

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

**RESOLUTION NO.: 2019-17
VARIANCE APPLICATION NO.: 2019-03**

RE: ANDWIN REALTY INVESTORS, LLC
Block 251, Lot 1.02
750 Route 539 (North Green Street)
Application for a use variance

WHEREAS, ANDWIN REALTY INVESTORS, LLC, whose mailing address is 20 North Main Street, 2nd Floor, Manahawkin, New Jersey 08050, has applied for relief pursuant to N.J.S.A. 40:55D-70(c) and N.J.S.A. 40:55D-70(d) affecting premises located at Block 251, Lot 1.02, as shown on the Tax Map of the Township of Little Egg Harbor and otherwise known as 750 Route 539 (North Green Street), Little Egg Harbor, New Jersey; and

WHEREAS, a public hearing was held on said application on May 8, 2019, in the Municipal Building of the Township of Little Egg Harbor and testimony was presented on behalf of the applicant and all interested parties having been heard; and

WHEREAS, said Board having considered said application and testimony of the applicant, makes the following findings:

1. The application is deemed complete pursuant to the applicable provisions of the Little Egg Harbor Township Zoning Ordinance.

2. The property in question is located along the western side of Route 539, across from Hickory Lane. The property is located within the GB General Business Zone and the R-5A Residential Zone and is additionally located in the Scenic Gateway Overlay Zone. The

preliminary/final site plan application seeks variance relief relating to use.

3. On October 6, 2005 by memorialization of Resolution 2005-38, the Applicant received Planning Board approval and setback and buffer variances to construct 5 new buildings within 30 ft of all property lines. The Board had previously granted relief to construct storage units at the subject site within 35 ft of Seventh Avenue. The Planning Board also granted size and setback variances for the proposed sign.

4. On December 20, 2007, the Applicant was granted a one-year extension of the approval granted in 2005 by memorialization of Resolution 2007-51.

5. The Applicant seeks to expand the existing self-storage facility. The expansion includes a 1-story 7,200 sf -storage building, a 1-story 3,300 sf self-storage building, a 1-story 5,700 sf self-storage building, a 2-story 19,200 sf self-storage building and a 1-story 3,800 sf self-storage building, and a paved area to access the storage buildings. No additional parking is proposed. Other proposed improvements include landscaping, lighting and stormwater management. Applicant is seeking a use variance to construct the self-storage buildings within the R-5A portion of the site. Self-Storage Facilities are not a permitted use in the R-5A Zone (§15-4.4A) Self-Storage Facilities are a condition permitted use in the GB Zone. Applicant requests the following:

a. A Self-Storage Facility is not a permitted use in the R-5A – Residential Zone. A majority of the proposed improvements are within the R-5A Zone, therefore a Use Variance is required.

b. A Self-Storage Facility is a conditional permitted use in the GB – General Business Zone. The Applicant meets the bulk requirements for the GB-Zone.

c. The maximum building coverage permitted in the R-5A Zone is 3%, whereas the Applicant proposes 21.7%. Therefore a variance is required.

d. The minimum required parking is 878 parking spaces whereas 6 parking spaces are provided. A variance is required.

e. A minimum buffer width of one hundred feet (100') is required to neighboring residential uses, whereas a buffer of fifty feet (50') is proposed. Therefore, a variance is required.

6. The Applicant was represented by John A. Giunco, Esquire.

7. The Applicant testified 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. Based upon the foregoing evidence, the Board makes the following findings:

A. The applicant has demonstrated that the requested 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.

B. The Board finds the property unique for continuation of a well run use and

meets the criteria and does not interfere with the intent of zoning ordinances or zoning plan.

C. The Applicant has demonstrated that special reasons exist to support the requested variance relief, in accordance with N.J.S.A. 40:55D-70(d) and that the requested deviations advance the stated purposes of the Municipal Land Use Law.

NOW, THEREFORE, BE IT RESOLVED, by the said Board that on this 12th day of June, 2019, 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 letter as prepared by the Little Egg Harbor Township Zoning Board of Adjustment Engineer dated May 6, 2019, a copy of which is annexed hereto and made a part hereof.

2. Applicant is specifically granted the following:

a. A Use Variance for the proposed improvements to the Self-Storage Facility in the R-5A – Residential Zone.

b. A Self-Storage Facility is a conditional permitted use in the GB – General Business Zone. The Applicant meets the bulk requirements for the GB-Zone.

c. The maximum building coverage permitted in the R-5A Zone is 3%, whereas the Applicant proposes 21.7%.

d. The minimum required parking is 878 parking spaces whereas 6 parking spaced are

provided.

e. The minimum required residential buffer width is 100 feet whereas 50 feet is provided.

3. Applicant testified that there would be no outside storage.

4. Applicant shall work with Scott Taylor, Taylor Design Group, with respect to the location and species of street trees.

5. Applicant testified that periodic auctions would be limited.

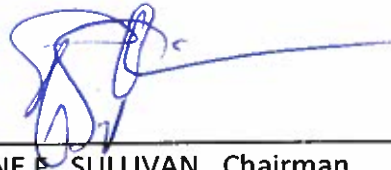
6. Applicant testified that there would be no retail sales on the property.

7. Applicant shall comply with the conditions contained in the letters of Taylor Design Group, dated May 3, 2019, the West Tuckerton Volunteer Fire Company dated May 8, 2019 and Remington & Vernick Engineers dated May 6, 2019, all of which are attached hereto and made a part hereof.

8. 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.

9. 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.

10. 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 P. 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 meeting of May 8, 2019, as copied from the minutes of said meeting.



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