

**VILLAGE OF LOCH ARBOUR PLANNING BOARD
MINUTES –REGULAR MEETING
March 9, 2022**

<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, MARCH 9, 2022 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, Mr. Santos, Mr. Maisto. ABSENT WERE: Ms. Appello, Mr. Wiener, Ms. Wilusz

Also present were 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 24, 2022, 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 approved as submitted.

- Regular Meeting of the Planning Board held on February 9, 2022.

Recorded Vote:

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

Nays: None

Abstain: None

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

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

- Executive Session Minutes of the Planning Board held on January 19, 2022 and February 9, 2022.

Recorded Vote:

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

Nays: None

Abstain: None

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

CORRESPONDENCE – None

OLD BUSINESS –

A. 335 Euclid Avenue, Block 3, Lot 15

RESOLUTION OF THE PLANNING BOARD OF
THE VILLAGE OF LOCH ARBOUR
FOR RAYMOND HARARI

335 EUCLID AVENUE, BLOCK 3, LOT 15

WHEREAS, RAYMOND HARARI (hereinafter "Applicant") has applied to the Planning Board of the Village of Loch Arbour for variance approval at the premises located at 335 Euclid Avenue, Village of Loch Arbour and known as Block 3, Lot 15 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 November 17, 2021, December 15, 2021, January 19, 2022 and February 9, 2022 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 as represented through attorney, Jennifer Krimko, Esquire and the testimony and evidence has made the following factual findings:

The Applicant is the owner of the property located at 335 Euclid Avenue, known as Block 3, Lot 15, 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.

At the hearing, the Applicant submitted testimony from the Project Engineer, Craig W. Stires, P.E. and presented by the Applicant's Architect, Alan J. Zimbler, R.A., submitted documents into evidence:

Exhibit A-1: Variance Plan prepared by Craig W. Stires, P.E. of Stires Associates, P.A, with latest revisions dated December 3, 2021, 4 sheets.

Exhibit A-2: Architectural Plan prepared by Alan J. Zimbler, R.A., dated November 21, 2021 – 10 sheets.

At the hearing, the Board relied upon the report submitted by Board Planner and Engineer, Peter Avakian, dated October 18, 2020 revised through January 3, 2022 and consisting of five (5) pages, which was marked into evidence as **Exhibit B-1**, as well as testimony by Mr. Avakian.

Also at the hearing, the Board considered the comments and testimony of the neighbor Marcella Crisci who resides at 333 Euclid Avenue, directly to the east of the Applicant's property. She was the only person from the public to comment on the application. The Applicant confirmed the three (3) air conditioning units will be relocated to conform to the zoning ordinance and shall be located on the north side of the house, toward the northwesterly corner of the house, away from Ms. Crisci's residence.

The Applicant is requesting approval from the Planning Board for the construction of a one-story addition to the rear of the existing dwelling. The addition consists of an expanded kitchen, expanded bathroom and new den, and a swimming pool with patio. The improvements require a variance for maximum building coverage.

The relevant zoning provisions under the Village Land Use Ordinance are as follows:

A maximum lot coverage per the zoned district, where 20% is the maximum, 19.5% exists and 24.34% is proposed. Variance required.

The minimum lot width permitted per the zoned district is 75 feet. The existing lot has a width of 56.2 feet, measured at the front setback, which represents an existing non-conformity.

The minimum lot depth permitted per the zoned district is 100 feet. The existing lot has a depth of 158.6 feet, which conforms.

The minimum lot area permitted per the zoned district is 100 feet. The existing lot has a lot depth of 158.6 feet, which conforms.

The minimum lot area permitted per the zoned district is 7,500 square feet. The existing lot has an area of 8,107 square feet which conforms.

The minimum front building setback permitted per the zoned district shall conform with those provided for adjacent buildings. The existing front yard setback is 17.1 feet, which appears to conform. The Applicant is proposing no change to the front yard setback.

The minimum side building (each) setback permitted per the zoned district is the greater of 5 feet per side or 10% of the lot width per side. The permitted side building setback is 5.6 feet. The existing west side building setback is 1.08 feet to the dwelling wall, which represents an existing non-conformity. The roof overhang is part of the dwelling and shall comply with the side building setback

requirement. The west side overhang encroaches onto Lot 16. The east side building setback is 9.75 feet to the roof overhang, which conforms. The Applicant is proposing a roof overhang greater than 10 feet, which conforms.

The minimum rear building setback required per the zoned district is 25 feet. The existing rear building setback is 78.2 feet, which conforms.

An additional twenty percent (20%) of the lot size may be occupied by all other buildings or structures, which constitutes as building coverage. The existing coverage is 16.5% which conforms. The Applicant indicates a proposed reduction of additional building coverage of 15.11%, which conforms. The Applicant reduced the proposed patio size to 286 square feet from 355 square feet.

The maximum building coverage ordinance regulation also stipulates that "In no event shall the total lot coverage exceed 40% of the lot". The existing total building coverage is 35%, which conforms. The Applicant is proposing a total building coverage of 39.45% which conforms.

Swimming pools and Hot Tub

A swimming pool may be constructed in a rear yard only. The Applicant is proposing the swimming pool, hot tub and pool patio in the rear yard, which conforms.

No swimming pool, portion thereof, equipment or accessory structure may be located closer than 10 feet to any property line or structure. The Applicant is proposing a side yard setback of 10 feet, which conforms.

The Applicant is proposing a rear yard setback of 50.66 feet, which conforms.

The Applicant is proposing a separation of over 10 feet between the swimming pool and the existing principal dwelling, which conforms.

The proposed pool equipment is located in the rear yard and has a west side setback of 10.55 feet and a rear yard setback of 13.16 feet, which conforms.

No swimming pool, including equipment and accessories may occupy more than 50% of the rear yard in which it is located. The Applicant is proposing a rear yard coverage of 10.8%, which conforms.

The plan should indicate that all fences shall be equipped with self-latching device in compliance with the Swimming Pool Code of New Jersey.

The pool shall be surrounded by a fence no less than 4 feet in height. The Applicant is proposing a fence height of 6 feet, which conforms.

Filter backwash line and pool drain lines shall be connected directly to an underground storm drainage system, if one is available. If a drainage system is not available, filter backwash lines and pool drain lines shall be connected to a dry well constructed on the site, with design to be approved by the Village Engineer of the Village of Loch Arbour. Connections to the sanitary sewer are not permitted. The Applicant shall indicate compliance on revised plans to be submitted.

The pool may be lighted by underwater or exterior lights or both provided that all exterior lights are located so that the light is neither directed nor reflected upon adjacent properties in such a manner as to be a nuisance or annoyance to the neighboring properties. Above water lighting shall be so designated as to light the entire pool, including its bottom, in such a manner that all portions of the pool, including its bottom may be seen without glare. Such lighting shall provide not more than three watts per square foot of pool area and three watts per square foot of such surrounding area with three foot-candles illumination. Underwater lighting shall be in compliance with applicable National Electric Code. The Applicant does not propose any pool lighting.

At the hearing the Applicant stipulated to compliance with all requests in the Avakian's report dated October 18, 2021, revised through January 3, 2022 and consisting of 5 pages, **Exhibit B-1**.

At the hearing, the Board concluded that the only variance required was for maximum building coverage of 24.34%, which could be granted in conformance with applicable Ordinance and statutory provisions.

WHEREAS, the Board has determined that granting the Variance for maximum building coverage will: (a) advance the purposes of the Municipal Land Use Act based on *N.J.S.A. 40:55D-2.i*; and (b) result in benefits which substantially outweigh any detriment and further that relief can be granted without causing substantial detriment to the public good and will not substantially impair the intent and the purpose of the Village Zone Plan and Zoning Ordinance all of the criteria being

satisfied from proof on the record including but not limited to, that the improvements will be very aesthetically pleasing and will have a positive impact on the neighborhood including based on the findings set forth in the companion Resolution approving Applicant's Certificate of Appropriateness Application.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Village of Loch Arbour that the approval of the Application of **RAYMOND HARARI** be granted for purposes of allowing the improvements requested in the application, as per the plans filed with the Board and marked into evidence at the hearing, as modified as set forth in this Resolution and based on the various findings of fact set forth in this Resolution and full compliance by the Applicant with all conditions and findings by the Board in this Resolution.

AND BE IT FURTHER RESOLVED by the Planning Board that the approval of the within application as aforesaid is subject to the following conditions:

A. Compliance with any suggestions set forth in the Board Engineer/Planner's report dated October 18, 2020 and revised through January 3, 2022 and consisting of 5 pages, **Exhibit B-1**.

B. All representations made by the Applicant or Applicant's expert under oath are conditions of the within approval and a violation of same shall be deemed a violation of this approval.

C. Granting of any required construction permits.

D. Complying with any and all other requirements of this Municipality and any other governmental subdivisions set forth in any laws, ordinances or regulations, and obtain of any permits or approvals required thereunder, including NJDEP.

E. Being bound to all representations at the hearing made by Applicant, Applicant's counsel and/or Applicant's expert.

F. Submitting a sufficient number of certified final plans ("Final Plan") as required by the Village, and only after the Village Engineer/Planner has signed off on any conditions required under this Resolution, which Final Plan shall then be reviewed by the Village Construction Official, and upon the Official issuing a Construction Permit(s), Applicant shall construct any and all improvements in strict conformance with the Final Plan. If the Applicant wishes to deviate in any way from the details of the Final Plan, Applicant may re-apply to the Board for any relief and before taking any steps to construct in deviation of the Final Plan.

G. 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.

H. 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.

BE IT FURTHER RESOLVED that a copy of this Resolution, certified by the Secretary of the Planning board 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 March 9, 2022.

Moved by: Mr. R. Fernicola

Seconded by: Commissioner D' Angelo

ROLL CALL VOTE

Those in favor: D' Angelo, P. Fernicola, R. Fernicola, Santos, Maisto

Those Opposed: None

Those absent: Appello, Wiener, Wilusz

Those recused: None

B. 335 Euclid Avenue, Block 3, Lot 15

RESOLUTION OF THE PLANNING BOARD OF THE VILLAGE OF LOCH ARBOUR

REGARDING APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

BY RAYMOND HARARI FOR PROPERTY LOCATED AT

335 EUCLID AVENUE, BLOCK 3, LOT 15

WHEREAS, RAYMOND HARARI (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 335 Euclid Avenue, Village of Loch Arbour and known as Block 3, Lot 15 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 November 17, 2021, December 15, 2021, January 19, 2022 and February 9, 2022 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 as represented through attorney, Jennifer Krimko, Esquire and the testimony and evidence presented by the Applicant's Architect, Alan J. Zimbler, R.A., 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 two-story single family dwelling.

The Applicant is the owner of the property located at 335 Euclid Avenue, known as Block 3, Lot 15, 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: Variance Plan prepared by Craig W. Stires, P.E. of Stires Associates, P.A, with latest revisions dated December 3, 2021, 4 sheets.

Exhibit A-2: Architectural Plan prepared by Alan J. Zimbler, R.A., dated November 22, 2021 – 10 sheets.

Exhibit B-1: Letter dated January 18, 2022 prepared by Board Engineer, Peter Avakian, consisting of 5 pages.

The proposed addition (the "Addition"), is consistent with the style of the original existing dwelling (the "Dwelling" or "Structure"). The Addition cannot be seen from the street. Also shown on the plans, and subject to review by the Board, are additional improvements, including an in-ground swimming pool, pool patio, and a raised patio, together with related improvements.

The Board considered all relevant criteria under the Municipal Historic Preservation Ordinance #2017-424, based on the testimony at the hearings, including testimony from the Project Architect and more particularly under Section 7.2, the Board makes the following findings: 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 9th day of March, 2022, 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 November 22, 2021, as modified based on the testimony of Applicant and Applicant's expert at the hearing. The improvements shall also be constructed strictly at the location and as depicted in the Engineer's Plan dated December 3, 2021, as modified based on the testimony of Applicant and Applicant's expert at the hearing.

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 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 Tax Collector, 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 March 9, 2022.

Moved by: Mr. R. Fernicola

Seconded by: Commissioner D'Angelo

ROLL CALL VOTE

Those in favor: D' Angelo, P. Fernicola, R. Fernicola, Santos, Maisto

Those Opposed: None

Those absent: Appello, Wiener, Wilusz

Those recused: None

BOARD MEMBER, CAROL WILUSZ, joined the meeting via Zoom. (7:40 pm)

NEW BUSINESS – None

SCHEDULING -

**A. Pending Application – Certificate of Appropriateness –
329 Euclid Avenue, Block 3, Lot 12**

B. Next Planning Board Meeting – Wednesday, April 13, 2022 at 7:30 p.m. The Board determined the Village Planning Board Meetings will be no longer conducted via Zoom. The Village

1. Board Attorney, Mark R. Aikins, Esq., is authorized by the Village Planning Board to convey a settlement regarding the lawsuit, with reference to the property known as 205 Edgemont Drive, Loch Arbour, New Jersey, said property will be a minimum 55-year old, age restricted on ownership and primary occupancy.

2. The Plaintiff's representative will submit application materials, acceptable to the Planning Board of Village of Loch Arbour (with the architectural and site plans having been previously finalized);

3. The Planning Board of the Village of Loch Arbour will review the revised Application in accordance with the parameters of the Whispering Woods case;

4. Confirmation that the Plaintiff's representatives dismiss the Planning Board of the Village of Loch Arbour advs. 205 Edgemont, LLC, Docket No. MON-L-863-20;

5. Confirmation that the Plaintiffs and the Planning Board of the Village of Loch Arbour sign the subject Settlement Agreement.

Recorded Vote:

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

Nays: None Absent: Ms. Appello, Mr. Wiener

UPON MOTION of Mr. R. Fernicola, seconded by Commissioner D' Angelo, carried, that the meeting be finally adjourned at 7:55 PM.

Marilyn Simons
Board Secretary