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Our File No.: C22190

**DI FRANCESCO, BATEMAN, KUNZMAN,  
DAVIS, LEHRER & FLAUM, P.C.**

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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>  <b>FINAL JUDGEMENT OF COMPLIANCE AND REPOSE</b>
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**THIS MATTER** having been opened to the Court by DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C., attorneys for the Plaintiff Borough of New Providence (“Borough”) by Steven A. Kunzman, Esq., and on Consent of Intervening and Interested Parties, Josh Bauers, 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”); Brett Tanzman, Esq. (Wilf Law Firm) for GH NP Central LLC, 1889 NP Holding LLC, and Hill NP Central LLC, purchaser of the for Becton Dickinson/C.R. Bard Property (“Becton”); Norman Klein, Esq., (Carlet, Garrison, Klein, & Zaretsky) counsel for Shelbourne Spring, LLC, and the Court Appointed Special Master, Kendra Lelie, PP, AICP, LLA;; and,

**WHEREAS**, the Court having entered a Conditional Declaratory Judgment of Compliance on November 13, 2019 (“Conditional Judgment”), which memorialized the determination by the Court that the Borough is in compliance with its Constitutional obligation

to zone in such a manner as to provide the realistic opportunity for the development of housing affordable to low and moderate income households in accordance with what is commonly known as the Mount Laurel Doctrine and in accordance with the New Jersey Fair Housing Act, N.J.S.A. 52:27d-301, et seq., including all Cycles or Rounds through June 30, 2025 as set forth in the Settlement Agreement entered into in this matter, subject to certain conditions; and,

**WHEREAS**, all criteria required to demonstrate Compliance as set forth in East/West Venture, 286 N.J. Super 311 (App. Div. 1996), have been satisfied, including that the Borough has satisfied all conditions set forth in the Conditional Judgement, which includes confirming the creditworthiness of certain group homes, resulting in the following changes to the crediting for the Prior Round:

Summary of New Providence's Prior Round of <u>135</u> <b>PROPOSED CHANGES TO BONUS CREDITS</b>	
Prior Round Credits:	
<i>Our House (very low, rental)</i>	4
Existing Inclusionary Development:	
<i>The Villages at New Providence (rental)</i>	10
<i>Patriot Village (rental)</i>	4
<i>Spring Gardens (rental)</i>	6
<i>Stonefields at New Providence</i>	2
<i>Southgate at Murray Hill</i>	2
<i>Riverbend</i>	4
<i>Murray Hill Farms</i>	13
Existing 100% Affordable Age-Restricted	
<i>Elizabeth Barabash (rental)</i>	22
Existing Alternative Living Arrangements (very-low rental):	
<i>Community Action Independent Living</i>	4
<i>Union County Arc I</i>	4
<i>Union County Arc II</i>	3
<i>Community Access I</i>	6
<i>Community Access II</i>	6
<i>Arc of Union County</i>	3
Existing Inclusionary Zoning	
<i>Blocks 310 and 311</i>	9

<i>Total Units</i>	<b>102</b>
<b>Rental Bonus Credits</b>	
<i>The Villages at New Providence</i>	10
<i>Patriot Village</i>	4
<i>Spring Gardens</i>	6
<i>Community Action Independent Living</i>	3
<i>Union County Arc I</i>	4
<i>Community Access I</i>	6
<i>Union County Arc II</i>	3
<i>Arc of Union County</i>	3
<b>Total Rental Bonus Credits</b>	<b>33</b>
<b>TOTAL PRIOR ROUND</b>	<b>135</b>

Accordingly, the approved crediting for the Prior Round is as follows:

<b>Summary of New Providence's Prior Round of 135 PROPOSED CHANGES TO BONUS CREDITS</b>	
<b>Prior Round Credits:</b>	
<i>Our House (very low, rental)</i>	4
<b>Existing Inclusionary Development:</b>	
<i>The Villages at New Providence (rental)</i>	10
<i>Patriot Village (rental)</i>	4
<i>Spring Gardens (rental)</i>	6
<i>Stonefields at New Providence</i>	2
<i>Southgate at Murray Hill</i>	2
<i>Riverbend</i>	4
<i>Murray Hill Farms</i>	13
<b>Existing 100% Affordable Age-Restricted</b>	
<i>Elizabeth Barabash (rental)</i>	22
<b>Existing Alternative Living Arrangements (very-low rental):</b>	
<i>Community Action Independent Living</i>	4
<i>Union County Arc I</i>	4
<i>Union County Arc II</i>	3
<i>Community Access I</i>	6
<i>Community Access II</i>	6
<i>Arc of Union County</i>	3
<b>Existing Inclusionary Zoning</b>	
<i>Blocks 310 and 311</i>	9
<b>Total Units</b>	<b>102</b>
<b>Rental Bonus Credits</b>	

<i>The Villages at New Providence</i>	10
<i>Patriot Village</i>	4
<i>Spring Gardens</i>	6
<i>Community Action Independent Living</i>	3
<i>Union County Arc I</i>	4
<i>Union County Arc II</i>	3
<i>Arc of Union County</i>	3
<b>Total Rental Bonus Credits</b>	<b>33</b>
<b>TOTAL PRIOR ROUND</b>	<b>135</b>

**WHEREAS**, the Special Master has confirmed with the Court by letter of August 13, 2020 that all Conditions have been satisfied, and recommends entry of this Final Judgment of Compliance and Repose; and,

**WHEREAS**, Counsel for all of the Intervenors have consented to the entry of this Final Judgment of Compliance and Repose;

**IT IS THEREFORE**, ON THIS 25<sup>th</sup> DAY OF August, 2020,  
**ADJUDGED, DECLARED AND ORDERED AS FOLLOWS:**

1. The Court declares that the Borough of New Providence is in compliance with its Constitutional obligation to provide zoning that creates the realistic opportunity for the development of housing affordable to low and moderate income households as defined in what are commonly known as the Mount Laurel Doctrine and the New Jersey Fair Housing Act, N.J.S.A. 52:27d-301, *et seq.*, through and including all Cycles or Rounds up to and including any and all obligations that may have been determined to exist through June 30, 2025, as set forth in the Settlement Agreement in this matter which was approved by this Court by the Order of Fairness and Preliminary Compliance entered on November 14, 2018 and by the Conditional Judgment.

2. This Final Judgment shall become part of, and attached to, the Settlement Agreement and the HEFSP for the purpose of amending those documents with the acceptable crediting.
3. The Borough is granted continuing repose and immunity from exclusionary zoning litigation until June 30, 2025.
4. All other requirements or provisions of the Conditional Judgment, that are not otherwise addressed in this Final Judgment, shall remain and are incorporated herein.

**AND IT IS FURTHER ORDERED** that a copy of this Judgment be served upon all interested parties in accordance with the procedure previously established in the Mount Laurel litigation matters.

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