

PRELIMINARY & FINAL MAJOR SITE PLAN
CGP ACQUISITIONS & DEVELOPMENT LLC
DOLLAR GENERAL
Block 254, Lot 4.01
Route 539
Zone – Scenic Gateway Overlay of General Business

Application No. 2016-05

**RESOLUTION OF APPROVAL 2016-22
PLANNING BOARD, TOWNSHIP OF LITTLE EGG HARBOR**

WHEREAS, an application has been made by CGP Acquisitions & Development, LLC, for preliminary and final major site plan approval for Block 254, Lot 4.01, as set forth on the Tax Maps of the Township of Little Egg Harbor; 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 public hearing on the application was held on October 6, 2016, at which time the applicant was represented by Jason Tuvel, Esq.
4. The site in question is located in the Scenic Gateway Overlay portion of the General Business Zone. The site is located on the southbound side of Route 539, south of Sixth Avenue.
5. The applicant is seeking preliminary and final major site plan approval to construct a 9,243 sq. ft. Dollar General retail store, along with associated site and infrastructure improvements.

The following variances are requested:

Parking spaces :	37 spaces required; 34 proposed
Parking in front yard:	None permitted; parking in front of building proposed
Parking setback:	70 ft. required; 50 ft. to Route 539 proposed
Cross-access parking:	Interconnection required; none proposed
Identification sign setback: (side yard)	20 ft. required; 15 ft. proposed

The following design waivers are requested:

50 ft. natural buffer area along Route 539 required; clearing for sign visibility proposed

30 ft. buffer to residential use required; clearing & improvements in buffer proposed

Parking lot landscaping required; none proposed

7. T&M Associates, the Board engineers, prepared a report to the Board dated September 26, 2016. Taylor Design Group, the Board landscape architects, prepared a report to the Board dated October 5, 2016. The Board hereby adopts the findings in the reports and incorporates them in this Resolution by reference.

8. The applicant presented the testimony of Dan Dougherty, P.E., regarding the scope of the application and plans for development. The testimony confirmed the applicant's agreement to comply with the conditions set forth in the letters of the Board professionals referenced above. The applicant also presented the testimony of James Kyle, P.P., A.I.C.P., regarding the planning requirements of the site. The testimony elicited supported the applicant's contention that the proposed site plan is in keeping with the area 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 positive criteria outweigh the negative, if any.
4. The Board had taken into consideration the public comment at the hearing.
5. The safety and well being of the immediate area will not be adversely affected by the proposed site plan.

6. The proposed changes to the site would serve the public interest.

7. The application is in substantial compliance with the Zone Plan or Master Plan, and will not unduly impact upon the neighborhood scheme.

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. **The plans shall be revised to provide a privacy fence between the non-residential and residential uses to the north and south of the subject site. The applicant's engineer agreed to work with the Board professionals regarding type and location of said fencing.**
2. **Trash pick will occur only between the hours of 8:00 am and 5:00 pm. Store deliveries will occur during the store's off-peak hours (typically between 11:00 and 1:00 pm). Delivery vehicles are prohibited from parking or standing on Route 539.**
3. **The applicant will work with the Township Department of Public Works with respect to disposal of recyclable materials.**
4. **The applicant agreed to revise the architectural plans to reflect enhanced treatments knee wall, faux windows, columns, etc.) on the north facade, similar to what has been proposed for the south façade.**
5. **The monument sign will be internally lit.**
6. **The applicant agrees to incorporate comments received from the local Fire Department, including "No Parking Fire Lane" markings/signage and a knox box.**
7. **The applicant shall comply with all conditions and recommendations of the Board professionals contained in the reports of T&M Associates, the Board engineers, dated September 26, 2016, and Taylor Design Group, the Board landscape architects, dated October 5, 2016.**

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 Board Engineer's Report, and the conditions in the Board Landscape Architect's report.

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. The applicant has agreed and is required to provide additional information, including soil borings and permeability test results, to the Board Engineer to confirm the underground infiltration systems will function as designed.

12. The applicant shall provide proof of compliance and approval from NJDEP and/or CAFRA, if applicable.

BE IT FURTHER RESOLVED the applicant's request for board approval of preliminary and final major site plan, 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.



KENNETH LANEY, 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 November 3, 2016, memorializing the vote of the Little Egg Harbor Township Planning Board at a meeting previously held on October 6, 2016, a quorum being present and voting in the majority.



Robin Schilling, Board Secretary