

**BOROUGH OF AVALON PLANNING/ZONING BOARD**  
**Minutes of Work Session / Regular Meeting of July 10, 2018**

Members Present: David Knoche  
Beth Tipping  
Michelle Petrucci  
Sharon Cooper  
Dr. Brian Reynolds  
Neil Hensel  
Michael Coskey  
Sam Beddia

Members Absent: James Fleischmann  
James Deever  
Tom McCullough  
Sam Wierman  
John Morrison

Chairman Neil Hensel called the meeting to order at 7:00 PM and lead the Board in the Pledge of Allegiance. After roll call of members, Chairman Neil Hensel then recited the Open Public Meetings Act Statement after which a roll call of the members present was taken.

The Board then considered the proposed minutes of the June 12, 2018 work session/regular meeting. Corrections or changes were noted. A motion was made to approve by member Dr. Brian Reynolds and seconded by member Beth Tipping with all eligible members voting in the affirmative.

The Board then considered special resolution PZ #18 – E (2018) after conducting a review of four affordable housing ordinances for Master Plan consistency. The Board considered Ordinance #775 – 2018, an ordinance adding "affordable housing" to the code of the Borough of

Avalon, Ordinance #776 – 2018 – an ordinance establishing mandatory set aside provisions within the code of the Borough of Avalon, Ordinance #777 – 2018 – an ordinance providing for the creation of certain accessory apartments in the B –1 zoning district, and Ordinance #778 – 2018 – an ordinance establishing an overlay of the B–1 zoning district permitting inclusionary housing. These ordinances shall be collectively referred to as "the ordinances". The Board, after reviewing the ordinances and confirming consistency with the master plan, determined to take up its special resolution PZ #18 – E. The Board then considered special resolution PZ #18 – E. Corrections or changes were noted. A motion was made to approve by member David Knoche and seconded by member Beth Tipping with all eligible members voting in the affirmative.

Chairman Hensel then called application PZ #18 – 01, the application of Flynn & Three Acres Acquisition, 606 and 614 7th Street, seeking minor subdivision, no variances requested for the site located in the R – 1C single-family zone. Proposed Lot 140.01 will be 95' x 115', which includes a portion of the vacated street and proposed Lot 142 will be 50' x 260' which includes the "water lot".

1. Michael Stanton, Esq. represented the applicant. Gary Thomas was present, sworn, and testified as an expert.

2. Applicant presented the following exhibits for consideration by the board.

a. A blowup of the zoning chart contained on the site plan identified as zone R – 1C (single-family residence) whereby applicant corrected an error in the proposed chart included on the minor subdivision plan.

b. Applicant further relied upon applicant's land development application previously

submitted to the Board as well as proposed minor subdivision plan dated February 5, 2018 with no revisions prepared by Gary Lee Thomas.

3. Mr. Thomas testified using Exhibit A1 to identify and correct the error noted in the subdivision plan and confirmed the final plan submitted to the Board shall include the correction in the zoning chart. The zoning chart shows for lot area on the lot identified as existing Lot 140.01 as proposed 10,950 ft.<sup>2</sup>. The correction made in the proposed lot shall consist of 11,950 ft.<sup>2</sup> of area. The percent change in the column was also changed to properly identify the actual percentage.

4. Mr. Thomas testified in general terms that the application is conforming and all lots will be 100% conforming with no variances requested. The applicant then rested its case.

5. The Board engineer presented his letter of June 29, 2018 prepared for the Board's review and testified with regard to that letter after being sworn. Applicant agreed to comply with all comments and requirements of the Board engineer letter.

6. Applicant testified that applicant intends to maintain the existing building as shown on the plan on proposed Lot 140.01. The residence is a 5 bedroom residence which has been on the property for many, many years. Applicant agreed to show compliance with the parking and should list on the plan the parking plan prior to submission to the board for final review.

7. Substantial public comment was heard by the Board. Seven members of the public came forward to testify on the application, with all seven members of the public who spoke in opposition to the application.

8. At the conclusion of the public testimony, the public portion of the meeting was closed. Applicant was afforded an opportunity to present closing argument on the request for the minor

subdivision. Applicant argued the minor subdivision is "by right" subdivision where applicant was only looking to create two conforming lots merely adjusting lot lines.

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

10. After such discussion by the Board and findings a motion, phrased in the affirmative, was made to grant the minor subdivision application sought by the applicant and to approve the conforming minor subdivision with no variance relief sought and upon the following conditions:

1. Compliance with Board Engineer letter of June 29, 2018 by applicant;
2. Applicant to add the details of the building presently on the site, identifying it as a five bedroom residence and showing complying parking for the residence;
3. Add the corrected chart identified as Exhibit A1 to the minor subdivision plan prior to presentation to the board;
4. Comply with all other governmental, local, state and/or federal governmental approvals as may be required for the project.

The motion was made by David Knoche and seconded by member Sharon Cooper. Seven members voted in the affirmative and one member voted in the negative. The motion carried and the subdivision was approved.

Chairperson Hensel then called for a report on the Chapter 26 ongoing review. Vice Chair Sharon Cooper reported to the Board that the review lays the foundation from the committee that has worked on the Chapter 26 review. She urged all members to review the ordinance as proposed and to stay tuned as the Chapter 27 ordinance review was intended to begin. Further review of the

Chapter 26 Ordinance was tabled until the next month to allow Board members to review.

No new or old business was brought forward. Chairperson Neil Hensel then opened the meeting to public comment on any topic. No members from the public spoke. The public portion of the meeting was closed.

No further business was undertaken and a motion was made to adjourn the meeting by member Dr. Brian Reynolds and seconded by member Sam Beddia and with all eligible members voting in the affirmative.

Respectfully submitted,

/s/ Paul J. Baldini

Paul J. Baldini, Esq.