LITTLE EGG HARBOR TOWNSHIP PLANNING BOARD
665 Radio Road
Little Egg Harbor, NJ 08087

Minutes of Meeting Held On September 3, 2026

Regular Meeting, Thursday, September 3, 2026, 7:00 p.m., Municipal Court Room, 1st Floor, 665 Radio Road, Little Egg Harbor, New Jersey.

1. READING OF THE OPEN PUBLIC MEETING STATEMENT

2. SALUTE TO THE FLAG.

3. ROLL CALL

Chairman George Garbaravage, Vice-Chairman Matthew Benn, Mayor Ken Laney, Deputy Mayor Dan Maxwell, Kathy Tucker, Robert Shay & Roberta Rapisardi
Absent: Bryson Kershner & Madalynn Flynn

APPEARING FOR THE PROFESSIONALS:
Terry Brady, Esq., of Brady & Kunz, Planning Board Attorney
Ernie Peters of Remington & Vernick, Planning Board Engineer

4. APPROVAL OF MINUTES

On a motion by Mr. Shay, seconded by Ms. Rapisardi, the minutes of the August 6, 2026 Planning Board meeting were moved for approval. Roll Call:

Tucker – Yes	Shay – Yes	Rapisardi – Yes	Maxwell – Abstain
Laney – Yes	Benn – Yes	Garbaravage - Yes	

5. ADMINISTRATIVE MATTER

None

6. MEMORIALIZATION OF RESOLUTIONS

A. Resolution 2026-15
Philly Cheese Steak Factory, LLC
Application #2026-01
425 Route 9 South / Block 277, Lot 11
Change of Use

On a motion by Mr. Shay, seconded by Mr. Laney, Resolution 2026-15 was moved for approval. Roll Call:

Tucker – Yes	Shay – Yes	Rapisardi – Yes	Maxwell – Abstain
Laney – Yes	Benn – Yes	Garbaravage – Yes	

7. MATTERS OF DISCUSSION

A. Ordinance 2026-16 – an Ordinance of the Township of Little Egg Harbor, County of Ocean, State of New Jersey, amending Chapter 215, "Land Use and Development", Article IX, "Application Standards", section 215-9 of the Township Code of the Township of Little Egg Harbor

Mr. Brady reviewed the proposed Ordinance assuring the Board that it is not inconsistent with the Master Plan of the Township and applicants will be required to submit a digital copy of applications with the paper copies. Mr. Brady prepared a Resolution affirming the Board's recommendation to the governing body for this Ordinance. On a motion by Mr. Shay, seconded by Mr. Laney, the Board approved the Resolution. Roll Call:

Tucker – Yes	Shay – Yes	Rapisardi – Yes	Maxwell – Yes
Laney – Yes	Benn – Yes	Garbaravage – Yes	

8. APPLICATIONS FOR CONSIDERATION

A. Application #2026-03
Vision Properties – Seagull Pavilion, LLC
425 Route 9 South
Block 276, Lots 8 & 9
Amended Preliminary & Final Site Plan Approval

Michael Malinsky, Esquire for the applicant. Applicant is the new owner of the existing ACME shopping center and while making site improvements, removed the existing dilapidated wooden fence and replaced it with a "living fence." Sworn in applicant / managing member, John DiDonato. Mr. DiDonato stated they purchased the site in August, 2025 and thereafter met with the zoning officer to determine what the prior owner never completed as part of their approval. Mr. DiDonato stated they have improved lighting, roofing, paving, curbing, and are working on the irrigation system. The wooden fence on the southern side of the site has been replaced with a vinyl fence. All outstanding Certificates of Occupancy have been completed. Marked as Exhibit A-1 was a copy of the site plan page showing the location of the dilapidated wooden fence and where they wish to plant a living fence. Applicant is proposing 34 Green Giant Trees that will grow 30 feet in height and 12 feet wide. Marked as Exhibit A2 were four photographs taken on 9/2/2026 of the existing trees that now serve as a living fence. The trees that were planted have all died and are color enhanced on Exhibit A2. Once replanted, the applicant will maintain the new trees. Sworn in applicant's planner, Tiffany Morrisey. Ms. Morrisey stated that the township's Ordinance does not permit a fence, living or otherwise, to exceed 6 feet in height. Ms. Morrisey discussed the positive and negative criteria of the proposed amended site plan application. The Chairman asked for clarification if the trees would be in a straight line or staggered. Mr. Peters stated we the layout needed to be confirmed in the event that additional trees are needed, as well as a timing for re-planting. Applicant indicates the trees will be replanted by the end of October. Mr. Shay stated that it will be 12-15 years before the trees create a fence.

On a motion by Mr. Shay, seconded by Mr. Laney, the meeting was opened to the public. All aye.

William Van Orden (sworn in) – Mr. Van Orden requested permission to show the board "fast growing trees" from a photo on his cell phone.

Amanda Mower (sworn in) – Ms. Mower likes the idea of a living fence, but offered a suggestion of native trees vs. the Green Giant species proposed. Mr. Malinsky will work with the board engineer as to the species of trees.

Timothy Tracey (sworn in) – Mr. Tracey discussed a denial the prior owner received in 2009, maintenance of the trees and reasons why the original plantings did not survive. Marked as Exhibits O1-O19 were photos provided by Mr. Tracey showing the existing trees, holes in the ground where the fence was removed and trash in his yard. He also stated that the HVAC unit on

the roof of Naples makes a constant noise. He stated that a new fence was installed one side of the property, why not both sides.

Amanda Mower – Ms. Mower stated that maybe a combination of plantings would be a good remedy.

On a motion by Mr. Benn, seconded by Mr. Laney, the meeting was closed to the public. All aye.

Mr. Malinsky responded to some of the concerns brought up and concluded his testimony. Mr. DiDonato stated that they have a service that comes out every other day to clean up the site and have made a good faith effort to clean up the area and stated that one neighborhood complained that the new lighting was shining in her home and they fixed the problem already.

There being no other testimony or questions, on a motion by Mr. Shay, seconded by Mr. Benn, application #2026-03 was approved. Roll Call:

Tucker – Yes	Shay – Yes	Rapisardi – Yes	Maxwell – Yes
Laney – Yes	Benn – Yes	Garbaravage – Yes	

9. PUBLIC COMMENT

On a motion by Mr. Shay, seconded by Mr. Benn, the meeting was opened to the public. All aye.

Amanda Mower – Ms. Mower asked if the Board was aware of a DEP defiency letter for the Lennar / US Homes site and same has not been either filed with / received by the township clerk. She also asked about a Resolution and Developer's Agreement that is on the township's website for the Lennar / UA Homes litigation.

Timothy Tracey – Mr. Tracey asked how the newly planted trees will stop trash from going into his yard. Mr. Peters responded.

John Schwaller – Mr. Schwaller asked if there were any Ordinances being put into place for data centers and he was referred to the township committee.

On a motion by Mr. Shay, seconded by Mr. Benn, the meeting was closed to the public. All aye.

10. PAYMENT OF VOUCHERS

On a motion by Mr. Shay, seconded by Ms. Rapisardi, the following payments were approved: (1) $4,118.75 to Remington & Vernick Engineers; (2) $655.00 to Brady & Kunz; and (3) $100.00 to Robin Schilling, Recording Secretary.

Roll Call:

Tucker – Yes	Shay – Yes	Rapisardi – Yes	Maxwell – Yes
Laney – Yes	Benn – Yes	Garbaravage – Yes	

11. ANNOUNCEMENTS

The Chairman reminded the board members that the board secretary sent out an email regarding the mandatory training classed offered by the NJPO.

12. ADJOURNMENT

There being no further business, on a motion by Mr. Shay, seconded by Mr. Laney, the meeting was adjourned. All aye.

Respectfully submitted,

Robin Schilling,
Planning Board Recording Secretary

George Garbaravage, Chairman
Planning Board