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January 13, 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 #2025-19
Use & Bulk Variance – Completeness & Technical Review #1
Samy Gerges
Block 326.18, Lot 25 & Block 326.24, Lot 1.01
Zone: WFD – Waterfront Development Zone
1079 Radio Road
Our File: 1517-Z-482

Dear Applicant:

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

A. Background

The property in question (PIQ) is a lagoon lot located on the northerly side of East Playhouse Road at the intersection of Radio Road and the intersection of North Ensign Drive. The site consists of Block 326.18 Lot 25, and Block 326.24 Lot 1.01 containing 0.29 acres located in the WFD – Waterfront Development Zone. The site is currently developed with a 2 story 2-family dwelling with a 1st and 2nd floor deck and a single-car garage. The existing site improvements include a stone parking area, a planter, wood ties, and a block wall.

A plan has been provided to demonstrate that 5 – 9 ft x 18 ft off-street parking spaces are provided.

The Applicant currently seeks use variance and bulk variance relief to continue the existing 2-family dwelling use in the WFD – Waterfront Development Zone.

B. Items Submitted

1. Copy of a plan titled "Variance Plan, 1079 Radio Road, Block 326.24 Lot 1.01 & Block 326.18 Lot 25, Little Egg Harbor Township, Ocean County, New Jersey", prepared by Jason Marciano, P.E. of East Coast Engineering, Inc., consisting of 1 sheet, dated December 3, 2025.
2. Copy of a plan titled "Survey Map w/ Topography, 1079 Radio Road, Block 326.24 Lot 1.01 & Block 326.18 Lot 25, Little Egg Harbor Township, Ocean County, New Jersey", prepared by Joseph Lazok, P.L.S. of East Coast Engineering, Inc., consisting of 1 sheet, dated June 11, 2025.
3. Copy of Architectural Floor Plans & Elevations for the existing 2-family dwelling prepared by G3C Architects, consisting of 4 sheets, dated October 15, 2025.
4. Copy of a Submission Letter dated December 4, 2025.
5. Copy of Check No. 807 in the amount of $350.00 for Application Fees.
6. Copy of Check No. 762 in the amount of $150.00 for Resolution Fees.
7. Copy of Check No. 841 in the amount of $1,400.00 for Escrow Fees.

8. Copy of the Township of Little Egg Harbor Zoning Board of Adjustment Application and Appeal dated December 2, 2025.

9. Copy of the Affidavit of Non-Collusion dated December 2, 2025.

10. Copy of the Site Inspection Consent dated December 2, 2025.

11. Copy of a Certified List of Property Owners within 200 ft dated December 1, 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 #10 - Space for signatures of Chairman and Secretary of Municipal Agency.

D. Relief Required

The Applicant currently seeks use variance and bulk variance relief to continue the existing 2-Family Dwelling use in the WFD – Waterfront Development Zone.

1. Per §215-4.24 a 2-family dwelling is not a permitted principal or conditional use in the Waterfront Development Zone.

E. Variance & Waivers

1. 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 2-family dwelling in the WFD – Waterfront Development 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 the existing non-conforming conditions for minimum lot width, minimum front yard setback, minimum side yard setback, and minimum rear yard setback.

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 '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;

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. <u>Zoning</u>

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 §215-4.24D:

	Required	**Proposed**
Minimum Lot Area	12,000 SF	12,884.70 SF
Minimum Lot Width	120 FT	70.77 FT **(EV)**[(1)]
Minimum Lot Depth	100 FT	110 FT
Minimum Front Yard Setback (Radio Road)	40 FT	20.3 FT **(EV)**[(2)]
Minimum Front Yard Setback (East Playhouse Rd)	40 FT	17.2 FT **(EV)**[(3)]
Minimum Side Yard Setback - Principal	15 FT	5.1 FT **(EV)**[(4)]
Minimum Rear Yard Setback	20 FT	16.4 FT **(EV)**[(5)]
Maximum Building Height	40 FT	31.2 FT
Maximum Building Coverage	50%	20.5%

EV – Existing Non-Conforming Condition

(1) Per §215-4.24D(2) the minimum lot width is 120 ft, whereas 70.77 ft is existing.

(2) Per §215-4.24D(4) the minimum front yard setback is 40 ft, whereas 20.3 ft is existing along Radio Road.

(3) Per §215-4.24D(4) the minimum front yard setback is 40 ft, whereas 17.2 ft is existing along East Playhouse Road.

(4) Per §215-4.24D(5) the minimum side yard setback is 15 ft, whereas 5.1 ft is existing.

(5) Per §215-4.24D(7) the minimum rear yard setback is 20 ft, whereas 16.4 ft is existing.

G. Review Comments

1. The Applicant shall provide testimony to discuss the development and approval history of the site.
2. The Applicant shall provide testimony to discuss the existing use on the site and the compatibility with potential surrounding uses.
3. The Applicant shall provide testimony to determine if the property is suitable for the intended use.
4. The Applicant shall provide testimony to determine if the use will serve the best interests of the Township.
5. The Applicant shall provide testimony to discuss the number of bedrooms for each dwelling unit as well as the parking spaces provided.
6. The Applicant shall provide testimony to discuss how the dwellings are serviced by sanitary sewer and potable water.
7. The Applicant shall provide testimony to discuss how storm drainage is handled for the site.
8. A space for signatures of the Zoning Board Chairman, Engineer and Secretary shall be added to the plan.
9. The site is within the floodplain. Our office defers to the Township Certified Floodplain Manager for compliance with the flood ordinances.
10. The architectural plans shall be signed and sealed.

H. Fees Required

1. Pursuant to §15-16.1, the following non-refundable administrative fee is required for this application:

§215-16.1A(1)(n)[3] Bulk Variance	$ 100.00
§215-16.1A(1)(n)[4] Use Variance	$ 250.00
Total Application Fees	**$ 350.00**

2. Pursuant to §215-16.2 of the Land Development

Ordinance, the resolution fee is required:	$ 150.00
Total Resolution Fees	**$ 150.00**

3. Pursuant to Section 215-16.3, the following escrow fee is required for this application:

§215-16.3M(1)(a) Use Variance	$ 500.00
§215-16.3M(3) Bulk Variance (5 bulk variances)	$ 900.00
Total Fees:	**$1,400.00**

The Applicant has provided $350.00 in application fees, $150.00 in resolution fees, and $1,400.00 in escrow fees.

I. Recommendation

Based upon our review of the information submitted, we recommend that this application be deemed complete subject to the Applicant submitting the additional escrow fees, site photographs, and confirming garage height, 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 February 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 me at (732) 286-9220.

God Bless America

REMINGTON & VERNICK ENGINEERS

James M. Oris

James M. Oris, PE, PP, CME

JMO/MMG:mr

cc: Mr. Greg Leszega, Chairman
Ms. Suzanne Musto-Carrara, Vice-Chairman
Ms. Kelly Lettera, RMC, Clerk, Acting Township Administrator
Mr. John Cooley, Zoning Officer
Ms. Debra Rumpf, Esq., Board Attorney
Mr. Jason Worth, Township Engineer
Mr. Samy Gerges, Owner/Applicant (sgerges2@gmail.com)
Ms. Erica Edwards, Esq., Applicant's Attorney (47 East Main St, Flemington, NJ 08822)
Mr. Jason Marciano, P.E., Applicant's Engineer (jason.marciano@eceinc.net)
G3C Architects, Applicant's Architect (139 East Sail Drive, Little Egg Harbor, NJ 08087)