

PUBLIC NOTICE

Borough of Hillsdale

NOTICE OF FAIRNESS HEARING ON SETTLEMENT BETWEEN THE FAIR SHARE HOUSING CENTER AND THE BOROUGH OF HILLSDALE AND THE HILLSDALE PLANNING BOARD

The Honorable Christine A. Farrington, J.S.C. will conduct a Fairness Hearing in the Matter of the Application of the Borough of Hillsdale, a Municipal Corporation of the State of New Jersey, Docket No. BER-L-005680-15 (Declaratory Judgment Action or "DJA") in the Bergen County Superior Court, 10 Main Street, Court Room 323, Hackensack, New Jersey 07601 at 9:00 a.m. on Friday February 9, 2018.

The Fair Share Housing Center ("FSHC") is a Supreme Court designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (Mount Laurel IV).

The Fairness Hearing will consider the following issues: whether a Settlement Agreement proposed by the Borough of Hillsdale and the Borough of Hillsdale Planning Board (hereinafter "Hillsdale") is fair and reasonable to low and moderate income households. If the Court is satisfied that the settlement agreement is fair and reasonable to low and moderate income households, the Court will enter an Order accepting the settlement. That Order will bind all parties and nonparties to the litigation identified above from subsequently challenging the rights and responsibilities provided by the settlement.

This Settlement agrees to Hillsdale's future adoption of a revised Housing Element and Fair Share Plan ("HEFSP") to satisfy Hillsdale's obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, for the Prior Round (1987-1999) and Third Round (1999-2025).

Pursuant to the Settlement, FHSC and the Borough of Hillsdale agree that Hillsdale's affordable housing obligations are as follows:

Rehabilitation Share or Present Need (per Kinsey Report)	26
Prior Round Obligation (pursuant to N.J.A.C. 5:93)	111
Third Round Prospective Need (per Kinsey Report, as adjusted through this settlement agreement)	234

Hillsdale has a Prior Round need of 111 affordable housing units, which is met through the following existing compliance mechanism:

Mechanism	Credit Type	Tenure	Age Restricted	Credit	Bonus	Total
Hillsdale House	100% Affordable	Rental	Yes	86	27	113

Hillsdale has determined its Realistic Development Potential ("RDP") is 35 units. Hillsdale will satisfy the RDP obligation by a combination of sites:

Mechanism	Credit Type	Tenure	Age Restricted	Credit	Bonus	Total
Carryover Credits: Hillsdale House	100% Affordable	Rental	Yes	2	-	2
New Concepts For Living	Prior-Cycle	Rental	-	4	-	4
V&R	Inclusionary	Rental	-	4	4	8
273 Broadway (Paterno)	Inclusionary	Rental	-	2	2	4
305 Patterson Street (Walsky)	Inclusionary	Rental	-	6	3	9
Alliance Against Homelessness	Alternative Living Arrangement	Rental	-	4	-	4
Bank of America (Block 1102)	Inclusionary	TBD	-	4	-	4
			Total	26	9	35

The RDP of 35 units, subtracted from the Third Round obligation of 234 results in an unmet need obligation of 199 units. Hillsdale will address its unmet need through:

	Credit Type	Tenure	Age Restricted	Credit	Bonus	Total
175 Broadway (Verizon)	Inclusionary	TBD	-	6		6
Spectrum For Living	Alternative Living Arrangement	Rental	-	6		6
Care Plus NJ – Patterson St.	Alternative Living Arrangement	Rental	-	5		5
Care Plus NJ – Park Ave	Alternative Living Arrangement	Rental	-	4		4
Industrial Zone Redevelopment Area	Inclusionary	TBD	-	24		24
Habitat for Humanity, TBD	100% Affordable	Sale	-	1		1
Borough-Wide Set-Aside Ordinance	Inclusionary	TBD	-	TBD		TBD
			Total	46	0	46

The Borough will provide a realistic opportunity for the development of affordable housing through the adoption of inclusionary zoning on the following sites:

- a. 175 Broadway (Verizon) – Permit mixed-use development with commercial uses on the first floor and residential units on the second and third floor. A maximum density of 20 units to the acre would be permitted. However, all parking would be required to be provided on-site.
- b. Bank of America (Block 1102) - Permit mixed-use development with commercial uses on the first floor and residential units on the second and third floor. A maximum density of 20 units to the acre would be permitted. However, all parking would be required to be provided on-site.

The following sites are in the Borough's affordable housing plan through prior zoning applications and Resolutions of Approval:

- a. V & R – 4 of the 16 rental units at 55-59 Patterson St. (Block 1101, Lots 6 and 7), specifically #206, #207, #306 and #307 are affordable family rental units, deed-restricted for 30 years.
- b. Paterno - 2 of the 15 rental units at 273 Broadway (Block 1205, Lot 8) are affordable units with a 30-year deed restriction.
- c. Walsky – 6 of the 40 units at 305 Patterson St. (Block 1212, Lots 15 and 16) are affordable units with a 30-year deed restriction.

The Borough will provide additional affordable housing mechanisms that will be developed or created through means other than inclusionary zoning in the following ways:

- a. A redevelopment designation of a portion of the Industrial Zone located off of Patterson St. There is approximately 5.8 buildable acres within the study area. After the area is designated, the Borough shall adopt a Redevelopment Plan that will permit a variety of uses, including inclusionary housing at a maximum density of 28 units to the acre within 3 years of the court's approval of this Agreement. The residential density shall be calculated using the final developable acreage in the Redevelopment Plan.
- b. The Borough will donate a property to Habitat to Humanity for the construction of one affordable home. Habitat for Humanity will be responsible for the construction of the new home. The Borough shall identify the property to be donated and initiate the donation prior to the final compliance hearing.
- c. A Borough-Wide Set-Aside Ordinance. The Borough will adopt a borough-wide Set-Aside Ordinance that requires a 20% set-aside if the affordable units will be for sale and a 15% set-aside if the affordable units will be for rent, for all new multi-family residential development of five or more units that become permissible through either a use variance, a density variance increasing the permissible density at the site, a rezoning permitting multi-family residential housing where not previously permitted or a new redevelopment plan. This does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of Hillsdale to grant such rezoning, variance or other relief.

The Settlement Agreement specifies how the Borough intends to meet these obligations, including greater detail regarding the proposed developments. The Settlement should be reviewed for further detail. The actual development of these or any project is dependent upon many factors, therefore the final number of affordable units will vary depending upon a variety of circumstances. **This is a brief summary of a very detailed agreement. Anyone wishing to participate in the hearing to evaluate the Settlement Agreement is encouraged to review the entire agreement, inclusive of the exhibits.**

The Borough has presented to the Court, and placed on file with the Borough Clerk, a copy of the Settlement Agreement. This agreement is available for public inspection at the office of the Borough Clerk, 380 Hillsdale Avenue, Hillsdale, NJ 07642 during normal business hours and has been posted on the Borough's website at www.HillsdaleNJ.org.

All interested parties are hereby given an opportunity to appear and be heard at the Fairness Hearing to present their position as to whether the Court should approve the Settlement Agreement. To participate in the hearing, objections or comments by any interested party must be submitted

in writing and filed the Court, at the address in paragraph one, on or before Monday, January 31, 2018, which is ten days before the Fairness Hearing, with copies served at that time to the following:

Hon, John Ruocco, Mayor Borough of Hillsdale 380 Hillsdale Ave Hillsdale, NJ 07642-2797	Denise Kohan, Clerk Borough of Hillsdale 380 Hillsdale Ave Hillsdale, NJ 07642-2797	Steven M. Paul, Esq. Randall & Randall, LLP 287 Westwood Rd Westwood, NJ 07675
Harold Ritvo, Esq. 221 Allen Street Hackensack, NJ 07601	Borough of Hillsdale 380 Hillsdale Ave Hillsdale, NJ 07642	Christopher P. Statile, PE, 3 Fir Court Oakland, NJ 07436
Darlene A. Green, PP, AICP Maser Consulting PA Perryville III Corporate Park 53 Frontage Rd, Suite 110 Hampton, NJ 08827	Melissa Field, Director - Housing Dev. Allies, Inc. 1262 White Horse-Hamilton Sq Rd, Building A, Suite 101 Hamilton, NJ 08690	Jeffrey A. Zenn, Esq. Sokol, Behot & Fiorenzo 433 Hackensack Ave Hackensack, NJ 07601
Frank Banish, P.P. Banisch Associates, Inc. 111 Main Street Flemington, NJ 08822	Ronald S. Ladell, SVP AvalonBay Communities, Inc. 517 Route 1 S, Suite 5500 Iselin, NJ 08830	Hon. Menelaos Toskos, J.S.C. Superior Court of NJ 10 Main St., Chambers 424 Hackensack, NJ 07601
Stephen M. Eisdorfer, Esq. Hill Wallack 21 Roszel Road Princeton, NJ 08540	Elizabeth Semple NJ DEP PO Box 402 Trenton, NJ 08625	Tom Toronto, President Bergen County United Way 6 Forest Ave, Suite 210 Paramus, NJ 07652
Peter Kortright, III, PP, Division Director Bergen County Dept of Plan. & Econ. Development 1 Bergen County Plaza, 4 th Fl. Hackensack, NJ 07601-7076	Valentina Di Pippo, Esq. Deputy Attorney General Richard J. Hughes Justice Complex, West Wing 25 Market Street Trenton, NJ 08625	Bergen County Dept of Planning & Economic Development 1 Bergen County Plaza 4 th Floor Hackensack, NJ 07601-7076
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Edward J. Buzak, Esq. Buzak Law Group, LLC 150 River Rd, Suite N-4 Montville, NJ 07045	Jon Vogel, Development Dir. AvalonBay Communities, Inc. 517 Route 1 S, Suite 5500 Iselin, NJ 08830	Kevin D. Walsh, Esq. Fair Share Housing Center 510 Park Boulevard Cherry Hill, NJ 08002

This Notice is intended to inform all interested parties of (a) the existence of a Settlement Agreement, and the possible consequences of Court approval of this Settlement; and (b) the existence of a duly adopted Affordable Housing Plan endorsed by the Borough, and the consequences of the possible approval of same. This Notice does not indicate any view by the Court or the parties as to the merits of the lawsuit, the fairness, reasonableness, or adequacy of the proposed settlement, or whether the Court will approve the Settlement.