

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

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 07717

Chairman R. Maloney

PRESENT: M. Davey, Vice Chair T. Egan, V. Ernst, M. Kenny, Mayor R. Mahon, Chair R. Maloney, F. McGovern, S. McLaughlin, C. Talmage, Borough Engineer C. Rooney, Planning Board Attorney M. Kitrick

Absent: Commissioner R. McGovern, J. Oldakowski, J. Ryan

Chairman R. 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 are Minutes of the October 8, 2015 meeting.

Motion by Maloney second by Mayor Mahon to approve the Minutes as written.

The vote:

Aye: Davey, Egan, Kenny, Mahon, Maloney, F. McGovern, McLaughlin, Talmage

No: 0

Abstain: Ernst

Absent: Commissioner R. McGovern, Oldakowski, Ryan

Second on the Agenda is an application is the approval of the Resolution for Gluck subdivision 36 Lincoln Avenue. Motion by Maloney to approve second by Mayor Mahon.

The Vote:

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

No: 0

Abstain: Davey, Ernst

Absent: R. McGovern, Oldakowski, Ryan

Resolution is memorialized.

Third on the Agenda is a new application seeking Subdivision Approval and Bulk "C" Variance Relief for 134 & 138 Washington Avenue Block 51 Lots 5.01 and 5.02. The applicants are Eileen & Thomas Ruane.

Representing the Ruane's is Attorney Mark Aikens. Also present as witnesses for the application are Mr. Ruane, Architect Tom Peterson and Planner Patrick Ward. They are sworn in by Mr. Kitrick.

Mr. Aikens call Mr. Ruane as first witness. Mr. Ruane states that his family has owned property in Avon for 33 years. They purchased the current property 11 years ago with the intent to retire here. Superstorm "SANDY" has set them back a bit. There are no questions from the public or the board for Mr. Ruane.

Aikens calls Architect Tom Peterson. Evidence marked A1-board showing minor subdivision and Lot Line Adjustment. Mr. Peterson explains the existing & proposed adjustments and usage. Mr. Peterson states that Lot 5.01 presently contains a single family residence and an existing non-conforming residential garage accessory structure. Both structures received extensive damage during Super Storm "SANDY". They propose to demolish the single family residence and construct a new 2 ½ story residence. They also propose to renovate the nonconforming accessory structure entirely within the existing footprint.

Lot 5.02 presently contains a single family residence with a one story garage. Both structures also received extensive damage from "SANDY". The existing single family will remain untouched and they propose to demolish the garage.

Mr. Peterson reviews exhibit A2- 2 sheets architectural rendering for new home with floor plans.

Exhibit marked A3 architectural sheet showing elevations. The new proposed house will sit higher because of the need to meet new Flood Elevation requirements. Peterson states that this pushes the height of the new house to 38.3'. A variance will be needed. Building and lot coverage are referenced by Mr. Peterson.

Chairperson Maloney and Mr. Peterson discuss the existing grade and the crown. Discussion on roof pitches for both structures.

Mr. Peterson enters exhibit A4 (1 sheet) into evidence which shows the existing and proposed accessory garage apartment elevation.

No questions from the public at this point. Egan asks for a visual of the properties? There are none. Mr. Ernst asks if they are gaining any living space with the renovations to the garage apartment. Mr. Peterson states that there will not be any added living space added.

There are no questions from the public.

Mr. Aikens calls Planner Patrick Ward to testify. Mr. Ward gives his qualifications to the board. Mr. Ward addresses the "D" Variance , the "use" variance for the existing detached garage apartment. Mr. Ward addresses all variances requested, listed on ADDENDUM #1 of application packet. Mr. Ward refers to the proposed properties as Lot 5.03 & 5.04.

Mr. Ward enters into evidence exhibit A5- Neighborhood Analysis on board. This is an aerial of surrounding properties. Some homes are shaded if they are above the 35' height allowance. Mr. Ward is of the opinion that the improvements will enhance the value of the surrounding properties. He states that (7) seven existing nonconformities will be eliminated with the creation of the proposed two conforming lots. Mr. Ward believes the application promotes a desirable visual environment.

Questions from the board.

Vice chair Egan asks Mr. Ward if he knows the age of the houses shaded in exhibit A5? Mr. Ward is not sure.

No questions from the audience.

Mr. Aikens representing the applicant rests.

Board Engineer Charlie Rooney addresses his Review letter dated October 21, 2015.

Mr. Rooney requests a detailed breakout of coverage. Board member Ernst agrees. Chair Maloney also states that he would like to see a detailed site plan to be submitted to Mr. Rooney before next meeting.

Vice chair Egan asks for assurance that the coverage shown on the site plan they see this evening if approved will not be expanded on, such as walks, patios etc. in the future adding to or going over allowable coverage.

From the audience Charlene Smith ( 202 Washington Avenue ) questions the parking requirements required for the rear cottage. Mr. Rooney answers that they will need a variance for the absence of the two required parking spaces.

Chair Maloney states that the plans show a great improvement over the existing property and dwellings. He believes that the proposed height of the new dwelling of 38.3' could be reduced to 38'

Egan believes that the new home could be smaller, she is concerned with the density. Kenny concerned about the parking issues. Ms. Kenny is also concerned with board granting a variance for the existing garage apartment as it is not allowed in our code. Mr. Talmage states that he is in agreement with the other board member and their concerns with parking and the garage apartment. He would also like to see more detailed plans.

Mr. Aikens responds that the intention was never to max out the site but to try to reconcile some of the issues. In regards to the parking it is not the applicants intention to sell or demolish the structure on Lot 5.04 in the immediate future. New Lot 5.03 there will be no change to the parking issue and will need a variance. They will submit to the board proposed architectural at the next meeting or would the board consider a resolution this evening. Mr. Aikens states that his clients will defer to either.

Board member Talmage states that he is uncomfortable making a decision without seeing further architectural on the proposed structures and the garage apartment to be demolished. Mr. Aikens responds that this is not desirable to his clients.

Mayor Mahon asks if the "USE" variance for Lot 5.03 and the Subdivision are contingent on each other. Mr. Aikens states that there would be two votes as he and Mr. Kitrick have discussed. They would like to have the opportunity to address the board's concerns and to carry with no further notices.

Maloney makes a motion to carry the application to the January 14, 2016 second by F. McGovern.

The vote:

Aye: Davey, Egan, Ernst, Kenny, Mayor Mahon, Maloney, F. McGovern, McLaughlin, Talmage

Abstain: 0

No: 0

Absent: R. McGovern, Oldakowski, Ryan

Motion to carry with no further notices is passed.

Mr. Maloney states that there is one more item on the agenda, that being

Engineer Rooney addresses the board as to his receipt of the Drainage Plan for 20 Poole Avenue ( John Mesko ), required for approval of the resolution memorialized July 9, 2015 . Mr. Rooney has reviewed the plan and has found it satisfactory. He recommends that the board accept the plan. He has also been provided with documents of correspondence between Mr. Mesko and the DEP addressing his sump pump discharging into the Shark River. Mr. Rooney wrote a letter to the board that Mr. Mesko is in compliance and is recommending to the board to accept the plan. He also forward his findings to Richard Connors the Construction Official.

Motion to adjourn by Maloney second by McLaughlin.

Aye: All

Minutes approved at the January 14, 2016 meeting.

Motion by Maloney seconded by Egan to approve minutes as written.

The vote:

Aye: Davey, Egan, Ernst, Kenny, Mahon, Maloney, F. McGovern, McLaughlin, Talmage

Abstain: Ryan

Motion passed.

Sheila Sullivan/ Board Secretary