

REMOVED FROM AGENDA

RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No 2017-138

Council Meeting Date:

Date Adopted:

TITLE: RESOLUTION OF THE COUNCIL OF THE BOROUGH OF NEW PROVIDENCE, COUNTY OF UNION STATE OF NEW JERSEY ENDORSING AND SEEKING COURT APPROVAL OF A HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY THE PLANNING BOARD

Councilperson _____ submitted the following resolution, which was duly seconded by Councilperson _____.

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 7, 2015, the Borough of New Providence (hereinafter “New Providence” or the “Borough”) filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan, to be amended as necessary, satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine,” and

WHEREAS, the Borough simultaneously, and ultimately secured, a protective order providing New Providence immunity from all exclusionary zoning lawsuits while it pursues approval of its Housing Element and Fair Share Plan, which is still in full force and effect; and

WHEREAS, the Court also appointed Elizabeth C. McKenzie, P.P., P.A., as the Special Court Master (hereinafter the “Court Master”), as is customary in Mount Laurel matters adjudicated in the courts; and

WHEREAS, with assistance from the Court Master, New Providence and Fair Share Housing Center (hereinafter “FSHC”) engaged in good faith negotiations, which resulted in the entering into a Settlement Agreement between the Borough and FSHC on December 13, 2016; and

WHEREAS, a Fairness hearing was held on January 13, 2017, at which the FSHC Settlement Agreement was approved, and said approval was later memorialized by an Order entered by the Court on January 30, 2017; and

WHEREAS, as per the terms of the December 13, 2016 FSHC Settlement Agreement and the Court’s January 30, 2017 Order, the Borough’s planner prepared a Housing Element and Fair Share Plan, which was reviewed by the Planning Board and is attached hereto as Exhibit A; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Housing Element and Fair Share Plan on March 7, 2017 and adopted the Housing Element and Fair Share on that same day; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Housing Element and Fair Share Plan is attached hereto as Exhibit B; and

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WHEREAS, the Borough Council of New Providence wishes to endorse the Housing Element and Fair Share Plan, and seeks approval of the Housing Element and Fair Share Plan from the Court.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of New Providence:

1. That it hereby endorses the Housing Element and Fair Share Plan, which is attached hereto as Exhibit A, as adopted by the New Providence Planning Board via the Planning Board resolution that is attached hereto as Exhibit B.
2. That it authorizes and directs its professionals to file with the Court (i) the Housing Element and Fair Share Plan, (ii) the resolutions of the Planning Board adopting and the Borough Council endorsing the Housing Element and Fair Share Plan, and (iii) any additional documents the professionals deem necessary or desirable.
3. That it authorizes its professionals to seek Court approval of the Housing Element and Fair Share Plan at a properly notice Compliance Hearing.
4. That it reserves the right to amend the Housing Element and Fair Share Plan, should that be necessary.