

Christopher J. Noll, PE, CME, PP  
*President & CEO*

Barbara J Fegley, AICP, PP  
*Sec./Treas. & Sr. Vice President*

William H. Kirchner, PE, CME, N-2  
*Vice President*



Rakesh R. Darji, PE, PP, CME, CFM, Vice President  
G. Jeffrey Hanson, PE, CME  
Joseph R. Hirsh, PE, CME, CPWM  
Joseph P. Orsino, CET  
Marc H. Selover, LSRP, PG  
Harry R. Fox, NICET III, CPSI  
C. Jeremy Noll, PE, CME, CPWM  
Benjamin R. Weller, PE, CME, CPWM, S-3, C-3

815 East Gate Drive • Suite 103 • Mount Laurel • New Jersey • 08054

Telephone (856) 235-7170 • Fax (856) 273-9239 • [www.erinj.com](http://www.erinj.com)

September 10, 2019  
31623 16

Re: El Charro Restaurant & Sports Bar  
**Minor Site Plan with Bulk Variances**  
**Review Letter #1**  
Block 339, Lots 1 & 78  
2430 Fairmount Avenue  
Atlantic City, NJ  
Application # 2019-08-2725

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 a Minor Site Plan with Bulk Variances has been received for the subject premises:

### **Applicant Information**

- Applicant: Rigoberto Alvarez & Eric Alvarez  
2430 Fairmount Avenue, Atlantic City, NJ 08401
- Owner: Same as Applicant
- Engineer: None Noted
- Surveyor: Robert J. Catalano, PLS, PP  
12 S. Virginia Ave., Atlantic City, NJ 08401
- Architect: Craig F. Dothe, RA, PP  
33 N. Brighton Avenue, Atlantic City, NJ 08401
- Planner: Same as Architect
- Traffic: None Noted

- Attorney: Hank N. Rovillard, Esquire  
31 N. Brighton Avenue, Atlantic City, NJ 08401

### **Documents Submitted**

1. Letter from Hank N. Rovillard, Esquire, LLC, dated August 1, 2019
2. Letter from CRDA, dated August 16, 2019
3. CRDA Application Form, dated August 2, 2019, prepared by Applicant's Attorney.
4. CRDA "C" Variance Checklist, dated August 1, 2019, prepared by Applicant's Attorney
5. CRDA Minor Site Plan Checklist, dated August 1, 2019, prepared by Applicant's Attorney
6. Minor Site Plans titled "El Charro Restaurant and Sports Bar", prepared by Craig F. Dothe Architect, LLC, dated October 17, 2018, last revised April 24, 2019 and consisting of the following sheets:
  - a. Sheet Z-1, Site Plan / Zoning Analysis
  - b. Sheet Z-2, 200' List / Maps
  - c. Sheet Z-3, Images / Floor Plans
  - d. Sheet Z-3A, Existing Floor Plans / Images
  - e. Sheet Z-4, Elevations / Signage Calculations
  - f. Sheet Z-4A, Existing Elevations
  - g. Sheet Z-5, Elevations
  - h. Sheet Z-5A, Existing Elevations
  - i. Sheet Z-6, Color Elevations

### **Completeness Review**

We have reviewed the Application for completeness. The Applicant has not submitted the following checklist item:

#### **"C" Variance Checklist**

20. Land Title Survey and topographic survey depicting existing conditions prepared by a New Jersey licensed surveyor.

We have no objection to the granting of a submission waiver for the land title survey and topographic survey. The topographic / existing conditions information provided on the Site Plans are sufficient for the purposes of our review.

#### **Minor Site Plan Checklist**

17. List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc., as recorded or in recordable form if proposed.

20. Land Title Survey and topographic survey depicting existing conditions prepared by a New Jersey licensed surveyor.
21. Stormwater management plans and drainage calculations.
23. Grading plan depicting direction of flow of surface runoff, spot elevations, contours within 1 foot intervals, stormwater management structures.
24. Landscaping Plan, details and plant schedules.
25. Lighting Plan and details.
27. Plan of proposed utility layouts including sanitary sewer, water, gas, telephone cable and electricity and showing proposed connections to existing or any proposed utility systems.
28. Road and paving cross-sections and profiles.
29. Solid and liquid waste management plan.
30. Vehicular and pedestrian circulation patterns, traffic control signs, directional signs and sight triangles.
32. Estimate of the costs of on-site and off-site improvements.

The Applicant has indicated that Items #17, #24, #25, #28, #30 and #32 of the Minor Site Plan Checklist are not applicable. We have no objection to the granting of a submission waiver of the remaining checklist items, on the condition that the Applicant provide supplemental information and / or testimony addressing the comments within our Technical Review that are related to these items.

We have no objection to the Application being deemed complete.

### **Technical Review #1**

The following comments are offered:

#### **A. Project Description and Background**

The Applicant received approval from the Atlantic City Zoning Board of Adjustment on May 21, 2009 for a Minor Site Plan with Bulk Variances for a restaurant / bar / banquet hall. Variances were granted for several setbacks, building coverage and impervious coverage as well as for number of parking spaces provided. At the time of the original approval, the Applicant was granted a variance to permit seventeen (17) parking spaces, where a minimum of fifty (50) spaces was required by City Ordinance. The total maximum occupant load stated at the time of original approval was 158.

The building is a two (2) story building with indoor restaurant seating on both the first floor and second floor and an outdoor roof deck seating area on the second floor. The Applicant is currently seeking approval for a 726 square feet (SF) expansion of the first

floor, a 586 SF addition of the second floor and a 235 SF roof deck expansion. Variances are required for several setbacks, building / impervious lot coverage, number of parking spaces and for the proposed signage.

The site is in the Ducktown Arts District (DA), and comprises 11,782 square feet (0.273 acres). Restaurants and bars are permitted uses within DA Zone.

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.

#### **B. Bulk Variance Review**

1. The front yard building setback along Fairmount Avenue is 6-1/8" beyond the property line (encroaching into right-of-way). The required front yard setback in the DA Zone is five feet (5'), as per Section 19:66-5.11(a)(1)(iv)(8) of the CRDA Tourism District Land Development Rules. A variance is required. It should be noted that this is an existing condition that is not being exacerbated.
2. The front yard entrance bay setback along Fairmount Avenue is 3' - 6-1/2" beyond the property line (encroaching into right-of-way). The required front yard setback in the DA Zone is five feet (5'), as per Section 19:66-5.11(a)(1)(iv)(8) of the CRDA Tourism District Land Development Rules. A variance is required. The previously approved setback was 2' - 4" past the property line.
3. The front yard building setback along Florida Avenue is 0' - 0". The required front yard setback in the DA Zone is five feet (5'), as per Section 19:66-5.11(a)(1)(iv)(8) of the CRDA Tourism District Land Development Rules. A variance is required. It should be noted that this is an existing condition that is not being exacerbated.
4. The front yard entrance bay setback along Florida Avenue is proposed to be 3' - 3-5/8" beyond the property line (encroaching into right-of-way). The required front yard setback in the DA Zone is five feet (5'), as per Section 19:66-5.11(a)(1)(iv)(8) of the CRDA Tourism District Land Development Rules. A variance is required.
5. The rear yard setback along Florida Avenue is proposed at 0' - 0". The required rear yard setback in the DA Zone is 20', as per Section 19:66-5.11(a)(1)(iv)(10) of the CRDA Tourism District Land Development Rules.

A variance is required. It should be noted that this is an existing condition that is not being exacerbated.

6. The proposed building coverage is forty four percent (44%). Section 19:66-5.11(a)(1)(iv)(6) of the CRDA Tourism District Land Development Rules limits building coverage to a maximum of 30% in the DA Zone. A variance is required. The current building coverage is 37%.
7. The proposed impervious coverage is 100%. Section 19:66-5.11(a)(1)(iv)(7) of the CRDA Tourism District Land Development Rules limits impervious coverage to a maximum of 80% in the DA Zone. A variance is required. It should be noted that this is an existing condition that is not being exacerbated.
8. The Applicant has provided information indicating that the total occupant load for the restaurant upon completion of the proposed improvements will be a maximum of 398 people. Section 19:66-5.8(b)(4) of the CRDA Rules requires one hundred and twenty (120) spaces ( $398 \times 0.3 = 120$ ). A variance is required. The 2009 Atlantic City Zoning Board of Adjustment approval included a variance to allow seventeen (17) parking spaces where a minimum of fifty (50) were required. Detailed testimony should be provided to justify the extreme deficiency in off street parking spaces proposed.
9. It appears from a review of the Site Plans that several variances will be required for the placement of the proposed wall signs / window signs and projecting signs that are proposed in conjunction with the Application. The information submitted by the Applicant is presented in such a manner that we were not able to determine the exact nature of the variances that have been previously received and that are required for this Application. For instance, projecting signs are not specifically permitted in the DA District, as per Section 19:66-5.7(i)(1) of the CRDA Rules. It also appears that variances will be required along both the Florida Avenue and Fairmount Avenue frontages to permit more wall sign area than is permitted in the Rules. The Applicant shall provide clarification in a more discernible manner with regard to the types and sizes of all signage being proposed and all variance relief that is required for same.
10. With respect to Item Nos. 1 through 9, for "c" variances the applicant must demonstrate that the strict application of the zoning regulations to the property create a hardship or result in exceptional practical difficulties by reason of the exceptional shape of the property or the exceptional topographic conditions uniquely affecting the property.

**C. Site Plan Review**

1. The Applicant should be prepared to provide testimony regarding the days and hours of operation, the nature of all events that are anticipated at the restaurant (outside of normal dining / bar patronage), number of employees expected to be present at peak shift and all other information relating to the operation of the business.
2. Several of the landscaping tree planters along Fairmount Avenue and Florida Avenue are missing brick borders or the brick borders are displaced. The bricks should be restored flush to the adjacent sidewalk and fresh mulch shall be placed within the planters as a condition of any approval. Appropriate details should be added to the Site Plans.
3. During our site visit we observed that the area behind the restaurant that is proposed to have three (3) parallel parking spaces (Spaces No. 11, 12 & 13 on Sheet Z-1 of the Plans) is currently the area where the dumpsters and recycling containers are housed. It appears that the vehicles will conflict with these receptacles when attempting to maneuver in and or out of these spaces. The Applicant should provide testimony regarding whether the receptacles will be relocated and where they will be relocated to. The Site Plans should be revised to illustrate any resulting changes.
4. It appears that even without the aforementioned waste receptacles being stored adjacent to the parallel parking spaces that the spaces will be difficult to maneuver into and out of, especially considering that there is no means of egress from these spaces outside of turning around. The Site Plans shall be revised to illustrate turning templates for all vehicles expected to utilize the spaces in order to determine whether the appropriate movements can be physically made.
5. Turning templates for all vehicles, including emergency service and delivery vehicles shall be illustrated on the Site Plans for the entire parking lot.
6. Concurrence from the City Fire Marshall regarding the permitted occupant load versus the proposed occupant load of 398 shall be sought and obtained by the Applicant as a condition of any approval.
7. The Applicant shall seek all appropriate approvals from the Atlantic City Construction Department for the construction of the first floor, second floor and roof deck expansions that are proposed.

**Photographs of Site**



Fairmount Avenue Frontage Looking West



Fairmount Avenue Frontage Looking East



Florida Avenue Frontage Looking South



Florida Avenue Frontage Looking North



Rear Parking Area (note waste containers)



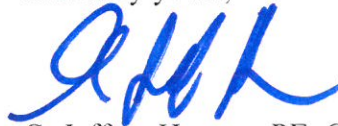
Rear of Building Looking North

**Outside Agency Permits and Approvals**

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

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: Robert Reid, AICP, PP, CRDA Land Use Regulation Enforcement Officer  
Rigoberto Alvarez, Applicant  
Craig Dothe, RA, PP Applicant's Architect  
Hank N. Rovillard, Esquire, Applicant's Attorney

31623 16 - Review #1 - 09-10-19