

MEMORANDUM

TO: Honorable Mayor and Members of Committee
Denise Marabello, Township Administrator
Kathleen R. Cunningham, Township Clerk
Steve Goodell, Township Attorney

FROM: Josette C. Kratz, Planning & Zoning Administrative Officer

DATE: April 8, 2016

RE: Signed Resolution Adopting 2016 Amended Third Round
Housing Element & Fair Share Plan

At the April 7, 2016 Planning Board meeting the board took the following actions:

Reviewed and Adopted the proposed 2016 Amended Third Round Housing Element and Fair Share Plan of the Cranbury Township Master Plan, prepared by Marybeth Lonergan, P.P. of Clarke Caton and Hintz in addition the Board Memorialized Resolution of Approval.

/jck

cc: Planning Board Members and Professionals

**CRANBURY TOWNSHIP PLANNING BOARD
COUNTY OF MIDDLESEX
STATE OF NEW JERSEY**

**RESOLUTION ADOPTING 2016 AMENDED THIRD
ROUND HOUSING ELEMENT AND FAIR SHARE PLAN**

WHEREAS, pursuant to *N.J.S.A. 40:55D-28*, the Planning Board of the Township of Cranbury, in the County of Middlesex, State of New Jersey, adopted a Housing Element and Fair Share Plan in November of 2005; and

WHEREAS, the Township Committee of the Township of Cranbury endorsed said Plan and submitted it to the New Jersey Council on Affordable Housing (“COAH”) together with a petition for third round substantive certification; and

WHEREAS, as of 2008, COAH had not yet acted on the 2005 plan; and

WHEREAS, on December 11, 2008, the Planning Board adopted an Amended Third Round Housing Element and Fair Share Plan to replace the 2005 plan, which plan the Township Committee endorsed and submitted to COAH for certification; and

WHEREAS, on April 21, 2010, COAH granted third round substantive certification to the Township of Cranbury; and

WHEREAS, following COAH’s grant of substantive certification to the Township, 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, 2010, the Court issued a decision entitled *In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015)*, in which it (1) found that COAH had violated its March 14, 2014 Order by failing to adopt new

Round 3 regulations by October 22, 2014; (2) held that, without new Round 3 regulations, COAH could not process petitions for substantive certification for the municipalities currently under COAH's jurisdiction; (3) held that for municipalities that had received substantive certification under COAH's third round rules, additional court review of such towns' housing plans will be necessary; (4) directed trial courts to be an alternative forum to COAH; (5) authorized municipalities under COAH's jurisdiction to file a Declaratory Judgment Action along with a motion for Temporary Immunity by July 8, 2015, or risk exposure to exclusionary zoning lawsuits; and (6) ruled that municipalities would have up to five months to prepare and file a Housing Element and Fair Share Plan with the trial court for review; and

WHEREAS, throughout and notwithstanding the period of uncertainty over COAH's third round rules, the Township of Cranbury has continued its efforts to provide for low and moderate income housing opportunities in the Township; and

WHEREAS, on June 22, 2015, the Township Committee adopted Resolution # R-06-15-084, in which it reaffirmed Cranbury's commitment to satisfy its affordable housing obligations, however those obligations might ultimately be defined, voluntarily and in the absence of any Mount Laurel lawsuits, and authorized and directed its affordable housing counsel to file an action in the Superior Court necessary to obtain a Judgment of Compliance and repose or immunity from exclusionary zoning lawsuits for its third round affordable housing plan, along with any necessary motion(s) or pleadings seeking temporary immunity, in accordance with the Court's March 10, 2015 decision in *In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97*, 221 N.J. 1 (2015); and

WHEREAS, said action was filed on July 8, 2010, and the Township is now under the jurisdiction of the Superior Court of New Jersey, Law Division, Middlesex County (Judge

Douglas K. Wolfson, J.S.C.); and

WHEREAS, in the context of the court action, the Township's and Planning Board's affordable housing planning consultants Mary Beth Lonergan PP, AICP and Ashton Jones, AICP, both of Clarke Caton Hintz, PC, have prepared a new amended third round housing element and fair share plan entitled "Amended Third Round Housing Element and Fair Share Plan, Township of Cranbury, Middlesex County, New Jersey," final draft dated March 25, 2016; and

WHEREAS, on April 7, 2016, the Planning Board held a duly noticed public hearing regarding the draft March 25, 2016 Amended Third Round Housing Element and Fair Share Plan, during which it took testimony from its consultants and provided the opportunity for comments and questions from members of the public; and

WHEREAS, the Planning Board has determined that this amended plan is consistent with the goals and objectives of the Cranbury Township Master Plan adopted in 2010, as amended, and that adoption and implementation of the amended plan are in the public interest and will protect the public's health and safety and promote the general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Cranbury, Middlesex County, New Jersey on this 7th day of April, 2016, as follows:

1. The foregoing recitals are incorporated herein and made a part hereof as though fully restated.
2. The plan entitled "Amended Third Round Housing Element and Fair Share Plan" prepared for the Planning Board by Mary Beth Lonergan, PP/AICP and Ashton Jones, AICP of Clarke Caton Hintz, PC is hereby approved and adopted as an amendment to the Cranbury Township Master Plan, and shall be dated April 7, 2016.

3. The Board Administrative Secretary shall forthwith cause notice of the adoption of this resolution and the plan to be published in the Times of Trenton and the Cranbury Press.
4. The Board Administrative Secretary shall also forthwith transmit a copy of this resolution and the adopted plan to the Cranbury Township Clerk and Cranbury Township Committee.
5. No later than thirty days from the date hereof, the Board Administrative Secretary shall cause a copy of this resolution and the adopted plan to be provided to the Middlesex County Planning Board via personal service or certified mail, return receipt requested, in accordance with the requirements of *N.J.S.A. 40:55D-13*.

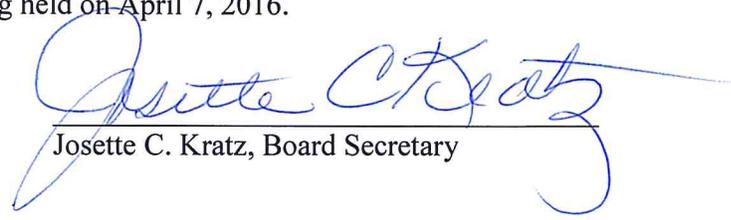
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ROLL CALL, April 7, 2016

Yes: 7 No: 0 Absent (Recused): 2 Abstain: 0 Not Voting: 0

K. Callahan:	Yes	G. Johnson:	Yes
J. Gallagher:	Recused	A. Kehrt:	Yes
S. Goetz:	Yes	B. Schilling:	Yes
T. Harvey:	Yes	J. Stewart:	Yes
A. Hasselbach:	Recused		

I hereby certify that the foregoing is a true copy of a resolution duly adopted by the Cranbury Township Planning Board at a meeting held on April 7, 2016.


Josette C. Kratz, Board Secretary