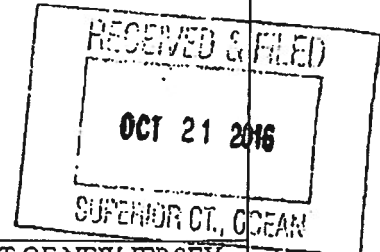


Stuart A. Platt, Esquire
Attorney I.D. No. 028031988
PLATT & RISO, P.C.
40 Berlin Avenue
Stratford, NJ 08084
(856) 784-8500
Attorneys for Plaintiff, Jersey Sportsman c/o William Malcolm



JERSEY SPORTSMAN c/o WILLIAM
MALCOLM,

Plaintiff,

v.

THE LACEY TOWNSHIP BOARD OF
ADJUSTMENT,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
OCEAN COUNTY

Docket No.

PW 2814-16
CIVIL ACTION

COMPLAINT IN LIEU OF
PREROGATIVE WRITS

Plaintiff, Jersey Sportsman c/o William Malcolm, by way of Complaint in Lieu of Prerogative Writs against Defendant, the Lacey Township Board of Adjustment ("Board"), says:

PARTIES AND SUBJECT PROPERTY

1. At all times relevant hereto, Plaintiff was and is the lessor of certain property situate within the Township of Lacey in the County of Ocean and State of New Jersey located at 118 South Main Street, Forked River, New Jersey also known as Block 5.03, Lot 4 ("P.I.Q").

2. The P.I.Q. is located in the C-150 Highway Zone of the Township of Lacey.

3. At all times relevant hereto, Defendant, Lacey Township Board of

Adjustment, is the duly constituted administrative agency of the Township of Lacey, County of Ocean, State of New Jersey, charged with the duty, among other things, to grant variances from the provisions of the zoning ordinance of Lacey Township.

LAND USE APPLICATION

4. On or about April 13, 2016, Plaintiff applied to the Board for a use variance pursuant to N.J.S.A. 40:55D-70(d) to operate a retail firearms store at the P.I.Q. ("Variance Application").

5. On or about August 1, 2016, a public hearing was held before the Board on the Variance Application, during which Plaintiff demonstrated that special reasons existed for the use variance and that the approval could be granted without causing substantial detriment to the public good.

6. At the time of the hearing, several witnesses testified in favor of Plaintiff's Variance Application, and only one witness testified against it.

7. At the conclusion of the August 1, 2016 hearing, the Board voted to approve Plaintiff's Variance by a vote of four (4) in favor and three (3) against, resulting in the statutory denial of the application pursuant to N.J.S.A. 40:55D-70(d), which requires five (5) affirmative votes to grant a use variance.

8. The Board memorialized its August 1, 2016 decision by way of Resolution adopted on September 7, 2016, a true and correct copy of which is attached hereto as Exhibit "A" and made a part hereof.

9. As set forth in the Resolution, the Board denied the use variance sought by Plaintiff for the following reasons:

- The applicant has failed to provide sufficient credible evidence to satisfy the positive and negative criteria which would warrant the grant of the use

variance.

- The Board finds that there are no special reasons offered by the applicant other than the convenience of the public to purchase firearms within the Township.
- Further, the Board finds that there is no proof that the this site was uniquely situated for the sale of firearms and to the contrary, finds that such use within the mixed use facility does not support the uniqueness of this site for the proposed use of firearms sales.
- The Board further finds that the applicant has failed to satisfy the negative criteria and particularly finds that the structure contains a multiple of uses, including residential tenants that are not compatible with the sale of firearms.
- The Board also concludes that the site can be developed in accordance with other permitted uses in the Zone without undue hardship.

10. The record contains unsworn testimony and statements from at least one municipal official, namely Chris Reid, who knowingly, intentionally and purposefully persuaded the Board to deny the variance application through unsubstantiated assertions, interpretations and commentary.

11. Such actions on the part of Chris Reid improperly influenced the Board's decision, improperly interfered with the independent decision-making of the Board and was otherwise unlawful.

12. Upon information and belief, certain members of the Lacey Township Governing Body who were opposed to the Variance Application improperly communicated or attempted to improperly communicate with Board members or their professionals, either directly or indirectly through Chris Reid and others.

13. Such actions violated and interfered with the independence of the Board as required by law, amounted to a usurpation of the Board's authority and violated the rights of the Plaintiff.

COUNT ONE

(The Board's Decision Was Arbitrary, Capricious and Unreasonable)

1. Plaintiff repeats each and every allegation contained in the preceding paragraphs as if set forth at length herein.

2. The Board's denial of Plaintiff's Variance Application is at odds with the substantial evidence in the record and is without basis in law or fact.

3. As such, the Board's decision was arbitrary, capricious and unreasonable and an abuse of its discretion.

4. By denying the use variance, the Board acted contrary to fundamental principles of sound planning and violated the intent and spirit of the Municipal Land Use Law ("MLUL"), N.J.S.A. 40:55D-1, *et seq.*, and the case law interpreting same.

WHEREFORE, Plaintiff demands judgment against Defendant, Lacey Township Board of Adjustment, as follows:

- (a) Declaring the Board's decision arbitrary, capricious, and unreasonable;
- (b) Reversing the Board's denial of Plaintiff's Variance Application;
- (c) Cancelling, annulling and setting aside all actions taken by the Board;
- (d) Granting the requested use variance; and
- (e) Awarding such other procedural, substantive or equitable relief as the Court deems necessary and proper, including costs of suit and attorneys' fees.

COUNT TWO

(Improper Denial as to Variance Relief)

1. Plaintiffs repeat each and every allegation contained in the preceding paragraphs as if set forth at length herein.

2. Plaintiff demonstrated by sufficient and credible evidence that the

proposed use of the P.I.Q. as a retail firearms store satisfied both the positive and negative criteria as required by N.J.S.A. 40:55D-70(d).

3. The record is devoid of findings of fact and conclusions of law sufficient for the Board to deny the use variance requested by Plaintiff.

4. As such, the Board's actions are contrary to the fundamental principles of sound planning and violate the spirit and intent of the MLUL and governing law.

WHEREFORE, Plaintiff demands judgment against Defendant, Lacey Township Board of Adjustment, as follows:

- (a) Declaring the Board's decision arbitrary, capricious, and unreasonable;
- (b) Reversing the Board's denial of Plaintiff's Variance Application;
- (c) Cancelling, annulling and setting aside all actions taken by the Board;
- (d) Granting the requested use variance; and
- (e) Awarding such other procedural, substantive or equitable relief as the Court deems necessary and proper, including costs of suit and attorneys' fees.

COUNT THREE

(Improper Acceptance of Testimony and Proofs)

1. Plaintiff repeats each and every allegation contained in the preceding paragraphs as if set forth at length herein.

2. The record fails to contain sufficient evidence or testimony to support the Board's denial of the use variance in this matter.

3. The denial of the requested use variance was an abuse of the Board's discretion as it is in conflict with the testimony and evidence in the record.

4. The failure of the Board to properly consider the evidence and applicable case law in this matter is contrary to the Board's statutory obligations and the lawful

rights of the Plaintiff.

5. Plaintiff's interests have been adversely affected by the Board's decision in this matter.

WHEREFORE, Plaintiff demands judgment against Defendant, Lacey Township Board of Adjustment, as follows:

- (a) Declaring the Board's decision arbitrary, capricious, and unreasonable;
- (b) Reversing the Board's denial of Plaintiff's Variance Application;
- (c) Cancelling, annulling and setting aside all actions taken by the Board;
- (d) Granting the requested use variance; and
- (e) Awarding such other procedural, substantive or equitable relief as the Court deems necessary and proper, including costs of suit and attorneys' fees.

COUNT FOUR
(Defective Resolution)

1. Plaintiff repeats each and every allegation contained in the preceding paragraphs as if set forth at length herein.

2. The Board is obligated under applicable law to make findings of fact and conclusions of law and its resolutions are supposed to correspond by reiterating such findings in writing.

3. The Board's decision must reflect the actual deliberations and specific findings of fact made by its members in order to ascertain the Board's actions.

4. The Resolution does not reflect that the Board voted to approve Plaintiff's variance application or that four (4) members voted in favor thereof.

5. The Resolution does not contain sufficient findings of fact and conclusions of law to support the statutory denial of the requested use variance.

6. The Board's resolution fails to comply with the MLUL and does not accurately reflect the record of the hearing in this case.

7. The failure of the Board to adopt a proper resolution is a violation of law and contrary to its statutory obligations and the lawful rights of Plaintiff.

WHEREFORE, Plaintiff demands judgment against Defendant, Lacey Township Board of Adjustment, as follows:

- (a) Declaring the Board's decision arbitrary, capricious, and unreasonable;
- (b) Reversing the Board's denial of Plaintiff's Variance Application,
- (c) Cancelling, annulling and setting aside all actions taken by the Board,
- (d) Granting the requested use variance; and
- (e) Awarding such other procedural, substantive or equitable relief as the Court deems necessary and proper, including costs of suit and attorneys' fees.

COUNT FIVE
(Duty to Turn Square Corners)

1. Plaintiff repeats each and every allegation contained in the preceding paragraphs as if set forth at length herein.

2. The Board owes Plaintiff and the public a duty "to turn square corners" as articulated by the New Jersey Supreme Court in F.M.C. Stores, Co. v. Borough of Morris Plains, 100 N.J. 418 (1985).

3. The Board's actions in denying the use variance was arbitrary, capricious, unreasonable and otherwise without basis in law or fact, contrary to its statutory obligations and the lawful rights of the Plaintiffs.

4. The actions of the Board violated fundamental concepts of fairness.

5. As a result of the aforementioned conduct by the Board, Plaintiff has been

and continues to be injured and deprived of its rights as owners of their property.

WHEREFORE, Plaintiff demands judgment against Defendant, Lacey Township Board of Adjustment, as follows:

- (a) Declaring the Board's decision arbitrary, capricious, and unreasonable;
- (b) Reversing the Board's denial of Plaintiff's Variance Application;
- (c) Cancelling, annulling and setting aside all actions taken by the Board;
- (d) Granting the requested use variance; and
- (e) Awarding such other procedural, substantive or equitable relief as the Court deems necessary and proper, including costs of suit and attorneys' fees.

COUNT SIX

(Constitutional Violations/Deprivation of Civil Rights)

1. Plaintiff repeats each and every allegation contained in the preceding paragraphs as if set forth at length herein.
2. The Board's denial of Plaintiff's application results in a prohibition on the sale of firearms in violation of the Second Amendment, made applicable to the states by the Fourteenth Amendment, and amounts to selective enforcement in violation of Plaintiff's right to equal protection as provided for under both the United States and New Jersey Constitutions.
3. The Board's denial of Plaintiff's application violated his rights of due process and equal protection under the law.
4. The Board's decision constitutes an arbitrary, capricious and unreasonable restriction that prevents Plaintiff from exercising his fundamental rights guaranteed by the Second Amendment.
5. As a result, Plaintiff is entitled to equitable relief and damages pursuant to

42 U.S.C. §1983 and/or the New Jersey Civil Rights Act, N.J.S.A. 10:6-1, *et seq.*, in an amount to be determined at trial.

WHEREFORE, Plaintiff demands judgment against Defendant as follows:

- (a) Declaring that Defendant has violated Plaintiff's Second Amendment rights;
 - (b) Declaring that Defendant has violated Plaintiff's rights to equal protection;
 - (c) Reversing the denial of Plaintiff's application for a use variance;
 - (d) Awarding compensatory damages; and
 - (e) Awarding punitive damages,
 - (f) Awarding attorney's fees and costs pursuant to 42 U.S.C. §1988 and/or N.J.S.A. 10:6-2(f); and
- (e) Awarding such other procedural, substantive or equitable relief as the Court deems necessary and proper.

PLATT & RISO, P.C.

By: 

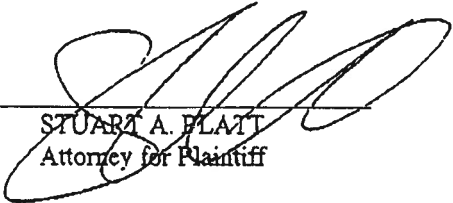
STUART A. PLATT
Attorney for Plaintiff

Dated: October 21, 2016

NOTICE PURSUANT TO RULES

TAKE NOTICE that the undersigned attorney, counsel for the Plaintiffs, hereby demands pursuant to R.1:5-1(a) and R.4:17-4(c), that each party herein serving pleadings, interrogatories, requests for production of documents, and receiving answers thereto, serve copies of all such pleadings and answered interrogatories, admissions or documents produced or received from any party upon the undersigned attorney and take notice that this is a continuing demand.

PLATT & RISO, P.C.

By: 

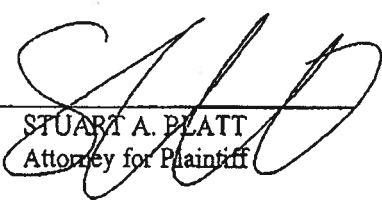
STUART A. PLATT
Attorney for Plaintiff

Dated: October 21, 2016

CERTIFICATION

Pursuant to R.4:5-1, the matter in controversy is not the subject of any other actions pending in any Court or other arbitration proceeding. Furthermore, there are no non-parties who should be joined in this action pursuant to R.4:28 or who are subject to joinder pursuant to R.4:29-1(b) because of potential liability to any party on the basis of the same transaction or facts.

PLATT & RISO, P.C.

By: 

STUART A. PLATT
Attorney for Plaintiff

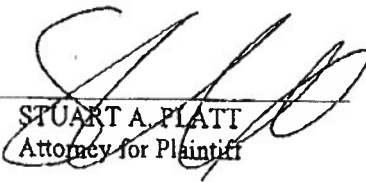
Dated: October 21, 2016

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that pursuant to R.4:25-4, Stuart A. Platt, Esquire, is hereby designated as trial counsel.

PLATT & RISO, P.C.

By:


STUART A. PLATT
Attorney for Plaintiff

Dated: October 21, 2016

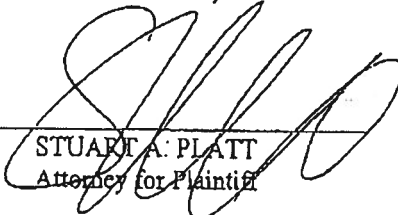
CERTIFICATION PURSUANT TO RULE 4:69-5

The undersigned hereby certifies that all necessary transcripts of local agency proceedings have been ordered.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

PLATT & RISO, P.C.

By:


STUART A. PLATT
Attorney for Plaintiff

Dated: October 21, 2016

L:\15-0120\PLEADINGS\Complaint.doc

Chris Reid

From: Veronica Laureigh Clerk/Administrator <lanceyclerk@comcast.net>
Sent: Friday, June 02, 2017 11:44 AM
To: lacey.commdev@laceytownship.org; 'Lacey Zoning'; lrs@gm-law.net
Subject: MX-M453N_20170602_105111;
Attachments: MX-M453N_20170602_105111.pdf

See attached letter from Mr. Hiering regarding Jersey Sportsman litigation.

Thank you
Veronica Laureigh
Municipal Clerk/Administrator
Township of Lacey
818 Lacey Road
Forked River, NJ 08731
609-693-1100, ext 2240
lanceyclerk@comcast.net
www.laceytownship.org

HIERING, GANNON AND MCKENNA

COUNSELLORS AT LAW

29 HADLEY AVENUE

FORKED RIVER, NEW JERSEY 08753

**WILLIAM T. HIERING, JR.
THOMAS G. GANNON
MICHAEL J. MCKENNA**

**Monmouth County Office:
108 South Main Street
Ocean Grove, N.J. 07756**

**(732) 349-1800
FAX # (732) 286-2275**

HHG5258@AOL.COM

May 30, 2017

**Veronica Laureigh, Administrator
Township of Lacey
818 Lacey Road
Forked River, New Jersey 08731**

**Re: Lacey Twp. Board of Adjustment ads. Jersey Sportsman
Docket No. OCN-L-002814-16**

Dear Administrator Laureigh:

As you are aware, our office represents the Township's Board of Adjustment. There was an application submitted by the Jersey Sportsman for expanding the use of its operation at 118 South Main Street, Forked River, New Jersey. The Board subsequently denied the requested relief and the applicant has commenced litigation based on that denial.

It is our understanding that the applicant is now willing to accept a monetary settlement from our insurance carrier, receive a zoning permit and then withdraw it's complaint.

The above will insure that no precedent is established for the use and avoid the cost and uncertainty of litigation.

Thank you for your efforts.

Very truly yours,

**WILLIAM T. HIERING, JR.
For The Firm**

WTH/da

Chris Reid

From: Sue Connor <lacey.landuse@laceytownship.org>
Sent: Friday, July 07, 2017 10:14 AM
To: Chris Reid
Subject: FW: Jersey Sportsman revised invoice
Attachments: A0528-0088-000 open invoices.pdf

From: Traci Topham [mailto:ttopham@alaimogroup.com]
Sent: Thursday, July 06, 2017 4:36 PM
To: Susan Connor (lacey.landuse@laceytownship.org) <lacey.landuse@laceytownship.org>
Subject: FW: Jersey Sportsman revised invoice

Good Afternoon,

I am following up on invoice #091082 that was revised and submitted back in January – please let me know the status of this invoice.

Also, I was hoping to get the status of invoice # 091890.

I have attached a listing of invoices for Jersey Sportsman. We show both of these invoices as open.

Thank you.

Cordially,

Traci Topham
Accounting Department



ttopham@alaimogroup.com
609-267-8310 x 208
200 High Street, Mt. Holly, NJ 08060

From: Traci Topham
Sent: Thursday, January 19, 2017 11:47 AM
To: Susan Connor (lacey.landuse@laceytownship.org) <lacey.landuse@laceytownship.org>
Subject: Jersey Sportsman revised invoice

Hi,

As we spoke of yesterday, I have attached a copy of revised 6/30/16 invoice for Jersey Sportsman. I will put the original in the mail tomorrow.

Date Printed: July 06, 2017
Time Printed: 4:27 pm

BILLINGS AND COLLECTIONS REPORT

Page 1 of 1

BILLINGS				COLLECTIONS			
INVOICE NUMBER	DATE BILLED	NET BILLED	NET ADJ	DATE APPLIED	AMOUNT COLLECTED	AR BALANCE	DAYS O/S
Company ID: A							

Customer: A0528 Lacey Township Zoning Board

Project ID: A0528-0088-000		Jersey Sportsman E-14-56-856-8					
090624	05/31/2016	270.00	0.00	08/18/2016	270.00	0.00	
091082	06/30/2016	810.00	0.00		0.00	810.00	365
091569	07/31/2016	270.00	0.00	09/28/2016	270.00	0.00	
091890	08/31/2016	303.75	0.00		0.00	303.75	303
Project Subtotal:		1,653.75	0.00		540.00	1,113.75	
CUSTOMER TOTALS:		A0528	1,653.75	0.00	540.00	1,113.75	
COMPANY TOTALS:			1,653.75	0.00	540.00	1,113.75	
REPORT TOTALS:			1,653.75	0.00	540.00	1,113.75	

Chris Reid

From: Sue Connor <lacey.landuse@laceytownship.org>
Sent: Friday, July 07, 2017 10:16 AM
To: 'Traci Topham'
Cc: Chris Reid
Subject: RE: Jersey Sportsman revised invoice

Hi Traci,

I am forwarding this information to the Director of my Department Christopher Reid @ lacey.commddev@laceytownship.org.

Thank you.... Sue

From: Traci Topham [mailto:ttopham@alaimogroup.com]
Sent: Thursday, July 06, 2017 4:36 PM
To: Susan Connor (lacey.landuse@laceytownship.org) <lacey.landuse@laceytownship.org>
Subject: FW: Jersey Sportsman revised invoice

Good Afternoon,

I am following up on invoice #091082 that was revised and submitted back in January – please let me know the status of this invoice.

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Cordially,

Traci Topham
Accounting Department



ALAIMO
Group

ttopham@alaimogroup.com
609-267-8310 x 208
200 High Street, Mt. Holly, NJ 08060

From: Traci Topham
Sent: Thursday, January 19, 2017 11:47 AM
To: Susan Connor (lacey.landuse@laceytownship.org) <lacey.landuse@laceytownship.org>
Subject: Jersey Sportsman revised invoice

Hi,

As we spoke of yesterday, I have attached a copy of revised 6/30/16 invoice for Jersey Sportsman. I will put the original in the mail tomorrow.

Chris Reid

From: Sue Connor <lacey.landuse@laceytownship.org>
Sent: Tuesday, April 26, 2016 1:44 PM
To: Al Nappi; Chris Reid; colfbradley@aol.com; 'Ed Scanlon'; hhg5258@aol.com; James Letellier; jmckelvie@alaimogroup.com; joe_appello@comcast.net; lacey.zoning@laceytownship.org; Louis Kosco; Maryanne C. DeFranco
Subject: May 2nd Board Meeting.....
Attachments: 5-02-2016.doc; 16-07 Gove Photos Code Enforcement.pdf

Hi Everyone,

Attached please find our upcoming agenda for our May 2nd Meeting..

Be advised I will be sending minutes, resolutions, and application packets out as well, but those documents will follow in a separate email....

PLEASE NOTE: THIS EMAIL IS TO INFORM YOU OF THE FOLLOWING:

I am attaching photographs taken by our Code Enforcement Officer, as directed by our Board Attorney, Mr. Gannon of the Gove property for your review.

If you recall this application was approved at our last hearing and is on our May 2nd agenda for resolution memorialization.

Since our last meeting it has come to our attention that the Certified list of property owners supplied to the applicant issued by our Tax Assessor was incorrect. Property owners were accidentally left off the list within 200 FT and were not properly notified.

Below is Mr. Gannon's email regarding this matter: We will discuss this at our meeting. Mr. Gannon did ask that if you have any questions, please reach out to him at his office prior to the meeting (732-349-1800). He also cautioned that this matter not be discussed amongst yourselves prior to the next meeting, so that the sunshine law is not violated.

"With regard to the above matter, pursuant to the information you have supplied to me I have reviewed and researched the options the Board may have regarding this approval

attorney-client privilege

[REDACTED]

Code enforcement has supplied the Township with photographs depicting the scene.

[REDACTED]

The Municipal Land Use Law and the Courts recognize that a Board may request a rehearing appearance by the applicant in light of newly discovered evidence which may reflect upon the veracity of the representation made by the applicant at the first hearing. See Gregory vs. Borough of Avalon, 391 N.J. Super. 181, (App. Div. 2007).

[REDACTED]

Any new hearing must be on full notice and in accordance with all requirements

I suggest this be placed on next month's agenda for discussion.

Any questions, please do not hesitate to contact the undersigned

THOMAS G. GANNON"

Susan Connor

Administrative Secretary DCD

Lacey Township Planning / Zoning Board

Local Registrar of Vital Statistics

818 Lacey Road

Forked River, New Jersey 08731

(609) 693-1100 Ext. 2251

Fax: (609) 693-8846



Township of Lacey Board of Adjustment

REGULAR MEETING AGENDA

Monday, May 2nd, 2016 • 7:00 p.m.

NO TESTIMONY WILL BE TAKEN PAST 11:00PM

7:00 PM PUBLIC PORTION:

Call to Order & Salute the Flag

ROLL CALL OF BOARD MEMBERS:

Laurence Gudgeon, Chairman
Colleen Bradley, Vice-Chair
Joseph Appello
Maryanne DeFranco
Louis Kosco
Al Nappi
Craig Tomalo
Edward Scanlon, Alternate #1
James LeTellier, Alternate #2

Also Attending:

Thomas Gannon, Board Attorney
James McKelvie, Board Engineer
Loretta Rule, Zoning Officer
Susan Connor, Board Secretary

APPROVAL OF VOUCHERS

MINUTES:

Minutes to be voted upon: *April 4th, 2016 Regular Meeting Minutes*
(Members Eligible to vote: Bradley, DeFranco, Gudgeon, Kosco, Tomalo, Scanlon, LeTellier)

RESOLUTIONS:

Appeal #16-05 Schirm, Charles, Block: 372 Lot: 17, Tm: 28
(Voting to deny: DeFranco, Kosco, Bradley, Scanlon)

Appeal #16-06 Devenney, John, Block: 927 Lot: 8, Tm: 50
(Voting to approval: DeFranco, Kosco, Tomalo, Bradley, Scanlon, LeTellier, Gudgeon)

Appeal #16-08 Jersey Sportsman c/o William Malcolm, Block: 276 Lot: 11, Tm: 18
(Voting to deny: DeFranco, Kosco, Bradley, Scanlon)

Appeal #16-09 Taino, Grace & Robert, Block: 840 Lot: 10-11, Tm: 45
(Voting to approval: DeFranco, Kosco, Tomalo, Bradley, Scanlon, LeTellier)

Appeal #16-07 David & Michelle Gove, Block: 1565 Lot: 46, Tm: 72
Resolution Discussion – Eligible to vote: DeFranco, Kosco, Tomalo, Bradley, Gudgeon, Scanlon, LeTellier

WORKSHOP:

Appeal #16-11
Block: 276 Lot: 11, Tax Map: 18
118 South Main Street, Forked River
Submitted by: Jersey Sportsman - c/o William Malcolm

Retail Sale of Firearms
Application for Use Variance

OLD BUSINESS:

Appeal #16-04 Continuation
Block: 101.04 Lot: 21, Tax Map: 3.01
1221 Taurus Court, Forked River
Submitted by: Michael Davino

Demolish Shed & Rebuild New 9x32 New Shed
Variances: *Side Yard Setback, Distance Between Structures*
(Eligible to vote: Appello, Bradley, DeFranco, Nappi, LeTellier)

NEW BUSINESS:

Appeal #16-10
Block: 1365 Lot: 5-8, Tax Map: 65
2078 Brookdale Park Drive, Forked River
Submitted by: Carla Matos

Fence
Variances: *Height, Solid*

Respectfully Submitted
Susan Connor, Administrative Secretary DCD
Lacey Township Zoning/Planning Board

Next Regular Meeting Scheduled: Monday, June 6th, 2016

Chris Reid

From: Sue Connor <lacey.landuse@laceytownship.org>
Sent: Wednesday, July 06, 2016 1:04 PM
To: Al Nappi; Chris Reid; colfbradley@aol.com; 'Ed Scanlon'; hhg5258@aol.com; James Letellier; jmckelvie@alaimogroup.com; joe_appello@comcast.net; lacey.zoning@laceytownship.org; Larry Gudgeon; Louis Kosco; Maryanne C. DeFranco; Tim McDonald
Subject: June 6, 2016 Minutes
Attachments: 6-6-2016.doc

Hi Everyone,

Attached are the June 6th 2016 Meeting Minutes, these minutes as you know are also listed on tonight's agenda.

I will be making copies of course and they will be made part of your packets for this evening.

I'll leave it up to you all, as to whether or not we actually vote on these tonight or just carry to next month in order to give you all enough time to review.

Hoping to see you all tonight... Sue

Susan Connor

Administrative Secretary DCD

Lacey Township Planning / Zoning Board

Local Registrar of Vital Statistics

818 Lacey Road

Forked River, New Jersey 08731

(609) 693-1100 Ext. 2251

Fax: (609) 693-8846

A Regular Meeting of the Lacey Township Board of Adjustment was held Monday the 6th of June 2016 at 7:00 in Town Hall with Chairman Laurence Gudgeon presiding.

PRESENT:

Laurence Gudgeon, **Chairman**
Colleen Bradley, **Vice-Chairman**
Al Nappi
Maryanne DeFranco
James LeTellier, **Alternate #2**
Edward Scanlon, **Alternate #1**

ALSO PRESENT:

Thomas Gannon, **Attorney**
Susan Connor, **Secretary**

EXCUSED

Joseph Appello
Louis Kosco
Craig Tomalo
James McKelvie, **Board Engineer**
Loretta Rule, **Zoning Officer**

Chairman Gudgeon called the meeting to order and requested that all rise and salute the Flag. The roll was called and as a result Board Members Appello, Kosco and Tomalo were found to be excused.

Chairman Gudgeon announced that the Lacey Township Board of Adjustment operates under the 'Open Public Meeting Act' also known as the 'Sunshine Law'. Proper notice for this evening's meeting has been given in the Asbury Park Press on the 9th day of January and in the Beacon on the 14th day of January 2016. The times and dates of the Board of Adjustment meetings for the year 2016 have also been posted on the official bulletin boards of the municipality and filed with the Municipal Clerk.

VOUCHERS:

Chairman Gudgeon asked for a motion to approve the invoices submitted. Mr. LeTellier made a motion to approve the invoices, seconded by Vice-Chair Bradley.

Roll Call Vote:

For: LeTellier, Bradley, DeFranco, Nappi, Scanlon, Gudgeon
Against: None
Abstain: None
Not Voting: None
Absent: Appello, Kosco, Tomalo

MINUTES:

Chairman Gudgeon announced that the minutes of May 2nd, 2016 will be carried

RESOLUTIONS:

A resolution memorializing the approval of a variance for Appeal #16-07, regarding Block: 1565, Lot: 46, Tax Map: 72 aka: **921 Clifton Street, Forked River** submitted by **David & Michelle Gove** was sanctioned on a motion by Mr. LeTellier, seconded by Ms. DeFranco. **Roll Call Vote:** LeTellier, DeFranco, Bradley, Scanlon, Gudgeon.

A resolution memorializing the approval of a variance for Appeal #16-10, regarding Block: 1365 Lot: 5-8, Tax Map: 65 aka: **2078 Brookdale Park Drive, Forked River** submitted by **Carla Matos** was sanctioned on a motion by Mr. Scanlon, seconded by Ms. DeFranco. **Roll Call Vote:** Scanlon, DeFranco, Nappi, Bradley, Gudgeon.

WORKSHOP SESSION: NONE

NEW BUSINESS:

Appeal #16-11

Retail Sale of Firearms

Variances: Use Variance

Block: 276, Lot: 11, Tax Map: 18

118 South Main Street, Forked River

Submitted by: **Jersey Sportsman c/o William Malcolm**

Chairman Gudgeon announced that the Board received a letter from Christopher Supsie regarding Application V16-11. Chairman Gudgeon summarized the letter indicating that even though the notices were sent out to all the adjourning property owners it was not published in the official newspaper. Mr. Gannon stated if it was not published properly the Board does not have jurisdiction to hear the application. It was recommended as part of the letter by Mr. Supsie to carry the application to the July 6, 2016 regular meeting.

Motion to carry the application was made by Vice-Chair Bradley, seconded by Ms. DeFranco.

Roll Call Vote:

For: Bradley, DeFranco, Nappi, Scanlon, LeTellier, Gudgeon
Against: None
Abstain: None
Not Voting: None
Absent: Appello, Kosco, Tomalo

OLD BUSINESS:

Appeal #16-04

Demolish Shed & Rebuild New 9x32 New Shed, Existing AC Units

Variances: Side yard Setback, Distance Between Structures, Accessory Use in Front Yard

Block: 101.04, Lot: 21, Tax Map: 3.01

1221 Taurus Court, Forked River

Submitted by: **Michael Davino**

It was stated by the Board Secretary, that this application was carried by the Board in order for the applicant to obtain a new survey with the location of the proposed shed, and the applicant also had a new violation that must be addressed for AC units to remain within the front yard. The applicant has re-noticed for tonight's meeting. Mr. Gannon stated that since the applicant re-noticed and has submitted the new survey, all the Board Members present tonight can vote on the application. Mr. Gannon informed Mr. Davino that he would recommend he starts all over with new testimony.

Michael Davino, applicant and owner came forward and was sworn under oath by the Board Attorney. Mr. Davino stated since the last hearing he did obtain a new plot plan of his property. He purchased the property in 2004 when he was single and when he used it as his summer house. Currently he has a girlfriend with a son that lives with him and the house has become his full time residence. There is no storage or no closets. Currently his property is a disaster and he would like to construct a shed to be able to clean up his property. Once the shed is constructed he will be removing the one shed and van currently located on the property that he uses for storage. He feels the new shed if constructed will bring up his property value. He loves his property and doesn't want to sell and basically can't afford to sell. Mr. Davino stated that since the last hearing he did receive a notice from Code Enforcement regarding the location of his AC units. These units are in the front yard and have been there since 2009 and are currently blocked from the street. He placed the units there and did the work himself not realizing he needed a permit. His property is 50x100, his home is 30x40, 2 bedrooms and approximately 1,200 SF.

The Board discussed the space between structures, emergency personal being able to access the property and the fire codes. It was pointed out to Mr. Davino that each variance case is based on its own merits and if a variance is obtained it goes with the property not the owner.

Mr. Davino stated that currently he is paying for off-site storage because he has no storage space on the property. He wants permission to construct the proposed shed so he will be able to clean up his property.

Public Comment:

Richard Fiocco of 1220 Taurus Court, came forward and was sworn under oath by the Board Attorney. Mr. Fiocco indicating he is just lost for words when it comes to this variance and the applicant wanting to build this shed so close to the property line. His concerns are with the overhang, height and the decrease value of his home if this is approved. He also feels the close distance of the shed to his property will cause a fire hazard.

There being no further public comment this portion of the meeting was closed.

Mr. Davino stated he would be willing to shrink the shed size and move it off the property line if that would make the Board happy.

Board Caucus:

Motion to enter in caucus was by Vice-Chair Bradley, seconded by Mr. LeTellier and carried by the membership present.

Mr. Gannon recited the variances being requested by the applicant; Shed .01 FT from the side property line, 4 FT between structures and the AC units located within the front yard. The Board discussed the application and their concerns on the record. Board Concerns with Shed: self-created hardship, fire hazard, difficulties with the .01 side setback. The Board had no problem with the location of the AC Units.

Motion to come out of caucus was made by Vice-Chair Bradley, seconded by Ms. DeFranco and carried by the membership present.

Motion & Vote:

Mr. LeTellier made a motion to deny the shed application because he felt it encroaches too much into the air, light and open space of the area. He felt the applicant should reconfigure another option. Also part of this motion was approve the location of the AC units. This motion was seconded by Ms. DeFranco.

Roll Call Vote:

For: LeTellier, DeFranco, Nappi, Bradley, Scanlon, Gudgeon
Against: None
Abstain: None
Not Voting: None
Absent: Appello, Kosco, Tomalo

ADJOURNMENT:

With no further business to be acted upon this evening, the meeting was adjourned at 8:05 pm by the membership present.

Respectfully submitted,

Susan Connor, Secretary
Lacey Township Board of Adjustment

Chris Reid

From: Sue Connor <lacey.landuse@laceytownship.org>
Sent: Monday, March 28, 2016 3:55 PM
To: Al Nappi; Chris Reid; colfbradley@aol.com; 'Ed Scanlon'; hhg5258@aol.com; James Letellier; jmckelvie@alaimogroup.com; joe_appello@comcast.net; lacey.zoning@laceytownship.org; Louis Kosco; Maryanne C. DeFranco
Subject: April 4th, 2016 Board of Adjustment Meeting
Attachments: 4-4-2016.doc

Hi Everyone,

Attached Please find the agenda for our upcoming meeting on Monday, April 4th, 2016

As always, please let me know if you are unable to attend the meeting, so I can make sure we have a quorum. Thank you.... Sue.... ☺

Susan Connor

Administrative Secretary DCD

Lacey Township Planning / Zoning Board

Local Registrar of Vital Statistics

818 Lacey Road

Forked River, New Jersey 08731

(609) 693-1100 Ext. 2251

Fax: (609) 693-8846



Township of Lacey Board of Adjustment

REGULAR MEETING AGENDA
Monday, April 4th, 2016 • 7:00 p.m.

NO TESTIMONY WILL BE TAKEN PAST 11:00PM

7:00 PM PUBLIC PORTION:

Call to Order & Salute the Flag

ROLL CALL OF BOARD MEMBERS:

Laurence Gudgeon, Chairman
Colleen Bradley, Vice-Chair
Joseph Appello
Maryanne DeFranco
Louis Koseo
Al Nappi
Craig Tomalo
Edward Scanlon, Alternate #1
James LeTellier, Alternate #1

Also Attending:

Thomas Cannon, Board Attorney
James McKelvie, Board Engineer
Loretta Rule, Zoning Officer
Susan Connor, Board Secretary

APPROVAL OF VOUCHERS

MINUTES:

Minutes to be voted upon: *March 7th, 2016 Regular Meeting Minutes*
(Members Eligible to vote: Appello, Bradley, DeFranco, Nappi, LeTellier)

RESOLUTIONS:

Appeal #16-03 Jerman, Jeffrey, Block: 1543 Lot. 3-4, Tm: 70
(Voting to Approve: Nappi, Appello, DeFranco, Bradley, LeTellier)

WORKSHOP: NONE

OLD BUSINESS:

Appeal #16-04 Continuation
Block: 101.04 Lot: 21, Tax Map: 3.01
1221 Taurus Court, Forked River
Submitted by: Michael Davino

Demolish Shed & Rebuild New 9x32 New Shed
Variances: Side Yard Setback, Distance Between Structures
(Eligible to vote: Appello, Bradley, DeFranco, Nappi, LeTellier)

NEW BUSINESS:

Appeal #16-05
Block: 372 Lot: 17, Tax Map: 28
817 Wave Drive, Forked River
Submitted by: **Charles Schirm**

Deck Extension with Roof Covering
Variances: *Lagoon Setback*

Appeal #16-06
Block: 927 Lot: 8, Tax Map: 50
841 Sandpiper Drive, Lanoka Harbor
Submitted by: **John Devenney**

Existing Dwelling, Front Porch, Steps & Landing
Variances: *Front Yard Setback*

Appeal #16-07
Block: 1565 Lot: 46, Tax Map: 72
921 Clifton Street, Forked River
Submitted by: **David & Michelle Gove**

Existing Fence
Variances: *Height. Solid*

Appeal #16-08
Block: 276 Lot: 11, Tax Map: 18
118 South Main Street, Forked River
Submitted by: **Jersey Sportsman - c/o William Malcolm**

Retail Sale of Firearms
Application for Interpretation

Appeal #16-09
Block: 840 Lot: 10-11, Tax Map: 45
1121 Laurel Boulevard, Lanoka Harbor
Submitted by: **Grace & Robert Taino**

Existing Dwelling – Third Story
Variances: *Habitable Living Space, Height*

Respectfully Submitted
Susan Connor, Administrative Secretary DCD
Lacey Township Zoning/Planning Board

Next Regular Meeting Scheduled: Monday, May 2nd, 2016

Chris Reid

From: Sue Connor <lacey.landuse@laceytownship.org>
Sent: Thursday, March 31, 2016 10:59 AM
To: Al Nappi; Chris Reid; colfbradley@aol.com; 'Ed Scanlon'; hhg5258@aol.com; James Letellier; jmckelvie@alaimogroup.com; joe_appello@comcast.net; lacey.zoning@laceytownship.org; Louis Kosco; Maryanne C. DeFranco
Subject: Board Packet Information..... April Meeting.....
Attachments: 3-7-2016.doc; V16-05 Schirm.pdf; V16-06 Devenney.pdf; V16-07 Gove.pdf; V16-08 Jersey Sportsman.pdf; V16-09 Taino.pdf

Hi Everyone....

Attached are the following:

- 1.) Minutes of March 7th, 2016 regular meeting
- 2.) Michael Davino – Application to be Adjourned
- 3.) Packet V16-05 Schirm
- 4.) Packet V16-06 Devenney
- 5.) Packet V16-07 Gove
- 6.) Packet V16-08 Jersey Sportsman
- 7.) Packet V16-09 Taino

Susan Connor

Administrative Secretary DCD

Lacey Township Planning / Zoning Board

Local Registrar of Vital Statistics

818 Lacey Road

Forked River, New Jersey 08731

(609) 693-1100 Ext. 2251

Fax: (609) 693-8846

A Regular Meeting of the Lacey Township Board of Adjustment was held Monday the 7TH of March 2016 at 7:00 in Town Hall with Vice-Chair Bradley presiding.

PRESENT:

Colleen Bradley, Vice-Chairman
Joseph Appello
Maryanne DeFranco
Al Nappi
James LeTellier, Alternate #2

ALSO PRESENT:

Thomas Gannon, Attorney
James McKelvie, Board Engineer
Susan Connor, Secretary

EXCUSED

Laurence Gudgeon, Chairman
Louis Kosco
Craig Tomalo
Edward Scanlon, Alternate #1

Vice-Chair Bradley called the meeting to order and requested that all rise and salute the Flag. The roll was called and as a result Board Members Gudgeon, Kosco, Tomalo and Scanlon were found to be excused.

Vice-Chair Bradley announced that the Lacey Township Board of Adjustment operates under the 'Open Public Meeting Act' also known as the 'Sunshine Law'. Proper notice for this evening's meeting has been given in the Asbury Park Press on the 9th day of January and in the Beacon on the 14th day of January 2016. The times and dates of the Board of Adjustment meetings for the year 2016 have also been posted on the official bulletin boards of the municipality and filed with the Municipal Clerk.

MINUTES:

Vice-Chair Bradley announced that the Board will vote on the minutes at the end of the meeting.

VOUCHERS:

Vice-Chair Bradley asked for a motion to approve the invoices submitted. Mr. LeTellier made a motion to approve the invoices, seconded by Mr. Appello and unanimously carried by the membership present.

Roll Call Vote:

For: LeTellier, Appello, DeFranco, Nappi, Bradley
Against: None
Abstain: None
Not Voting: None
Absent: Gudgeon, Kosco, Tomalo, Scanlon

RESOLUTIONS: NONE

WORKSHOP SESSION: NONE

OLD BUSINESS: NONE

NEW BUSINESS:

Appeal #16-03

Single Family Dwelling

Variances: *Insufficient Lot Area, Insufficient Lot Width*

Block: 1543, Lot: 3-4, Tax Map: 70

825 Devon Street, Forked River

Submitted by: **Jeffrey Jerman**

Engineering Comments:

Mr. McKelvie read his review letter dated March 2nd, 2016 into the record indicating the subject property is located on the south side of Devon Street in the Barnegat Pines section of Lacey Township, in the R-75 Residential Zone. The lot is 40x100 with a total lot area of 4,000 SF. The property is presently vacant and wooded. The property is located outside the 100 year floodplain, as per FEMA mapping. The property is bounded by houses on all sides. The proposed development calls for the construction of a two story dwelling including an attached one-car garage. The plan indicates a proposed roof drainage infiltration system and a proposed depressed concrete apron and driveway to serve the lot. Variances are only required for lot area, lot width. The proposed house will meet all the bulk requirement of the zone. Mr. McKelvie pointed out that the property has never been in common ownership and with any approval the standard outside agency approval will apply.

Applicant's Testimony:

Jeffrey Jerman, applicant and owner and **Jeff Daum**, Engineer & Planner both came forward and were sworn under oath by the Board Attorney.

Mr. Jerman addressed the Board by indicating this property is an isolated lot and has never been in common ownership. A-1 was marked into evidence as an affidavit of ownership. He stated letters were sent to the adjoining neighbors by certified mail. These letters were marked and testified to by Mr. Jerman into the record. A-2 is a letter sent to Ocean Capital Group; who had wrote back indicating they were not interested in buying the property; A-3 is a letter sent to Capri Holdings; A-4 is a letter sent to Gina Lusardi; A-5 is a photo board with plans; A-6 is a copy of the plot plan.

Mr. Jerman called upon his Engineer Jeff Daum to testify. **Mr. Jeff Daum** presented the Board his educational and professional background. The Board accepted his qualifications. Mr. Daum indicated he is familiar with the property in question and the application. The lot is undersized and to be able build a variance is needed for lot area and lot width. The lot will be serviced by water and sewer. The proposed house can fit on the lot and meet all the required setbacks including height and lot coverage. There is adequate access to the house along with light, air and open space. This property is zoned for residential use and this is a classical variance application. The proposed development calls for the construction of a two-story dwelling approximately 1,800 SF of living space, three bedrooms, 2 ½ baths and garage. It's his professional opinion that this house will fit well within this neighborhood and will not have a

determent to the zone plan or zoning ordinances. Vice-Chair Bradley had a concern with storage space. Mr. Daum pointed out that this house could possibly be built with a basement.

Mr. Daum stated the applicant will agree to all the engineering stipulations addressed within the engineering review letter.

Public Comment:

The meeting was open to public comment.

Craig Dodd, 817 Devon Street came forward and was sworn under oath by the Board Attorney. Mr. Dodd stated his biggest problem is with drainage, because this property is higher than all the other lots. He feels it will drain onto the neighbor's property. The property is actually three foot higher. Mr. Daum stated that they will make sure it will not drain onto the neighbor's property. Mr. Dodd feels this house will devalue the neighborhood.

There being no public comment this portion of the meeting was closed.

Mr. Jerman stated he would like to quickly response by saying that there are a lot of other homes in this area that are constructed on the exact same size lot. This type of construction is extremely common within the Barnegat Pines. He feels the construction of this home will enhance the value and be a positive for the neighborhood. He has presented this evening on the record the positive and negative criteria and would ask for a favorable approval.

Ms. DeFranco questioned the AC units. It was noted that the AC Units must maintain a 6 FT side yard setback. Mr. Jerman stated the AC units will comply.

Mr. Nappi made a motion to approve the application as submitted. There was no second to his motion.

The Board felt they should enter into caucus to discuss the application. Motion to enter into caucus was made by Mr. LeTellier, seconded by Ms. DeFranco and unanimously carried by the membership present.

BOARD CAUCUS:

The Board discussed the options of a basement being part of this approval.

Motion to come out of caucus was made by Mr. Appello, seconded by Ms. DeFranco and unanimously carried by the membership present.

Motion & Vote:

Motion to approve the application with conditions was made by Mr. Nappi, seconded by Mr. LeTellier and unanimously carried by the membership present.

Roll Call Vote:

For: Nappi, LeTellier, Appello, DeFranco, Bradley
Against: None
Abstain: None
Not Voting: None
Absent: Gudgeon, Kosco, Tomalo, Scanlon

The Board took a short recess.

Appeal #16-04

Demolish Shed & Rebuild New 9x32 New Shed

Variances: Side yard Setback, Distance Between Structures

Block: 101.04, Lot: 21, Tax Map: 3.01

1221 Taurus Court, Forked River

Submitted by: Michael Davino

Applicant's Testimony:

Michael Davino, applicant and owner came forward and was sworn under oath by the Board Attorney. Mr. Davino stated he purchased the property in 2004; it's a small 1,200 SF house with no storage and no garage on a 50x100 lot. Currently, he has his girlfriend with her son now living with him and there is no place to put anything. He is looking to clean up his yard and would like to remove the 9x7 shed and construct a new 9x32 shed for storage.

He stated the van on the property is also used for storage and he will also be removing that. The new shed will be constructed in line with the front of his house. It will store his tools, motorcycle, clothing and holiday stuff that don't fit in the house. He is not intending to put electric to the shed at this point. He will be building the shed himself. Mr. Davino stated he drew the plans that were submitted to the Board.

The Board reviewed the photographs. The Board questioned the rubbermaid shed shown in the photographs. Mr. Davino testified that the van, the 9x7 shed and the Rubbermaid shed all will be removed if he's allowed to construct this new shed. The new proposed shed will be green to match the front of the house. The new shed will be placed on crushed shell.

Public Comment:

The meeting was open to public comment.

Richard Ficco of 1220 Taurus Court came forward and was sworn under oath by the Board Attorney. Mr. Ficco stated he is friends with Mr. Davino and has lived there since 2000. He is currently selling his house and it's difficult because he wants to make sure if approved that the shed will be finished in a timely matter. He would also like some type of gutter put on the shed since the shed is so large and so close to the property line. Mr. Ficco submitted photographs which were marked as O-1. He agreed that the property needs to be cleaned up.

There being no public comment this portion of the meeting was closed.

Motion to enter in caucus was made by Mr. Appello, seconded by Mr. Nappi and unanimously carried by the membership present.

The Board discussed both the applicant's and neighbors' concerns, with storage and drainage issues and the shed being constructed so close to the property line.

The Board noticed some type of discrepancy with the survey and the location of the shed with incorrect measurements. They discussed the applicant possibly reconfiguring a different roof line and providing some type of gutter or soffit for run-off. The Board wanted to see the property cleanup as well.

Motion to come out of caucus was made by Mr. Appello, seconded by Mr. Nappi and unanimously carried by the membership present.

Motion & Vote:

Motion to carry the application in order for the applicant to supply the Board with an accurate survey and possibly reconfiguring the roofline of the shed and address the drainage was made by Mr. Appello, seconded by Ms. DeFranco and unanimously carried by the membership present.

Roll Call Vote:

For: Appello, DeFranco, Bradley, Nappi, LeTellier
Against: None
Abstain: None
Not Voting: None
Absent: Gudgeon, Kosco, Tomalo, Scanlon

MINUTES:

Vice-Chair Bradley requested a motion to approve the minutes of January 4th, 2016 executive session meeting. Mr. Nappi made a motion to approve the executive session minutes of January 4th, 2016, seconded by Ms. DeFranco and unanimously carried by the membership present.

Roll Call Vote:

For: Nappi, DeFranco, Appello, Bradley, LeTellier
Against: None
Abstain: None
Not Voting: None
Absent: Gudgeon, Kosco, Tomalo, Scanlon

Vice-Chair Bradley requested a motion to approve the minutes of February 1, 2016 regular meeting. Mr. LeTellier made a motion to approve the regular minutes of February 1, 2016, seconded by Mr. Nappi and unanimously carried by the membership present.

Roll Call Vote:

For: LeTellier, Nappi, Appello, DeFranco, Bradley
Against: None
Abstain: None
Not Voting: None
Absent: Gudgeon, Kosco, Tomalo, Scanlon

ADJOURNMENT:

With no further business to be acted upon this evening, the meeting was adjourned at 9:30 pm on a motion by Mr. LeTellier, seconded by Mr. Nappi and unanimously carried by the membership present.

Respectfully submitted,

Susan Connor, Secretary
Lacey Township Board of Adjustment

LACEY TOWNSHIP BOARD OF ADJUSTMENT

VARIANCE APPEAL #V16-08 E-14-56-856-879

NAME: Jersey Sportsman

DEEMED COMPLETE: 03/26/2016 **120-DAY DECISION:** 07/23/2016

PROPERTY ADDRESS: 118 South Main Street, Forked River New Jersey

BLOCK: 276 **LOT:** 11 **TAX MAP:** 18

PROPOSED DEVELOPMENT

Retail Sale of Guns - Firearms

ZONE: C-150	<u>VARIANCES REQUIRED</u>	<u>PROPOSED</u>	<u>REQUIRED</u>
	LOT AREA		
	LOT WIDTH		
	FRONT YARD SETBACK		
	REAR YARD SETBACK		
	SIDE YARD SETBACK		
	SIDE YARD SETBACK ABUTTING A STREET		
	LAGOON SETBACK		
	TOTAL SIDE YARD COMBINATION		
	WATERFRONT SETBACK		
	HEIGHT		
	DISTANCE BETWEEN STRUCTURES		
	LOT COVERAGE		
	EXPANSION OF NON-CONFORMING USE		
	DEVIATION FROM CONDITIONAL USE		
	MINIMUM HABITABLE 1 ST FLOOR		
	USE VARIANCE		
X	OTHER: INTERPRETATION		

LACEY TOWNSHIP APPLICATION FOR DEVELOPMENT APPROVAL

PLANNING BOARD _____ BOARD OF ADJUSTMENT X

APPLICATION MUST BE FILED FIFTEEN (15) WORKING DAYS PRIOR TO THE SCHEDULED PUBLIC HEARING. THE REQUIRED NUMBER OF PLANS AND FEES MUST BE SUBMITTED WITH A COMPLETE APPLICATION PACKAGE TO THE BOARD SECRETARY PRIOR TO BEING PLACED ON THE HEARING AGENDA.

APPLICANT PLEASE CHECK ONE: OWNER ☒ CONTRACT PURCHASER _____ AGENT _____

APPLICANT NAME JERSEY SPORTSMAN
 CONTACT PERSON William Malcolm
 STREET ADDRESS 118 South Main St
 CITY Forked River STATE NJ ZIP CODE 08731
 WORK PHONE # 609 756-4322 HOME PHONE # 908 451 5865 FAX # 609 756 4467
 FED ID # _____ SOC. SEC. # _____
 OWNER OF THE PROPERTY GEORGE MACKLES 535 PA 9 WARETOWN, NJ 08757 601693600
 EMAIL ADDRESS: JERSEYSPORTSMAN@GMAIL.COM

DEVELOPMENT SUBJECT OF THIS HEARING

PRIMARY BLOCK 276 PRIMARY LOT 11 TAX MAP 18
 ADDITIONAL BLOCKS AND LOTS: _____
 CURRENT ZONE C-150 PROJECT NAME Jersey Sportsman
 PROJECT LOCATION 118 South Main Street Forked River, NJ
 PROJECT DESCRIPTION RETAIL SALE OF GUNS (FIREARMS)

CLASSIFICATION

NUMBER OF ACRES	NUMBER OF LOTS	NUMBER OF DWELLINGS
0 CONCEPT PLAN	0 MAJOR SITE PLAN PRELIMINARY	
0 MINOR SUBDIVISION	0 MAJOR SITE PLAN FINAL	
0 MAJOR SUBDIVISION PRELIMINARY	0 GENERAL DEVELOPMENT PLAN	
0 MAJOR SUBDIVISION FINAL	0 STATUTORY EXTENSION	
0 SITE PLAN PRELIMINARY	0 STREET VACATION	
0 SITE PLAN FINAL	0 AMENDED SITE PLAN	
0 CONDITIONAL USE	0 ZONE CHANGE REQUEST	
0 MINOR SITE PLAN	0 MISCELLANEOUS _____	
0 DESIGN WAIVER FOR ROAD IMPROVEMENT PLAN		
0 APPEAL OF DECISION OF THE ADMINISTRATIVE OR ZONING OFFICER		
☒ INTERPRETATION OF ZONING MAP/ORDINANCE		
0 VARIANCE FOR BUILDING LOT NOT FRONTING ON AN IMPROVED STREET		
0 BULK VARIANCE; DESCRIBE TYPE: _____		
0 USE VARIANCE; DESCRIBE TYPE: _____		
PREVIOUS VARIANCE AT THIS LOCATION: YES _____ NO _____ IF YES, YEAR _____		
TYPE OF VARIANCE APPLIED FOR _____ APPROVED _____ DISAPPROVED _____		

LACEY TOWNSHIP APPLICATION FOR DEVELOPMENT APPROVAL

PROFESSIONALS

ENGINEER _____
ADDRESS _____
CITY _____ STATE _____ ZIP CODE _____
TELEPHONE NUMBER _____ FAX NUMBER _____
EMAIL ADDRESS: _____
ATTORNEY Christopher M. Supsik, Esq.
ADDRESS 104 W. Lacey Road
CITY Forked River STATE NJ ZIP CODE 08731
TELEPHONE NUMBER 609) 693-6200 FAX NUMBER 609) 693-6202
EMAIL ADDRESS: CSupsik@steinlawny.com
ARCHITECT _____
ADDRESS _____
CITY _____ STATE _____ ZIP CODE _____
TELEPHONE NUMBER _____ FAX NUMBER _____
SURVEYOR _____
ADDRESS _____
CITY _____ STATE _____ ZIP CODE _____
TELEPHONE NUMBER _____ FAX NUMBER _____

CERTIFICATION

I (we) William Malcolm HEREBY CERTIFY THAT THE PROPOSED WORK THAT IS THE SUBJECT OF THIS APPLICATION IS AUTHORIZED BY THE OWNER OF RECORD AND THE INFORMATION PROVIDED ON THIS APPLICATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

X William Malcolm

SIGNATURE OF OWNER, CONTRACT PURCHASER OR OWNER'S AUTHORIZED AGENT

+ FOR BOARD SECRETARY'S USE ONLY +

V16-08

APPLICATION NUMBER

E-14-56856-879

ESCROW ACCOUNT NUMBER

APPLICATION FEE \$ 200.⁰⁰
J# 1025

ESCROW FEE \$ 300.⁰⁰
J# 1026

OFFICE COPY (WHITE) - FILE COPY (GREEN) - APPLICANT COPY (GOLDENROD) - CHIEF FINANCIAL OFFICER (PINK)
PLANNING BOARD/B.O.A. ATTORNEY (CANARY) - PLANNING BOARD/B.O.A. ENGINEER (BLUE)

LAW OFFICES
STEIN & SUPSIE

AN ASSOCIATION CONSISTING OF A PROFESSIONAL CORPORATION

ARTHUR STEIN*
CHRISTOPHER M. SUPSIE†
JACK A. BUTLER*
LUCIAN ULMET*
OF COUNSEL

*MEMBER NJ & NY BARS
†MEMBER NJ & PA BARS
*MEMBER NJ, NY & PA BARS
*MEMBER NJ & CT BARS

1041 W. LACEY ROAD
P.O. BOX 1070
FORKED RIVER, NEW JERSEY 08731-0070
(800) 693-0200

TELEFAX: (609) 693-0191

E-MAIL: supsie@steinandsupsie.com

OUR FILE: 14223CMS

February 29, 2016

Susan Connor, Zoning Board of Adjustment Secretary
Lacey Township Zoning Board of Adjustment
818 West Lacey Road
Forked River, NJ 08731

RE: Jersey Sportsman
Block 276, Lot 11, Lacey Township Tax Map

Dear Ms. Connor:

Please be advised that I have been retained to represent Jersey Sportsman with respect to the above referenced Application seeking an interpretation of the Zoning Map/Ordinance. Specifically, my client is seeking an interpretation to determine whether the retail sale of guns (firearms) is permissible at this location.

Enclosed herewith please find the following materials:

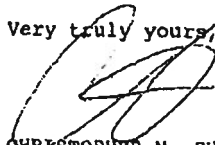
1. Application for Development Approval;
2. Request for Taxpayer Identification Number and Certification;
3. Variance Application;
4. Proof of taxes paid;
5. Check in the amount of \$300.00 representing escrow fees;
6. Check in the amount of \$200.00 representing Application fee.

It is my understanding that public notice is not required with this Application and that this matter will be scheduled for a hearing on the April 4, 2016 Zoning Board of Adjustment meeting.

Susan Conner
Pg 2
February 29, 2016

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'CS' or 'Supsie', written over the words 'Very truly yours,'.

CHRISTOPHER M. SUPSIE, ESQ.

CMS/km
Enclosures
Cc: William Malcolm

LACEY TOWNSHIP BOARD OF ADJUSTMENT

VARIANCE APPLICATION

Applicant: *JERSEY SPORTSMAN*Owner: *William Malcolm*

Engineer/Designer:

Person Completing This Form: *William Malcolm*Date: *2-22-16*Block: *276* Lot: *11*Address: *118 South Main St Forked River NJ 08731*

(To be completed by Board Secretary)

Appeal #: *V16-08*Official Street Address: *118 South Street, FR*

Date of Workshop Hearing:

Date of Public Hearing: *April 4, 2016*

	Complete Yes	Complete No	Waiver Request
INFORMATION REQUIRED FOR ALL VARIANCES AND APPROVALS UNDER N.J.S.A. 40:55D-34			
GENERAL REQUIREMENTS			
1.) Application (form A)	X		
2.) Certificate of taxes paid from the Tax Collector's Office	X		
3.) A two hundred (200) FT radius area map showing the relationship to all affected lands, structures and the property in question. The plan shall be notarized, if prepared by the Applicant, as to the truthfulness and accuracy thereof or be certified by an engineer or land surveyor licensed to do business in the State of New Jersey. NO COMBINED PLOT PLAN AND TWO HUNDRED FT. RADIUS AREA MAPS WILL ACCEPTED.			
4.) Plans or renderings for the intended use or variance, showing any building or structure to be erected, with an elevation of each side of the building being shown. If a new principal structure is proposed including a structure on an undersized lot, a set of plans that demonstrates compliance and adequately describes its appearance so as to allow the Board to determine its compatibility with the character of the surrounding District. (Required Copies: (3) Three)			
5.) A certified list of property owners within 200 FT of the subject property obtained from the Tax Assessor's Office.			
6.) Form of notice to be mailed certified to all property owners within 200 FT ten (10) days prior to the hearing.			
7.) Affidavit of service with the attached post marked certified mailing receipts.			

	Complete Yes	Complete No	Waiver Request
8.) Notice to the general public must be given by publication in the Official Newspaper of the Board Newspaper of the Board ten (10) days prior to the hearing			
9) Photographs of the property in question and structures within 200 FT and displayed in the format provided by the Board.			
TECHNICAL CHECKLIST			
1.) Eleven (11) copies of a plot plan of the property in question based on a survey prepared by a licensed land surveyor or engineer containing sufficient information regarding the application drawn to scale and showing applicable setbacks, elevation, lot size, lot coverage and other bulk requirements.			
a.) Drawn to an appropriate scale not greater than one inch = 30 feet and NOT to be combined with the two hundred (200) FT radius area map.			
b.) Clearly depicted on a sheet size no smaller than 8 1/4 x 11 inches			
2.) For All Applications (Except, additions or improvements to existing single family dwelling) the following additional information is required:			
a.) A current survey of the property with the lot, moles and bounds and the direction and distance to the nearest intersecting street.			
b.) All existing or proposed easements and/or lands dedicated to public use			
c.) All existing and proposed buildings and structures, with all dimensions and with front, side and rear yard setback dimensions indicated, and with required setback lines shown.			
d.) All buildings and structures located on all adjacent properties with dimensions and setbacks noted.			
e.) Any existing or proposed sidewalks and driveways.			
f.) The name of the street(s) and the composition of the surface of the street(s) which the lot abuts.			
g.) Sufficient street elevations (centerline, gutter and top-of-curb, if applicable) and existing and proposed lot elevations; specifying those for the finished first floor and garage floor elevations of the proposed structure related to the abutting street elevations. The lowest floor of any structure, including garage, first floors and any floor area intended as usable space other than area conforming to the definitions set forth in the BOCA code, Uniform Construction Code, and according to NGVD (National Geodetic Vertical Datum) and the source of datum so noted.			
h.) Drainage flow arrows shall be provided to clearly depict the directions of storm water runoff.			
i.) If applicable, grading or the creation of sump conditions on adjacent lots shall be shown together with permission specifically granted by the owner of said adjacent lots.			
j.) The limits of clearing and soil disturbance; any trees to be saved and, in general, the requirements as specified in the Lacey Township Tree Ordinance (Chapter 98).			
k.) The location of any freshwater wetlands or a statement on the plan that none exist.			

	Complete Yes	Complete No	Waiver Request
ADDITIONAL INFORMATION REQUIRED FOR CURRENTLY UNDEVELOPED PROPERTIES WHICH REQUIRE VARIANCES BY VIRTUE OF BEING UNDERSIZED			
1.) Information in the form of title Binders or similarly constructed documents which clearly trace the chain of ownership of the property from the adoption of the Zoning Ordinance which made the property nonconforming. All documents shall be duly signed and sealed by the owner, purchaser and / or Applicant and shall be duly witnessed by a notary public of the State of New Jersey.			
2.) Contract of Sale for the property should it have been recently purchased.			
3.) A grading and storm water management plan prepared in accordance with the following standards and requirements:			
a.) Methods or provisions to abate or prevent any adverse surface drainage /or storm water runoff impacts or conditions to adjacent and / or downstream lots.			
b.) Drainage calculations using the USDA Soil Conservation Service TR-55 analyses for the 25 year frequency rainfall of 6.2 inches in 24 hours. Calculations indicating capacities requiring volumes, rate of recharge shall be prepared and certified by a New Jersey licensed professional engineer			
SUBDIVISIONS AND SITE PLANS			
1.) Any applications for subdivision or site plan approval must comply with the checklist for completion utilized by the Planning Board for the respective application.			

F E E S

REVENUE DEPOSIT:

All applications require a Non-refundable Administration Fee (\$200.00)

\$ 200.00

ESCROW DEPOSITS: (NOTE: **PURPOSE OF ESCROWS:** Escrow deposits are intended to cover the entire cost of review by board professionals. This chapter estimates the total cost of review of a land use application; however, the applicant is responsible for any and all professional fees associated with the approval process. The escrow deposit shall be utilized to reimburse the Planning or Zoning Board Attorney for the preparation of any resolution of other legal services in connection with a development application.)

Variance Matters:

Undersized lots with insufficient lot area less than 6,000SF	(\$1,200.00)	\$
Undersized lots with insufficient lot area 6,000SF or larger	(\$1,200.00)	\$
"c" variance requests (bulk variances and setbacks), (except for undersized lots with insufficient lot area)	(\$500.00) Initial variance	\$
Each additional variance	(\$100.00) each additional variance	\$
"d" variance requests	(\$1,200.00)	\$
At the discretion of the Board during workshop:		
Minimum Escrow Deposit: Planning Review	(\$1,700.00)	\$
Minimum Escrow Deposit: Appraiser Review	(\$1,000.00)	\$

Other Land Use Applications:

Amendment of previously granted board approval (50%) of the original fee:		\$
Request for interpretation of the zoning ordinance	(\$300.00)	\$ 300.00
Appeal of a decision of the Zoning Officer	(\$500.00)	\$
Property not fronting on an improved road	(\$1,500.00)	\$
Substantial revision to pending application before the Board, (30%) of the original fee:		\$

NOTE: TWO (2) SEPARATE CHECKS ARE REQUIRED:

1.) ADMINISTRATIVE FEES TOTALING:	\$ 200.00
2.) ESCROW FEES TOTALING:	\$ 300.00

IN ORDER FOR THE APPLICATION TO BE DEEMED COMPLETE AND LISTED FOR HEARING, THE APPLICANT SHALL SUBMIT THE INFORMATION REQUIRED.

IN ALL CASES THE APPLICANT MUST APPEAR IN PERSON OR BE REPRESENTED BY AN ATTORNEY-AT-LAW OF THE STATE OF NEW JERSEY.

Revised 03/27/2013

Chris Reid

From: Sue Connor <lacey.landuse@laceytownship.org>
Sent: Thursday, April 28, 2016 11:45 AM
To: Al Nappi; Chris Reid; colfbradley@aol.com; 'Ed Scanlon'; hhg5258@aol.com; James Letellier; jmckelvie@alaimogroup.com; joe_appello@comcast.net; lacey.zoning@laceytownship.org; Louis Kosco; Maryanne C. DeFranco
Subject: Board Packets - May 2nd
Attachments: 4-4-2016.doc; 16-05 Schirm Charles.docx; 16-06 Deveney John.docx; 16-08 Jersey Sportsman Wm Malcolm 16-08.docx; 16-09 Taino Grace Robert.docx; doc01255920160428103217.pdf; doc01256120160428103501.pdf

Hi Everyone,

Attached is your packet for the Meeting.....

1. Minutes – April 4th
2. Resolutions: 16-05 Schirm, 16-06 Devenney, 16-08 Jersey Sportsman, 16-09 Taino
3. Workshop: 16-11 Jersey Sportsman
4. New Business: 16-10 Carla Matos

Susan Connor

Administrative Secretary DCD

Lacey Township Planning / Zoning Board

Local Registrar of Vital Statistics

818 Lacey Road

Forked River, New Jersey 08731

(609) 693-1100 Ext. 2251

Fax: (609) 693-8846

A Regular Meeting of the Lacey Township Board of Adjustment was held Monday the 4th of April 2016 at 7:00 in Town Hall with Chairman Laurence Gudgeon presiding.

PRESENT:

Laurence Gudgeon, Chairman
Colleen Bradley, Vice-Chairman
Louis Kosco
Craig Tomalo
Maryanne DeFranco
James LeTellier, Alternate #2
Edward Scanlon, Alternate #1

ALSO PRESENT:

Thomas Gannon, Attorney
James McKelvie, Board Engineer
Loretta Rule, Zoning Officer
Susan Connor, Secretary

EXCUSED

Joseph Appello
Al Nappi

Chairman Gudgeon called the meeting to order and requested that all rise and salute the Flag. The roll was called and as a result Board Members Appello and Nappi were found to be excused.

Chairman Gudgeon announced that the Lacey Township Board of Adjustment operates under the 'Open Public Meeting Act' also known as the 'Sunshine Law'. Proper notice for this evening's meeting has been given in the Asbury Park Press on the 9th day of January and in the Beacon on the 14th day of January 2016. The times and dates of the Board of Adjustment meetings for the year 2016 have also been posted on the official bulletin boards of the municipality and filed with the Municipal Clerk.

VOUCHERS:

Chairman Gudgeon asked for a motion to approve the invoices submitted. Mr. Tomalo made a motion to approve the invoices, seconded by Ms. DeFranco and unanimously carried by the membership present.

Roll Call Vote:

For: Tomalo, DeFranco, Kosco, Bradley, Scanlon, LeTellier, Gudgeon
Against: None
Abstain: None
Not Voting: None
Absent: Appello, Nappi

MINUTES:

Chairman Gudgeon requested a motion to approve the minutes of March 7th, 2016 meeting. Mr. LeTellier made a motion to approve the regular minutes of March 7th, 2016, seconded by Ms. DeFranco.

Roll Call Vote:

For: LeTellier, DeFranco, Bradley
Against: None
Abstain: None
Not Voting: Kosco, Tomalo, Scanlon, Gudgeon
Absent: Appello, Nappi

Chairman Gudgeon announced that application #16-04 submitted by Michael Davino is requesting an adjournment. Chairman Gudgeon read the applicant's letter dated March 30, 2016 into the record.

Motion to carry this application was made by Mr. LeTellier, seconded by Mr. Tomalo and unanimously carried by the membership present.

Roll Call Vote:

For: LeTellier, Tomalo, DeFranco, Kosco, Bradley, Gudgeon, Scanlon
Against: None
Abstain: None
Not Voting: None
Absent: Appello, Nappi

RESOLUTIONS:

A resolution memorializing the approval of a variance for Appeal #16-03, regarding Block: 1543, Lot: 3-4, Tax Map: 70 aka: 825 Devon Street, Forked River submitted by Jeffrey Jerman was sanctioned on a motion by Mr. LeTellier, seconded by Ms. DeFranco. Roll Call Vote: Mr. LeTellier: yes; Ms. DeFranco: yes; Mr. Nappi: yes; Vice-Chair Bradley: yes.

WORKSHOP SESSION: NONE

OLD BUSINESS: NONE

NEW BUSINESS:

Appeal #16-05

Deck Extension with Roof Covering

Variances: Lagoon Setback

Block: 372, Lot: 17, Tax Map: 28

817 Wave Drive, Forked River

Submitted by: Charles Schirm

Applicant's Testimony:

Robert Shea, Attorney representing the applicant came forward to address the Board. Mr. Shea indicated that he would like to call upon his Engineer.

Jason Marciano, PE, PP with East Coast Engineering came forward and was sworn under oath by the Board Attorney. The Board accepted his qualification. Mr. Marciano submitted a packet of photographs which were marked into evidence as A-1 and an aerial photograph as A-2. These exhibits were reviewed by the Board Members and described by Mr. Marciano. He stated the property in question is located in the Sunrise Beach section of Lacey. The property is a developed lagoon lot 80x90 FT. The application is to expand the deck 14x12 leaving 13 FT to the lagoon; whereas 15 FT is required. The new deck will only encroach into the rear yard setback by 2 FT. The variance is a C2 variance and the benefits out way any detriment to the zone plan. There will be no detriment to the air, light or open space. It's a nice deck and it will

blend in with the character of the neighborhood. The deck will be visually appealing and because of the height it will be less prone to floating away if the area was to flood. It's his professional opinion that there will be no negative impact. There is no proposed storage under this portion of the deck.

Public Questions/Comments:

Michael Wheeler of 818 Wave Drive came forward and was sworn under oath by the Board Attorney. Mr. Wheeler stated he owns the property to the right of the subject property. Mr. Wheeler questioned the deck and the submitted drawings along with his confusion with the letter he received for this hearing. Mr. Marciano explained that if approved detailed plans will have to be submitted to obtain the proper permits. Mr. Wheeler stated he still objects to the variance and the views being blocked by the deck. He feels there is no hardship just because a table doesn't fit on the deck. The lot is not unique or irregular and no hardship goes with this application.

Joseph Lipari of 816 Wave Drive came forward to address the Board and was sworn under oath by the Board Attorney. Mr. Lipari stated there was a typo in the letters that were sent out and they were a little misleading, it said the meeting was being held on Wave Drive. This should not happen when you hire an Attorney to represent you. Mr. Lipari stated Mr. Schirm should have to follow the rules and build deck to be in compliance.

Lou Campo of 827 Wave Drive came forward and was sworn under oath by the Board Attorney. Mr. Campo stated this is no way to handle a variance, he has lived there for the past 15 years and never once has he seen Mr. Schirm have a party. He is objecting to this variance. Now he is coming in front of the Board with legal assistants to say the right words. Mr. Campo stated he is objecting to any approval of this application.

There being no public comment this portion of the meeting was closed

Summation:

Mr. Shea stated Mr. Schirm is submitting a different application for the covered deck. The deck area has been reduced and can be considered a C2 variance. The Board has heard testimony from the Engineer/Planner and the appropriate proofs have been placed on the record. The applicant would like to utilize his property and they are requesting that the Board to grant the variance being sought. Mr. Tomalo asked if the deck could be cantilevered out. Mr. Marciano stated he was not sure. Mrs. Rule stated that if the application was approved this evening she would request that leaders and gutters be a condition of any approval.

BOARD CAUCUS:

The Board entered into caucus on a motion made by Vice-Chair Bradley, second by Ms. DeFranco and unanimously carried by the membership present.

Vice-Chair Bradley felt there was definitely an impact and does not see any positive to this application. Mr. LeTellier stated there are numerous structures along the lagoons within this neighborhood and does not see how this would impact the area. Ms. Rule state all structures are required to have permits and tiki bars are considered permanent structures. Mr. LeTellier

stated he would assume they are all legal structures. Mr. Tomalo felt the 2 FT encroachment doesn't make a difference. Mr. Scanlon stated he would like to stick to the rules and feels it's difficult to come up with a reason to approve this application. The other members also felt there was no hardship.

Motion to come out of caucus was made by Mr. Tomalo, seconded by Ms. DeFranco and unanimously carried by the membership present.

Motion & Vote:

Motion to approve the application was made by Mr. Tomalo, seconded by Mr. LeTellier.

Roll Call Vote:

For: Tomalo, LeTellier, Gudgeon
Against: DeFranco, Kosco, Bradley, Scanlon
Abstain: None
Not Voting: None
Absent: Appello, Nappi

The application was denied.

Appeal #16-06

Existing Dwelling, Front Porch, Steps & Landing

Variances: *Front Yard Setback*

Block: 927, Lot: 8, Tax Map: 50

841 Sandpiper Drive, Lanoka Harbor

Submitted by: John Devenney

Applicant's Testimony:

John Devenney, applicant and owner and came forward and was sworn under oath by the Board Attorney. Mr. Devenney explained that his house has been completely built but when the final survey was submitted it was found that the house was 1.2 feet too close to the road which encroaches into the front setback and a variance is now required. He explained that the builder he had hired has been fired and he had to hire a new builder. The original foundation survey was rejected by the Township months back and he had to apply for a variance which was approved by this Board. Now again he is here tonight because of another error, he is just trying to move forward because this process has been a nightmare. He stated his house was a house damaged by Sandy. Mrs. Rule stated the circumstances behind this application has been beyond the applicant's control. The home constructed is within the character of the neighborhood.

Mr. McKelvie pointed out that currently there is approximately 6 to 8 FT to the edge of pavement.

Public Comment:

The meeting was open to public comment. There being no public comment this portion of the meeting was closed.

Motion & Vote:

Motion to approve the application with conditions was made by Mr. Tomalo, seconded by Mr. Kosco and unanimously carried by the membership present.

Roll Call Vote:

For: Tomalo, Kosco, DeFranco, Bradley, Scanlon, LeTellier, Gudgeon
Against: None
Abstain: None
Not Voting: None
Absent: Appello, Nappi

Appeal #16-07

Existing Fence

Variances: Height, Solid

Block: 1565 Lot: 46, Tax Map: 72

921 Clifton Street, Forked River

Submitted by: **David & Michelle Gove**

Applicant's Testimony:

David Gove, applicant and owner and came forward and was sworn under oath by the Board Attorney. Mr. Gove stated he purchased the house approximately 2 years ago. He had constructed a 600 sf addition at which time he had also taken down the old fence and put up a new one in the same location. The fence doesn't block any views and is located behind a row of trees that are on his property. The fence is approximately 65 FT from the corner. The original fence was a 4 FT chain link fence. He did replace the fence with a 6 FT high solid fence which needs a variance. The purpose for the height is to keep his dog within his yard and security reasons, he explained that a year ago his house was robbed. He stated his lot is 100x100 located on the corner. Ms. Rule stated that when Mr. Gove replace the fence it was only allowed to be 4ft high and open without obtaining a variance. Mr. Gove stated the fence has been up for a year now but his neighbor had complained about his lights which at that time Code Enforcement sent him a summons for the fence.

Public Comment:

The meeting was open to public comment. There being no public comment this portion of the meeting was closed.

Motion & Vote:

Motion to approve the application was made by Mr. Tomalo, seconded by Mr. Kosco and unanimously carried by the membership present.

Roll Call Vote:

For: Tomalo, Kosco, DeFranco, Bradley, Scanlon, LeTellier, Gudgeon
Against: None
Abstain: None
Not Voting: None
Absent: Appello, Nappi

Appeal #16-08

Retail Sale of Firearms

Variances: *Application for Interpretation*

Block: 276, Lot: 11, Tax Map: 18

118 South Main Street, Forked River

Submitted by: Jersey Sportsman c/o William Malcolm

Applicant's Testimony:

Christopher Supsie, Attorney representing the applicant came forward to address the Board indicating this application is for an interpretation of the zoning ordinance for the operation and sales of firearms in order for the applicant to apply for a FFL license, which needs Township approval first. Currently the applicant has permission to sell ammunition only. The FFL license will allow Mr. Malcolm to buy sell & trade firearms for out of state purchases.

William Malcolm came forward and was sworn under oath by the Board Attorney. Mr. Malcolm submitted his current licenses issued by the State Police that were marked into evidence A-1, A-2 and A-3. He explained that currently his business is located on Route #9 in the old army/navy store and only sells ammo. The State Police have inspected his store and it totally complies. He would like to be able to apply for a FFL license which would allow him to buy sell and transfer firearms. He explained that in the State of New Jersey if you buy a firearms out of state you need to send it to a licensed FFL dealer. This store is located within a C-150 highway business zone where there is no actual language that particularly restricts this type of business. Mr. Supsie stated his computer was on the blink this afternoon and wasn't able to print out the ordinance but would read it into the record for the Board. Mr. Supsie read all the permitted uses clarifying that the ordinance does state "retail goods" which he feels firearms would fall under that category.

Ms. DeFranco questioned whether there were apartments within that building. Ms. Rule said yes. Ms. Rule stated based on chapter 335.3 it was her interpretation that a use variance would be necessary.

Mr. Malcolm described the procedure he will have to follow to operate under this new license. He will have to install a gun safe, bars on the door and windows and security cameras. Once this license is obtained it has to be renewed every three years and there are spot inspections during the year. No automatic weapons and it does limit the number of weapons he is allowed to have on site. New Jersey is very restrictive.

BOARD CAUCUS:

Motion to enter into caucus was made by Mr. LeTellier, seconded by Mr. Tomalo. This was discussed between the members Vice-Chair Bradley stated that the Planning Board during their re-examination of the master plan did not add this type of business.

Motion to come out of caucus was made by Mr. LeTellier, seconded by Mr. Tomalo and unanimously carried by the membership present.

Summation:

Mr. Supsie stated the Board has the power to interpret and determine whether or not this type of business should be included within the ordinance.

Public Comment:

The meeting was open to public comment. There being no public comment this portion of the meeting was closed.

Motion & Vote:

Motion to approve the application was made by Mr. Tomalo, seconded by Chairman Gudgeon and unanimously carried by the membership present.

Roll Call Vote:

For: Tomalo, Gudgeon, LeTellier
Against: DeFranco, Kosco, Bradley, Scanlon
Abstain: None
Not Voting: None
Absent: Appello, Nappi

The application was denied.

The Board took a short recess

Appeal #16-09

Existing Dwelling – Third Story

Variances: *Habitable living Space, Height*

Block: 840, Lot: 10-11, Tax Map: 45

1121 Laurel Boulevard, Lanoka Harbor

Submitted by: Grace & Robert Taino

The record should reflect that Board Member Laurence Gudgeon would be stepping down from this application.

Applicant's Testimony:

Dina Vicari, Attorney representing the applicant came forward to address the Board indicating she had some items pre-marked. A-1 elevations, A-2 packet of photos, A-3 architectural plans

Jason Marciano PE, PP came forward and was sworn under oath by the Board Attorney. The Board accepted his qualifications. Mr. Marciano stated he was the project Planner on this application and described the elevations, which were marked as A-1 into the record. The applicant's would like to change the attic stairs from pull down to walk upstairs. The outside of

the house will not change at all. The house was totally compliant but as soon as the new stairs were put in the measurement changed because the attic space becomes habitable space. This attic space is only 390 SF of extra living space. The house is similar to the other homes in the area and fits within the neighborhood with no detriment. The installation of permanent stairs instead of pull down stairs will ease access to this area since the applicants are getting older. This area will be used as a storage area, no bedroom space, an unfinished area with no heat or anything.

Scott Lepley, Architect came forward and was sworn under oath by the Board Attorney. The Board accepted his qualification. He stated he prepared the architectural drawings marked as A-3. His professional opinion is that the approval of this variance would not be a detriment to the area.

Public Comment:

The meeting was open to public comment. There being no public comment this portion of the meeting was closed.

Summation:

Ms. Vicari stated based on the testimony provided by the professionals and the exhibits entered into evidence she would request that the Board vote to approve the application.

Motion & Vote:

Motion to approve the application with conditions was made by Mr. Tomalo, seconded by Mr. LeTellier.

Roll Call Vote:

For: Tomalo, LeTellier, DeFranco, Kosco, Bradley, Scanlon
Against: None
Abstain: None
Not Voting: Gudgeon
Absent: Appello, Nappi

ADJOURNMENT:

With no further business to be acted upon this evening, the meeting was adjourned at 9:35 pm on a motion by Mr. LeTellier, seconded by Mr. Nappi and unanimously carried by the membership present.

Respectfully submitted,

Susan Connor, Secretary
Lacey Township Board of Adjustment

**RESOLUTION OF MEMORIALIZATION
OF THE LACEY TOWNSHIP BOARD OF ADJUSTMENT
APPEAL #16-08**

WHEREAS, JERSEY SPORTSMAN c/o WILLIAM MALCOLM, whose address is 118 South Main Street, Forked River, New Jersey, has applied for an interpretation pursuant to N.J.S.A. 40:55D-70b that retail firearms sales is a permitted use in the C-150 Highway zone; and

WHEREAS, pursuant to the Municipal Land Use Law no public notice to adjoining property owners was required by the Township Ordinance; and

WHEREAS, a hearing was held on the application for an interpretation on April 4, 2016 in the Municipal Building of the Township of Lacey and testimony and exhibits were presented on behalf of the applicant and all interested parties having been heard; and

WHEREAS, the applicant presented testimony and evidence, Christopher Supsie, Esq, appearing as follows:

- a. The applicant, William Malcolm, testified that he is presently or is contemplating the sale of firearms at 118 South Main Street, Forked River, New Jersey, upon which he is the owner.
- b. Mr. Malcolm submitted exhibits from the New Jersey State Police reflecting a dealer inspection report for the sale of ammunition dated September 24, 2015. He presently sales ammunition retail at the location.
- c. A subsequent dealer inspection report dated December 14, 2015 was also submitted which required certain improvements to the structure.
- d. The applicant further submitted license to retail firearms issued by the Superior Court of New Jersey, the license was for amino only and was amended to included BB and pellet gun sales.

-
- e. The applicant submitted testimony that he now seeks to obtain a Federal FFL license to sell firearms at his site. The FFL license would permit the sale of guns from in and out of State and also buy firearms.
 - f. As part of the requirement for the federal firearms license the applicant requires a zoning permit.
 - g. Through counsel, the uses permitted in the C-150 zone were read into the record. The applicant, through counsel, argued that this is a retail use similar to those specifically delineated in the C-150 zone. The nature of the uses permitted was analogous to that retail sale of firearms; and

WHEREAS, no other persons testified with regard to this application.

NOW, THEREFORE, BE IT RESOLVED the Board finds and rules as follows:

1. The sale of firearms in the C-150 zone is not specifically provided or noted as one of the permitted retail or commercial uses in the zone.
2. The Board further finds that the sale of weapons/firearms is not similar or analogous to those uses specifically permitted in the C-150 zone as commercial or retail operations.
3. The Board specifically relies on Section 335-A of the Township Zoning Ordinance which restricts uses in a zone to only those which are specifically referenced and listed as permitted in the zone.
4. Accordingly, the Board finds that the distinct operation of buying and selling of firearms is not listed as a permitted use in the C-150 zone and is not a permitted use in the zone. Such a use would require a variance from the Board pursuant to 40:55D-70(d) for any lot located in the C-150 zone.

MOVED BY:

SECONDED BY:

ROLL CALL

Those in Favor:

Those Opposed:

Those Absent:

Those Not Voting:

The foregoing is a true copy of a memorializing resolution by said Board at its _____, 2016 meeting of as copied from the minutes of said meeting.

Dated:

SUSAN CONNOR, Secretary

LAW OFFICES
STEIN & SUPSIE

AN ASSOCIATION CONSISTING OF A PROFESSIONAL CORPORATION

ARTHUR STEIN*
CHRISTOPHER M. SUPSIE†
JACK A. BUTLER*

LUCIAN ULMET*
OF COUNSEL

*MEMBER NJ & DC BARS
†MEMBER NJ & PA BARS
*MEMBER NJ, NY & PA BARS
*MEMBER NJ & CA BARS

1041 W. LACEY ROAD
P.O. BOX 1070
FORKED RIVER, NEW JERSEY 08731-6070
(609) 693-6200

TELEFAX: (609) 693-0121

E-MAIL: csupsie@steinlawnj.com
OUR FILE: 14223CMS

April 13, 2016

Susan Connor, Zoning Board of Adjustment Secretary
Lacey Township Zoning Board of Adjustment
818 West Lacey Road
Forked River, NJ 08731

**RE: Jersey Sportsman
Block 276, Lot 11, Lacey Township Tax Map**

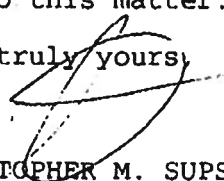
Dear Ms. Connor:

Please be advised that I have been retained to represent Jersey Sportsman with respect to the above referenced Application seeking a use variance to permit the sale of firearms in the C150 zone. Enclosed herewith please find the following materials:

1. Application for Development Approval;
2. Request for Taxpayer Identification Number and Certification;
3. Variance Application;
4. Proof of taxes paid;
5. Check in the amount of \$1,200.00 for escrow fees;
6. Check in the amount of \$200.00 for application fee.
7. Certified list of property owners

Thank you for your attention to this matter.

Very truly yours,


CHRISTOPHER M. SUPSIE, ESQ.

LACEY TOWNSHIP APPLICATION FOR DEVELOPMENT APPROVAL

PLANNING BOARD _____ BOARD OF ADJUSTMENT X

APPLICATION MUST BE FILED FIFTEEN (15) WORKING DAYS PRIOR TO THE SCHEDULED PUBLIC HEARING. THE REQUIRED NUMBER OF PLANS AND FEES MUST BE SUBMITTED WITH A COMPLETE APPLICATION PACKAGE TO THE BOARD SECRETARY PRIOR TO BEING PLACED ON THE HEARING AGENDA.

APPLICANT PLEASE CHECK ONE: OWNER ☒ CONTRACT PURCHASER _____ AGENT _____

APPLICANT NAME JERSEY SPORTSMAN
 CONTACT PERSON William Malcolm
 STREET ADDRESS 118 South Main St
 CITY Forked River STATE NJ ZIP CODE 08731
 WORK PHONE # 609 756-4322 HOME PHONE # 409 451 5865 FAX # 609 756 4467
 FED ID # _____ SOC. SEC. # _____
 OWNER OF THE PROPERTY GEORGE MACKLES 535 Rt 9 WARETOWN NJ 08758 609693600
 EMAIL ADDRESS: JERSEY SPORTSMAN @ GMAIL.COM

DEVELOPMENT SUBJECT OF THIS HEARING

PRIMARY BLOCK 276 PRIMARY LOT 11 TAX MAP 10

ADDITIONAL BLOCKS AND LOTS: _____

CURRENT ZONE _____ PROJECT NAME Jersey Sportsman

PROJECT LOCATION 118 South Main Street, Forked River, NJ

PROJECT DESCRIPTION RETAIL SALE OF GUNS (FIREARMS)

CLASSIFICATION

NUMBER OF ACRES _____ NUMBER OF LOTS _____ NUMBER OF DWELLINGS _____

- | | |
|---|--|
| ☐ CONCEPT PLAN | ☐ MAJOR SITE PLAN PRELIMINARY |
| ☐ MINOR SUBDIVISION | ☐ MAJOR SITE PLAN FINAL |
| ☐ MAJOR SUBDIVISION PRELIMINARY | ☐ GENERAL DEVELOPMENT PLAN |
| ☐ MAJOR SUBDIVISION FINAL | ☐ STATUTORY EXTENSION |
| ☐ SITE PLAN PRELIMINARY | ☐ STREET VACATION |
| ☐ SITE PLAN FINAL | ☐ AMENDED SITE PLAN |
| ☐ CONDITIONAL USE | ☐ ZONE CHANGE REQUEST |
| ☐ MINOR SITE PLAN | ☐ MISCELLANEOUS _____ |
| ☐ DESIGN WAIVER FOR ROAD IMPROVEMENT PLAN | |
| ☐ APPEAL OF DECISION OF THE ADMINISTRATIVE OR ZONING OFFICER | |
| ☐ INTERPRETATION OF ZONING MAP/ORDINANCE | |
| ☐ VARIANCE FOR BUILDING LOT NOT FRONTING ON AN IMPROVED STREET | |
| ☐ BULK VARIANCE; DESCRIBE TYPE: _____ | |

☒ USE VARIANCE; DESCRIBE TYPE: Variance to permit retail sale of Firearms in CISO Highway Business Zone

PREVIOUS VARIANCE AT THIS LOCATION: YES _____ NO X IF YES, YEAR _____

TYPE OF VARIANCE APPLIED FOR _____ APPROVED _____ DISAPPROVED _____

LACEY TOWNSHIP APPLICATION FOR DEVELOPMENT APPROVAL

PROFESSIONALS

ENGINEER _____
ADDRESS _____
CITY _____ STATE _____ ZIP CODE _____
TELEPHONE NUMBER _____ FAX NUMBER _____
EMAIL ADDRESS: _____
ATTORNEY Christopher M. Supsik, Esq.
ADDRESS 104 W. Lacey Road
CITY Fairfax River STATE MS ZIP CODE 08731
TELEPHONE NUMBER 609) 693-6200 FAX NUMBER 609) 693-6202
EMAIL ADDRESS: CSupsik@steinlawnj.com

ARCHITECT _____
ADDRESS _____
CITY _____ STATE _____ ZIP CODE _____
TELEPHONE NUMBER _____ FAX NUMBER _____

SURVEYOR _____
ADDRESS _____
CITY _____ STATE _____ ZIP CODE _____
TELEPHONE NUMBER _____ FAX NUMBER _____

CERTIFICATION

I (WE) William Malcom HEREBY CERTIFY THAT THE PROPOSED WORK THAT
IS THE SUBJECT OF THIS APPLICATION IS AUTHORIZED BY THE OWNER OF RECORD AND THE INFORMATION
PROVIDED ON THIS APPLICATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.
X William Malcom
SIGNATURE OF OWNER, CONTRACT PURCHASER OR OWNER'S AUTHORIZED AGENT

+ FOR BOARD SECRETARY'S USE ONLY +

V16-11
APPLICATION NUMBER

E-14-56-856-884
ESCROW ACCOUNT NUMBER

APPLICATION FEE \$200.00
J# 1039

ESCROW FEE \$1200.00
J# 1040

OFFICE COPY (WHITE) • FILE COPY (GREEN) • APPLICANT COPY (GOLDENROD) • CHIEF FINANCIAL OFFICER (PINK)
PLANNING BOARD/B.O.A. ATTORNEY (CANARY) • PLANNING BOARD/B.O.A. ENGINEER (BLUE)

Account Inquiry Summary by Years

Exit Help

Account #: 2512 Block/Lot: 276/1
 Owner Name: FORKED RIVER HOUSE C/O SEA PINE INN
 Address: RTE 9
 City/St/Zip: WARETOWN NJ 08758
 P.Loc: 118 SO MAIN STREET
 Bank: 39964/MACKRES, GEORGE
 Ded. Amt: .00 S.D. Tax Cd:
 1st Sch Date: 1st Pay Date: 2/11/2016

Principal: .00
 Interest: .00
 Uncoll. Interest: .00
 Total Due: .00

QTL Certificate #: 88-103-R
 Interest thru Date: 02/25/2016

Narratives

New Accounts: New Blk/Lot/Qual: < Prev Next > View Details

Double Click on Year below to view Specific Year or Click "View All" Button to see Details for All Years

Year	Deductions	Billed Amount	Paid Amount	Adjusted Amount	Open Balance	Interest	Last Pay Date
2016		4,155.30	2,077.65		2,077.65		7/17/2016
2015		8,310.60	8,310.60				11/10/2015
2014		7,353.00	7,353.00				11/10/2014
2013		7,040.93	7,040.93				11/14/2013
2012		6,523.65	6,523.65				11/15/2012
2011		6,275.70	6,275.70				11/15/2011
2010		6,130.35	6,130.35				11/08/2010
2009		6,036.30	6,036.30				11/09/2009
2008		4,891.91	4,891.91				11/19/2008
2007		4,926.09	4,926.09				11/09/2007
2006		4,640.78	4,640.78				11/03/2006
2005		4,422.34	4,422.34				12/01/2005
2004		4,261.85	4,261.85				12/03/2004

Narrative Edit Account Edit Print Account Duplicate Bill Refresh QTL Inquiry

Account Inquiry Summary by Years
Exit Help

Account # 7517 Block/Lot 276 / 117
Owner Name FORKED RIVER HOUSE C/O SEA PINE INN
Address RTE 9
City/St/Zip WARETOWN NJ 08758
P.Loc 118 SO MAIN STREET
Bank 99964 MACKRES, GEORGE
Ded. Amt. .00 Sp. Tax Cd.
1st Sch Date 2/17/2016 1st Pay Date 2/17/2016

Principal .00
Interest .00
Unconf. Interest .00
Total Due .00

QTL Certificate # 30-103 - R
Interest thru Date 02/25/2016

Narratives

New Account# ... New BR/Lot/Qual ... < Prev Next > View Summary

Double Click on Year below to view Specific Year or Click "View All" Button to see Details for All Years

BY Yr	Trans/Due Date	Description	PR/Paid/Adj Amt.	Open Balance	Days	Interest	Check#	On#	Src
2015	1	4/06/2015	TAX PAYMENT	1838.25			1122	7	O
2015	2	5/01/2015	TAX BILL	1838.25					
2015	2	5/11/2015	TAX PAYMENT	1838.25			1191	29	O
2015	4	8/01/2015	TAX BILL	2317.05					
2015	3	10/10/2015	TAX PAYMENT	2317.05			1220	31	O
2015	4	11/01/2015	TAX BILL	2317.05					
2015	4	11/10/2015	TAX PAYMENT	2317.05			1200	30	O
2016	1	2/01/2016	TAX BILL	2077.65					
2016	1	11/10/2015	TAX PAYMENT	6.08			1200	30	O
2016	1	2/17/2016	TAX INTEREST	9.90			1315	46	O
2016	1	2/17/2016	TAX PAYMENT	2070.97			1315	46	O
2016	2	3/01/2016	TAX BILL	2077.65	2077.65				

Narrative Edt Account Edt Print Account Duplicate BR Refresh ... QTL Inquiry



Township of Lacey

Assessor's Office

818 LACEY ROAD
FORKED RIVER, NJ 08731
(609) 693-1100 Ext. 2242 • Fax (609) 693-4803

Web Site: www.LaceyTownship.org
e-mail address: Lacey.TaxAssessor@laceytownship.org

2/22/2016

#2016-09

REQUESTED LIST OF OWNERS OF PROPERTY IN LACEY TOWNSHIP THAT
ARE WITHIN 200 FEET OF BLOCK 276 LOT(S) 11. LACEY TOWNSHIP TAX MAP
PAGE(S) 18, 19.

OWNER: FORKED RIVER HOUSE C/O SEA PINE INN
RTE 9
WARETOWN, NJ 08758

I hereby certify that the attached is a correct list of names and addresses of owners of
property within a 200 foot radius of Block 276 LOT(S) 11. LACEY TOWNSHIP TAX MAP
PAGE(S) 18, 19.

Mark J. Fitzpatrick, CTA
Tax Assessor

MJF:le

ADJACENT PROPERTY LISTING APPLICANT: 2016-09
TAXING DISTRICT 13 LACEY TWP COUNTY 15 OCEAN

PAGE 1

PROPERTY ID	PROPERTY LOCATION	CLASS	OWNERS NAME & ADDRESS
276 1	136 SO MAIN STREET LOTS 2,3,16,17	4A	CICCO,VITTORIO & ANGELA C/O CICCO,S 568 LANLAC DRIVE LANOKA HARBOR NJ 08734
276 7	121 PARKER AVENUE LOTS 8,9	15F	FORKED RIVER FIRE DEPT. NO. 1 PARKER AVENUE FORKED RIVER, NJ 08731
276 10	124 SOUTH MAIN STREET LOTS 13,14,15	15C	TOWNSHIP OF LACEY 818 LACEY ROAD FORKED RIVER NJ 08731
276 18	126 SOUTH MAIN STREET	15C	TOWNSHIP OF LACEY 818 LACEY ROAD FORKED RIVER NJ 08731
281 11	SOUTH MAIN STREET	1	J & D ENTERPRISES INC 952 LAKEWOOD ROAD TOMS RIVER NJ 08753
281 12	116 SO MAIN STREET	4A	116 OAK STREET, LLC 128 ADMIRAL WAY WARETOWN, NJ 08758
281 13	10 OAK STREET	15F	LACEY TOWNSHIP FIRST AID SQUAD PARKER & OAK STS FORKED RIVER NJ 08731
281 14	PARKER AVENUE	1	J & D ENTERPRISES INC 952 LAKEWOOD ROAD TOMS RIVER NJ 08753
281 14.01	115 PARKER AVENUE	2	J & D ENTERPRISES INC 952 LAKEWOOD ROAD TOMS RIVER NJ 08753
282 3.01	121 SOUTH MAIN STREET	4A	FORKED RIVER HOUSE C/O SEAPINE INN ROUTE 9 WARETOWN NJ 08758
282 8.01	113 SOUTH MAIN STREET	4A	PETRO LAND PROPERTIES,LLC C/O HYLAN 950 HOLMDEL ROAD HOLMDEL, NJ 07733

To the best of my knowledge, the following Utilities service properties in Lacey Township.

Comcast Cable
P.O. Box 847
Toms River, NJ 08754

AT&T
1 AT&T Way
Bedminster, NJ 07921

New Jersey Natural Gas
P.O. Box 1464
Wall, NJ 07719

Jersey Central Power & Light
300 Madison Avenue
Morristown, NJ 07960-1911

Verizon
540 Broad Street
Newark, NJ 07102

New Jersey DEP
1510 Hooper Avenue
Toms River, NJ 08753

Lacey Twp MUA
P. O. Box 205
Forked River, NJ 08731

Ocean County MUA
P.O. Box "P"
Bayville, NJ 08721

New Jersey DOT
CN 600
Trenton, NJ 08625

New Jersey Turnpike Authority
P.O. Box 5042
581 Main Street
Woodbridge, NJ 07095-5042
(Includes Garden State Parkway)

SUBMISSION REQUIREMENTS
LACEY TOWNSHIP BOARD OF ADJUSTMENT

VARIANCE APPLICATION

Applicant: *JERSEY SPORTSMAN*

Owner: *William Malcolm*

Engineer/Designer:

Person Completing This Form: *William Malcolm*

Date: *4/13/16*

Block: *276*

Lot: *11*

Address: *118 South Main St Forked River NJ 08731*

(To be completed by Board Secretary)

Appeal #:

Official Street Address:

Date of Workshop Hearing:

Date of Public Hearing:

	Complete Yes	Complete No	Waiver Request
INFORMATION REQUIRED FOR ALL VARIANCES AND APPROVALS UNDER N.J.S.A. 40:55D-34			
GENERAL REQUIREMENTS			
1.) Application (form A)	X		
2.) Certificate of taxes paid from the Tax Collector's Office	X		
3.) A two hundred (200) FT radius area map showing the relationship to all affected lands, structures and the property in question. The plan shall be notarized, if prepared by the Applicant, as to the truthfulness and accuracy thereof or be certified by an engineer or land surveyor licensed to do business in the State of New Jersey. NO COMBINED PLOT PLAN AND TWO HUNDRED FT. RADIUS AREA MAPS WILL ACCEPTED.			X
4.) Plans or renderings for the intended use or variance, showing any building or structure to be erected, with an elevation of each side of the building being shown. If a new principal structure is proposed including a structure on an undersized lot, a set of plans that demonstrates compliance and adequately describes its appearance so as to allow the Board to determine its compatibility with the character of the surrounding District. (Required Copies: (3) Three)			X
5.) A certified list of property owners within 200 FT of the subject property obtained from the Tax Assessor's Office.	X		
6.) Form of notice to be mailed certified to all property owners within 200 FT ten (10) days prior to the hearing.	TBP		
7.) Affidavit of service with the attached post marked certified mailing receipts.	TBP		

	Complete Yes	Complete No	Waiver Request
8.) Notice to the general public must be given by publication in the Official Newspaper of the Board Newspaper of the Board ten (10) days prior to the hearing	TISP		
9) Photographs of the property in question and structures within 200 FT and displayed in the format provided by the Board.	TISP		
TECHNICAL CHECKLIST			
1.) Eleven (11) copies of a plot plan of the property in question based on a survey prepared by a licensed land surveyor or engineer containing sufficient information regarding the application drawn to scale and showing applicable setbacks, elevation, lot size, lot coverage and other bulk requirements.			X
a.) Drawn to an appropriate scale not greater than one inch = 50 feet and NOT to be combined with the two hundred (200) FT radius area map.			X
b.) Clearly depicted on a sheet size no smaller than 8 1/2 x 11 inches			X
2.) For All Applications (Except, additions or improvements to existing single family dwelling) the following additional information is required:			X
a.) A current survey of the property with the lot, metes and bounds and the direction and distance to the nearest intersecting street.			X
b.) All existing or proposed easements and/or lands dedicated to public use			X
c.) All existing and proposed buildings and structures, with all dimensions and with front, side and rear yard setback dimensions indicated, and with required setback lines shown.			X
d.) All buildings and structures located on all adjacent properties with dimensions and setbacks noted.			X
e.) Any existing or proposed sidewalks and driveways.			X
f.) The name of the street(s) and the composition of the surface of the street(s) which the lot abuts.			X
g.) Sufficient street elevations (centerline, gutter and top-of-curb, if applicable) and existing and proposed lot elevations; specifying those for the finished first floor and garage floor elevations of the proposed structure related to the abutting street elevations. The lowest floor of any structure, including garage, first floors and any floor area intended as usable space other than area conforming to the definitions set forth in the BOCA code, Uniform Construction Code, and according to NGVD (National Geodetic Vertical Datum) and the source of datum so noted.			✓
h.) Drainage flow arrows shall be provided to clearly depict the directions of storm water runoff.			✓
i.) If applicable, grading or the creation of sump conditions on adjacent lots shall be shown together with permission specifically granted by the owner of said adjacent lots.			X
j.) The limits of clearing and soil disturbance; any trees to be saved and, in general, the requirements as specified in the Lacey Township Tree Ordinance (Chapter 98).			X
k.) The location of any freshwater wetlands or a statement on the plan that none exist.			X

	Complete Yes	Complete No	Waive Request
ADDITIONAL INFORMATION REQUIRED FOR CURRENTLY UNDEVELOPED PROPERTIES WHICH REQUIRE VARIANCES BY VIRTUE OF BEING UNDERSIZED			
1.) Information in the form of title Binders or similarly constructed documents which clearly trace the chain of ownership of the property from the adoption of the Zoning Ordinance which made the property nonconforming. All documents shall be duly signed and sealed by the owner, purchaser and / or Applicant and shall be duly witnessed by a notary public of the State of New Jersey .			
2.) Contract of Sale for the property should it have been recently purchased.			
3.) A grading and storm water management plan prepared in accordance with the following standards and requirements:			
a.) Methods or provisions to abate or prevent any adverse surface drainage /or storm water runoff impacts or conditions to adjacent and / or downstream lots.			
b.) Drainage calculations using the USDA Soil Conservation Service TR-55 analyses for the 25 year frequency rainfall of 6.2 inches in 24 hours. Calculations indicating capacities requiring volumes, rate of recharge shall be prepared and certified by a New Jersey licensed professional engineer			
SUBDIVISIONS AND SITE PLANS			
1.) Any applications for subdivision or site plan approval must comply with the checklist for completion utilized by the Planning Board for the respective application			

FEEs

REVENUE DEPOSIT:

All applications require a Non-refundable Administration Fee (\$200.00)

\$ 200.00

ESCROW DEPOSITS: (NOTE: PURPOSE OF ESCROWS: Escrow deposits are intended to cover the entire cost of review by board professionals. This chapter estimates the total cost of review of a land use application; however, the applicant is responsible for any and all professional fees associated with the approval process. The escrow deposit shall be utilized to reimburse the Planning or Zoning Board Attorney for the preparation of any resolution of other legal services in connection with a development application.)

Variance Matters:

Undersized lots with insufficient lot area less than 6,000SF (\$1,200.00)

\$

Undersized lots with insufficient lot area 6,000SF or larger (\$1,200.00)

\$

"c" variance (bulk variances and setbacks),
(except for undersized lots with insufficient lot area)
Each additional variance

(\$500.00) Initial variance

\$

(\$100.00) each additional variance

\$

"d" variance

(\$1,200.00)

\$ 1,200.00

At the time of the planning workshop:

ME

Cost: Planning Review

(\$1,700.00)

\$

MA

Cost: Appraiser Review

(\$1,000.00)

\$

Other Land Use Applications:

Amendment of previously granted board approval (50%) of the original fee:

\$

Request for interpretation of the zoning ordinance (\$300.00)

\$

Appeal of a decision of the Zoning Officer (\$500.00)

\$

Property not fronting on an improved road (\$1,500.00)

\$

Substantial revision to pending application before the Board, (30%) of the original fee:

\$

NOTE: TWO (2) SEPARATE CHECKS ARE REQUIRED:

1.) ADMINISTRATIVE FEES TOTALING:

\$ 200.00

2.) ESCROW FEES TOTALING:

\$ 1,200.00

IN ORDER FOR THE APPLICATION TO BE DEEMED COMPLETE AND LISTED FOR HEARING, THE APPLICANT SHALL SUBMIT THE INFORMATION REQUIRED.

IN ALL CASES THE APPLICANT MUST APPEAR IN PERSON OR BE REPRESENTED BY AN ATTORNEY-AT-LAW OF THE STATE OF NEW JERSEY.

Revised 03/27/20

Chris Reid

From: James H. McKelvie <jmckelvie@alaimogroup.com>
Sent: Friday, April 29, 2016 8:47 AM
To: Sue Connor; Al Nappi; Chris Reid; colfbradley@aol.com; 'Ed Scanlon'; hhg5258@aol.com; James Letellier; joe_appello@comcast.net; lacey.zoning@laceytownship.org; Louis Kosco; Maryanne C. DeFranco
Subject: RE: Board Packets - May 2nd - Completeness Review for Jersey Sportsman
Attachments: Jersey Sportsman Completeness Review 4-29-16.pdf

All,

Attached is a completeness review for the Jersey Sportsman use variance application which is scheduled for Workshop. Have a great weekend.

Jim

Best Regards,

James McKelvie, PE, CME
Associate



ALAIMO
Group

jmckelvie@alaimogroup.com
609-267-8310 x 245
200 High Street, Mt.Holly, NJ 08060

From: Sue Connor [mailto:lacey.landuse@laceytownship.org]
Sent: Thursday, April 28, 2016 11:45 AM
To: Al Nappi <allennap@aol.com>; Chris Reid <lacey.commddev@laceytownship.org>; colfbradley@aol.com; 'Ed Scanlon' <ejs1943@gmail.com>; hhg5258@aol.com; James Letellier <jletellier1@comcast.net>; James H. McKelvie <jmckelvie@alaimogroup.com>; joe_appello@comcast.net; lacey.zoning@laceytownship.org; Louis Kosco <noagenda65@comcast.net>; Maryanne C. DeFranco <mdefranco@LDCPC.com>
Subject: Board Packets - May 2nd

Hi Everyone,

Attached is your packet for the Meeting.....

1. Minutes – April 4th
2. Resolutions: 16-05 Schirm, 16-06 Devenney, 16-08 Jersey Sportsman, 16-09 Taino
3. Workshop: 16-11 Jersey Sportsman
4. New Business: 16-10 Carla Matos

Susan Connor

Administrative Secretary DCD

Lacey Township Planning / Zoning Board

Local Registrar of Vital Statistics

818 Lacey Road

Forked River, New Jersey 08731

(609) 693-1100 Ext. 2251

Fax: (609) 693-8846



Alaimo Group

200 High Street, Mt. Holly, New Jersey 08060 Tel: 609-267-8310 Fax: 609-267-7452
2 Market Street, Paterson, New Jersey 07501 Tel: 973-523-6200 Fax: 973-523-1765

April 29, 2016

Lacey Township Board of Adjustment
818 Lacey Road
Forked River, NJ 08731

Re: Lacey Township Zoning Board
of Adjustment
Variance Appeal #16-11
Jersey Sportsman
Use Variance
Block 276, Lot 11
118 South Main Street, Forked River
Completeness Review
Our File: A-0528-0052-000

Dear Board Members:

Our office has reviewed the above-referenced application. The following documents have been submitted for this application:

- Application for Development Approval, prepared by William Malcolm, Applicant.
- Variance Application Checklist
- 200-Foot List of Property Owners, prepared by Mark J. Fitzpatrick, CTA, Tax Assessor, dated 2/22/16.
- Map of Survey, Tax Map Lot 9.01, Block 1025, prepared by Dolan-Endriss Associates, PA, dated 3/19/12.
- Property Tax Inquiry Summary

A. Project Description:

The subject property is located on the west side of South Main Street (Route 9) at the intersection of South Main Street with Oak Street in the Forked River section of Lacey Township, in the C-150 Highway Business Zone.

- Consulting Engineers -

Civil • Structural • Mechanical • Electrical • Environmental • Planners

The applicant presently conducts retail sales of ammunition and requests a use variance to permit the sale of firearms. Retail sale of firearms is not specifically referenced in Section §335-60 of the Township Ordinance as a permitted use in the zone. No modifications to the property are proposed.

B. Variances Requested:

1. Use Variance: To permit the sale of firearms.

During the public hearing, the applicant will need to present the required proofs for granting of the use variance by addressing the positive and negative criteria.

C. Completeness Review:

The following checklist items required by Section §215-21 of the Township Ordinance have not yet been submitted but the application indicates they are to be provided:

1. A(6): Form of Notice.
2. A(7): Affidavit of Service.
3. A(8): Notice to the Public.
4. A(9): Photographs of the subject property and properties within 200 feet.

Waivers of the following checklist items have been requested from the submission requirements in Section §215-21 of the Township Ordinance:

1. A(3): 200-Foot Radius Map.
2. A(4): Plans or renderings of the intended use or variance.
3. B(1): Plot plan of the property.
4. B(2)(a): Current survey of the property.
5. B(2)(b): Existing and proposed easements.
6. B(2)(c): Existing and proposed buildings and structures and setbacks.
7. B(2)(d): Buildings and structures on adjacent properties.
8. B(2)(e): Existing and proposed sidewalks and driveways.
9. B(2)(f): Street name and surface composition.
10. B(2)(g): Existing and proposed street, lot and floor elevations.
11. B(2)(h): Drainage flow arrows.
12. B(2)(i): Lot grading.
13. B(2)(j): Limits of clearing and site disturbance.
14. B(2)(k): Location of freshwater wetlands.

We have no objection to the granting of the waivers for completeness purposes. However, during the course of the public hearing, should the Board determine that any of the above items are required, then they must be submitted.

Alaimo Group
- Consulting Engineers -

April 29, 2016

D. Outside Agency Approvals:

The applicant would be required as a condition of any approval to obtain approvals of all other agencies having jurisdiction.

Should you have any questions, please do not hesitate to call.

Very truly yours,

ALAIMO GROUP


James H. McKelvie, PE
Associate

JHMCK:llr

cc: Susan Connor, Lacey Township Zoning Board of Adjustment Secretary
Loretta Rule, Lacey Township Zoning Board of Adjustment Zoning Official
Thomas Gannon, Lacey Township Zoning Board of Adjustment Attorney
William Malcolm, Jersey Sportsman (118 South Main Street, Forked River, NJ 08731)
Christopher M. Supsie, Attorney-At-Law (1041 W. Lacey Road, Forked River, NJ 08731)

Chris Reid

From: James H. McKelvie <jmckelvie@alaimogroup.com>
Sent: Friday, April 29, 2016 11:11 AM
To: Sue Connor; Al Nappi; Chris Reid; colfbradley@aol.com; 'Ed Scanlon'; hhg5258@aol.com; James Letellier; joe_appello@comcast.net; lacey.zoning@laceytownship.org; Louis Kosco; Maryanne C. DeFranco
Subject: RE: Board Packets - May 2nd - Completeness Review for Jersey Sportsman
Attachments: Jersey Sportsman Completeness Review-Revised-4-29-16.pdf

Everyone,

Attached please find a revised completeness review letter. It was revised to correct a typo.

Jim

Best Regards,

James McKelvie, PE, CME
Associate



**ALAIMO
Group**

jmckelvie@alaimogroup.com
609-267-8310 x 245
200 High Street, Mt.Holly, NJ 08060

From: James H. McKelvie
Sent: Friday, April 29, 2016 8:47 AM
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Sent: Thursday, April 28, 2016 11:45 AM
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Subject: Board Packets - May 2nd

Hi Everyone,

Attached is your packet for the Meeting.....

1. Minutes – April 4th
2. Resolutions: 16-05 Schirm, 16-06 Devenney, 16-08 Jersey Sportsman, 16-09 Taino
3. Workshop: 16-11 Jersey Sportsman
4. New Business: 16-10 Carla Matos

Susan Connor

Administrative Secretary DCD

Lacey Township Planning / Zoning Board

Local Registrar of Vital Statistics

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