



RESOLUTION NO. 2017-386

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

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ASBURY PARK, ACTING AS THE REDEVELOPMENT ENTITY, REGARDING THE APPLICATION OF MADISON ASBURY RETAIL, LLC FOR CONCEPTUAL REVIEW OF THE FOURTH AVENUE PAVILION RENOVATION ON BLOCK 4502, LOT 1.13

WHEREAS, on June 5, 2002 the City Council adopted Ordinance No. 2607 adopting the Amended Waterfront Redevelopment Plan for the City of Asbury Park (the “**Plan**”) which provides for the redevelopment of certain properties situated in the Waterfront Redevelopment Area (the “**Area**”); and

WHEREAS, in furtherance of the Plan, the City and Asbury Partners, L.L.C. (“**Partners**”), a limited liability company formed under the laws of the State of New Jersey with offices located at 1100 Ocean Avenue, Asbury Park, New Jersey 07712, entered into the Amended and Restated Redeveloper and Land Disposition Agreement dated October 28, 2002 (as amended to date and as may hereafter be amended, the “**Redeveloper Agreement**”) pursuant to which Partners was appointed “Master Developer” for the Area; and

WHEREAS, pursuant to the Redeveloper Agreement, in order to implement the development, financing, construction, operation and management of certain areas in the Area, the City entered into a Subsequent Developer Agreement dated June 1, 2010 (the “**Subsequent Developer Agreement**”) with Partners and Madison Asbury Retail, LLC, with principal offices located at 1100 Ocean Avenue, Asbury Park, New Jersey 07712 (“**MA Retail**”); and

WHEREAS, MA Retail now proposes a renovation of the Fourth Avenue Pavillion, Block 4502, lot 1.13, which consists of recladding of the exterior, tenants signage, a space on the north and south façade for large art murals, elevator installation, gut renovation to existing floors, the addition of a patio deck on Ocean Avenue and the addition of a third floor deck, bathrooms and stairs. There will be 8 retail tenants on the ground floor (total square footage of retail space not provided, but estimated at around 20,000 square feet); a public arcade through the center of the first floor from Ocean Avenue to the Boardwalk, creating an additional public access point to the boardwalk; 28 individually-labeled office tenant spaces on the second floor (total square footage of office space not provided, but estimated at around 23,000 square feet); a third story penthouse consisting of two rest-rooms, an elevator and stairway, and two mechanical equipment enclosures; and a rooftop deck covering the remaining two-thirds of the second-floor roof (the “**Proposal**”); and

WHEREAS, the Proposal further provides for a mix of restaurants and retail on the first floor, the second floor shall be office space as per the Coastal Area Facility Review Act Permit (the “**CAFRA Permit**”), all floors basement to third floor shall be connected by and elevator. Access to the basement will be limited and not open to the public. There will be a “pass through” for the public from Ocean Avenue to the Boardwalk. A third floor/rooftop deck is proposed, but would only be for the use of office tenants and not restaurant use. However, it can be used for events by the office tenants only. Also, an elevator bulkhead and stair bulkheads will protrude beyond the second floor. Two bathrooms are also included at the third floor. A large raised patio will face Ocean Avenue in order to activate the street front without with outdoor dining and merchandise; and

WHEREAS, the City’s Technical Review Committee (the “**TRC**”) reviewed the Proposal at a meeting held on December 12, 2017 and issued a report; and

WHEREAS, the City Director of Planning and Redevelopment (the “**Director**”) reviewed the application; and

WHEREAS, MA Retail presented the Proposal and reviewed the plans with the Mayor and City Council during a Council meeting on August 9, 2017; and

WHEREAS, the Mayor and City Council, acting as the City’s Redevelopment Entity, wish to set forth their conceptual review of MA Retail’s Proposal, with conditions,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, acting as the Waterfront Redevelopment Entity, as follows:

1. The recitals are incorporated herein by reference.
2. The Mayor and Council find that the Proposal is generally consistent with the Plan which permits “amusements, restaurants and retail spaces” and refers this proposal to the Planning Board for appropriate review and approvals in accordance with the provisions of the Plan and the Municipal Land Use Law.
3. The Mayor and Council, endorse the recommendations of the TRC, set forth below and recommend the Planning Board require MA Retail to revise their Proposal accordingly:
 - (I) Roof screen wall should be a composite material rather than metal.
 - (ii) The roof screen should connect with stair case wall so there are no “gaps.”
 - (iii) The railing at the front patio should be mounted on the inside rather than the sidewalk side.
 - (iv) A sign that identifies the Fourth Avenue Pavilion be placed at the main entrance at Ocean Avenue.

- (v) Door placement on the first floor should be corrected and be as symmetrical as possible while allowing for desired tenet spaces.
4. The Mayor and Council, endorse the recommendations of the Planner, set forth below and recommend the Planning Board require MA Retail to revise their Proposal accordingly:
- (I) All of the past and present design comments of the TRC should be implemented.
 - (ii) Signage should not be halo lit facing the boardwalk as it is inconsistent with the lighting on the other pavilions and lighting should match and/or complement the lighting on the other pavilions.
 - (iii) The building color scheme should adhere to the color scheme dictated in the Plan.
 - (iv) While the applicant has attempted to soften the look of the front patio further exploration needs to be done to create better connectivity with the sidewalk and reduce the “wall” look of the patio against the sidewalk.
5. The Mayor and Council’s approval are subject to the following conditions, which shall be incorporated into any Planning Board approvals:
- (i.) The lifeguard facility shall remain in the building in its present location.
 - (ii) The use of the third floor/rooftop deck shall be limited to use by the office tenants and shall not be used for any restaurant-related use. However, it can be used for events by the office tenants only.
 - (iii) The CAFRA Permit allows the construction of the pavilion not to exceed 25 feet in height. MA Retail wishes to use the roof area for a third story penthouse covering approximately a third of the lot’s ground floor area, consisting of two rest- rooms, an elevator and stairway, and two mechanical equipment enclosures; and a rooftop deck covering the remaining two-thirds of the second-floor roof. It appears this rooftop improvements will require an interpretation and/or other relief from CAFRA. As a condition of the City’s approval, if MA Retail makes an application to CAFRA for an interpretation of, and/or other relief from, the Permit to allow the Proposal, MA Retail shall keep the City fully apprised of all communications to and from CARFA, including copies of all submission to CAFRA, correspondence to and from CAFRA and the details of meetings and/or other communication to and from CAFRA.
 - (iv) As a condition of the City’s approval, MA Retail shall submit a schedule and construction costs to the City, prior to the granting of final Planning Board approvals for any component or element of the Proposal.

(v) As a condition of the City's approval, MA retail shall enter into a subsequent developer's agreement with the city.

- 6. This Resolution shall take effect immediately.
- 7. A copy of this resolution shall be forwarded to the Planning Board Secretary.

I, CINDY A. DYE, 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. 2017-386 which was finally adopted by the City Council at a meeting held on the 27th day of December, 2017

CERTIFIED BY ME THIS 28th DAY OF December, 2017.

CINDY A. DYE
CITY CLERK

✓ Vote Record - Resolution 2017-386						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted	Eileen Chapman	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Yvonne Clayton	Secunder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Jesse Kendle	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Tabled	Amy Quinn	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	John Moor	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>