

CHESTER BOROUGH
LAND USE BOARD
May 23, 2019

The Regular meeting of the Chester Borough Land Use Board was held at the municipal building located at 50 North Road on May 23, 2019.

Opening Statement

Chairman Kenneth Kasper called the meeting to order at 7:02 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
Edd Creter, Class IV
Anita Rhodes, Class IV
Donald Storms, Class IV Stan Stevinson, Class IV
Michael Ferrone, Alternate #3

Absent:

Jennifer Cooper, Class IV
Adam Sorchini, Alternate #2
Chris Heil, Council Representative, Class III
Steven Bolio, Board Engineer

Also Present:

David Banisch, Board Planner
Sarah Jane Noll, Secretary

Minutes - none at this time

Public Hearing:

Amended Third Round Housing Plan Element and Fair Share Plan

Mr. Banisch’s memorandum of May 21, 2019 addressed the update to the Amended Third Round Housing Plan Element and Fair Share Plan and specifically the revision on page 5. The update is generated as a result of (1) a Structural Conditions Survey that was submitted to the Court Master to adjust Chester Borough’s Rehabilitation Obligation; and (2) a suggested change to that section of the Housing Plan Element recommended by the Court Master to identify the adjustment to the Rehabilitation Share. The Board will recall that the Borough’s affordable

CHESTER BOROUGH

LAND USE BOARD

May 23, 2019

housing obligations consist of three components, as follows: a. Rehabilitation Share: 12 units b. Prior Round Obligation: 16 units; and c. Third Round (199-2025) Prospective Need: 111 units with 66-unit RDP. Revised page 5 is attached to the memorandum and indicates a Rehabilitation Share of 3 units, based on the results of a Structural Conditions Survey, May 2019. Affordable housing regulations allow a municipality to adjust the Rehabilitation Share in situations where it is believed that the Rehabilitation Share assigned to the municipality is not substantiated by municipal housing stock conditions. That is the case in Chester Borough where the Structural Conditions Survey indicates a Rehabilitation Share of 3-units, not 12. The survey was prepared in accordance with the procedures set forth in N.J.A.C. 5:93-1 et seq., Appendix C, as required. The attached survey omits one of the pages of the survey that was submitted to the Court Master. It is a spreadsheet (Attachment 3 referred to in #4 of the Survey) that lists by tax block and lot/address the universe of residential dwellings inspected in the survey and the survey results for each address. That spreadsheet is not included in order to maintain the privacy for the owners of units that have been characterized in the survey as structurally deficient, which we believe doesn't have to be made public. Page 2 of 3. There are no other changes to the Amended Third Round Housing Plan Element and Fair Share Plan.

Mr. Banisch reviewed the Borough's fourth Round 3 Housing Plan Element and Fair Share Plan which has been amended to address Chester Borough's Third Round affordable housing obligations. He reviewed the history of Chester Borough's voluntary Mount Laurel compliance and the Round 3 affordable housing obligations agreed to by Chester Borough and FSHC (Fair Share Housing Center) and approved by the Court for Chester Borough. He reviewed the Satisfaction of the Rehabilitation Obligation; the satisfaction of the Prior Round Obligation; and the satisfaction of the Total RDP (Realistic Development Potential).

The 'Unmet Need' the 45 units is the remaining portion of its allocation of the Prior Round and Round 3 regional need and needs to be addressed by the Borough. This is addressed on pages 8 & 9 of the report. He concluded that the report reflects the substance of the Housing Plan Element and Fair Share Plan.

Mr. Banisch advised that this plan needs the endorsement of the governing body. The Board complimented Mr. Banisch on his excellent presentation.

Public Portion

Kerry Brown moved to open the meeting to the public; Donald Storms seconded the motion which was approved unanimously by the Board. Since no one in the public wished to speak, Kerry Brown moved to close the meeting to the public; Donald Storms seconded the motion which was approved unanimously by the Board.

Stanley Stevinson moved to approve the amendment to the Master Plan; Edd Creter seconded the motion which was approved unanimously by the following roll call vote:

AYES: Stanley Stevinson; Mayor Janet Hoven; Kerry Brown; Kenneth Kasper; Edd Creter; Anita Rhodes; Donald Storms; Michael Ferrone.

NAYS: None

CHESTER BOROUGH

LAND USE BOARD

May 23, 2019

Stanley Stevinson moved to adopt the resolution approving the amended Third Round Housing Plan Element and Fair Share Plan; Edd Creter seconded the motion which was passed unanimously by the following roll call vote:

AYES: Stanley Stevinson; Mayor Janet Hoven; Kerry Brown; Kenneth Kasper; Edd Creter; Anita Rhodes; Donald Storms; Michael Ferrone.

NAYS: None

Proposed Ordinances:

Mr. Banisch then explained the need for the required ordinances which pertain to the development and implements the provisions of the third round settlement agreement and that the Land Use Board is to determine that the ordinances are not inconsistent with the master plan. These are implementing ordinances and are called for in the settlement agreement and Fair Share and Housing Plan.

The Board took a brief recess while the Board Administrator made copies of Ordinance # 2019-12 for the Board members. It was missing from the package.

A brief recess was taken while Kerry Brown made copies of Ordinance #2019-12 for the board members.

The meeting was reconvened at 7:35.

Mr. Banish then addressed the ordinances explaining each to the board. They come from a Uniform Housing Affordability Act. 12 which requires that the Board determines that the ordinance pertains to development and implements the provisions of the third round settlement agreement and is not inconsistent with the Master Plan.

Public Portion:

Anita Rhodes moved to open the meeting to the public; Donald Storms seconded the motion. Since there was no one in the public wishing to speak Ms. Rhodes moved to close the meeting to the public; Mr. Storms seconded the motion which was approved unanimously by the Board.

Ordinance # 2019-12

Kerry Brown made a motion finding that Ordinance # 2019-12 is not inconsistent with the Master Plan; Donald Storms seconded the motion which was approved unanimously by the Board.

AYES: Stanley Stevinson; Mayor Janet Hoven; Kerry Brown; Kenneth Kasper; Edd Creter; Anita Rhodes; Donald Storms; Michael Ferrone.

NAYS: None

Ordinance 2019 -13 Mr. Banisch explained that this is an inclusionary zoning overlay ordinance affecting the Chester Mall/Rite-Aid property. This ordinance establishes a new B-3-IMUO Regional Commercial Inclusionary Mixed-Use Overlay zone designated to permit redevelopment of that property with mixed use.

Public Portion:

CHESTER BOROUGH

LAND USE BOARD

May 23, 2019

By motion of Ms. Rhodes and Mr. Storms, the meeting was opened to the public for comments and then closed because there was no one in the public.

Kerry Brown made a motion finding that Ordinance # 2019-13 is not inconsistent with the Master Plan; Donald Storms seconded the motion which was approved unanimously by the Board.

AYES: Stanley Stevinson; Mayor Janet Hoven; Kerry Brown; Kenneth Kasper; Edd Creter; Anita Rhodes; Donald Storms; Michael Ferrone.

NAYS: None

Public Comment – There was no one in the public.

Communication/Discussion Items: None

Adjourn: The meeting was adjourned at 7:52 p.m.

Sarah Jane Noll
Secretary