

Borough of Avalon Planning/Zoning Board
Minutes of Work Session/Regular Meeting of January 10, 2023

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

Members Absent: Tom McCullough
 Michele Petrucci

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

The Board then considered the proposed Minutes for the December 13, 2022 Work Sessions/Regular Meeting. No corrections or changes were made. A motion was made to approve by member Beth Tipping and seconded by member Sam Wierman with all eligible members voting in the affirmative.

The Board then considered the proposed Minutes for the December 13, 2022 Closed Session Meeting. No corrections or changes were made. A motion was made to approve by member Sam Wierman and seconded by member James Fleischmann with all eligible members voting in the affirmative.

The Board then considered proposed Memorializing Resolution for application PZ #22-12, O'Hara, 4038 Ocean Drive. Corrections or changes were made. A motion was made to approve by member Eric Schiela and seconded by member Beth Tipping with all eligible members voting in the affirmative.

The Chair then called application PZ #19-07A (2022) wherein Applicant, owner Anthony Zurawski sought an extension of time for a prior approved major subdivision with variances memorialized in Resolution PZ #19-07 for the property located at Ocean Drive and 20th and 21st Streets, Block 20.04, Lots 64 and 68. Mr. Zurawski was sworn and testified. He testified that essentially due to the pandemic he was seeking an extension of the approval previously obtained. He confirmed the approval was obtained in November of 2019. The matter was open to the public with no public comment. A motion was made to grant the requested extension to November 12, 2023 by member James Fleischmann and seconded by member Brian

Reynolds with all eligible members voting in the affirmative.

The Chair then called application PZ #22–13, proposed minor subdivision by Applicant/Owner Thomas J. Welsh for the property located at 192 33rd Street in Block 33.03, Lots 41 and 42. Mr. Welsh represented himself and was sworn and testified. He testified he wants to turn the lot lines facing the side street. He testified he will comply with all of the Board Engineer comments. He seeks no variances or other relief.

Joseph Maffei was sworn and testified. He testified he is the Board Engineer and reviewed his Memorandum of December 30, 2022 to the Board. At the conclusion of Mr. Maffei's testimony the matter was open to the public. Three members of the public came forward to testify. Two members of the public raised concerns about the loss of mature trees on the parcel and one member supported the application.

As a condition of approval Mr. Welsh agreed to show the existing trees on a final plan and to use best efforts to preserve trees.

The Board then entered into Board comment and a motion was made to approve the minor subdivision with no variances by member Jay Gebauer and seconded by member Sam Wierman with all eligible members voting in the affirmative.

The Chair then called application PZ #22–14 seeking preliminary and final site plan approval with various variances for the property owned by Applicant 2688 Dune Drive, LLC with the property located at 2688 Dune Drive, Block 26.04, Lots 43.01, 43.02, 44.01, 44.02, 45.01, 45.02 split between the B-1 Zone and the R-C Zone. Edward Kennedy managing member of the Applicant was sworn and testified. He testified the Applicant is seeking approval to renovate the existing commercial building at that location into a restaurant. The renovations include installation of indoor tables and seats, indoor bar seats and bar, construction of a kitchen, construction of an indoor trash area, construction of an indoor cold storage area, installation of 96 outdoor seats and 23 outdoor tables, construction of a pergola over the outdoor seating area, construction of a 20 x 16' shed, installation of a bike rack, and construction of fencing and landscaping.

Applicant seeks a variance to allow the shed which is not permitted in the zone and to allow music for the outdoor dining area.

Mr. Kennedy described the plan for the restaurant to be a Mexican style family eatery with a large amount of green space. He sought the storage shed for containment of the flood panels and dry goods storage. He sought the exterior music to provide soft dinner type music to patrons sitting outside eating dinner. He agreed as a condition of approval to limit exterior music to no later than 10:00 PM and to limit the music speakers to the dining area only.

The Applicant's chef was sworn and testified. He testified about his extensive experience in the area restaurants, the menu, and employees. He described the trash would be handled in the interior of the property in a room to be built onto the existing structure. He anticipated deliveries early in the morning.

Applicant then called the Applicant's architect Kevin O'Landt who was sworn and testified. He was accepted as an expert in architecture. He testified as to the overall concept of the application reviewing the existing conditions and the proposed conditions. He described the Applicant seeking two signs, one on Dune Drive 18.4 ft.² and one on 27th Street comprising 50 ft.². He proposed fencing for the property and a bike rack. He agreed as a condition of approval to provide a detail for the bike rack on the final plan.

He testified as to the zoning requirements for the proposed use.

Andy Schaeffer, Project Engineer, was sworn and testified. He described the current condition of the property and the proposed development of the property. He reviewed the proposed plan in detail to the Board. He also isolated the waivers sought by the Applicant. He testified as to the criteria for a C2 Variance for the two items of variances sought, that being the shed and music.

Applicant agreed as a condition of approval to provide flower pots, three, in the sidewalk area along Dune Drive; stamp the concrete consistent with the Borough stamping of the concrete in the general area; and to meet all of the Board Engineer comments.

Board Engineer, Joseph Maffei, was sworn and testified. He testified consistent with his January 4, 2023 Report which the Board accepted.

The matter was open to the public. Six members of the public came forward to be heard. At the conclusion of public comment, the Board entered into Board discussion and findings of fact. A motion was made to approve preliminary and final major site plan with the requested waivers and variances to allow the storage shed area and outside music onsite which was to be limited to low outside music. The motion was made by member Sam Wierman and seconded by member Brian Reynolds with all eligible members voting in the affirmative.

The Board then undertook Master Plan Review of Ordinance #853–2023, rezone of certain areas of the Zoning Map. The matter was open to public comment with three members of the public commenting on the Ordinance. At the conclusion of public comment, the matter was closed to public comment and returned to the Board. A motion was made for a finding that the ordinance was not inconsistent with the Master Plan by member James Fleischmann and seconded by member Chuck O'Hara with all eligible members voting in the affirmative. The Board Secretary was directed to send a letter to Council advising of same.

Under old business the Board entertained Report from Board Engineer, Joseph Maffei, regarding the council approval of a request for proposals for assistance over boutique and hospitality management as requested by the Board previous. Mr. Maffei confirmed to the Board that he will prepare a request for proposal to be submitted to Council for their approval.

There was no new business.

The meeting was then open to public comment on any topic. Two members of the public came forward and were heard by the Board. One member asked relative to the procedure for the

rezone ordinance and the second member was heard regarding the request for digital boards, expiration date of variances, and FAR.

There being no further business, at the conclusion of public comment, the Board entertained a motion to adjourn the meeting. The meeting was closed at 8:11 PM.

Submitted,

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