

CHESTER BOROUGH
LAND USE BOARD
May 9, 2019

The Regular meeting of the Chester Borough Land Use Board was held at the municipal building located at 50 North Road on May 9, 2019.

Opening Statement

Chairman Kenneth Kasper called the meeting to order at 7:04 p.m. Adequate notice of this meeting was given as required by the "Open Public Meetings Act" as follows: notice was sent to the Observer-Tribune and Daily Record, posted on the bulletin board in the Borough Municipal Building and filed with the Borough Clerk.

Salute to the Flag

The salute to the flag was led by Chairman Kasper.

ROLL CALL

Present:

Stanley Stevinson
Mayor Janet Hoven, Class I
Kerry Brown, Class II
Kenneth Kasper, Class IV
Chris Heil, Council Representative, Class III
Edd Creter, Class IV
Anita Rhodes, Class IV
Jennifer Cooper, Class IV
Adam Sorchini, Alternate #2
Michael Ferrone, Alternate #3

Absent:

Donald Storms, Class IV
Stan Stevinson, Class IV
Sara Valenz, Alternate #1
Steven Bolio, Board Engineer

Also Present:

Richard Marcickiewicz, Board Attorney
David Banisch, Board Planner
Sarah Jane Noll, Secretary

Kerry Brown and Mayor Hoven advised that Sara Valenz has resigned as alternate #1. Her resignation has to do with her home activities.

Minutes of March 14th meeting were approved with the correction of the spelling of the Ulta Store.

New Deal Realty LLC – 2018-07 – 45 Maple Ave. Block 131, Lot 5 – was carried to the June 13th meeting without further notice. The Board had discussion on whether or not to dismiss the application or allow them to come back in June. The application is for an amended Site Plan

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application to install landscape. Mr. Stevenson noted that they have done something wrong and therefore, a message from the Borough needs to be brought to the attention of the owner of the property. He suggested that if they are not before the Board next month, the application will be dismissed and that any new meeting would have to be noticed. Mr. Banisch advised that the application is marked as a landscape plan but they have to submit a site plan showing what has been done on the property without approval. Kerry Brown advised the Board of the court decision. They did have an attorney at court. She advised that she had told Mr. Spasaro, the applicants' attorney after he postponed the April meeting, that if the applicant were not at the board meeting in May, she would issue summons. The board requested that she advise them to be in to the Board in June with site plan. Chairman Kasper reminded the board that the board does not enforce the ordinances but he suggested that the court be advised by the Zoning Official that the applicant is not in compliance with its decision.

Highlands Center Designation Discussion

Mr. Banisch advised that the Borough had entered into a Settlement agreement with Fair Share Housing in November, 2018. A fairness hearing was scheduled; the judge looked at it and said that it is fair and scheduled a fairness hearing date. Mr. Banisch explained that the Land Use Board acts with dual powers since there is no longer a Zoning Board of Adjustment. Only the governing body can zone and raise money. The Board adopts a housing element and fair share plan however, it is not forced to adopt just anything. In 1985 the courts set up a court process; not a planning process.

The land use board is going to have a public hearing on May 23rd. Mr. Banisch then reviewed the Amended Third Round Housing Plan Element and Fair Share Plan with the Board. This had been distributed amongst the board members previous to the meeting.

Using that Draft plan, Mr. Banisch reviewed the contents of it. Page 4 identifies the rehabilitation units totaling 12; prior round obligation pursuant to N.J.A.C. 5:93 consisting of 16 units and third round (1999-2025) Prospective Need consisting of 111 units. These have been adjusted down to 66 units. The Turkey Farm property includes 36 affordable units; 17 bonus credits are the rental obligation of which 25% allows the Borough bonus units. There will be 36 rentals plus 15 cash units and the Little Italian Kitchen property will have 4 – 1 bedroom apartments for veterans. An amended plan will be coming back to the board. These units are for Homeless Veterans. The largest % of homeless people in NJ are veterans. Some can live independently in a supervised environment and they are the ones coming here to Chester. Mr. Stevenson spoke at length about the Borough residents and what affordable housing is. He suggested that 'Goodness' is coming here; not riffraff. Mr. Banisch was asked to have the income level for the affordable housing available at the May 23rd hearing. Mayor Hoven explained that there are many people just starting out who qualify for this type of housing. They are gainfully employed and just cannot afford the housing costs. The highest income in Cash is \$28,000.

Unmet Need was explained by Mr. Banisch. There are 2 conditions: physical overlay on Chester Mall / Rite Aid which consists of 7.4 acres and 10 dwelling units per gross acre for rental units in a mixed-use configuration. The mall must be zoned for 73 units of which 15 must be affordable. The Borough is not obligated to develop it but change the zoning to provide for it.

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He distributed a map showing the Chester Mall/Rite Aid property and how it can be developed. The mall property is a mixed-use property. There would be a mall on the first level and apartments above with a height of not higher than 48'. This has been reviewed and accepted by the Court Master and Kevin Walsh, the intervener. The developers support Fair Share Housing. The property already has a package treatment plant and a current surface water discharge permit which would have to be increased.

Mr. Banisch then reviewed a proposed ordinance that would address the Third-Round Municipal affordable housing obligations. The conditional uses have been taken out. The lot area requirements; yard requirements for principal building and accessory building; building size and minimum parking and driveway setbacks were addressed. He continued to review the ordinance with the Board. Another piece of the ordinance is Section III – Section 163-100 **Mandatory Affordable Housing Set-Aside for Multi-family Dwelling. Section A-1.**

Mr. Banisch discussed the compliance parameters that need to be met. The original number of 440 units is what could have been the problem. The Borough consists of 1 sq. mile with 1,600 residents.

The Board discussed the May 23rd Public Hearing procedure.

Resolutions adopted were:

Stephen Jones – 1 Valley View Road, Block 106, Lot 1- Mr. Marcickiewicz, Board Attorney reviewed the resolution with the Board.

Kerry Brown moved to adopt the resolution; Michael Ferrone seconded the motion which was passed by the following roll call vote:

AYES: Kerry Brown; Mayor Hoven; Chairman Kasper; Adam Sorchini and Michael Ferrone.

NAYS: None

Public Comment – There was no one in the public to comment.

Adjourn: The meeting was adjourned at 8:15 p.m.

Sarah Jane Noll
Secretary