



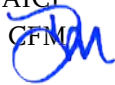
MEMORANDUM

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To: Asbury Park Planning Board

From: Michael Sullivan, ASLA, AICP
Donna Miller, AICP, PP, CFM 

Re: **PHM Sunset Square, LLC**
Preliminary and Final Major Site Plan
1401 Kingsley Street
Block 4205, Lots 2 and 3
Waterfront Redevelopment Area / Prime Renewal Area

Date: October 30, 2023

1.0 Project Summary and Site Description

1.1 Applicant's Proposal: The applicant proposes to construct a three-story, 28-unit multi-family development on an 33,600 sq. ft. tract of land in the Prime Renewal Area of the Waterfront Redevelopment Area. The site is bounded by Kingsley Street, Sunset Avenue and an unnamed alley that bisects the block. The proposal consists of two "stacked townhouse" buildings, with units facing Sunset Avenue and the alley, separated by a central driveway with off-street parking accessed from Kingsley Street. There are no indoor or outdoor recreational/open space, or recreational facilities, proposed.

1.2 Big Picture: Although the orientation and configuration of the proposed buildings conflict with the WRP design guidance by having the ends of the buildings facing Kingsley Street and presenting a large gap in the "street wall", and having building frontages face an alley instead of a street, the layout of the development has been accepted by the City Council acting as the Redevelopment Entity. This configuration does leave some uncertainty about the manner in which the alley is to be improved, if at all, and the location of what should be public improvements (sidewalks) on private land. One of the conditions of the Council's approval does state that "other details of the Project not specifically addressed in the TRC Report or the Subsequent Developer Agreement shall be addressed by the Planning Board, including but not limited to engineering, landscaping, any additional construction mitigation measures and other such components". This may permit the Board to require easements or physical improvements to address these concerns.

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- 1.3 Summary of Required Relief:** The application requires Preliminary and Final Major Site Plan approval and design exceptions from the WRP’s architectural Design Guidelines as enumerated below:
- a. Openings – Configuration. Use of Non-operable Windows, Multiple Windows Not Separated by 4-inch Post and Flush Mounted Windows.
 - b. Building Frontages 3. New buildings shall be harmonious with the block face on both sides of its street.
 - c. Building Frontages - 5. Use of Transition Line to Differentiated Middle from the Top.
 - d. Building Parts - 12. Use of Flush Windows.
 - e. Building Parts - 13. Lack of Windowsills
 - f. Building Elements – Walls – Configuration: Building Walls - Number of materials
 - g. Attached Elements 5 – Façade colors
 - h. Building Parts 7. Depth and Location of Balconies
 - i. Building Parts 8 - Balconies not Supported by Brackets
- 1.4 Prior Review and Approvals:** The applicant presented conceptual plans to the Technical Review Committee (TRC) in October 2022 and January 2023. On January 17, 2023, the TRC issued a report recommending that the application be referred to the redevelopment entity subject to certain conditions. On July 26, 2023, the Mayor and Council, acting as Redevelopment Entity, granted conceptual approval, taking into consideration the recommendations of the TRC. The applicant’s compliance with those items is detailed in Section 2 of this report.
- 1.5 Property Description:** The subject property is located within the block bounded by Kingsley Street, Sunset Avenue and a 16-foot-wide unnamed alley between Sunset Avenue and Sixth Avenue. The property contains 33,600 sf, consisting of two of the three tax lots within the block. The property is currently vacant. The Sunset Avenue frontage has been improved with streetscape improvements, including new sidewalks with decorative pavers, street trees and street lighting.



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There is an existing curb cut serving the property at the corner of Sunset Avenue and Kingsley Street. The Kingsley Street frontage has not received streetscape improvements. The alley frontage is in poor condition and has been fenced along the southerly side of the right-of-way, with the adjoining restaurant using part of the alley for outdoor dining.

- 1.6 **Neighborhood Context:** Immediately adjoining the property to the west is a four-story multi-family building which has its main entrance on the alley. Across Kingsley Street to the east is the Berkeley hotel. Across Sunset Avenue to the south is Atlantic Square Park, Bradley Park and Sunset Lake Park. North of the alley is Kim Marie’s restaurant and a parking lot and refuse storage area for Kim Marie’s and the Kingsley Terrace Apartments.
- 1.7 **Development Details:** The proposed development consists of two, three-story buildings containing stacked townhouses. There are four dwelling unit types, each having a one car garage and the option for three bedrooms:



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- a. Greenwich – an end unit with rear deck containing approximately 2,000 sf. Greenwich units with Kinglsey Street frontage have a Juliet balcony on both the second and third floor.
 - b. Murray Hill – an end unit containing approximately 1,345 sf. The easterly units have a Juliet balcony on the second floor of the Sunset Avenue or alley frontage.
 - c. Union – an interior unit that has a rear deck and contains approximately 1,700 sf. Some of these units have a third floor Juliet balcony facing either Sunset Avenue or the alley.
 - d. Bowery - an interior unit having approximately 1,100 sf. Two units in each building have a Juliet balcony on the Sunset Avenue or alley frontage.
- 1.8 Parking:** The development provides off-street parking in one-car garages located on either side of a two-way driveway and one surface parking space in front of each garage for a total of 56 off-street spaces.
- a. **EV Parking:** Make Ready EV facilities will be provided in each unit garage, however neither the architectural or site plans indicate EV charging facilities to be provided.
 - b. **Bicycle Parking:** Neither the architectural or site plans provide bicycle parking on- or off-site. The applicant has previously stated it will provide bicycle parking within the garages of each unit.
- 2.0 Conformance with TRC Recommendations**
- 2.1 TRC Recommendations:** The Technical Review Committee made a number of recommendations in its review of the project that would have required substantial changes to the layout and design of the buildings and site. Those recommendations were not accepted by the Mayor and Council.
- 2.2 Council Resolution:** Following the TRC, the Mayor and Council reviewed the applicant’s proposal for consideration of designation as a subsequent redeveloper and accepted the layout and design of the project with minor modifications from the conceptual plan and referred the application to the Planning Board for consideration of site plan approval. This referral contained the following conditions:
- a. The Project will include all related site improvements including landscaping, stormwater features, and bicycle racks.



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The proposed site improvements do not include bicycle racks either on-site or as part of the streetscape improvements.

- b. The Project shall also incorporate certain sustainability design features sufficient for LEED Silver Certification however, the Project shall not be required to actually obtain such Certification.

The applicant has not submitted a description of the design features it intends to incorporate into the development that would satisfy LEED Silver Certification standards.

- c. The Planning Board’s consideration and approval of a revised Site Access and Construction Logistical Plan to be submitted by the Subsequent Developer which shall adequately demonstrate: (i) a safe alternative walkway/pathway for pedestrian traffic while any sidewalk around the perimeter of the Project Site is closed; and (ii) the location of the construction trailer upon the Project Site.

The applicant has submitted an untitled plan addressing the construction staging/alternative pedestrian access. We defer to the Board Engineer as to the adequacy of such plan, however recommend that such plan be incorporated within the site plan set and be formally titled as the Construction Logistical Plan. Additionally, it appears that signage indicating closure of the sidewalk should be added to the westerly end of the sidewalk on Sunset Avenue and the alley and an alternative path be provided for pedestrians traveling eastward from Webb Street on both Sunset Avenue and the alley.

- d. Other details of the Project not specifically addressed in the TRC Report or the Subsequent Developer Agreement described herein shall be addressed by the Planning Board, including but not limited to engineering, landscaping, any additional construction mitigation measures and other such components.

As noted previously, the application does not propose any public improvements to the alley on which half the development fronts, but does include the construction of a sidewalk connecting Kingsley Street to an existing sidewalk providing access to the existing multi-family dwelling to the west.

3.0 Conformance with the Waterfront Redevelopment Plan

- 3.1 Use: *Conforms*. WRP contains all the zoning and development controls for the Waterfront Redevelopment Area. Section 3.8 of the Plan lists the principal uses



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permitted in the redevelopment area. Multi-family residential uses are permitted principal uses within the Prime Renewal Area.

3.2 **Development Control Plan:** The Development Control Plan envisions blocks to be redeveloped with building mass “...arranged to harmonize with the scale of the existing structures along the eastern edge of the adjacent residential neighborhoods.” The intent is to have the building façades define the street edge therefore, no building setback is required on a public street. Buildings heights will drop down to 2-3 stories as the new development approaches the existing residential neighborhoods along Bergh and Webb Streets.

a. Anticipated Block Development. The development control plan of the WRP contemplates Block 193 (current Block 4205 and 4203) to be redeveloped as a unified block bounded by Sunset Avenue, Sixth Avenue, Kingsley Street and Webb Street, by eliminating the existing alley and construction of new buildings ranging from three stories facing Webb Street, to eight stories on Sunset and Sixth Avenues, with up to 135 dwelling units and a parking structure with approximately 380 parking spaces. As the proposed lot is approximately 20% of the block area, the proposed development intensity is far less than projected by the plan. Although the residential density is consistent with the lot area, the smaller development size cannot support the development of public parking facilities envisioned by the Plan.

While this is not a control or a cap, it is highlighted in order to gauge the relative development intensity of the block itself and the overall progression of development in the WRA relative to the plan.

3.3 **Bulk Requirements:** The *Development Control Plan*¹ and the *Allowable Building Envelope*² (also referred to in the WRP also as *Proposed Building Height Map*) of the WRP provide the overriding bulk control for all buildings that are to be developed in the Prime Renewal Area. Although no building setbacks are required, there are requirements for lot area and frontage.

a. Lot Requirements. **Conforms.** The minimum lot area in the Prime Renewal Area is 15,000 sf with minimum lot frontage of 100 feet. The total lot area of the subject property is 33,600 sf and has 175 feet of lot frontage on Sunset Avenue and 192 feet on Kingsley Street.

b. Building Height-Number of Stories: **Conforms.** The WRP states, “Under no circumstances shall a development block exceed the height depicted

¹ *Development Control Plan* on page 71-72 WRP.

² *Allowable Building Envelope*, p. 70, WRP.



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on the *Development Control Plan*. The maximum permitted height of buildings for this block varies along each street frontage, from four (4) to eight (8) stories³. The proposed buildings are three stories each.

- 3.4 **Off-street Parking: *Complies*.** The WRP requires 1.5 parking spaces for each residential dwelling unit. The proposed development requires 42 off-street parking spaces. **The proposed garage and adjoining parking spaces total 56 spaces.**
- 3.5 **On-street Parking: *Complies*.** On-street Parking: Two on-street parking spaces on Kingsley Street will be lost to the creation of the development’s driveway, however two new spaces will be created on Sunset Avenue where an existing driveway will be removed. **There is no net loss of on-street parking.**
- 3.6 **Affordable Housing: *Complies*.** The WRP requires the Prime Redeveloper to provide affordable housing units for low and moderate income households equal to five percent (5%) of the new housing units built within the Prime Renewal Area⁴. In-lieu payments to the City would also satisfy this requirement. **The applicant has stipulated an in-lieu contribution will be made.**
- 3.7 **Architectural Design: *Does not Conform*.** The purposes of the Architectural Design Guidelines of the Waterfront Redevelopment Plan are to encourage the design of building frontages that support pedestrian activity and support the regional architectural vernacular of the New Jersey shore area in a contemporary way. The intent is to, appropriately, execute the Mediterranean Revival, Arts & Crafts, and Moderne styles. Other styles with a significant historical development are permitted, but should strictly adhere to a documented and substantiated stylistic format. Existing buildings are to be used as design context and applicants are expected to provide documentation of the block faces on both sides of the property’s streets with the proposed building shown within its urban context.
 - a. **Architectural Context:** Although there are non-contributing buildings and undeveloped land in the adjoining the subject property, there are examples of historic architectural styles in the immediate vicinity. The Berkeley Hotel, The Asbury Hotel and Convention Hall are noteworthy examples within sight of the property. These buildings represent more traditional masonry buildings of various eras (consistent with the architectural guidelines), and have exteriors clad, primarily, with red brick

³ Story - That portion of a building included between the surface of any floor and the surface of the floor next above it; or if there is no floor above it, then the space between the floor and ceiling next above it. WRP, P. 92

⁴ Section 4.3, WRP. P82



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along with white cast stone or limestone trim and accents. In the case of Convention Hall, terra cotta ornamentation is used.



The Berkley Hotel



Asbury Park Convention Hall



The Asbury Hotel

Architecturally Significant Buildings

3.8 **Proposed Architectural Design:** The proposed buildings consist of a continuous string of townhouse units, with almost indiscernible difference, and minimal distinguishing characteristics to punctuate the end or provide a distinctive central feature. The architectural style is an unusual combination of neo-traditional elements with more contemporary facades. The front façades are composed in vertical modules creating a slight articulation in the façade. The buildings are clad with horizontal fiber cement siding panels which simulate wood clapboard and fiber cement vertical panels with a wood finish, and a brick watertable. Juliet balconies shown in the architectural plans indicate only windows, but in elevation, swing doors are used. There are many design elements which do not comply with the individual criteria of the Architecture Design Guidelines, as follows:

- a. **Openings – Configuration.** Windows shall be single, double, triple-hung, or operable casements. Openings shall be rectangular with a vertical or square proportion. Multiple windows in the same rough opening shall be separated by a 4-inch minimum post. The centerline of the window sash shall align within the centerline of the wall (there shall be no flush mounted windows). **The plans do not specify if all the windows are operable, but it appears that there may be fixed panes in the design.**



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Additionally, windows are flush mounted and multiple windows are not separated by a 4-inch post.



Front Elevation Rendering



Rear Elevation Rendering



Sunset Rendering



Kingsley Street Elevation

Architectural Renderings of Proposed Buildings

- b. Building Frontages 3. New buildings shall be harmonious with the block face on both sides of its street. The existing buildings will provide the design context unless they are non-conforming. **The architectural style of the proposed buildings is a contemporary design similar to other projects approved within the WRA, using smooth fiber cement panels of contrasting colors and simulated wood siding. This is in stark contrast to the red brick used on the visually adjacent Berkeley Oceanfront Hotel, Convention Hall and Asbury Hotel. Brick is also the primary material used on the multi-family dwellings adjoining the site to the west.**
- c. Building Frontages - 5. The middle of the building shall be differentiated from the base by a transition line at the top of the first, second or third floor. The transition line's specific location is determined primarily by the overall height of the building and that of the adjacent buildings. **The design does not provide a transition line which differentiates the middle from the top of the proposed buildings.**
- d. Building Parts - 12. Under no circumstances shall the windows be installed flush with the outer surface of the facade. **In the elevation**



drawings, windows appear to be recessed slightly from the outer surface of the façade, however the plan view does not represent this recess. The applicant has stated the window design will be “setback with a contemporary frame”. A detail of the window design will be required to ensure conformity with this requirement.

- e. Building Parts - 13. Windowsills should be provided, and lintels may be shown. The windowsill should slightly overlap the width of the window opening. The elevation drawings give the impression that there is a windowsill in combination with a partial belt course below some of the windows on the second and third floors and like the comment regarding whether the windows are flush mounted, others appear to be trimmed in a way that look like a sill. The applicant should clarify the design of this element.
- f. Building Articulation 3. Articulation is a compositional technique tied to its meaningful relationship to an urban condition. One such articulation may acknowledge the corner of a block; another may emphasize an entrance; yet another may receive the visual axis of an adjacent street. **Although the plans have been revised to place an entry on the Kingsley Street side of each building, the design of the façade still exemplifies a side view, with no emphasis on the unit entrance. Overall, the buildings do not acknowledge the hierarchy of locations with the urban fabric, particularly the significance of the Sunset Avenue and Kingsley Street corner.**
- g. Building Elements – Walls – Configuration: Building Walls- Materials shall change only along a horizontal line, with the heavier material below the lighter. **The design of the buildings’ façades exhibit materials changes both horizontally and vertically.**
- h. Building Elements – Walls – Configuration: Building Walls shall show no more than two materials in addition to the basement or undercroft. **The street facing façades of the proposed buildings exhibit more than three materials; there are two types of smooth fiber cement panels, two types of smooth fiber cement lap siding and brick on the street facing façades.**
- i. Attached Elements 5 – Façade colors shall be selected from a single quadrant of the color wheel. This technique, without specifying particular colors, allows a range that is automatically harmonious. In addition to white, the designated quadrant shall be the lighter saturations of the yellow-to-red quadrant. This encompasses the cream, ochre, pink, terra-



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cotta, range. Trim and attached elements may be white or a darker or lighter saturation of the wall color. Awnings, signage, doors and shutters may be any color, however, dark blues, greens and reds are traditional. **The building colors have not been specified in the architectural plans, however the renderings show the use of white siding in combination with natural or cedar tone wood, white, blue and gray fiber cement accent panels and gray brick.**

- j. Building Frontages 6.- Base frontages are, in descending order of their positive pedestrian contribution; (a) a gallery or arcade; (b) a shopfront with awning; (c) a residential stoop; (d) a fence and porch; (e) a landscaped front yard; (f) a blank wall; (g) an unbuffered parking structure; and (h) an open parking lot. The latter three types shall be avoided. The allocation and expense of building should reflect this hierarchy. **The Kingsley Street façades have been revised to exhibit a landscaped front yard.**
- k. Building Parts 7. Balconies are best used as a single, continuous element at the location of the upper or lower expression lines. They may also be used singly as a periodic element of the facade composition. Multiple balconies, if required, shall be confined to the rear and side elevations unless, at the build out of the block, they would not remain permanently visible. **The proposed buildings contain cantilevered, Juliet-type balconies on the second and third floors of the Sunset Avenue, alley and Kingsley Street façades.**
- l. Building Parts 8. Cantilevered balconies shall be no deeper than three feet and shall be visibly supported by brackets. In the case of balconies that are nearly flush with the facade and associated with inwardly swinging doors (French balconies), there may be as many balconies as there are doors. **The proposed cantilevered balconies are not supported by brackets.**

4.0 Project Design

4.1 Overall Layout and Design: The proposed development orients the front façade of half of its units on an existing east-west alley running between Kingsley Street and Webb Street and treats the Kingsley Street frontage as a side yard and parking lot access.

- a. **Alley:** The public alley currently provides access to service/trash and off-street parking for adjacent multi-family and commercial uses, but is only minimally improved. The Development Control Plan and the Thoroughfare Designation Plan do not classify this unnamed alley nor are there any provisions for how to address it in the Infrastructure



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Component Report. The applicant has proposed to install sidewalk within the subject property, adjacent to the alley right-of-way, but does not propose any improvements to the alley itself. **A right-of-way dedication or easement should be the proposed along the alley frontage that covers the full width of the new sidewalk.**

- b. **Kingsley Street Frontage:** Although the applicant has provided two out of its 28 unit entrances on Kingsley Street, the overall building configuration results in a large gap between the two buildings along Kingsley Street which allows views of the parking, garage doors and rear building façades from Kingsley Street. The “street wall” is visually incomplete in this location. The applicant has revised the plan to include low wing walls extending from each building to shorten the gap, however



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the result continues to be of a parking lot, which does not have the same impact as a building façade activated with front porches and stoops.



Architectural Elevation of Kingsley Street Frontage (Context added by CCH)

- 4.2 **Streetscape:** As noted previously, the site plan does not propose any new street furnishings or amenities along Kingsley Street, Sunset Avenue or the alley. Sunset Avenue currently has new curbs, sidewalks, lighting and street trees, but no bicycle racks, trash receptacles or benches. **The Council resolution and SDA require that bicycle racks be provided.**
- 4.3 **Lighting:** The lighting plan specifies light color temperature for exterior building mounted and site lighting fixtures to have a color temperature of 2,700° K, non-glare, full cut-off and fully shielded. Fixtures are proposed at the unit entrances and over garages. Two pole-mounted fixtures are proposed at the westerly end of the parking area and at the entrance to the parking area. No fixtures appear to be located at the balconies or decks. A note indicates that all building mounted lighting is unit owner-controlled. **It is recommended that lighting at the garage entrances be motion controlled with a dusk to dawn sensor.**
- 4.4 **Development Agreement Lighting Requirements:** The Subsequent Developer Agreement (SDA) requires the applicant to provide the Planning Board with a lighting plan that “...enhances the overall aesthetics of the Project and provide light to outdoor areas at night”. Additionally, specific exterior accent lighting that is Dark Sky compliant is to be provided:
 - a. Accent Lighting at the corners of the building along Kingsley that illuminates the corner architectural detailing at the parapet, balcony railings, and cornice lines.
Neither the lighting plan nor the architectural renderings and elevations depict accent lighting.
 - b. Downlight or shielded fixture at residential entries along Sunset and Kingsley.



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The lighting plan specifies a two-light, cylinder wall light at all the residential entries. This fixture provides uplighting as well as downlighting.

- c. Downlight or shielded fixture at garage entries at the rear of the buildings.

A shielded downlight is provided at the garages.

- 4.5 **Utilities:** The plans do not indicate whether existing utility poles located on the north side of the property near the alley are to remain, be removed or relocated. Both the architectural and site plans have been revised to indicate the electric and gas meters are to be grouped on the westerly façade of the proposed buildings. **Architectural screening of the meters is recommended along with screen plantings.**

- 4.6 **Mechanical Equipment:** HVAC equipment is proposed within the parking area located between each pair of parking spaces. Four condensers are located outside the parking area, within the westerly yard area. **The site plan does not indicate any curbing or grade separation for the HVAC equipment within the parking area making them vulnerable to damage and flooding.**

- 4.7 **Planting Design:** The landscape plan uses native, salt and drought tolerant plants that have a habit and size that is appropriate to the site conditions for foundation plantings and parking lot screening.

5.0 Materials Reviewed

- 5.1 Application and supporting documentation, dated August 9, 2023.
- 5.2 *Preliminary and Final Major Site Plan for Sunset Square*, prepared by Jelena Balorda-Barone, PE, French and Parello Associates, dated August 30, 2022 and last revised September 15, 2023, consisting of 13 sheets.
- 5.3 *Boundary and Topographic Survey*, prepared by Thomas J. Ertle, PLS, French and Parello Associates, unsigned, unsealed, dated January 17, 2022, consisting of one sheet.
- 5.4 *Preliminary and Final Site Plan Submission*, prepared by Minno Wasko, unsigned and unsealed, dated August 11, 2023 and last revised September 26, 2023 consisting of 11 sheets.

6.0 Applicant / Owner / Professionals

- 6.1 **Applicant:** PHM Sunset Square, LLC, James P. Mullen, 150 Allen Road, Suite 303, Basking Ridge, NJ 07920. Telephone: 908-848-2032. Email: j.mullen@pultegroup.com



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- 6.2 **Owner:** AP Ten Property Holdings, LLC and Asbury Partners, LLC, c/o iStar, 1114 Avenue of the Americas, NY, NY 10036. Email: bcheripka@istar.com
- 6.3 **Attorney:** Michael Vitiello, Esq., Giordano Halleran and Ciesla, 125 Half Mile Road, Suite 300, Red Bank, NJ 07701. Telephone: 732-741-3900. Email: mvitiello@ghclaw.com
- 6.4 **Architect:** David Minno, AIA, Minno Wasko Architects and Planners, 80 Lambert Lane, Suite 205, Lambertville, NJ 08530. Telephone: 609-397-9009. Email: fdminno@minnowasko.com
- 6.5 **Engineer:** Jelena Balorda-Barone, PE, French and Parello Associates, 1800 Route 34, Suite 100, Wall, NJ 07719. Telephone: 732-312-9800. Email: lena.barone@pfaengineers.com

- C. Marie Rodrigues, Board Secretary
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Jason Fitcher, PE, Board Engineer
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AP Five Property Holdings, LLC, Owner
Michael Vitiello, Esq., Applicant's Attorney
David Minno, AIA, Applicant's Architect
Lena Barone, PE, Applicant's Engineer

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