

**RESOLUTION OF MEMORIALIZATION OF THE LITTLE EGG HARBOR
TOWNSHIP BOARD OF ADJUSTMENT**

**RESOLUTION NO. 2022-12
VARIANCE APPLICATION NO. 2022-05**

RE: GALAXY COMMERCIAL PROPERTIES, LLC
Block 326.14, Lot 1
835 Radio Road
Application for a Use Variance

WHEREAS, GALAXY COMMERCIAL PROPERTIES, LLC, whose mailing address is 1894 Charlton Circle, Toms River, New Jersey 08755, has applied for relief pursuant to N.J.S.A. 40:55D-70(d), affecting premises located at Block 326.14, Lot 1 on the Tax Map of the Township of Little Egg Harbor and otherwise known as 835 Radio Road, Little Egg Harbor, New Jersey; and

WHEREAS, such proof of service as may be required by the New Jersey Statutory Law and Township Ordinance requirements upon appropriate property owners and governmental bodies has been duly furnished; and

WHEREAS, a public hearing was held on said application on June 8, 2022, in the Municipal Building of the Township of Little Egg Harbor and testimony and exhibits were presented on behalf of the applicant and all interested parties having been heard; and

WHEREAS, said Board having considered said application, testimony and exhibits submitted and inspection of the site, if any, makes the following findings:

1. The property in question is a triangular shaped lot that has road frontages on all three sides, the main frontage located along the eastern side of Radio Road, with frontages

along the north side of Kadlubeck Way and the western side of South Pulaski Boulevard as well.

The property is located within the GB – General Business Zone.

The Preliminary and Final Site Plan application seeks variance relief to allow the use of the existing on-site vacant building as a daycare/preschool facility, where the use is not permitted with the GB Zone.

The Applicant previously submitted an application to the Planning Board for the proposed outdoor playground area, where the Planning Board determined that the use was not specifically permitted within the General Business Zone.

2. The Applicant seeks to add an outdoor playground space, there are no proposed changes to the outside of the existing building, however, there are interior renovations proposed.

3. The Applicant is seeking a “d-1” use variance to allow for a daycare/preschool facility, which is not a permitted use per the current Ordinance (§15-4.19).

4. Applicant requests approval for the following existing non-conformities:

a. **Minimum Lot Depth (§15.4-19E(3))**. The minimum lot depth required is 150 feet, whereas the existing lot has a depth of approximately 100 feet.

b. **Minimum Front Yard Setback – Principal (Radio Road)(§15.4-19E(4))**. The minimum front yard setback required is 70 feet, whereas the existing setback from Radio Road is 55.7 feet.

c. **Minimum Front Yard Setback – Principal (Kadlubeck Way) (§15.4.19E(4))**. The minimum front yard setback required is 70 feet, whereas the existing setback from Kadlubeck Way is 19 feet.

d. Minimum Front Yard Setback – Principal (South Pulaski) (§15.4.19E(4)). The minimum front yard setback required is 70 feet, whereas the existing setback from south Pulaski Boulevard is 23.8 feet.

6. Applicant seeks no other variances or waivers.

7. The Applicant provided testimony that there would be no detriment to the surrounding community by the granting of this variance relief which would, in applicant’s opinion, constitute a benefit to the neighborhood without being inconsistent with the zone plan and zoning ordinances.

8. The Applicant was represented by Matthew J. Kalwinsky, Esquire appearing on behalf of the Applicant.

9. Based upon the foregoing evidence, the Board make the following findings:

A. The applicant has demonstrated that the requested “d-1” use variance and variance relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan or Zoning Ordinances of the Township of Little Egg Harbor.

NOW, THEREFORE, BE IT RESOLVED, by the said Board that on this 13th day of July, 2022, based upon the findings herein above stated, the application is hereby granted subject to the following conditions, together with all stipulations of the applicant:

1. The applicant shall strictly adhere to the representations, plans and exhibits submitted with regard to the proposed development of the subject property and should further comply in all respects with the technical review letters as prepared by the Little Egg Harbor Township Zoning Board of Adjustment Engineer dated May 13, 2022 and May 16, 2022,

a copy of which is annexed hereto and made a part hereof.

2 . The Applicant is granted a "d-1" use variance to allow for a daycare/preschool facility, which is not permitted use per the current Ordinance (§15-4.19).

3. Applicant is granted the approval for the following pre-existing nonconformities:

a. **Minimum Lot Depth (§15.4-19E(3))**. The minimum lot depth required is 150 feet, whereas the existing lot has a depth of approximately 100 feet.

b. **Minimum Front Yard Setback – Principal (Radio Road)(§15.4-19E(4))**. The minimum front yard setback required is 70 feet, whereas the existing setback from Radio Road is 55.7 feet.

c. **Minimum Front Yard Setback – Principal (Kadlubeck Way) (§15.4.19E(4))**. The minimum front yard setback required is 70 feet, whereas the existing setback from Kadlubeck Way is 19 feet.

d. **Minimum Front Yard Setback – Principal (South Pulaski) (§15.4.19E(4))**. The minimum front yard setback required is 70 feet, whereas the existing setback from south Pulaski Boulevard is 23.8 feet.

4. Applicant shall comply with all ADA regulations.

5. Applicant shall provide the dimensions for the driveway and striping for the parking with signage.

6. Applicant shall provide a fenced dumpster location which shall be fully screened with vinyl fencing.

7. Lighting shall be provided for the parking lot and building.

8. The Applicant shall work with the Engineer for appropriate landscaping.

9. There shall be no regrading of the property.

10. Applicant's plans must be reviewed by the Fire Marshall and Applicant will comply with the Fire Marshall's requirements.

11. Applicant was granted a waiver for curbing and sidewalk.

12. Applicant was granted a waiver for street trees.

13. The applicant shall further reimburse the Little Egg Harbor Township Zoning Board of Adjustment for all professional fees expended with regard to this application within thirty (30) days from the date of memorialization of this Resolution or any approvals granted herein shall automatically become null and void.

14. This variance is subject to §15-3.11 of the Little Egg Harbor Township Land Use Development Ordinance. Construction or alteration shall commence on each and every structure permitted by the variances within one (1) year from the date of entry of this Resolution.

15. The applicant shall further secure any and all other necessary applications, permits or approvals and post any surety bonds that may be required by any other governmental agency.

16. The applicant shall resubmit this entire proposal should there be any substantial deviation from this Resolution or the submitted plans, documents, or oral representations made by this applicant.



EUGENE SULLIVAN, Chairman
Little Egg Harbor Zoning Board of Adjustment

CERTIFICATION

The foregoing is a true copy of a memorializing resolution by said Board at its meetings of June 8, 2022, as copied from the minutes of said meetings.



Robin Schilling, Board Secretary
Little Egg Harbor Zoning Board of Adjustment