

PUBLIC NOTICE

TOWNSHIP OF SOUTH BRUNSWICK, MIDDLESEX COUNTY

NOTICE OF HEARING TO DETERMINE WHETHER SETTLEMENT AGREEMENT WITH PPF INDUSTRIAL-ROUTE 130/EXIT 8A, LLC SHOULD BE APPROVED

PLEASE TAKE NOTICE that on Wednesday, December 16, 2020, at 10:00 a.m., and as may be continued thereafter, there will be a Fairness Hearing (the “Hearing”) before the Honorable Michael V. Cresitello, Jr., J.S.C., at the Superior Court of New Jersey, Middlesex County Courthouse, 56 Paterson Street, New Brunswick, NJ 08903, in the matter known as PPF INDUSTRIAL-ROUTE 130/EXIT 8A, LLC, a limited liability company organized under the laws of the State of Delaware, v. TOWNSHIP OF SOUTH BRUNSWICK, TOWNSHIP COUNCIL OF THE TOWNSHIP OF SOUTH BRUNSWICK and PLANNING BOARD OF THE TOWNSHIP OF SOUTH BRUNSWICK, Docket No. MID-L-4094-17, consolidated with the Township’s Mount Laurel IV Declaratory Judgment Action known as IN THE MATTER OF THE APPLICATION OF THE TOWNSHIP OF SOUTH BRUNSWICK, Docket No. MID-L-4433-17 (the “Action”). The Hearing shall be held via the N.J. Judiciary’s virtual courtroom platform. Members of the public and all interested parties can participate in the Hearing via the following link:

<https://njcourts.zoom.us/j/97671565807?pwd=MjhTUHJjdHBjVTBNeUM1NHhadzNuZz09>

The purpose of the Hearing is for the court to determine whether the terms of a Settlement Agreement reached on October 8, 2020 between the Township of South Brunswick (“Township”), the South Brunswick Planning Board (“Planning Board”) and PPF Industrial-Route 130/Exit 8A, LLC (“PPF Industrial”), is fair and reasonable to low- and moderate-income households.

By way of brief summary, the above Action was instituted by the Township seeking declaratory judgment granting it immunity and repose pursuant to N.J.S.A. 52:27D-313 and a judicial declaration that its housing plan is presumptively valid because it presents a realistic opportunity for the provision of its fair share of its housing region’s present and prospective need for low- and moderate-income housing pursuant to the Court’s decision in In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1, 35-36 (2015) (“Mount Laurel IV”). The parties have agreed to amicably resolve the issues brought forth in the Action, as it relates to the PPF Industrial property, consisting of approximately 120 acres in the “PRD VII” Zone in the area of Route 130 South and Friendship Road (Block 6, Lots 15.021 and 15.022, Block 11, Lots 13.02 (portion), 15.03 and 15.05).

The settlement will provide for the development of up to approximately 3 acres of commercial development at the northwest corner of the intersection of Route 130 and Friendship Road (the “Commercial Subzones”). The settlement will also provide for the construction of up to 326 housing units on the remaining undeveloped area (the “Residential Subzones”), of which 30% shall be set-aside for, and shall be affordable to, very-low, low and moderate income households, consisting of 98 two-story townhomes on fee simple lots, 130 three-story townhomes on fee simple lots, 83 affordable family rental apartments, and 15 affordable family

“for sale” units in stacked townhomes. The settlement will also result in the dedication of approximately 34 acres of vacant land to the Township.

This notice is being provided to advise all parties who may be interested that the court will conduct a hearing on the settlement pursuant to East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996) and Morris County Fair Housing Council v. Township of Boonton, 197 N.J. Super. 359 (Law Div. 1984), and if the court determines that: (1) the settlement has apparent merit, (2) that notice was given to all members of the class and others who have an interest in the settlement, (3) the hearing has been conducted on the settlement where those affected have sufficient time to prepare, and (4) that the settlement is “fair and reasonable to members of the protected class,” the court may approve the settlement.

Any member of the public or interested party may appear and be heard at the Hearing, at which time they shall have the opportunity to present their position. In advance of the Hearing, any objections or comments must be filed with the Court, in writing, no later than December 2, 2020, with duplicate copies being forwarded by certified mail and, if possible, e-mail, to the parties directly involved in the case as well as other interested parties listed in the November 5, 2020 Court Order scheduling the hearing, a copy of which is available on the Township’s website, in the Township Clerk’s office and posted on the bulletin board in the Municipal Building.

This Notice is provided pursuant to directive of the court and is intended to inform all interested parties of the basic subject matter of the Hearing, the existence of the settlement and the possible consequences of court approval of the settlement. Copies of all documents related to this Action and the settlement may be obtained from the South Brunswick Township Clerk, South Brunswick Municipal Building, 540 Ridge Road, Monmouth Junction, NJ 08852, during normal business hours, or on the South Brunswick Township website at www.sbtnj.net. This Notice does not indicate any view by the court or the parties as to the merits of the Action, the fairness, reasonableness, or adequacy of the proposed settlement, or of any of the issues to be addressed and resolved at the Hearing.

TOWNSHIP OF SOUTH BRUNSWICK

By: Donald J. Sears, Esq.