

Borough of Avalon Planning/Zoning Board
Minutes of Work Session/Regular Meeting of March 8, 2022

Members Present: James Fleischmann
 Jay Gebauer
 Chet Johnson
 Eric Schiela
 Beth Tipping
 Sam Wierman
 Joe Stenger
 Chuck O'Hara

Members Absent: Tom McCullough
 Michele Petrucci
 Brian Reynolds
 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 February 8, 2022 Work Session/Regular Meeting. Corrections or changes were made. The 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 called Application PZ #21-09, application by Carol Nelson Shepherd. Applicant sought D4 variance and bulk variances to legalize an already constructed cabana in the R-1C Zoning District. The Applicant was represented by F. Thomas Hillegass, Esquire who summarized the application for the Board.

The Applicant called Gary Thomas who was sworn and testified. Mr. Thomas was accepted as an expert in planning. Mr. Thomas testified the Applicant requested the original architect to review and present evidence as to the original FAR on the residence when it was constructed in 2016. Admitted as Exhibit A5 into evidence is a partial rendering prepared by OSK Design Partners, P.A. which demonstrated the FAR as .70. This is on the principal residence. Mr. Thomas then testified after calculating the cabana and related area, the FAR adjusted to .75. The cabana added 77 ft.² to the FAR calculation.

The matter was then returned to the Board for further consideration by the Board. After entering into Board deliberations, a motion was made to grant the D4 floor area ratio motion with all conditions previously mentioned in the prior hearing. The motion was made by Board member Eric Schiela and seconded by Board member James Fleischmann with all eligible members voting in the affirmative.

A second motion encompassing the bulk variances for minimum side yard setback for cabana, minimum distance to principal structure, and minimum side yard setback for pool

equipment was made. Board Member Chet Johnson made the motion seconded by Board Member Chuck O'Hara with all eligible members voting in the affirmative.

The Board then considered application PZ #22-01, Application by DANDRA, LLC. The Applicant sought review and approval to demolish the existing single-family structure and construct a new single-family structure with inground pool as required by Ordinance 27-6.2 since the Applicant's property sits in the R-1AA Zoning District, commonly known as the high dunes area. The property is located at 5609 Dune Drive, Block 56.03, Lots 11.02, 13, 15, 17, 19, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 65.02, 67.02, 69.02, 71.02, 73.02, 75.02, 77.02, 79.02, and 81.02. Applicant is represented by Michael Lario, Esquire of Nehmad Perillo Davis with law offices located in Egg Harbor Township, New Jersey who explained the nature of the application to the Board.

Mark Asher was sworn and testified. He was accepted as an expert in architecture. He testified as to the existing conditions on the site referring to PB-1 in said testimony. PB-1 was submitted with the original application. He reviewed and authenticated all of the documents submitted with the original application. He informed the Board that the property is located in the high dunes area with an existing three-story home on the property. He testified the intention of the Applicant is to tear down the residence and rebuild in the same location. Mr. Asher then described a new residence proposed on the site. In doing so Mr. Asher made reference to a rendering submitted with the original application showing the proposed west side of the structure. He testified the new structure is two stories in the front and three stories in the rear based upon the elevation changes on the site. He testified that he was familiar with Mr. Maffei's Review Memorandum of March 1, 2022. He confirmed that no parking variance was required since the parking met the number of bedrooms in the property. He further testified that the one room at issue is an office and will remain an office.

Applicant agreed to accept as a condition of approval meeting all of the conditions of Mr. Maffei's March 1, 2022 Review Memorandum except for the need of a parking variance.

Arthur Chew was sworn and testified. He was accepted as an expert in engineering. He testified that the site complies with Avalon Storm Water Management Ordinance describing the underground trenches and pipes used to meet the requirements to contain storm water runoff once the structure is completed. He further testified a silt fence will be erected around the disturbance area to protect the remaining portions of the dunes. Applicant accepted as a condition of approval to install a silt fence around the area of disturbance.

Michael Lucey was sworn and testified. He testified he is an environmental consultant who obtained the CAFRA Permit in the first place and obtained the modified CAFRA Permit to create this project. He testified there are no walkways to the beach.

Mr. Maffei reviewed his report of March 1, 2022 with the Board after being sworn. Applicant agreed to amend the plans and submit to the Board Engineer to clarify parking on site. Mr. Asher was recalled to address the parking configuration and agreed to make changes to allow for K turns so that no one has to back out of the site. He submitted an exhibit identified as PB-3 and marked into evidence as Exhibit A-1 which was not submitted with the original application but which demonstrates the K turn proposed maneuver.

Michael Lucey was recalled. He addressed the issue of the changes in the square footage overall on the property indicating that portions of the deck were reduced by 210 ft.² and the building size increased by 161 ft.², the net was a resulting net increase of 44 ft.² for the overall project.

The matter was opened to the public with one member of the public raising concerns over migratory birds flying over the area and lighting used to light the site. Applicant through the architect agreed to use lighting which incorporates down lighting so as to minimize the impact on any migratory birds. No further comment from the public was heard and the matter was closed to the public. The matter was returned to the Board for findings of fact and conclusions of law.

Mr. Maffei requested that the Board require a bond or guarantee for the silt fencing and erosion control measures which the Board agreed and the Applicant agreed to accept as a condition of approval, the amount to be set by the Board Engineer after review of the plans. After Board discussion and findings of fact a motion was made by member Sam Wierman and seconded by member Eric Shiela completing the review and granting approval of the application to demolish the existing single-family structure and constructing a new single-family structure and inground pool subject to the terms and conditions agreed to by the Applicant. All eligible Board Members voted in the affirmative and the motion was granted.

Chairman Chet Johnson then opened the meeting to new and old business. There being no new business, the Board turned to old business. The Board then entertained a discussion on the boutique hotel and listened to a report presented by Board Engineer Maffei. Mr. Maffei's report identified an overlay area which could support boutique hotels in the B-1 District explaining his rationale for the selection of the particular areas to be contained within the overlay area and identifying factors to be considered when setting up the overlay area. The Board then entered into Board discussion with Mr. Maffei with various Board Members presenting ideas. At the end of Board discussion, the matter was open to public comment. Martha Wright of 632 7th Street, Avalon, New Jersey suggested naming the overlay area "hospitality overlay". She complained of having difficulty in hearing and accused the Board of less than transparency based upon her inability to hear portions of the meeting. She again suggested live streaming the meeting. The contention that there was a lack of transparency by the Board was immediately refuted by Board Member Wierman. Doug McCauley came forward and indicated that he agreed with all that Ms. Wright stated indicating his concerns over the proposed overlay hotel district.

At the conclusion of public comment, the matter was returned to the Board. The Board agreed to further consider the comments of Mr. Maffei and continue to work toward the goal of having something that can be brought forward to be reviewed at a formal meeting regarding boutique hotels.

There being no further business to conduct the meeting was closed at 7:21 PM.

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