

**BOROUGH OF HAWORTH  
PUBLIC NOTICE OF FINAL COMPLIANCE  
HEARING AND REQUEST FOR  
JUDGMENT OF REPOSE**

**PLEASE TAKE NOTICE** that a Final Compliance Hearing requesting Entry of a Judgment of Repose will be held on February 25, 2020 before the Honorable Christine A. Farrington, J.S.C., Superior Court of New Jersey, at 9:00 a.m. at the Bergen County Justice Center (Courthouse) located at 10 Main Street, Room 202, Hackensack, New Jersey 07601 to consider the entry of a Final Judgment of Compliance and Repose in favor of the Borough of Haworth (“the Borough” or “Haworth”). The Borough has previously entered into a Settlement Agreement (“the Settlement Agreement”) with Fair Share Housing Center (“FSHC”) to settle the Declaratory Judgment litigation entitled, “In the Matter of the Application of the Borough of Haworth, Superior Court of New Jersey, Law Division, Bergen County, Docket No. BER-L-5912-15”. A Fairness and Preliminary Compliance Hearing (“the Fairness Hearing”) was conducted by Judge Farrington on June 20, 2019, and on that date the Court entered an Order (“the Court Order”) approving the Settlement Agreement, and the Court Order preliminarily approved the Borough’s compliance measures as testified to at the Fairness Hearing. The Court Order determined the Settlement Agreement to be fair to the interests of low and moderate income persons consistent with the standards and principles as set forth in *Morris County Fair Housing Council v. Boonton Township*, 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. Borough of Fort Lee*, 286 N.J. Super. 311 (App. Div. 1996).

In order for the Borough to obtain a Final Judgment of Compliance and Repose, the Borough has adopted a Housing Element and Fair Share Plan (“HE/FSP”) which details the mechanisms by which the Borough’s fair affordable housing obligation will be satisfied, a summary of which is as follows:

1. **Rehabilitation Share.** The Settlement Agreement between the Borough and FSHC provides that the Borough does not have a rehabilitation obligation.
2. **Prior Round Obligation.** The Borough’s Prior Round obligation was sixty-four (64) units. Based upon a Vacant Land Adjustment approval in connection with the Borough’s receipt of a Second Round Substantive Certification, the Borough’s Realistic Development Potential (“RDP”) was determined to be zero affordable units. In compliance with a condition of Second Round Substantive Certification, the Borough adopted the A/OZ Overlay Zone on the ten (10) acre White Beeches Golf Club Driving Range, known as Block 1008, Lot 1. The A/OZ Zone permits townhouse

development at a density of six (6) units per acre, with a twenty (20%) percent affordable housing requirement.

3. Third Round Prospective Need Obligation. Pursuant to the Settlement Agreement with FSHC, the Borough has a Prior Round Obligation of sixty-four (64) units and a Third Round Obligation of 223 units, or a combined new construction obligation of 287 units. The Borough has a Realistic Development Potential (“RDP”) of twenty-eight (28) units. The RDP will be satisfied as follows:

Name of Development	Type of Credit	# of Units	Bonus Credits	Total Credits
Schaefer’s Gardens / Lakeshore Developers	Family sale	9		9
Accessory Apartments	Family rental	10		10
Spectrum for Living	Supportive Housing	6	6	12
Bergen County United Way/Massachusetts Avenue	Supportive Housing	4		4
Bergen County United Way/Massachusetts Avenue	Family rental	8	1	9
Bergen County United Way/Massachusetts Avenue	Age-restricted rental	2		2
	Total	39	7	46

The RDP of twenty-eight (28) units plus the surplus credits of eighteen (18) equals forty-six (46), which subtracted from the combined Prior Round and Third Round obligation of 287 units results in an unmet need of 241 units, which shall be addressed by a number of mechanisms. Ordinance No 19-17 permits mixed-use development in Business Zone District D with residential development over retail/commercial development at a maximum density of twelve (12) units per acre with an affordable unit set-aside of fifteen (15%) percent if rental and twenty (20%) percent if for-sale. Ordinance No. 19-16 increases the density on the overlay zoning of the White Beeches Golf Club Driving Range (Block 1008, Lot 1) from six (6) units to eight (8) units per acre with a fifteen (15%) percent set-aside if rental and twenty (20%) percent if for-sale. Ordinance No. 19-12 establishes a Borough-wide mandatory set-aside Ordinance providing that any residential development of five (5) units or more contain a fifteen (15%) percent (if rental) or twenty (20%) percent (if for-sale) affordable component. This Ordinance also establishes new Affordable Housing provisions, establishes the positions of Municipal Housing Liaison and Administrative Agent, and provides for the affirmative marketing of affordable units. The Borough has appointed a

Municipal Housing Liaison and has retained Piazza and Associates of Princeton as Administrative Agent.

The Borough has also adopted Ordinance No. 19-15 which updates the Borough's Development Fee Ordinance and Ordinance No. 19-13 which adds various organizations in connection with the affirmative marketing of affordable units. The Borough has also adopted Ordinance No. 19-09 pertaining to the Schaefer's Gardens/Lakeshore Developers property and Ordinance No. 19-14 establishing an Accessory Apartment program as detailed in the above chart. Ordinance No. 19-09 permits a maximum of forty-one (41) for-sale units on the Schaefer's Gardens property, which will include a minimum of nine (9) for-sale units. The Accessory Apartment program established by Ordinance No. 19-14 permits accessory apartment units on properties that front on Schraalenburgh Road and Hardenburgh Avenue. The Settlement Agreement also details that the Accessory Apartment program will include subsidy levels of \$30,000 for moderate-income units, \$40,000 for low-income units, and \$50,000 for very-low income units. At least two (2) units will be very low-income, three (3) low-income, and five (5) will be moderate-income.

4. Additional Provisions. The Settlement Agreement provides that at least fifty (50%) percent of the units addressing the Third Round Prospective Need shall be available to very-low and low-income households, with the remainder available to moderate-income households. At least twenty-five (25%) percent of the Third Round Prospective Need shall be met through rental units, including at least half in rental units available to families. At least half of the units addressing the Third Round Prospective Need in total shall be available to families. There will be a cap of twenty-five (25%) percent on age-restricted units on all units developed or planned to meet the cumulative Prior Round and Third Round fair share obligation. All units shall be governed by controls on affordability, bedroom distribution, and affirmative marketing pursuant to Uniform Housing Affordability Controls, *N.J.A.C. 5:80-26.1*.

The HE/FSP includes a Spending Plan which details revenue from development fees and anticipated use of affordable housing funds to be expended on affordability assistance and administrative expenses, subject to a twenty (20%) percent limitation or cap.

The Settlement Agreement, HE/FSP, Ordinances, resolutions and supporting documents are on file in the Office of the Haworth Borough Clerk in the Municipal Building, 300 Haworth Avenue, Haworth and are available for public inspection during regular business hours from 9:00 a.m. to 4:00 p.m.

Any interested party, including any low or moderate income person residing in the housing region (Bergen, Hudson, Passaic and Sussex counties), any organization representing the interests of low and moderate income persons,

any owners of property in the Borough, or any organization representing the interests of property owners in the Borough, may file comments on, or objections to, the foregoing matters. Such comments or objections, together with copies of any supporting affidavits or other documents, must be filed in writing, on or before February 11, 2020. Written responses by any of the parties to the comments shall be filed on or before February 18, 2020. Such comments, objections and responses, together with copies of any supporting affidavits or other documents, must be filed in writing with the Honorable Christine A. Farrington, J.S.C. at the Bergen County Court House, located at 10 Main Street, Room 202, Hackensack, New Jersey 07601, with copies of all papers being forwarded by mail or email to:

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Any person wishing to be heard, whether or not an objection has been filed, shall advise the Court and the above persons in writing on or before February 18, 2020. Failure to provide such written notice will preclude presentation of any evidence, oral presentation or argument. This Notice is intended to inform all interested parties of the matters set forth herein, including the Borough's Third Round Housing Element and Fair Share Plan, and the possible consequences of Court approval which may ultimately lead to a Final 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*, *et seq.* It does not indicate any view by the Court as to the merits

of the Borough's **Mount Laurel** declaratory judgment action or whether or not the Borough has complied with the Court Order and Settlement Agreement.

Ann E. Fay  
Haworth Borough Clerk/Administrator