

FILED

MAR 23 2017

THOMAS F. BROGAN, P.J.Cv.

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – PASSAIC COUNTY

IN THE MATTER OF THE :
APPLICATION OF THE TOWNSHIP
OF WAYNE, a Municipal Corporation :
of the State of New Jersey, and THE
PLANNING BOARD OF THE :
TOWNSHIP OF WAYNE,
Plaintiffs/Petitioners. :

DOCKET NO. L-2396-15

Civil Action

(Mt. Laurel)

ORDER

THE WITHIN matter having come before the Court on Motion by Fiorello, Puccio & Fiorello LLC (John Fiorello, Esq., appearing) on behalf of Plaintiff/Petitioner, Township of Wayne ("Township"), and Cavaliere & Cavaliere, P.A. (Matthew J. Cavaliere, Esq., appearing) on behalf of Plaintiff/Petitioner Township of Wayne Planning Board (collectively, "Wayne"), for an Order extending the temporary immunity from exclusionary zoning suits previously granted and thereafter extended, and on Motion by Bray & Bray, L.L.C. (Peter R. Bray, Esq., appearing) on behalf of 1700 Valley Road, LLC for an Order permitting an Appearance as Amicus Curiae and for an Order that assisted living units proposed by 1700 Valley Road, LLC, be determined not to

be age restricted, and in the presence of the following: Bisgaier Hoff, LLC (Robert A. Kasuba, Esq., appearing) on behalf of Intervenor/Defendant AvalonBay Communities, Inc., ("AvalonBay"), Bisgaier Hoff, LLC (David R. Oberlander, Esq., appearing) on behalf of Intervenor/Defendant Wayne Property Holdings, LLC ("WPH"), Fox Rothschild LLP (Irina E. Elgart, Esq., appearing) on behalf of Intervenor/Defendant K. Hovnanian North Jersey Acquisitions, LLC ("K. Hovnanian"), and Adam M. Gordon, Esq., appearing on behalf of Fair Share Housing Center ("FSHC"), and the Court having considered the arguments and representations of counsel as well as the report of Special Master Christine A. Nazzaro-Cofone, PP/AICP, Wayne Special Master, dated March 7, 2017 and good cause appearing for the entry of the within Order;

It is on this 23 day of Mar, 2017, ORDERED as follows:

1. Wayne is hereby granted an extension of temporary immunity from a builder's remedy suit or other third party lawsuits until June 8, 2017 at 2:00 p.m., at which time a status conference shall be held.
2. Discovery is extended to June 8, 2017.
3. 1700 Valley Road, L.L.C. shall be permitted to intervene in the captioned matter.
4. The application of 1700 Valley Road, LLC for an Order determining that the assisted living units that it proposes should not be determined to be age restricted or, in the alternative, that any age restriction applicable to such units be waived, is denied without prejudice.



HON. THOMAS F. BROGAN, P.J.Cv.