

PRELIMINARY & FINAL MAJOR SITE PLAN
STEPHEN SHEARS
ROUTE 9 & SKYLAR COURT
Block 155, Lot 18
Zone – GB General Business Zone

Application No. 2023-09

**RESOLUTION OF APPROVAL 2023-21
PLANNING BOARD, TOWNSHIP OF LITTLE EGG HARBOR**

WHEREAS, an application has been made by Stephen Shears for preliminary & final major site plan approval for Block 155, Lot 18, 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 August 7, 2023; the survey was prepared by Lakeland Surveying, dated March 29, 2023; the architectural rendering and floorplan was prepared by Taylor Renderings; and

WHEREAS, Planning Board conducted public hearings on the application on September 7, 2023 & October 5, 2023, at which time the applicant was represented by Rich Visotcky 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 along Route 9 at the intersection of unimproved roadway Skylar Court, in the GB General Business zone. The applicant seeks to construct a 3200sf contractor's office, showroom, garage, warehouse and shop.

The applicant requests variance relief for the following:

Lot width	150ft required; 100ft exists/provided
Front setback (Skylar Ct)	70ft required; 48ft proposed
Maximum sign height	- withdrawn at the hearing
Minimum sign setback	- withdrawn at the hearing
Perimeter fence (south)	6ft permitted; 8ft proposed (added at the hearing)

The applicant requests design waiver relief for the following:

Parking area buffer :	20ft required; 5ft proposed
Residential Buffer	30ft required; 15ft proposed

4. Remington & Vernick Engineers, the Board engineers, prepared a report to the Board dated September 6, 2023. Taylor Design Group, the Board Landscape Architect, prepared a report to the Board dated September 6, 2023. The Fire Chief issued a report to the Board dated September 15, 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 subject lot is narrow, but is nearly twice the minimum size required for business use. The site is laid out so that the impact of the business use upon adjacent residential dwellings would be minimized. The parking area is designed to be on the north side of the property in the buffer area where unimproved Skylar Court is located. The building itself will buffer the light and noise of the commercial use. The sign will conform to the Township's ordinance. A fence will enclose the stormwater basin. A waiver is requested for drainage and parking in the buffer zone; and plantings will be provided along the property line to enhance the buffer needed for the neighboring properties – specifically, 8-10ft trees will be planted along the southerly property line. Deliveries will be limited to 7am-7pm. The applicant will comply with the electronic vehicle parking requirements. The Little Egg Harbor Township governing body considered and has decided not to vacate Skylar Court, which is currently a paper street with a dirt path. The applicant, Stephen Shears, testified that the main use of the building will be for storage of his snowblowers in the off-season. There will be no outdoor storage of materials, inventory or construction vehicles. An 8ft high fence along the southerly border of the property will be provided to the trash enclosure, as requested by the Board. No retail sales will be conducted at the site. Pedestrian doors will be provided on the front of the building to minimize the need for rear doorway use. The sign will be a monument type limited to 8-10ft in height. The maximum building height will be 25ft.

Regarding the improvement of adjacent Skylar Court, the Board concluded that there was a benefit to be derived to the subject site if/when Skylar Court is improved/constructed. While the improvement of Skylar Court was not part of the applicant's proposal, the Board has imposed an off-site improvement contribution escrow requirement in the amount of \$50,000, to be held by the Township for 10 years and used for the improvement of Skylar Court; should Skylar Court not be improved during said 10 year period, the contribution escrow shall be returned to the applicant, with interest as provided by Township Ordinance Section 215-14.1.

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 September 6, 2023 report of the Board Engineer and the September 6, 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 the building 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 sign variances is withdrawn.**
5. **The applicant will provide EV parking as required by law.**
6. **8-10ft evergreen trees shall be planted along the southerly property line to enhance the buffer, in coordination with the recommendations of the Board Landscape Architect.**
7. **There shall be no outdoor storage of materials, inventory or construction vehicles.**

8. **An acoustic 8ft high fence along the southerly border of the property will be provide, extended to connect to the trash enclosure.**
9. **Pedestrian doors will be provided on the front of the building to minimize the need for rear doorway use. Rear doors are only permitted to the extent same are required by applicable Building and or Fire codes.**
10. **The sign will be a monument type limited to 8-10ft in height and 32sf in area.**
11. **The maximum building height will be 25ft.**
12. **No retail sales is permitted.**
13. **No outside storage or fabrication is permitted at the site.**
14. **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.**
15. **The applicant shall be required to post an off-site improvement contribution escrow in the amount of \$50,000, to be held by the Township for 10 years and used for the improvement of Skylar Court; should Skylar Court not be improved during said 10 year period, the contribution escrow shall be returned to the applicant, with interest as provided by Township Ordinance Section 215-14.1.**
16. **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.

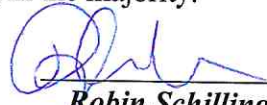
BE IT FURTHER RESOLVED that a notification of this favorable Resolution shall be published in an official newspaper of the Little Egg Harbor Township within ten (10) days of the adoption of this resolution.



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 December 7, 2023, memorializing the vote of the Little Egg Harbor Township Planning Board at a meeting previously held on October 5, 2023, a quorum being present and voting in the majority.



Robin Schilling, Board Secretary