

TOWNSHIP OF BETHLEHEM LAND USE BOARD RESOLUTION NO. 2025-07

RESOLUTION ADOPTING THE FINDINGS AND THE RECOMMENDATIONS OF THE TOWNSHIP PLANNER'S JUNE OF 2025 REPORT OF THE TOWNSHIP OF BETHLEHEM'S MASTER PLAN'S HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, the New Jersey "Municipal Land Use Law," N.J.S. 40:55D-25(1), vests the Bethlehem Township Planning Board, also identified as the Land Use Board, (hereinafter "Board"), with the power to act in regard to the Township of Bethlehem's Master Plan pursuant to N.J.S. 40:55D-28; and

WHEREAS, N.J.S. 40:55D-28 vests the Board with the power to prepare, adopt and/or amend the Master Plan, or any components thereof, after a public hearing, to guide the Township's use of lands within the Township in a manner which protects public health and safety and promotes the general welfare; and

WHEREAS, N.J.S. 40:55D-89 requires the Board to re-examine the Master Plan and its' statutory elements on at least a decennial basis; and

WHEREAS, the Board adopted a Master Plan in accordance with controlling law in 1984; and subsequently conducted a Master Plan Re-examination and updated Master Plans in 2012 and 2024; and

WHEREAS, on March 20, 2024, the State of New Jersey enacted Public Law 2024, c.2 (Senate Bill 50/Assembly Bill 4), which amended N.J.S. 52:27D-302, *et. seq.*, known as the "Fair Housing Act," which was originally enacted in 1985; and

WHEREAS, pursuant to the preceding statute, the New Jersey Legislature has abolished the Council on Affordable Housing ("COAH"), has transferred the process that municipalities undertake to establish and plan for constitutionally mandated affordable housing to the New Jersey Department of Community Affairs ("DCA") and to the New Jersey Housing and Mortgage Finance Agency ("HMFA") and has empowered the New Jersey Administrative Office of the Courts ("AOC") to review municipalities' affordable housing plans and to resolve disputes which arise thereunder; and

WHEREAS, pursuant to the preceding statute, each municipality must adopt a revised Housing Element to its' Master Plan, that is consistent with the State Development and Redevelopment Plan ("SDRP"), within the New Jersey Department of State, Office of Planning Advocacy, no later than June 30, 2025; and

WHEREAS, pursuant to the preceding statute, each municipality must adopt a "Fair Share Plan," that is consistent with the State Development and Redevelopment Plan ("SDRP"), within the New Jersey Department of State, Office of Planning Advocacy, no later than June 30, 2025; and

WHEREAS, the Board had decided that it was appropriate to direct the Township's Professional Planner, Michael Davis, PP, AICP, a New Jersey licensed professional planner, of Heyer, Gruel & Associates, Community Planning Consultants, to prepare a proposed updated Housing Element and Fair Share Plan (collectively "HEFSP"), in accordance with the preceding statute and governing law; and

WHEREAS, Township Planner Davis has prepared the proposed HEFSP in a report dated June of 2025; and

WHEREAS, the Board has had adequate opportunity to review, and to comment on, the proposed HEFSP; and

WHEREAS, the Board has provided notice of a public hearing held on June 23, 2025, pursuant to N.J.S. 40:55D-28(a); and

WHEREAS, at its regular meeting on June 23, 2025, the Board held a public hearing on the proposed HEFSP; and

WHEREAS, Township Planner Davis made a public presentation which is consistent with his June of 2025 report; and

WHEREAS, the Board asked for public comments, and having heard and considered the public comments made orally and in writing; and

WHEREAS, the Board deliberated and decided that it had adequate time and opportunity to consider the proposed HEFSP set forth in Township Planner Davis' Report and all public comments; and

NOW THEREFORE, as a result of Township Planner Davis' June of 2025 report, the public presentation, the testimony and exhibits, and the public comments presented on June 23, 2025 the Board finds as follows:

1. The present time is appropriate for the Board to consider adoption of the proposed HEFSP.
2. Township Planner Davis' through investigation, Report and presentation are made in accordance with controlling law; are beneficial to the Board; are beneficial to the Township and to the public; and contain appropriate recommendations for a HEFSP.
3. The proposed HEFSP is consistent with the statutory and regulatory requirements set forth herein.
4. The proposed HEFSP is consistent with the Township of Bethlehem's Master Plan.
5. The proposed amendments to the Township of Bethlehem's Master Plan's Housing Element, as set forth in the proposed HEFSP, is consistent with the "Municipal Land Use Law," N.J.S.A. 40:55D-1, *et. seq.* and controlling law.
6. The proposed amendments to the Township of Bethlehem's Master Plan's Housing Element, as set forth in the proposed HEFSP, have adequately taken into consideration the concerns, if any, of adjacent municipalities and are not inconsistent with adjacent municipalities' interests.
7. The proposed amendments to the Township of Bethlehem's Master Plan, as set forth in the proposed HEFSP, protects public health and safety and promotes the general welfare of the Township.

NOW THEREFORE, BE IT RESOLVED THAT the Township of Bethlehem's Master Plan's Housing Element be amended and revised to incorporate the HEFSP as set forth in the June of 2025 Report

of Township Planner Michael Davis', PP, AICP, on motion of Ms. Kelly and seconded by Mr. MacDonell
; and

IT IS FURTHER RESOLVED THAT this Resolution shall be delivered to the Township of Bethlehem, the Township Committee and the Mayor so that the Township can take steps necessary to carry out the purpose of this Resolution in accordance with the law.

ROLL CALL VOTE


Ayes: Chairman Shilay, Ms. Kelly, Ms. Nelson, Mr. Messinger, Mr. Nelson, Mr. DeLorenzo and
Mr. MacDonnell

Nays: None.

Abstentions: None.

Recusals: Mr. Belon

The foregoing Resolution memorializing the action taken by the Township of Bethlehem Land Use Board was duly adopted at its regular meeting on the 23rd day of June, 2025.



KEN SHILAY, Chairman

Dated: June 23, 2025