

AMENDED MAJOR SITE PLAN  
MYSTIC INVESTOR ASSOCIATES LLC  
GREAT BAY PLAZA  
Block 285, Lot 12  
Mathistown Rd & Center St  
Zone – General Business Zone

Application No. 2018-01

**RESOLUTION OF APPROVAL 2018-17  
PLANNING BOARD, TOWNSHIP OF LITTLE EGG HARBOR**

**WHEREAS**, an application has been made by Mystic Investor Associates LLC, for amended major site plan approval for Block 285, Lots 12, as set forth on the Tax Maps of the Township of Little Egg Harbor; and

**WHEREAS**, the Site Plans were prepared by FWH Associates, dated January 18, 2018; Architectural Plans were prepared by Stephen Raciti; a Survey was prepared by Thomas Ernst PLS, dated December 6, 2017; 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 June 7, 2018, at which time the applicant was represented by Howard Butensky Esq. (Robert Shinn Esq., the applicant's original attorney, recused himself from the application hearing due to a previous conflict of interest some years ago).
4. The site in question is located at the intersection of Mathistown Road & Center Street, in the General Business Zone.
5. The seeks approval of an interior reconstruction of an existing commercial building with a new 6231 sq ft medical care center, as well as façade improvements, 36 new parking spaces and ancillary site improvements.

6. The applicant is seeking submission compliance waivers of the follows:

- Stormwater management report
- Traffic impact study
- Environmental assessment
- Landscaping plan

7. The applicant is seeking no variances.

8. The applicant is seeking the following design waivers:

- 15ft pavement setback from property line required;
- no setback to Mathistown Rd proposed

9. T&M Associates, the Board engineers, prepared a report to the Board dated June 1, 2018; Taylor Design Group, the Board landscape architects, prepared a report to the Board dated June 5, 2018. The Board hereby adopts the findings in the reports and incorporates them in this Resolution by reference.

10. The applicant presented the testimony of its project engineer, Brian Murphy, PE, PP, who testified to the change of use of part of the existing building, and the existing and proposed new operations at the site. Additional parking spaces will result in 222spaces onsite, where only 213 are required. The applicant's traffic engineer, Justin Taylor, testified regarding the parking and circulation at the site. The applicant's architect, Stephen Raciti, AIA, testified regarding the existing and proposed building features. The applicant's proposed AtlantiCare use will replace the abandoned grocery store portion of the building. There is no addition to the exiting building proposed other than the AtlantiCare signature vestibule. The application will be amended to reflect curbs along Mathistown Rd and Center Street. The trash enclosure will be amended to match the proposed building façade. The bus stop at Mathistown Rd will be relocated further from the intersection, if feasible. Green vegetation plantings/buffer will be installed along the Mathistown Rd curbline, so long as the local fire company approves the reduces drive aisle remaining. Any existing vegetation removed during curb construction will be replace in coordination with the Board Landscape Architect. The testimony elicited supported the applicant's contention that the proposed preliminary and final 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. The applicant is improving the existing building on site substantially.
5. The Board has taken into consideration the public comment at the hearing.
6. The safety and well being of the immediate area will not be adversely affected by the proposed amended plan.

**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 application will be amended to reflect curbs along Mathistown Rd and Center Street.**
2. **The trash enclosure will be amended to match the proposed building façade.**
3. **The bus stop at Mathistown Rd will be relocated further from the intersection, if feasible.**
4. **Green vegetation plantings/buffer will be installed along the Mathistown Rd curbline, subject to local fire company approval of the reduced drive aisle remaining.**
5. **Any existing vegetation removed during curb construction will be replaced in coordination with the Board Landscape Architect.**
6. **The proposed wall mounted sign on the building will comply with Township Ordinances.**
7. **The applicant shall comply with all conditions as contained in the aforementioned reports of the Board Engineer and the Board Landscape Architect.**

*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*.

**BE IT FURTHER RESOLVED** the applicant's request for preliminary and final approval of an amended site plan, 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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*KENNETH LANEY, 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 August 2, 2018, memorializing the vote of the Little Egg Harbor Township Planning Board at a meeting previously held on June 7, 2018, a quorum being present and voting in the majority.

  
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*Robin Schilling, Board Secretary*