

ADOPTING THE 2019 AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN AND AMENDING THE MASTER PLAN FOR THE BOROUGH OF NEW PROVIDENCE, COUNTY OF UNION, STATE OF NEW JERSEY

WHEREAS, N.J.S.A. 40:55D-28 permits municipalities to, after a public hearing, amend a master plan or component thereof, to guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare; and

WHEREAS, on or about July 7, 2015, the Council of the Borough of New Providence (the “Council”) filed a Complaint (Docket No. UNN-L-2442-25) in the Law Division of the Superior Court of New Jersey, Union County (the “Court”) seeking a declaration of its compliance with the Mount Laurel Doctrine and Fair Housing Act of 1987, N.J.S.A. 53:27D-301, et seq., in accordance with In re: N.J.A.C. 5:96 and 5:97, 221 N.J. 30 (2015); and

WHEREAS, in March and April of 2019, a document entitled “Affordable Housing Settlement Agreement” was signed by the Mayor, Fair Share Housing Center (“FSHC”), Murray Hill, LLC by Linde Gas North America, and Becton Dickinson and Company (“BD”), which (1) settled litigation between the Borough, FSHC, Murray Hill, LLC, and BD; (2) established the Borough’s “fair share” of the regional need for very low, low-, and moderate-income housing; and (3) delineated the actions that must be taken for the Borough to satisfy its fair share; and

WHEREAS, in March and April of 2019, a document entitled “Affordable Housing Agreement” was signed by the Mayor and Murray Hill, LLC as a successor to Linde North America, Inc, which settled litigation with Murray Hill, LLC; and

WHEREAS, on April 5, 2019, a Fairness Hearing took place, and on April 8, 2019 an Order was entered by the Court approving the proposed settlements; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, on July 9, 2019, the Planning Board of the Borough of New Providence held a public hearing to consider adoption of the amended Housing Element and Fair Share Plan to implement the settlement agreements; and

WHEREAS, the Planning Board of the Borough of New Providence reviewed and considered the extensive report, dated June 2019, prepared by the Borough’s Consulting Professional Planners, Heyer, Gruel & Associates and otherwise entered said report into evidence and heard the testimony of McKinley Mertz, PP, AICP relative to the contents and conclusions set forth in that report; and

NOW, THEREFORE BE IT RESOLVED, that, upon the conclusion of the public hearing, the Planning Board, having reviewed the proposed 2019 Amended HEFSP by Heyer, Gruel & Associates, adopts the 2019 Amended HEFSP, attached hereto, finding that it will guide the use of lands in the municipality in a manner which protects public health and safety and promotes the general welfare in accordance with N.J.S.A. 40:55D-28; and

BE IT FURTHER RESOLVED, that a copy of this Resolution and the attached Amended HEFSP for the Borough of New Providence, County of Union, State of New Jersey, as prepared by Heyer, Gruel & Associates, shall be sent to the Union County Planning Board and notice of the adoption of same shall be sent to the Municipal Clerk of each adjoining municipality; and

BE IT FURTHER RESOLVED, that notification of the adoption be published in an official newspaper of the Borough of New Providence Planning Board.

ADOPTED on this 9th day of July 2019.

Motion to approve: Mayor Morgan
Second: Mr. Sartorius
Those in Favor: Mr. Castagna, Mr. Cumiskey, Mr. Hoefling,
Mr. Keane, Mayor Morgan, Mr. Sartorius and
Chairman Lesnewich
Those Opposed: None
Abstentions: None
Recusals: None
Absences: None

The foregoing is herein certified to be a true copy of the Resolution adopted by the Planning Board at its hearing of July 9, 2019.



Margaret Koontz, Secretary



Robert K. Lesnewich, Chairman

Date of Resolution: July 9, 2019
Date of Publication: July 12, 2019
Place of Publication: Courier News