

PRELIMINARY & FINAL MAJOR SITE PLAN
JLCEOB LLC
OTIS BOG ROAD
Block 282.01, Lot 8.02
Zone – HB Highway Business Zone

Application No. 2023-05

**RESOLUTION OF APPROVAL 2023-16
PLANNING BOARD, TOWNSHIP OF LITTLE EGG HARBOR**

WHEREAS, an application has been made by JLCEOB LLC for preliminary & final major site plan approval for Block 282.01, Lot 8.02, 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 JCR Engineering, dated March 20, 2023, with a revision dated June 30, 2023; the architectural plans were prepared by Cozzarelli & Cirminello, Architects, dated February 16, 2023, with a revision prepared by Adamson Riva & Lepley, Architects, dated of July 6, 2023; and

WHEREAS, Planning Board conducted public hearings on the application on May 4, 2023, at which time the applicant was represented by Rich Visotcky Esq., and on July 6, 2023, at which time the applicant was represented by Bob Shinn 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 Otis Bog Road in the HB Highway Business zone. The applicant seeks to construct 3 buildings that contain 10 units totaling 20,550sf, to be used for contractor's offices, showrooms, garages, warehouses and shops, or any other permitted similar use, and 3 self-storage buildings, totaling 26,100sf.

The applicant requests variance relief for the following:

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| Perimeter fence | 6ft permitted; 8ft proposed (southern property line & 100 feet along the easterly property line only) |
| Building height | 24ft permitted; 29ft proposed (withdrawn at the hearing) |

The applicant requests design waiver relief for the following:

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| Side yard buffer (north): | 15ft required; 10ft proposed (trash enclosure) |
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4. Remington & Vernick Engineers, the Board engineers, prepared a report to the Board dated April 24, 2023. Taylor Design Group, the Board landscape architects, prepared a report to the Board dated May 3, 2023. The Board hereby adopts the findings in the report and incorporates them in this Resolution by reference.

5. The applicant presented the testimony of its expert, Robert Woodcock, PE, PP, who testified to the overall layout of the project and the need for contractor space in the area. The application has been amended to comply with the 25ft buffer requirement along the rear of the property; the applicant has requested a vacation of the Carmine Drive road widening right of way to add to the buffering space. The applicant understands that in the event that the governing body of Little Egg Harbor does not vacate said right of way, the applicant will need to return to the Board for an amendment to the site plan. The applicant agreed to replace the arborvitae plantings with larger evergreens, in consultation with the Board Landscape Architect. An 8ft high fence along the southerly border of the property will be provided, as requested by area residents, to be reduced to 4ft at the Otis Bog Rd setback line. The front contractor buildings require 31 parking spaces, and 33 parking spaces are proposed. The storage unit parking requirements will be complied with. Construction vehicles will not take up any of the required parking spaces, and the storage of construction vehicles will need to be kept in the inside garages being provided. Bollards will be installed at every customer/pedestrian entrance of all buildings. The proposed sign will be reduced to a conforming 20ft in height, and shall be set back 50ft off of Route 9. The second proposed sign will also be 20ft high and set back 30ft from Otis Bog Road. No retail sales will be conducted at the site. No outside storage or fabrication is proposed at the site. The applicant's architect, Joseph Adamson, AIA, testified to the compliance with the color and texture recommendations of the Board Landscape Architect. The applicant also agreed to provide 12ft evergreen plantings in the buffer adjacent to the neighboring residents, and that an acoustic fence will be placed along the rear area which is adjacent to the neighboring residents to minimize noise for the neighbors. The acoustic fence will be installed along the southerly property line and 100ft along the Easterly property line.

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. The Board has taken into consideration the comments from the public at the hearings.
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 fence provided presents a better zoning alternative rather than strict compliance with the zoning code for the same, in that its visibility and noise protection will better serve the public safety and general welfare.

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 April 24, 2023 report of the Board Engineer and the May 3, 2023 report of the Board Landscape Architect, and the applicant shall submit revised plans in accordance with the same and in accordance with the conditions and representations set forth herein.**
3. **In the event that the use of any of the buildings changes, the applicant will be required to obtain an amended site plan approval for the Board's review of the same.**
4. **The request for a height variance is withdrawn.**
5. **The applicant will provide an EV parking space as required by law.**
6. **The applicant shall comply with the 25ft buffer requirement along the rear of the property. In the event that the Mayor & Township Committee of the Township of Little Egg Harbor does not vacate the right of way of Carmine Drive, the applicant will be required to obtain an amended site plan approval for the Board's review and approval.**
7. **Striped safety areas will be provided around all buildings and bollards will be provided at all doors.**
8. **No retail sales is permitted.**
9. **No outside storage or fabrication is permitted at the site.**

10. The applicant shall replace the arborvitae plantings in the buffer areas with larger evergreens, in consultation with the Board Landscape Architect. The use of native evergreens shall be maximized. (applies to the area of the 8ft fence between the property and existing homes noted below).
11. An 8ft high acoustic fence along the southerly border and 100ft of the easterly property line of the property will be provided, as requested by area residents, to be reduced to 4ft at the Otis Bog Rd parking setback line. The applicant shall also provide 10-12ft evergreen plantings, and large shade trees in the buffer adjacent to the neighboring residents. The acoustic fence will be placed along the southern lot line and wrapping around the first 100ft approximately of the easterly lot line which is adjacent to the neighboring residents to minimize noise for the neighbors. All fences shall be a warm muted earth tone/faded cedar to be approved by the Board landscape architect.
12. Construction vehicles will not take up any of the required parking spaces, and the storage of construction vehicles will need to be kept in the inside garages being provided. Deliveries and trash pick-up is limited to 7am-7pm.
13. The proposed main property sign will be reduced to a conforming 20ft in height, and shall be set back 50ft off of Route 9 and approximately 2' from Otis Bog Road. The second proposed sign will also be 20ft high and set back 30ft from Otis Bog Road.
14. The concrete pad for Building #6 (self-storage building) may be used for boat and RV storage until such time as Building #6 is constructed. Thereafter, no boat/RV storage is permitted.
15. The storage buildings will employ the same color palette as the office buildings.
16. The evergreen buffer plantings shall be located in the field with the Board landscape architect.
17. The applicant's engineer will work with the Board professionals to keep the southern light fixtures as low as practical to minimize impacts to the residents.
18. Not more than 2,000sf of the southern building and 1,600sf of the northern building may be used for other permitted uses in the zone, based upon the parking calculations presented.
19. No other variances or design waivers have been requested, and no other variances or design waivers have been granted or are 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 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*.
11. In accordance with NJSA 40:55D-46.1, approval of a minor site plan shall be protected for a two-year period; an extension on such approval may be granted by the Board not exceeding an additional one year. In accordance with NJSA 40:55D-47, approval of a minor subdivision shall expire 190 days from the date of this resolution unless a plat or subdivision deed is endorsed by the Board Chair and filed with the County Clerk within said 190-day period; an extension of said 190-day period may be granted by the Board not exceeding an additional one year. Minor subdivision approval shall thereafter be protected for a two-year period; an extension on such approval may be granted by the Board not exceeding an additional one year. In

accordance with NJSA 40:55D-49, preliminary approval of a major subdivision or site plan shall be protected for a three-year period; extensions on such preliminary approval may be granted by the Board for an additional one year not exceeding a total extension of two years. In accordance with NJSA 40:55D-52, final approval of a major subdivision or site plan shall be protected for a two-year period; extensions on such final approval may be granted by the Board for an additional one year not exceeding a total extension of three years. All other approvals will expire one year after the date of resolution approval if a building permit is required or, if a building permit is not required, a certificate of occupancy has not been obtained; thereafter the applicant may apply to the Board for an extension if the conditions and ordinances existing at the time of approval have not changed.

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 August 3, 2023, memorializing the vote of the Little Egg Harbor Township Planning Board at a meeting previously held on July 6, 2023, a quorum being present and voting in the majority.


Robin Schilling, Board Secretary