

PRELIMINARY & FINAL MAJOR SUBDIVISION
WILLIAM TINDALL
331 Thomas Avenue
Block 65, Lot 15
Block 66, Lot 8
Block 68, Lot 3
Block 69, Lots 1 & 2
Zone – R-3A Residential Zone

Application No. 2024-03

**AMENDED RESOLUTION OF APPROVAL 2025-11(A)
PLANNING BOARD, TOWNSHIP OF LITTLE EGG HARBOR**

WHEREAS, an application has been made by William Tindall for preliminary & final major subdivision approval for Block 65, Lot 15, Block 66, Lot 8, Block 68, Lot 3 and Block 69, Lots 1 & 2, 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 Colliers Engineering, latest revision dated January 7, 2025; the survey was prepared by Colliers Engineering, dated April 25, 2024; and

WHEREAS, Planning Board conducted a public hearing on the application on April 3, 2025, at which time the applicant was represented by Chris Reid 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 331 Thomas Avenue in the R-3A Residential Zone. The applicant seeks approval to subdivide/reconfigure the existing 6 properties into 4 lots.

The applicant requests variance relief for the following:

None

The applicant requests improved roadway relief for the following:

Building must abut an improved street (NJSA 40:55D-35); dirt drive only provided

The applicant requests design waiver relief for the following:

Curbs & sidewalks required; none provided

With respect to improved road frontage relief, Municipal Land Use Law, NJSA 40:55D-36 provides that, where the enforcement of the improved roadway requirement would entail practical difficulty or unnecessary hardship, or where the circumstances of the case do not require the building or structure to be related to a street, the Board may provide relief from this requirement, upon proof that there will be adequate access for firefighting equipment, ambulances and other emergency vehicles necessary for the protection of health and safety, and that it will protect any future street layout shown on the official map or on a general circulation plan element of the municipal master plan.

With respect to design waivers, according to the Municipal Land Use Law, NJSA 40:55D-51, the board has the power to grant such exceptions from the design requirements as may be reasonable and within the general purpose and intent of the provisions for board review and approval “if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.”

4. Remington & Vernick Engineers, the Board engineers, prepared a report to the Board dated February 19, 2025. 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, Adam Warburton, PE, PP, who testified to the overall layout of the project. The proposal reconfigures several lot lines to provide that each of the 2 dwellings on the tract will be on separate lots (currently, both are on the same lot), which eliminates an existing nonconformity. The nonconforming tree farm on the tract is also being significantly reduced. No new construction is proposed on the unimproved/undeveloped lots (Block 69, Lots 1.01 & 2.02), and there will be no construction/development of the unimproved lots without the prior approval of the Planning Board or Zoning Board of Adjustment. The pole barn has been removed from the application. The chicken coops will be removed. The sheds in the front yard will be removed. Ordinance #2020-07 vacated the unnamed drift road which traversed over the tract. The Fire Company issued a letter indicating the sufficiency of the existing access drive for emergency access. Cross-access easements will be provided to assure that all resulting lots will have access to Thomas Avenue; the applicant/owners of the 2 developed lots will be responsible for all maintenance of the proposed cross-access easements. The applicant will apply to the NJDEP for an LOI, regarding delineation of wetlands and buffers. There are no curbs or sidewalks anywhere near the subject property. William Tindall, the applicant, testified to the intent to have a resulting 4 lots – 2 with the existing structures and 2 without improvements; the plans will need to be revised to reflect the same. The pole barn has been withdrawn from the application.

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 enforcement of the improved roadway requirement would entail practical difficulty or unnecessary hardship, and there will be adequate access for firefighting equipment, ambulances and other emergency vehicles necessary for the protection of health and safety.
4. The literal enforcement of the curbs & sidewalks requirement of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.
5. The Board took into consideration the comments from the public at the hearing.
6. 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. **Cross-access easements shall be required to assure that all resulting lots will have access to Thomas Avenue; the applicant/owners of the 2 developed lots will be responsible for all maintenance of the proposed cross-access easements; the form of the cross-access easements shall be approved by the Board Attorney & Board Engineer.**
3. **The applicant shall apply to the NJDEP for an LOI, regarding delineation of wetlands and buffers (response from NJDEP not required for resolution compliance).**
4. **The applicant shall revise the plans to reflect the resulting 4 lots – 2 with the existing structures and 2 without improvements.**
5. **No new construction is proposed on the unimproved/undeveloped lots (Block 69, Lots 1.01 & 2.02), and there will be no construction/development of the unimproved lots without the prior approval of the Planning Board or Zoning Board of Adjustment. (No additional Board approval is required for improvements to existing dwellings on new lots – Block 69, Lots 2.01 & 3.01).**
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*.

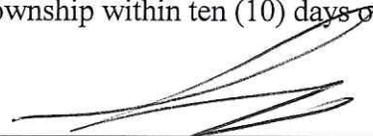
11. In accordance with NJSA 40:55D-46.1, approval of a minor site plan shall be protected for a two-year period; an extension on such approval may be granted by the Board not exceeding an additional one year. In accordance with NJSA 40:55D-47, approval of a minor subdivision shall expire 190 days from 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 Amended Resolution was duly adopted at a meeting held on October 2, 2025, memorializing the vote of the Little Egg Harbor Township Planning Board at a meeting previously held on April 3, 2025, a quorum being present and voting in the majority.

Robin Schilling, Board Secretary