

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

November 18, 2020

<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, NOVEMBER 18, 2020 AND WAS CALLED TO
ORDER BY CHAIRPERSON, ROBERT FERNICOLA AT 7:30 PM.**

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

Also present were Board Attorney, Sanford Brown 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 20, 2020 and October 26, 2020, 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. Wiener, seconded by Mr. Fernicola carried, the following minutes are hereby approved as presented.

- Regular Meeting of the Planning Board held on October 21, 2020;

Recorded Vote:

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

Nays: None Abstain: Ms. Appello

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

CORRESPONDENCE -

- Letter received from Jessica L. Sweet, Esq., dated November 11, 2020 regarding 214 Euclid Avenue. Mr. and Mrs. Shams withdrew the pending Zoning Appeal, challenging the May 8, 2020 determination of the Zoning Official.

OLD BUSINESS

**A. Memorialize Certificate of Appropriateness Application,
Dweck, 404 Euclid Avenue, Block 12, Lot 8**

**RESOLUTION OF THE PLANNING BOARD OF THE VILLAGE OF LOCH ARBOUR
REGARDING APPLICATION FOR CERTIFICATE OF APPROPRIATENESS
BY DAVID DWECK FOR
PROPERTY LOCATED AT 404 EUCLID AVENUE**

WHEREAS, DAVID 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 404 Euclid Avenue, Village of Loch Arbour and known as Block 12, Lot 8, 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 October 21, 2020, 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, Applicant's expert Donald Passman, and the documents submitted, has made the following factual findings:

The Applicant filed an Application for Certificate of Appropriateness to request approval from the Planning Board for an extension of the 2nd floor on the existing West terrace, and adding a dormer in the existing attic facing the South rear yard.

The Applicant is the owner of the property located at 404 Euclid Avenue known as Lot 8 in Block 12 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, based on the testimony of the Applicant, the Project Architect and more particularly under Section 7.2. 404 Euclid is a Brick structure built in 1947. It is distinguished with a vertical scored brick, white mortar, 4-inch vinyl siding on its soffits, white vinyl double hung replacement windows with a 6 grid on the top windows, flanked by white vinyl shutters. It is a 3-story structure above grade including a cellar, first floor, second floor and an attic.

The roof is lined with Ludowici-Celadon ceramic green tile. Adjacent to the main pitched roof is an architectural barn shape trim that frame out the East and West exposures of the home. The second-floor terraces are enclosed with a white vinyl fence with square spindles.

The Applicant added on a porch to the home back in 2003.

The Board in making its decision herein, relied upon testimony at the hearing by Applicant and Applicant's Architect, the Exhibits marked into evidence, and testimony by Village Zoning Officer Joseph McGrath.

The Plan by Applicant's Architect, marked into evidence at the hearing, has four sheets, A-1 through A-4. The Plan nor the Application include or request any changes to the basement or the first floor. The improvement on the second floor is as depicted on A-4 of the Plan. The Plan indicates that the existing West deck is to be converted into bathrooms for adjacent bedrooms in the existing living space. A window on the East side of the second floor is to be converted to a door for egress.

The improvement in the Attic is as depicted on A-4 of the Plan. The Applicant testified that the space which is being improved/changed would only be used as a playroom or study. The Board finds that this is acceptable and more specifically finds that no space in the Attic may be used as a bedroom or for any occupancy and the improved space may only be used as a playroom or study. No portion of the Attic is over 7 feet in interior height. The Plan, at A-4, refers to "Habitable Attic" however, that is only for purposes of building code. The attic space does not comply with zoning/fire code provisions which would permit occupancy as a bedroom.

Findings under the Ordinance Criteria (for the purposes of this Resolution, "structure" means the existing dwelling and the approved new addition; and "new work" means the improvements permitted under this Resolution) were as follows:

- a. The new work shall be compatible with the existing structures, landscapes and streetscapes within the District.
- b. The new work shall 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.
- c. The new work will not adversely affect the exterior architectural features and setting of the existing structure and its historical and architectural interest.
- d. The new work shall not result in structural elements that are out of scale with the other structural elements in the surrounding area.
- e. The revised structure will be and remain visually compatible with the structures and places to which it is visually related.
- f. The height of the structure will be visually compatible with adjacent structures.
- g. The relationship of the width of the structure to the height of the front elevation will be visually compatible with structures and places to which it is visually related.
- h. The relationship of the width of windows to the height of windows in the structure will be visually compatible with the structures and places to which it is visually related.

- i. The relationship of solids to voids in the front façade of a structure will be visually compatible with the structures and places to which it is visually related.
- j. The relationship of the structure to the open space between it and adjoining structures will be visually compatible with the structures and places to which it is visually related.
- k. The relationship of the structure's entrance and porch projections to the street will be visually compatible with the structures and places to which it is visually related.
- l. The relationship of materials and texture of the façade and roof of the structure will be visually compatible with the predominant materials used in the structures to which it is visually related.
- m. The roof shape of the structure will be visually compatible with structures to which it is visually related.
- n. The structure will be visually compatible with structures and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or non-directional character.

Based on all the findings and testimony at the hearing by the Applicant and Applicant's expert, the Board finds the Applicant should be granted the approval of the Application for Certificate of Appropriateness for the extension of the 2nd floor on the existing West terrace, adding a dormer in the existing Attic facing the South rear yard, 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 21st day of October, 2020, that the approval of the Application for Certificate of Appropriateness be granted for purposes of an extension of the 2nd floor on the existing West terrace, adding a dormer in the existing Attic facing the South rear yard, because the Applicant has satisfied the 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 Applicant and Applicant's expert.

The improvement on the second floor and attic shall be strictly as depicted on A-4 of the Plan. There shall be no improvements in the basement or first floor.

The existing second floor West deck may be converted into bathrooms for adjacent bedrooms in the existing living space. A window on the East side of the second floor shall be converted to a door for egress.

The improvement in the Attic shall only be used as a playroom or study. No portion of the Attic shall not be used as a bedroom or for any occupancy other than the area of improvement depicted on the Plan being used as a playroom or study.

There shall be no changes to the basement or the first floor and no portion of the basement can be used as a bedroom.

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 October 21, 2020.

Moved by: Mr. Wiener

Seconded by: Mr. R. Fernicola

ROLL CALL VOTE

Those in favor: R. Fernicola, Gosline, Wiener, Maisto

Those Opposed: None

Those absent: Commissioner D' Angelo, Mayor Fernicola,
Wilusz, Santos

Those recused: Appello

NEW BUSINESS - None

DISCUSSION/VOTE –

A. Next Planning Board Meeting – Wednesday, December 16, 2020 at 7:30 p.m.

B. Pending Application -

- **GOODMAN, 2 Elberon Avenue, Certificate of Appropriateness, Block 5, Lot 1**
- **601 Main Street, Block 1, Lot 3**

C. PENDING LITIGATION – 207 Edgemont Drive Appeal – No report given.

PUBLIC COMMENTS – None

UPON MOTION of Mr. R. Fernicola, seconded by Mr. Wiener, carried, that the meeting be finally adjourned at 7:40 PM.

Marilyn Simons
Board Secretary