# UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT MEETING MINUTES NOVEMBER 5, 2020

The regular meeting of the Upper Township Zoning Board of Adjustment was held as a virtual meeting and began at 7:30 p.m.

# SUNSHINE ANNOUNCEMENT SALUTE TO THE FLAG ROLL CALL

Present: Sherrie Lisa Galderisi, Richard Mashura, Karen Mitchell, Lynn Petrozza, Christopher Phifer, Andrew Shawl, Larry Trulli, Matthew Unsworth.

Absent: Joseph Healy, Mark Pancoast, and Paul Casaccio.

Also, in attendance were Jeffrey Barnes, Board Solicitor; Paul Dietrich, Board Engineer; Shelley Lea, Board Secretary and Zoning Officer.

# SWEAR IN PAUL DIETRICH, SHELLEY LEA AND TIFFANY MORRISEY

# **APPLICATIONS**

# 1. <u>STRATHMERE MOTEL, INC. – BLOCK 834 LOT 1 – BA 09-2020</u>

Applicant is requesting preliminary and final site plan approval, a use variance for the expansion of a non-conforming use in the RC zone and height and bulk variances to construct a 15-unit hotel at 513 Commonwealth Avenue in Strathmere.

Solicitor Barnes informed the board that today he received a phone call from Raymond Went, an attorney representing objectors of the application. His expert Stephen Hawk's father does business with Mr. Unsworth. Mr Hawks father is involved with Mr. Unsworth's modular home business since he is a sales representative at a company that provides materials for foundations. He has had conversations with Mr. Went and Mr. King as to whether a conflict exists. He has sent a memo to them both indicating that based upon the factual circumstances that exist coupled with the case law and appropriate statutes and facts he does not believe a conflict exists. Mr. King and Mr. Went both stated in an email to him that they do not feel a conflict exists and Mr. Unsworth can continue to chair this meeting.

Richard King, Esquire, representing the applicant, stated that the presentation by William McLees, Architect, last month included a thoughtful design intended to balance the concerns of many different interest holders, including the owner who needs it to be an economically viable project, the consumer wanting a modern long term vacation amenity, and the neighbors who do not want a monolithic monstrosity in their midst. He stated the

## UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT NOVEMBER 5, 2020 PAGE 2 OF 11

motel is already there, and the question is whether a new modern, commercially viable, safely designed structure will be built or if the existing structure will limp along the edge of economic utility until something else goes on the lot. The lot cannot support two smaller structures given its inability to be subdivided because of septic issues. A large house could be built on the lot, or a restaurant or bar without a use variance.

Mr. King stated that Lance Landgraf reviewed the zoning ordinance issues. He explained why this hotel, although not permitted in this seaside resort town, is particularly well suited for this location given it is in a resort commercial zone, on a major thoroughfare and on a large lot. He described the purposes of zoning and special reasons supporting this project.

Mr King stated they plan to address questions raised by the Chairman at the end of last month's meeting regarding other zones that allow hotels and height concerns. After that Robert Bruce will describe the modern septic system design that has been accepted by the County and a stormwater management system that substantially reduces the burden on the municipal system by 80% in a 100-year storm.

William C. Mclees, Architect and Lance Landgraf, Licensed New Jersey Planner, were sworn in.

Mr. McLees testified regarding the height of the structure using the exhibit "Height Analysis". The heights of buildings in Strathmere are regulated from the flood protection elevations. Building number one is a buy right structure built at grade on the lot and complying with the 35' height requirement and equating to 39' from grade. The middle building is what they are prosing, 40'1" to the top of the roof from the flood protection elevation which equates to 44'1" from the ground plain. The third is a building that appears to be buy right if it were built in a lower grade plain elevation following the requirements in the ordinance and taking advantage of the prior ordinance that allowed the roof access. The exhibit shows that what they are proposing may not be the tallest building. Another exhibit "Height Analysis" shows grade plain elevations for 5 properties in Strathmere. The chart shows their proposed structure is 4' higher than 301 Commonwealth Avenue which is two blocks away. The chart shows the subject property is lower than the structure at 1113 Commonwealth Avenue. He testified that the proposed hotel will not stick out of the skyline of Strathmere like a sore thumb. He stated they will be one of the tallest buildings in Strathmere but not the tallest. The chart shows how their structure relates to others in Strathmere.

Mr. Landgraf testified only 301 S. Commonwealth shown on the exhibit is in the RC zone. He confirmed that he has been to the site several times and has looked at the surrounding neighborhood. The chart described by Mr. McLees shows that other properties on Commonwealth Avenue are roughly the same height which adds to his belief that this property is particularly well suited and can accommodate this height. He stated the building is higher than the 1 or  $1\frac{1}{2}$  story structures but it would not stick out 1

### UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT NOVEMBER 5, 2020 PAGE 3 OF 11

like a sore thumb. The average height in this area ranges between 41 and 45 feet above grade.

Mr. Landgraf stated that at the end of the prior meeting the Chairman had a question as to how they compare to other zones that allow hotels. The TV, MTCD, WTC, TC and TCC allow hotels. An exhibit "Bulk Analysis" shows the TV zone allows hotels on lots 15,000 SF and their lot is 16,000 SF. The other zoning districts requirements start out at 40,000 sq. ft. much larger parcels than there are in Strathmere. He compared the subject lot to what is required in the TV zone and testified they comply with most of those requirements. The TV zone does not have the flood elevation like the barrier islands that push the structures out of the ground. He feels their site is particularly well suited since what they are proposing is similar to what is needed in the TV zone. He feels that if you were looking at a similar zone the proposed structure is consistent with the intent and general scheme shown in the exhibit. Lots 40,000 sq ft. are impossible to find in Strathmere since the island is not very wide and gets very narrow.

Robert Bruce, Professional Engineer, was sworn. He testified that because of the highwater table on site, the proposed parking areas and access drives will be constructed using a porous paving surface rather than asphalt. Soil logs shows the high tide measurement is approximately 21 to 24 inches, which does not allow any room for underground pipe installation. The parking and driving areas over a stone storage bed will be supplemented with pavers to permit the onsite storage of the DEP water quality storm and the 2-year storm. The predeveloped site grading condition provides runoff to inlets at the intersection of Commonwealth Avenue and Sumner and Sheridan Avenues. While the post development impervious coverage increases, the traditional run off volume is stored by the porous pavement and the stone bed system. The post development grading condition reduces the runoff to these inlets at the 80-percentile reduction required by the NJDEP for the 100-year storm. The project also removes 80% of the total suspended solids in accordance with NJDEP Best Management Practices Manual. The stone storage bed will completely drain in 2 hours significantly less than the 72 hours required by NJDEP. This will reduce the flow from the subject site and store runoff on site. There is a decrease in the runoff coming from the post developed site.

Mr. Bruce testified the septic system would be installed parallel with Commonwealth Avenue and along the rear property line. It is designed in accordance with NJDEP standards for a 15-unit hotel. The system is comprised of a 4,000-gallon pretreatment tank, a pressure dosing or a pump tank with a disposal bed that is approximately 12' wide x 156' long. It is surrounded by a 4' masonry wall along the entire perimeter. On top of the wall is a 4' high safety rail. The Cape May County Health Department has accepted the design subject to approval of the treatment works by the NJDEP. The septic system he designed is a substantial upgrade to what is there now. The current system would not pass today's standards.

Mr. King stated this concludes his presentation.

## UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT NOVEMBER 5, 2020 PAGE 4 OF 11

Ms. Mitchell asked Mr. Bruce if he worked with the township to come up with the proposed design. Mr. Bruce testified that he conferred with Mr. Dietrich on the stormwater design.

Mr. Phifer asked how many square feet each of the six pods are. Mr. Mclees testified it is about 2,100 sq ft per pod. There is between 12,000 to 13,000 sq ft total building space.

Mr. Shawl asked if the code still allowed access to the roof decks. Mr. Dietrich explained that roof top decks are permitted but they can only be 25% of the roof. The access to the roof top deck must meet the height requirement. He asked about habitable floors above base flood and the elevator shaft on top of the structure. Mr. McLees testified the deck is at the 4<sup>th</sup> floor but is complete above the roofline. The elevator is providing service to the 4<sup>th</sup> floor and the overrun above the roof line is only mechanical equipment.

Mr. Unsworth asked the volume of the new structure versus the old structure. Mr. McLees testified 80,000 cubic feet for the existing motel and 120,000 for the proposed hotel which is about a 50% increase in volume. This calculation does not facture in exterior balconies since they are not enclosed.

Mr. Dietrich testified he did go over the drainage scenario with Mr. Bruce. The revisions you see are based on conversations they had. He stated that in Strathmere there are always minor deviations from the standards because of the height. Therefore, he felt it was critical to add some stormwater control and not push the water off the site. He feels the pervious paving on site will help add ground water recharge and get the water into the ground and not in the street.

Mr. Dietrich testified regarding the septic. He stated the entire level of the bed is above BFE. The area is based on using an advanced treatment system. He believes the applicant conforms to the standard for this type of system.

Tiffany Morrissey testified that item 2C in her report talks about the variance for the elevator access. She does not believe this variance is required. There are different types of variances requested. The D1 use variance as it relates to the property being expanded is more of a D2 variance for expanding a hotel use or basically enlarging the structure and using more of the property. The applicant must demonstrate an enhanced burden finding that the purposes of the municipal land use law are being advanced. The applicant must also demonstrate that the negative criteria is satisfied. The applicant's planner gave testimony about the special reasons and the purposes of zoning they felt were enhanced through this application. Proofs were given for both the D1 and D2 variances. A D6 variance is needed for the height of the building since it exceeds more than 10% what is permitted in this zone. There are various bulk variances that have been identified by the applicant, but these variances are subsumed into the use variance criteria. That is because when you have a use that is not permitted in a district you are not always going to meet the criteria since they are not specifically set for this type of use. The board must determine if the purposes of zoning continue to be advanced. The

## UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT NOVEMBER 5, 2020 PAGE 5 OF 11

board wants to be sure the site can accommodate what is proposed and look at it against the impact of the negative criteria as to whether there is a significant impairment to the zoning ordinance or zone plan and does not create a substantial detriment to the zone plan and zoning ordinance and is there a substantial detriment to the public good. It is good to look at what is allowed and what is existing and the level of impact from the proposed development.

Raymond Wenz, Esquire, represented Christopher and Jessica Kohles owners of 17 E. Sumner Avenue in Strathmere. He asked Mr. McLees if there are 16 operating units at the motel since he is told there are only 9 at this time.

Stephen Maloney, 513 Commonwealth Avenue, was sworn. Mr. Maloney testified that since he purchased the property in 2011 there have been 16 operating units and an owner's quarters.

Mr. Went then asked Mr. McLees about light, air and open space between the pods and his testimony that Strathmere is akin to Atlantic City. Mr. McLees testified the space in between the individual units step down at the top floor and in between they step back. There is open air space at the top floor. Mr. Mclees testified he was referring to AC in comparison to other boutique motels they are doing and another one they are working on right now.

Mr. Went asked if the fire company had responded to a question asked last month if the fire company could handle a fire at this location. Mr. King read into the record an email to Shelley Lea from Bruce W. Riordan, Chief, dated October 17, 2020. Mr. Went stated there has to be a design that would not max out the site. Mr. McLees testified this hotel was designed to accommodate a family for a week stay. He stated that smaller rooms are for 3 or 4 nights. He does not feel that smaller rooms are what this market is. If the number of units is reduced that brings into question the economic viability of having a hotel. Mr. Went commented that how much money Mr. Maloney will make or not make should not factor into whether the variance criteria is met.

Mr. Went asked questions of Mr. Landgraf. Mr. Landgraf agreed that one of the purposes of zoning is to provide light, air, and open space. In his opinion the proposed height of the hotel could not be determined by standing in the street. He stated that the home across the street could not see the difference between a 38' structure versus a 44' structure. He testified that Mr. Kohles could potentially, but there are other buildings just as high or close to that height in the neighborhood. He does not have any photos of these buildings. He stated that during his many visits to the site he walked and drove the area and looked at other buildings in the neighborhood. They had building records pulled to show the heights of existing buildings in the area. The heights of those structures are not much different than what is proposed. He agrees this building is larger than a single family home. He commented this is a commercial zone and that there are other commercial uses that could be put on the property. He concurred the existing structure will be demolished. He stated they attempted to meet all the setbacks for the zone but the

## UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT NOVEMBER 5, 2020 PAGE 6 OF 11

criteria for the area and bulk requirements is subsumed into the D variance, so they are only requesting variances for height and use. They meet most of the setbacks and for that reason he feels they are providing light, air, and open space. When asked about creating a hotel with more conservative standards Mr. Landgraf compared the proposed hotel with the standards in the TV zone where they would comply with all the standards except height and one setback. He stated it is hard to create something when using a zoning ordinance that doesn't anticipate your use. It is hard to comply with setbacks for different uses. He testified that he reviewed the Master Plan and that it particularly focuses on the height of single-family homes. He stated the use is not permitted which is why they are requesting a use variance. He feels the site is particularly well suited for this use because it is an existing hotel, is in the commercial district and designed to fit into the parameters of this site. Mr. Went stated the uses that are permitted in this zone do not have 24-hour occupancy.

There was a 10-minute break. The resumed with Mr. Went questioning the professionals for the applicant.

Mr. Bruce testified that he is not familiar with the Upper Township Wastewater Management Plan. He stated he did not familiarize himself with this plan since he figured it deals with sewer service areas and Strathmere would be outside of the sewer service area. Mr. Went asked why he did not testify using NJA7:9 regarding sewage and wastewater. Mr. Bruce stated this project conforms with 7:9a. He has a letter from the Cape May County Health Department that he will provide to Mr Went.

Jessica Kohles, 17 E. Sumner Avenue; Christopher Kohles, 17 E. Sumner Avenue; Stephen Hawk, Professional Planner and Sandford Mirsky, Professional Engineer, were sworn.

Mr. Went stated this is a massive structure being proposed. He stated the first  $2\frac{1}{2}$  stories are a wall, 170 feet long, from corner to corner.

Mr. Kohles testified that he has been coming to Strathmere since he met his wife 24 years ago. Within the past 5 years they built their house well within 200' of the proposed hotel. He is strongly opposed to the application. He shared a drone video showing a bird's eye view of how the proposed hotel will affect the village of Strathmere. On September 4, 2020, a licensed drone pilot recorded a video of the area where the proposed hotel is slated to be erected. He stated that Strathmere is far from a typical beach town. The island is only two blocks wide and only one block wide in the Whale Beach section. There is one road entering and exiting the village. It is the only beach town in New Jersey that has septic systems. Strathmere is 95% residential and only 5% are multifamily. In the past years they have seen many commercial businesses in Strathmere closing. Most of those properties have become single family residences. He stated the height of the drone is referenced on the video. The video was taken on a Friday at 11 a.m. and shows the existing motel parking lot already full and street parking on Sumner Avenue is at capacity. He referred to what the parking would be like after the structure triples in size. As the drone flies to 45' the approximate height of the proposed hotel, it shows the impact the structure

## UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT NOVEMBER 5, 2020 PAGE 7 OF 11

will have on the residents by blocking light, ocean views and sunrises. The drone then lowers to 28' the roofline of the home directly across from the motel. Instead of an ocean view all they will see is a long wall. The recording shows how the structure would be completely out of character in this residential community. Its size and bulk will be visible for miles. Its negative characteristics including its height and density are not in harmony with this sleepy village and will be the Spinnaker of Strathmere. As the drone looks north it shows this as the second highest structure, the highest being the water tower. The greatest impact will be on the block between Sherman and Sumner Avenues. This block is 50% quaint one level cottages, and it will tower over them creating an imposing shadow, blocking light, air and sunset views and invading privacy. He respectfully asked the board not to approve this development, to uphold the newly passed ordinance and preserve Strathmere.

Jessica Kohles testified that she and her husband own a home at 17 E. Sumner Avenue that they use year-round. She is opposed to the development of a hotel as presented by Mr. Maloney and his professionals. Strathmere has been a part of her families lives for over 50 years. She testified that Strathmere is an escape from the crowds, over development and lack of openness associated with city living. What is being proposed will not only impact her quality of life but also her neighbors, the entire community and mainland UT residents that enjoy the pristine beaches. She referred to this as the former motel since it has not been run like one since 2018, but instead a place for Mr. Maloney's family and friends to rent rooms on a seasonal basis. There is no phone number or website to book a room. The room numbers and sign have been removed. The current building is two stories, and the septic is behind the structure and parking on the Sumner Avenue side of the property. She stated that everything including the variances being requested goes against the new Master Plan. A structure almost 44' to the top of the roof that spans an entire block less than 200' from her home is an evesore. This height does not include the elevator shaft and six fireplace chimneys. Instead of a sunset view she will be looking at a wall. The next highest structure is the water tower. Her view would be the back of the structure with a massive four-story staircase that reminds her of apartment buildings in the city. She will not be able to look through the 4 stories of pods since they will be used for storage and mechanical equipment. She stated the hotel could hold more people than there are currently living on all East Sumner Avenue. These are two bedrooms if you count the pull-out sofa for the kids to sleep on. These will not be rented by families all the time but 4 or more friends packing as many people as they can into a room and each possibly arriving with their own car. She feels 1.2 cars per unit criteria is unrealistic. She has seen the entire parking lot packed to the gills and the proposed structure is three times the size as the current motel. There would be roughly the same amount of rooms, but they would be significantly larger which means more people, more cars, more traffic, and more stress on the septic system designed for one-bedroom units. Frequent trash pickup and sewer removal will be a disgusting nuisance. There will be more kitchens and more trash. She stated this does not only effect residents but anyone going to the beach for the day would smell sewage removal. She stated that Strathmere is known for many things that other shore towns cannot offer. She referred to a newspaper article in The Sun, dated October 28, 1983 quoting Elizabeth Bergus, longtime resident, and former board member, stating

## UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT NOVEMBER 5, 2020 PAGE 8 OF 11

this is a unique place. She requests the board embrace and protect the uniqueness of Strathmere.

Mr. Went stated the exhibits presented by Mr. and Mrs. Kohles were marked as Kohles 1, a PDF containing 16 pages. Mrs. Kohles testified that she took the photos from her deck in March 2020.

Mr. Hawk testified this is a solid building with a massive height that is taller than the other buildings. He shared an overlay of the proposed elevation superimposed on a photo of the existing elevation. This shows how the facade will change looking toward the beach from Commonwealth Avenue. It also shows how the height of the building will be double and extends almost the whole block. He has been to the site on numerous occasions and has reviewed the plans and previous hearings. He testified this is an accurate depiction of an overlay showing what is proposed. He used PDF 6 to show the contrast between what is existing and what is proposed as far as height and how the view will change from the deck at 17 E. Sumner Avenue. He testified that PDF 7 is a similar view on the ground level facing north. This shows the change in size, bulk, and height. The open sky will be replaced by a wall. Then PDF 8 is a northern view from the front of E Sherman Avenue showing how it blocks the sky. PDF 9 is a graphic that shows a box that illustrates how the proposed hotel would not fit into the neighborhood. PDF 10 is a closer picture showing how the block between Sherman and Sumner Avenues have a heavy concentration of shorter homes. The photo shows the contrast between what is there and what is proposed. PDF 11 is an angle view looking in a northeasterly direction showing how the proposed structure relates in size to the existing structures nearby. PDF 12 is taken at the end of Sherman Avenue and shows a view looking toward the bay and the three shorter structures immediately to the beach side of where the hotel will be built.

Mr. Hawk testified this is not a shore resort it is a shore community unlike any other. There is no public sewer and mostly made up of single-family dwellings. There are very few commercial uses. The Master Plan and Reexamination Report talk about the charm and character of Strathmere. Since there is no public sewer it is not right for development of any kind of intensity. He stated that Strathmere has no status on the future wastewater service area map. It is not identified or outlined or slated to have public sewer. This is what is driving the fact that development should be discouraged and limited to the types of uses that can survive with a septic that meets the standards. The Cape May County State of New Jersey policy map does not show Strathmere as a designated town or village. Its identified as an environmentally sensitive barrier island and set apart from the rest of the communities in Cape May County.

Mr. Hawk referred to a chart he prepared titled "How the building and site will change". The chart shows the number of units increases by one, the number of units utilized. The number of kitchens would increase from 4 to 15. The floor area would increase from 4,480 to 13,600 which is three times larger. The building footprint would increase by 3.5 times the size, 2,790 to 9,800. The façade would go from 1,480' to 4,400'. There was a request to have the volume calculated. He agrees with the number given for the proposed, roughly

## UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT NOVEMBER 5, 2020 PAGE 9 OF 11

120,000 cubic feet. He does not agree with the cubic feet give for the existing building. He feels the actual cubic feet is around 45,000. He believes the volume will go up by 3 times. In regard to a question about the height of the current building he stated the plans show the top of the peak of the flat roof is at elevation 26.1 and the finished floor elevation is at 7.2 so that makes it elevation 18.9. This is roughly a 9'10" high building. He does not see anything unique about the site that would justify this type of non-conforming structure. It does not have a unique shape or topography. It is flat, it's a rectangle and it is not narrow or shallow. The lot could fit a building meeting the regulations for a single family dwelling.

Mr. Hawk testified that in regard to the special reasons cited he doesn't believe this functions as a hotel site with any type of efficiency in regard to parking. He finds to much weight is given to Ocean Drive as a corridor. He testified that Ocean Drive is not used as a north – south transportation route with the Garden State Parkway and UT didn't chose to allow hotels as a permitted use on this site. He feels the comment that it is not a functional economic use on this site and would promote economic viability if it were allowed to build this larger hotel has no justification since economics and profits are not justification of a variance based on land use law and case law. Any economical feasible use has not been held in any recorded decision to justify a D variance. He hopes a smaller use, or a permitted use can achieve some of the same things. He stated it does not take this large hotel with three stories above BFE to meet the special reasons. Regarding special reason "b" it was testified that the building code requirements would be met but the building codes could be met with a permitted use or smaller structure. This is not a reason to substantiate a larger building that needs many variances. It was mentioned that flood issues associated with the building would be improved because the building would be raised, and parking provided underneath to allow for floodwaters to flow. He stated the septic bed would displace water and effect the floodplain more than the existing building since the septic bed has a bigger footprint than what is there now. This would take away the ability for floodwaters to flow. He feels the flood situation will not be improved. The only benefit is that the improvement would be raised out of the flood area. He feels that special reason "g" is not met since there will be a big parking issue even though it meets the 1.25 parking spaces per unit. He stated this is a larger lot compared to others in Strathmere, but it is too much for the lot. He does not feel that purpose "I" is met since case law proves that the removal of an ugly nuisance and replacing it with a more visually desirable nonconforming use is not sufficient reason where construction of a conforming use would accomplish the same result. The hotel does not need to be this big to meet the purpose. He feels the existing building is well maintained except for the facia boards along the top of the roof need to be scraped and painted and the plywood around the air conditioning is unsightly. The building is solid and not an eyesore and fits in with the vintage architecture with its shingled siding. In regard to purpose "m" he stated that creatively cramming in a building, parking and septic is not a strong reason since a less intense development can efficiently use the land in a more compatible manner. When reading the CMC Comprehensive Plan, he noticed there are a couple quotes that comply better to this site and are in restricted development or environmentally sensitive areas where soils or high water tables limit the use of the land. Intensive development

## UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT NOVEMBER 5, 2020 PAGE 10 OF 11

should be discouraged, and that land use planning should be coordinated with available wastewater capacity. There is no wastewater capacity on this site it is all septic.

Mr. Hawk stated that one home could be built on a 6,000 sf lot based on zoning and not septic. There are 15 units on 16,000 sf and these units, even though it is being called a hotel, are a one or two week long apartment building. They are a vacation suit that will function as a dwelling unit. This is a density of one unit for every 1,066 sf which is very out of character of the area. He analyzed the 12 adjacent beach blocks and none are close to the proposed density. The block between Sherman and Sumner is 5,333 sf per one dwelling unit. He stated this is one of the older blocks in Strathmere and has more of the older, vintage type cottages and architecture. The average age of the homes on Sherman Avenue in the beach block are 61 years old and built in 1959. The average age of the homes built on Sumner Avenue is 1964 and on Tecumseh Avenue the average year is 1952. The average year on Webster Avenue is 1948. He feels the newness of the site and the newer architect does not fit in with the age of the homes in this area. The proposed hotel is out of character with what is in the area.

Mr. Hawk testified he identified 413 total properties in Strathmere and 90.5% are residential properties, 374 out of 413. Only 2% are business and commercial which is rare for a shore community. He identified 8 commercial businesses, 4 institutional properties and 26 vacant properties. The seasonal RV park is 0.2%. Residential is the predominant use. He only identified 21 multifamily structures. He stated that pods C, D, E and F will function as triplexes. These will be apartments available for one- or two-week rentals. Pod A will function as a duplex since it has two units and Pod B which contains the lobby and deck and one single unit. If developed there would be 5 multifamily pods in a community with only 21 multifamily dwellings in the entire community. The current multifamily structures and uses are spread out throughout Strathmere. This is a tremendous concentration and will be out of character.

Mr. Dietrich asked that Mr. Went provide him with a copy of the exhibit of how the building and site will change that they used for their presentation. The exhibit will be marked Kohles 3. He will send an updated exhibit list to the attorneys and board secretary. Mr. Unsworth asked that Mr. McLees be provided with a copy of the Exhibit A3 so that he can do calculations since the professionals testimony does not correlate.

Mr. Unsworth announced the meeting will reconvene on Thursday, December 10, 2020 at 7:30 p.m.

# **BILLS**

A motion to approve the bills was made by Mr. Phifer, seconded by Mr. Trulli, and approved.

# **ADJOURNMENT**

# UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT NOVEMBER 5, 2020 PAGE 11 OF 11

A motion to adjourn the meeting was made by Mrs. Galderisi, seconded by Ms. Petrozza, and approved. The meeting was adjourned at 10:43 p.m.

Submitted by,

Shelley Lea Secretary