

**CITY OF WILDWOOD PLANNING/ZONING  
BOARD OF ADJUSTMENT  
CAPE MAY COUNTY, NEW JERSEY**

**RESOLUTION NO. 15-20P**

**WHEREAS**, the City of Wildwood Planning/Zoning Board of Adjustment conducted a regular meeting on November 2, 2020; and

**WHEREAS**, at that meeting the City of Wildwood Planning/Zoning Board of Adjustment (“Board”) considered the application of Boardwalk Store, LLC (“Applicant”), doing business at 210 E. Montgomery Avenue, Wildwood, New Jersey 08260, and the owner of the property located at 4208-4218 Boardwalk, a/k/a Block 120, Lot 6 (“Subject Property”), seeking preliminary and final site plan approval, ‘C’ variance relief in relation to minimum lot area (12,000SF is required whereas 6,000SF is existing and proposed), minimum front yard setback on Ocean Avenue in the T/E zone (10ft. is required whereas 0ft. is existing and proposed), minimum side yard setback in the T/E zone (20ft. is required whereas 3ft. is proposed), minimum rear yard setback in the T/E zone (20ft. is required whereas 0ft. is proposed), maximum building coverage in the T/E zone (80% is permitted whereas 100% is proposed), maximum lot coverage in the T/E zone (80% is permitted whereas 100% is proposed), minimum side yard setback in the BA zone (20ft. is required whereas 0ft. is proposed), minimum front yard setback in the BA zone (95ft. is required whereas 29.25ft. is proposed), minimum rear yard setback in the BA zone (15ft. is required whereas 0ft. is proposed), maximum building coverage in the BA zone (80% is permitted whereas 98% is proposed), maximum lot coverage in the BA zone (80% is permitted whereas 100% is proposed), and waivers in relation to off-street parking (27 off-street parking spaces are proposed whereas 31 are required), to permit a wall mounted sign along Baker Avenue (97.5SF is permitted whereas 445SF is proposed), to permit a wall mounted sign and a marque sign along Baker Avenue, from

the requirement to submit the location and type of adequate draining, from providing the location, direction of illumination and power and type of outdoor lighting, from providing a screening, buffering, and landscaping plan, from providing an environmental impact study, from providing letters to utility companies, and from the need to submit a traffic study, in order to construct a 4-story hotel with 5 retail stores on the 1<sup>st</sup> floor; and

**WHEREAS**, this Applicant complied with the requirements of the Municipal Land Use Act and the City of Wildwood Planning/Zoning Board of Adjustment procedural requirements in order to prosecute this application; and

**WHEREAS**, the City of Wildwood Planning/Zoning Board of Adjustment heard this application as presented and considered all evidence and testimony in order to allow the City of Wildwood Planning/Zoning Board of Adjustment to enter into the following findings of fact and conclusions of law:

1. The taxes are current on the subject property and the notice requirements have been satisfied by the Applicant.
2. The application was deemed complete by the Administrative Officer of the Planning Board and therefore the Applicant had standing to proceed.
3. The Applicant was represented by Ronald Gelzunas, Esquire who presented an overview of the Application and discussed and outlined the relief sought in connection with same.
4. Mr. Gelzunas advised the Board that the Subject Property is located at 4208-4218 Boardwalk, a/k/a Block 120, Lot 6.
5. Mr. Gelzunas advised the Board that the Applicant recently constructed the Wave Hotel in Wildwood which has been a very successful endeavor. They are now seeking

approval to construct a new hotel known as 'The View' which will incorporate doo-wop themed architecture and appear similar to the Wave.

6. Mr. Gelzunas further advised the Board that the Applicant also owns and operates the Wildwood Inn which is currently undergoing renovations. He indicated that the Applicant has successfully renovated and revitalized several hotel properties located throughout Wildwood.
7. Mr. Gelzunas indicated that five (5) retail stores located along the Boardwalk will also be reconstructed in connection with this project.
8. Craig Dothe, R.A., P.P. with Craig F. Dothe Architect, LLC appeared before the Board on behalf of the Applicant. Mr. Dothe was accepted by the Board as an expert in the fields of architecture and land planning and he was placed under oath and testified from the proposed architectural plans and building elevations, consisting of seven (7) sheets, dated November 21, 2019, which were received by the Board and which is incorporated herein as fact.
9. Mr. Dothe reviewed the existing site conditions for the benefit of the Board. He advised the Board that the site is currently developed with a dilapidated hotel that has not been maintained over the years.
10. Mr. Dothe indicated that the Applicant purchased this property and a neighboring property with the intent to develop a new state of the art aesthetically pleasing hotel that is designed utilizing doo-wop themed architecture.
11. Mr. Dothe testified that the subject property is an irregularly shaped lot that contains three front yards. He indicated that the Monaco Hotel is located nearby which will be maintained and operated independently by the Applicant, and it is not a part of this

project.

12. Mr. Dothe testified that the proposed structure will be constructed at Base Flood Elevation +3'. He noted that the Boardwalk is located approximately a half-story above grade, and five (5) commercial units currently exist on site along the Boardwalk. Mr. Dothe advised the Board that the existing commercial units will be demolished and reconstructed in connection with this proposal.
13. Mr. Dothe testified that the proposed hotel will provide higher end hotel units which will contain a kitchenette and a bedroom along with a shared bathroom and an exterior deck. He indicated that only one interior unit will not have a deck.
14. Mr. Dothe reviewed the proposed parking layout for the benefit of the Board. He testified that guests will enter the site off of Baker Avenue and exit the site on to Ocean Avenue in an effort to eliminate vehicle/pedestrian conflict and to improve pedestrian safety given the location of the site relative to the Boardwalk.
15. Mr. Dothe further testified that the lobby will be located on the ground floor and access to the hotel rooms will be provided by way of an internal elevator. He noted that open views are provided from the second floor down to the garage area.
16. Mr. Dothe reviewed the proposed floor plans for the benefit of the Board.
17. He noted that the site is located approximately two (2) blocks from the Wildwood Convention Center.
18. Mr. Dothe testified that the elevator is located in the center of the structure and two corridors containing hotel units will be located on either side of the elevator shaft. He noted that units located along the outside edge of the corridor will allow for additional fenestration increasing the aesthetic appearance of the structure.



19. Mr. Dothe advised the Board that a rooftop pool and sundeck are proposed to take advantage of the views of the beach and the boardwalk.
20. Mr. Dothe reviewed the typical floor plans for floors three and four and he reviewed a proposed rendering of what the site will look like upon the completion of the project. Mr. Dothe testified that the structures will contain “shed style” roofs and will consist of two-color patterns to improve the visual appearance of the site.
21. Mr. Dothe advised the Board that the structure is contained exclusively on site with the exception of the proposed marque sign which overhangs the public right-of-way. As a condition of approval, the Applicant will pursue an easement from the Board of Commissioners for the encroaching marque sign.
22. Mr. Dothe testified that the Hotel is setback 29.25ft. from the front property line whereas a setback of 95ft. is required. Mr. Dothe opined that the required 95ft. setback is impractical and does not seem appropriate for the size of the building proposed by the Applicant. He noted that the City’s Ordinance envisions a much taller structure containing significantly more mass than what’s proposed on site in relation to the required building setback.
23. Mr. Dothe advised the Board that the proposed balconies extend 2ft. beyond the structure itself, but they are maintained 3ft. from the property line.
24. Mr. Dothe opined that the Applicant’s design maintains and promotes light, air, and open space. He noted that the proposed structures are located sufficiently far apart to ensure adequate fire separation.
25. Mr. Dothe further opined that the proposed site and structures address the needs of parking, site safety, and pedestrian safety and also promotes commerce by

incorporating the reconstruction of five commercial units along the Boardwalk.

26. Mr. Dothe testified that the Applicant's proposal is consistent with the Boardwalk Design Guidelines and what's specific envisioned therein.

27. With respect to flooding, Mr. Dothe advised the Board that a small portion of the structure is located in a coastal flood zone which envisions moderate wave action and which requires more restrictive compliance with FEMA flood requirements and building design/construction. He advised the Board that a smaller vestibule is proposed with the ground floor lobby which will contain steps to ensure that the proposed lobby is adequately protected from flooding.

28. Rami Nassar, P.E. with Schaeffer Nassar Scheidegg Consulting Engineers, LLC appeared before the Board on behalf of the Applicant. Mr. Nassar was accepted by the Board as an expert in the field of engineering and he was placed under oath and testified from the proposed site plan, consisting of eight (8) sheets, dated February 5, 2020, and revised June 2, 2020 and August 18, 2020, which was received by the Board and which is incorporated herein as fact.

29. Mr. Nassar reviewed the existing and proposed site plan for the benefit of the Board.

30. Mr. Nassar distributed an aerial photograph depicting the subject property and the surrounding neighborhood which was received by the Board and which was marked as **Exhibit A-1**.

31. Mr. Nassar testified that the subject property contains front yards along Baker Avenue, Ocean Avenue, and the Boardwalk.

32. Mr. Nassar testified that the ground floor will contain a parking garage which contains a parking aisle that varies in width from 18ft. to 22ft. He advised the Board that ample

room is provided for patrons to back up their vehicles when leaving the site. He further noted that a trash enclosure is also located on the ground floor which can be easily accessed by a waste processing company.

33. Mr. Nassar noted that handicap parking spaces are located in close proximity to the lobby, and he opined that the proposed parking arrangement/layout minimizes conflict with pedestrians who are entering or exiting the Boardwalk.

34. Mr. Nassar informed the Board that the subject property is split zoned with portions located in the BA and the T/E zones. He noted that variances are sought in connection with the requirements of each zone, and he reviewed the variance relief and waivers sought by the Applicant in great detail.

35. At the request of the Board Engineer, Mr. Nassar testified to the flood zones that the subject property is located in and he specifically noted that the A zone, which is the most restrictive FEMA flood zone, regulates the site. He noted that the Applicant intends to comply with the A zone construction requirements.

36. Mr. Nassar opined that the Applicant is unable to comply with the Area and Bulk requirements of the BA and T/E zone given and complying with same would render the site itself unusable given the specific requirements within each respective zone. He noted that CAFRA approvals are not required in connection with the Applicant's proposal.

37. Mr. Nassar testified that the proposed off-street parking arrangement provides a sufficient number of parking spaces to accommodate guests of the hotel. He indicated that the Applicant intends to buy on-street parking passes to provide additional parking for guests of the hotel.

38. Mr. Nassar testified to the signs that the Applicant is proposing to locate on site. He reviewed the specific waivers required in connection with the Applicant's proposed sign package.
39. Mr. Nassar further testified that the building will be illuminated but lighting will be confined to the site itself and will not negatively impact the surrounding neighborhood or neighboring properties.
40. Mr. Nassar reviewed the parking layout for the benefit of the Board. He opined that a traffic study was not required given the current utilization of the site. He further opined that limited traffic will come from and to the site given the proposed use as guests will park their vehicles upon arrival and likely not move them until the end of their stay.
41. Mr. Nassar testified that the proposed use is consistent with the City's Master Plan as it revitalizes an existing hotel and it will be a benefit of the Wildwood Convention Center given its proximity to same.
42. Mr. Nassar further opined that the Board can grant the requested use variance as several of the purposes of zoning outlined within N.J.S.A. 40:55D-2 are advanced in connection with this application as it:
- b. Secures safety from fire, flood, panic and other natural and man-made disasters;  
and
  - c. Promotes a desirable visual environment through creative development techniques and good civic design and arrangement.
43. Mr. Nassar further opined that there are no substantial detriments to the City's zoning ordinance, the zone plans, or the public good as the proposed development is an enhancement to the neighborhood and the City as a whole, and the adaptive reuse of an



existing site/structure will lessen the cost of development.

44. The Board was in receipt of a Review Memorandum prepared by CME Associates over the signature of John J. Hess, P.E., C.M.E., P.P., dated October 29, 2020, which was received by the Board and which is incorporated herein as fact. Mr. Hess appeared before the board and he reviewed the content of the aforementioned Review Memorandum for the benefit of the Board. Mr. Hess reviewed the relief sought by the Applicant for the Benefit of the Board. As a condition of approval, the Applicant will comply with any and all comments and conditions set forth within Mr. Hess's October 29, 2020 Review Memorandum.

45. Mr. Hess suggested that the Applicant increase the size of the entrance to the garage area for safety purposes. As a condition of approval, the Applicant agreed to provide a 10ft. clearance at the entrance to the parking garage area.

46. The Meeting was opened to the public for comment. One (1) member of the public addressed the Board in connection with this application, namely:

b. Tony Cebo, owner for the property located at 4200 Ocean Avenue, appeared before the Board and he was placed under oath and sworn in to testify before the Board. Mr. Cebo was in favor of the Applicant's proposal. He noted that the site needs to be renovated as the existing structure is in poor condition.

47. No additional members of the public spoke out in favor of or against the Application. Accordingly, the public portion of the Application was closed.

48. The Board opened the Application up for deliberations at which time members of the Board indicated their support of the Application.

49. Board Members found the testimony of the Applicant and its professionals to be credible and persuasive and they agreed that the Applicant's request for a preliminary

and final site plan approval, 'C' variance relief, and waivers were reasonable and appropriate.

50. The Board found that the approval of the application, subject to the aforementioned conditions, would advance the purposes of zoning identified by Mr. Dothe and Mr. Nassar and the project would be in the best interests of the City.

51. The Board further found that the proposed Application would not impair the intent or purpose of the City's zoning ordinance or zone plan nor is there a substantial detriment to the public good or the surrounding community.

**NOW THEREFORE, BE IT RESOLVED**, by the City of Wildwood Planning/Zoning Board of Adjustment, that the application of Boardwalk Store, LLC, doing business at 210 E. Montgomery Avenue, Wildwood, New Jersey 08260, and the owner of the property located at 4208-4218 Boardwalk, a/k/a Block 120, Lot 6, seeking preliminary and final site plan approval, 'C' variance relief in relation to minimum lot area (12,000SF is required whereas 6,000SF is existing and proposed), minimum front yard setback on Ocean Avenue in the T/E zone (10ft. is required whereas 0ft. is existing and proposed), minimum side yard setback in the T/E zone (20ft. is required whereas 3ft. is proposed), minimum rear yard setback in the T/E zone (20ft. is required whereas 0ft. is proposed), maximum building coverage in the T/E zone (80% is permitted whereas 100% is proposed), maximum lot coverage in the T/E zone (80% is permitted whereas 100% is proposed), minimum side yard setback in the BA zone (20ft. is required whereas 0ft. is proposed), minimum front yard setback in the BA zone (95ft. is required whereas 29.25ft. is proposed), minimum rear yard setback in the BA zone (15ft. is required whereas 0ft. is proposed), maximum building coverage in the BA zone (80% is permitted whereas 98% is proposed), maximum lot coverage in the BA zone (80% is permitted whereas 100% is proposed), and waivers in relation to off-street parking (27 off-street parking spaces are proposed whereas 31 are required), to permit a

wall mounted sign along Baker Avenue (97.5SF is permitted whereas 445SF is proposed), to permit a wall mounted sign and a marque sign along Baker Avenue, from the requirement to submit the location and type of adequate draining, from providing the location, direction of illumination and power and type of outdoor lighting, from providing a screening, buffering, and landscaping plan, from providing an environmental impact study, from providing letters to utility companies, and from the need to submit a traffic study, in order to construct a 4-story hotel with 5 retail stores on the 1<sup>st</sup> floor, be and hereby is GRANTED subject to the following conditions:

1. Compliance with and approval by any and all governmental authorities having jurisdiction over this proposal including, but not limited to, local, county, state, and federal entities; and
2. Compliance with all zoning, building, and construction ordinances and codes.
3. A copy of this Resolution shall be supplied to the applicant and filed with the Borough Clerk;
4. A notice of this decision shall be published in the official newspaper of the Borough by the Board Secretary;
5. The proper Board officials are authorized to take all actions necessary to effectuate this approval; and
6. This Resolution shall take effect immediately subject to Applicant's compliance with the aforesaid conditions.

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be filed with the Office of the Clerk of the City of Wildwood.

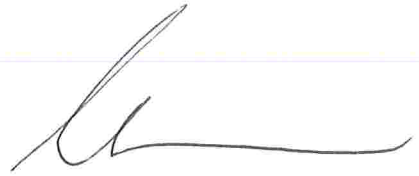
**MOTION TO APPROVE**

MADE BY: S. Schmidt  
SECONDED BY: K. Fitzsimons

**ROLL CALL VOTE**

<u>Name</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
J. Bruno	X			
G. Clark	X			
K. Fitzsimons				X
J. Hesley			X	
T. Kieninger	X			
S. Mikulski				X
S. Schmidt	X			
J. Spuhler	X			
P. Swetsky	X			
B. Evans				X
P. Arcuri				X
N. Fluharty			X	

DATED: 12/07/2020



Todd Kieninger, Board Chairman



Kate Dunn, Board Secretary