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RESOLUTION 22-188

RESOLUTION AUTHORIZING A SETTLEMENT IN THE MATTER OF TLK MANAGEMENT, LLC V TOWN OF BOONTON, ET AL, DOCKET NUMBER MRS-L-365-22

WHEREAS, TLK Management, LLC (hereinafter “TLK”), previously applied for and received preliminary and final major site plan approval, with associated use, bulk and density variance relief from the Town of Boonton Planning for the property located at 424-436 Vreeland Avenue, Tax Block 122, Lots 9 and 9.01 in the Town of Boonton (“subject property”), to allow for the redevelopment of subject property for the construction of a 16-unit age-restricted condominium community; and

WHEREAS, a condition of the Planning Board’s approval required TLK to comply with the Town’s affordable housing ordinances; and

WHEREAS, the Town of Boonton has established a mandatory affordable housing set aside ordinance for certain types of developments in the Town pursuant section 300-86 of the Code of the Town of Boonton or alternatively a mandatory affordable housing residential development fee under section 70-3 of the Code; and

WHEREAS, the Mayor and Council of the Town of Boonton, consistent with its affordable housing endeavors, advised TLK to address an affordable housing set aside obligation or make payment of the mandatory affordable housing development fee with respect to the redevelopment project in accordance with the Town’s affordable housing ordinances; and

WHEREAS, TLK filed an action in Superior Court, Morris County, entitled TLK Management, LLC v. Town of Boonton, et al, Docket Number MRS-L-365-22, in order to reserve its right to challenge an affordable housing set aside obligation or development fee obligation with respect to the subject property; and

WHEREAS, since then TLK and the Town have amicably come to a tentative resolution of this matter which calls for two additional low-and moderate-income affordable units to be constructed at the subject property; and

WHEREAS, the Planning Board has had an opportunity to informally review the proposed changes to the site and the Town Planner and Town Engineer have reviewed the proposed changes to include two age-restricted affordable units within the development.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Boonton, New Jersey, as follows:

The Town Administrator is hereby authorized to enter into a settlement agreement with TLK, copy of which agreement is on file with the Town Clerk, which will require the construction of two age restricted affordable housing senior units with respect to the project approved by the Planning Board.

BE IT FURTHER RESOLVED that this settlement agreement will be subject to a final public Whispering Woods hearing before the Planning Board by the applicant on notice to public providing the public with the right to comment on the proposed amendments to the plan and the terms of the settlement agreement tentatively reached, and which such proposed amendments shall include two age-restricted low-and moderate-income affordable housing units.

I, Cynthia A. Oravits, Clerk of the Town of Boonton, County of Morris, and State of New Jersey, hereby certifies this to be a true copy of a resolution adopted by the Mayor and Council of the Town of Boonton on July 18, 2022.

Cynthia A. Oravits, Town Clerk

