

Steven A. Kunzman, Esq. (Arty I.D. # 012731981)
Our File No.: C22117

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Attorneys for Borough of New Providence

IN THE MATTER OF THE ADOPTION OF THE BOROUGH OF NEW PROVIDENCE FOR A JUDGMENT OF COMPLIANCE OF ITS THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN.	SUPERIOR COURT OF NEW JERSEY CIVIL DIVISION: UNION COUNTY DOCKET NO: UNN-L-2442-15 <i>Civil Action</i> ORDER CONTINUING COMPLIANCE HEARING AND OTHER RELIEF
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THIS MATTER having been opened to the Court by DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C., attorneys for the Borough of New Providence (hereinafter referred to as “Borough” or “New Providence”), Steven A. Kunzman, Esq., appearing, in the presence of counsel for Interested Parties, Kevin D. Walsh, Esq., attorney for Fair Share Housing Center, Inc. (“FSCH”); Craig M. Gianetti, Esq. (Day, Pitney) counsel for Murray Hill, LLC. as successor to Linde North America, Inc. (“Linde”); James G. Webber, Esq. (Dempsey, Dempsey, and Sheehan) for Becton Dickinson/C.R. Bard (“Becton”); Norman Klein, Esq., (Carlet, Garrison, Klein, & Zaretsky) counsel for Shelborne Spring, LLC, and the Court Appointed Special Master, Kendra Lelie, PP, AICP, LLA, for the Final Compliance Hearing held pursuant to and in accordance with East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996); and sufficient notice of this hearing having been given in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 & 5:97 by the New Jersey Council on Affordable Housing, 221

N.J. 1 (2015) (“Mount Laurel IV”) and Morris County Fair Housing Council v. Boonton Tp., 197 N.J. Super. 359 (Law Div. 1984); and the Court having considered the Special Master’s comments on the record and statements of counsel, and there being no appearance by any person or entity objecting to the proceeding, and good cause having been shown;

IT IS on this 3rd day of ~~September~~ October 2019, **ORDERED** that:

1. The Court has reviewed the Certification of Steven A. Kunzman, filed on September 18, 2019, and finds that proper notice of the Compliance Hearing was adequate.

2. The Court has determined that the Borough has been proceeding diligently; however, some additional time is necessary for the Borough to confirm the creditworthiness of certain existing affordable housing and to complete minor revisions to ordinances and implementing documents as recommended the Special Master.

3. The Court has been advised that the Borough has been having difficulty with obtaining information required to demonstrate creditworthiness from certain entities that provide existing affordable housing, including, but not limited to, the Union County Arc, Community Access, and Arc of Union County. Accordingly, the Court authorizes counsel for the Borough to take the necessary actions to obtain the required information, including by the issuance of subpoenas duces tecum for a deposition prior to or at the time of the Compliance Hearing.

4. The Court has determined that the Compliance Hearing is to be continued until November 4, 2019 at 2:00 PM, and that further notice shall not be required, other than the Borough shall post this Order on its website, and shall otherwise make it available upon request.

5. The temporary immunity previously granted to New Providence herein is hereby extended until and through the day following the completion of the Final Compliance Hearing herein scheduled and the entry of an Order granting a Final Judgement in this matter.

5. A copy of this Order shall be served upon all parties on the service list in this matter with 5 days of New Providence's receipt thereof.



HONORABLE KAREN CASSIDY, A.J.S.C.