

FILED**DEC 22 2020****CHRISTINE A. FARRINGTON,
J.S.C.****PREPARED BY THE COURT**

: SUPERIOR COURT OF NEW JERSEY
 : LAW DIVISION: BERGEN COUNTY
 : DOCKET NO. BER-L-6119-15
IN THE MATTER IF THE : CIVIL ACTION
APPLICATION OF THE : (MOUNT LAUREL)
BOROUGH OF ENGLEWOOD : FINAL JUDGMENT OF COMPLIANCE AND
CLIFFS REPOSE

THIS MATTER having been opened to the court co-counsel
 Jeffery Surenian, Surenian Associates, Thomas Trautner, Jr.,
 Esq, Chiesa Shahinian & Giantomasi, P.C., and Albert H. Wunsch,
 III, Esq., attorneys for the Borough of Englewood Cliffs
 (hereinafter plaintiff of "Borough") and Joshua Bauers, Esq. and
 Adam Gordon, Esq., on behalf of the Fair Share Housing Center,
 and Thomas F. Carroll, III, Esq., Hill Wallach, and Antimo
 DelVecchio, Esq., and Daniel Steinhagen, Esq., Beattie Padovano,
 appearing on behalf of 800 Sylvan Avenue LLC; and Special Master
 Mary Beth Lonergan and Special Counsel/Administrator Leslie
 London, Esq. appearing; and

Objectors Concerned Citizens, Inc., represented by Donald
 Doherty, Esq., LG USA appearing by its attorney, Jason R. Tuvel,
 Esq., Prime & Tuvel; Louis D'Arminio, Price Meese on behalf of
 Natural Resource Defense; Thomas Herten, Esq. Archer & Greiner,

for Sisters of Peace; John W. McDermott, Esq., Harwood Lloyd for CFI (Cioffi Property), Eileen Swan for New Jersey conservation Foundation, Joshua Laird, Director, Palisades Interstate Parkway and Hemnant Mehta, submitting on his papers through counsel Karl J. Norgaard, Norgaard, O'Boyle & Hanlon;

And it appearing to the court that the Borough adopted a Housing Element and Fair Share Plan dated December 10, 2018, Amended November 13, 2020 (the "Plan");

And the court having set a date of December 17, 2020 for a Fairness and Compliance Hearing to entertain approval of the Plan and the Settlement Agreements between the Borough and Fair Share Housing Center and 800 Sylvan Avenue LLC, and to determine whether said Plan and Settlement Agreements are fair, reasonable and adequately protects the interest of low and moderate income households;

And the Borough having provided proper publication and service of the actual Notice of Fairness and Compliance Hearing and;

And the court having appointed Special Mary Beth Lonergan, PP and the Special Master having submitted a Master's Report to the court dated December 13, 2020 and the court having considered the testimony and exhibits entered into evidence at said Hearing;

IT IS HEREBY ORDERED AND ADJUDGED THIS 22nd DAY OF DECEMBER, 2020 as follows:

1. For the reasons set forth on the record this date and subject to the conditions set forth, the court finds and determines that the Housing Element and Fair Share Plan, Compliance Plan and the Settlement Agreements between Fair Share Housing Center and the Borough and 800 Sylvan Avenue LLC and the Borough (incorporated herein and attached hereto) are fair, reasonable and adequately protect the interests of low and moderate income households, and the court hereby approves the Plan, the terms and conditions of which are hereby incorporated by reference.
2. The court further approves the Borough's Spending Plan, Affirmative Marketing Plan, and the implementing ordinances and resolutions subject to the exceptions noted on the record.
3. The court further finds the Plan proposed by 800 Sylvan in furtherance of its Builder's Remedy to be fair and reasonable to the protected class. The court so finds for the sole purpose of eliminating any need for a further compliance and/or fairness hearing with regard to that plan in the event the Borough reneges on or fails to abide by the terms of the settlement agreements.

4. The court hereby grants the Borough a Judgment of Compliance and Repose which will afford the Borough, among other things, protection from any builder remedy lawsuits brought pursuant to the "Mount Laurel Doctrine" until July 1, 2025, provided the Borough complies with the outstanding conditions as set forth in the Special Master's report which is incorporated herein, as modified by her testimony, and the court's opinion on the record of December 22, 2020, by December 31, 2020. Specifically, the court excepts conditions 3, 4, 5, 15 and Ordinance 20-21 (P-9 in Evidence) and Ordinance 20-13 (P-15 in Evidence). Those excepted items shall be completed within a reasonable time with the supervision of Special Master Mary Beth Lonergan and Special Counsel/Administrator Leslie London, Esq.
5. The opinion of the court, on the record this date, commencing at approximately 10:30 a.m. is incorporated herein.

A copy of this Judgment shall be served upon all counsel of record and the court appointed Special Master via eCourts.


CHRISTINE FARRINGTON, J.S.C., ret'd, t/a