

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

**September 30, 2021**

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

Meeting ID: 987 185 6747

One Tap Mobile:

Call # 1-646-558-8656

Meeting ID/PIN: 987 185 6747#

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

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

Also present were Board Attorney, Sanford Brown, Board Engineer, Sam Avakian, Board Planner, Christine Bell, 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 Rescheduled Regular Meeting to the Planning Board's two designated newspapers on August 26, 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.

**MINUTES**

UPON MOTION of Mr. R. Fernicola, seconded by Mayor Fernicola, carried, the following minutes are hereby approved as presented.

- Regular Meeting of the Planning Board held on August 18, 2021.

**Recorded Vote:**

Ayes: Mayor Fernicola, Mr. R. Fernicola, Ms. Gosline, Mr. Wiener

Nays: None Abstain: Ms. Appello

Absent: Commissioner D' Angelo, Ms. Wilusz, Mr. Santos, Mr. Maisto

**CORRESPONDENCE – None**

**OLD BUSINESS –**

Continued from August 18, 2021 – Planning Board Meeting

**A. PE, 601 Main Street, Block 1, Lot 3, Amended Site Plan Approval (Variances)**

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

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

The Attorney for Applicant requested application be carried to the Board's next available agenda without the requirement for new public notice.

It was determined by the Board, the Application is continued to the next Planning Board Meeting scheduled for October 20, 2021, without the need for further notice, unless there are major revisions to the plans submitted. If major revisions to the plans are submitted, new notice will need to be completed, as per the Statute.

**NEW BUSINESS –**

**A. 2 Elberon Avenue, Block 5, Lot 1**

An Application was received on behalf of Gila Dabah, 2 Elberon Avenue. The applicant is requesting approval from the Planning Board for renovations to the existing detached accessory

garage structure exterior and windows. Also, the relocation of the second-floor bathroom to the first floor. The improvements require a variance for use.

**B. 2 Elberon Avenue, Block 5, Lot 1 – Cert of Appropriateness (MAJOR ALTERTION)**

An Application for a Certificate of Appropriateness was received on behalf of Gila Dabah, 2 Elberon Avenue.

Mayor Fernicola is recused from this application, due to the fact that he is within 200 feet of the property.

Mr. Fernicola put on the record he prior recused himself regarding this property, due to the former spouse of Ms. Dabah, and his interactions with Mr. Fernicola. Ms. Sweet confirmed, Mr. Fernicola does not have a conflict to hear this application.

Mr. Fernicola discussed the Notice with the Board Attorney.

Appearing on behalf of the applicant is Jessica Sweet, Esq., of the law firm of Bennett and Sweet. Ms. Sweet summarized the history of this application. She also discussed with the Board the plans submitted.

Gila Dabah was sworn in. Ms. Dabah testified she is the owner of the property at 2 Elberon Avenue, Loch Arbour, New Jersey. Said property is in trust for her children. Ms. Dabah testified that she is in the process of getting a divorce from Mr. Goodman. Ms. Dabah described the primary dwelling on the property – 8 bedrooms and 5 ½ baths. The first floor has a formal powder room. She stated her children and grandchildren come in and out of the powder room from outside and make a mess. She testified the garage is primarily used for storage. There is plumbing and electric in the garage. No heat or air conditioning in garage. There is a 2<sup>nd</sup> floor bath that has been there since she bought the home in 2000. She testified the garage was destroyed by Hurricane Sandy.

The following Exhibits were marked into evidence: (Ms. Sweet confirmed she will provide Exhibits to the Board Secretary tomorrow)

- Exhibit A-1: Colored Photo of Eastern Elevation of the Garage. (one photo)
- Exhibit A-2: Colored Photo of front of Garage. (one photo)
- Exhibit A-3: Colored Photo of Eastern Elevation of the Garage, damage to roof. (one photo)
- Exhibit A-4: Colored Photo of Garage, damage to roof. (one photo)
- Exhibit A-5: Colored Photo of front of Garage, closer view. (one photo)
- Exhibit A-6: Plumbing Permit dated January 7, 2013, to reactive water to garage.
- Exhibit A-7: Building Permit dated February 19, 2013
- Exhibit A-8: Plumbing Permit dated June 6, 2013, replacement of drain line.

Ms. Dabah testified that the Photos (Exhibit A-1 – A-5) were taken by Mr. Goodman sometime after Hurricane Sandy. (Approximately, November, 2012)

Ms. Dabah testified that Mr. Goodman was retired and took care of this project. She testified that she did not come down frequently to the house during the winter. She testified she is not familiar with construction. She also testified that she was not really involved with this project.

Ms. Dabah referenced Exhibit A-5 and Exhibit A-7, described the work to be done. Ms. Sweet referenced Exhibit A-8. Mr. Dabah testified that the work was never undertaken.

Mr. Fernicola asked a question regarding Exhibit A-6 and the description of the work. Ms. Dabah testified that the bathroom was not in use, since she purchased the home in 2000. Ms. Dabah stated there were fixtures in the bathroom.

Ms. Dabah stated there was damage to the interior, 2<sup>nd</sup> floor of the garage, due to Hurricane Sandy. The reason the work was not completed in 2013, was the homeowner was waiting to settle the claim with the Insurance Company. Ms. Dabah testified that she had a lot going on in her business and was not personally involved in the project.

Exhibit A-9: Construction Permit dated September 18, 2019.  
Exhibit A-10: Plumbing Permit dated September 18, 2019.  
Exhibit A-11: Construction Permit (UPDATE) dated November 19, 2019.  
Exhibit A-12: Construction Permit dated January 27, 2020, reframe garage roof and replace.

Ms. Dabah testified the roof was replaced and the homeowner started to replace the water line. A STOP WORK ORDER was issued by the Zoning Officer in 2020. The homeowner pleaded guilty and paid a fine.

Ms. Dabah testified there was an existing bathroom on the 2<sup>nd</sup> floor of the garage. She would like to move the bathroom to the 1<sup>st</sup> floor of the garage. Ms. Dabah also stated her mother is elderly and has health complications and the stairs in the garage are steep and it is not safe to run up and down the stairs to use the bathroom. Ms. Dabah testified that she has children and grandchildren and it is not practical to run in and out of the house to use the bathroom.

The Board did not have questions for Ms. Dabah.

UPON MOTION of Mr. Fernicola, seconded by Mr Wiener carried that the meeting be opened to the public for questions for Ms. Dabah only.

Paul Fernicola, Euclid Avenue, was sworn in.

The following Exhibits were marked into evidence: (Mayor Fernicola confirmed he will provide Exhibits to the Board Secretary tomorrow)

Mayor Fernicola stated all photos were taken by him or his wife.

Exhibit O-1: Photo of rear of garage. (barn doors) – dated July 5, 2016. (one photo)

Mayor Fernicola stated the barn doors were replaced by windows in June, 2018. Referenced was Exhibit O-2. No permits were issued. A STOP WORK ORDER was issued.

Exhibit O-2: Photo of rear of garage. – dated June 15, 2018. (one photo)

Exhibit O-3: Photo of rear of garage. (one photo)

Mayor Fernicola stated he objects to the window and stated the replacement of the window invades the privacy of the neighbors to the south of the property. Ms. Dabah acknowledged that the windows invade the privacy of the neighbors.

Mayor Fernicola asked when the bathroom fixtures in the garage were removed.

Ms. Dabah said the fixtures were removed to be replaced by new fixtures, and she is not sure when this occurred. Ms. Dabah testified the bathroom on the 2<sup>nd</sup> floor consisted of a bathtub, wall hung sink and a toilet.

Exhibit O-4: Photo of garage – dated January, 2020. (one photo)

Mayor Fernicola stated the garage roof changed. Ms. Dabah said she was not in New Jersey when the renovations were going on. She was alerted to the situation when she received a Summons from the Zoning Officer. Ms. Dabah stated her ex-husband was taking care of the renovation and she did not have any knowledge of what was transpiring at the house in Loch Arbour, because at that time she was dealing with business issues and was not living in New Jersey.

Chairperson R. Fernicola asked if there was a Certificate of Appropriateness obtained in 2019/2020. Ms. Sweet stated she does believe a CoA was obtained. She stated building permits were issued. Ms. Sweet was not directly involved in that part of this case.

Mayor Fernicola stated a STOP WORK ORDER was issued, due to a new framing permit was not issued, new header was installed for the barn doors – replaced with windows on the southside of garage. A Certificate of Appropriateness was not issued.

Chairperson R. Fernicola discussed the plumbing permits. Ms. Dabah confirmed the bathroom was never functioning the entire time she has owned the home. Ms. Dabah stated she purchased the home in 2000.

UPON MOTION of Mr. Wiener, seconded by Mr. R. Fernicola, carried that the meeting be closed to the public for questions for Ms. Dabah only.

The following Exhibit was marked into evidence:

Exhibit A-13: Site Plan, Renovation & Alterations prepared by CDZ Architects, LLC., dated April 5, 2021 consisting of 3 sheets.

Cathy Zuckerman, Architect, was sworn in and was accepted as an expert witness in Architecture.

Ms. Zuckerman referenced Exhibit A-13. Ms. Zuckerman testified that there is no footprint change. Ms. Zuckerman testified the house was built in 1927, according to the tax records. She believes the garage was built soon thereafter, or at the same time.

Exhibit A-14: Photos prepared by Cathy Zuckerman, consisting of 6 pages.

Ms. Zuckerman described original garage structure. Certain materials used shows the garage was built in the 1930's. The bathroom on the 2<sup>nd</sup> floor had lead waste pipe, plank sheathing and knob and tube electric wiring. She referenced Exhibit A-13 and testified regarding the original structure. She testified to the original windows and stated that the skylights have been purchased, but have not been installed. Ms. Zuckerman testified the 1<sup>st</sup> and 2<sup>nd</sup> floor of the garage will be used as storage. She testified due to the staircase set-up, the homeowner would prefer the bathroom on the 1<sup>st</sup> floor. Ms. Zuckerman testified to the Historic aspects of the garage. Ms. Zuckerman testified to the Historic Preservation Ordinance, of the criteria section. #17 - Maintain existing historic buildings.

Chairperson R. Fernicola questioned if the skylights are historical. Ms. Zuckerman testified and agreed that the skylights are not a historical element.

Ms. Zuckerman testified the exterior windows are consistent with the historic criteria. She agreed that the picture window invades the privacy of the neighbors to the south of the garage.

The Board questioned how far the garage is away from the property line to the back (southside). Board Engineer, Sam Avakian, confirmed it is 6 ft from the back of the garage.

Ms. Zuckerman and the Board discussed the Historic Preservation Elements of the garage, and specifically the windows. Ms. Zuckerman testified that other than the prior discussed items, it is a restoration of the structure and is keeping with the surrounding buildings, and not a detriment to the adjacent homeowners.

Mr. Wiener asked if this is a storage unit and no longer a garage, or a mud room for coming back from the beach. He asked what is the need for the windows? Ms. Zuckerman discussed the placement of the windows.

UPON MOTION of Mr. R. Fernicola, seconded by Mr. Wiener, carried that the meeting be opened to the public for questions to the Architect, C. Zuckerman, only.

Paul Fernicola, Euclid Avenue, discussed the potential abandonment of the bathroom in the garage. Ms. Zuckerman does not agree that the bathroom was abandoned. Ms. Zimmerman acknowledged the picture window was not there, but there was a small window in the back of the garage.

UPON MOTION of Mr. R. Fernicola, seconded by Mr. Wiener, carried that the meeting be closed to the public for questions to the Architect, C. Zuckerman, only.

A short break was taken at this time.  
Back on the record.

Jessica Sweet, Esq., has requested that the Board continue this application, without a need to re-notice, so revised plans can be submitted to the Board.

It was agreed this matter be adjourned and be carried to the next Planning Board Meeting scheduled for October 20, 2021, without the requirement for new public notice. This shall also confirm the Applicant's Attorney consented to an extension of time, for the Board to render a decision in this matter.

**C. 101 Edgemont Drive, Block 9, Lot 13.01, Cert. of Appropriateness (Major Alteration)**

An Application for a Certificate of Appropriateness was received on behalf of Mr. and Mrs. Albert Barnathan.

Chairperson R. Fernicola is recused for this application, due to being within 200 feet of the property. Mr. R. Fernicola left the meeting. The Planner, Christine Bell, also left the Meeting.

Appearing on behalf of the applicant is Jennifer Krimko, Esq., of the law firm of Ansell, Grimm and Aaron, PC. Ms. Krimko summarized the application.

The following Exhibits were marked into evidence:

Exhibit A-1: Property Survey prepared by Nelson Engineering Associates, Inc., dated November 22, 2019, consisting of 1 page.

Exhibit A-2: Site Plan (Existing and Proposed) prepared by R. Hazelrigg & Associates, Architects., dated May 25, 2021, consisting of 7 pages.

Robert Hazelrigg, Architect, was sworn in and was accepted by the Board as an expert witness in Architecture.

Mr. Hazelrigg referenced Exhibit A-2 and summarized the project being proposed to the Board. He testified that this project is before the Board for a Certificate of Appropriateness. A Zoning request has been approved by the Loch Arbour Zoning Officer. Mr. Hazelrigg testified the project consists of a pool, patio and an addition to the west side of the home. He also testified this home was approved before the Village adopted the Historic Development Ordinance and the home is of modern style. He testified the addition will match the home. Same stucco, windows, color and design. Mr. Hazelrigg also testified the addition will not be seen from the street. Ms. Krimko discussed with Mr. Hazelrigg the criteria for a Certificate of Appropriateness regarding the Village Historic Preservation Ordinance.

Mr. Wiener discussed the timing of the approvals for the pool patio and the addition. Mr. Hazelrigg discussed.

Mayor Fernicola asked if there was a lighting plan submitted. Mr. Hazelrigg testified there is no lighting proposed on plan. Ms. Krimko stipulated that all lighting will be in accordance with Village Ordinances.

Ms. Appello referenced Exhibit A-2 and questioned the addition. Mr. Hazelrigg discussed addition.

Mr. Santos spoke to Mr. Hazelrigg and clarified the windows that are being proposed on the 2<sup>nd</sup> floor of the home.

UPON MOTION of Mr. Wiener, seconded by Ms. Appello, that the meeting be opened to the public for questions and comments.

No public present, UPON MOTION of Mr. Wiener, seconded by Mayor Fernicola the meeting to be closed to the public.

UPON MOTION of Mr. Wiener, seconded by Mayor Fernicola, carried that a Certificate of Appropriateness (MAJOR) be granted for the application of 101 Edgemont Drive, Block 9, Lot 13.01 with any and all conditions which will be set forth in the Resolution. The Resolution will be memorialized at the next regular scheduled Planning Board Meeting on October 20, 2021.

**Recorded Vote:**

Ayes: Mayor Fernicola, Ms. Appello, Ms. Gosline, Mr. Wiener, Mr. Santos

Nays: None

Absent: Commissioner D' Angelo, Mr. R. Fernicola, Ms. Wilusz, Mr. Maisto

**SCHEDULING -**

**A. Pending Application –**

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 Planning Board Meeting – Wednesday, October 20, 2021 at 7:30 p.m.** Mr. Brown informed he has another obligation and Mark Aikins, Esq., will fill in as Planning Board Attorney for the next meeting.

**PUBLIC COMMENTS –**

UPON MOTION of Mayor Fernicola, seconded by Mr. Wiener, carried that the meeting be opened for public comment.

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

UPON MOTION of Mr. Wiener, seconded by Mayor Fernicola, carried, that the meeting be finally adjourned at 9:35 PM.

---

Marilyn Simons  
Board Secretary