

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 (15<sup>th</sup>) 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: 72, 76, & 80 W. Rising Sun Drive

Tax Map:

Page: 26.01 Block(s) 229 Lot(s) 1, 2, 3, & 4  
Page: \_\_\_\_\_ Block(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

Dimensions:

Frontage: 400ft. Depth: 126.86ft. Total Area: 50,162SF

**2. APPLICANT:**

Name: 72 W. Rising Sun Drive, LLC

Address: 32 Sunset Drive, Petersburg, New Jersey 08270

Phone: 1-609-287-8698

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)

**\*\* Please see the attached Corporate Disclosure Statement. \*\***

## DISCLOSURE STATEMENT

Pursuant to N.J.S.A. 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.A. 40:55D-48.2, that disclosure requirement applies to any corporation or partnership which owns more than 10% interest in the applicant followed up by the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% ownership criterion have been disclosed.

## 72 WEST RISING SUN, LLC

<u>Member's Name</u>	<u>Addresses</u>	<u>Percentage Interest</u>
Cezanne Czworkowski	9 Lafayette Avenue Del Haven, New Jersey 08251	25%
Maurice Catarcio	9 Lafayette Avneue Del Haven, New Jersey 08251	25%
Pelagic Properties, LLC	32 Sunset Drive Woodbine, New Jersey 08270	50%

## PELAGIC PROPERTIES, LLC

<u>Member's Name</u>	<u>Addresses</u>	<u>Percentage Interest</u>
Matt Leusner	32 Sunset Drive Woodbine, New Jersey 08270	50%
Mike Jefferson	801 Bennett Road CMCH, New Jersey 08210	50%

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: \_\_\_\_\_

The property is currently developed with a single-family dwelling, an accessory shed, and an accessory pool. All of these improvements are proposed to be removed.

6. **Applicant's Attorney:** Robert Belasco, Esquire Phone No.: 1-609-729-5250  
Address: 111 E. 17th Avenue - Suite 100 Fax No.: 1-609-729-0954  
North Wildwood, New Jersey 08260
7. **Applicant's Engineer:** Vincent Orlando, P.E., P.P. Phone No: 1-609-390-0332  
Address: 5 Cambridge Drive, Ocean View NJ 08230 Fax No.: 1-609-390-9204

8. **Applicant's Planning Consultant:** \_\_\_\_\_ Phone No.:( ) \_\_\_\_\_  
Address: \_\_\_\_\_ Fax No.:( ) \_\_\_\_\_

9. **Applicant's Traffic Engineer:** \_\_\_\_\_ 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 4 Number of proposed dwelling units 4  
(include remainder lot) (if applicable)

**SITE PLAN:**

- ☐ Preliminary Site Plan Approval \_\_\_\_\_ (Phases if applicable)  
☐ Final Site Plan Approval \_\_\_\_\_ (Phases if applicable)  
☐ Amendment or Revision to an 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: \_\_\_\_\_  
§ 185-21(D) - Minimum Lot Area & Minimum Lot Depth



13. **Waivers Requested** of Development Standards and/or Submission Requirements:  
(Attach additional pages as needed) None requested; however, the Applicant will seek any and all  
waivers deemed necessary and/or required by the Board at the time that the Application is heard.
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):  
Renewal of Mining Permit, Mining of Sand and Stone  
See attached Justification Memorandum
16. **Is a public water** line available? No
17. **Is public sanitary** sewer available? No
18. **Does the application** propose a well and septic system? Yes
19. **Have any proposed** new lots been reviewed with the Tax Assessor to determine appropriate lot and block numbers? The proposed lots technically already exist on the tax map; however, same would appear to have merged as they are/were undersized and are under common ownership.
20. **Are any off-tract** improvements required or proposed? No
21. **Is the subdivision** to be filed by Deed or Plat? Filed by Plat
22. **What form of security** does the applicant propose to provide as performance and maintenance guarantees? Any required.
23. **Other approvals** which may be required and date plans submitted:
- |   | <u>Yes</u> | <u>No</u> | <u>Date Plans Submitted</u> |
|---|------------|-----------|-----------------------------|
| Dennis Township Municipal Utilities Auth. |            | <u>X</u>  |                             |
| Cape May County Health Department         |            |           |                             |
| Cape May County Planning Board            |            | <u>X</u>  |                             |
| Cape May County Soil Conservation Dist.   |            | <u>X</u>  |                             |
| NJ Department of Environmental Protection |            | <u>X</u>  |                             |
| Sewer Extension Permit                    |            | <u>X</u>  |                             |
| Sanitary Sewer Connection Permit          |            | <u>X</u>  |                             |
| Stream Encroachment Permit                |            | <u>X</u>  |                             |
| Waterfront Development Permit             |            | <u>X</u>  |                             |



**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      Reports Requested:

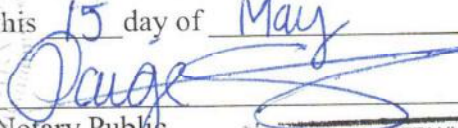
Attorney: Robert T. Belasco, Esq. Reports Requested: Any and all

Engineer: Vincent Orlando, PE, PP Reports Requested: Any and all

### 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.)*

Sworn to and subscribed before me  
this 15 day of May

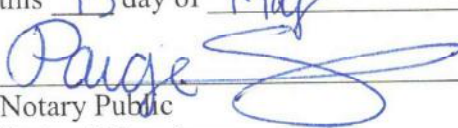
  
Notary Public  
State of New Jersey

PAIGE E STEFANKIEWICZ  
Notary Public, State of New Jersey  
Comm. # 50194762  
My Commission Expires 5/12/2027

By: 

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.)*

Sworn to and subscribed before me  
this 15 day of May

  
Notary Public  
State of New Jersey

PAIGE E STEFANKIEWICZ  
Notary Public, State of New Jersey  
Comm. # 50194762  
My Commission Expires 5/12/2027

By: 

28. I understand that the sum of \$ 9,000.00 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:

5/15/2023

by:

A handwritten signature in black ink, appearing to be 'R. B. J.', written over a horizontal line.



## 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: 72 West Rising Sun, LLC

Address: 32 Sunset Drive, Petersburg, New Jersey 08270

Property Owner's  
Name and Address: 72 West Rising Sun, LLC

32 Sunsent Drive, Petersburg, New Jersey 08270

Address of property  
Subject to the  
Application: 72, 76, and 80 W. Rising Sun Drive

Block & Lot: Block: 229, Lots: 1, 2, 3, & 4

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TO BE COMPLETED BY THE TAX COLLECTOR:

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

Date: 5/15/23

Dennis Township Tax Collector: Moua Stein

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

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

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

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



<b>Block/Lot/Qual:</b>	229. 1.	<b>Tax Account Id:</b>	4154
<b>Property Location:</b>	80 W RISING SUN DR	<b>Property Class:</b>	1 - Vacant Land
<b>Owner Name/Address:</b>	72 WEST RISING SUN LLC	<b>Land Value:</b>	91,400
	32 SUNSET DRIVE	<b>Improvement Value:</b>	0
	WOODBINE, NJ 08270	<b>Exempt Value:</b>	0
		<b>Total Assessed Value:</b>	91,400
		<b>Additional Lots:</b>	OB447L1
<b>Special Taxing Districts:</b>	FIRE DIST 1	<b>Deductions:</b>	

## Taxes

<a href="#">Make a Payment</a> <a href="#">View Tax Rates</a> <a href="#">View Current Bill</a> <a href="#">Project Interest</a>							
Year	Due Date	Type	Billed	Balance	Interest	Total Due	Status
2023	02/01/2023	Tax	422.50	0.00	0.00	0.00	PAID
2023	05/01/2023	Tax	422.50	0.00	0.00	0.00	PAID
Total 2023			845.00	0.00	0.00	0.00	
2022	02/01/2022	Tax	416.10	0.00	0.00	0.00	PAID
2022	05/01/2022	Tax	416.10	0.00	0.00	0.00	PAID
2022	08/01/2022	Tax	428.90	0.00	0.00	0.00	PAID
2022	11/01/2022	Tax	428.89	0.00	0.00	0.00	PAID
Total 2022			1,689.99	0.00	0.00	0.00	
2021	02/01/2021	Tax	415.87	0.00	0.00	0.00	PAID
2021	05/01/2021	Tax	415.87	0.00	0.00	0.00	PAID
2021	08/01/2021	Tax	416.33	0.00	0.00	0.00	PAID
2021	11/01/2021	Tax	416.32	0.00	0.00	0.00	PAID
Total 2021			1,664.39	0.00	0.00	0.00	
Last Payment: 05/05/23							

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<b>Block/Lot/Qual:</b>	229. 2.	<b>Tax Account Id:</b>	4155
<b>Property Location:</b>	76 W RISING SUN DR	<b>Property Class:</b>	2 - Residential
<b>Owner Name/Address:</b>	72 WEST RISING SUN LLC	<b>Land Value:</b>	91,500
	32 SUNSET DRIVE	<b>Improvement Value:</b>	300
	WOODBINE, NJ 08270	<b>Exempt Value:</b>	0
		<b>Total Assessed Value:</b>	91,800
		<b>Additional Lots:</b>	OB447L2
<b>Special Taxing Districts:</b>	FIRE DIST 1	<b>Deductions:</b>	

## Taxes

<a href="#">Make a Payment</a> <a href="#">View Tax Rates</a> <a href="#">View Current Bill</a> <a href="#">Project Interest</a>							
Year	Due Date	Type	Billed	Balance	Interest	Total Due	Status
2023	02/01/2023	Tax	424.35	0.00	0.00	0.00	PAID
2023	05/01/2023	Tax	424.34	0.00	0.00	0.00	PAID
<b>Total 2023</b>			<b>848.69</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	
2022	02/01/2022	Tax	417.92	0.00	0.00	0.00	PAID
2022	05/01/2022	Tax	417.92	0.00	0.00	0.00	PAID
2022	08/01/2022	Tax	430.77	0.00	0.00	0.00	PAID
2022	11/01/2022	Tax	430.77	0.00	0.00	0.00	PAID
<b>Total 2022</b>			<b>1,697.38</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	
2021	02/01/2021	Tax	417.69	0.00	0.00	0.00	PAID
2021	05/01/2021	Tax	417.69	0.00	0.00	0.00	PAID
2021	08/01/2021	Tax	418.15	0.00	0.00	0.00	PAID
2021	11/01/2021	Tax	418.15	0.00	0.00	0.00	PAID
<b>Total 2021</b>			<b>1,671.68</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	
Last Payment: 05/05/23							

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<b>Block/Lot/Qual:</b>	229. 3.	<b>Tax Account Id:</b>	4156
<b>Property Location:</b>	72 W RISING SUN DR	<b>Property Class:</b>	2 - Residential
<b>Owner Name/Address:</b>	72 WEST RISING SUN LLC	<b>Land Value:</b>	103,000
	32 SUNSET DRIVE	<b>Improvement Value:</b>	104,900
	WOODBINE, NJ 08270	<b>Exempt Value:</b>	0
		<b>Total Assessed Value:</b>	207,900
		<b>Additional Lots:</b>	L4 OB447L3
<b>Special Taxing Districts:</b>	FIRE DIST 1	<b>Deductions:</b>	

Balance Includes any Adjustments to Your Account

#### Taxes

<div> <a href="#">Make a Payment</a> <a href="#">View Tax Rates</a> <a href="#">View Current Bill</a> <a href="#">Project Interest</a> </div>								
Year	Due Date	Type	Orig Billed	Adj Billed	Balance	Interest	Total Due	Status
2023	02/01/2023	Tax	961.02	0.00	0.00	0.00	0.00	PAID
2023	05/01/2023	Tax	961.02	0.00	0.00	0.00	0.00	PAID
<b>Total 2023</b>			<b>1,922.04</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	
2022	02/01/2022	Tax	946.47	0.00	0.00	0.00	0.00	PAID
2022	05/01/2022	Tax	946.46	0.00	0.00	0.00	0.00	PAID
2022	08/01/2022	Tax	975.58	0.00	0.00	0.00	0.00	PAID
2022	11/01/2022	Tax	975.57	0.00	0.00	0.00	0.00	PAID
<b>Total 2022</b>			<b>3,844.08</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	
2021	02/01/2021	Tax	945.95	0.00	0.00	0.00	0.00	PAID
2021	05/01/2021	Tax	945.95	-304.09	0.00	0.00	0.00	PAID
2021	08/01/2021	Tax	946.98	0.00	0.00	0.00	0.00	PAID
2021	11/01/2021	Tax	946.98	0.00	0.00	0.00	0.00	PAID
<b>Total 2021</b>			<b>3,785.86</b>	<b>-304.09</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	
Last Payment: 05/05/23								

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## PUBLIC NOTICE

PLEASE TAKE NOTICE that on **TBD at 7:00 pm**, a hearing will be held via video conference before the **Dennis Township Consolidated Land Use Board** in the matter of the application by 72 West Rising Sun, LLC regarding the properties located at 72, 76, and 80 W. Rising Sun Drive, also known as Block: 229, Lots: 1, 2, 3, & 4. The property is located partially in the Township's OVR (Ocean View Residential) zoning district, and it is currently developed with a single-family dwelling, an accessory shed, and an accessory pool.

The Applicant is proposing to remove all existing improvements currently located on site, and is there after seeking approval to resubdivide the property in order to reestablish the four (4) residential lots that previously existed, and which are still depicted on the Dennis Township Tax Map (sheet 26.01). In connection with this proposal the Applicant is requesting minor subdivision approval, and 'C' variance relief in connection with minimum lot area and minimum lot depth for each of the proposed lots. In addition to the aforementioned relief, the Applicant also seeks any other variances or waivers deemed necessary and/or required by the Board or the Applicant at the time of the hearing to permit the project.

While New Jersey's Executive Order 103 and Executive Order 107 are in effect, the Division of Local Government Services has issued guidance to ensure continuity of Land Use application procedures, to ensure due process is afforded during **Consolidated Land Use Board** hearings and to remind local units to adhere to appropriate social distancing and health measures as they implement this process. In-person attendance at the hearing by the applicant, the Board or the public is prohibited.

Maps and other documents relating to this matter shall be available at least ten (10) days prior to the meeting date for inspection. Under the present circumstances, the maps and other documents relating to this matter shall be posted for public review on the Dennis Township Consolidated Land Use webpage located at <https://dennistwp.org/consolidated-land-use/> free of charge. Any Members of the public experiencing difficulty accessing the free online material are advised to contact the Board Secretary at **(609) 861-9705** to arrange for review of a hard copy of the plans and application materials by mail or via a secure public location.

All parties to the hearing, including the public, must no less than two days in advance of the meeting provide to the Board Secretary any additional documents or exhibits to be presented at the hearing. These additional documents and exhibits shall be individually labeled by the submitting party as an exhibit and the Board Secretary shall post the labeled exhibits prior to and for the video meeting. Please contact the Board Secretary at **(609) 861-9705** to arrange delivery options of the Exhibits and to advise the Board Secretary of your anticipated participation.

### INSTRUCTIONS TO PARTICIPATE IN VIRTUAL ONLINE MEETING:

In order to participate in this hearing including the opportunity to comment, the following options are available:

- Dial in via phone at **1-929-205-6099** or **1-301-715-8592** and enter **Meeting ID: 882 7676 6069** and **Password: 737811** for voice connection; or
- Type in the following link on the internet browser of your desktop computer or laptop: <https://us02web.zoom.us/j/88276766069?pwd=WHBRRGlzMnh2aVBYSXk4S09QZkNUQT09> at the date and time above for video or audio access. You may join the meeting through your internet browser or download the application to your computer; or
- For Smart Phones download the "Zoom" application. Open the app and enter **Meeting ID: 882 7676 6069** in the search bar and enter your full name and **Password: 737811** when prompted.

Prior to the hearing, you are encouraged to review the instructions to participate through your choice of electronic attendance. The plans, application and applicable documents for the hearing are posted on the internet at <https://dennistwp.org/consolidated-land-use/>.

For those individuals lacking the resources or know-how for technological access, please contact the Board Secretary at **(609) 861-9705** during normal business hours for assistance in delivering exhibits, accessing the plans and the meeting.

Robert T. Belasco, Esquire  
Stefankiewicz & Belasco, LLC  
111 E. 17<sup>th</sup> Avenue, Suite 100  
North Wildwood, NJ 08260



**Applicant:** 72 West Rising Sun Drive, LLC

**Subject Property:** 72, 76, & 80 W. Rising Sun Drive, a/k/a Block: 229, Lot: 1, 2, 3, & 4

**Relief Sought:** Minor Subdivision Approval, and 'C' Variance Relief

**Justification for Variances Sought**

The Applicant, 72 West Rising Sun, LLC, is the owner of certain real property located at 72, 76, and 80 W. Rising Sun Drive, also known as Block 229, Lots 1, 2, 3, & 4 (hereinafter the "subject property"). The subject property is located in the Township's OVR (Ocean View Residential) zoning district and it is currently developed with a single-family dwelling, an accessory shed, and an accessory pool. The Township's Tax Map (Sheet 26.01) currently reflects that lots 1, 2, 3, & 4 currently exist; however, in light of the fact that said lots are undersized and are now under common ownership, said lots would technically merge/consolidate under the Loechner Doctrine.

The Applicant is proposing to re-subdivide the subject property in order to reestablish the four (4) lots in question. In connection with this proposal the Applicant is requesting minor subdivision approval and 'c' variance relief related to the minimum lot area and minimum lot depth for each of the four (4) lots in question. It is the future intent of the Applicant to develop the four (4) proposed lots with single-family dwellings which are a permitted use in the Township's OVR zone. The proposed single-family dwellings will conform with all of the area and bulk requirements of the OVR zone.

The relief sought by the Applicant will have no impact on any neighboring properties and same presents no detriments to the public good nor does it impair the intent or purpose of the zone plan or zoning ordinance. The lots in question are consistent with the dimensions of existing lots in the surrounding neighborhood, and same is developed with single-family dwellings which are consistent with the future development proposed by the Applicant. Moreover, the four (4) lots in question currently exist and are still depicted on the Township's Tax Map on Sheet 26.01.

In accordance with N.J.S.A. 40:55D-70, a Land Use Board may grant variance relief when the Applicant establishes that the purposes of zoning, outlined under N.J.S.A. 40:55D-2, are advanced in connection with the relief sought by the Applicant. The Applicant must also establish that the benefits associated with the requested relief outweighs any substantial detriment to the public good, the zoning ordinance, or the specific zone plan.

This application can be granted without substantial detriment to the public good, the zoning ordinance, or the zone plan because it satisfies several of the special reasons, or the positive criteria, set forth in N.J.S.A. 40:55D-2.

The first purpose advanced in connection with this Application is "A," "To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare." The Applicant is proposing to re-establish previously existing lots and intends to develop same with single-family dwellings in the future. Single-family dwellings are permitted use within the OVR zone and the lots in question are consistent with the size of existing lots located throughout the surrounding neighborhood. With the exception of the request for variance relief in relation to minimum lot area and minimum lot depth, the proposed future development will meet all applicable area and bulk requirements which will provide a benefit to the surrounding neighborhood thereby advancing the general welfare. The plan of resubdivision submitted

in connection with this application incorrectly references the need for maximum building height variances. Same will be correct on revised plans to be submitted prior to a full hearing before the Board.

The second purpose advanced in connection with this Application is "C" "to provide adequate light, air, and open space." The Applicant's proposal will provide compliant side and front yard setbacks and the development on each proposed lot will be well below permitted building and lot coverages. The Applicant is not proposing to overdevelop the site. Accordingly, the proposed development maintains and promotes adequate light, air, and open space.

The third purpose advanced in connection with this Application is "E" "to promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment." Reestablishing the four lots in question and developing same with single-family dwellings will be consistent with the existing development in the surrounding neighborhood.

The fourth purpose advanced in connection with this Application is "G" "to provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens." The proposed use is permitted in the OVR zone and same is consistent with existing uses in the surrounding neighborhood.

In summary, the proposed minor subdivision and the requested 'C' variance can be granted as there is no substantial detriment to the public good and the relief sought by the Applicant will not impair the intent and purpose of the zone plan or zoning ordinance as there will be no negative impact the surrounding neighborhood. Furthermore, the purposes of the Municipal Land Use Law will be advanced by the Application and the benefits of granting same substantially outweigh any potential detriment.

The Applicant reserves the right to amend/revise the contents of this memorandum in advance of the hearing before the Board.



# DEED

Prepared By

This Deed is made on June 9, 2022,

Cory J. Gilman, Esquire

**BETWEEN Estate of Judith Anne Marchesani, George Meyers, Executor**

whose address is 4 Belcroft Ave, Ocean View, NJ 08230  
referred to as the Grantor,

**AND 72 West Rising Sun, LLC**

whose address is 32 Sunset Dr., Woodbine, NJ 08270  
referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

**Grantor.** The Grantor makes this Deed as the Personal Representative of the Estate of **Judith Anne Marchesani** deceased, of the County of Cape May and State of New Jersey.

**Transfer of Ownership.** The Grantor grants and conveys (transfers ownership of) the property (called the "Property") described below to the Grantee. This transfer is made for **TWO HUNDRED THIRTY FIVE THOUSAND AND 00/100 DOLLARS (\$235,000.00)**. The Grantor acknowledges receipt of said consideration.

**Tax Map Reference.** (N.J.S.A. 46:26A-3(a)(5)(b)) Municipality of Dennis Township  
Block No. **229** Lot No. **1, 2, 3 & 4** Qualifier No. Account No.

☐ No property tax identification number is available on the date of this Deed. (Check box if applicable.)

**Property.** The Property consists of the land and all the buildings and structures on the land in the Municipality of Dennis Township, County of Cape May and State of New Jersey. The legal description is:

All those certain lots or tracts of land situate in the Township of Dennis, County of Cape May and State of New Jersey, being Lots 1, 2, 3 & 4, Section 2, of a plan of lots called Baywyn, duly filed and recorded and more particularly described as follows:

Tract 1:

Beginning at a point on the Southeasterly side of Eddy Lane, which said point is Five Hundred Thirty Feet (530') Northeast of the Northeastly side of Woodbine-Ocean View Road, and running in a Southeasterly direction along the Northeastly side of Rising Sun Drive, South 49 degrees 59 minutes East, a distance of One Hundred Feet (100') to a point in the Northeastly side of Rising Sun Drive;

THENCE: Along the line of Lot 2, Section 2, North 40 degrees 01 minutes East, One Hundred Twenty-four and sixty-seven hundreds feet (124.67') to a point in the line of now or formerly Louise Downam;

THENCE: Along the Downam line, North 50 degrees 24 minutes West, One Hundred (100') feet to a point in the line of Downam and in the Southeasterly line of Eddy Lane;

THENCE: Along the Southeasterly side of Eddy Lane, South 40 degrees 01 minutes West, On Hundred twenty-three and ninety-five hundreds feet (123.95') to a point in the Northeasterly line of Rising Sun Drive and the place of Beginning.

PURSUANT to Public Laws of 2011, Chapter 217 (N.J.S.A. 46:26A-3(a)(5)(b)) the above premises are also known as Lot 1, Block 229, Dennis Township, Cape May County, New Jersey.

Tract 2:

Beginning at a point on the Northwesternly side of Boyce Lane, which said point is Five Hundred Thirty Feet (530') Northeast of the Northeasterly side of Woodbine-Ocean View Road, and running in a Northwesternly direction, North 49 degrees 59 minutes West, a distance of Three Hundred Feet (300') along the Northeasterly side of Rising Sun Drive to a point;

THENCE: Along the line of Lot 1, Section 2, North 40 degrees 01 minutes East, One Hundred Twenty-four and sixty-seven hundreds feet (124.67') to a point in the line of now or formerly Louise Downam;

THENCE: Along the Downam line, South 50 degrees 24 minutes East, Three Hundred (300') feet to a point in the line of Downam and in the Northwesternly line of Boyce Lane;

THENCE: Along the Northwesternly side of Boyce Lane, South 40 degrees 01 minutes West, One Hundred twenty-six and eighty-five hundreds feet (126.85') to a point and place of Beginning.

PURSUANT to Public Laws of 2011, Chapter 217 (N.J.S.A. 46:26A-3(a)(5)(b)) the above premises are also known as Lots 2, 3 & 4 Block 229, Dennis Township, Cape May County, New Jersey.

BEING the same premises which Raymond E. Conover and Peggy Anne Conover, his wife, by a deed dated July 11, 1978 and recorded on July 19, 1978, in Cape May County Deed Book 1407, page 1044, granted and conveyed unto Albert R. Thompson and Julia B. Thompson, h/w, in fee.

AND THE SAID Albert R. Thompson, being so thereof seized, departed this life on August 7, 1997, leaving to survive his spouse, Julia B. Thompson, in whom title became vested by right of survivorship.

BEING the same premises which Julia B. Thompson, by a deed dated June 15, 2009 and recorded on July 9, 2009, in Cape May County Deed Book 3385, page 187, granted and conveyed unto Judith Anne Marchesani, in fee.

AND THE SAID Judith Anne Marchesani, being so thereof seized, departed this life on January 29, 2022, leaving a last Will and Testament dated December 3, 2021 duly probated on February 18, 2022 in office of the Registrar of Wills or Surrogate of Cape May County, New Jersey, in which the decedent appointed George E. Meyers Executor of her estate with power of sale and/or devised the property herein unto the noted individual Grantors, if any.

UNDER AND SUBJECT to any and all covenants, conditions, rights, reservations, restrictions and easements of record, if any.

**Promises by Grantor.** The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

**Signatures.** The Grantor signs this Deed as of the date at the top of the first page.

Estate of Judith Anne Marchesani,

George Meyers  
By George Meyers, Executor

STATE OF NEW JERSEY, COUNTY OF CAPE MAY SS.:

I CERTIFY that on June 9, 2022, George Meyers as Executor of the Estate of Judith Anne Marchesani personally came before me and stated to my satisfaction that this person (or if more than one, each person):

- (a) was the maker of this Deed;
- (b) executed this Deed as his or her own act; and,
- (c) made this Deed for \$235,000.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5.)

Charles N. DiStaulo

Charles N. DiStaulo  
Notary Public of New Jersey  
My Commission Expires  
November 26, 2026

**RECORD AND RETURN TO:**

Shore Title  
2699 Dune Drive  
Avalon, NJ, 08202



State of New Jersey  
Seller's Residency Certification/Exemption

**Seller's Information**

Name(s)  
Estate of Judith Anne Marchesani by George Meyers, Executor

Current Street Address  
4 Belcroft Ave

City, Town, Post Office  
Ocean View

State  
NJ

ZIP Code  
08230

**Property Information**

Block(s)  
229

Lot(s)  
1, 2, 3 & 4

Qualifier

Street Address  
72, 76 & 80 W. Rising Sun Drive

City, Town, Post Office  
Ocean View

State  
NJ

ZIP Code  
08230

Seller's Percentage of Ownership  
100

Total Consideration  
\$235,000.00

Owner's Share of Consideration  
\$235,000.00

Closing Date  
6-9-2022

**Seller's Assurances (Check the Appropriate Box) (Boxes 2 through 16 apply to Residents and Nonresidents)**

1. ☒ Seller is a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to the New Jersey Gross Income Tax Act, will file a resident Gross Income Tax return, and will pay any applicable taxes on any gain or income from the disposition of this property.
2. ☐ The real property sold or transferred is used exclusively as a principal residence as defined in 26 U.S. Code section 121.
3. ☐ Seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. ☐ Seller, transferor, or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. ☐ Seller is not an individual, estate, or trust and is not required to make an estimated Gross Income Tax payment.
6. ☐ The total consideration for the property is \$1,000 or less so the seller is not required to make an estimated Income Tax payment.
7. ☐ The gain from the sale is not recognized for federal income tax purposes under 26 U.S. Code section 721, 1031, or 1033 (CIRCLE THE APPLICABLE SECTION). If the indicated section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey Income Tax return for the year of the sale and report the recognized gain.
- ☐ Seller did not receive non-like kind property.
8. ☐ The real property is being transferred by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this State.
9. ☐ The real property being sold is subject to a short sale instituted by the mortgagee, whereby the seller agreed not to receive any proceeds from the sale and the mortgagee will receive all proceeds paying off an agreed amount of the mortgage.
10. ☐ The deed is dated prior to August 1, 2004, and was not previously recorded.
11. ☐ The real property is being transferred under a relocation company transaction where a trustee of the relocation company buys the property from the seller and then sells the house to a third party buyer for the same price.
12. ☐ The real property is being transferred between spouses or incident to a divorce decree or property settlement agreement under 26 U.S. Code section 1041.
13. ☐ The property transferred is a cemetery plot.
14. ☐ The seller is not receiving net proceeds from the sale. Net proceeds from the sale means the net amount due to the seller on the settlement sheet.
15. ☐ The seller is a retirement trust that received an acknowledgment letter from the Internal Revenue Service that the seller is a retirement trust, and is therefore not required to make the estimated Gross Income Tax payment.
16. ☐ The seller (and/or spouse/civil union partner) originally purchased the property while a resident of New Jersey as a member of the U.S. Armed Forces and is now selling the property as a result of being deployed on active duty outside of New Jersey. (Only check this box if applicable and neither boxes 1 nor 2 apply.)

**Seller's Declaration**

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein may be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box ☐ I certify that a Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

6-9-22

Date

George Meyers

Signature (Seller)

George Meyers-Executor

Indicate if Power of Attorney or Attorney in Fact

Date

Signature (Seller)

Indicate if Power of Attorney or Attorney in Fact



