

AVON PLANNING BOARD

AUGUST 9, 2012 MEETING MINUTES

Chairperson Richard Maloney opens meeting at 7PM, reads opening statement.

Roll call:

Attendance: Davey, Egan, Ernst, Kenny, Mayor Mahon, Maloney, O'Malley, Placitella, Ryan, Talmage

Absent: Comm. McGovern, McLaughlin

Also present Planning Board Attorney Geoffrey Cramer, objector Hardie's attorney Craig Gianetti, Attorney Michael Rubino (35 Sylvania Ave.), Architect Pablo Jendretzki (35 Sylvania Ave.) owner Gerardo Goldberger (35 Sylvania Ave.)

First on the agenda is the approval of the June 14, 2012 meeting minutes.

Motion by Egan second by Davey.

The vote:

Aye: Davey, Egan, Kenny, Placitella, Talmage

No: 0

Abstain: Maloney, O'Malley, Ryan

Minutes approved

Second on the agenda is the approval of the July 12, 2012 meeting minutes.

Motion by Kenny second by Egan.

The vote:

Aye: Davey, Egan, Kenny, Placitella, Talmage

No: 0

Abstain: Maloney, O'Malley, Ryan

Minutes approved

Next on the agenda is the approval of the Nedza Resolution.

Chairperson Maloney states that the motion will be carried to the next meeting without further notices.

Next on the agenda is the approval of the Amato Resolution.

Attorney Cramer addresses Amato Resolution on agenda for approval this evening. Certain items on the resolution need to be corrected or modified as per the suggestion of certain members of the board.

Chairperson Maloney states that there are two factual items to be corrected.

One being the reference to the Master Plan language . The word "buildable" is not in the Master Plan. Attorney Cramer suggests eliminating the word "buildable" and changing the language to "a large vacant piece of land fronting Shark River Inlet at Ocean Avenue (Lot 11)".

Second factual item refers to witness Hartl as speaking on behalf of Amato in reference to access having at one point existing from Ocean Avenue to Lot 11.

Mr. Paul Amato interjects with objection as to the process of reviewing resolution at meeting and making changes. Wants his objection to be on the record.

Chairperson Maloney addresses the issue that these are just factual changes.

Attorney Cramer suggests to Maloney that the sentence that contains on page 7 Mr. Hartl's testimony regarding access be followed by a sentence stating that the testimony on behalf of objector Howard Hardie is contradictory.

Resolution put to vote as modified with the above referenced changes.

Chairperson Maloney makes a motion that the Amato Resolution be approved with the two modifications.
Second by Talmage.

The vote:

Aye: Ernst, Kenny, Maloney, Ryan, Talmage

No: 0

Abstain: Davey, Egan, Mahon, O'Malley, Placitella

Resolution is adopted as modified. Resolution will be published.

Next on the agenda is a hearing for a variance application for 35 Sylvania Avenue.

Attorney Michael Rubino representing applicant.

Chairperson Maloney states that we have seven voting members as O'Malley and Egan recuse themselves.

Mr. Rubino states that variance is for half story relief. Mr. Rubino presents that they only need variance for front of house to be used as a master bedroom. Makes note that the existing structure is nonconforming as it has four units and it is the owner's intention to tear down this structure and build a single family home. All nonconformities will be brought into compliance.

New plans with changes are handed out to board.

Attorney Cramer swears in applicant Gerardo Goldberger, architect Pablo Jendretzki and architect Salvatore Croce.

Owner Dr. Gerardo Goldberger states that he purchased property at 35 Sylvania Ave. four years ago. He and his wife and two children enjoy the Avon community. As an orthopedic surgeon he has opened a practice in Lake Como. Dr. Goldberger reiterates the proposal to tear down the existing four unit property and build a single family home. The home will have a center court yard extending up to the top of the property. He would like to create a master bedroom in half story.

Rubino introduces a picture board as exhibit A1 showing property as it exists from all sides.

Chairperson Maloney asks for questions from the board;

Board member Kenny addresses the garage as appearing to have an apartment on second floor

Dr. Gerardo replies it is used for storage.

Kenny states that the new plan shows a full bathroom and expresses concerns as to its use.

Board member Ryan asks about height of garage and use of second floor.

Dr. Gerardo states that he will use the space to train on equipment indoors.

Rubino calls architect Pablo Jendretzki. Mr. Jendretzki addresses exhibit A2 (revised plans) on large board. Mr. Jendretzki describes the plans as a "donut" design. Open house design. Addresses the master bedroom half story plan. The roof of house steps down after master bedroom so as not to maximize space. He understands

that the ordinance regarding ½ stories above second floor exists to maintain the charm of the town so ½ story will not be misused.

Mr. Jendretzki goes over Engineer Rooney's report and addresses all points with Engineer Rooney.

Chairperson Maloney asks if there are any questions from the board.

Ryan states that the A/C pads & bilco door have to be incorporated in the impervious. Jendretzki says he will add if necessary.

Ernst questions the finishes on the proposed house. Mr. Jendretzki states that he has discussed different finishes with the client and asks if finishes are something that needs to be addressed with the board?

Chairperson Maloney responds that finishes are not typically addressed but can be governed to be part of the application.

Chairperson Maloney asks if there are any questions from the public.

Teresa Egan owner at 30 Garfield Avenue questions whether the pergola and covered porch are included in building coverage. Mrs. Egan states that her calculations on building coverage are different than what is shown on the plans.

Discussion follows.

Mr. Rubino responds that in no way is it the applicant's intent to exceed allowed coverage and will revise the plans.

Mrs. Maryanne O'Malley owner at 33 Sylvania Avenue addresses board with questions regarding the height of the house, the proposed garage bathroom and the third floor overhang being used for living space.

Mr. Rubino & Dr. Gerardo respond to question on the height of the proposed house. Engineer Rooney states that the proposed plans show 35' measured from the crown of the road. Existing height on the table is in error and not measured from the crown.

Dr. Gerardo responds to O'Malley question and states there is no living space in the overhang.

Mr. Rubino rests.

Chairperson Maloney remarks that case presented to the board is a very unique and unusual structure. Various features challenging the board's decision as to whether this application conforms to our ordinance intent or not. Very important to the board is the neighbors feelings.

Chairperson Maloney would like to see the plans revised and brought back. The application definitely stretching the boundaries of our generic code.

Mr. Rubino says they will come back in September.

Chairperson Maloney asks for comments from the public.

Frank McGovern of 335 Norwood Avenue remarks on the height of proposed house.

Board member Kenny asks for clarification of the proposed half story.

Board member Placitella expresses concern about the garage bathroom.

Mr. Rubino states that his client Dr. Goldberger has agreed to the removal of the garage bathroom from plans.

Chairperson Maloney brings the discussion back to the board, as to the applicants coming back with all items discussed will be addressed on the revised plans.

Board member Ryan addresses the applicant as to their design. He does not think that the design keeps in the character of the town with the large windows and roof material. Discussion on roof material follows.

Mr. Rubino suggests that the applicant will come back before the board next month with revised plans.

Chairperson Maloney comments on board member Ryan's remarks regarding the uniqueness of the proposed house and that the materials and finish are going to be very important to the board's decision, the more conforming they are to the neighborhood the more favorable it would be in his opinion.

Board member Kenny asks if the board has any say in the materials used.
Discussion with Dr. Jendretzki and board follows with no clear determination.

Chairperson makes a motion that the application be carried to September's meeting with no further notices.
Motion is seconded by Ryan

The vote:
Aye: Davey, Ernst, Kenny, Maloney, Placitella, Ryan, Talmage
No: 0
Abstain: Egan, Mahon, O'Malley

Motion to adjourn by Chairperson Maloney, seconded by Ryan @ 9PM.

Minutes were approved at the October 11, 2012 meeting.
Motion by Ryan second by Egan to approve minutes from August 9, 2012.
The vote:
Aye: Davey, Egan, Ernst, Maloney, McLaughlin, Placitella, Ryan, Talmage

Sheila Sullivan / Planning Board Secretary

