

**VILLAGE OF LOCH ARBOUR PLANNING BOARD
MINUTES –REGULAR MEETING
November 17, 2021**

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**THE REGULAR MEETING OF THE VILLAGE OF LOCH ARBOUR PLANNING BOARD
WAS CONDUCTED VIA ZOOM, ON WEDNESDAY, NOVEMBER 17, 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, Mr. R. Fernicola, Ms. Gosline, Mr. Wiener, Mr. Santos. ABSENT WERE: Ms. Appello, Ms. Wilusz, Mr. Maisto

Also present were Board Attorney, Sanford D. Brown, 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. R. Fernicola, seconded by Ms. Gosline, carried, the following minutes are approved as submitted.

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

Recorded Vote:

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

Nays: None

Abstain: Commissioner D' Angelo, Mayor Fernicola

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

UPON MOTION of Mr. R. Fernicola, seconded by Commissioner D' Angelo, carried, the following minutes are approved as submitted.

- Regular Meeting of the Planning Board held on October 20, 2021.

Recorded Vote:

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

Nays: None

Abstain: Ms. Gosline

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

CORRESPONDENCE – None

OLD BUSINESS –

A. 2 Elberon Avenue, Block 5, Lot 1 – Variance/Certificate of Appropriateness. The Applicant's Attorney appeared and 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. It was confirmed by the Board to grant the adjournment, with no further notice required. This matter will be scheduled for the next planning board meeting to be held on December 15, 2021.

NEW BUSINESS

Board Member Mr. Wiener is recused from this matter.

A. 335 Euclid Avenue, Block 3, Lot 15

An Application was received on behalf of Mr. and Mrs. Raymond Harari requesting approval from the Planning Board for a one-story addition to the rear of the existing two-story single-family dwelling. The Applicant is proposing a swimming pool, pool patio, and a raised patio at the rear of the dwelling. The improvements require a variance for building coverage.

B. 335 Euclid Avenue, Block 3, Lot 15, Cert. of Appropriateness (Major Alteration)

An Application for a Certificate of Appropriateness (Major Alteration) was received on behalf of Mr. and Mrs. Raymond Harari.

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.

Chairperson Fernicola discussed the plans and the Public Notice. The Notice stated a 2-story home, which is not consistent with the plans submitted. Discussed and confirmed by the Applicant's Attorney there is no change to the 3rd story. Also discussed was a chimney (protrusion) on the west side of the home.

The Board Attorney discussed with the Applicant's Attorney the discrepancy in the Architectural Plan – a protrusion on the west side of the building is not on the existing drawing, but on the proposed drawing. Discussed if there is a need for a variance if this protrusion is being added. The Applicant's Attorney confirmed the applicant is not proposing to add any additional coverage to the west side of the building. Ms. Krimko confirmed that the chimney (protrusion) is existing.

The following Exhibits were marked into evidence:

Exhibit A-1: Variance Plan, prepared by Craig W. Stires, PE, of Stires Associates, PA, dated March 24, 2021 with latest revisions dated July 22, 2021. 4 sheets

Exhibit A-2: Architectural Plan, prepared by Alan J. Zimbler, RA., dated May 20, 2021 - 10 sheets.

Exhibit B-1: Letter dated October 18, 2021 prepared by Board Engineer, Peter Avakian, consisting of 4 pages.

Alan J. Zimbler, Architect for the Applicant was sworn in. Mr. Zimbler was accepted by the Board as an expert witness in Architecture. Mr. Zimbler referenced Exhibit A-1 and summarized the proposed project before the Board. The proposed project is a 1-story addition to the back of the property, raised patio, relocating the air conditioning units to a conforming location and removal of non-conforming sheds. Existing concrete in the back corner is being proposed to be removed. He confirmed the swimming pool and pool patio conforms with all zoning requirements. He referenced Exhibit A-2 and testified to the existing basement, and stated there will be no additional basement added. The additional basement will be crawl space. Mr. Zimbler testified to the proposed 1-story addition to the back of the premises. Mr. Zimbler testified the chimney on the west side of the home is existing. Mr. Zimbler testified no changes to the 2nd floor or the 3rd (1/2 story) floor of the residence. Mr. Zimbler testified no

changes to the front elevation of the home. Mr. Zimbler testified this project has little impact to the neighbors.

Mr. Zimbler testified to the Criteria regarding a Certificate of Appropriateness. All materials will match the existing material. All windows will be consistent with the existing window design. He testified no visual changes to the character of the home. The changes are keeping with the character of the neighborhood. All changes are not visible from the street. Mr. Zimbler testified to the existing bump-out addition on the back of the home, and how this will be upgraded to conform with the style of the home.

Mr. R. Fernicola discussed the addition of the porch “deck” to the back of the home, and if the structure is being calculated in the principle building coverage calculation. They discussed if the porch “deck” is attached to the home. Mr. Zimbler testified the porch “deck” does not have a roof, so it should not be counted as principle building coverage. The board discussed if the porch “deck” should be calculated in the principle building coverage, because it is attached to the home.

The Board and the professionals discussed coverage Ordinances. Mr. Brown read Village Ordinance 2018-444. Ms. Krimko, Esq., read Village Ordinance 2015-419. The Board and professionals had a lengthy discussion regarding the definition of building coverage and if the porch “deck” should be calculated under the building coverage or the accessory coverage.

Craig Stires, Engineer for the applicant was sworn in. Mr. Stires testified the porch “deck” is proposed at 290 square feet. Mr. Stires testified if porch “deck” is added to the principle building coverage the total principle building coverage would be 27.1%. There was a lengthy discussion about the overall coverage and the variance being sought. The Board concluded if the deck was added to the principle building coverage the accessory coverage would be 12.33%, with an overall coverage of 39.4%.

Ms. Krimko stated the reasons to the Board regarding the C-1 and the C-2 Variance being sought. Mayor Fernicola stated he does not agree this application is a C-1 Variance (hardship). Ms. Krimko discussed with the Board regarding a C-2 Variance.

Mr. Zimbler referenced Exhibit A-2. The Board, Ms. Krimko and Mr. Zimbler discussed the addition to the back of the house. Also discussed were different alternatives to the proposed plan.

10-minute recess

Ms. Krimko discussed with the Board the porch “deck”.

UPON MOTION of Mr. R. Fernicola, seconded by Mayor Fernicola carried that the meeting be opened for comments from the public.

Mrs. Crisci, 333 Euclid Avenue, is the neighbor to the east of the property. Mrs. Crisci is very concerned about the additional noise from the construction and the pool. Mrs. Crisci is opposed to the air conditioner condenser being installed on the east side of the property.

Mrs. Crisci is concerned about the following:

- The excessive noise that would happen, due to the pool and the patio connected to the pool on the east side of the property.
- Water table level – due to installing a pool, and the potential problems of her basement flooding.
- Hedges on the east side of the property – Mrs. Crisci stated the hedges are on the property line and are jointly owned.
- The lack of storage – due to the two storage sheds being taken down.

Ms. Krimko confirmed, regarding the air conditioning unit on the east side of the home, the plan does meet with the requirement of Village Ordinances. She confirmed the two air conditioner units that are depicted differently in two different areas on the engineer plans (Exhibit A) and the architectural plans (Exhibit B) will be placed in the back of the home near the deck. This will also conform to all Village Ordinances. Ms. Krimko confirmed the applicant would comply with all drainage requirements.

5-minute recess

Ms. Krimko confirmed the patio on the east side of the pool side will be relocated. Ms. Krimko confirmed the air conditioning unit proposed on the east side of the property will be discussed and the professionals will try and move the air conditioning unit.

Mayor Fernicola stated a revised plan should be submitted, prior to a vote. Discussed was the next meeting and a proposed resolution being drawn up. It was confirmed by Ms. Krimko the work would not start until after next summer.

The Applicant's Attorney and the Board confirmed that revised plans will be submitted and a proposed resolution would not be necessary at the next meeting.

UPON MOTION of Mr. R. Fernicola, seconded by Ms. Gosline, carried the meeting be closed for comments from the public.

Recorded Vote:

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

Nays: None

Abstain: None

Absent: Ms. Appello, Mr. Wiener, Ms. Wilusz, Mr. Maisto

The Board and professionals discussed application

It was determined that this matter will be carried to the next Planning Board Meeting scheduled for December 15, 2021 at 7:30 p.m. with no need for further notice.

Sanford Brown, Esq., informed the Board this would his last appearance as the Village Planning Board Attorney. Mayor Fernicola and the Board thanked Mr. Brown for all his years of Service to the Village.

SCHEDULING -

A. Pending Application –

B. Next Planning Board Meeting – Wednesday, December 15, 2021 at 7:30 p.m.

PUBLIC COMMENTS –

UPON MOTION of Mr. R. Fernicola, seconded by Mayor Fernicola, carried that the meeting be opened to the public for comments.

No comments, UPON MOTION of Mr. R. Fernicola, seconded by Ms. Gosline, carried that the meeting be closed to the public for comments.

UPON MOTION of Mr. R. Fernicola, seconded by Ms. Gosline, carried, that the meeting be finally adjourned at 9:40 PM.

Marilyn Simons
Board Secretary