



COFONE CONSULTING GROUP, LLC

CHRISTINE A. COFONE, PP, AICP
Principal

April 4, 2019

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

RE: **Teresita Seguritan**
130 South Ocean Avenue
Block 54, Lot 47
Application #2018-12-2560

Dear Mr. Landgraf:

As per your direction, we have reviewed the above-referenced development application, and it is deemed **complete**. The following is a technical review.

In the subject application, the applicant is seeking use variance approval for the conversion of an existing rooming house, located at Block 54, Lot 47, into a duplex within the Resort Commercial (RC) Zone. Specifically, the Applicant is seeking to modify the apartment unit one on the first floor and apartment unit two on the second and third floors (modification to the second floor).

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 Casino Reinvestment Development Authority Tourism District Land Development Rules and Tourism District Zoning Map; review of the Applicant's Application submission package; review of a 200-foot radius use-type matrix and color-coded tax map, undated and unknown preparer; a land title survey, consisting of one sheet, prepared by Robert J. Catalano, LS, PP, of Robert J. Catalano and Associates P.A. and dated December 3, 2018; and a variance plan and floor plans, consisting of three sheets, prepared by Craig F. Dothe, RA, PP of Craig F. Dothe Architect LLC and dated November 29, 2018.

We offer the following analysis and comments for your consideration.

Description of Site and Summary of Development Proposal

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The approximately 806.83 square foot subject property situated at 130 South Ocean Avenue is developed with an approximately 35 foot high brick and frame structure, used as a legal eight room rooming house (Certificate of Land Use Compliance dated July 5, 1996, according to the Applicant), that occupies 99.66% of the site.

The Applicant is seeking to convert the rooming house into a duplex. According to the floor plans submitted by the Applicant, the following is proposed:

- Apartment 1 (first floor):
 - Modified entry, consisting of the removal of the existing walls and doors and replacement with new walls and doors;
 - A new living room, including the removal of the existing walls and door and replacement with new walls and door; and,
 - In the bathroom, a new bath, and the removal of the existing walls (partial) and door and replacement with new walls and door.
- Apartment 2 (second and third floors):
 - Second floor:
 - Removal of the existing door at the landing from the first floor; and,
 - A new living room, including the removal of the existing walls and door and replacement with new walls and door.
 - Third floor:
 - No modifications.

It does not appear that there will be any exterior modifications.



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The Site, depicted by the red marker in the center, and the environs.

Surrounding Land Uses

The surrounding area is defined by a mixture of single-family residential, multi-family residential, duplexes, commercial, and vacant lots.

Zoning Compliance

The property is located in the Resort Commercial (RC) District. As stated at CRDA Land Development Rules Section 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.

A "duplex dwelling" is defined at N.J.A.C. 19:66-2.1 as: "A dwelling designed for and occupied by not more than two families in separate dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall."

The Application requires a d(1) Special Reasons Use Variance since the proposed use is not permitted in the RC District. While the Applicant's architect has identified various "c"

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variance relief for existing non-conforming conditions (including for every bulk requirements except for the front and rear yard setbacks), since the RC District does not contemplate the use and thus does not contain bulk requirements applicable to a duplex, any identified “c” variances are subsumed by the “d” variance in accordance with *Price V. Himeji*.

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 “d(1)” variance, the Municipal Land Use Law (MLUL) at NJSA 40:55D-70.d sets forth the standards for variances from the use regulations of a zoning ordinance. A “d(1)” variance is required when an applicant submits an application for a use that is not permitted in the list of permitted uses within a specific zoning district. The applicant must satisfy the *Medici* proofs:

- Is the site particularly suited for the proposed use?
- Does the proposed use advance special reasons and further the purposes of the Municipal Land Use Law (MLUL)?
- Does the proposal substantially impair the purpose and intent of the master plan, zone plan, and zoning ordinance? Does the proposal satisfy the enhanced quality of proof that the variance sought is not inconsistent with the intent of the master plan and zoning ordinance, proof which must reconcile the proposed use variance with the zoning ordinance's omission of the use from those permitted in the district?
- Can a variance for this use be granted without substantial detriment to the public good?

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

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- 1) The Applicant has provided a narrative regarding the use variance request. The Applicant is required to provide testimony by a New Jersey licensed professional planner in accordance with statutory and case law requirements.
- 2) The Applicant shall provide testimony about the intention behind the proposal. Does the Applicant feel that the proposal is a better design and use alternative than the current condition?
- 3) In its filed application narrative, the Applicant erroneously states that there will be no modifications to apartment one, whereas the floor plan shows modifications.
- 4) The Applicant shall provide detailed testimony by its architect about the interior construction work/improvements proposed. Are any exterior improvements proposed?
- 5) The Applicant shall provide testimony regarding how the proposal will advance the intent of the Tourism District and the Tourism District Master Plan.
- 6) For the CRDA's records, the Applicant shall submit a copy of the Certificate of Land Use Compliance dated July 5, 1996.

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

Respectfully submitted,

Christine A. Nazzaro-Cofone, AICP, PP
CRDA Consulting Planner

cc: William England, PE, Board Engineer
Applicant
Applicant's professionals