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February 28, 2019
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Re: Sencit Liberty Urban Renewal LLC
**Amended Site Plan, Bulk (Parking) Variances, and Waiver of Formal Site Plan
Review**

Review Letter #1

Block 290, Lot 1: 61 N. Dr. Rev. Martin Luther King Blvd. (Schoolhouse Apartments)
and Block 328, Lot 6: 171 Arctic Ave. (Disston Apartments)
Atlantic City, NJ
Application # 2019-02-2599

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

Dear Mr. Landgraf:

An Application for an Amended Site Plan with Bulk Variances and Waiver of Formal Site has been received for the subject premises:

Applicant Information

- Applicant: Sencit Liberty Urban Renewal, LLC
6 Faneuil Hall Marketplace
Boston, MA 02109
- Owner: Various, c/o Winn Companies
6 Faneuil Hall Marketplace
Boston, MA 02109
- Engineer: David J. Fleming, PE
Marathon Engineering & Environmental Services
1616 Pacific Avenue, Suite 501
Atlantic City, NJ 08401
- Planner: Richard Ricciardi AICP, PP
Marathon Engineering & Environmental Services
1616 Pacific Avenue, Suite 501
Atlantic City, NJ 08401

- Traffic: Daniel D. Disario, PE, PTOE
Langan Engineering & Environmental Services, Inc.
989 Lenox Drive, Suite 305
Lawrenceville, NJ 08648
- Surveyor: James A. Conway, Jr., PLS
Control Point Associates, Inc.
305 Fellowship Road, Suite 210
Mount Laurel, NJ 08054
- Attorney: Clint B. Allen, Esq.
Archer & Greiner, PC
One Centennial Square
Haddonfield, NJ 08033

Documents Submitted

1. Application Submission Cover Letter, dated February 2, 2019;
2. CRDA Application Form, dated February 2, 2019;
3. CRDA Minor Site Plan and Major Final Site Plan Checklists;
4. Site Plan entitled "Sencit Liberty Project", 3 large and 1 ledger sized sheets, prepared by Marathon Engineering & Environmental Services, dated February 2, 2019;
5. Land Title Survey entitled "Winndevlopment, 61 North [Dr.] Martin Luther King Boulevard, Lot 1 / Block 290 & Lot 6 / Block 326, City of Atlantic City, Atlantic County, State of New Jersey", prepared by Control Point Associates, Inc., dated September 14, 2018 and last revised January 29, 2019, consisting of 1 sheet;
6. Land Title Survey entitled "Winndevlopment, 1711 Arctic Avenue, Lot 6 / Block 328, City of Atlantic City, Atlantic County, State of New Jersey", prepared by Control Point Associates, Inc., dated September 14, 2018 and last revised January 29, 2019, consisting of 1 sheet;
7. Completed W-9 Form and Corporate Disclosure Information Sheet;
8. Affidavit of Ownership and Consent for Block 290, Lot 1 and Block 328, Lot 6;
9. Existing Conditions Photograph Booklet for Schoolhouse Apartments, consisting of 11 pages;
10. Existing Conditions Photograph Booklet for Disston Apartments, consisting of 5 pages;

11. Title Report prepared by First American Title Insurance Company of Princeton, New Jersey, dated October 24, 2018 for three Atlantic City, Atlantic County, New Jersey tracts: Block 290, Lot 1; Block 328, Lot 6; and Block 402, Lot 30 [not part of application];
12. Atlantic City Planning Board Resolution, dated June 6, 1979;
13. Atlantic City Department of Planning and Development Application Memorandum to the Atlantic City Planning Board, dated June 6, 1979, regarding the above;
14. Atlantic City Zoning Board of Adjustment Resolution, from a February 9, 1979 hearing, undated;
15. City of Atlantic City 200' adjacent property owner buffer reports for Block 290, Lot 1 and Block 328, Lot 6; and
16. Sketch of Reconfigured Parking on Block 290, Lot 1 prepared by Robert L. Reid, AICP, PP, dated February 8, 2019.

Completeness Review

We have reviewed the Application for completeness with the following CRDA checklists.

CRDA Commercial / Multi-Unit Residential Checklist (Form # 2)

We would recommend that this application checklist be found COMPLETE, conditioned upon the submission of requested information, as indicated in our comments below:

- (10) Fully describe proposed uses including square feet of commercial use, number of units, and number of seats if restaurant and/or bar use. ***The Applicant should provide information regarding the proposed number of units in both apartment buildings by bedroom number so that the minimum number of required off-street parking spaces may be ascertained.***
- (11) Any prior approvals (if applicable) (Planning Board and/or Zoning Board Resolutions, Certificate of Land Use Compliance (CLUC) and/ or Certificate of Non-Conformity (NCUC). ***The Application should provide information about prior approvals for the Disston Apartments, particularly those related to off-street parking.***

CRDA Minor Site Plan Checklist (Form # 5)

We would recommend that this application checklist be found COMPLETE, conditioned upon the submission of requested testimony and plan revisions, as indicated in our comments on checklist items 3, 11, 16, 17, and 22. The following are our comments on these items and on the Applicant's requested submission checklist waivers items.

- (3) Name and address, email address of property owner and applicant. ***The submitted survey and site plan indicate that the properties are owned by "JJJ Properties NJ, LLC", which corresponds with the state's current state tax parcel database. The***

*Application's corporate disclosure information statement indicates that the properties are owned by a number of individuals, limited liability companies (LLCs), and real estate trusts. **The Applicant should provide testimony to explain the apparent discrepancy in property ownership.***

- (11) Zoning Schedule listing: Use, lot area, lot width, lot depth, yard setbacks, floor area ratio, density, building coverage, building height and parking requirements, including existing and proposed with conformity status of each. *The Applicant has requested a waiver for this submission checklist item. **We have no objection to waiving the zoning schedule listing for area and bulk requirements for the structures on the properties; however, we recommend that the Applicant be required to submit information about existing and proposed off-street parking and the properties' conformity with the minimum requirements under the New Jersey Residential Site Improvements Standards (RSIS, or N.J.A.C. 5:21-4.14).***
- (15) Signature blocks for Hearing Officer, Land Use Regulation Enforcement Officer, Engineer and Planner. *The Applicant has requested a waiver for this submission checklist item. **We have no objection to this waiver request.***
- (16) Key map(s) at a legible scale showing location of property with existing structures, uses, streets, public right of ways, municipal boundaries, public parks, beaches, environmental sensitive areas, zoning district boundaries within 200 feet of the subject property. Property tax lots within 200 feet of the subject property taken from the most recent municipal tax map records. *The Applicant has requested a waiver for this submission checklist item. **We have no objection to this waiver request provided the Applicant agrees to revise Site Plan Sheet C0100 to remove the highlights and annotations for the properties on Block 402 and to withdraw Site Plan Sheet C0102 that features the properties on Block 402 because the properties on that tax block are not part of this application.***
- (17) List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc. as recorded or in recordable form if proposed. *The Applicant has requested a waiver for this submission checklist item. **The Applicant should provide copies of the three recorded covenants, conditions, easements, and/or restrictions for parking use and right-of-way for Block 290, Lot 1 and the three record easements / restrictions for Block 326, Lot 6 shown on the submitted Land Title Survey. If there is a separate cross-access easement between Lots 1 and 2 of Block 290, the Applicant should provide a copy of this, too.***
- (21) Stormwater management plans and drainage calculations. (19:66-7.5) *The Applicant has requested a waiver for this submission checklist item. **We have no objection to this waiver request.***
- (22) Site Plan depicting proposed buildings, structures, existing and proposed building setbacks, landscape areas, lighting / fixtures, lighting intensity, location of

identification signage and directional signs, trash enclosure, building setback lines (dashed) and their dimensions from the property lines, parking area plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions. *The Applicant has requested a waiver for this submission checklist item. **We have no objection to this waiver request; however, if the Applicant proposes to maintain off-street parking on Block 326, Lot 6, then a copy of the previously-approved site plan for this parking lot should be provided.***

- (23) Grading plan depicting direction of flow of surface run-off, spot elevations, contours within 1 foot intervals, stormwater management structures. *The Applicant has requested a waiver for this submission checklist item. **We have no objection to this waiver request.***
- (24) Landscaping Plan, details and plant schedule (19:66-7.6) *The Applicant has requested a waiver for this submission checklist item. **We have no objection to this waiver request.***
- (25) Lighting plan and details (19:66-7.10) *The Applicant has requested a waiver for this submission checklist item. **We have no objection to this waiver request.***
- (26) Soil Erosion and Sediment Control Plan. (Required for soil disturbance of 5,000 sq. ft. or greater) *The Applicant has requested a waiver for this submission checklist item. **We have no objection to this waiver request.***
- (27) Plans of proposed utility layouts including sanitary sewer, water, gas, telephone, cable and electricity and showing proposed connections to existing or any proposed utility systems. *The Applicant has requested a waiver for this submission checklist item. **We have no objection to this waiver request.***
- (28) Road and paving cross-sections and profiles. *The Applicant has requested a waiver for this submission checklist item. **We have no objection to this waiver request.***
- (29) Solid and liquid waste management plan. *The Applicant has requested a waiver for this submission checklist item. **We have no objection to this waiver request.***
- (30) Vehicular and pedestrian circulation patterns, Traffic control signs, directional signs and Sight triangles. *The Applicant has requested a waiver for this submission checklist item. **We have no objection to this waiver request.***
- (31) Preliminary architectural plan and elevations, and areas and type of each proposed use. *The Applicant has requested a waiver for this submission checklist item. **We have no objection to this waiver request.***

- (32) Estimate of costs of on-site and off-site improvements [19:66-3.4 (b)] *The Applicant has requested a waiver for this submission checklist item. We have no objection to this waiver request.*

Technical Review #1

The following comments are offered:

A. Project Description and Background

The Applicant is seeking approval for an Amended Site Plan with Bulk Variances for required off-street parking, as well as a Waiver of Formal Site Plan Review. The submitted site plan indicates that the existing nine (9) off-street parking spaces for the Schoolhouse Apartments, which straddle the property line between Lots 1 and 2 of Block 290 will be reconfigured to provide four (4) parallel parking spaces on Lot 1, one (1) of which will be ADA accessible. The application indicates that off-street parking is no longer available on Block 290, Lot 2, but it is unclear whether off-street parking will remain for the Schoolhouse Apartment tenants on Block 326, Lot 6.

B. Conformance Review

The Application and Plans have been reviewed for conformance to the Casino Reinvestment Development Authority Rules at N.J.A.C. 19:66 adopted and filed November 21, 2017, together with the Atlantic City Zoning & Tourism District Zones Map updated November 17, 2017.

1. Use Requirements

We have reviewed the Application for conformance with the use and density requirements for properties in the Central Business District (CBD) zoning district per §19:66-5.12(a)1.i and iv. The sixty six (66) units in the Schoolhouse Apartments and the twenty (20) units in the Disston Apartments are pre-existing, multi-family apartment buildings. The current CRDA Tourism District Land Development Rules, which became effective in 2011, specify a maximum density of twenty five (25) dwelling units per acre. The Schoolhouse Apartments have a density of eighty six (86) dwelling units per acre and the Disston Apartments have a density of one hundred and thirty seven (137) units per acre. Although the density on both properties exceeds the maximum density permitted in the CBD zoning district, the Applicant has not requested any change to the existing number of units on either property. As such, the uses on both properties are pre-existing, non-conforming uses in terms of the CBD zoning district's density requirements and do not need a use variance.

2. Area and Bulk Requirements

We have reviewed the Application for conformance with the area and bulk requirements for properties in the Central Business District (CBD) zoning district per §19:66-5.12(a)1.iv. The current CRDA Tourism District Land Development Rules, which became effective in 2011, specify a number of area and bulk requirements. The following table indicates that the Schoolhouse Apartments and the Disston Apartments do not conform (NC) to a number of these requirements.

Central Business District	Required Dimensions	Schoolhouse Apartments (66 units)	Disston Apartments (20 units)
Max. building height	65'	56.2'	38.2'
Min. lot area	5,000 sqft	33,825 sqft	6,375 sqft
Min. lot depth	100'	165'	147'
Min. lot width	50'	165'	42.5' (NC)
Min. lot frontage	50'	165'	42.5' (NC)
Max. building coverage	30%	≈ 61.8% (NC)	≈ 96% (NC)
Max. impervious coverage	80%	≈ 100% (NC)	≈ 96% (NC)
Min. front yard setback	5'	0' (NC)	0' (NC)
Min. side yard setback	0'	0'	0'
Min. rear yard setback	20'	N/A	0' (NC)
Max. floor area ratio (FAR)	N/A	N/A	N/A
Min. usable open space	N/A	N/A	N/A

The Applicant has not requested any change to the existing buildings on either property. As such, the structures both properties are pre-existing, non-conforming structures in terms of the CBD zoning district's area and bulk requirements and do not need a bulk variance.

3. Off-Street Parking Requirements

We have reviewed the Application for conformance with the off-street parking requirements under the New Jersey Residential Site Improvements Standards (RSIS, or N.J.A.C. 5:21-4.14). The application indicates that the Schoolhouse Apartment will provide four (4) off-street spaces and that the Disston Apartments will provide zero (0) off-street spaces. The following table indicates that the Schoolhouse Apartments, which is required to provide a minimum of one hundred and thirty two (132) spaces, and the Disston Apartments, which is required to provide forty (40) spaces, do not conform to the minimum number of required parking spaces. Bulk variances for the minimum required number off-street parking spaces will be required for both properties.

Minimum Off-Street Parking Spaces for Garden and Mid-Rise Apartments (RSIS)		Schoolhouse Apartments		Disston Apartments	
Number of Bedrooms in Unit	Minimum Spaces / Bedroom	# of Units	Minimum # of Spaces	# of Units	Minimum # of Spaces
1 Bedroom	1.8	4	7.2	0	0.0
2 Bedrooms or Unspecified	2.0	56	112.0	20	40.0
3 Bedrooms	2.1	6	12.6	0	0.0
Total		66	132	20	40

The Applicant has provided a copy of a resolution from a February 9, 1979 Atlantic City Zoning Board of Adjustment hearing where the board granted a use variance to the Sencit Company [*sic*] for the conversion of a former schoolhouse on the property now known as Block 290, Lot 2 into a sixty six (66) unit apartment building for low and moderate income residents. The approved use was to have nine (9) off-street spaces on premises and another thirty three (33) off-street spaces on the parcel now known as Block 290, Lot 2. The board granted its approval “subject to the specifications and approval as set forth by the Atlantic City Planning Department.” The Applicant’s submission did not include a copy of those specifications.

The Applicant has provided a copy of a resolution from a June 6, 1979 Atlantic City Planning Board hearing where the board granted site plan approval to the Sencit Company [*sic*] for additional off-street parking on another parcel. The resolution does not specify the parcel nor the number of spaces approved on that parcel, but a memorandum from the City department of Planning and Development implies that the parcel is now known as Block 326, Lot 6 and the amount of approved parking spaces was approximately twenty one (21). Altogether, it appears that the residents of the low and moderate-income Schoolhouse Apartments had access to sixty three (63) off-street parking spaces. Neither of these approvals involved the Disston Apartments or any off-street parking required for the twenty (20) units in that former YMCA building.

The Applicant should provide testimony for the following:

1. The time in which it lost its lease and was no longer in compliance with its prior approvals;
2. The number of off-street parking spaces on Block 326, Lot 6 that the Applicant constructed for the residents of the Schoolhouse Apartments, because the submitted plans do not provide this information;
3. Whether the off-street parking spaces on Block 326, Lot 6 will remain available for those residents, because the submitted application materials appear to indicate otherwise; and
4. The conditions that the Atlantic City Planning Board, Zoning Board of Adjustment, or both required for the conversion of the former YMCA building into the Disston Apartments, if any, which were related to off-street parking and how the Applicant complied with them.

This testimony will provide a better understanding of the total number of off-street parking spaces were required under prior approvals for both properties and the total number of off-street parking spaces the Applicant proposes to provide the residents of the eighty six (86) total units in the future.

C. Bulk Variances

Although the Applicant does not propose to change the number of existing apartment units in either apartment building, it does propose to amend the approved site plan(s) to reduce the number of previously-approved parking stalls for the Schoolhouse Apartments from sixty three (63) to four (4) or to roughly twenty five (25), if the parking lot on Block 326, Lot 6 remains available. Because this number is fewer than that required by RSIS a bulk variance is necessary. Depending on the approval board’s use and/or site plan approval(s) for the conversion of the

former YMCA into the Disston Apartments, see above, a use variance for may also be necessary for providing fewer than the number of RSIS-required off-street parking spaces.

The Applicant must provide testimony to justify the requested variance by using either the c(1) or c(2) proofs for the parking bulk variances.

For c(1) variances the Applicant must demonstrate that strict application of the zoning requirement would have “peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the Applicant arising out of:

- a. The exceptional narrowness, shallowness, or shape of a specific piece of property, or
- b. By reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or
- c. By reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.”

For c(2) variances the Applicant must demonstrate:

- a. That the purposes of the Municipal Land Use Law (MLUL) would be advanced by a deviation from strict application of the zoning requirement;
- b. That the variance can be granted without substantial detriment to the public good;
- c. That the benefits of the deviation would substantially outweigh the detriment; and
- d. That the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

D. Site Plan Review

1. The proposed four (4) space off-street parking design on Block 290, Lot 1 on Site Plan Sheet C0101 conflicts with that on the School Housing Building Parking Exhibit (Sheet 4). They should be revised to be consistent with each other and to show the proposed ADA parking space as the furthest from Dr. Martin Luther King Boulevard, as well as the required MUTCD signage and pavement striping for the proposed parking spaces.
2. The two (2) Land Title Surveys should be revised to provide the most recent FEMA FIRM information.
3. The Atlantic City and Atlantic County solid waste management plans have been significantly revised since the site plans for the two apartment buildings were approved c. 1979. The Applicant should provide testimony regarding the current and proposed methods to store and dispose of solid waste and recyclables for the two apartment buildings.

E. Outside Agency Permits and Approvals

1. The following permits and approvals are required:
 - a. Atlantic City Building Code Official
 - b. All others as necessary

February 28, 2019
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If you require any additional information or have any questions please contact the undersigned.
We are pleased to be of service.

Sincerely yours,



G. Jeffrey Hanson, PE, CME
CRDA Land Use Board Engineer and Planning
Consultant

Cc: Sencit Liberty Urban Renewal, LLC, 6 Faneuil Hall Marketplace, Boston, MA 02109
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