

**RESOLUTION OF THE CASINO REINVESTMENT DEVELOPMENT AUTHORITY GRANTING PRELIMINARY AND FINAL SITE PLAN APPROVAL WITH VARIANCES PURSUANT TO N.J.S.A. 40:55D-70(c) TO CONVERT A 40-ROOM HOTEL INTO 12 APARTMENTS WITH GROUND FLOOR RETAIL AT THE SUBJECT PROPERTY LOCATED AT 209 S. TENNESSEE AVENUE, BLOCK 54 LOT 26, IN THE CITY OF ATLANTIC CITY UNDER APPLICATION #2024-06-3650**

**WHEREAS**, pursuant to P.L. 2011, c. 18, as amended (the “Act”), the Casino Reinvestment Development Authority (the “Authority”): (i) designated the Atlantic City Tourism District by Resolution 11-25, adopted April 19, 2011; (ii) established the Land Use Regulation and Enforcement Division to, among other matters, hear applications for development in the Tourism District by Resolution 11-33, adopted April 19, 2011; and (iii) adopted the master plan, zoning and land use ordinances and regulations, and zoning maps approved by the City by Resolution 11-34, adopted April 19, 2011; and

**WHEREAS**, pursuant to Resolution 12-14, adopted February 1, 2012, the Authority adopted the “New Jersey CRDA Atlantic City Tourism District Master Plan” prepared by Jones Lang LaSalle, LLC and dated February 1, 2012 (the “Master Plan”) (as affirmed and readopted pursuant to Resolution 12-23, adopted February 21, 2012), subject to further comment and revision, which master plan shall become effective upon the adoption of design, development and land use regulations on January 2, 2018; and

**WHEREAS**, 209 S. Tennessee, LLC (the “Applicant”), seeks Preliminary and Final Site Approval with Variances pursuant to N.J.S.A. 40:55D-70(c) to convert a 40-room hotel into 12 apartments with ground floor retail at the subject property located at 209 S. Tennessee Avenue, Block 54 Lot 26, on the Tax Map of Atlantic City, located in the Resort Commercial (RC) Zoning District; and

**WHEREAS**, on August 1, 2024, the Authority’s Land Use Regulation and Enforcement Division convened a public hearing on Application 2024-06-3650 in accordance with the requirements of the Open Public Meetings Act, the Municipal Land Use Law and the Act, and subsequently prepared and delivered a Hearing Officer’s Report and Recommendation dated August 22, 2024 (the “Report”), incorporated herein by this reference and appended hereto as Exhibit “A”; and

**WHEREAS**, the Authority intends to adopt the findings, conclusions and recommendations of the Hearing Officer, as detailed in the Report dated August 22, 2024.

**NOW THEREFORE, BE IT RESOLVED** by the Casino Reinvestment Development Authority that:

1. The above recitals are incorporated herein, as if set forth in full.
2. Based on the record in this matter, the Preliminary and Final Site Plan with Variances pursuant to N.J.S.A. 40:55D-70(c) under Application 2024-06-3650 is hereby

approved in accordance with the Hearing Officer's Report and Recommendation dated August 22, 2024,

3. A copy of this Resolution shall be immediately transmitted to the Governor. This Resolution shall take effect immediately, but no action authorized herein shall have force and effect until the earlier of the passage of ten (10) days, Saturdays, Sundays and public holidays excepted, after the delivery of the copy to the Governor, or the Governor's approval.

I hereby certify that this document is a true and correct copy of Resolution 24-116 of the Casino Reinvestment Development Authority.

*Michael Beson*  
MICHAEL BESON, SECRETARY

**MEETING OF OCTOBER 22, 2024**



## Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

### **EXHIBIT "A" TO RESOLUTION 24- , ADOPTED 9/17/2024**

**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 #2024-06-3650  
209 S. Tennessee, LLC  
Preliminary and Final Site Plan Approval with Variances Pursuant to  
N.J.S.A. 40:55D-70(c)  
209 S. Tennessee Avenue  
Block 54, Lot 26  
Resort Commercial (RC) Zoning District

**DATE:** August 22, 2024

### **EXECUTIVE SUMMARY**

On August 1, 2024, the Casino Reinvestment Development Authority (the "Authority") heard testimony and public comment on the above-subject application. The Applicant, 209 S. Tennessee, LLC (the "Applicant"), seeks Preliminary and Final Site Plan Approval to convert a 40-room hotel into 12 apartments with ground floor retail. The property has several pre-existing, non-conforming conditions that are not exacerbated by the development proposal. Variances pursuant to N.J.S.A. 40:55D-70(c) are required for side yard setback, rear yard setback, and building coverage.

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



# Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

## INTRODUCTION

### Application Information

209 S. Tennessee, LLC  
Preliminary and Final Site Plan Approval with Variances Pursuant to N.J.S.A. 40:55D-70(c)  
209 S. Tennessee Avenue  
Block 54, Lot 26  
Resort Commercial (RC) Zoning District

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 Site Plan Approval to convert a 40-room hotel into 12 apartments with ground floor retail. The property has several pre-existing, non-conforming conditions that are not exacerbated by the development proposal. Variances pursuant to N.J.S.A. 40:55D-70(c) are required for side yard setback, rear yard setback, and building coverage.

### Evidence List

- A-1 Application Materials
- A-2 Architectural Renderings
- B-1 Letter from ARH Associates dated July 29, 2024

## FINDINGS OF FACT

The Applicant seeks Preliminary and Final Site Plan Approval to convert a 40-room hotel into 12 apartments with ground floor retail. The property has several pre-existing, non-conforming conditions that are not exacerbated by the development proposal. Variances pursuant to N.J.S.A. 40:55D-70(c) are required for side yard setback, rear yard setback, and building coverage.

The attorney for the Applicant, Brian Callaghan, Esq., introduced the application generally and provided background regarding the specific relief sought by the Applicant.

The Applicant presented the testimony of Craig Dothe, R.A., P.P., who was qualified as an expert in the fields of professional architecture and professional planning. He described the location of the site, existing conditions and site layout. He explained that the existing



## Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

building has been vacant for at least 8 years. He testified that the intent of the Application is to renovate and restore a prominent building along the Orange Loop that has been in a state of disrepair for many years. He testified that the Applicant proposes to renovate the façade and replace the recess windows with more attractive fixtures and facade materials. The Applicant also proposes to add a sixth floor, a small gym and an elevator to the structure.

Mr. Dothe explained the floor plans, site operation and architectural features. Trash will be stored inside the building and taken to the street on trash removal day. In addition, building features that are not ADA-compliant will be brought into compliance. He testified that the parking need will be reduced based on the change in use and that adequate parking will be provided off-site. Finally, he agreed on behalf of the Applicant to obtain a license from the City for the location of landscaping planters within the public right of way.

Mr. Dothe testified that the Applicant seeks variances pursuant to N.J.S.A. 40:55D-70(c) to permit:

- The vertical and horizontal expansion of preexisting side yard setbacks of .02' and .08' where a minimum of 20' is required;
- The vertical and horizontal expansion of a preexisting rear yard setback of .15' where a minimum of 20' is required; and
- A building coverage of 97.28% where a maximum building coverage of 80 is permitted.

Mr. Dothe testified that the characteristics of the lot and location of the structure present a hardship in renovating the building to meet modern code requirements with regard to safe ingress and egress and ADA-compliance without deviation from the requirements of the land use regulations.

Mr. Dothe further testified that the that the approval of the application for development would advance the purposes of the Municipal Land Use Law ("MLUL") by promoting a desirable visual environment (Purpose I) by renovating a building that has been vacant for many years. With respect to the negative criteria, Mr. Dothe testified that the grant of the variances would advance the purposes of the Tourism District Master Plan and would not have any substantial detriment to the Tourism District Master Plan or Tourism District Land Development Rules.

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 opined that the approval of the application would promote the purposes of the MLUL by establishing appropriate population densities (Purpose E) by creating a walkable neighborhood. She testified that she supports approval of the application.



## Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

Carolyn Feigin, P.E., was qualified as an expert in professional engineering and provided testimony on behalf of the Authority. She testified that she supports approval of the application.

### CONCLUSIONS OF LAW

#### Preliminary and Final 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 subdivision standards and technical requirements of the Tourism District Land Development Rules.

#### Variances Pursuant to N.J.S.A. 40:55D-70(c)

For variances requested pursuant to N.J.S.A. 40:55D-70(c)(1) and (c)(2), an applicant must demonstrate through evidence and testimony that the positive and negative criteria of the statutory requirements have been met.

#### Positive Criteria

The positive criteria for variances requested pursuant to N.J.S.A. 40:55D-70(c)(1) is satisfied if relief can be granted for a specific piece of property upon the finding of hardship arising out of the exceptional narrowness, shallowness, shape, or exceptional topographic conditions of specific piece of property or from a structure lawfully existing thereon. See Lang v. Zoning Board of Adjustment, 160 N.J. 41 (1999). The positive criteria for variances requested pursuant to N.J.S.A. 40:55D-70(c)(2) is satisfied if one or more purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of that deviation would substantially outweigh any detriment to the public good. Ketcherick v. Bor. Mountain Lakes, 256 N.J. Super. 646 (App. Div. 1992); Green Meadows v. Planning Board, 329 N.J. Super. 12 (App. Div. 2000).

Here, the Applicant seeks variances pursuant to N.J.S.A. 40:55D-70(c) to permit:

- The vertical and horizontal expansion of preexisting side yard setbacks of .02' and .08' where a minimum of 20' is required;
- The vertical and horizontal expansion of a preexisting rear yard setback of .15' where a minimum of 20' is required; and



## Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

- A building coverage of 97.28% where a maximum building coverage of 80 is permitted.

The evidence and testimony demonstrate that the characteristics of the lot and location of the structure present a hardship in renovating the building to meet modern code requirements with regard to safe ingress and egress and ADA-compliance without deviation from the requirements of the land use regulations.

In addition, the evidence and testimony demonstrate that the approval of the application for development would advance the purposes of the MLUL by promoting a desirable visual environment (Purpose I) through the renovation of a building that has been vacant for many years; and establishing appropriate population densities (Purpose E) by creating a walkable neighborhood.

### Negative Criteria

Relief under N.J.S.A. 40:55D-70(c) (1) and (c)(2) cannot be granted unless the negative criteria is satisfied. The negative criteria required for all "C" variances is that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and the zoning ordinance.

The evidence and testimony demonstrate that the grant of the requested variances will not create any detriment to the public good, and will not substantially impair the purpose and intent of the Tourism District Mast Plan and the Tourism District Land Development Rules.

### RECOMMENDATION

For all of the foregoing reasons, the Hearing Officer recommends that the Application for Preliminary and Final Site Plan Approval with variances pursuant to N.J.S.A. 40:55D-70(c) 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 Tourism District Land Development Rules, city of Atlantic 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.

**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**



**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**

## 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	

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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

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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'.

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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

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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.

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- 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.

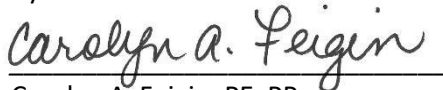
### **ARH Associates**

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  
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Respectfully Submitted,

**ARH ASSOCIATES**

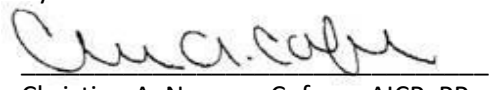
By



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

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Tinton Falls Office – 97 Apple Street – Suite 1 – Tinton Falls, NJ 07724 – 609.561.0482 – fax 609.567.8909

**www.arh-us.com**





**DATE: OCTOBER 22, 2024**

**209 S. TENNESSEE, LLC - RESOLUTION OF THE CASINO REINVESTMENT DEVELOPMENT AUTHORITY GRANTING PRELIMINARY AND FINAL SITE PLAN APPROVAL WITH VARIANCES PURSUANT TO N.J.S.A. 40:55D-70(c) TO CONVERT A 40-ROOM HOTEL INTO 12 APARTMENTS WITH GROUND FLOOR RETAIL AT THE SUBJECT PROPERTY LOCATED AT 209 S. TENNESSEE AVENUE, BLOCK 54 LOT 26, IN THE CITY OF ATLANTIC CITY UNDER APPLICATION #2024-06-3650**

**Motion: MB**

**Second: RT**

Michael Beson	<u>Y</u>
Sen. Chris Brown <i>for the DCA Commissioner</i>	<u>Y</u>
Daniel Cosner	<u>Y</u>
Christopher Glaum <i>for the State Attorney General</i>	<u>Y</u>
Michael Hanley	<u>Y</u>
Michael Laughlin	<u>Y</u>
Brett Matik	<u>Y</u>
William Mullen	<u>Y</u>
Paulina O'Connor	<u><b>Absent</b></u>
James Plousis	<u><b>Absent</b></u>
Mayor Marty Small, Sr.	<u><b>Absent</b></u>
William Sproule	<u>Y</u>
Robert Tighue <i>for the State Treasurer</i>	<u>Y</u>
Joseph Tyrrell	<u><b>Absent</b></u>
Chairman Mo Butler	<u>Y</u>