

**VILLAGE OF LOCH ARBOUR
PLANNING BOARD
MINUTES –REORGANIZATION MEETING
January 16, 2019**

THE REORGANIZATION MEETING OF THE VILLAGE OF LOCH ARBOUR PLANNING BOARD WAS HELD IN THE VILLAGE OF LOCH ARBOUR MUNICIPAL BUILDING, 550 MAIN STREET, ON WEDNESDAY, JANUARY 16, 2019 AND WAS CALLED TO ORDER BY MAYOR FERNICOLA AT 7:30 PM.

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

- Elizabeth Appello, as a Class IV (resident) Member for a 4-year term

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

The Board Secretary announced that the notice requirements of C. 231, P.L. 1975, have been met by transmitting the notice of this Reorganization Meeting to the Planning Board's two designated newspapers on January 22, 2018, posting a copy of the notice on the Municipal Building bulletin board, and filing a copy of the notice with the Municipal Clerk on the same date.

ELECTION OF OFFICERS

Resolution 2019-01: Nomination of Chairperson: UPON MOTION of Ms. Appello, seconded by Ms. Gosline, carried, that Robert Fernicola be and he is hereby nominated to serve as Chairperson of the Planning Board for 2019. There were no further nominations.

WHEREAS, the need exists to appoint a Chairperson of the Village of Loch Arbour Planning Board.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Village of Loch Arbour that Robert Fernicola be and he is hereby appointed as Chairperson for the term through December 31, 2019 and until his successor be appointed.

Recorded Vote:

Ayes: Mayor Fernicola, Ms. Appello, Ms. Gosline, Mr. Wiener, Mr. Maisto

Nays: None

Absent: Commissioner D' Angelo, Mr. R. Fernicola, Ms. Wilusz, Mr. Santos

Resolution 2019-02: Nomination of Vice-Chairperson: UPON MOTION of Mayor Fernicola, seconded by Mr. Wiener, carried, that Elizabeth Appello be and she is hereby nominated to serve as Vice Chairperson of the Planning Board for 2019. There were no further nominations.

WHEREAS, the need exists to appoint a Vice-Chairperson of the Village of Loch Arbour Planning Board.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Village of Loch Arbour that Elizabeth Appello be and she is hereby appointed as Vice-Chairperson for the term through December 31, 2019 and until her successor be appointed.

Recorded Vote:

Ayes: Mayor Fernicola, Ms. Appello, Ms. Gosline, Mr. Wiener, Mr. Maisto

Nays: None

Absent: Commissioner D' Angelo, Mr. R. Fernicola, Ms. Wilusz, Mr. Santos

MINUTES – REORGANIZATION MEETING
January 16, 2019

(continued)

Resolution 2019-03: UPON MOTION of Mayor Fernicola, seconded by Mr. Wiener, carried, that the following resolution be adopted:

WHEREAS, the need exists for the appointment of an Attorney to serve the Village of Loch Arbour Planning Board; and,

WHEREAS, funds are available for this purpose, and the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the appointment without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Village of Loch Arbour as follows:

1. The Planning Board is hereby authorized and directed to engage the services of Sanford D. Brown, Esq. as Planning Board Attorney for the term through December 31, 2019 and until his successor be duly appointed.
2. This appointment is made without competitive bidding because it involves a member of a recognized profession, licensed and regulated by law, and is therefore exempt under N.J.S.A. 40A:11-5.
3. A copy of this resolution shall be published within ten (10) days of its passage as required by law.
4. Compensation shall be at the rate of \$150 per hour and \$150 per hour for litigation.

Recorded Vote:

Ayes: Mayor Fernicola, Ms. Appello, Ms. Gosline, Mr. Wiener, Mr. Maisto

Nays: None

Absent: Commissioner D' Angelo, Mr. R. Fernicola, Ms. Wilusz, Mr. Santos

Resolution 2019-04: UPON MOTION of Mayor Fernicola, seconded by Mr. Wiener, carried, that the following resolution be adopted:

WHEREAS, the need exists for the appointment of an Engineer and Planner to serve the Village of Loch Arbour Planning Board; and,

WHEREAS, funds are available for this purpose, and the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the appointment without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Village of Loch Arbour as follows:

1. The Planning Board is hereby authorized and directed to engage the services of Peter R. Avakian, PE as Planning Board Engineer and Planner for the term through December 31, 2019 and until his successor be duly appointed.
2. This appointment is made without competitive bidding because it involves a member of a recognized profession, licensed and regulated by law, and is therefore exempt under N.J.S.A. 40A:11-5.
3. A copy of this resolution shall be published within ten (10) days of its passage as required by law.
4. Compensation shall be at the 2019 schedule of rates as supplied.

Recorded Vote:

Ayes: Mayor Fernicola, Ms. Appello, Ms. Gosline, Mr. Wiener, Mr. Maisto

Nays: None

Absent: Commissioner D' Angelo, Mr. R. Fernicola, Ms. Wilusz, Mr. Santos

Resolution 2019-05: UPON MOTION of Mayor Fernicola, seconded by Mr. Wiener, carried, that the following resolution be adopted:

WHEREAS, the need exists for a Secretary to serve the Village of Loch Arbour Planning Board.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Village of Loch Arbour that Marilyn Simons be and she is hereby appointed as Secretary to the Planning Board for the term through December 31, 2019 and until her successor be duly appointed, at the rate in the Village of Loch Arbour salary ordinance and resolutions.

Recorded Vote:

Ayes: Mayor Fernicola, Ms. Appello, Ms. Gosline, Mr. Wiener, Mr. Maisto

Nays: None

Absent: Commissioner D' Angelo, Mr. R. Fernicola, Ms. Wilusz, Mr. Santos

Resolution 2019-06: UPON MOTION of Mayor Fernicola, seconded by Mr. Wiener, carried, that the following resolution be adopted:

BE IT RESOLVED by the Planning Board of the Village of Loch Arbour as follows:

1. Regular meetings of the Planning Board, when necessary, will be held at 7:30 PM on the third Wednesday of each month. Executive sessions, when necessary, will be held at 7:00 PM on the same evenings. All regular meetings and executive sessions will be held at the Village of Loch Arbour Municipal Building, 550 Main Street, Loch Arbour.
2. The public may not participate in the executive session, but may be present.
3. Participation by the public at regular meetings shall be at such time and place as set forth in the Agenda of the meetings at the direction of the presiding officer.

BE IT FURTHER RESOLVED that the 2020 Reorganization Meeting is hereby scheduled for January 15, 2020.

BE IT FURTHER RESOLVED that The Asbury Park Press and The Coaster are hereby designated as official newspapers for notices. Such notices shall be sent to one or all under the provisions of the Open Public Meetings Act.

BE IT FURTHER RESOLVED that a copy of this resolution shall be published within ten (10) days of its passage as required by law.

Recorded Vote:

Ayes: Mayor Fernicola, Ms. Appello, Ms. Gosline, Mr. Wiener, Mr. Maisto

Nays: None

Absent: Commissioner D' Angelo, Mr. R. Fernicola, Ms. Wilusz, Mr. Santos

There being no further business, and UPON MOTION of Mayor Fernicola, seconded by Mr. Wiener, carried, that the Reorganization Meeting be adjourned. The Board immediately began the Regular Meeting .

AGENDA – REGULAR MEETING

MINUTES

UPON MOTION, of Ms. Appello, seconded by Ms. Gosline, carried that the following minutes of the Planning Board are hereby approved as presented.

- The minutes of the Planning Board Meeting held on December 19, 2018.

Recorded Vote:

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

Nays: None

Absent: Commissioner D' Angelo, Mr. R. Fernicola, Ms. Wilusz, Mr. Santos

Those not voting: Mayor Fernicola, Mr. Wiener

CORRESPONDENCE – None

OLD BUSINESS – None

NEW BUSINESS

Planning Board Annual Report – The Planning Board discussed the Annual Report.

A. **Resolution 2019-07:** UPON MOTION, of Mayor Fernicola, seconded by Ms. Appello, carried that the following Resolution be and the same is hereby adopted:

WHEREAS, the Planning Board is required, pursuant to N.J.S.A. 40:55D-70.1 and 40:55D-25.c., to review at least once a year its decisions on applications and appeals for variances, and to prepare and adopt by Resolution a report on its findings on Zoning Ordinance provisions which were the subject of variance request and its recommendations for Zoning Ordinance amendments or revisions, if any.; and,

WHEREAS, the Board has prepared a report, has discussed the same and finds the report to be proper.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Village of Loch Arbour as follows:

1. The report, a copy which is attached hereto and incorporated herein, is approved as amended.
2. The Chairman of the Board is hereby authorized to execute the report
3. A copy of the report and the herein Resolution shall be forwarded to the Mayor and Board of Commissioners.

Recorded Vote:

Ayes: Mayor Fernicola, Ms. Appello, Ms. Gosline, Mr. Wiener, Mr. Maisto

Nays: None

Absent: Commissioner D' Angelo, Mr. R. Fernicola, Ms. Wilusz, Mr. Santos

B. Zeitouny, 201 Euclid Avenue, Block 4, Lot 13 (Major Alteration)

An Application for a Certificate of Appropriateness was received on behalf of Mr. and Mrs. Zeitouny, 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: Application for Certificate of Appropriateness with all attachments.

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

Appearing on behalf of the applicant is Robert Farber, Esq.

Mr. Farber stated the following person would be testifying before the Board tonight, if necessary:

- Daniel Nolan, Architect of the firm of Savarese Associates, 34 Sycamore Avenue, Unit 1E, Little Silver, New Jersey.

Mr. Farber referenced Exhibit A- 1, and the Resolution issued by the Planning Board in 2018. Mr. Farber explained during the hearing there were discussions and the applicant changed the color of the roof from Blue to Slate Grey. The Resolution indicated the color of the roof was to be Slate Grey. Mr. Farber stated under the Certificate of Appropriateness Ordinances, he does not think color is a factor to consider. The applicant is requesting the Board to allow a change to the color of the roof to a Slate Blue. Mr. Farber stated it is the same material and manufacturer the Board previously approved. Mr. Farber stated the Ordinance talks about texture and finishes, but not color. Mr. Farber presented a sample of the material and color of the proposed roof tile. Mr. Farber stated he would provide to the Board Secretary, a color copy and the manufacturers information for the proposed roof tile.

Ms. Appello stated the position of the Board is the Ordinance applies to color, due to the fact the Board is looking for visual compatibility.

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

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

Recorded Vote:

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

Nays: None
Abstain: Ms. Gosline
Absent: Commissioner D' Angelo, Mr. R. Fernicola, Ms. Wilusz, Mr. Santos

UPON MOTION of Ms. Appello, seconded by Mr. Wiener, carried that the application for a Certificate of Appropriateness to change the color of the Roof from Slate Grey to Blue with reference to 201 Euclid Avenue, Block 4, Lot 13, be and the same is hereby granted. The Resolution will be memorialized at the next Planning Board Meeting to be held on February 20, 2019.

Recorded Vote:

Ayes: Mayor Fernicola, Ms. Appello, Mr. Wiener, Mr. Maisto
Nays: None
Abstain: Ms. Gosline
Absent: Commissioner D' Angelo, Mr. R. Fernicola, Ms. Wilusz, Mr. Santos

B. Goodman, 2 Elberon Avenue, Block 5, Lot 1, Variance Application

Applications Attorney requested this matter be adjourned to the next available meeting date. The Applicant's Attorney requested the Board to carry this matter without the need for further notice until the next available meeting date which is scheduled for March 20, 2019. The Applicant's Attorney consented to an extension of the Board's time for action on this application through March 31, 2019.

DISCUSSION -

A. PENDING APPLICATIONS –

The following application will be scheduled when all paperwork has been submitted and the application is deemed complete:

- | | | |
|---------|----------------------------------|-----------------------------------|
| • Terzi | Block 9, Lot 10
5 Ocean Place | Variance/Cert. of Appropriateness |
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The following applications are scheduled for the next Planning Board Meeting scheduled for February 20, 2019:

- | | | |
|----------------------------------|----------------------------------------|------------------------------------------------|
| • 205 Edgemont LLC | Block 10, Lot 11
205 Edgemont Drive | Variance
Cert. of Appropriateness
Appeal |
| • 329 Euclid, LLC | Block 3, Lot 12
329 Euclid Avenue | Variance |
| • Adjmi, Mark &
Ronald, et al | Block 2, Lot 1
401 Euclid Avenue | Cert. of Appropriateness |

B. The Board discussed an issue of outdated Surveys being submitted by applicants. Ms. Appello suggested the Board ask for an "Affidavit of No Change" to accompany a Survey, when an application is received.

C. Peter Avakian discussed with the Board the proposed Ordinance for Parking Space Requirements. Mr. Avakian stated he found several towns that have requested Special Areas of need. The requirements should be decided by the Village and an Application and a proposed Ordinance will then be prepared. The Application and the proposed Ordinance will be sent to the State for their consideration for approval to implement an Ordinance, different from the RSIS Regulations. Ms. Appello and Mr. Avakian discussed the Village's Master Plan with reference to the addition of a Parking Space Requirement. Mr. Avakian stated he will start the process and report back to the Board at the next Planning Board Meeting on February 20, 2019.

PUBLIC COMMENTS

There being public present. UPON MOTION Mayor Fernicola, seconded by Ms. Appello, carried the meeting be closed to the public.

There being no further business, and UPON MOTION of Mayor Fernicola, seconded by Ms. Appello, carried that the meeting be adjourned at 8:00 p.m.

Marilyn Simons, Board Secretary