

**Township of Egg Harbor  
Zoning Board**

**October 3, 2011**

**Solicitor:** George K. Miller, Jr., Esquire, present  
**Engineer:** Matthew F. Doran, P.E., Debra Wahl, P.E., present  
**Planner:** Edward Walberg, P.P., Joseph Johnston, P.P., present  
**Zoning Officer:** Patty Chatigny, present

A regular meeting of the Zoning Board of Adjustment of Egg Harbor Township was held on the above-date, 7:00 p.m., prevailing time, Egg Harbor Township Hall, Egg Harbor Township, New Jersey. The Chairman opened the meeting by reading the statement in compliance with the Open Public Meetings Act

**Call to Order/Flag Salute/Public Notice/Roll Call:**

John C. Amodeo, Class IV, present	Norma Lombardi, Class IV, present
Leonard Dagit, Jr., Class IV, 2 <sup>nd</sup> Vice-Chair., present	Chrissy Martin, Alt. #I, present
Anthony DiDonato, Alt. #II, present	Andrew Parker, Alt. #III, present
Beth Epstein, Class IV, present	Laura Pfrommer, Class IV, present
John Haines, Class IV, Chairman, present	Paul Savini, Class IV, Vice-Chair, present

**PUBLIC HEARING(S):**

<b>1. V04-11</b>	<b>AD@ Variance Relief</b>
<b>Bird Freon, LLC</b>	<b>AC@ Variance Relief</b>
<b>Block/Lot: 1702/3</b>	<b>Use Variance</b>
3084 English Creek Avenue	Waiver of Time - <b>Not Granted</b>
Zone: NB, 6.74 acres +/-, All utilities available	

The applicant Bird Freon, LLC is requesting a use variance to permit them to operate a high end, luxury used automobile sales facility at the property to be known as Pumpkin Fine Cars and Exotics within the NB - Neighborhood business Zone. The applicant is proposing to utilize the existing building located on English Creek Avenue near West Jersey Avenue. They also have requested AC@ variance relief for the number of parking slots. There are no changes proposed for the site, therefore the applicant has requested a waiver of site plan.

**AC@ and AD@ Variance Checklist(s):**

- 1. Item #3 - Plans of Building to be altered**
- 2. Item #13 - Signature lines for Chairman, Secretary**
- 3. Item #29 - Setback of structures within 200'**

**General Checklist:**

- 1. Item #7 - List of Witnesses**
- 2. Item #10 - Traffic Impact Report**

**Variances:**

- 1. ' 225-35 - Use Variance to allow for used motor vehicle sales in the NB Neighborhood Commercial District**
- 2. ' 225-35 ( C ) - Outdoor solid waste enclosure side yard setback - 20 feet is required; 16 feet exists**

3. ' 225-56(A)2 - Number of parking spaces - 42 spaced are required; 37 parking spaces exist.

**Waivers:**

1. ' 198-15(A)1 - Providing a site plan

Sal Perillo, Esq., introduced himself as attorney for the applicant. He indicated the parcel in question is located on English Creek Avenue and was previously approved as a hardware/party rental store, by the Planning Board in 2005. Attorney Perillo advised the applicant is seeking approval to allow for this facility to be a high end luxury car dealership and in these hard economic times this proposal should be encouraged.

The following individuals were sworn in:

Andrew Schaeffer, P.E., Schaeffer, Nassar, Scheidegg, Cantilon Blvd., Mays Landing, New Jersey, sworn in.

Frank Freon, principal of Bird Freon, sworn in

Jerry Bird, principal of Bird Freon, sworn in

Attorney Perillo indicated the applicant is seeking use variance and "C" variance relief approval.

Mr. Freon explained to the Zoning Board that he has raced all of his life and that he lived in France. He stated that he knew at one point he needed to do something different other than racing, thus in 1998, he created Pumpkin Cars. He advised Pumpkin started as a small operation in Linwood, then he moved the facility to Patcong Avenue where he had maybe seven (7) or eight (8) cars. Thereafter, in 2002, he found a warehouse on Fire Road and he moved into Egg Harbor Township in August of 2002. Mr. Freon indicated that in 2003 he received a phone call advising he was not signed on to continue racing.

Attorney Perillo advised the applicant's current facility is a warehouse which is actually located in Hovnavian Park along Fire Road. Mr. Freon indicated he purchased the unit within the park so that he could have 20 to 25 cars. He further noted that in 2004 he devoted himself full time to Pumpkin Cars. Mr. Freon advised that since he is French he did not have much experience with cars made in America, however, he did have knowledge concerning BMW, Mercedes Benz, etc....Mr. Freon advised he just wanted to have a nice operation.

Mr. Freon advised he may have up to ten (10) people a day coming to site and he sells around 20 to 25 cars a month. Attorney Perillo asked how will operations take place at the proposed facility? Mr. Freon advised that at his current location there is a limitation of the number of cars he can keep. He advised the cars are kept within the warehouse and it can take up to twenty (20) minutes to free up a car. Mr. Freon stated within the car business drive-by traffic is important. He stated many people do not realize his facility is on Fire Road.

Mr. Freon referenced **Exhibit A1**: picture board of 12 pictures showing photographs of Mr. Freon's when he was involved in auto racing, as well as, cars that he has available for purchase. Mr. Freon advised he specializes in very, very nice cars and he tries to have the best products available.

Mr. Freon explained he offers no specific brand, however, he tries to have top notch quality. Chairman Haines asked if someone asked to purchase a car from 1966 can he provide? Mr. Freon indicated he sells cars that were made between 2000 and 2008. He did note that every now and then he may sell a

classic car.

Mr. Freon advised that he drives every car that he sells and after service is done he will drive it again. Mr. Freon stated he wants to make sure the car he sells is one that he would place his wife and children into.

Mr. Freon indicated he would like to have 40 to 45 cars in show room. Attorney Perillo asked what will happen at this facility if someone wants to see a car. Mr. Freon indicated the proposed facility has good spacing within the building and will not take as long to retrieve a car. He advised when a car or car is moved outside it can be parked in a space and then returned to the building a few hours later. Mr. Freon stated he sells classy; high quality vehicles. He indicated this is the spirit of his business and he is different from the big dealership. He indicated there is no pressure to purchase.

Attorney Perillo asked if cars will be placed outside because they are test driven or because they are being moved in order to get to another vehicle. Mr. Freon indicated maybe five (5) to ten (10) cars will be outside. He also advised presently he has three (3) employees, as well as, himself and his wife operating the facility. He indicated with moving to this new location, if approved, he may be hiring one (1) or two (2) more people.

Attorney Perillo asked if Mr. Freon will be doing any type of repair to cars at the new facility? Mr. Freon advised there is already a small workshop located within the building that was used for the repair of rental equipment. Mr. Freon stated he will continue to operate out of the workshop so he can check the brakes and tires. He indicated this is basic light service and for which was done previously at this location.

Board Member Lombardi asked if Mr. Freon would do any painting to cars? Mr. Freon stated no. Mr. Freon advised he will operate from 9:00 a.m. to 6:30 p.m, Monday - Saturday. Attorney Perillo asked if the peak periods of Mr. Freon business occur on Saturday=s? Mr. Freon stated he has a very flat operation. He indicated if he has two (2) customers at one time it would be wonderful, however, with this move he still does not expect more than five (5) at any one time.

Board Member Lombardi asked if Mr. Freon will have any ramps or rollers to display his vehicles? Mr. Freon stated no. Board Member Lombardi asked where Mr. Freon obtains his cars from? Mr. Freon stated he does go around to the auctions, but he also purchases from private parties. Board Member Lombardi asked if someone were to come in with a 2004 Lexus would he trade up to a 2008 model? Mr. Freon indicated he may do so if it were to be a very good trade otherwise he would not. Attorney Perillo indicated to the board that the applicant does not propose any type of arc lighting that is often seen at the large dealerships. He also indicated the applicant will have no ramps, racks, flags or banners.

Board Member Lombardi asked what type of vehicle is considered "exotic". Mr. Freon stated it would be considered a very extreme type car.

Andy Schaeffer, P.E., P.P., New Jersey Licensed Engineer and Licensed Planner: Engineer Schaeffer advised he has appeared before this board on numerous occasions. Engineer Schaeffer explained there are a number of commercial uses in this area. He advised the parcel in question is located within the NB zone (neighborhood business), which is the second most intense zoning district within the Township. Engineer Schaeffer indicated there is a feed store adjacent to the proposed facility and there are homes

across the street from this site that have been turned into business. He further noted the Township Community center is a little further down English Creek Avenue from this site.

Engineer Schaeffer stated the proposed is actually a lighter use than what was previously operating from the facility which was a party store, rental facility and hardware store. Attorney Perillo explained the NB zoning allows for restaurants, liquor stores, and service type uses also.

Engineer Schaeffer indicated the existing building is 15,000 sq. ft. and has a 2,000 sq. ft. mezzanine, therefore, the total square footage is a little over 17,000 sq. ft. Engineer Schaeffer advised the previous use rented backhoes and repair work was done on these machines.

Engineer Schaeffer advised the applicant will not perform major engine repair or auto body work at this facility. He indicated what minor work that will be done will be conducted inside the building.

Engineer Schaeffer advised that even though the Township Ordinance allows a repair facility in this zone. The applicant is not necessarily proposing one. Attorney Perillo asked if the applicant is changing anything that was part of the original approval? Engineer Schaeffer advised there was a free standing sign and a building mounted sign that were approved. He indicated neither needed variance relief. He indicated when and if the applicant places the signs up the applicant will make sure they fit within the confines of the zoning ordinance and what was previously approved.

Attorney Petrillo advised the applicant must discuss special reasons, as to why, this proposal should be approved. He indicated one (1) reason is the adaptive re-use of the building. Attorney Petrillo asked how long has this proposed site been empty? Engineer Schaeffer advised at least two (2) to three (3) years. Attorney Perillo asked if by granting the variance relief sought is there a benefit. Engineer Schaeffer advised there is a number of permitted uses for this zoning district, however, there is not enough parking for them to exist.

Attorney Perillo asked if there are any negative issues? Engineer Schaeffer stated that in terms of traffic it is much less than what was previously approved and less than what is required for other permitted uses. Attorney Perillo asked if any noise or odors emanate from this site. Engineer Schaeffer advised this applicant will not have any of those issues.

Engineer Schaeffer indicated he sees nothing but positive impacts. He advised this is a current empty building that will be utilized. The Township Ordinance requires 42 spaces for employees, customers, and additional for display. Engineer Schaeffer advised in this situation the applicant is parking vehicles inside the facility and the only ones that will be outside are those that have been moved or those that are being test driven. Engineer Schaeffer indicated if the applicant were to have ten (10) employees, five (5) customers and maybe five (5) cars outside for a test drive the applicant would still have a number of spaces available.

Board Member Lombardi asked if the applicant will be performing oil changes at the proposed facility? Mr. Freon indicated yes. Board Member Lombardi asked if he will change tires? Mr. Freon indicated if he purchases a car and it needs four (4) new tires he will order them for the next day. He indicated he will not keep an inventory of tires at this facility.

Board Member Amodeo asked if a variance was needed for parking with the original site plan application for the hardware store? Attorney Perillo advised under the Township Ordinance requirements for a commercial site the original site plan only required 32 spaces, however, more is needed. The variance

relief currently sought is specifically for new and used automobile sales.

Board Member Savini stated he is a little confused in terms of how the applicant came up with 42 spaces being required. Board Planner Johnston advised the required amount comes straight from the Township Ordinance. He advised under motor vehicle sales the applicant is required to provide 1 parking space for every 400 sq. ft. of building. Board Member Savini asked how many cars will be contained within the building? Mr. Freon stated he will have somewhere between 40 to 45 cars in about a 14,000 sq. ft. area that is considered the show room.

Engineer Schaeffer indicated there is no plan for the applicant to display cars outside of the building on a constant basis. He indicated some will be outside because they will be moved out of the show room for test drives. Board Member Savini advised he believes parking within the building will be a tight. Engineer Schaeffer stated the applicant currently has a facility (Fire Road) that is around 3,000 sq. ft. and there around 20 cars inside. He indicated there are overhead doors that allow for the cars to be brought in and out.

Board Member Savini asked if there is drainage for the work bay=s? Engineer Schaeffer advised drainage can not be done. He advised there are no floor drains.

Board Engineering Representative Wahl advised her firm prepared a report dated September 19, 2011. She indicated the parcel does meet the width and area standards for the zone. She advised all parking that exist complied at the time of the original application. Board Engineering Representative Wahl advised the applicant is seeking Ad@ variance relief. She further noted the applicant did provide testimony concerning the signs that were previously approved, as well as, advising that they will meet the zoning requirements in effect when their signs are placed in.

Board Engineering Representative Wahl advised the site does have sewer and water and the wetlands and wetland buffers have been shown on the plans. She also indicated the site triangles have been shown the plans. Board Engineering Representative Wahl stated there were concerns raised within their report with respect to where the maintenance of cars would be conducted. She indicated, however, that the applicant has placed on the record that maintenance will be contained to the inside of the facility. Board Engineering Representative Wahl indicated curb and sidewalk has been shown in front of the building along the edge of the parking. She also advised the previous applicant provided an in lieu contribution for curb and sidewalk along English Creek Avenue.

Board Planner Johnston advised if the Board should grant the applicant approval then the Board is granting used car sales in perpetuity from this location. He suggested the Board may want to look at this site with specific conditions associated with it. Board Planner Johnston advised the Board may want to condition that all display of vehicles occur inside the building. Board Member Dagit asked if the Board were to grant Ad@ variance relief can a car be kept outside for a test drive? He asked if the board can limit the hours of operation?

Board Solicitor Miller indicated the Board has had a number of situations where conditions are placed on an applicant. Then, for whatever reason, they are not followed. He indicated the applicant has said there will be no cars displayed outside. Board Solicitor Miller advised he understands what Board Planner Johnston is concerned about. He advised if this business is successful and the applicant were to sell it. The Board Planner wants to make sure all cars go back into the building.

Board Member Amodeo suggested the Board should consider allowing outside parking. Zoning Officer Chatigny indicated if the Board allows for outdoor parking it will be opening Pandora's Box. Board Member Amodeo stated he does not want to be unreasonable. Board Solicitor Miller referred to **Exhibit A2**: site plan rendering, he suggested if the applicant were to take a portion of the parking area that is adjacent to the building but parallel to the road maybe cars could be kept in this area.

Attorney Perillo stated the applicant would like to have some flexibility to keep vehicles outside. Board Member Pfrommer suggested maybe cars could be kept behind the fenced area. Engineer Schaeffer explained that some times when cars are test driven they are not returned until after closing hours and the keys for the vehicle are dropped off into a lock-box so they could not access the fenced area.

Mr. Freon indicated he understands the concern of the Board with respect to someone owning this facility further down the road. He indicated he does not want 37 junk cars in his yard. Mr. Freon advised he will conducted a classy operation, however, he does need flexibility with placing cars along the front of the site during the day. He asked if maybe the Board would consider at least five (5) cars. Again, he indicated there will be no ramps and he will not place for sale signs on the vehicles. He advised the Board could place something within the resolution that would be a very specific condition to him and prohibit anyone in the future from doing the same thing.

Board Member Lombardi asked what the applicant was doing for external lighting? Engineer Schaeffer advised the applicant is not changing any of the lighting standards that already exist nor will the applicant be open at night. Board Member Savini stated there could be language placed within the resolution stating there is a rotation of vehicles for outside, however, they will not be displayed for sale and merchandising and there will be no banners or signs affixed to them. Chairman Haines indicated he believes the allowance of five (5) cars in the parking area is a fair number. He indicated when someone passes by they will not be able to tell the difference between it being a vehicle for sale or one that is just parked especially since there will be no signs on the vehicles

Board Solicitor Miller indicated he could prepare the resolution advising that no display of vehicles for merchandising purposes and the drop off of cars will not be more than five (5), which includes evening and day light hours. He indicated the resolution will also reference that vehicles placed outside will have no signs or writing on the windshields. He also advised they will not have any banners or additional signs concerning sales.

Board Member Lombardi asked what type of security will be provided for the site overnight. Mr. Freon advised there will not be any Porsche's parked overnight. He indicated there will be security camera's placed on site. Chairman Haines indicated he doubts Mr. Freon will be keeping a \$100,000.00 car outside. Mr. Freon advised if the Board approves and he becomes situated, he will record what happens on site and will provide copies of the tapes. He stated he had nothing to hide.

Board Planner Johnston asked how the vehicles are delivered to site? Mr. Freon stated he normally drives them back to his facility. Board Planner Johnston asked if there is any tractor trailers that will be coming to the site? Engineer Schaeffer advised the site was designed for tractor trailers when the original application was submitted. Mr. Freon stated he may have a single or double car carrier coming to site, however, it is usually once a month. Board Member Dagit stated if he remembers correctly the backhoes rented from this site were delivered by trailers. Engineer Schaeffer stated this is correct.

Board Planner Johnston advised within the HB zone (highway business) district there are certain

conditions that dealerships must meet. He referenced more specifically ' 225-37:B(4) of which A and B are not applicable but the others listed are. He advised this includes no noise from paging, lighting levels and parallel lighting must meet ordinance requirements. Engineer Schaeffer indicate the applicant can agree to all the conditions.

Board Member Savini advised he wants to make sure there is no parking of cars or car carriers along English Creek Avenue. Zoning Officer Chatigny indicated the Board could make as a condition that no loading or unloading/parking will occur on English Creek Avenue.

Board Planner Johnston stated he does realize the trash enclosure currently exist. He advised it is actually located 16' ft. to the side property line and 20' ft. is need, therefore, again, even though it exist he believes variance relief is needed for it to remain. Engineer Schaeffer advised that more then likely it is not constructed where it was originally proposed to go. He indicated the applicant will seek variance relief so it can remain. Board Planner Johnston stated is the applicant does construct a free standing sign he must make sure the street address is affixed to it.

Zoning Officer Chatigny indicated she agrees that relief for the trash enclosure should be granted. She also advised a cap on the amount of cars allowed in the parking area should be considered. Zoning Officer Chatigny stated Mr. Freon is aware no signs or banners are permitted, otherwise, he will receive a visit from her. She stated the proposed is a good use for a building that is just sitting empty. She indicated the traffic coming to this site will be less because the applicant sells high end cars and most people can not afford them

**Motion Dagit/Amodeo to open public portion. Vote: 7 yes.**

Cindy Lukins, English Creek Avenue, Egg Harbor Township (block/lot: 1613/87), sworn in: Ms. Lukins welcomed Mr. Freon to the neighborhood and added she believed the hardware store was an ill conceived idea. She indicated she will enjoy having Mr. Freon there.

Ms. Lukins advised the applicant should really consider having security lighting. She indicated she normally resides in her home around eight (8) months a year and there is a lot of foot traffic in this area around 3:00 a.m. in the morning. Ms. Lukins advised if Mr. Freon plans to leave cars out at night he should consider placing within the fenced area in the rear.

Ms. Lukins stated there is no electric hook up to the building outside and no security lighting. She advised the applicant should have security lighting because this area is very dark at night. Again, she indicated she would love to have Mr. Freon as a neighbor, she is favor of the application and this is a high end business. She further noted that the Board should not underestimate the amount of the traffic on English Creek Avenue and allow Mr. Freon to have a couple cars out during the day.

Ms. Lukins advised the Board should approve Mr. Freon and provide him the opportunity. She also suggested the applicant place a sign up soon in order to take advantage of the location. Ms. Lukins stated the applicant will get a ton of traffic from New Jersey and Pennsylvania. .

**Motion Dagit/Amodeo to close public portion. Vote 7 Yes:**

Attorney Perillo indicated there is a number of conditions that are acceptable to the applicant and he would ask for approval.

Board Solicitor Miller advised the conditions are as follows: the applicant will address all outstanding issues within both the Planning and Engineer=s report. The applicant will be open six (6) days a week (Monday-Saturday) from 9:00 a.m. to 6:00 p.m. The applicant is prohibited from affixing any flags, balloons, banners on site. The applicant has agreed to only perform light maintenance on vehicles he is selling. The applicant will not perform any body work or major commercial repairs to vehicles. Applicant has agreed not to display merchandise, however, the applicant is allowed to have five (5) cars parked outside over night (no merchandise display is allowed on these vehicles). Applicant has agreed that all signage will comply with Township Ordinance requirements. Applicant has agreed no ramps will be placed on site for display. Applicant has agreed not to change any of the current lighting on site. Applicant agrees the delivery of vehicles will remain on site and there will be no drop off of vehicles along English Creek Avenue. Applicant also agrees to comply with ' 225-37(b) c, d, and e. Applicant has also requested the trash enclosure be maintained in its present location.

Board Member Amodeo asked if the applicant will install security lighting? Engineer Schaeffer stated security lighting already exist at this site, since the electric is not connected it is not used. Board Member Lombardi asked if the proposed sign(s) will be lighted? Mr. Freon advised they may be. Board Solicitor Miller advised the address of the facility must be placed on the sign. Board Member Dagit stated the Board should not limit the amount of cars Mr. Freon keeps inside his building. Attorney Perillo indicated the conditions imposed by the Board are fine. Board Member Lombardi asked if the applicant does any insurance work? Mr. Freon stated no. Attorney Perillo stated, though the applicant did advise the hours he would maintain, he does not want to limit his hours of operation. He asked that no condition be placed on him concerning the hours. Attorney Perillo advised the applicant will operate during the hours he is allowed by Township Ordinance.

#### **Board Opinion(s):**

- N. Lombardi:** stated this is a beautiful building and the applicant has a fabulous operation. She indicated when the applicant continues to grow she hopes he will stay within Egg Harbor Township. Board Member Lombardi advised the proposed is an upgrade and he has a great neighbor across the street. She did state, however, that the sign should be lit. She is also concerned with cars being let out over night.
- S. Parker:** indicated the proposed will not create much vehicle traffic. He advised the applicant=s professionals, as well as the board=s, have done a good job with representing this application.
- B. Epstein:** stated she is concerned with the future and whom may own parcel. She indicated she is not worried about the current applicant and she likes the idea of an upscale vehicle boutique.
- C. Martin:** advised applicant had a good presentation and welcomed applicant to the area.
- L. Pfrommer:** asked if after an applicant sells a car and there is a problem with the car does the applicant take care of it? Mr. Freon advised he will subcontract out the repairs. He indicated he does not work on vehicles. Board Member Pfrommer indicated this proposal is a great solution for this location. She stated often times she is sitting in traffic along English Creek Avenue for ten (10) minutes or more and



now she will be able to look at the applicants car. She welcomed Mr. Freon to the neighborhood.

**A. DiDonato:** stated this has been an empty building that has been bothering him for two (2) years. He indicated this operation fits well at this site and is a win-win situation.

**L. Dagit:** advised he does not like vacant buildings and he is glad to place someone in this facility. He indicated the proposed will be an upgrade for the neighborhood and may entice future businesses to consider the area.

**J. Amodeo:** stated the proposed is a perfect operation for this building. He wished the applicant good luck with his business.

**P. Savini:** asked if the applicant details cars on the premises or will it be farmed out? Mr. Freon advised he likes cars a specific way, therefore, detailing will be done in the rear. Board Member Savini stated he is concerned with drainage. Engineer Schaeffer advised there are no floor drains in the facility, however, the previous use did wash their equipment outside. Mr. Freon stated he would wash cars outside and do remaining detailing inside of the building. Board Member Savini advised he is excited about this opportunity and will vote in favor of the project.

**Chairman Haines:** advised the applicant has answered all positive and negative issues. He advised the applicant has demonstrated they will be a good fit for this building and he has no problem granting the variance for the existing trash enclosure.

**Board Condition(s):**

1. **Applicant will address all applicable concerns outlined within Board Planner Johnston=s report dated: August 25, 2011**
2. **Applicant will address all applicable concerns outlined within Board Engineer Doran=s report dated: September 19, 2011**
3. **The applicant is prohibited from affixing any flags, balloons, banners on site.**
4. **The applicant has agreed to only perform light maintenance on vehicles he is selling. The applicant will not perform any body work or major commercial repairs to vehicles.**
5. **Applicant has agreed not to display merchandise, however, the applicant is allowed to have five (5) cars parked outside over night (no merchandise display is allowed on these vehicles).**
6. **Applicant has agreed that all signage will comply with Township Ordinance requirements and the property address will be affixed to the freestanding sign.**
7. **Applicant has agreed no ramps or similar type objects will be placed on site for the display of vehicles (merchandise).**
8. **Applicant has agreed to utilize existing lighting and no new lighting is proposed.**
9. **Applicant agrees that the delivery of vehicles will remain on site and there will be no drop off of vehicles along English Creek Avenue.**
10. **Applicant also agrees to comply with ' 225-37(b) c, d, and e (zoning ordinance).**

**Motion Savini/Dagit to grant requested AC@ and AD@ Variance checklist waiver(s) relief and requested General Checklist(s). Vote 7 Yes: Amodeo, Dagit, Epstein, Lombardi, Pfrommer, Savini, Haines.**

**Motion Lombardi/Savini to grant requested AD@ Variance Relief: to allow for used motor vehicles sales in the NB Neighborhood Commercial District and AC@ Variance Relief: Outdoor solid waste enclosure side yard setback - 20 feet is required; 16 feet exists. Vote 7 Yes: Amodeo, Dagit, Epstein, Lombardi, Pfrommer, Savini, Haines.**

**Motion Lombardi/Dagit to grant waiver from submitting site plan.: Vote 7 Yes: Amodeo, Dagit, Epstein, Lombardi, Pfrommer, Savini, Haines.**

**MEMORIALIZATION OF RESOLUTION:**

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| <b>1. SPPF 14-10/R2</b><br><b>Cedar Bay, LLC</b><br><b>Block/Lot: 3226/9</b><br>Ocean Heights and Virginia Avenue<br>Zone: NB, .953 acre parcel, private well/public sewer | <b>AD@ Variance Relief</b><br><b>Conditional Use Variance</b><br><b>Preliminary/Final Major Site Plan</b><br>Waiver of Time B <b>Not Granted</b> |
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**Motion Lombardi/Pfrommer to Memorialize Resolution Granting requested major site plan checklist waiver(s), requested design waiver(s), AC@ Variance Relief: Freestanding Sign Area: 34.99 sq. ft. permitted on Ocean Heights Avenue; 44 sq. ft. is proposed, Freestanding Sign Setback: 25 feet required; 20 feet is proposed from Ocean Heights Avenue, Front Yard Basin Setback: 50 feet required; 15 feet is proposed from Virginia Avenue, Side Yard Basin Setback: 20 feet is required; 13 feet is proposed, Rear Yard Basin Setback: 10 feet is required; 8 feet is proposed, Rear Yard Buffer: 10 feet is required; 8 feet is proposed, and Parking Location: Parking is to be a minimum of 10 feet from the building with a 4 foot landscape strip; Parking is proposed within 5 feet of the building with no landscape strip, and conditional preliminary and final major site plan approval Vote 6 Yes: Epstein, Lombardi, Martin, Pfrommer, Savini, Haines.**

**Motion Lombardi/Amodeo to approve the regular zoning board minutes of August 1, 2011. Vote 6 Yes: Epstein, Lombardi, Martin, Pfrommer, Savini, Haines**

**MOTION Dagit/DiDonato TO ADJOURN AT 8:46 p.m. VOTE 7 Yes: Amodeo, Dagit, Epstein, Lombardi, Pfrommer, Savini, Haines**

Respectfully submitted by,

Theresa Wilbert, Secretary