

November 26, 2014

Lance B. Landgraf, Jr., P.P., AICP  
CASINO REINVESTMENT DEVELOPMENT AUTHORITY  
15 South Pennsylvania Avenue  
Atlantic City, NJ 08401

**Re: Preliminary and Final Site Plan (1<sup>st</sup> Review)**  
**Block 293, Lot 1**  
**1433 Bacharach Boulevard**  
**Applicant: Tri-County Community Action Agency, Inc.**  
**Zone: CBD, Central Business District**  
**Application No 2014-08-1176**  
**Our File No CRDA14002**



Dear Mr. Landgraf:

The above referenced application is a request for preliminary and final site plan review.

## **1.0 Project Description**

### **1.1 Applicant's Proposal**

The applicant seeks preliminary and final site plan approval to construct a three-story plus a penthouse Early Head Start/Head Start day nursery and educational center with onsite parking, landscaping and related site improvements. The proposed building construction will contain approximately 44,660 square feet of floor area. The applicant proposes off-site parking, outside the Tourism District, but within a three block radius of the property in question.

### **1.2 Existing Conditions**

The property in question is Block 293, Lot 1 and is located at 1433 Bacharach Boulevard. The property is zoned CBD, Central Business District. The property is owned by Atlantic County and contains a 1-story block office building which is presently unused. The property also includes limited onsite parking.

### **1.3 Adjacent Land Uses**

Adjacent land uses are a mix of non-residential including office, retail, religious, medical, educational and governmental.

## **2.0 Materials Reviewed**

We have reviewed the referenced submission, received by our office on August 21, 2014, September 12, 2014 and November 21, 2014 consisting of the following:

J. Timothy Kernan, Inc.  
Kingsway Commons  
Suite 100  
935 Kings Highway  
Thorofare, NJ 08086

Phone 856.251.9500  
Fax 856.853.1310

[www.kernaneng.com](http://www.kernaneng.com)



<u>Sheet</u>	<u>Title</u>	<u>Date</u>
---	Correspondence from Stephen R. Nehmad, Esq.	November 20, 2014
---	Application Form	Revised to November 13, 2014
---	Disclosure Statement	November 13, 2014
---	Escrow Setup Agreement	August 13, 2014
---	Application Addendum, Variance Report	Revised to November 12, 2014
---	Certified List of Property Owners within 200'	November 12, 2014
---	Application Checklist	November 14, 2014
---	Notification of Tax Exempt Status	September 8, 2004
---	Agreement of Sale	May 30, 2014
---	Traffic Engineering Assessment	November 17, 2014
1 of 12	Cover Sheet	Revised to November 14, 2014
2 of 12	Information Sheet	Revised to November 14, 2014
3 of 12	Demolition Plan	Revised to November 14, 2014
4 of 12	Site Plan	Revised to November 14, 2014
5 of 12	Offsite Parking & Transit Plan	Revised to November 14, 2014
6 of 12	Grading Plan	Revised to November 14, 2014
7 of 12	Utility Plan	Revised to November 14, 2014
8 of 12	Landscape, Lighting and Details Plan	Revised to November 14, 2014
9 of 12	Site Detail Sheet	Revised to November 14, 2014
10 of 12	Stormwater Management & Sanitary Sewer Detail Sheet	Revised to November 14, 2014
11 of 12	Soil Erosion and Sediment Control Plan	Revised to November 14, 2014
12 of 12	Soil Erosion and Sediment Control Narrative and Details	Revised to November 14, 2014
OCVR	Cover Sheet	November 14, 2014
AO.1	3D Views	November 14, 2014
AO.2	Code Sheet	November 14, 2014
A2.1	First Floor Plan	November 14, 2014
A2.2	Second Floor Plan	November 14, 2014
A2.3	Third Floor Plan	November 14, 2014
A2.3	Roof Plan	November 14, 2014
A4.1	Building Elevations 1	November 14, 2014
A4.2	Building Elevations 2	November 14, 2014
A8.1	Building Sections	November 14, 2014
1 of 1	Topographic Boundary Survey	June 6, 2014
---	Postponement Letter from Stephen R. Nehmad, Esq.	September 11, 2014

The plans are signed and sealed by Jason T. Sciuillo, PE of Marathon Engineering & Environmental Services, Inc. The architectural plans are signed and sealed by Angelo Alberto, AIA of Alberto & Associates. The survey is prepared by William P. McManus, PLS of Duffy Dolcy McManus & Roesch. The traffic assessment is signed and sealed by Nathan B. Mosley, P.E., C.M.E. of Shropshire Associates LLC.

### 3.0 Submission Requirements

- 3.1 Requirements for Completeness are included in Chapter 163 of the Code of the City of Atlantic City, Land Use and Development. Based upon our review of the submitted items, we have determined that the preliminary and final site plan application is incomplete unless the following submission item(s) are granted a waiver for completeness or deferred by the Land Use Regulation and Enforcement Division (LURED) to be provided as a condition of approval:

#### § 163-97 - Application for Preliminary Site Plan/Subdivision Plan

- C. The application shall be in such form and shall contain such information and documentation as shall be prescribed from time to time by the Land Use Administrator, but shall in all instances, unless an order of the LURED entered pursuant to § 163-82C or 163-90B provides otherwise, contain at least the following information and documentation, which information and documentation, taken together, shall constitute a preliminary site plan/subdivision plat:
- (24) Documentation described in § 146-14 of Article II of Chapter 146 regarding underground storage tanks. [Added 4-11-2012 by Ord. No. 25-2012].

*Note: With the exception of item number 24, the preliminary site plan application is complete. I recommend this item be deferred and provided as a condition of approval.*

#### § 163-111 Application for Final Site Plan/Subdivision Plat

- D. The application shall be in such form and shall contain such information and documentation as shall be prescribed from time to time by the Land Use Administrator, but shall in all instances contain at least the following information and documentation, which information and documentation, taken together, shall constitute a final site plan/subdivision plat:
- (6) Engineering plans, specifications and cost estimates. [Amended 6-15-1988 by Ord. No. 1-1988]





- (11) Copies of all pre-construction permits and approvals required from any federal or state agency or, for any required permit not yet secured, a copy of the application as filed and a statement of its current status or a statement explaining why an application has not been filed and indicating when it will be filed.
- (16) Forms of the performance guaranty and maintenance guaranty to be submitted pursuant to § 163-136 of this Part 5, upon final plan approval and of any other performance or maintenance guaranties required to ensure installation and completion of the entire development or any specific portion of it or the future provision and improvement of common open space or facilities.
- (18) Such other and further information as the Planning Board shall find necessary to a full consideration of the entire proposed development or any stage or unit thereof.

*Note: I recommend the above items be deferred and provided as a condition of approval.*

#### **4.0 Zoning Requirements**

##### **4.1 Permitted Uses**

1. In accordance with § 163-59A.(3), the CBD Central Business District is established to preserve and enhance commercial, financial, retail and similar activities and services of importance to the existing central business district. The district is intended to accommodate a wider variety of commercial uses than any other district. High land values, space limitations and public convenience justify greater intensity of use than in any other commercial district.
2. In accordance with § 163-59B, Schedule III (Attachment 20), day nurseries, kindergartens, elementary and high schools, public, private and parochial are permitted uses in the CBD zoning district.

##### **4.2 Bulk Requirements (§ 163-59D., Schedule 1 (Attachment 3))**

1. **Maximum Height:** The maximum permitted principal building height is 220 feet and accessory building height is 35 feet. The plan conforms to this requirement, proposing a principal building height of 65 feet.



## 2. Minimum Yard Requirement<sup>3 4</sup>

- a. **Minimum Front Yard Requirements:** Not applicable.
- b. **Minimum Side Yard Requirement:** <sup>5 9</sup> Not applicable.
- c. **Minimum Rear Yard Requirement:** The minimum required rear yard is 30 feet. The plan does not conform to this requirement, proposing no rear yard. As proposed, a variance is required.

*Note: The existing building is also on the property line.*

- 3. **Maximum Lot Coverage (aggregate):** The maximum aggregate lot coverage is 80%. The plan conforms to this requirement, proposing 76%.
- 4. **Maximum Floor Area Ratio:** The maximum permitted floor area ratio is 8.0. The plan conforms to this requirement, proposing 2.5.

## 4.3 Off-Street Parking and Loading

- 1. In accordance with § 163-70A(1)(c)[4], nonresidential uses except hotel uses located in other commercial districts shall provide 100% of required parking on-site or in commercial districts. Hotel uses shall provide 100% of required patron parking on-site. Hotel employee parking shall be provided pursuant to § 163-70A(1)(c)[2] hereof. The plan does not conform to this requirement, proposing parking off-site and not

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<sup>3</sup> Yard requirements for open land. On any lot occupied by a use without structures, the minimum yards that would otherwise be required for such lot shall be provided and maintained; provided, however, that yards shall not be required on lots used for garden purposes without structures. Not applicable.

<sup>4</sup> Visibility across corners. Any other provision of this chapter to the contrary notwithstanding, in all commercial districts, on any corner lot, nothing shall be erected, placed, planted, allowed to grow or maintained above a height of two and one-half (2 ½) feet from grade within the area of the sight triangles described in § 163-131 of this chapter. The plan does not conform to this requirement. As proposed, a variance is required.

<sup>5</sup> Where no side yard is required, but one is provided, such yard shall be not less than twenty (20) feet in width, except that such a yard in the Neighborhood Commercial Districts may be fifteen (15) feet in width. Not Applicable.

<sup>9</sup> A side yard of twenty-five (25) feet shall be provided along any side lot line abutting a residential district boundary line. Not applicable.



in a commercial district or within the Tourism District. As proposed, a variance is required.

2. In accordance with § 163-70A(3)(a), off-street parking spaces shall be provided in accordance with the required off-street parking spaces set forth in Schedule IV, Schedule of Required Off-Street Parking Spaces (Attachment 41). In addition to the number of spaces shown on the schedule, each use having employees on the premises shall provide one space for each 1 ½ employees. Schedule IV requires one space for each classroom. With 20 classrooms and 63 employees, 62 spaces are required. The plan does not conform to these requirements. As proposed, a variance is required.
3. In accordance with § 163-70B(1)(b), loading spaces shall be located on the same lot as the building or structure to which they are accessory. No loading space shall be located in any required front yard. The plan does not conform to these requirements, proposing a loading space in the street. As proposed, a variance is required.
4. In accordance with § 163-70B(3), loading spaces shall be provided in sufficient number and of sufficient size so that no loading and unloading operations infringe upon any street, sidewalk or public property. In no event shall the number of loading spaces provided be less than the number determined in the Schedule of Required Off-Street Loading Spaces, Schedule V (Attachment 46), except that in the case of demonstrated hardship, the Planning Board may grant a variance from loading requirements, provided that an approved plan for delivery truck operations, including but not limited to hours and staging of operation, is attached to such variance. With a gross floor area of 44,660 square feet, 1 loading space is required. The plan partially conforms to these requirements. One loading space is proposed but it is located within Arctic Avenue. As proposed, a variance is required.

#### 4.4 Signs

1. A sign package has not been submitted with this application for review. The requirements of § 163-71 shall apply. As such, sign compliance will be addressed at the time of individual sign permit applications.

#### 4.5 Performance Standards

1. Testimony should be provided regarding compliance with the requirements of § 163-73 regarding prevention of any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive, or other hazardous condition; noise or

vibration; smoke, dust, odor or other form of air pollution; electrical or other disturbance, glare or heat; liquid or solid refuse or wastes; or other substance, condition or elements in a manner or amount so as to adversely affect the surrounding area.

#### 4.6 Urban Design Standards

The requirements of § 163-74 as applicable to the proposed development appear to be met with the following exceptions:

1. In accordance with § 163-74E, every face of a structure fronting on a public sidewalk shall, at the sidewalk level adjacent to said structure, be designed predominantly for entrance lobbies and retail commercial uses. Parking, mechanical equipment, storage and similar uses shall not be allowed along any such frontage. The plan does not conform to these requirements. As proposed, a variance is required.
2. In accordance with § 163-74G(1), at least 50% of the total exposed surface of all flat roofs, including but not limited to decks, balconies and parking garage roofs, shall be landscaped as roof gardens. The landscaping may be either distributed on every exposed roof surface or concentrated in selected areas. The plan does not conform to this requirement. As proposed, a variance is required.

#### 5.0 General Comments

- 5.1 The demolition plan should indicate the limit of sidewalk removal along Bacharach Boulevard to the eastern property line, since the existing building abuts the sidewalk to that point. Additionally, the plan should show the limits of pavement and utilities to be removed within the roadways.
- 5.2 The finished first floor should be added to the grading plan. Also, the engineer should confirm the cross slope for the proposed sidewalk in the vicinity of the wide set of stairs and ramp along Bacharach Boulevard. It appears the sidewalk grades should be lowered and the height of the risers increased.
- 5.3 The pipe sizes and materials noted on the utility plan do not always agree with the details. The engineer should check and revise accordingly.
- 5.4 The wattages of the sconce and step lights are not easily discerned. Additionally, the light spillage into Arctic Avenue appears excessive. Perhaps a reduced wattage and/or one light would suffice in the trash area? The plan should be revised accordingly.





5.5 The dimensions of the barrier-free detectable dome warning surface should be added to the plan.

## 6.0 Fees, Contributions and Obligations

### 6.1 Approval Process

Upon receipt of CRDA approval, resolution compliance and outside agency approvals, copies of the approvals along with eleven (11) sets of the site plan should be submitted to this office for signature.

### 6.2 Performance Bond and Inspection Escrow

The applicant's engineer should submit a schedule of quantities to be reviewed and utilized for the purpose of preparing a cost estimate for the installation of all improvements. Such estimate shall be the basis for the applicant to furnish performance and maintenance guarantees in accordance with § 163-136. In addition, an inspection escrow account shall be established.

### 6.3 Escrow

The applicant must contact the CRDA Land Use Regulation & Enforcement Official to settle any outstanding review escrow accounts prior to the plans being signed.

## 7.0 Outside Agency Approvals

This application is subject to the review and approval of the following outside agencies with jurisdiction, if not already received, including but not limited to the following. Evidence of these approvals must be submitted to the LURED.

- New Jersey Department of Environmental Protection;
- Cape-Atlantic Soil Conservation District;
- Atlantic County MUA;
- Atlantic County Planning Board;
- Atlantic City Municipal Utilities Authority;
- Atlantic City Fire Official; and
- Any others as may be required.

The above comments and/or recommendations are submitted for your review and consideration. Should you have any questions with regard to this matter or require additional information, please do not hesitate to contact our office at (856) 251-9500.



Best regards,

J. TIMOTHY KERNAN, INC.



J. Timothy Kernan, P.E., P.P., C.M.E.  
President

JTK/rld



cc: Robert Reid, PP, AICP, Land Use Regulation & Enforcement Officer  
Paul Weiss, Esq.  
Scott Collins, Esquire  
Gateway Community Action Partnership  
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