

**VILLAGE OF LOCH ARBOUR  
PLANNING BOARD  
MINUTES –REORGANIZATION MEETING  
January 20, 2021  
<https://zoom.us/j/9871856747>  
Meeting ID: 987 185 6747**

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**THE REORGANIZATION MEETING OF THE VILLAGE OF LOCH ARBOUR PLANNING BOARD WAS CONDUCTED VIA ZOOM ON WEDNESDAY, JANUARY 20, 2021 AND WAS CALLED TO ORDER BY CHAIRPERSON, ROBERT FERNICOLA AT 7:30 PM.**

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

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 20, 2020 and December 7, 2020, 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 2021-01: Nomination of Chairperson:** UPON MOTION of Ms. Appello, seconded by Mr. Wiener, carried, that Robert Fernicola be and he is hereby nominated to serve as Chairperson of the Planning Board for 2021. 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, 2021 and until his successor be appointed.

Recorded Vote:

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

**Resolution 2021-02: Nomination of Vice-Chairperson:** UPON MOTION of Mr. R. Fernicola, seconded by Mr. Wiener, carried, that Elizabeth Appello be and she is hereby nominated to serve as Vice Chairperson of the Planning Board for 2021. 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, 2021 and until her successor be appointed.

Recorded Vote:

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

**Resolution 2021-03:** UPON MOTION of Mr. R. Fernicola, seconded by Ms. Gosline, 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 Sanford D. Brown, Esq. as Planning Board Attorney for the term through December 31, 2021 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. R. Fernicola, Ms. Gosline, Mr. Wiener, Ms. Wilusz, Mr. Maisto

Nays: None

Absent: Commissioner D' Angelo, Mr. Santos

**Resolution 2021-04:** 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 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 Peter R. Avakian, PE as Planning Board Engineer and Planner for the term through December 31, 2021 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 2021 schedule of rates as supplied.

Recorded Vote:

Ayes: Mayor Fernicola, Ms. Appello, Mr. R. Fernicola, Ms. Gosline, Mr. Wiener, Ms. Wilusz, Mr. Maisto

Nays: None

Absent: Commissioner D' Angelo, Mr. Santos

**Resolution 2021-05:** UPON MOTION of Mr. R. Fernicola, seconded by Ms. Appello, 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, 2021 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. R. Fernicola, Ms. Gosline, Mr. Wiener, Ms. Wilusz, Mr. Maisto

Nays: None

Absent: Commissioner D' Angelo, Mr. Santos

**Resolution 2021-06:** UPON MOTION of Mr. R. Fernicola, seconded by Mr. Wiener, 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 third 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 will be held at the Village of Loch Arbour Municipal Building, 550 Main Street, Loch Arbour.
2. The public may not participate in the executive session, but may be present.
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 2022 Reorganization Meeting is hereby scheduled for January 19, 2022.

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. R. Fernicola, Ms. Gosline, Mr. Wiener, Ms. Wilusz, Mr. Maisto

Nays: None Absent: Commissioner D' Angelo, Mr. Santos

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

## **AGENDA – REGULAR MEETING**

**CORRESPONDENCE** – None

**OLD BUSINESS** – None

## **MINUTES**

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

- Regular Meeting of the Planning Board held on November 18,2020;

Recorded Vote:

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

Nays: None Abstain: Mayor Fernicola Ms. Wilusz

Absent: Commissioner D; Angelo, Mr. Santos

## **NEW BUSINESS**

**Planning Board Annual Report** – The Planning Board discussed the Annual Report.

A. **Resolution 2021-07:** UPON MOTION, of Mr. R. Fernicola, seconded by Ms. Gosline, carried that the following Resolution be and the same is hereby adopted:

WHEREAS, the Planning Board is required, pursuant to N.J.S.A. 40:55D-70.1 and 40:55D-25.c. to review at least once a year its decisions on applications and appeals for variances, and to prepare and adopt by Resolution a report on its findings on Zoning Ordinance provisions which were the subject of variance request and its recommendations for Zoning Ordinance amendments or revisions, if any.; and,

WHEREAS, the Board has prepared a report, has discussed the same and finds the report to be proper.

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

1. The report, a copy which is attached hereto and incorporated herein, is approved.
2. The Chairman of the Board is hereby authorized to execute the report
3. A copy of the report and the herein Resolution shall be forwarded to the Mayor and Board of Commissioners.

Recorded Vote:

Ayes: Mayor Fernicola, Ms. Appello, Mr. R. Fernicola, Ms. Gosline, Mr. Wiener, Ms. Wilusz, Mr. Maisto

Nays: None Absent: Commissioner D' Angelo, Mr. Santos

**B. Village Ordinance 2021-468** – The following matter has been referred from the Village of Loch Arbour Board of Commissioners for discussion and consideration.

**Ordinance # 2021-468**

**AN ORDINANCE AMENDING LAND USE DEVELOPMENT REGULATIONS  
ORDINANCE NO. 156, ARTICLE 6, SECTION 607 and ORDINANCE 349 STORMWATER  
CONTROL OF THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH AND  
STATE OF NEW JERSEY.**

Village Engineer, Peter Avakian, discussed Ordinance with the Board.

UPON MOTION of Mr. R. Fernicola, seconded by Mayor Fernicola, carried that the following resolution be adopted:

WHEREAS, the Planning Board of the Village of Loch Arbour, New Jersey conducted a meeting on January 20, 2021, at which time there was a discussion regarding Village of Loch Arbour Ordinance #2021-468, which was introduced by the Village of Loch Arbour Board of Commissioners on first reading at their regular meeting held January 6, 2021; and

WHEREAS, the Board considered Ordinance #2021-468 to determine if said Ordinance is consistent with the Village of Loch Arbour Master Plan; and

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Village of Loch Arbour, that the Secretary of the Planning Board be and she hereby is authorized and directed to transmit this Resolution and Report to the Clerk of the Village of Loch Arbour, New Jersey confirming the Planning Board determined Ordinance #2021-468 is consistent with the Village of Loch Arbour Master Plan.

Recorded Vote:

Ayes: Mayor Fernicola, Ms. Appello, Mr. Fernicola, Ms. Gosline, Mr. Wiener, Ms. Wilusz, Mr. Maisto

Nays: None Absent: Commissioner D'Angelo, Mr. Santos Abstain: None

**C. PE, 601 Main Street, LLC Block 1, Lot 3, Amended Site Plan Approval**

An amended application was received on behalf of Patti Englert, 601 Main Street, LLC., requesting review of plans to determine if they conform with the requirements of the Land Use Development Ordinances.

The following Exhibits were marked into evidence:

Exhibit A-1: Site Plan, prepared by Massa Multimedia with the last revision dated October 19, 2020.  
(4 Sheets)

Exhibit O-1 Letter prepared by Peter Avakian, PE, dated January 4, 2021.

Appearing on behalf of the applicant is Evan Zimmerman, Esq., of the law firm Giordano, Halleran and Ciesla, PC. Mr. Zimmerman summarized the application.

Due to technical difficulties by the Applicant's Architect, Michael A. Gokberk, of Massa Multimedia Architecture, PC the matter was carried until the next Planning Board Meeting scheduled for February 17, 2021.

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

**Recorded Vote:**

**Ayes:** Mayor Fernicola, Ms. Appello, Mr. Fernicola, Ms. Gosline, Mr. Wiener, Ms. Wilusz, Mr. Maisto

**Nays:** None    **Absent:** Commissioner D'Angelo, Mr. Santos    **Abstain:** None

**D. Carr, 203 Edgemont Drive, Block 10, Lot 13, Certificate of Appropriateness**

An Application for a Certificate of Appropriateness was received on behalf of Mr. Carr regarding the Historic Preservation Ordinance of the Village of Loch Arbour of Certificate of Appropriateness for a Major Alteration.

The following Exhibits were marked into evidence:

Exhibit A-1: Historical Picture (Aerial of Edgemont Drive)

Exhibit A-2: Colored photos of homes around the area. (1 Sheet)

Exhibit A-3: Survey of Property prepared by Morgan Engineering & Surveying dated August 6, 2020.

Exhibit A-4: Colored photos of existing property as of 9/2020 (1 Sheet)

Exhibit A-5: Site Plan prepared by Jam Architecture with the last revision dated December 10, 2020.  
(4 sheets)

Exhibit A-6: Scope of Work Summary, dated December 10, 2020, prepared by Megan Prime, RA., Jam Architecture (unsigned)

Exhibit A-7: Photo of the existing front façade of the premises and rendering of the proposed plan.

Exhibit A-8: Detail sheets, windows, shingles

The following people were sworn in:

Mr. Leonard Carr, Owner, 203 Edgemont Drive

Ms. Rebecca Vezza, Owner, 203 Edgemont Drive

Megan Prime, Jam Architecture. Ms. Prime testified that she is a registered Architect in the State of New York and Pennsylvania. She is not registered in the State of New Jersey.

After a discussion with the Board and the Board Attorney it was determined the Board would accept Ms. Prime as an expert witness in Architecture.

Ms. Prime referenced Exhibit A-1.

Ms. Prime referenced Exhibit A-4. She testified to the existing conditions of the property and explained to the Board the small 2<sup>nd</sup> floor addition over the 1<sup>st</sup> floor footprint.

The Board determined and Ms. Prime confirmed that Exhibit A-5, Site Plan, is not signed or sealed by a licensed architect.

Ms. Prime referenced Exhibit A-5, page 1.01. She testified to the following:

Demolition of the 1<sup>st</sup> and 2<sup>nd</sup> floor interior.

Windows being removed and will be relocated on the 1<sup>st</sup> floor;

The Back Porch will be demolished and a new back porch is being proposed.

The front bay window on the 2<sup>nd</sup> floor is being removed, and replaced by four flat windows, in the same location.

Ms. Prime referenced Exhibit A-7. She testified to the following:  
The proposed new front porch and stairs;  
The proposed modification of the walkway in front of the home;

Mr. Carr discussed with the Board the proposed stairs in the front of the home. (Exhibit A-7)

Ms. Prime confirmed there would be a handrail on each side of the stairs. Board Member, Mr. Wiener discussed the plans, and if the stairs extend out more than the present condition.

Ms. Prime testified the stairs do not extend any further than the present condition.  
Ms. Prime testified there are no revisions to the site plan.

Board Chairperson, Mr. R. Fernicola, discussed front porch with Applicant, Mr. Carr. Also discussed were the proposed 1<sup>st</sup> floor porch windows.

Ms. Prime referenced Exhibit A-8. She testified to the following proposed materials and colors on the plan:  
The windows are to be replaced with Anderson Series E; (olive green)  
The stucco is going to be the same as existing color; (off white)  
Red cedar shingles.

Ms. Prime referenced Exhibit A-5. She testified to the relocation of the windows on the west elevation. Discussed was the condenser and the addition of a shower on the west side of the home.

The Board discussed the 2<sup>nd</sup> floor addition, and if a variance is necessary for an expansion of an existing non-conforming structure.

It was determined by the Board that the Site Plan must be signed and sealed and submitted to the Zoning Officer for his review.

UPON MOTION of Mr. R. Fernicola, seconded by Ms. Appello, carried that this application will be carried with no need for further notice, unless it is determined if a variance is required, or if the plans change.

**Recorded Vote:**

Ayes: Mayor Fernicola, Ms. Appello, Mr. Fernicola, Ms. Gosline, Mr. Wiener, Ms. Wilusz, Mr. Maisto

Nays: None    Absent: Commissioner D'Angelo, Mr. Santos    Abstain: None

**DISCUSSION -**

**A. PENDING APPLICATIONS –**

The following application was received, said application will be scheduled when the Village Engineer deems the application complete.

**2 Elberon Avenue,    Block 5, Lot 1    Variance/Cert of Appropriateness**

**B. Next Planning Board Meeting is scheduled for Wednesday, February 17, 2021 at 6: 30 p.m.**

**PUBLIC COMMENTS**

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

There being no further business, and UPON MOTION of Mr. R. Fernicola, seconded by Mr. Fernicola, carried that the meeting be adjourned at 8:50 p.m.

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Marilyn Simons, Board Secretary