

Minutes of the Asbury Park Planning Board Regular Meeting

July 27, 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, Eric Galipo, 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 7:01 pm

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**A. Salute to the Flag**

**B. Roll Call**

**C. Minutes:** Approval of minutes of July 13, 2020 regular meeting

Motion to approve minutes: Manzella Second: Henry

All in favor None opposed Krzak recused

**D. Discussion:** Amendment to STARS Redevelopment Plan- Referral by Council

Souder: what is meant by blighted neighborhood

Alonso: customize neighborhood. Goal is to uplift neighborhood, remove any bad physical influences on neighborhood bringing it down.

Souder: in comparison chart, only 1 change in green building- solar lights

Alonso: that’s just typo- we will ensure correction

Galipo: what other aspects of affordability was considered for plan? Condos?

Alonso: no, from what we see most lots are small, would mean assemblage of many lots & displacement of many people. One of things we can’t do in zoning can’t dictate ownership. Our best partners in this neighborhood has been Interfaith & Habitat. They build only 2 family or less. Still think that this plan was written for lower density housing and still think it should be.

Serpico: the planning b must identify want to make sure that the board

Souder: can we add the word “physical” to the language for substandard properties

Krzak: mentioned something about houses of worship, are they in proposed also?

Alonso: they are still there under conditional uses

Krzak: parking lots allowed? Pg. 11 of amendment

Alonso: want to keep that for house of worship or school use

Krzak: on green requirements- solar panels, green roofs, lighting, would it make sense to say “shall use”?

Alonso: I don’t want to have a one size fits all. #2,4,5 are “shalls” & solar powered lighting is “shall”

Galipo: in spec. building products, no mention on levels of insulation. Think that would be biggest impact, as well as solar orientation & shading. Is there a way to be comprehensive?

Alonso: def want to keep the “shalls”. Could add language about insulation

Galipo: and building envelope design

Galipo: is there trigger that sends them to board?

Alonso: yes, 3 family & up

Galipo: is it typical or possible that lots of certain size

Alonso: that is standard. Don't think we're going to see that

Souder: in intro of green building design pg. 13- add "AND green building design"

Alonso: done

Miller: think changes that have been done are in line with master plan.

Open to public questions

Werner Baumgartner: why no maximum In lighting standards?

Alonso: we should add to zoning amendments the maximum. The type of lighting in this area

Mignoli: are you combining yards into lots here?

Alonso: no

Mignoli: are you allowing someone to come in &

Alonso: pattern of development in the city this area is developed differently.

Mignoli: will plan mostly be populated by developer Interfaith?

Alonso: no not all

Mignoli: could public buy lots?

Alonso: yes, were not talking about specific lots, talking about whole neighborhood.

Open public comment

Werner Baumgartner

Ernest Mignoli

Close public Comment

Alonso: Sum up my notes for changes:

Add words "physical environment" to intro

#2,4,5 will be "shall" in green design

Min amount of building insulation

Encouraged" will be other items

Resource efficiency add

Moor: agree w/ Werner to add max for lighting

Alonso: Aug. 12 lighting standards are going to council to be referred to planning board.

Motion to approve amendments with comments: Souder      Second: Manzella

Opposed: Moor    All others in favor

## **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 Professionals sworn in

Jennifer Porter, Attorney for applicant

Porter: recap last meeting, as was our position at last meeting, we demonstrate compliance w/ dep & cafra permit. our position that master developer has already. This board removed stormwater obligations from an application recently to planning board. Have asked Mr. Curley, who was involved in original master developer agreement and please note that the applicant did submit added stormwater drains & improvements, just don't think it is necessary and it is unlawful.

Robert Curley, licensed professional engineer and planner for master developer, sworn in

Porter:

Curley: also assisted with drafting of waterfront redev. plan

Porter: what are 3 documents that govern stormwater improvements in area?

Curley: cafra permit,  
Serpico: cafra permit, infrastructure component report, and amended and reinstated redeveloper agreement  
Porter: explain infrastructure component report  
Curley: working w city & master dev to identify  
Porter: what is best way to address flooding issues?  
Curley: reason for flooding that occurs in Wesley lake is undersized outflow pipe  
Porter: what is role of subsequent developer in relation to stormwater?  
Curley: intent to have dep compliance letter for applicant. They look at all current regulations. They have commented on previous applications if they have required it.  
Porter: that was not done with this application?  
Curley: correct  
Henry: were involved in stormwater system installed w this property? In spite of new system installed, lake ave still floods?  
Curley: yes, with all waterfront area. The reason lake ave floods is because of the size of the outflow pipe.  
Henry: is that the only reason it floods? Never seen it flood when outflow pipe not full?  
Curley: yes, absolutely. Never seen roadway flooded and lake not flooded.  
Henry: are you aware that they're proposing to add another 50 cubic feet of water to the lake?  
Curley: drainage area for entire lake is 2 hours. The water generated by this site will enter & leave the lake within that time.  
Henry: that's going to make flooding more frequent & more increase quantity  
Curley: no. saying no because of the time of concentration. It's so much shorter  
Lambert: the undersized outflow pipe is that an issue city has to resolve?  
Curley: in my opinion yes city obligation.  
Moor: partially correct. Also believe its core of engineers & DEP  
Lambert: there's going to continue to be flooding not because of applications, but because of infrastructure. Seems like city really needs to get a handle on this & board can't keep bringing this to applicants.  
Taylor: think that board would need some other document that says that all these other things will be taken care of  
Lambert: wouldn't these issues have been resolved with development agency?  
Porter: yes, and have been dealt with.  
Taylor: were not looking at developer agreement, were only looking at this applicant. How do we consider direct impact?  
Porter:  
Serpico: Bob mentioned something that the runoff from this site is not negative impact. Can you explain?  
Curley:  
Souder: why wouldn't applicant want to use green infrastructure to reduce overall amount of water getting to Wesley lake? Why wouldn't they want to do that?  
Curley: opportunities for green infrastructure are very limited for a project like this  
Souder: limited from a development standpoint? But knowing that there are practices that could address that, why not do it?  
Curley: flip to other side- problem is  
Manzella: said involved w  
Jason Fichter, Board engineer, sworn in  
Porter:  
Fichter: so my review of all documents submitted, everything in those documents talk about water quality, also about conveyance. Not much in documents that talks about quantity. I agree with bob is overall structure of lake both need to be addressed. But amount of runoff definitely adds to overall.  
Moor: what they're proposing to build there is a lot less than what was there  
Fichter: common std dep uses is what is the lot coverage in last 5 years  
Porter: Fact is design doesn't get you back to what is needed, because there are a number of factors that would need to be addressed.  
Serpico: there is an individual that has voiced an opinion to Jason & without hearing that we can't get past this. There are 2 options- get the DEP person to testify or at least give us written comment, and get redevelopment

Lambert: agree. Going round & round

Serpico: guess as an aside would help to find out what's planned with that undersized outflow pipe

Porter: we agree & support getting written from redevelopment council regarding whether board has a right to trump, as far as dep, we have a permit and determination.

Taylor: not questioning cafra permit, just something that was not addressed in the permit.

Manzella: is there no requirement for the site other than to be less than 90

Moor: when there's heavy rain. As far as dep, I don't want a letter. We need to get the person subpoenaed and in to testify. Letter states everything is quality not quantity

Serpico: in all fairness to have all parties involved in conversation with dep

Porter: just want to understand board position with the letter from dep?

Serpico: first time this issue has come up.

Fichter: its site by site. Major vs. minor development. This is unique situation bc of WRP.

Porter: have there been any other major developments where improvements have been

Fichter: threshold for major development.

Serpico: Jason look into that

Lambert: so where do we go from here?

Clayton: Can we have Jones testify so both parties can cross examine?

Serpico: ask Mr. Jones to come in.

Porter: can we also get representation for the applicant to make it fair?

Serpico: can we get Michele Alonso?

Michele Alonso, sworn in

Serpico: would there be any problem asking redeveloper council to get them to write a letter on their position?

Alonso: no

Serpico: Jennifer, do you have any objection to that? Where I'm going with this is we have a redevelopment plan that's been going on for a long time. We have to get to the bottom of this w/ fairness and justness

Taylor: can we specify to this application specifically?

Lambert: Jason can you facilitate that meeting with DEP?

Moor: I want redevelopment attorney on that call

Porter: we would have reps from applicant and master developer

Lambert: Jason, Curley, redevelopment attorney, members of applicant & master developer

Porter: consent to adjournment to Aug 10 meeting. Want to put on record our reluctance for going back it curtails ability to move forward with the development. Consent to waive time to next meeting. Consent to reaching out to redevelopment council.

Motion to carry both applications to August 10, 2020 without further notice: Moor Second: Manzella

All in favor None opposed

APPLICATION CARRIED to AUGUST 10, 2020

Moor: just want to say that that flooding is nothing new, going back to history, Solving that outflow pipe nothing is going to be done anytime soon.

Taylor: in my experience, projects like that take 10 years, even to get funding

## F. Adjournment

Motion to adjourn: Moor Second: Clayton All in favor

Meeting Adjourned: 9:44 pm