

**RESOLUTION**  
Of the  
**BOROUGH OF NEW PROVIDENCE**  
Resolution No. 2025-168

Council Meeting Date: 06-17-2025

Date Adopted: 06-17-2025

**TITLE:** RESOLUTION OF THE COUNCIL OF BOROUGH OF NEW PROVIDENCE, COUNTY OF UNION, STATE OF NEW JERSEY ENDORSING THE FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN AS ADOPTED BY THE PLANNING BOARD

Councilperson Geoffroy submitted the following resolution, which was duly seconded by Councilperson Bilicska.

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 DJ Complaint with the Affordable Housing Dispute Resolution Program (the "Program"), along with its binding resolution, on January 30, 2025, accepting a Fourth Round Present and Prospective Need; and

WHEREAS, on February 27, 2025, in response to the DJ Complaint, New Jersey Builders Association filed an Answer/Objection of Interested Party challenging the Borough's modification of its "Prospective Need" Obligation; and

WHEREAS, the Program considered the challenge filed by New Jersey Builders Association and, after a settlement conference was conducted, the Superior Court – Law Division held that the "Present Need" Obligation is fixed at 20 affordable units and the "Prospective Need" Obligation is fixed at 201 affordable units for the Fourth Round Housing Cycle; and

WHEREAS, the entry of the Decision and Order Fixing Municipal Obligations for "Present Need" and "Prospective Need" for the Fourth Round Housing Cycle dated April 14, 2025, 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, in accordance with the Amended FHA, the Borough's affordable housing planner drafted a Fourth Round Housing Element and Fair Share Plan; and

WHEREAS, upon a notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Fourth Round Housing Element and Fair

Share Plan on June 3, 2025 and adopted the 2025 Fourth Round Housing Element and Fair Share Plan on the same day; and

WHEREAS, a true copy of the resolution the Planning Board adopting the 2025 Fourth Round Housing Element and Fair Share Plan is attached hereto as Exhibit A; and

WHEREAS, the Borough Council of the Borough of New Providence wishes to endorse the 2025 Fourth Round Housing Element and Fair Share Plan and seeks a compliance certification of such plan from the Program.

BE IT RESOLVED, by the Borough Council of the Borough of New Providence in the County of Union and the State of New Jersey:

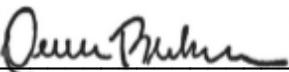
1. That it hereby endorses the 2025 Fourth Round Housing Element and Fair Share Plan, as adopted by the New Providence Planning Board on June 3, 2025 via the Planning Board resolution, attached hereto as Exhibit A.
2. That it authorizes and directs its Attorney to file with the Program (i) the 2025 Fourth Round Housing Element and Fair Share Plan, (ii) the resolutions of the Planning Board adopting and the Borough Council endorsing the 2025 Fourth Round Housing Element and Fair Share Plan, and (iii) any additional documents the professionals deem necessary or desirable.
3. That it reserves the right to amend the 2025 Fourth Round Housing Element and Fair Share Plan , should that be necessary

APPROVED, this 17<sup>th</sup> day of June, 2025.

## RECORD OF VOTE

	AYE	NAY	ABSENT	NOT VOTING
BILICKSKA	X			
CUMISKEY	X			
DOLAN			X	
GEOFFROY	X			
KOGAN	X			
MCKNIGHT	X			
MORGAN			TO BREAK COUNCIL TIE VOTE	

I hereby certify that the above resolution was adopted at a meeting of the Borough Council held on the 17<sup>th</sup> day of June, 2025.

  
\_\_\_\_\_  
Denise Brinkofski, Borough Clerk

Borough Of New Providence  
County Of Union  
State Of New Jersey

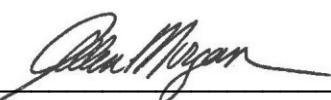
  
\_\_\_\_\_  
Allen Morgan, Mayor

EXHIBIT A: PLANNING BOARD RESOLUTION ADOPTING 2025 FOURTH ROUND  
HOUSING ELEMENT AND FAIR SHARE PLAN

**BOROUGH OF NEW PROVIDENCE  
PLANNING BOARD**

**RESOLUTION ADOPTING A FOURTH ROUND HOUSING ELEMENT  
AND FAIR SHARE PLAN**

**WHEREAS**, the Borough of New Providence (hereinafter the “Borough”) has a demonstrated history of voluntary compliance with affordable housing requirements, as evidenced by its Third Round record; and

**WHEREAS**, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 7, 2015, the Borough filed a Declaratory Judgment Complaint (“DJ Complaint”) in Superior Court, Law Division seeking, inter alia, a judicial 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**, after multiple fairness hearings, the Borough entered into a settlement agreement culminating in a Court-approved Third Round Housing Element and Fair Share Plan and a Judgment of Compliance and Repose, which precluded all Mount Laurel lawsuits, including builder’s remedy lawsuits, until June 30, 2025; and

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

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

**WHEREAS**, the Borough adopted a binding resolution accepting and modifying the DCA-calculated “Present Need” and “Prospective Need”, as required by the Amended FHA, on January 28, 2025, accepting its Fourth Round “Present Need” Obligation of 20 units and modifying the DCA-calculated Fourth Round “Prospective Need” Obligation from 210 units to 198 units; 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 DJ Complaint with the Affordable Housing Dispute Resolution Program (the “Program”), along with its binding resolution, on January 30, 2025; and

**WHEREAS**, on February 27, 2025, in response to the DJ Complaint, New Jersey Builders Association filed an Answer/Objection of Interested Party challenging the Borough’s modification of its “Prospective Need” Obligation; and

**WHEREAS**, the Program considered the challenge filed by New Jersey Builders Association and, after a settlement conference was conducted, the Superior Court – Law Division held that the “Present Need” Obligation is fixed at 20 affordable units and the “Prospective Need” Obligation is fixed at 201 affordable units for the Fourth Round Housing Cycle; and

**WHEREAS**, the entry of the Decision and Order Fixing Municipal Obligations for "Present Need" and "Prospective Need" for the Fourth Round Housing Cycle dated April 14, 2025, 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**, now that the Borough has established its Fourth Round Obligations, the Amended FHA requires the Borough to adopt and endorse a Fourth Round Housing Element and Fair Share Plan by June 30, 2025; and

**WHEREAS**, in accordance with the Amended FHA, the Borough's affordable housing planner drafted a Fourth Round Housing Element and Fair Share Plan; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Fourth Round Housing Element and Fair Share Plan on June 3, 2025; and

**WHEREAS**, the Planning Board determined that the attached Fourth Round Housing Element and Fair Share Plan is consistent with the goals and objectives of the Borough's current Master Plan, and that adoption and implementation of the Fourth Round Housing Element and Fair Share Plan is in the public interest and protects public health and safety and promotes the general welfare; and

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of New Providence, County of Union, State of New Jersey, that the Planning Board hereby adopts the Fourth Round Housing Element and Fair Share Plan attached hereto as Exhibit A.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution and the attached Fourth Round Housing Element and Fair Share Plan for the Borough of New Providence, County of Union, State of New Jersey, as prepared by Heyer, Gruel & Associates, shall be sent to the State Office of Planning Advocacy, Union County Planning Board and notice of the adoption of same shall be sent to the Municipal Clerk of each adjoining municipality; and

**BE IT FURTHER RESOLVED**, that notification of the adoption be published in an official newspaper of the Borough of New Providence Planning Board.

**ADOPTED** on this 3<sup>rd</sup> day of June 2025.

Motion to approve: William Hoefling

Second: John Keane

Those in Favor: Mr. Cumiskey, Mr. Hoefling, Mr. Keane, Mayor Morgan, Mr. Sartorius  
Ms. Torsiello and Chairman Lesnewich

Those Opposed: None

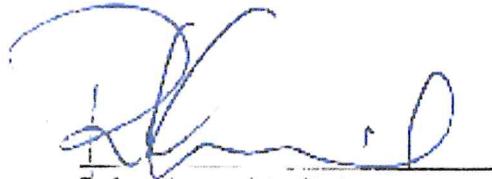
Abstentions: None

Recusals: None

Absences: Mark Germansky

The foregoing is herein certified to be a true copy of the Resolution adopted by the Planning Board at its hearing of June 3, 2025

Margaret Koontz  
Margaret Koontz, Secretary



Robert Lesnewich, Chairman

Date of Resolution: June 3, 2025  
Date of Publication: June 8, 2025  
Place of Publication: Courier News