

**VILLAGE OF LOCH ARBOUR PLANNING BOARD  
MINUTES –REGULAR MEETING  
April 17, 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, APRIL 17, 2019 AND WAS CALLED TO ORDER BY CHAIRPERSON, ROBERT  
FERNICOLA AT 7:30 PM.**

FOLLOWING THE SALUTE TO THE FLAG, the following member was sworn into office as a Member of the Planning Board of the Village of Loch Arbour and signed the Oath of Allegiance and Office.

- Antonio Santos., as a Class IV (resident) Alternate Member for a 2-year term.

THE SECRETARY CALLED THE ROLL. PRESENT WERE: Commissioner D' Angelo, Mayor Fernicola, Ms. Appello, Mr. R. Fernicola, Mr. Wiener Mr. Santos and Mr. Maisto. ABSENT WERE Ms. Gosline, Ms. Wilusz

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. R. Fernicola, seconded by Ms. Appello, carried, the following minutes are hereby approved as presented.

- Regular Meeting of the Planning Board held on March 20, 2019.

Recorded Vote:

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

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

Abstain: Mr. Santos

**CORRESPONDENCE – None**

**OLD BUSINESS**

**A. Memorialize Certificate of Appropriateness (MAJOR ALTERATION)  
401 Euclid Avenue, Loch Arbour, Block 2, Lot 1**

RESOLUTION OF THE PLANNING BOARD OF THE VILLAGE OF LOCH ARBOUR  
REGARDING APPLICATION FOR CERTIFICATE OF APPROPRIATENESS  
BY ERIC ADJMI FOR  
PROPERTY LOCATED AT 401 EUCLID AVENUE

**WHEREAS**, ERIC ADJMI 2015 Irrevocable Trust (hereinafter "Applicant") has applied to the Planning Board of the Village of Loch Arbour for approval of a Certificate of Appropriateness for premises located at 401 Euclid Avenue, Village of Loch Arbour and known as Block 2, Lot 1, 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 March 20, 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's Architect, Mark Pavliv and arguments in favor of the Application from Applicant's counsel, Peter Falvo, has made the following factual findings:

The Applicant filed an Application for Certificate of Appropriateness to request approval from the Planning Board to construct a 12' by 24' detached garage as an accessory to the existing 2 and ½ story single-family residence, along with a slight increase in the driveway size and removal of an existing shed.

The Applicant is the owner of the property located at 401 Euclid Avenue known as Lot 1 in Block 2 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 and more particularly under Section 7.2.

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

Exhibit A-1 - Survey of the existing dwelling dated 5-18-18 prepared by Charles Surmonte, P.E. & P.L.S.

Exhibit A-2 - Grading Plan Proposed Garage dated 10-29-18 prepared by Charles Surmonte, P.E. & P.L.S.

Exhibit A-3 -Site Plan by Mark Pavliv updated to 10-15-18

Exhibit A-4 – Color photographs (two pages, with photos numbered 1 through 8).

Findings under the Ordinance Criteria were as follows:

The garage will be compatible with the existing structures, landscape and streetscapes within the District.

The work will not adversely affect the ambiance, character, and appearance of the District and the relationships among structures and between structures in the District.

The work will not result in structural elements that are out of scale with the exiting house or other structural elements in the surrounding area.

The new garage will be visually compatible with the structures and places to which it is visually related.

The height of the garage will be visually compatible with adjacent structures.

The relationship of solids to voids in the front façade of the garage will be visually compatible with the house to which it is visually related.

The relationship of the garage to the open space between it and the house will be visually compatible.

The relationship of materials and texture of the façade and roof of the garage will be visually compatible with the predominant materials used.

The roof shape of the garage shall be visually compatible with the house.

The garage will be visually compatible with the house in its directional character.

At the end of the hearing on March 20, 2019, the Applicant amended the Application to stipulate that the garage dimensions would be reduced from 24 ft. in length to 23 ft. in length, which amended application the Board approved.

Based on all the findings and testimony at the hearing by the Applicant and Applicant's expert, the Board finds the Applicant should be granted the approval of the Application for Certificate of Appropriateness for the construction of the garage on the Property as per the drawings and plans filed at the hearing 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 20<sup>th</sup> day of March, 2019, that the approval of the Application for Certificate of Appropriateness was granted for purposes of constructing a detached garage on the Property 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:

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

The submittal to the Board Secretary a revised site plan which reduces the garage dimension from 24 ft. in length to 23 ft. in length as testified to at the hearing.

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 March 20, 2019.

Moved by: Mr. R. Fernicola

Seconded by: Mayor Fernicola

**ROLL CALL VOTE**

Those in favor: Commissioner D' Angelo, Mayor Fernicola, Ms. Appello, Mr. R. Fernicola, Mr. Maisto

Those Opposed: None

Those absent: Ms. Gosline, Ms. Wilusz

Those recused: Mr. Wiener, Mr. Santos

**NEW BUSINESS –**

A. Shams, 214 Euclid Avenue, Block 10, Lot 5 (Major Alteration)

An Application for a Certificate of Appropriateness was received on behalf of Mr and Mrs. Marc Shams, 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: Approved Plan dated July 6, 2018, prepared by Michael Savarese, RA of MSA Architect consisting of 2 pages.

Exhibit A-2: Exterior Elevations and Details dated August 31, 2018 and revised thru December 7, 2018, prepared by Michael Savarese, RA of MSA Architect consisting of 2 pages.

Exhibit A-3 (1) and (2): Colored Photos of the premises at 214 Euclid Avenue, taken by Architect, Michael Savarese, RA

Exhibit A-4: Site Plan (in the possession of the Architect - no copies provided)

Exhibit A-5-29: Black and White photos of homes around the Village of Loch Arbour, taken by the Applicant, Marc Shams.

Exhibit B- 1: Request for Local Zoning Determination (Zoning Request #2018-22), issued December 11, 2018:

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

Present were the Applicant, Mr. Marc Shams and the Applicant's Architect, Michael Savarese, RA., of MSA Architect, 34 Sycamore Avenue, Unit 1E, Little Silver, New Jersey.

Mr. Marc Shams and Mr. Savarese were sworn in. Mr. Savarese was accepted by the Board as an expert witness.

Mr. Shams stated he is before the Board Tonight for a Certificate of Appropriateness to add two dormers on his home at 214 Euclid Avenue. He testified he received an approved Zoning Determination for the addition of the dormers.

Mr. R. Fericola referenced Exhibit B-1, spoke about the application to “add 2 dormers east side and west side” of the home. Mr. Shams testified that he is proposing to add 2 dormers to the east side and west side of the home.

Mr. Savarese testified the homeowner asked him, after the Board Approved a Certificate of Appropriateness in 2018, to amend the plans to give the homeowner more storage space (attic space). Mr. Savarese referenced Exhibit A-2. Mr. Savarese testified the amended plans have a dormer on the east side and a dormer on the west side. Mr. Savarese referenced A-3.

Mayor Fericola referenced A-3 and questioned if the changes to the roof line, constitutes a dormer. Mayor Fericola stated when you look at the property from the Euclid Avenue (front elevation) side of the home, there are no perpendicular lines or break in the roofline. It is a solid roof line.

Mr. Savarese testified these should be considered dormers built into the roof. If they were a full gable, it would go to the end of the house. Mr. Savarese stated it was constructed as a hip roof, with an added dormer.

After a lengthy conversation with the Board and Mr. Savarese, Mr. Savarese testified that it is an extended gable.

Mrs. Appello questioned if this matter was noticed properly, regarding if this is a dormer or a gabled roof.

Mr. Shams testified he thought this roof line was more presentable to the Board.

Mayor Fericola referenced Exhibit A-2 and asked the square footage of the third floor. Mr. Savarese testified the ½ story is 1,344 square feet. Mr. Wiener stated that is 56% of the floor below it. Mr. Savarese testified the 2<sup>nd</sup> floor is 2,682. Mr. Wiener stated the 2<sup>nd</sup> floor on the original plans was 2,388.

After a lengthy conversation the Board had questions, if a variance is required.

Mr. Maisto, asked about the height of the attic. Mr. Savarese testified.

Sandy Brown, Esq., read Ordinance #2018-447 (definition of 2 ½ story).

Mr. Shams testified the 2 ½ story is not intended to be attic space. It will be living space.

Mr. Fericola stated he has reservations, if this application was properly noticed.

The Board discussed with Mr. Brown, Esq., the notice. Also discussed if Mr. Avakian, Planning Board Engineer and Planner, should inspect property and appear before the Board.

Mr. Shams spoke about the original Zoning Determination.

Mr. Savarese testified it is an extension of a hip roof, into a dormer. Mr. R. Fericola stated this is a continuation of the roof line and not a dormer.

The Board had a lengthy conversation with the applicant, Mr. Shams, regarding the roof line.

Mr. Wiener discussed the inconsistency of this Application. Specifically, not following the process regarding the unintentional representation of the dormer, the attic space being used as living space and the measurements of the 2<sup>nd</sup> story and the 2 ½ story.

The Board questioned if a variance is required.

Mr. Shams referenced Exhibit A-5 – A-29. Mr. Shams testified all the pictures were taken in Loch Arbour, with the same roofline as his home. Mr. Shams stated he tried to make the home, not as bulky by doing this type of roofline. Mr. R. Fericola referenced the submitted photos, and stated he does not see one photo comparable or remotely similar to what has been constructed.

Mr. Shams discussed with the Board if a Certificate of Appropriateness is required.

The Board and the Board Attorney discussed and determined this matter will be carried after a review of the file by Peter Avakian, Board Engineer and Planner. Mr. Shams agreed to an extension.

**B. CONTINUED – Variance Application, 2 Elberon Avenue, Block 5 Lot 1**

Matter was carried from Planning Board Meeting held on January 16, 2019 and March 20, 2019. (No further notice necessary by the applicant).

Applicant adjourned this matter for tonight's meeting.

Applicant's attorney requested to be heard at the May 15, 2019 meeting, with no further notice necessary.

**DISCUSSION/VOTE –**

**A. TENTATIVE SCHEDULE – Next Planning Board scheduled for May 15, 2019 at 7:30 pm**

**Matters to be listed on Agenda for Meeting scheduled for May 15, 2019:**

**Goodman**

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

**329 Euclid LLC**

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

**205 Edgemont LLC**

**205 Edgemont Drive      Block 10, Lot 11      Appeal, Variance  
Cert. of Appropriateness**

Mayor Fericola stated he put a bid in for 205 Edgemont Avenue when the premises was listed for sale. Obviously, he did not purchase the property, but questioned the Board Attorney, if he should recuse himself from this application. Mr. Brown stated legally it does not require the Mayor to recuse himself from this application, due to the fact he has no current interest in the property.

**PUBLIC COMMENTS –**

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

No Public Comment at this time, UPON MOTION of Mr. R. Fericola, seconded by Commissioner D' Angelo, carried the meeting be closed to the public.

UPON MOTION of Mr. R. Fericola, seconded by Commissioner D' Angelo, carried, that the meeting be finally adjourned at 8:45 PM.

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Marilyn Simons  
Board Secretary