

TRIARSI, BETANCOURT, WUKOVITS & DUGAN, LLC

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Attorneys for Plaintiff

IN THE MATTER OF TOWNSHIP OF
CLARK, A MUNICIPAL CORPORATION
OF THE STATE OF NEW JERSEY
(UNION COUNTY) AFFORDABLE
HOUSING COMPLIANCE PLAN,

Plaintiff,

:
: SUPERIOR COURT OF NEW JERSEY
: CHANCERY DIVISION -
: UNION COUNTY
:
: DOCKET NO. UNN-L-2441-15
: Civil Action
: **FINAL DECLARATORY**
: **JUDGMENT OF COMPLIANCE**
: **AND REPOSE**
:

THIS MATTER having been opened to the Court by Triarsi, Betancourt, Wukovits & Dugan, LLC, Joseph J. Triarsi, Esq. appearing, attorneys for the Township of Clark, Plaintiff, upon notice to Kevin D. Walsh, Esq., attorney for Fair Share Housing Center, Inc. and Robert Kasuba, Esq., attorney for K&K Developers and Evening Realty (collectively, "K&K"), an interested party and an intervening Defendant, and Elizabeth C. McKenzie, A.I.C.P., P.P., and Philip B. Caton, PP, FAICP, Court-appointed Special Masters; and the Court having entered an Order of Fairness and Preliminary Compliance dated January 13, 2017, after the Court reviewed Special Master Philip Caton's report to the Court dated December 8, 2016, and after the Court reviewed Special Master Elizabeth C. McKenzie's Report to the Court dated December 2, 2016, and the Court having determined, subject to certain revisions as set forth in the McKenzie Report, that the Township of Clark draft Fair Share Plan created a realistic opportunity to achieve the Township of Clark's Affordable Obligations under the Mount Laurel Doctrine; and the Court having reviewed, on October 3, 2017, documentation subsequently submitted by the Township of Clark, and Special Master Elizabeth C. McKenzie's report to the Court dated September 28, 2017, and Special Master Philip B. Caton's Report to the Court dated October 2, 2017; and the Court having heard testimony from Kevin O'Brien, P.P., A.I.C.P., on behalf of the Township of Clark, and testimony from both Court-Appointed Special Masters, and having determined to enter a Conditional Declaratory Judgment of Compliance and Repose at that time,

IT IS THEREFORE ON THIS 9th DAY OF DECEMBER, 2017, ADJUDGED,
DECLARED AND ORDERED AS FOLLOWS:

1. The Court did on January 13, 2017, enter an Order of Fairness and Preliminary Compliance; and on April 21, 2017, a second Order for Extending Time for Compliance with Conditionals to October 3, 2017; and, an October 5, 2017, Conditional Final Declaratory Judgment of Compliance and Repose; and

2. The Township of Clark has complied with all conditions set forth in the December 2, 2016 and September 28, 2017 reports of the Special Master, Elizabeth C. McKenzie, A.I.C.P., P.P., and all conditions of the Conditional Final Declaratory Judgment of Compliance and Repose entered on October 5, 2017; and

3. The Court does hereby acknowledge the passage of the Township of Clark of the following: Township of Clark, Ordinance No. 2017-14 on September 18, 2017; Township of Clark, Ordinance No. 2017-15 on September 18, 2017; Township of Clark Ordinance No. 2017-16 on September 18, 2017; Township of Clark Resolution No. 2017-136 on September 18, 2017; Township of Clark Resolution No. 2017-137 on September 18, 2017; Township of Clark Resolution No. 138 on September 18, 2017; Township of Clark Resolution No. 139 on September 18, 2017; Township of Clark Resolution No. 2017-140 on September 18, 2017; Township of Clark Resolution No. 141 on September 18, 2017; and the Housing Element of the Master Plan, Fair Share Plan, which were adopted by the Township of Clark Planning Board on September 7, 2017; on November 6, 2017, the Township of Clark passed Resolution 17-157 which adopted the Affordable Housing Spending Plan; and

4. The Court does hereby acknowledge that the Township of Clark has complied with all conditions set forth in the December 8, 2016 and October 2, 2017 reports of the Special Master, Philip B. Caton; and

5. The Court entered a Consent Order dated October 23, 2017, resolving all issues raised by Defendants-Intervenors, Evening Realty Co., Inc. and K&K Developers, Inc.; and

6. The Court does hereby acknowledge the passage of the Township of Clark Ordinance No.: 17-22 on November 20, 2017, an Ordinance Amending and Supplementing Chapter 195, Entitled Land Use Development, Article XXIII, District Regulations, of the Code of the Township of Clark, in accordance with the Court's October 23, 2017 Order; and

7. It is hereby declared that the Township of Clark land use regulations and affirmative devices now comply with the Township's constitutional obligation with respect to affordable housing under the Mount Laurel doctrine; and

8. Judgment is hereby declared in favor of Plaintiff, Township of Clark, for a Final Declaratory Judgment of Compliance and Repose pursuant to East/West Venture v. Borough of Fort Lee and the Mount Laurel line of cases through July 1, 2025;

AND IT IS FURTHER ORDERED that a copy of this Judgment be served upon all interested parties with 7 days of receipt.


Hon. Karen M. Cassidy, A.J.S.C.