

RESOLUTION #47 - 2025

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF WOODBURY HEIGHTS AUTHORIZING THE MAYOR TO EXECUTE THE AFFORDABLE HOUSING ADMINISTRATIVE AGENT AGREEMENT BETWEEN DEVELOPER GREYSTAR AND THE BOROUGH FOR THE ADMINISTRATION OF THE AFFORDABLE UNITS TO BE CREATED IN GREYSTAR'S INCLUSIONARY PROJECT, BLOCK 80, LOT 1.

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 7, 2015, the Borough of Woodbury Heights filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Third Round Housing Element and Fair Share Plan, to be amended as necessary, satisfied its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine;” and

WHEREAS, the Borough and Fair Share Housing Center entered into a Settlement Agreement dated March 28, 2018, which was approved at a Fairness Hearing held on May 22, 2018, which was memorialized in an Order entered by the court on November 15, 2018; and

WHEREAS, the Borough adopted a Housing Element and Fair Share Plan, which was approved by the court and the approval was memorialized in the Borough’s Final Judgment of Compliance and Repose that was entered by the court on December 22, 2020, which precludes all Mount Laurel lawsuits, including builder’s remedy lawsuits, for the remainder of Round 3, which expires on July 1, 2025 and

WHEREAS, Greystar is the current owner in fee simple of certain real property located in the Borough of Woodbury Heights, County of Gloucester, New Jersey, designated as Block 80, Lot 1 on the official Tax Map of the Borough of Woodbury Heights (the “Property”); and

WHEREAS, the Property is the subject of a Litigation Settlement Agreement (hereinafter the “LSA”) between the Borough and Woodbury Heights Development, LLC (“WHD”) dated May 12, 2012 and recorded in the Gloucester County Clerk’s Office in Deed Book 4987 Page 243;

WHEREAS, Greystar is a successor in interest to WHD and the LSA runs with the land; and

WHEREAS, as a condition of the LSA the Borough adopted a zoning ordinance to effectuate the development of the Property with an inclusionary development, a form of which ordinance was attached to the LSA; and

WHEREAS, the Borough adopted the ordinance as required by the LSA which became codified in the Borough Code as §70-13.2 RM Residential Multifamily District (the

“Ordinance”); and

WHEREAS, the Ordinance requires that the developer of the Property “is responsible for preparing and implementing an Affirmative Marketing Plan in accordance with the requirements of Section 70-32.2 [SIC] of the chapter,” and that the developer enter into a contract with the Borough “and be responsible for administering the affordable housing program pursuant to standards and requirements provided in Section 70-32.2.M of this chapter,” and

WHEREAS, Greystar desires to develop the Property pursuant to the Ordinance and submitted an application to the Borough Planning Board (“Board”) seeking Preliminary and Final Major Site Plan approval for a 234 unit inclusionary development which contains 34 units reserved for low- and moderate-income households (the “Project”), which was approved by Resolution memorialized by the Board on July 1, 2024 (the “Approval”) and

WHEREAS, as a condition of the Approval Greystar is required to address and satisfy all comments set forth in the review letters of the Board Planner; and

WHEREAS, the Board Planner’s April 17, 2024 review letter requires that Greystar enter into a contract with the Borough to maintain responsibility for administering the affordable housing units in accordance with Article XII (Affordable Housing) of the Borough Ordinance; and


WHEREAS, in order to maintain the creditworthiness of the units to be created in Greystar’s inclusionary project, the oversight of a qualified Administrative Agent is necessary and is not only in the best interests of the Borough as it relates to its satisfaction of its affordable housing obligations, but it also ensures that the units remain affordable to low and moderate income households in the region; and

WHEREAS, in light of the above, the Mayor and Borough Council finds that it is in the best interest of the Borough to authorize the Mayor to execute the agreement between the Borough and Greystar; and

NOW, THEREFORE, BE IT RESOLVED on this 19th day of March of 2025, by the Borough Council of the Borough of Woodbury Heights, Gloucester County, State of New Jersey, as follows:

1. All of the Whereas Clauses are incorporated into the operative clauses of this Resolution as if set forth in full.
2. The Borough Council hereby authorizes and directs the Mayor of the Borough of Woodbury Heights to execute the agreement between the Borough and Greystar, which is attached to here as Exhibit A.
4. This Resolution shall take effect immediately, according to law.

BOROUGH OF WOODBURY HEIGHTS

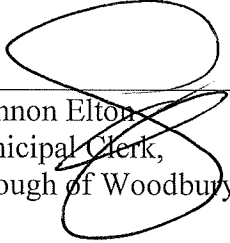
BY: 
MATTHEW W. COSENZA, MAYOR

ATTEST:


SHANNON ELTON, MUNICIPAL CLERK

CERTIFICATION

I, Shannon Elton, Municipal Clerk of the Borough of Woodbury Heights, do hereby certify that the above is a true copy of a resolution adopted by the Borough Council at a public meeting held on March 19, 2025.


Shannon Elton
Municipal Clerk,
Borough of Woodbury Heights