

**UPPER TOWNSHIP PLANNING BOARD
REGULAR MEETING MINUTES
OCTOBER 20, 2022**

The meeting of the Upper Township Planning Board was held at Township Hall at 2100 Tuckahoe Road, Petersburg. The meeting was called to order at 7:30 p.m.

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Member	Attendance
Joseph Harney, Chairman	Present
Curtis Corson, Class I	Present
Gary DeMarzo, Class II	Present
Kimberly Hayes, Class III	Present
Ted Kingston, Class IV	Present
Janet McCrosson, Class IV	Absent

Member	Attendance
Gary Riordan, Vice Chair	Present
Chris McGuire, Class IV	Absent
Sean Whelan, Class IV	Present
Robert Young, Sr. Alt	Absent
F. John Klebaur Alt	Absent

Also, in attendance were Jeffrey Barnes, Board Solicitor, Paul Dietrich Township Engineer and Liz Oaks, Board Secretary and Zoning Officer.

APPROVAL OF THE SEPTEMBER 15, 2022 MEETING MINUTES

A motion to approve the minutes was made by Mayor Corson and seconded by Mr. Riordan

In favor: Kingston, Riordan, DeMarzo, Corson, Harney

Abstain: Hayes, Whelan

NEW BUSINESS

No new applications

PRESENTATION

Climate Change – Related Hazard Vulnerability Assessment

Presented by: Mr. Nicholas Dickerson from Colliers. Report can be found at

<https://uppertownship.com/resiliency-planning/>.

Upon completion of the presentation Mr. Dietrich explains that what they are looking from the Board is input on the action items starting on page 74. We will also be putting something up on the Township website, for at least a month, to allow for input from the public. It will be brought back before the Board in December or January to retool that and look at possibly adopting it as a technical report for the Board to have for future reference.

Mr. Harney – He found the presentation very insightful. It brought up items he had not considered.

Mr. Kingston would like to see an analysis of revisions that have been done in the past such as raising the height of the bulkheads along the bay, the streets being elevated, the elevation of

Strathmere to seven and the enclosure of ground floor spaces. A basic gathering of the status of the revisions.

Mr. Riordan agrees and suggests after approximately 50% completion having a new study done.

Mr. Dietrich explained there was a time frame but that he could provide the number of bulkhead permits that have been obtained. The premise was to try to accomplish as much as possible prior to FEMA updating the flood maps. The elevation of the streets is a little early to tell. There are many factors to be considered, not all are in Strathmere. The evacuation route on the mainland is one. This might be an action item to look into the progress of our efforts in the past five years.

Mr. Harney – Asked Mr. Dickerson about the survey to be put up for residents.

Mr. Dickerson - The story map we will be sharing is largely a reiteration of the presentation presented. There will be a survey at the end where they can get input on several different items. This will help to not only inform this report but to also inform the town after the report is printed and delivered to the town.

Mr. Dietrich – Once it is live, we will make an announcement at Committee level, emails, Facebook, word of mouth etc. asking people to share and try to get as much input as possible.

There was a discussion about the impact to the Volunteer Fire Companies and it was suggested that the report be distributed to them.

DISCUSSION

Rental Housing Ordinance

Mr. Dietrich explains the sub-committee reviewed rental housing. There was a lot of correspondence and input from the public to help address their concerns. As you can see it didn't come back with the other ordinances because it was an issue that required a lot of discussion. Initially the committee was concerned with potential litigation of a ban on short-term rentals. There were positive results with another town that had been sued and their ordinance was upheld. Before it was brought back to the Planning Board, it was discussed with legal counsel, both Mr. Barnes and Mr. Reeves, to weigh in. This was not only about short-term rentals, but there were also other issues to address as well. The state of New Jersey, as part of a public health initiative, put upon towns the responsibility to track the compliance of rental properties. If you are doing long-term rentals, you must test for lead base paint. Without knowing which properties are rentals we can't show compliance.

What is being presented here in section 5.2C on page 1 is short-term rentals. Essentially, they are looking at not permitting short-term rentals. Sections one and two are more of a preamble about what they are trying to protect and their purposes. Number three is essentially saying it will be unlawful to rent on a short-term basis outside of four of the township zoning districts. The zones are the Waterfront Town Center, the Marmora Town Center the Resort Residential and the Resort

Commercial. That means if you are in a Residential Zone, Rural Development Zone, Pinelands you are not permitted to rent short-term.

The rest of the ordinance addresses rental registration whether the intention is short-term or long-term rentals, the landlord needs to register with the Township. There are considerations for

potential safety inspections. There have been two rental properties that had significant fires in the past five years, luckily with no fatalities. He believes this rental control ordinance can allow the Township to look for life safety hazards. As we develop more affordable housing it is most likely

that it will be through rentals. Concerns of residents that the rental housing stock does not become overcrowded. It develops housing standards; the State promulgates some of its standards on needing certain area for bedrooms, kitchen, living space, creating occupancy restrictions, thus allowing the Township to ensure the rental housing stock does not become overcrowded.

The Township Committee will need to address the process and implementation of rental registration and inspections. They will need to discuss the possible need for personnel. This is under chapter four and is not a zoning ordinance. It won't come back to this board for a review for consistency with the Master Plan.

Mr. Barnes suggests that the Board vote on the ordinance as a concept to move forward and he and Mr. Reeves, the Township Solicitor, will confer about the language of the ordinance.

The meeting was open to the public.

Maria Busz, 6 Gardners Lane, was sworn. Ms. Busz expressed concern about the neighborhood children and their safety and the Megan's Law Registry.

Hearing no one else and seeing no one else the public portion was closed.

A motion to recommend the Rental Housing Ordinance to the Township Committee, pending legal review, was made by Mr. Whelan and seconded by Ms. Hayes.

In favor: Kingston, Riordan, DeMarzo, Corson, Hayes, Whelan, Harney

DISCUSSION

Mr. Harney confirms that the next meeting will be held Thursday December 1, 2022 at 6:30 pm.

RESOLUTIONS

Marmora Endcap, LLC – BLOCK 599 LOT 59 QUAL C5909 AND C5910 - PB 03-2022

A motion to approve the resolution was made by Mr. Harney seconded by Mr. Riordan and approved.

In favor: Kingston, Riordan, DeMarzo, Corson, Harney

Abstain: Hayes, Whelan

Elmwood Developers, LLC – BLOCK 597 LOT 34 – SD 04-2022

A motion to approve the resolution was made by Mayor Corson seconded by Mr. DeMarzo and approved.

In favor: Kingston, Riordan, DeMarzo, Corson

Abstain: Hayes, Whelan, Harney

Elmwood Developers, LLC – BLOCK 597 LOT 34 – SD 05-2022

A motion to approve the resolution was made by Mayor Corson seconded by Mr. DeMarzo and approved.

In favor: Kingston, Riordan, DeMarzo, Corson

Abstain: Hayes, Whelan, Harney

BILLS

A motion to pay the bills as submitted was made by Mayor Corson and seconded by Ms. Hayes with all board members present voting in the affirmative.

ADJOURNMENT

A motion was made by Mayor Corson and seconded by Ms. Hayes to adjourn the meeting, with all Board members present voting in the affirmative. The meeting was adjourned at 9:01 p.m.

Submitted by,

Liz Oaks