



**RE: Clark Edward, LLC
Block 236, Lots 6.18 and 6.19
Dennis Township, Cape May County
EDA # 10793**

OVC – Ocean View Center Zoning District

1. D-1 Use Variance

Contractor storage facilities are not permitted in the OVC Zone (Section 185-23); therefore, a d - 1 use variance is required.

A. Purpose of Municipal Land Use Law Advanced - d variance (40:55D-2)

(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.

The proposed project is appropriately located as the site is situated within a zone permitting commercial uses and lies between existing commercial uses to the east and west. Additionally, the property is adequately sized for the proposed development; the OVC zone requires a minimum lot area of one acre, the subject site encompasses approximately 3.2 acres.

The property is not comprised of environmentally sensitive areas including freshwater wetlands, wetlands transition areas, flood hazard areas mapped threatened or endangered species. The site soil conditions are appropriate for development as demonstrated by the results provided on the site plan.

B. Negative criteria

Substantial Detriment to the Public Good;

The use is appropriately located within an area permitting commercial uses and will not adversely affect the surrounding area, the local community or the environment.

Substantial Impairment to the Intent and Purpose of the Zone Plan;

While not expressly permitted within the OVC District, the proposed storage facilities with associated office space are comparable to uses allowed under Section 185-23 of the Dennis Township Zoning Ordinance.

C. Benefits outweigh detriments

The proposed project will meet the need for this type of facility while avoiding any adverse impacts on the community or the environment.

2. C 2 Variances

A. Required Variances:

Variance for a front yard setback of 40 feet whereas a maximum of 8 feet is permitted - Section 185-23 (D)

Variance to permit a freestanding sign -Section 185- 43 (C)

B. Purpose of Municipal Land Use Law Advanced (40:55D-2) -c variances

(i) *To promote a desirable visual environment through creative development techniques and good civic design and arrangement.*

A front yard setback of 40 feet provides a greater separation distance between the proposed use and the residential uses across Woodbine – Ocean View Road and an opportunity for landscaping along the front of the site.

The freestanding sign will provide sufficient visibility and site identification, and clear identification of individual units.

3. Requests for Waivers

A. Section 185-38 (A)(2) – Waiver from the provision of curbing in the parking area.

The stormwater management system is designed to direct runoff to the stormwater basins through overland flow to Type “E” inlets within the parking area; as a result, the use of curbing is not practical for the proposed design.

B. Section 185-40 (B) – Waiver for the location and type of trash enclosures.

The trash enclosures are proposed within the side yards, rather than the rear yard, to provide convenient access to the contractor storage units. The enclosures will be constructed of vinyl material to ensure adequate screening of refuse.

C. Section 185-41 (J) – Waiver from buffer and clearing requirements.

The stormwater design requirements are such that the basins encompass most of the site outside of the proposed development. Landscaping is proposed to provide buffering along the property lines.

D. Section 185-41 (K) – Waiver from the provision of an Environmental Assessment and Environmental Assessment Checklist.

The site is located within an area of existing development and does not include environmentally sensitive resources such as freshwater wetlands, transition areas, flood hazard zones, or mapped threatened or endangered species habitat. Soil conditions are suitable for development. The proposed project will not result in significant environmental impacts.