

Borough of Avalon Planning/Zoning Board
Minutes of Work Session/Regular Meeting of August 9, 2022

Members Present: James Fleischmann
 Chet Johnson
 Tom McCullough
 Michele Petrucci
 Brian Reynolds
 Eric Schiela
 Sam Wierman
 Sue Montanari
 Joe Stenger
 Chuck O'Hara

Members Absent: Jay Gebauer
 Beth Tipping
 Greg Kizeik

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

The Board then considered the proposed minutes of the July 12, 2022 Work Session/Regular Meeting. No changes were made. A motion was made to approve by Member Tom McCullough and seconded by Member James Fleischmann with all eligible members voting in the affirmative.

The Board then considered proposed memorializing Resolution for PZ #22-06 Gureghian, 5609 Dune Drive. No changes were made. A motion was made to approve by Member Sam Wierman and seconded by Member Michele Petrucci with all eligible members voting in the affirmative.

The Board then considered Application PZ #22-08 major preliminary and final site plan for Applicant 25 Dune Drive, LLC with a property address of 2538, 2542 and 2546 Dune Drive. The property is located in Block 25.04, Lots 43.01, 43.02, 44.01, 44.02, 45.01 and 45.02. The

Applicant was represented by Jon Batastini, Esquire and presented testimony from Andrew Bechtold, licensed architect who was accepted as an expert in architecture by the Board. Mr. Bechtold testified that the Applicant is in the B-1 Zone. He reviewed his architectural plans submitted to the Board with the Application. He testified mixed-use with commercial on the first floor and apartments overtop are conditional uses in the zone. He testified the Applicant meets all of the conditions and therefore this is a permitted use with no variances. One waiver was sought by the Applicant whereby Mr. Bechtold testified the Applicant is seeking a waiver from providing off site contour and 1-foot contours on the plan. Mr. Bechtold accepted as a condition of approval that the third-floor rooftop deck will be eliminated from the plan, the rear property line and fencing and landscaping will comply with the 5-foot landscaping buffer ordinance in the Borough, and the Applicant will use plants from the Avalon planting list. Mr. Bechtold also accepted on behalf of the Applicant that the Applicant will put a statement in the condominium documents confirming that restaurants are permitted in the commercial properties and will have a chase added to the plan and installed in the building which will allow access by all four commercial units to the chase in the event any one or all are rented to restaurants.

Joseph Maffei, Board Engineer, was sworn and testified consistent with his August 2, 2022 report to the Board. The Applicant accepted as a condition of approval meeting all of the Board Engineer's comments.

Applicant agreed to place at least two planters/pots in front of the project along Dune Drive subject to approval by the Board Engineer again utilizing approved plantings as a condition of approval.

At the conclusion of the Applicant's case the matter was open to the public. Three members of the public testified indicating generally terms over parking in front of the subject

property, confirmation the elevator is in the rear with no access from Dune Drive, concerns over outside dining and the potted planters and how pedestrians will get by and finally concerns over sufficiency of parking to meet the needs of the neighborhood. At the close of public comment, the matter was returned to the Board for findings of fact and conclusions of law.

The Board determined that the Applicant met all of the requirements for preliminary and final site plan approval with the waiver sought by the Applicant. Accordingly, a motion to approve preliminary and final site plan approval with conditions and with one waiver was made by Member Michele Petrucci and seconded by Member Sam Wierman with the majority of the Board voting in favor of granting the Application, which was then granted.

The Board then undertook review of proposed Ordinance 848–2022 amending Ordinance 834–2022 which addresses garage enclosures and other structures pertaining to floor area ratio and whether such was not inconsistent with the Master Plan. After review, the Board determined that the stated ordinance was not inconsistent with the Master Plan and directed the Board Secretary to so advise Borough Administration.

There was no old business brought forward.

Under new business the Board undertook a limited review of the Master Plan as advertised. The Board undertook the proposed Master Plan re-examination amendment dated August 2022 prepared by Joseph Maffei, Board Engineer and Planner. The purpose of the amendment was to address a potential overlay district in the B-1 Zoning District. The proposed amendment to the Master Plan being contained on page 21 of the Master Plan and specifically under Chapter 7 Land Use Element, subpart A existing land use number 3B1(Business) zone. The proposed change would encourage short-term stays, extended seasons, opportunities for young families to visit and support local businesses within the B-1 District by encouraging more

foot traffic within the B-1 district through the process of allowing boutique hotels within a certain portion of the B-1 Zoning District. The proposed Master Plan amendment was advertised and posted on the Borough website for the Planning/Zoning Board at least ten days prior to the hearing and was announced at the last regular meeting of the Board in July 2022.

Board Engineer, Joseph Maffei, was sworn and testified. He reviewed the Master Plan amendment at the public hearing held on August 9, 2022 as part of the regular meeting of the Planning/Zoning Board of the Borough. Mr. Maffei reviewed the proposed zone change testifying as to the review of the concept for boutique hotels in the B-1 Zoning District and the genesis of such review. He further reviewed in detail with the Board the reasons for the language included in the Master Plan amendment reading that language word for word and making appropriate comment.

At the conclusion of Mr. Maffei's testimony to the Board, Solicitor Paul J. Baldini, laid out the overall process that would be entailed in reviewing the Master Plan and if the Board determined to move forward, the process on creating a zoning ordinance which would create the overlay district contemplated in the amended Master Plan.

At the conclusion of the statements from the Board Solicitor, the matter was open to Board member questions and comments.

At the conclusion of Board questions and comments, the matter was open to public comment on the Master Plan amendment as proposed by the Board Engineer. Members of the public spoke to the Board in reference to the Master Plan amendment review. Some members of the public spoke in opposition to amending the Master Plan and some members of the public spoke in favor of amending the Master Plan. Those opposing the Master Plan amendment principally put forth that they had concerns regarding the ability of the Borough to accommodate

such structures particularly in the B-1 Business District, concerns regarding noise, trash, parking, traffic congestion, trash pickup, and the like. Those supporting the Master Plan amendment principally put forward that the parking will work if designed correctly by the enabling ordinance, the hotels will be required to have restaurants and commercial space on the first floor, such facilities will support the town and businesses in the B-1 Zoning District, the town has changed and the zoning and Master Plan needs to keep up with the changes in the town, such being that the concept of boutique hotels is a benefit to the Borough.

Specific members testified as follows:

1. Maria Bowditch of 2009 Avalon Avenue stated she had concerns over the north end beaches being too small to accommodate the visitors. She had concerns regarding noise particularly from the Princeton at 2 o'clock in the morning. She had concerns over trash, parking, and traffic congestion stating that hotels would all add to these issues. She called for a traffic study.
2. Mary Gambone of 644 Sunrise Drive stated that the Borough has no lack of people in Avalon in the shoulder season and boutique hotels in Stone Harbor are not friendly to the business community and the same is likely to occur in Avalon. She also raised concerns about the disruption of the neighborhood during the construction phase of such facilities.
3. Doug Miraglia of 156 29th Street raised concerns regarding advertising by the Board regarding the boutique hotels. He stated he does not want there to be a lot of hotels.
4. Robert Gillis of 243 20th Street raised concerns for the snowball effect if the Master Plan is amended. He wanted to see more research, postpone a vote at the

meeting, and sought an explanation as to density. He compared the circumstances in Townsends Inlet in neighboring Sea Isle City to the potential density of boutique hotels.

5. Elizabeth Bracken of 2042 First Avenue indicated she wanted more data and more study before entertaining such an amendment.
6. Julie Donatelli of 2989 First Avenue stated she lives through horrible construction during the summer, opposes pool construction, opposes continuing construction and boutique hotels will only bring more construction into the neighborhood.
7. Patricia Coyle of 413 21st Street indicated she wants to see different parking criteria than that which is in the present B-1 Zoning Ordinance if such hotels are to be allowed. She explained the congested nature of 21st and Ocean Street and the need for carefully drafting any legislation if such is to occur.
8. Randy Cherkas of 35 West 10th Street indicated he wanted to know what the research into the amendment was. He wanted to know whether the Board looked into Air B&B's and the impact such would have on a zone change and finally he challenged statements in the Master Plan amendment and their veracity.
9. Robert Otto of 1928 Dune Drive indicated that parking was an issue in his mind and he was very concerned that the appropriate parking requirement be in place. He also indicated that the types of amenities needed to be spelled out such as whether a pool will be allowed, restaurants, etc. He wanted more information before the matter proceeded.
10. Elaine Scattergood of 75 30th Street indicated that she felt the Board had a premise but no facts to back it up. She indicated that in her opinion Avalon does

not need a hotel in the Residential District Area. She questioned why commercial properties comprising ten percent versus ninety percent residential units the amendment would even be considered.

11. Tom Vogel of 2309 Dune Drive was concerned about crime, kids damaging lights, and what will be done to bolster law enforcement if hotels are allowed.
12. Wendie Macauley of 276 22nd Street indicated she does not want to see hotels in Avalon, does not want to see a change in Avalon, and opposes the redesign of the town in order to help businesses. She advised the Board she is concerned about infrastructure changes, higher taxes, and opposes increased density.
13. John Ginelli of 2878 Avalon Avenue indicated he sees no reason for a boutique hotel. He raised concerns regarding parking, infrastructure, and other changes. In his opinion the shoulder season does not need to be extended and hotels will not do it. He indicated in his opinion the need for additional restaurants will not be satisfied by a boutique hotel.
14. Kelly McHugh of 432 21st Street spoke. She advised the Board that boutique hotels are a great idea and the parking will be worked out. She supports the town and supports hotels which will have restaurants attached to them ensuring that the restaurants remain in town. She wants the town to stop the condos which prohibit restaurants in the commercial spaces on the first floor.
15. Lisa Hallowell of 505 24th Street advised the Board that the town has changed and the town needs to change with the times. In order for the town to thrive the town needs to provide amenities for people coming into the town. A Hotel allows people to come on a short-term basis and see the town and perhaps decide to

move here. Boutique hotels will add a new dimension and new life to the town.

16. Mary McCloskey of 226 37th Street advised the Board she favors the boutique hotels and that there is nowhere in Avalon for a wedding or for guests to stay for a wedding. She believes that taxes will be reduced with a hotel because they will pay taxes. She suggested parking on the lower level and was concerned that on the size lots contemplated for boutique hotels there will be five to six cars per residential structure as seen in other areas of the town which are not regulated.
17. Cindy Cherkas of 35 West 10th Street advised she was not opposed to hotels and not opposed to the original area suggested for the boutique hotels but had concerns regarding parking and pushing out local businesses in order to put a hotel in where those local businesses are located. She wanted to ensure that the overlay zone was carefully drafted so as to protect existing local businesses.
18. Mark Evangelist of 278 22nd Street opposed the amendment raising concerns about changing rules, congestion in the area of the proposed overlay zone and need for more parking. It was his view that hotels should be built in the hotel zone only.
19. Anthony Zurawski of 260 20th Street came forward and supported boutique hotels. He conceded he was one of the people that wanted to build a boutique hotel. He advised in his opinion allowing boutique hotels can be placed appropriately in Avalon and address all of the issues such as parking, density, etc.
20. Doug Macauley of 276 22nd Street raised concerns about information to the public, no community input, and the written report. He wanted studies to be performed prior to undertaking the issue.

21. Gary Kindle of 2086 Ocean Drive came forward and supported boutique hotels. He opposed cookie cutter units which are cropping up around town as side by side's and favored boutique hotels.
22. Grace Borell of 141 21st Street supported boutique hotels since she wants to see change to keep Avalon vibrant for the next hundred years.
23. Martha Wright of 632 7th Street raised concerns that commercial interests are being presented before the residents. She raised economic concerns over the plan and wanted an economic evaluation.
24. Barbara Cameron of 214 68th Street advised the Board to be careful or the Board will ruin Avalon. She advised there is no going back and the Board should take its time before changing ordinances or allowing hotels.
25. Marissa Post of 29 East 28th Street indicated she opposes the process and lack of detail. She feels for businesses and is not opposed to hotels but wants more details.

At the end of public comment, the public comment portion of the hearing was closed.

The Board then recommenced Board comment and findings. Board Member O'Hara indicated a willingness to change the Master Plan but advised he needed to look at details further down the road in order to ensure any authorizing resolution was appropriate. He wanted to ensure appropriate opportunity for the public to be heard but supported amending the Master Plan to move the process forward.

Member Stenger wanted further study advising that the matter should be looked at as a whole of the Master Plan and not as an isolated issue. He wanted the Board to look at the whole business district as part of a comprehensive plan rather than a limited amendment and opposed

amending the Master Plan.

Member Montanari recused herself as it was her first meeting and she did not have enough information and had not been privy to the prior meetings where the matter was discussed.

Member McCullough indicated he supported a boutique hotel in the area of Mr. Zurawski's area but did not support them anywhere else. He opposes a Wawa, gas station, or post office area as being included in the overlay zone. He wanted additional study and therefore was opposed to amending the Master Plan.

Member Petrucci commented that she supports changing the Master Plan since no ordinance was being adopted but rather the matter was moving forward. She wants to have input in the conditions that would be imposed on any ordinance change prior to the ordinance change being submitted to counsel.

Member Fleischmann indicated he likes the idea of the hotels but sees potential problems. He wants certain questions answered such as water, sewer, trash, police, etc. all being resolved prior to an ordinance but supports amending the Master Plan to keep the process moving forward.

Member Reynolds agreed with much of what Mr. Fleischmann commented on and sought more information before changing the Master Plan.

Member Wierman wants to continue an open discussion on the matter and does not want the door shut. He indicated he supported the amendment to the Master Plan allowing for boutique hotels as a subpart of the B-1 Zoning District but also wanted to make sure there were appropriate restrictions.

Member Sheila sought clarification that the amendment to the Master Plan did not change the zone in the B-1 Zoning District and that all the amendment change did was open the door for

further consideration by the Planning Board. He was assured that was the case by the Board Solicitor. Mr. Sheila then advised he was in favor of moving forward and would be looking carefully at any conditions sought by the Board in allowing boutique hotels.

Member Johnson stated the purpose of tonight's meeting is a first step and he was in favor of moving forward advising that he also had questions and wanted answers before any zoning ordinance was proposed by the Board but that he was in favor of amending the Master Plan to keep the matter moving forward.

At the conclusion of Board discussion, the Board undertook a motion to adopt the amendment of the Master Plan and forward the resolution and adopted amended Master Plan to the Borough Administration. Special Resolution PZ #22-A (2022) was put before the Board. A Motion to adopt was made by Member Petrucci and seconded by Member Sam Wierman. The motion to adopt a resolution adopting the amendment to the Master Plan was carried by a vote of 6 to 3 and the Board Secretary was directed to send a copy of the Resolution and amended Master Plan to Borough Administration.

At the conclusion of the public hearing over amendment of the Master Plan the meeting was open to public comment by all members of the public on any topic.

Elaine Scattergood came forward and indicated she was ashamed of the Board. Martha Wright came forward indicating she wished the matter was livestreamed via Zoom and raised perceived ethics issues on the Mayor's appointed Board Member.

Doug Macauley came forward advising the Board he was disheartened and that he felt the Board was led by the Board Solicitor and certain Board members advising that in his opinion, an overlay zone was a clever way to circumvent zoning. Mark Evangelist came forward again asking the Board why this was being rushed.

No further comment from the public was heard and the public portion of the meeting was closed. There being no further business to conduct at the meeting the meeting was closed by motion at 8:56 PM.

Submitted,

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