



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

EXHIBIT "A" TO RESOLUTION 25- , ADOPTED 1/21/2025

TO: Members of the Authority

FROM: Lance B. Landgraf, Jr., Land Use Hearing Officer

COPY: Eric Scheffler, Executive Director

SUBJECT: Hearing Officer's Report and Recommendation
Application #2024-11-3740
K. Hovnanian Terraces at Absecon Inlet, LLC
Preliminary and Final Subdivision Approval and Preliminary and Final
Site Plan Approval
Dewey Place, New Hampshire Avenue and Pacific Avenue
Block 79, Lots 3-7, 9-21
Lighthouse Two (LH-2) Zoning District and Redevelopment Plan

DATE: January 8, 2025

EXECUTIVE SUMMARY

On January 2, 2025, the Casino Reinvestment Development Authority (the "Authority") heard testimony and public comment on the above-subject application. The Applicant, K. Hovnanian Terraces at Absecon Inlet, LLC (the "Applicant"), seeks Preliminary and Final Subdivision Approval and Preliminary and Final Site Plan Approval to create 39 lots with 38 fee simple townhouses on the subject property. Any existing structures will be demolished. No variances are required.

The Applicant demonstrated by evidence and testimony that the development proposal generally conforms to the subdivision and site plan standards and technical requirements of the Authority's Tourism District Land Development Rules and Redevelopment Plan. Therefore, for the reasons more fully outlined below, the Hearing Officer recommends that the Application be approved by the Authority.



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INTRODUCTION

Application Information

K. Hovnanian Terraces at Absecon Inlet, LLC
Preliminary and Final Subdivision Approval and Preliminary and Final Site Plan
Approval
Dewey Place, New Hampshire Avenue and Pacific Avenue
Block 79, Lots 3-7, 9-21
Lighthouse Two (LH-2) Zoning District and the Block 79 Redevelopment Plan

A hearing on the Application was conducted in accordance with the requirements of the Open Public Meetings Act, the Municipal Land Use Law and P.L. 2011, c. 18.

The Applicant seeks Preliminary and Final Subdivision Approval and Preliminary and Final Site Plan Approval to create 39 lots with 38 fee simple townhouses on the subject property. Any existing structures will be demolished. No variances are required.

Evidence List

- A-1 Application Materials
- B-1 Letter from ARH Associates dated December 30, 2024

FINDINGS OF FACT

The Applicant seeks Preliminary and Final Subdivision Approval and Preliminary and Final Site Plan Approval to create 39 lots with 38 fee simple townhouses on the subject property. Any existing structures will be demolished. No variances are required.

The attorney for the Applicant, Nicholas Talvacchia, Esq., introduced the application generally and provided background regarding the specific approvals sought by the Applicant.

The Applicant presented the testimony of Jason Sciullo, P.E., P.P., who was qualified as an expert in the fields of professional engineering and professional planning. Mr. Sciullo described the location of the site, existing conditions, development proposal and site layout. He noted that the property was unimproved, with the exception of an abandoned funeral home.

Mr. Sciullo testified that the Applicant proposes to subdivide the property into 39 fee simple lots. 38 lots will be improved with townhouses and the other with an ally to provide



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access and circulation and to be owned by a homeowner's association. He testified regarding stormwater management and noted that the development proposal is subject to CAFRA regulations.

Mr. Sciullo testified that each townhouse would have 3 bedrooms and 2.5 baths. Each would also have a first-floor garage with 2 parking spaces, and space to park an additional vehicle in the driveway. Each townhouse will have a dedicated electrical circuit for EV charging.

Mr. Sciullo testified that the community will be served by a group mailbox. He further testified that trash would be stored in the garages of individual units and taken to the curb on trash pick-up day. He testified that site lighting will be accomplished by existing street lighting and building-mounted lighting at garage level. With the exception of "Private Property-No Parking" signs at the entrances to the site, no permanent signage is proposed.

In response to questioning, Mr. Sciullo agreed on behalf of the Applicant to comply with all comments in the ARH Associates letter dated December 30, 2024.

The Applicant presented the testimony of Joseph Lipanovski, R.A., a land acquisition manager and an architect licensed in the State of New Jersey, who was qualified as an expert in the field of professional architecture. He described the location of the site, development proposal and site layout. Mr. Lipanovski provided testimony regarding exterior improvements, floor plans, architectural features and materials.

Carolyn Feigin, P.E., was qualified as an expert in professional engineering and provided testimony on behalf of the Authority. Ms. Feigin testified that the Applicant had provided sufficient testimony to address all issues raised in the review letter and that she supports approval of the Application. Christine Cofone, P.P., was qualified as an expert in the field of professional planning and provided testimony on behalf of the Authority. Ms. Cofone testified that she supports approval of the application.

Several members of the public appeared and offered public comments on the development proposal. In response to concerns raised by members of the public regarding traffic and on-street parking, the Applicant agreed to provide an as-is assessment by a structural engineer and cooperate in the relocation of the construction entrance to minimize impacts on surrounding property owners.

CONCLUSIONS OF LAW

Preliminary and Final Major Subdivision Approval



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A land use agency's authority in reviewing an application for subdivision approval is limited to determining whether the development plan conforms to the zoning ordinance and the applicable provisions of the subdivision ordinance. See Pizzo Mantin Group v. Township of Randolph, 137 N.J. 216 (1994).

Here, based on the evidence and testimony, the Applicant has demonstrated that development plan generally conforms to the technical requirements of the Tourism District Land Development Rules and the grant of Preliminary and Final Major Subdivision approval is appropriate.

Preliminary and Final Major Site Plan Approval

A land use agency's authority in reviewing an application for site plan approval is limited to determining whether the development plan conforms to the zoning ordinance and the applicable provisions of the site plan ordinance. See Pizzo Mantin Group v. Township of Randolph, 137 N.J. 216 (1994). Here, based on the evidence and testimony, the Applicant has demonstrated that development plan generally conforms to the technical requirements of the Tourism District Land Development Rules and Redevelopment Plan and the grant of Preliminary and Final Site Plan approval is appropriate.

RECOMMENDATION

For all of the foregoing reasons, the Hearing Officer recommends that the Application for Preliminary and Final Major Subdivision and Preliminary and Final Major Site Plan Approval to create 39 lots with 38 fee simple townhouses on the subject property be approved. The grant of approval of this Application shall be expressly conditioned upon the Applicant complying with all conditions of prior approvals, satisfying all representations made by the Applicant or by others on its behalf during the course of the hearing on this matter before the Hearing Officer.

The grant of approval shall be further conditioned upon compliance with all applicable requirements of the Authority's Tourism District Land Development Rules, any applicable City Ordinances, and the requirements of any City agency, board or authority. Any approval granted in accordance herewith shall be further expressly conditioned upon the Applicant obtaining all other necessary governmental approvals, and compliance with all Federal, State and local laws.