

Minutes of the Asbury Park Planning Board Regular Meeting

July 13, 2020

Virtual Zoom Meeting

7:00pm

Announcement by the Chairperson that the virtual meeting is being held in accordance with the with the “Open Public Meetings Act,” Chapter 231, Public Law 1975, amended 2020, which explicitly permits a public body to conduct meetings electronically during a state of emergency. Adequate notice of this meeting has been provided to the Coaster and Asbury Park Press. All notices are on file with the Board Secretary. In addition, a notice regarding this virtual meeting and instructions were published in the Asbury Park Press and the City of Asbury Park website. A copy of that notice is on file with the Board Secretary. The notices and the conduct of this meeting are in accordance with the guidelines for virtual meetings issued by the New Jersey Department of Community Affairs. Official action may be taken on the matters listed below.

Members in Attendance: Mayor John Moor, Councilwoman Yvonne Clayton, Jim Henry, Michael Manzella, Alexis Taylor, Jennifer Souder, Rick Lambert & Chairperson Barbara Krzak

Members Absent: Trudy Syphax

Members Recused: Barbara Krzak

Staff: Jack Serpico (Board Attorney); Donna Miller (Board Planner), Jason Fichter (Board Engineer), Doug Clelland (Board Engineer) & Irina Gasparyan (Board Secretary)

Meeting begins at 7:04 pm

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**A. Salute to the Flag**

**B. Roll Call**

**C. Minutes:** Approval of minutes of June 8, 2020 special meeting with comments by Jennifer Souder

Motion to approve minutes: Henry Second: Manzella

All in favor None opposed Krzak recused

**D. Discussion:** Amendment to bylaws to include

**E. Applications:**

**1. AP Triangle, LLC**

Bounded by Cookman Ave., Asbury Avenue, and Heck Street; Subdivision & Site Plan

Barbara Krzak recused herself from the application & Rick Lambert acting Chair  
Board Profs sworn in

Jennifer Porter, Attorney for applicant

Porter: Opening statement, recap of application continuance, DEP letter of approval. Supplemental documents related to items discussed during last meeting i.e., renderings of the public park space. Park will be completed prior to phase I of townhome construction. Final design of park will be up to council approval. Comments regarding street improvements- master developer has obligation to complete street once 50% of site is completed.

Landscape arch will address the pathway. Applicant respectively requests that if city unwilling to take on liability then city make the pathway public pathway.

Manzella: when say make public mean public access or public right of way?

Taylor: the park design is subject to whom?

Porter: subject to city council approval for final design. It is part of developer agreement. Want to make clear that park will exist when the townhomes exist. Simply wanted board to see an idea of the park & create focal point.

Taylor: when does go back to council, think it's important that public park be available to public comment.

Galipo: want to point out that looking for park to not provide separation between buildings

Brian Leff, Landscape Architect for applicant, sworn in  
Exhibit A-11: landscape plan

Leff: described landscape plan & species used. Met w/ board planner & revised to provide more native plants. Reduction of amount of lawn areas & larger shade trees, all plantings will be irrigated. To accommodate public walkway, put screen fence, make walkway straight. Would look similar, just move the plantings to accommodate. All street trees to remain. Once all streetscape improvements made other street trees will be planted.

Henry: can't see property line on west. Same for east side

Leff: showed on exhibit. Showed mark-up to show where the public walkway will go right along property line & have secondary path inside the fence

Henry: why not just extend walkways out to make one walkway?

Leff: would end up with individual fences.

Porter: difficult to separate liability issues with public walkway. Have to also address applicant's ability to make safe for residents.

Galipo: best way to make it feel safe is to extend paths of front doors- will create sense of public ownership. Separating them will create a separation. Intention of WRP is to create engagement with public

Porter: this is being done for public engagement. Taken that into consideration and that's why wave come up with this. We have to take into account safety.

Henry: is 4' walkway wide enough? For Asbury park?

Leff: yes

Manzella: clarify what's being proposed- private walkway will have gate & public walkway will be against property line? I will just say that 5' walkway is preferred.

Leff- keep in mind that path we have now was always 4' wide path

Manzella: but now its public & deserves to have more space

Moor: how big are trees along Asbury ave anywhere where you're putting fence. Went from 5' fence to 42"

Leff: being planted at 6' don't have picture of sky rocket.

Moor: how close together planted? Is goal for them to grow together?

Leff- planted 4" apart. Yes.

Moor: what size fence is along west?

Leff- 6' fence around individual units, lattice fence.

Henry: 6' fence around patios where are they? What are plantings?

Leff: showed locations. Skyrocket junipers.

Lambert: is there gate or anything blocking on the west side?

Leff: yes, on west side only have 10' space. On east side have much larger area. Public coming onto private property

Miller: in report under 4.4 d u have any comments about recommendations made? Understand desire to keep skyrockets

Leff: do need the skyrockets to maintain privacy.

Henry: what's normal mature height of junipers?

Leff: 15' but can be pruned to any size.

Clayton: what size are planting?

Open to Public Questions

Barbara Krzak: will plantings block oncoming lights from street?

Leff: yes, fence and plantings will block. That was idea.

Krzak: and if going north, headlights toward garage? If for whatever reason that undeveloped lot is sold, would that obligation stay? Are the proposed sidewalks impervious?

Leff: yes. I believe sidewalks are concrete. Permeable pavement is great, but does get clogged.

Close public comments

Next witness, Keenan Hughs, planner for applicant, sworn in

Hughs: go back to exhibit, provides some context. Provide linkage between waterfront, common goal for applicant and city.

Exhibit A-8: Aerial view of project

Hughs: This is project that's already been through TRC review and extensive review. Also want to address overall comments about overall layouts of property. TRC determined that layouts were in line.

Exhibit A-17: Comparable layouts

Hughs: have Vive project, south grand project, Wesley grove, deal lake village, deal court have very similar layouts.

Galipo: point out that majority of buildings face public streets.

Exhibit A-16: conceptual rendering of park

Higs: mentioned variance relief, also requesting some waivers from arch design- permit sliding doors- this is present in other developments; permit frontage fencing, gray facades, permit different building materials. In my opinion, the waivers requested are small.

Henry: made reference to approvals by TRC, aware that have no approval authority

Hughs: my understanding, from planning standpoint, the TRC does not have authority, the planning board is the ultimate authority to grant relief.

Porter: it is a legal requirement & mandatory step in the process

Henry: indicated bldg. 3 does that not front out to street?

Hughs: some frontage to street.

Henry: made reference to subdivision, when subdivided again, this will be one lot? when will that take place?

Porter: once all is constructed, that subdivision will take place. Upon receipt of CO of the 3<sup>rd</sup> building. Each unit will also have CO. Should also note that the remerger is a specific requirement under the developer agreement.

Galipo: go back to aerial photos of other developments- would indicate where front entrances of vive?

Porter: just want to get some clarification from the board with regard to orientation of the buildings. At beginning of the meeting, want to confirm that the plan as shown, has been determined by City council to be approved.

Lambert: I think where Galipo is going is the subdivision is affecting the layout.

Galipo: I would suggest that orientation of the buildings is being driven by the subdivision. Is there any commercial?

Hughs: I'm providing these examples of orientation. My reference to Wesley grove

Porter: could you speak to board comment that subdivision is being driven?

Serpico: I think line of questions is irrelevant. Orientation of buildings has been approved.

Lambert: think is it relevant they're seeking variance.

Porter: not relevant, not seeking variances for that. No setbacks requirement or anything. The application is fully compliant with the requirements.

Henry: what is going to go on the remainder of triangle lot to the west?

Hughs: can't, that's not determined. Will say it will be something meets requirements.

Porter: as part of 2018 amendments to WRP, the city eliminated need for block by block development. The city didn't want to restrict development and that's why we're subdividing. There are no plans in place, even if conceptual plans we would share that.

Manzella: I think relevant because we're looking to create public walkway

Taylor: I think Serpico alluded to coming back to stormwater & dep letter- important to see if dep approval somehow

Serpico: spoke to board engineer and Delaney to discuss that.

Porter: we are ok with that approach; we certainly want to resolve any issues. Important to go back to statements to obligations with stormwater that is required by DEP, that is an ongoing process.

Serpico:

Sean Delaney, Engineer for applicant, sworn in

Fichter: Called DEP to discuss this letter with them and differentiate water quality and water quantity.

Exhibit A-15: DEP letter

Fichter: CAFRA permit states that there is water quality already in place. That is why they don't have to provide anymore discharge points. Mr. Delaney agreed to provide map where that takes place. As far as I'm concerned, water quality issue is satisfied. Water quantity issue- project discharges into lake. DEP considers that water quantity is solved. There are concerns

Porter: board asking to make concessions that is the responsibility of the master developer. All issued are currently being addressed between the city and master developer, to address all global issues, not just this site. Not that applicant is opposed to doing things, but it is the master developer agreement.

Taylor: worried about precedent being set here. Why are u not responsible on a site level, that's deferred to master developer?

Porter: redevelopment agreement allows for a predetermined amount of development.

Taylor: so, beyond CAFRA permit, there is also MS4 permit that city has. So, because

Porter: being addressed with master development. Its ongoing.

Taylor: not going to keep argue this

Serpico: I'm in line with this. Is there currently anything in effect that is going to address or resolve the quantity issues? Or is there something down the road where there are flooding issues

Porter: we view as precedent as well. Taking obligations for master developer. Has the board approached city with these concerns?

Taylor: can only take this application on its own merit.

Serpico: if these systems are not in effect and there is a water problem, what can be done?

Lambert: I don't think that we expect you to fix other problems, the board asking you to mitigate runoff from own property and that's not unreasonable request.

Delaney: site was analyzed, overall waterfront development was approved with 90% coverage. That's what whole system designed to output. Compare what was approved back then to what we're planning to put on site now, less runoff. Discharge coming off our site will not result in additional runoff. Discharge from Wesley lake is quick. While putting detention and retaining flow is desirable in many cases, I believe letting the water discharge quickly would be better in this case.

Taylor: just want to clarify your statement

Galipo: offsite detention centers

Delaney: DEP doesn't allow us to calculate recharge. There are other things going on in terms of site.

Henry: seem to be missing is that lake floods now. Increasing runoff from this site, which exacerbates. The calculations don't take into account what happens in real world. Think something has to be done to reduce flow from site.

Delaney: visited site on Friday after storm after tropical storm. I can say at 6:30 there was no surcharge through lake. That's what supposed to happen, after the

Galipo: what was design for that storm? And what was your study?

Delaney: 100-year storm. I couldn't find the recent storm.

Galipo: is there inconsistency by the council

Serpico: council recommended lot by lot, sent over to planning board, and they voted to pass it. Whether there's any inconsistency, I'm trying to understand what there is to put something into place. What is it?

Porter: its an ongoing process. Its addressed under infrastructure component report/plan for entire waterfront area.

Serpico: Jason, whatever is currently in place, does that help us, whatever is being addressed will that help us?

Fichter: I haven't review that so I can't speak to it. Applicant can quantify that for us in a report. Sean could put that together to say what all of it will handle.

Porter: this is a master developer. City holds all of the records, was a party to all of the stormwater developments that were put into place. We are bound contractually with all of these. WRA could never have been rebuilt without addressing water and stormwater.

Serpico: asking us to approve something that may increase flooding issue.

Fichter: in my understanding in speaking to DEP, the city has the ability to impose own restrictions. If infrastructure improvement plans that could solve some conveyance problems

Henry: doesn't subsequent developer step into shoes of master developer?

Serpico: all aspects of site are responsibility of subsequent developer

Galipo: doesn't it put greater onus on future developers?

Porter: no because there are systematic improvements in place

Serpico: where do we go to get answers to this? board engineer is suggesting that there be some report

Fichter: I would suggest applicant come up with some plan, some form of attenuation to slow down stormwater.

Henry: on July 1 letter, there is nothing about drainage calculations.

Porter: DEP was given everything that was given to the board. How could they make a decision? Mr. Delaney did you submit that report?

Delaney: yes, and we discussed that.

Serpico: we have to cut to chase. Fichter suggested that you come up with something. You have a relationship with master developer, maybe can provide something.

Porter: is this something that could be resolved with board engineer.

Fichter: if that a condition that be. If your solution is different than that, I think the board should be in on that discussion.

Motion to carry both applications to July 27, 2020 without further notice: Taylor Second: Clayton

All in favor None opposed

APPLICATION CARRIED to JULY 27, 2020

**F. Adjournment**

Motion to adjourn: Henry Second: Taylor All in favor

Meeting Adjourned: 9:51 pm