

Minutes of the Asbury Park Planning Board Regular Meeting

August 10, 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 & 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 7:00 pm

A. Salute to the Flag

B. Roll Call

C. Minutes:

1. Minutes of 6/1/20 Regular Meeting

Motion to approve minutes: Henry Second: Krzak

All in favor None opposed Minutes Memorialized

2. Minutes of 7/27/20 Regular Meeting

Motion to approve minutes: Clayton Second: Lambert

All in favor None opposed Krzak recused Minutes Memorialized w/ minor corrections

D. Resolutions:

1. Amendment to STARS Redevelopment Plan- Referral by Council

Motion to approve resolution: Manzella 2nd: Krzak All in favor None opposed Resolution memorialized

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: 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. 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
Taylor: want to understand that compliance letter from CAFRA is actually in compliance w/ 2004
Curley: also assisted with drafting of waterfront redev. Plan
Henry: which site plan are we looking at now?
Porter: 3 site plans submitted- 2nd one w change to public path, 3rd was in contemplation to us having to make changes.

Open to Public Q's

Mignoli: Did you say theres ongoing investigation to water concentration?
Curley: email clearly states approval
Lambert: the email from DEP doesn't give jurisdiction, just that stormwater meets requirements
Mignoli: who stated that current standards are in review from 2004? Was it stated current conditions being evaluated?
Curley: no that wasn't stated
Mignoli: have u received any correspondence that current situation is being reviewed?
Curley: no
Mignoli: only impermeability is the flume in lake? Has it been considered that's the main thing or only thing to make it work is the enlarged flume or outflow?
Porter: object to discussing Wesley lake as it relates to this. Question goes beyond the scope of reflect.

Public Q's closed

Donna Miller, Board Planner, sworn in

Moor: Sidewalk 4' is not wide enough.
Porter: Otherwise were proposing the path as originally submitted. If it is a public path, then that revision is the only one we can make as was submitted in the 2nd site plan.
Porter: however, here you're proposing a cut-thru thru the public space
Moor: with respect, it seems like blackmail that we cant do anything as the planning board
Serpico: obligated that the city mayor & council. We don't have the power
Lambert: if there's something that we favored, could we ask the council, but its subject to council approval?
Serpico: applicant has to understand that
Porter: only way we can agree to that is if the council agrees to take liability
Serpico: it's a recommendation by the board
Porter: cannot obligate applicant to take liability
Moor: there's a way around it. Why can't there be common ground work together and applicant agrees to maintain some of that area
Porter: don't forget that applicant is giving the city a public space for the public use. In same way, if applicant is providing a public path, then in the same way, liability will be on the city.
Galipo:
Manzella: is it possible that applicant willing to consider making it dedicated right of way?
Galipo: the orientation of buildings is driving the necessity of a path. The public nature of it is caused by the number of private doors facing that area.
Porter: the subdivision is fully compliant with the WRP
Henry: building 3 does not comply. I take issue with that.
Porter: no it absolutely complies.
Serpico: right or wrong, redevelopment agency made that determination
Lambert: not up to our jurisdiction
Taylor: I just want to clarify that we do have jurisdiction in Site Plan.
Porter: correct.
Galipo: the subdivision is driving the site plan
Porter: the applicant is giving public space and also willing to give public pathway
Galipo: its not true that this is the only subdivision
Serpico: however, we have to analyze this in proportion to subdivision requirements.
Porter: correct, all 3 lots comply with the requirements. The only parcel that doesn't comply is the public space.
Only other variance for the entire project, which will

Galipo: however, the WRP clearly states that

Porter: we have a resolution from city council

Moor: going back to what Manzella said, if asking for it to be a public walkway, why not make it a sidewalk & deed it to the city.

Porter: we can agree to do that, not disagreeing, we are willing to work with the city both w ownership and liability

Serpico: still have to make sure city will accept it. It will still be subject to.

Henry: is applicant making representation that they will make a public sidewalk

Porter: there are 2- small one running along bldg. 3 & another public pathway

Henry: Why is 6' fence necessary?

Porter: it was a consideration for protection

Henry: making a compound, in an area where you're inviting people to come in. Plantings give same effect.

Creating something that city is fighting to get rid of. Contrary to concept of master plan.

Porter: can't forget that there's going to be individual families living here. There has to be some defining line, need privacy & safety.

Henry: how do you justify having single family units having front and rear yards facing public, seems contrary.

Serpico: OK both made your points

Jason Fichter, Board Engineer, sworn in

Fichter: maybe some discussion as to the public walkway. Its going to change lot sizes. If take area out & make it public

Miller: it's kind of a moot point because the lot sizes will be affected but when they reconsolidate the lots, it won't matter. Is there a reason that this ROW is not on the adjoining lot so that it aligns with the existing sidewalk.

Porter: throughout this application the applicant has always maintained that the lots are determined according to requirements.

Miller: is it more appropriate for the public ROW to be part of the future development site?

Manzella: I think you're right, I think it lines up better, but we don't know whats going to be on that lot so hard to design that. Also need to talk about this walkway.

Serpico: if this ROW is done now, it reduces the size of the lots? By doing that will it cause another variance

Miller: yes it would take away from lot size.

Serpico: have to know what details will be so we know the sizes & locations.

Porter: we can agree to those parameters. Applicant is absolutely willing to give up 5' ROW pathway.

Fichter: if we do 5' ROW dedication, will have straight shot. The meandering walkway would require. Discussion of somewhere between 5-20'

Henry: should we take into consideration utility rights along the pathway? Think have to defer it as to what is needed for a ROW.

Fichter: utility ROW are different, but for public ROW 5'.

Moor: I think 2 meetings ago put up the pictures of the ROW. The question was can it be 5' instead of 4'. I think that's what we wanted 2 meetings ago & now were dragging it on.

Manzella: my only concern is maybe we should wait for future lot to line up with Bergh St.

Taylor: what if its never developed?

Moor: Agree. We may not even be on the board.

Souder: the 6' fence we do have an opportunity to discuss, creates condition that I don't think it does satisfy.

Lambert: do the properties that face Heck street have 6' fences?

Porter: can we put this issue to bed if applicant agrees to drop the 6' fence to 42" ?

Porter: for security & continuity

Moor: I think its fair compromise. I have a fence around my house for security.

Taylor: I consider it a good compromise

Lambert: agree

Taylor: How are we approving public part without public design/input?

Porter: yes there will be. There are requirements. To summarize, the design landscape will be approved by city council. So there will be public input. It needs to be approved prior to CO for the units, and so it will be designed before that.

Moor: I would have no problem having resolution to have a public charette to have public participation to design Clayton: totally agree w Moor. Think public participation went very well & to have public buy in
Manzella: what agreed on for public walkway?
Porter: we had agreed to 5'
Lambert: ready for summation
Porter: closing summation siting testimonies provided & variances/design exceptions sought.
Souder: want to clarify- 6' fence is not always best way to create security- Not when you create a wall.
Taylor: I agree w all the comments
Lambert: just want to say that only thing is the orientation of the buildings, should have been addressed ahead of time just want to put it on the record.
Taylor: also agree w Galipo about the tail wagging.
Galipo: there's a process that should be examined so that more of a collaboration.
Clayton: need to understand w/ this process is that most of it happened before it came to the TRC. Master developer and subsequent developer had to come to agreement before it came to TRC, then to us.
Lambert: I think what happens is that were just here to not make an impact on anything really, other than putting a stamp of approval on it.
Henry: orientation for that building came from the trc
Serpico: I'm looking at the recommendations and that is not in there
Galipo: only place that I see that is in the WRP. I will rest my point that we did not have fundamental
Moor: TRC is well advertised and open to public, council, as well as this is well advertised and open to the public. From here on out, mayor & council will send everyone a personal invitation.
Serpico: as a footnote, TRC is created and has membership, members of planning board, planners there, there is representation. I don't want to have everyone go without advertising a public meeting.
Taylor: I am shocked that dep & DCA doesn't show up at the TRC meetings
Clayton: I would support that
Serpico: I believe that DEP and DCA mandated that they have a seat on that board
Manzella: can you review conditions
Serpico: have 2 applications- for subdivision, I don't have any conditions.
Fichter: there is a change to the subdivision if have that public ROW
Serpico: I have some standard conditions related to WRA, that's all I have
Subdivision:
Serpico: I have 5' wide ROW, 42" high fence along west line, recommendation for council process for
Galipo: can we make a recommendation for lower plantings
Fichter: we have a public ROW- eastern side is going to be 5' wide public ROW & 42" fence
Lambert: fence is on the west side
Fichter: nothing on the east side?
Galipo: made suggestion that landscaping on west side of fence will be lower than the fence.
Clayton: so no plantings on the outside of the fence?
Lambert: any specifics about the dedicated park?
Serpico: may have to go back to minutes, make sure that I have everything on record

Motion to approve Subdivision: Manzella Second: Clayton
In Favor: Moor, Clayton, Manzella, Souder, Taylor, Lambert
Opposed: Henry, Galipo
Recused: Krzak
APPLICATION for SUBDIVISION APPROVED

Motion to approve Final & Preliminary Major Site Plan w/ conditions: Manzella Second: Clayton
In Favor: Moor, Clayton, Manzella, Taylor, Lambert
Opposed: Henry, Souder, Galipo
Recused: Krzak

APPLICATION for SITE PLAN APPROVED

F. **Adjournment**

Motion to adjourn: Manzella Second: Clayton All in favor

Meeting Adjourned: 9:16 pm