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Attorney for Defendant,
Township of Hazlet

HIGHVIEW HOMES, LLC,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
Plaintiff,	:	MONMOUTH COUNTY
	:	
v.	:	DOCKET NO. MON-L-4224-15
	:	
TOWNSHIP OF HAZLET and	:	
PLANNING BOARD OF THE	:	
TOWNSHIP OF HAZLET,	:	CERTIFICATION OF
	:	JAMES H. GORMAN
Defendants.	:	

JAMES H. GORMAN, of full age, certifies as follows:

1. I am an attorney at law of the State of New Jersey. I represent the Township of Hazlet in this matter. I have personal knowledge of the facts set forth herein.

2. I also represent the Township in another matter entitled Elegant Properties, LLC v. Township of Hazlet, Docket No. MON-L-1559-08. On July 28, 2008, the Honorable Lawrence A. Lawson, A.J.S.C. entered an order in the Elegant Properties matter, which provided in relevant part, "ORDERED that the Township is granted immunity from further Mount Laurel litigation until such ordinance is adopted and approved by this Court." Ex. A.

3. Hazlet Township submitted a compliance plan dated March 28, 2009, prepared by Marcia Schiffman, P.P. it found that Hazlet had a realistic development potential of 61 units. The 2009 plan was not reviewed by the special master.

4. The Hon. Dennis R. O'Brien, J.S.C. issued an order on November 17, 2009 granting a builder's remedy in Elegant Properties, LLC v. Township of Hazlet, and granting a ten year period of repose. Paragraph 6 of that order states:

The Township's immunity from further Mount Laurel litigation is herewith continued until the Township's Housing Element and Fair Share Plan is adopted and approved by this Court and a final Order of Compliance of this Court is entered, which shall provide a ten (10) year immunity from further Mount Laurel litigation.

(Ex. B)

5. Hazlet Township submitted a second compliance plan dated September 2011, prepared by Richard Cramer, P.P. (Hoff Cert., Ex. B). That plan was based upon Ms. Shiffman's finding of a 61 unit RDP. That plan was never reviewed by the special master.

6. A third compliance plan prepared by Fred Heyer, P.P., dated February 18, 2016 was submitted. Ex. C. The 2016 plan found a slightly higher RDP of 81 units. The special master, Mr. Caton, has informally reviewed that

plan but has not issued any written comments or reports. The special master has met with the parties in both the Elegant Properties and Highview Homes matters.

7. COAH published a handbook in 2001 which explains that, "Where the RDP is less than the municipal calculated need, the unmet need remains as a goal to be addressed" as sites become available. Ex. D, p.13 (abridged).

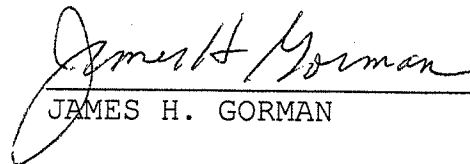
8. COAH published a Questions & Answers handbook in 1999, which discusses how RDP"s are to applied to a town's obligation, and states "all eligible credits and reductions that occurred from the first round may be used to address the RDP." Ex. E, p.5 (abridged).

9. On another issue of clarification, Maria Connolly, P.P., principal planner at COAH sent a recent email on October 31, 2016 to Fred Heyer, the Township's planner, which clarifies that prior cycle age-restricted credits from 1980-1986 are not subject to a 25% cap. Ex. F.

10. The Holy Family property was not available for development of affordable housing when the September 2011 compliance plan was filed with the court. At the request of Holy Family, the front half of the property had been rezoned as Business Highway (BH) to permit commercial development. Ordinance, Ex. G.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Dated: December 7, 2016



JAMES H. GORMAN