

March 31, 2015

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)  
Plate 58, Block 336, Lots 2-23  
2231 Arctic Avenue  
Applicant: JTD Realty Group, Inc.  
Zone: CBD, Central Business District  
Application № 2015-03-1403  
Our File № CRDA15001*



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 convert an existing building into two restaurants and bars with onsite parking, landscaping and related site improvements. The proposed building conversion will result in one restaurant/bar within 5,540± square feet of floor area and the second restaurant/bar within 4,812± square feet of floor area. The applicant is also proposing to construct an accessory kiosk to be used for ticket sales for a boat tour operation. The loading and unloading of passengers for the boat tour operation are proposed to take place in an existing alley off-site.

The use of the adjacent alley on lots 2-7 for staging of boat tour operations including the pickup and drop off of passengers, and any improvements associated thereto, shall be the subject of separate hearing upon proper notice and possibly will require a separate application. The applicant should be prepared to discuss.

### **1.2 Existing Conditions**

The property in question is Block 336, Lots 2-23 and is located at 2231 Arctic Avenue. The property is zoned CBD, Central Business District and is located within the Tourism District. The total parcel area is .91 acres with an existing 1 ½ story masonry building containing approximately 11,400 square foot of floor area. The existing building was previously used as a community center but is now abandoned.

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Suite 100  
935 Kings Highway  
Thorofare, NJ 08086

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### 1.3 Adjacent Land Uses

Adjacent land uses are retail stores in The Walk to the east, Bass Pro to the south, Barbera's Fish Market to the west and The Wave parking garage to the north.

### 2.0 Materials Reviewed

We have reviewed the referenced submission, received by our office on March 26, 2015, March 27, 2015 and March 31, 2015 consisting of the following:



| <u>Sheet</u> | <u>Title</u>                                  | <u>Date</u>       |
|--------------|---|-------------------|
| ---          | Application Form                              | March 24, 2015    |
| ---          | Escrow Setup Agreement                        | March 24, 2015    |
| ---          | Request for Certified List of Property Owners | March 24, 2015    |
| ---          | Application Addendum (Statement of Proposal)  | ---               |
| ---          | Proof of Paid Taxes                           | March 25, 2015    |
| 1 of 10      | Cover Sheet                                   | March 24, 2015    |
| 2 of 10      | General Notes                                 | March 24, 2015    |
| 3 of 10      | Existing Conditions                           | March 24, 2015    |
| 4 of 10      | Site Plan                                     | March 24, 2015    |
| 5 of 10      | Grading and Drainage Plan                     | March 24, 2015    |
| 6 of 10      | Landscape and Lighting Plan                   | March 24, 2015    |
| 7 of 10      | Utility Plan                                  | March 24, 2015    |
| 8 of 10      | Soil Erosion & Sediment Control Plan          | March 24, 2015    |
| 9 of 10      | Construction Details I                        | March 24, 2015    |
| 10 of 10     | Construction Details II                       | March 24, 2015    |
| 1 of 1       | Survey of Property, Block 336, Lots 2-22      | April 22, 2014    |
| 1 of 1       | Survey of Premises, Block 336, Lot 23         | February 15, 2015 |
| SK001        | Architectural Floor Plan                      | ---               |
| SK-002       | Architectural Elevations                      | ---               |

The plans are signed and sealed by Charles E. Endicott, PE of Endicott Engineering. The survey of lot 23 is signed and sealed by Paul M. Koelling, PLS of Paul H. Koelling & Associates, LLC. The survey of lots 2-22 was prepared by Schaeffer Nassar Scheidegg Consulting Engineers, 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:

- (5) The names and addresses of all owners of property located within 200 feet of the subject property as shown in the latest property tax records.
- (8) Evidence that the applicant has sufficient control over the subject property to effectuate the proposed development, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or commitment for title insurance.
- (15) Evidence of the financing plan the applicant proposes to use to complete the proposed development. Evidence of the applicant's prior successful completion of projects of similar scope may, if found sufficient by the Planning Board, be accepted in satisfaction of this requirement.
- (16) Traffic, transit and pedestrian circulation studies indicating the relationship of the proposed development to existing and projected transit, vehicular and pedestrian traffic volumes and use in the immediate area, based upon both existing and proposed or planned traffic, transit and pedestrian systems and use and indicating any proposals of the applicant for upgrading those systems.
- (17) Studies indicating the adequacy of existing or proposed public improvements, public sites and rights-of-way and essential public or quasi-public facilities and services, such as transportation, police and fire protection, social and health services, education, recreation, sanitation and energy facilities and supplies, and indicating any proposals of the applicant for upgrading those improvements, sites, services and facilities. Such studies shall, when required by the Planning Board, include a full energy impact assessment prepared in accordance with the Board's regulations pertaining thereto.
- (21) A preliminary site plan or subdivision plat based on the latest Tax Map information and of a standard size not less than 15 x 21 inches as required by the Map Filing Act. (Editor's Note: See N.J.S.A. 46:23-9.9 et seq.) drawn to a scale of not more than 100 feet to the inch, on one



or more sheets, illustrating the proposed development and use and including the following:

- (c) Survey. The plan or plat shall include a survey, certified by a registered land surveyor, showing the property boundary lines and dimensions, available utilities and easements, roadways, rail lines and public rights-of-way crossing and adjacent to the subject property.
  - (l) Storm drainage. The plan or plat shall also show or be accompanied by plans and computations for any storm drainage systems, including the following:
    - [1] Drainage patterns: existing and proposed overland drainage patterns.
    - [2] Storm sewer details: all existing or proposed storm sewer lines on or within 200 feet of the subject property, showing size of lines, direction of flow, slope and the location of each catch basin, inlet and manhole, if any.
  - (m) Sanitary facilities. The plan or plat shall show or be accompanied by plans showing existing and proposed sanitary sewerage facilities serving the proposed development, including the following:
    - [1] Sanitary sewer distributor: the location, size, direction of flow and slope of all existing and proposed sanitary sewer lines and pumping stations serving the proposed development and all existing and proposed connections to existing facilities.
  - (n) Water supply. The plan or plat shall show existing and proposed connections to the public water system and existing and proposed water mains serving the proposed development and distribution lines on the subject property.
  - (o) Public utilities. The plan or plat shall show all existing and proposed gas, electric and telephone lines, mains and related facilities serving the proposed development.
- (22) Energy impact statement. Such statement shall include the following:
- (a) An analysis, with documentation, of the annual energy demand anticipated to be generated by the proposed development in terms of Btu's, the type and quantity of fuels and the energy systems which would meet this demand.
  - (b) Information on energy conservation measures which the proposed project would employ and other pertinent data as needed for the assessment of the energy-conserving conserving potential of the project.
  - (c) Identification of the constraints, if any, which would restrict the energy conservation potential of the development.

- (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: The applicant has requested waivers for item number(s) 16, 17, 21(l) and 22 which I support, with the exception of 21(l). Additional items as outlined above have been determined to be incomplete. The applicant should be prepared to discuss completeness and any item not waived should be made 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 final site plan 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 12), restaurants, excluding dancing and entertainment and with dancing and entertainment are permitted uses in the CBD zoning district.
3. The operation of tours, including "Duck Boats", is not expressly permitted in the CBD, Central Business District. As proposed, a use variance is required.
4. The applicant must demonstrate sufficient "special reasons" why the proposed use carries out a purpose of zoning, or how the refusal to allow the project would impose on the applicant an undue hardship. In addition, the applicant must demonstrate that the requested use variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
5. The applicant should provide testimony regarding the overall operation of the proposed uses and facilities, including but not limited to the hours of operation, number of employees, deliveries, parking, storage of duck boats, noise, trash disposal and other impacts.

#### 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, having a principal building height of 35± feet and proposing an accessory structure height of 12± feet.
2. **Minimum Yard Requirement<sup>3 4</sup>**
  - a. **Front:** Not applicable.

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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. Not applicable.



- b. **Side, Each:**<sup>59</sup> Not applicable.
  - c. **Rear:** The minimum required rear yard is 30 feet. The plan does not conform to this requirement, having an encroachment of 0.6 feet. This represents a pre-existing, non-conforming condition.
3. **Maximum Lot Coverage (aggregate):** The maximum permitted aggregate lot coverage is 80%. The plan conforms to this requirement, proposing 27%.
  4. **Maximum Floor Area Ratio:** The maximum permitted floor area ratio is 8.0. The plan conforms to this requirement, proposing 0.27.

#### 4.3 Accessory Structures and Uses

1. In accordance with § 163-68G(14), accessory structures and uses shall otherwise comply with the space, bulk and yard regulations applicable in the district in which they are located, except that outdoor storage of merchandise and equipment shall be permitted in rear yards in commercial and industrial districts. The plan does not conform to this requirement, proposing a rear yard setback of 5 feet where 30 feet is required. As proposed, a variance is required.

#### 4.4 Off-Street Parking and Loading

1. In accordance with § 163-70A(2)(a)[2][b], no part of any parking lot, other than driveways for ingress and egress, shall be located in any required side yard or between a side lot line and the side of any principal building on such lot, unless located to the rear of the rear of such building. The plan does not conform to this requirement, proposing parking in the side yard. As proposed, a variance is required.

*Note: Part of the parking lot, including potentially curbing, pavement and fencing is located over the common property line with lots 2-7. Additionally, the trash enclosure is proposed over this common property line. The applicant should be prepared to discuss.*

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<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. The plan does not conform to this requirement, having a side yard of 3.4 feet. This represents a pre-existing, non-conforming condition.

<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.



2. In accordance with § 163-70A(2)(b)[1][b], in any district where no setback from streets is required by Subsection A(2)(a) of this section, a perimeter landscaped open space of a width of at least five feet or a durable and well-maintained solid wall, fence, compact evergreen hedge or other screening device of three to four feet in height shall be provided along every street line. The plan does not conform to this requirement, proposing a width of approximately 4 feet. As proposed, a variance is required.
3. In accordance with § 163-70A(2)(b)[1][d], in all districts, shade trees shall be provided at a ratio of one tree for every 10 parking spaces. The plan does not conform to this requirement, proposing no shade trees. As proposed, a variance is required.
4. 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 32). 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 customer based upon 30% of building capacity. The applicant's engineer has calculated this requirement to be 49 spaces. I'm not sure if this includes the requirement for employee parking. The plan may not conform to these requirements, proposing 49 spaces. As proposed, a variance may be required.
5. 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 11,400 square feet, 1 loading space is required. The plan does not conform to this requirement, proposing no loading space. As proposed, a variance is required.

#### 4.5 Signs

1. In accordance with § 163-71I(1)(c) and § 163-71I(2)(b), site identification ground signs are permitted in the CBD, Central Business District.



*Note: The site identification ground sign is located on the adjacent property and should be moved.*

2. In accordance with § 163-71I(6)(b), ground signs shall be set back a minimum of 5 feet from all lot lines. When relocated, a variance may be required.

#### 4.6 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.

#### 4.7 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 applicant should be prepared to address this requirement. As proposed, a variance may be 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.
3. In accordance with § 163-74G(2), the balance of flat surfaces should be developed in such a manner as to be totally acceptable from an aesthetic point of view and built of nonreflective materials in order to secure agreeable visual conditions in the roofscaping of the City. Rooftops at the level of 385 feet above sea level are not subject to landscape treatments since they are not visible. The applicant should be prepared to address this requirement.





## 5.0 General Comments

- 5.1 Is there an easement over lots 2-7? Improvements are proposed in the alley behind The Walk stores, including the duck boat staging area and a reduction in the width of the alley to either side of same.
- 5.2 The existing conditions plan does not accurately depict improvements in the alley behind The Walk stores adjacent to the subject property and the Bass Pro property across Arctic Avenue.
- 5.3 Additional detailing/notes relating to existing improvements to be removed and/or replaced should be added to the plan. The sidewalk in front of the restaurants is 10 feet narrower than indicated. The applicant should be prepared to discuss.
- 5.4 The applicant's engineer should contact me to discuss grading concerns.
- 5.5 The location of existing and proposed services should be verified. Where will a grease trap be installed?
- 5.6 The base course of asphalt should be increased from 2 to 3 inches.
- 5.7 The relocation of the utility pole is the responsibility of the applicant and the note should be revised accordingly.
- 5.8 The location of the relocated fire hydrant should be shown on the plan.
- 5.9 The vacation of Willow Avenue should be made a condition of approval.

## 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

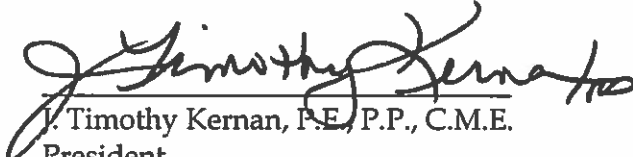
This application is subject to the review and approval of the following outside agencies with jurisdiction, if not already received, including but not limited to the following. Evidence of these approvals must be submitted to the LURED.

- 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  
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