

**MANSFIELD TOWNSHIP
BURLINGTON COUNTY**

RESOLUTION 2019-12-21

**RESOLUTION AUTHORIZING EXECUTION OF AMENDMENT TO SETTLEMENT
AGREEMENT WITH TOWER GATE ASSOCIATES, AND APPROVING AMENDED FAIR
SHARE PLAN**

WHEREAS, by Resolution 2019-10-20, the Township Committee of the Township of Mansfield authorized the execution of a Settlement Agreement with Tower Gate Associates, an entity which had filed suit in the Superior Court of New Jersey, Burlington County, Law Division, in an action entitled: Tower Gate Associates v. Township of Mansfield, et al, Docket No. BUR-L-001739-18, challenging the Township's satisfaction of its affordable housing obligations, and seeking to build an inclusionary development on the property; and

WHEREAS, following the execution of that Settlement Agreement, which Settlement Agreement was an integral component to the Township's overall proposed Fair Share Plan to satisfy its Third Round Affordable Housing Obligations, the Township filed its proposed Fair Share Plan; and

WHEREAS, following the filing of Notice with the Superior Court of New Jersey, of the Township's proposed Fair Share Plan, the Fair Share Housing Center, Inc., a Court-recognized interested party in all affordable housing lawsuits in the State of New Jersey, expressed its objection to the Plan as proposed, urging that it did not include a sufficient number of units to satisfy what it believed to be the Township's Third Round Obligation; and

WHEREAS, following discussions by and between the Township, Fair Share Housing Center, Inc., Tower Gate Associates, and the Court's Special Master, Fair Share Housing Center advised that it would not object to the Plan if it established the Township's Third Round Obligation at 265 units, to be satisfied as set forth below, and the parties to the Settlement Agreement reached agreement to modify the Settlement Agreement accordingly; and

WHEREAS, the Court has adjourned the "Fairness Hearing" from December 19, 2019, to **January 28, 2020** at 10:30 a.m., as a result of which the Township needs to provide a new "Notice" to the public regarding same; and

WHEREAS, the Township Committee deems it appropriate to both authorize the Amendment to the Settlement Agreement with Tower Gate Associates, approve the revised Fair Share Plan, and authorize the Notice of the Township's proposed Settlement & Fair Share Plan.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, County of Burlington, and State of New Jersey as follows:

1. The Mayor and Township Clerk be and are hereby authorized and directed to execute the attached Amendment to Settlement Agreement with Tower Gate Associates, which Amendment provides for an additional 72 units, of which 50 shall be market-rate, and 22 shall be "affordable housing" eligible units.
2. The Township Committee hereby approves the Fair Share Plan set forth in the chart below,

and authorizes the Township Attorney to prepare the necessary Notices, to be sent and published at least thirty (30) days prior to the “Fairness Hearing”, to revise the previously submitted proposed Fair Share Plan from 221 units, to 265 units, to be satisfied as follows:

Mansfield Affordable Housing numbers:

	Obligation	Max 25% rental bonus
Prior Round:	114	(28.5) 29
Third Round	265	(66.25) 66
Combined Prior and Third:	379	
Max. 25% rental bonus:	95	

Fair Share Plan / Units and Bonuses Addressing Prior and Third Round:

Project	3rd Round 379	3rd Round Bonus 95 (379x.25)
The Villages	97	N/A (family for-sale)
Pulte	48 (family rental apts)	48 (rental bonus)
Towergate (originally proposed)	74 (family rental apts)	47 (rental bonus)
	219	95 (max. bonus both rounds)
		314
Subtotal remaining:	65 (379 - 314 = 65)	No remaining bonus available
Belleweather	9 (existing group home)	
Market to affordable	22 (proposed, existing rental housing stock)	
Towergate additional family rental apts:	22	
Group homes	12 (veterans group or developmentally disabled)	
Remaining:	0	

MOTION: **SECOND:**
ROLL CALL VOTE
AYES:
NAYS: **ABSTAIN:** **ABSENT:**

CERTIFICATION

I, **LINDA SEMUS**, RMC, CMR, Municipal Clerk of Mansfield, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and accurate copy of the resolution adopted by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, at a meeting held on December 18, 2019 at the Mansfield Municipal Complex.

LINDA SEMUS, RMC, CMR
Municipal Clerk

