

# Memorandum

To: Sea Isle City Planning Board

From: Andrew A. Previti, P.E.

Date: May 3, 2024  
**August 19, 2024 - Update**

Subject: 42<sup>nd</sup> Place, LLC – Mixed Use Development The Ludlam  
4000 Landis Ave  
Block: 40.03, Lots: 1.04, 4, 12, 20, 21, 22, 23, & 24  
C-5 Motel Business Zoning District  
City of Sea Isle City, Cape May County, New Jersey

CED Project No.: SIP0089

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## I. Background

The applicant has submitted an application for Preliminary and Final Site Plan Review along with a request for variance relief and design waivers.

The property in question is well known to the Board members and is located at the corner of John F. Kennedy Boulevard and Landis Avenue in the center of the City's main business district. The parcel has 200 foot of frontage on John F. Kennedy Boulevard, 220 foot of frontage on Landis Avenue and 250 foot of frontage along 40th Street. Therefore, the parcel is surrounded on three (3) sides by County and Municipal Right of Ways. The overall parcel has a lot area of 49,500 sq. ft., and therefore complies with the minimum lot area requirement of 5,000 sq. ft. required by the C-5 District.

The project site currently is developed with Ludlam Bar and Grill, Shorebreak Café and a twenty-four (24) unit hotel. These uses and structures are scheduled for demolition in May of 2024.

The applicant is proposing to construct a twenty-six (26) unit hotel facility and twenty (20) fee-simple condominium units along with hotel amenities including a restaurant with indoor/outdoor bar, a pool and a bakery/coffee shop. The Application Rider describes the twenty six (26) hotel units as one (1) bedroom units. However, this is not correct and should be corrected. The architect's plans for the project at Drawing

PB-6, PB-7 and PB-8 indicate the actual number of bedrooms as follows:

<u>Drawing -</u>	<u>Hotel Suites</u>	<u>Bedrooms per Suite</u>
PB-6	10	All 3 Bedroom Suites
PB-7	8	4 – 3 Bedrooms 2 – 2 Bedroom

<u>Drawing -</u>	<u>Hotel Suites</u>	<u>Bedrooms per Suite</u>
PB-8	8	4 - 3 Bedrooms 2 - 2 Bedroom 2 - 1 Bedroom
<b>Totals</b>	<b>26</b>	<b>66 Bedrooms</b>

Therefore, the overall project will have twenty-six (26) hotel suites with a total of sixty-six (66) bedrooms and a twenty (20) unit fee simple condominium facility.

**Status: The applicant’s attorney at the August 12, 2024 Completeness Review indicated that the hotel units would only be rented as three (3) bedroom suites and not as single rooms. The applicant should provide testimony relative to this at the hearing and this proposal to rent the twenty-six (26) suites only as suites and not individual rooms should be a condition of any approval which the Board may grant.**

The hotel amenities include a restaurant with an indoor/outdoor bar, a pool, and a bakery/coffee shop as noted previously. The property would have pedestrian access primarily from Landis Avenue and would have vehicular access from both John F. Kennedy Boulevard and 40<sup>th</sup> Street. The project will provide ninety-four (94) onsite parking spaces with four (4) of those spaces being Electric Vehicle Charging Station Parking Spaces. Electric vehicle parking spaces receive one (1) credit per space therefore, the total parking spaces when this credit is added would be ninety-eight (98) parking spaces. The project will include a stormwater recharge system as part of the site improvements as well as landscape improvements, lighting, concrete and paver access ways and various other improvements.

**Status: The revised plans indicate a total of one hundred two (102) on-site spaces with six (6) spaces for EV Charging Station Parking Spaces. I calculate a total of one hundred six (106) spaces, seventy-four (74) traditional spaces, plus twenty (20) stacked spaces, plus six (6) EV spaces and six (6) “bonus” spaces for providing EV stations. This would total one hundred six (106). There would be one hundred (100) total spaces actually not counting the EV “bonus” spaces. This includes the twenty (20) stacked parking spaces which require variance relief as noted in the Variance Chart below. Valet parking is no longer being proposed.**

All hotel suites would exceed the minimum floor area of two hundred eighty-five (285) square feet. The hotel suites and the residential condominium units would be physically separated as part of the design and the architect will explain this.

The application has been accompanied by the following documents which have been submitted for review:

<u>Drwg.</u>	<u>Title</u>	<u>Prepared By</u>	<u>Date</u>	<u>Revision</u>
PB-1	Title Sheet	George W. Thomas, PE, PP, RA	11/17/23	<b>07/23/2024</b>
PB-2A	Site & Parking Garage, Geometry	George W. Thomas, PE, PP, RA	11/17/23	<b>07/23/2024</b>

<u>Drwg.</u>	<u>Title</u>	<u>Prepared By</u>	<u>Date</u>	<u>Revision</u>
	Plan			
PB-2B	Building Geometry Plan	George W. Thomas, PE, PP, RA	11/17/23	<b>07/23/2024</b>
PB-3	Landscape & Lighting Plan	George W. Thomas, PE, PP, RA	11/17/23	<b>07/23/2024</b>
PB-4	Grading & Drainage Plan	George W. Thomas, PE, PP, RA	11/17/23	<b>07/23/2024</b>
PB-5	Utilities & Signage Plan	George W. Thomas, PE, PP, RA	11/17/23	<b>07/23/2024</b>
PB-6	First Floor Plan	George W. Thomas, PE, PP, RA	11/17/23	<b>07/23/2024</b>
PB-7	Second Floor Plan	George W. Thomas, PE, PP, RA	11/17/23	<b>07/23/2024</b>
PB-8	Third Floor Plan	George W. Thomas, PE, PP, RA	11/17/23	<b>07/23/2024</b>
PB-9	Roof Plan	George W. Thomas, PE, PP, RA	11/17/23	<b>07/23/2024</b>
PB-10	Restaurant	George W. Thomas, PE, PP, RA	11/17/23	<b>07/23/2024</b>
PB-11	Landis Ave & Kennedy Blvd Elevations	George W. Thomas, PE, PP, RA	11/17/23	<b>07/23/2024</b>
<b>NOTE: Incorrectly Noted on Plans as 44<sup>th</sup> Street</b>				
PB-12	Left Side & Rear Elevations	George W. Thomas, PE, PP, RA	11/17/23	3/12/24
PB-13	Flood Proofing Plan	George W. Thomas, PE, PP, RA	11/17/23	3/12/24
V101	Survey of Premises	HDG Engineering	6/29/18	---

The application requires variances from the requirements of the C-5 Motel Business District. These variances are outlined in the Variance Chart below.

**VARIANCE CHART**

<u>Parameter</u>	<u>Required or Permitted</u>	<u>Proposed</u>	<u>Variance</u>	<u>Code Section</u>
1. Building Height	39 Ft. above Local Design Flood Elevation	42 ft – 10inches	3 ft.' – 10inches	26-56.9.a
2. Total Sign Area	80 s.f.	243 s.f.	163 s.f.	26-28.3.a

**VARIANCE CHART - Continued**

3.	Number of Freestanding Signs Per Street Frontage	1	2 On JFK Frontage	1	26-25.3.j.1
4.	Max. Area of Freestanding Signs	30 s.f.	60 s.f. 3 Separate Freestanding Signs	30 s.f.	26-28.3.j.1
5.	Setback of Freestanding Signs	5 ft.	1.75 ft.	3.25 ft.	26-28.3.j.2
6.	Max Front Yard Setback	5 ft.	60 ft. from JFK Property Line	55 ft.	26-56.5.a.2

**Note: Deed Restriction requires that sixty (60) feet of property measured from the JFK Blvd. property line not be used for building purposes.**

7.	Transparency % Glass	33%	Less than 5% along 40 <sup>th</sup> St.	28%	26-42.3.d
8.	Windowsills Not More than 3 ft above grade		6 ft above on Landis Ave. 8 ft above on JFK	3 ft. 5 ft.	26-42.3.d.3
9.	Stacked Parking	Prohibited Except for Single or 2-Family Dwellings	20 Stacked Spaces	20 Stacked Spaces	26-23.5
10.	Street Trees	1 tree for Every 40 feet Of frontage JFK – 5 Landis 6 40 <sup>th</sup> St. 6	JFK – <del>0</del> 1 Landis Ave. 2 40 <sup>th</sup> St. 6	<del>4</del> Trees 4 Trees 0 Trees	26-25.4.b 26-25.4.b
11.	On-Site Trees	1 per 2,000 sf. Of Lot Area 25 Required Trees	4 Trees	21 Trees	26-25.5.c

**VARIANCE CHART - Continued**

<b><u>Parameter</u></b>	<b><u>Required or Permitted</u></b>	<b><u>Proposed</u></b>	<b><u>Variance</u></b>	<b><u>Code Section</u></b>
12. Buffer Plantings Trees	5 Shade per	JFK -- 0 Trees	10 Trees	26-25.7.(d)
	100 ft. of St.	Landis - 0 Trees	11 Trees	26-25.7.(d)
	Frontage	40 <sup>th</sup> St - 0 Trees	0 13 Trees	26-25.7.(d)
	JFK - 10 Trees			
	Landis - 11 Trees			
	40 <sup>th</sup> St. - 13 Trees			
13. Parking Area Landscape Buffer	5 ft.	1 foot	4 ft.	26.25.7.a

**II. Determination for Completeness**

The applicant attended a March 6, 2024, Workshop of the Planning Board Review Committee to review the project and to address a list of items which was prepared for discussion at the meeting. The Review Committee determined that the application required revision and additional information including the following:

1. A revised site plan to reflect the items discussed at the Work Session.
2. A narrative of how the proposed twenty-six (26) hotel units would be operated and this narrative should address the minimum and maximum lengths of stays, who will be operating the hotel, whether the hotel units could be sold and any other operating procedure which the Board may require.
3. A written narrative as to how the applicant will address the requirements of Code Section 26-43-Affordable Housing, especially Section 26-43.2-Mandatory Affordable Housing Set Aside.
4. A copy of the CAFRA permit for this project.

The site plan has been substantially revised to address the majority of the items discussed at the March 6, 2024, Work Session. However, a narrative concerning how the hotel would operate and a narrative concerning compliance with affordable housing requirements has not been submitted. The applicant has submitted a copy of a CAFRA permit on April 30, 2024, however, this permit has an approval date of March 13, 2020 and reflects approval for a forty-six (46) unit hotel, not the mixed use residential development which is being currently proposed. Therefore, it appears that the CAFRA permit will require a modification.

The Board will have to decide if the application as submitted in its present form is complete and if the Board can grant approvals at this time, or whether additional information is required.

**Status: The applicant attended an August 12, 2024 Completeness Review and the Board's Review Committee deemed the application conditionally complete. The applicant has submitted a narrative relative to how the hotel will operate, however, the Review Committee felt this was**

**inadequate and the condition was to require a more detailed narrative operation plan in writing that addresses how the hotel would operate in more detail.**

**The applicant has submitted via their attorney a narrative as to how they propose to address affordable housing requirements.**

**A copy of the CAFRA permit was submitted as noted. However, my comment about the need for a modification continues.**

**The Review Committee deemed the application Conditionally Complete, conditioned on the submission of a detailed Operations Plan in written form.**

### **III. Site Plan Review**

The following comments are keyed to the attached Site Plan Review Checklist:

#### **2. Proposed use or uses of the land and buildings**

A description of the proposal has been provided as noted above. The Planning Board Review Committee requested that a narrative be prepared to address how the proposed twenty-six (26) unit hotel facility would operate. That narrative has not been submitted to date.

**Status: More detailed operations Plan is required.**

#### **3. Site Plan Scale**

The plan has been prepared at a scale of one inch (1") equals fifteen feet (15 ft.) which exceeds the ordinance requirements. A waiver will be necessary, and I would recommend that the Board could grant this waiver.

**Status: Comment Continues**

#### **14. Boundaries of the Property and Building and Setback Lines**

A variance will be necessary for the proposed setback of the freestanding signs, as well as for the maximum front yard setback off of John F. Kennedy Boulevard which is proposed as sixty (60) feet where five (5) feet is permitted. I would note that the sixty (60) foot setback has been proposed to comply with a Deed Restriction on this property which requires that sixty (60) feet of the property measuring from the John F. Kennedy Boulevard property line not be used for building purposes, as noted in the Variance Chart.

Drawing PB-2 A should call out the required ten (10) foot setback of the building from the adjacent R-2 Residential Zoning District which is required as part of the requirements of the C-5 District.

**Status: Comment Continues. Ten (10') foot setback noted on sheet PB-2B.**

## 15. Utilities

### A. Sanitary Sewer System

- a. The Utility & Signage Plan Drawing PB-5 indicates that the three (3) existing sanitary sewer laterals off of Landis Avenue will be extended and will service the new development. However, Don Teefy, The Director of the Department of Public Works has indicated that there is a problem with one (1) of these existing sanitary laterals. A new lateral was constructed off of 40<sup>th</sup> Street under City Project SIC0232. I will provide the architect with an as-built plan locating this lateral. The architect should contact Mr. Teefy to determine which of the three (3) laterals off of Landis Avenue are a problem.

**Status: Architect has been provided with as-built plans.**

- b. The applicant should coordinate the connection of the sanitary sewer services with the Municipal Engineer and the Director of the Department of Public Works. A note to this effect should be added to the plans.
- c. A treatment works approval will be necessary for this project as will be discussed in Comment 36.

**Status: Comments b & c continue.**

### B. Water Distribution System

- a. Water services and a fire line have also been provided off of 40<sup>th</sup> Street under project SIC0232. I will provide the architect with a copy of the as-built plan for the water distribution system for his use.

**Status: Architect has been provided with as-built plans.**

- b. The applicant should address how the building will be metered for water usage. The plans do not indicate the location of a meter room and the applicant should address this.

**Status: A meter room is noted on the plans. However, the Director of the Department of Public Works wants to eliminate meter rooms from projects. The architect should meet with the Director of the Department of Public Works to address this issue as noted in Comment C below.**

- c. Connection to the water distribution system must be coordinated with the Municipal Engineer and the Director of the Department of Public Works and a note to this effect should be added to the plan.

**Status: Comment Continues.**

C. **Stormwater Management System**

- a. The application is subject to the requirements of Code Section 26-38 Stormwater Management Systems. The project engineer has prepared a stormwater plan which is proposing to use a stormwater recharge system to address runoff from the site. The system will be provided with overflow to the surface onsite and the grading will direct this overflow to John F. Kennedy Boulevard.

The proposed system is generally acceptable and the CAFRA permit issued for a previous project indicates that the proposed system is acceptable and does not have to meet the Best Management Practices "BMP" of the NJDEP. I have the following comments concerning this stormwater management system and the grading plan which will require revisions to the plan as follows:

- (1) 40<sup>th</sup> Street has been reconstructed under City Project SIC0233A. A concrete gutter has been added to the street and this should be reflected on the project plans as will be indicated in Comment 18e.

**Status: Plans should show existing concrete gutter.**

18. **Vehicle Ingress and Egress**

- a. Label the proposed bollards and electric box on Drawing PB-2A.

**Status: Label on PB-5 should also be labeled on PB-2A.**

- b. Provide a bollard detail.

**Status: Comment Continues.**

- c. The various details relative to the driveway shown on PB-4 should indicate that the reinforcing rods be epoxy coated.

**Status: Comment Continues.**

- d. The applicant at the Work Session indicated that valet service will be provided for the hotel guests. The applicant should provide testimony relative to this and how access to the site will be controlled.

**Status: Valet parking eliminated from plan.**

- e. 40<sup>th</sup> Street has been reconstructed under City project number SIC0233A as noted previously. A concrete gutter has been installed along 40<sup>th</sup> Street to address the drainage problem in that area. The concrete gutter should be noted on the project plans, and I will provide the architect with a copy of the plans for the reconstruction of 40<sup>th</sup> Street.



The various driveways which were to be reconstructed under the 40<sup>th</sup> Street project were eliminated from the project upon agreement with the Construction Manager for the proposed project. This was done to provide access as necessary for the demolition of the building. The plans for this project, especially the grading plan Drawing PB-4 should be revised to reflect the roadway design elevations for project SIC0233A. The proposed depressed curb elevations for the proposed driveway at 40<sup>th</sup> Street may require revisions due to the new roadway elevations. The architect should obtain as-built elevations for the roadway where the driveway will be constructed and should also indicate on PB-4 the existing driveways which will be removed and the new curb and sidewalk which will be constructed in addition to the new driveway apron.

**Status: Comment Continues.**

**19. Location and Design of Off-Street Parking Areas**

- a. The applicant should explain the proposed traffic pattern on site and how this will be regulated. The issue about valet parking should also be addressed.

**Status: Comment Continues. Applicant should address elimination of valet parking.**

- b. Drawing PB-2A contains some errors in the number of parking spaces and the overall length of parking spaces in the front of the building. These should be corrected.

**Status: Comment Continues.**

- c. The proposed depressed curb at the ADA spaces is noted on PB-2A. Additional Top of Curb (TC) and Bottom of Curb (BC) elevations for this depressed curb should be added to PB-4. The limits of the proposed depressed curb should also be shown on PB-4.

**Status: Comment Continues.**

- d. A variance will be necessary for stacked parking as noted in the variance chart.

**Status: Comment Continues.**

- e. The applicant should explain if parking spaces will be assigned to Fee-Simple Condominiums and should also explain how the stacked parking spaces will be managed.

**Status: Comment Continues.**

- f. General Note 10 on PB-1 relative to the required number of parking spaces is not consistent with the information in the Zoning Chart on PB-1 nor the Parking Chart on PB-2A. This should be reconciled.

**Status: Note 10 is now consistent on the plans. However, the total number of spaces should be checked. I calculate one hundred six (106) spaces including 6 “bonus” EV spaces.**

- g. Three (3) parking spaces are proposed to be parallel to the new drive aisle from Landis Avenue and would be located near the entrance to the hotel as shown on Drawing PB-2A. The location of these spaces will require passengers to exit the vehicles into the drive aisle and into the path of guests driving to hotel as well as delivery trucks. This issue was raised with the designs in previous submissions to the Zoning Board and Planning Board and a Speed Hump has been added to the plan at this drive aisle to minimize the impact on these three (3) spaces. The addition of the speed hump is acceptable.

**Status: Satisfied.**

- h. **The plans should indicate which of the proposed EV Stations are Make Ready Stations and which parking spaces will have actual charging stations.**

## **20. Truck Loading and Unloading Area**

- a. A loading area has been provided and the size conforms to the requirements of Code Section 26-24.2.b of the Code. The architect should provide testimony relative to the screening requirements of Code Section 26-24.2.b. A variance will be necessary if compliance with these standards cannot be met.

**Status: Comment Continues.**

## **21. Refuse and Garbage Disposal and Recycling**

- a. The applicant has received input from the Department of Public Works during the preparation of plans on prior submissions. The location and number of receptacles in the Refuse and Garbage Disposal and Recycling area conform to the previous input from the DPW. Any further input from the DPW should be incorporated into the design.

**Status: Comment Continues.**

- b. The applicant should provide testimony concerning how solid waste and recyclables will be collected. Will this be by the City or a private hauler?

**Status: Comment Continues.**

- c. Any approval which the Board may grant should be conditioned on the applicant satisfying any further requirements of the Department of Public Works relative to recycling and solid waste storage and pick up. The dimensional limits of the proposed depressed curb for access to the trash and recycling area are shown on PB-2A and should also be added to PB-4.

**Status: Comment Continues.**

**22. Screening and Storage of Equipment**

- a. The architect should provide testimony concerning the location and the proposed screening for the HVAC system. The HVAC units will be roof mounted and the architect should provide testimony as to whether these units will be totally screened from view by the proposed roof.

**Status: Comment Continues.**

**24. Existing and Proposed Signs**

- a. A sign variance will be necessary as indicated in the variance chart.

**Status: Comment Continues.**

**25. Off-Site Sidewalks / On-Site Exits, Walks and Sidewalks**

- a. The plans reflect consistency with the City's Streetscape Plan along Landis Avenue frontage.
- b. Additional Top of Curb (TC) elevations should be provided on PB-4 for the proposed new curb along Landis Avenue.

**Status: Comments Continue.**

**26. Landscape Plans**

- a. None of the plant materials listed in the Landscape Schedule on drawing PB-3 comply with the Plant Materials listed in Code Section 26-25.6. The architect should review this list and revise the schedule accordingly. Given the scope of this project consideration should be given to retain the services of a Landscape Architect to design the landscaping plan.
- b. A variance will be necessary for the number of street and on-site trees required as noted in the variance chart.
- c. Some of the proposed landscaping along 40<sup>th</sup> Street will be in the public right-of-way. This will require an Encroachment Agreement with the City. **This should be made a condition of approval.**
- d. Code Section 30-2.9k requires a "a landscape buffer strip be established along lot lines which abut a residential district as designated on the zoning map". The northern one hundred ten (110) feet of the site borders Lot 19 which is located in the R-2 Two-Family Residential Zoning District. Therefore, this area should have a required buffer strip and the buffer strip should comply with the requirements of Code Section 26-25.7. The project plans indicate that this area is to be utilized as four (4) parking spaces and also indicates there is an existing six (6) foot high fence owned by the owner of Lot 19. The Board must decide if this is a sufficient buffer to satisfy the code requirements.

**Status: Comments a., b., c & d. Continue.**

**27. Improvements to Adjoining Streets and Roads**

- a. A concrete gutter has been installed along 40<sup>th</sup> Street frontage and the proposed gutter will not be necessary as shown on the plans. The gutter was installed by the City to facilitate paving along 40<sup>th</sup> Street which has been completed.
- b. Any necessary restoration along Landis Avenue or John F. Kennedy Boulevard must satisfy the requirements of the Cape May County Engineering Department. Permits from that department will be necessary for any curb construction along Landis Avenue or John F. Kennedy Boulevard.

**Status: Comments Continue.**

**30. Preliminary Architectural Floor Plans and Elevations**

- a. The proposed design is consistent with the Architectural Design Standards of Code Section 26-42 with the exception of the required percent of glass. A variance has been requested from this requirement.

**Status: Satisfied.**

**32. Fire Prevention Plan**

- a. A fire suppression system will be necessary for this project. The architect should provide testimony concerning the type of system to be employed.
- b. Comments from the City's Fire Department should be reviewed by the Board. These comments should be incorporated into the plans as necessary.

**Status: Comments Continue.**

**33. Flood Zone and Base Flood Elevation**

- a. It was recommended at the Work Session that the architect obtain a letter from the Flood Plain Administrator indicating the Flood Zone in which the property is located, the Base Flood Elevation (BFE) of that flood zone, the Local Design Flood Elevation (LDFE) for that flood zone and the elevation to which the structure must be flood proofed. The applicant should indicate if this letter was requested and received.
- b. The architect should provide testimony on the required flood proofing measures proposed.

**Status: Comments a. and b. continue.**

**34. Final Lot Grading Plan**

- a. See Comments 18e, 19c and 25b.
- b. Depressed curb elevations for the ADA parking spaces to be located in the front of the building should be added to PB-4 as well as the limits of this depressed curb.

- c. The grading of the site is generally acceptable. The site will be raised considerably but will slope to existing conditions at the western end of the property. This pertains to the portion of the site adjacent to John F. Kennedy Boulevard.
- d. One (1) of the proposed elevations of BC 8.0 located in the parking space closest to Landis Avenue and the building does not appear to be correct. This BC of 8.0 indicates slope toward the drive aisle which has an elevation BC 8.2 and this should be corrected.

**Status: Comments a., b., c., and d. continue.**

### **36. Detailed List of Additional Permits Required**

- a. The proposed project will require Treatment Works approval from the NJDEP since the project will generate more than eight thousand (8,000) gallons per day of flow. Therefore, General Note 13 on PB-1 should be revised to reflect this.

**Status: Comments Continue.**

- b. The CAFRA permit recently provided by the applicant has an approval date of March 13, 2020, and reflects an approval for a forty-six (46) hotel suites and other amenities as well as ADA parking spaces. Special Condition No. 1 indicates the following:

**Any additional development including but not limited to a change in the use of the property or other related construction will require either a modification to CAFRA Permit No. 0509-19-0012.1 LUP190001 or a new CAFRA permit depending on the size and scope of the proposed development as well as the activity status of the existing CAFRA permit.**

The application is proposing a change in use to reflect a mixed use instead of simply a commercial hotel use. The addition of the residential component may affect the required number of parking spaces as required under the Residential Site Improvement Standards (RSIS). The applicant should address whether a modification to the permit has been requested and should also address the requirements of the RSIS standards.

**Status: The applicant has submitted a letter dated May 31, 2024 from Mr. Michael Lucey of Water's Edge which indicates that in Mr. Lucey's opinion a modification of the CAFRA permit is not required. The City's Construction Official has reviewed this letter and while he respects Mr. Lucey's opinion would like to see a letter from the NJDEP which indicates whether a modification of the CAFRA is or is not required. The Construction Official assists the NJDEP in enforcing CAFRA conditions and wants to be sure that Conditions are satisfied as noted in the permit.**

- c. The applicant should address the status of all other necessary governmental approvals.  
**Status: Comment Continues.**

**38. Parking and Pedestrian Vehicular Movement Requirements under the Americans with Disabilities Act of 1990**

- a. The architect should provide testimony as to whether the project as proposed will satisfy the ADA requirements for both pedestrian and vehicular movements on site.

**Status: Comment Continues.**

**IV. Additional Comments**

1. Comments from the City Police and Fire Departments and the Department of Public Works should be considered by the Board.
2. A condition of approval should require the applicant to attend a pre-construction meeting with the City's Police Department and the Municipal Engineer before any activity, including foundation for the building is undertaken. The applicant's builder should be present at any pre-construction meeting.

The applicant and his representatives did attend a pre-construction meeting for the building demolition with the police department and the Municipal Engineer.

3. The Board must condition any site plan approval on other governmental approvals. The Board should also discuss a mechanism for Board review of any changes to the Board approved plans, if approved by any outside agency such as the Cape May County Planning Board or the NJDEP.
4. A note has been added to the plans that all electrical services are to be located underground and this is acceptable.

Drawing PB-5 indicates the location of the proposed underground services which appears to extend from an existing electrical box located on-site. If for some reason the existing electrical box is not useable and a new box is required, this box must be located on-site and not within the Public Right of Way. **This should be made a condition of approval.**

5. The ridge height noted on PB-2A reflects a height of forty-three point zero one (43.01) feet from elevation 12. This is not consistent with the plan which reflects a proposed height of forty-two feet ten inches (42' 10"). The note on PB-2A should be revised accordingly.
6. A plan of construction should be prepared as part of the Construction Plans. The plans should address construction phases, site security during construction, pedestrian safety, staging areas, material deliveries and any other construction related activity. **This should be made a condition of approval.**
7. The applicant should submit a narrative of how the proposed twenty-six (26) hotel suites units will operate. The narrative should address minimum and maximum lengths of stays, who will be operating the hotel, whether the hotel units could be sold, and any other operating procedures that the Board may require. This has not been submitted to date. I would recommend that this be a written narrative and not simply oral testimony.

8. The applicant should address how they propose to comply with the requirements of Code Section 26-43 - Affordable Housing, especially section 26-43.2 – Mandatory Affordable Housing Set Aside. Compliance should be made a condition of any approval which the Board may grant.

**Status: Comments 1 thru 7 Continue. Comment 8 has been addressed and should be a Condition of Approval.**

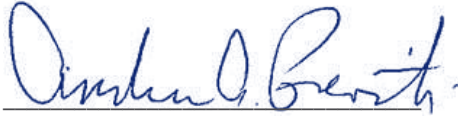
V. **Recommendations**

1. The Board must determine if it has received sufficient information to act on this application and whether the application is complete or conditionally complete.
2. The outstanding items mentioned in this report should be addressed by the applicant and the engineer and architect.
3. The applicant and their professionals should provide testimony as to why the Board should grant the variances which are required for this application.
4. The Board has the discretion to grant the variances requested or could decide to grant some of the variance while denying others. The Board Solicitor will advise you relative to this issue.
5. If the Board is to grant the variances requested and if the Board takes action on preliminary and final site plan approval, then these actions should be conditioned on the applicant submitting the revised plans to satisfy the issues noted in this report and action on any other variance requested.

Any approval shall be conditioned upon the applicant obtaining all other governmental approvals and must submit copies of these approvals to the Board Secretary and Board Engineer, including Cape May County Planning Board and any modifications to the CAFRA permit. The project will also require TWA approval from the NJDEP, and this also should be provided. These approvals should also include approvals from the Department of Public Works relative to connection to the City's utilities as well as the acceptability of the proposed solid waste and recycling plan.

6. I would recommend that the Board require the applicant to return to the Board once they have received Cape May County Planning Board approval and any modified approval from the NJDEP for Board review. Alternatively, the Board could consider authorizing the Board Chairperson, the Board Solicitor and Board Engineer to review any approvals from other agencies and to determine if those approvals have modified to the plans to such an extent that further Board review is necessary.

**Status: Recommendations 1 thru 6 continue. The Planning Board's Review Committee did deem this application conditionally complete at it's August 12, 2024 meeting.**



Andrew A. Previti, P.E.  
Municipal & Board Engineer

AAP/dpm

Site Plan Check List Attached

- cc. Planning Board Members (via Board Secretary)
  - Genell Ferrilli, Board Secretary (via email)
  - Jon Batastini, Esquire, Board Solicitor (via email)
  - George Savastano, PE Business Administrator (via email)
  - Don Teefy, Jr. , Director of Public Works (via email)
  - Mary Romano, Safety Officer (via email)
  - Cornelius Byrne, Construction Official (via email)
  - Mariah Rodia, Construction Office (via email)
  - Christopher Glancey,
  - Robert Morris,
  - Michael Malinsky
  - George W. Thomas, PE, RA (via email)
  - Andrew Bechtold, RA (via email)
  - Andrew D. Catanese, Esq. Monzo, Catanese Delollis (via email)