

**VILLAGE OF LOCH ARBOUR PLANNING BOARD
MINUTES –RESCHEDULED REGULAR MEETING
NOVEMBER 4, 2019**

THE RESCHEDULED REGULAR MEETING OF THE VILLAGE OF LOCH ARBOUR PLANNING BOARD WAS HELD IN THE LOCH ARBOUR MUNICIPAL BUILDING, 550 MAIN STREET, ON MONDAY, NOVEMBER 4, 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 Rescheduled Regular Meeting to the Planning Board's two designated newspapers on October 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. Wilusz, carried, the following minutes are hereby approved as presented.

- Regular Meeting of the Planning Board held on October 16, 2019.

Recorded Vote:

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

Nays: None Absent: Commissioner D'Angelo, Mayor Fernicola, Ms. Gosline
Mr. Maisto

Abstain: Mayor Fernicola

CORRESPONDENCE – None

NEW BUSINESS -

A. Shams, 214 Euclid Avenue, Loch Arbour, Block 10, Lot 5 – The Applicant is requesting amended approval from the Planning Board to continue to construct a new single-family dwelling with a driveway, in ground swimming pool and storage shed. The Applicant made the following changes 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 and shed.

The following Exhibits were marked into evidence for identification purposes only:

Exhibit A-1: Architecture Plans dated October 24, 2019, prepared by Architect, Michael Savarese, RA of MSA Architect, consisting of 9 pages.

Exhibit A-2: Colored Photos, prepared by J. Krimko, Esq., consisting of 4 pages.

Exhibit A-3: Page 1 of Exhibit A-1- colored rendering of the approved house and a photo of the as-built house.

Present was Applicant's Attorney, Jennifer Krimko, Esq., of the Law Firm Ansell, Grimm and Aaron, PC. Ms. Krimko stated this is a new application before the Board.

Ms. Krimko referenced Exhibit A-1 and summarized the changes to this application, since it was approved by the Planning Board in 2018. She discussed the roof ridge line and discussed the variances being sought.

Mayor Fernicola questioned the existing height of the structure. Ms. Krimko confirmed the height did not change from the previous approval.

Michael Savarese, Architect, from the firm MSA Architect, was sworn in and qualified as an expert witness for Architecture.

Mr. Savarese referenced Exhibit A-3 and testified to the prior approvals regarding the HPO and Zoning. Mr. Savarese testified to the Zoning comparison of what was approved to what was built. Mr. Savarese explained how the roof was constructed, from what was approved.

Mr. Savarese referenced Exhibit A-1 (page 2) and testified to the site changes and the variances being sought. He testified to the relocation of the Shed, Swimming Pool and the Bilco Doors.

The Board and Professionals discussed the prior approvals and the second driveway not being approved.

Mr. Savarese referenced Exhibit A-1. He testified to the changes to the interior of the home, the back porch and the new configuration of the front porch.

Mr. Savarese referenced Exhibit A-1 (Sheet 8) testified to the front elevations. He also testified to the roof structure and the extension of the roof ridge line.

Discussed was the appearance of the windows and the difference between the windows on the original plan and what was installed, without getting any approvals from the Board.

Mr. Savarese testified to the side elevation and the rear elevation.

Mr. Savarese referenced Exhibit A-2 and discussed the other homes on the block, with regards to the roof lines.

The Board discussed the location of the Bilco Doors and the side yard setback. Referenced was Exhibit A-2 and the windows to the neighboring properties to the east and west of the property. Also discussed was the front elevation of the home and the roof ridge line, the gable end and the style of the home.

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

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

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

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

FIVE MINUTE RECESS

Ms. Krimko discussed with the Board the changed windows and the original plan. Ms. Krimko stated regarding the windows on the west side, the applicant offered to attempt to change the windows to comply with the original Plan, if the board desires. Mr. Savarese discussed the different types of windows.

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

No questions or comments from the public, UPON MOTION of Mr. R. Fernicola, seconded by Ms. Wilusz, carried the meeting be closed to the public.

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

Ms. Krimko, Esq., summarized the Application.

Board discussed the Application.

Ms. Krimko requested an Adjournment. It was determined this application will be carried until the next regular scheduled Planning Board Meeting scheduled for December 18, 2019, without any further notice required.

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

FIVE MINUTE RECESS

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.

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:

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.

Mr. Brown discussed with Ms. Krimko and the Board Members present the availability of the Board Members, regarding this application.

Andrew Janiw, Licensed Professional Planner, Beacon Planning and Consulting Services, LLC, was sworn in as an expert witness in Professional Planner.

Mr. Janiw, testified to the Zoned Area, the Historic Building and the Historic Designation. Mr. Janiw referenced Exhibit A-9 and Exhibit A-10 and testified the structure existed in 1933.

Mr. Janiw testified to the proposed plans and renovations. He explained there will be one unit per floor. Also discussed was the D-1 Use Variance and Bulk Variances being sought.

Mr. Janiw referenced Exhibit A-12 and testified to the 1969 Master Plan and the historical context and how the property was depicted in 1969. Mr. Janiw read from the 2006 Village of Loch Arbour Master Plan and referenced the Village of Loch Arbour's Historic Preservation Ordinance and the MLUL. Mr. Janiw testified to the elements that are proposed to be restored and bring back the Historic character of the building.

FIVE MINUTE RECESS

Mr. Janiw continued his testimony regarding the Village Historic Preservation Ordinance and the use of the Structure. Mr. Janiw reference the MLUL. Discussed were the historic elements of the building. Mr. Janiw read from the HPO, Section 7.2 – Criteria of Issuance of a Certificate of Appropriateness, #28., regarding demolition of the building.

Mr. Janiw testified to the D-1 Use Variance and Bulk Variances being sought.

Mr. Janiw testified regarding the Parking Standards under RSIS. The Board and the professionals discussed the RSIS Standards.

Mr. Janiw read from the Village HPO with regards to the Criteria. Mr. Janiw testified to turning this into a single- family residents and the detrimental impact to the neighborhood. Mr. Janiw testified the proposed plan of a three-apartment building is the better zoning alternative.

Christine Bell, Professional Planner, of the firm Avakian, Inc., Professional Engineer/Planner discussed with Mr. Janiw the 1969 Master Plan, regarding the lot and its designation.

Mr. Janiw testified to the Bulk Variances being sought. Discussed was the existing non-conformities. Mr. Janiw testified regarding the width of the lot, minimum side yard setback, building height, building coverage, lot coverage and parking standards.

Christine Bell, Professional Planner, discussed with Mr. Janiw the suitability of the lot regarding this application.

Mr. Janiw testified that the benefits of this application far outweigh the detriments.

Mr. R. Fernicola read from Cox and questioned what the enhanced quality of proof for this application is, for this board to grant this Use Variance. Mr. Janiw discussed the prior Use of the building and the Historic Preservation Ordinance.

The Board and the professionals discussed the pending application.

At this time, Ms. Krimko requested for an adjournment to revise Plans and requested the Board to schedule a Special Meeting. Ms. Krimko agreed to extend the time for a ruling regarding this application until December 31, 2019.

UPON MOTION of Mr. R. Fernicola, seconded by Ms. Appello, carried that the Village of Loch Arbour Planning Board will hold a Special Meeting at 7:30 P.M. on Tuesday, November 26, 2019 at the Village of Loch Arbour Municipal Building, 550 Main Street, Loch Arbour, New Jersey. The purpose of this meeting is to continue the Application known as 205 Edgemont LLC., as well as any other matters that come before the Planning Board. Official action will be taken at this Special Meeting.

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

NEW BUSINESS – None

DISCUSSION/VOTE –

A. Pending Applications –

- **329 Euclid Avenue, Block 3, Lot 12, Variance Application – Tentatively scheduled for December 18, 2019. Applicant's Attorney must notice meeting in accordance with the law.**
- **Terzi, 5 Ocean Place, Block 9, Lot 10, Variance/Cert of Appropriateness – Tentatively scheduled for December 18, 2019 Planning Board Meeting. Applicant's Attorney must notice meeting in accordance with the law.**
- **Manopla, 206 Euclid Avenue, Block 10, Lot 2, Cert of Appropriateness – Tentatively scheduled for December 18, 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. Appello, 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 11:10 PM.

Marilyn Simons
Board Secretary