

BRIAN P. SHOTTS, ESQ. 133552014
GRACE, MARMERO & ASSOCIATES, LLP
44 EUCLID STREET
WOODBURY, NEW JERSEY 08096
(856) 848-6440
(856)848-5002 FACSIMILE
ATTORNEYS FOR PLAINTIFF, CITY OF LAMBERTVILLE

IN THE MATTER OF THE APPLICATION
OF THE CITY OF LAMBERTVILLE,
COUNTY OF HUNTERDON

NEW JERSEY SUPERIOR COURT
LAW DIVISION
HUNTERDON COUNTY

DOCKET NO.: HNT-L-000311-15

CIVIL ACTION
(*MOUNT LAUREL*)

ORDER

THIS MATTER having been opened to the Court by Grace, Marmero & Associates, LLP, Brian P. Shotts, Esq. appearing on behalf of declaratory plaintiff, the City of Lambertville, (“Lambertville” or “City”); and the Supreme Court and the Legislature both having encouraged municipalities to comply with their affordable housing constitutional obligations voluntarily (Mount Laurel II, 92 N.J. at 214 and N.J.S.A. 52:27D-303); and Mount Laurel jurisprudence having clearing established the principle that voluntary compliance is preferable to exclusionary zoning litigation; and the City having filed a timely Declaratory Judgment Action; and a Fairness Hearing being properly notice and held on September 13, 2018, the Court having considered the City’s arguments, the arguments in opposition and all papers submitted in connection with thereto; and for good cause appearing:

IT IS on this 11th day of October, 2018, ORDERED as follows:

1. Lambertville's proposed Mount Laurel compliance Plan is reasonable and fair to the region's low- and moderate-income population, and does a fair and reasonable job of balancing the types of housing that will be served by the affordable housing units proposed;
2. The Settlement Agreement by and between the City of Lambertville and Fair Share Housing Center, dated May 22, 2018 is hereby approved for the same reasons;
3. Within one hundred twenty (120) days of this Order, the City shall:
 - a. Prepare and adopt its final Housing Element and Fair Share Plan. The final Housing Element and Fair Share Plan shall include:
 - i. A detailed site suitability analysis for each site proposed for new inclusionary development, whether as of right, through the adoption of a zoning ordinance, through Redevelopment or overlay zoning;
 - ii. A fully documented showing of the City's creditworthiness to complete the acquisition of the Academy Hill / Wilson site
 - iii. A showing of the start date and length of affordability controls for each existing affordable housing unit for which the City is seeking credit;
 - b. Prepare and adopt all resolutions, ordinances, zoning ordinances and overlay zoning ordinances required to implement that Housing Element and Fair Share Plan;
 - c. Prepare and adopt a Redevelopment Plan;
 - d. Prepare and adopt a new Spending Plan;
 - e. Take all necessary steps to effectuate the acquisition of the Academy Hill / Wilson site;

4. All conditions recommended by Special Master Elizabeth McKenzie in her report dated September 8, 2018 and marked C-1 into evidence, appearing in Appendix A are incorporated into this order by reference as if stated in full;
5. This Court shall retain jurisdiction over this matter for the purpose of monitoring the City's progress in acquiring the Academy Hill / Wilson site, and periodic Case Management Conferences shall be scheduled and held upon notice by this Court;
6. The first such Case Management Conference is scheduled for November 29, 2018, at which time the City shall present its progress on the compliance phase to date. The next such Case Management Conference will be scheduled at that time, approximately forty-five (45) days therefrom;
7. Within six months of the entry of a Final Judgment of this matter, the City shall have selected a Redeveloper.
8. Within nine months of the entry of a Final Judgment of this matter, the City shall have entered into a Redevelopment Agreement with the selected Redeveloper.
9. TO BE DETERMINED will be the new appointed Special Master.

/S/ THOMAS C. MILLER, P.J.Cv.

Honorable Thomas C. Miller, P.J.Cv.

Dated: October 11, 2018