281-26
October 13, 2026

RESOLUTION AUTHORIZING AN AFFORDABLE HOUSING SETTLEMENT AGREEMENT BETWEEN THE TOWNSHIP OF WEST ORANGE AND DAUGHTERS OF ISRAEL, INC., CONCERNING THE PROPERTY LOCATED AT 1155 PLEASANT VALLEY WAY, AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE THE AGREEMENT, AND AUTHORIZING ALL ACTIONS REASONABLY NECESSARY TO IMPLEMENT THE SETTLEMENT

WHEREAS, the Township of West Orange ("Township") is a municipal corporation of the State of New Jersey located in Essex County; and

WHEREAS, Daughters of Israel Inc., ("Daughters") is the owner of certain real property located at 1155 Pleasant Valley Way, West Orange, New Jersey, also known as Block 171, Lot 12 on the Township's Tax Map ("Property"); and

WHEREAS, the Township filed a declaratory judgment action in the Superior Court of New Jersey, Law Division, Essex County, bearing Docket No. ESX-L- 886-25, seeking a court managed path to compliance with its Fourth-Round affordable housing obligations pursuant to the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 *et seq.*, and applicable law; and

WHEREAS, Daughters filed a builder's remedy exclusionary zoning action against the Township and Planning Board, bearing Docket No. ESX-L-5603-25 (the "Builder's Remedy Action") and challenged the Zoning Board's denial by filing an action in lieu of prerogative writs, bearing Docket No. ESX-L-4045-23, which action is currently pending before the Appellate Division under Docket No. A-000164-24 (the "Zoning Board Litigation") (collectively referred to herein as the "Daughters Actions"); and

WHEREAS, the Township and Daughters, through their respective counsel and professionals, have engaged in extensive negotiations to resolve the Daughters Actions and provide an inclusionary affordable housing development on the Property; and

WHEREAS, the Township and Daughters have negotiated an Affordable Housing Settlement Agreement ("Settlement Agreement"), in a substantially similar form as attached hereto as **Exhibit A** and incorporated herein by reference; and

WHEREAS, the Settlement Agreement contemplates, among other thing, development of the Property with a rental inclusionary Continuing Care Retirement Community ("CCRC") facility consisting of 311 total units with a maximum building height of five floors (including 163 independent living units, 64 assisted living units, and 84 skilled nursing units), approximately 347 parking spaces, and various site improvements and satisfaction of the affordable housing obligation with 7 creditable affordable housing units to be accommodated by the facility as assisted living units, in accordance with the Settlement Agreement, in exchange for

dismissal with prejudice of the Daughters Actions upon satisfaction of the conditions set forth in the Settlement Agreement; and

WHEREAS, in the event that title to the Property is transferred to or operated by a for-profit entity, the Daughters do not construct the Inclusionary Project, or if the project ever ceases to operate as a CCRC, or otherwise cease to provide any services that are a component thereto at any point in time, during the 40 year deed restriction period, then a modified set-aside shall be imposed for the balance of the fourth round term and subject to all applicable regulations as if these units were designated upon the inception of the fourth round, with a 10% deed restricted set aside on all assisted living units and a 20% deed restricted set-aside of all independent living housing units; and

WHEREAS, the Settlement Agreement remains subject to approval by the Superior Court following any fairness hearing or other proceeding required by the Court; and

WHEREAS, the site-specific implementing zoning ordinance contemplated by the Settlement Agreement is subject to separate introduction, public hearing, and final consideration in accordance with applicable law; and

WHEREAS, the Township Council has reviewed the material terms of the Settlement Agreement and finds that resolution of the Daughters Actions on the terms set forth therein will avoid the expense, delay, and uncertainty of continued litigation, advance the Township's Fourth Round affordable housing compliance, and serve the best interests of the Township and its residents; and

WHEREAS, the Township desires to approve the Settlement Agreement and authorize the Mayor, Township Clerk, Township counsel, and appropriate Township officials and professionals to take the actions reasonably necessary to effectuate the settlement.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Orange, County of Essex, State of New Jersey, that the Affordable Housing Settlement Agreement between the Township of West Orange and Daughters of Israel Inc., is hereby approved, and shall be executed by the Mayor, attested to by the Township Clerk in the same or substantially similar form as attached hereto as Exhibit A and subject to Township Attorney approval, together with any certificates, acknowledgments, or related documents reasonably necessary to effectuate the Settlement Agreement; and

BE IT FURTHER RESOLVED, Township counsel, special affordable housing counsel, and the Township's professional planner are authorized to approve and incorporate such nonmaterial revisions, corrections, clarifications, and conforming changes to the Settlement Agreement and its exhibits as may be reasonably necessary to finalize the documents, provided that no such revision materially alters the substantive terms approved by this Resolution; and

BE IT FURTHER RESOLVED, Township counsel and special affordable housing counsel are authorized to submit the Settlement Agreement to the Superior Court, request any required fairness hearing or other approval, prepare and submit any proposed consent order, and execute or file any pleadings, stipulations, certifications, or other documents reasonably necessary to obtain Court approval and implement the Settlement Agreement; and

BE IT FURTHER RESOLVED, that the appropriate Township officials and professionals are authorized to prepare and present for consideration the site-specific implementing zoning ordinance contemplated by the Settlement Agreement; and

BE IT FURTHER RESOLVED, that the Mayor, Township Clerk, and other appropriate Township officials are hereby authorized to take any and all required actions to carry out this Settlement Agreement, as set forth herein.

BE IT FURTHER RESOLVED, This Resolution shall take effect immediately upon adoption and a copy of this Resolution shall be made available in the Clerk's office in accordance with applicable law.

Karen J. Carnevale, R.M.C. **Township Clerk**	**Susan Scarpa** **Council President**

Adopted: October 13, 2026