

BOROUGH OF AVALON PLANNING/ZONING BOARD

Minutes of Work Session/Regular Meeting of April 12, 2016

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

Members Absent: Sam Beddia
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.

Prior to addressing the evening's agenda, Chairman Hensel asked Solicitor Dean R. Marcolongo, Esquire to announce modifications to the meeting agenda.

Solicitor Marcolongo advised that Agenda Item#7, Application of Avalon Anchorage Marina, LLC PZ#15-09, for site plan approval and variances for property located at 863 21st Street would be tabled until the May 10, 2016 meeting at 7:00 p.m. This was at the applicant's request pending a decision of the Superior Court. No further notice of this matter would be required.

Solicitor Marcolongo also advised that Agenda Item#8, PZ#16-03, a Notice of Appeal filed by Donald Pohlig regarding property located at 652 7th Street, would be tabled until the Board's June 14, 2016 meeting based upon a joint request from the attorney for Mr. Pohlig and the property owners of 652 7th Street. He noted that the notice supplied to property owners within 200 feet was provided by the Board as a courtesy to members of the public and that no further notice would be given.

The Board then considered the proposed Minutes of March 8, 2016 meeting. A minor modification to the minutes was requested. Thereafter, a motion was made by Mr. Burns,

seconded by Mr. Knoche to approve the minutes as amended. All eligible members voted in the affirmative.

The Board then considered Resolution PZ#16-03, Application of Dilbet, Inc., for amended site plan approval and variances for building height and front yard setback of property located at 108 80th Street. A motion was made to approve the resolution by Mr. Burns, seconded by Ms. Tipping, with all eligible members voting in the affirmative.

Chairman Hensel then led the Board in a discussion regarding a new proposed Landscaping Ordinance which had been created by the Planning Board Subcommittee. Chairman Hensel asked local property owner, Martha Wright, a member of the Subcommittee, to assist the Board in reviewing the Landscaping Ordinance. Chairman Hensel advised that Avalon had first adopted a landscaping ordinance in 2002 and that Landscaping Ordinance had been a model for many municipalities throughout the state. He noted, however, that there have been numerous difficulties associated with the Landscaping Ordinance since its original adoption, including enforcement difficulties, which resulted in a year and a half long review of the Landscaping Ordinance and the redrafting of a new document which is now before the Board. Chairman Hensel thanked the members of the Subcommittee and other professionals who had assisted in the creation of this document.

Chairman Hensel asked David Knoche who is the Chairperson of the Subcommittee, to lead the Board in a review and discussion of the proposed Landscaping Ordinance. Mr. Knoche noted that the Subcommittee attempted to draft a document that balanced the Borough's goals and purposes in beautifying the community along with the rights of property owners to develop and maintain their properties as they desire. Mr. Knoche led the Board in a review of the ordinance including its requirement for green space, a time frame for the satisfaction of landscaping requirements by developers and pre-development regulations involving demolitions and vacant lots. Mr. Knoche also noted that the Subcommittee had prepared a final draft of a proposed Code Enforcement Ordinance which had also been presented to the full Board although that is not the main topic of the presentation for this evening.

After Mr. Knoche completed his overview of the Landscaping Ordinance, significant discussion took place between the Board Members regarding the content of same. Discussion topics included the methodology and subjective nature of the acceptable plant list created by the Environmental Commission, continued difficulties in enforcement of the ordinance and follow

up with property owners, and the need to develop an ordinance that was simpler, more user-friendly and less subjective. Chairman Hensel advised that this matter was placed on the Board's agenda for next month with the possibility of a vote recommending adoption of same.

During the public portion of the meeting, Franny Kelly of 295 60th Street advised the Board of difficulties occurring at her property as a result of Atlantic City Electric's site work at its Piermont Substation. She noted that Atlantic City Electric had ripped up sidewalks and curbs in front of her property and she has now been advised by the zoning officer that when the remedial work is completed, she will not be permitted to reinstate the two curb cuts in front of her home. Chairman Hensel asked Board Engineer Joseph Maffei to review this matter, discuss same with the zoning officer and report back to the Board at the next meeting.

Martha Wright then presented photographs to the Board asserting enforcement difficulties involving landscaping around a pool at 32nd Street and First Avenue. Discussion took place regarding the property and it appeared that the zoning officer may have appropriately evaluated that property under the current zoning ordinance.

Chairman Hensel then closed the public portion of the meeting and, at that time, the Board watched a 13 minute DVD entitled rights and duties of volunteers in local government involving the issue of civil rights, sexual harassment and other discrimination issues.

At the conclusion of the DVD, Solicitor Marcolongo advised the Board that he would like the Board to convene a closed session for purposes of adopting the Closed Session Minutes of the Board's March 8, 2016 meeting. That closed session involved litigation regarding properties on West 7th Street. Mr. Burns would not be required to attend this closed session meeting. Solicitor Marcolongo also advised that after the closed session meeting, the Board would not be returning to open session. A motion was made to enter closed session by Mr. Knoche, seconded by Mr. Fleischmann, with all members voting in the affirmative.

Respectfully submitted,

/s/Dean R. Marcolongo

Dean R. Marcolongo, Esquire