

RESOLUTION

WATER CREDIT FOR 1515 GRANT STREET

WHEREAS, THE PROPERTY LOCATED AT 1515 GRANT STREET IS OWNED BY FHH ENTERPRISES, LLC AND DBA COMPLETE CONTROL SERVICES, INC AND,

WHEREAS, A LEAK IN THE IRRIGATION SYSTEM RESULTED IN A LARGE WATER BILL FOR ACCOUNT 1470-2, AND

WHEREAS, THE IRRIGATION SYSTEM HAS SINCE BEEN REPAIRED AND FUNCTIONING PROPERLY, AND THE BUSINESS HAS PRODUCED AN INVOICE FOR IRRIGATION REPAIRS

NOW, THEREFORE, BE IT RESOLVED BY MAYOR AND COMMON COUNCIL THAT A CREDIT BE ISSUED IN THE AMOUNT OF \$2160.50, REPRESENTING 298,000 GALLONS OF WATER AT \$7.25 PER 1000 GALLONS FOR ACCOUNT NUMBER 1470-2

NOW, THEREFORE, BE IT FURTHER RESOLVED BY MAYOR AND COMMON COUNCIL OF EGG HARBOR CITY, NEW JERSEY THAT A CREDIT WILL BE APPLIED TO ACCOUNT 1470-2 FOR THE 2ND QUARTER 2021 WATER BILL FOR ACCOUNT NUMBER 1470-2 IN THE AMOUNT OF 2160.50 FOR THE PROPERTY LOCATED AT 1515 GRANT STREET AND ASSESSED TO FHH ENTERPRISES, LLC.

EGG HARBOR CITY

RESOLUTION #-2021

TONNAGE GRANT APPLICATION RESOLUTION

- WHEREAS,** The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and
- WHEREAS,** It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and
- WHEREAS,** The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and
- WHEREAS,** The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and
- WHEREAS,** A resolution authorizing the City of Egg Harbor to apply for the **2020 Recycling Tonnage Grant** will memorialize the commitment of the City of Egg Harbor to recycling and to indicate the assent of (the Common Council of Egg Harbor City) to the efforts undertaken by the City of Egg Harbor and the requirements contained in the Recycling Act and recycling regulations; and
- WHEREAS,** Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City Egg Harbor hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates (Jodi Kahn Recycling Coordinator) to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

I, Meg Steeb, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Common Council of the City of Egg Harbor on this 22nd day of April, 2021.

Resolution certified by: _____
Meg Steeb/RMC
Egg Harbor City Clerk

Resolution # 2021

WHEREAS, the City of Egg Harbor solicited proposals for a Lease Operator for the Egg Harbor City Lake Concession Stand; and

WHEREAS, proposals were received on April 9, 2021, and the most responsive and responsible proposal was the proposal of Katherin Maldonado, 208 New Orleans Avenue, Egg Harbor City, NJ 08215.

NOW THEREFORE BE IT RESOLVED, that the proposal to operate the Egg Harbor City Concession Stand for the 2021 Summer Season be awarded to Katherin Maldonado.

Dated: April 22, 2021

Meg Steeb/RMC

City Clerk

**CITY OF EGG HARBOR
RESOLUTION #-2021**

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND
OPEN CONTRACT FOR HVAC MAINTENANCE & REPAIRS**

WHEREAS, the City of Egg Harbor has a need to purchase HVAC Maintenance & Repairs as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is three years April 1, 2021-March 31,2024 with two optional 1 year renewals; and

WHEREAS, Bishop Mechanical has submitted a proposal indicating they will provide the services at an annual rate of \$5,090 plus additional repairs at a rate of \$110 per hour; and

WHEREAS, Bishop Mechanical has completed and submitted a Business Entity Disclosure Certification which certifies that Bishop Mechanical has not made any reportable contributions to a political or candidate committee in the City of Egg Harbor in the previous one year, and that the contract will prohibit Bishop Mechanical from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified the availability of funds requirements – N.J.A.C. 5:30-5.4>.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Egg Harbor authorizes the Mayor to enter into a contract with Bishop Mechanical as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

Dated: April 22, 2021

City Clerk
Meg Steeb

**CITY OF EGG HARBOR
RESOLUTION #-2021**

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND
OPEN CONTRACT FOR PURCHASE OF SECURITY CAMERAS
FOR PHILADELPHIA AVE**

WHEREAS, the City of Egg Harbor has a need to purchase Security Cameras for Philadelphia Ave as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is 3 months from May 15, 2021-August 15, 2021; and

WHEREAS, Electronic Security Services LLC has submitted a proposal indicating they will provide the cameras at the price of \$16,810; and

WHEREAS, Electronic Security Services LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Electronic Security Services LLC has not made any reportable contributions to a political or candidate committee in the City of Egg Harbor in the previous one year, and that the contract will prohibit Electronic Security Services LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified the availability of funds requirements – N.J.A.C. 5:30-5.4>.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Egg Harbor authorizes the Mayor to enter into a contract with Electronic Security Services LLC as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

Dated: April 22, 2021

City Clerk
Meg Steeb

EGG HARBOR CITY
RESOLUTION # -2021

Resolution Extending County/EHC Interlocal Agreement- Philadelphia Ave Bike Path

WHEREAS, the City and the County have entered into an Agreement dated May 17, 2018, generally concerning the construction of a bike path within portions of the County ROW along Philadelphia Avenue (CR 563) from Diesterweg Street to Egg Harbor Lake;

WHEREAS, this agreement expires May 17, 2021;

WHEREAS, the City and the County now desire to amend said agreement to extend the term for a period of (2) years to expire on May 17, 2023;

WHEREAS, all other terms, conditions and requirements of the said Agreement shall remain in full force and effect;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Egg Harbor hereby extends said agreement.

Dated: April 22, 2021

CERTIFICATION

I hereby certify the above to be a true copy of a resolution adopted by the City Council of the City of Egg Harbor at a regular meeting held on the 22nd day of April, 2021.

Meg Steeb, City Clerk

CITY OF EGG HARBOR
RESOLUTION NO. – 2021

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EGG HARBOR, COUNTY OF ATLANTIC, STATE OF NEW JERSEY, EXTENDING THE DESIGNATION OF ENERGIME UNIVERSITY AS CONDITIONAL REDEVELOPER FOR THE TOWER SITE REDEVELOPMENT AREA AND AUTHORIZING ENTRY INTO A MEMORANDUM OF UNDERSTANDING, AND THE NEGOTIATION OF A REDEVELOPMENT AGREEMENT AND AGREEMENT OF SALE THROUGH JUNE 30, 2021”

WHEREAS, pursuant to Resolution No. 24-2021, the City Council of the City of Egg Harbor on January 21, 2021, designated Energime University as conditional Redeveloper for the Tower Site Redevelopment Area, including authorizing entry into a Memorandum of Understanding and negotiating a Redevelopment Agreement and Agreement of Sale; and

WHEREAS, the designation will expire on April 30, 2021; and

WHEREAS, Energime University, hereinafter “Conditional Redeveloper” has completed some initial steps toward preparing a development proposal for the site for presentation to the City; and

WHEREAS, Conditional Redeveloper has approached the City with a request that the designation be extended for an additional sixty (60) days, through June 30, 2021 to permit the Conditional Redeveloper to continue its redevelopment efforts; and

WHEREAS, the City has reviewed the request of the Conditional Redevelopment and wishes to extend the designation through June 30, 2021, “the extended designation period” with the conditions set forth herein.

BE IT FURTHER RESOLVED that the extended designation period is conditioned upon Conditional Redeveloper establishing and funding an escrow account with the City to pay for the City's professional services costs of the redevelopment efforts, which escrow mechanism will be memorialized in a Memorandum of Understanding; and

BE IT FURTHER RESOLVED that the City is hereby authorized to enter into negotiation with ENERGIME UNIVERSITY as Conditional Redeveloper, for a Redevelopment Agreement in regard to the Tower Site Redevelopment Area; and

BE IT FURTHER RESOLVED that the City is hereby authorized to enter into negotiation of an Agreement of Sale with ENERGIME UNIVERSITY; and

BE IT FURTHER RESOLVED that upon the completion of negotiations of the Redevelopment Agreement, and an Agreement of Sale, the City Council of the City of Egg Harbor will be required to review and authorize the execution of any and all related documents in order to effectuate the completion of the negotiation.

Meg Steeb, City Clerk of the City of
Egg Harbor City

Dated:

CITY OF EGG HARBOR

Ordinance No.5 2021

**AN ORDINANCE OF THE CITY OF EGG HARBOR, NEW JERSEY,
AMENDING CHAPTER 170 OF THE CITY CODE**

WHEREAS, pursuant to N.J.S.A. 40:55D-89 the City of Egg Harbor Land Use Board undertook the periodic review of the City of Egg Harbor Master Plan; and

WHEREAS, on March 16, 2021 the City of Egg Harbor Land Use Board held a public hearing and reviewed and approved a Memorandum entitled Review and Recommendation for Cooperative Sober Living Facility Land Use Regulations prepared by Board Engineers Remington & Vernick dated March 16, 2021, which is attached and made part of this ordinance as Exhibit A; and

WHEREAS, at that time, the Land Use Board made a recommendation to the City Council to amend the City Code in accordance with the findings in this memorandum;and

WHEREAS, the City Council wishes to adopt an amendment to the City Zoning Ordinances with respect to Cooperative Sober Living Facilities as well as rooming homes and boarding houses; and

WHEREAS, N.J.S.A. 40:55D-66.1 permits certain community residences in all residential districts of a municipality stating the requirements thereof shall be the same as for a single- family dwelling unit located within such districts; and

WHEREAS, the City of Egg Harbor recognizes that the Fair Housing Act as amended (42 U.S.C. § 3601) provides protections for persons with disabilities; and

WHEREAS, the Fair Housing Act does not preempt local zoning laws or preclude the adoption, amendment or enforcement of zoning regulations by the City of Egg Harbor pursuant to its local police powers as long as the zoning regulations are consistent with state and federal law, including the Fair Housing Act as amended; and

WHEREAS, the legislative history of the Fair Housing Amendments Act of 1988 cautions that local zoning regulations that result “from false or over protective assumptions about the needs of handicapped people, as well as unfounded fears of difficulties about the problems that their tenancies may pose” are prohibited. H.R. Rep. No. 711, 100th Cong. 2D Session, reprinted in 1988 U.S.C.C.A.N. 2173, 2192 (1988); and

WHEREAS, zoning regulation of community residences for people with disabilities should seek to achieve legitimate government interests, actually achieve those legitimate government interests, and be the least drastic means of actually achieving those legitimate government interests; and

WHEREAS, The Fair Housing Act does not provide for local land use policies or actions that treat groups of persons with certain disabilities differently than groups of people with other disabilities; and

WHEREAS, clustering of community residences on a block or in a neighborhood undermines the ability of community residences to achieve normalization and community integration for their residents which is one of the essential purposes of a community residence for people with disabilities; and

WHEREAS, the City of Egg Harbor is hereby amending its Zoning Ordinances to make the reasonable accommodations the Fair Housing Act requires by removing any terms and conditions that have the effect of limiting or making housing unavailable to people with disabilities and adding definitions while preserving the ability of community residences for people with disabilities to emulate a family and achieve normalization and community integration of their residents; and

WHEREAS, the City of Egg Harbor is hereby amending its Zoning Ordinances to give prospective operators of community residences for people with disabilities clarity and certainty on where such homes may locate as of right and via conditional use permits; and

WHEREAS, community residences for people with disabilities that meet the definition of a single housekeeping unit constitute a family under the City of Egg Harbor's Zoning Ordinances and must be treated the same as any other family; and

WHEREAS, these new zoning provisions make the reasonable accommodation the Fair Housing Act requires by allowing rooming or boarding houses of up to ten people with disabilities as a conditional use in all residential districts and all other zoning districts where residential uses are allowed, subject to rationally based spacing distances; and

WHEREAS, because transitional recovery homes for people with disabilities are more akin in terms of function and performance to a rooming or boarding house than single-family residences, the heightened scrutiny of a conditional use permit is warranted for such transitional community residences in single-family zoning districts; and

WHEREAS, this ordinance specifies standards narrowly tailored to assure that the proposed recovery homes will not interfere with normalization or community integration of the occupants of any nearby existing recovery homes nor contribute to creating a de facto social service district that thwarts the purpose and successful functioning of recovery homes and results in segregation of people with disabilities; and

WHEREAS, the heightened scrutiny of a “use” variance is warranted when a proposed recovery home for people with disabilities fails to meet the definition of a single housekeeping unit or the criteria to be allowed as a conditional use; and

WHEREAS, a recovery home that does not meet the definition of a single housekeeping unit that has been denied a “F” license would not be permitted due to the state’s own requirements for licensing as a cooperative sober living residence ; and

WHEREAS, like all residential uses, the overcrowding provisions in the City’s adopted housing code determines the maximum number of occupants of a recovery home for people with disabilities no matter how many the zoning code would allow, with or without a reasonable accommodation request to house more than ten people; and

WHEREAS, the Fair Housing Act affords no protections to individuals with or without disabilities who present a direct threat to the persons or property of others, provided however, that determining whether someone poses such a direct threat must be made on an individualized basis, and cannot be based on general assumptions or speculation about the nature of a disability.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EGG HARBOR, NEW JERSEY, AS FOLLOWS:

Section 1. Article III, Terminology, Chapter 170-17 Definitions is amended as follows:

1. **BOARDING HOUSE:** Boarding house has the meaning set forth in N.J.S.A. 55: 13B-3.
2. **COOPERATIVE SOBER LIVING RESIDENCE, (CSLR):** A recovery home that is a rooming or boarding house that has been issued a “F” License by the New Jersey Department of Community Affairs pursuant to N.J.A.C. 5:27-1.1 et seq. It does not operate as a single housekeeping unit. The 2017 New Jersey Uniform Construction Code defines a CSLR as “ a residential setting that serves solely as a home for individuals who are recovering from drug or alcohol addiction and is intended to provide an environment where the residents can support each other’s sobriety and recovery.” In addition to the other requirements specified in the regulations, a cooperative sober living residence must satisfy the following criteria;
 - a. Management by an entity or organization that provides an operator who shall reside in the residence and exercise some level of control over the operation of the residence and establishes the residence’s rules;

- b. Occupancy shall not exceed 10 individuals, exclusive of the operator;
- c. The requirement of the maintenance of an alcohol and drug free environment;
- d. No provision of on-site counseling therapy, clinical treatment, or alcohol and/or drug treatment by the licensee;
- e. No provision of food, laundry, financial, or other personal services by the licensee;
- f. Ability of licensee, at its discretion, to provide non clinical recovery and support services. The licensee may also elect to mandate or encourage residents to attend self-help recovery programs, participate in activities related to maintaining sobriety and continuing recovery, or receive off-site services deemed desirable or necessary to maintain sobriety; and
- g. Ability of licensee, at its discretion, to require drug or alcohol testing of residents.

3. NON-OXFORD HOUSE MODEL RECOVERY HOME: A recovery home that does not operate using the Oxford House model and does not operate as a single housekeeping unit. Examples of activities that indicate the house is a Non-Oxford House Model, may include but are not limited to: residents enter into individual leases with the owner or operator of the home for the occupancy of their room and the common area; there is a limited number of staff on site who will enforce rules, oversee the taking of medication, and perform random drug screening; residents are required to attend AA/NA meetings; residents are required to attend mandatory house meetings; residents are prohibited from sleeping outside the house; staff enforces a curfew; or guests are prohibited. They are rooming homes or boarding houses.

4. OXFORD HOUSE MODEL RECOVERY HOME: Oxford House has been authorized by Congress to provide community living arrangements for persons with drug and alcohol addiction. It is a recovery home in which the residents are self-governing, all residents contribute to the maintenance and expenses of the house, the residents determine who can reside in the house, there is no limit to how long an individual can reside in the house, there is no addiction treatment, therapy, or paid staff provided; the house operates as a single housekeeping unit, and the house is not required to be licensed by the New Jersey Department of Community Affairs.

5. RECOVERY HOME: A residential environment that provides people in recovery a safe alcohol and drug free place to live as they transition back

into the community.

6. ROOMING HOUSE: A rooming house has the meaning set forth in N.J.S.A. 55:13B-3.

Section 2. Article VI-Supplemental District Regulations is amended as follows:

Chapter 170-75 is created titled, Boarding House, Cooperative Sober Living Residence, Non-Oxford House Model Recovery Home, Oxford House Model Recovery Home, Recovery Home and Rooming House.

1. A rooming house or boarding house operating as a Non -Oxford house model recovery home is a conditional use permitted in all residential zones as stated in Chapter 170-10, as a reasonable accommodation for persons with disabilities, only if it meets the following specified conditions and is a Cooperative Sober Living Residence (CSLR).
 - (i) The owner obtains a Class F license to operate a cooperative sober living residence from the New Jersey Department of Community Affairs pursuant to N.J.A.C. 5:27-1.1 et seq; and
 - (ii) Requires a minimum separation distance from any other existing or proposed CSLR facility in accordance with the following:
 - a. 600 feet along the frontage of any avenue or terrace;
 - b. 300 feet along the frontage of any street;
 - c. 300 feet from any intersection which is 300 feet of another facility; and
 - (iii) Requires a minimum separation of 1000 feet from any school, in accordance with the most recent Drug Free School Zone Map.
2. All other rooming houses and boarding houses which are not operating as Non-Oxford Model Recovery Homes are prohibited in all residential zones found in Chapter 170-10.
3. A residential single-family detached dwelling unit includes an Oxford House Model Recovery Home is a permitted use in all residential zones found in Chapter 170-10.

Section 3. Inconsistent Ordinance Repealed. Should any provision of this Ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of such prior ordinances are hereby repealed, but only to the extent of any inconsistencies.

Section 4. Invalidity. In the event that any provision of this ordinance or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this Ordinance are declared to be severable.

Section 5. Captions. Captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

Section 6. Effective date. This Ordinance shall take effect upon passage and publication

Date of Introduction: April 8, 2021

Publication: April 14, 2021

Public Hearing: April 22, 2021

Date of Adoption:

ATTEST

CITY OF EGG HARBOR.

Meg Steeb, City Clerk

Lisa Jiampetti, Mayor



March 16, 2021

Egg Harbor City Land Use Board
500 London Ave
Egg Harbor City, New Jersey 08215

Memorandum to the Egg Harbor City Land Use Board

**Review and Recommendation for
Cooperative Sober Living Facility Land Use Regulations**

The City of Egg Harbor has recently observed a significant increase in interest from developers in the establishment of Cooperative Sober Living Residences (CSLR) facilities within the City. In response to this recent increase in interest, the City believes it is their responsibility to develop applicable regulations and require appropriate development patterns for these facilities. While there do not appear to be many these facilities in the City currently, the best time to establish land use regulations is prior to the development of potentially negative patterns. Once negative development patterns of any kind emerge, they are very difficult to correct retroactively. The City believes that this makes the current time the right moment to research, develop, and adopt regulations to ensure appropriate development patterns.

The City recognizes that there is a growing need for CSLR and other community-based rehabilitation facilities. These facilities provide a unique and potentially beneficial treatment option for the populations they serve. The City also recognizes that inappropriate development patterns and densities of these facilities can have a detrimental impact on the facility's residents and the surrounding community. The City's goal is to develop and implement land use regulations which will ensure that the development patterns of these facilities maximize the benefits for facility residents and minimize the impact to the surrounding neighborhoods.

When starting to investigate this topic, the City reached out to the New Jersey Department of Community Affairs (NJDCA) to seek guidance on the types of facilities that could be regulated and inquire if a model ordinance was available. NJDCA provided a report prepared for the City of Woodbury and an ordinance to effectuate the recommendations of the report. The report is unsigned but is titled "Community Residences Report & Recommendations" and was prepared by Group Melvin Design. It is a thorough literature review of the topic which cites over 50 sources to bolster the arguments made and facts presented in the report. This memorandum relies on findings and conclusions from that report without revisiting the extensive literature review.

Egg Harbor City finds itself, much like the City of Woodbury, with an aging housing stock of large single-family homes. Depressed property values and large homes built with a relatively high number of bedrooms (relics from an era when the average family size was much larger than it is today) make for an attractive housing stock for CSLR facilities. The City also has bus and rail mass transit options combined with a walkable downtown. These are all resources that

make it easier for organizations to care for those in recovery who rely on walking and transit options for their transportation needs. Given these and other factors, it is anticipated that the number of these facilities in the City will increase going forward.

Taking the proactive approach of regulating CSLR type facilities starts with an understanding of what type of facilities can be regulated. Regulation of "oxford model" homes that establish and operate under the definition of a "family" in single-family zones is not something that the City has the authority to do. However, the facilities regulated by the New Jersey Department of Community Affairs as Class "F" Community Sober Living Residences do not meet the definition of a family and do not qualify as a single-family use. These facilities are not fully controlled by the residents and are managed and operated either as non-profit or for-profit businesses. These Class "F" Licensed facilities effectively operate as rooming or boarding houses and are regulated under the New Jersey Rooming and Boarding House Act of 1979. These facilities are, therefore, able to be regulated by the City as something other than a standard single-family residential use. While regulation of these facilities is permitted, the City must permit them in all residential zones and is required to take the least restrictive approach possible to effectuate the intended regulations. Given these parameters, the best approach to regulating CSLR facilities appears to be to treat them as a conditional use in all single-family residential zones.

Having established that CSLR facilities can be regulated as conditional uses by the City, the next critical step is to develop and adopt minimally restrictive regulations that seek to protect facility residents and neighboring communities from adverse conditions. A key element to the success of CSLR type facilities is immersion into an existing neighborhood and community. The success of these facilities relies on "normalization" for the residents. This is achieved by locating the facility in an established neighborhood. The CSLR phase of treatment relies on immersion into a community to reestablish sober living habits and encourage the resident to become part of a supportive community.

Given that the success of CSLR type facilities relies on the strength of the surrounding neighborhood, it can also be understood that concentrating these facilities in a small area is detrimental to their success and the surrounding neighborhood. To avoid the deleterious effects of clustered CSLR facilities, the establishment of a separation distance between facilities has become a common practice. This allows for the establishment of a facility in any residential zone but prevents more from concentrating around it. What has been the subject of much debate has been the appropriate spacing distance between facilities. While recommended distance varies by study, generally, allowing no more than 1 facility per City block seems to be the most consistently recommended approach.

For the City of Egg Harbor, the City's traditional Avenue, Street, and Terrace layout with standard and consistent block lengths simplifies the determination of appropriate spacing distances. Each standard block in the City is 600' long and is separated from the next block by a 48.33' Street. Establishing a 600' separation distance along Street and Terrace frontages would, therefore, ensure one facility would be permitted per block. For dwellings that face or have a secondary frontage along one of the city's Streets, a minimum separation of 300' along the Street block face would provide for separation of facilities by a shorter physical distance but at least two intersecting streets. In addition to those distances along any frontage block faces, 300' separation should be required from any intersection which is within 300' of another facility. This extra separation requirement would prevent placement of a second facility just around the

corner from another facility in the event that they do not share a common frontage. Adopting a conditional use standard that requires a 600' separation distance between CSLR facilities along Avenue and Terrace frontages, 300' separation distance along Street frontages, and 300' separation distance from any intersection that has another facility within 300' of it would provide the recommended separation without being arbitrary or overly restrictive.

In addition to separation from similar facilities, another separation distance regulation that was reviewed was separation from certain community facilities. Pursuant to the State of New Jersey's Drug-Free School Zone Act and subsequent guidance from various offices of the State, the City's Drug Free School Zone Map lists and depicts facilities that have been identified as special resources, particularly for children and adolescents, in the community. These facilities have been identified as being deserving of special protections from the presence of illicit substances. Given the elevated protections afforded to these facilities, a thorough review of the appropriateness of separation from them is consistent the goals of the Drug-Free School Zone Act.

A CSLR is, by definition, a facility that houses individuals who are recovering from drug and/or alcohol addiction. Studies have shown that the rate at which recovering individuals relapse within the first year after treatment is significantly higher than the rate of drug and alcohol abuse by the general population. This corresponds with the same timeframe during which recovering individuals would most likely be a resident at a CSLR facility. Evaluating this information with respect to the Drug-Free School Zone Map raises some concerns about the placement of CSLR facilities within the restricted areas.

If a CSLR resident has an elevated potential to relapse during their residency, it would be to their benefit to be located outside of areas that could cause major setbacks to their recovery. Drug-Free School Zone areas are designed with harsher penalties, such as a minimum 3-year prison sentence that would be a major setback to anyone in recovery. Instead of benefiting from treatment options and staying on the path to recovery, an individual apprehended in this area may be incarcerated and ineligible for parole for an extended period of time. It would stand to reason that the best locations for CSLR facilities would be outside of these areas unless there was a competing reason why proximity to such a facility would be beneficial to CSLR residents.

Given that the goal of any regulation of CSLR facilities should be to provide the minimum restriction necessary to achieve the desired goal, it was necessary to conduct an individual review of each facility type listed and depicted on the Drug-Free School Zone Map. This was done to determine whether separation from each facility type was in the best interest of both the City and future CSLR residents. There are three different types of facilities listed and depicted on the Drug-Free School Zone Map and they are afforded unequal levels of protection. Two facility types listed on the map are Public Park/Playground Recreation Sites and Public Buildings. Both of these facility types deserve protection from the presence of illicit drugs but they are not singularly focused resources for children in the same way that schools are. Many of these facilities offer resources and public services to adults and children alike. These are, therefore, assets to prospective CSLR facility residents and limiting proximity to them could unfairly limit access to the benefits these facilities offer.

In contrast to these types of public facilities, schools are singularly focused on providing resources for children in a highly regulated and safe environment. The larger perimeter afforded

to school properties on the Drug-Free School Zone Map is indicative of the importance of these facilities to the community's youth and adolescents. School facilities are uniquely child focused and should always offer a safe space for children in the community. Schools also generally do not offer services for adults so proximity to them does not present any specific value to the residents of a CSLR facility. It is, therefore, reasonable and justifiable to provide unique protection to school facilities and CSLR residents in the form of separation between the two. The most effective way to ensure this unique protection would be to maintain a 1000' buffer, consistent with the Drug-Free School Zone Map, between schools and CSLR facilities.

In summary, the following provisions are recommended to be considered for inclusion in the City's Land Use Ordinance:

1. Listing CSLR facilities with up to 10 residents as conditional uses in all residential zones.
2. Requiring a minimum separation distance from any other existing or proposed CSLR facility in accordance with the following;
 - a. 600' along the frontage of any Avenue or Terrace
 - b. 300' along the frontage of any Street
 - c. 300' from any intersection which is within 300' of another facility
3. Requiring a minimum separation of 1,000 feet from any school, in accordance with the most recent Drug-Free School Zone Map