

**OCEANPORT PLANNING BOARD
SPECIAL MEETING MINUTES
May 23, 2016**

Chairman Widdis called the meeting to order at 7:00 p.m. and gave the Statement of Compliance with the Open Public Meetings Act: "Adequate notice of this meeting has been provided by notice to the Asbury Park Press and The Link News on May 13, 2016 and by the posting of same on the municipal bulletin board and Borough Web Site."

Chairman Widdis led the flag salute.

MEMBERS PRESENT: Mr. Wible, Mr. Foster, Councilwoman Cooper, Mr. Kleiberg, Mr. Kahle, Mr. Sullivan, Mr. Savarese (entered at 7:05), Mr. Whitson, Mr. Fichter, Mr. Proto, Mr. Widdis

OFFICIALS PRESENT: Jeanne Smith, Board Secretary, Rick DeNoia, Esq., Board Attorney, Board Engineer/Planner William White, Borough Planner Elizabeth McManus

BOARD BUSINESS:

1. Governing Body Referral – Review of Proposed Affordable Housing Sites for Consistency with the Master Plan. The sites offered for review are Pemberton Ave., Horseneck Point Road and Myrtle Ave.

Chairman Widdis opened with a brief explanation of the purpose of the Special Meeting.

Mr. Kahle commented that if the Governing Body wanted the Board's opinion, they should have come to the Board beforehand. Mr. DeNoia explained that the Planning Board has very limited jurisdiction. He stated that the Board's role is to listen to a presentation and determine whether or not the three sites are consistent with the Master Plan and consistent with the COAH element and fair housing component of the Zoning Plan and Master Plan. The Governing Body will make the final determination. Councilwoman Cooper provided some history regarding the affordable housing site selection.

The following persons were sworn in: Elizabeth McManus, Borough Planner and William White, Board Engineer/Planner.

Ms. McManus provided a synopsis of the builder's remedy lawsuit and the Judge's decision and Fair Share Housing center's intervention. The Judge required that the Borough adopt a housing element and fair share plan. Ultimately, a plan was adopted in June of 2015, which satisfies the first and second rounds of COAH obligations and for the third round, the Borough would wait for the Court to provide better direction. There were conditions on the Judge's approval of the Borough's plan. The 2015 plan included a two unit affordable housing project on the Pemberton Ave. site, that the Borough commit to working with Habitat for Humanity and enter into a developer's agreement with Habitat for Humanity. The developer's agreement should have been submitted to the Court by March 31st, 2016 and it was not. She discussed the Governing Body's actions such as passing a resolution to maintain its commitment to affordable housing and their request for Ms. McManus to investigate and analyze other possible sites, Horseneck Point and Myrtle Ave. Ms. McManus provided a description of all three sites. She stated that the Pemberton site is specifically consistent with the Housing Element and Fair Share Plan because it was the property that was included. It is also consistent because it is a two family proposal in a zone that permits two family homes. She stated there were concerns from the public to use that site because the first aid squad uses that lot. There was discussion regarding subdivision and possible variance requirements. The majority of the Myrtle Ave. property is within the special flood hazard area. But the rear of the property is not. She stated this site is not consistent with the Housing Element and Fair Share Plan because Pemberton is specifically mentioned in that plan. However, the site is consistent with other land use goals, because it would be residential uses within a residential

zone. There was also discussion regarding subdivision and possible variances for this site. She described the Horseneck Point site. The wetlands are the most notable characteristic and it requires access because it is not on an improved road. Councilwoman Cooper questioned isn't the Pemberton Ave property in the VC zone and therefore would require a use variance. There was a review of the zoning map and it was corrected that the Pemberton Ave property was in the VC zone and would need variances including use to be developed.

Chairman Widdis invited questions from the Board and Mr. White. Mr. Wible asked if using the Pemberton Ave. site as a parking lot was consistent the Master Plan. Ms. McManus replied that parking as principal use is not a permitted use.

Gabian Gabler, executive director for Habitat for Humanity in Monmouth County, was sworn. He stated that Habitat typically builds a three bedroom, one bath home for a single story home and approximately 1200 square feet. He described the "sweat equity" requirement for Habitat for Humanity.

PUBLIC:

Chairman Widdis opened the meeting to the public for questions or comments. As no one from the public wished to be heard Chairman Widdis closed that portion of the hearing.

Mr. Foster commented on the suitability of the three sites and suggested that the wetlands were not suitable.

Mr. Whitson made a motion to recommend to the Governing Body that the Pemberton and Myrtle Ave. sites were acceptable. Horseneck, because it is "fundamentally flawed" it's in a wetlands area, and is not recommended, which was seconded by Mr. Kleiberg. The motion received the following roll call:

AYES:	Mr. Whitson, Mr. Wible, Mr. Foster, Councilwoman Cooper, Mr. Savarese, Mr. Kleiberg, Mr. Sullivan, Mr. Kahle, Mr. Widdis
NAYES:	None
ABSTAIN:	None
ABSENT:	None

Ms. Smith stated the motion carried.

PETITIONS FROM THE PUBLIC: Chairman Widdis opened the meeting to Petitions from the Public. 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 8:15 p.m. on a motion by Mr. Whitson which was seconded by Mr. Savarese and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary