

BOROUGH OF AVALON PLANNING AND ZONING BOARD
Minutes of Work Session/Regular Meeting of March 9, 2021

Members Present: James Fleischmann
 Chet Johnson
 Jamie McDermott
 Michele Petrucci
 Dr. Brian Reynolds
 Eric Schiela
 Beth Tipping
 Sam Wierman
 John Morrison

Members Absent: Tom McCullough
 Joe Stenger

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 then considered minutes for the February 9, 2021 Work Session/Regular Meeting. Corrections or changes were made. A motion was made to approve by member James Fleischmann and seconded by member Sam Wierman with all eligible members voting in the affirmative.

The Board then considered the memorializing Resolution PZ# 20-12, application of Worton and Welsh seeking minor subdivision approval for property located at 431 and 435 20th Street, Avalon, New Jersey. Corrections or changes were made. A motion was made to adopt by member Sam Wierman and seconded by member Michele Petrucci, with all eligible members voting in the affirmative.

The Board then considered Application PZ# 20-07, application of RJL, LP as assigned to 7792 Sunset Drive, LLC seeking variance relief for the placement of a pool in the rear yard of the property known as 7792 Sunset Drive in Block 76.06 Lot 9. The property is located in the

R1-B Zone. Applicant was represented by Jeffrey Barnes, Esquire who presented the application on behalf of the applicant. John Helvig of Dante Guzzi Engineering from Cape May Court House was sworn and accepted as an expert. He testified as to the onsite conditions and sought to justify the variance relief under N.J.S.A. 40:55D-70 C2. The variances sought for the applicant were rear yard to deck where 25 feet is required and zero is proposed, side yard to deck where 8 feet is required and 6 feet is proposed, and rear yard to on ground pool where 15 feet is required and 7.8 feet is proposed. Mr. Helvig testified that the Municipal Land Use Law purposes are advanced by the granting of the variances. He cited specifically three separate municipal land use purposes that are fostered by the application. He further testified that in his opinion, the benefits outweigh any detriment to the Zone Plan. Finally, Mr. Helvig testified regarding the negative criteria reaching the opinion that the granting of the variances will not have detrimental impact upon the zone plan and the neighborhood.

At the conclusion of the applicant's case, the Board heard from Board Engineer Joseph Maffei. Mr. Maffei presented his Review Memorandum of March 5, 2021 to the Board and testified in accordance with that Review Memorandum. Applicant accepted as a condition of approval to meet all of the requirements of the Review Memorandum and specifically to provide a landscaping plan prior to construction.

The matter was then open to the public. One person from the public, Martha Wright of 632 7th Street, Avalon, New Jersey was sworn and testified. She testified that she is in opposition of the proposed variance relief sought for various reasons. There was no further comment from the public. The Board then entered into Board discussion and during Board discussion questions were asked of the applicant as to the rear deck being on level with the top of the bulkhead, and whether applicant would agree to place a fence along the rear yard deck.

Applicant agreed to provide a wire fence at 42 inches in height from the deck as a condition of approval. Since the Board did not seem to have unanimity on the application, each of the three variances was taken by separate vote. The vote for rear yard to deck variance had the motion made by member Michele Petrucci and seconded by member Chet Johnson with seven members voting in favor of the motion and two voting in opposition to the motion, such that the motion carried and the variance was granted.

The side yard to deck variance motion was made by member Chet Johnson and seconded by member James Fleischmann, with seven members voting in favor of granting the variance and two voting in opposition to the variance, such that the variance was granted.

The rear yard to on ground pool motion was made by member Michele Petrucci and seconded by member Sam Wierman with eight members voting in favor of granting the motion and one member voting in opposition, such that the motion was carried and the variance was granted.

Board Chairman then called for old business. Member Sam Wierman provided a report on counsel discussion of the Chapter 27 proposed ordinance changes. In the report, Mr. Wierman generally said that the Council was in favor of moving forward with the recommendation of the Planning Board, but wanted further input. Council wanted input on whether the inground and aboveground pools should include a buffer in the rear yard, and wanted the Planning Board to consider removing the request for rear yard buffer along the bay. The Board was presented with pictures from Fire Official Edward Dean. Member Wierman was advised by the Board to report back to Council that the requested changes from Council were acceptable to the Board and to move the matter forward.

No new business was brought forward to the Board.

The meeting was then open to public comment on any topic. Martha Wright of 632 7th Street came forward raising questions regarding seating for parking in restaurants. Ms. Wright was assured that the Board was still working on the issues regarding parking for restaurants. Ms. Wright further commented that she had concerns regarding backyards for pools which are situated along the rear bulkhead, particularly regarding the environmental issues created by pools close to the rear yard bulkhead.

No further people spoke during the public comment portion. There being no further business to conduct, the meeting was closed at 7:09 PM.

Respectfully submitted,

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