

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

May 19, 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, May 19, 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 Engineer from P. Avakian's office, Sam Avakian 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.

EXECUTIVE SESSION - UPON MOTION of, Mr. R. Fernicola, seconded by Commissioner Cheswick, carried, that the following **Resolution** be and the same is hereby adopted:

WHEREAS, Section 8 of the Open Public Meetings Act, N.J.S.A. 10:4-12 et seq., permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, this public body is of the opinion that such circumstances presently exist.

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

1. The public shall be excluded from discussion of and actions upon the hereinafter-specified subject matter.
2. The general nature of the subject matter to be discussed is as follows: Pending Litigation (SHAMS)/ Attorney-client privileged information.
3. It is anticipated at this time that the above stated subject matter will be made public within 120 days.
4. This resolution shall be effective immediately.

Recorded Vote:

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

Nays: None

Absent: None

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

WHEREAS, the Board discussed the proposed Settlement of the pending Litigation (Shams vs. Loch Arbour Planning Board)

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Village of Loch Arbour, Monmouth County, New Jersey that the proposed settlement is hereby rejected.

Recorded Vote:

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

Nays: None

Absent: None

Mayor Fernicola left the meeting

CORRESPONDENCE – None

OLD BUSINESS – None

Commissioner Cheswick was appointed as Temporary Board Member – Class I (Designee of Mayor)
NEW BUSINESS –

A. Carr, 203 Edgemont Drive, Loch Arbour, Block 10, Lot 13
Appeal of the Zoning Officers Stop Work Order
Certificate of Appropriateness and Variance (s)

Jennifer Krimko, from the law firm Ansell, Grimm and Aaron appearing on behalf of her client, Leonard Carr. Ms. Krimko advised that an Appeal of the Zoning Officers Stop Work Order was filed. On May 6, 2021 an amendment to the Stop Work Order was filed seeking an Amended Certificate of Appropriateness for the home and a new Certificate of Appropriateness for the Garage, and for variance relief as it relates to the amendments filed. Ms. Krimko requested the Board to hear the alternative proposal submitted, and if that is approved, there is no need for the Appeal.

Ms. Krimko summarized the events that occurred since the applicant received prior approval from the Board. Ms. Krimko stated a portion of the garage was taken down, which was not previously approved. Also, in the back of the home the 1st floor was demolished, which was not previously approved. Ms. Krimko stated a stop work order was issued, and the work stopped. She then filed an Appeal. Ms. Krimko stated the builder chose to put a hot and cold waterline into the garage. There was a spicket in the garage for cold water. Ms. Krimko confirmed the homeowner would just like approval to construct exactly what was previously there and/or approved previously.

Mr. R. Fernicola questioned the new hot/cold water line that are being installed in the garage.

Mr. Carr, owner, was not available for the hearing. Rebecca Vezza, life partner of Mr. Carr, was sworn in. Ms. Vezza testified regarding the garage. Ms. Vezza had no knowledge of constructing a shower or anything else that would require hot water in the garage. Ms. Vezza stated the garage would be used for storage. Ms. Vezza said all decisions were made by the Builder regarding the demolition of the garage and tearing down of the back of the house. Ms. Vezza testified the project will be finished by the original builder, but be managed by her and Mr. Carr and their main goal is to be in for the summer.

Ms. Vezza confirmed a summons was issued.

The following Exhibits were marked into evidence:

Exhibit A-1: Site Plan, prepared by Robert A. Hazelrigg, Architect, dated May 5, 2021, consisting of 6 pages.

Robert Hazelrigg, Architect, was sworn in and accepted as an expert witness in Architecture.

Mr. Hazelrigg, referenced Exhibit A-1 and testified to the demolition of the 1st floor located in the back of the home. Mr. Hazelrigg testified the demolished section will be built exactly as it existed prior, along with the previously approved 2nd story addition. No changes on the layout of the interior of the home, no changes on windows, doors and the roof. Mr. Hazelrigg confirmed all changes being made to the home are as previously approved by the Board.

Mr. Hazelrigg testified regarding the demolition of the garage. Mr. Hazelrigg testified that the homeowner is proposing to do the following changes regarding the garage:

- Change the garage doors
- Install the spicket back in the garage, cold water only.
- Repair the existing electric line, so an electric car charging station can be installed.
- Reconstruct the walls as previously constructed, replace the windows, in kind.
- Same color exterior walls, same roof.

Mr. Santos confirmed with Mr. Hazelrigg the same concrete previously dug out for the trench in the driveway will be put back as it was. Mr. Hazelrigg confirmed no change to lot coverage.

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 Mr. Wiener, carried the meeting to be closed to the public.

Recorded Vote:

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

UPON MOTION of Mr. R. Fernicola, seconded by Ms. Wilusz, carried the variances be granted for the application of 203 Edgemont Drive, Block 10, Lot 13 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 on June 16, 2021.

Recorded Vote:

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

UPON MOTION of Mr. R. Fernicola, seconded by Ms. Wilusz, carried that a Certificate of Appropriateness (MAJOR) be granted for the application of 203 Edgemont Drive, Block 10, Lot 13 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 on June 16, 2021.

Recorded Vote:

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

DISCUSSION/VOTE –

A. Pending Application –

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
- PE, 601 Main Street, Block 1. Lot 3 – Site Plan Application

B. Next Planning Board Meeting – Wednesday, June 16, 2021 at 7:30 p.m.

PUBLIC COMMENTS – Upon Motion of Mr. Wiener, seconded by Ms. Wilusz, carried, the meeting be opened to the public. No public comment. Upon Motion of Mr. Wiener, seconded by Ms. Wilusz, carried, 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 8:45 PM.

Marilyn Simons
Board Secretary