

## **BOROUGH OF AVALON PLANNING/ZONING BOARD**

### **Minutes of Work Session/Regular Meeting of September 13, 2016**

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

Members Absent: Sam Beddia  
William Burns

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 the commencement of the regular agenda, Solicitor Dean Marcolongo addressed Agenda Item #8, Application PZ-15-09, The Marina at Avalon Anchorage, LLC. Solicitor Marcolongo advised that earlier in the day, the Board Secretary and he had received a correspondence from Richard Hluchan, Esquire, attorney for the applicant, advising that the applicant had received an offer to purchase the property and was entering into a Letter of Intent with the proposed purchaser. The proposed purchaser had requested that the applicant not go forward with the hearing. Mr. Hluchan asked that the hearing scheduled for tonight be postponed and they reserve the right to reschedule it, if and when necessary. Solicitor Marcolongo advised that the applicant will be required to re-notice if they desire to reschedule this matter.

The Board then considered the Minutes of August 9, 2016 meeting. Several small modifications to the minutes were requested which would be completed by the Board Secretary. A motion was made to approve the minutes as amended by Mr. McCullough, seconded by Mr. Fleischmann, with all eligible members voting in the affirmative.

The Board then considered Resolution PZ#16-06, a resolution memorializing the decision of the application for Anthony Zurawski for a use variance and site plan approval to construct a twenty unit boutique hotel at 250 21<sup>st</sup> Street, Avalon. That application was denied. Several modifications to the resolution were requested. A motion was made to approve the resolution as amended by Dr. Reynolds, seconded by Ms. Tipping, with all eligible members voting in the affirmative.

Chairman Hensel then requested that Board Engineer, Joseph Maffei review his proposed Master Plan Reexamination draft dated September 2016. Chairman Hensel noted that the county is considering raising Ocean Drive by four inches and asked Mr. Maffei to consider how that may affect this document. Mr. Hensel also suggested that the issue of the grading and slope of lots needs to be reconsidered. Possibly permitting a stair/step slope on the properties may be appropriate and he asked Mr. Maffei to discuss this issue with Mr. Hesley.

Mr. Maffei led the Board in a discussion of his most recent Master Plan Reexamination draft. Numerous comments regarding same were made by the Board Members. Mr. Maffei noted that he is adding an historic preservation element to the document as the Borough hopes to encourage the preservation of historic homes.

Mr. Maffei stated that the Master Plan Reexamination has also caused a review of the zoning ordinance to determine whether certain portions of the zoning ordinance should be removed from Chapter 27 and placed in the police powers section of the Borough's General Ordinances. This review would be added as a goal in the Master Plan Reexamination. In addition, he hopes to add the Borough's Green Master Plan which was adopted in 2012 together with references to the sustainable New Jersey certification.

The Board presented other ideas that should be considered in terms of adding same to the Master Plan Reexamination. It was noted that several charts in the reexamination now included 2010 census data. Solicitor Marcolongo suggested that Mr. Maffei add to the document a comment that Avalon had obtained a Special Areas Standards approval from the Residential Site Improvement Standards requirement. It was noted that the library commission has been given a copy of the draft and the Board looked forward to their comments. Mr. Maffei again requested that any Board Member with ideas regarding the document should contact him as soon as possible.

A round table discussion took place among the Board Members regarding parking in fire lanes at certain commercial establishments and the fact that certain commercial establishments do not appear to have their required number of handicap spaces. The Board, again, commented that one of the most important goals should be an attempt to alleviate the parking problem in the Borough in the summertime.

Chairman Hensel opened the discussion of the Master Plan Reexamination to the public for comments. John Scott Abbott, Esquire appeared on behalf of his client, Anthony Zurawski. He advised the Board that Mr. Zurawski desired to address the Board and lobby for an amendment to the zoning ordinance to permit hotels in the B-1 Zone. Mr. Zurawski spoke at length on this topic from a pre-prepared statement.

Gary Lee Thomas addressed the Board on this topic and encouraged the Board to consider the benefits that have accrued to the Stone Harbor business district as a result of the development of the Reeds Hotel.

John O'Dea, a local businessman and representative of the Avalon Chamber of Commerce, also spoke in favor of permitting hotels in the B-1 Zone stating that the Board should consider all changes which would help the business district.

John Tracy, Jr., the manager of the Whitebrier Hotel, also spoke in favor of Mr. Zurawski's proposal. He stated that the Board must look at all ideas to expand the summer season and that special events certainly help. He also believes that hotels would assist the Borough's business district.

Liz Tracy also spoke in favor of Mr. Zurawski's proposal agreeing that the Reeds Hotel in Stone Harbor has rejuvenized their business district and that Avalon should take action to protect and revitalize its business district.

Martha Wright stated that the Board should consider what can be done to assist senior citizens residing within the Borough. She believes the Board should review the purposes of zoning during the Master Plan Reexamination. She stated that she believes that portions of the B-1 Zone should be rezoned into a residential zone. She also suggested redevelopment of the old library building a community garden around it, which would attract new birders and that the lot should be re-landscaped with native vegetation.

Solicitor Marcolongo requested that the Board enter a closed session to discuss litigation issues. Solicitor Marcolongo advised that he anticipated the Board returning to open session for

a vote on those litigation issues. A motion was made to enter the closed session by Ms. Rhoads, seconded by Dr. Reynolds, with all members voting in the affirmative. The Board entered closed session at 8:46 p.m.

The Board reconvened its meeting at 9:06 p.m. Solicitor Marcolongo requested a motion to authorize him to take any and all action necessary, including the filing of a complaint and summary judgment motion, to resolve the alleged default approval claimed by the applicant, The Marina at Avalon Anchorage, LLC, pursuant to NJSA 40:55D-76. A motion was made to approve that action by Mr. McCullough, seconded by Dr. Reynolds, with all eligible members voting in the affirmative.

Chairman Hensel advised the Board of changes made by the Borough Council regarding the designations of the Board Members. Certain regular members had been re-designated as alternates and certain alternates had been re-designated as regular members.

After a short additional discussion regarding modifications to the B-1 Zone, a motion was made to adjourn the meeting at 9:19 p.m.

Respectfully submitted,

*/s/Dean R. Marcolongo*

Dean R. Marcolongo, Esquire