

TOWNSHIP OF UPPER DEERFIELD PLANNING BOARD

RESOLUTION 1-2026

**RECOMMENDING THE ADOPTION OF THE SENIOR
INCLUSIONARY HOUSING, AFFORDABLE HOUSING,
MANDATORY DEVELOPMENT FEE ORDINANCES AND THE
ADOPTION OF AN AMENDED SPENDING PLAN FOR THE
FOURTH ROUND OF AFFORDABLE HOUSING OBLIGATION**

WHEREAS, in March of 2024, Governor Philip Murphy signed an amendment to the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (hereinafter “FHA II”) and

WHEREAS, FHA II established a procedure by which municipalities can secure approval of a Housing Element and Fair Share Plan (“HEFSP”); and

WHEREAS, in addition to FHA II, the Acting Administrative Director of the Administrative Office of the Courts issued Directive #14-24, dated December 13, 2024 (“Administrative Directive #14-24”); and

WHEREAS, the law required municipalities to adopt a resolution by January 31, 2025 committing to affordable housing obligations for the Fourth Round and filing a declaratory relief action within 48 hours from its adoption with the Affordable Housing Dispute Resolution Program (the “Program”); and

WHEREAS, the Township Committee adopted a resolution on January 29, 2025 committing to affordable housing obligations and filing a declaratory relief action on January 30, 2025 which was within 48 hours from adoption of the resolution as required; and

WHEREAS, the Township’s affordable housing obligations were challenged by Fair Share Housing Center (“FSHC”) and the New Jersey Builders Association (“NJBA”) before the Program; and

WHEREAS, the Township and FSHC through the auspices of the Program entered into a Mediation Agreement (“Agreement”) dated April 7, 2025 and the NJBA accepted those terms as to its challenge; and

WHEREAS, the Agreement specified a Fourth Round Present Need of 31 units and a Prospective Need of 95 units; and

WHEREAS, by Order of the Hon. Robert Malestein, P.J. Ch. Dated May 5, 2025, the Agreement was accepted by the court and established the Township’s Fourth Round affordable housing obligations; and

WHEREAS, the Planning Board adopted a Fourth Round Housing Element and Fair Share Plan (“HEFSP”) on June 9, 2025, that addressed the Township’s Fourth Round affordable housing obligations; and

WHEREAS, the Township Committee endorsed the adopted Fourth Round HEFSP by resolution on June 19, 2025; and

WHEREAS, the adopted Fourth Round HEFSP, Planning Board resolution, and Township Committee resolution were filed with the Program within 48 hours of adoption pursuant to FHA II; and

WHEREAS, challenges to the Township's Fourth Round HEFSP were timely filed by interested parties: Fair Share Housing Center ("FSHC") and Hollyview Development Group ("Hollyview"); and

WHEREAS, pursuant to informal discussions between the Township and FSHC and by virtue of the Program mediation conferences/session with the parties, the Township of Upper Deerfield and FSHC executed a Fourth Round Mediation Agreement on November 20, 2025 ("Mediation Agreement"), to resolve the challenge; and

WHEREAS, on February 4, 2026, the Hon. Julio I. Mendez, J.S.C. (Ret.), Member of the Affordable Housing Dispute Resolution Program issued a Program Decision Recommendation on Upper Deerfield's HEFSP; and

WHEREAS, the Program Decision Recommendation found that the Township's HEFSP is constitutionally compliant and recommends issuance of a Certification of Compliance and Repose; and

WHEREAS, such Decision Recommendation is conditioned on the timely adoption of ordinances and resolutions pursuant to the amended Fair Housing Act, P.L. 2024, c.2; and

WHEREAS, the Township Committee has introduced legislation amending the land development ordinance for senior inclusionary housing and to update Chapter 108 of the General Code of Upper Deerfield for the municipality's affordable housing and mandatory development fee ordinances to comport with recently adopted state administrative rules; and

WHEREAS, the Township Committee has proposed an amended Spending Plan to guide the expenditure of monies from the affordable housing trust fund to implement the affordable housing programs of the HEFSP and seeks the Planning Board's comment on same; and

WHEREAS, the Planning Board has reviewed the proposed ordinances in accordance with N.J.S.A. 40:55D-26 for a determination as to their consistency with the adopted Master Plan of Upper Deerfield; and.

WHEREAS, the Planning Board determined that the aforementioned ordinances effectuate the goals and objectives for affordable housing of the current Master Plan of Upper Deerfield with particular regard to its Housing Plan Element, and that adoption and implementation of the ordinances is in the public interest and protects public health and safety and promotes the general welfare.

WHEREAS, the Planning Board has reviewed the amended Spending Plan and finds that the proposed expenditure of monies is consistent with the purposes and intent of the HEFSP and will enable the fulfillment of its program objectives.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of Upper Deerfield, County of Cumberland, State of New Jersey, that the Planning Board hereby recommends to the Township Committee the adoption of the ordinances referred to the body for master plan consistency and furthermore the adoption of the amended Spending Plan.

BE IT FURTHER RESOLVED that the Planning Board hereby requests that the Planning Board Secretary convey these findings to the Township Committee prior to the public hearings on the introduced ordinances scheduled for March 5, 2026.



 Jack Waselik, Vice-Chairman

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Planning Board of Upper Deerfield Township at a meeting held on the 2nd day of March, 2026.



 Roy Spoltore, Planning Board Secretary

Moved By: Ken Mecouch

Seconded By: Anthony Lamanteer

Voting	In Favor	Against	Abstain	No Vote	Absent
Russell Vanella					X
Jack Waselik	X				
Anthony Buono					X
James Crilley	X				
Laura Hayes					X
Kenneth Jackson	X				
Anthony Lamanteer	X				
Wayne Sabota	X				
Joseph Spoltore					X
William Taylor, Alt 1	X				
Ed Geletka, Alt 2	X				
Ken Mecouch, Alt 3	X				
TJ Durham, Alt 4					X