

Zoning Board of Adjustment

City of Millville

March 5, 2026

4th Floor Commission Chamber

6:00 PM

1. Salute To Flag

2. 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."

3. Roll Call

Chairperson Tamara A. Davis	(12/31/27)
Vice-Chair Timothy Carty	(01/20/29)
Andrew Van Hook	(01/20/29)
Roy Sheppard	(12/31/26)
Angeline Broomhall	(12/31/26)
Brian Mills	(01/01/28)
Paula Heulings	(12/31/26)
D'Andre Heath, Alt. 1	
Vacant, Alt. 2	(12/03/26)
Vacant, Alt. 3	(04/16/26)
Frank Dougherty, Alt. 4	(09/30/26)

4. MINUTES OF THE PREVIOUS MEETING

4.1. Minutes From February 5, 2026

Documents:

[ZB MINUTES - FEBRUARY 5, 2026.PDF](#)

5. RESOLUTIONS

5.1. Resolution #04-2026PB - Asim Javaid And Babar Boota

Documents:

[04-2026ZB - ASIM JAVAID AND BABAR BOOTA.PDF](#)

6. CORRESPONDENCE

7. APPLICATIONS

8. OTHER BUSINESS

9. PUBLIC COMMENT

10. ADJOURNMENT

**CITY OF MILLVILLE
ZONING BOARD OF ADJUSTMENT**

MEETING MINUTES SUMMARY

FEBRUARY 5, 2026

SALUTE TO FLAG

CALL TO ORDER:

Members of the Millville Zoning Board met on the above date for their regularly scheduled monthly meeting in the Richard C McCarthy Chamber, 4th floor of City Hall. The Secretary called the meeting to order at 6:02 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.

OATHS OF OFFICE:

Justin White, Esquire administered oaths of office to the Planner, Christopher Dochney, as well as the new regular member of the Zoning Board, Brian Mills.

ROLL CALL:

Dawn Grossman, Board Secretary conducted roll call. There were six members in attendance. There was a quorum and the meeting proceeded.

PRESENT:

Paula Heulings
Angeline Broomhall (arrived late but in time for the application)
Andrew Van Hook
Brian Mills
Roy Sheppard
Timothy Carty, Vice-Chairman
Tamara Davis, Chairperson

ABSENT:

Frank Dougherty

PROFESSIONALS:

Justin White, Esq. – Solicitor
Michelle Nothaft – Assistant City Engineer
Christopher Dochney – City Planner
Itzel Torres – Zoning Officer
Dawn Grossman – Board Secretary

ADOPTION OF MINUTES:

Mr. Van Hook made a motion to approve the regular Board meeting Minutes of January 8, 2026, seconded by Mr. Mills. In Favor – Mr. Sheppard, Mr. Van Hook, Mr. Mills, Vice-Chair Carty, and Chairperson Davis. Absent – Ms. Broomhall. Abstain – Ms. Heulings.

ADOPTION OF RESOLUTIONS:

Res #03-2026ZB – Highland Development, 252 Lakeshore Dr., Block 194, Lot 2993, denying approval of Bulk (C) Variance relief, was memorialized. Motion by Mr. Van Hook, seconded by Vice-Chair Carty. In favor – Mr. Van Hook, Vice-Chair Carty and Chairperson Davis.

RECESS

The Board took a brief recess. Ms. Broomhall arrived and the meeting proceeded.

APPLICATION:

App #12-2025ZB – Asim Javaid and Babar Boota
815-819 N 2nd St
Block 291, Lots 20 & 21
Seeking D (2) Variance relief

FOR THE APPLICANT:

Victor Druziako, Esquire
Gregory Simonds, Engineer
Asim Javaid, Applicant
Babar Boota, Applicant
Tevfik Gunaydin

PRESENTATION:

Victor Druziako appeared on behalf of the applicant. The subject property was previously used as a candle store and more recently, a convenience store. The applicant is looking to incorporate an eat in/take out food service. After review of the Planning report, as well as the Engineering report, there were several concerns to be addressed. Regarding parking, the City requires 9 parking spaces, where there are currently 8 spaces. Mr. Druziako stated that a 9th parking space could be added which would be located in the gravel area. The applicant is willing to pave the gravel space, if the Board prefers. The camper trailer, previously on the lot, was removed. Mr. Druziako testified that the applicant is proposing modestly priced food, which would be beneficial to the community.

Gregory Simonds was sworn in, accepted as an expert in civil engineering and provided testimony. The subject property is a 3,000 square foot commercial building. One-half the building will be used

for storage, while the other half will be used as a convenience store, with 750 square feet being used for restaurant take-out food, with approximately 3 tables for eat-in dining. The site currently has an existing asphalt parking lot, with 8 parking spaces. The applicant is proposing a trash enclosure as well. The existing sign will be utilized, having dimensions of 96 inches long x 80 inches high, beginning at 42 inches from the ground. As to the required Bulk Variances, the front yard setback is proposed at .2 feet, where 25 feet is required. The side yard setback is proposed at 1.5 feet, where 8 feet is required. The rear yard setback is proposed at 19.6 feet, where 35 feet is required. These are all pre-existing, non-conforming conditions. There is currently a large open 64 foot area, with evergreen shrubs surrounding portions of the property. The applicant is proposing to expand the current non-conforming use to include cooked fast food, such as burgers and fries, for eat in/take-out. The site will be cleaned up and the appearance will be improved. The gated entrance will have a regulation size stop sign installed, making a safer traffic flow. The application proposes no negative impact to the public. If the current gravel parking space is paved, it will have minimal impact on stormwater runoff. Another alternative to the gravel parking space is to provide a parallel parking space on the already paved lot.

The Board had concerns for nearby residential homes, regarding stormwater runoff, if additional impervious coverage was added for the 9th parking space. Another concern of the Board regarding supply delivery is the tight space for the delivery truck to maneuver. Mr. Simonds addressed the parking lot stating that currently there is 40 feet between the parking spaces and the existing edge of pavement. A two way drive aisle is 24 feet, plus 9 feet for the additional parking space, with 7 feet remaining, which would be adequate for a supply delivery truck.

Mr. Simonds testified that the applicant has proposed mounted lighting on the building to cover the full parking lot but will not overflow onto neighboring properties. Mr. Simonds stated that the applicant is agreeable to meet all of the conditions of the City.

Asim Javaid and Babar Boota were sworn in and gave testimony. The proposed hours of operation would be 7:00 a.m. to 7:00 p.m. An increase of 10-15 customers is expected with the addition of cooked food, along with the proposed addition of 3 tables for customers who are dining inside. The business will have 2 shifts for employees. A grill will be added, along with an oil fryer for cooking. No walk-in refrigerators/freezers are proposed.

The applicant testified that a Zoning permit has been obtained for the existing metal storage trailer and will be used for storage of equipment that uses gasoline. The applicant confirmed that the camper trailer that was removed will not be returned to the property. The proposed layout of the building will have the convenience store located in the front of the building, the tables and cooking area will be located in the center and the storage located in the back of the building. Items to be sold in the convenience store are soda, chips, etc.

The Board had concerns regarding the old signage on the building and the property. The Board suggested that as a condition of approved, all signage must be removed and replaced with new, clean, clear, aesthetically pleasing signage, after obtaining the proper Zoning Permits.

The dumpster area is accessible by way of a nearby door. Cameras are currently installed to view the area of the property that is not visible from the building.

Deliveries are expected approximately once or twice per week, containing primarily food supplies. Currently deliveries are made by a minivan.

Tevfik Gunaydin was sworn in and gave testimony. A 10' x 4' Type I grease hood is proposed, along with a gas line. The suppression system will only cover the cooking area.

The Board had concerns regarding the large front window that is completely covered, where only 30% of the window coverage is permissible.

FOR THE CITY:

Michelle Nothaft
Christopher Dochney
Itzel Torres

Ms. Nothaft addressed the concern regarding stormwater runoff. Currently, there should be no issue, although a grading plan would have to be reviewed.

Ms. Nothaft addressed the need for a trash enclosure detail on a perfected plan, should the application be granted. She also mentioned the proposed restroom must be ADA compliant.

Mr. Dochney emphasized the Board should consider only the expansion of the non-conforming use (D-2) Variance, not the convenience store itself.

Ms. Torres stated that all proposed signs will require a Zoning Permit.

PUBLIC PORTION:

Open to public: No comments
Closed public comments on the application.

MOTION ON THE APPLICATION:

Mr. Mills motioned to approve the application, with conditions, seconded by Ms. Heulings.

Roy Sheppard No
Andrew Van Hook No
Angeline Broomhall No

Brian Mills Yes
Paula Heulings Yes
Vice-Chair Carty Yes
Chairperson Davis Yes
Vote Tabulation: (4) In Favor (3) Opposed
Application was Denied.

PUBLIC COMMENTS:

Angelica Hanstein, Millville, New Jersey. Ms. Hanstein spoke regarding the keeping of backyard chickens in her zone. She received a Zoning Violation for keeping 11 hens on a .46 acre lot in the Medium Density Residential Zone. She is confused as to the interpretation of the applicable Ordinance. Ms. Hanstein has a Petition with over 290 signatures in support of the Petition.

Justin White, Esquire responded to Ms. Hanstein. The Zoning violation was issued because a resident had complained to the Zoning Officer about the chickens. Mr. White made it clear that because a complaint was submitted, the Zoning Officer was required to investigate the complaint and ultimately write a violation, in accordance with the City Ordinance.

The public portion was closed.

OTHER BUSINESS:

None

ADJOURNMENT

Ms. Broomhall made a motion to adjourn, seconded by Vice-Chair Carty. All in favor.

Meeting adjourned at 7:17 p.m.

Respectfully submitted,

Dawn Grossman
Zoning Board Secretary

- A. A completed Development Application Form dated November 21, 2025;
- B. A completed escrow agreement dated November 24, 2025;
- C. A completed Acknowledgment of Water / Sewer Connection Fees dated November 24, 2025;
- D. A completed Professional Contact Information form;
- E. A Major Site Plan prepared consisting of three (3) sheets prepared by Gregory J. Simonds, P.E. of Ewing Associates dated November 5, 2025;
- F. A Survey of the Property prepared by Erik F. Valentin of Ewing Associates dated October 20, 2025;
- G. Various construction permits issued by the City to the Applicants pertaining to the proposed modifications to the interior of the Structure;
- H. The current Deed for the Property dated February 18, 2020;
- I. A “Statement in Support of D Variance Application” prepared by Applicant’s counsel and dated November 24, 2025;
- J. A Property Record Card for the subject Property dated November 24, 2025;
- K. An IRS form W-9 dated November 25, 2025;
- L. A 200’ property list;
- M. Proof of Publication, thereby confirming the Applicant’s compliance with the requirements of N.J.S.A. 40:55D-12(a);
- N. An Affidavit of Proof of Service, thereby confirming the Applicant’s compliance with the requirements of N.J.S.A. 40:55D-12(i);

WHEREAS, the Zoning Board of Adjustment having considered the comments of its municipal engineer as set forth in the Engineering Report by Michelle A. Nothaft, assistant municipal engineer, dated January 27, 2026; and,

WHEREAS, the Zoning Board of Adjustment having considered the comments of its municipal planner as set forth in the Planning Report by Christopher N. Dochney, PP, AICP, dated January 30, 2026; and,

WHEREAS, at a public hearing conducted on February 5, 2026, the Applicants appeared and were represented by counsel, Victor Druziako, Esq., and offered the following proofs in support of the Application and/or elicited the following:

1. Items A-N of the Application, such items described above, were received and considered by the Board.

2. Applicants' counsel introduced the Application and relief sought. The Property current operates as a convenience store. Applicant proposes installing cooking / kitchen equipment and will offer hot food for sale. There will be a limited dine-in option, as Applicant proposes installing about three tables. The balance of food sales will be takeout.

3. Applicants' engineer, **Gregory Simonds** was sworn and provided testimony. Mr. Simonds was accepted as an expert in his stated field of civil engineering.

4. Mr. Simonds provided an overview of the proposed development at the Property.

5. The Structure's footprint is not changing. The front half of the Structure is used as a convenience store. The rear half is used for storage. The cooking / kitchen equipment will be installed within the area of the Structure currently used as a convenience store. The rear half will continue as storage.

6. As per Chapter 30 of the Code of the City of Millville (the "Code"), a total of nine (9) off-street parking spots are required. The Property currently has eight (8) parking spots. These existing parking spots are in the combination paved and gravel lot adjacent to the Structure.

7. The lot is large enough to accommodate a ninth parking spot. A discussion ensued about the location of the additional, ninth parking spot. Applicant agrees that it will be perpendicular to the Structure at the eastern end of the Structure. The lot is currently gravel in this area. Applicant agrees that the additional spot will be paved.

8. In addition to the ninth dedicated parking spot, the lot has room for overflow parking in its gravel area.

9. Applicants' representatives were asked about two (2) trailers located on the Property, which are apparently used for storage. Applicants' engineer explained that one of the trailers had just recently been removed from the Property and will not be returning. The second trailer, referred to as a "sea box" by Applicants, does remain. Applicants claim that the City has issued a permit for this trailer and that its presence is lawful.

10. Applicants submit that the current Structure is well suited for the purpose of cooking and selling hot food. The surrounding community will benefit from having access to moderately priced food. Applicants intend to offer a simple menu with staple items such as hamburgers and french fries.

11. As set forth on the Site Plan, a trash enclosure is proposed. At the request of the City's engineer and as a condition of approval, a detail as to the trash enclosure will be provided.

12. There is an existing sign approximately 96" x 80" in face size and affixed to a 42" pole. Applicants will reuse the existing sign structure and update the sign face to reflect the current business.

13. Applicants agree that as a condition of approval, they will improve the landscaping and plant shrubs around the perimeter area of the Property. The landscaping / shrubs will also serve as a buffer between the Property and the residential properties situated to the Property's east (back) portion.

14. Applicants submitted a satellite image of the Property and the surrounding area. This was received and considered by the Board.

15. The satellite image shows that there are several commercial properties in the vicinity of the subject property, including a gas station with a convenience store.

16. Upon questioning, Mr. Simonds addressed concerns about delivery trucks maneuvering in the parking lot area. He explained that there is adequate room in the lot for a truck to enter, maneuver and then exit.

17. Existing lighting in the parking lot is adequate.

18. Applicants, **Asim Javaid** and **Babar Boota**, were sworn and gave testimony on their own behalf.

19. The convenience store's current hours of operation are 7 a.m. until 7 p.m. The addition of food service will not change these hours of operations.

20. Business should increase once food is offered. There will be more customers.

21. There will be three (3) tables inside the convenience store area for patrons choosing to dine-in.

22. Applicants confirmed that the one trailer has been removed from the Property.

23. The proposed kitchen equipment includes a grill and a deep fryer. A grease trap will also be installed.

24. A public restroom will be available. Applicants will comply with the ADA as to accessibility of the restroom.

25. Currently, about 700 square feet of the Structure are used for the retail operation of the convenience store. This amount of floor space is not changing.

26. Applicants were asked about temporary signage currently on the Structure. Applicants agree that as a condition of approval they will remove the temporary signage.

27. About 1-2 truck deliveries per week are expected. This is the number of truck deliveries currently servicing the convenience store. The number of deliveries is not expected to increase.

28. Applicants' contractor, **Tevfik Gunaydin** of T&G General Contractors, was sworn and gave testimony on Applicants' behalf.

29. Mr. Gunaydin provided an overview of the proposed installation of the cooking / kitchen equipment. All work will be code compliant. A fire suppression system for the cooking / kitchen equipment will be installed.

30. Additional discussion ensued between the Board and the Applicants over the remaining trailer / "sea box." Applicants use this for storage of tools and equipment used in maintaining the Property. The Board made clear that any variance relief it might grant should not be construed as approval of the trailer / "sea box."

31. It is apparent from the satellite image that residential properties are situated very close to the subject Property, such residential properties being to the Property's north (on F Street), its east (on N. 3rd Street) and south (on E Street).

32. The proximity and number of neighboring residential properties is also apparent on the 200' notification list. The notification list shows twenty-two (22) residential properties within 200' of the subject Property.

33. Several Board members indicated concern as to site suitability for the proposed expansion of the non-conforming use. Several Board members indicated concern that granting an expansion of the non-conformity would substantially impair the intent and purpose of the zone plan and zoning ordinance.

34. Board member Angeline Broomhall specifically expressed concerns about the closeness of the aforesaid residences to the Property. She was concerned that cooking odors would emanate from the Property and negatively impact neighboring residents.

35. Also, the discarding of food and kitchen waste could attract vermin. This would negatively impact the neighboring residents.

36. Ms. Broomhall expressed additional concerns in light of a use variance running with the land. A subsequent owner / operator of a restaurant that is not responsible with upkeep and cleanliness could exacerbate a vermin issue.

WHEREAS, the meeting was opened for public comment, and no person appeared to offer opposition to the relief requested by the Applicants;

WHEREAS, the City of Millville Zoning Board of Adjustment, on a motion for approval, denied Applicant’s request for a “d(2)” variance, by a vote of 4-3, with four (4) Board members voting to approve and three (3) Board members voting to not approve; and,

WHEREAS, the Board members voting not to approve the variance find that the proposed expanded non-conforming use could have negative effects upon the surrounding residential neighborhood and could substantially impair the intent and purpose of the zone plan and zoning ordinance; and

WHEREAS, the Board members voting not to approve the variance find that Applicants failed to carry their burden of proving that the so-called “positive criteria” outweighed the so-called “negative criteria”; and,

WHEREAS, in light of the denial of the “d(2)” variance, the Zoning Board did not rule upon any associated bulk variances, waivers and/or site plan approval, because those requests were considered moot by virtue of denial of the “d(2)” variance; and,

NOW, THEREFORE, BE IT RESOLVED by the City of Millville Zoning Board of Adjustment, that the application of Asim Javaid and Babar Boota for a variance pursuant to N.J.S.A. 40:55D-70(d)(2) Chapter 30 of the Code of the City of Millville, at the Property located at 815-819 N. 2nd Street, Block 291, Lots 20 & 21, be and is hereby DENIED; and,

BE IT FURTHER RESOLVED that a copy of this Resolution shall be provided to the Applicants’ attorney, and that notice of the actions recited herein shall be published in accordance with prevailing law.

The vote upon the Motion made to grant the Applicants’ request for a use variance and was recorded, as follows:

ROLL CALL

MEMBER	Motion	2nd	YEA	NAY	ABSENT	RECUSE	ABSTAIN
Tamara Davis, Chairperson							
Timothy Carty, Vice-Chair							
Andrew Van Hook							
Roy Sheppard							
Angeline Broomhall							
Brian Mills							
Paula Heulings							
D’Andre Heath, Alt I							
Vacant, Alt. II							
Vacant, Alt III							
Frank Dougherty, Alt. IV							

AND BE IT FURTHER RESOLVED that a copy of this Resolution shall 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 Clerk of the City of Millville.

By: _____
Dawn Grossman, Board Secretary

By: _____
Tamara Davis, Chairwoman