



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES • FEBRUARY 10, 2020

Special

Blackberry Bay Park PAVILION

6:00 PM

440 Port Au Peck Avenue, Oceanport, NJ 07757

I. Call to Order & Open Public Meetings Act Statement: Vice Chairman Whitson called the meeting to order and give advised this Special Meeting complies with the Open Public Meetings Act by notification on January 23, 2020 of this location, date and time to the Asbury Park Press and the LINK News and by the posting of same on the municipal bulletin board and Borough Web Site.

II. Flag Salute: Vice Chairman Whitson led the Board and audience in the flag salute.

III. Roll Call:

Attendee Name	Title	Status	Arrived
Christopher Widdis	Chairman	Absent	
James Whitson	Vice Chairman	Present	
Patty Cooper	Mayor's Designee	Present	
Thomas Tvrdik	Class III	Present	
Joseph Foster	Environmental Committee Liaison	Present	
John (Jack) Kahle	Class IV	Absent	
Michael Savarese	Class IV	Late	6:40 PM
Robert Kleiberg	Class IV	Present	
Darren Davis	Class IV	Absent	
Michael Dailey	Alternate I	Present	
Jacob Rue	Alternate II	Present	
Jeanne Smith	Board Secretary	Present	
Kevin Kennedy	Board Attorney	Present	
William White	Board Engineer/Planner	Absent	

IV. BOARD BUSINESS:

1. Master Plan Amendment - 3rd Round Housing Element & Fair Share Plan

Proposed amendments to the Third Round Housing Plan Element and Fair Share Plan
Borough Planner: Kendra Lelie, Kyle & McManus Associates

Mr. Kennedy stated for the record that the Secretary had performed the necessary notifications for this Master Plan amendment and public hearing with notice requirements were surrounding municipal clerks and county planning board.

Ms. Lelie was sworn in and provided her credentials. Ms. Lelie referring to a presentation provided to the Board, reviewed the history of Mount Laurel, Affordable Housing, explained what affordable housing is, reviewed the income maximums and minimums for qualification, reviewed the sales and rents limits for affordable units, the makeup of the obligation required by law including 25% senior, 25% rental and 50% family and the percentages of each required for very low-, moderate low- and moderate-incomes. Ms. Lelie also provided the Board with a history of Oceanport's obligations as determined by the different rounds: Rehab 2, Prior Round (1987-1999) 149 and Third Round (1999-2025) 142; and how the Borough was satisfying the obligation through various project sites. She also entailed the Borough's on-going litigation since 2005, the recent negotiations and settlement agreement and the steps that the Borough was taking to demonstrate compliance to the Court. The proposed amendment to the Housing Element and Fair Share Plan incorporates the terms of the agreement including the three components of the Borough's affordable housing obligation, Rehabilitation, Prior Round and Third Round, the vacant land adjustment analysis due to most of Oceanport's land built out, why Monmouth Park and Fort Monmouth areas were excluded from the adjustment (no ownership or jurisdiction). The amendment also includes criteria for two new zoning overlays

of existing areas as most suitable for affordable housing, the affordable housing trust fund and its purposes, implementation of an affirmative marketing plan and monitoring of the Borough's affordable housing program.

Vice Chairman Whitson invited questions from the Board.

Mr. Kleiberg asked about wetlands on the RMW district (former Old Wharf Inn site) and the ability to develop it. Ms. Lelie advised that they went to DEP and showed them what was able to be put on the property and that was what it was zoned for.

Mr. Foster thanked Ms. Lelie for her presentation and asked about Oceanport's ability to classify certain units and locations and related his question to an experience in Long Branch where a zone was overturned by the Federal government and whether the unit on Pemberton qualified for credit. Ms. Lelie explained that the Pemberton unit was a group home that receives funding from the State and qualified unlike some group homes because of the type of funding, participants, no deed restrictions, etc. to meet the requirements for affordable housing credit.

Ms. Lelie further expounded on the 258 unmet units and advised that Fort Monmouth units would make up a large part of that number.

Ms. Cooper asked about the units by the Circle K; Ms. Smith advised that development approval had expired. Ms. Cooper asked about the 4 extra units from the new village center which Ms. Lelie advised yes, were included.

Mr. Foster stated that Hazlet is having a number of issues and it seems like the judges have an extraordinary power to countermand. Ms. Lelie advised that if the community does not have immunity, the judge was very powerful to make changes to the town's zoning to accommodate. However, the judge is not able to overrule sites such as wetland, etc. that require a different approval process.

2. PUBLIC HEARING - Master Plan Amendments

Vice Chairman Whitson opened the Public Hearing portion on the Master Plan Amendments on a motion by Mr. Foster and seconded by Mr. Kleiberg.

Vice Chairman Whitson acknowledged Mr. Savarese's presence at 6:40 pm.

Meghan Walker, 24 Bungalow Place, asked Ms. Lelie to explain the overlays as they seemed theoretical. Ms. Lelie clarified the meaning of overlay – is another option to develop that site but the existing zoning remains. Monmouth Park overlay would only be possible should horse racing ever stop at the track. Ms. Walker asked if having these options satisfied the Borough's obligation, Ms. Lelie answered yes, but only the unmet need portion of the number. There was additional discussion concerning the use of overlay zoning and that Fair Share Housing Center is using these opportunities to provide for more affordable housing.

Councilman Tvrdik commented that the Fort Monmouth units leaves us with 114 units which Ms. Lelie confirmed and that the overlays provided for the opportunity to fill that unmet need. Councilman Tvrdik also asked about the developer's fees and if it would go away; Ms. Lelie opined that she didn't believe it would ever go away and that those funds were used by the municipality to foster affordable units.

Mr. Foster stated that each project that came before them had to stand on its own merit and if that project meets the requirements does it increase the number of units required. Ms. Lelie answered no, in fact the Borough gained credit for some development that wasn't know to qualify but does. She was unsure what would happen to the numbers after 2025 or if there was a 4th round.

Ms. Cooper asked then all building requires 20% affordable units; Ms. Lelie responded that the requirements kicks in for 5 or more units and any affordable housing built would go towards the unmet need.

As no else from the public wished to be heard, Vice Chairman Whitson closed that portion of the meeting on a motion by Mr. Rue and seconded by Mr. Kleiberg and approved by the Board.

3. Motion to Adopt Amendments to the Master Plan's Third Round Housing Element and Fair Share Plan as presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robert Kleiberg, Class IV
SECONDER:	Thomas Tvrdik, Class III
AYES:	Whitson, Cooper, Tvrdik, Foster, Savarese, Kleiberg, Dailey, Rue
ABSENT:	Widdis, Kahle, Davis

V. NEW BUSINESS:

Mr. Kennedy reminded the Board that anytime the Governing Body desires to amend the zoning ordinance, law requires that they forward to the Board for a determination of consistency with the Master Plan.

Ms. Lelie gave a brief overview of the four (4) ordinances introduced by the Governing Body and thus referred to the Planning Board. The ordinances are required to implement the conditions of the Settlement Agreement with Fair Share Housing Center and were apart of the amendments to the Master Plan and that with the adoption of the housing element, the ordinances were in compliance. Mr. Rue asked who drafted the ordinances which Ms. Lelie advised she had and submitted to the governing body and provides a consistency review. Mr. Kennedy added that the ordinances had been introduced by the governing body and public hearings scheduled for each of them.

1. Referral from Governing Body for Consistency with Master Plan - Ordinance #1017 – An Ordinance to Create the Village Commercial Affordable Housing Overlay with mixed uses permitted.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph Foster, Environmental Committee Liaison
SECONDER:	Patty Cooper, Mayor's Designee
AYES:	Whitson, Cooper, Tvrdik, Foster, Savarese, Kleiberg, Dailey, Rue
ABSENT:	Widdis, Kahle, Davis

2. Referral from Governing Body for Consistence with Master Plan - Ordinance #1018 – An Ordinance to Create the Monmouth Park Age Restricted Affordable Housing Overlay

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patty Cooper, Mayor's Designee
SECONDER:	Robert Kleiberg, Class IV
AYES:	Whitson, Cooper, Tvrdik, Foster, Savarese, Kleiberg, Dailey, Rue
ABSENT:	Widdis, Kahle, Davis

3. Referral from Governing Body for Consistence with Master Plan - Ordinance #1020 – An Ordinance to Repeal and Replace the Development Fees Ordinance

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robert Kleiberg, Class IV
SECONDER:	Joseph Foster, Environmental Committee Liaison
AYES:	Whitson, Cooper, Tvrdik, Foster, Savarese, Kleiberg, Dailey, Rue
ABSENT:	Widdis, Kahle, Davis

4. Referral from Governing Body for Consistence with Master Plan - Ordinance #1019 – An Ordinance to Repeal and Replace Borough Code Chapter 108 “Affordable Housing”.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patty Cooper, Mayor's Designee
SECONDER:	Michael Dailey, Alternate I
AYES:	Whitson, Cooper, Tvrdik, Foster, Savarese, Kleiberg, Dailey, Rue
ABSENT:	Widdis, Kahle, Davis

- VI. Petitions from the Public:** Vice Chairman Whitson opened the meeting to petitions from the public. As no one from the public wished to be heard Vice Chairman Whitson closed that portion of the meeting.
- VII. Adjournment:** As there was no further business, the meeting was adjourned at 6:59 pm on a motion by Councilman Tvrdik which was seconded by Mr. Foster and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary