

AVON-BY-THE-SEA PLANNING BOARD MEETING MINUTES OCTOBER 12, 2017

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, NJ.

PRESENT: M. Davey, V. Ernst, M. Kenny, Mayor J. Magrini, Commissioner R. Mahon, Chairman R. Maloney, S. Mazouat, F. McGovern, S. McLaughlin, J. Oldakowski (late) J. Ryan, C. Talmage, Board Engineer C. Rooney, Board Attorney Kimberly Bennett for King, Kitrick & Jackson.

ABSENT: Vice Chair T. Egan

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

First on the agenda is the approval of the Minutes of the September 14, 2017 meeting.

MOTION by Maloney second by McLaughlin to approve the minutes as written.

THE VOTE:

AYE: Ernst, Kenny, Maloney, McGovern, McLaughlin, Ryan, Talmage

ABSTAIN: Davey, Mayor Magrini, Mazouat

MOTION is passed.

Second on the agenda is a Courtesy Presentation concerning the project at Sylvan Lake referenced as "The Sylvan Lake Living Shoreline". Chair Maloney clarifies that the presentation is specifically to introduce to the Planning Board and get their feedback, it is not necessarily a public question and opinion meeting. There will be public meetings held in the future.

The project was presented by Mr. Andy Raicle and Mr. Rob Fiorle consultants from Matrix New World.

Mr. Fiorle and Mr. Raichle each in turn describe the project as being funded by Grant monies both Federal and State. The project will replace damaged walls, provide vegetation conducive to filtering run off water. The project will restore the lake into a more natural condition. Discussion follows with board members and the presenters.

Next on the agenda WAS a new application filed by Anthony and Maria Papa with respect to the property located at 334 McKinley Place, Block 48 Lot 8. The application seeks a Bulk Variance for a new single family residence on the vacant portion of the lot while retaining the existing detached garage.

Board Attorney Kimberly Bennet swears in Maria & Anthony Papa and their architect Tom Petersen.

Mr. Papa testifies to the fact that he and his wife own a condo at 809 Ocean Avenue. They have out grown the condo, have college age children and would very much like to purchase the property if the application is approved. They plan on retiring in Avon.

Mr. Petersen offers as exhibits A1 – Aerial Photograph, A2 Flood Map, Photographs of existing site (A 3-6).

Mr. Petersen testifies that the proposed house is designed to within the existing conditions of the undersized lot. The applicants will be seeking various variances. Mr. Petersen addresses the variances that are requested.

Board Engineer Charles Rooney goes over his Review letter dated August 29, 2017. Discussion follows between Mr. Rooney and Mr. Rooney.

Chair Maloney asks for questions and comments from the public.

Janice Siegel of 332 McKinley Place questions Mr. Petersen on the height of the roof, width of house and the common walkway between properties.

Nancy Murray 114 Fourth Avenue questions the height of the proposed house, drainage and decibel levels of the A/C unit.

Lloyd Marks of 332 McKinley comments that the proposed house will be too close to his home.

Vincent Cronin 112 Fourth Avenue is concerned with the setback variances.

Board members Kenny, Maloney, Commissioner Mahon, Mayor Magrini, Mazouat and Talmage comment on the application.

Maloney reviews the conditions agreed upon. These conditions being the A/C Unit be placed on the ground level on a platform, resubmittal of 5 sets of plans reflecting the revisions and setbacks approved.

MOTION by Maloney second by Commissioner Mahon that the application be approved with conditions.

THE VOTE:

AYE: Davey, Ernst, Kenny, Mayor Magrini, Commissioner Mahon, Chairman Maloney, Mazouat, McLaughlin, Oldakowski

RECUSED: Ryan

NO: McGovern , Talmage

MOTION PASSED.

Next on the agenda is a new application filed by Mr. Vincent Ernst with respect to property at 414 Lincoln Avenue, Block 29 Lot 17. The application calls for construction of a new detached garage on a conforming lot. Vincent Ernst is sworn in.

Mr. Ernst comments that he believes the application submitted requesting a “D” use Variance should be considered a “C” Variance. This request from Mr. Ernst is due to the proposal for a below grade

basement in the detached garage . Mr. Ernst describes his intention to use the below grade space as a hobby room and for storage.

Board Engineer C. Rooney and board attorney Kimberley Bennett advised the board to handle the application as a "D" variance considering that the Land Ordinance does not specifically allow a basement in a detached garage. Board Chairman Maloney disagrees, it is his opinion that the proposal constituted a non-conforming structure rather than a non-conforming use.

Discussion between board members regarding this change followed. The board took a vote and Motion is unanimously passed.

MOTION by Maloney second by Talmage that the request for bulk variance relief "C-2" be approved.

THE VOTE:

AYE: Kenny, Chair Maloney, Mazouat, McGovern, McLaughlin, Oldakowski, Ryan, Talmage

NO: 0

MOTION PASSED.

Mr. Ernst is also requesting variance relief for the proposed roof. Mr. Ernst would like a "Gambrel " roof to match the roof on the main house. The garage height will be 18' from the crown of the road.

Maloney asks for the record if Mr. Ernst has any intention of using the garage for habitable space. Mr. Ernst responds that he does not.

There are no questions or comments from the public.

Discussion concerning windows in basement, entrances to the garage.

Borough engineer Charles Rooney goes over his review letter dated September 5, 2017.

Mr. Ernst addresses the issue of air flow in the lower level. He states that a mini-split system will be installed.

Mike Davey 410 Lincoln Avenue sworn in. Mr. Davey is in support of the application.

Commissioner Mahon supports the application as does Chair Maloney.

MOTION by Maloney second by Ryan to approve the application as submitted.

THE VOTE:

AYE: Kenny, Mayor Magrini, Commissioner Mahon, Chair Maloney, Mazouat, McGovern, McLaughlin, Oldakowski, Ryan, Talmage

NO: 0

MOTION PASSED.

Motion to adjourn. Aye all.

Minutes approved at the November 9, 2017 meeting.

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

THE VOTE:

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

NO: 0

ABSTAIN: Ernst

MOTION APPROVED.

A handwritten signature in black ink, appearing to read 'Sheila Sullivan', written in a cursive style.

Sheila Sullivan / Planning Board Secretary