on or before *September 13*, 1984. Copies must be filed with the Middlesex County Clerk, Middlesex County Court House, New Brunswick, New Jersey, and the attorney listed above.

This notice is promulgated by order of the Superior Court. It is intended to inform all interested parties of the existence of a proposed

settlement and the possible consequences of court approval of this settlement. It does not indicate any view by the Court as to the merits of the lawsuits, the fairness, reasonableness or adequacy of the proposed settlement, or whether the Court will approve the settlement or enter a judgment of compliance.