

BOROUGH OF AVALON PLANNING/ZONING BOARD
Minutes of Work Session/Regular Meeting of November 10, 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 PM and led the Board in the Pledge of Allegiance. A roll call of members present was made. Chairman McDermott then recited the Open Public Meetings Act Statement.

The Board considered the proposed minutes of the October 13, 2020 work session/regular meeting. Corrections or changes were made. A motion was made to approve by member Tom McCullough and seconded by member James Fleischmann with all eligible members voting in the affirmative.

The Board then considered the memorializing Resolution for PZ #20-06, application of Avalon Real Estate Agency, Inc. seeking preliminary and final site plan with conditional use approval to build 1 - 4 commercial units on the first floor and 7 residential units on the second floor with waivers for traffic study and environmental study requested as part of the relief with no variances sought for Block 29.03, Lots and 39.02, 40, 41, and 42 on the Municipal Tax Map for Avalon, commonly known as 2907 Dune Drive, Avalon, New Jersey. Corrections or changes were made. The motion was made to approve by member Chet Johnson and seconded by member James Fleischmann with all eligible members voting in the affirmative.

The Board then considered application PZ #20–03 filed by Applicant TK 12 Holdings, LLC seeking preliminary and final site plan, use variance, and bulk variances for Block 28.01, Lots 11.03, 13.01, 13.03, 13.04, 15.01, 15.02, 15.03, 17.01, 17.02, 17.03 & 18 for property known as 2800 Boardwalk. The application was postponed to December 1, 2020 special meeting. A public announcement was made and the public was advised of further notice would be forthcoming.

The Board then considered application PZ #20–05A, rehearing where Applicant John and Penelope Marzulli seek approval for a single-family structure on an oversized lot with variances for minimum building height, minimum side yard setback to accessory structure not located entirely in the rear yard, minimum encroachment passed the rear yard line, and minimum side yard setback to HVAC. Properties located on Block 11.02 Lots 6, 8.01, 8.02 and 10. The property is located at 26 and 34 West 11th Street, Avalon, NJ.

Applicant is represented by Keith Davis, Esquire who presented the application on behalf of the Applicant and provided the Board with a summary of the application.

A motion was made to provide for rehearing based upon the inability of witnesses sought by the Applicant to be heard via the Teleconference audio system at the meeting on September 8, 2020 and the inability of certain Board members to hear all of the proceeding through the Teleconference audio hearing. A motion to allow the rehearing was made and was unanimously granted by the Board.

The Applicant consolidated some of the above described lots (Lots 8.01, 8.02, and 10) into Lot 8.01 via a deed of consolidation which was filed on November 9, 2020. Applicant continues to own vacant Lot 6. Mr. Davis confirmed that all structures have been removed from the parcels.

Mark Asher, architect, was sworn and testified. He testified that he designed the plans for

Lot 8.01. He testified that the two then existing homes on the parcel were noncompliant with flood and current code requirements and that the new structure will be fully compliant. He testified that he prepared the packet of exhibits identified as A1- A8.

He then took the Board through the packet of exhibits identifying each exhibit and identifying how they interacted with his presentation. Mr. Asher testified that the variances can be granted without substantial detriment to the public good and without substantial harm to the zoning ordinance. His testimony was accepted by the Board.

Tiffany Morrissey, a license planner, was sworn and testified. She testified that she reviewed the application for compliance with the Zoning Ordinance and to justify the variances sought. She then proceeded to take the Board through each of the variances sought and made a presentation as to why those variances were appropriate to be granted under the C2 variance criteria.

Penelope Marzulli was sworn and testified. She testified that she owns the property with her husband and has been coming to the shore and this particular parcel for many years. She testified that she spent her summers growing up in Avalon and that the copula is an important aspect to the plan that she and her husband have developed. She further testified that it is the intent of the Applicant to maintain the character of the neighborhood and specifically developed a parcel that is underdeveloped for what is permitted zoning wise and maintains as many old mature trees as possible.

The Board then heard from Joseph Maffei, Board Engineer, who was sworn and testified consistent with his November 2, 2020 report. Applicant agreed as a condition of approval to conform to all of the Board Engineer's comments as contained in the November 2, 2020 Memorandum.

Upon the completion of the Applicant's case the matter was open to the public. Five members of the public spoke all speaking in favor of the application. At the conclusion of public comment, the matter was returned for findings of fact and conclusions of law, which the Board did undertake. The Board then entertained a motion to grant the four variances sought and approve the single-family development by the Applicant. The motion carried, the variances were granted and the development approved by the Board.

The Board then considered application PZ #19-16 appeal of Zoning Official decision by Applicant Andrew Buchanan for the property located at 2108 Dune Drive, 2150 Dune Drive and 204 21st Street. Block 21.04, Lots 45, 46, 47, 48 and 50.

The Appellant was represented by Andrew Catanese, Esquire who presented the appeal on behalf of the Appellant. Andrew Buchanan was sworn and testified. He testified at length describing the overall parcel and describing each of the separately purchased parcels when they were purchased and the zoning efforts that he undertook to obtain approvals for what he did at the parcel.

Jonathan Landon was sworn and testified. He testified he resides at 20 Stockton Place Cape May, NJ and is the former owner of 2150 Dune Drive. He testified that he sold the parcel to Mr. Buchanan and took the Board through various zoning permits and uses located at that parcel during the time in which he was the owner. After cross-examination of both Mr. Landon and Mr. Buchanan the Board entered into discussion with Applicant's attorney. The Board determined that it was appropriate to subpoena the retired Zoning Official Jeffrey Hesley and voted unanimously to do so. The matter was then postponed the February 9, 2020 regular meeting to allow sufficient time for the subpoena to be processed and served.

The Board then entertained old business of which there was none. The Board then entertained new business of which Board Engineer, Mr. Maffei, entertained a discussion of various

issues he was working on at the request of the Board. He provided the Board information regarding the 15 foot from bulk and requirement, landscaping for pool requirements, parking, commercial space/parking, marina parking, restaurant parking, and artificial turf requirements.

At the conclusion of Mr. Maffei's presentation the Board opened the meeting to public comment on any topic. Martha Wright 632 7th Avenue presented her concerns regarding artificial turf, the pool buffer, parking and the need for changes and the need for enforcement of ordinances.

At the conclusion of public comment, no further business was undertaken. The motion was made to adjourn the meeting. The meeting was closed at 9:19 PM.

Respectfully submitted,

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