

BOROUGH OF PEAPACK AND GLADSTONE

ORDINANCE NO. 1066-2018

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XXIII, ARTICLE IV, TITLED "LAND DEVELOPMENT ORDINANCE" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF PEAPACK AND GLADSTONE TO PERMIT GROUP HOMES WITHIN A PERMITTED RESIDENTIAL HEALTH CARE FACILITY IN THE RE, RURAL ESTATE ZONE

WHEREAS, pursuant to the New Jersey Supreme Court "Mount Laurel" decisions every municipality within the State has a constitutional obligation to provide opportunities for the development of affordable housing; and

WHEREAS, the Peapack and Gladstone Borough Land Use Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. (hereinafter "Fair Share Plan") to address its constitutional obligation for the Third Round which covers the time period from 1999 to 2025; and

WHEREAS, the Fair Share Plan describes how the Borough of Peapack and Gladstone shall address its fair share of low- and moderate-income housing as documented in the Fair Share Plan itself, the Settlement Agreement entered into between the Borough and Fair Share Housing Center ("FSHC") on April 25, 2018 (hereinafter "FSHC Settlement Agreement"), and the Court Order approving same, after a properly noticed Fairness Hearing; and

WHEREAS, the Fair Share Plan was subsequently endorsed by the governing body; and

WHEREAS, the FSHC Settlement Agreement identifies "special needs housing" in the form of group homes as part of a permitted Residential Health Care Facility as a component of the Borough's fair share plan.

NOW THEREFORE BE IT ORDAINED by the Governing Body of the Borough of Peapack and Gladstone, Somerset County, New Jersey that it does hereby amend and supplement the Zoning Ordinance of the Borough as follows:

SECTION 1. Article IV Zoning Section 23-39.10 c. **Residential Health Care Facility**, Optional Permitted Activities is hereby amended and supplemented to add ix. as follows:

- ix. Group Homes reserved solely for occupancy by patient residents receiving educational and health care services at the facility, not to exceed a total of ten (10) beds, not to exceed more than (5) five beds per home,

contained in no more than two (2) freestanding buildings within the facility campus, subject to Schedule I Table of Height, Area and Other Requirements.

SECTION 2. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Somerset County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15 and 40:55D-62.1. The Borough Clerk shall execute any necessary Proofs of Service of the notices required by this section, and shall keep any such proofs on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

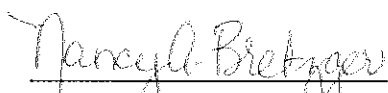
SECTION 3. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Land Use Board of the Borough of Peapack for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Land Use Board, acting in its capacity as Planning Board, is directed to make and transmit to the Borough Council, within thirty-five (35) days after referral, a report including identification of any provision in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

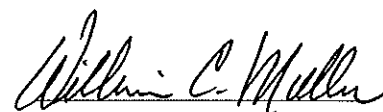
SECTION 4. If any paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 5. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. This ordinance shall take effect immediately upon: (i) adoption; and (ii) publication in accordance with the laws of the State of New Jersey.

Introduced: October 23, 2018
Adopted: November 20, 2018


Nancy A. Bretzger, RMC
Municipal Clerk


William C. Muller
Mayor