

**A RESOLUTION OF THE BOROUGH OF WOODBURY HEIGHTS  
PLANNING/ZONING BOARD  
RECOMMENDING ORDINANCE 12-2012**

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 than had been approved for this lot in 2006; and

WHEREAS, in fulfillment of its responsibilities under this agreement, the Planning Board had previously 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", of the Land Use Ordinances and Code of the Borough of Woodbury Heights and recommended same for adoption by the Borough Council by Resolution 2012:09; and

WHEREAS, in further fulfillment of its responsibilities under this agreement, the Planning Board has also reviewed a proposed ordinance to amend the Zoning District designation of the aforesaid Lot 1 of Block 80 from the former RA-Residential Age-Restricted

District to the new RM-Residential Multifamily District, as set out in proposed Ordinance 12-2012, so that the Zoning Map is consistent with the new zoning that was recently enacted; and

WHEREAS, the Planning/Zoning Board has determined that the new Zoning Map designation should be made, in order to be consistent with the new zoning, which Zoning Map designation is consistent with the goals and objectives of the Borough of Woodbury Heights's Master Plan, and that adoption of Ordinance 12-2012 is in the public interest, to protect public health and safety and/or to 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 recommends for adoption by the Borough Council the proposed Ordinance 12-2012, to re-designate Lot 1 of Block 80 from the RA Zoning District to the RM Zoning District on the Borough Zoning Map.

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: *CONLEY, HOLMSTROM, ELTON, DEECK, HART, BAKYSIEN  
TOMASETTI, RICHARD PHALINES*

THOSE OPPOSED: 0

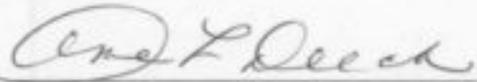
THOSE ABSTAINING: 0

Dated: May 7, 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 May 7, 2012.



ANNE DEECK, SECRETARY  
PLANNING/ZONING BOARD