RESOLUTION OF MEMORIALIZATION OF THE LITTLE EGG HARBOR TOWNSHIP BOARD OF ADJUSTMENT

RESOLUTION NO. 2026-17
Application #2026-10

RE: OAK HILL GENERAL CONTRACTORS, LLC
Block 190.02, Lot 8
15 Birchwood Drive
Little Egg Harbor, New Jersey 08087
Application for a bulk variance

WHEREAS, OAK HILL GENERAL CONTRACTORS, LLC, whose mailing address is 56 Walnut Street, Little Egg Harbor, New Jersey 08087, has applied for relief pursuant to N.J.S.A. 40:55D-70(c), affecting premises located at Block 190.02, Lot 8, as shown on the Tax Map of the Township of Ocean and otherwise known as 15 Birchwood Drive, in the Township of Little Egg Harbor, State of New Jersey; and

WHEREAS, such proof of service as may be required by the New Jersey Statutory Law and Township Ordinance requirements upon appropriate property owners and governmental bodies has been duly furnished; and

WHEREAS, a public hearing was held on said application on October 14, 2026, in the Municipal Building of the Township of Little Egg Harbor and testimony and exhibits were presented on behalf of the applicant, and all interested parties having been heard; and

WHEREAS, said Board having considered said application, testimony and exhibits submitted and inspection of the site, if any, makes the following findings:

1. The application is deemed complete pursuant to the applicable provisions of the Little Egg Harbor Township Zoning Ordinance.

2. The property in question (PIQ) is located on the northerly side of Birchwood Drive (an unimproved road) approximately 1,410 ft east of Wood Street. The site contains 0.83 acres. The Site is currently vacant and wooded. The municipal boundary line between Little Egg Harbor Township and Tuckerton Borough is located along the south side of Birchwood Drive.

The Applicant is proposing to construct a single family dwelling with 3 bedrooms, with a front and rear porch, and a 12 ft wide gravel driveway. The site is proposed to be serviced by a potable well and on-site septic system.

It appears that the Applicant proposes to improve Birchwood Drive along the entire site frontage with a 4-inch-thick, clean asphalt millings.

3. Applicant seeks the following relief:

A. **Per §215-12.1:** The applicant requires relief from §215-12.1 to construct a one-story single-family dwelling on a conforming lot on a semi-improved road. The Applicant is proposing to improve Birchwood Drive along the entire site frontage with 4-inch-thick, clean asphalt millings.

5. Applicant requests no other bulk variances or waivers.

6. Applicant provided testimony stating that the subject property is 1400 feet from Wood Street, an improved roadway, and that there are 11 other single family homes between the subject property and Wood Street. Applicant also provided testimony that the relief requested will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the Zoning Plan or Zoning Ordinance, while enhancing the

use, value and layout of the subject property.

7. Rick Heim provided testimony on behalf of the Applicant and Mr. Heim indicated that he was an authorized member of the limited liability corporation who is the owner of the subject property. He further offered testimony that he will comply with all bulk requirements of the zone.

7. Applicant was represented by Kevin Quinlan, Esquire.

8. Based upon the foregoing evidence, the Board makes the following findings:

A. The applicant has demonstrated that the requested variance relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan or Zoning Ordinances of the Township of Little Egg Harbor.

B. The proposed structure will not have a negative impact on light, air and open space to adjoining property.

NOW, THEREFORE, BE IT RESOLVED, by the said Board that on this 18th day of November, 2026, the application is hereby deemed approved, in accordance with the application and documents submitted by the applicant.

1. The applicant shall strictly adhere to all representations, plans and exhibits submitted with regard to the subject property and shall further comply in all respects with the technical review letter under date of September 28, 2026, as prepared by the Township of Little Egg Harbor Board of Adjustment Engineer, a copy of which is annexed hereto and made a part hereof.

2. Applicant is granted the following relief:

A. **Per §215-12.1:** The applicant requires relief from §215-12.1 to construct a

one-story single-family dwelling on a conforming lot on a semi-improved road. The Applicant is proposing to improve Birchwood Drive along the entire site frontage with 4-inch-thick, clean asphalt millings.

3. Applicant shall prepare and record a Deed Restriction acceptable to the Board Engineer and Board Attorney, indicating responsibility to maintain the subject roadway, fronting his property in perpetuity. Applicant shall specifically covenant on the Deed that the Township has no obligation or intention to improve the subject roadway commonly known as Birchwood Drive. Said Deed shall be submitted to the Board Secretary, no later than 90 days following memorialization of the Resolution.

4. Applicant shall comply with all stormwater management rules in connection with improvements made to Birchwood Drive and shall further post any fees required in connection therein.

5. Applicant agrees to not petition the Township of Little Egg Harbor for improvement of the subject roadway and further understands and agrees that the roadway shall not be plowed or otherwise maintained by the Township of Little Egg Harbor.

6. Applicant shall insure that there is enough clearing of the roadway for a turnaround for emergency vehicles and other large vehicles that may need to access the property.

7. Applicant shall correspond with a Little Egg Harbor Police Department Traffic Safety Officer, as well as the Fire Company having jurisdiction over the property, to seek advice on any additional improvements required from a public safety perspective and shall implement the same to the satisfaction of the Board Engineer. Copies of such letters shall be delivered to the Board

Secretary within 30 days of the memorialization of this Resolution.

8. Applicant shall comply with all Township Engineer letters.

9. The applicant shall further reimburse the Township of Little Egg Harbor Zoning Board of Adjustment for all professional fees expended with regard to this application within thirty (30) days from the date of memorialization of this Resolution or any approvals granted herein shall automatically become null and void

10. The applicant shall further secure any and all other necessary applications, permits or approvals and post any surety bonds that may be required by any other governmental agency.

11. The applicant shall resubmit this entire application should there be any substantial deviation from this Resolution or the submitted plans, documents, or oral representations made by this applicant, his attorneys or other professionals.

GREG LESZEGA, CHAIRMAN
Little Egg Harbor Zoning Board of Adjustment

CERTIFICATION

The foregoing is a true copy of a memorializing resolution by said Board at its meeting of October 14, 2026, as copied from the minutes of said meeting.

Robin Schilling, Board Secretary
Little Egg Harbor Zoning Board of Adjustment