

ABS 046

October 18, 2007

Henry Gorohoff, Chairman
Master Plan Committee
Absecon City Planning Board
500 Mill Road
Absecon NJ 08201

Re: Review of Draft ordinance by
City Council dated 10/18/07

Mr. Gorohoff and Committee Members:

I have reviewed the draft ordinance provided by City Council and I offer the following:

City Council is proposing only one lot on just off of Franklin Blvd as open space rather than the 54 lots recommended by the Planning Board. (Portion of proposed Ordinance with reference # ABS 046.01) (Council - Section 2. 1)

City Council is proposing the rezoning of the I/PI zones to Residential along Mill Road. (proposed Ordinances reference # ABS 046.03 and # ABS 046.04) (Council - Section 2. 2 and 3)

City Council is proposing rezoning the Veterans Park on Route 9, several small wooded islands in Absecon Estates and a wetlands tract along Ritz Drive to Park. (portion of proposed Ordinance reference # ABS 046.05) (Council - Section 2. 4)

City council is also rezoning a lot owned by the Board of Education from SPB to R2. (proposed Ordinance reference # ABS 046.08) (Council - Section 2. 5)

City Council's draft ordinance falls far short of the goals and objectives of the Master Plan and the ordinances recommended by the Planning Board.

The current ordinance proposal does not address the numerous other ordinances recommended by the Planning Board.

The adoption of the Open Space, Age-Restricted Overlay, Train Station Overlay and Affordable Housing Ordinances are of critical importance to our town.

The following is a brief description of the above listed ordinances. For a more detailed description refer to the introduction in each proposed ordinance.

The **Open Space Ordinance** (Planning Board proposed Ordinance - reference # **ABS 046.01**) allows our town preserve the remaining City owned wooded area for future public use. City owned vacant lands consist of approximately 104 acres (**or 2.2% of the total lands in Absecon**). City owned vacant lands includes numerous undersize infill lots through-out Absecon. This area also includes larger contiguous parcels adjacent to Pitney Park and in the northwestern portion of Absecon in the R 2 Residential District.

The **Age-Restricted Overlay Ordinance** (Planning Board proposed Ordinance - reference # **ABS 046.02**) will increase the property owner's land development opportunities, encourage economic growth and provide the opportunity for voluntary contributions for affordable housing in the proposed Train Station Area Overlay zone.

The **Train Station Area Overlay Ordinance** (Planning Board proposed Ordinance - reference # **ABS 046.09**) will increase the property owners land development opportunities, encourage economic growth, help preserve our downtown, increase much needed pedestrian activity in our downtown central business district, provide for mixed use with market rate residential units, affordable residential units and commercial. This ordinance will allow developers to voluntarily provide a mix of affordable housing, along with market rate housing and commercial near mass transit.

The **Affordable Housing Ordinance** (Planning Board proposed Ordinance - reference # **ABS 046.10**) The Fair Housing Act, NJSA 52:27D-307 et. seq., dictate that every municipality in the State is required to provide opportunities for the development of its "fair share" of affordable housing. **Municipalities are not required to participate in the COAH program or provide affordable housing, but each municipality has constitutional obligation to provide for a realistic opportunity for the development of affordable housing with its framework of its land use regulations.** This ordinance will allow our town to meet our moral and constitutional obligation to provide for the opportunity for affordable housing in our land development ordinance and protect us from a possible builder's remedy lawsuit to force us to allow a developer to build affordable housing. If a builder's remedy lawsuit is successful, Absecon does not get to decide where the affordable housing will be constructed.

Why City Council is not addressing all of the proposed ordinances is unclear to me at this time. Maybe City Council needs to be reminded of the time and effort the Planning Board put into the fourteen (14) ordinances recommended to them, as well as the importance of each ordinance.

This process started back on August 10, 2004 when the Planning Board first discussed in a public meeting the re-examination of the Master Plan. That was over three years ago. During the last three years the Master Plan Committee and Planning Board has discussed the Master plan and the Ordinances in nine (9) public meetings. As I recall, six (6) public meetings were held at the Planning Board on 8/10/04, 10/25/05, 5/23/06, 11/28/06, 1/09/07 and 7/24/07; Two (2) City Council Joint Sub-Committee meetings on 1/15/07 and 2/26/07; and One (1) City Council meeting on 3/1/07. The Master Plan Committee had numerous work meetings and has spent countless hours to develop each of the ordinances.

The availability of the proposed ordinances should not be an issue. Drafts of the original ten (10) proposed ordinances (ABS 046.01 through ABS 046.10) have been available since the 11/28/06 Planning Board meeting. The City Council sub-committee members had draft copies of the ordinances prior to the January 15, 2007 City Council Joint Sub-Committee meeting for review. The original ten (10) proposed ordinances (ABS 046.01 through ABS 046.10) have been available on my website since the March 1, 2007 City Council meeting. On July 25, 2007, Tina Lawler, Secretary for the Planning Board sent a letter to The Council President and City Council to inform them that the Planning Board recommended fourteen (14) ordinances for adoption. The original ten (10) proposed ordinances and the new ordinances (which included the Security Ordinance, Tree Protection Ordinance, Zoning Map Ordinance and the Definitions Ordinance) have been available on my website since July 24, 2007. Copies of same were hand delivered to each of the City Council sub-committee members on 7/26/07. That was twelve (12) weeks ago. I do not know if the City Council Sub-Committee provided the other City Council members with copies after their review.

I would happy to meet anytime with the City Council Joint Sub-Committee or the full City Council to answer any questions and discuss any issues they may have regarding the ordinances. I am sure we can work out any concerns City Council may have.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Reid", written over a thin red horizontal line.

Robert L. Reid, AICP, PP
Board Planner

CC: Absecon City Planning Board
Absecon City Council