

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

April 21, 2021

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**THE REGULAR MEETING OF THE VILLAGE OF LOCH ARBOUR PLANNING BOARD
WAS CONDUCTED VIA ZOOM, ON WEDNESDAY, APRIL 21, 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, Mayor Fernicola, Ms. Appello, Mr. R. Fernicola, Ms. Gosline, Mr. Wiener, Ms. Wilusz, Mr. Santos, Mr. Maisto ABSENT WERE: None

Also present were Board Attorney, Sanford Brown, 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 March 17, 2021.

Recorded Vote:

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

Nays: None Abstain: Mayor Fernicola, Mr. Maisto

Absent: None

OLD BUSINESS –

**A. Memorialize Variance Application – PE, 601 Main Street, Loch Arbour,
Block 1, Lot 3**

RESOLUTION OF THE PLANNING BOARD OF THE VILLAGE OF LOCH ARBOUR
GRANTING AMENDED SITE PLAN AND VARIANCE APPROVAL TO

P.E. 601 MAIN STREET, LLC FOR

PROPERTY LOCATED AT 601 MAIN STREET

WHEREAS, P.E. 601 Main Street, LLC (hereinafter "Applicant") has applied to the Planning Board of the Village of Loch Arbour for amended site plan approval for premises located at 601 Main Street, Village of Loch Arbour and known as Block 1, Lot 3 on the tax map of the Village of Loch Arbour, which premises are in the Commercial Zone; and

WHEREAS, the Applicant had previously appeared before the Board and as a result received site plan approval as per Resolution of Memorialization dated January 15, 2020; 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 March 17, 2021, and all interested parties were given an opportunity to be heard and express their opinions, with no members of the public expressing any comments; and

WHEREAS, the Board reviewed the materials submitted; and

WHEREAS, the Board, after carefully considering the evidence presented by Applicant and Applicant's expert, the Project Architect, has made the following factual findings:

The Applicant is the owner of the property located at 601 Main Street known as Lot 3 in Block 1 on the municipal tax map of the Village of Loch Arbour, County of Monmouth, and State of New Jersey. The Property is situated on the west side of Main Street adjacent to Deal Lake. The lot is irregular shaped and consisting of a total lot area of approximately 27,025 square feet.

The existing lot consists of a one-story masonry commercial building utilized as a restaurant and tavern, an outside sitting area, and parking lot.

On May 19, 1999, a Resolution was adopted by the Planning Board approving a site plan for proposed improvements. The improvements included the expansion of the existing restaurant/tavern use, through the construction of a concrete patio with bar, adjacent to the southerly elevation of the building.

On January 15, 2020, a resolution was adopted by the Planning Board approving a change to the architectural elements of the building, relocate the 3 parking spaces along the north side of the building to create a concrete walkway, relocate the dumpster to the southwest to allow for 1 of the relocated parking spaces, the other 2 relocated parking spaces will be located along the west side of the building, the existing outdoor bar structure to be replaced with a new outdoor bar structure, remove existing light pylon sign and new sign to be placed on the building.

The Applicant has constructed site improvements which deviate from the original approved plan. The Applicant is requesting amended site plan approval for changes. The changes are installation of a new shed, additional concrete patio, paver patio along Deal Lake, relocation of 2 parking spaces, lighting changes, removal of curb islands, additional curb along building, new trash enclosure and the addition of bollards.

The Property is located in the "C" Commercial Zone and the existing restaurant and tavern is permitted use in the zone.

In accordance with Ordinance Section 705.D, (building height) no building shall exceed 35 feet in height or contain more than two-stories above grade. The new building has a height of 14.83 feet, which conforms.

In accordance with Ordinance Section 705.E.1, the minimum lot width permitted per the zoned district is 50 feet. The existing lot has a width of 180 feet, which conforms.

In accordance with Ordinance Section 705.E.2, the minimum lot depth permitted per the zoned district is 100 feet. The existing lot has a depth of 151.35 feet, which conforms.

In accordance with Ordinance Section 705.E.3, the minimum lot area permitted per the zoned district is 5,000 square feet. The existing lot area is 27,025 square feet, which conforms.

In accordance with Ordinance Section 705.E.4, the minimum side yard setback permitted per the zoned district is 10 feet. The prior approval in 1999 indicated a setback to the patio of 20 feet. The new side yard setback is 35.7 feet, which conforms.

In accordance with Ordinance Section 705.E.5, the minimum rear yard setback permitted per the zoned district is 20 feet. The Plan indicates an existing rear yard setback of 86 feet, which conforms.

In accordance with Ordinance Section 705.E.6, the maximum building coverage permitted per the zoned district is 40%. The Applicant indicates a building coverage of 84%. A variance was granted per the January 17, 2020 Resolution.

In accordance with Ordinance 705.F.2, (Off-Street Parking), allows for 1 space for each 3 seats in a tavern, restaurant, or snack bar. The coversheet indicates the restaurant and tavern have 243 seats, which requires 81 parking spaces. The site plan indicates 44 parking spaces onsite (Lot 3) and 37 parking spaces on adjacent Lot 2. The total of 81 parking spaces have been provided, which conforms.

The amended site plan indicates a new shed, which is located on the New Jersey Transit Parcel. The Applicant provided testimony on the type of things being stored in the shed, and the history of the use of this parcel, which is also referenced in the 2020 and 1999 Resolutions. Conditions as to parking stated in paragraph 16 of the 2020 Resolution remain in full force and effect.

The amended site plan indicates new lighting around the building. Per the Ordinance, the lighting intensity provided at ground level shall average a maximum of five-tenth foot candle over the entire area. The Applicant has indicated compliance with the Ordinance and provided supporting calculations. Testimony was provided on all lighting.

The amended site plan indicates an additional area of concrete patio to the southwest side of the building. This additional patio area did not create any additional seating areas as shown on the

site plan. Testimony was provided on the use of the additional patio area, to alleviate safety concerns at the exiting doorway.

The amended site plan indicates additional curb at the northwest corner of the building. This was done to provide more landscaping around the building. This improvement has no impact on the amount of off-street parking spaces. The Applicant provided testimony regarding same. The proposed additional concrete patio area encroached into the original location of the 2 parking spaces along the rear of the building. The amended site plan indicates the relocation of the 2 parking spaces to the north along the building. The removal of the curb islands was needed to provide adequate parking stall length. Also, 3 bollards were added to the north of the 2 parking spaces to provide safe passage in and out of the building.

The approved plan indicated a crushed stone dumpster area with perimeter railroad tie curbing. The dumpster area was 7.5 feet in width by 6.5 feet in length. The amended dumpster location has a concrete paver surface with a 6-foot high fence to enclose two dumpsters. A portion of the trash enclosure encroaches on the Transit Parcel. The Applicant provided testimony on the history of the use of the Transit parcel, which is also referenced in the 2020 and 1999 Resolutions. Conditions as to parking stated in paragraph 16 of the 2020 Resolution remain in full force and effect.

The amended site plan indicates a paver patio between the parking lot and Deal Lake. The Applicant provided testimony of the use of the paver patio for bicycle racks to improve the safety and aesthetics of the parking lot area and the Applicant does not require any additional off-street parking spaces for the use of this area.

The Property is currently located in the Flood Zone AE as shown on the Flood Insurance Rate Map Number 34025C0332G for the Village of Loch Arbour. The Applicant provided the flood elevation certificate provided by the previous owner.

The Board and Applicant reviewed the Conditions set forth in the 1999 and 2020 Resolutions of approval for prior renovations to the Property. The Applicant stipulated to comply with the Conditions which the Board finds should continue and as more particularly set forth in the Conditions Section at the end of this Resolution. The Board relies on compliance by the Applicant of these continued Conditions in granting the relief requested.

Based on all the findings and testimony at the hearing by the Applicant's Architect, the Board finds the Applicant should be granted the Amended Site Plan Approval along with variance and design waiver relief as set forth in detail above.

WHEREAS, the Board has determined that granting the amended site plan approval will: (a) advance the purposes of the Municipal Land Use Act based on N.J.S.A. 40:55D-70(c)(2); and (b) result in benefits which substantially outweigh any detriment and that such 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, as there will be no visual harm caused to the neighbors or the neighborhood from the street side; and

WHEREAS, the Board has determined that a continuation of the previously-approved variance(s) and design waivers are in conformance with the discretionary standards of the Municipal Land Use Law and the standards for variance relief set forth in N.J.S.A. 40:55D-70(c)(2); and

WHEREAS, the Board had determined that granting the Amended Site Plan Application will be in conformance with the standards of the Village Ordinance and that upon completion of all requirements under this Resolution, the Applicant will have received Preliminary and Final Site Approvals as defined under N.J.S.A. 40:55D-46 and 50.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Village of Loch Arbour on the 21st day of April 2021, that the approval of the Application for Amended Site Plan Approval with variance and design waivers be granted for purposes of the construction of the Renovations on the Property; and

NOW, THEREFORE, 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:

The Applicant submitting all changes and revisions to its Plan as required in this Resolution to the Board Engineer and subject to his approval.

Compliance with all requirements under the Resolution of Approval dated January 15, 2020, including as per the conditions set forth in the 1999 Resolution as modified thereby.

Being bound to all documents submitted and all representations at the hearing made by the Applicant, Applicant's expert and through counsel, as testified to as 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 17, 2021.

Moved by: Mr. R. Fernicola

Seconded by: Ms. Wilusz

ROLL CALL VOTE

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

Those Opposed: None

Those absent: None

Those recused: Mayor Fernicola, Mr. Maisto

8. 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.

Jennifer Krimko, Esq., of the law firm Ansell, Grimm and Aaron, appeared on behalf of the Applicant. Ms. Krimko summarized the Application.

Ms Krimko stated the builder obtained building permits to construct a window well on the north side. At that time, a Zoning Permit was not issued. The building department issued a CO for the window well. Certificate of Occupancy's for a rental were also issued. At the last Certificate of Occupancy inspection, the Zoning Officer questioned the placement of the window well and the setback to the neighboring property. After a survey was completed, it was determined the window encroached on the neighbor's property.

The application is proposing to remove the window well on the north side and install the window well on the south side of the home. The placement of the window on the southside does not encroach on the neighbor's property and meets all zoning requirements. By the slight addition of coverage, Mr. Krimko also stated the homeowner is removing a concrete slab in the back of the home.

The following Exhibits were marked into evidence:

Exhibit A-1: Survey of Property, prepared by Charles Surmonte, PE, dated October 22, 2020, consisting of 1 sheet.

Exhibit A-2: Site Plan, Floor Plan and Zoning Chart prepared by Passman & Ercolino, Architects, PC, revised thru March 1, 2021, consisting of 2 sheets.

Anthony Ercolino, Architect, was sworn in and accepted by the Board as an expert witness in architecture.

Mr. Ercolino referenced Exhibit A-1 and testified to the placement of the window well on the northside of the home. Also referenced was Exhibit A-2 and Mr. Ercolino testified the window well will be removed from the northside of the home and replaced on the southside of the home. The proposed window well conforms with the Village's side yard setback requirement. Mr. Ercolino referenced Exhibit A-2 and testified to the area of concrete will be removed to compensate for the additional coverage being proposed for the window well. Mr. Ercolino testified it will not change the architectural design as it is not visible to the neighbor's or the street.

Upon Motion of Mr. R. Fernicola, seconded by Mayor Fernicola, 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 Mayor Fernicola, carried the meeting to be closed to the public.

Recorded Vote:

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

Nays: None

Absent: None

The Board discussed the application.

Sanford Brown, Esq., noted a Resolution was prepared and was distributed to all board members. If acceptable said Resolution will be put on the record tonight.

UPON MOTION of R. Fernicola, seconded by Mayor Fernicola, carried that a Certificate of Appropriateness be granted for the application of 8 Buena Vista Court, Block 2, Lot 12 with any and all conditions which will be set forth in the Resolution.

Recorded Vote:

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

Nays: None Absent: None

Recused: None

**RESOLUTION OF THE PLANNING BOARD OF THE VILLAGE OF LOCH ARBOUR
REGARDING APPLICATION FOR CERTIFICATE OF APPROPRIATENESS
BY 8 BUENA VISTA, LLC FOR
PROPERTY LOCATED AT 8 BUENA VISTA COURT**

WHEREAS, 8 BUENA VISTA LLC (hereinafter "Applicant") have applied to the Planning Board of the Village of Loch Arbour for approval of a Certificate of Appropriateness for premises located at 8 Buena Vista Court, Village of Loch Arbour and known as Block 2, Lot 12, 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 April 21, 2021, 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 and Applicant's expert, the Project Architect, has made the following factual findings:

The Applicant filed an Application for Certificate of Appropriateness to request approval from the Planning Board to remove an existing window well on the north side of the residence and install a new window well on the south side of the residence.

The Applicant is the owner of the property located at 8 Buena Vista Court known as Lot 12 in Block 2 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 Project Architect and more particularly under Section 7.2.

At the hearing, the Applicant entered into evidence the Exhibits as indicated below, which were relied upon by the Board in making its findings:

Exhibit A-1 - Survey of property by Charles Surmonte P.E. & P.L.S. dated 10/22/20.

Exhibit A-2 - Floor plans and site plan & zoning chart by Passman Ercolino Architects, P.C. dated 03/1/21.

Findings under the Ordinance Criteria (mentioned by number as listed in the Ordinance) (for the purposes of this Resolution, "structure" means the existing dwelling and the approved renovation were as follows:

(1) The work will be compatible with existing structures, landscaping and streetscapes within the District.

(2) The work will not adversely affect the ambience, character, and appearance of the District and the relationships among structures and between structures and public ways in the District.

(4) The work will not result in structural elements that are out of scale the other structural elements in the surrounding area.

(5) The renovations to the existing structure will be visually compatible with the structures and places to which it is visually related.

(19) The new material will match the in composition, design, texture, and other visual qualities consistent with the style of the structure.

6. 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 removal of an existing window well and installation of a new window well on the opposite side of the house 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 March 2021, that the approval of the Application for Certificate of Appropriateness be granted for purposes of the removal of an existing window well and installation of a new window well on the opposite side of the house 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: Being bound to all representations at the hearing made by Applicant and/or Applicant's expert, including that the concrete in the rear of the dwelling shall be removed as per 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 the formal resolution of the action taken by this Board at its meeting of April 21, 2021.

Moved by: R. Fernicola

Seconded by: C. Wilusz

ROLL CALL VOTE

Those in favor: Commissioner D'Angelo, Mayor Fernicola, Appello, R. Fernicola, Gosline, Wiener, Wilusz, Santos, Maisto

Those Opposed: None

Those absent: None

Those recused: None

Commissioner D' Angelo, Ms. Appello and Ms. Wilusz are recused from the next matter.

B. 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.

Mr. David Dweck, owner of 404 Euclid Avenue, representing himself. Mr. Brown and Mr. Dweck summarized the application. An applicant was previously before this Board for changes in the home. Since that time the applicant decided he would like to build a bedroom in the basement. The applicant was advised by the Zoning Office an egress window was required in the basement. Mr. Dweck stated the application is for a Certificate of Appropriateness to install a window well (Bilco window) on the east side of the home.

The following Exhibit was marked into evidence:

Exhibit A-1: Site Plan, prepared by Passman and Ercolino, Architects, PC, dated January 27, 2021, consisting of 1 page.

Donald Passman, Architect was sworn in and accepted by the Board as an expert witness in Architecture. Mr. Passman referenced Exhibit A-1 and testified to the location being proposed for the window well to be located on the east side of the home. Mr. Passman testified the window well meets all Historic Appropriateness Criteria. Most of the window is below the ground and not visible from the street. Mr. Passman confirmed no variances are required.

Upon Motion of Mr. R. Fernicola, seconded by Mr. Wiener, 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 Ms. Gosline, carried the meeting to be closed to the public.

Recorded Vote:

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

Nays: None Absent: None Recused: Commissioner D' Angelo, Ms. Appello, Ms. Wilusz

The Board discussed the application.

Sanford Brown, Esq., noted a Resolution was prepared and was distributed to all board members. If acceptable said Resolution will be put on the record tonight:

UPON MOTION of R. Fernicola, seconded by Ms. Gosline, carried that a Certificate of Appropriateness be granted for the application of 404 Euclid Avenue, Block 12, Lot 8 with any and all conditions which will be set forth in the Resolution.

Recorded Vote:

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

Nays: None Absent: None

Recused: Commissioner D' Angelo, Ms. Appello, Ms. Wilusz

**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 April 21, 2021, 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 architect, and the documents submitted, has made the following factual findings:

The Applicant filed an Application for Certificate of Appropriateness requesting to restore a previous condition and to put back a basement window and window well on the Eastern side of the home just under the kitchen windows and behind the screened in porch.

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 Exhibit, A-1, marked into evidence.

The Plan by Applicant's Architect, dated 1/27/21, marked into evidence at the hearing, has one sheet, A-1.

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:

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

(2) 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.

(3) The new work will not adversely affect the exterior architectural features and setting of the existing structure and its historical and architectural interest.

(4) The new work shall not result in structural elements that are out of scale with the other structural elements in the surrounding area.

(19) The new material will match the material being replaced in composition, design, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of original features. This is not intended to require that the new material be identical to the material being replaced. Material adequately mimicking the material being replaced is acceptable, and may sometimes be preferable where of greater durability than the material being replaced.

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 to restore a previous condition and to put back a basement window and window well on the Eastern side of the home just under their kitchen windows and behind the screened in porch, 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 March, 2021, that the approval of the Application for Certificate of Appropriateness be granted for purposes of putting back a basement window and window well on the Eastern side of the home just under their kitchen windows and behind the screened in porch have 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 improvements shall be as depicted on Applicant's Architect's Plan as marked into evidence. 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 the formal resolution of the action taken by this Board at its meeting of April 21, 2021.

Moved by: R. Fernicola

Seconded by: Ms. Gosline

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

Those Opposed: None

Those absent: None

Those recused: D'Angelo, Appello, Wilusz

C. Dabah, 2 Elberon Avenue, Block 5, Lot 1 – Variance

D. Dabah, 2 Elberon Avenue, Block 5, Lot 1 – Certificate of Appropriateness

Adjourned. Ms. Sweet requested a Special Meeting. Mr. Avakian will prepare report.

Upon receipt of the Engineer report, a determination will be made if a new notice will be required.

DISCUSSION

Mayor Fernicola and Commissioner D' Angelo left the meeting.

A. Village Ordinance 2021-471 – The following matter has been referred from the Board of Commissioners for discussion and consideration:

ORDINANCE NO. 2021-471

AN ORDINANCE BY VILLAGE OF LOCH ARBOUR IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEORGRAPHICAL BOUNDARIES AND REPEALING VILLAGE ORIDNANCE 2018-452

The Board Engineer and the Board discussed the Ordinance

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

WHEREAS, the Planning Board of the Village of Loch Arbour, New Jersey at their regular meeting held on April 21, 2021, conducted a discussion regarding Village of Loch Arbour Ordinance

#2021-471, which was introduced by the Village of Loch Arbour Board of Commissioners on first reading at their regular meeting held April 7, 2021; and

WHEREAS, the Board considered Ordinance #2021-471 to determine if said Ordinance is consistent with the Village of Loch Arbour Master Plan; and

WHEREAS, the Board relied upon the report dated April 19, 2021 of the Planning Board Engineer, Peter Avakian.

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 to the Clerk of the Village of Loch Arbour, New Jersey confirming the Planning Board determined Ordinance #2021-471 is not inconsistent with the Village of Loch Arbour Master Plan.

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

Those Opposed: None Those absent: Commissioner D' Angelo, Mayor Fernicola

SCHEDULING –

A. Pending Application –

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

- **CARR – 203 Edgemont Drive, Block 10, Lot 13, Application of Appeal**

B. Next Planning Board Meeting – Wednesday, May 19, 2021 at 7:30 p.m.

PUBLIC COMMENTS – UPON MOTION of Mr. R. Fernicola, seconded by Ms. Gosline, the meeting be opened to the public.

Mr. Maisto, wanted clarification when 2 Elberon Avenue would be heard by the Board. This will be determined when the report is completed by the Engineer.

Mr. Wiener, asked the status of the Shams Lawsuit. No update.

No further comments, UPON MOTION of Mr. R. Fernicola, seconded by Ms. Gosline the meeting be closed to the public.

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

Those Opposed: None Those absent: Commissioner D' Angelo, Mayor Fernicola

UPON MOTION of Mr. R. Fernicola, seconded by Ms. Appello, carried, that the meeting be finally adjourned at 8:10 PM.

Marilyn Simons
Board Secretary