

## **BOROUGH OF AVALON PLANNING/ZONING BOARD**

### **Minutes of Work Session/Special Meeting of May 8, 2012**

Members Present: Sam Beddia  
James Collins  
Sharon Cooper  
Neil Hensel  
David Knoche  
Thomas McCullough  
Michele Petrucci  
Brian Reynolds  
Susan Rhoads  
Beth Tipping

Members Absent: David Ellenberg

Chairman Hensel called the meeting to order at 7:00 p.m. and led the Board in the Pledge of Allegiance. After a roll call of Members, Chairman Hensel recited the Open Public Meetings Act Statement.

There were no Resolutions to memorialize.

The Board then considered the proposed Minutes of the April 10, 2012 meeting. Ms. Rhoads suggested that the Minutes should reflect that, at last month's meeting, all "eligible" members of the Board voted to approve. With that modification, a motion was made to approve the Minutes by Ms. Rhoads, seconded by Ms. Tipping, with all eligible members voting in the affirmative.

Adjusting the agenda slightly, Chairman Hensel recognized Andrew Bednarek, Avalon's Business Administrator, who then introduced Scott Taylor of Taylor Design Group, Inc. who made a short presentation regarding the Avalon September 11<sup>th</sup> Memorial Plaza. Mr. Taylor advised the Board that they have been commissioned by the Borough of Avalon to develop a September 11<sup>th</sup> Memorial Plaza one block north of Veteran's Plaza. The Memorial would result in the relocation of the existing dolphin statute and the loss of two parking spaces. The Board was in receipt of a conceptual plan for the Memorial Plaza created by Design Group Inc. The plan intends to incorporate a 9

ft. 11 in. steel beam salvaged from the World Trade Center which will be surrounded by numerous plaques and interpretative signage to educate and remind the public of the events and timetable of that tragic day. He anticipates completion of the project before September 11, 2012. A motion was made by Mr. Collins to adopt a Resolution supporting and endorsing the development of this Memorial Plaza by the Borough of Avalon in accordance with the conceptual plans submitted. That motion was seconded by Ms. Tipping, with all eligible members voting in the affirmative. The Board instructed Solicitor Marcolongo to prepare that Resolution for the June meeting.

Chairman Hensel then called Application PZ#10-10 (Exit 13 Properties, LLC) for consideration. Michele Petrucci stepped down from consideration and deliberations on this application.

Ellen Nicholson Byrne, Esquire appeared on behalf of the applicant and explained the nature of the application to the Board. She advised that the applicant had previously appeared before the Board on October 12, 2010 with a similar proposal to demolish an existing triplex and construct a new duplex on the site. That application required a use variance, a variance for floor area ratio and several bulk variances. The application was granted with conditions to revise its plans to evidence a second means of egress for the third floor with the Resolution being memorialized on September 9, 2010. Subsequently, the applicant changed architects, made modifications to the plans which were submitted to the Board Engineer. The Board Engineer instructed the applicant to return to the Board for "amended use variance".

Counsel for the applicant asserted that the prior approval granted the applicant certain variance relief that was no longer necessary for the applicant to apply for, specifically, the use variance for a use not permitted in a zone and the floor area ratio variance. Solicitor Marcolongo stated that, as a result of the modifications of the plans which the Board Engineer deemed to be significant, the applicant now needed all required variances for the new proposal. Ms. Byrne further suggested that the Board had never memorialized the prior approval, however, Solicitor Marcolongo provided documentation and evidence that the prior approval had been memorialized. The

Solicitor further advised the Board that if the Board denied this particular application, the prior approval still remained in full force and effect.

After a short recess, Ms. Byrne called George Rankin and George Rankin, both principals of the applicant, who testified that the prior triplex had already been demolished based upon the prior approval. They testified that the applicant intended to develop an up and down duplex and reside in the property.

George Rankin, Sr. appeared, was sworn and testified that, based upon the prior approval, the triplex had been demolished and it was his understanding that the approval was based upon the proposed setbacks and not the building itself.

Robert Green, a professional engineer of R D Green Engineering, appeared, was sworn and testified from his plans consisting of four sheets dated January 16, 2012 evidencing the foundation piling plan, first and second floor plans and building elevations.

Mr. Green discussed the proposed development plan and zone setback requirements. Mr. Green further testified as to the variance relief requested.

It was noted by Mr. Green that the applicant was proposing 7 ½ ft. of side yard setbacks where 6 ft. were previously granted by the Board. Board Engineer, Joseph Maffei was sworn and testified that, in actuality, based upon the concrete landings proposed by the applicant, that the setback proposed would only be 4 ft.

Additional testimony from Mr. Green included concerns regarding building coverage and impervious coverage.

After another short break, Ms. Byrne requested that the Board table this application without date for consideration of modifications to the plans and/or simply building what had previously been approved. The Board agreed to table the application without date with the understanding that if this matter was to be reheard the applicant would be required to republish and renotice.

Chairman Hensel then asked Solicitor Marcolongo to discuss the proposed language for changes in the zoning ordinance regarding Personal On Demand Storage Units. The Board Members suggested numerous modifications to the proposed language

and instructed the Board Solicitor to modify the language consistent with the changes suggested by the Board.

Chairman Hensel advised the Board that, in his opinion, Borough Council had done a wonderful job honoring Ernie Jones, Jr. for his many years of service to the Planning/Zoning Board and the municipality as a whole.

Chairman Hensel also advised the Board that, in his opinion, the Avalon “Green” Ordinance should be reviewed and incorporated as an addendum into the Master Plan. Upon questioning from Board Members, Mr. Collins discussed the advertisement of the changes to the ordinance regarding water irrigation systems.

Finally, based upon the suggestion by Ms. Byrne that the applicant in Exit 13 Properties, LLC had never received a copy of the memorializing Resolution, the Board instructed the Board Secretary to develop procedures to ensure that copies of the memorialized Resolution were sent to the applicant and applicant’s attorney by certified mail.

A motion was made to adjourn by 10:40 p.m.

Esquire

Respectfully submitted,

/s/ Dean R. Marcolongo,

Dean R. Marcolongo, Esquire