

**Borough of Avalon Planning/Zoning Board**  
**Minutes of Work Session/Regular Meeting of October 12, 2021**

Members Present: Jay Gebauer  
Chet Johnson  
Tom McCullough  
Brian Reynolds  
Eric Schiela  
Sam Wierman  
John Morrison  
Joe Stenger  
Chuck O'Hara

Members Absent: James Fleischmann  
Michele Petrucci  
Beth Tipping  
Greg Kizeik

Chairman Chet Johnson called the meeting to order at 6:00 PM and led the Board in the Pledge of Allegiance. Roll call of members present was made. Chairman Johnson then recited the Open Public Meetings Act Statement.

The Board then considered minutes of the September 14, 2021 Work Session/Regular Meeting. Corrections or changes were made. A motion was made to approve by Member Tom McCullough and seconded by Member Sam Wierman with all eligible members voting in the affirmative.

The Board then considered memorializing Resolution PZ#21-10, Avalon Beach House LLC, 2389 Avalon Avenue, Avalon, New Jersey. Corrections or changes were made. A motion was made to approve by Member Tom McCullough and seconded by Member John Morrison with all eligible members voting in the affirmative.

The Board then considered application PZ#21-13, application of Anthony and Kimberly Galdi, seeking minor subdivision, interpretation, and alternatively a D1 Use Variance for the

property located at 2465 and 2475 Ocean Drive in Block 24.04, Lots 70, 71, 71.01, 72 and 72.01 which minor subdivision sought to create two duplex lots.

The Applicant was represented by Cory Gilman, Esquire who presented the application on behalf of the Applicant. Gary Thomas, a licensed surveyor and planner, was sworn and testified. He was accepted as an expert in the area of surveying and planning by the Board. He testified that his firm prepared the plan submitted with the application and described the existing features on the parcel. Mr. Thomas introduced into evidence Exhibit A-1, an overview of the Tax Map in and around the area of the subject parcel identifying the various uses by color code in the area. Mr. Thomas testified there are thirteen duplexes, two singles and three commercials in the immediate area. He testified that the property sits in and is a split lot with a portion of the property contained within the B-1 Zone and a portion of the lot contained within the 2R-A Zone. He testified the B-1 Zone allows commercial uses and single-family use but does not allow duplex use. He further testified the R2-A District allows for duplex use.

In reviewing the interpretation of the Zoning Code, the Applicant through the testimony of Mr. Thomas took the position that the Applicant should be permitted to select the zone in a split zone circumstance without zoning approval. Applicant sought that interpretation from the Zoning Board. On the issue of interpretation, the Board heard from the Board Engineer who was sworn and testified consistent with his report dated October 5, 2021 and opened the matter to public comment. Three members of the public commented on the application all in favor of both the interpretation requested by the Applicant and the D Variance if required as well as the minor subdivision.

On the interpretation issue, the Board voted unanimously interpreting the Zoning Ordinance to provide that the existing lots facing Ocean Drive are in the B-1 Zoning District.

The Applicant then moved forward with the subdivision application and D1 Variance presentation. Mr. Thomas was recalled and continued to testify. He testified as to the existing conditions on the parcel, that being a triplex and various commercial activities. He identified twelve nonconformities on the site all of which would be addressed by the granting of the minor subdivision with the variance relief. Mr. Thomas testified that the use variance was justified since the neighborhood has changed over and is primarily consistent with duplex residential housing with almost no commercial in the area. Mr. Thomas reviewed the negative criteria opining that the application for variance relief can be granted with no detriment to the character of the neighborhood since the neighborhood has changed over to duplex residential housing from commercial uses.

Mr. Thomas testified that special reasons exist for the granting of the variances citing parking, safety, and duplex use as being consistent with the character of the neighborhood. In citing these factors Mr. Thomas relied upon purposes of the municipal zoning law which he enumerated in his testimony.

Mr. Maffei was recalled and continued with his report of October 5, 2021 confirming the minor subdivision criteria and various conditions for the granting of the minor subdivision. Applicant accepted as a condition of approval compliance with all conditions of the Board Engineer Report.

At the conclusion of the Applicant's presentation and testimony from the public the matter was returned for Board review and findings of fact. The Board found that special reasons exist for the granting of the D1 Variance and found that the subdivision requirements have been met by the Applicant thereby voting unanimously to grant the use variance requested to allow one duplex per lot in the B-1 Zone and allow the subdivision creating two new distinct lots

turning those lots from Ocean Drive to 24th Street.

The Board then considered application PZ#21–14, application of Anthony and Kimberly Galdi, seeking variance relief under D1 Use Variance for lots located at 2481 Ocean Drive, Block 24.04, Lots 69, 69.01 and 70.01. Applicant withdrew the request for an interpretation. Applicant was represented by Cory Gilman, Esquire who presented the application on behalf of the Applicant. Gary Thomas, a licensed land surveyor and planner was sworn and testified. He was accepted as an expert in the area of surveying and planning by the Board. He testified that his firm prepared the plans submitted with the application on behalf of the Applicant. He described the current conditions on the parcel consisting of what he identified as the seafood house and parking lot. He identified six nonconformities on the parcel which would be eliminated in the event the Board granted the variance allowing a change in use from commercial use to duplex use.

The Board in the previous application PZ#21–13 interpreted that the lots in this area in a split zone some of which were in the R-2A Zone and some in the B-1 Zone were not located in the R-2A Zone and by default were in the B-1 Zone. For purposes of the application, the Applicant accepted the determination of the Board vis-à-vis the immediately adjacent lots also owned by the Applicant as controlling in this matter.

Mr. Thomas testified that special reasons existed for the granting of the D-1 Variance. He testified the negative criteria were met by the Applicant based upon the number of duplexes in the area and the changeover which occurred in the neighborhood from commercial to a primarily residential use. He identified thirteen duplexes in the immediate area.

Mr. Thomas identified various Municipal Land Use Law purposes which were fostered by the granting of the application. He identified protection against safety from man-made

disasters, flooding, and fire. He identified the improvement to the traffic flow in the general area by lessening the use from a commercial use to a less intense residential use. He testified that the proposed plan provided for adequate light, open-space, and air. Finally, he testified that the application presented a desirable visual environment as compared to the old seafood house and parking lot which was fully paved.

The Board then heard from Board Engineer, Joseph Maffei, who was sworn and testified. He testified consistent with his report of October 5, 2021. He laid out the standards that the Applicant would have to meet in the granting of a subdivision. Applicant agreed as a condition of approval to meet all of the Board Engineer's comments.

The matter was open to the public with no public comment. The matter was then returned to the Board for findings of fact and conclusions of law. After appropriate review by the Board a motion was made to grant the application for a D1 Use Variance allowing a single duplex to be placed on the parcel located in the B-1 Zone which prohibited such use. The motion was unanimously approved.

The Board then undertook review of Ordinance #829–2021 amending Chapter 27 pertaining to floor area ratio changes. The matter was forwarded to the Board by Borough Council for a consistency review. Board Members entertained comment from the Board and after comment from the Board opened the matter to public comment. One member of the public spoke in opposition to the ordinance stating the various reasons that the member of the public opposed the change in floor area ratio as proposed in the ordinance. At the conclusion of Board discussion, a motion was made by member Sam Wierman and seconded by member Tom McCullough that the proposed zoning change in Ordinance #829–2021 was not inconsistent with the Master Plan. The motion was carried and the Board Secretary was directed to send a letter to

Council advising Council of the Board action. The Board also requested the Board Secretary to send comments of two Board Members to the Council for consideration. All members of the Board agreed to provide such input to the Board secretary on or before October 15, 2021 so that it could be timely relayed to the Borough Council.

The Board then undertook additions to acceptable plant list dated September 28, 2021 from the environmental commission. Upon appropriate consideration, a motion was made by member Sam Wierman and seconded by member Brian Reynolds to accept the plant list dated September 28, 2021 from the Environmental Commission to be used for future applications. The vote was unanimous.

There was no old or new business brought before the Board.

The meeting was then opened to public comment on any topic. Steve Willits residing at 176 29th Street, Avalon, NJ came forward and was heard in reference to a previous application that was approved and the removal of a telephone pole in the rear yard of that application identified as the Avalon Real Estate Project. Board Engineer, Joseph Maffei, acknowledged that the Applicant had agreed to try to get the pole removed by Atlantic Electric and that he would follow up during the review process to determine if the pole was able to be removed and advise the resident.

There being no further business to conduct the meeting was closed at 8:45 PM.

Submitted,

*/s/ Paul J. Baldini*

Paul J. Baldini, Esquire