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January 22, 2021

Hon. Gregg A. Padovano, J.S.C.  
Bergen County Courthouse, Chambers 331  
10 Main Street  
Hackensack, NJ 07601

Re: In re Borough of Saddle River Third Round Mount Laurel  
Affordable Housing Obligation, Docket No. BER-L-6120-15  
Filing of Additional Compliance Documents 23 to 31

Dear Judge Padovano:

As you are aware, the Borough of Saddle River (the "Borough") is continuing with the implementation of its settlement agreement with Fair Share Housing Center ("FSHC") and Saddle River Investors, LLC ("SRI") in the above declaratory judgment action even though the fairness hearing has not concluded and your Honor has not yet ruled that the settlement is fair and reasonable to low- and moderate-income households. In fact, your Honor has combined the fairness and compliance hearing to counter the delay in concluding the fairness hearing.

As I advised during the combined fairness and compliance hearing conducted by your Honor on January 21, 2021, I am now submitting via eCourts additional compliance documents that were referenced by the Borough's planning expert, Joseph H. Burgis, PP, AICP, during his testimony. Specifically, I am now submitting the following documents which I will arrange to have uploaded to the Borough's website:

23. Ordinance 21-1005 adopted on January 18, 2021 creating the AHO-5 affordable housing overlay zone district 5 encompassing Block 1302, Lots 1.02, 1.03 and 1.04;

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24. Ordinance 21-1006 adopted on January 18, 2021 creating the AH-4 affordable housing district 4 encompassing Block 1703, Lot 15 (78 Woodcliff Lake Road);
25. Draft ordinance 21-1007 introduced on January 18, 2021 repealing and replacing in its entirety the municipal wide affordable housing mandatory set-aside ordinance;
26. Draft ordinance 21-1008 introduced on January 18, 2021 amending the affordable housing regulations ordinance;
27. Draft ordinance 21-1009 introduced on January 18, 2021 repealing and replacing in its entirety the affordable housing development fee ordinance;
28. Resolution #47-21 adopted on January 18, 2021 endorsing the 2020 Housing Element and Fair Share Plan and requesting court approval of the plan;
29. Resolution #48-21 adopted on January 18, 2021 adopting the Spending Plan and requesting court approval of the plan;
30. Draft Resolution #51-21 adopting an Affirmative Marketing Plan, scheduled for adoption on February 1, 2021; and
31. Unpublished opinion of Judge Thomas Miller in I/M/O Application of Bernards Township Compliance with Third Round Mount Laurel Obligation, Docket No. SOM-L-899-15, filed November 1, 2018, approving the settlement after a fairness hearing and finding, among other things, that walkability to services is not a suitability consideration and that a traffic analysis is not required. <sup>1</sup>

I intend to move all of the above documents into evidence as exhibits P-33 through P-41 at the resumption of the hearing in this matter on the basis of judicial notice pursuant to N.J.R.E. 201(a) and (d).

Documents 23 through 30 are admissible as they are ordinances, regulations and resolutions of a governmental subdivision. Judge

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<sup>1</sup> In accordance with Rule 1:36-3, no contrary unpublished opinions are known to counsel.

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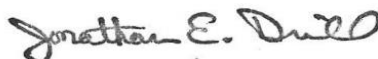
Miller's opinion (document 31) is admissible as constituting decisional law of this state.

Admitting these documents by judicial notice will save time by not having to recall Borough planning expert Joseph Burgis, PP, AICP to identify each of the documents.

By copy of this letter, I will be providing the court's special master and all counsel who are participating in the combined fairness and compliance hearing with a filed copy of this letter and filed copies of the above compliance documents.

Respectfully submitted,

STICKEL, KOENIG, SULLIVAN & DRILL, LLC



By: JONATHAN E. DRILL

Copy w/ enclosures via eCourts and via email:

Frank Banisch, III, PP, AICP (special master)

Adam M. Gordon, Esq. (Attorney for Intervening Defendant FSHC)

Joshua Bauers, Esq. (Attorney for Intervening Defendant FSHC)

Eric M. Bernstein, Esq. (Attorney for Intervening Defendant SRI)

Joshua Zielinski, Esq. (Attorney for SR Residents - NJ, objecting to the SRI sites)

Robert Simon, Esq. (Attorney for Galitis objecting to SR Residents)

Wendy Rubenstein, Esq. (Attorney for Zhanna Torres, objecting to the 78 Woodcliff Lake Road site)

John L. Schettino, Esq. (Attorney for Borough of Woodcliff Lake, objecting to the 78 Woodcliff Lake Road site, and Intervening Defendant as to the issue of providing access to Woodcliff Lake's sewer and water resources)

Richard S. Mazaway, Esq. (Attorney for the Silvers and the Rodriguez's, objecting to the 78 Woodcliff Lake Road site)

Copy w/enclosures to all other counsel of record via eCourts only