

Avon-by-the-Sea Planning Board Regular Meeting Minutes

March 24, 2025 – 7:00 P.M.

Opening Statement read by Chair Maloney.

Pledge Of Allegiance

Roll Call

Present: Mayor Bonanno, Chair Maloney, Vice Chair Egan, Ryan, Davey, McGovern, Mazouat, Conaghan, Child, Hardie

Absent: Commissioner Magrini, Kenny, McLaughlin

Motion to approve the minutes of the February 24, 2025 Regular Meeting.

Motion by Chair Maloney, seconded by Ryan, that the minutes be approved.

The Vote:

Aye: Mayor Bonanno, Chair Maloney, Ryan, Davey, McGovern, Mazouat, Conaghan, Hardie

No: None

Motion passed.

Motion to approve the minutes of the March 4, 2025 Special Meeting.

Motion by Chair Maloney, seconded by Conaghan, that the minutes be approved.

The Vote:

Aye: Chair Maloney, Vice Chair Egan, McGovern, Mazouat, Conaghan, Child, Hardie

No: None

Motion passed.

Resolution No. 11-2025 - Granting Variance Approval for Hirce – 32 Poole Avenue.

Motion by Chair Maloney, seconded by Ryan, that the resolution be approved.

The Vote:

Aye: Mayor Bonanno, Chair Maloney, Ryan, Davey, McGovern, Mazouat, Conaghan

No: None

Motion passed.

Resolution No. 12-2025 - Granting Variance Approval for Hatton – 337 Norwood Avenue.

Motion by Chair Maloney, seconded by Ryan, that the resolution be approved.

The Vote:

Aye: Chair Maloney, Ryan, Davey, Conaghan, Hardie

No: None

Motion passed.

New application for Cunningham – 319 Sylvania Avenue.

Attorney Kitrick announced that Board member Ryan recused himself; has a property interest within 200 feet of the application. Architect Tom Peterson, Engineer Joseph Kociuba, and applicants Frank and Mary Beth Cunningham were sworn in by Attorney Kitrick.

Mary Beth Cunningham began her testimony. Provided information on history in Avon-by-the-Sea. Looking to make an addition and improvements to existing home. Hoping to add a downstairs bedroom.

Tom Peterson began his testimony. Main hardship is undersized lot. Peterson referenced survey to compare application to other homes on the block. Addition will be in the rear of the home; front to remain at current setback. Also requesting coverage variances. Adding a deck in the rear and eliminated walkways in the rear yard. Existing garage in the rear of the property. Peterson entered into evidence **Exhibits:**

- **A1 – Architectural rendering**
- **A2 – Series 5 of photographs of existing home conditions**
- **A3 – Aerial photograph**
- **A4 – Aerial photograph identifying property dated 3/24/25**

Peterson continued his testimony by referencing the exhibits. Porch area to remain as is. Above existing covered porch proposing to add a small uncovered second floor balcony. Space below the addition is a small crawlspace. Referenced the architectural rendering. No habitable space in the attic. Referenced Engineer Savacool's review letter. Impervious coverage is at 62% and looking to increase it by 2.5%. Roughly 2% of coverage relates to a shared walkway with the neighbor to the East. Existing building height is slightly higher than the allowable maximum. Also seeking variance for distance between home and detached garage. Testified proposal will have no impact on neighbors. Any sidewalks or curbs damaged will be replaced by applicants. Peterson completed his testimony.

Chair Maloney asked if there were any questions from the board on Peterson's testimony:

- Vice Chair Egan – Asked for confirmation that the house extends back 65 feet. Peterson provided response.
- Mazouat – Asked Peterson how the attic in the garage is accessed. Peterson advised there is a pull-down staircase.

Chair Maloney asked if there were any questions from the public on Peterson's testimony:

- Susan Butler (317 Sylvania Avenue) – Asked Peterson to expand more on the impact the proposal will have on her property, as she resides directly to the East of the applicant. Peterson advised the impact is the addition to the back and that she will see more of the structure. Peterson also advised the home will be brought up to code, which it is not currently. Substantially more code compliant code than it is now. Butler asked what will be placed in the 3-foot alcove. Peterson advised AC units and a shower. Butler asked for code on outdoor shower. Peterson advised exterior showers need to drain into the sewer system and have a roof above it. Peterson also testified AC units are 5 feet in from the property line, which would be the same distance if it were a full sized lot.

Joseph Kociuba, Engineer and Planner, began his testimony. Provided qualifications and was accepted by Chair Maloney as an expert. Referred to aerial Exhibit A4. Testified there will be an improvement to air, light and open space. There are existing side yard non-conformities, which will not be changing with proposed application. No change in parking demand; 4 bedrooms exist, 4 bedrooms are being proposed. Relief required regarding side yard setback due to the undersized nature of the lot. Requesting impervious coverage relief. Hardship C1 due to undersized lot and setbacks. Building height non-conformity is pre-existing and applicants are looking to maintain current height. Testified to C2 substantial benefit criteria; application promotes safety, the general welfare, and a desirable visual environment. Site improvements enhance the neighborhood. Does not foresee detriment to the public good. Kociuba concluded his testimony. Engineer Savacool provided comments on the deck and pervious coverages.

Chair Maloney asked if there were any questions from the Board on Kociuba's testimony:

- Mayor Bonanno – Commented on coverages and the shared sidewalk. If sidewalk were cut in half, what would the new calculations be? Kociuba provided a response.
- McGovern – Asked for deck dimensions and the distance from deck to the garage. McGovern commented on the neighboring lots. Peterson provided response.
- Vice Chair Egan – Questioned the shared walkway. From addition to rear yard, appears the entire walkway is on the applicant's property. Can that be removed? Peterson conferred with clients before responding. If they wanted to eliminate any impervious coverage, they would be eliminating some of the walkway in the rear of the yard instead of the shared walkway. Kociuba advised roughly 2.9% could

be reduced by eliminating rear walkway. Peterson advised the removal of the walkway would be a condition of approval.

- Chair Maloney – Asked Kociuba a question .Kociuba responded.

Chair Maloney asked if there were any questions from the public on Kociuba's testimony:

- Susan Butler (317 Sylvania Avenue) – Asked what type of siding will be used on the home. Peterson provided information on siding and fire rating. Butler also asked how much grass will be left on the property. Kociuba provided a response.

Applicant completed testimony. Engineer Savacool referenced review letter. Confirmed the existing dwelling is not in a flood zone.

Chair Maloney asked if there were any comments from the public. All commenters were sworn in by Attorney Kitrick:

- Susan Butler (317 Sylvania Avenue) – Entered into evidence **Exhibit O1 – 5 photos of her property and Cunningham property**. Has concerns with the plan. Trying to protect her property. No intent to stop them from creating a home where they can age in place. Concerned with property value, privacy, sunlight, airflow, and general aesthetics. Struggles to understand how there is a hardship.
- Jesse Levine (323 Sylvania Avenue) – Resides in home on the West side of the property. Has a great relationship with his neighbors. All have common goal of keeping Avon a special place. Feels the impact will be substantial. Effect on the property values will be significant. Entered into evidence **Exhibit OL1 – Photo from window viewpoint to the neighboring properties**.
- Scott Silverstein (227 Sylvania Avenue) – Known Cunningham's for a long time. Know how much time they have put into the project. Hopes the Board considers all the things the Architect and Engineer spoke about when they referenced the small lot size. Understands the impacts the construction will have on neighbors, but believes it will enhance the neighborhood and property values. Renderings show a substantial improvement to the neighborhood and he supports the application.
- Faith Krueger (422 Sylvania Avenue) – Respects the look of Avon and value of property. Believes there is a hardship to age in the current home. Very small and narrow house and proposal would improve their quality of life and the neighborhood.

Chair Maloney asked for comments from the Board:

- Mazouat – Referenced the Master Plan. Board has problems enforcing setbacks and height requirements. Does not feel the applicants plans are consistent with the Master Plan. Encouraged the applicants to find a way to age in place, but cannot vote in support of the application.

- Mayor Bonanno – Asked about prior plans that were submitted a few years prior. Cunningham provided information on prior planning board application that was eventually pulled by the applicant. Mayor Bonanno asked if the prior plans would have stayed in the existing footprint and Peterson advised no.
- Vice Chair Egan – Initially thought the addition was too large for the lot. Thinks that a compromise can be made. Does not believe it needs to be as large of an addition as being proposed.
- Chair Maloney – Neighbors presentations are reasonable and is something that the Board needs to consider. Also believes there is a compromise that can be accomplished.
- Mayor Bonanno – Referenced Exhibit OL1 and feels it is a compelling concern that the neighbors have. Appreciates the applicant's needs. Cannot support as is but would be more accepting to a revised plan.

Peterson advised he has some ideas and would be able to make changes. In some way or another, will need to add to the house. Will be coming back with an addition of some sort. Will try to strike a balance between applicant's needs and Board/neighbor comments.

Attorney Kitrick announced the hearing will be carried to the May 27, 2025 meeting to be held at the Marina Building at 7:00 pm. No additional notices will be necessary, this is the official notice.

Motion to carry the application to May 27, 2025 at 7:00pm in the Avon Marina Building.

Motion by Chair Maloney, seconded by McGovern, that the application be carried.

The Vote:

Aye: Mayor Bonanno, Chair Maloney, Vice Chair Egan, Davey, McGovern, Mazouat, Conaghan, Child, Hardie

No: None.

Application carried.

New application for Connell – 300 Third Avenue.

Ryan returned to Board for the next application. Architect Tom Peterson, Engineer/Planner Joe Kociuba, and applicants Dennis and Maureen Connell were sworn in by Attorney Kitrick.

Maureen Connell thanked everyone for attending. Began her testimony. Provided brief background on their history in Avon. Current home is a 1960's bi-level. Hoping to add a

porch onto the home. Would like to eventually live in Avon year round. Proposing a porch on the Lincoln Avenue side of the home.

Dennis Connell began his testimony. Believe it is a rational proposal and will enhance the community. Thanked the board for their time and consideration.

Peterson began his testimony. Entered into evidence **Exhibits:**

- **A1 – Arch rendering**
- **A2 – Aerial**
- **A3 – 7 photos of existing home**
- **A4 – Aerial photo dated 3/24/25 by KBA Engineering**

Peterson provided information on existing conditions. Main living area is on the upper level of the home. Goal of project to add a covered porch to the home and match the aesthetics of the other homes in the neighborhood. Landscaping and mulch to be included under the proposed covered porch. No habitable or usable space. Several pre-existing non-conformities. Building coverage to increase to 39%. Roof is slightly higher than allowable roof height, which will be matched with the proposed porch roof. Roof pitches will comply. No expansion to habitable area. Home is located in a flood zone; everything will be in compliance with flood zone requirements. Will also comply with wind load requirements. Engineer Savacool clarified that there are no stairs being proposed in the right of way. Peterson confirmed. Any damage to sidewalks to curbs will be repaired by the applicants. Looking to drastically improve the look of something that is not a typical home in Avon. Feel the proposal is aligned with style of the neighborhood. Mayor Bonanno asked Peterson to compare the roof heights with that of the neighbors, and he did.

Chair Maloney asked if there were any questions from the Board on Peterson's testimony. None.

Chair Maloney asked if there were any questions from the public on Peterson's testimony. None.

Engineer Joseph Kociuba began his testimony. Provided qualifications and was accepted as an expert by Chair Maloney. Bi-level condition is the driving factor for the variances requested. Existing bi-level faces Third Avenue. Unique situation. Non-conforming rear-yard setback. Porch-like structure is intended to operate and appear as a covered porch. Variances can be granted under C1 and C2 criteria. Require a coverage variance. Does not believe granting the application variances will have a substantial detriment to air, light, and open space. No interior space has been created. No change in parking intensity or number of bedrooms.

Chair Maloney asked if there were any questions on Kociuba's testimony:

- Vice Chair Egan – Only projects 10 feet into front yard? Kociuba provided clarification. Egan continued the deck looks to be 11.9 feet. How large is the

deck? Egan believes this is a deck, not a porch. Kociuba confirmed it is 11.9 feet long.

- Chair Maloney asked a question regarding a projection on the East side of the patio. Vice Chair Egan asked if the applicants intended to place a grill on the projected patio space. Connell advised she was considering that but agreed to remove this from the plans. 48.6 square feet reduction as a result of the projected patio removal.

Chair Maloney asked if there were any questions from the public on Kociuba's testimony. None.

Applicant rested. Testimony was concluded.

Engineer Savacool referenced his review letter.

Chair Maloney asked if there were any comments from the public. All commenters were sworn in by Attorney Kitrick:

- Ross Fales (234 Lincoln Avenue) – Advised the Connell's came over to talk about the project. Completely comfortable with the addition. Architecture will look better aesthetically.
- Gerald McGorry – Live 2 doors down from Connell's. Think it will be a wonderful addition to the block.
- Marie Guarnuccio (207 Garfield Avenue) – Live on opposite corner from the applicants. Feels the renovation is going to look better aesthetically. Love porches in Avon and will be great for their family and the community.
- Arlene Ward (300 Lincoln Avenue) – Dennis and Maureen's plans look great. Knows they have been trying to do this for a long time and it will really improve the area. No problem with the application.
- Kathy O'Neil (210 Fifth Avenue) – Friends of the Connell's. All about a porch. Avon is all about porches. House is boxy, this will make it look terrific.

Chair Maloney asked for comments from the Board:

- McGovern – Likes the project and the design. Would support as designed.
- Mayor Bonanno – Supports the application. Concerned with the porch height but supports it since it is not a concern of the neighbor.
- Vice Chair Egan – Feels it looks like a second story deck. Does not think it is going to look right.

Motion to approve the application with the stipulation to remove the projected patio area space.

Motion by Mayor Bonanno, seconded by Mazouat, that the application be carried.

The Vote:

Aye: Mayor Bonanno, Chair Maloney, Ryan, Davey, McGovern, Mazouat, Conaghan, Child

No: Vice Chair Egan

Application approved.

Motion to adjourn.

Motion by McGovern, seconded by Vice Chair Egan, that the meeting adjourn.

The Vote:

Aye: Mayor Bonanno, Chair Maloney, Vice Chair Egan, Ryan, Davey, McGovern, Mazouat, Conaghan, Child, Hardie

No: None.

Meeting adjourned.

Anna Bongiorno,
Planning Board Secretary