

BOROUGH OF AVALON PLANNING/ZONING BOARD

Minutes of Work Session/Regular Meeting of February 12, 2013

Members Present: Sharon Cooper
David Ellenberg
Neil Hensel
David Knoche
Michele Petrucci
Brian Reynolds
Susan Rhoads

Members Absent: Sam Beddia
Thomas McCullough
Beth Tipping
James Collins

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 for memorialization.

The Board then considered the Minutes of the January 8, 2013 meeting. A motion was made to approve by Dr. Reynolds, seconded by Mr. Knoche, with all eligible members voting in the affirmative.

Chairman Hensel then led the Board in a discussion regarding the difficulties resulting from the changes in the Federal Flood Insurance Programs and FEMA's new Advisory Base Flood Elevation Maps. He stated that he believed that there were numerous errors in the mapping and that the Borough would work diligently to correct those errors. He stated, however, that the builders and architects who work within the community are in desperate need of guidance and that without same construction on the island would cease.

Joseph Maffei had prepared for the Board modifications to Chapter 27's Definitions which would result in building height being measured from the Advisory Base Flood Elevation Maps rather than existing base flood elevation. His exhibits also included modifications to the Planning/Zoning Board's application submission checklist and modification to Chapter 26's lot grading requirements and Chapter 27's stormwater management regulation. Mr. Maffei stated that these minimalistic changes were sufficient to comply with FEMA requirements and provide

a degree of certainty to architects, builders and property owners.

Chairman Hensel testified that Avalon continues to be on the forefront of developing solutions to the difficulties resulting from the changes in the flood insurance program and the new Advisory Base Flood Elevation mapping and that representatives of Avalon have attended numerous meetings with FEMA. He stated that while we are making these temporary changes to assist the construction industry, the Borough representatives will continue to advocate for the property owners within the Borough of Avalon.

The matter was open to the public at which time builder David Augustine questioned whether CAFRA permits will now be necessary within the V Zone and noted that, in all likelihood, development would be a bit inconsistent when the preliminary plans are released and when the final plans are released.

Philip Grande, a property owner in Avalon, questioned when property owners will have clear and definite answers to their questions. Chairman Hensel stated that it could be more than two years until matters are finalized.

Builder Tom Welsh had some questions regarding the lowest level that habitable area could be developed and his questions were answered by Mr. Maffei.

There being no further public comment, the public portion of the meeting was closed. Solicitor Marcolongo had presented to the Board, special Resolution PZ#13-B which recommended that the Borough adopt FEMA's Advisory Base Flood elevation Mapping and that they adopt the changes to the Zoning Ordinance, checklists and lot grading and stormwater management regulations as proposed by Mr. Maffei. A motion was made to approve said Special Resolution by Mr. Knoche, seconded by Ms. Rhoads, with all members voting in the affirmative.

The Board then considered Application PZ#13-01, Michael and Francesca Sidor, for a C-2 variance to permit the development of an on ground spa located at Block 56.04, Lots 27, 29, 31, 33, 78, 80, 82 and 84 on the Municipal Tax Map of the Borough of Avalon also known as 283 57th Street, Avalon, New Jersey.

The applicant was represented by William Serber, Esquire who advised that the applicant proposes to develop a single family dwelling on the subject property which is an oversized lot located in the R-1B Zone. The proposed dwelling meets all of the bulk requirements except for

the need for a variance to permit the on ground spa to be more than 18 in. above grade. The applicant desired to have the spa level with the first floor of the structure or, specifically, at base flood elevation. Mr. Serber advised however that if the Advisory Base Flood Elevation Maps are adopted then the variance relief would increase from 3 ft. 11 in. to 5 ft. 2 5/8 in. in height.

Michael Sidor appeared, was sworn and testified on behalf of the application. He advised that the property was purchased in 2012 and they have demolished the single family dwelling that existed on the property and desire to develop their dream house, which will not be used for rental, and will eventually be their retirement home. Mr. Sidor further testified that he instructed his architect to develop a dwelling that was open and spacious where one entering the front of the house could see to the rear of the property and over an on ground spa developed at the rear of the house.

Paul Kiss, a registered architect with Olivieri Shousky & Kiss, P.A., appeared, was sworn and testified from the site plans that were submitted to the Board and incorporated as fact together with the exhibits submitted at the time of the hearing. Mr. Kiss testified that he was instructed by the applicants to construct a home that was open from the front door to the rear and would overlook a first floor level infinity spa with associated waterfall. Since the spa would be level with the first habitable floor currently it would have to be at 3.91 ft. above grade. If the Advisory Base Flood Elevation Maps are adopted, it would be 5 ft. 2 5/8 in above grade. Mr. Kiss testified that he believed that the purposes of zoning are advanced by the variance relief in terms of aesthetics and protecting the pool from flooding. He testified that the benefits outweigh the detriment and that the relief requested can be granted without substantial detriment to the public good and without substantially impairing the purpose of the Zoning Plan and Zoning Ordinance.

The Board was in receipt of a review memorandum of Joseph Maffei and the applicant agreed to comply with all terms and conditions set forth in said report.

Upon questioning from the Board, it was acknowledged that, with an infinity pool, children could walk along the edge of the pool and if they jumped or fell over the edge of the pool it would be a 5 ft. drop to the ground which could be dangerous. The applicant agreed to develop an 18 in. high Plexiglas guard that would be developed along the edge of the spa in the area where the spa abuts the rear yard.

A motion was made to approve the application for a variance to permit an on ground spa to a maximum of 5 ft. 2 5/8 in. above grade to account for the Advisory Base Flood Elevation Maps by Ms. Rhoads, seconded by Mr. Ellenberg, with all members in attendance voting in the affirmative except Brian Reynolds who voted nay. The application was granted conditioned upon a deed of consolidation with the applicant complying with all terms and conditions of Mr. Maffei's report. The plans would be revised to evidence that the proposed development was a spa, not a pool, and the plans shall be revised to evidence the Plexiglas type guard 18 in. above the outer edge of the spa adjacent to the rear yard.

Phil Cooper appeared before the Board and reported on his continued project gathering information regarding the tax revenues associated with tourism within the Borough of Avalon. Mr. Cooper stated that he continues to gather information from numerous officials and information outlets but in order to complete his report he may have to make certain estimations. The report clearly evidences that the tax revenues resulting from tourism in Avalon significantly outweighs some expended by the State for beach replenishment.

A motion was made to adjourn at 8:43 p.m.

Respectfully submitted,

/s/Dean R. Marcolongo

Dean R. Marcolongo, Esquire