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April 3, 2025

Via UPS Ground Delivery and Email:

Carol Coffey, Board Administrator
Consolidated Land Use Board
P.O. Box 204
571 Petersburg Rd.
Dennisville, NJ 08214

**RE: Application of Dennis 47 Developers, LLC
For Extension of the Period of Zoning Protection for
Four (4) Years Pursuant to N.J.S.A. 40:55D-52a and d
1089 NJSH Route 47
Block 64, Lot 30
Township of Dennis, Cape May County, New Jersey
Our File No. 11819-004**

Dear Ms. Coffey:

Please be advised that this firm represents Dennis 47 Developers, LLC, (the "Applicant") in connection with this application for an extension of Final Site Plan Approval pursuant to N.J.S.A. 40:55D-52a and d. The requested extension would extend the period of zoning protection for an additional four (4) years.

The Applicant initially submitted an application for use variance relief pursuant to N.J.S.A. 40:55D-70d(1), preliminary and final major site plan approval, minor subdivision approval, and bulk variance relief for the construction, establishment, and maintenance of an approximately 5,051-square-foot Wawa Convenience Store with a fueling facility and related site improvements. The application was presented to the Dennis Township Consolidated Land Use Board (the "Board") on July 22, 2021, and was denied at that time.

Subsequently, the Applicant filed a Complaint in Lieu of Prerogative Writ challenging the denial. On September 28, 2022, the Honorable Michael J. Blee, A.J.S.C., reversed the Board's denial and granted all requested land use approvals, as documented in the Court Order dated September 28, 2022. The Applicant then returned to the Board on May 25, 2023, receiving amended preliminary and final major site plan approval for minor alterations to the previously

approved development plan. Pursuant to N.J.S.A. 40:55D-52, the amended final approval secured the Applicant's development rights for two (2) years from the resolution's adoption, with zoning protection set to expire on June 22, 2025.

With the current application, the Applicant seeks to extend the zoning protection period by four (4) years pursuant to N.J.S.A. 40:55D-52a and d. Under Section 52d, the Planning Board is required to grant a one-year extension if the Applicant has faced delays in obtaining necessary approvals from other governmental entities. The Applicant has encountered delays in securing the NJDOT Access Permit for proposed driveways and center turning lane improvements along Route 47, which has prevented the project from moving forward.

Specifically, since May 2023, the Applicant has actively engaged with NJDOT, participating in numerous pre-application meetings and incorporating feedback to address NJDOT's requirements. The application documents have been revised and resubmitted three (3) times based upon new and evolving comments from NJDOT. Despite the Applicant's ongoing efforts, the permit remains under review, hindering further development. Given the known delays associated with NJDOT review, it is anticipated that a minimum of 12 months will be required for the Access Permit to be issued. Given the diligent pursuit of the necessary approvals, the Applicant requests the mandatory one-year extension under Section 52d.

In addition, the Applicant seeks three (3) one-year discretionary extensions under Section 52a due to the protracted NJDOT review process. N.J.S.A. 40:55D-52a grants the Planning Board discretionary authority to approve up to three (3) additional one-year extensions. Considering the Applicant's consistent efforts and the NJDOT-related delay, a four (4) year extension, lasting until June 22, 2029, is warranted.

In support of this application, enclosed herein please find the following:

1. Nineteen (19) copies the Township of Dennis Consolidated Land Use Board Development Application;
2. Nineteen (19) copies of Resolution 2022-18;
3. Nineteen (19) copies of Resolution 2023-11;
4. One (1) copy of the Proof of Paid Taxes; (*to be supplied under a separate cover*).
5. One (1) copy of the Applicant's W-9.

Carol Coffey, Board Secretary
Dennis Township Consolidated Land Use Board
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Lastly, enclosed herein please find two (2) checks in the amounts of \$150.00 and \$500.00 representing the required application fee and escrow deposit, respectively.

Please do not hesitate to contact me should you require any additional documents or information in order to deem this application complete. Once deemed complete, please notify me as to the date that the Consolidated Land Use Board will consider this application.

Thank you, as always, for your kind attention and usual courtesies.

Very truly yours,

NEHMAD DAVIS & GOLDSTEIN, P.C.

By: 
MICHAEL J. LARIO, JR.

MJL/tlc

cc: Mr. Joseph Mizrahi (w/encl. via e-mail: jmizrahi@paramountrealty.com)
Matthew Sharo, PE, PP (w/encl. via e-mail: msharo@dynamicec.com)
John McDonough, LA, PP, AICP (w/encl. via e-mail: jmcdonoughpp@gmail.com)
Stephen R. Nehmad, Esquire (w/encl. via e-mail)

PART II

DEVELOPMENT APPLICATION

PLEASE COMPLETE ALL SECTIONS OF THIS APPLICATION

A. Applicant's Name Dennis 47 Developers, LLC
Applicant's Mailing Address: 1195 Route 70, Suite 2000, Lakewood, NJ 08701
*Applicant's E mail Address jmizrahi@paramountrealty.com
Phone Number (Home) _____ (Work) 732-961-8146
Owner's Name PHILTRICH, LLC
Owner's Mailing Address PO Box 216, Dennisville, New Jersey 08214

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

See attached
Corporate Disclosure Statement

Relationship of applicant to owner (same person, tenant, agent, purchase under contract or other) (Circle one).
If holder of Contract to purchase attach copy of Contract

Location of Premises 1089 NJSH Route 47 (Street address)

Block(s) 64 Lot(s) 30 Zone VC

B. Description the application: Application for a four (4) year extension of the period of zoning protection pursuant

to N.J.S.A. 40:55D-52(a) and (d).

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C. Type of application presented:

- Appeal from decision of Zoning Official (N.J.S.A. 40:55D-70a)
- Interpretation of Zoning Ordinance or Zoning Map (N.J.S.A. 40:55D-70b)
- Hardship Variance (N.J.S.A. 40:55D-70c(1))
- Flexible (C)/balancing benefits and detriments (N.J.S.A. 40:55D-70c(2))
- Use Variance (N.J.S.A. 40:55D070d)
 - (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)
- Site plans (N.J.S.A. 40:55D-76)
 - Major
 - Preliminary
 - Final
 - Minor
 - Waiver of site plan itself
- Subdivision (N.J.S.A. 40:55D-76)
 - Minor
 - Major
 - Preliminary
 - Final
- Other Waivers from subdivision and/or site plan standards
 Extension of the period of Zoning Protection pursuant to N.J.S.A. 40:55D-52(a) and (d).

D. Request is hereby made for permission to (erect, alter, convert, use) a N/A

1) Said property is: 11.931 acres (Give dimensions and area)
 and has the following structures: N/A

Applicant previously received approvals to construction a Wawa convenience store with fueling facility. No change is proposed to prior approvals.

2) **Size and setbacks of existing building:** N/A

Width of building: Length of building:

Height: Stories:

Front: Rear:

Side: Side:

% Building Coverage: % Impervious Surface Coverage:

3) **Size and setbacks of proposed building and/or addition:**

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Width of building: _____ Length of building: _____

Height: _____ Stories: _____

Front: _____ Rear: _____

Side: _____ Side: _____

% Building Coverage: _____ % Impervious Surface Coverage: _____

4) Date property acquired and prevailing zoning at time of acquisition: _____ Applicant is contract purchaser

5) Has there been any previous appeal, requests or applications to this or any other Township Boards, Construction Official, or other Township Official involving these premises? YES NO

A copy of Resolution 2023-11 is attached hereto.

"If yes, state the nature, date and the disposition of said matter include a copy of the Resolution, a copy of the building permit or any other pertinent information previously submitted"

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PRINCIPAL BUILDING

Side Yard, each

No change proposed to previously approved plan of development.

Front Yard

Previous Approvals Memorialized in Resolution 2023-11 a copy of which is enclosed herein.

Rear Yard

Building Height

ACCESSORY BUILDING

Side Yard, each

Rear Yard

Distance to
Other Buildings

Building Height

MAXIMUM COVERAGE

Principal Building %

Accessory Building %

GROSS FLOOR AREA

Principal Building

Accessory Building

EXISTING
CONDITION

REQUIRED BY
ORDINANCE

PROPOSED

VARIANCE
REQUIRED
YES/NO

PARKING
No. of Spaces

No change proposed to previously approved plan of development.

SIGNS
Size

Previous Approvals Memorialized in Resolution 2023-11 a copy of which is enclosed herein.

Number

Type (free standing
or building mounted)

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11. Has there been any previous appeal, request or application to this Board or to the Planning Board involving these premises? If yes, state the nature of application, date of application, date of hearing and result received from Board.

Yes. A copy of Resolution 2023-11 is enclosed herein.

BY LAW, VARIANCES CAN ONLY BE GRANTED WHERE THE APPLICANT IS ABLE TO SATISFY BOTH POSITIVE AND NEGATIVE CRITERIA ESTABLISHED BY THE MUNICIPAL LAND USE LAW. NO VARIANCE RELIEF OF ANY TYPE MAY BE GRANTED UNLESS THE VARIANCE OR RELIEF CAN BE GRANTED WITHOUT SUBSTANTIAL DETRIMENT TO THE PUBLIC GOOD AND WITHOUT SUBSTANTIALLY IMPAIRING THE INTENT AND PURPOSE OF THE ZONE PLAN AND ZONING ORDINANCE. HARDSHIP VARIANCES OF THE ZONE PLAN AND ZONING ORDINANCE. HARDSHIP VARIANCES (40:55dc(1)) CAN ONLY BE GRANTED WHERE AN EXCEPTIONAL CONDITION EXISTS WITH REGARD TO A SPECIFIC PIECE OF PROPERTY, WHERE EXCEPTIONAL TOPOGRAPHICAL CONDITIONS OR PHYSICAL FEATURES UNIQUELY AFFECT A SPECIFIC PIECE OF PROPERTY OR WHEREBY REASON OF AN EXTRAORDINARY AND EXCEPTIONAL SITUATION UNIQUELY AFFECTING A SPECIFIC PIECE OF PROPERTY OR THE STRUCTURES LAWFULLY EXISTING THEREON THE STRICT APPLICATION OF THE ZONING REQUIREMENT WOULD RESULT IN PECULIAR AND EXCEPTIONAL PRACTICAL DIFFICULTIES TO OR EXCEPTIONAL AND UNDUE HARDSHIP UPON THE DEVELOPER OF THE PROPERTY. RELIEF UNDER THE FLEXIBLE C TYPE VARIANCE (N.J.S.A. 40:55D-70c(2)) CAN ONLY BE GRANTED WHERE, WITH REGARD TO A SPECIFIC PIECE OF PROPERTY, THE PURPOSES OF THE MUNICIPAL LAND USE LAW WOULD BE ADVANCED BY A DEVIATION FROM THE ZONING ORDINANCE REQUIREMENT AND THE BENEFIT OF THE DEVIATION WOULD SUBSTANTIALLY OUTWEIGH ANY DETRIMENT. USE, AND RELATED VARIANCES (N.J.S.A. 40:55d-70d) CAN ONLY BE GRANTED WHERE THERE ARE SPECIAL REASONS AS SPECIFIED BY THE MUNICIPAL LAND USE LAW. THE BURDEN IS UPON THE APPLICANT TO PROVIDE PROOF OF SATISFACTION OF THE AFORESAID REQUIREMENTS APPLICABLE TO HIS APPLICATION.

A SHORT SUMMARY OF THE REASONS WHY YOU ARE ENTITLED TO THE RELIEF SOUGHT FROM THE ZONING BOARD OF ADJUSTMENT SHALL BE PROVIDED ON A SEPARATE SHEET OF PAPER AND ENUMERATED WITH THE APPROPRIATE PARAGRAPH NUMBER UNDER WHICH THE RELIEF IS SOUGHT, (PARAGRAPHS NO. 12-15)

12. Attach to this application a statement of the facts showing why the relief sought can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Dennis Township Zoning Plan and Zoning Ordinance. State why the variance can be granted without substantial harm to the neighborhood and without significant overturning of the Township Zoning Plan.

13. Attach to this application a statement specifying the hardship/exceptional conditions of the specific property involved justifying the granting of a variance pursuant to N.J.S.A. 40:55D-70c(1). State what is unique about your specific piece of property noting such things as an exceptionally narrow, deep, or otherwise unusually shaped lot; physical features located on the lot that prevent its use in a normal manner that would be allowed by the existing zoning; the specific location of existing structures that limit compliance with the required zoning. Note how the circumstances relating to your particular lot differ from other lots in the neighborhood. State what hardships would result should the variance not be granted to you.

14. Attach to this application a statement setting forth the facts supporting the contention that the purposes of the Municipal Land Use Law would be advanced by a deviation from the Zoning requirements in question and the benefits

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of that deviation would substantially outweigh any detriment pursuant to N.J.S.A. 40:55D-70c(2). Among the purposes of the Municipal Land Use Law are following: promotion of public health, safety and welfare; provision of adequate light, air and open space; establishment of appropriate population densities; provision of sufficient space for agricultural, residential, recreational, commercial and industrial uses and open space; promotion of a desirable visual environment; conservation of historic sites, districts, open space and natural resources; encouragement of senior citizens housing. Cite which of these apply to your application and further, cite the characteristics of your land that will present an opportunity for improved zoning and planning to benefit the community.

15. Attach to this application a statement setting forth the special reasons for granting this variance pursuant to N.J.S.A. 40:55D-70d. "Special Reasons" exist where a proposed project carries out a purpose of zoning, (such as those noted in Section 14 above) or where the refusal to allow the project would impose an undue hardship on you; state why the property at issue cannot reasonably be developed with a use permitted by the Zoning Ordinance.

N/A

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ESCROW FEES SUBMITTED

FINANCIAL RESPONSIBILITY STATEMENT

.....
I have read Section 98-1 et seq. and understand that additional escrow fees may be charged at a later date. I herewith agree to pay these additional charged fees. If I fail to pay these fees when requested, I understand that the Township will also charge reasonable attorney's fees for the collection of these fees.

Please Print Clearly

Dennis 47 Developers, LLC

(Name) (Daytime Phone)

732-961-8146

1195 Route 70, Suite 2000, Lakewood, New Jersey 08701

(Billing Address)
Dennis 47 Developers, LLC

By: _____
(Signature) (Date)

Marcie Zelman 4/1/25

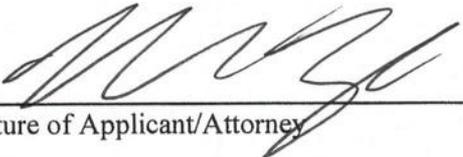
(Print Name)

Note: The application will be deemed **incomplete** if all information above is not fully completed.

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Dennis 47 Developers, LLC Being duly sworn
(Name of Applicant or Attorney Representing)

according to law hereby certifies that the information presented in this application is true and accurate.



Signature of Applicant/Attorney

If applicant is not the owner of the property, have owner sign below or file with application a letter signed by the owner consenting to this application.

The foregoing application is hereby consented to this ___ day of __, 20__.



(Signature of property owner)

(Address)

609-780-1677

(Telephone Number)

Sworn and subscribed before me:

This 1 day of April 2025

LISA VASSALLO
Commission # 2316604
Notary Public, State of New Jersey
My Commission Expires
July 17, 2029



Signature of Person authorized to take oaths - Notary

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

Attorney for Dennis Township Consolidated Land Use Board

Dennis Township Consolidated Land Use Board

RESOLUTION CLUB 2022- 18

APPLICATION OF: Dennis 47 Developers, LLC

PROPERTY: Block 64, Lot 30 -1089 Route 47

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

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

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

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

Judge Blee attached as Exhibit "A"; and

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

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

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

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

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

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

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

Dated: 12-22-22

Dennis Township Consolidated Land Use Board

/s/ [Signature]
Chairperson

/s/ [Signature]
Vice Chairperson

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

[Signature]
Carla Coffee, Secretary

Hearing Date

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

Resolution Date 12-22-22

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

Jon D. Batastini, Esquire
Attorney ID 025972000
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A Professional Association
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Ocean City, New Jersey 08226
(609) 399-0035

Attorney for Dennis Township Consolidated Land Use Board

Dennis Township Consolidated Land Use Board

RESOLUTION CLUB 2023- | |

APPLICATION OF: Dennis 47 Developers, LLC

PROPERTY: Block 64, Lot 30 -1089 Route 47

WHEREAS, this Board adopted Resolution CLUB 2022-18 (the “Resolution”) which recognized the legal validity of that certain Court Order (the “Order”) dated September 20, 2022 entered by the Honorable Michael J. Blee, A.J.S.C. which reversed a prior denial of all land use approvals sought by Applicant and granted all of said approvals; and

WHEREAS, pursuant to the aforesaid Order Applicant currently possess a use variance, preliminary and final major site plan approval, minor subdivision approval and specified bulk variances so as to allow for the construction, establishment and maintenance of an approximately 5,051 square foot Wawa convenience store together with an eight (8) multi-product dispenser fueling station, along with accessory site improvements including, without limitation, onsite parking, landscaping, signage and stormwater management facilities in and upon a 2.36 acre portion of the above captioned property; and

WHEREAS, Applicant Dennis 47 Developers, LLC (“Applicant”) has filed an application to amend the site plan approval and also requesting a reconfirmation of the use and bulk variances and minor subdivision approval previously granted by the aforesaid Order and Resolution; and

WHEREAS, Applicant at a hearing held before the Board on May 25, 2023 presented the

testimony of Matthew Sharo, PE of Dynamic Engineering, who was qualified as an expert in civil engineering. Mr. Sharo was the design engineer on the original application referenced above. He indicated that the current application seeks to amend the prior site plan to essentially reduce the number of multi-product dispensers (“MPD’s”) from eight (8) as shown on the previously approved site plan to five (5) as shown on the currently filed amended site plan, to reduce the size of the fueling canopy and to increase the number of oversize vehicle parking spaces from two (2) to four (4) on the prior site plan to three (3) to six (6) on the current site plan. Mr. Sharo further testified that all representations made by Applicant in the prior application will remain in full legal force and effect except to the extent that same are modified by the current amended application. Such representations include the construction of highway improvements along Route 47 consisting essentially of a center left turn lane as shown on the previously filed site plan application, which improvements shall be constructed and in existence before the Wawa store opens. Mr. Sharo indicated that the Wawa convenience store is exactly the same size, and the same building architecture, and that the proposed building mounted and freestanding signage remains unchanged. Mr. Sharo further testified that with respect to the bulk variances that were previously subsumed in the grant of the use variance pursuant to the Order none of said bulk variances are being exacerbated or worsened to any degree by the current application. The witness further testified that he had read that certain report from the Board’s Engineer and Planner J. Michael Fralinger, Jr., PE, CME dated May 23, 2023 and that the Applicant would agree to submit a resolution compliance plan set addressing all terms and conditions contained in said report. Mr. Sharo introduced in evidence and explained the following exhibits:

- A-3 Aerial Photo – entire site with 200’ radius & surrounding area
- A-4 Aerial Photo – proposed land area of Wawa site
- A-5 Court Approved Site Plan with 8 MPD’s

- A-6 Rendered current Site Plan with aerial overlay (5 MPD's)
- A-7 Rendered current Site Plan (5 MPD's)
- A-8 Wawa store – building elevations
- A-9 Wawa canopy (new – with 5 MPD's); and

WHEREAS, Applicant produced the testimony of John McDonough, PP who qualified as a licensed professional planner. Mr. McDonough was the planner who testified at the prior hearing which was approved by the Order. He testified that pursuant to N.J.S.A. 40:55D-76b the current amended site plan does not negatively affect the use and bulk variances previously granted by the Order and recognized by the Board's Resolution, and that the current site plan is of lesser intensity and therefore the site plan approval can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and the zoning ordinance; and

WHEREAS, Applicant produced the testimony of Nick Verderese, PE, who qualified as an expert in traffic engineering and transportation planning. Mr. Verderese testified that he had performed the original traffic impact study for the original site plan and that the current plan does not negatively affect that traffic study as the number of MPD's lessens traffic impact, rather than increases it, and that onsite traffic flow and circulation would actually be enhanced since there is only a single row of fueling positions for the motor vehicles; and

WHEREAS, also introduced into evidence by Applicant's counsel Stephen R. Nehmad, Esquire, were the following additional exhibits:

- A-1 Order & Final Judgment dated 8/28/22 – Honorable Michael J. Blee – AJSC
- A-2 Dennis Township Consolidated Land Use Board – Resolution 2022-18; and

WHEREAS, a public hearing was held before the Board on May 25, 2023 during which no

individuals testified during the public portion of the hearing either in favor of or against the relief sought by Applicant; and

WHEREAS, the Board finds that the application has legal merit as there are only relatively minor changes between the current amended site plan and the previously approved site plan, which modifications actually lessen the intensity of development because the number of multi-product dispensers is being reduced from eight (8) to five (5) and the number of oversized vehicle spaces is being increased; and

WHEREAS, the Applicant has sought amended preliminary and final site plan approval, a reconfirmation of the use and bulk variances previously granted by Court Order and a reconfirmation of the minor subdivision previously granted as well as an extension of time for an additional 190 days within which to perfect the minor subdivision approval, all of which relief the Board finds to be warranted and appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Dennis Township Consolidated Land Use Board at its meeting on May 25, 2023, that it hereby grants amended preliminary and final site plan approval pursuant to the filed plans which are referred to in that certain report of Fralinger Engineering dated May 23, 2023, a copy of which is attached as Exhibit "A", a reconfirmation of the use and bulk variances and minor subdivision approval previously granted by the Order referenced above, and an extension of time for the Applicant to file the minor subdivision deed for an additional 190 day period pursuant to N.J.S.A. 40:55D-47. The preliminary and final site plan approval are conditioned and contingent upon the following:

1. Applicant addressing any open issues contained in the Fralinger Engineering report dated May 23, 2023 which is attached as Exhibit "A", with the exception of comment number 7, which was addressed in the testimony of Mr. Verderese during the hearing.

2. Applicant submitting a resolution compliance plan set which, in addition to addressing Mr. Fralinger's comments, also delineate the two legally required "make ready" electric vehicle parking spaces.

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

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

The Resolution is adopted on June 22, 2023.

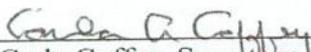
Dated: June 22, 2023

Dennis Township Consolidated Land Use Board

/s/  _____, Chairperson

/s/  _____, Vice Chairperson

This is to certify that this is a true copy of a Resolution memorialized by the Dennis Township Consolidated Land Use Board at its regular meeting held on June 22, 2023. See attached for members voting.



Carla Coffee, Secretary

Hearing Date *May 25, 23*

| 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 | Class I | | | | | | | |
| Scott Turner | Class III | ✓ | | | | ✓ | | |
| Robert Penrose | Class II/IV | ✓ | | | | | | |
| Carly Caprioni | Alt 1 | | ✓ | | | | | |
| Elizabeth Martucci | Alt 2 | | ✓ | | | | | |
| Thomas McEvoy | Alt 3 | ✓ | | | | ✓ | | |
| Brian VanArtsdalen, Jr | K. Alt 4 | ✓ | | | | ✓ | | |

Resolution Date

| Member Name | Position | Present | Absent | Motion | Second | Yea | Nay | Abstain |
|---------------------------|---------------------------|---------|--------|--------|--------|-----|-----|---------|
| Daniel Walsh | Chair Class IV | ✓ | | | ✓ | | | |
| Joseph Chambers | Vice Chair Class IV | ✓ | | | | | | |
| David Watson | Class IV | ✓ | | | | ✓ | | |
| Harry Cowan | Class IV | ✓ | | ✓ | | | | |
| Les Frie | Class IV | | ✓ | | | | | |
| Chris Hope | Class IV | | ✓ | | | | | |
| Mayor's Designee | Class I | | | | | | | |
| Scott Turner | Class III | ✓ | | | | ✓ | | |
| Robert Penrose | Class II/IV | | ✓ | | | | | |
| Carly Caprioni | Alt 1 | | ✓ | | | | | |
| Elizabeth Martucci | Alt 2 | ✓ | | | | | | |
| Thomas McEvoy | Alt 3 | ✓ | | | | ✓ | | |
| Brian VanArtsdalen, Jr | K. Alt 4 | | ✓ | | | | | |