Zoning Board of Adjustment

City of Millville

September 3rd, 2020

Teleconference due to Covid-19 Pandemic

5:30 PM

1. 5:30 P.M. **Open**

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

"This meeting is being conducted by teleconference due to the COVID-19 PANDEMIC, 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. Business will be limited to items listed on the agenda only." Public comment will be accepted in accordance with the rules of the Zoning Board of Adjustment. The Board Secretary will be taking the names of those members of the public who wish to comment via teleconference. Please be sure to mute your phone after providing the Secretary with your name to limit outside noise during the call. You may unmute your phone when you are called upon to speak during the public portion. The secretary is directed to include a statement in the minutes of this meeting."

Please join my meeting from your computer, tablet or smartphone.
HTTPS://WWW.GOTOMEET.ME/SAMANTHASILVERS/SEPTEMBERZONING
You can also dial in using your phone. For supported devices, tap a one-touch number below to join instantly.

- One-touch: tel:+16467493122,,830175837#

You can also dial in using your phone.
United States: +1 (646) 749-3122

Access Code: 830-175-837

2. **ROLL CALL**

John Worthington, Chairman	(12/31/22)
Robert Conner, Vice-Chairperson	(12/31/21)
Veronica Chainey	(12/31/22)
Brian McGahhey	(12/31/20)
George LaTore	(12/31/22)
Pauline Velez	(12/19/21)
Timothy Carty	(02/07/21)
Sheila Roselle, 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.I. **Minutes**

1. **MINUTES OF THE PREVIOUS MEETING-**

Regular Zoning Board Meeting Minutes August 6th, 2020

4. **CORRESPONDENCE**

5. **PRESENTATIONS**

6. **RESOLUTIONS**

6.I. **Resolution**

1.1 Resolution # 09-2020 Granted Hendricks House Inc. request for use variance, site plan, and ancillary design waiver Approval to permit use of a residential treatment and intensive outpatient facility and administrative offices located at 2 Hillcrest Ave in Block 47 Lot 2, in a R-15 Residential District.

1.2 Resolution #11-2020 Change of meeting time for regularly scheduled Zoning Board meetings to a new start time of 5:30 p.m.

7. **APPLICATIONS**

7.I. **Applications**

1.1 The application for Anthony Rocco of 623 E. Main Street in Block 450 Lot 4 in a R-5 Residential Zone requesting a "D" variance to operate and consult clients in fitness and conditioning training has been postponed to the October 1st Zoning board meeting due to late submission to the Daily Journal. Anyone with an interest in this application must check back to the website for updated login information at WWW.MILLVILLENJ.GOV/313/ZONING.

1.2 KEA Enterprise, LLC 116 Mulberry Street in Block 367 Lot 4

Dean Marcolongo, Esq., represents KEA Enterprise, LLC of 116 Mulberry Street in Block 367 Lot 4 in a B-3 Central Business Zone. Applicant is requesting a "D" variance and minor site plan approval with ancillary bulk variances to change a renovated mixed-use building to a residential triplex by converting the first floor of the building from commercial use into two residential units.

Documents:

KEA ENTERPRISE APPLICATION.PDF
SITE PLAN.JPG

8. **OTHER BUSINESS**

8.I. **CCDPR**

1. **Cumberland County Department of Planning Restructuring**

Sherry Riendeau and Robert Brewer announced their retiring September 1st, 2020. The Department of Planning is changing the name to Department of Planning, Tourism & Community Affairs. They are restructuring their department; Jennifer Morgan is the new office manager and will be handling Development Review work and Matthew Pisarski is the new Planning Director as well as Department Head.

Documents:

CORRESPONDENCE ZB CCDPR.PDF

9. **ADJOURNMENT**
10. **ROLL CALL**
11. **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, 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:

https://www.gotomeet.me/SamanthaSilvers/Junezoning

United States: +1 (786) 535-3211

- One-touch: tel:+17865353211,,157902765#

Access Code: 157-902-765

New to GoToMeeting? Get the app now and be ready when your first meeting starts: HTTPS://GLOBAL.GOTOMEETING.COM/INSTALL/157902765

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.

The following described maps and papers are on file on the municipal website at HTTP://WWW.MILLVILLENJ.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@MILLVILLENJ.GOV.

Date Application Received: 8-6-20 **Application #** _____

Fee Paid: _____

CITY OF MILLVILLE
ZONING BOARD OF ADJUSTMENT

APPLICATION FORM

Please type or print all information

1. Application Information

Name: KEA Enterprises, LLC

Address: 2348 Millville Avenue

City Millville State NJ Zip 08332

Phone 856-765-1395

2. Applicant's Attorney Information

Name Dean R. Marcolongo, Esquire

Address 402 Park Avenue

City Marmora State NJ Zip 08223

Phone 609-743-6264 ~~Fax~~ marcolongo402@gmail.com

3. Property Information

Street Address 116 East Mulberry Street

Block 367 Lot 4 Zone B-3

Lot Area 14,745 sq Frontage 66' Depth 231'

4. The appropriate Plan has been filed with the Secretary of the Zoning Board of Adjustment of the City of Millville which may be examined at the Office of the Secretary on the 5th floor of City Hall 12 S. High Street, Millville, New Jersey between the hours of 8:30 AM and 4:30 PM Monday through Friday. The map or sketch indicates the existing locations of boundary lines and structures and the changes requested to be granted herein by this Application.

5) The present use of the land is Mixed-use Building

6) Description of proposed use or change to the property

Residential Triplex

7) The changes requested (are/are not) *(circle one)* permitted in this zone by the Development Regulations of the City of Millville. If permitted, set forth the Section of the Regulation by which such use is permitted.

Such use is permitted: _____

8) Type of Variance requested:

A B C D *(Circle appropriate variance type)*

9) Set forth reasons why the Zoning Board of Adjustment should grant your application. Specify in detail all facts and reasons you intend to rely upon in support of the request.

SEE ATTACHED NARRATIVE

10) Date(s) and result(s) of any previous applications(s) to this Board for the above described property.

A. N/A B. _____ C. _____

11) A hearing on this Application will take place at 6:30 PM on 9/3/20 in the 4th floor Richard C. McCarthy Commission Chambers in Millville City Hall, 12 S. High Street, Millville, New Jersey.

X 8/6/20

Signature of Applicant(s) Date

THIS IS TO CERTIFY THAT NO TAXES OR ASSESSMENTS FOR LOCAL IMPROVEMENTS ARE DUE OR DELINQUENT ON THE PROPERTY IN QUESTIONS – if applicable.

X

Signature of Tax Collector Date

DISCLOSURE STATEMENT

(If applicant is a corporation or partnership)

NAME OF DEVELOPMENT APPLICATION KEA Enterprises, LLC

A. Is this application to subdivide a parcel or parcels of land into six (6) or more lots?

YES _____ NO XXX

B. Is this application for a variance to construct a multiple dwelling of 25 or more family units?

YES _____ NO XXX

C. Is this application for approval of a site or sites to be used for commercial purposes?

YES _____ NO XXX

IF ANY OF THE ABOVE ANSWERS WERE YES, PROCEED TO D. IF NOT, SIGN AND SUBMIT

D. Is the applicant a corporation or partnership?

YES _____ NO _____

IF YES:

1. List the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class or at least 10% of the interest in the partnership, as the case may be (*Use extra sheets if necessary)*

2. Does a corporation or partnership own 10% or more of the stock of this corporation or partnership? of any class or at least 10% of the interest in the partnership, as the case may be (*Use extra sheets if necessary)*

YES _____ NO _____

IF YES:

List the names and addresses of the stockholders of that corporation holding 10% or more of the stock or of 10% or greater interest in that partnership, as the case may be. This requirement is to be followed by every corporate stockholder or partner in a partnership, until the names and addresses of the noncorporate stockholders and individual partners exceeding 10% ownership criterion established in L. 1997, C.336 have been listed (*Use extra sheets if necessary*).

DATE: 8/6/20 **APPLICANT:** Jeffrey Bishop, President

SIGNATURE: _____

KEA Enterprises, LLC is the owner of property located at Block 367, Lot 4 on the municipal tax map of the City of Millville, commonly known as 116 E. Mulberry Street, Millville, NJ. Said property is located in the City's B-3 zoning district. In 2014 the property was severely damaged by fire, and the Applicant purchased same in 2015 with the intent of selling the real estate to the College for additional parking.

Unfortunately, no sale to the college could be negotiated. When the applicant began receiving violation notices from the City, they decided to change course and renovate the building. The Applicant spent approximately $206,000 to renovate the structure into a mixed-use building with an original slate roof. The building was developed as a 1,926 square foot commercial unit of the first floor and a 1,640 square foot residential unit of the second floor. This structure was fully compliant with the City' zoning ordinance and the applicant received a Certificate of Occupancy for same.

After the renovations were completed, the applicant marketed it for sale with several realtors. They were advised that the most they could expect to sell the property for was $140,000. With that information, the applicant decided to simply rent the units and enjoy the monthly income.

Although the Applicant was able to rent the second-floor unit, there has been no serious interest in the commercial unit. After marketing the property for more than a year with local realtors, only 2 persons expressed any interest in the unit and both of them eventually rented commercial space in Vineland.

It has become clear to the Applicant that given the volume of empty commercial units in center city Millville and the limited number of commercial enterprises seeking smaller commercial units in this area, the only viable use of the property is to convert the first-floor unit into two residential units. The first-floor front unit would be a spacious two-bedroom ADA complaint unit with 1,007 square feet of living space. The first-floor rear unit would be a 916 square foot one-bedroom apartment.

A firewall had already been installed between the first and second floor and the applicant proposes to install a second fire wall between the two first floor resident units. The property has 9 full-sized parking spaces in the rear which more that satisfies the zoning ordinance requirements.

The property is located in the B-3 zone which does permit residential units located above commercial uses when occupied by the owner, manager or and employee of the commercial use so long as the unit is not less than 850 square feet and there are not more than 8 units. See Zoning Ordinance Section 30-218(B)(7).

Accordingly, the applicant comes before this Board for the following variance relief:

1. A D-1 "Use" Variance for a use not permitted in a zone; specifically, a Triplex in a B-3 Zone;
2. Minor Site Plan Approval;
3. Technical "C" Variances for existing non-conforming conditions;
4. Relief for any and all variance, waiver or exceptions deemed necessary and proper by the Zoning Board and its professionals.

With regard to the D-1 Use variance, the Applicant asserts that there exist several SPECIAL REASONS pursuant to NJSA 40:55D-2 upon which the Board can grant said variance relief, specifically;

1) (a) To encourage municipal action to guide the appropriate use for development of all lands in the State in a manner that will promotes the public health, safety, morals and general welfare;
2) (c) To provide for adequate light, air and open space;
3) (e) To promote the establishment of appropriate population densities and concentrations that will contribute to the well being of persons, neighborhoods, communities and regions...;
4) (g) To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space....;
5) (i) To promote a desirable visual environment...;

The Applicant asserts that the renovation of the property from a burned-out structure into a fresh, clean and code-complaint building in the center city area has and will continue to promote the public health safety and general welfare of the community. Increasing the availability of residential units in this area also helps establish the necessary population to support nearby commercial enterprises.

The buildings footprint was not expanded during the renovations. It occupies only a small portion of the lot and is well within lot area requirements. The lot is large enough to contain 9 off-street parking spaces. These conditions promote adequate light, air and open space.

The lot and building can easily accommodate the proposed density resulting from a Triplex. In fact, the zoning ordinance permits hotels and motels as conditional uses in this zone. Many permitted commercial uses in this zone result in a higher number of people and traffic to the lot and the neighborhood.

The proposed use is an appropriate location in the City of Millville. It is located between two single family dwellings, so a residential use is not foreign to this location. In fact, the prior use of the building was a duplex. If this property was located one block to the east, a triplex would be permitted.

The renovation of the burned-out building has resulted in an attractive code-compliant structure that is aesthetically beneficial to the neighborhood and one the city can be proud to have at this location. The historical slate roof is a wonderful addition to the façade. Simply put, this building does promote a desirable visual environment.

For all of these reasons, the Applicant believes that Special Reasons exist for the granting of a D-1 Use Variance to permit a Triplex in the B-3 zone at this location.

Finally, for all of the reasons set forth above, the Applicant believes that the relief requested can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and zoning ordinance. The Applicant asserts that the proposed use will result in a positive impair to the public good and as residential uses already exist in this zone and nearby, there will be no impact at all on the zoning plan and zoning ordinance.

Google Maps 116 E Mulberry St

Map data ©2020 Google 200 ft

116 E Mulberry St

Millville, NJ 08332

Directions Save Nearby Send to your phone Share

Google Maps 115 E Mulberry St

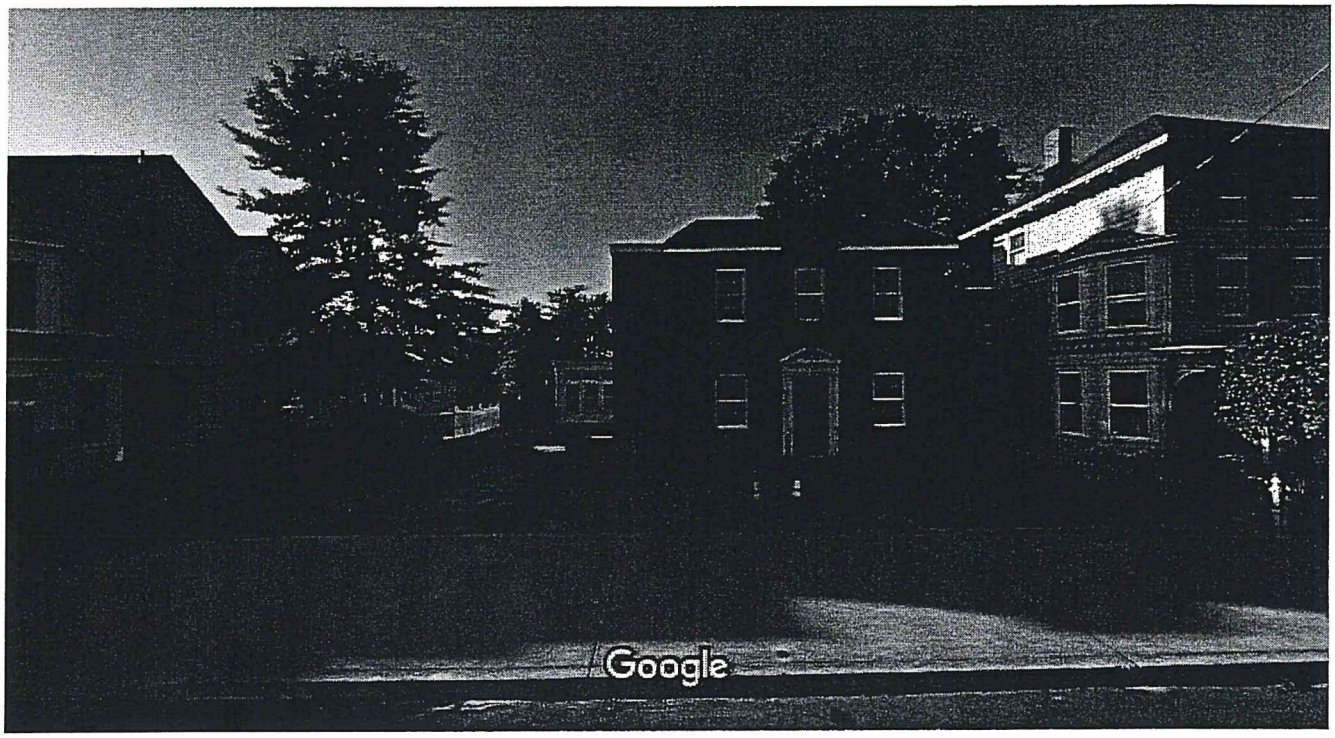


Image capture: Aug 2018 © 2020 Google

Millville, New Jersey

Google

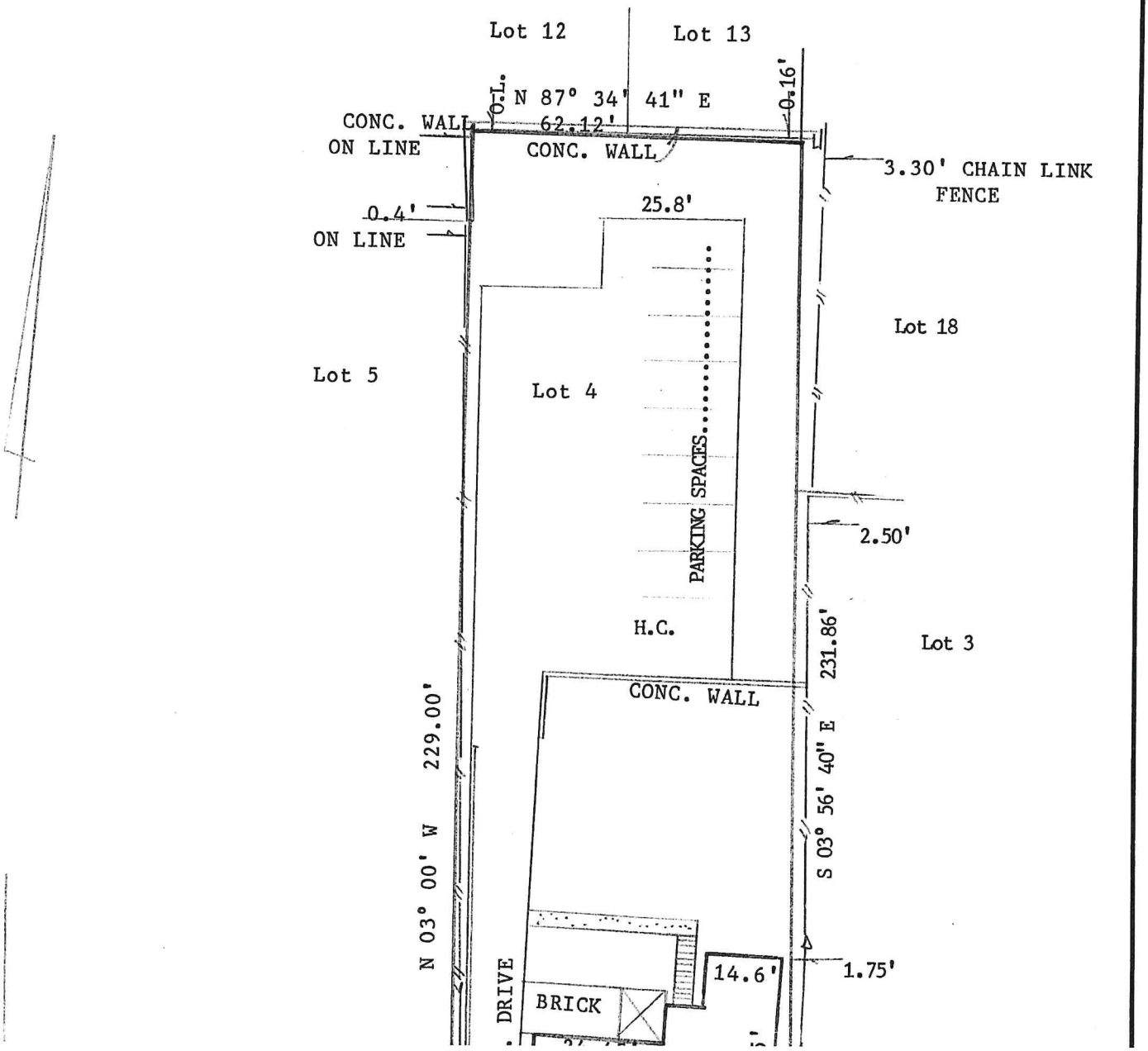
Street View

NOTE: UNDER AND SUBJECT TO ALL CONDITIONS, RESTRICTIONS AND EASEMENTS OF RECORD, WHERE APPLICABLE MERIDIAN-DEED BASE_TAX MAP BASE _ PLAN BASE_FORMER SURVEY BASE_

● = REBAR/IRON PIPE SET

■ = CONCRETE MONUMENT SET

DESCRIPTION: BEING KNOWN AS LOT 4, BLOCK 367 ON THE OFFICIAL TAX MAP: AREA = 14,745.5± S.F.



KEA
Enterprises
LEASE OR RENT
1800 Sq.Ft. Newly Renovated
Office/Professional Bldg. with 11 off Street
Parking Stalls ADA Accessible
856-765-1395
Will Fit out for long term lease

AL FLOYD & SON
LAND SURVEYING

P.O. BOX 903
ELMER,NJ 08318
Phone: 856-358-6500
Fax:856-358-6565
alfloydsurveying@gmail.com

MAY 28, 2020
METES AND BOUNDS DESCRIPTION 20-0370
NO. 116 MULBERRY STREET
MILLVILLE, NEW JERSEY

ALL THAT CERTAIN TRACT OR PARCEL OF LAND AND PREMISES SITUATE IN THE CITY OF MILLVILLE, COUNTY OF CUMBERLAND AND STATE OF NEW JERSEY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHWESTERLY LINE OF MULBERRY STREET, 66' WIDE, A DISTANCE OF 230.64 FEET NORTHEASTWARDLY FROM A POINT IN THE NORTHEASTERLY LINE OF HIGH STREET, 66' WIDE,BOUNDED AND DESCRIBED AS FOLLOWS:

THENCE (1) NORTH 03 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE DIVISION LINE BETWEEN LOT 4, AND LOT NOS. 5 AND 12, BLOCK 367 ON THE OFFICIAL TAX MAP, A DISTANCE OF 229.00 FEET TO A POINT AND CORNER;

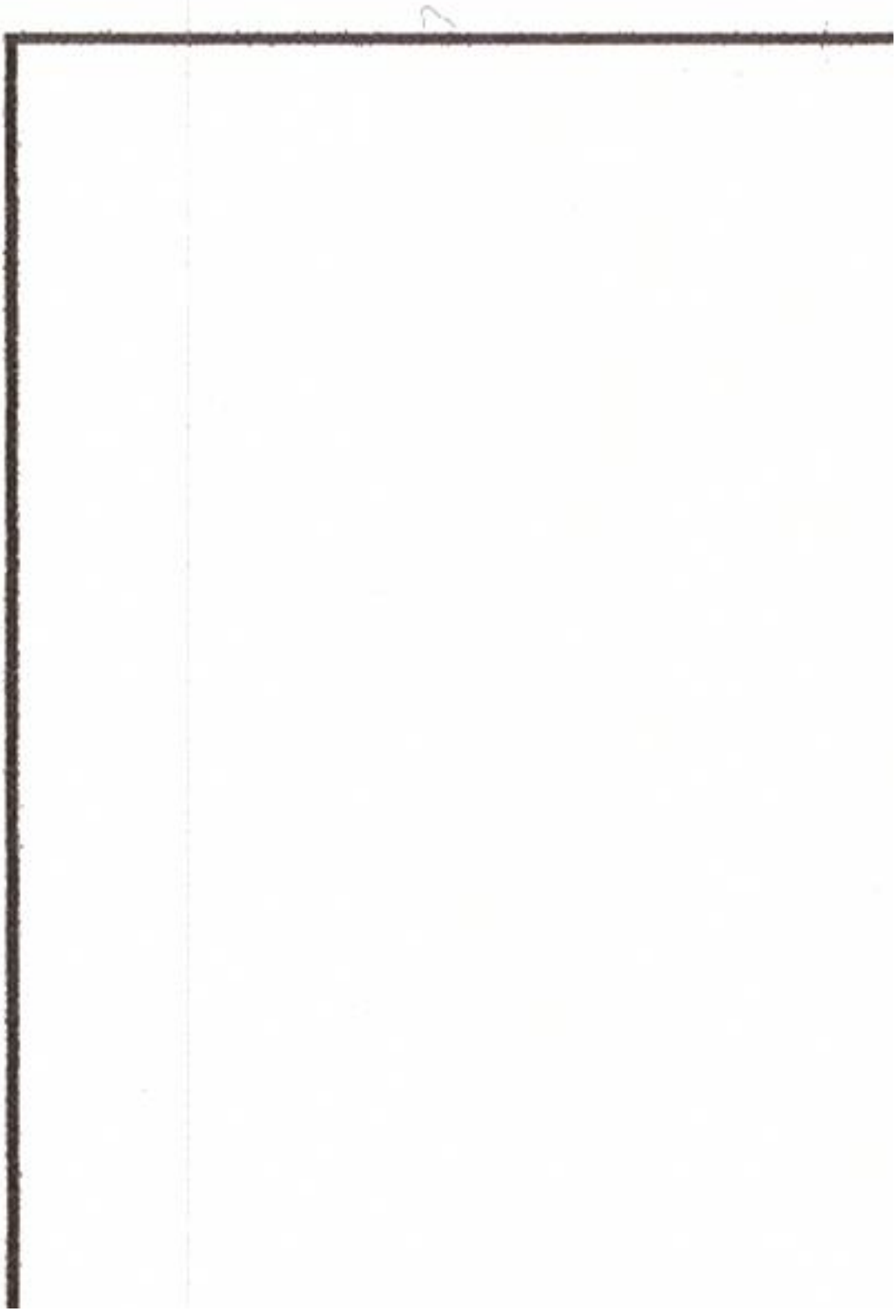
THENCE (2) NORTH 87 DEGREES 34 MINUTES 41 SECONDS EAST ALONG THE DIVISION LINE BETWEEN LOT 4 AND LOT NOS. 12 AND 13, SAID BLOCK, A DISTANCE OF 62.12 FEET TO A POINT AND CORNER;

THENCE (3) SOUTH 03 DEGREES 56 MINUTES 40 SECONDS EAST ALONG THE DIVISION LINE BETWEEN LOT 4 AND LOT NOS. 18 AND 3, SAID BLOCK, A DISTANCE OF 231.86 FEET TO A POINT AND CORNER/CUT CROSS;;

THENCE (4) DUE WEST ALONG THE NORTHWESTERLY LINE OF MULBERRY STREET, A DISTANCE OF 66.00 FEET TO THE POINT AND PLACE OF BEGINNING;

BEING KNOWN AS LOT 4, BLOCK 367 ON THE OFFICIAL TAX MAP;

AREA=14,745.5+/- S.F.



COUNTY OF CUMBERLAND
DEPARTMENT OF PLANNING
164 WEST BROAD STREET
BRIDGETON, NEW JERSEY 08302

Matthew E. Pisarski, AICP, PP
Department Head

Robert G. Brewer, P.P., AICP
Planning Director

3 August 2020

Veronica Chainey, Zoning Board Chairwoman
City of Millville
12 S. High Street, P.O. Box 609
Millville, NJ 08332

Re: Cumberland County Department of Planning Restructuring

Dear Chairwoman Chainey:

I am writing to let you know about several changes coming to the Cumberland County Department of Planning and the Development Review Committee/Planning Board. As you may be aware, earlier this year I was appointed Department Head by the Board of Chosen Freeholders. Soon after this announcement, COVID-19 hit our community, which impacted every facet of our lives. The challenges faced due to this pandemic caused all of us to re-assess priorities, and in the Planning Department this resulted in a couple of long-serving staff members announcing their retirement. Both Robert Brewer and Sherry Riendeau announced they will be retiring on September 1st. Bob and Sherry have served in the department for over 20 years each and while we are happy to see them taking the time to enjoy their deserved retirement, it is also difficult to see them leaving us. While we are sorry to see these departures, it is certainly understandable and we have taken this news as an opportunity to more fully restructure the department.

First, while we are called the Department of Planning, we do much more than planning and development review. We also manage cultural and heritage, tourism, recreation, open space preservation, farmland preservation, Geographic Information Services, census and data analytics, management of the County Fairgrounds, shared services, and any number of other initiatives. The Freeholders believe our name needs to better reflect all the work we do. This is why we are in the process of changing our name to the Department of Planning, Tourism & Community Affairs. All of our work is important and we want the community to understand we value every aspect.

Second, we are restructuring the work within the department. Our own Jennifer Morgan (jennifermo@co.cumberland.nj.us) is becoming our new Office Manager and will be handling the Development Review work that Sherry has so adeptly managed over the last several years. When you interact with Jen, congratulate her on her advancement – she holds 20 years of service in the department and has been a dedicated member of our departmental team.

For me, I will be taking on the title of Planning Director as well as Department Head. My degrees from Rowan University and the University of Pennsylvania as well as my planning licensing at the state and national levels have prepared me to take on this responsibility. I have served in the department for 20 years, and I am excited to move forward in this new effort.

Please take an opportunity over the next few weeks to call Bob and Sherry and wish them well on their much deserved retirement. If you have any questions for me, don't hesitate to reach out. My office contact is in the footer of this letter, my email is mattpi@co.cumberland.nj.us and my cell phone number is (856) 332-2844. I am here for you, so never hesitate to text or call. On behalf of the Board of Chosen Freeholders and all of us at the county, thank you for working with us on the thoughtful development of our county.

Respectfully,

Matthew E. Pisarski, AICP, PP
Planning Director/Department Head

MEP/mep
C: Jennifer Morgan