

# STONEMANDIA, L.L.C.

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### Via Email and Ordinary Mail

Mark G. Kitrick, Esq.  
King, Kitrick, Jackson, McWeeney & Wells, LLC  
2329 Highway 34, Suite 104  
Manasquan, New Jersey 08736

**Re: Cotler, Beth and Harold / Bradley Beach Land Use Matter  
Our File No. 38,884-S**

Dear Mr. Kitrick:

I submit this letter in response to your request that we address some of the issues raised in the previous municipal land use hearings and in response to Objector Coan's brief regarding the above matter.

The issues this letter is in response to include the following:

1. Whether Ms. Deidra Phillips, a Zoning Board Member, should be disqualified because of comments made prior to evidence being submitted on behalf of the Applicant and Objector.
2. Whether Mr. Dave Critelli, a Zoning Board Member, should be disqualified because of comments made that Objector Coan suggests were bias towards the Petitioner in this matter.

As to both issues #1 and #2, I respectfully submit that if the Board Member's at issue affirm his/her ability to be objective, fair and unbiased, he/she can remain a Board Member. In the case of Voci v. Hard Cheese AC, LLC, 2019 Super. Unpub. LEXIS 1600, \*14, 2019 WL 3029866, the Court commented:

“(l)ocal governments would be seriously handicapped if every possible interest, no matter how remote and speculative, would serve as a disqualification of an official.” *Grabowsky*, 221 N.J. at 554 “

Therefore, if either Ms. Deidra Phillips and Mr. Dave Critelli represent that they can remain unbiased and objective regarding this Zoning Board Application, there is no basis for them to recuse themselves or be disqualified in this matter.

Thank you.

Respectfully submitted,  
**STONE MANDIA, LLC**

A handwritten signature in black ink, appearing to read "Richard B. Stone". The signature is stylized with large, overlapping loops and a prominent "S" at the end.

**RICHARD B. STONE**

rbs/hms

cc: Clients