

**Millville  
Zoning Board Meeting  
Held June 4, 2020  
Minutes**

**PUBLIC MEETING**

Members of the Millville Zoning Board met for their Regular Zoning Board Meeting on June 4, 2020 at 6:30 p.m. via teleconference which the public is 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. Business will be limited to items listed on the agenda only. Chairman Worthington called the meeting to order at 6:30pm 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 Statute. The Secretary called roll and found those in attendance were Vice-Chairman Conner, Chairman Worthington, Mr. Carty, Ms. Roselle, Ms. Chainey, Mr. McGahhey, Ms. Johnson and Mr. Latore 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. The following were absent Ms. Velez.

**MINUTES OF THE PREVIOUS MEETING**

Mr. Carty made a motion to approve the minutes of the May 7th, 2020 meeting and was seconded by Ms. Chainey. Mr. Latore, Ms. Roselle, Ms. Chainey, Mr. Carty, Vice-chairman Conner, Chairman Worthington all voted yes, and Mr. McGahhey abstain.

**RESOLUTIONS-**

Resolution #06-2020 for Jason and Janet Woodward was granted Approval for a "C" Variance. Ms. Chainey made a motion to approve a 9foot privacy fence and was seconded Mr. Carty. Mr. Latore, Ms. Roselle, Ms. Chainey, Mr. Carty, Vice-chairman Conner, Chairman Worthington all voted yes, and Mr. McGahhey abstain.

Resolution #07-2020 for Diana Millman was granted Approval for a "D" Variance. Vice-Chairman Conner made a motion to approve for a commercial assembly use in conjunction with a community center and was seconded Mr. Carty. Mr. Latore, Ms. Roselle, Ms. Chainey, Mr. Carty, Vice-chairman Conner, Chairman Worthington all voted yes, and Mr. McGahhey abstain.

**CORRESPONDENCE – N/A**

**APPLICATIONS –**

Jose Nunez of 408 N. High Street, Millville in Block 364 Lot 8

Jose Nunez of 408 N. High Street, Millville in Block 364 Lot 8 is here tonight requesting a "D" variance for a retail firearm shop in a B-3 Central Business District. Mr. Van Embden swore in Mr. Jose Nunez of 1039 North street, Millville. Mr. Nunez gave proof of noticing to the board secretary before the meeting tonight. Mr. VanEmbden informs the applicant he needs five yes votes to be approved or your application will fail for lack of sufficient, affirmative vote. The applicant stated, "he understands." Mr. Nunez would like to set up a firearm shop on high street, he explains all guns will always be locked and keyed. There will be a camera at the front door and customers will not be allowed in the building without a valid license and a gun permit to purchase. If you show proper identification you will be buzzed into the building. The firearms and all the bullets will be locked up on opposite side of the room. The front glass

window will be thick plated glass with blackout tint and metal gate. Replace doors and windows with a thicker glass, add locks, which you would need to be buzzed in, and add an additional wall between the guns shop area and the waiting area. There will be camera throughout the inside and outside of the building. His plan is to have a diverse array of different type of firearms. 9 mm, raffles, AR, 357, shot gun, used guns, resale firearms. He must be able to identify the proper identification numbers on the guns for resale. To come in with a used firearm, they will need to make an appointment before coming to the shop.

The Board has concerns with the parking, security, and the applicant not informing the Local police of opening a retail firearm shop right down the street of Millville's local police department. The applicant has not applied for his FFL License (Federal Firearm License). Applicant does have a permit license. The applicant does not have anything in writing from the landlord about using the alley way and back door, so people do not have to walk down High Street with a gun. The zoning officers stated you cannot block the alley ways for deliveries. The City Planner provided Just for the record; we can make these photos exhibits for the application. Using Google Map (exhibit A) and Ariel map (exhibit B.)

On the left-hand side of the green indicator is the property, 408 North High Street.

I've turned on the property boundaries, which is not a survey type of a location, but it's a general indication. Looking on the right-hand side, you can also see the tax map of block 364. This applicant has the proposal for lot 8, so you can see that lot 8 backs directly up to lot 11. Lot 11, as you can see on the arrow, is the Jimmy's tailor shop. Which shows the driveway access, that goes behind 408? It's pretty clear that's it's a private driveway. Anybody gaining access would really need to get permission for the owner.

What makes this particular site suitable for this type of business? Is this a suitable site that can be used for anything else that's it actually zoned for? Applicant states, people love to hunt here in Millville and there is collector out here, like myself, and location and convenience to purchase a firearm in town instead of driving out of town. Along with bring people and business to Millville. The store would only have one employee for now, myself. Hours would be from 9am-5pm Monday-Friday, maybe one late night til 7pm and only open for deliveries on Sundays.

Chairman Worthington opened public comment.

Ms. Tamara Isajiw of Pine street in Millville, was sworn in by Mr. VanEmbden. My concerns are, I'm a resident in the area and I have to look at things carefully, but I'm not opposed to gun ownership or even shotguns. I feel the security of the building is bothersome to me. The back entrance seems very unsafe. No lightening was talked about, dark alleyway doesn't seem too safe. If the applicant does fulfill what he said he will do with the windows and the doors, the building on High street will primarily look austere and almost scary looking in a family, art district, neighborhood business. I believe there is more negative than positive criteria and it inconsistent with the master plan of High Street.

no other speakers, Chairman Worthington will close the public comment and bring it back to the Board for finding facts and statements.

Ms. Chainey states, firearm sale is very highly regulated. The applicant is not really communicating with law enforcement and other license needed at this point until he gets a variance from the City. I'm looking at this firearm shop in this location and I don't believe it meet the criteria, the parking is a huge issue, the applicant did not give sufficient prove of the security measures, and the security measure he did give with the wall, door, and gates are not particularly well suited for high street appearance. On the negative side did not prove this use will not cause substantial detriment to the public good. The site and the unsuitability of the site could clause that relate to the public good, if it gets a good business and trades, and the security is enough, the parking will be an issue, and not inconsistent with the zoning ordinance. but I don't think the applicant satisfy the positive criteria. On the substantial detriment to the public good,

I think that there's an issue there. I do think a lot of the citizens in Millville wouldn't mind another gun shop, but I just don't think this particular site is suited for this type of store on high street, even with the applicant stating, "he knows a lot of adults who will advocate and support the application." Mr. Carty agrees with Ms. Chainey and adds that he was concern with the local PD not being notified. I think it'd be a good partnership to have, not only with the city, but also with the mobile police department. They should have been, at least, been notified about this application and been able to share their opinions. Since they're the ones that are going to be responding to the calls, and also shows that the business owner is respecting their opinions. Chairman Worthington, Vice-Chairman Connor, Ms. Roselle, and Mr. McGahhey are all in agreement with the facts and findings.

Solicitor VanEmbden: Resolution in the affirmative to approve the variance application.

Mr. Nunez, we subject to obtaining. An easement or access rights from the adjacent property owner, Jimmy's Tailor Shop and to submit a site plan, showing adequate lighting and to submit plans showing detail for security measures to be taken, including exterior fencing or gates, roll down, and interior security was and measures. Also, to comply with the criteria listed in the engineer review that hasn't already been addressed. So that would be the affirmative resolution. Consider the resolution.

Ms. Chainey made a motion for the resolution stated by Mr. VanEmbden, and Vice-Chairman Connors seconds the motion. Vice-Chairman Conner, Chairman Worthington, Mr. Carty, Ms. Roselle, Ms. Chainey, Mr. McGahhey voted No, and Mr. Latore voted yes.

The affirmative resolution has failed to obtain via the affirmative vote. Accordingly, the application has failed to pass, and is denied. That will be forthcoming the next meeting of the Board.

With no other further business, Vice-Chairman Connor made a motion to adjourn the meeting and was seconded by Mr. Latore.

Submitted by:  
Kristine Klawitter