approved 5/20/2008

Keyport, New Jersey
January 16, 2007

Minutes of the Special Meeting of the Mayor and Council, held on the above date in the Council Chambers, Borough Hall, 70 West Front Street, Keyport, New Jersey pursuant to being called by Mayor and Council. Notice was forwarded to the Asbury Park Press, Courier, Independent, Two River Times and Newark Star Ledger and posted on the Bulletin Board in accordance with the Open Public Meetings Act, P.L. 1975, Ch. 231.

Mayor Bergen called the meeting to order at 7:03 P.M. and Mrs. Cinquegrana read to Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Sheridan, Hassmiller, Walling, Bolte, Mayor Bergen. Absent: Councilmembers Hill (arrived 7:28 P.M.) and Ortman (arrived 7:18 P.M). Others Present: Peter Valesi, Borough Administrator, Gordon N. Litwin, Esq., Special Counsel, and Stan Slachetka, Don Norbut, and Paul Ricci, T&M Associates.

DISCUSSION

1. Rehabilitation Design

This is a continuation of the December Meeting to fix a broken process. The Planning Board is holding the case and is sitting as a zoning board. The meeting was turned over to Special Counsel, Gordon Litwin. Mr. Litwin gave the frameworks of the evenings' meeting and purpose. This does not allow for eminent domain; not a power created. In December of 2006 the Engineer/Planner Report was distributed to Mayor and Council.

Stan Slachetka, had the rehabilitation displays. Regarding rehabilitation designation, the alternative for an area in need of rehabilitation is for areas of under-utilization. It gives municipality opportunities for rehabilitation and fostering improvements. Specific neighborhoods could be addressed or the entire town. The Resolution goes to the DCA to make them aware of the action taken. One of three general criteria is to be met. First, 50% of the dwellings are to be fifty years or older. Second, utilities must be fifty years or older. Last, deteriorating structures and tax arrearage. Housing stock met the criteria for rehabilitation infrastructure. The process is Mayor and Council give a Resolution to the Planning Board who makes a recommendation to Mayor and Council and a Resolution is adopted and sent to the DCA. We will forego eminent domain. A redevelopment plan was adopted by Mayor and Council for redevelopers in our area. Acting on designation this evening is the first step. The Redevelopment Plan is important. It is like "the Master Plan with teeth." New development or improvements should be talked about for current infrastructures or dwellings.

There are two ways for redevelopment. First, Mayor and Council prepare the Redevelopment Plan for Planning Board review which is done by a consultant. Then it is referred back to Mayor and Council for adoption after a Public Hearing by Ordinance. Mayor and Council and Planning Board work on this together. Full membership of Planning Board must approve this matter. Regarding the Redevelopment Ordinance, specific requirements can be stated for certain areas. The Zoning Ordinance Amending process is similar to the Redevelopment plan. Mr. Slachetka's presentation ended and then was open to questions. Mayor Bergen asked him to compare the similarities and differences; present with the difference Planning/Zoning situation with proactive in the initiative.

Mr. Sheridan said everyone is concerned with eminent domain, please explain. Mr. Slachetka said it is written in the law. Mr. Sheridan said it is not written or explained clearly. Mr. Slachetka explained eminent domain and what would have to be done in order to obtain property. Mr. Sheridan said there was a referendum in November of 2006 and not mirrored in vision statement. It is up to Mayor and Council to decide which process to take. Mr. Slachetka said he cannot do this without a plan; the Governing Body input, Planning Board input, and the community input. Can be specific with areas but Rehabilitation design is a problem. Vision is established in redevelopment plan.

Mayor Bergen said to Mr. Litwin the Governing Body doesn't sit on Use Variances. They do not participate in the zoning process. Nothing is happening tonight that contributes to eminent domain.

Mrs. Bolte said the public is confused by the Redevelopment Plan. This gives a better basis than the December meeting. We need the public participation, allowing everyone to voice their opinion. Regarding the vision statement, it came from Smart Growth Commission. A group of 100 residents came through town and came up with a vision. There won't be townhomes all over town. The market is driven in a slow manner. The Master Plan is set up to be 95% accurate and 5% non-accurate to the town now. We are telling developers what we want for the town with this.

Mr. Ortman asked if there are financial incentives; none now, but Smart Growth has funding. There are five year abatements that can be granted via local Ordinances and progress. Mayor Bergen said that there is an $85,000 Smart Growth Grant and $15,000 by the Borough for this vision statement. Mrs. Bolte read the vision statement and it was handed out. Mayor Bergen read a Planning Board Resolution that approved a case. He was trying to clean up the language.

RESOLUTIONS

1. Resolution #64-07, Refer Proposed Resolution Designating the Borough of Keyport as "An Area in Need of Rehabilitation" to the Keyport Unified Planning Board

WHEREAS, the Local Redevelopment and Housing Law ("the LRHL"), <u>N.J.S.A.</u> 40A:12A-1 <u>et seq.</u> authorities municipalities to encourage development and rehabilitation activities by the entire municipal, or any portion (s) thereof, as an "area in need of rehabilitation";

WHEREAS, such designation would allow the Borough to undertake a program of rehabilitation as provided for by the LRHL by adopting a comprehensive redevelopment plan for the Borough or, as is presently contemplated, redevelopment plans for specific areas therein, which plan (s) could include appropriate standards for new development;

WHEREAS, such designation would allow the Borough to exercise the powers set forth in the LRHL in furtherance of such redevelopment plan or plans, except that such designation would not grant the Borough the power of eminent domain over parcels within the area in need of rehabilitation;

WHEREAS, such designation would further allow the Borough to grant short-term property tax relief in the rehabilitation area pursuant to the Five-Year Exemption and Abatement Law, <u>N.J.S.A.</u> 40A:21-1 <u>et seq.,</u> as may appropriate;

WHEREAS, the Borough of Keyport engaged the services of planning consultant T&M Associates to assess whether the entire Borough may be designated as an "area in need or rehabilitation" pursuant to the criteria set forth in Section 14 of the Local Redevelopment and Housing Law ("the LRHL"), N.J.S.A. 40A:12A-14;

WHEREAS, T&M Associates has provided the Mayor and Council of the Borough of Keyport with a report dated December 1, 2006, that concludes the entire Borough is qualified to be and may be designated as an area in need of rehabilitation;

WHEREAS, pursuant to the LRHL, prior to the adoption of a resolution designating the subject area as an area in need of rehabilitation, the Mayor and Council must submit the proposed resolution to the Unified Planning Board of the Borough of Keyport for its review and for its review and recommendations; and

WHEREAS, the Borough has developed such proposed resolution together with an accompanying statement that expresses the general vision and goals of the Mayor and Council for the presently contemplated rehabilitation process.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport as follows:

1. The above recitals are hereby incorporated by reference;
2. The proposed resolution hereto attached and designating Keyport in its entirety as an area in need of rehabilitation, is hereby referred to the Unified Planning Board of the Borough of Keyport with the request that it shall transmit to the Mayor and Council a report continuing its recommendation concerning the draft resolution pursuant to the provisions of N.J.S.A. 40A:12a-14.
3. The Borough Clerk is directed and authorized to take such actions as may be necessary to implement the provisions of this resolution, including the transmittal of a copy of same, together with a copy of the T&M report dated December 1, 2006, forthwith to the Secretary of the Unified Planning Board.

Offered for adoption by Mr. Sheridan, second by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Sheridan, Hassmiller, Hill, Ortman, Walling, Bolte
Nays: None
Abstain: None
Absent: None

2. Resolution #65-07, Payment of Bills

See full copy of this Resolution on file in the Borough Clerk's Office.

Offered for adoption by Mrs. Bolte, second by Mr. Hassmiller

Roll Call Vote: Ayes: Councilmembers Sheridan, Hassmiller, Hill, Ortman, Walling, Bolte
Nays: None
Abstain: None
Absent: None

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 7:58 P.M. Andy Willner, Osborn Street, asked how this differs from the Planning Board Master Plan Process. Mr. Slachetka said it does not supersede the Master Plan. This doesn't replace the Master Plan. The vision is very strong for Keyport. A comprehensive Master Plan would take longer for a specific area through rehabilitation. The Redevelopment Plan has teeth; the Master Plan is a general guiding document. Mr. Willner asked if the entire Borough would be rehabilitated. Mr. Slachetka said the designation does nothing to change Ordinances or Master Plan. Mayor Bergen said there is still some room for the Master Plan with Redevelopment. There is review from time to time. The Planning Board gives recommendations and there needs to be a Master Plan to have Zoning Ordinances. The Redevelopment Plan does not allow for variances. You cannot deviate for a Redevelopment Plan unless amended by the same process.

Peggy Hayes, First Street, asked if the board will still have to say so; yes, the Planning Board will receive the Resolution. The regulations are unclear in the Zoning Ordinance as to height and where it starts. The Redevelopment Plan specifies the limitations. Mrs. Hayes asked if the Borough would be sued by previous approvals through developers; this needs to be addressed, don't want developer driven decisions.

Bob Ludwig, 50 Beers Street, asked how many Redevelopment Plans there are. Feels it is a fragmented process, why have the whole Borough in and how many plans are there; not sure. Mr. Slachetka said rehabilitation is a designation; there are no plans yet. There are a wide range of benefits without the Redevelopment Plan. The idea is to do it throughout the Municipality. A lot of communities declare the whole town. Mayor Bergen said it does mkes good sense to do the whole town for redevelopers through a Redeveloper Contribution. Allows an extension of benefits. Mr. Ludwig asked Mr. Slachetka if he read the Master Plan before coming; no, it's not his job. Mr. Ludwig said he is not sure if the Master Plan is strong or weak. Council has the ability to hear Use Variance appeals from the applicant to the Zoning Board. Mr. Ludwig said the resolution should be strengthened to a vision statement. There is no statutory requirement for that. Mr. Litwin said it is hard to predict the future; wary of being too specific.

Sid Becnel, had a visual aid (balls in a net). There is a problem with language; a breakdown. Read the definition of rehabilitation. Definitions changed within seven minutes of the T&M Presentation. Trying to help everyone feel what is going to happen; there have been five developments on the drawing board since 2002. There will be 304 new units; a lot of traffic, double the cars. Mr. Becnel acknowledged Jack Jeandron and getting the non-binding referendum on the ballot. Owned seven properties, asked whether he was going to convert back to single families.

Jack Jeandron, said he was greeted by a plan for a Manchester Avenue at the old factory. Is that putting the cart before the horse? Mayor Bergen said we need to start somewhere; we are trying to help the local neighbors. Mr. Jeandron said the Manchester Avenue Property can be divided into 7,500 square foot lots. The water/sewer lines are over 100 years old and need rehabilitation. The Department of Public Works deserves a good facility; we have the best Department of Public Works in town and we are renting at Francis Street. Mrs. Bolte said there is no current plan with focus areas. They are presenting a chart for the public plan creating a guideline for what is wanted to be done. A Manchester Avenue resident had a plan prior to designating an area. Mr. Bergen said the

Borough will have a public meeting. Mrs. Bolte said they brought a concept to the Planning Board to work with Council. Mr. Bergen explained the Planning Board process.

John Kovacs, said we have an area in need of redevelopment; it is already designated. Mr. Bergen said they don't have 659 houses yet. The public knows that, in the Planning Board, Mayor and Council are involved before it comes to the Board.

Angel Matos, said regarding the vision question, there are no tangible details to drive the vision. Mayor and Council should consider the result of a local Ballot Question. We are steamrolling ahead with no rehabilitation tool. A 70/30 ratio of ballot results by the voters should be considered. Questions on process & timeline, proposal and paperwork, and locally and then the DCA. Not everyone will get a tax benefit for rehabbing their home. We need to move pedestrian traffic in the downtown area. Not vehicular traffic. We need to move tangibles; too many pitfalls. Need to hear what the public is saying. Mrs. Bolte said we're not going to stop development, we don't own the properties. Mr. Bergen said they walked the area of Manchester this past weekend.

Donna, 80 Fulton Street, said her yard faces the condos; bring good ideas. Only a resident for one year; needs all options, not just one.

Mike Lane, First Street, complimented Mayor and Council for the meeting. There has been tremendous progress since the December 6, 2006 meeting. Regarding zoning, the developer drives the project. The plan in the room is developer driven. Browns Point is also developer driven. It was asked what is the new process Mayor and Council will implement; how will every resident know about the meeting? Don't pass the resolution until a process is established. Mrs. Bolte said everyone within 200 feet should be notified and the meeting will be advertised. Mr. Slachetka said it is a statutory process and what the law requires. Advertise public meetings on the plan for residents 200 feet or beyond. It was asked who is being impacted; newspaper, Borough Hall and the website. There is a range of things to keep the process open. Mr. Bergen told Mr. Litwin to advertise the Ordinance in the newspaper. There will be a hearing before Mayor and Council and the Planning Board. Ordinance is introduced, then goes to Planning Board, then to Mayor and Council for adoption.

Mayor Bergen brought up Kara Homes approval for 28 units. Paul Ricci was on Planning Board for a few years. Mayor Bergen said the redevelopment plan will be presented in a document form for the public to read cover to cover. Developers have not built the project. Mr. Lane said dialogue is it will be community driven. Will only be able to object as a public person. It is up to Mayor and council. Mr. Lane suggested Mayor and Council define the process prior to approval.

Kathy Shaw, said a lot of issues throughout the town. There are multi-family approvals and a really good planning process is needed. There are a lot of dimensional problems. The vision statement took many hours to compose and we can make detailed plans.

Cerelle White, 90 Fulton Street, said for rehabilitation there needs to be recreation for children. There is nothing that attracts one to the downtown. Many homes need to be repaired. Regarding the under-utilization of property, how is it defined? People weigh their own objections and have input. Mrs. Bolte said they cannot force any one to fix up their property. Mayor Bergen said there are many generations and we all live here and love this town. We are just like the public.

Tim Telemonde, said he owns the factory on Manchester Avenue. He gave the idea and had a rendition created. Mr. Telemonde said he is here to build the town up. He said they tried to create parks for parking at the Bulkhead. Mr. Telemonde explained the rendition; there is no hidden agenda by him.

William Schwartz, Manchester Avenue, said he lives in his grandparents' home and is a 26-year resident. Mr. Schwartz said we all know one another. Mr. Schwartz said he would like to see an area remain the way it is. Keep things the same. Don't placate the incoming; work around us. Accommodate the current structures.

Mr. Walling said it is his first time seeing this plan, and Mr. Ortman said the same. Mr. Walling said we should not have this here now without Councils' knowledge. He said there were letters being passed around and he is not aware of this.

People adore Keyport and the downtown area should be utilized. Business should be kept in town. People want to walk and shop. We need to utilize the town like Red Bank. He would like to invest in his own neighborhood.

Peggy Hayes, said she is glad many people are here tonight. There needs to be some public input. There is a moratorium on developers coming to town. Mr. Litwin said not to declare it moratorium. It is not recommended. This could result in litigation. It was asked who makes the final decision; the Governing Body on a plan. What is built is decided by Planning/Zoning Board.

It was asked if the Master Plan is voted on by the Public; yes, non-binding referendum. Angel Matos, said to bring the public input by referendum. Mrs. Bolte said they can't delay the process any more. Mr. Ludwig said he is for the process and it should be defined ahead of time. A motion to refer this matter to Planning Board for input was moved by Mrs. Bolte, second by Mr. Hill with Ayes by all present. There being no further comments or questions from the audience, the meeting was closed to the public at 9:34 P.M.

ADJOURNMENT

Motion to Adjourn moved by Mr. Sheridan, seconded by Mr. Hill with Ayes by all present.

Time of Adjournment: 9:35 P.M.