



July 23, 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 #2025-14B
Use Variance – Completeness & Technical Review #1
Robert Mannix
Block 328.12, Lot 1
Zone: GB – General Business Zone
836 Radio Road
Our File: 1517-Z-492

Dear Ms. Schilling:

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

A. Background

The property in question (PIQ) is located at the intersection of Radio Road and Zelus Street. The site is an undersized lot in the GB Zone. The tract consists of 0.3-acres (13,095 sf) and is within the GB – General Business Zone. The site contains a 2 story/1 story dwelling with an attached 2 car garage, a covered porch and second floor overhang, a 1 story commercial building, a concrete patio between buildings, a concrete driveway at the garage, a looped concrete driveway with access to Radio Road and Zelus Street, and a concrete area along Radio Road. There is an enclosed fenced area that extends onto adjacent Lot 2. There is a portion of the concrete pavement along Radio Road that encroaches onto adjacent Lot 5.

On December 10, 2025, by memorialization of Zoning Board Resolution No. 2025-19, the Applicant was granted a ‘d-2’ variance for the expansion of a non-conforming use to renovate the existing commercial building to accommodate 4 offices to be used for the sale of cars virtually and an accessible restroom. A waiver for parking was also granted. Conditions of the use variance as shown on page 3 of the resolution of approval are “no vehicles will be stored, shown or sold on the premises and all leases to third parties shall include this condition” and “there shall be no car/sales on site”.

The Application Narrative indicates that “Since the time of the original application, the New Jersey Motor Vehicle Commission has modified the rules and regulations regulating the sale of automobiles. Under the new regulations, offices such as those proposed by the Applicant, must have 2 parking spaces for vehicle sales in addition to any requirements of the local municipality”.

As indicated on the official site of The State of New Jersey NJMVC, one of the requirements that must be met before obtaining a new and used car dealership license is “you are required to maintain display space capable of showcasing a minimum of 2 vehicles”.

The Applicant now seeks a ‘d-2’ use variance to permit the expansion of a non-conforming use in order to include the 2 vehicle display spaces.

The Applicant is proposing parking lot striping and the designation of a van accessible parking space.

B. Items Submitted

1. Copy of the Township of Little Egg Harbor Zoning Board of Adjustment Application and Appeal dated May 18, 2026.
2. Copy of Proof of Taxes dated June 23, 2026.
3. Copy of an Affidavit of Non-Collusion dated May 18, 2026.
4. Copy of a Site Inspection Consent dated May 18, 2026.
5. Copy of a Survey of Property prepared by Charles Surmonte, P.L.S. dated March 12, 2024.
6. Copy of an Application Narrative.
7. Copy of a Zoning Board Resolution No. 2025-19.
8. Copy of a request for a certified list of property owners within 200 feet dated May 26, 2026.
9. Copy of a Submission Letter dated June 18, 2026.
10. Copy of Check No. 303 in the amount of \$250.00 for application fees.
11. Copy of Check No. 304 in the amount of \$150.00 for resolution fees.
12. Copy of Check No. 305 in the amount of \$500.00 for escrow fees.
13. Copy of 4 Site Photographs
14. Copy of Sketch of Parking.

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 #6 – Key map showing location of tract to be considered in relation to surrounding area at a scale not less than 1" = 2000 feet.
2. Item #10 – Space for signatures of chairman, secretary, and board engineer of Municipal Agency.
3. Item #40 – Notice of Publication.

D. Relief Required

1. The property is a pre-existing, non-conforming use with a residential and commercial use on the same property.
2. Per §215-4.19A(7) a commercial office is a permitted principal use.
3. Per §215-4.19A a single-family dwelling is not a permitted principal use.
4. Per §215-7.5 no lot shall have erected upon it more than one principal permitted use. No more than one principal building shall be permitted on one lot except that commercial uses, shopping centers, apartments and condominium projects, and industrial complexes, all receiving site plan approval, may be permitted to have more than one building on a lot in accordance with standards of the zoning district in which it is located.

5. Per §215-7.12 no lot utilized for single-family or two-family dwelling purposes shall contain more than one (1) principal building.
6. The Applicant seeks a 'd-2' use variance to permit the expansion of a non-conforming use in order to include the 2 vehicle display spaces.
7. On December 10, 2025, by memorialization of Zoning Board Resolution No. 2025-19, the Applicant was granted a 'd-2' variance for the expansion of a non-conforming use to renovate the existing commercial building to accommodate 4 offices to be used for the sale of cars virtually and an accessible restroom. A waiver for parking was also granted. Conditions of the use variance as shown on page 3 of the resolution of approval are "no vehicles will be stored, shown or sold on the premises and all leases to third parties shall include this condition" and "there shall be no car/sales on site".
8. The Application Narrative indicates that "Since the time of the original application, the New Jersey Motor Vehicle Commission has modified the rules and regulations regulating the sale of automobiles. Under the new regulations, offices such as those proposed by the Applicant, must have 2 parking spaces for vehicle sales in addition to any requirements of the local municipality".
9. As indicated on the official site of The State of New Jersey NJMVC, one of the requirements that must be met before obtaining a new and used car dealership license is "you are required to maintain display space capable of showcasing a minimum of 2 vehicles".

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 an expansion of a Non-Conforming Use) to permit 2 vehicle display spaces for the previously granted renovation of the existing commercial building to accommodate 4 offices to be used for the sale of cars virtually per Zoning Board Resolution No. 2025-19 in the General Business Zone.
2. 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 should 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 should 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

1. The definition of a corner lot is any lot which occupies the interior angle of the intersection of two (2) street lines. On all "corner lots," the required building setback line paralleling both street frontages shall not be less than the minimum front yard setback requirements of an adjoining interior lot fronting on said street. On all "corner lots," the lot width shall be equal to or greater than the minimum depth of lot requirements of the zoning district. The required lot width and lot depth shall be measured along the required front yard building setback line. All "corner lots" shall have two (2) front yards, one (1) side yard and one (1) rear yard.
2. The site is within the GB – General Business Zone. The chart below summarizes the area and bulk requirements for this zone in accordance with §215-4.19E:

	Required	Existing
Minimum Lot Area	22,500 SF	13,095 SF (EV)
Minimum Lot Width	150 FT	±60 FT (EV)
Minimum Lot Depth	150 FT	±160 FT
Minimum Front Yard Setback (Dwelling – Radio Road)	70 FT	21.7 FT (EV)
Minimum Front Yard Setback (Dwelling – Zelus Street)	70 FT	8.7 FT (EV)
Minimum Front Yard Setback (Commercial Bldg. – Radio Road)	70 FT	23.0 FT (EV)
Minimum Side Yard Setback (Dwelling)	20 FT	12.5 FT (EV)
Minimum Side Yard Setback (Commercial Bldg.)	20 FT	4.0 FT (EV)
Minimum Combined Side Yard Setback	40 FT	N/A
Minimum Rear Yard Setback (Dwelling)	40 FT	12.5 FT (EV)

	Required	Existing
Minimum Rear Yard Setback (Commercial Bldg.)	40 FT	5.7 FT (EV)
Maximum Building Height	40 FT	<40 FT
Maximum Building Coverage	50%	<50%

3. The Applicant may require 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 front yard setback, minimum side yard setback, and minimum rear yard setback.

G. Review Comments

1. On December 10, 2025, by memorialization of Zoning Board Resolution No. 2025-19, the Applicant was granted a ‘d-2’ variance for the expansion of a non-conforming use to renovate the existing commercial building to accommodate 4 offices to be used for the sale of cars virtually and an accessible restroom. A waiver for parking was also granted. Conditions of the use variance as shown on page 3 of the resolution of approval are “no vehicles will be stored, shown or sold on the premises and all leases to third parties shall include this condition” and “there shall be no car/sales on site”. The Applicant should provide testimony to discuss the status of the resolution compliance.
2. The Applicant should provide testimony to discuss the hardship that requires the Applicant to request the variance relief.
3. The Applicant should provide testimony to discuss the history of the site including all variances and waivers previously approved.
4. The Applicant should provide testimony to discuss the operations of the proposed car sales use as a result of the NJMVC requirements.
5. The applicant should address the impact of the application on the following:
 - a. Compatibility of the proposed use with surrounding uses.
 - b. Mitigating factors for the use variance.
6. 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 not adversely affect public sewers and facilities such as water, sewer, police, and fire protection.
 - f. That the use will not adversely affect the drainage facilities in the adjacent neighborhood.

- g. That the use will not adversely affect the safe flow of highway traffic and that adequate roadway access is provided to protect roadways from undue congestion and hazards.
7. A requirement of the NJMVC for a new and used car dealers license is that the business must have an exterior sign permanently affixed to the land or building consistent with local ordinances. The lettering must be legible from the roadway. Testimony should be provided to discuss the proposed sign. The Applicant should provide the location and detail for review and approval.
8. The Applicant should depict on a plan where the 2 proposed vehicle display spaces will be located. Testimony should be provided to discuss the location.
9. The Applicant has provided a parking sketch delineating 9 parking spaces along Radio Road. There are issues with the parking as follows:
 - a. The depth of 3 of the parking stalls is less than 18 ft (± 16 ft).
 - b. The depth of 1 of the parking stalls is partially less than 18 ft (± 16 ft).
 - c. 3 of the stalls are partially located outside of the property onto adjacent Lot 5. (This includes the accessible parking stall.)
10. The Applicant should provide testimony to discuss how the vehicles will be transported to the site. The testimony should include the size of the truck and where it will be located during the delivery of the vehicles.
11. The Applicant shall provide testimony to discuss the lighting of the parking area. A condition of the use variance as shown on page 3 of the resolution of approval states "Downward lighting, facing the lots, shall be provided and Applicant shall provide a detailed lighting plan to the Township Engineer".

H. Fees Required

1. Pursuant to §215-16.1, the following non-refundable administrative fee is required for this application:

§215-16.1A(1)(n)[4] Use Variance	\$ 250.00
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2. Pursuant to §215-16.2 of the Land Development Ordinance, the resolution fee is required:

	\$ 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

The Applicant has provided all required 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 200 ft property owners list and proof of taxes paid 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

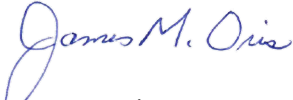
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the Applicant, this application will be scheduled for a public hearing at the September 9, 2026 meeting of the Little Egg Harbor Zoning Board of Adjustment. By copy of this letter, we are informing the applicant of the items to be addressed.

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, CFM

EJP/JMO/MMG:mr

cc: Mr. Greg Leszega, Chairman
Ms. Suzanne Musto-Carrara, Vice-Chairman
Ms. Kelly Lettera, RMC, Acting Township Administrator
Mr. John Cooley, Zoning Officer
Ms. Debra Rumpf, Esq., Board Attorney
Mr. Jason Worth, P.E., Township Engineer
Mr. Robert Mannix, Applicant (rmannix4@gmail.com)
Mr. Kevin S. Quinlan, Esq., Applicant's Attorney (kquinlan@ksqlaw.com)