

**MANSFIELD TOWNSHIP PLANNING BOARD
BURLINGTON COUNTY**

RESOLUTION 2021-7-14

REVIEWING MANSFIELD TOWNSHIP ORDINANCE 2021-13, REPEALING AND REPLACING ARTICLE XXXI SECTIONS 65-174 THROUGH 65-183 OF THE MANSFIELD TOWNSHIP CODE ENTITLED "AFFORDABLE HOUSING DEVELOPMENT FEES" AND ADOPTING A NEW ARTICLE XXXI SECTIONS TO BE ENTITLED "MANSFIELD TOWNSHIP AFFORDABLE HOUSING DEVELOPMENT FEES" INCLUDING THE ADOPTION OF THE UPDATED SPENDING PLAN ATTACHED TO ORDINANCE 2021-13 AND RECOMMENDING THAT ORDINANCE 2021-13 AND THE SPENDING PLAN BE ADOPTED BY THE MANSFIELD TOWNSHIP COMMITTEE AS CONSISTENT WITH THE TOWNSHIP MASTER PLAN.

WHEREAS, in accordance with the various Mount Laurel decisions by the New Jersey Supreme Court, Mansfield Township has a constitutional obligation to provide a realistic opportunity for its regional share of affordable housing; and

WHEREAS, the Mansfield Township Committee ("Township") and the Mansfield Township Planning Board ("Board") were defendants in litigation in the Superior Court of New Jersey, Law Division, entitled Tower Gate Associates v. Township of Mansfield, et al, Docket # L-1739-18, filed by developers challenging the Township's satisfaction of its affordable housing obligation; and

WHEREAS, as part of the settlement of said litigation, the Township developed an affordable housing Fair Share Plan to satisfy the Township's constitutional obligation, including preparation of a new Housing Element of the Township Master Plan with rezoning of the Tower Gate property (Block 70, Lot 6.02) and Pulte/Carty property (Block 42, Lots 1 & 2.02) as affordable housing sites, and providing for other affordable housing programs including additional group homes, rehabilitation of existing affordable housing, and converting market housing to affordable housing; and

WHEREAS, on February 18, 2020, the Hon. Jeanne T. Covert, A.J.S.C., Burlington County Superior Court of New Jersey, Law Division, after the required "Fairness Hearing", entered and filed an Order ("Fairness Order") conditionally approving Mansfield Township's Housing Element and Fair Share Plan dated December 19, 2019; and

WHEREAS, on January 2, 2021, the Court Master David J. Banisch, PP/AICP, provided the Court with an updated Compliance Report advising the Court of the Township's compliance with the Fairness Order and setting forth the remaining conditions for the Township to obtain a Final Judgment of Compliance and Judgment of Repose; and

WHEREAS, one of the conditions of the Court Master's Compliance Report was the adoption by the Township of an updated Affordable Housing Development Fee Ordinance and Spending Plan for the Township's Affordable Housing Trust Fund created by the Development

Fee Ordinance, and repealing the prior Township Affordable Housing Development Fee Ordinance and Spending Plan; and

WHEREAS, the Mansfield Township Committee has introduced Ordinance 2021-13, a copy attached hereto as Exhibit A, to adopt an updated Affordable Housing Development Fee Ordinance and Spending Plan for the Township's Affordable Housing Trust Fund created by the Development Fee Ordinance, and repealing the prior Township Affordable Housing Development Fee Ordinance and Spending Plan and has referred said Ordinance 2021-13 to the Planning Board as required by the New Jersey Municipal Land Use Law, pursuant to N.J.S. 40:55D-64; and

WHEREAS, by adoption of Resolution 2021-6-11, the Planning Board has adopted and approved the updated and revised Mansfield Township Housing Element of the Township's Master Plan and Fair Share Plan (HEFSP) dated June 2, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Mansfield, County of Burlington and State of New Jersey, sitting as a Joint Land Use Board pursuant to N.J.S. 40:55D-25.c(1), that, given the background, rationale and provisions of Mansfield Township Ordinance 2021-13, and the Township's constitutional obligation to provide for its regional share of affordable housing, and the Planning Board having approved the Township's Housing Element and Fair Share Plan, the Mansfield Township Planning Board does hereby report to the governing body that Ordinance 2021-13, a copy attached hereto and made a part hereof as Exhibit A, is substantially consistent with the Mansfield Master Plan, and recommends its adoption by the Mansfield Township Committee.

ROLL CALL VOTE:

Those in Favor: Tsiknakis, Borgstrom, Herbert, Tahirak, Wainwright, Grouser,
Those Opposed: Higgins, Pinto, Schwartz
None
Not Eligible to Vote: None

CERTIFICATION

I, **LINDA SEMUS**, Secretary, hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Consolidated Land Use Board of the Township of Mansfield in accordance with its decision at its special meeting on July 12, 2021.

**THE CONSOLIDATED
LAND USE BOARD OF THE
TOWNSHIP OF MANSFIELD**



EFTHIMIOS TSIKNAKIS, CHAIRMAN



LINDA SEMUS, SECRETARY

Dated: 7-13-21
Date of Approval: 7-12-21