

RESOLUTION

WHEREAS, Council Member Stephen L. Black, known to all as "Steve," has always been one of the hardest working people anyone could ever meet, stemming from a history of public service; and

WHEREAS, Steve chose to share in the same passion for civil service as his grandfather, Lewis J. Gray, known as "Luke," who was Mayor of Watchung from 1950-1960 and Council President three years before that, was elected President of the State League of Municipalities in 1959, assisted in getting the first charter of the Watchung Rescue Squad, and was an honorary member of the Watchung Chemical Engine Company; and

WHEREAS, Steve's colleagues viewed him as the best candidate to take over the unexpired term of former Council Member Jason Jedel after Jedel's passing and appointed Steve to the Council in November 1994; and

WHEREAS, in continuing his passion for local government, Steve has since served as a member of the Zoning Board of Adjustment and every Council Committee and has chaired almost all of them, has also served as Somerset County Park Commissioner and represented Watchung in the Green Brook Flood Control Commission for many years, and was a former Council President and a long-term member of the Borough's Board of Education; and

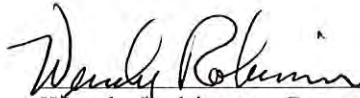
WHEREAS, under his leadership, Steve was involved in every aspect of Borough business, demanding responsibility from every Committee, Commission and Board and employees on behalf of all residents; and

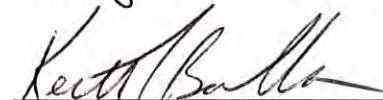
WHEREAS, in addition to his dedication to local government, Steve is also the fourth-generation owner of Gray's Florist, a local family business that has been in operation for over 90 years, where he always welcomed residents who wanted to speak about what was on their minds; and

WHEREAS, Steve's positivity and endless energy has touched the lives of many Watchung residents and those he has worked with over the years and will surely be missed; and

WHEREAS, it is with deep regret that the Mayor and Council accept the retirement of lifelong Watchung resident and public servant Council Member, Stephen L. Black.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey, commend Stephen L. Black for his years of outstanding service and commitment to the Borough and his community, offer their gratitude to him for all of the countless, dedicated hours and his years of leadership, and extend best wishes for future endeavors.

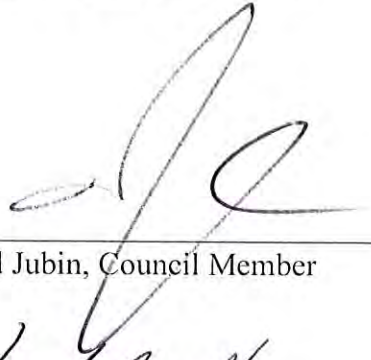

Wendy Robinson, Council President


Keith S. Balla, Mayor

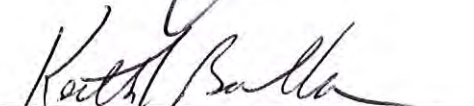
RESOLUTION

BE IT RESOLVED that Ordinance **OR:20/06** entitled: "AN ORDINANCE TO AMEND ORDINANCE NOS. **OR:19/015** and **OR: 18/20**, ADOPTING A "REDEVELOPMENT PLAN" FOR A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT CONSISTING OF BLOCK 7402, LOTS 19.01 AND 19.02 AND BLOCK 7403, LOTS 5 AND 10 AND FURTHER IDENTIFIED AS THE "BONNIE BURN ROAD REDEVELOPMENT AREA", AS SHOWN ON THE BOROUGH OF WATCHUNG TAX MAP IN ACCORDANCE WITH N.J.S.A. 40A:12A-7." has been adopted after public hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey that the Borough Clerk is hereby authorized to publish a notice of adoption in accordance to law. This ordinance shall become effective after final passage, adoption and publication, in accordance to law.



Ronald Jubin, Council Member



Keith S. Balla, Mayor

Date: December 17, 2020

Index: Planning Board,

C: T. Snyder,

ORDINANCE OR:20/06

Explanation: This Ordinance amends Ordinance Nos. OR:19/05 adopted on April 18, 2019 and OR: 18/20 adopted on December 6, 2018 to make certain clarifications relating to the applicability of the Steep Slope Ordinances and to clarify/revise the intended minimum lot requirement.

AN ORDINANCE TO AMEND ORDINANCE NOS. OR:19/015 and OR: 18/20, ADOPTING A "REDEVELOPMENT PLAN" FOR A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT CONSISTING OF BLOCK 7402, LOTS 19.01 AND 19.02 AND BLOCK 7403, LOTS 5 AND 10 AND FURTHER IDENTIFIED AS THE "BONNIE BURN ROAD REDEVELOPMENT AREA", AS SHOWN ON THE BOROUGH OF WATCHUNG TAX MAP IN ACCORDANCE WITH N.J.S.A. 40A:12A-7.

WHEREAS, Block 7402, Lots 19.01 and 19.02 and Block 7403, Lots 5 and 10 are located in the northeastern section of Watchung Borough, Somerset County, New Jersey. The four lots, taken together as the Bonnie Burn Road Study Area ("Study Area" or "Site"), have frontage only on Bonnie Burn Road (County Road 641) which is classified as a minor arterial road and is under Union County jurisdiction. Bonnie Burn Road is a two-lane road with no shoulder or sidewalks and has a curvilinear alignment along the Site. The four lots are a total of 41.03 acres with approximately 1,000 feet of frontage along Bonnie Burn Road. It is located approximately 1,000 feet south of Valley Road. (See Map 1 - Location Map, Map 2 - Tax Map, Map 3 - Aerial Map.); and

WHEREAS, this Redevelopment Plan sets forth the manner in which the Site will be developed as an inclusionary multi-family housing development of a maximum of two hundred and thirty (230) units consisting of forty-six (46) low- and moderate-income, non-age restricted affordable rental units and one hundred eighty-four (184) market-rate units. The Site was originally identified for development of an inclusionary non-age restricted affordable rental development in the Borough of Watchung and Fair Share Housing Center Settlement Agreement ("FSHC Settlement Agreement") adopted on June 7, 2018 and the Order on Fairness and Preliminary Compliance Hearing dated September 19, 2018; and

WHEREAS, on June 7, 2018, the Borough Council of the Borough of Watchung adopted Resolution No. 11:06/07/18 which authorized and directed the Borough of Watchung Planning Board to undertake a preliminary investigation of the Site to determine whether or not certain lands should be designated as a Non-Condemnation Area Redevelopment Area in accordance with N.J.S.A. 40A:12A-1, et seq. (the Local Housing and Redevelopment Law or "LHRL"); and

WHEREAS, on August 21, 2018, the Planning Board conducted a public hearing to determine whether the Site is a potential non-condemnation area in need of redevelopment, with all notice and jurisdictional requirements having been met; and

WHEREAS, the Planning Board reviewed the Preliminary Investigation Report prepared by Marcia R. Shiffman, PP/AICP/LLA of Maser Consulting P.A. dated July 2018, as well as heard the testimony of Marcia R. Shiffman, PP/AICP/LLA, and comments by residents of the Borough as to the proposed Site and the designation of the same as an area in need of redevelopment; and

WHEREAS, after the conclusion of the public hearing the Planning Board adopted, on September 18, 2018, Resolution No. PB18-R08 finding and recommending to the Borough Council that the Site be designated as a Non-Condensation Area in Need of Redevelopment and adopted the *Preliminary Investigation Report for the Bonnie Burn Road Site, Block 7402, lots 19.01 and 19.02 and Block 7403, Lots 5 and 10*; and

WHEREAS, on October 4, 2018, the Borough Council adopted Resolution No. R11:10/04/18 which designated the Site as an Area in Need of Non-Condensation Redevelopment and directed the preparation of a Redevelopment Plan for the Site and its presentation to the Borough Council; and

WHEREAS, Borough designation of the Site as a Non-Condensation Redevelopment Area, along with adoption of this Redevelopment Plan, allow for the development of the Site as contemplated in the June 7, 2018 Borough of Watchung and Fair Share Housing Center Settlement Agreement ("FSHC Settlement Agreement") and this Redevelopment Plan. This designation and adoption of the Redevelopment Plan also enable the use of other mechanisms (e.g., a payment in lieu of taxes arrangement) that are necessary for the realization of the affordable rental development specified in this Redevelopment Plan; and

WHEREAS, on November 27, 2018, the Borough Planning Board reported on Ordinance: 18/20, the "Redevelopment Plan Ordinance" and stated that the Ordinance to be substantially consistent with the Borough Master Plan; The Planning Board also provided certain Recommendations for the Borough Council to consider.

WHEREAS, on April 18, 2019, the Borough Council adopted Ordinance No. 19/05 amending the Redevelopment Plan Ordinance reflecting the Borough Council's response to the Planning Board Recommendations; and

WHEREAS, Map 4 - Buffer Diagram & Concept Plan, prepared by Peter G. Steck, P.P., dated November 7, 2018, illustrates the development concept of the Site as contemplated in this Redevelopment Plan; and

WHEREAS, at the request of the Property Owners, the Borough has determined to amend the Redevelopment Plan Ordinance to clarify the applicability of the Borough's Steep Slope Ordinance to the Redevelopment Plan and to clarify/amend the minimum lot size.

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WATCHUNG, in the County of Somerset and the State of New Jersey, that the "Bonnie Burn Road Redevelopment Plan" (the "Redevelopment Plan") be adopted, as follows, in accordance with N.J.S.A. 40A:12A-7 of the LHRL:

SECTION I. RELATIONSHIP TO LOCAL OBJECTIVES, CONSISTENCY WITH BOROUGH MASTER PLAN, AND REDEVELOPMENT OBJECTIVE:

The Local Housing and Redevelopment law (LHRL) requires that the Redevelopment Plan describe its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements (40A:12A-7d).

The LHRL requires that all provisions of the Redevelopment Plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan; but the municipal governing body may adopt a redevelopment plan which is inconsistent with or nor designed to effectuate the master plan by affirmative vote of a majority of its full authorized membership with the reasons for so acting set forth in the redevelopment plan. (40A:12A-7.d.).

A. Consistency with Master Plan.

This Redevelopment Plan implements a key component of the Borough's effort to meet its affordable housing obligation for the 1999 to 2025 time period pursuant to applicable affordable housing regulations, the Order on Fairness and Preliminary Compliance Hearing and the Borough's Settlement Agreement with the Fair Share Housing Center (FSHC) and consistent with various objectives and recommendations of the Borough's 1994 Master Plan Update and the 2011 Master Plan Reexamination.

The Master Plan Reexamination adopted by the Planning Board in 2011 specifically evaluated the site and recommended that development be consistent with the R-M-L-II zone (which permits a lower density than permitted herein, with no affordable housing provided). However, due to the uncertainty existing at the time regarding State-mandated affordable housing obligations, the 2011 Master Plan Reexamination anticipates the likelihood that the Borough would need to address an affordable housing obligation in a manner not directly addressed in the Master Plan Reexamination. Due to this uncertainty, the Reexamination Master Plan recommends that the Borough monitor changes to affordable housing regulations, evaluate their effect on the Borough and react appropriately, as follows:

At this time, the future of COAH is uncertain. On October 8, 2010, the Appellate Division invalidated substantial portions of the COAH's revised Third Round Rules. The court gave COAH five months to adopt new rules. At that time various legislative approaches have been proposed. The first bill introduced in the 2010 session of the New Jersey State Senate, S-1, proposes to abolish COAH and provide a new means of calculating and addressing affordable housing needs. A-3447 would also make similar reforms to the Fair Housing Act and would similarly abolish COAH.

All of these factors point towards major potential changes to affordable housing requirements. However, it is unclear what their exact form will be or what the potential effect on the Borough. It has been determined that municipalities have a constitutional obligation to provide a realistic opportunity for affordable housing. This obligation will not likely go away entirely. Thus, it is imperative that the Borough continue to monitor the changes to affordable housing regulations, evaluate their effect on the Borough and react appropriately.

In the section entitled "Past and Potential Changes in Land Use and Population," the 2011 Master Plan Reexamination further anticipates the potential need to address an affordable housing obligation in a manner not directly addressed in the Master Plan Reexamination. In this section, the Master Plan Reexamination anticipates that residential development of vacant land would be minimal due to development constraints such as lack of sewer and wetlands but indicates that *"some residential development may occur as a result of affordable housing obligations imposed by the State."*

Lastly, the 2011 Master Plan Reexamination reviewed and incorporated the "Statement of Objectives, Principles, Assumptions, Policies and Standards" of the Borough's 1994 Master Plan Update which includes the following objective effectuated by this Redevelopment Plan:

The Development Plan should continue to address the mandatory of the "Mt. Laurel II " New Jersey State Supreme Court Decision and the requirements of the New Jersey Council on Affordable Housing (COAH) which obligates each municipality to provide for its "fair share" of its regions "low" and "moderate " income housing. The Borough of Watchung should formulate a so-called "Housing Compliance Plan" which safeguards the integrity of existing residential neighborhoods. acknowledges environmentally fragile areas, and permits the continuance of a reasonable balance between residential and non-residential development.

Consistent with the above-described objectives and recommendations of the Borough's 1994 Master Plan Update and 2011 Master Plan Reexamination, this Redevelopment Plan implements a key component of the Borough 's effort to meet its affordable housing obligation for the 1999 to 2025 time period.

In response to the March 10, 2015 decision of the New Jersey Supreme Court (which dissolved the substantive certification process before the New Jersey Council on Affordable Housing (COAH) and created a judicial process by which a municipality can seek a judicial determination that their housing element satisfied their "third round" affordable housing obligation) the Borough filed a declaratory judgment action with the Superior Court which sought judicial determination of compliance with the Borough's Third Round affordable housing obligation.

The Borough and the FSHC, a Supreme Court-designated interested party in this matter appeared before the Hon. Thomas C. Miller, P.J.Cv., and worked with the Court appointed Special Master, to review the Borough's affordable housing plans. Through this process, the Borough and FSHC agreed to settle this litigation and present the settlement to the trial court with jurisdiction over this matter. The Borough entered into a Settlement Agreement with the FSHC for its 1999-2025 affordable housing obligations, which Settlement Agreement requires, amongst other actions, that the Borough adopt and endorse a Housing Element and Fair Share Plan (HEFSP) and adopt the implementing ordinances outlined in the Settlement Agreement.

One of the key implementing ordinances outlined in the Settlement Agreement involves rezoning of the subject site to allow for an inclusionary development that contains 46 non-age restricted rental affordable units (which would be effectuated by adoption of this Redevelopment Plan).

The Court's Special Master provided to the Court a Report of the Special Master finding that the Borough's Settlement Agreement with the FSHC (which, again, included the development addressed in this Redevelopment Plan as a key component) will adequately protect the interests of low- and moderate-income households. The Hon. Thomas C. Miller, P.J.Cv. then subsequently held a Fairness Hearing and determined on September 19, 2018 that the Settlement Agreement was fair and reasonable to the interests of low- and moderate-income households. The Order on Fairness and Preliminary Compliance Hearing issued by Judge Miller requires that the Borough submit to the Special Master for review and comment a new HESFP and all resolutions and ordinances necessary to implement the HEFSP (which the Borough is required to adopt within 180 days from the date of the Order).

The adoption of this Redevelopment Plan (along with the HEFSP and other implementing ordinances and resolutions) addresses the Borough's Third Round affordable housing obligation consistent with the Order on Fairness and Preliminary Compliance Hearing and provides a realistic opportunity for the development of affordable housing units that will satisfy the Borough's Third Round obligation under the New Jersey Supreme Court's Mount Laurel decisions from 1999 to 2025.

The Site has been part of Watchung's affordable housing deliberations for over 30 years to address the Borough's affordable housing obligations. Block 7403, Lot 10, a 21-acre lot which is over 50% of the site area, was previously involved in affordable housing litigation with the Borough. In 1988, this lot was one of a number of other properties that were the subject of builder's remedy lawsuits against that Borough of Watchung. The Developers Mount Laurel Agreement settling the is litigation was signed on August 25, 1988 and recorded on October 12, 1988. This Developers Mount Laurel Agreement provided that the Z.V. Associates property, Block 7403, Lot 10, would be rezoned to a higher density residential district. The R-M-L II District was established over this lot to increase the density of the 21.7-acre site from one unit per 60,000 square feet to one unit per 40,000 square feet for a total maximum of 20 lots. In return for the increased density increasing the number of single family lots by seven lots, there were specific conditions placed on the property. There was also a required cash contribution of \$280,000 for the Borough use in satisfying its low and moderate-income housing obligation. In 1988, the Borough was able to address its initial Mt. Laurel obligation without including this property for multi-family development except through the cash contributions for affordable housing at that time. The 1997 Borough of Watchung Housing Element and Fair Share Plan Addendum calls out these negotiated developer cash contributions to the Borough Housing Trust Fund to be used to finance the regional contribution agreement.

Notwithstanding the lower density recommendation for the Site in the 1988 Developers Mt. Laurel Agreement and in the 2011 Master Plan Reexamination, this Redevelopment Plan is not substantially inconsistent with the Borough Master Plan when evaluated as a whole. As addressed above, the Redevelopment Plan implements a key component of the Borough's effort to meet its affordable housing obligation for the 1999 to 2025 time period consistent with various objectives, analyses and recommendations of the Borough's 1994 Master Plan Update and 2011 Master Plan Reexamination and pursuant to applicable affordable housing regulations, the Order on Fairness and Preliminary Compliance Hearing and the Settlement Agreement.

B. Redevelopment Objective. The overall objective of this Redevelopment Plan is to provide for the development of the subject Site with a 230-unit inclusionary rental housing development that includes forty-six (46) non-age restricted affordable rental units in order to address a component of the Borough's affordable housing obligation in a manner that is thoughtful and attractive in terms of site and building design. The density reduction or steep slope management requirements in Chapter 23A, section 4.2(c) of the Borough's Revised General Ordinances and Section 28-401.H of the Borough Land Development Ordinance shall not be applied to this Redevelopment Plan to reduce the number of units on the Site as set forth herein.

SECTION 2. RELATIONSHIP TO LOCAL ZONING

The LHRL requires that the Redevelopment Plan describe a relationship to pertinent municipal development regulations as defined in the "Municipal Land Use Law." P.L. 1975. c.291 (C.40:55D-1 et seq.). The redevelopment plan shall supersede applicable provisions of the development regulations of the municipality

or constitute an overlay zoning district within the redevelopment area. When the redevelopment plan supersedes any provision of the development regulations, the ordinance adopting the redevelopment plan shall contain an explicit amendment to the zoning map included in the zoning ordinance. The zoning district map as amended shall indicate the redevelopment area to which the redevelopment plan applies. (40A:12A-7(c))

- A. This Redevelopment Plan shall supersede the Borough of Watchung Land Development Ordinance (LDO), and any other requirement of the Borough Revised General Ordinances pertaining to land use and building requirements with respect to development of the subject Site. Only those requirements of the Borough LDO that are specifically referenced in this Redevelopment Plan shall apply to development of the Site in the manner specified in this Redevelopment Plan. This Redevelopment Plan explicitly excludes and does not incorporate the density reduction or steep slope management requirements in Chapter 23A, section 4.2(c) of the Borough's Revised General Ordinances and Section 28-401.H of the Borough Land Development Ordinance. To the extent Article 28-600, section 28-603A(2)(p) of the LDO refers to the Steep Slopes requirements of Chapter 23A, such reference shall exclude the density reduction or steep slope management requirements in Chapter 23A, section 4.2(c) and Section 28-401.H of the Borough Land Development Ordinance.
- B. Terms used in this Plan shall have the same meaning as defined in the Borough's LDO, except as specifically amended in this Plan.
- C. For purposes of calculating minimum required lot area, maximum permitted building coverage and maximum permitted lot impervious coverage, the gross lot area (known to be 41 acres) shall be the unit of measure.
- D. The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan where by reason of exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions, pre-existing structures and physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon, the developer or redeveloper of such property (i.e., a "c(1)" variance pursuant to N.J.S.A. 40:55D-70c(1)). The Planning Board may also grant a deviation from the regulations contained within this Redevelopment Plan related to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by such deviation from the strict application of the requirements of this Plan and the benefits of granting the deviation would outweigh any detriments (i.e., a "c(2)" variance pursuant to N.J.S.A.40:55D-70c(2)).
- E. The Planning Board may grant exceptions or waivers of design standards from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review within the Plan, if the literal enforcement of one or more provisions of the Plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the Site. Deviations may be granted under the terms of this section provided such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of the Redevelopment Plan.

- F. No deviations may be granted which will result in permitting a use that is not a permitted use within this Redevelopment Plan. Any deviations from standards of this Plan that results in a "d" variance pursuant to N.J.S.A. 40:55D-70d shall be addressed as an amendment to the Plan rather than by variance relief through the Borough's Zoning Board of Adjustment.
- G. The Borough Council shall act as the "Redevelopment Authority" pursuant to N.J.S.A. 40A:12A-4c for purposes of implementing the Redevelopment Plan and carrying out redevelopment. In doing so, the Borough Council shall have the powers set forth in N.J.S.A. 40A-12A-8 to effectuate all of its duties and responsibilities in the execution and implementation of this Redevelopment Plan.
- H. The Official Zoning Map of the Borough of Watchung is hereby amended to designate the following properties as the "Bonnie Burn Road Redevelopment Area": Lots 19.01 and 19.02 in Block 7402; and Lots 5 and 10 in Block 7403. Map 5 depicts the amendment to the Borough Zoning Map. The "Land Use and Building Requirements" detailed below outline permitted land uses and building requirements in the Bonnie Burn Road Redevelopment District.
- I. The zoning established in the Bonnie Burn Road Redevelopment District shall replace the R-M-L-II Zone, as applicable to the Site. The Official Zoning Map shall be modified to reflect the zoning established in this Bonnie Burn Road Redevelopment Plan.

SECTION 3. LAND USE AND BUILDING REQUIREMENTS - BONNIE BURN ROAD REDEVELOPMENT DISTRICT:

The LHRL requires that the Redevelopment Plan outline proposed land uses and budding requirements in the redevelopment area (40A:12A-7.a.(2)).

A. Principal Permitted Uses.

- 1. Multi-family dwelling units (apartment units) in one or more buildings as an inclusionary housing development, but not to exceed a total of 230 dwelling units within the zone.
- 2. Twenty percent (20%) of the total number of dwelling units in the zone shall be reserved for rental occupancy as affordable housing units. The provision of affordable housing shall be consistent with all applicable rules of the Council on Affordable Housing (COAH) and the Uniform Housing Affordability Controls (UHAC), including requirements of phasing and bedroom distribution. There shall be no more three-bedroom affordable units than the minimum number of units required by COAH regulations. At least thirteen percent (13%) of the affordable units shall be very low-income housing as defined by the New Jersey Fair Housing Act. The low- and moderate-income units shall be distributed throughout the complex and not concentrated in any one building.
- 3. The market-rate units shall consist only of one-bedroom, and two-bedroom units. A minimum of twenty (20%) of the market-rate units shall consist of one-bedroom units

B. Permitted Accessory Uses.

1. Uses and structures customary to the principal permitted use including, but not limited to, private residential garages, parking areas, refuse and recycling areas, swimming pools, tennis courts, club houses for residents, management offices, leasing offices, walking/jogging trails, recreation facilities, and dog runs.
2. All accessory structures except permitted fences, signs, retaining walls, bus shelters shall be located at least 100' from the zone boundary line.
3. Fences and walls in accordance with Section 28-502 and as follows:
 - a. Section 28-502.A.2. shall apply to the boundary between a single-family residential district and this Redevelopment Area and permit a fence of six (6) feet in height.
 - b. Section 28-502.A. 1.(a) shall permit opaque earth-tone fences more than 50% solid.
4. Signs may be provided in accordance with Section 28-504 of the Borough LDO and as follows:
 - a. Permitted signs shall include one project identification sign, residential unit and residential building identification signs, traffic and pedestrian directional signs and other public safety signs.
 - b. A project identification monument sign shall be permitted at the driveway entrance to the project not exceeding a sign panel area of 32 square feet in each face and not exceeding 8 feet in total height including the monument base.
 - c. A monument base constructed of stone or similar material and landscaped shall be provided.
 - d. Building mounted identification signs or free-standing informational signs shall not exceed 4 square feet.
 - e. Signs shall be constructed of stone, wood or similar materials and shall not be internally illuminated.
 - f. An overall sign plan shall be submitted for review as part of the site plan application.

C. Maximum Building Heights, Number of Units, Building Length and Height Measurements

1. The height of the buildings shall be consistent with that depicted on Map 6 and Map 7, Concept Height Sections which includes cross sections of all building types. On Lots 19.01 and 19.02 in Block 7402, the maximum building height shall be thirty-eight (38) feet and shall not exceed two exposed (2) stories on the upper side of the building nor exceed three exposed (3) stories on the lower side of the buildings. On Lots 5 and 10 in Block 7403, the maximum building height shall be forty-eight (48) feet and shall not exceed three exposed (3) stories on the upper side of the building nor exceed four (4) exposed stories on the lower side of the buildings.
2. Building height in feet shall be the vertical distance measured from the average finished grade at the perimeter of the foundation calculated at 20 foot increments to the mean level between the eaves and the highest point of the roof in the case of pitched roofs.

3. Building height in stories shall be measured counting as a story the space between the upper surface of any floor and the upper surface of the next floor above it or, if there is no floor above it, then the surface between the floor and the ceiling next above it. Space under a sloped roof that is not habitable and space partially or fully below grade that is not habitable under the State Uniform Construction Code shall not be considered a story or part of a story.
4. On Lots 19.01 and 19.02 in Block 7402, no building shall contain more than 44 dwelling units or be greater than three hundred (300) feet in length. On Lots 5 and 10 in Block 7403, no building shall contain more than 64 dwelling units or be greater than three hundred (330) feet in length.

D. Area, Yard and Other Requirements

1. The minimum required lot area shall be 39 acres. No subdivision of the Site shall be permitted.
2. Residential buildings within the development shall be setback from the perimeter of the site the distances indicated on Map 4 Buffer Diagram and Concept Plan, except that in the review of the site plan application the Planning Board may permit the setback of one or more of the buildings to be reduced to a minimum of 100 feet from the Site perimeter if such lesser setback is necessary to achieve the proposed site plan.
3. Residential buildings within the development shall be separated from one another a distance of no less than 60 feet.
4. No residential building shall be located closer than 15 feet to the cartway of a principal circulation drive within the development.
5. The maximum lot coverage (impervious coverage) shall be 40% of the site area. Any land area that may be dedicated for road right-of-way purposes or dedicated for preserved open space shall not be deducted from the calculation of the maximum permitted lot coverage.
6. The maximum building coverage shall be 20% of the site area. Any land area that may be dedicated for road right-of-way or dedicated for preserved space shall not be deducted from the calculation of the maximum permitted lot coverage.
7. Approximately 28% of the total site area, which includes delineated wetlands, wetlands buffer area, stream and stream riparian buffer area, shall be maintained in a natural state and undisturbed.
8. A minimum of 60% of the site shall be pervious surfaces. Any disturbed areas that are designed as pervious surfaces shall be replanted in accordance with the accordance with the approved site plan.

E. Buffers

1. An eighty (80) foot wide buffer shall be established along the northwesterly property boundary of Lots 19.01 and 19.02 in Block 7402. All other tract boundaries shall have

a minimum buffer width of 50 feet. Where driveways, parking area, walkways and utility lines are needed to service the development, such as linear improvements may cross required buffer areas provided such instructions are minimized. Stormwater detention basins and other stormwater management features and facilities may be constructed within required buffer areas provided that a minimum undisturbed buffer area of least 40 feet is established along the exterior tract boundary as described in Map 4 – Buffer Diagram & Concept Plan. Permitted within required buffer area are retaining walls, fencing along property boundaries and associated safety fencing.

2. The buffer shall comply with landscape standards under Section 28-609E, except as modified by this Redevelopment Plan as follows:

Existing healthy trees in the buffer area shall be retained to the greatest extent possible. During the review of the site plan application, the Planning Board may require a combination of evergreens, deciduous and conifer trees and landscape materials and/or earth tone fencing in such locations, design and size as necessary to provide year-round screening to minimize off-site views into the site to the greatest degree practicable from adjoining residential properties.

The transition buffer requirements under Section 28-609.E.2. shall be addressed except the dimensions are modified consistent with the buffer widths shown on Map 4, Buffer Diagram & Concept Plan and as indicated in E.1.

F. Recreation Amenities and Security

1. Permitted recreation amenities shall include, but not be limited to a resident clubhouse, resident lounge, a fitness center, a private conference room, an outdoor swimming pool, complimentary Wi-Fi through the common areas, pet-friendly features, a smoke-free environment, and a recreation area serving children of various ages.
2. Required recreation amenities shall include a recreation facilities building/club house with a minimum gross floor area of 5,000 square feet, a fitness center, an outdoor swimming pool, and a recreation area serving children of various ages.
3. The site plan submission shall include a proposed program for on-site security. The program shall include a permanent on-site resident superintendent and shall include consideration of some combination of the following: security camera system and a key-fob security system controlling entrances to building and individual apartments.
4. Section 28-505.A. Recreation Required for Multifamily Development shall apply, except that:
 - a. The placement of recreational amenities shall comply with the perimeter setback requirements at D.2. above and the perimeter buffer requirements of E.1 and E.2 above except that walking trails shall not be subject to these requirements provided such trails are reflected on the site plan approved by the Board after demonstration to the Board that the trails have been placed in a manner that minimizes tree removal.

G. Parking requirements

1. Parking shall be provided in accordance with the Residential Site Improvement Standards, N.J.A.C. 5:21-1, et seq. De minimis exceptions may be considered by the Planning Board to advance the purposes of this Redevelopment Plan in accordance with the de minimis exception standards authorized by the Residential Site Improvement Standards.
2. Parking spaces shall be located at least 10 feet from a residential building within the development; except where a parking space also provides access to an enclosed garage, no such setback shall be required.
3. Parking lot design shall comply with Section 28-607 unless superseded by the Redevelopment Plan requirements.
4. Section 28-609 G. Parking Lot, Loading and Utility Area Landscaping shall be provided with the exception that parking under the buildings will require permitted modifications of the landscaping standards to accommodate the design.

H. Exemptions

1. The provisions of Chapter XXIV of the Revised General Ordinances of the Borough of Watchung concerning tree preservation shall not apply to development within this zone except for portions of the tract required to be in buffer areas along the perimeter of the tract. Where tree removal and replacement are in accordance with an approved site plan, an inventory of trees for the entire lot or tract and within undisturbed portions of the required buffer area shall not be required. Tree replacement shall only be required for trees removed in required buffer areas as authorized by an approved site plan. However, to address Site tree removal outside of the required buffer areas, a minimum of one shade tree measuring a minimum of two and one-half to three (2 1/2 - 3) inch caliper shall be provided for each dwelling unit. This provision includes trees required for street tree and parking area plantings, but excludes the trees required for landscape buffers.

I. Building Design Standards

1. All residential buildings shall have similar facade treatments so that they are compatible with one another. Additionally, all sides of any one residential building shall have similar facade treatments.
2. Long buildings shall be broken into facade segments. Any building with a length of over 100 feet shall have off-set facades at least every 30 feet created with setback or bump-out sections being 1.5 feet or more in depth.
3. A variety of materials and architectural features are encouraged to, for example, distinguish the first floor from higher floors, to distinguish top floors from lower floors, and to highlight building entrances.
4. The building design shall include a pitched roof design with a minimum pitch of 4:12.

5. Rooftop HVAC units, if employed, shall be aesthetically shielded by roof insets and appropriately buffered for noise.

J. Overall Building and Site Design Concept.

While the development planned herein represents an important element of the Borough's affordable housing plan, it is critical that the development also be carefully designed in consideration of surrounding land uses, seek to minimize overall land disturbance and tree removal, and be attractively designed. The "Narrative Statement" below, provides a written explanation of the planned building/architectural design and overall site design concept. This narrative describes how the buildings and site will be attractively and thoughtfully designed.

Narrative Statement

The inclusionary housing development proposed to be implemented under the terms of this Redevelopment Plan is intended to follow the conceptual layout shown on Map 4 - Buffer Diagram & Concept Plan. The concept plan shows six residential buildings positioned to avoid unnecessary intrusions on the environmentally sensitive portions of the site. Those environmentally sensitive areas include wetlands and associated transition areas as well as riparian zones associated with water courses.

The concept plan envisions a total of 230 dwelling units intended for rental occupancy with 20 percent of the total reserved for low-and moderate- income households (for a total of 46 affordable units). The low and moderate-income units will be distributed throughout the development and not concentrated in any one building. Toward the interior of the Site, residential buildings with three-stories exposed on one side and four-stories on the opposite side are proposed. Further to the west, buildings with three-stories on one side and two stories on the opposite side are proposed. The differing story heights are designed to accommodate the sloping nature of the Site and to situate the tallest buildings furthest away from neighboring single-family homes.

Access to the Site is proposed via a pair of driveways in a parkway format that lead to a clubhouse with recreational facilities. This accessory component serves as a focal point for residents and their guests approaching the residential buildings.

Architectural Design Standards. Map & Concept Stone Elevation and Map 9 Concept Brick Elevation are shown as conceptual architectural designs. The final architectural design has not been prepared at this time and changes in the architectural plans are likely to occur. Final plans will be submitted and reviewed by the Planning Board.

All materials, colors and details used on the exterior of a building shall be architecturally compatible with the style of such building, as well as with the other buildings, so as to create a cohesive relationship between the buildings. Buildings shall be designed so as to prevent exterior elevations from containing large expanses of blank or featureless walls.

The exterior treatment shall include quality materials, such as brick, stone, "Hardie" board, and/or composite materials, siding and materials of similar quality and duration as is characteristic of luxury building. Among the architectural features proposed are stone counter-tops, tile backsplash and stainless steel kitchen appliances, washer-dryers within each unit, individual unit specific temperature control, nominal 9 foot ceilings within units, elevators, private balconies in selected units and private garages for a number of resident vehicles.

K. Additional Requirements.

1. Traffic Impact Study. The Redeveloper shall prepare and submit a Traffic Impact Study as part of the site plan application for review by the Board that addresses the inclusionary development's traffic impact which includes the following:
 - a. The existing road network available to serve the proposed development, as well as the proposed road network within the development itself and the surrounding road network which will be affected by the proposed development. This analysis shall include the capacity of the existing and proposed roadways; the anticipated traffic volumes as a result of the proposed development; the physical structure of road networks; and any problem areas in the area road network affected by this development and other planned development with impacts on the road network, including unsafe intersections and vertical or horizontal alignments.
 - b. The analysis shall evaluate current and planned development in the surroundings including individual residences or businesses on Bonnie Burn Road, including Weldon Quarry.
 - c. The traffic analysis shall consider the County of Union traffic circulation and development in adjoining municipalities that may affect the traffic conditions in the Redevelopment Area.
 - d. The Planning Board, during its site plan review, may condition site plan approval consistent with Somerset and Union County Planning Board approvals, as applicable on (1) improvements to on-tract entrances and exits and (2) contributions to off-tract improvements made necessary by the on-tract development.
 - e. The Redeveloper will be responsible for off-tract site improvements related to traffic such as a traffic light, acceleration and deceleration lane improvements to achieve sufficient sight distances and related improvements to individual driveway(s) serving the Site fronting onto Bonnie Burn Road.
 - f. All off-tract improvements and entrances and exits along Bonnie Burn Road shall be subject to Somerset and Union County Planning Board approval.
2. Environmental Impact Statement and Site Assessment. The site plan submission shall include an Environmental Impact Statement (EIS) pursuant to Section 28-804. The EIS shall be accompanied by a Phase I Environmental Site Assessment and a Phase II Environmental Site Assessment, if necessary. In this fashion, environmental remediation, if necessary, can be incorporated into the site plan approval.
3. The requirements of Article 28-600 shall apply unless specifically modified or waived by this Redevelopment Plan. This Redevelopment Plan explicitly excludes and does not incorporate the density reduction or steep slope management requirements in Chapter 23A, section 4.2(c) of the Borough's Revised General Ordinances and Section 28-401.H of the Borough Land Development Ordinance. To the extent Article 28-600, section 28-603A(2)(p) of the LDO refers to the Steep Slopes requirements of Chapter 23A, such reference shall exclude the density reduction or steep slope management requirements in Chapter 23A, section 4.2(c) and Section 28-401.H of the Borough Land Development Ordinance. Notwithstanding any requirements to the contrary, the following specific design requirements shall apply within the

Redevelopment Area (to the degree other requirements in the Revised General Ordinances conflict), the following requirements shall apply to development on the Site).

- a. The development shall include sidewalks providing pedestrian access from the parking lots to the buildings and along the access drive to Bonnie Burn Road.
 - b. The site shall be designed to properly allow for emergency vehicle maneuverability and access.
 - c. All buildings shall be sprinklered.
 - d. Notwithstanding any requirements to the contrary, stormwater management facilities may be permitted within yard setbacks as shown on the Map 4, Buffer Diagram & Concept Plan. Such facilities shall be attractively landscaped and/or screened consistent with applicable requirements of Article 28-600.
4. Construction Phasing. The site plan submission shall include a description of the construction phasing (e.g., relative timing of site clearing, grading, placement of utilities, building construction, etc.).
 5. Weldon Quarry Lease Notice. A form of notice shall be included in all leases informing future development residents that Weldon Quarry is across Bonnie Burn Road and that it performs blasting on a regular basis. A draft shall be included with the site plan submission.
 6. Sanitary Sewers and Other Utilities. The site plan approval shall be conditioned upon the Redeveloper obtaining sewer capacity from the Township of Berkeley Heights, amending the Sewer Service Area and extending the sewers to the development at its sole cost. All utilities are to be located underground.
 7. The Redeveloper is responsible for any cost incurred by the Borough to review the required one plan, and related traffic and environmental impact analysis
 8. Construction of the Site shall comply with any and all applicable requirements and regulations related to blasting.
 9. Development of the Site shall be subject to the applicable requirements of the following Articles of the Borough LDO: 28-800, Development Application Review Procedures and Checklists; 28-900, Application Fees, Guarantees, Inspections and Off-Tract Improvements; and 28-1200, Administration, Penalties, Repealer, Validity.
 10. The following items in the Preliminary Major Application Checklist shall be modified as follows: # 12 (Tree Removal/Tree Replacement Application) shall not be required; and #32 (individual tree locations) shall be provided only in required buffer areas in areas adjacent to the homes located on Oakwood Road East and Mareu Drive bordering the site.
 11. The development shall comply with all applicable requirements necessary for the Borough to address its affordable housing obligation including but not necessarily limited to: recording of necessary deed restriction(s); affirmative marketing; bedroom

distribution; low/ moderate income split; and engagement of a qualified administrative agent.

12. Upon site plan approval, portions of the Site that are to remain undeveloped (e.g., wetlands, wetlands buffer areas, buffer areas, and open space areas) shall be placed within a duly- recorded conservation easement.
13. A deed restriction within that certain August 2, 1988 Developer's Mount Laurel Agreement is not consistent with the Order on Fairness and Preliminary Compliance Hearing, the Borough's Settlement Agreement with the Fair Share Housing Center, and this Redevelopment Plan. In cooperation with the Borough, the designated Redeveloper shall file a motion to the Court issuing the Order on Fairness and Preliminary Compliance Hearing to remove that deed restriction. That certain Revised Final Plan for Oakwood Estates," filed on March 14, 2011 in the Somerset County Clerk's Office as Map. No. 6408-1205, also conflicts with this Redevelopment Plan, and the Order on Fairness and Preliminary Compliance Hearing and the Borough's Settlement Agreement with the Fair Share Housing Center. This Redevelopment Plan supersedes any bulk requirements and density restrictions imposed by the Plat for Oakwood Estates with regard to the Redevelopment Area. The Redeveloper shall cause a corrective deed to be recorded memorializing this Redevelopment Plan's supersession of the bulk and density requirements imposed by Plat for Oakwood Estates.
14. The site plan shall be provided to the Environmental Commission for their review and comment to the Planning Board.

SECTION 4. AFFORDABLE HOUSING

The LHRL provides that the Redevelopment Plan may include the provision of affordable housing in accordance with the "Fair Housing Act" and the housing element of the municipal master plan.

As stated above, the development will be a two hundred-thirty (230) unit multi-family development. Forty-six (46) of the units shall be low and moderate income ("affordable") non-age-restricted rental housing units as defined by the New Jersey Fair Housing Act. No less than thirteen percent (13%) of the 46 affordable units shall be low income units as defined in the New Jersey Fair Housing Act. The development shall comply with the COAH and UHAC regulations and the Borough's LDO Chapter 28-1000 affordable Housing Ordinance.

All units within the State will be deed restricted for low and moderate family occupancy for a period of thirty (30) years from the date of issuance of the Certificate of Occupancy. The controls will continue in accordance with UHAC after the first 30 year period unless the Borough chooses to release the restrictions in accordance with UHAC. The redeveloper shall be responsible for all costs associated with the qualified Administrative Agent.

SECTION 5. PROPERTY ACQUISITION

The LHRL requires that the Redevelopment Plan identify properties within the redevelopment area which are proposed to be acquired in accordance with the redevelopment plan (40a.12A-7a(4))

Completion of the Countywide Wastewater Management Plan (WNIP) for Somerset County is being accomplished in phases. The first phase comprised of the updated Countywide Wastewater Service Areas Map was completed in 2013. The Wastewater Service Areas Map, which was adopted by NJDEP, delineates the assigned sewer service areas associated with existing wastewater treatment facilities. Work is currently underway by the County Planning Division on the required wastewater treatment facility capacity analysis and identification of potential strategies for addressing any capacity deficiencies. The majority of the Site (Lots 5 and 10 in Block 7403) is located within the future wastewater service area (Middlesex County Utility Service Area or MCUA) on the updated Countywide Wastewater Service Areas Map adopted by NJDEP. The remainder of the Site (Lots 19.01 and 19.02 in Block 7402) is identified within the sewer service area associated with the portion of the Berkeley Heights Water Pollution Control Plant. However, the Wastewater Service Areas Map notes that the area within Watchung identified within the sewer service area associated with the Berkeley Heights Water Pollution Control Plant would be adopted at a later date. It would thus appear that the Wastewater Service Areas Map would need to be updated. It is noted that the Borough's 2005 and 2011 Master Plan Reexamination Reports both endorse extension of sewer in the area to serve development that was anticipated at those times.

C. The State Development and Redevelopment Plan.

The State Development and Redevelopment Plan (SDRP) was adopted by the State Planning Commission on March 1, 2001. This Redevelopment Plan directly supports the State Plan Policy Goals by facilitating development of a thoughtfully designed rental apartment development with affordable housing that is consistent with local, regional and state land use policies. In particular, the proposed development of the Site is consistent with Goal #6 of the SDRP - "Provide Adequate Housing at a Reasonable Cost". The proposed development is particularly consistent with the following strategy of the SDRP: "Provide adequate housing at a reasonable cost through public/private partnerships that create and maintain a broad choice or attractive, affordable, ecologically designed housing." The statewide policy map includes the Site within the Suburban Planning Area (PA 2) which encourages a variety of housing choices.

SECTION 8. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Somerset County Planning Board and to all other persons or entities entitled to notice, including to the Clerk or adjoining municipalities, to the last owner of the Property and all persons at their last known address, if any, whose names are noted on the assessment records as claimants of an interest in the Property. The Borough Clerk shall execute Affidavits of Proof of Service of the notices required by this Section 8, and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

SECTION 9. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Watchung for its review in accordance with N.J.S.A. 40A: 12A-7e. The Planning Board is directed pursuant to N.J.S.A. 40A:12A-7d to transmit to the Borough Council, within forty-five (45) days after referral, a report finding that the Redevelopment Plan shall be substantially consistent with the Borough Master Plan or designed to effectuate the Master Plan or that the Redevelopment Plan is substantially inconsistent with the Borough Master Plan or not designed to effectuate the Master Plan.

SECTION 10. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision,

clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 11. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency

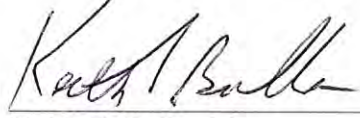
SECTION 12. This Ordinance shall take effect immediately upon: (i) adoption: (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Clerk with the Somerset County Planning Board pursuant to N.J.S.A. 40:55D-16.

INTRODUCED: JUBIN
PASSED: NOVEMBER 19, 2020
PUBLISHED: DECEMBER 3, 2020
ADOPTED: DECEMBER 18, 2020

ATTEST:



Edith G. Gil, Borough Clerk



Keith S. Balla, Mayor

Date: December 17, 2020
Index: Planning Board,
C: T. Snyder,

RESOLUTION

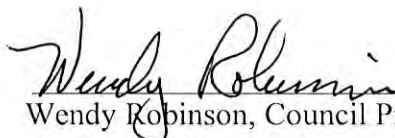
WHEREAS, Section 2-25.13 of the Code of the Borough of Watchung requires that contracts for purchases or services involving more than two thousand dollars be awarded by a resolution of the Mayor and Council.


NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey, that the Purchasing Agent be authorized to issue Purchase Orders as follows:

Vendor: OSI Technology, 217 Mt. Horeb Road, Warren, NJ 07059
Item: Police Phone Maintenance Coverage through 12/29/2021
Total Price: \$2,421.80
Charged to: 0-01-190-259

Vendor: BODE Technology, 10430 Furnace Rd, Lorton, VA 22079
Item: Police mtDNA Evidence Processing
Total Price: \$5,190.00
Charged to: T-93-100-209

Vendor: Emergency Accessories/Installs, 250 Haddonfield-Berlin Rd,
Cherry Hill, NJ 08034
Item: Police Lights & Equipment for 2021 Police Interceptor SUV
Total Price: \$13,376.00
Charged to: 0-01-190-223


Wendy Robinson, Council President


Keith S. Balla, Mayor

Date: December 17, 2020
INDEX: Purchases
C: Finance

RESOLUTION

REQUESTING THAT THE NEW JERSEY STATE LEGISLATURE ADMINISTER THE PROVISIONS OF THE AFFORDABLE HOUSING ACT AND STAY FURTHER ACTION UNTIL SUCH TIMES AS IT HAS PROMULGATED RULES GOVERNING ITS IMPLEMENTATION

WHEREAS, in 1975 the New Jersey Supreme Court in Mount Laurel I decreed that every municipality in New Jersey, “must, by its land use regulations, presumptively make realistically possible an appropriate variety and choice of housing. More specifically, presumptively it cannot foreclose the opportunity of the classes of people mentioned for low-and moderate-income housing and in its regulations must affirmatively afford that opportunity, at least to the extent of the municipality's fair share of the present and prospective regional need therefor” (*10 S. Burlington Cty. N.A.A.C.P. v. Mount Laurel Twp.*, 67 N.J. 151, 174 (1975)) ; and

WHEREAS, in 1983, the Supreme Court in Mount Laurel II expanded the Mount Laurel doctrine, saying:

“Therefore, proof of a municipality's bona fide attempt to provide a realistic opportunity to construct its fair share of lower income housing shall no longer suffice. Satisfaction of the Mount Laurel obligation shall be determined solely on an objective basis: if the municipality has in fact provided a realistic opportunity for the construction of its fair share of low-and moderate-income housing, it has met the Mount Laurel obligation to satisfy the constitutional requirement; if it has not, then it has failed to satisfy it. Further, whether the opportunity is “realistic” will depend on whether there is in fact a likelihood — to the extent economic conditions allow — that the lower income housing will actually be constructed. Plaintiff's case will ordinarily include proof of the municipality's fair share of the regional need and defendant's proof of its satisfaction. Good or bad faith, at least on this issue, will be irrelevant.” (*S. Burlington Cty. N.A.A.C.P. v. Mount Laurel Twp.*, 92 N.J. 158, 220–22 (1983)); and

WHEREAS, the Supreme Court in Mount Laurel II suggested that builders’ remedies should be used to force compliance by municipalities, reasoning that:

Experience . . . has demonstrated to us that builder's remedies must be made more readily available to achieve compliance with Mount Laurel. We hold that where a developer succeeds in Mount Laurel litigation and proposes a project providing a substantial amount of lower income housing, a builder's remedy should be granted unless the municipality establishes that because of environmental or other substantial planning concerns, the plaintiff's proposed project is clearly contrary to sound land use planning. We emphasize that the builder's remedy should not be denied solely because the municipality prefers some other location for lower income housing, even if it is in fact a better site. (*S. Burlington Cty. N.A.A.C.P. v. Mount Laurel Twp.*, 92 N.J. 158, 279–80 (1983)); and

WHEREAS, the New Jersey Legislature responded quickly to the Court’s Mount Laurel decision by enacting the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., which created the Council on Affordable Housing (“COAH”) which as the Court noted in Mount Laurel IV “. . . was designed to provide an optional administrative alternative to litigating constitutional

compliance through civil exclusionary zoning actions.” (*In re Adoption of N.J.A.C. 5:96 & 5:97 ex rel. New Jersey Council on Affordable Hous.*, 221 N.J. 1, 4 (2015); and

WHEREAS, COAH, pursuant to the authority granted to it by the Fair Housing Act, then adopted procedural and substantive rules that provided clear guidance to municipalities as to how they could meet their affordable housing obligation; and

WHEREAS, in its rules, COAH assigned a fair share number to each municipality and set forth various mechanisms that a municipality could use in order to satisfy that obligation; and

WHEREAS, the Borough of Watchung, like many other municipalities throughout the State of New Jersey, met its First and Second Round Affordable Housing Obligations through the COAH process; and

WHEREAS, COAH adopted the First Round Rules for the period from 1987 through 1993 and the Second Round Rules for the period 1993 to 1999 and then extended to 2004; and

WHEREAS, COAH was obliged by the Fair Housing Act to adopt Third Round Rules to take effect in 2004, however, but never adopted rules that were acceptable to the Courts; and

WHEREAS, in 2015, the Supreme Court again stepped in, finding that COAH’s failure to adopt Third Round Rules forced the Court to intervene; and

WHEREAS, the Supreme Court designated Mount Laurel judges in each of the fifteen court vicinages to hear all Mount Laurel cases; and

WHEREAS, instead of providing clear guidance, like the COAH rules did, the Supreme Court in Mount Laurel IV set forth vague standards that have led to a complex system of non-uniform implementation; and

WHEREAS, as a result of the Supreme Court’s decision in Mount Laurel IV, municipalities no longer were assigned fair share numbers, no longer had clear and concise procedural and substantive rules to follow, and no longer had one tribunal to decide these issues, which meant that even the threshold issues of regional need and local fair share obligations had to be litigated before fifteen different Mount Laurel judges, and as a result, municipalities were forced to spend tens of thousands, and in some cases hundreds of thousands of dollars, to negotiate fair share numbers with the Fair Share Housing Center (“FSHC”) and to gain court approval of settlement agreements negotiated with FSHC; and

WHEREAS, the Supreme Court in Mount Laurel IV concluded its opinion by encouraging the Legislature to once again assume responsibility in the area of affordable housing, saying:

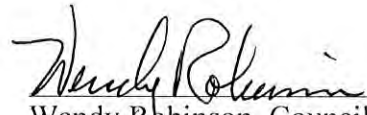
“In conclusion, we note again that the action taken herein does not prevent either COAH or the Legislature from taking steps to restore a viable administrative remedy that towns can use in satisfaction of their constitutional obligation. In enacting the FHA, the Legislature clearly signaled, and we recognized, that an administrative remedy that culminates in voluntary municipal compliance with constitutional affordable housing obligations is preferred to litigation that results in compelled rezoning. (Citation omitted.) It is our hope that an administrative remedy

will again become an option for those proactive municipalities that wish to use such means to obtain a determination of their housing obligations and the manner in which those obligations can be satisfied" (*In re Adoption of N.J.A.C. 5:96 & 5:97 ex rel. New Jersey Council on Affordable Hous.*, 221 N.J. 1, 34 (2015)); and

WHEREAS, it has been five years since the Mount Laurel IV opinion was issued and none of the Legislatures, Governors or COAH have taken any action to remedy the situation; and

WHEREAS, if the Governor, the Legislature and COAH fail to act, municipalities will once again face a burdensome, time-consuming and expensive process to obtain Fourth Round Mount Laurel compliance starting in 2025;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Watchung, County of Somerset, State of New Jersey, that it does hereby request that the Governor and the Legislature take immediate and decisive action to restore a viable administrative remedy that municipalities can use in satisfaction of their constitutional obligations to provide affordable housing.


Wendy Robinson, Council President


Keith S. Balla, Mayor

Date: December 17, 2020
Index: MISC
C:

I, Edith G. Gil, Clerk of the Borough of Watchung, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough of Watchung at a duly convened meeting held on December 17, 2020.

Edith G. Gil, Borough Clerk

RESOLUTION***AUTHORIZING THE PLACEMENT OF A MID-BLOCK CROSSWALK ACROSS BAYBERRY LANE AND THE INSTALLATION OF THE APPROPRIATE SIGNAGE AND RE-STRIPING OF THE STREET FOR THE SAME***

WHEREAS, the Borough of Watchung supports the improved access and safety for its pedestrians and seeks to create a pedestrian friendly environment; and

WHEREAS, the Borough of Watchung at some point previously authorized the placement of a mid-block crosswalk across Bayberry Lane in the Borough of Watchung ("Bayberry Lane Crosswalk"); and

WHEREAS, the paint designating the existing crosswalk across Bayberry Lane has faded and requires re-striping; and

WHEREAS, the New Jersey, Pedestrian Safety, Action Plan Toolbox issued by the New Jersey Department of Transportation indicates that mid-block crossings should also be accompanied with signs or markings to alert drivers that a crosswalk is ahead; and

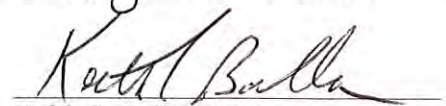
WHEREAS, the Borough of Watchung Acting Chief of Police and the Principal Public Works Manager conducted a site visit relating to the Bayberry Lane Crosswalk and have recommended the re-striping of the crosswalk and the installation of two (2) pedestrian crossing signs along with associated arrows and no parking signs to be located on each side of Bayberry Lane; and

WHEREAS, the Mayor and Council of the Borough of Watchung have determined that it is in the best interest of the health, safety and welfare of the Borough of Watchung to authorize and direct the placement and the re-striping of the Bayberry Lane Crosswalk and the installation of two (2) pedestrian crossing signs along with associated arrows and no parking signs to be located on each side of Bayberry Lane.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey to authorize and direct the placement and re-striping of the mid-block cross-walk located across Bayberry Lane and the installation of two (2) pedestrian crossing signs along with associated arrows and no parking signs to be located on each side of Bayberry Lane; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Watchung that it hereby authorizes all Borough officials and employees to take all action necessary in order to effectuate the within Resolution, including but not limited to the re-striping of the Bayberry Lane Crosswalk and the purchase and installation of the appropriate signage.


Wendy Robinson, Council President


Keith S. Balla, Mayor

Date: December 17, 2020
Index: Roads,
C: C. Taylor, C. Gunther,

RESOLUTION

***ACCEPTING A GRANT FROM THE NJ OFFICE OF THE ATTORNEY GENERAL,
IN THE AMOUNT OF \$32,400.00 UNDER THE FY2021 SAFE AND SECURE
COMMUNITIES PROGRAM, SUBAWARD GRANT NUMBER 21-1821***

WHEREAS, the Borough of Watchung was awarded funding for a project under the FY 2021 Safe and Secure Communities Program, and

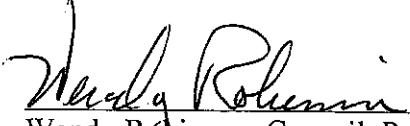
WHEREAS, the Mayor and Council have reviewed the accompanying application and have approved said request, and

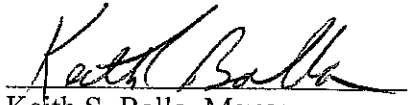
WHEREAS, the project is a joint effort between the NJ Office of the Attorney General, Department of Law and Public Safety and the Borough of Watchung for the purpose described in the application;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey that:

1. As a matter of public policy the Borough of Watchung wishes to participate to the fullest extent possible with the Department of Law and Public Safety and accepts this Safe & Secure Grant.
2. The Borough is authorized to accept a subaward grant from the State of New Jersey, Department of Law and Public Safety, Office of the Attorney General, in the amount of \$32,400, under the Safe and Secure Communities Program Grant # 21-1821, with a match and fringe benefits, for a total project cost of \$300,134.
3. The Mayor and Acting Police Chief are authorized to execute and the Borough Clerk to attest to a subgrant award in connection with this grant, and all documents in connection with this grant.
4. The Borough of Watchung is accepting this grant of funds for the purpose described in the application.


5. The amount of the award is \$32,400 with a match of \$267,734 by the Borough.
6. The Subaward Number is 21-1821 and the period is from April 8, 2021 – April 7, 2022.


Wendy Robinson, Council President


Keith S. Balla, Mayor

CERTIFICATION OF RECORDING OFFICER

This is to certify that the foregoing is a true and correct copy of a resolution finally adopted at the meeting of the Mayor and Council of the Borough of Watchung held on December 17, 2021 and duly recorded in my office; that all requirements of law pertaining to the conduct of said meeting and the passage of this resolution were observed; and that I am duly authorized to execute this certificate.


Signature of Certifying Officer
Municipal Clerk

Date: December 17, 2020
Index: Finance, Misc.
CC: W. Kelly
W. Hance

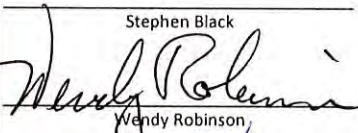
RESOLUTION

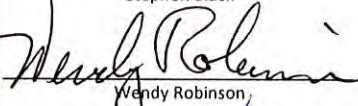
BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung,
that the Borough Treasurer be, and is hereby directed to pay bills in the amount of
\$1,052,335.20 per the attached bill list. The expenditures can be broken down into
the following categories:

Affordable Housing Trust	\$	2,745.00
Animal Control	\$	-
Capital Fund	\$	-
Developer's Escrow	\$	18,222.82
Other Escrow	\$	83,290.00
Somerset County Taxes	\$	-
Somerset County Open Space Taxes	\$	-
Somerset County Library Taxes	\$	-
Watchung Board of Education Taxes	\$	-
Watchung Hills Regional High School Taxes	\$	-
Current Fund	\$	935,878.62
Grant Fund	\$	5,423.76
Watchung Community Foundation	\$	6,775.00
Total Expenditures:	\$	1,052,335.20

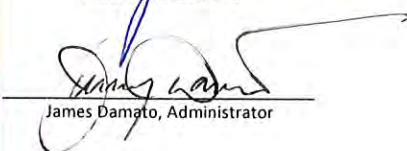

Lindsay Goodloe

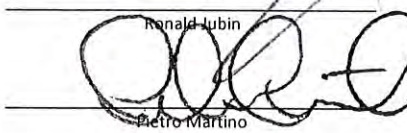

Daryl Eisenberg Knechten



Stephen Black

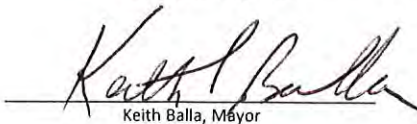

Wendy Robinson


William J. Hance, CFO


James Damato, Administrator


Ronald Rubin


Pietro Martino

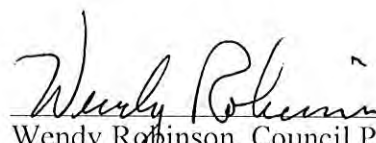

Keith Balla, Mayor


Date: December 17, 2020
Index: Finance
C: Finance

RESOLUTION

BE IT HEREBY RESOLVED by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey that it hereby appoints **William P. Kelly, III** as Chief of the Department of Police of the Borough of Watchung for a term ending on December 31, 2022 at an annual salary as negotiated and agreed upon by the parties and consistent with the Salary Ordinance of the Borough of Watchung; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Watchung that it hereby authorizes the Mayor and other Borough Officials and employees to take all actions necessary to effectuate this Resolution, including but not limited to the execution of an agreement reflecting the negotiated terms and conditions of employment.


Wendy Robinson, Council President


Keith S. Balla, Mayor

Date: December 17, 2020

Index: Appointments, Police, Salaries

C: B. Hance, E. Horsfall, W. Kelly

RESOLUTION

BE IT RESOLVED by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey that the following appointment to the Historical Committee is hereby confirmed.

Historical Committee

John Edward Malchow

Term

1-year term, Ending December 16, 2021



Lindsay Goodloe, Council Member

Keith S. Balla, Mayor

Date: December 17, 2020
Index: Appointments
C: A. Murad

RESOLUTION

WHEREAS, the Borough of Watchung solicited for proposals for snow plowing services;
and

WHEREAS, two proposals were received; and

WHEREAS, the Public Works Manager and the Borough Administrator have reviewed the proposal and are recommending an award of contract; and

WHEREAS, N.J.S.A. 40A:11-5 et seq. provides for the awarding of a contract after the soliciting of at least two (2) competitive quotations; and

WHEREAS, the Chief Finance Officer has certified funds for the contract authorized are provided for in regular operating budget, #0-01-205-273.


William Hance, CFO

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey that the Mayor and Borough Clerk are hereby authorized and directed to execute a contract for the services of **ASL Group LLC., 21 Eaton Road, Watchung, NJ 07069**, for snow plowing services on an as needed basis to assist the Department of Public Work at an hourly rate of \$265.00 per hour, in a total amount not to exceed \$10,000.00 as set forth in their proposal, herewith attached and received December 1, 2020.

BE IT FURTHER RESOLVED that this resolution is hereby ratified to December 1, 2020 and that the Borough Clerk is hereby authorized to advertise the award of this contract within ten days from the date hereof in accordance with the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) concerning the award of contracts services without competitive bids.


Pietro Martino, Council Member


Keith S. Balla, Mayor

Date: December 17, 2020
Index: Award contract
C: W. Hance, C. Gunther

RESOLUTION

WHEREAS, Ms. Harriet Stambaugh dedicated herself to the well-being of her Watchung community as a Member of the Borough's Board of Health since September 26, 1991 and has been one of the longest serving members of the Board; and

WHEREAS, as a Registered Nurse, Harriet brought a wealth of knowledge and experience which she has applied to the many diverse health related issues that Watchung has encountered, including but not limited to various past outbreaks of influenza, children who were potentially exposed to lead-based paint and even now during the current pandemic situation that the world is facing; and

WHEREAS, Harriet's passion for being a Nurse in the Warren school system led her to further educate herself where she successfully obtained a Master's degree in Nursing, went on to become a CPR Instructor and has always been a public health and student advocate; and

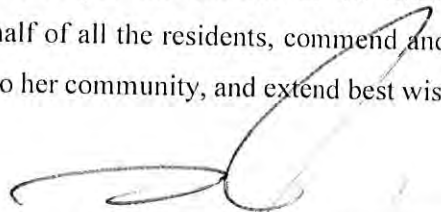
WHEREAS, Harriet's extensive knowledge in the health industry became invaluable and earned her a reputation as being a leading health expert and came to serve as Vice-President of the Board of Health for many years; and

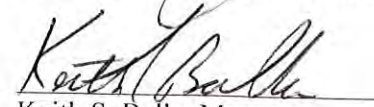
WHEREAS, Harriet has not only served the Borough's local Board of Health, but has also served as a Member of the Middlebrook Regional Health Commission, where she has served as an Alternate Member representing the Borough of Watchung's interest; and

WHEREAS, Harriet now wishes to retire as of December 15, 2020 and the Mayor and Council regrettably accept her resignation; and

WHEREAS, our gratitude extends to Harriet's wonderful family, her husband Joel and her children Tyler and Stephanie, for sharing and supporting her service and dedication to the residents during these past precious years with us.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey on behalf of all the residents, commend and thank Harriet Stambaugh for her years of service and commitment to her community, and extend best wishes for a very healthy, happy, and rewarding retirement!


Ronald Jubin, Council Member


Keith S. Balla, Mayor

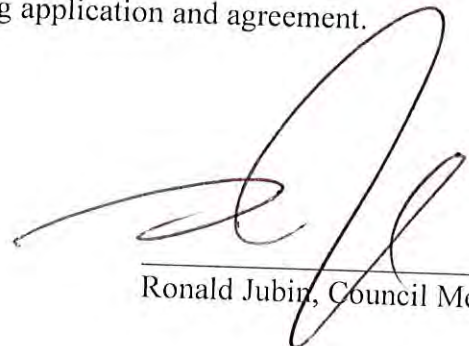
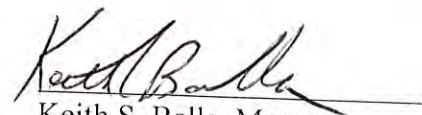
Date: December 17, 2020
Index: MISC
C: BOH,

RESOLUTION

WHEREAS, the Borough of Watchung wishes to allow its residents to register or renew their pet licenses online commencing on January 1, 2021; and

WHEREAS, in order to accept and process online card payments, the Borough must partner with a merchant processing company known as MunicPay, who shall in turn charge a small convenience fee per transaction to anyone wishing to take advantage of an online registration process.

BE IT HEREBY RESOLVED, that the Governing Body of the Borough of Watchung, County of Somerset, State of New Jersey hereby authorizes the Borough Clerk and the Chief Financial Officer to take all actions necessary to effectuate this resolution, including but not limited to the execution of a merchant processing application and agreement.


Ronald Jubin, Council Member
Keith S. Balla, Mayor

Date: December 17, 2020
Index: MISC
c: W. Hance,

RESOLUTION

WHEREAS, N.J.S.A. 40:48-5.1 mandates that under certain specified circumstances a municipality must enter into negotiations with an animal control service for the collecting, keeping, redemption and destroying of stray animals with the municipality; and

WHEREAS, said statute provides that the municipality may enter into a contract for the provision of services with such a humane society without advertisement for public bids; and

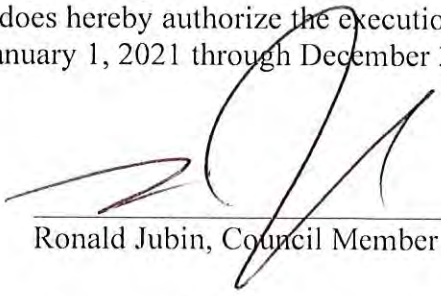
WHEREAS, pursuant to the provisions of said statute, the Borough of Watchung has entered into negotiations with Washington Humane Society (dba St. Hubert's Animal Welfare Center), which meets the requirements of N.J.S.A. 40:48-5.1; and

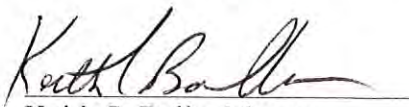
WHEREAS, the Chief Financial Officer has certified that funds are available for this contract in the animal control trust fund and the municipal budget; and


Chief Financial Officer

WHEREAS, the Mayor and Council have determined that it is in the best interest of the municipality to enter into a one-year contract with Washington Humane Society dba St. Hubert's Animal Welfare Center.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey does hereby authorize the execution of a one-year contract, in the form annexed hereto, effective January 1, 2021 through December 31, 2021 in the amount of \$16,839.00


Ronald Jubin, Council Member


Keith S. Balla, Mayor

Date: December 17, 2020

Index: Awards,

CC: Finance, Bd of Health, Police Chief

RESOLUTION

WHEREAS, the Borough of Watchung greatly appreciates the many volunteers who donate their time for the good and well-being of all residents; and

WHEREAS, the Governing Body is aware that volunteerism is becoming rarer as people try to juggle many activities in their busy lives; and

WHEREAS, this is especially true when the position one is volunteering their time for is a dangerous one, where in a moments' notice their life can be put on the line for the safety of others.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey, that the appointments of the following individuals, as Members of the Watchung Fire Department are hereby proudly approved.

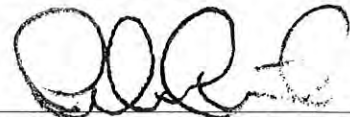
Matthew M. Picone

Blas F. Peralta

Matthew T. Dean

Victor M. Cardona, Jr.

BE IT FURTHER RESOLVED, that the Governing Body of Watchung hereby commends these volunteers for serving our community in this capacity.



Pietro Martino, Council Member



Keith S. Balla, Mayor

DATE: DECEMBER 17, 2020
INDEX: FIRE COMPANY
C: FIRE DEPT., FINANCE,

RESOLUTION

WHEREAS, Section 8 of the Open Public Meetings Act (N.J.S.A. 10:4-12(b)(1-9)) permits the exclusion of the public from a meeting in certain circumstances; and

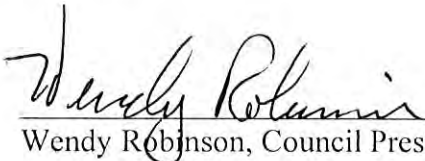
WHEREAS, the Governing Body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Watchung, County of Somerset, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the closed session of December 17, 2020.
2. The general nature of the subject matter to be discussed is as follows:

Contract Negotiation
Personnel Matters
Pending Litigation
Attorney-Client Privilege Matters

3. Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.
4. The Borough Council may take official action on those items discussed in executive session upon completion of the executive session.


Wendy Robinson, Council President


Keith S. Balla, Mayor

Date: December 17, 2020
Index: Misc.