

**Borough of Avalon Planning/Zoning Board
Minutes of Work Session/Regular Meeting of June 8, 2021**

Members Present: Chet Johnson
Jamie McDermott
Brian Reynolds
Eric Schiela (6:01 pm)
Sam Wierman
John Morrison
Joe Stenger

Members Absent: James Fleischman
Tom McCullough
Michele Petrucci
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 then considered minutes for the May 11, 2021, Work Session/Regular Meeting. Corrections or changes were made. A motion was made to approve by member Sam Wierman and seconded by member Brian Reynolds with all eligible members voting in the affirmative.

The Board then considered memorializing Resolution PZ #21-03, Application of Thomas and Lisa Deem, seeking variance relief for a structure already built at Block 89, Lot 42 and common address at 549 42nd Street, Avalon, New Jersey. Corrections or changes were made. The motion was made to adopt by member Chet Johnson and seconded by member Brian Reynolds, with all eligible members voting in the affirmative.

The Board then considered memorializing Resolution PZ #21-08, Application of the Challenged Children's Charity Corp, seeking a height variance to place a permanent pavilion replacing a temporary tent over the dining area servicing the purposes of the charity. Application

was made for the property located at Block 25.03, Lot 25 with local address 127 26th Street, Avalon, New Jersey. Corrections or changes were made. A motion was made to adopt by member Sam Wierman and seconded by member Joe Stenger, with all eligible members voting in the affirmative.

The Board then considered Application PZ #21-11, courtesy review for an addition and renovation to the existing firehouse owned by the Borough and located at 3088 Dune Drive, Avalon, New Jersey. The property is located at the municipal complex at Blocks 30.04/31.04, Lots 43-50. The Applicant was represented by Michael J. Donohue, Esquire who presented the Application on behalf of the Applicant.

Thomas Thornton, licensed engineer and Cheryl Cross-Murphy, project director for the design of the structure from Garrison Architects both were sworn and testified. Mr. Thornton explained the nature of the changes sought as well as the need for the expansion of the facilities. He testified the Borough is proposing an addition to the existing firehouse which is located within the municipal complex. The proposed addition is approximately 57' x 55' and comprises two stories. Mr. Thornton testified the project is intended to house water rescue equipment, sleeping quarters, an ADA compliant elevator, training room, fitness room, and storage. The renovations to the existing firehouse are also proposed and are within the footprint of the existing structure.

Ms. Cross-Murphy testified that her company designed the building and paid particular attention to flood improvement for the existing structure. She testified the building is properly vented and critical equipment is raised within the building.

Joseph Maffei, Board Engineer, was sworn and testified consistent with his report of June 1, 2021. He testified the proposed use is in conformance with the permitted uses in the Public

Use Zoning District. The Applicant agreed to comply with all recommendations of the Board Engineer.

The matter was open to public testimony. No one from the public spoke.

The matter was returned to the Board and the Board found that the project is consistent with zoning district requirements. The Board found that the expansion of the fire station for the proposed uses is an asset to the community and a necessary project fully supported by the Board. Accordingly, the motion to approve the review of the project was made by member Brian Reynolds and seconded by member Sam Wierman with all eligible members voting in the affirmative.

The Board then considered Application PZ #21-05, Application of 2205 Harbor Avenue, LLC seeking minor subdivision with variances required for each of the two proposed lots. Applicant was represented by Peter Rhodes, Esquire who presented the Application on behalf of the Applicant. Gary Thomas and Thomas Welsh were both sworn and testified on behalf of the Application. Gary Thomas was accepted by the Board as an expert in engineering and planning, testifying that he reviewed the dimension of the lots and that the upland portion of the lots exceeds the lot area requirement for the Borough. Mr. Thomas testified that a lot frontage variance is required since the Borough ordinance requires 50 feet of frontage when each proposed lot has 36.83 feet and 40.83 feet of frontage. Mr. Thomas testified the average width of the lots is 71.18 feet and 66.88 feet, exceeding the average required in the ordinance. Mr. Thomas testified the Applicant is seeking to place two side by sides, one on each lot, consistent with the ordinance requirements except for lot frontage.

Mr. Thomas testified Applicant is seeking waiver from providing a landscape plan and stormwater management plan but agrees to provide same prior to applying for a building permit.

Mr. Welsh testified that a property which he built at 2405 Harbor Road in Stone Harbor has less frontage than the proposed lots and has the same proposed parking. Mr. Welsh agreed to limit the number of bedrooms in each proposed unit to five bedrooms.

At the conclusion of the Applicant's case, the Board heard from Joseph Maffei, Board engineer who reviewed his report to the Board of June 1, 2021. Applicant agreed as a condition of approval to meet all requirements of Mr. Maffei's report.

The matter was open to public testimony at the conclusion of the Applicant's case. Nine members of the public came forward to testify, all in opposition to the proposed project testifying that the proposed project constituted a significant increase in density, causing parking issues within the neighborhood, safety issues within the neighborhood, and that the turn at the vicinity of the two lots makes the proposed density unsafe to the neighborhood.

At the conclusion of public testimony, Applicant was provided an opportunity for summation and the matter was then returned to the Board. The Board in reviewing the matter and conducting findings of fact raised several concerns with the proposed application. Applicant then requested an opportunity to postpone the hearing and allow discussion with the neighborhood. The Board agreed to postpone the hearing. The hearing was postponed to August 10, 2021 at 6:00 PM and was so announced to the public with the public being advised no further notice would be forthcoming.

The Board then considered Application PZ #21-04, application of 2158 Ocean Drive, LLC and 2188 Ocean Drive, LLC, seeking minor subdivision with no variances for the property located at 2158 and 2188 Ocean Drive, Avalon, New Jersey in Block 22.10, Lots 80, 81 and 82. The Applicant was represented by Michael Lario, Esquire who presented the Application on behalf of the Applicant. Gary Thomas was sworn and testified. He was accepted by the Board as

an expert in engineering and planning. He testified the two proposed lots will be fully conforming with the Borough's ordinance and are located in the R-2A Zoning District. He testified essentially the Applicant is reconfiguring two existing residential duplex lots which shall remain two conforming residential duplex lots. Mr. Thomas testified the two existing structures on the property will be demolished.

At the conclusion of Mr. Thomas's testimony, the Applicant rested its case. The Board heard from Board professional, Joseph Maffei, who was sworn and testified. He testified consistent with his report issued to the Board of May 28, 2021. The Applicant agreed to accept as a condition of approval all the comments of the Board Engineer of May 28, 2021. Mr. Maffei opined that a waiver stormwater management plan and its landscaping plan would be required and should be submitted to his office prior to the issuance of a construction permit. Applicant agreed to this condition.

The Board then heard from Fire Chief Richard Dean who was sworn and testified. He testified consistent to his report to the Board of June 4, 2021, indicating that there was a requirement for appropriate access from the third floor to the second-floor decks and out and away from the structure. Applicant agreed to revise the plan to comply with Fire Chief Dean's comments.

The matter was then open to the public with no public testimony.

The matter was returned to the Board for conclusions of law and findings of fact. The Board found that the criteria for the granting of a minor subdivision has been met by the Applicant. Accordingly, the motion to grant the minor subdivision was made by member Sam Wierman and seconded by member Chet Johnson with all eligible members voting in the affirmative.

The Board then undertook a consistency review of the proposed Marijuana Regulation Ordinance for the Borough of Avalon as proposed in Ordinance 822–2021. After appropriate review and comment by the public, the Board found that the proposed Marijuana Regulation Ordinance is not inconsistent with the Master Plan. The Board then undertook Board Resolution #21–A (2021) entitled quote, "Resolution Recommending Adoption of Ordinance 822–2021 as Introduced by Avalon Council on May 26, 2021, Amending and Supplementing Chapter 27 Entitled Zoning of the Avalon Borough Code to Clarify and Reaffirm that Marijuana is a Prohibited Use Within All Zoning Districts in the Borough of Avalon". The motion to grant said Resolution was made by member John Morrison and seconded by member Chet Johnson with all eligible members voting in the affirmative.

The Board then undertook a discussion recognizing that Chair Jamie McDermott having been elected to Borough Council would be leaving the Planning Board as of July 1, 2021. The Board then entertained motions for a Chair and Vice Chair to finish the 2021 calendar year. Member Chet Johnson was nominated for Chair and member Eric Sheila was nominated for Vice Chair. A motion was made by current Chair Jamie McDermott and seconded by member Sam Wierman to approve the motion. All eligible members voted in the affirmative and the motion was carried. The motion was memorialized by Resolution 21–B (2021).

The meeting was then open to public comment on any issue before the Board. Resident Doug Macauley of 276 22nd Street, Avalon, New Jersey came forward and inquired as to whether the boutique hotel review committee was active. He was advised that the committee was not active and at the present time there was no timetable for action.

Gary Thomas came forward and inquired as to parking for restaurants and was advised there was no change yet for parking for restaurants. He confirmed one parking space is required

for 500 ft.² of commercial space and that such passed.

No further people from the public spoke during the public comment portion. There being no further business to conduct, the meeting was closed at 8:07 PM.

submitted,

/s/ Paul J. Baldini

Paul J. Baldini, Esquire