

**Cape May Court House, New Jersey
TOWNSHIP OF MIDDLE
TOWNSHIP COMMITTEE
WORK SESSION AGENDA
July 17, 2023 4:00 PM (prevailing time)**

CALL TO ORDER:

Mayor's Announcement: I hereby declare that notice has been given to the Herald Times, the Atlantic City Press and posted on the bulletin board of the Middle Township Municipal Building, stating the time and place of the following meeting, as required in P.L. 1975, Chapter 231 of the State of New Jersey. (Sunshine Law).

Notice of this meeting was properly given in Resolution No. 42-23 entitled "Establishing Work Session Meeting Nights" which was adopted by Township Committee of the Township of Middle on January 4, 2023.

Members present are Mayor Donohue, Deputy Mayor Gandy, and Committeemember Norris

Business Administrator/Township Clerk Kimberly Osmundsen, Deputy Business Administrator Suzanne Schumann, Deputy Township Clerk Emily Bartleson, Township Engineer Vincent Orlando & Municipal Solicitor Matt Rooney

FLAG SALUTE:**PRESENTATIONS OR DISCUSSIONS:**

Kimberly Osmundsen added agenda item, MexItalia Presentation

Chuck Sandman, Mexitalia Attorney, advised of the site plan Mr. Buchanan has presented to the Planning Board for the MexItalia restaurant. Explained plan proposals. Discussed current issues the application is facing such as the request for a parking variance as well as a 100-year-old tree located behind the restaurant. (Provided pictures of the tree to Committee). Suggested various solutions for the pending issues.

Mayor Donohue asked Vince Orlando what the Township Committee's role is in this situation.

Vince Orlando gave background on the applicant's application. Explained the application is subject to Township Committee recommendation. Stated his belief is that the tree is in the total right of way of the street. Discussed his concerns with the removal of the tree as well as various other issues the application is facing. Stated the largest issue the application is facing would be the tree.

Chuck Sandman, MexItalia Attorney, explained everything that Vince Orlando proposes is okay with the applicant but they are looking for direction.

Mayor Donohue asked what their expertise is to review these concerns.

Kimberly Osmundsen explained that because the tree is in the Township's right of way it requires Township Committee's approval.

Vince Orlando further explained that the Planning Board does not have jurisdiction over the tree.

Mayor Donohue suggested having someone look at the tree for sustainability.

Chuck Sandman, MexItalia Attorney, further explained issue is whether there is more concern about parking or the tree.

Vince Orlando discussed the Planning Board's concerns and the trees lack of effect on the requested parking variance.

Chuck Sandman, MexItalia Attorney, argued Vince's opinion.

Vince Orlando continued to discuss the factors affecting the tree, right away and application. Advised Committee it is their choice what to do with the tree and the pros and cons of its removal.

Mayor Donohue asked about the implications for storm water management if the tree was removed.

Vince Orlando explained they would have to replant trees if the choice was made to remove the current tree.

Mayor Donohue advised he understands the significant investment Mr. Buchanan has put into his business and in his opinion, he does not see issue with removing the tree.

Kimberly Osmundsen proposed revisiting the topic at a regular meeting and providing a resolution supporting the decision of Township Committee.

Vince Orlando explained the next steps for the applicant would be to move to the Zoning Board prior to coming back to Township Committee for a formal request.

Amendment to Chapter 129,
Dumpsters and Refuse Containers

Kimberly Osmundsen gave background on the establishment of these proposed final ordinances.

Mayor Donohue asked what the proposed changes are.

Rachel Shepherd, Zoning Official, explained ongoing issues of dumpsters being placed on the street and the damage it is causing. Further explained Zoning and Construction Departments are looking to implement this ordinance to require permits for dumpster placement on the streets.

Vince Orlando continued to discuss dumpster issues. Reiterated this ordinance will hold the permittees accountable for the damage.

Kimberly Osmundsen reviewed proposed permit changes.

Vince Orlando discussed the \$40 administrative fee.

Rachel Shepherd, Zoning Official, explained that the \$40 fee is just for storage containers. Reviewed the dumpster permit fees.

Kimberly Osmundsen discussed complaints received by residents over concerns of dumpster placement lengths on the streets.

Mayor Donohue asked about renewal clause in the ordinance.

Rachel Shepherd, Zoning Official, explained the language comes from the surrounding towns which also have the same language. Reviewed the proposed language.

Mayor Donohue asked about permit extensions.

Rachel Shepherd, Zoning Official, explained the extension is only for 30-day permits.

Kimberly Osmundsen asked Dan Speigel, Construction Official, about the extension permit language.

Dan Speigel, Construction Official, explained the restriction prohibits people from coming in multiple time for one day permits and assists with enforcement.

Committeeman Norris asked about permit language pertaining to dumpsters on construction sites.

Rachel Shepherd, Zoning Official, explained the language is to assist with enforcement.

Mayor Donohue asked if the ordinance is requiring the dumpsters be covered.

Rachel Shepherd, Zoning Official, stated yes, the language is on the ordinance under 129-3A.

Kimberly Osmundsen reviewed the ordinance for storage pods and explained there currently no regulations.

Rachel Shepherd, Zoning Official, explained the storage pods will not be permitted on the streets and a permit will be required.

Committeeman Gandy asked about permitting on a private property.

Kimberly Osmundsen reviewed other permitted activities required for private properties.

Committeeman Gandy argued that they are the containers are temporary and not permeant structures. Suggested putting a timeline on the containers.

Matt Rooney explained there are two options either permitting or time limiting. Stated that other towns are currently handling the containers the same way with permitting. Discussed difficulty administratively with keeping track without permitting.

Mayor Donohue stated he is in agreeance with keeping the containers out of the street but questioned the language requiring a solid driveway for placement.

Kimberly Osmundsen asked if they can limit the language to strictly restricting the street placement.

Committeeman Gandy discussed concerns of the language requiring placement in a driveway.

Kimberly Osmundsen suggested mimicking the dumpster ordinance location language for the storage ordinance or merging the ordinances into one ordinance.

Matt Rooney explained decision to make the requirements two separate ordinances.

Dan Speigel, Construction Official, discussed suggestion to put the two requirements into one ordinance.

Kimberly Osmundsen asked about North Wildwood's requirements for storage containers and dumpsters.

Dan Spiegel, Construction Official, reviewed North Wildwood's requirements.

Committeeman Gandy reiterated his concerns with permits of temporary structures on private property.

Kimberly Osmundsen explained the ordinances speak to two separate chapters. Asked Committee if they want to revisit the ordinances and draft a new version for proposal.

Committee agreed to tabling the ordinances during the regular meeting and revisiting at a future meeting.

Stan Doniger, Rio Grande, asked about scenario if a property owner has a gravel driveway and if they would then not be permitted to place the container on the driveway.

Mayor Donohue advised he had asked that question and they will be revising that language.

Stan Doniger, Rio Grande asked if the ordinances pertain to county and state roads as well.

Vince Orlando explained the Township does not have jurisdiction over those roads. Explained the property owner would have to receive approval from the State or County but if they wanted to put the container on their property, they have to abide by the ordinance.

Amendment to Chapter 106 – Cannabis

Kimberly Osmundsen explained Committee's request for various language to be reviewed and added to the cannabis ordinance. Discussed map presented to Committee showing locations 1000 feet from school, churches, recovery centers, etc. Further reviewed proposed language additions to the ordinance.

Kimberly Osmundsen explained INSA who Committee endorsed is still looking for a recreational location. Further explained the purpose of this discussion is for Committee to determine what language they would like to be added to the ordinance. The ordinance is set to be place for introduction on the next meeting.

She explained that the Township parks were not included in the restriction map. That language could be added to the ordinance as well if Committee chooses. Advised Committee they should also consider which license types the restriction would able to.

Vince Orlando suggested designating specific parks in the ordinance.

Suzanne Schumann listed the various parks located within the Township.

Mayor Donohue asked what the different cannabis license classes are.

Suzanne Schumann listed each license class.

Mayor Donohue suggested introducing it with the most restrictive language of 1,000 feet requirement.

Kimberly Osmundsen asked if the location would be grandfathered if the business is established and a school or church were built within that 1,000-foot area.

Mayor Donohue stated he agreed.

Kimberly Osmundsen advised the language would be added to restrict locations within 1,000 feet and the allowance of two retail licenses. Explained this new proposed ordinance will clean up the language of the previous ordinance in place.

DEPARTMENTAL REPORTS AND PROJECT UPDATES:

Administration:

Finance:

Public Works:

Engineering:

Legal:

Tax Collection:

Tax Assessment:

Construction/Planning/Zoning:

Recreation:

Police / Animal Control/ Code Enforcement:

Buildings and Grounds:

Sewer:

Economic Development:

Personnel:

Zoning:

Township Clerk:

PUBLIC COMMENT:

Motion to Adjourn Meeting – 4:57 pm

1st: Committeeman Gandy 2nd: Committeeman Norris

Roll Call Vote: Committeeman Gandy, Committeeman Norris, Mayor Donohue