

**PLANNING BOARD OF THE BOROUGH OF BRADLEY BEACH**

**RECOMMENDATIONS OF THE PLANNING BOARD OF  
THE BOROUGH OF BRADLEY BEACH,  
REGARDING REFERRAL OF CAVEMAN CULINARIAN, LLC  
TO BOROUGH COUNCIL  
UPON OPEN PUBLIC MEETING DISCUSSION OF APRIL 23, 2020**

---

**This Matter** arises as the Borough of Bradley Beach Borough Council on or about January 14, 2020, approved Resolution #2020-26 wherein the Borough had advertised an Request for Proposals (RFP) for the Renovation and Lease of a certain municipally owned retired Utility Building located in an area more commonly known as the “Beachfront Promenade” (Block 88, Lot 1, Ocean Avenue & Park Place Avenue) for use as a Food Concession.

The RFP stated in pertinent part,

*“The entity selected by the Borough is required to comply with all permit conditions, federal, state and local laws and regulations, and is responsible for receiving any and all approvals which are or may be required. **The Borough will support any application made by the successful proposer.** The Proposal needs to include a complete renovation of the interior and exterior of the building, which shall include, but not be limited to, upgrades to plumbing, electric and sewer, all of which must be approved by the Borough.*

*The Borough will review all responses and select the Respondent whose qualifications and proposal is deemed most responsive to this request. The selected Respondent will be awarded a Lease and Concession Agreement (the “Lease”), which will reflect the terms of the selected proposal. The Borough reserves the right to reject one or all proposals or terminate lease negotiations at any time prior to executing a formal Lease, for any or no reason, without penalty or liability.*

*The Borough is issuing this Bid Solicitation under the competitive contracting process in lieu of public bidding under the New Jersey Local Public Contracts Law, specifically N.J.S.A. 40A:11- 4.1 (j). Under this process, the Borough is able to evaluate proposals and select the Respondent based on price plus other factors. Such other factors are detailed herein. Since the qualifications of the respondents are material to the Borough's selection, the award of the Lease shall not be assigned or otherwise transferred in any manner to any third party not identified in the response to this Bid Solicitation. (Bid Solicitation and Specifications – RFP)*

*Construction plans, including specifications and drawings, will be reviewed, and approved by the appropriate Borough official, in consultation with its professionals. **The Lessee’s proposal for operation of the concession, including hours, outdoor seating, lighting, garbage removal and environmental considerations, shall be subject to advisory review by the Bradley Beach Planning Board prior to approval by the Borough and issuance of a certificate of occupancy.**” (RFP – page 11, Paragraph 3 “Improvements”)*

The RFPs were to be returned by December 6, 2019. The sole bidder, per the approved Resolution, for the renovation and lease were Lynn Tellefsen and Douglas Stehle (Caveman Culinarian, LLC). Upon memorialization of the Resolution and the award of the bid by the Borough to Caveman Culinarian, LLC, this matter was referred to the Planning Board pursuant to the referenced article for “advisory review” of the operation of the concession, including hours, outdoor seating, lighting, garbage removal and environmental considerations.

In conjunction with this review, the successful bidder “Caveman Culinarian” was to provide a presentation to the Planning Board for discussion and commentary. The Borough of Bradley Beach, in an effort to provide notice to the public of the presentation and pending review, provided notice to the 200’ list including their “zoom” link information, published the information on the meeting in the local newspaper and published the meeting information, link to zoom meeting as well as the entire package of documents to be reviewed in the meeting in PDF form on the Borough website for public viewing.

The content of the 200 Foot Legal Notice, in pertinent part states,

*“The Borough received one (1) Proposal from Caveman Culinarian, LLC (“Respondent”) to: (A) substantially renovate the Building at Respondent’s expense; (B) lease the Building from the Borough for an initial five-year term with an optional five-year extension; and (C) operate a food concession in the Building based upon on Respondent’s other successful restaurant, Cave Bistro in Avon, during the term of the aforementioned lease.*

*On January 14, 2020, the Borough tentatively approved the Proposal. Because the Building is municipally-owned, the Proposal would not ordinarily be subject to land use review.*

*However, the Borough finds it extremely important to receive expanded public comment on Respondent’s Proposal before moving forward. Accordingly, as a condition of the Borough’s RFP, Respondent is required to hold an Advisory Hearing before the Borough’s Planning Board to solicit public comment and suggestions regarding Respondent’s Proposal.*

*PLEASE TAKE NOTICE that the Planning Board will hold an Advisory Hearing on Respondent’s Proposal on Thursday, April 23, 2020 at 6:30PM via Zoom Videoconferencing due to the ongoing COVID-19 crisis. Because you live in close proximity to the Building, the Borough is personally notifying you. To join the Zoom Hearing, visit the following URL:*

*(Link and password provided)*

*Copies of all documents related to the Proposal are available to the public by contacting the Borough Administrator’s Office, 701 Main Street, Bradley Beach, NJ 07720. Respondent’s Proposal is also posted to the Borough’s website at: <http://www.bradleybeachnj.gov>.”*

The copy of the Legal Notice published stated in pertinent part,

*“PLEASE TAKE NOTICE that the Planning Board of the Borough of Bradley Beach will hold an Advisory Hearing on Thursday, April 23, 2020 at 6:30PM for the receipt of any public comments and/or suggestions which you may have to the Proposal of Caveman Culinarian, LLC to renovate and lease the Borough’s Retired Utility Building at its Beachfront Promenade near*

*the intersection of Ocean Avenue and Park Place Avenue (Block 99, Lot 1) for the use of said Building as a food concession.*

*Due to COVID-19, the Advisory Hearing will be held remotely via Zoom Videoconferencing at:  
<https://us04web.zoom.us/j/491026170?pwd=T0Y3L2JPY2lMSU02aGZBVXVxazVQdz09>  
Meeting ID: 491 026 170 - Password: 127273  
OR enter the same Meeting ID and Password after dialing any of the following phone numbers:  
+1 (312) 626-6799; +1 (646) 558-8656 ; +1 (346) 248-7799*

*Copies of all documents related to Respondent's Proposal are available to the public by contacting the Borough Administrator's Office, 701 Main Street, Bradley Beach, NJ 07720. The Proposal is also posted to the Borough's website at: <http://www.bradleybeachnj.gov>."*

The documents provided for public inspection on the Borough website included the following:

1. Correspondence from Barry Cooke, Esq. (dated 4-14-2020) (Attorney for Caveman Culinarian, LLC) regarding the pending courtesy review.
2. Resolution 2020-26 which was Council's award of Contract to Caveman Culinarian,
3. Architectural Sheets (4 Sheets from Weltz/Molinari Architecture A-1 through A-4) for the proposed alteration/addition for Salt Pavilion; and
4. 3D Color Rendering of the proposed Salt Pavilion (Weltz/Molinari Architecture).

For purposes of the Hearing, the following Legal Counsel were present:

1. Monica C. Kowalski, Esq, Attorney for the Planning Board, Borough of Bradley Beach;
2. Borough Attorney, Greg Cannon, Esq., appeared on behalf of the Borough of Bradley Beach;
3. Barry Cooke, Esq., appeared on behalf of Caveman Culinarian, LLC.
4. Stuart Lieberman, Esq., representing a group of residents entitled, "Save Bradley Beach Boardwalk" whose appearance was entered on the record during the hearing and had submitted a letter of jurisdictional objection to the Board the day prior, on April 22, 2020, at 11:52 a.m.

Based on the RFP, Resolution of Contract Award, duties of the Planning Board outlined in the RFP and the attempt to provide notice to the public despite the fact that notice requirements were not necessary, the Board proceeded with the courtesy review on April 23, 2020.

This memorandum of recommendations follows from notes taken and transcribed as expressed by Board Members, Professionals, Objectors and Public alike. Further, these recommendations should not be deemed as exhaustive. **The Board specifically includes herein by reference, the Transcripts from the hearings, which provide the detailed basis of these recommendations and The Board does hereby rely upon same for further reference, as necessary.**

The Board was advised by Doug Stehle (Caveman Culinarian, LLC) that operations would be from April 1 – October 15<sup>th</sup>. It was proposed that there be Coffee, Breakfast, Lunch and Dinner at various times/days. The hours of potential operation were discussed. Both Board Members and public alike had concerns with hours of operation as proposed times would place employees and potential patrons in the building from 5:30 a.m. for set up and past 11:00 p.m. for dining. Hours of operation should be clarified in any proposed lease agreement.

Board Members, Professionals and members of the public had concerns with security with regard to lighting and outdoor stair placement for lack of a security gate for entry onto roof deck after hours, or an enclosed area for access. A redesign may be necessary for safety of the building and Borough visitors, after hours. Said concerns should be addressed and clarified in any proposed lease agreement.

Board Members, Professionals and members of the public had concerns with regard to lighting (back lit and downward lighting, light spillage and directional lighting) so as not to potentially affect neighbors. The Board recommended that lit signage should be on a “timer” system. Said concerns should be addressed and clarified in any proposed lease agreement.

Board Members, Professionals and members of the public had concerns as to whether or not CAFRA approval is required. The Board Engineer, Freda, advised that this proposed design would require CAFRA approval. Changes to the building design would be required to mitigate the necessity of CAFRA approval. Currently, the west elevation is over 15’ in elevation from ground level, which is subject to NJDEP/CAFRA. Moving the fence, proposed stairs, to west side may be acceptable but expansion in any other direction is frowned upon under CAFRA rules. The Board Engineer outlines sight, line of sight, blocking of corners with only about 2 feet taller than ridge, which may or may not necessarily be determinations for purposes of CAFRA. The stairs on south side will create CAFRA issues. Further, any dimension above the existing roofline may require compromise in order to meet CAFRA requirements. Said concerns should be addressed in any proposed lease agreement and the Board encourages that a preliminary application be made to CAFRA for any proposed design to assure compliance. Further, should a full CAFRA application be necessary, it is encouraged that the cost for said application be a topic of discussion and lease negotiation between the Borough Council and proposed Tenant.

Board Members, Professionals and members of the public had concerns as to the use of “take out” windows (not currently proposed), use of the proposed upper roof deck for dining with regard to safety (use of umbrellas/tables/seating/access) particularly during storm or high winds. Those items should be secured as they create a danger. Concerns were also expressed regarding the number of seats and reservations systems with a large number of people waiting for access. These concerns, if possible, should be addressed in any proposed lease agreement.

There is no liquor license proposed for this location. It is considered a “bring your own bottle” (BYOB) establishment during dining hours. There are no associated applications pending on this issue which would constitute review or inclusion into a lease agreement.

Board Members, Professionals and members of the public had concerns with regard to an additional load on parking. This concern, if possible, may be addressed by the Borough in any proposed lease agreement.

Board Members, Professionals and members of the public requested a PVC style enclosure instead of wood for the trash enclosure. Trash will be brought curbside to be picked up by the Borough on a regular schedule as this is typical of Bradley Beach with all beach concessions (as opposed to private carting). There is no grease disposal as a fryer is not proposed for the premises.

Board Members, Professionals and members of the public requested a planter on the East elevation to soften the exterior ambience. Further, for environmental considerations, there will be no plastic wear utilized and in an effort to remain “surf rider approved,” the Lessee intends to remain environmentally conscious.

Some members of the public had concerns and expressed antipathy for a board walk concession at this location. There were concerns for restaurant deliveries, traffic, parking, density, fire, water, sewage use (capacity with increase in utilization at this location) and potential storm water management issues along with the “BYOB” designation when children are in the adjacent playground. It was referred to as a “destination” rather than a “boardwalk concession.” These may be appropriate considerations for future lease negotiations.

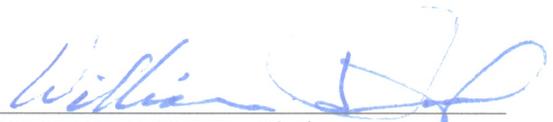
Other members of the public supported the forum for this discussion and indicated their approval of the proposal with additional specifics such as the use of gooseneck lighting for less light spillage/shed and expressed they support the idea and “would love to go there” even though people “living closer” may feel it is an intrusion.

**Again, the Board specifically includes herein by reference, the Transcripts/Recordings from the hearing, which provide the detailed basis and description of the decision as set forth in these recommendations and do hereby rely upon same for further reference, as necessary.**

The Planning Board does hereby submit these recommendations to Council for review and consideration in furtherance of the RFP/Contract Award process.

**DATED:**

The foregoing is a true copy of the Recommendation adopted by the Planning Board of the Borough of Bradley Beach at its meeting of May 28, 2020, and copied from the Minutes of said meeting.



---

WILLIAM PSIUK, Chairman  
Bradley Beach Planning Board

Prepared by:  
MONICA C. KOWALSKI, ESQ.  
601 State Route 35  
Neptune, NJ 07753-4001  
(732) 774-7447