



8. Type of application presented:

- Appeal from decision of Zoning Official (N.J.S.A. 40:55D-70a)
- Interpretation of Zoning Ordinance or Zoning Map (N.J.S.A. 40:55D-70b)
- Hardship Variance (N.J.S.A. 40:55D-70c(1))
- Flexible (C)/balancing benefits and detriments (N.J.S.A. 40:55D-70c(2))
- Use Variance (N.J.S.A. 40:55D070d)
  - (1) Use or principal structure
  - (2) Expansion of non-conforming use
  - (3) Deviation from conditional use standard
  - (4) Increase in permitted floor area ratio
  - (5) Increase in permitted density
  - (6) Height of principal structure greater than 10 feet or 10% of maximum height permitted
- Permit to build in street bed (N.J.S.A. 40:55D-34)
- Permit to build where lot does not abut street (N.J.S.A. 40:55D-36)
- Site plans (N.J.S.A. 40:55D-76)
- Major
  - Preliminary
  - Final
- Minor
- Waiver of site plan itself
- Subdivision (N.J.S.A. 40:55D-76)
- Minor
- Major
  - Preliminary
  - Final
- Waivers from subdivision and/or site plan standards
- Other

9. Request is made for permission to to provide rooming for employees of the nursing home (which is located on the premises) on the second floor of the structure located in front of the main structure.

(Describe type of variance sought)

Approval of the above-mentioned portion of the property for R-2 Usage Group

contrary to the requirements of Sections: 14

of the Dennis Township Land Use and Development Ordinances, Dennis Township Code Chapters 98, 165 and 185.

10. Supply the following information concerning this application. Place an asterisk to the left of the description of all items for which variances are sought.

	<u>EXISTING CONDITION</u>	<u>REQUIRED BY ORDINANCE</u>	<u>PROPOSED VARIANCE REQUIRED YES/NO</u>
<u>LOT SIZE:</u>			
Lot Area	1,369,579 S.F. (31.4 ac)	29.33 ac	No
Lot Frontage	528.67ft	350'	No
Lot Width	1,004.33ft (at the widest point)	N/A	No
Lot Depth	2,304.44 (at the widest point)	N/A	No
<u>PRINCIPAL BUILDING:</u>			
Side Yard, each	41' & 43'	N/A	No (previously approved)
Front Yard	33'	100'	No (previously approved)
Rear Yard	390' (between most narrow points)		No
Building Height	One story (besides from portion, which is two stories)	4 stories/40'	No
<u>ACCESSORY BUILDING:</u>			
Side Yard, each	43' & 24'	N/A	No
Rear Yard	1,905.92'	N/A	No
Distance to Other Buildings	43'	N/A	No
Building Height	One story	4 stories/40'	No
<u>MAXIMUM COVERAGE:</u>			
Principal Building %	6%	20%	No
Accessory Building %	.1%	N/A	No
<u>GROSS FLOOR AREA:</u>			
Principal Building	82,510sf	N/A	No
Accessory Building	1,466sf	N/A	No

	<u>EXISTING CONDITION</u>	<u>REQUIRED BY ORDINANCE</u>	<u>PROPOSED YES/NO</u>	<u>VARIANCE REQUIRED</u>
<u>PARKING:</u>				
No. of Spaces	108	220	No (previously approved)	
<u>SIGNS:</u>				
Size	9'x6' 3'x2'	N/A	No (will not add to existing)	
Number	2			
Type (free standing or building mounted)	Free Standing			

11. Has there been any previous appeal, request or application to this Board or to the Planning Board involving these premises? If yes, state the nature of application, date of application, date of hearing and result received from Board.

On May 2, 1984, March 21, 1991, and March 25, 1993 applications were submitted for preliminary and final approval of the existing skilled nursing facility (including parking spaces and all other necessary variances), which were approved by Resolutions 84-13, 91-6, and a Resolution approved on April 22, 1993, respectively.

BY LAW, VARIANCES CAN ONLY BE GRANTED WHERE THE APPLICANT IS ABLE TO SATISFY BOTH POSITIVE AND NEGATIVE CRITERIA ESTABLISHED BY THE MUNICIPAL LAND USE LAW. NO VARIANCE RELIEF OF ANY TYPE MAY BE GRANTED UNLESS THE VARIANCE OR RELIEF CAN BE GRANTED WITHOUT SUBSTANTIAL DETRIMENT TO THE PUBLIC GOOD AND WITHOUT SUBSTANTIALLY IMPAIRING THE INTENT AND PURPOSE OF THE ZONE PLAN AND ZONING ORDINANCE. HARDSHIP VARIANCES OF THE ZONE PLAN AND ZONING ORDINANCE. HARDSHIP VARIANCES (40:55dc(1)) CAN ONLY BE GRANTED WHERE AN EXCEPTIONAL CONDITION EXISTS WITH REGARD TO A SPECIFIC PIECE OF PROPERTY, WHERE EXCEPTIONAL TOPOGRAPHICAL CONDITIONS OR PHYSICAL FEATURES UNIQUELY AFFECT A SPECIFIC PIECE OF PROPERTY OR WHEREBY REASON OF AN EXTRAORDINARY AND EXCEPTIONAL SITUATION UNIQUELY AFFECTING A SPECIFIC PIECE OF PROPERTY OR THE STRUCTURES LAWFULLY EXISTING THEREON THE STRICT APPLICATION OF THE ZONING REQUIREMENT WOULD RESULT IN PECULIAR AND EXCEPTIONAL PRACTICAL DIFFICULTIES TO OR EXCEPTIONAL AND UNDUE HARDSHIP UPON THE DEVELOPER OF THE PROPERTY. RELIEF UNDER THE FLEXIBLE C TYPE VARIANCE (N.J.S.A. 40:55D-70c(2)) CAN ONLY BE GRANTED WHERE, WITH REGARD TO A SPECIFIC PIECE OF PROPERTY, THE PURPOSES OF THE MUNICIPAL LAND USE LAW WOULD BE ADVANCED BY A DEVIATION FROM THE ZONING ORDINANCE REQUIREMENT AND THE BENEFIT OF THE DEVIATION WOULD SUBSTANTIALLY OUTWEIGH ANY DETRIMENT. USE, AND RELATED VARIANCES (N.J.S.A. 40:55d-70d) CAN ONLY BE

GRANTED WHERE THERE ARE SPECIAL REASONS AS SPECIFIED BY THE MUNICIPAL LAND USE LAW. THE BURDEN IS UPON THE APPLICANT TO PROVIDE PROOF OF SATISFACTION OF THE AFORESAID REQUIREMENTS APPLICABLE TO HIS APPLICATION.

A SHORT SUMMARY OF THE REASONS WHY YOU ARE ENTITLED TO THE RELIEF SOUGHT FROM THE ZONING BOARD OF ADJUSTMENT SHALL BE PROVIDED ON A SEPARATE SHEET OF PAPER AND ENUMERATED WITH THE APPROPRIATE PARAGRAPH NUMBER UNDER WHICH THE RELIEF IS SOUGHT, (PARAGRAPHS NO. 12-15)

12. Attach to this application a statement of the facts showing why the relief sought can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Dennis Township Zoning Plan and Zoning Ordinance. State why the variance can be granted without substantial harm to the neighborhood and without significant overturning of the Township Zoning Plan.
13. Attach to this application a statement specifying the hardship/exceptional conditions of the specific property involved justifying the granting of a variance pursuant to N.J.S.A. 40:55D-70c(1). State what is unique about your specific piece of property noting such things as an exceptionally narrow, deep, or otherwise unusually shaped lot; physical features located on the lot that prevent its use in a normal manner that would be allowed by the existing zoning; the specific location of existing structures that limit compliance with the required zoning. Note how the circumstances relating to your particular lot differ from other lots in the neighborhood. State what hardships would result should the variance not be granted to you.
14. Attach to this application a statement setting forth the facts supporting the contention that the purposes of the Municipal Land Use Law would be advanced by a deviation from the Zoning requirements in question and the benefits of that deviation would substantially outweigh any detriment pursuant to N.J.S.A. 40:55D-70c(2). Among the purposes of the Municipal Land Use Law are following: promotion of public health, safety and welfare; provision of adequate light, air and open space; establishment of appropriate population densities; provision of sufficient space for agricultural, residential, recreational, commercial and industrial uses and open space; promotion of a desirable visual environment; conservation of historic sites, districts, open space and natural resources; encouragement of senior citizens housing. Cite which of these apply to your application and further, cite the characteristics of your land that will present an opportunity for improved zoning and planning to benefit the community.
15. Attach to this application a statement setting forth the special reasons for granting this variance pursuant to N.J.S.A. 40:55D-70d. "Special Reasons" exist where a proposed project carries out a purpose of zoning, (such as those noted in Section 14 above) or where the refusal to allow the project would impose an undue hardship on you; state why the property at issue cannot reasonably be developed with a use permitted by the Zoning Ordinance.

SUPPLEMENT TO TOWNSHIP OF DENNIS  
ZONING BOARD OF ADJUSTMENT  
APPLICATION OF OCEAN VIEW ASSOCIATES REALTY, LLC

SUMMARY OF THE REASONS

Statement Responsive to Question No. 15:

This application for a use variance is being sought pursuant to N.J.S.A. 40:55D-70d. The overall premises in question have been previously approved, and are being operated, as a 176-bed skilled nursing facility (the "SNF"). Due to the staffing challenges and workforce shortage affecting the nation, which has disproportionately affected the healthcare sector, the management of the SNF has deemed it necessary to provide accommodations for up to ten (10) employees of the SNF. Offering accommodations to staff, who are very often of limited means and require local accommodations, is calculated to significantly boost the SNF's hiring potential and to alleviate the significant challenges it faces in providing the proper care for its residents. Use of the premises will be for staff, exclusively, and those taking advantage will have a minimal fee deducted from their paycheck.

The plan is to provide accommodations to up to ten (10) employees on the second floor of the wing of the principal structure that juts out towards Route 9, the first floor of which is currently being used as offices for the SNF. The aforementioned use would be legally defined as a "rooming house," and would require an amendment to the certificate of occupancy—currently "I-2" for the entire premises—to allow for "R-2" usage group for the subject portion of the premises.

Granting the requested variance would serve to promote several goals of the Municipal Land Use Law and would not detract from the remaining goals. As noted in Paragraph 14 of the Application:

Among the purposes of the Municipal Land Use Law are the following: promotion of public health, safety and welfare; provision of adequate light, air and open space; establishment of appropriate population densities; provision of sufficient space for agricultural, residential, recreational, commercial and industrial uses and open space; promotion of a desirable visual environment; conservation of historic sites, districts, open space and natural resources; encouragement of senior citizens housing.

Allowing the SNF to house some of their staff onsite would promote the safety, welfare and health of its residents, and would, thereby, encourage senior citizen housing. Additionally, because the applicant is not proposing any changes to the existing structures, the changes would not affect the status quo as far as the spaces are concerned, and, because the SNF is, regardless, legally required to maintain a certain number of staff, housing a portion of them onsite would not appreciably increase the population. To the contrary, housing some of the staff onsite would reduce the traffic to the SNF, and would contribute to the quiet atmosphere surrounding the premises.

16. Set forth specifically the determination of the Zoning Official from which an appeal has been filed and the basis for the appeal. (N.J.S.A. 40:55D-70a)

**Not applicable**

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17. Set forth specifically the Zoning Ordinance section and provisions and/or the portion of the Zoning Map for which an interpretation from the Zoning Board is sought. Set forth the interpretation sought by the applicant. (N.J.S.A. 40:55D-70b)

**Not applicable**

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18. All applicants must supply with this application the required fees (application and escrow) the necessary survey, plan, and plat and the following Zoning Board of Adjustment forms together with all attachments required in connection with the forms:

ZB-1 Application form including verification of application

ZB-2 Survey, plan, plat affidavit

ZB-4 Escrow, fees and application fees

ZB-5 Proof of payment of taxes

ZB-6 Notice of hearing

ZB-7 Affidavit of Service

ZB-10 Applications involving subdivisions

ZB-11 Applications involving Site Plans

19. For undersized lot cases only, the following additional forms are supplied.

Notice to Applicant's Concerning Undersized Lots.

ZB-8 Applicant's Offer to Abutting Property Owners.

ZB-9 Response to Abutting Property Owners.

20. List the names, addresses, telephone and fax numbers and professions of any and all professionals employed by the applicant in completing the application to the Zoning Board of Adjustment and/or intended to be called as witnesses at the hearing on the application.

Name:

Address:

Phone:

Fax:

E-Mail:

Yaakov Pollak, Esq., 4201 Rt. 9, Howell, NJ 07731 (732) 243-8070 (732) 523-5593 [ypollak@zyklaw.com](mailto:ypollak@zyklaw.com)





DENNIS TOWNSHIP ZONING BOARD OF ADJUSTMENT

SURVEY/PLAN/PLAT AFFIDAVIT

STATE OF NEW JERSEY:

SS

COUNTY OF CAPE MAY:

(Name) Morris Weiker, being duly sworn according to law, upon his oath deposes and says:

1. I am <sup>an authorized representative of</sup> the owner of the property known and identified as Block 226, Lot(s) 31.01 & 32, in the Township of Dennis or I am the applicant for development in this matter.

2. The attached sealed survey/plan/plat prepared by Bock & Clark Corporation, and dated March 26, 2018, accurately reflects the physical condition of the property as of the date of this Affidavit and there have been no changes or alterations to the property since the date of the sealed survey/plan/plat.

3. I make this Affidavit in support of an application for development before the Dennis Township Zoning Board of Adjustment and understand that said Board shall rely on the current accuracy of the said survey/plan/plat in considering the application for development of the property.

[Signature]  
Signature - Owner/Applicant

Sworn to and subscribed before me this 22 day of August, 2022.

[Signature]  
~~Notary Public~~ Kate B. Mok, Attorney-at-Law  
New Jersey

**DENNIS TOWNSHIP ZONING BOARD OF ADJUSTMENT  
ESCROW FEES AND APPLICATION FEES**

Applicant's Name: Ocean View Associates Realty, LLC  
Address: 4201 Rt. 9  
Howell, NJ 07731

Address of Property: \_\_\_\_\_  
Subject to the Application: (Street Address): 2721 Rt. 9, Dennis (Oceanview), NJ 08230

Block: 226 Lot (s): 31.01 & 32

Amount of required Escrow: \$ 1,500.00

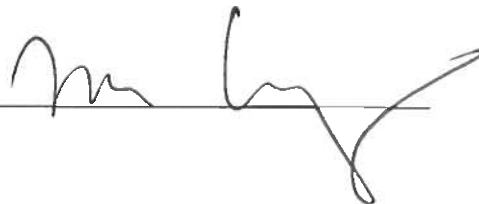
Amount of required Application Fees: \$ 500.00

All escrow funds shall be deposited by the applicant with the Municipal Treasurer who shall, in turn, deposit them in a separate escrow account and carry them under the Township's Trust Fund section of accounts on the books of the Township as a professional, inspection and consulting fee escrow fund. Said escrow fund shall be used to pay the fees of professional personnel employed to assist the Dennis Township Zoning Board of Adjustment in review of the application, to prepare Board Resolutions and other legal documents relating to the application, and to inspect and approve construction. Professional fees shall be billed through the Municipality's voucher system and approved for payment by the Zoning Board of Adjustment. Any excess of funds remaining in the escrow account at the time when all required improvements have been finally accepted and all professional work completed shall be returned to the applicant. If at any time it become evident that the escrow account is or will be insufficient to cover said fees, the developer shall increase the fund as required by the appropriate Zoning Board of Adjustment Official having jurisdiction over the matter.

\*\*\*The application fee is non-refundable and is a separate charge from the escrow fee.\*\*\*

I understand and consent to the foregoing.

Date: 9/08/2022

Applicant: 

PROOF OF PAYMENT OF TAXES

Every application for development submitted to the Consolidated Land Use Board shall be accompanied by this form.

Applicant's name: Ocean View Associates Realty, LLC

Address: 4201 Rt. 9

Howell, NJ 07731

Property Owner's Name and Address: Ocean View Associates Realty, LLC

4201 Rt. 9

Howell, NJ 07731

Address of property Subject to the Application: 2721 Rt. 9

Dennis, NJ 08230

Block & Lot: Block 226; Lots 31.01 & 32

TO BE COMPLETED BY THE TAX COLLECTOR:

226/31.01

A. All Taxes are current through the 2nd quarter of 2023

Date: 9/6/22

Dennis Township Tax Collector: Monica Heim

B. Taxes are due on the above referenced property as follows:

Amount of taxes due through the \_\_\_\_\_ quarter of \_\_\_\_\_ \$ \_\_\_\_\_

Date: \_\_\_\_\_

Dennis Township Tax Collector: \_\_\_\_\_

PROOF OF PAYMENT OF TAXES

Every application for development submitted to the Consolidated Land Use Board shall be accompanied by this form.

Applicant's name: Ocean View Associates Realty, LLC

Address: 4201 Rt. 9

Howell, NJ 07731

Property Owner's Name and Address: Ocean View Associates Realty, LLC

4201 Rt. 9

Howell, NJ 07731

Address of property Subject to the Application: 2721 Rt. 9

Dennis, NJ 08230

Block & Lot: Block 226; Lots 31.01 & 32

TO BE COMPLETED BY THE TAX COLLECTOR:

226/32 A. All Taxes are current through the 2nd quarter of 2023

Date: 9/6/22

Dennis Township Tax Collector: Monica Klein

B. Taxes are due on the above referenced property as follows:

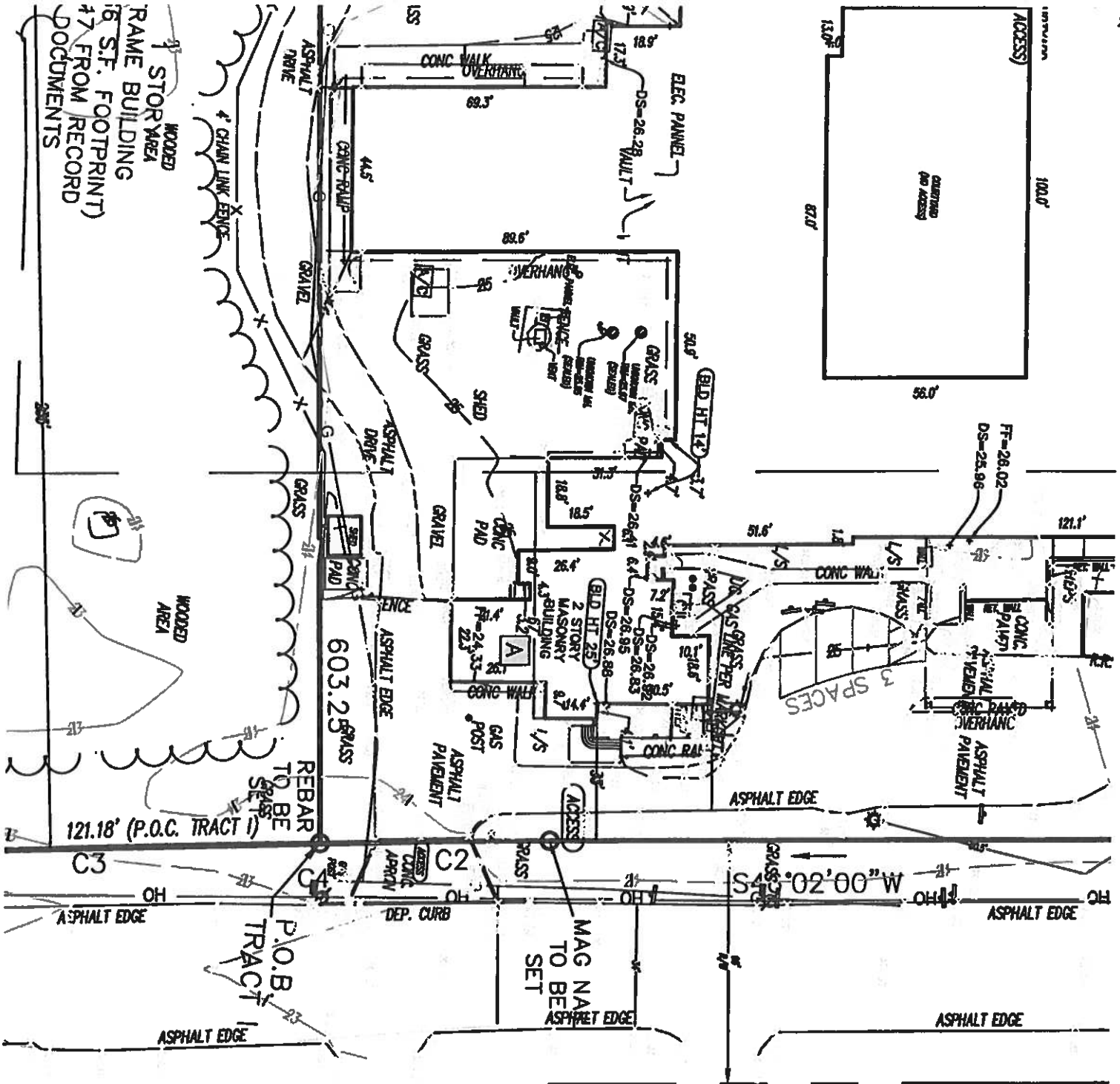
Amount of taxes due through the \_\_\_\_\_ quarter of \_\_\_\_\_ \$ \_\_\_\_\_

Date: \_\_\_\_\_

Dennis Township Tax Collector: \_\_\_\_\_







# SHORE ROAD

A.K.A. SEASHORE RD. - U.S. ROAD  
 66' WIDE PUBLIC RIGHT OF WAY