

PRELIMINARY & FINAL MAJOR SUBDIVISION
ZIMAN TRUCKING, LLC
Thomas Avenue
Block 86, Lots 1, 3, 30, 40, 46, 50, 82, 84 & 98
Block 87, Lot 37
Block 90, Lots 11, 16, 21, 27, 31, 82 & 90
Block 91, Lots 1, 5, 25, 30, 40, 52, 57 & 67
Block 95, Lot 13
Block 96, Lot 5
Block 101, Lot 11
Block 103, Lot 15
Block 108, Lot 13
Block 110, Lots 14 & 53
Zone – R-1A Residential Zone

Application No. 2021-03B

**RESOLUTION OF APPROVAL 2025-09
PLANNING BOARD, TOWNSHIP OF LITTLE EGG HARBOR**

WHEREAS, an application has been made by Ziman Trucking LLC for preliminary & final major subdivision approval for Block 86, Lots 1, 3, 30, 40, 46, 50, 82, 84 & 98, Block 87, Lot 37, Block 90, Lots 11, 16, 21, 27, 31, 82 & 90, Block 91, Lots 1, 5, 25, 30, 40, 52, 57 & 67, Block 95, Lot 13, Block 96, Lot 5, Block 101, Lot 11, Block 103, Lot 15, Block 108, Lot 13, and Block 110, Lots 14 & 53, as set forth on the Tax Maps of the Township of Little Egg Harbor; and

WHEREAS, the preliminary & final major subdivision plan was prepared by Crest Engineering, dated October 23, 2024; and

WHEREAS, Planning Board conducted a public hearing on the application on February 6, 2025, at which time the applicant was represented by Kevin Quinlan 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 off of Thomas Avenue, along paper streets (Driscoll Drive, Corliss Drive & Rutter Drive), in the R-1A Residential Zone. The applicant seeks approval to subdivide the existing 32 properties into 27 lots - 24 proposed single-family dwellings (new lots 1-24) and 3 stormwater management basins (new lots 25-27), with street improvements and utility services.

The applicant requests variance relief for the following:

Lot area: 43,560sf required; 41,321sf proposed for New Lot 7
Lot area: 43,560sf required; 39,970sf existing; 40,050sf proposed for New Lot 24
Lot area: 43,560sf required; 40,133sf proposed for New Lot 26 (stormwater basin)
Lot depth: 200ft required; 176.9ft proposed for New Lot 1
Lot depth: 200ft required; 166.9ft proposed for New Lot 2
Lot depth: 200ft required; 169.3ft proposed for New Lot 3
Lot depth: 200ft required; 191.7ft proposed for New Lot 5
Lot depth: 200ft required; 160ft proposed for New Lot 6
Lot depth: 200ft required; 188.4ft proposed for New Lot 7
Lot depth: 200ft required; 189.4ft proposed for New Lot 8
(New Lot 26, proposed stormwater basin, is also deficient in lot depth)
(New Lot 26 & New Lot 27, proposed stormwater basin, are also deficient in lot width)

4. Remington & Vernick Engineers, the Board engineers, prepared a report to the Board dated December 24, 2024. Taylor Design Group, the Board landscape architects, prepared a report to the Board dated December 31, 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, Robert Sive, PE, PP, who testified to the overall layout of the project. The tract is somewhat irregular in an area with various owners of contiguous properties, along several paper streets – some of which are proposed for vacation by the Township governing body as a part of the applicant's proposed development plan. Each building lot will be serviced by its own well water and septic system. Adding recreational facilities to a secluded neighborhood with large lots would be counter-productive and would most likely go unused by those in the subdivision. The tree ordinance is new and unclear in several respects, but the applicant will work with the Township engineer to resolve any issues regarding the same, or the applicant will return to the Board to request waivers/variances from the same, if necessary. The applicant will also contribute to the Township affordable housing fund. Brian Budney, the applicant's environmental expert, testified that the subject subdivision will have no adverse effect on the environment in the area. Derek Jacobs, a principal of the applicant, testified to the fact that the subdivision will be built out most likely on a lot by lot basis and not by the applicant, and the houses will reflect individual owner preferences rather than uniform styles selected by the developer. Plantings at the foundations will most likely be provided by each individual homeowner. A homeowners association will be formed to provide for the maintenance of the drainage basin facilities. The Fire Chief testified that there were no issues from a fire standpoint.

The testimony elicited supported the applicant's contention that the proposed development 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 variances represent a better zoning alternative for the site, given the existing layout and uses on the tract.
4. The Board took into consideration the 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. **A homeowners association shall be formed to provide for the maintenance of the drainage basin facilities.**
3. **The applicant will work with the Township engineer to resolve any issues compliance with the Township's new tree ordinance in accordance with the same, or the applicant will request waivers/variances from the same, if necessary or appropriate.**
4. **The applicant shall obtain its proposed street vacations from the Township governing body, as noted on the plans.**
5. **The applicant will comply with the Township affordable housing ordinance.**
6. **The applicant shall comply with all conditions as contained in the aforementioned report of the Board Engineer.**
7. **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 major 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 March 6, 2025, memorializing the vote of the Little Egg Harbor Township Planning Board at a meeting previously held on February 6, 2024, a quorum being present and voting in the majority.



Robin Schilling, Board Secretary