

**BOROUGH OF AVALON PLANNING/ZONING BOARD**  
**Minutes of Work Session /Regular Meeting of December 12, 2017**

Members Present: Neil Hensel (Chairperson)  
Sharon Cooper (Vice Chairperson)  
James Fleischmann  
David Knoche  
Beth Tipping  
Michele Petrucci  
James Deever  
Sam Wierman  
John Morrison  
Sam Beddia

Members Absent: Michael Coskey  
Brian Reynolds  
Thomas McCullough

Chairman Hensel called the meeting to order at 7:00 PM 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 then considered the proposed minutes of the November 14, 2017 meeting. No corrections or changes were made. A motion was made to approve by Mrs. Cooper and seconded by Mr. Fleischmann with all eligible members voting in the affirmative.

The Board then considered the proposed minutes of the November 14, 2017 closed session. A motion was made to approve by Mrs. Tipping and seconded by Mr. Knoche with all eligible members voting in the affirmative.

The Board then considered Resolution PZ#16-10A of applicant Brian Greenstein for an extension of time to file a previously approved Minor Subdivision plat. A motion was made to

approve by Mrs. Cooper and seconded by Mr. Fleischmann with all eligible members voting in the affirmative.

The Board then considered Resolution PZ#17-03 of applicant Gerald and Elaine Ermentrout for a C-2 variance to convert a second floor deck into a home office. Said application was approved at the November 14, 2017 meeting. A motion was made to approve by Mrs. Tipping and seconded by Mr. Knoche with all eligible members voting in the affirmative.

The Board then considered Resolution PZ#17-N appointing professional for 2018. A motion was made to approve by Ms. Petrucci and seconded by Mrs. Tipping with all eligible members voting in the affirmative.

The Board then considered Resolution PZ#17-O appointing Chairperson and Vice Chairperson for the Planning/Zoning Board of Avalon for 2018. A motion was made to approve by Ms. Petrucci and seconded by Mr. Fleischmann with all eligible members voting in the affirmative.

Chairperson Hensel then called Application PZ#17-04, the application of John and Lois DiMarzio, who is requesting C1 and C2 variance relief on the property located at 1790 Ocean Drive, Avalon, New Jersey. This is a continuation of hearing started at the November 14, 2017 meeting. Christopher M. Baylinson, Esquire of Linwood, New Jersey appeared on behalf of the applicant. John E. Halbruner, P.E. of HDG Engineering located in Ocean City, New Jersey also appeared on behalf of the Applicant. Mr. Halbruner was recognized by Chairperson Hensel as an expert and sworn in. Applicant seeks variance relief from minimum lot size, minimum lot frontage, total side yard setback and maximum driveway width. Applicant proposes a newly constructed single-family dwelling on a 40 x 110' lot in the R-2A Zone. The proposed use is a

permitted use within the zone. The applicant seeks to replace the current nonconforming single-family dwelling with a nonconforming single-family dwelling.

The submitted plans on 12-12-17 do not indicate any accessory structures. There was prior discussion with the stair encroachment at the November 14, 2017 Board meeting, wherein applicant has relocated the stairs from the side yard to the rear yard eliminating the stair encroachment. Presently the property has a curb cut for the driveway of 25 feet. The 25 foot driveway will be retained and widen the access apron from the sidewalk to the carport to 25 feet. The side yard setback totals 16 feet. Bay windows shall be eliminated from the plan as a condition of approval and fire-resistant siding shall be used on the property as a condition of approval. Both conditions accepted by Applicant.

The Board Engineer and Avalon Fire Chief Dean spoke on the application. Mr. Baylinson, Esquire and Engineer Halbruner spoke on behalf of Applicant. The Board had an opportunity to ask questions of the Applicant's representatives and Avalon Fire Chief Dean. Applicant accepts all conditions required by the Board Engineer and Borough of Avalon Fire Chief.

The matter was opened to the public for comment. Comment was restricted to the revisions to this application only, location of the stairs and Fire Chief Dean's report, as this application was discussed extensively at the 11-14-17 Board meeting. Five members of the public came forward to testify on the application as follows:

- a. No members of the public spoke in favor of the application.
- b. Five members of the public spoke in opposition to the application.
  1. Robert Seader of 1779 Ocean Drive, Avalon, New Jersey, appeared, was sworn and testified in opposition to the application noting

concerns of wind and fire, setbacks and height, and concerns over bay windows.

2. Diane Seader of 1779 Ocean Drive, Avalon, New Jersey, appeared, was sworn and testified in opposition to the application noting concerns over bay windows.
3. Martha Wright of 632 7<sup>th</sup> Street, Avalon, New Jersey, appeared, was sworn and testified in opposition to the application noting concerns of wind and fire in the back-bay areas, loss of life and safety of fire personnel, and plan not enhancing safety of Borough.
4. James Stahl of 1777 Ocean Drive, Avalon, New Jersey, appeared, was sworn and testified in opposition to the application noting concerns of safety issues on side yards, fire, sought as large a setback as possible. On cross examination Mr. Stahl testified he lives across the street from the subject property in a nine-unit building where some units have shared walls.
5. Doug Macauley of 276 22<sup>nd</sup> Street, Avalon, New Jersey, appeared, was sworn and testified in opposition to the application noting concerns for maintaining the integrity of the zone rules and stay within the rules of the town.

The Applicant spoke on the application. Public portion was closed at 8:20 pm.

The Board had an opportunity to ask questions and have a discussion on the pending application.

A motion was made to approve the application as revised and with the conditions of removal of bay windows and use of fire-resistant siding as discussed by the Board during the 12-12-17 Board meeting and to be reflected on plans prior to permits being issued. Mr. Knoche made the motion and seconded by Mrs. Tipping with all eligible members voting, 6 in the affirmative and 2 in the negative.

Chairperson Hensel then called Application PZ#17-02, the application of Michael and Maura Coskey, who is requesting C-1, C-2 and D-4 variance relief on the property located at 548 21<sup>st</sup> Street, Avalon, New Jersey. Richard C. Andrien, Esquire of Sea Isle City, New Jersey appeared on behalf of the applicant. Blane Steinman of Blane Steinman Architects located in Clermont, New Jersey, and Lewis Conley of Van Note-Harvey Associates located in Cape May Court House, New Jersey also appeared on behalf of the Applicant. Mr. Steinman and Mr. Conley were both recognized by Chairperson Hensel as experts and sworn in. Applicant seeks variances from minimum lot area, minimum lot frontage, maximum building coverage, maximum floor area ratio, and curb cut and distance to property line driveway. Applicant proposes new construction of a two-family dwelling on a 40 x 100' lot in the R-2B zone. A residential single-family dwelling is presently on the lot and is a permitted use within the zone. The applicant's request for a two-family dwelling is also a permitted use. The submitted plans do not indicate any accessory structures.

The Board Engineer and Avalon Fire Chief Dean spoke on the application. Mr. Andrien, Esquire, Mr. Steinman and Mr. Conley spoke on behalf of Applicant. The Board had an opportunity to ask questions of the Applicant's representatives and Avalon Fire Chief Dean.

The matter was opened to the public for comment. Fifteen members of the public came forward to testify on the application, 11 opposed the application, 4 supported the application as

follows:

- a. Four members of the public spoke in support to the application.
  1. Jackie Ewing of 31 West 22<sup>nd</sup> Street Avalon, New Jersey, appeared, was sworn and testified in support of the application noting it is important to keep young people in Avalon.
  2. Michael Keating of 401 21<sup>st</sup> Street, Avalon, New Jersey, appeared, was sworn and testified in support of the application noting parking is an issue but can be dealt with, 2 duplexes are being built on Sunrise, and the alley way allows access for fire trucks.
  3. David Coskey of 355 24<sup>th</sup> Street, Avalon, New Jersey, appeared, was sworn and testified in support of the application noting Applicant was born and raised in Avalon, has chosen to live in Avalon working hard to purchase property in Avalon, wants to raise his young family in Avalon, need young people in Avalon.
  4. Paul McCorristin of 401A 21<sup>st</sup> Street, Avalon, New Jersey, appeared, was sworn and testified in support of the application noting he was born and raised in Avalon, there use to be more businesses and people in Avalon at that time, most of the people building houses now do not live in Avalon year-round and houses are occupied three months out of the year, need to bring youth back into town, over 50 percent of children in Avalon school are not from Avalon.
- b. Eleven members of the public spoke in opposition to the application.

1. John Hanna of 523 23<sup>rd</sup> Street, Avalon, New Jersey, appeared, was sworn and testified in opposition to the application noting concerns of density issue, doubles were done before changes to ordinance, ordinance changed to reduce density, concerns for 8 bedrooms – 2 family dwelling on a single-family lot.
2. John Runzer of 543 22<sup>nd</sup> Street, Avalon, New Jersey, appeared, was sworn and testified in opposition to the application noting he owns a 40 foot lot with a single-family lot, concerns with fire.
3. Malia Galas of 559 22<sup>nd</sup> Street, Avalon, New Jersey, appeared, was sworn and testified in opposition to the application noting she is a Planning Board member elsewhere, offended by age discussion by Applicant, wanted a 2 family house – told by Avalon could not do it respected code therefore built a single-family home, proposed house will have a negative impact on area and zone, proposed plan will not visually enhance community, does not think elevation or C-1 hardship is a good reason in this situation, parking is an issue.
4. Wojciech Galas of 559 22<sup>nd</sup> Street, Avalon, New Jersey, appeared, was sworn and testified in opposition to the application noting that he went through the process of obtaining requirements to build in Avalon and is still building his house, young people do come to Avalon, Applicant's lot is too small and congested for this use.

5. Richard Herb of 527 20<sup>th</sup> Street, Avalon, New Jersey, appeared, was sworn and testified in opposition to the application noting density is an issue, restaurant in area also, four exceptions to zoning sought is to many.
6. Tom Ohntrup (spoke twice) of 533 21<sup>st</sup> Street, Avalon, New Jersey, appeared, was sworn and testified in opposition to the application noting 30 years ago Board said no duplexes on 4,000 foot lots, density is an issue, concerns over fire, concerns about utility access on alley because there are no utilities on Barry Road and there are no addresses on Barry Road.
7. Martha Wright of 632 7<sup>th</sup> Street, Avalon, New Jersey, appeared, was sworn and testified in opposition to the application noting concerns of two front yards, front yard on the alley is not front yard but is a rear yard, Applicant could have raised house with assistance of flood program.
8. Travis Marshall of 885 21<sup>st</sup> Street, Avalon, New Jersey, appeared, was sworn and testified in opposition to the application noting he is the owner of the Marina on 21<sup>st</sup> Street, parking makes difficult to move boats down the street.
9. Doug Macauley of 276 22<sup>nd</sup> Street, Avalon, New Jersey, appeared, was sworn and testified in opposition to the application noting density is an issue, age, intent or year-round population should not be considered.
10. John Sykes of 536 21<sup>st</sup> Street, Avalon, New Jersey, appeared, was sworn and testified in opposition to the application noting density is an issue, application not good for community, fire, no sprinkles is an issue, future owners may look to make most money.



11. Richard Shoemaker of 355 24<sup>th</sup> Street, Avalon, New Jersey, appeared, was sworn and testified in opposition to the application noting lot is 40 foot and 50 foot is required.

Public portion was closed at 11:00 pm.

The Board had an opportunity to speak on the facts and findings of application, ask questions and have a discussion on the pending application.

A motion was made to approve the application. Mr. Beddia made the motion and seconded by Mr. Knoche all eligible members voting, 1 in the affirmative and 6 in the negative.

The meeting was opened for general comment, at which time Martha Wright spoke on need to limit hearsay during the hearings on applications.

A motion was made to adjourn the meeting at 11:25 p.m. by Mr. Fleishmann and second by Mr. Wierman with all eligible members voting in the affirmative.

Respectfully submitted,

*/s/ Paul J. Baldini*  
Paul J. Baldini, Esquire