

**Borough of Avalon Planning/Zoning Board
Minutes of Work Session/Regular Meeting of July 13, 2021**

Members Present: James Fleischmann
 Jay Gebauer
 Chet Johnson
 Tom McCullough
 Eric Schiela (Arrived at 6:10 pm)
 Brian Reynolds
 Sam Wierman
 John Morrison
 Joe Stenger
 Greg Kizeik

Members Absent: Beth Tipping
 Michele Petrucci

Chairman Gregory “Chet” Johnson 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 Gregory “Chet” Johnson then recited the Open Public Meetings Act Statement.

The Board then considered minutes for the June 8, 2021, Work Session/Regular Meeting. Corrections or changes were made. A motion was made to approve by member Brian Reynolds and seconded by member Sam Wierman with all eligible members voting in the affirmative.

The Board then considered memorializing Resolution PZ#21-11, courtesy review of Borough plans for the Avalon Fire Department, located at 3088 Dune Drive, Avalon, New Jersey. Corrections or changes were made. The motion was made to adopt by member Sam Wierman and seconded by member John Morrison, with all eligible members voting in the affirmative.

The Board then considered memorializing Resolution PZ#21-04, application of 2158 Ocean Drive, LLC and 2188 Ocean Drive, LLC seeking minor subdivision approval to create

two new lots, both fully conforming with the Borough of Avalon Zoning Code for the properties located at 2158 Ocean Drive and 2188 Ocean Drive, Avalon, New Jersey. Corrections or changes were made. The motion was made to adopt by member Brian Reynolds and seconded by member Sam Wierman, with all eligible members voting in the affirmative.

The Board then considered application PZ#21-07, application of Carlos & Blondie, LLC seeking site plan waiver and variances for the placement of awnings and pergolas along the 21st Street side of the commercial establishment. Applicant was represented by Jack Plackter, Esquire with offices located in Atlantic City, New Jersey.

William McLees was sworn and testified. He was accepted by the Board as an expert in architecture. Mr. McLees testified that he prepared the plan submitted with the application and authenticated same. Mr. McLees reviewed the existing property layout for the Board and focused the Board on the 21st Street and Dune Street side of the Applicant's property. Mr. McLees testified the Board is being asked to approve an awning over the doorway entrance and a pergola over the remaining portion of the outside dining portion of the Circle Tavern Restaurant. Presently, the Applicant utilizes umbrellas to provide protection to patrons from sun and rain. Mr. McLees testified that more sturdier structures will protect diners and walkers on the sidewalk immediately adjacent to the dining area better than umbrellas. The remainder of the existing patio to remain unchanged. Mr. McLees testified there would be no increase in seating. He testified the pergola needs a variance since 5 feet is required and the pergola will extend to the front property line or 0 feet setback. Mr. McLees testified the awning needs a variance which requires 5 feet but the awning will sit approximately 4 feet from the front yard line. Mr. McLees presented testimony justifying the variances based upon the safety and welfare of the community, the desirous visual environment projected by the awning and pergola versus

umbrellas. Mr. McLees testified that in his opinion the benefits outweigh any detriment. Mr. McLees further testified that in his opinion the variance relief could be granted without substantial detriment to the public good and without substantial detriment to the Zone Plan of the Borough of Avalon.

Mr. McLees testified the awning will be made of marine grade fabric and will be appropriately anchored. Mr. McLees agreed as a condition of approval to submit shop drawings for the awning and pergola to the Board Engineer.

Joseph Maffei was sworn and testified as the Board Engineer consistent with his report dated June 30, 2021. The Applicant accepted as a condition of approval to meet all of the Board Engineer comments.

The matter was open to the public with no members from the public speaking. The matter was then returned to the Board for further Board discussion, findings of fact and determination of law.

The Board considered the requested variances and the requested site plan waiver. The Board determined that in light of the minimum change to the overall parcel where previous site plan approval is in place it was appropriate to waive site plan approval. The Board found that the aesthetics of the awning and pergola were in fact a visual enhancement to the streetscape presenting a desirous visual environment. The Board found that public safety and welfare was served by the granting of the variances. At the conclusion of Board discussion and findings of fact, a motion was made to approve the site plan waiver and variances sought for the project. The motion to approve was made by member Tom McCullough and seconded by member Sam Wierman with all eligible members voting in the affirmative.

The Chair then opened the meeting to old business. No old business was presented. The Chair then opened the meeting to new business. No new business was presented. The Chair then opened the meeting to public comment on any topic. No member of the public came forward to be heard.

There being no further business to conduct, the meeting was closed at 6:33 pm.

Submitted,

/s/ Paul J. Baldini

Paul J. Baldini, Esquire