

*****RESOLUTION FAILED DUE TO LACK OF MAJORITY VOTE****

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

RESOLUTION 2021-321

RESOLUTION GRANTING PERMISSION FOR BACK IN TIME CAFÉ LOCATED AT 615 MAIN STREET TO PLACE AND MAINTAIN A SANDWICH-BOARD-TYPE SIGN WITHIN THE FLOWERBED AT THE NORTH CORNER OF RILEY PARK AT THE CORNER OF LAREINE AVENUE AND MAIN STREET.

Mayor Fox offered the following Resolution and moved its adoption:

WHEREAS, the Borough of Bradley Beach, County of Monmouth, State of New Jersey (the “Borough”) permits businesses to place certain signage for sidewalk, freestanding and/or sandwich-board-type signs to promote their business to the community of Bradley Beach; and

WHEREAS, pursuant to Borough Code Section 450-49(H)(3), upon written request, the placement of signage upon public thoroughfares is permitted, provided that said signage meets certain requirements, and is permitted by Resolution approved by a 2/3 majority of the Borough’s Mayor & Council; and

WHEREAS, the owner of Back in Time Café, located in the Bradley Beach Train Station, has a Main Street address (615 Main Street) and has submitted a letter of request to place and maintain a sandwich-board-type sign at the north corner of Riley Park adjacent to the utility pole within the flowerbed closest to Main Street at the intersection of Lareine Avenue and Main Street in order to direct customers to its off-street location; and

WHEREAS, the Borough Council desires to position the business located at 615 Main Street “in no worse a position than other Main Street businesses”;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Bradley Beach, County of Monmouth, State of New Jersey hereby grant the letter request of Back in Time Café to place and maintain a sandwich-board-type sign at the northeast corner of Riley Park adjacent to the utility pole and within the flowerbed closest to Main Street at the intersection of Lareine Avenue and Main Street, upon the following terms and conditions:

- (1) The permission granted by this Resolution shall expire on December 31, 2022.
- (2) The Mayor & Council are satisfied that Back in Time Café has provided a better alternative location and demonstrated hardship sufficient to waive the requirement under Borough Code Section 450-49(H)(3) that the permitted sign be placed within fifteen (15) feet of the front entrance said business.
- (3) The permission is granted to the property located at 615 Main Street and does not “move with the

business” should the business change its location.

- (4) At all times, Back in Time Café shall be responsible for proper placement and maintenance of its sandwich-board-type sign in the permitted location, according to the depiction attached hereto as Exhibit A, which sign shall be wholly located within the flowerbed closest to Main Street at the north corner of Riley Park, shall be securely fastened to this location without the use of sandbag weights, and shall not obstruct or be placed upon any sidewalk(s).
- (5) The Back in Time Café agrees to hold harmless the Borough of Bradley for any damage to the permitted sign related to weather, accident, vandalism, or any other cause of damage.
- (6) The owner of Back in Time Café agrees to properly maintain this sign at all times to keep it aesthetically appealing to the public, which includes repairs, fresh paint, and consistent placement in accordance with the depiction attached hereto as Exhibit A.

Seconded by Councilman Sexsmith and adopted upon the following vote:

	AYES	NAYS	ABSTAIN	ABSENT
Mr. Bonnell				X
Mr. Gubitosi		X		
Mr. Sexsmith	X			
Mr. Weber	X			
Mayor Fox	X			

CERTIFICATION

I, Erica Kostyz, Municipal Clerk, Borough of Bradley Beach, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Governing Body at the December 28, 2021 Council Meeting.

Erica Kostyz, RMC, CMR
Municipal Clerk

Note Resolution failed due to lack of 2/3 majority vote.