

Borough of Avalon Planning/Zoning Board
Minutes of Work Session/Regular Meeting of April 12, 2022

Members Present: James Fleischmann
Jay Gebauer
Chet Johnson
Tom McCullough
Sam Wierman
Joe Stenger
Greg Kizeik
Chuck O'Hara

Members Absent: Michele Petrucci
Brian Reynolds
Eric Schiela
Beth Tipping

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 March 8, 2022 Work Sessions/Regular Meeting. Corrections or changes were made. The motion was made to approve by Member Sam Wierman and seconded by Member Chuck O'Hara with all eligible members voting in the affirmative.

The Board then considered memorializing Resolution for PZ #21-09 Carol Nelson Shepherd for the property located at 55 W. 34th Street. Corrections or changes were made. The motion was made to approve by Member James Fleischmann and seconded by Member Jay Gebauer with all eligible members voting in the affirmative.

The Board then considered memorializing Resolution for PZ #22-01 DANDRA, LLC for the property located at 5609 Dune Drive. Corrections or changes were made. The motion was made to approve by Member James Fleischman and seconded by Member Sam Wierman with all eligible members voting in the affirmative.

The Board then called Application PZ #22-02, Application of Brian and Lynn Neville. Applicant sought certain variances to allow construction to continue in a partially demolished residence located at 281 6th Street, Block 5.04 and Lot 61. The hearing was started and then postponed.

As part of the hearing the application was presented by Bridget Sykes, Esquire who called Lynn Neville to the witness stand to describe for the Board the plans for the property and intention of the owner of the property for the completion of the redevelopment of the structure.

Tiffany Morrissey, licensed planner, was sworn and testified as to the land use aspects of the application. At the conclusion of the Applicant's case the Board heard from the Board Engineer, Joseph Maffei, and Fire Chief, Richard Edward Dean, Sr. The Board then entertained public comment of which three members of the public testified all raising concerns about the granting of the application. At the conclusion of the matter, the Applicant requested an adjournment to consider the Applicant's options which was granted by the Board. The matter was adjourned to the regular meeting of May 10, 2022 commencing at 6:00 PM. Appropriate notice was made to the public and no further notice was required by the Board.

The Board then called Application PZ #22-03, Application by Francis and Shirley Pietrini. Applicant sought rear yard setback variance where 25 feet is required and 19.08 feet was proposed in order to install an elevator in the rear of an existing structure. The property is located at address 115 78th Street, Block 77.03, Lots 59, 61, 63, 104, 106, and 108.

Applicant was represented by Cory Gilman, Esquire who presented the application on behalf of the Applicant. Francis Pietrini was sworn and testified. He testified he is one of the owners of the property and has owned the property since 1990. He testified that the residence is a second home and he intends to retire to Avalon. He testified as to his health issues and that he is diagnosed with inflammatory arthritis. He testified that he has poor balance.

John Halbruner was sworn and testified. He was accepted as an expert in engineering and architecture. He authenticated plans prepared by him identified as V-101 and GZ-101. He reviewed the architectural plans for the Board demonstrating where the elevator was proposed. He reviewed the present on-site conditions to the Board. He testified the elevator is a 6 x 6' shaft and would also result in the relocating of pool equipment adjacent to the new elevator. He testified the height of the elevator would conform with the ordinance. He testified in his opinion there was no other suitable location to place the elevator shaft and the location selected was the best suited.

Mr. Halbruner testified the granting of the variance will have minor impact on light, air, and open space since the Applicant has taken great pains to minimize the intrusion into the rear yard. He testified the plan makes the property more accessible to older people, not just his client and promotes the general welfare of the community. He testified in his opinion the benefits of granting the variance far outweigh any detriment. Finally, Mr. Halbruner testified that the variance relief can be granted without substantial impact on the Zone Plan and Zoning Ordinance.

Mr. Halbruner testified the physical location of the residence created a hardship on the Applicant.

Mr. Halbruner testified that under the Americans with Disabilities Act, zoning boards must look at a request for accommodation and must do so in a way that does not discriminate against the Applicant. He testified that the Board must grant reasonable accommodation to a person with an identified disability which the Applicant has.

Joseph Maffei, Board Engineer, was sworn and testified consistent with his report of

April 5, 2022. Applicant agreed to comply with all engineer comments.

Mr. Halbruner was recalled and advised the Board that the Applicant agreed to remove a strip of concrete 5 feet off the property line for the full 50 foot of the rear property line to add some pervious surface area and green space resulting in approximately 250 ft.² of additional pervious surface.

The matter was open to the public and one member of the public spoke regarding concerns of the amount of impervious surface area at the property. That member of the public opposed the application.

The matter was returned to the Board for findings of fact and conclusions of law. After Board discussion, a motion was made by Member Tom McCullough and seconded by Member James Fleischmann granting the requested variance with appropriate conditions. The motion carried by a vote of 5 to 2 granting the requested variance relief to the Applicant.

The Board then undertook consideration of Ordinance #839–2022 amending Chapter 27 allowing for platform encroachments into the setbacks. The matter was considered by the Planning Board for consistency with the Master Plan. The matter was open to the public and one member of the public spoke in opposition to the ordinance. A motion was made by Member Sam Wierman and seconded by Member James Fleischmann finding that the proposed ordinance is not inconsistent with the Master Plan. All eligible members voted in favor of the motion.

The Board found that there was no old or new business to be considered. The matter was open to public comment on any topic. Doug MaCauley came before the Board in opposition to boutique hotels stating he wanted a survey on the issue. Martha Wright came before the Board stating that she wanted to see the meetings live streamed. Sara Yacoub came before the Board stating that she wanted more information on boutique hotels and was opposed to boutique hotels.

At the conclusion of public comment, the matter was returned to the Board. There being no further business to conduct the meeting was closed at 9:29 PM.

Submitted,

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