

**VILLAGE OF LOCH ARBOUR PLANNING BOARD
MINUTES –REGULAR MEETING
SEPTEMBER 18, 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, SEPTEMBER 18, 2019 AND WAS CALLED TO ORDER BY VICE CHAIRPERSON, ELIZABETH APPELLO AT 7:30 PM.

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

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 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 Ms. Wilusz, seconded by Ms. Gosline, carried, the following minutes are hereby approved as presented.

- Regular Meeting of the Planning Board held on July 17, 2019.

Recorded Vote:

Ayes: Ms. Appello, Ms. Gosline, Mr. Wiener, Ms. Wilusz,

Nays: None Absent: Commissioner D'Angelo, Mayor Fernicola, Mr. R. Fernicola
Mr. Santos, Mr. Maisto

Abstain: None

CORRESPONDENCE – None

OLD BUSINESS

A. **CONTINUED** Application, 205 Edgemont, LLC, Block 10, Lot 11. Carried to the October 16, 2019, Planning Board Meeting. It was determined by the Board no further notice is necessary.

NEW BUSINESS –

A. Variance Application - 2 Elberon Avenue, Block 5, Lot 1

An Application has been received on behalf of the Applicant, Mr. and Mrs. Goodman. The Applicant is requesting approval from the Planning Board for the above grade swimming pool and relocation of an existing hot tub. The Applicant is also proposing to remove a portion of the asphalt driveway. The improvements will require variance for coverage, and as otherwise described in the Engineer's Completeness Report dated September 5, 2018 (revised September 12, 2019).

The following Exhibits were marked into evidence:

Exhibit B-1: Application to the Planning Board, submitted by the Applicant's Attorney, Jessica L. Sweet, Esq., dated May 21, 2018;

Exhibit B-2: Peter Avakian, P.E., report dated September 5, 2018, revised September 12, 2019.

Exhibit A-1: Variance Plan, prepared by Joseph A. Mancini, P.E. of Tristate Engineering and Surveying, PC, dated May 21, 2018, with the latest revision dated August 19, 2019, consisting of 1 page.

Exhibit A-2: Aerial Map from Google Map, prepared by Nicholas A. Graviano, AICP, JD, PP of Graviano & Gillis Architects and Planners, LLC, dated September 18, 2019, consisting of 1 page.

Present was Applicant's Attorney, Jessica J. Sweet, Esq., of the law firm of Sweet & Bennett, LLC. Ms. Sweet summarized the application.

Joseph A. Mancini, P.E. of Tristate Engineering and Surveying, PC, was sworn in and accepted by the Board as a Professional Licensed Engineer.

Mr. Mancini referenced Exhibit A-1. Mr. Mancini testified to the existing structures on the property and the fences/hedges that exist around the property. Mr. Mancini explained the proposed plans and testified to the visual aspect from the adjacent properties, as well as from Ocean Place. Mr. Mancini testified the pool equipment will be located under the deck and also testified regarding the backwash and drainage. Mr. Mancini testified as to the relocation of the hot tub on the existing deck.

Mr. Mancini corrected, for the record, the error regarding the Zoning Table and Top of Wall Elevation on Exhibit A-1.

Mr. Mancini testified to the variances being sought. He testified to the existing coverage, as well as the proposed coverage percentages. Mr. Mancini testified the benefit to taking up the asphalt driveway and replacing it with the pool. Mr. Mancini testified there is sufficient parking, with 3 parking spots on the site. Mr. Mancini testified to the effectiveness of permeable paver driveways regarding runoff conditions and promoting drainage on a site.

Mr. Mancini referenced Exhibit B-2 and testified to the comments in the report of Mr. Avakian. Comments 1F – H3, Mr. Mancini corrected, for the record the errors on Exhibit A-1. Comment H7, Mr. Mancini discussed drywell and testified the plans will comply. Comment H-8, Mr. Mancini discussed the lighting in the pool, and testified the plans will comply. Comment 5, Mr. Mancini testified the use of the garage is strictly storage at this time. Mr. Mancini testified that a Flood Elevation Certificate will be provided to the Village.

At this time the Board asked questions of Mr. Mancini only:

Robert Wiener, asked about the east side fence and spoke about the hot tub and the height of the pool. Mr. Avakian discussed with the Board the fence Ordinance and the pool Ordinance.

Robert Wiener, discussed the use of the garage.

Nicholas Graviano, AICP, JD, PP, of Graviano & Gillis Architects & Planners, LLC, was sworn in and accepted by the Board as a Professional Licensed Planner.

Mr. Graviano referenced Exhibit A-2 and testified to the existing property and the proposed relief being sought. Mr. Graviano testified as to the fence/hedge along Ocean Place. Mr. Graviano testified to the variances required and testified to the criteria for a C-2 Variance. He testified to the positive and the negative criteria and testified the benefits far outweigh any detriment. Mr. Graviano referenced A-2 and testified to the properties in the area of 2 Elberon Avenue. Mr. Graviano testified regarding the development technique and the design and arrangements regarding the removal of the existing impervious coverage with the proposed coverage. Mr. Graviano testified the pool will have a single access that can be locked and protect the pool from entry.

At this time the Board asked questions of Mr. Graviano only:

Robert Wiener, discussed with Mr. Mancini the height of the pool. Mr. Wiener discussed with Mr. Graviano the impervious coverage totals.

The Board and the professionals discussed the hedge/fence on the east side of the property. Mr. Avakian discussed State pool regulations regarding fence height. Mr. Avakian referenced Village Ordinance 353.

Mr. Brown referenced Exhibit A-2 and confirmed with Mr. Graviano that his office inserted the orange numbering and lines on the Google Map. Mr. Brown discussed with Mr. Graviano pools in the area and the proposed above grade swimming pool.

Mr. Brown discussed with Mr. Mancini the visual aspects of the deck, from Ocean Place and adjacent properties. Mr. Wiener discussed if a virtual rendering of the visual aspect from Ocean Place at the hedge line should be submitted.

Michael Goodman, 2 Elberon Avenue, was sworn in. Mr. Goodman testified the hot tub was installed approximately five years ago. Mr. Goodman testified it is a plug and socket and not connected to a water supply, it is filled with a hose. Mr. Goodman testified that the structure is portable and he did not realize any approval was necessary. Mr. Goodman testified the garage was damaged during Hurricane Sandy and is unusable. Mr. Goodman testified he would like to use the upstairs of the garage as an exercise room. Mr. Goodman testified regarding the fence/hedge on Ocean Place.

The Meeting was opened up to the public for comments.

Christopher Beekman, Esq., represents the owner at 10 Elberon Avenue, asked about the hot tub location and the visual aspect with regards to the adjacent property and discussed same with Mr. Mancini. Mr. Beekman discussed with Mr. Mancini the hedge/fence on the east side of the property. Mr. Beekman asked Mr. Goodman the use of the garage. Mr. Goodman stated he has no intention to use the garage as a residence. Mr. Goodman testified the downstairs is a storage room, but the garage has electricity, water, toilet, a bath, wash basin and gas.

Joseph McGrath, Village of Loch Arbour Zoning Officer, was sworn in. Mr. McGrath discussed with the Board the use of the Garage. Ms. Sweet objected to Mr. McGrath's testimony.

The Board discussed the use of the garage with Mr. Goodman. Mr. Brown discussed with the Board that the garage exists now as storage. Anything else, would require a Use Variance. Ms. Sweet objected a Use Variance be required, if the homeowner used the upstairs of the garage as an exercise room.

The Board discussed if a virtual rendering should be submitted. The Board was satisfied with the testimony given and determined same is not needed.

Ms. Gosline, Board Member, objected to the separation of the pool to the house.

Chris Beekman, Esq., represents the owner at 10 Elberon Avenue, objected to the placement of the hot tub. Mr. Beekman stated the hedge obstructs the view of the neighbor.

Jessica L. Sweet, Esq., gave a summation of the Application.

UPON MOTION, of Mr. Wiener and seconded by Ms. Appello, the meeting be closed to testimony.

Recorded Vote:

Ayes: Ms. Appello, Ms. Gosline, Mr. Wiener, Ms. Wilusz,

Nays: None

Absent: Commissioner D'Angelo, Mayor Fernicola, Mr. R. Fernicola
Mr. Santos, Mr. Maisto

Abstain: None

UPON MOTION of Mr. Wiener, seconded by Ms. Wilusz, carried that this application of Mr. and Mrs. Michael Goodman, 2 Elberon Avenue, Block 5 Lot 1, be and the same is hereby granted with conditions, as stated in the Resolution. The Resolution will be memorialized at the next Planning Board Meeting to be held on October 6, 2019.

Recorded Vote:

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

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

Abstain: None

DISCUSSION/VOTE –

A. Next Planning Board scheduled for October 16, 2019 at 7:30.

B. Pending Applications –

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

PUBLIC COMMENTS – No public comments.

UPON MOTION of Mr. Wiener, seconded by Ms. Appello, carried, that the meeting be finally adjourned at 10:00 PM.

Marilyn Simons
Board Secretary