

**BOROUGH of ALLENHURST
PLANNING BOARD
RESOLUTION**

1-24-2024(2)

**RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF
ALLENHURST FINDING THE PROPOSED "AFFORDABLE HOUSING
DEVELOPMENT FEES ORDINANCE 2024-02" CONSISTENT WITH THE
MASTER PLAN, AS AMENDED AND SUPPLEMENTED**

WHEREAS, in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law") in 2004 the Borough authorized the Planning Board to undertake a study to determine if certain parcels met the criteria to be designated as an area in need of redevelopment; and

WHEREAS, that process led to the adoption of the 2007 Main Street Redevelopment Plan as prepared by Heyer, Gruel & Associates dated November 2007; and

WHEREAS, the New Jersey Supreme Court issued a decision on March 10, 2015 in the case captioned In the matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) which transferred primary jurisdiction over affordable housing matters from the Council on Affordable Housing ("COAH") to the trial court; and

WHEREAS, on or about on July 22, 2021, Power Station at Allenhurst filed a Mount Laurel lawsuit entitled Power Station at Allenhurst, LLC v. Borough of Allenhurst; Board of Commissioners of the Borough of Allenhurst; and Allenhurst Planning Board, Superior Court of New Jersey, Law Division, Docket No.: MON-L-2551-21 for the Borough's failure to provide very-low, low and moderate income housing; and

WHEREAS, on October 15, 2021 Power Station filed a motion for partial summary judgment in the Mount Laurel Lawsuit seeking: (1) a determination that the Borough failed to meet its constitutional affordable housing obligation; and (2) a builder's remedy as a successful Mount Laurel litigant; and

WHEREAS, on or about October 20, 2021, Fair Share Housing Center ("FSHC") filed a motion to intervene in the Mount Laurel Lawsuit and such motion was granted on November 5, 2021; and

WHEREAS, on or about December 8, 2021, the Honorable Linda Grasso Jones, J.S.C., granted Power Station's motion for partial summary judgment finding that the Borough failed to satisfy its constitutional affordable housing obligation; and

WHEREAS, on or about December 13, 2021, the Honorable Linda Grasso Jones, J.S.C. appointed Mary Beth Lonergan, PP/AICP of Clarke, Caton & Hintz as Special Master in the Mount Laurel lawsuit; and

(c) That the proposed Ordinance is consistent with the Settlements with Power Station at Allenhurst, LLC and FSHC in the Mt. Laurel litigation entitled Power Station at Allenhurst, LLC v. Borough of Allenhurst; Board of Commissioners of the Borough of Allenhurst; and Allenhurst Planning Board, Superior Court of New Jersey, Law Division, Docket No.: MON-L-2551-21

3. The Planning Board hereby recommends that the Board of Commissioners of the Borough of Allenhurst adopt the "Affordable Housing Development Fees Ordinance 2024-02" as presented to the Planning Board on January 24, 2024.

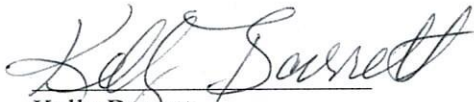
4. This resolution shall take effect immediately. The Secretary of the Planning Board shall deliver a copy hereof to the Borough Clerk, who shall immediately bring the same to the attention of Board of Commissioners of the Borough of Allenhurst.

Member	Moved	Seconded	In Favor	Opposed	Abstain
Tomaino	_____	_____	<u>X</u>	_____	_____
Costello	_____	_____	<u>X</u>	_____	_____
Bolan	<u>X</u>	_____	<u>X</u>	_____	_____
Varley	_____	_____	<u>X</u>	_____	_____
Schechner	_____	<u>X</u>	<u>X</u>	_____	_____
Adjmi	_____	_____	<u>X</u>	_____	_____
Ryan	_____	_____	<u>X</u>	_____	_____

Chairman of the Planning Board


Chairman of Planning Board

I hereby certify that this is a true copy of the resolution of the Planning Board of the Borough of Allenhurst, County of Monmouth and the State of New Jersey on January 24, 2024.


Kelly Barrett,
Planning Board Secretary

