

**PLANNING BOARD  
NOVEMBER 18, 2019**

PRESENT: Robert Forte, Joseph Rizzitello, Sal Marchese, Michael Campbell, Jay McDermott, Patricia Wann, William Lindsay, Tom Burke and Nick Valente

ASBENT: Ted Protonentis and Rick Meyer

ALSO, PRESENT: Board Attorney Doug Kovats, Esq., Board Secretary April Claudio and Board Planner Christine Bell

At approximately 7:00 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star and the Asbury Park Press on November 15, 2018 and by posting a copy of said notice at the Municipal Complex on the same date.

Workshop: Mr. Kovats stated the Board will be doing a review of Ordinance 2019-35. He explained the Board's role regarding ordinances involving municipal land use. The Board determines if the proposal fits within the master plan or not then it goes back to Council for adoption. Quite some time ago the Board had a public hearing determining block 95 is an area in need of redevelopment. The Mayor and Council have now created a plan for two lots in this redevelopment area.

Mr. Burke made a motion to waive the reading and approve the minutes of the September 16, 2019 meeting, which was seconded by Mr. Campbell and approved by the following vote:

AYES: Mr. Rizzitello, Mr. Marchese, Mr. Campbell, Ms. Wann, Mr. Lindsay, and Mr. Burke

ABSTAIN: Mr. Valente, Mr. Forte and Mr. McDermott

ORDINANCE 2019-35 REVIEW

Ms. Bell stated in 2017 the Mayor and Council had the Planning Board do an investigation study for block 95 to become an area in need of redevelopment. This includes all the lots on the east side of Main Street between ninth and tenth avenues. The plan for review is only for lots 5 and 7. A plan for the other lots can be added later. The underlining zoning for these two lots is CBD1 zone. The goal for this plan is create cohesive zoning criteria like the master plan and seaport redevelopment plan. Ms. Bell submitted a chart comparing the CBD1 zoning criteria with the redevelopment plan criteria. The plan is requiring further setbacks from residential zoning than the underlining zoning currently permits. The permitted uses are pretty like those in the CBD1 zone and the seaport redevelopment zone.

Mr. Valente asked what the basis was for downsizing the parking requirements for a one-bedroom unit and asked about overflow public parking. Ms. Bell stated there are several ways parking can be determined which would be done as part of the redeveloper's agreement with the council. She added they can provide parking on site, spaces on publicly owned property under the control of the Borough with prior agreement and could also create new parking spaces on the street. Mr. Valente asked if this plan gives the Borough the opportunity to work out a developer's agreement with a developer. Mr. Kovats replied yes.

Mr. Burke asked for an explanation on the 30ft setback from residential area. Ms. Bell stated it is a 30ft setback to any building. But there are other terms in the plan as far as the requirement of a fence and a buffer for parking. Mr. Burke was concerned about the 0 ft setback and how that would affect lot 8 which has a rear entrance. He also asked if there are any parking requirements for the employees. Ms. Bell stated it is included in the parking calculation. She added that she believes there will be enough parking for anything that is built there.

Ms. Wann asked if the existing planting area would remain. Ms. Bell could not comment on that.

Mr. Forte asked for clarification on the floor area ratio. Ms. Bell stated the plan allows for lots 5 and 7 to be combined.

Mr. McDermott asked about the height. Ms. Bell clarified the 46 ft is if there is parking underneath. If there is no parking underneath the building height maximum is 40 ft.

**PLANNING BOARD**  
**NOVEMBER 18, 2019**

Mr. Kovats asked what the maximum buildout would be under these criteria. Ms. Bell stated she doesn't believe it could be subdivided to create a third lot. Mr. Kovats asked if this plan has the same step back and setback requirements as in the seaport redevelopment plan. Ms. Bell replied no because this area is smaller and there's not a lot of opportunity to allow that.

Mr. Forte asked how this plan compares to the seaport redevelopment plan. Ms. Bell stated they are similar except for a tweak on some of the zoning criteria.

Mr. Valente suggested increasing the parking setback between the fence and parking area to allow for landscaping. Mr. McDermott did not agree with that. Ms. Bell stated we came up with the 3 ft to allow for the site to accommodate parking for a theoretical buildout and have proper drive lanes.

Mr. Valente asked about drainage and stormwater. Ms. Bell stated she is not an engineer and cannot testify to that. Mr. Campbell stated he does not know of any issues in that area now. Mr. McDermott stated that is something that could be discussed when a site plan application is made.

Mr. Kovats asked if mixed use is consistent with the master plan. Ms. Bell replied yes. He asked if there is anything in the plan that is inconsistent with the master plan. Ms. Bell replied no.

Public:

Peter Terranova, 800 B Street, asked if this is one parcel. Ms. Bell stated they are two separate lots. He felt decreasing the parking requirements increases the density. He was concerned this is spot zoning.

Terri Lynch, 800 B Street, stated she believes the increased density needs to be managed and is concerned about setting a precedent.

Linda Sharkus, 400 4<sup>th</sup> Avenue, asked about overflow parking that could be used. Ms. Bell clarified that would be a decision the Borough and a developer would have to agree to. Ms. Sharkus asked if there is any requirement of green space on this parcel. Ms. Bell stated there are design guidelines for plantings, but the current zoning plan allows for it to be 100% impervious today.

Mike Haberstick, 507 9<sup>th</sup> Avenue, stated there is no parking in the plaza and Main Street now with all the businesses in the area and the concerts in the plaza. Parking on 9<sup>th</sup> Avenue is tough now with tourists and St. Rose students parking there.

Elaine Giordano, 605 9<sup>th</sup> Avenue, made some comments that needed clarification. Ms. Bell stated the seaport redevelopment plan is a different area in town. She added that a redevelopment plan needs to be adopted for this area before an application is presented. Ms. Giordano stated regardless of what the current zoning allows the redevelopment plan can change that. She felt the Mayor and Council could say no to four stories.

Gerald Buccafusco, 409 5<sup>th</sup> Avenue, stated the town could have put a maximum building height of 3 stories in this. He asked why we would come up with a plan for just two lots.

Rose Degayna, 201 9<sup>th</sup> Avenue, felt the former and current mayor are trying to make this town an urban area and are not considering the residents. She felt nothing needs to be done with these two lots and they could stay the way they are. Other towns have had historical buildings converted to condos.

Jose Sharrock, 515 9<sup>th</sup> Avenue, agreed with Ms. Giordano's comments. Asked the Board what they would do if they lived a block and a half from this site.

Brett Loams, 609 9<sup>th</sup> Avenue, asked about the frontage on Main Street. Ms. Bell stated it is approximately 50 feet. He asked about the frontage on 9<sup>th</sup> if the lots are combined. Ms. Bell replied 250 feet. He asked what the setbacks for the projects at 5<sup>th</sup> and Main and 8<sup>th</sup> and Main are. Mr. Kovats did not have that information. Mr. Lomas added that those buildings are three stories. He asked for clarification on the height which Ms. Bell responded to. Mr. Lomas felt this doesn't preserve the character of the neighborhood as required in the master plan. He added there is a parking problem already and the solution isn't to lower the parking standards. He was

**PLANNING BOARD**  
**NOVEMBER 18, 2019**

concerned about language in the plan about tax breaks. He was concerned about setting precedents and allowing owners to dictate zoning. He felt this whole process seems shady. He had a petition of 100 signatures opposing this plan. Mr. Kovats suggested he present it to the mayor and council.

Jennifer Haberstick, 507 9<sup>th</sup> Avenue, stated Pyanoe Plaza is used a cultural and musical center of town with appropriate businesses nearby and will now have a skyscraper.

Mary Lynch, 411 9<sup>th</sup> Avenue, felt the residents have been hoodwinked. Felt the tax revenue for garden apartments vs condos is less. (she was referencing a prior project) She added to the parking concerns.

Tom Giordano, 605 9<sup>th</sup> Avenue, stated nobody wants a four-story building.

Gene Creamer, 4<sup>th</sup> Avenue, referenced affordable housing on page 13 and felt it should defer to the borough ordinance regarding affordable housing. Felt developers should be paying the maximum amount allowed by law. He would like to see language added to page 7 an objective is to stabilize taxes. He suggested adding permitted uses that we might need that don't require parking.

Jane Daley, 604 9<sup>th</sup> Avenue, stated the plan calls for retail but we have a ton of empty retail spaces now. We should be concentrating on helping these little businesses that are struggling and not bringing in more retail.

Paul Marino, 112 9<sup>th</sup> Avenue, questioned if the developer would want this property if he couldn't build a four-story building. Mr. Kovats stated it is permitted to be four story now.

Ms. Giordano asked about parking for affordable housing units. Ms. Bell stated an affordable housing unit is not required to have parking.

Board comments:

Mr. Forte and Mr. Rizzitello asked for clarification on the height which Ms. Bell responded to.

Mr. Valente asked what the maximum height currently allowed is. Ms. Bell replied 45 feet and four stories.

Mr. Kovats explained the Master Plan and the Board's role with reviewing this plan. Zoning criteria and parking requirements are not part of the master plan but rather the zoning ordinances.

Mr. Burke felt there were two comments made that should be sent to the mayor and council: increased density should be managed, and parking requirements should not be reduced.

Mr. Kovats stated he typically puts in his writing to the mayor and council comments that the Board heard from the public.

Mr. McDermott reiterated some of the comments made that should be highlighted.

Ms. Wann stated we need to be careful of density and height.

Mr. Forte hoped that everyone that came tonight goes to the mayor and council meeting as they will be making the final decision on the plan. He agreed with Mr. McDermott. He added that if we do not accept the redevelopment plan it falls back to the CBD 1 zoning which is very similar.

Mr. McDermott made a motion stating the redevelopment plan is consistent with the maser plan, which was seconded by Mr. Burke.

AYES: Mr. Burke, Mr. Lindsay, Mr. McDermott and Mr. Campbell

NAYS: Mr. Valente, Ms. Wann, Mr. Marchese, Mr. Forte and Mr. Rizzitello

Mr. Kovats asked those that voted no to explain why the plan is inconsistent with the master plan. He added that this does not include the zoning criteria.

Mr. Rizzitello stated the biggest problem is parking. The seaport redevelopment plan requires more parking. Mr. Kovats stated that is a bulk standard and not a master plan issue.

**PLANNING BOARD  
NOVEMBER 18, 2019**

Mr. Forte stated it doesn't comply with the master plan and there are underlining ordinances already.

Mr. Marchese stated his concerns were the height and setbacks.

Ms. Wann was concerned about the master plan itself. The parking and height are an issue.

Mr. Valente felt it was inconsistent with the plan as far as landscaping and parking.

Mr. McDermott stated much of what was said was regarding the bulk standards.

Mr. Kovats will prepare a writing to the mayor and council outlining the concerns.

Mr. Campbell made a motion to adjourn the meeting, which was seconded by Mr. Burke and approved unanimously.