

RESOLUTION 38 - 2013

**Resolution of the Council of the Borough of Woodbury Heights
Endorsing an Amended Housing Element and Fair Share Plan And Authorizing The
Borough's Professionals To Take Action With Respect to Same**

WHEREAS, the Planning Board of the Borough of Woodbury Heights, County of Gloucester, State of New Jersey, adopted a Third Round Housing Element and Fair Share Plan on December 7, 2009 and the Borough endorsed same; and

WHEREAS, the Planning Board adopted a Revised Third Round Housing Element and Fair Share Plan on July 8, 2010, which was subsequently amended on March 19, 2012 and the Borough endorsed same; and

WHEREAS, the Borough and its Planning Board entered into a settlement with Woodbury Heights Development, LLC on or about May 18, 2012, which the Court approved after a fairness hearing on June 27, 2012; and

WHEREAS, in conjunction with the approval of the settlement, the Court required, among other things, the Borough to seek a "prior cycle judgment of compliance and repose" seeking approval of the known components of the Borough's fair share; namely, the rehab and prior cycle components; and

WHEREAS, in conjunction with seeking a prior cycle judgment of compliance and repose, the Borough's Special Mount Laurel counsel recommended that the Planning Board adopt and the Borough endorse an amended housing element and fair share plan clearly delineating how, based upon the settlement and other factors, that the Borough was satisfying its rehab and prior cycle responsibilities and removing many portions of the prior plan and amendments thereto that were no longer relevant; and

WHEREAS the Planning Board accepted the recommendations of Special Mount Laurel counsel and indeed adopted an amended housing element and fair share plan (hereinafter 2013 Plan) on January 7, 2013 that clearly set forth the Borough's known responsibilities and clearly explained how the Borough proposes to satisfy them; and

WHEREAS, the Borough needs to endorse the 2013 Plan in order for the plan to be ripe for judicial review and for consideration for formal approval after a compliance hearing the Court has scheduled for March 20, 2013; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the 2013 Plan is attached pursuant to N.J.A.C. 5:96-2.2(a)2.

**NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE
BOROUGH OF WOODBURY HEIGHTS:**

1. That it hereby endorses the 2013 Plan as adopted by the Borough of Woodbury Heights Planning Board; and

2. That it authorizes and directs its representatives to file the following documents with the Court: (a) the 2013 Plan; (b) the Planning Board resolution adopting same; (c) the within resolution endorsing same; and (d) any other documents Special Counsel deems appropriate in support of the 2013 Plan; and
3. That it authorizes and directs Special Counsel to seek Court approval of 2013 Plan and to arrange for the publication of an appropriate notice of a compliance hearing in conjunction herewith; and
4. That it authorizes and directs Special Counsel to supply the Court any information it may request in conjunction with the Borough's efforts to secure Court approval of the 2013 Plan; and

BOROUGH OF WOODBURY HEIGHTS

BY: 
HARRY W. ELTON, JR., MAYOR

ATTEST:


JANET PIZZI, CLERK/ADMINISTRATOR

NOTICE

The foregoing Resolution was duly adopted by the Borough Council of the Borough of Woodbury Heights at the Regular Meeting held on January 16, 2013.


JANET PIZZI, CLERK/ADMINISTRATOR