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Solicitor for the City of Ventnor Planning Board

APPLICATION OF VENTNOR PLAZA,
LLC FOR PRELIMINARY AND FINAL
MAJOR SITE PLAN APPROVAL AND C
VARIANCE RELIEF FOR BLOCK 304,
LOT 1

*CITY OF VENTNOR
PLANNING BOARD*

P-39-2022

DECISION AND RESOLUTION

THIS MATTER, having been heard by the City of Ventnor Planning Board (sometimes referred to hereafter as the “Board”) on October 24, 2022 at a meeting at the Ventnor City Hall, Ventnor, NJ, and a quorum being present; and

WHEREAS, the Applicant, Ventnor Plaza, LLC (“Applicant”), is seeking preliminary and final major site plan approval, together with variance relief pursuant to N.J.S.A. 40:55D-70c related to signage, in order to make certain renovations and other improvements to the Ventnor Plaza Shopping Center at property identified as Block 304, Lot 1 on the Ventnor City Tax Map, which property is located at 5000 Wellington Avenue; and

WHEREAS, the City of Ventnor Planning Board has reviewed the Application submitted by the Applicant together with the Application forms, attachments and plans presented by the Applicant; and

WHEREAS, at the time of the Application, the Applicant was represented by Patrick McAndrew, Esquire; and

5. The property is subject to the zoning controls set forth in the Ventnor Plaza Redevelopment Plan prepared by Rutala Associates dated October 25, 2019 (the "Redevelopment Plan"). The property is approximately 15.4 acres in area and is the site of the Ventnor Plaza Shopping Center. The shopping center essentially consists of several commercial units in one continuous building anchored by an Acme Supermarket. The property is bounded by an unimproved portion of Little Rock Avenue on the Margate side and an unnamed street on the Atlantic City side. There is a large parking area for the shopping center that currently has no pad sites. There is one main free standing sign on the property identifying the businesses within the shopping center.

6. The Applicant proposes to follow the guidance of the Redevelopment Plan by making several renovations and improvements to the shopping center. In that regard, the Applicant is proposing three separate pad sites on the property in the parking area generally located along Wellington Avenue. The pad sites at the current time are intended to be occupied by a Burger King, Starbucks and one yet to be named restaurant tenant. The Applicant also proposes a new street scape and landscaping along the Wellington Avenue frontage, ten park style lamps, solar panels and eight total electric vehicle charging stations. The unimproved portion of Little Rock Avenue will also be paved and portions of the parking area will be regraded and elevated to reduce tidal flooding. A 25 foot by 140.5 foot two-story addition is further proposed on the Atlantic City side of the building. The main free standing sign will be updated with a stone façade and an LED display, a monument sign up to 40 square feet in area is proposed for each of the three pad sites. Moreover, other overall site work and renovations are proposed to improve the aesthetics of the shopping center. The existing conditions of the property and the renovations and improvements proposed by the Applicant are shown more fully

on the site plan submitted with the Application and presented to the Board during the course of the hearing prepared by Doran Engineering, PA (18 total sheets with various dates).

7. The proposal by the Applicant, including the addition of the three pad sites, fits squarely within the Redevelopment Plan and, with the exception of signage, meets all of the requirements of the Redevelopment Plan in terms of bulk standards and permitted uses. The only variances sought and required by the Applicant are “c” variances pursuant to N.J.S.A. 40:55D-70c for signage, as set forth in more detail in paragraph 8 below. The Applicant also seeks preliminary and final major site plan approval for the project.

8. The within Application is for:

- a. Preliminary and final major site plan approval for the proposed development;
- b. Bulk variance approval pursuant to N.J.S.A. 40:55D-70c for the following:

<u>C Variances</u>	<u>Min. Required/ Max. Permitted</u>	<u>Proposed</u>
Free standing sign height	30 ft.	34 ft.
Free standing sign area	200 sq. ft.	324 sq. ft.
Monument sign area (3 pad sites)	24 sq. ft. each	40 sq. ft. each

Based upon the testimony presented on behalf of the Applicant, the testimony from the public, all plans and exhibits presented, and the report and testimony of the Planning Board Engineer and Planner, the City of Ventnor Planning Board makes the following additional findings of fact and conclusions of law, and decision:

a. The Board finds that, with the sign variances granted herein, the major site plan is proper in all respects and complies with the standards established by the City of Ventnor zoning ordinance and the Redevelopment Plan for preliminary and final major site plan approval. The Board finds that the major site plan will greatly improve the shopping center and advances the

goals for the property set forth in the Redevelopment Plan. As a result, the Board finds that preliminary and final major site plan approval is warranted and should be granted.

b. The Board finds that pursuant to N.J.S.A. 40:55D-70c(2), the Municipal Land Use Act would be advanced by a deviation or departure from the City of Ventnor zoning ordinance requirements for the requested sign variances detailed in paragraph 8 and that the benefits of the requested variances substantially outweigh any detriment. Further, the Board finds that the requested variance relief for signage set forth in paragraph 8 will not cause a substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan or zoning ordinance of the City of Ventnor, or the Redevelopment Plan.

Specifically, the Board finds that the Applicant's proposal for the property as a whole, and together with the requested sign deviations, advances several purposes of zoning set forth in N.J.S.A. 40:55D-2, and specifically sections:

a. Promote public safety and the general welfare - the Board finds that the shopping center property has become rather run down with many vacant units, a lack of streetscape and landscaping, unattractive signage and cracked pavement, among other unappealing conditions. The Board finds that the new signage proposed by the Applicant, together with the other improvements proposed such as new lighting and landscaping, will greatly help revitalize and enhance the shopping center to the benefit of the community. The Board also specifically notes that the new signage proposed by the Applicant will assist the motoring public in more easily identifying the shopping center, the businesses located in the shopping center and the three pad sites, which will in turn enhance public safety. The Board finds that as a result, and by advancing the other

purpose of zoning detailed below, the Applicant's proposal will promote public safety and the general welfare.

i. Aesthetic enhancement - the Board finds that the project promotes a desirable visual environment through creative development techniques and good civic design and arrangement since, as noted, the Applicant is proposing site improvements that will greatly enhance the aesthetics of the property. The Board finds that the project will provide a significant aesthetic upgrade to the property and the neighborhood.

In terms of the negative criteria (that granting the variances will not cause substantial detriment to the public good or substantially impair the intent and purpose of the zone plan or zoning ordinance of the City of Ventnor, or the Redevelopment Plan), the Board finds that the variances requested by the Applicant will not have any substantial negative impacts. The Board notes that the proposal by the Applicant fits squarely within the goals of the Redevelopment Plan. The Board further notes that the shopping center itself has existed for years and the proposal by the Applicant is only improving the shopping center with landscaping, a streetscape, a small addition, three permitted pad sites and other site improvements. The Board finds that the signage, while necessitating variance relief, is all in scale with the large size of the property and is necessary to provide proper identification to the pad sites and other businesses within the shopping center. The Board, having weighed and balanced the positives and negatives of the requested variances as detailed herein, finds that the overall benefits from granting the requested variances substantially outweigh any detriments, if any detriments exist.

For these reasons, the Board finds that the variances detailed above should be granted. In reaching this decision, the Board finds the professional testimony presented on behalf of the Applicant to be credible and uncontroverted by any other professional testimony. The Board

additionally finds that in reaching its decision, it has considered the Applicant's entire proposal for the property rather than only the benefits derived solely from each requested deviation.

NOW, THEREFORE, a Motion having been made and seconded, the City of Ventnor Planning Board hereby grants preliminary and final major site plan approval and variance approval pursuant to N.J.S.A. 40:55D-70c, all as detailed and as set forth in paragraph 8 above, with conditions agreed to by the Applicant as follows:

1) The Applicant's approval set forth herein is conditioned upon and subject to the Applicant obtaining all other required governmental approvals, including without limitation Atlantic County Planning Board approval.

2) All representations made by or on behalf of the Applicant during the course of the hearing shall be followed.

3) All those conditions and recommendations as set forth in the Board Engineer and Planner's report noted above shall be followed, unless modified herein or on the record during the hearing in this matter.

In Favor: (9) Nine. Kriebel, Halpin, Cooke, Zabihach, Smith III, Sallata,
Against: (0) Zero. Koob, Gaskill, and Bartlett.

CITY OF VENTNOR PLANNING BOARD

By: Jay Cooke
Jay Cooke, Chairman

By: Carmella Malfara
Carmella Malfara, Planning Board Secretary

Dated: 11/9/2022