

**RESOLUTION OF THE CASINO REINVESTMENT DEVELOPMENT
AUTHORITY GRANTING SITE PLAN APPROVAL WITH VARIANCE
RELIEF TO RENOVATE EXISTING LOW AND MODERATE INCOME
HOUSING FACILITIES ON PROPERTY LOCATED AT 61 NORTH
DOCTOR MARTIN LUTHER KING BOULEVARD, BLOCK 290, LOT 1
AND 171 ARCTIC AVENUE, BLOCK 328, LOT 6, IN THE CITY OF
ATLANTIC CITY, IN THE CBD COMMERCIAL BUSINESS ZONING
DISTRICT UNDER APPLICATION 2019-02-2599**

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 became effective upon the Authority’s adoption of design, development and land use regulations on January 2, 2018; and

WHEREAS, on March 7, 2019, the Authority’s Land Use Regulation and Enforcement Division convened a public hearing on Application 2019-02-2599 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 March 28, 2019 (the “Report”), incorporated herein by this reference and appended hereto as Exhibit “A”; and

WHEREAS, Sencit Liberty Urban Renewal, LLC (the “Applicant”) seeks site plan approval with variance relief to renovate existing low and moderate income housing facilities on the property located at 61 North Doctor Martin Luther King Boulevard, Block 290, Lot 1 and 171 Arctic Avenue, Block 328, Lot 6, in the city of Atlantic City, in the CBD Commercial Business Zoning District. The proposed renovation requires relief from the on-site parking requirement in the zoning district, all pursuant to Municipal Land Use Law N.J.S.A. 40:55D-70(c); 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 2019-02-2599 is hereby approved in accordance with the Hearing Officer's Report and Recommendation dated March 28, 2019.
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 19-46 of the Casino Reinvestment Development Authority.



HOWARD J. KYLE, SECRETARY

MEETING OF APRIL 16, 2019

EXHIBIT "A" TO RESOLUTION 19-46, ADOPTED 4/16/2019



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

EXHIBIT "A" TO RESOLUTION 19- , ADOPTED 4/16/2019

TO: Members of the Authority

FROM: Lance B. Landgraf, Jr., Land Use Hearing Officer

COPY: Matthew J. Doherty, Executive Director

SUBJECT: Hearing Officer's Report and Recommendation
Application #2019-02-2599
Sencit Liberty Urban Renewal LLC
Site Plan Approval with Variances Pursuant to N.J.S.A. 40:55D-70(c)
Schoolhouse Apartments
61 N. Dr. Martin Luther King Blvd.
Block 290, Lot 1
Disston Apartments
171 Arctic Avenue
Block 328, Lot 6
CBD Commercial Business Zoning District

DATE: March 28, 2019

EXECUTIVE SUMMARY

On March 7, 2019, the Casino Reinvestment Development Authority (the "Authority") heard testimony and public comment on the above-subject application. The Applicant, Sencit Liberty Urban Renewal LLC (the "Applicant"), seeks Site Plan Approval to renovate existing low and moderate income housing facilities located at the above-captioned properties in the city of Atlantic City, together with variances pursuant to N.J.S.A. 40:55D-70(c) to provide less than the required on-site parking.

The Applicant demonstrated by evidence and testimony that the development proposal generally conforms to the site plan standards and technical requirements of the Authority's Tourism District Land Development Rules. In addition, the Applicant demonstrated by evidence and testimony that the grant of the requested variances is warranted. Therefore, for the reasons more fully outlined below, the Hearing Officer recommends that the Application be approved by the Authority.



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

INTRODUCTION

Application Information

Sencit Liberty Urban Renewal LLC
Site Plan Approval with Variance Pursuant to N.J.S.A. 40:55D-70(c)
Schoolhouse Apartments
61 N. Dr. Martin Luther King Blvd.
Block 290, Lot 1
Disston Apartments
171 Arctic Avenue
Block 328, Lot 6
CBD Commercial Business 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.

The Applicant seeks Site Plan Approval with variance pursuant to N.J.S.A. 40:55D-70(c) to renovate existing low and moderate income housing facilities located at the above-captioned properties in the city of Atlantic City, together with variances pursuant to N.J.S.A. 40:55D-70(c) to provide less than the required on-site parking.

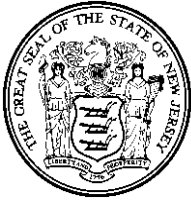
Evidence List

- A-1 Aerial Photograph with Sites and Public Transit Route Overlay
- A-2 Aerial Photograph with Schoolhouse and Disston Apartments Site Plan Overlay
- A-3 Revised Schoolhouse On-Site Parking Area Layout
- A-4 Vehicle Turning Movement Exhibit
- A-5 Site Photographs / Schoolhouse Apartments
- A-6 Site Photographs / Disston Apartments
- A-7 Land Survey / Schoolhouse Apartments
- A-8 Land Survey / Disston Apartments
- A-9 Letter from Clint B. Allen, Esq. dated March 6, 2019

- B-1 Letter from Environmental Resolutions dated February 28, 2019

FINDINGS OF FACT

The Applicant seeks Site Plan Approval with variance pursuant to N.J.S.A. 40:55D-70(c) to renovate existing low and moderate income housing facilities located at the above-captioned properties in the city of Atlantic City, together with variances pursuant to N.J.S.A. 40:55D-70(c) to provide less than the required on-site parking.



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The attorney for the Applicant, Clint Allen, Esq., introduced the application generally and provided background regarding the specific relief sought by the Applicant. Mr. Allen explained that the Applicant proposes to renovate the interior of the facilities and that no exterior improvements are proposed. Mr. Allen noted that there is adequate public parking in the vicinity of the facilities to meet parking needs of the residents.

The Applicant presented the testimony David Ginsberg, its Senior Project Developer for the site. Mr. Ginsberg described the Applicant's business model in the renovation of low and moderate income housing and the scope of the projects. He noted that the Applicant proposes a comprehensive interior renovation of the facilities and that residents will not be displaced during the renovation.

The Applicant presented the testimony of Richard Ricciardi, P.P., who was qualified as an expert in the field of professional planning. Mr. Ricciardi described the location of the site, existing conditions, development proposal and site layout. With respect to the Schoolhouse Apartments, he testified that the 4 existing on-site parking spaces will be reconfigured to accommodate an ADA-compliant parking space and the location of a trash container. Mr. Ricciardi testified that all existing infrastructure is adequate to support the development proposal. In addition, he testified that the development proposal complies with all applicable land use and site plan standards with the exception of the requested variances and design waivers.

With respect to the variances to permit less than the required on-site parking, Mr. Ricciardi noted that the Authority's Tourism District Land Development Rules require a total of 132 on-site parking spaces for the Schoolhouse Apartments facility and 40 on-site parking spaces for the Disston Apartments facility, whereas the Applicant proposes 4 on-site parking spaces at the Schoolhouse Apartments and zero on-site parking spaces at the Disston Apartments. Mr. Ricciardi testified that there are approximately 49 on-street parking spaces in the vicinity of the Schoolhouse Apartments and approximately 59 on-street parking spaces in the vicinity of the Disston Apartments. He further testified that a survey of the facilities indicated that there are approximately 25 residents of the Schoolhouse Apartments that own motor vehicles, and approximately 5 residents of the Disston Apartments that own motor vehicles. He noted that low motor vehicle ownership rates and the availability of public transportation greatly reduce parking need in urban environments.

Mr. Ricciardi opined that the development proposal will promote the public health, safety and welfare (Purpose A) by removing existing asbestos at the facilities, upgrading fire alarm and sprinkler and security systems; promote safety from fire, flood and panic with improved fire and security measures (Purpose B); encourage appropriate and efficient expenditures of funds through coordination with public development policies (Purpose F) as public entities, including the Authority, will partially fund the development proposal;



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promote the free flow of traffic (Purpose H) by encouraging the use of public transportation; promote the conservation of historic site (Purpose J) by retaining the historic architectural nature of the buildings; and promote the utilization of renewable energy sources (Purpose N) as the development proposal will modernize existing heating and air-conditioning to operate more efficiently. He further opined that the grant of the variances will not create a substantial detriment to the public good and will not substantially impair the purpose and intent of the Authority's Tourism District Master Plan and Tourism District Land Development Rules.

Jeffrey Hanson, P.E., C.M.E. was qualified as an expert in professional engineering and provided testimony on behalf of the Authority. Mr. Hanson's engineering review letter dated February 28, 2019 was marked into evidence as Exhibit B-1. Mr. Hanson testified that the Applicant had provided sufficient testimony to address all issues raised in the review letter and that he supports approval of the Application.

Atlantic City Councilman Kaleem Shabazz appeared and spoke in support of the Application as an important project for the Third Ward that will increase the quality of life of its residents.

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).

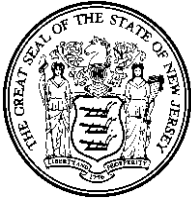
Here, based on the evidence and testimony, the Applicant has demonstrated that development proposal generally conforms to the site plan standards and technical requirements of the Authority's Tourism District Land Development Rules.

Variances Pursuant to N.J.S.A. 40:55D-70(c)

For variances requested pursuant to N.J.S.A. 40:55D-70(c)(2), an applicant must demonstrate through evidence and testimony that the positive and negative criteria of the statutory requirements have been met.

Positive Criteria

The positive criteria for variances requested pursuant to N.J.S.A. 40:55D-70(c)(2) is satisfied if one or more purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of that deviation would



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substantially out-weigh any detriment to the public good. Ketcherick v. Bor. Mountain Lakes, 256 N.J. Super. 646 (App. Div. 1992); Green Meadows v. Planning Board, 329 N.J. Super. 12 (App. Div. 2000).

The Applicant seeks variances pursuant to N.J.S.A. 40:55D-70(c) to provide less than the required on-site parking. Specifically, the Authority's Tourism District Land Development Rules require a total of 132 on-site parking spaces for the Schoolhouse Apartments facility and 40 on-site parking spaces for the Disston Apartments facility, whereas the Applicant proposes 4 on-site parking spaces at the Schoolhouse Apartments and zero on-site parking spaces at the Disston Apartments. The Applicant provided testimony that there is adequate on-street parking in the vicinity of the facilities to meet parking needs. In addition the Applicant provided testimony that the parking needs are significantly less than required under the Authority's Tourism District Land Development Rules based on low motor vehicle ownership among residents and the availability of public transportation.

The Applicant provided testimony that the development proposal will promote the public health, safety and welfare (Purpose A) by removing existing asbestos at the facilities, upgrading fire alarm and sprinkler and security systems; promote safety from fire, flood and panic with improved fire and security measures (Purpose B); encourage appropriate and efficient expenditures of funds through coordination with public development policies (Purpose F) as public entities, including the Authority, will partially fund the development proposal; promote the free flow of traffic (Purpose H) by encouraging the use of public transportation; promote the conservation of historic site (Purpose J) by retaining the historic architectural nature of the buildings; and promote the utilization of renewable energy sources (Purpose N) as the development proposal will modernize existing heating and air-conditioning to operate more efficiently.

Negative Criteria

Relief under N.J.S.A. 40:55D-70(c)(2) cannot be granted unless the negative criteria is satisfied. The negative criteria required for all "C" variances is that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and the zoning ordinance.

The evidence and testimony demonstrate that the grant of the requested variances will not create any detriment to the public good, and will not create a substantial detriment to the public good and will not substantially impair the purpose and intent of the Authority's Tourism District Master Plan and Tourism District Land Development Rules.



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RECOMMENDATION

For all of the foregoing reasons, the Hearing Officer recommends that the Application for Site Plan Approval with variances be approved. This recommendation acknowledges that the Authority's Tourism District Land Development Rules incorporate by reference the New Jersey Residential Site Improvement Standards, N.J.A.C. 5:21-4.14, with respect to parking requirements and supports the grant of a *de minimis* exception therefrom, as necessary.

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 Authority's Tourism District Land Development Rules, any applicable 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.

CRDA BOARD TALLY

April 16, 2019

SENCIT LIBERTY URBAN RENEWAL, LLC (61 N. DR. MARTIN LUTHER KING JR. BLVD, BLOCK 290, LOT 1, DISSTON APARTMENTS - 1711 ARCTIC AVENUE BLOCK 328, LOT 6) - Approval of amendment to site plan with variance (LL)

MOTION

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SECOND

DD

Modia Butler

Y

Debra DiLorenzo

Y

Edward Gant

A

Mark Giannantonio

A

Mayor Frank Gilliam

Y

Michael I. Hanley

Y

Gary Hill

Y

Howard Kyle

Y

James Plousis

Y

William Mullen

Y

Kevin C. Ortizman

Y

David Rebeck for the State Attorney General

Y

Robert Shaughnessy for the State Treasurer

Y

Robert Long for the DCA Commissioner

Y

Richard Tolson, Vice Chairman

Y

Robert Mulcahy, Chairman

Y