

AVON-BY-THE-SEA PLANNING BOARD MINUTES SEPTEMBER 13, 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 : Michael Davey, Vice Chair Teresa Egan, Vincent Ernst, Marie Kenny, Mayor John Magrini, Commissioner Robert Mahon, Board Chair Richard Maloney, Steven Mazouat, Frank McGovern, Sandra McLaughlin, Jack Ryan, Cal Talmage, Board Engineer Charles Rooney, Board Attorney Mark Kitrick

ABSENT : Joseph Oldakowski

A Caucus was held at 6:30 pm. Board member Frank McGovern led a discussion on certain inclusions he believes should be added to the Land Development Code and the Borough's Master Plan. Discussion followed. Height for undersized lots that meet front width but not length. Mr. Kitrick and Mr. McGovern to discuss best way to move forward with suggestions. Mr. Kitrick states that developing a written concept for the Board to consider and perhaps vote on. He also states that the Board of Commissioners will have to take action.

Chairman 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 Egan second by Ryan that the Minutes from the August 9, 2018 meeting be approved as written.

THE VOTE:

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

ABSTAIN : Davey, Mayor Magrini, Commissioner Mahon, Chair Maloney

NO : 0

MOTION PASSED.

MOTION by Maloney second by McGovern that Reiter -32 Lincoln Avenue (garage conditioning) be carried to the October 11, 2018 meeting.

THE VOTE :

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

NO : 0

MOTION PASSED.

MOTION by Ernst second by Ryan that the Resolution for Joseph & Kathleen Valentine – 318 Washington Avenue- granting a “USE” & “BULK” variances be memorialized.

THE VOTE :

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

ABSTAIN : Davey, Magrini, Mahon, Chair Maloney

NO: 0

MOTION PASSED.

MOTION by Egan second by McLaughlin to memorialize the resolution for an interpretation request for Robert Quish-207 Woodland Avenue.

THE VOTE :

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

ABSTAIN : Davey, Chair Maloney

NO : 0

MOTION PASSED

New application – Donald Stark and Nancy Tuttle, 425 Washington Avenue, the applicants are requesting a variance for a second floor addition to existing two story residence.

Mr. Kitrick swears in Ms. Tuttle, Mr. Stark, architect Tom Petersen and Board Engineer Charles Rooney.

Ms. Tuttle give a history of family ownership of the property starting in 1924. Ms. Tuttle describes the need for more living space as they plan to retire in Avon.

Mr. Petersen for the applicants introduces into evidence **A1- Aerial & photos of existing property**. Mr. Petersen testifies to the condition and nonconformities of the existing property.

There are no questions or comments from the public or the board at this time.

Mr. Rooney goes over his Review letter dated 5/17/2018.

Ms. Kelly Cutillo of 510 Garfield Avenue from the audience is sworn in. Ms. Cutillo speaks in favor of the project.

Commissioner Robert Mahon of 429 Jefferson Avenue (has been noticed and recused) from the audience states that the proposal is a definite improvement and sees no negative impact in proposal.

Chair Maloney states that he is in agreement with the public comments. He is in favor of the project.

Members of the board concur.

MOTION by Maloney second by Ryan that the application be approved.

THE VOTE :

AYE : Davey, Vice Chair Egan, Ernst, Kenny, Mayor Magrini, Chair Maloney, Talmage, McGovern, Mazouat

NO : 0

MOTION PASSED.

Next on the agenda is the Amato application (Block 54 Lot 11) carried from the August 9, 2018 meeting.

Vice Chair Teresa Egan and Michael Davey are recused.

Timothy Middleton, attorney for Mr. Paul Amato calls Professional Planner Peter Steck for cross examination. Discussion follows on the history of ownership of Block 54 Lot 11. Discussion also regarding the garage, use, placement and date built.

Mr. Middleton enters into evidence **A40-Master Plan Reexamination Report adopted 7/12/2018** . Prepared by Donna Miller, AICP, PP of T&M Associates.

A41- copy of e-mails between Andrew Janiw (Beacon Planning), Donna Miller (T&M Associates) and Barbara Ehlen (Beacon Planning).

Discussion follows variances Mr. Steck believes are needed. Frontage is discussed. Rear yard and side yard definitions discussed as relating to the property.

Middleton rests.

Mr. Craig Gianetti, Esq representing Howard Hardie discusses evidence **020- revised tax map 1940 & 1955** in comparison to **018- panels 3 & 4.**

Gary Hall Esq. representing Corinne and Bob McGovern of 60 First Avenue. Mr. McGovern is sworn in. Mr. McGovern identifies his property as Block 54 Lot 12. Discussion follows as to the condition of his property since it was purchased in 2000. Mr. McGovern describes the 10' strip alongside his property that in recent years has been cleared and being used to gain access to lot 11.

Mr. Middleton states that he would like to rebuttal . Attorney Sandy Brown representing The Roehnbecks reserves the rights for the Roehnbecks to testify at next hearing. Application is carried to the October 11/2018 meeting with no further notices.

MOTION by Maloney second by Talmage that the Amato hearing be carried to October 11, 2018 meeting.

THE VOTE :

AYE : Ernst, Kenny, Mayor Magrini, Chair Maloney, Mazouat, McGovern, McLaughlin,Ryan, Talmage

NO : 0

MOTION TO CARRY IS PASSED.

Minutes approved at the October 11, 2018

MOTION by Ryan second by Commissioner Mahon to approve September 13, 2018 Meeting Minutes as written.

THE VOTE :

AYE : Davey, Commissioner Mahon, Maloney, Mazouat,McGovern,Mclaughlin,Ryan

NO : 0

ABSTAIN : Oldakowski

MOTION PASSED.

Sheila Sullivan / Planning Board Secretary


