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Ocean City, New Jersey 08226
(609) 399-6900
Attorneys for the Ocean City Planning Board

IN THE MATTER OF THE APPLICATION
OF THE SHORES AT WESLEY MANOR, INC.
FOR MINOR SITE PLAN APPROVAL,
CONDITIONAL USE APPROVAL,
VARIANCE AND WAIVERS FOR
BLOCK 2206, LOT 1.

OCEAN CITY PLANNING BOARD

APPLICATION NO. PBA 26-002

DECISION AND RESOLUTION

BACKGROUND OF DECISION AND RESOLUTION

1. THE SHORES AT WESLEY MANOR, INC. ["Applicant"] is the owner of certain lands and premises located in the City of Ocean City known as Block 2206, Lot 1 as shown on the current official tax map for the City of Ocean City, New Jersey commonly known as 2201 Bay Avenue, Ocean City, New Jersey ["Property"].

2. The Applicant has made application to the Ocean City Planning Board for (i) **minor site plan approval requiring conditional use approval** to construct a 1,375 SF elevated deck in the South Courtyard over a portion of an existing stormwater basin at the Property which is located in the (RMF), Residential Multi-family Zone; and, (ii) **variance** for impervious coverage because the maximum impervious coverage permitted is fifty-five (55%) percent and sixty-five and nine tenths (65.9%) percent is proposed. The Applicant also seeks completeness waivers from the plat requirements of the Ocean City Zoning and Land Development Ordinance as follows: Detailed information for (i) §

25-1500.13.2 c. 5 (b) The floor area (and floor area ratio where appropriate) of the existing and proposed building (listed separately; **(ii) § 25-1500.13.2 c. 5 (c)** The proposed use or uses and the floor area devoted to each use; **(iii) § 25-1500.13.2 c. 5 (i)** Building height measured from the appropriate reference point; **(iv) § 25-1500.13.2 c. 12.** Spot elevations at all four (4) corners of the subject parcel (oceanfront parcels require two (2) additional spot elevations, one (1) at midpoint on each of the two (2) side lot lines); **(v) § 25-1500.13.2 c. 15 (a)** Existing at a point of connection and all proposed manholes, sewer lines, water lines, fire hydrants, utility poles and all other topographical features of physical or engineering nature within the site and within fifty feet (50') thereof; **(vi) § 25-1500.13.2 c. 15 (b)** All existing structures on the site and within fifty feet (50') thereof, including their use, thereof indicating those to be destroyed or removed and those to remain; **(vii) § 25-1500.13.2 c. 15 (c)** Location, use, finished grade level, ground coverage, first floor and basement level elevations, front, rear and side setbacks of all buildings and other pertinent improvements; **(viii) § 25-1500.13.2 c. 15 (h)** Exterior lighting plan, including the location, direction of illumination, amount of illumination expressed in horizontal footcandles, wattage and drawn details of all outdoor lighting standards and fixtures; **(ix) § 25-1500.13.2 c. 15 (i)** Landscaping and screening plan including planting note and plant guarantees, showing the size, location, type, spacing and number of each type of tree, shrub and groundcover utilized; **(x) § 25-1500.13.2 c. 15 (j)** Location of signs and drawn details showing the size, nature of construction, height, lighting and content of all signs; **(xi) § 25-1500.13.2 c. 15 (k)** Drawn details of the type of screening to be utilized for refuse storage areas, air-conditioning units, outdoor equipment and bulk storage areas; and **(xii) § 25-1500.13.2**

c. 15 (m) 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 indicate 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.

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 April 1, 2026.

WITNESSETH

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

1. Paragraphs 1 through 3 set forth above in the Background of Decision and Resolution are incorporated by this reference as if specifically set forth herein at length; all appropriate applications have been filed; all required application fees have been (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 February 23, 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 March 3, 2026 ["Engineer's Report"] all of

which are incorporated by this reference as if specifically listed herein at this place. The Planner's Report is attached to this Decision and Resolution as Exhibit A and expressly made a part hereof and the Engineer's Report is attached to this Decision and Resolution as Exhibit B and expressly made a part hereof.

3. The Applicant was represented by Jon Batastini, Esquire at the time of public hearing. Mr. Batastini presented the Applicant's application for minor site plan approval requiring conditional use approval, variance, and completeness waivers in respect of the Property. The Property is located in the RMF, Residential Multi-Family Zone and is identified as Block 2206, Lot 1 as shown on the current official tax map for the City of Ocean City, New Jersey. The street address of the Property is 2201 Bay Avenue, Ocean City, New Jersey. The Applicant operates a nursing home at the Property. Nursing homes are a permitted conditional use in the RMF, Residential Multi-Family Zone. Mr. Batastini indicated that it was the Applicant's intention to construct a 1375 SF elevated deck in the South Courtyard over a portion of an existing storm water basin at the Property. The deck will be constructed with sufficient deck spacing to allow rainwater to directly pass to the existing storm water basin below. A variance for impervious coverage is required. The Applicant also seeks completeness waivers from the plat requirements of the Ocean City Zoning and Land Development Ordinance as follows: Detailed information for (i) § 25-1500.13.2 c. 5 (b) The floor area (and floor area ratio where appropriate) of the existing and proposed building (listed separately; (ii) § 25-1500.13.2 c. 5 (c) The proposed use or uses and the floor area devoted to each use; (iii) § 25-1500.13.2 c. 5 (i) Building height measured from the appropriate reference point; (iv) § 25-1500.13.2 c. 12. Spot elevations at all four (4) corners of the subject

parcel (oceanfront parcels require two (2) additional spot elevations, one (1) at midpoint on each of the two (2) side lot lines); **(v) § 25-1500.13.2 c. 15 (a)** Existing at a point of connection and all proposed manholes, sewer lines, water lines, fire hydrants, utility poles and all other topographical features of physical or engineering nature within the site and within fifty feet (50') thereof; **(vi) § 25-1500.13.2 c. 15 (b)** All existing structures on the site and within fifty feet (50') thereof, including their use, thereof indicating those to be destroyed or removed and those to remain; **(vii) § 25-1500.13.2 c. 15 (c)** Location, use, finished grade level, ground coverage, first floor and basement level elevations, front, rear and side setbacks of all buildings and other pertinent improvements; **(viii) § 25-1500.13.2 c. 15 (h)** Exterior lighting plan, including the location, direction of illumination, amount of illumination expressed in horizontal footcandles, wattage and drawn details of all outdoor lighting standards and fixtures; **(ix) § 25-1500.13.2 c. 15 (i)** Landscaping and screening plan including planting note and plant guarantees, showing the size, location, type, spacing and number of each type of tree, shrub and groundcover utilized; **(x) § 25-1500.13.2 c. 15 (j)** Location of signs and drawn details showing the size, nature of construction, height, lighting and content of all signs; **(xi) § 25-1500.13.2 c. 15 (k)** Drawn details of the type of screening to be utilized for refuse storage areas, air-conditioning units, outdoor equipment and bulk storage areas; and **(xii) § 25-1500.13.2 c. 15 (m)** 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 indicate 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.

John Halbruner was the first witness to testify in respect of the application. Mr. Halbruner is a licensed Engineer and registered Architect and was recognized by the Ocean City Planning Board as an expert. Mr. Halbruner is the engineer and architect engaged by the Applicant in respect of the minor site plan and conditional use approvals, variance, and completeness waivers for the Property. Mr. Halbruner provided a general description of the Property and the proposed minor site plan, conditional use, variance, and completeness waivers for the Property. Mr. Halbruner provided an overview of the project development. He testified that the deck will be used for outdoor activities for senior citizen residents at the Property. He testified that the south courtyard will not be visible from the street. He identified the variance for impervious coverage required for the project development. The variance for impervious coverage is required because the maximum impervious coverage permitted is fifty-five (55%) percent and sixty-five and nine tenths (65.9%) percent is proposed. He identified the waivers requested by the Applicant. He testified that the proposed construction would increase impervious coverage from 65.4% to 65.9%.

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

He testified that the construction of an elevated deck for senior citizen residents satisfied several purposes of zoning as detailed in N.J.S. 40:55D-2. He identified the following purposes of zoning that the proposed renovation promoted as found in N.J.S.

40:55D-2 a. (appropriate use of land thereby promoting public health, safety and general welfare) g. (to provide sufficient space in appropriate locations for a variety of ... residential, recreational ... uses ..., both public and private...in order to meet the needs of all New Jersey citizens) and l. (to encourage senior citizen community housing construction). He testified that the proposed project was consistent with the Master Plan for the City of Ocean City.

Mr. Halbruner testified that there was no detriment resulting from the proposed minor site plan, conditional use, variance, and waivers requested by the Applicant. He testified further that there was a benefit to the public by granting the minor site plan, conditional use, variance and waivers, especially when taking into consideration the purposes of zoning detailed in N.J.S. 40:55D-2 identified above as promoting public health and general welfare of senior citizens, encouraging senior citizen community housing construction, the intent of the RMF, Residential Multi-Family Zone, and the nature of the variance requested by the Applicant. In summarizing the testimony, Mr. Halbruner 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 was 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 and upon completion of Mr. Halbruner'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 will comply with (i) the Planner's Report and (ii) the Engineer's Report, as agreed by Applicant's counsel, Mr. Batastini. If necessary, the site plan will be revised to show all changes thereto consistent with the foregoing and all the representations and agreements placed on the record by the Applicant's counsel at the public hearing on April 1, 2026.

5. Upon completion of Mr. Batastini's presentation on behalf of the Applicant, receipt of the Planner's Report and the Engineer's Report, and receipt of comments by the Planner and Engineer, the meeting was then opened to the public. There was no public comment.

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 **(i) minor site plan approval and conditional use approval** to construct an elevated deck in the South Courtyard at the Property which is located in the RMF, Residential Multi-Family Zone; and, **(ii) variance** for impervious coverage because the maximum impervious coverage permitted is fifty-five (55%) percent and sixty-five and nine tenths (65.9%) percent is proposed.

The Applicant also seeks completeness waivers from the plat requirements of the Ocean City Zoning and Land Development Ordinance as follows: Detailed information for (i) § 25-1500.13.2 c. 5 (b) The floor area (and floor area ratio where appropriate) of the existing and proposed building (listed separately; (ii) § 25-1500.13.2 c. 5 (c) The proposed use or uses and the floor area devoted to each use; (iii) § 25-1500.13.2 c. 5 (i) Building height measured from the appropriate reference point; (iv) § 25-1500.13.2 c. 12. Spot elevations at all four (4) corners of the subject parcel (oceanfront parcels require two (2) additional spot elevations, one (1) at midpoint on each of the two (2) side lot lines); (v) § 25-1500.13.2 c. 15 (a) Existing at a point of connection and all proposed manholes, sewer lines, water lines, fire hydrants, utility poles and all other topographical features of physical or engineering nature within the site and within fifty feet (50') thereof; (vi) § 25-1500.13.2 c. 15 (b) All existing structures on the site and within fifty feet (50') thereof, including their use, thereof indicating those to be destroyed or removed and those to remain; (vii) § 25-1500.13.2 c. 15 (c) Location, use, finished grade level, ground coverage, first floor and basement level elevations, front, rear and side setbacks of all buildings and other pertinent improvements; (viii) § 25-1500.13.2 c. 15 (h) Exterior lighting plan, including the location, direction of illumination, amount of illumination expressed in horizontal footcandles, wattage and drawn details of all outdoor lighting standards and fixtures; (ix) § 25-1500.13.2 c. 15 (i) Landscaping and screening plan including planting note and plant guarantees, showing the size, location, type, spacing and number of each type of tree, shrub and groundcover utilized; (x) § 25-1500.13.2 c. 15 (j) Location of signs and drawn details showing the size, nature of construction, height, lighting and content of all signs; (xi) § 25-1500.13.2 c. 15 (k)

Drawn details of the type of screening to be utilized for refuse storage areas, air-conditioning units, outdoor equipment and bulk storage areas; and (xii) § 25-1500.13.2

c. 15 (m) 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 indicate 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.

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 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 constitutes 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, including the expert opinions furnished by Mr. Halbruner, 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. Specifically, as it pertains to the c. variance relief sought by the Applicant, the Ocean City Planning Board finds that: 1. The c. (2) criteria to grant the variances for: impervious coverage because the maximum impervious coverage permitted is fifty-five (55%) percent and sixty-five and nine tenths (65.9%) percent is proposed has been satisfied and, specifically as to the c. (2) criteria, the purposes of the Municipal Land Use Law would be advanced by a deviation from the Ocean City Zoning and Land Development Ordinance and the benefits of the deviation would substantially outweigh any detriment, taking into consideration the purposes of zoning detailed in N.J.S. 40:55D-2 a. (appropriate use of land) g. (providing sufficient space for outdoor residential use by senior citizens) and l. (encouraging senior citizen community housing construction), the permitted uses of the Property, the intent of the RMF, Residential Multi-Family Zone, and the nature of the variance requested by the Applicant; and, 2. There is no evidence whatsoever before the Ocean City Planning Board that the minor site plan, conditional use, variance, and checklist waivers as requested, if approved and granted, would have a substantial detriment to the public

good or substantially impair the intent and purpose of the zone plan and the Ocean City Zoning and Land Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Ocean City Planning Board on April 1, 2026 that the application made by the Applicant, THE SHORES AT WESLEY MANOR, INC. requesting land use approvals is determined as follows: (i) **minor site plan approval and conditional use approval** to construct an elevated deck in the South Courtyard at the Property which is located in the RMF, Residential Multi-Family Zone; and, (ii) **variance** for impervious coverage because the maximum impervious coverage permitted is fifty-five (55%) percent and sixty-five and nine tenths (65.9%) percent is proposed are **APPROVED AND GRANTED** and completeness waivers for: Detailed information for (i) § 25-1500.13.2 c. 5 (b) The floor area (and floor area ratio where appropriate) of the existing and proposed building (listed separately; (ii) § 25-1500.13.2 c. 5 (c) The proposed use or uses and the floor area devoted to each use; (iii) § 25-1500.13.2 c. 5 (i) Building height measured from the appropriate reference point; (iv) § 25-1500.13.2 c. 12. Spot elevations at all four (4) corners of the subject parcel (oceanfront parcels require two (2) additional spot elevations, one (1) at midpoint on each of the two (2) side lot lines); (v) § 25-1500.13.2 c. 15 (a) Existing at a point of connection and all proposed manholes, sewer lines, water lines, fire hydrants, utility poles and all other topographical features of physical or engineering nature within the site and within fifty feet (50') thereof; (vi) § 25-1500.13.2 c. 15 (b) All existing structures on the site and within fifty feet (50') thereof, including their use, thereof indicating those to be destroyed or removed and those to remain; (vii) § 25-1500.13.2 c. 15 (c) Location, use, finished grade level, ground coverage, first floor and basement

level elevations, front, rear and side setbacks of all buildings and other pertinent improvements; (viii) § 25-1500.13.2 c. 15 (h) Exterior lighting plan, including the location, direction of illumination, amount of illumination expressed in horizontal footcandles, wattage and drawn details of all outdoor lighting standards and fixtures; (ix) § 25-1500.13.2 c. 15 (i) Landscaping and screening plan including planting note and plant guarantees, showing the size, location, type, spacing and number of each type of tree, shrub and groundcover utilized; (x) § 25-1500.13.2 c. 15 (j) Location of signs and drawn details showing the size, nature of construction, height, lighting and content of all signs; (xi) § 25-1500.13.2 c. 15 (k) Drawn details of the type of screening to be utilized for refuse storage areas, air-conditioning units, outdoor equipment and bulk storage areas; and (xii) § 25-1500.13.2 c. 15 (m) 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 indicate 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 are **APPROVED AND GRANTED**.

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

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

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

C. The Applicant shall comply with all the representations and agreements placed on the record by the Applicant's counsel, professionals, and/or other representatives at the time of public hearing on April 1, 2026.

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

E. The Applicant shall cause all plans and documents to be revised consistent with the above referenced conditions and all of the representations and agreements placed on the record by the Applicant's counsel, professionals, and/or other representatives at the time of public hearing on April 1, 2026 including correcting the impervious coverage proposed on the zoning chart on Title Sheet G001 and revising the square footage of the elevated deck on the Hyland Group courtyard plan on sheet C102.

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

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

H. The Applicant shall comply with all provisions of the Ocean City Zoning and Land Development Ordinance, including **without limitation § 25-1500.13.3**

thereof, and any and all other municipal, county, state, or federal laws or regulations relating or applicable to the proposed project development at the Property.

This Decision and Resolution was adopted upon a motion, to be considered in the affirmative to approve the Applicant's request for land use approvals as aforesaid, made by Ocean City Planning Board Member Adams and seconded by Ocean City Planning Board Member Jessel on April 1, 2026 ["Adam's Motion"]. The vote on the Adam's Motion was eight (8) in favor of and zero (0) against with Ocean City Planning Board Members, Allegretto, Bekier, Adams, Halliday, Stell, Barnes, Jessel and Loeper all voting in the affirmative.

OCEAN CITY PLANNING BOARD

Dated: 5/13/26

JOHN LOEPER,
CHAIRPERSON

CERTIFICATION

I, JAIME M. FELKER, Secretary to the Ocean City Planning Board, do hereby certify that the foregoing Decision and Resolution was duly adopted at the meeting of the Ocean City Planning Board held on April 1, 2026 memorialized herein pursuant to N.J.S. 40:55D-10 g. (2) on May 13, 2026. This Decision and Resolution has been filed in the Office of the Ocean City Planning Board and is available for inspection upon request.

JAIME M. FELKER,
Secretary, Ocean City Planning Board



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

March 3, 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: **Minor Site Plan, Variance Relief**
The Shores at Wesley Manor Inc
Block 2206, Lot 1 & Block 2205, Lot 1
2201 Bay Ave
City of Ocean City, Cape May County, NJ
PBA26-002 (Our File No. OC16-232)

Dear Chairman Loeper and Planning Board Members:

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

1. First Floor Plan, as prepared by Spiezle Architectural Group Inc., signed by Steven Leone, dated 01/16/26
2. Minor Site Plan, as prepared by The Hyland Group, signed by John E Halbruner, consisting of the following pages:
 - G001 Title Sheet, dated 12/31/25, Last revised 01/21/26
 - G002 Property Owners within 200', dated 01/21/26
 - V101 Existing Conditions, dated 11/25/25
 - C101 Overall & Orientation Plan, dated 12/31/25
 - C102 Enlarged Southern Courtyard Plan and Details, dated 12/31/25
3. City of Ocean City Development Application
4. City of Ocean City Plat Requirements Minor Site Plan
5. City of Ocean City Plat Requirements Variance
6. Ocean City Planner's report, dated 11/30/2007
7. Ocean City Community Services' report, dated 09/23/2011
8. Ocean City Planner's report, dated 06/24/2014
9. Transmittal from Jon Batastini to Ocean City Planning Board, dated 2/3/26
10. Confirmation of Paid Taxes, dated 01/27/26
11. Adjacent Property Owners List dated 01/09/26
12. Ocean City Planning Board Decision and Resolution, Application 90-017F
13. Ocean City Planning Board Decision and Resolution, Application 90-017P
14. City of Ocean City Zoning Board of Adjustment Resolution 02-089
15. Reports from Ocean City engineering, zoning and construction departments, "No comment"

I. Description:

The applicant seeks minor site plan approval along with variance relief to add an outdoor patio space to the assisted living facility that is Shores at Wesley Manor. Variance relief is required for the impervious coverage increasing from to 65.8%. The new deck (1350 sf-per Hyland Plan, 1375 sf per Spiezle plan) is to be added to the South Courtyard, over a portion of the existing stormwater basin.

This parcel is located within the Residential Multi-Family (R-MF) Zone. The application proposes development pursuant to 25-204.7.

II. Completeness:

Our office has reviewed the submitted documents for conformance with the Minor Site Plan checklist. The following checklist items have not been addressed:

c. Detailed Information.

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

(b) The floor area (and floor area ratio where appropriate) of the existing and proposed building (listed separately). Waiver requested.

(c) The proposed use or uses and the floor area devoted to each use. Waiver requested.

(i) Building height measured from the appropriate reference point. Waiver requested.

12. Spot elevations at all four (4) corners of the subject parcel (oceanfront parcels require two (2) additional spot elevations, one (1) at midpoint on each of the two (2) side lot lines).

Waiver requested.

15. The following shall also be required unless the administrative officer determines that they are not necessary to provide a full understanding of the application:

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

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

(c) Location, use, finished grade level, ground coverage, first floor and basement elevations, front, rear and side setbacks of all buildings and other pertinent improvements. Waiver requested.

(h) Exterior lighting plan, including the location, direction of illumination, amount of illumination expressed in horizontal footcandles, wattage and drawn details of all outdoor lighting standards and fixtures. Waiver requested.

Based upon the requested waivers, the application is complete.

III. Zoning:

Based upon our review, we offer the following comments:

This parcel is located within the Residential Muti-Family Zone (RMF). Nursing Homes are a permitted conditional use in this zone.

The proposed patio/deck is an accessory use. There will be no new resident rooms or expansion of the intensity of the Nursing Home operation by this application.

Zoning Compliance – Residential Multi-Family Zone §25-204.7.5

Zoning Criteria	Required/ Permitted	Existing	Proposed	Variance Required
Use	Senior Housing and Nursing Homes	Senior Housing and Nursing Homes	Senior Housing and Nursing Homes	No
Minimum Lot Area	10,500 sf	277,500 sf	277,500 sf	No
Minimum Lot Depth	100'	555'	555'	No
Minimum Lot Width	115'	500'	500'	No
Minimum Lot Frontage	115'	500'	500'	No
Front Yard Setback (Bay Ave)	22'	101.10	101.10	No
Minimum Side Yard Setback	20'	32.9' (22 nd St) 22.5 (23 rd St)	32.9' (22 nd St) 22.5 (23 rd St)	No No
Rear Yard Setback	20'	76.79'	76.79'	No
Max Building Height	32' above BFE +1'	Not indicated	Not indicated	No
Habitable Stories	3			No
Max Building Coverage	35%	34%	34%	No
Max Impervious Cover	55%	65.4%	65.8%	Yes

III. Technical Comments:

1. The application requests approval for an indoor residential community area and outdoor patio space. Details for the "indoor residential community area" have not been provided. As such, this review is limited to the proposed outdoor patio space.
2. A variance for Impervious coverage for the proposed patio deck is required. Maximum 55% permitted. 65.8% proposed.
3. The application indicates no increase in stormwater runoff as the proposed patio deck spacing permits rainwater to directly pass to the stormwater basin below. The location of the patio deck is within the south courtyard and no runoff offsite from this contained area will occur.
4. Landscaping, Lighting and Signage items are deferred to the Planning Board Planner.
5. The proposed mechanical equipment shall meet minimum flood elevations per city code. Approval from the Construction Code Department will be required.

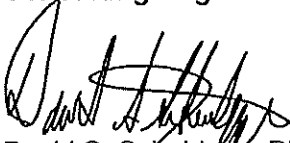
6. The applicant shall provide an Engineer's cost estimate, performance and maintenance guarantees as required by the City Code.
7. Applicant shall obtain all permits and or approvals from the City of Ocean City, Cape May County Planning, Cape-Atlantic Soil Conservation District and other entities having 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 and Rich Carlucci, Esq. (via e-mail)
Randall Scheule, PP/AICP (via e-mail)
Jon Battastini, Clients Attorney (via e-mail)
Hyland Design Group, Inc. (via e-mail)
The Shores at Wesley Manor, applicant (via e-mail)



SCHULE

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 23, 2026

Zone: Residential Multi-family Zone

RE: **PBA 26-002, The Shores at Wesley Manor, Inc.**
Owner: United Methodist Communities
Block 2206, Lot 1, 2201 Bay Avenue
Public Hearing – Minor Site Plan

Introduction.

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

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

Plans and Documents.

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

- Transmittal to Jaime Felker from Jon Batastini, February 3, 2026

PBA 26-002, The Shores at Wesley Manor, Inc.
Block 2206, Lot 1, 2201 Bay Avenue

- City of Ocean City Development Application and Checklist
- Minor Site Plan (6 sheets), The Hyland Group
 - G001 - Title Sheet, December 31, 2025, last revised January 21, 2026
 - G002 - Property owners, January 21, 2026
 - V101 - Overall Survey, November 25, 2025
 - V102 - South Courtyard Survey, November 25, 2025
 - C101 - Overall & Orientation Plan, December 31, 2025
 - C102- Enlarged Southern Courtyard Plan, December 31, 2025
- Architectural Plan, Spiegle Architectural Group, Inc., January 16, 2026
- Ocean City Planning Board Decision and Resolution, July 11, 1990
- Ocean City Planning Board Decision and Resolution, July 18, 1990
- Ocean City Zoning Board Resolution, June 18, 2003
- Ocean City Police report, February 9, 2026
- Ocean City Construction office report, February 12, 2026
- Ocean City Engineer's office report, February 12, 2026
- Ocean City Zoning Officer's report, February 12, 2026

Development Proposal.

The subject property is located in the Residential Multi-family (RMF) zone, and is improved with a 3-story nursing home and associated improvements. Nursing homes are a permitted conditional use in the RMF zone pursuant to § 25-208.1 Guiding Principles and General Provisions.

Applicant requests minor site plan and variance approvals to construct a 1,350 SF elevated deck in the South Courtyard.

25-1500.13.2 Minor Site Plan Completeness

c. Detailed Information.

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

(b) The floor area (and floor area ratio where appropriate) of the existing and proposed building (listed separately).

Waiver

(c) The proposed use or uses and the floor area devoted to each use.

Waiver

(i) Building height measured from the appropriate reference point.

Waiver

12. Spot elevations at all four (4) corners of the subject parcel (oceanfront parcels require two (2) additional spot elevations, one (1) at midpoint on each of the two (2) side lot lines).

Waiver

PBA 26-002, The Shores at Wesley Manor, Inc.
Block 2206, Lot 1, 2201 Bay Avenue

15. The following shall also be required unless the administrative officer determines that they are not necessary to provide a full understanding of the application:

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

Waiver

(h) Exterior lighting plan, including the location, direction of illumination, amount of illumination expressed in horizontal footcandles, wattage and drawn details of all outdoor lighting standards and fixtures.

Waiver

(i) Landscaping and screening plan including planting note and plant guarantees, showing the size, location, type, spacing and number of each type of street tree, shrub and groundcover to be utilized.

Waiver

(j) Location of signs and drawn details showing the size, nature of construction, height, lighting and content of all signs.

Waiver

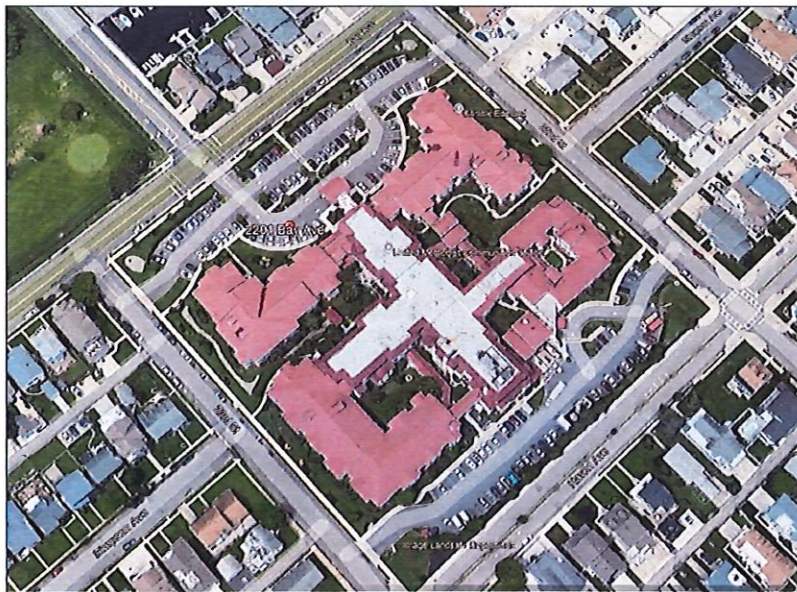
(k) Drawn details of the type of screening to be utilized for refuse storage areas, air-conditioning units, outdoor equipment and bulk storage areas.

Waiver

(m) 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 indicate 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.

Waiver

The Minor Site Plan may be deemed complete subject to approval of the above noted waivers.



PBA 26-002, The Shores at Wesley Manor, Inc.
Block 2206, Lot 1, 2201 Bay Avenue

Zoning Conformance.

Zone Standard	Zoning Requirement	Existing Condition	Proposed Condition	Variance Required?
Minimum Lot Area	10,500 SF	277,500 SF	277,500 SF	No
Minimum Lot Frontage	115 FT	500 FT	500 FT	No
Minimum Lot Width	115 FT	500 FT	500 FT	No
Minimum Lot Depth	100 FT	555 FT	555 FT	No
Minimum Front Setback Bay Avenue	22 FT	101.1 FT	101.1 FT	No
Minimum Side Setback 22 nd Street	21.09 FT	32.9 FT	32.9 FT	No
23 rd Street	21.09 FT	22.5 FT	22.5 FT	No
Minimum Rear Setback	20 FT	76.79 FT	76.79 FT	No
Maximum Building Ht. (above BFE+1)	32 FT	Not indicated	Not indicated	No
Maximum Building Coverage	35%	34 %	34 %	No
Maximum Impervious Coverage	55%	65.4%	65.8%	Yes

Summary of Variances and Design Waivers.

1. Maximum impervious coverage – 55% permitted, 65.8% proposed.

Review Comments.

1. The applicant should clarify the size of the proposed deck. The Hyland plan indicates 1,350 SF, whereas the Spiegle plan indicates 1,375 SF.

PBA 26-002, The Shores at Wesley Manor, Inc.
Block 2206, Lot 1, 2201 Bay Avenue

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

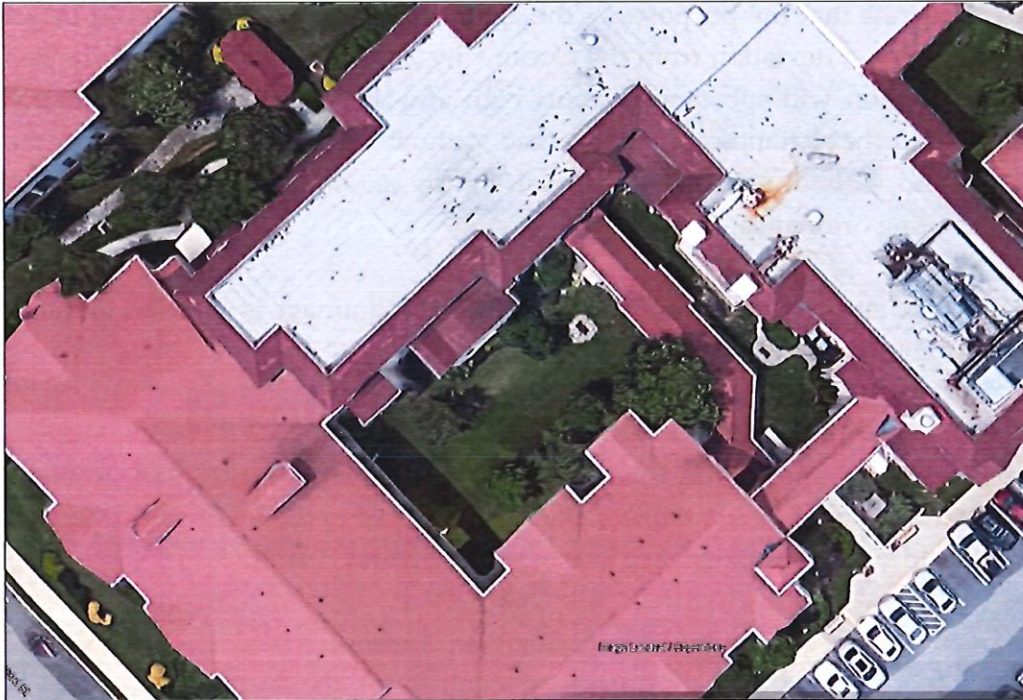
§ 25-1500.13.3 Conditions of Approval.

Any approval of an application for development for a minor site plan granted by the Planning Board or Board of Adjustment shall be subjected to the following conditions being satisfied prior to signing of the plat or issuance of a Zoning Permit.

<u>Conditions of Minor Site Plan Approval</u>	<u>Status</u>
Installation of or posting of performance guarantees for the installation of any improvements required by the Board.	<u>Pending</u>
Payment of any outstanding real estate taxes, assessments and professional fees.	<u>Pending</u>
Cape May County Planning Board approval if the site is located on the County road system.	<u>Pending</u>
New Jersey Water Company – Water and sewerage service availability letters.	<u>Pending</u>
Granting of a CAFRA permit, where required.	
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 25-900.8 of this Ordinance.	<u>Pending</u>
Any other conditions which may be imposed by the Board or may be required by Federal, State, County or municipal law.	<u>Pending</u>
A condition setting forth the time within which all conditions must be satisfied as described in § 25-900.10.	<u>Pending</u>

PBA 26-002, The Shores at Wesley Manor, Inc.
Block 2206, Lot 1, 2201 Bay Avenue

Aerial View South Courtyard



C: Gary Griffith
Richard Carlucci
David Scheidegg
Jon Batastini
John Halbruner

PBA 26-002, The Shores at Wesley Manor, Inc.
Block 2206, Lot 1, 2201 Bay Avenue

Craig Hoffman
The Shores at Wesley Manor, Inc.

