

**BOROUGH OF BRADLEY BEACH**

**ORDINANCE 2026-1**

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF BRADLEY BEACH, CHAPTER 450 ENTITLED "ZONING" TO ESTABLISH A NEW ZONE ENTITLED AFFORDABLE HOUSING - 4 (AH-4) ZONE.**

**WHEREAS**, the Borough Council of the Borough of Bradley Beach has determined that it is in the best interests of the community to revise portions of its existing Borough Code concerning the Zoning Regulations, to create an Affordable Housing Zone entitled "Affordable Housing- 4 (AH-4) Overly Zone", (MS-CD) in the County of Monmouth and State of New Jersey, finds as follows:

**WHEREAS**, The Borough of Bradley Beach has sought, to the best of its ability as a built-out municipality with a lack of available vacant land, to meet the intent and spirit of the Affordable Housing process by drafting an affordable housing plan, participating in the court-lead settlement process, and reviewing its existing land use ordinances.

**WHEREAS**, The Borough has determined that enacting a Zoning District to enable an inclusionary development on Block 32, Lots 17.01(formally Block 32, Lots 17 and 18 as identified on the Borough of Bradley Beach tax maps).

**NOW THEREFORE BE IT ORDANIED** by the Governing Body of the Borough of Bradley Beach that Chapter 450 of the Borough Code of the Borough of Bradley Beach, be and are hereby amends Chapter 450 - 5 to include the Affordable Housing - 4 (AH-4) Zone in the Zoning Districts within the Borough and establish Chapter 450-32 which establishes the zoning district standards as follows:

**SECTION 1. Purpose.** The purpose of this ordinance is to establish an Affordable Housing – 4 (AH-4) that creates inclusionary zoning on Block 32, Lots 17.01 (formally Block 32, Lots 17 and 18 as identified on the Borough of Bradley beach tax maps) to allow affordable housing to be approved under local ordinance and regulations without detriment to the existing Borough zoning plan and ordinance. This creates a realistic opportunity to provide for the development of affordable housing in accordance with the Fair Housing Act (N.J.S.A. 52-27D-301), New Jersey Council on Affordable Housing ("COAH") prior round regulations, and the Housing Element and Fair Share Plan prepared by the Borough to address its Third-Round affordable housing obligation.

**SECTION 2.** A new section entitled "Affordable Housing – 4 (AH-4) Zone" is hereby established as follows:

**Affordable Housing – 4 (AH-4) Zone**

- A. Purpose: The purpose of the Affordable Housing – 4 (AH-4) Zone is to provide an opportunity to develop affordable housing to meet present and prospective housing needs,

e. Area, Yard and Bulk Requirements for Accessory Structures (excluding parking) & Uses. No accessory structures shall be permitted in the front yard set-back.

- 1. Minimum Side Yard Set-back (Feet) 0
- 2. Minimum Rear Yard Setback (Feet) 0
- 3. Minimum Distance Between Accessory and Principal Structures (Feet) 0
- 4. Maximum Height (Stories/Feet) 1/15

f. Parking

- 1. Commercial uses - 0 spaces
- 2. Residential uses - 1.5 spaces

g. Drive Aisle:

- 1. Drive Aisle width shall be a minimum of 23 feet.

h. Loading:

- 1. No loading zone is required.

C. Affordable housing requirement: Four low- and moderate income housing units shall be required. All affordable housing developments shall conform to the standards found in the Borough of Bradley Beach's Affordable Housing Ordinance including provisions for affordability, very low-income units, and UHAC standards.

D. REPEALER. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

E. INCONSISTENT ORDINANCES. All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

F. SEVERABILITY. If any section, paragraph, subdivision, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

G. EFFECTIVE DATE. This Ordinance shall take effect upon its passage and publication according to law.

*Erica Kostyz*

Erica Kostyz  
Municipal Clerk

*Alan Gubitosi*

Alan Gubitosi  
Mayor

Introduced: January 1, 2026

Date of Hearing and Adoption: January 20, 2026

RECEIVED JAN 13 2026

**NOTICE OF PENDING ORDINANCE  
PUBLIC HEARING AND ADOPTION DATE  
Borough of Bradley Beach  
County of Monmouth, New Jersey**

The Ordinance published herewith was introduced and passed upon first reading at a Council Reorganization Meeting of the Mayor and Council of the Borough of Bradley Beach in the County of Monmouth, New Jersey held on January 1, 2026. It will be further considered for final passage after a public hearing thereon, at a meeting of Mayor and Council to be held in the Meeting Room 701, Main Street, Bradley Beach 07720 on January 20, 2026 at 5:30 p.m., or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning the same.

A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted in the Borough Hall of the Borough of Bradley Beach during the time prior to and up to and including the date of such meeting; copies of the ordinance are available to the general public of the Borough who shall request such copies, at the office of the Municipal Clerk in said Borough of Bradley Beach, in the County of Monmouth.

**ORDINANCE 2026-1**

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE BOROUGH CODE  
OF THE BOROUGH OF BRADLEY BEACH, CHAPTER 450 ENTITLED  
"ZONING" TO ESTABLISH A NEW ZONE ENTITLED AFFORDABLE HOUSING  
- 4 (AH-4) ZONE.**

Erica Kostyz, RMC, CMR  
Municipal Clerk  
1/7/2026 (\$34.32)

Alan Gubitosi  
Mayor

*Decl. 2026-1*

*Intro*

AFFIDAVIT OF PUBLICATION

Order Number : 11971427

STATE OF WISCONSIN  
Brown County

Of the **Asbury Park Press**, a newspaper printed in Freehold, New Jersey and published in Neptune, in State of New Jersey and Monmouth/Ocean Counties, and of general circulation in Monmouth/Ocean Counties, who being duly sworn, depose and saith that the advertisement of which the annexed is a true copy, has been published in said newspaper in the issue:

01/07/2026

*[Signature]*  
\_\_\_\_\_  
Legal Clerk

*[Signature: Denise Roberts]*  
\_\_\_\_\_  
Notary Public State of Wisconsin County of Brown

*[Signature]*  
\_\_\_\_\_  
My commission expires

DENISE ROBERTS  
Notary Public  
State of Wisconsin

RECEIVED JAN 13 2026



Kostyz, Erica &lt;ekostyz@bradleybeachnj.gov&gt;

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**Ordinance 2026-1 Affordable Housing AH-4 Zone**

1 message

**Kostyz, Erica** <ekostyz@bradleybeachnj.gov>

Thu, Jan 1, 2026 at 2:05 PM

To: Kristie Dickert &lt;kdickert@bradleybeachnj.gov&gt;, Anne Marie Rizzuto &lt;amrizzuto@weiner.law&gt;

Cc: Anne Marie Rizzuto &lt;amrizzuto@weiner.law&gt;, Thomas Coan &lt;tcoan@bradleybeachnj.gov&gt;, Gregory Cannon

&lt;gcannon@cmlawnj.com&gt;, "Jennifer C. Beahm, PP, AICP" &lt;jbeahm@leonsavakian.com&gt;, Christine Bell

&lt;cbell@leonsavakian.com&gt;, Al Gubitosi &lt;agubitosi@bradleybeachnj.gov&gt;, Mitch Karp &lt;mkarp@bradleybeachnj.gov&gt;

Kristie,

Happy New Year! Please see the attached Ordinance introduced this afternoon which will require a Consistency Hearing.

***Regards,***

***Erica Kostyz, RMC, CMR  
Municipal Clerk  
Borough of Bradley Beach  
732-776-2999 Ext 1026***

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 **Ordinance 2026-1 Proposed Affordable Housing Zone (1.1.26 Intro).pdf**  
130K



Kostyz, Erica <ekostyz@bradleybeachnj.gov>

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## Resolution finding Proposed Ordinance 2026-1 Consistent with the Borough's Master Plan

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Dickert, Kristie <kdickert@bradleybeachnj.gov>

Mon, Jan 12, 2026 at 3:17 PM

To: Erica Kostyz <ekostyz@bradleybeachnj.gov>

Cc: Business Administrator <ba@bradleybeachnj.gov>, Gregory Cannon <gcannon@cmlawnj.com>, Zoning Department <zoningofficer@bradleybeachnj.gov>, "Anne Marie Rizzuto, Esq." <amrizzuto@weiner.law>, Christine Bell <cbell@leonsavakian.com>, Michael Shafai <mikeshafai@leonsavakian.com>

Good afternoon Erica, please see the attached in advance of the next Council meeting. Please let me know if you have any questions or require anything additional from me.

--  
Kristie Dickert, Secretary  
Bradley Beach Land Use Board  
Borough of Bradley Beach  
701 Main Street  
Bradley Beach, NJ 07720  
Phone: 732-776-2999 Ext. 1017  
Email: kdickert@bradleybeachnj.gov  
Borough Office Hours: Tuesday & Thursday beginning at 4:30 PM by Appointment Only

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 26-01-12 Transmit LUB Resolution Regarding Ord No. 2026-1.pdf  
629K

*Memo from the Bradley Beach Land Use Board  
From the desk of Kristie Dickert, Board Secretary  
(732) 776-2999 Ext. 1017  
[kdickert@bradleybeachnj.gov](mailto:kdickert@bradleybeachnj.gov)*

Date: January 12, 2026

To: Erica Kostyz, Municipal Clerk (via e-mail)  
Matthew Doherty, Business Administrator (via e-mail)  
Gregory Cannon, Esq. – Borough Attorney (via e-mail)  
Ted Bianchi, Zoning Officer (via e-mail)  
Anne Marie Rizzuto, Esq. – Land Use Board Attorney (via e-mail)  
Christine Bell, PP, AICP – Land Use Board Planner (via e-mail)  
Michael Shafai, PE – Land Use Board Engineer (via e-mail)

Re: Land Use Board Resolution #2026-01  
Ordinance No. 2026-1  
Section 26 Consistency Determination

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Attached please find a copy of the adopted and memorialized Resolution approved by the Land Use Board regarding Ordinance No. 2026-1, a copy of correspondence from Christine L. Bell, PP, AICP addressed to the Land Use Board dated January 6, 2026, as well as a copy of said Ordinance No. 2026-1. The membership has determined that Ordinance 2026-1 is substantially **CONSISTENT** with the Borough's Master Plan.

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

**Land Use Board of the Borough of Bradley Beach  
Monmouth County, NJ**

**RESOLUTION REGARDING CONSISTENCY WITH THE BOROUGH MASTER PLAN  
OF ORDINANCE 2026-1, AN ORDINANCE AMENDING THE BOROUGH CODE,  
CHAPTER 450, "ZONING" TO ESTABLISH A NEW ZONE TO BE KNOWN  
AS THE AFFORDABLE HOUSING-4 ZONE ("AH-4 ZONE")  
LUB RESOLUTIO NO. 2026-01**

**WHEREAS**, in accordance with N.J.S.A. 40:55D-26(a) of the Municipal Land Use Law (the MLUL), the Governing Body is required to submit proposed zoning ordinances to the Land Use Board of the Borough of Bradley Beach (the Board) for review and comment as to substantial consistency of the proposed Ordinance with the Borough's Master Plan Reexamination Report of 2018, adopted on June 28, 2018 (the "Master Plan"); and

**WHEREAS**, the Borough of Bradley Beach (the Borough) is seeking to amend the Borough Code, Chapter 450, Zoning, to establish a new zone district to be known as the Affordable Housing-4 Zone (AH-4 Zone); and

**WHEREAS**, the Borough Governing Body considered and passed Ordinance 2026-1 on first reading at its public meeting on January 1, 2026 and scheduled the Ordinance for second reading and final adoption for January 20, 2026; and

**WHEREAS**, the Borough referred Ordinance 2026-1 to the Board for consideration of its consistency with the Borough Master Plan in accordance with the MLUL; and

**WHEREAS**, at a duly noticed regular meeting on January 8, 2026, the Board considered and determined that proposed Ordinance 2026-1 is substantially consistent with the Master Plan; and

**WHEREAS**, the Board received advice from its Planner, Christine Bell, PP, AICP of Leon S. Avakian, Inc., in a letter dated January 6, 2026, entitled "Section 26 Consistency Review" for Ordinance 2026-1, which report is attached hereto; and

**WHEREAS**, the Board has relied upon the recommendations and advice of its Planner and Counsel as well as on review of the Master Plan and proposed Ordinance 2026-1 containing the proposed amendments.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board finds that proposed Ordinance 2026-1, which amends the Borough Code, Chapter 450, to add a new affordable housing zone is substantially consistent with the 2018 Master Plan Reexamination Report.

ON MOTION OF: Thomas J. Coan

SECOND BY: Dennis Mayer

ROLL CALL

YES: Robert Mehnert, Daniel Bagley, James Wishbow, Councilman Paul Nowicki, Councilman Mitchell Karp, Donald Warnet, James Frederick, Robert West, Dennis Mayer, and Thomas J. Coan

NO: None.

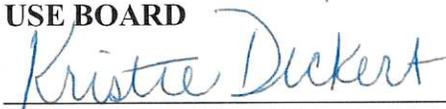
ABSTAIN: None.

ABSENT: Kristen Mahoney, Lauren Saracene, and Victoria Leahy

**FURTHER RESOLVED** that the Board Secretary shall forward this resolution containing the Board's consistency findings to the Borough Clerk for consideration by the Governing Body.

I hereby certify this to be a true and accurate copy of the Resolution adopted by the combined Land Use Board of the Borough of Bradley Beach, Monmouth County, New Jersey at a public meeting held on January 8, 2026.

**BOROUGH OF BRADLEY BEACH  
LAND USE BOARD**

By:   
Kristie Dickert, Board Secretary

Attachment:  
Consistency Review Letter  
of Board Planner 1-6-2026  
Proposed Ordinance 2026-1

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.  
JENNIFER C. BEAHM, P.P., AICP  
CHRISTINE L. BELL, P.P., AICP  
SAMUEL J. AVAKIAN, P.E., P.L.S.

January 6, 2026

Bradley Beach Land Use Board  
701 Main Street  
Bradley Beach, NJ 07720

**Re: Ordinance 2026-1**  
***Section 26 Consistency Determination***

Dear Board Members:

Pursuant to NJAC 40:55D-26, The Borough of Bradley Beach Ordinance 2026-1, An ordinance amending and supplementing the Borough Code of the Borough of Bradley Beach, Chapter 450 entitled "Zoning" to establish a new zone entitled Affordable Housing-4 (AH-4) Zone is consistent with the Borough's Master Plan.

In particular, the 2018 Master Plan Reexamination Report recommended that the Borough should continue to seek compliance with its affordable housing obligations through the development of updated Housing Element and Fair Share plans through future affordable housing rounds. This new zone district is a direct result of the Borough's participation in the court-led settlement process for the Fourth Round of Affordable Housing Obligations and will be incorporated into the Borough's Fourth Round Housing Element as a mechanism to address the Borough's housing obligations and as such is consistent with the Master Plan.

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, P.P., AICP  
*Board Planner*

cc: Mike Shafai, P.E., Board Engineer  
Jake Guertin, Board Engineer  
Anne Marie Rizzuto, Esq., Board Attorney

RECEIVED JAN 30 2026

**BOROUGH OF BRADLEY BEACH**  
**NOTICE OF FINAL ADOPTION**  
 NOTICE IS HEREBY GIVEN that the following entitled ordinance was introduced and passed on first reading at the Council Reorganization Meeting of the Mayor and Council of the Borough of Bradley Beach held on January 1, 2026 and passed on final reading after a meeting thereon at their Business Meeting held on January 20, 2026.

**ORDINANCE 2026-1**  
**AN ORDINANCE AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF BRADLEY BEACH, CHAPTER 450 ENTITLED "ZONING" TO ESTABLISH A NEW ZONE ENTITLED AFFORDABLE HOUSING - 4 (AH-4) ZONE.**  
 Erica Kostyz, Municipal Clerk  
 Alan Gubitosi, Mayor

This ordinance shall take effect twenty (20) days after adoption and publication by the Mayor & Council in accordance with N.J.S.A. 40:69A-181.  
 1/22/26 (\$10.85)

**AFFIDAVIT OF PUBLICATION**

Printer's fee \$ 15<sup>00</sup> State of New Jersey  
 Monmouth County ss:

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Of the Legal Department of THE COASTER, a newspaper printed and published in Asbury Park in the County and State who, being duly sworn, deposeth and saith that the statement, of which the annexed is a true copy, has been published in the said newspaper.....times successfully, once each week commencing on the..... day of.....A.D. 2026 and continuing in the issue of

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Sworn and subscribed before me this.....day of.....  
 A.D. 2026  
*Marianne Tantrum*

MARIANNE TANTRUM  
 NOTARY PUBLIC  
 STATE OF NEW JERSEY  
 ID # 50171579  
 MY COMMISSION EXPIRES SEPT. 16, 2026

*1/22/26 Publication  
 Adoption Ord. 2026-1*