

**Minutes of the Planning Board of the
Township Of Hanover
JULY 14, 2015**

Chairman Robert Nardone called the Work Session Meeting to order at 7:02 PM in Conference Room “A” and The Open Public Meetings Act statement was read into the record:

Board Secretary, Kimberly Bongiorno took the Roll Call.

In attendance were Members: Byrne, Critchley, De Nigris, Dobson, Ferramosca, Nardone, Mihalko, and Pinadella.

Absent were Members: Deehan and Mayor Francioli

Also present were Township Engineer, Gerardo Maceira, and Township Planner, Blais Brancheau

1. MINUTES FOR APPROVAL – JUNE 9 & 23, 2015

Motion to approve the Minutes for the dates of June 9 & 23, 2015.

Voice Vote – All present in favor.

2. REEXAMINATION OF THE MASTER PLAN AND DEVELOPMENT REGULATIONS: REVIEW OF PRIOR REEXAMINATION REPORT – BLAIS BRANCHEAU

Blais Brancheau, Planner for the Township, discussed the re-exam.

- Planning Board is required to adopt the re-examination by September 2016. We need to start now so that it is done in time.
- The Township Planner gave the Board the last re-exam report that was adopted September 19, 2006.
- In the report distributed, Mr. Brancheau outlined the current status of the various recommendations from the prior reexamination; a number of recommendations have been implemented, but many have not.

Mayor Francioli arrived at the meeting at 7:06PM.

Blais Brancheau

- A lot of the issues from 2006 are still the same today as they were in 2006.
- There may be a lot of repetition in the next report, but there will also be a lot of updates.
- The Board will need to look at new issues such as “Live, Work, and Play” ideas of Development, changing market conditions in industry, office, retail and residential.

- Reexamination involves a backwards look at what is currently on the books and determining if the policies are still valid.

Mr. Ferramosca

- Would like critical zones to be looked at. He used the South Campus and River Park as examples as key areas to be looked at.
- An additional element that needs to be cleared up is a historical account of what has been done to comply with the Affordable Housing obligations.

Mr. Brancheau

- What we know today may change depending on what the court does re: affordable housing.

Mr. Ferramosca

- Reminded the Board that the last time they worked on this, they had a subcommittee to assist Blais in looking at the zones and what needed to be addressed.

Mr. Nardone

- Our vision today will be very different in 2025 than what they are today. Maybe being so specific may not be the answer.

Mr. Brancheau

- Re-exam requires that you evaluate what is valid and still on the books. What is not valid, should be addressed.
- Discussed re-development areas that may need to be added. In the last report there were no areas of re-development listed.
- He wants to be careful listing areas in need of re-development. We don't want to cause people to believe the town would be taking their land by eminent domain.
- He suggests not being too specific, unless we know specifics with certainty.
- He would like to devote a portion of each work session going forward. That should give us enough time to get this report done.
- Let's focus our energy on areas that need the most attention.

Chairman

- Questioned Mr. Ferramosca on how he and Mr. Fashano researched each lot in each zone.

Mr. Brancheau

- The law requires us to look at the problems and show how the township addresses them.

Mr. Critchley

- Believes each Member should take a section of the town, research that area and report back.

Mr. Brancheau

- Suggested looking at the Corridors, Zones, and Issues.
- More and more requests are coming in for uses in the Industrial Zones that are not industrial in nature. How is the use changing and what types of tenants are looking to occupy the existing industrial zone buildings?

Mr. Nardone

- Gave examples of areas that need to be looked at and what has been hot buttons in recent times.
 - o Rt. 10 Corridor
 - o Industrial Zones
 - o Multi Family & Density
 - o Affordable Housing
 - o South Campus and Eden Lane Office Zones
 - o Live, Work, & Play Development

Mr. Brancheau

- Will submit boilerplate forms to the Board for their review.
- He is doing this for two reasons, we have obsolete zoning and also the law requires it.

Mayor

- Market trends do not drive good zoning.
- This is the time to reinvent some of the office space in town. It should be looked at and scrutinized.

Mr. Brancheau

- Will make a list of issues that we know are out there and focus on that and then fill in the gaps.
- Board Members should come with a list of issues that they feel are important to this study and compare lists. We can refine all of the lists into one list.
- We will also be looking at changes in the law that may be affecting us.
- The point of being specific with zone changes is to save us on the cost of notice later.

Mr. Byrne

- The land in town is so valuable, that is has to be intensely redeveloped in order for it to be profitable for the owner.

The Board had an open discussion regarding property owners getting a return on their investments and the different elements of the Master Plan.

Mr. Brancheau

- If you are not sure, it is better to be silent.
- Between now and the next meeting, come up with a list of issues that are being pushed. We can discuss them and make an outline
- He will provide a list of the Mater Plan Amendments and List of Ordinance changes that have taken place since the last report.

3. HOUSING PLAN PREPARATION AND TIME FRAME – BLAIS BRANCHEAU

Mr. Brancheau

- The Planning Board adapted two housing plans in the third round, one in 2004-05 and another plan in 2010.
- The third round has been a nightmare.
- Those who want to be immunity must submit a request for declaratory judgement.
- Put before the Court a request to create an updated plan to be submitted.
- The court invalidated Growth Share methodology.
- COAH came up with a second methodology. The day after we submitted it, the Court struck it down also.
- COAH did nothing, so the Court was left with no obligation but to take over COAH.
- Courts say that towns have 5 months to adopt a new housing plan and get it before the Courts.
- Unless the Court grants an extension the town must submit a new housing plan soon.
- Based on a quick analysis, if the Fair Share Housing Center calculation of municipal obligations is correct, we would have to build as many housing units that already exist in the Township.
- The Township is participating with other municipalities in retaining a consultant to perform independent calculations of municipal obligations.
- The Township will not be able to come up with a plan until the required number is presented.
- Suggested moving forward with the "boilerplate" items while we wait for calculation of municipal obligations. We have to do some census number crunching. We must identify housing and economic issues of the Township. If the number shows we have a deficit, we must be prepared to reach that number.
- We will be challenged on two fronts, by the developers before the Court and by the Courts themselves.
- He explained what Fair Share Housing Center is; it is an Affordable Housing Advocacy group, not political per se. It is a group of attorneys who sued the Governor and won. They sued COAH and won. It is a private, nonprofit group of attorneys who are pushing for the Mount Laurel Affordable Housing to be implemented.
- If you do not have sufficient land to accommodate the obligation, they want an overlay zone over commercial areas that could be re-developed.
- The implications are whether a piece of vacant land is zoned for housing or not. They could force you to re-zone as multi-family residential development, with a set-aside for low income housing.
- If the Court deems it appropriate they could force you to rezone if there is suitable land.
- The next step is to do the "boilerplate" work. Once we have the number, we must move quickly.
- We should start looking at potential sites in the Township that could be used and start gathering facts as to suitability or non-suitability.
- Review what homes have been completed and what sites are potential.
- Review what has been built and re-zoned.
- Suggested a sub-committee of this Board that would review sites in the Township that are at risk and what the potential properties are.
- An analysis should be done within two months.
- Burchell must follow the Fair Housing Act that created COAH and established methodology for calculating municipal obligations.
- If we comply with the law we are protected from the builders remedy; if we do not comply, we will be subject to builders remedy.
- There is a template the sub-committee could follow.
- The two sub-committees:
 - o North of Route 10 – Gene Pinadella and Pete DeNigris

- o South of Route 10 – Bob Nardone, Mike Mihalko, and Bill Byrne

4. REFERRAL OF ORDINANCE 23-2015 LIMITING THE LOCATIONS AND CIRCUMSTANCES UNDER WHICH THE SALE OF ALCOHOLIC BEVERAGES MAY BE SOLD FOR ON-PREMISES CONSUMPTION AND AUTHORIZATION FOR THE CHAIRMAN TO SIGN THE REFERRAL LETTER – BLAIS BRANCHEAU

Mr. Brancheau

- We can't sell alcoholic beverages in a situation that is not accepted normally by society. This is based on State law.
- What we are doing is reinforcing the law by adopting local regulations that promote and reinforce the State law.

A motion was made to authorize the Chairman to sign a letter to the Township Committee.

Moved by Member Byrne, and Seconded by Member DeNigris.

Members DeNigris, Critchley, Pinadella, Dobson, Mihalko, Byrne, Ferramosca, Francioli, and Nardone all voted for the Chairman to sign the letter of referral. No members voted no.

Meeting Adjourned at 8:52P.M.

KIMBERLY A. BONGIORNO, LUA.
BOARD SECRETARY
PLANNING BOARD
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY