

MINOR SUBDIVISION  
GARY JONES  
Block 175, Lot 16  
61 Dock Street  
R-150 Residential Zone

Application No. 2021-02

**RESOLUTION OF APPROVAL 2021-11  
PLANNING BOARD, TOWNSHIP OF LITTLE EGG HARBOR**

**WHEREAS**, an application has been made by Gary Jones for minor subdivision approval for Block 175, Lot 16, 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 September 2, 2021.
4. The site in question is located at 61 Dock Street in the R-150 Residential Zone.
5. The applicant is seeking minor subdivision approval to subdivide existing lot into 2 lots.

The following variances are requested:

Lot width (new lot 16.01)	100ft required; 77.96ft proposed
Lot width (new lot 16.02)	100ft required; 83.81ft proposed

The following pre-existing nonconformity exists:

Accessory side setback (garage): 10ft required; 7.3ft exists

6. T&M Associates, the Board engineers, prepared a report to the Board dated August 16, 2021. The Board hereby adopts the findings in the reports and incorporates them in this Resolution by reference.

7. The applicant and the applicant's engineer, Doug Klee, PE, PP, testified regarding the purpose of the application. The existing lot is three times the lot area regulation for the zone, and all other dimensional requirements in the zone would be met by the new subdivided lots. No variances would be required for the construction of new homes on both lots. The new homes would be constructed in existing cleared areas on the lots. The existing garage is located far from

any neighboring structure, and the minimal nonconformity of the same does not impact on any other property. 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 positive criteria outweigh the negative, if any.
4. The applicant's proposal represents a better zoning alternative for the subject property, in that it will bring the tract closer to the size regulations of the Township Ordinances.
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 subdivision.
7. 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. **No other variances shall be permitted for the construction of new homes on both lots.**
2. **The new homes shall be constructed in existing cleared areas on the lots.**
3. **The applicant shall comply with all conditions and recommendations of the Board professionals contained in the aforementioned report of T&M Associates, the Board Engineers.**
4. **No other variances have been requested, and no other variances are approved or 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 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.

  
*Edward Andrew, Vice-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 October 7, 2021, memorializing the vote of the Little Egg Harbor Township Planning Board at a meeting previously held on September 2, 2021, a quorum being present and voting in the majority.

  
*Robin Schilling, Board Secretary*