

**Bradley Beach Planning Board  
Regular Meeting Minutes – Meeting Held Via Zoom  
Thursday, June 25, 2020 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, Robert Mehnert, Meredith DeMarco, Douglas Jung, Marc Rosenthal, Alan Gubitosi, George Waterman, Mayor Gary Engelstad, Rafael Albanir, and William Psiuk

Absent: None.

Also Present: Monica Kowalski, Esq. – Attorney to the Board and Christine Bell, PP, AICP – Board Planner

**Approval of Meeting Minutes from May 28, 2020** – Motion to approve and adopt minutes made by Chair Psiuk and seconded by Meredith DeMarco. All eligible members present in favor.

Chair Psiuk asks Monica Kowalski, Esq. to explain the procedures for this evening and regarding Ordinance Consistency review. Monica explains that the role of the Planning Board is to review the Ordinances for consistency with the Master Plan, if the public would like to comment on the content of said Ordinances that should take place at the Council meeting as the Council is responsible for drafting the Ordinances, not the Planning Board.

**Consistency Determinations:**

**Ordinance No. 2020-09** of the Borough of Bradley Beach to Amend and Supplement 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 Revised General Ordinances of the Borough, 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, introduced at the Borough Council meeting on May 26, 2020.

Chair Psiuk makes some recommends for Mayor & Council:

1. Section 24-30 – Definitions – Establishment of the Shade Tree Commission Membership terms under the letter E which is recited. Would like to note that any new appointments should be made Alternate #2 and the remainder of the membership moves up. **All members are in agreement – no objection to this recommendation. Mr. Gubitosi and Mayor Engelstad recused**
2. Section 270-25 –A - Line #4 – The Borough will not be liable for any damage accrued to the artificial grass while any work, snow/ice removal or Act of God transpires. No prior notification is required by the Borough or contractor for any work being performed. No other material, including, but not limited to, brick or concrete pavers, concrete, asphalt or stones, shall be placed in the planting strip, except that, for properties without driveways,

a walkway not more than three feet wide may be placed within the grass planting strip as an extension of the walkway to the dwelling. Recommendation to add sprinkler systems to the list as well. **All members are in agreement – no objection to this recommendation. Mr. Gubitosi and Mayor Engelstad recused**

3. Section 450-21 – Removal of Trees. At the end of Letter A insert where a homeowner wishes to remove trees from their front/rear or side yard setbacks on their lots are exempt from this section. Tree removals in the public right of way or Borough right of way must adhere to Chapter 425 of this Code – Mr. Gubitosi indicates that is exactly contrary to what was intended, that is a more substantial change. Chair Psiuk understands if this pertains to planting strip or on Main Street, but we are basically putting a huge burden on the residents of Bradley Beach by imposing the permit, the fee structure, on their own properties. Doesn't think it is fair to the homeowners. Mr. Gubitosi indicates he understands that and has heard the residents raise the same concern, he is just pointing out that for the purposes of this Ordinance, the goal was to ask such a person to ask for permit to remove the tree and plant a replacement tree somewhere else on their property, in a planting strip, on a neighbor's property...the idea is to try to better manage the removal of trees. Chair Psiuk indicates this is just a recommendation, the Mayor and Council is going to look into it I hope, especially with the fee structure that is proposed. **All members are in agreement – no objection to this recommendation. Mr. Gubitosi and Mayor Engelstad recused.**
4. Section 425-3 – Approval Required. Explore whether County or State are to be notified and whether permission is required from them. **All members are in agreement – no objection to this recommendation.**
5. Section 425-10 – Application for Tree Removal Permits – Chair Psiuk indicates he feels there is a hardship with the fees, feels the Mayor and Council need to carefully look at that, also Letter C – Sketch/Printed Plan – should also be submitted electronically. Also Letter D – electronic submission as well. Feels it would put a time stamp and possibly speed up the process. **All members are in agreement – no objection to this recommendation. Mr. Gubitosi and Mayor Engelstad recused.**
6. Schedule A & B – review and reduce drastically if possible for homeowners and make affordable to all residents in the Borough. **All members are in agreement – no objection to this recommendation. Mr. Gubitosi and Mayor Engelstad recused.**
7. Section 425-12 – Appeals - B1 and B2 – recommending considering electronic filings as well. **All members are in agreement – no objection to this recommendation. Mr. Gubitosi and Mayor Engelstad recused.**
8. Section 425-13 – Enforcement procedures – A1, A2, A3 – recommend consideration electronic filings as well. **All members are in agreement – no objection to this recommendation. Mr. Gubitosi and Mayor Engelstad recused.**

Back to Section 425-21 Should there be language added that they must adhere to Section 425 of this Code – including but not limited to the planting strip area. **All members are in agreement – no objection to this recommendation. Mr. Gubitosi and Mayor Engelstad recused.**

Bob Mehnert – Section 425-13 A3 – can we add appeal to governing body as well – Monica indicates it would go laterally into the court system it would not get kicked back up to Council. Language is contained in 425-12. It is recommended that it should be reviewed to see if appropriate with regard to appeal process.

Doug Jung – beyond tonight – once approved and sent back to Council – How will future modifications be handled with the content of these ordinances? Monica indicates it will be the same process. If they are further amended they would come back for consistency review.

Marc Rosenthal 425-11 questions Letter “E” the permit shall not be transferable? Seems a little unnecessary for a new buyer. Chair Psiuk indicates somewhere there is a 1-year timeframe in order for the work to take place. Recommend to Council to review the transferability of permits within a certain timeframe. **All members are in agreement – no objection to this recommendation. Mr. Gubitosi and Mayor Engelstad recused.**

**Chair Psiuk makes a motion that Ordinance 2020-09 is consistent with the Master Plan of the Borough of Bradley Beach and also move the recommendations as discussed to be submitted to Mayor and Council. Seconded by Marc Rosenthal. All members present in favor. Mr. Gubitosi and Mayor Engelstad are recused.**

**Ordinance No. 2020-10** of the Borough of Bradley Beach to Amend and Supplement Chapter 5: “Administration of Government” and Chapter 450: “Zoning” of the Revised General Ordinances of the Borough, 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 the Applicants, introduced at the Borough Council meeting on May 26, 2020.

Chair Psiuk – 450-79 – Letter C –Zoning Permits #2 & #3 Recommends that all submittals should be sent electronically as well as hard copies.

**Chair Psiuk makes a motion that Ordinance 2020-10 is consistent with the Master Plan of the Borough of Bradley Beach and also move the recommendation as discussed to be submitted to Mayor and Council. Seconded by Rafael Albanir. All members present in favor. Mr. Gubitosi, George Waterman, and Mayor Engelstad are recused.**

#### **Adjournment:**

**NEXT SCHEDULED MEETING WILL BE OUR REGULAR MEETING ON THURSDAY, JULY 23, 2020 AT 6:30 PM WHICH WILL TENTATIVELY TAKE PLACE VIA ZOOM. WITH NO FURTHER BUSINESS BEFORE THE BOARD A MOTION TO ADJOURN THE REGULAR MEETING WAS OFFERED BY CHAIR PSIUK, MOVED AND SECONDED BY ROBERT MEHNERT, ALL IN FAVOR. MEETING CLOSED AT 7:20 PM.**

Minutes submitted by Kristie Dickert, Board Secretary