

RESOLUTION 2025-59

**RESOLUTION ENDORSING THE THIRD ROUND HOUSING
ELEMENT AND FAIR SHARE PLAN AND AUTHORIZING AND
DIRECTING SUBMISSION OF THE PLANS TO THE SUPERIOR
COURT, LAW DIVISION**

WHEREAS, On March 10, 2015, the Supreme Court transferred responsibility to review and approve housing elements and fair share plans from the Council on Affordable Housing (COAH) to designated Mount Laurel trial judges within the Superior Court; and

WHEREAS, on June 12, 2015, the Township submitted a Declaratory Judgment Action to the New Jersey Superior Court; and

WHEREAS, Colts Neck Township Planning Board, under protest, adopted on February 11, 2025 a Third Round Housing Element and Fair Share Plan as being consistent with the goals and objectives of Colts Neck Township Master Plan, as guiding the use of lands in the municipality in a manner which protects public health and safety and promotes the general welfare in accordance with N.J.S.A. 40:55D-28, and as achieving access to affordable housing to meet present and prospective housing needs in accordance with N.J.S.A. 52:27D-310;

WHEREAS, the Township's Third Round Housing Element and Fair Share Plan has been prepared consistent with the November 21, 2024 Orders issued by the Hon. Linda Grasso Jones, albeit under protest with the intent to appeal the Orders once the matter is deemed final;

WHEREAS, these Orders granted the Township's durational adjustment and required the Township's Housing Element and Fair Share Plan to be adopted within 90 days of its issuance and for the adopted Fair Share Plan to include several provisions, the most consequential being the following: (1) granting the Township's request for a durational adjustment without the durational adjustment waiver; (2) retaining the "Area 1" overlay district; (3) providing up to \$2 million toward extending water and/or sewer service to affordable housing in "Area 1" as specified in Exhibit B to the 2020 Fair Share Housing Center Settlement Agreement and as specified in the Court's November 21, 2024 Orders wherein the Court notes that while the 2020 Fair Share Housing Agreement required sewer service to Area 1 be provided by Manasquan River Regional Sewerage Authority ("MRRSA") with treatment provided by Ocean County Utilities Authority ("OCUA"), the Court directs that if an alternative manner of providing sanitary sewer service for Area 1 becomes viable, e.g., through another treatment provider, the up to \$2 million amount may be applied to the provision of wastewater transmission and treatment by an alternative provider, subject to an application to the Court to propose an alternative plan in lieu of MRRSA; and (4) removing the market to affordable program;

WHEREAS, the Township Committee agrees to comply with the Court's November 21, 2024 Orders, albeit under protest, with the intent to appeal the Orders (including, among other issues, appealing any obligation to fund the extension of water service which was never contemplated by the 2020 Fair Share Housing Center Settlement Agreement) once the matter is deemed final and reserves all rights and positions in connection with any appeal;

WHEREAS, COAH's Prior Round rules at N.J.A.C. 5:91-2.2(a), requires that the Township Committee endorse the Third Round Housing Element and Fair Share Plan adopted by the Planning Board.

NOW THEREFORE, BE IT RESOLVED the Township Committee of Colts Neck Township, Monmouth County, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted under protest by the Planning Board on February 11, 2025, albeit under protest with the intent to appeal the Orders once the matter is deemed final and reserves all rights and positions in connection with any appeal.

I, Trina Lindsey, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of Colts Neck Township during the regular meeting held on the 12th day of February 2025

Trina Lindsey, Municipal Clerk

RECORD OF VOTE						
	M	S	Yes	No	NV	Ab
Mayor Torchia Buss			X			
Deputy Mayor Viola	M		X			
Buzzetta			X			
Fitzpatrick		S	X			
Rizzuto			X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						