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Attorneys for the Ocean City Planning Board**

IN THE MATTER OF THE APPLICATION
OF NEMAR 2 LLC & SAMIA
DEVELOPMENT, INC. FOR
MINOR SUBDIVISION APPROVAL
FOR BLOCK 3103, LOT 22

OCEAN CITY PLANNING BOARD

APPLICATION NO. PBA 26-001

DECISION AND RESOLUTION

BACKGROUND OF DECISION AND RESOLUTION

1. NEMAR 2 LLC & SAMIA DEVELOPMENT, INC. ["Applicant"] are the contract purchasers of certain lands and premises located in the City of Ocean City known as Block 3103, Lot 22 as shown on the current official tax map for the City of Ocean City, New Jersey commonly known as 3128 Asbury Avenue, Ocean City, New Jersey [the "Property"].

2. The Applicant has made application to the Ocean City Planning Board for **minor subdivision approval** to subdivide the Property into two (2) new fully conforming lots in the R-2-30 Zone (which, if approved, will be Lots 22.01 and 22.02). Both proposed lots will be interior lots. Proposed Lot 22.01 will have a lot frontage and lot width of 30.00 feet, a lot depth of 100.00 feet, and a lot area of 3,000.00 square feet. Proposed Lot 22.02 will have a lot frontage and lot width of 30.00 feet, a lot depth of 100.00 feet, and a lot area of 3,000.00 square feet. Each of the proposed new lots will front on Asbury Avenue. The Property has an existing multi-use building. All existing

structures, improvements, and existing concrete or flat work, now located on the Property are to be demolished and removed. No new development is proposed for proposed Lots 22.01 or 22.02 in conjunction with this application for minor subdivision approval.

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 March 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., C.P.W.M., C.F.M. [“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 February 16, 2026 [“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 February 12, 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 Avery Teitler, Esquire at the time of public hearing. Mr. Teitler presented the Applicant's application for minor subdivision approval in respect of the Property. The Property is located in the Residential – 2 Family (R-2-30) Zone and is identified as Block 3103, Lot 22 as shown on the current official tax map for the City of Ocean City, New Jersey. The street address of the Property is 3128 Asbury Avenue, Ocean City, New Jersey. Mr. Teitler indicated that it was the Applicant's intention to subdivide the Property into two (2) new fully conforming lots in the Residential – 2 Family (R-2-30) Zone (which, if approved, will be Lots 22.01 and 22.02). Both proposed lots will be interior lots. Proposed Lot 22.01 will have a lot frontage and lot width of 30.00 feet, a lot depth of 100.00 feet, and a lot area of 3,000.00 square feet. Proposed Lots 22.02 will have a lot frontage and lot width of 30.00 feet, a lot depth of 100.00 feet, and a lot area of 3,000.00 square feet. Each of the proposed new lots will front on Asbury Avenue. The Property has an existing multi-use building. All existing structures, improvements, and existing concrete or flat work, now located on the Property are to be demolished and removed. No new development is proposed for proposed Lots 22.01 or 22.02 in conjunction with this application for minor subdivision approval.

He further indicated that no variances were required or requested for the project development. The subdivision requested by the Applicant is a “By-right” subdivision. Checklist waivers were requested by the Applicant.

Paul Koelling, P.L.S. was the first witness to testify in respect of the application. Mr. Koelling is a licensed surveyor and was recognized by the Ocean City Planning Board as an expert. Mr. Koelling is the surveyor engaged by the Applicant in respect of the proposed minor subdivision for the Property. Mr. Koelling provided a general description of the Property and the proposed minor subdivision. He testified that it was the Applicant’s intention to subdivide the Property into two (2) new fully conforming lots in the Residential – Family (R-2-30) Zone (which, if approved, will be Lots 22.01 and 22.02). Proposed Lot 22.01 is an interior lot and will have a lot frontage and lot width of 30.00 feet, a lot depth of 100.00 feet, and a lot area of 3,000.00 square feet. Proposed Lot 22.02 is an interior lot and will have a lot frontage and lot width of 30.00 feet, a lot depth of 100.00 feet, and a lot area of 3,000.00 square feet. Each of the proposed new lots will front on Asbury Avenue. The Property has an existing multi-use building. All existing structures, improvements, and existing concrete or flat work, now located on the Property are to be demolished and removed. No new development is proposed for proposed Lots 22.01 or 22.02 in conjunction with this application for minor subdivision approval.

4. Comments from the Planner report were received from David S. Scheidegg, PE, PP, CME, CPWM, CFM on behalf of Randall Scheule who was absent from the meeting. The comments were consistent with the 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 will comply with (i) the Planner's Report and (ii) the Engineer's Report, as agreed by Applicant's counsel, Mr. Teitler. If necessary, the Applicant shall cause the minor subdivision plat to 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, professionals, and/or other representatives at the time of public hearing on March 11, 2026.

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 Engineer, the meeting was then opened to the public. No members of the public testified or offered comments in respect of the application.

6. 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 **minor subdivision approval** to subdivide the Property into two (2) new fully conforming lots in the Residential – Family (R-2-30) Zone (which, if approved, will be Lots 22.01 and 22.02). Both proposed Lots will be interior lots. Proposed Lot 22.01 will have a lot frontage and lot width of 30.00 feet, a lot depth of 100.00 feet, and a lot area of 3,000.00 square feet. Proposed Lot 22.02 will have a lot frontage and lot width of 30.00 feet, a lot depth of 100.00 feet, and a lot area of 3,000.00 square feet. Each of the proposed new lots will front on Asbury Avenue. The Property has an existing multi-use building. No new development

is proposed for proposed Lots 22.01 or 22.02 in conjunction with this application for minor subdivision approval.

No variances are required or requested for the proposed subdivision. The proposed subdivision is a “By-right” subdivision.

The Applicant will perfect any minor subdivision approval granted by the filing of a minor subdivision plat.

Based upon the application, plans and documents, reports, and professional expert testimony provided by Mr. Koelling, the Ocean City Planning Board finds that the Applicant **has 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.

NOW, THEREFORE, BE IT RESOLVED by the Ocean City Planning Board on March 11, 2026 that the application made by the Applicant, NEMAR 2 LLC & SAMIA DEVELOPMENT, INC. requesting land use approvals is determined as follows: **minor subdivision approval** to subdivide the Property into two (2) new fully conforming lots in the Residential – Family (R-2-30) Zone (which, if approved, will be Lots 22.01 and 22.02); proposed Lot 22.01 is an interior lot and will have a lot frontage and lot width of 30.00 feet, a lot depth of 100.00 feet, and a lot area of 3,00.00 square feet.; proposed Lot 22.02 is an interior lot and will have a lot frontage and lot width of 30.00 feet, a lot depth of 100.00 feet, and a lot area of 3,000.00 square feet is **APPROVED AND GRANTED.**

Each of the proposed new lots will front on Asbury Avenue. The Property has an existing multi-use building. All existing structures, improvements, and existing concrete

or flat work, now located on the Property are to be demolished and removed. No new development is proposed for proposed Lots 22.01 or 22.02 in conjunction with this application for minor subdivision approval.

IT IS FURTHER RESOLVED that the above approvals all as aforesaid are **GRANTED** with and subject to the following terms and conditions:

A. The subdivision approval is further conditioned on the approval of the subdivision expiring 190 days from the date of adoption of this Decision and Resolution, unless within such period a plat in conformity with such approval and provisions of the Map Filing Law (N.J.S. 46:23-9.9 *et. seq.*) is filed by the Applicant all as required consistent with and pursuant to N.J.S. 40:55D-47. **The Applicant has agreed to and shall file by plat as represented at the time of public hearing. The Applicant shall confirm the proper lot designations in respect of the Property (as subdivided) with the Ocean City Tax Assessor before the plat referenced herein is filed as aforesaid.**

B. The Applicant shall, prior to the issuance of any construction permit/building permit, reimburse the City of Ocean City for all professional fees and other expenses, including payment of a tax map fee, 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.

C. The Applicant will comply with the Planner's Report (including Review Comments 1. through 6. on page 4 thereof) and the Engineer's Report.

D. 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 March 11, 2026.

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

F. If necessary, 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 March 11, 2026.

G. If applicable, the Applicant (or future owner) shall satisfy the legal requirements of § 25-1900 (Affordable Housing Development Fees) for any development on proposed Lots 22.01 and 22.02.

H. If necessary, the Applicant shall comply with Article 1600 of the Ocean City Zoning and Land Development Ordinance in respect of Guarantees and Improvement Procedures. The Applicant has requested that the Board Engineer prepare separate cost estimates for development of the lots. The Applicant's compliance with Article 1600 of the Ocean City Zoning and Land Development Ordinance may be satisfied on an individual, per lot basis for proposed Lots 22.01 and 22.02.

I. The checklist waiver identified in the Planner's Report and the Engineer's Report for topographical data on-site and within twenty-five feet (25') of the site is granted. The checklist waiver identified in the Planner's Report and the Engineer's Report for

Sewerage Service Availability is deferred and remains a condition of any future approval. The Applicant shall provide service availability letters from all utilities for each lot.

J. All existing structures, improvements and existing concrete or flat work, now located on the Property are to be demolished and removed before the plat required in subparagraph A above is filed and a Certification of Demolition shall be provided by the Applicant.

K. The Applicant shall cause the setting of all legally required monuments at the Property and shall provide a certification that the monuments have been set to the reasonable satisfaction of the Engineer.

L. The Applicant shall comply with all provisions of the Ocean City Zoning and Land Development Ordinance, including without limitation § 25-1500.5.4 thereof, and any and all other municipal, county, state, or federal laws or regulations relating or applicable to the proposed minor subdivision of the Property, including but not limited to § 30-1, Schedule L of the Revised General Ordinances for the City of Ocean City.

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, by Ocean City Planning Board Member Jessel and seconded by Ocean City Planning Board Member Adams on March 11, 2026, ["Jessel Motion"]. The vote on the Jessel Motion was eight (8) in favor of and zero (0) against, with Ocean City Planning Board Members, Bekier, Adams, Birch, Jessel, Stell, Barnes, Dr. Vanderschuere and Loeper all voting in the affirmative.

OCEAN CITY PLANNING BOARD

JOHN LOEPER,
CHAIRPERSON

Dated: April 1, 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 March 11, 2026 memorialized herein pursuant to N.J.S. 40:55D-10 g. (2) on April 1, 2026.

JAIME M. FELKER,
Secretary, Ocean City Planning Board



SchaefflerNassarScheidegg

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

February 12, 2026

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

Re: **Proposed Minor Subdivision
Nemar 2 LLC & Samia Development Inc
3128 Asbury Ave
Block 3103, Lot 22
City of Ocean City, Cape May County, NJ
PBA 26-001 (Our File No. OC16-231)**

Dear Chairman Loeper and Planning Board Members:

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

1. Minor Subdivision, as prepared by Paul Koelling & Associates, LLC, signed by Paul M. Koelling, PLS, dated 01/23/26
2. Transmittal to Jamie Felker from Avery Teitler, dated 01/30/26
3. City of Ocean City Development Application
4. City of Ocean City Administrative Completeness Checklist
5. Certified list of property owners within 200', dated 01/21/26
6. Certificate of Title as prepared by Avery Teitler dated 01/30/26
7. Confirmation of Paid Taxes dated 01/20/26
8. Confirmation of proposed lot numbers

Description:

The applicant proposes to subdivide Block 3103, Lot 22 (3128 Asbury Ave) into two equal lots. Each new lot will be 30' x 100'. Lot 22 currently contains a multi-use building, garage, shed, raised patio and outdoor shower; all of which are to be demolished. No construction is proposed at this time.

This parcel is located within the Residential - 2 Family (R-2-30) Zone.

II. Completeness:

Our office has reviewed the submitted documents for conformance with the Minor Subdivision checklist. The following items, which are keyed to the minor subdivision checklist require waivers:

- a. 3. "All topographical data on-site and within twenty five feet (25') of the site. Contours shall be shown at one foot (1') intervals throughout." A waiver has been requested.
- e. "Sewerage Service Availability." A waiver has been requested. Required as a condition of any approval.

The application is complete based upon our review of the Minor Subdivision checklist.

III. Zoning:

Based upon our review, we offer the following comments:

The plans indicate that the proposed subdivision is to occur within the Residential – Two Family 30 Zone as shown on the current Ocean City zoning map. The purpose of the Residential – Two Family Zone is to provide for single and two-family dwellings.

Residential R-2-30 Zone

	Required	Existing	Proposed	Variance Required
<u>Min. Lot Area</u>		6,000 SF		
Lot 22.01	3,000 SF		3,000 SF	No
Lot 22.02	3,000 SF		3,000 SF	No
<u>Min. Lot Width</u>		60 FT		
Lot 22.01	30 FT		30 FT	No
Lot 22.02	30 FT		30 FT	No
<u>Min. Lot Frontage</u>		60 FT		
Lot 22.01	30 FT		30 FT	No
Lot 22.02	30 FT		30 FT	No
<u>Min. Lot Depth</u>		100 FT		
Lot 22.01	100 FT		100 FT	No
Lot 22.02	100 FT		100 FT	No

IV. Technical Comments:

1. The subdivision as proposed appears to meet the minimum standards of the R-2-30 zoning district.
2. The current submission is for the division of the parcel into two(2) conforming 3000 sf lots . No improvements are proposed.
3. This submission is strictly for the division of the land. Proposed architectural plans and grading plans have not been submitted to the Planning Board. Therefore, review and approval by the City Engineer for proposed grading and drainage is deferred until the time of submission to the city for a concrete and building permit.
4. The curb and sidewalk along Asbury Avenue shall be removed and replaced in accordance with City Standards. Details of the proposed curb and sidewalk shall be depicted on the grading plans when submitted. All concrete work shall conform with Sections 17-2 and 25-1711.28.
5. Parking for all future development shall meet the RSIS requirements.
6. As alley access is available, vehicular access from Asbury Avenue shall be prohibited for future development.
7. Review of landscaping and street trees is deferred to the Planning Board Planner.

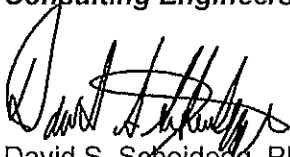
8. As a condition of any approval, the applicant shall submit letters to the City from the water and sewer utility company indicating availability/adequacy of services.
9. The applicant shall provide an Engineer's cost estimate for the calculation of performance and maintenance guarantees and inspection escrows as required by the City Code.
10. 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 Felker, (via e-mail)
Gary Griffith, Esq. (via e-mail)
Randall Scheule, PP/AICP (via e-mail)
Avery Teitler, Clients Attorney (via e-mail)
Paul Koelling, PLS (via e-mail)
Nemar 2, LLC & Samia Development, Inc, applicant (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: February 16, 2026

Zone: R-2-30 Zone

RE: **PBA 26-001, Nemar 2 LLC, & Samia Development, Inc.**
Owner: Threes Company, LLC
Block 3103, Lot 22, 3128 Asbury Avenue
Public Hearing – Minor Subdivision

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.

- Transmittal to Jaime Felker from Avery Teitler, January 30, 2026
- City of Ocean City Development Application and Checklists, January 28, 2026
- Confirmation of Paid Taxes, January 20, 2026
- Certificate of title, Avery Teitler, January 30, 2023
- Minor Subdivision Plan, Paul Koelling, January 23, 2026

PBA 26-001, Nemar 2 LLC, & Samia Development, Inc.

Owner: Threes Company, LLC

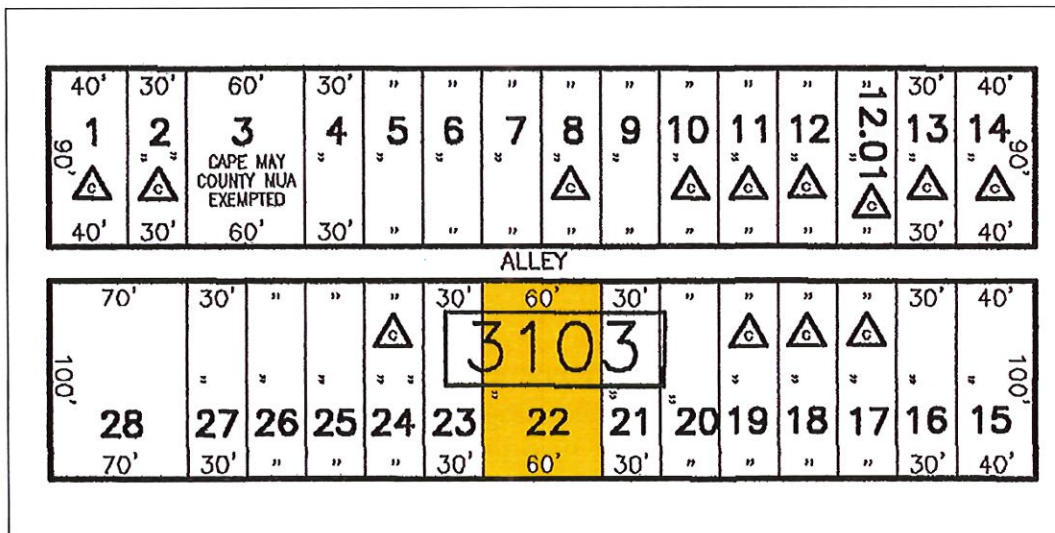
Block 3103, Lot 22, 3128 Asbury Avenue

- Tax Assessor's confirmation, January 27, 2026
- Ocean City Police report, February 6, 2026
- Ocean City Zoning Officer's report, February 12, 2026

Development Proposal.

Applicant requests minor subdivision approval to subdivide Block 3103, Lot 22 into two new lots. All existing structures and improvements are to be removed. No improvements or new development are proposed.

Tax Map (p/o Sheet 28)



Completeness.

Minor Subdivision.

25-1500.5.2 Plat Requirements.

a. *General Requirements.* The plat for a minor subdivision shall be drawn at a scale of not less than twenty feet (20') to the inch, shall conform to the provisions of the New Jersey Map Filing Law, N.J.S.A. 46:23-9.9 et seq., and shall include or be accompanied by the information specified below:

3. All topographical data on-site and within twenty-five feet (25') of the site. Contours shall be shown at one-foot (1') intervals throughout.

c. Detailed Information.

Waiver

PBA 26-001, Nemar 2 LLC, & Samia Development, Inc.

Owner: Threes Company, LLC

Block 3103, Lot 22, 3128 Asbury Avenue

5. Names and addresses of owner and subdivider so designated.

e. Sewerage Service Availability

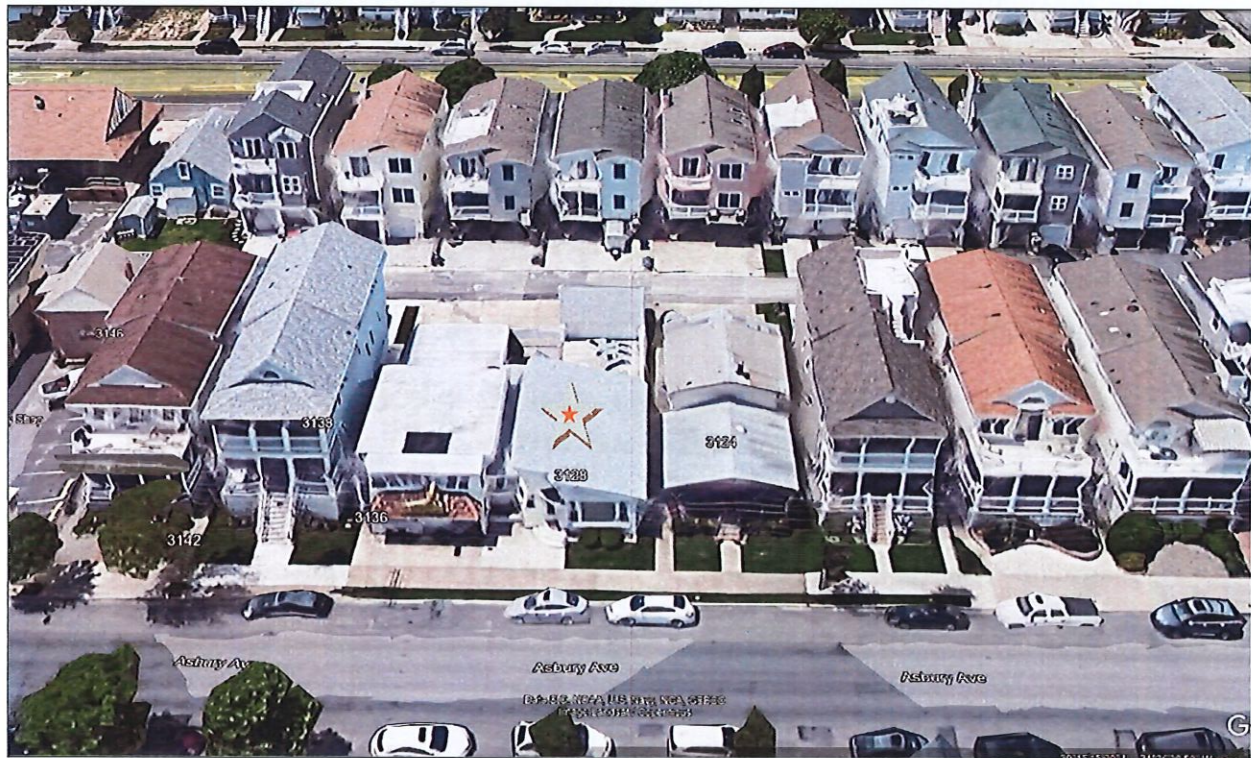
Waiver

This application may be deemed complete subject to approval of the above waivers.

Zoning Conformance - (R-2-30 Zone).

Zone Standard	Zoning Requirement	Existing Condition	Proposed Condition		Variance Required
			Lot 22.01	Lot 22.02	
Minimum Lot Area	3,000 SF	3,000 SF	3,000 SF	3,000 SF	No
Minimum Lot Width	40 FT	60 FT	30 FT	30 FT	No
Minimum Lot Frontage	40 FT	60 FT	30 FT	30 FT	No
Minimum Lot Depth	100 FT	100 FT	100 FT	100 FT	No

Google Aerial



PBA 26-001, Nemar 2 LLC, & Samia Development, Inc.

Owner: Threes Company, LLC

Block 3103, Lot 22, 3128 Asbury Avenue

Review Comments.

1. As indicated in the above zoning chart, both new lots conform to the R-2-30 zone minimum bulk requirements.
2. Note 9 on the plan indicates street trees, curb and sidewalk is to be provided as required by the City Code.
3. Vehicular access to both new lots shall be via the alley.
4. Off-street parking for each new dwelling shall be as required by the RSIS.
5. Prior to recording, the plan shall be revised to address the following:
 - a. Maximum Habitable Stories is 2.
 - b. FAR does not apply, and shall be removed.
 - c. Maximum permitted building coverage is 30%, or 40% if the development is designed in compliance with Section 25-204.27.
 - d. Maximum permitted impervious coverage is 60%, or 70% if the development is designed in compliance with Section 25-204.27.
 - e. Note 1 – According to the application, the owner is “Threes Company, LLC.
 - f. Note 2 – Tax Map sheet 28.
6. Review and comment regarding stormwater, grading, drainage, and utilities are deferred to the Planning Board Engineer.

Conditions of Approval.

1. Prior to recording the plat, the plans shall be revised as required to address conditions noted in this Report and as may be imposed by the Planning Board.
2. Prior to recording the plat, applicant shall reimburse the City of Ocean City for all reasonable charges resulting from the review of this application.
3. Prior to recording the plat, applicant shall pay tax map update fee as required by the City Code.
4. Prior to recording the plat, applicant shall provide confirmation of service availability from all utilities.

PBA 26-001, Nemar 2 LLC, & Samia Development, Inc.

Owner: Threes Company, LLC

Block 3103, Lot 22, 3128 Asbury Avenue

5. Prior to recording the plat, applicant shall provide an Engineer's cost estimate, and performance guarantee as required by the City Code.

Google Street View



C: Gary Griffith
Richard Carlucci
David Scheidegg
Avery Teitler
Paul Koelling
Nemar 2, LLC & Samia Development, Inc.

