

**BOROUGH OF BRADLEY BEACH
PLANNING BOARD
RESOLUTION NO. 2021-13**

**RESOLUTION OF THE BOROUGH OF BRADLEY BEACH
PLANNING BOARD, COUNTY OF MONMOUTH, STATE
OF NEW JERSEY FINDING THE PROPOSED
AMENDMENT TO ORDINANCE NO. 2021-14 ENTITLED
AN ORDINANCE AMENDING CHAPTER 450:
“ZONING” OF THE BOROUGH’S REVISED GENERAL
ORDINANCES TO AMEND SECTION 450-49: “EXEMPT
SIGNS AND AWNINGS” TO ADOPT NEW REGULATIONS
REGARDING THE PLACEMENT, APPEARANCE, AND
UTILIZATION OF TEMPORARY COMMERCIAL SIGNS
WITHIN THE LIMITS OF THE BOROUGH IS
CONSISTENT WITH THE MASTER PLAN OF THE
BOROUGH OF BRADLEY BEACH.**

WHEREAS, the BOROUGH COUNCIL on JUNE 22, 2021 referred Ordinance No. 2021-14 to the Planning Board for review and recommendations with regard to a proposed amendment to the Land Development Ordinance for review pursuant to N.J.S.A. 40:55D-24; and

WHEREAS, pursuant to N.J.S.A. 40:55D-26 of the Municipal Land Use Law, the Planning Board is to prepare a “report including identifications of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the Master Plan and recommendations concerning these inconsistencies and any other matters as the Board deems appropriate”; and

WHEREAS, the Planning Board Planner, by a memorandum dated July 14, 2021 opined that “Pursuant to NJAC 40:55D-26, The Borough of Bradley Beach Ordinance 2021-14, An Ordinance of Bradley Beach, County of Monmouth, and State of New Jersey, to amend Chapter 450-49 of the Borough's Revised General Ordinances to Exempt Signs and Awnings, to adopt new regulations regarding placement, appearance, and utilization of temporary commercial signs within the limits of the Borough, is not inconsistent with the Borough's Master Plan.

WHEREAS, the Board Planner opined, “the 2018 Master Plan Reexamination report recommended that Borough review the land development ordinance against its planning goals and objectives, clarifying, amending and updating when appropriate. This ordinance comes as a direct result of the Borough’s Mayor and Council engaging in a comprehensive review of the Revised General Ordinances as recommended, so that the proposed amendment is appropriate.

WHEREAS, recently, the Mayor & Council of the Borough of Bradley Beach (the “Borough”) have revised the Borough’s Zoning Ordinances at Section 450-49 entitled “Zoning” of the Revised General Ordinances of the Borough of Bradley Beach, and;

WHEREAS, the Mayor & Council of the Borough of Bradley Beach (the “Borough”) seek to maintain the streetscapes and visual appeal of the Borough’s neighborhoods; and

WHEREAS, to enhance its neighborhoods, the Borough finds it necessary to greater regulate the placement, appearance, and utilization of temporary commercial signage within the limits of the Borough; and

WHEREAS, the Borough hereby adopts new regulations regarding the placement, appearance, and utilization of temporary commercial signage within the Borough;

WHEREAS, based upon the Opinion of the Board Planner and Board discussion, the proposed amendment promotes the general and commercial aesthetic of the Borough along with the general welfare of the populace which is an overall goal of the Borough's master plan and the proposed ordinance amendment intends to further this goal and therefore is found consistent with the goals and objectives of the Borough Master Plan in that it supports the overall goal of the Land Use Element of the Master Plan; and

WHEREAS, in addition to the Planner’s Report, the Board engaged in discussion and independent findings as to whether the proposed Ordinance amendment proposed is or is not

substantially consistent with the Land Development Ordinance and other Elements of the current Borough of Bradley Beach Master Plan; and

WHEREAS, the Board, after carefully considering the evidence submitted by the Planning Board's experts, makes the following findings of fact and conclusion of law:

1. The Borough Master Plan Re-Examination was adopted on June 28, 2018.
2. The Board finds that the proposed Ordinance #2021-14, serves appropriately as an amendment to the Borough Code by permitting the amendment of Chapter 450-49 and determines that said revision is consistent with the Master Plan of the Borough of Bradley Beach.
3. Such amendment is deemed consistent with the overall goals of the Land Use Element of the Master Plan in that it promotes the general and commercial aesthetic of the Borough along with the general welfare of the populace which is an overall goal of the Borough's master plan.
4. However, while the Board finds the amendment "consistent" with the Master Plan, the Planning Board advises the Borough Council to review the Ordinance as particularly described herein; to wit:
 - a. SECTION 1: Section B: 20 sq. ft. aggregate calculation may be excessive based on typical size of political sign (14" x 22"). Quantity of signs rather than a size or in conjunction with a size should be considered for an amendment. Lawn signs along size with 4x5 sign (20 sq. ft.) limitations should be considered. Additionally each sign has two sides. Council should consider whether both sides count towards the aggregate or is it per sign. Clarification required.

- b. Section E: Type of signs should be considered. Is this a wall sign? Window sign? Clarification may be required for applicability in order to maintain a pathway if a freestanding sign is considered to be appropriate under this paragraph.
- c. Section G (3): Consider enforceability of 180 day aggregate.
- d. Section H (2): 10 feet from entrance with sandwich boards for signage perhaps substitute “adjacent to front entrance within 10 feet.”
- e. Section H (3): Council should consider the definition of “public property or thoroughfare” for clarification of sign placement.
- f. SECTION 2, Section (C): Perhaps review for clarification with regard to roof signs or applicability to wall signs.
- g. Section 2 (H): Please clarify existing signs are grandfathered unless full replacement necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Bradley Beach that Ordinance No. 2021-14 is consistent with the Land Use and other elements of the current Borough of Bradley Beach Master Plan and the Board and does advance the purposes of planning and zoning as well as advancing the planning objectives of the Borough Master Plan.

The Board makes the following recommendations as to same:

- I. That the Planning Board recommends that the proposed amendment/supplement be adopted with the revisions as suggested.

- II. The Board secretary shall transmit this resolution to the Clerk of the Borough together with a copy of the memorandum prepared by Leon S. Avakian, Inc. dated July 14, 2021.
- III. That the Board's Professionals be authorized to draft any additional or supplemental report in connection with this finding that the ordinance promotes the general welfare as well as advancing the purposes of planning and zoning objectives of the Borough Master Plan as may be directed by the Board's Administrative Officer after forwarding a copy of this Resolution and enclosures to the Borough Council and Borough Attorney in connection with their actions as to Ordinance 2021-14 of the Borough of Bradley Beach.

MOTION TO ADOPT & MEMORALIZE:

Offered By: PSIUK Seconded By: ROSENTHAL

ROLL CALL ON VOTE:

DEMARCO, MEHNERT, JUNG, ROSENTHAL, BOCCO, IERARDI, PSIUK.

CERTIFICATION

I hereby certify that this is a true copy of a resolution of the Borough of Bradley Beach Planning Board adopted on July 22 , 2021.

Dated: July 23, 2021

Kristie Dickert, Board Secretary
Borough of Bradley Beach Planning Board