

BOROUGH OF FAIR HAVEN PLANNING BOARD

SPECIAL Meeting Minutes - September 22, 2020 – Virtual Meeting via Zoom Platform due to the COVID-19/Coronavirus Pandemic.

The meeting was called to order at 7:36pm by the Chair, Mr. Lehder, with a reading of the Open Public Meetings Act statement followed by the Pledge to the Flag.

1. ROLL CALL

Present: Mr. Bordelon, Mr. Folker, Mr. Ingle, Mrs. Koch, Mr. Newell, Mr. Rolff, Mr. Paolo, and Mr. Lehder

Absent: Mr. Borneo, Mr. Sobel and Mr. Criscola

Also, Present: Mr. Doug Kovats, Board Attorney; Mr. Richard Gardella, Board Engineer; and Ms. Susan Gruel of Heyer, Gruel and Associates, Borough Planner.

Mr. Borneo joined the dais at 7:39pm.

Mr. Lehder confirmed with Mr. Kovats that sufficient notice of the special meeting via the Zoom platform had been posted and is adequate for notice purposes. It was also noted for the record that in addition to the initial Open Public Meetings Act notice issued at the beginning of the year, the Board also issued a supplemental revised Open Public Meetings Act notice advising that Planning Board meetings would be broadcast virtually due to the Covid-19 pandemic. This information is on the Borough website with instructions on how to gain access to the meeting. The special notice for this meeting was read by the Chairman and is also located at the end of these meeting minutes.

2. NEW BUSINESS

Adoption of amended Housing Element and Fair Share Plan

Mr. Lehder stated that tonight the Board will review and discussion the Affordable Housing Ordinances as well as the amended Housing Element and Fair Share Plan. The Board will review Ordinance numbers 2020-05 through 2020-10 which are related to the Affordable Housing obligations that are consistent with the Borough's settlement agreements.

Mr. Kovats stated that the Board is conducting the public hearing on the amendment to the Master Plan for the Housing Element and Fair Share Plan. This amendment was discussed at the prior Planning Board meeting on September 15, 2020. Once the amended Housing Element and Fair Shar Plan is approved and adopted, the Board can then review the Affordable Housing Ordinances for consistency.

Mr. Kovats confirmed with the Board Secretary that notice of this special meeting was published and also sent to the County Planning Board as well as all adjoining Municipalities.

Ms. Susan Gruel was sworn and gave her credentials to the Board. The Board excepted Ms. Gruel's credentials. Ms. Gruel proceeded with a summary of the amendments to the Housing Element and Fair Share Plan and explained why the Borough was making these amendments. The Fair Haven Planning Board adopted a housing plan in March of 2019. The plan on tonight's agenda amends that 2019 plan because the Borough entered into settlement agreements with the Fair Share Housing Center and an Affordable Housing advocacy group as well as with M&M Realty Partners. This amendment is consistent and provides for the different elements in the settlement agreement. It was determined that because there is little vacant land in Fair Haven there is a realistic affordable development potential of four units. These units will be provided for through the M&M Realty development site at the corner of River Road and Cedar Avenue. There is also a Habitat for Humanity development of a two-family development at the corner of Hendrickson Place and Allen Street. In addition, the remaining obligation of 367 units is satisfied through a number of mechanisms related to overlay zoning. The overlay districts will keep the existing zoning requirements but provide for additional options through mixed use development which would include commercial and residential where 20% must be set aside for affordable housing. There is an overlay option at the Methodist Church which provides for age restricted townhouses. The last two Ordinances are the mandatory set-asides Ordinances which would require a 20% set aside for affordable housing for any multifamily development that maybe approved. The last would be accessory apartments that would be permitted in the overlay districts.

The Board Chair opened the meeting to the Public for comment.

No comments from the Public.

MOTION by Mrs. Koch, second Mr. Folker to approve Housing Element and Fair Share Plan as amended.

In Favor: Bordelon, Borneo, Folker, Ingle, Koch, Newell, Rolff, Paolo, and Lehder

Opposed: None

Mr. Kovats presented the prepared Resolution to be memorialized at tonight meeting for the amended Housing Element and Fair Share Plan. Mr. Kovats read through the Resolution for the record.

MOTION by Mr. Lehder, second Mr. Folker to adopt the Resolution amending the Housing Element and Fair Share Plan.

In Favor: Bordelon, Borneo, Folker, Ingle, Koch, Newell, Rolff, Paolo, and Lehder

Opposed: None

Exhibit A – Amendments to the Housing Element and Fair Share Plan, Ordinance 2020-04 M&M Realty Ordinance (Fair Share Housing)

Exhibit B – Public Notice of the September 22, 2020 Special Planning Board Meeting

Exhibit C – Board Planner review letter dated September 11, 2020; regarding the *2020 Amended Housing Element and Fair Share Plan – Changes from Adopted 2019 Housing Element and Fair Share Plan*.

Review of Ordinances 2020-05 through 2020-10 for a Consistency Determination with the Newly Adopted Housing Element and Fair Share Plan

Mr. Kovats reviewed *Ordinance 2020-05 Establish an Affordable Housing Ordinance* which provides the overall structure and definition provisions for what qualifies for affordable housing in the Borough. It describes what affordable housing is, how it will be implemented and how it will be consistent with the Master Plan. It addresses the requirements of the Fair Housing Act and the Uniform Housing Affordability controls (UHAC) regarding compliance with the Borough's Affordable Housing Obligations.

Ms. Gruel began with a review of the Ordinances starting with *Ordinance 2020-06 Create an Affordable Housing Mandatory Set-Aside Ordinance*, if any site benefits from a rezoning variance or redevelopment plan approved by the Planning Board or Zoning Board and it results in a multifamily residential of 5 or more units it is required to have a 20% set-aside as per State standards.

Mr. Sobel joined the dais at 8:14pm.

Ms. Gruel continued with *Ordinance 2020-07 Create a Habitat Rezoning Ordinance* which amends the R-5 single-family residential Zone to permit a two-family dwelling on a portion of the Municipal lot intended for the Habitat for Humanity development. *Ordinance 2020-08 Create an Affordable Housing Overlay Ordinance* which has four overlay zones in the commercial district and a fifth overlay zone at the Methodist Church. The overlay zones permit mixed use or residential use with a 20% set aside for affordable housing. *Ordinance 2020-09 Create an Affordable Accessory Apartment Ordinance*, this allows for accessory apartments in the overlay zones. The apartments shall comply with all applicable statutes and for a period of 10 years, from the date of the issuance of the certificate of occupancy, be rented only to a duly qualified low-income household. *Ordinance 2020-10 Create an Affordable Housing Development Fee Ordinance* allows the Borough to collect funds from development for both commercial and residential projects. This funding will be placed in a Housing Trust fund account that can only be used for creating or encouraging affordable housing and will comply with current state affordable housing regulations.

No questions from the Board members.

The Board Chair opened the meeting to the Public for comment.

Tracy Cole – 123 Grange Avenue wanted to let the Board know that there are Residents that are following this process and notice all the hard work that is involved. She wanted to thank the Board for all of their efforts.

Carolyn Ferguson – 7 Colonial Court had questions regarding the development fees and when it would apply and when it wouldn't apply. She also wanted to know if all building applications would result in an Affordable Housing fee. Would routine maintenance result in a fee, she wanted to understand the impact on businesses in the Borough.

Mr. Lehder stated that most construction applications may result in a fee but only if the work would increase assessed value of the property. If the work would not result in an increase of value, then a fee would not be applied.

Ms. Gruel stated that the 1.5% fee for residential and the 2.5% fee for commercial is state mandated and not applied by the Borough.

No further questions or comments from the Public.

Ms. Gruel concluded by stating that all of these Ordinances are consistent with the amended/adopted Fair Share Plan. They are also consistent with the settlement agreements that were executed with the Fair Share Housing Center, with M&M Realty and with the 2016 Reexamination report of the Master Plan. With respect to all of these documents, these Ordinances implement the requirements of these documents and are therefore consistent.

No further comments from the Board.

The Board Chair reopened the meeting to the Public for comment.

No further comments from the public.

MOTION by Mr. Lehder, second Mr. Newell to direct Mr. Kovats to prepare a notice from the Planning Board to the Borough Council identifying that after a further review of the Ordinances proposed that the Planning Board does find these Ordinances (2020-05 through 2020-10) to be consistent with the Fair Haven Master Plan.

In Favor: Bordelon, Borneo, Folker, Ingle, Koch, Newell, Sobel, Rolff, Paolo, and Lehder

Opposed: None

3. PUBLIC COMMENT

No comments from the public.

Mr. Folker wanted to note that he will be moving out of town and will be submitting his resignation from the Planning Board. He stated that it has been a pleasure working with the Borough's professionals and the other Board members.

MOTION to adjourn made by voice vote.

Meeting adjourned at 9:08 PM.

Respectfully Submitted,

Jennifer Johnson, Board Secretary

Public Announcement of Compliance of Special Meeting

PLEASE TAKE NOTICE that on Tuesday, September 22, 2020 at 7:30 PM the Fair Haven Planning Board will hold a special public meeting, the HEARING WILL BE HELD VIRTUALLY, as set forth below, via the Zoom Platform. The purpose of Hearing is to consider a proposed amended Housing Element and Fair Share Plan for adoption as part of the Borough of Fair Haven Master Plan (the "proposed amended HEFSP"). The Planning Board will hear testimony from its affordable housing planning expert as to the proposed amended HEFSP and allow cross examination and testimony and evidence by interested persons regarding same. Following the public hearing the Planning Board may take action by amending and/or adopting the proposed amended HEFSP as part of the Borough of Fair Haven Master Plan.

Copies of the proposed amended HEFSP will be on file in the Planning Office, Fair Haven Municipal Building, 748 River Road, Fair Haven, New Jersey 07704 but are not available for public inspection at the building due to the Covid-19 pandemic. Copies of the proposed amended HEFSP may be obtained by contacting the Planning Board secretary (Jennifer Johnson: Email – jjohnson@fhboro.net Phone – 732-747-0241 ext. *215; - and requesting either an electronic copy or by delivery of hard copies to the person requesting the materials.

As set forth above, the Planning Board will conduct a VIRTUAL PUBLIC HEARING on Tuesday, September 22, 2020 at 7:30 PM. To access this Zoom meeting go to <https://www.fairhavennj.org/planning-board> There will be a link to a 'PB Public Notice' document. Within this document there will be a link that will take you to the scheduled Zoom meeting. Within this document there will also be a phone number to the scheduled Zoom meeting if you plan on attending via a landline telephone.

Public Announcement of Compliance of Regular Meetings

This is a regular meeting of the Fair Haven Planning Board. Adequate notice of this meeting has been given pursuant to the provisions of the Open Public Meetings Act. At the time of the Board reorganization in January of this year, the Board adopted its regular meeting schedule for the year. Notice of the schedule of the Board's regular meetings was sent to and published in the Asbury Park Press, and was also sent to the Two River Times and the Star Ledger. Tonight's meeting was listed in the Notice of the schedule of regular meetings. That Notice was also posted on the bulletin board in Borough Hall, and has remained continuously posted there as required by the Statute. In addition, a copy of the Notice is and has been available to the public and is on file in the Office of the Borough Clerk. A copy of the Notice has also been sent to such members of the public as have requested such information in accordance with the statute. Adequate notice having been given, the Board Secretary is directed to include this statement in the minutes of this meeting.