

**VILLAGE OF LOCH ARBOUR PLANNING BOARD  
MINUTES –REGULAR MEETING  
APRIL 13, 2022**

**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 13, 2022 AND WAS CALLED TO ORDER BY MAYOR PAUL FERNICOLA  
AT 7:30 PM.**

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

Also present were Board Attorney, Mark Aikins, Esq., 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 24, 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.

**MINUTES**

UPON MOTION of Mr. Santos, seconded by Mayor Fernicola, carried, the following minutes are approved as submitted.

- Regular Meeting and Executive Session of the Planning Board held on March 9, 2022.

**Recorded Vote:**

Ayes: Mayor Fernicola, Mr. Santos

Nays: None

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

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

**CORRESPONDENCE** – None

**OLD BUSINESS** – None

**NEW BUSINESS** –

**A. 205 Edgemont, LLC, Block 11, Lot 10**

Planning Board of the Village of Loch Arbour advs. 205 Edgemont, LLC  
Docket No. MON:-L-863-20

Whispering Woods Settlement Hearing

Jennifer Krimko, Esq., of the law firm of Ansell, Grimm and Aaron, PC., appeared on behalf the owners of 205 Edgemont, LLC.

Ms. Krimko discussed the Settlement Agreement with the Board. She stated the approval is specifically conditioned upon the resident being age-restricted by deed as "55 or older housing" within the meaning of the Federal Fair Housing Act of 1995.

The Board Attorney, Mark Aikins, Esq., confirmed a public hearing was noticed pursuant to N.J.S.A. 40:55D-12, and is being held by the Planning Board pursuant to Whispering Woods v. Middletown Planning Board, 220 N.J. Super, 161 (1987).

The Board discussed the conditions regarding the age restriction. Ms. Krimko discussed with the Board the specific language regarding the age restriction. Ms. Appello discussed the restrictions with the Board.

The record to reflect no members of the public is present at this meeting.

UPON MOTION of Mayor Fernicola, seconded by Carol Wilusz, carried the following Resolution be adopted:

WHEREAS, the Village Planning Board was named in a lawsuit with regards to the decision of the Planning Board for the property known as 205 Edgemont Drive: (Planning Board of the Village of Loch Arbour advs. 205 Edgemont, LLC., Docket No. MON-L863-20);

WHEREAS, representatives of the Parties have subsequently agreed upon a Settlement;

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

1. Board Attorney, Mark Aikins, Esq., confirmed a public hearing was noticed properly pursuant to N.J.S.A 40:55D-12., with reference to the property known as 205 Edgemont Drive, Loch Arbour, New Jersey.
2. The Plaintiff has submitted a Settlement Agreement and the Village Planning Board authorize Board Attorney, Mark Aikins, Esq., to sign the subject Settlement Agreement.

Recorded Vote:

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

Nays: None

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

**B. 329 Euclid Avenue, Block 3, Lot 12, (Major Alteration)**

An Application for a Certificate of Appropriateness was received regarding 329 Euclid Avenue, Loch Arbour, New Jersey.

This matter has been adjourned due to lack of a quorum.

It was determined this matter will be adjourned until the next Planning Board Meeting scheduled for May 11, 2022 at 7:30 p.m., with no need for further notice.

**SCHEDULING -**

**A. Pending Application – Variance/Cert. of Appropriateness –  
408 Euclid Avenue, Block 12, Lot 7**

**B. Next Planning Board Meeting – Wednesday, May 11, 2022 at 7:30 p.m.**

The Board discussed the meeting be hybrid. The Meeting would be conducted in person and on Zoom.

The Board Attorney, Mark Aikins, Esq., indicated he would have to look into if the Board is allowed to conduct a hybrid meeting. He stated he would report back to the Board.

**C.** The Board discussed recommending to the Mayor and Commissioners to adopt an Ordinance to reduce the number of members that serve on the Planning Board. This matter was discussed due to the lack of members to serve on the Planning Board and the attendance of the current members.

The Board Attorney, Mark Aikins, Esq., indicated he would look into an Ordinance and report back to the Board.

**D.** The Board discussed the lawsuit entitled: Power Station of Allenhurst, LLC vs. Borough of Commissioners of the Borough of Allenhurst; and Allenhurst Planning Board, Docket No. MON-L-002551-21. The Board of Commissioners adopted a Resolution to intervene in said lawsuit.

The Board discussed said lawsuit. Vice-Chairperson, Ms. Appello discussed the parking issues that will potentially exist if this project is constructed as proposed. Discussed was the Buena Vista Residents and the potential need for a residential parking permit in that area.

**PUBLIC COMMENTS –**

No public present at this time.

UPON MOTION of Mayor Fernicola, seconded by Ms. Appello, carried, that the meeting be finally adjourned at 8:00 PM.

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Marilyn Simons  
Board Secretary