

AVON-BY-THE-SEA PLANNING BOARD MINUTES DECEMBER 14, 2017

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

PRESENT : Michael Davey, Vice Chair Teresa Egan, Vincent Ernst, Chair Richard Maloney, Steven Mazouat, Frank McGovern, Sandra McLaughlin, Joseph Oldakowski, John Ryan, Cal Talmage, Board Engineer Charles Rooney, Board Attorney Mark Kitrick

ABSENT : Marie Kenny, Mayor John Magrini, Commissioner Robert Mahon

Chairman R. 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 seconded by Ryan that the November 9, 2017 Meeting Minutes be approved as written.

THE VOTE:

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

NO : 0

ABSTAIN : Davey, Egan

MOTION PASSED.

MOTION by Maloney second by McLaughlin to memorialize the Resolution for the subdivision of 618 Fourth Avenue (Renna).

THE VOTE :

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

NO : 0

ABSTAIN : Davey, Egan

MOTION PASSED.

Next on the agenda is the continuation of the Amato revised application for Block 54 Lot 11 carried from the November 9, 2017 meeting.

Mr. Kitrick states that it is now the opportunity for Attornies Craig Gianetti representing Howard Hardie (15 Washington Avenue), Attorney Sanford Brown representing Mr. & Mrs. Roenbeck (80 First Avenue), Gary Hall representing Corinne & Robert McGovern (60 First Avenue) to cross examine Attorney Middleton's redirect from last meeting.

Mr. Gianetti addresses the board and enters into evidence Exhibit **O5**.

O5 – Letter from the County to the Borough dated May 1, 2017

Mr. Gianetti states that the Borough did respond.

Discussion follows between Attorney Gary Hall and Engineer Jason Fichter (testifying for Amato) as to the proposed address of the house to be designated as Ocean Avenue.

Mr. Paul Amato is sworn in. Mr. Middleton has Mr. Amato describe the property.

Mr. Amato refers to previous exhibit **A4 – color plans on board proposed main house and entrances.**

Exhibit **A15 – footprint of proposed first floor.**

A16 – south elevation of proposed house color on board.

Mr. Hall questions the provenance of the exhibits.

Mr. Amato states that the plans were prepared by CMM staff in particular his son Christopher Amato assisted by an artist.

Discussion follows between Mr. Middleton and Mr. Amato as to State Access , the need to elevate the house because it is in a flood zone and the fact that they are not requesting a variance for height.

Entered into evidence by Mr. Middleton is exhibit **A17 – letter from Rich Boornazian / Assistant Commissioner Natural & Historic Resources State of NJ, dated April 11, 2016 to Mr. Paul Amato**

A18 – photo of gate on state property taken by Mr. Amato

A19 – DEP Special Use Permit for gate installation on fence

Discussion follows with Mr. Amato and Mr. Middleton concerning process that Mr. Amato has gone through to obtain permission for emergency access to his property from Ocean Avenue.

A20 – letter dated February 2, 2017 to Jason Fichter (In Site engineering) from Robert Dickerson Supervisor of Inspection Momouth County Highway Division

A21 – Memorandum from Raymond Bragg, PE – Division of Engineering to Robert Dickerson – Division of Highways Re: Paul Amato. Dated February 2, 2017

A22 – letter from Avon Fire Marshal Anthony Vecchio to Mr. Paul Amato dated March 2, 2017

A23 – letter from Jason Fichter of In Site Engineering to Robert Dickerson of Monmouth Department of Public Works and Engineering Division of Highways dated March 6, 2017

A24 – letter from Borough Attorney Barry Cooke, Esq. to Michael D. Fitzgerald Monmouth County Counsel dated May 2, 2017

A25 – letter from Gary Fread Superintendent - Operations Monmouth County Director of Public works , dated June 6, 2017

Mr. Amato enters into evidence **A26 – aerial photo from Borough offices showing cars accessing from Ocean Avenue. Date unknown**

A27 – paper documents from manufacturer of artificial grass pavers.

Mr. Gianetti and Mr. Hall object to A2 as being unidentifiable also no independent study done.

Mr. Kitrick “ objection allowed”

Questions from the Board?

Steve Mazouat questions Amato if he has received a letter of approval from the County yet. Mr. Amato responds “no”.

Questions from public?

Mr. Dan Mallard 14 Washington Avenue asks Mr. Amato about the USE PERMIT. Mr. Amato explains that it was solely for the gate he installed.

Discussion follows between Mr. Gianetti and the applicant. Mr. Gianetti asks if Mr. Amato has any architectural plan drawn yet. Mr. Amato “no”. Mr. Amato states he will not provide architectural plans before decision of board on this application.

Discussion between Attorney Sandy Brown and Mr. Amato as to the access to property from Washington Avenue.

Attorney Gary Hall questions Mr. Amato as to exhibit **A6 & A7 - photo's of emergency vehicles parked on property by Shark River entered through Ocean Avenue. Photo's taken by Mr. Amato.** They discuss previous hearings before board. Discuss use of the garage on Lot 11. Mr. Amato states that garage is a Primary use. Discussion concerning floor elevations on proposed house and proposed frontage.

MOTION to recess by Chair Maloney and carry application to January 11, 2018 meeting.

AYE : ALL

MINUTES APPROVED AT THE JANUARY 11, 2018 MEETING.

MOTION by J. Ryan second by F. McGovern to approve December 9, 2017 meeting minutes as written.

THE VOTE :

AYE : Mazouat, McGovern, McLaughlin, Oldakowski, Ryan

NO : 0

ABSTAIN : Egan

MOTION PASSED

SHEILA SULLIVAN/ PLANNING BOARD SECRETARY