



**CITY OF ABSECON
Municipal Complex
500 Mill Road
Absecon, New Jersey 08201**

PLANNING & ZONING
Tina M. Lawler, Secretary

PH. (609) 641-0663 ext. 112
FAX (609) 645-5098

**DECEMBER 13, 2023
PLANNING BOARD
MEETING MINUTES**

The meeting was called to order by Bob Preston at 6:30 p.m.

Flag Salute

Notification of Meeting

ROLL CALL

PRESENT: Horton, Howell, Kirk, Reilly, Thompson, Strugala, Tiberio, Preston

ABSENT: Aleli, Gersh,

ALSO PRESENT: Chris Dochney, Board Planner and Amanda Moscillo, Esq., filling in for Joe McGroarty

OLD BUSINESS:

VOTE: Minutes of November 8, 2023 meeting

Motion to approve – Jessica Thompson – second – Michele Kirk

All were in favor.

VOTE: D&R for Appl. #6-2023 for 301 Absecon LLC – Block 224 – Lot 13-15 at 301 White Horse Pike for Preliminary and Final Major Site Plan Approval with "c" variance relief for proposed renovation and conversion of the existing Crest Motel into a 26-unit residence for veterans 55 and older.

Motion to approve – Lou Strugala – second – Deb Reilly

ROLL CALL: Howell, yes; Kirk, yes; Reilly, yes; Thompson, yes; Strugala, yes; Preston, yes

NEW BUSINESS:

DISCUSSION OF ORDINANCE 17-2023

Bob – this will be tabled, since council needs to re-introduce it after the new year.

Jessica – explained that it was introduced, but she believes there were too many changes and they wanted to make some other adjustments and then re-introduce it after the new year.

Deb – has seen many around and they are a great way of advertising, but for a week or two, but permanently looks tacky. A time limit should be put on them.

Bob – we can discuss it now then if we want.

Kim – spoke to one business and they said that having no windows, it appears that they are closed. They feel these flags will help with that. She stopped by and she thought they were closed as well.

Bob – it talks about advancing technology, but he does not understand what that means. We should hear from Chris.

Chris – since the first draft was referred to you, you can add comments other than what they received from me already. They might want to include these comments before they introduce it. The primary thing for the board to do when they receive a request to review an ordinance is to see if there are any inconsistencies in the master plan. There is nothing in it about feather signs. This would be a collective decision of the board when you respond back. The ordinance does limit the number to one per site, permanently. The sign would need to be in good shape and they do tend to get tattered in the wind and can start to look tacky. A provision is in it to allow the zoning official to tell them to take them down or replace it. He has seen it more common to make them a temporary sign. He pointed out that it says they could be in the right of way and he thinks it is okay if they do not block any site triangles; they should have a foot note saying they are not allowed in residential zones and one sign schedule did not include the feather signs in it. It is up to the board as the impact to the community.

Bob – he has spoken to Mike, the zoning officer, and he is looking for some assistance in enforcement on this. As far as the installation, who will be responsible? What liability does the city have allowing these in the right of way? What happens if one hits somebody?

Amanda – enforcement could be addressed, making sure that does not happen. We can add that it could be the owner's responsibility for the safety of them.

Lou – he agrees that they are sometimes needed to show the business is open, but maybe there could be a time limit put on them.

Chris - some signs do not need a permit, for example election and real estate signs. In this case, they would need to get a sign permit first. He does not think the intent is to match other towns with this ordinance.

Bob – asked if Mike has seen this ordinance

Jessica – thinks he spoke to the attorney about it

Kim – said that he told her he would need guidelines to enforce it

Amanda – whatever comments you want to add, we can. We can add the safety issue and guidelines and the legal responsibility being on the owner. If you want a time limit, we can put that in too.

Chris - if we have some comments now, we could give them to council and since they are going to introduce it again next year, they would be able to incorporate what they like into it. We will be getting it back once it is introduced and then would get it to review and comment back to them.

Kim – we could take this time that we have now and go discuss it with the two businesses that are requesting them be allowed. They think it will help their business.

Lou – if they bring it out when they open and take them down when they close, will they still need a permit? He thinks this is a good idea.

Chris – yes, because they are not allowed at all in town. There is a height limit of 12 ft. mentioned

Bob – we can make it that they will be used during hours of operation, but taken down at night

Amanda – what about size?

Lou - feels 8 ft. would be an adequate limit for height

Nick – what about a business that is open for a limited time only? Does that make them a different type of business?

Chris – the code does not distinguish between the two

The suggestions to be added are the signs being used during operational hours and 8 ft. max in height. Chris will update Joe and they will coordinate getting a letter written.

DISCUSSION OF ORDINANCE 18-2023 – SOBER LIVING

Bob – asked Chris to run through his comments

Chris – they are a conditional use in all zones and read the conditions of this type of home and if they meet them, they are allowed to go wherever. He does not see any inconsistencies with the master plan. He does have concerns and does not see what is trying to get accomplished. The wording is a little unclear. The definitions are fine that describe the different types of residences. They used to be called group homes or halfway houses. This recognizes that the state has multiple definitions and classes of licenses. He never had heard of an Oxford Home before he received this draft. He has no problem with that type of home. He thinks this ordinance is trying to say that only cooperative sober living residences are permitted as a conditional use and that an Oxford house model recovery home is not permitted anywhere where residences are permitted. The wording in section two throws him off and he is not clear what the intent is of the city. The other thing is that the municipal land use law states that certain types of community residences with people of certain disabilities are to be treated like any other single-family home. You cannot exclude them from an area.

Betty – explained that there are basically businesses that are purchasing homes in Absecon for halfway houses or whatever you want to call them and running them as businesses. Some have a person in the house that monitors them and others do not. Oxford style homes do not have monitors. Residences have been complaining about them. One had about 11 males in one home and we feel that the police should be notified about it, as well as emergency personnel for safety issues. You are not allowed to notify the neighbors, because you can not discriminate against them. The state law will over rule it and there is nothing you can do about it. Another difference between a sober living and an Oxford house is that, they are only going to be here for so long. Oxford homes can stay as long as they want.

Jessica – the goal of the ordinance is that they be 600 ft. from an existing facility and a 1,000 ft. from any school. This ordinance is the same that two other towns have adopted. Our attorney feels that these are going to be challenged, but if they are all the same, then they would have to challenge every town because they are basically the same ordinance. She does not think they want to change the wording making it different than the other two ordinances.

Lou – he is uncomfortable without restricting it even more because he has had a lot of experience dealing with these types of homes and his concern is if you are looking at the long term, where the state is paying the rent, sometimes that taxes the police department and in the case of Egg Harbor City, the fire department. They have had several fires in the homes there. Asked about the city's rental restrictions for over five people. If you do go over that, there are different types of restrictions. Having controls and restrictions is a wise move to protect the innocent.

Kim – she believes that the state supersedes the city and it hurts us. We were trying to restrict how many we could have in a neighborhood. Sometimes you think a family is buying it and then one of these types of homes opens.

Chris – there are some items, that need to be changed before adoption. The section title that is being changes is Chapter 224 not 277.

Bob – what is the urgency to pass this so quickly?

Jessica - because we are having residents coming to the meetings complaining and if we wait, it would probably not happen until March with going through the process. We want to show that we are trying to do what little we can. We recently sold a home from an estate and it was a young couple with a baby and then after the sale, we found out that they turned it into one of these homes. They do not have to tell you what they plan on doing with the home. They are not being upfront.

Chris – read the definition of an Oxford home

Bill Blaney, city solicitor (on phone) – we have had a couple of these types of homes come into the community recently and there has been some changes to state law which has these appearing under boarding houses. Egg Harbor City and Linwood have had some issues in their towns and this ordinance is based upon Linwood's and Egg Harbor City's. There is concern with these being new, whether they will face legal challenges and some thought process was to try to make the ordinances as close as we could, so that if one was challenged and upheld, it would likely result in all them being upheld. The format is not how he would have written it, but the goal was to keep them as uniform as possible. He did receive the comments from Chris on the draft version and he tried to incorporate them in as much as he could, while keeping it similar to theirs.

Bob – what is the intent?

Bill – to put limitations on how close they can be together. They are popping up in residential neighborhoods and you can not stop them. They have a right to have these by statute. The goal is to have them far enough away from schools, that they are not in drug free zones and to not have them lined up 3 or 4 in a row and have them spread out. He believes EHC was the first to do it. The limitations were created by their engineer firm, which is also ours. Why it is getting done now is because it was expressed to him that they expect a couple of these to come in.

Chris – in paragraph 2, under section 2, the way the statement is worded keeps throwing him off. He then read it out loud. He also said the numbering of the sections need to be addressed.

Bob – you are seeking a letter verifying the consisting of this with the Master Plan in addition to any other comments we have.

Bill – if we get any kind of subtenant changes, we would have to re-introduce it and kick it into next year. We would end up with probably not getting it passed until the end of February or beginning of March. There are a couple of these on the drawing board that might slip in.

Amanda – confirmed with Bill that Ord. #17 is not being approved on the 21st.

Chris – clarified that the title of the ordinance needs to say Chapter 224, not 227. they need to renumber the sections they are adding, because the ones they say they are using, already exist. You do not want to delete a section of the code that you do not mean to. The other statements can be deleted, allowing council to move forward.

Amanda – we would do a vote saying that this is not inconsistent with the Master Plan, as well as the two technical issues regarding the numbering of the chapter and sections that need to be changed. We will then forward those comments to council.

Motion was made by Betty Howell – second – Lou Strugala

ROLL CALL: Horton, yes; Howell, yes; Kirk, yes; Reilly, no; Thompson, yes; Strugala, yes; Tiberio, yes; Preston, yes Motion passes 7-1

A vote was taken for Ord. #17 that they be temporary signs, only during hours of operation; maximum height limit of 8 ft. and that it is not inconsistent with the master plan.

Motion was made by Lou Strugala – second – Jessica Thompson

ROLL CALL: Horton, yes; Howell, yes; Kirk, yes; Reilly, yes; Thompson, yes; Strugala, yes; Tiberio, yes; Preston, yes Motion passes 8-0

APPROVAL OF BILLS

Joe McGroarty - \$130.00 for ENV Growers; \$195 for SNS Land Holdings; \$910.00 for 301 Absecon LLC
Andy Previti - \$3,471.66 for WP Absecon LLC; \$2,259.13 for ENV Growers; \$95.92 for SNS Land Holdings;
\$93.64 for Big Land LLC

Motion to approve – Betty Howell – second – Michele Kirk
All were in favor.

DISCUSSION OF 2024 RFP'S

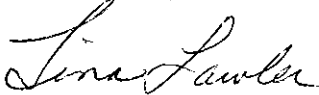
After going out for RFP's, three of them were only received from our current professionals.

Bob – the legal hourly rate will not change for 2024. There is a slight increase from \$174 to \$194 for the planner and the same rate for the engineer. He is happy and comfortable with our professionals.

ADJOURNMENT

Motion to adjourn – Nick Tiberio – second – Deb Reilly
All were in favor.

Respectfully submitted,



Tina Lawler, Secretary

Approved: 1/10/24