



**BOROUGH OF ALPINE
RESOLUTION ##194:10'2023**

**AUTHORIZING THE EXECUTION OF A SETTLEMENT
AGREEMENT WITH FAIR SHARE HOUSING CENTER**

OFFERED BY: Councilwoman Gerstein **SECONDED BY:** Councilwoman Frankel

WHEREAS, on August 14, 2015, the Borough of Alpine ("Borough" or "Alpine") filed a Complaint in the matter captioned In the Matter of the Application of the Borough of Alpine, Docket No. BER-L-6286-15 ("DJ Litigation"), seeking a declaration from the New Jersey Superior Court that its Housing Element and Fair Share Plan ("HEFSP") and Zoning Ordinances are constitutionally compliant; and

WHEREAS, Fair Share Housing Center ("FSHC") has been designated as an interested party in the DJ Litigation pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) ("Mount Laurel IV"); and

WHEREAS, the Borough and FSHC have engaged in settlement negotiations and have come to an agreement resolving all of the differences between them with regard to the DJ Litigation including the satisfaction of the Borough's affordable housing obligation; and

WHEREAS, the terms and conditions of said agreement are set forth in a certain Settlement Agreement dated October 18, 2023; and

WHEREAS, the Alpine desires to resolve the issues between the Borough and FSHC with regard to the DJ Litigation as set forth in the Settlement Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Alpine, County of Bergen, State of New Jersey as follows:

1. All the terms and conditions of a certain Settlement Agreement by and between Fair Share Housing Center and the Borough dated October 18, 2023, be and the same are hereby approved, ratified and confirmed by the Borough subject to (i) a satisfactory reconciliation of the Borough's RDP of 32 with its compliance commitment of 34 credits; and (ii) a satisfactory clarification of any carry-forward obligation for affordable housing units and/or credits referenced in Paragraph 10 of said Settlement Agreement to satisfy the Borough's RDP of 32 and to satisfy the Borough's 12 family unit credit requirement, which may result from less than four accessory apartment units being created or in progress by July 1, 2025.

2. The Borough Mayor and the Borough Clerk are hereby authorized to execute said Settlement Agreement subsequent to the execution by FSHC and, together with other appropriate officers and employees of the Borough, are hereby authorized to take all steps necessary to effectuate the purposes of this Resolution.

3. The Borough hereby authorizes and approves any non-substantive modifications to the Settlement Agreement as may be recommended and approved by the Borough Mayor, Borough Attorney, Borough Special Counsel, and Borough Planner in this Litigation prior to execution.

4. This Resolution shall take effect immediately.

VOTE: AYES: Cohen, A. Frankel, V. Frankel, Gerstein, Kupferschmid **ABSENT:** Bosworth
MOTION APPROVED

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on October 25, 2023.


Stephanie Wehmann, Municipal Clerk