

SITE PLAN APPROVAL
MY THREE SONS SEAFOOD & PRODUCE
842 & 850 Route 9 North
Block 175, Lots 5 & 6.01
Zone – Gateway Overlay Zone, within the
GB General Business Zone

Application No. 2013-04A

**RESOLUTION OF APPROVAL 2024-11
PLANNING BOARD, TOWNSHIP OF LITTLE EGG HARBOR**

WHEREAS, an application has been made by My Three Sons Seafood & Produce for site plan approval of Block 175, Lots 5 & 6.01, as set forth on the Tax Maps of the Township of Little Egg Harbor; and

WHEREAS, the site plan was prepared by Nelke, Constantine & Associates, dated January 30, 2024; and

WHEREAS, Planning Board conducted public hearings on the application on July 2, 2024, at which time the applicant was represented by Rich Visotcky 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 the intersection of Route 9 & Dock Street in the Gateway Overlay Zone within the GB General Business zone. The applicant seeks approval of an additional 12 parking spaces with additional curbs and sidewalks along the Lot 5 frontage.

The applicant requests variance relief for the following:
none

The applicant requests design waiver relief for the following:
Street trees required; none provided

4. Remington & Vernick Engineers, the Board engineers, prepared a report to the Board dated May 16, 2024. Taylor Design Group, the Board landscape architects, prepared a report to the Board dated June 3, 2024. The Board hereby adopts the findings in the reports of its professionals and incorporates them in this Resolution by reference.

5. The applicant presented the testimony of its expert, Jeff Daum, PE, PP, who testified to the overall layout of the project. The applicant received prior Board approvals for all onsite conditions, and the applicant has already consolidated the subject lots and constructed the required curbs and sidewalks along the new parking lot. No new building construction is involved.

The testimony elicited supported the applicant's contention that the proposed preliminary and final major site plan is in keeping with the area and neighborhood 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 is a permitted use with no variances or deviations from the requirements of the Township's zoning ordinances.

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.

4. The Board has taken into consideration any 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 continue to comply with all conditions of the prior approvals granted with regard to the subject property.

4. This approval shall be subject any outside agency approvals applicable.

5. 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*.

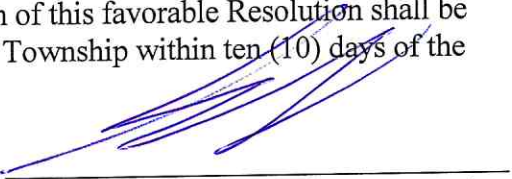
11. In accordance with N.J.S.A. 40:55D-46.1, approval of a minor site plan shall be protected for a two-year period; an extension on such approval may be granted by the Board not exceeding an additional one year. In accordance with N.J.S.A. 40:55D-47, approval of a minor subdivision shall expire 190 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 N.J.S.A. 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 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 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, 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 July 2, 2024, memorializing the vote of the Little Egg Harbor Township Planning Board at a meeting previously held on July 2, 2024, a quorum being present and voting in the majority.



Robin Schilling, Board Secretary