**OCEANPORT PLANNING BOARD**
**MINUTES**
**SPECIAL MEETING**
**December 5, 2012**

Chairman Widdis called the meeting to order at 7:02 p.m. and announced that the meeting had been advertised in accordance with the Open Public Meetings Act.

Chairman Widdis led the flag salute.

**MEMBERS PRESENT**: Mr. Kahle, Councilman Johnson, Mr. Kleiberg, Mr. Fichter, Mr. Whitson, Mr. Widdis

**MEMBERS ABSENT:** Mr. McCarthy, Mr. Savarese, Mr. Sullivan, Ms. DeSousa

**OFFICIALS PRESENT:** Jeanne Smith, Board Secretary, William H. White, Board Engineer/Planner, Elizabeth McManus of Clark Caton Hintz, Borough's Planners

**BOARD BUSINESS:**

1. Public Hearing on Proposed Amendment to Master Plan\ Amendment to the Amended Housing Third Round Housing Element and Fair Share Plan

Chairman Widdis provided an update on the Oceanport Holdings/Builder's Remedy lawsuit, its dismissal, the result of the dismissed litigation and the necessity of amending the Master Plan to comply with the Fair Housing Act and the Borough's COAH obligations which would protect the Borough from future Builder's Remedy suits.

Elizabeth McManus of Clark Caton Hintz, Borough Planners, was sworn in and gave a presentation on COAH, its status, the dismissal of the lawsuit and the court's requirements to comply with the court's orders, the Borough's proposed amendments to the Master Plan's Housing Element and Fair Share Plan to meet compliance requirements, an explanation of the type of units, how applied including bonus credits for rental units, an explanation of the various COAH programs that the Borough would use to meet its obligation and where in the Borough, subsequent steps to court approval including amendment of the Master Plan, adoption of revised zoning, adoption of the accessory apartment ordinance, adoption of an Affordable Housing ordinance.

Ms. McManus concluded by requesting that the Planning Board adopt the Housing Element as part of the Master Plan and that the Governing Body endorse it so that it may be submitted to the Court for approval.

Chairman Widdis opened the meeting to the public for questions or comments.

**PUBLIC:**

Neisa Silverberg, 8 Pemberton Avenue, asked questions about the height and # of stories proposed for the development at the Old Wharf restaurant site which Ms. McManus addressed. Ms. Silverberg asked about the proposed site across from the First Aid Building used as a parking lot for the Old Wharf House and where would they go to park which Ms. McManus responded that the proposal was only the first step and that the Governing Body would be discussing where the parking would be relocated. Ms. Silverberg expressed concern about the site and flooding after the last storm and wasn't there any other location in Oceanport where the project could be located. Chairman Widdis explained why that site was selected and that everything would have to be built to code and any new elevation requirements put in place after the last storm. Ms. Silverberg asked if the Pemberton Ave. site was for rental units and would the site affect her property value which Ms. McManus responded that the site would be for units for sale and that there was nothing that indicated that the site would impact property values and that the Borough would have an element of control over the development and its characteristics with the neighborhood.

A male member of the public asked if there was a time requirement to have the site constructed. Ms. McManus answered that COAH typically required a 2 year period so once everything was in place the Borough would have to retain a developer to convey the property to and be constructed. The gentleman also asked if Fort Monmouth was proceeding was it possible that the units could come from their and leave the lot as it was. Ms. McManus answered it would all be a matter of time but if the timing worked the Borough would always have the ability to amend the Plan.

As no one else from the public wished to be heard Chairman Widdis closed that portion of the meeting.

2. Resolution – Master Plan Amendment – Resolution was summarized by Ms. McManus after which Mr. Whitson made a motion to approve the resolution which was seconded by Mr. Kleiberg and received the following roll call:

| | |
|---|---|
| AYES: | Mr. Whitson, Mr. Kahle, Councilman Johnson, Mr. Kleiberg, Mr. Fichter, Mr. Widdis |
| NAYES: | None |
| ABSTAIN: | None |
| ABSENT: | Mr. McCarthy, Mr. Sullivan, Mr. Savarese, Ms.DeSousa, |
| INELIGIBLE: | Councilman Johnson |

Ms. Smith stated the motion carried.

**PETITIONS FROM THE PUBLIC**: Chairman Widdis opened the meeting to Petitions from the Public and as no one from the public wished to be heard, Chairman Widdis closed that portion of the meeting.

**ADJOURNMENT:** As there was no further business, the meeting was adjourned at 7:33 p.m. on a motion by Councilman Johnson which was seconded by Mr. Fichter and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary