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9-24-84

Morris city v. Beonton (Hanover)

Final Judgment as to Hanover Tap.
- w/ agreements

PSS. 24

CH0000110

FILED

SEP 24 1984

STEPHEN SKILLMAN, J.S.C.

JOSEPH H. RODRIGUEZ, PUBLIC ADVOCATE
DEPARTMENT OF THE PUBLIC ADVOCATE
BY: STEPHEN EISDORFER
ASSISTANT DEPUTY PUBLIC ADVOCATE
DIVISION OF PUBLIC INTEREST ADVOCACY
HUGHES JUSTICE COMPLEX
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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MIDDLESEX/MORRIS COUNTIES
DOCKET NO. L600-78 P.W.

MORRIS COUNTY FAIR HOUSING
COUNCIL, et al.

Plaintiffs,

vs.

BOONTON TOWNSHIP, et al.

Defendants.

:
:
:
:
:
:
:
:
:

Civil Action
(Mt. Laurel Action)

FINAL JUDGMENT OF
COMPLIANCE AS TO
HANOVER TOWNSHIP

This matter having come before this Court on the joint applications of plaintiffs and defendant Hanover Township for entry of a final judgment of compliance as to Hanover Township based upon a proposed settlement agreement among these parties, and

The Court having considered the evidence presented by plaintiffs and defendant Hanover Township and the arguments of counsel, and

There being no objections to approval of the settlement agreement or entry of judgment of compliance, and

The Court having determined that, subject to the following conditions, the settlement agreement is fair, adequate, and reasonable:

(a) That the agreement provide for annual reporting by defendant to the Court and the plaintiffs;

(b) That the schedule for phasing construction of lower income units and market-rate units be revised;

(c) That the percentages in section 921(G) of the ordinance be amended to conform with those set forth in section 1 of the ordinance;

(d) That the ordinance provide that half of the lower income three bedroom units be low income units; and

(e) That paragraph 2(A) of the agreement provide that development approvals in each phase be apportioned on a pro rata basis among eligible applicants if there are applications for more units than permitted, and

The parties having agreed and undertaken to comply with these conditions, and

The Court having determined that entry of final judgment of compliance is justified and within the powers of the Court;

It is on this *24th* day of *September*, 1984, ORDERED AND ADJUDGED that,

1. The settlement agreement annexed as Attachment A, as modified by the supplemental agreements annexed as Attachments B and C, is fair, adequate and reasonable.

2. Defendant Hanover Township, by implementation of the settlement agreement set forth in Attachments A, B, and C, is

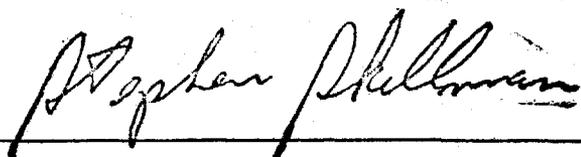
complying with its constitutional obligation to provide realistic opportunities for creation of sufficient safe, decent housing affordable to low and moderate income households to meet its indigenous need and its fair share of the present and prospective regional need.

3. Final judgment is hereby entered in favor of defendant ~~HANOVER~~ ^{HANOVER} Township as to all claims made by plaintiffs. All counter-claims made by Hanover Township are dismissed with prejudice.

4. The agreement annexed as Attachments A, B, and C shall, in accordance with its terms, be effective immediately upon entry of judgment and shall be implemented by the parties.

5. Costs shall not be taxed against either party.

6. It is certified ^{PURSUANT TO R. 4:42-2} that this judgment is a complete adjudication of all rights and liabilities asserted in this litigation as to Hanover Township and there is no just reason for delay of entry of final judgment.


HON. STEPHEN SKILLMAN, J.S.C.

DATED:

THIS AGREEMENT, made this day of May, 1984,

BY AND BETWEEN

THE TOWNSHIP OF HANOVER, a Municipal Corporation of the State of New Jersey, with offices located at 1000 Route 10, Whippany, New Jersey,

hereinafter designated as "The Township";

AND

THE MORRIS COUNTY BRANCH OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, THE MORRIS COUNTY FAIR HOUSING COUNCIL, AND JOSEPH H. RODRIGUEZ, THE PUBLIC ADVOCATE OF THE STATE OF NEW JERSEY,

hereinafter referred to as "Plaintiffs".

WHEREAS, the Plaintiffs, on October 13, 1978, instituted a certain action in the Superior Court, Law Division, Morris County, bearing Docket Number L 6001-78 P.W., against the Township of Hanover and other parties; and

WHEREAS, the parties hereto are desirous of entering into an agreement of settlement to resolve their differences in the aforesaid litigation;

NOW, THEREFORE, in consideration of the mutual covenants, promises, terms and conditions hereinafter provided, it is agreed by and between the Township and the Plaintiffs as follows:

1. This agreement is reached after due deliberation by all parties and upon the considered judgment of all parties that it is in the best interest of the public good and welfare to settle the aforesaid litigation upon the terms and conditions contained herein so as to fully meet the fair share obligation of the Township.

2. In accordance with the law, the Township agrees to amend the zoning ordinance of the Township to establish affordable

housing zones as set forth in Exhibit "A" attached hereto and made part hereof. The coverage of these zones is limited to lands designated in Exhibit A.

A. In addition to any other limitations which the Township may place on the granting of site approvals on these sites under the terms of this agreement, the Township may in its discretion phase construction of units on these sites by limiting the total number of units granted preliminary and final approval on these sites in accordance with the following schedules:

<u>Initial Date for Granting Preliminary Approval</u>	<u>Total Number of Units for which Preliminary Approval is Available Upon Application</u>
Immediately	620
March 1, 1985	935*
March 1, 1986	1,250*

<u>Initial Date for Granting Final Approval</u>	<u>Total Number of Units for which Final Approval is Available Upon Application</u>
Immediately	620
March 1, 1986	935*
March 1, 1987	1,250*

* Or number sufficient to satisfy municipality's fair share obligation, whichever is less.

B. If, at any time prior to March 1, 1990, there is insufficient vacant developable land on the sites rezoned under this agreement to permit construction of sufficient units affordable to low and moderate income households at the densities and set-asides set forth in Exhibit A to satisfy the current portion of the Township's obligation under this agreement, the Township shall, with the consent of the plaintiffs, rezone sufficient other vacant developable land pursuant to the provision

adopted pursuant to section 2 of this Agreement to make it realistically likely that a sufficient number of units affordable to low and moderate income households will be constructed to satisfy the municipality's fair share obligation.

3. The parties have agreed that 250 units represents the Township's fair share through the year 1990.

4. On or before March 1, 1990 the Township shall, through its normal planning process, assess its fair share of housing needs to determine whether an opportunity for additional low and moderate income units is necessary and, if so, to create such additional opportunity.

5. In the event that additional publicly subsidized housing affordable to low or moderate income households is constructed in the Township on or before March 1, 1990, the Township shall receive credit for each unit towards satisfaction of its fair share obligation.

6. In addition to the provision in Exhibit A, the municipality shall take all reasonable steps to foster development of the units affordable to low and moderate households called for by paragraphs 2 and 3 including, but not limited to:

A. adoption of such resolutions of need, execution of payment in-lieu-of-taxes resolutions, or public housing cooperation agreements as may be necessary to facilitate a developer in obtaining public subsidies for the construction of housing affordable to low and moderate income households;

B. expedited disposition of site plan applications and municipal approvals by a developer in the affordable housing zones.

- C. cooperation with a developer in the affordable housing zones in obtaining sewerage and water connections;
- D. cooperation with the needs of a developer and the requirements of state and Federal agencies concerning the administration of resale price controls;
- E. waiver of the following fees for the low and moderate income units in the affordable housing developments
 - (1) Subdivision and site plan application fees on a pro-rata basis based upon the percentage of low and moderate income housing in the development.
 - (2) Building permit fees, except state fees.
 - (3) Certificate of Occupancy fees.
 - (4) Engineering fees on a pro-rata basis based upon the percentage of low and moderate income housing in the development.
- F. establishment of mechanisms and procedures to ensure that units are marketed to eligible households.

7. The Township shall provide written notice to plaintiffs of any applications for conceptual, preliminary, or final approval by developers in the affordable housing zones, and of any preliminary or final approvals or denials, whether conditional or unconditional.

8. Upon enactment of the amendments described in paragraph

2, the parties shall enter a Stipulation of Dismissal of this complaint with prejudice incorporating this Agreement.

9. This settlement is not conditioned upon any entry of any final judgment of compliance by the courts pursuant to Southern Burlington County N.A.A.C.P. v. Mt. Laurel Tp., 92 N.J. 158 at 291. Plaintiffs, nevertheless, agree to support, with experts and their counsel, any attempt by defendant to obtain such a final judgment of compliance.

10. Upon the construction and occupancy of sufficient units affordable to low and moderate income households under the ordinance set forth as Appendix A to satisfy the municipality's fair share under paragraphs 2, 3 and 5 of this Agreement and upon written notice to plaintiffs, the municipality may repeal or amend the ordinance set forth in Appendix A.

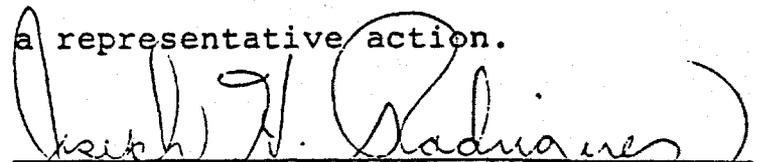
11. In the event that more than any site in any of the zones established under this Agreement ceases to be available for development pursuant to the provisions adopted under section 2 of this Agreement because of development for other purposes, condemnation, state or federal prohibitions or restrictions upon development or any other reason, the municipality upon written notice to and with the approval of plaintiffs, shall rezone sufficient other developable land pursuant to this provision to make it realistically likely that a sufficient number of units affordable to low and moderate income households will be constructed to satisfy the municipality's fair share.

12. The municipality 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:

- A. the development is subject to a mandatory set aside for units affordable to low and moderate income households identical to that contained in Exhibit A, or
- B. the municipality has met its fair share obligation.

13. Upon enactment into law, the low and moderate income housing amendments as set forth in Exhibit A shall not be repealed, amended or modified without the express consent of the plaintiffs, through their counsel, the Department of the Public Advocate, except as provided in paragraph 10 above. In the event of any breach of any provision of this Agreement the plaintiffs may seek relief by way of any remedy provided by law. The owners or assignees of the lands which are rezoned by this amendment are also recognized as third party beneficiaries with authority to enforce the terms of this settlement agreement. This action is one which is considered to be a representative action.


JOSEPH H. RODRIGUEZ, PUBLIC ADVOCATE
Attorney for Plaintiffs

YOUNG, DORSEY AND FISHER, ESQS.

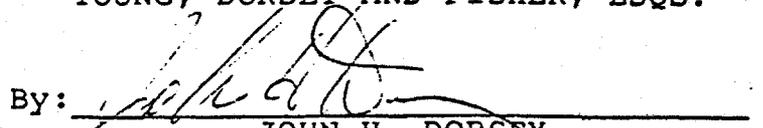
By: 
JOHN H. DORSEY
Attorneys for Township of Hanover

EXHIBIT A

AN ORDINANCE TO AMEND AND SUPPLEMENT ORDINANCE 30-76 AS
 AMENDED, LAND USE ORDINANCE OF THE TOWNSHIP OF HANOVER

BE IT ORDAINED, by the Township Committee of the Township of
 Hanover

Section 1. Purpose of this Amendatory Ordinance:

It is the intent of this amendment to the Township of Hanover's Land Use Ordinance to establish a new R-M Zone and accompanying regulations within the Township of Hanover which will permit single-family attached (townhouses), multi-family dwellings (garden apartments) or other types of residential units to be constructed at a gross density of 13 dwelling units per acre, conditioned upon the provision of a 22% set-aside for low and moderate income housing units. In the event that an owner shall seek to develop at a gross density of less than 13 dwelling units per acre, the owner or developer seeking to so develop shall be required to provide the same number of low and moderate income units as if the land were developed on the basis of 13 units per acre with a 22% set-aside for low and moderate income units, unless the Planning Board shall grant a variance to this requirement. This Ordinance is being adopted for the purposes of Settlement of Morris County Fair Housing Council v. Township of Boonton L-6001-78 P. W. insofar as the case involves the Township of Hanover. In the event there is any conflict between the standards established for this R-M Zone and other Sections of the Land Use Ordinance not related to health and safety, the standards as set forth herein shall prevail.

Section 2. There is hereby created a new R-M Zone, the boundaries of which are set forth on the accompanying Zoning Map. The R-M Zone shall be regulated by the following requirements:

921. R-M RESIDENTIAL-MULTI-FAMILY DISTRICT

A. PRIMARY INTENDED USE. This zone district is designed to accommodate various types of residential development as a single entity according to a plan containing one or more residential clusters. The types of residential units permitted in the R-M Zone are:

1. Single-family detached dwellings.
2. Two-family dwellings.

3. Single-family attached (townhouses).
4. Multi-family dwellings (garden apartments).

Also permitted in this zone are accessory uses customarily incident and ancillary to the various permitted principal uses outlined above. These accessory uses may include:

1. Personal recreation facilities.
2. Accessory buildings.
3. Off-street parking-streets-driveways.
4. Garages.
5. Fences.
6. Signs.

All fences and signs shall be subject to Planning Board approval as to design and height.

B. PROHIBITED USE. Any use other than those uses listed in 921-A above is prohibited.

C. REQUIRED CONDITIONS. The following requirements must be complied with in the R-M Zone:

1. Height. No single-family detached, single-family attached, nor two-family dwelling shall exceed 2 1/2 stories, provided, however, said building is not higher than 35 feet. No multi-family apartment building for other than senior citizens shall exceed 3 stories, provided, however, said building is not higher than 40 feet and no multi-family apartment building for senior citizens shall exceed 4 stories, provided, however, said senior citizen building is not higher than 45 feet.

2. Bulk Requirements For Individual Lots. The following bulk requirements shall be complied with for individual lots:

- A. Front Yard. There shall be a front yard setback of 25 feet for single-family detached

dwellings, two-family dwellings and single-family attached dwellings. There shall be a front yard setback for multi-family dwellings of 30 feet.

B. Side Yards. There shall be two side yards and no side yard shall be less than 6 feet, provided, however, that the aggregate width of the two side yards combined shall not be less than 20 feet for all structures.

C. Rear Yard. There shall be a rear yard setback of 20 feet for all structures.

D. Minimum Lot Size. Every individual lot developed with a single-family detached dwelling shall have a minimum lot size of 5,000 square feet with a minimum lot width of 50 feet. Every individual lot developed with a two-family dwelling shall have a minimum lot size of 6,000 square feet with a minimum lot width of 60 feet.

3. Maximum Gross Density. The maximum gross density for any project shall be 13 dwelling units per acre, provided, however, any project that contains senior citizen dwelling units for low and moderate income households shall be permitted to increase the maximum gross density throughout the project by .02 dwelling units per acre for each low and moderate income senior citizen dwelling unit constructed up to a maximum gross density of 14 dwelling units per acre. In the event that an owner develops at a gross density of less than 13 dwelling units per acre, he shall be required to still provide the number of low and moderate income units as hereinafter set forth in Section 921-C.11A of this Ordinance. For the purpose of administering this section, any project that is traversed by an existing public street, resulting in parts of said project being located on two or more separate parcels of land, shall be construed as one project and all density and setback requirements shall be calculated on the basis of lands contained within the entire project.

4. Building Coverage. Not more than 30 percent of the land area of any lot shall be covered by any buildings.

5. Usable Open Space. There shall be usable open space for single-family attached and multi-family dwellings of not less than 20% which shall be exclusive of roads, parking areas, buffers, walkways and buildings.

6. Minimum Setback From Internal Roadways. There shall be a setback from internal roadways and parking areas of not less than 10 feet.

7. Minimum Distance Between Buildings. No building shall be closer to another building than 20 feet.

8. Exterior Access. No dwelling unit above the first floor shall have its sole access directly to the outside of the building via an open porch or stairway.

9. Minimum Tract Size. No development project shall be permitted on a tract of less than 10 acres, provided, however, any development project that is traversed by an existing public street resulting in parts of the project being located on two or more separate parcels of land shall be construed as one project for the purpose of meeting this 10-acre minimum tract size requirement.

10. Recreation. All developments of between 10 and 50 dwelling units shall provide 250 square feet of land per unit which shall be in a usable configuration for play lots, or a shaded area for the elderly, or other space for recreation which is appropriate for that development. Developments of larger than 50 units shall provide for an additional 20 square feet per unit above 50 units for such purposes. In large developments such space shall be subdivided into two or more usable areas,

distributed throughout the development so as to be convenient to residents.

11. Off-Street Parking. Off-street parking shall be provided to meet the following standards:

A. Every dwelling unit containing at least 3 bedrooms - 2.0 parking spaces.

B. Every dwelling unit containing at least 2 bedrooms - 1.75 parking spaces.

C. Every dwelling unit containing less than 2 bedrooms - 1.5 parking spaces.

12. Street Widths, Shoulders, Rights-of-Way. Street widths, shoulders and rights-of-way shall meet the following minimum standards:

A. Paved Street Widths.

(1) Collector Streets. All collector streets shall have a pavement width of 36 feet between a masonry curb of at least 6 inches in height constructed on both sides of the street.

(2) Minor Streets. All internal streets shall have a pavement width of 22 feet between a battered curb of at least 6 inches in height, constructed on both sides of the street, provided, however, cul-de-sacs less than 300 feet in length need not be wider than 20 feet between curbs.

B. Shoulders. A planted shoulder of at least 8 1/2 feet shall be provided on either side of the paved roadway.

C. Rights-of Way. The total right-of-way to be reserved shall be computed by adding the

shoulder requirement to the paved roadway width required.

D. Road Gradients. Shall not be less than 0.5% for any road. The maximum gradient shall be 15% for minor streets and 10% for collector streets.

E. Cul-de-sacs. Shall serve a maximum of 25 units or shall not be longer than 1,000 feet, whichever is less. The paved right-of-way of a cul-de-sac turnaround shall be at least 80 feet in diameter and the right-of-way radius shall not be less than 50 feet.

13. Low and Moderate Income Housing Requirements.

A. At least 11% of the maximum total number of residential dwelling units permitted within each development in the R-M Zone shall be made affordable and sold or rented to low income persons and 11% of the maximum total number of residential dwelling units permitted within each development in the R-M Zone shall be made affordable and sold or rented to moderate income persons. For the purpose of administering this provision the "maximum total number of residential dwelling units permitted" shall be determined by multiplying the total gross acreage of the tract by 13.

B. At least twenty (20%) percent of the low and moderate income units shall be three bedroom units, and no more than fifty (50%) percent shall be one bedroom units or efficiency units.

C. The developer shall agree not to impose any residency requirements upon prospective renters or purchasers of any low and moderate income units, except that the Township may require the developer to offer units for rental or initial sale exclusively to residents of Hanover Township for a

period of no more than 15 days. The developer shall agree not to impose age requirements upon occupants of low and moderate income units, except that in units designated by the Planning Board as senior citizen units, which shall include a total of no more than 25 low income units and 25 moderate income units constructed under this Ordinance, the developer may be required to restrict sale or rental to eligible low or moderate income persons over the age of 62.

D. The developer shall formulate and implement a written affirmative marketing plan acceptable to the Planning Board. The affirmative marketing plan shall be realistically designed to ensure that lower income persons of all races and ethnic groups are informed of the housing opportunities in the development, feel welcome to seek to buy or rent such housing, and have the opportunity to buy or rent such housing. It shall include advertising and other outreach activities realistically designed to reach:

(1) Lower income persons of all races and ethnic groups in municipalities in northeastern New Jersey that have higher than average proportions of blacks, Hispanics or lower income households; and

(2) Lower income persons of all races and ethnic groups who work in Morris County, but do not live within the County.

The plan shall include advertisement in newspapers, periodicals and other media aimed at black and Hispanic populations.

E. A developer shall submit a phasing schedule for the construction of the low and moderate income units. The developer may construct the first twenty (20%) percent of the development without constructing any low or moderate income

units. By the time forty (40%) percent of the units in the development are constructed, at least twenty (20%) percent of the low and moderate income units shall be constructed and sold to lower income purchasers. By the time sixty (60%) percent of the units in the development are constructed, at least forty-five (45%) percent of the low and moderate income units shall be constructed and sold to lower income persons. By the time eighty (80%) percent of the units in the development are constructed, at least seventy (70%) percent of the low and moderate income units shall be constructed and sold to lower income persons. No Certificate of Occupancy shall be issued for units other than units affordable to low or moderate income households until all low and moderate income units in the previous phase have been completed.

F. A developer shall submit a plan for resale or rental controls to ensure that the units remain affordable to low and moderate income households for at least thirty (30) years. The purchaser shall be entitled to sell the units for:

(1) The original sales price plus the original sales price multiplied by seventy-five (75%) percent of the percentage increase in the Consumer Price Index between the date of purchase and the date of resale;

(2) Reimbursement for documented monetary outlays for reasonable improvements; and

(3) Any reasonable costs incurred in selling the unit.

Where units are offered as rental units, they shall continue to be offered as rental units for fifteen (15) years. After fifteen (15) years, they may be sold at prices affordable to moderate income households, subject to such resale price controls as may be necessary to ensure that the units

continue to be affordable to moderate income households for the remainder of the thirty (30) year period commencing from the date of initial rental.

The low income units, upon resale, may be sold only to low income persons, and the moderate income units may be sold to low or moderate income purchasers. If, however, no low income purchaser is found within sixty (60) days, the low income unit may be sold to a moderate income purchaser or, if none is available, to any interested purchaser. If no moderate income purchaser is found for a moderate income unit within sixty (60) days, the unit may be sold to any purchaser. Regardless of the income of the purchaser, the resale controls shall remain in effect for subsequent resales. The developer may create a non-profit corporation, enter into an agreement with a non-profit corporation or a governmental agency, or choose to administer the resale controls himself, but in no event may the resale controls be administered merely by deed restriction.

G. A developer in the R-M Zone may request the Planning Board and/or the Township to further increase densities, waive or modify cost-generating requirements in the zoning, subdivision or site plan ordinance, to waive or reduce fees, or to grant tax abatement to the extent authorized by law, if the developer determines that such actions are necessary to provide the 20% low and moderate income housing. A developer may choose one of three impartial housing experts from a list prepared by the Planning Board and have the expert make recommendations, at the expense of the developer, on the necessity for the proposed waivers, modifications or other actions. The expert shall also consider whether the requirement for which the waiver or modification is sought is a necessary minimum standard required for public

health and safety. In the event that the expert determines that, even after full municipal cooperation, it is not economically feasible for the developer to provide the full amount affordable low and moderate income units as defined in Section 11, the expert may recommend that the developer provide twelve (12%) percent moderate income and eight (8%) percent low income units. Such a modification in the low and moderate income obligation shall not be approved unless the expert determines that the Township has substantially complied with his recommendations for municipal actions to reduce costs. In the event that the Planning Board declines to accept one or more of the recommendations of the expert, it shall detail its reasons in writing.

13/9

H. Upon the construction of 250 units affordable low and moderate income households pursuant to Section 11 of this Ordinance, the Planning Board, in its discretion, may refuse to consider further applications for site plan approval for townhouses or garden apartments.

Section 3. Article 1 of the Land Use Ordinance of the Township of Hanover shall be amended by including the following definitions:

277. **LOW INCOME HOUSEHOLD.** A household having a total gross household income of not more than 50% of the median household income for households of the same size using the median income data for household size prepared by the United States Department of Housing and Urban Development, (Newark SMSA) contained in HUD, Section 8, Rental Assistance Program Income by Family Size.

278. **MODERATE INCOME HOUSEHOLDS.** A household having a total gross household income between 50% and 80% of the median household income for households of the same size using the median income data for household size by the United States Department of Housing and Urban

Development (Newark SMSA) contained in HUD, Section 8, Rental Assistance Program Income by Family Size.

279. AFFORDABLE means that a household at the ceiling income for each income group, for each household size, is not required to pay more than twenty-five (25%) percent of its gross household income for the total of principle, interest, property taxes, insurance and homeowner's association assessments, calculated on the basis of a ten (10%) percent downpayment, and realistically available mortgage interest rates. In the case of rental housing, such a household is not required to pay more than twenty-five (25%) percent of income for rent excluding utilities.

280. SENIOR CITIZEN DWELLING UNIT. A dwelling unit restricted by deed or other instrument to occupancy by single individuals 62 years of age or older; married couples, at least one of whom is 62 years of age or older; two closely related persons when both persons are 62 years of age or older; one person under age 62 but over age 18 may reside in a dwelling unit with a senior citizen or citizens as permitted above, if the presence of said person is essential for the physical care or economic support of the senior citizen or citizens. Sons and/or daughters may reside with a parent or parents as permitted above.

Section 4. Section 901 entitled ZONE DISTRICTS is hereby amended and supplemented by deleting said Section 901 and the following inserted in its place and stead:

901. ZONE DISTRICTS. For the purpose of this Ordinance, The Township of Hanover is hereby divided into 14 zone districts known as:

R-40	Residence District
R-25	Residence District
R-15	Residence District
R-10	Residence District
RM	Residence District

B Business District
B-1 Business District
D-S Designed Shopping Center District
OB-RL Office Building and Research Laboratory
District
I Industrial District
I-2 Industrial District
I-B Industrial Business District
I-P Industrial Park District
A Airport

Section 5. Section 902 entitled MAP AND SCHEDULE is hereby amended and supplemented by deleting said Section 902 and the following inserted in its place and stead:

902. MAP AND SCHEDULE. The zone map delineating the above districts shall be entitled, "Zoning Map Township of Hanover" dated November, 1982, revised to June 28, 1984, and the said map and the schedule of requirements summarizing the required conditions are hereby declared to be a part hereof. Where the district boundary lines do not coincide with lot lines or the center lines of streets or rights-of-way as they existed at the time of the adoption of this Ordinance or the present amendment thereto, they shall be as designated on said map by figures or dimensions.

A. The zone map delineating the 14 zone districts in the Township of Hanover, dated November, 1982, revised to June 28, 1984, as set forth in Section 902 of the Land Use Ordinance of the Township of Hanover, is hereby amended by the creation of the RM Zone at 5 different locations within the Township and the creation of the I-2 Zone as indicated on said map.

Section 6. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be

severed from the remainder or any portion thereof.

Section 7. This Ordinance shall take effect upon the entry of a final Judgment of Compliance pursuant to Mt. Laurel II, 92 N.J. 158-291, unless the Township Committee determines to waive the entry of such a judgment.

SUPPLEMENT TO AGREEMENT

BY AND BETWEEN:

THE TOWNSHIP OF HANOVER, a Municipal Corporation of the State of New Jersey, with offices located at 1000 Route 10, Whippany, New Jersey,

hereinafter referred to as "the Township"

and

THE MORRIS COUNTY BRANCH OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, THE MORRIS COUNTY FAIR HOUSING COUNCIL, and JOSEPH H. RODRIGUEZ, the Public Advocate of the State of New Jersey,

hereinafter referred to as "Plaintiffs".

WHEREAS, the Township and the Plaintiffs have previously executed an Agreement relative to litigation instituted by the Plaintiffs and the Township's obligation pursuant to Mount Laurel II; and

WHEREAS, the Agreement previously entered into was not conditioned upon an entry of a final Judgment of Compliance by the Courts pursuant to Southern Burlington County NAACP v. Mount Laurel Tp., 92 N.J. 158 at 291; and

WHEREAS the parties hereto have subsequently agreed that the Agreement entered into between them should be conditioned and subject to the issuance of the aforementioned Certificate of Compliance.

NOW, THEREFORE, in consideration of the mutual covenants, promises, terms and conditions upon which the settlement and Agreement have previously been entered into, the parties hereto mutually agree to supplement and amend the Agreement previously

executed in the following manner:

1. The aforesaid Agreement is hereby amended so that same shall be conditioned upon the entry of a Final Judgment of Compliance by the Courts pursuant to Southern Burlington County NAACP v. Mount Laurel Tp., 92 N.J. 158 at 291, unless the Township shall waive such requirement.

2. It is understood that all other terms and conditions of the aforementioned settlement remain unchanged and that the only change is that set forth in Paragraph 1 above.

JOSEPH H. RODRIGUEZ, PUBLIC ADVOCATE
Attorney for Plaintiff

By Stephen Gsdorfer
Stephen Gsdorfer, Assistant Deputy Public
YOUNG, DORSEY AND FISHER, ESQS. Adv

By: _____
JOHN H. DORSEY
Attorney for Township of Hanover