

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

**RESOLUTION NO. 2024-13
VARIANCE APPLICATION NO. 2023-11A**

RE: AVB REAL ESTATE, LLC
Block 78, Lot 3
1310 North Green Street
Preliminary Site Plan Approval

WHEREAS, AVB REAL ESTATE, LLC whose mailing address is 431 Princeton Avenue, Brick, New Jersey 08724, has applied for Preliminary and Final Site Plan Approval affecting premises located at Block 78, Lots 3, on the Tax Map of the Township of Little Egg Harbor and otherwise known as 1310 North Green Street, 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 September 11, 2024, 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 (PIQ) is located on the west side of North Green Street (C.R. 539). The 4.88-acre site is presently developed with an existing 2-1.2 story commercial building with water features, landscaping, stormwater management, a warehouse with a dirt floor and pave/environmental paver lots. The PIQ is split in the Scenic Gateway Overlay Zone Area of the General Business Zone and the R-5A Residential Zone. The existing building is located completely in the Scenic Gateway Overlay Zone Area of the General Business Zone.

2. Per Planning Board Resolution 2009-26, Pro Park by Hartley, LLC received Preliminary and Final Site Plan Approval for an 11,700 SF professional office with associated site improvements, including additional parking and stormwater management facilities.

- a. The Applicant received a variance to allow 2 ground mounted signs, where 1 is allowed.
- b. The Applicant received a waiver from providing a Traffic Impact Report.
- c. The Applicant agreed to remove the existing environmental pavers and replace with asphalt parking in the front parking area. (These pavers remain per the recently submitted existing conditions plan as part of the current zoning board application 2021-16)
- d. The Applicant agreed to abandon the residential use on the site and agreed that no residential uses were proposed nor will be permitted in the future.

3. Per Zoning Board Resolution 2018-13, Pro Park by Hartley, LLC appeared for a interpretation and the Board agreed to hear the Applicant's formal proposal for a Use Variance to allow professional live-work space, with each space being 800 – 1200 SF at a later date, with the following conditions:

- a. No change in the current building footprint.
- b. There will be 10 – 12 apartments.
- c. There shall be no retail conducted on the property.
- d. The pole barn can be used for storage only.
- e. Occupants must provide insurance documentation of professional business.

4. Pro Park by Hartley, LLC previously applied (Application No. 2021-16) for Use Variance to allow the proposed live-work space, which would allow residential, where residential is not a permitted use. The Applicant was also seeking relief from a Formal Site Plan Approval.

5. The Applicant, AVB Real Estate LLC previously applied for Use Variance and Preliminary and

Final Site Plan approvals to allow the conversion of the property from commercial space to proposed live-work space, which would allow residential, where residential is not permitted use. The Applicant is also seeking relief from a Formal Site Plan Approval.

6. Per Zoning Board of Adjustment Resolution No. 2023-21, memorialized on November 8, 2023, the applicant was granted Use Variance approval to allow the conversion of the property from commercial space to residential. 100% of the existing structure shall be 55+ community with a maximum of 18 units. The Applicant agreed to submit for Preliminary and Final Site Plan approval within 1 year of the resolution.

Currently, the Applicant has submitted for Preliminary and Final Site Plan approval as required by the Zoning Board resolutions referenced above for 18 proposed residential units. The proposed site improvements include a realignment of the front paver parking lot to provide for a 5 ft concrete sidewalk, an accessible ramp, and 2 accessible parking spaces. The improvements include traffic signage, striping, crosswalks and landscaping.

7. Applicant requests variance relief for the following existing nonconformity:

A. **Side Yard Setback (§215-4.19E (3))**: The minimum side yard setback allowed is 20 feet, whereas the existing structure has an existing side yard setback of 19.4 feet. This is an existing condition; a variance may be required.

8. The Applicant is also requesting a waiver from a formal site plan submission.

9. The Applicant provided testimony that there would be no detriment to the surrounding community by the granting of this variance relief which would, in applicant's opinion, constitute a benefit to the neighborhood without being inconsistent with the zone plan and zoning ordinances.

10. The Applicant was represented by Kevin Quinlan, Esquire.

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

A. The applicant has provided testimony to permit the granting of Preliminary Site Plan Approval 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.

NOW, THEREFORE, BE IT RESOLVED, by the said Board that on this 9th day of October, 2024, based upon the findings herein above stated, the application is hereby granted subject to the following conditions, together with all stipulations of the applicant:

1. The applicant shall strictly adhere to the representations, plans and exhibits submitted with regard to the proposed development of the subject property and should further comply in all respects with the technical review letters as prepared by the Little Egg Harbor Township Zoning Board of Adjustment Engineer dated August 1, 2024 and August 26, 2024, copies of which are annexed hereto and made a part hereof

2. The applicant is granted approval for the following existing non-conformities:

A. **Side Yard Setback (§215-4.19E(3))**: The minimum side yard setback allowed is 20 feet, whereas the existing structure has an existing side yard setback of 19.4 feet.

3. Per Resolution 2023-21, the storm water basin will need to be cleaned and maintained. The Applicant shall be required to provide a stormwater management O & M Manual.

4. Per Resolution 2023-21, the applicant shall be required to provide stormwater calculations to substantiate that the onsite stormwater management system has been designed and built to accommodate the offsite drainage conditions impacting the subject property.

5. Applicant shall enhance the trash enclosure with masonry and wood gate.

6. Applicant will provide private trash hauling.

7. Applicant will connect to public sewer and water.

8. Applicant will formalize 49 parking spaces by line striping.


9. Applicant will perform ADA enhancements to the exterior and interior of the building.

10. Applicant will clear and till the sand and confirm the permeability of the soil.

11. Applicant shall comply with affordable housing requirements and local ordinance.

12. Passive recreation will be depicted on the revised site plan next to the water feature.

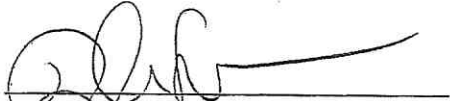
13. Applicant is waiving having a retention basin on the property unless the County objects.
14. Applicant agrees to provide a deed restriction of for an age restriction of 55 for occupants of the premises.
15. Applicant will comply with occupancy codes and reduce the occupancy of 18 if necessary.
16. The Gazebo is to seat 8 to 10 people.
17. Applicant will submit a letter to West Tuckerton Fire Company, which covers the area and will comply with any recommendations.
18. Applicant shall supply a bicycle rack.
19. There shall be a common washer and dryer on the first floor (4 + 4).
20. Applicant shall submit a Final Site Plan approval within one year from the date of this Resolution.
21. 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.
22. 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.
23. 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.



GREG LESZEGA, Vice-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 September 11, 2024, as copied from the minutes of said meetings.



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