

CAUCUS SESSION: 4:00 P.M. Manager's Conference Room
Deal and Monmouth Roads
Oakhurst

DISCUSSION: Chairman Thomas Means introduced Jeffrey R. Surenian, Esquire, to the Board Members. Mr. Surenian sat in as acting Board Attorney for this meeting in the absence of Board Attorney Sanford Brown, Esquire.

DISCUSSION: **Litigation**

CLOSED SESSION

RESOLUTION

WHEREAS, the Planning Board of the Township of Ocean, pursuant to the Open Public Meetings Act of 1975, intends to exclude the public from a portion of this meeting for the purpose of discussing litigation;

WHEREAS, during this closed session appropriate minutes will be maintained, and

WHEREAS, no formal action will be taken by the Planning Board during this closed session,

NOW, THEREFORE, BE IT RESOLVED that pursuant to the exceptions contained in the Open Public Meetings Act of 1975, the Planning Board will now go into closed session for the purpose of discussing litigation.

BE IT FURTHER RESOLVED that the appropriate minutes shall be taken and at such time as the confidentiality of these minutes is no longer necessary they will be released to the public.

BE IT FURTHER RESOLVED that no formal action will be taken by the Planning Board during this closed session.

Motion to enter into closed session was unanimously agreed upon.

REGULAR MEETING: 5:20 P.M. Public Meeting Room
Deal and Monmouth Roads
Oakhurst

MEMBERS PRESENT: Fred Brody, Alternate I
Carlo Gallelo
Warren Goode, Vice Chair
Estelle Klose
Stephen Levy, Alternate II
Thomas Means, Chair
Christopher Healy
George Sariosis
John Verrilli

MEMBERS ABSENT: Anthony Andrisano
William Garofalo

OTHERS PRESENT: Jeffrey Surenian, Esquire, Acting Board Attorney
Martin Arbus, Esquire, Township Attorney
Marianne Wilensky, Director of Community Development
Margo Simpson, Planning Board Secretary
Recording Secretary

OTHERS ABSENT: Sanford Brown, Esquire, Board Attorney
James Higgins, Board Planner
William Fitzgerald, Board Engineer

Chairman Thomas Means announced that the notice requirements for the Open Public Meetings Act have been satisfied, a copy of the notice having been sent to the Asbury

Park Press, the Coaster, and the Atlanticville, posted in the Township Hall, and filed in the Office of the Township Clerk on May 24, 2010.

Martelli at Wayside, LLC, v. Township of Ocean, et al.

Docket No. MON-L-5221-09.

In the absence of Board Attorney Sanford Brown, Esquire, Jeffrey R. Surenian, Esquire, sat in as Acting Planning Board Attorney.

To those present in the audience, Mr. Surenian explained the process for the Council on Affordable Housing (COAH) adopting regulations and how they can be satisfied. The first regulations were adopted in December, 1986, the second regulations were adopted in 1994, and the third housing cycle was adopted in 2004, which precipitated a number of law suits. In September 2008, COAH adopted the current regulations.

Legislatively, Senator Lesniak introduced legislation S-1 to abolish COAH and develop a radical new way for affordable housing. When Governor Christie was running for office, he said that he wanted to make changes to COAH.

The Township of Ocean is now under attack in court. There is risk involved and there have been four Builders Remedies actions brought before the Town. The first is BVD for a property on Cindy Lane; the second is Avalonbay for a property formerly known as Applefarm; the third is by Martelli for a property in Wayside; and the fourth is for a property on Roosevelt Avenue.

In regards to the Martelli suit, the Town is trying to control what will be developed on the Martelli property. The idea of a settlement is to control what is developed on the site and control the density. The site is 15.05 acres and Martelli wants to build 29 units. The settlement provides a mechanism to resolve it.

The developer must to bring in a plan for approval. It will settle a Mt. Laurel case and the court will decide if it is fair. Martelli is proposing to build more homes and make a contribution of \$313,000 for Mt. Laurel Housing. The municipality will try to define and contain what is built on the site. The idea is to limit them so that they will not come back and ask for more. The agreement has an appendency that separates out how the Township will re-zone the site. Another talks about what the builder can do. The site has not yet been engineered. Further changes may have to be made to develop the land. In regards to the drainage issues, there will be some changes to the stormwater ordinance to address drainage.

Chairman Thomas Means explained to the public that the application has to be approved by the Planning Board and those properties that are within 200' will be notified of the hearing.

Director of Community Development Marianne Wilensky explained the concept plan. The property is the same parcel of land that the Planning Board previously saw, but more lots have been added along Bowne Road. The overall acreage is 15+ acres. One lot faces Deal Road and will be treated as a separate entity. The number of total building lots will be 30. All of the outside area of the site will have a minimum 25' wide buffer. The houses that back up to Bowne Road will have a strip of land behind the lots along the road.

Chairman Means noted that the proposed homes are not low-income. He said that it is his understanding that they will be in the \$750,000 range.

Ms. Wilensky continued to explain that the property will be rezoned as R2HD with lot sizes of lightly under 10,000 square feet and a density of 2.1 per acre. The plan needs to make sure that the drainage will be designed for the ultimate building because the municipality needs to know that the drainage will work. The 25' buffer on the rear of the lots will be in the form of an easement.

There might be a gatehouse on the entrance road. If the road is privately owned, there will be a gatehouse, if it is owned by the Township, there will be no gatehouse.

From the audience: Pamela Larsen, 2 Wanamassa Point Road, Wanamassa, felt that in settling we are admitting that we do not have enough low to moderate housing.

Mr. Surenian said that the municipality has acknowledged that they do not have the units that COAH requires, but feels that the problem is not in how the land has been used. There is a lot of multi-family housing in Ocean Township and the Town is opposing that it will be excluded. It is all subject to litigation and no one cannot predict the outcome of the litigation proofs. The goal is to try to avoid eight units per acre.

Ms. Larson felt that the Town is paying money to stand by themselves and does not think we should have to make a choice.

Mr. Surenian pointed out that the law does not stand still. Governor Christie put a cease and desist order on COAH applications that was invalidated by the Appellate court.

Ms. Larson felt that smaller lots and tearing down of trees is not a good choice. The traffic impact has not been looked at. The proposal will be over-crowding of a beautiful area. She felt that the municipality is moving too fast.

Mr. Surenian said that in the Mt. Laurel arena it can be developed at far more density.

A motion to close the public hearing was made by Thomas Means and seconded by John Verrilli.

In Favor: Brody, Gallelo, Goode, Klose, Levy, Sarios, Verrilli, Healy, Means
Opposed: None

A motion to approve the Agreement subject to Township Council approval and changes made necessary after the drainage is designed.

In Favor: Brody, Gallelo, Goode, Klose, Levy, Sarios, Verrilli, Healy, Means
Opposed: None
Ineligible: None
Absent: Andrisano, Garofalo

Meeting Adjourned 5:50 P.M.

Margo Simpson
Board Secretary
Recording Secretary