

Township of Ocean Planning Board Meeting Minutes

December 9, 2020

Prepared by Corinne Anderson

This meeting was held virtually via Zoom Meeting

Agenda: <http://twpoceannj.gov/PB/2020/PB-agenda-120920.pdf>

Start Recording:

Lippincott calls the meeting to order, followed by The Pledge of Allegiance.

Public Meeting Act Statement read by Clune: Pursuant to the provisions of New Jersey open public meetings act the notice of the meeting has been properly provided by sending copies of the notice of the meeting to the Asbury Park Press and the Press of Atlantic City. Notice was posted on a bulletin board in the administration building.

Roll Call

Robert G. Beck: Here

Nichlas Bonamassa: Here

Ken Baulderstone: Here

Shawn Denning, Jr.: Yes

Lydia Dodd: Here

Paul Kavka: Here

Donald Lippincott: Here

John Petrosilli: Here

Aaron Shapiro: Here

William T. Sneddon: Here

Rita Sweeney:

Clune: Let the record reflect that the professionals present this evening are Steven Yost from Haines & Yost, Jason Worth, engineer from T&M Associates, and Stanley Slachetka, the planner of T&M Associates.

Lippincott: No minutes to approve tonight, no bills to pay, there is a correspondence list attached if anybody wants to look at that, no informals, no old business, no resolutions, so that brings us right to new business. Item number 11, ordinance 2020-17.

Yost requests that the technician, Steve, give a brief overview of how the night will proceed, as well as how the public comment will work and muting functions. Steve provides information regarding Zoom protocols, raise your hand feature, five-minute public comment with a 1 minute notice so that everyone has an opportunity to speak.

Lippincott asked if there were any board comments before public comment. No comments .

Motion to open the comments on the resolution by Denning and seconded by Shapiro

All in favor.

Lippincott: Anyone from the public wish to comment?

No one indicated that they wished to speak. A motion from Denning was made to close public comment.

Lippincott requests Yost to direct the next step. Yost asks Slachetka to discuss the two ordinances before the board tonight.

Slachetka: The two ordinances you have for your review tonight are 2020-17 and 2020-18. One is an amendment to the PC Town Center District Redevelopment Plan (2020-17) and the other is a new redevelopment plan that would govern the track of land that you reviewed recently with regards to whether or not the properties qualified as an area of redevelopment, commonly known as the Zell tract, but we will get in to the specifics of lots and blocks. As a way to predicate, or describe what the process here is . Under the local redevelopment and housing law, there is a referral of requirement, if a governing body is intending to adopt a redevelopment plan for an area that has been previously designated in need of redevelopment or rehabilitation, they introduce and adopt that plan by ordinance or if they are seeking to adopt an amendment to an existing redevelopment plan, it would be the same process they would introduce it as an ordinance and then the second step of the process is referral to the planning board prior to a second reading a public hearing on the ordinance. The process is very, very similar to the process under the municipal land use law where the planning board had the authority and responsibility of reviewing any ordinances that amend the land development regulation or the zoning ordinance of the municipality, this is all governed under the requirements of the local redevelopment and housing laws.

So if you are adopting a new plan or amending an existing plan, you have to follow the same process and procedure. So in both cases, ordinance 17 and 18 have been introduced on a first reading by the township committee and in accordance to the local redevelopment and housing law has been referred to the Planning Board. Now the Planning Board's role and responsibility in this referral is primarily two fold. The first function is to review any proposed ordinance that

would adopt a redevelopment or an amendment to a redevelopment plan and identify any inconsistencies that the adoption may have with regard to the township's current masterplan. Typically, in the redevelopments that we have prepared for the township and the plans we have prepared throughout New Jersey, they are usually a section in the plan that describes the relationships to the masterplan. Secondly, if the planning board has any other comments that it wishes to convey to the governing body with regards to the proposed plan or amendment to the redevelopment plan they can convey those recommendations and the governing body can give due-consideration to them as part of the second reading and public reading on the ordinance. The governing body could, despite the planning board determination that there were some levels of inconsistency between the proposed plan or amendment to the plan and the master plan if they have identified those inconsistencies, the governing body, very similar to the process, or exactly the same process as a review of the zoning ordinances, the governing body has the ability despite those consistencies to approve the amendment or adoption for development plan, but it has to provide/adopt that plan or plan amendment by the majority of its full voting membership. And number two, it also has to specify in writing in the record/in the meeting minutes noting the reasons why it was adopted.

Slachetka notes that he will explain how both ordinances 17 & 18 plans are consistent with the master plan. No inconsistencies have been noted. However, if the board discovers some they can make that known and include it in their recommendation to the committee.

Beck asks for clarification on ordinance 18, section 7.7, it refers to the township of ocean planning board of adjustment but is unclear what board the section is referring too. Slachetka noted that as well, it is a typo - should say Township of Ocean Planning Board.

Becks asks that should a developer come in and require a variance would he have to go to the Planning Board or Board of Adjustments.

Slachetka notes again that Ordinance 17 is an amendment to an existing masterplan. Planning board previously TC District redevelopment plan is consistent with the master plan.

Becks asks if the application conforms to this ordinance there will not be any deviations from the plan that will require a variance. However, if for some reason the applicant requests a variance does the Planning Board have the authority to review that, or does that require the Board of Adjustments to review. Slachetka notes that in both instances if the applicant is proposing a fundamental change to the plan (ex. A use that is not permitted, height differential, ect.) that the redevelopment plan must be amended in order for the applicant to proceed to the planning board. There is also a two-step process in which the township committee, acting as the redevelopment committee would have the first opportunity to evaluate the proposal and make a determination whether or not what is being proposed meets the redevelopment plan. The committee, depending

on their comfort level could defer the project directly to the planning board, however the intent of both instances is to ensure that the jurisdiction falls with the planning board. In both instances the planning board can grant minor deviations/exceptions.

Additional discussion takes place regarding plan deviations of potential developers for projects within the redevelopment zone.

Denning 2020-17, what is the amendment we are voting to change. Slachetka notes that the township committee has reviewed proposals for the portion of the TC redevelopment area, Mackrese Tract, over the last few years, changes relate to road configuration, distribution of type of residential units, substantial number of residential units, building locations, and changes to layout of open space/preservation areas because of DEP requirements (wetlands and habitats). Essentially a redesign of the plan -- still aligned with the original intent (mixed uses, walkable community, portion of site for affordable units) there is now more specificity to the plan. The rest of the plan is fundamentally the same. Worth agrees. (Redesign of development.)

Denning notes that based on diagrams, there is some really high-density housing on the amended proposal. Slachetka notes that the original TC plan reflected that as well; more dense than the surrounding areas around town center in an effort to preserve more land outside of TC. Denning indicates concern regarding the potential for Urban Development appearance, concerned for the school systems with potential for increased pressure with number of school children potentially coming in from this plan.

Slachetka again stresses that the amendment is not fundamentally changing the plan that has been approved. Instead, just the layout of the plan. Number of units for age-restricted units has also increased; will help mitigate the number of school children coming in.

Denning: any emphasis to lobby the state for the traffic/congestion being brought to route 9 to the state? Slachetka notes, yes -- the plan is proposing road connections off of route 9 toward the north; south to Volunteer Way. Commitment from the township to extend Volunteer Way to the parkway to distribute traffic off of route 9. Roadway connections are designed to distribute traffic away from route 9. Idea is also to have a more walkable community in this denser area which would help bring traffic down. Additionally, multiple state agencies have reviewed the township plans.

Kavka asks if Mackres can flip anything. Slachetka notes there would have to be a redeveloper agreement for any developer that would require the developer to follow specific guidelines. Redevelopment committee would have to approve any modifications. Planning Board is not involved in the contractual agreements, that responsibility falls to the governing body (Township Committee).

After this is memorialized, does it go to the site plan? Or is there a sub-development document/ordinance like the Kraft property. Slachetka says yes, there is a step in which the developer provides an adequate and appropriate CIS, redeveloper agreement, etc. that is consistent with the overall plan. (2-step process, confirmation of consistency, then planning board).

Bonamassa, voted no last month. Looking for financial impact study; didn't see it in the plan submitted last night. These ordinances that are coming through, is there a study coming that will indicate the monetary affects/impact on the town?

Last month was the redevelopment designation study - there was no plan, which is why there was no financial impact. A community impact statement (CIS) would be required for plans proposed moving forward, including demographic impact as well.

Worth notes that property owners and developers have provided CISs and have received comments back on those documents for their plans.

Sneddon asks if the board has access to those. Worth notes that it is not something that is provided to the board, but it is a public document. Denning asks that if the plans were to move forward for approval would they be provided. Slachetka says yes, however, the planning board does not approve the CIS, township professionals do this. It will accompany the application once it is approved by the professionals.

Slachetka redirects the discussion back to the consistency of the masterplan for both proposed redevelopment plans. Refers to section 5.1.1, also 6.2.

Purpose of tonight's meeting is to determine whether or not to refer this back to the township committee; and to determine if these ordinances (redevelopment of 241.11 and subsequent lots) are consistent with the master plan and the same with regards to the amendment to the TC district; and then to refer back to the township committee if you find that it is consistent. Yost is in agreement.

Denning, ordinance 18, 50' buffer limit between residential to be more specific or make emphasis. Storm water basins, makes mention of wire fencing on the bottom; we have gotten rid of that in other applications it collects trash ect. Recommends that the plan eliminate the wire mesh fence based on maintenance and trash collection.

Slachetka notes that the board can make whatever recommendations they would like to the committee. Beck, minor design labor would be better addressed as the application. Bonamassa

2020-18, page 6 for clarification: goals and objectives talks about provide tax ratables to the township through redevelopment; does that mean as it moves forward to the next step the board will get information on the income coming in to the town based on this. Worth notes that part of the CIS will provide that analysis but this plan is a goal for the site to become a taxable part of the township. Slachetka concurs.

Motion by Denning to open for public comment, seconded by Sneddon.

No one to make public comment/statements.

Motion to close public comment by Sneddon, seconded by Denning.

All in favor.

Motion to accept ordinance 2020-17 and refer ordinance back to the committee made by Petrosilli, seconded by Beck.

Roll Call

Petrosilli: Yes

Beck: Yes

Boulderstone: Yes

Bonnamassa: Yes

Denning: Yes

Dodd: Yes

Shapiro: Yes

Sneddon: Yes

Lippincott: Yes

Motion to accept ordinance 2020-18 and refer ordinance back to the committee made by Denning, seconded by Sneddon.

Roll Call

Denning: Yes

Sneddon: Yes

Boulderstone: Yes

Beck: Yes

Bonnamassa: Yes

Dodd: Yes

Petrosilli: Yes

Shapiro: Yes

Lippincott: Yes

Motion to open to general public comment by Denning, seconded by Sneddon. No public wished to comment. Motion close public comment made by Beck, seconded by Denning. All in favor.

Motion to adjourn made by Denning, seconded by Sneddon. All in favor.

End of Recording.

Next meeting January 7, 2021, 7PM.