

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

**RESOLUTION NO.: 2016-14
VARIANCE APPLICATION NO.: 2016-05**

RE: WHELAN, THOMAS
Block 325.20, Lot 11
Application for Time Extension for Preliminary Site Plan Approval
With Variances

WHEREAS, THOMAS WHELAN , whose mailing address is 108 N. Green Street, Tuckerton, New Jersey 08087, has applied for relief pursuant to N.J.S.A. 40:55D-70(c) as well as an extension of time for preliminary and site plan approval with variances affecting premises located at Block 325.20, Lot 11, as shown on the Tax Map of the Township of Little Egg Harbor; and

WHEREAS, a public hearing was held on said application on April 13, 2016, in the Municipal Building of the Township of Little Egg Harbor and testimony was presented on behalf of the applicant and all interested parties having been heard; and

WHEREAS, said Board having considered said application and testimony of the applicant, 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 is 12.31 acres and is located along the western side of Mathistown Road approximately 715 FT south of Center Street within the GB General Business (GB) Zone and the R-75 residential Zone. The Applicant is proposing two phases of

construction, the first of which will include a 40,000 SF Supermarket, 13,244 SF of Commercial retail Space and a 2,899 SF Bank. The second phase will contain 20,000 SF of what the Applicant describes as commercial expansion space.

1. The applicant's request for a time extension for preliminary site plan approval with variances is hereby granted.
2. Applicant shall further be required to abide by all requirements imposed by the State of New Jersey, County of Ocean and Township of Little Egg Harbor with regard to all health and safety regulations, noise requirements and construction permit issues and other requirements associated with the subject site.
3. 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.
4. 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.
5. 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.
6. Lastly, no testimony was offered from the public.
7. Based upon the foregoing evidence, the Board make the following findings:
 - A. The Board finds that the applicant's request for a time extension for

preliminary site plan approval with variances is hereby granted.

8. Further, said extension shall be for one (1) year and shall run from the memorialization date of the resolution.

9. The Board previously approved this statutory one-year extension on April 13, 2016, however, on June 30, 2016 the State adopted an amendment to the Permit Extension Act, known as the Sandy Extension of the Permit Extension Act, PL 2016, ch. 14, which extended the permit extension period for Superstorm Sandy impacted counties, including Ocean County, for an additional year through December 31, 2016.

10. The applicant has requested and the Board has agreed that the one-year extension period granted by the Board should run from the expiration of the statutory extension period (which allows for an additional 6 months beyond the expiration of the Act), from July 1, 2017 through June 30, 2018.

NOW, THEREFORE, BE IT RESOLVED, by the said Board that on this 9th day of November, 2016, based upon the findings herein above stated, the application for a time extension for preliminary site plan approval with variances is hereby granted. Said extension shall be for a one year period and shall start running from the memorialized date of the resolution.

1. 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.

2. 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.

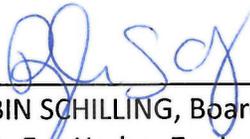
3. The applicant shall resubmit this entire proposal should there be any substantial deviation from this Resolution or the submitted plans, documents, or oral representations made by this applicant his attorneys or other professionals.



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 meeting of November 9, 2016, as copied from the minutes of said meeting.



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