

Appendix Z | 2025 Board Resolution Adopting HEFSP

**RESOLUTION OF THE LAND USE BOARD
OF THE TOWNSHIP OF GREEN BROOK TOWNSHIP
ADOPTING THE FOURTH ROUND ELEMENT AND FAIR SHARE PLAN**

Approved: June 27, 2025
Memorialized: June 27, 2025

WHEREAS, the Township of Green Brook (hereinafter known as the "Township") has demonstrated a history of voluntary compliance as evidenced by its Third Round Housing Element and Fair Share Plan Record; and,

WHEREAS, pursuant to In Re Adoption of N.J.A.C. 5:95 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 8, 2015, the Township of Green Brook filed a Declaratory Judgment Complaint in the Superior Court, Law Division, seeking, among other things, a jurisdictional declaration that its Third Round Housing Element and Fair Share Plan, to be amended as necessary, satisfied its fair share of the regional need for low and moderate income housing pursuant to the Mount Laurel doctrine; and,

WHEREAS, that culminated in a Court-ordered Third Round Settlement Agreement with the Fair Share Housing Center on November 20, 2017, and a Conditional Final Judgment of Compliance and Repose entered by Judge Miller on January 3, 2019, which precluded all Mount Laurel lawsuits, including Builder's Remedy lawsuits, until July 1, 2025; and,

WHEREAS, the Township continues to actively implement the Court-approved Third Round Housing Element and Fair Share Plan; and,

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2004, c.2 which amended the 1985 New Jersey Fair Share Housing Act (N.J.S.A. 25:27D-301, et seq.) (hereinafter the "Amended FHA"); and,

WHEREAS, the Township has adopted a binding Resolution accepting the DCA calculated present need of 26 and correcting the developable land data regarding Green Brook's prospective obligation in a Fourth-Round prospective obligation to 116 to 120. Said Resolution was adopted by the Township on January 31, 2025; and,

WHEREAS, in accordance with the Amended FHA and the Administrative Office of the Courts, Directive #14-24, the Township filed a timely Fourth Round Declaratory Judgment Complaint (DJ Complaint) with the Affordable Housing Dispute Resolution Program (the "Program") along with its binding Resolution on January 29, 2025; and,

WHEREAS, the filing of the DJ Complaint gave the Township automatic, continued immunity from all inclusionary zoning lawsuits, including Builder's Remedy Lawsuits, which is still in full force and effect; and,

WHEREAS, the Township was challenged by the New Jersey Homeowners Association (NJHA) in the Fourth Round Obligation and mediation was conducted by the parties resulting in a settlement of 113 units of prospective need, which settlement was memorialized on April 8, 2025, by way of a Program Settlement Recommendation present need and prospective need entered by The Honorable William Mennan, J.S.C., reflecting a present need of 26 and a prospective need of 113 on February 28, 2025, resulting in a statutory automatic acceptance of the Township's Fourth Round obligation on March 1, 2025; and,

WHEREAS, now that the Township has had its Fourth Round Obligation, the Amended FHA requires the municipality to adopt a Fourth Round Housing and Fair Share Plan by June 30, 2025; and,

WHEREAS, in accordance with the Amended FHA, the Township's Affordable Housing Planner, Darlene A. Green of Colliers Engineering and Design, drafted the Fourth Round Housing Element and Fair Share Plan; and,

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Land Use Board held a public hearing on the Fourth Round Housing Element and Fair Share Plan on June 27, 2025; and,

WHEREAS, the Land Use Board determined, after receiving comments from the Board and the public, that the Fourth Round Housing Element and Fair Share Plan is consistent with the goals and objectives of the Township's current Master Plan and that the adoption and implementation of the Fourth Round Housing Element and Fair Share Plan is in the public interest and protects the public health and safety, and promotes the general welfare:

NOW, THEREFORE, BE IT RESOLVED, on this 27th day of June 2025, by the Land Use Board of the Township of Green Brook, County of Somerset, State of New Jersey, hereby adopts the Fourth Round Housing Element and Fair Share Housing Plan attached hereto as Exhibit A.

The undersigned Chairman of the Green Brook Township Land Use Board hereby certifies that the above is a true copy of the Resolution adopted by the Board at its Special Meeting of June 27, 2025.



Albert St. Louis, Chairman
Township of Green Brook Land Use Board

I, Erin LaGrúa, the Land Use Board Secretary of the Township of Green Brook, in the County of Somerset and State of New Jersey do hereby certify the foregoing to be a true and correct

copy of a Resolution passed at a Special Meeting of the Township of Green Brook Land Use Board held on June 27, 2025.

A handwritten signature in cursive script, reading "Erin Santora LaGrua". The signature is written in dark ink and is positioned above the printed name and title.

Erin Santora LaGrua, Secretary
Township of Green Brook Land Use Board

RWT:jm 06/23/2025

Appendix AA | 2025 Committee Resolution Endorsing HEFSP

TOWNSHIP OF GREEN BROOK
County of Somerset
Resolution 2025-06-32

RESOLUTION ENDORSING THE
2025 HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L.2024, c.2, establishing a new framework for determining and enforcing municipal affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the New Jersey Fair Housing Act (the "FHA") (N.J.S.A. 52:27D-301, *et al.*); and

WHEREAS, among other things, the Act abolished the Council on Affordable Housing (hereinafter, "COAH"), and replaced it with seven retired, on recall judges designated as the Program and authorized the Director of the Administrative Office of the Courts, (hereinafter, respectively, "Director" and "AOC") to create a framework to process applications for affordable housing compliance certification; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(f)(1)(b), each municipality was to adopt a binding resolution no later than January 31, 2025, determining and setting forth its present and prospective fair share obligations for the "Fourth Round" of affordable housing obligations ("Fourth Round"); and

WHEREAS, the Township Committee of the Township of Green Brook ("Township") adopted a binding resolution on January 27, 2025, identifying its present need obligation as 26 units and prospective need obligation as 116 affordable units for the Fourth Round.

WHEREAS, in accordance with the FHA and Administrative Directive #14-24, issued by the Administrative Office of the Courts on December 13, 2024 ("Directive #14-24"), the Township filed a Complaint for Declaratory Judgment with the Superior Court of New Jersey, Law Division, Somerset County, entitled In the Matter of the Application of the Township of Green Brook, County of Somerset, State of New Jersey, Docket No. SOM-L-163-25 on January 29, 2025 (the "DJ Action"), identifying its present and prospective fair share obligations for the Fourth Round as set forth above, and committing to adopting and submitting a Fourth Round Housing Element and Fair Share Plan ("HEFSP") as required by the FHA; and

WHEREAS, the New Jersey Builders Association (the "Association") subsequently filed a challenge to the Township's DJ Action; and

WHEREAS, in accordance with Directive #14-24, the matter was referred to the Affordable Housing Dispute Resolution Program ("Program"), with the Honorable Thomas C. Miller, A.J.S.C. (Ret.) assigned to manage the proceedings, host settlement conferences, and make recommendations to the Mount Laurel Judge of Somerset County; and

WHEREAS, the Township and Association reached a Settlement Agreement establishing the Township's Prospective Need obligation for the Fourth Round as 113 units, which the Program recommended be accepted by the Mount Laurel Judge of Somerset County; and

WHEREAS, on April 8, 2025, the Honorable William G. Mennen, J.S.C., issued an Order accepting the Program's recommendation and authorized the Township to proceed with preparation and adoption of a proposed HEFSP to satisfy the Township's affordable housing obligation; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(f)(2)(a) and Directive #14-24, each municipality must adopt and file as part of its DJ Action a HEFSP, with associated resolutions and proposed drafts of the appropriate zoning and other ordinances, necessary to implement its HEFSP, no later than June 30, 2025; and

WHEREAS, the Township of Green Brook Land Use Board, in its capacity as a Planning Board ("Board"), adopted the HEFSP, entitled "2025 Housing Element & Fair Share Plan" (the "Fourth Round HEFSP"), prepared by Board's Planner, Darlene A. Green, PP/AICP of Colliers Engineering & Design, as an amendment to the Township's Master Plan on June 27, 2025; and

WHEREAS, the Governing Body desires to endorse the Fourth Round HEFSP adopted by the Board on June 27, 2025.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Green Brook, Somerset County as follows:

1. The Governing Body does hereby endorse the Fourth Round HEFSP adopted by the Township of Green Brook Land Use Board, in its capacity as a Planning Board, on June 27, 2025.
2. The Governing Body does hereby authorize the filing of this Resolution endorsing the Fourth Round HEFSP adopted by the Board on eCourts for review by the Program.
3. The Mayor and Clerk, together with other appropriate officers and employees of the Township of Green Brook, are hereby authorized to take all steps necessary to effectuate the purposes of this Resolution.
4. This Resolution shall take effect immediately.

Resolution offered by: Martins

Supported by: Searfoss

ROLL CALL: Bencotter-Aye, Conway-Aye, Martins-Aye, Searfoss-Aye, Van Arsdale- Absent

CERTIFICATION

I, Kelly G. Cupit, Clerk of the Township of Green Brook, in the County of Somerset, do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Township Committee at a regular meeting held on the 27th day of June, 2025 and have hereunto set my hand and affixed the seal of said Township.



Kelly G. Cupit
Township Clerk

Appendix BB | 2025 Committee Intent to Bond Resolution

TOWNSHIP OF GREEN BROOK

County of Somerset

Resolution 2025-06-34

**RESOLUTION OF INTENT TO FUND IN THE EVENT THAT THERE IS A
SHORTFALL IN FUNDING TO EFFECTUATE CERTAIN AFFORDABLE HOUSING
MECHANISMS IN ITS FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE
PLAN**

WHEREAS, the Governing Body of the Township of Green Brook ("Township") desires to create a realistic opportunity for the creation of affordable housing within the Township; and

WHEREAS, the Township voluntarily brought a timely declaratory judgment action pursuant to the procedures set forth by Administrative Directive #14-24 seeking approval of a Housing Element and Fair Share Plan that satisfied the Township's obligation to provide for its fair share of the regional need of low- and moderate-income housing; and

WHEREAS, the Township of Green Brook Land Use Board has adopted a Fourth Round Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., which addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act; and

WHEREAS, the Fourth Round Housing Element and Fair Share Plan provides for expenditures to fund and support its affordable housing mechanisms including a municipally-sponsored Rehabilitation Program and 100% affordable development; and

WHEREAS, the Township has adopted a Development Fee Ordinance in order to generate revenue for the Township's Affordable Housing Trust Fund; and

WHEREAS, the Township anticipates that monies collected and deposited in the Affordable Housing Trust Fund, along with other permitted funding sources, will be sufficient to effectuate the above-referenced mechanisms; and

WHEREAS, the Township is committed to securing approval of its Fourth Round Housing Element and Fair Share Plan; and

WHEREAS, the Township acknowledges the affordable housing rules and regulations that provide that, although utilization of a mandatory development fee ordinance is an appropriate mechanism to raise money for the purpose of off-setting the expenses incurred in connection with the Housing Element and Fair Share Plan, there must be an alternative funding source in the event that insufficient monies are derived from the mandatory development fee ordinance or other resources, or the funds are not received in a timely fashion, for the purpose of effectuating its affordable housing mechanisms including the extension of controls, the 100% affordable project and the municipally sponsored rehabilitation program; and

WHEREAS, the Township wishes to express its commitment to cover such funding shortfalls and to fully implement the mechanisms set forth in its Fourth Round Housing Element and Fair Share Plan through bonding or other lawful means.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Green Brook, in the County of Somerset, State of New Jersey, that it does hereby confirm its intent that in the event that the projected funding from the mandatory development fee ordinance the Township has adopted is insufficient to complete the aforementioned affordable housing mechanisms, it is the intention of the Governing Body of the Township of Green Brook to adopt appropriate bond ordinances in order to provide the requisite funding in an appropriate time frame.

Resolution offered by: Martins

Supported by: Searfoss

ROLL CALL: Benscoter-Aye, Conway-Aye, Martins-Aye, Searfoss-Aye, Van Arsdale- Absent

CERTIFICATION

I, Kelly G. Cupit, Clerk of the Township of Green Brook, in the County of Somerset, do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Township Committee at a regular meeting held on the 27th day of June, 2025 and have hereunto set my hand and affixed the seal of said Township.



Kelly G. Cupit

Township Clerk

