

RESOLUTION OF THE CASINO REINVESTMENT DEVELOPMENT AUTHORITY GRANTING MINOR SITE PLAN APPROVAL WITH VARIANCES PURSUANT TO N.J.S.A. 40:55D-70(c) TO CONSTRUCT A CONTAINER PARK ON THE EXISTING PAVED PARKING LOT AT THE SUBJECT PROPERTIES LOCATED AT 112 AND 114 SOUTH TENNESSEE AVENUE AND 1400 PACIFIC AVENUE, BLOCK 53 LOTS 26, 27 AND 28 IN THE CITY OF ATLANTIC CITY UNDER APPLICATION #2024-08-3688

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, Map 3 Partners, LLC (the “Applicant”), seeks Minor Site Approval with Variances pursuant to N.J.S.A. 40:55D-70(c) to construct a container park on the existing paved parking lot at the subject properties located at 112 and 114 South Tennessee Avenue and 1400 Pacific Avenue, Block 53 Lots 26, 27 and 28 on the Tax Map of Atlantic City, located in the Resort Commercial (RC) Zoning District; and

WHEREAS, on September 19, 2024, the Authority’s Land Use Regulation and Enforcement Division convened a public hearing on Application 2024-08-3688 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 October 7, 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 October 7, 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 Mino Site Plan with Variances pursuant to N.J.S.A. 40:55D-70(c) under Application 2024-08-3688 is hereby approved in

accordance with the Hearing Officer's Report and Recommendation dated October 7, 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 24-117 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 10/15/2024

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 #2024-08-3688
Map 3 Partners, LLC
Minor Site Plan Approval with Variances Pursuant to N.J.S.A. 40:55D-70(c)
112 and 114 South Tennessee Avenue and 1400 Pacific Avenue
Block 53, Lots 26, 27 & 28
Resort Commercial (RC) Zoning District

DATE: October 7, 2024

EXECUTIVE SUMMARY

On September 19, 2024, the Casino Reinvestment Development Authority (the "Authority") heard testimony and public comment on the above-subject application. The Applicant, Map 3 Partners, LLC (the "Applicant"), seeks minor site plan approval to construct a container park on the existing paved parking lot at the subject properties. The container park will include retail containers, a restroom container, farming containers, a covered stage for entertainment purposes and a food truck. The development proposal includes parking, landscaping, lighting and signage improvements. The Applicant also seeks variances pursuant to N.J.S.A. 40:55D-70(c) for signage and impervious 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

Map 3 Partners, LLC

Minor Site Plan Approval with Variances Pursuant to N.J.S.A. 40:55D-70(c)

112 and 114 South Tennessee Avenue and 1400 Pacific Avenue

Block 53, Lots 26, 27 & 28

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 minor site plan approval to construct a container park on the existing paved parking lot at the subject properties. The container park will include retail containers, a restroom container, farming containers, a covered stage for entertainment purposes and a food truck. The development proposal includes parking, landscaping, lighting and signage improvements. The Applicant also seeks variances pursuant to N.J.S.A. 40:55D-70(c) for signage and impervious coverage.

Evidence List

A-1 Application Materials

A-2 Colorized Site Plan

B-1 Letter from ARH Associates dated September 13, 2024

FINDINGS OF FACT

The Applicant seeks minor site plan approval to construct a container park on the existing paved parking lot at the subject properties. The container park will include retail containers, a restroom container, farming containers, a covered stage for entertainment purposes and a food truck. The development proposal includes parking, landscaping, lighting and signage improvements. The Applicant also seeks variances pursuant to N.J.S.A. 40:55D-70(c) for signage and impervious coverage.

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

The Applicant presented the testimony of Mark Callazzo. Mr. Callazzo described his efforts to bring development to the Orange Loop since 2015. He noted that previous developments have largely consisted of bars and eateries, and that the current Application



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is an effort to bring retail facilities and personal services to the Orange Loop. He testified that the proposed uses will be situated in 22 shipping containers and are intended to complement the existing uses in the Orange Loop. Mr. Callazzo advised that potential tenants may include businesses such as boutique clothing sales, a barber shop and a coffee shop. He testified that the hours of operation will be from 9 am to midnight daily.

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 and circulation, trash removal, landscaping, parking and signage. He noted that the site is currently nearly a 100% paved parking lot.

He testified that the containers will be arranged in an array to maximize site utility. The containers will be positioned above the flood hazard level. He testified that the Applicant's intent is to be as flexible as possible in providing opportunities for small merchants, pop-up uses and entertainment. Mr. Sciullo testified that on-site parking requirements are met. No on-site EV charging stations are required or proposed.

Mr. Sciullo testified that the proposed food truck is a conditionally permitted use and that the development proposal meets the conditional use standard. In addition, Mr. Sciullo testified that the Applicant would consolidate the subject lots as a condition of any approval.

The Applicant seeks variances pursuant to N.J.S.A. 40:44D-70(c)(2) to permit the following:

- A freestanding sign with a setback of 2 feet where a minimum setback of 5 feet is required.
- An impervious coverage where 95.7% is existing, 86.6% is proposed and a maximum of 80% is permitted.

With respect to the variance for signage, Mr. Sciullo testified that the sign location is required for visibility, wayfinding and public safety and provides a better planning alternative to strict compliance with the Authority's Tourism District Land Development Rules. With respect to the variance for lot coverage, Mr. Sciullo noted that the development proposal is an improvement over existing conditions.

With respect to the variances pursuant to N.J.S.A. 40:44D-70(c)(2), Mr. Sciullo opined that the development proposal will promote the purposes of the Municipal Land Use Law (the "MLUL"). Specifically, he opined that the purposes of the MLUL will be advanced by promoting the public health, safety and welfare (Purpose A) by providing signs that provide visibility, wayfinding and public safety, and improving an existing nonconforming



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condition for lot coverage. Mr. Sciullo opined that the grant of the variances will not create a substantial detriment to the public good and will not substantially impair the purpose and intent of the Authority's Tourism District Master Plan and Tourism District Land Development Rules.

The Applicant presented the testimony of Rosa Gamarra, R.A., an architect licensed in the State of New Jersey, who was qualified as an expert in the field of professional architecture. Ms. Gamarra described the location of the site, development proposal and site layout. She provided testimony regarding architectural features, materials, mechanical systems and signage.

Carolyn Feigin, P.E., was qualified as an expert in professional engineering and provided testimony on behalf of the Authority. Ms. Feigin questioned the Applicant's witnesses regarding parking sufficiency and site circulation. In response, Mr. Sciullo testified that the Applicant controls parking lots within walking distance of the site that can be used for overflow needs, and the food truck will only be on-site during pop-up events. Mr. Sciullo, on behalf of the Applicant, agreed to make several minor plan amendments in response to questioning from Ms. Feigin. 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., qualified as an expert in professional planning and provided testimony on behalf of the Authority. She questioned the Applicant regarding proposed hours of operation and trash removal. She 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.

CONCLUSIONS OF LAW

Minor 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 the grant of Minor Site Plan approval is appropriate.



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

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

For variances requested pursuant to N.J.S.A. 40:55D-70(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)(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 out-weigh 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).

The Applicant seeks variances pursuant to N.J.S.A. 40:44D-70(c)(2) to permit the following:

- A freestanding sign with a setback of 2 feet where a minimum setback of 5 feet is required.
- An impervious coverage where 95.7% is existing, 86.6% is proposed and a maximum of 80% is permitted.

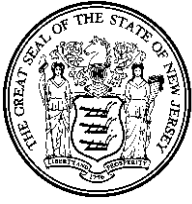
The evidence and testimony demonstrate that the development proposal will promote the purposes of the MLUL. Specifically, the purposes of the MLUL will be advanced by promoting the public health, safety and welfare (Purpose A) by providing signs that provide visibility, wayfinding and public safety, and improving an existing nonconforming condition for lot coverage.

Negative Criteria

Relief under N.J.S.A. 40:55D-70(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 have any substantial detriment to the Tourism District Master Plan or Tourism District Land Development Rules.

RECOMMENDATION

For all of the foregoing reasons, the Hearing Officer recommends that the Application for Minor Site Plan Approval with variances pursuant to N.J.S.A. 40:55D-70(c) be approved.



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

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.

4891-4690-7885, v. 1



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

September 13, 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 # 2024-08-3688
Minor Site Plan Approval
MAP 3 Partners, LLC
112 & 114 S. Tennessee Avenue, 1400 Pacific Avenue (Block 53, Lot 26, 27, & 28)
Atlantic City, NJ 08401
ARH # P2024.0569

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	Nicholas F. Talvacchia, Esq. Cooper Levenson, PA	08/14/2024	
Cover Letter from Applicant's Engineer	Jason T. Sciallo, PE, PP of Sciallo Engineering Services, LLC	09/03/2024	
CRDA Land Use Application	Applicant	08/14/2024	
Project Narrative			
Escrow Setup Information			
Four (4) Color Photographs of Site			
Minor Site Plan Checklist (Form #5)	Jason T. Sciallo, PE, PP of Sciallo Engineering Services, LLC	08/14/2024	
"c" Variance Checklist (Form #12)			
Orange Loop Container Park Preliminary and Final Major Site Plans	Jason T. Sciallo, PE, PP of Sciallo Engineering Services, LLC	08/09/2024	09/03/2024
Boundary and Topographic Survey	David J. Von Steenburg of Morgan Engineering & Surveying	02/01/2024	
Architectural Floor Plans, Elevations, & Renderings	Antonio Scalise, AIA of Parallel Architectural Group	07/17/2024	
200' List	City of Atlantic City	07/24/2024	
Request of Proof of Payment of Taxes	Nicholas F. Talvacchia, Esq. Cooper Levenson, PA	08/08/2024	
Agreement of Sale	Applicant	12/27/2023	

ARH Associates

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

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Per this information, our office offers the following comments:

I. PROJECT INFORMATION & CONTACT INFORMATION

The 25,000 sf site is situated along the corner of South Tennessee Avenue and Pacific Avenue. The site is currently a vacant parking lot. The Applicant seeks minor site plan, conditional use, and variance approvals to consolidate the lots and proposes a Container Park at the Orange Loop. The proposed improvements consist of retail containers, a restroom container, farming containers, a covered stage for entertainment purposes, a second deck seating area, and a food truck. Also proposed are parking lot, landscaping, lighting, and signage improvements.

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

APPLICANT
MAP 3 Partners, LLC c/o Nicholas F. Talvacchia, Esq. Cooper Levenson, PA 1125 Atlantic Avenue, Third Floor Atlantic City, NJ 08401 Phone: 609-572-1544 Email: ntalvacchia@cooperlevenson.com

OWNER
AC Market Jumbo QOZB, LLC 1141 Winding Drive Cherry Hill, NJ 08003 Phone: 856-428-2024 Email: rforman130@gmail.com

TECHNICAL REVIEW #1: CRDA # 2024-08-3688

Minor Site Plan Approval

MAP 3 Partners, LLC

112 & 114 S. Tennessee Avenue, 1400 Pacific Avenue (Block 53, Lot 26, 27, & 28)

Atlantic City, NJ 08401

ARH # P2024.0569

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ENGINEER/PLANNER

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II. ZONING REVIEW

The subject property is situated within the Resort Commercial (RC) zoning district. Retail is a permitted use in the zone and food trucks are a conditional use subject to approval. The below table summarizes the bulk requirements for this zone:

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TECHNICAL REVIEW #1: CRDA # 2024-08-3688

Minor Site Plan Approval

MAP 3 Partners, LLC

112 & 114 S. Tennessee Avenue, 1400 Pacific Avenue (Block 53, Lot 26, 27, & 28)

Atlantic City, NJ 08401

ARH # P2024.0569

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BULK ITEMS	REQUIREMENT	EXISTING	PROPOSED
Max. Principal Building Height	300 ft (from BFE)	N/A	35 ft
Min. Lot Area	7,500 sf	25,000 sf	NC
Min. Lot Depth	150 feet	250 feet	NC
Min. Lot Width	50 feet	100 feet	NC
Min. Lot Frontage	50 feet	100 feet / 250 feet	NC
Max. Building Coverage	70 %	N/A	29.5 %
Max. Impervious Coverage	80 %	95.7 % (ENC)	86.6 % (V)
Min. Principal Front Yard Setback	0 feet (up to 35' in height)	N/A	0 feet / 4 feet
Min. Principal Side Yard Setback	0 feet (up to 35' in height)	N/A	0 feet / 0 feet
Min. Principal Rear Yard Setback	20 feet	N/A	N/A

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 (6,630 sf)	23 spaces	28 spaces

The Applicant has requested the following variances with their application:

- Section 19:66-5.7(j)3.v. – Where one electronic billboard sign is allowed, whereas two electronic billboard signs are proposed.
- Section 19:66-5.7(j)4.ii. – Where the maximum allowable display area for electronic billboard signs is 650 SF, whereas 756 SF is proposed.
- Section 19:66-5.7(j)6.ii. – Where the minimum required setback for a pole sign is five feet, whereas the proposed setback of the pole sign is two feet.

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- d. Section 19:66-5.7(j)6.ii. – Where the minimum required setback for an electronic billboard sign is five feet, whereas the proposed electronic billboard sign is setback four feet.
- e. Section 19:66-5.10(a)(1)iv.(7) – Where the maximum allowed impervious coverage is 80%, whereas 86.6% is proposed for impervious coverage. It shall be noted that the existing impervious coverage is 95.7% and the proposed plan provides a reduction in impervious coverage.

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

III. CONDITIONAL USE REVIEW

According to N.J.A.C. 19:66-5.10(a)1.iii.(4), food trucks use require a conditional use approval subject to the specific conditions as per N.J.A.C. 19:66-6.3(a)4. The Applicant has demonstrated compliance with the conditional use requirements as the food truck will be operated by an existing restaurant owner with the required governmental approvals and is to remain parked on-site, not on a public roadway.

IV. ENGINEERING COMMENTS

A. GENERAL

1. The Applicant shall confirm the proposed building coverage in the Zoning Schedule as it does not appear to contain all covered areas including the stage, pergola and roof overhangs.
2. The Applicant shall provide testimony regarding the use, hours of operations, and number of employees for the project site.
3. Our office has concerns with the noise generated from the outdoor TV and the stage. The Applicant shall demonstrate that noise generated from the project site will be in compliance with N.J.A.C. 19:66-7.1.(g)4.

B. PARKING, LOADING, & CIRCULATION

1. As per N.J.A.C. 19:66-5.8(b)1., for retail uses, one (1) parking space is required per 300 square feet of floor area. The 6,630 sf GFA retail use will require 23

parking spaces, whereas 28 parking spaces are proposed. This is compliant with the minimum parking requirements. The required parking in the Zoning Schedule shall be revised to reflect 23 required spaces. The Applicant shall provide testimony on the necessity of providing an overabundance of parking stalls. If each container requires an employee that will make the majority of the parking stalls to be used for employees.

2. Two (2) ADA parking stalls are required for a parking lot with 26 to 50 parking spaces, whereas two (2) ADA parking stalls are proposed with one being van accessible. This is compliant with the minimum required ADA parking criteria.
3. Per N.J.A.C. 5:23-2.36, as a condition of preliminary site plan approval, each application involving a parking lot or garage shall install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces, whereas no Make-Ready parking spaces are proposed. The Applicant shall provide one (1) Make-Ready parking space.
4. The Applicant shall provide testimony regarding the general vehicle and pedestrian safety circulation for the site. Although the sizing meets industry standards our office has concerns with the parking lot containing various different access aisle/driveway widths especially where smaller driveway widths and angled parking are proposed.
5. The parking stall under the covered pergola facing Pacific Avenue appears to be encumbered by columns on the architectural plans not shown on the site plans. These columns shall be shown on the Site Plan as they affect the layout of the parking. The Applicant shall verify if a 9' wide parking stall will be able to fit in this area and revise the plans if necessary. The Applicant shall provide testimony regarding the purpose of the covered pergola over the access aisle as it does not appear to be a covered pedestrian route.
6. It appears the space next to the designated food truck stall will need to be utilized for ordering/queuing. The site plan shall be revised to show both spots being utilized for the food truck. The Applicant shall provide testimony on where pedestrians will order and queue for the food truck and the safety of pedestrians navigating the live traffic site.
7. Adequate circulation of a garbage truck traversing the site has been provided. However, no circulation has been provided for an emergency fire or ambulatory vehicle. It appears an ambulance will be able to circulate the site if a refuse vehicle can. The Applicant shall provide testimony on where emergency fire vehicles will be able to navigate or combat the site during an emergency.

C. SITE LAYOUT

1. The shaded curb graphic for flush curbs shall be provided in all areas intended to be flush curb on the site plan. The Grading Plan indicates additional flush curb areas than what are delineated on the Site Plan.

2. The area in front of the restroom trailer shall be concrete.
3. A dimension of the ADA access aisle shall be provided.
4. A detectable warning surface shall be provided for the curb ramp in front of the ADA access aisle and at the ends of the crosswalk connecting to the restroom trailer.
5. The roof overhang limits for the proposed retail containers along Pacific Avenue shall be clearly delineated on the site plans. The roof overhang limit callout points to the containers and it appears there is an overhang beyond the containers' limits.
6. The location of the outdoor TV shall be provided on the site plans.

D. GRADING & DRAINAGE

1. Spot elevations shall be provided at the corners of the containers/set of containers.
2. The Applicant shall reanalyze the FF elevation of the proposed retail containers. Our office has the following concerns:
 - a) The FF at the easterly end of the (11) retail container set is 0.85' higher than the adjacent grade. This will impede ADA access into the containers as moving from west to east.
 - b) The proposed grades at the entry area leading into the (9) container set indicate slopes in excess of 1:12 to access these containers.
 - c) The FF of the (11) and (9) container sets have FF elevations greater than 1' from the adjacent grades in the ROW's of Pacific Ave and Virginia Ave. The Applicant shall clarify how proposed grades will meet existing grades in these areas.
3. The FF of the restroom container shall be provided.
4. The two (2) most southerly curb ramps connecting into the ROW shall be revised to provide a slope less than 1:12 in order to achieve ADA compliance.
5. The 9' elevation contour appears to be missing from the plans.
6. The Applicant shall provide testimony regarding flood damage prevention measures for the proposed containers as there proposed FF elevation is less than the BFE of 10'.
7. The Applicant shall provide testimony regarding how roof runoff and the second floor deck runoff will be discharged. Are downspouts proposed? If so, has consideration for icing in pedestrian pathways been taken into account?

ARH Associates

E. LANDSCAPING, LIGHTING & SIGNAGE

1. The Applicant shall provide testimony regarding the proposed landscaping conformance with the design requirements as per N.J.A.C. 19:66-7.6(d), particularly parking lot landscaping.
2. There are proposed plantings greater than 30" in mature height within the proposed sight triangle areas. These plantings shall be relocated out of the sight triangle or revised to be lower than 30" in mature height.
3. The Applicant shall provide testimony regarding the proposed lighting's conformance with the design requirements per N.J.A.C. 19:66-7.10. Our office has concerns with the spillage of lighting into the public ROW and adjacent private properties in excess of 1.0 footcandles.

F. DETAILS & MISCELLANEOUS

1. Details for a curb ramp and detectable warning surface shall be provided.
2. Details of the wall sign and pole ID sign shall be provided including their size, materials, and if they will be illuminated.
3. The Driveway Apron detail shall be revised to indicate a 30" wide concrete gutter.
4. The Applicant shall identify the applicable location of the 6' Wide Pedestrian Crosswalk W/ Stop Bar detail on the site. If sign R1-5b is to be proposed as shown in the detail, this sign's location shall be provided on the site plans and a detail of the sign shall be provided.
5. A detail for the electronic billboard including its height shall be provided to demonstrate they will be 40 feet from grade as indicated in the Zoning Schedule. The electronic billboard should be shown in the proposed rendering.
6. A large TV is proposed on the second floor deck seating area on the architectural plans. This TV shall also be shown on the site plans. The size of the TV including its overall height from grade shall be provided.

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:

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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 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.

The engineering review portion of this letter lists required variance relief.

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 shall provide such statutorily required testimony through a New Jersey licensed professional planner.
2. The Applicant shall provide detailed testimony on the operation of the business, with a specific focus on staffing, security, etc.
3. While variances are required for non-compliance with the impervious coverage and ground pole setback standards, I note that the proposed conditions are an improvement over the existing conditions.
4. The Applicant’s architect shall provide testimony on the proposed site design, layout, materials/colors, etc.
5. The Applicant’s engineer shall provide testimony on site ingress/egress and vehicular circulation.
6. 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.
7. The Applicant shall comply with the conditions of all previous approvals received for the site.
8. The Applicant shall furnish any resolution and/or prior approvals from, and agreements with, the City of Atlantic City, if any.

V. POST APPROVAL CONSIDERATIONS

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

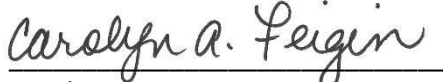
- A. Submit any required revisions to the Board as outlined above for review.**
- B. Obtain approvals from all outside agencies, if necessary. Provide copies to the Board.**
- C. Contact the Board Secretary to reconcile any outstanding review escrow accounts prior to Final Plan Certification, Signature,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

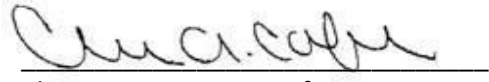
By



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.
Tetje Linsk

CAF\jmb

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DATE: OCTOBER 22, 2024

MAP 3 PARTNERS, LLC - RESOLUTION OF THE CASINO REINVESTMENT DEVELOPMENT AUTHORITY GRANTING MINOR SITE PLAN APPROVAL WITH VARIANCES PURSUANT TO N.J.S.A. 40:55D-70(c) TO CONSTRUCT A CONTAINER PARK ON THE EXISTING PAVED PARKING LOT AT THE SUBJECT PROPERTIES LOCATED AT 112 AND 114 SOUTH TENNESSEE AVENUE AND 1400 PACIFIC AVENUE, BLOCK 53 LOTS 26, 27 AND 28 IN THE CITY OF ATLANTIC CITY UNDER APPLICATION #2024-08-3688

Motion: WS

Second: MB

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>Absent</u>
James Plousis	<u>Absent</u>
Mayor Marty Small, Sr.	<u>Absent</u>
William Sproule	<u>Y</u>
Robert Tighue <i>for the State Treasurer</i>	<u>Y</u>
Joseph Tyrrell	<u>Absent</u>
Chairman Mo Butler	<u>Y</u>