

**Borough of Avalon Planning/Zoning Board**  
**Minutes of Work Session/Regular Meeting of December 14, 2021**

Members Present:     James Fleischmann  
                             Chet Johnson  
                             Michele Petrucci  
                             Brian Reynolds  
                             Eric Schiela  
                             Beth Tipping  
                             Sam Wierman  
                             Joe Stenger  
                             Greg Kizeik  
                             Chuck O'Hara

Members Absent:     Jay Gebauer  
                             Tom McCullough

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

The Board then considered Minutes of the November 9, 2021 Work Session/Regular Meeting. Corrections or changes were made. A motion was made to approve by member Brian Reynolds and seconded by Sam Wierman with all eligible members voting in the affirmative.

The Board then considered the closed session minutes of November 9, 2021. Corrections or changes were made. A motion was made to approve by member Sam Wierman and seconded by member Michelle Petrucci with all eligible members voting in the affirmative.

The Board then considered memorializing Resolution PZ#21-15, 599 Sunrise Drive, Hutchinson Application. Corrections or changes were made. A motion was made to approve by member Brian Reynolds and seconded by member James Fleischmann with all eligible members voting in the affirmative.

The Board then considered memorializing Resolution PZ#21–16, 335 6<sup>th</sup> Street, Walsh Appeal. Objection letter dated December 8, 2021 was considered by the Board and received from Anthony Monzo, Esquire who represented the objector and presented considerations for the Board and changes to the Resolution. After considering the letter of December 8, 2021 and Board discussion corrections or changes were made to the Resolution. A motion was made to approve by member Eric Schiela and seconded by member James Fleischmann with all eligible members voting in the affirmative.

The Board then considered Application PZ#19–16 for consideration by the Planning Board as to whether to accept a settlement of then pending litigation against the Avalon Planning/Zoning Board and Borough captioned Andrew F. Buchanan v. Avalon Planning/Zoning Board, Docket No.: CPM–C–8–21 filed in the Superior Court of New Jersey, Cape May County. The Board determined that proper notice was provided for the Whispering Woods hearing to determine whether to accept the settlement proposal in the above-noted litigation pursuant to Whispering Woods at Bamm Hollow, Inc. v. Middletown Twp. Plan. Bd., 220 N.J. Super. 161 (Law. Div. 1987).

Applicant owner in title for the subject parcel came forward before the Board having been represented by Robert Sandman, Esquire who represented to the Board that SFGUY, LLC is the new owner of the subject parcel. Three exhibits were presented to the Board. Exhibit A-1 is a survey of the subject property identified and prepared by John Halbruner's firm and identified as C-101 prepared on September 16, 2021 identifying on-site conditions. A-2 is the proposed site plan of existing conditions and changes made to accommodate requests by the Borough and the Zoning Board. A-3 is the proposed Settlement Agreement reached between the Borough and Buchanan.

John Halbruner was sworn and testified. He was accepted as an expert. He authenticated Exhibits A-1, A-2, and A-3 all of which were accepted into evidence by the Board. Mr. Halbruner detailed the terms of the proposed settlement and various changes to the subject parcel to be made in contemplation of the settlement both by the Borough and by the Applicant.

Jonathan Lakose, a representative of SFGUY, LLC was sworn and testified. He testified as to the commitments made by the owner of the property and the commitment to see those conditions completed in a timely fashion. Amie Kalac, Esquire presented the Borough's perspective on the settlement and requested the Board to accept the settlement.

The matter was open to the public with no comment from the public.

During Board discussion, it became clear that thirty days to complete work proposed by the Applicant could not be completed in thirty days. The Board proposed changing or expanding the time to ninety days. Otherwise, the Board found for the settlement to be in order and accepted A-2 as a site plan for future changes to the subject parcel. At the conclusion of Board discussion a motion was made to accept the settlement and refer the matter back to the Borough Council for final consideration. All eligible members voted in favor of settling the case on the terms expressed in A-3 and consistent with the site plan of A-2.

The Board then entered into closed session to discuss personnel. At the conclusion of the closed session the Board reentered open public session and continued the meeting. Separate minutes for the closed session were prepared.

The Board then considered old business of which there was none.

The Board then considered new business and the appointment of professionals and setting of meeting dates as well as nomination of Chairperson and Vice Chairperson. In that regard, Special Resolution PZ #21–C setting meeting dates for the year 2022 was put before the Board

with a motion to accept said Resolution and set the meeting dates made by member Brian Reynolds and seconded by member Beth Tipping with all eligible members voting in the affirmative.

The Board then considered Special Resolution PZ#21-D the hiring of professionals. A motion was made to approve by member Brian Reynolds and seconded by member Sam Wierman with all eligible members voting in the affirmative to pass Special Resolution PZ#21–D appointing professionals.

The Board then considered Special Resolution PZ#21–E, the appointment of Chairperson and Vice Chairperson. The floor was open to nominations. Chet Johnson was nominated as Chairperson. A motion was made to approve by Sam Wierman and seconded by member Eric Schiela with all eligible members voting in the affirmative. Vice Chairperson was nominated to continue in his present position that being Eric Schiela. A motion was made to approve the appointment of Vice Chairperson by member Brian Reynolds and seconded by Member James Fleischmann with all eligible members voting in the affirmative. Special Resolution PZ#21-E was then put forward as a complete Resolution.

The meeting was open to public comment on any topic. There was no public comment. There being no further business to conduct the meeting was closed at 6:51 PM.

Submitted,

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