

PRELIMINARY & FINAL MAJOR SITE PLAN
JOE'S GUY WITH A TRUCK LLC
645 Route 9 North
Block 161, Lot 1
Zone – GB General Business Zone

Application No. 2022-09A

**RESOLUTION OF APPROVAL 2023-23
PLANNING BOARD, TOWNSHIP OF LITTLE EGG HARBOR**

WHEREAS, an application has been made by Joe's Guy With a Truck LLC for preliminary & final major site plan approval for Block 161, Lot 1, 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 Van Cleef Engineering, latest revision dated November, 2023; the survey was prepared by FRD Surveying, dated March 24, 2022; the floor plans were prepared by Shirk LLC, dated March 31, 2023; and

WHEREAS, Planning Board conducted public hearings on the application on December 7, 2023, at which time the applicant was represented by Chris Supsie 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 645 Route 9 North in the GB General Business zone. The applicant seeks to construct a 2,420sf building for a business office and storage space, to be used in conjunction with the applicant's moving company.

The applicant requests variance relief for the following:

Front setback (trash enclosure)	none permitted in front yard; 67ft proposed in front yard
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The applicant requests design waiver relief for the following:

Sidewalks (Conforti Ln):	none proposed
Paving entire parking area:	gravel proposed for employee parking area
Parking bumper for handicap space	<i>withdrawn at hearing</i>
Access drive radius	30' proposed
25ft front buffer (Route 9)	no additional plantings proposed

15ft buffer (Conforti Ln)
15ft side buffer
Bike rack required:

withdrawn – additional plantings to be provided
gravel parking & stone trench proposed
withdrawn at hearing

4. Remington & Vernick Engineers, the Board engineers, prepared a report to the Board dated November 28, 2023. Taylor Design Group, the Board landscape architects, prepared a report to the Board dated December 5, 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, Michael Textores, PE, PP, who testified to the overall layout of the project. Approximately 5 employees are anticipated at the site. Parking for employees and trailer trucks will be on gravel and will be fenced in for security. Customer parking in front of the building will be paved. The applicant agreed to comply with any recommendations of the Fire Marshall, who has not yet commented on the application. The applicant will add a fence around the proposed trash dumpster. The fence shall be vinyl, except that chain link is approved for the gate and connecting sections. Additional plantings along the residential property line will be provided in accordance with the Board Landscape Architect's recommendations. The building color will be modified to soften the brown colors in accordance with the recommendations of the Board Landscape Architect, and a stone façade along the bottom of the building will be provided. Sidewalks along Conforti Lane would be an unnecessary burden to the applicant with no benefit to the public, as sidewalks would not be connected to anything. A 5ft entrance overhand is approved, and any minor variance caused by the same is approved by the Board. The building will be shifted towards Route 9 to the extent possible (approximately 5ft or more), given infrastructure well and drainage locations, and any minor variance caused by the same is approved by the Board. No outside storage is proposed. Hours of operation, and hours of trash pickup, are limited to 7am-7pm. A parking space will be made EV ready.

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. There were no comments from the public at the hearing.

5. The safety and well being of the immediate area will not be adversely affected by the proposed development.

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 November 28, 2023 report of the Board Engineer and the December 5, 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 a sidewalk waiver is granted.
5. The applicant shall comply with any recommendations of the Fire Marshall.
6. The applicant shall provide a vinyl fence, except that chain link is approved for the gate and potentially for connecting sections; the applicant will add a fence around the proposed trash dumpster, but no gate is required.
7. Additional plantings along the residential property line shall be provided in accordance with the Board Landscape Architect's recommendations.
8. The building color shall be modified to soften the brown colors in accordance with the recommendations of the Board Landscape Architect, and a stone façade along the bottom of the building will be provided.
9. A 5ft entrance overhang is approved, and any minor variance caused by the same is approved by the Board.
10. The building will be shifted towards Route 9 to the extent possible (approximately 5ft or more), given infrastructure well and drainage locations, as determined by the Board professionals, and any minor variance caused by the same is approved by the Board.

11. **No retail sales is permitted.**
12. **No outside storage or fabrication is permitted at the site.**
13. **This approval shall be subject to outside agency approvals as noted in the aforementioned Board Engineer's review letter, to include approval by the Fire Marshall.**
14. **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, 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 January 4, 2024, memorializing the vote of the Little Egg Harbor Township Planning Board at a meeting previously held on December 7, 2023, a quorum being present and voting in the majority.



Robin Schilling, Board Secretary