

PRELIMINARY & FINAL MAJOR SUBDIVISION
RIVERSTONE KIMBERLY CRT LEH 250-4-2024 LLC
Center Street
Block 287, Lot 8.02
Zone – R-100/R-150 Residential Zones

Application No. 2025-03

**RESOLUTION OF APPROVAL 2025-17
PLANNING BOARD, TOWNSHIP OF LITTLE EGG HARBOR**

WHEREAS, an application has been made by Riverstone Kimberly CRT LEH 250-4-2024 LLC for preliminary & final major subdivision approval for Block 287, Lot 8.02, 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 Dynamic Engineering, dated May 14, 2025; the preliminary & final major subdivision plat was prepared by Dynamic Engineering, dated April 30, 2025; the survey was prepared by Dynamic Surveying, dated November 22, 2024; the architectural plans were prepared by Daniel Condatore, RA, dated June 12, 2025; and

WHEREAS, Planning Board conducted a public hearing on the application on September 4, 2025, at which time the applicant was represented by Michael Lario 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-100 & R-150 Residential Zones. The applicant seeks approval to subdivide the existing property into 8 building lots and 2 drainage basin lots.

The applicant requests variance relief for the following:

- Lot depth: 100ft required; 69.75 proposed for new lot 8.08 (modified at the hearing)
- Lot depth: 100ft required; 69.75 proposed for new lot 8.09 (modified at the hearing)

The applicant requests design waiver relief for the following:

none

With respect to bulk variances, according to the Municipal Land Use Law, NJSA 40:55D-70, the board has the power to grant a variance from the strict application of the bulk zoning regulations where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any such regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property; or where in an application relating to a specific piece of property the purposes of the Act would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

4. Remington & Vernick Engineers, the Board engineers, prepared a report to the Board dated July 30, 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, Matthew Sharo, PE, PP, who testified to the overall layout of the project. The applicant proposes to improve the unnamed roadway to provide access to the newly created lots. The street will terminate in a cul-de-sac, the radius of which creates the depth variance being requested for lot dept at the joint sideline of new lots 8.08 & 8.09 – the depth at the location of the proposed houses on said lots will conform to the zoning requirements. Sidewalks will be provided on the north side of the street and in the cul-de-sac. Parking will be permitted on the north side of the new street, and not on the south side, in order to create sufficient width for emergency vehicle access to all lots. The applicant will request that the Township vacate the balance of the unnamed, unimproved street. The Fire Company issued a letter dated August 28, 2025 regarding access to all lots, and the applicant agreed to comply with the recommendations in the same. A homeowner association will be created to be responsible for maintenance of the drainage basins, and the formation documents will be submitted to the board attorney and the board engineer for approval in advance. The applicant agreed to shift the cul-de-sac roadway to the south by 10ft in order to minimize the lot depth variances for new lots 8.08 & 8.08 to approximately 79ft rather than 69ft in the zone requiring 100ft of lot depth (without creating variances on new lots 8.10 & 8.11). Nathan Hanrahan, RA, the applicant's architect, testified to the design of the proposed houses on the 8 buildable lots, which will contain 4 bedrooms and 3 bathrooms. None of the homes will be affordable housing units, and the applicant will contribute to the Affordable Housing Fund as required by ordinance. Kevin Savett, the applicant's traffic engineer, testified to the minimal number of traffic trips that will be generated by the 8 additional homes being proposed.

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 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. **Sidewalks shall be provided on the north side of the street and in the cul-de-sac.**
3. **Parking shall be permitted on the north side of the new street, and not on the south side, in order to create sufficient width for emergency vehicle access to all lots.**
4. **The applicant shall request that the Township vacate the balance of the unnamed, unimproved street.**
5. **A homeowner association shall be created to be responsible for maintenance of the drainage basins, and the formation documents must be submitted to the board attorney and the board engineer for approval in advance.**
6. **The applicant shall revise the plans to shift the cul-de-sac roadway to the south by 10ft in order to minimize the lot depth variances for new lots 8.08 & 8.08 to approximately 79ft rather than 69ft in the zone requiring 100ft of lot depth (without creating variances on new lots 8.10 & 8.11).**
7. **None of the homes will be affordable housing units, and the applicant must contribute to the Affordable Housing Fund as required by ordinance.**
8. **The applicant shall comply with all conditions as contained in the aforementioned report of the Board Engineer.**
9. **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 (if applicable). 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 subdivision 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 2, 2025, memorializing the vote of the Little Egg Harbor Township Planning Board at a meeting previously held on September 4, 2025, a quorum being present and voting in the majority.



Robin Schilling, Board Secretary