

PRELIMINARY & FINAL MAJOR SITE PLAN  
DAVID DEFEO  
Block 124, Lot 2  
Route 539 North  
Zone – GB General Business Zone  
– Scenic Gateway Overlay Zone

Application No. 2022-06

**RESOLUTION OF APPROVAL 2023-07  
PLANNING BOARD, TOWNSHIP OF LITTLE EGG HARBOR**

**WHEREAS**, an application has been made by David DeFeo for preliminary & final major site plan approval for Block 124, Lot 2, as set forth on the Tax Maps of the Township of Little Egg Harbor; and

**WHEREAS**, the preliminary & final major site plan was prepared by Morgan Engineering, dated October 7, 2022, with a revision dated November 10, 2022; the architectural plans were prepared by Patrick Kaminski, PE, dated March 5, 2021, with a revision date of June 15, 2022; and

**WHEREAS**, Planning Board conducted a public hearing on the application on January 5, 2023, at which time the applicant was represented by Kevin Quinlan Esq.; and

**WHEREAS**, the Planning Board, after carefully considering the evidence presented by the applicant, and the report(s) from its professional staff, hereby makes the following findings of fact:

1. The applicant has a proprietary interest in the subject property.
2. The applicant has requested approval in accordance with the Ordinances of the Township of Little Egg Harbor.
3. The site in question is located at on Route 539 North in the Scenic Gateway Overlay of the General Business zone. The applicant seeks to construct an 8000sf building for an office and a warehouse area for the applicant's insulation business.

The applicant requests variance relief for the following:

Front yard setback (Parker's Country Rd): 70ft required; 43.8ft proposed

The applicant requests submission waivers for the following:

Waiver from providing Environmental Assessment  
Waiver from providing Traffic Impact Study

The applicant requests design waivers for the following:

Waiver from paving rear of parking lot (withdrawn at hearing)  
Waiver from providing 50ft buffer along property frontage, whereas a 25ft buffer is proposed along Route 539 & a 15.3ft buffer is proposed along Parker's Country Rd (unimproved)

4. Remington & Vernick Engineers, the Board engineers, prepared a report to the Board dated December 12, 2022. Taylor Design Group, the Board landscape architects, prepared a report to the Board dated December 19, 2022. The Board hereby adopts the findings in the report and incorporates them in this Resolution by reference.

5. The applicant presented the testimony of its expert, Matt Wilder, PE, PP, who testified to the overall layout of the project and the need for contractor space in the area. The request for a waiver of the full buffer area along Route 539 is proposed in order to enhance visibility for ingress and egress, consistent with other businesses in the area. The request for a waiver of the full buffer area along Parker's Country Road is based on the fact that Parker's Country Road is an unimproved right-of-way which will in all likelihood never be constructed, in that access to the undeveloped areas behind the subject property is available through other improved roadways. After a discussion regarding the drainage issues related to paved and gravel driveways and parking areas, the applicant agreed to withdraw the request for a waiver to permit a gravel drive/parking area to the rear of the proposed building. The applicant will provide an EV parking space. The applicant will add a bike rack to the plans. The proposed building will provide man-entrances along the Route 539 front of the building. No retail sales is proposed at the building. No outside storage or fabrication is proposed at the site. The applicant will improve the aesthetics of the building by adding a stone façade along the bottom of the building in accordance with the recommendations of the Board Landscape Architect. The sign for the building will comply with all Township ordinance requirements. The applicant, Dave DeFeo, testified that the building is needed for his insulation business. The main entrance to the building can be modified in accordance with the suggestions noted above. In the event that additional occupants for the building are proposed (in excess of 1 office and 1 storage space), the applicant will be required to obtain an amended site plan approval for the Board's review of the same.

The testimony elicited supported the applicant's contention that the proposed preliminary and final major site plan is in keeping with the area and neighborhood and that the granting of the application would in no way be detrimental to the public good.

The Little Egg Harbor Township Planning Board concurs with these representations and so finds.

**WHEREAS**, the Planning Board has determined that the applicant should be granted the requested relief for the following reasons:

1. The proposed site plan will pose no danger to the surrounding area.
2. The granting of the application will not have a substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan, Master Plan, and/or Zoning Ordinances of the Township of Little Egg Harbor.
3. The positive criteria outweigh the negative, if any.
4. There was no public comment at the hearing.



5. The safety and well being of the immediate area will not be adversely affected by the proposed development.

6. The bulk variance for the location of the identification sign presents a better zoning alternative rather than strict compliance with the zoning code for the same, in that its visibility will be increased and will better serve the public safety and general welfare.

7. The design waivers noted would otherwise present an undue burden and/or hardship on the applicant.

**NOW, THEREFORE, BE IT RESOLVED** by the Little Egg Harbor Township Planning Board that the application is hereby approved subject to the following conditions:

1. **These specific conditions noted herein are an integral part of the basis for which the approval is being granted and are intended to be inseparable from the right of enjoyment of this approval.**
2. **The applicant shall comply with all conditions as contained in the December 12, 2022 report of the Board Engineer and the December 19, 2022 report of the Board Landscape Architect, and the applicant shall submit revised plans accordingly.**
3. **In the event that additional occupants for the building are proposed (in excess of 1 office and 1 storage space), the applicant will be required to obtain an amended site plan approval for the Board's review of the same.**
4. **The request for a waiver to permit a gravel drive/parking area to the rear of the proposed building is withdrawn.**
5. **The applicant will provide an EV parking space.**
6. **The applicant will add a bike rack to the plans.**
7. **The proposed building will provide man-entrances along the Route 539 front of the building.**
8. **No retail sales is permitted at the building.**
9. **No outside storage or fabrication is permitted at the site.**
10. **The applicant will improve the aesthetics of the building by adding a stone façade along the bottom of the building in accordance with the recommendations of the Board Landscape Architect.**

11. **The sign for the building will comply with all Township ordinance requirements.**
12. **No other variances or design waivers have been requested, and no other variances or design waivers have been granted or are implied.**

*In addition, the following general conditions shall apply:*

1. The applicant must submit proof of payment of all currently due taxes to the Little Egg Harbor Township Planning Board.
2. The applicant must post all bonds and guaranties as required and recommended by this Board and said Planning Board engineer. Moreover, the Applicant must post all required engineering inspection fees.
3. All representations and statements made by the Applicant, as well as Applicant's representatives and witnesses, shall be considered and deemed to be relied upon by the Board in rendering this decision and to be an expressed condition of this Board's actions in approving the subject application. Any misstatement or misrepresentation, whether by mistake or change in circumstance, shall be deemed a breach of this condition of approval and shall subject this application to further review of this Board's own motion.
4. In the event the Planning Board determines that it reasonably relied upon any misstatement or misrepresentation, then and in that case any approvals previously given may be rescinded and any improvements in place on the premises in question shall not be considered as being in compliance with the ordinances of the Township of Little Egg Harbor.
5. The applicant must comply with all conditions as contained in the aforementioned reports of the Board professionals.
6. The applicant must obtain reports with signed certifications from the Township of Little Egg Harbor Planning Board Engineer, Zoning Officer, and Building Department certifying compliance with all conditions of the Resolution.
7. No building permit will be issued until all escrow accounts have sufficient monies to pay all outstanding Planning Board professional fees. In the event a building permit is issued and there are outstanding escrow monies due for Planning Board professional fees, a stop-work order will be filed against the applicant/contractor until such escrow fees have been confirmed by the Board Secretary as paid in full.
8. In the event there is an *existing* violation, the applicant shall have thirty (30) days from the date of the Notice of Decision was published to correct the violation. Failure to correct the existing violation within the time proscribed will result in the issuance of a summons.
9. The applicant shall comply with all regulations and obtain all necessary permits required by outside agencies, including local, state and federal.
10. The applicant has agreed to participate in the State recycling program. The program provides credits to the Township of Little Egg Harbor when trees and tree parts are cleared from properties and processed into wood chips (at the site) and then recycled for use as product on-site or off-site. The applicant agrees to file the appropriate forms with Little Egg Harbor Township so that the Township will receive recycling credits pursuant to *N.J.A.C. 7:26A-1.4*.




11. In accordance with NJSA 40:55D-46.1, approval of a minor site plan shall be protected for a two-year period; an extension on such approval may be granted by the Board not exceeding an additional one year. In accordance with NJSA 40:55D-47, approval of a minor subdivision shall expire 190 days from the date of this resolution unless a plat or subdivision deed is endorsed by the Board Chair and filed with the County Clerk within said 190-day period; an extension of said 190-day period may be granted by the Board not exceeding an additional one year. Minor subdivision approval shall thereafter be protected for a two-year period; an extension on such approval may be granted by the Board not exceeding an additional one year. In accordance with NJSA 40:55D-49, preliminary approval of a major subdivision or site plan shall be protected for a three-year period; extensions on such preliminary approval may be granted by the Board for an additional one year not exceeding a total extension of two years. In accordance with NJSA 40:55D-52, final approval of a major subdivision or site plan shall be protected for a two-year period; extensions on such final approval may be granted by the Board for an additional one year not exceeding a total extension of three years. All other approvals will expire one year after the date of resolution approval if a building permit is required or, if a building permit is not required, a certificate of occupancy has not been obtained; thereafter the applicant may apply to the Board for an extension if the conditions and ordinances existing at the time of approval have not changed.

**BE IT FURTHER RESOLVED** the applicant's request for preliminary and final site plan approval, pursuant to the terms and conditions as set forth more fully in the preamble of this Resolution, be and hereby are approved.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to the applicant, the Building Department, and the Township Clerk by the Planning Board secretary.

**BE IT FURTHER RESOLVED** that a notification of this favorable Resolution shall be published in an official newspaper of the Little Egg Harbor Township within ten (10) days of the adoption of this resolution.

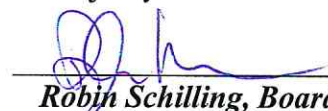
  

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**GEORGE GARBARAVAGE, Chairman**

CERTIFICATION

I, **Robin Schilling**, Secretary of the Little Egg Harbor Township Planning Board, certify that the foregoing Resolution was duly adopted at a meeting held on February 2, 2023, memorializing the vote of the Little Egg Harbor Township Planning Board at a meeting previously held on January 5, 2023, a quorum being present and voting in the majority.

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**Robin Schilling, Board Secretary**