

**TOWNSHIP OF DENNIS
ZONING BOARD OF ADJUSTMENT
APPLICATION FORM**

1. Name and address of applicant:
Name: Dennis 47 Developers, LLC
Address: 1195 Route 70, Suite 2000, Lakewood, New Jersey, 08701

2. Applicant's telephone number: _____ Applicant's fax number: _____
Home: _____ Home: _____
Work: 609-327-1177 (Applicant's Attorney) Work: _____

3. Property owner's name, address and telephone number if different from No. #1 above.
Name: PHILTRICH, LLC Telephone: _____
Address: PO Box 216, Dennisville, New Jersey 08214

4. Relationship of applicant to owner: Contract Purchaser

If holder of Contract to purchase attach copy of Contract.

If other than Contract Purchaser, explain status and attach written agreement signed by seller consenting to the application.
N/A

5. If applicant is a corporation or partnership, list all stockholders or partners owning 10% or more of the corporation or partnership and list their respective names, addresses and telephone numbers:
Name: See attached Corporate Disclosure Statement. Name: _____
Address: _____ Address: _____

Name: _____ Name: _____
Address: _____ Address: _____

6. Location of premises:
Street address 1089 New Jersey State Highway Route 47
Tax Block: 64 Tax Lot (s): 30
Tax Map Sheet No.: _____

7. Zoning District in which premises is located: VC

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))- Reconfirmation of those previously granted.
☒ Flexible (C)/balancing benefits and detriments (N.J.S.A. 40:55D-70c(2)) ^{Reconfirmation of those previously granted.}
☒ Use Variance (N.J.S.A. 40:55D070d)- Reconfirmation of those previously granted.
 ☒ (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)
☒ Amended 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

No new variances are sought in connection with this application for Preliminary and Final Amended Site Plan Approval and no variances previously granted are being exacerbated by the present application.

9. Request is made for permission to amend previous preliminary and final site plan approval to construct, establish and maintain an approximately 5,051 sq. ft. Wawa convenience store with fueling facility and related site improvements.

(Describe type of variance sought)

No new variances are proposed as part of this application. Applicant intends to rely upon variances previously granted in previous approval, none of which are being exacerbated by the proposed site plan amendment and thus applicant seeks reconfirmation of use and bulk variance previously granted.

contrary to the requirements of Sections: N/A

N/A 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.

	EXISTING CONDITION	REQUIRED BY ORDINANCE	PROPOSED YES/NO	VARIANCE REQUIRED
<u>LOT SIZE:</u>				
Lot Area	11.931	.80	same as existing	no
Lot Frontage	180 feet	100 feet	same as existing	no
Lot Width	180 feet	100 feet	same as existing	no
Lot Depth	385 feet	200 feet	same as existing	no
<u>PRINCIPAL BUILDING:</u>				
Side Yard, each	N/A	55feet	156.3 ft.	no
Front Yard	N/A	8 feet max	48.3 ft / 76.7	previously granted.
Rear Yard	N/A	40 feet	136.1 ft	no
Building Height	N/A	30 feet	32.75 ft.	previously granted.
<u>ACCESSORY BUILDING:</u> N/A				
Side Yard, each				
Rear Yard				
Distance to Other Buildings				
Building Height				
<u>MAXIMUM COVERAGE:</u>				
Principal Building %	N/A	35%	4.1%	no
Accessory Building %				
<u>GROSS FLOOR AREA:</u> N/A				
Principal Building				
Accessory Building				

<u>EXISTING CONDITION</u>	<u>REQUIRED BY ORDINANCE</u>	<u>PROPOSED YES/NO</u>	<u>VARIANCE REQUIRED</u>
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<u>PARKING:</u> No. of Spaces	N/A	28	53 spaces / 3 oversized	no
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SIGNS:
Size

Number

Type (free standing
or building mounted)

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.
Yes. See Resolution CLUB 2022-18, a copy of which is enclosed herein.

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.

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)

N/A

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)

N/A

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:
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Nehmad Davis & Goldstein, P.C.	4030 Ocean Heights Ave, EHT, NJ 08234	609-927-1177	609-926-9721	
Dynamic Engineering	904 Main Street, Lake Como, NJ 07719	732-974-0198	732-974-3521	

VERIFICATION OF APPLICATION

(Indicate Status of Applicant Below)

xxx

Applicant is owner of property
Applicant is not owner of property but has an Agreement of Sale and the consent
of the owner to make this application.

Other (specify)

STATE OF NEW JERSEY:

SS

COUNTY OF CAPE MAY: Ocean

Maurice Zekaria, being of full age and duly sworn according to law, upon his/her oath, deposes and says that the information set forth in the variance application, survey, subdivision plan, site plan and related documents submitted in connection with this application is true and correct and that they accurately portray the proposed project for which variance relief and accompanying approvals (if any) are sought.

[Signature]
Applicant's Signature

Sworn and subscribed to before
me this 22 day of March,
2027.

[Signature]
Notary Public

My Commission Expires: _____

LISA VASSALLO
Commission # 2316604
Notary Public, State of New Jersey
My Commission Expires
July 17, 2024

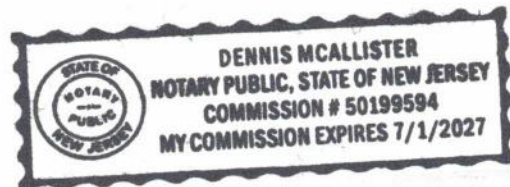
CONSENT TO APPLICATION BY OWNER OF PREMISES (Need not be signed if Owner is Applicant)

I hereby consent to the application submitted to the Dennis Township Zoning Board of Adjustment with regard to the premises referred to in this application which premises is owned by me.

[Signature]
Owner's Signature

Sworn and subscribed to before
me this 21st day of March,
2023.

[Signature]
Notary Public
New Jersey



DENNIS TOWNSHIP ZONING BOARD OF ADJUSTMENT

SURVEY/PLAN/PLAT AFFIDAVIT

STATE OF NEW JERSEY:


SS

COUNTY OF CAPE MAY:


Ocean

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

1. I am the owner of the property known and identified as Block 64, Lot(s) 30, in the Township of Dennis or I am the applicant for development in this matter.
2. The attached sealed survey/plan/plat prepared by Dynamic Engineering, and dated 3/22/23, 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 - Owner/Applicant

Sworn to and subscribed
before me this 22
day of March, 2023.


Notary Public
New Jersey




**DENNIS TOWNSHIP ZONING BOARD OF ADJUSTMENT
ESCROW FEES AND APPLICATION FEES**Applicant's Name: Dennis 47 Developers, LLC
Address: _____1195 Route 70, Suite 2000, Lakewood, New Jersey 08701Address of Property: 1089 NJSH Route 47Subject to the Application: (Street Address): 1089 NJSH Route 47Block: 64 Lot (s): 30Amount of required Escrow: \$ 1,000.00Amount of required Application Fees: \$ 200.00

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: 5/22/23Applicant: 

DENNIS TOWNSHIP ZONING BOARD OF ADJUSTMENT APPLICATIONS INVOLVING SITE PLANS

Whenever a proposed development requires approval of a subdivision or site plan in addition to a use variance, the applicant may elect to submit a separate application requesting approval of the variance and a subsequent application for any required approval of subdivision, site plan or conditional use. The separate approval of the use variance shall be conditioned upon the granting of all required subsequent approvals by the Board of Adjustment.

When an applicant submits an application for subdivision, site plan or conditional use approval at the same time as an application for a use variance, and there are contradictions between the requirements of the respective applications as to number of copies of application form or plans, information required or other items, the most stringent (the most demanding) requirements shall apply. When submitting applications for a use variance and other approvals such as subdivisions or site plans, all application fees for the respective items must be submitted with the application itself.

In cases where the applicant seeks approval for premises located within the Pinelands area, the applicant must adhere to all requirements set forth in Township Code Chapters 165 (Subdivision of Land) and 185 (Zoning).

GENERAL INFORMATION:

Present use: No change.

Proposed use: No change from previous approval.

Size of proposed building: _____ (depth) see site plan. (width) see site plan. (height) see site plan.
(no. of stories) _____ (total sq. footage) 5,051 sq. ft. (no. of units involved) _____

Waivers sought for (describe type of waivers sought and specify the Ordinance Section listing the items for which waivers have been sought) _____

MINOR SITE PLAN (AND SITE PLAN WAIVERS)

Definition: See Dennis Township Code Section 165-59B (Minor Site Plans) and 165-59A (Waivers).

Procedures for Submission: See Dennis Township Code Section 165-51.

Plan Details: See Dennis Township Code Sections 165-59A, C and 165-54B.

PRELIMINARY MAJOR SITE PLAN

Procedures for Submission: See Dennis Township Code Section 165-51.

Plan Details: See Dennis Township Code Section 165-54B(1) and (2).

FINAL MAJOR SITE PLAN

Procedure for Submission: See Dennis Township Code Section 165-51

Plan Details: See Dennis Township Code Section 165-55B

Prepared by the Court

FILED

SEP 28 2022

SUPERIOR COURT OF NEW JERSEY
CAPE MAY COUNTY
LAW DIVISION
CAPE MAY COUNTY
CIVIL DIVISION

DENNIS 47 DEVELOPERS, LLC,

Plaintiff,

v.

DENNIS TOWNSHIP LAND USE BOARD,

Defendant.

DOCKET NO: CPM-L-442-21

Civil Action

ORDER & FINAL JUDGMENT

THIS MATTER, having been brought before the Court by way of an action in lieu of prerogative writ; and Stephen R. Nehmad, Esquire of the firm Nehmad Davis & Goldstein, P.C., having appeared on behalf of Plaintiff; and Jon D. Batastini, Esquire of the firm Garrett & Batastini, P.A., having appeared on behalf of Defendant; and the Court having reviewed carefully each Party's previously filed pleadings and having carefully reviewed the transcripts and full record of the proceedings conducted below before Defendant, Dennis Township Land Use Board; and for the reasons more fully set forth in the Memorandum of Decision issued on this same date; and for good cause shown;

IT IS on this 28th day of SEPTEMBER 2022; ORDERED and ADJUDGED as follows:

1. The Defendant's July 22, 2021 denial of Plaintiff's application for a use variance pursuant to the provisions of N.J.S.A. 40:55D-70d(2), bulk variances pursuant to the provisions of N.J.S.A. 40:55D-70c and design waivers pursuant to the ordinances of the Township of Dennis in connection with Plaintiff's application to develop a 2.36+/- acre portion of the real property that is designated on the tax map of Dennis Township in Cape May County as Block 64, Lot 30, commonly known as 1089 NJ-47, with a Wawa retail convenience store and gas station under a free-standing canopy, all as more particularly set forth in Defendant's memorializing resolution CLUB 2021-14, was an arbitrary, capricious, unreasonable, and unlawful application of its land use powers under N.J.S.A. 40:55D-1, et. seq. and said decision be, and hereby is, reversed.

Prepared by the Court

2. The Defendant's July 22, 2021 denial of Plaintiff's application for preliminary and final major site plan approval, in connection with Plaintiff's application to develop a 2.36+/- acre portion of the real property that is designated on the tax map of Dennis Township in Cape May County as Block 64, Lot 30, commonly known as 1089 NJ-47, with a Wawa retail convenience store and gas station under a free-standing canopy, all as more particularly set forth in Defendant's memorializing resolution CLUB 2021-14, was an arbitrary, capricious, unreasonable, and unlawful application of its land use powers under N.J.S.A. 40:55D-1, et. seq. and said decision be, and hereby is, reversed.
3. The Defendant's July 22, 2021 denial of Plaintiff's application for minor subdivision approval, in connection with Plaintiff's application to develop a 2.36+/- acre portion of the real property that is designated on the tax map of Dennis Township in Cape May County as Block 64, Lot 30, commonly known as 1089 NJ-47, with a Wawa retail convenience store and gas station under a free-standing canopy, all as more particularly set forth in Defendant's memorializing resolution CLUB 2021-14, was an arbitrary, capricious, unreasonable, and unlawful application of its land use powers under N.J.S.A. 40:55D-1, et. seq. and said decision be, and hereby is, reversed.
4. For the reasons more fully set forth in the accompanying Memorandum of Decision, in lieu of remanding this matter to the Defendant land use board for further proceedings, the Court retains jurisdiction over Plaintiff's land use application that was the subject of this action in lieu of a prerogative writ and grants Plaintiff's application to develop a 2.36+/- acre portion of the real property that is designated on the tax map of Dennis Township in Cape May County as Block 64, Lot 30, commonly known as 1089 NJ-47, with a Wawa retail convenience store and gas station under a free-standing canopy which grant of approval shall be deemed to specifically include the following:
 - a. A use variance pursuant to the provisions of N.J.S.A. 40:55D-70d(2), all bulk variances pursuant to the provisions of N.J.S.A. 40:55D-70c for which Plaintiff applied and all design waivers pursuant to the ordinances of the Township of Dennis for which Plaintiff applied;
 - b. Minor subdivision approval pursuant to Dennis Township Ordinance §165-1, et. seq., and N.J.S.A. 40:55D-47 to create a 2.36+/- acre lot from Block 64, Lot 30 upon which the aforementioned Wawa retail convenience store and gas station

Prepared by the Court

under a free-standing canopy will be developed in accordance with the plans and drawings that Plaintiff submitted to Defendant land use board; and

- c. Preliminary and final major site plan approval so as to allow a 2.36+/- acre portion of the real property that is designated on the tax map of Dennis Township in Cape May County as Block 64, Lot 30, commonly known as 1089 NJ-47, with a Wawa retail convenience store and gas station under a free-standing canopy in accordance with the plans and drawings that Plaintiff submitted to Defendant land use board.
5. Count 3 of Plaintiff's Complaint, having been rendered moot by this Order and Final Judgment, is dismissed without prejudice. The dismissal shall be deemed to be with prejudice upon the time for an appeal expiring without an appeal having been filed. In the event of an appeal of this Order and Final Judgment then the dismissal shall remain without prejudice abiding a final resolution of the appeal.
6. This Order and Final Judgment shall be electronically filed via e-courts thereby ensuring prompt service upon all counsel of record



MICHAEL J. BLEE, A.J.S.C.

Jon D. Batastini, Esquire
Attorney ID 025972000
GARRETT & BATASTINI
A Professional Association
3318A Simpson Avenue
Ocean City, New Jersey 08226
(609) 399-0035

Attorney for Dennis Township Consolidated Land Use Board

Dennis Township Consolidated Land Use Board

RESOLUTION CLUB 2022-18

APPLICATION OF:	Dennis 47 Developers, LLC
PROPERTY:	Block 64, Lot 30 -1089 Route 47

WHEREAS, this Board adopted Resolution CLUB 2021 (the "Resolution") which denied the application of Dennis 47 Developers, LLC (the "Applicant") for specified land use approvals including, without limitation, a D-1 use variance, preliminary and final major site plan approval, minor subdivision approval and specified bulk variances, all as more specifically set forth in the Resolution; and

WHEREAS, Applicant timely filed a Complaint in Lieu of Prerogative Writs to the Superior Court of New Jersey, Cape May County, Law Division, challenging the denial of all of the land use approvals recited above and set forth in the Resolution; and

WHEREAS, the Honorable Michael J. Blee, A.J.S.C., pursuant to an Order dated September 28, 2022 reversed the denial of all of the land use approvals sought by Applicant and granted all of said approvals pursuant to the Court's Order dated September 28, 2022, copy of which is attached hereto and made a part hereof as Exhibit "A" (3 pages); and

WHEREAS, no appeal has been taken from said Order and the Final Judgment issued by

Judge Blee attached as Exhibit "A"; and

WHEREAS, both Applicant and the Board believe it is in the public interest to have a written memorialization of the official action taken by the Court so that terms and conditions of the approvals can be determined.

NOW, THEREFORE, BE IT RESOLVED by the Dennis Township Consolidated Land Use Board at its meeting on December 22, 2022, that it recognizes the legal validity of the Court's Order dated September 28, 2022, a copy of which is attached as Exhibit "A", and determines that the approvals shall be and are hereby conditioned and contingent upon the following:

1. The Board's engineer, specifically J. Michael Fralinger, Jr., PE, CME, issued a report dated August 20, 2021. To the extent that report requests that plan revisions be made which do not negatively affect the legal validity of the land use approvals referenced in and issued by Judge Blee in Exhibit "A", Applicant shall revise the plans to address the items set forth in Mr. Fralinger's aforesaid report.

2. The access drive proposed between Lots A and B shall be the subject of a reciprocal easement agreement, the terms of which shall be reviewed and approved as to form in the reasonable opinion of the Board attorney and Board engineer.

3. The Applicant shall post engineering inspection fees and a performance guarantee in an amount as required by the New Jersey Municipal Land Use Law and in accordance with an engineer's cost estimate submitted to Mr. Fralinger for his reasonable review and approval.

4. The effective date of all approvals, as determined by the Court, and as supplemented by the conditions contained herein, shall be the date upon which this Board adopts this memorializing Resolution.

This Resolution is adopted on December 22, 2022, in supplementation of the Court's Order attached as Exhibit "A".

Dated: 12-22-22

Dennis Township Consolidated Land Use Board

/s/ [Signature]
Chairperson

/s/ [Signature]
Vice Chairperson

This is to certify that this is a true copy of a Resolution memorialized by the Dennis Township Consolidated Land Use Board at its regular meeting held on December 22, 2022. See attached for members voting.

[Signature]
Carla Coffee, Secretary

Hearing Date

Member Name	Position	Present	Absent	Motion	Second	Yea	Nay	Abstain
Daniel Walsh	Chair Class IV							
Joseph Chambers	Vice Chair Class IV							
David Watson	Class IV							
Harry Cowan	Class IV							
Les Frie	Class IV							
Chris Hope	Class IV							
Mayor's Designee Thomas McEvoy	Class I							
Scott Turner	Class III							
Robert Penrose	Class II/IV							
Carly Caprioni	Alt 1							
Elizabeth Martucci	Alt 2							

Resolution Date 12-22-22

Member Name	Position	Present	Absent	Motion	Second	Yea	Nay	Abstain
Daniel Walsh	Chair Class IV	✓				✓		
Joseph Chambers	Vice Chair Class IV	✓				✓		
David Watson	Class IV			✓				
Harry Cowan	Class IV	✓		✓				
Les Frie	Class IV		✓					
Chris Hope	Class IV		✓					
Mayor's Designee Thomas McEvoy	Class I	✓				✓		
Scott Turner	Class III							
Robert Penrose	Class II/IV	✓				✓		
Carly Caprioni	Alt 1	✓				✓		
Elizabeth Martucci	Alt 2	✓			✓			