

planning

From: TOM MCNULTY <tommc6501@comcast.net>
Sent: Sunday, July 12, 2020 3:10 PM
To: wgalestok@townshipoflower.org; lshubert@townshipoflower.org; planning
Subject: Variance application 9860 Pacific Avenue. LLC
Attachments: EXHIBIT A.pdf; EXHIBIT B.pdf; EXHIBIT C.pdf; EXHIBIT D.pdf; EXHIBIT E.pdf

We are receipt of Notice of Application for a variance to attach a 10ft by 25ft walk-in freezer to the rear of property aka Carini's Ristorante in the Diamond Beach section.

Our home is directly behind this restaurant. Our front porch, front door, dining and family room windows directly face the restaurant's rear yard and proposed location of this freezer. For visual reference, this freezer is equivalent in cubic ft. to the size of a large 25 ft. U-Haul moving truck. (Interior truck dimensions are given on U-Haul website.)

I am the President of our Condo Association whose 18 owners also are impacted by the view of garbage and unkempt commercial property at the entrance of our residential street. Many have already contacted LT codes and County health officials.

As per instructions, on Tuesday, July 7, I spoke with someone who answered when I asked to speak to the Planning secretary. I made her aware that my wife and I intend to participate at the Planning hearing on July 16. She referred me to the township website for copies of the application as well as submitting form OPRA Request Form for copies of earlier variance resolutions for this property. I am in receipt of digital copies of what was requested and appreciate the quick response. She was very helpful.

In accordance with instructions, I am attaching several Exhibits in pdf file format for review and discussion at upcoming meeting. They are labeled Exhibit A, Exhibit B, Exhibit C, Exhibit D, Exhibit E.

I draw your attention to **EXHIBIT A** which challenges the validity of this application in its entirety, primarily because named applicant no longer has legal standing to submit this application for this property as well as what we consider are numerous errors, misstatements and omissions in prepared documents submitted by applicant's attorney.

I also draw your attention to **EXHIBIT B** which identifies, with pictures, recent major violations of prior Planning Board Resolution 99-21 and the already relocated shed in anticipation of receiving upcoming variance approval. Other code violations are also depicted and documented with pictures. These should be resolved and corrected before any new variances are considered by the Planning Board.

EXHIBIT C addresses serious concerns with Noise levels. Also with pictures of newly installed (2019) HVAC units.

EXHIBIT D addresses the location of this freezer within the setback and buffer areas.

EXHIBIT E addresses the absence of any documentation or explanation of the particular "Hardship" claimed in Application.

Yours truly,

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