

BOROUGH OF AVALON PLANNING/ZONING BOARD
Minutes of Work Session /Regular Meeting of January 9, 2018

Members Present: Neil Hensel (Chairperson)
James Fleischmann
Beth Tipping
Michele Petrucci
Dr. Brian Reynolds
Thomas McCullough
Michael Coskey
Sam Wierman
John Morrison
Sam Beddia

Members Absent: Sharon Cooper (Vice Chairperson)
David Knoche
James Deever

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 December 12, 2017 meeting. Corrections or changes were so noted. A motion was made to approve by Mr. Fleischmann and seconded by Mrs. Tipping with all eligible members voting in the affirmative.

The Board then considered Resolution PZ#17-04 of applicant John and Lois DiMarzio. Said application was heard at a Board meeting on December 12, 2018 at which time said application was passed by the majority of votes by the Board. A motion was made to approve the Resolution approving the application by Mrs. Tipping and seconded by Mr. Wierman with all eligible members voting in the affirmative.

The Board then considered Resolution PZ#17-02 of applicant Michael and Maura Coskey. Said application was heard at a Board meeting on December 12, 2018 at which time said application was not passed by the majority of votes by the Board. A motion was made to approve the Resolution denying the application by Ms. Petrucci and seconded by Mr. Wierman with all eligible members voting in the affirmative.

Chairperson Hensel then called Application PZ#17-05, the application of Alan Klukowicz, requesting a minor subdivision to change current lot lines for Lots 1.01 and 1.03 and benefits variance pursuant to N.J.S.A. 40:55-D-70 (c) (2) for minimum lot frontage for Lot 1.01 where currently Lot 1.01 is nonconforming in rear yard setback and Lot 1.03 is nonconforming with no lot frontage, to permit Applicant to replace the current existing nonconforming two (2) residential lots containing a single-family dwelling and improvements, with two (2) newly subdivide residential lots, Lot 1.01 to be conforming and Lot 1.03 to be nonconforming, deficient in lot frontage proposing 40 ft. lot frontage where 60 ft. lot frontage is required.

Cory J. Gilman, Esquire of the Law Office of Josephson Wilkinson & Gilman, P.A. with offices at 2699 Dune Drive, New Jersey 08202 appeared on behalf of the applicant. Gary Lee Thomas, PLS, PP of Thomas Amey & Shaw, Inc. with offices at 2900 Dune Drive, Suite 3, Avalon, New Jersey 08202 also appeared on behalf of the Applicant. Mr. Thomas was recognized by Chairperson Hensel as an expert, sworn and testified.

Mr. Thomas testified the proposed Lot 1.01 will contain 6,600 sq. ft. lot area with 60 ft. of lot frontage and proposed Lot 1.03 will contain 25,150 sq. ft. lot area with 40 ft. of lot frontage, where 60 ft. of lot frontage is required, for property located at Block 60.05, Lots 1.01 and 1.03 as such appears on the Municipal Tax Map of the Borough of Avalon, State of

New Jersey, and which premises are located at 6088 Ocean Drive, Avalon, New Jersey and situated in the R-1B Zoning District.

The submitted survey of premises prepared by Gary Lee Thomas, PLS, PP prepared September 26, 2017 containing sheet 1 of 1 does not indicate any accessory structures. Presently the property is a subdivided parcel containing a single-family dwelling and improvements and both lots being nonconforming, one as to rear yard setback and other as to lot frontage.

The applicant agrees that the minor subdivision and variances for minimum lot frontage requested shall be subject to the following conditions.

1. The Applicant shall comply with all the terms and conditions of the Engineer's Report of Joseph H. Maffei, Board Engineer, dated January 2, 2018.
2. The dwelling and improvements currently on Lots 1.01 and 1.03 shall be removed within 190 days of the granting of this application or the Applicant shall appear before the Board to request an extension.
3. Easement currently on the parcel will be eliminated. Deed of revocation to be submitted to Board Attorney for approval prior to recording.
4. Applicant shall move the building setback lot lines of the back lot of the "pole" portion of the "flag" lot, Lot 1.03, running along Ocean Drive, back 125 feet from the Ocean Drive property line, creating a straight setback lot line even with the westerly lot line of Lot 1.01 for building setback footprint. No building and/or structures of any type shall be permitted in the "pole" portion of the "flag" lot of Lot 1.03.
5. Applicant agrees to submit the application to the Fire Chief and obtain a letter from the Fire Chief with regard to this application. If the Fire Chief has concerns with the application the Applicant agreed and shall appear before this Board again and shall at that time

request any relief applicable. [Caveat: On January 17, 2018 Fire Chief Dean provided a letter on this application in reply to that request. The letter in pertinent part stated that the drive provided fire department access to the premises in the case of fire, so they should construct a surface that will bear the weight of fire apparatus should that be necessary. On January 23, 2017 the Board Solicitor contacted Mr. Gilman, Esquire. Mr. Gilman, Esquire agreed to the terms of the Fire Chief's letter dated January 17, 2018 and placement of same in these minutes.]

6. The Applicant prior to issuance of any building permits, shall submit plans to address the Stormwater/Grading Ordinances 27-7.3 .4 and 26- 7.3 and the Landscape Ordinances 27-7.3.T and 26-7.7. The Stormwater/Grading Plan and Landscape Plan are to be submitted prior to Filing of Minor Subdivision Plan.

7. Applicant must obtain any and all other necessary state, county, federal, municipal and other governmental approvals and comply with any and all other such laws and regulations.

8. Applicant must obtain all approvals required from any agency having jurisdiction over this development. If any agency changes or alters this plan as approved by the Board on January 9, 2018 then the Applicant shall appear before this Board again explaining any and all changes. If relief is sought as a result of changes made by any agency having jurisdiction over the development the Applicant shall appear before this Board requesting such relief. If no changes are required to the plans as approved by the Board on January 9, 2018 then the applicant shall indicate same in writing to the Board Secretary.

9. As a condition of this approval, such plans as required above shall be submitted to the Board Engineer for his review and to his satisfaction prior to commencement of any work on the proposed improvements.

Mr. Gilman, Esquire spoke on behalf of Applicant. Mr. Thomas testified on behalf of

the application. The Board Engineer was sworn and testified as to the application and his letter of January 2, 2018. The Board had an opportunity to ask questions of the Applicant's representatives. Applicant accepts all conditions required by the Board Engineer and agrees to submit plan to Borough of Avalon Fire Chief and obtain a letter from the Fire Chief with regard to this application. If the Fire Chief has concerns with the application the Applicant agreed and shall appear before this Board again and shall at that time request any relief applicable.

The Applicant was sworn and testified on the application.

The matter was opened to the public for comment. Two 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. Two members of the public spoke in opposition of the application.
 1. Martha Wright of 632 7th Street, Avalon, New Jersey, appeared, was sworn and testified to the application noting concerns of structure in the pole portion of the lot, what area is counted in FAR, safety, will there be input from Fire Chief and comments on outfall pipes.
 2. Elaine Scattergood of 75 30th Street, Avalon, New Jersey, appeared, was sworn and testified to the application asking for clarification on lot frontage footage, Gary Lee Thomas, PLS, PP showed plans to Ms. Scattergood and explained.

Public portion was closed at 8:00 p.m.

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 with the conditions as set forth herein with all eligible members of the Board voting, 8 members voting in the affirmative and 1 member voting in the negative.

Chairperson Hensel then called Dr. Reynolds to give a presentation/briefing on artificial grass. Several homes have synthetic grass in Avalon. Two examples of synthetic grass were passed to the Board for their review, solid base which allows water runoff and slightly less base which allows water drainage. Solid base needs 2% slope, Ordinance requires 1% slope. Artificial grass will flood as it does not runoff and has a life expectancy of 10-15 years. Fire data for artificial grass is unknown at this time. The Avalon Environmental Commission recommends prohibiting use of artificial grass in Avalon.

The Chairperson opened the meeting for general comment. Two members of the public came forward to speak as follows:

1. Elaine Scattergood of 75 30th Street, Avalon, New Jersey, appeared, was sworn and testified and spoke a thank you to Mr. Beddia for his comments on size of houses, spoke on artificial turf, Dr. Reynolds speaks on the issue to address questions, Ms. Scattergood comments on the need for more trees.
2. Martha Wright of 632 7th Street, Avalon, New Jersey, appeared, was sworn and testified spoke on artificial turf, OPRA demolition permits, application should be submitted to Fire Chief if a new issue comes up will the Board have an opportunity to address the new issue. Board Engineer clarifies what Fire Chief is tasked to review all applications.

The Chairperson Hensel then called for new business. Ms. Petrucci raised fire safety Chapter 26-7.8(c). Avalon application reflects that the applicant shall send the application to the

Fire Chief as part of the application process and calls for this to be implemented. Mr. Beddia discusses fire risk of old housing materials. There was no further new or old business for the Board.

A motion was made to adjourn the meeting at 9:04 p.m. by Dr. Reynolds and second by Mr. Beddia with all eligible members voting in the affirmative.

Respectfully submitted,

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