

**VILLAGE OF LOCH ARBOUR  
MINUTES -REGULAR MEETING  
JUNE 3, 2015**

**THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF THE VILLAGE OF LOCH ARBOUR, MONMOUTH COUNTY, NEW JERSEY, WAS HELD IN THE VILLAGE OF LOCH ARBOUR MUNICIPAL BUILDING, 550 MAIN STREET, LOCH ARBOUR, NEW JERSEY ON JUNE 3, 2015, CALLED TO ORDER AT 6:30 P.M. BY MAYOR PAUL V. FERNICOLA.**

Following the salute to the Flag the Deputy Clerk called roll, present were Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola.

Also present were Guy P. Ryan, Esq., Village Attorney, Daniel J. Mason, Acting Clerk and Marilyn Simons, Deputy Clerk.

The Deputy Clerk read the Open Public Meetings Announcement: The notice requirements of C.231, P.L. 1975, have been satisfied by transmitting the notice of this Regular Meeting to the Village's two official newspapers on January 21, 2015 posting the notice on the office bulletin board on the same date and filing a copy of the notice in the Clerk's office.

**PAYMENT OF BILLS**

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, that the payment of bills totaling \$42,746.62 for the month of June, 2015 be and the same is hereby approved as presented.

Recorded Vote:

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

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the payment to the Township of Ocean Board of Education in the amount of \$158,029.92 for the month of June, 2015 be and the same is hereby approved;

Recorded Vote:

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

**CONSENT AGENDA**

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the following reports and correspondence for the period ending May 31, 2015 on file in the Village Clerk's office, be and the same are hereby ordered received and filed:

**REPORTS**

- Expenditure Report
- Revenue Received Report
- Tax Collections Report
- Deal Police Department, Monthly Incident Report

**CORRESPONDENCE**

- Monmouth Regional Health Commission No. 1, agenda and various reports/correspondence;
- Annual report and Certification Form for Storm water Management Regulations for the Village of Loch Arbour and filed with the NJDEP by Village Engineer, Peter Avakian, PE.
- Public Works Service Agreement from the Borough of Allenhurst. The current Shared Services Agreement for Public Works Services will expire at the end of this year. (2015)

Recorded Vote:

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

**OLD BUSINESS -**

**1. ORDINANCE #2015-405 -**

The Village Attorney read the said Ordinance by Title, advising of its publication in its entirety in *The Asbury Park Press* on May 25, 2015,

**ORDINANCE #2015-405**

**AN ORDINANCE TO AMEND ORDINANCE #376 OF THE VILLAGE OF LOCH ARBOUR ENTITLED "AN ORDINANCE TO CREATE A MUNICIPAL BEACH IN THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, AND TO REGULATE AND PROVIDE FUNDS TO IMPROVE, MAINTAIN AND POLICE THE SAME, AND PROVIDING FOR THE CHARGING AND COLLECTING OF REASONABLE FEES FOR THE REGISTRATION OF PERSONS USING SAID LANDS AND BATHING AND RECREATIONAL GROUNDS SO PROVIDED, AND FOR THE USE OF BATHING AND RECREATIONAL FACILITIES."**

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

Section 1. ARTICLE II REGISTRATION AND ADMISSION TO BEACH, Section 3 is amended and supplemented to read as follows:

Section 3.c. Effective July 1, 2015, daily admittance and facilities service charge for persons 12 years of age or older:

- Monday through Thursday (except Legal Holidays), \$6.00 per person, per day;
- Friday, Saturday, Sunday and all Legal Holidays, \$10.00 per person, per day;

Section 2. EFFECTIVE DATE

This Ordinance shall take effect July 1, 2015 after its final passage and publication as required by law.

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D'Angelo, carried, that the meeting be opened for comments on the said Ordinance only.

There being no comments, and UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that the public hearing be closed.

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that said Ordinance #2015-405 be and the same is hereby adopted, directing the Clerk to post and publish as required by law.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola

Nays: None

Absent: None

## **2. ORDINANCE #2015-406 -**

The Villlage Attorney read the said Ordinance by Title, advising of its publication in its entirety in *The Asbury Park Press* on May 25, 2015.

### **ORDINANCE NO. 2015-406**

**AN ORDINANCE TO AMEND ORDINANCE #2013-387 OF THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ESTABLISHING AN AREA FOR PLACEMENT OF PARKING METER TERMINAL, PAYMENT FOR SAME BY A MULTI-SPACE PARKING METER TERMINAL, PRESCRIBING REGULATIONS RELATIVE TO PARKING OF VEHICLES UPON SUCH STREETS, PROVIDING FOR THE ESTABLISHMENT OF A PARKING METER ZONE AND PROVIDING FOR THE ESTABLISHMENT OF RATES FOR METER PARKING AND THE ENFORCEMENT AND PENALTIES FOR VIOLATIONS THEREOF.**

**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, as follows:**

**Section 1:**

**Section 2: PARKING METER ZONE ESTABLISHED**

**Section 4. CHARGES AND FEES.** Effective July 1, 2015, the owner or operator of a vehicle shall, immediately upon entering a parking space, pay either in a parking meter, or in a multi-space parking meter terminal, the sum of fifty (\$0.50) cents for each period of fifteen (15) minutes or \$2.00 per hour during the dates and hours parking meters are in effect.

#### **Section 2. EFFECTIVE DATE**

This Ordinance shall take effect July 1, 2015 after its final passage and publication as required by law.

UPON MOTION of Commissioner Cheswick, seconded by Commissioner D' Angelo, carried, that the meeting be opened for comments on the said Ordinance only.

Robert Fernicola, Euclid Avenue, suggested eliminating the parking fees on Edgemont Drive in front of the homes that have meters on the Ocean block. The homeowners from that area will park on Euclid Avenue in front of his home and stay there all weekend.

Paul Williams, Euclid Avenue, suggested parking permits to residents.

Mary Farrar, Euclid Avenue, suggested giving each resident one or two stops designated to their home.

Acting Clerk, Dan Mason, advised he would contact the police department and have a survey conducted. The options will be reported at the next Commissioner's Meeting.

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

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried, that said Ordinance 2015-406 be and the same is hereby adopted, directing the Clerk to post and publish as required by law.

Recorded Vote:

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

### **2015 Municipal Budget Amendment**

#### **3. RESOLUTION 2015-58:**

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

WHEREAS, the Village of Loch Arbour 2015 Municipal Budget was introduced and approved on the 8th day of April, 2015; and,

WHEREAS, the Amendment to the 2015 Municipal Budget was introduced and approved on the 13<sup>th</sup> day of May, 2015; and

WHEREAS, pursuant to N.J.S.A. 40A:4-1, et seq., the Synopsis of the Budget was published in *The Coaster* on April 16, 2015 and the Affidavit of Publication is on file in the Village Clerk's office; and,

WHEREAS, pursuant to N.J.S.A. 40A:4-1, et seq., the Synopsis of the Amendment to the Budget was published in *The Coaster* on May 21, 2015 and the Affidavit of Publication is on file in the Village Clerk's office; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the budget hereinbefore set forth shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$1,557,002.71 for municipal purposes.

Recorded Vote:

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

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried that the meeting be opened to the public for comments on the said 2015 Budget Amendment, only.

There being no comments from the public present. UPON MOTION of Mayor Fernicola seconded by Commissioner D' Angelo, carried that the meeting be closed.

**Resolution 2015-49:** UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the following Resolution be adopted:

WHEREAS, PURSUANT TO N.J.S.A. 40A:4-1, et seq., the Synopsis of the Budget was published in *The Coaster* on April 16, 2015 and the Affidavit of Publication is on file in the Village Clerk's office.

WHEREAS, pursuant to the requirements of N.J.S.A. 40A:4-8 et seq., the completed copy of the 2015 Municipal Budget was supplied to the State of New Jersey and upon review an Amendment to Budget was completed.

WHEREAS, pursuant to N.J.S.A. 40A:4-1, et seq., the Synopsis of the Amendment to the Budget was published in *The Coaster* on May 21, 2015 and the Affidavit of Publication is on file in the Village Clerk's office; and

BE IT FURTHER RESOLVED, that the adoption of the 2015 Municipal Budget as amended be approved.

Recorded Vote:

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

NEW BUSINESS

1. **Ordinance 2015-407:** Introduction  
The Clerk to read the Ordinance by Title:

**HISTORIC PRESERVATION ORDINANCE**

**AN ORDINANCE OF THE VILLAGE OF LOCH ARBOUR ESTABLISHING A HISTORIC PRESERVATION ZONE AND PROMULGATING REGULATIONS THEREFOR**

**001 SHORT TITLE**

This Ordinance shall be known and cited as the "Historic Preservation Ordinance of the Village of Loch Arbour."

**002 HISTORIC DISTRICT ESTABLISHED**

There is hereby established within the Village of Loch Arbour a "Historic District." The boundaries of the Village of Loch Arbour Historic District (hereinafter referred to as the "District"), are coterminous with the boundaries of the Village.

**003 PURPOSES AND INTENT**

003.1 Purposes of the Historic Preservation Ordinance

The "HPO", has the following general purposes:

- A. To provide a means to preserve the visual sense of the past of Village of Loch Arbour, as reflected in its architecture.
- B. To maintain an appropriate and harmonious application of architectural styles befitting and complementary to the architecturally significant buildings within the Village of Loch Arbour.

- C. To stabilize and improve property values.
- D. To foster civic beauty and neighborhood pride.
- E. To encourage private investment in existing or new buildings in a manner that preserves, restores, repairs, or is compatible with the original architectural style characteristic within the District.
- F. To encourage preservation of the visual sense of the past in a manner that minimizes hardships on residents of the District.

#### 003.2 Intent of the Historic Preservation Ordinance.

It is the intent of this ordinance to establish the circumstances, conditions and procedures to obtain a Certificate of Appropriateness, as hereinafter defined, from the Planning Board as it pertains to exterior architectural features, applications for permits from the Construction Official or applications for development of properties in the "District". No building permit, where such is required, shall be issued unless a Certificate of Appropriateness shall have been previously issued by the Planning Board, pursuant to this Ordinance, except in the case of an Ordinary Repair, Emergency Repair or where no change to a Major Architectural Element is proposed.

#### **004 DEFINITIONS**

As used in the HPO, the following terms shall have the meanings indicated:

**ACCESSORY BUILDING** shall mean a building, which is customarily associated with and is subordinate and incidental to the principal building, and exceeds a 40 square foot footprint and/or five (5) feet in height at its peak.

**ADDITION** shall mean any extension or increase in the size, floor area or height of a building.

**ADMINISTRATIVE OFFICER** shall mean the person designated by the Board of Commissioners to handle the administration of applications in accordance herewith as well as the coordination of building applications as referenced herein.

**ALTERATION, MAJOR** shall mean the addition, change or modification of major architectural elements to a building, which effects the design, shape, pitch or existence of the roof including, but not limited to, main roofs, dormers, roofs of bay or cantilevered windows, pediments, parapets, towers, porches, cupolas, Porte Cochere and balconies, as well as alterations, including demolition of non-linear (e.g. oval, Palladian, etc.) window frame outlines. Major alterations would additionally include changes by additions or complete conversion or alteration of the traditional predominant substance, texture or finish of a building (e.g. changing from wood to stucco, stucco to brick), and changes by additions or complete conversion or alteration of columns and railings on any exterior elevation.

**ALTERATION, MINOR** as distinct from alteration, major, shall mean the replacement or renewal of existing work, requiring a building permit, of a building, with the same or architecturally equivalent materials, equipment or parts, that are made in the ordinary course of maintenance and that do not cause a major alteration of the building, nor result in a request for any other relief from the Planning Board.

**APPLICATION** shall mean the formal request by a property owner to the Planning Board for review of an activity, which potentially constitutes a major alteration.

**ARCHITECTURAL DRAWINGS** shall mean drawings prepared, signed and sealed by a New Jersey licensed Architect, or drawings prepared so as to clearly and unambiguously indicate proposed new work and the existing building (in the case of an addition or modification). Drawings shall include a site plan, floor plans and elevations in sufficient scale and detail to convey the intended new work. The elevation drawings shall indicate all features (i.e. dormers, windows, roofs, trim, etc.) and surface finishes proposed for the project. Plans shall indicate the intended use of all rooms, terraces, Porches, etc.

**ARCHITECTURAL ELEMENT, MAJOR** is a distinguishing original feature, and shall mean an architectural component/design/style/object, which clearly expresses the time period in which a building was built. For the purpose of administration of this ordinance the following are considered Architectural Elements, Major: (a) Roof shape/pitch and existence of roofed items, including main roof, dormer roof, roof of roofed windows, pediments/parapets, tower roof, Porte-cochere roof, porch roof, balcony roof; (b) Non-linear (e.g. oval, Palladian, etc.) window frame outlines; (c) Predominant surface/finish of the building; (d) Columns and railings.

**BACK YARD** shall mean and be equivalent to "rear yard" as defined in the Developmental Ordinance of the Village.

**BOARD** shall mean the Planning Board established pursuant to the provisions of the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.)

**BUILDING** shall have the same definition as set forth in the Developmental Ordinance of the Village.

**CERTIFICATE OF APPROPRIATENESS** shall mean that certificate issued by the Board, that is required prior to undertaking rehabilitation, restoration, renovation, alteration or demolition, undertaken of buildings, accessory buildings or garages in the District.

**CORNER LOT** shall have the same definition as set forth in the Developmental Ordinance of the Village.

**COST ESTIMATE** shall mean a written estimate of the costs, prepared by an Architect, Engineer or Contractor licensed in the State of New Jersey, broken down by category of work, for any proposed MAJOR ALTERATION, MINOR ALTERATION or DEMOLITION.

**DEMOLITION** shall mean the partial or total razing, dismantling or destruction of any building or of any improvement within the Village of Loch Arbour.

**DISREPAIR** shall mean a condition that permanently and directly threatens the existence and successful preservation, restoration or rehabilitation of an Architectural Element, Major as defined herein.

**DWELLING** shall have the same definition as set forth in the Developmental Ordinance of the Village.

**EMERGENCY REPAIR** shall mean an immediate and temporary repair necessary only to allow the continued habitability of a building and/or to protect the health and safety of any occupants and/or the community at large.

**GARAGE** shall have the same definition as set forth in the Developmental Ordinance of the Village.

**IMPROVEMENT** shall mean any building or any part thereof constructed or installed upon real property by human endeavor and intended to be kept at the location of such construction or installation.

**NON-ORDINARY REPAIR** shall mean any repair that does not constitute an ORDINARY REPAIR as that term is defined herein.

**ORDINARY REPAIR** shall mean repairing any deterioration, wear or damage to a building, accessory building, garage or part thereof, to return the same as nearly as practicable to its condition prior to such deterioration, wear or damage.

**PRINCIPAL BUILDING** shall mean any BUILDING, as defined in the Developmental Ordinance of the Borough, which is not an ACCESSORY BUILDING or GARAGE.

**PORCH** shall have the same definition as set forth in the Developmental Ordinance of the Village.

## **005 AUTHORITY GRANTED TO PLANNING BOARD**

### **005.1 Statutory Authority**

The Village of Loch Arbour Planning Board shall exercise, to the same extent and subject to the same restrictions, all of the powers of a commission established pursuant to N.J.S.A. 40:55D-107 *et seq.*, and as may be amended from time to time. At least one Planning Board member shall meet the qualifications of a Class A member as defined by

N.J.S.A. 40:55D-107(b) and at least one Planning Board member shall meet the qualifications of a Class B member as defined by N.J.S.A. 40:55D-107(b).

### **005.2 Preservation Powers of the Planning Board**

The Planning Board shall have the following preservation powers:

- A. To review any and all applications for development and applications for zoning and/or building permits with respect to proposed improvements to, or demolition of, any and all existing or proposed buildings within the District for appropriateness of



design, arrangement and materials to be used and whether the proposed improvements will detract from the visual character of the District;

- B. To modify the boundaries of the District;
- C. To encourage alterations, repairs, restoration, reconstruction and rehabilitation of any building to be made in the spirit of the original architectural style and to require that any additions are made in such a manner as not to detract from a building's original appearance.
- D. To utilize and apply the Design Guidelines in the review of permit and development applications to see that said application substantially comply with the intent of the Design Guidelines.

## 006 GUIDELINES

*The Planning Board shall establish guidelines to be known as "Design Guidelines for the District" which shall be submitted by the Planning Board to the Board of Commissioners for its approval. Any amendments or supplements thereto proposed by the Planning Board shall also be submitted to the Board of Commissioners for its approval. The Design Guidelines may be used in the review of all development applications and applications for Certificates of Appropriateness in the District. The Design Guidelines establish the "suggested" or "preferred" means of maintaining the visual sense of the past within the District. However, the Design Guidelines are not "requirements" but are to be liberally construed to provide the Planning Board with the flexibility to address the specific circumstances of a particular applicant while achieving the purposes of this Ordinance.*

## 007 HISTORIC REVIEW PROCESS

### 007.1 Requirement For a Certificate of Appropriateness

- A. A Certificate of Appropriateness is required in the District for the following actions:
  - 1. Any change, rehabilitation, restoration, reconstruction, improvement or alteration to the exterior of a building, accessory building or garage, which would constitute a Major Alteration, as defined herein;

2. Any change, rehabilitation, restoration, improvement or alteration to the exterior of a building, accessory building or garage, which would constitute a Minor Alteration, as defined herein;
  3. Additions to any building, accessory building or garage as defined herein;
  4. Demolition of any building, accessory building or garage as defined herein;
  5. New construction.
- B. Any applicant undertaking any change to the exterior of any building, accessory building or garage which would constitute (i) Major Alteration (as defined herein), (ii) a Minor Alteration (as defined herein), (iii) demolition or (iv) new construction shall first complete and submit an application for a Certificate of Appropriateness to the Zoning Officer.
- C. The Construction Official shall not issue a building permit for any exterior change to any building, accessory building or garage, which would constitute (i) Major Alteration (as defined herein), (ii) a Minor Alteration (as defined herein), (iii) demolition or (iv) new construction prior to review by the Planning Board and the issuance of a Certificate of Appropriateness, except in the case of an Ordinary Repair (as defined herein), or an Emergency Repair (as defined herein) or in the event of the Board's failure to act in the time prescribed in N.J.S.A. 40:55D-111.

**007.2 A Complete Application shall consist of:**

A Complete Application for a Certificate of Appropriateness shall consist of:

- A. Completed application form in full as supplied by the administrative officer;
- B. Architectural drawings or renderings of the details of the exterior of the building, accessory building or garage;
- C. A narrative description pursuant to the Design Guidelines of the proposed scope of work;
- D. In the case of an application for a partial or total demolition, a Cost Estimate (as defined herein) to rehabilitate / restore the building, accessory building or garage or part thereof sought to be demolished and a Cost Estimate (as defined herein) of the proposed demolition and replacement.
- E. An application fee of \$50.00, plus any additional fees required for applications to the Board.

**007.3 Hearings**

- A. Within 90 days of receipt of a complete application, the Secretary of the Planning Board will schedule a public hearing on the application to take place at a regular meeting of the Planning Board. The presence of the property owner or his legal representative is required.
- b. Hearings will be conducted pursuant to the administrative procedures established in the Developmental Ordinance of the Village of Loch Arbour as amended, as well as other statutory requirements of the State of New Jersey for the conduct of Planning Board Hearings.
- C. Any application for the granting of a Major Alteration or a Demolition as defined herein or from any other relief from the Developmental Ordinance of the Village of Loch Arbour shall require the applicant to advertise and give public notice to owners of property within two hundred (200) feet of the proposed project, in accordance with the procedure for development applications. The applicant shall be responsible for sending out the appropriate notices and shall be responsible for paying the cost of the proceedings. On the date of the hearing, the applicant shall be required to provide the Planning Board with an Affidavit of Mailing and an Affidavit of Publication as proof of fulfilling the notification and advertisement requirements specified herein.
- D. Applications for Minor Alterations, as defined herein, shall not require the applicant to comply with the Notice and Advertisement provisions of sub-paragraph C of this Section.

#### **007.4 Determination by The Board**

Upon completion of review by the Board, the Board may:

- A. Approve, approve with conditions or deny a development application;
  - 1. When denying an application, the Planning Board shall state the reasons for said action;
  - 2. Upon a favorable decision approving, or approving with conditions any application, the Planning Board shall issue a Certificate of Appropriateness.
- B. The Certificate of Appropriateness shall authorize the Construction Official to issue a building permit if all other conditions or requirements of the law have been satisfied;
  - 1. The Certificate of Appropriateness shall be valid for one year from the date it is issued by the Planning Board. Two extensions of six months each may be granted by the Planning Board, at their discretion, upon written request by the applicant and the applicant's appearance before the Board to substantiate the basis upon which the Board should grant any such extensions.

2. If a Certificate of Appropriateness has been denied, the Construction Official or his agent shall not issue a building permit;
  - a) The Construction Official or his agent may stop work at any site which does not comply with an issued Certificate of Appropriateness or this ordinance.
- C. If, after a Certificate of Appropriateness has been issued, a change in the scope of the work becomes necessary or desired by the applicant, the applicant shall immediately halt all ongoing activity and re-apply to the Planning Board pursuant to the procedures set forth in this ordinance.

**008 CRITERIA FOR REVIEW OF APPLICATIONS.**

The Planning Board shall be guided by the following standards in reviewing applications for Certificates of Appropriateness and/or development applications:

- A. Every reasonable effort should be made to provide a compatible architectural appearance for buildings, accessory buildings or garages which will require minimum alteration to the building, accessory building or garage.
- B. Rehabilitation of any buildings, accessory buildings or garages should not substantially alter the distinguishing qualities or visual character of the said building, accessory building or garage.
- C. Deteriorated architectural features should be repaired, wherever possible. In the event that replacement is necessary, the new material should match the material being replaced in composition, design, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of original features.
- D. With respect to an application for demolition, no building, accessory building or garage within the DISTRICT shall be demolished without being condemned by standard procedures or unless it:
  1. Is not feasible to restore it in conformance with the Design Guidelines; or
  2. It can be shown that the building, accessory building or garage has no significant architectural or historic value.

If a building, accessory building or garage within the District is destroyed by fire or natural disaster, new construction shall conform to the Design Guidelines. Removal of architecturally significant exterior building material that conceals mechanical equipment should be avoided.

- E. Distinctive stylistic features or examples of skilled craftsmanship which characterize older buildings, accessory



Recorded Vote:

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

2. **Resolution 2015-59:** UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that the following resolution be adopted:

WHEREAS, the Village of Loch Arbour is in need of Beach Mats due to the extension of the beach from the beach replenishment.

WHEREAS, quotations were received from two vendors:

Access Mats	\$4,150.00
Mobi Mats	\$6,000.00

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Village of Loch Arbour that the proposal of Access Mats. Inc. to purchase 150' of beach mats in the amount of \$4,150.00.

Recorded Vote:

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

3. **Resolution 2015-60:** UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the following Resolution be and the same is hereby adopted:

WHEREAS, Mr. and Mrs. Carlos Burgos purchased two 2015 season badge for the Village Beach Club during the pre-season, and

WHEREAS, Mr. and Mrs. Burgos have requested a refund in the amount of \$180.00, due to the discovery of MEC items found on the Village Beach in connection with the beach replenishment, and,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that a refund of \$180.00 be and the same is hereby authorized for Mr. and Mrs. Carlos Burgos.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to the Chief Financial Officer for his information and action.

Recorded Vote:

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

4. **Resolution 2015-61:** UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried, that the following Resolution be and the same is hereby adopted:

WHEREAS, Edgemont Drive was paved in May, 2012. In accordance with Ordinance #380 no permits shall be issued for an opening of Edgemont Drive within a five years (May, 2017) except by the direction of the Board of Commissioner of the Village of Loch Arbour.

WHEREAS, an application for a Street Opening Permit has been received from New Jersey American Water Company for the premises at 211 Edgemont Drive, Loch Arbour, to replace the existing water service.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Village of Loch Arbour that the application for a Street Opening Permit is hereby granted to the New Jersey Water Company for the premises at 211 Edgemont Drive, Loch Arbour, to replace the existing water service.'

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to the New Jersey American Water Company.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola

Nays: None Absent: None

5. **Resolution 2015-62:** UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, authorizing to table the 2015 Hazard Mitigation Plan until the next Board of Commissioners Meeting for further review.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola

Nays: None Absent: None

6. **Resolution 2015-63:** UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried that the following resolution be adopted:

WHEREAS, Doug Alt, has requested permission to hold a Free Musical Concert on the Beach with non-amplified music on July 4, 2015 from 4:00 p.m. to 6:00 p.m., weather permitting.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that permission is hereby granted to Doug Alt, to hold one Free Musical Concert on the Beach with non-amplified music on July 4, 2015 from 4:00 p.m. to 6:00 p.m., weather permitting, during the 2015 beach season.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to

- Doug Alt
- John Bosmans, Beach Manager
- Chief Ronen Neuman, Borough of Deal Police Department.

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola

Nays: None Absent: Non

7. **Resolution 2015-64:** UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that the following resolution be adopted:

WHEREAS, pursuant to **N.J.S.A.** 40:8A-1 et seq., the Village of Loch Arbour has entered into an Interlocal Services Agreement with the Borough of Deal whereby Deal will provide Municipal Court Services to the Village for the period January 1, 2011 through December 31, 2015, inclusive, with provisions for an extension through December 31, 2020 upon agreement of all parties; and,

WHEREAS, pursuant to said Agreement, the Village of Loch Arbour shall appoint the Municipal Court personnel of the Borough of Deal during the term of the said Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that Scott J. Basen be and he is hereby appointed as the Municipal Court Judge of the Village of Loch Arbour for the term commencing June 1, 2015 through May 31, 2018, inclusive, concurrent with his term as the Municipal Court Judge of the Borough of Deal and until his successor be duly appointed.

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

- Mary Ellen Supon
- Honorable Scott Basen

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo, Mayor Fernicola

Nays: None Absent: None

**8. Resolution 2015-65:** UPON MOTION of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried, that the following resolution be adopted:

WHEREAS, Boy Scout Troop #76, Wayside, has requested permission to hold an overnight camp-out, at the Village Beach beginning at 6:00 PM on Saturday, August 15, 2015 through 8:00 AM on Sunday, August 16<sup>th</sup>, inclusive; and,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that permission is hereby granted to Troop #76, Wayside, at the Village Beach beginning at 6:00 PM on Saturday, August 15, 2015 through 8:00 AM on Sunday, August 16<sup>th</sup>, inclusive, subject to the following:

1. Execution of the required Indemnification and Hold Harmless Agreement to be submitted to the Village Clerk on or before August 10, 2015, executed by the appropriate Troop officials;
2. All participants to leave the beach and the removal of all debris and other trash not later than 8:00 AM on Sunday morning so as to avoid conflict with the daily operations of the Village Beach Staff.

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

- Chief Ronen Neuman, Deal Police Department
- John Bosmans, Beach Manager

Recorded Vote:

Ayes: Commissioner Cheswick, Commissioner D' Angelo

Nays: None Absent: None Abstain: Mayor Fernicola

**Ordinance 2015-408:** Introduction

The attorney to read the Ordinance by Title:

ORDINANCE OF THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING ORDINANCE NO. 0-2013-386, AMENDING AND SUPPLEMENTING CHAPTER



352, FLOOD DAMAGE PREVENTION, OF THE CODE OF THE VILLAGE OF LOCH ARBOUR SO AS  
TO AMEND THE PERMITTED HEIGHT OF STRUCTURES

WHEREAS, Chapter 352, Flood Damage Prevention, of the Village Code sets forth regulations to promote the public health, safety, and general welfare of its citizenry and to minimize public and private losses due to flood conditions in specific areas within the Village of Loch Arbour; and

WHEREAS, certain modifications to these regulations are necessary to permit the Village of Loch Arbour to continue to promote the public health, safety and welfare;

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Village of Loch Arbour, in the County of Monmouth and State of New Jersey, that Chapter 352, "Flood Damage Prevention" is hereby amended and supplemented so as to add the following new subsections (in bold face) to the subsections listed below:

5.2-1 RESIDENTIAL CONSTRUCTION

[c]: Building or structure height - no dwelling, building or other structure of whatever composition, construction, type or style, regardless of its intended use or purpose, shall be erected at a height exceeding 35 feet, which height shall be measured from based flood elevation, plus one foot, regardless of whether the lowest finished floor area is at or above base flood elevation plus one. Towers, turrets, minarets, elevator shafts, rooftop heating, ventilation and air-conditioning units, chimneys or other such auxiliary structures or attachments annexed to buildings or dwellings shall be permitted for the purposes of decoration but shall not be permitted to exceed the overall height of 35 feet.

UPON MOTION, of Commissioner D' Angelo, seconded by Commissioner Cheswick, carried that said Ordinance 2015-408 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 July 1, 2015.

Recorded Vote:

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

**REPORTS/DISCUSSION**

**A. Consolidation Matters/School Taxation Issues** - Mayor Fernicola reported that the Village has started the process petitioning the State for an approval, to allow Loch Arbour to be removed from the Ocean Township School District.

**B. Update on Progress of Beach** - Sand Replenishment Program has been completed on the Village Beach Area. Mr. Kassin's part of the beach has not been completed due to no construction work can take place within 500 feet of the flume until July 1.

**C. Summer monthly meetings - Wednesday, July 1, 2015**  
**Wednesday, August 12, 2015 (changed from 8.5.15)**  
**Wednesday, September 2, 2015**

**PUBLIC HEARING**

UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried, that the meeting be opened to the public for comments.

Mary Farrar, Euclid Avenue, asked if the pot holes can be filled in front of her house on Euclid Avenue.

Mrs. Farrar suggested the grass clippings from the other homes on her block be disposed of properly and not blown into the street.

Paul Williams, Euclid Avenue asked the status of the Kassin Building on the Beach.

Mr. Williams thanked the Board for introducing the Historic Preservation Ordinance.

Mr. Williams asked the Commissioners to consider putting him in control of the Hat Parade at the Village of Loch Arbour Beach that is held on Labor Day Weekend. Mayor Fernicola stated the Kaplow family has been in control of the Hat Parade for many years and it is not a Village run event. Mr. Williams would have to speak to Mr. Kaplow directly.

Mr. Williams stated there are still dogs running on the beach, generally before 8:00 a.m. on the beach. The police department will be advised.

Jim Markey, JCP&L representative, updated the Board of Commissioners of the current projects in Monmouth County.

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

There being no Executive Session and no further business, and UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that the meeting be finally adjourned at 7:20 p.m.

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Daniel J. Mason, Acting Clerk  
Village of Loch Arbour

There being no Executive Session and no further business, and UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that the meeting be finally adjourned at 7:20 p.m.

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Daniel J. Mason, Acting Clerk  
Village of Loch Arbour