

MEETING TO BE
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AGENDA FOR A SPECIAL BUSINESS SESSION MEETING
OF THE TOWNSHIP COUNCIL OF WEST WINDSOR TOWNSHIP
WEST WINDSOR MUNICIPAL BUILDING
271 CLARKSVILLE ROAD
TO THE EXTENT KNOWN

June 25, 2025

8:30 p.m. After the close of the adequately noticed Planning
Board Meeting

1. Call to Order
2. Roll Call
3. Statement of Adequate Notice - June 13, 2025 to The Times and the Princeton Packet, filed with the Municipal Clerk and posted at the Municipal Building and on the Township website.
4. Salute to the Flag
5. Recommendations from Administration and Council/Clerk
2025-R148 Endorsement of the Housing Element and Fair
Share Plan for 2025-2035 (Fourth Round)
Adopted by the West Windsor Township
Planning Board on June 25, 2025
6. Public Comment
7. Adjournment

RESOLUTION

HOUSING ELEMENT AND FAIR SHARE PLAN FOR 2025-2035 (FOURTH ROUND)

- WHEREAS, on March 20, 2024, Governor Murphy signed P.L. 2024, c.2 into law (“Amended Act”), establishing a new framework for determining and enforcing municipalities’ affordable housing obligations under the State’s Fair Housing Act and New Jersey Supreme Court’s Mount Laurel doctrine; and
- WHEREAS, per the Amended Act, the Township adopted a binding resolution establishing its present and prospective affordable housing obligation in accordance with the methodology and formula set forth in the Amended Act; and
- WHEREAS, in order for the Township to maintain immunity from exclusionary zoning litigation, it also filed a declaratory judgment action (“DJ Action”) in order to participate in the Program established by the Amended Act and seek an order of compliance with the new law and the Mount Laurel doctrine; and
- WHEREAS, certain parties, including Fair Share Housing Center, via answers to the DJ Action, challenged the Township’s determination of its present and prospective affordable housing obligation, asserting that the Township’s numbers should be higher; and
- WHEREAS, in accordance with the procedures established by the Amended Act and Directive #14-24 of the Administrative Office of the Courts, the parties entered into a mediation process presided over by one of the Mount Laurel judges assigned to the program established to resolve disputes, the Affordable Housing Dispute Resolution Program (the “Program”), Judge Mary Jacobson, J.S.C. (Ret.); and
- WHEREAS, in order to settle the matter within the timeframe required by the Amended Act and to avoid costly and protracted litigation, the Township agreed to settle the matter with FSHC and accept a higher number of affordable housing units than as set forth in its resolution (“Settlement Agreement”), subject to its right to conduct a vacant land adjustment (VLA) to determine its realistic development potential (RDP) when it came to preparing the Township’s 2025-3035 Housing Element and Fair Share Plan (“HEFSP”); and
- WHEREAS, the Settlement Agreement provides that while FSHC reserves the right to review the Township’s HEFSP and argue that a VLA results in a higher RDP than the Township’s determination of its RDP, FSHC may not argue that the number is higher than the prospective need obligation set forth in the Settlement Agreement, which is 480 units; and

- WHEREAS, on April 1, 2025, Judge Jacobson entered the recommendation of the Program to the Superior Court, the Hon. Robert Lougy, A.J.A.C. presiding, for the Court to accept the Township's Settlement Agreement with FSHC and reject the other objectors' challenges; and
- WHEREAS, the Superior Court, in an Order dated April 8, 2025 ("Order Approving Settlement Agreement"), accepted and adopted the Program's recommendations and the terms of the Settlement Agreement and rejecting the other objectors' challenges, which Order authorized the Township to proceed to the compliance phase and prepare and adopt its HEFSP by June 30, 2025, in accordance with the timeframe established by the Amended Act; and
- WHEREAS, the Township has prepared its HEFSP and Appendices in accordance with the Amended Act, with considerable input from its planners, Municipal staff, and attorneys; and
- WHEREAS, A hearing of the West Windsor Township Planning Board to consider adopting the HEFSP was duly noticed and held on June 25, 2025; and
- WHEREAS, the Planning Board duly adopted the HEFSP at the meeting on June 25, 2025; and
- WHEREAS, the HEFSP is in conformance with the Settlement Agreement and the Order Approving Settlement Agreement; and
- WHEREAS, it is in the best interest of the Township for the Township Council to endorse the HEFSP.

NOW, THEREFORE, BE IT RESOLVED on this 25th day of June 2025 that the 2025-2035 Housing Element and Fair Share Plan is endorsed by the West Windsor Township Council.

ADOPTED: June 25, 2025

I hereby certify the above resolution was adopted by the West Windsor Township Council at their meeting held on the 25th day of June, 2025.

Allison D. Sheehan
Township Clerk
West Windsor Township