



Agenda
Meeting of the Municipal Council
Thursday, October 3, 2019
REGULAR MEETING 6:00 PM

I. Regular Meeting - 6:00 p.m.

- B. Silent Prayer/Moment of Reflection
- C. Salute to the Flag
- D. Announcement - Open Public Meetings Act

As to comply with the “Open Public Meetings Act,” Chapter 231, P.L. 1975, adequate Notice of this meeting has been provided in the following manner: The Meeting Notice was forwarded to the Asbury Park Press, and The Star Ledger on September 27 , 2019, and posted on the bulletin board the same date. All notices are on file with the City Clerk.

E. Public Participation

F. Individual Resolutions

- 2019-318 Resolution of The City of Asbury Park, New Jersey Amending the Infrastructure Component Report for The Waterfront Redevelopment Area
- 2019-319 Resolution of The City of Asbury Park, New Jersey, Adopting A Second Amendment to the Amended and Restated Redeveloper and Land Disposition Agreement by and Between the City of Asbury Park and Asbury Partners, LLC

G. Ordinances

1. Second Reading/Public Hearing

- 2019-38 Ordinance of The City Of Asbury Park Authorizing The Adoption of An Amendment To The Waterfront Redevelopment Plan

H. Adjournment



RESOLUTION NO. 2019-318

**City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION OF THE CITY OF ASBURY PARK, NEW JERSEY AMENDING THE INFRASTRUCTURE COMPONENT REPORT FOR THE WATERFRONT REDEVELOPMENT AREA

WHEREAS, the local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the “Act”) authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment and to formulate a plan to address the redevelopment of these areas; and

WHEREAS, the City has designated that certain area known as the “Waterfront Redevelopment Area” (the “Area” or the “Redevelopment Area”) as “an area in need of redevelopment” in accordance with the Act; and

WHEREAS, the City has enacted the “Asbury Park Waterfront Redevelopment Plan” (dated March 15, 2002, and as amended and supplemented from time to time, the “Plan”), which governs redevelopment in the Area; and

WHEREAS, the City and Asbury Partners, LLC (“Master Developer”) have entered into an Amended and Restated Redeveloper and Land Disposition Agreement (dated October 28, 2002, and as amended and supplemented by that First Amendment on August 1, 2018, the “First Amendment,” and collectively, the “Redeveloper Agreement”) for the redevelopment of the Prime Renewal Area of the Redevelopment Area; and

WHEREAS, the City adopted an Infrastructure Component Report (dated January 19, 2004), which was subsequently amended at various times, and which was amended most recently with the City’s adoption of the Amended and Restated Infrastructure Component Report, dated June 13, 2018 (“Infrastructure Component Report”);

WHEREAS, the Infrastructure Component Report governs the scope of public infrastructure work needed in the Redevelopment Area and specifically details certain improvements necessary for the North End Boardwalk; and

WHEREAS, in October 2018, Master Developer commenced construction of the improvements to the North End Boardwalk in accordance with the Infrastructure Component Report; and

WHEREAS, in November 2018, at the request of the City, Master Developer suspended construction of the North End Boardwalk so that the North End Boardwalk project could be redesigned; and

WHEREAS, after public comment and engagement, the City has approved a new design for the North End Boardwalk; and

WHEREAS, the City wishes to amend the Infrastructure Component Report to reflect the amended design of the North End Boardwalk; and

NOW THEREFORE BE IT RESOLVED by the Municipal Council of the City of Asbury Park, in the County of Monmouth, New Jersey that Paragraph 2 under Section 10.3 of the Infrastructure Component Report shall be deleted and replaced as follows (additions in **bold**): ~~The curvilinear alignment of the Boardwalk will begin at Sixth Avenue (rather than Seventh Avenue) and there shall be no loss of width between Sixth and Seventh Avenues.~~
The North End Boardwalk will be extended north past Asbury Tower and create a new curvilinear path to a public parking lot on Block 4402.

This resolution shall take effect immediately.

I, MELODY HARTSGROVE, Deputy City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2019-318 which was finally adopted by the City Council at a meeting held on the 3rd day of October, 2019

CERTIFIED BY ME THIS 4th DAY OF October, 2019.

MELODY HARTSGROVE
DEPUTY CITY CLERK



RESOLUTION NO. 2019-319

**City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION OF THE CITY OF ASBURY PARK, NEW JERSEY, ADOPTING A SECOND AMENDMENT TO THE AMENDED AND RESTATED REDEVELOPER AND LAND DISPOSITION AGREEMENT BY AND BETWEEN THE CITY OF ASBURY PARK AND ASBURY PARTNERS, LLC

WHEREAS, the local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the “Act”) authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment and to formulate a plan to address the redevelopment of these areas; and

WHEREAS, the City has designated that certain area known as the “Waterfront Redevelopment Area” (the “Area” or the “Redevelopment Area”) as “an area in need of redevelopment” in accordance with the Act; and

WHEREAS, the City has enacted the “Asbury Park Waterfront Redevelopment Plan” dated March 15, 2002, and as amended and supplemented from time to time, including on December 7, 2005, and June 13, 2018 (the “Plan”), which governs redevelopment in the Area; and

WHEREAS, the City and Asbury Partners, LLC (“Master Developer”) have entered into an Amended and Restated Redeveloper and Land Disposition Agreement, dated October 28, 2002, and as amended and supplemented by that First Amendment on August 1, 2018 (“First Amendment”), and as may be amended and supplemented from time to time (collectively, the “Redeveloper Agreement”) for the redevelopment of the Prime Renewal Area of the Redevelopment Area; and

WHEREAS, the Redeveloper Agreement governs the Master Developer’s obligation to complete renovations to the North Beach Boardwalk located within the Redevelopment Area along Ocean Avenue; and

WHEREAS, the Redeveloper Agreement requires the Master Developer to acquire, directly or by eminent domain, certain parcels of land located within the Redevelopment Area; and

WHEREAS, the City Council, by Ordinance 2019-38, adopted on October 3rd, 2019, adopted an Amendment to the Plan (the “Plan Amendment”), which revises the plans for the construction of the extension of the North End Boardwalk to include, but not be limited to, new public restroom facilities, beach access and bicycle parking. A new curvilinear path will be constructed that will extend from the terminus of the Boardwalk to the public parking lot on Block 4402; and

WHEREAS, the Plan also removes the obligation of the Master Developer to acquire certain parcels adjacent to the Empress Hotel; and

WHEREAS, the City and Master Developer wish to enter into a Second Amendment to the Redeveloper Agreement (the “Second Amendment”), to amend the obligations of the Master Developer pertaining to the improvements to the North End Boardwalk and the obligations of the Master Developer to acquire certain parcels of land within the Redevelopment Area; and

NOW THEREFORE BE IT RESOLVED by the Municipal Council of the City of Asbury Park, in the County of Monmouth, New Jersey that

1. The Second Amendment attached hereto as Exhibit A and made a part hereof, having been duly reviewed and considered is hereby approved, and Redeveloper Agreement, as amended by Exhibit A, shall govern the Master Developer’s obligations as they relate to development of the Waterfront Redevelopment Area.
2. In any case any one or more of the provisions of this Resolution, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Resolution and this Resolution shall be construed and enforced as if such illegal or invalid provision had not been contained herein.
3. This Resolution shall take effect immediately.

I, MELODY HARTSGROVE, Deputy City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2019-319 which was finally adopted by the City Council at a meeting held on the 3rd day of October, 2019

CERTIFIED BY ME THIS 4th DAY OF October, 2019.

MELODY HARTSGROVE
DEPUTY CITY CLERK



**Asbury Park, New Jersey
ORDINANCE NO. 2019-38**

**ORDINANCE OF THE CITY OF ASBURY PARK AUTHORIZING THE ADOPTION
OF AN AMENDMENT TO THE WATERFRONT REDEVELOPMENT PLAN**

Whereas, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”) authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment and to formulate a plan to address the redevelopment of these areas; and

Whereas, the City of Asbury Park (the “City”) has previously found and determined that the area of the City designated as the “Waterfront Redevelopment Area” (the “Area”) to be “an area in need of redevelopment” in accordance with the law; and

Whereas, the City adopted the “Asbury Park Waterfront Redevelopment Plan” dated March 15, 2002 (as has been amended and supplemented from time to time, most recently in June 2018, the “Plan”), which governs redevelopment in the Area; and

Whereas, the City and Asbury Partners, LLC (the “Master Developer”) entered into that certain “Amended and Restated Redeveloper and Land Disposition Agreement” dated October 28, 2002 (as has been and may be further amended and supplemented in accordance with its terms, the “Redeveloper Agreement”); and

Whereas, in October 2018, Master Developer commenced construction of the Phase Five Infrastructure Project, which included the North End Boardwalk Improvements; and

Whereas, on November 28, 2018, the City adopted Resolution 2018-399, which requested that the Master Developer suspend construction of the North End Boardwalk Improvements so that the project could be redesigned; and

Whereas, the City engaged with members of the public over several months in an effort to redesign the North End Boardwalk Improvements; and

Whereas, the final design of the North End Boardwalk Improvements necessitates certain amendments to the Plan; and

Whereas, additional amendments to the Plan, as set forth in Exhibit A (the “Proposed Amendment”) have been recommended to further the goals in the Plan, and can be summarized as follows:

Providing that the Boardwalk extension shall include, but not be limited to, new public restroom facilities, beach access and bicycle parking, and updating the design of the North End Board Walk Improvements; and

Allowing developers of residential units to provide off-site parking in permanent parking structures and

Revising the Development Control Map for Block 3203/3206 (Former Blocks 131, 142, and 143) to allow for a maximum height of 4 stories for structures facing Heck Street (reduced from 8 stories), and 3 stories for structures on the corners of Heck Street and Cookman Avenue and Heck Street and Asbury Avenue; and

Revising the Development Control Map for Block 3904 (Former Block 145) to change

the permitted height from 8 stories to 6 stories on the property fronting Asbury Avenue and to 6 stories on property fronting Kingsley Street; and

Revising the Development Control Map for Block 4001 (Former Block 175), which currently has maximum heights of 8 stories, 4 stories, and 3 stories at various points, to lower the maximum height to 6 stories and modify other portions of the block to have maximum heights of 6 stories, 4 stories, and 3 stories; and

Providing that if the Planning Board determines that a project deviates from the precise locations where a building may transition from one maximum height to another within a block, an applicant may seek relief from the Planning Board in accordance with the criteria set forth in Section 3.8.1(A)1 and N.J.S.A. 40:55D-70(c); and

Clarifying that Master Developer-affiliated entities are not required to submit Subsequent Developer Applications to the Master Developer prior to negotiating a Subsequent Developer Agreement with the City; and

Clarifying that Block 145, Lot 2 (the parking lot adjacent to the Empress Hotel) is not required to be acquired by the City or the Master Developer before the redevelopment of the remainder of Block 145 may proceed; and

Adding language providing that any mural over one story high must be approved by the Asbury Park Municipal Council and Public Art Commission; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Asbury Park as follows:

1. The Proposed Amendment dated September 2019 attached hereto as Exhibit A and made a part hereof, having been duly reviewed and considered is hereby approved pursuant N.J.S.A. 40A:12A-7, and the Plan, as amended by the Exhibit A, shall govern the Waterfront Redevelopment Area as and to the extent set forth in the Plan.

2. In case any one or more of the provisions of this Ordinance or the Plan shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Ordinance or the Plan and this Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

3. This Ordinance shall take effect in accordance with law.

I, MELODY HARTSGROVE, Deputy City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2019-38 which was finally adopted by the City Council at a meeting held on the 3rd day of October, 2019

MELODY HARTSGROVE
DEPUTY CITY CLERK

EXHIBIT A –Amendments to Asbury Park Waterfront Redevelopment Plan September 2019
Page references, unless otherwise indicated, refer to the Asbury Park Waterfront Redevelopment Plan dated March 15, 2002 and amended December 7, 2005

ITEM #1 – Revise boardwalk language

2.3 Planning Objectives within Prime Renewal Area

Page 17 North Shore Design Principles
 (change the existing language below as follows)

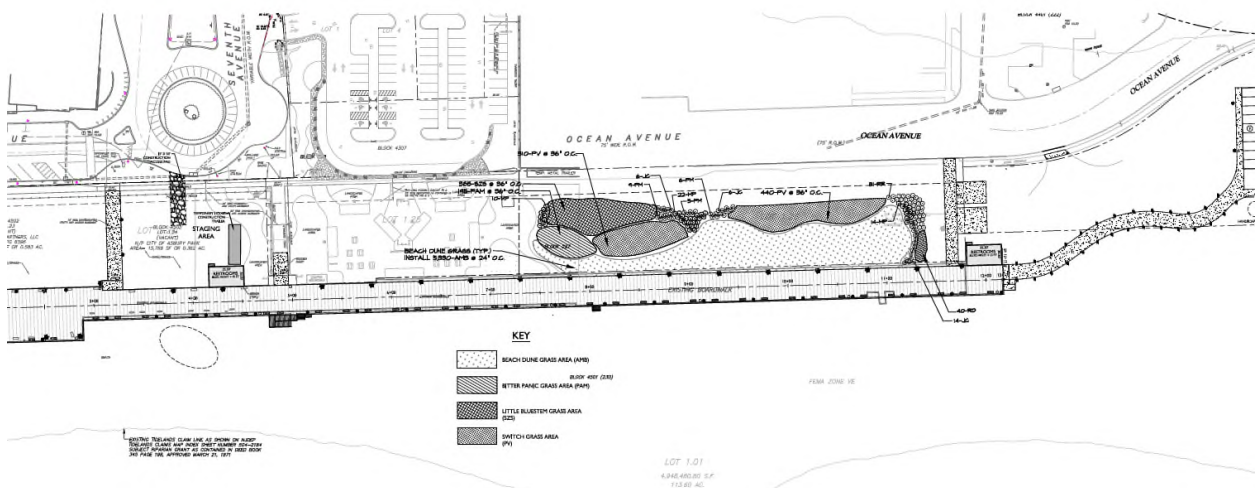
- ~~Terminate the boardwalk extension with a more natural, wandering dune path to Deal Lake.~~
- Extend the boardwalk north past Asbury Tower and create a new curvilinear path to a public parking lot on Block 4402.

3.2 Open Space, Recreation, and Community Facilities

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(change the existing language below as follows)

A new private beach club will be developed on the Boardwalk between Sixth and Seventh Avenues, in a manner that will not limit pedestrian mobility along the Boardwalk. A public beach club will also be developed. The northern end of the Boardwalk will be extended by the Master Developer to a public access point aligned with the sidewalk to the north of Block 4303. ~~to meet Ocean Avenue at Deal Lake. A new path will be constructed that will extend from Seventh Avenue to Deal Lake. This curvilinear path will be set at beach level and will provide barrier-free access along the beachfront.~~ The Boardwalk extension shall include, but not be limited to, new public restroom facilities, beach access and bicycle parking. A new curvilinear path will be constructed that will extend from the terminus of the Boardwalk to the public parking lot on Block 4402 as shown on the diagram below. ~~New dunes~~ dunes will be constructed or enhanced to provide a backdrop of natural landforms and plantings that will also provide an enhanced degree of shore protection. Additionally, jetty stone may be installed or relocated to provide a more scenic view.



ITEM #2 – Allow off-site parking with limitations**3.5 Parking in the Prime Renewal Area**

Parking Requirements

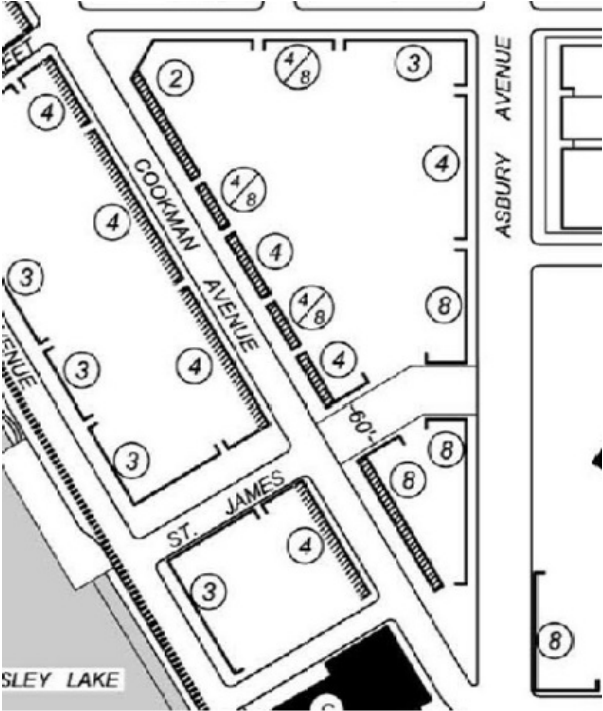
Pages 50-51 – (insert the language below)

Off-site Parking: New development projects may satisfy the Parking Requirements in this Section 3.5 of the Waterfront Redevelopment Plan by constructing parking on-site or by purchasing or leasing surplus parking spaces in existing structured parking facilities that are located no more than 600 feet from the new development project. “Surplus parking spaces” shall be defined as those parking spaces within a structured parking facility that are in excess of the number of parking spaces otherwise required by Section 3.5 of Waterfront Redevelopment Plan, as amended and by the relevant CAFRA Permit for the project served by that structured parking facility. The purchase or the terms of the lease of such off-site parking shall be subject to approval by the City Council and the Master Developer as part of the Subsequent Developer approval process and shall be memorialized in the Subsequent Developer Agreement and as a condition of site plan approval by the Planning Board. Any such lease or purchase agreement for off-site parking shall be executed before the issuance of building permits for the new development project.

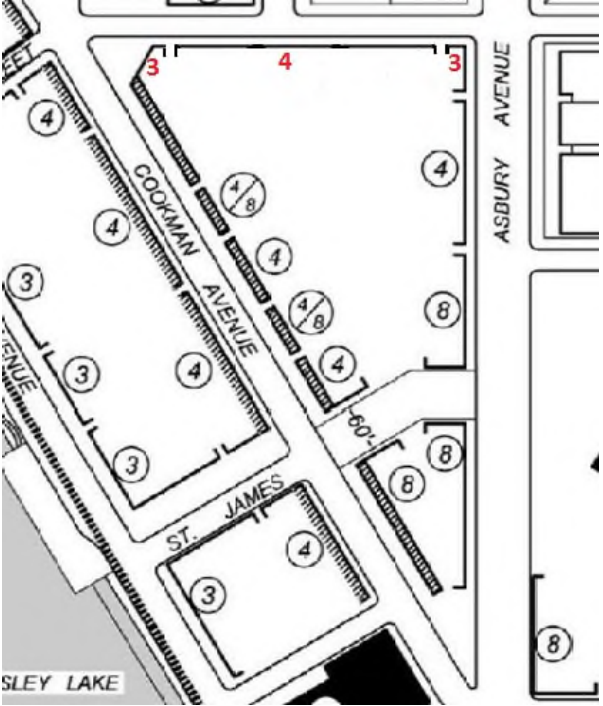
ITEM #3 – Revise Development Control Map for Block 3203/3206 (Former Blocks 131, 142, and 143)

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Existing Map

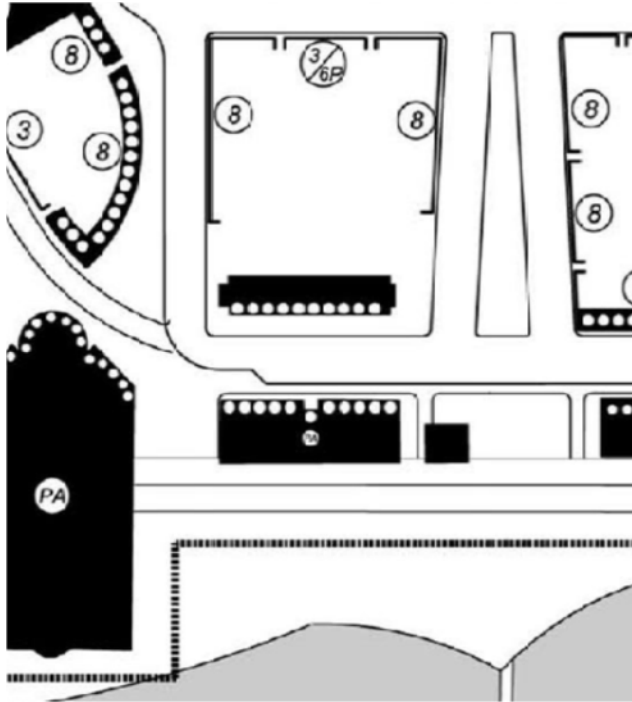


[Amended Map](#)

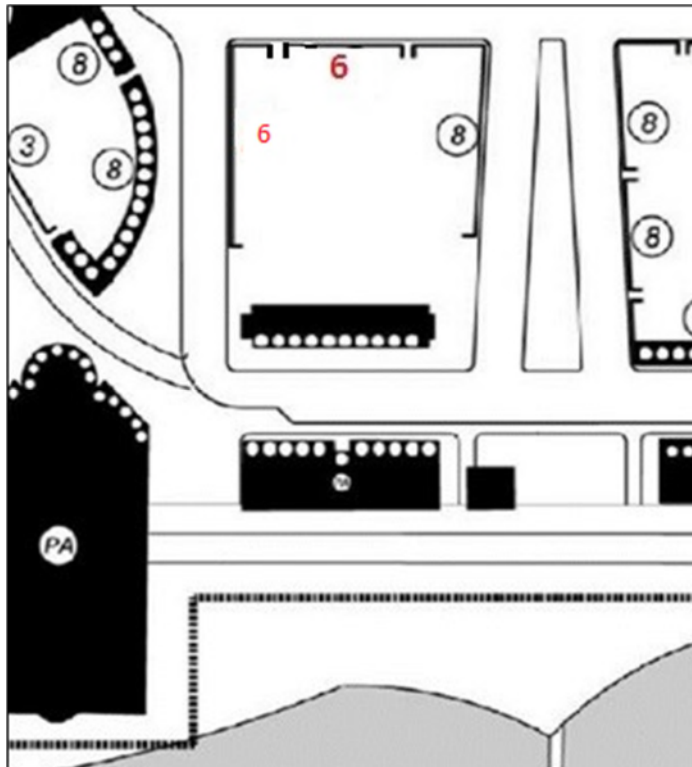


ITEM #4 - Revise Development Control Map for Block 3904 (Former Block 145)

Existing Map

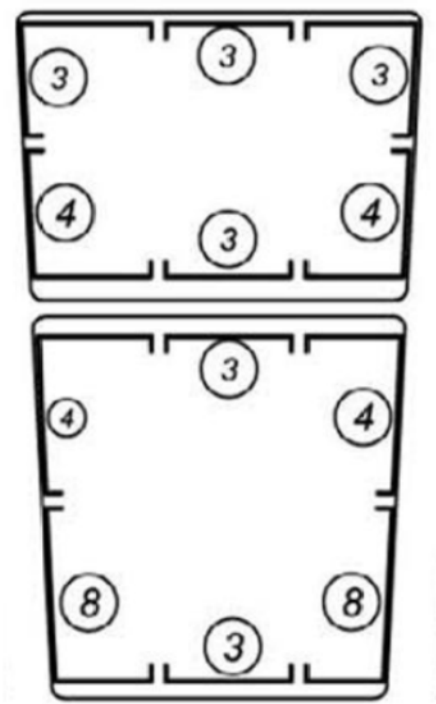


Amended Map

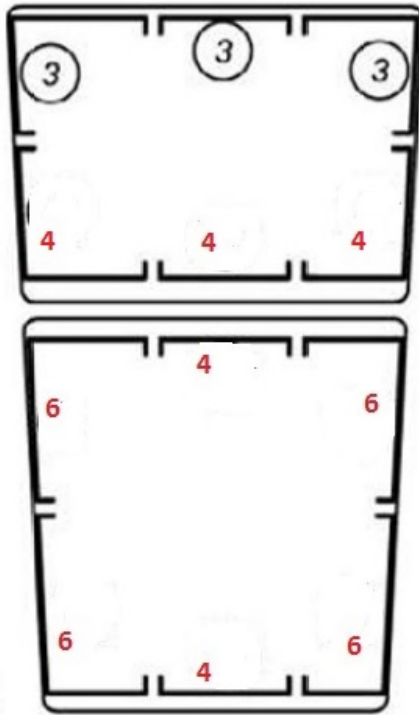


ITEM #5 – Revise Development Control Map for Block 4001 (Former Block 175)

Existing Map



[Amended Map](#)



ITEM #6 – Form of relief for building height “breaks” that deviate from specific locations shown on Development Control Plan

3.8 Land Use

Bulk Standards (add the language below)

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The Development Control Plan specifies building heights at various street walls with breaks at various points. The Planning Board shall interpret the Development Control Plan to determine the precise location where buildings shall change height to conform to the Plan. [If the Planning Board determines that a project deviates from the precise locations where a building may transition from one maximum height to another, the applicant may seek relief from the Planning Board in accordance with the criteria set forth in Section 3.8.1\(A\)1 and N.J.S.A. 40:55D-70\(c\).](#)

ITEM #7 –Master Developer-affiliated entities do not require Subsequent Developer Applications

4.7.1 Master Developer and Subsequent Developers (Section added via Plan Amendment in 2018)
(add language highlighted below)

The City and Asbury Partners, LLC (the “Master Developer”, also referred to in this Plan as the “prime developer”) entered into that certain “Amended and Restated Redeveloper and Land Disposition Agreement” dated October 28, 2002 (as amended from time to time, the “Redeveloper Agreement”). In addition to the other rights and responsibilities of the Master Developer under the Redeveloper

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Agreement, the Master Developer has the responsibility to install certain public infrastructure in the Waterfront Redevelopment Area. The Master Developer and the City will, without limitation, cooperate in: (i) coordinating the installation of infrastructure in the Waterfront Redevelopment Area; (ii) ensuring the requirements of the CAFRA permit are met by all Subsequent Developers (as defined below); and (iii) assisting in coordinating the redevelopment of the Prime Renewal Area by all Subsequent Developers.

Any person or entity wishing to redevelop their property or a property in which they have a beneficial interest shall first be designated as a Subsequent Developer. For so long as the Redeveloper Agreement shall be in full force and effect and the Master Developer shall not be in default thereunder (as determined by an arbitrator or court of competent jurisdiction in accordance with the terms of the Redevelopment Agreement, and which default has not been cured or remedied in accordance with such determination, but rather continues unabated), to begin the process of being designated as a Subsequent Developer, a proposed Subsequent Developer shall provide the Master Developer with the information required in the Subsequent Developer Application, the form of which is agreed upon by the City and Master Developer and adopted by Resolution of the City Council from time to time ([“Subsequent Developer Application”](#)), as well as any escrow and application fees which may be required at the time of submission in accordance with its terms. If the proposed Subsequent Developer is not the record owner of the property for which they request to be designated as Subsequent Developer, they shall include with the submission written permission from the property owner to seek required approvals to become a Subsequent Developer with respect to such property. The Master Developer will review the submission by a proposed Subsequent Developer in good faith, which review may include, but is not limited to, such factors as: compliance with and effectuation of the goals of the Plan; experience and capability of the proposed Subsequent Developer; and the financial capacity of the proposed Subsequent Developer.

If the submission made by a proposed Subsequent Developer is acceptable to the Master Developer, the Master Developer shall submit the proposed Subsequent Developer submission to the City for its review. At such time, the proposed Subsequent Developer shall submit such application and escrow fees to the City for its review as may be established by City ordinance from time to time.

[An entity that is owned by, controlled by, or otherwise affiliated with the Master Developer shall not be required to submit a Subsequent Developer Application to the Master Developer or to the City prior to its designation by the City as a Subsequent Developer, but shall be required to comply with all other provisions of this Section.](#)

Designation as a Subsequent Developer shall require the City’s approval, and be evidenced by, the approval and execution of a mutually acceptable Subsequent Developer Agreement by and among the Subsequent Developer, the City and the Master Developer. Until and unless the terms contained in the preceding sentence are satisfied, the proposed Subsequent Developer shall not have the right or ability to submit a formal application to the Planning Board or to proceed to undertake or execute any required or permitted activities under the Plan, the Redeveloper Agreement or the Subsequent Developer Agreement.

ITEM #8 -- Modify Conditions of Certain Property Acquisitions

4.1 Property Acquisition

Conditions of Certain Property Acquisitions

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The surface parking area associated with the Empress Hotel along Asbury Avenue may be, [but is not required to be](#), acquired to allow the development of Block 145 as illustrated in this plan.

Item #9 -- Add Language Referencing Addition of Murals

3.7 Architectural Design Guidelines

Attached Elements

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Parking structures shall be designed and constructed to meet or exceed the following standards:

*

2. The architectural design for the facades of the parking structures facing a public street shall incorporate features such as articulated parapet walls, ornamental projections, varied planter widths ~~s-etc.~~, [murals or art walls](#) to add visual interest and improve the overall appearance of the structure as viewed from the street. [Any mural more than one story in height requires approval of the Asbury Park Municipal Council and Public Art Commission.](#)



Minutes
Meeting of the Municipal Council
Thursday, October 3, 2019
REGULAR MEETING

Attendee Name	Title	Status	Arrived
Eileen Chapman	Councilmember	Present	
Yvonne Clayton	Councilmember	Present	
Jesse Kendle	Councilmember	Present	
Amy Quinn	Deputy Mayor	Absent	
John Moor	Mayor	Present	
Melody Hartsgrove	Deputy City Clerk	Present	
Cindy Dye	City Clerk	Absent	
Michael Capabianco	City Manager	Present	
Frederick Raffetto	City Attorney	Present	

Deputy City Clerk Melody Hartsgrove called the meeting to order at 6:00 PM.

PUBLIC PARTICIPATION

Motion to open the meeting to the public was made by Councilmember Kendle and seconded by Council Member Chapman. All in favor. The following members of the public spoke: Pam Lamberton, Maureen Nevin and Ernest Mignoli. A motion to close the meeting to the public was made by Deputy Mayor Quinn and seconded by Council Member Clayton. All in favor. The City Manager reviewed the four (4) revisions in the Ordinance. A ten minute recess will be taken to allow the public to review the Ordinance.

INDIVIDUAL RESOLUTIONS

2019-318 Resolution of The City of Asbury Park, New Jersey Amending the Infrastructure Component Report for The Waterfront Redevelopment Area

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvonne Clayton, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

2019-319 Resolution of The City of Asbury Park, New Jersey, Adopting A Second Amendment to the Amended and Restated Redeveloper and Land Disposition Agreement by and Between the City of Asbury Park and Asbury Partners, LLC

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Amy Quinn, Deputy Mayor
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

ORDINANCES

Second Reading/Public Hearing

2. Ordinance of The City Of Asbury Park Authorizing The Adoption of An Amendment To The Waterfront Redevelopment Plan

A motion to amend 2019-38 was made by Mayor Moor and seconded by Council Member Kendle. All in favor to Amend. A motion by to re open the public hearing on 2019-38 as amended was made by Council Member Chapman and seconded by Council Member Kendle. All in favor. The following members of the public spoke: Pam Lamberton, Kathleen Momont, Alexis Taylor. A motion to close the public hearing on 2019-38 was made by Deputy Mayor Quinn and seconded by Council Member Chapman. All in favor.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Amy Quinn, Deputy Mayor
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

ADJOURNMENT

The meeting was adjourned at 7:00 PM

Respectfully submitted by:

Melody Hartsgrrove, Deputy City Clerk