

City of Millville Planning Board

Minutes

August 13 July 9, 2018

PUBLIC MEETING

Members of the Millville Planning Board met on the above date for their regularly scheduled monthly meeting in the 4th Floor, City Hall in the Richard C. McCarthy Chamber. The Chairman called the meeting to order at 6:30 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. In attendance were Mr. Malone, Mr. Caregnato, Mr. Kasuba, Ms. Arrigo, Commissioner Udalovas, Ms. Risdon, and Chairman Gallaher, Mayor Santiago, and Mr. Gallagher. Also present was Mr. Van Embden, Planning Board Solicitor. Absent was Ms. Arrigo and Mr. Malone.

MINUTES OF PREVIOUS MEETING:

Mayor Santiago. Arrigo made a motion to approve the August 13 June 11, 2018 minutes, seconded by Ms. Risdon. All present voted yes.

CORRESPONDENCE:

- **Cumberland County Farmland Preservation Plan:**
At this time there are no properties for consideration.
The Planning board would like our Planner, Samantha Silvers to take a look at Cumberland County Farmland Preservation properties provide possibilities to consider available to bid on for the next Planning board meeting.
- **Correspondence RE §30-4 and §52-52 Towing Ordinance:**
Pursuant to the general duties of the Planning Board to recommend changes and suggested modifications to the Ordinances to comply with perceived need, the Board is recommending that the City modify its definition of junk yard. §52-52 defines a junk yard for the purpose of exercise of police power and is a more comprehensive definition, the Board suggests that definition be used and replace the current definition in §30-4. Planning board would like to indorse the definition be used and replace the current definition §30-4 to §52-52 and recommended the Ordinances be heard at the City commission meeting. This recommendation is meant to give appropriate tools to the Zoning Official that might be needed to regulate what in effect is a private tow operations located in the City which do not fall under the definition of the public tow operations. Mr. Caregnato made a motion to approve recommendation and seconded by Ms. Risdon. All present voted yes.N/A

RESOLUTIONS: :

- **Millville Manor, LLC- Four Seasons #07-2018**
Ms. Udalovas made a to approve Resolution #07-2018 Millville Manor, LLC- Four Seasons at Hogbin Road and W. Buckshutem Road in Block 52 Lots 110 and 115 for one year extension pending changes, which was seconded by Mr. Gallagher. Mr. Kasuba voted no, needed more information on the extension and clarification of the resolution. Mr. Gallaher, Mr. Caregnato, Mayor Santiago, and Mr. Risdon voted yes.
- **Mr. Kevin Reed and Diane Reed**

Mr. Caregnato made a motion to approve Resolution #08-2018 Kevin Reed of 1208 and 1206 Robin Road in Block 236 Lots 55, 56, 57, and in R-15 Residential District for a minor subdivision/lot line adjustment and Seconded by Mr. Gallagher. All present voted yes.

- **Appointment of Board Secretary**

Be it resolved by the Planning Board of the City of Millville on this 13th day of August 2018 that the following person is appointed to the position set forth below for the calendar year 2018. Ms. Kristine Klawitter, Board Secretary. Mr. Caregnato made motion for new Board Secretary, seconded by Commissioner Udalovas, All present voted yes.

APPLICATIONS:

- **Merritt Construction at Washington Ave in Block 133 Lots 38. Millville Manor, LLC-Four Seasons at Hogbin Road and W. Buckshutem Road in Block 52 Lots 110 and 115**

Mr. William Reilly represented owner Ted Harvey of 352 E Seaspray Rd Ocean City, for the application at Washington Ave in Block 133 Lot 38 and in R- Residential Zone previously owned by Merritt Construction. Merritt Construction was approved 13 years ago for nine line subdivision. Since the approval Merritt Construction foreclosed and no deed or plat has been recorded. Mr. Reilly is requesting for the new owner Ted Harvey be granted an extension of preliminary and final major subdivision that was granted 13 years ago.

Ted Harvey was sworn in to testify on the building progress of the nine duplexes as previously approved.

Mr. Harvey states he has 20 other properties here in Millville. He purchased this property from the bank and would like to build 9 duplexes which is 18 units on Block 133 and lot 38. Building one duplex in completeness, renting out unit, and continuing on to the next Duplex. The area meets R-5 Requirements. The property will need curbs, sidewalks, and slide trees bonded. Minimal tree removal and paving the existing roadway to a width of 30 ft. for entire block and provide sewer and water laterals to any properties not owned by the applicant that the new sewer and waterlines pass in front of at the time of construction of same by the applicant for the project in question. The bonding requirements have changed but do to the previous approval they are grandfathered in. Mr. Harvey doesn't have an exact construction timeline.

Client will need to file the plat within 180 days. Mr. Gallagher made motion to approve extension to file deed/plats within 180 days, grant previous approval of a Major Subdivision for property in Block 133 lot 38 at Washington Ave to proceed with development without a time frame, and seconded by Commissioner Udalovas. All present voted yes. Millville

Manor, LLC-Four Seasons at Hogbin Road and W. Buckshutem Road in Block 52 Lots 110 and 115 and requested approval for a 1-year extension of final subdivision. Resolution 07-2005 of the City of Millville Planning Board and 03-43 set forth the details of the project. In June 2016 and June 2017 the Planning Board extended the preliminary and final subdivision approvals subsequent to after the extension by the State of New Jersey Permit Extension Act. Mr. Caregnato made a motion to approve a final 1-year extension and Ms. Risdon seconded the motion. All present voted yes.

Kevin and Diane Reed subdivision approval at 1208 and 1206 Robin Road in Block 236 Lots 55,56,57

- **Martin Rojas Espinoza at 319 N 3rd St. in Block 377 lot 8** Mr. Kevin Reed, 1308 Goldfinch lane, was sworn in before the Planning Board

Postponement of Martin Rojas Espinoza application for a “C” Variance for an 8ft. fence at 319 N 3rd St. in Block 377 and Lot 8 and an R-5 Residential District until the next regular meeting on September 10th at 6:30pm. .

Mr. Reed requested approval at 1208 and 1206 Robin Road in Block 236 Lots 55,56,57, and in an R-15 Residential District for a minor subdivision/lot line adjustment. No variance needed. Mr. Reed purchased a home on lots 55 and 56 and would like to tear down the house to rebuild a new home on lot 56. The applicant is requesting subdivision approval to add 20’ to Mr. DuBois’s lot 57 and add 10’ from lot 55 to lot 56. The lots have city water/sewer. It’s on a city road. Mr. Van Embden states Mr. Reed is required to file new deeds through an attorney. Mr. Caregnato made motion to approve minor subdivision and Mr. Gallagher seconded. All present voted yes.

OTHER BUSINESS:

- **Academy Medical, LLC at 1301 10th St. in Block 265 lot 5**

Mr. Harvey Johnson represented Mr. Philp Goldberg CEO of Academy Medical, LLC at 1301 10th St address in block 265 lot 5 and industrial district. Proposing the development of a cultivation facility in the City of Millville.

Mr. Philip Goldberg of 14117 Tattershall Place Germantown, MD was sworn in to testify the master plan of Academy Medical, LLC

CEO Mr. Goldberg started their company in 2014, states he has facilities in Maryland, Ohio, and Pennsylvania. The Facility once all finish will look like a pharmaceutical graded cultivated facilities and processing Laboratory. He would like to expand his program to New Jersey. Maryland been up and running for year and half. They have video tours of the facility. They recommend the board come and see the Maryland facility.

They are a highly regulated facility that gets surprise visits from the commission. Must track from seed to sale. There is always security guards on the facility at all times. Badge access to the area you work in but not the restrooms for employees, 24 hour security camera to state police department, Radio frequency monitors/ badge to each plant, 2 compliance officers that scan with their RFID gun and track product all day long, security fence, and one arm guard during the working day. If they don’t match records that where entered it’s a 5,000-10,000 dollar fine and all insist must be reported. This means if you lose your badge, or product is on the floor, or leave your scrubs laying around these are all insisted reports. No retail sales and must be approved by the state to purchase. They have never had any break in. But they are highly aware that it is a possible. They believe that it would be an inside job if it were to happen. Excessive controlled.

The CEO has been to talking to New Jersey banks for approval.

The company would like to hire 60-65 locals, starting salary is \$13.00 an hour in the gardening/ janitorial position after 90 days they will get a raise to \$14.50 an hour. Managers starting salary is \$16.00-\$20.00 an hour depending on manager experience. There will be 2-3 available spots for Lab processor with an advance degree in Science start at \$30.00- \$35.00 an hour. Training will be provided by Maryland managers in Maryland for the New Jersey location. They operate 7 days a

week and offered overtime. Staff is provided with three sets of scrubs and a locker to change their clothes. Drug test policy for new hires and random drug test along with a background check. Traffic in/out 40 employees this start from 7am-5pm 7 days a week. Plus Overtime til 6-7pm.

The company is required by state to give to charity, some example of some charities they partner with, PA Tussie Mountain school district, Sexton Fire Company, Sexton senior center, Alleghany College, and Addiction treatment centers. This is done yearly. They are open the city input for these they many due.

Mr. Gallagher asked about the odor that the product will be putting out into the air? There will be odor inside the building but the odor outside will be carbon filtered fans and exhaust fan on the way out to help circlet the odor outside. Four fans in each room. Green waste never contains THC it's removed with grinded blue chips and put in a 3 locked dumpster. The product that is thrown away is unrecognizable and unknown. We run a Pesticide free facility. Example of how it's ran in the other state. The employee check in once though the second door employee must change into the fresh set of scrubs set in the locker area, and test for pesticides. The plants are grown in blocks not soil. Everything is organic. These plants are therapeutic for MS, muscle spasms, and seizures. They are expended the program now.

Structural and exterior needs upgrading has high power and water checked HVAC work needed, electrical, and looking for a good contractor. Will be using city water and sewer. It's about 1.5 million in cost on project. Will hire local contractors. Needs to replace the entire fence. 560 kba generator available that will keep everything run in case of power outage. In case of a fire an escape plan was put in place with the fire departments in their area to make sure they know what that will be dealing with in case of a fire. Oxygen sensor throughout the whole facilities including the restroom.

Marketing product must stay in New Jersey. No product can come in or out of another state. They will communicate with 3 dispending companies that are unknown as of right now. Using 2 box trucks to transport product. No retail sales to the public, only selling to pharmacies. Only sells in bulk.

Samantha Silvers states what brings you to the City of Millville. Looking around for property that will work. Started talking to brokers and telling them what we are looking for like not being around schools, daycare, church, or hospital. Property area that have high power, water, and standalone buildings.

Academy Medical, LLC would like a Letter from the Mayor having no objections and supporting this facility to grow in the city of Millville. The application process need to be finish by the end of August. New Jersey will be legalizing Medical Mariana at begin of November. The Planning Board gives approval for interests to support this application.

Mr. Gallagher made motion to draft a resolution to support Academy Medical, LLC's State of NJ application and seconded by Mr. Caregnato. All present voted yes.

- **Airport Redevelopment Plan Review, Prepared by CME**

Mr. Christopher N. Dochney, PP, AICP represented Mr. James R. Hurley Industrial Park Redevelopment Plan located 1 Market St, Suite 1F Camden in Block 136 Lot 1, Block 125.03 Lots 10&11. In 2003, the City of Millville Board of Commission directed the Planning Board, to undertake an investigation of an area of over 3700 acres of land on 90 properties surrounding the

Millville Executive Airport to determine if they met the statutory criteria as found in N.J.S.A. 40A: 12A-5 to be designated as an area in need of redevelopment.

Statutory Requirements:

1. Its relationship to definite local objectives as to appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities, and other public improvements.
2. Proposed land uses and building requirements in the redevelopment area.
3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the redevelopment area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
4. An identification of any property within the redevelopment area proposed to be acquired in accordance with redevelopment plan;
5. Any significant relationship of the redevelopment plan to:
 - (a) The Master Plans of contiguous municipalities;
 - (b) The Master Plan of the County in which the municipality is located, and;
 - (c) The State Development and Redevelopment Plan (the "SDRP") adopted pursuant to the "State Planning Act," P.L. 1985, c.398 (C.52:18A-196 et al.).
6. As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.
7. A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan. Displaced residents of housing units provided under any State or federal housing subsidy program, or pursuant to the "Fair Housing Act," P.L.185,c.222 (C.52:27D-301 et al.), provided they are deemed to be eligible, shall have first priority for those replacement units provided under the plan; provided that any such replacement unit shall not be credited against a prospective municipal obligation under the "Fair Housing Act," P.L.185,c.222 (C.52:27D-301 et al.), if the housing unit which is removed had previously been credited toward satisfying the municipal fair share obligation. To the extent reasonably feasible, replacement housing shall be provided within or in close proximity to the redevelopment area. A municipality shall report annually to the Department of Community Affairs on the progress in implementing the plan for the provision of comparable, affordable replacement housing required pursuant to this section.

Description of Redevelopment area

The area is located just northeast of the airport in the southern end of the City, west of the Maurice River. The area is generally bound by South Race Street, Silver Run Road, and Dividing Creek Road to the east, by Millville Executive Airport and New Jersey Motorsports Park to the south, and to the north and west by the residential neighborhoods along the south side of Cedarville Road. The area is split by Bogden Boulevard, which separates Block 136 from Block 125.03. Immediately to the west of the Area are the soccer fields for the Millville Soccer Association, which are accessed by McCafferty Boulevard, which also forms a boundary line of the Redevelopment Area. Surrounding the Area is a mix of industrial and commercial uses around the airport to the southwest, while the northwest is developed with single-family dwellings. Immediately to the west are the soccer fields, and additional public recreation space is provided in the Cedarville Road Recreation Complex to the northwest. Silver Run Elementary School is immediately to the north of the Area along South Race Street. To the east of the Area is the Maurice River, and preserved lands as well as some agricultural lands along Dividing Creek Road. Each of the properties within the Redevelopment Area is currently vacant land, except for one small structure on Lot 1.01 of Block 136, which is developed with a pumping station, and a portion of Block 125.03 Lot 11 which contains an 8,500 sq ft hanger. The majority of the Area, which is nearly 500 acres in size, is former agricultural lands that are no longer used. The northern portions of the Area are mostly wooded, and are partially encumbered by wetlands. All of the properties within the Area are currently publicly owned, with the City of Millville owning three of the properties, and the fourth being owned by the Delaware River and Bay Authority (DRBA).

Land Use

In order to implement the Plan consistent with the objectives herein, the Redevelopment Area shall be developed in accordance with the following standards and requirements:

Where applicable, all redevelopment projects shall comply with the standards and requirements of the Airport Hazard Overlay District of the City's Land Use and Development Regulations.

All development within the Redevelopment Area must be approved by the Planning Board of the City of Millville, and shall be submitted following the normal subdivision and site plan submission and review procedures as found in N.J.S.A. 40:55D-1 et seq, and those within the City's Land Use and Development Regulations.

Land Use and Building Requirements

Compliance with the following standards shall be treated as zoning requirements. Any deviation from these standards that would result in a "d" variance as per N.J.S.A. 40:55D-70.d of the municipal land use law, shall be addressed as an amendment to the Plan. Neither the Planning Board nor the Zoning Board of Adjustment shall have the authority to allow deviations from these standards which would result in a "d" variance.

The Planning Board shall have the authority to grant any deviations from these standards which would result in a “c” variance, as per N.J.S.A. 40:55D-70.c, to the same extent that they may grant relief from such standards under normal subdivision and site plan review processes.

Permitted Principal Uses: Any other use which is substantially similar in nature to the uses listed as permitted principal uses.

Prohibited Uses: Residential uses

Conditionally Permitted Uses: The following uses are permitted as conditional uses, with the required conditions for approval noted below:

- Auto Dismantling and Distribution Facility;
 - a. Minimum lot area shall be 50 acres.
 - b. No outdoor storage of vehicles or storage of disassembled parts of vehicles, is permitted within the front yard area.
 - c. All disassembly of vehicles or removal of fluids shall take place within an enclosed, indoor facility.
 - d. A landscaped perimeter buffer of at least 100 ft in width shall be provided along the side and rear yards of the lot.
 - e. Screen and/or buffer the visual impacts of outdoor storage from publicly accessible areas.
 - f. Use best management practices and/or meet NJDEP regulation to mitigate environmental impacts.

Permitted Accessory Uses

- Off-street parking;
- Signs;
- Any other use or structure that is deemed by the Planning Board to be customary, incidental, and accessory to the principal uses or structures permitted herein.
- Roof mounted solar, Should solar fields be prohibited?
- Maximum building height 50ft.
- Look into the noise ordinance for the new redevelopment requirements.
- Any development proposed on Lot 1 of Block 136 shall include a multi-purpose trail or path to connect the athletic fields on Lot 1.02 of Block 136 (Millville Soccer Association), with the Cedarville Road Recreation Complex adjacent to the property to the northwest.

Design Standards:

- The front façade of any principal structure, or any façade which will be visible from a public right of way, shall be composed of brick, stone, stucco, or similar decorative material from the base of the building to a height of at least 42 inches.

- The front façade of any principal structure shall contain a minimum of level of transparency of 10 percent of the facade, in the form of windows, doors, or other primarily transparent glazing.
- All mechanical equipment such as HVAC, emergency generators, or other such equipment, shall be screened from public view.
- Landscaping within a required landscape buffer area shall be composed of a dense mixture of deciduous trees, evergreen trees, shrubs, grasses, and other plantings so as to provide a continuous, year-round visual screen.
- The preservation of all natural wooded tracts shall be an integral part of all site plans and may be calculated as part of the buffer area, provided that the growth is of a density and the area has sufficient width to serve the purpose of a buffer.
- The maximum height of any freestanding light shall be 20 feet, or the height of the principal structure on the property, whichever is lesser.
- All lighting shall be provided in accordance with the standards of the City's Land Use and Development Ordinance.
- The front yard 6ft in height and rear can be 8ft.
- No building or zoning permit shall be issued by the construction or zoning official for any work resulting in a change of intensity of development or change of use for any properties or buildings within the area of the Redevelopment Plan without prior review and approval of the work by the Planning Board, or the City Board of Commissioners if necessary.
- Regular maintenance and minor repair shall not require Planning Board review and approval.

Mr. Gallaher recommends the board to review the Redevelopment Plan presented, then email Samantha Silvers commends before the next commission meeting on September 4th, 2018.

The Planning Board will discuss the Zoning Ordinance at the next Planning Board meeting on September 10th.

Tow yards

Tow yards that are not associated with City of Millville towing are not currently regulated under the City of Millville Zoning Ordinance.

Mr. Caregnato recommends a conditional use in the industrial zone. The Planning Board would like to create a controlled area with NJ DEP approval of storage space. Mr. Van Embden suggested to use Ordinance Section 52-52 Police Power definition instead of the 30-4. No more than 25 cars, buffering, set back, DEP, Visual/Noise allotment, and min/max lot size should be reviewed for inclusion in the regulation. Also, require the owner to keep a log of vehicles to regulate turnover of 60 days. Penalties enforced.

With no other further business, Mr. CaregnatoEdward Gallagher made a motion to adjourn and was seconded by Mayor Santiagor. Wayne Caregnato.

Respectfully submitted,

Samantha Silvers, Planner

