

Gillin Schwartz | Law

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May 14, 2021

Eileen McFillin - Township of Dennis
Planning Board of Township of Dennis
P.O. Box 204,
571 Petersburg Rd.
Dennis Township, NJ 08214

Re: **PROJECT NARRATIVE - AMENDMENT**
COOPERWOOD LLC
1674 Route 83, Dennis Township
Block 120, Lot 62

Dear Ms. McFillin:

The purpose of this writing is to amend the project narrative previously submitted for this application to confirm (1) the applicant is abandoning the plan for a temporary trailer and instead will be requesting site plan waiver/minor site plan approval for a permanent fixed structure set on masonry block in the same dimensions as the previously proposed trailer; and (2) reference the Temporary Site Plan Standards enacted by Dennis Township in response to Covid-19.

The applicant purchased the property in 2020 and is the site of a roadside restaurant/ice cream business. The property fronts State Highway Route 83 and has an approximate frontage of 1,343 ft. and total area of 555,901 SF (or 12.76 Acres).

The property is in the VC Village Commercial District. Pursuant to Section 185-17 the purpose of the VC zone "is to provide an opportunity for appropriate development in commercial zones along Route 47 in Dennisville and South Dennis, Route 83 in South Dennis and at the crossroads of County Route 628 and 608 in South Seaville."

Restaurants are a permitted use in the VC Zone. The applicant initially applied for a temporary trailer to be used on the site. **The applicant is amending the application to request a permanent structure in the same location and the same dimensions. Therefore, the only change is the nature of the structure from temporary trailer to permanent structure.**

The proposed structure is approximately 16 ft. and will be adjacent to existing restaurant building to be utilized during the summer season. The structure will be self-contained and will be used to make hot dogs, hamburgers and other simple food items in connection with the existing ice cream business. The applicant will obtain approval from the County Health Department for said use.

The applicant is proposing to compliment an existing use, not change the use. The addition of the structure will be a minimal change to the site and will not substantially alter drainage, circulation, or the overall use of the site, or otherwise affect the conditions associated with conventional site plan review.

See the attached Survey with proposed conditions noted on the plan and with an additional "zoom-in" view of the proposed conditions for ease of reference.

Pursuant to Section 165-59(A), "the Planning Board and/or Zoning Board may waive the requirements for site plan approval where there is a change in use or occupancy, and minimal construction or improvements. The waiver may be granted only upon a resolution by the Planning Board and/or Zoning Board finding that the use will not affect existing drainage, traffic circulation, relationship of buildings to each other, landscaping, buffering, lighting, parking requirements and other considerations of site plan approval, and that the existing facilities do not require upgraded or additional site improvements. The application for a waiver of site plan shall include a discussion of the prior use of the site, the proposed use, and its impact. The waiver can be granted only at a public meeting. Notice under N.J.S.A. 40:55D-12 shall not be required for a waiver application." Section 165-59(A) (emphasis added).

The addition of a structure will be a de minimis change to the site. There will be zero detriments to the public good or the zone plan because this area will not be utilized in a more intense manner than existing or permitted by the code. This application will advance the purposes of the VC Zone by enhancing the service and operation of an existing restaurant.

As a supplement, Dennis Township enacted a Resolution "Relaxing The Procedures Associated with Site Plan Review and Approval for Existing Restaurants..." which is applicable to the current application. A copy of which is attached hereto.

Specifically, the Zoning Officer has discretion to approve site plan applications pertaining to existing restaurants and including the "location of all food preparation and service areas" and "proposed method of serving food and beverages in the newly proposed areas".

Based on the minimal changes to the site, the applicant respectfully requests approval for waiver of site plan for the conditions described herein and proposed in the application.

Very truly yours,

GILLIN-SCHWARTZ LAW LLC



CHRISTOPHER GILLIN-SCHWARTZ

TOWNSHIP OF DENNIS

COUNTY OF CAPE MAY
STATE OF NEW JERSEY

RESOLUTION NO. 2020-XX

RESOLUTION RELAXING THE PROCEDURES ASSOCIATED WITH SITE PLAN
REVIEW AND APPROVAL FOR EXISTING RESTAURANTS AND BREWERIES IN
RELATION TO CURRENT SOCIAL DISTANCING RESTRICTIONS ENACTED IN
CONNECTION WITH THE ONGOING CORONAVIRUS PUBLIC HEALTH EMERGENCY

WHEREAS, in or about December of 2019, the emergence of the novel Coronavirus (Covid-19) was first discovered in the City of Wuhan, Hubei Province, People's Republic of China, and it was recognized to be a severe, potentially fatal, highly infectious respiratory illness that was suspected of human-to-human transmission; and

WHEREAS, on January 30, 2020, the World Health Organization declared the outbreak of the novel Coronavirus (Covid-19) to be a Public Health Emergency of International Concern as human-to-human transmission of the Coronavirus was confirmed, and outbreaks of the Coronavirus began to spread to numerous other countries throughout the world; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared the novel Coronavirus to be a United States Public Health Emergency; and

WHEREAS, on February 3, 2020, New Jersey's Governor, Philip D. Murphy, issued Executive Order 102 establishing the New Jersey Coronavirus Task Force in an effort to monitor the spread of the Coronavirus within the State of New Jersey, the United States of America, and the entire world in order to facilitate necessary and appropriate action to ensure the safety and security of the residents of the State of New Jersey; and

WHEREAS, on March 4, 2020, the State of New Jersey reported the first confirmed positive case of Coronavirus throughout the State; and

WHEREAS, on March 9, 2020, Governor Murphy issued Executive Order 103 declaring a State of Emergency and a Public Health Emergency in response to the outbreak of the novel Coronavirus within the State of New Jersey; and

WHEREAS, on March 13, 2020, the President of the United States of America formally declared the outbreak of the novel Coronavirus to constitute a National Emergency pursuant to the National Emergencies Act (50 U.S.C. § 1601, et seq.); and

WHEREAS, on March 16, 2020, Governor Murphy issued Executive Order 104 enacting several "social distancing" regulations, including but not limited to, limiting public gatherings to no more than 50 people, closing educational facilities, closing various recreation and entertainment based

businesses, imposed restrictions on scope of service and hours of operation for other non-essential retail, recreational, restaurant/bars and entertainment businesses; and

WHEREAS, on March 21, 2020, Governor Murphy issued Executive Order 107 which expanded the social distancing regulations set forth within Executive Order 104, including but not limited to, directing all New Jersey residents to remain in their home or place of residence with specific limited exceptions, prohibited gatherings of any size, closed all non-essential retail businesses and identified essential businesses permitted to continue to operate subject to specific limitations, and reiterated and strengthened social distancing requirements when in public; and

WHEREAS, on March 21, 2020, Governor Murphy also issued Executive Order 108 which specifically voided and precluded County and Municipal Governments from imposing or enforcing any restrictions/regulations that in any way would or might conflict with any of the provisions of Executive Order 107, with the exception of regulating online marketplaces for arranging or offering lodging, municipal or county parks, and beaches and boardwalks; and

WHEREAS, Executive Order 107 specifically regulates the continued operation of Bars/Restaurants and provides, in part, that "All restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, are permitted to operate their normal business hours, but are limited to offering only food delivery and/or take-out services in accordance with their existing liquor licenses;" and

WHEREAS, in the anticipation that the regulations, prohibitions, and social distancing requirements within the Governor's Executive Orders may be relaxed and/or modified in the coming weeks or months, potentially permitting these establishments to operate at reduced capacities, the governing body of the Township of Dennis finds it to be appropriate to temporarily relax the procedures associated with site plan review and approval in order to permit said establishments to locate tables out-of-doors, in the Township right-of-way and/or in other locations on site, subject to the requirements and restrictions set forth herein, until the State of New Jersey rescinds Executive Order 107 and/or eliminates social distancing requirements; and

WHEREAS, to the extent that this municipal governing body finds it appropriate to temporarily relax procedures associated with site plan review and approval in order to permit eating establishments to locate tables out-of-doors, in the Township right-of-way and/or in other locations on site, this governing body also is of the opinion that the Director of the New Jersey Division of Alcoholic Beverage Control should exercise the authority conferred upon the Director by statute and regulation to implement procedures whereby liquor licensees may obtain permits providing for the extension of licensed premises to the municipally approved out-of-doors table areas for so long as such municipal approval is valid without the necessity of having to file a formal place-to-place (expansion of licensed premises) application with the local alcoholic beverage control board; and

WHEREAS, N.J.A.C. 13:2-5.5 provides: "The Director, for special cause shown, may issue such temporary permits for such contingencies where a license is not expressly provided for by law, and such a permit would be appropriate and consonant with the spirit of the Alcoholic Beverage

Control Act" and that "The Director may impose special conditions or requirements on any such permit;" and

WHEREAS, N.J.A.C. 13:2-9.1 provides: "The rules of [N.J.A.C. 13:2-1.1, et. seq.] may be relaxed by the Director upon a showing of undue hardship, economic or otherwise, on a licensee; that the waiver of the rule would not unduly burden any affected parties; and that the waiver is consistent with the underlying purposes of Title 33 and the implementing rules."

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey as follows:

1. The statements that are set forth in the Preamble are true and accurate. All of the statements of the Preamble are repeated and are incorporated herein by this reference thereto and are made a part hereof as if each and every statement were set forth fully herein.
2. Effective immediately, pending further resolution, and contingent upon the State of New Jersey relaxing the provisions of Executive Order 107, specifically the provisions pertaining to the operation of restaurants, bars, and breweries in relation to social distancing requirements, the Zoning Officer of the Township of Dennis is hereby granted the authority and discretion to approve site plan applications pertaining to existing "full-service bars/restaurants and breweries," defined as "All restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges," subject to the review and approval of the State Police, in order to permit said establishments to relocate existing tables/seating to the Township right-of-way and/or other locations on site, subject to the following requirements and restrictions:
 - a. Individual bars/restaurants/breweries seeking approval to relocate existing tables/seating to the Township right-of-way and/or other locations on site, shall be required to submit a site plan application, and a site drawing depicting the existing and proposed layout and location of tables/seating inside and outside of said bar/restaurant, which shall also include but not be limited to, confirmation of the number of existing, approved tables/seats, a depiction of all aisles, routes of ingress and egress, clearances/distances between tables and between the seating area and the curblin, the location of all food preparation and service areas, an illustration, rendering, and/or photograph of all proposed furniture, umbrellas, and trash receptacles. Proposed tables/chairs, furniture, umbrellas, trash receptacles, etc. must be of like nature and appearance to what is currently utilized on site. Applicants shall also submit a brief written narrative describing the proposed method of serving food and beverages in the newly proposed areas. The approval of any temporary site plan in relation to this Resolution shall be subject to the following conditions:
 - i. Applicants will be permitted to relocate existing approved tables/seats to other locations on site, including the Township right-of-way, subject to the review and approval of the Township's Zoning Officer.

- ii. No increase in the number of tables/seats will be permitted, and Applicants will not be permitted to exceed the number of previously approved tables/seats.
 - iii. Tables/seats shall be permitted to be located in the Township right-of-way provided a minimum 5ft. pedestrian walkway is maintained and provided for the general public, subject to applicable ADA requirements.
 - iv. Any approved tables/seats in an "outdoor dining area," as defined as "a designated area on the premises of a retail food establishment, restaurant, or brewery, but located outside of the principal building, and where patrons may sit at tables while consuming food and beverages ordered from and served by a waiter or waitress," are permitted to be utilized between the hours of 7am and 11pm.
 1. Tables/seats approved to be located within the Township right-of-way must be removed from the right-of-way and stored on site on a daily basis by 11pm. Tables/seats approved to be located on site in areas privately-owned shall be permitted to remain in said locations.
 - v. The sale/service of alcoholic beverages in these locations shall be permitted subject to compliance with any and all applicable ABC regulations/statutes, including but not limited to an extension of premises application, and subject to the review and approval of the Township Clerk and State Police. The approval of any extension of premises application to permit the sale/consumption of alcoholic beverages in outdoor dining areas shall be temporary and shall automatically terminate upon the State of New Jersey rescinding Executive Order 107 and/or the elimination of all social distancing regulations.
 - vi. Applicants proposing to relocate existing tables/seats to the Township right-of-way shall indemnify and hold harmless the Township of Dennis, its employees, agents, and/or officers from all claims, losses, liens, expenses, suits and attorney's fees arising out of the placement, operation, and maintenance of the Outdoor Dining Area. Applicants must name the Township of Dennis as an additional insured under the Applicant's general liability insurance, bodily injury, property damage, and personal injury insurance policies, required to have a minimum limit of one million (\$1,000,000.00) Dollars, and provide proof of same to the Zoning Officer, and proof that said policies have been amended to reflect coverage for the proposed outdoor dining area.
3. The Township of Dennis reserves the right to amend, terminate, or repeal this resolution, and accordingly no property rights are granted to any person(s) or entities by virtue of this resolution. All person(s) and/or entities electing to pursue temporary relief in accordance with the provisions of this resolution are hereby given notice that the expenditure of any funds, or the incurrence of any costs, in reliance upon the provisions of this resolution shall be at their sole and exclusive expense. All persons and/or entities are hereby given notice that the risk of loss for any expenditure and/or costs incurred shall be their sole and exclusive responsibility.

4. With the exception of the temporary relief set forth herein, Applicant's must comply with any and all other federal, state, county, and local laws and regulations, including any and all other existing zoning ordinances and/or general ordinances governing the operation of bars/restaurants and breweries.
5. In the event the Zoning Officer determines that an Applicant is in violation of the conditions of any temporary site plan approved in relation to this Resolution, the Zoning Officer is hereby authorized to immediately revoke the temporary site plan approval received in relation to this Resolution.
6. The Township Zoning Officer is hereby authorized and empowered to enforce this Resolution and the several provisions thereof. The Zoning Officer is hereby further empowered to enforce the discretionary powers which are considered necessary in order to make the provisions hereof properly effective and useful for the benefit of Applicants. In order to avoid injustice, the possible abuse of discretion and to correct the possibility of error in judgment, any Applicant who's temporary site plan application is denied by the Zoning Officer has the right to appeal to the governing body by filing a notice of appeal with the Township Clerk within thirty (30) days of the denial of said application. Upon receipt of any such notice of appeal, the governing body will hear the appeal at its regular meeting, at which time the owner and any other persons appearing in the matter will be heard or afforded the opportunity to be heard. At the conclusion of said hearing, the governing body will consider the matter, determine whether to uphold or overturn the Zoning Officer's decision, and thereafter notify the owner of its decision.
7. This Resolution shall take effect immediately, subject to the State of New Jersey relaxing the provisions of Executive Order 107, specifically the provisions pertaining to the operation of restaurants and bars in relation to social distancing requirements. In the event Executive Order 107 or this Resolution are rescinded, or should social distancing requirements be eliminated, any temporary approval afforded by the Zoning Officer in accordance with the terms and conditions of this resolution shall be deemed void, and Applicants shall be required to immediately return tables/seats to their previously approved locations.
8. By this Resolution the Governing Body of the Township of Dennis requests that the Director of the New Jersey Division of Alcoholic Beverage Control exercise the authority conferred upon the Director by the provisions of N.J.A.C. 13:2-5.5 and NJ.AC. 13:2-9.1 to immediately implement procedures whereby liquor licensees may obtain permits providing for the extension of licensed premises to the out-of-doors table areas that are approved pursuant to the provisions of this Resolution for so long as such municipal approval is valid without the necessity of having to file a formal place-to-place (expansion of licensed premises) application with the local alcoholic beverage control board.
9. Upon adoption of this Resolution the Township Clerk shall forward copies, electronically or otherwise, to the following officials: New Jersey Governor, New Jersey Lieutenant Governor, New Jersey Attorney General, New Jersey Director of the Division of Alcoholic Beverage Control, New Jersey Senate and Assembly Majority and Minority Leaders, Cape May County Board of Chosen Freeholders, and the Cape May County Clerk.

Township of Dennis
571 Petersburg Road
Dennisville, NJ 08214

The application with supporting documentation must be filed with the Planning Board Administrator between the first(1st) and fifteenth (15th) of the month prior to the scheduled meeting and must be delivered to the professionals for review at least twenty-one (21) days prior to the meeting at which time the application is to be heard.

TO BE COMPLETED BY TOWNSHIP STAFF ONLY

Date Filed: _____ Application No. _____
Application
Fee: _____
Escrow Deposit:
\$ _____
Scheduled for: Review of Completeness _____ Hearing _____

TO BE COMPLETED BY APPLICANT

1. **SUBJECT PROPERTY:**
Location: 1674 ROUTE 83, DENNIS TWP, NJ 08210
Tax Map:
Page: _____ Block(s) 120 Lot(s) 62
Page: _____ Block(s) _____ Lot(s) _____

Dimensions:
Frontage: 1,343 Depth: 935 Total Area: 555,901 SF/ 12.76 Acres
2. **APPLICANT:**
Name: COOPERWOOD LLC (c/o Ira Niedweske, Member)
Address: 812 Dennisville Road, Cape May Court House, NJ 08210
Phone: 609-884-0153

Applicant is a Corporation _____ Partnership _____ Individual _____ LLC X
3. **DISCLOSURE STATEMENT:**
Pursuant to N.J.S. 40:55D-48.1, the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership applicant must be disclosed. In accordance with N.J.S. 40:55D-48.2 that disclosure requirement applies to any corporation or partnership which owns more than 10% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% ownership criterion have been disclosed. (Attach pages as necessary to fully comply)
Name: IRA NIEDWESKE Name: _____
Address: 812 Dennisville Road Address: _____
Interest Sole Member Interest: _____
4. **If Owner is other than the Applicant, provide the following information on the Owner(s):**
Owner's Name: _____ Phone No.:() _____
Owner's Address: _____ Fax No.:() _____
5. **PROPERTY INFORMATION:**
Restrictions, covenants, easements, association by-laws, existing or proposed, must be submitted for review and must be written in comprehensible English for approval. **Note:** All deed restrictions, covenants, easements, association by-laws, existing or proposed, must be written in comprehensible English for approval.

Present use of the premises: COMMERCIAL/ICE CREAM/FOOD SERVICE

5. **Applicant's Attorney:** CHRISTOPHER GILLIN-SCHWARTZ, ESQ.,
(609)884-0153
Address: 1252 NJ ROUTE 109, CAPE MAY, NJ 08204
6. **Applicant's Engineer:** N/A Phone No: _____
Address: _____ Fax No.: _____
8. **Applicant's Planning Consultant:** N/A Phone No.:() _____
Address: _____ Fax No.:() _____
9. **Applicant's Traffic Engineer:** N/A Phone No.:() _____
Address: _____ Fax No.:() _____

10. **List any other Expert** who will submit a report or who will testify for the applicant:
(Attach additional sheets as may be necessary)
Name: _____ Phone No.:(_____
Field of Expertise: _____ Fax No.:(_____
Address: _____

11. **APPLICATION REPRESENTS A REQUEST FOR THE FOLLOWING:**

SUBDIVISION:

- _____ Minor Subdivision Approval
- _____ Subdivision Approval (Preliminary)
- _____ Subdivision Approval (Final)

Number of lots to be created _____ Number of proposed dwelling units _____
(include remainder lot) (if applicable)

SITE PLAN: *WAIVER OF SITE PLAN

- _____ Preliminary Site Plan Approval _____ (Phases if applicable)
- _____ Final Site Plan Approval _____ (Phases if applicable)
- _____ Amendment or Revision to a Approved Site Plan

_____ Area to be disturbed (square footage)
_____ Total Number of proposed dwelling units

- _____ Variance Relief (hardship) N.J.S. (40:55D-70c(1))
- _____ Variance Relief (substantial benefit) N.J.S. (40:55D-70c(2))
- _____ Conditional Use Approval N.J.S. (40:55D-67)
- _____ Direct issuance of a permit for a lot lacking street frontage
(N.J.S. 40:55d-35)

12. **Section(s) of Ordinance** from which a variance is requested: **WAIVER OF SITE PLAN REQUESTED PURSUANT TO SECTION 165-59. SEE ATTACHED NARRATIVE.**

13. **Waivers Requested of Development Standards and/or Submission Requirements:**
(Attach additional pages as needed) **WAIVER OF SITE PLAN REQUESTED PURSUANT TO SECTION 165-59. SEE ATTACHED NARRATIVE.**

14. a. **Attach a copy of the Notice** to appear in the official newspaper of the Municipality and to be mailed to the owners of all real property, as shown on the current tax duplicate, located within the State and within 200 feet in all directions of the property which is the subject of this application. The Notice must specify the sections of the Ordinance from which relief is sought, if applicable.
- b. **The publication and the service** on the affected owners must be accomplished at least 10 days prior to the date scheduled by the Administrative Officer for the Hearing.
- c. **An Affidavit of Service** on all property owners and a Proof of Publication must be

filed before the application will be complete and the hearing can proceed.

15. Explain in detail the exact nature of the application and the changes to be made at the premises, including the proposed use of the premises: (attach pages as needed):
Applicant is proposing to add an approximate 16 foot food trailer adjacent to existing building for the summer season. Trailer is self-contained and will be used to make hot dogs, hamburgers and other simple food items to compliment the existing ice cream business. Trailer will be stored in the off-season.
16. Is a public water line available? n/a
17. Is public sanitary sewer available? n/a
18. Does the application propose a well and septic system? n/a
19. Have any proposed new lots been reviewed with the Tax Assessor to determine appropriate lot and block numbers? n/a
20. Are any off-tract improvements required or proposed? n/a
21. Is the subdivision to be filed by Deed or Plat? n/a
22. What form of security does the applicant propose to provide as performance and maintenance guarantees? n/a

23. Other approvals which may be required and date plans submitted:

	Yes	No	Date Plans Submitted
Dennis Township Municipal Utilities Auth.		<input checked="" type="checkbox"/>	
Cape May County Health Department	<input checked="" type="checkbox"/>		TBS
Cape May County Planning Board			
Cape May County Soil Conservation Dist.		<input checked="" type="checkbox"/>	
NJ Department of Environmental Protection		<input checked="" type="checkbox"/>	
Sewer Extension Permit		<input checked="" type="checkbox"/>	
Sanitary Sewer Connection Permit		<input checked="" type="checkbox"/>	
Stream Encroachment Permit		<input checked="" type="checkbox"/>	
Waterfront Development Permit		<input checked="" type="checkbox"/>	
Wetlands Permit		<input checked="" type="checkbox"/>	
Tidal Wetlands Permit		<input checked="" type="checkbox"/>	
Potable Water Construction Permit		<input checked="" type="checkbox"/>	
NJ Department of Transportation		<input checked="" type="checkbox"/>	
Pinelands Comm. Certificate of Filing		<input checked="" type="checkbox"/>	
Public Service Electric & Gas Comp.		<input checked="" type="checkbox"/>	
Other			

24. Certification from the Tax Collector that all taxes due on the subject property have been paid must be included with this application.
 25. List of Maps, Reports and other materials accompanying the application. (Attach additional pages as required for complete listing)
- | Quantity | Description of Item |
|----------|---------------------|
| | |

The Applicant hereby request that copies of the reports of the professional staff reviewing this application be provided to the following of the applicant's professionals:

Specify which reports are requested for each of the applicant's professionals or whether all reports should be submitted to the professionals listed.

Applicant's Professional	Requested:	Reports
Attorney: <u>X</u>	Reports Requested:	<u>Christopher Gillin-Schwartz Esq.</u>
Engineer: <u>X</u>	Reports Requested:	_____

CERTIFICATIONS

26. I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant and that I am a general partner of the partnership applicant. (If the applicant is a corporation this must be signed by an authorized Corporate Officer. If the applicant is a partnership, this must be signed by a general partner.)

LINDA J. NIEDWESKE
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 02/27/2025

Sworn to and subscribed before me
this 22nd day of March, 2021

Linda Niedweske

by:

IRA NIEDWESKE

Notary Public
State of New Jersey

27. I certify that I am the owner of the property which is the subject of this application, that I have authorized the applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant. (If the owner is a corporation, this must be signed by an authorized Corporate Officer. If the owner is a partnership, this must be signed by a general partner.)

LINDA J. NIEDWESKE
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 02/27/2025

Sworn to and subscribed before me
this 22nd day of March, 2021

Linda Niedweske

by:

IRA NIEDWESKE

Notary Public

State of New Jersey

28. I understand that the sum of \$ _____ has been deposited in an escrow account. In accordance with the Ordinance of the Township of Dennis, I further understand that the escrow account is established to cover the cost of professional services including engineering, planning, legal and other expenses associated with the review of submitted materials. Sums not utilized in the review process shall be returned. If additional sums are deemed necessary, I understand that I will be notified of the required additional amount and shall add that sum to the escrow account within fifteen (15) days.

Date:

3/22/21

by:

IRA NIEDWESKE

PROJECT NARRATIVE

Applicant's Name: COOPERWOOD LLC
Applicant's Address: 1674 ROUTE 83, DENNIS TWP, NJ

Property Description: Block 120, Lot 62
Property Address: 1674 ROUTE 83, DENNIS TWP, NJ

The applicant purchased the property in 2020 and is the site of a roadside restaurant/ice cream business. The property fronts State Highway Route 83 and has an approximate frontage of 1,343 ft. and total area of 555,901 SF (or 12.76 Acres).

The property is located in the VC Village Commercial District. Pursuant to Section 185-17 the purpose of the VC zone "is to provide an opportunity for appropriate development in commercial zones along Route 47 in Dennisville and South Dennis, Route 83 in South Dennis and at the crossroads of County Route 628 and 608 in South Seaville."

Restaurants are a permitted use in the VC Zone. Pursuant to Section 185-17 (c)(4) "Temporary Construction Trailer" is also a permitted accessory use.

The applicant is proposing to add an approximate 16 ft. food trailer adjacent to existing restaurant building to be utilized during the summer season. The trailer will be self-contained and will be used to make hot dogs, hamburgers and other simple food items to compliment the existing ice cream business. The applicant will obtain approval from the County Health Department for said use. In the off-season, the trailer will be stored.

The applicant is proposing to compliment an existing use, not change the use. The addition of the trailer will be a minimal change to the site and is consistent with permitted accessory uses and will be utilized during the high season. Therefore, the addition of the trailer will not substantially alter drainage, circulation, or the overall use of the site, or otherwise affect the conditions associated with conventional site plan review.

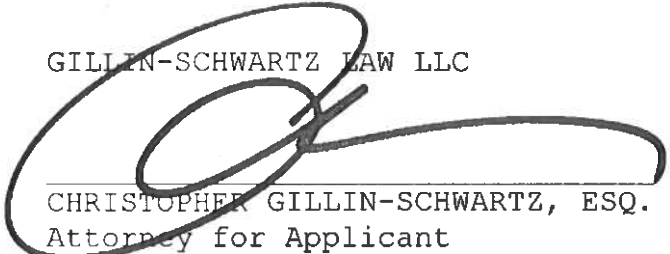
See the attached Survey with proposed conditions noted on the plan and with an additional "zoom-in" view of the proposed conditions for ease of reference.

Pursuant to Section 165-59(A), "the Planning Board and/or Zoning Board may waive the requirements for site plan approval where there is a change in use or occupancy, and minimal construction

or improvements. The waiver may be granted only upon a resolution by the Planning Board and/or Zoning Board finding that the use will **not affect existing drainage, traffic circulation, relationship of buildings to each other, landscaping, buffering, lighting, parking requirements and other considerations of site plan approval, and that the existing facilities do not require upgraded or additional site improvements.** The application for a waiver of site plan shall include a discussion of the prior use of the site, the proposed use, and its impact. The waiver can be granted only at a public meeting. **Notice under N.J.S.A. 40:55D-12 shall not be required for a waiver application.**" Section 165-59(A) (emphasis added).

The addition of a trailer will be a de minimis change to the site. There will be zero detriments to the public good or the zone plan because this area will not be utilized in a more intense manner than existing or permitted by the code. This application will advance the purposes of the VC Zone by enhancing the service and operation of an existing restaurant.

GILLIN-SCHWARTZ LAW LLC

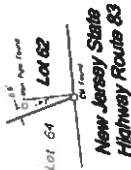
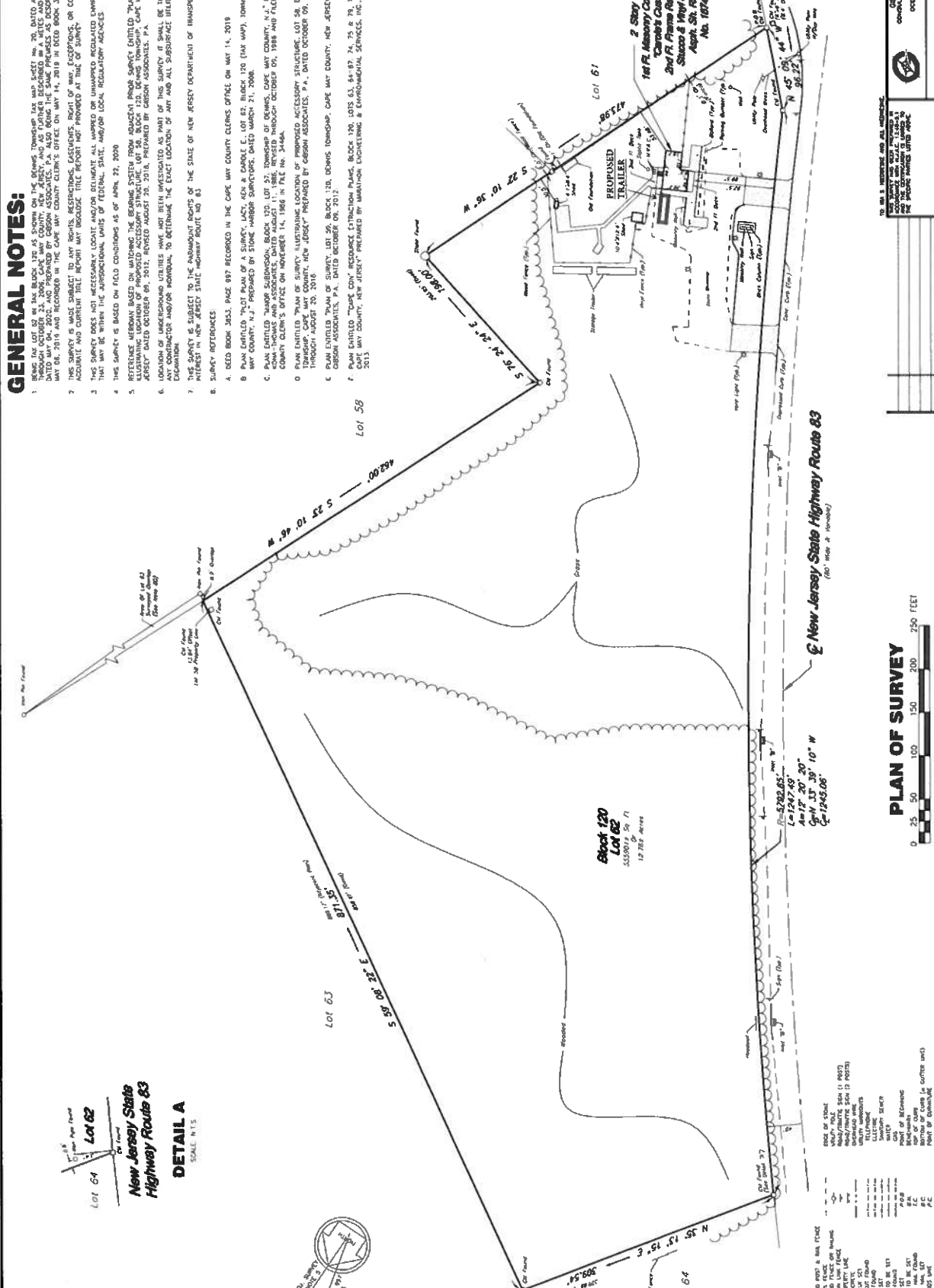


CHRISTOPHER GILLIN-SCHWARTZ, ESQ.
Attorney for Applicant

Dated: 03/26/2021

GENERAL NOTES:

1. THIS SURVEY IS BASED ON THE BLOCK 120 AS SHOWN ON THE DENNIS TOWNSHIP TAX MAP SCHEDULED FOR DATE APRIL 01, 1980, REVISED THROUGH OCTOBER 24, 2009, CAPE MAY COUNTY, NEW JERSEY, AND AS FURTHER RECORDED IN A WHITE AND BROWN DESCRIPTION MAP AND SURVEY RECORDS IN THE CAPE MAY COUNTY CLERK'S OFFICE ON MAY 14, 2010 IN DEED BOOK 3653, PAGE 997.
2. THIS SURVEY IS MADE SUBJECT TO ANY RIGHTS, RESERVATIONS, EASEMENTS, RIGHTS OF WAY, EGRESS RIGHTS, OR CONSTRAINTS THAT ARE ACCURATE AND CURRENT TITLE REPORT MAY INCORPORATE TITLE REPORT NOT PROVIDED AT TIME OF SURVEY.
3. THIS SURVEY DOES NOT NECESSARILY LOCATE AND/OR DELINEATE ALL UNWORKED OR UNWORKED RECOLATED ENVIRONMENTAL CONSTRAINTS THAT MAY BE WITHIN THE JURISDICTIONAL LIMITS OF FEDERAL, STATE, AND/OR LOCAL REGULATORY AGENCIES.
4. THIS SURVEY IS BASED ON FIELD CONDITIONS AS OF APRIL 21, 2009.
5. REFERENCE HEREBY TO THE DENNIS TOWNSHIP TAX MAP SCHEDULED FOR DATE APRIL 01, 1980, REVISED THROUGH OCTOBER 24, 2009, CAPE MAY COUNTY, NEW JERSEY, AND AS FURTHER RECORDED IN A WHITE AND BROWN DESCRIPTION MAP AND SURVEY RECORDS IN THE CAPE MAY COUNTY CLERK'S OFFICE ON MAY 14, 2010 IN DEED BOOK 3653, PAGE 997.
6. LOCATION OF UNDERGROUND UTILITIES HAVE NOT BEEN INVESTIGATED AS PART OF THIS SURVEY. IT SHALL BE THE RESPONSIBILITY OF THE CLIENT TO OBTAIN NECESSARY INFORMATION TO DETERMINE THE EXACT LOCATION OF ANY AND ALL SUBSURFACE UTILITIES PRIOR TO ANY EXCAVATION.
7. THIS SURVEY IS SUBJECT TO THE PARAMOUNT RIGHTS OF THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION OVER RIGHTS OR INTEREST IN NEW JERSEY STATE HIGHWAY ROUTE 83.
8. SURVEY REFERENCES:
 - A. DEED BOOK 3653, PAGE 997 RECORDED IN THE CAPE MAY COUNTY CLERK'S OFFICE ON MAY 14, 2010.
 - B. PLAN ENTITLED "PLAN OF SURVEY, LOTS 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 (100 MAP), TOWNSHIP OF DENNIS, CAPE MAY COUNTY, N.J.", PREPARED BY STONE HARBOR SURVEYORS, DATED MARCH 21, 2008.
 - C. PLAN ENTITLED "THORP SUBDIVISION, BLOCK 120, LOT 62, TOWNSHIP OF DENNIS, CAPE MAY COUNTY, N.J.", PREPARED BY STONE HARBOR SURVEYORS AND ASSOCIATES, DATED AUGUST 11, 1986, REVISED THROUGH OCTOBER 05, 1988 AND FILED IN THE CAPE MAY COUNTY CLERK'S OFFICE ON NOVEMBER 14, 1988 IN FILE NO. 3434A.
 - D. PLAN ENTITLED "PLAN OF SURVEY, LOTS 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 (100 MAP), TOWNSHIP OF DENNIS, CAPE MAY COUNTY, N.J.", PREPARED BY STONE HARBOR SURVEYORS AND ASSOCIATES, P.A., DATED OCTOBER 09, 2012.
 - E. PLAN ENTITLED "PLAN OF SURVEY, LOT 58, BLOCK 120, DENNIS TOWNSHIP, CAPE MAY COUNTY, NEW JERSEY" PREPARED BY CARSON ASSOCIATES, P.A., DATED OCTOBER 09, 2012.
 - F. PLAN ENTITLED "CAPE COVE" RESOURCE EXTRACTION PLANS, BLOCK 120, LOTS 63, 64, 67, 74, 75, & 78, TOWNSHIP OF DENNIS, CAPE MAY COUNTY, NEW JERSEY" PREPARED BY MARATHON ENGINEERING & ENVIRONMENTAL SERVICES, INC., DATED JANUARY 09, 2013.



DETAIL A
SCALE: N.T.S.

LEGEND:

- ROAD RIGHT OF WAY LINE
- ROAD CENTER LINE
- PROPERTY LINE
- EASEMENT
- UTILITY
- SURVEY MARK
- CORNER
- BOUNDARY OF CORP. (IN BURTHER OUT)
- EXISTING 30\"/>

PLAN OF SURVEY



TO BE A INSTRUMENT AND ALL ENDORSEMENTS TO BE MADE IN THE PRESENCE OF THE PUBLIC RECORDS UNIT HERE.

UNIVERSITY ASSOCIATES
122 50' OLE MANORWAY
PO BOX 1000 (RFD) 08214-1000

PLAN OF SURVEY
LOT 62, BLOCK 120
DENNIS TOWNSHIP
CAPE MAY COUNTY, NEW JERSEY

DATE: _____

BY: _____

UNIVERSITY ASSOCIATES, INC. IS AN EQUAL OPPORTUNITY EMPLOYER. M.F. 11-19-14

