

MINOR SUBDIVISION  
CARL TORTORA  
Block 326.215, Lots 30 & 31  
52 & 54 Kansas Road  
R-75A Residential Zone

Application No. 2023-04

**RESOLUTION OF APPROVAL No. 2023-14  
PLANNING BOARD, TOWNSHIP OF LITTLE EGG HARBOR**

**WHEREAS**, an application has been made by Carl Tortora for minor subdivision approval for Block 326.215, Lots 30 & 31, as set forth on the Tax Maps of the Township of Little Egg Harbor; and

**WHEREAS**, the Minor Subdivision map was prepared by Horn, Tyson & Yoder Inc., last revision dated December 7, 2022; 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 4, 2023. The applicant has been represented by James Raban Esq. during the proceedings.
4. The site in question is located at 52 & 54 Kansas Rd in the R-50 Residential Zone.
5. The subject property is currently vacant. The applicant is seeking minor subdivision approval to subdivide the existing 2 lots into 2 newly configured building lots.

*The following variances are requested:*

Lot depth: 87ft required;80ft proposed for both new lots  
Rear yard setback: 15ft required;10ft proposed for both new lots – *withdrawn at hearing*

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

7. The applicant's expert, James Brzozowski, PE, PP, testified that the purpose of the subdivision would be to create 2 buildable lots from the existing 2 unequal lots by shifting the lot line approximately 18ft. The rear yard setback variance request was withdrawn, and no variances

would be required for the building envelopes for a new home on each new lot, and no variances are created by the subdivision. A revised plan will be submitted to delineate the new building envelopes. The applicant will stabilize the rear property with haybales until a bulkhead is completed, which shall be completed in accordance with the Township's ordinance and NJDEP regulations. 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.
5. There was no public comment at the hearing.
6. No variances are requested, and no variances have been 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. **A revised plan shall be submitted to delineate the new building envelopes.**
3. **The applicant shall stabilize the rear property with haybales until a bulkhead is completed, which shall be completed in accordance with the Township's ordinance and NJDEP regulations.**
4. **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, 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 1, 2023, memorializing the vote of the Little Egg Harbor Township Planning Board at a meeting previously held on May 4, 2023, a quorum being present and voting in the majority.



**Robin Schilling, Board Secretary**