

# **BOROUGH OF SOUTH TOMS RIVER**

## **NOTICE OF FAIRNESS HEARING**

**NOTICE IS HEREBY PROVIDED** that the Honorable Mark A. Troncone, J.S.C. will conduct a Mount Laurel Fairness Hearing on April 23, 2021 at 11:00 A.M. virtually to review and evaluate a Settlement Agreement between the Borough of South Toms River, Fair Share Housing Center and M&T at STR Affordable Urban Renewal, LLC (the “Fair Share Agreement”) and a Settlement Agreement between South Toms River and (the “M&T Agreement”) concerning the development of Block 20, portion of Lot 1.03 within the Borough of South Toms River as a thirty unit 100% affordable housing development and a “gut rehabilitation” program in partial satisfaction of the Borough’s Present Need and Prospective Need obligations and associated compliance mechanisms.

The purpose of the Fairness Hearing is for the Court to review and evaluate the written Agreements that have been executed between the parties to determine whether the Agreements adequately protect and are fair and reasonable to the interests of those of low and moderate income in the Borough of South Toms River and in its housing region (the “Mount Laurel beneficiaries”).

The Fair Share Agreement pertains to the settlement of litigation filed by Fair Share Housing Center against the Borough and M&T captioned Fair Share Housing Center v. Borough of South Toms River, Land Use Board of the Borough of South Toms River, and M&T at STR Urban Renewal, Docket No: OCN-L-327-19, concerning the provision of affordable housing relating to a Redevelopment Agreement between the parties. The M&T Agreement pertains to the residential development of 30 non-age restricted housing units, 100% of which shall be set aside for occupancy by low and moderate income households.

Copies of the Agreements have been filed with the Court and placed on file for public inspection with the South Toms River Municipal Clerk in the South Toms River Municipal Building, 19 Double Trouble Road, South Toms River, NJ, forty-five (45) days prior to the Hearing. The Agreements will be available for public inspection and photocopying during normal business hours. Its contents are incorporated herein by reference as if set forth at length.

All interested parties will be provided an opportunity to appear and be heard at the Fairness Hearing that will be conducted by the Court on April 22, 2021 at 11:00 A.M. Any party that seeks to appear and be heard may call the court at (732)504-0700 at ext. 64425 and leave a message with their email address for access to the virtual meeting. Written comments, concerns or objections shall be filed with the Court no later than April 15, 2021 with duplicate copies being forwarded by certified mail, return receipt requested, to the attention of the following

Hon. Mark A. Troncone, J.S.C.  
Ocean County Courthouse  
100 Hooper Avenue  
Toms River, NJ 08754

John Maczuga, PP – Court Master  
JDM Planning Associates, LLC  
614 Harbor Road  
Brick, NJ 08724

Clerk, Borough of South Toms River  
19 Double Trouble Road  
South Toms River, NJ 08757

Jean Cipriani, Esq.  
Rothstein, Mandell, Strohm, Halm & Cipriani  
150 Airport Road  
Lakewood, NJ 08701

Adam Gordon, Esq.  
Fair Share Housing Center  
510 Park Boulevard  
Cherry Hill, NJ 08002

Douglas Wolfson, Attorney for M&T at STR Affordable Urban Renewal, LLC  
The Weingarten Law Firm, LLC  
1260 Stelton Road  
Piscataway, NJ 08854

The Court appointed Master, John Maczuga, will furnish the Court and all parties of record with a copy of his Master's report on the issues associated with the Agreements and Fairness Hearing on or before April 19, 2021. The Report will be placed on file with the South Toms River Municipal Clerk at the address set forth above and be available for public inspection and photocopying during normal business hours so that all parties can prepare for the Hearing.

The Notice is provided pursuant to the directive of the Court and is intended to inform all interested parties of the basic contents of the Agreements so that interested parties may review the Agreements in further detail at the Borough Clerk's Office before the Court reviews and evaluates whether to approve or disapprove the Agreements with or without conditions. This Notice does not indicate any view by the Court as to the adequacy of the settlement or the Agreements.

Jean Cipriani, Esq.  
Rothstein, Mandell, Strohm, Halm & Cipriani, P.A.  
150 Airport Road, Suite 600  
Lakewood, NJ 08701  
(732) 363-0777  
Borough of South Toms River Affordable Housing Counsel