

City of Millville Planning Board

February 12, 2024

4th Floor Commission Chamber

6:30 PM

1. 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 as required by Statute. The secretary is directed to include this statement in the minutes of this meeting."

2. Roll Call

Bob Gallaher Jr. Chairman (11/08/26)

Jay Laubengeyer, Vice Chair (11/11/24)

Commissioner Romanik

Mayor Ordorf

Vacant, Class II

Larry Malone (11/08/25)

Thomas McGinty (11/08/25)

Edward Gallagher (12/08/24)

Timothy Sparagna (11/11/24)

Erica Milbourne, Alt I (11/11/24)

Vacant, Alt II

3. MINUTES OF THE PREVIOUS MEETING

3.I. January 8, 2024 - Minutes

Documents:

[PLANNING BOARD MINUTES 01-08-2024.PDF](#)

4. CORRESPONDENCE

5. RESOLUTIONS

- 5.I. Resolution #3-2024 - Frank Carpino
107-113 Pine Road, Block 189, Lot 2287 & 2289, Redivision, Approval

Documents:

[RES 03-2024PB.PDF](#)

- 5.II. Resolution #06-2024 - Buckshutem Solar I, LLC
Amended Resolution Granting Buckshutem Solar's Request for an
Extension of its Major Site Plan Approval (Res 20-2023PB).

Documents:

[RES 06-2024PB - AMENDED FN.PDF](#)

6. APPLICATIONS
7. OTHER BUSINESS
8. ADJOURNMENT

**City of Millville
Planning Board Minutes
January 08, 2024**

Open Public Meetings Act Statement of Conformance:

Members of the Millville Planning Board met on the above date for their regularly scheduled monthly meeting in the Richard C. McCarthy Chamber, on the 4th Floor of City Hall. 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. McGinty, Mr. Gallagher, Mr. Sparagna, Mayor Orndorf, Commissioner Romanik, Vice Chair Laubengeyer, and Chairman Gallaher. Also, present were Board Solicitor Ms. White, City Planner Barbara Fegley and Secretary Itzel Torres.

REORGANIZATION :

Chairman – Bob Gallaher

Vice-Chair – Jay Laubengeyer

Secretary – Itzel Torres

Solicitor – Beth White

Mayor Orndorf motion, seconded by Mr. Sparagna. In favor – Mr. Malone, Mr. McGinty, Mr. Gallagher, Mr. Sparagna, Mayor Orndorf, Commissioner Romanik, Vice-Chair Laubengeyer, and Chairman Gallaher.

MINUTES OF PREVIOUS MEETING:

Regular Planning Board Meeting December 11, 2023. Motion to approve Mr. Gallagher, seconded by Commissioner Romanik. In favor – Mr. Malone, Mr. McGinty Mr. Gallagher, Mr. Sparagna, Mayor Orndorf, Commissioner Romanik, Vice Chair Laubengeyer and Chairman Gallaher.

2024 Meeting Dates :

January 08, 2024	July 08, 2024
February 12, 2024	August 12, 2024
March 11, 2024	September 9, 2024
April 08, 2024	October 16, 2024 *Wednesday*
May 13, 2024	November 12, 2024 *Wednesday*
June 10, 2024	December 9, 2024

January 13, 2025

CORRESPONDENCE:

No Correspondence.

RESOLUTIONS:

#25-2023PB – Randanella & Crist, Hogbin Rd, Block 41, Lot 113, minor subdivision with a C Variance. Mayor Orndorf motion to memorialize, seconded by Mr. Gallagher. In favor – Mr. Malone, Mr. Gallagher, Mr. Sparagna, Mayor Orndorf, Vice Chair Laubengeyer and Chairman Gallaher. Abstain – Mr. McGinty.

APPLICATIONS:

#18-2023PB – Frank Carpino, 107-113 Pine Road, Block 189, Lot 2287 & 2289, Seeking Redivision. Matthew Robinson representing the applicant, Frank Carpino. Mr. Robinson stated that 107 Pine has a structure that interferes with 113 Pine. Existing condition when it was purchased by the applicant. The lot line would be off from 107 Pine, moving the line 6.5 ft back as the septic of 113 Pine Road is situated in that area. Mr. Robinson stated this was the best way to deal with the pre-existing non-conforming condition. Ms. White swore in the applicant, Frank Carpino. Mr. Robinson stated that no new variances are being requested. The first page of the Planning and Engineering report states the preexisting non-conformities. One page two agrees that lot 2207 has a structure that is 1.4ft over the property line. Which is the reason for the re-division. Mr. Robinson stated that the structure could not be moved. Mr. Robinson stated that they have applied to the Cumberland County Planning Board and have received their approval. Chairman Gallaher asked if there was a consideration to make the new line straight to maintain 2 triangle lots. Mr. Carpino stated that the septic for 113 was very close to the back side of the property line. If moved over it could be on 107. Mr. Laubengeyer asked if the subdivision references the old city ordinance. Mr. Robinson stated that he would be happy to perfect that per the new city ordinance. Chairman Gallaher asked that the septic should be identified to show hardship. Mr. Robinson said he would add that as the condition for approval and perfection. Mr. Gallagher motion to approve application 18-2023PB with the conditions of changing the zoning district and showing the septic in the perfected plan, was seconded by Mayor Orndorf. In favor – Mr. Malone, Mr. McGinty, Mr. Gallagher, Mr. Sparagna, Mayor Orndorf, Commissioner Romanik, Vice Chair Laubengeyer, and Chairman Gallaher.

OTHER BUSINESS:

Ms. Fegley briefly gave an update on the master plan.

Mayor Orndorf wanted to encourage people to apply for the Planning Board. There is a vacant seat on the Board and our alternate has not been able to attend the meetings recently. Need to fill up the seats.

ADJOURNMENT:

With no other further business, Mr. Gallagher made a motion to adjourn and was seconded by Mr. Sparagna. The meeting adjourned at 6:59 pm.

Respectfully submitted.

Itzel Torres, Planning Secretary

**Resolution
of the
City of Millville Planning Board
Cumberland County
New Jersey**

RESOLUTION NO. 03-2024PB

WHEREAS, Frank Carpino, 3730 S. Delsea Drive, Vineland, NJ 08360 has applied to the City of Millville Planning Board for Minor Subdivision (Redivision -Lot Line Adjustment) and Bulk Variances Approval, Block 189 Lots 2287 and 2289 on the Municipal Tax Map of the City of Millville Sheet 27, and said property being located at 107-113 Pine Road in the LLR-Laurel Lake Residential District Zone; and

WHEREAS, finding that the applicant had provided proper mailed and published notices and that jurisdiction was proper in the Board this application was heard by the City of Millville Planning Board at its regular meeting of January 8, 2024; and

WHEREAS, the applicant seeks Minor Subdivision (Redivision - Lot Line Adjustment) and Bulk Variances. The applicant seeks to redivide a parcel of land in the City's Laurel Lake Residential District - LLR Zone;

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

- (a) City of Millville Development Application Form dated 11/07/2023 and Exhibit A;
- (b) Transmittal Letter of the Application dated November 7, 2023 from Matthew J. Robinson of Robinson & Robinson;
- (c) Plan of Minor Subdivision prepared by Cape Land Surveying LLC, signed and sealed by George Swensen, dated 10/19/23;
- (d) Planning and Engineering Report, dated January 3, 2024.

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

1. Frank Carpino appeared before the Board. He is the applicant and owner of the subject property. He was sworn and offered testimony in support of the application.
2. Matthew Robinson, Esquire of Robinson & Robinson, represented the applicant, Frank Carpino, and offered a presentation in support of the application.
3. The Applicant proposes to subdivide (redivide-lot line adjustment) Block 189, Lots 2287 and 2289, located at 107-113 Pine Road. The subdivision will not create any additional lots.
4. Block 189, Lot 2287 currently contains 40 feet of frontage along Pine Road and Block 189, Lot 2289 contains 60 feet of frontage along Pine Road. The proposed subdivision will add 6.50 feet of frontage to Lot 2287 (46.5 feet) for a depth of 52 feet. At that point, Lot 2287 will follow a line northeast and come back to the original subdivision line with a lot width of 40 feet.
5. Lot 2289, originally 60 feet along Pine Road will be reduced to 53.50 feet in width for a distance of 52 feet, turn northeast for 6.5 feet and then follow the original subdivision line for 48 feet with a lot width of 60 feet.
6. The lots contain a number of pre-existing nonconformities including:
 - A. Less than the minimum lot area of 4,000 square feet where 10,000 square feet is required (Lot 2287) and 6,000 square feet where 10,000 square feet is required (Lot 2289)
 - B. Less than the minimum lot frontage of 40 feet where 80 feet is required (Lot 2287) and 60 feet where 80 feet is required (Lot 2289)

C. Less than the required front yard of 22 feet where 25 feet is required (Lot 2287)

D. Less than the required side yard of -1.4 feet where 10 feet is required (Lot 2287)

E. Less than the required rear yard of 9.4 feet where 35 feet is required (Lot 2289)

F. Less than the required rear yard for an accessory structure of 2.1 feet where 5 feet is required (Lot 2289)

7. While all of the lot deficiencies remain, some become more conforming and some become less conforming, however, the 1.4 foot encroachment on Lot 2287 into the side yard of Lot 2289 gets corrected by adding a 5.1 foot side yard to Lot 2287.

8. Mr. Robinson stated that 107 Pine has a structure that interferes with 113 Pine. This was an existing condition when it was purchased by the Applicant.

9. Mr. Robinson continued the lot line would be off from 107 Pine, moving the line 6.5 ft back as the septic of 113 Pine Road is situated in that area. Mr. Robinson stated this was the best way to deal with the pre-existing non-conforming condition.

10. Mr. Robinson confirmed that no new variances are being requested.

11. Mr. Robinson stated that they have applied to the Cumberland County Planning Board and have received their approval.

12. Mr. Robinson explained that reasoning for the application that the structure located on Lot 2287 is 1.4 ft over the property line and could not be moved.

13. Mr. Carpino added that the septic for 113 Pine Road is located very close to the back side of the property line and for that reason they have proposed a bump out to include it.

14. Chairman Gallaher asked that the septic be identified to show hardship. Mr. Robinson said he would add that as a condition for approval and perfection.

15. Mr. Laubengeyer asked if the subdivision references the old city ordinance. Mr. Robinson stated that he would perfect that per the new city ordinance.

WHEREAS, it was determined that members of the public were present on this application, however, they did not wish to address the property subject to the application and before the Board but another property. Upon learning that the other property could not be discussed, no members of the public sought to give comment on this Application.

WHEREAS, the Board after hearing testimony and reviewing the application and evidence presented made the following findings of fact and conclusions of law:

1. The Applicant seeks Minor Subdivision (Redivision -Lot Line Adjustment) and Bulk Variances Approval, Block 189 Lots 2287 and 2289 on the Municipal Tax Map of the City of Millville Sheet 27, and said property being located at 107-113 Pine Road in the LLR-Laurel Lake Residential District Zone.

2. The plan as submitted meets the requirements of “New Jersey Administrative Code, Title 13, Law and Public Safety Chapter 40, State Board of Professional Engineers and Land Surveyors, Subchapter 5. Professional Land Surveyors: Preparation of Land Surveys.

3. The Board finds that the proposed bulk variances can be approved pursuant to N.J.S.A. 40:55D-70(c)(1) and N.J.S.A. 40:55D-70(c)(2), because with regard to this particular property the benefits of the community are consistent with development of the

neighborhood outweigh any detriment to the public good or impairment of the zone plan that may flow from these deviations from applicable ordinance standards. Therefore, the requested bulk variances should be granted.

4. The Board approved the application with the following conditions:

A. The Board relied upon the testimony of the applicant and factual findings discussed above in this Resolution, and such testimony and findings are incorporated as conditions of this approval as though set forth herein.

B. Changing the Zoning District to reflect the new City Ordinance.

C. Perfected Plan that shows the septic system at 113 Pine Road.

D. Compliance with all federal, state, county and local laws, rules, regulations and any other governmental approvals which may be required in implementation of this development, including but not limited to: City of Millville Construction Office; Cumberland County Soil and Water Conservation District; City of Millville Department of Public Works; and Cumberland County Planning Board.

E. If another governmental agency grants a waiver or variance of a regulation, affecting this approval or the conditions attached to it, then this Board shall have the right to review that issue as it relates to this approval and these conditions and modify or amend same.

E. The applicant shall pursue with good faith and due diligence any and all additional approvals as may be required and shall provide the Board with copies of all reports and approvals from same, including copies of any and all applications filed.

NOW, BE IT RESOLVED by the City of Millville Planning Board in the County of Cumberland, State of New Jersey that the application of Frank Carpino for Minor Subdivision (Redivision -Lot Line Adjustment) and Bulk Variances Approval, Block 189 Lots 2287 and 2289 on the Municipal Tax Map of the City of Millville Sheet 27, and said property being located at 107-113 Pine Road in the LLR-Laurel Lake Residential District Zone be and hereby is **GRANTED**, subject to the above conditions.

ROLL CALL

Motion to Approve:

Seconded:

MEMBER	YEA	NAY	ABSENT	ABSTAINED	EXCUSED
Chairman Robert S. Gallaher					
Jay Laubengeyer, Vice Chair					
Lisa Orndorf, Class I					
Benjamin Romanik, Class III					
Robert Campbell, Class II					
Timothy Sparagna					
Thomas McGinty					
Larry Malone					
Edward Gallagher					
Erica Milbourne, Alt. I					
Vacant, Alt. II					

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 Planning Board Secretary of the City of Millville.

By: _____
Itzel Torres, Board Secretary

By _____
Robert S. Gallaher, Chairman

Dated:

CERTIFICATION

The foregoing is a true copy of a Resolution adopted by the Planning Board of the City of Millville at a meeting of January 08, 2024, memorializing action taken by the Board at a regular meeting of the Board held on February 12, 2024.

Itzel Torres, Board Secretary

AMENDED RESOLUTION
of the
City of Millville Planning Board
Cumberland County
New Jersey

RESOLUTION NO. 06-2024PB

WHEREAS, Buckshutem Solar I, LLC of 191 University Boulevard, Suite 667, Denver, Colorado applied for and received site plan approval from the City of Millville Planning Board at its regular meeting of May 10, 2021 which memorialized its approval in Resolution No. 11-2021 on June 14, 2021 approving Buckshutem Solar I, LLC for Preliminary and Final Major Site Plan Approval and Conditional Use approval as well as a variance for fence height for property located at Block 135 Lots 1,2,3,4, and 5 and Block 139, Lots 1, 2, 3, 4, 5, 6, 7, 8, 22 and 25 on the Municipal Tax Map of the City of Millville and more commonly known as Silver Run and Dividing Creek-Millville Road, Millville, New Jersey and, said property at that time being located in the former LC Land Conservation District which zone permitted utility scale solar installation and resource extraction as conditional uses; and

WHEREAS, on May 8, 2023 the applicant made a formal application for three (3) one year extensions of the period of zoning protection pursuant to N.J.S.A. 40:55D-52a; and

WHEREAS, after a hearing on July 10, 2023, the Planning Board initially denied applicant's request; and

WHEREAS, at the request of the applicant, the Planning Board conducted a rehearing of applicant's request for an extension on October 10, 2023 at which time the Board reconsidered and granted applicant a two year extension of its period of protection pursuant to N.J.S.A. 40:55D-52a; and

WHEREAS, the applicant recited reasons including the COVID-19 pandemic, the permit extension act of 2020 and delays in the interconnection process between the applicant and Atlantic City Electric, as well as supply chain issues; and

WHEREAS, the applicant provided an update to the Board on the progress of the project and what Buckshutem Solar I has been working on in order to obtain other

governmental required approvals ; and

WHEREAS, the Board having reconsidered this request (which was originally spelled out in an May 8, 2023 letter from the applicant's counsel, Keith A. Davis,, Esquire) and the Board having heard additional testimony on October 10, 2023, which included an update on the project progression, and consequently determined that it could approve the request of relief for the reasons stated and voted to approve a two year extension of the period of protection through November 13, 2025 conditioned on the applicant's submission of a project schedule (subsequently received on October 24, 2023, but dated October 17, 2023) as well as all interconnection agreements with PJM Interconnection, LLC (subsequently received on October 24, 2023) and regular updates to be supplied every six (6) months in writing; and

WHEREAS, the Planning Board later memorialized its approval of the aforesaid extension by way of its Resolution No. 20-2023 adopted at its meeting of November 13, 2023; and

WHEREAS, by letters dated November 22, 2023 to the Board Attorney and January 24, 2023 to the City Attorney, applicant's attorney, Keith Davis, demanded that Resolution 20-2023 be amended to correct certain typographical errors; and

WHEREAS, after conducting an additional hearing at its meeting on February 12, 2024 the Planning Board decided to grant applicant's request and to amend its prior resolution; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby amends Resolution No. 20-2023 so as to grant Buckshutem Solar 1, LLC a two year extension of the period of zoning protection from November 13, 2023 through November 12, 2025 in order to protect and preserve its development rights under the final site plan, as approved in its prior Resolution No. 11-2021, pursuant to N.J.S.A. 40:55D-52a subject to conditions that it submit a project schedule as well as all interconnection agreements with PJM Interconnection, LLC and regular updates to be supplied every six (6) months in writing.

ROLL CALL

Motion to Approve:

Seconded:

MEMBER	YEA	NAY	ABSENT	ABSTAINED	EXCUSED
Chairman Robert S. Gallaher					
Jay Laubengeyer, Vice Chair					
Lisa Ormdorf, Class I					
Benjamin Romanik, Class III					
Robert Campbell, Class II					
Timothy Sparagna					
Thomas McGinty					
Larry Malone					
Edward Gallagher					
Erica Milbourne, Alt. I					
Vacant, Alt. II					

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 Planning Board Secretary of the City of Millville.

By: _____
Itzel Torres, Board Secretary

By _____
Robert S. Gallaher, Chairman

Dated:

CERTIFICATION

The foregoing is a true copy of a Resolution adopted by the Planning Board of the City of Millville at a meeting of October 10, 2023, memorializing action taken by the Board at a regular meeting of the Board held on February 12, 2024.

Itzel Torres, Board Secretary