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ENGINEERS**

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February 26, 2025

Stafford Township Zoning Board of Adjustment
260 East Bay Avenue
Manahawkin, NJ 08050

**Re: Application No. Z25-02
Use Variance Application – Review #1
Block 44.119, Lot 1.01
1492 Route 72 West
Applicant: Ocean Community Church
1492 Route 72 West
Manahawkin, NJ 08050
Our File: 115.SFZ0044.V06 (60001)**

Dear Zoning Board Members:

Our office has received for review the following information which was submitted in support of the above referenced application for Use Variance approval for the subject property:

- A print of a Site Plan drawing (1 sheet) prepared by James D. Brzozowski, PE, PP with Horn, Tyson & Yoder, Inc. of Long Beach Township, New Jersey dated July 11, 2024.
- A set of architectural plans (2 sheets) prepared by Sarah D. Jennings, RA with CWB Architecture of Manahawkin, New Jersey dated April 23, 2023
- A completed Development Application including a notice of fees and agreement to pay same, an Affidavit of Ownership, a Disclosure of Ownership, an Affidavit of Non-Collusion and a list of Professionals.
- A copy of a completed Zoning Board Development Application Checklist.
- An Application Supplement which describes the proposed application and sets forth the reasons why the proposed variances should be granted.
- A statement which describes the Ocean Community Church Operations.
- A reduced copy of Tax Map sheet 34 which shows the property in question.
- A copy of a February 5, 2025 statement from the Stafford Township Tax Collector's office which certifies that lot 1.01, block 44.119 is exempt.
- A copy of a completed Contribution Disclosure Statement from Ocean Community Church dated April 14, 2023.

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NJ CERTIFICATE OF AUTHORIZATION NO. 24GA28359000
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- A copy of a completed Contribution Disclosure Statement from James Raban, Esq. undated.
- A copy of a completed Contribution Disclosure Statement from James Brzozowski, PE, PP. dated September 3, 2024.
- A copy of a completed Contribution Disclosure Statement from Sarah Jennings, AIA, undated.
- A transmittal letter from James S. Raban, Esq dated February 5, 2025.
- A Public Notice for the Township of Stafford from James S. Raban, Esq.

We have reviewed the information submitted in support of this application and offer the following comments:

A. GENERAL COMMENTS

The property in question is a rectangular tract located on the northeast corner of the intersection of NJSH Route 72 and Breakers Drive. It is located in the Neighborhood Commercial (NC) Zone and has an area of 72,280 sf or approximately 1.80 acres. The site is currently occupied by an existing church, a parking lot and a retention basin.

The Applicant is seeking Use Variance approval to permit the construction of four attached three-bedroom dwelling units in the existing parking area between the existing church and the retention basin. In addition, the Applicant proposes to construct a food pantry building which will be attached to the new dwelling units. The Applicant states that the proposed dwelling units will be utilized to provide emergency short-term housing for individuals or families.

B. VARIANCES AND WAIVERS REQUESTED

1. The Applicant proposes to construct a residential housing use which is not permitted in the Neighborhood Commercial Zone. In addition, the residential housing represents a second principal use at the site. Therefore, the Applicant requires, and has requested, a Use Variance to permit residential housing at the site and to permit more than one principal use at the site.
2. The Applicant has requested a waiver from the requirement to obtain a certificate of filing from the Pinelands Commission. The Applicant states that if the variance is approved, the Applicant will obtain a certificate of filing at the time of application for site plan approval.

C. COMMENTS ON THE USE VARIANCE APPLICATION

1. We note that the existing church is a permitted use in the NC Zone. However, residential dwelling units are not permitted. Therefore, the Applicant requires, and has requested, a Use Variance to permit the construction of residential dwelling units on the property in question.



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2. Testimony must be provided to the Board to demonstrate that the Applicant satisfies the positive and negative criteria of the Municipal Land Use Law for the granting of a use variance for a non-conforming use. Consequently, the Applicant must demonstrate the following:
 - a) Positive Criteria
 - i. That the site is particularly suited to the use(s).
 - ii. That there are special reasons to allow a departure from the zoning regulations in this particular case. In general, to show special reasons, the grant of a variance must be shown to implement one or more of the purposes of the Municipal Land Use Law (NJSA 40:55D-2).
 - b) Negative Criteria
 - i. That the variance can be granted without substantial detriment to the public good. This requires an evaluation of the impact of the proposed use on surrounding properties and a determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.
 - ii. That the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
3. It states in the Application Supplement that the proposed dwelling units will be utilized to provide emergency short-term housing for individuals or families, with program oversight. The Applicant should provide testimony to the Board regarding how the program oversight will function.
4. The Applicant should address the Board regarding whether any limits are proposed regarding the length of time that an individual or family can occupy the proposed dwelling units.
5. It stipulates in Section §130-42A of the Land Use and Development Ordinance that *“No building permit, zoning permit, certificate of occupancy or conditional use permit shall be issued for the construction or alteration of any structure, except as provided by state law, unless a final site plan shall have first been approved by the Planning Board or Board of Adjustment, in conjunction with the processing of a use variance, in accordance with the terms of this chapter and the Municipal land Use Law”*. As a result, any approval granted by the Board shall be conditioned upon the Applicant applying to the Board for site plan approval. Therefore, we have limited our review to issues regarding the Use Variance only.



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Based on our review of the submitted information, we recommend that this application be deemed **complete** for consideration by the Zoning Board of Adjustment subject to the Applicant complying with all applicable notification requirements as set forth in the Stafford Township Land Use & Development Ordinance and the Municipal Land Use Law.

If you have any questions or require any additional information regarding this application, please feel free to call.

Very truly yours,

CME Associates

John J. Hess, PE, PP, CME
Zoning Board of Adjustment Engineer

JJH/RD/cc

cc: Terry F. Brady, Esq. – Zoning Board Attorney
Ocean Community Church – Applicant
James S. Raban, Esq. – Applicant's Attorney
James Brzozowski., PE, PP – Applicant's Engineer