

# MASON, GRIFFIN & PIERSON

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*Celebrating 70 Years*

October 21, 2025

**Via Electronic Filing**

Hon. Thomas D. McCloskey, J.S.C.  
Superior Court of New Jersey - Law Div.  
Middlesex County Courthouse  
56 Paterson Street, Courtroom 306  
New Brunswick, NJ 08903-0964

Hon. Mary C. Jacobson, A.J.S.C. (ret.)  
Superior Court of New Jersey - Law Div.  
Middlesex County Courthouse  
56 Paterson Street  
New Brunswick, NJ 08903-0964

David Banisch, PP/AICP, Special Adjudicator  
Banisch Associates, LLC  
111 Main Street  
Flemington, NJ 08822

**RE: I/M/O the Application of the Township of Cranbury in Middlesex County  
Docket No. MID-L-572-25 (Mount Laurel)**

Dear Judge McCloskey, Judge Jacobson and Special Adjudicator Banisch:

In advance of next week's affordable housing Settlement Conference scheduled for Tuesday, October 28, 2025 at 9:00 am, the Township of Cranbury ("Township"), Fair Share Housing Center ("FSHC") and Henry Realty LLC ("Henry Realty") jointly are pleased to report that the three parties have been in active discussions and believe that there is a path forward to effectuate a successful settlement in the Township's affordable housing declaratory judgment action (and companion action in lieu of prerogative writs, Henry Realty LLC vs. Twp. of Cranbury, et al., Docket No. MID-L-3824-25). We therefore write to provide an update to the Court and Affordable Housing Dispute Resolution Program ("Program"), and request additional time to continue our efforts.

As the Court and Program are aware, on June 26, 2025, the Township filed its adopted Housing Element and Fair Share Plan (the "Plan") and associated documents with the Court, detailing the Township's efforts to meet its "fourth round" affordable housing obligations. The Township's Plan includes a proposed, municipally sponsored, 100% affordable housing development on certain real property owned by Henry Realty, located at 1234 South River Road in the Township,

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designated as a portion of Block 2.01, Lot 1 ("1234 South River Road"). In accordance with the Amended Fair Housing Act, P.L. 2024, c. 2, and Administrative Directive #14-24, challenges to the Township's Plan were then filed by FSHC, Henry Realty, Cranbury Housing Associates, and Axria LLC / Onyx Realty, LLC. All four challenges raise issue with the Township's inclusion of the 1234 South River Road property as a fourth-round compliance mechanism.

The Township, FSHC and Henry Realty have been in discussions and believe that the objections to the 1234 South River Road site may be successfully resolved by settlement that would eliminate the use of the 1234 South River Road site in the Plan, and any use of eminent domain on the site, altogether.

Specifically, the Township understands that the New Jersey Housing and Mortgage Finance Agency ("HMFA") is currently reviewing submitted comments on its proposed amendments to the Low-Income Housing Tax Credit Qualified Allocation Plan, N.J.A.C. 5:80-33.1, *et seq.* This fall, the Township, FSHC, and others submitted comments on the rules, which if they are incorporated by HMFA in its adoption of any amendments, would provide the Township with alternative development options to replace the proposed 1234 South River Road project. HMFA's comment period on the rule amendments is closed and HMFA is expected to release the received comments and potential changes next month. As such, the Township, FSHC and Henry Realty are supportive of providing the Township with additional time to obtain information from HMFA on its proposed QAP rule amendments, allowing the Township time to consider those alternative sites which are dependent on HMFA's rule amendments, and expectantly, to commit to a Plan amendment that would remove the 1234 South River Road project from the Township's Plan.

Based upon these developments, the Township, FSHC and Henry Realty request that the Program continue the October 28 Settlement Conference for approximately three weeks (second half of November) to provide time for the Parties to ascertain HMFA's proposed actions and discuss a formal settlement proposal which will provide for the Township's removal of 1234 South River Road from its Plan and inclusion of alternative site(s) to enable the Township to meet its fourth round affordable housing obligations. Alternatively, if the Program wishes to proceed with the Conference as scheduled on October 28, then the parties request that additional time be considered beyond the October 28 conference so that they may continue their settlement discussions to the second half of November. During this time, the parties also agree that the Township will not institute any proceedings to acquire the 1234 South River Road property.

The parties believe this is the best path forward and will likely result in a final settlement agreement that will resolve the vast majority of claims in the submitted challenges. Importantly, this request for continuance will still provide sufficient time for the parties to continue settlement discussions within the time frames set forth in the Amended Fair Housing Act.

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Your Honors' continued attention and assistance in this matter are greatly appreciated. Should you have any questions or need any further information, please let us know.

Respectfully submitted,



Kevin A. Van Hise  
Attorney for Petitioner,  
Township of Cranbury

THE UNDERSIGNED hereby acknowledge, agree and join in this letter to the Court and Affordable Housing Dispute Resolution Program.



Adam M. Gordon, Esq.  
Attorney for Fair Share Housing Center



Timothy P. Duggan, Esq.  
Attorney for Henry Realty LLC