

**RESOLUTION NO. 2025-07****RESOLUTION OF THE LAND USE BOARD OF THE BOROUGH OF PINE BEACH, IN  
THE COUNTY OF OCEAN, APPROVING AND ADOPTING A HOUSING ELEMENT  
AND FAIR SHARE PLAN TO SATISFY THE BOROUGH'S FOURTH ROUND  
AFFORDABLE HOUSING OBLIGATION**

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act ("Amended FHA"); and

**WHEREAS**, the Borough adopted a "binding resolution" committing to a Present Need obligation of zero (0) units and a Prospective Need obligation of zero (0) based on the Township's Affordable Housing Planner, Mark Rohmeyer, P.E., P.P., C.M.E. ("Planner")'s calculations using the methodology in the Amended FHA; and

**WHEREAS**, in accordance with the Amended FHA and the Administrative Office of the Court's Directive No. 14-24, the Borough filed a timely Fourth Round Declaratory Judgment complaint ("DJ Complaint") with the Affordable Housing Dispute Resolution Program ("Program") on January 16, 2025, along with its binding resolution; and

**WHEREAS**, the filing of the DJ Complaint gave the Borough automatic, continued immunity from all exclusionary zoning lawsuits, including builder's remedy lawsuits, which is still in full force and effect; and

**WHEREAS**, the New Jersey Builders Association ("NJBA") and Fair Share Housing Center ("FSHC") filed timely challenges to the DJ Action; and

**WHEREAS**, the Honorable Julio L. Mendez, J.S.C. (Ret.) was assigned to manage the proceedings, host settlement conferences, and make recommendations to the Honorable Sean J. Gertner, J.S.C., the Mount Laurel Judge of Ocean Vicinage; and

**WHEREAS**, the Borough and FSHC reached an agreement that was put on the record at a settlement conference that took place on March 20, 2025 before Judge Mendez; and

**WHEREAS**, NJBA did not participate in the settlement negotiations, nor did it object to any settlement reached between the Borough and FSHC; and

**WHEREAS**, on April 15, 2025, Judge Gertner prepared an order fixing the Borough's obligation at 0 for the Present Need and thirty (30) for the Prospective Need, and authorized the Borough to proceed with preparing and adopting its Housing Element and Fair Share Plan for the Fourth Round ("Court Order"); and

**WHEREAS**, per the Amended FHA, Directive 14-24 and the Court Order, the Planner drafted a Fourth Round Housing Element and Fair Share Plan ("Fourth Round HEFSP"); and

**WHEREAS**, pursuant to N.J.S.A. 40:55D-28, the Borough of Pine Beach Land Use Board ("Board") may prepare and adopt or amend a master plan or component parts thereof, after a public hearing, to guide the use of lands within the municipality in a manner which protects health and safety and promotes the general welfare; and

**WHEREAS**, upon notice in accordance with N.J.S.A. 40:55D-13, the Board held a public hearing on June 30, 2025 on the adoption of the Fourth Round HEFSP as required by the Municipal Land Use Law. Said hearing was attended by the Planner, who was duly sworn, and provided testimony regarding the Fourth Round HEFSP; and

**WHEREAS**, the hearing was opened to the public; and

**WHEREAS**, the Board determined that the Fourth Round HEFSP is consistent with the goals and objectives of the Borough's current Master Plan, and that adoption and implementation of the Fourth Round HEFSP is in the public interest and protects public health and safety and promotes the general welfare.

**NOW, THEREFORE, BE IT RESOLVED** by the Land Use Board of the Borough of Pine Beach, County of Ocean, State of New Jersey, that the Land Use Board hereby adopts the Fourth Round HEFSP, attached hereto as Exhibit A.

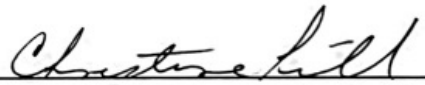
**BE IT FURTHER RESOLVED** that the Land Use Board of the Borough of Pine Beach adopts this resolution to memorialize the action taken by the Board following the close of the public hearing on June 30, 2025.

**BE IT FURTHER RESOLVED** that the Secretary is hereby authorized and directed to transmit a copy of the adopted Fourth Round HEFSP and a certified copy of this Resolution to the governing body together with this Board's request that the governing body endorse the adopted Fourth Round HEFSP.


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ROLL CALL VOTE ON MOTION TO ADOPT THE HOUSING ELEMENT AND FAIR SHARE PLAN AFTER FINDING THAT IT IS CONSISTENT WITH THE MASTER PLAN.  
(June 30, 2025)

RECORD OF LAND USE BOARD VOTE						
	Yes	No	Abstain	Absent	Moved	Second
Mayor Cuneo	✓					
Mr. Higham	✓					X
Mrs. McDonnell				A		
Mrs. Saxton	✓				X	
Mr. Slickers				A		
Mr. Wieck				A		
Mrs. Wnek	✓					
Mrs. Lill	✓					
Mr. Vega (Alt.)				A		
Mr. Zisa (Alt.)				A		

  
Christine Lill, Chair

I hereby certify this to be a true and accurate copy of the resolution adopted by the Land Use Board of the Borough of Pine Beach, Ocean County, New Jersey at a public meeting held on June 30, 2025.

  
Patricia Wnek, Secretary

Pine Beach Borough Land Use Board  
2025-07-063025 v.4