

BOROUGH OF SURF CITY LAND USE BOARD

813 Long Beach Boulevard

May 28, 2025

7:00 pm

Chairman Hartney called the meeting to order.

The Open Public Meeting Statement was read by Chairman Hartney, as follows: in compliance with the “Open Public Meetings Act” of the State of New Jersey, adequate notice of this meeting of the Board of Surf City Land Use Board has been provided to three newspapers & published in the January 30, 2025, edition of the Beach Haven Times.

All members present joined Chairman Hartney in a salute to the flag.

The following members were present: Peter Hartney, Joe DeBenedetto, Alan Mannherz, James Russell, Richard Savianeso, , David Wright, John Franzoni & Jaime Ryan. Absent: Gavin Hodgson, Sandy Klose & George Wachter.

The Board Engineer, Frank Little, Jr. and the Board Attorney, Kevin Quinlan, were also present.

Chairman Hartney also read the following statement: this meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the Borough of Surf City Land Use Board may legally consider in reaching a decision. Decorum appropriate to a judicial hearing must be maintained all the time.

Mr. Russell moved to approve the February 26, 2025 regular meeting minutes. Mr. Wright seconded the motion. With a vote in the affirmative, the minutes were approved.

Roll call reflected the following in the affirmative: Mr. Hartney, Mr. DeBenedetto, Mr. Mannherz, Mr. Russell, Mr. Savianeso, Mr. Wright, Mr. Franzoni & Mr. Ryan. Absent: Mr. Hodgson, Mrs. Klose & Mr. Wachter.

Brian Lynch of 244 N. 1st Street, Block 61, Lot 18 was present seeking bulk variance relief. It was stated that the property has pre-existing non-conformities and that the applicant is seeking setback and lot coverage variances. It was noted that the applicant does not have an attorney or a professional planner to testify to the criteria of the property and application.

Henry Latch was sworn in as the applicant’s architect. He stated that the applicant is seeking a deck to the side of the home to make the property aesthetically pleasing.

Mr. Russell moved to carry the application. Mr. Mannherz seconded the motion. Roll call reflected the following votes:

Mr. Hartney: Yes.

Mr. DeBenedetto: Yes.

Mr. Mannherz: Yes.

Mr. Russell: Yes.

Mr. Savianeso: Yes.

Mr. Wachter: Yes.

Mr. Wright: Yes.

Mr. Franzoni: Yes

Under regular business, Allison S. Iannaccone, CFM of Owen, Little and Associates, Inc. was present to give information on a Master Plan Amendment to adopt the Surf City Housing Element and Fair Share Plan, quote “this housing element, fair share plan is a condition of the resolution that the Board approved back in January accepting the DCA fair share housing numbers for the fourth round. At that time, Surf City decided to go ahead and adopt the fourth-round numbers which were 39 units of perspective need and 2 units of present need, which is essentially a rehab number. When I say number, I’m referring to the number of housing units within the Borough. Surf City previously did not address prior rounds of affordable housing so there was round one starting back in 1987 and move forward by a decade roughly to round two, round three and round four, so the prior rounds 1987 to 2025 you accumulated 172 total units. Then we have the fourth round where you’re adding an additional essentially 41 total units. DCA does allow you to utilize the present need numbers, so your 2 present need rehab units, you can apply those towards new construction. So, you don’t necessarily have to rehab 2 units within the municipality. That being said, Surf City lies within a special flood hazard area in its entirety, so our office went ahead and prepared a vacant land adjustment, or a vacant land assessment adjustment. Because all of your properties within the Borough are considered environmentally constrained, we were able to reduce your realistic development potential to zero. That unfortunately though doesn’t mean that you don’t have to provide any sort of affordable housing. It just means that realistically you don’t have any properties that can be developed with all of the units that DCA is advising that because of your income levels and demographics, you’re required to provide. What it allows us to do instead is reduce your total perspective need and present need, your only required to I should say, plan for 25% of your total units. One of the aspects, I also would say for the Borough as were going through this process, was that we needed to identify a mechanism as to how we were going to address what ended up being 12 total units as far as our fourth round, and then 43 units would ultimately be 25% of your prior rounds. So, in all, you’re looking at 55 total units of affordable housing. Now that can be, when I say affordable housing, it could vary. It could be supportive housing, group homes, age restricted housing, family units. There is a breakdown that the DCA wants to see from each municipality so that every municipality isn’t just focus on building age restricted or isn’t only focused on building moderate income and instead will also provide some diversity as far as low, moderate income and moderate-income family units. So, when we started, when Frank and I started looking through obviously the vacant land assessment and looking thorough all of your current zoning, we felt that it was best from a planning perspective to sort of attack this number

utilizing overlay zoning within the business district. Doing so would allow any sort of redevelopment including any sort of new mixed-use development to potentially construct an affordable unit as part of their new development. I will say that every redevelopment or every new construction development does not necessarily require the inclusion of an affordable unit. Affordable units are only triggered when you construct at least 5 residential units. So if you were to have a new mixed use structure that was proposed within the business district and that developer was only proposing 4 units, the developer would not be required and Surf City would not have to require him in order to meet their affordable housing obligation to build that affordable unit, nor would he have to provide any sort of payment in lieu of because he did not meet the minimum threshold for that affordable unit. We also did look briefly into potentially a development fee instead of an overlay zone, but again, just given the amount of construction, or more so the lack of construction and the small geographic area, the limits of the municipality. When you start looking at actually collecting a development fee from each new structure, which is approximately 1 ½% of normal construction cost that's submitted as part of your building permit, it's really going to kind of take a while to accumulate any sort of funds, especially when you are looking at land values here on Long Beach Island. It's probably best to approach this utilizing overlay zoning knowing that many of your parcels likely cannot or probably will not substantiate enough area to really justify more than 4 residential units. We are not rezoning, so overlay zoning is not a rezoning of your business area. It's just simply an overlay mechanism that allows additional conditions to be met within that particular district. It's important to know too that the developer then, they are going to be providing that unit, but they're ultimately going to have to buy down from that unit that market rate or to that affordable price which right now in Ocean County is I believe \$268,000 is what is actually the asset level for a moderate-income dwelling unit. So, if the developer was building a unit similar to the units in his building and if those units were going for \$700,000, he would have to buy down that difference and would only be able to offer a mortgage to that new home owner for the \$268,000. You would have to develop a spending plan as part of this housing element and fair share plan to essentially project based on your total construction or estimated construction in the next decade. What fees you anticipate bringing into this affordable housing fund and how you're planning on using, so you're really putting a lot of responsibility on the city for something that may never actually ever come to fruition. A draft of the affordable housing overlay is here for your review, but that is something that won't be adopted until later. The law requires that in order to take advantage of the 25% unmet need, you have to calculate out your realistic development potential and automatically without even putting pen to paper, I knew that the entire town was going to be considered environmentally constrained because any parcels within a special flood hazard area are considered environmentally constrained and have a net benefit of 0."

Mr. Wright moved to open public hearing. Mr. Russell seconded the motion. With a vote in the affirmative, public comment was open. The vote reflected the following ayes: Mr. Hartney, Mr. DeBenedetto, Mr. Mannherz, Mr. Russell, Mr. Savianeso, Mr. Wright, Mr. Franzoni & Mr. Ryan. Absent: Mr. Hodgson, Mrs. Klose & Mr. Wachter.

Kathy Casey had questions on when the Master Plan would be updated.

Mr. Wright moved to close public hearing. Mr. DeBenedetto seconded the motion. With a vote in the affirmative, public comment was open. The vote reflected the following ayes: Mr. Hartney, Mr. DeBenedetto, Mr. Mannherz, Mr. Russell, Mr. Savianeso, Mr. Wright, Mr. Franzoni & Mr. Ryan. Absent: Mr. Hodgson, Mrs. Klose & Mr. Wachter.

Mr. Russell moved to approve Resolution 2025-08. Mr. Ryan seconded that motion. With a vote in the affirmative, the following resolution was approved.

WHEREAS, the New Jersey Municipal Land Use Act Law (N.J.S.A. 40:55D-1 to 136) requires every municipal Land Use Board to adopt a Housing Plan Element to its Master Plan and further requires the Governing Body to adopt a Fair Share Plan; and

WHEREAS, on January 8, 2025, the Governing Body adopted Resolution 2025-41 accepting the 2-unit present need and 39-unit prospective need calculation; and

WHEREAS, the Housing Element and Fair Share Plan has been prepared in full compliance with the requirements of Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and the Fair Housing Act (P.L. 1985, C. 222; N.J.S.A. 52:27D-301 et seq); and

WHEREAS, the Board has reviewed the proposed Housing Plan Element and Fair Share Plan and has had the opportunity to discuss the same with the Borough Engineer; and

WHEREAS, a public hearing was held at the Land Use Board meeting on May 28, 2025, and all interested parties were allowed to be heard; and

NOW, THEREFORE, BE IT RESOLVED, by the Land Use Board of the Borough of Surf City, that it hereby adopts the Housing Plan Element and Fair Share Plan in complete satisfaction as prepared by Frank Little Jr., P.E., P.P., C.M.E. of Owen, Little & Associates.

BE IT FURTHER RESOLVED, by the Land Use Board of the Borough of Surf City that a copy of this Resolution and the Housing Plan Element and Fair Share Plan be forwarded to the Ocean County Planning Board and the Municipal Clerks of each adjoining municipality to the Borough of Surf City.

Roll call reflected the following in the affirmative: Mr. Hartney, Mr. DeBenedetto, Mr. Mannherz, Mr. Russell, Mr. Savianeso, Mr. Wright, Mr. Franzoni & Mr. Ryan. Absent: Mr. Hodgson, Mrs. Klose & Mr. Wachter.

Mr. Russell moved to approve the bills. Mr. Ryan seconded the motion. Roll call reflected the following in favor: Mr. Hartney, Mr. DeBenedetto, Mr. Mannherz, Mr. Russell, Mr. Savianeso, Mr. Wright, Mr. Franzoni & Mr. Ryan. Absent: Mr. Hodgson, Mrs. Klose & Mr. Wachter.

Mr. Mannherz moved to adjourn the meeting. Mr. Russell seconded the motion. With a vote in the affirmative, the meeting was adjourned. Roll call reflected the following in favor: Mr.

Hartney, Mr. DeBenedetto, Russell, Mr. Wachter & Mr. Wright. Abstained: Mr. Mannherz, Mr. Savianeso & Mr. Franzoni. Absent: Mr. Hodgson, Mrs. Klose & Mr. Ryan.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jenna Letts". The ink is dark and the signature is fluid.

Jenna Letts

Land Use Board Clerk