

BOROUGH OF AVALON PLANNING/ZONING BOARD

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

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

Members Absent: Sam Beddia
James Collins
Thomas McCullough
Beth Tipping

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 Resolution PZ#13-01 regarding Michael and Francesca Sidor requesting variance relief to permit an on ground spa at property located at 283 57th Street, Avalon, New Jersey. The Board requested two minor corrections to the Resolution. A motion was made to approve the Resolution as amended by Ms. Petrucci, seconded by Mr. Ellenberg, with all eligible members voting in the affirmative.

The Board then considered the minutes of the February 12, 2013 meeting. Dr. Reynolds requested that the minutes reflect that he voted in opposition to the Sidor application. A motion was made to approve the minutes as amended by Ms. Rhoads, seconded by Mr. Knoche, with all eligible members voting in the affirmative.

Chairman Hensel then requested that Joseph Maffei, Board Engineer, provide the Board with a progress report from the Hurricane Sandy Damage Subcommittee. Mr. Maffei provided the Board a summary document regarding the subcommittee's work to date. Said report set forth the purpose of the subcommittee, its members, and the major borough officials that had provided information to the subcommittee.

Mr. Maffei noted that most of the property damage that occurred within the Borough happened on properties built before 1974. This included many of the older businesses that were

built without flood proofing. Information obtained evidences that there was approximately 3 ft. of water on Dune Drive and a flood elevation of 10.2 ft. that was recorded in Avalon. Mr. Maffei reported however that structures built under the current ordinance of 1 ft. above base flood elevation faired well with minimal damage and that flood vents below flood elevation appear to work as designed. He also noted that Avalon's strong dune system provided substantial protection to the Borough from flooding by the Atlantic Ocean.

The report also set forth recommendations for future actions including adopting FEMA's Advisory Base Flood Elevation Maps and proposed changes to the zoning ordinance regarding the height of bulkheads, height of gas and electric utilities, modification to setbacks for steps and regulations for elevators.

Chairman Hensel then led the Board in a discussion regarding the Community Rating System. Solicitor Marcolongo advised that he had recently met with Sal DeSimone who expressed concerns regarding the Advisory Base Flood Elevations and how it will affect Avalon's Community Rating System Levels. Mr. DeSimone was concerned that the twenty percent discount in flood insurance rates that Avalon currently receives may be reduced if the Borough does not take positive steps to increase its flood rating. Solicitor Marcolongo advised that he and Mr. DeSimone recommend that the Planning/Zoning Board amend its recommendation to Borough Council regarding the definitions of both residential and commercial freeboard elevation so that they are defined as elevation measured 2 ft. above Advisory Base Flood Elevation rather than 1 ft. This modification in the development regulation would provide greater protection for lives and property within the Borough and provide for greater flood insurance discounts for property owners. A motion was made by Dr. Reynolds and seconded by Mr. Knoche to forward a letter to Borough Council changing the Planning/Zoning Board's recommendation as set forth above prior to Borough Council's meeting and vote on Ordinance 675-2013 on March 13, 2013. The Solicitor was also instructed to prepare a Resolution regarding the change in the recommendation for next month's meeting. All members in attendance voted in the affirmative.

The Board continued a round table discussion regarding possible modifications to the

zoning ordinance based upon the results of Hurricane Sandy and the Damage Subcommittee's report. Issues such as stair setbacks for existing non-conforming structures and new construction were considered. Chairman Hensel requested that all Board Members continue to consider modifications to the zoning ordinance which would be in the best interest of the community. Chairman Hensel requested that the Board Secretary list discussion of zoning ordinance changes on next month's agenda. The Chairman also requested that Mr. Maffei contact Stewart Farrell and request his input at the next Hurricane Damage Subcommittee meeting.

Solicitor Marcolongo then provided the Board Members with a copy of Avalon's current flood control ordinance, Chapter 19. He also provided the Board Members with a copy of a draft flood prevention ordinance created by the New Jersey Department Environmental Protection Bureau of Dams and Flood Control. Solicitor Marcolongo requested that the Board Members review these two documents during the next month and be prepared to consider modifications to Chapter 19 to bring it into conformance with state and federal regulations. Solicitor Marcolongo asked that this also be listed as an agenda item at the April meeting.

Phil Cooper then addressed the Board and advised that his continuing investigation regarding tax revenues emanating from the Borough of Avalon to the benefit of the state and how they compare with the cost of beach replenishment. Mr. Cooper advised that he continues to obtain information from various sources. Some of the numbers are easy to quantify and others are estimations based upon available data. He is now considering income tax paid by New Jersey residents on their rental properties in Avalon and sales taxes. Chairman Hensel thanked him for his continued service and looked forward to his next report on this issue.

A motion was made to adjourn at 8:35 p.m.

Respectfully submitted,

/s/Dean R. Marcolongo

Dean R. Marcolongo, Esquire