Planning Board Minutes of  
January 28, 2019

Announcement by the Chairman that the meeting is being held in accordance with the Open Public Meetings Act, Chapter 231, Public Law 1575. Adequate notice of the meeting has been provided to 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, Alexis Taylor, Councilperson Yvonne Clayton
Members Absent:
Staff: Jack Serpico, Esq., Jaron Fichter, (InSite), Michael Sullivan (CCH), Michele MacPhearson, (State Shorthand)
Barbara Van Wagner, Secy.

Meeting begins at 7:00 pm

A. Minutes: Approval of Minutes of January 7, 2019 meeting.
   Motion to approve: Jim Second: Mike All vote in favor

B. Board Review:

   1. Review and Adoption of Amendment to Municipal Master Plan (carried to February 25, 2019) for Affordable Housing Element
   Motion to carry to February 25, 2019: Rick Second: Yvonne All vote in favor

C. Executive Session:

   1. Re-appointment of Planning Board Professional Staff
   2. Possible Litigation Case

      Motion to go into Executive Session: Barbara Second: Jim All in favor
      Executive Session: 7:05 pm
      Resume Meeting: 7:15 pm
      Attendance taken

      A written resolution adopted by the Board for the executive session
      Motion: Barbara Second: Jim All in favor

D. Annual Board Reorganization

   1. Nominations and vote for 2019 offices:
      Motion: Barbara Second: Mike All members in favor
      Board Attorney: Jack Serpico
      Board Planners: CCH
      Board Engineer: InSite
      Conflict Attorney: Jolanta Maziarz, (Ventura, Miesowitz, Keough & Warner)
      Conflict Planner: InSite
      Conflict Engineer: T & M
E. Applications

1. Linus Holding Corporation (Pearlbud Realty, LLC)
   527 Bangs Avenue, block 3101, lots 9 & 10
   Preliminary and Final Site Plan for mixed use project with 42 residential units, commercial on the first floor
   and on site parking.
   Jack – This application includes lots 9 & 10, however, according to the planner’s report, lot 3 is also affected
   by this project
   Andrew Karas, attorney representing Linus Holding Corporation and Shared Equities
   Michael Sullivan sworn in

   Sullivan – looked at the site plan and the existing parking lot shown behind the existing building on lot 10,
   provides access to the second lot. There are no proposals for lot 3. If there is no longer this access, it will not
   function in same way. Since this involves more than 5 parking spaces, site plan is required. This raises the
   issue that they only noticed for lots 9 & 10 and didn’t notice for lot 3.
   Karas – this is a major and minor site plan, the CBD site plan rules differ. Not developing lot 3, not touching
   this lot. If we were, we would submit an application. There had been an application submitted 2 years ago for
   512 Summerfield.
   Jack – does this application effect lot 3?
   Karas- this lot will not be utilized.
   Jack – how does this project effect lot 3? What is the nexus to lot 3?
   Karas – we are cutting it off
   Rick – are the engineering plans still valid
   Jack – did the original approval effect lot 3
   Jim – lot 10 and lot 2 are part of the application to provide parking and are combined for surface parking for 31
   spaces.
   Carter Sackman- (owner) I worked with Don Sammet when we purchased Emory and Summerfield lots at the
   same time but are separate lots. Then we bought 527 Bangs and it does have a road cut on Summerfield,
   more access from Emory. Never proceeded with the 512 Summerfield application, it is frozen in time. Lot 3
   has a separate ownership
   Jack – how did the lots get combined?
   Carter – bought the paved parking lots, driveway goes in from Emory and out to Summerfield
   Karas – can re-line the parking lot
   Jim – don’t think so, this is a 30 foot wide lot
   Carter – may have to eliminate some parking
   Jack – somehow either by de facto or legally, there is a connection. These two uses were combined, looks like
   a combined lot
   Sullivan – Shared Equities owns lots 3 & 10? Regardless of the ownership, the function is altered by the plan
   Carter – Pearlbud owns lot 3, Linus owns lot 9 and Shared Equities owns lot 10
   Barbara – are we saying that lot 3 requires site plan?
   Sullivan – anything above 5 parking spaces requires site plan
   Karas – didn’t submit application for lot 3
   Barbara – this impacts lot 3
   Jack – in accordance with section 30-45, i.e., the Planning Board can waive site plan requirement but if the
   parking is lost, need to pay into the parking fund. If no hardship, if made unusable, not grounds for a variance,
   it is a self imposed hardship. Want to research to see if tied to lot 3
   Karas – no alteration, nothing to do with lot 3
   Sullivan – changing the access, forces the alteration
   Jack – we have to deal with lot 3
   Carter – two different entities
   Jack – if you want to cut off the lot, it changes the parking structure used in connection.
   Carter – problem with the façade. No approval was given to 512 Summerfield, had hearings but no approval,
   might amend it
   Jack – the Board has the right to waive the site plan for lot 3
Sullivan- any variances on 512 Summerfield?
Carter – was paying into the parking fund
Jim- approved parking for lots 3 & 10
Carter – Don Sammet wanted me to come in with a plan
Jack – any idea what will happen to lot 3?
Karas – the plan will be amended
Jack – application should be dismissed, when ready to go then start. Under discretionary power, the Planning Board can waive a site plan. When lot 3 comes in with a site plan, could pay into the parking fund if there is no parking provided. Not requiring site plan for lot 3. City will be protected for loss of parking on lot 3, will have to pay into the fund
Alexis – regarding the noticing, if we don’t grant the waiver, then can’t hear the application? The informal review can proceed. Could the Board make recommendation to notice for lot 3?
Cumulative impact for loss of parking. Need to provide ingress and egress from Summerfield
Jack – if you think the site doesn’t work, then deny it
Jim – how many parking spaces on lot 3?
Carter – 8
Karas – if the 8 spaces were used with lots 9 & 10, then would have to advertise
Jack – if lot 3 was included and used for
Barbara – if don’t include lot 3, then eliminate
Karas – not looking to develop this lot. Don’t need a site plan
Barbara – what about access, how do you get out?
Karas – it could be realigned, but not here for the application for that
Barbara – in the Engineer’s report, parking in lot 3 was included
Karas – it was an existing condition sheet
Yvonne- currently accessing parking on Emory?
Alexis – still debating whether this can be heard. Does is have proper notices? Or should it be an informal hearing. With the informal hearing, saying it is connected to lot 3.
Jack – can’t demand the connection
Alexis – could we demand a traffic study? Want to know options?
Jack – if site plan is not required for lot 3, then notice is not required
Barbara – concerned with the impact to lot 3, then notice will be required
Jack – adjacent properties might have an interest
Barbara – who parks in lot 3?
Carter – no one, its an empty lot
Sullivan – Does the parking go away? Now or later?
Jack – legally, see if lot 3 needs site plan and then it will have to come in. Can proceed with the lots you see and lot 3 will have to stand on its own merits
Alexis – it has different owners, not burden on board to grant hardship
Jack – it would be a self imposed hardship. For spaces lost, pay into the parking fund
Sullivan – it is still parking spaces, just vacant. It won’t be a parking lot when it comes in
Jack – can vote on whether notices are adequate to hear applications
Motion to hear application: Alexis Second: Mike All in favor
Karas – this site is located in the CBD Mixed Use area which permits retail and residential. The building height permitted is 45 feet. The building has 99.04% building coverage and measures 133.33 feet by 100
feet with a .18 foot encroachment. Floor area is square feet and is 49.5 feet high and will require a C variance. Planning Board is permitted to grant a C variance. With the penthouses is will be 54.7 feet high. If don’t exceed 10 feet or 10% then is a C variance. Will provide 15 parking spaces.

Jose Carballo, Architect
Exhibit AA-1- Revised Plan dated 11/1/18
Existing building is a two story brick building with precast elements, symmetrical finials on top. Brick is in good shape, nicely preserved on Bangs Avenue. Propose to keep the retail on the first floor and residential on the second floor. Will add two more stories for a total of 42 residential units. Rear of the building will have the parking with the entrance on Emory Street with 15 parking spaces. It has a basement for the utilities, services and a trash area measuring 12 feet by 16 feet, laundry, storage and two means of egress. Trash will be picked up twice a week. The parking will have 24 foot aisle width, 18 foot stall depth and 8 feet 6 inch to 9 foot wide width. The garage door is 16 feet wide but can go 18 feet wide.
(reviewed sheet 2 of revised plans for the 2nd, 3rd and 4th floor residential units)
Will preserve the elements of the façade
On the top floor, some of the units will have a mezzanine space which covers less than 20% of the roof area. The HVAC compressors will be in the center of the roof. It shows screening, but it is not necessary, not visible from the street.
(reviewed page 3 – elevations)
The third and fourth floor are recessed to maintain the elements on the first and second floors
Maintaining the existing structure, wanted a backdrop, so as not to compete but be more modern

Exhibit AA-2 – rendering
Structure goes above the existing in a darker color for contrast. The third floor is all glass façade which acts as a buffer between the existing and the new floors, for a complete separation from the existing building.
The height is 49.4 feet, wanted to maintain the C variance. Wanted higher third floor to highlight the glass. On the roof will have open trellis on top as a crown to the building.

Exhibit AA-3 – sample board of the façade
Rick – the fourth floor overpowers the building, what about glass instead?
Carballo- only have the glass on the third floor to separate the existing with the new
Rick – if add contemporary to the historic, the top floor should be set back
Barbara – questioned the trellis. Have penthouses with roof top decks
Carballo - trellis is for aesthetics
Alexis – there are not details for the trellis, planner didn’t review with a trellis
Mike – what would be the impact for setting the fourth floor back?
Carballo – the units will be smaller
Rick – should re-configure the fourth floor, not a good decision, the third floor has no outdoor space, can setback and it will have more outdoor space
Carter – the fourth floor setback is to match the third floor. Your feedback is important
Rick – glad you kept the arches in the Bank Building
Carter – try to preserve and re-purpose and utilize for 2019. This rendering doesn’t tell the real story, the overhang is only 3 feet.

Exhibit AA-4 – Design Concepts (7)

Barbara – the window should be more flush.

Sullivan – could you stretch to 5 feet?

Rick – like the glass setback, looking for more light, sliders on third floor to open onto a balcony.

Carter – will keep the shell of the existing building, will be rejoisted and raise the floors. East Austin Texas reminds me of Asbury Park. Squared off the fourth floor and push the windows out. Don’t have to cantilever out and maybe not as dark or add more glass. Wanted your feedback.

Barbara – what about the rooftop?

Carballo – the 7 units will have a mezzanine and decks

Barbara – what about the rooftop deck?

Mike – need a street tree on Emory. Need bike racks – two on Bangs and one on Emory.

(reviewed the Planners Report – CCH report)

Applicant is requesting two variances for height and for the encroachment in the right of way – can be a condition to have Council approval. It is an intensification of the existing encroachment of the fourth floor.

(discussed lighting) there will be gooseneck lights over the signs. Signs will not be back lit.

Parking and circulation will be discussed with the engineer.

Signage – will meet the CBD and UEZ standards.

There will be a sign over each store and over the main door on Bangs Avenue.

Height – neighboring buildings exceed the height requirement – Steinbach and the Gas building. This will have no negative impact to the adjacent building.

Affordable Housing – no proposal for Affordable Housing.

Jason Fichter sworn in

(trash was discussed)

Garage door will be increased to 18 feet wide.

Barbara – would like the garage door warnings, with lights and sounds.

John – where will the staging be located?

Carter – on Emory.

Calisto Burtin, Engineer for the applicant sworn in

Exhibit AA-5 – Revised Engineering Plans dated 12/7/18

Exhibit AA-6 – Color Rendering

The site is located at the Northeast corner of Emory and Bangs – lots 9 & 10. The building is located on lot 9 and the parking will be on lot 10.

It is located in the CBD Mixed Use area. Applicant will maintain the existing façade of the building. Will be combining lots 9 & 10 – it’s the same ownership. Will have 15 parking spaces with 2 parallel and one perpendicular. The parking requires 8.5 feet by 19 feet and propose 8.9 feet by 18 feet. RSIS requires 9 feet by 18 feet. Drive aisle is 24 feet wide. By the garage door is space for a compact car.

The footprint of the existing building has a .12 foot encroachment in the City right of way.

Parking – 63 parking spaces is required, will have 15 spaces, deficient 48 spaces. Will have 5,000 square feet of retail. The garage door on Emory is one way north, taking one space away on Emory.
Loading will be from Emory. Staging for construction is on Emory Street. Will replace the sidewalk.
The grading is flat, not a flood zone. There is an inlet in the parking lot that will carry the water out to Emory.
Roof drains go down the columns in the parking lot and then go to Emory manhole. There is nothing going to
lot 3, but there is a second pipe up along the wall if lot 3 needs it in the future. 4 CFS pipe
Disturbance is less than an acre so not detention is required.
Utilities are up from the basement, there is an existing sewer line to Bangs. Will keep the manhole. Water and
gas will be new lines to Bangs Avenue, will re-mill and re-pave Bangs or take the utilities to Emory.
Can do a street tree and the bike racks.
Lighting – sheet 2.4 – gooseneck lights with cones over it. Signs lit with the lighting. The paneling above –
bronze on black, will match the store fronts, signs are in the brick bands. Vertical wall sconces to light the
sidewalk.
Drainage- in the parking garage to Emory. Pipe on Summerfield is adequate. Borings to be provided
Mike- handicap parking spaces should be moved to the other side
Burtn- van needs 8 foot space and a 8 foot drop off area
Barbara – if you move the spaces, could you gain another space?
Burtn – they need to be 8 foot wide, three spaces in lieu of 2
Jason – parallel space needs to be 13 feet, if move handicap space, could put in another space
Mike – the sconces on Emory should have a shield to face light downward
Alexis – questioned the borings and test pit logs, is there excavation required for the elevator?
Burtn – there will be a 4 foot pit in the basement made of waterproof concrete
Sullivan – the lighting on the rooftop should not spill off the roof
Burtn – Ballard lighting proposed for the roof
Sullivan – keep the light on the deck, not off the roof
Burtn – lighting is low lights

Motion to open to the public: Mike Second: Yvonne All in favor
Public Questions: none
Motion to close to the public: Mike Second: Rick All in favor

Application carried to the March 11, 2019 meeting.
Motion: Mike Second: Yvonne All in favor
Karas - Applicant consents to waive any time constraints

F. Discussions:

Site Plan Subcommittee never meets. Board wants to remove as a committee in the By-Laws.
Jack will check to see if it is an ordinance

Applications: have 45 days to deem an application complete, need to carry to a date certain
Board wants a list of old applications not heard.

G. Resolutions:
None

H. Planning Board Committees update:
1. Technical Review Committee
2. Design Review Committee
3. By Laws Committee
4. Master Plan Committee

Meeting adjourns at 9:50 pm