

FILED

AUG 22 2019

PREPARED BY THE COURT

**SUPERIOR COURT OF NJ
MERCER COUNTY
CIVIL DIVISION**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MERCER COUNTY
DOCKET NO. L-1557-15**

**IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP
OF HOPEWELL,**

**Civil Action
(Mt. Laurel)**

Petitioner.

**ORDER DENYING REQUEST FOR
ADJOURNMENT OF FAIRNESS AND
FINAL COMPLIANCE HEARING
REGARDING THE AMENDED HOUSING
ELEMENT AND FAIR SHARE PLAN FOR
HOPEWELL TOWNSHIP**

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**Attorney for Concerned Citizens of
Hopewell Township, et al.**

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THIS MATTER having been brought before the court by a letter submitted by R. William Potter, Esq., representing Concerned Citizens of Hopewell Township and several residents of the Township, asking that the Fairness and Final Compliance hearing scheduled for August 29, 2019, to review the global settlement that resulted in an Amended Housing Element and Fair Share Plan for Hopewell Township be adjourned due to an allegedly inadequate notice of the public hearing; and the court having considered the arguments set forth in the letter submitted by Mr. Potter and the opposition filed by counsel for Hopewell Township, Steven P. Goodell, Esq., and endorsed by several other parties to the settlement that prompted the amendments to the Township's Housing Element and Fair Share Plan; and the court having previously approved the notice in an order of July 23, 2019; and the court finding that the Fairness and Final Compliance hearing will address the Township's acknowledged fair share number and a change in one aspect of the manner in which the Township plans to achieve that number; and the court also finding that the purpose of the Fairness and Final Compliance hearing is to determine whether the Amended Plan is fair and

reasonable to low and moderate income households in the region, and provides a realistic opportunity for the provision of low and moderate income housing in Hopewell Township; and the objection to the notice submitted by counsel for Concerned Citizens, et al., being directed at a rezoning of property in the Township that allows for commercial development that is not part of the Amended Housing Element and Fair Share Plan submitted to the court by the Township; and the court further finding that paragraph 7 of the settlement provides that development of any commercial uses on the rezoned site “shall not be a precondition to construction or delivery or in any way delay the construction of the inclusionary residential development” that the owner of the rezoned property has agreed to build in partial satisfaction of the Township’s fair share obligation; and the court further finding that the notice of the hearing adequately conveys the purpose of the Fairness and Final Compliance hearing; and the court also finding that Concerned Citizens, et al. retains the right to challenge the commercial rezoning in another proceeding, and also retains the right to challenge any application for commercial development on the rezoned property that may be filed before any land use board of Hopewell Township; and the court desiring not to delay further the consideration of the Amended Housing Element and Fair Share Plan for Hopewell in light of the importance of providing affordable housing as expeditiously as possible in the Township; and the court also finding that the notice of the Fairness and Final Compliance hearing was published more than 30 days before the hearing, which is consistent with other notices used by municipalities seeking review of their housing elements and fair share plans; and the court also finding that the 30-day notice period is consistent with the procedure set forth in Morris County Fair Housing Council v. Boonton Township, 197 N.J.Super. 359 (Law Div. 1984); and for good cause shown, for the reasons set forth above:

IT IS on this 22nd day of August, 2019, **HEREBY ORDERED** that:

1. The application for an adjournment of the Fairness and Final Compliance hearing is denied.
2. The Township of Hopewell shall immediately post a copy of this order on its website with all the other affordable housing postings.


Mary C. Jacobson, A.J.S.C.