

PUBLIC NOTICE

TOWNSHIP OF SOUTH BRUNSWICK, MIDDLESEX COUNTY

NOTICE OF FAIRNESS HEARING TO DETERMINE WHETHER SETTLEMENT AGREEMENT WITH RIDGE ROAD PROPERTIES ("RRP") SHOULD BE APPROVED

PLEASE TAKE NOTICE that on Monday, December 16, 2024 and Tuesday, December 17, 2024 at 10:00 a.m., and as may be continued thereafter, there will be an in-person Fairness Hearing (the "Hearing") before the Honorable Michael V. Cresitello, P.J.C.V., of the Superior Court of New Jersey, Middlesex County Courthouse, 56 Paterson Street, New Brunswick, New Jersey 08903, Court Room 401, in the matter known as Ridge Road Properties, LLC v. Township of South Brunswick and Planning Board of the Township of South Brunswick, Docket No.: MID-L-2510-19, consolidated with the Township's Mount Laurel IV Declaratory Judgment Action in the Matter of the Application of the Township of South Brunswick in Middlesex County, bearing Docket No.: MID-L-4433-17 (collectively the "Actions"). The purpose of the Hearing is for the Court to determine whether the terms of a Settlement Agreement reached on April 26, 2022 (the "Settlement Agreement") or the "RRP Settlement") between the Township of South Brunswick (the "Township"), the Township of South Brunswick Planning Board (the "Planning Board" or "Board") and Ridge Road Properties, LLC ("RRP"), is fair and reasonable to low- and moderate-income households.

By way of brief summary, in the Actions, the Township sought a declaratory judgment in the Superior Court of New Jersey, Law Division, Middlesex County, granting it immunity and repose pursuant to N.J.S.A. 52:27D-313, and a judicial declaration that its Housing Element and Fair Share Plan ("HEFSP") is presumptively valid because it presents a realistic opportunity for the provision of its fair share of its housing region's present and prospective need for low and moderate income housing pursuant to the Court's decision in *In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing*, 221 N.J. 1, 35-36 (2015). ("Mount Laurel IV"). The Parties have agreed to amicably resolve the issues brought forth in the Actions as they relate to the real property owned by RRP generally located along Ridge Road and Perrine Road, in the Township, and known and designated as Block 79, Lots 4.02, 4.031, 4.032, 4.04, 6.01 and 6.03 on the Official Township Tax Map(s), and which consists of approximately 176.26 acres (the "RRP Property").

More specifically, in the Actions, RRP was granted a builders' remedy to construct 1,320 residential housing units, including 264 affordable housing units on the RRP Property. Pursuant to the Settlement Agreement, RRP will be making a monetary contribution of \$8,065,000 to the Township's affordable housing trust fund for the provision of affordable housing in the Township and the 264 affordable housing units that were to be constructed by RRP will be relocated to other sites within the Township. Furthermore, subject to the Court's approval of the Settlement Agreement, the RRP Property will not be developed as an inclusionary residential housing development. Rather, the RRP Property will be developed for light industrial/warehouse use(s). The Settlement Agreement also requires RRP to construct certain improvements to the interchange of Route 1 and Ridge Road in the Township.

This Notice is being provided to advise all interested persons and parties who may be interested that the Court will conduct the Hearing on the RRP Settlement, pursuant to *EastWest Venture v. Borough of Fort Lee*, 286 N.J. Super. 311 (App. Div. 1996), for the Court to determine if: (1) the RRP Settlement has apparent merit, (2) that notice was given to all members of the class and others who have an interest in the Settlement, (3) the Hearing has been conducted on the RRP Settlement where those affected have sufficient time to prepare, and (4) that the RRP Settlement is "fair and reasonable to members of the protected class".

Any interested person or party that seeks to appear and be heard at the Hearing on the above issues shall have the opportunity to present their position regarding the RRP Settlement. In advance of the Hearing, any written objections or comments by any interested person or party must be filed with the Honorable Michael V. Cresitello, Jr., P.J.C.V., of the Middlesex County Courthouse, 56 Paterson Street, New Brunswick, New Jersey, 08903, no later than December 2, 2024, with duplicate copies being forwarded by mail and, if possible, email, to the attention of the following:

Barbara Nyitrai, Township Clerk
Township of South Brunswick
540 Ridge Road, P.O. Box 190
Monmouth Junction, NJ 08852
bnvyitrai@sbtnj.net

Josh Bowers, Esq.
Fair Share Housing Center, Inc.
570 Park Boulevard
Cherry Hill, NJ 08002
joshbowers@fairsharehousing.org

Francis M. Wornack, Esq.
Township Attorney
South Brunswick Municipal Building
540 Ridge Road, P.O. Box 190
Monmouth Junction, NJ 08852
mwornack@sbtnj.net

Christine Nazzaro-Cafone
Court Appointed Special Adjudicator
Cafone Consulting Group LLC
125 Half Mile Road, Suite 200
Red Bank, NJ 07701
ccafone@cafoneconsulting.com

Joshua A. Zieliński, Esq.
O'Toole Scrivo, LLC
14 Village Park Road
Cedar Grove, NJ 07009
jzieliński@oslaw.com

South Brunswick Planning Board
c/o Thomas J. Malica, Jr. Esq.
Vogel, Chait, Collins & Schneider
25 Lindsley Drive, Suite 200
Morristown, NJ 07960
tmalica@vccslaw.com

Any written responses by the Parties to written objections received shall be filed with the Court, the Court Special Adjudicator, the Township, RRP and the objector on or before December 9, 2024. This Notice is provided pursuant to directive of the Court and is intended to inform all interested persons and parties of the basic subject matter of the Hearing, the existence of the RRP Settlement and the possible consequences of formal action and Court approval of the RRP Settlement.

Copies of this Notice, the RRP Settlement, the Court Order scheduling the Hearing, the September 18, 2024 Settlement Agreement between Fair Share Housing Center and the Township of South Brunswick, the Township's 2024 Amendment to the 2020 Amended Third Round Housing Element and Fair Share Plan and Third Round Spending Plan, with all accompanying documents, ("Settlement Documents") are available for inspection by interested persons and parties at the office of the Township Clerk, located at the South Brunswick Municipal Building, 540 Ridge Road, P.O. Box 190, Monmouth Junction, New Jersey 08852 during normal business hours. The Settlement Documents shall also be posted on the Township's website. This Notice does not indicate any view by the Court or the Parties as to the merits of the RRP Settlement, the fairness, reasonableness, or adequacy of the RRP Settlement, or of any of the issues to be addressed, adjudicated, or otherwise resolved at the Hearing.

By: Francis M. Womack, Esq.
Township Attorney
Township of South Brunswick

1. The Township, Planning Board, and RRP may be collectively referred to herein as the "Parties."
(§124.02)

