

**VILLAGE OF LOCH ARBOUR PLANNING BOARD
MINUTES –REGULAR MEETING**

August 18, 2021

<https://zoom.us/j/9871856747>

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**THE REGULAR MEETING OF THE VILLAGE OF LOCH ARBOUR PLANNING BOARD
WAS CONDUCTED VIA ZOOM, ON WEDNESDAY, AUGUST 18, 2021 AND WAS CALLED TO
ORDER BY CHAIRPERSON ROBERT FERNICOLA AT 7:30 PM.**

The secretary called the roll. PRESENT WERE: Commissioner D' Angelo, Mayor Fernicola, Mr. R. Fernicola, Ms. Gosline, Mr. Wiener, Mr. Maisto ABSENT WERE: Ms. Appello, Ms. Wilusz, Mr. Santos

Also present were Board Attorney, Sanford Brown, Board Engineer, Sam Avakian and Board Secretary, Marilyn Simons.

The Board Secretary announced the notice requirements of C. 231, P.L. 1975, have been met by transmitting the notice of this Regular Meeting to the Planning Board's two designated newspapers on January 22, 2021, posting a copy of the notice on the Municipal bulletin board, and filing a copy of the notice with the Municipal Clerk on the same date.

RESOLUTION: UPON MOTION of Mr. R. Fernicola seconded by Ms. Gosline, carried that the following Resolution be adopted:

WHEREAS, the need exists for the appointment of a Special Counsel to handle the 205 Edgemont Drive Appeal of the Planning Board Decision;

WHEREAS, funds are available for this purpose, and the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the appointment without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Village of Loch Arbour as follows:

1. The Planning Board is hereby authorized and directed to engage the services for Special Counsel to handle the 205 Edgemont Drive Appeal of:
Mark R. Aikins, Esq. - Attorney
2. This appointment is made without competitive bidding because it involves a member of a recognized profession, licensed and regulated by law, and is therefore exempt under N.J.S.A. 40A:11-5.
3. A copy of this resolution shall be published within ten (10) days of its passage as required by law.

Recorded Vote:

Ayes: Commissioner D' Angelo, Mayor Fernicola, Mr. R. Fernicola, Ms. Gosline, Mr. Wiener, Mr. Maisto

Nays: None

Absent: Ms. Appello, Ms. Wilusz, Mr. Santos

MINUTES

UPON MOTION of Commissioner D' Angelo, seconded by Ms. Gosline, carried, the following minutes are hereby approved as presented.

- Regular Meeting of the Planning Board held on June 16, 2021.

Recorded Vote:

Ayes: Commissioner D' Angelo, Ms. Gosline, Mr. Maisto

Nays: None Abstain: Mayor Fernicola, Mr. R. Fernicola, Mr. Wiener,

Absent: Ms. Appello, Ms. Wilusz, Mr. Santos

UPON MOTION of Mr. Wiener, seconded by Ms. Gosline, carried, the following minutes are hereby approved as presented.

- Regular Meeting of the Planning Board held on July 21, 2021.

Recorded Vote:

Ayes: Ms. Gosline, Mr. Wiener, Mr. Maisto

Nays: None Abstain: Commissioner D' Angelo, Mayor Fernicola, Mr. R. Fernicola

Absent: Ms. Appello, Ms. Wilusz, Mr. Santos

CORRESPONDENCE – None

OLD BUSINESS – None

NEW BUSINESS –

A. 2 Elberon Avenue, Block 5, Lot 1 – Variance/Certificate of Appropriateness.

The Applicant's Attorney has requested an adjournment regarding 2 Elberon Avenue.

The Board discussed the rescheduling of the regular scheduled September Planning Board meeting, due to the fact the regular meeting falls on a Jewish Holiday.

UPON MOTION Mr. R. Fernicola, seconded by Mr. Wiener, carried that the following Resolution be adopted:

WHEREAS, the next scheduled Planning Board Meeting is scheduled for September 15, 2021, due to a Jewish Holiday on September 15, 2021, the Board is desirous to reschedule the monthly meeting;

NOW, THEREFORE, BE IT RESOLVED, the Loch Arbour Planning Board Meeting has been rescheduled until Thursday, September 30, 2021 at 7: 30 p.m.

Recorded Vote:

Ayes: Commissioner D' Angelo, Mayor Fernicola, Mr. R. Fernicola, Ms. Gosline, Mr. Wiener, Mr. Maisto

Nays: None

Absent: Ms. Appello, Ms. Wilusz, Mr. Santos

B. PE, 601 Main Street, Block 1, Lot 3 – Site Plan Approval (Variances)

An Application was received on behalf of Patty Englert, 601 Main Street, LLC., requesting review of plans to determine if they conform with the requirements of the Land Use Development Ordinances.

C. PE, 601 Main Street, Block 1, Lot 3, Cert. of Appropriateness (MAJOR ALTERATION)

An Application for a Certificate of Appropriateness was received on behalf of Patti Englert, 601 Main Street, LLC.

Appearing on behalf of the applicant is Evan P. Zimmerman, Esq., of the law firm of Giordano, Halleran and Ciesla, PC. Mr. Zimmerman summarized the application and reminded the Board of the prior application that was granted before the Board in January, 2020.

Keith Mazurek, Architect was sworn in. Mr. Mazurek discussed his credentials. The Board accepted Mr. Mazurek as an expert witness in Architecture.

The following Exhibits were marked into evidence:

Exhibit B-1: Letter prepared by Board Engineer/Planner, Peter R. Avakian, PE, dated June 30, 2021. (4 Sheets)

Exhibit A-1: Architecture Plans, prepared by Keith Mazurek, AIA, dated May 3, 2021, consisting of 1 page.

Mr. Mazurek referenced Exhibit A-1, and discussed the proposed roof. Mr. Mazurek testified the roof will be the same color and same material as the existing window awnings in the front of the building. He also testified the existing patio will stay as is, with no increase in number of seats. Mr. Mazurek testified there is a slight increase to the patio for the columns to be installed. This slight modification is being done to not disturb the existing wall around the patio. Mr. Mazurek discussed the amount of square feet that will be increased is 230 square feet, which he testified is only 1%. He also testified the encroachment to the side yard is only 1 ft. Mr. Mazurek testified the lighting will not change and no additional lighting is being proposed. He also testified the owner is proposing a roll-down insect-type screen. Mr. Mazurek discussed the run off and how it will not be affected.

Sam Avakian, Village Engineer, discussed with the Board the impervious coverage and the building coverage. He also discussed with the Board the additional run-off of water, in a greatly impervious area already. Mr. Avakian stated it is up to the Board to determine if the increased coverage is negatable.

Mr. Mazurek testified regarding the Historic Preservation Ordinance, and spoke about the color and material of the proposed roof. Mr. Mazurek testified that the architectural character of this café style, is adding a nice appeal to Main Street in the Village.

The Board discussed the material of the roof and discussed the screens. Mr. Mazurek confirmed the screens would be on all sides.

Sam Avakian, Village Engineer, discussed, at length, the impervious and building coverage with the Board and the professionals. Mr. Avakian referenced Exhibit B-1, and read letter "i" of the report. The Board and professionals discussed the proposed covered porch, and questioned if it is to be calculated as building coverage.

Mr. Zimmerman read from the prior Resolution dated January 15, 2020 (paragraph 15)

The Board and the professionals discussed the total lot coverage, and the calculations of the building coverage for this property. Mr. Zimmerman discussed the application and the prior Resolution. Mr. Zimmerman stated the proposed increase of coverage is just the area of the overhang and columns. Mr. Zimmerman stated he will have the architect provide the requested calculations. Mr. Brown suggested Mr. Peter Avakian, who was previously involved in the prior application, review this matter and Mr. Brown suggested that this matter be adjourned to receive clarification from the Board Engineer.

Ms. Gosline would like clarification of which type of screen that is being proposed.

Patti Englert, owner of 601 Main Street, was sworn in. Ms. Englert spoke to the Board regarding the material of the awnings that exist on the building. She also discussed with the Board the screens and the roof which will protect the customers from bugs and birds, which are in abundance, due to the Lake being so close to the patio.

The Board and professionals discussed the application and would like clarification from the Board Engineer regarding the building coverage and the impervious coverage for this property.

UPON MOTION of Mr. R. Fernicola, seconded by Mr. Wiener, carried that this matter be adjourned and be carried to the next Planning Board Meeting scheduled for September 30, 2021, without the requirement for new public notice.

Recorded Vote:

Ayes: Commissioner D' Angelo, Mayor Fernicola, Mr. R. Fernicola, Ms. Gosline, Mr. Wiener,
Mr. Maisto Nays: None
Absent: Ms. Appello, Ms. Wilusz, Mr. Santos

SCHEDULING -

A. Pending Application –

- **101 Edgemont Drive, Block 9, Lot 13.01** – Certificate of Appropriateness

The following application was received, said application will be scheduled when the Village Engineer deems the application complete.

- **335 Euclid Avenue, Block 3, Lot 15** – Variance/Certificate of Appropriateness

B. Next rescheduled Planning Board Meeting – Thursday, September 30, 2021 at 7:30 p.m.

PUBLIC COMMENTS –

UPON MOTION of Mr. R. Fernicola, seconded by Ms. Gosline carried that the meeting be opened for public comment.

No members of the public present. UPON MOTION of Mr. R. Fernicola, seconded by Mayor Fernicola carried that the meeting be closed to the public.

UPON MOTION of Mr. R. Fernicola, seconded by Mayor Fernicola, carried, that the meeting be finally adjourned at 8:40 PM.

Marilyn Simons
Board Secretary