

AVON-BY-THE-SEA PLANNING BOARD MEETING MINUTES SEPTEMBER 10, 2015

A REGULAR MEETING OF THE AVON-BY-THE-SEA PLANNING BOARD MEETING was held on the above date at the Avon Elementary School, Fifth Avenue Avon, NJ 07717.

PRESENT: Vice Chair Teresa Egan, M. Kenny, Mayor R. Mahon, Chairperson R. Maloney, F. McGovern, Commissioner R. McGovern, S. McLaughlin, J. Ryan, Board Engineer C. Rooney, Board Attorney Ann Marie Kuhn for Mark Kitrick

ABSENT: M. Davey, V. Ernst, J. Oldakowski, C. Talmage

Chairperson Richard Maloney opens the meeting in compliance with the Public Open Meeting Law and leads the Pledge of Allegiance to the Flag at 7PM.

First on the agenda is the approval of the August 13, 2015 meeting minutes.

Motion to approve minutes as written by F. McGovern seconded by Egan.

The vote:

Aye: Egan, Kenny, Mahon, Maloney, F. McGovern, McLaughlin, Ryan

No: 0

Abstain: R. McGovern

Motion by Egan to Memorialize the Resolution for Robert Serafin (new single family residence at vacant lot Block 37 Lot 5, 22 Poole Avenue), seconded by Ryan.

The vote:

Aye: Egan, Kenny, Maloney, F. McGovern, McLaughlin, Ryan

No: 0

Resolution is Memorialized.

Motion by McLaughlin to Memorialize Resolution for Mary & Richard Gallagher (expansion of primary residence at 27 Garfield Avenue w/ detached garage apartment) seconded by Kenny.

The vote:

Aye: Kenny, Maloney, F. McGovern, McLaughlin, Ryan

No: 0

Abstain: Egan (Noticed)

Resolution is Memorialized.

Next on the agenda is the application for a Minor Subdivision 36 Lincoln Avenue Robert & Kathy Gluck. Attorney Timothy Middleton representing the Glucks. States that the Glucks purchased the property in 2001 but had never perfected the subdivision approved by the Planning Board in 2002. They built a new home on the corner that is currently at 56.7% lot coverage for the subdivided lot. The Glucks believe they were in compliance in coverage in accordance with the Land Ordinances that were in existence at that time. They are seeking a Variance Relief "C" Bulk for the coverage.

Robert Gluck is sworn in by Attorney Ann Marie Kuhn. Mr. Gluck testifies that they want to stay in Avon and having sustained damage from "SANDY" they are reluctant to go through that experience again. They would like to sub divide and sell their home and most likely also sell the vacant lot and purchase somewhere else in Avon. Mr. Middleton enters into evidence A1- six pages of photo copies of existing house & adjacent property. Mr. Gluck describes each photo to the board. A total of 18 photos in all.

Mr. Middleton addresses Engineer Rooney's review letter dated June 3, 2015. Discussion concerning review letter with Mr. Gluck, Maloney and Rooney on 1.1, moving the existing fence from front of vacant lot to run on property line between the two lots, 2.3 concrete paving. Also discuss 1.3 addressing the impervious coverage of the proposed lot 9.01 at presently being 56.7%. Mr. Gluck states that they could reconfigure rear deck to allow it to drain and become pervious in so reducing coverage. They could also take rear pavers out. Middleton states that doing both could reduce coverage by 3.8%. Egan, Gluck, Middleton discuss removal of the concrete paving. Mr. Gluck is reluctant to remove concrete paving. Kenny discusses the removal of the shed to reduce coverage.

Engineer Rooney goes over his Review Letter dated June 3, 2015.

No questions from the public.

Maloney brings discussion back to the board. Ryan states that if they permit the concrete to stay on proposed Lot 9.02 it would be too close to adjoining lot line with Lot 9.01 and needs to be offset by 3ft per Ordinance. Maloney asks Mr. Gluck what was added since initial approval ? Mr. Gluck states that only the shed was added. Mr. Middleton makes reference to the prior Land Development Ordinance in use at the time of last application. Entered into evidence at

this time is A2- Lincoln Ave. Coverage Calculation. Egan asks Gluck if they have any of the documents from the original application. Mr. Gluck states that as his home office was destroyed in "SANDY" as was the documentation. Mr. Rooney states the Ordinance from 1996 Section 113-11D sub paragraph 3 allows maximum impervious coverage of 50%

Mr. Middleton enters into evidence A3- 1996 Land Development Ordinance.

No comments or questions from the public.

Maloney and Board would like to see documentation on original approval. Egan and Maloney would like them to come back prepared to comply with the 50% coverage allowance.

Mr. Middleton asks the Board Secretary to search the original documentation in Borough files.

Motion by Egan to carry the hearing without further notices to October 8, 2015 seconded by Ryan.

The vote:

Aye: Egan, Kenny, Mahon, Maloney, F. McGovern, R. McGovern, McLaughlin, Ryan

No: 0

Abstain: 0

Motion to carry application is passed

Next on the agenda are Edward & Kathleen McAndrew with an application to expand existing structure at 511 Third Ave., Block 18 Lot 20.02. They are seeking Variance Relief "C" (Bulk). Representing the McAndrew's is Attorney Dennis J. Barrett Esq. , Architect David Feldman and contractor John Ray.

Board member S. McLaughlin steps down as she has been noticed.

Attorney Ann Marie Kuhn swears in Barrett, Mrs. McAndrew, David Feldman.

Barrett presents into evidence A1-Site Plan, A2- Elevation and floor plan.

Mr. Barrett states that this is a classic Hardship application. They have not increased the building percentage. The only addition they want to make to the building percentage by 85 sq ft.

Mrs. McAndrew and Mr. Barrett both state that the property has been in the family since 1968. The applicants gained full title three years ago and plan on retiring and moving to Avon full time. Mrs. McAndrew speaks of her history of spending summers in Avon and the wish to accommodate her children and grandchildren. This would require much updating and an extension.

No questions from the public or the Board.

Mr. Barrett calls Architect David Feldman to testify. Mr. Feldman's qualifications are accepted.

Mr. Feldman states that the existing structure is not conducive for year round living. He describes existing conditions of the house. They want to keep the character of the home while making it functional. They will add an 85 sq ft extension on the north side of property which will add 4% in building coverage however they are decreasing lot coverage by just over 9% by removing concrete and shed. They also propose a second floor extension over the front porch. Mr. Feldman describes the proposed plans in detail.

Engineer Rooney's Review Letter is addressed by Mr. Barrett and Mr. Feldman. The height of the structure is discussed. Mr. Feldman states that the height will be 26.22' , below the allowance of 28'. Egan and Feldman discuss the addition of a/c units in the future. Mr. Feldman states that the units will be located in the south yard towards the rear of house. The property rear yard setback hardship has always existed. Discussion as to whether they plan to raze the house with Egan, Rooney and Feldman. Mr. Feldman states that the foundation is sound.

Mr. Maloney, Mr. Barret and Mr. Feldman discuss the discrepancies on the Survey dated 5/20/15. Mr. Barret enters into evidence A3- Revised Survey dated 7/8/15.

Mr. Rooney asks for testimony as to how this application would be an improvement to neighboring properties. Mr. Barret states that the addition is not considerable, it will not disrupt town plan or affect negatively on the neighborhood.

Mr. Rooney goes over his Review letter dated 7/28/15.

Mr. Maloney request that Mr. Feldman tidy up the Zoning table when plans are resubmitted.

Comments from the public.

Gloria Zayanskosky 510 Third Avenue states the McAndrews are wonderful neighbors and is very in favor of the project.

Back to the board for discussion. Mrs. Egan states that she believes they done a good job to get a livable house on this lot. Mr. Mahon agrees with Egan. R. McGovern states that is a unique situation and is also in favor of the project. Mr. Maloney states that the plans are reasonable but would like to see resubmitted plans with zoning tables updated, A/C units shown. Variances granted for rear yard preexisting non-conforming and front yard setbacks shown with second floor extension, and building lot coverage.

Motion by Maloney seconded by Mahon to approve the application with notes by Maloney and Rooney.

The Vote:

Aye: Egan, Kenny, Mahon, Maloney, R. McGovern, Ryan

No: F. McGovern

Motion is passed.

Engineer C. Rooney addresses the board on record concerning Mr. John Mesko of 20 Poole Avenue. At the last meeting Mr. Mesko was requested to submit calculations regarding a drainage system and documentation from the DEP. Mr. Rooney states that as of today Mr. Mesko is noncompliant as to the conditions set forth in the Resolution. The need for Mr. Mesko to attend the next meeting was discussed. Attorney Ann Marie Kuhn advises Board the Resolution conditions per State Statute Mr. Mesko has 6 months to comply with. It is not for the Planning Board to inforce Mr. Mesko into compliance. The correct official can address this after six months if Mr. Mesko is still noncompliant.

Motion to adjourn by Maloney seconded by Ryan.

Aye: All

Motion to approve minutes by Egan seconded by Ryan.

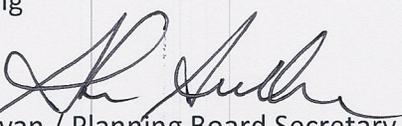
The vote:

Aye: Egan, Kenny, Mahon, Maloney, F. McGovern, Ryan

Abstain: Oldakowski, Talmage

No: 0

Minutes approved at the October 8, 2015 meeting


Sheila Sullivan / Planning Board Secretary