

**RESOLUTION 94-2015**  
**RESOLUTION OF THE BOROUGH OF WOODBURY HEIGHTS, GLOUCESTER COUNTY,**  
**NEW JERSEY ENDORSING AN ADDENDUM TO THE APPROVED HOUSING ELEMENT OF**  
**THE MASTER PLAN AND FAIR SHARE PLAN DATED NOVEMBER 4, 2013**

**WHEREAS**, by Resolution 2013-12 the Planning/Zoning Board of Adjustment of the Borough of Woodbury Heights adopted an Amendment to the Housing Element of the Master Plan and Fair Share Plan on November 4, 2013; and

**WHEREAS**, the Borough Council of the Borough of Woodbury Heights subsequently adopted Resolution 139-2013 endorsing the aforementioned Housing Element of the Master Plan and Fair Share Plan; and

**WHEREAS**, a true copy of the Resolution of the Combined Planning/Zoning Board of Adjust adopting the Housing Element is attached pursuant to N.J.A.C. 5:96-2.2(a)(2); and

**WHEREAS**, the Combined Planning/Zoning Board of Adjustment adopted the Fair Share Plan on November 4, 2013; and

**WHEREAS**, a true copy of the Resolution of the Combined Planning/Zoning Board of Adjustment adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:96-2.2(a)(2); and

**WHEREAS**, on July 7, 2015 the Borough of Woodbury Heights filed an application for Declaratory Judgment seeking temporary immunity from Mount Laurel Lawsuits with the Superior Court of New Jersey-Law Division, Gloucester County assigned Docket Number: GLO-L-910-15, wherein the Court granted temporary immunity through December 8, 2015, provided the Borough of Woodbury Heights file an updated Housing Element and Fair Share Plan addressing the Borough's future affordable housing obligation; and

**WHEREAS**, the Borough Planner, Tiffany Cuiello, P.P. has reviewed the affordable housing obligations of the Borough, as well as the approved Housing Element of the Master Plan and Fair Share Plan dated November 4, 2013 adopted by the Borough and has further recommended the adoption and endorsement of the attached Vacant Land Adjustment Addendum to the aforementioned Housing Element of the Master Plan and Fair Share Plan, which document is dated November 14, 2015; and

**WHEREAS**, the Combined Planning/Zoning Board of Adjustment reviewed and adopted the Vacant Land Adjustment Addendum dated November 14, 2015 proposed by Ms. Cuiello, along with the re-adoption and reaffirmation of the approved Housing Element of the Master Plan and Fair Share Plan dated November 4, 2013 memorialized by Resolution 2015-12 on November 24, 2015; and

**WHEREAS**, the Combined Planning/Zoning Board of Adjustment, as well as the Borough Council have determined that the Vacant Land Adjustment Addendum dated November 14, 2015, as well as the approved Housing Element of the Master Plan and Fair Share Plan dated November 4, 2013 are consistent with the goals and objectives of the Borough of Woodbury Heights's Master Plan and that the adoption and endorsement of such documents are in the public interest, protect public health and safety and promote the general welfare.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Woodbury Heights, Gloucester County, State of New Jersey, hereby endorses and adopts the Vacant Land Adjustment Addendum to the approved Housing Element of the Master Plan and Fair Share Plan dated November 14, 2015 prepared by Tiffany CuvIELLO, PP, as well as the endorsement and reaffirmation of the approved Housing Element of the Master Plan and Fair Share Plan dated November 4, 2013; and

**BE IT FURTHER RESOLVED** that the Borough Council of the Borough of Woodbury Heights hereby directs its Counsel to submit to the Superior Court-Law Division, Gloucester County, the Vacant Land Adjustment Addendum dated November 14, 2015, as well as the approved Housing Element of the Master Plan and Fair Share Plan dated November 4, 2013 pursuant to the Order reaffirming temporary immunity of Woodbury Heights Borough and its Planning Board from Mount Laurel lawsuits entered September 4, 2015 by the Honorable Anne McDonnell, P.J.CH.; and

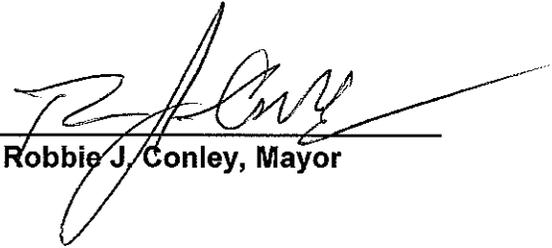
**BE IT FURTHER RESOLVED** that the Borough Council of the Borough of Woodbury Heights, pursuant to the provisions of N.J.S.A. 52:27D-301, et seq. and N.J.A.C. 5:96-3.2(a), submits this petition for substantive certification of the Vacant Land Adjustment Addendum dated November 14, 2015, along with the approved Housing Element of the Master Plan and Fair Share Plan dated November 4, 2013 for review and certification; and

**BE IT FURTHER RESOLVED** that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the petition; and

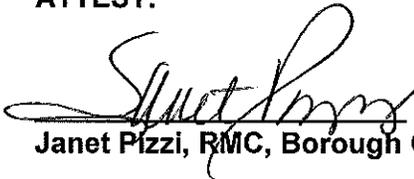
**BE IT FURTHER RESOLVED** that notice of this petition for substantive certification shall be published in a newspaper of county wide circulation pursuant to N.J.A.C. 5:96-3.5; and

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

**BOROUGH OF WOODBURY HEIGHTS**

By:   
Robbie J. Conley, Mayor

**ATTEST:**

  
Janet Pizzi, RMC, Borough Clerk

The foregoing Resolution was dually adopted by the Borough Council of the Borough of Woodbury Heights at the Regular meeting held on the 24th day of November, 2015.

  
Janet Pizzi, RMC, Borough Clerk

**BOROUGH OF WOODBURY HEIGHTS  
NOTICE OF PETITION FOR SUBSTANTIVE CERTIFICATION**

**PLEASE TAKE NOTICE** that the Borough of Woodbury Heights has petitioned the New Jersey Department of Community Affairs, as well as the Superior Court of New Jersey-Law Division, Gloucester County under Docket Number GLO-L-910-15, for substantive certification of its Housing Element and Fair Share Plan, including an Addendum to the approved Housing Element of the Master Plan and Fair Share Plan dated November 4, 2013 to include a Vacant Land Adjustment Addendum addressing the Borough's future affordable housing obligations pursuant to N.J.S.A. 52:27D-301, et. seq., N.J.A.C. 5:96 and N.J.A.C. 5:97. A copy of the adopted Housing Element and Fair Share Plan, as well as the aforementioned Addendum to the approved Housing Element of the Master Plan and Fair Share Plan dated November 4, 2013 and supporting documentation is available for public inspection at the office of the Borough Clerk, located at the Borough Hall, 500 Elm Avenue, Woodbury Heights, NJ 08097, during normal business hours. Comments or objections to said petition for substantive certification shall be filed with the New Jersey Department of Community Affairs, Local Planning Services, 101 South Broad Street, PO Box 813, Trenton, NJ 08625-0813, and to the Superior Court of New Jersey-Law Division, Attention: Honorable Anne McDonnell, P.J.CH., 1 North Broad Street, Woodbury, NJ 08096, and with the Borough Clerk by December 30, 2015 which is within 45 days of publication of this Notice.

  
Janet Pizzi, RMC Borough Clerk  
Borough of Woodbury Heights

**BOROUGH OF WOODBURY HEIGHTS  
PUBLIC NOTICE OF HEARING AND SPECIAL JOINT MEETING OF  
THE BOROUGH OF WOODBURY HEIGHTS COUNCIL AND  
COMBINED PLANNING BOARD**

**PLEASE TAKE NOTICE** that on November 24, 2015 at 7:30 p.m., a public hearing and special joint meeting will be conducted by the Mayor and Borough Council of the Borough of Woodbury Heights with the Combined Planning Board of the Borough of Woodbury Heights at the Municipal Building, 500 Elm Avenue, Woodbury Heights, NJ on the proposed adoption of an Addendum to the approved Housing Element of the Master Plan and Fair Share Plan dated November 4, 2013 to include a vacant land adjustment addressing the Borough's future affordable housing obligations, which shall include the reaffirmation and re-adoption of the approved Housing Element of the Master Plan and Fair Share Plan dated November 4, 2013.

The purpose of this public hearing and joint special meeting will be to consider and adopt the Addendum to the approved Housing Element of the Master Plan and Fair Share Plan and a copy of the proposed Addendum, along with the approved Housing Element of the Master Plan and Fair Share Plan dated November 4, 2013 is on file in the Borough Hall and available for public inspection during regular business hours with the Clerk's office at the Borough Hall, 500 Elm Avenue, Woodbury Heights, NJ 08097 during normal business hours. Anyone who is interested in, or who would be affected by the Addendum to the approved Housing Element of the Master Plan and Fair Share Plan dated November 4, 2013, and who favor or are against such Addendum may be heard at the above stated time and place.

By way of background, on July 7, 2015 the Borough of Woodbury Heights filed an application for Declaratory Judgment seeking temporary immunity from Mount Laurel lawsuits. The Superior Court of New Jersey-Law Division, Gloucester County, under Docket Number GLO-L-910-15 granted the Borough temporary immunity through December 8, 2015 provided the Borough of Woodbury Heights file a Housing Element and Fair Share Plan addressing the Borough's future affordable housing obligation, which the Borough seeks to extend and perfect by the adoption of the aforementioned Addendum to the approved Housing Element of the Master Plan and Fair Share Plan dated November 4, 2013 to include a Vacant Land Adjustment addressing the Borough's future affordable housing obligations and by specifically adopting the aforementioned Vacant Land Adjustment Addendum dated November 14, 2015 and the re-adoption of the Housing Element of the Master Plan and Fair Share Plan dated November 4, 2013.

Please take notice that the Borough may, in its discretion, adjourn, postpone, or continue the hearing from time to time and you are hereby notified that you should make diligent inquiry of the Borough Clerk concerning any proposed or anticipated adjournments, postponements or continuations with respect to the hearing.



Janet Pizzi, RMC Borough Clerk  
Borough of Woodbury Heights

**RESOLUTION 139 - 2013**  
**RESOLUTION OF THE BOROUGH OF WOODBURY HEIGHTS,**  
**GLOUCESTER COUNTY, NEW JERSEY ENDORSING THE HOUSING**  
**ELEMENT OF THE MASTER PLAN AND FAIR SHARE PLAN**

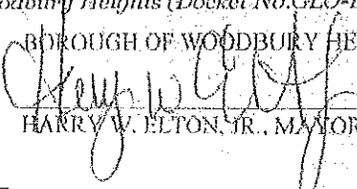
WHEREAS, by Resolution 2013-12 the Planning/Zoning Board of Adjustment adopted an Amended Housing Element of the Master Plan and Fair Share Plan on November 4, 2013 following public notice and comment; and

WHEREAS, the Borough has carefully reviewed this Amendment prepared by Brian M. Slauch, PP, AICP of the firm Clarke Caton Hintz, PC and determined that this Amended Housing Element and Fair Share Plan is consistent with the land use and affordable housing goals and objectives of the Borough and is otherwise in the public interest;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Woodbury Heights, with the Mayor concurring, that the Amended Housing Element of the Master Plan and Fair Share Plan adopted by the Zoning/ Planning Board and dated on November 4, 2013 is hereby endorsed and approved; and

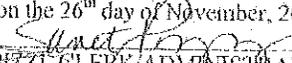
BE IT FURTHER RESOLVED that a true copy of this Resolution be provided to the Zoning/Planning Board forthwith after the adoption hereof; and

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Woodbury Heights hereby directs its counsel to submit to the Superior Court, Law Division, Gloucester County, the Amended Housing Element and Fair Share Plan for a Judgment of Repose and an Order of Compliance in connection with the settlement of *Woodbury Heights Development, LLC v. Borough of Woodbury Heights and the Planning Board of the Borough of Woodbury Heights (Docket No. GLO-L-1750-09)*.

BOROUGH OF WOODBURY HEIGHTS  
  
HARRY W. ELTON, JR., MAYOR

ATTEST:  
  
JANET PIZZI, CLERK/ADMINISTRATOR

The foregoing Resolution was duly adopted by the Borough Council of the Borough of Woodbury Heights at a Regular Meeting held on the 26<sup>th</sup> day of November, 2013.

  
JANET PIZZI, CLERK/ADMINISTRATOR

**A RESOLUTION OF THE BOROUGH OF WOODBURY HEIGHTS  
PLANNING/ZONING BOARD  
ADOPTING THE HOUSING ELEMENT AND FAIR SHARE PLAN  
AMENDMENT DATED NOVEMBER 4, 2013**

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/Zoning 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/Zoning 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 had previously reached 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 settlement agreement, the Planning/Zoning Board has further reviewed another now amendment to the Borough's Master Plan, including to the Housing Element and Fair Share Plan as prepared by Brian M. Slaugh, PP, AICP; and

WHEREAS, this new amendment of the Housing Element and Fair Share Plan has incorporated the affordable housing components of the aforementioned builder's remedy lawsuit; and

WHEREAS, the Planning/Zoning Board has also reviewed a proposed ordinance as prepared by Tiffany Cuvillo, PP, AICP, to amend the Zoning Map to change the zoning designation on Lot 5 of Block 91, to Residential Multifamily Affordable 2 (RM-2) to allow for a different development scenario for this second fully affordable housing site; and

WHEREAS, the Planning/Zoning Board has also reviewed a proposed ordinance to establish the ability to collect development impact fees, which ordinance is designated the Affordable Housing Trust Fund Ordinance, contained as Exhibit L of the aforesaid November 2013 Amendment and identified as Ordinance 17-2013; and

WHEREAS, the Planning/Zoning Board has also reviewed a proposed ordinance to establish procedures for the administration of the affordable units, which ordinance is designated the Affordable Housing Ordinance, contained as Exhibit M of the aforesaid November 2013 Amendment and identified as Ordinance 16-2013; and

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 November 4, 2013; 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 this November 2013 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 November 4, 2013 Housing Element and Fair Share Plan Amendment as prepared by Brian M. Slauch, PP, AICP of Clarke Caton Hintz, including those revisions set out in his November 4, 2013 Memorandum.

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 amend the Zoning Map to change the zoning designation on Lot 5 of Block 91 is hereby recommended for adoption by the Borough Council.

BE IT FURTHER RESOLVED by the Planning/Zoning Board of the Borough of Woodbury Heights that the proposed ordinance to establish the ability to collect development impact fees known as the Affordable Housing Trust Fund Ordinance (Ordinance 17-2013/Exhibit L) is hereby recommended for adoption by the Borough Council.

BE IT FURTHER RESOLVED by the Planning/Zoning Board of the Borough of Woodbury Heights that the proposed ordinance to establish procedures for the administration of the affordable units known as the Affordable Housing Ordinance (Ordinance 16-2013/Exhibit M) is hereby 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**

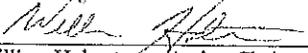
**THOSE IN FAVOR:** V. Holmstrom, Conley, Deeck, Hart, Tomasetti,  
Martino and W. Holmstrom

**THOSE OPPOSED:** None

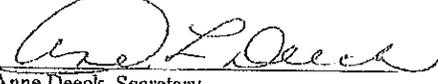
**THOSE ABSTAINING:** None

Dated: November 4, 2013

**BOROUGH OF WOODBURY HEIGHTS  
PLANNING/ZONING BOARD**

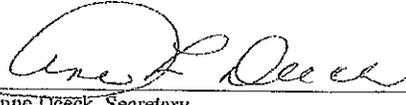
By:   
William Holmstrom, Acting Chairman

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 November 4, 2013.

  
Anne Deeck, Secretary  
Planning/Zoning Board

RESOLUTION OF THE COMBINED PLANNING/ZONING BOARD  
OF ADJUSTMENT OF THE BOROUGH OF WOODBURY HEIGHTS  
ADOPTING A VACANT LAND ADJUSTMENT AS AN ADDENDUM  
AND AMENDMENT TO THE HOUSING ELEMENT OF THE  
MASTER PLAN AND FAIR SHARE PLAN  
2015-12

WHEREAS The Planning Board of the Borough of Woodbury Heights approved a resolution on November 4, 2013 adopting an amendment to the Housing Element of the Master Plan and Fair Share Plan; and

WHEREAS, the Planning Board has been presented with a report prepared by Planning Board Planner Tiffany A. CuvIELLO, PP, AICP dated November 14, 2015 recommending a Vacant Land Adjustment be adopted as a Addendum to the Approved Housing Element of the Master Plan and Fair Share Plan; and

WHEREAS, the Planning Board deemed it appropriate to authorize a Public Hearing to be held to consider adoption of the Vacant Land Adjustment as an Addendum and Amendment to the Housing Element of the Master Plan and Fair Share Plan; and

WHEREAS, the Planning Board fulfilled all requirements for public notice, notice to adjoining Municipalities and notice to the County Planning Board for a Public Hearing to be held on November 24, 2015; and

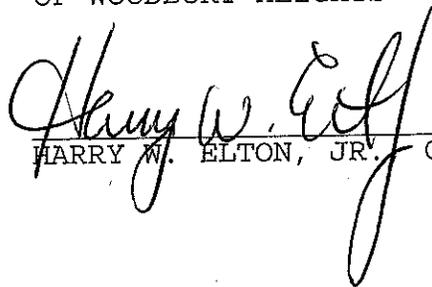
WHEREAS, a Public Hearing was held on November 24, 2015 at which time the Board considered the proposed amendment as well as public comment thereon.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Woodbury Heights, Gloucester County on this 24<sup>th</sup> day of November 2015 that:

1. The Vacant Land Adjustment is hereby adopted as an Addendum and Amendment to the Housing Element of the Master Plan and Fair Share Plan of November 4, 2013.
2. The Planning Board deems the Amendment to be consistent with the goals and objectives of the Master Plan of the Borough of Woodbury Heights. The Amendment is therefore referred to the Borough Council for endorsement and implementation as deemed appropriate by the Borough Council.

3. Notice of adoption shall be given by publication and by actual notice to the Gloucester County Planning Board together with a copy of the Addendum as adopted. A copy shall also be provided to the Clerk of the Borough of Woodbury Heights to be made part of the public records available for public inspection as part of the Master Plan.

PLANNING BOARD OF THE BOROUGH  
OF WOODBURY HEIGHTS

  
HARRY W. ELTON, JR. CHAIRMAN

ATTEST:

  
ANNE DEECK, SECRETARY