

Zoning Board of Adjustment

City of Millville

April 6, 2023

4th Floor Commission Chamber

6:00 PM

1. 2022 Open Public Meetings Act Statement

Open Public Meetings Act Statement of Conformance:

"This meeting is being conducted in accordance with the Open Public Meetings Act of 1975, was advertised, posted, and made available to the public 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, as required by Statute. The secretary is directed to include a statement in the minutes of this meeting."

2. ROLL CALL

Kevin Smaniotto, Chairman	(12/19/25)
William B Smith, Vice Chairman	(12/31/26)
John Worthington	(12/31/23)
Paul Williams	(12/31/24)
Timothy Carty	(02/07/25)
William Beck	(12/31/26)
Dante Land	(12/31/26)
Sharleen Johnson, Alt. 1	(12/07/23)
Angeline Broomhall, Alt. 2	(02/01/24)
Vacant, Alt. 3	(12/21/23)
Ricard Lim, Alt. 4	(06/08/24)

3. MINUTES OF THE PREVIOUS MEETING

3.1. March 2, 2023 Minutes

Documents:

[MARCH 2, 2023 ZB.PDF](#)

4. RESOLUTIONS

4.1. Resolution 04-2023ZB

Documents:

[04-2023ZB SUBSTITUTE ATTORNEY.PDF](#)

5. CORRESPONDENCE

6. APPLICATIONS

7. OTHER BUSINESS

8. ADJOURNMENT

**Millville Zoning Board Meeting
Held March 2, 2023
Minutes**

PUBLIC MEETING

Members of the Millville Zoning Board met on the above date for their regularly scheduled monthly meeting in the Richard C McCarthy Chamber, 4th floor of City Hall. Chairman Smaniotto called the meeting to order at 6:00 PM and announced that this meeting was being conducted in accordance with the Open Public Meetings 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 Mr. Carty, Mr. Williams, Mr. Beck, Mr. Land, Ms. Johnson and Mr. Smaniotto. Also, present were Ms. White, Zoning Board Solicitor, Mr. Wayne Caregnato, City of Millville's Zoning Officer and Barbara Fegley, City Planner.

MINUTES OF THE PREVIOUS MEETING

Mr. Williams made a motion to approve the January 5, 2023 regular meeting minutes, Mr. Beck seconded the motion. In favor – Mr. Carty, Mr. Williams, Mr. Beck, Mr. Land, Ms. Johnson, Mr. Smaniotto.

Mr. Beck made a motion to approve the January 5, 2023 closed session meeting minutes, Mr. Williams seconded the motion. In favor – Mr. Carty, Mr. Williams, Mr. Beck, Mr. Land, Ms. Johnson, Mr. Smaniotto.

CORRESPONDENCE –

None

RESOLUTIONS –

Resolution #03-2023ZB – Appointing Beth White Zoning Board Attorney. Mr. Beck made a motion to approve, seconded by Mr. Williams. In favor – Mr. Carty, Mr. Williams, Mr. Beck, Mr. Land, Ms. Johnson, Mr. Smaniotto.

APPLICATIONS-

5.1 #01-2023 – Trevor Valentine, C Variance, Block 578, Lot 1, 2705 E Main St, side set back relief for a carport. Solicitor White swore in Trevor Valentine. Mr. Valentine is looking to get a 40X42 steel building for dry safe storage of lawn mowers, weed whackers, etc. Currently being stored in basement and under a tent which is not safe. Would like somewhere safe to park vehicles. Mr. Beck asked how tall the carport would be, it will be 14 ft tall. Mr. Valentine stated it will be 30X40 building with a 12 ft lean to. The lean to will not have the sides closed in. The main portion of the building will be closed in. Lean to will be on the west side. Mr. Beck asked why such a big building. Mr. Valentine explained he would like to work on his boat and needed the size. A boat will be stored under the lean to. Mr. Caregnato confirmed with the applicant that the building itself will be closed and the lean to will be open. Mr. Valentine stated that the neighbor to the west has no complaints with him constructing the building. There will not be any utilities at this time. Mr. Valentine testified that he will not be storing hazardous materials. Mr. Williams asked how tall, eave height is 16 ft. Mr. Caregnato explained how the height is measured and looked at the engineered drawings and stated that the peak height is 14'11". There will not be a concrete pad. Planner Fegley asked how tall the lean to is, it will be 11 ft. Mr. Caregnato explained to the board that there were not zoning regulations until 1963 and both applications being heard were built prior to having setbacks. No members of the public present to speak on application. Mr. Smaniotto went over the facts and findings. Mr. Beck stated the applicant demonstrated the need for the structure. Motion to approve application Mr. Beck, seconded Mr. Williams. In favor – Mr. Carty, Mr. Williams, Mr. Beck, Mr. Land, Ms. Johnson, Mr. Smaniotto.

5.2 #02-2023 – Richard & Diane Mingin, C Variance, Block 324, Lot 6, 710 E St, side set back relief for a deck. Solicitor White swore in Richard Mingin. Mr. Mingin is asking for 4’9” side set back relief. Mr. Caregnato explained to the board that when he was at the residence the neighbor was present and did not indicate he had any problems with the deck. Mr. Beck asked how far the deck is from the property line, Mr. Mingin stated it is 4” from property line. Mr. Mingin stated that the neighbor has not expressed any concern. Mr. Mingin explained the 4X3 ft trap door on the deck that goes to the cellar, there is no inside access. Mr. Caregnato stated the set backs are a common problem in the zone. The deck does not impact other property setbacks. The previous deck was 20 years old. The new deck replaced the old one and was built in June 2022. Mr. Beck asked if the neighbor received his notice, Solicitor White explained to the board that all of the appropriate notifications had been sent. Ms. Fegley asked if the applicant had received the review letter, yes they did. Ms. Fegley asked if they were anywhere near the maximum 45% coverage, applicant stated no. Mr. Beck asked Solicitor White if any vote the board does today establish precedent for the rest of Millville for zoning purposes. Solicitor White stated this is specific to the property. Mr. Caregnato explained that each hearing is specific to witnesses and what is given. Mr. Smaniotto and Mr. Beck both stated they plan to vote affirmative. Motion to approve application Mr. Williams, seconded Mr. Beck. In favor – Mr. Carty, Mr. Williams, Mr. Beck, Mr. Land, Ms. Johnson, Mr. Smaniotto. No members of the public present to speak on application.

OTHER BUSINESS-

Mr. Smaniotto asked the board if anyone had any other business. Ms. Johnson asked if this was regarding the board. Solicitor White stated that other business is any business that is appropriate to bring in front of the board and stated that we were in open meeting. Ms. Johnson stated she has mentioned to several of the members that she is concerned with the way the board has changed. She stated she knows that legally the mayor has the right to move alternates not in order onto the board but wanted it on record that she doesn’t feel it was fair and that it remains to be seen if it will be in the best interest of the board or not. Ms. Johnson stated that it is nothing personal towards anyone and that she has spoken to a few of the board members. She stated she doesn’t find it fair that other alternates have been moved before her. She also made mention that there are no women on the regular board. There were women on the board before and she feels they bring a different perspective. Ms. Johnson also stated no one was notified this was going to happen. Mr. Land stated that there was a female on the board who recently resigned. Ms. Johnson stated she did talk to the mayor, and she doesn’t call back. Mr. Caregnato explained that the Commission appoints the zoning board and the mayor appoints the planning board. Ms. Johnson’s concern is that she sat on board for 4 years as an alternate and has went through the training. When she was asked by a commissioner to sit on the board she wasn’t sure about it because she isn’t political and she went to meetings prior to making her decision. She thought it was interesting and as an alternate she could learn. The board was phenomenal and she could ask anyone a question and she learned. She thinks everyone should be an alternate and learn before being a regular member. Mr. Land suggested Ms. Johnson speak at a public meeting so it is on the record. Ms. Johnson stated it won’t make any difference because the mayor and the commission can do what they want and in her opinion they don’t care what someone with an opposing view thinks. Mr. Smaniotto stated he understands Ms. Johnson’s feelings and that they are noted. He also stated he wished she had spoke to him. Ms. Johnson stated she hasn’t had the chance and that generally she wouldn’t speak like this in a public meeting and preferred to speak individually.

ADJOURNMENT-

Mr. Beck made a motion to adjourn, seconded by Mr. Williams. Meeting adjourned at 6:36pm.

Respectfully Submitted by:

Mary Harrar, Board Secretary

**Resolution
of the
City of Millville Zoning Board
of Adjustment
Cumberland County
New Jersey**

RESOLUTION NO. 04-2023ZB

WHEREAS, the City of Millville Zoning Board of Adjustment has received a Civil Action Summons against them; and

WHEREAS, the City of Millville Zoning Board of Adjustment Solicitor, Beth White, has a conflict on and is not able to represent the Zoning Board in this matter; and

WHEREAS, the City of Millville Zoning Board was required to seek a substitute attorney; and

WHEREAS, the City of Millville Zoning Board is desirous of appointing M. Lou Garty to serve as substitute Zoning Board Attorney for said Civil Action against the Zoning Board; and

WHEREAS, said services shall be provided at an hourly rate of \$150.00;

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of the City of Millville that:

M. Lou Garty is hereby appointed as substitute Zoning Board Attorney at an hourly rate of \$150.00.

ROLL CALL

Motion to Approve:
Seconded:

MEMBER	YEA	NAY	ABSENT	ABSTAIN	EXCUSED
Kevin Smaniotto, Chairman					
William B Smith, Vice-Chairman					
John Worthington					
Paul Williams					
Timothy Carty					
William Beck					
Dante Land					
Sharlene Johnson, Alt. I					
Angeline Broomhall, Alt. II					
Vacant, Alt III					
Ricardo Lim, Alt. IV					

AND BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the applicant and to all who request a copy for a reasonable fee. In addition, a copy of this Resolution shall be filed in the Office of the Clerk of the City of Millville.

By: _____
Mary Harrar, Board Secretary

By: _____
Kevin Smaniotto, Chairman

Dated:

CERTIFICATION

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the City of Millville at a meeting of April 6, 2023.

By: _____
Mary Harrar, Board Secretary