

PRELIMINARY & FINAL SITE PLAN  
WAL-MART REAL ESTATE BUSINESS TRUST  
631 Route 9 South  
Block 278, Lot 13.01  
GB General Business & R-200 Residential Zones

Application No. 2007-13C

**RESOLUTION OF APPROVAL 2025-10  
PLANNING BOARD, TOWNSHIP OF LITTLE EGG HARBOR**

**WHEREAS**, an application has been made by Wal-Mart Real Estate Business Trust for preliminary & final site plan approval for Block 278, Lot 13.01, as set forth on the Tax Maps of the Township of Little Egg Harbor; and

**WHEREAS**, the preliminary & final site plan was prepared by Bohler Engineering, dated December 4, 2024; the architectural plans were prepared by Massa Architecture, dated December 9, 2024; the survey was prepared by Control Point Associates, dated December 12, 2024; and

**WHEREAS**, Planning Board conducted a public hearing on the application on March 6, 2025, at which time the applicant was represented by Jeff Carr 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 631 Route 9 South, in the GB General Business Zone, with a small portion being in the R-200 Residential Zone. The site is currently developed with a Wal-Mart Supercenter Store. The applicant seeks approval for a 3456sf addition on the east side of the existing building, with interior renovations and various outdoor improvements, to better facilitate online order customer pick-ups.

*The applicant requests variance relief for the following:*

Parking spaces:	660 required; 648 exist; 639 proposed
Signage height:	6ft permitted; 7ft proposed
Signage size:	4sf permitted; 4.5sf proposed

*The applicant requests the following design waivers:*

Parking spaces in a row:	20 spaces permitted; 23 spaces proposed
Lighting:	1fc permitted; 3.06fc proposed

With respect to bulk variances, according to the Municipal Land Use Law, NJSA 40:55D-70, the board has the power to grant a variance from the strict application of the bulk zoning regulations where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any such regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property; or where in an application relating to a specific piece of property the purposes of the Act would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

With respect to design waivers, according to the Municipal Land Use Law, NJSA 40:55D-51, the board has the power to grant such exceptions from the design requirements as may be reasonable and within the general purpose and intent of the provisions for board review and approval "if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question."

4. Remington & Vernick Engineers, the Board engineers, prepared a report to the Board dated February 4, 2025. The fire chief prepared a report dated January 11, 2025. The Board hereby adopts the findings in the report and incorporates them in this Resolution by reference.

5. The applicant presented the testimony of its expert, Joseph Holzapfel, PE, who testified to the overall layout of the project and the proposed changes thereto. The building addition and parking improvements will serve online customer order pickups at designated parking spaces for the same, which is being expanded from the west side of the building to the east side of the building. The 43 online pickup spaces will be 12ft wide to better accommodate employees delivering goods to customer cars. 62 new plantings will be added. While the reduction in overall parking spaces will still be more than sufficient for the site, the reduction does not trigger any EV requirements (if it does, the applicant will comply with the same). John Harter, PE, the applicant's traffic engineer, testified to the traffic generated by the online pickup option, and to the overall sufficiency of the existing parking allotment. NJDOT has confirmed that no changes to the access is required. John McDonough, PP, the applicant's professional planner, testified to the criteria of the Municipal Land Use Law for the bulk variances and design waivers requested, in that the proposed deviations from the Township's ordinances promote operational efficiency, visual enhancement and good civic design. Edward Danza, RA, the applicant's architect, testified to the design of the building addition and its intended use. Timothy Grewin, the store manager, testified to the expected busiest times for the online pickup.

The testimony elicited supported the applicant's contention that the proposed development 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 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 variances represent a better zoning alternative for the site, given the existing layout and uses on the tract.
4. There were no comments from the public at the hearing.
5. The safety and well being of the immediate area will not be adversely affected by the proposed development.

**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 will comply with the state-mandated EV ordinance, if required.**
4. **The applicant will comply with the Township's tree ordinance.**
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 NJSA 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 NJSA 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 NJSA 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 preliminary and final site plan 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.


  

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**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 April 3, 2025, memorializing the vote of the Little Egg Harbor Township Planning Board at a meeting previously held on March 6, 2024, a quorum being present and voting in the majority.

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**Robin Schilling, Board Secretary**