

**VILLAGE OF LOCH ARBOUR PLANNING BOARD
MINUTES – SPECIAL MEETING
NOVEMBER 26, 2019**

THE SPECIAL MEETING OF THE VILLAGE OF LOCH ARBOUR PLANNING BOARD WAS HELD IN THE LOCH ARBOUR MUNICIPAL BUILDING, 550 MAIN STREET, ON TUESDAY, NOVEMBER 26, 2019 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: Mayor Fernicola, Ms. Appello, Mr. R. Fernicola, Mr. Wiener, Ms. Wilusz, Mr. Santos. ABSENT WERE Commissioner D' Angelo, Ms. Gosline, Mr. Maisto.

Also present were Board Attorney, Sanford Brown, Board Engineer/Planner, Peter Avakian, Board Planner, Christine Bell 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 Special Meeting to the Planning Board's two designated newspapers on November 8, 2019, 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

DISCUSSION –

A. Informal Discussion – (Ordinance 156, Section 502) Deal Lake Bar & Co., 601 Main Street, Loch Arbour, Block 1, Lot 3.

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 discussed with the Board the following changes to the exterior renovations being done on the building:

- Removal of the Mansard Roof and leave the stucco finish which is existing under the Mansard Roof.
- The Main (front) Entrance on the north side of the building and enlarge entrance on north side. The three parking spots currently located on the north side will be relocated.
- Glass overhead doors will be installed on the south side of the building, install a new outdoor bar, increase seating in patio area, renovation to mason wall.

Henry Vaccaro, has done all of the demolition to the interior of the building. He would like permission to remove the Mansard Roof.

Mr. Brown, explained this is an informal discussion and the Board does not have jurisdiction regarding this matter. Therefore, no formal decisions will be made at tonight's meeting.

Patti Englert, owner of the premises at 601 Main Street, discussed with the Board the Historic Preservation Ordinance.

The Board discussed the Industrial Design and the metal screen feature wall and sign.

It was determined that this matter will be scheduled for the next rescheduled Regular Planning Board Meeting scheduled for Tuesday, December 17, 2019

UPON MOTION of Mr. R. Fernicola, seconded by Ms. Appello, carried that the Village of Loch Arbour Planning Board Regular Meeting is rescheduled for Tuesday, December 17, 2019 at 7:30 pm at

the Village of Loch Arbour Municipal Building, 550 Main Street, Loch Arbour, New Jersey. Official action will be taken at this rescheduled Regular Meeting.

Recorded Vote:

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

Mayor Fernicola removed himself from the dais.

OLD BUSINESS -

Continued:

A. 205 Edgemont, LLC, Block 10, Lot 11

USE VARIANCE

An Application has been received on behalf of the Applicant, 205 Edgemont, LLC. The Applicant will be requesting a Use Variance. In addition, the Applicant is requesting Board approval for site plan approval and bulk variances as noted in the Engineer's Completeness Report dated January 31, 2019 and revised July 12, 2019 and October 28, 2019.

Present was Applicant's Attorney, Jennifer Krimko, Esq., of the law firm Ansell, Grimm and Aaron PC. Ms. Krimko summarized the application and advised of the revised plans that were submitted.

The following Exhibits were marked for identification purposes only at the Planning Board Meeting held on October 16, 2019:

Exhibit A-1: Minor Site Plan with the latest revision date June 18, 2019, prepared by InSite Engineering, LLC., consisting of 6 pages.

Exhibit A-2: Stormwater Management Report with the latest revision date June 18, 2019, prepared by InSite Engineering, LLC.

Exhibit A-3: Architectural Plan, with the latest revision date June 12, 2019, prepared by Michael Savarese Associates, consisting of 4 pages.

Exhibit A-4: Colored photo entitled "Historic & Proposed Front Elevation" dated February 20, 2019, prepared by Michael Savarese Associates, consisting of 1 page.

Exhibit A-5: Colored rendered Plan entitled "Existing Building Overlay" dated July 17, 2019, prepared by InSite Engineering, LLC, consisting of 1 page.

Exhibit A-6: Colored rendered Plan entitled "Proposed Conditions" dated July 17, 2019, prepared by InSite Engineering, LLC, consisting of 1 page.

Exhibit A-7: Topographic Survey & Average Front Setbacks, dated November 13, 2018, prepared by InSite Engineering, LLC., consisting of 1 page.

Exhibit A-8: Colored Photo entitled "Existing Exterior Conditions, dated February 20, 2019, prepared by Michael Savarese Associates, consisting of 1 page.

Exhibit B-1: Peter Avakian, P.E., report dated January 31, 2019, revised July 12, 2019 consisting of 7 pages.

The following Exhibits were marked for identification purposes only at the Planning Board Meeting held on November 4, 2019:

Exhibit A-9: Google Earth Map, prepared by Beacon Planning and Consulting Services, LLC Imagery date May 24, 2018. Poster Board

Exhibit A-10: Aerial Photograph from 1933, obtained from Historicaerials.com. Poster Board

Exhibit A-11: 3 Photos of existing conditions of structure, Imagery date February 5, 2019. Poster Board

Exhibit A-12: Master Plan and Summary of Proposals for Village of Loch Arbour dated July, 1969.

The following Exhibits were marked into evidence:

Exhibit A-13: Minor Site Plan with the latest revision date November 11, 2019 prepared by InSite Engineering, LLC., consisting of 6 pages.

Exhibit A-14: Architectural Plan, with the latest revision date November 15, 2019, prepared by Michael Savarese Associates, consisting of 5 pages.

The following Exhibits were marked for identification purposes only:

Exhibit A-15: Colored - Existing Building Overlay, dated July 17, 2019, prepared by InSite Engineering, LLC., consisting of 1 page.

Exhibit A-16: Proposed Plans: Single Family Residence, dated November 26, 2019, prepared by Michael Savarese Associates, consisting of 1 page.

Jason Fichter, Licensed Engineer, of the firm of InSite Engineering, LLC. was sworn in and was accepted by the Board as an expert witness as a Licensed Engineer.

Mr. Fichter referenced Exhibit A-15 and testified to the changes to the previous plans:

- Stairs – porch
- Balconies
- Façade – Front – East Side, West Side, Front and Rear
- Architectural Feature – added to top of building
- Building coverage reduced from original plans
- Drainage revised as per P. Avakian's letter

Mr. Fichter testified to the headlight glare from automobiles pulling in and out of the driveway and the impact to adjacent properties.

Mr. Fichter testified to the revised drainage plan.

Mr. Avakian advised the Board of his findings regarding the headlight glare and lighting plan.

UPON MOTION of R. Fernicola, seconded by Ms. Wilusz, the meeting be opened to the public for questions for Jason Fichter.

Recorded Vote:

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

Nays: None

Absent: Commissioner D' Angelo, Mayor Fernicola
Ms. Gosline, Mr. Maisto

No questions from the public and UPON MOTION of Mr. R. Fernicola, seconded by Mr. Wiener, carried the meeting be closed to the public.

Recorded Vote:

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

Nays: None

Absent: Commissioner D' Angelo, Mayor Fernicola
Ms. Gosline, Mr. Maisto

Michael Savarese was sworn in at a prior meeting and is still under oath. Mr. Savarese referenced Exhibit A-14, Sheet 1 and testified to the changes that were made to the building plans from the last meeting. He referenced the Historic Preservation Ordinance, Section 7.2 (17) and discussed restoring the building to its original design. He testified regarding the wrought iron railings on the balconies and restoring the front entry. Discussed was the materials to be used. Mr. Savarese discussed why this building, under the HPO, should not be demolished, due to its historical value.

Michael Savarese referenced Exhibit A-16, and testified if the premises was turned into a single-family residence. The plans constitute 18-bedrooms, 11-bathrooms, 1-½ bath, 1-kitchen, 1-dining room and living room. Mr. Savarese testified to the Plan.

Ms. Appello discussed the proposed railings on the balconies.

UPON MOTION of R. Fernicola, seconded by Ms. Wilusz, the meeting be opened to the public for questions for Michael Savarese.

Recorded Vote:

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

Nays: None

Absent: Commissioner D' Angelo, Mayor Fernicola
Ms. Gosline, Mr. Maisto

No questions from the public and UPON MOTION of Mr. R. Fernicola, seconded by Mr. Wiener, carried the meeting be closed to the public.

Recorded Vote:

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

Nays: None

Absent: Commissioner D' Angelo, Mayor Fernicola
Ms. Gosline, Mr. Maisto

Andrew Janiw, Professional Planner, Beacon Planning and Consulting Services, LLC, was sworn in at a prior meeting and is still under oath, as an expert witness in Professional Planner.

Mr. Janiw referenced Exhibit A-16 and testified to the special reasons and suitability of the proposed plans for a three-apartment building. Mr. Janiw also testified if a single-family residence is constructed.

The Board and the Professionals discussed the Chairs legal research regarding this case.

Mr. Janiw testified to the suitability of this building, for this particular site. Mr. Janiw testified to the uniqueness of this site in Loch Arbour. Mr. Janiw testified the proposed plan for a 3-apartment building, is a better alternative to this being a single-family home. Mr. Janiw discussed parking.

Ms. Krimko referenced Village Ordinance 165. (page 3) and read the Ordinance, regarding a single-family unit. Ms. Krimko discussed the detrimental impact of making this structure an 18-bedroom single family home.

Mr. Janiw testified regarding the improved drainage plan. Mr. Janiw testified regarding the proposed architecture features and the parking standards under the MLUL. Mr. Janiw read from the MLUL and using this property, as an alternative use, as a Community Residence which can be in any residential neighborhood. A Community Residence is to service the residents for the mentally ill, the physically or mentally disabled, people with head trauma and the terminally ill or dementia. Mr. Janiw discussed the permitted use for this property, as it is designated as a single-family residence, as per the State Statute.

The Board discussed the suitability of the lot with the Planner.

Mr. Brown discussed with Mr. Janiw, the MLUL and the Community Residence, regarding the Use of the Building.

Christine Bell, Professional Planner, of the firm Avakian, Inc., Professional Engineer/Planner discussed the suitability of the lot and the increase of the total Lot Coverage.

UPON MOTION of R. Fernicola, seconded by Ms. Wilusz, the meeting be opened to the public for questions for Andrew Janiw.

Recorded Vote:

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

Nays: None

Absent: Commissioner D' Angelo, Mayor Fernicola

Ms. Gosline, Mr. Maisto

No questions from the public and UPON MOTION of Mr. R. Fernicola, seconded by Mr. Wiener, carried the meeting be closed to the public.

Recorded Vote:

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

Nays: None

Absent: Commissioner D' Angelo, Mayor Fernicola
Ms. Gosline, Mr. Maisto

Mr. Avakian discussed with the Board the proposed Parking Plan. There was a discussion if the RSIS Standards should apply to this application. Ms. Bell discussed with the Board the suitability of the proposed use of the building. Also discussed was the suitability of the Lot regarding the location, topography or shape of this property. Ms. Bell discussed the Historic Preservation Ordinance and the Village Master Plan with the Board.

Closing Arguments:

Jennifer Krimko, Esq., made a closing argument before the Board deliberated.

FIVE MINUTES RECESS

Sandy Brown, Esq., summarized this application for the Board. He referenced a New Jersey Case (Highview Homes vs. Paramus) and spoke about the pending Use Variance Application before the Board.

FIVE MINUTES RECESS

UPON MOTION of R. Fernicola, seconded by Ms. Wilusz, the meeting be opened to the public for questions or comments for this application.

Recorded Vote:

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

Nays: None

Absent: Commissioner D' Angelo, Mayor Fernicola
Ms. Gosline, Mr. Maisto

No questions from the public and UPON MOTION of Mr. R. Fernicola, seconded by Mr. Wiener, carried the meeting be closed to the public.

Recorded Vote:

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

Nays: None

Absent: Commissioner D' Angelo, Mayor Fernicola
Ms. Gosline, Mr. Maisto

UPON MOTION of R. Fernicola, seconded by Ms. Wilusz, carried this Hearing be closed to the public.

Recorded Vote:

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

Nays: None

Absent: Commissioner D' Angelo, Mayor Fernicola
Ms. Gosline, Mr. Maisto

The Board discussed the Application. Discussed by the Board was the Findings of Fact of the case.

The following votes were taken:

UPON MOTION Ms. Wilusz, seconded by Mr. Wiener, carried that this application be approved. The Resolution will be memorialized at the next Planning Board Meeting to be held on December 17, 2019.

Recorded Vote:

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

Nays: Mr. Santos

Absent: Commissioner D' Angelo, Mayor Fernicola
Ms. Gosline Mr. Maisto

UPON MOTION of Mr. Santos, seconded by Mr. R. Fernicola, carried that this application be denied for violation of the Village Master Plan. The Resolution will be memorialized at the next Planning Board Meeting to be held on December 17, 2019.

Recorded Vote:

Ayes: Mr. Santos

Nays: Ms. Appello, Mr. R. Fernicola, Mr. Wiener, Ms. Wilusz

Absent: Commissioner D' Angelo, Mayor Fernicola, Ms. Gosline, Mr. Maisto

NEW BUSINESS – None

DISCUSSION/VOTE –

A. Pending Applications –

- **329 Euclid Avenue, Block 3, Lot 12, Variance Application – Applicant's Attorney must notice meeting in accordance with the law.**
- **Terzi, 5 Ocean Place, Block 9, Lot 10, Variance/Cert of Appropriateness – Applicant's Attorney must notice meeting in accordance with the law.**
- **Shams, 214 Euclid Avenue, Block 10, Lot 5. Tentatively scheduled for December 17, 2019 Planning Board Meeting. Applicants Attorney must notice meeting in accordance with the law.**
- **Manopla, 206 Euclid Avenue, Block 10, Lot 2, Cert of Appropriateness – Tentatively scheduled for December 17, 2019 Planning Board Meeting. Applicant's Attorney must notice meeting in accordance with the law.**

PUBLIC COMMENTS –

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

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

Recorded Vote:

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

Nays: None

Absent: Commissioner D' Angelo, Mayor Fernicola
Ms. Gosline, Mr. Maisto

UPON MOTION of Mr. R. Fernicola, seconded by Ms. Wilusz, carried, that the meeting be finally adjourned at 10:35 PM.

Marilyn Simons
Board Secretary