

**RESOLUTION 2026-08**  
**RESOLUTION OF THE LAND USE BOARD OF THE BOROUGH OF**  
**ALPHA ADOPTING A HOUSING ELEMENT AND FAIR SHARE PLAN**  
**FOR ROUND FOUR**

**WHEREAS**, the Borough of Alpha (“Borough”) adopted a Housing Element and Fair Share Plan for Round 3 pursuant to a July 10, 2018 Settlement Agreement between the Borough and the Fair Share Housing Center (“FSHC”) memorializing approval of that Plan for Round 3; and

**WHEREAS**, the Borough wishes to secure approval of a Housing Element and Fair Share Plan for Round 4 (“HEFSP for Round 4”); and

**WHEREAS**, on March 20, 2024, Governor Phil Murphy signed an amendment to the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“FHA II”) which established a procedure by which municipalities could secure approval of a HEFSP for Round 4; and

**WHEREAS**, that procedure contemplated that municipalities would adopt a Resolution by January 31, 2025 committing to a fair share number and file a declaratory relief action within 48 hours from adoption of the Resolution and filing, by June 30, 2025, an adopted Housing Element and Fair Share Plan for Round 4 within 48 hours after adoption with the Affordable Housing Dispute Resolution Program (“Program”); and

**WHEREAS**, in accordance with this procedure, the Borough adopted a Resolution by January 31, 2025 committing to a fair share number and filing a declaratory relief action within 48 hours from adoption of the Resolution; and

**WHEREAS**, the Borough timely filed the declaratory judgment action with the Program; and

**WHEREAS**, the Borough’s affordable housing planning consultant, James T. Kyle, P.P., A.I.C.P., of Kyle McManus Associates prepared a Housing Element and Fair Share Plan for Round 4 to address the Borough’s affordable housing obligations for Round 4; and

**WHEREAS**, the Borough wished for the Borough Land Use Board to consider adopting the HEFSP for Round 4 and then file the duly adopted Plan with the Program within 48 hours after adoption; and

**WHEREAS**, in accordance with the provisions of N.J.S.A. 40:55D-13 of the Municipal Land Use Law (“MLUL”), the Land Use Board (“Board”) scheduled a public hearing on the HEFSP for Round 4 for June 18, 2025 at 7:00 p.m. at the Borough Hall located at 1001 East Boulevard, Alpha, New Jersey 08865; and

**WHEREAS**, the Borough filed the adopted HEFSP with the Program on June 19, 2025; and

**WHEREAS**, The Fair Share Housing Council filed a challenge with the Program regarding the adopted HEFSP ON August 31, 2025; and

**WHEREAS**, on December 22, 2025, the Hon. William G. Mennen, J.S.C. granted a Consent Order requiring the Borough to amend the HEFSP for Round 4 in accordance with the forthcoming regulations at N.J.A.C. 5:80-26.1, et seq, and N.J.A.C. 5:99 by March 15, 2026, and

**WHEREAS**, in accordance with the provisions of N.J.S.A. 40:55D-13 of the Municipal Land Use Law (“MLUL”), the Board scheduled a public hearing on the Amended HEFSP for Round 4 for February 18, 2026 at 7:00 p.m. at the Borough Hall located at 1001 East Boulevard, Alpha, New Jersey 08865; and

**WHEREAS**, in accordance with the provisions of N.J.S.A. 40:55D-13 of the MLUL, the P Board published a notice of this public hearing in the Borough's official newspaper at least ten days before the scheduled date for the public hearing and served a copy of this notice upon the clerks of all municipalities adjoining the Borough, upon the clerk of the County Planning Board, and upon the New Jersey Office of Planning Advocacy; and

**WHEREAS**, a copy of the Amended HEFSP for Round 4 was placed on file with the Borough Clerk and Land Use Board Secretary and was available for public review at least ten days before the scheduled date for the public hearing; 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 Amended Housing Element and Fair Share Plan for Round 4 on February 18, 2026; and

**WHEREAS**, at the public hearing, James T. Kyle provided professional planning testimony regarding the Amended HEFSP for Round 4 and the Board provided members of the public with the opportunity to comment upon the Amended HEFSP for Round 4; and

**WHEREAS**, the Land Use Board determined that the attached Amended Housing Element and Fair Share Plan for Round 4 is consistent with the goals and objectives of the current Master Plan of the Borough, and that adoption and implementation of the HEFSP for Round 4 is in the public interest and protects public health and safety and promotes the general welfare.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Alpha Land Use Board, County of Warren, State of New Jersey, that the Land Use Board adopts the attached Amended Housing Element and Fair Share Plan for Round 4.

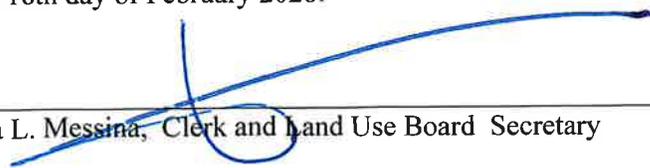
**NOW, THEREFORE, BE IT RESOLVED** by that the Land Use Board hereby directs the Borough Attorney to file the duly adopted Amended Housing Element and Fair Share Plan for Round 4 with the Program, an entity created by the FHA II, within 48 hours of adoption, and that the duly adopted Amended Housing Element and Fair Share Plan for Round 4 be presented to the Borough Council for endorsement.

**BE IT FURTHER RESOLVED** that the Borough Attorney is authorized to pursue approval of the Amended Housing Element and Fair Share Plan for Round 4 and submit such additional documents to the Program as may be necessary or desirable to secure such approval.

 3/4/26  
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Christopher Dragotta, Land Use Board Chair

**CERTIFICATION**

I certify that the foregoing Resolution was duly adopted by the Land Use Board of the Borough of Alpha at a regular meeting held on the 18th day of February 2026.

  
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Donna L. Messina, Clerk and Land Use Board Secretary