

**RESOLUTION  
PLANNING BOARD  
TOWNSHIP OF LIVINGSTON, ESSEX COUNTY, NEW JERSEY**

**AMENDMENT OF THE TOWNSHIP OF LIVINGSTON 2007 MASTER PLAN TO  
REPLACE SECTION IV – HOUSING ELEMENT AND FAIR SHARE PLAN AS  
ADOPTED ON SEPTEMBER 1, 2009**

**Whereas**, by interlocutory orders entered by the Superior Court, Law Division, Essex County in:

Squiretown Properties, LLV v. Township of Livingston, et al. Docket No. ESX-L-9785-07; and

Hillside-Northfield Partners, LLC v. Township of Livingston, et al. Docket No. ESX-L-7509-08

the Planning Board of the Township of Livingston (hereinafter “Planning Board”) is required to adopt a new Master Plan Housing Element and Fair Share Plan not later than April 28, 2011 to include provisions reflecting interlocutory orders entered in favor of the plaintiffs in the said proceedings and the invalidation of the Council on Affordable Housing (hereinafter “COAH”) Growth Share regulations; and

**Whereas**, the Planning Board has objected to such interlocutory orders and intends to file an appeal following entry of a final judgment in the litigation; and

**Whereas**, the Planning Board has thoroughly reviewed and re-examined its Housing Element and Fair Share Plan adopted on September 1, 2009 and has prepared a proposed new Section IV - Housing Element and Fair Share Plan” in draft dated April 12, 2011 (hereinafter “new HE&FSP”) to entirely replace present Section IV of the 2007 Master Plan as amended through 2009; and

**Whereas**, the Planning Board has conducted a properly noticed public hearing this 26<sup>th</sup> day of April, 2011 on the proposed new HE&FSP and has had opportunity to receive and consider public comments; and

**Whereas**, the Planning Board has determined that invalidation of the Growth Share regulations of COAH and the interlocutory orders of the Superior Court require adoption of the new HE&FSP;

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Board of the Township of Livingston, this 26<sup>th</sup> day of April, 2011, as follows:

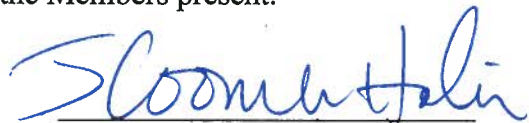
1. In compliance with the mandates of the Superior Court, the Township of

Livingston Master Plan adopted on December 4, 2007 and as heretofore amended is hereby further amended by deletion of all the contents of Section IV – Housing Element and Fair Share Plan adopted on September 1, 2009 and substituting therefore new Section IV contents consisting of a cover sheet, a 1-page certification, a 2-page table of contents, and an additional 48 pages; all attached hereto and incorporated herein.

2. These amendments are subject to approval by the Superior Court, Law Division, Essex County in the litigation.
3. Except as amended hereby, the 2007 Master Plan shall remain in full force and effect.
4. The Secretary of the Planning Board is hereby authorized and directed to publish notice of adoption of this Resolution in the West Essex Tribune within 10 days, to provide copy of such notice to the clerk of each adjacent municipality, and to transmit a copy of the notice and a copy of this Resolution and its attachment to the Essex County Planning Board by certified mail.
5. All the actions of the Planning Board by adopting, and under, this Resolution are taken under protest in order to preserve all potential rights to appeal the orders and mandates of the Superior Court after entry of final judgment in the litigation.

  
Peter M. Klein, Chairman

I hereby certify that this is a true and accurate copy of the Resolution adopted by the Planning Board of the Township of Livingston on April 26, 2011 with Board Members Dinar, Kalishman, Klein, Leopold, Rieber, Venza and Alternate No. 1 Ratner (in place and stead of Member O'Neill) they being all of the Members present.

  
Jackie Coombs-Hollis, Secretary