

**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 new 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 CuvIELLO, 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. Slaugh, 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