

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

Members Present:     Jay Gebauer  
                             Chet Johnson  
                             Brian Reynolds  
                             Eric Schiela  
                             Beth Tipping  
                             Sam Wierman  
                             Sue Montanari  
                             Joe Stenger  
                             Greg Kizeik  
                             Chuck O'Hara

Members Absent:     James Fleischmann  
                             Tom McCullough  
                             Michele Petrucci

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 for the October 11, 2022 meeting. No corrections or changes were made. A motion was made to approve by Member Chuck O'Hara and seconded by Member Sam Wierman with all eligible members voting in the affirmative. There were no memorializing resolutions for consideration.

The Chair then called Application PZ #22-09 for hearing whose owner is William A. Lamb, III for property located at 224 7th Street, Block 7.04, Lot 50 seeking variance for minimum side yard setback to accessory garage where 5 feet is required and 1.79 feet is existing and 1.79 feet is proposed, minimum rear yard setback for the accessory garage where 9 feet is required, 1.79 is existing and 1.79 feet is proposed, and maximum accessory building height for garage where 15 feet is required, 14.67 feet is existing and 21.92 feet is proposed to allow for a second-floor garage addition. Applicant was represented by Cory Gilman, Esquire who presented the Application on behalf of the Applicant. William Lamb was sworn and testified. He testified the property has been in the family for many years. He testified the property is a Sears Catalog house and Sears Catalog garage. The garage was allowed to fall into disrepair over the years but was originally a two-story garage and remodeled as a one-story garage. He is seeking to restore the property to a two-story garage which would allow for some flex space, storage, perhaps air hockey and such. Mr. Lamb agreed to a deed restriction that there would be no toilet, bedroom, kitchen, or living quarters in the garage. Mr. Lamb agreed to have the plans amended to reflect this fact in addition to the appropriate deed restriction.

Jerry Blackman was sworn and testified. He was accepted as an expert in architecture and planning. He described the current conditions on the property and took the Board through the

proposed changes. He submitted to the Board Exhibit A-1 which is two renderings of the property with a single-story garage and with a two-story garage. This exhibit was accepted into evidence.

Due to the proximity of the garage to the rear property line Mr. Blackman accepted as a condition of approval to 2-hour fire rate the rear wall and sidewall of the garage if the Application is granted.

He presented Exhibits A-2 through A-4 which is a series of photographs of the property which were properly authenticated and accepted into evidence. Mr. Blackman testified as to the C2 benefits criteria citing Municipal Land Use Law purposes that are advanced by the granting of the variance to secure from fire, flood, and other man made and natural disasters by the enhanced fire rating on the walls of the garage. He testified in his opinion since this is a unique Sears Catalog house and garage it promotes a desirable visual environment and promotes a historical or architectural positivity in the neighborhood. Mr. Blackman testified the benefits of granting the variance outweighs any detriment to the Zone Plan and finally he testified that the negative criteria are met.

He testified Applicant is seeking waivers from providing landscaping plan since the landscaping is not changing on the property and a stormwater management plan again since the flow of water is not changing and the garage footprint will remain exactly as is.

At the conclusion of Mr. Blackman's testimony, Board Engineer Joseph Maffei was sworn and testified. He testified consistent with his Review Memorandum of November 1, 2022 which was accepted by the Board. Applicant accepted as a condition of approval to comply with all of the Board Engineer's comments in the Memorandum of November 1, 2022.

Fire Chief Richard Edward Dean, Sr. was sworn and testified. He testified consistent with his Review Memorandum of July 28, 2022. Applicant agreed to comply with the Fire Chief's recommendations as contained in the Review Memorandum of July 28, 2022 as a condition of approval.

The matter was then open to the public for testimony. Four members of the public came forward and testified in favor of the application.

Upon the conclusion of the Applicant's case, public comment, and reports from the Board professionals the Board entered into deliberations and findings of fact. The Board at the conclusion of said deliberations and findings of fact entertained a motion to grant the variances sought by the Applicant subject to the conditions authorized by the Board. The motion was made by Member Eric Schiela and seconded by Member Jay Gebauer with all eligible members voting in favor of the motion to grant the variances and waivers sought by the Applicant.

The Chair then called Application PZ #22-11 seeking variance for swimming pool from Applicant Redcap II, LLC with an address of 2118 1st Avenue, Block 21.03 and Lot 24. Applicant is represented by Kevin Balistreri, Esquire who presented the application on behalf of the Applicant. The property is located in the R-1C Zone. Applicant first called Sheila Dragon,

managing member of the owner. She testified the property was acquired in 2019 with the interior renovated at that time. She testified she has an arrangement with USA Pools to install the pool as designed. She submitted to the Board Exhibit A-10, a concept rendering of what the pool will generally look like with the walls proposed by the Applicant. The Exhibit was accepted into evidence by the Board.

Louis Connelly was sworn and testified. He was accepted as an expert in planning and land surveying. He testified he prepared the plans and described the property. He made note of P-2, the existing conditions survey on the property. He argued to the Board that the application could be granted either on a C-1 or C-2 basis. As to hardship, Mr. Connelly testified the property is undersized though it meets the requirements of the zone. The property has two front yards, has a 70-foot-wide street adjacent to it, has sight triangle issues that affect the property and on street parking is restricted due to it being a corner lot. Mr. Connelly testified the Applicant will be removing some hardscape and adding pervious coverage. The pool will be located in an impervious surface area so as not to increase impervious surface area. The landscaping will be increased by approximately 10% from what is presently on the property.

He testified the pool will sit directly adjacent to the garage. Applicant is also seeking waivers for landscaping plan and stormwater management plan.

Mr. Connelly submitted Exhibits A-1 through A-9 which are photos of the subject property and they were accepted into evidence. He testified the location of the pool is the only logical place on the property for the pool to fit. He testified the main benefit is the reduction in impervious lot coverage and improved drainage. He testified in his opinion there is no detriment to the Zone Plan or the ordinance since this is a unique lot and the pool is aesthetically pleasing. Finally, he testified the benefits of granting the variances outweigh any deviation from the Zone Plan.

Applicant agreed to meet all the terms and conditions of the Board Engineer's comments if the variances are granted.

The Board then heard from Joseph Maffei Board Engineer who testified consistent with his November 1, 2022 Review Memorandum.

Three members of the public came forward and testified in opposition to the proposed plan.

Upon the conclusion of the Applicant's case, public comment, and reports from the Board professionals the Board entered into deliberations and findings of fact. The Board at the conclusion of said deliberations entertained a motion to approve the variances and waivers under the C1 hardship criteria. A motion was made by Member Eric Schiela and seconded by Member Jay Gebauer. The motion failed to carry and the variances and waivers were not granted under a hardship application. The Board then undertook the matter as a C2 benefits analysis. A motion was made by Member Eric Schiela and seconded by Member Jay Gebauer for the variances and waivers under the C2 or benefits criteria. A vote was held and the motion did not carry, accordingly the variances and waivers sought were denied under the C2 or benefits analysis.

The Board then entertained old and new business. No old business was brought forward. Under new business the Board discussed amending rules to require exhibits to use two displays, one facing the public and one facing the Board or use the digital display available in the meeting room. The Board also discussed having sufficient exhibits available to pass out for the public to view.

The Board then opened the meeting to public comment with three members of the public coming forward to be heard. The members generally discussed pools, digital use of the electronic boards available in the meeting room, parking, lighting, and more frequent use of deed restrictions.

At the conclusion of public comment, the Board then entertained a motion to go into closed session to discuss pending litigation identified as Applicant Walsh Litigation.

At the conclusion of the closed session the Board returned to open session with no further business being undertaken. The motion was made to adjourn the meeting. The meeting was closed at 9:08 PM.

Submitted,

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