

A Meeting of the Borough Council of the Borough of Avalon was held on Wednesday, March 27, 2024, at 4:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

In-Person Attendance: Public ----- 4 Reporters ----- 0

Remote Attendance: Public ----- 4 Reporters ----- 1

The Meeting was called to order by Council President McDermott.

<u>Roll call:</u>	Council President McDermott	Present
	Councilwoman Coskey	Present
	Councilman Johnson	Present
	Councilwoman Juzaitis	Present
	Councilman Wierman	Present

Also present:

Scott Wahl, Business Administrator  
 James Waldron, Assistant Business Administrator  
 Nicole Curio, Esquire, Borough Solicitor  
 Jeffrey Christopher, Police Chief  
 Thomas R. Thornton, P.E., Borough Engineer, Mott MacDonald  
 Paul Short, Code Enforcement Official

Council President McDermott read the Open Public Meetings Act Announcement.

Notice of this Council Meeting was included the annual Schedule of Meetings dated July 12, 2023. It was given to the news media and posted on the Official Bulletin Board as required by law.

Council President McDermott read the following statement:

“For the convenience of the public, the Borough is offering the option of public comment via remote access as described herein. Public who participates remotely will be muted during the Council Meeting except at the public comment portion of the meeting. Any person attempting to disrupt the remote broadcast of a meeting may be denied access at the discretion of the person administering the meeting. Public is reminded of a five-minute limit per comment. In the event remote access is unavailable due to a technology malfunction, or other reason beyond the Borough’s control, the Borough will not pause or stop the live meeting. Borough Council Meetings are held in person with no capacity limits on attendance at a meeting. The best way to ensure an individual’s ability to publicly comment is to attend in person so that comments may be made in the event of a technology malfunction. The Borough reserves the right to discontinue offering public comment via remote access at its discretion for any future meeting.”

**Discussion regarding Professional Services Contract with 7 Mile Publishing for Public Relations and Advertising.**

Scott Wahl introduced Monica Coskey to present the annual proposal for 7 Mile Publishing to provide the Borough of Avalon with public relations and advertising services, which is a reduction in price from 2023 and includes new initiatives for 2024.

Monica Coskey thanked Council for the opportunity to continue to serve the Borough of Avalon, and noted 7 Mile Publishing is happy to provide the Borough with services connected with the digital and print versions of the Information and Recreation Guide, spring and fall newsletters, advertising services, constant contact, and all planning for Snowfest Saturday. One change included in this year’s proposal is a social media campaign for the irrigation and lead pipe remediation changes recently enacted by Borough Council.

Council agreed to proceed with a Resolution to be prepared for the April 10, 2024 Council Meeting.

**Discussion regarding Resolution amending Resolution 173-2020 pertaining to fees charged for the release of deed restrictions.**

Nicole Curio explained this Resolution establishes the fees for the release of deed restrictions, which are being restructured as a result of the administrative process recently being amended by Ordinance 873-2024.

Council agreed to proceed with a Resolution to be considered at today’s Council Meeting.

**Discussion regarding Resolution authorizing reciprocal encroachment agreement to permit the construction of bulkheads at 2928 Ocean Drive.**

James Waldron reported the owners of a private condominium at this location are in the process of replacing their existing bulkhead. Simultaneously, the Borough is in the process of installing a bulkhead at the street end adjacent to this property, which has not previously existed. The private owners are ready to begin construction, as all permits are in place; however, the Borough's permits are still in process. This agreement allows the second bulkhead constructor to tie into the existing bulkhead. This type of agreement has been done in the past, is in the public's best interest, and will not impact the street end in any negligible way. Such development further promotes the Borough's established programs and procedures with regards to curtailing flooding. This agreement would be in perpetuity and binding upon any successors to the property.

After brief discussion, Council agreed to proceed with a Resolution to be considered at today's Council Meeting.

**Discussion regarding B-1 Business District Planning Study conducted by Colliers Engineering & Design.**

Scott Wahl read the following report:

Summary: Council tasked Collier's Engineering to prepare a study of the B-1 business district in Avalon. The report intends to study how and if a "boutique" style hotel would fit and perform in the downtown business district. The complete report from Collier's will be available on the front page of our municipal website following this meeting. The report was prepared by Daniel Bloch, a New Jersey professional planner. This report on the Collier's report is not intended to make recommendations or conclusions, but instead intended to highlight important aspects of the report for the benefit of the public and the governing body.

B-1 District: Permitted uses in the district, which exists from 20<sup>th</sup>-33<sup>rd</sup> streets along the Dune Drive corridor are as follows: Retail, personal service, banks, theaters, offices, restaurants, light wholesale, and municipal buildings, and other comparable services. Conditional uses include tennis courts, church, libraries, schools, second and third floor residential, automobile service stations, convenience stores, supermarkets, drug stores, and single-family dwellings consistent with the R-2B district.

Definition: An important part of this study was to define exactly what a boutique hotel is as there are multiple definitions. The North American Industry Classification System nor the Complete Illustrated Book of Development definitions defines a "boutique hotel". However, reliance was placed on the Cornell Center for Hospitality Research which, 13 years ago, agreed a "boutique hotel" was a hotel of smaller size that focuses on personal attention for guests, generally with fewer, often far fewer, than 100 rooms, with rooms emulating elegant private homes.

Study Methodology: Characteristics of ten boutique hotels were studied, eight of them being at the Jersey Shore from Asbury Park to Stone Harbor. Hotels that provided too little information, or those that operated more like a bed and breakfast were purposefully excluded.

Surrounding Impacts: Development potential was studied in Avalon's B-1 district. Case study boutique hotels are located on lots between 0.2 and 2.6 acres; the largest boutique hotels in the case study are both in Asbury Park and are much taller structures. Most boutique hotels in the case study were on lots less than an acre, or even less than a half acre. Colliers noted that potential blocks in the B-1 Zone were generally 0.53 to 0.56 acres, consistent with other case study hotels. One location in Avalon that was recently rezoned for more residential properties consists of 3.13 acres. Colliers determined constraining factors in Avalon that exist under current zoning are setbacks, building height, and the ability to accommodate parking.

Common Uses: Common uses located near boutique hotels have been identified as residential, restaurants, retail. There were no common themes regarding services, like banks, law offices, etc.

Traffic Comparison: Colliers studied the impact of traffic as compared to other existing uses in the Avalon B-1 Zone. A restaurant would have between 27-33 per hour, a convenience store 48-62, while a hotel would produce 24-27. A table and guide is provided in the report for further clarity.

Number of Rooms: The low number of rooms in this case study was 16; the high number was 110, as noted in the Asbury Park example. The average number of rooms in the case study is 45, when the Asbury Park example is removed, it is 38.

Ancillary Uses: There is a discussion on uses within the footprint of the hotel. The most common features were dining, a pool, a bar, spa or spa services, and a banquet room. Less common uses were identified as a fitness center, or the ability to bring pets.

Room Sizes: Under current zoning, a maximum of three stories would be permitted; additional stories would likely require a height variance. Six of the ten boutique hotels in the case study are three stories in height. Room sizes in the case study were as small as 155 square feet and as large as 1170 square feet for a two bedroom suite.

Tourism Impact: The report contains readily available data on the impact of overnight stays on tourism in Cape May County. It is worth noting that the report concludes a boutique hotel in Avalon could, quote, “complement other local businesses whose seasons extend beyond the traditional shore season”. The report indicates that the closest hotel in Avalon to the business district is approximately 4.4 miles away (Icona). Guests who come for the offseason that compliments wedding venues would likely benefit downtown businesses.

Zoning Considerations: The report recommends if Avalon shall consider a boutique hotel, additional standards should be considered including setbacks and screening for outdoor dining; setbacks and screening for any rooftop dining; lighting standards for any rooftop amenity spaces; and standards governing the use of public address or music systems, which Avalon currently regulates via ordinance.

Conclusions: Colliers recognizes that if Avalon permits the development of boutique hotels in the B-1 zone, the Borough would want to establish guidelines for design and operation, which is evident in the Borough’s draft B-1 overlay zone. Suggestions include having the Borough develop an ordinance that provides some flexibility so the ordinance can be possible to utilize; identification of requirements that are critical to the development of a boutique hotel and incorporate them into conditional use requirements; and the creation of a d(1) and d(3) variance process described in the report.

Council thanked Scott Wahl for his report and will continue to review the study and take its findings under advisement.

**Discussion regarding Resolution authorizing Change Order No. 1 in connection with 8<sup>th</sup> Street Sports Complex.**

Scott Wahl noted this Change Order is an additional expense of \$12,700.00 to install a 50-foot section of fencing around the softball fields at the 8<sup>th</sup> Street Sports Complex, which will provide safety improvements and a greater separation from the newly constructed tennis courts at that location.

Council agreed to proceed with a Resolution to be prepared for the April 10, 2024 Council Meeting.

**Discussion regarding Resolution authorizing Change Order No. 2 in connection with Contract M-126, 78<sup>th</sup> Street Pump Station.**

Thomas Thornton announced the contractor is scheduled to resume work and remobilize in connection with this project on April 3, 2024. It is expected construction to take no more than three to four weeks, other than the construction of the railing, which will occur later. This Change Order adds four items, which have been broken down into subsections of Change Order No. 2. Change Order No. 2a was necessary to address an unforeseen issue with respect to the required elevation of the junction boxes for the electrical control panels. Due to the excessive height of the junction boxes, it was determined to be in the best interest of the project to instead use waterproof junction boxes in an effort to make them more accessible. Change Order 2b installed a bypass required of the existing water main on Ocean Drive, which conflicted with the storm sewer main at the crossing of 72nd Street and Ocean Drive. Change Order No. 2c addressed issues found relating to the sanitary force main in the area to increase the size of the 8-inch pipe to a 10-inch pipe. Change Order No. 2d was in connection with a railing system to be constructed around the elevated platform at the southeast corner of 78<sup>th</sup> Street and Ocean Drive, which will contain electrical cabinets and control cabinets. The railing was missed during the design and proposal phases of the project. The total amount of Change Order No. 2 represents a 2.5% increase in the contract cost at this time; however, it is expected Council will be receiving a Change Order reducing the contract cost once the final quantities are updated.

Council agreed to proceed with a Resolution to be prepared for the April 10, 2024 Council Meeting.

Minutes:

Council Meeting, Closed Sessions – March 13, 2024

Motion made by Council President McDermott, seconded by Councilwoman Coskey that the minutes be approved as submitted.

<u>ROLL CALL VOTE:</u>	Councilwoman Coskey	Aye
	Councilman Johnson	Aye
	Councilwoman Juzaitis	Aye
	Councilman Wierman	Aye
	Council President McDermott	Aye

Public comments regarding Resolutions:

None.

Council President McDermott asked if any Councilmember wished to have any Resolution acted upon independently of the consent agenda.

There were no requests from any member of Borough Council to act upon any Resolutions independently.

<u>Resolution No. 69-2024:</u>	A RESOLUTION DESIGNATING THE PROTECTED BATHING BEACHES FOR 2024, DESIGNATING SURFING BEACHES, PADDLEBOARD BEACH AND AREAS WHERE VOLLEYBALL WILL BE PERMITTED; AND DETERMINING THE DATES DURING WHICH LIFEGUARDS WILL BE ON DUTY
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<u>Resolution No. 70-2024:</u>	A RESOLUTION AUTHORIZING MOTT MACDONALD TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR RECONSTRUCTION OF VARIOUS STREETS 2024 FOR A LUMP SUM FEE IN THE AMOUNT OF ONE HUNDRED FOUR THOUSAND DOLLARS (\$104,000.00)
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<u>Resolution No. 71-2024:</u>	A RESOLUTION AMENDING RESOLUTION 173-2020 ESTABLISHING FEES PURSUANT TO ORDINANCE 809-2020 RELATING TO RELEASE OF DEED RESTRICTIONS
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<u>Resolution No. 72-2024:</u>	A RESOLUTION AUTHORIZING A RECIPROCAL ENCROACHMENT AGREEMENT TO FACILITATE AND PERMIT THE CONSTRUCTION OF BULKHEADS AT 2928 OCEAN DRIVE AND ALSO IN THE BOROUGH STREET END AT 29 <sup>TH</sup> STREET IN THE BOROUGH OF AVALON
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<u>Resolution No. 73-2024:</u>	A RESOLUTION AUTHORIZING PAYMENT OF BILLS.
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Motion made by Council President McDermott, seconded by Councilwoman Coskey that Resolutions 69-2024 through 73-2024 as listed on the consent agenda be adopted.

<u>ROLL CALL VOTE:</u>	Councilwoman Coskey	Aye
	Councilman Johnson	Aye
	Councilwoman Juzaitis	Aye
	Councilman Wierman	Aye
	Council President McDermott	Aye

Ordinances:

Introduction and first reading by title only of Ordinance No. 877-2024:

Motion made by Councilman Johnson, seconded by Council President McDermott that Ordinance No. 877-2024 be brought on for first reading by title only.

<u>ROLL CALL VOTE:</u>	Councilwoman Coskey	Aye
	Councilman Johnson	Aye
	Councilwoman Juzaitis	Aye
	Councilman Wierman	Aye
	Council President McDermott	Aye

Borough Clerk read aloud Ordinance No. 877-2024:

Ordinance No. 877-2024:

AN ORDINANCE AMENDING CHAPTER 14 (WATER & SEWER) OF THE BOROUGH CODE TO IMPOSE A QUARTERLY SURCHARGE ON ALL WATER AND SEWER METERS

Motion made by Councilman Johnson, seconded by Council President McDermott that Ordinance No. 877-2024 be passed on first reading and advertised according to law.

<u>ROLL CALL VOTE:</u>	Councilwoman Coskey	Aye
	Councilman Johnson	Aye
	Councilwoman Juzaitis	Aye
	Councilman Wierman	Aye
	Council President McDermott	Aye

Second reading, public hearing and final action on Ordinance No. 874-2024:

Motion made by Councilman Johnson, seconded by Councilman Wierman that Ordinance No. 874-2024 be brought on for second reading, public hearing, and final action.

<u>ROLL CALL VOTE:</u>	Councilwoman Coskey	Aye
	Councilman Johnson	Aye
	Councilwoman Juzaitis	Aye
	Councilman Wierman	Aye
	Council President McDermott	Aye

Borough Clerk read aloud Ordinance No. 874-2024:

Ordinance No. 874-2024:

AN ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF THE BOROUGH OF AVALON (SUBDIVISION AND SITE PLAN REVIEW) TO ALLOW OUTDOOR DINING FOR FOOD SERVICE ESTABLISHMENTS WITHIN THE BOROUGH SUBJECT TO OBTAINING AN OUTDOOR DINING PERMIT

Council President McDermott opened the meeting for public hearing on Ordinance No. 874-2024 and asked if there were any questions or comments.

There were no questions or comments.

Motion made by Councilman Johnson, seconded by Councilman Wierman that the public hearing be closed.

<u>ROLL CALL VOTE:</u>	Councilwoman Coskey	Aye
	Councilman Johnson	Aye
	Councilwoman Juzaitis	Aye
	Councilman Wierman	Aye
	Council President McDermott	Aye

March 27, 2024

Motion made by Councilman Johnson, seconded by Councilman Wierman that Ordinance No. 874-2024 be finally adopted, submitted to the Mayor for approval and advertised according to law.

<u>ROLL CALL VOTE:</u>	Councilwoman Coskey	Aye
	Councilman Johnson	Aye
	Councilwoman Juzaitis	Aye
	Councilman Wierman	Aye
	Council President McDermott	Aye

Reports and Recommendations by Mayor and Officials:  
Reports of Officials:

None.

Monthly Reports:

Month of February 2024 – submitted by respective Department/Division Heads

Borough Clerk and Registrar’s Report

Bureau of Fire Prevention, Bureau of Licensing, Miscellaneous Construction Collection,  
Construction Water and Sewer, Uniform Construction Code & Taxicab Reports Code  
Enforcement Report

Municipal Court Report

Municipal Engineering Report

Police Department Report

Public Works Department Report

Recreation Revenue Report

Tax Collector & Water Sewer Control Account Reports

Zoning Report

Motion made by Councilwoman Juzaitis, seconded by Councilman Johnson that the reports be approved.

<u>ROLL CALL VOTE:</u>	Councilwoman Coskey	Aye
	Councilman Johnson	Aye
	Councilwoman Juzaitis	Aye
	Councilman Wierman	Aye
	Council President McDermott	Aye

Pending Business:

None.

New Business:

None.

Public Comments:

None.

<u>Resolution No. 74-2024:</u>	A RESOLUTION TO CONDUCT A CLOSED SESSION PURSUANT TO N.J.S.A. 10:4-12.b OF THE OPEN PUBLIC MEETINGS ACT PERTAINING TO PENDING LITIGATION CONCERNING SUPERIOR COURT OF NEW JERSEY DOCKET NO. CPM-L-000113-24
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Motion made by Councilwoman Juzaitis, seconded by Councilwoman Coskey that the resolution be adopted.

<u>ROLL CALL VOTE:</u>	Councilwoman Coskey	Aye
	Councilman Johnson	Aye
	Councilwoman Juzaitis	Aye
	Councilman Wierman	Aye
	Council President McDermott	Aye



March 27, 2024

Motion made by Councilwoman Juzaitis, seconded by Councilwoman Coskey to recess the public portion of the meeting, and go into Closed Session.

<u>ROLL CALL VOTE:</u>	Councilwoman Coskey	Aye
	Councilman Johnson	Aye
	Councilwoman Juzaitis	Aye
	Councilman Wierman	Aye
	Council President McDermott	Aye

Council President McDermott announced official action will not be taken after the Closed Session.

Public portion of Council Meeting recessed at 4:27 p.m.

Public portion of Council Meeting reconvened at 4:54 p.m.

Present:


Council President McDermott  
Councilwoman Coskey  
Councilman Johnson  
Councilwoman Juzaitis  
Councilman McDermott  
Scott Wahl, Business Administrator  
James A. Waldron, Assistant Business Administrator  
Nicole Curio, Esquire, Borough Solicitor

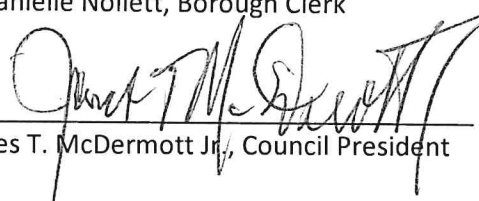
Motion made by Councilwoman Coskey, seconded by Councilman Johnson to adjourn the Council Meeting.

<u>ROLL CALL VOTE:</u>	Councilwoman Coskey	Aye
	Councilman Johnson	Aye
	Councilwoman Juzaitis	Aye
	Councilman Wierman	Aye
	Council President McDermott	Aye

Council Meeting adjourned at 4:55 p.m.

Respectfully submitted,

  
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C. Danielle Nollett, Borough Clerk

  
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James T. McDermott Jr., Council President