

OPRA Log#276
Due - 4-19
Cathy D'Anduono <cdanduono@laceytownship.org>

Fwd: OPRA request - All documentation of investigation of 20 Jones Rd for ordinance violation.

1 message

Veronica Laureigh <lanceyclerk@laceytownship.org>
To: Cathy D'Anduono <cdanduono@laceytownship.org>

Mon, Apr 11, 2022 at 7:45 AM

----- Forwarded message -----

From: **Brooke Fallon** <opra+request-30967-93571318@requests.opramachine.com>
Date: Mon, Apr 11, 2022 at 7:21 AM
Subject: OPRA request - All documentation of investigation of 20 Jones Rd for ordinance violation.
To: OPRA requests at Lacey Township <lanceyclerk@laceytownship.org>

Dear Lacey Township,

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https://opramachine.com/change_request/new?body=lacey_township

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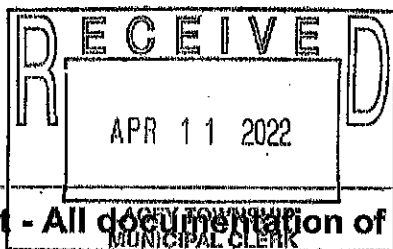
Thank you

Veronica Laureigh
Municipal Clerk/Administrator
Township of Lacey
818 Lacey Road
Forked River, NJ 08731
609-693-1100 ext. 2200

4-18-22

CD Anduono

✓ Police
✓ Code Enf.
✓ Zoning



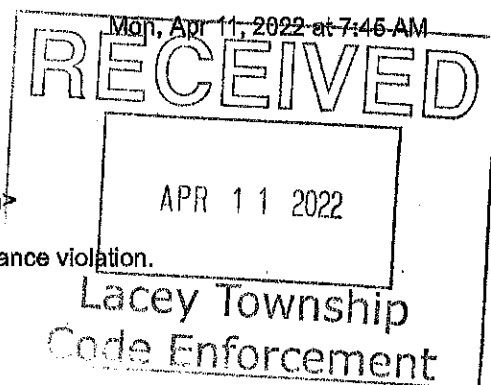
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Thank you

Veronica Laureigh
Municipal Clerk/Administrator
Township of Lacey
818 Lacey Road
Forked River, NJ 08731
609-693-1100, ext. 2200

13 PAGES
NO SUMMONS
[Signature]

Police
Code Enf.
Zoning

COMPLAINT # 013878TOWNSHIP OF LACEY
CODE ENFORCEMENT
COMPLAINT FORMDATE RECEIVED 3-11-22RECEIVED BY: [Signature]

PHONE-LETTER-IN PERSON-C.E.O.

COMPLAINANT'S LOCATION AND DESCRIPTION OF VIOLATION:

20 JONES RD - OPERATING BUSINESS
IN R-75 ZONE W/O APPROVAL

COMPLAINANT'S NAME:

LTPD

COMPLAINANT'S PHONE NUMBER

OFFICE USE ONLY

CONFIRMED LOCATION OF VIOLATION:

20 JONES RD

BLOCK

LOT

TM

OWNER IN FEE:

TENANT:

INVESTIGATION

INSPECTION DATE:

3-11-22

PHOTO'S TAKEN:

NO

COMMENTS:

I CALLED H/O AND ADVISED ONCE AGAIN
A BUSINESS MAY NOT RUN OUT OF HIS HOUSE,
HE ADVISED HE WAS CLOSING THE BUSINESS AS
HE ONLY HAS HAD 2 RENTALS IN THE PAST YEAR DUE
TO COVID.

RESULT

MRS MAIA PROVIDED A NOTICE THAT THE BUSINESS☐ VIOLATION NOTICE- VIOLATION CODES☐ NO VIOLATION☐ ISSUE SUMMONS☐ RE-INSPECTION DATE

(OVER)

*
3-14-22

HAS BEEN CLOSED, THE WEBSITE IS
CLOSED.

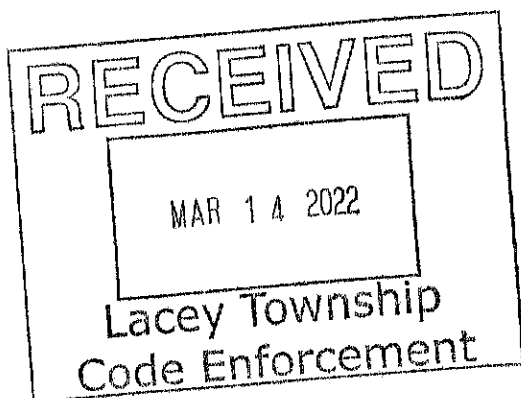
To whom it may concern,

March 14, 2022

I, Cindy L Navak-Naia, who owns
the business, Trophy Film Cars,
am shutting it down. The website
is discontinued, and the business
account has been closed.

Sincerely,

Cindy L Navak-Naia





This site can't be reached

Check if there is a typo in www.trophyfilmcars.com.

If spelling is correct, try running Windows Network Diagnostics.

DNS_PROBE_FINISHED_NXDOMAIN

WEB PAGE SHOT DOWN

A stylized handwritten signature or mark, possibly initials, written in black ink.



**TOWNSHIP OF LACEY
CODE ENFORCEMENT OFFICE**

818 LACEY ROAD
FORKED RIVER, NJ 08731
(609) 693-1100, EXTENSION 2249
FAX (609) 971-8035

EMAIL: CODEENFORCEMENT@LACEYTOWNSHIP.ORG

**NOTICE OF VIOLATION
ORDER TO TERMINATE**

DATE ISSUED: 11/16/21

COMPLAINT: 13,710

VIOLATION SITE: 20 JONES ROAD, FORKED RIVER; 315/22.01

OWNER IN FEE/AGENT: ROBERT NAIA
20 JONES ROAD
FORKED RIVER, NJ 08731

YOU ARE HEREBY ORDERED TO TERMINATE THE VIOLATIONS LISTED BELOW BY: 11/30/21

SITE (RE) INSPECTION WAS MADE ON: 11/15/21

TAKE NOTICE YOU HAVE BEEN FOUND IN VIOLATION OF: PM303.8

**PM303.8: NO UNREGISTERED VEHICLES ALLOWED ON
PROPERTY.**

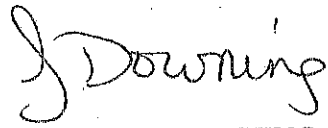
FAILURE TO COMPLY WITH THIS ORDER WILL CAUSE A SUMMONS TO BE ISSUED AND SUBJECT YOU TO PENALTIES AS FOLLOWS:

- 1.) ANY PERSON VIOLATING OR FAILING TO COMPLY WITH ANY OF THE PROVISIONS SHALL, UPON CONVICTION THEREOF, BE PUNISHABLE BY A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS (\$500.00), NOR MORE THAN ONE THOUSAND DOLLARS (\$1,000.00), BY IMPRISONMENT FOR A TERM NOT TO EXCEED NINETY (90) DAYS OR BY COMMUNITY SERVICE OF NOT MORE THAN NINETY (90) DAYS OR ANY COMBINATION OF FINE, IMPRISONMENT AND COMMUNITY SERVICE AS DETERMINED IN THE DISCRETION OF THE MUNICIPAL COURT JUDGE.

FOR EACH AND EVERY CALENDAR DAY ON WHICH A VIOLATION EXISTS MAY BE CONSIDERED TO BE A SEPARATE AND DISTINCT VIOLATION.

IN THOSE INSTANCES WHERE A PERSON OR PERSONS ABATE THE VIOLATION IN RESPONSE TO THIS NOTICE AND THEREAFTER PERMIT THE SAME TYPE OF VIOLATION, THE CODE ENFORCEMENT OFFICER SHALL BE AUTHORIZED TO ISSUE A SUMMONS IMMEDIATELY AND WILL NOT BE REQUIRED TO FOLLOW THIS NOTICE PROCEDURE.

THE CODE ENFORCEMENT OFFICE IS OPEN MONDAY THROUGH FRIDAY, 8:30 AM -- 4:30 PM. IF YOU WOULD LIKE TO DISCUSS THE MATTER AT HAND, YOU MAY CONTACT THE CODE ENFORCEMENT OFFICER DIRECTLY. THE BEST TIMES TO REACH HIM ARE BETWEEN 8:30 AND 9:00 AM AND BETWEEN 2:00 AND 2:30 PM MONDAY THROUGH FRIDAY.


JOHN DOWNING
CODE ENFORCEMENT OFFICER

9489 0090 0027 6147 0183 00

COMPLAINT # **013710**

TOWNSHIP OF LACEY
CODE ENFORCEMENT
COMPLAINT FORM

DATE RECEIVED

11-15-21

RECEIVED BY [Signature]

PHONE-LETTER-IN PERSON-C.E.O.

COMPLAINANT'S LOCATION AND DESCRIPTION OF VIOLATION:

20 JONES RD
SEE EMAIL

COMPLAINANT'S NAME:

BROOKE FALLON

COMPLAINANT'S PHONE NUMBER

OFFICE USE ONLY

CONFIRMED LOCATION OF VIOLATION:

20 JONES RD

BLOCK 315

LOT 22.01

TM

OWNER IN FEE:

TENANT:

Robert Naia
20 Jones Rd
FR 08 731

INVESTIGATION

INSPECTION DATE:

11-15-21

PHOTO'S TAKEN:

YES

COMMENTS:

NO ONE ON SITE

303.8 NO UNREGISTERED VEHICLES ALLOWED
ON PROPERTY

RESULT

☐ VIOLATION NOTICE- VIOLATION CODES

☐ NO VIOLATION

☐ ISSUE SUMMONS

☐ RE-INSPECTION DATE ____/____/____

COMPLAINT # 013766

TOWNSHIP OF LACEY
CODE ENFORCEMENT
COMPLAINT FORM

DATE RECEIVED 11/9/21

RECEIVED BY: [Signature]
PHONE-LETTER-IN PERSON-C.E.O.

COMPLAINANT'S LOCATION AND DESCRIPTION OF VIOLATION:

20 Jones Road
fixing cars/running engines
a utv business on property

COMPLAINANT'S NAME: Brooke
COMPLAINANT'S PHONE NUMBER 609 335 4115

OFFICE USE ONLY

CONFIRMED LOCATION OF VIOLATION:

20 JONES RD
BLOCK 315 LOT 22.01 TM _____

OWNER IN FEE:

Robert Naia
20 Jones Rd.
FR 08 731

TENANT:

INVESTIGATION

INSPECTION DATE: 11-10-21

PHOTO'S TAKEN: NO

COMMENTS:

NO VIOLATIONS OBSERVED
FIXING CAR PERMITTED
NO VIOLATION

RESULT

☐ VIOLATION NOTICE- VIOLATION CODES _____
☒ NO VIOLATION ☐ ISSUE SUMMONS ☐ RE-INSPECTION DATE ____/____/____



LACEY TOWNSHIP POLICE DEPARTMENT

Community Policing in Forked River, Lanoka Harbor, and Bamber Lake

Michael C. DiBella
Chief of Police

808 West Lacey Road, Forked River, New Jersey 08731
Telephone: 609.693.6636 Fax: 609.693.3894

TO: Chris Reid, Director
Community Development

FROM: Michael C. DiBella
Chief of Police

DATE: March 11, 2022

SUBJECT: 20 Jones Road, Forked River

On November 12, 2021, I assigned Lieutenant Robert Flynn to conduct an investigation into complaints regarding 20 Jones Road, Forked River. I was provided with an email authored by Thomas and Brooke Fallen, 22 Jones Road, regarding two separate complaints, the first one being a noise violation, specific to Lacey Township Municipal Ordinance No. 242-4(F) and (H), and the second for operating a home occupation in a residential zone (out of a residence) without the proper permit, in violation of Lacey Township Ordinance No. 335-22.2.

On Wednesday, March 8, 2022, Lieutenant Flynn concluded his investigation. His investigation determined that Mr. Robert Naia has 33 collector vehicles registered to him personally as Historic vehicles, with his 20 Jones Road residential address. Mr. Naia has a used card dealer business registered to him with the address of 20 Jones Road, and is engaged in the business of renting and selling vehicles. Lieutenant Flynn determined that Mr. Naia utilizes the residence in some respect to support his business as evidenced by a steady rotation of vehicles on and off the property, and according to Ms. Fallon, the repairing and testing of vehicles on an on-going basis.

Mr. Naia has photos of the vehicles being offered for sale or rent on his business website (TrophyFilmCars.com) that appear to have been taken while the vehicles were displayed at his residence, 20 Jones Road. The same website lists an address of 435 South Main Street in Forked River, however, a February 2022 search of the New Jersey Department of State, NJ Motion

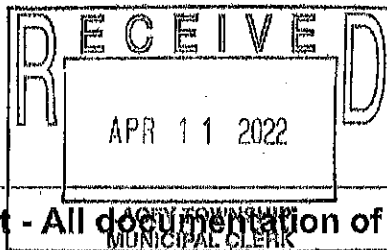
Picture & Television Commission, Production Services Directory, lists Trophy Film Cars, with the contact information of Robert and Cindy-Novak-Naia, with an address of 20 Jones Road, Forked River. As stated prior, the investigation revealed that Trophy Film Cars is currently registered as a "Used Car Dealer" with an address of 20 Jones Road.

At the conclusion of Lieutenant Flynn's investigation, he advised that due to the enactment of the New Jersey Department of Environmental Protection (DEP) Noise Control Act in April 2021, our current Township Noise Ordinance 242-4(F)/242-4(H) is unenforceable until it is reviewed and approved by the DEP. Until then the ordinance is unenforceable as it relates to the 20 Jones Road noise complaints.

However, Lieutenant Flynn is recommending enforcement action be taken against Robert Naia for a violation of Lacey Township Ordinance 335-22.2 Home Occupations, which he believes should be signed by Code Enforcement and/or Community Development, as it will require a permit process through the Zoning Officer and Planning Board. Additionally, the investigation revealed violations related to the motor vehicle laws of New Jersey, which are being handled separately.

If you have any questions regarding this matter please do not hesitate to contact me. Thank you.

CC: Timothy McDonald, Committeeman - Police Liaison
Veronica Laureigh, Township Administrator



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Due - 4-19

Cathy D'Anduono <cdanduono@laceytownship.org>

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Veronica Laureigh
Municipal Clerk/Administrator
Township of Lacey
818 Lacey Road
Forked River, NJ 08731
609-693-1100, ext. 2200

No. Home Occupation
Permit was issued and

No investigation report was
Written by Christopher Reid

@ 4/12/22

Police
Code Enf.
Zoning



LACEY TOWNSHIP POLICE DEPARTMENT

Community Policing in Forked River, Lanoka Harbor, and Bamber Lake

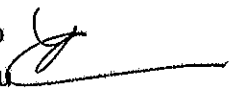
Michael C. DiBella
Chief of Police

808 West Lacey Road, Forked River, New Jersey 08731

Telephone: 609.693.6636

Fax: 609.693.3894

TO: Veronica Laureigh
Township Clerk/Administrator
Custodian of Records

FROM: Lynn J. Talarico
Records Bureau 

DATE: April 18, 2022

SUBJECT: OPRA Request Log # 276—Brooke Fallon

On Monday, April 11, 2022, this agency received the attached Open Public Records Act Request as faxed by the Lacey Municipal Clerk's Office. The request is for documentation and findings of the investigation of 20 Jones Rd for the violation of the Home Occupation ordinance. Include all reports written by Lt. Robert Flynn, between the date of September 2021 and April 2022 regarding 20 Jones Rd including any summonses and tickets issued for the violations at 20 Jones Road.

I have attached the requested documents that are permitted to be released pursuant to this request as governed by the provisions of OPRA (N.J.S.A. 47:1A-1.1).



Michael C. DiBella
Chief of Police

Lacey Township Police Department

808 W. Lacey Road, Forked River, NJ 08731

SPECIAL REPORT

TO: Michael C. DiBella, Chief of Police
FROM: Lt. Robert Flynn #78
DATE: March 8, 2022
RE: Neighbor Complaint 20/22 Jones Road, Forked River

Per your request, I have conducted an investigation into a neighbor complaint at 20 and 22 Jones Road. The owner of 22 Jones Road is Ms. Brooke Fallon, and the owner of 20 Jones Road is Mr. Robert Naia. Ms. Fallon has sent several emails to various township offices over the past few years in regard to the complaints she has against Mr. Naia.

The nature of Ms. Fallon's complaint is that Mr. Naia owns and operates a business out of his home at 20 Jones Road, and said operation infringes on her peaceful enjoyment of her property. The infringement comes in the form of vehicle noise, exhaust fumes, and an increase of traffic to and from the residence as a result of the business operations taking place. Ms. Fallon feels this is in violation of several township ordinances and zoning regulations.

The following references from the Code of the Township of Lacey are referenced by Ms. Fallon and are applicable to this case:

§ 242-4 Prohibited acts

No person shall unreasonably make, continue or cause to be made or continued any noise disturbance. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this section. The following acts and the causing thereof are declared to be in violation of this chapter:

242-4(F)

Vehicle or motorboat operation, repairs and testing: operating, repairing, rebuilding, modifying or testing any motor vehicle, motorcycle or motorboat in such a manner as to cause a noise disturbance on a public space or on a public right-of-way or across a residential real property boundary or within a noise-sensitive zone.

242-4 (H)

Noise and disorderly conduct prohibited. It shall be unlawful for any person by noisy or disorderly conduct to disturb or interfere with the quiet or good order of any place of assembly, public or private, including schools, churches, libraries and reading rooms, or take part in any riotous or other disorderly conduct that shall disturb the peace and quiet of any family or neighborhood or any of the inhabitants of this municipality.

§ 335-22.2 Home occupations.

A. A "home occupation" is defined as an accessory use conducted for commercial gain incidental to a dwelling and carried on within the dwelling or an accessory building by members of the family residing therein.

B. Home occupations shall be permitted in residential zones by obtaining a permit from the Zoning Officer under the following conditions:

- (1) Those engaging in the home occupation must be residents of the dwelling.
- (2) The space devoted to the home occupation must be 25% or less of the total square footage of the dwelling and shall not alter the character of the building's appearance from residential to commercial.
- (3) Retail sales will not be conducted on the property.
- (4) Only one vehicle may be engaged in or used in support of the home occupation and shall be limited in size so that the exterior extremities of the vehicle will fit within the standard parking space, nine feet in width by 19 feet in depth, as defined in § 285-11A(1)(a) of Chapter 285, Site Plan Review. The vehicle used in support of the home occupation must be parked on site. The term "vehicle," as used in this subsection, includes any vehicle requiring registration, including but not limited to cars, trucks, trailers and boats.
- (5) The home occupation shall not constitute a nuisance to adjacent residential properties for reasons of noise, vibration and electrical interference or otherwise adversely affect the safe and comfortable enjoyment of property rights in the residential zone.

C. If the home occupation is to be located on the property but outside the principle dwelling, application must be made to the Planning Board for a conditional use approval. Home occupations shall only be permitted if no activity in connection with home occupation is conducted outside of the principal dwelling. Activities which will result in a home occupation no longer being permitted in a residential zone include but are not limited to storing of material or equipment or engaging in any home occupation activity outside of the principle dwelling. If any activity is conducted in connection with the home occupation outside of the principal dwelling, conditional use approval is necessary.

Ms. Fallon states that Mr. Naia owns a business engaged in the selling and renting of rare and/or classic cars. She provided multiple aerial photos showing a large number of vehicles being stored in the front and rear property at 20 Jones Rd. Ms. Fallon stated Mr. Naia routinely brings classic cars to the residence where he performs repairs and maintenance related to the sale and rental of the vehicles. Ms. Fallon stated she has appeared in Lacey Township Municipal Court on 2021 in relation to the ongoing dispute and there was no resolution at that time, as both neighbors' complaints against each other were dismissed.

Ms. Fallon advised that she had spoken to John Downing, Lacey Township Code Enforcement Officer, regarding the situation. Ms. Fallon claims she was advised that because Mr. Naia has the vehicles registered in his name that he is not running a business. Ms. Fallon stated she was also advised by the

Township Administrator that the noise concerns fall under the jurisdiction of the police department and not code enforcement, and that she should contact the police when the noise is occurring.

On December 20, 2021, I attended a meeting with Christopher Connors, Veronica Laureigh, Christopher Reid, and John Downing. The meeting was to primarily discuss the township's current noise ordinance, which has been deemed unenforceable due to the enactment of the New Jersey Department of Environmental Protection (DEP) Noise Control Act in April 2021. The enactment of the State's Noise Control Act required any municipal noise ordinance to be submitted to the DEP for approval, whether it adhered to the State's new Model Noise Control Ordinance verbatim, or whether it was proposed with deviations from the model ordinance. Since the Township had not submitted a noise ordinance for review, the existing ordinance is unenforceable.

The Township's current noise ordinance was discussed and it was agreed upon that a new noise ordinance would be drafted with some deviation from the State's Model Noise Ordinance, and subsequently submitted to the DEP for review and approval. This process will take considerable time to complete.

The unenforceability of our existing noise ordinance renders this portion of Ms. Fallon's complaint moot at this point, until such time that a new ordinance is drafted, approved, and codified.

During this meeting a discussion was also held in regard to Ms. Fallon's complaints. Christopher Reid was in agreement with my position that Mr. Naia was running a business out of his residence and did not have the necessary approvals required by § 335-22.2 Home occupations. However; Code Enforcement Officer John Downing stated that he did not believe this to be the case, based on previous conversations he had with the Honorable Damian Murray, the municipal court judge. Mr. Downing stated that Judge Murray was of the position that since the vehicles were all registered personally to Mr. Naia with QQ historic registration plates, then Mr. Naia could not be considered to be running a business with those vehicles.

On February 8, 2022, I met with Judge Murray regarding this information. Judge Murray recalled having the conversation with Mr. Downing, and stated that although he did not make the determination that Mr. Naia was not running a business out of the residence, he did believe that Mr. Naia was entitled to do whatever he wanted to the vehicles in terms of repairs, etc, since they were registered to him personally as historic vehicles.

In reference to the historic vehicle registration, on February 16, 2022 I conducted a New Jersey Motor Vehicle search which revealed that Mr. Naia has 33 collector vehicles registered to him at 20 Jones Road with QQ Historic Vehicle plates. Many of these vehicles can be seen in photos posted on the Trophy Film Cars business website.

The New Jersey Motor Vehicle Commission Historic Vehicle requirements are as follows:

1. The vehicle must be owned as a collector's item
2. The vehicle must be used solely for exhibition or educational purposes
3. The vehicle cannot be altered from the manufacturer's original design in any way
4. The vehicle must be equipped for legal operation on NJ roadways

In reviewing this information it appears that Mr. Naia is in violation of the requirements for the use of Historic Vehicle Registration, as he is offering the vehicles for rent or sale as part of the Trophy Film Cars used car dealer business he has registered to his address.

Turning to Ms. Fallon's second complaint of the violation of § 335-22.2 Home occupations, it would appear, on the surface, that Mr. Naia is in fact violating this ordinance, in that he is utilizing the residence at 20 Jones Road to support his business.

Over the course of the past several years, Mr. Naia has moved most of the vehicles off the property to off-site storage locations. A search of the TrophyFilmCars.com website has the business address listed as 435 South Main St, Forked River. However; a February 2022 search of the New Jersey Department of State, NJ Motion Picture & Television Commission, Production Services Directory, lists Trophy Film Cars, with the contact information as "Rob" and "Cindy-Novak-Naia", and an address of 20 Jones Road, Forked River. Additionally, a Comprehensive Business Report obtained via a Lexus-Nexis Accurint for Law Enforcement search indicated the business Trophy Film Cars is currently registered as a 'Used Car Dealer' with an address of 20 Jones Road.

In summary, Mr. Naia has 33 collector vehicles registered to him personally as Historic Vehicles, with his 20 Jones Road residential address. Mr. Naia has a Used Car Dealer business registered to him with a business address of 20 Jones Road, and is engaged in the business of renting and selling vehicles. Mr. Naia utilizes the residence in some respect to support his business as evidenced by a steady rotation of vehicles on and off the property, and according to Ms. Fallon, the repairing and testing of vehicles on an ongoing basis. Mr. Naia also has photos of the vehicles being offered for sale or rent on the business website that appear to have been taken while the vehicles were displayed at his residence.

My recommendation would be that a referral be made to the New Jersey Motor Vehicle Commission regarding the potential misuse of Historic Vehicle registration by Mr. Naia, and that enforcement action be initiated for violation of Lacey Township Ordinance § 335-22.2 Home occupations, which would most appropriately be handled by Code Enforcement and/or Community Development, as it will require a permit process through the Zoning Officer and Planning Board.