

Township of Dennis
571 Petersburg Road
Dennisville, NJ 08214

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

TO BE COMPLETED BY TOWNSHIP STAFF ONLY

Date Filed: _____ Application No. _____
Application Fee: _____ Escrow Deposit: \$ _____

Scheduled for: Review of Completeness _____ Hearing _____

TO BE COMPLETED BY APPLICANT

1. SUBJECT PROPERTY:

Location: 2230 US Route 9

Tax Map:

Page: 28 Block(s) 253.03 Lot(s) 18
Page: _____ Block(s) _____ Lot(s) _____

Dimensions:

Frontage: 208ft. Depth: 600ft. Total Area: 2.865 acres

2. APPLICANT:

Name: Wendy A. DeRose

Address: 12 Cedar Drive, Cape May Court House, New Jersey 08210

Phone: 1-609-602-6119

Applicant is a Corporation _____ Partnership _____ Individual X LLC _____

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)

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 existing lot is developed with single-family dwellings and permitted accessory structures.

There are no Deed Restrictions, covenants, or easements associated with the properties.

A copy of the Deed confirming ownership is attached.

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:** Louis A. Scheidt, P.E., P.P. Phone No: 1-609-624-1944
 Address: 522 Sea Isle Blvd., Ocean View NJ 08230 Fax No.: 1-609-624-1994

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 2 Number of proposed dwelling units 2
 (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:** _____

- § 185-14(E) - Minimum Lot Area - Lots 18.01 and 18.02
§ 185-14(E) - Minimum Lot Frontage - Lot 18.02
§ 185-14(E) - Minimum Lot Depth - Lot 18.01
§ 185-14(E) - Minimum Front Yard Setback - Lot 18.02
§ 185-14(E) - Maximum Accessory Building Coverage - Lot 18.02
§ 185-14 - To permit a flag lot subdivision in the R-3 Zone
§ 185-14 - To permit flag lot frontage of less than 50ft. - Lot 18.02
 Any other waivers deemed necessary and/or required by the Board.

13. **Waivers Requested of Development Standards and/or Submission Requirements:**
 (Attach additional pages as needed) From providing the location, size, type, and capacity of existing and proposed sanitary facilities; Any waivers deemed necessary or required at the time of the hearing.
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):
See attached Legal Memorandum outlining Applicant's proposal, and providing justification for the requested relief.
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? Yes
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>_____</u>	<u>X</u>	<u>_____</u>
Cape May County Health Department	<u>_____</u>	<u>_____</u>	<u>_____</u>
Cape May County Planning Board	<u>X</u>	<u>_____</u>	<u>_____</u>
Cape May County Soil Conservation Dist.	<u>_____</u>	<u>X</u>	<u>_____</u>
NJ Department of Environmental Protection	<u>_____</u>	<u>X</u>	<u>_____</u>
Sewer Extension Permit	<u>_____</u>	<u>X</u>	<u>_____</u>
Sanitary Sewer Connection Permit	<u>_____</u>	<u>X</u>	<u>_____</u>
Stream Encroachment Permit	<u>_____</u>	<u>X</u>	<u>_____</u>
Waterfront Development Permit	<u>_____</u>	<u>X</u>	<u>_____</u>

Wetlands Permit	_____	<u>X</u>	_____
Tidal Wetlands Permit	_____	<u>X</u>	_____
Potable Water Construction Permit	_____	<u>X</u>	_____
NJ Department of Transportation	<u>X</u>	_____	_____
Pinelands Comm. Certificate of Filing	_____	<u>X</u>	_____
Public Service Electric & Gas Comp.	_____	<u>X</u>	_____
Other	_____	_____	_____

24. **Certification** from the Tax Collector that all taxes due on the subject property have been paid must be included with this application.

25. **List of Maps, Reports and other materials** accompanying the application. (Attach additional pages as required for complete listing)

Quantity	Description of Item
A-1 _____	<u>Plan of Minor Subdivision dated February 28, 2024</u>
A-2 _____	<u>Aerial Photograph</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: Louis Scheidt, PE, PP Reports Requested: Any and all

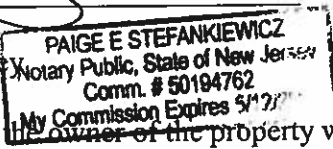
CERTIFICATIONS

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 14 day of MARCH 2024.

Paige _____
Notary Public

State of New Jersey



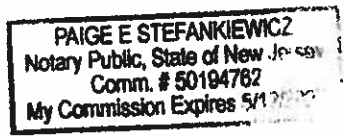
By: Wendy DeRose

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 14 day of MARCH 2024.

Paige _____
Notary Public

State of New Jersey



By: Wendy DeRose

28. I understand that the sum of \$ 2,000.00 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: 3/14/2024 by: Wendy DeRose

DEED

RECORD AND RETURN TO:
JOSEPH FRANCIS DeROSE JR. and WENDY ANDERSON DeROSE
12 Cedar Drive, Cape May Court House, New Jersey 08210

This instrument was prepared without the benefit of a Title Examination and on information provided by the parties. No representation regarding the state of this Title is made by the preparer, Greg Hall, Esq.

Deed

THIS DEED is made, on the 23 day of October 2023, between:

JOSEPH F. DeROSE AND WENDY A. DeROSE, his wife, whose post office address is 12 Cedar Drive, Cape May Court House, New Jersey 08210 (hereinafter collectively referred to as "Grantor");

AND

JOSEPH FRANCIS DeROSE JR. AND WENDY ANDERSON DeROSE, CO-TRUSTEES OF THE DeROSE FAMILY REVOCABLE TRUST, whose post office address is 12 Cedar Drive, Cape May Court House, New Jersey 08210 (hereinafter collectively referred to as "Grantee").

1. Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property described below (hereinafter called the "Property") to the Grantee. This transfer is made of the sum of one dollar (\$1.00). The Grantor acknowledges receipt of this money and no other consideration.

2. Tax Map Reference. (N.J.S.A. 46:26A-3(a)(5)(b)) Dennis Township in the County of Cape May, New Jersey:

Block No. 253.03

Lot No. 18

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

SEE legal description annexed hereto as Exhibit A.

SUBJECT TO easements and restrictions of record.

BEING commonly known as 2230 US Route 9, Cape May Court House, New Jersey 08210.

BEING the same premises conveyed to JOSEPH F. DeROSE and WENDY A. DeROSE, his wife, by deed from WILLIAM E. SHEPHERD, singleman, dated July

STATE OF NEW JERSEY
AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER
(Chapter 49, P.L.1968, as amended through Chapter 33, P.L. 2006) (N.J.S.A. 46:15-5 et seq.)
BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.

STATE OF NEW JERSEY

COUNTY CAPE MAY } SS. County Municipal Code 0504

FOR RECORDER'S USE ONLY
Consideration \$ _____
RTF paid by seller \$ _____
Date 10-23-2023 by [Signature]

*Use symbol "C" to indicate that fee is exclusively for county use.

MUNICIPALITY OF PROPERTY LOCATION Dennis Township

(1) PARTY OR LEGAL REPRESENTATIVE (See Instructions #3 and #4 on reverse side)

Deponent, Joseph F. DeRose being duly sworn according to law upon his/her oath,
(Name)
deposes and says that he/she is the Grantor in a deed dated _____ transferring
(Grantor, Legal Representative, Corporate Officer, Officer of a Company, Lending Institution, etc.)
real property identified as Block number 253, 03 Lot number 18 located at
2230 US Route 9, Cape May Court House and annexed thereto.
(Street Address, Town)

(2) CONSIDERATION \$ 1.00 (Instructions #1 and #5 on reverse side) no prior mortgage to which property is subject.

(3) Property transferred is Class 4A 4B 4C (circle one). If property transferred is Class 4A, calculation in Section 3A below is required.

(3A) REQUIRED CALCULATION OF EQUALIZED VALUATION FOR ALL CLASS 4A (COMMERCIAL) PROPERTY TRANSACTIONS:
(See Instructions #5A and #7 on reverse side)

Total Assessed Valuation + Director's Ratio = Equalized Assessed Valuation

\$ _____ + _____ % = \$ _____

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized valuation.

(4) FULL EXEMPTION FROM FEE (See Instruction #8 on reverse side)
Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail.
Per N.J.A.C. 18:16-5.11(a) - A trust for the benefit of Grantor.

(5) PARTIAL EXEMPTION FROM FEE (Instruction #9 on reverse side)

NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption. Deponent claims that this deed transaction is exempt from State portions of the Basic, Supplemental, and General Purpose Fees, as applicable, imposed by C. 176, P.L. 1975, C. 113, P.L. 2004, and C. 66, P.L. 2004 for the following reason(s):

- A. SENIOR CITIZEN Grantor(s) 62 years of age or over. * (Instruction #9 on reverse side for A or B)
 - B. BLIND PERSON Grantor(s) legally blind or;
 - DISABLED PERSON Grantor(s) permanently and totally disabled receiving disability payments not gainfully employed*
- Senior citizens, blind persons, or disabled persons must also meet all of the following criteria:
 Owned and occupied by grantor(s) at time of sale. Resident of State of New Jersey.
 One or two-family residential premises. Owners as joint tenants must all qualify.

*IN CASE OF HUSBAND AND WIFE, PARTNERS IN A CIVIL UNION COUPLE, ONLY ONE GRANTOR NEED QUALIFY IF TENANTS BY THE ENTIRETY.

C. LOW AND MODERATE INCOME HOUSING (Instruction #9 on reverse side) IF APPLIES ALL BOXES MUST BE CHECKED.
 Affordable according to H.U.D. standards. Reserved for occupancy.
 Meets income requirements of region. Subject to resale controls.

(6) NEW CONSTRUCTION (Instructions #2, #10 and #12 on reverse side) IF APPLIES ALL BOXES MUST BE CHECKED.
 Entirely new improvement Not previously occupied.
 Not previously used for any purpose. "NEW CONSTRUCTION" printed clearly at top of first page of the deed.

(7) RELATED LEGAL ENTITIES TO LEGAL ENTITIES (Instructions #5, #12, #14 on reverse side) IF APPLIES ALL BOXES MUST BE CHECKED.
 No prior mortgage assumed or to which property is subject at time of sale.
 No contributions to capital by either grantor or grantee legal entity.
 No stock or money exchanged by or between grantor or grantee legal entities.

(8) INTERCOMPANY TRANSFER IF APPLIES ALL BOXES MUST BE CHECKED. (Instruction #15 on reverse side)
 Intercompany transfer between combined group members as part of the unitary business
 Combined group NU ID number (Required) _____

(9) Deponent makes this Affidavit to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me this 23 day of October, 2023

[Signature]
Signature of Deponent

Joseph F. DeRose
Grantor Name

12 Cedar Drive
Deponent Address

12 Cedar Drive
Grantor Address at Time of Sale

Last three digits in Grantor's Social Security Number Name/Company of Settlement Officer



FOR OFFICIAL USE ONLY
Instrument Number _____ County _____
Deed Number _____ Book _____ Page _____
Deed Dated _____ Date Recorded _____

County recording office will accept a copy of each RTF-1 form when Section 3A is completed to: STATE OF NEW JERSEY
PO BOX 251
TRENTON, NJ 08695-0251

ATTENTION: REALTY TRANSFER FEE UNIT

The Director of the Division of Taxation in the Department of the Treasury has prescribed this form as required by law, and may not be altered or amended without prior approval of the Director. For information on the Realty Transfer Fee or to print a copy of this Affidavit, visit the Division of Taxation website at: www.state.nj.us/treasury/taxation/tpf/foctax.htm

**State of New Jersey
Seller's Residency Certification/Exemption**

Seller's Information

Name(s)
Joseph F. DeRose and Wendy A. DeRose

Current Street Address
12 Cedar Drive

City, Town, Post Office
Cape May Court House State NJ ZIP Code 08210

Property Information

Block(s) 253-03 Lot(s) 18 Qualifier W0

Street Address
2230 US Route 9

City, Town, Post Office
Cape May Court House State NJ ZIP Code 08210

Seller's Percentage of Ownership	Total Consideration	Owner's Share of Consideration	Closing Date
<u>100 %</u>	<u>\$1.00</u>	<u>\$1.00</u>	

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.
8. Seller did not receive non-like kind property.
9. 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.
10. 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.
11. The deed is dated prior to August 1, 2004, and was not previously recorded.
12. 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.
13. 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.
14. The property transferred is a cemetery plot.
15. 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.
16. 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.
17. 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.

10.23.2023
Date

10.23.2023
Date

Joseph F. DeRose Joseph F. DeRose
Signature (Seller) Indicate if Power of Attorney or Attorney in Fact

Wendy A. DeRose Wendy A. DeRose
Signature (Seller) Indicate if Power of Attorney or Attorney in Fact

EXHIBIT A

LEGAL DESCRIPTION

BEGINNING at a point in the Southeasterly side line of State Highway #9 said point being also the Southwesterly corner of lands now or formerly of Louis Glassman and continuing thence: (1) along said Highway Southwestwardly 208 feet to a point in the line of other lands of Gerhard Paulus, the herein named Grantor: thence (2) along said Paulus line South 49 degrees 40 minutes East 600 feet; thence (3) still along said other lands of Paulus Northeastwardly 208 feet to the line of land of said Glassman; thence (4) along said Glassman line North 49 degrees 40 minutes West 600 feet to the beginning.

DEED

JOSEPH F. DeROSE and WENDY A. DeROSE, his wife,

Grantor,

TO

JOSEPH FRANCIS DeROSE JR. and
WENDY ANDERSON DeROSE,
Co-Trustees of the
DeROSE FAMILY REVOCABLE TRUST,

Grantee.

Dated: 10.23.2023

Record and return to:

JOSEPH F. DeROSE JR.
WENDY ANDERSON DeROSE
12 CEDAR DRIVE
CAPE MAY COURT HOUSE,
NEW JERSEY 08210

PROOF OF PAID TAXES



Block/Lot/Qual:	253.03 21.	Tax Account Id:	4802
Property Location:	12 CEDAR DR	Property Class:	2 - Residential
Owner Name/Address:	DEROSE, JOSEPH F JR & WENDY A 12 CEDAR DR CAPE MAY COURT HOUSE, NJ 08210-1105	Land Value:	93,800
		Improvement Value:	133,200
		Exempt Value:	0
		Total Assessed Value:	227,000
		Additional Lots:	OB471.03L3
Special Taxing Districts:	FIRE DIST 1	Deductions:	

Taxes

		Make a Payment	View Tax Rates	View Current Bill	Project Interest		
Year	Due Date	Type	Billed	Balance	Interest	Total Due	Status
2024	02/01/2024	Tax	1,075.42	0.00	0.00	0.00	PAID
2024	05/01/2024	Tax	1,075.41	1,075.41	0.00	1,075.41	OPEN
Total 2024			2,150.83	1,075.41	0.00	1,075.41	
2023	02/01/2023	Tax	1,049.31	0.00	0.00	0.00	PAID
2023	05/01/2023	Tax	1,049.31	0.00	0.00	0.00	PAID
2023	08/01/2023	Tax	1,101.52	0.00	0.00	0.00	PAID
2023	11/01/2023	Tax	1,101.51	0.00	0.00	0.00	PAID
Total 2023			4,301.65	0.00	0.00	0.00	
2022	02/01/2022	Tax	1,033.42	0.00	0.00	0.00	PAID
2022	05/01/2022	Tax	1,033.42	0.00	0.00	0.00	PAID
2022	08/01/2022	Tax	1,065.20	0.00	0.00	0.00	PAID
2022	11/01/2022	Tax	1,065.19	0.00	0.00	0.00	PAID
Total 2022			4,197.23	0.00	0.00	0.00	
Last Payment: 02/02/24							

[Return to Home](#)

LEGAL MEMORANDUM

STEFANKIEWICZ & BELASCO, LLC

Attorneys-at-Law
111 East 17th Avenue, Suite 100
North Wildwood, New Jersey 08260
Telephone: 609-729-5250
Facsimile: 609-729-0954

David A. Stefankiewicz
dstef@sblawteam.com

Robert T. Belasco
rbelasco@sblawteam.com

March 14, 2024

Dennis Township Consolidated Land Use Board
2100 Tuckahoe Road
Petersburg, New Jersey 08270

RE: Applicant: Wendy A. DeRose
2230 US Route 9
Block 253.03, Lot 18

LEGAL MEMORANDUM

The Applicant, Wendy A. DeRose, is the owner of the property located at 2230 US Route 9, also known as Block 253.03, Lot 18 (hereinafter the "subject property"). The subject property is located in the Township's R-3 (Rural Single Family Residential) zoning district and it is currently developed with a single-family dwelling and permitted accessory uses. The subject property is slightly undersized; however, the lot is significantly larger than existing parcels in the surrounding neighborhood.

The Applicant is requesting minor subdivision approval in order to subdivide the existing parcel in to two (2) individual lots. Proposed lot 18.01 will maintain the existing single-family dwelling and same is proposed to contain 1.122 acres. Proposed lot 18.02 will be developed with a single-family dwelling in the future and is proposed to contain 1.743 acres. In addition to minor subdivision approval, the Applicant is requesting 'C' variance relief in connection with the following bulk standards:

- 1) Minimum lot area – lots 18.01 and 18.02;
- 2) Minimum lot frontage – lot 18.02;
- 3) Minimum lot depth – lot 18.01;
- 4) Minimum front yard setback – lot 18.02
- 5) Maximum accessory building coverage – lot 18.02;
- 6) To permit a flag lot subdivision in the R-3 zone; and
- 7) To permit flag lot frontage of less than 50ft. – proposed lot 18.02.

A waiver is also requested from providing the location, size, type, and capacity of existing and proposed sanitary facilities. The proposed sewage dispose system proposed on the

parcel to be developed will be subject to the review and approval of the Cape May County Health Department. 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.

Single-family dwellings are a permitted use in the R-3 zone. Moreover, the underlying purpose of the R-3 zone provides, "The purpose of the R-3 District is to provide for continued moderate density residential development in rural portions of the township that have established a prevailing residential development character." While the Applicant is proposing to subdivide the existing parcel to create two undersized lots, the proposed lots are consistent, and, in many cases, exceed the size of existing lots in the surrounding neighborhood. In other words, the Applicant, while the Applicant is proposing to create undersized parcels, the proposed parcels are consistent with what exists within the surrounding neighborhood. In addition, the subject property is directly adjacent to the Applicant's primary residence located at 12 Cedar Drive. If the subdivision is ultimately approved by the Board, the Applicant's children will reside in the proposed single-family dwellings.

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. The Applicant must also establish that the benefits associated with the requested relief outweigh any substantial detriments 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 purpose "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's proposal serves to advance the underlying purpose of the R-3 zone. The proposed subdivision is consistent with the lots and development that exist in the surrounding neighborhood. The Applicant's proposal to maintain the existing single-family dwelling and construct a new single-family dwelling will maintain the rural residential character of the site and surrounding neighborhood thereby advancing the general welfare.

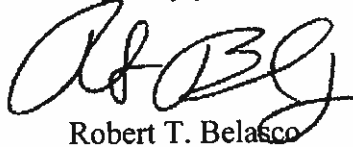
The second purpose advanced in connection with this Application is purposes, "E," "to promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment." As indicated, single-family dwellings are a permitted use in the R-3 zone. The Applicant's subdivision proposal will result in an existing oversized lot, which is inconsistent with the lots existing in the surrounding neighborhood, being subdivided into two lots which, while undersized, are significantly more consistent with adjacent properties and the neighborhood as a whole. Accordingly, the Applicant's proposal promotes the establishment of appropriate population densities and concentrations will contribute to the well-being of the public and the surrounding neighborhood.

The third purpose advanced in connection with this Application is purpose "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 citizen." As outlined above, the Applicant's proposal advances the purpose of the R-3 zone, and single-family dwellings are permitted within same.

In summary, the requested relief and variances 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.

Very truly yours,

A handwritten signature in black ink, appearing to read "R. T. Belasco", written in a cursive style.

Robert T. Belasco

PUBLIC NOTICE

PUBLIC NOTICE

PLEASE TAKE NOTICE that on April 25, 2024 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 Wendy DeRose regarding the property located at 2230 US Route 9, a/k/a Block 253.03, Lot 18. The property is located in the Township's R-3 (Rural Single Family Residential) zoning district. The subject property is currently developed with an existing single-family dwelling and permitted accessory uses. These existing improvements will be maintained in connection with the Applicant's proposal.

The Applicant is requesting minor subdivision approval in order to subdivide the existing parcel in to two (2) individual lots. Proposed lot 18.01 will maintain the existing single-family dwelling and same is proposed to contain 1.122 acres. Proposed lot 18.02 will be developed with a single-family dwelling in the future and is proposed to contain 1.743 acres. The Applicant is requesting 'C' variance relief in connection with the minimum lot area – lots 18.01 and 18.02, minimum lot frontage – lot 18.02, minimum lot depth – lot 18.01, minimum front yard setback – lot 18.02, maximum accessory building coverage – lot 18.02, to permit a flag lot subdivision in the R-3 zone, and to permit flag lot frontage of less than 50ft. – proposed lot 18.02. A waiver is also requested from providing the location, size, type, and capacity of existing and proposed sanitary facilities. 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=WHBRRGlzMnh2aVBYSXk4S09OZkNUOT09> 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. 17th Avenue, Suite 100
North Wildwood, NJ 08260

AERIAL PHOTOGRAPH

