

PREPARED BY:
THE LAW OFFICE OF

RONALD J. GELZUNAS, LLC

TOWNSHIP OF DENNIS
PLANNING/ZONING BOARD

1910 Route 9 North
Block 262; Lot 1.03

P.O. BOX 1288, WILDWOOD CREST, NEW JERSEY 08260
RON@GELZUNASLAW.COM
609-854-4502

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

1. Name and address of applicant:

Name: Baldacci Properties, LLC
Address: c/o 209 Leedom Street, 2nd Floor, Jenkintown, PA 19046

2. Applicant's telephone number:

Applicant's fax number:

Office: 215-421-2023

Email: frank.cifelli@yahoo.com

3. Property owner's name, address and telephone number if different from No. #1 above.

Name: Same Telephone: _____
Address: _____

4. Relationship of applicant to owner: N/A

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: Frank Cifelli 25%
Address: 209 Leedom Street, 2nd Floor
Jenkintown, PA 19046

Name: Sean Frankel 25%
Address: 209 Leedom Street, 2nd Floor
Jenkintown, PA 19046

Name: Josh Mathew 25%
Address: 209 Leedom Street, 2nd Floor
Jenkintown, PA 19046

Name: Momin Sheikh 25%
Address: 209 Leedom Street, 2nd Floor
Jenkintown, PA 19046

6. Location of premises:

Street address 1910 Route 9 North
Tax Block: 262
Tax Lot (s): 1.03
Tax Map Sheet No.: _____

Zoning District in which premises is located: CVC Clermont Village Center District
R-3 Rural Density Residential District

7. 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)
X _____ Hardship Variance (N.J.S.A. 40:55D-70c(1))
X _____ Flexible (C)/balancing benefits and detriments (N.J.S.A. 40:55D-70c(2))
_____ Use Variance (N.J.S.A. 40:55D070d)

X _____ (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)
X _____ Site plans (N.J.S.A. 40:55D-76)
_____ Major
 X _____ Preliminary
 X _____ Final

_____ Minor
_____ Waiver of site plan itself
_____ Subdivision (N.J.S.A. 40:55D-76)
_____ Minor
_____ Major
 _____ Preliminary
 _____ Final

X _____ Waivers from subdivision and/or site plan standards
_____ Other

8. Request is made for permission to:

The Applicant is proposing an amendment to the site plan and variances to reconfigure the self-storage building layout, and to construct a facility that will consist of four storage buildings of 24,000 square feet measuring 150 feet by 160 feet of traditional self-storage units.

Describe type of variance sought:

The applicant will require variances for front yard setback, building length, parking, and sign setback due to the change in building size and configuration.

Contrary to the requirements of Sections:

Section 185-19(B) Principal uses permitted on the land and in the buildings in the CVC District.

Section 185-19(D) Area and yard requirements; front yard, facade build to line and building length.

Section 185-38(B)(14) Off-street parking. Number of spaces.

9. 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	VARIANCE REQUIRED YES/NO
LOT SIZE:				
Lot Area	17.27 Acres	1 Acres	No Change	No*
Lot Frontage	143.9' (Rte. 9)	150'	No Change	No*
Lot Width	1,098'	150'	No Change	No
Lot Depth	1,316.9'	200'	No Change	No
PRINCIPAL BUILDING:				
Side Yard, each	N/A	30'	80.1'	No
Front Yard	N/A	0 - 8'	718.2'	Yes
Rear Yard	N/A	55'	73.8'	No
Building Height	N/A	2.5 stories/30'	<30'	No
Building Length	N/A	100'	160'	Yes
Distance between buildings	N/A	30'	65'	No
	EXISTING CONDITION	REQUIRED BY ORDINANCE	PROPOSED	VARIANCE REQUIRED YES/NO
ACCESSORY BUILDING:				
Side Yard, each	N/A			
Rear Yard	N/A			
Distance to Other Buildings	N/A			
Building Height	N/A			

MAXIMUM COVERAGE

Principal Building %	0%	35%	<=35%	No
Accessory Building %	N/A			No

GROSS FLOOR AREA

Principal Building			96,000	
Accessory Building				

PARKING

No. of Spaces	N/A	99	48	Yes
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SIGNS

Size	N/A	32sf	32sp	No
Number	N/A	1	1	No
Type (free standing or building mounted)	N/A		Free Standing	No*

“ * ” Indicates variance previously granted

10. 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, approval in 2009 was granted for a major subdivision and site plan for a 49,000 square foot storage building for construction material, office space and outdoor storage. The subdivision approval increased the lot frontage for access to Route 9 to safely allow truck traffic to enter and exit the property, however, variances were still granted for minimum lot frontage which was less than 150 feet required and for parking. Resolution 08-19 and Resolution 08-20 attached.

This property was the subject of an application before this Board on October 28, 2021 for a “use” and other variances in connection with a proposed self-storage development. The Board granted use variances for contractor facilities and self-storage, multiple principal uses on a single parcel; and bulk variances for minimum front yard setback of 646 feet

where 8 feet is required; Facade Build to Line variance for zero feet where 50% is required, maximum building length of 160 feet where 100 feet is required, freestanding sign with a height of 23 square feet with a height of 25 feet and a front yard setback of 10 feet, and a parking variance for 36 spaces where 106 are required. The variances granted where memorialized in Resolution 2021-20 on November 18, 2021, Resolution attached.

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 (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)

11. 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.

THE RELIEF REQUESTED CAN BE GRANTED WITHOUT SUBSTANTIAL DETRIMENT TO THE PUBLIC GOOD.

The Applicant's proposal does not pose any detriment to the public good because the site is a two flag pole lot configuration that is largely not within view of the public from Route 9. The property frontage to the south will remain wooded and protected wetland buffer area, and the frontage to the north is the driveway location which will be landscaped and contain a free-standing sign. Between these two frontages on Route 9, the subject property is behind several developed properties between it and Route 9 which obscure the view of the subject property from Route 9. The properties to the north and in front along Route 9 are commercial properties which will not be impacted by the Applicant's proposal. The rear of the property is buffered by the Garden State Parkway, and to the south, woods and wetlands. The only connection to Route 9, will be the driveway which accesses the property. The proposed self-storage use will be less impactful in terms of intensity of use than many of the other permitted uses in the zone.

In addition, the lot coverage and building coverage are 32.8% and 12.8% where 60% and 35% are permitted respectively. The proposal therefor has less of a negative physical impact on the property itself and therefore surrounding area. There is also adequate parking proposed for the self-storage units as parking of vehicles is typically in front of the unit for a temporary period of time during which the unit is being accessed. The proposed provided parking is therefor adequate for the proposed use, contained entirely on the subject property and does not create any negative impact upon the surrounding area.

THE RELIEF REQUESTED DOES NOT SUBSTANTIALLY IMPAIR THE INTENT AND PURPOSE OF THE ZONE PLAN AND ZONING ORDINANCE

The Applicant's proposal for self-storage use does not substantially impair the intent and purpose of the zone plan and zoning ordinance as the property, because of its flag lot configuration, does not lend itself to the creation of a compact, pedestrian-friendly village. The limited frontage which provides the access to Route 9, which is the only access to the property, cannot be used for any other purpose.

12. 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.

13. 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.
14. 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.

The Applicant's proposal for self-storage and contractor office and workspace use advances the purposes of zoning, because the location of this site is particularly suitable for the proposed use for which the variance is sought; the special reason of general welfare is therefore promoted.

This site is particularly suitable for the proposed use because it is an isolated parcel having only limited frontage for access to Route 9 which frontage is suitable only for accessing the property. The majority of the property is located behind other properties located along Route 9. The property is adjoined by another commercial use to the north, woods and wetlands to the south and the Garden State Parkway to the rear. The front, as stated above is obscured from view by other properties between the subject property and Route 9. The facility will have no visual negative impact to the bucolic country feel and streetscape of Route 9. The only thing to be seen is attractive landscaping and a sign at the street entrance along Route 9. These same characteristics make the property unsuitable for the permitted uses in the zone.

The site and proposed use of storage space also benefits the community by providing a location for storage away from immediate public view.

The proposed facility, and configuration of the buildings, as stated above, has lot coverage and building coverage are 32.8% and 12.8% where 60% and 35% are permitted respectively. This provides for much more open space, light and air and is better for the environment.

The project also adjoins and is located in the vicinity of other similar commercial uses which allows for a diversity of compatible mixed uses in the area.

For all of the above stated reasons, the benefits of the Applicant's proposal substantially outweigh any possible detriment. Any detriment posed by the Applicant's proposal will be greatly outweighed by the above referenced benefits.

15. 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
-
16. 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)
NA
-
17. 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
18. 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.
19. 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.

Attorney:
Ronald J. Gelzunas, Esq.
P.O. Box 1288, Wildwood Crest, NJ 08260
609-854-4502
Ron@GelzunasLaw.com

Engineer:
Vincent Orlando, P.E.
5 Cambridge Drive, Ocean View, NJ 08230
609-390-0332
vorlando@EngineeringDesign.com

CERTIFICATIONS

1. 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 12 day of June 2023.



Notary Public
State of ~~New Jersey~~ Pennsylvania

By: Sam Frank

Commonwealth of Pennsylvania - Notary Seal WENDY L. SIEGEL, Notary Public Bucks County My Commission Expires October 5, 2026 Commission Number 1285982
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EXISTING CONDITIONS
PHOTOS



BUILDING OPERATION PLAN

BUILDING OPERATIONS PLAN
1910 Route 9 North
Dennis Township, Cape May County, NJ
Block 262, Lot 1.03

Pursuant to Ordinance Section 165-54.B.2(e), the Applicant offers the below proposed Building Operation Plan:

[1] The number of employees or members of nonresidential buildings.

The facility will consist of traditional self-storage spaces consisting of 4 buildings roughly 24,000 gross square feet each. The internally accessible units will be climate controlled and portion of the facility will include externally accessible, drive up units. The self-storage buildings will have 1 total employee who will act as a manager overseeing operation of the storage buildings and is anticipated to be on site approximately 30-40 hours per week in regularly scheduled daytime shifts and who will be reachable by phone at all other times including for emergency purposes.

[2] The proposed number of shifts to be worked and the maximum number of employees on each shift.

The employee acting as manager of the facility will be on site approximately 30-40 hours per week during normal business hours and otherwise available by phone.

[3] Expected truck and tractor-trailer traffic.

Regular truck or tractor-trailer traffic is not expected.

[4] The emission of noise, glare, air and water pollution.

There should be no emissions of any glare, air or water pollution from the self-storage facility operations. Any noise associated with the self-storage operation will be the result of minimal traffic to and from self-storage units as customers access units.

[5] Safety hazards.

There are no significant safety hazards associated with the operation of the facility. Standard workplace safety steps will be taken to ensure the facility is operated in accordance with industry standards. The facility will have a security system designed to keep people and property safe and will include cameras covering the entire facility, an access gate, and perimeter fencing. The facility manager will be tasked with regular facility inspections to address any unexpected safety concerns.

[6] Anticipated expansion plans incorporated in the building design.

There are no anticipated expansion plans beyond what is shown on the submitted plans. The project is expected to be constructed in two phases as shown on the submitted plans. We are investigating the feasibility of adding solar panels to all or some of the buildings.

**DENNIS TOWNSHIP ZONING BOARD
PRIOR RESOLUTIONS**

RESOLUTION CLUB 2021-20

RESOLUTION NO. 08-19

Jon D. Batastini, Esquire
Attorney ID 025972000
GARRETT & BATASTINI
A Professional Association
3318A Simpson Avenue
Ocean City, New Jersey 08226-3625
(609) 399 0035
Attorney for Dennis Township Consolidated Land Use Board

Dennis Township Consolidated Land Use Board

RESOLUTION CLUB 2021-20

APPLICATION OF: **Zemac Acquisitions, LLC**

PROPERTY: **Block 262, Lot 1.03 - 1910 Route 9 North**

WHEREAS, Zemac Acquisitions, LLC is the Applicant for Block 262, Lot 1.03 - 1910 Route 9 North as the same is designated on the Tax Map of the Township of Dennis; and

WHEREAS, Ronald J. Gelzunas, Esquire, represented the Applicant; and

WHEREAS, Vincent C. Orlando, PE, of Engineering Design Associates, PA testified on behalf of the Applicant; and

WHEREAS, J. Michael Fralinger, Jr., PE, CME, the Board Engineer, issued a report dated October 26, 2021; and

WHEREAS, the following items have been submitted for the above referenced application:

A. Dennis Township Zoning Board of Adjustment Application with Attachments

B. Plan of Topographic Survey prepared by Kates Schneider Engineering, LLC, dated 8-16-21, one (1) sheet.

C. Variance Plan prepared by Engineering Design Associates, PA, last revised 9-3-21, two (2) sheets.

WHEREAS, the Applicant has filed a complete application with the Dennis Township Consolidated Land Use Board seeking variances; and

WHEREAS, this is an application by Zemac Acquisitions, LLC which proposes a three (3) phase development project on block 262 lot 1.03; and Phase I will consists of a 15,000 SF contractor facility with eight (8) individual units and 32 parking stalls; and Phase II will consists of six (6) self-storage buildings totaling 35,8800 SF, a manager's office/living unit and an outdoor boat storage area and Phase III will consists of five (5) self-storage buildings totaling 35,200 SF; and

WHEREAS, the Applicant seeks the following variances: a use variance for contractor facilities and self-storage and since multiple principal uses are not permitted on a single parcel; a Min. Front Yard variance since 0-8 feet is required and 646 feet is proposed; a Facade Build to Line variance since 50% @0feet is required and 0% @0feet is proposed; a Max. Building Length variance since 100 feet is required and 160 feet is proposed; a variance for a freestanding sign at 32 SF with a height of 25 feet and a front yard setback of 10 feet; a parking variance since 106 spaces are required and 36 parking stalls are proposed; and

WHEREAS, David Szeker and William Geronimo testified as members of the LLC to the following:

There is a need for these uses as it is difficult to obtain storage spaces and the need for contractor offices.

The project is financially viable.

WHEREAS, Vincent C. Orlando, PE, of Engineering Design Associates, PA testified on

behalf of the Applicant the variances can be granted under the positive criteria because:

The site is suitable for the commercial uses as there is no impact on any residential uses and similar structures are within the general area.

The site is a flag lot of sorts and not conducive to walk-up traffic.

The building lengths can be extended because the buildings do not front the street.

A freestanding sign is required since the buildings do not front a street.

Special reason exists to promote the purposes of the NJ MLUL to include guiding the appropriate use or development of all lands by bringing needed storage and offering space for contractor business, providing 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 by constructing storage and contractor offices on a site that is appropriate; and encouraging coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land by offering multiple uses on a site that is appropriate; and

WHEREAS, Vincent C. Orlando, PE, of Engineering Design Associates, PA testified on behalf of the Applicant the variances can be granted under the negative criteria because:

No detriment to the public at all as this is an industrial area with no residential impact, and the purposes of the master plan or land use ordinances are advanced for the same reason set forth in the positive criteria; and

WHEREAS, the Applicant understands and agrees that preliminary and final site plan approval is required for the project and that any additional variances require Board approval regardless of any legal argument that additional variances are assumed or pre-empted because a

use variance was approved; and

WHEREAS, the site is located within the CVC – Clermont Village Center District; and

WHEREAS, no member of the public spoke with regard to the application; and

NOW, THEREFORE, BE IT RESOLVED the Dennis Township Consolidated Land Use Board at its meeting on October 28, 2021, granted the use variance and variances as indicated above.

Watson made the motion and Penrose seconded the motion. Motion passed.

Further conditioned that there be no deviation in the design, construction material or building elevations from that which was presented to the Board as a part of the application other than minor changes as determined after the review of the Zoning Officer.

Further conditioned that no subsequent additions, alterations or changes can be made without further review by the Board.

Further conditioned that the Applicant will provide cost estimates for the on-site improvements in the event the Board Engineer deems same appropriate as well as providing adequate performance guarantees if required.

Further conditioned that the Applicant shall provide seventy-two hours' notice to the Board Engineer for all inspections.

The Applicant shall comply with all provisions of the Dennis Township Zoning and Land Development Ordinance and any and all municipal, County, State and/or Federal laws or regulations relating or applicable to the proposed project.

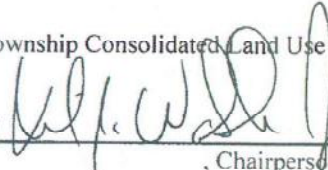
Further conditioned upon agreement by the Applicant to specific items not contained within this Decision and Resolution, but which were otherwise set forth in the record of the hearing, which are incorporated herein though not set forth at length herein.

Further conditioned the Applicant shall comply with the recommendations and comments made by the report by J. Michael Fralinger, Jr., PE, CME, of the firm of Fralinger Engineering, PA, dated October 26, 2021 and at the hearing shall be followed by the Applicant as well as any other agreements made by the Applicant on the record.

This Resolution is adopted on November 18, 2021, in full memorialization of the decision made by the Dennis Township Consolidated Land Use Board at its regular meeting on October 28, 2021.

Dated: 11/18/21

Dennis Township Consolidated Land Use Board

/s/ 
_____, Chairperson

/s/ _____
_____, Vice Chairperson

This is to certify that this is a true copy of a Resolution adopted verbally by the Dennis Township Consolidated Land Use Board at its regular meeting held on October 28, 2021 at 7:00 p.m. at the Dennis Township Municipal Building and memorialized on November 18, 2021. See attached for members voting.

Dated:



Carla Coffee, Secretary

Hearing Date October 28, 2021

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 November 18, 2021

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	✓				✓		

TOWNSHIP OF DENNIS PLANNING BOARD

COUNTY OF CAPE MAY
STATE OF NEW JERSEY

RESOLUTION NO. 08-19

A RESOLUTION MEMORALIZING PRELIMINARY AND FINAL SITE
PLAN APPROVAL WITH VARIANCES FOR BLOCK 262, LOTS 1.03
IN CLERMONT, DENNIS TOWNSHIP, NEW JERSEY

WHEREAS, John Lambert, is the owner of property known as
Block 262, Lots 1.01 & 1.03 in Dennis Township, New Jersey and
DKM Associates is the contract purchaser for Block 262, Lot 1.03;
and

WHEREAS, DKM Associates, has applied to Dennis Township
Planning Board for preliminary and final site plan approval to
construct a showroom and a warehouse for the sale of building
materials to be operated by J & L Building Materials, Inc. (J&L);
and

WHEREAS, the applicant appeared at the regular meeting on
November 13, 2008 of the Dennis Township Planning Board to
present the application; and

WHEREAS, the board held a hearing, including a public
hearing, on the application at that time; and

WHEREAS, DKM Associates, was represented by James H.
Pickering, Esquire; and, presented testimony from David K.
Moretzsohn, a principle of DKM Associates; David R. Shropshire,
PE. PP.; and, Vincent C. Orlando, P.E.; and

WHEREAS, the applicant introduced into evidence the following exhibits:

A-1 Site plan

A-2 Subdivision plan

A-3 Photo of another J&L site, which shows what Phase II will look like

A-4 Photo of another J&L site, which shows what Phase II will look like

A-5 Ariel view of an existing J&L site

A-6 a, b & c photos of exterior views of another J&L existing business site

A-7 Photo of exterior view of another existing J&L business site

WHEREAS, no members of the public testified for or against the application; and

WHEREAS, the Board, having considered the evidence presented by the applicant, the plans, the testimony of the witnesses, the application, the exhibits, and having considered as well the comments of its engineer and solicitor, has made and hereby memorializes the following findings of fact and/or conclusions of law:

1. The applicant has standing to present this application by virtue of its status as contract purchaser of the property.
2. The board has jurisdiction to hear this application,

with a majority vote of qualified members of the board required for preliminary site plan approval and waivers.

3. The application is deemed complete for purposes of the land use law.

4. Applicant has given all notices required under law.

5. The property is located in the GC-General Commercial zoning district and consists of 752,254 square feet.

6. The property is located on Route 9 in Clermont and will require approval from the New Jersey Department of Transportation (NJDOT) for access to the proposed development.

7. Wetlands have been delineated on site and the applicant has provided an LOI from the New Jersey Department of Environmental Protection (NJDEP).

8. The applicant represented that there will be no retail sales at this site and the board accepts the testimony of the representative of DKM Associates, David K. Moretzsohn.

9. DKM is a land holding company and J & L Building Materials will operate the building material business on site. J & L is a family business started by Moretzsohn's father in 1958. It currently has six locations primarily in Pennsylvania, with one in Delaware.

10. Moretzsohn is now in charge of the company which has approximately 100 employees at all of its locations combined.

11. The proposed use is a wholesale building materials

distribution business with a 4,000 square foot showroom and 45,000 square foot warehouse.

12. J & L expects to have 10 to 15 employees at this location, which includes truck drivers.

13. J & L deals primarily in exterior building supplies such as roofing, siding and windows, metal finishing and insulation.

14. The showroom is available for potential purchasers to review stock items; however, only employees are allowed in the warehouse. Up to 70% of the products sold by J & L are delivered directly to a construction site. This location is not a point of purchase location for the general public.

15. The company is expected to have 3 to 4 twenty-four foot flat bed trucks and one large pick up and one van as a part of this business operation. They will begin to make deliveries off-site as early as 7 a.m., and perhaps 6:30 a.m. in the summer. They will make at least two and sometimes three delivery trips a day.

16. There will also be deliveries by 18 wheelers during the day. A typical day will bring in at least four or five deliveries from J&L's suppliers. There will be no night deliveries to this site.

17. The business will open at 7 a.m. to 4:30 p.m. on weekdays, and from 7 a.m. until noon on Saturday. 17. The project is proposed in two phases. The first stage will be the

construction of the building that houses the showroom and the warehouse.

18. The second phase will be the construction of lean-to structures on the eastern back property line for additional storage for the roofing and decking materials the J & L sells. These are three-sided, roofed structures, with the front open to allow materials to be set inside.

19. The second phase will be developed when J&L needs more storage as its business grows. There will be no storage on site in tractor trailers at any time.

20. The lean-tos will be accessory structures that will not need electricity and they will be built in conformity with setback requirements.

21. There is space for four loading docks in the rear of the warehouse, but applicant expects to need just two loading docks.

22. Evergreens and deciduous trees will be planted where buffering is needed and landscaping will be done around the building.

23. There will be one externally lighted sign about 18' off the right of way on the north side of the driveway entrance, which identifies J&L and conforms to the ordinance. Applicant has agreed to add signs to direct the truck traffic within the parking area.

24. There will be pole lights in the parking area and all

lights along the property line are back-shielded. Because the development will be to the rear of the property glare should not be a problem to neighboring property owners. Applicant has agreed to place timers on the pole lights to turn off at 9 p.m.

25. There will also be building mounted lights, which will be on at all times for security.

26. The applicant proposes an on-site sewage disposal system, which may require approval by the County Department of Health and/or the New Jersey Department of Environmental Protection (NJDEP).

27. Twenty-two parking places, with 16 parking places banked, are proposed on site which is less than what would be required if parking were calculated based on the size of the proposed building. Therefore, a variance is required.

28. In order to eliminate unnecessary asphalt paving only 22 spaces are needed.

29. In order to add frontage to conform to the driveway measurements required by NJDOT, applicant applied for a minor subdivision to exchange land with Lambert. The subdivision application was also presented on November 13, 2008 and is the subject of a separate resolution.

30. Applicant will make an application to the NJDOT for a permit and that agency may require acceleration and deceleration lanes to be added to the plan. Any changes required by NJDOT

review will be submitted to the board engineer for review.

31. Applicant's hours of operation will overlap only slightly with peak seasonal traffic on Route 9, and due to the nature of the business will not greatly impact existing traffic in the area.

32. Since most of the potential customers are contractors who have their purchases delivered to job sites, and there is adequate space for the truck traffic that will be accessing the site, the number of parking spaces that would be required for a retail establish the size of applicant's warehouse are not relevant here.

33. A variance is also required from the curbing requirement since curbing is proposed only along a portion of the entry way driveway, and no curbing is proposed along the rear of the site.

34. Applicant sought a waiver from the submissions of a traffic study, but a report has been submitted by Shropshire Associates, LLC. That report, along with the testimony of David Shropshire provided sufficient information regarding traffic and the proposed use; therefore no waiver from the requirement of a traffic study is necessary.

35. No environmental study has been submitted; therefore a waiver from that requirement is necessary.

36. Applicant seeks a waiver from the requirement that the

plan be submitted at the scale set forth in Section 165-54B(1).

37. The board finds a variance from parking requirement appropriate under 70(c)(2) of the municipal land use law. One of the purposes of zoning is to promote conservation. This application satisfies that purpose and satisfies the intent of the ordinance requirement. There is no detriment to the public from the proposed deviation from the strict terms of the ordinance.

38. The board finds a variance from the curbing requirement appropriate under 70(c)(2) of the municipal land use law. Curbing is not necessary for safety and without the parking area will drain more easily away from that area. There is no detriment to the public from the proposed deviation from the strict terms of the ordinance.

39. Applicant has agreed to work with the environmental commission to plant grasses and flowers on site, and to place fencing in such as way as to not to disturb woods at the north property line. Wetlands have been delineated and this development will not interfere with that area. In light of the location of this site and the proposed use, a waiver from providing an environmental study is appropriate.

40. The plan submitted by the applicant has been deemed acceptable by the board engineer at a scale presented. Therefore a waiver for a deviation for the strict application of the

ordinance is appropriate.

41. The board incorporates as part of its findings of fact the August 5, 2008 comment letter from the board engineer, and as updated on August 20 and October 14, 2008.

42. The Township Stormwater Ordinance 206-02 is applicable to this site. Sheet 3 of the plans indicates the applicant's grading and drainage plan.

43. Applicant has agreed to a bio retention basin to be part of its drainage plan, and will work with the township environmental commission and board engineer to plant perennial grasses and flowers on site.

44. The board finds that it is not necessary to require fencing around the basins, since chain link fencing will be installed to isolate and secure the rear area around the building. A stormwater maintenance plan has been submitted and is currently under review by the board engineer.

45. Applicant did not submit a proposed deed for the property that incorporates the stormwater maintenance plan.

46. The application otherwise conforms to the Dennis Township land use law.

NOW THEREFORE, on this 18th day of December 2008, be it resolved by the Planning Board of the Township of Dennis as follows:

1. Applicant's request for a variance from the number of

parking spaces required by strict application of the ordinance is hereby GRANTED.

2. Applicant's request for a variance to provide curbing on only a portion of the site, which is paved, is hereby GRANTED.

3. Applicant's request for waiver from the requirement of an environmental study is hereby GRANTED.

4. Applicant's request for waiver from the scale of plan requirements is hereby GRANTED.

5. Applicants request for preliminary and final site approval is hereby GRANTED subject to the following conditions:

a. Applicant shall obtain any and all governmental approvals, including, but not limited to the Cape Atlantic Soil Conservation District, and the Cape May County Health Department. A copy of the Health Department's approval shall be submitted to the board administrator and the board engineer.

b. Applicant shall make revisions to the plan as set forth in the board engineer's October 14, 2008, updated review memorandum.

c. Applicant shall add signs to direct truck traffic to the bays and unloading areas.

d. The real estate taxes shall be paid as for both lots.

e. Timers will be added to pole lights to go off at 9:00 p.m.

f. The plans for the drainage basins will be amended to show the bio retention basin.

g. Applicant will work with the township environmental commission and board engineer to plant perennial grasses and flowers in lieu of lawn that will need continued maintenance on the site where no asphalt is placed.

h. Applicant will provide the board engineer with copies of any permits obtained from NJDOT and will revise the plan as necessary for any changes required by NJDOT and submit those changes to the board engineer.

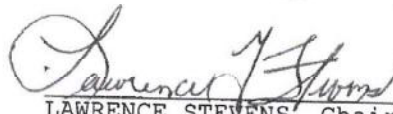
i. Applicant shall provide a performance guarantee for stormwater maintenance and repair.

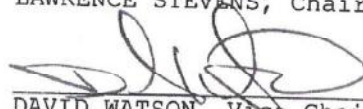
j. The applicant shall prepare and submit, for review and approval of the board solicitor and engineer a deed, which includes the maintenance and repair of the stormwater drainage system.

k. Applicant will install a fence along the northern property line, two feet within its property from the boundary line.

l. Applicant will install a dry fire lane if required by the fire department.

This resolution is adopted in full memorialization of the decision made by the Dennis Township Planning Board at its regular meeting held on November 13, 2008.


LAWRENCE STEVENS, Chairman


DAVID WATSON, Vice Chairperson

Presented By: 

Seconded By: 

Passed: _____

This is to certify that this is a true copy of a Resolution adopted verbally by the Dennis Township Planning Board at their regular meeting held on November 13, 2008 at 7:00 p.m. at the Dennis Township Court Building and memorialized on December 18, 2008.

ATTEST


SECRETARY