

**VILLAGE OF LOCH ARBOUR PLANNING BOARD  
MINUTES – SPECIAL MEETING  
OCTOBER 18, 2022**

**THE SPECIAL MEETING OF THE VILLAGE OF LOCH ARBOUR PLANNING BOARD  
WAS HELD IN THE LOCH ARBOUR MUNICIPAL BUILDING, 550 MAIN STREET, ON  
WEDNESDAY, OCTOBER 18, 2022 AND WAS CALLED TO ORDER BY CHAIRPERSON, ROBERT  
FERNICOLA AT 7:30 PM.**

The secretary called the roll. PRESENT WERE: Commissioner D' Angelo, Mayor Fernicola, Mr. R. Fernicola, Mr. Wiener, Mr. Maisto. ABSENT WERE: Ms. Appello, Ms. Wilusz, Mr. Santos.

Also present were Board Attorney, Mark Aikins, Esq., Board Engineer, Sam Avakian, PE, 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 Special Meeting to the Planning Board's two designated newspapers on October 13, 2022, 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.

**CORRESPONDENCE** – None

**OLD BUSINESS** –

A. This matter was carried from the May 11, 2022 Planning Board Meeting.

The following documents were received on June 28, 2022:

- Plot Plan prepared by Cranmer Engineering, PA, revised thru June 24, 2022;
- Architectural Plan prepared by Robert W. Adler and Associates, PA, revised thru June 15, 2022.

**408 Euclid Avenue, Block 12, Lot 7 (Variance)**

Revised plans were submitted. The Applicant has removed the one-story addition to the rear of the dwelling and the pool patio from the application. The Applicant is requesting approval from the Planning Board for a second-floor addition over the covered porch on the west side of the dwelling and an inground swimming pool and spa in the rear yard. The improvements require variances for building coverage and location of pool equipment.

**408 Euclid Avenue, Block 12, Lot 7 (Major Alteration)**

An Application for a Certificate of Appropriateness was received regarding 408 Euclid Avenue, Loch Arbour, New Jersey.

The following Exhibits have been marked into evidence at the meeting held May 11, 2022:

Exhibit A-1: Applications for Variance and for a Certificate of Appropriateness with attachments – dated March 3, 2022.

Exhibit A-2: Plot Plan prepared by Cranmer Engineering, PA, revised through May 3, 2022, consisting of 2 pages.

Exhibit A-3: Colored renderings of the property, consisting of 16 pages.

The following Exhibits have been marked into evidence at this meeting:

Exhibit A-4: Architectural Plan prepared by Robert W. Adler and Associates, PA, revised thru June 15, 2022.

The Board Attorney confirmed the Board has jurisdiction to hear this application.

Mr. Kitrick, Esq., summarized the application. He referenced Exhibit A-4 and stated revised plans were submitted to reflect the comments made by the Board at the last hearing. Mr. Kitrick confirmed only two variances for building coverage and location of pool equipment are needed.

Robert Adler, Architect is present at this hearing.

Robert Adler, Architect, was sworn in and accepted by the Board at the prior Planning Board Meeting held on May 11, 2022.

Mr. Adler referenced Exhibit A-4. Mr. Adler testified the one-story addition was removed from the revised plans submitted. The size of the 2<sup>nd</sup> floor plan has been reduced. Mr. Adler testified the overall building coverage is now less than 40%.

Mr. Adler testified the pool has been reduced by 3ft, which was taken off the rear of the pool. This change was done to move the pool further away from the property to the back of the applicant's property. Mr. Adler testified the pool patio was removed from the revised plans submitted and the pool is surrounded by grass.

Mr. Adler testified the pool equipment is being proposed in the side yard, due to the proximity of the neighbors.

Mr. Adler testified to the architecture of the house. Mr. Adler spoke about the roof lines on the front and side of the home

Mr. Adler confirmed on the records that the existing driveway will be removed and replaced by permeable pavers.

Mayor Fernicola and Mr. Adler discussed the pool equipment. Mr. Adler said the applicant will stipulate to installing a fence around the pool equipment and sound panels be installed to reduce the sound of the pool equipment.

Mr. Adler referenced Mr. Avakian's letter revised thru July 7, 2022. Mr. Adler confirmed the applicant will comply with #5 and #6 regarding the filter backwash lines and pool drain lines, as well as the lightening in and around the pool.

Mr. Adler confirmed with the Board the pool does not need any variances. The pool fully complies with all Village Development Ordinances.

The Board and professionals spoke about the water table in the Village, as well as the flooding issues in the Village. Mr. Adler testified the impact rainwater has on a property with a pool. Mr. Avakian discussed with the Board ground water and how that will affect the property and surrounding properties.

Mr. Adler said the applicant will stipulate having inspections done when the hole is being dug for the pool, and determine if a drainage system is needed.

Mr. Adler, Mr. Avakian and Mr. Aikins spoke about the conditions of this stipulation.

It was agreed the specific protocol will be memorialized in the Resolution.

The Board and Professionals spoke about protocol for pool installations.

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

Jacob Hedaya, 410 Euclid Avenue, is concerned about the pool being installed. Mr. Hedaya is very concerned about the ground water level in this area. Mr. Adler and Mr. Avakian explained soil borings and a grounding mounding analysis.

The Board and the professionals discussed the flooding issue. Also discussed were the issues with installing a pool in this area.

Mr. Hedaya is also concerned having a pool so close to his living space.

Alfred Hedaya, 412 Euclid Avenue, spoke about his brother's property at 410 Euclid Avenue and the flooding impact to properties in the area.

UPON MOTION of Mr. R. Fernicola, seconded by Commissioner D' Angelo, carried the meeting be closed to the public regarding questions for the Architect.

Recorded Vote:

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

Nays: None

Abstain: None

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

UPON MOTION of Mr. R. Fernicola, seconded by Mayor Fernicola, carried the meeting be opened to the public for general comments.

Jacob Hedaya, 410 Euclid Avenue, was sworn in. Mr. Hedaya is concerned about the pool being installed. Mr. Hedaya explained trees were removed from the property last year and shortly after that occurring, his basement started flooding. Mr. Hedaya stated his living space – dining room, living room – is directly next to the proposed pool. He spoke about the pool being in his side yard.

Alfred Hedaya, 412 Euclid Avenue, was sworn in. Mr. Hedaya stated he is opposed to the pool. His family enjoys the peace and tranquility of the property they have purchased, and he believes a pool will change this.

The Board Chair and Mayor Fernicola explained the Board has no authority to regulate this pool, due to it complying to the Village Land Use Regulations. The only variances being sought is the location of the pool equipment as well as building coverage.

Mr. Adler explained to Mr. Hedaya the proposed changes to the house. Mr. Hedaya did not have any objection to the changes to the house.

UPON MOTION of Mr. R. Fernicola, seconded by Mayor Fernicola, carried the meeting be closed to the public for general comments.

Recorded Vote:

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

Nays: None

Abstain: None

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

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried the variances be granted for the application of 408 Euclid Avenue, Block 12, Lot 7 with any and all conditions/stipulations which will be set forth in the Resolution. The Resolution will be memorialized at the regular scheduled Planning Board Meeting on November 9, 2022.

Recorded Vote:

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

Nays: None

Abstain: None

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

Robert Adler, Architect, discussed with the Board the Certificate of Appropriateness. Mr. Adler testified that the design of the addition is consistent with the architecture of the home, as well as the neighborhood. The roof and siding will match the existing materials. Mr. Adler testified the new windows will match and enhance the design. Mr. Adler testified the design is a historically flavored home and the homeowner is proposing to enhance and returning some of the finishes to be more traditional. Mr. Adler confirmed the porch railings and the dimensions of the porch are staying as is.

UPON MOTION OF Mr. R. Fernicola, seconded by Mr. Commissioner D' Angelo, carried the meeting be opened to questions regarding the Certificate of Appropriateness.

No questions or comments, UPON MOTION Mr. R. Fernicola, seconded by Commissioner D' Angelo, carried the meeting be closed to the public.

**Recorded Vote:**

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

Nays: None

Abstain: None

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

UPON MOTION of Mr. R. Fernicola, seconded by Commissioner D' Angelo, carried a Certificate of Appropriateness (MAJOR) be granted for the application for 408 Euclid Avenue, Block 12, Lot 7, with any and all conditions which will be set forth in the Resolution. The Resolution will be memorialized at the next regular scheduled Planning Board Meeting on November 9, 2022.

**Recorded Vote:**

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

Nays: None

Abstain: None

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

**NEW BUSINESS**

**A.337 Euclid Avenue, Block 3, Lot 16** – Application is being carried until the next Regular scheduled Planning Board Meeting to be held on November 9, 2022. The Applicant's attorney asked for a special meeting date for November 7, 2022. The Board Attorney is not available for the special meeting so this application will be heard on Wednesday, November 9, 2022.

**B. Village Ordinance 2022-480** – The following matter has been referred from the Board of Commissioners for discussion and consideration.

**ORDINANCE 2022-480**

AN ORDINANCE TO AMENDING AND SUPPLEMENTING ORDINANCE NO. 156, ENTITLED "AN ORDINANCE ESTABLISHING LAND USE DEVELOPMENT REGULATIONS (CHAPTER 291, P.L. 1975) AMENDING ORDINANCE 156, ARTICLE 4, (417 D) ENTITLED "PERMITS" FOR THE VILLAGE OF LOCH ARBOUR, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY."

WHEREAS, by the Board of Commissioners of the Village of Loch Arbour, in the County of Monmouth and State of New Jersey, that the Ordinance referred to in the title hereof is amended and supplemented as follows:

BE IT ORDAINED, the Board of Commissioners of the Village of Loch Arbour has determined it is in the best interest of the community to revise portions of the existing Land Use Development Regulations to address escrows and costs for reviewing applications, making zoning determinations and conducting inspections to assure that approved projects are constructed according to the approved plans.

SECTION 1: ORDINANCE 156, ARTICLE 4, (417 D) is hereby amended to read as follows:

TYPE OF APPLICATION	FEE	ESCROW
Zoning Determination	\$100.00	No escrow
Zoning Determination	\$100.00	\$1,000.00



ORDINANCE 2022-481

AN ORDINANCE TO AMENDING AND SUPPLEMENTING ORDINANCE NO. 156, ENTITLED  
“AN ORDINANCE ESTABLISHING LAND USE DEVELOPMENT REGULATIONS (CHAPTER 291, P.L.  
1975) AMENDING ORDINANCE 156 and ORDINANCE 265, FOR THE VILLAGE OF LOCH ARBOUR, IN  
THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY.”

WHEREAS, by the Board of Commissioners of the Village of Loch Arbour, in the County of Monmouth and State of New Jersey, that the Ordinance referred to in the title hereof is amended and supplemented as follows:

BE IT ORDAINED, the Board of Commissioners of the Village of Loch Arbour has determined it is in the best interest of the community to revise portions of the existing Land Use Development Regulations to address escrows and costs for reviewing applications, planning board escrows and conducting inspections to assure that approved projects are constructed according to the approved plans.

SECTION 1: Subsection D, Variances, of Section 412, FEES, of Article 4, GENERAL PROVISIONS, and Ordinance 265, is hereby amended to read as follows:

Subsection D. All applications for variances shall be accompanied by a minimum of \$3,500.00 deposit for professional services, including engineering and/or inspection fees to be held in escrow and disbursed as necessary. Any balance remaining upon completion and final approval shall be returned to the applicant.

SECTION 2: A copy of this Ordinance, upon introduction, shall be provided to appropriate municipal agencies, including the Planning Board, for their review and comment pursuant to applicable New Jersey Statutes.

SECTION 3: Any Ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Village of Loch Arbour Code are ratified and remain in full force and effect.

SECTION 4: If any provision of this Ordinance or the application of such provision to any person or circumstances is declared invalid, such invalidity shall not affect the other provisions of applications of this Ordinance are declared to be severable.

SECTION 5: This Ordinance shall take effect immediately upon final passage and publication as required by law.

DISCUSSION: The Planning Board Secretary explained Ordinance. Board and Professionals discussed.

RESOLUTION: UPON MOTION of Mr. R. Fernicola, seconded by Commissioner D' Angelo, carried that the following resolution be adopted:

WHEREAS, the Planning Board of the Village of Loch Arbour, New Jersey conducted a meeting on October 18, 2022, at which time there was a discussion regarding Village of Loch Arbour Ordinance #2022-481, which was introduced by the Village of Loch Arbour Board of Commissioners on first reading at their regular meeting held October 5, 2022;

Ordinance #2022-481

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 156, ENTITLED “AN  
ORDINANCE ESTABLISHING LAND USE DEVELOPMENT REGULATIONS (CHAPTER 291. P.L. 1975)

AMENDING ORDINANCE 156 and ORDINANCE 265 FOR THE VILLAGE OF LOCH ARBOUR, IN THE  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY."

WHEREAS, the Board considered Ordinance #2022-481 to determine if said Ordinance is  
consistent with the Village of Loch Arbour Master Plan; and

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Village of Loch Arbour,  
that the Secretary of the Planning Board be and she hereby is authorized and directed to transmit this  
Resolution, to the Clerk of the Village of Loch Arbour, New Jersey confirming the Planning Board  
determined Ordinance #2022-481 is consistent with the Village of Loch Arbour Master Plan.

Recorded Vote:

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

Nays: None

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

Abstain: None

**SCHEDULING -**

**A. Pending Application – 329 Euclid Avenue – (awaiting revised plans)  
Block 3, Lot 12**

**B. Next Planning Board Meeting – Wednesday, November 9, 2022 at 7:30 p.m.**

**PUBLIC COMMENTS –**

UPON MOTION of Mr. R. Fernicola, seconded by Mayor Fernicola, carried that the meeting be  
opened to the public for comments.

No public comment, UPON MOTION of Mr. R. Fernicola, seconded by Mayor Fernicola,  
carried that the meeting be closed to the public.

Recorded Vote:

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

Nays: None

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

The Board Chairman asked the Mayor about the Pool Ordinance for soil borings and  
groundwater mounding. The Mayor stated Village Engineer, Peter Avakian, made a presentation to  
the Board of Commissioners at the last meeting and the Mayor and Commissioners had questions and  
the Village Engineer will report back to the Mayor and Commissioners at the next Board Meetings.

The Board and the professionals had a lengthy conversation regarding different methods that  
the Village can put into effect to help the flooding issues in the Village.

UPON MOTION of Mr. R. Fernicola, seconded by Mr. Wiener, carried, that the meeting be  
finally adjourned at 8:50 PM.

---

Marilyn Simons  
Board Secretary