

**RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 06/20/2018

RESOLUTION# LUB 18-13

Carried Defeated Tabled

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen			✓			
Davis			✓			
Daloisio	✓		✓			
Kistner			✓			
O'Toole			✓			
Sasso			✓			
Sirico		✓	✓			
White			✓			
Quinn			✓			
Kearl – Alternate						
Lovisololo - Alternate						

**ADOPTION OF A THIRD ROUND
HOUSING ELEMENT AND FAIR SHARE PLAN**

WHEREAS, the Planning Board of the Borough of Allendale, Bergen County, State of New Jersey (“Planning Board”) adopted a Housing Element and Fair Share Plan on December 29, 2008 pursuant to N.J.S.A. 40:55D- 28 and N.J.A.C. 5:96 and 5:97; and

WHEREAS, the Borough Council endorsed the 2008 Plan on December 29, 2008; and petitioned the Council on Affordable Housing (“COAH”) for Third Round substantive certification on December 31, 2008; and

WHEREAS, on October 14, 2009, COAH granted the Borough Third Round substantive certification; and

WHEREAS, on April 15, 2010, the Borough adopted an amended Third Round Plan to increase the number of affordable housing units generated at the Crescent Commons site; and

WHEREAS, although the Borough petitioned COAH on May 7, 2010 with its amended Third Round Plan, COAH failed to act on the plan amendment prior to the Appellate Division’s 2010 invalidation of COAH’s Growth Share regulations; and

WHEREAS, on October 8, 2010 the New Jersey Supreme Court invalidated COAH’s Third Round rules and ordered COAH to adopt new rules based upon its Prior Round rules and methodologies (see In re Adoption of N.J.A.C. 5:96 and 5:97, 215 N.J. 578 (2013)); and

WHEREAS, COAH failed to adopt new rules, and on March 10, 2015, the Supreme Court transferred responsibility to review and approve housing elements and fair share plans from COAH to designated Mount Laurel trial judges within the Superior Court; and

WHEREAS, on July 7, 2015, the Borough submitted a Declaratory Judgment Action to the New Jersey Superior Court; and

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WHEREAS, on January 10, 2018, the Honorable Menelaos W. Toskos, J.S.C., issued a Court Order approving a Settlement Agreement between the Borough and Fair Share Housing Center that established the Borough's fair share obligation, granted a vacant land adjustment of the Borough's Third Round obligation, and preliminarily approved the Borough's compliance mechanisms; and

WHEREAS, the Borough's and Land Use Board's consultants Mary Beth Lonergan, PP, AICP, and Daniel Hauben, PP, AICP, of Clarke Caton Hintz, PC, have prepared a Third Round Housing Element and Fair Share Plan; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Land Use Board held a public hearing on the Housing Element and Fair Share Plan on June 20, 2018; and

WHEREAS, the Land Use Board has determined that the Housing Element and Fair Share Plan is consistent with the goals and objective of the Borough of Allendale's February 2011 Master Plan and 2017 Master Plan Re-examination Report, and that adoption and implementation of the Housing Element and Fair Share Plan are in the public interest and protect public health and safety and promote the general welfare.

NOW THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Allendale that the Housing Element and Fair Share Plan is hereby adopted.

Approved:

ALLENDALE LAND USE BOARD



KEVIN QUINN, Chairman

Attest:



JOSEPH DALOISIO, Secretary

Adopted: June 20, 2018