

PUBLIC NOTICE OF “FINAL COMPLIANCE HEARING” TO CONSIDER THE ENTRY OF A FINAL JUDGMENT OF COMPLIANCE AND REPOSE

Docket Number: BER-L-6286-15

Docket Number: BER-L-0293-20

PLEASE TAKE NOTICE that a “Final Compliance Hearing” will be held on September 11, 2024 at 10:00 am before the Honorable Christine A. Farrington, J.S.C., Superior Court of New Jersey, Law Division, at the Bergen County Superior Court of New Jersey, 10 Main Street, Courtroom 315, Hackensack, NJ 07601. This Hearing may take place in person, through virtual technology adopted for use by the Court or through a combination of both the in person and virtual technology options. The manner in which the meeting will take place will be posted on the Borough’s website, along with a link if a virtual or hybrid platform will be available, so that the public may participate in the Hearing.

The purpose of this Hearing is for the Court to consider the entry of a Final Judgment of Compliance and Repose in favor of the Borough of Alpine (“Borough”), based on the Borough’s Housing Element and Fair Share Plan (“HEFSP”), and implementing ordinances and resolutions, which will be or have been submitted to the Court. Entry of a Final Judgment of Compliance and Repose would declare the Borough to be in compliance with its obligation to provide realistic opportunities for the creation of housing affordable to very-low-, low- and moderate-income households as required by the New Jersey Constitution and the New Jersey Fair Housing Act of 1985, as amended. Entry of a Final Judgment of Compliance and Repose would bar through July 1, 2025 any claim that the Borough is failing to provide a sufficient realistic opportunity for the creation of housing for very-low-, low- and moderate-income households.

The Court previously approved a Settlement Agreement between the Borough and Fair Share Housing Center (“FSHC”) in the Mount Laurel Declaratory Action entitled In the Matter of the Application of the Borough of Alpine, County of Bergen, Docket Number BER-L-6286-15 and a Settlement Agreement between the Borough and F.E. Alpine, Inc., SYLCO Investments #4, LLC, Sylco Investments 854, LLC, 850 Closter Dock Road, LLC, 842 Closter Dock Road, LLC and Sylco Investments #5, LLC (collectively, “Developer”) in the action entitled Sylco Investments #4, LLC, et al v. Borough of Alpine, County of Bergen, Docket Number BER-L-0293-20, after a Fairness and Preliminary Hearing conducted on January 26, 2024. In accordance with the terms of the Settlement Agreements, the Borough has adopted a HEFSP, has introduced and/or adopted various ordinances amending its zoning ordinances and ordinances and resolutions otherwise implementing the terms of the Settlement Agreements, and has complied and provided additional supporting information to the Special Adjudicator. At the Hearing, the Court will consider whether the Borough has complied with its obligations under the Settlement Agreements, the Report of the Special Master (now known as Special Adjudicator) dated January 18, 2024 (“Special Master Report”) and the March 12, 2024 Order Approving Settlement Agreements and Granting Preliminary Judgment of Compliance and Repose that was entered by the Honorable Christine A. Farrington, J.S.C., including whether the HEFSP, and implementing ordinances and resolutions, demonstrate compliance with the Borough’s obligation to provide a realistic opportunity to satisfy the Borough’s Rehabilitation share (present need), and the Borough’s Prior Round and Third Round “fair share” (both adjusted through a vacant land adjustment to a Realistic Development Potential “RDP” and unmet need) of the regional need for housing affordable to very-low-, low- and moderate-income persons 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 of the New Jersey Council on Affordable Housing (“COAH”), the New Jersey Supreme Court’s March 10, 2015 decision in the matter of In re: N.J.A.C. 5:96 & 5:97, 221 N.J. 1 (2015) and other applicable laws and judicial decisions. The HEFSP, and implementing ordinances as introduced and/or adopted and draft or adopted resolutions, are available for public inspection and copying at the office of the Borough Clerk located at 100 Church Street, Alpine, NJ 07620 during regular business hours. In addition, you may contact the Borough Clerk at 201-784-2900 ext. 219 during regular business hours, to request a copy of the documents be sent to you.

Any interested party, including any very-low-, low- or moderate-income persons residing in the housing region, any organization representing the interests of very-low-, 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 HEFSP and implementing ordinances and resolutions, at the Final Compliance Hearing. Objections must provide: (a) a clear and complete statement as to each aspect of the HEFSP or implementing ordinances and resolutions contested by the objector; (b) an explanation of the basis for each objection; and (c) copies of all such expert reports, studies, or other data relied upon by the objector, along with a list of witnesses the Objector intends to call during the Final Compliance Hearing. For an objector witness to testify during the Final Compliance Hearing, an accompanying written expert report must be filed with all interested parties by the deadline below.

Such comments or objections, together with copies of any supporting affidavits, expert reports, or other documents, **must be filed in writing**, on or before August 21, 2024, at 4:30 p.m., addressed to the Honorable Christine A. Farrington, J.S.C., at the Bergen County Superior Court of New Jersey, 10 Main Street, Courtroom 315, Hackensack, NJ 07601, with copies of all papers being forwarded by mail or e-mail to:

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This Notice is provided pursuant to the directive of the Court and is intended to inform all interested parties of the proposed entry of a Final Judgment of Compliance and Repose and the possible consequences of the entry of such a Judgment; namely, immunity from any Mount Laurel lawsuits through July 1, 2025. This Notice does not indicate any view by the Court as to whether the Borough is in compliance with its obligations under the Settlement Agreements between the Borough and FSHC and the Borough and the Developer, the Report of the Special Master dated January 18, 2024 and the March 12, 2024 Order Approving Settlement Agreement and Granting Preliminary Judgment of Compliance and Repose or whether the Court will enter a Final Judgment of Compliance and Repose.

Dated: July 8, 2024

/s/ Stephanie Wehmann
 Stephanie Wehmann, Borough Clerk