

**VILLAGE OF LOCH ARBOUR PLANNING BOARD  
MINUTES –REGULAR MEETING  
March 20, 2019**

**THE REGULAR MEETING OF THE VILLAGE OF LOCH ARBOUR PLANNING BOARD WAS HELD IN THE LOCH ARBOUR MUNICIPAL BUILDING, 550 MAIN STREET, ON WEDNESDAY, MARCH 20, 2019 AND WAS CALLED TO ORDER BY CHAIRPERSON, ROBERT FERNICOLA AT 7:30 PM.**

After the Salute to the Flag, the Board Secretary called roll. PRESENT WERE Commissioner D' Angelo, Mayor Fernicola, Ms. Appello, Mr. R. Fernicola, Mr. Wiener and Mr. Maisto. ABSENT WERE Ms. Gosline, Ms. Wilusz, and Mr. Santos

Also present were Board Attorney, Sanford Brown 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 21, 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.

**MINUTES –**

UPON MOTION of Mr. Wiener, seconded by Ms. Appello, carried, that the following minutes are hereby approved as presented.

- Reorganization and Regular Meeting of the Planning Board held on January 16, 2019;

**Recorded Vote:**

Ayes: Ms. Appello, Mr. Wiener, Mr. Maisto

Nays: None                      Absent: Ms. Gosline, Ms. Wilusz, Mr. Maisto

Abstain: Commissioner D' Angelo, Mayor Fernicola, Mr. R. Fernicola

**CORRESPONDENCE –**

A. Jennifer Krimko, Esq., Attorney representing the owner for 205 Edgemont Drive, requested a Special Meeting for the pending Application before the Board. The Board discussed and determined the Special Meeting request has been denied and this matter will be tentatively scheduled for May 15, 2019 at 7: 30 p.m.

B. The Board discussed the conflict with the Borough of Allenhurst's Planning Board Meeting schedule. Loch Arbour and Allenhurst have the same meeting date (3<sup>rd</sup> Wednesday of each month). Loch Arbour has had the same meeting day for years. Allenhurst recently changed their meeting day each month. Mayor Fernicola stated he will call the Mayor of Allenhurst to discuss this conflict.

**OLD BUSINESS**

**A. Memorialize Certificate of Appropriateness (MAJOR ALTERATION)  
Zeitouny, 201 Euclid Avenue, Block 4, Lot 13**

RESOLUTION OF THE PLANNING BOARD OF THE VILLAGE OF LOCH ARBOUR  
REGARDING APPLICATION FOR CERTIFICATE OF APPROPRIATENESS  
BY RAYMOND AND CARLA ZEITOUNY FOR  
PROPERTY LOCATED AT 201 EUCLID AVENUE

WHEREAS, RAYMOND AND CARLA ZEITOUNY (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 201 Euclid Avenue, Village of Loch Arbour and known as Block 4, Lot 13, 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 January 16, 2019, 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 a modification of the prior approval to change the color of the roof shingles from slate grey to blue.

The Applicant is the owner of the property located at 201 Euclid Avenue known as Lot 13 in Block 4 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 the relevant criteria under the Municipal Historic Preservation Ordinance, based on the testimony of the Project Architect and more particularly under Section 7.2. At the hearing, the Applicant showed the Board a sample of the new proposed blue roof shingle. In light of the bulkiness of the sample, Applicant's attorney promised to send to the Board within 15 days of the date of the hearing clear color photos of the shingles and a detail sheet on the type of shingle being used. The sample was relied upon by the Board in making its findings including. Findings under the Ordinance Criteria were as follows:

The relationship of materials and texture of the facade and roof of the renovated structure will be visually compatible with the predominant materials used in the structures to which it is visually related.

The color of the roof shingles will be visually compatible with structures and places to which it is visually related in its directional character, including vertical, horizontal, and non-directional character.

The new proposed roofing material is needed to replace the existing, and the shape, texture, and size is compatible, and the color blue is acceptable.

Based on all the findings and testimony at the hearing by Applicant's expert, the Board finds the Applicant should be granted the approval of the Application for Certificate of Appropriateness for the change of color for roof materials from slate grey to blue 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 16<sup>th</sup> day of January, 2019, that the approval of the Application for Certificate of Appropriateness be granted for purpose of changing the color of the roof shingles from slate grey to blue, 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: Applicant's attorney shall have provided color copies of the sample of the shingle shown to the Board at the January 16, 2019 hearing, and shall have also have provided a detail sheet on the type of shingle, all within 15 days of January 16, 2019.

Applicant shall comply with all other conditions and approvals from Resolution memorialized on January 17, 2018 and said Resolution still applies except as changed herein. 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 January 16, 2019.

Moved by: Mayor Fernicola

Seconded by: Ms. Appello

**ROLL CALL VOTE**

Those in favor: Mayor Fernicola, Ms. Appello, Mr. Wiener, Mr. Maisto

Those Opposed: None

Those absent: Ms. Gosline, Ms. Wilusz, Mr. Santos

Those recused: Commissioner D' Angelo, Mr. R. Fernicola,

Mr. Wiener removed himself from the dais. He is recused from the next application.

**NEW BUSINESS –**

B. Adjmi, 401 Euclid Avenue, Block 2, Lot 1 (Major Alteration)

An Application for a Certificate of Appropriateness was received on behalf of Mark and Ronald Adjmi, Et al., 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: Survey of Property dated May 18, 2018, prepared by Charles Surmonte, PE, consisting of 1 page.

Exhibit A-2: Grading Plan dated October 29, 2018, prepared by Charles Surmonte, PE, consisting of 1 page.

Exhibit A-3: Architectural Plans dated February 28, 2018, prepared by Mark Alexander Pavliv, AIA, consisting of 2 pages.

Exhibit A-4: Color Photographs of the Page Avenue side of the property, where the proposed garage would be constructed (picture 1-4) and Color Photographs of the Euclid Avenue side of the property (picture 5-8)

The Board Secretary confirmed the application before the board tonight was properly noticed.

Appearing on behalf of the applicant was Peter Falvo, Esq., from the firm Ansell, Grimm and Aaron, PC

Mr. Falvo stated the following person would be testifying before the Board tonight:

- Mark Pavliv, AIA, Architect, 77 Main Avenue, Suite 101, Ocean Grove, New Jersey.

Mr. Pavliv was sworn in and was accepted by the Board as an expert witness.

Mayor Fernicola referenced Exhibit A-3 and questioned the calculations of the garage dimensions. If the garage is 12 x 24 the calculation table is not accurate and the homeowner is over the 20% percent coverage of accessory coverage. Mr. Pavliv acknowledged the clerical error and agreed the coverage is over. Mr. Pavliv agreed he would submit amended plans to the Village with the garage dimensions at 12 x 23, which complies with the accessory coverage Ordinance.

Mr. Pavliv testified regarding the details of the garage. Mr. Pavliv stated the garage would match the primary residents. Same stucco, same roof shingles and pitch. Mr. Pavliv also explained the architectural features of the garage. He testified the garage is consistent with the surrounding architectural style.

Mr. Pavliv agreed the homeowner would construct gutters on the garage for drainage purposes. He stated the plans will also be revised to add gutters to the garage.

UPON MOTION of Mr. R. Fernicola seconded by Mayor Fernicola, carried the Meeting is opened up to the public regarding this application only.

Robert Wiener, Page Avenue, stated he is in favor of this application.

There being no other comments from the public, UPON MOTION of Mr. R. Fernicola seconded by Mayor Fernicola, carried the Meeting is closed to the public.

**Recorded Vote:**

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

Nays: None Abstain: Mr. Wiener

Absent: Ms. Gosline, Ms. Wilusz, Mr. Santos

UPON MOTION of Mr. R. Fernicola, seconded by Ms. Appello, carried the application for a Certificate of Appropriateness to construct a garage on the property at 401 Euclid Avenue, Block 2, Lot 1, be and the same is hereby granted with a stipulation that the size of the garage be reduced to 12x23 and the gutters be included on revised plans that will be submitted to the Village Zoning Officer. The Resolution will be memorialized at the next Planning Board Meeting to be held on April 17, 2019.

**Recorded Vote:**

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

Nays: None Abstain: Mr. Wiener

Absent: Ms. Gosline, Ms. Wilusz, Mr. Santos

Mr. Wiener returned to the dais.

**DISCUSSION/VOTE –**

**A. Next Planning Board Scheduled for April 17, 2019 at 7:30 pm.**

**Matters to be listed on Agenda for Meeting scheduled for April 17, 2019:**

**Shams**

**214 Euclid Avenue, Block 10, Lot 5 Cert. of Appropriateness**

**329 Euclid LLC**

**329 Euclid Avenue Block 3, Lot 12 Variance**

**Goodman**

**2 Elberon Avenue Block 5, Lot 1 Variance**

**PUBLIC COMMENTS –**

UPON MOTION of Mr. R. Fernicola, seconded by Commissioner D' Angelo, carried the meeting be opened to the public.

Marc Shams, 214 Euclid Avenue, discussed with the Board the pending application for a Certificate of Appropriateness he filed on January 22, 2019. Mr. Shams explained the Borough of Deal Building Department has put a stop work order on the premises, due to the fact the Builder built the home as per the plans submitted on January 22, 2019. This application has not been heard by the Planning Board as of this date. It was determined by the Board they do not have jurisdiction in this matter to authorize the Builder to continue to build the home without Board approval of the revised plans.

Mr. Brown, said the substance of this application cannot be heard at this time, due to the Board not having jurisdiction in this matter. This matter is tentatively scheduled for the next Planning Board Meeting scheduled for April 17, 2019.

UPON MOTION of Mr. R. Fernicola, seconded by Commissioner D' Angelo, 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 8:30 PM.

---

Marilyn Simons  
Board Secretary