

**MANSFIELD TOWNSHIP PLANNING BOARD**

**RESOLUTION NO. 2020-4-8**

**APPROVING AND ADOPTING THE MANSFIELD TOWNSHIP HOUSING ELEMENT AND FAIR SHARE PLAN, REVIEWING MANSFIELD TOWNSHIP ORDINANCE 2020-6 AND REPORTING TO THE GOVERNING BODY THAT SAID ORDINANCE IS CONSISTENT WITH THE ADOPTED HOUSING ELEMENT AND FAIR SHARE PLAN AND RECOMMENDING IT BE ADOPTED BY THE MANSFIELD TOWNSHIP COMMITTEE**

**WHEREAS**, the Mansfield Township Committee (“Township”) and the Mansfield Township Planning Board (“Board”) were defendants in litigation filed by the developer of Block 70, Lot 6.02, consisting of approximately 118.53 acres (“Tower Gate Property”) in the Superior Court of New Jersey, Law Division, entitled Tower Gate Associates v. Township of Mansfield, et al, Docket # L-1739-18, challenging the Township's satisfaction of its affordable housing obligation and seeking to construct an inclusionary development on the Tower Gate Property; and

**WHEREAS**, the parties entered into a Settlement Agreement of said litigation, dated November 18, 2019, and a First Amendment to Settlement Agreement December 24, 2019, collectively referred to as the “Settlement Agreement”; and

**WHEREAS**, pursuant to Section 4.A of the Settlement Agreement, the Township and Planning Board agreed to adopt a zoning amendment rezoning the Tower Gate Property substantially consistent with the draft ordinance attached to the Settlement Agreement, and;

**WHEREAS**, pursuant to Section 4.B of the Settlement Agreement, the Township and Planning Board agreed to include the Tower Gate Property in the Township's Housing Element and Fair Share Plan (“HEFSP”); and

**WHEREAS**, on February 18, 2020, the Superior Court of New Jersey, Law Division, entered and filed an Order (“Order”) approving the Settlement Agreement and the Township's HEFSP; and

**WHEREAS**, Section 1(g) of the Order requires the Township to adopt the Zoning Ordinance substantially consistent with the Ordinance attached to the Settlement Agreement as same was modified by the terms of the Order; and

**WHEREAS**, the Township Committee has introduced Ordinance 2020-6 on first reading, as required by the Settlement Agreement and the Court Order, and referred the Ordinance to the Planning Board as required by the New Jersey Municipal Land Use Law pursuant to N.J.S. 40:55D-64 and N.J.S. 40:55D-26(a); and

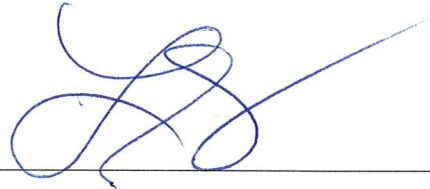
**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Mansfield, County of Burlington and State of New Jersey, that, as required by the Settlement

Agreement and the Court Order, the Mansfield Township Housing Element and Fair Share Plan dated December 24, 2019 is hereby approved and adopted.

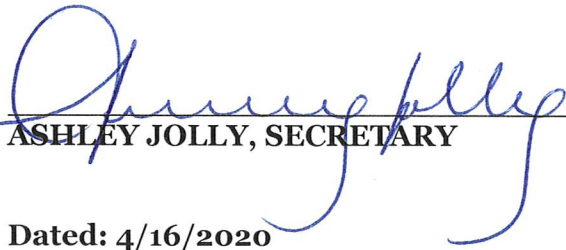
**AND BE IT FURTHER RESOLVED** that, given the background, rationale and provisions of proposed Mansfield Township Zoning Ordinance 2020-6, and the Township's constitutional obligation to provide for its regional share of affordable housing, and the Planning Board having been a party to both the Settlement Agreement and the Court Order as set forth above, and the Planning Board having herein approved the Townships Housing Element and Fair Share Plan, the Mansfield Township Planning Board, does hereby find that Ordinance 2020-6 is substantially consistent with the Housing Element of the Mansfield Master Plan, and recommends its adoption by the Mansfield Township Committee.

#### **CERTIFICATION**

I, do hereby certify that the foregoing is a true and correct copy of the Resolution duly adopted by the Mansfield Township Planning Board at a Special Joint Meeting of the Mansfield Township Committee and Mansfield Township Planning Board held on April 15, 2020.



**LINDA SEMUS, MUNICIPAL CLERK**



**ASHLEY JOLLY, SECRETARY**

**Dated: 4/16/2020**

**Date of Approval: 4/15/2020**

**Date of Memorialization: 4/15/2020**