

FILED

April 28, 2021

MICHAEL GAUS, J.S.C.

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MORRIS COMMONS, LLC, a New
Jersey limited liability company,

Plaintiff,

v.

TOWNSHIP OF ROCKAWAY, a
Municipal corporation of the State of New
Jersey,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MORRIS COUNTY

DOCKET NO.: MRS-L-3271-07

CIVIL ACTION
(Mount Laurel)

**FINAL JUDGMENT OF
COMPLIANCE AND REPOSE**

THIS MATTER having come before this Court for a remote and virtual hearing on April 16, 2021 to determine whether the Township of Rockaway (“Township” or “Rockaway”) has satisfied the conditions set forth in the October 5, 2020 “Order Approving Settlement Agreement and Granting a Preliminary Judgment of Compliance and Repose and Setting a Final Compliance Hearing” (“Prior Order”) and is otherwise, entitled to a Final Judgment of Compliance and Repose, in the presence of The Buzak Law Group, LLC, Special Counsel for the Township (Edward J. Buzak, Esq. and Keli L. Gallo, Esq. participating); Steven Firkser, Esq., Counsel for Plaintiff Morris Commons, LLC; Joshua Bauers, Esq., and Vitoria Medeiros, Counsel for Fair Share Housing Center (“FSHC”); and Richard J. Hoff, Jr,

Esq., Counsel for Palmar Associates, LLC; and the January 27, 2021 Order entered by this Court having required specific notice to be given to various entities and persons prior to the hearing; and the Court being satisfied through the contents of Exhibits D-15 and D-16 in evidence and as more specifically set forth in this Judgment that adequate and appropriate notice was provided; and the Court having heard the testimony of David Novak, PP, AICP, the Township's Professional Planning Expert, who reviewed Exhibits D-1 through D-14, marked in evidence by the Court, and having testified that the Township did satisfy the conditions of the Prior Order entered by this Court and that a Final Judgment of Compliance and Repose should be granted; and the Court having further heard the testimony of the Honorable Eugene Serpentelli, J.S.C., Retired, the Special Master appointed to assist the Court in resolving the multiple issues in this litigation, who testified and confirmed that the Township had satisfied the conditions of the Prior Order and should be granted a Final Judgment of Compliance and Repose; and the Court having considered the April 14, 2021 letter submitted by Palmar Associates, LLC, as well as the argument and position of counsel for Palmar Associates, LLC at the hearing; and the Court having noted that no other third party appeared at the remote/virtual Hearing before this Court to object to the relief sought; and the Court having further considered the argument and position of counsel; and the Court being of the view that an unconditional Final Judgment of Compliance and Repose should be entered; and for good cause shown,

It is on this 28th day of April, 2021

ORDERED AND ADJUDGED as follows:

1. The Court finds that the notice provided by the Township as set forth in the Certification of Christina Clipperton (D-15 in evidence) and in the Certification of Justine Visconti (D-16 in evidence) was consistent with the notice requirements set forth by this

Court in its Order of January 27, 2021 and was adequate and appropriate for the remote and virtual hearing to take place.

2. The Township of Rockaway has satisfied the terms and conditions of the October 5, 2020 Order and is entitled to a Final Judgment of Compliance and Repose.

3. The Township's 2020 Housing Element & Fair Share Plan, approved and adopted by the Planning Board of the Township on October 26, 2020 and endorsed by the Governing Body of the Township by Resolution R-20-183 adopted on October 27, 2020 (collectively, Exhibit D-1 in evidence) is hereby approved, and the Township is granted an unconditional Third Round Judgment of Compliance and Repose pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et seq.), applicable regulations of the Council on Affordable Housing ("COAH") and Mount Laurel case law, including the New Jersey Supreme Court's decision in Mount Laurel IV.

4. The Township's Judgment of Compliance and Repose shall remain in effect for ten (10) years, commencing on July 1, 2015 and ending on July 1, 2025, during which time the Township shall have immunity and repose from any and all Mount Laurel lawsuits, including, but not limited to, "builder's remedy" lawsuits, constitutional compliance actions, and any other lawsuit brought under Mount Laurel principles.

5. Unless specifically provided to the contrary herein, all of the provisions of the Prior Order, to the extent not inconsistent herewith, shall remain in full force and effect as set forth therein.

6. The oral opinion of this Court set forth on the record on April 16, 2021 be and the same is hereby incorporated herein as if set forth at length.

7. A copy of the within Final Judgment of Compliance and Repose shall be served on all parties via eCourts or as otherwise directed by the Court. A copy of the within Final Judgment of Compliance and Repose shall be served on the Special Master by electronic mail.

/s Michael C. Gaus

Honorable Michael C. Gaus, J.S.C.