

EXHIBIT D

Proposed Location of Walk-in Freezer - Setback Intrusion

Existing township code as noted in surveyor's report specifies a 25ft setback for rear yard of a commercial building in a GB1 zone.

As noted in the surveyor's report, the existing building along its rear side already intrudes into the setback area by 5 ft. leaving only 20 ft. from rear of building to adjacent residential property lines. Code specifies a buffer zone of a minimum of 20ft. be maintained. Therefore, the existing space behind the building should be maintained as 100% buffer zone.

The proposed location of a 10ft. wide by 25ft. long self-contained freezer in rear yard of building will intrude another 10ft. into the 20ft. buffer zone leaving only 10ft. between freezer and residential property line as a buffer. Of the 25ft. setback specified in the Planning and Zoning Building Codes, 15ft. or 60% will be "consumed" by past and pending variance applications if approved.

Survey indicates a privacy fence at rear yard of building at 6ft in height. Actual height of fence nearest to proposed freezer placement is 5 1/2ft. tall. This fence does not belong to the restaurant. It was installed at the expense of the two rear homeowners and can be removed by either owner for whatever reason at any time. It should not be considered as part of a solution or compromise.

The front door entrance to the private residence at 134 Austin Ave. faces the rear side of the restaurant and will directly face the walk-in freezer. This proposed 10ft. by 25ft. freezer is approximately the same cubic ft. size as a large 25ft. U-Haul moving truck. The home's front door is located 12.4 ft. from the property line and the distance to the freezer at 22 ft. would be less than 9 steps from the residence's front door.

To demonstrate how intrusive this will be, if you stand in the front door of this 1,250 sq.ft. Condo you will be equal distance from the home's interior kitchen refrigerator and this proposed outdoor commercial walk-in freezer. This will have a detrimental impact on the health and welfare of the family living in this primary home as well as materially impact the market value of this home and the other 54 identical and comparable models of this condominium on Austin and North Station Avenues.