

RESOLUTION OF THE CASINO REINVESTMENT DEVELOPMENT AUTHORITY GRANTING AMENDED PRELIMINARY AND FINAL SITE PLAN APPROVAL WITH VARIANCES PURSUANT TO N.J.S.A. 40:55D-70(c) TO PERMIT SEASONAL AMENITIES ON THE SUBJECT PROPERTY LOCATED AT 1100 BOARDWALK, BLOCK 1 LOTS 137, 138, 139, 140, 141, 142, 142.01, IN THE CITY OF ATLANTIC CITY UNDER APPLICATION #2024-12-3768

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, DBMG Casino, LLC and IMCMV Atlantic City LLC (“DBMG”) (the “Applicant”), seeks Amended Preliminary and Final Site Approval with Variances Pursuant to N.J.S.A. 40:55D-70(c) to permit the construction of a seasonal beachside bar and recreational and amenities at the existing Landshark Beach Bar at the subject property located at 1100 Boardwalk, Block 1, Lots 137, 138, 139, 140, 141, 142, and 142.01, on the Tax Map of Atlantic City, located in the Beach (B) Zoning District; and

WHEREAS, on January 16, 2025, the Authority’s Land Use Regulation and Enforcement Division convened a public hearing on Application 2024-12-3768 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 February 3, 2025 (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 February 3, 2025.

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 Amended Preliminary and Final Site Plan under Application 2024-12-3768 is hereby approved in accordance with the Hearing Officer's Report and Recommendation dated February 3, 2025,
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 25-19 of the Casino Reinvestment Development Authority.

Michael Beson
MICHAEL BESON, SECRETARY

MEETING OF FEBRUARY 18, 2025



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

EXHIBIT "A" TO RESOLUTION 25- , ADOPTED 2/18/2025

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 #2024-12-3768
DBMG Casino, LLC and IMCMV Atlantic City, LLC
Amended Preliminary and Final Site Plan Approval with Variances
Pursuant to N.J.S.A. 40:55D-70(c)
1100 Boardwalk
Block 1, Lots 137,138, 139, 140, 141, 142 & 142.01
Beach (B) Zoning District

DATE: February 3, 2025

EXECUTIVE SUMMARY

On January 16, 2025, the Casino Reinvestment Development Authority (the "Authority") heard testimony and public comment on the above-subject application. The Applicant, DBMG Casino, LLC and IMCMV, LLC (the "Applicant"), seeks Amended Preliminary and Final Site Plan Approval to permit the construction of a seasonal beachside bar and recreational amenities at the existing Landshark Beach Bar. Variances pursuant to N.J.S.A. 40:55D-70(c) are required height of accessory structure, signage and outdoor seating.

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

DBMG Casino, LLC and IMCMV Atlantic City, LLC
Amended Preliminary and Final Site Plan Approval with Variances Pursuant to N.J.S.A.
40:55D-70(c)
1100 Boardwalk
Block 1, Lots 137,138, 139, 140, 141, 142 & 142.01
Beach (B) 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 Amended Preliminary and Final Site Plan Approval to permit the construction of a seasonal beachside bar and recreational amenities at the existing Landshark Beach Bar. Variances pursuant to N.J.S.A. 40:55D-70(c) are required height of accessory structure, signage and outdoor seating.

Evidence List

- A-1 Application Materials
- B-1 Letter from ARH Associates dated January 14, 2025

FINDINGS OF FACT

The Applicant seeks Amended Preliminary and Final Site Plan Approval to permit the construction of a seasonal beachside bar and recreational amenities at the existing Landshark Beach Bar. Variances pursuant to N.J.S.A. 40:55D-70(c) are required height of accessory structure, signage and outdoor seating.

The attorney for the Applicant, Nicholas Talvacchia, Esq., introduced the application generally and provided background regarding the specific relief sought by the Applicant. He noted that the intent of the application is to restore the original beach bar that had been removed due to beach erosion, as well as add additional outdoor seating, a tiki bar, stage with dance floor and signage.

The Applicant presented the testimony of Jon Barnhart, P.E., P.P., who was qualified as an expert in the fields of professional engineering and professional planning. He described the location of the site, existing conditions, site layout and the development proposal.



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

Mr. Barnhart testified that the Applicant proposes to expand the existing beach bar to include a tiki bar, stage, dance floor, thatched umbrellas, lounge chairs, fire pits and outdoor games. Mr. Barnhart testified that the tiki bar will be in the style of a hut with a thatched roof and will be the centerpiece of the application. He testified that it will stand 20 feet tall and have roof signs on all 4 sides. He testified that the Applicant also seeks to increase the number of outdoor seats from 244 to 700. Mr. Barnhart agreed on behalf of the Applicant that any firepits will be fueled by propane and subject to approval by the Atlantic City Fire Department. No changes to existing landscaping and lighting are proposed at this time.

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

- roof signs where roof signs are not permitted.
- 8 signs where a maximum of 2 are permitted.
- an accessory structure with a height of 20 feet where the maximum height permitted is 10 feet.
- 700 outdoor seats where a maximum of 180 are permitted and 244 are existing as authorized by prior variance.

Mr. Barnhart testified that the location of the signs on the roof is necessary for visibility from the Boardwalk and along the beach. He further opined that the signs are appropriate to the scale of the structure and would comply with the requirement of the Tourism District Land Development Rules with respect to sign area if they were mounted on walls, though walls are not proposed on the tiki bar. Similarly, he testified that the height of the tiki bar is necessary for visibility from the Boardwalk and along the beach.

With respect to the number of outdoor seats, Mr. Barnhart testified that the seating will include bar seats, lounge chairs, high-tops, cabanas and hammocks. He noted that the total number is difficult to estimate based on spacing, attendance and customer behavior. However, he testified, the estimate as to number of seats is conservative and can be accommodated in the available space. He noted that the beach bar area will be cordoned off in accordance with Alcoholic Beverage Commission regulations.

Mr. Barnhart testified that the that the approval of the application for development would advance the purposes of the Municipal Land Use Law by promoting public health, safety and welfare (Purpose A) by creating unique experiences and increasing tourism. With respect to the negative criteria, Mr. Barnhart testified that the grant of the variances would not have any substantial detriment to the Tourism District Master Plan or Tourism District Land Development Rules.



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Carolyn Feigin, P.E., P.P., was qualified as an expert in professional engineering and professional planning and provided testimony on behalf of the Authority. Ms. Feigin testified that the grant of the requested variances is justified and that she supports approval of the Application.

CONCLUSIONS OF LAW

Amended 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)(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).

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

- roof signs where roof signs are not permitted.
- 8 signs where a maximum of 2 are permitted.
- an accessory structure with a height of 20 feet where the maximum height permitted is 10 feet.
- 700 outdoor seats where a maximum of 180 are permitted and 244 are existing as authorized by prior variance.



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

The approval of the application for development would advance the purposes of the Municipal Land Use Law by promoting the public health, safety and welfare (Purpose A) by creating unique experiences and increasing tourism.

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 Tourism Master Plan and the Tourism District Land Development Rules.

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 Master Plan and the Tourism District Land Development Rules.

RECOMMENDATION

For all of the foregoing reasons, the Hearing Officer recommends that the Application for Amended 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.

4909-2511-5667, v. 1



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@resortsa.com

APPLICANT

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

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

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ATTORNEY

Nicholas F. Talvacchia, Esquire of Cooper Levenson, P.A.
1125 Atlantic Avenue, Third Floor, Atlantic City, NJ 08401
609-572-7544
ntalvacchia@cooperlevenson.com

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

TITLE / DESCRIPTION	PREPARED / SIGNED / SEALED BY	DATE	DATE LAST REVISED
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?
Principal			
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

ENC = EXISTING NON-CONFORMING CONDITION

V = VARIANCE REQUIRED

TBP = TO BE PROVIDED

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:

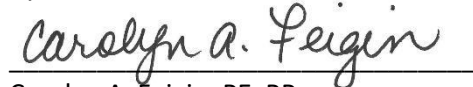
- A. Submit any required revisions to the Board as outlined above for review.**
- B. Obtain approvals from all outside agencies, if necessary. Provide copies to the Board.**
- C. Contact the Board Secretary to reconcile any outstanding review escrow accounts prior to Final Plan Certification, Signature,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

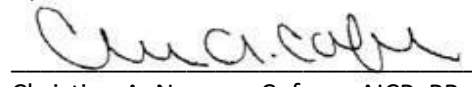
By



Carolyn A. Feigin, PE, PP
CRDA Consulting Engineer

COFONE CONSULTING GROUP

By



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CRDA Consulting Planner

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Tally

DATE: FEBRUARY 18, 2025

IMCMV ATLANTIC CITY, LLC – RESOLUTION OF THE CASINO REINVESTMENT DEVELOPMENT AUTHORITY GRANTING AMENDED PRELIMINARY AND FINAL SITE PLAN APPROVAL WITH VARIANCES PURSUANT TO N.J.S.A. 40:55D-70(c) TO PERMIT SEASONAL AMENITIES ON THE SUBJECT PROPERTY LOCATED AT 1100 BOARDWALK, BLOCK 1 LOTS 137, 138, 139, 140, 141, 142, 142.01, IN THE CITY OF ATLANTIC CITY UNDER APPLICATION #2024-12-3768

Motion:

MB

Second:

JP

Michael Beson

Y

Chris Brown *for the DCA Commissioner*

Y

Daniel Cosner

Y

Christopher Glaum *for the State Attorney General*

Abstained

Michael Hanley

Y

Michael Laughlin

Y

Brett Matik

Recused

William Mullen

Absent

Paulina O'Connor

Absent

James Plousis

Y

Mayor Marty Small, Sr.

Absent

William Sproule

Y

Robert Tighue *for the State Treasurer*

Y

Joseph Tyrrell

Absent

Chairman Mo Butler

Y