

**BOROUGH OF FAR HILLS**  
Borough Council Regular Meeting  
**MINUTES**  
November 12, 2019

**CALL TO ORDER**

Mayor Vallone called the meeting to order at 7:05 p.m. at the Far Hills Municipal Building and read the open public meetings statement in accordance with the law.

**PLEDGE OF ALLEGIANCE**

Mayor Vallone led the Pledge of Allegiance.

**ROLL CALL**

Present: Carty, Chimenti, Hand, Karner, Tweedie, Vallone

Absent, as Excused:

Absent:

Also Present: Clerk Hicks, Attorney Sordillo, Chief DeCarolis

**REPORTS**

**Councilman Hand – Fire, Water, Light, Buildings & Grounds**

No report.

**Councilwoman Tweedie – Health/Sanitation**

No report.

**Councilman Carty – Finance/Insurance**

No report.

**Councilwoman Chimenti – Laws, Ordinances & Elections**

Councilwoman Chimenti reported the Municipal Court receipts for the month of September 2019 totaled \$5,205.00. She noted that the summonses issued from the Far Hills Race Event were anticipated to be heard by the Court in December 2019.

**Council President Karner – Police**

Council President Karner reported that everything was copasetic in the Borough. He indicated a meeting with PBA representatives was scheduled for November 25, 2019.

He noted that a Veterans Day ceremony was held on November 11, 2019 and was well attended.

**Chief DeCarolis**

Chief DeCarolis explained that the Far Hills Police Department was participating in Movember to bring awareness to men's health issues. He also reminded residents to lock their vehicles, as there were several recent robberies and car thefts in the area.

**Mayor Vallone**

Mayor Vallone reported that he participated in the 90<sup>th</sup> anniversary event of the Far Hills Country Day School on November 7, 2019.

He congratulated Council President Karner and Councilman Surks on their election victory.

He also reported that inspections of the Route 202 Bridge over the Raritan River were currently being undertaken by the NJDOT; however, the commencement of the construction project to replace the bridge was undetermined at this time.

He also reported that he reviewed the budget with CFO, Debra Stern and asked Council members to develop their budgetary requirements for 2020.

Mayor Vallone indicated that he would be attending the New Jersey League of Municipalities Conference in Atlantic City on November 19, 2019 and would be moderating a session on drugs and the opioid epidemic in the United States.

He expressed his appreciation to Council President Karner for spearheading the Veterans Day ceremony this year.

Mayor Vallone, on behalf of the Borough Council, extended condolences to Council President Karner on the passing of his mother.

Borough Attorney, Joseph Sordillo provided an overview of the current status of the Borough's affordable housing plan and indicated that he and Borough Planner, David Banisch met with Judge Miller, the Court Special Master and representatives from Fair Share Housing Center (FSHC) today.

Mr. Sordillo announced that a public presentation by the developer for the Errico Acres property, located at 220 Route 202, was scheduled to be held at the next Borough Council meeting on November 25, 2019. He continued that the introduction of the zoning ordinance for the development was scheduled for the December 9, 2019 meeting and a public hearing and adoption was scheduled for the December 23, 2019 meeting. He emphasized that Judge Miller indicated that he would like the Borough to have the zoning ordinance for this development adopted prior to year-end.

He continued that the Hotz Development, for the properties located at 8 & 10 Peapack Road, was still pending information and documentation from the developer and noted that both Judge Miller and representatives from FSHC agreed to allow additional time for the Hotz Development only. Mr. Sordillo indicated that a case management conference with Judge Miller was scheduled for November 22, 2019 and representatives from the Hotz Development were asked to be in attendance. Mr. Sordillo also indicated that Judge Miller was amenable to extending the Borough's immunity as long as there was continued progress with the affordable housing plan.

Mayor Vallone indicated that a letter was received on November 7, 2019 from the attorney representing Preserve Far Hills, which detailed several key components of the Errico Acres development; one of which was the age restriction of the market rate homes. Mayor Vallone stated that while the inclusion of an age restriction was a key component of the Borough's negotiations with Melillo Equities, it was not the case for representatives of FSHC whose primary focus was that the development progress regardless of any restrictions. Mayor Vallone stressed the importance for the Borough to adhere to the schedule established by the Court in order to maintain the restrictions currently imposed on the development.

Mr. Sordillo added that during the meeting with Judge Miller, representatives from FSHC indicated on numerous occasions that they were agreeable to having the project proceed without the age restriction. Mr. Sordillo indicated that the Borough's settlement agreement with FSHC did not impose

an age restriction on the Errico Acres project and any delays could prompt FSHC to file a motion with the Court to have the Borough proceed with the project without the age restriction.

## **REGULAR AGENDA**

### **APPROVAL OF MINUTES**

10/28/19 – Regular Meeting

Motion by Councilwoman Tweedie, seconded by Councilman Hand, was unanimously carried that these minutes be approved for content and release.

### **UNFINISHED BUSINESS**

#### **ORDINANCES – PUBLIC HEARING AND ADOPTION**

**ORDINANCE 2019-07** – AN ORDINANCE AMENDING AND SUPPLEMENTING THE LAND MANAGEMENT ORDINANCE OF THE BOROUGH OF FAR HILLS TO ESTABLISH AN R-10 AFFORDABLE HOUSING OVERLAY (R-10 AHO) ZONE DISTRICT FOR THE PROPERTIES IDENTIFIED AS BLOCK 8, LOTS 1, 1.02 AND 1.03 IN THE BOROUGH OF FAR HILLS AND TO ESTABLISH USE, BULK AND DEVELOPMENT STANDARDS FOR MUNICIPALLY-SPONSORED AFFORDABLE HOUSING DEVELOPMENT

Mr. Sordillo stated that a public presentation was held on October 28, 2019 by representatives from the Matheny Group Home which detailed the architectural designs for the two (2) separate group homes consisting of four (4) bedrooms each, for a total of eight (8) bedroom which equated to sixteen (16) affordable housing credits due to bonus crediting. He stated that Ordinance 2019-07, which was introduced at the October 28, 2019 Borough Council meeting, sets forth the zoning requirements that provide the opportunity for the affordable housing development. By the adoption of this Ordinance, the Borough would be fully compliant with the Court Order and the affordable housing requirements with regard to the Matheny project as a component of the Housing Element and Fair Share Plan.

Council President Karner sought clarification as to the number of homes to be constructed on the property.

Mr. Sordillo responded that there would be two separate homes each containing four bedrooms.

Motion by Council President Karner, seconded by Councilwoman Tweedie and unanimously carried to open the public hearing.

Jay Shapiro, 44 Peapack Road, Far Hills inquired about the subdivision of the lots on the property located at 46 Peapack Road and the availability of exhibits from the presentation held on October 28, 2019.

Mr. Sordillo responded that the Borough had previously subdivided the property into three separate lots and two of the lots would be donated to Matheny for this development. The remaining lot, where the current building is located, was reserved for future affordable housing development. The exhibits were currently posted on the Borough website.

Michael Watson, 38 Peapack Road, Far Hills inquired if property taxes would be paid by the Matheny Group Home and inquired if the deed restriction for the property was available for the public.

Mr. Sordillo responded he was not aware of any basis where Matheny could claim a tax exemption and explained that taxes were based upon the use of the property not the owner of the property. With

regard to the availability of the deed restriction, Mr. Sordillo responded that the deed restriction document has not yet been prepared but upon completion, would be made available to the public.

Cindy Campbell, 81 Peapack Road, Far Hills inquired as to the plan for the remaining building at 46 Peapack Road.

Mayor Vallone responded that the remaining building was deed and reserved for future affordable housing development.

Johanna McCarten, 38 Peapack Road, Far Hills inquired as to the potential for a change of ownership and/or use of the property from the Matheny Group Home.

Mr. Sordillo responded that the deed restriction and state funding regulations provide that the property would have to be utilized for individuals with developmental disabilities. He added that changes in the ownership and usage of the property would also need to be approved by the Borough Council.

There were no further comments from the public.

Ms. Hicks advised that the notice of the public hearing was published in the newspaper of record, and that no communication, either written or verbal was received regarding the Ordinance.

Motion by Council President Karner, seconded by Councilwoman Tweedie and unanimously carried to close the public hearing.

Motion by Council President Karner, seconded by Councilwoman Tweedie that Ordinance 2019-07 be adopted.

Roll Call:

Aye: Carty, Chimenti, Hand, Karner, Tweedie

Nay:

Abstain:

Motion Carried.

Mayor Vallone indicated Resolutions 19-142 and 19-143 would be presented individually and removed from the consent agenda and added to the regular agenda under new business.

## **NEW BUSINESS**

### **RESOLUTIONS**

#### **Resolution 19-142 – Awarding Contract – Snow Removal and Ice Control – Baza Landscaping Service**

Motion by Council President Karner, seconded by Councilwoman Tweedie that Resolution 19-142 be approved.

Roll Call:

Aye: Carty, Chimenti, Hand, Karner, Tweedie

Nay:

Abstain:

Motion Carried.

### **Resolution 19-143 – Authorizing Large Event Permit – Miles for Matheny**

Council President Karner provided an overview of the event to be held on Saturday, June 13, 2020 at the J. Malcolm Belcher Fairgrounds.

Patricia Cats, Matheny School and Hospital expressed her appreciation to the Borough Council for their consideration to holding the event in Far Hills again this year.

Jack Koury, 11 Far Hills Avenue, Far Hills expressed concern over the road closure of Peapack Road during the summer.

Ms. Cats indicated that the 5K Race was scheduled to begin at 8:00 a.m., and anticipated that the road closure would be from 7:45 a.m. to 9:00 a.m.

Council President Karner commented that the road closure would be communicated well in advance to residents.

Johanna McCarten, 38 Peapack Road, Far Hills expressed concern regarding the music at this year's event, noting that last year the music was loud and could be heard as early as 7:00 a.m.

Ms. Cats apologized for that inconvenience and assured that it would not reoccur at this year's event.

Motion by Councilwoman Tweedie, seconded by Councilman Hand that Resolution 19-143 be approved.

Roll Call:

Aye: Carty, Chimenti, Hand, Tweedie

Nay:

Abstain:

Recused: Karner

Motion Carried.

### **CONSENT AGENDA**

The items listed within the consent agenda portion of the meeting have been referred to the Borough Council for reading and study and are considered routine and will be enacted with one motion of the Borough Council with no separate discussion. If separate discussion is required, the item may be removed from the consent agenda by Borough Council action and placed on the regular agenda under new business.

1. Resolution 19-144 – Authorizing Change Order – Professional Services Contract  
McElroy, Deutsch, Mulvaney & Carpenter, LLP
2. Resolution 19-145 – Authorizing Change Order – Professional Services Contract  
Trimboli & Prusinowski, LLC
3. Resolution 19-146 – Authorizing Change Order – Professional Services Contract  
Searing Associates, LLC
4. Resolution 19-147 – Authorizing Change Order – Professional Services Contract  
Haydee Ballester
5. Resolution 19-148 – Payment of Bill List

Motion by Council President Karner, seconded by Councilwoman Chimenti that Resolutions 19-144 through 19-148 be approved.

Roll Call:

Aye: Carty, Chimenti, Hand, Karner, Tweedie

Nay:

Abstain:

Motion Carried.

**PUBLIC COMMENT** – *The Mayor and Council welcome comments from any member of the public. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers shall limit their comments to 5 minutes.*

Mr. Charles Schwester, 410 Lake Road, Far Hills inquired if the representatives from Melillo Equities and the Pulte Group could provide handouts to the public of the presentation to be made at the November 25, 2019 Borough Council meeting. He also asked if the phasing of the development could be detailed on the plans. He also inquired about the change order authorized via Resolution 19-144.

Mr. Sordillo responded that he would inquire of the developer to provide handouts to the public during the presentation.

Ms. Hicks responded that Resolution 19-144 authorized a change order to increase the not to exceed amount from \$75,000.00 to \$105,000.00.

Dr. George Mellendick, 260 Lake Road, Far Hills inquired about the age restriction on the Melillo Equities development and the Borough's adherence to the Court imposed schedule. He also commented on the limited amount of detail of the concept plan currently depicted on the website. He also requested that a mailing be sent to each resident to provide notification about the presentation.

Mayor Vallone responded that the age restriction on this development is of the utmost importance to the Borough, but again cautioned that the Borough must adhere to the established Court schedule.

Mr. Sordillo provided a brief overview of the process during the public presentation scheduled for the November 25, 2019 Borough Council meeting and advised that no action would be taken by the Council regarding the development at that meeting. He reiterated that the zoning ordinance was scheduled for introduction at the December 9, 2019 Borough Council meeting and the public hearing and adoption was scheduled for the December 23, 2019 meeting. In response to Dr. Mellendick's inquiry for a mailing to each resident, Mr. Sordillo indicated that notice of the public presentation was mailed to residents within 200' of the property; published in the Courier News and Bernardsville News; included on the Borough website and posted at Borough Hall and also sent via the Nixle notification system.

A brief discussion ensued regarding the level of detail at the presentation and the difference between those aspects with regard to the adoption of the zoning ordinance by the Borough Council versus the review of the site plan application by the Planning Board.

Johanna McCarten, 38 Peapack Road, Far Hills inquired if the developer could present a more detailed plan and if the developer's professionals would also be available to respond to the public's questions.

Dr. George Mellendick, 260 Lake Road, Far Hills inquired as to what was authorized through the adoption of the zoning ordinance.

Mr. Sordillo responded that the zoning ordinance provided the general parameter requirements for the development and is what the Court required of the Borough in order to satisfy its affordable housing obligation. He noted that there was also an affordable housing agreement, which outlined requirements of the development.

Charles Schwester, 210 Lake Road, Far Hills inquired if the zoning ordinance was going to specify the areas for the for-sale units and the affordable housing rental units.

Mr. Sordillo briefly explained the levels of protection provided to the Borough via the zoning ordinance, the affordable housing agreement as well as via the site plan application and conditions of approval authorized by the Planning Board.

There were no further comments from the public.

### **EXECUTIVE SESSION**

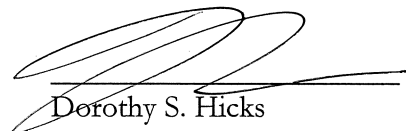
#### **Resolution 19-149 – Attorney Client Privilege – Litigation – Affordable Housing**

Motion by Council President Karner, seconded by Councilwoman Tweedie and unanimously carried to approve Resolution 19-149.

### **RETURN TO OPEN SESSION AND ADJOURNMENT**

Motion by Councilwoman Tweedie, seconded by Council President Karner and unanimously carried to adjourn the meeting at 8:30 p.m.

Respectfully submitted,



Dorothy S. Hicks  
Borough Clerk

APPROVED – 11/25/19