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*CERTIFIED CIVIL TRIAL ATTORNEY
◆MEMBER OF NJ AND PA BARS
• MEMBER OF NJ, PA AND NY BARS

June 12, 2025

HAND DELIVERED

Dennis Township Planning Board
c/o Jessica Ferrier
P.O. Box 204
Dennisville, NJ 08214

Re: Thomas and Sally Barry
1626 NJSH Route 83, Cape May Court House, NJ 08210
Block 96 Lot 1

Dear Ms. Ferrier:

As we discussed, I enclose 1 original with 17 copies of the D-1 Use Variance Application including an Addendum, to address the use variance for a proposed single-use residential building located within the Village Commercial ("VC") Zone.

Applicant seeks to be heard at the Board's June 26, 2025, meeting. Please advise whether you need additional information submitted.

Thank you for your courtesies.

Very truly yours,
BARRY, CORRADO & GRASSI, P.C.



ERIKA LEZAMA-SIMONSON
ELS/jh
Enclosures
cc: Thomas and Sally Barry

TOWNSHIP OF DENNIS
CONSOLIDATED LAND USE BOARD
571 PETERSBURG ROAD
P.O. BOX 204
DENNISVILLE, NJ 08214

PART II

DEVELOPMENT APPLICATION

PLEASE COMPLETE ALL SECTIONS OF THIS APPLICATION

A. Applicant's Name Thomas L. Barry and Sally M. Barry

Applicant's Mailing Address: 741 Court House-South Dennis Rd, PO Box 132, South Dennis, NJ 08245

*Applicant's E mail Address thosbarry@comcast.net

Phone Number (Home) 609-861-5262 (Work) 609-861-5262

Owner's Name Thomas L. Barry and Sally M. Barry

Owner's Mailing Address 741 Court House-South Dennis Rd, PO Box 132, South Dennis, NJ 08245

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: N/A Name: _____
Address: _____ Address: _____

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

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 1626 NJSH Route 83, Cape May Court House, NJ 08210 (Street address)
Block(s) 96 Lot(s) 1 Zone VC

B. Description the application Applicant seeks a use variance for a proposed single-use residential building located within the Village Commercial ("VC") Zone.

Pursuant to N.J.S.A. 40:55D-70(d)(1), the proposed use will require a variance from Section 185-17 of the Dennis Township Zoning Ordinance, which states the only type of residential buildings allowed within the VC Zone are mixed-use buildings with residential units.

Applicant also seeks any other variances or waivers deemed necessary by the Board to permit the project.

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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. 40:55D-70d)
 - (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
- Waivers from subdivision and/or site plan standards
- Other

D. Request is hereby made for permission to (erect, alter, convert, use) a single use residential principal building

1) Said property is: _____ (Give dimensions and area) **See Attached Addendum**
and has the following structures: _____

2) Size and setbacks of **existing** building: **See Attached Addendum**

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: **See Attached Addendum**

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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: VC Zone

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

"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"

See Attached Addendum

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6) When variance approvals are requested: - See Attached Addendum

a. Describe the exceptional conditions of property preventing application from complying with Zoning Ordinance.

b. Supply a statement of facts showing why relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

7) All applicants must complete the following, as applicable:

Type of construction: (frame, stone, brick, cement) N/A

Present use of existing building(s) and premises: Vacant lot; approved in 2024 as a mixed-use commercial/residential building with a detached workshop and detached storage building

Describe any deed restrictions affecting this property: None

Existing and proposed number of dwelling units: Single use residential building

Existing and proposed square footage of professional office: N/A

Existing and proposed gross floor area: No floor area standards referenced in the VC Zone

Existing and proposed parking spaces: Existing: None ; Previously approved 15; will not change

Existing and proposed number of lots: N/A

Portion of lot being subdivided: N/A

Purpose for which lots will be utilized: residential and commercial mixed use

Facilities for solid waste and recyclables: N/A

A photograph(s) of the land and building(s) involved in the application. N/A

Names, addresses and E-mail of all expert witness proposed to be used: None

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10. 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	See Attached Addendum		
Lot Frontage			
Lot Width			
Lot Depth			
PRINCIPAL BUILDING Side Yard, each			
Front Yard			
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			

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EXISTING CONDITION	REQUIRED BY ORDINANCE	PROPOSED	VARIANCE REQUIRED YES/NO
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PARKING See Attached Addendum
No. of Spaces

SIGNS
Size

Number

Type (free standing
or building mounted)

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 - See Attached Addendum

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

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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 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.

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OF COUNSEL:
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*CERTIFIED CIVIL TRIAL ATTORNEY
♦MEMBER OF NJ AND PA BARS
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June 12, 2025

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

RE: Thomas and Sally Barry
1626 NJSH Route 83
Cape May Court House, NJ 08210
Block 96, Lot 1, Zone VC

LEGAL MEMORANDUM

On July 25, 2024, the Applicants appeared before the Dennis Township Consolidated Land Use Board to obtain approval for a proposed development in the Village Commercial (VC) Zone. At that time, the application sought to construct a mixed-use building containing a ground-floor office and a two-bedroom apartment on the second floor, along with a detached workshop/storage building and a secondary storage structure. The overall site plan also included various improvements such as stone parking and circulation areas, concrete sidewalks, a septic system, well, stormwater management facilities, and landscaped open space. Because offices, workshops, and storage buildings are not permitted uses in the VC Zone, the Applicants sought a use variance pursuant to N.J.S.A. 40:55D-70(d)(1), as well as bulk variances for setback relief, waivers for submission of a traffic report and environmental documentation, and major site plan approval. See **Exhibit A** - Site Plan from Gibson Associates dated May 6, 2024. The Land Use Board unanimously granted all requested relief, including the use variance, associated bulk variances, and design waivers, and approved the major site plan as presented. See **Exhibit B** - Resolution dated August 22, 2024.

Applicants now seek a minor change in the use of the principal structure: instead of constructing a mixed-use building with both office and residential uses, the Applicants propose to use the principal building solely as a two-bedroom residential dwelling.

This change eliminates the office component in the principal building, which the Applicants have determined is no longer necessary given that the detached workshop building provides sufficient space to meet their business needs. Because single-use residential dwellings are not permitted uses in the VC Zone, the Applicants now seek a D(1) use variance limited to the change in use of the principal structure. No other changes are proposed to the development previously approved by the Board.

To obtain a use variance under N.J.S.A. 40:55D-70(d), an applicant must satisfy both positive and negative criteria. The positive criteria require the applicant to establish "special reasons" for granting the variance; the negative criteria requires the applicant to prove the variance 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. Smart SMR of New York v. Borough of Fair Lawn Bd. Of Adj., 152 N.J. 309, 323 (1998).

Generally, to satisfy the positive criteria, an applicant must show "the use promotes the general welfare because the proposed site is particularly suitable for the proposed use." Medici v. BRP Co., 107 N.J. 1, 4 (1987). To satisfy the negative criteria, the applicant must demonstrate "through an enhanced quality of proof that the variance is inconsistent with the intent and purpose of the master plan and zoning ordinance."

Here, the proposed use promotes the general welfare because the site is particularly suitable for it. While the VC Zone is intended to promote mixed-use development, this property is particularly suited for a single-use residential structure within the mixed-use context of the site. The workshop and storage buildings previously approved shall continue to serve as a commercial function, preserving the overall intent of the zone.

As noted above, the use of the primary building has changed, and a second commercial space is no longer necessary. Rather than leaving the space underused or forcing an impractical commercial component, converting the building to single-use residential allows for productive use of the structure while maintaining the two-bedroom limit approved under the original plan. This ensures

there is no additional impact, and the property continues to support the zone's goals.

Regarding the negative criteria, the applicant must show that the variance can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the master plan or zoning ordinance. Here, there is no increase in building size, no alteration to the previously approved site plan, and the residential use maintains the same number of bedrooms, preserving the scale and character of the previously approved development. This supports the conclusion that the change will not harm the public good. Furthermore, the property continues to function in a manner consistent with the VC Zone's goals, retaining both residential and business uses on-site along Route 47. The change from mixed-use to fully residential in one structure does not disrupt the broader intent or function of the development or zone plan. Accordingly, the application satisfies both the positive and negative criteria for a use variance under New Jersey law.

For these reasons, the Applicants respectfully request that the Board grant a D(1) use variance to allow for a single-use residential dwelling within the principal building. The requested relief advances the goals of the MLUL, maintains the integrity of the VC zone, and will not result in any negative impacts on the surrounding community. The Applicants reserve the right to supplement or revise this statement prior to or during the public hearing on this matter.

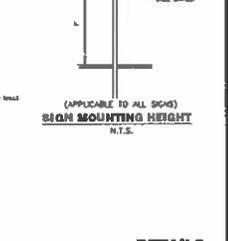
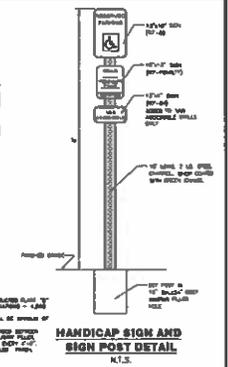
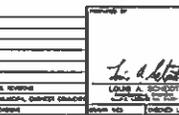
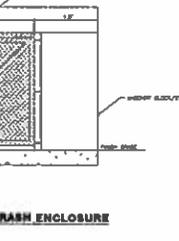
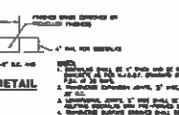
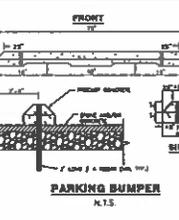
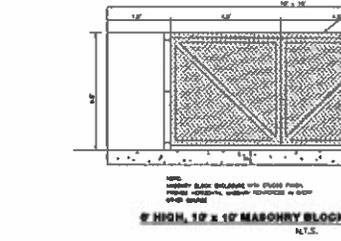
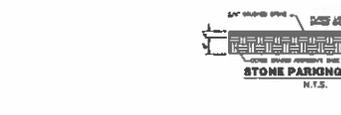
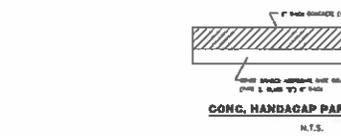
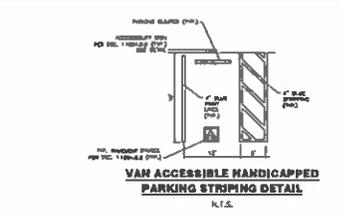
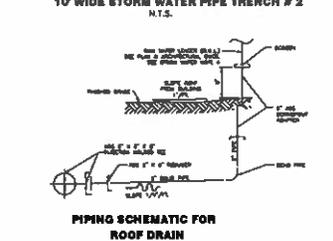
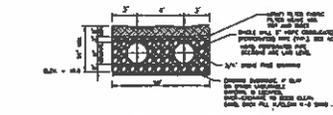
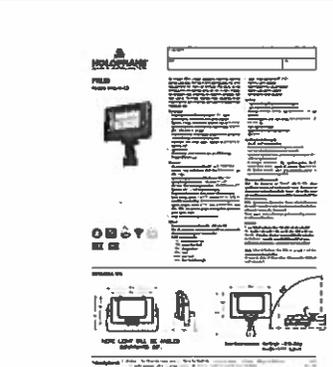
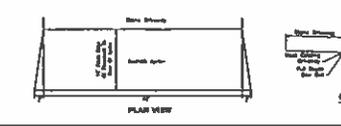
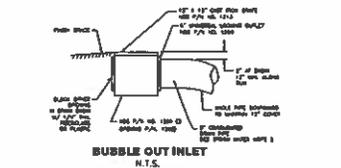
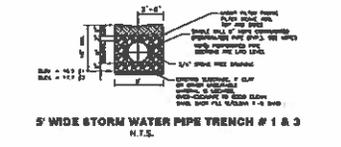
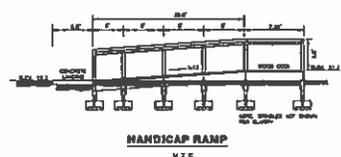
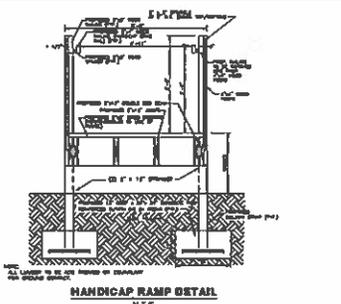
Very truly yours,
Barry, Corrado & Grassi, P.C.



ERIKA LEZAMA SIMONSON, ESQUIRE

EXHIBIT

A



DETAILS
GREEN ASSOCIATES, P.A.
GENERAL CONTRACTOR AND ARCHITECT
1000 N. 10TH STREET, SUITE 200
ROSELAND, NJ 07068
(201) 991-1111

SITE PLAN
LOT 1, BLOCK 96
DUNN TOWNSHIP
CAPE MAY COUNTY, NEW JERSEY

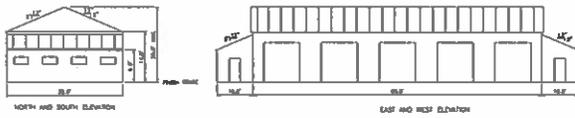
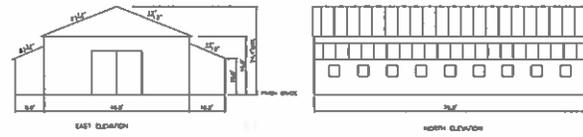
DATE: 05-10-11 **SCALE: AS SHOWN** **HEET 4 OF 4** **DATE: 05-10-11**



OFFICE APARTMENT BUILDING #1
Scale 1" = 4'



STORAGE AND SHOP BUILDING #2
Scale 1" = 4'



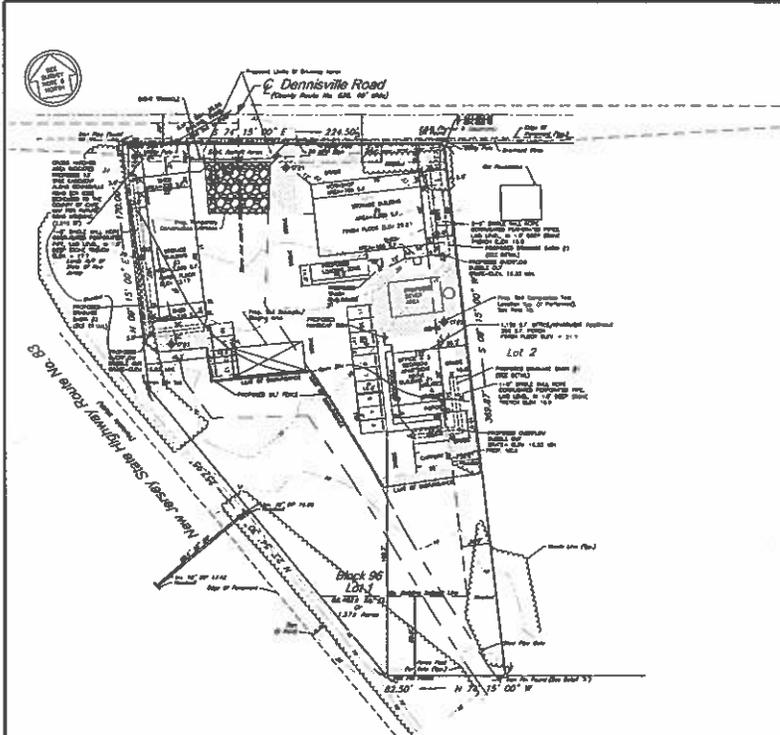
STORAGE BUILDING #3
Scale 1" = 4'

PLAN OF ELEVATIONS

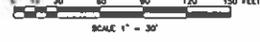
DATE	DRAWN	CHECKED	SCALE	SHEET NO.	SHEET TOTAL	PROJECT NO.	PROJECT NAME	GEORGE ASSOCIATES, P.A. CONSULTING ENGINEERS AND ARCHITECTS 300 WEST WASHINGTON STREET SUITE 200 PHILADELPHIA, PA 19104 (215) 562-1000

GENERAL NOTES:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS FOR CONSTRUCTION OF PUBLIC WORKS AND THE MANUAL OF PRACTICE FOR THE DESIGN AND CONSTRUCTION OF HIGHWAYS, 1988 EDITION, AS APPLICABLE.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES OF THE STATE OF NEW JERSEY.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES OF THE STATE OF NEW JERSEY.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES OF THE STATE OF NEW JERSEY.



SOIL EROSION & SEDIMENT CONTROL PLAN



- LEGEND:**
- 1-1/2" SF
 - 2" SF
 - 3" SF
 - 4" SF
 - 6" SF
 - 8" SF
 - 10" SF
 - 12" SF
 - 14" SF
 - 16" SF
 - 18" SF
 - 20" SF
 - 24" SF
 - 30" SF
 - 36" SF
 - 42" SF
 - 48" SF
 - 54" SF
 - 60" SF
 - 66" SF
 - 72" SF
 - 78" SF
 - 84" SF
 - 90" SF
 - 96" SF
 - 102" SF
 - 108" SF
 - 114" SF
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 - 126" SF
 - 132" SF
 - 138" SF
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 - 150" SF
 - 156" SF
 - 162" SF
 - 168" SF
 - 174" SF
 - 180" SF
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 - 192" SF
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 - 246" SF
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EXHIBIT

B

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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 2024- 16

APPLICATION OF: **Thomas and Sally Barry**

PROPERTY: **Block 96, Lot 1 -1626 NJSH Route 83**

WHEREAS, Thomas and Sally Barry are the Applicants of Block 96, Lot 1 -1626 NJSH Route 83 as the same is designated on the Tax Map of the Township of Dennis; and

WHEREAS, Robert T Belasco, Esq, represented the Applicant; and

WHEREAS, Louis A Scheidt, PR, PP of Gibson Associates, testified as the Applicant's professional; and

WHEREAS, J. Michael Fralinger, Jr., PE, CME, the Board Engineer, issued a report dated July 22, 2024; and

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

- A. Dennis Township Zoning Board Application with Attachments
- B. Major Site Plan prepared by Gibson Associates, PA, dated 5-6-24, seven (7) sheets
- C. Stormwater Management Report prepared by Gibson Associates, PA, dated 5-9-24
- D. Building Floor Plans and Elevations prepared by T JD Architects & Engineers, PC, one

(1) sheet, dated 6-11-24; and

WHEREAS, This is an application by Thomas and Sally Barry which proposes to construct a mixed-use structure consisting of a ground-floor office and second-floor apartment, a workshop/storage building and a secondary storage building, and the site improvements include stone parking/circulation areas, concrete sidewalks, septic system, well, stormwater management facilities and grassed/landscaped areas; and

WHEREAS, the site is located within the VC -Village Commercial and currently, the site is vacant and consists of open and wooded areas with frontage on Dennisville Road (CR #628) and NJSH Route 83; and

WHEREAS, the site intends to utilize an existing access drive along Dennisville Road; and

WHEREAS, the Applicant also requires a d(1) variance since offices, workshops and storage buildings are not permitted within the VC zone; and variances for Min. Front Yard (Primary) (0-8 feet required and 20 feet proposed), Min. Front Yard (Secondary)(0-4 feet required 13 feet proposed), Facade to Build to Line (50%@0 feet required and 0%@0 feet proposed), Max. Distance Between Buildings (Primary)(20 feet required and 85.06 feet proposed), Facade Build to Line (Secondary)(30%@0 feet required and 0%@0 feet proposed), and, waivers for a traffic report, an environmental assessment report and an environmental assessment checklist, parking areas to be curbed; and

WHEREAS, in the event that the d(1) variance is approved, the variances will be subsumed into the d(1) approval; and

WHEREAS, Louis A Scheidt was sworn in as a professional and testified on behalf of the Applicants that:

- The site is vacant and basically used for storage.
- The Applicant seeks to update the site for use of its business operations, offices, workshop, storage buildings and for residential use.
- The site is well suited for the business operations, offices, workshop, storage buildings and for residential use.
- The site shall comply with the NJ Model EV codes, if applicable.
- The site is very large in size providing more than ample land for three structures to include a mixed-use office and residential building, a workshop/storage building and a storage building.
- The residential use provides for security of the property and its contents.
- The storage buildings will hold product related to the marine business operations as well storing equipment inside instead of outside, where some of the equipment may leak; therefore, having the equipment inside is a better environmental option for clean-up.
- The Applicant seeks to use the existing driveway from Dennisville Road since that is the current traffic pattern and changing that could cause traffic safety issues but nevertheless the Applicant will adhere to the County of Cape May Planning Board requirements.
- A d(1) variance is required for the business operations office, storage buildings and for residential use.
- Summarize the operations plan as submitted in the Application.
- This use fits within the existing surrounding uses, which are commercial in nature as well.

- The Applicant agrees to all of the technical comments as set for by the Board Engineer in his report.
- The plans meet the criteria for major site plan approval.
- The Applicants seeks a waiver from a traffic study, environmental assessment and checklist since the property is already disturbed and any further disturbance is minor.
- The Applicant seeks a waiver for internal curbing since the sheet flow of water provides for better drainage than curbing, which curbing could cause ponding.
- The Applicant has agreed to providing downspouts to be approved by the Board Engineer.
- Special reasons exist for the d(1) variance to include:
 - 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 and general welfare by providing the public with a needed business in a commercially existing area.
 - c. 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.
 - g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens by providing the public with a needed business in a commercially existing area.
 - i. To promote a desirable visual environment through creative development

techniques and good civic design and arrangements through cleaning up the site and providing a viable and attractive commercial setting.

- 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 is located in a commercial area with similar uses.
 - There is no residential impact.
 - The project does not utilize all of the building coverage or impervious coverage.
 - The business operations in terms of hours and use do not have a negative impact in the neighborhood.
 - The site will have a more desirable visual environment.
 - For the foregoing reasons above, the benefits outweigh any detriment.

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 Watson and seconded by Cowan to approve the d(1) variance, the subsumed variances and the waivers set forth above, and major site plan approval.

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 variances and the waivers set forth above and major site plan approval.

Further conditioned that the Applicant provide downspouts on the buildings to be approved by the Board Engineer.

Dated: 8/22/24

Carla A. Coffey
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	✓				✓		

TOWNSHIP OF DENNIS
CONSOLIDATED LAND USE BOARD
571 PETERSBURG ROAD
P.O. BOX 204
DENNISVILLE, NJ 08214

ESCROW FEES SUBMITTED

FINANCIAL RESPONSIBILITY STATEMENT

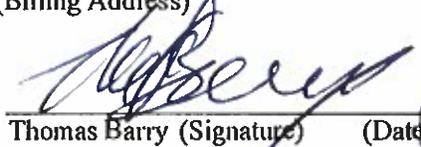
.....
I have read Section 98-1 et seq. and understand that additional escrow fees may be charged at a later date. I herewith agree to pay these additional charged fees. If I fail to pay these fees when requested, I understand that the Township will also charge reasonable attorney's fees for the collection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

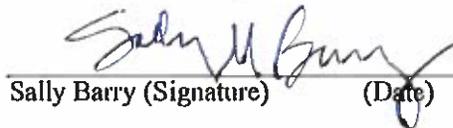
Please Print Clearly

Thomas Barry & Sally Barry
(Name)

(609) 861-5262
(Daytime Phone)

741 Court House-South Dennis Rd PO Box 132 South Dennis, NJ 08245
(Billing Address)

 June 12, 25
Thomas Barry (Signature) (Date)

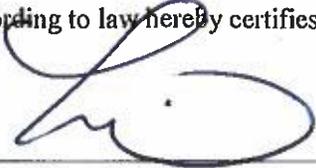
 June 12, 2025
Sally Barry (Signature) (Date)

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

TOWNSHIP OF DENNIS
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Erika Lezama-Simonson, Esquire 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__.



Thomas Barry (Signature of property owner)



Sally Barry (Signature of property owner)

741 Court House – South Dennis Rd, PO Box 132, South Dennis, NJ 08245
(Address)

609-861-5262
(Telephone Number)

Sworn and subscribed before me:

This 12 day of 2025


Signature of Person authorized to take oaths - Notary

NICOLE E SHIFFLER
Notary Public, State of New Jersey
Comm. # 50220424
My Commission Expires 3/28/2029



TOWNSHIP OF DENNIS
CONSOLIDATED LAND USE
BOARD
571 PETERSBURG ROAD
P.O. BOX 204

**PART III ADMINISTRATIVE COMPLETENESS
APPLICATION CHECKLIST**

(Please submit with your application document)

NAME OF APPLICANT: Thomas L. Barry and Sally M. Barry
NAME OF OWNER: Thomas L. Barry and Sally M. Barry
NAME OF PROFESSIONAL(S): None

Required Documents

- | | |
|--|---------------------------------|
| a) One original & 16 copies of the application WITH the completed Checklist | <u>✓</u> |
| b) One original & 16 copies of the required plat meeting requirements set forth in Chapter 165 of the Township Ordinance | <u>N/A</u> |
| c) Required Application Fees as set forth in Chapter 98 of the Township Code | <u>Twp in Receipt of Escrow</u> |
| d) Copy of CAFRA application or written explanation of why one isn't needed | <u>N/A</u> |
| e) Copy of NJDEP Wetlands application or written explanation of why one isn't needed | <u>N/A</u> |
| f) Current signed and sealed Survey of property (less than 1 year old) | <u>✓</u> |
| g) Other submittals required by Board Professionals (if any) | <u>N/A</u> |
| h) Written description and justification for Waivers & Variances | <u>✓</u> |
| i) Certified list of persons to whom notice must be sent, as compiled by the proper administrative officer of the appropriate municipality (Tax Assessor). | <u>✓</u> |
| j) Proof from the Tax Collector that real estate taxes and local Assessments have been paid to date | <u>✓</u> |
| k) (For Subdivisions only) A Certificate of Title | <u>N/A</u> |

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See Addendum -- as per zoning, it is not a requirement to submit revised site plan

PLAT REQUIREMENTS VARIANCE
CHAPTER 165 and 185

NAME OF APPLICANT: Thomas & Sally Barry

NAME OF OWNER: Thomas & Sally Barry

BLOCK: 96 LOT: 1 ADDRESS: 1626 NJSH Route 83, Cape May Court House, NJ 08210

a. *General Requirements.* The plan for a variance shall be drawn at a scale of not less than twenty feet (20') to the inch, with North oriented to the top of the page, shall conform to the provisions of the New Jersey Map Filing Law, N.J.S.A. 46:23-9.9 et seq., and shall include or be accompanied by the information specified below:

1. The variance plan shall be based upon a current boundary survey prepared in accordance with N.J.A.C. 13:40-5.1, Preparation of Land Surveys, certified to the owner and prepared or recertified not more than twelve (12) months prior to the date of application. N/A

2. Spot elevations at all four (4) corners of the subject parcel (oceanfront parcels required two (2) additional spot elevations, one (1) at midpoint on each of the two (2) side lot lines). N/A

b. *Title Block.* A title block shall appear on all sheets and include:

1. Title to read "Variance Plan." N/A

2. Tax map sheet, block and lot designation. N/A

3. Street address. N/A

4. Name of the applicant and owner. N/A

5. Date (of original and all revisions). N/A

6. Name, signature, address and license number of the professional who prepared the plan. N/A

c. *Detailed Information.*

1. A key map (at a scale of not less than one inch (1") equals one thousand feet (1,000') with North oriented to top of the page, showing the location of the subject parcel with reference to surrounding areas, existing streets which intersect or border the parcel, the names of all such streets and any zone district boundaries and Township boundary which is within five hundred feet (500') of the subject parcel. N/A

2. The names and addresses of all owners, and property classifications of all parcels within two hundred feet (200') of the subject parcel as shown by the most recent records of the Township. N/A

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3. A portion of the current Dennis Township Zoning Map showing the subject parcel and zone district boundaries, existing easements, watercourses, floodways and flood hazard areas within two hundred feet (200'), and the width of the right-of-way of each street within two hundred feet (200') of the subject parcel.

N/A

4. A zoning schedule showing all zoning requirements applicable to the parcel in question, existing conditions, proposed conditions and extent of applicant's compliance with the zoning requirements.

N/A

5. All existing structures, with an indication of those which are to be removed, and the front, rear and side yard dimensions of those to remain, referenced to existing lot lines.

N/A

6. All proposed private and public easements or rights-of-way and the purposes thereof.

N/A

7. North arrow.

N/A

8. Written and graphic scales.

N/A

9. All required endorsements or certifications and space for the appropriate signatures.

N/A

10. A copy of any existing or proposed covenants or deed restrictions applying to the land being subdivided or certification that none exists. Such certification may be in letter form signed by a member of the New Jersey Bar, by a title officer or authorized agent of a title insurance company licensed to do business in New Jersey.

N/A

11. Such other information as the Board Engineer and/or Planner may require or request during their review of the application.

N/A

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CONFIRMATION OF PAID TAXES

[24 HOUR NOTICE MAY BE REQUIRED]

TO BE COMPLETED BY APPLICANT AND RETURNED TO THE TAX COLLECTION OFFICE

NAME: Thomas L. Barry and Sally M. Barry

BLOCK: 96 LOT: 1

STREET ADDRESS: 1626 Route 83, South Dennis, NJ 08245

TO BE COMPLETED BY TAX COLLECTION OFFICE

Taxes current as of May 7th 2025

Taxes paid through 2nd Qtr quarter 2025

Remarks: _____

Monica Heim
Tax Collector

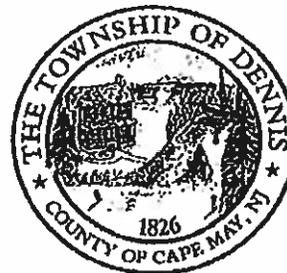
6/10/25
Date

THIS STATEMENT IS NOT AN OFFICIAL TAX SEARCH

LEE ANN RUSS, CTA
Tax Assessor

TOWNSHIP OF DENNIS
Tax Assessment Department
571 Petersburg Road
P.O. Box 204
Dennisville, NJ 08214

Phone: (609) 861-9700 ext. 241
Fax: (609) 861-9719



May 21, 2025

THIS IS TO CERTIFY THAT THE FOLLOWING LIST OF PROPERTY OWNERS ARE
WITHIN 200 FEET OF BLOCK 96 LOT 1 ACCORDING TO THE OFFICIAL TAX MAP OF
DENNIS TOWNSHIP.

ATTEST Lee Ann Russ
LEE ANN RUSS, CTA

BLOCK 96 LOT 1

Rita Rothenberg
7 North Main Street
CMCH NJ 08210

Jacqueline Justice
(line)
571 Petersburg Road
Dennisville, NJ 08214

DN-309, CENTRAL MAIL ROOM
CAPE MAY COURT HOUSE, NJ 08210

VERIZON COMMUNICATIONS
% ENGINEERING DEPARTMENT
10 TANSBORO RD, FL 2
BERLIN, NJ 08009

SOUTH JERSEY GAS COMPANY
% JOSEPH SCHNEIDER
GENERAL MANAGER
SYSTEM ENGINEERING & PLANNING
1 SO JERSEY PLAZA
FOLSOM, NJ 08037

CONECTIV REAL ESTATE DEPARTMENT
5100 HARDING HIGHWAY, SUITE 399
MAYS LANDING, NJ 08330-9902

(CONTINUED)

LEE ANN RUSS, CTA
Tax Assessor

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Tax Assessment Department
571 Petersburg Road
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Phone: (609) 861-9700 ext. 241
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PAGE 2
RE: BLOCK 96 LOT 1

COMCAST CABLE
901 W LEEDS AVENUE
ABSECON, NJ 08201

PUBLIC SERVICE ELECTRIC & GAS CO.
MANAGER-CORPORATE PROPERTIES
80 PARK PLAZA, T6B
NEWARK, NJ 07102

CAPE ATLANTIC SOIL
CONSERVATION DISTRICT
ATTN: MICHAEL KENT
6260 OLD HARDING HIGHWAY
MAYS LANDING, NJ 08330

STATE OF NJ-DOT
CN-600 1035 PARKWAY AVE
TRENTON, NJ 08625-0600

Block Lot Qual	Property Location		Property Class	Owner		Zip Code
	Additional Lot	Additional Lot		Address	City, State	
90 21		101 COUNTY RD	2	COWAN, STEPHEN E & SANDRA M		082101026
		OB323L7		101 COUNTY RD CAPE MAY COURT HOUSE, NJ		082101026
90 22		107 COUNTY RD	2	NEPTUNE, CHRISTOPHER		082101026
		OB323L7.01		107 COUNTY RD CAPE MAY COURT HOUSE, NJ		082101026
90 23		97 COUNTY RD	2	FENSTERMAKER, JAMES E		082450291
		OB323L8		97 COUNTY RD, PO BOX 291 SOUTH DENNIS, NJ		082450291
90 24		164 GRAVEL HOLE RD	2	NOLL, WALTER J & CANTWELL, KAREN A		082101307
		OB323L9.04		164 GRAVEL HOLE RD CAPE MAY COURT HOUSE, NJ		082101307
90 25		89 COUNTY RD	2	RAAB, FREDRICK J & JOHN S		082101044
		OB323L9.01		89 COUNTY RD CAPE MAY COURT HOUSE, NJ		082101044
94 8		120 COUNTY RD	2	J M B DEVELOPMENT LLC		082703600
		OB312L4		8 LAKEVIEW DR WOODBINE, NJ		082703600
95 1		110 COUNTY RD	2	CAPODANNO, FRED A JR & RTA L		082101027
		OB324L1		110 COUNTY RD CAPE MAY COURT HOUSE, NJ		082101027
96 2		823 DENNISVILLE RD	1	YOUNG, ROBERT A JR		082101268
		OB325L2		836 DENNISVILLE RD CAPE MAY COURT HOUSE, NJ		082101268
96 3		819 DENNISVILLE RD	2	BUONO, THOMAS & KATHLEEN S		082430124
		OB325L3		PO BOX 124 SEA ISLE CITY, NJ		082430124
96 43		1588 RT 83	4A	BARRY, THOMAS L & SALLY M		082450132
		OB325L11		PO BOX 132 SOUTH DENNIS, NJ		082450132
120 58		812 DENNISVILLE RD	3A	NIEDWESKE, IRA & JILL		082101268
		OB308L159		812 DENNISVILLE RD CAPE MAY COURT HOUSE, NJ		082101268
120 60		830 DENNISVILLE RD	2	YOUNG, ROBERT A JR		082101268
		OB308L161		836 DENNISVILLE RD CAPE MAY COURT HOUSE, NJ		082101268
120 61		836 DENNISVILLE RD	2	YOUNG, ROBERT A JR		082101268
		OB308L159.01		836 DENNISVILLE RD CAPE MAY COURT HOUSE, NJ		082101268

Block Lot Qual	Property Location Additional Lot Additional Lot	Property Class	Owner Address City, State	Zip Code
120 62	1674 RT 83 08308L162	4A	COOPERWOOD LLC 812 DENNISVILLE RD CAPE MAY COURT HOUSE, NJ	082101268