



**Principals**  
Richard Rehmann, GISP  
Richard Heggan, PLS, PP  
Jeffery MacPhee, PLS  
Carolyn A. Feigin, PE, PP

July 29, 2024

Lance B. Landgraf, Jr., PP, AICP  
**Casino Reinvestment Development Authority**  
Division of Land Use and Regulatory Enforcement  
15 S Pennsylvania Avenue  
Atlantic City, NJ 08401

Re: TECHNICAL REVIEW #1: CRDA # 2024-06-3650  
Preliminary & Final Major Site Plan w/ Variance Approval  
209 S. Tennessee LLC  
209 S. Tennessee Avenue  
Block 54, Lot 26  
Atlantic City, NJ 08401  
ARH # 2410096

Dear Mr. Landgraf:

**ARH ASSOCIATES** has reviewed the following information towards issuance of Preliminary & Final Major Site Plan Approval for the above-referenced Application:

TITLE / DESCRIPTION	PREPARED / SIGNED / SEALED BY	DATE	DATE LAST REVISED
Cover Letter from Applicant's Attorney	Brian J. Callaghan, Esq.	05/29/2024	
Project Narrative		05/03/2024	
CRDA Land Use Application	Owner / Applicant	05/22/2024	
Four (4) Color Photographs of Site			
Minor Site Plan Checklist (Form #5)	Brian J. Callaghan & Craig F. Dothe	05/28/2024	
"c" Variance Checklist (Form #12)			
Reconstruction and Change of Use Plans and Elevations	Craig F. Dothe, LLC	05/07/2024	06/04/2024
Land Title Survey	Robert J. Catalano, PLS	08/08/2021	
Elevation Certificate		08/09/2021	
Deed	Eric S. Kapnick, Esq.	07/22/2021	

Per this information, our office offers the following comments:

**ARH Associates**

Corporate Headquarters – 215 Bellevue Avenue – PO Box 579 – Hammonton, NJ 08037 – 609.561.0482 – fax 609.567.8909  
Tinton Falls Office – 97 Apple Street – Suite 1 – Tinton Falls, NJ 07724 – 609.561.0482 – fax 609.567.8909

**www.arh-us.com**

TECHNICAL REVIEW #1: CRDA # 2024-06-3650  
Preliminary & Final Major Site Plan w/ Variance Approval  
209 S. Tennessee LLC  
209 S. Tennessee Avenue  
Block 54, Lot 26  
Atlantic City, NJ 08401  
ARH # 2410096  
Page 2

**I. PROJECT INFORMATION & CONTACT INFORMATION**

The 2,500 SF lot fronts Tennessee Avenue between Pacific Avenue and Boardwalk. The site is presently developed with a five story structure that was previously the Endicott Hotel. The Applicant seeks approval to convert the building to a multiuse building containing a retail and residential uses. The Applicant is also proposing additions to the building and increasing the entire structure to six stories. The proposed additions to the building do not appear to increase the footprint of the building.

Below please find the contact information for the responsible parties associated with this Application:

**APPLICANT /OWNER**

209 S. Tennessee LLC  
730 Columbus Avenue, Apt 14E  
New York, NY 10025  
Phone: 516-987-1391  
Email: [gabepeyser@gmail.com](mailto:gabepeyser@gmail.com)

**ARCHITECT/PLANNER**

Craig F. Dothe  
33 N. Brighton Avenue  
Atlantic City, NJ 08401  
Phone: 609-348-2236  
Email: [craig@cfidarchitect.com](mailto:craig@cfidarchitect.com)

**ATTORNEY**

Brian J. Callaghan, Esq.  
101 N. Washington Avenue, Suite 14  
Margate, NJ 08402  
Phone: 609-348-5300  
Email: [bjclaw@comcast.net](mailto:bjclaw@comcast.net)

**ARH Associates**

Corporate Headquarters – 215 Bellevue Avenue – PO Box 579 – Hammonton, NJ 08037 – 609.561.0482 – fax 609.567.8909  
Tinton Falls Office – 97 Apple Street – Suite 1 – Tinton Falls, NJ 07724 – 609.561.0482 – fax 609.567.8909

**[www.arh-us.com](http://www.arh-us.com)**

## II. ZONING REVIEW

The subject property is situated within the Resort Commercial (RC) zoning district. Retail sales, Multi-family residential mid-rises and mixed uses are permitted uses in the zone. The below table summarizes the bulk requirements for this zone:

BULK ITEMS	REQUIREMENT	EXISTING	PROPOSED
Max. Principal Building Height	3000 ft (from BFE)	55 ft	60.2 ft
Min. Lot Area	7,500 sf	2,500 sf (ENC)	NC
Min. Lot Depth	150 feet	50 feet (ENC)	NC
Min. Lot Width	50 feet	50 feet	NC
Min. Lot Frontage	50 feet	50 feet	NC
Min. Principal Front Yard Setback (> 35' in height)	20 feet	0 feet (ENC)	NC
Min. Principal Side Yard Setback (> 35' in height)	20 feet	0.02', 0.08' feet (ENC)	0.02', 0.08' (addition) (V)
Min. Principal Rear Yard Setback	20 feet	0.15' (ENC)	0.15' (addition) (V)
Max. Building Coverage	70 %	95.52 % (ENC)	97.28 % (V)
Max. Impervious Coverage	80 %	+/- 100% (ENC)	NC

N/A = Not Applicable; NC = No Change; ENC = Existing Non-Conformity;  
NP = Not Provided; TBP = To Be Provided; V = Variance Required

PARKING	REQUIREMENT	REQUIRED	PROPOSED
Retail	1 space per 300 sf of GFA (315 sf)	2 spaces	0 Spaces (See Comment III.B.1. below)
Residential (1-BR)	1.8 spaces per unit (8 units)	14 spaces	
Residential (2-BR)	2.0 spaces per unit (4 units)	8 spaces	
TOTAL		24 spaces	

### ARH Associates

The Applicant has requested the following variances with their application. However, it is unclear if these are new variances or continuations of existing nonconformities. Please see Engineering Comment A.1 and Planning Comment 1 below.

- a. Section 19:66-5.10(a)(1)iv.(6) – Where the maximum allowed building coverage is 70%, whereas 95.52% exists, and 97.28 % is proposed.
- b. Section 19:66-5.10(a)(1)iv.(9) – Where the minimum required side yard setback is 20 FT, whereas there are existing side yard setbacks of 0.02' and 0.08', and there is a proposed vertical addition on the 0.08' side yard setback.
- c. Section 19:66-5.10(a)(1)iv.(10) – Where the minimum required rear yard setback is 20 FT, whereas 0.15' rear yard setback exists, and there is a proposed vertical addition on the 0.15 rear yard setback.

In addition, the following variances appear to be necessary:

- g. Section 19:66-5.7(j)3.ii – Where the maximum allowed number of awnings, canopies or marquee signs is one, whereas two marquee signs are proposed.

The Applicant should be prepared to provide testimony to the Board in support of the requested variances.

### **III. ENGINEERING COMMENTS**

#### **A. GENERAL**

- 1. The Applicant shall confirm if the proposed building coverage and setback variances exacerbate any existing nonconformities as it appears all improvements are vertical and do not expand upon the footprint of the building. This shall be updated in the Zoning Schedule accordingly.
- 2. The tax map sheet #, and the block and lot shall be provided in the title block.
- 3. The Graphic Scale shall be provided for the various plans and details on Sheets A1-A5.
- 4. The proposed building height in the Zoning Schedule shall be revised to be to

#### **ARH Associates**

the height of the elevator/mechanical room, which is the highest point of the roof.

5. The front and side yard setback requirements in the Zoning Schedule shall be revised to be 20' for a building over 35' over in height. The status of conforming shall be revised as per Engineering Comment A.1 above.

## **B. PARKING, LOADING & REFUSE COLLECTION**

1. As per N.J.A.C. 19:66-5.8, for retail uses, one (1) parking space is required per 300 SF of floor area. The 315 SF first floor will require two (2) parking spaces. Per RSIS, 1.8 spaces are required for one-bedroom apartments and two (2) spaces are required for a two-bedroom apartment. Eight (8) one-bedroom apartments are proposed, requiring 14 parking spaces. Four (4) two-bedroom apartments are proposed requiring eight (8) parking spaces. A total of 24 parking spaces are required for the proposed conditions. The parking calculations on the Site Plan shall be revised accordingly. Per N.J.A.C. 19:66-5.8, the existing hotel required one (1) parking space per room. The hotel had forty (40) rooms requiring forty (40) parking spaces. No variance is necessary for the proposed parking as there will be a reduction of 16 required parking spaces. Zero parking spaces are proposed on-site.
2. As no new parking areas or reconstruction to existing parking areas are proposed, no EV parking is required.
3. The Applicant shall provide testimony regarding where residents and retail patrons/employees will park to access the site.
4. The Applicant shall provide testimony on the loading operations, including location and size of loading vehicles, for the first-floor retail use. Will there be any delivery vehicles?
5. It does not appear there is a trash area located within the building nor does it appear there is adequate room on site for an exterior trash enclosure. Refuse areas shall be provided on the site plan. The Applicant shall provide testimony regarding refuse collection operations for the site for both the retail and residential uses.

## **C. ADA & FLOOD COMPLIANCE**

1. The proposed ramp into the building is more than 2% slope. The plans shall be revised to provide an adequate accessible route into the building per ADA Guidelines. Additional topography may be necessary to demonstrate ADA compliance. The entrance doors may need to be lowered to be flush with the sidewalk elevation, and an internal ramp to reach the existing FF elevation may be necessary. If an internal ramp is to be provided, no additional topography is needed, and it shall be shown on the site plans and floor plans.
2. The property is located within Flood Zone AE 10 as per the latest revised preliminary FIRM from FEMA. However, the first floor FF elevation is at 7.32'.

### **ARH Associates**

Testimony shall be provided on flood damage prevention measures for the proposed improvements in conformance with FEMA standards. It shall be noted that residential units on the second floor and above are above the BFE.

3. The FF elevation for the first floor shall be provided on the site plan, not just the elevation views.

#### **D. LANDSCAPING & LIGHTING**

1. The Applicant shall submit a conforming Landscaping Plan per N.J.A.C. 19:66-7.6. Although some landscaping has been depicted on the site plan, a full landscaping design shall be submitted including species, sizing, spacing, quantities, etc.
2. The Applicant shall provide testimony regarding the site lighting in conformance with N.J.A.C. 19:66-7.10. Is there lighting proposed for the building entry?

#### **E. SIGNAGE**

1. The proposed marquee signs shall be depicted on the site plan with a dimension of their protrusion into the City's ROW.
2. The Applicant shall provide testimony regarding the variance for the number of marquee signs and if they are compliant with the area, height, and illumination requirements per N.J.A.C. 19:66-5.7(j).

#### **F. MISCELLANEOUS**

1. All improvements in the City's ROW including signage, ramps, and planter boxes shall require a revocable license from the city.

### **IV. COFONE CONSULTING PLANNING REVIEW**

#### **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

#### **ARH Associates**

of supportive commercial and services uses. The vision is to create an environment where residential and resort offerings seamlessly integrate.

The proposed use is a permitted use in the RC District.

### **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 variance. The only new variance condition is for the increase in lot coverage from the existing non-conforming condition. The Zoning Schedule shall also be revised to indicate “ENC” for all proposed conditions that are not changed from existing.

### **ARH Associates**

- 2) We note that while no on-site parking is provided, this is an existing condition, and the proposed parking demand is 23 vehicles compared to 40 vehicles for the existing hotel.
- 3) The Applicant shall discuss all proposed exterior alterations, including landscaping. The applicant shall provide details about the proposed lighting and wayfinding, and provide testimony on building-mounted signs. How will the proposed signs be illuminated?
- 4) The applicant shall provide testimony regarding proposed security, whether there will be staff on-hand 24 hours a day, and the adequacy of egress/escape points during a fire.
- 5) 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.

## **V. POST APPROVAL CONSIDERATIONS**

Should the Board grant the desired approval for this Application, Applicant, and/or its professionals must:

- A. Submit any required revisions to the Board as outlined above for review.**
- B. Obtain approvals from all outside agencies, if necessary. Provide copies to the Board.**
- C. Contact the Board Secretary to reconcile any outstanding review escrow accounts prior to Final Plan Certification, Signature, or the issuance of building permits, as applicable.**

Any resubmissions in response to this report should be accompanied by a point-by-point response to all items. To facilitate the Board's decision-making process, Applicants are strongly encouraged to resolve as many items as possible prior to the hearing on this matter.

### **ARH Associates**

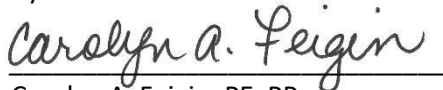


TECHNICAL REVIEW #1: CRDA # 2024-06-3650  
Preliminary & Final Major Site Plan w/ Variance Approval  
209 S. Tennessee LLC  
209 S. Tennessee Avenue  
Block 54, Lot 26  
Atlantic City, NJ 08401  
ARH # 2410096  
Page 9

Respectfully Submitted,

**ARH ASSOCIATES**

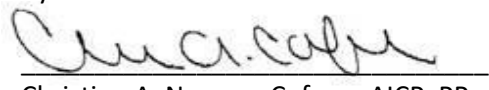
By



Carolyn A. Feigin, PE, PP  
CRDA Consulting Engineer

**COFONE CONSULTING GROUP**

By



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

cc: Robert L. Reid, AICP, NJPP  
Christine A. Nazzaro-Cofone, AICP, PP  
Scott Collins, Esq.  
Tetje Linsk

w:\fileroom\tf\2\2410096\eng\cor\2024-07-29 technical review letter #1.docx

**ARH Associates**

Corporate Headquarters – 215 Bellevue Avenue – PO Box 579 – Hammonton, NJ 08037 – 609.561.0482 – fax 609.567.8909  
Tinton Falls Office – 97 Apple Street – Suite 1 – Tinton Falls, NJ 07724 – 609.561.0482 – fax 609.567.8909

**www.arh-us.com**