

BERNARDS TOWNSHIP

PLANNING BOARD

MINUTES

Regular Meeting
August 21, 2018

Chairwoman Piedici called the meeting to order at 7:30 PM.

FLAG SALUTE

OPEN PUBLIC MEETING STATEMENT

Chairwoman Piedici read the following open meeting and procedural statement:

"In accordance with the requirements of the Open Public Meetings Law of 1975, notice of this regular meeting of the Planning Board of the Township of Bernards was posted on the bulletin board in the reception hall of the Municipal Building, Collyer Lane, Basking Ridge, NJ, was sent to the Bernardsville News, Bernardsville, NJ, and to the Courier News, Bridgewater, NJ, on January 19, 2017 and was electronically mailed to those people who have requested individual notice and paid the required fee.

The following procedure has been adopted by the Bernards Township Planning Board. There will be no new cases heard after 10:00 PM and no new witnesses or testimony heard after 10:30 PM."

OATH OF OFFICE

The following board member was duly sworn by Board Attorney, Jonathan E. Drill, Esq., prior to the meeting:

- Paul Damurjian; Class IV, Alt. 2; fulfilling unexpired term of Zaidel, expiring 12/31/2018

ROLL CALL:

Members Present: Asay*, Bianchi, Coelho, Crane, Damurjian, McNally, Malay, Piedici
Members Late: NONE
Members Absent: Hurley, Surano, Zaidel
Also Present: Board Attorney, Jonathan E. Drill, Esq.; Board Planner, David Banisch, PP, AICP;
Township Planner, David Schley, PP, AICP; Board Secretary, Cyndi Kiefer

On motion made by Deputy Mayor Malay, seconded by Mr. Crane, all in favor and carried, the absences of Mr. Hurley, Mr. Surano and Mr. Zaidel were excused.

*Ms. Asay was in attendance via cell phone.

APPROVAL OF MINUTES

June 19, 2018 - Regular Session

Mr. McNally moved approval of the minutes as written. Second by Deputy Mayor Malay.

Roll Call:

Aye: Asay, Bianchi, Crane, McNally, Malay, Piedici
Nay: NONE
Ineligible: Coelho, Damurjian

Motion carried.

APPROVAL OF RESOLUTION

Ridge Oak Inc.; #PB18-001; Block 1609, Lots 22.01, 22.02, 22.03; 150 Manchester Drive; Preliminary/Final Site Plan, Bulk Variances, Exceptions (approved).

Committeewoman Bianchi moved approval of the resolution as amended. Second by Deputy Mayor Malay.

Roll Call:

Aye: Asay, Bianchi, Crane, McNally, Malay, Piedici
Nay: NONE
Ineligible: Coelho, Damurjian

Motion carried.

EXTENSION OF TIME - MODIFICATION OF CONDITION

C. Bell & CC Edwards Dev. LLC; #PB17-008A; Block 7702, Lots 10 & 11; 3526 & 3536 Valley Road; Final Major Subdivision.

Present: John P. Gallina, Esq., Attorney for the Applicant
Christopher Bell, Applicant

John P. Gallina, Esq., attorney with offices in Flemington, New Jersey, stated that he was present on behalf of the applicants, Christopher Bell and *CC Edwards Dev. LLC*, to request an extension of time for the final subdivision documents to be signed. He explained that the applicants' resolution for Final Major Subdivision (#PB17-008; 3526 and 3536 Valley Road; Block 7702, Lots 10 and 11) had been memorialized on January 16, 2018. Condition #1 of that resolution stated that the Final Subdivision Plan and related documents shall be signed no later than July 16, 2018 which had not been executed because the proposed builder had withdrawn from its contract with the applicants.

Since existing paperwork would have to be changed to reflect the name of a new builder once one was found, Mr. Schley suggested that the deadline be extended one (1) year to July 16, 2019. Mr. Drill voiced his agreement with the suggestion.

Deputy Mayor Malay moved approval of the one (1) year extension to July 16, 2019. Second by Committeewoman Bianchi.

Roll Call:

Aye: Asay, Bianchi, Coelho, Crane, Damurjian, McNally, Malay, Piedici
Nay: NONE
Ineligible: NONE

Motion carried.

PROPOSED AMENDMENT TO THE MASTER PLAN HOUSING PLAN ELEMENT AND FAIR SHARE PLAN WORK SESSION - 2018 Draft HPE & FSP Amendment

Mr. Crane recused himself and left the dais.

Chairwoman Piedici stated that this work session would serve as an opportunity for board members to discuss the proposed draft amendment to the Master Plan Housing Plan Element and Fair Share Plan and that no formal action would be taken. After the presentation of the draft amendment by Mr. Banisch and the board members' discussions, the session would be opened to the public for comments and/or questions with a five (5) minute speaking limit per person.

Mr. Banisch gave a brief overview of the evolution of the affordable housing requirements over the years and highlighted how the township had successfully met its obligations throughout the process. This discourse included a history of the Mount Laurel decisions starting in 1975, the creation of the Council on Affordable Housing (COAH) and COAH's demise due to its subsequent inability to adopt the third version of third round rules. This led to a New Jersey Supreme Court order in 2015 in favor of judicial process. Finally, Mr. Banisch stated that the current methodology for determining the state's affordable housing obligation was outlined in a ruling in early 2018 by Mercer County Superior Court Assignment Judge Mary Jacobson. It was this "Jacobson Methodology" that was used to negotiate the township's affordable housing obligation.

Mr. Banisch explained the three (3) components of affordable housing responsibility.

The first component, the Rehabilitation Obligation of 44 units, requires that the township rehabilitate 44 deteriorated housing units occupied by low- and moderate-income families. Mr. Banisch stated that this number was an estimate and that he expected a reduction once the final number was issued.

The second component, the Prior Round Obligation of 508 units, has been addressed by the existing inventory of affordable housing units and credits which covered the township's obligation for the years 1987-1999.

The third component, the Round Three Fair Share Obligation of 873 units, is comprised of two (2) parts: the Gap Present Need Obligation (435 units for the 1999-2015 time period) and the Prospective Need Obligation (438 units for the 2015-2025 time period).

Mr. Banisch stated that the total obligation is 44 rehabilitation units and 1,381 affordable housing units and discussed the various sites that had been considered to be appropriate for affordable housing construction. Valley Brook I and Valley Brook II (Veterans Administration Campus), Dewy Meadow Shopping Center, Crown Court and 180-181 Mountain View Boulevard were selected for inclusion in the Third Round Fair Share Obligation. With these sites, the township would meet its Round Three Fair Share Obligation through new construction units, bonus credits and extension of existing affordable controls on existing units.

Once the proposed amended plan is approved and the appropriate zoning ordinance revisions are complete, the township will appear before New Jersey Superior Court Judge Thomas Miller for a Judgment of Compliance and Repose and Temporary Immunity from Mount Laurel Lawsuits through 2025 constituting a court settlement of the township's Third Round obligations.

A discussion ensued among the board members and staff on various aspects of the proposed amendment.

Hearing no further questions or comments from the board members, Chairwoman Piedici opened the meeting to the public for comments or questions.

The following members of the public addressed the board and its staff:

- William A. De Lorenzo, 114 Linden Drive, Basking Ridge
- David L. Russell, 35 Fawn Lane, Basking Ridge

Hearing no further questions or comments from the public, Chairwoman Piedici closed that portion of the meeting.

Noting that there were no substantial changes to be made to the draft amendment, Chairwoman Piedici asked that all typographical error corrections be sent to Mr. Banisch no later than close-of-business on Wednesday, August 22, 2018. She added that the board would take a formal vote on the final draft during a duly noticed public hearing which would be held on Tuesday, September 4, 2018 and that a copy of the final draft would be available both on-line and in the board secretary's office on Friday, September 24, 2018.

COMMENTS FROM STAFF - None

COMMENTS FROM BOARD MEMBERS - None

ADJOURN

On motion by Dr. Coelho, seconded by Mr. McNally, all in favor and carried, the meeting was adjourned at 9:16 PM.

Respectfully submitted,

Cyndi Kiefer, Secretary
Township of Bernards
Planning Board