

**RESOLUTION OF THE CASINO REINVESTMENT DEVELOPMENT AUTHORITY GRANTING PRELIMINARY AND FINAL SITE PLAN APPROVAL FOR CONSTRUCTION OF IMPROVEMENTS AT LOT 1 OF BLOCK 132 AND LOT 1 OF BLOCK 133, ATLANTIC CITY, NEW JERSEY UNDER APPLICATION 2014-10-1235**

**WHEREAS**, by Resolution 889 adopted in 1994 the City Council of the city of Atlantic City (the "City") designated the entire City as an area in need of rehabilitation as defined in the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.) (hereinafter the "Local Redevelopment Law"), thereafter by Ordinance 42-2002, as amended by Ordinances 103-2005 and 16-2006, approved a Redevelopment Plan titled Amended Renewal Plan for the Uptown Urban Renewal Project (the "Redevelopment Plan"), and designated Boraie Development, LLC through its affiliated company South Inlet Partners Urban Renewal LLC as the Redeveloper for the Redevelopment Plan; and

**WHEREAS**, the City, the Redeveloper and the Atlantic City Housing Authority, as owner of the Site, entered into a Redevelopment Agreement dated July 25, 2013 for the purchase and development of the Site to include entertainment, housing, retail and commercial uses that would spur additional development projects in the South Inlet area of the City; and

**WHEREAS**, pursuant to P.L. 2011, c. 18, as amended (the "Act"), the Casino Reinvestment Development Authority (the "Authority"): (i) designated the Atlantic City Tourism District by Resolution 11-25 adopted April 19, 2011, (ii) established the Land Use Regulation and Enforcement Division to, among other matter, hear applications for development in the Tourism District by Resolution 11-33 adopted April 19, 2011, and (iii) adopted the master plan, zoning and land use ordinances and regulations, and zoning maps approved by the City by Resolution 11-34 adopted April 19, 2011; and

**WHEREAS**, pursuant to Resolution 12-14 dated February 1, 2012, the Authority adopted the "New Jersey CRDA Atlantic City Tourism District Master Plan" prepared by Jones Lang LaSalle, LLC and dated February 1, 2012 (the "Master Plan") (as affirmed and readopted pursuant to Resolution 12-23 adopted February 21, 2012), subject to further comment and revision, which master plan shall become effective upon the adoption of design, development and land use regulations consistent therewith, and in accordance with N.J.S.A 5:12-220a, the Atlantic City Master Plan dated September of 2008 (as adopted by the CRDA pursuant to Resolution 11-34 dated April 19, 2011) shall remain effective for development applications received by the CRDA until adoption of such regulations; and

**WHEREAS**, pursuant to Resolution 14-132 adopted September 15, 2014, the Authority approved an amendment to the Redevelopment Plan in accordance with the Act; and

**WHEREAS**, the Redeveloper seeks preliminary and final site plan approval pursuant to the Municipal Land Use Law P. L. 1975, c. 291 (C.40:55D-1 et seq.) for construction of improvements that will accommodate mixed use, residential, retail and related parking facilities

to be located on Lot 1 of Block 132 and Lot 1 of Block 133 in the City under application 2014-10-1235 (the "Application"); and

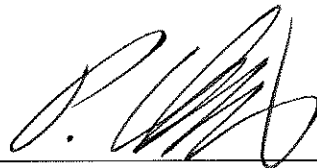
**WHEREAS**, on November 6, 2014, the Authority's Land Use Regulation and Enforcement Division convened a public hearing on the Application in accordance with the requirements of the Open Public Meetings Act, the Municipal Land Use Law and the Act, and subsequently prepared and delivered the Hearing Officer's Report and Recommendation dated November 14, 2014 (the "Report"), incorporated herein by this reference and appended hereto as Exhibit "A"; and

**WHEREAS**, the Authority intends to adopt the findings, conclusions and recommendations of the Hearing Officer, as detailed in the Report; and

**NOW THEREFORE, BE IT RESOLVED** by the Casino Reinvestment Development Authority that:

1. The above recitals are incorporated herein, as if set forth in full.
2. Based on the record in this matter, Application 2014-10-1235 is hereby approved in accordance with the Hearing Officer's Report and Recommendation dated November 14, 2014.
3. A copy of this Resolution shall be immediately transmitted to the Governor. This Resolution shall take effect immediately but no action authorized herein shall have force and effect until the earlier of the passage of ten (10) days, Saturdays, Sundays and public holidays excepted, after the delivery of the copy to the Governor, or the Governor's approval.

I hereby certify that this document is a true and correct copy of Resolution 14-154 of the Casino Reinvestment Development Authority.



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**PAUL G. WEISS, ESQ, ASSISTANT SECRETARY**

**MEETING OF NOVEMBER 18, 2014**



## Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

### EXHIBIT "A" TO RESOLUTION 14- , ADOPTED 11/18/2014

**TO:** Members of the Authority

**FROM:** Lance B. Landgraf, Jr., Land Use Hearing Officer

**COPY:** John F. Palmieri, Executive Director

**SUBJECT:** Hearing Officer's Report and Recommendation  
Application 2014-10-1235  
South Inlet Partners Urban Renewal, LLC  
Block 132, Lot 1 and Block 133, Lot 1  
Preliminary and Final Site Plan

**DATE:** November 14, 2014

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### EXECUTIVE SUMMARY

On November 6, 2014, the Casino Reinvestment Development Authority (the "Authority") heard testimony and public comment on the above-subject application. The Applicant, South Inlet Partners Urban Renewal, LLC (the "Applicant") seeks preliminary and final site plan approval for a proposed mixed use development of approximately 251 residential apartment units, retail, parking and associated improvements on the properties located at Block 132, Lot 1 and Block 133, Lot 1 in the city of Atlantic City. The property is located within the Uptown Urban Redevelopment Plan area duly adopted by Ordinance of the city of Atlantic City and conforms to the use and bulk requirements of the Uptown Urban Redevelopment Plan. The Applicant has been designated by the City as the Redeveloper under the foregoing Plan.

During the hearing, the Applicant presented adequate evidence and testimony to satisfy the requirements of the Municipal Land Use Law for the grant of the requested relief. Specifically, the evidence and testimony demonstrated that the development proposal

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generally conforms to the site plan standards and technical requirements of the land use ordinances of the city of Atlantic City and the Uptown Urban Redevelopment Plan. Therefore, as more fully outlined below, the Applicant has met its burden for the relief requested under the Municipal Land Use Law and the Hearing Officer recommends that the Application be approved by the Authority.

### INTRODUCTION

#### Application Information

South Inlet Partners Urban Renewal, LLC  
Block 132, Lot 1 and Block 133, Lot 1  
Uptown Urban Redevelopment Plan

A hearing on the Application was conducted in accordance with the requirements of the Open Public Meetings Act, the Municipal Land Use Law and P.L. 2011, c. 18.

Applicant seeks preliminary and final site plan approval for a proposed mixed use development of approximately 251 residential apartment units, retail, parking and associated improvements on the properties located at Block 132, Lot 1 and Block 133, Lot 1 in the City of Atlantic City.

#### Evidence List

- A-1 Aerial photo
- A-2 Colorized version of site plan
- A-3 Aerial perspective of project
- A-4 Atlantic Avenue elevation
- A-5 Connecticut Avenue elevation
- A-6 Pacific Avenue elevation
- A-7 New Jersey Avenue elevation
- A-8 Aerial of courtyard
- A-9 Atlantic Avenue street section
- A-10 Letter from Marathon Engineering and Environmental Services, Inc. dated November 6, 2014
- A-11 Photo of traffic control box and bus shelter

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A-12 Photo of Atlantic Avenue

B-1 Letter from Adams, Rehmann & Heggan Associates, Inc. dated October 31, 2014

### FINDINGS OF FACT

Applicant seeks preliminary and final site plan approval for a proposed mixed use development of approximately 251 residential apartment units, retail, parking and associated improvements on the properties located at Block 132, Lot 1 and Block 133, Lot 1 in the city of Atlantic City. The attorney for the Applicant, Jennifer P. Smith, Esq., introduced the application generally and provided background regarding the specific relief sought by the Applicant.

The Applicant presented the testimony of Thomas Sykes, a licensed professional planner and architect who was qualified as an expert in the fields of planning and architecture. Mr. Sykes testified as to the general development proposal, architectural features, and site operation. He testified that the property is located at the nexus of existing residential and commercial development and is served by public transportation and infrastructure. He explained that the property has been vacant for more than 50 years and that the current development proposal is consistent with, and intended to advance, the goals of the Uptown Urban Redevelopment Plan. He testified that the development proposal consists of residential units in a courtyard design with residential and retail on the first floor, and four floors of residential above on Block 132, Lot 1. The property located at Block 133, Lot 1 will be landscaped and used for parking. It is anticipated that Block 133, Lot 1 will ultimately be developed for retail in the future.

Mr. Sykes also testified as to the existing grade differentials on the site, the need for terracing of the landscape and hardscape to address the grade differentials and compliance with FEMA requirements. The approximately 251 residential units will be a mix of one and two-bedroom units with gated access and security cameras. The courtyard will include resident parking, a pool and other recreational facilities. He also testified extensively regarding the sidewalk width around the perimeter of the site. He noted that the development will provide a linkage between the downtown and the inlet that will be pedestrian friendly. He testified that the development proposal complies with all of the requirements of the Uptown Urban Redevelopment Plan and the land use ordinances of the city of Atlantic City. Finally, Mr. Sykes testified that the Applicant

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will coordinate with Authority staff and consultants to address and satisfy the issues raised in the review letter from Adams, Rehmann & Heggan Associates, Inc dated October 31, 2014.

The Applicant presented the testimony of Jason Scullo, P.E., who was qualified as an expert in the field of professional engineering. Mr. Scullo described the location of the site, as well as development proposal, site layout and design. He testified that the development proposal complies with all requirements of the Uptown Urban Redevelopment Plan and the land use ordinances of the city of Atlantic City.

Mr. Scullo provided extensive testimony regarding sidewalk width around the perimeter of the site. He testified that any necessary easements and licenses will be obtained from the City by the Applicant and that it will coordinate with the Authority and the City in any necessary relocations of the bus shelter along Atlantic Avenue, parking meters and trash receptacles to keep the sidewalks unobstructed to the greatest extent possible. Mr. Scullo testified that the Applicant will not agree to the use of "piano key" cross-walk striping and will not agree to the addition of a mid-block cross-walk as recommended by Authority consultants.

With respect to stormwater management, Mr. Scullo testified that the proposed development will tie into existing stormwater management infrastructure and that such infrastructure has sufficient capacity to accommodate the development. He further testified that the Applicant will demonstrate compliance with all applicable stormwater quality and maintenance standard as a condition of approval of the Application.

After discussion on the piano key and midblock crosswalk issues the Hearing Officer in consultation with the Authority's professional engineer, agreed that these two items were not necessary at this location. Mr. Scullo testified that the Applicant will address and satisfy all issues raised in the review letter from Adams, Rehmann & Heggan Associates, Inc dated October 31, 2014.

Theodore Wilkinson, P.E. was qualified as an expert in professional engineering and provided testimony on behalf of the Authority. Mr. Wilkinson questioned whether fire lanes should be added to the site plan and the Applicant agreed to coordinate with the Fire Marshall to determine if fire lanes are warranted. Also in response to questions raised by Mr. Wilkinson, the Applicant agreed to work with Authority staff and

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consultants to “soften” the 90 degree building corners. He also asked that the Applicant coordinate with Authority staff and consultants to submit a revised landscaping plan, including street trees where appropriate. Finally, in response to questions raised by Mr. Wilkinson, the Applicant agreed to replace the chain-link fence surrounding the parking area on Block 133, Lot 1 with decorative fence in the event that such property is not developed for retail within two years from the grant of any approval of the current development proposal. Mr. Wilkinson testified that he supported the development proposal and the grant of the requested relief.

Christine A. Cofone, P.P. was qualified as an expert in professional planning and provided testimony on behalf of the Authority. Ms. Cofone supported the development proposal and the grant of the requested relief. She requested that the grant of any approval of the development proposal be conditioned upon the Applicant complying with all application checklist requirements and making reasonable efforts to replace existing parking meters with kiosks.

### CONCLUSIONS OF LAW

#### Preliminary and Final Site Plan Approval

A land use agency’s authority in reviewing an application for site plan approval is limited to determining whether the development plan conforms to the zoning ordinance and the applicable provisions of the site plan ordinance. See Pizzo Mantin Group v. Township of Randolph, 137 N.J. 216 (1994).

Here, based on the evidence and testimony, the Applicant has demonstrated that development proposal generally conforms to the Uptown Urban Redevelopment Plan adopted by the City and site plan standards and technical requirements of the land use ordinances of the city of Atlantic City.

### RECOMMENDATION

For all of the foregoing reasons, the Hearing Officer recommends that the Application for preliminary and final site plan approval be approved. The grant of approval of this

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Application shall be expressly conditioned upon the Applicant complying with all conditions of prior approvals, satisfying all representations made by the Applicant or by others on its behalf during the course of the hearing on this matter before the Hearing Officer.

The grant of approval shall be further conditioned upon compliance with all applicable requirements of the city of Atlantic City Land Use Ordinances, or other City Ordinances, and the requirements of any City agency, board or authority. Any approval granted in accordance herewith shall be further expressly conditioned upon the Applicant obtaining all other necessary governmental approvals, and compliance with all Federal, State and local laws.

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November 18, 2014

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