



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 - Revised
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.
- 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. There are several retail establishments and what appears to be a second floor residential unit at this location.

- 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

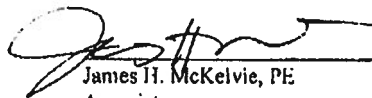
D. Outside Agency Approvals:

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:llhr

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: Architect <architect@mcburtonaia.com>
Sent: Monday, May 02, 2016 12:43 PM
To: osainc@verizon.net; lacey.zoning@laceytownship.org;
lacey.commdev@laceytownship.org
Cc: Danielsandsons13@yahoo.com
Subject: Re: Plot Pl. 1st Rev. 1504 Beach Blvd.
Attachments: 16-014 2016-05-02 Site Plan-Rev 2.pdf

Please find revised plot plan attached for the above referenced project. Signed and sealed copies to follow.

Please contact me with any additional questions or comments.

Thank you,

Malcolm C. Burton, AIA

We are a Registered Architecture Firm in NJ & PA



Malcolm C. Burton, Architect, LLC
102 E. Bay Ave., Suite G, Manahawkin, NJ 08050
Phone (609) 607-1659
Fax (609) 607-8877
email architect@mcburtonaia.com
web www.mcburtonaia.com

On 4/28/2016 12:52 PM, osainc@verizon.net wrote:

Dear Ms. Rule,

Attached please find the plot plan, first review for the above referenced property. Should you have any questions or concerns, please do not hesitate to contact me.

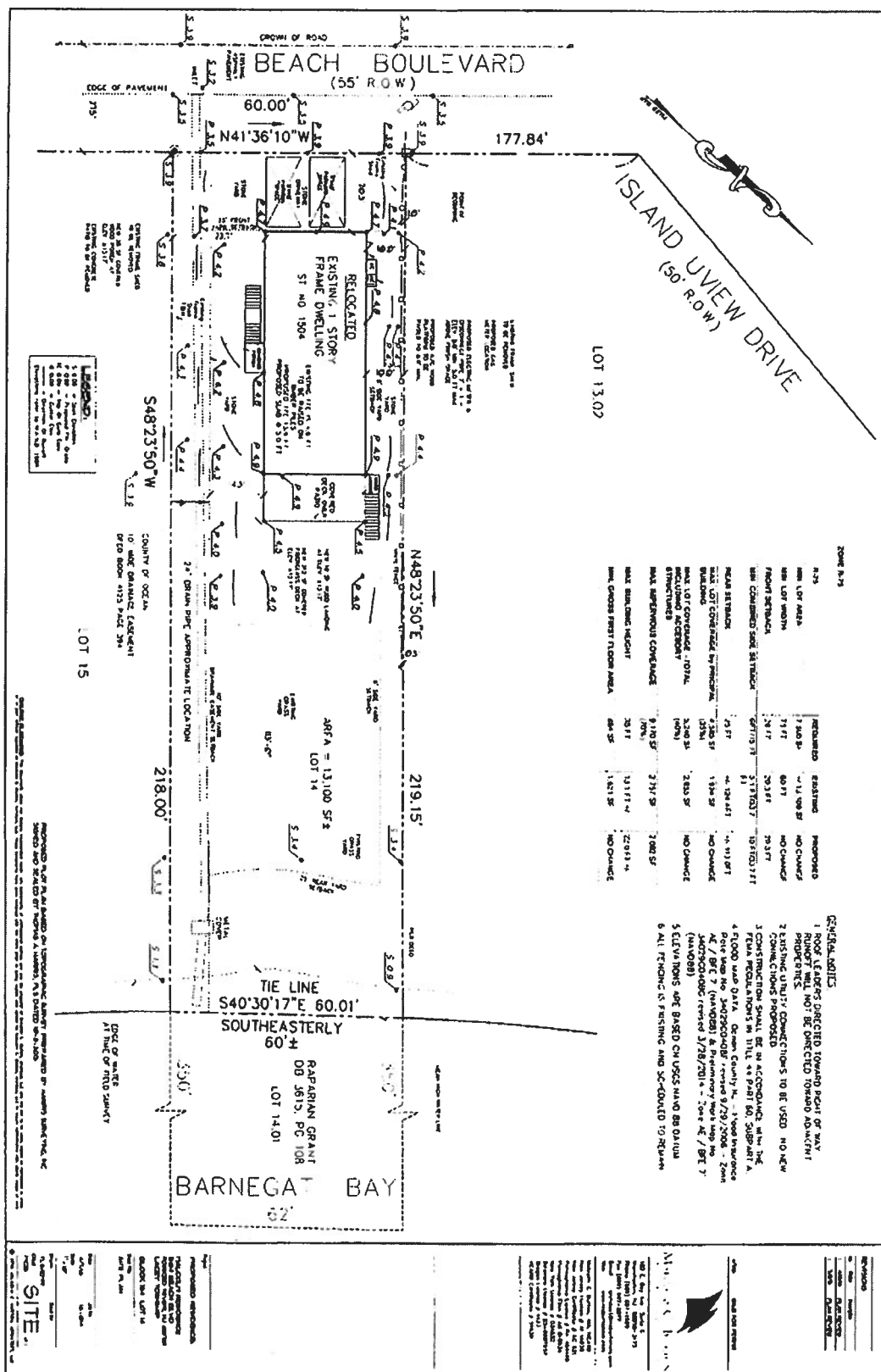
Best regards,

Millis J. Looney

O'Donnell, Stanton & Associates, Inc.
1705 Route 37 East
Toms River, NJ 08753
732-573-0490



Virus-free. www.avast.com



Chris Reid

From: Sue Connor <lacey.landuse@laceytownship.org>
Sent: Friday, May 06, 2016 2:01 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: Minutes
Attachments: 4-4-2016.doc

Hi Everyone,

Attached please find the revised minutes as per our meeting of May 2, 2016

Hope you are all staying dry.... ☺
See you all next month..... 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 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 outweigh 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 Supsle, 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. Supsle 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. Supsle 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.

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 by the membership present.

Respectfully submitted,

Susan Connor, Secretary
Lacey Township Board of Adjustment

Chris Reid

From: Sue Connor <lacey.landuse@laceytownship.org>
Sent: Thursday, June 02, 2016 11:57 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: June 6th, 2016 Board of Adjustment Meeting
Attachments: 6-6-2016.doc; 16-07 Gove David Michelle.docx; 16-10 Matos Carla.docx; V16-04 Davino Revised.pdf; V16-11 Jersey Sportsman.pdf

Hi Everyone,

Attached please find the agenda for our upcoming Board of Adjustment meeting....

Resolutions for 16-07 Gove
16-10 Matos

Old Business: 16-04 Davino (Revised Packet)

New Business: 16-11 Jersey Sportsman Packet

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, June 6th, 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
Collen 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: *May 2nd, 2016 Regular Meeting Minutes*
(Members Eligible to vote: Bradley, DeFranco, Gudgeon, Kosco, Nappi, Tomalo, Scanlon)

RESOLUTIONS:

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

Appeal #16-10 Matos, Carla, Block: 1365, Lot: 5-8, Tm: 65
(Voting to approval: DeFranco, Kosco, Nappi, Tomalo, Bradley, Scanlon, Gudgeon)

WORKSHOP: NONE

Agenda – Monday, June 6th, 2016
Lacey Township Board of Adjustment
Page 2

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 #16-11
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

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

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

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 X CONTRACT PURCHASER _____ AGENT _____

APPLICANT NAME JERSEY SPORTSMAN
 CONTACT PERSON William Malachuk
 STREET ADDRESS 118 South MAIN ST
 CITY FARLED RIVER STATE VT ZIP CODE 05731
 WORK PHONE # 607 756-4322 HOME PHONE # 607 451-5862 FAX # 607 756-4467
 FED ID # _____ SOC. SEC. # _____
 OWNER OF THE PROPERTY GEORGE MACKLES 535 Rt 9 WARETOWN VT 05754 607 433 6600
 EMAIL ADDRESS: JERSEY SPORTSMAN @ COM16.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 Farled River, VT
 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 | | |
| 0 | INTERPRETATION OF ZONING MAP/ORDINANCE | | |
| 0 | VARIANCE FOR BUILDING LOT NOT FRONTING ON AN IMPROVED STREET | | |
| 0 | BULK VARIANCE; DESCRIBE TYPE: _____ | | |
| X | USE VARIANCE; DESCRIBE TYPE: <u>Variance to permit retail sale of Firearms in C150 Highway Business Zone</u> | | |
| PREVIOUS VARIANCE AT THIS LOCATION: YES _____ NO <u>X</u> 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. Supis, Esq.
 ADDRESS 104 W. Lacey Road
 CITY Ferret River STATE MT ZIP CODE 08731
 TELEPHONE NUMBER 609) 693-6200 FAX NUMBER 609) 693-6202
 EMAIL ADDRESS: CSupis@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 +

V16-11
 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 (CAHART) - PLANNING BOARD/B.O.A. ENGINEER (BLUE)

Account Inquiry Summary by Years
[Exit] [Help]

1-800-833-3333

Account # 7512 / Block/Lot 110
Owner Name FORKED RIVER HOUSE CHO SEA PINE INN
Address RTE 9
City/State WARFTOWN NJ 08758
P Loc 118 SO MAIN STREET
Bank 9998 WACKRES, GEORGE
Ded. Amt. \$0 So. Tax Co.
TXR SCH 11/1/2015
TXR PAY DATE 11/1/2015

Principal .00
Interest .00
Unpaid Interest .00
Total Due .00

QTL Certificate 22-103-1100
Interest thru Date 02/05/2016

New Account # [] New BR/Lot/Qual [] < Prev Next > View Details

Use the 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		4,135.30	2,077.82		2,077.53		2/17/2016
2015		6,310.60	6,210.80				11/10/2015
2014		7,323.00	7,323.00				11/10/2014
2013		7,040.82	7,040.82				11/14/2013
2012		6,323.82	6,323.82				11/13/2012
2011		6,223.70	6,223.70				11/08/2011
2010		6,130.35	6,130.35				11/05/2010
2009		6,036.30	6,036.30				11/05/2009
2008		4,891.91	4,891.91				11/10/2008
2007		4,926.99	4,926.99				11/09/2007
2006		4,649.78	4,649.78				11/08/2006
2005		4,423.34	4,423.34				12/01/2005
2004		4,281.82	4,281.82				12/02/2004
Total		7,954.07					

Narrative EDR Account EDR Print Account Duplicate BB Refresh QTL Inquiry

Account Inquiry Summary by Years
Exit Help

Account # 0121 Block/Lot 276 R 157
Owner Name FORKED RIVER HOUSE C/O SEA PINE INN
Address RTE 9
City/ST/ZIP WARETOWN NJ 08758
Place 118 SO MAIN STREET
Bank 19984 MACKREES GEORGE
Ded. Amt. 00 Sp. Tax Cdt.
1st Sch Dist. 1211/2014

PrinCpls 00
Interest 00
Unrec. Interest 00
Total Due 00

Map/View

OTL Current Due 20-103 - R

Interest Due Date 07/25/2016

New Account # New Bk/Lot/Qual 1 < Prev Next > View Summary

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

Tax Yr	Trans/Dep Date	Description	AM/PM/AMT	Amnt	Owner Balance	Prin	Interest	Checks	Due	St
2014	1	4/03/2014 TAX PAYMENT		1040.25						
2015	2	5/01/2015 TAX BILL		1040.25						
2015	1	5/11/2015 TAX PAYMENT		1040.25				1122	25	0
2015	1	0/01/2015 TAX BILL		2117.05						
2016	3	0/19/2015 TAX PAYMENT		2117.05				1770	31	0
2016	4	11/03/2015 TAX BILL		2117.05						
2016	4	11/19/2015 TAX PAYMENT		2117.05				1770	30	0
2016	1	2/01/2016 TAX BILL		2077.63						
2016	1	11/10/2015 TAX PAYMENT		0.00						
2016	1	2/17/2016 TAX INTEREST		0.00				1200	00	0
2016	1	2/17/2016 TAX PAYMENT		2070.02				1112	16	0
2016	2	5/01/2016 TAX BILL		2077.63	2077.63			1112	16	0

Narrative Edit Account Edit Print Account Duplicate BB Refresh OTL Inquiry



Township of Lacey

Assessor's Office
818 LACEY ROAD
FORKED RIVER, NJ 08731
(809) 693-1100 Ext. 2242 • Fax (809) 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

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)



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 - Revised
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.
- 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. There are several retail establishments and what appears to be a second floor residential unit at this location.

- 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

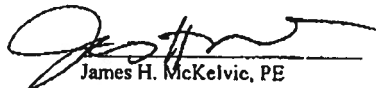
D. Outside Agency Approvals:

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: Sue Connor <lacey.landuse@laceytownship.org>
Sent: Thursday, June 02, 2016 4:23 PM
To: 'Marianne DeFranco'; 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
Subject: RE: June 6th, 2016 Board of Adjustment Meeting
Attachments: 6-6-2016.doc

Hi Everyone,

Attached is our revised agenda.....

From: Marianne DeFranco [mailto:mdefranco@ldcpc.com]
Sent: Thursday, June 02, 2016 1:53 PM
To: 'Sue Connor' <lacey.landuse@laceytownship.org>
Subject: RE: June 6th, 2016 Board of Adjustment Meeting

Hi Sue,
Correction to agenda .. next meeting is WEDNESDAY, July 6th. ☺

From: Sue Connor [mailto:lacey.landuse@laceytownship.org]
Sent: Thursday, June 02, 2016 11:57 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; Marianne C. DeFranco
Subject: June 6th, 2016 Board of Adjustment Meeting

Hi Everyone,

Attached please find the agenda for our upcoming Board of Adjustment meeting....

Resolutions for 16-07 Gove
16-10 Matos

Old Business: 16-04 Davino (Revised Packet)

New Business: 16-11 Jersey Sportsman Packet

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, June 6th, 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
Collen 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: *May 2nd, 2016 Regular Meeting Minutes*
(Members Eligible to vote: Bradley, DeFranco, Gudgeon, Kosco, Nappi, Tomalo, Scanlon)

RESOLUTIONS:

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

Appeal #16-10 Matos, Carla, Block: 1365, Lot: 5-8, Tm: 65
(Voting to approval: DeFranco, Kosco, Nappi, Tomalo, Bradley, Scanlon, Gudgeon)

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 #16-11
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

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

Next Regular Meeting Scheduled: Wednesday, July 6th, 2016

Chris Reid

From: James H. McKelvie <jmckelvie@alaimogroup.com>
Sent: Friday, June 03, 2016 12:52 PM
To: Sue Connor; 'Marianne DeFranco'; Al Nappi; Chris Reid; colfbradley@aol.com; 'Ed Scanlon'; hhg5258@aol.com; James Letellier; joe_appello@comcast.net; lacey.zoning@laceytownship.org; Larry Gudgeon; Louis Kosco
Subject: RE: June 6th, 2016 Board of Adjustment Meeting - Jersey Sportsman #V16-11
Attachments: Jersey Sportsman #V16-11 Eng Report 6-3-16.pdf

All,

Attached please find our engineer's report for the Jersey Sportsman use variance appeal. Should you have any questions, please let me know. Thanks.

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, June 2, 2016 4:23 PM
To: 'Marianne DeFranco' <mdefranco@ldcpc.com>; Al Nappi <allennap@aol.com>; Chris Reid <lacey.commdev@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; Larry Gudgeon <thegudg@verizon.net>; Louis Kosco <noagenda65@comcast.net>
Subject: RE: June 6th, 2016 Board of Adjustment Meeting

Hi Everyone,

Attached is our revised agenda.....

From: Marianne DeFranco [mailto:mdefranco@ldcpc.com]
Sent: Thursday, June 02, 2016 1:53 PM
To: 'Sue Connor' <lacey.landuse@laceytownship.org>
Subject: RE: June 6th, 2016 Board of Adjustment Meeting

Hi Sue.

Correction to agenda .. next meeting is WEDNESDAY, July 6th. ☺

From: Sue Connor [mailto:lacey.landuse@laceytownship.org]
Sent: Thursday, June 02, 2016 11:57 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; Marianne C.

DeFranco.

Subject: June 6th, 2016 Board of Adjustment Meeting

Hi Everyone,

Attached please find the agenda for our upcoming Board of Adjustment meeting....

Resolutions for 16-07 Gove
16-10 Matos

Old Business: 16-04 Davino (Revised Packet)

New Business: 16-11 Jersey Sportsman Packet

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



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

June 3, 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
Engineer's Report
Our File: A-0528-0088-000

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.
- 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. There are several existing retail establishments (Jersey Sportsman Ammunition Sales; Tarot Card and Palm Reading Shop; Casual Cuts Hair Salon; and Prime Time Smoke Shop) plus what appear to be second floor residential units at this location.

- 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 C-150 Highway Business Zone. No modifications to the property are proposed.

B. Variances Requested:

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

C. Technical Review:

1. For reference, permitted uses in the C-150 Zone include the following:
 - “(1) Retail establishments where goods are sold or personal services are rendered to the general public and which, by reason of the size of the establishment, the nature of the goods sold or services rendered and the scale, nature, and character of the activity and facility, clearly relate to serving the convenience of the local community; examples: bank, bakeshop, bookstore, pharmacy, gift shop, clothing and accessories shop, yard goods shop, delicatessen, barber or beauty shop, lawyer's office, income tax service, snack shop, dry cleaning store, and other such uses.
 - (2) Offices of public utilities and dial or switching equipment buildings.
 - (3) Municipal buildings and other governmental and/or public uses, but not including warehouses, workshops, garages, or other such uses or activities.
 - (4) Shopping centers and multiple structures.
 - (5) Office buildings of professional persons, such as but not limited to physicians, dentists, engineers, lawyers, realtors, accountants, and architects.
 - (6) Contractors' and builders' offices.
 - (7) Clubs, lodges, association buildings and meeting rooms and halls.
 - (8) Commercial advertising structures subject to the Township ordinance regulating signs within the Township.
 - (9) Miniature golf and archery ranges.

- (10) Commercial uses, including accessory uses similar in character to the above-described uses, provided the commercial uses are conducted entirely within a structure and no outside storage is associated therewith.
 - (11) Restaurants.”
2. For reference, prohibited uses in the C-150 Zone are as follows:
- a. “Residential structures are generally prohibited uses within the C-150 Highway Business Zone unless specifically permitted under the terms of this section. Residential structures lawfully existing within the C-150 Highway Business Zone on the date of the adoption of this chapter shall be permitted to continue as nonconforming uses. Expansion of residential structures covered by this subsection shall be permitted within the C-150 Highway Business Zone without variance relief, provided that said expansion will not extend the structure into a setback area. For the purposes of this section only, the setbacks governing such preexisting nonconformities shall be those of the R-75 Zone.”
3. For reference, the following types of housing are permitted as an accessory use:
- “(a) Dwelling units in mixed-use buildings and accessory buildings.
 - [1] Any building containing both residential and nonresidential uses shall have a secured entrance for the residential uses.
 - [2] No dwelling unit shall be permitted on the same floor level as a nonresidential use.
 - [3] Dwelling units shall be permitted only in buildings in which the ground floor is devoted to retail sales, professional office or personal service uses.
 - [4] Dwelling units shall be no less than 700 square feet in area.
 - [5] A maximum of two apartments shall be permitted unless age-restricted.”
4. For the record, the applicant should describe the boundaries of the property, and confirm that the property includes both Lot 11 and Lot 12 in Block 276 as shown on the Lacey Township Tax Map. An exhibit showing the property boundaries on an aerial photograph would be beneficial.

5. The applicant should present testimony describing all existing uses on the property, including all retail stores and residential units. The size and extent of each retail store should be described. The number and type of residential units should be confirmed.
6. The applicant should describe the site and surrounding uses within 200 feet of the site. Photographs of the subject property and structures within 200 feet should be presented to the Board.
7. The applicant should describe all aspects of the present operation at Jersey Sportsman, including hours of operation; all types of products offered for sale; delivery of goods to the store; and procedure for sales;
8. The applicant should describe all of the types of firearms that are proposed to be offered for sale on the premises. Proposed operations should be described, including hours of operation; all types of firearms purchased and offered for sale; delivery of firearms to the store; storage and display of firearms at the store; security measures; procedure for purchase and sales; and procedure for any disposal of firearms.
9. The requirements of Federal, State, and local regulatory agencies; and associated permits, licenses and inspections regulating the sale of ammunition; and the purchase and sale of the various types of firearms should be described to the Board. Any required approvals would need to be a condition of any approval granted by the Board.
10. The applicant should describe how the health, safety, and welfare of the public are protected.
11. The applicant should describe any plans to expand the use into other stores on the property.
12. Site circulation and parking for all uses should be described to the Board. There appear to be approximately fourteen (14) parking spaces to the rear of the building, and three (3) spaces on the north side of the building adjacent to Oak Street. Additional parking exists on adjacent properties.
13. Access to the property from Route 9 appears to be through the adjacent property to the south, Block 276 Lots 13 and 15, Lacey Municipal Utilities Authority.
14. The adequacy of the existing number of parking spaces on the site to serve the existing and proposed retail uses plus residential units should be confirmed. Any agreement for parking on adjacent properties should be described.

15. Minor parking lot striping maintenance and ADA parking space signage and pavement markings may be needed.
16. The Board may wish to give consideration to the use variance, if granted, applying to all establishments on the property; and whether limitations can be placed on any approval to limit the sale of firearms to one unit as proposed.
17. Required Proofs: The use variance request requires Zoning Board members to be convinced that the requested use carries out a purpose of zoning (special reasons); that this site is particularly suitable for the proposed use; that the use variance will not be inconsistent with the intent and purpose of the Master Plan and Zoning Ordinance, and there is a valid reason why the use variance should be granted; and there will not be a substantial detriment to the public good, nor substantially impair the intent and purpose of the Lacey Township Zone Plan and Zoning Ordinance.

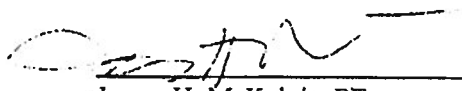
D. **Outside Agency Approvals:**

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:1hr

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. Supsic, Attorney-At-Law (1041 W. Lacey Road, Forked River, NJ 08731)

Chris Reid

From: Sue Connor <lacey.landuse@laceytownship.org>
Sent: Tuesday, June 28, 2016 11:49 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; Larry Gudgeon; Louis Kosco; Maryanne C. DeFranco; Tim McDonald
Subject: July 6th - Board of Adjustment Meeting
Attachments: 7-6-2016.doc; 5-2-2016.doc; V16-13 Pasbjerg Development.pdf

Hi Everyone,

Attached Please find the agenda for our upcoming meeting on **Wednesday, July 6th**

1. Agenda
2. Minutes to be voted Upon: May 2, 2016
3. Work Session – Packet Information for: V16-13

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
Wednesday, July 6, 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: *May 2nd, 2016 Regular Meeting Minutes*
(Members Eligible to vote: Bradley, DeFranco, Gudgeon, Kosco, Nappi, Tomalo, Scanlon)

Minutes to be voted upon: *June 6th, 2016 Regular Meeting Minutes*
(Members Eligible to vote: Bradley, DeFranco, Gudgeon, Nappi, Scanlon, LeTellier)

RESOLUTIONS:

Appeal #16-04 Davino, Michael, Block: 101.04 Lot: 21, Tm: 3.01
Eligible to vote: DeFranco, Nappi, Bradley, Gudgeon, Scanlon, LeTellier

Agenda – Wednesday, July 6, 2016
Lacey Township Board of Adjustment
Page 2

WORK SESSION:

Appeal #16-13
Block: 409, Lot: 2.01, Tax Map: 30
Route #9, Lacey Mall – Lanoka Harbor
Submitted by: Pasbjerg Development

New Signage
Variances: Bulk

OLD BUSINESS: **NONE**

NEW BUSINESS:

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

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

Next Regular Meeting Scheduled: Monday, August 1, 2016

A Regular Meeting of the Lacey Township Board of Adjustment was held Monday the 2nd of May 2016 at 7:00 in Town Hall with Chairman Laurence Gudgeon presiding.

PRESENT:

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

ALSO PRESENT:

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

EXCUSED

Joseph Appello

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 Member Mr. Appello was 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 Vice-chair Bradley.

Roll Call Vote:

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

MINUTES:

Chairman Gudgeon requested a motion to approve the minutes of April 4th, 2016 meeting. It was mentioned that there was two corrections that needed to be made to the minutes. Mr. LeTellier made a motion to approve the regular minutes of April 4th, 2016 with the two corrections, seconded by Vice-chair Bradley.

Roll Call Vote:

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

RESOLUTIONS:

A resolution memorializing the denial of a variance for Appeal #16-05, regarding Block: 372, Lot: 17, Tax Map: 28 aka: **817 Wave Drive, Forked River** submitted by **Charles Schirm** was sanctioned on a motion by Bradley, seconded by DeFranco. **Roll Call Vote:** Bradley, DeFranco, Kosco

A resolution memorializing the approval of a variance for Appeal #16-06, regarding Block: 927, Lot: 8, Tax Map: 50 aka: **841 Sandpiper Drive, Lanoka Harbor** submitted by **John Devenney** was sanctioned on a motion by LeTellier, seconded by Tomalo. **Roll Call Vote:** LeTellier, Tomalo, DeFranco, Kosco, Bradley, Gudgeon, Scanlon.

A resolution memorializing the denial of an interpretation for Appeal #16-08, regarding Block: 276, Lot: 11, Tax Map: 18 aka: **118 South Main Street, Forked River** submitted by **Jersey Sportsman c/o William Malcolm** was sanctioned on a motion by Scanlon, seconded by Bradley **Roll Call Vote:** Scanlon, Bradley, DeFranco, Kosco

A resolution memorializing the approval of a variance for Appeal #16-09, regarding Block: 840, Lot: 10-11, Tax Map: 45 aka: **1121 Laurel Boulevard, Forked River** submitted by **Grace & Robert Talno** was sanctioned on a motion by Tomalo, seconded by Kosco. **Roll Call Vote:** Tomalo, Kosco, DeFranco, Scanlon, LeTellier, Bradley.

Discussion:

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

The record should reflect that Mr. Gannon summarized for the Board the issues with this appeal for the record. He stated the Board has the power to re-open the hearing and re-address the issues if the Board feels the applicant misrepresented any testimony. New photographs were taken by the Code Enforcement after complaints were made by the neighbors. It was recommended that the Board Members revisit the site. Mr. Scanlon pointed out that the photographs were mismarked with the incorrect address and just wanted to make sure the Board Members went to the right house. It was still the Board's opinion that the application could be approved. The resolution would be adopted at the next regular meeting.

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**

It was announced by Chairman Gudgeon that the Davino application listed under old business would be carried to the June 6th, 2016 meeting. The applicant needs to re-notice.

WORKSHOP SESSION:

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**

Mr. McKelvie read his review letter dated April 29, 2016 into the record indicating the property in question is located on the west side of South Main Street at the intersection of South Main Street with Oak Street in the Forked River section of Lacey Township, situated in the C-150 Highway Business Zone. There are several retail establishments and residential units located on the second floor of this building. The applicant presently conducts retail sales of ammunition and is requesting a use variance to permit the sale of firearms. The retail sale of firearms is not specifically referenced in the Ordinance as a permitted use in the zone. No modifications to the property are proposed. The applicant is requesting 14 checklist waivers.

The Board discussed whether or not a planner was necessary to review this application. Mr. Tomalo made a motion for no planner. This motion was seconded by Mr. Kosco.

Roll Call Vote:

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

The Board voted upon the waivers. A motion to grant the waivers was made by Mr. Kosco, seconded by Mr. Tomalo.

Roll Call Vote:

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

The Board voted to technically deem the application complete on a motion made by Mr. Nappi, seconded by Mr. Tomalo.

Roll Call Vote:

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

NEW BUSINESS:

Appeal #16-10

Fence

Variances: Height, Solid

Block: 1365, Lot: 5-8, Tax Map: 65

2078 Brookdale Park Drive, Forked River

Submitted by: Carla Matos

Applicant's Testimony:

Carla & Matos applicants and owners came forward and were sworn under oath by the Board Attorney indicating they submitted photographs of their property along with drawings. Mr. Matos stated he would like to install a solid 6 FT high fence approximately 22 FT off the street; which would be located 11 FT from his side property line abutting the side street. He stated the proposed fence will not obstruct any views from the corner or obstruct his neighbor's driveway. The proposed fence will be a tan vinyl fence to match the house. He has spoken to the neighbors and sent out the appropriate letters. The fence is needed for privacy purposes.

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. Scanlon and unanimously approved by the membership present.

Roll Call Vote:

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

ADJOURNMENT:

With no further business to be acted upon this evening, the meeting was adjourned at 8:00 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: Tuesday, June 28, 2016 2:40 PM
To: 'Maryanne DeFranco'; 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; Tim McDonald
Subject: RE: July 6th - Board of Adjustment Meeting
Attachments: V16-11 Jersey Sportsman.pdf

Hi Maryanne and Board Members.....

As always, I like to send out everything I have ready, so it can be reviewed by the Board. I am still working on the minutes from June... and will get them to all the members as soon as they are proof read and ready for voting. Yes, The Jersey Sportsman application is ready for public hearing, this application packet was given out last month, see attached.

If for some reason this application is going to adjourned, I will surely let the Board know. Please understand that at times, I don't know until last minute that there is a problem with the application or the application is not going to be heard. (Sometimes, it's even at the end of the day, on meeting night).

As soon as I receive the resolution for Davino and a review letter on the Pasbjerg Development I will also forward this information.

Have a nice 4th.... Sue

From: Maryanne DeFranco [mailto:mdefranco@ldcpc.com]
Sent: Tuesday, June 28, 2016 2:15 PM
To: 'Sue Connor' <lacey.landuse@laceytownship.org>
Subject: RE: July 6th - Board of Adjustment Meeting

Hi Sue,

The agenda says we are voting on minutes for both May and June. Your email lists only May and June is not attached.

Also, is the Jersey Sportsman application "on" as of now? Could I please get an email if it will not be heard?
-Maryanne

From: Sue Connor [mailto:lacey.landuse@laceytownship.org]
Sent: Tuesday, June 28, 2016 11:49 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; Larry Gudgeon; Louis Kosco; Maryanne C. DeFranco; Tim McDonald
Subject: July 6th - Board of Adjustment Meeting

Hi Everyone,

Attached Please find the agenda for our upcoming meeting on **Wednesday, July 6th**

1. Agenda
2. Minutes to be voted Upon: May 2, 2016
3. Work Session – Packet Information for: V16-13

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

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7640 / Virus Database: 4613/12506 - Release Date: 06/27/16

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 09731

WORK PHONE # 609 756-4322 HOME PHONE # 408 451 5865 FAX # 609 756 4467

FED ID # _____ SOC. SEC. # _____

OWNER OF THE PROPERTY GEORGE MACLEES 535 Rt 9 WARETOWN NJ 08758 609 643 6600

EMAIL ADDRESS: JERSEY SPORTSMAN @ COMAIL.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: <u>Variance to permit retail sale of firearms in C150 Highway Business Zone</u> | |

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 Forked River STATE NJ 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 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 V. J. [Signature]
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 # 25123 Block/Lot 276/111
 Owner Name FORKED RIVER HOUSE C/O SEA PINE INN
 Address RTE 9
 City/St/Zip WARRENTOWN NJ 08758
 P.Loc 118 SO MAIN STREET
 Bank 99954 MACKRES, GEORGE
 Ded. Amt. 00 So. Tax Ctl
 Lst Sch Date Lst Pay Date 2/11/2015

Principal .00
 Interest .00
 Unpaid Interest .00
 Total Due .00

OTL Certificate # 99-103-1R
 Interest thru Date 02/25/2016

Narrative

New Account # 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		2/17/2016
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				11/03/2009
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 OTL Inquiry

Account Inquiry Summary by Years

Exit Help

Account # 2512 Block/Lot 276, 111
 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 9996 MACKRES, GEORGE
 Ded. Amt. 00 Sp. Tax Cd.
 Lst Sch Date Lst Pay Date 2/17/2016

Principal .00
 Interest .00
 Unacc'd Interest .00
 Total Due .00

QTL Certificate # 30-103-11
 Interest thru Date 02/25/2016

Narratives

New Account# New Blk/Lot/Dual < Prev Next > View Summary

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

Tax Yr	Trans	Date	Description	Blk/Paid/Adt Amt.	Open Balance	Days	Interest	Checks	One	Scr
2015	1	3/06/2015	TAX PAYMENT	1830.25				1172	7	0
2015	2	5/01/2015	TAX BILL	1830.25				1191	29	0
2015	3	5/11/2015	TAX PAYMENT	1830.25						
2015	4	8/01/2015	TAX BILL	2317.05						
2015	5	8/10/2015	TAX PAYMENT	2317.05				1220	31	0
2015	6	11/01/2015	TAX BILL	2317.05						
2015	7	11/10/2015	TAX PAYMENT	2317.05				1200	30	0
2016	1	2/01/2016	TAX BILL	2077.65						
2016	2	3/10/2016	TAX PAYMENT	6.58				1200	30	0
2016	3	2/11/2016	TAX INTEREST	9.90				1315	36	0
2016	4	2/17/2016	TAX PAYMENT	2070.27				1315	36	0
2016	5	5/01/2016	TAX BILL	2077.65	2077.65					

Narrative Edit Account Edit Print Account Duplicate Bill 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)



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 - Revised
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.
- 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. There are several retail establishments and what appears to be a second floor residential unit at this location.

- 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.

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:llhr

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: Sue Connor <lacey.landuse@laceytownship.org>
Sent: Friday, July 01, 2016 3:28 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: Additional Information for Upcoming Meeting - July
Attachments: Davino Michael 16-04.docx; V16-11 Jersey Sportsman Eng Report 6-3-16.pdf, V16-13 Lacey Mall Sign Completeness 6-30-16.pdf

Attached Please find the following information
Sent to my office from our professionals:

Resolution 16-04 Davino

Review Letters: V16-11 Jersey Sportsman
V16-13 Lacey Mall Sign

Please note: June Minutes are not part of this packet and will follow in a separate email.....

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



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

June 3, 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
Engineer's Report
Our File: A-0528-0088-000

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.
- 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. There are several existing retail establishments (Jersey Sportsman Ammunition Sales; Tarot Card and Palm Reading Shop; Casual Cuts Hair Salon; and Prime Time Smoke Shop) plus what appear to be second floor residential units at this location.

- 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 C-150 Highway Business Zone. No modifications to the property are proposed.

B. Variances Requested:

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

C. Technical Review:

1. For reference, permitted uses in the C-150 Zone include the following:
 - “(1) Retail establishments where goods are sold or personal services are rendered to the general public and which, by reason of the size of the establishment, the nature of the goods sold or services rendered and the scale, nature, and character of the activity and facility, clearly relate to serving the convenience of the local community; examples: bank, bakeshop, bookstore, pharmacy, gift shop, clothing and accessories shop, yard goods shop, delicatessen, barber or beauty shop, lawyer's office, income tax service, snack shop, dry cleaning store, and other such uses.
 - (2) Offices of public utilities and dial or switching equipment buildings.
 - (3) Municipal buildings and other governmental and/or public uses, but not including warehouses, workshops, garages, or other such uses or activities.
 - (4) Shopping centers and multiple structures.
 - (5) Office buildings of professional persons, such as but not limited to physicians, dentists, engineers, lawyers, realtors, accountants, and architects.
 - (6) Contractors' and builders' offices.
 - (7) Clubs, lodges, association buildings and meeting rooms and halls.
 - (8) Commercial advertising structures subject to the Township ordinance regulating signs within the Township.
 - (9) Miniature golf and archery ranges.

Alaimo Group
- Consulting Engineers -

- (10) Commercial uses, including accessory uses similar in character to the above-described uses, provided the commercial uses are conducted entirely within a structure and no outside storage is associated therewith.
- (11) Restaurants.”
- 2. For reference, prohibited uses in the C-150 Zone are as follows:
 - a. “Residential structures are generally prohibited uses within the C-150 Highway Business Zone unless specifically permitted under the terms of this section. Residential structures lawfully existing within the C-150 Highway Business Zone on the date of the adoption of this chapter shall be permitted to continue as nonconforming uses. Expansion of residential structures covered by this subsection shall be permitted within the C-150 Highway Business Zone without variance relief, provided that said expansion will not extend the structure into a setback area. For the purposes of this section only, the setbacks governing such preexisting nonconformities shall be those of the R-75 Zone.”
- 3. For reference, the following types of housing are permitted as an accessory use:
 - “ (a) Dwelling units in mixed-use buildings and accessory buildings.
 - [1] Any building containing both residential and nonresidential uses shall have a secured entrance for the residential uses.
 - [2] No dwelling unit shall be permitted on the same floor level as a nonresidential use.
 - [3] Dwelling units shall be permitted only in buildings in which the ground floor is devoted to retail sales, professional office or personal service uses.
 - [4] Dwelling units shall be no less than 700 square feet in area.
 - [5] A maximum of two apartments shall be permitted unless age-restricted.”
- 4. For the record, the applicant should describe the boundaries of the property, and confirm that the property includes both Lot 11 and Lot 12 in Block 276 as shown on the Lacey Township Tax Map. An exhibit showing the property boundaries on an aerial photograph would be beneficial.

5. The applicant should present testimony describing all existing uses on the property, including all retail stores and residential units. The size and extent of each retail store should be described. The number and type of residential units should be confirmed.
6. The applicant should describe the site and surrounding uses within 200 feet of the site. Photographs of the subject property and structures within 200 feet should be presented to the Board.
7. The applicant should describe all aspects of the present operation at Jersey Sportsman, including hours of operation; all types of products offered for sale; delivery of goods to the store; and procedure for sales;
8. The applicant should describe all of the types of firearms that are proposed to be offered for sale on the premises. Proposed operations should be described, including hours of operation; all types of firearms purchased and offered for sale; delivery of firearms to the store; storage and display of firearms at the store; security measures; procedure for purchase and sales; and procedure for any disposal of firearms.
9. The requirements of Federal, State, and local regulatory agencies; and associated permits, licenses and inspections regulating the sale of ammunition; and the purchase and sale of the various types of firearms should be described to the Board. Any required approvals would need to be a condition of any approval granted by the Board.
10. The applicant should describe how the health, safety, and welfare of the public are protected.
11. The applicant should describe any plans to expand the use into other stores on the property.
12. Site circulation and parking for all uses should be described to the Board. There appear to be approximately fourteen (14) parking spaces to the rear of the building, and three (3) spaces on the north side of the building adjacent to Oak Street. Additional parking exists on adjacent properties.
13. Access to the property from Route 9 appears to be through the adjacent property to the south, Block 276 Lots 13 and 15, Lacey Municipal Utilities Authority.
14. The adequacy of the existing number of parking spaces on the site to serve the existing and proposed retail uses plus residential units should be confirmed. Any agreement for parking on adjacent properties should be described.

15. Minor parking lot striping maintenance and ADA parking space signage and pavement markings may be needed.
16. The Board may wish to give consideration to the use variance, if granted, applying to all establishments on the property; and whether limitations can be placed on any approval to limit the sale of firearms to one unit as proposed.
17. Required Proofs: The use variance request requires Zoning Board members to be convinced that the requested use carries out a purpose of zoning (special reasons); that this site is particularly suitable for the proposed use; that the use variance will not be inconsistent with the intent and purpose of the Master Plan and Zoning Ordinance, and there is a valid reason why the use variance should be granted; and there will not be a substantial detriment to the public good, nor substantially impair the intent and purpose of the Lacey Township Zone Plan and Zoning Ordinance.

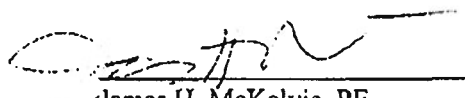
D. **Outside Agency Approvals:**

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:hr

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. Supsic, Attorney-At-Law (1041 W. Lacey Road, Forked River, NJ 08731)

Chris Reid

From: Veronica Laureigh <laceyclerk@laceytownship.org>
Sent: Tuesday, May 23, 2017 2:52 PM
To: Lacey Zoning; Lacey CommDev
Subject: Fwd: Jersey Sportsman v Lacey Twp. et al SETTLEMENT - PRIVILEGED AND CONFIDENTIAL

Thank you

Veronica Laureigh
Municipal Clerk/Administrator
Township of Lacey
818 Lacey Road
Forked River, NJ 08731
609-693-1100, ext. 2200
Fax: 609-693-0526
laceyclerk@laceytownship.org
www.laceytownship.org

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

From: Lauren R Staiger <lrs@gm-law.net>
Date: Tue, May 23, 2017 at 11:46 AM
Subject: Fwd: Jersey Sportsman v Lacey Twp. et al SETTLEMENT - PRIVILEGED AND CONFIDENTIAL
To: Veronica Laureigh <laceyclerk@laceytownship.org>

Please see below. Let me know if this is an issue.

Lauren R Staiger, Esq.
Gilmore & Monahan, P.A.
10 Allen Street
P.O. Box 1540
Toms River, NJ 08754
(732) 240-6000 phone
(732) 244-1840 fax
lrs@gm-law.net

Begin forwarded message:

From: Stuart Platt <platt@prlawoffice.com>
Subject: Jersey Sportsman v Lacey Twp. et al
Date: May 23, 2017 at 11:32:17 AM EDT
To: "hhg5258@aol.com" <hhg5258@aol.com>
Cc: "lrs@gm-law.net" <lrs@gm-law.net>, "kbrlaw@comcast.net" <kbrlaw@comcast.net>, Eric Riso <eriso@prlawoffice.com>

Dear Bill,

This shall confirm our telephone conversation a few moments ago wherein we discussed the consummation of the settlement in this matter. Please have someone from your office or the Township attorney contact the zoning officer to have issued an unconditional zoning permit to allow my client to sell firearms from his store in Lacey Township. In addition, I am copying Mr. Riordan to issue a check in the amount of \$5000 made payable to my client and forwarded to this office immediately.

Once my client is in receipt of the zoning permit and I'm in receipt of the settlement funds, I will circulate a stipulation of dismissal to dismiss the case without prejudice as we discussed since the Township ad Zoning Board was not interested in addressing this through a *Whispering Woods* hearing.

The zoning permit needs to be issued as soon as possible but in no event later than Friday of this week as my client has waited a long enough to have the Township consummate settlement. We will address the settlement proceeds as soon as possible as well.

Regards,

Stuart

Stuart A. Platt, Esquire
Platt & Riso, P.C.
40 Berlin Avenue
Stratford, NJ 08084
Phone: (856) 784-8500 x20
Fax: (856) 784-8050
E-Mail: platt@prlawoffice.com

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Chris Reid

From: hhg5258@aol.com
Sent: Monday, May 01, 2017 11:09 AM
To: lacey.commdev@laceytownship.org
Subject: Fwd: Jersey Sportsman c/o William Malcolm v. The Lacey Township Board of Adjustment
Attachments: I-atysGannon&McKenna(SECONDREQUESTconfirmsettlement)-050117.pdf

Chris:

As per our discussions, attached please find correspondence from attorney, Platt. Do we know who is going to pay the \$5,000.00?

Thank you.

WILLIAM T. HIERING, JR.

-----Original Message-----

From: Krista Josepayt <krista@prlawoffice.com>
To: hhg5258 <hhg5258@aol.com>
Cc: lrs <lrs@gm-law.net>; kbrlaw <kbrlaw@comcast.net>; Stuart Platt <platt@prlawoffice.com>; Eric Riso <eriso@prlawoffice.com>
Sent: Mon, May 1, 2017 10:50 am
Subject: Jersey Sportsman c/o William Malcolm v. The Lacey Township Board of Adjustment

Please see attached correspondence with regard to the above matter. Thank you.

Krista Josepayt, Office Manager-Administration
Legal Assistant to Stuart A. Platt, Esquire & CherylLynn Walters, Esquire
Platt & Riso, P.C.
40 Berlin Avenue
Stratford, New Jersey 08084
Phone: 856-784-8500 ext. 10
Fax: 856-784-8050
E-Mail: krista@prlawoffice.com

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PLATT & RISO, P.C.

Attorneys at Law

* Stuart A. Platt, platt@prlawoffice.com
** Eric J. Riso, eriso@prlawoffice.com
** Cheryllynn Walters, cwalters@prlawoffice.com

* Member of NJ & NY Bars
** Member of NJ & PA Bars

SECOND REQUEST – MAY 1, 2017
April 11, 2017

Via E-Mail

Hiering, Gannon & McKenna
29 Hadley Avenue
Toms River, New Jersey 08753

Attn: Thomas G. Gannon, Esquire and Michael McKenna, Esquire

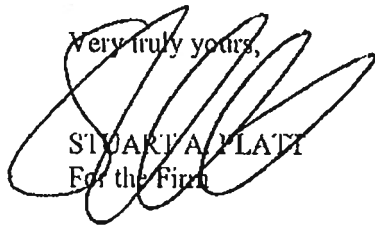
**RE: Jersey Sportsman c/o William Malcolm v. The Lacey Township Board of
Adjustment
Docket No. OCN-L-002814-16
Our File No: 16-0120**

Sirs:

As you know, this Law Firm represents Jersey Sportsman c/o William Malcolm in the above-referenced matter. It is my understanding that the parties have reached a global settlement, whereby the Township is agreeable to issue a zoning permit to allow my client to sell firearms as an FFL at the location of his store at 118 South Main Street, Forked River, New Jersey also known as Block 5.03, Lot 4 in Lacey Township as well as a payment of \$5,000.00. Since the Board previously denied his use variance, it is my belief that the Zoning Board has to approve this settlement pursuant to the procedure laid out in the *Whispering Woods* case. If you agree, then I would suggest that a settlement agreement laying out the terms of the resolution be prepared and a hearing to approve the settlement on notice to the public be scheduled. In the interim, I want to advise the court that the matter has been settled subject to Zoning Board approval following which the matter can be dismissed. Upon your receipt of this letter, please contact me to discuss the implementation of settlement in this case.

Awaiting your reply, I am,

Very truly yours,


STUART A. PLATT
For the Firm

40 Berlin Avenue, Stratford, New Jersey 08084 ♦ Telephone (856)784-8500 ♦ Fax (856)784-8050

Hiering, Gannon & McKenna
Attn: Thomas G. Gannon, Esquire
April 11, 2017- SECOND REQUEST – MAY 1, 2017
Page 2

SP/kfj

cc: Lauren R. Staiger, Esquire (via e-mail)
Kevin B. Riordan, Esquire (via e-mail)
William Malcolm (via e-mail)

L:\16-0120 - William Malcolm - Lacey Twp. Zoning Board\SETTLEMENT\atysGannon&McKenna(SECOND)REQUESTconfirmsettlement)-050117.doc