

THE SCHEDULED REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF THE VILLAGE OF LOCH ARBOUR, MONMOUTH COUNTY, NEW JERSEY, WAS CONDUCTED AT THE VILLAGE OF LOCH ARBOUR MUNICIPAL BUILDING, 550 MAIN STREET, LOCH ARBOUR, NEW JERSEY ON OCTOBER 5, 2022, CALLED TO ORDER AT 6:30 P.M. BY MAYOR FERNICOLA

Also present was William Healey, Esq., Village Attorney, Peter Avakian, PE, Village Engineer, Marilyn Simons, Village Clerk.

MINUTES

- Minutes of the Regular Meeting and Executive Session held on September 7, 2022.

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

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

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

- Expenditure Report
- Revenue Received Report
- Tax Collections Report/Delinquent Taxes Report for 2022
- Deal Police Department, Monthly Incident Report

- Monmouth Regional Health Commission No. 1, agenda and various reports/correspondence;
- Monmouth County Library, Certificate of Appreciation to the Village for ongoing support of the Monmouth County Library;
- United States Department of the Interior, invitation to be a consulting party for Offshore Wind Energy Development;

- United States Department of the Interior, invitation to be a consulting party for Offshore Wind Energy Development;
- New Jersey American Water, notice of the approval of an increase for base water and wastewater rates effective September 1, 2022;
- Deal Lake Commission, letter of support for the Village to consider adopting a Tree Ordinance.

Recorded Vote:

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

Nays: None

Absent: None

OLD BUSINESS

A. Ordinance 2022-478 –

ORDINANCE 2022-478

AN ORDINANCE TO AMEND ORDINANCE NO. 296, 310 and 2018-433 ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES, BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES, FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES; KNOWN AS THE PROPERTY MAINTENANCE CODE AND REPEALING ORDINANCES NO. 229 AND 255 OF THE VILLAGE OF LOCH ARBOUR, MONMOUTH COUNTY, NEW JERSEY

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 Ordinance 296, 310 and 2018-433 referred to in the title hereof is amended and supplemented as follows:

Section 1. Adoption of the Property Maintenance Code

That the International Property Maintenance Code is amended and revised in the following respects:

That a certain document, a copy of which is on file in the Village Clerk's Office of the Village of Loch Arbour, being marked and designated as the *2018 or the most current version of the International Property Maintenance Code*, as published by the International Code Council, Inc., be and the same is hereby adopted as the *Property Maintenance Code of the Village of Loch Arbour, County of Monmouth, State of New Jersey*; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, hereby referred to, adopted and made part hereof, as if fully set out in this Ordinance, and all amending Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this Ordinance and all amending Ordinances.

Section 2. All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Ordinance 296, 310 and 2018-433 not inconsistent herewith are ratified and confirmed.

Section 3. Date of Effect

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

UPON MOTION, of Commissioner Cheswick, seconded by Mayor Fernicola, carried that the meeting be opened for comments on Ordinance 2022-478 only.

Remo Maisto, Elberon Avenue, asked for clarification of the change in this Ordinance. Clerk advised of the changes.

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

Recorded Vote:

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

Nays: None

Absent: None

UPON MOTION OF Commissioner Cheswick, seconded by Commissioner D' Angelo, carried Ordinance 2022-478 be and the same is hereby adopted on final reading 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

NEW BUSINESS -

A. ORDINANCE 2022-479 – introduction

ORDINANCE 2022-479

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE 156, "AN ORDINANCE ESTABLISHING LAND USE DEVELOPMENT REGULATIONS (CHAPTER 291, P.L. 1975) SUPPLEMENMTING WITH A NEW SECTION ENTITLED "SOIL AND GROUNDWATER MOUNDING ANALYSIS REQUIRED" FOR THE VILLAGE OF LOCH ARBOUR, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY.

Peter Avakian, PE, Village Engineer, summarized the Ordinance. The Mayor and Commissioners and the Engineer had a lengthy conversation regarding this Ordinance. Joe McGrath, Zoning/Code Enforcement Officer, is in favor of this Ordinance due the increased number of pools being installed in the Village. Mr. Avakian recommended including wording to ensure the elevation of the bottom of the pool is above seasonal high ground water table. The Mayor asked the Village Engineer to report on the cost to the homeowner, if the Village would require these types of analysis. Also clarify why this type of analysis was taken out of the UCC. The Village Engineer will report back to the Board with his findings, as well as his final recommendation.

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

Joe Gassaro, Ocean Place, asked if is this potential Ordinance will affect prior installations of pools. Mayor Fernicola stated no pre-existing pool would be affected.

Robert Wiener, discussed with the Mayor the powers of the Planning Board. Mr. Wiener discussed mandating a process when an applicant is proposing to install a pool. Mayor Fernicola stated the Planning Board can only regulate what is stated in the Land Use Development Ordinances in the Village.

Remo Maisto, Elberon Avenue, stated that more and more residents in Loch Arbour are getting water in their basements, because of all the new pools being installed. He is worried the same will happen to him when the pool is installed at 2 Elberon Avenue.

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

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 this Ordinance to TABLED at this time.

Recorded Vote:

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

Nays: None

Absent: None

B. ORDINANCE 2022-480 -introduction

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 Pool Permit Application	\$100.00	\$1,000.00
Zoning Determination Drainage System Application	\$100.00	\$1,000.00

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.

UPON MOTION of Mayor Fernicola, seconded by Commissioner Cheswick, carried that said Ordinance 2022-480 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 November 2, 2022.

Recorded Vote:

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

Nays: None

Absent: None

C. Ordinance 2022-481 – introduction

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.

UPON MOTION of Mayor Fernicola, seconded by Commissioner D’Angelo, carried that said Ordinance 2022-481 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 November 2, 2022.

Recorded Vote:

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

Nays: None

Absent: None

D. Resolution 2022-81:

UPON MOTION of Commissioner D’ Angelo, seconded by Commissioner Cheswick, carried, that the following resolution be adopted:

WHEREAS, the Lease to operate the James V. Kiely Pavilion at the Village Beach has expired and must be rebid; and,

WHEREAS, the Board of Commissioners reviewed and hereby accepts the proposed bid specifications.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that the proposed bid specifications and documents be approved as presented.

BE IT FURTHER RESOLVED that the said specifications will be available to bidders pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.

Recorded Vote:

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

Nays: None

Absent: None

- E. **Resolution 2022-82:** UPON MOTION of Mayor Fernicola, seconded by Commissioner D' Angelo, carried that the following Resolution be adopted:

WHEREAS, Chief Neuman of the Borough of Deal Police Department has requested the Village adopt a curfew for all unaccompanied minors from 8:00 PM to 6:00 AM, inclusive, for the period beginning at 8:00 PM on October 29, 2022 through 6:00 AM on November 1, 2022, inclusive; and,

WHEREAS, said curfew has been authorized in previous years.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Loch Arbour that a curfew is hereby authorized for all minors, unaccompanied by parent or designated adult guardian, from 8:00 PM to 6:00 AM, inclusive, each evening beginning October 29, 2022 through 6:00 AM on November 1, 2022, inclusive.

BE IT FURTHER RESOLVED that a certified copy of this resolution be supplied to Chief Neuman of the Borough of Deal Police Department for his information and distribution.

Recorded Vote:

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

Nays: None

Absent: None

UPDATES AND DISCUSSION

- A. **Commissioners and Planning Board Monthly Meetings** – to be held in person at the Village Municipal Building, 550 Main Street, Loch Arbour, for the remainder of 2022.
- B. **Discuss results of Hedge Ordinance Survey** - Mayor Fernicola reported the results of the survey. Votes:

61 – No, does not want a hedge ordinance adopted within the Village.

14 – Yes, does want a hedge ordinance adopted within the Village.

The Mayor and Commissioners and the Village Engineer discussed Village Ordinance 354. It was determined that the Zoning/Code Enforcement Officer will survey the town of the hedges that are blocking driveways/site triangles.

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

Mark Maisto, Elberon Avenue, appealed to the Board to consider a hedge ordinance to protect the views of the ocean and the lake for the homeowners that live around these areas in the Village.

Melanie Nowlin, Edgemont Drive, questioned the wording of the Survey. She believes the higher the hedge in the front yard, the more opportunity for crimes to happen.

Ms. Nowlin also would like the Board to consider a Tree Ordinance.

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

Recorded Vote:

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

Nays: None

It was determined at this time the Mayor and Commissioners will not go forward with introducing a Hedge Ordinance at this time.

C. **Clean Ocean Action Fall Beach Sweeps** – scheduled for Saturday, October 22, 2022 9 am – 12:30 pm. Participants are urged to wear hats, boots, sunscreen and bring gloves.

D. **Halloween Party** – to be held at the Allenhurst Train Station Park on Saturday, October 29, 2022 between 11:00 am – 1:00 pm.

E. **The Clerk announced the following street projects will start:**

New Jersey American Water replaced a water main on Edgemont Drive from Main Street to Norwood Avenue in the Spring of 2022. Final Paving will begin in the next 3 weeks.

Euclid Avenue Phase V & VI - Road project will start next week. Road work will be conducted on Page Avenue, Evergreen Place and Euclid Avenue (from Ocean Place to Norwood Avenue)

All residents effected by the work will be noticed before the work is started.

PUBLIC HEARING

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

Margot Fernicola, Euclid Avenue, asked the Board to consider an Ordinance regarding engines idling in the Village.

Mayor Fernicola suggested purchasing an announcement sign to be erected in the Claire Weintraub Park on the corner of Main Street and Edgemont Drive.

Ms. Fernicola also read from a brochure prepared by the Deal Lake Commission – tips on how to keep the Deal Lake clean.

Remo Maisto, Elberon Avenue, discussed the Historic Preservation Ordinance and wording in the Ordinance regarding preserving the ocean and lake views in the Village.

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

Recorded Vote:

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

Nays: None

Absent: None

There being no further business, and UPON MOTION of Commissioner Cheswick, seconded by Mayor Fernicola, carried that the meeting be finally adjourned at 7:35 pm.

Marilyn Simons, RMC
Village Clerk

