



TOWNSHIP OF RANDOLPH
502 MILLBROOK AVENUE ♦ RANDOLPH, N.J. 07869
973-989-7068 FAX 973-989-7076

NOTICE TO ALL APPLICANTS FOR PLANNING/ZONING BOARD APPROVALS

6/1/18

All applicants to the Randolph Township Planning and Zoning Boards are hereby notified that the Township is restricted by a Scarce Resource Order for water that has imposed by the Superior Court of Morris County. Paragraph 2 of that order states:

As of the date of the Order, [June 1, 2018, date added] no new connections to the water system or allocations of water for developments shall be authorized or approved by the Township of Randolph except for the following exemptions (“Exemptions”): (i) single family homes that are not part of a development or uses with a service level no greater than a single family home; (ii) existing single family homes whose individual water supply fails, becomes contaminated or otherwise non-potable, or is unable to meet the needs of said residents; (iii) all projects as set forth in Table A attached hereto and made a part hereof...

The order further states “that any Board action or approval will not confer any ‘vested rights’ for allocation of public potable water...without the Court’s review and approval.”

There is a procedure established in the Order for an applicant to seek relief from its restrictions. A full copy of the order is attached to this notice.

EJB (RAND-2004A)
Amended Consent Order Imposing Scarce Resource Restraints(w/Table A)
041818
052118 Blacklined
052418
052418-1/060518 Amended w/Table A

FILED

JUN 06 2018

Maryann L. Nergaard
J.S.C.

Edward J. Buzak, Esq. - ID No. 002131973
THE BUZAK LAW GROUP, LLC
Montville Office Park
150 River Road, Suite N-4
Montville, New Jersey 07045
(973) 335-0600
Attorney for Plaintiff/Petitioner, Township of Randolph

IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP
OF RANDOLPH, a municipal
corporation of the State of New Jersey,

Plaintiff/Petitioner.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MORRIS COUNTY

DOCKET NO.: MRS-L-1640-15

CIVIL ACTION
(Mount Laurel)
AMENDED CONSENT ORDER
(INCLUDES TABLE A)
IMPOSING SCARCE WATER
RESOURCE RESTRAINTS

This matter having been opened to the Court by Defendants/Intervenors LYS Realty Associates, LLC and Sporn Realty & Management Corp., by and through its attorneys, Fox Rothschild LLP, by way of motion for an Order Imposing Scarce Water Resource Restraints, in which Defendant/Intervenor Canoe Brook Development LLC, joined, by and through its attorneys, Bisgaier Hoff, LLC; and Petitioner, Township of Randolph, by and through its attorneys, The Buzak Law Group, LLC, having opposed the entry of the Order Imposing Scarce Water Resource Restraints in the form as set forth by said Defendants/Intervenors; and the parties having met with the Special Master and having arrived at a mutually agreeable form of Order and for good cause shown

It is on this 6th day of June, 2018 **ORDERED** as follows:

1. Except as set forth in Paragraph 2 below, there is hereby imposed a scarce water resource restraint requiring the Township of Randolph to withhold and reserve all remaining water supply for projects which assist the Township in satisfying its constitutional affordable housing obligation, until further Order of this Court as set forth hereinafter.

2. As of the date of this Order, no new connections to the water system or allocations of water for developments shall be authorized or approved by the Township of Randolph except for the following exemptions ("Exemptions") : (i) single family homes that are not part of a development or uses with a service level no greater than a single family home ; (ii) existing single family homes whose individual water supply fails, becomes contaminated or otherwise non-potable, or is unable to meet the needs of said residents; and (iii) all projects as set forth in Table A attached hereto and made a part hereof. At six (6) month intervals, beginning December 1, 2018, the Township shall submit to the Special Master and to all signatories of this Consent Order a list of connections made to the water system of the Township of Randolph in the categories set forth in this Paragraph 2 of this Consent Order.

3. The Planning Board, and the Zoning Board of Adjustment (collectively "Boards"), shall advise all applicants filing any application for development after the date of the entry of this Order that any Board action or approval will not confer "vested rights" for allocation of public potable water service upon the applicant without the Court's review and approval. Only after an Order has been entered releasing an application from the restraints imposed by this Order will an applicant acquire "vested rights" for water allocation.

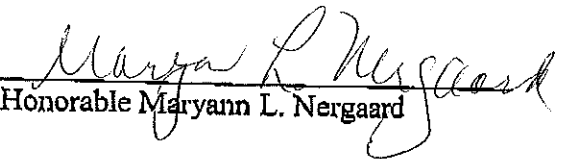
4. The Township and any agency of the Township that is authorized to issue water service connection permits are hereby restrained from issuing any new or expanded water service connections except as otherwise provided in Paragraph 2 of this Order.

5. Any applicant for development approval from the Boards, or any party or person affected or potentially affected by the restraints imposed by this Court Order may apply to the Special Master, Philip Caton, with notice to all parties for relief from this Order at any time in the form of a letter with appropriate supporting documentation. The Special Master shall render a decision in writing on said request for relief within fifteen (15) business days of receipt of the aforesaid application. If the Special Master determines that relief from the restraints imposed herein is appropriate, he shall authorize the relief from the restraints in writing with a copy to the Court and all parties and the Applicant may then pursue the connection of their development or project, or premises to the potable water system of the Township. If the Special Master fails to timely decide the request or declines to authorize the relief sought, or if any party objects to the Special Master's decision, application shall be made to the Court within ten (10) days of the receipt of the written decision of the Special Master, on notice to the Special Master and all interested parties to this litigation who originally received notice of the request for relief.

6. Pending any further Order from this Court, the restraints and Exemptions in this Order will remain in effect for 90 days from its date of entry and shall be automatically extended for periods of 60 days thereafter, unless otherwise modified by the Court upon application of any party.

7. Notwithstanding anything to the contrary, upon the issuance of a Judgment of Compliance and Repose to the Township of Randolph, unless otherwise previously dissolved by the Court, this Order shall automatically be dissolved, simultaneously with the entry of the Judgment of Compliance and Repose.

8. Counsel for the Petitioner shall serve a copy of this Order upon all counsel within seven (7) days of receipt hereof.


Honorable Maryann L. Nergaard

The following parties and interested parties in this litigation consent to the form and entry of this Consent Order:

THE BUZAK LAW GROUP, LLC
Attorneys for Township of Randolph

By _____
Edward J. Buzak, Esq.

FOX ROTHSCHILD LLP
Attorneys for LYS Realty Associates, LLC and
Sporn Realty & Management Corp.

By _____
Henry Kent-Smith, Esq.

BISGAIER HOFF, LLC
Attorneys for Canoe Brook Development LLC

By _____
Robert Kasuba, Esq.

INGLESINO, WEBSTER, WYCISKALA & TAYLOR, LLC
Attorneys for American Properties

By _____
Derek W. Orth, Esq.

LASSER HOCHMAN, LLC
Attorneys for KAB Associates

By _____
Bruce Snyder, Esq.

FAIR SHARE HOUSING CENTER

By _____
Joshua Bauers, Esq.

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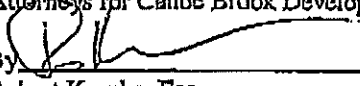
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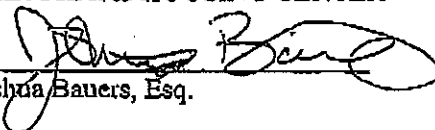
By  _____
Joshua Bauers, Esq.

Table A - Existing Short Term Demand

Site	Location	Use type	U/M	Unit demand	Nb. Units	Total Demand	Peak Demand
Rose of Sharon	Dover Chester Rd	single family	lot	300	2	600	1,800
Kozak	Middlebury Blvd	commercial	SF	0.125	35,000	4,375	13,125
Randolph Diner	Rt 10/Center Grove	commercial	SF	0.125	2,335	292	876
Gordon Randolph							
MAB	Route 10	commercial	SF	0.125	13,580	1,698	5,094
Collinson							
subdivision	South Road	single family	lot	300	2	600	1,800
Labrano	Jodilee Lane	single family	lot	300	3	900	2,700
Kahn	Dover Chester Rd	retail	SF	0.125	3,885	486	1,458
		apartment	each	300	1	300	900
Japar	West Hanover Ave	retail	SF	0.125	6,050	756	2,268
1.01 Aspen Dr	Aspen Dr	commercial	SF	0.125	51,085	6,386	19,158
Skylands	Route 10	Hotel	room	75	74	5,550	16,650
Gangami	Hilltop Rd	single family	lot	300	1	300	900
Heritage 55	Calais Road	age restr TH	unit	225	30	6,750	20,250
Heller	Sussex Turnpike	retail	SF	0.125	63,300	7,913	23,739
SJC Hlds	Route 10	office/daycare	SF	0.125	24,560	3,070	9,210
Elbaum Homes	Route 10	medical office	SF	0.125	22,000	2,750	8,250
Envision Prop	Route 10	retail	SF	0.125	20,875	2,609	7,827
Gourmet Dev	Dover Chester Rd	retail	SF	0.125	4,970	621	1,863
		apartment	each	300	1	300	960
Primrose School	Middlebury Blvd	daycare	student	10	194	1,940	5,820
Dinkerson	Dover Chester Rd	medical office	SF	0.125	12,516	1,565	4,695
Randolph Mountain		single family	lot	300	34	10,200	30,600
Mt Freedom 1	Harvey/Carellen	single family	lot	300	29	8,700	26,100
Mt Freedom 2	Woodlawn/Shuman	single family	lot	300	15	4,500	13,500
Wendy's	Route 10	restaurant	est	5,000	1	5,000	15,000
Sussex Turnpike redev	Sussex Turnpike	mixed use	est	8,000	1	8,000	24,000
Randolph Realty	Brookside	townhouses	unit	300	105	31,500	94,500

TABLE A (1 of 2)

Ferrero Engineering, Inc.
March 1, 2018
Page 5

Re: Water Capacity Analysis
Randolph Township Water System

Progress Properties Gp	Middlebury Blvd	office	SF	0.125	12,880	1,610	4,830
		warehouse	person/shift	25	20	500	1,500
Heller Group	West Hanover Ave	retail	SF	0.125	8,400	1,050	3,150
Sussex/Millbrook LLC	Sussex Turnpike	mixed use	SF	0.125	12,540	1,568	4,704
Bilbaum Homes	Route 10 West	office	SF	0.125	3,865	483	1,449
				Total projected demand		122,872	368,516

TABLE A (2 of 2)