

**City of Beverly
Burlington County
August 19, 2020 – 7:00PM**

LAND USE BOARD

MINUTES

The Regular Meeting of the Land Use Board of the City of Beverly, County of Burlington, and State of New Jersey was held on the aforementioned date via conference call with the following in attendance: Diane Benson, Maureen Cronin, John Haaf, Barbara Kelly, Robert E. Lowden, Jr., Mayor Randy H. Miller, Ronald V. Paice, Harold Robertson, Richard Wolbert, Board Solicitor Charles Petrone and Board Secretary Caitlin Midgette.

Chairman Robertson called the meeting to order at 7:00PM and read the following statement into the record:

“In compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6, this is to announce that Adequate Notice of this meeting was provided in the following manner: on January 30, 2020 advance written notice of this meeting was posted on the official Bulletin board in the City Hall, was published in The Burlington County Times on February 2, 2020, transmitted to the Courier Post, filed with the Municipal Clerk, and was mailed to all persons who requested and paid for such notice. Notice that this meeting will be held via conference call at 7:00PM was published in The Burlington County Times on June 3, 2020, transmitted to the Courier Post, posted on the City’s official website, and sent to all persons requesting same.”

The above was followed by the Flag Salute and Roll Call.

MINUTES

- July 15, 2020

A motion was offered by Mr. Haaf and seconded by Ms. Kelly to approve the minutes of July 15, 2020. Motion carried on a Roll Call Vote, as follows:

Aye: Benson, Cronin, Haaf, Kelly, Lowden, Miller, Paice, Wolbert, Robertson

Nay:

Abstain:

Absent:

OLD BUSINESS

No old business was presented at this time.

NEW BUSINESS

Master Plan Consistency Review: *Ordinance 2020-6 – An Ordinance Amending Chapter BH:I, Section BH:1-7 of the Code of the City of Beverly Entitled “Wild Animals, Livestock and Fowl” and Establishing Section BH:1-8 Entitled “Keeping of Chickens”*

Mr. Wolbert stated that with the current health crisis, there has been some public interest for the keeping of chickens in order to have access to fresh eggs and meat. The ordinance has been introduced by the Common Council, and requires the Land Use Board's review for master plan consistency before final adoption can take place.

Mr. Haaf noted that he has several recommendations for amendments to the ordinance, as follows: the quarter acre lot size should be eliminated to increase the number of eligible properties; the term "owner occupied" should be changed to "single family" to include rentals; the 15ft setback requirement for chicken structures should be eliminated and replaced with the current accessory structure setback as set forth by the Schedule of Area and Bulk Requirements; and eliminate the 15ft setback requirement for waste storage.

Board Solicitor Petrone stated that any recommendations of the Board can be made to the Common Council, but the Council does not have to accept the recommendations and may adopt the ordinance as previously introduced.

Mr. Paice questioned why the keeping of only nine chickens is permissible, the prohibition of the public slaughtering of chickens, and whether or not chicken manure may be sold. Additionally, Mr. Paice inquired as to the County Board of Health's involvement as it relates to the ordinance. Mr. Wolbert stated that the limit of nine chickens was decided as it is what is recommended by USDA guidelines for the number of chickens allowable within a certain square footage. The County Board of Health will only get involved for diseased chickens, and that all other suspected animal abuse complaints would be investigated by the appointed Humane Law Enforcement Officer from the Police Department. As the ordinance currently reads, the slaughtering of chicken in public view, the sale of slaughtered chickens, and the sale of manure are all prohibited. If the sale of such things were permissible, it may cause unregulated health and sanitary conditions. Mr. Wolbert noted that chicken manure can be composted or disposed of in household trash.

Regarding Mr. Haaf's recommendation to eliminate the 15ft setback requirement for chicken shelters, Mr. Wolbert noted that the designated 15ft was chosen as the length is consistent with ordinances adopted by other municipalities, and will assist with noise control and other disturbances for neighboring properties. Moreover, Mr. Wolbert feels that the recommendation to change "owner occupied" to "single family" to include rental properties is reasonable.

Mr. Paice inquired if there is any concern of ground water contamination from chicken waste. Mr. Wolbert stated that any such issues will be addressed by the City's Code Enforcement Officer.

Mr. Wolbert recommended that the ordinance contain verbiage that chicken shelters must be kept within the rear setbacks of the house and are prohibited from being kept in front yards.

Mr. Haaf reiterated his concern that the quarter acre lot requirement size excludes many properties in Beverly from keeping chickens. Ms. Cronin expressed that the required lot size should be less restrictive as those with smaller lot sizes may be economically in need of affordable fresh produce. Slight discussion ensued.

RESOLUTIONS

Resolution 2020-7: Resolution of the Land Development Board Finding City Ordinance 2020-6 “An Ordinance Amending Chapter BH:I, Section BH:1-7 of the Code of the City of Beverly Entitled ‘Wild Animals, Livestock and Fowl’ and Establishing Section BH:1-8 Entitled ‘Keeping of Chickens’” Consistent with the Master Plan of the City of Beverly

A motion was offered by Mr. Haaf and seconded by Mr. Paice to adopt Resolution 2020-7 with the following recommendations: the lot size requirement should be eliminated, eliminate the 15ft setback requirement for both the chicken shelters and waste storage, change the restriction from “owner occupied” homes to “single family” homes to include rental properties, and include verbiage to prevent chicken shelters from being constructed within the front yard setbacks. Motion carried on a Roll Call Vote, as follows:

Aye: Benson, Cronin, Haaf, Kelly, Paice, Wolbert, Robertson

Nay:

Abstain: Lowden, Miller

Absent:

COMMUNICATIONS

No communications were presented at this time.

BOARD/PROFESSIONAL COMMENTS

No comments.

PUBLIC COMMENT

No comments.

ADJOURNMENT

A motion was offered by Ms. Kelly and seconded by Ms. Cronin to adjourn the meeting. Motion carried. Meeting adjourned at 7:42PM.

Approved:

Respectfully Submitted By:

Hal Robertson
Chairman

Caitlin Midgette
Land Use Board Secretary

Approved: January 27, 2021