



# Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

## EXHIBIT "A" TO RESOLUTION 15- , ADOPTED 10/20/2015

**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 2015-08-1638  
Longacre New Jersey Properties, LLC  
Block 151, Lots 15  
Preliminary and Final Site Plan

**DATE:** October 6, 2015

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### EXECUTIVE SUMMARY

On September 3, 2015, the Casino Reinvestment Development Authority (the "Authority") heard testimony and public comment on the above-subject application. The Applicant, Longacre New Jersey Properties, LLC (the "Applicant"), seeks preliminary and final site plan approval to redevelop the historic Morris Guards Armory located at Block 151, Lot 15 in the city of Atlantic City. The Applicant proposes to rehabilitate the existing 26,540 square foot building located at 10 South New York Avenue with commercial uses on the ground floor and four floors of residential apartments above.

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 and no variances are required. Therefore, as more fully outlined below, the Applicant has met its burden for the relief requested under the

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Municipal Land Use Law and the Hearing Officer recommends that the Application be approved by the Authority.

### INTRODUCTION

#### Application Information

Longacre New Jersey Properties, LLC  
Block 151, Lots 15  
CBD-Central Business 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 redevelop the historic Morris Guards Armory located at Block 151, Lot 15 in the city of Atlantic City. The Applicant proposes to rehabilitate the existing 26,540 square foot building located at 10 South New York Avenue with commercial uses on the ground floor and four floors of residential apartments above.

#### Evidence List

- A-1 Photo array and floor plans
- B-1 Letter from Adams, Rehman & Heggan Associates, Inc. dated August 28, 2015

### FINDINGS OF FACT

Applicant seeks preliminary and final site plan approval to redevelop the historic Morris Guards Armory located at Block 151, Lot 15 in the city of Atlantic City. The Applicant proposes to rehabilitate the existing 26,540 square foot building located at 10 South New York Avenue with commercial uses on the ground floor and four floors of residential apartments above.

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The attorney for the Applicant, Nicholas Talvacchia, Esq., introduced the application generally and provided background regarding the specific relief sought by the Applicant. He indicated that the proposed uses are permitted and that no variances are required.

The Applicant presented the testimony of John Longacre, the principal of Longacre New Jersey Properties, LLC. Mr. Longacre explained that the Applicant specializes in urban revitalization and has successfully redeveloped similar projects in the region. He noted that the Applicant's philosophy is to build a middle market in urban areas to attract people to live in the area year round and provide the commercial and retail services that sustain such living.

Mr. Longacre explained the types of commercial and retail uses that the Applicant intends to attract to the area, including restaurants, coffee shops and similar uses. He described the mix of residential units, as well as the layout and amenities to be included in the redevelopment. He noted that there will be a roof deck with views of the ocean.

Christine Cofone, P.P. of Cofone Consulting Group was qualified as an expert in professional planning and provided testimony on behalf of the Authority. Ms. Cofone opined that the proposed uses are permitted and that no variances are required for the development proposal. She testified that she supports the application for development.

William England of Adams, Rehman & Heggan Associates, Inc. was qualified as an expert in professional engineering and provided testimony on behalf of the Authority. Mr. England testified that the Applicant had responded to all of the issues in the Adams, Rehman & Heggan review letter by correspondence dated August 28, 2015, which was marked as Exhibit B-1. He questioned the Applicant regarding HVAC and trash and recycling issues, and the Applicant provided satisfactory responses. Mr. England supported the development proposal and the grant of the requested relief.

### 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

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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.

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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