AFFIDAVIT OF PUBLICATION

STATE OF NEW JERSEY
Monmouth County

I, Alexandra Sweeney, being duly sworn, depose and say:

1. I am the duly appointed Municipal Clerk of the Brough of Union Beach, County of Monmouth, State of New Jersey, and as such I am familiar with the publication requirements for municipal notices.

2. On behalf of the Borough of Union Beach, notice entitled Introduction of Ordinance, concerning Public Hearing of Ordinance No. 2026-382 was published as required by law.

3. Said notice was published on https://www.unionbeachnj.gov/ubnj/Required%20Legal%20Notices/2026%20Legal%20Notices/ on July 16, 2026 in accordance with the applicable statutory requirements.

4. A copy of the notice as published is attached hereto and made a part of this affidavit.

5. I certify that the foregoing statements are true and correct to the best of my knowledge, information, and belief.

Alexandra Sweeney

Alexandra Sweeney, RMC
Municipal Clerk
Borough of Union Beach

Sworn and subscribed before me

This 17 day of July, 2026

Dawn M. Gambacorto

Notary Public State of New Jersey
County of Monmouth

DAWN M. GAMBACORTO
Notary Public, State of New Jersey
Comm. # 50194389
My Commission Expires 5/12/2027

Ordinance 2026-382, Amending Chapter XIII
Land Use and Development Regulations.

BOROUGH OF UNION BEACH
MONMOUTH COUNTY, NEW JERSEY
PUBLIC NOTICE

The Following was introduced and passed upon first reading at a meeting of the governing body of the Borough of Union Beach, in the County of Monmouth, State of New Jersey, on July 16, 2026. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Municipal Building, 650 Poole Avenue, Union Beach on August 20, 2026 at 7:00 p.m.

ORDINANCE NO. 2026-382

AN ORDINANCE AMENDING CHAPTER XIII (LAND USE AND DEVELOPMENT REGULATIONS) OF THE CODE OF THE BOROUGH OF UNION BEACH TO AMEND SECTION 13-2.3 (DEFINITIONS) AND SECTION 13-10.4 (R-8 RESIDENTIAL ZONE) TO ESTABLISH REVISED CONDITIONAL USE STANDARDS FOR COOPERATIVE SOBER LIVING RESIDENCES

WHEREAS, the Borough Council of the Borough of Union Beach is authorized pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., to adopt and amend zoning regulations to promote the public health, safety, morals and general welfare of the community; and

WHEREAS, the Municipal Land Use Law authorizes municipalities to regulate the location, design and operation of land uses through reasonable zoning regulations and conditional use standards intended to lessen congestion, secure safety from fire and other dangers, promote adequate light and air, prevent overcrowding of land, avoid undue concentration of population, facilitate emergency services, provide sufficient parking and protect the character of residential neighborhoods; and

WHEREAS, Cooperative Sober Living Residences licensed by the New Jersey Department of Community Affairs serve an important purpose by providing supportive housing for individuals recovering from substance use disorders; and

WHEREAS, the Borough recognizes that individuals recovering from addiction may be protected by the federal Fair Housing Act, the Americans with Disabilities Act, and the New Jersey Law Against Discrimination, and nothing contained herein is intended to discriminate against or exclude persons protected under those statutes; and

WHEREAS, federal and State law nevertheless recognize that municipalities retain the authority to adopt and enforce reasonable, nondiscriminatory land use regulations designed to protect the public health, safety and welfare, provided such regulations are based upon legitimate governmental interests and are applied in a manner consistent with applicable law; and

WHEREAS, Cooperative Sober Living Residences may present land use considerations different from traditional single-family residential occupancy, including increased parking demand, emergency access considerations, fire safety concerns, occupancy issues, property maintenance issues, refuse collection, and other impacts upon surrounding residential neighborhoods that may appropriately be addressed through objective zoning standards; and

WHEREAS, the Borough Council finds that congregate residential living arrangements require particular attention to compliance with the Uniform Construction Code, the Uniform Fire Safety Act, the Property Maintenance Code, and applicable State licensing requirements in order to ensure the health and safety of both residents and neighboring property owners; and

WHEREAS, the Borough Council further finds that maintaining adequate emergency access for police, fire and emergency medical personnel, preserving neighborhood compatibility, preventing overcrowding, ensuring sufficient off-street parking, protecting adjacent residential properties from excessive noise and congestion, and maintaining residential property in accordance with applicable codes constitute legitimate governmental objectives directly related to land use regulation; and

WHEREAS, the Borough Council additionally finds that the continued operation of any Cooperative Sober Living Residence should remain contingent upon maintaining all licenses required by the New Jersey Department of Community Affairs and continued compliance with applicable State and local laws governing life safety, construction, fire prevention and zoning; and

WHEREAS, the Borough Council further finds that objective operational standards governing management, emergency contacts, occupancy, inspections, parking, property maintenance and neighborhood compatibility will assist in protecting the health, safety and welfare of residents of the facility, neighboring property owners and the general public while allowing such residences to operate in appropriate residential settings; and

WHEREAS, nothing contained within this Ordinance shall prohibit any person from requesting a reasonable accommodation as required under applicable federal or State law, and the Borough shall evaluate any such request through an individualized assessment consistent with the Fair Housing Act, the Americans with Disabilities Act, the New Jersey Law Against Discrimination and applicable judicial precedent; and

WHEREAS, schools, parks, playgrounds, child care centers, and youth recreational facilities generate concentrated pedestrian activity involving minors at predictable times of the day and week, and municipalities have a legitimate planning interest in considering the compatibility of surrounding land uses in order to promote the public health, safety, and welfare; and

WHEREAS, the location standards established herein are intended to regulate the placement of land uses based upon traditional planning principles, including compatibility, traffic circulation, pedestrian safety, and neighborhood character, and are not intended to discriminate against any individual or class of persons protected under federal or State law.

WHEREAS, the Borough Council determines that the amendments contained herein are substantially related to legitimate governmental interests, advance the purposes of zoning under the Municipal Land Use Law, and represent the least restrictive means reasonably available to accomplish those public purposes while respecting the rights afforded under federal and State law.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Union Beach, County of Monmouth, State of New Jersey, that Chapter XIII of the Borough Code is hereby amended as follows:

Section 1 Section 13-2.3 of the Borough Code is hereby amended by adding the following definitions:

COOPERATIVE SOBER LIVING RESIDENCE (CSLR): A residential use licensed by the New Jersey Department of Community Affairs as a Class F Cooperative Sober Living Residence pursuant to N.J.A.C. 5:27-1.1 et seq., or any successor regulation, providing a shared residential living environment exclusively for individuals recovering from alcohol or substance use disorders, and is intended to provide an environment where the residents can support each other's sobriety and recovery." A Cooperative Sober Living Residence shall not include:

- a hospital;
- residential treatment facility;
- detoxification facility;
- psychiatric facility;
- correctional facility;
- halfway house operated by or under contract with a governmental agency;
- residential health care facility;
- nursing home;
- assisted living residence;
- homeless shelter;
- domestic violence shelter;
- Hotel;
- Motel;
- boarding house not licensed as a Class F Cooperative Sober Living Residence;
- outpatient counseling center;
- methadone clinic;
- medication-assisted treatment facility;

- medical office; or
- any other use principally providing clinical treatment or medical services.

RESIDENT OPERATOR: An individual designated by the licensed operator who resides within the residence and is responsible for day-to-day supervision, implementation of house rules, emergency response, communication with governmental agencies and compliance with applicable law.

MANAGING ENTITY: The person or legal entity holding the required State license and responsible for ownership or operation of the Cooperative Sober Living Residence.

MATERIAL CHANGE OF OPERATION: Any increase in approved occupancy; change in ownership or licensed operator; expansion of floor area devoted to the use; increase in staffing; increase in parking demand; alteration of the approved operations plan; or other change reasonably determined by the Zoning Officer to materially increase the intensity of the approved use.

OPERATIONS PLAN: A written management plan submitted to the Land Use Board governing occupancy, supervision, emergency procedures, parking management, property maintenance, visitor policies, refuse collection, emergency contacts, and neighborhood complaint procedures.

Section 2. Add "Section 13-10.4(d)(12)" to be entitled **Cooperative Sober Living Residences (Conditional Use)** to provide that a Cooperative Sober Living Residence ("CSLR"), as defined in Section 13-2.3 of this Chapter, may be permitted as a conditional use within the R-8 Residential Zone upon approval by the Land Use Board, provided the applicant affirmatively demonstrates compliance with each of the standards set forth herein. The standards contained in this subsection are intended to regulate the land use impacts associated with the operation of a Cooperative Sober Living Residence, including public safety, fire protection, emergency access, parking, occupancy, neighborhood compatibility, and property maintenance, and are not intended to regulate or discriminate against the disability status or personal characteristics of any resident. Failure to satisfy any applicable standard shall constitute grounds for denial of the application unless reasonable accommodation is required by applicable federal or State law. Before approving, require the Land Use Board to make written findings that the applicant has satisfied each conditional use standard; adequate parking exists; emergency access is sufficient; occupancy complies with applicable codes; the use is compatible with surrounding development; and all applicable State licensing requirements have been met. The following are required in the application process:

a. State Licensing. To be approved to operate in the Borough of Union Beach, the owner and operator shall possess and continuously maintain a valid Class F Cooperative Sober Living Residence license issued by the New Jersey Department of Community Affairs pursuant to N.J.A.C. 5:27-1.1 *et seq.*, together with all other licenses, permits, registrations, and approvals required by applicable law. Prior to the issuance of any zoning approval or certificate of occupancy, the applicant shall provide proof of a valid Class F license to the Borough. Thereafter, the operator shall file an updated copy of the license annually with the Borough Clerk and Zoning Officer. The operator shall immediately notify the Borough in writing of any suspension, probation, restriction, expiration, revocation, surrender, or nonrenewal of the license. Loss of the required State license shall constitute grounds for revocation of the conditional use approval following notice and an opportunity to be heard. Any notice of violation, suspension, probation, or enforcement action issued by the Department shall be provided to the Borough within five (5) business days of receipt.

b. Ownership and Management. The applicant shall identify the record owner of the property (and, if the record owners are corporations or partnerships, the owners of that parent entity shall be disclosed until all actual, non-corporate human owners are identified), the licensed operator, the managing entity, the resident house manager, and a twenty-four-hour emergency contact authorized to act on behalf of the operator. The emergency contact shall be available at all times and capable of responding to the premises within sixty (60) minutes following notification by the Borough. Any change in ownership, licensed operator, managing entity, or resident house manager shall be reported in writing to the Borough within ten (10) business days. The Zoning Officer shall determine whether such change constitutes a material change requiring amended conditional use approval.

c. Resident Manager. A responsible adult house manager shall reside on the premises whenever residents are present. The resident manager shall have authority to enforce the residence rules, respond to emergencies, coordinate emergency evacuations, communicate with municipal officials, supervise the day-to-day operation of the residence, and ensure continued compliance with this Chapter.

d. Maximum Occupancy. Occupancy shall not exceed the lowest occupancy permitted by the Uniform Construction Code, Uniform Fire Code, Property Maintenance Code, the applicable State license, approved septic

capacity where applicable, or the occupancy approved by the Land Use Board, and shall not exceed one person per the number of bedrooms in the residence, excluding the resident manager. Further, no person shall be housed in the same rooming unit as another person not related by blood or marriage. All bedrooms shall comply with applicable State minimum floor area, light, ventilation, and egress requirements. No basement, attic, garage, dining room, living room, family room, enclosed porch, or any room not lawfully approved as a bedroom shall be used for sleeping purposes. Every resident shall be provided with an individual sleeping area, and no temporary beds, cots, inflatable mattresses, or similar devices shall be utilized to increase occupancy beyond that approved by the Borough. No resident shall occupy a room lacking lawful emergency egress.

e. Fire Protection and Life Safety. Prior to occupancy, the applicant shall obtain written approval from the Borough Fire Official confirming compliance with all applicable fire safety requirements. The residence shall continuously maintain all smoke alarms, carbon monoxide alarms, fire extinguishers, emergency escape openings, and other life safety equipment required by applicable law. Means of egress shall remain unobstructed at all times, and emergency evacuation procedures shall be maintained on site. The Fire Official may conduct periodic inspections as authorized by law to verify continued compliance.

f. Building and Property Maintenance. The structure and property shall remain in full compliance with the Uniform Construction Code, Uniform Fire Safety Act, Property Maintenance Code, Housing Code, Health Code, and all applicable Borough ordinances. No certificate of occupancy shall be issued or remain in effect while unresolved code violations affecting life safety or habitability exist.

g. Parking and Access. All required parking shall be provided on the subject property and shall not occur upon lawns, sidewalks, required setbacks, or fire lanes. Parking shall not impede emergency vehicle access. Commercial vehicles, buses, trailers, or shuttle vehicles shall not be stored on the premises unless specifically authorized by the Land Use Board. The applicant shall submit a Parking Management Plan demonstrating adequate parking for residents, staff, and visitors while preserving emergency access and neighborhood compatibility for review and approval by the Zoning Officer.

h. Residential Character. The residence shall maintain the exterior appearance of a single-family dwelling. No exterior alteration or improvement shall create an institutional or commercial appearance, including but not limited to excessive security fencing, commercial signage, institutional lighting, public address systems, or other features inconsistent with the surrounding residential neighborhood. Exterior lighting shall be residential in scale and directed to prevent glare onto adjoining properties.

i. Property Maintenance. The property shall be maintained in a clean, sanitary, and orderly condition. Debris, litter, junk, abandoned furniture, inoperable vehicles, and outdoor storage shall be prohibited. Landscaping shall be maintained in a healthy condition, dead vegetation shall be replaced, refuse storage areas shall be screened, and snow and ice shall be removed in accordance with Borough ordinances.

j. Refuse. Refuse and recyclable materials shall be stored in covered containers screened from public view and shall be collected in accordance with Borough regulations. Accumulation of refuse outside approved containers is prohibited.

k. Operations Plan. Each application shall include an Operations Plan describing the proposed management and operation of the residence, including acknowledgement that maximum occupancy is consistent with Union Beach code, staffing, supervision, emergency evacuation procedures, visitor policies, transportation arrangements, parking management, property maintenance, refuse collection, neighborhood complaint procedures, emergency contact information, and procedures for maintaining an alcohol-free and drug-free residence. The Operations Plan shall not require disclosure of confidential medical information or the identities of individual residents.

The residence shall be maintained as an alcohol-free and drug-free living environment consistent with State licensing requirements. No on-site detoxification services, clinical treatment, psychiatric treatment, substance abuse treatment, or medication-assisted treatment services shall be provided on the premises. Nothing herein shall prohibit the operator from encouraging or requiring participation in off-site recovery meetings, peer support programs, or other non-clinical recovery services consistent with applicable State regulations. The operator may conduct drug and alcohol screening or testing of residents to the extent authorized by State law and the residence's written operating procedures.

The Operations Plan shall establish reasonable visitor policies, visiting hours, procedures for addressing neighborhood complaints, and measures designed to minimize parking congestion, excessive noise, and disruption to surrounding residential properties.

l. Deliveries and Outdoor Activities. Commercial deliveries shall occur only between the hours of 8:00 a.m. and 7:00 p.m. and shall not obstruct public streets or neighboring driveways. Outdoor activities shall not create excessive noise, interfere with neighboring residential properties, obstruct sidewalks, or impede emergency access. Outdoor meetings utilizing amplified sound shall be prohibited.

m. Smoking. Smoking areas, if provided, shall be located on private property in a manner that minimizes impacts upon adjoining residential properties. Appropriate receptacles shall be provided and maintained.

n. Liability Insurance. The owner or operator shall maintain Commercial General Liability Insurance in an amount not less than One Million Dollars ($1,000,000) per occurrence, or such greater amount as may be required by the Borough's Risk Manager. Proof of insurance shall be provided upon application, annually thereafter, and upon request by the Borough. Failure to maintain such insurance shall constitute grounds for enforcement action and may constitute grounds for revocation of approval.

o. Inspections and Annual Registration. The premises shall remain subject to inspections authorized by applicable law by the Construction Official, Fire Official, Property Maintenance Official, Health Department, or other authorized municipal officials. On or before January 31 of each year, the operator shall submit to the Borough current proof of State licensure, proof of liability insurance, updated emergency contact information, a certification of continued compliance with this Chapter, and any amendments to the approved Operations Plan.

p. Material Changes and Abandonment. Any increase in occupancy, increase in bedrooms, structural expansion, change in licensed operator, change in principal use, increase in staffing, or expansion of parking shall constitute a material change requiring review by the Land Use Board or other appropriate municipal authority. If the use ceases for a period exceeding twelve (12) consecutive months, the conditional use approval shall lapse unless extended by the approving authority.

q. Compliance with Other Laws. Approval of a Cooperative Sober Living Residence under this Chapter shall not relieve the owner or operator from compliance with the Municipal Land Use Law, the Uniform Construction Code, the Uniform Fire Safety Act, the Property Maintenance Code, the New Jersey Department of Community Affairs licensing regulations, or any other applicable federal, State, county, or municipal law.

r. Proximity to Schools, Parks, and Child-Oriented Facilities. In order to promote compatible land use patterns, preserve neighborhood character, protect areas of concentrated pedestrian activity involving minors, and further the purposes of the Municipal Land Use Law, no Cooperative Sober Living Residence shall be established within one thousand (1,000) feet of the property line of any public, private, charter, or parochial elementary or secondary school, nor within five hundred (500) feet of the property line of any licensed child care center, preschool, public playground, public park primarily designed for use by minors, youth recreation facility, or youth athletic complex owned or operated by a governmental entity. Distances shall be measured in a straight line from the nearest property line of the proposed residence to the nearest property line of the protected use. A lawfully established Cooperative Sober Living Residence shall not become nonconforming solely because a protected use is subsequently established, nor shall the establishment of a Cooperative Sober Living Residence preclude the subsequent development of a protected use. Nothing herein shall prohibit an applicant from requesting a reasonable accommodation as required by applicable federal or State law, which request shall be evaluated on an individualized basis.

s. Applicant's Burden. The applicant shall bear the burden of demonstrating, through competent evidence, that the proposed Cooperative Sober Living Residence complies with every conditional use standard contained herein and with all other applicable provisions of this Chapter. Failure to establish compliance with any standard shall constitute grounds for denial unless a reasonable accommodation is required by applicable law.

Section 3. The following sections shall be amended to ensure Administration, Enforcement and Continued Compliance of the terms of this Ordinance:

13-10.4(d)(13) Continuing Compliance

Approval of a Cooperative Sober Living Residence shall constitute continuing approval only for so long as the use remains in compliance with the conditions of approval, the requirements of this Chapter, all applicable provisions of the Borough

Code, and all applicable federal and State laws and regulations. The owner and operator shall continuously maintain the premises in compliance with all conditions imposed by the approving authority.

The issuance of conditional use approval shall not be construed as authorizing any expansion or intensification of the approved use beyond that specifically approved by the Land Use Board.

13-10.4(d)(14) Material Changes

No Cooperative Sober Living Residence shall undergo a material change in operation without prior approval from the appropriate municipal authority. Material changes shall include but not be limited to an increase in the number of residents; an increase in the number of bedrooms utilized by residents; structural additions or alterations affecting occupancy; a change in the licensed operator; a change in ownership where operational control is transferred; expansion of parking areas; modification of the approved Operations Plan; any other change that materially increases the intensity of the approved use.

The Zoning Officer shall determine whether a proposed modification constitutes a material change requiring Land Use Board approval.

13-10.4(d)(15) Enforcement

The provisions of this section may be enforced by the Zoning Officer, Construction Official, Fire Official, Health Officer, Police Department, or any other official authorized by law.

Whenever an authorized municipal official determines that a violation exists, the Borough may issue notices of violation, administrative orders, summonses, or institute any action authorized by law or in equity to secure compliance.

The remedies provided herein shall be cumulative and not exclusive.

13-10.4(d)(16) Revocation of Conditional Use Approval

Following written notice and an opportunity to be heard before the appropriate municipal authority, conditional use approval may be revoked upon a finding of one or more of the following:

a. Revocation, suspension, expiration, surrender, or nonrenewal of the required State license;

b. Material misrepresentation or omission in the application for approval;

c. Repeated or substantial violations of this Chapter or the conditions of approval;

d. Repeated violations of applicable Construction, Fire, Property Maintenance, Health, or Housing Codes;

e. Failure to maintain required liability insurance;

f. Operation of the residence in excess of the approved occupancy;

g. Failure to maintain a resident house manager as required herein;

h. Failure to comply with any lawful order issued by the Borough.

Nothing contained herein shall prevent the Borough from pursuing any other remedy authorized by law.

13-10.4(d)(17) Annual Registration

Each Cooperative Sober Living Residence shall register annually with the Borough no later than January 31. The annual registration shall include:

1. Proof of current State licensure;
2. Identification of the property owner;
3. Identification of the licensed operator;
4. Identification of the resident house manager;
5. Twenty-four-hour emergency contact information;
6. Proof of liability insurance;
7. Certification that the residence remains in compliance with this Chapter;
8. Any amendments to the Operations Plan approved by the Borough.

Failure to register may constitute grounds for enforcement action.

13-10.4(d)(18) Penalties

Any person violating any provision of this Chapter shall be subject to the penalties established in Chapter I, General Penalty, of the Borough Code.

Each day that a violation continues shall constitute a separate and distinct offense.

The Borough may also seek injunctive relief, specific performance, or any other remedy available under law.

13-10.4(d)(19) No Vested Rights

Approval of a Cooperative Sober Living Residence shall not create a vested right to continue operations in violation of subsequently enacted federal, State, or local laws or regulations of general applicability.

Section 4. If any subsection, sentence, clause, phrase, or provision of this Section is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Section, which shall remain in full force and effect.

Ordinance 2026-382 was introduced on First Reading by Councilman Andreuzzi seconded by Councilwoman Woodruff and approved by the following Roll Call Vote

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki			X			
Mr. Riccardi			X			
Mrs. Roche			X			
Mrs. Woodruff		X	X			
Mr. Andreuzzi	X		X			
Mr. Lewandowski			X			