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10/4/85

Order of compliance subject to conditions

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(copy)

J. ALBERT MASTRO
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ATTORNEY FOR Defendants

Plaintiff

ALOIS HAUEIS, ERNA HAUEIS, JOHN OCHS
and PRISCILLA OCHS,

vs.

Defendant

THE BOROUGH OF FAR HILLS, THE PLANNING
BOARD OF FAR HILLS, THE BOROUGH COUNCIL
OF FAR HILLS, and HENRY ARGENTO, THE
MAYOR OF FAR HILLS.

SUPERIOR COURT OF
NEW JERSEY
LAW DIVISION
SOMERSET COUNTY
OCEAN COUNTY

Docket No. L-73360-80

(MOUNT LAUREL II)

CIVIL ACTION

ORDER OF COMPLIANCE
SUBJECT TO CONDITIONS

This matter being opened to the Court by J. Albert Mastro, attorney for defendants, Borough of Far Hills, et als, in the presence of Vogel, Chait, Schwartz & Collins, attorneys for plaintiffs (Thomas F. Collins, Esq., appearing) and Brian D. Schwartz, attorney for Timber Properties, upon application of defendants for review and approval by the Court of a compliance package submitted on behalf of said defendants; and the Court having heard the testimony of the Court appointed Master in said matter and a witness presented on behalf of plaintiffs as well as the arguments and other documents submitted by the parties, and for good cause shown.

It is on this 4 day of October, 1985, ORDERED and ADJUDGED as follows:

1. The compliance package submitted on behalf of plaintiffs is hereby approved subject to all of the conditions as more fully set forth herein. This approval shall encompass the finding that the fair share obligation of the Borough of Far Hills is established as 25 together with the indigenous responsibility as identified by the Borough. The Borough shall identify substandard Mount Laurel units and submit that finding to the Special Master appointed by the Court, the same to be accomplished by the end of 1986, which time can be extended by the Court for good cause shown. The Borough shall also submit a rehabilitation plan for said substandard units to the Special Master and Court by July 1, 1987, unless said date is extended by the Court.

2. The Borough will prepare and submit to the Special Master, and thereafter to the Court, acceptable provisions relating to sale and resale, affirmative marketing and monitoring of the sale and resale of Mount Laurel units.

3. The Borough will eliminate any provision which would require a Mount Laurel household to vacate a Mount Laurel household unit simply because the income of the household has increased to the point where it exceeds permissible limits. Upon resale, such Mount Laurel units will be limited as to sales prices by provisions which the Borough will incorporate in resale restrictions.

4. After initial sales, restrictions on rentals thereafter of Mount Laurel units will be eliminated, however, such rentals should be restricted to qualifying lower income households.

5. The Borough's revised zoning ordinance should include condominium fees as an element of the calculation of 28% in accordance with the Special Master's recommendations as contained on pages 10 and 11 of his report.
6. The eligibility standards should be calculated at 90% of median, i.e., 90% of the 80% and 90% of the 50%, in accordance with the Special Master's recommendations on page 11 of his report.
7. The Borough is obligated to acquire sufficient property required by plaintiffs' project for a detention basin to be improved by plaintiffs.
8. As a condition of site plan approval, plaintiffs will improve Sunnybranch Road at their sole cost and expense.
9. The Township of Bedminster will pursue upgrading or expansion of the joint sewer plant located in Bedminster Township and servicing Far Hills in good faith and as expeditiously as possible to a capacity of 270,000 g.p.d. said upgrading or expansion will be pursued within the guide lines of the Allan Deane decision and under the supervision of the Court appointed Special Master. Site J/K in Bedminster would be given first priority in the plant expansion and the Far Hills site second priority. The Court does hereby find and determine that the plant expansion is necessary in the public interest to accommodate Mount Laurel housing and as such is considered to be a critical part of the within order.
10. Upon compliance with the above conditions, defendants may submit a judgment of compliance to the Court for its review and approval. Interim repose from any further Mount Laurel litigation heretofore granted shall continue until further order by the Court.


EUGENE D. SERPENTE, A.J.S.C.

10-4-86