

BOROUGH OF STONE HARBOR

RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF STONE HARBOR ADOPTING AN AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN.

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015)(Mount Laurel IV), the Borough of Stone Harbor (hereinafter “Stone Harbor” or the “Borough”) filed a Declaratory Judgment Complaint on June 30, 2015 in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan, to be amended as necessary, satisfies its “fair share” of the regional need for very-low, low-, and moderate-income housing pursuant to the “Mount Laurel doctrine;” and

WHEREAS, the Borough simultaneously sought, and ultimately secured, a protective order providing Stone Harbor immunity from all exclusionary zoning lawsuits while it pursued approval of its Housing Element and Fair Share Plan, which is still in full force and effect; and

WHEREAS, with assistance from the Court Master, the Honorable Steven P. Perskie, J.S.C. (ret), the Borough and Fair Share Housing Center (hereinafter “FSHC”) engaged in good faith negotiations, which resulted in the entering into of a Settlement Agreement between the Borough and FSHC on December 6, 2017; and

WHEREAS, a Fairness Hearing was held on January 3, 2018, at which the FSHC Settlement Agreement was approved, and said approval was memorialized by an Order entered by the Court on January 23, 2018; and

WHEREAS, circumstances have arisen due to changes in land use within the Borough, which necessitated an amendment to the Court-approved Settlement Agreement with FSHC, which was executed by the Borough on March 2, 2021; and

WHEREAS, as per the terms of the March 2, 2021 Amended FSHC Settlement Agreement, the Borough’s Planner has prepared an Amended Housing Element and Fair Share Plan, which has been reviewed and modified by the Borough’s affordable housing counsel, and which is attached hereto with Appendices as **Exhibit A**; and

WHEREAS, the members of the Planning Board have reviewed the Housing Element and Fair Share Plan, and have determined to adopt same; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Housing Element and Fair Share Plan on May 10, 2021; and

WHEREAS, the Planning Board has determined that the attached Housing Element and Fair Share Plan is consistent with the goals and objectives of the Borough of Stone Harbor’s current Master Plan, and that adoption and implementation of the Housing Element and Fair Share Plan is in the public interest and protects public health and safety and promotes the general welfare; and

WHEREAS, the Planning Board anticipates that the Appendices to the attached Housing Element and Fair Share Plan may or may not be amended and supplemented subject to the approval of the Borough's professionals, FSHC, the Court Master and the Court.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Stone Harbor, County of Cape May, State of New Jersey, that the Planning Board hereby adopts the Housing Element and Fair Share Plan attached hereto as **Exhibit A**.

Thomas Hand
Chairman of the Planning Board

CERTIFICATION

I, Kate McGonagle, Planning Board Secretary of the Borough of Stone Harbor, do hereby certify that this is a true copy of the resolution adopting the Housing Element and Fair Share Plan of the Borough of Stone Harbor, County of Cape May, at a properly noticed hearing on May 10, 2021.

Kate McGonagle
Planning Board Secretary