

**BOROUGH OF AVALON PLANNING/ZONING BOARD**

**Minutes of Work Session/Regular Meeting of September 10, 2013**

Members Present: Sam Beddia  
Sharon Cooper  
Neil Hensel  
David Knoche  
Thomas McCullough  
Michele Petrucci  
Brian Reynolds  
Beth Tipping

Members Absent: David Ellenberg  
Susan Rhoads

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 August 13, 2013 meeting. Chairman Hensel stated that he felt that the minutes were incomplete and requested that the Board Solicitor review a tape of the prior hearing and amend the minutes to reflect statements made by the applicants, Albert and Lucille Giagnacova and their professionals regarding the statements and actions of Mr. Hesley and Mr. Tracy. Accordingly, the minutes were tabled and will be addressed at the October meeting. Ms. Tipping noted that on Page 4, Paragraph C, the last name of the witness is spelled "Pawley".

The next agenda item was Application PZ #13-5, Fran and Bambett Short who are owners of property at 63 West 23<sup>rd</sup> Street, Avalon. Chairman Hensel advised members of the public in attendance that the Board had received a correspondence from the applicants' attorney withdrawing the application. As such, the application would not be heard and if the matter is again placed on the Board's agenda, new notices will be required.

The Board next considered proposed amendments to Chapters 20, 26 and 27 which had been discussed at previous meetings. Chairman Hensel advised the Board that Jeff Hesley is still working on the language for changes in both Chapters 26 and 27 regarding stormwater management and, specifically, regarding retaining walls. Chairman Hensel explained the

problems that the zoning officer had with stormwater runoff when properties were improperly graded. The zoning officer had proposed that all new development would require retaining walls, however, Mr. Hesley was now considering the unintended consequences of this requirement. Accordingly, Chairman Hensel suggested that the amendments to Chapters 20, 26 and 27 be held one month to allow for Mr. Hesley to finalize his proposed amendment language. Joe Maffei, Board Engineer, then briefly reviewed the proposed ordinance language regarding yard exceptions, pools, bulkheads, landscaping and utilities. Chairman Hensel commented on the language regarding bulkheads and suggested that, while 8 ft. should be the minimum bulkhead height, it may be appropriate to list a maximum bulkhead height. Mr. Maffei suggested that the maximum height of the bulkhead should be “no more than 2 ft. above grade”. Chairman Hensel asked Mr. Maffei to review that language with Mr. Hesley.

Chairman Hensel advised the Board that the new FEMA maps had been introduced. Preliminary information received suggested that when the Borough adopts these maps, which will be required, that it will have a negative impact on our community rating system figures. This would reduce the discount that property owners in Avalon receive on their flood insurance premiums. He noted that the Borough and the Planning Board will need to consider whether modifications to the zoning ordinance regarding building height and freeboard are necessary.

Chairman Hensel suggested that Solicitor Marcolongo review with the Board new developments regarding the Resort House Ordinance. Solicitor Marcolongo advised that the Borough had retained William Kerns, a land use professional attorney, to assist in the final development of the Resort House Ordinance. Solicitor Marcolongo noted that the Planning Board’s ordinance language remains the basis of the proposed language and that Mr. Kerns and a subcommittee is adjusting same. The changes are significant enough, however, the Planning Board will be asked to review same in the future. Chairman Hensel asked Solicitor Marcolongo to discuss the Residential Site Improvement Standards parking issue. Solicitor Marcolongo provided the Board with a memorandum setting forth the intent and purpose of the RSIS and the mechanisms necessary to obtain special area standards designation. It is Avalon’s intent to request a special area standard designation to require increased off-street parking for houses with more than five bedrooms. Chairman Hensel requested that Mr. Maffei and Mr. Marcolongo prepare a draft plan for submission to the Department of Community Affairs to be presented to the Board at the October meeting.

Solicitor Marcolongo advised the Board that the Borough Council had adopted the Planning Board's flood damage prevention ordinance into Chapter 19. He noted, however, that the new ordinance did not contain a definition of freeboard. The Borough Council had requested that the Planning Board adopt a resolution recommending an amendment to the flood damage prevention ordinance to contain a definition of freeboard consistent with the definition contained in Chapter 27. A motion was made by Dr. Reynolds and seconded by Ms. Tipping to adopt Special Resolution 13-H recommending an amendment to Chapter 19 to contain a definition of freeboard. All members in attendance voted in the affirmative. Dr. Reynolds advised the Board that the Environmental Commission was working on a three part appendix for Chapters 26 and 27 regarding acceptable plant materials. The acceptable plant material list now contains a section of approved vegetation for the high dunes and for living fences. The Environmental Commission will continue to modify the acceptable plant material list which will be an appendix to Chapters 26 and 27 and not voted upon by the Board.

A motion was made to adjourn at 7:59 p.m.

Respectfully submitted,  
*/s/Dean R. Marcolongo*  
Dean R. Marcolongo, Esquire