

**BOROUGH OF BRADLEY BEACH**  
**SPECIAL COUNCIL MEETING MINUTES**

**DECEMBER 27, 2022 AT 6:30 P.M.**

**IN ACCORDANCE WITH THE PROVISIONS OF THE OPEN PUBLIC MEETINGS ACT, PUBLIC MEETINGS MAY BE HELD IN PERSON OR BY MEANS OF COMMUNICATION EQUIPMENT TO INCLUDE STREAMING SERVICES AND OTHER ONLINE MEETING PLATFORMS (N.J.S.A. 10:4-8b).**

**THIS MEETING WAS HELD IN-PERSON AND THROUGH THE ZOOM MEETING PLATFORM, BEING BROADCAST FROM BOROUGH HALL, 701 MAIN STREET, BRADLEY BEACH, NJ 07720. PUBLIC PARTICIPATION FOR THIS SPECIAL COUNCIL MEETING OF DECEMBER 27, 2022 WAS AVAILABLE IN PERSON OR THROUGH THE ZOOM LINK POSTED TO THE WEBSITE AND ADVERTISED IN THE NEW COASTER AND THE COAST STAR ON DECEMBER 22, 2022 AND THE ASBURY PARK PRESS ON DECEMBER 21, 2022.**

**WITH ADEQUATE NOTICE HAVING BEEN GIVEN, THE MUNICIPAL CLERK IS DIRECTED TO INCLUDE THIS STATEMENT IN THE MINUTES OF THIS MEETING.**

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

**CALL TO ORDER**

**ROLL CALL 6:30 P.M.**

**Present at the December 27, 2022 Special Council Meeting:**

**Councilman Bonnell, Councilman Gubitosi, Councilman Weber, Mayor Fox (via ZOOM)  
Municipal Clerk: Erica Kostyz  
Deputy Municipal Clerk: Michele Whille (ZOOM operator)  
Borough Attorney Alternate: Christina Malamut, Esq.**

**PUBLIC COMMENT ON AGENDA ITEM:**

**In Person:**

**Thomas J. Coan, 612 Third Avenue, thanked the Mayor and Council for having this meeting to adopt this ordinance. Mr. Coan read an item from the Economic Development Plan that was created by the Strategic Planning Committee in 2021 regarding hotels and motels. Mr. Coan stated he disagreed with the comments made by the Land Use Board that found this ordinance is not consistent with the Master Plan.**

**William Psiuk, 110 Fifth Avenue, feels this ordinance is a “power grab” by the Council and feels Air B and B’s are a more important issue within the Borough that needs to be addressed right now.**

**Nancy Meadow, 805 Beach Avenue, stated she is in favor of this ordinance.**

**Barbara Kenny, 216 Brinley Avenue, stated she is in favor of this ordinance.**

**Linda Curtiss, 202 Third Avenue, stated she does not see an issue with having a boutique hotel on Main Street and does not understand why a special meeting was called to rush the adoption of this ordinance.**

**Julie Nutaitis, 605 Newark Avenue, stated she is in favor of this ordinance and expressed concerns of overdevelopment and becoming a transit village.**

**Zoom:**

**Eileen Shissias, 112 Fourth Avenue, stated she is in support of this ordinance.**

**Paula Gentempo, 103 Fourth Avenue, stated she is in support of this ordinance.**

**Brigitte McGuire, 610 Brinley Avenue, appreciated the special meeting to adopt this ordinance.**

**ORDINANCE ADOPTION:**

**ORDINANCE 2022-15**

**AN ORDINANCE DELETING CHAPTER 258: "HOTELS" AND AMENDING CHAPTER 450: "ZONING" OF THE BOROUGH'S REVISED GENERAL ORDINANCES TO PROHIBIT HOTELS AND MOTELS IN THE BOROUGH.**

**Councilman Weber stated he does not feel this is ordinance adoption being rushed and stated this topic has been in discussion since last year. Mr. Weber stated a business can still complete an application for a variance to build a hotel or motel and go before the Land Use Board.**

**Councilman Gubitosi thanked Ms. Curtiss for her comments regarding boutique hotels and stated he appreciates and considers all residents thoughts and ideas even if he is not always in agreement and disagreed with Mr. Psiuk's comments. Mr. Gubitosi read a prepared statement:**

**The language that we are adopting tonight for Ordinance 2022-15 will specifically include "Hotels and Motels" as businesses within the Borough that are classified as "non-permitted" uses. This means that - as a rule - hotels and motels would not be allowed. However, as a "non-Permitted" use, anyone who wishes to bring a hotel or motel to Bradley Beach could file an application with the Land Use Board. After listening to the potential pros and cons of any such application, and after listening to public's comments regarding the application, the Land Use Board would have sole discretion over whether to grant a variance that would approve a given hotel or motel application. And every subsequent hotel or motel application would have to clear this same hurdle. This process is the same as was followed by the Bradley Brew Project. It is the same process followed by the Anchors Away Tattoo Parlor. Without this prohibition on hotels and motels, there would be no limit to the number of hotels and motels that could come to Bradley Beach - other than whatever zoning restrictions might exist at the time.**

After the Council majority voted to introduce this Ordinance amendment at our November 22, 2022, it was sent to the Land Use Board for review of the language's CONSISTENCY with our Master Plan. The Land Use Board's Planner, Ms. Christine Bell, provided her expert opinion that the proposed language *"is not inconsistent with the Borough's Master Plan."* In her report, dated December 2, 2022, she references Mater Planning documents and the 2014 recommendations -- as well as the 2018 Master Plan Reexamination Report -- citing goals which include: preserving "the single-family character of the Borough", and to "develop the character of Main Street by discouraging types of uses that do not typically fit within a downtown corridor...". She concludes: "The proposed amendment intends to further these goals."

Despite this strong endorsement from their professional, the Land Use Board decided that Ordinance 2022-15 is INCONSISTENT with the Master Plan. Further the Land Use Board recommended that our Ordinances provide "a definition for hotels consistent with the New Jersey Statutory definition found in NJSA 55:13 A-3."

Should we vote to adopt the amended language of Ordinance 2022-15 tonight, we will be choosing to follow the guidance of the Land use Board's professional Planner, Ms. Christine Bell, concurring that this amendment is not inconsistent with the Borough's Master Plan. The future Council can evaluate the Land use Board's recommendation as to whether to adopt the state's definition of hotels.

Councilman Bonnell stated he agrees with this ordinance and posted about this topic on social media and received many responses from residents not in favor of hotels and motels.

Mayor Fox does not feels this is the optimum way to end the year. The Mayor re-iterated this Ordinance came back the first time from the Land Use Board as inconsistent and the second time as not inconsistent, however still not consistent. Mayor Fox stated he would have preferred a discussion on conditional use and a more thorough assessment for hotels and motels and mentioned the Borough will be the first Shore town to prohibit hotels and motels.

ON MOTION by Fox/Weber to open the public hearing for Ordinance 2022-15.

ROLL CALL:

AYES: Bonnell, Gubitosi, Weber Mayor Fox

NAYS: None

ABSENT: Sexsmith

ABSTAIN: None

**Public Comment on Ordinance 2022-15:**

**In Person:**

Thomas J. Coan, 612 Third Avenue, feels this ordinance will protect residents and read suggestions from the Strategic Planning Committee regarding density standards and reduction of non-residential zones.

**Jeanne Leahy, Park Place Avenue, stated she is in favor of this ordinance, thanked Councilman Bonnell and Councilman Sexsmith for their service. Ms. Leahy welcomed the new Council Members and wished everyone a Happy New Year.**

**ZOOM:**

**Mary Backstrom, 218 Fourth Avenue, stated she is in favor of this ordinance.**

**Kristen Mahoney, 200 LaReine Avenue, stated she is in favor of this ordinance.**

**Mea Molin, 302 Fourth Avenue, stated she is in favor of this ordinance and agreed with previous comments regarding overdevelopment.**

ON MOTION by Fox/Bonnell to close the public hearing for Ordinance 2022-15.

**ROLL CALL:**

**AYES:** Bonnell, Gubitosi, Weber, Mayor Fox

**NAYS:** None

**ABSENT:** Sexsmith

**ABSTAIN:** None

ON MOTION by Gubitosi/Bonnell to adopt Ordinance 2022-15.

**ROLL CALL:**

**AYES:** Bonnell, Gubitosi, Weber

**NAYS:** Mayor Fox

**ABSENT:** Sexsmith

**ABSTAIN:** None

**ADOPTED**

**PUBLIC COMMENT:**

**Councilman Weber requested to speak after the public commentary.**

**In Person:**

**Nancy Meadow, 805 Beach Avenue, voiced several complaints with the ZOOM operations of Meeting, thanked Councilman Bonnell for his service and wished everyone a Happy New Year.**

**Rich Despina, 600 Third Avenue, thanked Councilmen Bonnell and Councilman Sexsmith for their service on Council.**

**Jeanne Leahy, Park Place Avenue, suggested finding another way of communications.**

**Linda Curtiss, 202 Third Avenue, thanked Councilman Gubitosi for listening to all resident comments whether in agreement or not, thanked Councilman Bonnell for his service to the community, and stated she felt insulted by his earlier comments.**

**ZOOM: None**

## **COUNCIL COMMENT:**

### **Councilman Weber:**

- **Thanked the Borough Staff for coming in for the meeting.**
- **Thanked the DPW for salting the streets.**
- **Thanked the Mayor for the well wishes at the last meeting.**
- **Mentioned Elementary School updates to include the Holiday Concert, high honor roll student awards, and sustainable school status.**
- **Congratulated the Environmental Commission for achieving Sustainable Jersey status for the town.**
- **Thanked Councilman Sexsmith and Councilman Bonnell for their service on Council.**

### **Councilman Gubitosi**

**Requested the letter from Borough Planner Christine Bell regarding the consistency determination for Ordinance 2022-15 be entered into the minutes.**

**Note: Please see attached letter which was read aloud by Councilman Weber.**

**Councilman Gubitosi read the following prepared statement:**

As we close out the 2022 year, I want to thank everyone for caring about our town. For so many of you who come to our Council meetings in person or live via Zoom, thank you for caring. For all of our tremendous volunteers, thank you for caring! Our first responders in the Fire Department and in the First Aid are at the top of my volunteer appreciation list. That said, we have so many more critical resident volunteers staffing our School, our Commissions, our Committees, even our BBBCA resident volunteer members, you all do so much to make Bradley Beach a special place to live. Of course, I must include our employees in my thanks. Our Police, our DPW, and all of our office personnel who, despite the occasional “flat tire,” keep our “wheels turning” all year long. As Council members, we are privileged to work with so many of you, in serving Bradley Beach.

My final thank you for 2022 is directed to my fellow Council members. I imagine we can all agree that if you care about Bradley Beach there is a lot of work that needs to get done by our Council members, and it is not always easy. Residents do not always agree with us despite our best efforts and there are many times when some of those residents are not shy about stating their disagreements! There are clearly times when the Council disagrees with each other as well! That said, I want to believe that we all care about doing the right thing for Bradley Beach and that we all work hard to serve ALL of our residents. Thank you to this 2022 Council for the efforts that each of you made during the past year to serve Bradley Beach. To be clear, I am thanking Mayor Fox, Council President Sexsmith, Councilman Weber and Councilman Bonnell for the efforts each has made on behalf of Bradley Beach.

Specifically, I want to call out Councilman Bonnell. Randy thank you for six great years of service to Bradley Beach as perhaps, our strongest Council member! I had the privilege of running with you three years ago and then serving with you for the last three years on this Council. Your knowledge of construction and zoning issues proved invaluable to me as did your intense interest in the Finances of the Borough. We spent many hours examining budgeted revenues and appropriations. “Geek work” that only the two of us could have enjoyed! Now completing my first term on this Council, I know that I accomplished so much more, simply by having you as a younger coach and mentor. Thank you, Randy!!

Now, as we look forward to 2023, I want to officially welcome our two Councilwomen Elect to the Bradley Beach Council. Meredith DeMarco, the top vote-getter in our recent election, is also a friend and a past colleague of mine on the Planning Board for many years! Welcome Meredith. And, of course, my warmest welcome goes to Jane DeNoble, my running mate this past fall who taught me a ton about “Kindness” and who was a pretty strong vote getter in her own right. Jane, I look forward to seeing the entire Council learn from you! Your passion, your intelligence, and your strong ethical compass will serve as a guide for us all. Welcome Jane.

So, as we are about to EMBRACE 2023, everyone, please keep it VERY SAFE, keep it VERY HEALTHY and most importantly keep it VERY HAPPY. Happy New Year everyone!

Mayor Fox wished everyone a Happy New Year.

Fox/Bonnell moved to adjourn.

**MEETING ADJOURNED: 7:45 P.M.**

  
Erica Kostyz, RMC, CMR  
Municipal Clerk

**LEON S. AVAKIAN, INC. *Consulting Engineers***

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

December 2, 2022

LEON S. AVAKIAN, P.E., P.L.S. (1963-2004)  
PETER R. AVAKIAN, P.E., P.L.S., P.P.  
MEHRYAR SHAFARI, P.E., P.P.  
GREGORY S. BLASH, P.E., P.P., CPMM  
LOUIS J. LOBOCCO, P.E., P.P.  
GERALD J. FREDA, P.E., P.P.  
JENNIFER C. BEAHM, P.P., AICP  
CHRISTINE L. BELL, P.P., AICP  
SAMUEL J. AVAKIAN, P.E., P.L.S.

Bradley Beach Land Use Board  
701 Main Street  
Bradley Beach, NJ 07720

Re: **Ordinance 2022-15**  
***Section 26 Consistency Determination***

Dear Board Members:

Pursuant to NJAC 40:55D-26, The Borough of Bradley Beach Ordinance 2022-15, An Ordinance deleting Chapter 258: "Hotels" and amending Chapter 450: "Zoning" of the Borough's Revised General Ordinances to prohibit hotels and motels in the Borough, is not inconsistent with the Borough's Master Plan.

While the Master Plan does not speak directly to the matter contained within the ordinance; the single-family character of the Borough was identified as a very important asset in Borough's master planning documents; and the 2014 recommendation to develop the character of Main Street by discouraging types of uses that do not usually fit within a downtown corridor was reaffirmed in the 2018 Master Plan Reexamination Report. The proposed ordinance amendment intends to further these goals. However, the Strategic Planning Committee recommended to include the prohibition of hotels and motels as a recommendation of the 2021 Economic Development Plan and the Planning Board chose not to include that recommendation in the adopted Plan Element.

Should you have any questions or require any clarification regarding this matter, please do not hesitate to contact our office.

Very truly yours,

**LEON S. AVAKIAN, Inc.**



Christine L. Bell, P.P., AICP  
*Board Planner*

cc: Jerry Freda, P.E., Board Engineer  
Mark Kitrick, Esq., Board Attorney

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