

Borough of Avalon Planning/Zoning Board
Minutes of Work Session/Regular Meeting of January 9, 2024

Members Present: Jay Gebauer
 Greg Kizeik
 Sue Montanari
 Chuck O'Hara
 Brian Reynolds
 Eric Schiela
 Sam Wierman
 Eric Dechert
 Michael Coskey

Members Absent: Michele Petrucci
 Beth Tipping

Chair Eric Schiela called the meeting to order at 6:00 PM and led the Board in the Pledge of Allegiance. A roll call of members present was made. The Chair then recited the Open Public Meetings Act Statement.

The Board then considered the proposed minutes of the December 12, 2023 Work Session/Regular Meeting. Corrections or changes were made. A motion was made to approve by Member Brian Reynolds and seconded by Member Jay Gebauer with all eligible members voting in the affirmative.

The Board then considered the proposed minutes of the December 12, 2023 Executive Session/Closed Meeting. The purpose of the closed meeting was to discuss personnel and litigation. Corrections or changes were made. A motion was made to approve by Member Jay Gebauer and seconded by Member Sam Wierman with all eligible members voting in the affirmative. Said minutes to be released when legally permitted.

The Board then considered the proposed memorializing resolution for application PZ#23-11, Smith and Szczepaniak for the property located at 419 24th Street Units A and B, Avalon, NJ. Corrections or changes were made. A motion was made to approve by Member Chuck O'Hara and seconded by Member Brian Reynolds with all eligible members voting in the affirmative.

The Board then considered the memorializing resolution for application PZ#19-07B, Zurawski, for the property known as 20th Street and 21st Street along Ocean Drive, Avalon, NJ. Corrections or changes were made. A motion was made to approve by Member Sam Wierman and seconded by Member Brian Reynolds with all eligible members voting in the affirmative.

The Board then undertook Application PZ#23-12, Application of 125 77th Street, LLC with offices located at 2501 Seaport Drive, Chester, PA wherein Applicant sought front yard setback variance for stairs and side yard setback variance to allow a third-floor deck for the property located at 125 77th Street in the R-1B Zone. The Applicant presented the testimony of

Paul Kiss licensed architect and planner who testified he prepared the plans and reviewed the survey for the property. He took the Board through the existing single-family structure on the property and testified that the Applicant intends to replace same with a newer more modern single-family structure. He testified the new structure will have an accessory structure, a pool cabana. He testified the Applicant will retain the pool in the existing location on the property. The Applicant presented Exhibit A-1, a series of four 3-D renderings of the proposed structure so the Board could obtain a general view or understanding of what the structure will look like once placed on the subject parcel. Mr. Kiss took the Board through the two variances sought testifying that the shape of the lot with a certain amount of lot area located beyond the dune line and thus unbuildable to the Applicant created an undue hardship upon the Applicant in being able to meet the bulk requirements for the front steps and the side yard deck.

Mr. Kiss testified that the variances can be justified based upon the benefits analysis under the Municipal Land Use Law and cited several purposes of the Municipal Land Use Law that he testified are advanced by the granting of the Application. He testified that the variances if granted will not substantially impair the Zoning Plan. He further testified as to the negative criteria.

Applicant agreed to several conditions of approval if the Application was granted. Applicant agreed to change the plan to show one single 12-foot curb cut for the driveway and eliminate the double driveway shown on the plan.

The Board then heard from Board Engineer Thomas Thorton who substituted for Joseph Maffei. Mr. Thorton testified consistent with his report dated December 20, 2023 which the Board accepted. The Applicant agreed to meet the comments of the Board Engineer as a condition of approval.

The matter was open to the public and Mark Cerceo of 125 80th Street was sworn and testified. He testified he supports the project.

The Board after carefully reviewing the matter and making appropriate findings of fact and conclusions of law voted to grant the side yard setback with a reduction of the size of the deck consistent with Exhibit A-2 as marked up by architect Paul Kiss during the hearing reducing the width of the deck to 3 feet from 4 feet and reducing the length of the deck of the eastward side of the project. The front yard setback variance for the steps was denied.

The Chair then called for either new or old business of which there was none.

The meeting was open to the public for public comment on any topic and there was none. There being no further business before the Board a motion was made to adjourn the meeting. The meeting was adjourned at 7:22 PM.

Submitted,

/s/ Paul J. Baldini
Paul J. Baldini, Esquire