

PREPARED BY THE COURT

HELEN MOTZENBECKER,

Plaintiff,

vs.

BOROUGH OF SPRING LAKE HEIGHTS,
BOROUGH COUNCIL OF THE BOROUGH
OF SPRING LAKE HEIGHTS, AND THE
BOROUGH OF SPRING LAKE HEIGHTS,

Defendants,

IN THE MATTER OF THE APPLICATION
OF THE BOROUGH OF SPRING LAKE
HEIGHTS, COUNTY OF MONMOUTH

[IMO BOROUGH OF SPRING LAKE
HEIGHTS, MT. LAUREL]

SUPERIOR COURT OF NEW JERSEY
MONMOUTH COUNTY
LAW DIVISION
DOCKET NO.: MON-L-30-21

CIVIL ACTION

SUPERIOR COURT OF NEW JERSEY
MONMOUTH COUNTY
LAW DIVISION
DOCKET NO.: MON-L-1916-21

CIVIL ACTION

ORDER

It is hereby **ORDERED**, on this 23rd day of June, 2022 the Borough of Spring Lake Heights, shall post this order no less than thirty (30) days prior to the Fairness Hearing on the Borough's website.

The Fairness Hearing in Motzenbecker v. Borough of Spring Lake Heights, Borough Council of the Borough of Spring Lake Heights, and the Borough of Spring Lake Heights, Docket No.: MON-L-30-21 is scheduled for **Thursday, August 4, 2022 beginning at 9:00 a.m. via virtually.**

In order to watch/listen to the proceeding, members of the public must join the zoom meeting using the specific zoom information set forth below. Members of the public are permitted to join in the zoom meeting via any device, including a personal zoom account (i.e., with video and/or audio capabilities).

August 4, 2022 Proceeding:

Web Link:

<https://njcourts.zoomgov.com/j/1609060253?pwd=VnltcmJrd2k0aCt1VmN2MWN4OUp3UT09>

Phone Number: +1 929 436 2866 US (New York)¹

Meeting ID: 160 906 0253

Password: 941872

Once you join the zoom meeting, you will automatically be entered into a waiting room. While in the waiting room, you will not hear the participants or the court already in the zoom proceeding nor will you be heard by the participants or the court. After you are admitted to the zoom proceeding, the court will mute your device until after the presentation of evidence. Members of the public are **not** permitted to unmute their device unless directed to do so by the court.

Individuals who want to place their position in support of or in opposition to the application will be heard after evidence is presented to the court by the parties. When the court indicates that it is time for the public to be heard, the court will unmute one individual at a

¹ Dial by your location

+1 929 436 2866 US (New York)
+1 301 715 8592 US (Germantown)
+1 312 626 6799 US (Chicago)
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
833 548 0282 US Toll-free
877 853 5257 US Toll-free
888 475 4499 US Toll-free
833 548 0276 US Toll-free

time. Please be patient as you will be muted until it is your turn to speak. Once you have placed your position on the record, you may disconnect from zoom by leaving the meeting, hanging up the phone, or the host will mute your device until the conclusion of the proceeding.

/s/Linda Grasso Jones, J.S.C.
HON. LINDA GRASSO JONES, J.S.C.

**NOTICE OF FAIRNESS HEARING TO CONSIDER APPROVAL OF THE
SETTLEMENT AGREEMENT IN THE LAWSUIT CAPTIONED**

**Helen Motzenbecker v. Borough of Spring Lake Heights, Borough Council of the
Borough of Spring Lake Heights and Borough of Spring Lake Heights Land Use
Board**

Docket No. MON-L-0030-21

**In the Matter of the Borough of Spring Lake Heights, Monmouth County, NJ
Docket No. MON-L-001916-21**

PLEASE TAKE NOTICE that on August 4, 2022 at 9:00 a.m. there will be a Partial Fairness Hearing (the “Hearing”) held before the Honorable Linda Grasso Jones, J.S.C., by Zoom, care of the Monmouth County Courthouse, 71 Monument Park, Freehold, NJ 07728-1266 in the above-referenced affordable housing litigation. You may contact the Court or any of the individuals identified below to get the information as to how to participate in the Fairness Hearing by Zoom. The purpose of the Hearing is to determine whether the terms of a Settlement Agreement (the “Settlement Agreement”) between the Borough of Spring Lake Heights, Borough Council of the Borough of Spring Lake Heights, and the Borough of Spring Lake Heights Land Use Board (collectively referred to as the “Borough”) and Helen Motzenbecker (the “Plaintiff”) in the litigation captioned Motzenbecker v. Borough of Spring Lake Heights (the “Builder’s Remedy Litigation”), is fair and reasonable to low and moderate-income households. pursuant to the Mount Laurel decisions and their progeny, the Fair Housing Act (N.J.S.A. 52:27D-301, et seq.) and the applicable procedural and substantive regulations of COAH and the Supreme Court’s March 10, 2015 decision in the matter of In re N.J.A.C. 5:96 & N.J.A.C.5:97, 221 N.J. 1 (2015), and other applicable laws.

The Settlement Agreement between Plaintiff and the Borough provides for a proposed mixed-use inclusionary development on the property designated on the Borough of Spring Lake Heights tax map as Block 59, Lot 39 also bearing the street address of 2014 State Highway 71, Spring Lake Heights, New Jersey. The settlement provides for the proposed approval of five (5) multi-family residential housing units, of which one (1) will be affordable to very low-income households with commercial space as well. The full text of the Settlement Agreement is available for public inspection and/or photocopying (at requestor’s expense) during normal business hours at the Borough of Spring Lake Heights, Borough Hall, Clerk’s Office located at 555 Brighton Avenue, Spring Lake Heights, New Jersey 07762.

On the date of the Hearing, the Court will conduct a Fairness Hearing to determine whether the Settlement Agreement of the Builder’s Remedy Litigation only is fair to low and moderate-income households. The Borough may also seek temporary immunity from further builder’s remedy litigation, subject to appropriate conditions, if any, that may be imposed by the Court.

Any interested third party that seeks to appear and be heard at the Hearing on the Settlement Agreement shall have the opportunity to present any position on the Settlement Agreement. Written objections or comments by any interested person must be filed with the Court at the above address and/or through E-Courts on or before July 14, 2022 with duplicate copies being forwarded by mail and emailed to the attention of the following:

Andrew Bayer, Esq.
Pashman Stein Walder Hayden, PC
Bell Works
101 Crawford Corners Road, Suite 4202
Holmdel, NJ 07733
abayer@pashmanstein.com

Rachel Lokken, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002
rachellokken@fairsharehousing.org

Jeffrey Kantowitz, Esq.
Law Office of Abe Rappaport
195 Route 46 West, Suite 6
Totowa, NJ 07512
Jeffrey.kantowitz@gmail.com

Kendra Lelie, P.P. AICP, Special Master
T&M Associates
1455 Broad Street., Suite 250,
Bloomfield, New Jersey 07003
klelie@tandmassociates.com

This Notice is provided pursuant to directive of the Court and is intended to inform interested parties of the Settlement Agreement and to inform such parties that they can comment on the Settlement Agreement before the Court reviews and evaluates whether to approve the Settlement Agreement. This Notice does not indicate any view by the Court as to the fairness of the Settlement Agreement.

Pashman Stein Walder Hayden, PC
Attorneys for the Borough of Spring Lake Heights and the Borough Council of the
Borough of Spring Lake Heights, Monmouth County, NJ