

**A RESOLUTION OF THE BOROUGH OF WOODBURY HEIGHTS
PLANNING/ZONING BOARD
ADOPTING THE HOUSING ELEMENT AND FAIR SHARE PLAN
AMENDMENT DATED MARCH 19, 2012**

WHEREAS, the Planning/Zoning Board of the Borough of Woodbury Heights previously adopted its current Master Plan pursuant to N.J.S.A. 40:55D-28; and

WHEREAS, the Planning/Zoning Board of the Borough of Woodbury Heights had most recently adopted the revised Third Round Housing Element and Fair Share Plan on July 8, 2010; and

WHEREAS, Woodbury Heights Development, LLC, as the owner of certain property in the Borough of Woodbury Heights designated as Lot 1 of Block 80, filed a builder's remedy lawsuit against the Borough of Woodbury Heights and the Woodbury Heights Planning Board under the Mount Laurel II case [*Southern Burlington County NAACP v. Township of Mount Laurel*, 92 N.J. 158 (1983)], the New Jersey Fair Housing Act, N.J.S.A. 52: 27D-301, et seq., and applicable regulations promulgated pursuant to the Fair Housing Act; and

WHEREAS, during the course of this litigation as filed by Woodbury Heights Development, LLC, which litigation was captioned "*Woodbury Heights Development, LLC v. Borough of Woodbury Heights and the Planning Board of the Borough of Woodbury Heights*", and docketed in the Superior Court of New Jersey, Law Division, Gloucester County as Docket No. GLO-L-1750-09, the parties discussed the potential for settlement; and

WHEREAS, as a result of such settlement discussions, the parties to this litigation have reached a possible agreement so as to provide for less intensive development of the subject property then had been approved for this lot in 2006; and

WHEREAS, in fulfillment of its responsibilities under this agreement, the Planning Board had reviewed a requisite amendment to the Borough's Master Plan, including to the Housing Element and Fair Share Plan as prepared by Tiffany Cuvillo, PP, AICP; and

WHEREAS, in further fulfillment of its responsibilities under this Agreement, the Planning Board has also reviewed a proposed ordinance as prepared by Tiffany CuvIELLO, PP, AICP, to create a new Section 70-13.2 under Article IV, District Regulations, entitled "RM Residential Multifamily District", to allow for the compromised development project as negotiated by the parties to the above-referenced litigation;

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 50:55D-13, the Planning/Zoning Board of the Borough of Woodbury Heights held a public hearing on this Housing Element and Fair Share Plan Amendment on March 19, 2012; and

WHEREAS, the Planning/Zoning Board has determined that the Housing Element and Fair Share Plan Amendment are consistent with the goals and objectives of the Borough of Woodbury Heights's Master Plan and that adoption and implementation of the Housing Element and Fair Share Plan Amendment are in the public interest, protect public health and safety and promote the general welfare.

NOW THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Borough of Woodbury Heights, County of Gloucester, State of New Jersey, that the Planning/Zoning Board hereby adopts the March 19, 2012 Housing Element and Fair Share Plan Amendment as prepared by Tiffany CuvIELLO, PP, AICP.

BE IT FURTHER RESOLVED by the Planning/Zoning Board of the Borough of Woodbury Heights that the proposed ordinance as prepared by Tiffany CuvIELLO, PP, AICP to create a new Section 70-13.2 under Article IV, District Regulations, entitled "RM Residential Multifamily District", of the Land Use Ordinances and Code of the Borough of Woodbury Heights be recommended for adoption by the Borough Council.

BE IT FURTHER RESOLVED, that the appropriate Board officials are hereby authorized and directed to take all appropriate actions to effectuate the intent and purpose of this resolution.

ROLL CALL VOTE

THOSE IN FAVOR:

PHALINES, ELTON, DEECK, HART, COULEY, FLYNN,
HOLMSTROM, MARTINO, TOMASETTI

THOSE OPPOSED:

NONE

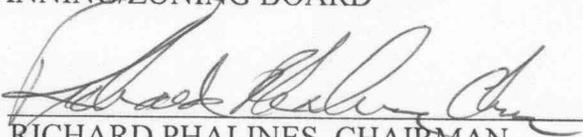
THOSE ABSTAINING:

BARESIK

Dated: March 19, 2012

BOROUGH OF WOODBURY HEIGHTS
PLANNING/ZONING BOARD

By:


RICHARD PHALINES, CHAIRMAN

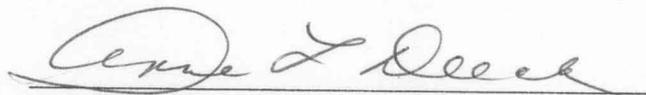
ATTEST:



ANNE DEECK, SECRETARY
PLANNING/ZONING BOARD

CERTIFICATION

The foregoing resolution was duly adopted by the Planning/Zoning Board of the Borough of Woodbury Heights at the regular meeting of said Board on March 19, 2012.



ANNE DEECK, SECRETARY
PLANNING/ZONING BOARD