

PRELIMINARY & FINAL MAJOR SITE PLAN
EGG HARBOR 8 28 LLC
Block 83, Lot 3.01
1471 North Green Street
Zone: GB General Business Zone
– Scenic Gateway Overlay Zone

Application No. 2022-07

**RESOLUTION OF APPROVAL 2022-15
PLANNING BOARD, TOWNSHIP OF LITTLE EGG HARBOR**

WHEREAS, an application has been made by Egg Harbor 8 28 LLC for preliminary & final major site plan approval for Block 83, Lot 3.01, as set forth on the Tax Maps of the Township of Little Egg Harbor; and

WHEREAS, the preliminary & final major site plan was prepared by East Point Engineering, dated May 18, 2022, with a revision dated August 31, 2022 submitted at the hearing; the survey was prepared by Ronald W. Post, LPS, last revision dated May 19, 2022; the building plans were prepared by Ron Grammar, AIA, dated July 11, 2022; and

WHEREAS, Planning Board conducted a public hearing on the application on September 1, 2022, at which time the applicant was represented by John Giunco Esq.; 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 site in question is located at 1471 North Green Street in the Scenic Gateway Overlay of the General Business zone.
4. The applicant requests variance relief for the following:
Front yard setback/buffer (sign): 50ft required; 15ft proposed
5. The applicant requests a design waiver for the following:
Front yard landscape buffer: 50ft required; none proposed (to stormwater basin)
6. Remington & Vernick Engineers, the Board engineers, prepared a report to the Board dated August 25, 2022. Taylor Design Group, the Board landscape architects, prepared a report to the Board dated August 26, 2022.

The Board hereby adopts the findings in the report and incorporates them in this Resolution

by reference.

7. The applicant presented the testimony of its expert, Marc Leder, PE, PP, who testified to the need for flex space and the purpose for which the flex space will be devoted. The building will be 70ft back from the front property line. The plan complies with the parking requirements (13 spaces) of the Township ordinance. The proposed identification sign is set at 15ft from the front right-of-way, in order that it may be visible to the traveling public, given the large amount of vegetation in the area. The sign will be internally illuminated. Approximately 56 new trees and 80 shrubs will be installed by the applicant; the species will be determined after consultation and agreement with the Board's landscape architect. In the event that the required amount of new trees/shrubs appears to be excessive, the applicant will donate the excess amount of the same to the Township. One new light pole and 3 building lights are proposed. The building will have earth tones, as recommended by the Board landscape architect. Streetscape bike racks will be provided, but not sitting benches. The building will also include rear exit doors, in case of emergency. The Township Fire Company has notified the Board Secretary that it does not have any issues with the applicant's plans. There will be no outdoor storage or fabrication at the site. The applicant will connect curbs and sidewalks to the adjacent developments. The fence around the drainage retention basin in the front yard will be black vinyl to minimize the visual disruption of the same. A Deed Restriction will be required for the operation and maintenance of the stormwater system. The stormwater will be subject to pre-treatment as recommended by the Board engineer and landscape architect.

The testimony elicited supported the applicant's contention that the proposed preliminary and final major 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. 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.
6. The bulk variance for the location of the identification sign presents a better zoning alternative rather than strict compliance with the zoning code for the same, in that its visibility will

be increased and will better serve the public safety and general welfare.

7. The design waiver for the location of the stormwater retention basin is warranted, in that the topography of the property makes it impractical for the stormwater basin to be located outside of the front buffer area.

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 comply with all conditions as contained in the August 25, 2022 report of the Board Engineer and the August 26, 2022 report of the Board Landscape Architect, and the applicant shall submit revised plans accordingly.**
3. **Approximately 56 new trees and 80 shrubs will be installed by the applicant; the species will be determined after consultation and agreement with the Board's landscape architect; however, in the event that the required amount of new trees/shrubs appears to be excessive, the applicant will donate the excess amount of the same to the Township.**
4. **The building will have earth tones, as recommended by the Board landscape architect.**
5. **The building will also include rear exit doors, in case of emergency.**
6. **There will be no outdoor storage or fabrication at the site.**
7. **Streetscape bike racks will be provided, but not sitting benches.**
8. **The applicant will connect curbs and sidewalks to the adjacent developments.**
9. **The fence around the drainage retention basin in the front yard will be black vinyl to minimize the visual disruption of the same.**
10. **A Deed Restriction will be required for the operation and maintenance of the stormwater system. The stormwater will be subject to pre-treatment as recommended by the Board engineer and landscape architect.**
11. **The proposed property identification sign may be set at 15ft from the front right-of-way, in order that it may be visible to the traveling public.**

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 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 October 6, 2022, memorializing the vote of the Little Egg Harbor Township Planning Board at a meeting previously held on September 1, 2022, a quorum being present and voting in the majority.



Robin Schilling, Board Secretary