

July 3, 2023
COMMISSION MEETING MINUTES
BOROUGH OF COLLINGSWOOD, NJ

A regular meeting of the Board of Commissioners was held remotely, at 7:00 P.M. Mayor M. James Maley, Jr. called the meeting to order, with Commissioner Robert Lewandowski present and Commissioner Morgan Robinson present

Mayor Maley read the Sunshine Notice stating that the Borough has complied with provisions of the Sunshine Law by adopting before January 10 of this year, a resolution prescribing the dates, times and locations of all regular meetings of the Commission. Mayor Maley led the Pledge of Allegiance.

The Commissioners made a motion to approve the following reports Tax Collector and Municipal Court

The Commissioners called for the Second Reading and Public Hearing of

ORDINANCE NO. 1758

AN ORDINANCE BY THE Commissioners of the Borough of Collingswood AMENDING THE BOROUGH OF COLLINGSWOOD CODE OF ORDINANCES TO REPEAL Chapter 167 – Flood Damage Prevention TO ADOPT A NEW Chapter 167 TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of New Jersey has, in N.J.S.A. 40:48 et seq. and N.J.S.A. 40:55D et seq., conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the Borough of Collingswood and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the Borough of Collingswood was accepted for participation in the National Flood Insurance Program on **July 17, 1978** and the Commissioners desire to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65 and 70 necessary for such participation; and

WHEREAS, the Borough of Collingswood is required, pursuant to N.J.A.C. 5:23 et seq., to administer and enforce the State building codes, and such building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas; and

WHEREAS, the Borough of Collingswood is required, pursuant to N.J.S.A. 40:49-5, to enforce zoning codes that secure safety from floods and contain certain provisions that apply to the development of lands; and

WHEREAS, the Borough of Collingswood is required, pursuant to N.J.S.A.58:16A-57, within 12 months after the delineation of any flood hazard area, to adopt rules and regulations concerning the development and use of land in the flood fringe area which at least conform to the standards promulgated by the New Jersey Department of Environmental Protection (NJDEP).

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of The Borough of Collingswood that the following floodplain management regulations are hereby adopted.

Mayor Maley opened the ordinance for public comment.

June 5, 2023

With no comments Mayor Maley moved the public hearing closed and the ordinance be adopted on second and final reading which was seconded and approved by the call of the roll:

Aye: **M. James Maley, Jr.**
Aye: **Robert Lewandowski**
Aye: **Morgan Robinson**

The Commissioners called for the Second Reading and Public Hearing of 1766

**ORDINANCE AMENDING AND REPLACING ARTICLE VI OF CHAPTER 237
OF THE BOROUGH CODE REGARDING THE REGISTRATION AND
INSPECTION OF RENTAL UNITS**

WHEREAS, Chapter 237 of the Municipal Code the Borough of Collingswood (“Borough”) regulates the registration, conditions, inspection, and tenant conduct regarding “Rental Units” within the Borough; and

WHEREAS, the Commissioners of the Borough have determined it is necessary, from time to time, to amend the Borough Code for purposes of regulating and maintaining the general welfare of the residents of the Borough; and

WHEREAS, the Commissioners of the Borough have determined that Article VI of Section 237 of the Borough Code regulating the registration and inspection of Rental Units is in need of amendments;

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of the Borough of Collingswood, County of Camden, State of New Jersey, that Article VI of Chapter 237 of the Municipal Code is hereby amended and replaced consistent with the language set forth in Exhibit A attached hereto.

All other Chapters of the Borough Code shall remain valid and in effect, and are not amended by this Ordinance.

This Ordinance shall take effect immediately upon final adoption and publication, as provided by law.

EXHIBIT A

§237-22. Violations and Penalties.

Any person who violates any provision of this article shall, upon conviction in the Municipal Court of the Borough of Collingswood, or such other court having jurisdiction, be liable to a fine not exceeding \$1,000, or imprisonment, for a term not exceeding 30 days, or both. Each day that a violation occurs shall be deemed a separate and distinct violation, subject to the penalty provisions of this article.

ARTICLE VI. VACANT RENTAL UNITS.

§237-23. Owners of dwelling units and commercial units subject to provisions; exemptions.

- A. The owner of any Rental Unit other than those exempted below in Subsection B, shall be subject to the provisions of this article.
 - B. The following are exempt from the provisions of §237-23A of this article:
 1. Rental Unit in owner-occupied buildings, where there are four units or less, and at least one of these units is owner-occupied.
 2. Rental Units in newly constructed buildings, which are being rented for the first time. After the first rental, such units will be subject to the provisions of this article.

3. Rental Units where the owner is participating in an affordable housing project approved by the Borough of Collingswood.
4. Rental Units in a building whose owner has transmitted his first sixty-day notice of his intentions to convert the building into a condominium or cooperative and his full plan of conversion to the Borough Clerk pursuant to N.J.S.A. 2A:18-61.8.
5. Any vacant property that is under agreement of sale. This exemption shall be limited to the first three months after a property becomes vacant. Thereafter, all provisions of this article are applicable, and all time requirements are considered to be extended by said three-month period.
6. Any vacant property that is listed for sale by a realtor or by the owner. This exemption shall be limited to the first three months after a property becomes vacant. Thereafter all provisions of this article are applicable, and all time requirements are considered to be extended by said three-month period.

§237-24 Rental requirements; exception.

- A. All Dwelling Units that are Rental Units shall be rented and occupied by a new tenant within two months after the end of the preceding tenancy, which shall be defined as the last day of residence by the preceding tenant or tenants, except where this requirement has been waived by the Borough's Planning Board under the provisions of § 237-26 below, in which event the Rental Unit shall be rented and occupied within the time period specified in the waiver.
- B. All Dwelling Units that are not Rental Units, but become vacant for any reason shall be occupied within two months after the property becomes vacant, except where this requirement has been waived by the Planning Board under the provisions of § 237-26 below, in which event the unit shall be occupied within the time period specified in the waiver.

§ 237-25. Notification of vacancies.

- A. The owner of any Rental Unit which is a Commercial Unit and which is vacant 30 days after the end of the preceding tenancy shall notify the Zoning Officer within five days, in writing, of said continuing vacancy.
 1. "Vacancy" as it applies to a Commercial Unit, is defined as:
 - a. One without a main entrance open to the general public for business; or
 - b. Being closed to the general public or business for more than 18 out of 24 hours per days for more than three out of seven days per week for a period of three or more weeks.
- B. The required notification shall include the following information:
 1. The address and location of the building containing the Commercial Unit.
 2. The rent charged to the preceding tenant and rent to be charged to any prospective tenant.
 3. The name, address and telephone number of the Owner.
 4. The name, address and telephone number of the Owner's agent and/or

resident manager, if any.

- C. No notification shall be required of the Owner with respect to any Rental Unit which is rented and occupied within 30 days from the end of the preceding tenancy.
- D. The Owner or other representative of any Rental Unit that has not been previously rented, which is vacant for more than 30 days, shall notify the Zoning Officer within five days, in writing, of such vacancy. Such notification shall include the name, address, telephone number of the Owner and any other relevant information, such as identification of attorney, estate or relatives with knowledge of status of ownership.

§ 237-26. Notification of occupancy.

- A. Within 30 days after notification as required under § 237-25 above, the Owner of a Rental Unit shall notify the Zoning Officer that the Rental Unit has been rented and occupied with the names of the new tenant or tenants and the terms of the tenancy. Failure to rent the Rental Unit or failure to occupy it within 60 days after the end of the preceding tenancy, except where a waiver has been granted by the Planning Board, shall be considered a violation of this article, and subject to penalties set forth in § 237-29 below.
- B. Within 30 days after notification as required under § 237-25 above, the Owner of a Rental Unit which is a Dwelling Unit shall notify the Zoning Officer that the Rental Unit has been rented and occupied, with the names of the new occupant or occupants. Failure to have the Rental Unit occupied within 60 days from the time that it became vacant, except where a waiver has been granted by the Planning Board, shall be considered a violation of this article, and subject to the penalties set forth in § 237-29 below.

§ 237-27. Waivers of requirements.

- A. An Owner may seek a waiver of the requirement to rent a Rental Unit within 60 days of the end of the preceding tenancy where the condition of the Rental Unit is such or such other circumstances exist so that the Owner is not able to meet the time period requirement. The request for a waiver requires the owner the Owner to submit a request in writing, to the Zoning Officer for consideration by the Planning Board no more than 30 days from the end of the preceding tenancy, setting forth with specificity:
 - 1. The reasons that the Rental Unit cannot be rented within such time period.
 - 2. The action the Owner will take to remedy the existing conditions at the Rental Unit that prevents the Owner from meeting the time period requirements.
 - 3. The date by which the Rental Unit shall be available for rent.
- B. The Owner shall provide the Zoning Officer with documentation such as code violation reports, engineering or inspection reports and a detailed plan for renovations to the Rental Unit with the waiver request. Any waiver granted by the Planning Board shall specify a date by which the Rental Unit shall be available for rent and occupancy. The Planning Board may extend the date upon written request of the Owner, but may not provide more than two such extensions of not more than 60 days each.
- C. In no event shall any waiver including extensions, exceed six months from the time of granting of the initial waiver.

D. In determining if a waiver shall be granted by the Planning Board, in its sole discretion, shall consider the following factors:

1. An Owner that wishes to maintain a vacant unit in order to reserve the Rental Unit for a family member. The Owner shall provide in the waiver request full documentation, such as the name of the future tenant, and the anticipated date of occupancy.
 2. An Owner wishes to maintain a vacant unit in order to improve the conditions of the Rental Unit. The Owner shall provide full documentation in the waiver request, such as current building and housing inspection reports, proposed plans for renovations to the Rental Unit, all related permits and the date by which the Rental Unit shall be rented and occupied.
 3. An Owner maintains a vacant unit in order to correct code violations in the Rental Unit. The Owner shall provide in the waiver request full documentation, such as code violation reports, correction plans, permits and the date by which the unit shall be rented and occupied.
- E. In the case of properties that have not been previously rented, an Owner may seek a waiver of the requirement to have the Dwelling Unit or Commercial Unit occupied within 60 days from the time that it became vacant where the condition of the Unit is such or such other circumstances exist so that the Owner is not able to meet the time period requirement. The request for a waiver requires the Owner to submit a request, in writing, to the Zoning Officer for consideration by the Planning Board no more than 30 days from the time that the unit became vacant setting forth with specificity:

1. The reasons that the Rental Unit cannot be occupied within such time period.
2. The action that the Owner will take to remedy the existing conditions at the Rental Unit that prevents the Owner from meeting the time period requirement that make it impossible to occupy the unit.
3. The date by which the Rental Unit shall be available for Rent.

§ 237-28. Filing complaints.

Any individual affected by the action or inaction by an Owner of a Dwelling Unit or Commercial Unit subject to the provisions of the article, any civic organization and any municipal agency may file a complaint of violation of this article with the Collingswood Municipal Court.

§ 237-29. Violations and penalties.

- A. A first violation of § 237-23-27 of this article, or the conditions upon which a waiver has been granted by the Board shall be punishable by a fine of not more than \$500 for each unit in violation. Subsequent violations shall be punishable by a fine of not less than \$100 nor more than \$500. Each day during which an Owner is in violation of § 237-23 of this article, or the conditions upon which a waiver has been granted, shall constitute a separate violation hereunder.
- A. A violation of any other provision of this article, where there has been a finding of a violation of § 237-23-27 of this article, shall be punishable by a fine not to exceed \$100 for each unit found in violation for each day the owner is found in violation.

Mayor Maley opened the ordinance for public comment.

With no comments Mayor Maley moved the public hearing closed and the ordinance be adopted on second and final reading which was seconded and approved by the call of the roll:

Aye: **M. James Maley, Jr.**
Aye: **Robert Lewandowski**
Aye: **Morgan Robinson**

The Commissioners called for the Second Reading and Public Hearing of 1767

AN ORDINANCE ADOPTING AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE BOROUGH OF COLLINGSWOOD, COUNTY OF CAMDEN, STATE OF NEW JERSEY TO AMEND PARKING STANDARDS FOR CANNABIS ESTABLISHMENTS

WHEREAS, the Board of Commissioners of the Borough of Collingswood (the "Commissioners"), adopted Resolution No. 06-186 which designated the entirety of the Borough as an "Area in Need of Rehabilitation" pursuant to the Local Redevelopment and Housing Law (the "Redevelopment Law"), N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, a Governing Body may adopt, revise or amend a redevelopment plan; and

WHEREAS, pursuant to Ordinance No. 1417, the Borough Commissioners adopted a redevelopment plan for the entirety of the Borough entitled "Plan for Rehabilitation, November 2006" (the "Redevelopment Plan"), which adopted the underlying zoning then in effect throughout the Borough of Collingswood, subject to certain exceptions; and

WHEREAS, pursuant to Ordinance No. 1664, adopted on June 3, 2019 the Borough Commissioners amended and replaced the original Redevelopment Plan in its entirety; and

WHEREAS, pursuant to Ordinance No. 1714, adopted on August 2, 2021, the Borough Commissioners amended the Redevelopment Plan to permit cannabis establishments, distributors and delivery services and included parking requirements for each class of cannabis establishment; and

WHEREAS, the Mayor and Commissioners have determined to amend the Redevelopment Plan to provide revised parking standards for the regulation of any class of cannabis establishment within the Borough.

NOW THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Borough of Collingswood, in the County of Camden, State of New Jersey, as follows:

Section XVI of the Redevelopment Plan entitled "Amendments to Approved Redevelopment Plan", subsection "Proposed Land Uses and Building Requirements", subsection B.6 is hereby amended with the following deletions and additions:

6. Minimum Off-street parking requirements:

- i. Classes 1 and 2 - One (1) space for each 500 sf of gross floor area but in no event shall there be any less than the number of employees working on site at any time during business operations
- ii. Class 3 and 4 - One (1) space for each 1,500 sf of gross floor area, plus one (1) space for each vehicle used in connection with business.
- iii. Class 5 - One (1) parking space per 200 square feet of gross floor area.
- iv. Class 6 - One (1) parking space per 800 square feet of gross floor area.

Section 2. The Commissioners have determined that the amendment to the Redevelopment Plan satisfies the criteria, guidelines and conditions set forth in N.J.S.A. 40A:12A-7, provides realistic opportunities for redevelopment of the Rehabilitation Area and

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is otherwise in conformance with N.J.S.A. 40A:12A-1, et seq.

Section 3. The Commissioners also have determined the amendment to the Redevelopment Plan is consistent with the Borough's Master Plan..

Section 4. The amendment to the Redevelopment Plan shall constitute an overlay zone to the extent set forth therein.

Section 5. This ordinance shall take effect after final adoption and publication according to law

Mayor Maley opened the ordinance for public comment.

With no comments Mayor Maley moved the public hearing closed and the ordinance be adopted on second and final reading which was seconded and approved by the call of the roll:

Aye: M. James Maley, Jr.

Aye: Robert Lewandowski

Aye: Morgan Robinson

Public Comment on Resolutions-None

The Following Resolutions were Approved without a Dissenting Vote

151. Appointing Joseph Cava as Police Officer for the Collingswood Police Department

152. Appointing William Ortiz as Police Officer for the Collingswood Police Department
Oaths

Joseph Cava
William Ortiz

153. Reappointing Andrew Marker as Stormwater Management Coordinator

154. Accepting the 2021 Audit and Signing of Group Affidavit

155. First Reading of the 2023 Business Improvement District Budget

Approving Special Items of Revenue and Appropriation NJSA 40A:4-87

156. 2023 Spotted Lantern Fly Grant

157. 2023 Sustainable Jersey Grant

158. 2023 Assistance to Firefighters Grant

159. Authorizing Purchases Under State Contract :

Portable Radios for the Fire Depart

Playground Equipment at Knight Park

Dash Cameras for the Police Department

160. Authorizing a Professional Services Contract with Spiezle Architectural Group for the Planning and Design of 641 Haddon Avenue

161. Approving Payment of Bills as Presented by Treasurer

Appointing Members to the Collingswood Public Library board of Trustees

162. Brett Bonfield

163. Eric Robinson

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Commissioner Robinson, wished the residents a Happy 4th of July, she added stay safe and enjoy the fireworks.

Commissioner Lewandowski, reminded residents that we have the best fireworks in the area and that there is no need to set them off yourself. He added stay safe and leave it to the professionals.

Mayor Maley, talked about his memories and a tip of the hat to the late American Legion member Ralph Dougherty and his enthusiasm for the 4th of July especially the fireworks.

Mayor Maley opened the meeting to the public.


Wayne Rossi 114 E Palmer Ave. asked for clarification on the funding of the MOA for the School Liaison Officer. Mr Rossi expressed concerns of a school funding crisis and program cuts. Mr. Rossi asked about a PLOT program for the property located at Presbyterian church. Mayor Maley explained the process of the adoption of a school budget and how the budget is put together without regard to the assessed property values in town. Mayor Maley explained a PLOT does not take any funds away for the schools. This particular PLOT will be used for Recreation and Arts facilities in town with a focus on the fields at the High School. We are trying to use this PLOT in a way that the funding for these projects will not fall on our tax payers. Mr. Rossi stated he may not know enough about how funding works. Mayor Maley added that if the Presbyterian Church project did not have a PLOT and was fully taxed that tax payers may see a \$5.00 savings on their tax bill and the schools would still be getting what they budgeted for. Commissioner Lewandowski explained this is a good project, they will be adding more housing and it will be bringing more rateables to town. It is a good for town and the schools. Commissioner Robinson added this project will bring funding to the school grounds but it is not a part of the school budget.

Richard Klingerman, 743 Maple Terrace, expressed concerns about a vehicle being parked long term in the lot where the old police lot was located. Mayor Maley asked Administrator Duffey to look into the matter.


ADJ: 7:20

Adopted: 8/7/2023


M. JAMES MALEY, SR. MAYOR


ROBERT LEWANDOWSKI, COMMISSIONER


MORGAN ROBINSON, COMMISSIONER


K. Holly Mannel