

North Austin Condo Assoc. (107 to 135 Austin Ave)

113 Austin Ave
Wildwood Crest NJ 08260

Tom Droppa, President
Rich Palecek, Vice-President

Patty Henhoeffler, Secretary
Joseph J. Scardino, Esq., Treasurer

July 17, 2020

Lower Township Planning Board
2600 Bayshore Road
Villas NJ 08251

RE: 9860 Pacific Avenue LLC Application / Carini's Restaurant / 9900 Pacific Ave

Dear Planning Board Members:

This letter is to oppose the application for a site plan waiver and variance and inform the planning board that the applicant has already moved the existing shed prior to getting approval. By doing so they added to the existing trash problem and created a disgusting trash situation for 134 Austin and the residents of Austin Ave.

We agree with the arguments made by Thomas and Ellen McNulty who reside at 134 Austin Avenue in their exhibits A through F, and stand with our neighbors on the south side of the street.

North Austin Condo Association consists of 15 townhomes situated on the north side of E. Austin Ave. Our 135 Austin Ave home is directly across the street from Carini's and 134 Austin Ave. The other homes are odd numbers continuing down the street to 107 Austin Ave.

Granting this application will cause irreparable harm to 134 Austin Ave, and the neighborhood. It will set a dangerous precedent for Diamond Beach that will diminish the property values by opening the door for the other commercial buildings along Pacific Ave to do the same thing to their next-door residential neighbors.

Our homeowners are also concerned with the on-going trash issue caused by the restaurant. Pedestrians walking by the restaurant are met with a dumpster filled with trash only a car length away from the sidewalk. People walking by are met with flies, a horrible smell, and the site of the dumpster. Carini's is having problems keeping trash away from both 134 Austin Ave and the street. Please see attached photos taken on July 17, 2020.

Permitting the extension of the rear of the building will further exacerbate the trash problem by taking away space that the restaurant should be using to properly dispose of and enclose trash. Instead of adding a walk-in freezer the restaurant needs to cure the trash violation.

Granting this application will be substantially detrimental to the public good. However, we don't even need to get to this part of the analysis. The building owners cannot demonstrate hardship in the first place. The lot is not an irregular shape. There is no exceptional topographic condition. There is nothing unique about the lot or the building affecting the property. As for narrowness and shallowness, the building was initially constructed 5 feet into the 25 feet set back in the first place. An act in itself a violation of the code and detriment to the residents.

The business has been on-going and successful for decades. There is no legitimate reason to expand the building any further in the direction of the neighboring homes. The expansion is a want, not a need. The owners had the opportunity to install a walk-in or other type of freezer when they did a refresh of the interior several years ago and chose not to.

Taking away an additional 10 feet from the current set-back will force the storing of barrels, boxes, and bags full of trash closer to 134 Austin Ave and the homes down the street. The back of the building will be up against the trees originally placed between the building and homes. Or worse, those trees would have to be removed. Thus, eliminating a necessary barrier separating the commercial building from the homes.

Noise, air units, and other machinery will be much closer to the fence and the homes. Even though we are not noise experts with measurements we all know that moving the activities of the restaurant closer to the home will create additional noise for the residents.

What if the dentist located at Pacific and Austin wants to expand? When does Beach Bums want the same consideration? Granting a variance for this building that already violates the existing code, to eat into the set-back further puts all the residential units on the west side of Pacific Ave in Diamond Beach at risk.

Finally, please forward this letter to the inspector or appropriate department of the township to deal with the trash violations. Our residents have been watching this current situation go on for weeks, and the trash issue isn't getting any better.

Very truly yours,

Joseph J. Scardino, Esq. (113 Austin Ave)
Treasurer, North Austin Condo Assoc.
on Behalf of the Board and our homeowners
js@scardinolaw.com
(856)316-6545

Photos

