

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

March 17, 2021

<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 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, Ms. Appello, Mr. R. Fernicola, Ms. Gosline, Mr. Wiener, Ms. Wilusz, Mr. Santos. ABSENT WERE: Mayor Fernicola, Mr. Maisto.

Also present were Board Attorney, Sanford Brown, Board Engineer from P. Avakian's office, Lou Labosco 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.

CORRESPONDENCE – None

MINUTES -

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

- Regular Meeting of the Planning Board held on February 17, 2021.

Recorded Vote:

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

Nays: None Abstain: Commissioner D' Angelo

Absent: Mayor Fernicola, Mr. Maisto

OLD BUSINESS –

**A. Memorialize Variance Application – Carr, 203 Edgemont Drive, Loch Arbour,
Block 10, Lot 13**

**RESOLUTION OF THE PLANNING BOARD OF THE VILLAGE OF LOCH ARBOUR
REGARDING APPLICATION FOR BULK VARIANCES BY CARR FOR
PROPERTY LOCATED AT 203 EDMONT AVENUE**

WHEREAS, Leonard Carr (hereinafter "Applicant") has applied to the Planning Board of the Village of Loch Arbour for bulk variances in order to make improvements to the premises located at 203 Edgemont Avenue, Village of Loch Arbour and known as Block 10, Lot 13, 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 February 17, 2021 in conjunction with an application for a certificate of appropriateness; and

WHEREAS, the Board, after carefully considering the evidence presented by Applicant's Architect, Robert A. Hazelrigg, and the documents submitted, has made the following factual findings: The Applicant filed an Application to request approval from the Planning Board for an expansion of a nonconforming structure and side yard setback to the addition less than five feet.

The Applicant is the owner of the property located at 203 Edgemont Avenue known as Lot 13 in Block 10 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 in making its decision herein based on reliance upon testimony of the Applicant's Architect and the Exhibits marked into evidence. No members of the public appeared.

The Applicant is requesting approval from the Board for the construction of a small second floor addition to the rear of the dwelling. The improvements also include renovation to the existing dwelling. The development of a non-conforming structure and a request for a variance for side building setback requires Board approval. The property has non-conformities in building coverage, lot area, and lot width.

The property is located in the Residential Zone and is known as 203 Edgemont Drive or Lot 13 in Block 10 on the municipal tax map.

Marked into evidence at the hearing, were the following:

A survey of property consisting of one (1) sheet prepared by David J. Von Steenburg, P.L.S. of Morgan Engineering & Surveying, dated August 6, 2020, with no revisions (A-1).

An architectural plan consisting of ten (10) sheets prepared by Thomas F. Lavin, AIA of Robert A. Hazelrigg & Associates Architects, dated February 3, 2021 with no revisions (A-2).

A letter from Board Engineer/Planner Peter Avakian dated February 12, 2021 (B-1).

The minimum lot width permitted per the zoned district is 75 feet. The existing lot has a width of 25 feet which represented an existing non-conformity.

The minimum lot depth permitted per the zoned district is 100 feet. The existing lot has a depth of 134.5 feet, which conforms.

The minimum lot area permitted per the zoned district is 7,500 square feet. The existing lot has an area of 3,397 square feet, which represents an existing non-conformity.

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

The minimum rear building setback permitted per the zoned district is 25 feet from the rear lot line. The existing rear building setback is 48.08 feet to the roof overhang, which conforms.

The minimum side building setback permitted per the zoned district is 5 feet. The existing side building setback is 0.95 feet to the roof overhang on the east side and is 1.92 feet to the roof overhang on the west side. Both of these represent an existing non-conformity. The Applicant is proposing a second-floor addition with an east side building setback of 0.95 feet to the roof overhang. This is an expansion of an existing non-conformity. A variance is required.

The Applicant is proposing a second-floor addition with a west side building setback of 1.92 feet to the roof overhang. This is an expansion of an existing non-conformity. A variance is required.

The maximum building coverage permitted by the zoned district is 20% of the lot size may be occupied by the principal use or structure. The existing building coverage is 31.7% which represents an existing nonconformity. The addition is over the first floor, which does not increase the building coverage.

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 52.8%, which represents an existing non-conformity. The improvements will not increase the coverage.

The maximum building coverage permitted by the zoned district is 20% of the lot size which may be occupied by the principal use or structure. The existing building coverage is 31.7%, which represents an existing nonconformity. The addition is over the first floor, which does not increase the building coverage.

The maximum building coverage ordinance regulation also stipulates that "In no event shall the total lot coverage exceed 40% of the lot". The Applicant indicates an existing total lot coverage of 84.5%, which represents an existing non-conformity. The improvements will not increase the coverage.

The building height means the vertical distance measured to the highest point of the roof from the mean level of the curb in front of the center of the building. No building shall exceed 35 feet in height. No building shall contain more than two and one-half stories. The Applicant indicates the

existing building height of 26.43 feet from the grade around the dwelling. The Applicant is not proposing to increase the building height. The building height conforms.

At the hearing, the Applicant's Architect testified that the proposed improvements will return the home to a much more historically consistent building, that the degrading stucco will all be replaced on all sides of the home, that the new windows and doors will be much more consistent with the historic structure, that the new second floor addition is small in relation to the existing home, will not exacerbate much the existing nonconformities as to side yard setback, that the additional overhangs could be constructed to cut down on the incursion into the set backs but would architecturally be unappealing, that the overall improvements to the structure will enhance the neighborhood and will have no negative impact on the intent or purpose of the master plan or the Zoning Ordinance of the Village.

WHEREAS, the Board finds that the variances requested can be granted based on the flexible standards of N.J.S.A. 40:55D-70-c.(2) and that the positive and negative criteria have been proven as set forth in the Board's findings of fact set forth on the record and in this Resolution; and

WHEREAS, the Board finds that the purpose of the Municipal Land Use Law will be advanced by the approval of the variances, and that the benefits substantially outweigh any possible detriments to the within application.

WHEREAS, the Board finds that the granting of the variances will be without any substantial detriment to the public welfare and without substantial impairment to the intent and purpose of the zoning plan or zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Board of the Village of Loch Arbour hereby grants the application for variances subject to the following conditions:

A general note shall be added to the plan indicating the existing sidewalk along the frontage will be replaced if found in poor condition.

The Applicant shall comply with 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 February 17, 2021.

Moved by: Mr. Fernicola

Seconded by: Ms. Wilusz

ROLL CALL VOTE

Those in favor: Ms. Appello, Mr. Fernicola, Ms. Gosline, Mr. Wiener, Ms. Wilusz, Mr. Santos

Those Opposed: None

Those absent: Mayor Fernicola, Mr. Maisto

Those recused: Commissioner D' Angelo

**B. Memorialize Certificate of Appropriateness – Carr 203 Edgemont Drive, Loch Arbour
Block 10, Lot 13**

RESOLUTION OF THE PLANNING BOARD OF THE VILLAGE OF LOCH ARBOUR
REGARDING APPLICATION FOR CERTIFICATE OF APPROPRIATENESS
BY CARR FOR PROPERTY LOCATED AT 203 EDMONT AVENUE

WHEREAS, Leonard Carr (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 203 Edgemont Avenue, Village of Loch Arbour and known as Block 10, Lot 13, 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 February 17, 2021 in conjunction with an application for bulk variances; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant's Architect, Robert A. Hazelrigg, and the documents submitted, has made the following factual findings: The Applicant filed an Application for a Certificate of Appropriateness to request approval from the Planning Board for construction of an addition to the 2nd Floor, replacement of existing windows and doors, new exterior finishes, and a new rear deck.

The Applicant is the owner of the property located at 203 Edgemont Avenue known as Lot 13 in Block 10 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's Architect and more particularly under Section 7.2.

The Plan by Applicant's Architect, marked into evidence as Exhibit A-2 at the hearing, is dated 2/02/21 and has ten sheets.

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

The new work will be compatible with the existing structures, landscapes and streetscapes within the District.

The new work 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 new work will bring the existing building back into an historic condition and more particularly will be very consistent with the look of the building shown on Sheet P2.0 of the Plan, of the historic front facade dated Dec. 11 1926.

The new work will result in an addition on the second floor on the rear of the existing building which will not be out of scale with the other structural elements in the surrounding area.

The new work will include all new stucco on the entire building, all new windows which are much more historically compatible with the historic look of the building and will be visually compatible with the structures and places to which it is visually related.

The height of the structure is not changing but for the small extension on the rear addition and that will be visually compatible with adjacent structures.

The width of the structure to the height of the front elevation is not changing and will be visually compatible with structures and places to which it is visually related.

The relationship of the width of the new windows to the height of new windows in the structure will be visually compatible with the structures and places to which they are visually related.

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.

The structure's entrance and porch projections to the street are changing only to the extent that the front entrance wall is being squared off which will result in a better historic visual.

The existing building has many nonconformities, is on a very small lot but the new addition only exacerbates that condition to a very small extent and so the relationship of the structure to the open space between it and adjoining structures will remain the same visually with the structures and places to which it is visually related.

The relationship of texture of the new stucco walls and the existing roof of the structure will be visually compatible with the predominant materials used in the structures to which it is visually related.

The roof shape of the structure due to the second-floor addition will be visually compatible with structures to which it is visually related.

The addition on the second floor with new roof line 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's expert, the Board finds the Applicant should be granted approval of the Application for a Certificate of Appropriateness 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 17th day of February, 2021, that the approval of the Application for Certificate of Appropriateness be granted for purposes of constructing a second floor addition on the North side/rear of the existing structure, replacement of existing windows and doors, new exterior finishes and a new rear deck, because the Applicant has satisfied the criteria of the Loch Arbour Historic Preservation Ordinance based on the findings of fact set forth above.

BE IT FURTHER 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's expert.

The improvements shall be constructed strictly as set forth in the Architect's Plan, A-2. 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 February 17, 2021.

Moved by: Mr. Fernicola

Seconded by: Mr. Wiener

ROLL CALL VOTE

Those in favor: Ms. Appello, Mr. Fernicola, Ms. Gosline, Mr. Weiner, Ms. Wilusz, Mr. Santos

Those Opposed: None

Those absent: Mayor Fernicola, Mr. Maisto

Those recused: Commissioner D' Angelo

C. Dweck, 404 Euclid Avenue, Block 12, Lot 8 (Major Alteration)

An Application for a Certificate of Appropriateness was received regarding 404 Euclid Avenue, Loch Arbour, New Jersey.

This application was carried, without the need for further notice, to the next planning board hearing to be held on April 21, 2021, due to a quorum not being met for this application.

Continued from January 20, 2021 and the February 17, 2021 Meeting

D. PE, 601 Main Street, 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: Originally Approved Site Plan and the Revised Plan, prepared by Massa Multimedia Architects, dated March 3, 2021 (1 Sheet)

Appearing on behalf of the applicant is Evan Zimmerman, Esq., of the law firm Giordano, Halleran and Ciesla. Mr. Zimmerman summarized the application. Mr. Zimmerman referenced Exhibit A-1 and summarized the following changes: New Shed (south/west corner) in the parking lot, 2 Dumpsters have been enclosed with vinyl fencing. Mr. Zimmerman stated there was a modification to the patio doorway – but added no additional seating. Due to the patio modifications, there has been an adjustment to the 2 parking spaces that were at the rear of the building. The parking spaces have been slightly modified to accommodate the additional patio area. There has been lighting modifications to the patio area from the approved plan. Mr. Zimmerman stated the modified light set up complies with all Village requirements.

Present was Applicant's Architect, Michael Gokberk., of the firm Massa Multimedia Architecture, PC. Mr. Gokberk was sworn in and was accepted by the Board as an expert witness in Architecture.

Mr. Gokberk referenced Exhibit A-1. The Exhibit shows the approved Site Plan and the revised Plan that exists today. He testified to the location of the Shed in the south/west corner. Mr. Gokberk confirmed the shed is temporary and is not on a foundation or footings. Mr. Gokberk testified the dumpster was removed from the north side of the parking lot and 2 dumpsters were relocated to the south/west corner of the property next to the Shed.

Board Member, Mr. Wiener, asked about the NJ Transit property, where the storage shed is located. Mr. Zimmerman confirmed for the record no alcohol is being stored in the shed. Mr. Zimmerman referenced the Resolution dated January 15, 2021 and spoke about the history of the parking regarding the NJ Transit property.

Mr. Gokberk testified the dumpsters were removed from the northside of the parking lot and relocated to the southwest corner of the property. Mr. Gokberk also testified pavers were installed for bicycle racks, adjacent to the dumpster location. He referenced Exhibit A-1.

Lou Labosco, Avakian's office, and Mr. Zimmerman, Applicants Attorney, discussed the NJ Transit property and the shed. Mr. Zimmerman stated that they would not be contacting NJ Transit, but confirmed if NJ Transit contacts his clients, they will adhere to any inquiries.

Mr. Gokberk testified a masonry wall was constructed, omitting 2 parking spots. Mr. Gokberk referenced Exhibit A-1 and testified to the relocation of the two new parking spots. The parking spaces were shifted to the north of the newly constructed wall. Mr. Gokberk also testified that bollards were installed for safety reasons.

Mr. Gokberk confirmed no variances are required. Mr. Gokberk testified there is no adverse impact to the neighbors, and the changes are solely improvements to the area.

Mr. R. Fernicola opened up the meeting for questions from any Board Member. No questions.

Upon Motion of Mr. R. Fernicola, seconded by Commissioner D' Angelo, carried that the meeting be opened to the public for any questions/comments regarding this application.

No questions or comments, Upon Motion of Mr. R. Fernicola, seconded by Commissioner D' Angelo carried the meeting to be closed to the public.

Recorded Vote:

Ayes: Commissioner D' Angelo, Ms. Appello, Mr. R. Fernicola, Ms. Gosline, Mr. Wiener, Ms. Wilusz, Mr. Santos

Nays: None

Absent: Mayor Fernicola, Mr. Maisto

Mr. Zimmerman summarized in a final statement to the Board and concluded the amended plans improve the functionality, safety and operability of the site.

The Board discussed the application.

UPON MOTION of Mr. R. Fernicola, seconded by Commissioner D' Angelo, carried the Amended Site Plans be granted for the application of PE, 601 Main Street, LLC, Block 1, Lot 3 with any and all conditions which will be set forth in the Resolution. The Resolution will be memorialized at the next regular scheduled Planning Board Meeting to be held on April 21, 2021.

Recorded Vote:

Ayes: Commissioner D' Angelo, Ms. Appello, Mr. R. Fernicola, Ms. Gosline, Mr. Wiener, Ms. Wilusz, Mr. Santos

Nays: None

Absent: Mayor Fernicola, Mr. Maisto

NEW BUSINESS –

A. 8 Buena Vista Court, Block 2, Lot 12, (Major Alteration)

An Application for a Certificate of Appropriateness was received regarding 8 Buena Vista Court, Loch Arbour, New Jersey.

This application was improperly noticed. This matter has been rescheduled for the next planning board hearing to be held on April 21, 2021.

DISCUSSION/VOTE –

A. Pending Application –

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

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

B. Next Planning Board Meeting – Wednesday, April 21, 2021 at 7:30 p.m.

C. REMINDER: Stormwater Management Compliance – Email was sent to all Board Members Webinar – “ASKING THE RIGHT QUESTIONS IN STORMWATER VIEW”
Please email the Village Clerk to confirm the requirement was completed.

PUBLIC COMMENTS – Upon Motion of Mr. R. Fernicola, seconded by Commissioner D' Angelo the meeting be opened to the public. No public comment. Upon Motion of Mr. R. Fernicola, seconded by Ms. Wilusz the meeting be closed to the public.

UPON MOTION of Mr. R. Fernicola, seconded by Commissioner D' Angelo, carried, that the meeting be finally adjourned at 8:10 PM.

Marilyn Simons
Board Secretary