

**Planning and Zoning Commission Teleconference Meeting  
April 16, 2020 @ 7:00pm**

In attendance were P&Z Chairman Pat Plocek; P&Z Secretary Marshall Gevinson; Commissioners Cathy Scheck, and Tim Roe; Town Manager Debbie Botchie; GMB Representative Andrew Lyons, Jr.; and Town Code & Building Official Eric Evans. P&Z Commissioner Glen Faden was absent.

Ms. Botchie stated this open meeting of the Millville Planning & Zoning (P&Z) Commission is being conducted remotely consistent with Governor Carney's Executive Order of March 13, 2020, due to the current State of Emergency in regards to the Coronavirus pandemic. Ms. Botchie stated in order to mitigate the transmission of the virus and reduce risk of COVID-19 illness, the Town has been advised and directed by the Governor to suspend public gatherings, and as such, the Governor's order suspends the requirement of the open meeting law to have all meetings in a publicly accessible physical location. Ms. Botchie further stated all members of public bodies are allowed and encouraged to participate remotely. Ms. Botchie stated the order allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting, hear the comments of the Commissioners, who must in turn be able to hear the comments of all those participating. Ms. Botchie stated the other rules and procedures applicable to public meetings remain in effect. Ms. Botchie stated for this meeting, the Millville P&Z Commission is convening by teleconference, as posted on the Town's website identifying how the public may join, and please note that this meeting is being recorded. Ms. Botchie stated all supporting materials of this body are available on the Town's website and the public is encouraged to follow along using the posted agenda.

1. **CALL TO ORDER:** P&Z Chairman Pat Plocek called the meeting to order at 7:00 p.m.
2. **ROLL CALL:** Town Manager Debbie Botchie stated as a preliminary matter, this is Town Manager Debbie Botchie. Ms. Botchie stated permit me to confirm that all members and persons anticipated on the agenda are present and can hear me. Ms. Botchie stated when I call your name, please respond in the affirmative. Ms. Botchie called Chairman Plocek. Mr. Plocek responded. Ms. Botchie called P&Z Secretary Marshall Gevinson. Mr. Gevinson responded. Ms. Botchie called P&Z Commissioner Cathy Scheck. Ms. Scheck responded. Ms. Botchie called P&Z Commissioner Tim Roe. Mr. Roe responded. Ms. Botchie called P&Z Commissioner Glen Faden, who was absent. Ms. Botchie called Town Engineer Andrew Lyons Jr. Mr. Lyons responded. Ms. Botchie called applicant Craig Havenner of Christopher Companies. Mr. Havenner responded. Ms. Botchie called Town Code & Building Official Eric Evans. Mr. Evans responded.
3. **PLEDGE OF ALLEGIANCE**
4. **ADOPTION OF MINUTES**
  - A. February 13, 2020

P&Z Commissioner Cathy Scheck motioned to adopt the February 13, 2020, P&Z minutes. P&Z Secretary Marshall Gevinson seconded the motion. Motion carried 4-0.

## 5. NEW BUSINESS

- A. Review, discuss and vote on possible recommendation to the Town Council a waiver requested by Craig Havenner for Sea Breeze Village (formerly known as Village 8) of Millville by the Sea, of the Development Standards.

P&Z Commissioners Cathy Scheck and Tim Roe abstained from the vote, and due to needing a quorum due to abstention and an absent Commissioner, Town Manager Debbie Botchie stepped in as a recommending body for this item. Mr. Craig Havenner, of Christopher Companies, stated this village of which they are requesting a waiver, Sea Breeze Village (formerly known as Village 8), received preliminary site plan approval from the Town P&Z Commission last summer, and they are hoping to have the final site plan come before Town Council in late spring/early summer. Mr. Havenner stated there are fifty-three (53) lots in Sea Breeze Village and they consist of a bit of a new product. Mr. Havenner stated working with this new design, Christopher Companies got to the point where they thought – given the openness of the site and the ability of trying to have a more appealing streetscape – it makes sense for Christopher to try and create two (2) different home styles, with one of them having a side entrance, which would create a little more privacy for the homebuyer and the front doors wouldn't be right next to one another. Mr. Havenner stated they ended up with a side entrance porch and going through the development standards which previously occurred for Millville by the Sea (MBTS), they encountered a problem with their setback of a fifteen (15)-foot minimum on the sides and a thirty (30)-foot minimum between buildings. Mr. Havenner stated with the porches, Christopher will be encroaching into that setback even though they're both open porches, and the Town Code states "open porches and significant architectural projections may not encroach into the side yard setback." Mr. Havenner stated another issue of concern possibly with the architecture is Christopher will have a bay window on the end of these homes which will extend about two (2) feet from the outside wall barely but it would extend into the prohibited encroachment space per the Development Standard. Mr. Havenner stated this waiver of the development standards Christopher is requesting is to allow a fifteen (15)-foot minimum side yard setback for the main building structure, with allowable encroachment of unenclosed porches up to five-and-a-half (5.5) feet and with a thirty (30)-foot minimum maintained between the main building walls. Mr. Havenner stated essentially the main building walls will maintain the thirty (30) feet of prescribed separation, with the only encroachment being the side yard porches which won't be enclosed and will have columns to support the roof. Mr. Havenner stated there was another action taken by Town Council a couple of months ago which allows a private walkway through a side yard, which helps Christopher to be able to have a walkway to come up to the side entrances.

Mr. Havenner stated the other issue he noted was with the bay windows and section four (4) talks about significant architectural projections not encroaching into the side yard setback. Mr. Havenner stated Christopher is requesting for a partial waiver to allow open porches under fifty (50) square feet in floor area may encroach up to five-point-six (5.6) feet into the side yard setback and minor projections, such as bay windows, may encroach up to two-point-five (2.5) feet into the side yard setback. Mr. Havenner further stated Sea Breeze Village will offer the opportunity for this style of product in the MBTS community, which was only offered at the developments' beginning in 2008 through 2011, which are the three-story townhomes on the other side of Substation Road. Mr. Havenner stated Christopher found with those that they just aren't very good for this current market as most buyers are not keen on having stairs. Mr.

Havenner stated these products are thirty-two (32) feet wide and is designed to offer a more affordable price point and a different lifestyle from the single-family detached homes currently offered in the community. Mr. Havenner stated the side-entry design is proposed to lend itself to a more aesthetically pleasing street scape and allows for an additional measure of privacy for the homeowners. Mr. Havenner stated the side-entry porches also allow for a more attractive side elevation for the homes; and the porches are proposed to be covered, with a column supported roof above to protect occupants and visitors from the elements and they will not be enclosed on the sides in any way. Mr. Havenner further stated the entry porches are proposed to be eight (8) feet wide and will extend into the side yard a total of five (5) feet. Mr. Havenner directed the P&Z to view exhibits A, B, C and D on the PowerPoint presentation to view the porch and showing how from the porch to the property line, there is still slightly over ten (10) feet of open space with a combined side yard spacing of twenty-point-thirty-two (20.32) feet; and there is much more side yard space compared to other MBTS villages. Mr. Havenner stated under the circumstances and for the reasons noted in this presentation, Christopher at Millville respectfully requests approval of its request to modify Sections VI, B (3) e. and four (4) of the approved Development Performance Standards for the exclusive benefit of Village 8, MBTS.

Mr. Andrew Lyons, Jr., of GMB, stated he has reviewed the request against the plan and the performance standards, and this is definitely a request which would be recommended for the waiver because the distance is much farther at fifteen (15) feet compared to other villages in MBTS. Mr. Lyons stated even with the worst-case scenario of allowing the side entrance on both sides, you would still have greater setbacks than anything existing in MBTS at this time and greater than single family residents in the regular zoning of the residential district. Mr. Lyons stated there are also a couple of options in looking at the plans which allow for greater diversity in architectural style. Mr. Lyons stated in looking at the floor plans, Mr. Lyons noticed there is also an inset porch option where the porch would not always have to extend out; so there are three (3) different options these floor plans have, which gives a lot of flexibility to the potential buyer. Mr. Lyons stated he doesn't see any issues with this kind of request. Town Code & Building Official Eric Evans stated the porches have no problem with the Town Code because fire separation is met exponentially, and the bay windows do not increase the floor space out, so it's actually just a bay window which is progressing outward, not floor space. Mr. Evans stated he would like Mr. Havenner to clarify because of the Council's adoption of the private walkway on the side yard, there would be a maximum of three (3) feet across and that the walkway won't be concrete but rather pavers. Mr. Evans stated if Mr. Havenner can confirm those aspects, Mr. Evans has no problem with this waiver request and he thinks it's a great design. Mr. Havenner stated he can agree to the terms of conforming to the walkway not being concrete. Mr. Evans stated he would also need confirmation the bay window is just that in that it is the window bumping out but not the floor. Mr. Havenner stated yes, the bay window may have a seat to sit on but there will be no floor space extending. Mr. Evans stated Christopher's actual building structure of square-foot living space is all within the building setback line.

Mr. Gevinson stated on page seven (7) of the PowerPoint, under "justification," the last bullet point states the entry porches are to be eight (8) foot width and will extend into the side yard a total of five (5) feet, whereas the other two pages before this state it's a five (5)-foot, six (6)-inch extension into the side yard. Mr. Gevinson stated on the Civil Engineering Associates (CEA) letter, dated March 4, 2020, on the last page, there is a ten-point-sixteen (10.16)-foot dimension between the edge of the porch and the property line; and if the porch extends five-

point-six (5.6) feet, that length should be nine-point-six (9.6) feet and not 10.16. Mr. Plocek stated the waiver would say not to exceed five-point-five (5.5) feet. Mr. Gevinson stated he understands that but he thinks all the numbers should look the same on every drawing. Mr. Havenner stated they can get that corrected on the drawings, but the waiver would be as written in the text which would be the encroachment of up to five-point-six (5.6) for the porch and two-point-six (2.6) for the bay window. Mr. Lyons stated the 5.6 would help with the encroachment of the roofline, which would be different than the pad itself. Ms. Botchie stated she also wanted to make sure the applicant knows the recent Council approval of the side yard walkway is not for concrete but removable pavers, and can only be three (3) feet wide. Ms. Botchie stated she is very happy to see a different product introduced in MBTS, and she likes the architecture. Ms. Botchie stated she is most interested in the density being at only two-point-one-zero (2.10) per acre, and that's the lowest the Town has in any village in MBTS; they are allowed four-point-two (4.2) units per acre and so far, each village has stayed under that amount and this entry is by far the least amount. Ms. Botchie stated because this could be a much bigger product – such as a two-hundred-ten (210) apartment building, which would be allowed – she is in support of this partial waiver tonight.

Mr. Plocek asked whether this encroachment on the setback will violate an existing fire code. Mr. Evans stated no. Mr. Plocek asked whether this item should rather go before the Town Board of Adjustment (BOA) for an area variance. Mr. Lyons stated no, because this is a part of the standards for the MBTS Performance Standards, a waiver request for those standards go before the P&Z and Council because this is not a change to the Town Code. Ms. Botchie stated the Town had its legal counsel review this before the Town accepted the application, and the solicitor is the one who gave the Town legal guidance on this matter.

Ms. Botchie motioned to recommend to Council for approval the partial waivers submitted by Craig Havenner to the approved MBTS Development Performance Standards to allow for unenclosed porches to encroach up to five-point-five (5.5) feet in the existing fifteen (15)-foot side yard setback and to allow for minor projections such as a bay window to encroach up to two-point-five (2.5) feet in the existing fifteen (15)-foot side yard setback for the two (2) unit villas in Sea Breeze Village, as well as making sure the exhibits all match the corresponding five-point-five (5.5) or five-point-six (5.6) feet before going to Town Council. Mr. Gevinson seconded the motion. Motion carried 3-0-2 abstentions.

#### **6. CITIZENS PRIVILEGE**

There were no comments.

#### **7. ANNOUNCEMENT OF NEXT MEETING**

Mr. Plocek stated the next P&Z meeting is scheduled to be on Thursday, May 14, 2020.

#### **8. ADJOURNMENT**

Mr. Gevinson motioned to adjourn the meeting at 7:36 p.m. Ms. Scheck seconded the motion. Motion carried 4-0.

Respectfully submitted and transcribed  
by Matt Amerling, Town Clerk