

**VILLAGE OF LOCH ARBOUR PLANNING BOARD
MINUTES –REGULAR MEETING
October 20, 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, OCTOBER 20, 2021 AND WAS CALLED TO
ORDER BY CHAIRPERSON, ROBERT FERNICOLA AT 7:30 PM.**

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

Also present were substitute Board Attorney, Mark Aikins, Esq., 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.

MINUTES

UPON MOTION of Mr. Fernicola, seconded by Ms. Appello, carried, the following minutes are TABLED.

- Regular Meeting of the Planning Board held on September 30, 2021.

Recorded Vote:

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

Nays: None

Absent: Ms. Gosline, Ms. Wilusz

CORRESPONDENCE – None

OLD BUSINESS –

A. Memorialize Certificate of Appropriateness –

Barnathan, 101 Edgemont Drive, Loch Arbour, Block 9, Lot 13.01

RESOLUTION OF THE PLANNING BOARD OF THE VILLAGE OF LOCH ARBOUR
REGARDING APPLICATION FOR CERTIFICATE OF APPROPRIATENESS
BY ALBERT BARNATHAN PROPERTY LOCATED AT
101 EDMONT AVENUE

WHEREAS, ALBERT BARNATHAN (hereinafter "Applicant") has applied to the Planning Board of the Village of Loch Arbour for approval of a Certificate of Appropriateness for premises located at 101 Edgemont Avenue, Village of Loch Arbour and known as Block 9, Lots 12 & 13.01, on the tax map of the Village of Loch Arbour, which premises are in the Residential Zone; and

WHEREAS, a review of the notices and publications indicate that the Board has jurisdiction to hear this application; and

WHEREAS, a hearing was held on September 30, 2021 and all interested parties were given an opportunity to be heard and express their opinions; and

WHEREAS, the Board reviewed the materials submitted; and

WHEREAS, the Board, after carefully considering the evidence presented by Applicant, has made the following factual findings:

The Applicant filed an Application for Certificate of Appropriateness to request approval from the Planning Board for the construction of a one-story addition to the rear of the existing dwelling.

The Applicant is the owner of the property located at 101 Edgemont Drive known as Lots 12 & 13.01 in Block 9 on the municipal tax map of the Village of Loch Arbour, County of Monmouth, and State of New Jersey, which property is located in the Residential Zone.

The Board considered all relevant criteria under the Municipal Historic Preservation Ordinance #2017-424 (the "Ordinance"), based on the testimony at the hearing of the Project Architect and more particularly under Section 7.2.

At the hearing, the Applicant entered into evidence Exhibits which were relied upon by the Board in making its findings including but not limited to:

Exhibit A-1 Plan entitled, "Proposed Addition & Alteration to Existing Dwelling, by Robert A. Hazelrigg" dated May 25, 2021 and consisting of sheets S1.0, EC1.1, P1.1, EC1.2, P1.2, P2.1, and P2.2.

The proposed addition which is a sunroom (the "addition"), is consistent with the modern style of the original existing dwelling (the "dwelling" or "structure") and the usual historic standards therefore do not apply. The addition cannot be seen from the street. Also shown on the plans, but not subject to review by the Board, are additional, fully-conforming improvements, including an in-ground pool, pool patio, pool equipment and related improvements.

In light of the conclusion under Paragraph 5 above, the standard findings of compliance with the Ordinance Criteria under Section 7.2 does not really apply. The Board did make findings that the proposed one-story addition was compatible with the style of the existing modern dwelling and accepted the Architect's testimony that the addition cannot even be seen from the street. Based on these factors, the Board found in relation to Section 7.2, the following:

Since the work cannot be seen from the street the addition will not adversely affect the ambiance, character, and appearance of the District and the relationships among structures and between structures and public ways in the District.

Since it is only a single-story addition in the rear of the house, it does not have a negative impact on the existing rear of the dwelling.

The relationship of the width of windows to the height of windows of the addition will be visually compatible with those in the existing rear of the dwelling.

Since the addition will have material which is very close to that of the rear of the dwelling, it will be visually compatible.

The relationship of materials and texture of the façade and roof of the addition will be visually compatible with the predominant materials of the rear of the dwelling.

The roof shape of the addition will be visually compatible with the rear of the dwelling.

The size of the addition, the mass of the addition in relation to the open spaces, and the windows, door openings, porches and balconies will be visually compatible with the rear of the dwelling.

Based on all the findings and testimony at the hearing by the Applicant, the Board finds the Applicant should be granted the approval of the Application for Certificate of Appropriateness for the construction of a one-story addition to the rear of the existing dwelling as per the drawings and plans filed at the hearing and as testified about, subject to the conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Village of Loch Arbour on the 20th day of October, 2021, that the approval of the Application for Certificate of Appropriateness be granted for purposes of the construction of a one-story addition to the rear of the existing dwelling, because the Applicant has satisfied the relevant criteria of the Loch Arbour Historic Preservation Ordinance based on the findings of fact set forth above.

NOW, THEREFORE be it resolved by the Board that the approval of the application is subject to the following conditions and/or the Applicant complying with the following:

Applicant is bound to all representations at the hearing made by the Applicant and Applicant's expert.

The improvements shall be constructed strictly as set forth in the Architect's Plan dated May 25, 2021.

Any and all requirements of this Municipality and any other governmental subdivisions as set forth in any laws, ordinances or regulations, and obtainment of any permits or approvals required thereunder, including NJDEP.

Publication of a notice of this decision in the official newspaper serving the Village of Loch Arbour and return of proof of publication to the Planning Administrator.

Payment of all taxes, escrows and assessments to date. No building permit or certificate of occupancy is to be issued and no map is to be signed or filed, if applicable, until proof is furnished to the Planning Administrator of the Planning Board that there are no taxes, escrows or assessments due or delinquent on the Property.

Obtaining all proper building permits for construction and constructing same in accordance with the documents marked at the hearing and in compliance with the testimony of the Applicant and the Applicant's expert at the hearing.

BE IT FURTHER RESOLVED that a copy of this Resolution, certified by the Secretary of the Planning Board Official, to be a true copy, be forwarded to the Village Clerk, the Village Construction Official, the Board Engineer/Planner, the Village Tax Collector, the Village Tax Assessor, the Village Attorney, the Board Attorney, and the Applicant herein.

BE IT FURTHER RESOLVED that this Resolution shall serve as one of memorialization of the action taken by this Board at its meeting of September 30, 2021.

Moved by: Elizabeth Appello

Seconded by: Robert Wiener

ROLL CALL VOTE

Those in favor: Mayor Fernicola, Appello, Wiener, Santos

Those Opposed: None

Those absent: Gosline, Wilusz

Those recused: D' Angelo, R. Fernicola, Maisto

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 request is for this matter to be carried until the next planning board meeting without the need for further notice.

UPON MOTION of Mr. R. Fernicola, seconded by Ms. Appello, carried this matter will be adjourned until the next Planning Board Meeting scheduled for November 17, 2021, with no need for further notice.

Recorded Vote:

Ayes: Mr. R. Fernicola, Ms. Appello, Mr. Wiener, Mr. Santos

Nays: None Recused: Commissioner D' Angelo, Mayor Fernicola, Mr. Maisto

Absent: Ms. Gosline, Ms. Wilusz

B. PE, 601 Main Street, Block 1, Lot 3 – Site Plan Approval/Certificate of Appropriateness.

The Board received a letter dated October 15, 2021, from Evan Zimmerman, Esq., stating this application is being withdrawn at this time.

SCHEDULING -

A. Pending Application –

The following application was received, said application is scheduled to be listed to be heard at the next Planning Board Meeting to be held on November 17, 2021.

335 Euclid Avenue, Block 3, Lot 15 Variance/Cert. of Appropriateness

B. Next Planning Board Meeting – Wednesday, November 17, 2021 at 7:30 p.m.

PUBLIC COMMENTS –

UPON MOTION of Mr. R. Fernicola, seconded by Commissioner D' Angelo, carried that the meeting be opened to the public comments.

Grace Marcus, 1 Ocean Avenue, commented regarding her neighbor's air conditioning units at 203 Edgemont Drive (owned by Mr. Carr). She discussed with the Board the air conditioning units that are suspended to the back of the home have to be removed. She stated the air conditioning units impede on her backyard. She proposes that the air conditioning units be removed to the east side of the home at 203 Edgemont Drive. The owner, Mr. Carr, is in full agreement, but will not spend anymore time or money to come before the Board again.

Board Members and Board Attorney explained that there is no application before the Board, so they cannot rule on any matter that is not before the Board.

UPON MOTION of Mr. R. Fernicola, seconded by Commissioner D; Angelo, carried, that the meeting be finally adjourned at 7:50 PM.

Marilyn Simons
Board Secretary