



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: NYORANGEDEEDS, LLC c/o Patrick Fasano
161-205 New York Avenue and 118-142 St. James Place
Block 52, Lots 11-18 & 30-40
Application #2019-**

Dear Mr. Landgraf:

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

In the subject application, the applicant is seeking minor subdivision approval, amended site plan approval, and "c" variance relief. The applicant is seeking to revise the previously approved site plan approval (CRDA Board Resolution #19-15) to remove the subdivided portion of Block 52, Lot 39 and provide the land to the adjacent property owner to facilitate a restaurant renovation. The Applicant further proposed to amend its site plan by removing Block 52, Lot 40 from the approved project and provide said lot to the adjacent property owner to facilitate its restaurant renovation. As a result of the proposed reduction of lot area on Block 52, Lot 39, variance relief is required from the setback requirements. The applicant is also seeking various design waivers.

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 "Orange Deed Entertainment Complex," prepared by Jason T. Sciallo, PE, PP of Sciallo Engineering Services, LLC, consisting of 9 sheets and dated November 27, 2018 (revised to August 16, 2019).

We offer the following analysis and comments for your consideration.

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Description of Site and Summary of Development Proposal

The existing Bourre restaurant is adjacent to the proposed construction of a 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). The site will also include a 51-space parking lot to serve the entire development, along with two spaces located at the Bourre restaurant, for a total of 53 parking spaces. The proposed uses are permitted in the Resort Commercial (RC) Zone.

The applicant previously received approval for a mixed use building with 4,230 sf retail on the ground floor and four rental residential units above; a 51 space parking lot; and a 10 room hotel including an entertainment area with a stage, restrooms, seasonal concession stands and seasonal bar.

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 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 variance from the RC District regulations:

- C variance from the CRDA Land Development Rules (Section 19:66):
 - Rear yard setback: 20' min; 9' proposed. **NOTE: In the applicant's originally approved application, a variance for a 15' rear yard setback was granted.**

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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) For the record, the Applicant shall state the intention behind the proposed minor subdivision. We note that the proposed minor subdivision does not trigger any additional variances.
- 2) The Applicant’s professional planner shall provide the required statutory proofs for the proposed variance, specifically stating why the rear yard setback has been further reduced from the original application.
- 3) The Applicant shall discuss how the application will advance the intent of the New Jersey CRDA Atlantic City Tourism District Master Plan and the Tourism District.

Comments from William England, PE, Board Engineer:

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- 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.

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 Board Planner

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