

*Memo from the Bradley Beach Planning Board
From the desk of Kristie Dickert, Board Secretary
(732) 776-2999 Ext. 1017
kdickert@bradleybeachnj.gov*

Date: July 23, 2021

To: Erica Kostyz, Municipal Clerk (via e-mail)
Kimberly Humphrey, Business Administrator (via e-mail)
Gregory Cannon, Esq. – Borough Attorney (via e-mail)
Michael Mulcahy, Zoning Officer (via e-mail)
Monica C. Kowalski, Esq. – Planning Board Attorney (via e-mail)
Christine Bell, PP, AICP – Planning Board Planner (via e-mail)
Gerald Freda, PE – Planning Board Engineer (via e-mail)

Re: Planning Board Resolution #2021-13
Ordinance No. 2021-14
Section 26 Consistency Determination

Attached please find a copy of the adopted and memorialized Resolution approved by the Planning Board regarding Ordinance No. 2021-14, a copy of correspondence from Christine L. Bell, PP, AICP addressed to the Planning Board dated July 14, 2021, as well as a copy of said Ordinance No. 2021-14. The membership agrees that Ordinance 2021-14 is consistent with the Borough's Master Plan; however, have made some recommendations for the Council's consideration as indicated in said Resolution #2021-13.

If you require additional information please do not hesitate to contact this office.

**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

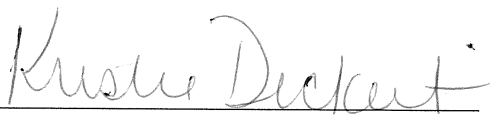
ROLL CALL ON VOTE:

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

LEON S. AVAKIAN, INC. *Consulting Engineers*

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

LEON S. AVAKIAN, P.E., P.L.S. (1953-2004)
PETER R. AVAKIAN, P.E., P.L.S., P.P.
MEHRYAR SHAFAI, P.E., P.P.
GREGORY S. BLASH, P.E., P.P., CPWM
LOUIS J. LOBOSCO, P.E., P.P.
GERALD J. FREDA, P.E., P.P.
RICHARD PICATAGI, L.L.A., P.P.
JENNIFER C. BEAHM, P.P., AICP
CHRISTINE L. BELL, P.P., AICP
SAMUEL J. AVAKIAN, P.E.

July 14, 2021

Bradley Beach Planning Board
701 Main Street
Bradley Beach, NJ 07720

Re: **Ordinance 2021-14**
Section 26 Consistency Determination

Dear Board Members:

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, 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 Borough's Master Plan.

In particular, the 2018 Master Plan Reexamination report recommended the Borough the regulations within the land development ordinance against its planning goals and objectives, clarifying, amending, and updating when appropriate. This ordinance is a direct result of Borough's Mayor and Council engaging in a comprehensive review of the Revised General Ordinances, as recommended.

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, PP, AICP
Planning Board Planner

cc: Jerry Freda, P.E., Board Engineer
Monica Kowalski, Esq., Board Attorney

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

ORDINANCE 2021-14

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.

Mayor Fox offered the following Ordinance and moved its introduction:

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;

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Bradley Beach, County of Monmouth, and State of New Jersey as follows:

SECTION 1. Section 450-49 entitled “Exempt Signs and Awnings” in Article X: “Signs and Awnings” of Chapter 450 entitled “Zoning” of the Revised General Ordinances of the Borough of Bradley Beach is hereby amended as follows (~~stricken~~ text deleted; underlined text added):

§ 450-49 Exempt Signs and Awnings.

The following signs and awnings shall be exempt from the provisions of this article, which require a permit, but all other provisions regarding size, location and type shall apply where appropriate.

- A. *Governmental signs.* All signs and awnings that are erected by the Borough of Bradley Beach or any of its departmental committees or agencies or by the State of New Jersey or County of Monmouth.
- B. *Political signs.* All signs which are political in message, provided that said signs are erected not more than 45 days prior to an election and removed no later than 10 days after an election and provided further that the aggregate total of all said signs per property shall not exceed ~~40~~twenty (20) square feet.

- C. *Religious, civic signs.* Church, civic, or nonprofit temporary signs not to exceed four feet by eight feet, provided that special permission is granted by ~~resolution~~ of the Mayor and Council. A request for permission for placement of a sign under this subsection shall be made to the Zoning Officer, in writing, and permission may be granted only by resolution approved by a majority vote of the Mayor and Council.
- D. *Temporary special signs.* Any temporary sign or banner may be erected for a period not to exceed 30 days by permission ~~granted by resolution~~ of the Mayor and Council. A request for permission for placement of a sign under this subsection shall be made to the Zoning Officer, in writing, and permission may be granted only by resolution approved by a majority vote of the Mayor and Council.
- E. *Grand opening and going out of business.* Any sign or banner that is used to designate a grand opening of a business or a going-out-of-business event; provided, however, that said sign shall be limited to 40 square feet per property and shall be removed within 30 days after commencement.
- F. ~~*Residential signs.* One nonilluminated temporary sign that must be properly maintained which advertises the sale or rental of the lot or building on which the sign is located, that said sign is not greater than nine square feet in total area.~~
- F. *Temporary Commercial Signs.* Temporary commercial signs are permitted as follows:
- (1) Signs announcing that the premises on which the signs are located is available for sale or rent, provided that:
 - (a) One sign shall be permitted for each property regardless of its street frontage(s), except that, if under apartment, condominium or cooperative ownership, one sign is permitted for each unit.
 - (b) Such sign, unless affixed to a principal building, shall be placed not more than ten feet from the principal building, and shall not be higher than four feet from the ground at its highest point.
 - (c) No artificial illumination shall be used.
 - (d) No such sign shall exceed four square feet in area.
 - (e) Such sign shall be displayed only for as long as such premises is in fact available for sale or rental, and shall be removed upon the issuance of a certificate of occupancy by the Borough for such sale or rental. In the event of a recurring or short-term rental property or unit, no advertising signage shall be displayed while the property or unit is occupied by a current rental.

(f) In addition to "For Sale" signs and subject to the same number, height, setback and size restrictions, "Open House" signs shall be permitted during the actual time period of an open house.

(2) Signs identifying a real estate development involving the construction of single-family dwellings in a subdivision, a multifamily development of more than four units or a nonresidential building, provided that:

(a) One sign shall be permitted for each property regardless of its street frontage(s).

(b) No such sign shall exceed four square feet in area.

(c) Such sign, unless affixed to a principal building, shall be placed not more than ten feet from the principal building, and shall not be higher than four feet from the ground at its highest point.

(d) No artificial illumination shall be used.

(e) Such sign shall be displayed only for such period of time as there are any homes, apartments, nonresidential space or lots remaining unsold or unrented but such period of time shall in no event exceed two years from the start of construction.

(f) No more than one sign may be displayed at any permitted time under this subsection.

G. *Commercial windows.* Window signs and lettering shall be permitted in nonresidential zones subject to the following restrictions:

(1) *Business.* Window lettering and signs shall pertain only to the business occupying that portion of the premises where the window is located as defined in § 450-4, "~~permanent window lettering~~ Window Lettering, Permanent."

(2) *Permanent lettering and signs.* Permanent lettering and signs shall be permitted, provided that the space containing the lettering and signs or the background for it does not exceed 20% of the window area. Any painted area of the window shall be construed as window lettering or signs.

(3) *Temporary window lettering or signs.* Temporary window lettering or signs are permitted, provided that they do not cover more than 30% of the window area and together with any permanent window signs do not cover more than 50% of the window area. Temporary window signs or lettering shall not exceed a period of 30 consecutive days, and temporary lettering shall not exceed an aggregate of 180 days in each calendar year.

H. Sidewalk, freestanding, and sandwich-board-type. Sidewalk, freestanding, and/or sandwich-board-type signs are prohibited, except:

1. As may be permitted by leases with concessionaries on public property; and
2. One (1) such sign per storefront along Main Street placed directly in front of the business advertised and within ten (10) feet of the front entrance to said business, provided that such sign shall not exceed 24 inches wide or 40 inches tall, and provided that a pathway area not less than four (4) feet wide between the adjacent building and the adjacent curb shall be maintained at all times. The pathway area shall be unobstructed by trees, tree wells, light poles, trash receptacles, sign poles and posts, telephone booths and similar structures. The pathway area shall not meander around.
3. Such sign may be displayed on a public property or thoroughfare if there is no reasonable location available directly in front of the business advertised, but such sign shall not be located more than fifteen (15) feet from the front entrance to said business and the placement of such sign shall maintain a pathway area not less than four (4) feet wide between any adjacent building and any adjacent curb at all times. The pathway area shall be unobstructed by trees, tree wells, light poles, trash receptacles, sign poles and posts, telephone booths and similar structures. The pathway area shall not meander around. A request for permission to place a sign under this subsection 450-49(H)(3) shall be made to the Zoning Officer, in writing, and such sign must meet all other requirements set forth in Chapter 450 to be considered, and permission may be granted only by resolution approved by an affirmative vote of a 2/3 majority of the Mayor and Council.

SECTION 2. Section 450-53 entitled "Prohibited Signs" in Article X: "Signs and Awnings" of Chapter 450 entitled "Zoning" of the Revised General Ordinances of the Borough of Bradley Beach is hereby amended as follows (~~stricken~~ text deleted; underlined text added):

§ 450-53 Prohibited signs.

The following types of signs are specifically prohibited in all zones:

- A. Outdoor or rooftop advertising signs and billboards or electronic billboards of any kind, including freestanding and/or sandwich-board-type signs, except for sidewalk, freestanding, and sandwich-board-type signs permitted under § 450-49H.
- B. Any permanent or temporary signs which do not pertain to an occupant, service or product actually occupying or provided on the premises where such sign is located, including temporary signs identifying or advertising architects, builders or any other contractors on a premises where a building is being constructed, altered, repaired, renovated, or demolished.
- C. Roof signs extending above the wall to which they are attached.

- D. Signs posted on fences, posts, utility poles, trees, and street signs or traffic signs.
- E. Signs painted on municipal property or placed in the right-of-way or planting strips without the consent of the Mayor and Council.
- F. Signs painted directly on buildings, sidewalks or curbs.
- G. Signs on accessory buildings that are specifically defined by this chapter.
- H. Signs that flash, are illuminated (such as neon), make noise, imitate official traffic signs or signals or that otherwise contribute a hazard to the traveling public.
- I. Banners, streamers or advertising flags, except as set forth under § 450-49D and E.
- J. All signs not authorized by this chapter are prohibited.

SECTION 3. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 4. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Bradley Beach, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Bradley Beach are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 5. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Bradley Beach for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough's Mayor & Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

SECTION 6. This Ordinance shall take effect upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final adopted Ordinance by the Clerk with the Monmouth County Planning Board pursuant to N.J.S.A. 40:55D-16.

SO ORDAINED as aforesaid.

ERICA KOSTYZ
Municipal Clerk

LARRY FOX
Mayor

Introduced: June 22, 2021
Date of Hearing and Adoption: