

## **AVON PLANNING BOARD – MARCH 8, 2012 MINUTES**

**Chairperson Maloney opens meeting at 7pm.  
Chairperson Maloney reads the opening meeting statement.**

### **Roll Call**

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

**Absent: McLaughlin**

**Also in attendance: Sheila Sullivan, Board Secretary; Geoffrey Cramer, Board Attorney and Charles Rooney, Board Engineer**

**Motion by Egan seconded by Ryan that the minutes of the February 9, 2012 meeting be approved as written.**

**The vote:**

**Aye: Egan, Maloney, Ryan, Talmage**

**No: 0**

**Abstain: Davey, Ernst, Kenny, Mahon, O'Malley, Placitella**

**Attorney Dennis Barrett addresses board with remarks as to the Rajioppi Resolution. Discussion follows as to editing certain wording in resolution. Mr. Barrett expresses his client's disappointment with the Board's decision to deny the application and sites past board decisions on undersized lots. Attorney Cramer discusses application denial with Mr. Barrett.**

**Motion by Egan seconded by Ryan that the Resolution for Rajioppi be approved with edits.**

**The vote:**

**Aye: Egan, Kenny, Placitella, Ryan, Talmage**

**No: 0**

**Abstain: 0**

**Next on the Agenda is the McDonald Application 425 Sylvania Avenue for permission to make interior renovations/alterations to the rear dwelling. Applicant also asks for any other variances deemed necessary by the Board.**

**Attorney Michael Rubino addresses board concerning` original denial by then Zoning Official, Pat McMahan. Mr. Rubino questions whether variances are needed considering that the work consists of strictly repairs, maintenance and upgrades. Witness architect Joseph Primiano sworn in by Cramer. Mr. Primiano testifies that the proposed work is strictly repair and renovation. There are no zoning issues except for the A/C condensers and applicant agreed to remove existing impervious surface on a "foot for foot" basis so that A/C units do not increase existing impervious surface.**

**Chairman Maloney asks for comments from the public.**

**David Geyer of 419 Sylvania Avenue addresses board in favor of improvements.**

**Anthony Vecchio Avon Code Enforcement Officer addresses the board as to the violations he had given to the McDonalds after they bought the property to bring it up to code. It is the opinion of Mr. Vecchio that the proposed work should be approved.**

**Bill Hopkinson 424 Garfield Avenue addresses board. Mr. Hopkinson is in favor of the improvements.**

**Chairperson Maloney calls for motion to approve.**

**Motion by Ryan seconded by Egan to approve application.**

**The vote:**

**Aye: Davey, Egan, Ernst, Maloney, O'Malley, Placitella, Ryan, Talmage**

**No: 0**

**Abstain: 0**

**Next on Agenda is the Dugan/Merkler application for a sub division of Lot 3, Block 36, street address 127 Garfield Avenue and proposed new house on new lot.**

**Subject property is 100' wide. The Applicants ask for approval to create one 60' lot with existing house to remain and one 40' lot with new house to be constructed.**

**Mr. Rubino attorney for the Applicants addresses the board as to the Dugan's wish to remain in their existing house and sell the undersized lot to their daughter and son-in-law Maggie and Chris Merkler.**

**Witnesses Kevin Dugan, Nina Dugan, Chris Merkler, Maggie Merkler, Architect Paul Grabowski and Professional Planner Allison Coffin are sworn in by Attorney Cramer.**

**Mr. Kevin Dugan called to testify by Mr. Rubino. Mr. Dugan gives brief history of house. Mr. Dugan expresses he and his wife's desire to stay in existing house and not to demolish it. They will remove the wood deck on the east side of their property.**

**They are willing to put a deed restriction on larger lot to the effect that 10' from their lot will be added at a future date to 40' lot when existing house is sold or moved or taken down ( i.e. demolished).**

**Chairperson Maloney asks for questions or comments from board and public.**

**There are no questions**

**Next witness is Mr. Merkler. Testifies that he and his wife Maggie have entered into an agreement with his in-laws to purchase vacant lot if subdivision is approved and they plan on building a single family house.**

**No Questions from board or public.**

**Next witness is applicant's architect Mr. Paul Grabowski. Mr. Grabowski displays site plan for proposed house. Mr. Grabowski says he was retained to design a sea shore house in keeping with Avon's "look".**

**Borough Engineer Charlie Rooney questions Mr. Grabowski on front yard setbacks as the 2<sup>nd</sup> story roof extends out past the front porch. Setback measurements should be from the 2<sup>nd</sup> floor not the 1<sup>st</sup> floor.**

**Mr. Rooney asks for 1/2 story calculations as they are not on the plan.**

**Planning Board member Marie Kenny questions Mr. Grabowski about the side yard setback proposed for the new house and the existing dwelling. Will a variance be needed? Mr. Rubino answers yes for existing house.**

**Mr. Maloney asked if any questions from the public.**

**Mr. Pat Kilcooley 123 Garfield Avenue addresses board from the audience. Mr. Kilcooley has concerns about the proposed new building and possible future additions in rear imposing on his privacy and open space. He requested that the proposed new house not extend past the rear of his house.**

**Questions and discussion with board members if 10' is given back at some point the owner of the proposed new house can expand only in the side yard area.**

**Next witness is licensed Professional Planner Ms. Allison Coffin.**

**Ms. Coffin testifies that she did a Land Use Study of proposed new house and subdivision. Ms. Coffin cites the Municipal Land Use Law. It is her determination that the benefits out way the detriments for this application.**

**No questions.**

**Rubino rests.**

**Planning Board member Marilyn Placitella states the the granting of an undersize lot will open the flood gates for other potential properties to follow suit.**

**Member Marie Kenny agrees that creating an undersize lot would be detrimental.**

**Engineer Rooney states it would be hard to predict the future of these properties and how would property transfer be enforced.**

**Discussion with Mr. Rubino as to how the deed restriction would be enforced.**

**Mr. Rooney states that the plans for the subdivision shows the wood deck on the existing property as staying where it had been said it would be removed.**

**Chairperson Maloney addresses the option of bifurcating the vote. Discussion with Rubino and board as to voting on the subdivision as first part of application and the proposed new house as second part.**

**Rubino agrees and they will come back with house revisions if they could have a vote on the subdivision tonight.**

**Chairperson Maloney comments about the uniqueness of the application but believes the board needs more comfort.**

**Mr. Rubino confers with the Dugan's. Mr. Rubino states that the Dugan's will make restrictions on the deed that if and when title for the the existing house changes the existing house will be demolished and the 10' be transfered to the smaller lot.**

**Chairperson Maloney moves that a minor subdivision of Lot 3.02 Block 36 with appropriate restrictive covenants to be agreed upon be considered favorably. Variances will be needed for 1<sup>st</sup> floor bathroom bump out that reduces setback to 4', a portion of the steps as required to reach grade, existing house height, existing house front yard setbacks. A/C units and wood deck on east side of lot be adjusted as required to meet 5' setback. Seconded by Ernst.**

**The vote:**

**Aye: Davey, Ernst, Maloney, O'Malley, Ryan**

**No: Kenny, Placitella, Talmage**

**Abstain: Egan**

**Chairperson Maloney moves to carry that part of the development application for a single family house on the proposed new lot to April 19<sup>th</sup> meeting with no further notices. Seconded by Davey.**

**The vote:**

**Aye: All**

**No: 0**

**Abstain: 0**

**Next application on the agenda is Amato continuance.**

**Copy of Transcription by JerseyShore Reporting attached.**

**Chairperson Maloney adjourns meeting at 10:25 PM.**

