

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

May 19, 2020

<https://zoom.us/j/9871856747>

Meeting ID: 987 185 6747

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**THE REGULAR MEETING OF THE VILLAGE OF LOCH ARBOUR PLANNING BOARD
WAS HELD IN THE LOCH ARBOUR MUNICIPAL BUILDING, 550 MAIN STREET, LOCH
ARBOUR, NEW JERSEY, ON TUESDAY, MAY 19, 2020 AND WAS CALLED TO ORDER BY
CHAIRPERSON, ROBERT FERNICOLA AT 7:30 PM.**

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

Also present were Board Attorney, Sanford Brown, Board Engineer/Planner, Peter 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 rescheduled Regular Meeting to the Planning Board's two designated newspapers on May 8, 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.

CORRESPONDENCE – None

OLD BUSINESS –

Commissioner D' Angelo, Mayor Fernicola and Ms. Appello are recused from this application.

Continued from May 15, 2019 Planning Board Meeting

A. Variance Application, 329 Euclid Avenue, Block 3, Lot 12

An application has been received on behalf of the Applicant, 329 Euclid, LLC. The Applicant is requesting approval from the Planning Board for a variance of the roof overhang in the side building setback. The improvements require variance for side building setback. The improvements will require a variance as otherwise described in the Engineer's Completeness Report dated January 31, 2019.

The following Exhibits were marked into evidence at the May 15, 2019 Meeting:

Exhibit B- 1: Planning Board Application, 329 Euclid, LLC., dated October 10, 2018, consisting of 6 pages.

Exhibit B-2: Report received from Peter Avakian, P.E. dated January 31, 2019, consisting of 3 pages.

Exhibit A-1: Memo prepared by Denis M. Higgins of Avakian's office dated March 9, 2018, consisting of 5 pages.

Exhibit A-2: Zoning Request #2016-08, and cover letter dated April 20, 2018. Zoning determination date issued: April 18, 2016, consisting of 8 pages.

Exhibit A-3: Final Survey, prepared by Charles Surmonte, P.E., dated July 3, 2018, consisting of 1 page.

Exhibit A-4: Second Floor Plan Notes, prepared by Michael Savarese Associates, revised thru October 2, 2018, consisting of 1 page.

Exhibit A-5: Second Floor Plan Notes, prepared by Michael Savarese Associates, revised thru October 2, 2018, (HIGHLIGHTED), consisting of 1 page.

The Board Secretary confirmed the application before the board tonight was properly noticed and the Board took jurisdiction in this matter.

Present was the Applicant's Attorney, Jennifer Krimko, Esq., of the law firm Ansell, Grimm and Aaron. Ms. Krimko summarized the application. Ms. Krimko stated the Architect, Mr. Savarese testified at the prior hearing and has nothing further, unless the Board has any questions. Board had no additional questions.

Upon Motion of Mr. R. Fernicola, seconded by Ms. Wilusz carried that the meeting be opened to the public for questions to the Architect, Mr. Savarese, only.

There being no questions, Upon Motion of Mr. R. Fernicola, seconded by Ms. Wilusz carried that the meeting be closed to the public.

Recorded Vote:

Ayes: Mr. R. Fernicola, Mr. Wiener, Ms. Wilusz, Mr. Santos, Mr. Maisto

Nays: None

Absent: Ms. Gosline

Village Engineer, Peter Avakian, summarized the application. He clarified there is a variance being sought for a side yard setback.

Upon Motion of Mr. R. Fernicola, seconded by Ms. Wilusz carried that the meeting be opened to the public for question to the Village Engineer, Peter Avakian, only.

There being no questions, Upon Motion of Mr. R. Fernicola, seconded by Ms. Wilusz carried that the meeting be closed to the public.

Recorded Vote:

Ayes: Mr. R. Fernicola, Mr. Wiener, Ms. Wilusz, Mr. Santos, Mr. Maisto

Nays: None

Absent: Ms. Gosline

Upon Motion of Mr. R. Fernicola, seconded by Mr. Wiener, carried that the meeting be opened to the public for General Comment.

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

Recorded Vote:

Ayes: Mr. R. Fernicola, Mr. Wiener, Ms. Wilusz, Mr. Santos, Mr. Maisto

Nays: None

Absent: Ms. Gosline

UPON MOTION of Mr. Wiener, seconded by Mr. R. Fernicola, carried that a variance be granted for the application of 329 Euclid Avenue, Block 3, Lot 12 with any and all conditions previously set forth. The resolution will be memorialized at the next regular scheduled Planning Board Meeting on June 17, 2020.

Recorded Vote:

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

Nays: Mr. Santos

Absent: Ms. Gosline

Abstain: Commissioner Cheswick, Mayor Fernicola, Ms. Appello

NEW BUSINESS –

Mr. R. Fernicola is recused from this application.

A. 109-111 Edgemont Drive, Block 9, Lot 17/18 (MAJOR ALTERATION)

Application for a Certificate of Appropriateness: An Application was received on behalf of 109-111 Edgemont Drive, regarding the Historic Preservation Ordinance of the Village of Loch Arbour for a Certificate of Appropriateness for a MAJOR ALTERATION.

The following Exhibits were marked into evidence:

Exhibit A-1: Colored photo prepared by Michael Savarese Associates, labeled "Approved" on 12/19/18.

Exhibit A-2: Colored photo prepared by Michael Savarese Associates, labeled "Proposed" 3/3/20.

Present was the Applicant's Attorney, Robert Farber, Esq. Mr. Farber summarized the application. Mr. Farber stated the application was prior approved for a Certificate of Appropriateness by the Board on November 14, 2018. Mr. Farber confirmed there has been a few minor changes to the approved design of the home.

Michael Savarese, Architect for the Applicant was sworn in as an expert witness.

Mr. Savarese referenced Exhibit A-1 and Exhibit A-2. Mr. Savarese testified to the proposed changes:

- Front door change
- Door on the west side in the front of the home has been omitted.
- Awnings are being replaced with shutters.
- Window in tower was made bigger
- Changed to horizontal Mullions in the Windows

Mr. Brown discussed the notice. Specifically, the color change and the railings being changed, which were indicated in the notice. Mr. Savarese stated the color of house is a shade lighter than the original proposed color and the awnings are being changed from brown to a blue shutter. Mr. Savarese also discussed the proposed railings and indicated the railings are very close to the prior approved railings.

Mr. Savarese referenced a colored photo of the home, that was taken the day of this hearing.

Mayor Fernicola referenced Exhibit A-1 and asked about the brackets on 2nd floor roof line. Mr. Savarese testified the brackets will be installed as indicated on Exhibit A-1.

Mayor Fernicola and Mr. Savarese discussed the windows and columns on the front of the home.

Also discussed by the Board, are the amount of applications the board has recently received, asking for retroactive approvals.

The Board and professionals discussed, at length, the changes made that were prior approved, and what was actually built.

Ms. Appello discussed the west side of the home and the window that was eliminated. Mr. Savarese stated the homeowner is willing to change any elements back to the original plan.

Mr. Brown referenced the approved plans. He referenced Page 4 and pointed out the radical differences on the West Side of the home.

5-minute recess

Mr. Brown and Mr. Farber discussed the notice.

The following Exhibit was marked into evidence:

Exhibit A-3: Colored photo of front of home (West side of property)

Exhibit A-4: Colored photo of back of home (East side of property)

Mr. Savarese referenced Exhibit A-2 and testified that there is no bump out on the 1st floor on the west side of the home. Mr. Savarese indicated the bump out on the west side will be built. Also, there was a window that was eliminated on the west side on the first floor of the home.

Mr. Savarese does not know if there were any changes made to the east side of the home.

Mr. Brown referenced the rear of the home and spoke about the awnings. Also discussed was the window sizes on the 2nd floor in the rear. Mr. Brown stated the rear of the home is different from the approved plans.

Mr. Santos stated on the west side there are only 4 windows on the home. Mr. Santos also stated the back of the home is very close to what is depicted on the approved Plans.

The Board and professionals discussed the plans that were approved. The board members indicated it is very hard to follow what was originally approved with what is being proposed.

The professionals discussed the plans dated September, 2018 and the plans dated December, 2018.

Mr. Farber asked the Board for the case to be carried without the need to re-notice, unless the original notice is defective.

Discussed were the plans dated September 10th or 17th, 2020. Will confirm date of plans.

This matter was scheduled to be continued at the next Planning Board Meeting scheduled for June 17, 2020 at 7:30 p.m.

DISCUSSION/VOTE –

A. Next Planning Board Meeting – Wednesday, June 17, 2020 at 7:30 p.m.

B. Pending Application -

- **BETESH, 116 Elberon Avenue, Variance Application/Certificate of Appropriateness –**
Will be scheduled when the Applications are deemed complete.
- **GOODMAN, 2 Elberon Avenue, Certificate of Appropriateness, Block 5, Lot 1**

C. PENDING LITIGATION – 207 Edgemont Drive Appeal – Sanford Brown, Esq., reported the Complaint was filed. Mr. Brown filed an Answer on behalf of the Village. The Appeal is proceeding in the normal course.

PUBLIC COMMENTS –

UPON MOTION of Mr. R. Fernicola, seconded by Mayor Fernicola, carried the meeting be opened to the public.

Being no public comments, UPON MOTION of Mr. R. Fernicola, seconded by Mayor Fernicola, carried the meeting be closed to the public.

Recorded Vote:

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

Nays: None

Absent: Ms. Gosline

The Board and professionals discussed general issues regarding the Certificate of Appropriateness procedures for major and minor alterations. The Board also discussed giving the

Zoning Officer more jurisdiction over minor alterations. The Board also discussed the construction official's role in the process of issuing permits and the inspections of the properties. The Mayor will request a meeting with the Construction Official to discuss issues that have been occurring. The Board discussed recommended changes to the Historic Preservation Ordinance regarding procedure. A Sub-Committee consisting of Robert Fernicola, Elizabeth Appello and Robert Wiener was formed. The Sub Committee will review the Historic Preservation Ordinance and recommend changes to the Mayor and Commissioners.

UPON MOTION of Mr. R. Fernicola, seconded by Ms. Appello carried, that the meeting be finally adjourned at 10:30 PM.

Marilyn Simons
Board Secretary