

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL WORKSHOP MEETING
HELD ON APRIL 9, 2025**

The meeting was called to order by Mayor Kaminski at approximately 6:05 P.M. with the opening statement that the meeting had been duly advertised and met all the requirements of the Sunshine Law. Also present were: Deputy Mayor Verrilli, Councilman Kula, Councilman Miller, Councilman Cicerale, Manager Carrine Piccolo-Kaufer and Deputy Clerk Dana Vitz. Township Attorney Rob Rossmeissl of Dorsey & Semrau was present via Zoom.

DISCUSSION ITEMS:

Township Manager and Council discussed the following items:

- A. Manager Projects – IT, Phones, Finance & Payroll
- B. Wheatsworth Park Future Projects & Lease Agreement
- C. Recreation – Field Usage Fees
- D. Zoning Revisions/Land Use Updates
- E. Resolution #29-25 - Resolution Approving a Settlement Order & Agreement with the NJ Builder's Association in Association with the Township's Declaratory Judgement Complaint and 4th Round Affordable Housing Obligation

RESOLUTION #29-25

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE
TOWNSHIP OF HARDYSTON
APPROVING A SETTLEMENT ORDER AND AGREEMENT
WITH NEW JERSEY BUILDER'S ASSOCIATION
IN THE MATTER DOCKETED IN THE
SUPERIOR COURT OF NEW JERSEY, LAW DIVISION AS SSX-L-54-25
AND AUTHORIZING APPROVAL OF THE MARCH 31, 2025 SETTLEMENT ORDER
ENTERED BY THE COURT AND THE NEGOTIATION AND
EXECUTION OF ANY FURTHER REQUIRED FORMS OF SETTLEMENT
AGREEMENT AND ANY AND ALL OTHER RELATED AND NECESSARY
DOCUMENTS, AND AUTHORIZING THE CONDUCTING AND PARTICIPATION IN
ANY AND ALL FURTHER HEARINGS OR PROCEEDINGS
NECESSARY TO IMPLEMENT THE TERMS OF THE SETTLEMENT ORDER
AND AGREEMENT**

DECIDED AND ADOPTED: APRIL 9, 2025

WHEREAS, in accordance with the *Mount Laurel* doctrine, the Township of Hardyston (the "Township" or "Hardyston") and all municipalities in the State of New Jersey have a constitutional obligation to create a realistic opportunity for producing a fair share of the regional present and prospective need for housing affordable to very low-, low-, and moderate-income families; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) (the "Amended FHA"); and

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL WORKSHOP MEETING
HELD ON APRIL 9, 2025**

WHEREAS, the Amended FHA requires the New Jersey Department of Community Affairs (the “DCA”) to produce non-binding estimates of affordable housing need on or before October 20, 2024; and

WHEREAS, the DCA issued a report on October 18, 2024 (the “DCA Report”) wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates the Township’s Round 4 (2025-2035) affordable housing obligation(s) as follows: a Present Need or Rehabilitation Obligation of “22” and a Prospective Need or New Construction Obligation of “1622” (prior to the application of caps, credits or adjustments available to the Township); and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Round 4 affordable housing obligations; and

WHEREAS, the Amended FHA specifically provides that “[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or biding court decisions” (N.J.S.A 52:27D-311 (m)); and

WHEREAS, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

WHEREAS, based on the foregoing, the Township reviewed the DCA calculations as set forth in the DCA Report of the Township’s affordable housing obligations and on January 22, 2025, the Township Council adopted Resolution #41-2025 (the “4th Round Commitment Resolution”), committing to a 4th Round Present Need Obligation of “22” and 4th Round Prospective Need Obligation of “548” (the “Township 4th Round Calculations”); and

WHEREAS, the 4th Round Commitment Resolution includes the basis for the Township 4th Round Calculations, as well as detailed report of the calculations which was annexed to and incorporated by reference therein; and

WHEREAS, In preparation for conducting its analysis and calculations, the Township professionals reviewed the DCA Report, calculations and underlying supporting data, and in addition, also reviewed the Township’s up-to-date localized data, amongst other verifiable information, including recent land use approvals, updated

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL WORKSHOP MEETING
HELD ON APRIL 9, 2025**

environmental constraints (including wetlands, wetland buffers, steep slopes), conservation easements, deed restrictions and other site specific information, construction permits, and MOD-IV data maintained and on file with the Township, and ultimately determined that "...the DCA arrived at the Township's land capacity factor using incorrect assumptions and outdated data and/or incorrect or inaccurate data, including geospatial artifacts and anomalies,,,"; and

WHEREAS, accordingly, the Township excluded 241.678 acres from the Township's land capacity factor, and determined that only 83.870 acres is developable, reducing the Township's land capacity factor from 16.44 to 4.83, and therefore reducing the DCA allocation of prospective need as set forth in the DCA Report from 1622 to 548; and

WHEREAS, on January 23, 2025, the Township filed its declaratory judgment complaint (the "DJ Complaint") along with its 4th Round Commitment Resolution with the Affordable Housing Dispute Resolution Program ("Program") in accordance with L. 2024, c. 2 and Administrative Directive #14-24, "Civil – Affordable Housing Dispute Resolution Program – Implementation of L. 2024, c. 2" (Dec. 13, 2024); and

WHEREAS, on February 27, 2025 the New Jersey Builders Association ("NJBA") filed a non-conforming Answer and non-conforming challenge to the Township's calculation of its 4th Round Prospective Need Obligation, which relate solely to the Township's 4th Round Prospective Need Obligation (the "NJBA Challenge"); and

WHEREAS, NJBA and the Township participated in settlement negotiations before the Hon. Stephan Hansbury, J.S.C. (ret.) on March 31, 2025, and agreed to settle the NJBA Challenge by establishing a 4th Round Prospective Need Obligation of 647 units (the "Township 4th Round Prospective Need Calculation"), as memorialized in the attached Decision and Order dated March 31, 2025, attached hereto as Exhibit A (the "Settlement Order"); and

WHEREAS, the Mayor and Council has reviewed the Settlement Order and the Township 4th Round Prospective Need Calculation and hereby approves same, and furthermore hereby authorizes Special Counsel to execute any and all documentation required in furtherance of the Settlement Order on behalf of the Township and the Mayor and Council, and further authorizes the Township Manager, Township Engineer,

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL WORKSHOP MEETING
HELD ON APRIL 9, 2025**

Township Planners, Township Mayor, Township Clerk, and any all such other individuals as may be necessary, to execute any and all such documentation, if required.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Hardyston, County of Sussex, State of New Jersey, as follows:

1. Special Counsel for the Township is authorized to negotiate, finalize, and execute any and all documentation required in furtherance of the Settlement Order on behalf of the Township and the Mayor and Council, if required.

2. The Township Manager, Township Engineer, Township Planners, Township Mayor, Township Clerk, and any all such other individuals as may be necessary, is authorized to execute any and all documentation required in furtherance of the Settlement Order on behalf of the Township and the Mayor and Council, if required.

3. The Township Mayor and Council and/or the Township Land Use Board are authorized to conduct any hearings necessary to implement the Settlement Order.

4. The Township's 4th Round Housing Element and Fair Share Plan shall incorporate reference to the Settlement Order and include the Township 4th Round Prospective Need Calculation therein.

This Resolution shall take effect immediately.

A motion was made by Verrilli to approve the resolution as presented, seconded by Miller. All in favor. Motion carried.

COUNCIL COMMENTS:

Councilman Cicerale asked about a fine that was waived by the Construction Official. Councilman Cicerale thought fines should only be waived by the Council. The Township Manager will investigate this.

Councilman Cicerale asked if there had been tax assessor evaluations on all township owned parcels. The Township Manager responded that a prior list had been created and looked at, but they can re-evaluate this.

Councilman Kula asked if the Township Manager has had a discussion with the Police Chief regarding patrolling the recreation fields.

PUBLIC COMMENT (in accordance with P.L. 2002, c.80): A motion was made and seconded to open the meeting to the public. All in favor. Motion carried.

Resident Vally Cicerale suggested offering township owned parcels to Habitat for Humanity. She stated that it may help with our affordable housing numbers.

Resident Tony Alfano stated that the Preschool is currently updating their playground with the same vendor the Township will likely use, and the costs associated are comparable to what the Township was quoted. He suggested that we expand the parking lot for Wheatsworth Park if the pavilion undergoes an upgrade. He also stated that the Claremont Distillery was opening on Friday (4/11/25) and asked the Township Manager for a ribbon cutting ceremony for them.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL WORKSHOP MEETING
HELD ON APRIL 9, 2025**

A motion was made by Kula and seconded by Verrilli to close the meeting to the public. All in favor. Motion carried.

ADJOURNMENT: At approximately 7:28 p.m., a motion was made by Verrilli to adjourn seconded by Kula. All in favor. Motion carried.

Dana Vitz
Deputy Municipal Clerk