







*Decibel (dB)* shall mean a unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals twenty (20) micronewtons per square meter.

*Motor vehicle* shall mean any vehicle which is propelled or drawn by mechanical equipment, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, mopeds, minibikes, go-carts, snowmobiles, amphibious craft, dune buggies or racing vehicles.

*Noise* shall mean any sound which annoys or distracts humans or which causes an adverse psychological effect on humans.

*Person* shall mean any individual, association, partnership, corporation, or other entity.

*Sound pressure level* shall mean the weighted sound pressure level obtained by the use of sound level meter and frequency weighted network of the "A" type as referred to in the N.J. Adm. Code 7:29-1.1, or the latest approved revision thereof. The sound pressure level measured in decibels using the aforesaid A-weighting network shall be designated dBA.

*Sound level meter* shall mean an instrument commonly used to measure sound pressure levels, which includes a microphone, amplifier, root-mean-square (RMS) detector, integrator or time averager, output meter and A-weighting network.

#### 1.2 **Creation of Loud or Unnecessary Noise Prohibited**

It shall be unlawful for any person to make, continue, or cause to be made or continued, directly or indirectly upon premises owned, occupied, or under the control of such person, any unreasonably loud, disturbing or unnecessary noise which does or is likely to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of any individual.

#### 1.3 **Certain Sound Pressure Levels Prohibited**

a. *By Land Use.* It shall be unlawful for any person to operate or permit to be operated upon premises owned, occupied, or under the control of such person any source of noise in such manner as to create a sound pressure level in excess of the levels set forth in Table 1, or more than ten (10) decibels above the existing background level.

**TABLE 1**

<i>Time</i>	<i>Sound Pressure Level Limit dBA</i>
8:00 a.m. - 11:00 p.m.	65
11:00 p.m. - 8:00 a.m.	50

b. *By Motor Vehicle Operation.* It shall be unlawful for any person to operate a motor vehicle on a public right-of-way in such a manner as to create a sound pressure level in excess of the levels set forth in Table 2, measured at a distance of fifty (50) feet from the center line of the right-of-way being monitored.

**TABLE 2**

<i>Vehicle Class</i>	<i>Sound Pressure Speed Limit</i>	<i>Level Limit dB(A) Speed Limit</i>
<i>more</i>	<i>35 mph or less</i>	<i>35 mph or</i>
Federally Registered Interstate Motor Carrier	86	90

All other motor vehicles with a manufactures gross vehicle rating of 10,000 pounds or more, and any combination of vehicles towed by such motor



4. **Ordinance #2015-412** - introduction

**AN ORDINANCE OF THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY DECLARING ALL PUBLIC AREAS OF BLOCKS 6, 7, & 8 ON THE OFFICIAL TAX MAP OF THE VILLAGE OF LOCH ARBOUR TO BE A PLACE OF RESORT FOR PUBLIC HEALTH, RECREATION AND BATHING, PROMULGATING REGULATIONS FOR THE BEACH AREA, PROHIBITING SWIMMING IN AN UNPROTECTED BEACH AREA AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, as follows:**

1. Unless permitted in a designated area of the beach as authorized by the Board of Commissioners, in which case signs shall be posted in public view to advise the general public of the acts which are permitted in said designated area, no person shall do any of the following things at or upon the beach, which encompasses all public areas of Blocks 6, 7 and 8 on the Official Tax Map of the Village of Loch Arbour, said areas being hereby declared to be a place of resort for public health, recreation and bathing:

- A. Throw, drop, discard or leave any wastepaper, garbage or other refuse on the beach or in the water or anywhere which is not a designated trash or recycling receptacle; or in any way litter, make unsightly, damage, destroy or disfigure the said beach or any public or private property thereat.
- B. Sell, peddle or hawk any food, drink or confections upon the public beach, unless specifically authorized by agreement approved by the Board of Commissioners.
- C. Make any loud noise, sound or music to the annoyance of any other person; or use loud or obscene language.
- D. Play ball or any other game in a bathing area, ride or operate a surfboard in a bathing area or engage in any activity which will endanger another person or interfere with the enjoyment of the quiet use of the beach or said place of public resort by another person or do anything which shall endanger the life, health or safety of oneself or any other person.
- E. Take or permit his or her dog to be or go upon the public beach or in the water at a public bathing beach from May 15 to September 15 of any year.
- F. Go into or remain in the water at any beach when:
  - i. It is unsafe to do so. This prohibition shall include swimming out from the beach so far that, in the judgment of a lifeguard or the Beach Manager, it is unsafe.
  - ii. Directed by a public lifeguard to come from said water.
  - iii. Intoxicated.
- G. Swim in the water in an area of the beach which is not protected by lifeguards unless said person is utilizing a surfboard or other flotation or recreational device which is tethered to the swimmer's body by a lanyard or other suitable cord, or is operated by means of a paddle or oars.
- H. Go out in the water at a bathing beach farther than directed by a public lifeguard or in violation of a reasonable order of a lifeguard when the safety of the bather is or may be endangered by going in the water.
- I. Operate a privately owned beach buggy or other motor vehicle on a beach.
- J. Enter or attempt to enter upon the public beach without having purchased a current and valid beach badge from the Village of

Loch Arbour. Upon request of any lifeguard, beach attendant, police officer, special officer or other officer or employee of the Village, an individual on the public beach shall present his or her beach badge as proof that he or she entered upon the beach in a legal manner. Failure to produce a current and valid beach badge shall be grounds for removal from the public beach and the issuance of a complaint for violation of this section.

- K. Build or maintain bonfires or fires on the beach, without express approval of the Board of Commissioners or Commissioner in charge of the beach.

2. Violations and Penalties

Any person, company, corporation, organization, association or body of individuals found guilty of violating any provision of this ordinance, shall upon conviction for a first offense be penalized by a fine not exceeding \$1000, or a term of community service not exceeding 90 days, or a term of imprisonment in county jail for a period of not more than sixty (60) days, or any combination of the above as directed by the court. Upon conviction for a second or subsequent offense, a person shall be penalized by a fine of not less than \$500 but not exceeding \$2000 and shall be required to perform a period of community service of at least five (5) days. For the purposes of this section, a second or subsequent offense shall be an offense that occurs within the same calendar year as a prior offense.

3. Exemptions

Paragraph J of Section of 1 of this Ordinance shall not apply to the owner or authorized guests of the owner of Lot 1.02 in Block 7 and Lots 1 and 2 in Block 8 on the Official Tax Map of the Village of Loch Arbour.

UPON MOTION, of Mayor Fernicola, seconded by Commissioner Cheswick, carried that said Ordinance 2015-412 be adopted on first reading, directing the Clerk to post and publish as required by law and setting the date for the public hearing as September 9, 2015.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola  
Nays: None Absent: None

5. **Ordinance #2015-413** - introduction

**ORDINANCE OF THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY APPROPRIATING \$40,000 FROM THE CAPITAL IMPROVEMENT FUND FOR PAYMENT OF LEGAL FEES REGARDING POTENTIAL LITIGATION PERTAINING TO SCHOOL DISTRICT AFFILIATION OF THE VILLAGE OF LOCH ARBOUR**

**WHEREAS**, the Village of Loch Arbour is a member of the Ocean Township School District; and

**WHEREAS**, the Board of Commissioners of the Village of Loch Arbour anticipate the expenditure of legal fees pertaining to the continued affiliation of the Village of Loch Arbour with the Ocean Township School District.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the Village of Loch Arbour, in the County of Monmouth and the State of New Jersey, that the sum of \$40,000 be and hereby is appropriated from the Capital Improvement Fund for payment of anticipated legal fees in connection with potential litigation pertaining to the continued affiliation of the Village of Loch Arbour with the Ocean Township School District.

This Ordinance shall become effective twenty days after its final passage and publication as required by law.

UPON MOTION, of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that said Ordinance 2015-413 be adopted on first reading, directing the Clerk to post and publish as required by law and setting the date for the public hearing as September 9, 2015.

MINUTES - rescheduled REGULAR MEETING  
August 12, 2015

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Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola  
Nays: None Absent: None

6. **Resolution 2015-72:** UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried the following Resolution be adopted.

WHEREAS, a Tax Court Judgment has been favorably awarded to Jacinto Rodriguez, Block 9, Lot 11 for the year 2012, 2013, 2014; and

WHEREAS, such judgment has resulted in an overpayment of 2012 property taxes in the amount of \$ 7,468.53, 2013 overpayment in the amount of \$7,128.26 and 2014 overpayment in the amount of \$4,154.83.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour, County of Monmouth, State of New Jersey hereby authorize the Village treasurer to issue a check in the amount of \$ 18,751.62 for said overpayment of property taxes to Daniel G. Keough, Trustee".

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the following:

- A. Theresa Vola, CTC- Acting Tax Collector
- B. Michael Mariniello, CFO - Treasurer
- C. Jacinto Rodriguez

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola  
Nays: None Absent: None

7. **Resolution 2015-73:** UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried this Resolution Market Value vs. Assess Value, County Tax Rate Ratio will be tabled indefinitely.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola  
Nays: None Absent: None

8. **Resolution 2015-74:** UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, the following Resolution be adopted:

WHEREAS, the Board of Commissioners of the Village of Loch Arbour have discussed the feasibility of adopting an Ordinance to establish a historic preservation zone and promulgating regulations in the Village of Loch Arbour; and,

WHEREAS, the Board of Commissioners have decided to create an Advisory Committee to propose possible standards for Historic Preservation Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the appointees to the Advisory Committee shall be as follows:

- 1. Mr. Robert Fernicola
- 2. Mr. Paul Williams
- 3. Mr. Michael Goodman
- 4. Mr. Antonio Santos
- 5. Mr. Joseph Shamie

BE IT FURTHER RESOLVED that the Advisory Committee schedule of meetings must be advertised in accordance with Open Public Meetings Act, c.231, P.L. 1975.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be supplied to each member of the Advisory Committee.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola  
Nays: None Absent: None





MINUTES - rescheduled REGULAR MEETING  
August 12, 2015

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Shamie indicated he would like the decibel levels be higher for both the daytime and the nighttime.

Joseph Shamie, Euclid Avenue, commented about where the decibel level is being measured from.

Cathy Cunniff, Euclid Avenue, stated she opposes an 8:00 pm time frame to measure a lower decibel level.

Ed Lee, Euclid Avenue, stated the proximity of the homes in Loch Harbour are closer than in Deal and should be taken into consideration. Mr. Lee would like the Commissioners to reconsider the times indicated of the sound levels.

David Mosseri, Norwood Avenue, stated he is alarmed about putting the Noise Ordinance into effect the way it is written. He commented to run a lawn mower would violate this Ordinance.

Melanie Nowlin, commented that construction should not be done after 6:00 p.m.

Steven Stein, Edgemont Drive, apologized for the noise due to his party over the past weekend. Mr. Stein stated he did not want his party shut down and he was aware that the Village's noise ordinance was up until 11:00 p.m. He made sure the music was shut off by 10:15 p.m. He stated he was not notified throughout the party the music was too loud. Mr. Stein stated the night of his party a perpetrator came into his backyard and ripped the power meter off of his house, and stated the incident was very upsetting to him. He also stated he opposes the proposed Lighting Ordinance, due to the fact he uses lighting for safety.

Mrs. Loushine, Euclid Avenue, commented about the brightness of Mr. Stein's light in his back yard. She also commented about the decibel levels in the proposed Ordinance.

Mary Pat Fischer, Euclid Avenue, commented how exceptionally loud Mr. Stein's music was during his party. A vase fell off of her shelf and the Police assured her they had asked Mr. Stein to turn the music down.

Mrs. Loushine, Euclid Avenue, asked about the charity event that is being held in Allenhurst on August 22, 2015.

Mayor Fernicola stated he spoke with the Deal Police Chief and he recommends the request be approved for the use of the Village Beach Parking Lot on the condition that Mr. Ashkenazi hires a valet service, two Deal Police Officers. The Acting Clerk recommended that two Village Beach Gate Personnel be hired.

Mrs. Harvey, Buena Vista Court, asked about any compensation for letting them use the Village Parking Lot. Mayor Fernicola stated the Village will not be compensated for the use of the parking lot.

Melanie Nowlin, Edgemont Drive, suggested residents purchase motion detectors. Ms. Nowlin also suggested the Deal Police Department come to the next meeting to do a presentation on how the decibel level meter works. Mr. Nowlin also suggested to move the meeting to September 2, 2015, before Labor Day, so all residents can participate in the discussion.

Joseph Shamie, Euclid Avenue, stated he lives across the street from Mr. Stein's home on Euclid Avenue and the noise was terrible. He stated the residents should think about putting into effect such a stringent Noise Ordinance.

Mr. Ryan stated he will review and research the New Jersey Department of Environmental Protection Standards and the model Ordinance that the DEP has promulgated.

John Reng, Euclid Avenue, stated the Noise Ordinance should be adopted immediately.

MINUTES - rescheduled REGULAR MEETING  
August 12, 2015

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Mrs. Loushine, Euclid Avenue, is in support of the Village allowing the Village Beach Parking Lot to be used for the Charity Event, to alleviate cars parked on the streets.

Cathy Cunniff, Euclid Avenue, asked about other ordinances for large gatherings. Ms. Cunniff also stated she is in support of the Village allowing the Village Beach Parking Lot to be used for the Charity Event.

David Mosseri, Norwood Avenue, asked about the status of the Village taxes. Mayor Fernicola explained.

Melanie Nowlin, Edgemont Drive, asked about the \$40,000.00 Ordinance and confirmed it is for the Attorney working on the tax situation.

Cathy Cunniff, Euclid Avenue, asked about the Ordinance to prohibit swimming at the beach. Mayor Fernicola explained. Ms. Cunniff stated this sounds like a hardship for the beach personnel.

Sam Shamie, Evergreen Place, asked when negotiating the trash contract that expires at the end of this year, to have the recyclables picked up every other week.

There being no further comments, and UPON MOTION, Mayor Fernicola seconded by Commissioner D'Angelo, carried, that the public hearing be closed.

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, the following resolution be adopted.

WHEREAS, Albert Ashkenazi has requested permission to use the Village of Loch Arbour Beach Club Parking Lot on August 22, 2015 from 9:00 p.m. to 2:00 a.m. for a charity event to be held at his home at 1A Elberon Avenue, Allenhurst and

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Village of Loch Arbour that permission is hereby granted to allow the Village of Loch Arbour Beach Club Parking Lot on August 22, 2015 from 9:00 p.m. to 2:00 a.m., subject to the following conditions, which is all at the expense of Mr. Ashkenazi:

1. Hire two Deal Police Officers to direct traffic.
2. Hire a professional Valet Service and provide the Village receipt by August 20, 2015 at 4:00 p.m.
3. Hire two Village Beach Personnel.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be supplied to:

- Albert Ashkenazi
- Chief Ronen Neuman, Borough of Deal Police Department

Recorded Vote:

Ayes: Commissioner D' Angelo, Mayor Fernicola  
Nays: Commissioner Cheswick                      Absent: None

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the following **Resolution** be and the same is hereby adopted:

WHEREAS, Section 8 of the Open Public Meetings Act, N.J.S.A. 10:4-12 et seq., permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour, Monmouth County, New Jersey, as follows:

1. The public shall be excluded from discussion of and actions upon the hereinafter-specified subject matter.



