

AVON-BY-THE-SEA PLANNING BOARD MINUTES AUGUST 9, 2018

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: Vice Chair Teresa Egan, Vincent Ernst, Marie Kenny, Steve Mazouat, Sandra McLaughlin, Frank McGovern, Joseph Oldakowski, John Ryan, Cal Talmage, Board Attorney Mark Kitrick, Board Engineer Charles Rooney

ABSENT: Michael Davey, Mayor John Magrini, Commissioner Robert Mahon, Chair Richard Maloney

Vice Chair Teresa Egan opens the meeting at 7pm and reads the Public Statement in compliance with the Open Public Meetings Law. Mrs. Egan leads the Pledge of Allegiance to the Flag.

MOTION by Egan second by Ryan to approve the July 12, 2018 meeting Minutes as written.

THE VOTE:

AYE: Egan, Ernst, Kenny, Mazouat, McGovern, McLaughlin, Ryan, Talmage

ABSTAIN: Oldakowski

MOTION PASSED

MOTION by Ernst second by Ryan to approve the Resolution for Brenda Connolly 218 Marine Place with revisions.

THE VOTE:

AYE: Egan, Ernst, Kenny, Mazouat, McGovern, McLaughlin, Ryan, Talmage

ABSTAIN: Oldakowski

NO: 0

MOTION PASSED

MOTION by Ernst second by McGovern to approve the Resolution for Mary Beth & Christian Meyers 225 Norwood Avenue.

THE VOTE

AYE: Egan, Ernst, Mazouat, McGovern, Mclaughlin, Ryan, Talmage

ABSTAIN: Oldakowski, Kenny

NO: 0

MOTION PASSED

Next on the agenda is a carried application from the June 14, 2018 meeting for Robert Quish 207 Woodland Avenue, Block 19 Lot 6.

Mr. Quish is represented by George D. McGill, Esq. and Tom Petersen Architect.

Mr. Petersen describes the latest revised floor plan, Exhibit **A7**.

Maureen Domal 139 Woodland comments from the audience about the second floor dividing wall. Mr. Petersen addresses Ms. Domal's comment.

Board Engineer Charles Rooney goes over his review letter dated August 6, 2018.

Mr. Petersen puts into evidence **A8- PHOTO OF REAR WEST OF HOUSE, A9- PHOTO OF REAR EAST OF HOUSE**

Board attorney Mark Kitrick states that with this revision the applicant does not require variance approval. Attorney George McGill agrees with Kitrick and comments that the revised plan is conforming.

The applicant agrees to Deed restriction that the home will remain single family.

MOTION by Egan second by Kenny to approve revised plans with the Deed restriction.

THE VOTE

AYE: Egan, Ernst, Kenny, Mazouat, McGovern, McLaughlin, Ryan, Talmage

NO: 0

MOTION PASSED

Next on the agenda is a new application for Kathleen & Joseph Valentine, 318 Washington Avenue, Block 45 Lot 17. The applicants seek to replace front steps and walkway, propose 1 story addition with new covered porch and deck to the rear of principal dwelling. The applicants

Also seek to add a new landing area and replacement steps, and to renovate interior of rear dwelling, add heat and central air.

Board attorney Mark Kitrick swears in Joseph and Kathleen Valentine, architect Marc R. Nemergut, planner Patrick Ward and board Engineer Charles Rooney.

Attorney Marc Aikens is present on behalf of the Valentines.

Mrs. Valentine testifies as to their plans to renovate. Mrs. Valentine states that the garage apartment would be used strictly for guests and family.

There are no questions or comments from the public.

Architect Marc Nemergut outlines the proposal and puts into evidence **A1-Photo board of existing rear structure.**

Planner Patrick Ward describes the proposal as expanding a nonconforming use as they plan to add heat to the garage apartment. The outside staircase will be replaced. Mr. Ward offers into evidence **A2- Aerial on board of subject properties within 200' of applicant's home.**

Board engineer Rooney goes over his review letter dated 3/22/2018.

Seasonal use is discussed.

A1.1 elevation sheet is put into evidence.

Discussion between board members and Mr. Nemergut as to covering the new outside stairs to garage apartment.

Mr. Nemergut reviews proposed floor plans for addition and first and second floor renovations to main house.

Board member Egan states that she is not in favor of adding heat to the apartment. Board members discuss a Deed Restriction on the apartment to limit rental to seasonal use only.

Short recess.

On return enclosed stairs are acceptable to the board. Mr. Aikens states that the applicant will withdraw the request to heat the apartment.

MOTION by Egan second by Ryan to approve the application with stipulations on garage heat and enclosed outside stairs.

THE VOTE:

AYE : Egan, Ernst, Kenny, Mazouat, McGovern, McLaughlin, Ryan, Talmage

NO : 0

MOTION PASSED.

Next on the agenda is the Amato application for 54 First Avenue, new home construction, Block 54 Lot 11. This application has been continued from the May 10, 2018 meeting.

Vice Chair T. Egan is recused. Mr. J. Ryan will chair.

Attorney Craig Gianetti representing Mr. Howard Hardie is present as is Mr. Peter Steck Community Planning Consultant. Mr. Kitrick swears all professionals in.

Mr. Gianetti introduces Mr. Peter Steck who will offer testimony in rebuttal to Mr. Amato's planner.

Mr. Steck enters as evidence **O-18 Planners Packet pages 1-5**

Mr. Steck gives testimony to the history of the property located at Block 54 Lot 11 as well as Lots 13.03, 11.01,3 & 4. Mr. Steck's testimony includes the history of ownership as well.

Mr. Steck states that Mr. Amato always has had control of all three lots even though they are listed under different names.

Mr. Steck offers into evidence **O-19 Avon Planning Board Resolution dated 4/18/2002**. The resolution had denied Mr. Amato access to lot from First Avenue. The access width of 10' was found to be inadequate.

Mr. Steck addresses the issue of the proposed paving and its abuttal to rear yards on Washington Avenue as extensive.

Mr. Steck addresses the height of the building if Ocean Avenue is used as the front yard.

Mr. Steck concludes that the applicant has not met the Burden of Proof. He believes a height variance is needed, driveway variance needed and rear yard setback needed.

Mr. Timothy Middleton representing Mr. Amato crosses Mr. Steck.

Discussion on history of Lot ownership.

Mr. Kitrick interjects that it is time to conclude discussion and ask both parties to carry to the September 13, 2018 meeting.

Mr. Gianetti and Mr. Middleton agree.

MOTION by Ryan second McLaughlin to carry application with no further notices to the September 13, 2018 meeting.

THE VOTE:

AYE: Ernst, Kenny, Mazouat, McGovern, McLaughlin, Oldakowski, Ryan, Talmage

NO: 0

MOTION PASSED

MOTION to Adjourn by Oldakowski second by Ryan.

AYE : ALL

MOTION PASSED.

Minutes approved at the September 13, 2018 meeting.

MOTION by Egan second by Ryan to approve minutes as written.

THE VOTE :

AYE : Egan, Ernst, Kenny, Mazouat, McGovern, McLaughlin, Ryan, Talmage

ABSTAIN : Mayor Magrini, Commissioner Mahon, Chairman Maloney

NO: 0

MOTION PASSED

SHEILA SULLIVAN / PLANNING BOARD SECRETARY


