

**NOTICE OF FAIRNESS HEARING FOR THE TOWNSHIP OF RIVER VALE  
("TOWNSHIP"), COUNTY OF BERGEN, FOR APPROVAL OF A SETTLEMENT OF  
MOUNT LAUREL LITIGATION**

**Docket No. BER-L-6277-15**

**PLEASE TAKE NOTICE** that on May 9, 2019 beginning at 10:30 a.m. there will be a Fairness Hearing ("Hearing") before the Honorable Christine A. Farrington, J.S.C., at the Bergen Justice Center, 10 Main Street, Hackensack, New Jersey 07601 in Room 453.

At the Fairness Hearing, the Township of River Vale's settlement with Fair Share Housing Center ("FSHC"), and the Township of River Vale's settlement with Intervenor the Estate of Henry J. Bonnabel in the Mount Laurel Declaratory Judgment Action entitled IN RE FAIR SHARE HOUSING OBLIGATION OF THE TOWNSHIP OF RIVER VALE, Docket Number BER-L-6277-15 will be considered by the Court. The purpose of the Hearing is for the Court to consider two issues: (a) whether the proposed Settlement Agreement between the Township of River Vale and FSHC is fair and reasonable to the region's low and moderate income households according to the principles set forth in Morris County Fair Share 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), thereby entitling the parties to this settlement to judicial approval of said Settlement Agreement, and (b) whether the establishment of the Township's fair share obligations and the Township's preliminary compliance efforts (reflected in the terms of the Settlement Agreement between the Township of River Vale and FSHC and to be reflected in a future Housing Element and Fair Share Plan for which it is anticipated that the Township Planning Board and Township Council will review and take future action, pursuant to the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq.) will satisfy the Township's obligation to provide a realistic opportunity to satisfy its rehabilitation, Prior Round and Third Round "fair share" of the regional need for affordable housing for low income and moderate income households pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301, et seq., the substantive, applicable regulations of the New Jersey Council on Affordable Housing ("COAH"), the New Jersey Supreme Court's March 10, 2015 decision in the matter of In re N.J.A.C. 5:96 & N.J.A.C. 5:97, 221 N.J. 1 (2015) and other applicable laws.

The Township's preliminary compliance efforts, as reflected in the terms of the Township's Settlement Agreement with FSHC, fully address the existing components of the Township's affordable housing obligations for the period 1987-2025. These include the Prior Round (1987-1999) obligation of 121 units, a rehabilitation share of 30 units, and a Third Round (1999-2025) obligation of 235 units which will be adjusted through a vacant land adjustment to a realistic development potential of 77 units and a 158-unit unmet need. The proposed terms of the Settlement Agreement between the Township of River Vale and FSHC provide a detailed list of the Township's total affordable housing obligation and compliance mechanisms that

demonstrate the Township's compliance with those affordable housing obligations. The executed Settlement Agreement between the Township of River Vale and FSHC will be available for public inspection and/or photocopying (at requestor's expense) between the hours of 9:00 a.m. and 4:00 p.m. at the Township Clerk's office located at 406 River Vale Avenue, River Vale, NJ 07675.

On the date of the Hearing, the Court will conduct a Fairness Hearing to determine whether the Settlement Agreement between the Township of River Vale and FSHC is fair to low and moderate income households pursuant to the Morris County and East/West Venture cases noted above and creates a realistic opportunity for the satisfaction of the Township's affordable housing obligations pursuant to the Mount Laurel decisions and their progeny, the Fair Housing Act (N.J.S.A. 52:27D-301, et seq.), the applicable procedural and substantive regulations of COAH, and the Supreme Court's March 10, 2015 decision in the matter of In re N.J.A.C. 5:96 & N.J.A.C. 5:97, 221 N.J. 1 (2015) to satisfy the Township's affordable housing responsibilities for the period 1987-2025. As indicated, the Court will also consider the terms of the Township of River Vale's settlement with Intervenor the Estate of Henry J. Bonnabel at the Hearing.

Any interested third party that seeks to appear and be heard at the May 9, 2019 Hearing on the Settlement Agreement shall have the opportunity to be heard, but must submit his/her objections in writing in advance of the hearing. Specifically, such comments or objections, together with copies of any supporting affidavits or other documents, must be filed in writing, on or before April 25, 2019 at 5:00 p.m., with the Honorable Christine A. Farrington, J.S.C. at 10 Main Street, Chambers 323, Hackensack, NJ 07601, with copies of all papers being forwarded by mail or e-mail to:

**Special Master Shirley Bishop:**

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This Notice is provided pursuant to directive of the Court and is intended to inform all interested parties of (a) the existence of the Settlement Agreements, and the possible consequences of Court approval of the Settlement Agreements, which may ultimately lead to a Judgment of Compliance and Repose, and (b) the Township's preliminary compliance measures as reflected in the terms of the Settlement Agreement with FSHC, and to inform such parties that they are able to comment on said Settlement Agreements before the Court reviews and evaluates whether to approve the Settlement Agreements. This Notice does not indicate any view by the Court as to the fairness or adequacy of the Township's Settlement Agreement with FSHC or its Settlement Agreement with Intervenor the Estate of Henry J. Bonnabel.