

Planning Board Minutes of  
February 25, 2019

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 matters listed below.

Pledge of Allegiance  
Roll Call

Members in Attendance: Barbara Krzak, Michael Manzella, , Mayor John Moor, Trudy Syphax, Rick Lambert, Councilwoman Yvonne Clayton, Alexis Taylor, Trudy Syphax (arrived at 7:03 pm)

Members Absent: Jim Henry

Staff: Jack Serpico, Esq., Jason Fichter, (InSite), Michael Sullivan (CCH), Michele MacPhearson, (State Shorthand)

Meeting begins at 7:00 pm

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**A. Minutes:** Approval of Minutes of February 11, 2019

Motion: Alexis

Second: Yvonne

All members in favor

Barbara – add to agenda the resolution for the Amendment to the CBD Plan

**B. Applications/Board Review:**

**1. Review and Adoption of Amendment to Municipal Master Plan for Affordable Housing Element (carried from November 26, 2019)**

Michael Capabianco, City Manager – sworn in

Elizabeth McManus (Beth) - City Affordable Housing Consultant – sworn in

Capabianco – In December gave a draft of the Affordable Housing Plan. Over the last couple of weeks, we received questions and comments from Board Members, citizens and community groups. Beth will give an overview of the changes to the Plan

Jack – is there a different plan than was presented?

Beth – yes, Draft Housing Plan dated 2/7/19

Exhibit C-1 – Draft Housing Plan dated 2/7/19

Beth – we received comments via email from City Staff and the community and formal comments from the Fair Housing Staff on January 16, 2019. (reviewed Fair Share Housing Letter regarding their comments)

Jack – need to enter into evidence the Affidavit of Mailing and the Proof of Service done by Barbara

Exhibit C-2 – Affidavit of Mailing, Proof of Service, Notices to the Contiguous Municipalities, Monmouth County Planning Board and the State Office of Planning Advocacy and to the Asbury Park Press

Beth – Rehabilitation Obligation – represents calculations done by Judge Jacobson that looked at the methodology for looking at obligations for the third round. Rehabilitation Obligation is 290 units which number was developed by the State. Fair Share asked some clarifying questions – wanted confirmation that the City won't use RCA funds for rehabilitation.

This would be inconsistent with COAH rules. Provided clarification to the draft plan that the Rehabilitation Plan will meet the COAH rules. Comments include providing middle income housing – Affordable Housing in NJ refers to low and moderate income housing only and those income limits to low and moderate. Households up to 80% of regions medium income qualify for Affordable Housing and maximum of the region.. As quality of life increases, and redevelopment increases, seeing a rise in property values and a rise in sales prices and rents. Idea of providing middle income housing in anticipation of the trend continuing for decades to come. Have folks that are wealthy and can afford the market rate homes and folks that meet the low and moderate income limits and qualify for Affordable Housing. No housing in the middle. This plan insures for decades to come that Asbury Park provides housing for middle income 80% - 120% of medium income and for those who can afford market rate housing and those for moderate and low income – more diversity of housing stock in the future.

Other comments included Exclusionary Housing – a set aside of 10% in the CBD

Additional clarity for what the City was asking for credit like the Washington Avenue Redevelopment Area was clarified that although providing Affordable Housing in this area, City is not seeking credit

Provided clarity to work on the Main Street Redevelopment Area and will conduct an analysis to see how can provide the propensory benefits and adjust the Zoning to provide Affordable Housing that will be part of the next phase  
They asked questions of the Trust Fund and will the City adopt a spending plan, which is a requirement. The City will generate fees for residential – 1 ½% of Equalized Assessed Value. 2 ½% of Equalized Assessed Value for New Construction. Once adopt the Ordinance, the City is obligated to produce a spending plan  
Provided to Fair Share in the Plan – how Affordable Units will be administered and one requirement is that it is administered by someone who has the experience and capacity to do so. Someone who understands income qualification process, affordability controls and sales and rent prices. The City will require all developers of Affordable Units to utilize the City Designated Agent unless the developer can demonstrate to the City, that they have the experience and capacity to do so themselves

Mike – Are there guidelines for the City or is it a project by project basis?

Beth – no particular guidance documents, they can help the City understand the typical process that takes place when there is an Administrative Agent. Needs an RFQ process.

Barbara – In the Master Plan, wanted to mitigate the loss of existing Affordable Housing, so there is no fear we will lose what we have, how will this pan out with this?

Beth – Get the City guidance and inspiration for taking action. Affordability controls may be expiring and developer is seeking subsidy or a Pilot to renovate and seed affordability controls

Sullivan- In a Redevelopment Plan, need to identify the existing Affordable Housing and discuss how it is going be maintained.

Barbara – can you explain Medium income?

Beth – Unfortunately in New Jersey, not able to calculate medium income for a particular community. Asbury Park has different characteristics than its surrounding municipalities in Monmouth County. In New Jersey, for Affordable Housing purposes, medium income has to be based on a region. Was defined decades ago by Council of Affordable Housing. In Asbury Park, your region is based on Monmouth, Ocean and Mercer County Region. The income limits were previously set by COAH, now set annually by various Superior Courts but ultimately the data they rely on comes from annual data collected by HUD, not census data. Current data but not local.

John- In Asbury Park the medium income is ½ of those three regions put together - \$43,400. Shouldn't that play a factor in this decision not be a region decision? We want to protect what we have now. If we leave in middle, does it throw out lower income, then becomes gentrification. Don't have silver bullet yet. Don't know when you get middle class coming to Asbury Park. Could that be adopted down the road? One year. Five years? Could be decades to come. Need to protect what we have now and that can be adopted down the road, why not adopt a 5% difference, it could be important.

Beth – yes, can amend next year. Provisions of middle income, less of a current need, it's a need of the future. If put zoning in place, in 15 years, experiencing a loss and need for middle income housing, can't go back to developer to set a aside or convert a portion to middle income housing. Suggest you update the set aside. City gaining through effort in a few years and think whether you want to through this process again.

Capabianco – there is a dollar cost, need to create a Zoning Ordinance, don't want to wait 5 years and say you lost the middle class.

John – hard numbers say, no middle class, everything is a maybe

Yvonne – can we modify – what is middle class in Holmdel is not middle class in Asbury Park

Beth – no, must follow the guidelines. Any new Affordable Housing created, use the model for affordable control regulations. Its Affordable for 30 years until action is taken by the City to release controls. City can create a longer period then set a time. Controls not released until City Council gives approval, deed restricted.

Public Questions: Maureen Nevin, Tracy Rogers, Felicia Sims, Kerry Butch

Beth - Limited set aside in Waterfront per the Redeveloper's Agreement, Can't undo the Waterfront Redevelopment Agreement unless the developer comes in. Any redeveloper with an existing Redevelopment Agreement, can't say to them that they now are required to have Affordable Housing. Would need to amend the Agreement

Middle Income - \$83,372. Adjust the percentage of medium income. Can be done at ordinance level. Council can adjust the percentage when time for the ordinance.

Capabianco – developer will want a Pilot, that is usually 30 years

Barbara – Waterfront Plan not part of the decision today

Beth – Race Demographics not required in Affordable Housing Element

Public Questions: Randy Maurer, Tracy Rogers, Rita Morena, Andrea Goldman, Ernest Magnoli

Rents – page 7 of the report – range \$2,200 – 3,100 moderate - \$1,100-\$1,500

Rents vary in the CBD

1,400 Affordable Housing Units currently in Asbury Park, including the senior housing.

Mike – plan is for 15% set aside for low to moderate income housing

Beth – Moderate is not more than 80% of medium, low is not more than 50% of medium. Income is based on the household.

Obligations – Asbury Park doesn't have obligations. Started the process in March 2017. Whatever the Board approves, then the ordinances will be written with Plan as presented. Created the Trust Fund and will go to courts to get approval through RFP for consultants for projects in the future.

Rick – concerned with the entire community. As development continues, want to avoid having very rich and very poor.

Public Comments: Tracy Rogers, Maureen Nevin, Felicia Sims, Ernest Magnoli

Jack – the Planning Board will have a discussion and make recommendations

Alexis – thank you everyone for your comments and to the Asbury Park Coalition

John – thank you to the professionals, great work done

Yvonne – if we vote tonight, can we make changes?

Beth – The Planning Board adopts the Housing Plan and if have a change of heart, Planning Board can make amendments to change the text of the Plan. If have a change of heart at the Council level, then can adopt with different language.

Capabianco – first step is to adopt into the Master Plan and then put out for RFP, could be adopted by the end of the year

Jack – review of Master Plan every 10 years

Rick – it's a minimum of 10 years. The 20% and 50% are good. Can we say its adopted with these changes and want to look at in two years?

Sullivan – can fine tune every six months. Don't feel that this is the last step, can change in Master Plan framework.

Council can refer the Ordinance back to the Planning Board.

Jack – all Government Regulations are reviewed by the Planning Board for recommendations

Yvonne- when does it go before Court to be approved

Cabianco – put RFP to hire consultant

Jack – Beth and Fred take to Courts

Yvonne – changing percentage for middle income?

Beth – Once go through the process of changing the ordinance, Council can read the Housing Element and make a decision – can adjust the set asides. If approve tonight, goes to the Judge and then make an ordinance. Trying to get it done, want something in place to protect the housing and create Affordable Housing.

Barbara – have some issue with the percentages, is that something that can changed when the ordinance is written?

Jack – what you have here and now is what is in your power

John – great job – don't see how they can overturn – trying to help the lower class. Start higher and go from there.

20% for low and moderate – the numbers for Asbury Park are not there. Medium in Asbury Park is \$43,000

Mike – have housing options – don't want low and higher income only

Sullivan – don't have to be specific in this document – it will be done with the ordinance

Barbara – concerned with middle income number

Beth – 20% Affordable Housing Set Aside in the State, increasing the set asides, will have more units for middle income, compensation needs to be provided. Don't change how to calculate, change the percentage

John – want to fix to 20% - should have language to be able to change in the future

Jack – try and draft now or say this what you want, whichever works for the City. Want the planner to have the proper language

Jennifer – medium seems out of step with the region, our middle income is not the same

Barbara – is 20% what we are looking for?

Beth – Planning Board can say it can be a max percentage, incentives for middle income with increased density

Will need clarity in the ordinance

Mike – CBD is 5% lower

Rick - 15% not 10%

Beth – no middle income in plan now

Mike – motion to approve the Housing Plan with change to increase low to moderate to 20% and 15% in CBD with Beth's recommendations

Yvonne – second

In Favor: Mike, Yvonne, Barbara, Rick, John, Trudy, Alexis, Jennifer,

Opposed: None

**2. 545 Lake Urban Renewal, LLC**

**545 Lake Avenue, block 3105 lot 4, CBD Zone**

Amend Condition in Resolution of Approved Site Plan, and any variances or waivers.

**Motion to carry to March 11 without further notice: Rick Second: Yvonne All members in favor**

**3 C & C Cookman Development, LLC**

**722 & 724 Cookman Avenue, block 2405 lot 1, CBD Zone**

Major Site Plan and variance to renovate an existing structure and construct an addition for ground floor retail use and A total of Nine residential units on the second and third floors.

**Motion to carry to March 11 without further notice: Alexis Second: Mike All members in favor**

**C Resolutions:**

Amendment to the CBD Plan

**D Discussions:**

Motion to dissolve the Site Plan Committee: Alexis Second: Mike All members vote in favor

**F. Executive Session: none**

Motion to adjourn: Barbara Second: Mike All members vote in favor

Meeting Adjourns: 9:50 pm