

**VILLAGE OF LOCH ARBOUR  
PLANNING BOARD  
MINUTES –REORGANIZATION MEETING  
January 11, 2023**

**THE REORGANIZATION MEETING OF THE VILLAGE OF LOCH ARBOUR PLANNING BOARD WAS HELD IN THE VILLAGE OF LOCH ARBOUR MUNICIPAL BUILDING, 550 MAIN STREET, LOCH ARBOUR, NEW JERSEY ON WEDNESDAY, JANUARY 11, 2023 AND WAS CALLED TO ORDER BY CHAIRPERSON, ROBERT FERNICOLA AT 7:30 PM.**

Salute to the Flag. The following members were sworn into office as a Member of the Planning Board of the Village of Loch Arbour and signed the Oath of Allegiance and Office.

- Elizabeth Appello, as a Class IV (resident) Member for a 4-year term
- Antonio Santos as a Class IV (resident) Alternate Member for a 2-year term

THE SECRETARY CALLED THE ROLL. PRESENT WERE: Mayor Fernicola, Ms. Appello, Mr. Cumiskey, Mr. R. Fernicola, Mr. Santos, Mr. Maisto. ABSENT WERE: Commissioner D' Angelo, Mr. Wiener, Ms. Wilusz.

The Board Secretary announced that the notice requirements of C. 231, P.L. 1975, have been met by transmitting the notice of this Reorganization and Regular Meeting to the Planning Board's two designated newspapers on January 24, 2022 and March 14, 2022 posting a copy of the notice on the Municipal Building bulletin board, and filing a copy of the notice with the Municipal Clerk on the same date.

**ELECTION OF OFFICERS**

**Resolution 2023-01: Nomination of Chairperson:** UPON MOTION of Ms. Appello, seconded by Mayor Fernicola, carried, that Robert Fernicola be and he is hereby nominated to serve as Chairperson of the Planning Board for 2023. There were no further nominations.

WHEREAS, the need exists to appoint a Chairperson of the Village of Loch Arbour Planning Board.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Village of Loch Arbour that Robert Fernicola be and he is hereby appointed as Chairperson for the term through December 31, 2023 and until his successor be appointed.

Recorded Vote:

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

**Resolution 2023-02: Nomination of Vice-Chairperson:** UPON MOTION of Mr. R. Fernicola, seconded by Mayor Fernicola, carried, that Elizabeth Appello be and she is hereby nominated to serve as Vice Chairperson of the Planning Board for 2023. There were no further nominations.

WHEREAS, the need exists to appoint a Vice-Chairperson of the Village of Loch Arbour Planning Board.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Village of Loch Arbour that Elizabeth Appello be and she is hereby appointed as Vice-Chairperson for the term through December 31, 2023 and until her successor be appointed.

Recorded Vote:

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

**Resolution 2023-03:** UPON MOTION of Mr. R. Fernicola, seconded by Ms. Appello, carried, that the following resolution be adopted:

WHEREAS, the need exists for the appointment of an Attorney to serve the Village of Loch Arbour Planning Board; and,

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 of Mark R. Aikins, Esq. as Planning Board Attorney for the term through December 31, 2023 and until his successor be duly appointed.
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.
4. Compensation shall be at the rate of \$150 per hour and \$150 per hour for litigation.

Recorded Vote:

Ayes: Mayor Fernicola, Ms. Appello, Mr. Cumiskey, Mr. R. Fernicola, Mr. Santos, Mr. Maisto

Nays: None

Absent: Commissioner D' Angelo, Mr. Wiener, Ms. Wilusz

**Resolution 2023-04:** UPON MOTION of Mayor Fernicola, seconded by Ms. Appello, carried, that the following resolution be adopted:

WHEREAS, the need exists for the appointment of an Engineer and Planner to serve the Village of Loch Arbour Planning Board; and,

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 of Samuel Avakian, PE as Planning Board Engineer and Planner for the term through December 31, 2023 and until his successor be duly appointed.
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.
4. Compensation shall be at the 2023 schedule of rates as supplied.

Recorded Vote:

Ayes: Mayor Fernicola, Ms. Appello, Mr. Cumiskey, Mr. R. Fernicola, Mr. Santos, Mr. Maisto

Nays: None

Absent: Commissioner D' Angelo, Mr. Wiener, Ms. Wilusz

**Resolution 2023-05:** UPON MOTION of Mr. R. Fernicola, seconded by Mayor Fernicola, carried, that the following resolution be adopted:

WHEREAS, the need exists for a Secretary to serve the Village of Loch Arbour Planning Board.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Village of Loch Arbour that Marilyn Simons be and she is hereby appointed as Secretary to the Planning Board for the term through December 31, 2023 and until her successor be duly appointed, at the rate in the Village of Loch Arbour salary ordinance and resolutions.

Recorded Vote:

Ayes: Mayor Fernicola, Ms. Appello, Mr. Cumiskey, Mr. R. Fernicola, Mr. Santos, Mr. Maisto

Nays: None

Absent: Commissioner D' Angelo, Mr. Wiener, Ms. Wilusz

**Resolution 2023-06:** UPON MOTION of Mr. R. Fernicola, seconded by Mayor Fernicola, carried, that the following resolution be adopted:

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

1. Regular meetings of the Planning Board, when necessary, will be held at 7:30 PM on the second Wednesday of each month. Executive sessions, when necessary, will be held at 7:00 PM on the same evenings. All regular meetings and executive sessions of the Planning Board of the Village of Loch Arbour will be held in the Village Municipal Building, 550 Main Street, Loch Arbour, New Jersey.
2. The public may not participate in the executive session.
3. Participation by the public at regular meetings shall be at such time and place as set forth in the Agenda of the meetings at the direction of the presiding officer.

BE IT FURTHER RESOLVED that the 2024 Reorganization Meeting is hereby scheduled for January 10, 2024.

BE IT FURTHER RESOLVED that The Asbury Park Press and The Coaster are hereby designated as official newspapers for notices. Such notices shall be sent to one or all under the provisions of the Open Public Meetings Act.

BE IT FURTHER RESOLVED that a copy of this resolution shall be published within ten (10) days of its passage as required by law.

Recorded Vote:

Ayes: Mayor Fernicola, Ms. Appello, Mr. Cumiskey, Mr. R. Fernicola, Mr. Santos, Mr. Maisto

Nays: None

Absent: Commissioner D' Angelo, Mr. Wiener, Ms. Wilusz

There being no further business, and UPON MOTION of Mr. R. Fernicola, seconded by Ms. Appello, carried, that the Reorganization Meeting be adjourned. The Board immediately began the Regular Meeting .

## **AGENDA – REGULAR MEETING**

### **CORRESPONDENCE –**

- CAFRA Individual permit Application Notice – Applicant – Kassin Beach, LLC, 10 Ocean Avenue. Mayor Fernicola discussed with the Board the Settlement Agreement regarding Kassin Beach, LLC and the New Jersey Department of Environmental Protection.

### **MINUTES**

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

- Regular Meeting of the Planning Board held on December 14, 2022;

Recorded Vote:

Ayes: Mayor Fernicola, Ms. Appello, Mr. Cumiskey, Mr. R. Fernicola, Mr. Santos, Mr. Maisto

Nays: None      Absent: Commissioner D' Angelo, Mr. Wiener, Ms. Wilusz

### **OLD BUSINESS**

#### **A. Memorialize Resolution – 337 Euclid Avenue, Block 3, Lot 16**

#### **RESOLUTION OF THE PLANNING BOARD OF THE VILLAGE OF LOCH ARBOUR REGARDING APPLICATION FOR CERTIFICATE OF APPROPRIATENESS BY MYLO DWECK FOR PROPERTY LOCATED AT 337 EUCLID AVENUE, BLOCK 3, LOT 16**

**WHEREAS**, MYLO DWECK (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 337 Euclid Avenue, Village of Loch Arbour and known as Block 3, Lot 16 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**, hearings were held on November 9, 2022 and on December 14, 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 attorneys, Rick Brodsky (on November 9, 2022) and Jennifer Krimko (on December 14, 2022) and the testimony and evidence presented by the Applicant's Architect, Michael Savarese, 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 addition of a rear two story addition, expansion of the second floor at the front corners and rear corners of the residence and reconfiguration of the front porch of the existing 2 1/2 story single family dwelling, together with rear patio at grade and related site improvements, reconfiguration of the front porch of the existing 2 1/2 story single family dwelling, together with rear patio at grade and related site improvements.

The Applicant is the owner of the property located at 337 Euclid Avenue, known as Block 3, Lot 16 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 in Section 7.2 hereinafter.

At the hearings, 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:** Jurisdictional package including Topographic Survey prepared by Charles Surmonte, PE & PLS dated May 19, 2022, 1 sheet and Architectural Plans prepared by Michael Savarese & Associates, dated July 13, 2022 and revised through July 22, 2022, 8 sheets.

**Exhibit A-2:** Color photo display board consisting of 4 color photographs of existing residence.

**Exhibit A-3:** Color photo display board indicating historical character of existing residence.

**Exhibit A-4:** Color photo display board indicating neighboring residences and Google earth map (19 total photos).

**Exhibit A-5:** Color photo display board indicating 6 similar residences in Village of Loch Arbour.

**Exhibit A-6:** Color rendering of proposed renovated residence.

**Exhibit A-7:** Color rendering indicating residences on Page Avenue.

**Exhibit A-8:** Architectural plans of Michael Savarese & Associates, revised through November 30, 2022 and consisting of 8 sheets.

**Exhibit B-1:** Letter dated September 1, 2022 prepared by Peter R. Avakian, consisting of 3 pages.

The proposed Additions (the "Additions"), are consistent with the style of the original existing dwelling (the "Dwelling" or "Structure"). The Additions meet the requirements of the Ordinance and more particularly in

Section 7.2 hereinafter. Also shown on the plans, and subject to review by the Board, are additional improvements, including an at-grade patio and four car garage with access from Page Avenue.

The Board considered all relevant criteria under the Municipal Historic Preservation Ordinance #2017-424 (the "Ordinance"), 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:

The work will expand upon the existing architectural features and replace much of the detail with new, more historically referenced materials. The scale of the proposed addition is consistent with its style, and an improvement on the existing scale of the home. 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.

The width and height relationship is being preserved by maintaining the existing front façade and by opening the enclosed portion of the existing front porch. The second floor portion of the Additions (to the front corners and to the rear corners) are proportional and appropriate, and the Additions do not change the overall width of the footprint of the home. The rear portion of the Additions is not visible from Euclid Avenue, however the façade visible from Page Avenue is appropriate and meets the requisite standards. Additionally, the proportion of the windows and their details such as 4/1 mutton patterns, will be preserved and enhanced. The Applicant agreed to reduce the eaves from one foot to approximately 8 to 9 inches, which, with the reduction stipulated by the Applicant to the overhang above the rear steps, results in a maximum building coverage—principal building of twenty (20%) percent, thus eliminating a prior variance and making that portion of the application fully conforming and free from any variance.

The relationship of the proposed Additions to the neighboring structures with regard to the open space between, will not be changed by the Additions. No portion of the Additions will be closer to any lot line than the existing structure. The roof pitch on the Additions will be appropriate for the District in both the hip design character and the slope of the roof. Details such as the eaves (as noted above), soffits and trim will be maintained and enhanced. Further, the front porch, by being fully opened but not expanded by footprint, will preserve and further enhance the relationship of the entrance of the home with the neighborhood.

The relationship of the width of windows to the height of windows of the Additions will be visually compatible with those in the existing remainder of the Dwelling.

Since the Additions and the remainder of the Dwelling will have new materials, as depicted and identified on the plans (Exhibit A-8) which are more historically referenced and which will result in the removal of prior enlargements and additions which are not especially historically referenced, the Additions as proposed will be visually compatible and enhance the existing Dwelling.

The relationship of materials and texture of the façade and roof of the Additions will be visually compatible with the requirements of the Ordinance and the conditions typically found in the District.

The roof shape of the Additions will be visually compatible with the requirements of the Ordinance and the conditions typically found in the District.

The size of the Additions, the mass of the Additions in relation to the open spaces, and the windows, door openings, porches and balconies will be visually compatible with and enhance the existing 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 the Additions 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 9<sup>th</sup> day of January, 2023, that the approval of the Application for Certificate of Appropriateness be granted for purposes of the construction of the Additions as set forth on the drawings and plans (and in particular as set forth on

Exhibit A-8), 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 revised Plan dated November 30, 2022, as modified based on the testimony of Applicant and Applicant's expert at the hearing (which will reduce the eaves from one foot to approximately 8 to 9 inches and which will reduce the size of the overhang above the rear steps so as to fully conform with the maximum building coverage—principal building of twenty (20%) percent). The improvements shall also be constructed strictly at the locations and as depicted in the Architect's revised Plans dated November 30, 2022, 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, if applicable, 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 January 9, 2023.

Moved by: Mr. Fernicola

Seconded by: Mayor Fernicola

**ROLL CALL VOTE**

Those in favor: Mayor Fernicola, Mr. Fernicola, Mr. Santos, Mr. Maisto

Those Opposed: None

Those absent: Commissioner D' Angelo, Mr. Wiener, Ms. Wilusz

Those recused: Ms. Appello, Mr. Cumiskey

**NEW BUSINESS**

**Planning Board Annual Report** – The Planning Board TABLED this matter until the next Planning Board Meeting.

**DISCUSSION -**

**A. PENDING APPLICATIONS –**

**A. Block 4 Lot 1**

**100 Elberon Avenue, Loch Arbour, NJ**

**B. Next Planning Board Meeting is scheduled for Wednesday, February 8, 2023 at 7: 30 p.m.**

The Board, Board Attorney and Board Engineer discussed the following:

1. Recommending a Potential Ordinance regarding front porches. The Board discussed with the Board Engineer how other municipalities handle front porches with regards to coverage. Also discussed, if the porch has habitable area above the porch or basement space below. It was determined:

UPON MOTION of Mr. R. Fernicola, seconded by Ms. Appello, carried the Board Engineer provide a report to the Planning Board to determine how other municipalities handle front porches with regards to coverage.

Recorded Vote:

Ayes: Ms. Appello, Mr. Cumiskey, Mr. R. Fernicola, Mr. Santos, Mr. Maisto

Nays: None Absent: Commissioner D'Angelo, Mr. Wiener, Ms. Wilusz Abstain: Mayor Fernicola

2. Recommending the Parking (RSIS) requirements be reviewed. Ms. Appello discussed applying for a special waiver from the State to increase the parking spots required in the Village for a single-family home. The Board Attorney and Engineer will review the Village of Loch Arbour Master Plan for consistency.

The Board discussed the Shams lawsuit.

The Board discussed the presentation made at the Commissioners Meeting by the New Snack Bar operator.

**PUBLIC COMMENTS**

There being no public present. UPON MOTION Mr. R. Fernicola, seconded by Mr. Santos, carried the meeting be closed to the public.

There being no further business, and UPON MOTION of Mr. R. Fernicola, seconded by Ms. Appello, carried that the meeting be adjourned at 8:05 p.m.

---

Marilyn Simons, Board Secretary