

FILED  
MAR 16 2026  
GREGG A. PADOVANO, J.S.C.

Hon. Gregg A. Padovano, J.S.C.  
Bergen County Justice Center  
10 Main Street  
Chambers/Courtroom 359  
Hackensack, New Jersey 07601  
*Prepared by the court*

IN THE MATTER OF THE  
APPLICATION OF THE  
BOROUGH OF SADDLE RIVER,  
COUNTY OF BERGEN, STATE  
OF NEW JERSEY,

Petitioner.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION : BERGEN COUNTY

DOCKET NO.: BER-L-517-25

Civil Action

*Mt. Laurel Program*

**DECISION AND ORDER APPROVING  
MUNICIPAL HOUSING ELEMENT AND  
FAIR SHARE PLAN (“HEFSP”) FOR THE  
FOURTH ROUND HOUSING CYCLE**

**THIS MATTER**, having come before the Court on referral from and recommendation issued by the Affordable Housing Dispute Resolution Program (“Program”), pursuant to the Complaint for Declaratory Judgment filed on January 31, 2025 (“DJ Complaint”) by the Petitioner, **BOROUGH OF SADDLE RIVER** (“Petitioner” or “Municipality”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (collectively, the “FHA”), and in accordance with Section II.A of Administrative Directive #14-24 (“Directive #14-24”) of the “Program”, seeking a certification of compliance with the FHA;

**AND THE COURT**, having entered its Decision and Order Fixing Municipal Obligations for “present need” and “prospective need” for the Fourth Round housing cycle on May 16, 2025 for the Municipality – specifically, therein establishing the Borough’s “present need” obligation of 75 units and a “prospective need” obligation of 249 affordable housing units (collectively, the “Fourth Round Affordable Housing Obligation”);

**AND IT APPEARING** that, the Municipality adopted Resolution # 136-25 on June 25, 2025 thereby endorsing its proposed Housing Element and Fair Share Plan (“HEFSP”) for the implementation of its Fourth Round Affordable Obligation, as provided for and in accordance with the FHA and Section III.A of Directive #14-24 (as amended), and which Plan contained the elements set forth in the “Addendum” attached to Directive #14-24 (as amended), and as permitted by the Court;

**AND IT APPEARING** that, challenge to the Municipality’s HEFSP was filed by Fair Share Housing Center (“FSHC”) dated August 31, 2025 and by AvalonBay Communities, Inc. (“Avalonbay”) in accordance with the FHA and Section III.B of Directive #14-24, wherein the challenger disputed, in whole or in part, certain compliance mechanisms and/or other aspects of the Municipality’s proposed HEFSP;

**AND IT APPEARING** that, pursuant to the Program, the Administrative Office of the Courts (“AOC”) appointed and assigned the case to Program member, the Hon. Ronald E. Bookbinder, A.J.S.C. (Ret.) (“Program Member”) to manage the proceedings, host settlement conferences, conduct sessions, and make recommendations to the Court in accordance with the FHA and the AOC’s Directive #14-24, and that the Program Member appointed Francis J. Banisch, III, PP/AICP, an independent affordable housing expert, as special adjudicator (“Special Adjudicator”) in this case to work with, make recommendations to, and assist the Program, and who worked closely with the Program Member;

**AND IT APPEARING** that on October 8, 2025, November 9, 2025 and December 15, 16, 17 and 19, 2025, settlement conferences were conducted on notice to all parties with the participation of local officials, municipal planner, planners for FSHC, and attorneys for the Municipality and counsel for FSHC, in accordance with the statutory framework and Directive #14-24, and with the goal of reaching a resolution;

**AND IT APPEARING** that, the parties engaged in extensive settlement negotiations before and during the settlement conferences, with the guidance and assistance of the Program Member and the Special Adjudicator;

**AND IT APPEARING** that, as a result of the settlement conferences conducted, the Municipality and the Challenger, FSHC, reached a resolution ("Settlement"); the Settlement was placed on the record on December 19, 2025<sup>1</sup>; that the Municipality and FSHC entered into a mediation agreement signed by the Honorable Albert Kurpis, Jr., Mayor for the Borough of Saddle River on January 3, 2026 and by Adam M. Gordon, Esq. for FSHC on December 31, 2025 (the "Mediation Agreement"), that was uploaded to eCourts on February 3, 2026 and which agreement sets forth the manner in which the Municipality shall address its Fourth Round affordable housing obligations (including a detailed description of Prior Round and Third Round Obligations as outlined therein); and the Program further directed that the governing body of the Municipality adopt a resolution to accept and confirm the Settlement, which resolution shall also be uploaded to eCourts;

**AND THE COURT**, having received the Program Member's report and Decision Recommendation and accompanying detailed Statement of Reasons contained therein, dated February 3, 2026, since posted to the eCourts jacket for this matter at Trans. ID: LCV2026272018 findings, terms, and recommendations of which are incorporated by reference as though more fully set forth herein (the "Report");

**AND THE COURT**, having been advised that (i) the Special Adjudicator has recommended acceptance of the Settlement, (ii) the Program Member has recommended acceptance of the Settlement as reasonable and in furtherance of the interests of low- and moderate-income households in the Municipality (collectively, the "Recommendations"), and that (iii) the

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<sup>1</sup> The challenge filed by Avalonbay in accordance with the stipulation entered on the record on December 19, 2025, as memorialized in a letter dated February 3, 2026.

Program Member further recommends that the Court adopt the findings and recommendations set forth in the Report and enter an Order, forthwith, implementing the terms of Settlement and approving the Mediation Agreement, and to thereby formally approve the Municipality's HEFSP (as adopted) (as amended) to implement the "present need" and "prospective need" obligations of the Municipality for the Fourth Round housing cycle;

**AND THE COURT**, having reviewed and considered the Program Member's Report and Recommendations, having been satisfied that an arm's length Settlement was reached and entered into by and between the Municipality and FSHC, having concurred with the Program Member's and Special Adjudicator's recommendations for the reasons stated;

**AND THE COURT**, having found and determined that the proposed HEFSP as adopted is fair and equitable, shall provide a "realistic opportunity" for the construction and/or delivery of housing affordable to those of the protected class of low- and moderate-income households in the Municipality, and is thereby in their best interests; and for the reasons set forth in the attached rider and for other good and sufficient cause having been shown

**IT IS ON THIS 16<sup>th</sup> DAY OF MARCH 2026**

**ADJUDGED AND ORDERED**, that the Program Member's Report and Recommendations for approval of the Settlement and implementing Mediation Agreement, and the HEFSP of the Municipality as adopted (inclusive of the detailed report and recommendation of the Special Adjudicator referenced in the Program Member's Decision Recommendation), be, and the same hereby is **ACCEPTED** and **ADOPTED** in its entirety; and to that end, more specifically, it is further

**ORDERED AND ADJUDGED**, as follows:

1. That the Settlement and implementing Mediation Agreement, be, and the same hereby are **APPROVED**, with the exception that the Settlement agreement be amended to remove

any provision requiring the continued involvement of the Special Adjudicator, and since the parties have agreed that the Special Adjudicator shall have no further duties or obligations under the Settlement agreement.

2. That, (i) the endorsed HEFSP of the Municipality for the Fourth Round housing cycle previously filed in accordance with the requirements of the FHA and Directive #14-24 (as amended), be, and the same is **APPROVED** by the Court; and(ii) that the challenge thereto filed by FSHC be and is hereby dismissed.

3. That, in accordance with N.J.S.A. 52:27D-304.1(f)(2), the Petitioner Municipality is hereby immediately authorized to adopt and file an Amended HEFSP that contains the terms of the Settlement and Settlement agreement, as well as to proceed, without further delay, to notice and adopt the implementing ordinances and resolutions proposed within the Amended HEFSP to ensure implementation of its Fourth Round HEFSP, incorporating therein any changes from the Program and this Court's Order, to the extent not already completed; and

4. That, upon the adoption and filing of the foregoing, the Court shall schedule a Fairness and/or Compliance Hearing to consider approval of the Municipality's Amended HEFSP so as to issue and thereafter enter its formal Certification of Compliance and repose from builder's remedy and/or exclusionary zoning litigation in the Fourth Round housing cycle and the period of 2025 to 2035, pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b), (c), Section III.F of Directive #14-24 and for publication pursuant to N.J.S.A. 52:27D-304.1(f)(2)(e).

**IT IS FURTHER ORDERED** that a copy of this Order shall be deemed served on the Petitioner, Petitioner's counsel, and counsel for all Challengers upon its posting by the Court to the eCourts case jacket for this matter pursuant to R. 1:5-1(a) and R. 1:32-2A.

  
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GREGG A. PADOVANO, J.S.C.

*Designated Mt. Laurel Judge – Bergen Vicinage*

**RIDER TO THE MARCH 16, 2026 ORDER  
BER-L-517-25**

[R. 1:7-4(a) – Directive #14-24, Section III.F]

Having reviewed and considered the Program Member’s Report and Recommendations (inclusive of the detailed report and recommendation of the Special Adjudicator referenced in the Program Member’s Decision Recommendation), as well as the terms of Settlement reached by and between the Municipality and FSHC, placed on the record by the parties before the Program Member on December 19, 2025, and thereafter embodied in the written Mediation Agreement entered into and executed by the parties; and having further determined there is no need to take testimony to resolve any relevant factual issue, the Court is satisfied, finds and concludes:

- (i) that an arm’s length Settlement was reached and entered into by and between the parties, and that the terms of the Settlement attained are fair and equitable;
- (ii) that the proposed HEFSP as adopted and being amended to incorporate the provisions of the Settlement agreement, is fair and equitable, and shall provide a “realistic opportunity” for the construction and/or delivery of housing affordable to those of the protected class of low- and moderate-income households in the Municipality; and
- (iii) that the HEFSP, as amended, is thereby in the best interests of the protected class of low- and moderate-income households in the Municipality. The Settlement disposes of the challenge filed by FSHC.

Accordingly, the Court hereby adopts in full the Report and Recommendations of the Program Member and accepts the same for the detailed findings and reasons set forth therein. As a result, the Municipality retains all the protections of the above-referenced amendments to the FHA, continues to retain immunity from exclusionary zoning litigation, and that the Court retains jurisdiction for the Municipality’s adoption of implementing ordinances as required in accordance with the statutory framework and AOC Directive #14-24 and thereupon, the Court’s issuance of a Certification of Compliance.