



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

January 14, 2025

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

Re: DGMB Casino, LLC and IMCMV Atlantic City, LLC  
Located South of 1133 Boardwalk  
Block 1, Lots 142 & 142.01  
Atlantic City, NJ 08401  
ARH File: 24-10074.03

Dear Mr. Landgraf:

**ARH ASSOCIATES** has received the above captioned Application for review. The Applicant seeks Minor Site Plan approval to construct a beachside recreational entertainment area with a bar containing roof signs to the Landshark Bar & Grill. It shall be noted that an application for this site was heard before the CRDA Board on March 3, 2022, and was approved under Resolution #22-37, dated April 19, 2022, again on April 6, 2023, and was approved under Resolution #23-54, dated April 18, 2023, then again on March 13, 2024, and was approved under Application #2024-01-3577.

Block 1, Lots 142 & 142.01 is located in Atlantic City's Beach (B) Zoning District. The proposed uses are permitted within the Beach Zone. The Applicant requests bulk variance relief from signage requirements associated with this Application.

This report consists of a review of the Subject Application for conformance with Casino Reinvestment Development Authority checklists as well as NJAC 19:66, the CRDA Tourism District Land Development Rules. Comments are limited to the information presented to date. The Applicant may present additional information and testimony at the Board hearing on this matter.

## **I. OWNER & APPLICANT INFORMATION**

### **OWNER**

DGMB Casino, LLC  
1133 Boardwalk, Atlantic City, NJ 08401  
609-340-7955  
nmoles@resortsac.com

### **APPLICANT**

IMCMV Atlantic City, LLC  
1125 Atlantic Avenue, 3<sup>rd</sup> Floor, Atlantic City, NJ 08401  
609-572-7544  
ntalvacchia@cooperlevenson.com

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#### **ATTORNEY**

Nicholas F. Talvacchia, Esquire of Cooper Levenson, P.A.  
 1125 Atlantic Avenue, Third Floor, Atlantic City, NJ 08401  
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#### **ENGINEER/ PLANNING CONSULTANT**

Jon J. Barnhart, PP, PE  
 Arthur Ponzio Co., 400 Dover Avenue, Atlantic City, NJ 08401  
 609-344-8194  
 jbarnhart@aponzio.com

## **II. SUBMITTALS**

<b>TITLE / DESCRIPTION</b>	<b>PREPARED / SIGNED / SEALED BY</b>	<b>DATE</b>	<b>DATE LAST REVISED</b>
Cover Letter from Applicant's Attorney	Cooper Levenson	01/05/2024	
Request for 200-foot property owners list		12/12/2024	
CRDA Land Use Application	Owner / Applicant	12/23/2024	
Escrow Setup Information			
Project Narrative			
Corporate Disclosure Statement			
Parking Summary			
Site Pictures			
Landshark Bar & Grill Alterations & Addition CRDA Submittal Set – Site Plan	Arthur Ponzio Co.	12/20/2024	
Minor Site Plan Checklist (Form #5)	Arthur Ponzio Co.	12/23/2024	
"c" Variance Checklist (Form #12)			
Landshark Expansion Concept	The McBride Company	01/12/2023	
Redacted Beach Lease	City of Atlantic City	07/13/2020	

## **III. CHECKLISTS**

The following addresses conformance with the CRDA's list of Required Application items for Minor Site Plan Checklist (form #5) and "c" Variance Checklist (Form #12) and does not reflect adequacy of submissions for review purposes. The correct number of copies are assumed to have been submitted. Column entries reflect **ARH's** review of Applicant's submissions.

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Minor Site Plan Checklist (Form #5)

ITEM	Minor Site Plan	Required	Submitted	Waiver Requested by Applicant	Comments
11	Zoning Schedule listing: Use, lot area, lot width, lot depth, yard setbacks, floor area ratio, density, building coverage, building height, and parking requirements, including existing and proposed with conformity status of each.	X	X (Partial)		The Applicant is asked to provide proposed information on their bulk chart. See Comment VI.d.2. below
21	Stormwater management plans and drainage calculations. (19:66-7.5).	X		X	Our office recommends granting the waiver from providing a stormwater management plan and drainage calculation. See Comment VI.e.1. Below
23	Grading Plan depicting direction of flow of surface run-off, spot elevations, contours within 1-foot intervals, stormwater management structures.	X		X	Our office recommends granting a waiver from providing a Grading Plan. See Comment VI.e.1. Below
24	Landscaping Plan, details, and plant schedule (19:66-7.6)	X		X	Our office recommends granting a waiver from providing a Landscaping Plan See Comment VI.g.1. Below
25	Lighting Plan and details (19:66-7.10)	X		X	Our office recommends granting a waiver from providing a Lighting Plan See Comment VI.g.2. Below

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ITEM	Minor Site Plan	Required	Submitted	Waiver Requested by Applicant	Comments
29	Soil Erosion and Sediment Control Plan. (Required for soil disturbance of 5,000 sq. ft. or greater)	X		X	Our office recommends granting a waiver from a SESC Plan as there will be no soil disturbance greater than 5,000 SF

**“c” Variance Checklist (Form #12)**

No additional item(s) listed within the “c” Variance Checklist that are not already listed within the above Minor Site Plan Checklist are deficient in submission. Please refer to the above checklist for review.

**IV. BULK REQUIREMENTS, BEACH (B)**

Beach bars, seating and entertainment pavilions, and concerts and temporary entertainment venues (stages) are permitted uses in the Beach District. Any use that is customary and incidental to the permitted uses, such as a storage shed and sun shelter, are permitted accessory uses in the district. It shall be noted there are no setback requirements for the below-mentioned structures since they are proposed directly on the beach, only height requirements are applicable.

Standard	Required	Proposed	Complies?
Principal			
Maximum Height (Structures directly on beach) (measured from grade) (FT)	20: Beach Bar	20	C
	20: Stage	20	
Accessory			
Maximum Height (Structures directly on beach) (measured from grade) (FT)	10: Storage Shed	TBP	TBP
	10: Sun Shelters	TBP	

**C = COMPLIES**

**ENC = EXISTING NON-CONFORMING CONDITION**

**V = VARIANCE REQUIRED**

**TBP = TO BE PROVIDED**

**N/A = NOT APPLICABLE**

**NC = NO CHANGE FROM EXISTING**

**VG = VARIANCE GRANTED**

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## V. SIGNAGE REQUIREMENTS

The following lists the compliance requirements of the wall signs located in the Beach District as per N.J.A.C. 19:66-5.7(j) associated with the proposed beach bar and stage.

Standard	Required	Proposed	Complies?
<b>Principal</b>			
Maximum # of Wall Signs per Street Frontage	2	8: Beach Bar	V
		1: Stage	
Maximum Gross Surface Area of Signs	25 % of wall surface per elevation	TBP: Beach Bar	TBP
		TBP: Stage	
Maximum Height of Wall Signs	No higher than roofline of the wall supporting the sign	Above roofline: Beach Bar	V
		TBP: Stage	TBP

**C = COMPLIES**

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**N/A = NOT APPLICABLE**

**NC = NO CHANGE FROM EXISTING**

**VG = VARIANCE GRANTED**

## VI. REVIEW OF PLANS

- a. Zoning
  1. The property is located in the Beach (B) zone. This review is limited to the proposed beach side amenities. The existing Landshark Bar & Grill has not been entirely reviewed.
- b. Parking
  1. The Applicant has provided an overall parking analysis for the site indicating 1,740 spaces are required for the site overall which includes the proposed beach bar improvements and that 1,834 spaces are existing on the site. It appears the proposed improvements will have adequate parking in conformance with N.J.A.C. 19:66-5.8.
- c. Site Layout
  1. The Applicant shall provide testimony regarding the previously approved structures as depicted on the site plan and their impact with connectivity to the proposed improvements.
  2. The site plan shall be revised to delineate existing structures to be removed or to remain as wells all proposed structures. This shall include but not be limited to existing fencing and proposed fencing.

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3. The beach's public access area shall be dimensioned on the site plan. The Applicant shall provide testimony regarding how the public access will be delineated on the beach and how they will prevent/protect the public access space from being occupied by the proposed amenities i.e. chairs, tables, umbrellas, etc.
  4. There are multiple discrepancies in the layout of the beach amenities area as depicted in the site plan and within rendering/concepts including but not limited to the placement of the bar and stage, and the seating/cabana areas. There are also additional improvements shown on the rendering/concepts that are not portrayed on the site plan including but not limited to entry gate and signage, unfenced cabanas and volleyball courts, and a new bathroom location. These discrepancies shall be addressed.
- d. **Building Height**
1. Building height is measured from the Base Flood Elevation (BFE) to the roof peak. The elevation views on the architectural plans shall provide an elevation for the roof peak of the proposed building. Please ensure that all elevation on the site plans and architectural plans are consistent with each other.
  2. Within the Beach district a maximum building height of 20' for principal structures or 10' for accessory structures is allowed for structures directly on the beach. Additional information shall be provided on the proposed accessory height structures and testimony shall be provided regarding buildings height's compliance within the Beach district.
- e. **Stormwater Management, Flood Damage Prevention, and Coastal Permitting**
1. The site plan does not show any stormwater management structures or proposed grading as the proposed improvements are to be directly placed on the beach.
  2. The Applicant has provided storm event and winterization procedures on their plan. Our office takes no objection to these procedures.
  3. The Applicant states an NJDEP Coastal General Permit approval is required for this project. Testimony shall be provided on the status of the permit with NJDEP. A copy of the permit shall be provided as a condition of approval.
- f. **Signage**
1. The Applicant is proposing eight (8) wall signs on the proposed beach bar and one (1) stage sign. Additional information shall be provided regarding the sign areas and height of the stage signs. Testimony shall be provided regarding the sign variances for number of signs, height, and possibly area per N.J.A.C. 19:66-5.7(j).
- g. **Landscaping & Lighting**
1. The Applicant shall provide testimony regarding the existing landscaping of the site and if they anticipate for any landscaping to be proposed in conformance with N.J.A.C. 19:66-7.6.

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2. The Applicant shall provide testimony on the existing lighting and conformance with N.J.A.C. 19:66-7.10. Are there any proposed lights for the beach bar and stage/dance floor? Testimony shall be provided regarding the hours of operations for the proposed amenities.

h. Details

1. Details shall be provided for the following proposed improvements:
  - a. Beach bar surrounding decking seating area
  - b. Stage, dance floor, and its signage
  - c. Fencing
  - d. Typical beachside amenities i.e. cabanas and thatch umbrellas
2. Additional information or testimony shall be provided on methods of securing the proposed improvements on the beach during a storm.

## **COFONE CONSULTING PLANNING REVIEW**

### **Zoning Compliance**

The property is located in the Beach (B) District. As stated at CRDA Land Development Rules Section at N.J.A.C. 19:66-5.9, the purpose of the B District is as follows:

The purpose of the B Beach District is to capitalize on the unique land use attributes inherent of the proximity to the Atlantic Ocean through promotion and zoning controls that maximize the value of the zoning district.

The existing and proposed uses are all permitted in the B 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)”

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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’s professionals shall provide testimony about the sign package design, location, positioning, and appearance.
- 3) The four roof signs extend above the roof line; therefore, a variance is required pursuant to N.J.A.C. 19:66-5.7(j)2. The Applicant’s professionals shall provide testimony about the sign design, location, positioning, and appearance from the ground. The Applicant shall also provide information about the total sign area in order for the CRDA professionals to determine compliance.
- 4) In the original application associated with Landshark application, a variance was required for the proposed outdoor seating, as the number of outdoor seating exceeds the indoor seating. With additional seating now proposed, the application would further exacerbate that. The applicant shall clarify the number of proposed seats.
- 5) As to the operational aspects, in addition to how the proposal will integrate with the existing improvements, Applicant shall discuss security and severe thunderstorm protection procedures with the proposed expansion.
- 6) The Applicant shall provide testimony relative to the entire proposal and its relationship to the other uses on the site and surrounding area.
- 7) The Applicant shall discuss how the proposal advances the purpose of the B District and the Tourism District Master Plan.
- 8) The Applicant shall comply with the conditions of any previous approvals received for the site.

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- 9) The Applicant shall furnish any prior approvals from, and agreements with, the City of Atlantic City, if any.

## **POST APPROVAL CONSIDERATIONS**

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

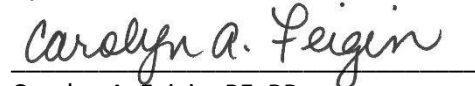
- A. Submit any required revisions to the Board as outlined above for review.**
- B. Obtain approvals from all outside agencies, if necessary. Provide copies to the Board.**
- C. Contact the Board Secretary to reconcile any outstanding review escrow accounts prior to Final Plan Certification, Signature,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

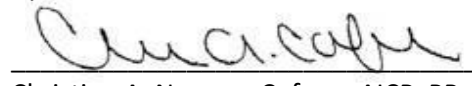
By



Carolyn A. Feigin, PE, PP  
CRDA Consulting Engineer

**COFONE CONSULTING GROUP**

By



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

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