



Casino Reinvestment Development Authority
Land Use Regulation and
Enforcement Division

EXHIBIT "A" TO RESOLUTION 15- , ADOPTED 9/15/2015

TO: Members of the Authority

FROM: Lance B. Landgraf, Land Use Hearing Officer

COPY: John F. Palmieri, Executive Director

SUBJECT: Hearing Officer's Report and Recommendation
Application 2014-06-1535
California Ventures, LLC
Block 32, Lot 8
Preliminary and Final Site Plan

DATE: September 3, 2015

EXECUTIVE SUMMARY

On August 20, 2015, the Casino Reinvestment Development Authority (the "Authority") heard testimony and public comment on the above-subject application. The Applicant, California Ventures, LLC (the "Applicant") seeks preliminary and final site plan approval to operate a food truck pavilion on an existing parking lot adjacent to the Boardwalk in the city of Atlantic City. The proposed use is permitted and no variances are required.

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 generally conforms to the site plan standards and technical requirements of the land use ordinances of the city of Atlantic City. 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.

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INTRODUCTION

Application Information

California Ventures, LLC
Block 32, Lot 8

RS-C-Resort Commercial Zoning District

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 to operate a food truck pavilion on an existing parking lot adjacent to the Boardwalk in the city of Atlantic City. The proposed use is permitted and no variances are required.

Evidence List

- A-1 Revised site plan dated August 11, 2015
- A-2 Photos of existing site
- A-3 Letter dated August 18, 2015 from Marathon Engineering and Environmental Services, Inc.

B-1 Letter from Adams, Rehman & Heggan Associates, Inc. dated July 13, 2015

FINDINGS OF FACT

Applicant seeks preliminary and final site plan approval to operate a food truck pavilion on an existing parking lot adjacent to the Boardwalk in the city of Atlantic City. The proposed use is permitted and no variances are required. The attorney for the Applicant, Jack Plackter, Esq., introduced the application generally and provided background regarding the specific relief sought by the Applicant.

The Applicant presented the testimony of Jason Sciuillo, P.E., who was qualified as an expert in the field of professional engineering and professional planning. Mr. Sciuillo

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described the location of the site, existing site layout and design. He noted that the existing site is used as surface parking and houses an art installation near the Boardwalk.

Mr. Sciuлло provided testimony regarding the proposed use of the site as a food truck pavilion. He opined that the food truck use constitutes a carry-out restaurant as that term is defined in the zoning ordinance, and that such use is permitted in the RS-C zoning district. He further opined that the proposed use is consistent with the Tourism District Master Plan.

Mr. Sciuлло testified that the proposed improvements to the site are minimal, and are limited to utilities, grading and driveway improvements. Mr. Sciuлло testified that the Applicant will review lighting conditions and ensure that lighting levels will be adequate for the safe operation of the food truck pavilion.

He explained how the food trucks will be staged on site, access and site circulation. Mr. Sciuлло testified that the food trucks will be provisioned off-site and arrive at the pavilion at approximately 10 am for staging. A maximum of four food trucks will be located on the property at one time. He noted that each food truck will hook up to water and electric service at the site and all wastewater will be stored in tanks on each truck. Mr. testified that an attendant will be on site at all times that food trucks are arriving or leaving to ensure safe site circulation. The Applicant will also be responsible for keeping the clean and clear of refuse.

Finally, Mr. Sciuлло represented that the Applicant accepts engineering and planning report of the Authority's consultants dated July 13, 2015 in its entirety and will cooperate with the Authority in addressing all issues raised therein.

William M. England P.E., P.P. was qualified as an expert in professional engineering and professional planning and provided testimony on behalf of the Authority. Mr. England testified that he supports the approval of the application as modified by Mr. Sciuлло's correspondence dated August 18, 2015 and his testimony before the hearing officer. Mr. England asked that the Applicant add bollard markers to the top of the wall on the site.

Christine A. Cofone, AICP, P.P. was qualified as an expert in professional planning and provided testimony on behalf of the Authority. Ms. Cofone opined that the proposed use

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is permitted and that no variances are required. Ms. Cofone testified that she supports the approval of the application.

The Applicant presented the testimony of Mitchell Gurwicz, a principal in California Avenue, LLC. Mr Gurwicz offered testimony on general operations of the food truck pavilion.

Several local residents offered public comment regarding concerns about noise and crowds associated with the operation of the food truck pavilion late at night. In response to these concerns, Mr. Gurwicz agreed to cooperate with local residents to address any issues that may arise.

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 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 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.

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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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