

April 16, 2026

Ms. Robin Schilling, Secretary
Township of Little Egg Harbor Zoning Board
665 Radio Road
Little Egg Harbor, NJ 08087

Via Email: rschilling@leht.com

**Re: Application #2025-13
Use Variance – Completeness & Technical Review #2
John Price (Edgar Velazquez)
Block 169, Lot 12
Zone: GB – General Business Zone
765 NJSH Route 9 North
Our File: 1517-Z-476**

Dear Applicant:

Our office has received and reviewed your application and offers the following comments:

A. Background

The property in question (PIQ) is located on the westerly side of NJSH Route 9. The site consists of Block 169, Lot 12 containing 3.35 acres located in the GB – General Business Zone. The lot is developed with a 1 story single family dwelling, a detached garage, an asphalt driveway, and an animal pen with livestock. The property is wooded and contains wetlands. The site appears to be located in the floodplain.

The Applicant proposes to retain the existing animal pen for 2 cows and approximately 2 dozen chickens to provide milk and eggs for the tenants and household members.

The Applicant currently seeks use variance relief to have 2 cows and approximately 2 dozen chickens.

B. Items Submitted

1. Copy of a plan titled “Plan of Survey, Block 69, Lot 12, Tax Map Sheet #41, Little Egg Harbor Township, Ocean County, New Jersey”, prepared by Jay F. Pierson, P.L.S. of Nelke Constantine & Associates, Inc., consisting of 1 sheet, dated March 27, 2026.
2. Copy of the Township of Little Egg Harbor Zoning Board of Adjustment Application and Appeal dated September 5, 2025.
3. Copy of Proof of Taxes Paid dated September 25, 2025.
4. Copy of the Affidavit of Non-Collusion dated September 5, 2025.
5. Copy of the Site Inspection Consent dated September 5, 2025.
6. Copy of a Denial of Application dated February 11, 2025.
7. Copy of a Request for Certified List of Property Owners dated September 5, 2025.

C. Completeness

The following is a list of items required to be submitted by checklist which our office finds relevant for this application. The Board and our office reserve the right to request additional item(s) be submitted, should the testimony provided require such documentation.

1. Item #4 – Deed description shown on plot plan.
2. Item #6 – Key Map showing location of tract to be considered in relation to surrounding area at a scale not less than 1" = 2,000 Feet.
3. Item #7 – Title block containing name of applicant, preparer, lot and block numbers, date, prepared, date of last amendment and zone district.
4. Item #10 - Space for signatures of Chairman and Secretary of Municipal Agency.
5. Item #11 – Names of all property owners within 200 Feet of subject property.
6. Item #14 – Zoning District chart indicating all existing and proposed setbacks, lot coverage, height, floor area ratio, and density.
7. Item #16 – Provide at least 4 photographs of the site for an accurate description on site.
8. Item #17 – Flood plain designation.
9. Item #38 – Three (3) copies of certified property owners list.

D. Relief Required

The Applicant currently seeks use variance relief to retain the pen for 2 cows and approximately 2 dozen chickens to provide milk and eggs for the tenants and household members in the General Business Zone.

1. Per §215-4.19A a single-family dwelling is not a permitted use in the General Business Zone. Therefore, the existing dwelling is an existing non-conforming use. An expansion of that use may require a 'd-2' use variance.
2. Per §215-4.19A the keeping of cows and chickens is not a permitted principal use. It should be determined if this is an accessory use. Testimony shall be provided. A 'd-1' use variance may be required.
3. Per §215-4.19B(6) Other customary accessory uses, buildings and structures, which are clearly incidental to the principal use are permitted accessory uses.
4. Per §134-17A keeping of fowl shall be prohibited in the R-50 Zone, WFD Zone, PRD Zone, and commercial zones.
5. Per §134-17B keeping of fowl shall be prohibited on any property abutting a waterway or lagoon. The site appears to abut Parker Run.
6. Per §134-18B no fowl shall be kept on vacant lots and shall not be kept on a property other than on property with a single-family home.
7. Per §134-19E a lot size of 3.0 acres or more is permitted a maximum of 25 fowl. Testimony shall be provided to determine the actual number of chickens retained at the property.

E. Variance & Waivers

1. The Applicant may require variance relief under N.J.S.A. 40:55D-70(d)(2) (commonly referred to as a 'd-2' Use variance) for the expansion of an existing non-conforming use in the General Business Zone.
2. The Applicant requests variance relief under N.J.S.A. 40:55D-70(d)(1) (commonly referred to as a 'd-1' Use variance) to retain the cows and chickens in the General Business Zone.
3. Additional variance or waiver relief may be required pending Applicant's response to the issues identified in the body of this report.

In order for the Board to grant a '**d-1**' variance, The Applicant has the burden of demonstrating "Special Reasons" for granting the use variance as well as offering an "enhanced quality of proof" which states that the variance is not inconsistent with the intent and purpose of the master plan and zoning ordinance (Positive Criteria). The applicant should also demonstrate that the requested relief can be granted without substantial detriment to the public good and will not impair the intent and purpose of the zone plan and zoning ordinance (Negative Criteria).

"Special Reasons", the applicant should demonstrate that the proposed use carries out the purposes of zoning as listed in 40:55D-2 of the Municipal Land Use Law or that the refusal to allow the project would impose an undue hardship on the applicant. The applicant must present support for the first test within a Statement of Reasons contending that the proposed use promotes the purpose of zoning. In lieu of the Statement of Reasons, the applicant should provide a statement regarding the undue hardship which must relate to the land in question or unique conditions of the site.

With respect to the first portion of the Negative Criteria, the applicant must demonstrate that the requested relief can be granted without substantial detriment to the public good. The applicant must demonstrate that the proposed use will not have a negative impact on the adjacent properties, and that it will not cause such damage to the character of the neighborhood as to constitute "substantial detriment to the public good". The applicant shall provide testimony at the Zoning Board hearing.

In the second prong of the Negative Criteria, the applicant must demonstrate that the requested relief will not impair the intent and purpose of the zone plan and zoning ordinance. Testimony should be provided as to why the proposal will not impair the intent and purpose of the GB Zone and the Township Master Plan.

Both the Positive Criteria and Negative Criteria must be satisfied in order for the Board to grant 'd' variance relief. The granting of a 'd' variance requires five (5) affirmative votes.

In order for the Board to grant a '**d-2**' variance, the applicant has the burden of demonstrating "Special Reasons" for granting the use variance (Positive Criteria). The applicant should also demonstrate that the requested relief can be granted without detriment to the public good and will not impair the intent and purpose of the zone plan and zoning ordinance (Negative Criteria).

"Special Reasons", the applicant should demonstrate that the proposed use carries out the purposes of zoning as listed in 40:55D-2 of the Municipal Land Use Law or that the refusal to allow the project would impose an undue hardship on the applicant. The applicant must present support for the first test within a Statement of Reasons contending that the proposed use promotes the purpose of zoning. The applicant shall provide a Statement of Reasons at the Zoning Board

hearing. In lieu of the Statement of Reasons, the applicant should provide a statement regarding the undue hardship which must relate to the land in question or unique conditions of the site.

With respect to the first portion of the Negative Criteria, the applicant must demonstrate that the requested relief can be granted without substantial detriment to the public good. The applicant must demonstrate that the proposed use will not have a negative impact on the adjacent properties, and that it will not cause such damage to the character of the neighborhood as to constitute “substantial detriment to the public good”. The applicant shall provide testimony at the Zoning Board hearing.

In the second prong of the Negative Criteria, the applicant must demonstrate that the requested relief will not impair the intent and purpose of the zone plan and zoning ordinance. Testimony should be provided as to why the proposal will not impair the intent and purpose of the GB Zone and the Township Master Plan.

Both the Positive Criteria and Negative Criteria must be satisfied in order for the Board to grant ‘d’ variance relief. The granting of a ‘d’ variance requires five (5) affirmative votes.

Under N.J.S.A. 40:55D-2, the MLUL enumerates as its purposes:

- a. *To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;*
- b. *To secure safety from fire, flood, panic, and other natural and man-made disasters;*
- c. *To provide adequate light, air, and open space;*
- d. *To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county, and the State as a whole;*
- e. *To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;*
- f. *To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;*
- g. *To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial, and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all NJ citizens;*
- h. *To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;*
- i. *To promote a desirable visual environment through creative development techniques and good civic design and arrangement;*
- j. *To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to*

prevent urban sprawl and degradation of the environment through improper use of land;

- k. To encourage planned unit developments which incorporate the best features of design and relate the type, design, and layout of residential, commercial, industrial, and recreational development to the particular site;*
- l. To encourage senior citizen community housing construction;*
- m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;*
- n. To promote utilization of renewable energy resources;*
- o. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs;*

F. Zoning

Bulk Requirements: The PIQ is located within the GB Zone.

The chart below summarizes the area and bulk requirements for this zone in accordance with §215-4.19E:

	Required	Proposed
Minimum Lot Area	22,500 SF	145,785 SF
Minimum Lot Width	150 FT	354.63 FT
Minimum Lot Depth	150 FT	312.27 FT
Minimum Front Yard Setback	70 FT	18.1 FT (EV) ⁽¹⁾
Minimum Side Yard Setback - Principal	20 FT	190 FT
Minimum Combined Side Yard Setback	40 FT	>40 FT
Minimum Rear Yard Setback	40 FT	>40 FT
Minimum Accessory Building Side Yard Setback	5 FT	>5 FT
Minimum Accessory Building Rear Yard Setback	5 FT	>5 FT
Maximum Building Height	40 FT	<40 FT
Maximum Building Coverage	50%	<50%

EV – Existing Non-Conforming Condition

(1) Per §215-4.19E(4) the minimum front yard setback is 70 ft, whereas the existing dwelling has a front yard setback of 18.1 ft.

G. Review Comments

1. The Applicant shall provide testimony to discuss the existing/proposed uses on the site and the compatibility of the proposed use with the potential surrounding uses.
2. The Applicant shall provide testimony to determine if the keeping of cows and chickens is a principal use or an accessory use.
3. The Applicant shall provide testimony to determine that the property is suitable for the intended use.
4. The Applicant shall provide testimony to determine that the use will serve the best interests of the Township.
5. Per §134-17A keeping of fowl shall be prohibited in the R-50 Zone, WFD Zone, PRD Zone, and commercial zones. The site is located in the GB Zone and therefore the keeping of fowl is prohibited. The Applicant shall provide testimony.
6. Per §134-17B keeping of fowl shall be prohibited on any property abutting a waterway or lagoon. The site appears to abut Parker Run. Testimony shall be provided to discuss the location of Parker Run.
7. Per §134-18B no fowl shall be kept on vacant lots and shall not be kept on a property other than on property with a single-family home. Testimony shall be provided to discuss this section of the ordinance.
8. Per §134-19E a lot size of 3.0 acres or more is permitted a maximum of 25 fowl. Testimony shall be provided to determine the actual number of chickens retained at the property.
9. Per §134-16A except as part of an active farm, no person shall keep, raise or maintain any fowl without first completing a form available at the Zoning Office and filing the completed form with the Zoning Officer.
10. Per §134-21A(1) all structures utilized for keeping fowl shall be a minimum of 15 ft from adjoining property lines. The location of the pen complies with this requirement.
11. Per §134-21A(2) all structures utilized for keeping fowl shall be in the rear yard of the property. The location of the pen complies with this requirement.
12. The Applicant shall provide testimony to discuss compliance with the standards for keeping fowl per §134-20A-I.
13. The deed description should be shown on plot plan.
14. A key map at a scale not less than 1" = 2,000 Feet shall be provided.
15. A space for signatures of the Zoning Board Chairman, Engineer and Secretary shall be added to the plan.
16. The title block should be revised to include the owner and applicants' information and the zone district of the property.
17. A zoning table indicating all existing and proposed setbacks, lot coverage, and building heights shall be added to the plan.
18. A certified property owners list within 200 ft of the site shall be provided.
19. At least 4 photographs of the site for an accurate description on site. The site is undeveloped, however at a minimum, the Applicant should submit an aerial of the property.

20. The plan shall include the flood plain designations from the current and preliminary flood maps. Our office defers to the Township Certified Floodplain Manager for compliance with the flood ordinances.

H. Fees Required

1. Pursuant to §15-16.1, the following non-refundable administrative fee is required for this application:
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|----------------------------------|----------|
| §215-16.1A(1)(n)[4] Use Variance | \$ 50.00 |
|----------------------------------|----------|
2. Pursuant to §215-16.2 of the Land Development Ordinance, the resolution fee is required:
- | | |
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| | \$ 150.00 |
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3. Pursuant to Section 215-16.3, the following escrow fee is required for this application:
- | | |
|-------------------------------|------------------|
| §215-16.3M(1)(a) Use Variance | <u>\$ 500.00</u> |
|-------------------------------|------------------|
- Total Fees:** **\$ 700.00**

I. Recommendation

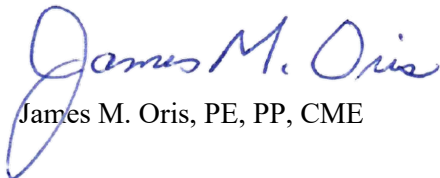
Based upon our review of the information submitted, we recommend that this application be deemed complete subject to the Applicant complying with all applicable notification requirements at least ten (10) days prior to the hearing date as set forth in the Municipal Land Use Law.

Our office recommends that the Board proceed with the variance. The Zoning Board of Adjustment meets the second Wednesday of the month. Subject to the notice being provided by the Applicant, this application will be scheduled for a public hearing at the May 13, 2026, meeting at the Little Egg Harbor Zoning Board of Adjustment. By copy of this letter, we are informing the applicant of the items to be addressed.

Should you have any questions, please do not hesitate to contact me at (732) 286-9220.

God Bless America

REMINGTON & VERNICK ENGINEERS



James M. Oris, PE, PP, CME

EJP/JMO/MMG:ag

- cc: Mr. Greg Leszega, Chairman
Ms. Kelly Lettera, Township Administrator
Mr. John Cooley, Zoning Officer
Ms. Debra Rumpf, Esq., Board Attorney
Mr. Jason Worth, Township Engineer
John M. Price, Owner/Applicant and Edgar Velazquez, Applicant (2hishands@gmail.com)