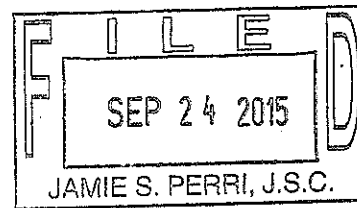


PREPARED BY THE COURT



SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MONMOUTH COUNTY
DOCKET NO. L-2518-15

IN THE MATTER OF
THE APPLICATION OF THE
TOWNSHIP OF MANALAPAN,
COUNTY OF MONMOUTH

CIVIL ACTION
(Mt. Laurel)

ORDER APPOINTING SPECIAL MASTER
AND REQUIRING SUBMISSION OF PLAN
SUMMARY

This matter having come before the court for a Case Management Conference on September 17, 2015, GluckWalrath, LLP (David Clark, Esq., appearing) on behalf of petitioner Township of Manalapan, Kevin D. Walsh, Esq., appearing on behalf of interested party Fair Share Housing Center and Bisgaier Hoff, (Richard Hoff, Esq., appearing) on behalf of intervener Highview Homes; and the court having further considered the advisability of appointing a special master to assist the court in resolving the issues presented in this matter; and the court finding Francis J. Banisch, III, F.P., A.I.C.P., to be well-qualified to serve in this capacity; and no objection to the appointment having been raised; the court having considered the positions of the parties as set forth on the record and for other good cause appearing,

IT IS on this 24th day of September, 2015;

ORDERED:

1. The court appoints Francis J. Banisch, III, P.P., A.I.C.P., as Special Master in this matter. The Special Master's fees shall be set at the hourly rate of \$250.00 and shall be allocated equally between the municipality and each intervener.
2. The Township and each intervener shall, within 20 days of the date of this Order, establish an escrow account with an initial deposit of \$5,000.00 to be held and administered by the municipality. The Special Master shall submit bills on a monthly basis to the municipality and each responsible intervener. The Special Master's bills shall be paid within 30 days of receipt.
3. Should any party contest any of the Special Master's charges, it shall notify the Special Master in writing and attempt to resolve the dispute. If the disagreement cannot be resolved amicably, the matter may be brought before the court for resolution.
4. The municipality may use funds from its affordable housing trust fund for its portion of the cost of the Special Master.
5. The municipality shall complete the attached "Summary of Plan" as a preliminary housing element and fair

share plan and submit the completed document to the municipality's designated Special Master, with copies to all interveners and interested parties, no later than October 30, 2015. Any questions regarding the method of completion of the plan summary shall be directed to the Special Master.

6. Completion of the plan summary in compliance with this Order shall be a prerequisite to any application for a further extension of immunity.
7. Interveners and interested parties shall submit any objections or comments on the plan to the Special Master and the municipality no later than November 13, 2015.
8. The Special Master shall review the municipality's submissions and those of the interveners and interested parties, if any, and provide the municipality the opportunity to address any concerns that Special Master may have with the proposed Plan. The Special Master shall conduct mediation sessions with the parties as he/she deems appropriate in his/her discretion.
9. The Special Master shall, in his/her discretion, engage in mediation among the parties as part of the plan preparation process. The Special Master may

communicate directly with the court as either he/she or the court deems appropriate.

10. The Special Master shall, to the extent practicable and in his/her professional judgment, include all parties in substantive discussions regarding the plan elements and the Special Master's recommendations.
11. The Special Master shall submit his/her report to the court no later than November 30, 2015.
12. A copy of this Order shall be served on all counsel of record and otherwise made available to all interested parties as directed by the New Jersey Supreme Court in Mount Laurel IV within seven days of the date hereof.



JAMIE S. PERRI, J.S.C.

September 24, 2015 **SUMMARY OF PLAN FOR
TOTAL FAIR SHARE OBLIGATION**

MUNICIPALITY: _____
COUNTY: _____

	EST. OBLIG.	COMPLETED UNITS	PROPOSED UNITS	LOW	MOD	VERY LOW	TOTAL UNITS
Rehabilitation Share (per 2010 Census)							
<i>Rehabilitation Credits</i>							
Rehab Program(s)							
Remaining Rehabilitation Share							
Prior Round Obligation (1)							
<i>Vacant Land Adjustment (if applicable)</i>							
Unmet Need							
RDP							
Mechanisms (2)							
Prior Cycle Credits (4/1/80-12/31/86)							
Credits without Controls							
Inclusionary Zoning							
100% Affordable							
Accessory Apartments							
Write Down-Buy Down/Market-to-Affordable							
Alternative Living/Supportive & Special Needs							
Assisted Living							
RCA Units (previously approved)							
Compliance Bonus							
Rental Bonuses							
<i>Total Prior Round Credits</i>							
Remaining Prior Round (Obligation) or							
Third Round Projected Obligation (1)							
Mechanisms (2)							
<i>Vacant Land Adjustment (if applicable)</i>							
Unmet Need							
RDP							
Inclusionary Zoning							
Redevelopment							
100% Affordable							
Accessory Apartments							
Market-to-Affordable							
Supportive & Special Needs/ Alternative Living							
Assisted Living							
Extended Affordability Controls							
Other (describe on a separate sheet)							
Smart Growth Bonuses							
Redevelopment Bonuses							
Rental Bonuses							
<i>Total Third Round Credits</i>							
Remaining 3rd Round (Obligation) or							

- (1) Identify the basis for asserting this number as the municipal obligation.
(2) Provide a description for each mechanism.

TOTALS	#	% OF TOTAL UNITS
LOW/MOD		
VERY LOW		
BONUS		
AGE		
NO LAGE		

Summary of Inclusionary/Redevelopment for 2015-2025 Fair Share Obligation

MUNICIPALITY _____ COUNTY _____

Total Affordable Units _____
 Total Affordable Credits _____

(Provide a narrative description and specify the number of completed or proposed units associated with each mechanism on the form below)

Project or Site Name (1)	Implementation Priority	Block / Lot(s)	Gross Acres	Net Acres (2)	Density (3)	Project and Site Suitability Criteria				Total Units	ZONING (4) Y-Yes or N-No	Affordable Units						Tenure (Note R-Rental or S-Sale)	Rental Bonuses					
						Approvable (local/State approval status?)	Available (clear title?)	Developable				Low (#1%)	Moderate (#1%)	Very Low (#1%)	AR	NAR	AR		NAR	AR	NAR	Age-Restricted	Family	
								WATER	SEWER															WQMP
TOTALS																								
(1) Attach narrative for each site. (2) less environmentally sensitive lands and easements. (3) Units/net acre (4) Zoned for affordable housing? (5) Age-Restricted (6) Not Age-Restricted																								

"Approvable site" means a site that may be developed for low and moderate income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low and moderate income housing. "Available site" means a site with clear title, free of encumbrances which preclude development for low and moderate income housing. "Developable site" means a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable areawide water quality management plan (including the wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP. "Suitable site" means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.

100% Affordable Housing Project

Summary of Project Status

Project Name: _____ MUNICIPALITY: _____ COUNTY: _____
 Address: _____ Block(s): _____ Lot(s): _____ Current Zoning: _____

_____ *Rezoning Needed* _____
 _____ *(Yes or No)*

Affordable Units				Total Units	Rental Bonuses		Project Site Suitability Criteria (3)				
Low	Moderate		Very Low		Age-Restricted	Not Age Restricted	Approvable (Status of local and State approvals)	Available (clear title?)	Developable		Suitable
	AR	NAR		Sewer					Water	Consistent w/WQMP	
AR (1)		NAR (2)									

Project Narrative:

(1) Age Restricted
 (2) Not Age Restricted
 (3) (Site suitability criteria are as follows:
 "Approvable site" means a site that may be developed for low and moderate income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low and moderate income housing. "Available site" means a site with clear title, free of encumbrances which preclude development for low and moderate income housing. "Developable site" means a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable areawide water quality management plan (including the wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP. "Suitable site" means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.