

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
August 29, 2022

Mayor Mary Jane Canose called this meeting to order at 7:00 p.m. remotely on Zoom. Present were Council Members Jay Ambelang, Diane Greenfield, Jena McCredie, Chad McQueen, Al Ribeiro, and Christine Zamarra. Also present were John Pidgeon, Borough Attorney, Tom Czerniecki, Administrator, and Anthony Suriano, Borough Clerk.

STATEMENT OF PRESIDING OFFICER

Notice of this meeting was provided to the Bernardsville News and Courier News, filed with the Municipal Clerk and posted on the Municipal Bulletin Board on August 9, 2022.

PLEDGE OF ALLEGIANCE

RESOLUTIONS

#22-172 APPROVING AN APPLICATION FOR A LONG TERM TAX EXEMPTION PURSUANT TO THE LONG TERM EXEMPTION LAW, N.J.S.A. 40A:20A-1 ET SEQ., FOR THE PROPERTIES LOCATED AT 18 MOUNT AIRY ROAD (BLOCK 124, LOT 1), MINE BROOK ROAD (BLOCK 80, LOT 15.38) AND 63 BERNARDS AVENUE (BLOCK 102, LOT 12)

Mr. McQueen moved to adopt Resolution #22-172. Ms. McCredie seconded and the motion was approved by the following roll call vote. Mr. Ambelang, Ms. Greenfield, Ms. McCredie, Mr. McQueen, Mr. Ribeiro, and Ms. Zamarra voted yes.

ORDINANCES (Public Hearing)

Mayor Canose opened the public hearing on Ordinance #2022-1931, **APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR A TAX EXEMPTION PURSUANT TO THE LONG TERM TAX EXEMPTION LAW OF MINE BROOK ROAD URBAN RENEWAL ASSOCIATES, LP FOR THE CONSTRUCTION OF A RESIDENTIAL PROJECT LOCATED AT 18 MOUNT AIRY ROAD (BLOCK 124, LOT 1), MINE BROOK ROAD (BLOCK 80, LOT 15.38) AND 63 BERNARDS AVENUE (BLOCK 102, LOT 12).** Hearing no comments or questions from the public, Mayor Canose closed the public hearing.

Mr. Ribeiro moved to pass this ordinance on final reading and adopt as published. Mr. McQueen seconded.

Mr. Ribeiro said he had comments mainly based on watching the Planning Board meeting. He said he realizes there is uneasiness in the borough around affordable housing. He said he wanted to underscore that he thinks that Bernardsville and other boroughs are not happy about the

affordable housing mandates coming from the state. He said we had joined other boroughs to even push back on the state on some of the burden being placed on communities like ours. That being said, he mentioned it's an obligation that has been handed to us. He said he welcomes the fact that we're facing it head on and making sure that we do it in a way that works for our community. He said by doing it the way we are doing it, we're actually fulfilling just over half of our affordable housing mandate and there's going to be more to come. He said he wanted to point that out because there's been a lot of discussion in the community around why certain lots are considered and he feels that we've taken a very diligent approach over a number of years via a number of different councils in a bipartisan way. He said he thinks it's important that we make the choices ourselves rather than having a court or other authority from the state handed directly on to us. Mr. McQueen said we are going to put on the agenda a presentation about what the requirement is and how we have to fulfill it. He said the bottom line is as a borough, the other alternative is a builder's remedy, which means that eight units get built for every unit of affordable housing, so that could mean as many as fourteen hundred to sixteen hundred units being built in our town that we couldn't control. He said that increase in our population isn't something that's acceptable for anyone so it's a very challenging situation. He said at a future meeting in the month of September we'll make a presentation that sort of goes back in time and provides the public an update. Mr. Ribeiro said the second comment he wanted to make is for RPM. He said he watched the Planning Board meeting and they did a great presentation. He said for the property on 202 there were concerns among the community around access to the trail as well as concerns around safety with the sidewalk and accessibility to downtown. He said for the Bernards Avenue site the concern is making sure that we're taking into consideration this significant refurbishment we're going to have around Bernards Avenue and the neighborhood. He said for the Mount Airy project, there's a lot of concerns around traffic build up on Mount Airy. He said there was a resident at 20 Mount Airy Road that had concerns around the proximity to his house and his family. Mr. Ribeiro said he knows Mr. McQueen will work directly with the Planning Board on trying to find remediation to these concerns. Mr. McQueen said all those things that Mr. Ribeiro highlighted were noted by the Planning Board. He said the Planning Board is very diligent and made up of concerned citizens and he is certain that they'll ensure that those things get rectified. Mayor Canose said part of planning in how we did our affordable housing was to not have a giant development somewhere as we have seen in other towns. She said our goal was to try and make these affordable units part of neighborhoods so they're not an edifice you see as you drive into town. She said unfortunately we have to do it in the downtown area, which was one of the complaints people had as to why is it always in their neighborhood. She said we don't have sewers outside of downtown so a multiple family dwelling needs a sewer as well as part of the tax credit requirement is that it is located a half mile to transportation. She said she continues to reach out to our legislators because this should not be in the courts. She said it really needs to be done more on a district-wide or a county-wide basis in order to really take a good look at who has property and how this can be done without impacting all our small towns like it is now. Mr. McQueen said this has been something that none of us liked and this is the best of a bad situation.

The motion to adopt was approved by the following roll call vote. Mr. Ambelang, Ms. Greenfield, Ms. McCredie, Mr. McQueen, Mr. Ribeiro, and Ms. Zamarra voted yes.

OPEN SESSION

Mayor Canose opened the meeting to the public. Hearing no comments from the public, Mayor Canose closed the open session.

Mr. Czerniecki thanked Mr. Pidgeon for his hard work in pulling these together as it wasn't easy and he put a lot of effort into it. He said when Mr. McQueen was talking about the builder's remedy, there are governing bodies that over decades stick their head in the sand and don't deal with their obligation and they're just dealing with these builder remedy suits that get imposed upon them. He said it's really a credit to this governing body for not taking what sometimes is the politically easier way out and do what's better for the balanced planning of the community. He said in towns like Bernardsville there is the importance of the open space tax and the planning that is done around open space. He said this is critical to keeping the town in balance.

ADJOURNMENT

The meeting was adjourned at 7:15pm.
