

AVON PLANNING BOARD MEETING MINUTES APRIL 10, 2014

7:00 PM

A regular meeting of the Avon-By-The-Sea Planning Board was held on the above date in the Avon Elementary School, Fifth Avenue.

Chairperson Richard Maloney reads the opening statement in compliance with the Open Public Meetings Act and led The Pledge of Allegiance to the Flag

Board members Davey, O'Malley & Talmage give Certification notarized that they listened to the recording of the March 13, 2014 meeting and are eligible to vote on the Higgins' application.

Present:

M. Davey, Vice Chair T. Egan, V. Ernst, Mayor R. Mahon, Chairperson R. Maloney, F. McGovern, Commissioner R. McGovern, S. McLaughlin, J. O'Malley, J. Ryan, C. Talmage, Board Engineer C. Rooney, Board Attorney M. Kitrick.

Absent: M. Kenny

First on the agenda was the approval of the minutes of the March 13, 2014 meeting.

Motion by Maloney seconded by McLaughlin to approve.

The vote:

Aye: Egan, Maloney, F. McGovern, McLaughlin, O'Malley, Ryan

Absent: Ernst (arrived late), Kenny

Abstain: Davey, Talmage

No: 0

Second on the agenda is the continuation of the Higgins' application, 110 Washington Avenue.

Catherine Higgins' Attorney Armen McOmber asks the board for feedback in relation to their revised plans which reduced the impervious coverage and are willing to raise 13' not 13.5.

Architect J. Regan addresses the impervious percentage and the height reduction.

Exhibits A19 (architectural rendering), A20 (section of existing building and proposals).

Discussion follows with board members, chair, Architect Regan and Attorney McOmber as to addressing the impervious coverage being separate issue from the height. Architect Regan indicates areas where impervious will be removed and some to be added for access to the

crawl space. Discussion continues addressing the percentage of impervious in the rear of the property and that removal of some of the concrete pad. Chairperson Maloney stresses that there is still a lot of impervious that could be removed. Vice Chair Egan sees the removal of the concrete pad as a solution to the impervious issue. Attorney McOmber states that removal of concrete slab would be a considerable expense, also the property being so low it gets wet all around.

Engineer Rooney refers to his review letter dated April 7, 2014. Board Engineer C. Rooney and Attorney McOmber discuss paragraph 1.2 (reducing driveway concrete impervious coverage). Board Attorney Kitrick comments that the issue of coverage has been a consistent part of the Board Engineer Rooney's reviews.

Five (5) minute break.

Attorney McOmber states that his clients are willing to reduce additional impervious coverage and agree that a favorable vote will be conditional on these amendments.

Comments from board?

J. Ryan is agreeable on the impervious reduction percentage.

Discussion on the height variance. Attorney McOmber states that his clients have brought down the height 3' to 13', which they feel is the only reasonable answer. Chairperson Maloney voices concern on granting the height at 13' as it is 1.9' above where the applicants had water from "SANDY" and more than the BFE affords.

Comments from the board.

Egan states that the applicant has adequately proved the need for 13'.

F. McGovern is in favor of 13'

Ryan feels 13' is realistic number.

O'Malley board's opportunity to treat each application on it's own merit, 13' is acceptable.

Engineer C. Rooney addresses his review letter. Paragraphs 1.1, 1.2, 1.3, 1.4, 1.5 & 2.1.

Board Attorney Kitrick ask Attorney McOmber if they are officially amending the application. Attorney McOmber "yes" based on the board's comments and input.

Comments from the public.

Linda Henderson 108 Washington Avenue speaks in favor of the application.

Attorney Kitrick "For The Record" the applicants no longer need "USE" variance because they are amending the height. There is no other "USE" variance the application is now just for "BULK". There are 9 voters and a majority is needed to pass.

Chairperson Maloney comments that he is not in favor of 13' and would like it on the record, he is more in the area of 12'.

Board member Davey is not in favor of the 13'.

Motion by F. McGovern to approve the application with amendments & revisions, seconded by Egan.

The vote:

Aye:

Egan, F. McGovern, McLaughlin, O'Malley, Ryan

No:

Davey, Ernst, Maloney, Talmage

Motion is passed to approve the application.

Third on the agenda is a new application for David Valiaveedan & Kathleen Dowling, 132 Garfield Avenue Block 34 Lot 11. The applicants are seeking Variance Relief "C" (Bulk) and Variance Relief "USE".

Vice Chair Teresa Egan Chairs. Board member C. Talmage has been noticed and is recused. Board Engineer Rooney is also recused.

Representing the applicants is Attorney M. Rubino. Mr. Rubino refers to the variances that are part of the application. There is a garage apartment on the property that they would like to keep and renovate. The front house will be demolished and rebuilt. The ground level of the house & garage were damaged by "SANDY".

Architect for the applicants Mary Hearn, Dr. Dowling & Engineer for the board Al Hilla are sworn in.

Dr. Dowling gives background of their intent to purchase a home in Avon with a detached garage apartment for her mother to occupy. The damage to the house from "SANDY" and the age of the house makes rehab unreasonable.

Marked into evidence A1 (site plan), A2 (garage elevation), A3 (photo board of current property), A4 (elevation), A5 (aerial photo), A6 (floor plan) marked into evidence.

Questions from the public.

Bill Scardilli 408 Second Avenue cannot hear Mr. Rubino and questions are there one or two dormers proposed for the garage apartment. Mr. Rubino says that two dormers are proposed.

Architect Mary Hearn testifies as to the designs of the proposed house and renovation of the garage. Addresses front yard setback, refers to A5. Feels that the new home and garage renovation will fit in aesthetically with the surrounding homes.

Discussion on placement of A/C condensers. They will be placed on pavers. Discussion Chairperson Egan and Hearn regarding the rear windows facing the lane as to their size.

Question from public. Joan Dunne 130 Garfield Avenue questions the side yard setback to her property line. Architect Hearn addresses the distance as proposed will be 6'.

Engineer Al Hilla (Leon Avakian's office) goes over the review letter. Discussion with Hearn and Hilla as to page 4 suggestion F 1&2 and general comments.

Comments from the board.

Chairperson Egan supports the front yard setback but would like to see a smaller garage dormer.

Hearn suggests one window instead of two. F. McGovern agrees with Egan on the reduction.

Rubino states that the client is agreeable to reduction on the windows in the rear property.

No comments or questions from the public.

Motion by Ryan to approve application with amendments, seconded by Ernst.

The vote:

Aye: Davey, Egan, Ernst, F. McGovern, McLaughlin, O'Malley, Ryan

No: 0

Abstain: Talmage

Absent: Kenny, Maloney

Minutes approved at the May 8, 2014 meeting. Motion by Maloney seconded by McLaughlin to approve.

The vote:

Aye: Egan, Maloney, F. McGovern, McLaughlin, Ryan

No: 0

Abstain: Kenny

Absent: Davey, Ernst, O'Malley, Talmage

Sheila Sullivan/Planning Board Secretary

Avon-By-The-Sea