

**North Hanover Township
Joint Land Use Board
MEETING MINUTES
August 26, 2020
7:30p.m. VIRTUAL MEETING**

8.26.20 JLUB Meeting
Wed, Aug 26, 2020 7:30 PM – 8:30 PM (EDT)

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Call to Order

Chairman Tom Kimball called the August 26, 2020 Joint Land Use Meeting to order at 7:30pm.

Flag Salute

Statement – Provisions of the Open Public Meetings Act

“The provisions of the Open Public Meetings Act have been met. Notice of this meeting has been transmitted to the Burlington County Times and the Courier Post, given to those having requested and paying for the same and posted on the bulletin board in the foyer of the Municipal Building “

Oaths of Office for Class IV and Alternate #1

State of New Jersey Notary Public Alexandra DeGood did Oaths of Office for Russ Comisky Class IV Member and Wayne Voorhees Alternate #1

Roll Call for Attendance

In attendance: Russ Comisky, Jim Durr, Ron DeBaecke, Joe Greene, Debbie Kucowski, Patricia Mellor, Jack Smylie, Wayne Voorhees, Greg Grauer, Tom Kimball

Absent: Brendan O'Donnell

Also In Attendance: Kelsey Anthony Esq fill in Board Attorney and Joseph Hirsh Board Engineer

Minutes for Approval

- July 22,2020

Greg Grauer made a motion to approve the July 22, 2020 Minutes. Motion was seconded by Tom Kimball. All in Favor.

Due to the Applicant for Application 2020-08 having technical difficulties. The Mellor-Ownens Extension for Resolution 2020-06 was called up and The Estate of Marguerite Southard will be revisited after.

Mellor-Owens Extension for Resolution 2020-06

Keith Owens owner of Block 604.03 Lot 2 and 5 was sworn in by Kelsey Anthony Esq. Mr. Owens stated they are almost done their subdivision but due to issues working with the Burlington County Planning Board they are seeking an extension for their approval. Chairman Tom Kimball opened the floor to public comment. Being no public to comment Greg Grauer made a motion to close public comment. Motion was seconded by Tom Kimball. All in favor. Jim Durr made a motion to approve a 1 year extension on the approval granted in Resolution 2020-06. The motion was seconded by Ron DeBaecke.

Roll Call:

Name	Motion	Second	Aye	Nay	Abstain	Absent
Russ Comisky			X			
Jim Durr	X		X			
Ron DeBaecke		X	X			
Joe Greene			X			
Debbie Kucowski			X			
Brendan O'Donnell						X
Jack Smylie			X			
Greg Grauer			X			
Tom Kimball			X			

Application 2020-08- Variance and Minor Subdivision Application- Estate of Marguerite Southard-158 and 162 Monmouth Road; Block 400 Lot 57.01 & 57.02

David Forsyth representing the Estate of Marguerite Southard was sworn in by Kelsey Anthony Esq. Mr. Forsyth stated that he had been in front of the board in 2016 for the exact same application, however they had exhausted all extensions allowed under Municipal Land Use Law due to issues settling the estate. The issues settling the estate prohibited Mr. Forsyth executor of the Estate of Marguerite Southard to file the Deeds for the subdivision. Mr. Forsyth is asking for *****
 Chairman Tom Kimball opened the floor to public comment. Being no public comment Greg Grauer made a motion close public comment. Motion was seconded by Tom Kimball. All in favor. Jim Durr made a motion to approve variances and minor subdivision for Block 400 Lot 57.01 and 57.02. Motion was seconded by Tom Kimball.

Roll Call:

Name	Motion	Second	Aye	Nay	Abstain	Absent
Russ Comisky			X			
Jim Durr	X		X			
Ron DeBaecke					X	
Joe Greene					X	
Debbie Kucowski			X			
Patricia Mellor			X			
Brendan O'Donnell						X
Jack Smylie			X			
Wayne Voorhees			X			
Greg Grauer			X			
Tom Kimball		X	X			

Amendment to the Housing Element & Fair Share Plan of the North Hanover Township Master Plan and to include therein an Affordable Housing Trust Fund Spending Plan Discussion

Michelle Lamar of CGP&H gave an overview of Affordable Housing in North Hanover Township and the Housing Element & Fair Share Plan. All information Ms. Lamar discussed is located in the North Hanover Township Housing Element and Fair Share Plan. Ms. Lamar stated that if the board approves the amendment it will then be reviewed and approved by the Court Master.

Tom Kimball stated that it is an updated to what we the one approved in 2008 and we are looking to make sure it is consistent with our Master Plan. Kelsey Anthony Esq. stated that the board has the option to approve the Amendment via Resolution. The board will make a motion to accept the amendment then approve it via resolution.

Chairman Tom Kimball opened the floor to public comment. Being no public comment Greg Grauer made a motion to close public comment. Motion was seconded by Ron DeBaecke. All in favor. Jim Durr made a motion to accept the amendment. Jack Smylie seconded the motion.

Name	Motion	Second	Aye	Nay	Abstain	Absent
Russ Comisky			X			
Jim Durr	X		X			
Ron DeBaecke					X	
Joe Greene			X			
Debbie Kucowski			X			
Patricia Mellor			X			
Brendan O'Donnell						X
Jack Smylie		X	X			
Wayne Voorhees			X			
Greg Grauer			X			
Tom Kimball			X			

Resolution 2020-12- Resolution adopting amendments to the housing element & fair share plan of the North Hanover township master plan in accordance with n.j.s.a. 40:55d-28

**NORTH HANOVER TOWNSHIP
JOINT LAND USE BOARD
RESOLUTION 2020 - 12**

**RESOLUTION ADOPTING AMENDMENTS TO THE
HOUSING ELEMENT & FAIR SHARE PLAN
OF THE NORTH HANOVER TOWNSHIP MASTER PLAN
IN ACCORDANCE WITH N.J.S.A. 40:55D-28 AND INCLUDING THEREIN
BOTH A SPENDING PLAN AND AFFIRMATIVE MARKETING PLAN**

WHEREAS, the Joint Land Use Board for the Township of North Hanover has previously adopted a Master Plan for the Municipality; and

WHEREAS, said Master Plan contains a Housing Element in accordance with the provisions of N.J.S.A. 40:55D-28; and

WHEREAS, the Township's previous Housing Element & Fair Share Plan is dated December 17, 2008, and was substantively certified by the New Jersey Council on Affordable Housing on May 14, 2009; and

WHEREAS, subsequent thereto, the Township of North Hanover filed a Complaint for Declaratory Judgment in June, 2015, seeking a determination that it was in compliance with the requirements of the Fair Housing Act; and

WHEREAS, the Township entered into a settlement agreement with the Fair Share Housing Center (FSHC) in 2016; and

WHEREAS, said settlement agreement was amended on May 4, 2017, at which time the Honorable Ronald Bookbinder, Assignment Judge of the Superior Court, Burlington County, issued an Order adopting the findings and determination of a Special Court Master, which approved the Mount Laurel Settlement Agreement and the first amendment thereof, and required the Township to further amend and revise its' third round Housing Element & Fair Share Plan to conform with the requirements of said Master's Report; and

WHEREAS, as a result, the Township Planning Board has duly considered the proposed amendment to the Housing Element & Fair Share Plan of the Municipality and the inclusion therein of both a new Spending Plan and new Affirmative Marketing Plan as set forth in a report dated August, 2020, of David Gerkins, P.P., AICP; and

WHEREAS, a public hearing was held before the North Hanover Township Joint Land Use Board with respect to said plan amendment on August 26, 2020; and

WHEREAS, in addition to the plan amendments, said plan will now include an Affordable Housing Trust Fund & Spending Plan, as well as an Affirmative Marketing Plan as an appendice to said Master Plan, along with other various Ordinances and Resolutions to be adopted by the Governing Body of the Township of North Hanover; and

WHEREAS, following the conclusion of the public hearing, the North Hanover Township Joint Land Use Board determined that the proposed amendments and appendices to be included in the Township's Amended Housing Element & Fair Share Plan of its' Master Plan is consistent with the Township's prior settlement agreement and Order of Judge Bookbinder, and is further consistent with the Court Master's Report of April 24, 2017; and

NOW THEREFORE BE IT RESOLVED on this 26th day of August, 2020, by the North Hanover Township Joint Land Use Board, that the Board hereby adopts the Housing Element & Fair Share Plan Amendment to the North Hanover Township Master Plan, including all appendices attached thereto, including the new Spending Plan and Marketing Plan, as set forth in the August, 2020, report of David Gerkins, P.P., AICP, and which report is attached hereto and incorporated herein; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the following:

1. North Hanover Township Municipal Clerk;
2. David Gerkins, P.P., AICP;
3. Mark Roselli, Township Attorney;

DATE ADOPTED: August 26, 2020

DATE MEMORIALIZED: August 26, 2020

Name	Motion	Second	Aye	Nay	Abstain	Absent
Russ Comisky			X			
Jim Durr	X		X			
Ron DeBaecke					X	
Joe Greene			X			
Debbie Kucowski			X			
Patricia Mellor			X			
Brendan O'Donnell						X
Jack Smylie			X			
Wayne Voorhees			X			
Greg Grauer			X			
Tom Kimball		X	X			

Ordinance Compatibility Review with Master Plan

- 2020-08- An Ordinance of the Township of North Hanover, County of Burlington, State of New Jersey, Amending the General Code of the Township of North Hanover by Repealing and Replacing Chapter 8, Section 8-070 of the Code of the Township of North Hanover Entitled “Development Fees; Low and Moderate Income Housing” and all Amendments and Revisions Thereto
- 2020-09- An Ordinance of the Township of North Hanover, County of Burlington, State of New Jersey, Amending the General Code of the Township of North Hanover by Repealing and Replacing any Portion of the Township Code and/or Previously adopted Ordinances Pertaining to, Addressing or Providing for “Affordable Housing Regulations” to Address the Requirements of the Fair Housing Act and the Uniform Housing Affordability Controls (UHAC) Regarding compliance with the Township’s Affordable Housing Obligations

Board Member Jack Smylie stated he had questions on the “Development Fees”. The board discussed the fees put in place by the Ordinance 2020-08. Board Member Ron DeBaecke asked if the fees were increased or the same. It was stated these fees are the same and currently being collected by the Township.

Chairman Tom Kimball opened the floor to public comment. Motion to close public comment was made by Greg Grauer.

Motion was seconded by Ron DeBaecke. Jim Durr made a motion to find Ordinance 2020-08 Compatible with the Master Plan. Motion was seconded by Tom Kimball.

Name	Motion	Second	Aye	Nay	Abstain	Absent
Russ Comisky			X			
Jim Durr	X		X			
Ron DeBaecke					X	
Joe Greene			X			
Debbie Kucowski			X			
Patricia Mellor			X			
Brendan O’Donnell						X
Jack Smylie			X			
Wayne Voorhees			X			
Greg Grauer			X			
Tom Kimball		X	X			

Jim Durr made a motion to find Ordinance 2020-09 Compatible with the Master Plan. Motion was seconded by Tom Kimball.

Roll Call:

Name	Motion	Second	Aye	Nay	Abstain	Absent
Russ Comisky			X			
Jim Durr	X		X			
Ron DeBaecke					X	
Joe Greene			X			
Debbie Kucowski			X			
Patricia Mellor			X			
Brendan O'Donnell						X
Jack Smylie			X			
Wayne Voorhees			X			
Greg Grauer			X			
Tom Kimball		X	X			

Chairman Tom Kimball asked the Board Secretary to send a memo to the Township Committee stating the Joint Land Use Board has found Ordinance 2020-08 and 2020-09 compatible with the Master Plan. Board Secretary said she will draft the memo and send it to the Township Clerk for the Township Committee.

Public Comment

Chairman Tom Kimball opened the floor to public comment. Being no public in attendance to comment Ron DeBaecke made a motion to close public comment. Tom Kimball seconded motion. All in Favor

Board Discussion

Chairman Tom Kimball opened the floor to board discussion. Ron DeBaecke Congratulated Russ Comisky on his moving to Class IV member and welcomed Wayne Voorhees to the board as our new Alternate #1. Greg Grauer made a motion to close board discussion. Tom Kimball seconded the motion. All in Favor

Correspondence- NONE

Adjournment: 8:18

Ron DeBaecke made a motion to adjourn. Tom Kimball seconded the motion. All in favor.