

## **MAY 10, 2018 PLANNING BOARD MINUTES**

**A REGULAR MEETING OF THE AVON-BY-THE-SEA PLANNING BOARD** was held on the above date at the Avon Elementary School, Fifth Avenue, Avon.

**PRESENT** : Michael Davey, Vice Chair Teresa Egan, Chair Richard Maloney, Steven Mazouat, Frank McGovern, Joseph Oldakowski, Cal Talmage, Board Engineer Raymond Savacool, Board Attorney Mark Kitrick

**ABSENT** : Vincent Ernst, Marie Kenny, Mayor John Magrini, Commissioner Robert Mahon, Sandra McLaughlin, Jack Ryan

Chair Richard Maloney opens the meeting at 7PM and reads the Public Statement in compliance with the Open Public Meetings Law. Mr. Maloney leads the Pledge of Allegiance to the Flag.

**MOTION** by Maloney second by McGovern to approve the April 12, 2018 meeting Minutes as written.

### **THE VOTE:**

**AYE:** Egan, Maloney, McGovern, Talmage

**ABSTAIN** : Davey, Mazouat, Oldakowski

**NO:** 0

### **MOTION PASSED**

**Vice Chair Egan has been noticed and is recused.**

First on the agenda is a new application by Doran Tajfel for his property at 403 Ocean Avenue, Block 35 Lot 6.04. Applicant seeks to square off rounded shapes of first floor porch (23.2 sq. ft.), remove deck/pavers on north side and extend building (94.2 sq. ft.); remove deck pavers on west side and extend building (149.3 sq. ft.) ; create a new outdoor shower on south west corner of building (42.6 sq. ft.) and remove utility and shower on east side of detached garage, converting same for storage.

Chair Maloney swears in applicant's attorney Mark Aikens, Daniel Governale applicant's licensed architect, applicant's licensed engineer Jason Fichter, applicant Doran Tajfel and board engineer Raymond Savacool .

Mr. Aiken's calls Mr. Governale to testify. Mr. Governale presents evidence marked **A1-architect plans,proposed modification details and elevations.**

Evidence marked **A2- photo of existing condition of south east elevation**. Board Chair Maloney asks for clarification. Discussion follows.

Jason Fichter testifies to existing conditions and the proposal. Believes the proposal will be an asset to the community. Discussion follows between Maloney and Fichter concerning coverage, additions and volume.

Teresa Egan (sworn In) from the audience questions Fichter about the coverage and the possibility of reducing or removing some. Discussion follows.

Mr. Robert Bocchino of 405 Ocean Avenue is sworn in. Mr. Bocchino is in favor of the application.

Board members McGovern, Talmage, Mazouat and Maloney all concur that that there is an opportunity to decrease coverage to come closer to compliance with Borough code.

Applicant and Aikens break to discuss.

Mr. Fichter proposes going from 59% coverage to 55%. Building coverage from 37.9% to 36.4%.

This will be achieved by the removal of storage areas and existing shower.

Maloney asks that the revised Site Plan show A/C units.

Engineer Savacool goes over Board Engineer Rooney's review letter dated 3/14/18.

**MOTION** by Maloney second by Oldakowski to approve proposal with conditions.

**THE VOTE :**

**AYE :** Davey, Maloney, Mazouat, McGovern, Oldakowski, Talmage

**NO:** 0

**MOTION PASSED**

Next on the agenda is the carried application for Amato Block 54 Lot 11. Attorney Timothy Middleton representing Mr. Amato states that their planner has been called away on an emergency. He would like to have his planner testify at the June 14, 2018 meeting. Mr. Kitrick consents.

Mr. Kitrick swears in Howard Hardie, attorney Sandy Brown, attorney T. Middleton, attorney Craig Gianetti and board engineer Charles Rooney.

Vice Chair Teresa Egan recuses herself.

Mr. Gianetti calls Howard Hardie as a witness. Mr. Hardie resides at 15 Washington Avenue and states that he has lived in Avon his entire life. Discussion follows as to Mr. Hardie's familiarity with Lot 11.

Mr. Gianetti admits into evidence **O7 – cover sheet of 2002 transcript of January 17, 2002 meeting, pages 64,65,66, line 24 page 65.**

Further discussion between Mr. Hardie and Mr. Gianetti concerning flooding on Lot 11.

**O8- photo of flood dated 1/2017**

**O9 – photo dated 1/2018 of gate on Lot 11 Ocean Avenue , snow banked**

**O10 – still from video of storm dated 5/10/2017 storm water on Lot 11 (found on line)**

**O11 – still from video of storm water on Lot 11 (found on line)**

**O12 – still from video of Hurricane Irene August 2011**

**O13 – photo of side walk and road Ocean Avenue at proposed emergency access plowed in with snow 1/2018**

**O14 - photo of Ocean Avenue (from street side) proposed emergency access plowed in**

Mr. Gianetti states that they are laying a foundation at this meeting. He asks Mr. Hardie if he had ever made an offer to purchase the property Block 54 Lot 11. Mr. Hardie states that they had offered to purchase the property in 2002 and that other offers had no response. Discussion follows with Mr. Middleton and Mr. Hardie as to the 2002 offer and Mr. Amato's counter offer to the parties being rejected.

Mr. Middleton and Mr. Hardie discuss 2002 transcript and the garage on Lot 11.

No further question's from Mr. Middleton.

Discussion follows between Mr. Gianetti and Mr. Hardie regarding evidence,

**O15 – still of video taken by Mr. Hardie mid 1990's of his property during storm**

**O16 – photo of garage on Lot 11 showing damage**

**O17 – photo Plot Plan of proposed new house of Lot 11 with existing garage hi lited**

**Mr. Gianetti rests.**

**MOTION** by Maloney to carry Amato to the June 14, 2018 meeting with no further notice second by McGovern.

**AYE:** Maloney, Mazouat, McGovern, Oldakowski, Talmage

**NO: 0**

**MOTION PASSED**

**MOTION** to adjourn by Maloney

**AYE:** All

**MOTION** by    second by    to approve above minutes , as written.

**THE VOTE:**

**AYE:**

**ABSTAIN :**

**NO :**

**MOTION PASSED**

**SHEILA SULLIVAN/ PLANNING BOARD SECRETARY**