

BOROUGH OF AVALON PLANNING/ZONING BOARD

Minutes of Work Session/Regular Meeting of May 14, 2013

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

Members Absent: Sam Beddia

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 April 9, 2013 regular Meeting. A motion was made to adopt same by Mr. Knoche, seconded by Dr. Reynolds, with all eligible members voting in the affirmative.

The Board then considered Application PZ#13-02, Borough of Avalon, for a minor subdivision with regard to Block 83, Lots 1.01 and Lot 8. The Borough of Avalon was represented by Stephen D. Barse, Esquire who explained the nature of the application to the Board. Thomas Thornton, a professional engineer with Hatch Mott MacDonald appeared, was sworn and testified on behalf of the application. Mr. Thornton's company had prepared the plan of minor subdivision consisting of two sheets dated April 16, 2013 which was received by the Board and incorporated as fact. Mr. Thornton testified that the Estate of Adele M. Rich owns an isolated undersized vacant lot, commonly known as Block 83, Lot 8, located at 4112 4th Avenue, Avalon, New Jersey. This undersized lot consists of 3,700 sq. ft. and is not a buildable lot. The Borough of Avalon owns an adjacent lot of more than 300 acres (mostly marshland) and proposes to purchase the lot from the Estate of Adele M. Rich and a small sliver from the Borough adjacent property thus creating a fully conforming 6,000 sq. ft. buildable lot. No variances are required as the proposed lot will meet all zoning requirements.

Andrew Bednarek, Business Administrator for the Borough of Avalon, appeared, was sworn and testified that originally the plan was for the Estate of Adele M. Rich to purchase the small sliver of land from the Borough of Avalon. Those plans have changed however and the Borough is going to purchase the property from the Estate of Adele M. Rich, create the conforming lot by way of minor subdivision and eventually sell the lot in question. There was no public comment. Joseph Maffei, Board Engineer, testified from his review memorandum of April 30, 2013 and the applicant agreed to comply with all terms and conditions set forth therein.

Upon completion of the presentation by the applicant, a motion was made to approve the application for minor subdivision with waivers from certain application submission requirements upon the condition that the applicant comply with all terms and conditions of Mr. Maffei's report of April 30, 2013 and that the eventual owner of the lot must submit a plan under the Landscaping Ordinance and Stormwater Management Ordinance prior to the issuance of a building permit. Said motion was made by Ms. Rhoads and seconded by Mr. Knoche. All eligible members voted in the affirmative and the application was approved by a 5-0 vote. It should be noted that Mr. Ellenberg, Ms. Petrucci and Ms. Tipping stepped down from deliberations in this matter as a result of a possible conflict of interest.

Chairman Hensel then advised the Board that Joseph Maffei and a small subcommittee have been working on a Back Bay Ordinance similar to the Beach Protection Ordinance. The goal is to create development requirements along the back bay area which will help protect property owners and the Borough in general from flooding in the future. Chairman Hensel advised that Joseph Maffei was the main author of this proposed ordinance; however, he had received assistance from Stewart Farrell of Stockton State College. Chairman Hensel advised that the Back Bay Ordinance should be ready for discussion and possible vote at the Board's June meeting and requested that Solicitor Marcolongo prepare a resolution in the event that the Board is prepared to recommend the adoption of same at said meeting.

Chairman Hensel requested that Solicitor Marcolongo discuss the proposed modifications to Chapter 19, the Borough's Flood Damage Prevention Ordinance. Solicitor Marcolongo had previously provided the Board Members with a copy of the current Chapter 19 and the proposed Chapter 19 which is generally in accordance with the state proposed flood prevention ordinance. Solicitor Marcolongo advised that the new ordinance which he has drafted has been modified to suit Avalon's particular goals and needs. Two modifications to the proposed ordinance were requested by the Board Members. Solicitor Marcolongo was instructed to modify the ordinance

accordingly and prepare a proposed resolution in the event the Board is prepared to recommend the adoption of same at the June meeting.

Chairman Hensel advised the Board Members that, based upon the lessons that had been learned from Hurricane Sandy, a subcommittee has been reviewing Chapter 27 and the zoning ordinance to see if modifications should be made to same in order to more effectively protect the Borough from flood damage in the future. In addition, Chapter 27 is being reviewed to determine if all past changes have been appropriately codified so that all members of the Board, the Borough employees and the public are all working from a similar zoning ordinance.

Chairman Hensel advised that the issue of large party houses is still a problem within the Borough. Chairman Hensel has requested that Joseph Maffei review the Residential Site Improvement Standards to see if there are tools available to assist in the resolution of these problems. Solicitor Marcolongo was instructed to develop ordinance language to be adopted within Chapter 27 to help regulate party houses and resolve the problems associated with same. This should be prepared for the June meeting.

The Board then considered the Minutes of the Closed Session of April 9, 2013. After a review of same, a motion was made to approve by Ms. Petrucci, seconded by Dr. Reynolds, with all members in attendance voting in the affirmative.

Chairman Hensel advised that there was a need for the Board to appoint a new vice-chairperson. Chairman Hensel made a motion that Beth Tipping be named as Vice Chair. This motion was seconded by Ms. Rhoads, all members in attendance voted in the affirmative. The matter was open to the public and there was no public to address the Board. A motion was made to adjourn at 9:04 p.m.

Respectfully submitted,

/s/Dean R. Marcolongo

Dean R. Marcolongo, Esquire