

AVON PLANNING BOARD – JULY 12, 2012 MINUTES

Vice-Chairperson Egan opens meeting at 7pm. Reads opening statement. Salute to the flag.

Roll call

Attendance: Davey, Egan, Ernst, Kenny, Mahon, McLaughlin, Placitella, Talmage

Absent: Chairperson Maloney, Commissioner McGovern, O'Malley. Ryan

Also in attendance Geoffrey Cramer, Borough Attorney; Charlie Rooney, Borough Engineer; Craig Gianetti, Esq.,

Chairperson Egan states that the approval of the Amato resolution will be moved to August to provide time for the board to examine the edits handed out this evening by Craig Gianetti attorney for objector Howard Hardie.

Attorney Cramer asks Mr.Gianetti if he plans on providing applicant Amato's attorney Timothy Middleton with copy of edits for review.

Discussion on edits and possible three way discussion so that Mr.Cramer can draft a revised resolution for next months meeting.

Gianetti agrees to submit a formal submission of revisions and edits to the board secretary Sheila Sullivan and Attorney Timothy Middleton.

Egan moves to carry approval of Amato resolution to next months meeting.

Motion by McLaughlin second by Talmage

The vote:

Aye: Ernst, Kenny, McLaughlin, Talmage

Abstain: Davey, Egan, Placitella

Approved

Egan moves to approve Minutes of the May 10, 2012 meeting.

Motion by McLaughlin second by Talmage

The vote:

Aye: Ernst, Kenny, McLaughlin, Talmage

Abstain: Davey, Egan, Placitella

Minutes approved

Statement by Mr.Cramer

Attorney Cramer refers to the application by Jendretzki LLC - 35 Sylvania Avenue Block 35 Lot 4 that was to be on tonight's agenda. Application will be carried without further publication needed or notices to those already noticed. Reason being that the property owners within 200' service was insufficient. Suggests that board continues the application to August as to allow the service to property owners omitted to be made as according to statute.

Motion by Talmage second by Egan to carry application to August meeting.

The vote:

Aye: All present
Approved

Egan introduces Nedza application continuance:

Egan refers to pictures and statement given to board by Code Enforcement Official Mr. Tony Vecchio. Mr. Vecchio's statement notes that the pictures confirm that the unit is a seasonal rental.

Architect Tom Peterson representing Mr. Nedza distributes new plans.

Mr. Nedza testifies that he plans on using the property (unit) for family use and will be putting heat in. Cosmetic dormers also added.

Mr. Peterson explains revisions to plan.

Discussion with Cramer & Peterson as to the possibility of putting a deed restriction on the unit only being used for family and not rentable.

Egan asks for questions from the board:

Mr. Rooney questions the area above second floor looks as if it could be above 7'.

Mr. Peterson states that there would be 6' 10" from floor line. Says it will be under 5'

Discussion as to height of building, size and concerns of adding heat making the property (unit) a change in zoning.

Mr. Peterson suggests that using the property for intermittent family use would make the use of property less intense.

Discussion by board as to how would family use be regulated?

How would deed restriction be regulated?

Egan states that the deed restriction is a good give and would also like to see the property height lowered to 24' from 26'.

Mr. Nedza discusses the plans as an improvement to the neighborhood and benefit to the town.

Mrs. Placitella objects to the heat being allowed as it changes the zoning and would open the door for others with seasonal apartments to apply for same variance.

Ms. Kenny agrees and addresses the biggest problem being enforcement of deed restriction.

Mr. Nedza asks what laws are on the books regarding these nonconforming apartments that are seasonal?

Mr. Cramer states that by adding heat they have created an expansion of a nonconforming use and would require a variance.

Mr. Talmage states that the planning board is trying to get away from expanding nonconforming uses and sees the deed restriction as unenforceable.

McLaughlin asks about the amount of pavers on property.

Egan makes motion to approve application with the contingencies that the roofline be brought down to 24', pavers on east side removed, deed restriction that the property would only be occupied by immediate family, heat would be allowed. Also allowing for Mr. Rooney's stipulations from original report.

Rooney comments on prior report.

Egan calls for second. McLaughlin seconds.

The vote:

Aye: Egan, Ernst, McLaughlin

No: Davey, Kenny, Placitella, Talmage

Motion does not pass.

Egan makes motion to adjourn second by Placitella.

Aye; All

Minutes Approved at the August 9, 2012 meeting

The vote:

Aye: Davey, Egan, Kenny, Placitella, Talmage

No: 0

Abstain: Maloney, O'Malley, Ryan