

**BOROUGH OF BRADLEY BEACH**

**WORKSHOP MEETING MINUTES**

**September 21, 2021 at 6:00 P.M.**

A Workshop Meeting of the Mayor and Council of the Borough of Bradley Beach was held in the Meeting Room at 701 Main Street, Bradley Beach, New Jersey on the above date and topic.

**CALL TO ORDER**

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

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 Municipal Building bulletin board.

**ROLL CALL 6:00 p.m.**

Present: Council: Bonnell (arrived at 6:15 pm), Gubitosi, Sexsmith, Weber, Mayor Fox  
Borough Administrator, Kimberly M. Humphrey  
Borough Attorney, Gregory Cannon  
Municipal Clerk, Erica Kostyz

**Merging of the Planning and Zoning Boards Ordinance Language**

Mayor Fox opened the Workshop and stated this Workshop meeting is to finalize the language and review any suggested substance changes of the ordinance being introduced at the Regular Council Meeting to follow and receive any public comment on the Ordinance.

Councilman Gubitosi stated he submitted language changes to the Municipal Clerk and the Borough Attorney shortly after the first draft was received. Unfortunately, time did not permit all the Governing Body to review and agree to the language changes.

Councilman Gubitosi stated his concern with the language in the ordinance suggesting this merger being considered is for economic and efficiency purposes. Councilman Gubitosi stated he strongly disagrees with this, and the purpose of this merge is to support the Master Plan.

Councilman Gubitosi provided language revision proposals (three new Whereas and a modification) for the Governing Body to consider and read them allowed.

Mayor Fox stated he does not agree with Councilman Gubitosi’s language changes and feels the language changes are suppositions and suggest this merger as a best practice is inappropriate and not the Governing Body’s job to determine this. The Mayor stated he was fine with the request of removing the economic and efficiency purposes. Mayor Fox also requested the time frame in the ordinance be changed from January 1, 2022 to July 1, 2022.

Councilman Gubitosi stated he agreed with the Mayor and is willing to withdraw the third Whereas in the Ordinance and stated the purpose of this ordinance is to support the consistency of the Master Plan and feels there would be a better source of enforcement by having one board instead of two.

Further conversation ensued regarding the number of eligible Municipalities that have merged their boards, the reasons for doing so, volunteerism in the community for these boards, Governing Body members having to recuse themselves in other towns with merged boards and data collected and still being collected to determine pros and cons of this type of merge.

Councilman Weber wished to reflect for the record, Councilman Bonnell arrived at 6:15.

Councilman Weber stated the following:

- He wants the merge in effect as January 1, 2022,
- Confirmed the Borough Attorney has reviewed Councilman Gubitosi's language changes and that they can be done.
- Agrees supporting the Master Plan is main objective of the ordinance.
- Glad Public Comment has been adopted into the Workshops as it was not going to be permitted by the Mayor originally.
- Agrees with and supports the merging of boards.
- The purpose of Planning and Zoning is to avoid conflict between neighbors and to protect property owners.

Mayor Fox stated in response to not doing public comment in Workshops originally was a team recommendation and not his exclusive decision.

Councilman Bonnell stated he has spoken with Municipalities in Monmouth County with merged boards and provided them to the Clerk for reference.

**Public Comment on this Workshop Discussions:**

**William Psiuk, 110 Fifth Avenue, inquired about the wording of different class members in the ordinance.**

**Mayor Fox, Mr. Cannon and Ms. Humphrey assisted Mr. Psiuk with his inquiries.**

**Terence Wright, 406 Madison Avenue, inquired under the state statute (N.J.S.A. 40:50D-25C) if a Municipality is subject to voter referendum after passing an ordinance to merge boards.**

**Councilman Bonnell and Mr. Cannon confirmed the statute was changed in 2015 and no longer requires a voter referendum with a population under 15,000.**

**Mr. Wright also stated he is in favor of keeping two boards and feels this is being rushed.**

**Councilman Weber stated a merged board functions as a Zoning Board and the elected officials will step off for a variance application.**

**Councilman Gubitosi stated a merged board give will give consistency for the Master Plan. Conversation ensued between Mr. Wright and Councilman Gubitosi regarding the objective of having two boards and the reasoning for rushing this ordinance. Councilman Gubitosi stated he feels this is best for the town and Mr. Wright feels merging the boards is a dictatorship and there should be a voter referendum to let the resident voters decide.**

**Linda Curtiss, 202 Third Avenue,**

- **Is in favor of two boards and feels the more people involved the better.**
- **If merging to one board, the new members of the board will have to be educated with the Master Plan.**
- **Feels this merge will affect the workload involved with the upcoming COAH.**
- **Mentioned possible edits needed regarding number of members and rank.**
- **Does not understand the urgency to adopt this ordinance now.**

**David Critelli, 210 Evergreen Avenue,**

- **Disagrees this merge will be cost effective.**
- **Mentioned potential Superior Court fees if there is an appeal process and the cost will fall on the taxpayer.**
- **Feels this is a “power grab”.**
- **Feels this will affect COAH.**
- **Does not understand the logic or urgency to adopt this ordinance now.**

**Councilman Gubitosi stated the following:**

- **A single board would also serve as a Zoning Board and function the exact same way the Zoning Board does now.**
- **Was assured by the Borough’s lead Planner, merging the boards will not affect COAH.**
- **These are autonomous boards without checks and balances. This merge is meant to be a consolidation, not a “power grab”.**

**Further conversation ensued between Mr. Critelli and the Governing Body regarding who should be making this decision and agreed the resident voters should get to decide through a referendum.**

**Mayor Fox inquired if there is an option to have two people serve on both boards simultaneously to accomplish consistency.**

**Councilman Bonnell responded there used to be a Joint Sub-Committee.**

**Mr. Cannon stated he did not know the answer to that question at this time.**

**Jim Byrne, 401 Fifth Avenue, inquired what the appeal process would be if the application does not go to Superior Court.**

**Conversation ensued between Mr. Byrne and Councilman Gubitosi regarding the appeal process for an application that gets rejected.**

**Public Comment Emails on this Workshop Discussion:**

**\*Note time restraints did not permit the Workshop related emails to be read. These emails were read at the Regular Council Meeting that followed and are reflected in the Regular Council Meeting Minutes.**

Fox/Bonnell moved to adjourn  
Meeting Adjourned at 7:00 p.m.

*Erica Kostyz*

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Erica Kostyz RMC, CMR  
Municipal Clerk