

FILED

MAR 06 2017

PREPARED BY THE COURT

CAPE MAY COUNTY
LAW DIVISION

KLAUSE ENTERPRISES, LLC., MARTIN
PRINCE, LLC., and PALMER CENTER,
LLC.,

Plaintiffs,

v.

CITY OF OCEAN CITY and OCEAN CITY
PLANNING BOARD,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
CAPE MAY COUNTY
DOCKET NO. CPM-L-115-16

Memorandum of Decision

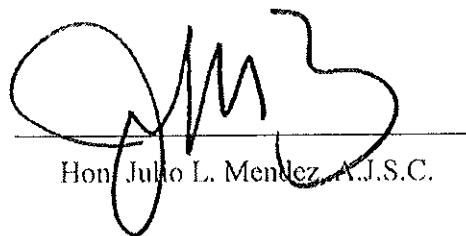
Dated: March 6, 2017

The Court having conducted a hearing September 14, 2016, with counsel for Plaintiffs KLAUSE ENTERPRISES, LLC., MARTIN PRINCE, LLC., and PALMER CENTER, LLC, and counsel for Defendants CITY OF OCEAN CITY and OCEAN CITY PLANNING BOARD; and the Court having reviewed the papers submitted, heard the oral arguments of counsel, having set forth its findings and conclusions in a written memorandum incorporated herein and for good cause shown;

IT IS on this 6th day, March 2017 **ORDERED** as follows:

1. The Court **HEREBY** reverses the Ocean City Planning Board and rules in plaintiffs' favor.
2. The Court holds that plaintiffs submitted an application for development as defined by N.J.S.A. 40:55D-3, by April 6, 2016, and that the time of application rule require the Planning Board examine plaintiffs' application as a conditional use.
3. This is a final Order. This case is remanded back to the Planning Board to hear plaintiffs' application.

Date: 3/6/2017



Hon. Julio L. Mendez, A.J.S.C.