

**RESOLUTION OF THE CASINO REINVESTMENT DEVELOPMENT AUTHORITY GRANTING PRELIMINARY AND FINAL SITE PLAN APPROVAL FOR A THE INSTALLATION AND OPERATION OF A FOOD TRUCK PAVILION ON AN EXISTING PARKING LOT LOCATED ADJACENT TO THE ATLANTIC CITY BOARDWALK ON BLOCK 32, LOT 8 UNDER APPLICATION 2014-06-1535**

**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**, California Ventures, LLC (the “Applicant”) 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 the installation and operation of a food truck pavilion on an existing parking lot adjacent to the Boardwalk in the city of Atlantic City, Block 32, Lot 8, under application 2014-06-1535 (the “Application”); and

**WHEREAS**, on August 20, 2015, 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 September 3, 2015 (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 2014-06-1535 is hereby approved in accordance with the Hearing Officer's Report and Recommendation dated September 3, 2015.
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 15-\_\_ of the Casino Reinvestment Development Authority.

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**HOWARD J. KYLE, SECRETARY**

**MEETING OF SEPTEMBER 15, 2015**

**EXHIBIT "A" – HEARING OFFICER REPORT FOR APPLICATION 2014-06-1535**



# 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

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

## 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 Sciuлло, P.E., who was qualified as an expert in the field of professional engineering and professional planning. Mr. Sciuлло

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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. Sciuillo 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. Sciuillo testified that the proposed improvements to the site are minimal, and are limited to utilities, grading and driveway improvements. Mr. Sciuillo 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. Sciuillo 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. Sciuillo 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. Sciuillo'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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