

**BOROUGH OF PALISADES PARK  
BERGEN COUNTY, NEW JERSEY**

COUNCIL	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
DONOHUE		X	X			
KWAK	X		X			
LEE						X
MIN				X		
SHIN			X			
WON-YOON				X		
MAYOR (TIE-BREAK VOTE)						

NO. 2026-160

DATE: MAY 26, 2026

APPROVED ON CONSENT AGENDA:

CARRIED:

DEFEATED:

TABLED:

**RESOLUTION APPROVING GLOBAL SETTLEMENT AGREEMENT BETWEEN THE BOROUGH OF PALISADES PARK AND FAIR SHARE HOUSING CENTER, TO RESOLVE OUSTANDING ISSUES ARISING FROM MOUNT LAUREL LITIGATION IN CONSOLIDATED DOCKET NO. BER-L-566-23 (THIRD ROUND), AND WITHIN DOCKET NO. BER-L-825-25 (FOURTH ROUND), INCLUSIVE OF BOTH THE THIRD AND FOURTH ROUNDS**

**WHEREAS**, the Borough of Palisades Park (the “Borough” or “Palisades Park”) and Fair Share Housing Center (“FSHC”), have been engaged in ongoing consolidated Mount Laurel litigation before the New Jersey Superior Court, Bergen County, Docket No. BER-L-566-23 (Third Round), and Docket No. BER-L-825-25 (Fourth Round), pursuant to an Interim Mediation Agreement executed by the parties thereto on December 31, 2025; and

**WHEREAS**, various disputes subsequently arose between Palisades Park and FSHC with respect to the scope and nature of the Borough’s affordable housing compliance efforts, including among others, disputes over the implementation of certain overlay zones; the terms and scope of the adopted/endorsed HEFSP; the issue of certain Third Round affordable housing trust fund spending; the treatment of 83 Centre Place; etc.; and

**WHEREAS**, after ensuing discussions, Palisades Park and FSHC have now reached agreement to resolve, in the entirety, the disputes between them respecting the Borough’s affordable housing compliance for both the Third and Fourth Rounds; and

**WHEREAS**, among others, the agreement reached between the Borough and FSHC addresses the agreed upon implementation of certain overlay zones (Bergen Boulevard, Route 5 and Bellview Avenue); the terms of the adopted/endorsed HEFSP, which was endorsed by this Council on April 28, 2026; permitting the Borough to “repay” excess Third Round administrative expenditures to the Borough’s affordable housing trust fund by forgoing claims for such

administrative expenditures for a time in lieu of actual repayment thereof; agreement on the treatment of 83 Centre Place going forward; etc.; and

**WHEREAS**, the said settlement agreement with FSHC is substantially embodied within the attached form of Settlement Agreement (the "Settlement Agreement") appended hereto as Exhibit A, which has been negotiated with respect to form with FSHC, and with the input of legal counsel; and

**WHEREAS**, on the basis of the foregoing Recitals, the Borough is now desirous of entering into and approving the Settlement Agreement with FSHC, to memorialize all of the foregoing.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Palisades Park, in the County of Bergen, State of New Jersey, as follows:

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** The Borough hereby approves the agreed upon Settlement Agreement with FSHC in the form appended hereto as Exhibit A, as the same has been substantially negotiated between the Borough and FSHC, with the input of legal counsel. All necessary Borough officials and personnel be and hereby are directed and authorized to execute the said Settlement Agreement, and carry out all acts reasonably necessary to implement the same.

**Section 3.** The Borough, by virtue of its approval of the Settlement Agreement, requests that the Superior Court of New Jersey deem the same fair and approved in connection with the Borough's ongoing compliance efforts with respect to both the Third and Fourth Rounds.

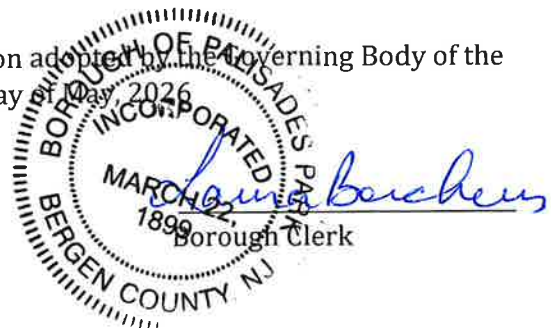
**Section 4.** This Resolution shall take effect immediately.

ATTEST:

  
Laura Borchers Interim, Borough Clerk

  
Chong Paul Kim, Mayor

It is hereby certified that this is a true copy of the resolution adopted by the Governing Body of the Borough of Palisades Park, County of Bergen on the 26<sup>th</sup> day of March, 2026



**SETTLEMENT AGREEMENT BETWEEN FAIR SHARE HOUSING  
CENTER AND THE BOROUGH OF PALISADES PARK**

In the Matter of the Application of the Borough of Palisades Park, County of Bergen  
Docket No. BER-L-825-25

Fan Associates, LLC v. Borough of Palisades Park, et al.,  
Docket Nos. BER-L-566-25, 2239-24, 2335-24, 2379-24 (Consolidated)

**WHEREAS**, the Borough of Palisades Park (the “Borough” or “Palisades Park” or “municipality”) having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the “Program”) and a declaratory judgment action pursuant to N.J.S.A. 52:27D-301 et seq. (the “Fair Housing Act”) on January 31, 2025; and

**WHEREAS**, the Court entered an order on May 16, 2025, setting the Borough’s Fourth Round fair share obligations as a Present Need of 333 units and a Prospective Need of 221 units, which no party appealed, and ordering the Borough to file a Housing Element and Fair Share Plan (“HEFSP”) by June 30, 2025; and

**WHEREAS**, the Borough having filed its HEFSP on June 19, 2025; and

**WHEREAS**, Fair Share Housing Center (“FSHC”) having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough’s HEFSP on August 29, 2025; and

**WHEREAS**, the Program Member, the Honorable Judge Paulette Sapp-Peterson, P.J.A.D. (ret. and on recall) having conferred with the County Level Housing Judge, the Honorable Lina P. Corrison, J.S.C., and coming to agreement that consolidation of the pending Third Round action, Docket No. BER-L-566-23 and the Fourth Round action, Docket No. BER-L-825-25, would be appropriate to permit a single judge to oversee the matter and ensure the adoption of compliant Housing Element and Fair Share Plans addressing Palisades Park’s affordable housing obligations for both the Third and Fourth Rounds.

**WHEREAS**, the Borough, FSHC, Golden Value, LLC, and Tamares Management, LLC having executed an Interim-Mediation Agreement on December 31, 2025, which temporarily extended the Borough’s immunity from builder’s remedy litigation through January 31, 2026, while the Borough, FSHC, Golden Value, LLC, and Tamares Management, LLC resolved outstanding issues and pursued a comprehensive settlement encompassing both rounds.

**WHEREAS**, the Borough has incorporated the Special Adjudicator’s revisions and comments of FSHC, Golden Value, LLC, and Tamares Management LLC into its combined Third and Fourth Round Housing Element and Fair Share Plan (“HEFSP”), which the Planning Board adopted on March 25, 2026, and which the Borough Council endorsed on April 28, 2026.

**THEREFORE**, the Borough and FSHC (or “the parties”) agree:

**Fair Share Obligations**

1. The Borough’s Present Need or Rehabilitation Obligation is 333, the Borough’s Prior Round Obligation (1987-1999) is 0, the Borough’s Third Round Prospective Need Obligation (1999-2025) is 447, and the Borough’s Fourth Round Prospective Need Obligation (2025-2025) is units 221.

**Satisfaction of Fair Share Obligations**

2. The Borough will address its combined Third and Fourth Round Present Need of 469 units (136 from the Third Round and 333 from the Fourth Round) through an in-house rehabilitation program administered by Palisades Park. The Borough will make available a minimum of \$10,000 and up to a maximum of \$20,000 per unit, with an additional \$5,000 contingency change order allowance in the event of unforeseen repairs. Funding for each unit will be provided through the Affordable Housing Trust Fund.
3. The Borough’s combined Third Round and Fourth Round realistic development potential is 357 and calculated as follows:

Site	Block	Lot	Owner	Developable Acres	Density	Total Units	Affordable Units
1	104	16	100 Grand Ave Inc.	0.207	40	8	2
2	104	17	100 Grand Ave Inc.	0.322	40	13	3
3	203	10.02	Borough of Palisades Park	0.13	61.5	8	2
4	416	1	Blvd. East Assoc. ltd. c/o Marotta	2.38	16	40	8
5	416	3	550 Bergen Blvd LLC	0.31	129	40	8
6	420	16	Hillcrest Builders, LLC	0.39	115.4	45	9
7	432	2-4,6,9	Berkeley Pal. Park c/o Limestone Hill	1.059	152.7	180	36
	433	2,4,5		0.12			
8	502	8	Choi, Kyungkon	0.10	40	4	1
9	502	9	Choi, Kyungkon	0.17	40	7	1
10	502	10	Choi, Kyungkon	0.14	40	6	1
11	504	1-5, 10	Tamares Properties, LLC	2.17	248.8	540	108
12	505	1	Leem’s Corp	6.18	82.25	510	102
13	505	3, 5	Fan Associates	2.88	60.8	175	35
14	613	18	Broad & Edsall	0.22	136.4	30	6
15	617	16	HJ Lee Holdings, LLC	0.17	29.4	5	1

16	617	21-23	DRC Dev. Corp.	0.37	89.2	33	7
17	716	20-22	Golden Value, LCC	0.42	83	35	7
18	724	14	Borough of Palisades Park	0.40	54.87	26	5
19	725	1	Borough of Palisades Park	0.42	54.87	27	5
20	726	1	Borough of Palisades Park	0.58	54.87	37	7
21	734	1	Borough of Palisades Park	0.24	54.87	15	3
<b>Total</b>						1,644	357

4. The Borough's combined Third Round and Fourth Round realistic development potential is 357 and shall be addressed with the following mechanisms:

MECHANISM	TYPE	UNITS	BONUS	TENURES	STATUS
Fan Associates 15 Grand Avenue (Inclusionary)	Family	35	17*	Rental	Proposed
Leem's Corp. 21 Grand Avenue (Inclusionary)	Family and Age- restricted	38 Family & 64 Age- restricted	26*	Rental	Proposed
DRC Development Corp. 35-39 W. Columbia Avenue (Inclusionary)	Family	7		TBD	Proposed
Hillcrest Builders, LLC 450 East Edsall Boulevard (Inclusionary)	Family	9		TBD	Proposed
Broad & Edsall, LLC 59 Broad Avenue (Inclusionary)	Family	6 (including 1 affordable unit from HJ Lee Holdings)		For-Sale	Proposed
HJ Lee Holdings, LLC	Family	1 (included at Broad & Edsall)			
Tamares, LLC (Inclusionary)	Family	108	46*	Rental	Proposed
Golden Value, LLC	Family	7		Rental	Proposed

(Inclusionary)					
Berkeley Pal. Pk. c/o Limestone Hill (14 <sup>th</sup> Street)	Family	23		Rental	Proposed
<b>Total</b>		297	89		

**5. Mechanisms Addressing the Remaining 311-Unit Unmet Need**

The Boroughs combined Third Round and Fourth Round RDP of 357 results in a combined Third and Fourth Round Unmet Need of 311 units. The Borough shall address its Unmet Need, including the requirement that it identified sites likely to redevelop and adopt realistic zoning to address at least 25% of its Unmet Need as follows:

A. Surplus Credits

The total housing obligation for both the Prior Round, Third and Fourth rounds amounts to 668 units. This obligation will be addressed by 297 credits through units that are proposed and 89 bonus credits bringing the total to 386 credits. As a result, the Borough has a surplus of 29 credits towards its combined RDP, which can be credited towards the Borough's unmet need.

B. Realistic Zoning for Sites Likely to Redevelop (25% of 311 unit Unmet Need)

(1) Route 5 Senior Housing Project.

The Borough shall adopt overlay zoning on Block 724 Lot 14, Block 725 Lot 1, Block 726 Lot 1 to permit 90 units with a twenty-percent affordable housing set-aside, or 18, affordable units.

(2) Bellview Place

The Borough shall adopt overlay zoning at Block 217, Lot 23 to permit 20 units with a twenty-percent affordable housing set-aside, or 4, affordable units.

(3) Affordable Housing Overlay Zones

To facilitate the creation of affordable housing opportunities while encouraging appropriate redevelopment along the Bergen Boulevard corridor, the Borough proposes the establishment of three Affordable Housing Overlay Zones. These overlay districts are intended to permit higher-density residential development and mixed-use development in appropriate locations while ensuring the provision of affordable housing in compliance with the Borough's constitutional obligations.

(3.1) BBD Mixed Use-District

The BBD Mixed Use District is located along the Bergen Boulevard corridor and encompasses the following properties:

Block 420, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 17.01, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27; and Block 424, Lot 5.

Block 416, Lot 1

The combined lot area of the BBD Mixed Use District is approximately 8.99 acres. The zone is intended to support mixed-use redevelopment along Bergen Boulevard that includes residential development with ground floor retail uses.

Development within the BBD Mixed Use District is anticipated to occur at a maximum density of approximately 70 dwelling units per acre, which could yield approximately 629 dwelling units. Buildings within the district are anticipated to be developed at a maximum height of five stories.

All residential development within the zone would be required to provide a minimum affordable housing set-aside of 20 percent of the total number of dwelling units, consistent with the Borough's affordable housing compliance strategy. Based on the anticipated development yield, the BBD Mixed Use District zone could generate approximately 125 affordable housing units.

The BBD Mixed Use District zone is intended to encourage compact, walkable mixed-use development that strengthens the Bergen Boulevard corridor while producing a significant number of affordable housing units.

(3.2) BBD 10<sup>th</sup> Street Transition Neighborhood Affordable Housing Development Overlay Zone

The BBD 10<sup>th</sup> Street Transition Neighborhood Zone consists of the following properties:

Block 421, Lots 1, 2, 3, 4, 5, and 6; and Block 421, Lot 8.02.

The combined lot area of the properties within the BBD 10<sup>th</sup> Street Transition Neighborhood zone is approximately 1.87 acres.

This overlay zone is intended to facilitate residential-only development designed to provide additional affordable housing opportunities within the Borough.

Development within the zone is proposed at a density of approximately 45 dwelling units per acre. Based on the total site area of 1.87 acres, the zone could yield approximately 84 dwelling units.

Development within the zone is anticipated to consist of three- to four-story residential buildings, with building heights designed to remain compatible with the existing condominium development located immediately east of the subject properties.

Assuming a 20 percent affordable housing set-aside, the BBD Transition Neighborhood zone could generate approximately 17 affordable housing units.

C. Remaining Unmet Need (118 units)

(1) 550 Bergen Boulevard (7 affordable units)

An application has been submitted to the Zoning Board of Adjustment to construct a multifamily residential development consisting of 34 total units at a density of 109 units per acre, including a 20% affordable housing set-aside, or 7 affordable units.

(2) 555 10<sup>th</sup> Street & 83 Centre Place

The Borough may receive credit for these units in the Fourth Round or in a subsequent round, provided that:

- a. The owner(s) consent to the Borough's recording of deed restrictions in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., with the affordability control period commencing upon the initial occupancy of the unity by an income-qualified household selected through an affirmative marketing process;
- b. Any rehabilitation required pursuant to N.J.A.C. 5:93-6.13 is completed prior to such initial occupancy by an income-qualified household; and
- c. The unit is affirmatively marketed and occupied by an income-qualified household in compliance with UHAC.

(3) The Borough will also adopt a Mandatory Set-Aside ordinance.

**Unit Type and Income Distribution Requirements**

6. The Borough and FSHC agree that the Borough's HEFSP as presented above satisfies the following standards set forth in P.L. 2024, c. 2, including but not limited to, with respect to the following, and that the Borough shall maintain satisfaction with such requirements for the Fourth Round:
  - a. Age Restricted Cap. The Borough agrees that it shall not exceed the age-restricted cap found in N.J.S.A. 52:27D-311(l), which requires age-restricted units to be capped at 30 percent of the overall Fourth Round affordable housing units that address the Fourth Round Prospective Need obligation exclusive of any bonus credits.
  - b. Family units. Pursuant to N.J.S.A. 52:27D-211(l), the Borough shall satisfy a minimum of 50 percent of the actual affordable housing units, exclusive of any

bonus credits created to address its Fourth Round Prospective Need affordable housing obligation through the creation of housing available to families with children and otherwise in compliance with the requirements and controls established pursuant to Section 21 of P.L.1985, c.222 (C.52:27D-321).

- c. Rental and family rental units. Pursuant to N.J.S.A. 52:27D-311(l), at least 25 percent of the actual affordable housing units, exclusive of any bonus credits, created to address its Prospective Need affordable housing obligation shall be addressed through rental housing, including at least half as available to families with children.
  - d. Very low-income units. Pursuant to N.J.S.A. 52:27D-329.1, 13 percent of all affordable units referenced in this Agreement addressing the Borough's Prospective Need obligation shall be very low-income units for households earning 30 percent or less of the regional median income, with half of the very low-income units being available to families.
  - e. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311(a) and (b), and all other applicable law.
  - f. All Prior Round and Third Round compliance shall continue to meet with the applicable percentages and standards for bonuses, family and senior housing, rental and family rental, very low-income units, and adaptability set forth in any prior settlement agreement between FSHC and the Borough, statutory requirements, and the Prior Round and Third Round regulations.
7. In all developments that produce affordable housing, the Borough and FSHC agree that, unless varied by a prior court order of the trial court, the below terms shall apply:
- a. All of the affordable units shall fully comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. ("UHAC"), including but not limited to the required bedroom and income distribution, length of affordability controls, and phasing of affordable units.
  - b. The applicability of the updated form of UHAC versus the prior form of UHAC shall be as set forth in the statute and most current form of UHAC adopted by HMFA. Any terms of a prior agreement, judgment, or grant of substantive certification as to prior round of obligations modifying UHAC as to affordability controls longer than the now current regulations or as to very low-income units shall remain in effect as to those prior rounds of obligations.
  - c. The Borough agrees that in order to meet the low-income and very low-income requirement of the Fair Housing Act, it shall adopt an ordinance requiring for all affordable housing developments in its HEFSP that 50 percent of the affordable units within each bedroom distribution shall be required to be for low-income households earning 50 percent or less of the regional median income, including 13 percent of the affordable units within each bedroom distribution shall be required

to be for very low-income households earning 30 percent or less of the regional median income.

- d. The Borough agrees to review its Affordable Housing Ordinance and other ordinances to ensure that it complies with the most up to date requirements of UHAC and revise those ordinances accordingly as part of its Fourth Round HEFSP and implementing ordinances.
  - e. The affordable units shall be affirmatively marketed in accordance with UHAC and applicable law. The affirmative marketing shall include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law. The affirmative marketing plan shall include the following community and regional organizations: FSHC; the Latino Action Network; the New Jersey State Conference of the NAACP; the Bergen County NAACP; and the Supportive Housing Association.
8. Palisades Park and FSHC recognize that the Court's March 2, 2026 Order scheduled a Joint Fairness and Compliance Hearing to take place on July 15, 2026. The Borough and FSHC agree that the following conditions must be satisfied prior to July 15, 2026 Joint Fairness and Compliance Hearing:
- a. Upon full execution this Agreement, Palisades Park shall notify the Court that FSHC and the Borough will seek the Court's approval of this agreement during the July 15, 2026 Joint Fairness and Compliance Hearing. The Borough shall place this agreement on file with the Borough's municipal building, post it on the municipal website site, and file a copy with the Clerk at least (30) days prior to the Fairness Hearing, at which the parties will seek judicial approval of the terms of this Agreement pursuant to the legal standards set forth in Morris Cty. Fair Hous. Council v. Boonton Twp., 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. City of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996). Notice of the Fairness Hearing shall be published at least thirty (30) days in advance of the hearing. The Township's planner may appear as a witness at the hearing.
  - b. The Borough shall provide a draft Fourth Round Spending Plan in accordance with P.L. 2024, c. 2 and at N.J.A.C. 5:99 to FSHC by May 30, 2026. FSHC shall provide any comments by June 15, 2026. The Borough shall adopt the Spending Plan prior and submit it to the Court for approval prior to the July 15, 2026 Joint Fairness and Compliance Hearing.
  - c. The Borough shall update and adopt its affordable housing ordinance, development fee ordinance, affirmative marketing plan, and other administrative documents in accordance with the regulations at N.J.A.C. 5:80-26.1, et seq., and N.J.A.C. The Borough shall provide a draft of these ordinances, resolutions, and administrative documents to FSHC by April 15, 2026. FSHC shall provide any comments by April 30, 2026. The Borough shall adopt these ordinances, resolutions, and administrative

documents and submit them to the Court for approval prior to the July 15, 2026 Joint Fairness and Compliance Hearing.

- d. The Borough shall adopt all zoning ordinances and/or redevelopment plans to implement the Combined Third Round and Fourth Round RDP mechanisms and the Unmet Need mechanism by June 23, 2026. The Borough shall provide FSHC with drafts of the following zoning ordinances and/or redevelopment plans for comment prior to introduction: Tamares Property (Block 504, Lots 1 through 5 and 10), Golden Value Property (Block 716, Lots 20, 21 and 22), Route 5 Senior Housing Project (Block 724 Lot 14, Block 725 Lot 1, Block 726 Lot 1); Bellview Place (Block 217, Lot 23); ADHMUD-1 Affordable Housing Mixed-Use Development Overlay Zone (Block 420, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 17.01, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27; and Block 424, Lot 5); AHMUD-2 Affordable Housing Mixed-Use Development Overlay Zone (Block 416 L 1); AHD-1 Affordable Housing Development Overlay Zone (Block 421 Lots 1, 2, 3, 4, 5, and 6, and Block 421, Lot 8.02); Mandatory Set-Aside ordinance.
  - e. The Borough shall provide a Rehabilitation Manual for rehabilitation funded through its in-house rehabilitation program pursuant to N.J.A.C. 5:97-6.2(e)(1).
9. The Borough and FSHC recognize that substantial changes in circumstances affecting the Borough's RDP are possible pursuant to the holding in Fair Share Housing Center v. Cherry Hill, 173 N.J. 393, (2002) and related law. In the event such a substantial changed circumstance occurs, the Borough shall have one hundred twenty (120) days to present to the trial court and FSHC a plan to address such change in circumstances on notice and opportunity to be heard from FSHC. The Borough agrees that any additional RDP generated due to changed circumstances must be addressed in a manner that is consistent with controlling law.
10. The Borough's Compliance Certification shall be subject to required ongoing monitoring as follows:
- a. The Borough by June 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of a detailed accounting of all development fees and any other payments into its trust fund that have been collected including residential and non-residential development fees, along with the current balance in the municipality's affordable housing trust fund as well as trust funds expended, including purposes and amounts of such expenditures, in the previous year from January 1<sup>st</sup> to December 31<sup>st</sup>.
  - b. The Borough by June 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of up-to-date municipal information concerning the number of affordable housing units actually constructed, construction starts, certificates of occupancy granted, and the start and expiration dates of deed restrictions. With respect to units actually constructed, the information shall specify the characteristics of the housing, including housing type,

tenure, affordability level, number of bedrooms, date and expiration of affordability controls, and whether occupancy is reserved for families, senior citizens, or other special populations.

- c. For the midpoint realistic opportunity review as of July 1, 2030, pursuant to N.J.S.A. 52:27D-313, the Borough or other interested party may file an action through the Program seeking a realistic opportunity review and shall provide for notice to the public, including a realistic opportunity review of any inclusionary development site as set forth in the adopted HEFSP that has not received preliminary site plan approval prior to the midpoint of the 10-year round. Any such filing shall be through eCourts or any similar system set forth by the Program with notice to any party that has appeared in this matter.
11. The Borough and FSHC fully executed an agreement for FSHC's attorney's fees on February 5, 2026. That Agreement is incorporated herein by reference. If FSHC files a motion or initiates an action to enforce the terms of this agreement or to enforce the terms of a Compliance Certification, FSHC is entitled to reasonable attorney's fees and costs if it prevails on such motion or action.
  12. The Borough acknowledges that it has overspent by \$454,497.00 from its Affordable Housing Trust Fund on administrative uses and purposes. To rectify this over expenditure, the Borough shall not expend any affordable housing trust fund monies or development fees it possesses or collects for administrative uses and expenditures, as defined in N.J.A.C. 5:99, until it has collected an additional \$2,272,485.00 in affordable housing trust fund monies or development fees and expended those newly collected monies for eligible non-administrative affordable housing purposes, namely, the creation of new affordable housing opportunities. Once that has been achieved, the Borough may apply to a court of competent jurisdiction, subject to written notice to FSHC, to be permitted to resume expending new trust fund monies or development fees collected on administrative uses at the twenty percent (20%) maximum set forth in applicable regulations and statute.
  13. Palisades Park commits to work cooperatively, expeditiously, and with all continuity of purpose with the inclusionary developers to ensure all necessary land use approvals and to issue all construction and building permits in a timely manner.
  14. This Agreement may be executed in counterparts, all of which together shall constitute the same agreement, and any exhibits or schedules attached hereto shall be hereby made a part of this Agreement. This Agreement shall not be modified, amended or altered in any way except by a writing signed by each of the parties. Each party acknowledges that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each signatory is the proper person and possesses the authority to sign the Agreement, and that this Agreement was not drafted by any one of the parties, but was drafted, negotiated and reviewed by all parties, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be

adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections. No member, official or employee of the municipality shall have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.

On behalf of the Borough of Palisades Park:

On behalf of Fair Share Housing Center:

A handwritten signature in blue ink, appearing to read "Alyssa K...".

*Laura S. Smith-Denker*

Date: 5/27/2026

Date: 05/22/2026