

August 14, 2019

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, August 14, 2019 at 4:02 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public - - - - - 11

Reporters - - - - - 2

The Meeting was called to order by Council President Hudanich.

Pledge of allegiance.

<u>Roll call:</u>	Council President Hudanich	Present
	Council Vice President McCorristin	Present
	Councilwoman Juzaitis	Present
	Councilman Wierman	Present
	Councilman Deever	Present

Also Present:

Scott Wahl, Business Administrator
James Waldron, Assistant Business Administrator
Nicole Curio, Esquire, Borough Solicitor
Paul Short, Code Enforcement Official
William Macomber, Director of Public Works/Utilities
Steve Camp, Assistant Director of Public Works/Utilities
Police Chief Jeffrey R. Christopher
Administrative Sergeant Eric Heisman
Thomas R. Thornton, P.E., Borough Engineer, Mott Macdonald
William Macomber, Director of Public Works/Utilities
Harry Delgado, Accreditation Program Director, NJ State Association of Chiefs of Police
Patti Davis, Operations Manager of the Chamber of Commerce
John O'Dea, President of the Chamber of Commerce
Amanda Seltzer, Zoning Official
Dr. Stewart Farrell, Director of Coastal Research Center, Stockton University
Mathew Suran, Computer Resource Manager & Geospatial Analyst, Stockton University

Council President Hudanich read the Open Public Meetings Act Announcement.

Notice of this Work Session was included in the Annual Schedule of Meetings dated June 26, 2019. It was given to the news media and posted on the Official Bulletin Board as required by law.

Presentation of Accreditation Certificate to the Borough of Avalon Police Department.

Police Chief Christopher announced the Avalon Police Department is now an accredited agency for the third time. Accreditation is attained through the New Jersey Association of Chiefs of Police. For those who are not familiar, the accreditation status is good for three years, however is a never-ending process. Accreditation means that the Police Department has implemented and is following policies and procedures that comply with the Commission's best practice standards. This also means the Association has found that the Avalon Police Department conducts business in an appropriate, professional manner. Accreditation results in greater accountability with the agency, reduced risk and liability, stronger defense against civil lawsuits, increased community advocacy, and more confidence in the agency's ability to operate efficiently and respond to community needs. He informed Council and the public the Avalon Police Department Accreditation Manager is Administrative Sergeant Eric Heisman and expressed pride in the work completed, which is an extensive, time consuming process conducted by very thorough investigations. He introduced Mr. Harry Delgado, the Accreditation Program Director for the presentation of the certificate.

Harry Delgado thanked Chief Christopher and Council for their time and asked to share the significance of the achievement. He reported there are approximately 570 law enforcement agencies in the state of New Jersey that would be eligible to apply. Out of the 570 law enforcement agencies, about 43% of those agencies have achieved accreditation once, 37% have achieved accreditation twice, and that number significantly decreases for agencies becoming

Harry Delgado (continued) accredited three times, such as the Avalon Police Department. Those accredited more than twice are an elite group of law enforcement agencies that have made a commitment to excellence. As the Chief explained, the accreditation is the process of adopting the Standards of Professional Objectives. In the State of New Jersey, law enforcement agencies have to meet 112 standards, which require multiple proofs of compliance. The accreditation is a certification by an independent authority, in this case is the Association of the Chiefs of Police. The Avalon Police Department, in many instances, has exceeded accepted practices in law enforcement. Research shows that accredited agencies have 11% fewer liability claims, 18% fewer workers compensation claims, and 31% fewer auto liability claims. For the municipalities participating in the Joint Insurance Fund, substantial insurance premium discounts can be applied when their Police Department becomes accredited. Accredited agencies are better able to defend against law suits and citizen complaints, as accreditation provides objective evidence of the agency's commitment to excellence and leadership, resource management, and service delivery. Government officials can be more confident in the agency's ability to operate efficiently to community needs. This creates a forum in which police and citizens work together to prevent and control challenges confronting law enforcement and provide clear direction of community expectations. Accreditation is a rigorous process over the course of three years. At the end of the three-year period, a report is generated and every proof of compliance is demonstrated. The Avalon Police Department is within the 1% of agencies that goes through this process three times without one single blemish. The Avalon Police Department under the direction of Chief Jeffrey Christopher has achieved Re-Accreditation for the third time demonstrating his commitment to adhere to and demonstrate the national best practices in the field of law enforcement. He commended the Avalon Police Department for being a professional organization with disciplined and well-trained personnel, as well as their leadership, competence, and professionalism. It is the opinion of the assessment team that the Avalon Police Department is a highly professional and committed agency, which exemplifies all of the tenants of law enforcement accreditation at the state and national level. On behalf of the NJ State Association of the Chiefs of Police and the New Jersey Law Enforcement community, he congratulated Chief Jeffrey Christopher, Accredited Manager Eric Heisman, the staff of the Avalon Police Department, Mayor Pagliughi, Council and the citizens they so proudly serve for achieving this accreditation and joining a very exclusive group of law enforcement agencies that have made this commitment to excellence in Police.

Council congratulated the Police Department and thanked Harry Delgado for his time.

Discussion regarding Ordinance authorizing the leasing of Borough owned land to the Avalon Chamber of Commerce.

Scott Wahl stated the Borough of Avalon has typically had a five-year lease of the building at the intersection of 30th & Ocean Drive with the Avalon Chamber of Commerce for the cost of \$1.00 per year. The Chamber of Commerce manages the building on behalf of the Borough, providing the Borough with a big benefit in terms of customer information, customer relations and other assorted activities. Council is being asked to consider renewing the five-year lease to operate the Chamber of Commerce, which is set to expire September 30, 2019.

Patti Davis reported the Welcome Center is open year-round, and is currently operating under the summer hours of Monday through Saturday from 10:00 a.m. to 3:00 p.m. Throughout the year, the Chamber greets approximately 2,000 visitors. Common questions include the best restaurants, the best beaches, and rainy-day activities. Another service the Chamber offers is the sale of seasonal beach tags, accepting cash, check and credit cards as methods of payment. This year, the Chamber has sold 561 beach tags. The 7 Mile Vacation Guide is printed and distributed annually with the Chamber printing approximately 15,000 copies each year through Avalon, Stone Harbor and Cape May County. There is also a digital version available on the website visitavalonnj.com and linked to social media. The Beach Bulletin is the Chamber of Commerce e-newsletter, which is distributed in-season once a week and off-season every other week. It is mailed to more than 3,000 contacts, which include vacationers, visitors and members. It is also shared to social media. The website is coordinated between the Chamber, the 7 Mile Business Community Association, and the State of New Jersey. The website realizes approximately 90,000-100,000 hits each year. The Chamber also does paid Google ad campaigns, Facebook campaigns, to direct visitors targeted in the Pennsylvania and Tri-state area of the region to the website. Some of the top pages visited are beach information, calendar of events, the live webcams, where to stay, where to dine, and where to play. The Chamber has three active social

Patti Davis (continued) media accounts: Facebook (12,000 followers), Twitter (3,000 followers) and Instagram (2,500 followers). Coordinated efforts with the Borough of Avalon and other organizations to sponsor a number of special events throughout the year include: The Avalon Wine & Spirits Festival, 7 Mile Restaurant Week, Thursday's on Dune, End of Summer Shop Hop, and the Avalon Seafood Festival. The Chamber of Commerce also works with the Tri-state area media to coordinate a number of visits.

Council President Hudanich thanked Patti for her time mentioning the metrics are very impressive. She asked for confirmation that the Chamber of Commerce sold 451 beach tags in 2018.

Councilman Wierman confirmed the statistics were from the whole year, and noted the construction in front of the building in 2018 affected beach tag sales.

Councilman Deeever noted how fortunate Avalon is to have a dedicated, hard-working employees in the Chamber of Commerce and stated Council appreciates all of their hard work.

Council President Hudanich appreciated the fact that the Chamber maintains three separate calendars and as need increases, times are flexible and attentive to the public. She thanked Patti and John for their hard work and dedication to the Borough.

Councilman Wierman noted he has been working with the Chamber of Commerce for a little over a year and is very impressed with their attention to detail and all they do for the town and businesses.

Council McCorristin thanked Patti and John for all of their hard work especially when planning and coordinating events with other departments in the Borough.

After brief discussion, Council agreed to proceed with an Ordinance to be prepared for introduction at the August 28, 2019 Regular Meeting.

Further discussion regarding Ordinance amending Chapter 27 (Zoning) concerning setback requirements.

Scott Wahl made the following report to Council, which includes references to exhibits hereby attached to these minutes:

Summary: Council requested a revised presentation regarding the proposed amendment to Chapter 27 that would clearly define the required setbacks for garages attached to homes. For clarification purposes, the Planning and Zoning Board wishes to advance this for clarification purposes only; this does not result in changes approved for setbacks for garages previously with a garage door facing the street, or a garage door facing the interior of the property. Color-coded examples are providing in your reading packet and will be displayed during the discussion. This matter was first discussed by the Board during its meeting on July 9, 2019. Since this issue was discussed at the July 24, 2019 Council meeting, further clarifications are included that also include a recommendation by Jim Waldron to amend the landscaping ordinance, for complete clarification and consistency, for which the Board solicitor and engineer agree. Council is not being asked to take any action today nor is it being asked to introduce an ordinance amendment.

Issue: Avalon currently requires a 15-foot front yard setback from the front of a home to the front property line; and there is a requirement of an 18-foot front yard setback to the foundation of an attached garage for which the door of the garage faces the street. On some properties, when allowable with appropriate frontage on the property, the garage door faces the interior of the property which requires the driver to drive in straight off the street, and turn into the garage (aka: interior of the property). For garages that with doors that face the interior of the property, the setback has been established at 15 feet to remain "flush" with the front of the house. It has been the past practice of the Zoning Official to approve either setback as it remains undefined in the ordinance. It is important to note that this affects garages that are physically attached to the house. Any garage not attached to the house must be located towards the rear of the property, per current ordinance.

Proposed Ordinance Amendment Details: Clarifications are needed in seven sections of the ordinance and require three stipulations to the 15-foot setback for a garage not facing a street. 1) Only green space between the garage and the front property line 2) No parking is allowed on the green space between the garage and the front property line 3) Required number of parking spaces are provided for the use. For further clarification, greenspace is defined as planted grass, shrubs, flowers, etc; not pavers, stone, broken shells, and the like

Background Information Points on Current Ordinance: The current ordinance requires 15% of a lot to be dedicated to greenspace. A maximum of 65% of the lot is currently allowed to be impervious coverage. Nothing changes in this ordinance amendment, which is for clarification purposes only. This matter clarification of the attached garage setbacks do not deviate from the Borough's master plan.

Additional Information: The proposed amendment to the landscaping ordinance to make this clarification amendment air tight, so to speak, is provided below by Mr. Waldron, and signed off on by the Board Solicitor and Board Engineer when the time arrives for ordinance introduction:

Scott:

As discussed, here are my thoughts.

Currently, in order to obtain a construction permit in the borough an Applicant must submit a detailed Landscape Plan which shows a minimum of 15% of the buildable area as dedicated to green space and requires at least one tree plus plants, shrubs, flowers or other permissible vegetation appearing on the approved list generated by the Environmental Commission and approved by the APZB.

The Landscape Plan leaves the location and placement of the 15% aggregate green space to the discretion of the owner or design professional.

In the event the Zoning Ordinance is amended to address the setback requirement for garages which have doors that do not face the street but rather face the side property line, then the Landscape Plan requirements will have to be modified to provide that:

- 1) The area between the exterior wall of the garage which faces the street and the pavement must be dedicated to green space as defined in the ordinance. This area shall be dedicated exclusively to green space requirements and there shall be a prohibition against the parking of any motor vehicles, including trailers of any type whatever, and storage of any items shall also be prohibited.*
- 2) Should this area be less than the required 15 % requirement, then this area shall be counted toward the 15% requirement.*
- 3) Should the designated area be 15% or more of the buildable area of the lot, then this shall suffice to fulfill the Landscape Plan requirements.*

The garage amendment, as proposed, will require the owner to dedicate a portion of the front yard to green space – and no other purpose - and forego any right to park or store vehicles or other property in that dedicated area. This will require enforcement post construction. The Borough may even want to consider requiring a deed restriction as to the use of the green space adjacent to the garage.

Demonstration of Various Garages/Parking in Avalon for Clarification Purposes:

Please note you will find the actual address of these properties hand written on each plan. You will be able to see the street on each plan as well. Blue notes garage, green notes green space, orange notes driveway or other impervious coverage.

4705 Fourth Avenue—The garage is attached to the house, which has a 15-foot setback. Dedicated green space is in front of the garage, 15'. A vehicle pulls in to the driveway (orange), and turns into the garage which has a door not facing the street, but to the interior of the property line. This is appropriate.

36 West 19th Street—The garage, outlined in blue, is attached to the house. The front door of the garage faces 19th Street. The setback for the garage is 18'. This is appropriate.

10 West 21st Street—This does NOT fall under the clarification in the ordinance, but for demonstration purposes only. There is no garage. Stacked parking (orange/green) is on the side of the house. Green is grass, orange is paved. The front of the structure is 15' away from the property line. In a case where this is no garage, the ordinance allows parking to occur in front of the property on the orange pavers. When calculating impervious coverage, the actual "orange" is calculated; when calculating greenspace, the "green" is measured and calculated.

This property drawing is provided to show that under the clarification of the current ordinance, this type of parking would NOT be allowed in the greenspace in front of an interior-facing garage with a 15' setback; only greenspace would be allowed.

I invite Amanda Seltzer, Zoning Official to come up to the podium for any further clarification. Also, Councilman Wierman is a representative of the Planning and Zoning Board to make sure I represented this accurately. If Council views upon this clarification, it's not new policy moving forward, the Planning and Zoning Board would still have to approve this and also create an amendment to its own landscape Ordinance for which it would end up with final approval before Council.

Amanda Seltzer noted the Zoning Ordinance does not specify the appropriate setback for a side-facing garage, therefore this amendment would be for clarification purposes. If Council authorizes the 15-foot setback, this would allow for greenspace in front of the house to be inclusive of the minimum 15% required green space.

Councilman Wierman stated the Planning and Zoning Board was worried about the distance between the side of the garage and the side walk, as there were concerns about cars pulling into the space and creating a hazard or nuisance to those on the sidewalk. It is the opinion of the Planning and Zoning Board that having the green space will eliminate those concerns.

Council Vice President McCorristin pointed out that attached garages are not solely garages, as they can be built upon. He agreed with the nuisance or hazard that could be created by having cars parking within the 15-foot setback, however noted that there are many properties that allow parking within the setback, as long as the parking spot is parallel to the street. An example of this type of parking can be seen in the example given by Scott Wahl concerning 10 West 21st Street. He inquired what the setback would be for a detached garage.

Amanda Seltzer explained detached garages must be in the rear of the property.

Council Vice President McCorristin expressed concerns about the current wording and how it can be enforced by the Zoning Official. He stressed the importance of proper language and noted it would be difficult to monitor compliance, as it could be interpreted that any of the examples given by Scott Wahl would be compliant.

Council President Hudanich thanked Amanda Seltzer and Scott Wahl for the clarification, and asked for the maximum allowable impervious coverage per property.

Amanda Seltzer explained the maximum allowable amount of impervious coverage is 65%.

Council President Hudanich stressed the importance of defining every term being used.

Amanda Seltzer indicated the allowable impervious coverage will be remaining the same.

Council President Hudanich suggested the criteria being added in terms of where the garage door faces would help define what is allowable as well as the difference between each scenario which would allow a 15-foot or 18-foot setback.

Council Vice President McCorristin agreed a clear delineation should be made between allowing the two different types of setbacks for garages.

James Waldron mentioned in certain circumstances, depending upon site specific instances, it is possible a developer may be creating more than 15% of green space on a property. This proposed amendment would allow nothing but green space between the garage and the property line in the instance of an attached garage where the entrance faces the interior of the property. That can contribute to the 15%, however it can also turn out that the addition of that green space calculates out to more than 15%.

Council agreed to forward the proposed amendment to the Avalon Planning and Zoning Board for their consideration and input. This matter to be discussed again at a future Work Session.

Presentation titled “Determining the Extent and Frequency of Nuisance Flooding in New Jersey” by Dr. Stewart Farrell.

Dr. Stewart Farrell and Mathew Suran gave a detailed presentation, a copy of which is hereafter attached to these minutes.

Council President Hudanich noted the data presented this evening can be very helpful when evaluating the north end, and stressed the importance of resiliency.

Scott Wahl announced in September of 2018, Avalon installed its own weather station on the Public Safety building which has provided Avalon-specific weather data for each type of event, including rain-fall, temperature, wind gust, wind direction and barometric pressure. This information is available both online and through a smartphone app.

Councilman Wierman expressed appreciation for this presentation and detailed some experiences with dealing with flooding as a resident of Avalon. He spoke in support of developing an early warning system.

Council thanked Dr. Farrell and Mr. Suran for their presentation.

Public comments:

Elaine Scattergood, 75 30th Street, congratulated Chief Christopher and the Avalon Police Department on being accredited for the third time. She reported her involvement with the Old-Growth Forest Network in Cape May County and announced the Network has released a report indicating they have managed to save and protect 100 forests in 22 states. Their core message focuses on why ancient forests must be preserved and is reaching more and more people. She outlined the benefits of preserving forests, and noted forests do not need to be managed to be healthy. She advocated that forests are living ecosystems upon which future increasingly depends.

Alyce Cunningham, 55 E 24th Street, asked Council to consider allowing dogs limited access to the boardwalk and beach during the season most property owners are occupying their homes. She detailed a recent experience she had where she was ticketed for walking her dog on the boardwalk, and expressed unhappiness at being unable to walk her dog freely around town. She asked Council to consider amending the Ordinance to grant limited in-season access to the beach or boardwalk, and submitted a letter to Council outlining the same.

Travis Marshall, 885 21st Street, referenced a recent article in the CM County Herald explaining expanded video access considered in Stone Harbor. He spoke in support of live streaming the Council meetings to provide this service to the citizens who cannot attend the meetings due to various constraints and stressed the importance of keeping the public informed. He advocated recording and livestreaming Council Meetings and Planning and Zoning Meetings to promote transparency and commended Martha Wright for her continued diligence and thanked her for live streaming the meetings.

Council Vice President McCorristin mentioned the recent infestation and clearing of Japanese Black Pines within the maritime forest along the dunes and inquired about replanting efforts.

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Scott Wahl indicated the Borough conducts a regular assessment of the tree inventory in the town for the tree replacement program. The Borough has a state grant for reforestation efforts in the dunes, and a separate grant for trees planted on public property. Administration can look into tree replacement in the area referenced by Council Vice President McCorristin right away. Administration will work diligently with the Green Team and the Environmental Commission to have this area evaluated for reforestation.

Gary Finger, 189 17th St, spoke representing the NJ Clean Energy Program and noted Avalon has been approved to receive a free local government energy audit on all of the facilities including Elementary School, Library, Police Department, and pumping stations. The Borough has received a letter of approval regarding this initiative. This is a free level II audit to help determine what the Borough would consider for energy options. The Clean Energy Program this year has been given approval by the State to enhance its current list of incentives, which means all single measures and incentives are doubled, which is significant. The NJ Clean Energy Program would like Avalon to participate in this program. In the past, the Board of Public Utilities worked with this program concerning the potential of developing a micro grid, which adds to the further resiliency of the community itself. At this point, the Borough would need to schedule the initial audit meeting. The incentives are only good until June 30, 2020.

Council President Hudanich asked if Gary Finger had communicated with Scott Wahl.

Scott Wahl indicated he has communicated with a representative from this program to set up a time to meet before the end of this month.

Council President Hudanich asked Gary if he has a ballpark figure of the time element for the employees of the Borough.

Gary Finger explained it would take 2 months to get the employees into the queue. He noted Avalon qualifies under a new designation, which is a town center marker grid project. Atlantic City Electric is fully cooperating with this initiative, which makes the grid projects an easier process if that is the ultimate recommendation.

Council President Hudanich expressed interest in this and asked Scott Wahl to gather more information for future discussion.

Gary Finger recommended Council consider participating in the energy audit. At the end of the audit, a report will be provided to Council with a series of recommendations where you can save energy usage.

Council thanked Gary for his time.

Council to check over the agenda for the Regular Meeting

The Councilmembers proceeded to go over the agenda for the Regular Meeting.

Motion made by Councilman McCorristin, seconded by Councilman Deever to adjourn the Work Session.

<u>ROLL CALL VOTE:</u>	Councilman Deever	Aye
	Councilwoman Juzaitis	Aye
	Council Vice President McCorristin	Aye
	Councilman Wierman	Aye
	Council President Hudanich	Aye

Work Session adjourned at 5:21 p.m.

Respectfully submitted,

C. Danielle Nollett
C. Danielle Nollett, Borough Clerk

Nancy M. Hudanich
Nancy M. Hudanich, Council President