

**Bradley Beach Planning Board  
Regular Meeting Minutes  
Thursday, November 14, 2019 at 6:30 PM**

Meeting is called to order by Chair Psiuk. The Board and the public recite the Pledge of Allegiance. Open public meeting announcement is made by the Board Secretary.

**Roll Call:**

Present: Amy Russo, Alan Gubitosi, Douglas Jung, Marc Rosenthal, Norman Goldfarb, George Waterman, John Weber, Rafael Albanir, and William Psiuk

Absent: Meredith DeMarco and Robert Mehnert

Also Present: Monica Kowalski, Esq. – Attorney to the Board

**Approval of Minutes:**

Regular Meetings of September 26, 2019 – Motion to adopt made by Chair Psiuk and seconded by Alan Gubitosi. All eligible members present in favor.

**Resolutions Memorialized:** None.

**Applications Under Consideration:** None.

**Work Session:**

The Board conducted their second review and discussion of the revised draft bylaws created/prepared by the Subcommittee appointed by the Planning Board and redrafted by Monica Kowalski, Esq.

Chair Psiuk had an initial question regarding 1:3.3 – Quorum discussed alternates should be added. Monica did not include there because it is covered in the 3:1 section when alternate members are permitted to serve on a case. Can add subject to utilization of alternates when all eligible members are not present; however, it is covered.

Paragraph 2:2-3 – Order of presentation under (e) regarding objector's letter(s). Monica tried not to be duplicative as it is covered under statute as it is not permitted and we follow the Rules of Evidence. It is covered under MLUL and Rules of Evidence.

Paragraph 2:1-2 – Filing requirements – This particular paragraph this is typically what they would call a Technical Review. Monica has not been here long enough to know whether or not or how often this type of review comes up which is why she wanted to discuss it.

Informal/Conceptual Meetings were discussed. Chair Psiuk indicates everything goes to the secretary and then she forwards it to the Engineers and then the application is deemed complete/incomplete. As far as informal reviews, if the applicant wishes to come before the Board for an informal review there is a fee. Monica does not recommend Technical Reviews with Board Members, but wanted to discuss it with Board to make sure there is a process in place. Chair Psiuk recommends meeting with Board Members leave out. The informal before the Board is already covered by Ordinance. For an informal review - \$200 application fee and \$500 escrow deposit. Board agrees it should stay the way it is.

Doug Jung questions Paragraph 1:3-8 – Monica indicates it is typical model language

John Weber questions Paragraph #3 with regard to members recusing themselves and does it make sense that we add make sure member leaves the room and that it doesn't appear twice somewhere else and conflict. Mr. Weber believes it appears twice – Monica will double check.

John Weber questions 3:1-7 typo vote “be” delayed not by.

Alan Gubitosi questions Paragraph 1:2-3 – would like to authorize the secretary to bring any incorrect & conflicts in procedures to the Board's attention. Biggest conflict seems to be the number of copies required which is an ordinance issue.

Paragraph 1:3-4 – Could we encourage articulation of rationale for vote whether positive or negative vote. Monica indicates it does appear later. Monica indicates cannot suggest positive/negative criteria or get into legal findings or criteria because we need to be careful as it does not pertain to every application. Expert witnesses, factual findings based on testimony, or professional testimony, deficiencies or the absence of certain information etc.

Paragraph 1:3-8 – Can we make a disclosure to applicant to decide whether there is a conflict not just the Board. Monica indicates in past circumstances the applicant's attorney or applicant ultimately has the decision and then it would at least be on the record.

Amy Russo – questions if we are voting in favor of something, why is it so important to indicate why? Monica Kowalski, Esq. explains why and the appeal process which could follow a decision and memorialization of the resolution and a discussion takes place with regard to past applications/situations.

Paragraph 1:4-2 – Committees shall not comprise of more than an effective majority (THREE MEMBERS) Monica explains this is strictly for a subcommittee not a vote only for recommendations.

Paragraph 2:2-3 – Order of presentation – questions the issue of the lawyer having to speak and that whole concept – (f) - should we have who is eligible to object? Monica indicates too fine.

Paragraph 2:2-4 – Closing of Hearing – should we make reference to timing, once an application is presented and the time frame in which we must hear, etc. – Monica indicates governed by MLUL. Monica will take all time frames once completed and place them under the appropriate heading numbers. As a lot of this is timing of applications etc. We have to remember applicants with attorney's and without are charged with the duty of understanding their application and these timelines are spelled out in the MLUL.

“Preamble” - while we have tried to make this a little more user friendly, can we create a letter or informational packet to provide – Monica will draft for review to possibly attach to applications. Monica worries if we codify too much it opens the door to things we don't want or need. Mr. Weber indicates he is more interested in something to provide to new members. Monica indicates she can put together a letter which could be provided to the new members with the copy of the Master Plan, Ordinance, etc. The suggestion of minimizing conflicts between neighbors arises and Monica explains that is not the purpose of either of the Boards. Monica indicates there will be something created elsewhere to explain.

John Weber – Paragraph 1:3-8 – Potential Conflicts - Examples of disqualification for interest - clarify must leave the room. Should also include “any significant other”. If they live together it is a definite conflict.

Proposed meeting dates for 2020 should be reviewed. The issue of RFQ’s and appointments/reappointments are discussed.

Members of Public in attendance – Mike Nunez of the Coast Star and Chris Hepler – Student at Rutgers University.

**NEXT SCHEDULED MEETING WILL BE OUR REGULAR MEETING ON THURSDAY, DECEMBER 12, 2019 AT 6:30 PM HERE IN THE MUNICIPAL COMPLEX MEETING ROOM.**

**WITH NO FURTHER BUSINESS BEFORE THE BOARD A MOTION TO ADJOURN THE REGULAR MEETING WAS OFFERED BY CHAIR PSIUK, MOVED AND SECONDED BY MARK ROSENTHAL, ALL IN FAVOR. MEETING CLOSED AT 7:31 PM.**

**Minutes submitted by Kristie Dickert, Board Secretary**