

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
MAY 5, 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. Vice-Pres. Wolfe 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		Excused
Cncl. Chelsea Valcourt	Present	
Cncl. Vice-Pres. Gregory Wolfe	Present	
Cncl. Pres. Patrick O'Reilly	Present	
Mayor Richard DiLucia	Present	
Solicitor, Katrina Register	Present	
Dir. of Public Safety, Joseph Kurz	Present	(left @8:04pm)
Zoning Officer, Tara Nelms	Present	
Police Chief Monahan	Present	
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 April 7, 2021. The motion was seconded by **Cncl. Valcourt** and unanimously approved by all members of Council in attendance.

C.) ORDINANCES FOR REVIEW

- Chapter 99 "Backyard Chicken Hens"

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C.) ORDINANCES FOR REVIEW (cont'd)

Solicitor, Mrs. Register explained, she had included in this evening's agenda the proposed changes that she and Municipal Clerk, Aileen Chiselko had begun to work on, also included is the email from the Zoning Officer, Tara Nelms with some concerns that Council will need to address along with a list of recommendations from the Chicken Advisory Board. **Zoning Officer, Tara Nelms** addressed Council to express her concerns with the proposed Ordinance, suggesting to look at the Ordinance from the land use side as opposed to from the chicken/hen side. She explained, if someone would be permitted by zone to have poultry on their property, they have to have their building fifty feet from any property line and one hundred feet from any street and if their neighbor has an undersized lot and is not permitted to have chickens by zone but can become part of the pilot program, they can have their coop five feet from the property line. Mrs. Nelms said, she can foresee this situation being a potential neighbor dispute and asked Council if they wanted to revisit the Land Use Ordinance, where it references poultry. **Cncl. Pres. O'Reilly** asked what is meant by poultry in the current Land Use Ordinance, to which Mrs. Nelms explained. Mrs. Nelms suggested, possibly adjusting the Land Use Ordinance to meet the Backyard Chicken Hen Ordinance in the middle. A discussion followed regarding both the Land Use Ordinance and the Backyard Chicken Hen Ordinance and how they overlap. Troy from the Chicken Advisory Board, explained why they created the Backyard Chicken Hen Ordinance and why it was kept separate from the already existing codes that reference poultry. **Cncl. Garbowski** suggested, working through and cleaning up the Backyard Chicken Hen Ordinance and then adjusting the Land Use Ordinance to mirror the requirements of the Backyard Chicken Hen program, so there are no conflicts. Mrs. Nelms stated, if for any reason the Chicken Advisory Committee folded, she would like to see enforcement fall under the Board of Health as opposed to the Zoning Board. **Patrick McDevitt** discussed the Backyard Chicken Committee's recommendations to the proposed Backyard Chicken Hen Ordinance as it comes out of the pilot program. A discussion ensued regarding the Committee's recommendations and the proposed Ordinance. **Cncl. Vice-Pres. Wolfe** made a motion to move forward the Draft Ordinance regarding Chapter 99 "Backyard Chicken Hens" for First Reading at the Regular Council Meeting of May 10, 2021. The motion was seconded by **Cncl. Pres. O'Reilly** and unanimously approved by all members of Council in attendance.

- **Chapter 175-161.6 "Land Management" RG-C Regional Growth Commercial District**

Zoning Officer, Mrs. Nelms explained in the commercial districts, there is a Pinelands and a Non-Pinelands Commercial district. The Regional Growth Commercial and the Rural Development Commercial are both Pinelands Commercial districts; however, in the flowcharts the RG-C has no single-family dwelling setbacks to reference. She explained, if a resident wants to build an accessory building and needs to know how far from a property line they can be, there is nothing to reference, which then triggers the need for a variance and in the Non-Residential districts, it states that any pre-existing dwelling with a certificate of occupancy is considered a conforming use and can defer to the R2. After speaking with the Planner and reviewing the Zoning map, Mrs. Nelms suggested including the statement, "residential uses in the RG-C Zoning District, for which a valid certificate of occupancy has been issued, shall be considered a conforming use and subject to the Schedule of Limitations for similar uses in the RG-PR Zoning District". She explained, by adding this statement, it will alleviate the need for almost everyone located on the Black Horse Pike with a pre-existing dwelling who wants to build any accessory building over the shred threshold of having to apply for a use variance. **Cncl. Vice-Pres. Wolfe** made a motion to move forward the Draft Ordinance

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C.) ORDINANCES FOR REVIEW (cont'd)

regarding Chapter 175-161.6 “Land Management” RG-C Regional Growth Commercial District for First Reading at the Regular Council Meeting of May 10, 2021 pending Planning Board approval. The motion was seconded by **Cncl. Fox** and unanimously approved by all members of Council in attendance.

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

Solicitor Register explained that this Draft Ordinance is merely a follow up from the previous Ordinance Committee Meeting where the changes were made, with the addition of the utility trailer and a total of two travel trailers. **Cncl. Vice-Pres. Wolfe** made a motion to move forward the Draft Ordinance regarding Chapter 175-138 “Land Management” – Storage of Recreational Vehicles for First Reading at the Regular Council Meeting of May 10, 2021. The motion was seconded by **Cncl. Fox** and unanimously approved by all members of Council in attendance.

- **Chapter 175-11; 175-117.1; and 175-145 “Land Management” – Definitions, Lot grading and drainage, and Inground Pools**

Zoning Officer, Tara Nelms explained with the influx of lot coverage variances due to the influx of pool installations, herself and Mrs. Farrell, Administrative Clerk to the Planning and Zoning Board of Adjustment were looking to find an avenue to provide relief to the homeowners. Mrs. Nelms and Mrs. Farrell have met with Engineers, Joe Raday and Chris Kunder to discuss the various options and utilizing the pool grading review process was something they were open to. Mrs. Nelms and Mrs. Farrell then worked with Solicitor Register to revise the swimming pool ordinance. Mrs. Nelms explained that the Lot Coverage definition was changed to remove the pool water as lot coverage. **Cncl. Vice-Pres. Wolfe** expressed his concerns with the statement that was added in Chapter 175-145, where the revision states “at the discretion of the Zoning Officer”, to which **Cncl. Pres. O’Reilly** agreed and noted that same statement has been added to Chapter 175-117.1, Section A. Both **Cncl. Vice-Pres. Wolfe** and **Cncl. Pres. O’Reilly** believe that the term “discretion” is grounds for interpretation. **Solicitor Register** clarified, in Chapter 175-117.1 the statement “at the discretion of the Zoning Officer” was the language of the current Ordinance, so when Chapter 175-145 was drafted, the same language was used to remain consistent. A discussion followed regarding the lot grading application process. Solicitor Register advised the language under the current Ordinance for Chapter 175-117.1 can be easily changed to mirror the language for Chapter 175-145 and make it a requirement that the Engineer perform the Site Inspection. Mrs. Nelms noted, she had the language included in the Ordinance which would allow the Engineer to be triggered for a lot grading review when a resident applies for impervious coverage within 5 feet of the property line. She went on to explain the typical process when residents present to add any 500 square feet or more area of impervious coverage to their property. **Cncl. Garbowski** suggested, replacing the statement “at the discretion of the Zoning Officer” with “the Engineer will”, to which everyone in attendance agreed. **Cncl. Vice-Pres. Wolfe** made a motion to move forward the Draft Ordinance regarding Chapter 175-11; 175-117.1; and 175-145 “Land Management” – Definitions, Lot grading and drainage, and Inground Pools with the amendments discussed for First Reading at the Regular Council Meeting of May 10, 2021. The motion was seconded by **Cncl. Pres. O’Reilly** and unanimously approved by all members of Council in attendance.

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D.) MATTERS FOR DISCUSSION

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

Zoning Officer, Tara Nelms stated, after meeting with Mrs. Farrell and Solicitor Register to revamp the current Code, they feel that it is now very restrictive. She shared a copy of Berlin Township’s Ordinance as an example of what her and Mrs. Farrell would like to see mimicked for the Township of Monroe. In Berlin’s Ordinance, they do not limit the number of buildings, however, they do defer to lot coverage and setbacks. They researched many of the neighboring municipalities’ Ordinances to find one that was the most resident friendly. Mrs. Nelms expressed her concerns with how restrictive the Draft Ordinance is, particularly the number of structures that are allowed. A discussion ensued regarding the many restrictions contained in the Ordinance. **Cncl. Vice-Pres. Wolfe** suggested removing the number of structures and have it read “the total combined square footage of any accessory building(s) or structure(s) shall not exceed the square footage of the principal building” to which Mrs. Nelms agreed as long as all of the other zoning requirements listed are met. **Solicitor Register** clarified the statement should read “Any accessory buildings or structures shall be permitted on a lot associated with a principal structure, building or use, except on qualified farmland. The total combined square footage of any accessory building(s) or structure(s) shall not exceed the square footage of the principal building.” to which all members of Council in attendance agreed. A discussion ensued regarding the necessary height requirements. **Cncl. Vice-Pres. Wolfe** made a motion to move forward the Draft Ordinance regarding Chapter 175-138 “Land Management” – Storage of Recreational Vehicles for First Reading at the Regular Council Meeting of May 10, 2021. The motion was seconded by **Cncl. Pres. O’Reilly** and unanimously approved by all members of Council in attendance.

- **Cannabis Legalization**

Cncl. Falcone explained the timeline required to be followed to ensure the Township properly adopts a Cannabis Ordinance. The Cannabis Committee has reviewed many other towns’ Cannabis Ordinances and they found that the Township of Andover’s Ordinance is the closest for what they believe will be appropriate for Monroe Township. She noted, after reviewing all of the different classes of licenses, the Township map and the zones, the Committee feels it should be permitted in the commercial zones, the business parks and along the Black Horse Pike. The Committee did not place a limit on anything, because they believe the companies are going to weed themselves out, as it is all about the competition. The Committee did not recommend any minimums or maximums on the lot size, as the buildings themselves are regulated by the State already. **Cncl. Vice-Pres. Wolfe** spoke regarding some concerns that he had after further review of other towns’ Cannabis Ordinances. He stated, he wanted to ensure that it is stated in the Ordinance that the Township is to gain the 2% gross rate of the transfer tax from the Cannabis companies, to which Solicitor Register confirmed, she will add the language “the maximum permissible by the State regulations”. He noted, in some of the other Ordinances, he found that there was language included which protects Council or at least provides a reason why Council is permitted to create and adopt a Cannabis Ordinance. **Cncl. Vice-Pres. Wolfe** noted, he would like to see some setback restrictions with schools, churches, parks and daycares listed, possibly mirror the State Statute dealing with the 2C violations. **Cncl. Pres. O’Reilly** questioned, if any setbacks will be included that will deal with a resident whose property backs up to a commercial zoned property. Whether they are in a commercial or industrial zone, he wants to make sure this is addressed in the Ordinance, to which **Cncl. Falcone**

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D.) MATTERS FOR DISCUSSION (cont'd)

agreed. A discussion ensued regarding site plan approvals and setback requirements. **Cncl. Vice-Pres. Wolfe** spoke regarding the hours of operation and suggested the time restrictions be similar to those of the liquor stores, which are governed by State law. He suggested that the signage requirements mimic those requirements listed in the Zoning Ordinance. **Zoning Officer, Tara Nelms** explained the Zoning signage requirements. **Cncl. Vice-Pres. Wolfe** spoke in reference to the section of the Draft Ordinance which refers to Microbusiness and the restrictions to the number of plants allowed, the square footage of the facility, asking if these are State requirements. **Solicitor Register** explained that the section entitled Microbusiness and the restrictions mirrors the current State Statute for Microbusiness and it can be revised to simply state the definition and remove the listed restrictions. A discussion followed regarding the State Statute, the Drug Free School Zone Map and how the property line regulations should possibly apply to the location of the Cannabis facilities and the various zones within the Township. **Cncl. Pres. O'Reilly** expressed his concerns with how a potential business/company has the ability to purchase a property that does not meet the land use requirements and then ask for relief from the Planning or Zoning Board and once that relief is granted they can go back to the State showing proof of property purchase. He would like set up an application process that would engage the prospective businesses with the Township Administration and/or Council. **Cncl. Garbowski** suggested that the Cannabis Committee and Solicitor Register meet with Zoning Officer, Mrs. Nelms and the Township Planner prior to the next Ordinance Committee Meeting to review the Draft Ordinance. **Mayor DiLucia** noted, when looking at this Draft Ordinance, look at it as if it were two (2) sections, one (1) growing and two (2) distribution. He believes, in terms of any growing facilities, the Township needs to ensure the facilities have good exhaust systems in place. In terms of distribution, the Township needs to be very rigid, as to not infringe on the residents because distribution proves to be the most controversial. A discussion ensued regarding the process potential businesses currently follow when they want to come to into the Township and what process needs to be included into the Draft Ordinance to ensure Administration/Council are able to engage with any potential businesses. Solicitor Register will contact the Township Planner and schedule a meeting for the Cannabis Committee, Zoning Officer, Planner and herself to review and finalize the Draft Ordinance prior to the next Ordinance Committee Meeting on June 2, 2021.

E.) NEW BUSINESS - None

F.) OLD BUSINESS

Cncl. Fox reported, at last evening's Zoning Board of Adjustment Meeting, there were a few questions concerning the stormwater basin located at Stirling Glen. There have been quite a few resident complaints regarding the basin, what needs to be done, and the fact that it does not drain properly. **Cncl. Fox** has reached out to the Zoning Board of Adjustment Solicitor, Mr. Coe and once she meets with him she will be presenting it to Council for further discussion. **Cncl. Falcone** stated, she has received a phone call from a resident at Stirling Glen who is concerned with the elevation of the property behind the existing homes currently. She noted that the Township Engineer is scheduled to be out at Stirling Glen tomorrow to speak with some of the residents.

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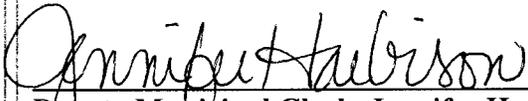
G.) PUBLIC PORTION

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 in attendance.

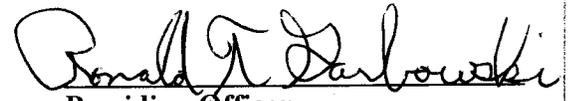
H.) ADJOURNMENT

With nothing further to discuss, **Cncl. Valcourt** made a motion to adjourn the Ordinance Committee Meeting of May 5, 2021. The motion was seconded by **Cncl. Falcone** and unanimously approved by all members of Council in attendance.

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 May 5, 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 7/7/2021
Approved as corrected _____ Date _____