

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT  
 REGULAR MEETING MINUTES  
 AUGUST 1, 2024

The meeting of the Upper Township Zoning Board of Adjustment was held at Township Hall at 2100 Tuckahoe Road, Petersburg. The meeting was called to order at 6:35 p.m.

**SUNSHINE ANNOUNCEMENT**

**SALUTE TO THE FLAG**

**ROLL CALL**

Member	Attendance
James Burger, Alt #1	Present
Paul Casaccio, Chairman	Present
Sherrie Galderisi	Present
Tom Jackson Alt #2	Absent
Richard Mashura	Present
Lynn Petrozza	Absent
Christopher Phifer	Absent

Member	Attendance
Donald Rainear, Alt #3	Absent
Andrew Shawl	Present
Matthew Unsworth	Present
Hobie Young, Alt #4	Present

Also, in attendance were Jeffrey Barnes, Board Solicitor, Greg Schneider, Board Engineer and Liz Oaks, Board Secretary and Zoning Officer.

**APPROVAL OF THE JULY 11, 2024 MEETING MINUTES**

A motion to approve the minutes was made by Mr. Mashura and seconded by Ms. Galderisi.  
 In favor: Galderisi, Mashura, Shawl, Unsworth, Young, Casaccio  
 Abstain: Burger

**TABLED APPLICATIONS**

**Cedar Lane Development, LLC – Block 561 Lot 23 – BA 09-2024**

Applicant is seeking variance relief for minimum lot area, minimum lot width, minimum lot frontage and a use variance to construct a single-family dwelling in the TCC Zone at 1 Kruk Terrace in Seaville, New Jersey. Tabled to the September 5, 2024 meeting.

**Cedar Lane Development, LLC – Block 561 Lot 22 – BA 10-2024**

Applicant is seeking variance relief for minimum lot area, minimum lot width, minimum lot frontage and a use variance to construct a single-family dwelling in the TCC Zone at 3 Kruk Terrace in Seaville, New Jersey. Tabled to the September 5, 2024 meeting.

**Lewis, Andrew – Block 730 Lot 10 – BA 11-2024**

Applicant is seeking a use variance for the expansion of a non-conforming use with variance relief for rear yard setback to expand an existing porch and relief for a side yard setback and accessory building coverage to construct a detached garage at 7 N. Shore Road in Marmora, New Jersey. Tabled to the September 5, 2024 meeting.

## **DISCUSSION**

Resolution Dispute 01-2024

This discussion has been tabled until the September 5, 2024 meeting.

Greg Schneider and Liz Oaks were sworn.

## **APPLICATIONS**

### **John Federico – Block 560 Lot 2 & 3 – BA 25-2023**

Applicant is seeking a variance for height of 55' where 45' is permitted, number of floors of 4 where 3 is permitted and parking of 150 spaces where 170 spaces are required to construct a 136-room hotel at 2069 and 2071 Route US 9 South in Seaville, New Jersey

Kristopher Facenda, attorney, The Offices of Kristopher J. Facenda, LLC. The applicant is the owner of block 560 lots 2 & 3. They are vacant lots on Route 9. The property is 8.83 acres and is in the Town Core Center or TCC Zoning District. We are seeking preliminary and final site plan approval with a D6 height variance along with some other minor variances to allow the applicant to construct, establish and maintain a high-end, 136-room hotel. This is a hotel, not a motel. No long-term living will be permitted. Mr. Federico is fully aware of the township's ordinance which prohibits residential stays more than 30 days. They are fully aware of the definition in the ordinance. The first definition is that of hotels and motels. A building or group of buildings consisting of sleeping units designed for transient automobile travelers and not for permanent residency. They are aware of the ordinance section with special requirements for hotels, including residency limitations of 30 days maximum, section 20-6.4. There is no proposed section 8 or affordable housing. There is a required contribution to affordable housing that is separate actual affordable housing units. They have included an architectural rendering of what the proposed front of the building will look like. They intend to create a high-end luxury establishment. Hotels are a permitted use in the TCC Zone. They are seeking variances for the height, number of stories and the landscape buffer. They believe the variances will provide Upper Township with a better project. They could comply with both the height and number of stories but believe it would look terrible. This provides a nice luxurious area to hang out with their family, hit the beaches and return. He thinks the location will allow for expansive vistas across the marshes to the barrier islands and looking the other way at sunsets. All without burdening the local school system. It will be done in two phases. The plans include a café and restaurant. And, a roof top pool and lounge, if it can be done structurally. Mr. Nassar will testify that the site can accommodate the two deviations and provide testimony that will satisfy the negative criteria. Once the presentation is complete, we will have satisfied the legal criteria for the application.

Rami Nassar, engineer, Schaeffer, Nassar & Scheidegg, 1425 Cantillon Boulevard, Mays Landing, was sworn as an expert. Mr. Nassar testified the site can accommodate the proposed project.

John Federico, applicant, 10450 NE Fifth Avenue, Miami Shores, Florida, was sworn.

Mr. Nassar testified that he is familiar with the plans, the site, the neighboring properties, and zoning ordinances. The properties are located at 2069-2071 Route US 9 South, block 560 lots 2 & 3. The 2 lots are 8.83 acres with 240.5' frontage. When the parkway was constructed, it created a pond at the rear of the property. It is next to the Acme shopping center with the parkway next to it that allows access to beach towns. This makes the lots particularly suited for this project. They are proposing five buildings one in the front and the other four in the rear. They propose a café that they may use to serve breakfast. They propose a small restaurant to be used by guests and the public. They hope they will bring in people to a beautiful building that will enhance the area. Many people just drive through, they do not stop in town. The hope is to draw people to the area. They are proposing to do the project in two phases. They will start phase 1 with approved septic, while obtaining permits from the county and state. They cannot apply for those permits without preliminary approval. This process can take 3-4 years.

They do require a D6 variance for the height of 55' where 45' is permitted. The use is a permitted use. The site can accommodate the increase in height. They are complying with setbacks. The site goes downhill by 4'-5', they want to bring it up to make an attractive building and allows for the amenities such as a roof top lounge and pool allowing for views of the area. The lot area is 8.83 acres where only 5 acres are required, and they propose 8% coverage where 25% is allowed. The distance between buildings is about four times what is required. They are under developing the lot by these standards. The tree preservation is three times what is required at 50%.

Mr. Nassar listed the following special reasons per 40:55D-2 as positive criteria.

- (i.) To promote a desirable visual environment through creative development techniques and good civic design and arrangements.  
The design of the building will enhance the area. He believes it will become a landmark. The success of the project relies on the visual appearance of the structure.
- (c.) To promote adequate light, air, and open space.  
They comply with all the setbacks, and they exceed the distance between buildings.
- (g.) To provide sufficient space in appropriate locations for a variety of uses.  
This is a permitted use. The Master Plan does not want to see single story buildings.

The negative criteria as follows:

- It is a permitted use, there is no change in use.
- The height adds to the beauty.
- If the variance is not granted, there would still be a building there but not as nice.

Mr. Nassar believes there would be no substantial impair to the public good. He believes it to be a benefit.

Mr. Nassar testified the variance for the landscape buffer of 14.6' where 15' is required can be complied with and is not necessary.

-There was a comment about deliveries. They do not expect there will be too many deliveries other than your standard FedEx or UPS. What he proposed to do is take some parking spaces in the front that can serve as a loading zone. After a discussion with the Seaville Fire Chief about fire hydrants, they decided by taking away the two parking spaces by the hydrant, it would ensure that no one would be parked there in an emergency.

-The lot width and frontage are existing and not being exacerbated. The existing is 248.55' where 250' is required. They are also requesting a variance for the flat roof. The ordinance states there would need to be some type of roof or treatment that would give the appearance of a pitched roof. That does not fit in with the idea of the lounge and the pool.

-A variance is needed for parking in the front yard. There are seven parking spots that will be in the front yard by the definition in the ordinance.

-He believes the same purposes of zoning are advanced and the board can rely on those purposes to grant the variances. The granting of the variances will not substantially impair the public good due to the use being allowed, it is only the height variance. And none of the variances being requested substantially impair the intent or purpose of the zone plan or zoning ordinance primarily because the use is permitted. Some of the requests appear in the Master Plan as desirable.

-There were comments about the open plaza design. In 20-4.7 section k states; one open space plaza shall be provided directly adjacent to a principal structure for each 80,000 square feet of nonresidential building. They do not have 80,000 square feet therefore this is not applicable, and they are not required to comply with the plaza design standards.

-One trash enclosure is being proposed, in the back of the building that would be picked up by a private company. The traffic flow allows for emergency vehicles. The fire chief had requested a hydrant in the rear of the property. The buildings will all be up to current building codes including sprinklers.

- During phase 1 they will have the reception area in that building and is only temporary. Once the project is complete, the reception area will be in the front building, and they will no longer use the rear building for reception.

-There are no objections to items addressed in the report from the board engineer.

Mr. Schneider – Questioned two principal uses and the parking.

Mr. Facenda – The hotel is principal, and the café and restaurant would be ancillary.

Mr. Nassar - The parking ordinance states 1.25 spaces per room. He believes the ordinance was designed to cover the hotel and any ancillary uses. They have 136 rooms and 172 spaces. The restaurant would require 40 spaces based on 2,000 square feet. That would be 176 if everything would be occupied. He believes there would be ample parking. If you calculate the hotel and add the restaurant separately, you have a maximum calculation of 210 spaces. They are proposing 172 requiring a variance for 38 spaces.

Mr. Schneider agreed with the justification.

Mr. Barnes – Assuming the hotel and restaurant are a great success, what is a resolution to the parking.

Mr. Mashura – The restaurant is not solely for the hotel guests. It is also for the public.

Mr. Federico – In the event of a full hotel and a full restaurant they would not need more parking because the facilities would be full and there would be no need to park.

Mr. Unsworth – A bigger concern would be if the restaurant were full of people from the public and taking up spaces that would be needed for the hotel guests.

Mr. Federico – If it becomes an issue, they could make a deal with a neighboring property to use their parking. They could make the restaurant for hotel guests only but that is not preferred. He hopes the restaurant will become an amenity for the township.

Mr. Unsworth – An agreement with a neighbor would alleviate any possible scenarios for parking.

Mr. Nassar – When we come back for final approval for the next phase they could come in with an agreement.

Mr. Unsworth – Asked the board attorney to explain how the approval worked with an application that was to be done in phases.

Mr. Barnes – Explained that the board is evaluating the application in its entirety.

Mr. Nassar – They could agree to a condition of approval.

Mr. Nassar – During phase one they are completely compliant with stormwater management, driveway, parking and even the landscaping in the front. For the project to be successful, it cannot look like a construction site.

Mr. Young – Will there be events or banquets.

Mr. Federico – There is a possibility that someone may want to reserve rooms, the restaurant or roof for events. They had originally come to the township with the plan to include residential housing because that is what they believed the state and zone required. That was not well received. They are now fully committed to creating a 5-star luxury hotel. Most of what they are asking for will lend itself to a nicer property. He had some discussions with the public prior to the meeting. They are not concerned about the height of the structure they are concerned about the property providing long-term rentals. The township ordinance protects the residents. If they are denied the variances the hotel would be a lesser product.

There was a brief discussion about building height requirements and flat roofs.

Mr. Barnes – Assuming the reason for the height variance was for the amenities package; did they receive a letter from the fire chief saying the plans were acceptable.

Mr. Facenda – Nothing has been received. But they did have a conversation and they agreed to comply with the comments the fire chief made.

Mr. Unsworth – Asked for confirmation that the fire chief did receive a set of plans.

Ms. Oaks – The fire chief was sent a set of plans and had some questions. I provided Mr. Facenda's contact information.

Mr. Facenda explained that they were willing to comply with the fire chief's comments. His concerns were that the building be protected with sprinklers, there should be a standpipe and the location of the fire hydrants.

Mr. Unsworth asked what the design standards were.

Mr. Schneider – The TC zone was meant to have commercial on the bottom with residential on top creating an attractive and walkable environment. This application is different.

Mr. Facenda – He does not believe there is anything existing that complies with that.

Ms. Galderisi – The architectural design is crucial.

Mr. Shawl – Asked for testimony regarding the flat roofs on the rear buildings. He believes the purpose of the ordinance that does not allow flat roofs is to prevent adding an additional floor.

Mr. Federico – The design is for aesthetic reasons.

Mr. Schneider added the ordinance requires sidewalks.

Mr. Casaccio believes the DOT does not want them.

Mr. Federico – Requested a waiver.

Mr. Schneider – The proposed drive aisle is 24', where 25' is required.

Mr. Nassar – It is not a high traffic area and requested a waiver.

Mr. Schneider does not disagree.

Mr. Young – Believed it would be better to up.

Mr. Nassar – They feel the design is best suited for light, air, and open space.

Mr. Young – How similar will the design be to what is proposed.

Mr. Facenda – The design will be substantially the same.

Mr. Young – Would like to see sidewalks. If the DOT does not approve, they could still fall within the property line. Signage and landscaping. Potential liquor license.

Mr. Nassar – The signage will be compliant with the ordinance.

Mr. Federico – Landscaping will be done initially for appearance.

Mr. Unsworth – The state would regulate the liquor license.

Mr. Barnes – The state would issue. They would still be required to comply with the township ordinances.

Mr. Young – Do you have experience with hotels.

Mr. Federico – He is familiar with commercial and residential.

Mr. Burger – There was discussion about the communication with the fire chief. It would have been wise to bring correspondence.

Mr. Nassar – He agreed to get a report within a few days.

Mr. Burger – There was testimony with regards to elevation and the building would be lower. Can you explain further?

Mr. Nassar – the topography of the property slopes down about 5' from the street. It will not look 55' tall when looking from the street.

Mr. Burger – The site plan shows the curb at 18.5 and the finished first floor at the same elevations. Is the site plan inaccurate?

Mr. Nassar – They will have to adjust. If they do not get the variance, they may need to bring the site up.

Mr. Facenda – That is part of phase two and subject to final approval. This is for the preliminary and final of phase one and the preliminary of phase two.

Perry Coker, Seaville Fire Chief, 1200 Route 50, was sworn.

Mr. Coker – Spoke with Mr. Facenda and Mr. Nassar. He received the plans Monday. With regards to the height, Marmora has a truck with a 110' ladder and can be there in eight minutes. He had concerns about having room for the truck, hydrants, sprinklers, and standpipe connection. He would like the curbs to be more rounded. He is satisfied with the plans and changes.

Mr. Nassar – They agree to the comments made by Chief Coker and will put on the plans.

Mr. Burger – Asked for clarification regarding the flat roofs on the back buildings.

Mr. Federico – They would be below the height restriction. They would be for use but not habitable space.

Mr. Burger – Given the length of the buildings, would two stairwells be required.

Mr. Federico confirmed two stairwells.

Mr. Burger stated that he does not necessarily believe that only one vehicle will be the standard. Considering a beach going family, he may not want to go out to the beach at 8 a.m. when his wife does.

Mr. Federico – They plan to have shuttle service once the project is complete that would run 3-4 times per day running through Sea Isle and Ocean City.

Mr. Facenda – For phase one they are asking for preliminary and final approval for the 2 rear structures. They can build under the existing septic constraints. They are standalone until they can conduct phase two after receiving state approvals. They will have to come back for phase two final. That will only come after the treatment works approval.

Mr. Casaccio – The height of the building will determine the flow for the NJPDES and the treatment works.

Mr. Nassar – They want to go for the maximum number of rooms for NJPDES, which is 136.

Mr. Barnes questioned how similar the final product would be to the renderings submitted with this application.

Mr. Facenda agreed that they would be substantially similar.

Mr. Nassar – During phase one the main driveway will be built all the way through and parking around the buildings will be built. The basins in the rear and the septic system. They will complete the landscape along the front to be inviting.

Mr. Federico – The portions for phase two will be mostly grass during phase one.

Mr. Mashura – What amenities are in the units?

Mr. Federico – They would like to have a small kitchenette in the rooms. But no full kitchens.

Mr. Mashura – How will you monitor the length of stay?

Mr. Facenda – They agree to comply with the ordinance and can add as a condition of approval.

Mr. Mashura – There was testimony that the 4<sup>th</sup> story added to the light, air, and open space. Please explain.

Mr. Nassar – The higher ceilings will add volume and be more inviting. His height allows compliance with all the setbacks.

Mr. Facenda – They could build without asking for variances, but he believes going shorter gives a more motel feel rather than hotel.

Mr. Shawl – Asked about the waiver request for showing contours.

Mr. Nassar – That is usually required for developing a smaller site with neighbors that would be impacted. This is not the case.

Mr. Shawl – Asked about the waiver request for providing a plan for containment of any volatile, toxic, or hazardous materials. Maybe for laundry services.

Mr. Nassar – There will be no materials of that nature. That is more for a gas station or auto body shop. They intend on using an outside service for laundry.



Mr. Shawl – Asked about the waiver from providing a neighborhood aerial map showing 500’ down the subject property.

Mr. Nassar – That was presented as an exhibit A-1.

Mr. Shawl – You are only asking for preliminary approval on your design concept for phase 2. The design criteria would require the building to be closer to the road and parking behind that. Can we get some testimony on this.

Mr. Nassar – The ordinance states no parking in the front yard. The front yard is 50’ from the street. There are only 7 parking spaces that partially encroach on that 50’. You are allowed to have parking in the front if it is 50’ away.

Mr. Shawl – Please provide testimony about the loading zone and fire hydrant.

Mr. Nassar – They will be providing two parking spaces, 20’X18’, required for the restaurant. They will have a fire hydrant in that location per request by the fire chief.

Mr. Shawl – The floor plans submitted are not clear if they will be providing a microwave and small refrigerator in each room.

Mr. Federico – Some rooms will have them, and some will not. There will be no full kitchens.

Mr. Mashura – Laundry facilities?

Mr. Federico – There will be coin operated for guests.

Mr. Shawl – The engineer noted that a trash enclosure is required for each building but only one is shown on the plan.

Mr. Nassar – The ordinance was proposing one per building with the idea being residential on top and commercial on the bottom which would create more trash. They do not expect there to be a need for this, especially without cooking in the rooms.

Mr. Shawl – Has the stormwater maintenance plan been updated since the engineer’s report. And was the pervious pavement addressed.

Mr. Schneider – The maintenance plan has been updated.

Mr. Nassar – He will investigate and agreed to this being a condition of the approval.

Mr. Unsworth – Will we be provided with full restaurant plans for final approval of phase 2. You are proposing a 2,000-sf restaurant; could that change?

Mr. Nassar – They will submit plans that are in compliance with tonight’s meeting. Such as the height. If 55’ is the maximum approved, and the plans need to be changed, they may go lower but not higher. They will not expand upon what is approved.

Mr. Barnes – The parking is based on the square footage of a 2,000 square foot restaurant. You would be approving the idea of a restaurant, conceptually.

Mr. Unsworth – And what if they obtain a liquor license.

Mr. Barnes – A liquor license could have some bearing on the parking analysis, assuming it could increase the need for parking.

Mr. Unsworth – What power does the township have if they were successful in obtaining a liquor license.

Mr. Barnes – Any substantial changes will be addressed at the time they come for their final approval.

Mr. Facenda – The addition of a liquor license does not change the occupancy load of the restaurant.

Mr. Federico – Stated the sale of alcohol was for consumption during a meal, however, he understands how this could change with having a bar and people wanting to sit at the bar.

Mr. Schneider – Questioned the lighting plan.

Mr. Nassar – The plan shows lighting in front and down the drive aisle. He agreed to have the lighting plan approved by the board engineer as a condition of approval.

Mr. Schneider – Questioned the signage. And that it should be on the plans.

Mr. Nassar – The signage will comply with the ordinance and agreed to add to the plans.

Mr. Casaccio opened the meeting to the public, specifically to address any questions to the fire chief.

Meghan Lowe, 3 Cedar Grove Drive, was sworn. Ms. Lowe is concerned about the growth of population with future senior housing, affordable housing, and hotels. The township does not have a police department and the fire department is volunteer. Can a volunteer fire department handle this.

Chief Coker – Mutual aid automatically dispatched with working fires.

Hearing and seeing no one else with questions specific to the fire chief, this portion was closed.

The meeting was open to the public for all comments.

Sally Morris, 2058 Route 9 South, was sworn. Ms. Morris is concerned the hotel will house people that are unemployed or addicts. She would like a guarantee that there is no loophole that the State would make them take those types in. She has no problem with the hotel. She likes the idea of a pool on top. She believes the height will give greater value. She does not see parking as an issue.

Mr. Barnes – The applicant has stated they will comply with the ordinance numerous times.

Mr. Federico – He would have the same concern that they would be made to comply with State regulations. But his intentions are to run a hotel.

Mr. Barnes – They could do a restrictive deed.

Mr. Facenda – They would prefer not to have to do a restrictive deed. He believes that the conditions of the resolution, the ordinance and code compliance should be enough. He is not aware of any situation the State would make Mr. Federico house people he did not want to.

Mr. Federico – Maybe the deed restriction could read to any change of zoning. He is fine with a deed restriction.

Mr. Facenda – Stated that if Mr. Federico is fine with that, so is he but would like to limit that until after they get final. They are willing to do whatever the board wants.

Mr. Casaccio – If the township changes the ordinance, we would not want to limit you.

Carole Griffiths, 1731 Route 9, was sworn. Ms. Griffiths believes the TCC Zoning is zoned for mixed use. She does not believe the hotel fits. Based on what was said this evening, she does not see a compelling rationale to need a variance. When you start giving variances you set a precedent that she does not think is good.

Mr. Casaccio – Each zoning application stands on its own.

Eric Reich, 2008 Cedar Lane, was sworn. Mr. Reich is concerned that they are trying to create a luxury hotel, but they do not have cooktops or coin operated laundry. Parking is an issue, especially with a liquor license. What happens to phase 2 if they do not get the needed approvals. He believes the cooktops can lead to low-income housing.

Mr. Federico – The variances are for phase 2. He believes many high-end properties to have cooktops.

Carole Tutelian, 19 Elizabeth Lane, was sworn. Ms. Tutelian is in favor of the hotel. She believes there is a need in Upper Township for this use. She has an extended family and when they visit, they must go to Ocean City or Avalon, and they are very expensive. She believes the testimony for the height variance makes sense just to make it more attractive. It is a permitted use. They are under the coverage and other zoning requirements. She hopes it spurs some redevelopment in the shopping center next door.

Al Paulson, 9 Meghan Lane, was sworn. Mr. Paulson is not familiar with the process of getting permits through the state. What is the probability of success. He believes the applicant wants phase 2. But he would rather stop it before it falls apart. And will the pond pose a problem.

Mr. Federico – They did have discussions with engineers and the belief is that the question is not if but when will the permitting be approved. He would not begin phase 1 if he was not confident that they would be able to do phase 2. He does believe phase 1 could operate by itself, it would not be profitable enough to make it interesting to him. There is a 50' buffer from the pond and they are not near it. They did consider a beautification project around the pond with maybe swimming or walking trails. They have had preliminary discussions with the State but have not had any success.

Mr. Nassar – The DEP and the Master Plan each acknowledge the need to update the sewer system in this zone to allow commercial growth.

Mr. Paulson – Asked for clarification about the deed restriction or whether the ordinance was enough. He is concerned if there is a new owner.

Mr. Barnes – The deed will be prepared and recorded with the Cape May County Clerk’s Office with the resolution, if approved, attached outlining the restrictions.

Kevin Kreiser, 4 Cole Avenue, was sworn. Mr. Kreiser asked for further explanation of the deed restriction and what is tied into it.

Mr. Barnes – It would contain what is agreed upon by the applicant. The applicant has agreed, by his own volition, to not rent long term stays and comply with the ordinance. The deed restriction would be tied in with the resolution. If the applicant wants to come back and make an amendment to the resolution and that was approved, then that resolution would be attached to a new deed explaining what it is that they can or can not do.

Mr. Kreiser – Can the board make the approval subject to a pool and a full-service restaurant. These are things that he thinks make it a luxury property. And what if there are new owners.

Mr. Barnes – All items discussed or agreed upon will be in the resolution. They still must come back for phase 2. If they can obtain a liquor license, that could impact the parking. That resolution along with the deed is always going to be a record for any subsequent buyer.

Meg Lowe, previously sworn, asked how many rooms were in phase 1? Is staff parking included in the parking calculations? What will happen in the winter? She is concerned about the idea of a luxury hotel next to Cedar Square and will they use that for parking?

Mr. Federico – There are 40 rooms proposed. Staff parking is per the ordinance. They would like to keep the front building open year-round. It was suggested that they consider parking as an option. He also has concerns about the neighboring shopping center.

Hearing no one else and seeing no one else, the public portion was closed.

Mr. Barnes listed the following items agreed upon.

- 1- Mr. Nassar agreed to prepare a zoning compliance schedule based upon any changes that need to occur that will be attached to the resolution to understand fully what variances and waivers are being approved.
- 2- The applicant has agreed, and this will be attached to the resolution as well, to comply with all the requirements set forth in the board engineer and the planners reports.
- 3- In the event there is a liquor license granted, it may change the parking approval. It will be contained in the resolution that will require the applicant to appear before the board to address what potentially could be a parking shortage. The applicant is applying for a variance tonight for 38 parking spots, where 210 spots are required and 172 are being proposed. That is based on no liquor license.
- 4- There will be a deed restriction that he and Mr. Facenda will work out. It will be tied into the resolution, if it is approved, the applicant will comply with what is contained in the resolution. One of those requirements being that it will be used strictly and solely as a hotel .
- 5- The applicant has agreed that only kitchenettes will be installed in some units but not all and there will be no full kitchens installed.
- 6- The applicant has agreed, and Mr. Nassar has indicated that he will revise sheet 3 to reflect that phase 1 of the project will be perfected. It will clearly indicate what facilities,

- meaning structures, will be built. It will include a landscaping plan, a lighting plan, a sign plan, that there are 40 units, and he agrees that he will coordinate with the board engineer to make sure the site requirements are compliant because of the long stretch of the road.
- 7- The applicant has agreed to comply with and be substantially similar to renderings proposed. The renderings were provided in the package as well as A2 that consisted of 3 color renderings of the exterior of the building and A3 that consisted of 8 color renderings.
  - 8- The applicant has agreed to install a sidewalk subject to NJ D.O.T. approval and any modifications that may occur.
  - 9- The applicant agreed to put in a rolled curb as recommended by the fire chief to allow for bigger trucks easier flow or access.
  - 10- The applicant has agreed they will comply with the fire chief or fire department report.

Mr. Schneider – Listed the following variances and waivers being requested.

- 1- Building height of 55' where 45' is permitted.
- 2- Number of stories of 4 where 3 are permitted.
- 3- Parking of 172 where 210 are required.
- 4- Lot frontage and lot width.
- 5- Flat roof.
- 6- Parking in front yard.
- 7- One trash enclosure for property where one per structure is required.
- 8- Width of drive aisle of 24' where 25' is required.
- 9- The 200' contours.
- 10- Hazardous materials.
- 11- Small town scale.

Mr. Shawl – The applicant, John Federico, has come before the board regarding his property at 2069 and 2071 US Route 9 South in the Seaville section of the township also known as block 560 lots 2 & 3 on the tax map. The property is in the TCC Zone. The proposed project is for a 136-room hotel consisting of several buildings and ancillary uses. The applicant is requesting C and D variance relief. They propose 172 parking spaces. And other site improvements including, but not limited to, retention basins. The D variance is a D6 variance for the proposed height of 55' where it exceeds the permitted 45' by 10' and more than 10% of the maximum height permitted. There are C variances for lot width, lot frontage and number of floors. The lot width and frontage are existing non-conforming conditions.

The applicant has provided testimony that he intends to operate a hotel with stays less than 30 days. There will be no long-term residential living on site and no section 8 housing vouchers on site and no affordable housing is proposed other than the usual development fees. The hotel is a permitted use in the zone. The landscape buffer is sufficient. It is the applicants desire to create a desirable visual effect. The building height and amenities being provided will accomplish this. We heard testimony from the professional engineer that there is a DEP required buffer zone around the pond that will not be encroached. The hotel will ultimately require treatment works approval and in the time that they will be obtaining that permitting they are looking for preliminary and final site plan approval for phase 1 and preliminary approval for phase 2. Phase 1 consists of two buildings on the interior of the lot near that buffer zone for the lake. There will be no sewer pipe and no treatment works for that, it would be the regular septic requirements because of the low flow. The applicant will continue with the treatment works approval process through the DEP. Phase 2 will be 2 additional buildings on the inside and a taller building in the front with the pool on the roof. The applicant supplied elevations of the buildings which show a variety of roof lines, including some flat areas. They provided testimony about how those would create a desirable visual environment and how they would provide amenities through the design.

They also provided typical rooms that show the approximate square footage and arrangement for a hotel room that would not be appropriate for stays that would exceed 30 days.

We heard testimony from the professional engineer about special reasons for light, air, and open space that would be accomplished by this particular design because of the low coverage of 8% of the lot. The site can accommodate this height because of the size and dimensions even with the reduced frontage. The 8% building coverage is a very small amount of the 25% permitted. This is an appropriate location for this type of development because of the size of the lot and its location near the state highway and major intersection with access to the Parkway. The zoning plan allows for appropriate location for various uses. The tallest building would be 4 stories tall where 3 is the maximum allowed. They provided testimony about the desirable visual environment. The building mass is in the front with the higher building. There was not detriment to the zone plan allowing this variance to happen. There is no detriment to the public health.

The professional engineer also provided testimony regarding the location of various site amenities and requirements such as fire hydrants, loading zone and trash enclosures. The site plan is a series of buildings around a courtyard with parking in the middle. There is parking in the front and some of the spaces do encroach the front yard setback. Due to the shape of the lot and frontage necessitates using that area. The engineer provided testimony about traffic circulation through the hotel complex with the appropriate turning radius and agreed to rolled curbs for the fire fighting equipment.

The applicant provided testimony he wanted to have a type of development to encourage short stays with high-end amenities inside the building.

The public provided testimony with questions for the fire official that had given a summary of why he felt the design was good. He was provided a set of plans and met with the applicant. He believes the property can be protected with the equipment that is available.

We heard testimony outside 200'. People were generally in favor of the application. There was some concern it would become a voucher hotel for section 8 housing. And the possibility of it falling into a state of disrepair+. The applicant has made every assurance he wants a high-end hotel.

We heard testimony from the public about the TCC zone and how it is supposed to look like a village type development where you can walk around and the idea that there is a center area. He believes this accomplishes that goal.

We also heard testimony outside of 200' that a hotel is a needed service in the township and there was sufficient testimony regarding the height variance to allow that. Hotels are already a permitted use in the zone.

He agrees with the testimony the engineer provided and the variances can be allowed without a problem to the zoning plan. The applicant did provide an aerial map showing 500' beyond the subject property. It is not necessary to provide contours of 200' beyond the subject property because the 8% coverage of the development, the size of the lot and the adjacent uses. The applicant also provided testimony there is no need for any containment because there is no volatile toxic or hazardous materials on site.

Mr. Mashura – Nothing to add.

Mr. Burger – Thinking about the surrounding area there are 100+ single-story homes across the street. The applicant used architectural design as the positive criteria. He thinks it is interpretive. Judging by the rendering of the back building, he believes 45' is plenty to build a beautiful hotel. He is not sure he is in favor of the 10' height variance. He does not believe it is needed. He has no problem with any of the other variances or waivers.

Mr. Young – He believes the application is proven to be beneficial to the township. We need more ratables. Campgrounds have been leaning toward more high-end amenities and are full. A

higher end hotel is warranted here. He sees no substantial impact from the campgrounds, Osprey Cove and Osprey Point on the traffic. He thinks this takes us where our Master Plan has been heading for the past 25 years. The applicant agreed to sidewalks, subject to DOT approval. Even if they need to move them in off Route 9. He is in favor of the application.

Mr. Unsworth – He concurs with Mr. Shawl’s findings. He agrees with Mr. Young and the benefit of sidewalks. The applicant will need to come before the board for final approval for phase 2. We will get more detail and see any changes. He is in favor of the application and believes it will be a nice addition to the township.

Ms. Galderisi – She is in favor of the application. She was happy with the presentation and the explanation of the phasing. She thinks it will be beneficial to the area.

Mr. Casaccio – Added a deed of consolidation required as a condition of approval. He would be in favor of the application based upon the testimony and architectural plans presented.

Mr. Barnes – The motion includes all the variances, waivers, and conditions.

A motion to approve the application was made by Mr. Unsworth, seconded by Ms. Galderisi.  
In favor: Galderisi, Mashura, Shawl, Unsworth, Young, Casaccio  
Opposed: Burger

### **RESOLUTIONS**

MSGBM/Sea the Future – Block 587 Lot 16 - BA 07-2024

A motion to approve the minutes was made by Mr. Unsworth and seconded by Mr. Shawl.  
In favor: Galderisi, Mashura, Shawl, Unsworth, Young, Casaccio  
Abstain: Burger

Dilks, Jeffrey and Kathleen – Block 561 Lot 24 - BA 08-2024

A motion to approve the minutes was made by Mr. Unsworth and seconded by Mr. Shawl.  
In favor: Galderisi, Mashura, Shawl, Unsworth, Young, Casaccio  
Abstain: Burger

### **BILLS**

A motion to pay the bills as presented was made by: Ms. Galderisi, seconded by Mr. Unsworth.  
All in favor.

### **ADJOURNMENT**

A motion to adjourn the meeting was made by: Ms. Galderisi, seconded by Mr. Mashura.  
All in favor. The meeting ended at 9:50 pm.

Submitted by,  
Liz Oaks