

BOROUGH OF AVALON PLANNING/ZONING BOARD
Minutes of Work Session/Regular Meeting of September 8, 2020

Members Present: James Fleischmann
Chet Johnson
Tom McCullough
Jamie McDermott
Michele Petrucci
Eric Schiela
Sam Wierman
John Morrison
Joe Stenger

Members Absent: Dr. Brian Reynolds
Beth Tipping

Chairman Jamie McDermott called the meeting to order at 6:00 P.M. and led the Board in the Pledge of Allegiance. A Roll Call of members present was made. Chairman McDermott then recited the Open Public Meeting Act Statement.

The Board considered the proposed minutes of the August 11, 2020 work session/regular meeting. A motion was made to approve by member Sam Wierman and seconded by member Michele Petrucci with all eligible members voting in the affirmative.

The Board considered the proposed minutes of the August 11, 2020 closed session. A motion was made to approve by member Sam Wierman and seconded by member Eric Schiela with all eligible members voting in the affirmative.

The Board then considered the memorializing Resolution for PZ #19–11A, 6128 ODD, LLC, seeking variance relief from rear yard setback with the subject property located at 6128 Ocean Drive, Block 61.05, Lots 2.04 and 2.06 in the Borough of Avalon. Corrections or changes were made. The motion was made to approved by member Michele Petrucci and seconded by member Eric Schiela with all eligible members voting in the affirmative.

The Board then considered application PZ #20–05, minor subdivision with variances,

sought by Applicant John and Penelope Marzulli located at Block 11.02, Lots 6, 8.01, 8.02 and 10 with common address of 26 and 34 W. 11th Street. Applicant sought variances for height of cupola where 30 feet is permitted and 33 feet is proposed, side yard setback for garage relief where 8 feet is required for side yard to garage and 5 feet is proposed, for relief from side yard setback for HVAC platform where 16 feet side yard setback is required and 11'8" is proposed, finally, relief allowing the garage to be placed forward of the maximum encroachment beyond the rear yard line by 21'6" where 3 feet is permitted. Prior to the start of the application Applicant withdrew the request for minor subdivision as it was agreed the minor subdivision could be completed by deed once all improvements on the property were removed. Applicant agreed to remove all improvements on the properties prior to recording consolidating deeds and agreed to place appropriate monuments prior to recording the deeds.

The Board heard the complete hearing with public comment from one individual who supported the application. The Board then denied the height variance and the garage side yard setback variance and granted the HVAC side yard encroachment variance and granted the garage placement forward of the rear yard line.

The Board then considered application PZ #19-09A a proposed settlement of litigation between the Estate of Emma Conti and the Board. A Whispering Woods review hearing on the settlement was conducted. The property is located at 175 38th Street, Block 37.03, Lots 35.01, 35.02, 37.02 and 37.03. A full and complete hearing was conducted on the proposed settlement and the zoning relief sought by the Applicant. The Applicant sought the creation of two lots one being Lot 35.01 and needing variances for minimum lot area, minimum lot frontage and side yard setback and Lot 35.02 needing variance relief for lot area and lot frontage. Applicant contended that the requested subdivision was a classic undersized lot subdivision which would

be appropriate for the Board to grant under the circumstances of the Applicant's case. The Board negotiated with the Applicant and reached a proposed settlement whereby the variance relief sought would be granted with appropriate conditions and concessions by the Applicant which the Board sought. The settlement was reviewed before the public and the Applicant presented the case on behalf of the variances sought. Nine members of the public testified in reference to the application. Three members spoke in favor of the application and six members spoke in opposition to the application and settlement.

Upon the conclusion of the Applicant's justification of the settlement and the variances sought, public comment and reports from the Board Engineer the Board entered into Board deliberation and findings of fact. The Board unanimously confirmed/ratified the settlement and determined that the variances sought were justified under appropriate Municipal Land Use Law criteria.

The last application PZ #20-06 was called before the Board at approximately 9:45 PM. Under Board rules no new application would be started after 9:00 PM and no further testimony would be started after 10:00 PM. Accordingly, the Board then adjourned application PZ #20-06 seeking preliminary and final site plan approval from Applicant Avalon Real Estate Agency, Inc. for property located at Block 29.03, Lots 39.02, 40, 41, and 42 located at 2907 Dune Drive, Avalon, NJ. The application was adjourned to the October 13, 2020 meeting at 6:00 PM. Appropriate announcement was made to the public and no further notice was required by the Board.

The Board then entertained old business with no old business coming forward. The Board then entertained new business with Board member Thomas McCullough raising the issue of restaurants located on the first floor of mixed use buildings in the B-1 District. Mr. McCullough

raised the issue of adjusting the ordinance to mandate restaurants under certain circumstances in the B-1 District on the first floor since restaurants are disappearing and being replaced by other commercial space. The Board generally agreed to further review the matter.

The Board then opened the meeting to public comment with one member of the public Martha Wright at 632 7th Street being heard. Ms. Wright addressed the issue of the sound at Board meetings and the need to adjust how Board meetings will be dealt with for sound. She argued to the Board that the sound quality was very poor and that people participating by phone were having a difficult time being heard and hearing what was going on. The Board generally agreed to look into the matter.

At the conclusion of public comment, no further business was undertaken. The motion was made to adjourn the meeting. The meeting was closed at 9:57 PM.

Respectfully submitted,

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