

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
APRIL 7, 2021**

A.) OPENING CEREMONIES

CALL TO ORDER

The Ordinance Committee Meeting of the Township of Monroe was called to order at approximately 7:00 PM by **Ordinance Chairman, Cncl. Ronald Garbowski** in the Courtroom of the Municipal Complex, located at 125 Virginia Avenue, Williamstown, New Jersey.

This meeting was advertised pursuant to the New Jersey Open Public Meetings Act (*N.J.S.A. 10:4-6 thru 10:4-21*). Notices were placed in the official publications for the Township of Monroe (i.e.: South Jersey Times, Courier Post and The Sentinel of Gloucester County). A copy of that notice is posted on the bulletin board at the Municipal Complex and on the Monroe Township website.

SALUTE TO THE FLAG

Cncl. Fox led the Assembly in the Pledge of Allegiance to Our Flag.

ROLL CALL

Cncl. Katherine Falcone	Present
Cncl. Carolann Fox	Present
Cncl. Ronald Garbowski	Present
Cncl. Steven McKinney	Present
Cncl. Chelsea Valcourt	Present
Cncl. Vice-Pres. Gregory Wolfe	Present
Cncl. Pres. Patrick O'Reilly	Present
Mayor Richard DiLucia	Present
Solicitor, Katrina Register	Present
Zoning Officer, Tara Nelms	Present
Captain Craig Monahan	Present
Municipal Clerk, Aileen Chiselko	Present (<i>excused @7:45pm</i>)
Deputy Municipal Clerk, Jennifer Harbison	Present

B.) APPROVAL OF MINUTES

Cncl. Fox made a motion to approve the minutes as submitted of the Ordinance Committee Meeting of March 3, 2021. The motion was seconded by **Cncl. Valcourt** and unanimously approved by all members of Council.

C.) ORDINANCES FOR REVIEW

- Chapter 74 "Fees"

Municipal Clerk, Aileen Chiselko explained, after contacting every Department to see if they needed any changes made to the Code, some fee changes were made along with some title changes. **Cncl. Vice-Pres. Wolfe** spoke in reference to Chapter 74-39 "Police off-duty

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
APRIL 7, 2021**

C.) ORDINANCES FOR REVIEW (cont'd)

assignments”, Section B, noting it should be amended to reflect the same as the Section A “Churches, schools, and nonprofit entities”. **Cncl. Vice-Pres. Wolfe** made a motion to move forward the Draft Ordinance regarding Chapter 74 “Fees” with the amendment stated for First Reading at the Regular Council Meeting of April 12, 2021. The motion was seconded by **Cncl. Pres. O’Reilly** and unanimously approved by all members of Council.

• **Chapter 175-89 “Land Management” - Accessory Buildings**

Zoning Officer, Mrs. Nelms stated that a Draft Ordinance was prepared for this evening, however adjustments still need to be made. At the last Ordinance Committee meeting, it was discussed to possibly remove the limited requirement of one building up to 200 foot, as most existing sheds are slightly over the 200-foot requirement as this requirement limits the residents and put them in need of a variance. Mrs. Nelms asked Council for their input on increasing that size limit. **Cncl. Vice-Pres. Wolfe** believes, the Ordinance dealing with Accessory Buildings goes hand in hand with the next item on this evening’s Agenda, the Ordinance regarding Utility Trailers. He expressed his concerns that when dealing with the Utility Trailers, residents are allowed to place a 35-foot-long by 8-foot recreational vehicle in the rear of their property, which is approximately 280 square feet and much higher than a normal shed. He agrees that the size limit needs to be increased, at least to make it comparable to that of a recreational vehicle. Mrs. Nelms explained, she and Mrs. Farrell, Administrative Clerk to the Planning and Zoning Board of Adjustment, who was in attendance via telephone, are also concerned with the 5-foot distance from the property line, because the 200 square foot requirement allows the building to be 5 feet from the property line and anything above that the building has to be half the distance from the principal structure. She explained, in an R2 zone, the rear setback is 37 ½ feet and if you go above the 200 square feet, the building would be in the middle of the yard. **Mrs. Farrell** stated, after review of the Ordinance, she questioned at what point does something not become a shed, where is the distinction between a poll barn, shed or detached garage. She noted, there was discussion about increasing the shed size from 200 feet to possibly 250 feet. Mrs. Nelms said, they do want to differentiate between a shed and a storage building, however they want to be able to increase to larger than 200 feet, also they want the residents to have the ability to have two storage buildings up to a larger square footage so they do not have to send residents for variance approval when it is not necessary. Mrs. Farrell explained, residents are coming to the Zoning Board of Adjustment for large size poll barns and receiving approvals. She expressed her concerns with the height of the structures, as most exceed the requirements even though the buildings themselves are not larger than the principal structure, the height exceeds the requirements. She suggested, increasing the height requirement to meet that of the farm land 24-foot height requirement. Mrs. Farrell suggested, allowing the shed to be a little larger, so it can be kept at the 5 feet from the rear and side of the property and not cost the residents more money having to apply for a variance. **Cncl. Pres. O’Reilly** questioned, if it would be more appropriate to base the limit on lot coverage. Mrs. Nelms explained the Code was amended last year to state, anything less than 3 acres, is limited to the footprint of the first story of the principal structure and anything 3 acres or more in a non-subdivision, is up to the total square footage of the dwelling. She explained, lot coverage and setbacks are always a consideration in the approval process, as it is reviewed by the Zoning Officer, the Township Engineer and the Zoning Board of Adjustment for approval. Mrs. Farrell stated, she would like to revert back to how the Code was previously written, where it read a resident was allowed three accessory structures and the structures were not allowed to be larger than the principal

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
APRIL 7, 2021**

C.) ORDINANCES FOR REVIEW (cont'd)

dwelling. **Cncl. Garbowski** asked Mrs. Farrell, if she agreed that the total square footage of all of the accessory structures should not exceed the residential structure, to which she agreed. A discussion followed how the original Code was written, why it was amended and the concerns with the height requirements of the current Code. **Cncl. Garbowski** asked, Mrs. Nelms and Mrs. Farrell to work with Solicitor Register to finalize the amendments to the Chapter 175-89 to present at the May Ordinance Committee Meeting for review.

Mrs. Farrell, Administrative Clerk to the Planning and Zoning Board of Adjustment spoke regarding her concerns with the influx percentage of lot coverage approvals for inground swimming pools. She explained, all of the requests for approvals came in well over the required 30% of lot coverage and all were approved. She would like to find a way to help alleviate the number of requests that come before the board. She believes, because all of the swimming pools are required to have lot grading, if it is reviewed and approved by the Township Engineer, it should not have to go any further. **Cncl. Garbowski** asked, Mrs. Farrell, Mrs. Nelms and Solicitor Register to work on this to be presented at the May Ordinance Committee Meeting for further review and discussion.

- **Chapter 175-138 “Land Management” – Storage of Recreational Vehicles**

Cncl. Vice-Pres. Wolfe suggested that this section of the Code be compared with that of the Code dealing with accessory buildings and the height requirements of the recreational vehicles should mimic those requirements of the accessory buildings. **Zoning Officer, Mrs. Nelms** agreed, noting as long as the utility trailers are included in the Code and are permitted in the side yard. **Cncl. Garbowski** expressed his concerns with a recreational vehicle being parked next to a residence, right on the property line, asking if based on the fire code, would it be considered a potential hazard to the structure. He asked, Mrs. Nelms to verify the minimum clearance needed for a recreational vehicle or vehicle holding propane to be parked next to a residence with the Fire Code Official. A discussion followed regarding the safety concerns of having a recreational vehicle parked next to a residence and the enforcement of those concerns. **Cncl. Garbowski** suggested that Mrs. Nelms discuss any changes that need to be made prior to the May Ordinance Committee Meeting with Solicitor Register after confirming required clearance from the Fire Code Official.

D.) MATTERS FOR DISCUSSION

- **Chapter 280-18 “Animal Control” - Backyard Chicken Pilot Program**

Municipal Clerk, Aileen Chiselko spoke regarding the licensing timeframe of the program, noting that according to when the Ordinance was adopted and the advertised, the Pilot Program will end on June 23, 2021. She believes a time period needs to be created for the licenses and asked when the licensing period should start and end. Currently the Code for the Pilot Program states, every license issued will expire December 31st of each year. Mes. Chiselko questioned, if the current licenses issued should be extended to December 31, 2021 with license renewal beginning January 1, 2022 and expiring December 31, 2022. She spoke in reference to the requirements needed to renew the license each year, asking if the applicants will need to be re-inspected yearly or will they just need to pay the \$10 fee and receive a new license. She asked about a limit on the amount of licenses that can be issued. She advised that the Pilot Program allows for twenty-five (25) licenses and the

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
APRIL 7, 2021**

D.) MATTERS FOR DISCUSSION (cont'd)

Township has issued seventeen (17) licenses with two (2) ready to be issued upon receipt of the payment and there are nine (9) pending applications. **Cncl. Pres. O'Reilly** suggested, having the license period be a straight annual reset similar to that of the cat and dog licensing, which runs January 1st through December 31st of the calendar year, to which members of the Chicken Advisory Committee agreed. **Cncl. Pres. O'Reilly** noted, he would like each licensee be re-inspected prior to renewing their license to ensure compliance. **Cncl. McKinney** expressed his concerns with the burden that will be placed on the Chicken Advisory Committee to reinspect every licensee yearly and the possible hold up on the issuance of each license. **Cncl. Falcone** asked, how is Council going to ensure that the Chicken Advisory Committee continues with all of the inspections and recertifications in the future. **Cncl. Pres. O'Reilly** stated, as part of the Pilot Program, the Township will not take on that responsibility and that is part of the agreement with the Chicken Advisory Committee that they will be solely responsible. **Cncl. Vice-Pres. Wolfe** requested that on page 1, Section B, the language "or deed restrictions or private associations" be added. **Mrs. Chiselko** confirmed, a concern she has received during the Pilot Program was one dealing with a deed restricted area. A discussion ensued regarding the changes needed to bring this program out of the Pilot stage and into a full program. **Cncl. Garbowski** suggested that **Mrs. Chiselko** and **Mrs. Nelms** work with Solicitor Register to update and amend this Pilot Program to bring it out of the pilot stage. **Mrs. Chiselko** spoke regarding the current licenses, asking when they should expire, to which **Cncl. Garbowski** advised, they should be extended to December 31, 2021.

- **Chapter 262 "Towing"**

Sgt. Burton noted, after discussion with Police Administration and the Solicitor's office, he had worked with Solicitor Register to amend portions of the current Code. He and Solicitor Register went through the amendments that were made and are being presented to Council for review and approval. **Solicitor Register** advised that based on past concerns, on page 1 of the Draft Ordinance, under Basic Towing Service, she added the language "using one appropriate tow vehicle". On page 2 under the definition Labor, in the last line where it says per man, per hour basis, she added the language "authorized by the Chief of Police or his designee". **Sgt. Burton** explained the concern and the need for the added language of "one appropriate tow vehicle" under the Labor definition, noting ultimately, if the Township does not ask for it, the Township is not going to pay for it. **Solicitor Register** advised, on page 7, Section B, the following language was added "It shall be the responsibility of the towing operator to store vehicles, that are towed at the direction of the Police Department, in an area dedicated exclusively for the storage of vehicles that were towed under the provisions of this chapter. Only Monroe Township Police towed vehicles are permitted within this dedicated storage area." **Sgt. Burton** explained, this language ensures the clarity that if towers want to tow for the Township, the Township storage lot is specifically for the Township and meets the requirements of having a locked area and lights. **Solicitor Register** advised the added language on page 15 deals with the \$75.00 flat fee. **Sgt. Burton** explained, after looking at other local Ordinances, there are towns that tow Township and Police vehicles for free. He noted, it was the belief that maybe the Township can not require a service without a fee, however with the rates listed under the change, they feel this fee is fair unless it is for an out of town tow. **Solicitor Register** explained, how some of the neighboring towns require their Township and Police vehicles to be towed for free, noting she can amend the language to state the same, if Council would like and agrees. **Sgt. Burton** explained, after researching the neighboring towns fees, he thought the \$75 flat fee was fair. A

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
APRIL 7, 2021**

D.) MATTERS FOR DISCUSSION (cont'd)

discussion followed on whether to charge the \$75.00 flat fee or require the service to be at no charge for Township and Police vehicles and what caused the fee to be amended. **Cncl. Garbowski** polled Council and all were in agreement of requiring Township and Police vehicles to be towed free of charge. Solicitor Register stated that she will make the amendment prior to First Reading. Sgt. Burton spoke in regards to the language added on Page 16, Section G, explaining that there have been several incidents where the Police Department have been required to hold a vehicle for criminal investigation which have created exceptionally high tow bills, sometimes in excess of \$100,000.00 for towing and storage. He noted, this amended language will help to control the excessive billings for towing and storage, particularly in the case of a vehicle being held for criminal investigations and noted that the \$3.00 per day fee, he is suggesting, is according to the State Statute. He stated, the Police Department would never hold a vehicle beyond thirty days, unless it is a criminal case where they are not permitted to release the vehicle. **Cncl. Vice-Pres. Wolfe** suggested, also adding "Federal Law Enforcement" to the section, to which everyone agreed. Sgt. Burton advised that he has received numerous citizen complaints where they were charged storage fees when the yard is closed and after speaking with the Solicitor, the language "No storage fees shall be imposed for any day the yard is closed, such as Sundays or holidays" was added under Section G. Sgt. Burton noted, under Section 262-11 B, the language was amended to state "The Chief of Police or his designee shall have the responsibility to" periodically inspect each licensed towing operator, "the towing contractors' vehicles, tow yard and tow invoices to" ensure compliance with the requirements of this chapter. Sgt. Burton mentioned, under Section 262-17 B, the language was amended to state "If the Township of Monroe takes ownership of a towed vehicle(s), the fees paid to the tow company shall consist only of the cost of the tow services requested and the storage as permitted under *N.J.S.A. 40:48-2.50*. No additional charges will be paid including but not limited to additional vehicle services not specifically request by the Police Department or administrative fees. (250)" **Cncl. Vice-Pres. Wolfe** made a motion to move forward the Draft Towing Ordinance for First Reading at the Regular Council Meeting of April 12, 2021. The motion was seconded by **Cncl. Pres. O'Reilly** and unanimously approved by all members of Council.

- **Cannabis Legalization**

Cncl. Falcone spoke in reference to the different types of Cannabis licenses that Council would need to consider to allow, the number of licenses and the locations where they should be allowed. She noted, currently there are twelve dispensaries in New Jersey and there is a Commission that governs all of the Cannabis Ordinances for the State, which funnels down to the municipalities. **Cncl. Falcone** advised that she would like to see Council ensure things are placed in specific areas and not overloading the town with dispensaries. She mentioned, there are so many different aspects of what actually can be dispensed in different stores, which leaves so much to be considered. **Solicitor Register** advised, currently there are only four towns in New Jersey that have adopted a cannabis legalization Ordinance. She shared the New Jersey League of Municipalities pamphlet, because as a municipality, the Township is required to take action via Ordinance, if the Town wants to opt out of allowing it or if the town wants to restrict certain zones. She advised, if the Township does nothing at all, cannabis will automatically be permitted only in the industrial zone and it would also be permitted in retail, if it is considered to be in retail form. She noted, the law as it is currently written, states cannabis is not considered agricultural. Solicitor Register advised that Council needs to consider restriction and what zones where it will be permitted. She suggested, in regards to the tax

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
APRIL 7, 2021**

D.) MATTERS FOR DISCUSSION (cont'd)

on the cannabis, language should be added in an Ordinance stating that the Township is permitted to tax at the highest permissible rate under the Statute. She noted, if the language is added without stating a numerical number, there will be no need to amend the Code at a later date if and when the rates change. **Cncl. Falcone** mentioned, there is a State Cannabis Committee and suggested having a municipality committee as well, because in the future it has the potential to be big business and the municipality should have some control over what and where it is permissible in the town. Solicitor Register advised, the deadline to have a Cannabis Ordinance in place is August 2021 and once the Ordinance is put into place, it is locked into place for five years. The purpose of creating the Ordinance now, is to allow the town to input restrictions and restrictions per zone. Solicitor Register explained, the six classes of cannabis and the need to of create an Ordinance. A discussion followed regarding the possible restrictions, zones and the six classes of cannabis. **Mayor DiLucia** stated, cannabis can not be kept out of the town, even if Council votes to not allow it because one of the licenses that is allowed through the State is one pertaining to transportation, which gives companies like DoorDash the authority to deliver the cannabis into the town. He believes, Council should seize the opportunity to lay out the Township's plan for at least the next five years and allow the Township to be in the driver's seat with regards to Cannabis in the town. **Cncl. Pres. O'Reilly** questioned, where the Zoning regulations come into play if the town choses to not adopt a Cannabis Ordinance. Solicitor Register stated, cannabis would only be allowed in industrial zones, noting that the biggest concern that she has come across is if the town decides to do nothing, then it is not then permitted under the agricultural zone, which prohibits investors from coming in and the farmers from growing the cannabis. **Cncl. Pres. O'Reilly** noted his concern with how this potential Ordinance will work with the Master Plan. Solicitor Register suggested, consulting with the Township Planner to review. **Zoning Officer, Mrs. Nelms** recommended placing each of the six classes into a use as opposed to a specific zone. A discussion followed regarding the classes of licensed businesses, the uses and the zones. **Cncl. Falcone** believes that this Ordinance should be included with the Master Plan. **Cncl. Garbowski** asked Solicitor Register to begin preparing a Cannabis Ordinance, to which Solicitor Register advised, she will need feedback from Council with what the parameters will be, before she can begin drafting an Ordinance. **Cncl. Garbowski** suggested, she meet with the Township Planner to discuss. **Cncl. Falcone** noted, she would like to have the Cannabis Committee meet again to discuss this further.

E.) NEW BUSINESS

Mayor DiLucia mentioned, he would like Council to look into the Township Code concerning the decrease and increase of signage and the number of parking spaces. He noted, routinely the Zoning Board and Planning Board have been extending those two items for new businesses coming into the municipality. He believes, the current Code should be reviewed to ensure it is realistic. **Cncl. Garbowski** stated, he will reach out to the Township Planner and to Mrs. Farrell, the Administrative Clerk to the Planning and Zoning Board of Adjustment, regarding this matter and report back.

Cncl. Falcone reported that she attended the Mayor's Meeting, where Christine Hoffman, the Gloucester County Prosecutor discussed that all non-smoking signs need to be changed. She explained, non-smoking tobacco products are not considered cannabis and the signs need to be specific.

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
APRIL 7, 2021**

F.) OLD BUSINESS

Cncl. Valcourt asked, if the language in the Salary Ordinance was changed. **Cncl. Pres. O'Reilly** advised that the Budget Committee is still working on the Ordinance.

G.) PUBLIC PORTION


Cncl. Vice-Pres. Wolfe made a motion to open the Public Portion. The motion was seconded by **Cncl. Valcourt** and unanimously approved by all members of Council. With no one wishing to speak, **Cncl. Vice-Pres. Wolfe** made a motion to close the Public Portion. The motion was seconded by **Cncl. Fox** and unanimously approved by all members of Council.

H.) ADJOURNMENT


With nothing further to discuss, **Cncl. Valcourt** made a motion to adjourn the Ordinance Committee Meeting of April 7, 2021. The motion was seconded by **Cncl. Fox** and unanimously approved by all members of Council.

Respectfully submitted,


Deputy Municipal Clerk, Jennifer Harbison


Presiding Officer

These minutes were prepared from excerpts of the recorded proceedings and hand-written notes taken during the Ordinance Committee Meeting of April 7, 2021 and serve only as a synopsis of the proceedings. The official recording may be heard in the Office of the Township Clerk upon proper notification pursuant to the Open Public Records Law.

Approved as submitted _____  _____ Date 5/5/2021
Approved as corrected _____ Date _____