

**BOROUGH OF AVALON PLANNING/ZONING BOARD**  
**Minutes of Work Session/Special Meeting of November 9, 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 7:00 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.

Chairman McDermott then called application PZ #20-05A, Applicant John and Penelope Marzulli, Block 11.02 Lots 6, 8.01, 8.02, and 10. Common property address 26 and 34 W. 11th Street. The application was called and postponed to November 10, 2020. A public announcement was made confirming the application was postponed to November 10, 2020 at the regularly scheduled meeting located in Borough Hall to occur at 6:00 PM. The public was advised there would be no further notice.

The Board then considered application PZ #20-04, site plan mixed use, postponed from October 6, 2020 for Applicant 21<sup>st</sup> Street Marina, LLC with property located at 817 21<sup>st</sup> Street, Block 19.11, Lot 1.

The Applicant is seeking preliminary and final site plan approval to construct a marina with a multiple dwelling mixed use building. Applicant further sought a conditional use approval for a 3 unit building. Cory Gilman, Esquire represented the Applicant and explained the nature of

the application to the Board.

The Applicant's professional, Gary Thomas, was sworn and testified. Mr. Thomas authenticated site plan which he prepared consisting of sheets 1-6 with most recent date of revision for all on August 3, 2020 except for sheet two which has a most recent data revision of April 27, 2020. Mr. Thomas was accepted as an expert planner and testified as to current site conditions in addition to authenticating and taking the Board through the documents which he prepared. Mr. Thomas confirmed there are no plans to change the curb and gutters of the depressed curb consisting of approximately 234 feet. Mr. Thomas also took the Board through the number of parking spaces. Applicant agreed as a condition of approval to label the parking spaces for their intended parking purposes. Mr. Thomas confirmed the Applicant proposes a 19 slip marina, 43 Easy Port slips for jet skis, a mixed use building with public restrooms, Marina storage, Marina office, Marina commercial store, and a one-bedroom residential apartment. The Applicant further seeks approval for an attached duplex building with 2 five-bedroom residential units. Finally, Applicant is proposing a trash enclosure as an accessory structure.

The developer, Travis Marshall, was sworn and testified that although he is allowed a maximum of 34 boat slips and the Marina held at one time 50 boat slips or more he is proposing 19 boat slips. Mr. Marshall testified the Easy Ports will be used for jet skis or personal watercraft and would not impact parking the same as a boat slip.

The Applicant accepted as a condition of approval that no one will be allowed to live on the boats at the Marina for summer rental/extended period of time which shall mean no one shall stay on a boat longer than 5 days.

Mr. Marshall described his overall plans for the Marina shop and confirmed that the proposed bathrooms and showers are designed to accommodate Marina users from the

neighboring marina known as the Avalon Anchorage Marina in addition to the 21<sup>st</sup> Street Marina boat slips. Mr. Marshall confirmed the bathrooms and showers shall be permanent and built in which shall accommodate 4 men's and 4 women's bathrooms with outside showers. The Applicant accepted as a condition of approval to create cross easements for the maintenance and cleaning of the proposed bathrooms between the 21<sup>st</sup> Street Boat Marina Condominium Association and the Avalon Anchorage Marina Condominium Association satisfactory to the Board Solicitor's review.

Applicant accepted as a condition of approval to provide a separate easement in favor of the Borough to enforce operation, maintenance, and cleaning of the proposed bathroom facilities at 21<sup>st</sup> Street Anchorage Marina to ensure those facilities are open to the boating public using those two marinas.

Mr. Marshall accepted as a condition of approval that the restrooms shall be maintained for the use of both marinas and to the public as permitted by any governmental agency.

Mr. Marshall presented four photographs identified and marked as A-1 through A-4. A-1 being a photograph of the site when he purchased the site showing the site littered and the then conditions on the site. A-2 showing Sunrise sign. A-3 showing floating docks located on the upland portion and boat stored on the upland portion of the Marina in the off season. This photo also showed the depressed curb proposed to be utilized as access for parking. A-4 was identified as an aerial photograph of the entire site and the anchorage site from August 20, 2020 which shows the depressed curb running through all of the Sunrise Marina.

Mr. Thomas during his testimony confirmed that the conditional use elements have been satisfied in full. He confirmed Applicant is seeking no variances and that the plan is less intense than a fully developed Marina. Mr. Thomas testified that the Applicant was seeking waivers from the requirement to prepare an environmental analysis, allow stone in lieu of paving for the parking

area proposed, allow depressed curb length greater than that allowed under the design criteria and allow a width of driveway opening greater than allowed under the design criteria.

Applicant accepted as a condition of approval that should a commercial passenger boat for hire be renting a boat slip, which boat is capable of carrying 6 or more passengers than the Applicant shall return to the Board and seek revised/amended site plan to address the added issues connected to a commercial passenger boat.

Anthony D'Angelo, architect, was sworn and testified on behalf of the Applicant. He was accepted as an expert in his field by the Board. Mr. D'Angelo testified that he prepared C-1 through C-8 architectural plans dated September 25, 2020. He then took the Board through each of the exhibits C-1 through C-8 verifying and confirming what each represented in testifying as to each.

Applicant agreed as a condition of approval to add 2 additional benches generally located where the 2 sidewalks meet the boardwalk as approved by the Board Engineer.

Andrew Feranda was sworn and testified. He testified that he is a professional traffic engineer and was accepted as such by the Board. He testified that he prepared the traffic report presented to the Board and dated October 23, 2020. He summarized the report for the Board and reviewed the existing conditions from a traffic perspective at the site.

Applicant accepts that as a condition of approval to place an 8-bike bike rack on the site and to show same on the plan.

As a condition of approval Applicant agreed to comply with all of Fire Chief E. Richard Dean's letter of August 10, 2020. Applicant reserved the right to further discuss with the Fire Official whether a standpipe located at the docking facility is required. If required Applicant shall install the standpipe. If Chief Dean agrees the standpipe is not necessary than Applicant does not have to install the standpipe and does not have to return to the Board.

Board professional Joseph Maffei, Board Engineer, was sworn and testified. He reviewed his letter to the Board of November 2, 2020 and confirmed that the subject parcel meets all conditions of the conditional use ordinance.

Applicant accepted as a condition of approval to provide signage along the walkway between Anchorage Marina and 21<sup>st</sup> Street Marina directing people from the Anchorage Marina to the 21<sup>st</sup> Street Marina bathrooms so that they will have meaningful access.

Applicant accepted as a condition of approval to either provide a boardwalk walking area consistent with the rest of the boardwalk walking area along the bayfront between the Anchorage Marina and the 21<sup>st</sup> Street Marina which presently is paved or to line the paved walkway between the two marinas to ensure proper access from Anchorage Marina to the 21<sup>st</sup> Street Marina for access to the bathrooms.

As a condition of approval Applicant agreed to comply with all conditions of Mr. Maffei's memorandum of November 2, 2020.

Thirteen members of the public testified in reference to the project after conclusion of the Applicant's case. All thirteen residents expressed concerns and opposed the extent of development at Applicant's site. At the end of public comment, the Applicant was afforded an opportunity to provide rebuttal witnesses and did recall Mr. Feranda, Mr. Marshall, and Mr. Thomas.

As a condition of approval, the Applicant accepted that the bathroom facilities will be open during business hours and locked after business hours.

After rebuttal the Board allowed for additional public testimony. Two members of the public came forward and further testified in reference to the opposition to the project.

The Board then entertained Board discussion and findings of fact in reference to the parcel. After Board discussion the matter was postponed to Tuesday, December 1, 2020 at 6:00 PM at a

special meeting at Borough Hall called by the Board at the conclusion of the hearing to ensure sufficient time to complete this application. A specific announcement was made to the public at that time and no further notice was required.

The Board then called application PZ #15–09B a proposed site plan amendment, postponed from October 6, 2020, property owner the Marina at Avalon Anchorage and Avalon Anchorage Marina Condominium Association, Inc., located at 885 21<sup>st</sup> Street Block 19.09 Lots 1, 3, 5, 7, etc. This application was postponed to December 1, 2020 same time and location as announced for PZ #20–04. This amended site plan is directly related to PZ #20–04 in that if the bathrooms and showers are not approved at PZ #20–04 then there will be no reason to amend the site plan for PZ #15–09B and if approved then the amended site plan will move forward. An announcement was made to the public at the time of the postponement with no further notice to be provided to the public.

The Board then opened the meeting to public comment with no members of the public being heard.

At the conclusion of public comment, no further business was undertaken. The motion was made to adjourn the meeting. The meeting was closed at 11:56 PM.

Respectfully submitted,

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