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August 14, 2015

**VIA FEDERAL EXPRESS**

Superior Court of New Jersey  
Clerk, Law Division / Direct Filing  
Essex County Historic Courthouse  
470 Dr. Martin Luther King, Jr. Boulevard  
Newark, New Jersey 07102

**RE: In the Matter of the Township of Verona  
Docket No.: L-004773-15**

Dear Sir or Madam:

This office represents Bobcar Corporation, Neil Joy Associates and Forsons Partners, LLC connection with the above referenced matter. Enclosed please find an original and two (2) copies of the following documents for filing:

1. Notice of Motion to Intervene;
2. Letter Brief in Support of Motion;
3. Certification of Gregory D. Meese, Esq.;
4. Certification of Roger Kruvant; and
5. Proposed Order

Kindly mark one copy "filed" and return in the self-addressed stamped envelope provide.

Please charge the filing fee to our firm's collateral account 142830.

Please note one copy of the enclosed Motion papers has been forwarded directly to Judge Schott, the designated Mount Laurel Judge.

Should you have any questions, please do not hesitate to contact us.

Very truly yours,

Price, Meese, Shulman & D'Arminio, P.C.

By: \_\_\_\_\_

Gregory D. Meese, Esq.

jaz/enc.

cc: Service List

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[gmeese@pricemeese.com](mailto:gmeese@pricemeese.com)

IN THE MATTER OF THE TOWNSHIP  
OF VERONA, a municipal corporation of  
the State of New Jersey,

Plaintiff/Petitioner

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: ESSEX COUNTY  
DOCKET NO.: L-004773-15

Civil Action  
(Mount Laurel)

**NOTICE OF MOTION  
TO INTERVENE**

TO: Michael A. Gannaio, Esq.  
Giblin & Gannaio  
2 Forest Avenue  
Oradell, NJ 07649  
Attorney for Plaintiff Township of Verona  
AND: All Counsel/Parties on attached service list

**PLEASE TAKE NOTICE** that on Friday, September 4, 2015 at 9:00 a.m. or as soon thereafter as counsel may be heard, the undersigned attorney for Bobcar Corporation, Neil Joy Associates, and Forsons Partners, LLC will move before this court, at the Essex County Historic Courthouse, 470 Dr. Martin Luther King, Jr. Boulevard, Newark, New Jersey for an Order pursuant to Rule 4:33-1 & 2 allowing said parties to intervene in this action.

**PLEASE TAKE FURTHER NOTICE** that the putative Defendants/Intervenors shall rely upon the attached Certifications of Roger Krivant and Certification of Gregory D. Meese, Esq.,

the exhibits attached thereto and the accompanying Letter Brief in Support of Motion to Intervene. A proposed form of Order is submitted herewith.

Dated: August 14, 2015

PRICE, MEESE, SHULMAN & D'ARMINIO, P.C.  
Attorneys for Defendants/Intervenors Bobcar Corporation,  
Neil Joy Associates and Forsons Partners, LLC.

By:   
Gregory D. Meese, Esq.

### CERTIFICATION

The undersigned hereby certifies that the within Notice of Motion to Intervene, the Brief in support of said Motion, the Certifications of Roger Kruvant and Gregory D. Meese, Esq., and the proposed form of Order were sent on this day via Federal Express and to all counsel/parties on the attached service list.

I certify that the foregoing statements made by me are true. I am aware that if the foregoing statements made by me are willfully false, I am subject to punishment by the court.

Dated: August 14 2015

PRICE, MEESE, SHULMAN & D'ARMINIO, P.C.  
*Attorneys for Proposed Defendants/Intervenors*

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Should you have any questions, please do not hesitate to contact us.

Very truly yours,

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By:   
Gregory D. Meese, Esq.

jaz/enc.

cc: Service List

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IN THE MATTER OF THE TOWNSHIP  
OF VERONA, a municipal corporation of  
the State of New Jersey,

Plaintiff/Petitioner

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: ESSEX COUNTY  
DOCKET NO.: L-004773-15

*Civil Action*  
(Mount Laurel)

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TO INTERVENE**

TO: Michael A. Gannaio, Esq.  
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Attorney for Plaintiff Township of Verona  
AND: All Counsel/Parties on attached service list

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the exhibits attached thereto and the accompanying Letter Brief in Support of Motion to Intervene. A proposed form of Order is submitted herewith.

Dated: August 14, 2015

PRICE, MEESE, SHULMAN & D'ARMINIO, P.C.  
Attorneys for Defendants/Intervenors Bobcar Corporation,  
Neil Joy Associates and Forsons Partners, LLC.

By:

  
\_\_\_\_\_  
Gregory D. Meese, Esq.

### CERTIFICATION

The undersigned hereby certifies that the within Notice of Motion to Intervene, the Brief in support of said Motion, the Certifications of Roger Kruvant and Gregory D. Meese, Esq., and the proposed form of Order were sent on this day via Federal Express and to all counsel/parties on the attached service list.

I certify that the foregoing statements made by me are true. I am aware that if the foregoing statements made by me are willfully false, I am subject to punishment by the court.

Dated: August 14 2015

PRICE, MEESE, SHULMAN & D'ARMINIO, P.C.  
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August 14, 2015

Honorable Francine A. Schott, J.S.C.  
Superior Court of New Jersey  
Essex County Historic Courthouse  
470 Dr. Martin Luther King, Jr. Boulevard  
Newark, NJ 07102

**Re: In Re Township of Verona Compliance with Third Round  
Mount Laurel Affordable Housing Obligation  
Docket No.**

Dear Judge Schott:

This office represents proposed Defendants/Intervenors Bobcar Corporation, a New Jersey Corporation, Neil Joy Associates, a General Partnership and Forsons Partners, LLC, a New Jersey limited liability company (hereinafter collectively referred to as "Bobcar"). Please accept this letter brief in lieu of more formal papers in support of Bobcar's Motion to Intervene in the above-captioned action.

This matter was commenced by Plaintiff Township of Verona in accordance with the March 10, 2015, decision of the Supreme Court of New Jersey in In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015), hereinafter referred to as Mount Laurel IV. In Mount Laurel IV, the adjudication of a municipality's compliance with its constitutional obligation to create a realistic opportunity for producing a fair share of affordable housing was removed from the Council on Affordable Housing ("COAH") and returned to the judiciary.

The Supreme Court instructed the designated Mount Laurel judges to adjudicate the issue of whether a given municipality's housing plan satisfies its

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Honorable Francine A. Schott, J.S.C.  
Superior Court of New Jersey  
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Mount Laurel obligations. The Court sought to establish “an orderly process by which towns can have their housing plans reviewed by the courts for constitutional compliance,” . . . “on notice and opportunity to be heard to . . . interested parties.” Id. at 10.

Recently, in the first case to implement Mount Laurel IV, Judge Wolfson, sitting in Middlesex County, determined that “[t]he Supreme Court was unequivocal in its mandate that all declaratory judgment cases are to be brought on notice to interested parties and with an opportunity for them to be heard. [citation omitted]. I can discern no legitimate basis, therefore, to deny any interested party the opportunity to intervene as a defendant, albeit limited to the question of whether the particular town has complied with its constitutional housing obligations.” In the Matter of the Adoption of the Monroe Township Housing Element and Fair Share Plan and Implementing Ordinances, Law Div. MID-L3365-15, at 9, July 9, 2015

(hereinafter referred to as “Monroe”). A copy of Monroe is attached to Meese Cert. as Exhibit

A. Judge Wolfson explained his reasoning as follows:

Both substance and procedure permit, and perhaps, demand that ‘interested parties’ be permitted to ‘participate’ in any assessment of a municipality’s purported compliance with its affordable housing obligation. First, absent intervention, a municipality’s declaratory judgment action would be, essentially, unopposed. While the appointment of a Special Master is, ideally, both a welcome and necessary protocol, a blanket rule prohibiting any interested party from intervening, fundamentally silences potentially useful voices which may have legitimate insights or analyses relevant to the constitutionality of the town’s proposed plan.

Monroe at 8-9. Judge Wolfson’s opinion is consistent with Supreme Court precedent which has found that “the need for a ‘liberal approach’ to standing is especially important in Mount Laurel litigation. Southern Burlington County N.A.A.C.P. v. Twp. of Mount Laurel, 92 N.J. 158, 337

(1983). See Oceanport Holding, L.L.C v. Bor. of Oceanport, 396 N.J. Super. 622, 631-32 (App. Div. 2007).

Defendants/Intervenors are interested parties.<sup>1</sup> Bobcar is the owner of approximately 11.618 acres of vacant land in Verona. Kruvant Cert. Para. 4. Bobcar's right to develop their properties in conjunction with assisting the Township to satisfy its constitutional obligation to provide for affordable housing will be directly impacted by this litigation. Bobcar should be allowed to intervene in this action as of right.

#### **Intervention as of Right**

New Jersey Court Rule 4:33-1 states:

Upon timely application anyone shall be permitted to intervene in an action if the applicant claims an interest relating to the property or transaction which is the subject of the action and is so situated that the disposition of the action may as a practical matter impair or impede the ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

This rule has been construed to require a four prong test: The applicant must (1) claim "an interest relating to the property or transaction which is the subject of the action," (2) show he is "so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest," (3) demonstrate that the "applicant's interest" is not "adequately

---

<sup>1</sup> "'Interested party' means: (b) in the case of a civil proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or without the municipality, whose right to use, acquire, or enjoy property is or may be affected by any action taken under P.L.1975, c.291 (C.40:55D-1 et seq.), or whose rights to use, acquire, or enjoy property under P.L.1975, c.291 (C.40:55D-1 et seq.), or under any other law of this State or of the United States have been denied, violated or infringed by an action or a failure to act under P.L.1975, c.291 (C.40:55D-1 et seq.)." N.J.S.A. 40:55D-4.

represented by existing parties,” and (4) make a “timely” application to intervene. Chesterbrooke Ltd. P’ship v. Planning Bd. of Twp. of Chester, 237 N.J. Super. 118, 124 (App. Div. 1989). “The substance of the rule permitting intervention as of right is also ordinarily construed quite liberally.” ACLU of N.J., Inc. v. Cnty. of Hudson, 352 N.J. Super. 44, 67 (App. Div. 2002) (citing Meehan v. K.D. Partners, L.P., 317 N.J. Super. 563, 568 (App. Div. 1998)). “As the rule is not discretionary, a court must approve an application for intervention as of right if the four criteria are satisfied.” Meehan, 317 N.J. Super. at 568 (citing Chesterbrooke, 237 N.J. Super. at 124).

Here, Bobcar should be allowed to intervene as of right because all four elements are met: (1) Bobcar owns a large tract of land in Verona (11.618 acres) which is one of the largest parcels of vacant land in the Township; (2) as property owners, their right to develop the land may be impacted by the Township’s housing element and fair share plan; (3) the disposition of this action may as a practical matter impair or impede Bobcar’s ability to protect those interests; (4) Bobcar’s interests are not adequately represented by the Township; and (5) this motion to intervene is timely as the Township’s Complaint was filed on or about July 2, 2015, and no substantive actions have been taken in the case.

#### **Permissive Intervention**

“Where intervention of right is not allowed, one may obtain permissive intervention under R. 4:33-2.” Atl. Employers Ins. Co. v. Tots & Toddlers Pre-School Day Care Ctr., 239 N.J. Super. 276, 280 (App. Div. 1990). New Jersey Court Rule 4:33-2 states:

Upon timely application anyone may be permitted to intervene in an action if the claim or defense and the main action have a question of law or fact in common. When a party to an action relies for ground of claim or defense upon any statute or executive order administered by a state or federal governmental agency or officer, or upon any regulation, order, requirement or agreement issued or made pursuant to the statute or executive order, the agency or officer upon timely application may be permitted to intervene in the action. In exercising its discretion the court shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.

Like Rule 4:33-1, this Rule is to be liberally construed, but unlike Rule 4:33-1, it permits intervention at the trial court's discretion. ACLU, 352 N.J. Super. at 70. Trial courts are to consider four factors when determining whether to grant permissive intervention: (1) the promptness of the application; (2) whether the granting thereof will result in further undue delay; (3) whether the granting thereof will eliminate the probability of subsequent litigation; and (4) the extent to which the grant thereof may further complicate litigation which is already complex. Ibid. (quoting Pressler, Current N.J. Court Rules, comment on R. 4:33-2 (2002)).

Bopcar should be permitted to intervene because each of the four factors are met: (1) this motion has been filed promptly following receipt of Plaintiff's Complaint; (2) the granting of this motion will not delay the action; (3) granting this motion may eliminate subsequent Mount Laurel litigation involving the Township and their property; and (4) Bobcar's participation will not complicate the litigation.

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It is respectfully submitted that Bobcar's intervention is essential to provide the Court with a full review of the factors that influence the Township of Verona's ability to satisfy its constitutional obligation to provide for affordable housing. Verona acknowledges that it must



prepare a new Housing Element and Fair Share Plan to comport with Mount Laurel IV.

Complaint Para. 28. It now seeks the Court's approval of a five month period of time to prepare a constitutionally compliant Housing Element and Fair Share Plan. Complaint, Para 36.

The Defendants/Interveners are ready, willing and able to develop their properties for residential house, including low and moderate income housing. Kruvant Cert. 7. Their intervention in this matter would assist the Court in its analysis of the constitutionality of Verona's proposed plan to fulfill its affordable housing obligations and to ensure that Verona does not seek to exclude otherwise developable properties, such as Bobcar's, from inclusion in the plan.

For the foregoing reasons, it is respectfully submitted that Bobcar's Motion to Intervene should be granted.

Price, Meese, Shulman & D'Arminio, P.C.  
Attorneys for Defendants/Interveners  
Bobcar Corporation, Neil Joy Associates and Forsons Partners, LLC

By: \_\_\_\_\_

  
Gregory D. Meese

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IN THE MATTER OF THE TOWNSHIP  
OF VERONA, a municipal corporation of  
the State of New Jersey,

Plaintiff/Petitioner

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: ESSEX COUNTY  
DOCKET NO.: 5

*Civil Action*  
(Mount Laurel)

**CERTIFICATION OF  
GREGORY D. MEESE, ESQ.**

Gregory D. Meese, Esq., of full age, certifies as follows:

1. I am an Attorney At Law of the State of New Jersey and a principal of Price, Meese, Shulman & D'Arminio, P.C., counsel for proposed Intervenor/Defendants Bobcar Corporation, Neil Joy Associates and Forsons Partners, LLC, (hereinafter collectively referred to as "Bobcar").
2. I make this Certification in support of Bobcar's Motion to Intervene in the Declaratory Judgment action brought by Plaintiff Township of Verona ("Verona").
3. Bobcar seeks to intervene in this matter in accordance with the March 10, 2015 decision of the Supreme Court of New Jersey in In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (hereinafter referred to as "Mount Laurel IV").

4. In Mount Laurel IV, the adjudication of a municipality's compliance with its constitutional obligation to create a realistic opportunity for producing a fair share of affordable housing was removed from the Council on Affordable Housing ("COAH") and returned to the judiciary.

5. In its decision, the Supreme Court instructed the designated Mount Laurel judges to adjudicate the issue of whether a given municipality's housing plan satisfies its Mount Laurel obligations.

6. The Court's Mount Laurel IV decision was recently construed in In the Matter of the Adoption of the Monroe Township Housing Element and Fair Share Plan and Implementing Ordinances, Law Div., Docket No. MID-L-3365-15, July 9, 2015 (hereinafter referred to as "Monroe"). A copy of the Monroe decision is attached hereto as Exhibit A.

7. Defendant Bobcar is the owner of a large property located in Verona. The property has a street address of 25 Commerce Court, Verona, New Jersey and is designated as Lot 3.01, Block 62, on the Verona Tax Assessment Map (the "Property"). The Property has a lot area of approximately 11.6184 acres.

8. The Property is vacant and located within the R-40 Very High Density Single Family Residential Zone as shown on the Verona Zoning Map and provided for in the Zoning Ordinance. Only single-family homes are permitted principal uses in the R-40 zone. Verona Code §150-17.6.

9. The Fair Share Housing Center has estimated that Verona has a prior round affordable housing obligation of 24 units and a third round affordable housing obligation of 376 units. Exhibit B.

10. A copy of the movants' proposed Answer in this matter is attached hereto as Exhibit C.

8/14/15  
Dated

  
Gregory D. Meese



# EXHIBIT A

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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION – CIVIL PART (MT. LAUREL)

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DOCKET NO: MID-L-3365-15

CIVIL ACTION

OPINION

Decided July 9, 2015

*In the Matter of the Adoption of the Monroe  
Township Housing Element and Fair Share  
Plan and Implementing Ordinances*

Not for Publication Without  
the Approval of the  
Committee on Opinions

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Jerome J. Convery, Esq. and Marguerite M. Schaffer, Esq. (*Shain, Schaffer & Rafanello, P.C.*) appeared on behalf of the Township of Monroe

Thomas F. Carroll, III, Esq. and Stephen Eisdorfer, Esq. (*Hill Wallack, LLP*) appeared on behalf of proposed intervener, Monroe 33 Developers, LLC

Kevin D. Walsh, Esq., appeared on behalf of proposed intervener Fair Share Housing Center

**WOLFSON, J.S.C.**

**I. Jurisdictional Posture**

Following the March 10, 2015 decision of the Supreme Court of New Jersey in In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015), hereinafter referred to as Mount Laurel IV, the adjudication of a municipality's compliance with its constitutional obligation to create a realistic opportunity for producing a fair share of

affordable housing was removed from the Council on Affordable Housing (“COAH”) and returned to the judiciary. The Supreme Court instructed the designated Mount Laurel judges within the State to adjudicate the issue of whether a given municipality’s housing plan satisfies its Mount Laurel obligations and provided detailed guidelines regarding the manner in which the judges should do so. The within matter comes before me by virtue of that grant of jurisdiction.

## II. Statement of the Case

The Township of Monroe filed this declaratory judgment action pursuant to the authorization provided by Mt. Laurel IV, *supra*, 221 N.J. 1, seeking a judicial declaration that its housing plan is presumptively valid, and, while the declaratory matter relating to its constitutional compliance proceeds to adjudication, a five-month period of temporary immunity from exclusionary zoning lawsuits. Monroe 33 Developers, LLC (“Monroe 33”) sought to intervene as a defendant and for leave to file a counterclaim, which included a demand for site-specific relief – a builder’s remedy. Fair Share Housing Center (“FSHC”) also sought to intervene as a defendant and for leave to file a counterclaim challenging the constitutionality of Monroe’s affordable housing plan.

For the reasons set forth below, the Township of Monroe’s motion for a five-month period of immunity is **GRANTED**; the cross-motions of Monroe 33 Developers, LLC and Fair Share Housing Center to intervene as defendants are **GRANTED**; the cross-motion of Monroe 33 Developers, LLC to file a counterclaim seeking site-specific relief is **DENIED without prejudice**; and the cross-motion of FSHC to file a counterclaim challenging Monroe’s proposed compliance plan is **GRANTED**.



### III. Procedural History

Throughout its opinion in Mt. Laurel IV, *supra*, 221 N.J. 1, the Supreme Court addressed COAH's failure to adopt revised constitutional rules ("Third Round Rules") regarding municipal housing obligations under the Fair Housing Act, N.J.S.A. 52:27D-301 to -392 (the "FHA"). As a result of COAH's failure to comply with prior Orders of the Supreme Court, a new procedure was established whereby the issues relating to compliance with a municipality's constitutional obligation to create a realistic opportunity for producing a fair share of affordable housing would be returned to the courts.<sup>1</sup>

Recognizing that some municipalities had embraced the COAH process in good faith, but were stymied by that agency's inability to function, the Supreme Court set forth procedures by which municipalities that had either received substantive certification from COAH or had filed resolutions of participation prior to the judicial invalidation of COAH's the third-round methodology, could seek a judicial declaration that its housing plan satisfied its constitutional obligations. The process outlined by the Court affords such towns a reasonable opportunity to demonstrate constitutional compliance to a court's satisfaction (including time to take curative action if the municipality's plan requires further supplementation), without the specter of a

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<sup>1</sup> See Mt. Laurel IV, *supra*, 221 N.J. at 6 ("Our order effectively dissolves, until further order, the FHA's exhaustion-of-administrative-remedies requirement. Further, as directed, the order allows resort to the courts, in the first instance, to resolve municipalities' constitutional obligations under Mount Laurel"); see also Southern Burlington County NAACP v. Twp. Of Mount Laurel, 67 N.J. 151 (1975) (hereinafter referred to as Mt. Laurel I); and see Southern Burlington County NAACP v. Twp. Of Mount Laurel, 92 N.J. 158 (1983) (hereinafter referred to as Mt. Laurel II).

builder's remedy action hanging over them like a "sword of Damocles."<sup>2</sup> Importantly, the Supreme Court authorized the courts to grant a period of temporary immunity for up to five months, "preventing any exclusionary zoning actions from proceeding,"<sup>3</sup> to those municipalities that promptly sought such declaratory relief.<sup>4</sup>

Accordingly, I am tasked with determining first, whether Monroe has demonstrated an entitlement to a period of immunity, and second, whether the procedures and protocols crafted by the Supreme Court authorize the relief sought by the proposed interveners.

#### IV. The Township of Monroe's Request for Temporary Immunity

The Township of Monroe enjoys "participating" status and has now affirmatively sought judicial approval of its affordable housing plan through the filing of its declaratory judgment action. Thus, it "should receive like treatment to that which was afforded by the FHA to towns that had their exclusionary zoning cases transferred to COAH when the Act was passed." Mt.

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<sup>2</sup> See e.g., Mt. Laurel IV, *supra*, 221 N.J. at 3 ("In the event of a municipality's inability or failure to adopt a compliant plan to a court's satisfaction, the court may consider the range of remedies available to cure the violation, consistent with the steps outlined herein and in our accompanying order."); *id.* at 24 ("[A]s part of the court's review, we also authorize... a court to provide a town whose plan is under review immunity from subsequently filed challenges during the court's review proceedings, even if supplementation of the plan is required during the proceedings.").

<sup>3</sup> *Id.* at 23-24.

<sup>4</sup> See *id.* at 5-6. ("We will establish a transitional process and not immediately allow exclusionary zoning actions to proceed in recognition of the various states of municipal preparation that exist as a result of the long period of uncertainty attributable to COAH'S failure to promulgate Third Round Rules. During the first thirty days following the effective date of our implementing order, the only actions that will be entertained by the courts will be declaratory judgment actions filed by any town that either (1) had achieved substantive certification from COAH under prior iterations of Third Round Rules before they were invalidated, or (2) had "participating" status before COAH.").

Laurel IV, *supra*, 221 N.J. at 27, citing N.J.S.A. 52:27D-316.<sup>5</sup> These towns received “insulating protection” by virtue of their submission to COAH’s jurisdiction, “provided that they prepared and filed a housing element and fair share plan within five months.” N.J.S.A. 52:27D-316. So too here, as a “participating” town, Monroe similarly has “no more than five months in which to submit their supplemental housing element and affordable housing plan. During that period, the court may provide initial immunity preventing any exclusionary zoning actions from proceeding.” Mt. Laurel IV, *supra*, 221 N.J. at 27-28.

Since Monroe had actually devised a housing element and took action toward adopting ordinances in furtherance of its plan, it has earned a more “favorable” or “generous” review of its request for immunity.<sup>6</sup> Even where granted, however, immunity “should not continue for an undefined period of time; rather, the trial court’s orders in furtherance of establishing municipal affordable housing obligations and compliance should include a brief, finite period of continued immunity, allowing a reasonable time as determined by the court for the municipality to achieve compliance.” Id. at 28. Only where that goal cannot be accomplished, with good faith effort and reasonable speed, and the town is “*determined to be constitutionally noncompliant*” may

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<sup>5</sup> While the Court cautioned that the judicial role “is not to become a replacement agency for COAH,” the process developed in Mt. Laurel IV “seeks to track” the processes provided for in the FHA “as closely as possible,” so as to create “a system of coordinated administrative and court actions.” Id. at 6, 29.

<sup>6</sup> For those municipalities that made good faith attempts to implement their affordable housing obligations by, for example, devising a housing element and taking action toward adopting ordinances in furtherance of its plan, the Supreme Court “expect[s] a reviewing court to view more favorably such actions than that of a town that merely submitted a resolution of participation and took few or perhaps no further steps toward preparation of a formal plan demonstrating its constitutional compliance.” Id. at 28.

exclusionary zoning actions seeking a builder's remedy proceed against "certified" or "participating" towns.<sup>7</sup>

Based upon my preliminary review of the Township's submissions, detailed below, I am satisfied that Monroe has made a good faith attempt to satisfy its affordable housing obligations, and hence, deserves immunity from exclusionary zoning actions, on the condition that it prepares and files its housing element and fair share plan within five months (as would have been required if it were subject to COAH's jurisdiction).<sup>8</sup>

In or around December 2008, Monroe adopted its Third Round Housing Element and Fair Share Plan, as well as its Third Round Housing Trust Fund Spending Plan. Promptly thereafter, the Township petitioned COAH for substantive certification by submitting: (1) a document regarding the status of inclusionary development Stratford Monroe with its proposed two-hundred and five (205) affordable units; (2) a document regarding the status of inclusionary development Monroe Manor with its proposed one-hundred and twenty-seven (127) affordable units; and (3) a document encompassing a general description of the Township's Rehabilitation Program, which included sixty-one (61) units proposed for rehabilitation.

During early 2009, Monroe created the Planned Residential Development Affordable Housing District ("PRDAH"). Said district requires that 23.03% of the dwelling units be designated and set aside for low- and moderate-income households. According to the Board Planner for the Monroe Township affordable Housing Board ("the Planner"), the PRDAH zone

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<sup>7</sup> *Id.* at 33 (emphasis added); *see also id.* at 29 ("Only after a court has had the opportunity to fully address constitutional compliance and has found constitutional compliance wanting shall it permit exclusionary zoning actions and any builder's remedy to proceed.").

<sup>8</sup> *See N.J.S.A. 52:27D-316(a)* ("If the municipality fails to file a housing element and fair share plan with the council within five months from the date of transfer [to COAH], or promulgation of criteria and guidelines by the council pursuant to section 7 of this act, whichever occurs later, jurisdiction shall revert to the court.").

should produce two-hundred and ninety-three (293) age-restricted affordable housing units and one-hundred and eight (108) family rental affordable housing units.

During 2011, the Monroe Township Planning Board denied a developer's application to construct a previously-approved plan to all non-age restricted units. Through a reconsideration by the parties, said developer dedicated part of its site to the municipality for a municipally sponsored 100% affordable housing complex which is expected to yield one-hundred and fifty (150) family rental units. Later in 2011, the Monroe Township Zoning Board approved an application which required the construction of twenty-six (26) affordable family rental units at the Monroe Chase site, ten (10) of which have already been constructed.

In May 2012, the Township amended its Third-Round Housing Element and Fair Share plan to include a municipally sponsored affordable housing project and, in addition, designated two new overlay zones – actions intended to produce additional affordable housing. The Township Council also passed a Resolution endorsing the recommendation of its Affordable Housing Board reserving and dedicating funds for affordable housing purposes, and thereafter adopted an ordinance authorizing the creation of an Affordable Housing Irrevocable Trust.

In February 2014, a developer was granted a use variance for construction of residential units on State Highway 33. The approval required construction of forty-seven (47) affordable family rental units in the VC-2 Village Center Overlay Zone. In July 2014, as a result of other, unrelated litigation, the Township also rezoned two sites – one along Route 33, which, when developed, will yield one-hundred and thirty-one (131) affordable age-restricted rental units; and another known as “the Villages,” which, when developed, will generate an additional sixty-six (66) affordable age-restricted rental units.

In September 2014, Monroe amended the Affordable Housing Mixed Use Development/Highway Development overlay zone (hereinafter “AHMUD/HD overlay zone”), which, according to the Planner, should produce two-hundred and ninety-five (295) affordable housing units under a 100% municipally sponsored development. Monroe also amended the VC-1 and VC-2 Village Center overlay zones to create mixed-use environments which, according to the Planner should produce an additional one-hundred (100) affordable housing units and twelve (12) family rental affordable housing units, respectively, under the set-aside provisions of those zones.

As the Supreme Court recognized: “...not all towns that had only ‘participating’ status may have well-developed plans to submit to the court initially. A town in such circumstances poses a difficult challenge for a reviewing court, particularly when determining whether to provide some initial period of immunity while the town’s compliance with affordable housing obligations is addressed.” Undoubtedly, Monroe (a “participating” municipality) has provided *prima facie* documentation of its good faith efforts to comply with its fair share obligation. Accordingly, the Township’s motion seeking a five-month period of temporary immunity from exclusionary zoning suits is granted.<sup>9</sup>

**V. Proposed Interveners’ Motions to File Answers and Counterclaims**

**a. The Right of Interested Parties to Participate in the Adjudication of Constitutional Compliance**

Both substance and procedure permit, and perhaps, demand that “interested parties” be permitted to “participate” in any assessment of a municipality’s purported compliance with its affordable housing obligation. First, absent intervention, a municipality’s declaratory judgment

<sup>9</sup> See Mt. Laurel IV, *supra*, 221 N.J. at 27-28; see also N.J.S.A. 52:27D-316(a).

action would be, essentially, unopposed. While the appointment of a Special Master is, ideally, both a welcome and necessary protocol, a blanket rule prohibiting any interested party from intervening, fundamentally silences potentially useful and critical voices which may have legitimate insights or analyses relevant to the constitutionality of the town's proposed plan. Second, while I am mindful of the Supreme Court's clear mandate to adjudicate such actions as quickly as prudence and justice will allow, it is amply clear that the Court specifically contemplated, and in the case of FSHC, for example, directly encouraged, interested parties to weigh in on the extent and methods by which a given municipality proposed to fulfill its affordable housing obligations.

The Supreme Court was unequivocal in its mandate that all declaratory judgment cases are to be brought on notice to interested parties and with an opportunity for them to be heard. Id. at 35. I can discern no legitimate basis, therefore, to deny any interested party the opportunity to intervene as a defendant, albeit limited to the question of whether the particular town has complied with its constitutional housing obligations. Accordingly, Monroe 33 and FSHC's motions to intervene as defendants and to file Answers are both granted.

**b. Counterclaims Seeking Site-Specific Relief – i.e., Builder's Remedy Actions – are Barred as Against "Certified" or "Participating" Municipalities**

Despite the Supreme Court's clear directive affording interested parties an "opportunity to be heard," I am equally confident that this right does not extend so far as to authorize them to contest the municipality's site selections and/or methods of compliance by suggesting or claiming that other sites (owned or controlled by them) are superior to, or perhaps, better suited for an inclusionary development. While such parties' "participation" may, of course, include proofs related to whether the proposed affordable housing plan passes constitutional muster, so

long as the plan does so, the municipality's choices (including site selection and the manner and methods by which it chooses to satisfy its affordable housing obligations) remains, as it was under the FHA and COAH's oversight<sup>10</sup>, paramount. Accordingly, claims that a "better" and/or "more suitable" site is, or may be available will not be entertained in any declaratory judgment action brought by a certified or participating municipality. Simply stated, to hold otherwise would be to permit an interested party to do indirectly that, which the Supreme Court has specifically prohibited from being done directly.

#### i. Monroe 33's Counterclaim

At its core, Monroe 33's counterclaim seeks site-specific relief – i.e., a builder's remedy, relief that goes beyond the limited participation envisioned the Supreme Court. In discussing whether and when exclusionary zoning actions and builder's remedies would actually be permitted (or, if permitted, "stayed"), the Court used various limiting phrases such as "may be brought"<sup>11</sup> and "may proceed."<sup>12</sup> Irrespective of its choice of language, the Supreme Court's overarching intent was clearly to foreclose such litigation until such time as constitutional compliance has been judicially addressed and found "wanting." Mt. Laurel IV, *supra*, 221 N.J. at 29. Then, and only after the court has concluded that a municipality is "determined to be noncompliant" (by refusing to supplement or amend its plan to remedy any perceived

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<sup>10</sup> See generally N.J.S.A. 52:27D-309-311; see also Hills Dev. Co. v. Bernards Tp., 103 N.J. 1, 22 (1986) (hereinafter referred to as Mt. Laurel III) (Under the FHA, municipalities retain the right "to exercise their zoning powers independently and voluntarily" along with the means to determine what combination of ordinances and other measures will achieve their fair share of affordable housing).

<sup>11</sup> See e.g., Mt Laurel IV, *supra*, 221 N.J. at 28.

<sup>12</sup> See e.g., *id.* at 26, 27 and 35.



deficiencies) would exclusionary zoning actions be warranted.<sup>13</sup> Limiting participation of interested parties in such a fashion comports with the specified protocols mandated by the Supreme Court that: (1) interested parties must be given notice and an opportunity to be heard *on the issue of constitutional compliance*; and (2) exclusionary zoning suits are not authorized unless the court fully addressed the issue of constitutional compliance, and has determined the town's affordable housing plan to be deficient.<sup>14</sup>

Barring interested parties from pursuing builder's remedies, either via an independent action, or as here, by way of a counterclaim, results in no discernible prejudicial impact.<sup>15</sup> Indeed, site-specific relief is wholly irrelevant to the larger, and preliminary, question of constitutional compliance. Builders choosing to participate as defendants<sup>16</sup> in constitutional compliance actions pending before the trial courts may do so in much the same manner as they

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<sup>13</sup> *Id.* at 33; *see also* n. 6, *supra*.

<sup>14</sup> *See id.* at 33-34 (stating that if the court is unable to secure "prompt voluntary compliance from municipalities... with good faith effort and reasonable speed, and the town is determined to be constitutionally noncompliant, *then* the court may authorize exclusionary zoning actions seeking a builder's remedy to *proceed*." (emphasis added)).

<sup>15</sup> As recognized nearly thirty years ago in Mt. Laurel III:

If there is any class of litigant that knows the uncertainties of litigation, it is the builders. They, more than any other group, have walked the rough, uneven, unpredictable path through planning boards, boards of adjustments, permits, approvals, conditions, lawsuits, appeals, affirmances, reversals, and in between all of these, changes in both statutory and decisional law that can turn a case upside down. No builder with the slightest amount of experience could have relied on the remedies provided in Mt. Laurel II, in the sense of justifiably believing that they would not be changed, or that any change would not apply to the builders. *Id.*, *supra*, 103 N.J. at 55.

<sup>16</sup> Irrespective of whether a "certified" or "participating" municipality chooses to file a declaratory judgment action or waits to be sued, "*the trial court may grant temporary periods of immunity prohibiting exclusionary zoning actions from proceeding[.]*" Mt. Laurel IV, *supra*, 221 N.J. at 35.

would have, had COAH not ceased to function; a parallel process that neither affords builders any greater rights, nor deprives them of any that they would have had, including the rights to participate in the processes authorized under both Mount Laurel II and the FHA – conciliation, mediation, with the use and assistance of special masters.<sup>17</sup> Certainly, the Court’s dissolution of the FHA’s exhaustion-of-administrative-remedies requirement and its resurrection of the judiciary’s role as the forum of first resort to evaluate municipal compliance was not intended to signal a return to Mount Laurel II and its “reward-based” system for vindicating the constitutional rights of the poor.<sup>18</sup> In point of fact, the Court’s newly established framework fundamentally alters that “reward-based” approach. In so doing, it rendered obsolete the “first to file” priority scheme adopted in J.W. Field Co., Inc., v. Franklin Tp., 204 N.J. Super. 445 (Law Div. 1985), since the ultimate location and satisfaction of a certified or participating municipality’s affordable housing obligation ought be based upon a more interactive process,

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<sup>17</sup> As noted by the Supreme Court in Mt. Laurel II, *supra*, 92 N.J. at 283, special masters were intended to be “liberally used” to provide expertise and to assist the parties as “a negotiator, a mediator, and a catalyst.” See also N.J.S.A. 52:27D-315 (mediation and review process by council).

<sup>18</sup> The procedures articulated herein are not intended to prevent builders or other interested parties from bringing exclusionary zoning actions against any municipality that was neither certified nor participating. Indeed, the approximate 200 towns that never subjected themselves to COAH’s jurisdiction remain “open to civil actions in the courts... [and] will continue to be subject to exclusionary zoning actions as they have been since inception of Mount Laurel...” Mt. Laurel IV, *supra*, 221 N.J. at 23.

guided by the equities<sup>19</sup> of the particular participants and principles of sound planning,<sup>20</sup> rather than on a race to the courthouse.<sup>21</sup>

Indeed, even under Mount Laurel II, no builder's remedy would be awarded unless the plaintiff's proposed site was "*located and designed in accordance with sound zoning and planning concepts, including its environmental impact.*"<sup>22</sup> As originally intended, builder remedies were authorized to incentivize builders to vindicate this constitutional imperative largely because the Court's landmark decision in Mount Laurel I was widely ignored and failed to achieve the desired goal of producing balanced communities and affordable housing, but also

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<sup>19</sup> As opposed to the "date of filing," such equitable considerations could include, for example, an assessment of "whether any project was clearly more likely to result in actual construction than other projects and whether any project was clearly more suitable from a planning viewpoint than other projects." See J.W. Field Co., Inc., *supra*, 204 N.J. Super. at 460.

<sup>20</sup> The Court has consistently demonstrated its sensitivity to and the importance of sound planning and environmental conditions over builder preference. See, e.g., Mount Laurel II, *supra*, 92 N.J. at 211 (The obligation to encourage lower income housing, therefore will depend on "natural long-range land use planning" rather than upon "sheer economic forces."); and see *id.* at 238 ("the Constitution of the State of New Jersey does not require bad planning.").

<sup>21</sup> While the priority system articulated in J.W. Field Co., Inc., *supra*, 204 N.J. Super. 445, has never been specifically embraced by any appellate authority, it has, for all intents and purposes, become embedded and generally followed in Mount Laurel jurisprudence for more than thirty years. It seems reasonable to conclude that it remains a viable protocol for determining priorities among multiple plaintiffs in litigation against towns that were neither "certified" nor enjoyed "participating status" before COAH. Nonetheless, with regard to the certified and participating municipalities now before the courts, the Court encouraged "present day courts" to employ "flexibility in controlling and prioritizing litigation." Mt. Laurel IV, *supra*, 221 N.J. at 26.

<sup>22</sup> Mount Laurel II, *supra*, 92 N.J. at 218 (emphasis added); see also *id.* at 279 (a builder's remedy award is only appropriate where a builder demonstrates that "the construction can be implemented without substantial negative environmental or planning impact.").

because, after eight years, the decision had produced only “papers, process, witnesses, trials and appeals.”<sup>23</sup>

By way of contrast, the Supreme Court’s current framework expressly *prohibits* exclusionary zoning litigation until *after* the compliance phase of the declaratory judgment action has concluded.<sup>24</sup> As such, a builder/plaintiff may be hard pressed to assert convincingly that its actions were the catalyst or procuring cause in vindicating the constitutional rights of low and moderate income persons. This is especially so in the context of a municipally initiated declaratory judgment action, or one defended by a town that was “certified” or enjoyed “participating status” but opted to “wait until sued” before seeking a judicial blessing of its affordable housing plan.<sup>25</sup>

This is not to say that participation by builders or other interested parties in the constitutional compliance action is unwelcome or unnecessary. In fact, the opposite is true. Involvement of, and input from such parties may be among the most beneficial sources of practical and economic information in helping to achieve expedient municipal compliance. By

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<sup>23</sup> Mount Laurel II, *supra*, 92 N.J. at 199; see also Orgo Farms & Greenhouses, Inc. v. Colts Neck, 192 N.J. Super. 599, 601 (Law. Div. 1983) (wherein Judge Serpentelli, one of the three original Mount Laurel judges, recognized that “unless a strong judicial hand was applied, Mount Laurel I would not result in the housing which had been expected.”). Consequently, the builder’s remedy was designed “to assure a builder who shouldered the burden of Mount Laurel litigation that the end result of a successful litigation would be some specific relief in terms of a right to proceed with construction of a specific project.” Orgo Farms, *supra*, 192 N.J. Super. at 602. At present, the framework crafted in Mt. Laurel IV, *supra*, 221 N.J. 1, has replaced, at least temporarily, the builder’s remedy as the “strong judicial hand.”

<sup>24</sup> Mt. Laurel IV, *supra*, 221 N.J. at 35-36.

<sup>25</sup> See Mt. Laurel IV, *supra*, 221 N.J. at 28 (stating that both “certified” and “participating” towns have the option either to proceed with their own declaratory judgment actions during the thirty-day period post the effective date of the Order, or to wait until their affordable housing plan is challenged for constitutional compliance).

engaging in mediation, negotiation, conciliation, and, with the assistance and planning expertise of special masters, there exists a unique opportunity for municipal officials, on the one hand, and ready, willing and able builders, on the other, to craft mutually workable plans for the construction of affordable housing.<sup>26</sup> In addition to the practical benefits that such a streamlined approach provides all participants, such a cooperative resolution of these competing interveners may very well diminish the likelihood of future litigation.

#### ii. FSHC's Counterclaim

As distinct from Monroe 33's pleading, FSHC's counterclaim does not seek site-specific relief. Instead, its two-count counterclaim alleges: (1) that the Township's Housing Plan Element and Fair Share Plan is unconstitutional – i.e., a violation of its Mount Laurel obligation; and (2) that the Township has violated the New Jersey Civil Rights Act, N.J.S.A. 10:6-2, by failing to comply with the Mount Laurel doctrine and other sources of law. Since both of these claims fit squarely within the scope of issues authorized by the Supreme Court in Mount Laurel IV – challenges to compliance – FSHC's motion for leave to file its counterclaims is hereby granted.

#### VI. Conclusion

The Supreme Court's newly crafted framework for ensuring municipal compliance with Mount Laurel obligations, unlike the “reward” based process envisioned in Mount Laurel II, is

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<sup>26</sup> Compare Mount Laurel II, *supra*, 92 N.J. at 284 (acknowledging the need for the special master to “work closely” with all those connected to the litigation, including “interested developers.”).

not dependent upon site-specific remedies to achieve constitutional compliance.<sup>27</sup> Instead, as envisioned by the Supreme Court, “certified” and “participating” towns will likely subject themselves to a judicial evaluation of their constitutional compliance either by initiating declaratory judgment actions, or defending them – circumstances which, for all practical purposes, preclude, at least during the compliance phase of litigation, any party from being a “successful” plaintiff as required by Mount Laurel II.<sup>28</sup> Accordingly, all declaratory judgment actions involving “certified” or “participating” municipalities shall be subject to the procedures and protocols set out below:

1. Interested parties shall be permitted to intervene, but only for the limited purpose of participating (through mediation, negotiation, conciliation, etc.) in the court’s adjudication of the subject municipality’s constitutional compliance with its affordable housing obligation;
2. Interested parties shall not be permitted to file exclusionary zoning/builder’s remedy actions, via counterclaims or through independently filed separate actions, until such time as the court has rendered an assessment of the town’s affordable housing plan and has decided that the municipality is constitutionally noncompliant, and is determined to remain so by refusing to timely supplement its plan to correct its perceived deficiencies; and

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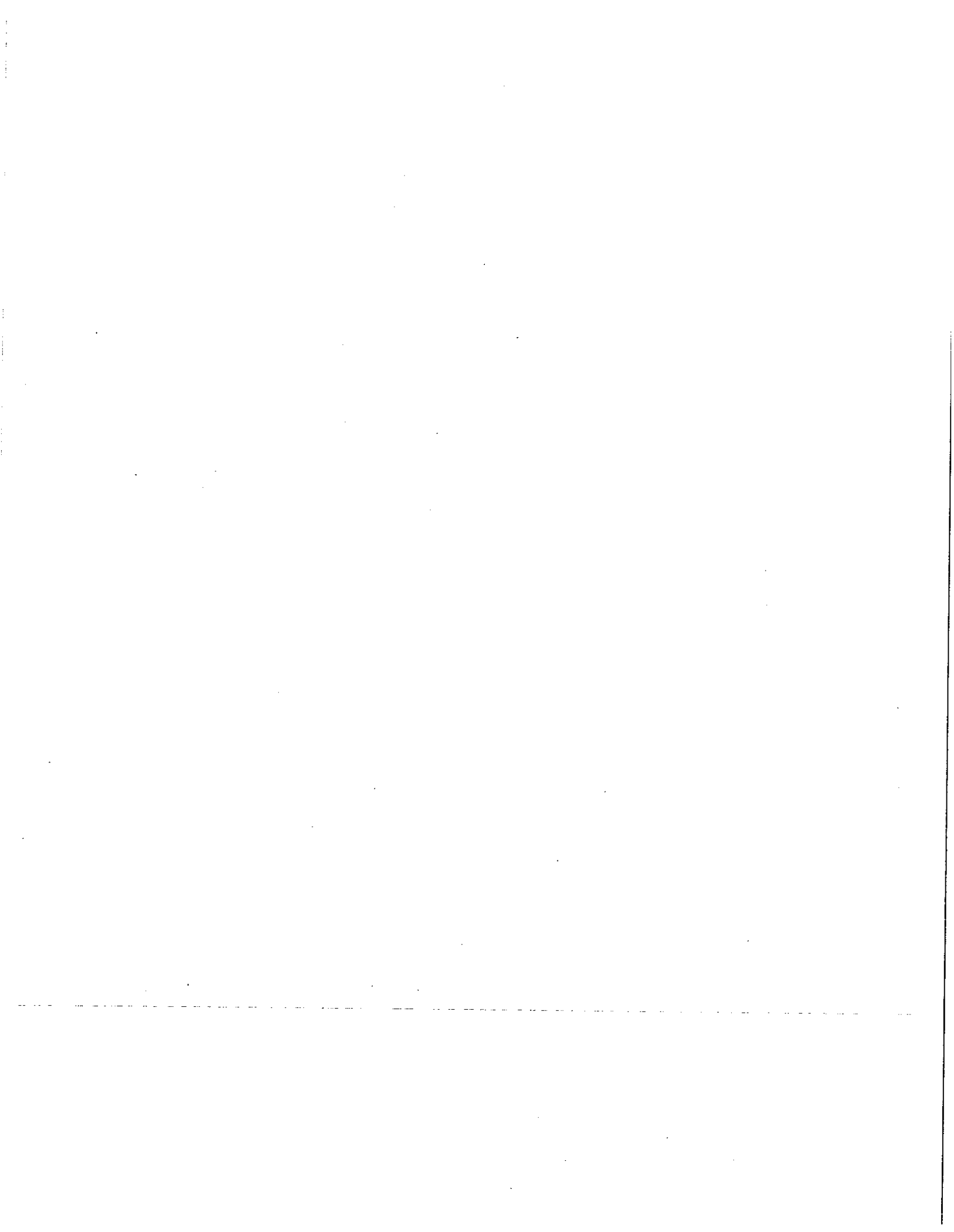
<sup>27</sup> To be clear, this conclusion pertains only to “certified” or “participating” towns (whether they filed declaratory judgment actions or whether they chose to “wait to be sued”), and not to those towns that were neither “certified” nor “participating.” Nothing in this opinion is meant to diminish the rights of parties seeking builder’s remedies through the filing of exclusionary zoning actions in the latter category of town. The builder’s remedy schemes laid out by both Mt. Laurel II and J.W. Field Co., Inc. seem perfectly viable *in those towns that made no effort to satisfy their fair-share obligations*, as the need to incentivize builders to bring constitutional compliance and/or exclusionary zoning litigation in such towns remains of paramount importance. See Mt. Laurel IV, *supra*, 221 N.J. at 23.

<sup>28</sup> See Mt. Laurel II, *supra*, 92 N.J. at 279.

3. If, after having received a full and fair opportunity to comply with its constitutional obligations, the court concludes that a municipality is "determined to be noncompliant," builders and any other interested parties may then initiate and prosecute exclusionary zoning actions against the town, through which any builder's remedies to be awarded would be guided by equitable considerations and principles of sound planning, and not upon who filed first.

Adherence to these protocols will help focus the litigation and assist in fostering a prompt, efficient, and fair resolution of the constitutional compliance issues, without unnecessary distractions or impediments from builder/developers or other interested parties.

It is so ordered.





# EXHIBIT B

Municipal Summary, Fair Share Housing Obligations, 2015

Muni Code	Municipality	County	Region	Present Need 2010 (units)	Prior Round Obligation, 1987-1999 (units)	Third Round Net Prospective Need, 1999-2025 (units)*
1905	Frankford Township	Sussex	1	16	36	191
1906	Franklin Borough	Sussex	1	15	9	387
1907	Fredon Township	Sussex	1	14	29	153
1908	Green Township	Sussex	1	0	20	114
1909	Hamburg Borough	Sussex	1	5	14	139
1910	Hampton Township	Sussex	1	4	44	166
1911	Hardyston Township	Sussex	1	17	18	672
1912	Hopatcong Borough	Sussex	1	21	93	729
1913	Lafayette Township	Sussex	1	0	27	128
1914	Montague Township	Sussex	1	0	9	31
1915	Newton Town	Sussex	1	72	24	83
1916	Ogdensburg Borough	Sussex	1	3	13	65
1917	Sandyston Township	Sussex	1	2	13	66
1918	Sparta Township	Sussex	1	29	76	820
1919	Stanhope Borough	Sussex	1	4	15	301
1920	Stillwater Township	Sussex	1	0	15	70
1921	Sussex Borough	Sussex	1	12	0	0
1922	Vernon Township	Sussex	1	57	60	962
1923	Walpack Township	Sussex	1	0	0	0
1924	Wantage Township	Sussex	1	31	35	180
0701	Belleville Township	Essex	2	768	0	0
0702	Bloomfield Township	Essex	2	547	0	0
0703	Caldwell Township	Essex	2	11	0	144
0704	Cedar Grove Township	Essex	2	0	70	709
0717	City of Orange Township	Essex	2	845	0	0
0705	East Orange City	Essex	2	546	0	0
0706	Essex Fells Township	Essex	2	0	40	145
0707	Fairfield Township	Essex	2	53	318	518
0708	Glen Ridge Borough	Essex	2	19	28	449
0709	Irvington Township	Essex	2	736	0	0
0710	Livingston Township	Essex	2	20	375	1000
0711	Maplewood Township	Essex	2	90	51	586
0712	Millburn Township	Essex	2	111	261	1000
0713	Montclair Township	Essex	2	146	0	1000
0714	Newark City	Essex	2	3277	0	0
0715	North Caldwell Borough	Essex	2	18	63	446
0716	Nutley Township	Essex	2	256	29	555
0718	Roseland Borough	Essex	2	0	182	492
0719	South Orange Village	Essex	2	0	63	162
0720	Verona Township	Essex	2	0	24	376
0721	West Caldwell Township	Essex	2	0	200	703
0722	West Orange Township	Essex	2	354	226	1000
1401	Boonton Town	Morris	2	21	11	441
1402	Boonton Township	Morris	2	8	20	266
1403	Butler Borough	Morris	2	28	16	238
1404	Chatham Borough	Morris	2	0	77	483
1405	Chatham Township	Morris	2	43	83	728
1406	Chester Borough	Morris	2	10	16	131
1407	Chester Township	Morris	2	27	32	344
1408	Denville Township	Morris	2	36	325	1000
1409	Dover Town	Morris	2	246	6	322

# EXHIBIT C

PRICE, MEESE, SHULMAN & D'ARMINIO, P.C.  
Gregory D. Meese, Esq. (NJ Bar No. 037831983)  
Mack-Cali Corporate Center  
50 Tice Boulevard  
Woodcliff Lake, NJ 07677  
(201) 391-3737  
Attorneys for Defendants/Intervenors Bobcar Corporation  
Neil Joy Associates, and Forsons Partners, LLC,  
gmeese@pricemeese.com

IN THE MATTER OF THE TOWNSHIP  
OF VERONA, a municipal corporation of  
the State of New Jersey,

Plaintiff/Petitioner

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: ESSEX COUNTY  
DOCKET NO.:

*Civil Action*  
(Mount Laurel)

**ANSWER  
OF INTERVENORS/DEFENDANTS**

Defendants/Intervenors Bobcar Corporation, a New Jersey corporation, and Neil Joy Associates, a General Partnership, both with a place of business at 195 Columbia Turnpike, Suite 100, Florham Park, New Jersey 07932, and Forsons Partners, LLC, a New Jersey limited liability company, with a place of business at 71 Valley Street, Suite 204, South Orange, New Jersey 07079, and each with a one-third interest in the real property located at 25 Commerce Court, Verona, New Jersey, by way of Answer to plaintiff's Complaint say:

**Jurisdiction**

1. Admitted.
2. Admitted.

**Background and Prior Round Obligations**

3. This paragraph states a legal conclusion to which no response is required. The referenced judicial opinion is a writing that speaks for itself.

4. This paragraph states a legal conclusion to which no response is required. The referenced judicial opinion is a writing that speaks for itself.
5. This paragraph states a legal conclusion to which no response is required. The referenced Act is a writing that speaks for itself.
6. Admitted.
7. These defendants lack sufficient knowledge or information sufficient to form a belief as to the truth of the allegation.
8. These defendants lack sufficient knowledge or information sufficient to form a belief as to the truth of the allegation.

**Third Round Obligation**

9. Admitted.
10. Admitted.
11. These defendants lack sufficient knowledge or information sufficient to form a belief as to the truth of the allegation.
12. This paragraph states a legal conclusion to which no response is required. The referenced judicial opinion is a writing that speaks for itself.
13. Admitted.
14. Admitted.
15. Admitted.
16. These defendants lack sufficient knowledge or information sufficient to form a belief as to the truth of the allegation.
17. The Complaint lacks a paragraph number 17.

18. These defendants lack sufficient knowledge or information sufficient to form a belief as to the truth of the allegation.

**The Transfer of Jurisdiction to the Courts**

19. This paragraph states a legal conclusion to which no response is required. The referenced judicial opinion is a writing that speaks for itself.

20. This paragraph states a legal conclusion to which no response is required. The referenced judicial opinion is a writing that speaks for itself.

21. Admitted.

22. Admitted.

23. Admitted.

24. This paragraph states a legal conclusion to which no response is required. The referenced judicial opinion is a writing that speaks for itself.

25. This paragraph states a legal conclusion to which no response is required. The referenced judicial opinion is a writing that speaks for itself.

26. This paragraph states a legal conclusion to which no response is required. The referenced judicial opinion is a writing that speaks for itself.

27. This paragraph states a legal conclusion to which no response is required. The referenced judicial opinion is a writing that speaks for itself.

28. These defendants lack sufficient knowledge or information sufficient to form a belief as to the truth of the allegation.

**Count One**

---

**(Declaratory Relief, Constitutional Compliance)**

29. This allegation requires no response.

30. Denied.

Wherefore, defendants respectfully request that the Court grant the following relief:

- a. Denying all relief sought by plaintiff in its Complaint.
- b. Declaring that plaintiff is in violation of its constitutional obligation to create sufficient realistic opportunities for the construction of low and moderate income housing to satisfy Verona's fair share of the unmet regional need for such housing, and invalidating Verona's land use ordinance;
- c. Ordering Verona to rezone sites for inclusionary development that would result in the construction of Verona's fair share of low and moderate income housing;
- d. Appointing a Special Master to oversee the implementation of the foregoing remedies;
- e. Denying Verona's request for immunity from exclusionary suits, including builder's remedy suits;
- f. Declaring that Verona has violated constitutional and statutory rights under the laws of the State of New Jersey;
- g. Ordering plaintiff to pay defendants' counsel fees; and
- h. Ordering such additional relief as the Court deems just and equitable.

**Count Two**

**(Five Months To Prepare HEFSP)**

31. This allegation requires no response.

32. This paragraph states a legal conclusion to which no response is required. The referenced judicial opinion is a writing that speaks for itself.

33. This paragraph states a legal conclusion to which no response is required. The referenced judicial opinion is a writing that speaks for itself.

34. Denied.

35. This paragraph states a legal conclusion to which no response is required. The referenced judicial opinion is a writing that speaks for itself.

36. Denied.

Wherefore, defendants respectfully request that the Court grant the following relief:

- a. Denying all relief sought by plaintiff in its Complaint.
  - b. Declaring that plaintiff is in violation of its constitutional obligation to create sufficient realistic opportunities for the construction of low and moderate income housing to satisfy Verona's fair share of the unmet regional need for such housing, and invalidating Verona's land use ordinance;
  - c. Ordering Verona to rezone sites for inclusionary development that would result in the construction of Verona's fair share of low and moderate income housing;
  - d. Appointing a Special Master to oversee the implementation of the foregoing remedies;
  - e. Denying Verona's request for immunity from exclusionary suits, including builder's remedy suits;
  - f. Declaring that Verona has violated constitutional and statutory rights under the laws of the State of New Jersey;
  - g. Ordering plaintiff to pay defendants' counsel fees; and
- 
- h. Ordering such additional relief as the Court deems just and equitable.



**Count Three**

**(Request for Immunity)**

36. The Complaint contains two paragraphs which are each numbered 36. This allegation requires no response.

37. This paragraph states a legal conclusion to which no response is required. The referenced judicial opinion is a writing that speaks for itself.

38. Denied.

Wherefore, defendants respectfully request that the Court grant the following relief:

- a. Denying all relief sought by plaintiff in its Complaint.
- b. Declaring that plaintiff is in violation of its constitutional obligation to create sufficient realistic opportunities for the construction of low and moderate income housing to satisfy Verona's fair share of the unmet regional need for such housing, and invalidating Verona's land use ordinance;
- c. Ordering Verona to rezone sites for inclusionary development that would result in the construction of Verona's fair share of low and moderate income housing;
- d. Appointing a Special Master to oversee the implementation of the foregoing remedies;
- e. Denying Verona's request for immunity from exclusionary suits, including builder's remedy suits;
- f. Declaring that Verona has violated constitutional and statutory rights under the laws of the State of New Jersey;
- g. Ordering plaintiff to pay defendants' counsel fees; and
- h. Ordering such additional relief as the Court deems just and equitable.

**Count Four**

**(Jurisdiction Over Unapproved Spending Plan)**

- 39. This allegation requires no response.
- 40. This paragraph states a legal conclusion to which no response is required. The referenced judicial opinion is a writing that speaks for itself.
- 41. This paragraph states a legal conclusion to which no response is required. The referenced judicial opinion is a writing that speaks for itself.
- 42. Admitted.
- 43. These defendants lack sufficient knowledge or information sufficient to form a belief as to the truth of the allegation.
- 44. These defendants lack sufficient knowledge or information sufficient to form a belief as to the truth of the allegation.

Wherefore, defendants respectfully request that the Court grant the following relief:

- a. Denying all relief sought by plaintiff in its Complaint.
- b. Declaring that plaintiff is in violation of its constitutional duty to create sufficient realistic opportunities for the construction of low and moderate income housing to satisfy Verona's fair share of the unmet regional need for such housing, and invalidating Verona's land use ordinance;
- c. Ordering Verona to rezone sites for inclusionary development that would result in the construction of Verona's fair share of low and moderate income housing;
- d. Appointing a Special Master to oversee the implementation of the foregoing remedies;

- e. Denying Verona's request for immunity from exclusionary suits, including builder's remedy suits;
- f. Declaring that Verona has violated constitutional and statutory rights under the laws of the State of New Jersey;
- g. Ordering plaintiff to pay defendants' counsel fees; and
- h. Ordering such additional relief as the Court deems just and equitable.

**Count Five**

**(Amendments to Approved Spending Plans)**

- 45. This allegation requires no response.
- 46. These defendants lack sufficient knowledge or information sufficient to form a belief as to the truth of the allegation.
- 47. Admitted.
- 48. These defendants lack sufficient knowledge or information sufficient to form a belief as to the truth of the allegation.
- 49. These defendants lack sufficient knowledge or information sufficient to form a belief as to the truth of the allegation.

Wherefore, defendants respectfully request that the Court grant the following relief:

- a. Denying all relief sought by plaintiff in its Complaint.
- b. Declaring that plaintiff is in violation of its constitutional duty to create sufficient realistic opportunities for the construction of low and moderate income housing to satisfy Verona's fair share of the unmet regional need for such housing, and invalidating Verona's land use ordinance;

- c. Ordering Verona to rezone sites for inclusionary development that would result in the construction of Verona's fair share of low and moderate income housing;
- d. Appointing a Special Master to oversee the implementation of the foregoing remedies;
- e. Denying Verona's request for immunity from exclusionary suits, including builder's remedy suits;
- f. Declaring that Verona has violated constitutional and statutory rights under the laws of the State of New Jersey;
- g. Ordering plaintiff to pay defendants' counsel fees; and
- h. Ordering such additional relief as the Court deems just and equitable.

#### **AFFIRMATIVE DEFENSES**

1. Plaintiff's Housing Plan Element is unconstitutional.
2. Plaintiff's Fair Share Plan is unconstitutional.
3. Plaintiff is in violation of its Mount Laurel obligations.
4. Plaintiff has not filed what is required by the Supreme Court's March 10, 2015 Decision, In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1 (2015), to receive an award of immunity, and that request should be denied. Verona has not proposed any fair share obligations that it is required to meet, does not propose any procedures to establish such fair share obligations, nor a framework of a plan to address these constitutional violations.
5. Verona's zoning ordinance and land use regulations fail to create a realistic opportunity for the provision of its fair share of affordable housing and are therefore unconstitutional.

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#### **DESIGNATION OF TRIAL COUNSEL**

Defendants/Intervenors hereby designate Gregory D. Meese, Esq. as trial counsel.

**Certification pursuant to rule 4:5-1**

I certify that the matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding, and no other action or arbitration proceeding is contemplated. Further, I am unaware of any names of any non-parties who should otherwise be joined in this action pursuant to R. 4:28 or who are subject to joinder pursuant to R. 4:29-1(b) because of potential liability to any party on the basis of the same facts.

I also certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will redact from all documents submitted in the future in accordance with R. 1:38-7(b).

Price, Meese, Shulman & D'Arminio, P.C.  
Attorneys for Defendants/Intervenors  
Bobcar Corporation, a New Jersey corporation, Neil  
Joy Associates, a General Partnership, Forsons  
Partners, LLC, a New Jersey limited liability  
company

By:   
Gregory D. Meese

Date: August 14, 2015

PRICE, MEESE, SHULMAN & D'ARMINIO, P.C.  
Mack-Cali Corporate Center  
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Attorneys for Defendants Bobcar Corporation,  
Neil Joy Associates and Forsons Partners, LLC  
Gregory D. Meese, Esq. (NJ Bar No. 037831983)  
[gmeese@pricemeese.com](mailto:gmeese@pricemeese.com)

IN THE MATTER OF THE TOWNSHIP  
OF VERONA, a municipal corporation of  
the State of New Jersey,

Plaintiff/Petitioner

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: ESSEX COUNTY  
DOCKET NO.:

Civil Action  
(Mount Laurel)

**CERTIFICATION OF  
ROGER KRUVANT**

Roger Kruvant, of full age, certifies as follows:

1. I am the Managing Member of Forsons Partners LLC, a proposed Intervener/Defendant in the above-captioned matter and have the authority to provide this Certification on behalf of Bobcar Corporation and Neil Joy Associates, the other two Interveners/Defendants.
2. I make this Certification in support of a Motion to Intervene in the Declaratory Judgment action brought by Plaintiff Township of Verona ("Verona").
3. We seek to intervene in this matter in accordance with the March 10, 2015 decision of the Supreme Court of New Jersey in In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015).
4. Bobcar Corporation, Neil Joy Associates and Forsons Partners, LLC (collectively referred to hereinafter as "Bobcar"), each own a one-third interest in property having a street address of 25 Commerce Court, Verona, New Jersey. It consists of approximately 11.618 acres

and is designated on the Township of Verona Tax Assessment Map as Lot 3.01 in Block 62 (hereinafter referred to as "Property").


5. The Property is vacant and developable.

6. The Property is located within the R-40 Very High Density Single Family Residential Zone as shown on the Township of Verona Zoning Map. The Verona Zoning Code allows for the construction of single-family homes on 4,000 square foot lots in this zone. Verona Code §150-17.6. It does not allow for multi-family housing.

7. We are ready, willing and able to allow for a high density residential development to be constructed on the Property, including low and moderate income housing, to assist the Township of Verona to address its constitutional obligation to provide for such housing.

8. We seek to intervene in this matter to assist the Court in its analysis of the extent and methods by which Verona proposes to fulfill its affordable housing obligations.

Dated: August 13, 2015

  
Roger Kruvant

PRICE, MEESE, SHULMAN & D'ARMINIO, P.C.  
Gregory D. Meese, Esq. (NJ Bar No. 037831983)  
Mack-Cali Corporate Center  
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Woodcliff Lake, NJ 07677  
(201) 391-3737  
Attorneys for Defendants/Intervenors Bobcar Corporation,  
Neil Joy Associates, and Forsons Partners, LLC  
gmeese@pricemeese.com

IN THE MATTER OF THE TOWNSHIP  
OF VERONA, a municipal corporation of  
the State of New Jersey,

Plaintiff/Petitioner

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: ESSEX COUNTY  
DOCKET NO.:

*Civil Action*  
(Mount Laurel)

**ORDER GRANTING  
MOTION TO INTERVENTION**

This matter having been brought before the Court on a Motion to Intervene by Price, Meese, Shulman & D'Arminio, P.C. (Gregory D. Meese, Esq.), attorneys for proposed Defendants/Intervenors Bobcar Corporation, Neil Joy Associates, and Forsons Partners, LLC, on notice to Giblin & Gannaio (Michael A. Gannaio, Esq.) attorneys for plaintiff Township of Verona, and notice having been provided to all parties on the Township of Verona COAH Service List; and

This Court having reviewed the papers and applicable case law and there being no opposition to the Motion.

IT IS ON THIS \_\_\_\_ day of September, 2015,

ORDERED that the motion by putative Defendants/Intervenors Bobcar Corporation,  
Neil Joy Associates and Forsons Partners, LLC be and hereby is granted, and it is further

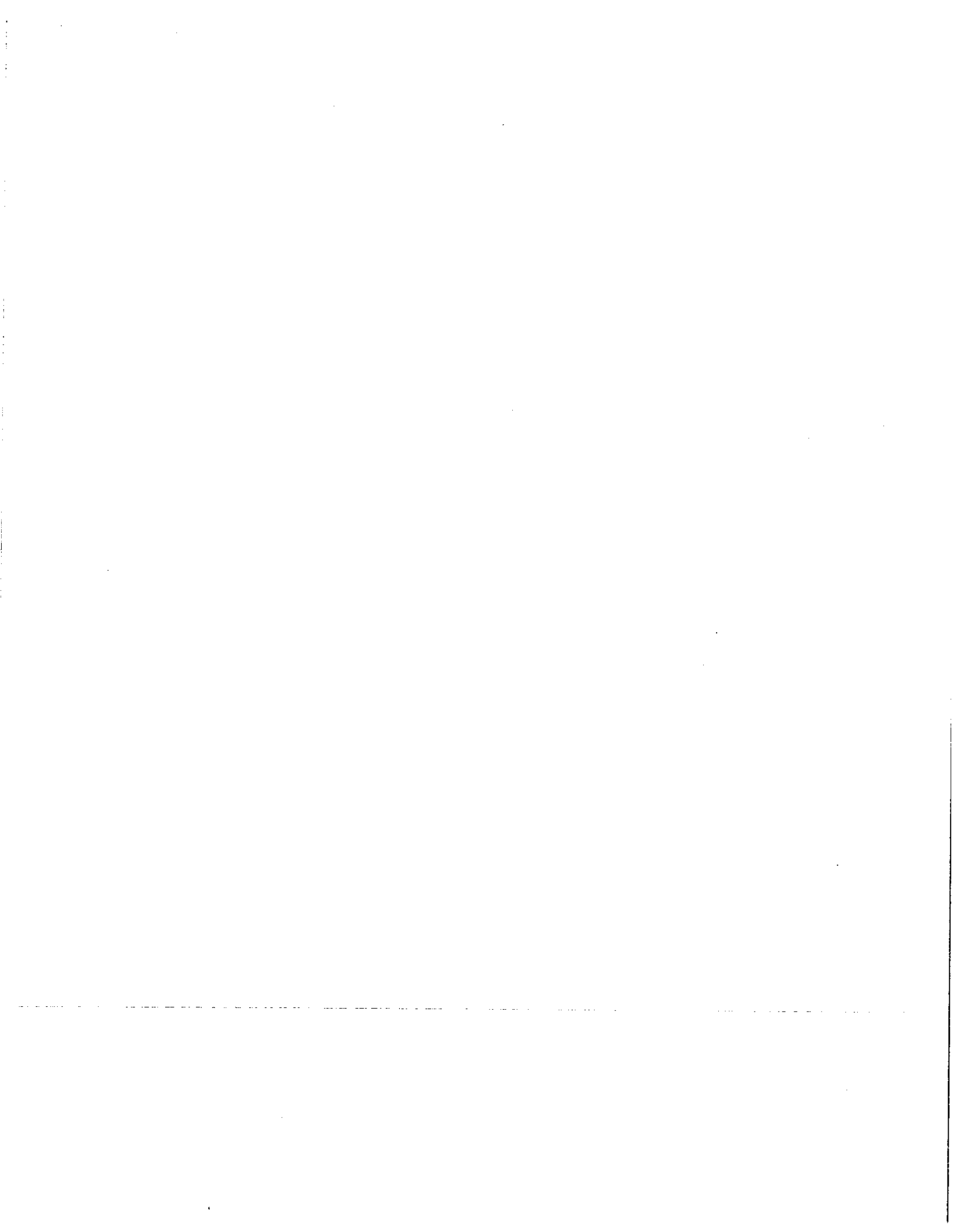


ORDERED that Defendants/Intervenors shall file their Answer in the form annexed as an Exhibit C to the Certification of Gregory D. Meese, Esq., within \_\_\_\_ days from the date of entry of this Order; and it is further

ORDERED that a copy of this Order shall be served by Counsel for Defendants/Intervenors on all parties to the Verona Service List within five (5) days of his receipt of this Order.

---

Francine A. Schott, J.S.C.

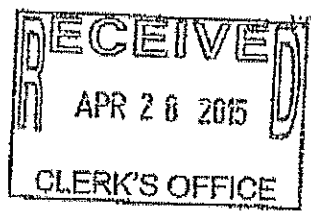




977-221-7120

www.njba.org  
www.abconvention.com  
www.njmx.com  
www.foundationforhousing.com

April 24, 2015



Hon. Francine A. Schott, J.S.C.  
Superior Court of New Jersey  
Essex County Historic Courthouse  
470 Dr. Martin Luther King, Jr. Blvd., 2nd Floor  
Newark, N.J. 07102

Re: New Jersey Supreme Court Decision Returning Mount Laurel Matters to the Trial Courts (In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing; Docket No. 067126)

Dear Judge Schott:

We write to you in your capacity as the designated Mount Laurel judge for your vicinage.

The New Jersey Builders Association ("NJBA") was one of the primary litigants in the above-referenced matter. This matter is the culmination of a very long effort contesting the failure of the New Jersey Council on Affordable Housing ("COAH") to satisfy its constitutional and statutory duty to oversee compliance with the Mount Laurel doctrine, articulated in Southern Burlington County NAACP v. Tp. of Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II"), and many other opinions.

Because COAH has failed to satisfy that duty for approximately 15 years, our Supreme Court has decided, through the motion decision referenced above, to bypass COAH and return primary jurisdiction over Mount Laurel disputes to the trial courts.

THE BACKGROUND

The Supreme Court issued both an opinion and an order on March 10, 2015. Through its Opinion and Order, copies of which are enclosed, the Court holds that the duty to exhaust administrative remedies before COAH is dissolved, and the Court provides for the procedures that are to be employed by our trial courts when addressing Mount Laurel issues. A central (and threshold) issue to be determined by the trial courts is the magnitude of the fair share obligations to be satisfied by New Jersey municipalities going forward.

Per the Mount Laurel doctrine, each municipality is to provide, through zoning ordinance amendments and otherwise, for a realistic opportunity for satisfaction of the municipality's fair share of the regional need for low and moderate income housing. The Court has provided for time frames within which municipalities are to file compliance plans demonstrating how their fair share obligations are to be satisfied. To do that, the fair share obligations must be

New Jersey Builders Association Officers

GEORGE T. VALLONE, President • CAROL ANN SHORT, Esq., Chief Executive Officer  
DWAYNE W. PITTENGER, Esq., Vice President • JOHN H. KIRKINIR, Treasurer • THOMAS F. TROY, Secretary • COREY T. WESCOE, Builder Vice President  
JEANNE TOMLINSON, Associate Vice President • JOHN J. HEALEY, 2nd Associate Vice President  
MICHAEL J. GROSS, Esq., Environmental Counsel • ROBERT M. WASHBURN, Esq., General Counsel • THOMAS F. CARROLL III, Esq., Land Use Counsel

200 American Metro Boulevard • Suite 123 • Hamilton, NJ 08619 • P: 609.587.5577 • F: 609.587.0044

determined. Thus, within Mount Laurel cases that are to be filed (and/or within those cases that have already been filed), the designated Mount Laurel judges will be adjudicating fair share obligation and compliance issues.

### FAIR SHARE OBLIGATIONS

The Court's March 10 opinion ("Opinion") provides some specific guidance to our trial courts (at pages 40 to 46), concerning the manner in which fair share obligations are to be calculated. In this regard, we enclose for your Honor's assistance statewide fair share numbers<sup>1</sup> that have been calculated using the second round methodology in accordance with the Opinion. Fair share obligations are comprised of three components: (1) the "rehabilitation" or "present need" component; (2) the "prior round" component; and (3) the "prospective need" component. These projections have been developed to encompass the lost years of the third round (i.e., 1999-2015), plus ten years prospectively to cover the entirety of the new third round (i.e., through the year 2025).

The "present need" figures on the enclosed spreadsheet ("Municipal Summary, Fair Share Housing Obligations, 2015") are derived from the 2010 Census data. The present need component has not been a subject of any considerable controversy over the years. See pages 45-46 of the Opinion.

The "prior round" figures on the enclosed spreadsheet are also not in dispute. The Supreme Court ordered that the prior round numbers calculated by COAH remain applicable going forward. See page 42 of the Opinion. These numbers were calculated by COAH in 1994 - the last time COAH adopted lawful regulations. They governed the period of 1987-1999 (i.e., the "prior round").

The prior round ended in 1999, and we are now within what is called the "third round" (i.e., the post-1999 time period). The third round numbers have engendered controversy over the years, principally because COAH had promulgated two sets of what were known as "growth share rules" (both sets having been invalidated by the courts). In its Opinion, the Supreme Court directed that the trial courts utilize the prior round fair share methodology, with updated data sources, in order to calculate prospective (third round) fair share numbers. See page 41 of the Opinion. We believe that, although not prepared by or for the NJBA, the enclosed spreadsheet is a proper implementation of the Supreme Court's directive. We hope your Honor finds these fair share numbers useful going forward when assigning fair share obligations to specific municipalities. In order to assist towns within your vicinage when developing compliance plans designed to meet their fair share obligations, we also provide copies of this letter and the enclosed spreadsheet to the municipalities within your vicinage. Similar letters are being sent to the other designated Mount Laurel judges and the municipalities within their vicinages.

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<sup>1</sup> These figures have been prepared by Fair Share Housing Center, Inc.

NJBA

NJ Sup. Ct. Decision Returning Mt. Laurel Matters to Trial Judges

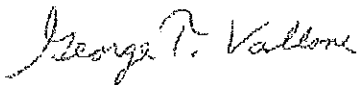
Page 3 of 3

THE OBLIGATION TO PROVIDE NOTICE OF LAWSUITS TO THE NJBA

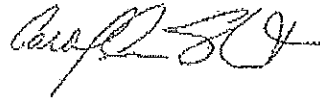
The Opinion, at page 31, ruled that towns filing Mount Laurel-related declaratory judgment actions "will have to do so on notice and opportunity to be heard by FSHC [Fair Share Housing Center] and other interested parties. Courts assessing the notice requirement should understand that the term 'interested parties' presumptively includes, at a minimum, the entities on the service list in this matter." The NJBA was a major party in that appeal, and was therefore on the service list. Thus, municipalities are required to provide the NJBA with notice upon the municipalities' filing of declaratory judgment actions. We ask that your Honor screen such declaratory judgment actions upon their filing to ensure that the filing municipalities have met their service obligations, and that you order any municipalities failing to meet their notice obligations to do so. No judicial proceedings on those declaratory judgment actions should take place until proof of such service has been made by the filing municipalities.

We would be happy to address any questions your Honor may have.

Respectfully submitted,



George Vallone, MBA, CRE, NJBA President



Carol Ann Short, Esq., EVP, CEO

Enclosures ("Municipal Summary, Fair Share Housing Obligations, 2015" and March 10, 2015 Supreme Court Opinion and Order)

cc: All Municipalities within Essex County (w/enclosed "Municipal Summary, Fair Share Housing Obligations, 2015")

All Counsel on Service List for In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing; Docket No. 067126 (w/enclosed "Municipal Summary, Fair Share Housing Obligations, 2015")

Municipal Summary (Fair Share) Housing Obligations 2015

Muni Code	Municipality	County	Region	Present Need 2010 (units)	Prior Round Obligation 1997-1999 (units)	Third Round Net Prospective Need 1999-2025 (units)
0201	Allendale Borough	Bergen	1	6	137	406
0202	Alpine Borough	Bergen	1	2	214	138
0203	Bergenfield Borough	Bergen	1	121	87	338
0204	Bogota Borough	Bergen	1	32	13	89
0205	Carlstadt Borough	Bergen	1	24	228	438
0206	Cliffside Park Borough	Bergen	1	117	28	0
0207	Closter Borough	Bergen	1	6	110	365
0208	Cresskill Borough	Bergen	1	37	70	504
0209	Demarest Borough	Bergen	1	7	66	337
0210	Dumont Borough	Bergen	1	27	34	253
0212	East Rutherford Borough	Bergen	1	180	90	857
0213	Edgewater Borough	Bergen	1	0	28	1000
0211	Elmwood Park Borough	Bergen	1	92	54	0
0214	Emerson Borough	Bergen	1	51	74	445
0215	Englewood City	Bergen	1	190	152	1000
0216	Englewood Cliffs Borough	Bergen	1	4	219	372
0217	Fair Lawn Borough	Bergen	1	79	152	591
0218	Fairview Borough	Bergen	1	207	20	0
0219	Fort Lee Borough	Bergen	1	256	180	412
0220	Franklin Lakes Borough	Bergen	1	19	358	688
0221	Garfield City	Bergen	1	257	0	0
0222	Glen Rock Borough	Bergen	1	4	118	566
0223	Hackensack City	Bergen	1	420	201	0
0224	Harrington Park Borough	Bergen	1	0	56	300
0225	Hasbrouck Heights Borough	Bergen	1	18	58	287
0226	Haworth Borough	Bergen	1	0	64	227
0227	Hillsdale Borough	Bergen	1	11	111	385
0228	Ho-Ho-Kus Borough	Bergen	1	7	83	279
0229	Leonia Borough	Bergen	1	76	30	272
0230	Little Ferry Borough	Bergen	1	124	28	0
0231	Lodi Borough	Bergen	1	159	0	0
0232	Lynnhurst Township	Bergen	1	194	100	1000
0233	Mahwah Township	Bergen	1	94	350	1000
0234	Maywood Borough	Bergen	1	45	36	307
0235	Midland Park Borough	Bergen	1	26	54	99
0236	Montvale Borough	Bergen	1	0	255	527
0237	Moonachie Borough	Bergen	1	21	95	225
0238	New Milford Borough	Bergen	1	81	23	149
0239	North Arlington Borough	Bergen	1	141	4	329
0240	Northvale Borough	Bergen	1	7	86	224
0241	Norwood Borough	Bergen	1	0	118	368
0242	Oakland Borough	Bergen	1	20	220	549
0243	Old Tappan Borough	Bergen	1	8	98	362
0244	Oradell Borough	Bergen	1	37	89	338
0245	Palisades Park Borough	Bergen	1	164	0	566
0246	Paramus Borough	Bergen	1	177	698	1000
0247	Park Ridge Borough	Bergen	1	89	112	467
0248	Ramsey Borough	Bergen	1	72	189	1000
0249	Ridgefield Borough	Bergen	1	133	47	528
0250	Ridgefield Park Village	Bergen	1	114	25	218
0251	Ridgewood Village	Bergen	1	11	128	826

Municipal Summary Fair Share Housing Obligation 2015

Muni Code	Municipality	County	Region	Present Need 2010 (Units)	Prior Round Obligation 1987-1999 (Units)	Third Round Net Prospective Need 1999-2025 (Units)
1905	Frankford Township	Sussex	1	16		
1906	Franklin Borough	Sussex	1		36	191
1907	Fredon Township	Sussex	1	15	9	387
1908	Green Township	Sussex	1	14	29	153
1909	Hamburg Borough	Sussex	1	0	20	114
1910	Hampton Township	Sussex	1	5	14	139
1911	Hardyston Township	Sussex	1	4	44	165
1912	Hopatcong Borough	Sussex	1	17	18	672
1913	Lafayette Township	Sussex	1	21	93	729
1914	Montague Township	Sussex	1	0	27	173
1915	Newton Town	Sussex	1	0	9	31
1916	Ogdensburg Borough	Sussex	1	72	24	83
1917	Sandyston Township	Sussex	1	3	13	65
1918	Sparta Township	Sussex	1	2	15	66
1919	Stanhope Borough	Sussex	1	29	76	820
1920	Stillwater Township	Sussex	1	4	15	301
1921	Sussex Borough	Sussex	1	0	15	70
1922	Vernon Township	Sussex	1	12	0	0
1923	Walpack Township	Sussex	1	57	60	952
1924	Wantage Township	Sussex	1	0	0	0
0701	Belleville Township	Essex	2	31	35	120
0702	Bloomfield Township	Essex	2	768	0	0
0703	Caldwell Township	Essex	2	547	0	0
0704	Cedar Grove Township	Essex	2	11	0	144
0717	City of Orange Township	Essex	2	0	70	709
0705	East Orange City	Essex	2	845	0	0
0706	Essex Falls Township	Essex	2	546	0	0
0707	Fairfield Township	Essex	2	0	40	145
0708	Glen Ridge Borough	Essex	2	53	318	518
0709	Irvington Township	Essex	2	19	28	449
0710	Livingston Township	Essex	2	736	0	0
0711	Maplewood Township	Essex	2	20	375	1000
0712	Millburn Township	Essex	2	90	51	586
0713	Montclair Township	Essex	2	111	261	1000
0714	Newark City	Essex	2	146	0	1900
0715	North Caldwell Borough	Essex	2	3277	0	0
0716	Nutley Township	Essex	2	18	63	446
0718	Roseland Borough	Essex	2	256	29	555
0719	South Orange Village	Essex	2	0	182	492
0720	Verona Township	Essex	2	0	63	162
0721	West Caldwell Township	Essex	2	0	24	376
0722	West Orange Township	Essex	2	0	200	709
1401	Boonton Town	Morris	2	354	226	1000
1402	Boonton Township	Morris	2	21	11	441
1403	Butler Borough	Morris	2	8	30	266
1404	Chatham Borough	Morris	2	28	16	238
1405	Chatham Township	Morris	2	0	77	483
1406	Chester Borough	Morris	2	43	83	728
1407	Chester Township	Morris	2	10	16	131
1408	Denville Township	Morris	2	27	32	344
1409	Dover Town	Morris	2	36	325	1000
				246	6	322

Municipal Summary Fair Share Housing Obligations, 2015

Muni Code	Municipality	County	Region	Present Need (2010) (units)	Prior Round Obligation 1997-1999 (units)	Third Round Need 1999-2025 (units)
2101	Allamuchy Township	Warren	2	30	13	230
2102	Alpha Borough	Warren	2	0	13	0
2103	Belvidere Town	Warren	2	12	0	190
2104	Blairstown Township	Warren	2	0	12	139
2105	Franklin Township	Warren	2	0	11	230
2106	Frettinghuysen Township	Warren	2	0	6	161
2107	Greenwich Township	Warren	2	0	41	366
2108	Hackettstown Town	Warren	2	68	62	263
2109	Hardwick Township	Warren	2	1	6	107
2110	Harmony Township	Warren	2	0	47	201
2111	Hope Township	Warren	2	3	8	103
2112	Independence Township	Warren	2	0	10	164
2113	Knowlton Township	Warren	2	11	14	68
2114	Liberty Township	Warren	2	0	7	155
2115	Lopatcong Township	Warren	2	0	56	345
2116	Mansfield Township	Warren	2	15	3	488
2117	Oxford Township	Warren	2	16	2	203
2119	Phillipsburg Town	Warren	2	161	0	0
2120	Pohatcong Township	Warren	2	7	47	256
2121	Washington Borough	Warren	2	2	0	243
2122	Washington Township	Warren	2	0	48	503
2123	White Township	Warren	2	40	16	446
1001	Alexandria Township	Hunterdon	3	99	22	340
1002	Bethlehem Township	Hunterdon	3	6	42	258
1003	Bloomsbury Borough	Hunterdon	3	2	17	57
1004	Califon Borough	Hunterdon	3	0	21	86
1005	Clinton Town	Hunterdon	3	10	51	196
1006	Clinton Township	Hunterdon	3	27	335	913
1007	Delaware Township	Hunterdon	3	60	23	250
1008	East Amwell Township	Hunterdon	3	0	40	296
1009	Flemington Borough	Hunterdon	3	57	38	74
1010	Franklin Township	Hunterdon	3	0	86	134
1011	Frenchtown Borough	Hunterdon	3	4	2	76
1012	Glen Gardner Borough	Hunterdon	3	3	7	72
1013	Hampton Borough	Hunterdon	3	12	2	58
1014	High Bridge Borough	Hunterdon	3	29	27	154
1015	Holland Township	Hunterdon	3	64	17	233
1016	Kingwood Township	Hunterdon	3	0	19	190
1017	Lambertville City	Hunterdon	3	57	0	173
1018	Lebanon Borough	Hunterdon	3	0	34	182
1019	Lebanon Township	Hunterdon	3	0	28	313
1020	Milford Borough	Hunterdon	3	0	5	100
1021	Raritan Township	Hunterdon	3	20	360	1000
1022	Readington Township	Hunterdon	3	101	394	1000
1023	Stockton Borough	Hunterdon	3	0	6	41
1024	Tewksbury Township	Hunterdon	3	0	119	440
1025	Union Township	Hunterdon	3	0	78	356
1026	West Amwell Township	Hunterdon	3	0	16	213
1201	Carteret Borough	Middlesex	3	176	0	0
1202	Cranbury Township	Middlesex	3	10	217	260
1203	Dunellen Borough	Middlesex	3	12	0	118



Municipal Summary Fair Share Housing Obligations 2015

Muni Code	Municipality	County	Region	Present Need 2010 (units)	Prior Round Obligation 1997-1999 (units)	Third Round Prospective Need 1999-2025 (units)
1114	Princeton	Mercer	4	149	641	630
1111	Trenton City	Mercer	4	1015	0	0
1112	Robbinsville Township	Mercer	4	20	293	1000
1113	West Windsor Township	Mercer	4	158	899	1000
1330	Aberdeen Township	Monmouth	4	63	270	614
1301	Allenhurst Borough	Monmouth	4	4	50	46
1302	Allentown Borough	Monmouth	4	10	28	138
1303	Asbury Park City	Monmouth	4	300	0	0
1304	Atlantic Highlands Borough	Monmouth	4	61	86	211
1305	Avon-by-the-Sea Borough	Monmouth	4	9	20	173
1306	Balmar Borough	Monmouth	4	31	58	246
1307	Bradley Beach Borough	Monmouth	4	41	20	112
1308	Brielle Borough	Monmouth	4	30	159	373
1309	Colts Neck Township	Monmouth	4	5	218	553
1310	Deal Borough	Monmouth	4	0	54	76
1311	Eatontown Borough	Monmouth	4	71	504	836
1312	Englishtown Borough	Monmouth	4	36	65	139
1313	Fair Haven Borough	Monmouth	4	0	133	392
1314	Farmingdale Borough	Monmouth	4	3	19	48
1315	Freehold Borough	Monmouth	4	213	188	211
1316	Freehold Township	Monmouth	4	100	1036	1000
1339	Hazlet Township	Monmouth	4	20	407	721
1317	Highlands Borough	Monmouth	4	41	20	133
1318	Holmdel Township	Monmouth	4	38	768	576
1319	Howell Township	Monmouth	4	112	955	1000
1320	Interlaken Borough	Monmouth	4	2	40	74
1321	Keansburg Borough	Monmouth	4	91	0	117
1322	Keyport Borough	Monmouth	4	30	1	173
1323	Little Silver Borough	Monmouth	4	7	197	402
1324	Loch Arbour Village	Monmouth	4	0	31	19
1325	Long Branch City	Monmouth	4	493	0	0
1326	Manalapan Township	Monmouth	4	122	706	1000
1327	Manasquan Borough	Monmouth	4	10	149	450
1328	Marlboro Township	Monmouth	4	113	1019	1000
1329	Matawan Borough	Monmouth	4	65	141	284
1331	Middletown Township	Monmouth	4	161	1561	1000
1332	Millstone Township	Monmouth	4	27	81	447
1333	Monmouth Beach Borough	Monmouth	4	0	70	187
1335	Neptune City Borough	Monmouth	4	0	33	160
1334	Neptune Township	Monmouth	4	123	0	205
1337	Ocean Township	Monmouth	4	100	873	775
1338	Oceanport Borough	Monmouth	4	0	149	260
1340	Red Bank Borough	Monmouth	4	102	427	338
1341	Roosevelt Borough	Monmouth	4	3	29	57
1342	Rumson Borough	Monmouth	4	11	268	485
1343	Sea Bright Borough	Monmouth	4	8	37	151
1344	Sea Girt Borough	Monmouth	4	0	115	159
1345	Shrewsbury Borough	Monmouth	4	17	277	293
1346	Shrewsbury Township	Monmouth	4	25	12	65
1347	South Belmar Borough	Monmouth	4	8	30	109
1348	Spring Lake Borough	Monmouth	4	16	132	251

Municipal Summary Fair Share Housing Obligation - 2015

Mun. Code	Municipality	County	Region	Present Need 2010 (units)	Prior Round Obligation 1997-1999 (units)	Third Round Net Prospective Need 1999-2025 (units)
0313	Evesham Township	Burlington	5	89	534	1000
0314	Fieldsboro Borough	Burlington	5	0	19	35
0315	Florence Township	Burlington	5	96	114	540
0316	Hainesport Township	Burlington	5	0	150	368
0317	Lumberton Township	Burlington	5	13	152	396
0318	Mansfield Township	Burlington	5	0	114	599
0319	Maple Shade Borough	Burlington	5	10	0	470
0321	Medford Lakes Borough	Burlington	5	0	60	187
0320	Medford Township	Burlington	5	25	418	802
0322	Moorestown Township	Burlington	5	40	621	1000
0323	Mount Holly Township	Burlington	5	77	0	0
0324	Mount Laurel Township	Burlington	5	88	815	1000
0325	New Hanover Township	Burlington	5	0	4	121
0326	North Hanover Township	Burlington	5	0	1	192
0327	Palmyra Borough	Burlington	5	4	39	164
0328	Pemberton Borough	Burlington	5	0	9	72
0329	Pemberton Township	Burlington	5	10	0	0
0330	Riverside Township	Burlington	5	23	6	76
0331	Riverton Borough	Burlington	5	0	15	153
0332	Shamong Township	Burlington	5	23	84	260
0333	Southampton Township	Burlington	5	30	85	0
0334	Springfield Township	Burlington	5	0	54	118
0335	Tabernacle Township	Burlington	5	0	106	311
0336	Washington Township	Burlington	5	0	11	60
0337	Westampton Township	Burlington	5	32	221	613
0338	Willingboro Township	Burlington	5	78	268	731
0339	Woodland Township	Burlington	5	2	19	98
0340	Wrightstown Borough	Burlington	5	3	10	9
0401	Audubon Borough	Camden	5	37	0	223
0402	Audubon Park Borough	Camden	5	3	4	12
0403	Barrington Borough	Camden	5	7	8	259
0404	Bellmawr Borough	Camden	5	38	107	0
0405	Berlin Borough	Camden	5	40	154	329
0406	Berlin Township	Camden	5	14	109	292
0407	Brooklawn Borough	Camden	5	9	23	0
0408	Camden City	Camden	5	772	0	0
0409	Cherry Hill Township	Camden	5	367	1829	1000
0410	Chesilhurst Borough	Camden	5	0	28	115
0411	Clementon Borough	Camden	5	72	19	0
0412	Collingswood Borough	Camden	5	106	0	271
0413	Gibbstown Borough	Camden	5	14	112	159
0414	Gloucester City City	Camden	5	67	0	0
0415	Gloucester Township	Camden	5	146	359	1000
0418	Haddon Heights Borough	Camden	5	0	23	249
0416	Haddon Township	Camden	5	34	35	302
0417	Haddonfield Borough	Camden	5	10	192	503
0419	Hill-nella Borough	Camden	5	16	0	9
0420	Laurel Springs Borough	Camden	5	3	17	125
0421	Lawnside Borough	Camden	5	2	33	67
0422	Lindenwold Borough	Camden	5	113	0	0
0423	Magnolia Borough	Camden	5	0	22	24

Municipal Summary Fair Share Housing Obligation 2015

Muni Code	Municipality	County	Region	Present Need 2010 (units)	Proc Round Obligation 1987-1999 (units)	Third Round Mar Prospective Need 1999-2025 (units)
0114	Linwood City	Atlantic	6			
0115	Longport Borough	Atlantic	6	46	140	310
0116	Margate City	Atlantic	6	0	59	111
0117	Mullica Township	Atlantic	6	17	96	645
0118	Northfield City	Atlantic	6	0	40	165
0219	Pleasantville City	Atlantic	6	4	150	339
0120	Port Republic City	Atlantic	6	201	0	0
0121	Somers Point City	Atlantic	6	0	19	73
0122	Ventnor City	Atlantic	6	8	103	295
0123	Weymouth Township	Atlantic	6	69	27	57
0501	Avalon Borough	Cape May	6	7	15	58
0502	Cape May City	Cape May	6	0	234	224
0503	Cape May Point Borough	Cape May	6	9	58	354
0504	Dennis Township	Cape May	6	0	34	22
0505	Lower Township	Cape May	6	48	220	333
0506	Middle Township	Cape May	6	71	324	144
0507	North Wildwood City	Cape May	6	86	454	425
0508	Ocean City City	Cape May	6	37	80	425
0509	Saa Isle City	Cape May	6	76	411	1000
0510	Stone Harbor Borough	Cape May	6	2	109	241
0511	Upper Township	Cape May	6	2	141	101
0512	West Cape May Borough	Cape May	6	20	317	558
0513	West Wildwood Borough	Cape May	6	2	7	65
0514	Wildwood City	Cape May	6	3	33	58
0515	Wildwood Crest Borough	Cape May	6	79	113	521
0516	Woodbine Borough	Cape May	6	0	42	346
0601	Bridgeton City	Cumberland	6	3	88	158
0602	Commercial Township	Cumberland	6	300	0	0
0603	Deerfield Township	Cumberland	6	0	45	0
0604	Downs Township	Cumberland	6	0	41	141
0605	Fairfield Township	Cumberland	6	5	10	0
0606	Greenwich Township	Cumberland	6	12	79	362
0607	Hopewell Township	Cumberland	6	12	13	78
0608	Lawrence Township	Cumberland	6	0	114	344
0609	Maurice River Township	Cumberland	6	33	10	0
0610	Millville City	Cumberland	6	0	22	162
0611	Shiloh Borough	Cumberland	6	141	0	1000
0612	Stow Creek Township	Cumberland	6	1	7	46
0613	Upper Deerfield Township	Cumberland	6	0	14	77
0614	Vineland City	Cumberland	6	7	242	589
1701	Alloway Township	Salem	6	319	0	0
1713	Carneys Point Township	Salem	6	4	17	137
1702	Elmer Borough	Salem	6	61	184	421
1703	Elsinboro Township	Salem	6	0	12	72
1704	Lower Alloways Creek Township	Salem	6	13	26	88
1705	Mannington Township	Salem	6	4	26	82
1706	Oldmans Township	Salem	6	3	29	100
1707	Penns Grove Borough	Salem	6	3	183	158
1708	Pennsville Township	Salem	6	76	4	0
1709	Pilesgrove Township	Salem	6	56	228	538
1710	Pittsgrove Township	Salem	6	37	35	213
				0	58	20

Municipal Summary Fair Share Housing Obligations 2015						
Muni Code	Municipality	County	Region	Present Need, 2010 (units)	Prior Round Obligation, 1987-1999 (units)	Third Round Net Prospective Need, 1999-2025 (units)*
1711	Quinton Township	Salern	6	7	15	72
1712	Salem City	Salern	6	33	0	0
1714	Upper Pittsgrove Township	Salern	6	9	27	130
1715	Woodstown Borough	Salern	6	0	8	85
TOTALS				62,057	83,964	201,382

**NOTE:**

\*1,000 unit cap subject to statute, N.J.S.A. 52:27D-307(e), and analysis of existing credits

**SOURCE:**

For the data, calculations, and allocations that are the sources of this summary, see the multi-tab Excel-based model:


NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025  
CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY APRIL 2015

Date: 4/14/15

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Municipal Surplus Fair Share Housing Obligations 2015

Muni Code	Municipality	County	Region	Present Need 2010 (units)	Prior Round Obligation 1987-1999 (units)	Third Round Net Prospective Need 1999-2025 (units)*
0424	Merchantville Borough	Camden	5	7	0	71
0425	Mount Ephraim Borough	Camden	5	2	33	118
0426	Oaklyn Borough	Camden	5	13	1	89
0427	Pennsauken Township	Camden	5	200	0	0
0428	Pine Hill Borough	Camden	5	19	22	0
0429	Pine Valley Borough	Camden	5	0	47	1
0430	Runnemede Borough	Camden	5	15	40	0
0431	Somerdale Borough	Camden	5	3	95	0
0432	Stratford Borough	Camden	5	24	70	130
0433	Tavistock Borough	Camden	5	0	80	1
0434	Voorhees Township	Camden	5	247	456	218
0435	Waterford Township	Camden	5	0	102	293
0436	Winslow Township	Camden	5	62	377	1900
0437	Woodlynne Borough	Camden	5	8	0	18
0801	Clayton Borough	Gloucester	5	44	94	249
0802	Deptford Township	Gloucester	5	92	522	1000
0803	East Greenwich Township	Gloucester	5	60	252	572
0804	Elk Township	Gloucester	5	7	127	295
0805	Franklin Township	Gloucester	5	87	166	1900
0806	Glassboro Borough	Gloucester	5	18	0	440
0807	Greenwich Township	Gloucester	5	0	308	283
0808	Harrison Township	Gloucester	5	0	198	780
0809	Logan Township	Gloucester	5	19	455	643
0810	Mantua Township	Gloucester	5	44	292	963
0811	Monroe Township	Gloucester	5	62	439	974
0812	National Park Borough	Gloucester	5	9	18	54
0813	Newfield Borough	Gloucester	5	5	14	50
0814	Paulsboro Borough	Gloucester	5	43	0	65
0815	Pitman Borough	Gloucester	5	40	40	325
0816	South Harrison Township	Gloucester	5	0	31	194
0817	Swedesboro Borough	Gloucester	5	15	23	131
0818	Washington Township	Gloucester	5	141	507	1000
0819	Wenonah Borough	Gloucester	5	0	30	155
0820	West Deptford Township	Gloucester	5	34	368	1090
0821	Westville Borough	Gloucester	5	36	27	0
0822	Woodbury City	Gloucester	5	36	0	240
0823	Woodbury Heights Borough	Gloucester	5	0	55	178
0824	Woolwich Township	Gloucester	5	0	209	713
0101	Absecon City	Atlantic	6	61	144	239
0102	Atlantic City City	Atlantic	6	525	2458	1000
0103	Brigantine City	Atlantic	6	48	124	560
0104	Buena Borough	Atlantic	6	9	41	85
0105	Buena Vista Township	Atlantic	6	73	19	0
0106	Corbin City	Atlantic	6	7	13	47
0107	Egg Harbor City	Atlantic	6	27	42	0
0108	Egg Harbor Township	Atlantic	6	186	763	1000
0109	Estell Manor City	Atlantic	6	0	21	37
0110	Folsom Borough	Atlantic	6	5	20	70
0111	Galloway Township	Atlantic	6	94	328	1000
0112	Hamilton Township	Atlantic	6	120	349	0
0113	Hammorton Township	Atlantic	6	184	257	281

Municipal Summary Fair Share Housing Obligations 2015

Muni Code	Municipality	County	Region	Present Need 2010 (units)	Prior Round Obligation 1987-1999 (units)	Third Round Net Prospective Need, 1999-2025 (units)*
1349	Spring Lake Heights Borough	Monmouth	4	11	76	243
1336	Tinton Falls Borough	Monmouth	4	113	622	3000
1350	Union Beach Borough	Monmouth	4	70	83	195
1351	Upper Freehold Township	Monmouth	4	52	43	323
1352	Wall Township	Monmouth	4	142	1073	2000
1353	West Long Branch Borough	Monmouth	4	0	219	159
1501	Barnegat Light Borough	Ocean	4	6	84	56
1533	Barnegat Township	Ocean	4	0	329	932
1502	Bay Head Borough	Ocean	4	6	65	97
1503	Beach Haven Borough	Ocean	4	0	70	122
1504	Beachwood Borough	Ocean	4	33	123	272
1505	Berkeley Township	Ocean	4	94	610	0
1506	Brick Township	Ocean	4	189	930	1000
1507	Toms River Township	Ocean	4	243	2233	1000
1508	Eagleswood Township	Ocean	4	0	36	79
1509	Harvey Cedars Borough	Ocean	4	7	37	56
1510	Island Heights Borough	Ocean	4	2	51	124
1511	Jackson Township	Ocean	4	105	1247	1000
1512	Lacey Township	Ocean	4	54	580	869
1513	Lakehurst Borough	Ocean	4	16	66	73
1514	Lakewood Township	Ocean	4	534	0	0
1515	Lavallette Borough	Ocean	4	0	82	221
1516	Little Egg Harbor Township	Ocean	4	124	194	1000
1517	Long Beach Township	Ocean	4	23	41	325
1518	Manchester Township	Ocean	4	120	370	1000
1519	Mantoloking Borough	Ocean	4	0	59	46
1521	Ocean Gate Borough	Ocean	4	10	12	59
1520	Ocean Township	Ocean	4	9	236	450
1522	Pine Beach Borough	Ocean	4	0	41	130
1523	Pomsted Township	Ocean	4	21	47	231
1525	Point Pleasant Beach Borough	Ocean	4	55	167	411
1524	Point Pleasant Borough	Ocean	4	26	343	739
1526	Seaside Heights Borough	Ocean	4	95	0	254
1527	Seaside Park Borough	Ocean	4	3	52	150
1528	Ship Bottom Borough	Ocean	4	0	71	113
1529	South Toms River Borough	Ocean	4	47	51	59
1530	Stafford Township	Ocean	4	94	555	1000
1531	Surf City Borough	Ocean	4	0	49	174
1532	Tuckerton Borough	Ocean	4	81	69	150
0301	Bass River Township	Burlington	5	4	15	56
0302	Beverly City	Burlington	5	3	18	35
0303	Bordentown City	Burlington	5	25	33	148
0304	Bordentown Township	Burlington	5	5	211	736
0305	Burlington City	Burlington	5	36	89	134
0306	Burlington Township	Burlington	5	74	445	1000
0307	Chesterfield Township	Burlington	5	19	55	256
0308	Cinnaminson Township	Burlington	5	10	331	138
0309	Delanco Township	Burlington	5	23	61	127
0310	Delran Township	Burlington	5	71	208	533
0311	Eastampton Township	Burlington	5	0	49	130
0312	Edgewater Park Township	Burlington	5	49	30	199

Municipal Summary Fair Share Housing Obligations 2015

Muni. Code	Municipality	County	Region	Present Need 2010 (units)	Prior Round Obligation 1987-1999 (units)	Third Round Net Prospective Need, 1999-2025 (units)*
1204	East Brunswick Township	Middlesex	3	75	648	1000
1205	Edison Township	Middlesex	3	421	965	1000
1206	Helmetta Borough	Middlesex	3	6	26	119
1207	Highland Park Borough	Middlesex	3	55	0	359
1208	Jamesburg Borough	Middlesex	3	18	8	58
1210	Metuchen Borough	Middlesex	3	40	99	584
1211	Middlesex Borough	Middlesex	3	64	105	313
1212	Milltown Borough	Middlesex	3	30	64	220
1213	Munroe Township	Middlesex	3	104	554	1000
1214	New Brunswick City	Middlesex	3	1322	0	0
1215	North Brunswick Township	Middlesex	3	197	395	1000
1209	Old Bridge Township	Middlesex	3	127	439	1000
1216	Parish Amboy City	Middlesex	3	731	0	0
1217	Placataway Township	Middlesex	3	314	736	1000
1218	Plainsboro Township	Middlesex	3	0	205	1000
1219	Sayreville Borough	Middlesex	3	67	263	1000
1220	South Amboy City	Middlesex	3	41	0	219
1221	South Brunswick Township	Middlesex	3	117	841	1000
1222	South Plainfield Borough	Middlesex	3	48	379	395
1223	South River Borough	Middlesex	3	96	0	170
1224	Spotswood Borough	Middlesex	3	0	48	179
1225	Woodbridge Township	Middlesex	3	381	955	1000
1801	Bedminster Township	Somerset	3	0	154	556
1802	Bernards Township	Somerset	3	36	508	1000
1803	Bernardsville Borough	Somerset	3	0	127	470
1804	Bound Brook Borough	Somerset	3	96	0	0
1805	Branchburg Township	Somerset	3	7	302	1000
1806	Bridgewater Township	Somerset	3	229	713	1000
1807	Far Hills Borough	Somerset	3	3	38	73
1808	Franklin Township	Somerset	3	171	766	1000
1809	Green Brook Township	Somerset	3	9	151	454
1810	Hillsborough Township	Somerset	3	50	461	1000
1811	Manville Borough	Somerset	3	161	0	82
1812	Millstone Borough	Somerset	3	0	21	32
1813	Montgomery Township	Somerset	3	71	307	1000
1814	North Plainfield Borough	Somerset	3	368	0	138
1825	Peapack-Gladstone Borough	Somerset	3	0	82	138
1816	Raritan Borough	Somerset	3	39	82	456
1817	Rocky Hill Borough	Somerset	3	2	25	46
1818	Somerville Borough	Somerset	3	127	153	204
1819	South Bound Brook Borough	Somerset	3	79	0	59
1820	Warren Township	Somerset	3	68	543	993
1821	Watchung Borough	Somerset	3	16	206	440
1101	East Windsor Township	Mercer	4	62	367	959
1102	Ewing Township	Mercer	4	140	481	487
1103	Hamilton Township	Mercer	4	310	706	751
1104	Hightstown Borough	Mercer	4	38	45	143
1105	Hopewell Borough	Mercer	4	2	29	155
1106	Hopewell Township	Mercer	4	0	520	1000
1107	Lawrence Township	Mercer	4	96	891	1000
1108	Pennington Borough	Mercer	4	50	52	203



Municipal Summary Fair Share Housing Obligations 2015

Muni Code	Municipality	County	Region	Present Need 2010 (units)	Prior Round Obligation 1987-1999 (units)	Third Round Net Prospective Need, 1999-2025 (units)
1410	East Hanover Township	Morris	2	31	262	770
1411	Florham Park Borough	Morris	2	107	326	825
1412	Hanover Township	Morris	2	24	356	1000
1413	Harding Township	Morris	2	0	83	290
1414	Jefferson Township	Morris	2	37	69	269
1415	Kinnelon Borough	Morris	2	0	73	298
1416	Lincoln Park Borough	Morris	2	15	74	397
1430	Long Hill Township	Morris	2	0	62	474
1417	Madison Borough	Morris	2	31	86	1000
1418	Mendham Borough	Morris	2	8	25	326
1419	Mendham Township	Morris	2	19	41	374
1420	Mine Hill Township	Morris	2	0	61	175
1421	Montville Township	Morris	2	11	261	1000
1422	Morris Plains Borough	Morris	2	17	144	440
1424	Morristown Town	Morris	2	0	293	796
1426	Mount Arlington Borough	Morris	2	188	227	351
1427	Mount Olive Township	Morris	2	10	17	323
1425	Mountain Lakes Borough	Morris	2	131	45	1000
1428	Netcong Borough	Morris	2	0	80	265
1429	Parsippany-Troy Hills Township	Morris	2	19	0	29
1431	Pequannock Township	Morris	2	261	664	1000
1432	Randolph Township	Morris	2	32	134	418
1433	Riverdale Borough	Morris	2	25	261	1000
1434	Rockaway Borough	Morris	2	0	58	252
1435	Rockaway Township	Morris	2	0	43	126
1436	Roxbury Township	Morris	2	80	370	1000
1437	Victory Gardens Borough	Morris	2	76	255	1000
1438	Washington Township	Morris	2	2	0	0
1439	Wharton Borough	Morris	2	20	66	578
2001	Berkeley Heights Township	Union	2	75	42	306
2002	Clark Township	Union	2	21	183	859
2003	Cranford Township	Union	2	53	92	244
2004	Elizabeth City	Union	2	45	148	805
2005	Fanwood Borough	Union	2	4256	0	0
2006	Garwood Borough	Union	2	24	45	310
2007	Hillside Township	Union	2	40	19	200
2008	Kenilworth Borough	Union	2	125	0	0
2009	Linden City	Union	2	0	83	551
2010	Mountainside Borough	Union	2	349	209	218
2011	New Providence Borough	Union	2	86	123	406
2012	Plainfield City	Union	2	74	135	445
2013	Railway City	Union	2	847	0	0
2014	Roselle Borough	Union	2	195	70	0
2015	Roselle Park Borough	Union	2	264	0	0
2016	Scotch Plains Township	Union	2	46	0	0
2017	Springfield Township	Union	2	125	182	893
2018	Summit City	Union	2	15	135	534
2019	Union Township	Union	2	69	171	1000
2020	Westfield Town	Union	2	339	233	1000
2021	Winfield Township	Union	2	46	139	1000
				18	0	17



Municipal Summary Fair Share Housing Obligation 2015

Muni Code	Municipality	County	Region	Present Need 2010 (units)	Prior Round Obligation 1997-1999 (units)	Third Round Net Prospective Need, 1999-2025 (units)
0252	River Edge Borough	Bergen	1			
0253	River Vale Township	Bergen	1	33	73	231
0254	Rochelle Park Township	Bergen	1	32	121	405
0255	Rockleigh Borough	Bergen	1	0	64	261
0256	Rutherford Borough	Bergen	1	0	84	13
0257	Saddle Brook Township	Bergen	1	114	95	418
0258	Saddle River Borough	Bergen	1	65	127	358
0259	South Hackensack Township	Bergen	1	42	162	215
0260	Teaneck Township	Bergen	1	45	50	185
0261	Tenafly Borough	Bergen	1	55	152	732
0262	Teterboro Borough	Bergen	1	41	159	453
0263	Upper Saddle River Borough	Bergen	1	0	106	5
0264	Waldwick Borough	Bergen	1	0	206	510
0265	Wallington Borough	Bergen	1	41	81	344
0266	Washington Township	Bergen	1	84	5	32
0267	Westwood Borough	Bergen	1	0	85	433
0268	Woodcliff Lake Borough	Bergen	1	30	87	229
0269	Wood-Ridge Borough	Bergen	1	12	170	407
0270	Wyckoff Township	Bergen	1	0	38	237
0901	Bayonne City	Hudson	1	26	221	1000
0902	East Newark Borough	Hudson	1	632	0	0
0903	Suttenberg Town	Hudson	1	91	2	0
0904	Harrison Town	Hudson	1	56	23	47
0905	Hoboken City	Hudson	1	139	30	717
0906	Jersey City City	Hudson	1	217	0	0
0907	Kearny Town	Hudson	1	3370	0	0
0908	North Bergen Township	Hudson	1	238	211	902
0909	Secaucus Town	Hudson	1	603	0	0
0910	Union City City	Hudson	1	64	590	1000
0911	Weehawken Township	Hudson	1	1442	0	0
0912	West New York Town	Hudson	1	211	3	0
1601	Bloomingtondale Borough	Passaic	1	833	0	0
1602	Clifton City	Passaic	1	65	168	509
1603	Haledon Borough	Passaic	1	2346	379	0
1604	Hawthorne Borough	Passaic	1	52	5	134
1605	Little Falls Township	Passaic	1	28	58	266
1606	North Haledon Borough	Passaic	1	85	101	702
1607	Passaic City	Passaic	1	10	92	480
1608	Paterson City	Passaic	1	4625	0	0
1609	Paramount Lakes Borough	Passaic	1	3255	0	0
1610	Prospect Park Borough	Passaic	1	50	102	420
1611	Ringwood Borough	Passaic	1	9	0	0
1612	Totowa Borough	Passaic	1	41	51	227
1613	Wanaque Borough	Passaic	1	174	247	610
1614	Wayne Township	Passaic	1	124	332	208
1615	West Milford Township	Passaic	1	201	1158	1000
1616	West Paterson Borough	Passaic	1	107	98	399
1901	Andover Borough	Sussex	1	212	146	580
1902	Andover Township	Sussex	1	6	7	65
1903	Branchville Borough	Sussex	1	9	55	205
1904	Byram Township	Sussex	1	0	13	58
				10	33	222



MEMBERS OFFICE      P.O. Box 913 208 150      E.L.L.

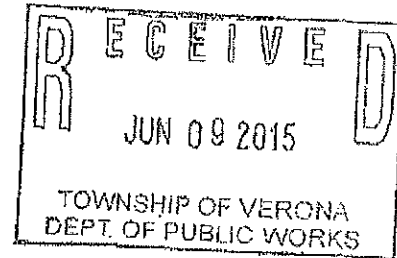
# Toll Brothers

America's Luxury Home Builder®

VIA UPS

June 3, 2015

Township Clerk  
Township of Verona  
600 Bloomfield Avenue  
Verona, NJ 07044



Re: *Inclusionary Housing Request for Addition to Township Notice/ Service List*

Dear Township Clerk,

On behalf of Toll Brothers, Inc., I request that our office be added to the notice/service list so as to be immediately notified of: (i) any public meeting of the Township Council or Township Planning Board during which the Council or Planning Board intends to consider or take action on any revision to its Fair Share Plan; or (ii) the filing of an declaratory judgment action by the Township pursuant to the New Jersey Supreme Court's March 10, 2014 Opinion and Order.

Please send all information to the following address:

Yolanda Rodriguez  
Counsel  
Toll Brothers, Inc.  
670 Spotswood-Englishtown Road  
Monroe Township, New Jersey 08831  
[yrodriguez2@tollbrothers.com](mailto:yrodriguez2@tollbrothers.com)

Please feel free to contact me at 267-974-7296 with any questions or concerns.

I look forward to your prompt response.

Very truly yours,

*Yolanda Rodriguez*

Yolanda Rodriguez, Esq.

cc: Noreen Dapuzzo, Planning Board Clerk

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