

**BOROUGH OF RIVER EDGE
MUNICIPAL LAND USE BOARD**

RESOLUTION NO. _____

ADOPTING THE HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, N.J.S.A. 40:55D-28 provides that a Municipal Land Use Board may prepare and, after public hearing, adopt or amend a Master Plan or component parts thereof, to guide the use of lands within the municipality in a manner that protects public health and safety and promotes the general welfare; and

WHEREAS, the Borough of River Edge Municipal Land Use Board adopted its current Master Plan, pursuant to N.J.S.A. 40:55D-28, on July 26, 1984; and

WHEREAS, N.J.S.A. 40:55D-28(b)(3) requires that the Master Plan include a Housing Element including, but not limited to, residential standards and proposals for the construction and improvement of housing; and

WHEREAS, the Mount Laurel Doctrine establishes a constitutional obligation that requires municipalities to address their "fair share" of affordable housing; and

WHEREAS, the New Jersey Fair Housing Act, N.J.S.A. 52:27D-310, requires that a Housing Element be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing; and

WHEREAS, the Municipal Land Use Board adopted a Housing Element and Fair Share Plan ("HEFSP") on July 25, 1988; and

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 filed a Declaratory Judgment action in Superior Court of New Jersey, Law Division seeking, among other things, a judicial declaration that its HEFSP, to be amended as necessary, satisfies its "fair share" of the regional need for low- and moderate-income housing pursuant to the Mount Laurel Doctrine; and

WHEREAS, in furtherance of the Declaratory Judgment action, the Borough and Fair Share Housing Center ("FSHC") engaged in good faith negotiations, which resulted in a Settlement Agreement between the Borough and FSHC on June 24, 2019; and

WHEREAS, according to the terms of the June 24, 2019 Settlement Agreement, the Borough planner prepared a HEFSP, which is attached hereto as Exhibit A; and

WHEREAS, the Municipal Land Use Board wishes to adopt an updated HEFSP to address the Borough of River Edge's affordable housing needs pursuant to its Mount Laurel obligations; and

WHEREAS, upon public notice duly provided pursuant to N.J.S.A. 40:55D-13, the Municipal Land Use Board held a public hearing on the updated HEFSP on February 19, 2020; and

WHEREAS, the Municipal Land Use Board has determined that the updated HEFSP entitled "Housing Element and Fair Share Plan, Borough of River Edge, Bergen County, New Jersey", dated February 6, 2020, prepared by Thomas Behrens, Jr. PP, AICP of Burgis Associates, Inc., meets the requirements of N.J.S.A. 40:55D-28(b)(3) and N.J.S.A. 52:27D-310 and is consistent with the goals and objectives of the Borough of River Edge's Master Plan; and

WHEREAS, the Municipal Land Use Board has determined that adoption and implementation of the updated HEFSP is in the public interest and will protect public health and safety and promote the general welfare; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough of River Edge Municipal Land Use Board that the Municipal Land Use Board does hereby adopt the HEFSP entitled "Housing Element and Fair Share Plan, Borough of River Edge, Bergen County, New Jersey", dated February 6, 2020, prepared by Thomas Behrens, Jr. PP, AICP of Burgis Associates, Inc.; and

BE IT FURTHER RESOLVED, that the Land Use Clerk shall forward a copy of this Resolution to the Borough Council for its consideration.

Vote On the Resolution

MEMBER	M	2D	YES	NO	ABSTAIN	ABSENT	INELG
Mayor Thomas Papaleo						X	
Councilman Chinigo			X				
James Arakelian			X				
Eileen Boland			X				
Lou Grasso			X				
Alphonse Bartelloni			X				
Michael Krey			X				
Richard Mehrman			X				
Chris Caslin			X				
Ryan Gibbons [Alternate #1]			X				
Gary Esposito [Alternate #2]			X				

Vote on the Memorialization

MEMBER	M	2D	YES	NO	ABSTAIN	ABSENT	INELG
Mayor Thomas Papaleo							X
Councilman Chinigo							
James Arakelian							
Eileen Boland							
Lou Grasso							
Alphonse Bartelloni							
Michael Krey							
Richard Mehrman							
Chris Caslin							
Ryan Gibbons [Alternate #1]							
Gary Esposito [Alternate #2]							

BE IT FURTHER RESOLVED, that the Resolution adopted on this _____ day of _____, 2020 memorialized the action taken by the Board in accordance with N.J.S.A. 40:55D-10(g), as set forth above, at its February 19, 2020 meeting, and that a copy of this Resolution be provided to the Borough Clerk and the Borough Attorney, and a notice of this decision shall be published in the official newspaper of the Borough of River Edge.

Dated: _____

James Arakelian, Chairman

CERTIFICATION

I, Louis Grasso, Secretary of the Board, do hereby certify that the above Resolution was adopted by the Board at its meeting held on _____, 2020. This Resolution memorializes the Board's approval of this matter at its meeting held on February 19, 2020.

Louis Grasso, Secretary
Borough of River Edge
Municipal Land Use Board