

Planning Board Minutes of
February 11, 2019

Announcement by the Chairman that the meeting is being held in accordance with the Open Public Meetings Act, Chapter 231, Public Law 1975. Adequate notice of the meeting has been provided to the Coaster and the Asbury Park Press. All notices are on file with the Board Secretary. Official action may be taken on matters listed below.

Pledge of Allegiance
Roll Call

Members in Attendance: Barbara Krzak, Michael Manzella, Jim Henry, Mayor John Moor, Trudy Syphax, Rick Lambert, Councilwoman Yvonne Clayton, Alexis Taylor, Trudy Syphax (arrived at 7:03 pm)

Members Absent:

Staff: Jack Serpico, Esq., Jason Fichter, (InSite), Donna Miller (CCH), Michele MacPhearson, (State Shorthand)

Meeting begins at 7:00 pm

A. Minutes: Approval of Minutes of January 28, 2019

Motion: Mike

Second: John

All members in favor

B. Applications/Board Review:

1. GECC, FLP

(carried to March 25, 2019)

910 Fourth Avenue, block 302 lot 5, B2 Zone

Site Plan amendment to replace interior parking garage with conference room.

Parking variance for 15 parking spaces and request for waiver of parking study

Barbara – applicant’s attorney asked to carry to March 25, 2019

Motion to carry to March 25, 2019: Jim

Second: Rick

All in favor

Carried from December 2018

2 Referral from Mayor and Council – Resolution #2018-396 - for Review of an Amendment to the Central Business Redevelopment Plan

Formal action may be taken

Michele Alonso, Director and Planning and Redevelopment- sworn in

Alonso – will continue the review of various amendments to the CBD Plan, however, there is a small change, received an email today from the Redeveloper that had made the request for the hotel amendment and requesting that the Board and the Council not consider the hotel amendment at this time, so will not review those sections of the Plan Amendment presented last month. There are other amendments to the Plan. Some are housekeeping items and one addressed penthouses on the rooftops in the CBD and third item addressed retail as an accessory use to restaurants/bar.

Barbara – please not that Trudy Syphax has arrived 7:03 pm)

Jack – have Exhibit C-1 that is the Plan Amendment dated 1/7/19

Alonso – want to go through the pages that will be struck. Page 1 stays, which is the correction for block and lot. Page 2, the block and lot correction stays, and the red bullet is eliminated because it is part of the hotel, page 3, bullet on maximum height is eliminated for hotel use. Penthouse bullet to remain. The two amendments, changing 10 feet to 20 and verifies whether it is a residential or office use.

Barbara – the setback said 10 feet, are you saying that you are changing that to 20 feet?

Alonso – it was changed to 20 feet based on what the board wanted.

Barbara -There were other presentations saying the setback is 20 feet so want make sure we stay consistent with that if no body objects, then stay with 20

Alonso- Parking – two changes – strike out “the cost of a structured parking stall” and the other amendment made was at the discretion of the Board. The Board hadn’t come to a conclusion whether you wanted to keep that language.

Jack – suggested that the language be eliminated - the ordinance would be void due to vagueness, it does not set a standard that the Planning Board would have to adopt. Without criteria being established, can’t tell an applicant that they

can't contribute to the ordinance. The Board can't say you have to provide on site parking or parking elsewhere, if there is no standard. It needs to be uniform standard so it can be enforced with the same criteria. It is that it is no longer the option of the applicant

Alonso- the applicant can – propose to pay into the parking fund, but it is the discretion of the Planning Board whether they would accept that payment or if consider the lack of parking a variance

Jack – so allowing the Board to grant a variance or require payment?

Alonso – yes, the Board can determine if it is a variance or the solution would be to pay into the parking fund.

Jack –when would the Board be allowed to grant the variance versus requiring the parking?

Rick – need some criteria for Board to make a decision

Jack – the ordinance would be void for vagueness under Constitutional Law, need criteria. If giving the Board discretion, can be difficult, better off with more stringent standard from a planning and legal perspective. Can't give Board discretion to say no to a variance and that we want you to provide parking without criteria to make a decision.

Barbara – different ways to handle – pay into the fund or create space needed or if can't create space, then need something to hang your hat on. Maybe a percentage. They provide a certain amount of parking and then pay for the difference into the fund.

Jack – then criteria should be in the ordinance that says you provide 90% of onsite spaces, then can pay into the parking fund for the 10% difference. Need form of measurement so every applicant knows what they are in for.

Criteria needs to be objective not subjective

Mike – would have to be in Redevelopment Plan?

Jack – would need to be in the ordinance

Mike – need to figure out what that number is

Jack – need some sort of study to give the basis for the criteria, need data. This subjective standard won't work.

Rick – was up to the developer to say that they can't provide parking, so they will pay into the parking fund, Board couldn't say no, need some level, so developer will know that if they don't provide a certain amount of parking, then can't just pay into the fund

Barbara – can work on that piece

Jim – what if remove this element and study it more

Jack – same criticism on allowing discretion of the Planning Board. Need to have objective standard.

Jim – it makes no sense to put something in the Plan that can be challenged and be a problem for the City.

Alonso – remove “at the discretion of the Planning Board”. Last paragraph with the hotel need to “strike”

Red type – keep the language – building penthouse and make change to 20 foot and add “office or residential”. Parking standards on Cookman Avenue Corridor – doesn't allow payment into the fund, do you want it to remain that they must provide parking elsewhere in the CBD?

Barbara – yes

Alonso – strike language that allows payment into the fund, was adding 1.5 spaces provided offsite in the CBD and can't pay into the fund. Maybe predecessor knew parking couldn't be provide in that zone

Mike – maybe should re-visit when look at other payment in lieu standard, not fair that Cookman Avenue developers don't have the same option as other developers in the CBD

Barbara – I agree

Alonso – 527 Lake – may have retail and special events within the restaurant use. Do you want to keep it?

Barbara – had discussion on special events, need to approve by the City Council if in the City right of way and would have to go to Council if Special Event, concerned with rooftop events

Mike – that's what it says, that they can have these events

Barbara – was concerned with impact with sound mitigation of this Redevelopment Plan

Jim – sound mitigation is one of many issues

Barbara – they are coming back with a list of events on the roof top and now don't know what happens to that list if we say its ok. Is the retail only for inside or also for the rooftop?

Alonso – rooftop, this ordinance would allow continuation of use on the rooftop

Barbara – approved the Christmas Market and igloos, but was specific uses. Concerned if we approve this, what about other events on the roof.

Jack – typically in the ordinance, need to define what are accessory uses

Alonso – wanted retail as permitted as part of the restaurant use

Jack – problem is, we run into the same problem we ran into before. From a legal stand perspective, when an applicant comes in, we believe it to be incidental and accessory, then Board says we don't think so and they say what criteria are you using to decide whether its incidental and accessory

Alonso – but applicant didn't want a list in case a new item comes up, then it would just be permitted

Jack – but that's how the system works, if we go with law. If go with vague incidental and accessory use, we define one way for one applicant and define a different way for another applicant. Applicant is looking at commercial perspective but from a legal perspective, it has to have standards

Alonso – can address at another time

Barbara- Board is concerned with noise and times available and safety – making sure the igloos are secure and not having bands at all hours

Alonso – then strike this language, strike “at the discretion of the Board“and keep clarifying language. . last page strike all language about hotels

Alexis – this goes back to Council?

Alonso – yes

Jack – Board has the task to give review and give recommendation to Council

Jim – want to see a new copy with final changes because so much is marked up

Jack – that makes sense, so the items stricken are what the Board understands it to be then make new ordinance for a new resolution.

Barbara – can it be done at the next meeting?

Alonso – can email so Mr. Serpico can do a resolution

Barbara – if it isn't what we understand it then that negates it. Questions by Board. Questions by public?

Mike – motion to open to public for comment Jim – second all in favor

Jim – close to public second: Mike all in favor

Mike- motion to recommend to Council the findings of today's testimony with the changes that were agree upon

Barbara – second all members in favor

3 RBAR AP, LLC

1112-1114 Main Street, block 2805 lots 18 & 19, Main Street Redevelopment Zone

Major Site Plan and variance to remove a portion of the structure and construct an addition for restaurant/commercial use on the first floor and residential apartments on the second floor.

Dana Kelly, Esq for the applicant – application originally scheduled for preliminary and final major site plan approval with variance relief. Subsequent to the meeting, had a discussion with Mr. Serpico. Applicant discovered errors on the plans that may impact variances requested so in lieu of conducting a public hearing, we would like to treat this as an informal workshop.

Jack – since converting to an informal, no one has to be under oath, nothing is binding, a good discussion will be beneficial to all

Barbara – can we still open to the public?

Jack – yes

Kelly – site is presently a restaurant and bar and five residential units with four bedrooms. Propose to remove the non-conforming residential dwelling and allow for expansion and renovation of existing bar/restaurant. Restaurant is a permitted use. Want board input on architectural features.

Kelly Victor – general manager, lives at 511 Cookman, (described vision) has opened several bars in Asbury Park and in New Jersey, first venture with a business partner.

Lindsey Taylor – has opened bars in Asbury Park. One favorite spot in Louisiana inspired idea. Want a wine and cheese shop. Select wine, cheese and meat and take out or site in the yard area with the year around greenhouse

Inside will be a local neighborhood bar. wants locals to have a place to go. Neighbors are excited to have a place to walk to or bike to. No dancing- relaxed restaurant and bar, casual bar, beautiful dining room and backyard area. Will serve brunch, lunch and dinner, 7 days a week. Comfort cuisine

Barbara – rendering looks like on the beach

Dana – Architect can go through the rendering. The emphasis will be on the restaurant

Jeff Weltz – Architect for the applicant (reviewed the floor plans). Main entry with arch opening – into the bar area and intimate seating area with a gas fireplace. Wine and Cheese bar and have a large kitchen for the fine cuisine. Exit the

C. **Discussions:**

Barbara – continuation of conversation having to do with outstanding applications.

There are two applications – 547 Bangs and 512 Summerfield

512 Summerfield – was dismissed by the City – no escrow submitted

So have no outstanding applications. Have a list of everything coming and everything closed

Professionals were given the agendas through March 25 and will add this application to March 25

Alexis – the Site Plan Committee?

Jack – will do a review of the Ordinance and Bylaws and will determine if required.

F. **Executive Session:** none

Motion to adjourn: Barbara

Second: Jim

All members vote in favor

Meeting Adjourns: 8:30 pm