

MINOR SUBDIVISION  
PRELIMINARY & FINAL MAJOR SITE PLAN  
CHINDO ENTERPRISES LLC  
North Green St & Frog Pond Rd  
Block 194, Lot 10  
Zone – Scenic Gateway Overlay Zone, within the  
GB General Business Zone

Application No. 2023-10A

**RESOLUTION OF APPROVAL 2024-10  
PLANNING BOARD, TOWNSHIP OF LITTLE EGG HARBOR**

**WHEREAS**, an application has been made by Chindo Enterprises LLC for minor subdivision approval of Block 194, Lot 10, and then for preliminary & final major site plan approval for newly created Block 194, Lot 10.01, as set forth on the Tax Maps of the Township of Little Egg Harbor; and

**WHEREAS**, the minor subdivision plan was prepared by Owen, Little & Associates, dated December 14, 2023; the survey was prepared by Owen, Little & Associates, dated August 16, 2022; the preliminary & final major site plan was prepared by Owen, Little & Associates, dated December 17, 2023; the architectural plans were prepared by Creative Minds Group, dated December 19, 2023; and

**WHEREAS**, Planning Board conducted public hearings on the application on March 7, 2024, at which time the applicant was represented by Tennant Magee 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 on North Green Street (Route 539) at the intersection of Frog Pond Road in the Scenic Gateway Overlay Zone within the GB General Business zone. The applicant seeks to subdivide the existing lot into 3 fully conforming lots, and then to construct a 17,100sf restaurant and banquet facility on newly created lot 10.01. No development plans are proposed for newly created lots 10.02 & 10.03.

MINOR SUBDIVISION:

*The applicant requests variance relief for the following: none*

PRELIMINARY & FINAL MAJOR SITE PLAN:

*The applicant requests variance relief for the restaurant & banquet facility for the following: none*

*The applicant requests variance relief for the sign proposal for the following:*

Front setback (North Green St)	50ft required; 8ft proposed;
Front setback (North Green St)	50ft required; 1ft proposed

*The applicant requests design waiver relief for restaurant & banquet facility for the following:*

Garbage enclosure:	concrete block required; fence proposed – <i>withdrawn at hearing</i>
Perimeter fence:	6ft permitted; 8ft proposed
Basin fence:	main basin, 4ft post/rail proposed; secondary basins, none proposed

4. Remington & Vernick Engineers, the Board engineers, prepared a report to the Board dated February 13, 2024. Taylor Design Group, the Board landscape architects, prepared a report to the Board dated February 17, 2024. 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, Frank Little, PE, PP, who testified to the overall layout of the project. The minor subdivision application proposes no variance, and the applicant will comply with all technical comments of in the Board Engineer’s aforementioned review letter. The site plan also has no variances related to the restaurant use, and only minor variances related to the positioning of the identification signs are proposed. The hours of operation will be limited by the laws relating to the liquor license to be operated on the premises, and generally all deliveries will be limited to 7am – 7pm. The fence in the rear of the restaurant will be 8ft vinyl, as requested by the Board, with a soundproofing barrier attachment, from the proposed location behind the building and extending to the end of the employee parking area. The applicant will comply with the recommendations regarding plantings by Board professionals. The main bio-basin will have a post and rail fence backed with a mesh barrier, while the 3 smaller basins will not be fenced. The sign variances requested are a function of the sight triangle and the need for visual identification from the roadway. The applicant submitted a traffic impact study and an environmental statement, both of which meet all governmental standards. The applicant will submit the plans for Fire Dept approval. Signs will be added to prevent right turns for delivery trucks onto Frog Pond Rd; construction vehicles will be limited to Route 539. The applicant will comply with the Township’s construction hours limitations. The trash enclosure will be moved back 5ft and will be enclosed by concrete block. The proposed restaurant use will be less impactful than the other permitted uses of the zone.

The applicant’s architect, Edward Borleski, AIA, testified to the layout and design of the proposed restaurant and banquet facility.

Considerable public comment was presented to the Board relating to traffic, noise, odor, environmental issues, and other objections to the application.

**WHEREAS**, the Planning Board has determined that the applicant should be granted the requested relief for the following reasons:

1. The proposed site plan is a permitted use with no variances or deviations from the requirements of the Township's zoning ordinances.

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.

4. The Board had taken into consideration all of the comments from the public at the hearing.

**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 aforementioned report of the Board Engineer and the aforementioned report of the Board Landscape Architect.**

**3. The applicant shall submit the plans to and comply with any recommendations of the Fire Dept.**

**4. The applicant shall provide a vinyl 8ft fence with soundproofing material from the rear of the restaurant building to the end of the employee parking area.**

**5. Additional plantings shall be provided in accordance with the Board professionals recommendations.**

**6. Deliveries and garbage removal will be limited to 7am – 7pm.**

**7. The main bio-basin will have a post and rail fence backed with a mesh barrier.**

**8. Signs will be added to prevent right turns for delivery trucks onto Frog Pond Rd.**

**9. Construction vehicles will be limited to Route 539.**

**10. The applicant will comply with the Township's construction hours limitations.**

11. **The trash enclosure will be moved back 5ft and will be enclosed by concrete block.**
12. **This approval shall be subject to outside agency approvals as noted in the aforementioned Board Engineer's review letter.**
13. **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 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.

  
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**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 April 4, 2024, memorializing the vote of the Little Egg Harbor Township Planning Board at a meeting previously held on March 7, 2024, a quorum being present and voting in the majority.

  
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**Robin Schilling, Board Secretary**