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September 10, 2025  
31623 69

**Re:** 145-147 S. South Carolina Ave, LLC (CRDA Application #2025-07-3866)  
Minor Site Plan & Minor Subdivision with Use and Bulk Variances  
**Technical Review #1**  
Block 57, Lot 7 & 8  
145 - 147 S. South Carolina Avenue  
Atlantic City, NJ

Lance B. Landgraf, Jr., AICP, PP, Director of Planning & Development  
Casino Reinvestment Development Authority  
15 South Pennsylvania Avenue  
Atlantic City, NJ 08401

Dear Mr. Landgraf:

An Application for a Minor Site Plan and Minor Subdivision with Use and Bulk Variances has been received for the subject premises:

**A. Applicant Information**

- **Applicant/Owner:** 145-147 S. South Carolina Avenue, LLC  
c/o Nicholas F. Talvacchia, Esquire, Applicant's Attorney  
Cooper Levenson, P.A.  
1125 Atlantic Avenue  
Atlantic City, NJ 08401
- **Engineer/Planner:** Jason Sciuillo, PE, PP  
Sciuillo Engineering Services, LLC  
137 S. New York Avenue, Suite 2  
Atlantic City, NJ 08401
- **Surveyor** Daniel J. Ponzio, Sr. Company & Associates, LLC  
3910 South Boulevard  
Atlantic City, NJ 08401
- **Architect:** Obelenus Architecture LLC  
108 S. Montpelier Avenue  
Atlantic City, NJ, 08401-6271

- Traffic: None Noted
- Attorney: Nicholas F. Talvacchia, Esquire  
Coope Levenson, PA  
1125 Atlantic Avenue  
Atlantic City, NJ 08401

## **B. Documents Submitted**

1. Cover Letter, prepared by Nicholas F. Talvacchia, Esq., Applicant's Attorney, dated July 29, 2025.
2. CRDA City of Atlantic City Land Use Application, including associated forms, prepared by Applicant's Attorney, dated July 2, 2025.
3. Project Narrative, undated, preparer unspecified.
4. NJ CRDA City of Atlantic City Minor Site Plan Checklist (Form #5), prepared by Sciullo Engineering Associates, undated.
5. NJ CRDA City of Atlantic City Minor Subdivision Checklist (Form #8), prepared by Sciullo Engineering Associates, undated.
6. NJ CRDA City of Atlantic City "d" Variance Checklist (Form #11), prepared by Sciullo Engineering Associates, undated.
7. NJ CRDA City of Atlantic City "c" Variance Checklist (Form #12), prepared by Sciullo Engineering Associates, undated.
8. Site Photos, consisting of 3 photos.
9. Site Plans titled "145-147 S. South Carolina, Attached Single Family", prepared by Sciullo Engineering, dated June 24, 2025, consisting of the following sheets:
  - a. Sheet C0001, Cover Sheet
  - b. Sheet C0002, Information Sheet
  - c. Sheet C0101, Site, Grading & Utility Plan.
  - d. Sheet C1301, Soil Erosion & Sediment Control Notes
10. "Minor Subdivision Plan" prepared by Daniel J. Ponzio, Sr. Company and Associates LLC, dated June 19, 2025.
11. Architectural Plans titled "145-147 S. South Carolina Ave LLC, New Residences" prepared by John Obelenus, Architect, dated June 2, 2025 and consisting of the following sheets:
  - a. Sheet A1, Ground Level Plan
  - b. Sheet A2, First Floor Plan & Second Floor Plan.
  - c. Sheet A3, Front, Rear, Left Side and Right Side Elevations.
12. Property Deed, dated March 31, 2025, including associated documents demonstrating transfer of ownership between 209 S Tennessee Ave LLC and 145-147 S. South Carolina Avenue, LLC.
13. City of Atlantic City Certification of Payment of Taxes, prepared by Cynthia Vu, Senior Cashier, Collector of Taxes, dated June 26, 2025.

## **C. Completeness Review / Submission Waivers Required**

We prepared a completeness review letter dated August 28, 2025 that recommended that the application be deemed complete. We have the following comments with regard to the submission waivers required:

1. The Applicant requires submission waivers from the following items on the “NJ CRDA – City of Atlantic City – Minor Site Plan Checklist” (Form #5):
  - i. 24 Landscaping plan, details and plant schedule. (19:66-7.6).
  - ii. 25 Lighting plan, and details. (19:66-7.10).
  - iii. 29 Solid and liquid waste management plan.
  - iv. 32 Estimate of costs of on-site and off-site improvements (19:66-3.4 (b)).
  - v. 34 Performance guarantee (19:66-3.4 (b)).
  - vi. 35 Maintenance guarantee (19:66-16.3).
  - vii. 36 Inspection Fees (19:66-16.1).

We have no objection to the Minor Site Plan submission waivers requested by the Applicant being granted, with the exception of Item Nos. 32, 34, 35 & 36, which shall be granted for completeness only and shall be submitted prior to the issuance of a Certificate of Land Use Compliance. Appropriate testimony shall be provided at the land use hearing to justify the submission waivers for Item Nos. 24, 25 & 29.

2. The Applicant requires a submission waiver from the following item on the “NJ CRDA – City of Atlantic City – ‘d’ Variance Checklist” (Form #11):
  - i. 6 Narrative providing justification for the ‘d’ variance relief sought.

We have no objection to the granting of the submission waiver for completeness only. The Applicant has indicated that appropriate professional planning testimony, including ‘c’ and ‘d’ variance proofs will be provided at the land use hearing to justify the requested bulk and use variances, respectively.

#### **D. Project Description and Background**

This Applicant, 145-147 S South Carolina Ave, LLC, is seeking Minor Site Plan, Minor Subdivision, Use Variance and Bulk Variance approval to construct a three (3) unit attached single-family building at 145-147 S. South Carolina Avenue. Proposed improvements include the demolition of existing site improvements, construction of the new structure, new utility connections, construction of new concrete curb, sidewalk and driveway aprons, relocation of an existing City parking kiosk along S. South Carolina Avenue, installation of 6’ high privacy fence and gate, and associated improvements. Trash and recycling storage areas are proposed within the inside of the garage area of each dwelling unit.

The minor subdivision proposes to adjust and reconfigure the existing two (2) lots associated with the overall parcel to create three (3) new lots, with one dwelling unit being located on each lot.

The site is located within the Resort Commercial (RC) Zoning District. The proposed three (3) unit attached single-family building is not specifically permitted within the RC Zone, therefore use variance approval is required. Bulk variances for lot area, lot depth, lot width, lot frontage, building coverage, impervious coverage, front yard setback, side yard setback and rear yard setback are also required.

The existing overall parcel comprises two (2) tax map lots and approximately 4,820 SF (0.111 Acres). The property is bound by various parking lots on all sides, with the exception of the north side where it is bound by a multi-family residential dwelling.

## **E. Zoning Review**

- The following is a summary of the bulk requirements of the RC (Resort Commercial) Zoning District, including proposed conditions and status of conformance for each proposed lot of the Applicant's proposal:

<b>LAND DEVELOPMENT RULES SECTION</b>	<b>RC ZONE</b>	<b>PERMITTED OR REQUIRED</b>	<b>BLOCK 57 LOT 7.01</b>	<b>BLOCK 57 LOT 7.02</b>	<b>BLOCK 57 LOT 8.01</b>
19:66-5.10(a)1.i (7)	Use		Townhome Attached Single Family <b>*V</b>	Townhome Attached Single Family <b>*V</b>	Townhome Attached Single Family <b>*V</b>
19:66-5.10(a) 1.iv (1)	Maximum Principal Building Height	300' Above BFE	50'	50'	50'
19:66-5.10(a) 1.iv (2)	Minimum Lot Area	7,500 SF	1,694.62 <b>*V</b>	1,188.75 <b>*V</b>	1,937.09 <b>*V</b>
19:66-5.10(a) 1.iv (3)	Minimum Lot Depth	150 FT	76.30 <b>*V</b>	76.30 <b>*V</b>	76.30 <b>*V</b>
19:66-5.10(a) 1.iv (4)	Minimum Lot Width	50 FT	22.21 <b>*V</b>	15.58 <b>*V</b>	22.21 <b>*V</b>
19:66-5.10(a) 1.iv (5)	Minimum Lot Frontage	50 FT	22.21 <b>*V</b>	15.58 <b>*V</b>	22.21 <b>*V</b>
19:66-5.10(a) 1.iv (6)	Maximum Building Coverage	70%	?	?	?
19:66-5.10(a) 1.iv (7)	Maximum Impervious Coverage	80%	?	?	?
19:66-5.10(a) 1.iv (8)	Minimum Front Yard	20 FT for > 35 FT In Height	11 <b>*V</b>	11 <b>*V</b>	11 <b>*V</b>
19:66-5.10(a) 1.iv (9)	Minimum Side Yard	20 FT for > 35 FT In Height	0 <b>*V</b> / 6.5 <b>*V</b>	0 <b>*V</b> / 0 <b>*V</b>	0 <b>*V</b> / 6.5 <b>*V</b>
19:66-5.10(a) 1.iv (10)	Minimum Rear Yard	20 FT	8 <b>*V</b>	8 <b>*V</b>	8 <b>*V</b>
19:66-5.10(a) 1.iv (11)	Floor Area Ratio	N/A	N/A	N/A	N/A
19:66-5.10(a) 1.iv (12)	Open Space	N/A	N/A	N/A	N/A
19:66-5.10(a) 1.iv (13) Maximum Density	Mid-Rise (2-10 Floors)	50 DU/AC	27.3	27.3	27.3
19:66-5.8 (b) 4 NJAC 5:21-4.14	Minimum Onsite Parking	2 spaces / unit	2	2	2

**\*V = Variance Required**

2. Attached single-family buildings / developments are not specifically permitted within the RC Zone, therefore use variance approval is required.
3. The Applicant has the burden of proof to present “positive” and “negative” criteria to justify the d(1) variance a use or principal structure in a district restricted against such use or principal structure. The Applicant should provide testimony indicating that:
  - a. There are “special reasons” to grant the requested relief (e.g., is it “inherently beneficial”).
  - b. The site is particularly suited to the proposed use, OR would be zoned into inutility without the variance.
  - c. The proposed will advance the purposes of the NJ Municipal Land Use Law (NJSA 40:55D-2) and the Township’s Master Plan and Zoning Ordinance.
  - d. The variance can be granted without substantial detriment to the public good, and the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
4. Section 19:66-5.10(a)(1)(iv)(2) of the Land Development Rules requires a minimum lot area of 7,500 SF whereas 1,694.62 SF is proposed for Lot 7.01. A variance is required.
5. Section 19:66-5.10(a)(1)(iv)(2) of the Land Development Rules requires a minimum lot area of 7,500 SF whereas 1,188.75 SF is proposed for Lot 7.02. A variance is required.
6. Section 19:66-5.10(a)(1)(iv)(2) of the Land Development Rules requires a minimum lot area of 7,500 SF whereas 1,937.09 SF is proposed for Lot 8.01. A variance is required.
7. Section 19:66-5.10(a)(1)(iv)(3) of the Land Development Rules requires a minimum lot depth of 150’ whereas 76.30’ is proposed for Lot 7.01. A variance is required.
8. Section 19:66-5.10(a)(1)(iv)(3) of the Land Development Rules requires a minimum lot depth of 150’ whereas 76.30’ is proposed for Lot 7.02. A variance is required.
9. Section 19:66-5.10(a)(1)(iv)(3) of the Land Development Rules requires a minimum lot depth of 150’ whereas 76.30’ is proposed for Lot 8.01. A variance is required.
10. Section 19:66-5.10(a)(1)(iv)(4) of the Land Development Rules requires a minimum lot width of 50’ whereas 22.21’ is proposed for Lot 7.01. A variance is required. The bulk standards chart provided on Ponzio subdivision plan incorrectly identifies the proposed lot width as 25.21’ and shall be revised accordingly.
11. Section 19:66-5.10(a)(1)(iv)(4) of the Land Development Rules requires a minimum lot width of 50’ whereas 15.58’ is proposed for Lot 7.02. A variance is required.
12. Section 19:66-5.10(a)(1)(iv)(4) of the Land Development Rules requires a minimum lot width of 50’ whereas 19.33’ is proposed for Lot 8.01. A variance is required. The bulk standards chart provided on the Ponzio subdivision plan incorrectly identifies the proposed lot width as 25.21’ and shall be revised accordingly.
13. Section 19:66-5.10(a)(1)(iv)(5) of the Land Development Rules requires a minimum lot frontage of 50’ whereas 22.21’ is proposed for Lot 7.01. A variance is required. The bulk standards chart

provided on Ponzio subdivision plan incorrectly identifies the proposed lot frontage as 25.21' and shall be revised accordingly.

14. Section 19:66-5.10(a)(1)(iv)(5) of the Land Development Rules requires a minimum lot frontage of 50' whereas 15.58' is proposed for Lot 7.02. A variance is required.
15. Section 19:66-5.10(a)(1)(iv)(5) of the Land Development Rules requires a minimum lot frontage of 50' whereas 19.33' is proposed for Lot 8.01. A variance is required. The bulk standards chart provided on the Ponzio subdivision plan incorrectly identifies the proposed lot frontage as 25.21' and shall be revised accordingly.
16. Section 19:66-5.10(a)(1)(iv)(6) of the Land Development Rules permits a maximum building coverage of 70%. The building coverage of the overall parcel has been provided, however the proposed building coverage for each lot shall be provided by the Applicant's professionals in order to determine whether variance relief is required.
17. Section 19:66-5.10(a)(1)(iv)(7) of the Land Development Rules permits a maximum impervious coverage of 80%. The impervious coverage of the overall parcel has been provided, however the proposed impervious coverage for each lot shall be provided by the Applicant's professionals in order to determine whether variance relief is required.
18. Section 19:66-5.10(a)(1)(iv)(8) of the Land Development Rules requires a minimum front yard setback of 20 feet for buildings greater than 35 feet in height whereas 11.0 feet is proposed for Lot 7.01. A variance is required.
19. Section 19:66-5.10(a)(1)(iv)(8) of the Land Development Rules requires a minimum front yard setback of 20 feet for buildings greater than 35 feet in height whereas 11.0 feet is proposed for Lot 7.02. A variance is required.
20. Section 19:66-5.10(a)(1)(iv)(8) of the Land Development Rules requires a minimum front yard setback of 20 feet for buildings greater than 35 feet in height whereas 11.0 feet is proposed for Lot 8.01. A variance is required.
21. Section 19:66-5.10(a)(1)(iv)(9) of the Land Development Rules requires a minimum side yard setback of 20 feet for buildings greater than 35 feet in height whereas 0 feet is proposed for the southerly property line and 6.5 feet is proposed for the northerly property line for Lot 7.01. Variances are required.
22. Section 19:66-5.10(a)(1)(iv)(9) of the Land Development Rules requires a minimum side yard setback of 20 feet for buildings greater than 35 feet in height whereas 0 feet is proposed for both the northerly and southerly property lines for Lot 7.02. Variances are required.
23. Section 19:66-5.10(a)(1)(iv)(9) of the Land Development Rules requires a minimum side yard setback of 20 feet for buildings greater than 35 feet in height whereas 0 feet is proposed for the northerly property line and 6.5 feet is proposed for the southerly property line for Lot 8.01. Variances are required.
24. Section 19:66-5.10(a)(1)(iv)(10) of the Land Development Rules requires a minimum rear yard setback of 20 feet whereas 8.5 feet is proposed for Lot 7.01. A variance is required.

25. Section 19:66-5.10(a)(1)(iv)(10) of the Land Development Rules requires a minimum rear yard setback of 20 feet whereas 8.5 feet is proposed for Lot 7.02. A variance is required.
26. Section 19:66-5.10(a)(1)(iv)(10) of the Land Development Rules requires a minimum rear yard setback of 20 feet whereas 8.5 feet is proposed for Lot 8.01. A variance is required.
27. With respect to items No. 4 through 26, for "c" variances, the applicant must demonstrate that the strict application of the zoning regulations to the property creates a hardship or results in exceptional practical difficulties by reason of the exceptional shape of the property or the exceptional topographic conditions uniquely affecting the property.
28. CRDA's attorney should determine if the Applicant is obligated to attempt to purchase additional land from the adjoining lot owner. Since this is a use variance to construct three townhomes on undersized lots in the Resort Commercial (RC) District, the imposition of a condition involving the sale of the Applicant's lot or purchase of additional land applies only to vacant and undersized residential properties. The RC District is a mixed-use district and not a residential district.

#### **F. Site Plan Review / General Comments**

1. Proposed block and lot numbers shall be verified / approved by the City of Atlantic City Tax Assessor's office.
2. Proposed street address numbers shall be verified / approved by the City of Atlantic City 911 Coordinator's office.
3. The Applicant should provide testimony regarding the proposed lighting levels of all of the exterior areas of the property.
4. The Applicant shall obtain road opening permits, as necessary, for the construction of utility connections and all other work within the City's rights-of-way.
5. The Applicant shall be required to post a performance bond and inspection escrow for all proposed site improvements that are subject to this requirement, including those within the City right-of-way prior to the issuance of Certificate of Land Use Compliance. Should the Applicant gain land use approval our office will provide an bond / inspection escrow estimate in conjunction with our conformance review for such purposes.

#### **G. Outside Agency Permits and Approvals**

1. The following permits and approvals are required:
  - a. Atlantic County Planning Board subdivision approval.
  - b. City of Atlantic City CLUC
  - c. Atlantic City Construction Department / Building Code Official
  - d. All others as necessary



If you require any additional information or have any questions, please contact the undersigned. We are pleased to be of service.

Sincerely yours,



G. Jeffrey Hanson, PE, CME  
CRDA Land Use Board Engineering Consultant



David J. Benedetti, AICP, PP  
CRDA Land Use Board Planning Consultant

Cc: 145-147 S South Carolina Ave LLC, c/o Nicholas F. Talvacchia, Esq, Applicant's Attorney, via email: [ntalvacchia@cooperlevenson.com](mailto:ntalvacchia@cooperlevenson.com)  
Jason Sciuillo, PE, PP, Applicant's Engineer & Planner, via email [jsciullo@sciulloengineering.com](mailto:jsciullo@sciulloengineering.com)  
Daniel J. Ponzio, Sr., Applicant's Surveyor, via email: [ponziosurvey@gmail.com](mailto:ponziosurvey@gmail.com)  
John Obelenus, Applicant's Architect, via email [obelenusarchllc@comcast.net](mailto:obelenusarchllc@comcast.net)  
Rob Reid, AICP, PP, CRDA Land Use Regulation Enforcement Officer  
Scott Collins, Esquire, CRDA Land Use Board Attorney  
Tetje Linsk, CRDA Administrative Assistant

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