

**PUBLIC NOTICE OF A FAIRNESS HEARING FOR
THE BOROUGH OF MILLTOWN, MIDDLESEX COUNTY TO APPROVE AN AFFORDABLE
HOUSING SETTLEMENT AGREEMENT
DOCKET NO. MID-L-009439-06**

PLEASE TAKE NOTICE that a Fairness Hearing will be held on **May 25, 2021** before the **Honorable Thomas Daniel McCloskey, J.S.C.**, Superior Court of New Jersey, Law Division, Middlesex County via Zoom Conference to consider the proposed Affordable Housing Settlement Agreement between the Borough of Milltown (“Milltown”) and Arisa Urban Renewal, LLC and Morel Operating Co., LLC (collectively “Arisa”) in the *Mount Laurel* action entitled SB Building Associates, L.P., et als v. The Borough of Milltown, et als. (Docket No. MID-L-009439-06). Upon the Zoom link/call-in information being established with the Court, it will be posted on the Borough of Milltown’s website <https://www.milltownnj.org/> and will be available from the Borough Clerk Mimi Marlor (MMarlor@milltownboro.com). The purpose of the Hearing is for the Court to evaluate whether the proposed Affordable Housing Settlement Agreement is fair and reasonable to the region’s very-low, 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).

The Affordable Housing Settlement Agreement is for the proposed inclusionary development of property within the Borough designated on the Borough’s official tax maps as Block 84.02, Lot 1.06, Lot 1.12, and Lot 1.13, which is part of a shopping center commonly known as the Ryders Crossing Shopping Center. Pursuant to the Affordable Housing Settlement Agreement Arisa has agreed to construct and the Borough has agreed to a rezoning to permit development of 190 residential units on Lot 1.06 including a 20% set aside for affordable housing, which is achieved by transferring approximately 55 units that could be built on Lot 1.12, thereby leaving approximately 89 units that can be built on Lot 1.12. The 38 units reserved for very low, low and moderate income households will satisfy a portion of the Borough’s outstanding affordable housing obligation for the 3rd Round (period 1999-2025). The Affordable Housing Settlement Agreement is proposed as a component of the Borough’s intended plan to fully address the Borough’s affordable housing obligations for the Third Round period (1999-2025), including the Prior Rounds (1987-1999).

The Affordable Housing Settlement Agreement will be available for public inspection in the Milltown Borough Hall, 39 Washington Avenue, Milltown, New Jersey, 08850 during normal business hours or a copy may be requested at the cost of the requestor.

The public is invited to review and comment or object to the Affordable Housing Settlement Agreement. All comments by any interested party must be submitted in writing and filed no later than **APRIL 30, 2021**, to the following addresses and emails:

Honorable Thomas Daniel McCloskey, J.S.C.

Middlesex County Court House
56 Paterson Street, Chambers 305
New Brunswick, New Jersey, 08903

Donna M. Jennings, Esq.
Wilentz, Goldman & Spitzer, P.A.
90 Woodbridge Center Drive
Woodbridge, New Jersey, 07095
DJennings@Wilentz.com

Peter A. Vignuolo, Esq.
Clarkin & Vignuolo
86 Washington Ave
Milltown, NJ 08850
pvignuolo@verizon.net

James M. Cahill, Esq.
Cahill & Branciforte
P.O. Box 632
24 Kirkpatrick Street
New Brunswick, New Jersey 08901-1929

jcahill@jamescahilllaw.com

Neil D. Marotta, Esq.
Marotta & Garvey
3916 Bergenline Ave, Suite 2200
Union City, NJ 07087-1612
mgclawyers@aol.com

John Curley, Esq.
John J. Curley, LLC
574 Summit Ave, Suite 502
Jersey City, NJ 07306-2708
JCurley@curlaw.com

Thomas R. Valen, Esq.
Gibbons PC
One Gateway Center
Newark, NJ 07102
Tvalen@gibbonslaw.com

Anthony F. Della Pelle, Esq.
McKirdy Riskin Olson Della Pelle, PC
201 Littleton Road, Suite 135
Morris Plains, NJ 07950-2939
adellapelle@mrod.law

Lawrence S. Berger, Esq.
Berger & Bornstein, P.A.
237 South Street
Morristown, NJ 07960
maria@uslandresources.com

Elizabeth McManus, PP, AICP, LEED AP
Kyle & McManus Associates
45 East Broad Street
PO Box 236
Hopewell, NJ 08525
bmcmanus@kylemcmmanus.com

Bassam Gergi, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ | 08002
Bassamgergi@Fairsharehousing.org

Craig M. Gianetti, Esq.
Day Pitney LLP
1 Jefferson Road
Parsippany, NJ 07054
cgianetti@daypitney.com

In addition, any persons wishing to be heard, whether or not a written objection has been filed, shall advise of that intention in writing or or before **April 30, 2021**. Failure to provide such written notice will preclude presentation of any evidence, oral presentation or argument. Written responses by any of the parties to the comment or objections shall be filed on or before **May 7, 2021**.

This Notice is intended to inform all interested parties of the existence of the Settlement Agreement and the possible consequences of Court approval of the Affordable Housing Settlement Agreement. It does not indicate any view by the Court as to the merits of the above referenced Mount Laurel action, the fairness, reasonableness, or adequacy of the settlement, or whether the Court will approve the settlement.