



Principals

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December 17, 2018

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

**Re: Preliminary & Final Major Site Plan Approval
NYORANGEDEEDS, LLC.
CRDA Application #2018-11-2555
ARH Project #2410040.01**

Dear Mr. Landgraf,

On November 29, 2018 the applicant, NYORANGEDEEDS, LLC., submitted an application for Preliminary/Final Site Plan Approval in addition to Variance Relief under N.J.S. 40:55D-70c(2) (substantial benefit) for the proposed project construction. The project will include a mixed use building with 4,230 sf retail on the ground floor and (4) four rental residential units above; a 51 space parking lot; ten (10) room hotel including an entertainment area with a stage, restrooms, seasonal concession stands and seasonal bar. The property is zoned RC Resort Commercial District. The applicant also is requesting variances and waivers from design items as detailed within the application.

A summary of the applicant's recent submission is as follows:

A. Documents Submitted:

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9. "Proposed Mixed Use Building" Architectural Plans A-0 thru A-12, Electrical Plans E-1 thru E-4, and Mechanical Plans M-1 thru M-5 prepared by James P. Kissane, Architect dated July 9, 2018.
10. Architectural renderings of the container hotel.

B. Background:

The existing Bourre restaurant is adjacent to the proposed construction of this mixed-use complex. The expanded development will be located at 161-205 South NY Avenue and 118-142 St. James Place, Block 52 Lots 11-18 and 30-40 on the Tax Map of the City of Atlantic City. The site will also include a 51-space parking lot to serve the entire development and there are two spaces located at the Bourre restaurant for a total of 53 parking spaces. The proposed uses are permitted in the RC Zone.

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COMPLETENESS REVIEW:

Engineer and Planner's Review Comments

Based on our review of the documents submitted, it is our opinion the application is complete for planning and engineering review.

TECHNICAL REVIEW:

Based upon our review of the submitted application and plans, we offer the following:

I. Planner's Review Comments

The property is located in the Resort Commercial (RC) Zone District. As stated at CRDA Land Development Rules at N.J.A.C. 19:66-5.10, the purpose of the RC District is as follows:

The purpose of the RC Resort Commercial District is to provide an array of land uses that will capitalize on the zoning district's geographical advantages of the zoning district's proximity to the boardwalk and the Atlantic Ocean. The Resort Commercial District also offers the highest intensity residential offerings within the Tourism District with a variety of supportive commercial and services uses. The vision is to create an environment where residential and resort offerings seamlessly integrate.

The proposed uses are all permitted within the RC District.

Variances are required for minimum lot depth (existing non-conformity), minimum rear yard, and minimum on-site parking.

The CRDA Land Development Rules regulate lot depth at Section 19:66-5.10(a) 1.iv (3), requiring 150' whereas the applicant proposes 75'. This is an existing non-conformity and is not being exacerbated.

The CRDA Land Development Rules regulate rear yard at Section 19:66-5.10(a) 1.iv (10), requiring 20' whereas the applicant proposes 15'.

The CRDA Land Development Rules regulate parking at Section 19:66-5.8(b)4, titled "Onsite parking and loading requirements." The applicant's parking calculations are accurate and 107 spaces are required. A variance is required since 53 parking spaces are proposed.

Design waivers are required for insufficient buffering and fencing.

The CRDA Land Development Rules regulate landscaping and buffer design standards at Section 19:66-7.6. As it relates to specific buffer design standards at Section 19:66-7.6(g), buffers must be at least five feet wide and must be a solid and continuous landscaping screen. A variance is required since a 3.5' buffer is proposed.

The CRDA Land Development Rules regulate fences at Section 19:66-7.7(a)1. Fences are not permitted in the front yard. A design waiver is required since the applicant proposes to continue the existing 6' fence in the front yard along New York Avenue and to allow a 6' fence and gates along St. James Place to secure the hotel yard area.

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).

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.”

The applicant shall discuss the following in its testimony to the Board:

1. The Applicant states in its CRDA application form that it will be seeking the required variance relief through and substantial benefit (C-2) arguments. The Applicant shall provide such statutorily required testimony through a New Jersey licensed professional planner.
2. The Applicant shall provide detailed architectural testimony relative to the entire proposal and its relationship to the surrounding area. How will all of the uses integrate?
3. The Applicant’s professional planner shall discuss the required variances in the context of the purposes of the site, immediate area, and consistency with land uses in the area.
4. The Applicant shall provide testimony relative to the proposed phasing plan, particularly relative to the functionality of the overall property during each phase.
5. As it relates to the parking, the Applicant shall present testimony relative to the existing availability of parking in the area and alternative forms of transportation available to reach the property.
6. The Applicant shall provide testimony relative to the overall operations of the site during each phase and then when it is completely built-out.
7. The Applicant shall further provide testimony relative to how the proposal advances the purposes of the Tourism District Master Plan.

II. Engineer’s Review Comments

Drawing C0101

1. The minimum onsite parking required as noted is (107) one-hundred seven in the Zoning Schedule. Further clarify how this number was calculated in the Parking Calculation section.
2. Identify the (2) two loading spaces on the plan.
3. The phase identifications appear to conflict with the Applicant’s intent narrative on drawing C-0001.
4. Clarify the limits of the fence on New York Avenue, especially at the entrances to the parking area.

Drawing C0201

1. Identify limits of road repair for all excavations on St. James Place and New York Avenue.
2. Is barrier free access provided for the mixed-use building? Please clarify on the plans.
3. The Applicant’s engineer shall meet with this office to review the rain garden near the mixed-use building. Of concern, is runoff from St. James Place entering the garden? Also, will rain garden water flow towards the rear of the units on New York Avenue?
4. Clarify the intent of the drainage along the rear and side common property line of Lots 7-10 on New York Avenue.
5. It appears that contour “7” is missing from the New York Avenue side of the parking lot. Revisit all grades in this area, especially as it relates to the 4% slope indication.
6. Can the sewer laterals be relocated from under the Hotel First, stage, restrooms on concessions to better facilitate access?
7. The restrooms, concession stands and container indicate a FF of 7.50. What provisions have been made to prevent flotation of these structures?

8. Is barrier free access to be provided to Hotel First from St. James Place and New York Avenue? It appears that a ramp is planned that terminates in the center of the outdoor space, but no clear connection is noted to other paved/barrier free surfaces.

Drawing C0501

1. Is lighting planned for the sides and rear of the mixed-use building? Show fixture locations, provide details, and show spot light levels.
2. There is a significant amount of light spillage from the parking lot lighting onto St. James Place and New York Avenue. The lighting plan is to be revised. In addition, provide spot shot light levels on the plan in lieu of contours.
3. Is there lighting planned for the Hotel First area? Provide fixture locations, details and show light levels.
4. All dead or dying trees shall be replaced. All open tree pits along the property frontages of St. James Place and New York Avenue shall be planted.

Drawing C1101

1. Concrete for the sidewalk shall be air entrained. Add this note to the detail.
2. Specify that the trench drain is to be the bolted version.

Miscellaneous

New York Avenue

1. Repair/replace damaged broken curb and concrete gutter.
2. Repair damaged decorative sidewalk in.

St. James Place

1. Replace granite curb.
2. Repair/replace concrete gutter and grade to drain.
3. Replace concrete sidewalk along the entire frontage in a consistent pattern to match the existing sidewalk pattern beyond project frontage.

III. Standard Conditions

Should the CRDA choose to approve this application, the following standard conditions shall be included:

1. Applicant shall comply with all CRDA administrative requirements.
2. Submission of the proper number plans required by the CRDA for signatures. Provide additional copies of the final plans in CAD and PDF format.
3. Should this application be subject to the review and approval of any outside agencies, evidence of these approvals must be submitted to this office prior to the signature of any final plans and the start of construction.
4. All professional fees shall be paid and inspection escrow posted prior to construction.
5. Provide construction cost estimates, bonding and inspection escrow calculation for review and approval.
6. At least (72) seventy-two hours' notice must be given prior to the start of construction.

RECOMMENDATION:

Should the Board wish to consider approval of this application, it is the recommendation of this office that this letter, in its entirety, become part of the approval resolution. All items in this letter must be complied with to the satisfaction of this office and the CRDA prior to the start of construction.

We reserve the right to review and provide additional comment on the revised plans and reports. We are willing to meet with the applicant and his engineer to expedite the revisions, if requested.

Should you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,



William M. England, PE, PP, CME, CPWM
Board Engineer



Christine A. Nazzaro-Cofone, AICP, PP
Cofone Consulting Group, LLC

cc: Robert L. Reid, AICP, PP, Land Use Regulation Officer
Paul G. Weiss, Chief Legal Counsel
Christine A. Nazzaro-Cofone, Board Planner
Jason T. Sciallo, PE, PP Applicant's Engineer
Nicholas F. Talvacchia Esq., Applicant's Attorney

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