

CASINO REINVESTMENT DEVELOPMENT AUTHORITY
LAND USE REGULATION ENFORCEMENT DIVISION

APPLICATION: 2025-01-3779

CARING, INC.
2611 & 2619 PACIFIC AVENUE
C VARIANCE FOR SETBACK

THE APPLICANT SEEKS A "C" VARIANCE FOR
ROOFTOP DECK/ROOFTOP ACCESS ON EXISTING MIXED USE
BUILDING.

THE PROPERTY IS LOCATED AT 2611 & 2619
PACIFIC AVENUE, ALSO KNOWN AS BLOCK 169, LOTS 7 and
8 ON THE TAX MAP FOR THE CITY OF ATLANTIC CITY,
LOCATED WITHIN THE RESORT COMMERCIAL DISTRICT (RC).

THURSDAY, MARCH 6, 2025

10:03 A.M.

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Public Hearing in the above-referenced matter
conducted at the CASINO REINVESTMENT DEVELOPMENT
AUTHORITY, 15 South Pennsylvania Avenue, Atlantic
City, New Jersey, taken before Michelle Gruendel, a
Certified Court Reporter and Notary Public of the
State of New Jersey, on Thursday, March 6, 2025
commencing at 10:03 a.m.

A P P E A R A N C E S:

CASINO REINVESTMENT DEVELOPMENT AUTHORITY:

LANCE D. LANDGRAF, JUNIOR
CHAIRMAN
DIRECTOR, PLANNING DEPARTMENT

ROBERT L. REID
LAND USE ENFORCEMENT OFFICER

PROFESSIONALS TO THE BOARD:

SCOTT G. COLLINS, ESQ.
RIKER DANZIG

CHRISTINE COFONE, PP
COFONE CONSULTING GROUP, LLC

CAROLYN FEIGIN, PE, PP
ARH ASSOCIATES

COUNSEL FOR THE APPLICANT:

HANK ROVILLARD, ESQ.

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1 [COURT REPORTER'S NOTE: THE FOLLOWING
2 TRANSCRIPT WAS PRODUCED FROM THE
3 AUDIO/VIDEO TAKEN BY THE VIDEOGRAPHER
4 PRESENT AT THE HEARING.]

5 LANCE LANDGRAF: All right. Next on the
6 agenda is the application for -- Application Number
7 2025-01-3779, Caring, Inc., 2611 and 2619 Pacific
8 Avenue. C variance for setback. The applicant
9 seeks a C variance for a rooftop deck, rooftop
10 access in an existing mixed use building.

11 The property is located at 2611 and 2619
12 Pacific, also known as Block 169, Lot 7 and 8 on
13 the tax map of the City of Atlantic City. It is
14 located in the Resort Commercial District.

15 Rob, we have proper notice on this
16 application?

17 ROBERT REID: Yes. I reviewed the proof
18 of service provided by the applicant and we do have
19 jurisdiction to hear the application today.

20 LANCE LANDGRAF: Okay. Can we swear in
21 our consultants?

22 CHRISTINE COFONE, PP, having been first duly sworn
23 according to law, testified as follows:

24 CAROLYN FEIGIN, PE, PP, having been first duly
25 sworn according to law, testified as follows:

1 SCOTT COLLINS: Lance, we'll recognize
2 Christine's credentials as a professional
3 planner --

4 LANCE LANDGRAF: Yes.

5 SCOTT COLLINS: -- expert?

6 And Carolyn as a professional engineer?

7 LANCE LANDGRAF: Yes.

8 All right. We'll ask one or both of you
9 to comment on completeness.

10 CAROLYN FEIGIN: Completeness is good.
11 Our letter's dated March 4th, 2025. We're good.

12 LANCE LANDGRAF: Okay.

13 HANK ROVILLARD: Good morning, Mr.
14 Landgraf --

15 LANCE LANDGRAF: Mr. Rovillard.

16 HANK ROVILLARD: -- Members --

17 (Multiple parties speaking.
18 Unintelligible.)

19 HANK ROVILLARD: -- appearing this
20 morning on behalf of Caring, Incorporated.

21 As you briefly stated, we're before the
22 board seeking C variance relief for encroachments
23 into the minimum principal front and side yard
24 setbacks of both 35 feet in height, to permit the
25 applicant to construct a new rooftop deck and

1 roofing system in and upon the property located at
2 Block 169, Lot 7 and 8 on the tax map of the City
3 of Atlantic City, as you said, more commonly
4 referred to as 2611 and 2619 Pacific Avenue. We
5 respectfully submit that, as Mr. Reid said, all
6 notice requirements have been met. The subject
7 property is located in the RC, Resort Commercial
8 District, which permits mixed use buildings in the
9 zone.

10 In attendance today in support of the
11 hearing are the following individuals: Jon
12 Barnhart, professional engineer and planner who
13 prepared the site plan, the variance plan filed
14 with the application; Dan Mascione is a licensed
15 professional architect who prepared the floor plans
16 and elevation submitted in support of the
17 application; and Joseph Dougherty, Esquire, who's
18 the executive director of Caring.

19 At this point, if I could call
20 Mr. Barnhart and request waiving formal
21 qualifications as he's testified before this body
22 on numerous occasions.

23 LANCE LANDGRAF: For the record, we'll
24 recognize him as an expert in planning and
25 engineering and have him sworn in.

1 SCOTT COLLINS: Good morning, Jon.

2 JON BARNHART: Good morning.

3 JON BARNHART, having been first duly sworn
4 according to law, testified as follows:

5 SCOTT COLLINS: Thank you.

6 HANK ROVILLARD: Jon, you're a licensed
7 engineer and planner in the State of New Jersey,
8 correct?

9 JON BARNHART: Yes.

10 HANK ROVILLARD: And you've personally
11 viewed and inspected the subject property?

12 JON BARNHART: Yes.

13 HANK ROVILLARD: And are you familiar
14 with the CRDA land development regulations?

15 JON BARNHART: I am, yes.

16 HANK ROVILLARD: And did you or someone
17 under your control prepare the variance plan that
18 we filed in support of the application?

19 JON BARNHART: Yes.

20 HANK ROVILLARD: Would you describe the
21 property for the board as it currently exists?

22 JON BARNHART: Sure. So the site sits
23 right on the corner of Pacific Avenue and Spray
24 Avenue. It's a site that has been, I'll say
25 neglected for some time. Our client, Caring, was

1 fortunate enough to be able to acquire the building
2 that's on the corner of Spray and Pacific and then
3 separately acquire the lot next to it. So the --
4 we're in an area of the community that, you know,
5 certainly needs some redevelopment, some
6 rehabilitation and Mr. Dougherty's group is trying
7 to accomplish that, not just here but at a number
8 of other properties within the community.

9 This specific site and proposal is to
10 renovate the existing building that's on the
11 corner, so that will house commercial space at the
12 ground level and a total of three residential
13 units, and then together with -- because he was
14 able -- they were able to acquire the adjacent
15 parcel, together with a parking facility. Both the
16 building renovation -- the building renovation
17 actually has already received a certificate of land
18 use compliance because it was an existing building
19 and the uses within it were permitted and a
20 certificate was issued. Secondarily, the parking
21 facility was also issued a certificate of land use
22 compliance because, again, that was a parking
23 facility in its existing condition. They're just
24 proposing to renovate and beautify that site. The
25 only reason we're actually here this morning is

1 because they would like to take the property to
2 another level, no pun intended there, but -- and
3 that is to enhance the building by way of creating
4 a roof deck space. You see from the architectural
5 plans that were submitted, the proposal is to take
6 the existing roof height that's there now and put a
7 railing around it, have a small penthouse area at
8 the center of the building so that you can actually
9 have a stairway up to the building and each of the
10 residential units will have some deck space to
11 have -- to create some outdoor living space for
12 those units. It really just enhances those units
13 as far as their marketability and rentability.

14 The variance is because of the height of
15 that space. As the -- as the ordinance is written,
16 you are permitted to be at a 0 setback up to a
17 distance of 35 feet above the ground, however, what
18 the -- that roof deck area and the railings are
19 greater than 35 feet and the way the ordinance is
20 written, you're technically required to set back
21 20 feet, starting at the 35 foot height. So we're
22 not proposing to actually encroach upon the setback
23 that exists on Pacific Avenue or on the side, the
24 property line that is perpendicular to Spray
25 Avenue. The setbacks are there. We're just

1 proposing to put a railing around the roof area
2 that allows the roof to be used as a roof deck. So
3 that's what creates the two variances, both front
4 yard for Spray and Pacific and then side yard for
5 the property -- for the property line that is
6 perpendicular to Spray Avenue, which is kind of the
7 rear of our building but it's a side property line.

8 LANCE LANDGRAF: Jon, if I could ask one
9 question.

10 JON BARNHART: Yes, sir.

11 LANCE LANDGRAF: Any information you
12 have up on the screen, is that any different from
13 what was submitted with the application?

14 JON BARNHART: No. Mr. Landgraf --

15 LANCE LANDGRAF: No.

16 JON BARNHART: -- that is the site plan
17 that was submitted with the application.

18 LANCE LANDGRAF: So we'll mark that as
19 A-1.

20 SCOTT COLLINS: Yeah.

21 LANCE LANDGRAF: And the architecturals
22 that I think we're gonna see, as well, they're all
23 with the application?

24 JON BARNHART: Yes.

25 LANCE LANDGRAF: That will all be

1 exhibit A-1.

2 HANK ROVILLARD: Yes. Okay.

3 SCOTT COLLINS: Yes.

4 JON BARNHART: So the proposal as I've
5 described does require those two variances for
6 front and side yard. We think that from a -- from
7 a municipal land use perspective they can -- they
8 can be approved under the C(2) criteria, where the
9 benefits of the deviation are outweighing any of
10 the potential detriments. We certainly think that
11 there are purposes of zoning that are advanced with
12 the application. First and foremost, we believe
13 that the proposal provides a much more aesthetic
14 environment through creative design techniques.
15 The institution of this roof deck creates more
16 interest to the front and sides of the building
17 with the railing, and it's proposed to be a black
18 metal railing, a very nicely done railing. It will
19 be 42 inches high to create some added safety. It
20 is on the roof deck. So we believe that purpose of
21 zoning is advanced. While not specific to the --
22 to this -- to the variances that are being
23 requested, this application in its totality does
24 also promote the free flow of traffic because
25 Caring was able to bring these two parcels together

1 and provide off-street parking for a building that
2 never had it over the years. Actually, I guess it
3 had one space in the back off of Spray Avenue, but
4 it really never had parking so that's certainly a
5 purpose of zoning that's advanced with the -- with
6 this application as a whole. And then I think this
7 application promotes the general welfare because we
8 believe that the -- that it is a particularly
9 well-suited site for this use. All of the uses are
10 permitted. Adding the exterior roof deck,
11 outliving -- outdoor living area we believe creates
12 an even nicer unit for a potential or future
13 resident of the community to live in the space and
14 then occupying the space and activating the space.
15 Having people on this property really helps the
16 overall security of the area. When you have people
17 there, living there, in the community, you know,
18 that really benefits the neighborhood as compared
19 to the way this parcel has been sitting for many,
20 many years. So we believe that those three
21 purposes of zoning are advanced with the
22 application.

23 With regard to the negative criteria, is
24 there a substantial detriment to the zone plan or
25 zoning ordinance, I would argue that there

1 absolutely is not. There is -- all of the uses are
2 permitted and have already been approved. The
3 improvements are just a benefit to this property
4 and to the neighborhood, and the variances that
5 we're requesting we believe are very minor in
6 nature because of the fact that the setbacks all
7 exist. We're just proposing to add utilization of
8 that roof by adding a -- by adding a railing.

9 With regard to the second prong of the
10 negative criteria, is there a substantial detriment
11 to the public good, again, as I've already stated,
12 we believe this application only benefits the
13 public by revitalizing this corner, by making
14 traffic better, making parking better, making the
15 building occupiable again and provide nice quality
16 residential units in the community. So for those
17 reasons we believe that the positive and negative
18 criteria are established with the applications.

19 LANCE LANDGRAF: One question. Is this
20 going to be rented as a full-time residence or a
21 short-term rental? Do you know? Any -- different
22 witness?

23 JON BARNHART: Mr. Dougherty said it's
24 short-term rental.

25 LANCE LANDGRAF: Okay. That's fine.

1 Just curious. That's all.

2 Any questions of Mr. Barnhart?

3 CHRISTINE COFONE: None at this time.

4 LANCE LANDGRAF: All right. We'll put
5 our report on in a few minutes.

6 Any --

7 HANK ROVILLARD: We don't have anything
8 else, Mr. Landgraf.

9 LANCE LANDGRAF: That's it, all right.
10 You brought Dan Mascione out and
11 Mr. Dougherty out and they're just sitting there?

12 HANK ROVILLARD: We just wanted to make
13 sure.

14 LANCE LANDGRAF: Okay. Gotcha.

15 HANK ROVILLARD: Thank you.

16 LANCE LANDGRAF: I know he's got a busy
17 schedule, you know.

18 All right. Then we'll go to our
19 professional report, which is dated March 4th,
20 2025. We'll mark that as B-1 and then -- who wants
21 to start?

22 CHRISTINE COFONE: I'll go first. There
23 was a lot of planning testimony. As usual, Mr.
24 Barnhart has done an excellent and comprehensive
25 job of outlining the relief that's required, as

1 well as the proofs. I know that you provided the
2 testimony that you qualify under the C(2) section
3 of the statute and provided the positive and
4 negative criteria. I think this also qualifies
5 under the C(1) section of the statute, lawful
6 preexisting structures. As you indicated in your
7 direct testimony, the structure's been there for
8 many, many years and this application is a great
9 opportunity to breathe some life into it and the
10 rooftop deck gives a little bit more living space
11 and better marketability for the property, so I
12 think you can use -- I think your testimony on the
13 C(2) was very compelling but I also think that
14 there could be a C(1) case in addition to that made
15 here, given the existing conditions on the
16 property, which should be justifications, so I take
17 no exception and I agree with all of the testimony
18 offered.

19 JON BARNHART: Thank you.

20 LANCE LANDGRAF: Go ahead.

21 CAROLYN FEIGIN: Yes. Thank you.

22 Again, our letter's dated March 4th, our
23 technical review letter. There are basically very,
24 very few minor engineering comments. Just a little
25 bit of plan clean up. We don't have any other

1 concerns so as long as you're good with those.

2 HANK ROVILLARD: We're good.

3 JON BARNHART: Yes.

4 HANK ROVILLARD: Thank you.

5 JON BARNHART: We've read the letter and
6 we'll comply with all that is in the letter.

7 CAROLYN FEIGIN: Not much there. Okay.
8 Thank you.

9 LANCE LANDGRAF: Just one point of
10 clarification. Mr. Reid brought it to my
11 attention. The penthouse actually also doesn't
12 meet that 20 foot setback, so we would add that
13 variance.

14 JON BARNHART: As a separate variance?

15 LANCE LANDGRAF: Yeah.

16 JON BARNHART: Okay.

17 LANCE LANDGRAF: All inclusive or
18 whatever, however way you want to put it in our
19 resolution --

20 JON BARNHART: Okay. Thank you.

21 LANCE LANDGRAF: -- but if you see
22 the -- the penthouse area would also be required to
23 be set back 20 feet and it's not. Do we know how
24 far that's off the --

25 JON BARNHART: It makes it on Pacific

1 but probably not off of Spray, right?

2 LANCE LANDGRAF: Yeah. If we could just
3 get that dimension, just so it's in the resolution
4 and clear. Good point.

5 CAROLYN FEIGIN: Okay. So Spray --

6 JON BARNHART: It's roughly 13 feet.

7 LANCE LANDGRAF: Okay. So we'll say
8 between 13 and 14 foot.

9 JON BARNHART: Yeah. There's one other
10 projection so --

11 HANK ROVILLARD: That's got to be --

12 JON BARNHART: It's actually roughly 10
13 feet. There's a separate projection.

14 LANCE LANDGRAF: Okay. So we'll say 10
15 feet --

16 JON BARNHART: From Spray.

17 LANCE LANDGRAF: -- plus or minus from
18 Spray.

19 SCOTT COLLINS: And the same variance
20 proofs you would say would apply to that?

21 JON BARNHART: Would apply to that, as
22 well, yes. Absolutely.

23 LANCE LANDGRAF: All right.

24 JON BARNHART: On compliance plan
25 approval --

1 LANCE LANDGRAF: Add that --

2 JON BARNHART: -- but Mr. Mascione will
3 mention that so that it's clear.

4 LANCE LANDGRAF: Perfect. Thank you.

5 CAROLYN FEIGIN: Thank you.

6 LANCE LANDGRAF: All right. Anything
7 else?

8 All right. With that, we'll open it up
9 to the public. Anybody here with any comments or
10 questions on this application, please step forward
11 and state your name.

12 Seeing none, we'll close the public
13 portion.

14 Anything else from our team?

15 SCOTT COLLINS: No.

16 CAROLYN FEIGIN: Nothing.

17 LANCE LANDGRAF: We're good. All right.
18 Let me just go through my photos.

19 All right. With that, like I said in
20 the last application, most likely our April board
21 meeting for this approval. Thank you, guys.

22 HANK ROVILLARD: Thank you.

23 LANCE LANDGRAF: Have a good day.

24 (At 10:17 a.m. proceedings were
25 concluded.)

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CERTIFICATE

I, MICHELLE GRUENDEL, a Certified Court Reporter and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically and digitally at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

Michelle Gruendel



MICHELLE GRUENDEL, C.C.R.
C.C.R. License No. 30X100190500
Notary Public of the
State of New Jersey

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