

**Millville Zoning Board Meeting
Held May 6th, 2021.
Minutes**

PUBLIC MEETING

Members of the Millville Zoning Board met for their Regular Zoning Board Meeting on April 1st, 2021 at 6:00 p.m. via teleconference which the public was invited to attend and provide public comment during the public portion of the meeting in accordance with the Open Public Meetings Act, Chapter 231, Public Laws of 1975. Chairman Worthington called the meeting to order at 6:10pm and announced that this meeting was being conducted in accordance with the Open Public Meeting Act of 1975, was advertised, posted, and made available to the public as required by Statute. The Secretary called roll and found those in attendance were Chairman Worthington, Vice Chairman Rob Connor, Veronica Chainey, Mr. Latore, and Tim Carty were present. Ms. Sheila Roselle and Pauline Velez were absent. Also present were Mr. Van Embden, Zoning Board Solicitor, Wayne Caregnato, City of Millville's Zoning Officer, Michelle Baker, assistant engineer, Yazmin Moreno, City's Planning Trainee and Board Secretary, Kristine Klawitter.

MINUTES OF THE PREVIOUS MEETING

Vice Chairman Conner called a motion to approve the April 1st, 2021 minutes and Mr. Latore second the motion. Chairman Worthington, Vice Chairman Rob Connor, Veronica Chainey, and Mr. Latore Voted yes.

RESOLUTIONS

Mrs. Chainey made a motion to memorialize Resolution #04-2021 Granting Sign Pros approval for a "C" Variance for Family dollar's wall mounted illuminated and non-illuminated signs on the building located at 711 2nd St. in Block 294 Lots 3 and in an GB General Business District and was seconded by Vice-Chairman Connor. Chairman Worthington, Vice Chairman Rob Connor, Veronica Chainey, and Mr. Latore Voted yes.

Mrs. Chainey made a motion to memorialize Resolution # 05-2021 Granting 1601 Millville, LLC approval for an "C" and "D" Variance to convert professional office complex into 50 residential apartment complex and site plan waiver located 1601 N. 2nd Street in Block 233 Lot 4 in a B-4 Zone and was seconded by Ms. Sharleen Johnson. All present voted Yes.

Mr. George Latore made a motion to memorialize Resolution #06-2021 Granting Mike Lee Robinson Jr. approval for "C" Variance for a 6'foot privacy fence on a corner lot at 700 Menantico Ave in Block 537 Lot 33 and in a R-10 Residential zone and was seconded by Ms. Veronica Chainey. All present voted yes.

Mr. Timothy Carty made a motion to memorialize Resolution #07-2021 Granting Nipro Glass Americas Corporation approval for "D-3" Variance to upgrade sign to electronic sign located 1200 N 10th Street in Block 264 Lot 2 in an I-1 Zone and was seconded by Vice- Chairman Connor. All presented voted yes.

Mr. Timothy Carty made a motion to memorialize Resolution #08-2021 Granting USA Busy Bee LLC approval for a "D" variance to convert 3-bedroom residential single-family home into a duplex with two

1- bedroom units located 412 N. 4th Street in Block 376 lot 13 in an R-5 Zone and was seconded by Vice-Chairman Connor. All present voted yes.

APPLICATIONS

Highland Development Group, LLC in Block 352 Lot 17

Highland Development Group, LLC in Block 352 Lot 17 in a RM-Riverfront mixed use and Millyard Mixed use district is being represented by Michael Fralinger, Esq. The applicant is requesting an interpretation of the ordinance on single-family dwelling and the relief of the proposed setback in the RM/Millyard district. The site is currently vacant, and the applicant would like verification of zoning requirements, to construct a single-family dwelling in the RM zone, and approval to pursuing a variance relief. There are no written bulk standards in the ordinance. Mr. Fralinger interpretation of the proposed permitted use and proposed setback. He has presented an ariel view of the site and outlined in red the property. It is located near the corner of Columbia and sharp and is behind several other residential properties. The lot next to lot 17 there are two single- family dwelling homes on lot 15. The property is just under 5000 square feet in size it is about 4800 square feet Its depth is approximately 90 feet the frontage along Columbia as is 50 feet and what we are proposing for the side yard setback is 20 feet and 25-foot front yard setback. Ordinance standards under 30 - 112 it indicates the Intent and purposed otherwise within the land use element, the riverfront development plan, and the master plan. Permitted uses in a residential, including single family dwellings written in the ordinance, and that the only thing that an applicant or a developer or an owner of property must go on and try to develop properly. The Municipality can adopt ordinance that are either in coordinates with the master plan and don't have to follow a master plan. As far as standards for a particular zone, the Master plan does not matter. Permitted uses in section D 1. residential, including single-family attached and detached dwellings, townhomes, apartments, multifamily dwelling, group homes, community residents, artisan live/ workspace, and continuing care facilities. There are several permitted uses listed down here that are not referenced anywhere in any of the subdistricts. for an example group homes community residents etc... unsure how the board could determine that single family dwelling use would not be permitted in the RM or mixed-use district based on plain reading of section 30 -112 subsection. There are no district regulations written in the ordinance.

Nathan thanks Mr. Fralinger' makes a compelling argument on how it is read in the ordinance. it has not been thought through because the consequences of allowing everything would require you to have had a set of rules and requirements for meeting the implementation of everything. Certainly, it has not been addressed, I can understand why miscarried not yet has taken the position and appears that it was not intent to allow. But the single-family residential language is clear, specifically says single family attached and detached dwellings are permitted uses an residential uses, townhouse uses, and apartments are all permitted uses in this zone.

Cities assistant engineer Michelle states a couple of grants that were received through federal funding, and I would like the applicant to be aware of what will be added in that zone, we will be repairing sidewalk curves storm inlets for the useful aid grant. Also, would directly affect any construction on the roadways of Columbia Ave on the federal transportation alternative grant. The neighboring lot 18 can become a staging area for construction for the riverfront walkway and or become a trailhead with parking pedestrian traffic so please be aware of these upcoming projects in 2022.

Wayne Caregnato, Cities Zoning Officer states he agrees with Mr. Farlinger's statement the ordinance is confusing except the intent I do not think you can take that in consideration 1 Kim Ayres wrote this ordinance I told her she needed to write district regulations, such as bulk setbacks. Our district says nothing about single family dwellings it states they are allowable in the whole riverfront mixed use district, in the glasswork, transit, and Marina district. It states single family dwellings are allowed because of what I read and interpreter description of the sub areas within the riverfront development plan identifies five district sub areas located within the riverfront mixed use district these five sub areas are described here in a set forth below. one demolition or mixed-use district and now village, commercial, mixed use and Law development, condominiums, apartments and lofts, redevelopment of brownfields and old industrial buildings, riverfront, parking, trail systems are allowed all over but take in consideration these districts their speaking about, so in my opinion is I do not think single- family drawing is it permitted use for the ordinance.

Chairman Worthington opened the meeting for public comment.

Tamara Isajiw-Does not agree with adding a single-family dwelling in the RM district.

With no other speakers, Chairman Worthington closes the public comment.

The boards facts and findings- Chairman Worthington agrees the ordinance is confusing but agrees that a single-family dwelling is a permitted use and the ordinance need to be clarified better.

Miss Chainey agrees with chairman Worthington and suggest we add this to the annual zoning board report to the planning board regarding suggestions for edits on the ordinances. I would also add that villagers pointed out when you look at the ordinance and what is permitted in the yard that really does not accommodate any of the other intense for the Millyard as stated making it a unique situation.

Vice-Chairman Conner agrees with the following two board members and the council on the interpretation on this.

The zoning requirements require 5 zone be applied. Opposed, conformity or close, conformity to zoning requirements, be approved, and designated as the criteria by which permitting might be afforded. The applicant would not have a direction and would not have no restrictions and no limitations at least with this proposal, the applicant is up substantially compliant with the R5 zone. When one considers the added opportunity, the applicant has of maintaining a property which predated the current zone requirements. Presenting and resolving the gaps in our ordinance. Firm resolution would be to approve interpretation that this permits a single- family dwelling in this Zone and in conjunction with that adopting the R5 residential zone bulk standards, the modifications as proposed, if that is a sort of mini site plan. No "D" variance is needed for tonight applicant. Five law where it says that books akin to an RFI law. The applicants proposed bulk provisions are 47.92 square foot 50.55 front and 87.58 in depth, 30 feet in front yard setback and all of those would be adopted, so at least we will have that criteria. The resolution is to provide interpretation to allow residential dwelling and to adopt the bulk proposal of the applicant.

Vice chairman Rob Connor makes a motion to approve/adapt the interpretation as presented by the applicant and adopt the bulk standards as proposed by the applicant Anne was seconded by Mr. Veronica Chaney. All present voted yes.

OTHER BUSINESS-

Zoning board would like the ordinance for the Riverfront mixed use and Millyard mixed use section in the ordinance to be look at and in terms of suggestions for edits on the Annual Zoning Board Report In our annual report to the planning board.

The zoning board discuss weather or not to return to in person meetings, majority feels we should wait for more indoor restrictions are lifted on a federal and state regulations. We will continue to do virtual for the next month meeting in June 2021.

Mrs. Chainey questioned the marijuana and were the planning board stands on the matter, the planning board will continue to disgust this situation on May 10th planning board meeting.

Discussion: Municipal Treatment of Cannabis Operations within the City

This matter was tabled until May. It will go before the Planning Board first.

With no further business, Steve Latore makes a motion to close the Zoning meeting and it is seconded by Vice Chairman Rob Connor.

Submitted by:
Kristine Klawitter