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IN THE MATTER OF THE APPLICATION  
OF V2 PROPERTIES ENTITY 7, LLC,  
FOR PRELIMINARY AND FINAL MAJOR  
SITE PLAN APPROVAL, CONDITIONAL  
USE APPROVAL, VARIANCES AND  
WAIVERS FOR BLOCK 3404, LOT 7

OCEAN CITY PLANNING BOARD

APPLICATION NO. PBA 25-008

**DECISION AND RESOLUTION**

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### **BACKGROUND OF DECISION AND RESOLUTION**

1. V2 PROPERTIES ENTITY 7, LLC ["Applicant"] is the owner of certain lands and premises located in the City of Ocean City known as Block 3404, Lot 7 as shown on the current official tax map for the City of Ocean City, New Jersey commonly known as 3400-02 West 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 one (1) new four-story mixed-use building on Lot 7 consisting of ground floor parking for the two (2) commercial units and five (5) residential units, two commercial units totaling 2,916.00 square feet of commercial space on the second floor together with four (4) ground floor onsite parking spaces for each second floor commercial unit, three (3) residential three (3) bedroom units on the third floor totaling 4,350 square feet together with two (2) onsite ground floor parking spaces for each third floor residential unit, and two (2) four

(4) bedroom residential units on the fourth floor totaling 4,300 square feet together with three (3) onsite ground floor parking spaces for each fourth floor residential unit, (ii) **conditional use approval** for the third and fourth floor residential units; and, (iii) **variances** for (a) commercial ceiling height because a minimum of ten (10) feet is required and nine and a half (9.5) feet is proposed; (b) building height because the maximum building height permitted is thirty-three (33) feet and thirty-five and ninety-two hundredth (35.92) feet is proposed; (c) number of stories because the maximum number of stories permitted is two and a half (2.5) stories and four (4) stories are proposed; (d) landing size because the maximum landing size permitted is thirty-six square feet and sixty-two and one tenth square feet is proposed; (e) a front yard setback per § 25-300.12.4.d.1. for a residential onsite parking space because the parking space encroaches into the required front yard setback; (f) sign areas on both West Avenue and 34<sup>th</sup> Street because the proposed signs are requested to be located above the commercial activity façade which is not permitted; and (g) project development without the installation of a truck berth. The Applicant also seeks completeness waivers and § 25-1700.31.5 design waiver from the requirement that a trash enclosure be separated from parking areas or an access drive by curbing.

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 January 14, 2026.

4. Ocean City Planning Board Members Stell, Halliday and Birch recused themselves and did not participate in the public hearing in respect of the aforesaid application that was held before the Ocean City Planning Board on January 14, 2026.

5. At the conclusion of the hearing on January 14, 2026, the Applicant tabled its application for the purpose of making revisions to the application and the hearing was adjourned to February 11, 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 5 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 (or will be) 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 December 9, 2025 [“Planner’s Report”] all of which are incorporated by this reference as if specifically listed herein at this place and identified and delineated by the Engineer in the Engineer’s Report dated December 15, 2025 [“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 Avery S. Teitler, Esquire at the time of public hearing on January 14, 2026. Mr. Teitler presented the Applicant's application for preliminary and final major site plan, conditional use approval, variances, completeness and design waiver in respect of the Property. The Property is located in the 34<sup>th</sup> Street Gateway (GW) Zone and is identified as Block 3404, Lot 7 as shown on the current official tax map for the City of Ocean City, New Jersey. The street address of the Property is 3400-02 West Avenue, Ocean City, New Jersey. Mr. Teitler provided a history of a prior proposed development application at the Property which application was heard and denied by the Ocean City Planning Board on May 7, 2025. Mr. Teitler outlined significant revisions which were made by the Applicant to the prior application which include a redesign from proposed construction of two (2) mixed use buildings on the Property to the current proposed design of one building, thereby eliminating the need for minor subdivision approval and the elimination of the need for a variance for number of parking spaces. Mr. Teitler indicated that it was the Applicant's intention to construct a new mixed use building on the subject Property. The Property is vacant and is located on a corner lot with dimensions of 100 feet by 100 feet. The Applicant proposes to construct ground level parking with two commercial units on the second floor, three (3) residential units on the third floor and two (2) residential units on the fourth floor. A conditional use approval is required for the third and fourth floor residential units. **Variances** for (a) commercial ceiling height because a minimum of ten (10) feet is required and nine and a half (9.5) feet is proposed; (b) building height because the maximum building height permitted is thirty-three (33) feet and thirty-five and ninety-two hundredth (35.92) feet is proposed; (c) number of stories because the

maximum number of stories permitted is two and a half (2.5) stories and four (4) stories are proposed; (d) landing size because the maximum landing size permitted is thirty-six square feet and sixty-two and one tenth (62.1) square feet is proposed; (e) a front yard setback per § 25-300.12.4.d.1. for a residential onsite ground floor parking space because the parking space encroaches into the required front yard setback; (f) sign areas on both West Avenue and 34<sup>th</sup> Street because the proposed signs are requested to be located above the commercial activity façade which is not permitted; and (g) project development without the installation of a required truck berth. The Applicant also seeks completeness waivers and a § 25-1700.31.5 design waiver from the requirement that a trash enclosure be separated from parking areas or an access drive by curbing. Mr. Teitler asserted that the proposed project would serve as a buffer from neighboring residential properties and that the new four story mixed use building was within the character of the surrounding neighborhood and would be harmonious in size and height with existing buildings on 34<sup>th</sup> Street. He further asserted that the requested variances can be granted under the c. (2) criteria as the building is aesthetically pleasing and will satisfy the purpose of the 34<sup>th</sup> Street Gateway Zone.

Andrew Bechtold, R.A., P.P., was the first witness to testify in respect of the application. Mr. Bechtold is a registered architect and professional planner and was recognized by the Ocean City Planning Board as an expert. Mr. Bechtold is the architect and professional planner engaged by the Applicant in respect of the preliminary and final major site plan approval, conditional use approval, variances, completeness and design waiver for the Property. Mr. Bechtold provided a general description of the Property and the proposed preliminary and final major site plan, conditional use, and variances for

the Property. Mr. Bechtold provided an overview of the project development. Mr. Bechtold testified concerning the conditional use standards applicable for the project development and opined that the project as proposed satisfied the conditional use standards to permit residential dwellings on the third floor and fourth floor of the new building. He identified all of the variances required for the project development. He identified the design waiver required by the Applicant. During his testimony Exhibits A-1 (comparison chart) and A-2 (rendering) were admitted into evidence.

The Applicant proceeded under c. (2) criteria of N.J.S. 40:55D-70 in presenting its proofs for the variances requested and Mr. Bechtold testified using the c. (2) criteria of N.J.S. 40:55D-70 as the basis for his professional testimony and opinions.

Mr. Bechtold testified that the proposed development will have fully conforming ground floor open air parking. Access would be attained through the alley and that vehicles exiting the ground floor parking area would not be backing out in the alley. He testified vehicles will be exiting the parking area head lights first. He testified that a side yard set back is required to accommodate room for two parking spaces. The two (2) proposed parking spaces encroach into the side yard setback. He testified that the proposed building height was in line with recent buildings constructed nearby on 34<sup>th</sup> street and at 601 Asbury Avenue. He referred to exhibit A-1 to compare the height of the proposed building with other buildings on 34<sup>th</sup> Street (The “Randazzo Building” which is 6 inches shorter and the “George’s Building” which is 4 inches taller). In terms of comparison he testified that both the “Randazzo Building” and “George’s Building” were next to residential properties similar to the subject Property and were constructed on much smaller lots. He testified that the height variance was needed to provide fully

conforming parking on the ground floor. He continued with comparisons by stating that the “Randazzo Building” and “George’s Building” do not have any commercial onsite parking and required far more variances than the Applicant was requesting for its project. He testified that the Proposed Sea Spray development on 34<sup>th</sup> Street will have much higher building height than the Applicant’s proposed building. He testified that there were less bedrooms in this application in comparison to the prior denied application. He referred to exhibit A-2 to describe the aesthetics of the proposed building. The building will have a mansard roof to make it look smaller. Parking will be screened. He opined that the building meets the spirit and intent of the 34<sup>th</sup> Street Gateway (GW) Zone. The building is consistent with the “Randazzo Building” and “George’s Building” in size and scale. It will have an interior foyer and will be Americans with Disabilities Act (ADA) compliant. He opined that the proposed development provided an appropriate buffer to the adjoining residential zone.

He testified that the proposed project satisfied several purposes of zoning identified in N.J.S. 40:55D-2 a. (appropriate use of land), b. (safety from flood) and i. (promotion of a desirable visual environment). He testified that the proposed project was consistent with the Master Plan for the City of Ocean City and satisfied the purposes of the 34<sup>th</sup> Street Gateway Zone. He testified that vehicular access to the Property would be from the rear alley. Concerning the design waiver requested by the Applicant, he testified that there was no need for curbing within the trash enclosure.

Mr. Bechtold testified that there was no detriment resulting from the proposed preliminary and final major site plan, conditional use approval, variances, and design waiver requested by the Applicant. He testified further that there was a benefit to the

public by granting the preliminary and final major site plan, conditional use approval, and variances, especially when taking into consideration the purposes of zoning detailed in N.J.S. 40:55D-2 identified above, the permitted uses of the Property, including the conditional use proposed by the Applicant, the aesthetic quality of the proposed new buildings, the enhanced visual environment offered by the proposed project, the intent of the 34<sup>th</sup> Street Gateway Zone, and the nature of the variances requested by the Applicant. In summarizing the testimony, Mr. Bechtold offered his expert opinion that the positive criteria consistent with N.J.S. 40:55D-70 c. (2) to grant the variance relief requested by the Applicant were satisfied and particularly as to the c. (2) criteria, that the benefits of any deviation permitting the variance relief would substantially outweigh any detriment and that the negative criteria consistent with the standards required in N.J.S. 40:55D-70 were likewise satisfied, indicating that the relief requested by the Applicant, could, in his professional opinions, be granted without any substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

During Mr. Bechtold's testimony, two (2) exhibits marked as follows were received by the Ocean City Planning Board:

1. Exhibit A-1 (comparison chart).
2. Exhibit A-2 (rendering of building).

During and upon completion of Mr. Bechtold's testimony, he addressed questions from Ocean City Planning Board Members.

4. Comments from the Planner were received consistent with Planner's Report. 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 agreed to comply with (i) the Planner's Report and (ii) the Engineer's Report, as represented by Applicant's counsel, Mr. Teitler.

5. Upon completion of Mr. Teitler'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 the Engineer, the meeting was then opened to the public. There was extensive public comment and participation. The following members of the public testified and offered comments in respect of the application as follows:

1. Dr. Robert Koenigsberg, 3420 West Avenue---In Opposition. He testified that homes in the area are single family, parking is an issue in the summer, there is a playground across the street. He wants the Property developed but this Application requests too many waivers and variances. His biggest objection is the number of stories and the height of the building. Only one floor above commercial should be permitted. The prior application that was denied had 22 bedrooms, this application still has 22 potential bedrooms as there are seventeen 17 bedrooms plus five (5) rooms designed as dens which have doors. The building is not in the spirit of the 34<sup>th</sup> Street Gateway Zone. 34<sup>th</sup> Street has a lot of pedestrian traffic, there are not enough commercial spaces onsite which will cause increased parking issues in the neighborhood. A truck berth is needed because he does not want large trucks loading and unloading. The building needs a landscape buffer. The building is oversized and should be rejected.

2. Helen Skelton, 3409 Haven Avenue---In opposition/questions. The Applicant requests too many variances. The building is oversized and should not be allowed. The building will exacerbate parking problems. Where will employees park? This corner floods. She asked where will the water go? Flooding will be exacerbated. Will the building use dumpsters or cans? How will dumpsters be emptied? The fourth floor needs to be removed so that the project will better conform to the neighborhood.

3. Michelle Morrison, 3424 West Avenue--- In Opposition. She owns a small cottage. This project has too many stories and is too tall. It is over development. It is not constructed in the spirit of the 34<sup>th</sup> Street Gateway Zone. It is not consistent with the residences in the neighborhood. Seventeen bedrooms plus five dens with doors equals 22 bedrooms. This Property can be developed without variances.

4. Mark Grimes, 109 34<sup>th</sup> Street--- In Favor. Similar buildings have been approved in the past. The ground floor parking will benefit the neighborhood. The project will be a less intense use than the garden center which was previously located at the Property. If this building is not approved the lot will remain vacant because it will not be financially viable to develop.

5. Devlin Morrison, 3424 West Avenue---In Opposition. This is a large lot which can be developed without variances. The proposed building is inconsistent with

the Master Plan, will exacerbate parking issues, create safety concerns. It is over development.

6. Jeff Fante, 24 Barbados Lane---In Favor. The design is fantastic. The building will enhance the town and will be a positive for the community.

7. Chuck Deal, 2837 Central Avenue—In opposition. He testified that the fourth floor needs to be eliminated. A den is a hidden bedroom. This building has too many bedrooms. Both the “Randazzo Building” and “George’s Building” were given passes from zoning requirements. This building should not be given a pass.

8. Mary Holmes-Bicker, 3412 West Avenue—comments/questions. The building will be very close to my property. She expressed concern about too many people and cars using the Property, noise from air-conditioners, building height and the number of requested variances.

9. Pat DeHart, 3429 Haven Avenue--- In Opposition. The fourth floor needs to be removed. There is not enough onsite parking. The building lacks storage for beach wagons, umbrellas and beach chairs. Our alley is narrower than other alleys in Ocean City. The building is attractive, but the elevated parking will cause water runoff.

10. Disston Vanderslice, 201 Victoria Lane---In Favor. The building is attractive. Most likely commercial use will be professional offices. He likes the concept of one building on the lot instead of two. The height will fit in nicely with the neighborhood and will be a nice addition to the area.

11. Kathy Hogan, 612 Wesley Avenue---In Opposition. She is tired of people sneaking in extra bedrooms as a den or playroom.

12. James DeHart, 3429 Have Avenue---In Opposition. Zoning rules are put in place for a purpose. This application requests too many variances for approval. It will create a parking nightmare.

13. Jim Berry, 635 Ocean Avenue---In Favor. He owns a V2 home. It is well built. This is a beautiful building. The variances requested are reasonable. It will be a beautiful addition to Ocean City.

14. Julie Fresca, 1004 Asbury---In Favor. The parking is sufficient. Having elevated commercial units is a positive since it provides protection from flooding. It is an attractive building.

6. Upon conclusion and closing of the public portion of the meeting, Mr.

Bechtold provided a summary of the Application and reasons for approval. Thereafter there was further discussion and deliberation by the Ocean City Planning Board and questions, concerns and comments were presented to Mr. Bechtold by members of the Ocean City Planning Board. As a result of those questions, concerns and comments, the Applicant requested that the matter be tabled to a future date. The request was **Granted** without any requirement of re-noticing.

7. Upon reconvening February 11, 2026, the Applicant was again represented by Avery S. Teitler, Esquire. Mr. Teitler limited his presentation to what he deemed as five important changes to the application that have been made to specifically improve the project and to address the questions and concerns made by members of the Ocean City Planning Board and members of the public on January 14, 2026. Specifically, the changes are (i) elimination of all dens; (ii) the addition of storage on the ground floor for beach wagons, beach chairs and umbrellas; (iii) the addition of a rinse off area on the south side of the building; (iv) the use of pavers to reduce impervious coverage; and (v) the moving of the mechanical room to allow room for storage. In addition, Mr. Teitler brought to the attention of the members of the Ocean City Planning Board recent rule amendments adopted by the New Jersey Department of Environmental Protection (The Resilient Environments and Landscapes [REAL]) rules taking effect on January 20, 2026 that will affect the permissible height of all future development in Ocean City to protect against future sea level rise and increased storm intensity.

Andrew Bechtold, R.A., P.P., was the first witness to testify in respect of the revisions to the application. Mr. Bechtold is a registered architect and professional planner and was recognized by the Ocean City Planning Board as an expert. Mr. Bechtold testified that due to the REAL rule amendment he expected all buildings in a flood zone to have increased height requirements to protect against flooding and increased storm intensity. When those specific height requirements are implemented, the proposed building will either conform, in terms of height or be significantly closer to conforming height. He further testified that, through the use of pavers, impervious coverage would be further reduced from 84.2% to 69.3% so that the possibility of runoff

can further be reduced. He then testified that the mechanical area has been moved to allow for storage and a rinse off area. The dens have been removed with the space converted to pantry and storage and additional dining area.

He opined that the building revisions meet the spirit and intent of the 34<sup>th</sup> Street Gateway (GW) Zone. The building is consistent with other mixed use properties in size and scale and is consistent with the Master Plan. The commercial units are protected from flooding and parking variances are not required. In summarizing his testimony, Mr. Bechtold offered his expert opinion that the positive criteria consistent with N.J.S. 40:55D-70 c. (2) to grant the variance relief requested by the Applicant were satisfied and particularly as to the c. (2) criteria, that the benefits of any deviation permitting the variance relief would substantially outweigh any detriment and that the negative criteria consistent with the standards required in N.J.S. 40:55D-70 were likewise satisfied, indicating that the relief requested by the Applicant, could, in his professional opinions, be granted without any substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

During Mr. Bechtold's testimony, two (2) exhibits marked as follows were received by the Ocean City Planning Board:

3. Exhibit A-3 (revised set of plans).
4. Exhibit A-4 (comparison chart).

8. During and upon completion of Mr. Bechtold's testimony, he addressed questions from Ocean City Planning Board Members.

9. Comments from the Planner were received consistent with Planner's Report. 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 agreed to comply with (i) the Planner's Report and (ii) the Engineer's Report, as represented by Applicant's counsel, Mr. Teitler.

10. Upon completion of Mr. Teitler'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 the Engineer, the meeting was then opened to the public. There was extensive public comment and participation. The following members of the public testified and offered comments in respect of the application as follows:

1. Jeff Boyd, 3436 West Avenue--- Comment concerning REAL amended rules.
2. Dr. Robert Koenigsberg, 3420 West Avenue---In Opposition. None of the changes address community concerns of over development. Side yard setbacks were not addressed.
3. Rita Boyd, 3436 West Avenue---In Opposition. All variance requests should be denied. The building is too big. It will have a negative impact upon the neighborhood.
4. Jim Berry, 635 Ocean Avenue--- In Favor. The changes made are good and make it a better project.
5. John Friday, 600 Block Asbury Avenue---In Favor. The building is beautiful and will bring a business benefit to Ocean City and would like to see the project approved.
6. Marie Crawford, 835 Pelham Place---In Opposition. It is unfair to compare building height with other commercial properties. Comparison should be to residential properties. The building is not attractive. It needs more character. The neighborhood needs to be respected.
7. Devlin Morrison, 3424 West Avenue---Comment concerning architectural projection.
8. Michelle Morrison, 3424 West Avenue--- In Opposition. The Applicant is requesting too many variances.
9. Pat DeHart, 3429 Haven Avenue---Comment. The adjoining alley is 13 feet 8 inches, not the standard 15 feet found in the remainder of Ocean City.
10. Harry Vanderslice, 216 Victoria Lane---In Favor. This is historically a difficult corner to develop. Something should be built. Good things are happening in the 34<sup>th</sup> Street Gateway Zone.
11. Julie Frasca, 1004 Asbury Avenue---In Favor. Appreciative of the changes made to the project. They were thoughtful and considerate. Project is a positive for onsite parking and protection of commercial units from flooding.
12. Mark Grimes, 109 34<sup>th</sup> Street--- In Favor. The changes made are good. The building is beautiful and will benefit the corner.

11. 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 one (1) new four-story mixed-use building on Lot 7 consisting of ground floor parking for the two (2) commercial units and five (5) residential units, two commercial units totaling 2,916.00 square feet of commercial space on the second floor together with four (4) ground floor onsite parking spaces for each second floor commercial unit, three (3) residential three (3) bedroom units on the third floor totaling 4,350 square feet together with two (2) onsite ground floor parking spaces for each third floor residential unit, and two (2) four (4) bedroom residential units on the fourth floor totaling 4,300 square feet together with three (3) onsite ground floor parking spaces for each fourth floor residential unit at the Property which is located in the 34<sup>th</sup> Street Gateway Zone; **(ii) conditional use approval** for the third and fourth floor residential units; and, **(iii) variances** for (a) commercial ceiling height because a minimum of ten (10) feet is required and nine and a half (9.5) feet is proposed; (b) building height because the maximum building height permitted is thirty-three (33) feet and thirty-five and ninety-two hundredth (35.92) feet is proposed; (c) number of stories because the maximum number of stories permitted is two and a half (2.5) stories and four (4) stories are proposed; (d) landing size because the maximum landing size permitted is thirty-six square feet and sixty-two and one tenth square feet is proposed; (e) a front yard setback per § 25-300.12.4.d.1. for a residential onsite parking space

because the parking space encroaches into the required front yard setback; (f) sign areas on both West Avenue and 34<sup>th</sup> Street because the proposed signs are requested to be located above the commercial activity façade which is not permitted; and (g) project development without the installation of a truck berth. The Applicant also seeks completeness waivers and a design waiver from § 25-1700.31.5. of the Ocean City Zoning and Land Development Ordinance requiring enclosed refuse areas located within or adjacent to a parking area to be separated from such parking area or access drive by curbing.

Under the Municipal Land Use Law, N.J.S. 40:55D-1 *et seq* and particularly, N.J.S. 40:55D-60, a Planning Board, when considering a subdivision or site plan, as in this case, may grant variances as provided for in N.J.S 40:55D-70 c. The Applicant has the burden of proof to satisfy both the positive and negative criteria necessary to grant the variance relief requested. The Applicant must satisfy certain specific proofs which are enunciated in N.J.S 40:55D-70 c. Specifically, pursuant to N.J.S 40:55D-70 c. (2), the Applicant may be entitled to relief, if the Applicant can demonstrate that in a particular circumstance relating specifically to the Property, the purposes of the Municipal Land Use Law would be advanced by allowing a deviation from the Ocean City Zoning and Land Development Ordinance requirements and the benefits of any deviation will substantially outweigh any detriment. In those instances, variance relief may be legally granted. The category specifically enumerated above constitute the affirmative proofs necessary in order to obtain “bulk” or c. variance relief. Finally, the Applicant must also show that the variance relief requested can be granted without any substantial detriment to the public good and without substantially impairing the intent

and purpose of the zone plan and Ocean City Zoning and Land Development Ordinance. It is only in those instances when an applicant has satisfied the statutory criteria, that a Planning Board acting pursuant to statutory and case law can grant relief. The burden of proof is upon the Applicant to establish these criteria.

Based upon the application, plans and documents, reports, and testimony of all witnesses, including the expert opinions furnished by Mr. Bechtold and the comments offered by the members of the public, the Ocean City Planning Board finds that the Applicant **has not met** the minimum requirements of the Municipal Land Use Law, case law and the Ocean City Zoning and Land Development Ordinance so as to grant the relief requested. Specifically, as it pertains to the c. variance relief sought by the Applicant, the Ocean City Planning Board finds that: I. The c. (2) criteria to grant the variances for (a) commercial ceiling height because a minimum of ten (10) feet is required and nine and a half (9.5) feet is proposed; (b) building height because the maximum building height permitted is thirty-three (33) feet and thirty-five and ninety-two hundredth (35.92) feet is proposed; (c) number of stories because the maximum number of stories permitted is two and a half (2.5) stories and four (4) stories are proposed; (d) landing size because the maximum landing size permitted is thirty-six square feet and sixty-two and one tenth square feet is proposed; (e) a front yard setback per § 25-300.12.4.d.1. for a residential onsite parking space because the parking space encroaches into the required front yard setback; (f) sign areas on both West Avenue and 34<sup>th</sup> Street because the proposed signs are requested to be located above the commercial activity façade which is not permitted; and (g) project development without the installation of a truck berth on proposed Lot 7.01 **have not been satisfied** and, as to the

c. (2) criteria, the purposes of the Municipal Land Use Law would not be advanced by a deviation from the Ocean City Zoning and Land Development Ordinance and the benefits of the deviation would not substantially outweigh any detriment,; and, 2. The preliminary and final major site plan, conditional use approval, variances, and design waiver 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 and the Ocean City Zoning and Land Development Ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the Ocean City Planning Board on February 11, 2016 that the application made by the Applicant, V2 PROPERTIES ENTITY 7, LLC requesting land use approvals is determined as follows: (i) **preliminary and final major site plan approval** to construct one (1) new four-story mixed-use building on Lot 7 consisting of ground floor parking for the two (2) commercial units and five (5) residential units, two commercial units totaling 2,916.00 square feet of commercial space on the second floor together with four (4) ground floor onsite parking spaces for each second floor commercial unit, three (3) residential three (3) bedroom units on the third floor totaling 4,350 square feet together with two (2) onsite ground floor parking spaces for each third floor residential unit, and two (2) four (4) bedroom residential units on the fourth floor totaling 4,300 square feet together with three (3) onsite ground floor parking spaces for each fourth floor residential unit. (ii) **conditional use approval** for the third and fourth floor residential units; and, (iii) **variances** for (a) commercial ceiling height because a minimum of ten (10) feet is required and nine and a half (9.5) feet is proposed; (b) building height because the maximum building height permitted is thirty-three (33) feet and thirty-five and ninety-

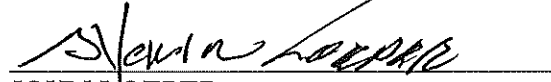
two hundredth (35.92) feet is proposed; (c) number of stories because the maximum number of stories permitted is two and a half (2.5) stories and four (4) stories are proposed; (d) landing size because the maximum landing size permitted is thirty-six square feet and sixty-two and one tenth square feet is proposed; (e) a front yard setback per § 25-300.12.4.d.1. for a residential onsite parking space because the parking space encroaches into the required front yard setback; (f) sign areas on both West Avenue and 34<sup>th</sup> Street because the proposed signs are requested to be located above the commercial activity façade which is not permitted; and (h) project development without the installation of a truck berth on proposed Lot 7.01 are **DENIED**.

The Ocean City Planning Board finds and determines that the Applicant failed to satisfy the positive and negative criteria necessary to grant the variances requested for the project development and that as presented, the project represents an unacceptable overdevelopment of the Property that (i) does not align with the Master Plan for the City of Ocean City, (ii) does not offer a visual enhancement to the community, (iii) does not require a fourth story and/or overdevelops the fourth story, and (iv) does not enhance the 34<sup>th</sup> Street Gateway Zone.

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 as aforesaid, made by Ocean City Planning Board Member Bekier and seconded by Ocean City Planning Board Member Barnes on February 11, 2026 ["Bekier Motion"]. The vote on the Bekier Motion was one (1) in favor of and four (4) against with Ocean City Planning Board Members, Bekier, Allegretto, Barnes and Loeper all voting in the negative and Ocean

City Planning Board Member Adams voting in the affirmative. Ocean City Planning Board Member Sheppard was ineligible to vote.

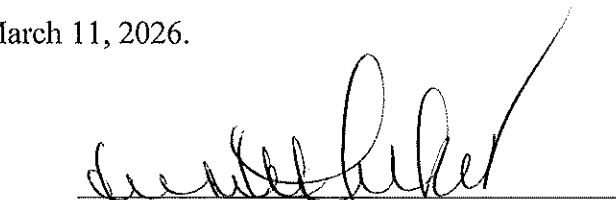
OCEAN CITY PLANNING BOARD

  
\_\_\_\_\_  
JOHN LOEPER,  
CHAIRPERSON

Dated: March 11, 2026

**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 February 11, 2026 memorialized herein pursuant to N.J.S. 40:55D-10 g. (2) on March 11, 2026.

  
\_\_\_\_\_  
JAIME M. FELKER,  
Secretary, Ocean City Planning Board





# Schaeffer Nassar Scheidegg 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

December 15, 2025

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

Re: **Conditional Use, Preliminary and Final Major Site Plan, with Variances  
V2 Properties Entity 7, LLC  
Block 3404, Lot 7  
3400-02 West Ave  
City of Ocean City, Cape May County, NJ  
PBA25-008 (Our File No. OC16-221)**

Dear Chairman Loeper and Planning Board Members:

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

1. Site Plan, as prepared by Design Land Surveying PA, signed by Thomas Tolbert, PLS, dated 08/06/25
2. Preliminary and Final Variance Plan/ Major Site Plan, as prepared by Thomas/Bechtold, signed by Andrew Bechtold, consisting of the following:
  - PB-1 Top Sheet, dated 08/27/25, **last revised 11/11/25**
  - PB-2 Geometry, Lighting, & Signage Site Plan, dated 08/27/25, **last revised 11/11/25**
  - PB-3 Grading & Landscaping Site, dated 08/27/25, **last revised 11/11/25**
  - PB-4 Utilities Site Plan, dated 08/27/25, **last revised 11/11/25**
  - PB-5 Elevations, dated 08/27/25, **last revised 11/11/25**
  - PB-6 Floor Plans, dated 08/27/25, **last revised 11/11/25**
  - PB-7 Floor Plans, dated 08/27/25, **last revised 11/11/25**
3. City of Ocean City Development Application
4. City of Ocean City Administrative Completeness Checklist
5. City of Ocean City Plat Requirements - Variance
6. City of Ocean City Plat Requirements - Site Plan
7. Certified 200' Adjacent Property Owner List, dated 07/24/25
8. Confirmation of Paid Taxes, dated 9/22/25
9. Ocean City Decision and Resolution, Application 24-011
10. Transmittal from Avery Teitler to Jaime Felker, dated 09/22/25
11. Zoning Official's report, 10/3/25
12. **Transmittal to Avery Teitler from Thomas/Bechtold dated 11/12/24**

## I. Description:

The applicant proposes to construct a mixed-use building that contains at grade parking, commercial unit(s) on the first floor and five residential units on upper 2 floors (3- 3 bedroom and 2-4 bedroom). The lot is a corner lot and currently vacant.

This parcel is located within the 34<sup>th</sup> Street Gateway (GW) zone.

Phone: 609-625-7400 Web: snsce.com  
1425 Cantillon Boulevard Mays Landing New Jersey 08330

## 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.

WAIVER REQUESTED

#### 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). 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.  
NOT PROVIDED-WAIVERS REQUESTED

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.  
NOT PROVIDED-WAIVERS REQUESTED

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.  
PROVIDED

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.

NOT PROVIDED-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.

NOT PROVIDED-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.

NOT PROVIDED-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.

NOT PROVIDED-WAIVERS REQUESTED

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.

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.

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

ff. Such other information as the Planning Board and/or City Engineer may request during site plan review.

#### **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 is complete based upon the requested checklist waivers.

### III. Zoning:

Based upon our review, we offer the following comments:

The plans indicate that the proposed development is to occur within the 34<sup>th</sup> Street Gateway zone as shown on the current Ocean City zoning map.

#### Zoning Compliance – GW (Gateway) Zone §25-205.10.5

|                                        | Required | Existing  | Proposed       | Variance Required |
|----------------------------------------|----------|-----------|----------------|-------------------|
| <b><u>Min. Lot Area</u></b>            | 7,000 SF | 10,000 SF | 10,000 SF      | No                |
| <b><u>Min. Lot Width/Frontage</u></b>  | 70'      | 100'      | 100'           | No                |
| <b><u>Min. Lot Depth</u></b>           | 100'     | 100'      | 100'           | No                |
| <b><u>Min. Front Yard Setback</u></b>  |          |           |                |                   |
| West Ave                               | 10'      | N/A       | 10.08'         | No                |
| 34 <sup>th</sup> St                    | 10'      | N/A       | 13.08'         | No                |
| <b><u>Min. Rear Yard Setback</u></b>   | 20'      | N/A       | 20.08'         | No                |
| <b><u>Min. Side Yard Setback</u></b>   | 10'      | N/A       | <b>4.1'</b>    | <b>Yes</b>        |
| <b><u>Max. Building Coverage</u></b>   | 80%      | N/A       | 46.3%          | No                |
| <b><u>Max. Impervious Coverage</u></b> | 85%      | N/A       | 84.2%          | No                |
| <b><u>Max. Building Height</u></b>     | 33'      | N/A       | <b>35.92'</b>  | <b>Yes</b>        |
| <b><u>Max. Stories</u></b>             | 2.5      | N/A       | <b>&gt;2.5</b> | <b>Yes</b>        |
| <b><u>Parking</u></b>                  |          | N/A       |                |                   |
| <b><u>Residential</u></b>              | 11       |           | 12             | No                |
| <b><u>Commercial</u></b>               | 14       |           | <b>8</b>       | <b>Yes</b>        |

### IV. Technical Comments:

1. The application should address the conditional use standards for the proposed residential units.
2. Sideyard setback relief to the structure is required. (10' vs 4.1')
3. Previous plans indicated a 13' wide county road widening easement adjacent to 34th Street property line. Current plans reflect same proposed easement.
4. The survey shall be revised to identify the flood elevation.
5. Variance relief for building height and total stories is required.
6. Parking spaces encroach into the front yard. Variance relief is required.
7. Parking shall comply with the EVSE/Make ready requirements.
8. The applicant shall provide testimony in support of the proposed commercial use conforming to the permitted use requirements of the zone. The applicant shall also identify the required

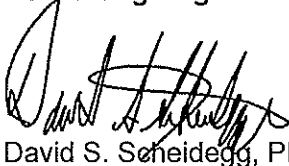
parking associated with the proposed use. A variance for Commercial parking has been requested.

9. Per 25-300.12.4e, off-street parking spaces for commercial, multifamily and mixed uses shall not be less than 4' from the established property line or within 4' of the structure. The application proposes 0' setback to the structure and 1' setback to the property line. Variances are required.
10. Radius curbing along the proposed entrance/exit drive at the alley and along the northwest side of the adjoining parking spaces is recommended. Additionally, the applicant shall consider a concrete apron between the trash enclosure and the alley with the remainder of the area to the entrance/exit driveway to be grass/ground cover.
11. A 24" wide stop bar shall be installed adjacent to the stop sign at the exit driveway.
12. All areas of vehicular traffic shall be noted as 6" reinforced concrete. PB-3 still indicates "Asphalt carway".
13. The clear height in the parking area between the parking surface and structural members above shall be at least 98" per ADA requirements.
14. Per 25-205.4.7 f., variance relief is required as a Truck Berth is not provided.
15. 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. All mechanical systems shall be located above elevation 11.
16. 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 new curb, gutter and sidewalk along the frontages including the ADA/traffic calming area. 34<sup>th</sup> Street and West Avenue are county roads.
17. All areas that are not to be improved should be noted to receive 5" of topsoil and seed/sod and irrigation.
18. Forms for all site work shall be inspected and approved by our office prior to placement of concrete. A pre-construction conference is required.
19. Signage, landscaping and lighting comments shall be provided by the Board Planner.
20. The applicant shall provide an Engineer's cost estimate, performance and maintenance guarantees as required by the City Code.
21. Applicants 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)*  
*V2 Properties, LLC, Applicant (via e-mail)*  
*Design Land Surveying, (via e-mail)*  
*Andrew Bechtold, RA, (via e-mail)*  
*Avery Teitler, Esq. (via e-mail)*





SCHUELE

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: December 9, 2025

Zone: 34<sup>th</sup> Street Gateway (GW) Zone

RE: **PBA 25-008, V2 Properties Entity 7, LLC (R1)**  
Block 3404, Lot 7; 3400 West Avenue  
Public Hearing – Preliminary & Final Site Plan, Conditional Use

### **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.

- Response letter to Avery Teitler from Andrew Bechtold, November 12, 2025
- Letter of transmittal to Jaime Felker from Avery Teitler, September 22, 2025
- City of Ocean City Development Application, September 22, 2025
- Checklists
- List of variances and waivers

**PBA 25-008, V2 Properties Entity 7, LLC**

**Block 3404, Lot 7; 3400 West Avenue**

- Confirmation of Paid Taxes, September 22, 2025
- Site Plan, Thomas Tolbert, August 6, 2025
- Site Plan, (7 sheets), Thomas Bechtold, August 27, 2025, last revised November 11, 2025
- Ocean City Planning Board Decision and Resolution, May 7, 2025
- Ocean City Police report, September 26, 2025
- Ocean City Engineer's report, September 18, 2025
- Ocean City Construction report, September 29, 2025
- Ocean City Zoning report, October 3, 2025
- Ocean City Planning Board Decision and Resolution 24-011, June 11, 2025
- Ocean City Shade Tree Committee report,

**Development Proposal.**

Applicant proposes construction of a 3-story mixed-use building on the northwest corner of West Avenue and 34<sup>th</sup> Street. According to the plans, the subject 100' x 100' corner lot is currently vacant.

The proposed new building layout:

- Grade level parking
- First Floor - 2,645 SF of commercial space
- Second Floor - two 3-bedroom (plus den) units; one 4-bedroom unit
- Third Floor - two 4-bedroom (plus den) units

**Previous Application.**

PBA 24-011 proposed a 2-lot minor subdivision and construction of a 3-story mixed-use building on each new lot. The building on Lot 7.01 proposed 1,830 SF of commercial space and one 6-bedroom residential unit on each the first and second floors. The building on Lot 7.02 proposed 1,212 SF of commercial space and one 5-bedroom residential unit on each the first and second floors. The application was denied as memorialized in the above Decision and Resolution.

**Completeness.**

**25-1500.8.2 Preliminary Plat Requirements**

a. General Requirements.

2. Site plans shall not be drawn with North oriented to the top of the page, 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

**PBA 25-008, V2 Properties Entity 7, LLC**  
**Block 3404, Lot 7; 3400 West Avenue**

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').

Waiver

A to-scale copy of the survey is required.

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.

Waiver

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 North American Vertical Datum (NAVD88) 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 bench mark shall be labeled on the plan.

Waiver

*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.

Waiver

2. The plan shall outline each area contributing to each inlet.

Waiver

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.

Waiver

4. The drainage plan shall be accompanied by complete drainage calculations made in accordance with the standards set forth in this Ordinance.

Waiver

*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.

Waiver

PBA 25-008, V2 Properties Entity 7, LLC  
Block 3404, Lot 7; 3400 West Avenue

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').

Waiver

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.

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

u. The location and size of proposed loading docks.

Waiver

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.

NP

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MISCELLANEOUS REQUIREMENTS THAT MAY BE REQUIRED

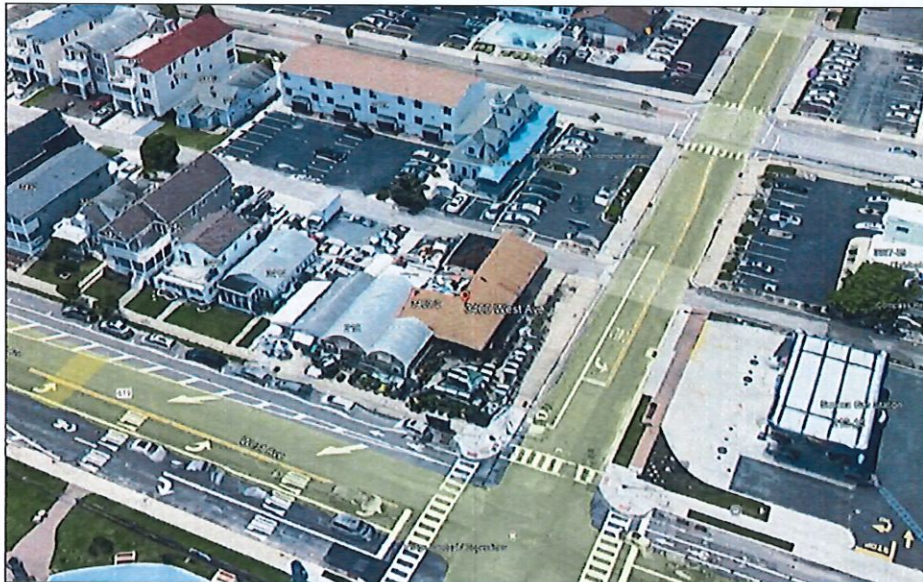
- |                                                          |               |
|----------------------------------------------------------|---------------|
| 1. COST OF IMPROVEMENTS ESTIMATE (SEE 25-1600.1.1A)      | <u>Waiver</u> |
| 2. SIGHT TRIANGLE - CORNER PROPERTIES (SEE 25-1700.13.3) | <u>X</u>      |
| 3. SOIL EROSION PLAN (SEE 25-1700.32)                    | <u>Waiver</u> |
| 4. OTHER AGENCY REQUIREMENTS                             |               |
| a. County Planning Board (25-1500.8.3B)                  | <u>Waiver</u> |
| b. New Jersey Water Company (25-1500.8.3C)               | <u>Waiver</u> |
| c. Waterfront Development (CAFRA)                        | <u>NA</u>     |
| d. Adequacy of Utility Service                           | <u>Waiver</u> |

**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."

The Preliminary and Final Major Site Plan are incomplete.

Google Earth Aerial (prior to demolition)



Zoning Conformance - 34 Street Gateway Zone.

| Zone Standard                      | Zoning Requirement            | Existing Condition | Proposed Condition | Variance Required? |
|------------------------------------|-------------------------------|--------------------|--------------------|--------------------|
| Use                                | Mixed-use                     | Vacant             | Mixed-use          | No                 |
| Density                            | 1 DU/2,000 SF of Lot Area = 5 | NA                 | 5                  | No                 |
| Minimum Lot Area                   | 7,000 SF                      | 10,000 SF          | 10,000 SF          | No                 |
| Minimum Lot Frontage               | 70 FT                         | 100 FT             | 100 FT             | No                 |
| Minimum Lot Width                  | 70 FT                         | 100 FT             | 100 FT             | No                 |
| Minimum Lot Depth                  | 100 FT                        | 100 FT             | 100 FT             | No                 |
| Min. Front Setback                 |                               |                    |                    |                    |
| 34 <sup>th</sup> Street            | 10 FT                         | NA                 | 13.08 FT           | No                 |
| West Avenue                        | 10 FT                         |                    | 10.08 FT           | No                 |
| Minimum Side Setback               | 10 FT                         | NA                 | 4.1 FT             | Yes                |
| Minimum Rear Setback               | 20 FT                         | NA                 | 20.08 FT           | No                 |
| BFE (NAVD88)                       | 9 FT                          | 9 FT               | 9 FT               |                    |
| Minimum Commercial Ceiling Height  | 10 FT                         | NA                 | 9.5 FT             | Yes                |
| Minimum Commercial Glass           |                               |                    |                    |                    |
| • West Avenue                      | 45%                           | NA                 | 52.8%              | No                 |
| • 34 <sup>th</sup> Street          |                               |                    | 47.9%              | No                 |
| Maximum Building Ht. (above BFE+1) | 33 FT                         | NA                 | 35.92 FT           | Yes                |
| Maximum Total Stories <sup>1</sup> | 2.5                           | NA                 | 4                  | Yes                |
| Maximum Building Coverage          | 80%                           | NA                 | 46.3%              | No                 |

<sup>1</sup> "Story" - Shall mean that portion of a building included between the ground, or the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between any floor and the ceiling above it, where the floor-to-floor joist or roof rafters height is greater than five feet (5'). If the top of the floor is below Base Flood Elevation (BFE), the room may not be used as habitable space unless the building was legally built prior to 1971. If the top of the floor is above BFE, the room must be considered as part of a story, except that an attic is not a story.

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|                                  |                       |      |                |            |
|----------------------------------|-----------------------|------|----------------|------------|
| Maximum Impervious Coverage      | 85%                   | 100% | 84.2%          | No         |
| Maximum Landing Size             | 36 SF                 | NA   | 62.1 SF        | Yes        |
| Minimum Number of Parking Spaces |                       |      |                |            |
| ▪ Residential                    |                       |      |                |            |
| 3 Bed Units                      | 2/3-Bed Unit=4        | NA   | 6              | No         |
| 4 Bed Units                      | 2.5/4-Bed Unit=7.5(7) |      | 6 <sup>2</sup> |            |
| ▪ Retail Sales & Services        | 9                     |      | 8              | Yes - for  |
| ▪ Professional Office            | 9                     |      | 8              | Commercial |
| ▪ Shopping Center                | 14                    |      | 8              |            |
| Maximum Sign Area                |                       |      |                |            |
| • West Avenue                    | 5% of façade          |      | 0.9%           | No         |
| • 34 <sup>th</sup> Street        |                       |      | 4.4%           | No         |

**Summary of Variances and Design Waivers.**

1. Minimum Side Yard - 10 feet required; 4 feet proposed.
2. Minimum Commercial Ceiling Height - 10 feet required; 9.5 feet proposed.
3. Maximum Building Height - 33 feet permitted; 35.92 feet proposed.
4. Maximum Total Stories - 2.5 permitted; 4 proposed.
5. Maximum Landing Size - 36 feet permitted; 62.1 feet proposed.
6. Minimum Number of Parking Spaces (commercial) - refer to Zoning Chart
7. Residential parking space (No. 2C) encroaches into the required front yard setback; variance approval required per §25-300.12.4d,1
8. Mechanical ventilation system (§25-205.10.7.b.6)
9. Truck Berth - §25-205.4.7.f requires a truck berth as specified in Subsection 25-300.12.41.
10. Sign areas on both street frontages - proposed above the commercial activity façade which is not permitted by §25-1700.29.3.
11. Trash enclosure curb (§25-1700.31.5)

<sup>2</sup> Residential parking space (No. 2C) encroaches into the required front yard setback; variance approval required per §25-300.12.4d,1.

**Review Comments.**

1. The proposed residential units are a permitted conditional use in the 34<sup>th</sup> Street Gateway Zone. Applicant shall demonstrate conformance with Section 25-208.2.5 of the City Code.
2. Applicant is required to address both the positive and negative criteria necessary to grant the variances identified above. Applicant may be entitled to relief if he can demonstrate that the purposes of the Municipal Land Use Law would be advanced by allowing a deviation from the Ocean City Zoning Ordinance, and the benefits of the deviation will substantially outweigh any detriment. The applicant must also show that the variances 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.
3. The final plans shall specify the façade treatment for the ground floor.
4. 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.

| <b><u>Conditions of Preliminary Site Plan Approval</u></b>                                                                                                                                            | <b><u>Status</u></b>    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| Payment of any outstanding real estate taxes.                                                                                                                                                         | <i><u>Satisfied</u></i> |
| Submission of additional prints of the plat map and attachments for distribution, if required.                                                                                                        | <i><u>Pending</u></i>   |
| 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. | <i><u>Pending</u></i>   |
| Any other conditions which may be imposed by the Board or may be required by Federal, State, County or municipal law.                                                                                 | <i><u>Pending</u></i>   |
| The Board may also condition its preliminary approval upon the applicant providing for certain revisions or additions on the final plat submission.                                                   | <i><u>Pending</u></i>   |
| Rectify any outstanding financial obligation to the City of Ocean City.                                                                                                                               | <i><u>Pending</u></i>   |
| Provide an estimate of the cost of site improvements, performance and maintenance guarantees as required by the City Code.                                                                            | <i><u>Pending</u></i>   |

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**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.

| <b><u>Conditions of Final Site Plan Approval</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b><u>Status</u></b> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| 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>Pending</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>       |
| Eating establishments including but not limited to cafes, coffee shops, luncheonettes, pizzerias, restaurants and snack shops, candy, nut, confectionery stores, and bakeries shall not be prohibited or limited at any time or by any                                                                                                                                                                                                                                                                                                                                                                                                                                    | <u>Pending</u>       |

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| means including, but not limited to conditions contained within a master deed, deed restriction, Certificate of Occupancy, Mercantile License, Certificate of Zoning Compliance or other instrument. This requirement shall be memorialized in the decision and resolution approving the site plan and shall be promptly recorded thereafter. |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

C: Gary Griffith  
David Scheidegg  
Avery Teitler  
Andrew Bechtold  
Thomas Tolbert  
V2 Properties Entity, LLC