

Minutes of the Asbury Park Planning Board
Regular Meeting
March 9, 2020
Council Chamber
7:00pm

Announcement by the Chairman that the meeting is being held in accordance with the Open Public Meetings Act, Chapter 231, Public Law 1975. Adequate notice of the meeting has been provided to the Coaster and the Asbury Park Press. All notices are on file with the Board Secretary. Official action may be taken on the matters listed below.

Members in Attendance: Mayor John Moor, Councilwoman Yvonne Clayton, Chairperson Barbara Krzak, Jim Henry, Michael Manzella, Alexis Taylor, Jennifer Souder, Trudy Syphax, Rick Lambert

Members Absent: Mayor John Moor, Alexis Taylor

Members Recused: none

Staff: Jack Serpico, Esq. (Board Attorney), Jason Fichter, (InSite), Michael Sullivan (CCH), Kerry Piazza (State Shorthand), Irina Gasparyan (Board Secretary)

Meeting begins at 7:00 pm

A. Salute to the Flag

B. Roll Call

C. Minutes:

1. Approval of Minutes of February 24, 2020 regular meeting

D. Discussion:

City of Asbury Park Affordable Housing Ordinance

Formal Action May Be Taken

Board Professionals sworn in

Michele Alonso, Director of Planning & Redevelopment, sworn in

Elizabeth McManus, Professional Planner, sworn in

Alonso: introduced affordable housing ordinance proposal

Mcmanus: described process of amendments and ordinances.

Henry: What is city's fair share?

McManus: The city is unique situation- has rehabilitation obligation; it is only obligation the city has- 290 units. Not going to be covered by these ordinances. It will be covered by CDBG. Other obligations- new construction obligations- those numbers are zero. These affordable housing ordinances not introduced because have to or obligated, but because want to make city more inclusive.

Exhibit C1: Packet of affordable housing ordinances and revised Zoning Map

Exhibit C2: referring resolution from City Council to the Planning Board

McManus: Described revised Zoning map

Souder: was wondering if could add something to design standards to exterior to not prohibit and encourage sustainable standards.

McManus: not sure if makes sense to put in each section, if board wants to put together all sustainability standards, would work better rather than by each of these districts. You'll see similar design standards.

Manzella: Her concern is that it doesn't prohibit them

Henry: maps- original map shows northern boundary (green area) goes to boardwalk. P1 area. Other location is extend Deal Lake Drive into WRA

Alonso: We will look into & correct that

Manzella: for the record 2 other zoning areas missing from map. Scattered Site & Waterfront Infill areas missing as well.

McManus: main street- much simpler change to increase bldg. heights from 2-5 stories. Permitted 8 stories will remain. Also propose 20% set aside.

Henry: changing dimensions or just stories?

McManus: yes increased # of feet as well. Increased by 1 story + 10'

Henry: consider adding a couple more feet to accommodate taller stories?

McManus: if that's what board recommends; we can add that. Next- Deal lake- amended zoning to allow bldg. height from 5-8 stories & density from 50-60 du, and also set aside 20%. Also changed conditional uses.

Krzak: go through feet as well as stories

McManus: now only 5 stories, no feet.

McManus: springwood ave- current plan had 20% set aside & also incl. afford housing non-res element. That's been overturned, so were removing that. Only change is taking away standard not enforceable anymore CBD district: here developer req to provide afford housing only if developer given 10' additional building height & eliminate parking requirement if they provide 15% set aside.

Mandatory set-aside ordinance: its city-wide intended to capture any afford housing opportunities if something we're not thinking of. Approval come in form of variance, zoning amendment, so if have developer permitted to build 20 units & once get that approval, the entire project gets it.

Serpico: not required as part of variance.

McManus: doesn't change c or d criteria. Next address affordable housing requirements. Addresses distribution of low, # of bedrooms, marketing, phasing to make sure all gets build at once, monitoring requirements so city can make sure what's getting built.

Clayton: what happens if developer doesn't want to do 3 bd?

McManus: up to city, but 3 bds historically most needed. City wouldn't get credits. There's certain distribution.

McManus: this is different, says must distribute affordable units across, not just one area that could be less desirable.

Souder: I got confused in cheat sheet document. #D- payments

Alonso: proposed vs existing

Henry: pg 10, #7 b&d- how do you calculate half person?

McManus: when calculate afford housing, intended to ensure proper distribution of housing requirements. Its specific to general standards. Confident that person conducting afford housing. I understand awkward language. Its just nuance of afford housing language. I would be against removing or changing this language b/c It would render the ordinance not enforceable

Serpico: zoning board only grants d variances

Sullivan: PB can't grant use variances

Manzella: art galleries, studios, etc. along Asbury ave, any problem w/ allowing them anywhere else?

Lambert: what about springwood ave?

Alonso: the 2 properties were taken out of plan b/c they were already developed

Souder: is live music excluded from Asbury ave?

Alonso: its silent

McManus: next steps is bringing ordinance to adoption, then moving to court approval process and hopefully approval, from then to July 2025 then AP will be deemed to have met affordable housing

Henry: rehabilitation units requirement

McManus: providing funding for rehab & provide affordable housing. if city uses cdbg funds, applies d restriction.

Henry: RCA program also?

McManus: rehab from RCA doesn't get credit, that's simply other municipality getting credit.

Clayton: if we pass ordinance tonight what happens to developers that come in tomorrow?

McManus: once council passes, can apply don't have to wait for court

Krzak: to Sullivan- in agreement that these ordinance in line?

Open to Q's from public:

Patrick Cardone, 2nd Ave: don't understand 3rd bullet point of mandatory set-aside

McManus: doesn't apply to detached multifamily units, only attached

Felicia Simmons, Sewall Ave: when talk about mandatory, what means? Is there ordinance or requirements for standard building?

McManus: no if outside of districts we talk about & builder comes in to propose permitted, not req to provide afford housing.

Tracy Rogers: what is legal compensatory?

McManus: no standard. City trying to find a way to give something to the developer in exchange for affordable housing.

Serpico: its not a gift. A variance doesn't work that way. We're not going to start making concessions for giving variance to provide affordable housing. They have to get the variance first, then provide affordable housing.

McManus: if build project that's fully complaint to current zoning, then no they're not required. Set aside is the mandatory.

Motion to open public comment: Henry Second: Manzella All in favor

Ellum Ocansey, sworn in: here from fair housing center. Here to present comments, prepared document. Identified inconsistencies. 3- permitted bldg. coverage up to 90%. 4- , 5- where parking non-residential uses.

Exhibit I1: Comments from Fair Housing Center

Serpico: Need to provide additional copies to board members if want them to look at it

Ocansey: will email Michele Alonso to provide

Tracy Roberts, Sewall ave, sworn in- have pushed for last ordinance added for set aside. Looked for finding missing opportunities in city. Asking for not going forward but making up for last years of oversight

Felicia Simmons, Sewall Ave, sworn in: respect all work done, person who has to approve plan is saying there's problems. Don't think this reflects some of the

Ernest Mignoli, sworn in: amount of public shows up is so low. I started research of other towns

Motion to close public comment: Henry Second: Manzella All in favor

Krzak: looking at request regarding sustainability & building materials, that would not be included here. Also have request to increase floor heights in Main St. district

Henry: stories were correct but height was not correct in one example, so maybe there's something we can do to make it consistent

Sullivan: b/c we don't have those answers here tonight, it would be part of recommendations back to governing body

Serpico: zoning map changes- P1 zone, WRA north boundary, Scattered site & waterfront Infill area redevelopment plan are missing from zoning map.

Alonso: we will correct

Souder: just to make sure that there will be a more global ordinance.

Alonso: yes were going to explore that on next round of zoning ordinance amendments.

Lambert: phasing in- any way to require low & mid first then moderate?

McManus: I don't recommend you do. Its important that all units be constructed simultaneously. What should be happening is construction official should be watching which COs are being constructed and issued.

Clayton: so requires oversight by city?

Serpico: wouldn't hurt to make it condition of resolution

Sullivan: all of affordable housing would need to be in resolution. They will become standard conditions in all projects.

Krzak: Is that something that's being put into site plan?

Sullivan: can make that part of the board application checklist

Manzella: looks like in other zones there's no opportunity to build 5+ units.

McManus: its relevant. One of things that we didn't change, one of additional deviations that wasn't highlighted is that this ordinance provides 20% across the board.

Serpico: have to open for public questions again

Open to Public Q's on what was just said: none

Motion to recommend the Ordinances be accepted, substantially consistent with master plan & housing element, and refer back to governing body: Manzella Second: Clayton

All members vote in favor

Motion to cancel March 23, 2020 Planning Board meeting due to lack of applications: Manzella Second: Lambert All in favor

Move to adjourn meeting: Manzella Second: Souder All in favor