



CHRISTINE A. COFONE, PP, AICP  
*Principal*

**COFONE CONSULTING GROUP, LLC**

August 20, 2019

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

RE: **151 S NY Avenue LLC**  
**143-151 S. New York Avenue and 118-120 St. James Place**  
**Block 52, Lots 5 & 6, and a portion of 39 and 40**  
**Application #2019-**

Dear Mr. Landgraf:

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

In the subject application, the applicant is seeking minor site plan approval for 1) the renovation and expansion of the existing restaurant located at 143-151 S. New York Avenue and 2) the renovation of an existing hotel on an overall site with a total lot area of 7,393 square feet. A "c" variance relief is required for minimum rear yard setback, a fence in the front yard, and parking.

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; and review of a site plan, entitled "151 South New York Avenue Restaurant & Hotel," prepared by Jason T. Sciallo, PE, PP of Sciallo Engineering Services, LLC, consisting of 3 sheets and dated August 16, 2019; and review of architectural floor plans and elevations, entitled "New York Avenue Mixed Use Development," prepared by William C. McLees, AIA, LEED AP of William McLees Architecture, consisting of 2 sheets and dated August 16, 2019.

We offer the following analysis and comments for your consideration.

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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)



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### Description of Site and Summary of Development Proposal

The project entails a complete renovation of the existing 4,791 sf restaurant, bar and lounge including renovation of the outdoor seating area and an existing two story hotel. The restaurant, bar and lounge will have a total of 186 seats, with a portion of the seating outside. The existing 18 room hotel will be reduced to 6 rooms to create a boutique hotel containing 2,700 sf. The restaurant includes a new two story addition in the rear to provide support spaces. The project is grandfathered for 136 seats and 18 guest rooms. The additional 50 seats proposed will require a net of 3 parking spaces as detailed in the site plan parking calculation.

### Surrounding Land Uses

Surrounding uses include a mixture of surface parking lots, multi-family residential, and commercial uses.

### 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.

The applicant requires the following variances from the RC District regulations:

The project will require bulk variance relief from the minimum rear yard setback requirement of 20 feet, a fence in the front yard and a parking variance.

- C variances from the CRDA Land Development Rules (Section 19:66):
  - Minimum Lot Area: 7,500 square feet required. The existing condition is 4,000 square feet and proposed is 7,393 square feet.
  - Minimum Lot Depth: 150' required. The existing condition is 50' and proposed is 125'.

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- Minimum Rear Yard: 20' is required. The proposed condition is 2.55'.
- Minimum Onsite Parking: 62 spaces required for the overall project. The proposed condition is 0 spaces. **NOTE: The applicant states that there is a grandfathered shortfall of 59 spaces, an existing non-conforming condition, and that the current variance request is for 3 additional required parking spaces.**
- A fence within the front yard area is not permitted.

### 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” variance, 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’s professional planner shall provide the required statutory proofs for the proposed variances.
- 2) While we do not take exception of the Applicant’s parking calculations, for the purpose of the record the Applicant shall discuss the existing non-conforming condition and the grandfathered shortfall of parking.
- 3) The Applicant shall discuss how the application will advance the intent of the New

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Jersey CRDA Atlantic City Tourism District Master Plan and the Tourism District.

### Comments from William England, PE, Board Engineer:

- 1) This office takes no exception to the revised grading and drainage shown on the plans. Positive drainage will be provided in the areas behind both buildings.
- 2) Add a note to the drawing that drainage from each property shall not be hindered in any way, by either property owner, to the detriment of the other.
- 3) Revise any bond/escrow calculations, as necessary, reflecting the changes noted on the plans.
- 4) Address (at the hearing) if any additional lighting may be necessary in the open space area adjacent to the retail building.
- 5) Any sidewalk, curb, concrete gutter damaged as a result of the work scheduled for this building shall be replaced in kind, and/or at the direction of this office and the CRDA.
- 6) Replace any missing, dead, dying or misshapen trees along the frontage.

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

Respectfully submitted,

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

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

cc: Robert L. Reid, AICP, PP, Land Use Regulation Enforcement Officer  
Paul G. Weiss, Esq., Chief Legal Counsel  
Applicant's Attorney  
Applicant's Surveyor/Planner

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