



3. The applicant should discuss the hours of operation of the existing tenants as well as the proposed firing range.
4. The applicant should discuss the type of clients that will be using the firing range and whether it will be open to the public.
5. The applicant should provide testimony as to the safety hazards posed by having a firing range adjacent to existing warehouse/manufacturing uses and the measures they have taken to insure the adjacent tenant's and general public's safety and well-being are maintained.

**From: Ed Mack, Zoning Officer**

I have no objection to this use.

Abraham Penzer represented applicant.  
Robert Rosenberg, co-council

Mr. Penzer – this use is a permitted use and does not need a use variance.

Brian Flannery, Engineer/Planner, sworn.

Ron Gasiorowski, represented objector.

Mr. Penzer – we hope to prove that there is no use variance necessary – if the board disagrees than they will proceed with the use variance. Mr. Mack made a decision because of a previous application for Shore Shot Pistol Range in 1982 to send this application to the Board. The uses permitted under the new Unified Development Ordinance are different than the uses permitted in 1982.

Mr. Mack – he felt that the Board needed to be aware of this application. This use is semi-educational, a recreational use but it is a little different. The safety issue and security need to be shown. I think that it is a permitted use, as far as the retail it is also a permitted use.

Mr. Gasiorowski – Mr. Mack issued a letter saying that a use variance was necessary. The notice was not for an interpretation. The Engineer says that it is not a permitted use.

Mr. Flannery – this is a gray area and that is why Mr. Mack sent it to this Board. Reviewed the permitted uses in the M-1 zone of the Ordinance book and which ones apply to their use, manufacturing, assembling, recreational activities, educational, etc. The plans show classrooms for law enforcement and to instruct people in safe use of the firearms. They have an NRA instructor on site to teach NRA classes.

Mr. Penzer – There are 3 training classrooms, 80% of their users are law enforcement. Designed for all aspects of law enforcement for training.

Mr. Flannery - There is a safety issue associated with guns but that is not a use issue. In 2005 there was a new UDO which changed the rules. The permitted uses now were not

there in 1982. This is a use that only fits in the Industrial Zone.

Mr. Penzer – existing photos showing the work that they do on the guns, breaking down the guns and showing the extensive machinery being used at the Lakewood site.

Mr. Mack – did the CO inspection. Looked at the facility and what they were doing and what they intended to do and issued the CO.

Chairman – discussing if this is a permitted use, applicant is claiming that this is a permitted use.

Mr. Gasiorowski - Advertised for a use variance for retail and a firing range.

Mr. Harrison – handle the retail portion first.

Mr. Mack – they set up the facility and then we inspect the facility.

Mr. Gasiorowski represented objector, William Sherman who owns the other Firing Range in the Industrial Park, Shore Shot Firing Range.

Mr. Gasiorowski cross examined Brian Flannery.

O-1 page A-1 in the package that the Board has.

Mr. Gasiorowski reviewed the floor plan with Mr. Flannery.

Mr. Flannery – the building is approximately 37,500 square feet. There is no second floor. There are 2 training rooms and a technical training room.

Chairman – educational use is permitted.

Mr. Gasiorowski - This is a commercial firing range with 12 stations. They charge people for coming. It is a business. The firing range takes up 50% of the building. Sure Shot is a commercial firing range that received a variance from the Zoning Board. The old UDO and the new UDO are exactly the same as it refers to firing ranges.

Mr. Zaks – the zoning officer has said that this is manufacturing.

Mr. Lieberman - We should not be challenging the CO that was issued by our Zoning Officer.

Mr. Zaks – brought to the board because there may be safety issues related to the firing range. Clearly feel that the retail and the manufacturing is a permitted use.

Mr. Lieberman – stand by Mr. Macks opinion.

Mr. Gelley – stand by Mr. Macks opinion.

Ms. Goralski – according to our ordinance stands by Mr. Macks opinion.

Mr. Gonzalez – agree with the decision made by Mr. Mack

Mr. Naftali – agree with Mr. Mack

Chairman – This place does do repair, maintenance and assembly of guns.

Mr. Flannery – we now have a permitted use and now the shooting range is an appropriate accessory use for this type of facility. The business is education on gun safety, assembly of guns and gun parts and part of that is learning how it works. Recreational uses are permitted also. Commercial recreational uses were not allowed in 1982. This is a facility where people can practice shooting safely.

Mr. Priolo – The application asked for a use variance for a firing range and a retail store. He interpreted it as a commercial firing range. If their testimony now is that it is going to be a training facility than in his opinion maybe it would now conform.

Mr. Flannery – if this is a permitted use than we do not need a variance and do not have to prove a need for the facility. If this is a permitted use they do not need a site plan.

Mr. Harrison – if you decide tonight that this is a permitted use then we are done here.

Mr. Mack - If there is no site impact and this is a permitted use it does not have to go to the Planning Board.

Officer Nieves, Lakewood Police Department, Newport Avenue, sworn. They do have a range to qualify but as an individual officer to practice he cannot go by himself, he would need a range master. At Brick Armory he would be able to go by himself to use the facility. He could use as much practice and it would help his job significantly. They do shoot at targets. The Range Master is only there when they are qualifying.

Patrolman Clifford Brown, 19 Crosties Road, Bricktown, sworn. Bricktown does not have a range that they can use. Would use this firing range because it would be more local and he would be able to practice more. Shoot to improve his abilities for his job. There will be an instructor through the NRA at Brick Armory full time.

John Grocki, Neptune, NJ sworn. Police Officer in Jersey City for 22 years. Am a qualified NRA instructor. Qualified as a Range Master. When this range opens it will be as safe as possible. Will be requalifying retired police officers also. Have been employed by Brick Armory as a range safety officer.

### **Recess.**

Gordon Gemma, 68 Seneca Place, Oceanport, NJ planner.

Board accepted qualifications.

Mr. Gemma – was retained by the objector’s attorney. Reviewed the application and the ordinances and the Master Plan of the Township of Lakewood. Do not agree that a retail gun shop is a permitted use. There are over 200 gun dealers in NJ, there are over 60 shooting rangers. You do not have to have a shooting range for a retail gun shop. The shooting range is not an accessory use to the retail store. There is nothing in his opinion to indicate that this is a permitted use. Based upon the testimony the shooting range would be the primary use.

Mr. Zaks - Why is not a shooting range not considered a private education facility?

Mr. Gemma – if they are doing education for gun safety is a shooting range customarily incidental for education for gun safety? The primary permitted use here is a retail gun shop. It does not seem that a retail shop does not have a shooting range as an accessory use. This is a commercial shooting range for profit. If you allow commercial shooting on this range than the commercial shooting has to be incidental to the education. More people are going there to shoot.

Mr. Gonzalez – they teach & practice law enforcement. To get target practice is educational.

Mr. Gemma – the NRA calls shooting a sport. This is a commercial shooting range open to the public.

Mr. Mack - At no time in 1982 did they mention retail firearms in the resolution.

Mr. Gasiorowski – Sure Shot was granted a use variance.

Mr. Rosenberg is co-council to Mr. Penzer.

Mr. Rosenberg cross-examined Mr. Gemma.

Mr. Zaks – believe that this is a permitted use.

Mr. Lieberman – agree.

Mr. Gonzalez – agree.

Mr. Gelley – agree.

Mr. Naftali – agree.

Ms. Goralski – agree

Mr. Halberstam – agree.

Mr. Halberstam – the board has determined that this is a permitted use therefore this application does not belong in the zoning board.

Mr. Mack will decide the issue of a site plan.

**Motion that the firing range is a permitted use and the zoning board has no jurisdiction – Mr. Zaks**

Second – Mr. Gonzalez

**Roll call vote:** affirmative: Mr. Gelley, Mr. Gonzalez, Mr. Naftali, Mr. Zaks,  
Mr. Lieberman, Ms. Goralski, Mr. Halberstam

Mr. Halberstam suggested that we should write a letter to the Township suggesting that they pass an ordinance not to allow any more shooting ranges.

Respectfully submitted,  
Fran Siegel, Secretary