

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

**June 17, 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 WEDNESDAY, JUNE 17, 2020 AND WAS CALLED TO ORDER BY  
MAYOR PAUL FERNICOLA AT 7:30 PM.**

The secretary called the roll. PRESENT WERE: Commissioner D' Angelo, Mayor Fernicola, Ms. Appello, Mr. Wiener, Ms. Wilusz, Mr. Santos, Mr. Maisto. ABSENT WERE Mr. R. Fernicola, 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 Regular Meeting to the Planning Board's two designated newspapers on May 9, 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**

**MINUTES –**

UPON MOTION of Mayor Fernicola, seconded by Mr. Wiener, carried, the following minutes are hereby approved as presented.

- Rescheduled Regular Meeting of the Planning Board held on April 29, 2020.

Recorded Vote:

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

Nays: None Abstain: Commissioner D' Angelo, Mr. Maisto

Absent: Mr. R. Fernicola, Ms. Gosline

**OLD BUSINESS –**

**A. RESOLUTION OF THE PLANNING BOARD OF  
THE VILLAGE OF LOCH ARBOUR  
FOR 329 EUCLID AVENUE, LLC**

**329 EUCLID AVENUE, BLOCK 3, LOTS 12 AND 12.01**

WHEREAS, 329 Euclid Avenue, LLC (hereinafter "Applicant") has applied to the Planning Board of the Village of Loch Arbour for variance approval at the premises located at 329 Euclid Avenue, Village of Loch Arbour and known as Block 3, Lots 12 and 12.01, on the tax map of the Village of Loch Arbour (hereinafter "Property"), 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 regular person – to – person hearing was held on May 15, 2019 and due to the COVID-19 Crisis and pursuant to governmental guidelines, a virtual/remote hearing was held on May 19, 2020, and all interested parties were given an opportunity to be heard and express their opinions; and

WHEREAS, the Board, after carefully considering the evidence presented, has made the following factual findings:

The Applicant is the owner of the Property located at 329 Euclid Avenue, known as Lots 12 and 12.01 in Block 3 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 Applicant is requesting approval from the Planning Board for a variance of the roof overhang for the east side building setback.

The Applicant had received a prior approval from the Village Zoning Official on April 20, 2016 for the demolition of the existing house and detached garage and construction of a new dwelling with detached garage, in ground swimming pool and pool patio.

During the final phases of construction of the new improvements on the Property referred to above, the Village requested the Village Engineer's office to evaluate the east side building setback. On March 9, 2018, the Village Engineer inspected the property and found that the roof overhang encroached onto the east side building setback.

The lot complies with the requirements of lot width, lot frontage, lot depth and lot area.

The dwelling complies with the requirements of front building setback, rear building setback, building height and building coverage.

The minimum side building setback permitted per the zoned district is 5 feet. The constructed west side building setback is 25 feet, which conforms. The constructed east side building setback is 5 feet to the porch which conforms. The roof overhang is part of the building and must comply with the side building setback requirements. The constructed east side building setback to the roof overhang is 3.6 feet, which does not conform and requires a variance.

The detached garage and in ground swimming pool comply with the setback requirements, and comply with all coverage requirements.

The Applicant's attorney represented at the May 19, 2020 hearing that since the prior hearing was held, that the Applicant had closed title on the adjacent property owner's lot, and therefore, the variance will have impact only on the property next door which is also owned by the same owner.

**WHEREAS**, the Board has determined that granting the variance will: (a) advance the purposes of the Municipal Land Use Act based on N.J.S.A. 40:55D-2.i; and (b) result in benefits which substantially outweigh any detriment and further that 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,

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Village of Loch Arbour that the approval of the Application of 329 Euclid Avenue, LLC be granted for purposes of allowing the roof overhang to remain as constructed as per the plans filed with the Board and marked into evidence at the hearing and based on the various findings of fact set forth in this Resolution and full compliance with all conditions and findings by the Board in this Resolution.

**AND BE IT FURTHER RESOLVED** by the Planning Board that the approval of the within application as aforesaid is subject to the following conditions:

Compliance with any suggestions set forth in the Board Engineer/Planner's report dated January 31, 2019.

Granting of any required construction permits, If any.

Complying with any and all other 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.

Being bound to all representations at the hearing made by Applicant, Applicant's counsel and/or Applicant's expert.

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.

**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 May 19, 2020.

Moved by: Mr. Wiener

Seconded by: Ms. Wilusz

**ROLL CALL VOTE:** In favor: Mr. Wiener, Ms. Wilusz, Opposed: None

Absent: Mr. R. Fernicola, Ms. Gosline,

Recused: Commissioner D' Angelo, Mayor Fernicola, Ms. Appello, Mr. Santos, Mr. Maisto

**B. RESOLUTION OF THE PLANNING BOARD OF  
THE VILLAGE OF LOCH ARBOUR  
FOR 214 EUCLID AVENUE, BLOCK 10, LOT 5**

**WHEREAS**, MARC AND DEBORAH SHAMS (hereinafter "Applicant") have applied to the Planning Board of the Village of Loch Arbour for variances at the premises located at 214 Euclid Avenue, Village of Loch Arbour and known as Block 10, Lot 5, 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**, hearings were held on November 4, 2019 and April 29, 2020 and all interested parties were given an opportunity to be heard and express their opinions; and

**WHEREAS**, the Applicant is requesting amended approval to continue to construct a new single-family dwelling ("Dwelling") with a driveway, in ground swimming pool, and storage shed; and

**WHEREAS**, the Board, after carefully considering the evidence presented by Applicant and Applicant's experts, the Board Engineer/Planner has made the following factual findings:

The Applicant is the owner of the property located at 214 Euclid Avenue, known as Lot 5 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.

In 2018, The Applicant filed an application to request approval from the Planning Board for the removal of a dwelling and to construct a new single-family dwelling with two driveways, in ground swimming pool and storage shed ("2018 Application").

The Applicant received approval from the Board by way of Resolution of Memorialization dated August 15, 2018, which is incorporated herein by reference.

In the original 2018 Application, numerous variances were required in order for the Applicant to receive the approval requested, including but not limited to a variance to permit more than two stories and various setback variances. At each hearing during 2018, there were new plans to consider and by the end of the hearing on July 18, 2018, Applicant had stipulated to make changes to the plan in order to avoid the necessity of obtaining variance relief but to also allow the Board to consider granting a Certificate of Appropriateness. The Board passed its Resolution on the Certificate of Appropriateness, based on compliance with the 2018 Resolution regarding the variance relief which had been originally requested:

"Of great significance to the Board's approval of the structure as proposed as to the Certificate of Appropriateness, is compliance with all findings, representations and conclusions as set forth in the companion Resolution regarding the Applicant's application for variances, as that Resolution provides critical relevant details to the Certificate of Appropriateness approval as to the structure and its relationship to the setbacks and the like."

After the 2018 Application for a Certificate of Appropriateness was granted, Applicant made the following physical changes to the Dwelling from the approved plan: a half story addition to the 2-story house; a new configuration of the front porch; relocation of the basement Bilco door, generator and air conditioning condenser units; and relocation of an in ground swimming pool, raised patio, pool patio and shed.

The Applicant now requests relief after the fact for the improvements constructed in violation of the prior 2018 approval.

As part of the review process on the immediate Application, the Board Engineer/Planner conducted a review of changes by the Applicant and in relation to the plan approved in the 2018 Resolution and the zoning applicable under the 2018 Resolution and in relation to zoning in effect at the time Applicant filed the immediate Application and all as follows:

The minimum lot width permitted per the zoned district is 75 feet. The existing lot width indicated on the architectural site plan is 108.13 feet, which conforms.

The minimum lot depth permitted per the zoned district is 100 feet. The Applicant has indicated a lot depth of 145.0 feet, which conforms.

The minimum lot area permitted per the zoned district is 7,500 square feet. The existing lot has an area of 15,076 square feet, which conforms.

The minimum front building setback permitted per the zoned district shall conform to those provided for adjacent buildings. The Applicant received approval for a front building setback of 19.42 feet, which conforms. The as-built plan indicates the same front building setback that was approved.

The minimum rear building setback permitted per the zoned district is 25 feet from the rear lot line. The Applicant received approval for a rear building setback of 82 feet, which conforms. The as-built plan indicates a rear yard setback of 81.92 feet, which also conforms.

At the time of the approval, the permitted side building setback was 5 feet. The Applicant received approval for an east side building setback of 13.5 feet to the roof overhang for the covered front porch and a west side building setback of 9.25 feet to the roof overhang, both of the setbacks conform. The Applicant received approval for a west side building setback of 7.92 feet to air conditioning condensers and generator and 9 feet to the steps, both of these conform.

The amended minimum side building setback permitted per the zoned district is the greater of 5 feet per side or 10% of the lot width per side. For this lot the side building setback is 10.8 feet. The as-built plan indicates the relocation of the roof overhang on the east side of the dwelling for the front porch. The new east side building setback per the as-built plan is 15.5 feet, which conforms. The west side building setback per the as-built plan is 9.25 feet to the roof overhang. The west side building setback remains unchanged and now represents an existing non-conformity. The as-built plan indicates a new location for the Bilco door, air conditioning condensers and generator. The new location of the Bilco door, air conditioning and generator shall conform to the amended minimum permitted side building setback. The west side building setback to the Bilco door is 5.33 feet, which is a variance condition. The west side building setback to the air conditioning condensers and generator is approximately 10.8 feet, which conforms.

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 Applicant proposed a building coverage of 19.9% or 3,014 square feet, which conform. The as-built plan indicates a building coverage of 19.9% or 3,011 square feet, which conforms.

An additional twenty percent (20%) of the lot size may be occupied by all other buildings or structures, which constitute building coverage. The Applicant received approval for a building coverage (lot coverage) of 19.8% or 2,988 square feet, which conforms. The as-built plan indicates a building coverage (lot coverage) of 20% or 3,015 square feet, which conforms.

The maximum Building Coverage ordinance regulation also states that "in no event shall the total lot coverage exceed 40% of the lot". The Applicant received approval for total building coverage of 39.8% or 6,002 square feet, which conforms. By the Board Engineer's calculations, the total building coverage is 39.9% or 6,026 square feet, which conforms.

The maximum building height permitted is 35 feet and shall not contain more than two-stories above grade. At the time of approval, the permitted maximum building height was 35 feet measured from the foundation or sill to the top of the roof and two (2) stories. The Applicant received approval for a building height of 34.0 feet and two stories. The Applicant did receive approval for an unfinished attic space with pulldown stairs above the second story.

The amended maximum building height per the zoned district is 35 feet measured from the mean level of the curb in front of the center of the building to the highest point of the roof and two and one-half (2-1/2) stories. The as-built plan indicates a building height of 36.75 feet, which represents an existing non-conformity. With the half-story addition, the ridge line of the roof is extended and is an expansion of an existing non-conformity, which represents a variance condition. The as-built plan also indicates the dwelling is two and one-half (2-1/2) stories, which conforms. The existing half-story complies with the definition of half story.

A swimming pool may be constructed in a rear yard only. The as-built plan indicates the swimming pool and patio in the rear yard, which conforms.

No swimming pool, portion thereof, equipment or accessory structure may be located closer than 10 feet to any property line or structure. The Applicant received approval for east side yard

setback of 12.67 feet to the pool patio and a west side yard setback of 22.00 feet to the pool patio, both side yard setbacks conform.

The as-built plan indicates an east side yard setback of 23.0 feet to the pool patio and a west side yard setback of 12.08 feet to the pool patio. The new location complies with the side yard setbacks.

The Applicant received approval for a rear yard setback of 28.5 feet to the pool patio, which conforms. The as-built plan indicates a rear yard setback of 32 feet, which conforms.

The Applicant received approval for a separation of 32 feet between the pool and the principal dwelling, which conforms. The as-built plan indicates a separate of 29 feet between the pool and principal dwelling, which conforms. The separation between the shed and pool remains unchanged, which conforms.

No swimming pool, including equipment and accessories may occupy more than 50% of the rear yard in which it is located. This coverage remains unchanged from the approval, which conforms.

**Accessory Building** – The allowed side and rear yard setbacks are 5 feet from accessory structures. The Applicant received approval for an east side yard setback of 37.92 feet and a west side yard setback of 32.58 feet, both of these setbacks conform. The as-built plan indicates an east side yard setback of 22.13 feet and a west side yard setback of 47.5 feet, both of these conform.

The Applicant received approval for a rear yard setback of 5 feet, which conforms. The as-built plan indicates no change to the rear yard setback of 5 feet, which conforms.

The side and height of the shed did not change from the approval.

Due to the change in layout, Applicant was required to provide a revised grading plan to show no stormwater runoff will not be direct onto the adjacent properties.

At the end of the hearing, the Applicant requested a vote on the requests for zoning relief related to both the roof line and the side yard variance related to the Bilco door. The Board voted to deny both requests.

Thereafter, the Applicant amended its application by agreeing to comply with side yard variance, as more particularly set forth on the record.

Therefore, at the end of the Application, there was only one variance condition. The Board voted to deny the relief as to the roof ridge line.

Based on all the findings and testimony at the hearing by the Applicant and Applicant's experts, the Board finds that the application as submitted cannot be granted and neither can the accompanying application for Certificate of Appropriateness.

The Applicant failed to prove that the variance requested could be granted under N.J.S.A. 40:55D-70 c. (1) and/or c. (2).

The Applicant failed to prove that by reason of exceptional narrowness, shallowness or shape of the property, or by reasons of exceptional topographic conditions or physical features uniquely affecting this property, or by reason of an extraordinary and exceptional situation uniquely affecting this property or the structures lawfully existing thereon, the strict application of the applicable Village Ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and under hardship upon the owner of the property.

The Applicant failed to prove that the purposes of the Municipal Land Use Law would be advanced by the proposed deviations from the Village Ordinance provisions in question nor that the benefits of the deviations would substantially outweigh any detriment.

The Applicant failed to prove that the ridge line variance could be granted without substantial detriment to the public good nor that such grant would not substantially impair the intent and purpose of the Village Zone Plan and Zoning Ordinance.

The Board relies in part on the denial of the variance relief requested, on the findings of fact and conclusions set forth in the companion Resolution regarding the property and the denial of the requested Certificate of Appropriateness, which Resolution is incorporated herein by reference.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Village of Loch Arbour on the 17th day of June, 2020, that the Application of MARC AND DEBORAH SHAMS be denied because the Board has determined that the Applicant failed to meet its burden of proof.

**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 April 29, 2020.

Moved by: Mayor Fernicola

Seconded by: Antonio Santos

**ROLL CALL VOTE:** In favor: Mayor Fernicola, Ms. Appello, Mr. Santos      Opposed: None

Absent: Mr. R. Fernicola, Ms. Gosline    Recused: Commissioner D' Angelo, Mr. Wiener, Ms. Wilusz, Mr. Maisto

**C. RESOLUTION OF THE PLANNING BOARD OF THE VILLAGE OF LOCH ARBOUR  
REGARDING APPLICATION FOR CERTIFICATE OF APPROPRIATENESS  
BY MARC AND DEBORAH SHAMS FOR  
PROPERTY LOCATED AT 214 EUCLID AVENUE**

**WHEREAS**, MARC AND DEBORAH SHAMS (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 214 Euclid Avenue, Village of Loch Arbour and known as Block 10, Lot 5, 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**, hearings were held on November 4, 2019 and April 29, 2020, 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's expert, the Project Architect, the Board Engineer/Planner and comments from Board members, has made the following factual findings:

The Applicant filed the immediate Application for Certificate of Appropriateness to request approval from the Planning Board for the construction of improvements which were not done in accordance with a previously granted approval by the Board. (the 2018 Approval")

The Applicant is the owner of the property located at 214 Euclid Avenue known as Lot 5 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 Project Architect, the Board Engineer/Planner and comments from Board members and more particularly under Section 7.2.

At the April 29, 2020 hearing, the Applicant entered into evidence Exhibits which were relied upon by the Board in making its findings including but not limited to:

Revised Drawings/Historic Appropriateness, prepared by Michael Savarese, R.A. dated December 17, 2019(Sheets 1 through 3) marked as A-4.

Rendering/as-built, color picture, dated October 25, 2019, marked as A-5.

Findings under the Ordinance Criteria (mentioned by number as listed in the Ordinance) (for the purposes of this Resolution, "Structure" means the dwelling as constructed) are as follows:

(1) The work is not compatible with existing structures, landscaping and streetscapes within the District.

(2) The work adversely affects 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 results in structural elements that are out of scale the other structural elements in the surrounding area.

(5) The Structure is not visually compatible with the structures and places to which it is visually related.

(6) The height of the roof of the Structure is not visually compatible with adjacent structures.

(7) The relationship of the width of the Structure to the height of the front elevation is not visually compatible with structures and places to which it is visually related.

(8) The relationship of the width of the windows to the height of windows in the Structure is not compatible with the structures and places to which it is visually related.

(10) The relationship of the Structure to the open space between it and adjoining structures is no visually compatible with the structures and places to which it is visually related.

(11) The relationship of the Structure's entrance and porch projections to the street are not visually compatible with the structures and places to which it is visually related.

(13) The roof shape of the Structure is not visually compatible with structures to which it is visually related.

(15) The size of the Structure, the mass of the Structure in relation to open spaces, and the windows, door openings, porches and balconies are not visually compatible with the structures and places to which it is visually related.

(16) The Structure is not visually compatible with structures and places to which it is visually related in its directional character, including vertical, horizontal, and non-directional character.

(25) The windows in the Structure are not properly divided in terms of the number of lites or panes appropriate to the style of the building.

Of great significance to the Board's 2018 Approval of the then proposed structure as to the Certificate of Appropriateness, was compliance with all findings, representations and conclusions as set forth in the companion 2018 Resolution regarding the Applicant's original application for variances, as that 2018 Resolution provided critical relevant details to the 2018 Approval of the Certificate of Appropriateness, as to the structure and its relationship to the setbacks and the roof line and all other relevant criteria.

Based on all the findings and testimony at the immediate hearings, by the Applicant's expert, the Board's Engineer/Planner and comments by Board members, the Board finds the Applicant should not be granted the approval of the new/amended Application for Certificate of Appropriateness.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Village of Loch Arbour on the 17<sup>th</sup> day of June, 2020 that the Board denies the Application for Certificate of Appropriateness and shall is not granted for purposes because the Applicant has not satisfied the criteria of the Loch Arbour Historic Preservation Ordinance based on the findings of fact set forth above and as further set forth on the record at the April 29, 2020 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 April 29, 2020.

Moved by: Mayor Fernicola

Seconded by: Mr. Wiener

#### **ROLL CALL VOTE**

In favor: Mayor Fernicola, Ms. Appello, Mr. Wiener, Ms. Wilusz, Mr. Santos    Opposed: None

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

#### **D. CONTINUED from May 19, 2020 – Planning Board Meeting**

##### **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 at the hearing on May 19, 2020.

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.

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)

Present was the Applicant's Attorney, Robert Farber, Esq. Mr. Farber stated he re-noticed this meeting. Mr. Farber made a statement regarding this application. Mr. Farber reported the changes to the design were done by a feng-shui designer hired by the owner. The changes were made to the plans by Mr. Savarese's office. Mr. Savarese did not have knowledge of the changes.

Mayor Fernicola stated in November, 2018 the plans were approved. Within two or three weeks after the approval by the Planning Board, a different set of plans were submitted to the construction department for building permits.

Board Members stated, for the record, this has been an ongoing problem in Loch Arbour and they are becoming very frustrated with homeowners coming to the board for retroactive approvals.

Michael Savarese, Architect for the Applicant confirmed he is still under oath. Mr. Savarese stated the size of the windows in the back of the house and that changed on the plans were done by his office, without his knowledge. Mr. Savarese stated the changes that are being made to the front of the home are included in this application.

The following Exhibit was marked into evidence:

Exhibit A-5: 4 Renderings of the proposed changes to the home, prepared by Michael Savarese Associates, dated May 26, 2020, consisting of 1 page.

Mr. Savarese referenced Exhibit A-5 and testified to the changes to the front elevation:

- New Front Door
- Awnings are being replaced with shutters.
- Larger window on the second floor
- Windows (horizontal grills)
- Mr. Savarese confirmed brackets will be installed

Mr. Savarese referenced Exhibit A-5 and testified to the changes to the left-side elevation:

- Window in kitchen to be taken out.

Mr. Savarese confirmed the bump-out will be both on the 1<sup>st</sup> floor and the 2<sup>nd</sup> floor.

Exhibit A-6: Renderings of the approved, as built and proposed changes to the home, prepared by Michael Savarese Associates, dated May 22, 2020, consisting of 1 page.

Mr. Savarese referenced Exhibit A-6 and testified to the changes to the east side elevation.

Mr. Savarese referenced Exhibit A-6 and testified to the changes to the rear elevation:

- Reduced the size of the windows in the rear.

Mr. Savarese referenced Exhibit A-6 and testified to the west side elevation:

- Window in kitchen to be taken out. Mr. Savarese suggested putting a faux window -

Mr. Savarese confirmed the bump-out will be both on the 1<sup>st</sup> floor and the 2<sup>nd</sup> floor.

Mr. Farber clarified this application is a vast improvement from the two homes previously constructed on the two lots.

Board Members and the professionals discussed, at length the proposed changes to the home.

Mr. Farber confirmed that his client will agree to put a faux window on the west side of the home.

Mr. Savarese testified regarding the East Elevation. Mr. Savarese stated the East side of the home is not visible and there are shrubs which will be located on the property line.





## **NEW BUSINESS -**

### **A. Betesh – 116 Elberon Avenue, Block 5, Lot 4 – Variance**

This matter is carried until the next regular scheduled Planning Board Meeting scheduled for July 15, 2020, with no need for further notice.

### **B. Betesh – 116 Elberon Avenue, Block 5, Lot 4 – Certificate of Appropriateness**

This matter is carried until the next regular scheduled Planning Board Meeting scheduled for July 15, 2020, with no need for further notice.

## **DISCUSSION/VOTE –**

### **A. Next Planning Board Meeting – Wednesday, July 15, 2020 at 7:30 p.m., via Zoom**

**B. Shams, 214 Euclid Avenue, Block 10, Lot 5 – Application of Appeal** – This matter will be scheduled for the next Planning Board Meeting.

### **C. PENDING APPLICATIONS -**

- **GOODMAN, 2 Elberon Avenue, Certificate of Appropriateness, Block 5, Lot 1**

**D. PENDING LITIGATION – 207 Edgemont Drive Appeal** – The Appeal is proceeding in the normal course.

## **PUBLIC COMMENTS –**

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

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

### **Recorded Vote:**

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

Nays: None

Absent: Ms. Gosline, Mr. R. Fernicola

Mr. Wiener commented about how he appreciates the Board and the way the Board conducts themselves during discussions and deliberations for pending applications.

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the meeting be finally adjourned at 9:45 PM.

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Marilyn Simons  
Board Secretary