

**TOWNSHIP COMMITTEE and PLANNING BOARD**  
**JOINT SPECIAL MEETING MINUTES**  
**March 31, 2016**

Committeeman Rae read the following statement:

**STATEMENT OF ADEQUATE NOTICE**

“In compliance with the Open Public Meetings Law of New Jersey, adequate notice of this meeting was electronically sent to the Echoes Sentinel and Courier News on March 28, 2016. The notice was posted on the bulletin board in the Municipal Building on March 28, 2016 and the Township website [www.longhillnj.gov] and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.”

Committeeman Rae opened the public meeting at 6:09 PM:

All present recited the PLEDGE OF ALLEGIANCE

**ROLL CALL TOWNSHIP COMMITTEE:** Committeeman Rae. Attending via telephone; Mayor Meringolo, Committeeman Schuler and Deputy Mayor Piserchia. Committeeman Dorsi was absent.

Cyndi Kiefer called the roll for the Planning Board members: In attendance: Chairman J. Alan Pfeil, Ash Moholkar, Greg Aroneo, Michael Pudlak, Dennis Sandow and Vice Chairman David Hands.

Also present: Planning Board Attorney Daniel Bernstein, Planning Board Planner Kevin O’ Brien and Cynthia Kiefer, Planning Board Secretary. Township Attorney Jack Pidgeon and Township Planner Jessica Caldwell, and Township Clerk, Cathy Reese

Committeeman Rae asked for a motion to enter into Executive session to discuss the Fair Housing Plan.

**EXECUTIVE SESSION**

**RESOLUTION #16-150**  
**EXECUTIVE SESSION**

**BE IT RESOLVED**, pursuant to the Open Public Meetings Act, that the Township Committee of Long Hill Township meets in closed session to discuss the following matters:

Pending Litigation

- Fair Share Housing Plan

**BE IT FURTHER RESOLVED** that the minutes of this executive session meeting will be released to the public in a timely fashion pursuant to the Open Public Records Act and other applicable laws and regulations.

**MOVED** by: Mayor Meringolo of the Township Committee of the Township of Long Hill that Resolution #16-118 is hereby approved for Executive Session. **SECONDED** by: Committeeman Rae. **ROLL CALL VOTE:** All in favor

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Both the Planning Board and the Township Committee returned to open public session at 7:32 PM. *Noted that Committeeman Schuler joined the executive session meeting in person at 6:59 PM*

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The following Resolution was adopted by the Planning Board

**PLANNING BOARD RESOLUTION:**

**TOWNSHIP OF LONG HILL**  
**Planning Board Resolution Accepting the**  
***Draft Housing Element and Fair Share Plan***

**WHEREAS**, the Planning Board of the Township of Long Hill, Morris County, State of New Jersey, adopted the Township's current Master Plan pursuant to N.J.S.A. 40:55D-28 in 1996 and adopted the Master Plan and Development Regulations Reexamination Report on 25 November 2003, adopted the Housing Element and Fair Share Plan of the Master Plan on 16 December 2008 and subsequently adopted the Master Plan and Development Regulations Reexamination Report on 10 December 2013; and

**WHEREAS**, the Master Plan includes a Housing Element pursuant to N.J.S.A. 40:55D-28b (3); and

**WHEREAS**, N.J.A.C. 5:97-2.1(a) requires the adoption of the Housing Element by the Planning Board and endorsement thereof by the Governing Body; and

**WHEREAS**, N.J.A.C. 5:97-3.1(a) requires the preparation of a Fair Share Plan to address the total affordable housing obligation of the Township of Long Hill; and

**WHEREAS**, N.J.A.C. 5:97-3.1(b) requires the adoption of the Fair Share Plan by the Planning Board and endorsement thereof by the Governing Body; and

**WHEREAS**, on March 10, 2015, the New Jersey Supreme Court, in response to a motion filed by the Fair Share Housing Center, found that the COAH administrative process had become non-functioning and as a result returned primary jurisdiction over affordable housing matters to the trial courts (*In the matter of the adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. (2015)*); and

**WHEREAS**, in doing so, the Supreme Court established a transitional process for municipalities that participated in the administrative process before COAH to file a declaratory judgment action with the trial court seeking to declare their housing elements and fair share plans as being constitutionally compliant and seeking similar protection to those that municipalities would have received if they had continued to proceed before COAH; and

**WHEREAS**, the Township filed a Declaratory Judgement action, captioned *In the Matter of the Application of the Township of Long Hill for Determination of Mount Laurel Compliance*, with the Honorable Stephan C. Hansbury, P.J.Ch. ("Judge Hansbury") of the Superior Court of New Jersey, Morris County, at Docket No. MRS-L-1660-15, on July 6, 2015 (the "Declaratory Judgement Action"); and

**WHEREAS**, Judge Hansbury entered an Order *sua sponte* on February 10, 2016, that provided in relevant part as follows:

"1. Each municipality included in this order shall submit to the Court its Housing Element and Fair Share Plan by April 4, 2016. Each municipality shall select the amount for its obligation based upon the expert it chooses...."

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2. The Court shall review each plan to determine if continuing immunity is warranted and if so, whether it would be until further order of the Court after judicial determination of the total housing obligation or full ten-year immunity.

3. A municipality making the appropriate submission in timely fashion shall be granted continuing immunity until a decision as to the motion is made.....”; and

**WHEREAS**, in his February 10, 2016 cover letter, Judge Hansbury elaborated by saying that each municipality should “pick the number it deems appropriate to submit its Housing Element and Fair Share Plan (HEFSHP) by April 4, 2016.... The expert who determined that number should be identified....”; and

**WHEREAS**, the Planning Board has selected the amount for the Township’s obligation based upon the report entitled “New Jersey Affordable Housing Need and Obligations”, prepared by Econsult Solutions, and dated December 30, 2015; and

**WHEREAS**, Judge Hansbury in his cover letter also recognized that”

“Clearly, the number chosen by each municipality may not be the number to be fixed by the court after an appropriate trial. At a point in the future, that will be done. That may, of course increase the obligation and require supplements to the HEFSP....”; and

**WHEREAS**, Judge Hansbury in a February 19, 2016 letter issued the following clarification to his Order:

“It would be acceptable to the Court if a Planning Board Resolution accepting the HEFSP with an indication that, if approved by the Court, the Planning Board would proceed to promptly adopt it as part of the Master Plan. Approval of the governing body would, of course, also be required.”; and

**WHEREAS**, the Planning Board of the Township of Long Hill considered the Draft Housing Element and Fair Share Plan at a public hearing on 22 March 2016 at which time interested parties were given the opportunity to be heard; and

**WHEREAS**, the Planning Board has determined that the Draft Housing Element and Fair Share Plan is consistent with the goals and objectives of the Township of Long Hill’s 1996 and subsequent Master Plans and that acceptance of the Draft Housing Element and Fair Share Plan are in the public interest, will protect public health and safety and will promote the general welfare.

**NOW THEREFORE BE IT RESOLVED** by the Planning Board of the Township of Long Hill, State of New Jersey, as follows:

1. The Planning Board hereby accepts the 31 March 2016 Draft Housing Element and Fair Share Plan.
2. The Township Land Use Coordinator is hereby authorized and directed to send a copy of the 31 March 2016 Draft Housing Element and Fair Share Plan along with a certified copy of this Resolution to the Township Clerk for consideration by the Township Committee in accordance with Judge Hansbury’s February 10, 2016 Order.
3. If the 31 March 2016 Draft Housing Element and Fair Share Plan is approved by the Court, the Planning Board will proceed to promptly adopt it as part of the Master Plan in accordance with the procedural requirements of the Municipal Land Use Law.

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**TOWNSHIP COMMITTEE RESOLUTION:**

**TOWNSHIP OF LONG HILL**  
**RESOLUTION #16-134**  
**AUTHORIZING FILING OF HOUSING ELEMENT AND FAIR SHARE PLAN IN**  
**CONNECTION WITH THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATION**

**WHEREAS**, the Township of Long Hill (the "Township") has participated in the New Jersey Council on Affordable Housing ("COAH") process since it was created in 1985 and has satisfied all of its housing obligations pursuant to the *New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq.*, and COAH's rules and regulations; and

**WHEREAS**, several iterations of COAH's 3<sup>rd</sup> round rules first adopted in 2004 have been challenged and overturned by the courts; and

**WHEREAS**, on March 10, 2015, the New Jersey Supreme Court, in response to a motion filed by the Fair Share Housing Center, found that the COAH administrative process had become non-functioning and as a result returned primary jurisdiction over affordable housing matters to the trial courts (*In the matter of the adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. (2015)*); and

**WHEREAS**, in doing so, the Supreme Court established a transitional process for municipalities that participated in the administrative process before COAH to file a declaratory judgment action with the trial court seeking to declare their housing elements and fair share plans as being constitutionally compliant and seeking similar protection to those that municipalities would have received if they had continued to proceed before COAH; and

**WHEREAS**, the Township filed a Declaratory Judgement action, captioned *In the Matter of the Application of the Township of Long Hill for Determination of Mount Laurel Compliance*, with the Honorable Stephan C. Hansbury, P.J.Ch. ("Judge Hansbury") of the Superior Court of New Jersey, Morris County, at Docket No. MRS-L-1660-15, on July 6, 2015 (the "Declaratory Judgement Action"); and

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**WHEREAS**, Judge Hansbury entered an Order *sua sponte* on February 10, 2016, that provided in relevant part as follows:

- “1. Each municipality included in this order shall submit to the Court its Housing Element and Fair Share Plan by April 4, 2016. Each municipality shall select the amount for its obligation based upon the expert it chooses....
2. The Court shall review each plan to determine if continuing immunity is warranted and if so, whether it would be until further order of the Court after judicial determination of the total housing obligation or full ten-year immunity.
3. A municipality making the appropriate submission in timely fashion shall be granted continuing immunity until a decision as to the motion is made.....”; and

**WHEREAS**, in his February 10, 2016 cover letter, Judge Hansbury elaborated by saying that each municipality should “pick the number it deems appropriate to submit its Housing Element and Fair Share Plan (HEFSHP) by April 4, 2016.... The expert who determined that number should be identified....”; and

**WHEREAS**, Judge Hansbury in his cover letter also recognized that”

“Clearly, the number chosen by each municipality may not be the number to be fixed by the court after an appropriate trial. At a point in the future, that will be done. That may, of course increase the obligation and require supplements to the HEFSHP....”; and

**WHEREAS**, Judge Hansbury in a February 19, 2016 letter issued the following clarification to his Order:

“It would be acceptable to the Court if a Planning Board Resolution accepting the HEFSHP with an indication that, if approved by the Court, the Planning Board would proceed to promptly adopt it as part of the Master Plan. Approval of the governing body would, of course, also be required.”; and

**WHEREAS**, the Township Planning Board, with the assistance of its Planner, Kevin O’Brien, of Shamrock Enterprises, Ltd., has prepared a Housing Element and Fair Share Plan, approved that Housing Element and Fair Share Plan by resolution adopted at this joint meeting with the Township Committee; and

**WHEREAS**, the Planning Board and the Township Committee have selected the amount

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for the Township’s obligation based upon the report entitled “New Jersey Affordable Housing Need and Obligations”, prepared by Econsult Solutions, and dated March 24, 2016, a copy of which was previously submitted to the Court;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey as follows:

1. The Township Committee hereby approves the Housing Element and Fair Share Plan approved by the Planning Board at this joint meeting with the Township Committee.
2. The Township Attorney is hereby authorized and directed to file this Housing Element and Fair Share Plan with Judge Hansbury in accordance with his February 10, 2016 Order, along with certified copies of this Resolution and the Planning Board’s March 31, 2016 Resolution, by cover letter on notice to all interested parties.

**MOVED** by: Committeeman Schuler of the Township Committee of Long Hill Township, that Resolution #16-134 is hereby approved. **SECONDED** by: Committeeman Rae. **ROLL CALL VOTE:** All in favor

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**MEETING OPEN TO THE PUBLIC:** There were no remarks from the public

**ADJOURNMENT:**

As there was no additional business to discuss, Committeeman Schuler made a motion, seconded by Deputy Mayor Piserchia to adjourn. Voice Vote: All in favor.

The Planning Board voted to adjourn their meeting as well.

The Meeting adjourned at 7:40 PM.

Respectfully submitted,

Cathy Reese, RMC CMR  
Township Clerk

Approved April 13, 2016