

BOROUGH OF BRADLEY BEACH

REGULAR MEETING MINUTES

July 14, 2020 at 6:30 pm

A regular meeting of the Mayor and Council of the Borough of Bradley Beach was held by means of communication equipment, N.J.S.A. 10:4-8(b), to include streaming services and other online meeting platforms and formal action will be taken on the above date.

CALL TO ORDER

Mayor Engelstad opened the meeting with a salute to the flag.

Mayor Engelstad requested a moment of silence to remember the 15,582 New Jersey residents who have passed away from the COVID-19 crisis.

Sunshine Law

The meeting has been noticed publicly according to the Open Public Meetings Act requirement for the "Annual Notice", and posted on the official bulletin board.

ROLL CALL 6:30 pm

Present: Council: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad
Borough Administrator David G. Brown II
Chief Financial Officer Sandra Rice
Borough Attorney Gregory Cannon
Municipal Clerk Erica Kostyz

Public Hearing on the Adoption of the 2020 Municipal Budget:

Chief Financial Officer, Sandra Rice, opened the public hearing of the budget adoption. Ms. Rice stated Bradley Beach qualified for a Local Exam this year which she chose not do due to a new administrative staff and felt it prudent to send the budget to the State for approval. Ms. Rice continued she has been working with the present and previous Borough Auditors to answer any concerns the State may have regarding the budget. Ms. Rice stated the Borough was approved, this past Friday to adopt the 2020 Budget.

Public Comments on the Municipal Budget Adoption Hearing:

Julia Rand, 1 Atlantic Avenue, asked if she received the budget amount she requested for the Arts Council.

Mayor Engelstad replied yes.

Thomas Coan, 612 Third Avenue, asked if \$355,000 State Aid previously discussed is built into the 2020 budget.

Ms. Rice replied yes, the State Aid is built into the 2020 budget.

Borough Auditor, Paul Wielkotz, stated the State has been releasing tax levies for adopted budgets to the County Board of Taxation to strike the rate.

Larry Fox, 601 Monmouth Avenue, inquired if the United Methodist Church project is included in the Capital Appropriations.

Ms. Rice responded interest on the Bond Anticipation note for the Church has been appropriated into the 2020 budget.

Mr. Fox inquired if the budget included additional reserves for studies or unanticipated costs.

Ms. Rice responded after discussion with the Governing Body it was decided additional capital expenditures would not be incorporated into the budget than what is necessary and it was decided to appropriate \$30,000.00 under the Capital Improvement Fund and that money could be allocated for work on the Church.

Councilman Bonnell offered to show Mr. Fox a 10 year comprehensive plan he created for the Church.

Further discussion ensued between Mr. Fox and Ms. Rice regarding expenditure transfers from the Sewer Utility Fund to the Current Fund and Risk Management discussions with regards to reduction of revenues post COVID-19.

Ms. Rice concluded the Public Hearing and stated if the budget is adopted this evening it will be available on the Borough Website for public view.

ON MOTION by Engelstad/Gubitosi to approve the Regular Council Meeting
Minutes of June 23, 2020

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad
 NAYS: None
 ABSENT: None
 ABSTAIN: None

APPROVED

Administrative Report

Administrator Brown dedicated this evening's report to Celebration Saturday, an event in conjunction with the Bradley Beach Business Alliance taking place Saturday, July 18th. Mr. Brown asked Doug Jung, member of the Bradley Beach Business Alliance to speak about the event.

Mr. Jung invited everyone to Celebration Saturday and announced this is a re-opening event for the town and meet the Business Alliance Committee. Mr. Jung thanked the Mayor, the Council,

the Administrator, the Police, the Department of Public Works and Tourism for their support. Mr. Jung announced the event will be from 11:00 am to 5:00 pm with an opening ceremony at Riley Park at 12:00 pm and encouraged everyone to follow the Executive Orders with regards to social distancing and face coverings.

Public Comment on Agenda items:

Peter Sharpe, 301 Second Avenue, expressed concerns regarding the Shade Tree Ordinance. Mr. Sharpe stated he hoped for more cooperation within the ordinance for the homeowners and that the Commission would be more of a resource. Mr. Sharpe also feels the ordinance is one-sided and could cause friction within the town.

Thomas Coan, 612 Third Avenue inquired asked about an item on the bill list for the postage meter.

Municipal Clerk, Erica Kostyz, explained the item is for the quarterly lease payment of the postage machine.

Mr. Coan expressed concern regarding the lease amount and feels it is expensive.

Mr. Coan commended the Administrator and CFO for the Purchasing Manual and the Direct Deposit resolutions. He also thanked the Mayor and Council for the sewer reduction ordinance.

Shana Greenblatt-Janoff, 414 Monmouth Avenue, stated the Shade Tree ordinance is important to preserve the beautification of the town and for environmental purposes.

MaryAnn Spilman, 902 Ocean Avenue, expressed concern regarding the Occupancy Ordinance and feels it is an overreach into resident's private homes and if it is going to be a complaint based ordinance it should state that.

ORDINANCE 2020-12

AN ORDINANCE AMENDING CHAPTER 380: "SEWERS" OF THE BOROUGH'S REVISED GENERAL ORDINANCES AT SECTION 380-9: "ANNUAL RENTAL CHARGE" TO REDUCE AND LOWER SEWER RATES FOR PROPERTY OWNERS WITHIN THE BOROUGH OF BRADLEY BEACH

CFO, Sandra Rice, explained this ordinance will reduce the amount of sewer rents for homeowners and businesses by 15% (fifteen percent). Ms. Rice stated upon approval and adoption, the adjustment is expected to show in the fourth quarter of 2020.

ON MOTION by Engelstad/Weber to introduce Ordinance 2020-12.
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

INTRODUCED

ORDINANCE 2020-13

AN ORDINANCE AMENDING CHAPTER 396: "STORMWATER MANAGEMENT" OF THE BOROUGH'S REVISED GENERAL ORDINANCES TO ADOPT NEW REGULATIONS CONSISTENT WITH AMENDMENTS TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION'S STORMWATER MANAGEMENT RULES

Borough Attorney Greg Cannon explained the Stormwater Ordinance prepared by Leon S. Avakian's firm is an update to comply with new state regulations and guidelines.

ON MOTION by Engelstad/Gubitosi to introduce Ordinance 2020-13.
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

INTRODUCED

ORDINANCE 2020-14

AN ORDINANCE ESTABLISHING CERTAIN SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, AND THE STATE OF NEW JERSEY AND REPEALING ANY AND ALL OTHER ORDINANCES INCONSISTENT HEREWITH.

Administrator Brown explained this is a Salary Ordinance of all of the Borough Employees and Officers that are not in Collective Bargaining Agreements.

Ms. Rice gave an explanation of how the layout of salaries in the ordinance and stated it does not allocate the salaries to any particular fund.

Mr. Weber inquired what the recent change was in the schedule of the schedule of the ordinance.

Administrator Brown explained the three changes in the schedule as follows:

- Removal of the Band Shell Attendant.
- Put back longevity pay for Lifeguards after ten plus years.
- Increased the Class II Police Officers from \$18.00 dollars to \$25.00 dollars per hour.

ON MOTION by Engelstad/Weber to introduce Ordinance 2020-14.
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

INTRODUCED

ORDINANCE 2020-09

AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER 24: “COMMISSIONS AND COMMITTEES” AND CHAPTER 270: “LAND DEVELOPMENT” AND CHAPTER 398: “STREETS AND SIDEWALKS” AND CHAPTER 450: “ZONING” AND NEW CHAPTER 425: “TREES” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO REDEFINE AND DETAIL THE ROLE OF THE BOROUGH’S SHADE TREE COMMISSION AND TO PROTECT AND PROMOTE THE PLANTING OF TREES WITHIN THE BOROUGH OF BRADLEY BEACH

ON MOTION by Engelstad/Weber to open public hearing on Ordinance 2020-9
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Mayor Engelstad requested to remove employees for the Shade Tree Commission in two as it is stated in two sections of this ordinance.

Mr. Cannon stated he would make the changes.

Councilman Gubitosi stated the Governing Body have acknowledged the public comments of concerned homeowners.

Public Hearing:

Peter Bakalian, 313 Brinley Avenue, expressed concerns the language of this ordinance is not precise enough with regards to code enforcement and homeowner’s rights.

Thomas Coan, 612 Third Avenue, stated he is happy this ordinance and feels it is important to create more opportunities for more trees and to maintain trees.

ON MOTION by Engelstad/Gubitosi to close the public hearing and adopt Ordinance 2020-9

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

ADOPTED

ORDINANCE 2020-10

AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER 5: “ADMINISTRATION OF GOVERNMENT” AND CHAPTER 450: “ZONING” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO CLARIFY THE ADMINISTRATION OF ZONING PERMIT APPLICATIONS AND TO LOCATE SUCH PROVISIONS IN A MORE INTUITIVE AND READILY ACCESSIBLE LOCATION WITHIN THE CODE FOR APPLICANTS.

ON MOTION by Engelstad/Weber to open public hearing on Ordinance 2020-10

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Administrator Brown confirmed this ordinance is to move a section of this ordinance from administration to Code for better clarification.

Councilman Weber thanked Councilman Gubitosi, Zoning Officer George Waterman and all of the professionals for their work on this ordinance.

Public Hearing:

Thomas Coan, 612 Third Avenue, thanked the Mayor, the Council and all of the professionals who worked on this ordinance.

MaryAnn Spilman, 902 Ocean Avenue, stated more clarification is needed with regards to fines not previously stated in the ordinance.

Mr. Cannon stated there are not changes to the ordinance. He continued the ordinance provides specificity and clarification on what residents can and cannot do on their property.

ON MOTION by Engelstad/Bonnell to close the public hearing and adopt Ordinance 2020-10
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

ADOPTED

ORDINANCE 2020-11

AN ORDINANCE SUPPLEMENTING THE BOROUGH'S REVISED GENERAL ORDINANCES WITH NEW CHAPTER 328: "OVERCROWDING OF DWELLINGS" TO ESTABLISH AND REGULATE THE MAXIMUM OCCUPANCIES OF DWELLINGS WITHIN THE BOROUGH OF BRADLEY BEACH

ON MOTION by Engelstad/Weber to open public hearing on Ordinance 2020-11
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Mayor Engelstad stated he will be voting against adoption of this ordinance as he views it as a solution in search of a problem. He continued after discussion with the Chief of Police, there have not been a lot of complaints to respond to with regards to this ordinance

Councilman Gubitosi stated he and Mr. Cannon tried to mirror state statutes on occupancy limits to govern the Borough's ordinances to give the Police and Code Enforcement better guidance on how to enforce maximum occupancy requirements.

Mr. Cannon stated the requirements are based on the International Property Maintenance Code, not State Statutes. He continued this ordinance clarifies the mandate on maximum occupancy.

Public Hearing:

MaryAnn Spilman, 902 Ocean Avenue, reiterated the language of this ordinance is overreach to property owners and feels the language does not reflect occupancy restrictions versus overnight guests.

Thomas Coan, 612 Third Avenue, stated he feels the standards are liberal and safe and that this ordinance is needed for the health and safety of the residents.

ON MOTION by Weber/Sexsmith to close the public hearing and adopt Ordinance
2020-11
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber
NAYS: Mayor Engelstad
ABSENT: None
ABSTAIN: None

ADOPTED

CONSENT AGENDA:

ON MOTION by Engelstad/Weber to approve the Consent Agenda
ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

- 2020-163 7/14/20 BILL LIST**
- 2020-164 Refund of Zoning Permit Fees for 317 Park Place Avenue**
- 2020-165 Street Opening Deposit Refund for 610 Brinley Avenue**
- 2020-166 Gazebo Deposit Refund**
- 2020-167 Memorial Day Weekend Event Refunds**
- 2020-168 Approval of Annual Renewal of Alcoholic Beverage Liquor License for UVA on Main, LLC**
- 2020-169 Authorizing a Refund of Escrow Balance for Turnkey Laundromat**
- 2020-170 Authorizing a Tax Title Lien refund in the amount of \$2382.80 for 200 LaReine Avenue Unit 7**
- 2020-171 Appointing Class I and Class II Police Officers**
- 2020-172 Appointing Summer Seasonal Lifeguards**
- 2020-173 Appointing DPW Seasonal Employees (Beach Restroom Attendee)**
- 2020-174 Appointing Seasonal Gate Guards.**
- 2020-175 Appointing the Beach Supervisor and the Assistant Beach Supervisor.**

APPROVED

RESOLUTIONS:

ON MOTION by Engelstad/Bonnell to Approve an increase of hours for the Zoning Officer.

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Resolution 2020-176 Approval of Increase in Hours for the Zoning Officer.

APPROVED

ON MOTION by Engelstad/Gubitosi to Approve Melissa Vecchiarelli for a Temporary Part-Time Clerical Position for Administration and Finance.

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Resolution 2020-177 Approval to hire Melissa Vecchiarelli for a Temporary Part-Time Clerical Position for Administration and Finance.

APPROVED

ON MOTION by Engelstad/Gubitosi to Approve the CBA for Local No. 50 of the NJ State PBA.

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Resolution 2020-178 Approval of the CBA for Local No. 50 of the NJ State PBA.

APPROVED

ON MOTION by Engelstad/Sexsmith to Approve the CBA for UFCW Local 152.

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Resolution 2020-179 Approval of Approval of the CBA for UFCW Local 152.

APPROVED

ON MOTION by Engelstad/Weber to Adopt a Purchasing Manual.

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Resolution 2020-180 Approval to adopt a Purchasing Manual.

APPROVED

ON MOTION by Engelstad/Bonnell to Approve Mandatory Direct Deposit for all Borough Employees and Elected Officials.

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Mayor Engelstad
NAYS: None
ABSENT: None
ABSTAIN: Weber

Resolution 2020-181 Approval of Mandatory Direct Deposit for all Borough Employees and Elected Officials.

APPROVED

ON MOTION by Engelstad/Bonnell to Authorize and Employment Separation between the Borough of Bradley Beach and Patricia Martuscelli.

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Resolution 2020-182 Authorizing an Employment Separation between the Borough of Bradley Beach and Patricia Martuscelli.

APPROVED

Mayor Engelstad wished Ms. Martuscelli luck on her future endeavor.

ON MOTION by Engelstad/Weber to Adopt the 2020 Municipal Budget.

ROLL CALL AYES: Bonnell, Gubitosi, Sexsmith, Weber, Mayor Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Resolution 2020-183 Adoption of the 2020 Municipal Budget.

APPROVED

Mayor Engelstad congratulated Ms. Rice on doing a great job with the budget.

MAYOR AND COUNCIL REPORTS:

Councilman Weber reported the following:

- Thanked the surfers who assisted the Lifeguards and First Responders with two incidents involving stranded swimmers at the Brinley Avenue Jetty and the Third Avenue Jetty this past Sunday. Mr. Weber also thanked the previous Council for making the decision to extend Lifeguard hours on weekends when needed, however he did not agree with the decision to not allow swimming the following evening due to having no lifeguards. Mr. Weber stated he would rather have seen Lifeguards on duty than Specials who could have been responding to other matters and would like to have this matter looked into.
- Mr. Weber stated residents are allowed to make anonymous complaints to the town by calling the Police Dispatch and request to remain anonymous.
- Mr. Weber is pleased the Borough is taking steps to lower Sewer Bills and Direct Deposit.
- The 2019 Environmental Commission report is completed and will be sent to the Mayor and Administrator.
- The Energy Fellow is working remotely to get information for energy audits and apply for clean energy programs grants.
- Mr. Weber stated he is pleased the Shade Tree Ordinance has been adopted and

volunteers for the Commission will be needed.

Mr. Weber asked if there is still a plan to hire a Part-time Code Enforcement Officer in August.

Administrator Brown replied yes and the job description will be posted shortly.

Councilman Sexsmith reported the following:

- Reported the day & evening calls for Fire and First Aid calls in June.
- Reminded everyone the Fire and First Aid Departments are seeking volunteers.
- Stated the cooperation and support that exists between the Fire and First Aid Departments is astounding.
- Thanked all First Responders who assisted in the water rescues this past Sunday.

Councilman Gubitosi reported the following:

- The Main Street Task Force has been keeping busy with a community survey. Mr. Gubitosi stated the survey is located on the Borough Website and encouraged residents to fill it out and become eligible to win a gift certificate to town merchants.
- The Task Force is coordinating a Walk Ability Workshop for Tuesday, July 21st from 10:00 am to 12:00 pm. He continued, outside grant resources will help the Task Force assess the Main Street streetscape and encouraged everyone to attend if possible.
- The Main Street Task Force is reviewing the parking on Main Street to evaluate and possibly create more parking availability for the public.
- The Community Center Task Force will have a meeting at the Senior Monday, July 20th at the Senior Center with social distancing in effect.
- The Sylvan Lake Commission is exploring possible Shared Service Agreements with Avon and funding of various projects and grants through the NJDEP to build rain gardens for Sylvan Lake
- The Maritime Forest is looking into a Phase III project.
- A focus group of four residents has been formed to assist with the website enhancement for the Borough.
- Thanked Zoning Official George Waterman for the great work on the Chapter 450 Zoning ordinances.

Councilman Bonnell thanked all involved in the water rescues this past Sunday.

Mayor Engelstad reported the following:

- Reminded everyone about the Bradley Beach Business Alliance Event this Saturday July 18th.
- The Mayor and the Administrator will be meeting with property owners of multi-family buildings tomorrow to discuss code enforcement.
- The Library re-opened Monday, July 13th allowing twenty-five percent of the building capacity. Between 9:00 am and 10:00 is for patrons 60 and over, expected mothers and those who are considered high risk. Computers are available by appointment and all programs are still held virtually.
- Reappointed Zoning Board members Harvey Rosenberg, Robert Quinlan and Dennis

Mayer for a term to expire in 2023.

Public Comment:

Paul Neshamkin, 411 ½ LaReine Avenue, announced on behalf of the Bradley Beach Historical Society, there will be a Virtual Porch Tour on Sunday, July 19th.

Allen Rapaport, 512, Newark Avenue addressed the following:

- **Thanked everyone involved in the water rescues.**
- **Expressed concerns regarding social distancing at the Newark Avenue Beach and suggested limiting beach capacity.**
- **Stated beach coolers should be inspected.**
- **Stated stronger enforcement is needed for bicycles on the sidewalk.**

Mayor Engelstad stated the Police Department will look into Mr. Rapaport's concerns.

Nancy Meadow stated the following concerns:

- **Ms. Meadow has been waiting since January to receive an answer as to why the beach she attends was re-named.**
- **Loud music on the beach and requested more signage regarding this.**
- **Lack of police presence on the beach.**
- **Issues with the beach showers and new Lifeguard stands not being utilized.**
- **Lack of social distancing on the beach.**

Councilman Weber addressed Ms. Meadow's concern regarding music being played too loud on the beach and stated patrons may tell the Lifeguards.

Mayor Engelstad addressed Ms. Meadow's concern regarding the lack of police presence on the beach and stated after discussion with the Police Chief, some residents felt uncomfortable with police vehicles on the beach. The Mayor continued, he will discuss this again with the Chief and request stronger police presence.

Kristen Mahoney, 200 LaReine Avenue, thanked the Mayor and Council for the extra restrooms on the beach, agreed with more signage with regards to loud music and stronger police presence on foot at the beach.

Cindy Kwiatkowski, 200 Ocean Park Avenue, stated stronger police presence on foot is necessary.

Mea Molin, 302 Fourth Avenue, stated the following concerns and inquiries:

- **Inquired if there is still a Quality of Life Committee.**
- **Agreed with placing stronger signage at the beach regarding loud music.**
- **Agreed a stronger police presence, preferably foot patrol is needed at the beach.**
- **Suggested fines be put in place and enforced for various issues at the beach.**
- **Ms. Molin saw a lot of tents on the beach over the weekend and inquired if that is allowed.**
- **Suggested patrons should purchase daily beach badges the day before to limit the**

number of people allowed on the beach.

Caroline, (no other information provided), stated rules for bicycles and dogs on the boardwalk is not being enforced.

Nancy Meadow suggested the police should speak to all patrons equally.

Cindy Kwiatkowski, 200 Ocean Park Avenue, expressed concerns about photos of Lifeguards not wearing masks being posted on social media and thanked the Mayor, the Council and Administrative staff for their efforts during the pandemic.

Allen Rapaport, 512 Newark Avenue, what is the beach revenue amount.

Ms. Rice responded the Borough is at \$1.2 million into the \$1.5 million anticipated revenue for the Beach.

Thomas Coan, 612 Third Avenue, asked if the Walk Ability meeting will be live or virtual.

Councilman Gubitosi replied it will be a virtual meeting.

Mr. Coan inquired if the Monmouth County Assessment Demonstration Program Resolution from January was forwarded to the Monmouth County Tax Board or the Monmouth County Freeholders.

Administrator Brown replied the resolution was forwarded to the County and the Legislators.

Mr. Coan expressed concerns the Zoning Board Appointments renewed were not listed on the agenda.

Mr. Cannon explained there is no Governing Body action on this type of action and it is the Mayor's decision to make the appointments under the Borough Code to the Zoning and Planning Boards.

Mr. Coan commended the first responders for their efforts during the electrical outage last weekend.

Liz Hernandez confirmed the Walk Ability Workshop will be a virtual ZOOM meeting.


ON MOTION by Engelstad/Bonnell to go into an Executive Session to discuss Legal Matters.

The Governing Body and The Administration went into Executive Session at 8:30 p.m. by means of Communication Equipment due to COVID-19 to discuss Legal Matters.

The Governing Body and the Administration returned from Executive Session at 9:20 p.m.

ON MOTION by Engelstad/Sexsmith to return from Executive Session.

Engelstad/Weber moved to adjourn
ADJOURNED 9:30 P.M.


Erica Kostyz, RMC, CMR
Municipal Clerk

RECEIVED

JUN 09 2020

CLERK'S OFFICE
BOROUGH OF BRADLEY BEACH

The residents indicated below collectively and individually object to the proposed commercial use of the former pump house station as a two story full service restaurant. This proposed change is a **major site plan development**, adding 499 square feet to the existing building of 866 square feet and 1274 square feet of roof deck. This use of the property as a commercial restaurant, intended to draw diners from the broader public, is a **new, vastly different and expanded use**, not suitable for, and **not permitted** for, this ocean front property that fronts on already crowded Ocean Avenue in this residential zone. This commercial development greatly changes the family oriented and residential beachfront area that distinguishes Bradley Beach from its more commercially developed and crowded neighboring towns.

These objections are raised now, before any further negotiations are undertaken with the proposed tenant, because neither the Council nor the Planning Board has properly acknowledged that:

1. This commercial development is **not permitted** in the existing Beach Residential zone;
2. The proposed use does not provide municipal services; therefore, the proposal **cannot escape land use review or zoning regulations** simply on the grounds that the building is municipally owned.
3. This proposed development will affect parking and traffic on Ocean Avenue, a county highway; therefore, this proposal **will require** Monmouth county Planning Board approval and **may require** NJ Department of Transportation review, and NJDEP review for potential air quality effects (including odors, visible emissions, use of commercial fuel burning equipment, such as heaters, ovens, generators)
4. While the Planning Board has acknowledged that **CAFRA application is required**, neither the Borough nor the applicant has proposed **a budget** for this application process, including any Borough resources to be used for the reviews, permits and supporting studies of traffic, parking, sewage capacity, flood management and other permit requirements.
5. The proposed \$5,000 per year in rent must be shown as sufficient to cover any budgeted expenses by the Borough

The Planning Board recommends that this cost be "a topic of discussions and lease negotiation between the Borough Council and Proposed Tenant." The taxpayers of Bradley Beach have **not approved such an investment** or even been advised of such costs; therefore, no negotiations should proceed until the Borough has estimated and gained budget approval for any costs it will occur in seeking the required zoning exceptions, applications, reviews, permits and supporting studies, as well as any utility connection and usage costs that may accrue to the Borough.

In the course of its appeals, applications and reviews, the Council and/or applicant is requested to address the following concerns: specifically, that this proposal

1. requires an exception to permitted uses in a residential zone that, if granted, would set a dangerous precedent for further commercialization of this area and for similar incursion into any residential zone in the borough.
2. requires public access via already congested Ocean Avenue and surrounding beach access roads;
3. requires truck traffic through this residential zone to supply the commercial restaurant operation;

4. requires daily access by garbage and recycle trucks and increases the smell of garbage and the risk of rodent infestation.

5. requires parking for public and employee access that cannot be met by current parking facilities in this **residential zone**, where most residences do not have driveways, including 18 units in the Naples building that houses working residents with no off-street parking. Like other residents in this zone, they rely on the limited free parking on the west side of Ocean Avenue and on side streets connecting to Ocean Avenue.

6. The noise and congestion caused by constant vehicle access (commercial delivery, disposal) and access by the public to this restaurant, as well as the daily and nightly noise from the rooftop diners:

a. changes the character of this family friendly, quiet residential and recreational beach area;

b. affects the quiet enjoyment of residents in this zone and of beachgoers who already find it hard to park and access the beach, playground, and mini golf.

c. creates a safety hazard for the increased pedestrian traffic crossing Ocean Avenue, for the employees and diners who must cross to the west side to smoke in front of the Ocean Avenue residences, and particularly for the young children that cross to the adjacent playground.

7. A commercial establishment directly connected to the children's playground is a potential security risk by providing a surveillance site where individuals can remain for extended periods to surreptitiously watch children at play, a risk that is exacerbated by proposed alcohol consumption (BYOB).

8. The operation of this commercial restaurant:

a. Creates Sewage disposal capacity that may overwhelm any existing system or flood management system.

b. Creates polluting odors and emissions that will overwhelm the smell of the ocean, for beach goers as well as the residents sitting outside their nearby homes;

c. Replaces ocean views with views of roof top diners.

d. Creates privacy concerns by giving the public direct visibility into the homes, yards, decks and porches of adjacent property owners.

e. Pollutes this quiet area of the beach front with the extra lighting and signs associated with a commercial operation.

g. Has the potential for disorderly conduct and disruption by inviting late night access by the public, particularly with alcohol consumption (BYOB services)

h. Diverts business from our Main Street restaurants and the other businesses that benefit from restaurant related foot traffic.

i. Will negatively affect property values for Ocean Avenue property that is denied ocean views, smells, and quiet beach access, and by locating these and nearby residences next to a high traffic commercial establishment.

j. Locating a permanent commercial building in this flood zone is detrimental to long term planning for flood potential and property damage.

9. The investment and ongoing operational support costs to the Borough is likely significantly greater than the proposed \$5,000 annual rent.

TO CONCLUDE: This major commercial development is not a permitted use in this beach residential zone; and it does not fit with the master plan goals to create more open space and recreational facilities and to provide greater support for Main Street businesses. As stated by many members of the public at the Planning Board meeting, the proposal is for a fine restaurant, and one many of us would enjoy, just not at this location.

Respectfully submitted by the following residents:

John & Menina Boyle	904 Ocean Avenue
Linda Donnelly	803-805 Ocean Avenue
Omneya El-Far	807 Ocean Avenue, unit 4
Cassandra Gomes	908 Ocean Avenue
Jean Hatkins	807 Ocean Avenue, Unit 1
Debbie Hatkins	807 Ocean Avenue, <u>Unit 3</u>
Mike Kretzer	122B Park Place Avenue
Victoria Leahy	Park Place Avenue
Michael Mandina	211 Park Place Avenue
Dave and Louise Millmann	502 Park Place Avenue
Francine Simonson, McNeely Agency	701B Brinley Avenue
Mary Ann Spilman	902 Ocean Avenue
Darin Spilman	906 Ocean Avenue
John Wagner	111 LaReine Avenue
Dan Walsh	1003 Ocean Avenue
Gary and Shelly Winkler	1001 Ocean Avenue

RECEIVED
JUN 09 2020
CLERK'S OFFICE
BOROUGH OF BRADLEY BEACH