

**TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY**

RESOLUTION No. 2026-002

A motion was made by Councilman Roman; seconded by Deputy Mayor McEvoy that the following resolution be adopted:

**AUTHORIZING THE EXECUTION OF AN AGREEMENT
WITH JMF PROPERTIES, LLC FOR
BLOCK 1201, LOT 12 KNOWN AS 251 ½ GROVE AVENUE**

WHEREAS, on March 20, 2024, Governor Murphy signed P.L. 2024, c.2. into law, which established a new framework for determining and enforcing municipalities' affordable housing obligations under the Mount Laurel doctrine and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (the "Amended Act"); and

WHEREAS, the Amended Act required the Department of Community Affairs (the "DCA") to prepare a report with the calculation of the regional and municipal Prospective Need and the municipal Present Need for the Fourth Round in accordance with the formula required by the Amended Act; and

WHEREAS, the DCA released this report entitled "Affordable Housing Obligations for 2025-2035 (Fourth Round)" on October 18, 2024 (the "DCA Report"); and

WHEREAS, the DCA report concluded that the Township of Verona's (the "Township") fair share obligations for the Fourth Round included a Present Need of 0 units and a Prospective Need of 173 units; and

WHEREAS, the Township Council adopted the required binding resolution of participation on January 20, 2025 (the "Resolution"), proposing to set the Township's affordable housing obligations for the Fourth Round for both Present Need and Prospective Need, and, on January 22, 2025, the Township filed the necessary complaint, with the Resolution annexed thereto as Exhibit A, with the Superior Court of New Jersey, Law Division, Essex County Vicinage (the "Court") initiating a declaratory judgment action bearing Docket No. ESX-L-594-25 (the "DJ Action") before the Affordable Housing Dispute Resolution Program (the "Program"), established pursuant to N.J.S.A. 52:27D-313.2 of the Amended Act, in accordance with the requirements of the Amended Act, and the timeframes set forth in Directive #14-24 issued December 13, 2024 by the Administrative Office of the Courts (the "Directive"); and

WHEREAS, in accordance with the timeframes set forth in the Amended Act and the Directive, FSHC filed a timely objection to the Township's Resolution, as presented in the DJ Action, on February 28, 2025; and

WHEREAS, the Court entered an Order on April 7, 2025 fixing the Township's Fourth Round Present Need obligation as zero (0) affordable units and the Township's Fourth Round Prospective Need obligation as one hundred fifty-five (155) affordable units and authorized the Township to move forward with the adoption of its proposed Fourth Round Housing Element and Fair Share Plan (the "HEFSP") incorporating these Present Need and Prospective Need obligations, with the HEFSP required to be adopted on or before June 30, 2025; and

WHEREAS, the Township, on June 25, 2025, filed with the Court its HEFSP, as adopted by the Township Planning Board and endorsed by the Township Council; and

WHEREAS, JMF Properties, LLC ("JMF"), on August 29, 2025, filed a challenge (the "JMF Challenge") with the Court pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) and the Directive regarding the Township's HEFSP and property in which JMF holds a legal interest that is located in the Township, is commonly known and identified as 251 ½ Grove Avenue and is designated on the official tax map of the Township as Block, 1201, Lot 12 (the "Property")

WHEREAS, the Township and JMF have participated in the Program and, as a result of that process, the Township and JMF have agreed to amicably resolve the JMF Challenge on those terms and conditions negotiated by and between the Township and JMF as said terms and

conditions are set forth and contained within the attached memorandum of agreement (the “JMF MOA”); and

WHEREAS, the Township and JMF have further agreed that, upon execution of the JMF MOA by the Township and JMF, the fully executed JMF MOA shall be presented by the Township to the Program and, upon entry of a Compliance Certification by the County-level Mount Laurel Judge in the DJ Action, JMF shall formally and fully withdraw the JMF Challenge with prejudice; and

WHEREAS, resolving the JMF Challenge, thereby resolving issues raised by the JMF Challenge to the HEFSP pertaining to the Property, allows the Township to avoid further unnecessary costly litigation and to move forward within the Program with the finalizing of necessary amendments to the HEFSP, confirming its compliance with the Amended Act, upon which the Township will rely in seeking the entry of the Compliance Certification in the DJ Action which is important to the interests of the Township and the interests of lower-income households; and

WHEREAS, the Township Council, acknowledging the benefits of resolving the JMF Challenge by way of an agreement with JMF, consent to the execution of the attached JMF MOA on behalf of the Township and the submission of the fully executed JMF MOA to the Program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Verona, Essex County, New Jersey, hereby authorizes and directs the Township’s Affordable Housing Counsel, Jaime R. Placek, Esq. of DeCotiis, FitzPatrick, Cole & Giblin, LLP, to execute the JMF MOA in the form attached hereto on behalf of the Township, with such changes thereto that may be deemed appropriate and necessary by the Township’s Affordable Housing Legal Counsel, and to take all actions necessary to effectuate the terms set forth in the JMF MOA.

ROLL CALL:

AYES: Holland, McGrath, Roman, McEvoy, Tamburro

NAYS:

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERONA AT A REGULAR MEETING HELD ON JANUARY 5, 2026.


JENNIFER KIERNAN, RMC, CMC
MUNICIPAL CLERK

