

**BOROUGH OF BERNARDSVILLE
PLANNING BOARD
RESOLUTION OF MEMORIALIZATION**

**IN THE MATTER OF
THE ADOPTION OF THE HOUSING
ELEMENT AND FAIR SHARE PLAN**

**Approved: June 26, 2025
Memorialized: June 26, 2025**

WHEREAS, the Borough of Bernardsville (hereinafter the "Borough") has a demonstrated history of voluntary compliance with its constitutional affordable housing obligations; and

WHEREAS, as to its Third Round affordable housing obligation, pursuant to N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), the Borough filed a Declaratory Judgment Complaint in the Superior Court, Law Division seeking, among other things, 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 housing pursuant to the "Mount Laurel doctrine," and

WHEREAS, that process culminated in a Third Round Housing Element and Fair Share Plan adopted by the Planning Board, as well as a Settlement Agreement with Fair Share Housing Center (FSHC) on November 22, 2017, which was subsequently amended to reflect the July 1, 2024 Consent Order by Judge Kevin Shanahan that accepted what has been referred to as the amended Scattered Site Development Project; and

WHEREAS, the Borough continues to incorporate and implement its 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 Fair Share Housing Act (hereinafter the "Amended FHA") which, among other things, designated the Department of Community Affairs (DCA) to establish initial nonbinding

present and prospective need affordable housing obligation numbers for most municipalities, including the Borough; and

WHEREAS, the Borough did not dispute the prospective need obligation proposed by the DCA of 113 units and the present need obligation as proposed by the DCA of 0 units; and

WHEREAS, the Borough adopted a binding Resolution that its Fourth Round prospective need obligation was 113 units; and

WHEREAS, in accordance with the Amended FHA and, given that there were no challenges by interested parties to the adopted number, the aforementioned obligations were established by default on March 1, 2025; and

WHEREAS, the Borough authorized the preparation of a Fourth Round Housing Element and Fair Share Plan (“2025 HEFSP”) to be prepared by Jessica Caldwell, PP, AICP, LEED-GA of J. Caldwell & Associates, LLC (the “Planner”); and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the 2025 HEFSP on June 26, 2025; and

WHEREAS, the Planning Board determined, after hearing testimony from the Planner and the public, that the attached 2025 HEFSP will guide the use of lands in the Borough 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 is designed to achieve access to affordable housing to meet the Township's Fourth Round Mount Laurel constitutional affordable housing obligations and considers the lands that are most appropriate for construction of low and moderate income housing in accordance with N.J.S.A. 52:27D-310; and

WHEREAS, the Planning Board recommends by this resolution that the Mayor and Borough Council of the Borough of Bernardsville endorse the 2025 HEFSP; and

WHEREAS, the Planning Board reserves the right to amend the 2025 HEFSP, if necessary, in accordance with the procedures established in Administrative Directive #14-24.

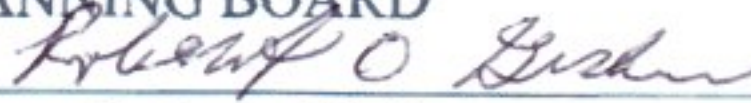
NOW, THEREFORE, BE IT RESOLVED, on this 26th day of June 2025, that the Planning Board of the Borough of Bernardsville, County of Somerset, State of New Jersey, hereby adopts the HEFSP attached hereto as Exhibit A, and recommends that the Mayor and Borough Council endorse 2025 HEFSP and implement same; and

BE IT FURTHER RESOLVED that this resolution and the 2025 HEFSP be filed with the Superior Court within 48 hours of adoption by the Planning Board but no later than June 30, 2025; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Office of Planning Advocacy and to the Somerset County Planning Board, together with a copy of said adopted 2025 HEFSP, within 30 days of the date of adoption of this resolution.


The undersigned Chairperson of the Borough of Bernardsville Planning Board hereby certifies that the above is a true copy of a Resolution adopted by the Board at its meeting on June 26, 2025.

BOROUGH OF BERNARDSVILLE
PLANNING BOARD


Robert Graham, Chairperson

I, Denise Filardo, Secretary of the Planning Board of the Borough of Bernardsville, 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 adopted and passed at a regular meeting of the Borough of Bernardsville held on June 26, 2025.

BOROUGH OF BERNARDSVILLE
PLANNING BOARD


Denise Filardo, Secretary