

FILED**MAY 24 2021****CHRISTINE A. FARRINGTON,
J.S.C.**

Fair Share Housing Center
510 Park Boulevard
Cherry Hill, New Jersey 08002
P: 856-665-5444
F: 856-663-8182
Attorneys for Fair Share Housing Center
By: Joshua D. Bauers, Esq. (174532015)
joshbauers@fairsharehousing.org

BEATTIE PADOVANO, LLC

Antimo A. Del Vecchio, Esq. (015191989)
Daniel L. Steinhagen, Esq. 018622005)
50 Chestnut Ridge Road, Suite 208
Montvale, New Jersey 07645
(201) 799-2149
Co-Counsel for Defendant/Intervenor/Counterclaimant
800 Sylvan Avenue, LLC

HILL WALLACK LLP

Thomas F. Carroll, III, Esq. (022051983)
21 Roszel Road
Princeton, New Jersey 08540
(609) 924-0808
Co-Counsel for Defendant/Intervenor/Counterclaimant
800 Sylvan Avenue, LLC

**In the Matter of the Application
of the Borough of Englewood
Cliffs, County of Bergen.**

SUPERIOR COURT OF NEW JERSEY
Law Division, Bergen County
Docket No. BER-L-6119-15

CIVIL ACTION**Order**

This matter having been brought before the Court by way of proposed Order of Final Judgment by Fair Share Housing Center, through its counsel, Joshua D. Bauers, Esq., and 800 Sylvan Avenue, LLC, through its co-counsel Hill Wallack, LLP (Thomas F. Carroll, II, Esq., appearing) and co-counsel Beattie Padovano, LLC (Antimo

A. Del Vecchio, Esq. and Daniel L. Steinhagen, Esq., appearing), for an Order of Final Judgment in the above-captioned matter, and the court having previously entered four (4) orders on May 21, 2021 which are incorporated herein by reference, remain in full force and effect, and are clarified where noted below, and the court having received a report and status update on the outstanding conditions dated May 18, 2021 from Special Master, Mary Beth Lonergan, and for good cause shown;

IT IS on this 24th day of May, 2021 ORDERED as follows:

1. Final Judgment is hereby entered as of the date of this Order.
2. Conditions 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, and 18 of the December 22, 2020 Court Order (as described in the Special Master's December 13, 2020 and May 18, 2021 Reports) are satisfied.
3. The following are ongoing conditions of the Final Judgment.
 - a. Condition 5 requires the Borough to provide evidence of a successful award of Low-Income Housing Tax Credits (LIHTC) by December 31, 2022 for the Hudson Terrace Municipal Site. In the event that no award of LIHTC is provided the Borough shall bond to cover any funding shortfall.

b. The Borough shall continue to comply with all monitoring and reporting requirements referenced in the Borough-FSHC settlement agreement.

4. The following are short-term conditions of the final judgment:

a. Condition 4 requires the Borough to adopt a Resolution of Need, provide an executed developer's agreement, and an executed PILOT/financial agreement for the Hudson Terrace Municipal Site. The Borough has provided Resolution No. 20-203 adopted on December 15, 2020, indicating a need in the Borough for the type of housing proposed. The Borough provided Resolution No. 20-204, adopted December 15, 2020, authorizing execution of the payment-in-lieu of taxes ("PILOT") agreement. The Borough has provided the March 15, 2021 Developers Agreement between the Borough and The Michaels Organization. The Borough has introduced the Ordinance for the PILOT at the May 12, 2021 meeting of the Borough Council. The Borough shall adopt the Ordinance no later than June 9, 2021.

b. Conditions 14 and 15 have not yet been completed. The Borough has provided additional information to the Special Master and FSHC on May 21, 2021. The Special Master shall review this information provided by the Borough regarding its affordable housing trust fund and spending plan as of May 21, 2021 and shall provide a final recommendation to

the court by July 16, 2021. In the event the Borough is required to replenish the affordable housing trust fund the Borough shall amend its spending plan and replenish the trust fund by July 31, 2021.

c. The Borough shall finalize and post notice of the adoption of the zoning ordinances 20-11 through 20-21 as referenced on page 9 of the Special Master's May 17, 2021 report by May 28, 2021. In the event the Borough does not post these notices by May 28, 2021 the court shall retain the power to post the notices.

d. The Borough shall submit a final version of ordinance for the North Woods LG property by May 28, 2021.

5. The May 21, 2021 Order Granting 800 Sylvan's Motion in part is modified at Paragraph 3 to require the Borough to also reimburse FSHC's reasonable attorney's fees incurred in opposing the Borough's motion to invalidate the settlement agreements as requested in FSHC's opposition to the motion dated May 13, 2021. The same process shall apply for FSHC's attorney's fees as described in Paragraph 3 for 800 Sylvan's attorney's fees. The parties may, by motion in aid of litigants rights, make application to the court to address any further breaches of the settlement agreements, enforcement or any violation of this Court's Orders.

6. This Order shall constitute a Final Judgment in this case as specified in the FSHC Settlement Agreement previously approved by this court such that the Escrow Agent holding the

Attorney's Fees in escrow which were paid by the Borough to FSHC pursuant to the settlement between the Borough and FSHC shall be permitted to disburse the funds to Fair Share Housing Center.

7. Copies of this order shall be served through eCourts. Counsel for FSHC shall forward a copy of this Order to the Court's Special Master within five (5) days of receipt.


Hon. Christine A. Farrington, J.S.C. *12/14/21*

Opposed
 Unopposed