

Walter J. Ray ID# 017431975  
 254 South Broadway; P.O. Box 406  
 Pennsville, NJ 08070  
 Phone (856) 678-4777; Fax (856) 678 6805  
 Attorney for Declaratory Plaintiff, Township of Pennsville

Filed January 3, 2025  
 Robert Malestein, P.J.Ch.  
 Superior Court of New Jersey

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**IN THE MATTER OF THE  
 APPLICATION OF THE TOWNSHIP  
 OF PENNSVILLE, COUNTY OF  
 SALEM**

:  
 : SUPERIOR COURT OF NEW JERSEY  
 : LAW DIVISION  
 : SALEM COUNTY  
 : DOCKET NO.: L-119-15  
 :  
 : *Civil Case*  
 :  
 : **ORDER APPROVING AMENDED**  
 : **SETTLEMENT AGREEMENT**

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THIS MATTER having been opened to the Court by Plaintiff, the Township of Pennsville, by and through its attorney Michael J. Napuda, Esquire (hereinafter the “Township”); and Ashley Lee, Esquire, of Fair Share Housing Center (hereinafter “FSHC”), a Supreme Court-designated interested party pursuant to the NJ Supreme Court’s decision in In Re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015); and FSHC and the Township having entered into an Amended Settlement Agreement (hereinafter the “Amended Agreement”); and the Court having set a date of December 18, 2024 for a Fairness Hearing to entertain approval of the Amended Agreement between the Township and FSHC, and to determine whether said Amended Agreement is fair, reasonable, and adequately protects the interests of low and moderate income households within the region; and the Township having provided proper public and actual notice of the Fairness Hearing; and no objections to the Amended Agreement having been received; and the Township’s counsel having submitted a Certification of Service to the Court on December 16, 2024, that proper notice of the Fairness Hearing had been given and that no objections had been received; and the Township’s Affordable Housing Planner, Mary Beth Lonergan, P.P., A.I.C.P., having prepared a Planner’s Fairness Report, dated

December 10, 2024, which was submitted to the Court on December 11, 2024, regarding the proposed Amended Agreement between FSHC and the Township; and the Fairness Hearing having been held on December 18, 2024; and the Court having considered the Township Planner's testimony taken during the Fairness Hearing, as well as the comments of counsel; and the Court having reviewed Ms. Lonergan's "Planner's Fairness Report" marked as "Court's Exhibit 1," the Amended Agreement entered into by both the Township and FSHC marked as "Court's Exhibit 2," and a Certification of Service produced by the Township marked as "Court's Exhibit 3," all of which were submitted into evidence during the Fairness Hearing; and the Court being satisfied that the parties are entitled to the relief sought; and good cause having been shown;

It is hereby ordered on this 3d day of January, ~~2024~~<sup>2025</sup>, as follows:

1. The Court finds and determines pursuant to the judicial standards prescribed by the Appellate Division in East/West Venture v. Bor. Of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996), and through analysis of the Amended Agreement and the Township Planner's Fairness Report, and on the basis of the Township Planner's testimony taken during a Fairness Hearing conducted on December 18, 2024; that the Amended Agreement between the Township and FSHC is fair, reasonable, and adequately protects the interests of low and moderate income households within the region, and the Court hereby approves the Amended Agreement, the terms and conditions of which are hereby incorporated by reference.

2. The court finds that the Amended Settlement Agreement 1) reiterates the Township's three-part obligation including the reduction of the Third Round obligation to 234 units; 2) removes Sites #3 and #4, previously zoned for inclusionary development, as affordable housing compliance mechanisms; 3) replaces Sites #3 and #4 by reconfiguring the

former Site #9 into new Sites #9 and #10 with higher density inclusionary zoning on both sites and by permitting 100% affordable family housing on new Site #10; 4) permits a new 60-unit 100% affordable senior rental development adjacent to the existing Pennsville Towers 100% affordable senior development; and 5) details the limitations on the Township's existing public water and sewer capacities such that capacity will be reserved for the Township's remaining 55-unit Prior Round obligation.

3. The parties will discuss dates for a Compliance Hearing and contact the Court to schedule same.

4. All other terms and conditions in the Amended Agreement requiring action by the Township or the Township's Boards and FSHC will be adhered to, and all such terms and conditions are hereby incorporated by reference.

5. Counsel for the Township shall provide copies of this Order to all counsel of record within seven (7) days of receipt.

*Robert G. Malestein, P.J.Ch.*  
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Hon. Robert G. Malestein, P.J.Ch.