

BOROUGH OF AVALON PLANNING/ZONING BOARD

Minutes of Work Session/Regular Meeting of August 9, 2016

Members Present: William Burns
Michael Coskey
James Fleischmann
Neil Hensel
David Knoche
Thomas McCullough
Brian Reynolds
Susan Rhoads
Beth Tipping

Members Absent: Sam Beddia
Sharon Cooper
Michele Petrucci

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.

The Board first considered the minutes of the July 12, 2016 meeting. A motion was made to approve by Mr. McCullough, seconded by Ms. Tipping, with all eligible members voting in the affirmative.

There were no Resolutions to memorialize.

Chairman Hensel then called Application PZ#16-06, Anthony Zurawski, requesting preliminary and final site plan approval, a D1 use variance for a use not permitted in a zone, a D6 height variance and miscellaneous variances for the construction of a twenty unit boutique hotel with first floor commercial property located at 250 21st Street, Avalon, New Jersey which is located in a B-1 Zone. William Burns stepped down from consideration of this matter.

John Scott Abbott, Esquire from Margate, New Jersey appeared on behalf of the applicant and explained the nature of the application to the Board. He advised that the applicant is proposing to develop a twenty unit boutique hotel, which is located in a B-1 Zone, with some commercial on the subject property. The applicant is requesting preliminary and final site plan approval, a D1 use variance for a use not permitted in a zone, a D6 height variance and several bulk variances and waivers.

Anthony Zurawski appeared and testified on behalf of the application. He advised that he has been a resident of Avalon for more than fifty years and owns many businesses in the Borough. He proposes to construct a twenty unit boutique hotel on the subject property which will have certain commercial units on the first floor. He testified that he believes that the hotel will extend the summer season and that there is a need for hotels at the north end of the Borough. He believes that the proposed development will support the business district. Mr. Zurawski had eight photographs marked which he testified to regarding the existing conditions on site and the proposed development.

Pamela M. Fine, a registered architect with Fine Architecture of Cape May Court House, New Jersey, appeared and testified on behalf of the application. She testified that she had been charged with the duty of developing the proposed hotel with the input of Mr. Zurawski. Testifying from Sheet P-1 of her plans, Ms. Fine testified that the first floor of the hotel will have six hotel units, two common kitchens, an outdoor pool, barbeque and commercial space on the first floor. The second floor will have eleven hotel units and the third floor will have three hotel units. She testified as to the development of the cupola which is intended for aesthetic purposes only.

Ms. Fine testified that she believes that the proposed development will be a benefit to the downtown business area. She noted that currently Avalon's hotel zone borders Stone Harbor and that people staying at those hotels usually frequent the Stone Harbor business district. Upon questioning from the Board regarding the common kitchens on the first floor, Ms. Fine testified that they will be used by the hotel unit tenants, to cook breakfast for the hotel tenants and to support certain culinary art projects. She acknowledged that the appliances in these kitchens will be of a commercial quality. Upon questioning from the Board she further testified that the development will not have a restaurant or bar and will have two elevators: one adjacent to 21st Street and a second towards the rear of the building. She further testified that the only portion of the development that exceeds the height requirement is the cupola.

Gary Thomas appeared and testified on behalf of the application. Testifying from Exhibit A-9, Mr. Thomas discussed the site and the numerous permitted uses in the B-1 Zone. Mr. Thomas testified that the proposed site plan would have the hotel fronting 21st Street and the parking lot fronting 22nd Street. The parking lot would be fully landscaped to shield the vehicles from neighboring property owners. He noted that a majority of the proposed hotel will be two

stories high and only a small portion of the hotel will be three stories high facing 21st Street. He further testified that there will be no access to the cupola, same will not have windows and that it is developed for aesthetic purposes only.

Mr. Thomas testified that the applicant is proposing two parking spaces adjacent to the hotel office on 21st Street to be labeled as “loading zones” to permit short term parking during the hotel guest check-in. He noted that the proposed pool is in a court yard in the middle of the lot and more than 90 ft. from 22nd Street. He further testified that an existing curb cut on 21st Street will be removed to create additional on-street parking.

Mr. Thomas also testified that he believes that the proposed development will help support the northern business district. He noted that the B-1 Zone permits commercial development on the first floor and residential above. He believes that the proposed site could accommodate eleven condominiums containing up to thirty-three bedrooms. He believed that this proposed development would have less impact than that number of condominium units. He further testified that the proposed development will have 22.8% green space which exceeds the zoning ordinance requirements and provides for adequate light, air and open space.

Mr. Thomas testified that he believes the proposed development will increase the shoulder season in Avalon and permit Mr. Zurawski to use the hotel for a cultural art center including culinary programs which are of interest to him. He concurred with Ms. Fine that currently most hotel guests in Avalon support the Stone Harbor business district since it is closer to the hotels.

Mr. Thomas opined that he believes that numerous special reasons exist for the granting of the use variance including development that will support the northern business district, provide for more affordable units within the Borough, and that same provides for adequate light, air and open space. He noted that the new building will be constructed to comply with all new construction code requirements and will be built above base flood elevation. He further believed that the proposed development supports appropriate population densities and alternate transportation routes. He further believed that the proposed development promotes a desirable and visual environment.

Upon questioning from the Board, Mr. Thomas testified that a backup generator could be added to the plans and that there will be no parking underneath this building. He further testified that the rear elevator was handicap accessible.

David Shropshire of Shropshire Associates, LLC, a professional engineer and professional planner, appeared and testified on behalf of the application. Mr. Shropshire is a traffic expert and, in his opinion, the proposed development will not change the level of services at any intersection close to this project. He testified that the proposed project exceeds the parking requirements of the zoning ordinance and, in his opinion, having only one driveway is sufficient.

Upon questioning from the Board, Mr. Thomas testified as to access to the property by fire vehicles. He noted that fire trucks could use the two loading spaces on 21st Street, can access the rear parking lot and that fire department connectors would be added at both ends of the building.

Joe Maffei, Board Engineer, appeared and testified from his review memorandum of August 2, 2016. Specifically, he testified as to the need for a second driveway adjacent to 22nd Street. Mr. Thomas thereafter responded to numerous issues raised by Mr. Maffei. Mr. Abbott testified that the applicant would amend its application to request preliminary site plan approval only and would later return to the Board with a final site plan which would address all of Mr. Maffei's concerns.

The matter was open to the public at which time the following members of the public came forward to testify:

Douglas Macauley of 276 22nd Street appeared and testified in opposition to the project. He cross-examined Mr. Shropshire and Mr. Thomas regarding their testimony. Mr. McCauley read a statement requesting that the Board deny the application and maintain Avalon's community character as a family town. He marked nine photographs evidencing difficulties on 21st and 22nd Streets regarding parking and noted that this area is notoriously congested and tends to flood.

Martha Wright of 632 7th Street appeared and testified in opposition to the project. She testified that she did not believe that the applicant had sustained its burden of proof and expressed concerns that this project could have an impact on the entire island. She noted that the applicant should be required to build what is permitted in the zone and that the traffic study had been completed on the wrong street since a majority of the traffic would occur on 21st Street.

Bill Simeral of 4101 Ocean Drive appeared and testified in opposition to the application. He testified that he previously lived on 22nd Street and moved as a result of significant traffic problems. He believes that the proposed development will exacerbate those problems.

Joe Pasquarella of 266 22nd Street appeared and testified in opposition to the plan. He believed that the proposed development would not be profitable and would increase problems regarding traffic and noise in an already difficult area of the Borough.

Gerald Spinuzza of 262 21st Street appeared and testified in opposition to the application. He believes that this proposed development will cater to a party crowd and would not be profitable.

Mark Evangelist of 278 22nd Street appeared and testified in opposition to the proposed development. He stated that the zoning ordinance and Master Plan had been amended to attempt to limit congestion in this area and that the proposed development will increase those problems.

John O'Dea of 236 19th Street appeared and testified that he is realtor in the Borough and is in favor of the application. He believes that the proposed development will help business in the downtown area and noted that other permitted uses would cause more difficulty than this proposed development.

Camryn Cellicci of 295 78th Street appeared and testified in favor of the application and believed that the hotel will help contribute to the vitality of the business district.

Carol Evangelist of 278 22nd Street appeared and testified that she believes that the proposed development will hurt property values in the area.

Elaine Scattergood of 75 30th Street appeared and testified as to the application. She believes that Avalon needs to be considered as a whole and that this is an important project which needs careful consideration.

David Augustine of 3101 Dune Drive appeared and testified in favor of the application noting that the Borough needs additional hotel rooms and that a fully sprinklered building would be beneficial.

Wendy Macauley of 276 22nd Street appeared and testified in opposition to the development. She stated that traffic would increase on 22nd Street which is a danger to the children and it is important to maintain the family character of the Borough.

Frank McLaughlin of 261 47th Street appeared and testified in opposition to the application. He believes that this is already a congested area and there are difficulties with traffic and parking.

Claude Kershner of 431 20th Street appeared and testified in favor of the application noting that it would be an enhancement to the neighborhood.

Steve Mullin of 5909 Ocean Drive appeared and testified in opposition to the application. He questioned why the project needs two commercial grade kitchens and questioned the applicant's future motivation.

Bob Scully of 238 69th Street and 3348 Ocean Drive appeared, and testified in favor of the application. He believes that the Planning Board has done a wonderful job reinvigorating the district and that this project will support same.

Adam Szyfman of 2143 Harbor Avenue appeared and testified in favor of the application. He believes that it will help extend the summer season and that it is a better option than other permitted uses.

Dan Ryan of 168 28th Street appeared and testified in favor of the application. He also believes that it will help enhance and support the business district.

Bill Lloyd of 642 22nd Street appeared and testified in favor of the application stating that he believes it provides for alternate housing options to tourists.

Dennis Calabrese of 214 64th Street appeared and testified in favor of the application. He believes that the northern end of town needs support also.

Mario Evangelist of 5879 Ocean Drive appeared and testified in opposition to the application stating that there are a lot of family residents in this area and that increased commercial is not beneficial to the Borough.

After the close of the public portion, Anthony Zurawski summarized his application stating that it has been a lifelong dream of him to build a hotel that would also function as a teaching art center for the Borough. Solicitor Dean Marcolongo then apprised the Board of the variance relief requested and the applicant's burden of proof.

The Board then conducted its findings of facts and conclusions of law with most Board Members commenting that the design of the project was well thought out and aesthetically pleasing. They noted, however, the existing difficulties in and around this lot in terms of traffic,

parking and noise and were of the opinion that this project would exacerbate those difficulties which would not be in the benefit of the Borough. The application was denied by a 5-2 vote.

Chairman Hensel advised that as a result of the length of the Zurawski application, there would be no discussion of the Master Plan Reexamination tonight. Joe Maffei, however, handed out to the Board the latest draft of the Master Plan Reexamination and asked all Board Members to review same and comment prior to next month's meeting. Chairman Hensel again reiterated that he hopes to complete this project before the end of the year.

The matter was open to the public at which time Martha Wright appeared and advised that she had recently sent an OPRA request to the Borough requesting copies of all zoning complaints. When she received it she noticed that none of her prior complaints were contained in same. Mr. Burns advised that he would look into this topic.

A motion was made to adjourn at 10:33 p.m.

Respectfully submitted,

/s/Dean R. Marcolongo

Dean R. Marcolongo, Esquire