A Work Session of the Borough Council of the Borough of Avalon was held on

Wednesday, April 27, 2016 at 7:03 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public -------------- 18 Reporters -------------- 2

The Meeting was called to order by Council Vice President Hudanich.

Pledge of allegiance.

Roll call: Council President Dean Absent

Councilman Burns Present

Councilman Covington Present

Council Vice President Hudanich Present

Councilman McCorristin Present

Also present:

Scott Wahl, Business Administrator

James Waldron, Assistant Business Administrator

Stephen D. Barse, Esquire, Borough Solicitor

Paul Short, Code Enforcement Official

William Macomber, Director of Public Works/Utilities

William McCormick, Chief of Police

Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald, LLC

Council Vice President Hudanich read the Open Public Meetings Act Announcement.

Notice of this Work Session was included in the Annual Schedule of Meetings dated June 24, 2015. It was given to the news media and posted on the Official Bulletin Board as required by law.

Council Vice President Hudanich announced Council President Dean is not in attendance tonight because he is not feeling well.

Further discussion regarding Resolution for Ken’s Shore Thing for improvements to an unimproved portion of Fourth Avenue.

Scott Wahl read the following statement:

For the benefit of members of the public who were here with us one month ago, and who may be attending a Council meeting for the first time on this issue, I will provide a brief review of this discussion and the work that has been done since we last spoke of this project at the March 23rd Council meeting.

Ken’s Shore Thing LLC has proposed that it intends to construct two residential structures, one on 404 24th Street and a second at 2420 Fourth Avenue. Ken’s Shore Thing is currently unable to receive a construction permit from the Borough because the property on Fourth Avenue has no frontage on an improved street. The applicant has proposed to the Borough the development of this street, at its sole cost, in order to construct the property on Fourth Avenue. It is the Borough’s intentions that if a resolution were approved that would provide Ken’s Shore Thing, LLC the opportunity to construct the street, it would be done per Borough specs and requirements as spelled out by the resolution. This proposal has been reviewed by many officials in the Borough, including but not limited to Avalon’s Department of Public Safety, Engineering, Fire Code Official, Public Works, Zoning Official, Solicitor, and Construction.

As stated in the resolution, the applicant would have 12 months from the date of adoption to secure final approvals from the NJDEP and file a copy with the Borough Clerk. The applicant would have an additional 12 months to construct all improvements, meaning both the street and the residential dwelling, in the Borough. No road construction would be permitted between June 15th and September 30th as a courtesy to the neighborhood.

During the public hearing held on this project during the March 23rd meeting, members of the public raised some questions and concerns. They included but were not limited to the potential impact of the street and residential development on flooding concerns in the neighborhood; environmental concerns; and whether or not the proposed house would be a single home or a duplex.

At Council’s direction, we followed up on the questions that were raised during the meeting last month.

-The NJDEP issued a correction letter to Coastal General Permit No. 9 on April 8th. The correction letter clarifies if a duplex may be constructed. It says, quote, “Per this letter, the permit is corrected to read ‘construct a single family dwelling or duplex’”. This letter is appended to the original permit issued by the NJDEP.

-Avalon Municipal Engineer Tom Thornton issued a letter to my office on April 22nd following Mott MacDonald’s survey of the existing overland drainage conditions in the vicinity of the proposed improvements. Mr. Thornton may speak about his analysis of the data in a moment.

-Under Council’s direction, and which is past practice by the Borough, Mr. Thornton reviewed the plans as submitted by Ken’s Shore Thing engineer, Andrew Shawl, and submitted a roadway extension review of the project earlier this week.

Tom Thornton reviewed a study conducted by himself as well as a professional land surveyor evaluating the existing drainage features in the vicinity of 4th Avenue and 24th Street. The study consisted of surveying the gutter grades on both sides of the road to the east and west of the proposed development to ensure there are no low spots that could create localized flooding that the introduction of additional runoff would exacerbate. The survey found no low spots and no problem with the drainage or storm water conveyance and collection systems within the public right of way in the vicinity of the project.

Councilman Burns asked if the area in question is a low spot on the street.

Tom Thornton responded due to two inlets being nearby, the section of 24th Street near 4th Avenue is a lower portion of the street.

Councilman Burns inquired if high tides affect the drainage.

Tom Thornton explained as water begins to flow over the bulkheads or the creeks into the developed portion of the island, there is nothing that can be done to alleviate the flooding. The impact of tidal waters on flooding in the area was not part of the study that was conducted.

Councilman McCorristin noted if there is a rainstorm, the water from the rainstorm cannot flow into the bay due to high pressure on the storm outlets being so great during high tide, and as a result, the water cannot drain into the bay until the tide goes down. He further noted the bulkhead levels in the area of the proposed development are also low, which is why there seems to be a flooding issue in that area.

Tom Thornton mentioned there is a lot of flow over the marshes at the westerly end of 24th Street because bulkheads are not permitted in that area.

Councilman McCorristin inquired if the runoff from the property is filtering through a natural permeable surface before reaching the tidal body and noted for the record that there will still be permeable surfaces on the lot as well as the roadway.

Tom Thornton explained there are some portions of the lot and the street that are being converted from permeable to impermeable, however the runoff from the property goes directly into the street, which feeds directly to the inlets.

Councilman Burns asked Mr. Thornton to clarify that the proposed development will not cause any more flooding than natural situations that already occur.

Tom Thornton stated the study concluded the proposed development will have no impact on drainage in the area.

Councilman Burns asked how often the Engineer will be inspecting the progress of the development.

Jim Waldron explained paragraph four of the proposed Resolution has been expanded to clarify that the inspections will be periodic and ongoing during the development.

Tom Thornton reported he will be on-site and inspecting during various important points during the project.

Council Vice President Hudanich commended all involved in the process and the preparation of the Resolution for their hard work, detail and preciseness of the plans moving forward with this project.

Jim Waldron noted there will be ongoing interaction between the Borough Engineer and the project engineer to achieve absolute supervision during each and every phase of the project.

Council agreed to proceed with a Resolution to be voted upon this evening.

Update from Tom Thornton concerning the sand backpassing project.

Tom Thornton reported the project is off to a great start. The Public Works Department was able to get a head start on scraping the sand into a stock pile in the borrow area between 36th Street and 33rd Street. All leased equipment has been delivered and the Public Works Department has started to move the sand to the fill area. Engineers have been on-site ensuring the proper stakes are in place marking how deep scraping is allowed as well as overseeing the work to ensure the work is being done within the areas permitted by the agencies. Dr. Stewart Farrell and Stockton have also been on-site conducting surveys in compliance with permit requirements.

Bill Macomber reported as of today, 4,125 cubic yards of sand have been moved and the goal is to move approximately 3,000 yards per day.

Tom Thornton also reported the conditions surrounding the project have been favorable, as the waves are continuously washing more sand into the borrow area, which is replenishing the borrow area and allowing for more scraping than originally forecasted. Furthermore, there has also been some accretion in the fill area, which will either allow for less product to be moved into the fill area, or if the same amount of material is moved, it would be possible to spread it over a larger area. If the second option is chosen, additional permission will need to be obtained from the agencies, however the permission should be granted easily.

Discussion regarding amendment to contract with Dr. Stewart Farrell to include an additional $1,500.00 for Monitoring of Backpassing project.

Scott Wahl reported conversations have recently taken place with Dr. Farrell, who indicated it would be prudent for the Borough to ensure the dry and wet portions of the areas involved in the backpassing project be examined. After having conversations with Dr. Farrell and Tom Thornton, it was indicated past practice has allowed Mott MacDonald to evaluate the dry portion of these projects and Dr. Farrell to evaluate the wet portion to ensure proper slopes and profiles are being maintained per agency standards. When the Borough originally entered into a contract with Dr. Farrell, there was extra money included in the contract set aside for unprecedented situations. After Winter Storm Jonas, evaluations were conducted and there is approximately $13,000.00 left in the contingency portion of the contract. The cost associated with studying the wet portions of the backpassing project will be approximately $15,000.00, therefore an additional $1,500.00 would be necessary to complete the project.

Council Vice President Hudanich noted a Certification of Funds has been received from the Chief Financial Officer.

Councilman McCorristin inquired if any of the beaches are closed during the backpassing project.

Bill Macomber explained the equipment is parked at the 37th Street beach, however no beaches are being closed during the duration of the project.

Council agreed to proceed with a Resolution to be prepared for the May 11, 2016 meeting.

Public Comments

Robert Johanessen, 402 24th Street, questioned when the improvements of Fourth Avenue will take place and if the road construction will be during the summer months.

Scott Wahl explained the proposed Resolution prohibits road construction between June 15th and September 30th as a courtesy to the residents and visitors of Avalon.

Anna Kamper, 397 24th Street, referenced the proposed construction of a duplex on the lot located at 24th Street and 4th Avenue and raised concerns about parking in the area.

Councilman Burns noted the Borough Municipal Code requires a certain amount of on-site parking places for a dwelling based on the number of bedrooms within the dwelling.

Susan Dietz, 487 24th Street, inquired if parking will be permitted on the newly improved portion of 4th Avenue.

Jim Waldron responded there will be no parking permitted on the street.

Susan Dietz asked if Ken’s Shore Thing, LLC is purchasing the road from the Borough of Avalon.

Jim Waldron explained 4th Avenue is a Borough owned road, and Ken’s Shore Thing, LLC will be paying for the improvements to the road only. The road will remain Borough property after the improvements are completed.

Council Vice President Hudanich noted there is no cost to the Borough for the improvements.

Susan Dietz noted the flooding within the area has increased over the years and expressed concerns that more ground coverage could continue to aggravate existing flooding issues in the future.

Jim Waldron further stated Ken’s Shore Thing, LLC is solely responsible for all costs concerning the improvements for 4th Avenue, including the payment of any Borough professionals needed to review plans.

Kathleen Johannesen, 402 24th Street, asked when the demolition of the current structures on the property located at 24th Street and 4th Avenue will take place.

Jim Waldron explained the proposed Resolution requires that a proposed construction schedule be submitted to the Borough prior to work beginning. The developer has 12 months from the date of the adoption of the Resolution to file for final DEP approval and file those approvals in the office of the Borough Clerk. Once that has taken place, the developer is allowed an additional 12 months from that point to complete the construction. He also explained Borough Code prohibits demolitions from taking place between July 1st and Labor Day Weekend.

Lee Reynolds, 2433 Harbor Avenue, questioned how many bedrooms will be in each proposed unit.

Scott Abbott on behalf of Ken’s Shore Thing, LLC explained each unit is proposed to have four bedrooms, and there will be six on-site parking spaces on the property, per Borough requirements.

Motion made by Councilman Covington, seconded by Councilman Burns to adjourn the Work Session.

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Council Vice President Hudanich Aye Councilman McCorristin Aye

Council President Dean Absent

Work Session adjourned at 7:36 p.m.

Respectfully submitted,

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Marie J. Hood, Borough Clerk

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Richard E. Dean, Council President