

BOROUGH OF MONTVALE
PUBLIC NOTICE OF “FAIRNESS HEARING” TO APPROVE
SETTLEMENT OF MOUNT LAUREL LITIGATION

PLEASE TAKE NOTICE that a Fairness Hearing will be held on November 18, 2026, before the Honorable Lina P. Corrison, J.S.C., Superior Court of New Jersey, Law Division, at 9:00 a.m. at the Bergen County Courthouse, 10 Main Street, Hackensack, New Jersey, to consider a proposed Affordable Housing Settlement Agreement Amendment (the “Agreement”) between the Borough of Montvale (the “Borough”), The Hekemian Group, LLC, on behalf of 25 Philips Parkway, LLC and Reckitt Benckiser, LLC; H&R Montvale, LLC, on behalf of property owned by KPMG, LLP; SHG Montvale MB, LLC; and SHG Montvale MB VI, LLC (collectively, the “SHG Parties”), in the Mount Laurel declaratory judgment action entitled In the Matter of the Application of the Borough of Montvale, County of Bergen, Docket No. BER-L-750-25.

The terms in the Agreement are substantively the same as what was placed on the record at the Program Session (the “Program Terms”) with the exception of a revision to one of the two potential outcomes on the KPMG site. The Program Terms envisioned that the site would be rezoned, via redevelopment plan to permit either a) 250 units of which 50 units would be affordable or b) a data center, which would require a non-residential development fee. The Amendment modifies these two outcomes as follows: 250 units of which 50 units would be affordable or b) a data center and 50 affordable units without an imposition of a non-residential development fee. In other words, the data center is modified by replacing the non-residential development fee with a mandatory 50 units of affordable housing.

Through this judicial proceeding the scope of the fairness hearing is limited to this Amendment to the Program Terms and/or whether the Borough has satisfied the substantive conditions of approval. The Court will evaluate whether the proposed Settlement Agreement Amendment is fair and reasonable in the context of the Borough's Fourth Round affordable housing obligations and whether it satisfies the conditions imposed by the Affordable Housing Dispute Resolution Program in connection with the Program's recommendation and conditional approval of the Borough's Housing Element and Fair Share Plan pursuant to the principles set forth in Morris County Fair Housing Council v. Boonton Tp., 197 N.J.Super. 359 (Law Div.1984), aff'd o.b., 209 N.J.Super. 108 (App. Div. 1986) and East/West Venture v. Bor. of Fort Lee, 286 N.J.Super. 311 (App. Div. 1996).

The proposed Settlement Agreement Amendment has been placed on file for public inspection and copying during regular business hours at the Office of the Borough Clerk, Borough of Montvale, 12 DePiero Drive, Montvale, NJ 07645. Any interested party may file comments on or objections to the executed Settlement Agreement. The Borough requests that all objections fully comply with N.J.A.C. 5:91-4.1 and 4.2, which provide minimum standards to which objections must comply. Such comments or objections, together with copies of any supporting affidavits or other documents, must be filed in writing, on or before September 25, 2026 with the Honorable Lina P. Corrison, J.S.C., at Bergen County Courthouse located at 10 Main St., Hackensack, New Jersey, with copies of all papers being forwarded by mail or e-mail to:

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This Notice is intended to inform all interested parties of the existence of the proposed Settlement Agreement Amendment and the possible consequences of Court approval of the Settlement Agreement Amendment, which may ultimately lead to the grant of Compliance Certification pursuant to the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to -329. It does not indicate any view by the Court as to the merits of the Borough's Mount Laurel Declaratory Action, the fairness, reasonableness, or adequacy of the proposed settlement, or whether the Court will approve the Settlement Agreement.