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

RESOLUTION NO. 2016-12
VARIANCE APPLICATION NO. 2016-03

RE: MSC ENTERPRISES, LLC
BLOCK 292, LOT 12
158 OAK LANE
USE VARIANCE

WHEREAS, MSC ENTERPRISES, LLC, whose mailing address is 22 South Hope Chapel Road, Jackson, New Jersey 08527, has applied for relief pursuant to N.J.S.A. 40:55D-70(d), affecting premises located at Block 292, Lot 12 on the Tax Map of the Township of Little Egg Harbor and otherwise known as 158 Oak Lane, Little Egg Harbor, 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 March 9, 2016 and April 13, 2016, 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 property in question is located in the north side of Oak Lane approximately 600ft east of Central Avenue. The site is currently developed with a 6,756 sf retail building, driveways, parking, landscaping, utilities and lighting. Residential homes are located south of the site and are undeveloped and wooded to the north, east and west of the site.

2. The Applicant is proposing to convert the existing structure into four (4) two-bedroom and three (3) one-bedroom residential dwellings. Other improvements will include the alteration of the parking spaces in front of the building to provide landscaped islands and installation of privacy fences behind the building between the units. The use is not permitted use in the General Business Zone, and therefore the Applicant required a d(1)" use variance. The following minimum bulk standards are required to be met in accordance with §15-4.19.E:

A. A minimum lot area of 185,996 ST is proposed when 22,500 SF is required.

B. A minimum lot width of 475 FT is proposed 150 FT is required.

C. A minimum lot depth of 435 FT is proposed when 150 FT is required.

D. A minimum side yard setback of 51 FT is proposed when 20 FT is required.

E. A minimum combined side yard setback of 275 FT is proposed when 40 FT is required.

F. A minimum rear yard setback of 238 FT is required when 40 FT is required.

G. A maximum building coverage of 3.7% is proposed when 50% is required.

H. A building height of <40 FT, 1 story is proposed when <40 FT 2 ½ stories is required.

I. A total of 24 parking spaces is proposed when 14 spaces (1) is required.

10. Members of the public offered testimony with regard to the application, although non-specific in nature.

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

A. The applicant has justified the grant of the required use variance for the conversion of the existing structure into seven (7) apartments, four (4) two bedroom and three (3) one bedroom.

NOW, THEREFORE, BE IT RESOLVED, by the said Board that on this 11th day of May 2016, based upon the findings herein above stated, the application for use variance approval as well as for the requested bulk variance and preliminary and final site plan approval is hereby granted subject to the following conditions, together with all stipulations of the applicant:

1. The applicant shall comply with all square footage requirements.

2. There shall be a total of seven (7) units, four (4) two bedroom and three (3) one bedroom

3. Applicant shall provide a 10 x 10 concrete patio for each unit.

4. Applicant shall provide a 3 FT picket fence barrier along the rear of each unit.

5. As a specific condition of approval, applicant agrees not to install solar on the roofs or premises.

6. Applicant shall comply with all residential building codes which may be applicable.

7. Per §15-4.17F(2)(g) all portions of the tract not utilized by buildings or paved surfaces shall be landscaped. The plans shall provide additional shrubs and trees north of the rear parking lot, east and west of the building and driveways, and comply with Board Landscape Architect review letter.

8. The Applicant shall provide on the plans location and drawn details showing the size, nature of construction, height and content of all proposed signs to ensure compliance.

9. Location and details of building lights should be shown on the plans.

10. Pursuant to §15-15.4B the applicant is to obtain approval from the following agencies:

a. Little Egg Harbor Municipal Utilities Authority

b. Ocean County Planning Board

11. The applicant shall further reimburse the Little Egg Harbor Township 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.

12. 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.

13. The applicant shall resubmit this entire proposal 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.

EDWARD GAUTIER, Chairman
Little Egg Harbor Zoning Board of Adjustment

CERTIFICATION

The foregoing is a true copy of a memorializing resolution by said Board at its meetings of April 13, 2016, as copied from the minutes of said meetings.

ROBIN SCHILLING, Board Secretary
Little Egg Harbor Zoning Board of Adjustment