

TOWNSHIP OF WALL

RESOLUTION NO. 22-1103

**AUTHORIZATION TO EXECUTE THE FIRST AMENDMENT TO THE
OCTOBER 7, 2022 DEVELOPER'S AGREEMENT WITH ALLAIRE
SENIOR APARTMENTS, LLC**

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015)(Mount Laurel IV), on July 2, 2015, the Township of Wall (hereinafter "Wall Township" or the "Township") filed a Declaratory Judgment Complaint in the Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter "Fair Share Plan"), to be amended as necessary, satisfies its "fair share" of the regional need for low and moderate income housing pursuant to the "Mount Laurel doctrine;" and

WHEREAS, the Township simultaneously sought, and ultimately secured, a protective order providing Wall Township immunity from all exclusionary zoning lawsuits while it pursues approval of its Fair Share Plan, which is still in full force and effect; and

WHEREAS, with assistance from the Court Master, the Township and Fair Share Housing Center (hereinafter "FSHC") engaged in good faith negotiations, which resulted in the entering into of a Settlement Agreement between the Township and FSHC on December 18, 2019 (hereinafter "FSHC Settlement Agreement"); and

WHEREAS, a Fairness Hearing was held on June 24, 2020, during which the FSHC Settlement Agreement was approved, and said approval was memorialized by an Order entered by the Court on July 21, 2020; and

WHEREAS, the Township entered into a Developer's Agreement with Allaire Senior Apartments, LLC (hereinafter the "Developer") on October 7, 2022 regarding ensuring that the existing 27-units in the age-restricted apartment complex (the "Project") located at Block 240, Lot 54 (the "Property") are properly deed restricted and affirmatively marketed in accordance with the Uniform Housing Affordability Controls (N.J.A.C. 5:80: 26-1, et seq.)("UHAC") as units that are affordable to very-low, low- and moderate-income senior households, and that an affordability controls period of at least 30 years will begin after a unit is turned over to an income qualified senior household after it is affirmatively marketed; and

WHEREAS, the Affordable Housing Requirements section of the Developer's Agreement has to be amended to modify certain language to bring it into compliance with the Uniform Housing Affordability Controls ("UHAC"); and

WHEREAS, a First Amendment to the Developer's Agreement has been finalized, and is attached hereto as Exhibit A; and

WHEREAS, in light of the above, the Township Committee finds that it is in the best interest of Wall Township to enter into a First Amendment to the Developer's Agreement with Allaire Senior Apartments, LLC, which will assist the Township in gaining Court approval of its

Fair Share Plan which, in turn, will maintain the Township's immunity from all Mount Laurel lawsuits through July 2, 2025.

NOW, THEREFORE, BE IT RESOLVED on this 9th day of November 2022, by the Committee of the Township of Wall, County of Monmouth, State of New Jersey, as follows:

1. The Township Committee hereby authorizes and directs the Mayor of Wall Township to execute the First Amendment to the Developer's Agreement between the Township and Allaire Senior Apartments, LLC, which is attached hereto as Exhibit

I, Roberta Lang, Municipal Clerk of the Township of Wall in the County of Monmouth and the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Committee of the Township of Wall in the County of Monmouth in the State of New Jersey at a meeting held on November 9, 2022.



Roberta M. Lang, RMC
Municipal Clerk