

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

**RESOLUTION NO. 2023-06
INTERPRETATION OF USE APPLICATION 2022-10**

RE: 894 ROUTE 9, LLC
Block 173, Lot 8
Interpretation of Ordinance

WHEREAS, 894 Route 9, LLC, whose mailing address is 336 Route 130, Hamilton, New Jersey 08626, has applied for an interpretation of a use pursuant to Little Egg Harbor Land Use and Development Regulations, affecting premises located at Block 173, Lot 8, on the Tax Map of the Township of Little Egg Harbor and otherwise known as 894 Route 9, Little Egg Harbor, New Jersey; and

WHEREAS, a public hearing was held on said application on February 8, 2023, in the Municipal Building of the Township of Little Egg Harbor and testimony and exhibits were presented on behalf of the applicant and all interested parties having been heard; and

WHEREAS, said Board having considered said application, testimony and exhibits submitted and inspection of the site, if any, makes the following findings:

1. The property in question is located at 894 Route 9, Little Egg Harbor, New Jersey 08087 and is located in the GB Zone (general business).
2. The applicant was represented by Walter Toto, Esquire
3. The applicant provided testimony that he owns the premises and was going to continue the used car business. Applicant testified that when the pandemic occurred, car sales were closed, he attempted to reopen but could not find employees and could not open. Additionally, the used car inventory was being compromised by new car dealership outbidding. Applicant had

no intention to abandon.

4. No members of the public offered testimony with regard to the application.

NOW, THEREFORE, BE IT RESOLVED, by the said Board that on this day of March, 2023, based upon the findings herein above stated, the Board finds that the permitted use had not been abandoned and Applicant may operate same.

1. The Board deemed that the use had not been abandoned, relying on the NJ Land Use and Administration Manual, which states the standard for determining abandonment:

(a) Some overt act or some failure to act, which carries a sufficient implication that the owner neither claims nor retains any interest in the subject matter of the abandonment; and

(b) an intention to abandon.

2. The Board found that no such intention or overt act was committed by Applicant.

3. Applicant testified that no outside improvements or changes will be made. He anticipates the business will be opened Monday through Saturday and will have three (3) salespersons and one (1) manager.

4. 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.

5. 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.



Greg Leszega, Vice 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 February 8, 2023 as copied from the minutes of said meetings.



ROBIN SCHILLING, Board Secretary
Little Egg Harbor Zoning Board of Adjustment