

Minutes of the Asbury Park Planning Board Regular Meeting
Feb 22, 2021
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 & Barbara Krzak

Members Absent: Trudy Syphax, Rick Lambert

Members Recused: none

Staff: Jack Serpico (Board Attorney); Donna Miller (Board Planner), Michael Sullivan (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. Discussions:

1. Council Referral of 2020 City of Asbury Park Land Development Regulations/Zoning Amendments

Sworn in:

Michele Alonso, Director of Planning

Michael Sullivan, Board Planner

Donna Miller, Board Planner

Jason Fichter, Board Engineer

Doug Clelland, Board Engineer

Alonso: reviewed where left off, changes made. CCH made changes, quickly go through changes. B district-building stepped back,

Krzak: there was concern that some of professional reports not on website, we will ensure all documents on website.

Galipo: max height in B district is 5', my concern is that mass be pushed more towards Memorial Dr., increase to 6' & step down; more oriented towards memorial drive. Think its benefit to have more height & density along Memorial & step down.

Alonso: only for lots fronting Memorial & 100' deep

Moor: agree concept makes sense but I like the 5 stories on memorial

Krzak: this is one of those things that maybe needs study & examination & come back to it

Galipo: agree

Taylor: I agree needs study- for corner units, see 1 bedrooms & studios, maybe would allow more 2 or 3 bedrooms

Exhibit C-1: Resolution 2020-237 council referring ordinance part 1

Alonso: I'd like to keep this language that's proposed. Amendment really affects only 4 blocks

Taylor: could we look at if only 4 blocks

Krzak: think we should, but all of this should not stop because of this.

Alonso: pg.12- in lieu of planted buffer can put planted buffer if put 3' & can use wood materials. Pg 15- #4 arch details & materials need not be identical. #7- add wood cladding. Pg 16- struck motor vehicle pg 18- struck coin operated amusements references, strike language in C if everyone agrees because zoning officer cant enforce. Parking pg 3- changed compact parking

Sullivan: After discussion at last meeting, went to 25% on this, we lowered it.

Alonso: reviewed community design standards & map

Henry: Deal lake area on map incorrect?

Alonso: there is an overlay color, see key

Moor: main st redevelopment zone in park

Manzella: some portion of it is in redevelopment plan

Open to Public Comments

Ernest Mignoli, 400 Deal lake dr.

Close Public Comments: Motion: Henry, Second: Clayton

Serpico: Refer it to the Council with comments & find it to be consistent with the Master Plan.

Motion to approve: Manzella

Seconded by: Krzak

Roll Call Vote All in favor None opposed APPROVED

2. Council Referral of 2021 City of Asbury Park Stormwater Control Ordinance

Michele Alonso, sworn in

Alonso: Model ordinance by DEP is both more stringent than what we have adopted.

Some things required- underground detention, basins, etc. Another thing that dep counts is driveways. City made some changes to make it more stringent. Not only major develop projects also minor developments. Low impact development. Definition of minor development.

Put in these requirements for minor developments, city engineer aid zoning officer to minimize, sec 7- new penalty section if don't comply receive penalty if don't correct violation.

Serpico: want to clarify zoning

Taylor: want to point out this is new stormwater regulations adopted by dep. This is actually required that municipality adopts the bare minimum & have a year to do. So council went above & beyond & increased min standard. Council actually spent time looking at what Asbury needs.

Henry: item c- doesn't make sense last line. Pg6- #4- please explain what means

Alonso: same surface not counted twice- refer to driveways.

Manzella: Ill add- didn't change any of this language, it from the DEP

Henry: pg 31- last line. Penalty portion- is it possible to fine someone 2x for same thing?

Alonso: one talking about responsible party & next is someone who didn't necessarily get approval.

Serpico: pg 25- for procedural purposes, clarify single fam applicant- if can avoid sending them to board

Alonso: that's one of things we will talk about when review engineer letter, try to avoid homeowner to go to board, want to work with city engineer to avoid that.

Jason Fichter & Donna Miller, sworn in

Fichter: The model ordinance is stringent, but the one developed by the city is more stringent. This issue came out in seminar w DEP recently. Reviewed letter from Insite engineering by point.

Exhibit BB-3: Insite Stormwater Ordinance letter 2/18/21

Fichter: dep model ordinance is serious stuff, going to encourage developers to be mindful, also smaller developments are addressed. The waterfront redevelopment plan is going to prevail, so doesn't apply to that area.

Alonso: had conversation with CAFRA, this will apply to 2005 CAFRA permit, the city does believe that iStar & subsequent developers have to comply. iStar has also agreed that they have to comply to some level. Almost all projects in waterfront area will be major developments. One way or other there will be compliance.

Fichter: #5 add that in no case runoff should increase, even in minor development, should grade away from neighbor.

Taylor: even if neighbor property. Also want to make sure also differentiate between public/private lots. Want to make sure were giving city ability to cover our parks.

Alonso: were going to regulate lot coverage- was in zoning amendments

Fichter: so btwn the zoning amend & this, think we have this covered. 95% storm- think we need to figure out what that is.

Alonso: can go back to city engineer & find out what that is.

Souder: looks like LEED has 2 options, can prob get this answer from T&M

Fichter: add groundwater as part of minor

Alonso: make new #3 about mounding

Fichter: suggest penalty for major be higher or minor be lower

Moor: have no problem increasing but may be limited to high cap

Krzak: Michele will check how high can go. Can start with doubling them

Souder: back to item#4, reached out to CAFRA, it will be covered one way or other?

Alonso: If worse comes, we will take this item # & give it own chapter #. The city & council believe that waterfront should comply and if there is nothing, we will put something into place that it complies.

Krzak: are we sure this will work out or do we need to study it?

Fichter: can I request that you just inform the Board if it doesn't have to come back?

Henry: can we adopt what Jason has come up with a blanket statement? Something along all major & minor development will conform?

Alonso: that statement already in there

Open to Public Q's:

Mignoli: does this cover all projects?

Alonso: applies to new projects

Mignoli: could add into these higher penalties and on a daily basis?

Serpico: asking to

Mignoli: aware that

Close Public Q's

Serpico: read into record Wesley Lake Commission letter

Exhibit BB-4: Letter from Wesley Lake Commission

Open to Public Comments: Moved by: Moor Second: Henry

Ernes Mignoli, 400 Deal lake dr. sworn in

Close Public Comments

Krzak: can you have changes by next meeting?

Alonso: Think so. So we will add in language about mounding into minor development section, runoff, change language for "city engineer", look into raising penalties to 2k & 4K & look into other penalties confer w city engineer and ask about other forms of violations, & talk to city engineer about the 95% LEED.

Motion to carry discussion to March 1, 2021 without further notice: Manzella

Seconded by: Henry

All in favor None opposed Discussion Carried to 3/1/21

D. Executive Session:

- a. Discuss Board staff re-appointments

A written resolution will be adopted by the Board for the executive session at the meeting

Motion to table executive session to March 1, 2021: Taylor

Seconded by: Clayton

Opposed by: Manzella

Tabled to March 1, 2021

E. Bylaws Committee:

- a. Discussion to amend bylaws with respect to Planning Board Committee

Clayton: read proposed resolution to amend bylaws

Krzak: What is best way to go ahead with this? Design review committee will meet for upcoming application, there are people who have more questions or experience on a certain application and they should be on that committee.

Serpico: both gets you to same place, switch out members or make new committee. Only difference is this drafted one can address the upcoming application. Still structured the same as before, 3 members & 1 alternate

Motion to approve: Moor

Seconded by: Manzella

Roll Call All Vote in favor None opposed APPROVED

F. Appointments:

- a. Appointment of 2021 Planning Board Planner and Conflict Planner

Motion to table appointment to March 1, 2021: Manzella

Seconded by: Henry

Tabled to March 1, 2021

G. Adjournment

Motion to adjourn by: Moor **Seconded by:** Henry All in favor, None Opposed

Meeting Adjourned: 10:23 pm