

AVON PLANNING BOARD OCTOBER 11, 2012 MINUTES

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

Roll call:

Attendance: Davey, Egan, Ernst, Kenny, Mayor Mahon, Chairperson Maloney, Comm. McGovern, McLaughlin, Placitella, Ryan, Talmage, Frank McGovern Alt.4 (sworn in this meeting)

Absent: O'Malley

Also present Board Attorney Geoffrey Cramer, Borough Engineer Charlie Rooney, Borough Attorney Barry Cooke, Borough Administrator Timothy Gallagher, Grant Coordinator Barbara Suchecki.

Attorney Cramer swears in new member Frank McGovern Alternate #4.

First on the agenda is a courtesy presentation for the development of the Borough Marina Project at 2 Main Street, Avon, NJ.

Project presented by Borough Administrator Timothy Gallagher.

Mr. Gallagher presents picture boards of the property as it appeared in 2009 before town purchased it. Mr. Gallagher addresses the board with the following points.

Property shown with two buildings in disrepair. Dock and boat slips dilapidated in photos.

Four underground tanks were on the property with one leaking. Property was on the market for over three years at an asking price of over \$2,000,000. The borough was able to secure the property for \$800,000 with grant moneys of \$794,638 obtained to purchase property. Borough has demolished the buildings. Soil has been remediated with grant and borough moneys. Grants also secured for the new bulkhead and pilings. Mr. Gallagher points out all permits needed have been obtained for waterfront development. Mr. Gallagher discusses boat slips, grassy park area, kayak launch, parking area. Two story building proposed and grants secured. Impervious and building coverage are conservative for the allowable in that zone. Architectural drawings for proposed building are displayed and proposed uses explained by Mr. Gallagher.

Discussion with audience ensues regarding events in building, street parking, boat sizes, marina management, drainage, traffic flow, pedestrian safety and the impact on residents quality of life.

Chairperson Maloney interrupts discussion to explain that the issues they are discussing are more of a town road issue. Better to be left in the hands of the borough than a private developer since the zoning permits a myriad of uses.

Borough Attorney addresses the audience as to the courtesy presentation. Mr. Cooke explains that the public will have the opportunity to address the project at the next board of commissioners meeting.

Next on the agenda is the continuation of the variance application for 35 Sylvania Avenue. Attorney Mike Rubino represents applicants Dr. and Mrs. Goldberger. Mr. Rubino briefly details the proposal for demolition of existing 4 unit and garage and proposal for a new 2 ½ story single family and garage. Application is for a variance for the 3rd floor. Mr. Rubino details percentages of proposed area.

Architect for 35 Sylvania Avenue, Pablo Jandretzki addresses board and goes over items to be addressed from last meeting. Mr. Jandretzki explains the revisions they have made that will satisfy concerns of board. He presents Exhibit A3 a rendering of revisions included is a computer model of proposed house superimposed between neighboring homes. Chairperson Maloney questions how you could confirm that computer model is to scale. Mr. Jandretzki answers that the ridges are clearly aligned with the neighbor's house.

Discussion follows concerning floor height's.

Mr. Rubino enters Exhibit A4 photo pack of existing property and neighboring homes.

Chairperson Maloney ask for questions from the board?

Kenny asks for clarification that there are 2 variances being requested. Chairperson Maloney answers that yes the 3rd floor and side yard bump out.

Mr. Rubino responds that if the board is not happy with the bump out it can be removed.

Chairperson Maloney asks for questions or comments from the public.

Maryanne O'Malley resident of 33 Sylvania Avenue addresses the board with her concerns with size of third floor and if there are any plans for coverage of the yard area (grill etc.).

Teresa Egan resident of 30 Garfield Avenue asks about future impervious coverage in yard. Mr. Rubino responds that the applicants are not required to address that issue at this time.

Chairperson Maloney states that the overall positives out way the negatives, specifically the property going from a 4 unit to a single family. Maloney would like certain conditions put in the resolution, such as the railings be more traditional shore design, porch roof material with the intent to have this house blend into the neighborhood.

Chairperson Maloney makes a motion that the application be approved with a variance approval for side yard setback on the west side, variance be granted for the 3rd floor coverage, building materials documented with exception of the tower (being stucco or other), the roofs to be traditional asphalt material (exception of turret) and porch railings to be consistent with traditional shore homes.

Motion seconded by Kenny.

The vote:

Aye: Ernst, Kenny, Maloney, McLaughlin, Placitella

No: Davey, Ryan, Talmage

Recuse: Egan

Motion passed to approve application with revisions.

Next on the agenda is a Use variance for 15 Walling Place by applicants John & Catherine Luthin.

Borough Engineer Rooney recuses himself.

Chairperson Maloney states that the vote on this matter will be the 7 regular members and the first alternate CalTalmage.

The Luthins are represented by Attorney Mike Rubino.

Mr. Rubino addresses the board and refers to Walling Place as a very narrow street with 15 Walling being the only structure on the street in compliance with the existing zoning ordinance. Since purchasing the property Mr. Rubino states that the Luthins had used it for business purposes. They have since out grown the space. The Luthins would like to keep the premises and rent it out for residential purposes.

Mr. Luthin is sworn in.

Mr. Luthin testifies that the business has grown from 6-7 employees to double that. He would like to go back to residential. This would include putting the kitchen and shower stall back in. Mr. Luthin states that the entire street is residential and he already has a potential tenant. He is concerned that if rented out as business the traffic would increase and parking intensify. He states that he is sensitive to the neighbors in this respect.

Mr. Rubino enters photo pack as exhibit A1-A6. Photo's are of Walling Place and the premises.

Mr. Rubino calls architect Tom Peterson.

Mr. Peterson states the existing premise was clearly a residence for a long time. Minor modification and revisions are needed to convert back to residential. Mr. Peterson states that the area is clearly residential and a commercial rental may bring in delivery trucks and intensify traffic flow on a very narrow street. He feels that it is very much suited for residential use.

Chairperson Maloney asks for questions or comments from board.

Chairperson Maloney asks for questions or comments from the public.

Board discusses application. Marilyn Placitella states that converting the premises back to residential use makes sense.

Motion by Ernst seconded by Ryan to approve application.

The vote:

Aye: Davey, Egan, Ernst, Maloney, McLaughlin, Placitella, Ryan, Talmage

No: 0

Motion approved.

Next on the agenda is an application for Young ,318-& 316 Woodland Avenue.

Board member Sandra McLaughlin recuses herself as she had been noticed.

Chairperson Maloney makes a statement that there has been some discussion among the board as to whether this application is a use variance or not. There are eight regular members and one alternate for the vote.

Attorney Mike Rubino is representing the Youngs. Mr. Rubino believes it is a use variance. He states that the Youngs had purchased 316 Woodland Avenue some years ago, using it as second home. A year ago the Youngs purchased the property next door at 318 Woodland Avenue and it is their intention to merge the lots (making it a triple lot). On the property at 318 Woodland Avenue there is a single family house and a garage with an apartment.

The plan is to demolish the main house and garage apartment at 318 Woodland Avenue. They also plan to demolish the garage at 316 Woodland Avenue.

The Young's propose to build a three car garage on 318 Woodland Avenue with a room above to be used as a game room area and personal space for Mr. Young. There will be no livable quarters only a wet bar. The intent is to use the new structure in conjunction with the main house.

Discussion follows between Engineer Rooney and Mr. Rubino as to the application being a Use variance.

Board member Egan asks for clarification of proposal. Mr. Rubino addresses her questions concerning the proposal.

Mr. Young addresses the board and gives history of both properties. Mr. Young states that 316 and 318 Woodland were one piece of property until the early sixties. He refers to this one piece as an historic property owned by the F. R Gruger family with extensive gardens and stables. Mr. Young also states that he and his wife had restored 316 Woodland keeping with the historic aspects they felt inherent to the property and intend to return the adjoining grounds to their original landscaping and building a 3 car garage with personal area on

second floor. Mr. Young introduced Exhibits A1 a photocopy of the home at 316 under construction in 1904 and photos of the current properties.

Chairperson Maloney introduces Architect Tom Peterson.

Mr. Peterson gives description of proposal as “unusual” in that the plans include bringing these properties back to what it was when first conceived in 1904. Explains the proposal will make the property a triple lot referring to the photographs - Exhibit A2. Mr. Peterson goes into detail on the new accessory building and its proposed use and states that the proposal will greatly decrease the density on the lots.

Chairperson Maloney questions the volume of the structure as being his biggest concern.

Board member Marilyn Placitella states her concern for the approval of a triple car garage setting a precedence, as it is not allowed in our current Land Development Ordinance.

Mr. Rubino responds that the proposal to eliminate the density on these properties makes the argument for the board’s approval.

Board Attorney Cramer asks if applicants would be agreeable to a deed restriction in respect to the new garage structure upper story not to be used for rental purposes. Mr. Rubino and Mr. Young reply that they would not object to a deed restriction.

Board member Egan expresses her concern as to the volume of the new structure. Chairperson Maloney agrees that the room size is great at 35 x 33. He would like to see something more modest.

Mr. Peterson states that he could reduce the depth.

Chairperson Maloney asks for questions from the public.

Mr. John Libby neighbor behind 318 Woodland Avenue has concerns of the height of the structure and the exterior lights.

Mr. Rubino asks for 5 minute recess.

Chairperson Maloney calls for vote on the minutes from August 9, 2012 and September 13, 2012.

Next on the agenda is the approval of the minutes from the August 9, 2012 meeting. Motion to approve by Ryan, second by Egan.

The vote:

Aye: Davey, Egan, Ernst, Maloney, McLaughlin, Placitella, Ryan, Talmage

No: 0

Motion approved.

Next on the agenda is the approval of the minutes from the September 13, 2012 meeting.

Motion to approve by Egan, second by McLaughlin.

The vote:

Aye: Egan, Ernst, Kenny, Maloney, McLaughlin, Placitella, Talmage

No:

Abstain: Davey

Motion approved.

Mr. Rubino, Mr. Peterson and the Youngs come back from recess and address board.

In response to the boards concerns Mr. Peterson states they will make the following changes. The structure will sit 10' off the lane instead of 6'. The depth of the structure will change from 42' deep to 39'. The height will come down to 32.6' from 29.6'.

Chairperson Maloney would like to see the dormers removed or miniaturized. Discussion follows. Chairperson Maloney asks that the applicants come back with revisions.

Chairperson Maloney motions to carry application to next meeting with no further notices. Motion seconded by board member Talmage.

The vote:

Aye: Davey, Egan, Ernst, Maloney, Placitella, Ryan, Talmage

No: 0

Motion to adjourn by Maloney seconded by Ryan.

Minutes approved at the December 13, 2012 meeting.

Motion by McLaughlin and seconded by Ryan

Sheila Sullivan/Planning Board Secretary

