

MINOR SUBDIVISION WITH VARIANCE
ZAIM & BESIM LIKA
Block 325.101, Lots 29 & 30
145 & 147 East Raritan Drive
R-50 Residential Zone

Application No. 2023-02

**RESOLUTION OF APPROVAL No. 2023-18
PLANNING BOARD, TOWNSHIP OF LITTLE EGG HARBOR**

WHEREAS, an application has been made by Zaim Lika & Besim Lika for minor subdivision approval for Block 325.101, Lots 29 & 30, as set forth on the Tax Maps of the Township of Little Egg Harbor; and

WHEREAS, the Minor Subdivision map was prepared by JCR Engineering, last revision dated June 9, 2023; 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 August 3, 2023. The applicant has been represented by Rich Visotcky Esq. during the proceedings.
4. The site in question is located at 145 & 147 East Raritan Drive in the R-50 Residential Zone.
5. The subject property currently has a single family dwelling with a pool and cabana on Lot 30 and a single family dwelling on Lot 29. The applicant is seeking minor subdivision approval to subdivide the existing two lots into two newly configured lots, adjusting the common side lot line in the rear of the property.

The following nonconformity exists, and a variance for the same is requested:

Combined side yard setback – Madeline Ln (lot 29) 15ft required; 11.8ft exists/proposed

6. Remington & Vernick Engineers, the Board engineers, prepared a report to the Board on the application dated June 29, 2023. The Board hereby adopts the findings in the reports and incorporates them in this Resolution by reference.

7. The applicant's expert, Robert Woodcock, PE, PP, testified that the purpose of the subdivision would be to adjust the common side line of the 2 lots in the rear of the property in order to create a sufficient side setback for the existing pool cabana built on Lot 30. No new variances or nonconformity would be created by the proposed subdivision/new property side line. The existing house on Lot 29 meeting the individual side setback requirements, but is short on the combined side setback requirement of the ordinance, and a variance for the same is sought. The subject pool cabana, which created a setback encroachment, was constructed without building permits, and the same will need to be permitted, inspected and approved by the construction department. Lot 29 is also in violation of the Township's bulkhead requirement ordinance, and this property will need to be brought into compliance with the same before the subdivision can be filed. The applicant has, by statute, 190 days to file the minor subdivision map/deed, and the applicant is being granted an additional year for the same as permitted by statute. The testimony elicited supported the applicant's contention that the proposed subdivision is in keeping with the area 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 subdivision 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. No variances are caused by the proposed subdivision/lot line adjustment.
4. There was no public comment at the hearing.
5. No other variances are requested, and no other variances are granted or are implied.

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. **The applicant shall comply with all conditions and recommendations of the Board professionals contained in the aforementioned report of Remington & Vernick, the Board Engineers.**
2. **The variance request to allow a combined side setback of 11.8ft where 15ft is otherwise required for Lot 29 is granted.**
3. **Lot 29 must be brought into compliance with the Township's bulkheading ordinance requirement as a pre-condition to the filing of the subdivision map/deed.**

4. The pool cabana which caused the need for the subdivision/lot line adjustment must be permitted, inspected and approved by the Township Construction Department.
5. The applicant is granted a 1-year extension of the 190-day filing requirement of NJSA 40:55D-47, as permitted by the terms of this statute.
6. No other variances have been requested, and no other variances are approved or 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 Board Engineer's Report, and the conditions in the Board Landscape Architect's report.
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. The applicant shall provide proof of compliance and approval from all outside agencies, including but not limited to the Ocean County Planning Board, and all agencies noted on the board engineer's review letter, if applicable.

12. 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 board approval of the application for a minor subdivision, 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, Chairman

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 September 7, 2023, memorializing the vote of the Little Egg Harbor Township Planning Board at a meeting previously held on August 3, 2023, a quorum being present and voting in the majority.


Robin Schilling, Board Secretary