

RESOLUTION OF THE TOWNSHIP OF ROCKAWAY PLANNING BOARD
ADOPTING THE 2020 HOUSING ELEMENT AND FAIR SHARE PLAN
AS AN AMENDMENT TO THE ROCKAWAY MASTER PLAN

WHEREAS, the Township of Rockaway Planning Board ("Planning Board") is authorized under the Municipal Land Use Law of the State of New Jersey (N.J.S.A. 40:55D-1, *et seq.*) to prepare, adopt and amend a master plan to guide the use of lands within the Township; and

WHEREAS, pursuant to N.J.S.A. 40:55D-28.b(3), the master plan may include a housing element and fair share plan meeting the requirements of N.J.S.A. 52:27D-310; and

WHEREAS, Morris Commons, LLC ("Morris Commons") initiated litigation against the Township of Rockaway ("Township") and the Planning Board in the Superior Court of New Jersey in the matter captioned Morris Commons, LLC v. Township of Rockaway, et al., Docket No. MRS-L-3271-07 ("Litigation"), challenging the Township's satisfaction of its affordable housing obligation, among other things; and

WHEREAS, the Township and Morris Commons entered into an agreement resolving all of the claims between them with regard to the Litigation including the development of the property located at Block 22401, Lots 3.06 and 3.07 on the Official Tax Map of the Township of Rockaway, commonly known as 600 and 700 Commons Way ("Property"), with an affordable housing component; and

WHEREAS, the terms and conditions of said Settlement Agreement were approved by the Township Council on September 12, 2017; and

WHEREAS, Fair Share Housing Center ("FSHC") objected to the terms of the September 12, 2017 Settlement Agreement and requested that the Court decline to approve the Settlement Agreement; and

WHEREAS, Morris Commons, FSHC and the Township engaged in settlement discussions and came to an agreement resolving FSHC's objections regarding the development of the Property; and

WHEREAS, the terms and conditions of said Agreement between Morris Commons, FSHC and the Township were set forth in a certain Settlement Agreement dated May 21, 2019, which was approved by the Court on July 18, 2019; and

WHEREAS, the Township and FSHC negotiated and executed a Settlement Agreement resolving all of the remaining issues in the Litigation including the extent of the Township's affordable housing fair share obligation for the period from 1999 to 2025 and the methods the Township intends to use to satisfy the obligation; and

WHEREAS, the New Jersey Superior Court entered a Preliminary Judgment of Compliance and Repose dated October 5, 2020 that approved the Settlement Agreement between the Township and FSHC and granted the Township immunity and repose from any and all Mount Laurel lawsuits through July 1, 2025, subject to the satisfaction of certain Compliance Conditions and Requirements including the adoption of a Housing Element and Fair Share Plan by the Planning Board and the endorsement of the Housing Element and Fair Share Plan by the Township Council; and

WHEREAS, the Planning Board has received, reviewed and considered a document entitled "Housing Element and Fair Share Plan, Township of Rockaway, Morris County, New Jersey" prepared by the Township's Planning Consultant, Burgis Associates, Inc., dated October, 2020 ("2020 HEFSP"); and

WHEREAS, on October 26, 2020, the Planning Board conducted a public hearing on the 2020 HEFSP; and

WHEREAS, said public hearing was held and conducted after notice and publication as required under N.J.S.A. 40:55D-13 was provided; and

WHEREAS, after conducting said public hearing and further discussing the 2020 HEFSP, the Planning Board has determined that the 2020 HEFSP is consistent with the goals and objectives of the Township of Rockaway and the Planning Board with regard to addressing the Township's affordable housing obligations, as well as the Settlement Agreement between the Township and FSHC and the October 5, 2020 Preliminary Judgment of Compliance and Repose, and that the adoption and implementation of the 2020 HEFSP is in the public interest and will protect the public health and safety and will promote the general welfare and fulfill the constitutional obligation of the Township of Rockaway to provide a realistic opportunity for the construction of its fair share of the region's low and moderate income needs.

NOW, THEREFORE, BE IT RESOLVED by the Township of Rockaway Planning Board as follows:

1. The Township of Rockaway Planning Board ("Planning Board") hereby approves and adopts the Housing Element and Fair Share Plan entitled "Housing Element and Fair Share Plan, Township of Rockaway, Morris County, New Jersey" prepared by Burgis Associates, Inc., dated October, 2020 ("2020 HEFSP") as an amendment to, and element of, the Township of Rockaway Master Plan.

2. The final version of the adopted 2020 HEFSP shall be placed in a bound volume, with a certified copy thereof placed in the Office of the Township Clerk, as well as in the Office of the Planning Board for future use and to represent a portion of the officially adopted Master Plan.

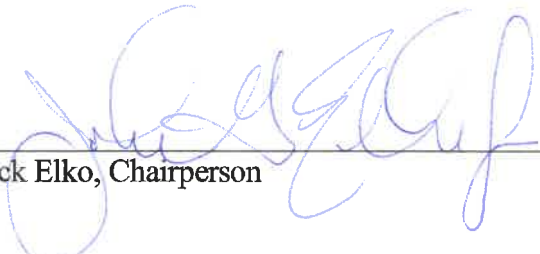
3. The final version of the adopted 2020 HEFSP shall be submitted by the Board Secretary to the Township Council immediately following adoption of this Resolution, together with the recommendation that the Township Council endorse the 2020 HEFSP.

4. Pursuant to N.J.S.A. 40:55D-13, the Board Secretary shall cause a copy of this Resolution, together with a copy of the adopted 2020 HEFSP to be sent to the Office of Planning Advocacy and to the Morris County Planning Board, not more than thirty (30) days after adoption.

5. The Planning Board, Planning Board Secretary, and all other officials, employees and professionals of the Township are hereby authorized and directed to take any and all actions and steps necessary to effectuate the purposes of this Resolution.

6. This Resolution shall take effect immediately.

TOWNSHIP OF ROCKAWAY PLANNING BOARD



Jack Elko, Chairperson

I hereby certify that the foregoing Resolution memorializes the action taken by the Planning Board at their meeting held on October 26, 2020.



David Washington, Secretary