

**NOTICE OF COMBINED FAIRNESS AND FINAL COMPLIANCE HEARING FOR
THE BOROUGH OF PALISADES PARK,
COUNTY OF BERGEN, STATE OF NEW JERSEY,
FOR APPROVAL OF
SETTLEMENT OF MOUNT LAUREL LITIGATION, AND THE BOROUGH'S
HOUSING ELEMENT AND FAIR SHARE PLAN**

DOCKET NOS. BER-L-566-23 ET AL. AND BER-L-825-25 (Consolidated Actions)

PLEASE TAKE NOTICE that on **July 15, 2026** beginning at **9:00 a.m.**, there will be a combined Fairness and Final Compliance Hearing (the "Hearing"), before the Honorable Lina Corrison, J.S.C. at the Bergen County Superior Court Courthouse, Courtroom 332, 10 Main Street, Hackensack, New Jersey 07601.

The purpose of the Hearing is for the Court to consider: (1) whether the proposed Settlement Agreements in the consolidated Mount Laurel Actions entitled Fan Associates, LLC v. Borough of Palisades Park et al., Docket No. BER-L-566-23, and In the Matter of the Application of the Borough of Palisades Park, Docket No. BER-L-825-25 (the "Settlement Agreements" as further defined herein), are fair and reasonable to the region's low- and moderate-income households according to the principles set forth in Morris County Fair Housing Council v. Boonton Tp., 197 N.J. Super. 359 (Law Div. 1984), *aff'd o.b.*, 209 N.J. Super. 108 (App. Div. 1986) and East/West Venture v. Bor. of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996), thereby entitling the parties to these settlements to judicial approval of said Settlement Agreements; (2) whether the establishment of the Borough's fair share obligations and the Borough's compliance efforts, reflected in the Settlement Agreements and in the Housing Element and Fair Share Plan ("HEFSP") as endorsed and adopted by the Borough, pursuant to the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., will satisfy the Borough's obligation to provide a realistic opportunity to satisfy its rehabilitation, Prior Round and Third and Fourth Round prospective need "fair share" of the regional need for affordable housing to low- and moderate-income households pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301, et seq., the substantive, applicable regulations, the New Jersey Supreme Court's March 10, 2015 decision in the matter captioned In re N.J.A.C. 5:96 & N.J.A.C. 5:97, 221, N.J. 1 (2015) and other applicable laws; and, (3) approval of the Borough's HEFSP.

The Borough's preliminary compliance efforts, as reflected in the terms of the Borough's Settlement Agreement with Fair Share Housing Center ("FSHC", and the "FSHC Settlement Agreement"), address the components of the Borough's affordable housing obligations for the period up to 2035, inclusive of both Prior and the Third and Fourth Rounds. These include a Prior Round obligation of 0 units, a present need obligation (rehabilitation) of 333 units, and a Third Round (1999-2025) and Fourth Round (2025-2035) prospective need obligation of 447 units and 221 units, respectively. The proposed terms of the FSHC Settlement Agreement provide a detailed list of the Borough's total affordable housing obligation and compliance mechanisms that demonstrate the Borough's compliance with those affordable housing obligations. In furtherance of the Borough's compliance efforts to address the Borough's prospective need obligation, the Borough has also negotiated Settlement Agreements with:

- i. Golden Value, LLC ("Golden Value"), the developer of property identified on the Borough's tax maps as Block 716, Lot(s) 20, 21 and 22. The Borough's Settlement Agreement with Golden Value (the "Golden Value Settlement Agreement") will result in the construction of an inclusionary housing development which includes 7

affordable housing units, which will be credited toward the Borough's combined Third and Fourth Round obligations; and,

- ii. On February 24, 2025, the Court had previously adjudicated the fairness of six (6) Settlement Agreements reached, as follows: (1) Borough of Palisades and Fan Associates, LLC (*Fan Associates, LLC, et al., Superior Court, Law Division Bergen County Docket No. BER-L-566-23*); (2) Borough of Palisades Park and HJ Lee Holdings, LLC (*HJ Lee Holdings, LLC v. Borough of Palisades Park, et al., Superior Court, Law Division Bergen County Docket No. BER-L-2334-24*); (3) Borough of Palisades Park and Broad & Edsall, LLC (*Broad & Edsall, LLC v. Borough of Palisades Park, et al., Superior Court, Law Division Bergen County Docket No. BER-L-2335-24*); (4) Borough of Palisades Park and LEEM's Corporation (*Leem's Corporation v. Borough of Palisades Park, et al., Superior Court, Law Division Bergen County Docket No. BER-L-2379*); (5) Borough of Palisades Park and DRC Development Corp. (*DRC Development Corp., et al. v. Borough of Palisades Park, et al., Superior Court, Law Division Bergen County Docket No. BER-L-2239-24*); and, (6) Borough of Palisades Park and Hillcrest, LLC (*DRC Development Corp., et al. v. Borough of Palisades Park, et al., Superior Court, Law Division Bergen County Docket No. BER-L-2239-24*). These six (6) matters has previously been consolidated under Docket No. BER-L- 566-23 (the Golden Value Settlement Agreement, together with the FSHC Settlement Agreement and the six (6) previously adjudicated Settlement Agreements above indicated, are for ease of reference hereafter, the "Settlement Agreements").

The Borough will also adopt/has adopted the following ordinances, Mandatory Set-Aside, Mixed Use District Overlay Zoning (Bergen Boulevard, Fifth Avenue, and Bellview), and Affordable Housing/Development Fee Ordinance, to address its unmet need obligation. The Borough will participate in the Bergen County Housing Improvement Program to address its present need obligation.

Although not subject to any settlement agreement, the Court ordered project proposed by Tamares Management, LLC ("Tamares") will also go towards meeting the Borough's fair share obligations. Tamares is the developer of property identified on the Borough's tax maps as Block 504, Lot(s) 1-5, 10. The Tamares project will result in the construction of an inclusionary housing development, which includes 108 affordable housing units, which will also be credited toward the Borough's combined Third and Fourth Round obligations pursuant to and consistent with the Mt. Laurel decision and its progeny.

Copies of each of the abovementioned Settlement Agreements, and the Borough's HEFSP, are on file with the Court and the Borough, and are available for public inspection and/or photocopying (at requestor's expense) between the hours of 9:00 a.m. and 4:30 p.m. at the office of the Borough Clerk, Borough of Palisades Park, located at 275 Broad Avenue, Palisades Park, New Jersey 07650, and on the Borough's website at <https://palisadesparknj.org/>.

On the date of the Hearing, the Court will conduct a Fairness and Final Compliance Hearing, to determine whether the Settlement Agreements (to the degree not previously adjudicated by the Court respecting fairness) and HEFSP is fair to low- and moderate-income households pursuant to the Morris County and East/West Venture cases referenced above, and create a realistic opportunity for satisfaction of the Borough's affordable housing obligations for the period through 2035 pursuant to the Mount Laurel decisions and their progeny, the Fair

Housing Act, N.J.S.A. 52:27D-301, et seq., the substantive, applicable regulations, and the New Jersey Supreme Court's March 10, 2015 decision in the matter captioned In re N.J.A.C. 5:96 & N.J.A.C. 5:97, 221, N.J. 1 (2015).

Any interested person, including, but not limited to, any low- or moderate-income person residing in the housing region, any organization representing the interests of low and moderate-income persons, any owner of property in the Borough, or any organization representing the interests of owners of property in the Borough, may file comments on, or objections to, the Settlement Agreements and/or may seek to appear and be heard at the Hearing to address the Settlement Agreements and/or the Borough's HEFSP.

The Borough requests that all objections provide: (1) A clear and complete statement as to each aspect of the Settlement Agreements/HEFSP contested by the objector; (2) an explanation of the basis for each objection; (3) copies of any and all expert reports, studies, or other data relied upon by the objector as applicable; and, (4) proposed modifications, changes, or other measures which the objector contends would resolve the objector's dispute with the Borough. Such comments or objections, together with copies of any supporting affidavits or other documents, must be filed in writing, on or before **July 1, 2026 at 4:00 p.m.** with the Honorable Lina Corrison, J.S.C., at the Bergen County Superior Court Courthouse, 10 Main Street, Courtroom 332, Hackensack, New Jersey 07601, with duplicate copies being forwarded by mail and email, also on or before **July 1, 2026**, to the attention of the following:

Honorable Lina Corrison, J.S.C.
Bergen County Superior Court Courthouse
10 Main Street
Courtroom 332
Hackensack, New Jersey 07601

Chang K. Noh, Esq.
Noh & Kang, LLP
460 Bergen Blvd, Suite 301
Palisades Park, NJ 07650
nohlawgroup@gmail.com

Meryl A.G. Gonchar, Esq.
Adam Faiella, Esq.
Sills, Cummis & Gross, P.C.
One Riverfront Plaza
Newark, NJ 07102
mgonchar@sillscummis.com
afaiella@sillscummis.com

Esme Devenney, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, New Jersey 08002
Esmé Devenney
esmedevenney@fairsharehousing.org

Frank Banisch, AICP/PP, President
Banisch Associates, Inc
111 Main Street
Flemington, NJ 08822
frankbanisch@banisch.com

Ted J. Del Guercio, III, Esq.
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue, 2nd Floor
Roseland, New Jersey 07068
TDelGuercio@msbnj.com

Scott J. Krumholz, Esq.
Ruderman & Roth, LLC
150 Morris Ave, Suite 206
Springfield, NJ 07081
skrumholz@rrlaborlaw.com

Borough Clerk
Borough of Palisades Park
275 Broad Avenue
Palisades Park, New Jersey 07650
sjang@palisadesparknj.gov
rstern@palisadesparknj.gov

Richard Malagiere, Esq.
Law Offices of Richard Malagiere
250 Moonachie Road, Suite 300A
Moonachie, NJ 07074
rm@malagierelaw.com

Daniel Steinhagen, Esq.
Beattie Podovano, LLC
200 Market Street
Suite 401
Montvale, NJ 07645
dsteinhagen@beattielaw.com

Should the Borough, the redevelopers/developers included in the HEFSP, or the FSHC, wish to submit written responses to any third party comments, concerns or objections filed with the Court, same shall be filed by eCourts, and served upon the third party by email and certified mail, return receipt requested, with copies to the Borough, the redevelopers/developer and FSHC, as applicable, by email, by **July 10, 2026**. By no later than **July 10, 2026**, the Special Adjudicator, Frank Banisch, AICP, P.P., shall furnish the Court and counsel for all parties of record a copy of his Report on the issues associated with the Settlement Agreements, the HEFSP and the Fairness and Compliance Hearing. The Report shall be placed on file with the Borough Clerk at the address set forth above, and be available for public inspection and photocopying during normal business hours, as well as made available on the Borough's website.

This Notice is provided by direction of the Court, and is intended to inform interested parties of (1) the existence of the Settlement Agreements, and possible consequences of Court approval of the Settlement Agreements, which may ultimately result in the entry of a Final Judgment of Compliance and Repose by the Court; (2) the Borough's preliminary compliance measures as reflected in the terms of the Settlement Agreements, and to inform such parties that they are able to comment on said Settlement Agreements before the Court reviews and evaluates whether to approve the Settlement Agreements; (3) the existence of the Borough's HEFSP, and possible consequences of Court approval of the HEFSP, which may result in the entry of a Final Judgment of Compliance and Repose; and, (4) to inform such parties that they are able to comment on said Settlement Agreements and HEFSP before the Court reviews and evaluates whether to approve same. This Notice does not indicate any view by the Court as to the fairness or the adequacy of the Settlement Agreements or the HEFSP under the Mount Laurel Doctrine and governing law.

SERVICE LIST FOR FAIRNESS HEARING AND FINAL COMPLIANCE HEARING
I/M/O the Borough of Palisades Park, et al.
Docket Nos. BER-L-566-23 AND BER-L-825-25 (Consolidated Actions)

Honorable Lina Corrison, J.S.C.
Bergen County Superior Court Courthouse
10 Main Street
Courtroom 332
Hackensack, New Jersey 07601

Chang K. Noh, Esq.
Noh & Kang, LLP
460 Bergen Blvd, Suite 301
Palisades Park, NJ 07650
nohlawgroup@gmail.com

Meryl A.G. Gonchar, Esq.
Adam Faiella, Esq.
Sills, Cummis & Gross, P.C.
One Riverfront Plaza
Newark, NJ 07102
mgonchar@sillscummis.com
afaiella@sillscummis.com

Esme Devenney, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, New Jersey 08002
Esmé Devenney
esmedevenney@fairsharehousing.org

Frank Banisch, AICP/PP, President
Banisch Associates, Inc
111 Main Street
Flemington, NJ 08822
frankbanisch@banisch.com

Ted J. Del Guercio, III, Esq.
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue, 2nd Floor
Roseland, New Jersey 07068
TDelGuercio@msbnj.com

Scott J. Krumholz, Esq.
Ruderman & Roth, LLC
150 Morris Ave, Suite 206
Springfield, NJ 07081
skrumholz@rrlaborlaw.com

Borough Clerk
Borough of Palisades Park
275 Broad Avenue
Palisades Park, New Jersey 07650
sjang@palisadesparknj.gov
rstern@palisadesparknj.gov

Richard Malagiere, Esq.
Law Offices of Richard Malagiere
250 Moonachie Road, Suite 300A
Moonachie, NJ 07074
rm@malagierelaw.com

Daniel Steinhagen, Esq.
Beattie Podovano, LLC
200 Market Street
Suite 401
Montvale, NJ 07645
dsteinhagen@beattielaw.com