

AVON-BY-THE-SEA PLANNING BOARD MINUTES NOVEMBER 9, 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.

PRESENT : V. Ernst, M. Kenny, Chairman R. Maloney, S. Mazouat, F. McGovern, S. McLaughlin, J. Oldakowski, J. Ryan, C. Talmage Board Engineer C. Rooney, Board Attorney M. Kitrick

ABSENT : M. Davey, Vice Chair T. Egan, Mayor J. Magrini, Commissioner R. Mahon

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 Maloney to approve the meeting Minutes from the October 12, 2017 meeting second by Ryan.

THE VOTE :

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

ABSTAIN : Ernst

NO : 0

MOTION PASSED.

MOTION by Maloney second by McLaughlin to memorialize the V. Ernst resolution for the application heard at the October 12, 2017 meeting .

THE VOTE :

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

ABSTAIN : 0

NO : 0

MOTION PASSED.

MOTION BY Maloney second by Oldakowski to memorialize the Papa resolution.

THE VOTE :

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

ABSTAIN : Talmage

NO : 0

MOTION PASSED.

Next on the agenda is a new application for a Minor Subdivision in regards to the property located at 618 Second Avenue, Block 20 Lot 1. The applicant being 618 Second Avenue, LLC (Renna). The applicant seeks board approval to subdivide the existing lot into three conforming lots.

Board attorney Mark Kitrick swears in Keith Henderson , Esq. representing the property owners. Also sworn in are board engineer Charles Rooney and property owner Mr. Phil Renna.

Describes the application as simplistic and requires no variances. Property is where the Norwood Inn presently is. The owners believe that the Norwood Inn has reached its life expectancy. The subdivision will return the zoning back to residential.

Mr. Renna is called to testify as to the application proposal.

Question from the public. Mr. Frank Posella 121 Norwood Avenue asks about the future homes to be constructed.

Board Engineer Rooney goes over his review letter dated 11/2/2017. Discussion on timeline on demolishing the existing building. Mr. Henderson states that they have 190 days to demolish.

Mr. Rooney recommends that the proposal not be perfected until the existing structure is demolished. Mr. Henderson is in agreement.

MOTION by Ernst seconded by Ryan the application for the subdivision of Block 20 Lot 1 known as 618 Second Avenue be approved.

THE VOTE :

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

RECUSE : Kenny

NO : 0

MOTION passed.

Next on the agenda is the Amato application carried from the September 14, 2017. The application is in regards to Block 54 Lot 11, 50 First Avenue. Applicant is presenting a plan revision dated 8/04/2017 (Update Emergency Access Drive). The original plan release was 03/06/2014.

Board attorney Mark Kitrick swears in Timothy Middleton counsel for Amato, Sandy Brown counsel for Mr. & Mrs. Roenbeck (80 First Avenue) , Gary T. Hall counsel for Corinne & Robert McGovern (60 First Ave.) , Craig Gianetti counsel for Howard Hardie (15 Washington Ave.), Jason Fichter licensed engineer and board engineer Charles Rooney.

Attorney Sandy Brown addresses the board and references the two attempts that Mr. Amato has made to get County approval for access along Ocean Avenue to Block 54 Lot 11.

Discussion follows between Mr. Middleton & Mr. Brown concerning the access and the proposed driveway's length and pitch.

Craig Gianetti states that the application when last heard in November 2016 at which there was a long debate on Res Judicata. Mr. Gianetti believes that this hearing should pick up where the testimony left off.

Mr. Kitrick responds that the case should be heard in its entirety for the board to make a decision. Mr. Gianetti states that Mr. Rooney's Review letter dated May 2016 has never been addressed by the applicant.

Jason Fichter from In Site Engineering gives testimony. Mr. Fichter enters into evidence

A1- 1947 AERIAL OF BLOCK 54 (ON LARGE BOARD)

A2- 1953 AERIAL (ON LARGE BOARD)

A3 – 1963 AERIAL SHOWING DRIVEWAY & GARAGE OFF FIRST AVENUE WHICH STILL EXIST

A4 – COLOR RENDERING OF SUBMITTED PLANS DATED 11/16/17 (ON LARGE BOARD)

A5 – PHOTO OF BULKHEAD CONSTRUCTION OFF OCEAN AVENUE

A6- PHOTO OF BOROUGH FIRE TRUCK PARKED AT OCEAN AVENUE BULKHEAD

A7 – PHOTO OF EMERGENCY VEHICLE PARKED OFF OCEAN AVE. BY BULK HEAD

A8 – PHOTO OF EMERGENCY VEHICLE PARKED OFF OCEAN AVE. BY BULK HEAD

A9 – photo board 2 displaying a paver system that looks like grass

A10 – FEMA Map 11/09/2017

Mr. Fichter gives a description of each piece of evidence.

Mr. Gianetti objects to the reference that **A4** is represented as being approved. Mr. Middleton states that there is no approval from the County as of yet and that the approval from the application would be conditional on County approval for access off Ocean Avenue.

Discussion on maintenance of driveway.

Mr. Fichter addresses the Flood Regulation Compliance, grade varies around property. He believes that flood water would never reach proposed home. Mr. Fichter testifies to the proposed house- garage and the height to be taken from the crown of the road at Ocean Avenue. The height can also be calculated using the average height of surrounding homes.

TAPE CHANGE.

Question's from the board.

Board member F. McGovern and C. Talmage voice concerns with the fill at the slope where the driveway begins off of Ocean Avenue. They also discuss the elevations of the slope as to emergency vehicles gaining access if snow removal is needed.

Chair Maloney asks if the subdivision application is void. Mr. Middleton replies that it is.

Mr. Gianetti discusses sheets #4 & #8 on the plans with Mr. Fichter.

Mr. Gianetti offers into evidence **O1 – letter dated 1/30/2015 Monmouth County Engineer Joseph Ettore stating that the County will not be able to accommodate the request for emergency access Re: Ocean Avenue, letter dated 8/15/2002 from County Administrator Louis Papanozzi affirms the position of the County engineers Giannechini & Wolfe denying access , letter dated 8/16/2002 from County Counsel Malcom Carton to County Administrator Louis Papanozzi recommending the denial be affirmed and a letter dated 7/15/02 from County Engineer Theodore to Timothy Middleton stating that the request for access off Ocean Ave. will not be accomodated .**

O2 – PLOT PLAN DATED 3/06/2014

O3 – letter dated 11/28/2011 from NJ State DEP Section Chief Christopher Dolphin to Mr. Paul Amato in reference to the CAFRA Individual Permit Modification Request

O4 – CAFRA Permit granted to CMM Construction dated 2/07/2008 re: subdivision for Lots 3, 4 & 11 in Block 54

Discussion follows between Mr. Fichter, Mr. Brown & Mr. Middleton concerning the main access from the First Avenue 10' driveway and the proposed Ocean Avenue access. Mr. Fichter addresses the flood zones in the area in relation to the proposed home.

Mr. Fichter enters into evidence **A11 – letter to Mr. Fichter from Robert Dickerson Supervisor of Inspection Monmouth County Highway Division**

A12 – Memorandum dated 2/02/2017 to Robert Dickerson from Raymond Bragg Division of Engineering Re: Amato Road Permit Application (“Emergency Access Plan”)

A13 – letter dated 3/06/2017 from INSITE Engineering to Mr. Dickerson Monmouth County Division of Highways

A14 – letter dated 6/06/2017 from Gary Fread Superintendent – County Operations Dept. of Public Works & Engineering to Mr. Paul Amato

Discussion about Ocean Avenue access driveway between Mr. Fichter , Mr. Gianetti as to the grading, snow removal and maintenance to allow emergency vehicles to enter safely.

MOTION by Maloney to carry application to the December 14, 2017 meeting with no further Notice second by Ryan.

THE VOTE :

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

MOTION PASSED.

MOTION BY MALONEY TO ADJOURN.

AYE : ALL

MINUTES APPROVED AT THE DECEMBER 14, 2017 MEETING

MOTION by Maloney second by Ryan to approve November 9, 2017 minutes as written.

THE VOTE:

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

ABSTAIN: Davey, Egan

NO: 0


Sheila Sullivan / Planning Board Secretary