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IN THE MATTER OF THE APPLICATION
OF 3315 BAY AVE, LP,
FOR PRELIMINARY AND FINAL
MAJOR SITE PLAN APPROVAL
AND WAIVERS
FOR BLOCK 3306, Lot 1

OCEAN CITY PLANNING BOARD

APPLICATION NO. PBA 25-005

DECISION AND RESOLUTION

BACKGROUND OF DECISION AND RESOLUTION

1. 3315 Bay Ave, LP, ["Applicant"] is the owner of certain lands and premises located in the City of Ocean City known as Block 3306, Lot 1 as shown on the current official tax map for the City of Ocean City, New Jersey, commonly known as 3313-3315 Bay Avenue, Ocean City, New Jersey ["Property"].

2. The Applicant has made application to the Ocean City Planning Board for **(i) preliminary and final major site plan approval** to construct a new four-story, 43-unit multi-family residential building with eighty-seven (87) parking spaces (with included incentive of 2 for 1 bonus credit consisting of eight (8) fully operational Electric Vehicle (EV) charging parking spaces) in an Area in Need of Rehabilitation pursuant to City of Ocean City Resolution 25-62-508 adopted October 9, 2025; **(ii)** completeness waivers; and **(iii)** design waivers to construct a 5-foot masonry wall in the front of the building and a design waiver to construct a 6-foot vinyl fence in the rear of the building.

3. The application to the Ocean City Planning Board as aforesaid was deemed complete and a public hearing in respect of the aforesaid application was held before the Ocean City Planning Board on July 8, 2026.

WITNESSETH

NOW, THEREFORE, the Ocean City Planning Board based upon the exhibits submitted and the analysis by the Planner for the Ocean City Planning Board, Randall E. Scheule, A.I.C.P. & P.P. [“Planner”] and the Engineer for the Ocean City Planning Board, David S. Scheidegg, P.E., P.P., C.M.E. [“Engineer”] and the testimony presented makes the following findings of fact:

1. Paragraphs 1 through 3 set forth above in the Background of Decision and Resolution are incorporated by this reference as if specifically set forth herein at length; all appropriate applications have been filed; all required application fees have been paid; and, all notices required by law have been given.

2. The Applicant has submitted and the Planner and Engineer have reviewed the plans and documents identified and delineated by the Planner in the Planner’s Report dated April 13, 2026 [“Planner’s Report”] all of which are incorporated by this reference as if specifically listed herein at this place and documents identified and delineated by the Engineer in the Engineer’s Report dated April 14, 2026 [“Engineer’s Report”] all of which are incorporated by this reference as if specifically listed herein at this place. The Planner’s Report is attached to this Decision and Resolution as Exhibit A and expressly made a part hereof and the Engineer’s Report is attached to this Decision and Resolution as Exhibit B and expressly made a part hereof.

3. The Applicant was represented by Jon D. Batastini, Esquire at the time

of public hearing. Mr. Batastini presented the Applicant's application for preliminary and final major site plan approval, completeness waivers and design waivers in respect of the Property. The Property is located in an Area in Need of Rehabilitation (Seaspray Rehabilitation Area) pursuant to City of Ocean City Resolution 25-62-508 adopted October 9, 2025. Thereafter the City of Ocean City adopted a Redevelopment Plan on December 18, 2025 for the Property pursuant to Ordinance No. 25-15. The Property is identified as Block 3306, Lot 1 as shown on the current official tax map of the City of Ocean City, New Jersey. The street address of the Property is 3313-3315 Bay Avenue, Ocean City, New Jersey. Mr. Batastini indicated that it was the Applicant's intent to construct a new four story, 43-unit multi-family residential building that is fully compliant with the standards contained in the Redevelopment Plan for the Seaspray Rehabilitation area. The Applicant also seeks completeness waivers and design waivers to construct a 5-foot masonry wall in the front of the building due to **§ 25-1700.14.1.a.1** which limits the height of solid fences to a height of three (3) feet when located in front yards and a design waiver to construct a 6-foot vinyl fence in the rear of the building due to **§ 25-1700.14.1.a.4** which limits the height of rear yard fences on non-waterfront lots to a height of four (4) feet.

4. Brent Harmon, R.A. was the first witness to testify in respect of the application. Mr. Harmon is a registered architect and was recognized by the Ocean City Planning Board as an expert. Mr. Harmon is the registered architect engaged by the Applicant in respect of the preliminary and final major site plan approval, design waivers and completeness waivers. Mr. Harmon described the current condition of the Property which consists of the Seaspray Condominium which has been condemned as an

unsafe structure. Mr. Harmon also provided a general description of the proposed new building, room configurations and layout. The new building will have first floor grade level parking, a small lobby, two elevators, storage area, thirty-three (33) two-bedroom residential units and ten (10) three-bedroom residential units on the second, third and fourth floors, a second floor pool and roof top deck with green area. The 43 units will not have any dens, studies, offices or libraries. He testified that the height of the building is consistent with the Redevelopment Plan. During Mr. Harmon's testimony Exhibits (Revision date May 12, 2026) Harmon sheet SD 3.1 was marked as Exhibit A-1, Harmon sheet SD 3.0 was marked as Exhibit A-2, Harmon sheet SD 4.0 was marked as Exhibit A-3 and Harmon sheet SD 5.0 was marked as Exhibit A-4. Mr. Harmon further testified the building is in a flood zone and it meets all flood requirements. He opined that it is an attractive building consistent with the Redevelopment Plan.

Upon completion of Mr. Harmon's testimony, he addressed questions from Ocean City Planning Board Members.

5. David R. Shropshire, PE, PP was the second witness to testify in respect of the application. Mr. Shropshire is a traffic engineer and was recognized by the Ocean City Planning Board as an expert. Mr. Shropshire is the traffic engineer engaged by the Applicant in respect of the preliminary and final major site plan approval, design waivers and completeness waivers. Mr. Shropshire testified consistent with a report he authored dated October 9, 2025. He also reviewed and concurred with the content of Ocean City Police Department Traffic Safety Report dated April 8, 2026 issued by Lt. Vivarelli which was marked as Applicant's Exhibit A-5. Mr. Shropshire testified that based upon the size of the project it will not generate significant traffic. The amount of

traffic generated will be comparable to the traffic generated by the Seaspray Condominium which previously existed at the Property. There will be no access to 34th street from the Property. There will be no left hand turns on to Bay Avenue from the Property. The out bound traffic will be right turn only. He also testified that the project complies with all parking requirements.

Upon completion of Mr. Shropshire's testimony, he addressed questions from Ocean City Planning Board Members.

6. John Halbruner, RA, PE was the third witness to testify in respect of the application. Mr. Halbruner was recognized by the Ocean City Planning Board as an expert. Mr. Halbruner is the registered architect and engineer engaged by the Applicant in respect of the preliminary and final major site plan approval, design waivers and completeness waivers. Mr. Halbruner testified that the project was guided by the Redevelopment Standards contained in the Redevelopment Plan for the Seaspray Rehabilitation area. The project is fully compliant with those standards and does not require any variances. All stormwater standards are satisfied. The Applicant does require design waivers to construct a 5-foot masonry wall in the front of the building due to **§ 25-1700.14.1.a.1** which limits the height of solid fences to a height of three (3) feet when located in front yards and a design waiver to construct a 6-foot vinyl fence in the rear of the building due to **§ 25-1700.14.1.a.4** which limits the height of rear yard fences on non-waterfront lots to a height of four (4) feet. The masonry wall will provide a backstop for landscaping and act as a screen for the parking area. The vinyl fence will also serve as screening for the parking area. There is one parking space per unit and the extra spaces will be issued at the Condominium Association Board's discretion. During

Mr. Halbruner's testimony Exhibits (Revision Date May 12, 2026) Harmon sheet SD 1.0 was marked as Exhibit A-6, Harmon sheet SD 2.0 was marked as Exhibit A-7 and Harmon sheet SD 2.1 was marked as Exhibit A-8. He opined that the Redevelopment Plan is consistent with the City of Ocean City Master Plan. There will be twenty (20) EV parking spaces. Eight (8) EV parking spaces will be fully operational. Infrastructure will be in place for the additional twelve (12) EV parking spaces.

Upon completion of Mr. Halbruner's testimony, he addressed questions from Ocean City Planning Board Members and by the Engineer and Planner.

7. Comments from the Planner were received consistent with the Planner's Report. Variances are not required. The Planner's Report was received by the Ocean City Planning Board. Comments from the Engineer were received consistent with the Engineer's Report. The Engineer's Report was received by the Ocean City Planning Board. The Applicant will comply with (i) the Planner's Report and (ii) the Engineer's Report, as agreed by Applicant's counsel, Mr. Batastini. If necessary, the site plan will be revised to show all changes thereto consistent with the foregoing and all the representations and agreements placed on the record by the Applicant's counsel at the public hearing on July 8, 2026.

8. Upon completion of Mr. Batastini's presentation on behalf of the Applicant, receipt of the Planner's Report and the Engineer's Report, and receipt of comments by the Planner and Engineer, the meeting was then opened to the public. There was public comment. The following members of the public testified in respect of the application as follows:

1. Robert Woolery, 17 Marshall Lane—Comment regarding a transformer

9. Upon conclusion and closing of the public portion of the meeting, there was further discussion and deliberation by the Ocean City Planning Board.

NOW, THEREFORE, the Ocean City Planning Board hereby makes the following conclusions of law based upon the foregoing findings of fact. The Applicant has made application to the Ocean City Planning Board for **(i) preliminary and final major site plan approval** to construct a new four-story multi-family residential building consisting of 43-units with eighty-seven (87) parking spaces (with included incentive of 2 for 1 bonus credit consisting of eight (8) fully operational Electric Vehicle (EV) charging parking spaces) in an Area in Need of Rehabilitation pursuant to City of Ocean City Resolution 25-62-508 adopted October 9, 2025; **(ii)** completeness waivers; and **(iii)** design waivers to construct a 5-foot masonry wall in the front of the building due to § **25-1700.14.1.a.1** which limits the height of solid fences to a height of three (3) feet when located in front yards and a design waiver to construct a 6-foot vinyl fence in the rear of the building due to § **25-1700.14.1.a.4** which limits the height of rear yard fences on non-waterfront lots to a height of four (4) feet.

Based upon the application, plans and documents, reports, and testimony, including the expert opinions furnished by Mr. Harmon, Mr. Shropshire and Mr. Halbruner, the Ocean City Planning Board finds that the Applicant **has met** the minimum requirements of the Redevelopment Plan, Municipal Land Use Law, case law and the Ocean City Zoning and Land Development Ordinance so as to grant the relief requested. Specifically, there is no evidence whatsoever before the Ocean City Planning Board that the preliminary and final site plan, checklist waivers and design waivers as requested, if approved and granted, would have a substantial detriment to the public

good or substantially impair the intent and purpose of the zone plan taking into consideration the intent and purpose of the Redevelopment Plan and the Ocean City Zoning and Land Development Ordinance, the enhancement the project will make to the 34th Street Gateway Zone and the aesthetic benefit to the neighborhood.

NOW, THEREFORE, BE IT RESOLVED by the Ocean City Planning Board on July 8, 2026 that the application made by the Applicant, 3315 Bay Ave LP is **APPROVED AND GRANTED**. The Applicant shall comply with the Planner's Report and the Engineer's Report.

IT IS FURTHER RESOLVED that the above approval embodied in this Decision and Resolution is subject to all the following terms and conditions:

A. Prior to the issuance of any construction permit, reimburse the City of Ocean City for all professional fees and other expenses incurred by the City of Ocean City as a result of processing Applicant's application in accordance with the Ocean City Zoning and Land Development Ordinance.

B. The Applicant will comply with the Planner's Report and the Engineer's Report.

C. The Applicant shall comply with all the representations and agreements placed on the record by the Applicant's counsel, professionals, and/or other representatives at the time of public hearing on July 8, 2026 including but not limited to the revisions specified in the Engineer's Report dated April 14, 2026 and Planner's Report dated April 13, 2026, designation of EV spaces, mechanical equipment specifications, masonry wall details, accessory structure details, water/sewer laterals, lighting plan, no left turn sign on Bay Avenue, utility/transformer platform area, Cape

May County approval(s), utility letters from all utilities, the cost estimate prepared by the Board Engineer and a pre-construction meeting.

D. The Applicant shall obtain the approval of all other municipal, county, state or federal agencies or boards having jurisdiction over the proposed site plan in respect of the Property, including but not limited to approval from the Cape-Atlantic Soil Conservation District, if necessary.

E. The Applicant shall cause all plans and documents to be revised consistent with the above referenced conditions and all of the representations and agreements placed on the record by the Applicant's counsel, professionals, and/or other representatives at the time of public hearing on July 8, 2026.

F. The Applicant shall comply with Article 1600 of the Ocean City Zoning and Land Development Ordinance in respect of Guarantees and Improvement Procedures.

G. The checklist waivers identified in the Planner's Report and the Engineer's Report are granted and design waivers are likewise granted.

H. The Applicant shall comply with all provisions of the Redevelopment Plan and all applicable provisions of the Ocean City Zoning and Land Development Ordinance not covered by the Redevelopment Plan, including **without limitation § 25-1500.10.3** thereof, and any and all other municipal, county, state, or federal laws or regulations relating or applicable to the proposed project development at the Property.

This Decision and Resolution was adopted upon a motion, to be considered in the affirmative to approve the Applicant's request for land use approvals with the conditions aforesaid, made by Ocean City Planning Board Member Adams and seconded by Ocean City Planning Board Member Bekier on July 8, 2026 ["Adams Motion"]. The vote on

the Adams Motion was nine (9) in favor of and zero (0) against with Ocean City Planning Board Members, Adams, Bekier, Allegretto, Barnes, Sheppard, Halliday, Stell, Dr. Vanderschuere and Loeper all voting in the affirmative.

OCEAN CITY PLANNING BOARD

Dated: 8/12/26

JOHN LOEPER, CHAIRPERSON

CERTIFICATION

I, JAIME M. FELKER, Secretary to the Ocean City Planning Board, do hereby certify that the foregoing Decision and Resolution was duly adopted at the meeting of the Ocean City Planning Board held on July 8, 2026 and memorialized herein pursuant to N.J.S. 40:55D-10 g. (2) on August 12, 2026. This Decision and Resolution has been filed in the Office of the Ocean City Planning Board and is available for inspection upon request.

JAIME M. FELKER,
Secretary, Ocean City Planning Board



SchaefferNassarScheidegg

Consulting Engineers, LLC

David S. Scheidegg, PE, PP, CME, CPWM, CFM
Andrew F. Schaeffer, PE, PP
Rami N. Nassar, PE, PP, CME
Howard A. Transue, PLS

Engineers Surveyors Planners Environmental Specialists Municipal Consultants

April 14, 2026

Mr. John Loeper, Chairman
and Planning Board Members
c/o Mrs. Jaime Felker, Administrator
Ocean City Planning Board
115 12th Street
Ocean City, NJ 08226

Re: **Preliminary and Final Major Site Plan**
3315 Bay Ave, LP
Block 3306, Lot 1
3313-15 Bay Ave
City of Ocean City, Cape May County, NJ
PBA25-005 (Our File No. OC16-236)

Dear Chairman Loeper and Planning Board Members:

The following plans and documents have been reviewed for this application:

1. Preliminary and Final Site Plan Set, as prepared by Hyland Group, consisting of the following pages:
 - G101 Cover Sheet, signed and sealed by John E. Halbruner, RA, PE, dated 03/18/26, last revised 03/31/26
 - C101 Site Geometry, signed and sealed by John E. Halbruner, RA, PE dated 03/18/26
 - C102 Grading & Drainage Plan, signed and sealed by John E. Halbruner, RA, PE dated 03/18/26
 - C103 Utility Plan, signed and sealed by John E. Halbruner, RA, PE dated 03/18/26
 - C104 Site Lighting Plan, signed and sealed by John E. Halbruner, RA, PE dated 03/18/26
 - C105 SESC Plan, signed and sealed by John E. Halbruner, RA, PE dated 03/18/26
 - C501 Site Details, signed and sealed by John E. Halbruner, RA, PE dated 03/18/26
 - C502 Soil Erosion & Sediment Control Notes and Details , signed and sealed by John E. Halbruner, RA, PE dated 03/18/26
 - C601 Stormwater Management Tributary Areas, signed and sealed by John E. Halbruner, RA, PE dated 03/18/26, last revised 03/31/26
 - L101 Landscape Plan, signed and sealed by John E. Halbruner, RA, PE dated 03/18/26
 - V101 Survey of Premises, signed and sealed by Thomas A. Prendergast, dated 09/24/25, last revised 03/17/26
2. Architectural Plans, as prepared by Harman Deutsch Ohler Architecture, signed by Brett A. Harman, RA, consisting of the following:
 - SD1.0 Floor Plans, dated 03/17/26
 - SD1.1 Floor Plans, dated 03/17/26
 - SD1.2 Floor Plans, dated 03/17/26
 - SD3.0 Elevations, dated 03/17/26
 - SD3.1 Elevations, dated 03/17/26
 - SD4.0 Rendering, dated 03/17/26
 - SD4.1 Rendering, dated 03/17/26
 - SD4.2 Rendering, dated 03/17/26

- SD5.0 Inspiration Images, dated 03/17/26
- SD5.1 Inspiration Images, dated 03/17/26
- 3. City of Ocean City Development Application Part II
- 4. City of Ocean City Development Application Part III – Administrative Completeness
- 5. City of Ocean City Development Application Part V – Schedule L, Planning, Zoning and Flood Board Application and Escrow Fees
- 6. Plat Requirements – Site Plan - Preliminary and Final
- 7. 200-foot property owners list dated 03/18/26
- 8. Confirmation of Paid Taxes, dated 03/18/26
- 9. NJ American Water Service Availability letter, dated 03/06/26
- 10. South Jersey Gas Service Availability letter, dated 03/04/26
- 11. Atlantic City Electric Service Availability letter, dated 03/23/26
- 12. Ordinance No. 25-15
- 13. Report of Geotechnical Investigation, as prepared by Earth Engineering Inc., signed by Donato O. DiRocco, PG, and Thomas B. Louis, PE, dated 03/18/26
- 14. Traffic Engineering Assessment, as prepared by Shropshire Associates LLC, signed by David R. Shropshire, PE, PP, dated 10/09/25
- 15. Transmittal from Jon D. Batastini to the Ocean City Planning Board, dated 03/24/26
- 16. Transmittal from Jon D. Batastini to the Ocean City Planning Board, dated 04/08/26
- 17. Storm Water Management Report, as prepared by The Hyland Group, signed and sealed by John E. Halbruner, RA, PE, dated 03/31/26
- 18. Memo from Construction official, 4/12/26.
- 19. Memo from City Engineering, 3/26/26

I. Description:

The applicant proposes to construct a 43-unit multifamily building with common areas. Currently a 32 unit condemned building with an in-ground swimming pool and parking lot exists. The applicant proposes to remove all site improvements.

This parcel is located within the 34th Street Gateway (GW) zone. The application indicates that this parcel is subject to an approved Redevelopment Plan.

II. Completeness:

Our office has reviewed the submitted documents for conformance with the Major Site Plan checklist below.

§ 25-1500.8.2. Preliminary Plat Site Plan Requirements.

a. General Requirements.

1. Any preliminary plat of a site plan presented to the Planning Board or Board of Adjustment for its approval shall be signed and appropriately sealed by an architect, professional engineer, land surveyor and/or professional planner licensed to practice in the State of New Jersey; provided, however, that sanitary sewer, water distribution and storm drainage plans and water and sewage treatment plans may only be signed and sealed by a professional engineer.

PROVIDED

2. Site plans shall not be drawn at a scale smaller than one inch equals fifty feet (1"=50') nor larger than one inch equals ten feet (1"=10'). If the size of the site would require the use of sheets larger than thirty inches by forty-two inches (30" x 42") in order to show the entire site on one (1) sheet, the detailed information for the site plan shall be shown in sections on sheets not larger than thirty

inches by forty-two inches (30" x 42"), which sheets shall be keyed to an overall plan of the site drawn at a scale of not less than one inch equals two hundred feet (1"=200').

The site plan shall be based on a monumented, current certified boundary survey. The date of the survey and the name of the person making same shall be shown on the map. If twelve (12) months or more has passed since the date of (or date of last recertification of) the survey, it shall be recertified and if necessary, brought up to date.

PROVIDED

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

1. Title to read "Preliminary Site Plan."
2. Name of the development, if any.
3. Date (of original and all revisions).
4. Names, signatures, addresses, and license numbers of engineer, architect, land surveyor, or planner who prepared the plan and their embossed seal(s).
5. If the site plan contains more than one (1) sheet, each shall be numbered and titled.

PROVIDED

c. A schedule shall be placed on the site plan indicating:

1. The acreage of the tract and site (the portion of the tract involved in the site plan). PROVIDED
2. The floor area of the existing and proposed buildings (listed separately). NOT PROVIDED
3. The proposed use or uses and the floor area devoted to each use. NOT PROVIDED
4. The zone district in which the site is located. PROVIDED
5. Tax map sheet, block and lot number of the site, as shown on the latest City tax map, the date of which should also be shown. PROVIDED
6. Names and addresses of owner and developer, so designated. PROVIDED
7. Proposed and required lot dimensions and front, rear and side setbacks. PROVIDED
8. Proposed and required off-street parking spaces. PROVIDED
9. The square footage and the percentage of the site that is:
 - (a) Occupied by buildings PROVIDED
 - (b) Impervious PROVIDED

10. All variances requested.

PROVIDED

d. North arrow and written and graphic scales.

PROVIDED

e. The tops of the banks and boundaries of the floodways and flood hazard areas of all existing watercourses, where such have been delineated or the limits of alluvial soils where the boundaries of floodways and flood hazard areas have not been determined, and/or such other information as may assist the Board in the determination of floodway and flood hazard area limits.

N/A

f. The boundary, nature, and extent of marshes, wetlands, dunes and water areas within the site and within two hundred feet (200') thereof.

N/A

g. Existing and proposed manholes, sewer lines, fire hydrants, water lines, utility poles, and all other topographical features of a physical or engineering nature within the site and within fifty feet (50') thereof.

PROVIDED

h. All existing structures on the site and within fifty feet (50') thereof, including their use, indicating those to be destroyed or removed and those to remain.

PROVIDED

i. Location, use, finished grade level, ground coverage, first floor, front, rear and side setbacks of all existing buildings and other pertinent improvements.

PROVIDED

j. Existing and proposed public easement or rights-of-way and the purposes thereof.

PROVIDED

k. A grading plan showing existing and proposed grading contours at one foot (1') intervals throughout the tract, or spot elevations if acceptable to the Board Engineer. Datum shall be National Geodetic Vertical Datum (N.G.V.D.) and source of datum shall be noted. In addition to proposed grading contours, sufficient additional spot elevations shall be shown to clearly delineate proposed grading. Also, a site benchmark shall be labeled on the plan.

WAIVER REQUESTED

l. On-Site Drainage Plan:

1. The drainage plan shall be presented in graphic form which shall clearly show the street and lot layout and those items which are pertinent to drainage including existing and proposed contours and spot elevations as previously required.
2. The plan shall outline each area contributing to each inlet.
3. All proposed drainage shall be shown with pipe type and sizes, invert and grate or rim elevations, grades and direction of flow. The direction of flow of all surface waters and of all streams shall be shown.
4. The drainage plan shall be accompanied by complete drainage calculations made in accordance with the standards set forth in this Ordinance.

WAIVERS REQUESTED

m. Off-Site Drainage Plan. The plat shall also be accompanied by an off-site drainage plan prepared in accordance with the following standards:

1. The plan shall consist of an outline of the entire drainage basin in which the site is located. The terminus of the basin and existing ground contours or other basis for determining basin limits shall be shown.
2. The pertinent off-site existing drainage shall be shown with elevations of inverts and grates to the nearest one-hundredth of a foot (.01').
3. To the extent that information is available and may be obtained from the County or Municipal Engineer, any existing plans or drainage improvements shall be shown.
4. In the event a temporary drainage system is proposed, full plans of that system shall be shown.
5. The off-site drainage plans shall be accomplished by profiles of all proposed drainage, showing existing details, pipe sizes, type, inverts, crowns, slopes; all proposed structures and connections and design hydraulic grade lines for all conduits designed to carry forty (40) or more cubic feet per second. Cross-sections at intervals not exceeding one hundred feet (100') shall be shown for all open channels.

WAIVERS REQUESTED

n. If required by the City Engineer, center line profiles of streets bordering the site, internal roadways, and major circulation aisles showing:

1. Existing and proposed final grades and slopes.

2. Pipe sizes, slope, type, inverts, and grate or rim elevation of drainage and sanitary sewage facilities.

WAIVERS REQUESTED

- o. Boring Logs. A Soils Engineer's Report shall conform to § 25-1500.7.2x of this Ordinance.
1. Borings shall be spaced evenly throughout the site.
 2. One (1) boring shall be made per acre (or portion thereof) in those areas where the water table is found to be less than ten feet (10') below proposed or existing grade.
 3. In addition to the above, in those areas where the water table is found to be five feet (5') or less below existing or proposed grade, two (2) additional borings per acre (or portion thereof) will be required if construction of basements is contemplated. Borings shall be located where such basements are proposed.
 4. Boring logs shall show soil types and characteristics encountered, groundwater depths, the methods and equipment used, the name of the firm, if any, making the borings and the name of the person in charge of the boring operation. The boring logs shall also show surface elevations to the nearest one-tenth of a foot (.1').
 5. Based on the borings, the site plan shall clearly indicate all areas having a water table within two feet (2') of the existing surface of the land, or within two feet (2') of proposed grade; or all areas within which two feet (2') or more of fill is contemplated or has previously been placed.

NOT PROVIDED-WAIVERS REQUESTED

- p. Zone district boundaries and a portion of the Tax Map Sheet shall be reproduced for a minimum distance of five hundred feet (500') surrounding the site upon which the following shall be indicated:
1. The site;
 2. Zone district boundaries;
 3. Tax map sheet;
 4. Lot and block numbers;
 5. Name of all owners within two hundred feet (200') of the site;
 6. Streets with names;
 7. Scale and north arrow.

PROVIDED

- q. Key Map: A portion of the U.S. Geological Survey map shall be shown (scale 1"=2,000') indicating the following:

1. The site;
2. U.S.G.S. map number;
3. Scale and north arrow.

PROVIDED

- r. The location, area, dimensions and proposed disposition of any area or areas of the site proposed to be retained as common open space, indicating the facilities to be provided in such areas.

N/A

- s. The capacity of off-street parking areas and the location and dimensions of all access drives, aisles and parking stalls. The location and treatment of existing and proposed entrances and exits to public rights-of-way, including the possible utilization of traffic signals, channelization, acceleration and deceleration lanes, additional width and any other device necessary for traffic safety and/or convenience, and the estimated average number of passenger vehicles, single unit trucks or buses, and semi-trailers that will enter the site each day.

PROVIDED

t. Graphic depiction of the anticipated routes and details of the system of on-site vehicular and pedestrian circulation. If the developer desires to have the appropriate provisions of N.J.S.A. 39:1 et seq. governing motor vehicle operation made applicable to the site, thereby allowing municipal police regulation of traffic control devices, he shall submit a formal request and a detailed plan meeting the requirements of the New Jersey Department of Transportation. The City Engineer will advise the developer regarding the details of such a plan.

N/A

u. The location and size of proposed loading docks.

NOT PROVIDED-WAIVER REQUESTED

v. Location of curbs and sidewalks.

PROVIDED

w. Cross-sections showing the composition of pavement areas, curbs, and sidewalks.

PROVIDED

x. Exterior lighting plan, including the location, direction of illumination, amount of illumination expressed in horizontal foot candles, wattage and drawn details of all outdoor lighting standards and fixtures.

PROVIDED

y. Landscaping and screening plan showing the location, type, spacing, and number of each type of tree or shrub, the location, type and amount of each type of ground cover to be utilized, and plant list and planting details for trees, shrubs, and/or ground cover.

PROVIDED

z. Location of signs and drawn details showing the size, nature of construction, height and content of all signs.

NOT PROVIDED

aa. Drawn details of the type of screening to be utilized for refuse and recyclable material, storage areas, outdoor equipment and bulk storage areas.

PROVIDED

bb. Floor plans and building elevation drawings of any proposed structure or structures, or existing structures to be renovated.

NOT PROVIDED

cc. Location of handicapped facilities including parking spaces and ramps (where applicable).

PROVIDED

dd. Sectionalization and Staging Plan. Developers of large uses such as shopping centers, multi-family dwellings, office parks or other such uses proposed to be developed in stages shall submit a sectionalization and staging plan showing the following:

1. The anticipated date for commencing construction of each section or stage. The staging of development on the site shall be such that if development of the site were discontinued after the completion of any stage, the developed portion of the site would comply in all respects to the requirements of this Ordinance and be provided with adequate drainage and utility systems.

2. Those improvements that will be completed in each stage prior to application for Certificate of Occupancy. The plan should demonstrate that the staging of construction will minimize adverse effects upon occupied buildings in the site and adjoining properties.
NOT PROVIDED-WAIVERS REQUESTED

ee. Written description of the proposed operations in sufficient detail to indicate the effects of the use in producing traffic congestion, noise, glare, air pollution, fire hazards or safety hazards. The written description shall also include the hours of operation of the use, the number of shifts to be worked, the number of employees in each shift, the number of vehicles to be stored or parked on the site, and provisions to be made for site maintenance.
NOT PROVIDED

25-1500.10.2 Final Plat Major Site Plan Requirements.

The final plat shall include all data required for the preliminary plat of the site plan and shall be drawn to incorporate all changes required as a condition of preliminary approval and shall be drawn by persons and to specifications as required for a preliminary plat and shall be titled "Final Plat - Site Plan."

The application may be deemed complete subject to the applicant addressing the above noted items.

III. Zoning:

Based upon our review, we offer the following comments:

The plans indicate that the proposed development is to occur within the approved Redevelopment Plan.

Zoning Compliance – Redevelopment Plan

	Required	Proposed	Variance Required
<u>Min. Lot Area</u>	7,000 SF	48,258.6 SF	No
<u>Min. Lot Width/Frontage</u>	70'	130'	No
<u>Min. Lot Depth</u>	100'	371.22'	No
<u>Min. Front Yard Setback</u>			
34 St	40'	40'	No
Bay Ave	10'	18'	No
<u>Min. Rear Yard Setback</u>	15.5'	32'	No
<u>(unit decks)</u>			
<u>Min. Side Yard Setback</u>	10'	11.22'	No
<u>Max. Building Coverage</u>	80%	48.7%	No
<u>Max. Impervious Coverage</u>	85%	85%	No
<u>Max. Building Height</u>			
Flat roof	46.5'	46.5'	No
Elevator Shaft	62.83'	62.83'	No

<u>Max. Stories</u>	4	4	No
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IV. Technical Comments:

1. It appears that relief is required for accessory structure location and size.
2. Relief is required for parking within a front yard setback.
3. Based on the proposed 33 – 2 bedroom and 10 – 3 bedroom units, the RSIS parking requirement is 87 spaces (2.0 and 2.1 spaces per unit respectively). The plans depict 78 parking spaces (the plans note 79 proposed parking spaces). The applicant shall demonstrate that adequate parking is provided.
4. The applicant proposes a reduced amount of parking spaces relative to the RSIS requirements. In order to utilize EVSE parking credits, the applicant shall demonstrate that a sufficient number of parking spaces are equipped with installed electric vehicle charging equipment to achieve the required parking count. Only EVSE equipped spaces shall be eligible for the 2 for 1 bonus credit (Make Ready spaces do not receive bonus credit). Plans shall be revised accordingly.
5. At least 1 ADA accessible parking space shall include EV Charging capability.
6. EV parking spaces shall include EV symbol/green paint pavement markings. Signage indicating EV Charging Only. ADA spaces shall include proper pavement markings and signage. Plans shall be amended accordingly.
7. Per 25-205.1.6 a. 9., The lowest floor in commercial and mixed-use buildings should be elevated to the greatest extent practical to comply with BFE elevations. The report from the Construction official dated 4/12/26 indicates the Design Flood Elevation (DFE) as 14' (9+5). He further states that all common area/storage must be flood proofed to DFE. The elevation view should also identify the height (above BFE) for all mechanical equipment.
8. Sections 17-2.4d and 17-2.5d of the Municipal Code, require new Curb and Sidewalk for new residential or commercial development. The plans propose replacement of curb, gutter and sidewalk within the Bay Avenue frontage. Only sidewalk replacement is proposed within 34th Street right of way. Waiver relief for replacement curb in this area is required.
9. Floor plans for both the 2-bedroom and 3-bedroom units shall be provided.
10. The improvements within the Right-of-ways are within county jurisdiction and subject to their review and approval. Approval status shall be provided.
11. Clarification/details for draining the swimming pool water shall be provided. Discharge to the municipal stormwater systems is not permitted.
12. The site grading plan shall be enhanced to identify additional proposed grades. Additional grades between the building and the northern property line. Provide information for "BC Match" notations.

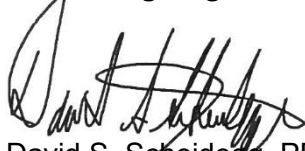
13. The plans propose asphalt paving within the covered parking area. All areas that have vehicular traffic shall be 6" thick reinforced concrete.
14. Identify any exterior mounted down spouts.
15. Per the submitted stormwater management calculations there is a net decrease in both rate and volume from the pre- to post developed condition.
16. The plans propose a "green roof" stormwater feature. Details, by way of testimony, shall be provided for the planning board.
17. Details of the proposed 5' masonry wall shall be provided.
18. Details for the accessory structures shall be provided.
19. Identify the location of the existing 34th Street driveway on the site plans and also proposed demolition and restoration.
20. Water/sewer laterals for the proposed shower buildings shall be identified.
21. Identify the minimum clear height of the structure over the at grade parking area.
22. All areas that are not to be improved should be noted to receive 5" of topsoil and seed/sod and irrigation.
23. Signage, landscaping and lighting comments shall be provided by the Board Planner.
24. The applicant shall provide an Engineer's cost estimate, performance and maintenance guarantees as required by the City Code.
25. Applicant shall obtain all permits and or approvals from the City of Ocean City and other entities having jurisdiction, as applicable.

Any Planning Board approval should be contingent upon approval from all other governmental agencies having jurisdiction. We reserve the right to review any additional information submitted for this matter.

Should you have any questions or require any additional information, please do not hesitate to contact our office.

Sincerely,

Schaeffer Nassar Scheidegg
Consulting Engineers, LLC



David S. Scheidegg, PE, PP, CME, CPWM, CFM
Planning Board Engineer

Cc: Jaime M. Felker, (via e-mail)
Gary Griffith, Esq. (via e-mail)
Randall Scheule, PP/AICP (via e-mail)

John Pack, 3315 Bay Ave LP Applicant (via e-mail)
John Halbruner, RA, PE, The Hyland Group (via e-mail)
Eric Quick, RA, Harman Deutsch Ohler Architecture (via e-mail)
David Shropshire, PE, PP, Shropshire Associates (via e-mail)
Jon Batastini, Esq. (via e-mail)



SCHEULE

PLANNING SOLUTIONS, LLC

Community Development

Municipal Planning

Master Plans

Zoning Codes

Redevelopment

PLANNER'S REPORT

To: City of Ocean City
Planning Board Members

From: Randall Scheule, PP/ AICP
Planning Board Planner

Date: April 13, 2026

Zone: 34th Street Gateway

RE: **PBA 25-005, 3315 Bay Avenue LP**
Block 3306, Lot 1; 3315 Bay Avenue
Preliminary & Final Site Plan

Introduction.

This report is provided to assist the Planning Board in its consideration of the above referenced application and is limited to planning issues. Engineering and legal issues shall be reviewed by the Board Engineer and Board Solicitor, respectively. The comments and recommendations contained herein are based on my review of the information provided to date including the development application, the Ocean City Master Plan, the Zoning and Development Code and such other sources as may be noted.

Any resubmission addressing the issues identified in this report shall be accompanied by a point-by-point letter responding to all items, with revisions on the plans *clouded or highlighted* to indicate changes.

Plans and Documents.

The following plans and documents constituting the above development application have been reviewed and provide the basis for the comments and recommendations which follow.

- Letter of transmittal to Jaime Felker from Jon Batastini, March 24, 2026
- City of Ocean City Development Application w/ attachments
- Confirmation of Paid Taxes, March 18, 2026
- Ordinance 25-15, adopted December 18, 2025
- NJ American Water service letter, March 6, 2026

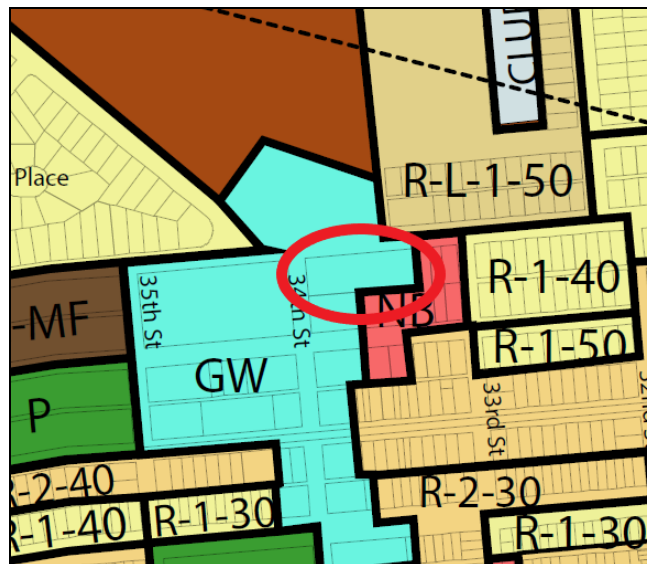
PBA 25-005, 3315 Bay Avenue LP
Block 3306, Lot 1; 3315 Bay Avenue
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- South Jersey Gas service letter, March 4, 2026
- Traffic Engineering Assessment, Shropshire Associates, October 9, 2025
- Report of Geotechnical Investigation, Earth Engineering Inc., March 18, 2026
- Stormwater Management Report, The Hyland Group, March 31, 2026
- Survey of Premises, The Hyland Group, September 24, 2025, last revised March 17, 2026
- Preliminary and Final Site Plan (10 sheets), The Hyland Group, March 18, 2026, last revised March 31, 2026
- Floor Plans, Elevations & Renderings (10 sheets), Harman, Deutsch, Ohler Architecture, March 17, 2026
- Ocean City DPW report, March 26, 2026
- Ocean City Police report, March 8, 2026

Development Proposal.

Applicant is requesting Preliminary and Final Site Plan approvals for a 4-story, 43-unit multi-family residential building with 87 on-site parking spaces.

Zoning Map



Completeness (25-1500.8.2 Preliminary Plat Requirements).

c. A schedule shall be placed on the site plan indicating:

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2. The floor area of the existing and proposed buildings (listed separately). NP¹
3. The proposed use or uses and the floor area devoted to each use. NP
- k. A grading plan showing existing and proposed grading contours at one-foot (1') intervals throughout the tract, or spot elevations if acceptable to the Board Engineer. Datum shall be National Geodetic Vertical Datum (N.G.V.D.) and source of datum shall be noted. In addition to proposed grading contours, sufficient additional spot elevations shall be shown to clearly delineate proposed grading. Also, a site benchmark shall be labeled on the plan. Waiver
- l. *On-Site Drainage Plan:*
4. The drainage plan shall be accompanied by complete drainage calculations made in accordance with the standards set forth in this Ordinance. Waiver
- n. If required by the City Engineer, centerline profiles of streets bordering the site, internal roadways, and major circulation aisles showing:
1. Existing and proposed final grades and slopes. Waiver
- o. *Boring Logs.* A Soils Engineer's Report shall conform to Section 25-1500.7.2x of this Ordinance.
1. Borings shall be spaced evenly throughout the site. Waiver
2. One (1) boring shall be made per acre (or portion thereof) in those areas where the water table is found to be less than ten feet (10') below proposed or existing grade. Waiver
3. In addition to the above, in those areas where the water table is found to be five feet (5') or less below existing or proposed grade, two (2) additional borings per acre (or portion thereof) will be required if construction of basements is contemplated. Borings shall be located where such basements are proposed. Waiver
4. Boring logs shall show soil types and characteristics encountered, groundwater depths, the methods and equipment used, the name of the firm, if any, making the borings and the name of the person in charge of the boring operation. The boring logs shall also show surface elevations to the nearest one-tenth of a foot (.1'). Waiver
5. Based on the borings, the site plan shall clearly indicate all areas having a water table within two feet (2') of the existing surface of the land, or within two feet (2') of proposed grade; or all areas within which two feet (2') or more of fill is contemplated or has previously been placed. Waiver

¹ NP denotes information not provided.

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p. Zone district boundaries and a portion of the Tax Map Sheet shall be reproduced for a minimum distance of five hundred feet (500') surrounding the site upon which the following shall be indicated:

5. Name of all owners within two hundred feet (200') of the site; NP

r. The location, area, dimensions and proposed disposition of any area or areas of the site proposed to be retained as common open space, indicating the facilities to be provided in such areas. Waiver

x. Exterior lighting plan, including the location, direction of illumination, amount of illumination expressed in horizontal foot candles, wattage and drawn details of all outdoor lighting standards and fixtures. Waiver

MISCELLANEOUS REQUIREMENTS THAT MAY BE REQUIRED

1. COST OF IMPROVEMENTS ESTIMATE (SEE 25-1600.1.1A) CA²

2. SIGHT TRIANGLE - CORNER PROPERTIES (SEE 25-1700.13.3) NA

3. SOIL EROSION PLAN (SEE 25-1700.32) NA

4. OTHER AGENCY REQUIREMENTS

a. County Planning Board (25-1500.8.3.B) CA²

b. New Jersey Water Company (25-1500.8.3.C) CA²

c. Waterfront Development (CAFRA) NA

d. Adequacy of Utility Service CA²

25-1500.10.2 Final Plat Requirements. The final plat shall include all data required for the preliminary plat of the site plan and shall be drawn to incorporate all changes required as a condition of preliminary approval and shall be drawn by persons and to specifications as required for a preliminary plat and shall be titled "Final Plat - Site Plan." CA³

- Part (D7) of the Development Application requires a photograph of the land and buildings involved in the application.

This application may be deemed complete subject to approval of the waivers requested, the required photo, and the "NP" items being addressed.

² Temporary waiver; to be provided as a condition of preliminary site plan approval.

³ Temporary waiver; to be provided as a condition of final site plan approval.

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Zoning Conformance.

The Redevelopment Plan supersedes the Zoning Ordinance. Zoning-related issues not specifically addressed in the Redevelopment Plan are subject to the City's development regulations and Zoning Ordinances.

Zone Standard	Zoning Requirement	Existing Condition	Proposed Condition	Variance Required?
<u>Principal Structure</u>				
Use	Multi-family Residential	Multi-family Residential	Multi-family Residential	No
Minimum Lot Area	7,000 SF	48,258 SF	48,258 SF	No
Minimum Lot Width	70 FT	130 FT	130 FT	No
Minimum Lot Frontage	70 FT	130 FT	130 FT	No
Minimum Lot Depth	100 FT	371.22 FT	371.22 FT	No
Minimum Front Setback				
• 34 St. Building	40 FT		40 FT	No
• 34 th St. Balconies	35 FT		35 FT	No
• 34 th St. Shower/storage	6.5 FT	-	6.5 FT	No
• 34 th St. Pool deck	7 FT		-	-
• Bay Ave. Building	10 ft		18 FT	No
• Bay Ave. Balconies	5 FT		5 FT	No
• Bay Ave/ Porte cochere	0 FT		0 FT	No
Minimum Rear Setback				
• Pool deck	7.5 FT	-	17 FT	No
• Unit decks	15.5 FT		32 FT	No
Maximum Building Ht.				
• Flat roof	46.5 FT		46.5 FT	No
• Roof deck	47.83 FT		47.83 FT	No
• Top Parapet	49.5 FT	-	49.5 FT	No
• Center Gable	54 FT		54 FT	No
• Corner Turret	58 FT		58 FT	No
• Elevator Shaft	62.83 FT		62.83 FT	No

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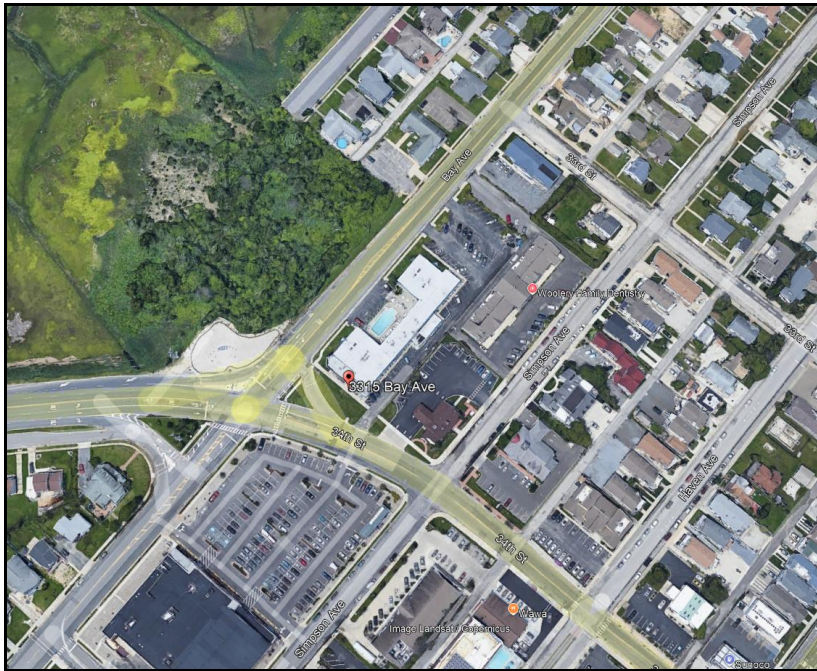
Maximum Stories	4	--	4	No
Maximum Building Coverage	80%	-	48.7%	No
Maximum Impervious Coverage	86%	-	85%	No
<u>Accessory Structures</u>				
Location	No accessory building shall be closer to the street line than the street wall of the principal building.	NA	Beach storage and showers closer to 34 th St. than building	Yes
Size	Sheds shall not exceed one hundred (100) square feet in size, and ten feet (10') in height measured from the adjacent grade.	NA	Beach storage 290 SF Showers 396 SF	Yes
<u>Off-Street Parking</u>				
Minimum Off-street Parking Spaces ▪ 33 2-bed units ▪ 10 3-bed units	66 <u>21</u> 87	-	87	No
Minimum Parking Setbacks • Rear yard	4 FT	-	2 FT	Yes
Location	Not permitted in front yard	-	7 spaces within 34 th St. front yard	Yes

Summary of Variances.

1. Beach storage and shower locations.
2. Beach storage and shower sizes.
3. Minimum parking setbacks (rear yard).
4. Parking spaces in front yard (34th Street).

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Aerial Image



Review Comments.

1. In my opinion, the Architectural Guidelines and Design Standards contained in § 25-205.10.7 of the ordinance do not apply to this application.
2. The applicant should address the adequacy of the single refuse room, and explain how materials will be disposed.
3. The site plan should dimension the showers and beach storage building.
4. The architectural plans should include elevations for the showers and beach storage building.
5. Lighting should be considered for the parking/beach storage/parking area adjacent to 34th Street.
6. Locations and details for any identification signs shall be included on the plans
7. §25-1700.16.1 - A garage which is within the building line of a principal building shall contain not more than fifty (50) parking spaces. Such shall be lighted, equipped with fire

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extinguishers, shall have an adequate ceiling height and shall be equipped with heat and smoke detector and with natural and mechanical ventilation adequate to prevent the accumulation of carbon monoxide or exhaust fumes in excess of one (1) part in ten thousand (10,000) (0.01 percent) or the concentration of gasoline vapors in excess of twenty percent (20%) of the lower explosive limit.

Approval of a design waiver is required to permit 87 parking spaces within the garage.

8. The applicant should comment regarding maneuverability in/out of the parking spaces at the end of the aisles.

9. §25-1700.14.1.a.1 - Solid fences and hedges shall not exceed three feet (3') in height when located in the front yard.

Approval of a design waiver is required for the 5-foot masonry wall.

10. §25-1700.14.1.a.4 - Rear yard fences on non-waterfront lots shall not exceed four feet (4') in height.

Approval of a design waiver is required for the 6-foot vinyl fence.

11. Review of site grading, stormwater, utilities and drainage is deferred to the Planning Board Engineer.

Conditions of Approval (Preliminary Major Site Plan).

Approval of an application for development for a preliminary plat of a major site plan by the Planning Board shall be subject to the following conditions being satisfied prior to the signing of the plat.

<u>Conditions of Preliminary Site Plan Approval</u>	<u>Status</u>
Payment of any outstanding real estate taxes.	<u>Satisfied.</u>
Submission of additional prints of the plat map and attachments for distribution, if required.	<u>Pending</u>
Publication of a notice of the decision of the Board by the Administrative Officer (Planning Board or Board of Adjustment Secretary) within the time set forth in Section 25-900.7 of this Ordinance.	<u>Pending</u>
Any other conditions which may be imposed by the Board or may be required by Federal, State, County or municipal law.	<u>Pending</u>
The Board may also condition its preliminary approval upon the applicant providing for certain revisions or additions on the final plat submission.	<u>Pending</u>

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Rectify any outstanding financial obligation to the City of Ocean City.	<u>Pending</u>
Provide an estimate of the cost of site improvements, performance and maintenance guarantees as required by the City Code.	<u>Pending</u>

Conditions of Approval (Final Site Plan).

Pursuant to Section 25-1500.10.3 Conditions of Approval, any approval of an application for development of a final plat of a site plan shall be subject to the following conditions being satisfied, within the time specified by the Planning Board, prior to signing of the plat or issuance of a Development Permit.

<u>Conditions of Final Site Plan Approval</u>	<u>Status</u>
Payment of any outstanding real estate taxes.	<u>Satisfied.</u>
Submission of additional prints of the plat map and attachments for distribution, if required.	<u>Pending</u>
Publication of a notice of the decision of the Board by the Administrative Officer (Planning Board or Board of Adjustment Secretary) within the time set forth in Section 25-900.7 of this Ordinance.	<u>Pending</u>
Final Cape May County Planning Board approval (if not previously obtained).	<u>Satisfied</u>
Certification of Soil Erosion and Sediment Control Plans (if not previously obtained).	<u>Pending</u>
Fire Department approval (if not previously obtained).	<u>Pending</u>
Granting of any required construction permits.	<u>Pending</u>
Posting of required performance guarantees.	<u>Pending</u>
Payment of required inspection fees.	<u>Pending</u>
Evidence of a comprehensive general liability insurance policy in an amount not less than three hundred thousand dollars (\$300,000.00) per occurrence indemnifying and saving harmless the City and its agencies, employees and agents from any liability for any acts of the developer or his agents, contractors or employees in implementing of the approved site plan. The insurance policy shall provide for ten (10) days' notice to the City prior to cancellation. It shall be a violation of this Ordinance for any property owner, developer or builder to carry on the construction of the site without having a current valid evidence of insurance on file.	<u>Pending</u>
Any other conditions, which may be imposed by the Board or may be required by Federal, State, or local law.	<u>Pending</u>
A condition setting forth the time within which all other conditions must be satisfied as described in Section 25-900.10.	<u>Pending</u>
Satisfactorily address all conditions of preliminary approval.	<u>Pending</u>
Rectify any outstanding financial obligation to the City of Ocean City	<u>Pending</u>

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Street View (8/2025)



C: Richard Carlucci
David Scheidegg
Jon Batastini
John Halbruner
Brett Harman
3315 Bay Ave. LP