

MINOR SUBDIVISION  
CORMAC MORRISSEY  
Block 123, Lot 2 & Block 124, Lot 11  
Parkertown Drive  
Zone – R-1A Residential Zone

Application No. 2019-03

**RESOLUTION OF APPROVAL 2019-18  
PLANNING BOARD, TOWNSHIP OF LITTLE EGG HARBOR**

**WHEREAS**, an application has been made by Cormac Morrissey for minor subdivision approval for Block 123, Lot 2 & Block 124, Lot 11, as set forth on the Tax Maps of the Township of Little Egg Harbor; 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 public hearing on the application was held on August 1, 2019.
4. The site in question is located in the R-1A Residential Zone. The site is located on the southern side of Parkertown Drive, approximately 2500ft southeast of Route 539.
5. The applicant is seeking minor subdivision approval to subdivide existing two lots, Block 123, Lot 2 & Block 124, Lot 11, into 2 lots by a property line adjustment. The vacation of Old Parker's Country Road, which separates the two subject lots, will need to occur.

The following variances are requested:

Lot area: 43,560sf required; 36,129.64sf proposed (lot 2)

Lot depth: 200ft required: 102ft proposed (lot 2); 114ft proposed (lot 11)

6. T&M Associates, the Board engineers, prepared a report to the Board dated May 30, 2019. The Board hereby adopts the findings in the reports and incorporates them in this Resolution by reference.

7. The applicant, Cormac Morrissey, PE, PP, testified regarding the purpose of the application. The lot line adjustment proposed by the subject subdivision application would bring both existing lots into more conformity that the existing dimensions of the same. The existing nonconformities cannot be corrected or minimized in any other way. The testimony elicited supported the applicant's contention that the proposed subdivision is in keeping with the area 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 subdivision 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 existing dimensions of both subject lots create a hardship upon the applicant, in that the nonconformities cannot be cured in any realistic manner.
4. The positive criteria outweigh the negative, if any.
5. The applicant's proposal represents a better zoning alternative for the subject properties.
4. The Board has taken into consideration the public comment at the hearing.
5. The safety and well being of the immediate area will not be adversely affected by the proposed subdivision.
6. The application is in substantial compliance with the Zone Plan or Master Plan, and will not unduly impact upon the neighborhood scheme.

**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. **The applicant shall be required to obtain approval of the vacation of Old Parker's Country Road by ordinance of the municipal governing body prior to the filing of the subdivision deed and/or map.**
2. **The applicant shall comply with all conditions and recommendations of the Board professionals contained in the report of T&M Associates, the Board engineers, dated May 30, 2019.**

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 Board Engineer's Report, and the conditions in the Board Landscape Architect's report.

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.

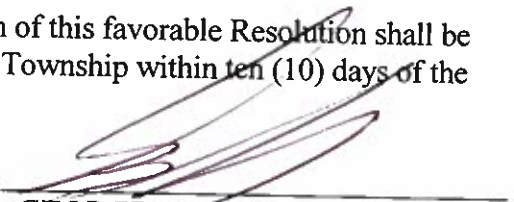
10. The applicant has agreed to participate in the State recycling program. The program provides credits to the Township of Little Egg Harbor when trees and tree parts are cleared from properties and processed into wood chips (at the site) and then recycled for use as product on-site or off-site. The 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. The applicant shall provide proof of compliance and approval from NJDEP and/or CAFRA, if applicable.

**BE IT FURTHER RESOLVED** the applicant's request for board approval of the application for a minor subdivision, 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.



---

**GEORGE GARBARAVAGE, Chair**

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 September 5, 2019, memorializing the vote of the Little Egg Harbor Township Planning Board at a meeting previously held on August 1, 2019, a quorum being present and voting in the majority.



---

**Robin Schilling, Board Secretary**