

January 26, 2026

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

Email: rschilling@leht.com

**Re: 'd-2' Expansion of a Non-Conforming Use Variance & Bulk Variance Application #2025-11 Review #2
Katherine & Timothy Callahan
500 North Green Street (C.R. 539)
Block 225, Lot 6
Zone: GB – General Business Zone within the Scenic Gateway Overlay Zone
Our File: 1517-Z-474**

Dear Ms. Schilling:

Our office has received and reviewed revised documents for the referenced application and offers the following comments:

A. Background

The property in question (PIQ) is located on the west side of North Green Street (C.R. 539) at the intersection of 4th Avenue. The tract consists of approximately 0.36-acres (15,625 sf). There is a roadway easement dedicated to Ocean County at the intersection of North Green Street and 4th Avenue. The site is currently developed with a 2 story brick & frame building, concrete sidewalk, 2 frame sheds, a tent, stone access drive and parking, fencing, and a crane.

The Applicant is proposing to construct a 25 ft x 50 ft (1,250 SF) pole barn at a height of 14 ft to be attached to the existing mixed use residential/commercial building in the GB – General Business Zone within the Scenic Gateway Overlay Zone. There are 11 parking spaces delineated on a stone surface. The plan indicates that the existing tent and one of the existing sheds are to be removed.

The Applicant is currently seeking a 'd-2' variance to expand the existing non-conforming use along with 'c' variance relief from the maximum impervious coverage and from the existing conditions for minimum lot area, minimum lot width, minimum lot depth, and minimum front yard setback.

B. Items Submitted

1. Copy of a revised Township of Little Egg Harbor Zoning Board of Adjustment Application and Appeal dated December 10, 2025.
2. Copy of an Affidavit of Non-Collusion dated December 10, 2025.
3. Copy of Site Inspection Consent Form undated.
4. Copy of Certificate of Taxes Paid dated August 21, 2025.
5. Copy of a Letter of Submission dated December 11, 2025.
6. Copy of Plans of Pole Barn consisting of 3 sheets.
7. Copy of a Plan of Survey & Variance Plan for Timothy Callahan, Little Egg Harbor Township, Ocean County, New Jersey, prepared by Thomas A. Harris, Jr., P.L.S., of Harris Surveying, Inc., consisting of 1 sheet, dated November 12, 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 #16 – Provide at least 4 photographs of the site for an accurate description on-site.
2. Item #22 – Construction of existing storm drains/pipes, water, and sewer mains.
3. Item #27 – Proposed landscaping (If and where required).
4. Item #29 – Design calculations showing proposed drainage facilities to be in accordance with ordinance run-off requirements (if and where required).
5. Item #40 – Copies of Notice of Publication.

D. Relief Required

1. The Applicant is currently seeking a ‘d-2’ variance to expand the existing non-conforming use along with ‘c’ variance relief from the maximum impervious coverage and from the existing conditions for minimum lot area, minimum lot width, minimum lot depth, and minimum front yard setback.
2. Per §215-7.14A an accessory building attached to a principal building shall comply in all respects with the yard requirements of this chapter for principal buildings within the appropriate zone. The Applicant requires ‘c’ variance relief for the minimum side yard setback to the pole barn attached to the principal building.
3. Per §215-4.19A a residential use is not listed as a permitted principal use.
4. Per §215-4.19A(10) contractor’s office, showroom, garage, warehouse, and shop; provided, however, that all materials and equipment are stored within a completely enclosed building is a permitted principal use.
 - a. The outdoor construction of floating docks may fall under a contractor’s warehouse, however, currently the activities and materials are occurring outdoors as indicated in the application.
 - b. The Applicant is proposing to construct a 25 ft x 50 ft (1,250 SF) pole barn to relocate the operation indoors as indicated in the Application.

E. Variance & Waivers

1. The Applicant requests variance relief under N.J.S.A. 40:55D-70(d)(2) (commonly referred to as a ‘d-2’ variance) for the expansion of an existing non-conforming use in the GB – General Business Zone within the Scenic Gateway Overlay Zone.
2. The Applicant requests variance relief under N.J.S.A. 40:55D-70(c); commonly referred to as a ‘c’ or “bulk” variance, for maximum impervious coverage. Testimony shall be provided to provide the section of the ordinance in which the relief is being sought.
3. The Applicant requires variance relief under N.J.S.A. 40:55D-70(c); commonly referred to as a ‘c’ or “bulk” variance, for minimum side yard setback.
4. The Applicant requests variance relief under N.J.S.A. 40:55D-70(c); commonly referred to as a ‘c’ or “bulk” variance, for the existing non-conforming conditions for minimum lot area, minimum lot width, minimum lot depth, and minimum front yard setback.
5. 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-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.

In order for the Board to grant a ‘c’ variance, an Applicant must demonstrate, to the Board’s satisfaction, that: (1) such action will relieve peculiar and exceptional practical difficulties or exceptional and undue hardship upon the developer of the subject property resulting from the strict application of the zoning ordinance (typically known as a Hardship Variance); OR (2) that granting a variance to allow departure from the zoning ordinance would advance one of the purposes of the Municipal Land Use Law (N.J.S.A. 40:55d-1 et seq. [“MLUL”]) and that the benefits of the deviation would substantially outweigh any detriment (typically known as the Special Reasons). Collectively, these are known as the Positive Criteria.

The granting of a ‘c’ variance requires the affirmative vote of a majority of the Board members present at the hearing.

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; d’*
- 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;*

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	Existing	Proposed
Minimum Lot Area	22,500 SF	15,625 SF (EV) ⁽¹⁾	15,625 SF (EV) ⁽¹⁾
Minimum Lot Width	150 FT	125 FT (EV) ⁽²⁾	125 FT (EV) ⁽²⁾
Minimum Lot Depth	150 FT	125 FT (EV) ⁽³⁾	125 FT (EV) ⁽³⁾
Principal Structure			
Minimum Front Yard Setback (North Green Street)	70 FT	25.5 FT (EV) ⁽⁴⁾	25.5 FT (EV) ⁽⁴⁾

	Required	Existing	Proposed
Minimum Front Yard Setback (Fourth Avenue)	70 FT	12.2 FT (EV) ⁽⁵⁾	12.2 FT (EV) ⁽⁵⁾
Minimum Side Yard Setback	20 FT	86 FT	43 FT
Minimum Rear Yard Setback	40 FT	60.7 FT	30 FT (V) ⁽⁶⁾
Maximum Building Height	40 FT	25.5 FT	25.5 FT
Maximum Building Coverage	50%	10.9%	17.3%
Accessory Structure			
Minimum Side Yard Setback	5 FT	5.5 FT	28.3 FT
Minimum Rear Yard Setback	5 FT	6.9 FT/9.4 FT	9.4 FT
Maximum Building Height	15 FT	12 FT	12 FT

EV – Existing Non-Conforming Condition V- Variance

- (1) Per §215-4.19E(1) the minimum lot area is 22,500 sf, whereas 15,625 sf is existing.
- (2) Per §215-4.19E(2) the minimum lot width is 150 ft, whereas 125 ft is existing.
- (3) Per §215-4.19E(3) the minimum lot depth is 150 ft, whereas 125 ft is existing.
- (4) Per §215-4.19E(4) the minimum front yard setback is 70 ft, whereas 25.5 ft is existing along North Green Street.
- (5) Per §215-4.19E(4) the minimum front yard setback is 70 ft, whereas 12.2 ft is existing along Fourth Avenue.
- (6) Per §215-4.19E(7) the minimum rear yard setback is 40 ft, whereas 60.7 ft is existing and 30 ft is proposed.

G. Review Comments

1. The Applicant shall provide at least 4 photographs of the site for an accurate description of the site.
2. The development and approval history of the site should be provided including all approvals and variances previously granted. The lot is an undersized lot and the current uses as identified in the application package do not appear to be permitted uses within the GB Zone or the Scenic Gateway Overlay Zone.
3. The Applicant shall provide a description of the existing/proposed use(s) of the existing 2-story brick frame building.
4. The Applicant shall provide a description of the floating dock construction use.
5. The Applicant is proposing to connect the proposed pole barn to the existing building with a 5.5 ft addition. No plans have been provided for the connection/addition. Since the pole barn is to be connected to the principal building, it appears that the Applicant will require ‘d-2’ variance relief for the expansion of a non-conforming use. Testimony shall be provided to discuss the use of the pole barn.
6. The existing and proposed uses on site shall be reconciled with the uses permitted within the township ordinance.
7. The Applicant should address the impact of the application on the following:
 - a. Compatibility of the proposed use with surrounding uses; and

- b. Mitigating factors for the use variance.
8. The Applicant should address the following items for the Board to be able to evaluate the impact of the proposed application on the neighboring properties and the Township:
 - a. That the use will not injure or detract from the use of neighboring property.
 - b. That the use will not detract from the character of the neighborhood.
 - c. That the use of property adjacent to the area included in the plan is adequately safeguarded.
 - d. That the property is suitable for the intended use.
 - e. That the use will serve the best interests of the Township.
 - f. That the use will not adversely affect public sewers and facilities such as water, sewer, police, and fire protection.
 - g. That the use will not adversely affect the drainage facilities in the adjacent neighborhood.
 - h. That the use will not adversely affect the safe flow of highway traffic and that adequate roadway accesses are provided to protect roadways from undue congestion and hazards.
9. Once the pole barn is constructed, will any materials or equipment remain outside?
10. The Applicant shall provide a description of the use of the existing frame shed.
11. The Applicant shall indicate the timing of the removal of the remaining existing frame shed and the existing tent.
12. The site is located in the Scenic Gateway Overlay Zone. Per §215-4.24.2H(2) parking lots shall be discouraged in any front yard area. If the Board determines that the discouraging of parking in a front yard area creates a hardship on the ability to develop a parcel, parking in the front yard area shall be in accordance with §215-12.16, provided enhanced landscape plantings are provided. There is a stone parking area with 11 parking spaces shown on the plan within the front yard along North Green Street and no landscaping is proposed. The Applicant shall provide testimony to discuss the parking within the front yard.
13. The Applicant shall provide a parking calculation on the plan showing the required parking spaces for the proposed uses and the number of spaces provided to determine if a variance or waiver is required.
14. Per §215-12.16A(3) ingress to and egress from a parking or loading area shall be paved, whereas stone is provided. A waiver may be required. Testimony shall be provided.
15. Per §215-12.16A(4) parking areas serving light-duty vehicles shall be constructed with a minimum of two (2) inches of stabilized base course and one and one-half (1-1/2) inches of FABC surface course, or an approved equal, and shall be sufficiently drained so as to prevent an accumulation of water on the site, whereas stone is provided. A waiver may be required. Testimony shall be provided.
16. The Applicant shall provide testimony to indicate how the parking spaces will be delineated.
17. Per §215-12.16A(10) all parking areas are to be curbed, whereas no curbing is provided. A waiver may be required. Testimony shall be provided.
18. Per §215-12.16A(11) no paved area shall be closer to any property line than fifteen (15) feet, unless otherwise permitted herein, whereas the parking area is 7.9 ft to the right-of-way of North Green Street and 2.6 ft from the property line adjacent to Lot 1.

19. The Applicant is proposing to stone all open areas of the site. Testimony shall be provided to discuss the use of the open stone areas. The need for ground cover and landscape areas should be discussed.
20. Per §215-12.16A(13) where parking is permitted between the front building line and the street line, a safety island or raised median separating the public street from the parking area shall be provided for intermediate and large parking lots, whereas as intermediate parking area is considered parking areas having more than 10 parking spaces. A safety island is not provided. A waiver may be required. Testimony shall be provided.
21. Per §215-12.16A(6) a parking area shall be illuminated if used after sunset, and such illumination shall provide a minimum of five tenths (0.5) lumen per square foot throughout the area and be shielded from adjoining streets or properties. The Applicant shall provide testimony to discuss the lighting provided for the parking area. Adequate lighting shall be provided for safety and security purposes if used after sunset.
22. Per ADA requirements a minimum of 1 accessible parking space is required, whereas none are proposed. Testimony shall be provided.
23. The Applicant shall provide testimony to discuss their intentions to provide EV ready spaces as required by Senate Bill S3223. As indicated in the Bill, 1 Make-Ready space should be provided if the lot has 50 or fewer spaces.
24. The Applicant shall provide testimony to discuss vehicular circulation. There is no area provided for vehicles to turn around at the end of the parking aisle.
25. Proposed grading for the proposed Pole Barn including spot elevations at each corner of the building.
26. The application indicate that the increase in impervious cover will be negated by installing gutters and leaders into a french drain system. The plan should be revised to show the locations of the proposed stormwater measures.

G. Fees Required

1. Pursuant to §215-16.1 the following non-refundable administrative fees are required for this application:

§215-16.1A(1)(n)[3] Bulk Variance	\$ 100.00
§215-16.1A(1)(n)[4] Use Variance	<u>\$ 250.00</u>
Total Application Fees	\$ 350.00
2. Pursuant to §215-16.2 of the Land Development Ordinance, the resolution fee is required:

	<u>\$ 150.00</u>
Total Resolution Fees	\$ 150.00
3. Pursuant to §215-16.3, the following escrow fees are required for this application:

§215-16.3M(3) Hardship/Bulk Variances	\$ 500.00
§215-16.3M(1)(c) Use Variance	<u>\$ 2,000.00</u>
Total Escrow Fee	\$ 2,500.00

The Applicant has submitted the application fee in the amount of \$100.00, resolution fee in the amount of \$150.00 and escrow fee in the amount of \$500.00. **The Applicant shall provide additional application fees in the amount of \$250.00 and additional escrow fees in the amount of \$2,000.00.**

H. Recommendation

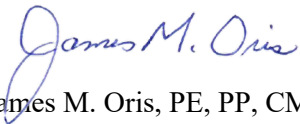
Based upon our review of the information submitted, we recommend that this application be deemed **complete** subject to the Applicant submitting the additional application and escrow fees, and site photographs, and complying with all applicable notification requirements at least ten (10) days prior 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 March 11, 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 our office at 732-286-9220.

God Bless America,

REMINGTON & VERNICK ENGINEERS



James M. Oris, PE, PP, CME

JMO/EJP/MMG:mr

cc: via e-mail:

Mr. Greg Leszega, Chairman

Ms. Kelly Lettera, RMC, Clerk, Acting Township Administrator

Mr. John Cooley, Zoning Officer

Ms. Debra Rumpf, Esq., Board Attorney

Mr. Jason Worth, P.E., Township Engineer

Katherine & Timothy Callahan, Applicants (callahanbnrlc@gmail.com)

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Mr. Richard Kitrick, Esq., Applicant's Attorney (richardkitrick@aol.com)