



CHRISTINE A. COFONE, PP, AICP  
*Principal*

**COFONE CONSULTING GROUP, LLC**

September 26, 2016

Lance B. Landgraf, Jr., P.P., AICP  
Director of Planning  
Casino Reinvestment Development Authority  
15 South Pennsylvania Avenue  
Atlantic City, NJ 08401

RE: **Debaswrup Chokraborty**  
**9 Liberty Terrace**  
**Block 339, Lot 18**  
**Application #2016-09-2048**

Dear Mr. Landgraf:

We have deemed this application **complete** for review.

In the subject application, the applicant is seeking approval, with “c” variances,” to demolish a two-story single-family home and rebuild a single-family detached dwelling at required elevation height within the footprint of the former structure. Additional improvements are proposed, as detailed in this report.

As part of our analysis, we undertook the following tasks: an inspection of the subject premises; a survey of surrounding land uses; review of the City of Atlantic City Zoning Ordinance and Zoning Map; review of the applicant’s application submission package; review of relevant case law related to the granting of variances; review of a “Land Title Survey Zoning Plan” prepared by Robert J. Catalano, PLS consisting of 1 sheet, dated July 4, 2015; elevations, floor plans, and construction sequence plans consisting of 7 sheets prepared by Edward J. Keline, NJ architect, of Robert E. Bolton Associates, undated; a CRDA application dated September 23, 2016; and a deed dated March 31, 2004.

We offer the following analysis and comments for your consideration.

**Description of Site and Summary of Development Proposal**

The property in question was once developed with a single-family dwelling designated as Block 339, Lot 18 on the official tax maps of the City of Atlantic City with frontage on 9

125 Half Mile Road, Suite 200 • Red Bank, New Jersey 07701 • Office: 732.933.2715 • Fax: 732.933.2601 • Cell: 732.439.6400

E-mail: [ccofone@cofoneconsulting.com](mailto:ccofone@cofoneconsulting.com) • [www.cofoneconsulting.com](http://www.cofoneconsulting.com)



CHRISTINE A. COFONE, PP, AICP  
*Principal*

## COFONE CONSULTING GROUP, LLC

Liberty Terrace. It is now vacant.

The applicant is seeking seeking site plan approval, with “c” variances,” to demolish a two-story single-family home and rebuild a single-family detached dwelling at required elevation height within the footprint of the former structure. The applicant also proposes an over-ground level storage, a second story deck, and an alcove on the second floor. The structure’s rear has doors at grade for presumably access from the ingress/egress right-of-way in the rear.

### **Surrounding Land Uses**

The subject property is located within a row of predominately single-family detached homes along Liberty Terrace in the Ducktown section of the City.

### **Zoning Compliance**

The property is located in the Single-Family Attached (Townhouse) Residential (R-3) Zone District. As stated at Ordinance Section 163-55(A)(2), the purpose of the R-3 Zone is as follows:

The R-3 Single-Family Attached Residential District has been established to foster townhouses and duplexes at areas in the City where such housing types have prevailed and developed in an orderly fashion, as well as in other areas suitable for attached single-family dwellings.

The application requires the following “c” variances:

#### *Existing, non-conforming conditions:*

- Minimum lot area: 3,000 sf required; 853 sf existing and proposed.
- Minimum lot width: 40’ required; 16.10’ existing and proposed.

#### *Newly created variances:*

- Minimum front yard setback: 10’ required; 5.73’ existing and 5.66’ proposed.
- Minimum rear yard setback: 25’ required; 7.25’ existing and 7.17’ proposed.
- One side yard setback: 12’ required; 0’ existing and proposed.

125 Half Mile Road, Suite 200 • Red Bank, New Jersey 07701 • Office: 732.933.2715 • Fax: 732.933.2601 • Cell: 732.439.6400

E-mail: [ccofone@cofoneconsulting.com](mailto:ccofone@cofoneconsulting.com) • [www.cofoneconsulting.com](http://www.cofoneconsulting.com)



CHRISTINE A. COFONE, PP, AICP  
*Principal*

## COFONE CONSULTING GROUP, LLC

- Second side yard setback: 5' required; 0' existing and proposed.
- Maximum lot coverage: 35% required; 75% existing and 71% proposed.

### **Master Plan Review**

The subject property is located within the Atlantic City Tourism District. Pursuant to the New Jersey CRDA Atlantic City Tourism District Master Plan, the overall intention and vision is to “reinvigorate Atlantic City in the near-term as the leading resort destination in the Northeast and beyond (Page 4, New Jersey CRDA Atlantic City Tourism District Master Plan). Among others, overarching objectives are to “develop an economically viable and sustainable tourism district” and “[expand] Atlantic City’s tourism and economic bases” (Id, Page 1-2).

### **Planning Analysis and Issues for Consideration by the Board**

In regard to the “c” variances, the Municipal Land Use Law (MLUL) at NJSA 40:55D-70c sets forth the standards for variances from the bulk regulations of a zoning ordinance. A “c(1)” variance is for cases of hardship due to factors such as shape or topography, or due to “an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.” A “c(2)” variance may be granted where the purposes of zoning are advanced and the benefits of deviating from the ordinance requirements outweigh any detriments. The benefits derived from granting a “c(2)” variance must include benefits to the community as a whole, not just to the applicant or property owner. A “c” variance application also must address the “negative criteria.”

We offer the following for your consideration in reviewing the Application:

- 1) The applicant requires “c” bulk variances as detailed earlier in this report. The applicant’s professional planner shall provide the requisite statutory proofs.
- 2) The applicant’s zoning compliance table states that the “maximum building coverage” is an existing non-conforming condition. The table shows a decrease in site coverage from 75% to 71%, which would trigger a variance as the existing condition exceeds 40% maximum. Moreover, the applicant states that the site is 0% impervious, which is due to the site being currently vacant. The applicant shall provide an affirmative statement about the maximum building coverage number. Regardless, unlike the site dimensions, the applicant has already torn down the previous structure, so all existing conditions related to setbacks, height, and

125 Half Mile Road, Suite 200 • Red Bank, New Jersey 07701 • Office: 732.933.2715 • Fax: 732.933.2601 • Cell: 732.439.6400

E-mail: [ccofone@cofoneconsulting.com](mailto:ccofone@cofoneconsulting.com) • [www.cofoneconsulting.com](http://www.cofoneconsulting.com)



CHRISTINE A. COFONE, PP, AICP  
*Principal*

## COFONE CONSULTING GROUP, LLC

- coverages are extinguished. Accordingly, if the 71% maximum site coverage calculation is correct, the applicant must seek a variance for a new condition.
- 3) The applicant's surveyor/planner should revise the zoning table to accurately reflect the R-3 Zone standards.
  - 4) The applicant shall also discuss whether the location of the decks would have any negative visual impact.
  - 5) While not stated on its submitted site plan, we believe that the applicant requires a "c" variance for the proposed height of the chainlink fence along the rear property boundary. Ordinance Section 163-68, "Accessory structures and uses," limits fence height to four feet unless as a "privacy fence" in rear yard, whereas the applicant proposes a five-foot fence. The applicant shall provide a statement relative to the function of the fence (is it to enclose the property or for privacy?). The Ordinance is silent on the function of "privacy," although we are utilizing the common interpretation for privacy as a board-on-board fence or chain-link fence with slats. The applicant shall clarify the precise type of chain-link fence proposed.
  - 6) The applicant shall provide testimony relative to the increase of the impervious coverage and benefit of same.
  - 7) The applicant shall discuss parking.
  - 8) The applicant shall provide testimony whether there will be any landscaping improvements.
  - 9) The applicant shall provide testimony by its architect relative to the proposed architectural elements, discussing the proposed elevations and floor plan. Even with the increase in building height to comply with the base flood elevation (BFE), the applicant's proposed height (<35') complies with the zone district's maximum requirement (35'). The applicant shall discuss the required BFE. Atlantic City requires a BFE plus two feet for a new first floor elevation. How does the applicant intend to flood proof the home?
  - 10) The applicant shall provide testimony relative to how the proposed improvements advance the intent of the New Jersey CRDA Atlantic City Tourism District Master Plan and the Tourism District.



CHRISTINE A. COFONE, PP, AICP  
*Principal*

**COFONE CONSULTING GROUP, LLC**

We would be happy to address any questions or comments on the above at the public hearing.

Respectfully submitted,

Christine A. Cofone, AICP, PP  
Principal

cc: Robert L. Reid, AICP, PP, Land Use Regulation Enforcement Officer  
Paul G. Weiss, Esq., Chief Legal Counsel  
William England, PE, Board Engineer  
Applicant's Attorney  
Applicant's Engineer