

AVON-BY-THE-SEA PLANNING BOARD MEETING MINUTES JANUARY 12, 2017

A REGULAR MEETING OF THE AVON-BY-THE-SEA PLANNING BOARD was held on the above date at the Avon Elementary School, Fifth Avenue, Avon, NJ

This portion of the meeting did not record as the SanDisk was defective.

PRESENT : M. Davey Vice Chair T. Egan, V. Ernst, M. Kenny, Mayor J. Magrini, Commissioner R. Mahon, Chairperson R. Maloney, S. Mazouat, F. McGovern, J. Oldakowski, J. Ryan, C. Talmage, Board Engineer C. Rooney, Board Attorney M. Kitrick

ABSENT: S. McLaughlin

Chairperson Richard Maloney opens the meeting at 7:30 and reads the Public Statement in compliance to the Open Public Meetings Law. Maloney leads the Pledge of Allegiance to The Flag.

MOTION by Egan seconded by Kenny to approve the Minutes of December 8, 2016.

And approved by roll call vote:

AYE: Davey, Egan, Kenny, Maloney, Mazouat, McGovern

ABSTAIN: Ernst, Mayor Magrini, Commissioner Mahon, Oldakowski, Ryan, Talmage

NO: None

Chairperson Maloney announces that the application for Amato – Block 54 Lot 11 will be carried to the February 9, 2017 meeting with no further notices.

First to be heard is the Sindi Landman application carried from the December 8, 2016 meeting.

The property is located at 100 Norwood Avenue. Ms. Landman and architect Tom Peterson are present.

Chairperson Maloney question's the legality of the rear garage apartment legality.

Entered into evidence by the board is PB1- a letter dated 12/16/16 addressed to board engineer Rooney from Avon Housing Officer Mr. Tony Vecchio. The letter states that said property has never been registered as a two (2) family residence or single residence with garage apartment. Mr. Vecchio also states that the property has never been inspected for a Certificate of Occupancy in his 21 years.

PB1 also includes a September 12, 2015 Landlord Registration Statement signed by the previous owners William & Elizabeth Cicchino stating that there were no rental properties on the premises. There are also 6 photo copies of photos of rear building.

Mr. Peterson testifies that they are seeking to use the garage second floor for an office and work out area only. No intention to use as residential. The applicant still intends to tear down the rear property and rebuild. There is proposed two rooms and full bath on second floor.

Board member Egan states that the tax records show no heat or kitchen on second floor.

Maloney summarizes the proposal. Ms. Landman addresses the proposal of a seasonal outdoor kitchen, the intent to heat the second floor of garage for office and work out area. Mr. Peterson states that a building new is a better solution then renovation of rear building.

Egan suggests not enclosing the outside kitchen with glass as proposed.

Ryan states that he sees the potential for problems in the future as far as use of rear dwelling.

Maloney states that he has concerns as well.

Architect Peterson suggests a deed restriction be included in the resolution that the rear cannot be used as living space or rental unit.

McGovern believes that any heat or use of the garage second floor is illegal.

Mazouat states he is not in favor of proposal concerning rear property.

Comments from the public:

John Carroll 715 First Avenue is sworn in states that correcting the setbacks of rear dwelling and new improvements to the property are a positive for the area.

Maloney states that there is a consistent message on the kitchen being enclosed and the heating of the second floor.

Egan would like to see the bathroom removed.

Kenny does not have a problem with a ½ bath or open air out door kitchen that Ms. Landman has proposed.

Ernst agrees with Kenny.

Maloney also in agreement.

Talmage has issues with allowing heat on second floor.

Peterson summarizes new proposal with heat on the second floor.

Maloney states the conditions of approval. Outdoor kitchen not to be enclosed- deed restrictions put in resolution as to the use of the second floor of rear dwelling-bath to be reduced to half bath.

The proposed addition to the front house is agreeable.

MOTION by Maloney seconded by Kenny to approve the application with conditions set forth.

By roll call vote:

AYE: Davey, Ernst, Kenny, Maloney, Mazouat, Oldakowski, Ryan

NO: Egan, McGovern

MOTION passed.

Next on the agenda is a new application for Bourke 34 Garfield Avenue **Block 35 Lot 5.04**.

The owner/ applicants are Josephine and James Bourke. Sworn in with the Bourkes are their attorney Michael Rubino and their architect Paul Damiano , Spring Lake Heights, NJ.

Mr. Rubino enters into evidence the following-

A1 – Plot Plan

A2 – First and second floor plan

A3 – Attic roof plan

A4 – Elevations

A5 – Garage apartment plans & elevation

A6 – Photo board

A7 – Physical model

A8 – Certificate of Occupancy for garage apartment

PB1 – Charlies review letter dated 12/9/2016

Mr. Rubino describes proposal. The Bourkes intend to take down the front house and rebuild a 2 ½ story dwelling. A USE or D Variance is needed to build. There will also be a new variance needed as the detached garage apartment credit of 8.6% / 611 square feet, whereas 5% / 350 square feet are allowed. Variances are also required to build the new house with a height of 36.7 feet whereas 35 feet is allowed. Variances are need for the existing condition of the maximum garage height with dormers of 24.3 feet and the garage apartment setback of 3.5 feet, where 5 is required.

The applicants are requesting a USE or D Variance to be able to renovate the garage apartment, this is an expansion of a non-conforming use, as the applicants are proposing to add dormers.

Mr. Rubino goes over engineer Charles Rooney's review letter dated 12/9/2016.

Mr. Rubino calls Mr. James Bourke to testify. Mr. Bourke states of the couples desire to live in Avon. He reiterates Mr. Rubino's description of the proposal. Mr. Bourke states that the front house when rebuilt will blend in with the sea shore area. They have concerns about flooding hence the request for a variance to elevate new home an extra 1.67'. They believe the dormers proposed for the rear property would enhance the look.

No questions from the board or the public.

Architect Paul Damiano testifies to exhibits. **A1, A4, A5, A6.**

Mr. Damiano states that they are withdrawing the request for a trellis.

Discussion follows between Damiano and Rooney **1.7** of Rooney's letter. Mr. Rooney questions topography and flood elevation. The crawl space is discussed and it triggering the height variance.

Questions from the board.

Mazouat concerned about the dormers on the lane being unusual in that area in the lane.

Mr. Damiano states that the dormers can be recessed a bit but will not improve look.

Maloney questions the ceiling elevation on the second floor at 9'. He can't justify the hardship for the height.

Applicant rests.

Question's or comments from the public:

Louise Weidel Basralian 35 Garfield Avenue sworn in. Ms. Basralian states that new buildings should abide by current zoning ordinances.

Richard Osborne 36 Garfield Avenue is sworn. Mr. Osborne. States that when he built his house they didn't ask for any variances. He is not in favor of the dormers on the rear property. Mr. Osborne believes the added height to new house is unnecessary. He experience no water during "SAND" event.

Teresa Egan 30 Garfield Avenue is sworn. Ms. Egan states that she is concerned about the dormers on the rear property. Ms. Egan also believes the second floor can be brought down to 9' eliminating the need for the height variance to the main dwelling.

Dorothy Lurch 31 Sylvania is sworn in. She believes the new home can be built without variance for height. She did not experience any flooding with "SANDY" event.

Comments from the board.

Maloney suggests lowering the second floor to 8'.

McGovern states that the existing garage is large and does not see any way the applicants could remedy that.

Kenny also would like to see the main house height reduced to conformity.

Mazouat is in agreement concerning the main house height.

Conditions for approval discussed with the Bourkes , Rubino , Damiano , Rooney and Maloney.

Said conditions being height of main house, rear dormers not to exceed height of existing fascia, ½ story in front house.

Rubino asks the board if the application vote can be bifurcated. Separate votes for the garage and the main house. Maloney states that the vote will be bifurcated.

MOTION by Mazouat seconded by Ernst to approve the application for the house.

And approved by roll call vote:

AYE: Davey, Ernst, Kenny, Maloney, Ryan, Talmage, McGovern

NO: 0

ABSTAIN: Egan

MOTION by Mazouat seconded by Ernst to approve the application for the garage apartment renovations with conditions.

And approved by roll call vote:

AYE: Davey Ernst, Kenny, Mazouat, McGovern, Ryan, Talmage

NO: 0

ABSTAIN: Egan

MOTION to approve January 12, 2017 minutes as written by _____ seconded by at the March 9, 2017 meeting.

And approved by roll call vote:

AYE:

NO:

ABSTAIN:

Sheila Sullivan / Planning Board Secretary