AMENDED PRELIMINARY & FINAL
MAJOR SITE PLAN
VISION PROPERTIES – SEAGULL PAVILION LLC
425 Route 9 South
Block 276, Lots 8 & 9
Zone – Route 9 Gateway Overlay Zone North,
within the GB General Business Zone

Application No. 2026-03

RESOLUTION OF APPROVAL 2026-17
PLANNING BOARD, TOWNSHIP OF LITTLE EGG HARBOR

WHEREAS, an application has been made by Vision Properties – Seagull Pavilion LLC for an amendment to the preliminary and final major site plan approval for property located at 425 Route 9 South, known and designated as Block 276, Lots 8 & 9, as set forth on the Tax Maps of the Township of Little Egg Harbor; and

WHEREAS, the site plan was prepared by Kenderian-Zilinski, dated May 4, 2006; and

WHEREAS, Planning Board conducted public hearings on the application on September 3, 2026, at which time the applicant was represented by Michael Malinsky 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 at 425 Route 9 South in the Route 9 Gateway Overlay Zone North, within the GB General Business zone. The applicant was previously granted preliminary & final major site plan approval as set forth in Resolution 2005-01, Resolution 2006-03, Resolution 2006-05 & Resolution 2006-26, for improvements to the subject property. The applicant now seeks an amended preliminary & final major site plan approval for the removal of the existing 6ft privacy fence and replacement with the installation of approximately 34 7-8ft giant arborvitae trees. It is noted that the fence has already been removed, and the trees have been installed.

With respect to this application for an AMENDED PRELIMINARY & FINAL MAJOR SITE PLAN:
The applicant now seeks the following additional variance relief:

Fence/hedge/wall: 6ft permitted; evergreen hedge to grow approx. 30ft proposed

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 August 24, 2026. The Board hereby adopts the findings in the report and incorporates them in this Resolution by reference.

5. The applicant presented the testimony of John DiDonato, the principal of the applicant, regarding the existing conditions and the proposed improvement by means of trees rather than wood fencing. The applicant also presented the testimony of its expert, Vicki Morrissey, PP, who testified to the overall layout of the new project. The newly installed trees have not faired well, due to the lack of irrigation, and an irrigation system has now been installed for the trees to be planted. The species of arborvitae selected is readily available and grows at a rapid rate of 3-4ft per year. The applicant agreed to stagger the trees in order to maximize the screening provided by the new trees (which may exceed 34 trees), and the applicant will consider more native species of arborvitae if readily available. The applicant anticipates installation by the end of October 2026 in order to meet the prime fall planting season; the applicant will consult with the board engineer regarding the same. The applicant will also be vigilant regarding the blowing of trash thru the trees in order to avoid impact on neighboring properties.

The testimony reflected that the proposal is in keeping with the area and neighborhood and that the granting of the same would not be detrimental to the public good. The 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 granting of the application will not be a substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan, Master Plan and/or the Zoning Ordinances of the Township of Stafford.
2. The the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment; the proposed trees will provide better buffering and visual environment as opposed to a wood fence.

3. The positive criteria outweigh the negative, if any.
4. The safety and well-being of the immediate area will not be adversely affected by the granting of the relief requested.
5. No other variance has been requested or applied for, and no other variance is granted or approved by implication.
6. The Board had taken into consideration all of 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. **The applicant shall comply with all conditions as contained in the aforementioned report of the Board Engineer.**

3. **The applicant shall comply with all conditions set forth in the aforementioned prior resolutions referred to above, incorporated herein by reference.**

4. **The applicant shall stagger the trees in order to maximize the screening provided by the new trees (which may exceed 34 trees), and the applicant will consider more native species of arborvitae if readily available, as approved by the Board Engineer; the applicant shall assure installation by the end of October 2026 in order to meet the prime fall planting season.**

5. **The applicant shall also be vigilant regarding the blowing of trash thru the trees in order to avoid impact on neighboring properties.**

6. **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 Amended 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 Zoning Department, 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, Chairman

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, 2026, memorializing the vote of the Little Egg Harbor Township Planning Board at a meeting previously held on Septem er 3, 2026, a quorum being present and voting in the majority.

Robin Schilling, Board Secretary