

AVON PLANNING BOARD MEETING MINUTES SEPTEMBER 11, 2014

A regular meeting of the Avon-By-The-Sea Planning Board was held on the above date in the Avon Elementary School, Fifth Avenue.

Chairperson Richard Maloney reads the opening statement in compliance with the Open Public Records Act and led the Pledge of Allegiance to the Flag.

Present: M. Davey, Vice Chair T. Egan, M. Kenney, Chair R. Maloney, F. McGovern, S. McLaughlin, J. O'Malley, J. Ryan, C. Talmage, Borough Engineer C. Rooney, Planning Board Attorney M. Kitrick

Absent: V. Ernst, Mayor R. Mahon, Commissioner R. McGovern

First on the agenda is the approval of the August 14, 2014 meeting minutes.

Motion by Egan seconded by Ryan to approve.

The vote:

Aye: Egan, Kenny, F. McGovern, McLaughlin, Ryan

Abstain: Davey, Maloney, O'Malley, Talmage

Motion to approve August 14, 2014 meeting minutes is passed.

Second on the agenda is a new application Bailey/Donohue, 419 Woodland Avenue.

Chairperson Richard Maloney states that the application is a "USE" variance and will need five out of seven eligible members to vote positively.

Planning Board attorney Mark Kitrick swears in borough Engineer C. Rooney attorney Robert Fernicola representing the applicant, Margaret Bailey, Engineer John Buletza and licensed planner Allison Coffin.

Mr. Fernicola enters into evidence A1 & A2 (aerials photos of property), A3 (13 photos of neighbor's property), A4 (3 photo's of Bailey home), A5 (plans), A6 (plot plan), A7 (additional photos of neighbor's property), A8 (plot plan revision #3), A9 (photo) A10 (height revision).

Some of the evidence is displayed on a projector screen and used with the individual testimonies.

Attorney R. Fernicola states that applicants would want to bring the principal residence more in conformance with the neighborhood and surrounding homes. There is an issue of density in

the area. The three units on the property are preexisting nonconforming dwellings. The applicants will address the impervious coverage by bringing the % down. They will also address the parking issue.

Mr. Fericola asks Margaret Bailey to give testimony. Margaret Bailey addresses the board that she and family members purchased the property in January of this year (2014). Ms. Bailey testifies that there are three units on the properties. They have not and will not be used as rental units. She her husband, youngest daughter and mother live in the principal structure. Her brother lives in one unit and her oldest daughter in the third. They plan on bringing the house from a one story to a 2 ½ story, adding two bedrooms and baths. Her mother has health issues and needs a handicap accessible bathroom. Mrs. Bailey identifies photo evidence of surrounding properties. Parking discussed.

Questions from the board.

Marie Kenny asks how many baths total. Ms. Bailey one bathroom in each unit for a total of three.

Engineer Rooney asks if the garage is used for parking or storage. Ms. Bailey states that it is used for storage but can accommodate two cars. Maloney questions the parking behind the garage. Ms. Bailey answers that there is room and does not obstruct the lane.

No questions from the public.

Mr. Fericola calls Allison Coffin a licensed planner. Ms. Coffin testifies that granting the variance does not increase density or the nonconformance. It will not impact the area & will keep the property more aesthetically in line with the neighborhood. Proposed structure height at 35' is permitted. Building coverage will remain the same. Benefits will be positive.

Questions from the board.

Egan asks if there are any other homes in the area with three structures on the property. Fericola considers that the aerials could show that, although the aerials do not delineate property lines. Talmage asks how many one story or two story and 2 ½ homes are in the neighborhood. Ms. Collins does not have that number.

Chairperson Maloney and Ms. Collins discuss the density and whether it affects the impact on light, air and space.

Questions from the public.

Richard Monahan 414 Woodland Avenue asks about number of cars in the family and the parking relief. Answer inaudible.

Board member Ryan feels it's relevant that they do not offer testimony to any other properties with multiple units in the area. Board member F. McGovern comments that the homes on either side of the property are one story homes.

Mr. Fernicola asks Ken Bailey of 419 Woodland Avenue to testify. Mr. Bailey is sworn in by Mr. Kitrick. Mr. Bailey describes the lots on either side of 419 Woodland Avenue.

No questions from the public.

Mr. Fernicola presents as a witness Mr. John Buletza a qualified licensed engineer. Mr. Buletza prepared the Plot Plan and revision #3 dated 7/30/14 (exhibit A8). The revision proposes the removal of 407 sq ft' of concrete in the back yard and a ribbon driveway 50' in length and if extended 10 more feet it would accommodate three cars. A curb cut would be needed. Removing the concrete would reduce the impervious coverage from 55.4% to 49.5%. Discussion follows as to the driveway clearance and impervious as to gravel ribbons. Also discussion with board members and Engineer concerning curb cut and loss of on street parking. Chairperson Maloney states that it his opinion that the driveway would not be wide enough for passenger clearance, width too tight, our ordinance calls for a 3' set back. Mr. Fernicola introduces as evidence A9 (photo of house indicating where curb cut and driveway are proposed). Mr. Buletza states that a chimney will also be removed to accommodate driveway.

At Maloney's request Mr. Buletza recaps the parking situation. Mr. Buletza responds that 6 off street parking spaces are required. The garage apartment provides 2 off street parking spaces, additionally the proposed ribbon driveway will provide 3 off street parking spaces.

Engineer Rooney clarifies that the curb cut would have an effective loss of space on the street could be 18' to 20'. Board member Kenny asks Mr. Rooney if our ordinance states that if you have access to a lane then you're not entitled to a driveway in the front of your property. Mr. Rooney responds that Kenny is correct and that the board would need to grant a variance for a curb cut on the street.

meeting.

Engineer Rooney goes over his review letter. Mr. Buletza addresses some of the letter's issues.

Mr. Fernicola enters into evidence A10 (height revision) a new submittal.

Chairperson Maloney asks for a report from a structural engineer as to the footings.

Mr. Fernicola asks the board for feedback or comments.

Chairperson Maloney states that the coverage is too much, non conformities have decreased since the adoption of our last Master Plan. Reducing dwelling density would be best. Vice Chair Egan would like to see one dwelling be razed to reduce some of the nonconformity. Kenny agrees with the other members that eliminating one dwelling would solve issues and does not

see approval of curb cut and driveway. Board member Talmage is also in agreement and is not in favor of driveway off front of property.

Mr. Ferricola requests that the matter be carried.

The next meeting is October 9, 2014. Chairperson Maloney states that perhaps the applicant will need more time to get the presentation ready. Mr. Kitrick announces that this application will be carried to November 13, 2014 meeting.

Motion to carry the application with no further notices to the November 13, 2014 meeting by Maloney seconded by Egan to carry.

The vote:

Aye: Davey, Egan, Kenny, Maloney, McLaughlin, O'Malley, Ryan, Talmage

Motion passed.

Motion to adjourn by Maloney seconded by F. McGovern.

Aye: All

Minutes approved at the October 9, 2014 meeting.

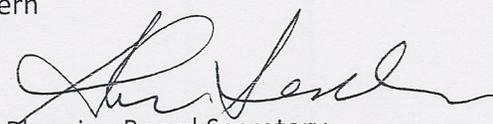
Motion to approve minutes by Chairperson R. Maloney seconded by J. Ryan.

The vote:

Aye: Vice Chair T. Egan, M. Kenny, S. McLaughlin, J. Ryan, C.Talmage

Abstain: V. Ernst, R. Mahon, R. McGovern

No: 0


Sheila Sullivan / Planning Board Secretary