



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

November 1, 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 # 2024-10-3718  
 Minor Site Plan Approval  
 SD Manor LLC, c/o Paul Stewart, Member  
 115 S. Seaside Avenue (Block 77, Lot 36)  
 Atlantic City, NJ 08401  
 ARH # 2410101

Dear Mr. Landgraf:

**ARH ASSOCIATES** has reviewed the following information towards issuance of Variance Approval for the above-referenced Application:

TITLE / DESCRIPTION	PREPARED / SIGNED / SEALED BY	DATE	DATE LAST REVISED
"c" Variance Checklist (Form #12)	Tara L. Vargo, Esq.	09/14/2024	
Cover Letter from Applicant's Attorney	Tara L. Vargo, Esq.	10/09/2024	
Project Narrative			
CRDA Land Use Application	Applicant	08/14/2024	
Four (4) Color Photographs of Site			
CRDA Variance Plan	Michael J. Intrieri, PE of MPMB Developers, LLC	08/16/2024	
Survey and Topography of Premises	Daniel J. Ponzio Sr. of Daniel J Ponzio Sr. Company and Associates, LLC	08/12/2024	

Per this information, our office offers the following comments:

**I. PROJECT INFORMATION & CONTACT INFORMATION**

The 1,312.5 sf site is situated on S. Seaside Avenue, in between Pacific Avenue and Oriental Avenue. The site is currently a 3-story duplex unit. The Applicant seeks

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115 S. Seaside Avenue (Block 77, Lot 36)

Atlantic City, NJ 08401

ARH # 2410101

Page 2

approval of variances for a proposed 3-story deck/balcony structure at the rear of the existing dwelling.

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

**APPLICANT/OWNER**

SD Manor, LLC  
c/o Paul Stewart, Member  
2531 Fairmount Avenue  
Atlantic City, NJ 08401  
Phone: 631-896-8259  
Email: [paul@cozycohostcompany.com](mailto:paul@cozycohostcompany.com)

**ENGINEER**

Michael J. Intrieri, PE  
MPMB Developers, LLC  
70 Arthur Drive  
Rutherford, NJ 07087  
Email: [mpmbdevelopers@gmail.com](mailto:mpmbdevelopers@gmail.com)

**PLANNER**

Jon J. Barnhart, PE, PP  
Arthur Ponzio Co.  
400 N. Dover Avenue,  
Atlantic City, NJ 08401  
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ATTORNEY
<p>Tara L. Vargo, Esq.                      PO Box 370                      Franklinville, NJ 08322                      Phone: 856-694-0800                      Email: <a href="mailto:tarav@govargo.com">tarav@govargo.com</a></p>

## II. ZONING REVIEW

The subject property is situated within the Lighthouse 2 (LH-2) zoning district. Multi-family residential is a permitted use in the zone. The below table summarizes the bulk requirements for this zone:

BULK ITEMS	REQUIREMENT	EXISTING	PROPOSED	
Max. Principal Building Height	80 ft (from BFE)	35'	NC	
Min. Lot Area	7,500 sf	1312.5 sf (ENC)	NC	
Min. Lot Depth	150 feet	70' (ENC)	NC	
Min. Lot Width	50 feet	18.75' (ENC)	NC	
Min. Lot Frontage	50 feet	18.75' (ENC)	NC	
Max. Building Coverage	30 %	63% (ENC)	79% (V)	
Max. Impervious Coverage	80 %	> 80% (ENC)	NC	
Min. Principal Front Yard Setback (≤ 35' in height)	15 feet	0.33' (ENC)	NC	
Min. Side Yard Setback (≤ 35' in height)	15 feet	Principal Building:	0' (ENC)	NC
		Deck/Steps:	< 15' & > 0.06' (ENC)	0.06' (V)
Min. Rear Yard Setback	20 feet	Principal Building:	18.15' (ENC)	NC
		Deck/Steps:	12.95' (ENC)	2.85' (V)

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BULK ITEMS	REQUIREMENT	EXISTING	PROPOSED
Maximum Density (low-rise)	25 DU/Ac	66 DU/Ac (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	EXISTING	PROPOSED
Duplex (4-BR)	2.5 spaces per unit (2 units)	5 spaces		NC
<b>TOTAL</b>		5 spaces	0 Spaces (ENC)	NC

\* This parking requirement applies as the applicant did not specify the number of bedrooms.

The Applicant has requested the following variances with their application:

- a. Section 19:66-5.19(a)(1)iv.(6) – Where the maximum allowed building coverage is 30%, whereas 63% exists, and 79% is proposed.
- b. Section 19:66-5.19(a)(1)iv.(9) – Where the minimum required side yard setback is 20 feet, whereas the proposed side yard setback to the deck is 0.06’.
- c. Section 19:66-5.10(a)(1)iv.(10) – Where the minimum required rear yard setback is 20 feet, whereas the proposed rear yard setback to the deck/steps is 2.85’.

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

### III. ENGINEERING COMMENTS

1. The subject property, Lot 36, 115 S. Seaside Ave, contains approximately one half of an existing multifamily dwelling with the other half on adjacent Lot 35, 117 S. Seaside Ave. The portion on Lot 36 contains a duplex within its property boundaries.
2. General Note #2 on the Site Plan shall be revised to provide the correct date of the Survey provided.
3. The existing and proposed impervious coverages in the Zoning Schedule provided on the Site Plan shall be revised to reflect the conditions of the site as it appears nearly the entire lot is covered in impervious surfaces

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4. The conjoining duplex building on adjacent Lot 35 shall be provided on the Site Plan as it is shown on the Survey. Thus, the side yard setback shall be revised to be 0' for the existing dwelling on the southerly side.
5. There is an existing utility pole near the southeasterly rear corner. Overhead utility lines have not been surveyed. The Applicant shall provide testimony if the proposed improvements will affect any overhead utilities and if approval from Atlantic City Electric Company is required.
6. The Applicant has requested a waiver from providing a screened refuse area. Our office does not recommend granting this waiver. The existing concrete walk on the northerly side of the property protrudes onto vacant adjacent Lot 37. The concrete walk has a clear width of 2.6' within the property boundaries. The existing trash receptacles are currently stored within this 2.6' clear width, which does not allow room for a person to traverse this concrete walk without crossing over the lot line. It shall be anticipated that a future development will occur on Lot 37 which will prevent accessing the concrete walk outside of the property boundaries. The Applicant shall revise their plans to provide a screened area for the trash receptacles in the rear yard. This can be achieved by placing the trash receptacles at the northeasterly rear corner of the site and replacing the northerly side and easterly rear chain link fence with opaque fencing. A gate shall be provided to access the rear yard area.
7. The Applicant shall provide testimony if they have received authorization from the property owner of Lot 37 for the portion of the sidewalk protruding onto their property as mentioned in Engineering Comment # 6 above. If not, the portion of the sidewalk protruding onto Lot 37 shall be removed to keep the sidewalk within the property boundaries.
8. There are no proposed changes to the number of bedrooms in the dwelling, thus no changes to the required number of parking spaces on site. As the existing number of bedrooms has not been provided, our office analyzed the parking demand associated with 4-bedroom units as per RSIS criteria. The Applicant has listed four parking spaces are required without providing the number of bedrooms. If the number of bedrooms is known, it shall be provided on the plans and the parking demand revised accordingly. Zero spaces exist on site and continue to remain as such.
9. The property is located within Flood Zone AE 10 as per the latest revised preliminary FIRM from FEMA. The flood zone shall be mentioned on the site plans. The first floor FF elevation is unknown. Testimony shall be provided on any applicable flood damage prevention measures for the proposed improvements in conformance with FEMA standards and if the existing dwelling is in conformance with FEMA freeboard requirements.

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

##### **Zoning Compliance**

The property is located in the Lighthouse Two (LH-2) District. As stated at CRDA Land Development Rules Section at N.J.A.C. 19:66-5.19, the purpose of the LH-2 District is as follows:

The purpose of the Lighthouse Two District is to reinvent the area with the rehabilitation and redevelopment of several historic blocks, providing additional housing at lower intensity, commercial uses, and economic diversity.

As stated in this letter, bulk variance relief is required.

##### **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” variances, 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.”

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ARH # 2410101

Page 7

We offer the following for your consideration in reviewing the Application:

- 1) The Applicant is required to provide testimony for the bulk variances by a New Jersey licensed professional planner in accordance with statutory and case law requirements.
- 2) Relative to the planning testimony, the applicant shall discuss the required new variances in the context of the surrounding area and how the proposed improvements would impact the area. We note that the proposed deck is generally consistent with the character of the adjoining structure.
- 3) The Applicant's engineer shall discuss the proposed construction materials for improvements and if any additional aesthetic improvements are proposed to the site.
- 4) We note that the Applicant's site plan zoning schedule denotes a "maximum density" requirement. The LH-2 Zone contains a "minimum density" requirement of 25 DU/AC for low-rise uses. The existing and proposed density is 66 DU/AC. Therefore, the Applicant's site engineer shall revise the zoning schedule on the site plan to note conformity.
- 5) The Applicant shall provide testimony regarding how the proposal will advance the intent of the Tourism District and the Tourism District Master Plan.
- 6) The Applicant shall comply with the conditions of all previous approvals received for the site.
- 7) The Applicant shall furnish any resolution and/or prior approvals from, and agreements with, the City of Atlantic City, if any.

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**V. POST APPROVAL CONSIDERATIONS**

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

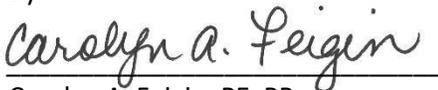
- A. Submit any required revisions to the Board as outlined above for review.**
- B. Obtain approvals from all outside agencies, if necessary. Provide copies to the Board.**
- C. Contact the Board Secretary to reconcile any outstanding review escrow accounts prior to Final Plan Certification, Signature,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

Respectfully Submitted,

**ARH ASSOCIATES**

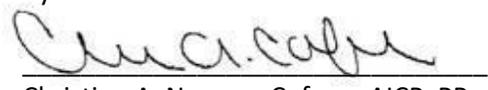
By



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.  
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