

PREPARED BY:

THE LAW OFFICE OF

RONALD J. GELZUNAS, LLC

BOROUGH OF WEST CAPE MAY
PLANNING/ZONING BOARD APPLICATION

400 Stevens Street
Block 74, Lot 3

**PLANNING-ZONING BOARD APPLICATION
BOROUGH OF WEST CAPE MAY
732 BROADWAY
WEST CAPE MAY, NEW JERSEY 08204**

The original application, with supporting documentation, must be filed with the office of the Board Assistant. Upon submission, the Board Engineer has a total of **45 days** to complete a review of the application. **Please note: you must contact the Planning-Zoning Board Assistant, Tricia Oliver, at 609-884-1005, ext. 109 or toliver@westcapemay.us with any questions or concerns regarding an application.**

Fully assembled sets/packets are required upon submission, not individual piles of pages; plans must be folded (rolled plans will not be accepted). If the applicant is uncertain as to how to prepare this application, **it is HIGHLY recommended that a professional, such as an Attorney, Engineer, Surveyor, Architect or Planner, be utilized.** *Also note: State statute requires that the date and time of the hearing be included when completing the mandatory notice and advertisements, so this is done after the application is deemed complete and the applicant is offered a hearing date.*

To be completed by the Board Assistant

Date Filed 6/13/25 Application No. # 609-25
Planning Board ✓ Zoning Board of Adjustment _____
Application Fees pd. Escrow Fees pd.
Scheduled for:
Review of Completeness _____ Hearing _____

To be completed by the Applicant

1. SUBJECT PROPERTY

Location: 400 Stevens Street Rear
Tax Map Page 8 Block 74 Lot(s) 3
Dimensions: Frontage _____ Odd Shape _____ Depth _____ Total Area 5 Acres
Zoning District R-5

2. **APPLICANT** (Note: if the applicant is a Corporation, Partnership, or Business entity, they must be represented by a New Jersey licensed lawyer.)

Name Shorehouse Canna, LLC

Address 124 Sunset Boulevard, West Cape May, NJ 08204

Telephone Number 215-828-6057 Fax Number Dave@ShoreHouseCanna.com

Applicant is a: Corporation _____ Partnership _____ Individual _____
X LLC

3. **DISCLOSURE STATEMENT**

Pursuant to N.J.S. 40:55D 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).

Name Thomas Nuscis Address: 124 Sunset Boulevard, West Cape May, NJ
Interest 51%

Name Nicole Melchiorre Address: 124 Sunset Boulevard, West Cape May, NJ
Interest 49%

4. **If Owner is other than the applicant, provide the following information on the Owner(s).**

Name Leslie C Rea Farms, Inc.

Address 213 Stevens Street, West Cape May, NJ 08204

Telephone _____ Fax Number _____

5. **PROPERTY INFORMATION**

Restrictions, covenants, easements, association by-laws, existing and proposed on the property:

Yes (attach copies) _____ No _____ Proposed _____

NOTE: All deed restrictions, covenants, easements, association by-laws, existing and proposed must be submitted for review and must be written in easily understandable English in order to be approved.

*** IMPORTANT: Be sure to include ANY & ALL prior approvals per a memorialized resolution(s) for the subject property. Failure to do so will delay the application process.**

Present use of the premises: Farm

6. APPLICANT'S ATTORNEY

Name Ronald J. Gelzunas, Esq.

Address P.O. Box 1288

Telephone 609-854-4502 Fax Number ron@gelzunaslaw.com

7. APPLICANT'S ENGINEER

Name Vince Orlando, Engineering Design Assoc. P.A.

Address 5 Cambridge Drive Ocean View, NJ 08230

Telephone 609-390-9204 Fax Number Info@engineeringdesign.com

8. APPLICANT'S PLANNING CONSULTANT

Name _____

Address _____

Telephone _____ Email: _____

9. APPLICANT'S TRAFFIC ENGINEER

Name _____

Address _____

Telephone _____ Fax Number _____

10. List any other Expert who will submit or who will testify for Applicant: (Attach additional sheets as may be necessary)

Name _____

Field of Expertise _____

Address _____

Telephone _____ Fax Number _____

11. APPLICATION REPRESENTS A REQUEST FOR THE FOLLOWING:

SUBDIVISION:

_____ Minor Subdivision Approval

_____ Preliminary Subdivision Approval

_____ Final Subdivision Approval

Number of lots to be created (including remainder lot) _____

Number of proposed dwelling units (if applicable) _____

SITE PLAN:

_____ Minor Site Plan Approval

_____ Preliminary Site Plan Approval (Phases if applicable) _____

_____ Final Site Plan Approval (Phases if applicable) _____

Area to be disturbed (square feet) _____

Total number of proposed dwelling units _____

_____ Request for Waiver from Site Plan Review and Approval

Reason for request: _____

_____ Informal Review

_____ Appeal decision of an Administrative Officer (N.J.S. 40:55D-70a)

- ☐ Map or Ordinance Interpretation of Special Question (N.J.S. 40:55D-70b)
- ☐ Variance Relief (hardship) (N.J.S. 40:55D-70c (1))
- ☐ Variance Relief (substantial benefit) (N.J.S. 40:55D-70c (2))
- ☒ Variance Relief (use) (N.J.S. 40:55D-70d)
- ☐ Conditional Use Approval (N.J.S. 40:55D-67)
- ☐ Direct issuance of a permit for a structure in bed of a mapped street, public drainage way, or flood control basin (N.J.S. 40:55D-34)
- ☐ 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:

Section 27-29(c)(8) Conditional Uses (Location)

All variances and or waivers that the Board Engineer may identify in a review memorandum or letter or that may be required by the Board at the time of the hearing.

**13. Waivers Requested of Development Standards and/or Submission Requirements:
(Attach additional pages as needed)**

Waivers are requested from See Plan

All variances and or waivers that the Board Engineer may identify in a review memorandum or letter or that may be required by the Board at the time of the hearing.

14. 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.

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)

The Applicant is proposing to construct a 5,000 square foot building which will contain the permitted use of cannabis cultivation, and the conditional use of cannabis manufacturing, wholesaling and/or distributing operations. The proposal will satisfy all of the conditional use standards set forth in Section 27-29(c) except for 27-29(c)(8) which requires the facility to be located one thousand linear feet from the

lot line of any residence. The proposal will meet all of the other conditions set forth in the conditional use standards Section 27-29(c) 1 through 12.

Although the proposed facility location does not meet the required set back from the lot line of a "residence", the nature of the location, set back far from Bayshore Road on a farm field surrounded by woods and wetlands and not visible from the road or easily accessible, renders this location suitable for the proposal and demonstrates that the site can accommodate the deviation from the 1000 foot setback requirement without causing any substantial detriment to the public good or impairment of the ordinance purposes. These circumstances meet the criteria necessary to grant a conditional use variance as set forth by the New Jersey Supreme Court in Coventry Square v. Westwood Zoning Bd. of Adjustment, 138 N.J. 285, 298-299 (1994):

We hold that the proof of special reasons that must be adduced by an applicant for a "d" variance from one or more conditions imposed by ordinance in respect of a conditional use shall be proof sufficient to satisfy the board of adjustment that the site proposed for the conditional use, in the context of the applicant's proposed site plan, continues to be an appropriate site for the conditional use notwithstanding the deviations from one or more conditions imposed by the ordinance. Thus, a conditional-use variance applicant must show that the site will accommodate the problems associated with the use even though the proposal does not comply with the conditions of the ordinance established to address those problems.

16. Have any proposed new lots been reviewed with the Tax Assessor to determine appropriate lot and block numbers? N/A
17. Are any off-tract improvements required or proposed? None
18. Is the subdivision to be filed by Deed or Plat? N/A
19. Other approvals which may be required and date plans submitted:

	Yes	No	Date Plans Submitted
Cape May County Municipal Utilities Authority	<u>_____</u>	<u>X</u>	<u>_____</u>
Cape May County Health Department	<u>_____</u>	<u>X</u>	<u>_____</u>
Cape May County Planning Board	<u>_____</u>	<u>X</u>	<u>_____</u>
Cape Atlantic Soil Conservation District	<u>_____</u>	<u>X</u>	<u>_____</u>

NJ Department of Environmental Protection	<u> X </u>
Sewer Extension Permit	<u> </u>
Sanitary Sewer Connection Permit	<u> </u>
Stream Encroachment Permit	<u> </u>
Waterfront Development Permit	<u> </u>
Wetlands Permit	<u> </u>
Tidal Wetlands Permit	<u> </u>
CAFRA	<u> </u>
NJ Department of Transportation	<u> </u>

20. Certification from the Tax Collector that all taxes due on the subject property have been paid.

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

It is the responsibility of the applicant to mail or deliver copies of the application form and all supporting documents to the Board Secretary.

Quantity	Description of Item
<u>20</u>	<u>Variance plan by EDA</u>
<u>20</u>	<u>Application prepared by Ron Gelzunas, Esq.</u>
<u>1</u>	<u>Plan of survey by Killam Associates</u>

22. The Applicant hereby requests that copies of the reports of the professional staff reviewing the 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 professional listed.

Applicant's Professionals:	Reports Requested
<u>Attorney</u>	<u>ALL</u>
<u>Engineer</u>	<u>ALL</u>

23. Affidavit of Ownership and Certifications (as applicable)

- A. I certify that the foregoing statements and the material submitted are true. I further certify that I am the individual applicant or that I am an Officer of the corporation applicant and that I am authorized to sign the application for the Corporation or 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

9th day of June, 2025

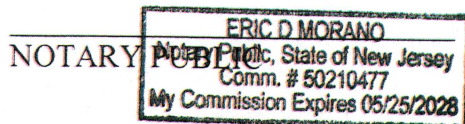


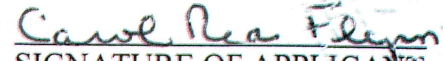

SIGNATURE OF APPLICANT

- B. 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

9th day of June, 2025




SIGNATURE OF APPLICANT

PLEASE NOTE:

Applicant must be present at the public hearing or have a licensed New Jersey attorney there on his behalf or his application may be postponed.

- C. I understand that the initial sum of \$ 1,000.00 has been deposited in an escrow account in accordance with the Ordinance of the Borough of West Cape May. 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 and the publication of the decision by the Board. 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 (15) days. I further understand that all escrow charges which are due and owing shall become a lien on the premises, and shall remain so until paid.

6/8/25
DATE

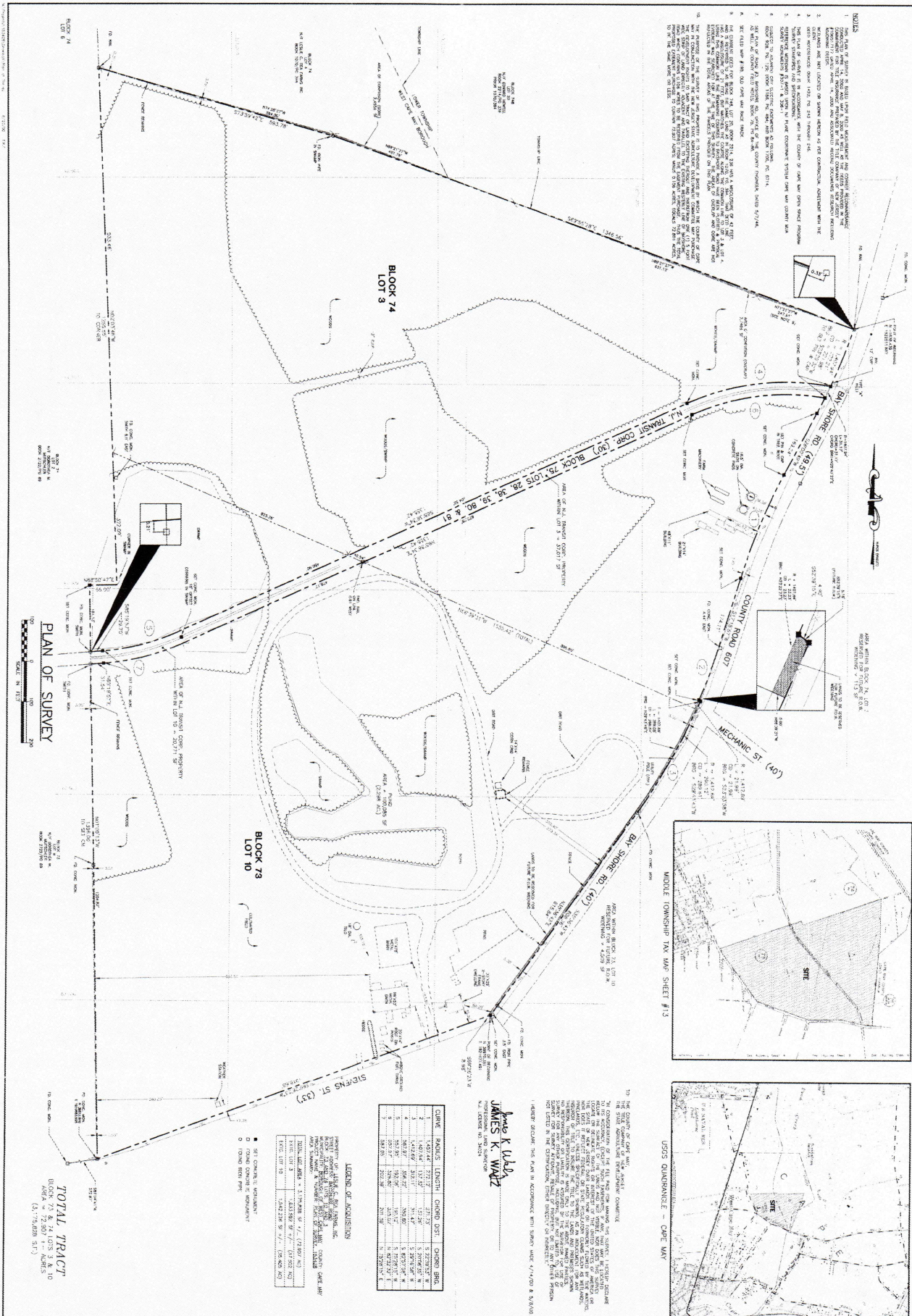
[Signature]
SIGNATURE OF OWNER/AGENT

**EXISTING CONDITIONS
PHOTOS AND SURVEY**



APPROXIMATE FACILITY LOCATION





- NOTES**
1. THIS PLAN OF SURVEY IS BASED UPON THE RECORDING OF THE COASTAL DISTRICTS...
 2. THE COASTAL DISTRICTS ARE LOCATED ON THE COASTAL DISTRICTS...
 3. THE COASTAL DISTRICTS ARE LOCATED ON THE COASTAL DISTRICTS...
 4. THE COASTAL DISTRICTS ARE LOCATED ON THE COASTAL DISTRICTS...
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 9. THE COASTAL DISTRICTS ARE LOCATED ON THE COASTAL DISTRICTS...
 10. THE COASTAL DISTRICTS ARE LOCATED ON THE COASTAL DISTRICTS...

PLAN OF SURVEY
SCALE IN FEET
0 100 200

LEGEND OF ACQUISITION

COASTAL DISTRICTS	LENGTH	COASTAL DISTRICTS	COASTAL DISTRICTS
1	1,402.64'	2	1,402.64'
3	1,402.64'	4	1,402.64'
5	1,402.64'	6	1,402.64'
7	1,402.64'	8	1,402.64'
9	1,402.64'	10	1,402.64'
11	1,402.64'	12	1,402.64'
13	1,402.64'	14	1,402.64'
15	1,402.64'	16	1,402.64'
17	1,402.64'	18	1,402.64'
19	1,402.64'	20	1,402.64'
21	1,402.64'	22	1,402.64'
23	1,402.64'	24	1,402.64'
25	1,402.64'	26	1,402.64'
27	1,402.64'	28	1,402.64'
29	1,402.64'	30	1,402.64'
31	1,402.64'	32	1,402.64'
33	1,402.64'	34	1,402.64'
35	1,402.64'	36	1,402.64'
37	1,402.64'	38	1,402.64'
39	1,402.64'	40	1,402.64'
41	1,402.64'	42	1,402.64'
43	1,402.64'	44	1,402.64'
45	1,402.64'	46	1,402.64'
47	1,402.64'	48	1,402.64'
49	1,402.64'	50	1,402.64'
51	1,402.64'	52	1,402.64'
53	1,402.64'	54	1,402.64'
55	1,402.64'	56	1,402.64'
57	1,402.64'	58	1,402.64'
59	1,402.64'	60	1,402.64'
61	1,402.64'	62	1,402.64'
63	1,402.64'	64	1,402.64'
65	1,402.64'	66	1,402.64'
67	1,402.64'	68	1,402.64'
69	1,402.64'	70	1,402.64'
71	1,402.64'	72	1,402.64'
73	1,402.64'	74	1,402.64'
75	1,402.64'	76	1,402.64'
77	1,402.64'	78	1,402.64'
79	1,402.64'	80	1,402.64'
81	1,402.64'	82	1,402.64'
83	1,402.64'	84	1,402.64'
85	1,402.64'	86	1,402.64'
87	1,402.64'	88	1,402.64'
89	1,402.64'	90	1,402.64'
91	1,402.64'	92	1,402.64'
93	1,402.64'	94	1,402.64'
95	1,402.64'	96	1,402.64'
97	1,402.64'	98	1,402.64'
99	1,402.64'	100	1,402.64'

LEGEND OF ACQUISITION

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69	1,402.64'	70	1,402.64'
71	1,402.64'	72	1,402.64'
73	1,402.64'	74	1,402.64'
75	1,402.64'	76	1,402.64'
77	1,402.64'	78	1,402.64'
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97	1,402.64'	98	1,402.64'
99	1,402.64'	100	1,402.64'

JAMES K. WALZ
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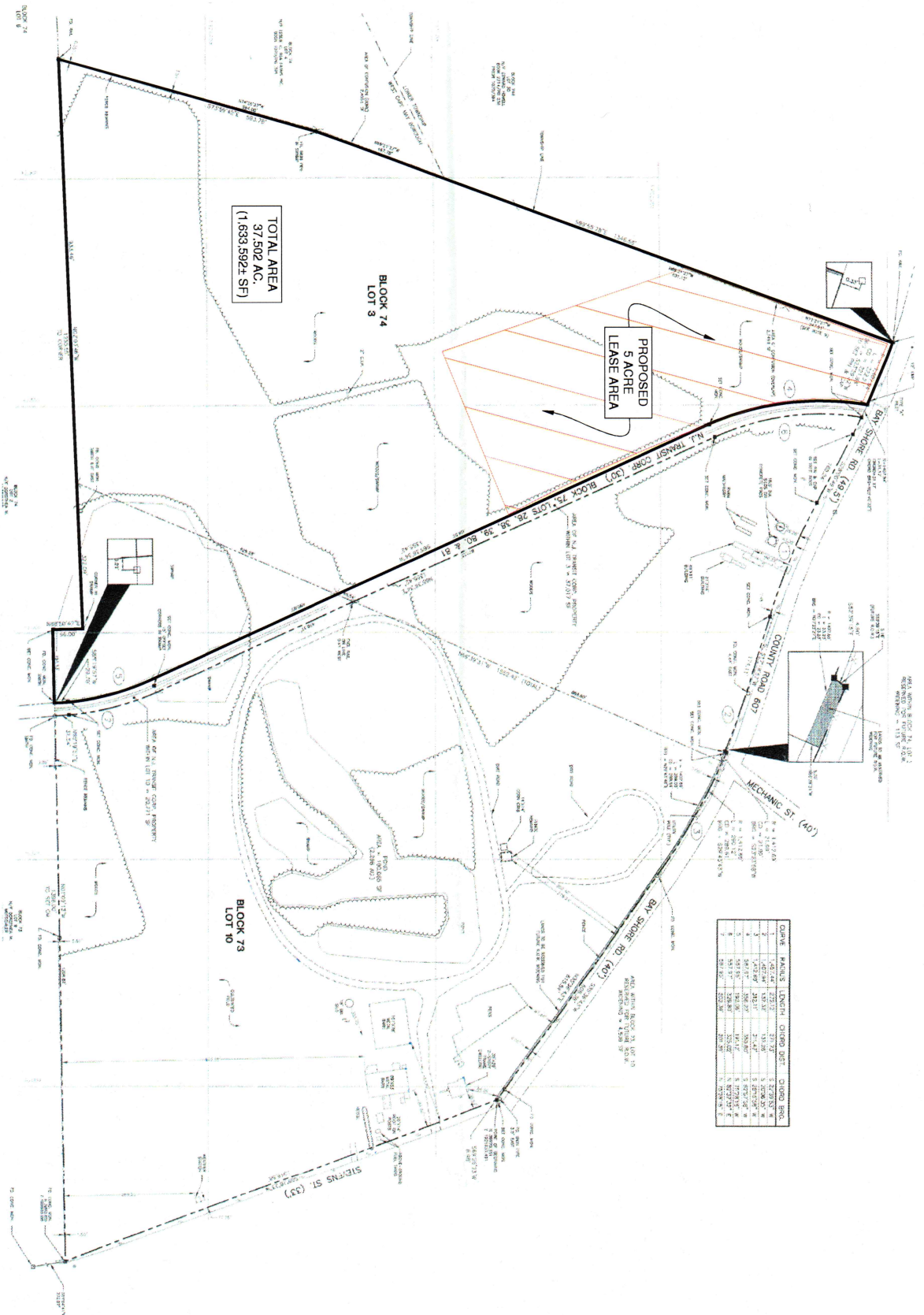
PLAN OF SURVEY BLOCK 73, LOT 10 & BLOCK 74, LOT 3 WEST CAPE MAY CAPE MAY COUNTY, NEW JERSEY		Killam Associates in Consulting Engineers 833 Route 9 North Cape May Court House, New Jersey 08210-0273	JAMES K. WALZ Professional Engineer N.J. License No. 24024 <i>James K. Walz</i> Date: 6/16/02	28 JUN 02 23 JUN 02 Date	REVISED PER CAPE MAY COUNTY OPEN SPACE AND FARMLAND PRESERVATION DEPARTMENT COMMENTS. PROPOSED PER CAPE MAY COUNTY OPEN SPACE AND FARMLAND PRESERVATION DEPARTMENT COMMENTS.
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PROPOSED SITE PLAN



Engineers - Landscape Architects - Planners

EXISTING CONDITIONS & CONTEXT MAP



DATE: 06/05/25
SCALE: 1"=100'
PROJECT #: 10518
SHEET: 2 OF 3



REVISION
DATE
BY

PROFESSIONAL ENGINEER
N.J.P.E. LIC. #24848

VINCENT C. ORLANDO
DRAFT

EDA Engineering Design Associates, P.A.
Cambridge Professional Offices
5 Cambridge Drive, Suite 200, New Jersey 08902
(609) 990-0232 • Fax (609) 990-0231 • www.engineeringdesign.com • info@eda-nj.com

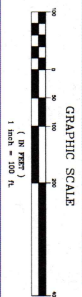
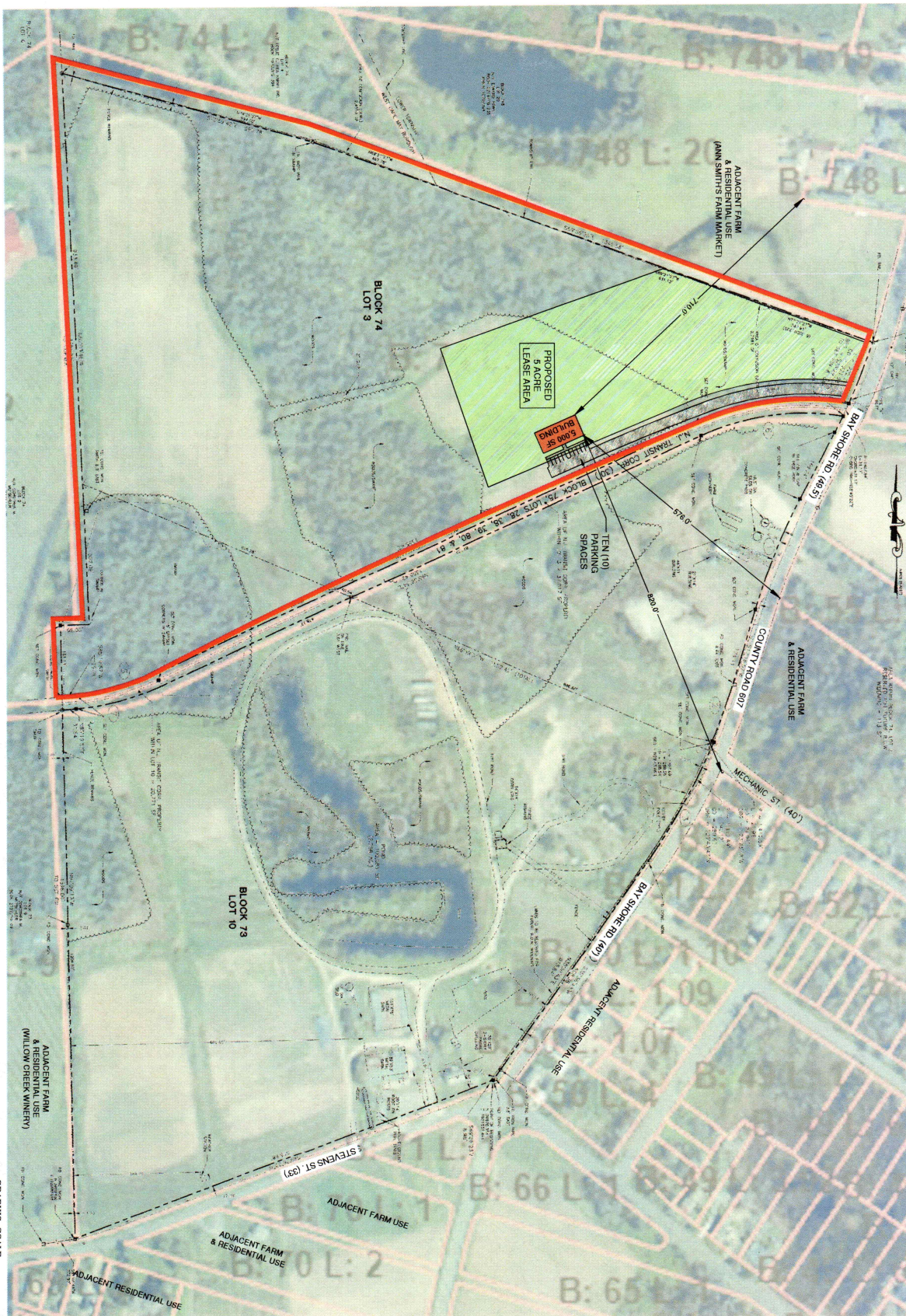
EXISTING CONDITIONS & CONTEXT MAP
BLOCK 74, LOT 3
BOROUGH OF WEST CAPE MAY
CAPE MAY COUNTY, NEW JERSEY





Engineers - Landscape Architects - Planners

SITE PLAN



DATE: 06/02/25	DRAWN BY: NEW
SCALE: 1"=100'	CHECKED BY: KCO
PROJECT # 10918	SHEET: 3 OF 3



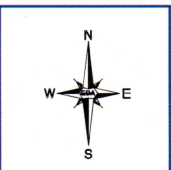
REVISION	DATE	BY

5. THIS PLAN IS THE PROPERTY OF EDA ENGINEERING DESIGN ASSOCIATES, P.A. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF EDA ENGINEERING DESIGN ASSOCIATES, P.A.

VINCENT C. ORLANDO
PROFESSIONAL ENGINEER
N.J.P.E. LIC. #93688
DRAFT

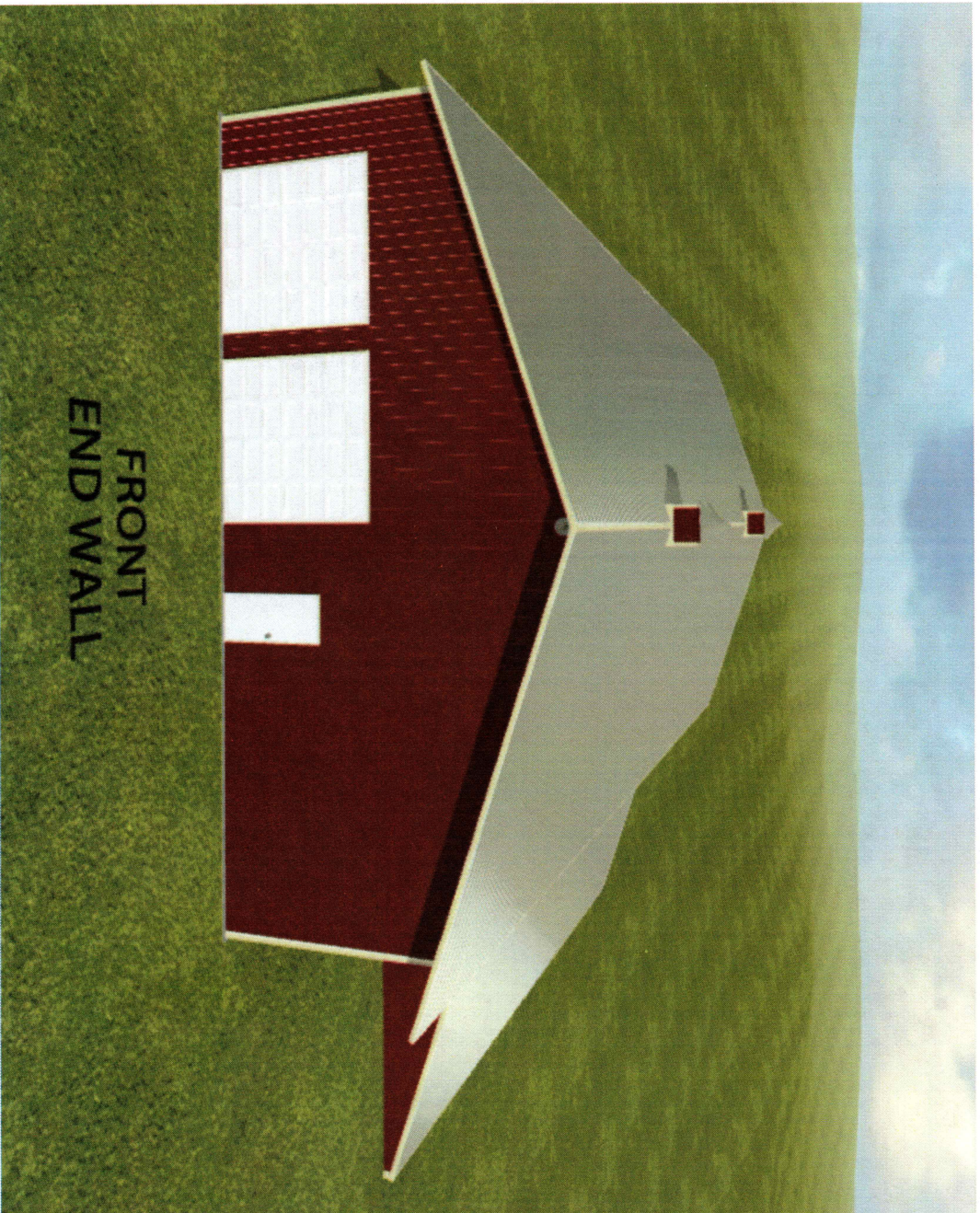
Engineering Design Associates, P.A.
CAMBRIDGE PROFESSIONAL OFFICES
1 Cambridge Drive Ocean View New Jersey 08230
(609) 395-0232 • Fax (609) 395-6231 • www.edaengineeringdesign.com • info@edaengineeringdesign.com

SITE PLAN
BLOCK 74 LOT 3
BOROUGH OF WEST CAPE MAY
CAPE MAY COUNTY, NEW JERSEY



RENDERINGS

East Elevation



North Elevation

