

EXHIBIT A

Applicant's
Name: 9860 Pacific Avenue, LLC Phone 609-463-4601

Address: 9860 Pacific Avenue, Wildwood Crest, NJ Zip 08260

Owner's Name: Giuseppe Cataldo and Marie Cataldo a/k/a Maria Cataldo

Owner's Address: 8900 Pacific Avenue, Wildwood Crest, NJ 08260

- 1) This application is no longer valid. The applicants named are not the current owners and therefore do not have legal standing to submit a current variance application.
- 2) As shown on Exhibit B the attorney misstates that "*The remainder of the site will not change.*" This application is also defective and contradictory in its description of proposed location of the walk in freezer. Per application:

2a. List all variances sought: Side yard setback whereby 10 feet are proposed as to the proposed walk-in and front yard setback as to the relocated shed.

Per the Notice of Application for Development as prepared by applicant's attorney received July 6, 2020 states: "The applicant is seeking approval to attach a walk-in freezer to the **back** of the principal structure known as Carini's Ristorante and Pizzeria."

Proposed location of freezer is not in a "side" yard but in the "rear" yard as clearly shown and labeled on survey submitted with current application. A prior survey prepared by a different certified surveyor for a prior variance application in 1999 also clearly identifies the rear of the property as well as an earlier Planning Board resolution:

Per Lower Township Resolution 99-21, dated May, 1999

B. The variance sought for the rear yard set back requirement of 25 feet does not seek to further intrude into the rear yard since the existing structure is already located 20 feet from the rear property line. The minimal expansion proposed on the North Station Avenue side of the structure will be along this 20 foot line.

We request that a corrected application be sent to the Planning Board and to all affected property owners that received a copy of the Notice of Application For Development, and that this proposal be rescheduled for a later Planning Board Meeting.

Submitted by: Thomas and Ellen McNulty, 134 E. Austin Ave., Diamond Beach/Lower Township.