



Monday, December 22, 2025

RESOLUTION NO. 164-25

Offered by Counselor **MOODY**
Seconded by Counselor **ZIMET**

AUTHORIZING THE BOROUGH TO ENTER INTO AND EXECUTE A SETTLEMENT AGREEMENT OR SETTLEMENT AGREEMENTS WITH FAIR SHARE HOUSING CENTER AND JMF PROPERTIES LLC

- (1) **WHEREAS**, the Borough of Glen Ridge (the "Borough") filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action (the "Action") pursuant to N.J.S.A. 52:27D-301 et seq. (the "Fair Housing Act") on January 22, 2025, bearing New Jersey Superior Court Docket ESX-L-568-25; and
- (2) **WHEREAS**, the New Jersey Superior Court entered an order in the Action on April 7, 2025, setting the Borough's Fourth Round fair share obligations as a Present Need of 0 units and a Prospective Need of 171 units, which no party appealed, and ordered the Borough to file a Fourth Round Housing Element and Fair Share Plan ("HEFSP") with the Program by June 30, 2025; and
- (3) **WHEREAS**, in compliance therewith, the Borough filed its HEFSP with the Program on June 18, 2025; and
- (4) **WHEREAS**, the HEFSP includes, inter alia, an approximately 0.8598 acre tract located at 200 Highland Avenue and designated as Block 90, Lot 4 on the Borough tax maps (the "200 Highland Avenue Tract") as a Fourth Round unmet need inclusionary development site; and
- (5) **WHEREAS**, on September 2, 2025, Fair Share Housing Center ("FSHC") filed a challenge (the "FSHC Challenge") in the Action pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough's HEFSP, such FSHC Challenge not challenging the Borough's HEFSP but rather seeking the completion and submission of certain compliance documentation required by the Fair Housing Act; and

(6) **WHEREAS**, on August 28, 2025, JMF Properties, LLC (“JMF”), an entity in privity with and the authorized representative for JMF 200 Highland LLC, the owner of the 200 Highland Avenue Tract, filed a challenge (the “JMF Challenge”) in the Action pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough’s HEFSP; and

(7) **WHEREAS**, the Borough and FSHC have agreed to amicably resolve the issues set forth in the FSHC Challenge through a mediation agreement (the “FSHC Settlement Agreement”) which will be presented for review by the Program and referred to the County Mount Laurel judge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) and Administrative Directive #14-24;

(8) **WHEREAS**, the Borough and JMF have also agreed to amicably resolve the issues set forth in the JMF Challenge through a mediation agreement (the “JMF Settlement Agreement”), which will also be presented for review by the Program and referred to the County Mount Laurel judge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) and Administrative Directive #14-24,

(9) **WHEREAS**, as may be directed by the Special Adjudicator overseeing the FSHC Challenge and the JMF Challenge and/or as determined by the Borough Attorney, the FSHC Settlement Agreement and the JMF Settlement Agreement may remain as separate agreements or may be combined into one agreement;

(10) **WHEREAS**, the proposed FSHC Settlement Agreement requires the completion and submission of the compliance documentation required by the FSHC Challenge as such compliance documentation is updated to include the terms of the JMF Settlement Agreement;

(11) **WHEREAS**, the proposed JMF Settlement Agreement allows JMF to construct 50 residential units, which includes a 20% affordable housing set-aside (i.e., 40 market-rate units and 10 affordable units), subject to a setback of 10 feet from all property lines, except for the surface parking areas from the Bay Street residences and greenway/railroad right-of-way property lines, which shall instead be 2 feet, with a 6-foot privacy fence along the Bay Street residential property line, and also subject to other site and architectural requirements consistent with the Memorandum of Graham Petto, AICP/PP of Topology, dated December 16, 2025;

(12) **WHEREAS**, the proposed JMF Settlement Agreement requires the Borough to:

- (a) investigate whether the Highland Avenue Tract qualifies as a “non-condemnation area in need of redevelopment” pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“Redevelopment Law”);
- (b) if the Highland Avenue Tract so qualifies, designate the Highland Avenue Tract as a “non-condemnation area in need of redevelopment”, adopt a redevelopment plan for the Highland Avenue Tract that is substantially consistent with the requirements set forth in WHEREAS Clause (11) above,

and designate JMF as the redeveloper of the Highland Avenue Tract all pursuant to the Redevelopment Law;

- (c) consider but not be bound to grant a long term tax exemption for the Highland Avenue Tract and shall review any application for same submitted by JMF's urban renewal entity affiliate pursuant to the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq.; and
- (d) if the Highland Avenue Tract does not qualify as a "non-condemnation area in need of redevelopment" under the Redevelopment Law, instead adopt a zoning ordinance that is substantially consistent with the requirements set forth in WHEREAS Clause (11) above.

(13) **WHEREAS**, the Mayor and Council have reviewed the terms of the proposed FSHC Settlement Agreement and the proposed JMF Settlement Agreement and have determined that entering into such settlement agreements on said terms (as summarized above) is fair, reasonable, and in the best interests of the Borough; and

(14) **WHEREAS**, approval of the FSHC Settlement Agreement and the JMF Settlement Agreement by the Program and the County Mount Laurel judge or the approving authorities' approval of an agreement combining both settlement agreements will result in a compliance certification in favor of the Borough for its Fourth Round Mount Laurel Obligation pursuant to the FHA;

(15) **WHEREAS**, the execution of a formal settlement agreement shall be on the terms set forth in the proposed FSHC Settlement Agreement and the proposed JMF Settlement Agreement presented to the Mayor and Council (as summarized above) with such revisions in such terms as may be negotiated and approved by the Borough Attorney and as are in substantial conformity with the foregoing.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Glen Ridge, County of Essex, State of New Jersey, as follows:

- (1) Authorization to Settle: The Borough is hereby authorized to enter into and execute the FSHC Settlement Agreement and the JMF Settlement Agreement or an agreement combining both settlement agreements, the said settlement agreements to be in substantially the form presented to the Mayor and Council with such revisions as may be negotiated and approved by the Borough Attorney and as are in substantial conformity with the foregoing.
- (2) Authority to Execute Documents: The Borough Attorney is authorized to prepare, execute, and file any and all necessary documents, including but not limited to a stipulation of settlement, required to be filed with the Program or the Court and to take any actions necessary to effectuate the settlement of the FSHC Challenge and the JMF Challenge in such a way as

will result in a compliance certification being issued in favor of the Borough for its Fourth Round Mount Laurel Obligation.

Effective Date.

This Resolution shall take effect immediately upon adoption.

I, Michael P. Zichelli, Municipal Deputy Clerk of The Borough of Glen Ridge, in The County of Essex and in The State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by The Mayor and The Borough Council on Monday, December 22, 2025.



Michael P. Zichelli
Municipal Deputy Clerk