

JUNE 14, 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, Vincent Ernst, Marie Kenny, Commissioner Robert Mahon, Chair Richard Maloney, Steve Mazouat, Frank McGovern, Sandra McLaughlin, John Ryan, Cal Talmage, Board Engineer Charles Rooney, Board Attorney Mark Kitrick

ABSENT : Mayor John Magrini, Joseph Oldakowski

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

MOTION by McGovern second by Maloney to approve the May 10, 2018 meeting Minutes as written.

THE VOTE :

AYE : Davey, Maloney, McGovern, Mazouat, Talmage

ABSTAIN : Egan, Ernst, Kenny, Commissioner Mahon, McLaughlin, Ryan

NO : 0

MOTION PASSES

MOTION by McGovern second by Davey to approve the resolution with conditions for Tajfel-403 Ocean Avenue.

THE VOTE :

AYE : Davey, Maloney, Mazouat, McGovern

ABSTAIN : Egan, Ernst, Kenny, McLaughlin, Ryan, Talmage

MOTION PASSED

MOTION by Ryan second by Mazouat to carry Amato hearing to The August 9, 2018 meeting.

THE VOTE:

AYE : Kenny, Maloney, Mazouat, McGovern,

ABSTAIN : Davey, Egan, Ernst, McLaughlin

NO : 0

MOTION PASSED

New application submitted by Contract Purchaser Vincent Ernst – 507 Garfield Avenue LLC.

The application is for subdivision approval and side yard setback variance for property located at 507 Garfield Avenue Block 28, Lot 13. The applicant is represented by Paul V. Fernicola, Esq.. Mr. Ernst and Mr. Fernicola are sworn with Mr. Rooney.

Mr. Ernst offers as exhibits **A1- A2-A3 photos of existing garage that will remain.** Mr. Ernst describes the existing property and addresses the need for the setback. Mr. Ernst testifies to the proposal to demolish the church and parsonage and to construct two single family residences on the sites.

No questions from the public.

Board Engineer Rooney goes over his Review letter dated 6/7/2018

Mr. Rooney requests that monuments be set before deed is filed.

MOTION by Maloney second by McGovern that subdivision be approved with the setback variance.

THE VOTE :

AYE : Davey, Egan, Kenny, Maloney, Mazouat, McGovern, McLaughlin, Ryan, Talmage

NO: 0

MOTION PASSED

Next on the agenda is a new application submitted by owners Susan Walsh & Elliot Kalmus.

The residence is located at 407 Woodland Avenue, Block 15, Lot 10.3. The property is on an existing undersized lot. The applicants seek to add a second floor to the existing single family residence, repair the existing foundation without increasing existing building coverage. They

also propose a Bilco type basement door and A/C pad. This will increase lot coverage by 21.8 sq.ft. (61% existing and 62% proposed, where 50% is the maximum allowed.

Board member Steve Mazouat has been noticed and is recused.

Board attorney Mark Kitrick swears in (barely audible) Marc Nemergut, planner Jason Fichter , attorney for applicants Mark Aikens ,Board Engineer Charles Rooney

Mr. Nemergut states that the existing residence needs to be updated. Looking for a "C" variance. Mr. Nemergut offers as evidence **A1- photo of existing condition and sheet 2 a conceptual of proposed plans.**

Discussion follows concerning the foundation stability.

Professional Planner Jason Fichter enters into evidence **A2- aerial on board of neighborhood.**

Mr. Fichter addresses the existing conditions, variances need and proposed improvements and addition. It is his opinion that the proposal will be a positive for the neighborhood.

Board Engineer Rooney goes over his Review Letter dated 3/20/2018.

Comments from the public.

Mr. Steve Mazouat of 340 Woodland is sworn in. Mr. Mazouat speaks in favor of the application.

Mayor Mahon states that he feels it is a reasonable proposal and is in support of the application.

Chair Maloney states that if the foundation is found to be unsound that the board should allow for it to be rebuilt.

Discussion followed as to the removal of proposed closet to be removed from plan.

Recess.

On return Mr. Aikens states that his clients will remove the closet.

MOTION by Maloney second by Mayor Mahon to approve the application with the removal of the closet and the ability to rebuild foundation if needed.

THE VOTE :

AYE : Davey, Egan, Ernst, Kenny, Mahon, Maloney, McLaughlin, Ryan, Talmage

NO : 0

MOTION PASSED.

Next on the agenda is an application submitted by Mr. Robert Quish for 207 Woodland Avenue, Block 19 Lot 6. The applicant seeks to remove the existing detached rear dwelling and construct an addition to principal building. Present are the applicant's attorney George McGill, architect Tom Petersen, Mr. Robert Quish and his mother Mrs. M. Quish. All are sworn in by Kitrick as well as Mr. Rooney.

Mr. McGill refers to the last time Mr. Quish was before the board with a similar application and withdrew at the 10/13/2016 meeting.

Mr. Petersen describes proposal and plan dated 12/12/2017.

Mrs. Quish testifies that the family purchased the home in 1943. Four years ago she signed the house over to her son Robert and would like the other children to live with them.

Tom Petersen enters into evidence **A1- plans dated 12/12/2017**. Mr. Peteresen describes the plans as being "multi-generational". **A2- photo series of existing property**.

Discussion follows as to the definition of a two family dwelling between board members, Mr. McGill and Mr. Petersen. Chair Maloney states that as he reads our ordinance this proposal is set up as two separate households.

Board members Kenny, Mahon, Maloney, Mazouat not comfortable with the application. It would set a precedent.

Mr. Rooney goes over his review letter dated 3/8/2018.

Short recess.

Mr. Peterson states that the applicant will eliminate pull down stairs to attic and Enlarge first floor opening to 7'.

Board members Mazouat, Ryan, McLaughlin, Talmage, Egan all state they are not in favor of the project proposal.

Mr. McGill states that the applicant will redesign and ask to be carried to August.

MOTION by Maloney second by Kenny carry the application to the August 9, 2018

THE VOTE;

AYE : All

MOTION PASSED

MOTION by Maloney second by Ryan to adjourn.

AYE : ALL

MINUTES APPROVED AT THE JULY 12, 2018 MEETING.

MOTION by Maloney second by Mahon to approve minutes as written.

THE VOTE :

AYE : Davey, Egan, Ernst, Kenny, Mahon, Maloney, Mazouat, McGovern, Ryan

ABSTAIN : Mayor Magrini

MOTION PASSED


Sheila Sullivan, Planning Board Secretary