

AMENDED SITE PLAN
AmeriGas Propane LP
Block 124.06, Lot 7
1201 North Green Street (Route 539)
Zone – General Business/Gateway Overlay Zone

Application No. 2022-04

**RESOLUTION OF APPROVAL 2022-12
PLANNING BOARD, TOWNSHIP OF LITTLE EGG HARBOR**

WHEREAS, an application has been made by AmeriGas Propane L.P. for an amended site plan approval for Block 124.06, Lot 7, as set forth on the Tax Maps of the Township of Little Egg Harbor; and

WHEREAS, the Amended Site Plan was prepared by Dynamic Engineering, dated November 16, 2021; 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 May 5, 2022, at which time the applicant was represented by Julia Hahn Esq.
4. The site in question is located in the Scenic Gateway Overlay of the General Business zone. The site is located at 1201 North Green Street (Route 539).
5. The seeks approval of an amendment to the existing site plan to add a propane storage tank kiosk to the site.
6. There are no variances being requested.
7. There are no design waivers being requested.
8. Remington & Vernick Engineers, the Board engineers, prepared a report to the Board dated March 29, 2022.

The Board hereby adopts the findings in the reports and incorporates them in this Resolution by reference.

9. The applicant presented the testimony of its engineering expert, Matthew Sharo, PE, PP, who testified as to the lot reconfiguration and the proposed location of the proposed propane tank kiosk. The proposed Kiosk will be ancillary to the existing WaWa store to offer customers propane tanks by an automated Kiosk machine. No additional impervious coverage is proposed, but rather the location of the tank will be on concrete sidewalk space. Security cameras for the outside of the store already exist, and the adjacent gas filling station area is manned 24/7. No additional signage is proposed at the WaWa store. No propane tanks will be allowed inside the WaWa store. The applicant agreed to file revised plans, showing the bearings and distances of the kiosk from the existing property lines. The Board agreed to waive the required of a topographical survey, since there is no change proposed to the topography, and the kiosk will be located on an existing concrete surface. The testimony elicited supported the applicant's contention that the proposed amended 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 amendment 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.

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 file revised plans, showing the bearings and distances of the kiosk from the existing property lines.**
3. **The request for a submission waiver for a topographical survey is granted.**
4. **The applicant shall comply with all conditions as contained in the aforementioned report of the Board Engineer.**

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.

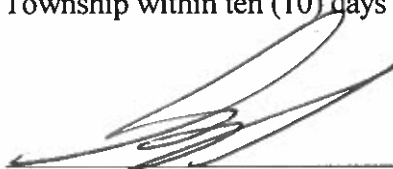
9. The applicant shall comply with all regulations and obtain all necessary permits required by outside agencies, including local, state and federal.

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 amended 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.



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 June 2, 2022, memorializing the vote of the Little Egg Harbor Township Planning Board at a meeting previously held on May 5, 2022, a quorum being present and voting in the majority.



Robin Schilling, Board Secretary