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IN THE MATTER OF THE APPLICATION
OF JP MORGAN CHASE BANK, N.A.
FOR PRELIMINARY AND FINAL MAJOR
SITE PLAN APPROVAL,
VARIANCES AND WAIVERS FOR
BLOCK 808, LOT 1

OCEAN CITY PLANNING BOARD

APPLICATION NO. PBA 26-011

DECISION AND RESOLUTION

BACKGROUND OF DECISION AND RESOLUTION

1. JP Morgan Chase Bank, N.A. ["Applicant"] is the owner of certain lands and premises located in the City of Ocean City known as Block 808, Lot 1 as shown on the current official tax map for the City of Ocean City, New Jersey commonly known as 201 9th Street, 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 **(i)** make alterations to the existing site to (a) construct one (1) new monument sign; (b) replace existing ATMs and ATM canopy with one (1) new ATMs and a lower profile canopy and (c) reorient certain parking spaces and make minor driveway improvements; **(ii) variances** for (a) permission to construct a monument sign because a monument sign is not permitted in the Drive-in Business Zone; (b) maximum sign height because a height of fifteen (15) feet is permitted and a height of seventeen (17) feet is proposed and (c) sign setback

because a minimum setback of eight feet six inches (8.5) feet is required from the nearest parking space to the base of the monument sign and three (3) feet is proposed; and **(iii)** completeness waivers.

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 September 2, 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 July 7, 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 July 14, 2026 [“Engineer’s Report”] all of which are incorporated by this reference as if specifically listed herein at this place. The Planner’s Report is attached to this Decision and Resolution as Exhibit A and expressly made a

part hereof and the Engineer's Report is attached to this Decision and Resolution as Exhibit B and expressly made a part hereof.

3. The Applicant was represented by Gregory D. Meese, Esquire at the time of public hearing on September 2, 2026. Mr. Meese presented the Applicant's application for preliminary and final major site plan, variances and completeness waivers in respect of the Property. The Property is located in the Drive-in Business (DB) Zone and is identified as Block 808, 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 201 9th Street, Ocean City, New Jersey. Mr. Meese provided a history of prior development at the Property which application was heard and granted by the Ocean City Planning Board on April 10, 2019 and memorialized on May 1, 2019. Mr. Meese outlined the site alterations, variances and completeness waivers sought by the Applicant. Mr. Meese noted the continuing renovation of the bank building, proposed improved traffic flow and ADA compliance to be achieved by the project. The Applicant also seeks completeness waivers

Mark DiMonte, P.E., was the first witness to testify in respect of the application. Mr. DiMonte is a civil engineer and was recognized by the Ocean City Planning Board as an expert. Mr. DiMonte is the engineer engaged by the Applicant in respect of the preliminary and final major site plan approval, variances and completeness waivers for the Property. Mr. DiMonte provided a general description of the Property and the proposed preliminary and final major site plan. Mr. DiMonte provided an overview of the project development. He testified about the replacement of the existing ATMs and ATM canopy with the new ATMs and a lower ATM canopy and revisions to the curb

cuts for driveway entrances/exits. All three driveway entrances/exits will comply with the July 6, 2026, police department traffic safety report recommendation that they be right turn only for exiting vehicles and signs will be installed for that purpose. The new Chase Bank monument sign will be located in the same location as the Republic Bank sign and landscaping will be placed around the new monument sign. During the testimony of Mr. DiMonte Exhibit A-1 sheet EX-3 (depiction of the location of tree plantings) and Exhibit A-2- sheet EX-1 (rain garden) were marked for identification and received into evidence. Upon completion of Mr. DiMonte's testimony, he addressed questions from Ocean City Planning Board Members.

Spach Trahan, P.P./AICP was the second witness to testify in respect of the application. Ms. Trahan is a professional planner and was recognized by the Ocean City Planning Board as an expert. Ms. Trahan is the professional planner engaged by the Applicant in respect of the preliminary and final major site plan approval, variances and completeness waivers for the Property. She testified that the large ATM canopy will be removed and three additional parking spaces will be provided. The sidewalk will be improved and will be ADA compliant.

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

Ms. Trahan testified that the proposed development requires three variances for use of a monument sign, sign height and sign setback. She testified that the proposed project satisfied several purposes of zoning identified in N.J.S. 40:55D-2 a. (promote the general welfare) and i. (promotion of a desirable visual environment). She testified that

the proposed monument sign is slender and compatible with the building and other monument signs in the vicinity. The monument sign is a better planning alternative than a free-standing sign. The proposed setback is sufficient distance from the nearest parking space. She testified the monument sign, additional landscaping and removal of the large canopy will enhance the appearance of 9th Street. The improvements will give new life to a vacant building.

Ms. Trahan testified that there was no detriment resulting from the proposed preliminary and final major site plan, variances, and completeness waivers requested by the Applicant. She testified further that there was a benefit to the public by granting the preliminary and final major site plan and variances, especially when taking into consideration the purposes of zoning detailed in N.J.S. 40:55D-2 identified above, the enhanced visual environment offered by the proposed project and the nature of the variances requested by the Applicant. She testified that there would be no substantial impairment of the Master Plan or zoning ordinance as a result of granting the variances and approving the application overall; instead, the application advances a Master Plan goal for the DB zone, to “enhance the appearance of 9th Street and West Avenue.” In summarizing the testimony, Ms. Trahan offered her 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 her 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.

Upon completion of Ms. Trahan's testimony, she addressed questions from Ocean City Planning Board Members. 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 September 2, 2026.

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. Meese.

5. Upon completion of Mr. Meese'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. The following members of the public testified and offered comments in respect of the application as follows:

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, Mr. Meese provided a summary of the Application and reasons for approval. Thereafter 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 **(i)** make alterations to the existing site to (a) construct one (1) new monument sign; (b) replace existing ATMs and ATM canopy with a new ATMs and a lower profile canopy and (c) reorient certain parking spaces and make minor driveway improvements; **(ii) variances** for (a) permission to construct a monument sign because a monument sign is not permitted in the Drive-in Business Zone; (b) maximum sign height because a height of fifteen (15) feet is permitted and a height of seventeen (17) feet is proposed and (c) sign setback because a minimum setback of eight feet six inches (8.5) feet is required from the nearest parking space to the base of the monument sign and three (3) feet is proposed; and **(iii) completeness waivers**.

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 categories 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. DiMonte and Ms. Trahan, 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 (a) use of a monument sign; (b) maximum sign height because a height of fifteen (15) feet is permitted and a height of seventeen (17) feet is proposed and (c) sign setback because a minimum setback of eight feet six inches (8.5) feet is required from the nearest parking space to the base of the monument sign and three (3) feet is proposed 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. (promote the general welfare) and i. (promotion of a desirable visual environment) the permitted uses of the Property, the aesthetic quality of the proposed improvements, the enhanced visual environment offered by the proposed

project, the intent of the DB Drive-in Business Zone, and the nature of the variances requested by the Applicant; and, 2. There is no evidence whatsoever before the Ocean City Planning Board that the preliminary and final major site plan, variances, and completeness 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 September 2, 2026 that the application made by the Applicant, JP Morgan Chase Bank, N.A. requesting land use approvals is determined as follows: **(i) preliminary and final major site plan approval** to **(i)** make alterations to the existing site to (a) construct one (1) new monument sign; (b) replace existing ATMs and ATM canopy with new ATMs and a lower profile canopy and (c) reorient certain parking spaces and make minor driveway improvements; **(ii) variances** for (a) permission to construct a monument sign because a monument sign is not permitted in the Drive-in Business Zone; (b) maximum sign height because a height of fifteen (15) feet is permitted and a height of seventeen (17) feet is proposed and (c) sign setback because a minimum setback of eight feet six inches (8.5) feet is required from the nearest parking space to the base of the monument sign and three (3) feet is proposed; and **(iii) completeness** waivers.

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 September 2, 2026 including making a shade tree contribution for seven (7) trees and the granting of an easement to the City of Ocean City that will encompass the public sidewalk on 9th street.

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 September 2, 2026 which revisions include, but are not limited to, (1) the revisions contained in the Engineer's Report dated July 14, 2026 and Planner's Report dated July 7, 2026; and (2) all signage to be Manual on Uniform Traffic Control Devices (MUTCD) compliant, Hanover ADA pavers, concrete curb details, a revised survey, 9th Street sidewalk easement to be depicted in

revised survey, right turn only signs at each of the three exits, the relabeling of the plans to indicate 201 9th Street

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 Applicant's requests for the completeness waivers identified in the Planner's Report and the Engineer's Report are granted.

H. If applicable, the Applicant (or future owner) shall satisfy the legal requirements of § 25-1900 (Affordable Housing Development Fees) for any development of the Property.

I. The Applicant agrees to have the Board Engineer prepare an Engineer's cost estimate and to schedule a pre-construction meeting.

J. The Applicant shall comply with all provisions of the Ocean City Zoning and Land Development Ordinance, including without limitation **§ 25-1500.8.3 and § 25-1500.10.3** thereof, and any and all other municipal, county, state, or federal laws or regulations relating or applicable to the proposed project development at the Property.

This Decision and Resolution was adopted upon a motion, to be considered in the affirmative to approve the Applicant's request for land use approvals as aforesaid, made by Ocean City Planning Board Member Jessel and seconded by Ocean City Planning Board Member Birch on September 2, 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 Allegretto, Birch, Barnes, Halliday, Jessel, Stell, Dr. Vanderschuere and Loeper all voting in the affirmative.

OCEAN CITY PLANNING BOARD

Dated: October 14, 2026

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 September 2, 2026 memorialized herein pursuant to N.J.S. 40:55D-10 g. (2) on October 14, 2026. This resolution has been filed in the office of the Board and is available for inspection upon request.

JAIME M. FELKER,
Secretary, Ocean City Planning Board