

MINUTES OF THE MONTAGUE TOWNSHIP LAND USE BOARD REGULAR MEETING HELD MAY 13, 2021 VIA GO TO MEETING and IN PERSON

Open public meeting statement: The meeting was called to Order by the Board Chairman, Glenn Barbagallo, and a statement was made that the meeting was duly advertised and met all of the requirements of the Open Public Meetings Act. Those present were: Richard Innella, Fred Merusi, George Hutnick, Jody Case Kennedy, Glen Plotsky, James Ledonne, John Soracco Katherine Snyder, Joseph Cooper, Nina Fradl (arrived at 7:20 p.m.), Glenn Barbagallo and William Haggerty, the board attorney.

Those absent were: None.

FLAG SALUTE

MINUTES

The Minutes of the March 11, 2021 Land Use Board Meeting were reviewed. A Motion was made by Mr. Plotsky and seconded by Mr. Merusi to approve the March 11, 2021 Land Use Board Minutes. All were in favor, except Ms. Kennedy, who abstained. The Motion was carried.

It was noted that the April 8, 2021 Minutes were not yet completed.

RESOLUTIONS

Ponky, LLC – LUB 20-05 – Block 18.55, Lot 65 – 342 Lake Shore South – Certification of Pre-Existing Non-Conforming Use:

The Resolution was reviewed. A Motion was made by Mr. Plotsky and seconded by Mr. Merusi to approve the Resolution for a Certification of Pre-existing, non-conforming use by the applicant. Roll Call: Mr. Innella, yes; Mr. Merusi, yes; Mr. Plotsky, yes Mr. Cooper, yes; and Mr. Barbagallo, yes. The Motion was carried.

OLD BUSINESS

Ordinance Regulations for Keeping of Chickens and Roosters:

Mr. Barbagallo indicated that this Ordinance has passed on first reading by the township committee and is before the board for the 35-day review. He believes that this ordinance makes having chickens legal in the township. Mr. Innella indicated that prior to this proposed ordinance you had to have at least 2 acres to have chickens. He further indicated that there are several people in the township who do have chickens on less than 2 acres. There are restrictions in the ordinance as to the number of chickens you can have based on the size of their lot. He indicated that anyone who currently has chickens will need to come to the township to get a one-time permit so it is on file as to how many chickens and roosters that they have. You are not allowed to have roosters up to 4 acres. If you have 4 acres, you are allowed 2 roosters. He further stated that this is for the R3 Zone. The R4 zone did not change.

This matter was opened to the public.

Appearing before the board was Darren Ponce (in person). He indicated that he would like to have roosters at 3 acres. He does not have a problem with the proposed ordinance as it is.

Mrs. Snyder indicated that she would like to see allowing roosters at 2.5 acres, Mr. Barbagallo agreed. Mr. Haggerty summarized that you would be allowed 1 rooster at 2.5 acres; 1 rooster at 3 acres and 2 roosters at 4+ acres.

Appearing (virtually) was Edison AVECILLAS of River Road. He feels that this restriction for roosters is unreasonable. The roosters are there for protection. He indicated we live in the country and should be allowed to have roosters. He agreed with the board's suggestion. The prior suggestion for 2 roosters with 4 acres is unreasonable.

Mrs. Snyder questioned if there would be a fee. Mr. Innella indicated that he believes it's a one-time fee of \$10.00. It was noted that this needs to be put in the ordinance.

OLD BUSINESS

Ordinance Regulations for Keeping of Chickens and Roosters:

Appearing (virtually) was Carey Sheppard. Ms. Sheppard indicated that at the last Township Committee meeting the attorney indicated that there would not be a fee to register the chickens. She does not agree with this. Mr. Innella indicated that they would have to look into this. He feels that she is right since there is no fee in the proposed ordinance.

There being no further public participation, this matter was closed to the public.

A Motion was made by Mr. Soracco and seconded by Mrs. Snyder to approve the ordinance and forward same to the Township Committee for adoption with the changes discussed this evening: 1 Rooster with 2.5 acres; 1 Rooster with 3 acres; and 2 roosters with 4+ acres without the fees. Roll Call: Mr. Innella, no; Mr. Merusi, no; Mr. Hutnick, abstain; Ms. Kennedy, yes; Mr. Plotsky, no; Mr. Ledonne, no; Mr. Soracco, yes; Mrs. Snyder, yes; Mr. Cooper, yes; and Mr. Barbagallo, yes. The Motion was carried.

Ordinance to Prohibit the Operation of Any Class of Cannabis Business:

At this time the Governing Body is prohibiting any and all operations of any class of Cannabis business. Mr. Innella indicated that part of the reason for this is that the State does not have their rules and regulations in place as to what they are going to do. They have to pass some kind of Ordinance by August. If the township does nothing, everything is permitted and it cannot be changed for 5 years. They can change the ordinance to have some permitted uses later on. Once the township allows something, it cannot be changed for 5 years.

This matter was opened to the public.

There being no public participation, this matter was closed to the public.

A Motion was made by Mr. Plotsky and seconded by Mrs. Snyder to approve the Cannabis Ordinance and forward same to the Township Committee for adoption. Roll Call: Mr. Hutnick, yes; Ms. Kennedy, yes; Mr. Plotsky, yes; Mr. Ledonne, yes; Mr. Soracco, yes; Mrs. Snyder, yes; Mr. Cooper, yes; Ms. Fradl, yes; and Mr. Barbagallo, yes. The Motion was carried.

Airbnb's

The Township Committee requested that this matter be placed on the board's agenda for discussion. There was no formal proposed Ordinance at this time. Mr. Haggerty indicated that these Airbnb's have been an issue in the lake communities where he works in Lake Hopatcong. There were several weekend rentals with 10 to 15 cars, people camping out and disturbing the neighbors and taking their parking spaces and the community asked for some regulations with regard to Airbnb's. Hopatcong has a very restrictive Ordinance where the Airbnb has to be owner occupied. The board may want to consider some inspection system by the township if you allow this operation.

Ms. Kennedy indicated that she objected to this unless it is owner occupied. She does not want this next to her. She shares a yard with 4 other people. Ms. Fradl indicated that we could require that there be a management company of the building for these rentals. Mr. Hutnick indicated that he spoke to the Country Club and they have approximately 350 rental units in the club at this time that could be potential Airbnb's. He questioned how do you manage 350 Airbnb's that will need to be inspected every time they rotate. It was noted that if anyone wants an Airbnb at this time, they have the right to come to the board for a variance.

This matter was opened to the public.

OLD BUSINESS

Airbnb's:

Appearing before the board (virtually) was Valarie Brescia. She is a resident in High Point Country Club. She was concerned about the multi units and the insurance increase if these are allowed and there is an accident. She was also concerned with the garbage that would be left.

Appearing before the board (virtually) was Ron Kraatz. He is not a resident of the area. He lives in Delaware. His family owned property in the township. He feels that the Airbnb's should be allowed. He would like to come back and visit this area and an Airbnb's would be perfect. They are working out fine in Delaware.

Appearing before the board was Edison Avecillas. He is a resident of the township. He said a property management company would take care of the garbage issue. He also said you could get insurance for Airbnb's. He did have an Airbnb and it worked out fine. Other towns have an annual registration fee and an annual inspection.

Appearing before the board was Zhanna Kelly. She is a resident of the Township and President of CCHP. She indicated that none of investors/landlords at this time are interested in Airbnb's. They just would like to have Airbnb to have greater use of their property and less restrictions. She personally does not want to have an Airbnb. She does not feel that there will be wild parties. She feels people who will rent in this area will be coming to see the area and visit families. She feels that Management Companies are a good idea.

There being no further public participation. This matter was closed to the public.

It was agreed to carry this matter to the next regular meeting of the Land Use Board and to obtain some copies of sample ordinances to review.

VOUCHERS

The vouchers were reviewed. A Motion was made by Mrs. Snyder and seconded by Mr. Soracco to approve the vouchers on the bills list attached hereto and made a part hereof. Roll Call: Mr. Innella, yes; Mr. Merusi, yes; Mr. Hutnick, yes; Ms. Kennedy, yes; Mr. Plotsky, yes; Mr. Ledonne, yes; Mr. Soracco, yes; Mrs. Snyder, yes; Mr. Cooper, yes; Ms. Fradl, yes; and Mr. Barbagallo, yes. The Motion was carried.

CORRESPONDENCE

The correspondence was reviewed. No formal action was taken.

PUBLIC PARTICIPATION:

The meeting was opened to the public. There being no further public participation, this meeting was closed to the public.

AJOURN

Having no further business, a Motion was made by Mr. Cooper and seconded by Mr. Innella to adjourn the meeting. All were in favor. The Meeting was adjourned.

Minutes prepared by:

SHARON M. YAROSZ
Land Use Administrator