

## Zoning Board of Adjustment

### City of Millville

February 4, 2021, Teleconference, 6:00 PM

#### 1. Open Public Meeting Act Statement Of Conformance-COVID-19

##### 1. Open Public Meetings Act Statement of Conformance:

"This meeting is being conducted by teleconference due to the COVID-19 PANDEMIC. Governor Murphy has declared a state of emergency via Executive Order 103 in response to the coronavirus outbreak. Executive Order 107 institutes various restrictions on public places and gatherings. As such, 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."

Please join the meeting from your computer, tablet or smartphone using the following URL or access phone number:

##### **From your computer, tablet or smartphone.**

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When the hearing is opened to the public you may comment or by agent or attorney and present any objections which you may have to the granting of the relief sought in the petition. Be sure to review any updated information, described maps and papers prior to the meeting on the municipal website at <HTTP://WWW.MILLVILLE.NJ.GOV/313/ZONING> for viewing. If a member of the public does not have access to a computer, please contact Kristine Klawitter, Board Secretary, to make arrangements to access plans noted below at (856) 825-7000 ext. 7288 or [KRISTINE.KLAWITTER@MILLVILLE.NJ.GOV](mailto:KRISTINE.KLAWITTER@MILLVILLE.NJ.GOV).

#### 2. ROLL CALL

John Worthington, Chairman	(12/31/22)
Robert Conner, Vice-Chairperson	(12/31/21)
Veronica Chainey	(12/31/22)
Pauline Velez	(12/31/24)
George LaTore	(12/31/22)
Timothy Carty	(02/07/21)
Sheila Roselle	(12/19/21)
Alt. 1	(08/01/21)
Sharleen Johnson, Alt. 2	(01/02/22)
Vacant, Alt. 3	(01/02/19)

**3. MINUTES OF THE PREVIOUS MEETING**

**3.1. Zoning Board January 7, 2021 Minutes**

Documents:

[JANUARY 7TH ZB MINUTES.PDF](#)

**4. CORRESPONDENCE**

**5. PRESENTATIONS**

**6. RESOLUTIONS**

**6.1. Resolution #03-2021 - Devin Irizarry**

Granted Devin Irizarry approval for a use variance for a 20' x 14' x 15' high shed at a single-family residence located at 115 E. Pine Street in Block 415 Lot 7 in a B-3 Central Business District.

Documents:

[415.00\\_0007.00\\_IRIZARRY 03-2021.PDF](#)

**7. APPLICATIONS**

**8. OTHER BUSINESS**

**9. ADJOURNMENT**

**Millville Zoning Board Meeting**  
**Held January 7th, 2021**  
**Minutes**

**PUBLIC MEETING**

Members of the Millville Zoning Board met for their Regular Zoning Board Meeting on January 7th, 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 6:00pm 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 Statue. The Secretary called roll and found those in attendance were Vice-Chairman Conner, Chairman Worthington, Ms. Roselle, Mrs. Chainey, Mrs. Velez, George Latore, Mr. Carty, and Sharleen Johnson alternate I were all present. Also present were Mr. Van Embden, Zoning Board Solicitor, Wayne Caregnato, City of Millville's Zoning Officer, and Samantha Silvers, City of Millville's Supervising Planner.

**MINUTES OF THE PREVIOUS MEETING**

Mr. Carty made a motion to approve the December 3rd, 2020 minutes and was seconded by Ms. Roselle. Mr. Latore abstained. Vice-Chairman Connor, Chairman Worthington, Ms. Chainey, Ms. Roselle, Ms. Velez, and Mr. Carty voted yes.

**RESOLUTIONS-**

Mr. Carty made a motion to memorialize Resolution # 17-2020 Granting Hutton Millville St, LLC "C" variance approval for signage on the building located at 2007 N. 2nd Street in Block 233 Lot 10 in a B-4 General Business District and was seconded by Vice- Chairman Connor. Mr. Latore abstained. Vice-Chairman Connor, Chairman Worthington, Ms. Chainey, Ms. Roselle, Ms. Velez, and Mr. Carty voted yes.

Ms. Roselle made a motion to memorialize Resolution # 18-2020 Granting Eastside Investments, LLC approval for "D" variance for a single-family dwelling located at 1001 Combs Road in Block 265 Lot 7 in a I-1 General Industry District and was seconded by Mr. Carty. Mr. Latore abstained. Vice-Chairman Connor, Chairman Worthington, Ms. Chainey, Ms. Roselle, Ms. Velez, and Mr. Carty voted yes.

The Board discussed **Resolution #01-2021** regarding the scheduled dates of Zoning Board Meetings and 6:00pm time and designation of Official Newspaper recordings. Vice- Chairman Connor made motion to approve **Resolution #01-2021** and was seconded by Mrs. Chainey. All present voted yes.

The Board discussed **Resolution # 02-2021** regarding the annual reorganization and Appointment of Professionals-2021.

- Mr. Carty made a motion to nominate Mr. Worthington as Chairman and Mr. Conner seconded the motion and it was approved with the following roll call vote: yes from Mr. Latore, Mr. Conner, Ms. Velez, Mr. Carty, Ms. Roselle, and Ms. Chainey. *Carried.*

- Mr. Carty made a motion to nominate Mr. Conner as Vice- Chairman and Chairman Worthington seconded the motion and it was approved with the following roll call vote: yes for Mr. Latore, Mr. Conner, Ms. Velez, Mr. Carty, Ms. Roselle, and Ms. Chainey. *Carried*
- Mr. Carty made a motion to nominate the Board Secretary, Kristine Klawitter, for the Zoning board and was seconded by Vice-Chairman Conner. It was approved with the following roll call Vote: yes for Mr. Latore, Vice-Chairman Conner, Ms. Velez, Mr. Carty, Ms. Roselle, Chairman Worthington and Ms. Chainey. *Carried*

The Board discussed **Resolution # 03-2021** regarding Zoning Board Solicitor and contract through 2021. Mr. Carty made a motion to nominate Mr. Nathan VanEmbden for City Solicitor and Vice-Chairman Conner. It was approved with the following roll call Vote: yes for Mr. Latore, Vice-Chairman Conner, Ms. Velez, Mr. Carty, Ms. Roselle, Chairman Worthington and Ms. Chainey. *Carried*

#### **CORRESPONDENCE** –

The commission appointed Ms. Pauline Velez with expiration date of 12/31/2024 as a regular member of the zoning board. Mr. Brian McGahhey resigned as of 12/3/2020 from the Zoning Board.

#### **APPLICATIONS** –

Devin and Barbara Irizarry of 115 E. Pine Street were sworn in to represent the application for 115 E. Pine Street in Block 415 Lot 7 in a B-3 Central Business District for “D” variances for a 20’ x 14’ x 15’ high shed in the backyard as well as a 6’ stockade fence along the eastern property line and a small portion of the western property line which borders a 10’ City owned alley. The Applicant seeks use variance approval for the shed and fence as these accessory structures expand a nonconforming principal use which is not permitted in the district. The applicant’s main concern is keeping his property secure since he has been victim to theft on his property. The applicant states there is the similar sized shed adjacent to his property. Applicant feels this will help increase the safety and general welfare of the neighborhood and makes the property look nicer in a central business district.

Wayne Caregnato, City’s zoning officer, states the structure is considered a permanent use. The six-foot closed fence along the western property edge and 10’ City Alley blocks the driver’s view of that section in the alleyway, making it unsafe. Mr. Caregnato recommend a 3-foot closed fence or a four- foot open fence replacing the 6ft closed fence.

Chairman Worthington opened the meeting to public comment.

Tamara Isajiw of 117 E. Pine Street, Millville is sworn in by Nathan VanEmbden, Esq. Tamara has concerns with the structure being too close to the property line and the size of the structure in relation to impervious surfaces. She feels it’s a fire safety hazard because it is too close to other structures/ houses.

With no one to speak, Chairman Worthington closed the public comment portion.

Chairman Worthington brought it back to the Board for fact finding and conclusions.

Chairman Worthington agrees this application should have been brought to the board before the shed was put up. He feels the applicant has proved positive criteria and he does not see detriment to the neighborhood. He agrees that the shed shows improvement to the neighborhood.

Ms. Chainey Agrees with Chairman Worthington and on the engineer report (special reason J) helps contributes to the downtown area. Does not appear to be a detriment to the master plan or the zoning plan.

Wayne Caregnato, City's zoning officer reminds the applicant to submit zoning and construction permits as applicable.

Vice- Chairman Connor made a motion to approve the application for a use variance for 20 X 14 X 15 height shed, 6' fence, and removal of the six foot closed fence on western property line to be replaced with a 3 foot close fence or a four foot open fence and Mrs. Chainey seconded the motion. All present voted yes.

### **OTHER BUSINESS**

The Zoning Board discussed the Annual Zoning Board report that was presented at the meeting. The Zoning Board would like to see the draft signage ordinances to give some comments. The Report will be referred to the Planning Board. The Planning Board is working on the sign ordinance certainly and hope to have something for the Zoning Board to review in the next few months.

Mrs. Chaney made a motion to close the Zoning meeting and was seconded by Mr. Conner.  
Submitted by:  
Kristine Klawitter

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

**RESOLUTION NO. 03-2021**

**WHEREAS**, Devin and Barbara Irizarry residing at 115 East Pine Street, Millville, New Jersey have applied to the City of Millville Zoning board of Adjustment for “C” and “D” Variance Approval for property located at Block 415, Lot 7 on the Municipal Tax Map of the City of Millville and more commonly known as 115 East Pine Street, Millville, New Jersey; said property being located in a **B-3 Central Business District** and with a lot area of 3,280 sq. ft., frontage of 40’ and depth of 82’;and

**WHEREAS**, the applicant is seeking “C” and “D” Variance approval from Section 30 of the City of Millville ordinance for approval of a 20’ by 14’ by 15’ high shed in the backyard and a 6’ stockade fence along the easterly and portion of westerly property line; and

**WHEREAS**, this application was heard by the City of Millville Zoning Board of Adjustments at its regular meeting of January 7, 2021 via GoToMeeting; and

**WHEREAS**, the Board is in receipt of the following documents which were incorporated as fact:

- (a) City of Millville Zoning Board of Adjustment Application Form dated October 23, 2020;
- (b) Hand drawn sketch attached to application;
- (c) Photos of shed;
- (d) City of Millville Engineering Review Memorandum dated January 5, 2021; and

**Prepared by:**

Nathan Van Embden, Esquire  
21 E. Main Street, PO Box 428  
Millville, NJ 08332

**WHEREAS**, the Board, at the meeting, carefully considered the application submitted as well as the testimony of the applicant and evidence presented as follows:

1. The applicants, Devin and Barbara Irizarry, were sworn and testified before the Board and described the nature of their application.
2. The applicants testified they acquired their house about three years ago. The area is developed with residential uses but, is zoned as a B-3 District being near the center city core. They described a need to secure their possessions inside a shed along with renewed fencing after having sustained theft losses in recent years.
3. They seek permission to retain a two story shed which they placed on a site which testimony shows was the location of a prior garage. The shed dimensions of 20' by 14' by 15' high exceed the neighbor's shed installed immediately adjacent.
4. They also installed a 6' stockade fence including up to the alley in replacement of a former 3' fence which they testified was in poor condition.
5. The shed is set up on a stone base not a concrete base.
6. They further testified no utilities, like water or electric are intended to be installed to this building.
7. Wayne Caregnato, Zoning Official, noted that the fence abutting the alley must be either 3' or 4' and see-through in order to be safe for traffic. The applicants indicated their agreement to make changes in compliance with this concern.
8. The meeting was opened to the public and Tamara Isajiw identified herself as an owner of a neighboring unimproved lot. She voiced concern about restriction on her own development opportunity. She further testified that the shed had an "appealing" appearance and was well built, but she worried about the size of the structure and its siting on the lot and opposed it on that basis.

**WHEREAS**, the Board, after hearing testimony and reviewing the application and evidence submitted, made the following findings of facts and conclusions of law:

1. The applicants are the owners of Block 415, Lot 7 on the Municipal Tax Map of the City of Millville more commonly known as 115 East Pine Street, Millville, New Jersey, and has standing to bring the subject application.
2. The applicants indicated their willingness to comply with the terms of the City of Millville Engineering Review and report date January 5, 2021 and are incorporated in this Board's Resolution; and
3. The B-3 District in this area is comprised of historically mixed used including multiple residential structures with fencing and support structures like garages.
4. The proposed shed is located on the site of a previous garage serving the applicants' residence.
5. While the Board finds it would have been for the better for the applicants to have made application prior to the installing of the shed and fence, it finds that positive criteria has been made including positive criteria "a" and "j" and further finds that the negative criteria has also been met in that no substantial impairment to the zone will be caused by permitting this variance.

**WHEREAS**, the City of Millville Zoning Board of Adjustment, on a motion for approval, granted "C" and "D" Variance approval from Section 30 of the City ordinance to the applicants by unanimous vote of 7-0 in favor of the application; and

**WHEREAS**, this Resolution is intended to memorialize the foregoing decision of the City of Millville Zoning Board of Adjustment of January 7, 2021; and

**NOW, THEREFORE IT BE RESOLVED**, by the city of Millville Zoning Board of Adjustment on this 4<sup>th</sup> day of February 2021 that the application of Devin and Barbara Irizarry for "C" and "D" Variance Approval, as applied for by applicants, is hereby granted, subject to the following terms and conditions:

1. The applicant shall be permitted to construct a 20' by 14' by 15' high shed in the backyard and a 6' stockade fence along the easterly property line.



2. The applicant must obtain and comply with all necessary state, county, federal, and municipal governmental approval regulations prior to renovation including but not limited to Cumberland County Planning Board if applicable.

3. The applicant shall comply with all terms and conditions of the City of Millville Engineering Review Memorandum dated January 5, 2021.

4. Applicants shall revise the westerly fence height and opacity to comply with City regulations for fencing which abuts a roadway or alley so as to promote safe visual access.

5. Pursuant to City Ordinance requirements, any variance shall expire and become null and void after one year following the granting of a variance unless the applicant obtains a permit to or otherwise avails himself of this approval.

6. The permit shall reflect the approval of the Zoning Board by attaching a copy of this Resolution and making it a part of the permit in all of the above findings and representations of the applicant are incorporated into this approval as if set forth at length herein.

7. Agreement by the applicants to specific items not contained within the Resolution, which are otherwise set forth in the application or contained within the record of the hearing of the application, are adopted even though not set forth herein at length.

**ROLL CALL**

Motion to Approve: Conner  
 Seconded: Chainey

MEMBER	YEA	NAY	ABSENT	ABSTAIN	EXCUSED
John Worthington, Chairman	X				
Robert Conner, Vice-Chairman	X				
Steve LaTore	X				
Brian McGahhey					
Pauline Velez	X				
Timothy Carty	X				
Veronica Chainey	X				
Sheila Roselle, Alt. I	X				
Sharleen Johnson, Alt. II					
Vacant, Alt III					
Vacant, 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: \_\_\_\_\_  
 Samantha Silvers, Acting Board Secretary

By \_\_\_\_\_  
 John Worthington, 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 February 4, 2021 memorializing action taken by the Board at its regular meeting held on January 7, 2021.

By: \_\_\_\_\_  
Samantha Silvers, Acting Board Secretary