

PRELIMINARY & FINAL MAJOR SUBDIVISION
& PRELIMINARY & FINAL MAJOR SITE PLAN
U.S. HOMES, LLC, d/b/a LENNAR
451 Center Street
Block 286, Lots 3, 5 & 6
Block 287, Lots 5 & 7
Zone – R-150 Residential Zone

Application No. 2025-02

**RESOLUTION OF APPROVAL 2025-14
PLANNING BOARD, TOWNSHIP OF LITTLE EGG HARBOR**

WHEREAS, an application has been made by U.S. Homes LLC, doing business as Lennar, for preliminary & final major subdivision approval and preliminary & final major site plan approval for Block 286, Lots 3, 5 & 6, and Block 287, Lots 5 & 7, as set forth on the Tax Maps of the Township of Little Egg Harbor, located at 451 Center Street; and

WHEREAS, the preliminary & final major site plan and the final plan of lots were prepared by Adams, Rehmann & Heggan Associates, latest revision dated July 25, 2025; the architectural plans were prepared by Holiday Architects, latest revision dated July 16, 2025; the landscape plans were prepared by Melillo, Bauer, Carman Landscape Architecture, latest revision dated July 24, 2025; the stormwater management report was prepared by Adams, Rehmann & Heggan Associates, latest revision dated July 25, 2025; the traffic engineering assessment was prepared by Shropshire Associates, latest revision dated July 25, 2025; the environmental impact statement was prepared by Adams, Rehmann & Heggan Associates, latest revision dated July 25, 2025; the threatened & endangered species evaluation was prepared by DuBois & Associates, dated September 27, 2024; the Copes Gray Tree Frog & Pine Barrens Tree Frog presence/absence survey report was prepared by DuBois & Associates, dated July 14, 2025; the Northern Long-Eared Bat mist-net survey report was prepared by DuBois & Associates, dated August 22, 2024; the Route 9 connection exhibit was prepared by Adams, Rehmann & Heggan Associates, dated July 28, 2025; the community impact statement was prepared by Richard B. Reading Associates, dated July 18, 2025; the vehicle count comparison was prepared by Shropshire Associates, dated August 20, 2025; the Board was also presented with the Ocean County Engineering Dept traffic count for Center Street, dated September 2, 2020, presented by an objector; and

WHEREAS, Planning Board conducted a public hearing on the application on July 3, 2025 & August 26, 2025, at which time the applicant was represented by Joseph Coronato Sr 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 Center Street, in the R-150 Residential Zone. The applicant seeks approval to subdivide the subject property in order to construct an age-restricted residential community, to be known as Venue at Summers Corner, consisting of 415 residential homes, comprised of 199 single family dwellings and 216 triplex homes in 72 buildings, along with a sales model area, sales trailer, construction trailer and a community amenities center/clubhouse. The applicant states that the roads, curbs, sidewalks and all stormwater pipes and management shall be owned and maintained by the homeowner association (to be created), and it is proposed to be a gated community.

The applicant requests variance relief for the following:

NO ZONING VARIANCES REQUESTED OR REQUIRED

The applicant requests the following design waiver relief:

Buffer interpretation/waiver requested relief (from code section 215-11.7F);

additional enhancing plantings proposed

Fencing around drainage basins requested relief

100ft buffer as determined by the board engineer; 67ft proposed

Strict compliance with the requirement for street trees at 50 FT spacing, without reduction of the number of trees required

Tree plots to be performed at a rate of 1 per 2 acres of cleared area, where 48 are required and 10 were performed

Fencing around stormwater basins – the applicant will comply with the fire chief's requirements for basin fencing

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 July 28, 2025. The Board hereby adopts the findings in the report and incorporates them in this Resolution by reference.

5. The applicant removed the request for a height variance for the clubhouse, thereby making the application variance-free and subject to planning board jurisdiction. The applicant presented the testimony of its expert, Wayne Birchler, project manager, who testified to the overall layout of the project. The tract is approximately 146 acres, 96.5 of which are being improved, and will result in a private 415 age-restricted residential development with a clubhouse. The applicant will make a payment to the Township in lieu of providing affordable housing, in accordance with the Township's affordable housing ordinance.

Lisa Higgins, the applicant's architectural witness, described the design of the homes being proposed. The resulting homeowner association for the development will be responsible for trash pickup.

Carolyn Feigin, PE, PP, testified that Center Street is a county road; the applicant will comply with all of the board engineer's stormwater management comments. The roadways and sidewalks will be ADA compliant. EV parking at the clubhouse will be provided, and level 1 EV charging will be provided at each home. The interpretation of the buffering ordinance left the applicant's engineer and the board engineer at odds, but the applicant agreed to enhance the buffering plantings to increase the buffer between residential developments to the satisfaction of the board engineer to ensure the buffer between residential developments is provided. Shade trees will be provided, but in a configuration that will recognize the limitations caused by driveways, street signs and utility poles. The applicant will comply with the fire chief's requirements for basin fencing. The proposed homeowner association documents (pursuant to code section 215-4.15A(14)(b)) will be submitted to the board attorney for approval prior to the establishment of the homeowner association. The applicant will otherwise comply with the comments of the board engineer's aforementioned review letter.

Marianne Risley, PWS, the applicant's environmental science expert, testified regarding the environmental impact statement submitted. The majority of the environmental issues are under the jurisdiction of and will be reviewed by the NJDEP and will be subject to NJDEP public comments and may be subject to public hearings. The environmental impact statement will be amended if necessary to include any items required by ordinance which have not been addressed.

David Shropshire, PE, PP, the applicant's traffic expert, testified to the affect of the subject proposed development on traffic in the area, and the layout of the streets in the development, particularly as to the access to the development from two points on Center Street. The applicant agreed to dedicate an area for a right-of-way for a future connection to Route 9, for better traffic alternatives for development residents and for better access for emergency vehicles.

The applicant further agreed to pursue the connection of the development to Route 9, including right-of-way dedications on off-site property and roadway construction, at the applicant's own cost and expense.

6. The Board also took the testimony of approximately 30 area residents who objected to the proposed development, raising issues such as quality of life, Barnegat Bay health, affordable housing requirements, insufficiency of area infrastructure, traffic problems, endangered species, flooding, parking, truck routes and roadway damage, insufficient roadway access, and the like. In particular, the Fire Chief commented on the need for sufficient access for emergency vehicles, and the need for sufficient gallons-per-minute for firefighting purposes.

As a result of the Board's concerns over some of these issues, the applicant agreed to pursue the connection of the development to Route 9, including right-of-way dedications on off-site property and roadway construction, at the applicant's own cost and expense.

WHEREAS, the Planning Board has determined that the application should be granted approval for the following reasons:

1. The aforementioned exceptions from the design requirements are reasonable and within the general purpose and intent of the provisions for board review and approval, and the literal enforcement of the same is impracticable or will exact undue hardship because of peculiar conditions pertaining to the proposed development.

2. The granting of the application 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. There are no zoning variances proposed, and the Applicant agrees to comply with all the conditions in the Board Engineer's letters issued.
4. The Board took into consideration 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. **A homeowners association shall be formed, and the declaration of restrictive covenants shall be reviewed and approved by the Board attorney prior to the filing of the same with the State of New Jersey.**
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.**
4. **The applicant shall obtain its proposed street vacations from the Township governing body, as noted on the plans.**
5. **The applicant will make a payment to the Township in lieu of providing affordable housing, in accordance with the Township's affordable housing ordinance.**
6. **The applicant shall comply with all conditions as contained in the aforementioned report of the Board Engineer, particularly all of the board engineer's stormwater management comments.**
7. **The applicant shall enhance the buffering plantings to increase the buffer between residential developments, to meet the intent and purpose of the buffering ordinance, as directed by the Board engineer.**
8. **Shade trees will be provided, but in a configuration that will recognize the limitations caused by driveways, street signs and utility poles.**
9. **The applicant's environmental impact statement will be amended if necessary to include any items required by ordinance which have not been addressed.**
10. **The applicant shall provide proof of compliance with sufficient gallons-per-minute water service for firefighting purposes by providing a hydraulic study confirming the same.**
11. **The Route 9 connection was deemed by the Board to be an integral component of the proposed application. The applicant shall pursue the connection of the development to Route 9, including right-of-way dedications of off-site property(ies) and roadway construction, at the**

applicant's own cost and expense; It is the applicant's intention and the board's requirement that when the necessary right-of-way and all government approvals are obtained, the applicant shall improve the traffic signal at Route 9 and extend the access road from the traffic signal to the southerly limit/property line of Block 287, Lot 4. Should the necessary right-of-way or government approvals not be achievable at fair market value, the applicant is shall return to the Board for an amendment to the application.

- 12. The applicant shall provide additional right-of-way to the maximum extent possible or a maximum of 50ft for Old Dump Road, a/k/a Otis Bog Road, for future development of said road by the township.**
- 13. No variances or other design waivers have been requested, and no variances or other 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 & final major subdivision approval and preliminary & 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 October 1, 2025, memorializing the vote of the Little Egg Harbor Township Planning Board at a meeting previously held on August 26, 2025, a quorum being present and voting in the majority.

Robin Schilling, Board Secretary