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Dennis Township Consolidated Land Use Board

RESOLUTION CLUB 2024- 13

APPLICATION OF: **Ronald Walters**

PROPERTY: **Block 237, Lot 4 - 311 Kings Highway**

WHEREAS, Ronald Walters is the Applicant of Block 237, Lot 4 - 311 Kings Highway as the same is designated on the Tax Map of the Township of Dennis; and

WHEREAS, Ronald Walters, testified as the Applicant; and

WHEREAS, Joseph Maffei, PE, PP, CME, of Engineering Design Associates, testified as the Applicant’s professional; and

WHEREAS, J. Michael Fralinger, Jr., PE, CME, the Board Engineer, issued reports dated April 23, 2024 and May 22, 2024; and

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

- A. Dennis Township Zoning Board of Adjustment Application with Attachments.
- B. Survey Plan prepared by Cape Land Surveying, LLC, dated 7-25-23, one (1) sheet.
- C. Variance Plan prepared by Engineering Design Associates, dated 5-13-24, three (3) Sheets.

D. Stormwater Management Report prepared by Engineering Design Associates, dated 5-13-24.

E. Stormwater Maintenance & Inspection Program Report prepared by Engineering Design Associates, dated 5-13-24; and

WHEREAS, this is a use variance application by Ron Walters to construct a 74' x 124' pole barn on Block 237 Lot 4, stormwater management basins; and

WHEREAS, the site contains a 3-bedroom single family dwelling and a 40' x 80' pole barn with a 1-bedroom apartment unit; and

WHEREAS, a use variance was granted by the Board in 2022 (CLUB 2022-20) for the single family dwelling and apartment since no more than one principal structure is permitted on a single lot; and the site improvements include stone access drives and five (5) stormwater management basins; and

WHEREAS, a d(1) variance and site plan approval was granted by the Board in 2012 (Resolution #12-09) to permit a bio-medical laboratory with associated site improvements; and

WHEREAS, the site is located within the R3 - Rural Single Family Residential District; and

WHEREAS, this is an application for an expansion of a non-conforming use (d(2)), requires no other variance to operate a tree farm; and

WHEREAS, Joseph Maffei was sworn in as a professional and testified on behalf of the Applicants that:

- Farms are permitted in the R3.
- The site is well suited for the single family home, the apartment attached to the pole barn and the proposed 74' x 124' pole barn.

- The property is large (16.04 acres) and principal and accessory buildings are below the coverages permitted.
- The Applicant agrees to obtain a Right to Farm approval as a condition of approval before obtaining building permits.
- The Applicant agrees to meet and maintain the requirements of Resolution CLUB 2022-20 to include the filing of a Deed Restriction for the use of the apartment.
- Even with the attached apartment the use fits within the existing surrounding uses.
- The Applicant agrees to all the technical comments as set for by the Board Engineer in his report.
- Special reasons exist for the d(1) variance to include:
 - To provide adequate light, air and open space by not using the entire parcel for development but only a very small percentage compared to what could be used.
 - 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 by providing the public with farm land to preserve urban sprawl.
- The d(1) variance can be granted since there is no substantial detriment to the public good and it will not substantially impair the intent of the zone plan and

zoning ordinance because:

- The project does not utilize all of the building coverage or impervious coverage.
 - Farms are permitted.
 - The Applicant has agreed to seek Right to Farm approval prior to seeking permits for the construction.
 - For the foregoing reasons above, the benefits outweigh any detriment.;
- and

WHEREAS, no member of the public spoke at public comment; and

NOW, THEREFORE, BE IT RESOLVED the Dennis Township Consolidated Land Use Board at its meeting on July 25, 2024, heard a Motion by McEvoy and seconded by Martucci to approve the variance.

The Board has accepted the testimony above as fact and those reasons identified above support the positive and negative criteria under the Municipal Land Use Law for the d(2) variance.

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

The Applicant shall comply with all provisions of the Dennis Township Zoning and Land Development Ordinance and all municipal, County, State and/or Federal laws or regulations relating or applicable to the proposed project to include but not limited to the Cape May County Planning Board, Cape May County Conservation District and the Right to Farm Act.

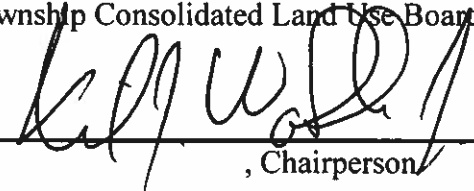
Further conditioned upon agreement by the Applicant to specific items not contained within this Decision and Resolution, but which were otherwise set forth in the record of the hearing, which are incorporated herein though not set forth at length herein.

Further conditioned the Applicant shall comply with the recommendations and comments made in the report by J. Michael Fralinger, Jr., PE, CME, of the firm of Fralinger Engineering, PA, as well as any other agreements made by the Applicant on the record.

This Resolution is adopted August 22, 2024, in full memorialization of the decision made by the Dennis Township Consolidated Land Use Board at its regular meeting on July 25, 2024.

Dated: 8-22-24

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 July 25, 2024 at 7:00 p.m. at the Dennis Township Municipal Building and memorialized on August 22, 2024. See attached for members voting.

Dated: 8/22/24


 Carla Coffee, Secretary

Hearing Date 7/25/24

Member Name	Position	Present	Absent	Motion	Second	Yea	Nay	Abstain
Daniel Walsh	Chair Class IV	✓				✓		
Thomas McEvoy	Vice Chair Class IV	✓		✓		✓		
David Watson	Class IV	✓				✓		
Harry Cowan	Class IV	✓				✓		
Elizabeth Martucci	Class IV	✓			✓	✓		
Chris Hope	Class IV	✓	✓					
Mayor's Designee Vacant	Class I	✓	✓					
Frank Germanio	Class III	✓						✓
Robert Penrose	Class II	✓				✓		

Brian K. VanArtsdalen , Jr	Alt 1	-	-					
William Walters	Alt 2	✓						✓
James Schwinn	Alt 3	✓				✓		

Resolution Date 8/22/24

Member Name	Position	Present	Absent	Motion	Second	Yea	Nay	Abstain
Daniel Walsh	Chair Class IV	✓			✓	✓		
Thomas McEvoy	Vice Chair Class IV		✓					
David Watson	Class IV	✓				✓		
Harry Cowan	Class IV		✓					
Elizabeth Martucci	Class IV		✓					
Chris Hope	Class IV	✓						✓
Mayor's Designee Vacant	Class I	-	-					
Frank Germanio	Class III		✓					
Robert Penrose	Class II	✓		✓		✓		
Brian K. VanArtsdalen , Jr	Alt 1	-	-					
William Walters	Alt 2		✓					
James Schwinn	Alt 3	✓				✓		