

CASINO REINVESTMENT DEVELOPMENT AUTHORITY

LAND USE REGULATION ENFORCEMENT DIVISION

APPLICATION: 2025-07-3866

145-147 S. South Carolina Avenue, LLC

SUBDIVISION AND SITE PLAN FOR PROPOSED TOWNHOMES

- - -

Thursday, September 18, 2025

10:15 A.M.

<div>Page 2</div> <div> 1 2 Public Hearing in the above referenced 3 4 matter conducted at CASINO REINVESTMENT DEVELOPMENT 5 6 AUTHORITY, 15 South Pennsylvania Avenue, Atlantic City, 7 8 New Jersey, taken before Kara Hackett, Professional 9 10 Court Reporter and Notary Public of the State of New 11 12 Jersey, on Thursday, September 18, 2025 commencing at 13 14 10:00 a.m. 15 16 17 18 19 20 21 22 23 24 25 </div>	<div>Page 4</div> <div> 1 INDEX 2 3 APPLICANT PAGE 4 5 APPLICATION: 2025-07-3866 5 6 145-147 S. South Carolina Avenue, LLC 7 Subdivision and Site Plan for 8 Proposed Townhomes 9 10 11 12 --- 13 14 15 16 EXHIBITS 17 18 A-1, B-1, B-2 19 20 --- 21 22 23 24 25 </div>
<div>Page 3</div> <div> 1 APPEARANCES: 2 3 CASINO REINVESTMENT DEVELOPMENT AUTHORITY 4 LANCE D. LANDGRAF, JR. 5 CHAIRMAN 6 DIRECTOR, PLANNING DEPARTMENT 7 ROBERT REID 8 LAND USE ENFORCEMENT OFFICER 9 10 11 12 13 PROFESSIONALS TO THE BOARD: 14 SCOTT G. COLLINS, ESQ. 15 RIKER DANZIG 16 17 18 19 20 21 22 23 24 25 </div>	<div>Page 5</div> <div> 1 PROCEEDINGS 2 3 LANCE LANDGRAF: The next application is that 4 of Application 2025-07-3866 145 to 147 South South 5 Carolina Avenue LLC located at 145 South South Carolina 6 Avenue, site plan for proposed townhomes. I believe 7 there's some variance associated with this as well as 8 well, Mr. Talvacchia. Site plan approval properties 9 located as I indicated, 145 TO 147 South South Carolina 10 Avenue, Block 167, Lot 1 in the resort commercial 11 district. 12 Rob, we have proper notice? 13 ROBERT REID: Yes, I reviewed the proof of 14 service provided by the applicant and we do have 15 jurisdiction to hear the application today. 16 LANCE LANDGRAF: Jeff, we're good on 17 completeness? 18 JEFFREY HANSON: We're good on completeness. 19 We issued a completeness review letter on August 28, 20 2025 with the recommendation of the application being 21 complete, we're good. 22 LANCE LANDGRAF: We'll mark that as B-1 and 23 then his actual technical report B-2. 24 SCOTT COLLINS: Yeah. 25 LANCE LANDGRAF: Okay. You want to do that? </div>

1 SCOTT COLLINS: Just give me the date of the
2 completeness.

3 JEFFREY HANSON: August 28th, Scott, 2025
4 obviously.

5 LANCE LANDGRAF: First time we had to do that.
6 But I like that actually.

7 SCOTT COLLINS: Yeah, I do too.

8 LANCE LANDGRAF: Mr. Talvacchia, welcome.

9 NICHOLAS TALVACCHIA: Thank you. Good morning
10 everyone. Nick Talvacchia on behalf of the applicant,
11 Milo Schaefer sitting right here. So Milo is someone
12 who's been looking at Atlantic City for a while. He
13 comes from Central Jersey and all -- well, probably
14 North Jersey, Mile Post 50 --

15 LANCE LANDGRAF: North of Brigantine.

16 NICHOLAS TALVACCHIA: In his world, he's
17 central. But in any event, he's been looking at
18 Atlantic City and he bought this property from Mark
19 Callazzo, actually. This is beach block, South Carolina
20 Avenue. Immediately to the left or north is a 24-story
21 old apartment building. To the right is a parking lot
22 for resorts. This has been vacant for I don't know how
23 long. So Milo has been looking at the market and what
24 he's seeing is what all of us are seeing, that there's
25 strong interest by a lot of developers in townhomes.

1 And he met with Jay and I, and you know, we talked.
2 This is where we think the market is right now. We also
3 understand the CRDA regs are now going to permit this.
4 There's an argument to permit it now, but not crystal
5 clear. So we are asking for use variance, but we
6 understand the new proposed rights will allow this. And
7 as the authority knows, it has approved use variances on
8 Westminster Avenue townhomes in the last two years the
9 beach block, and then at least two redevelopment plans
10 that I'm aware of that make townhomes permitted in the
11 RC zone and other zones that are multifamily but not
12 townhomes. So it's clear that the marketplace and the
13 public policy is shifting towards townhomes. So we
14 think they all serve as a backdrop for justifications
15 for this use.

16 And you know, historically beach block in
17 Atlantic City has always had a mixture of commercial and
18 residential, and the residential is really critical to
19 creating foot traffic that is vital to the urban fabric
20 of a thriving urban fabric.

21 So hopefully this project gets built, get some
22 people living here, some foot traffic, and it builds on
23 some of the other projects. One project that's not too
24 far away are 40 units that are under construction at
25 Kentucky and Pacific. This will all start telling a

1 story to people around that this is a place now where
2 people can actually live, buy, and it's exactly what
3 Atlantic City needs in terms of increasing the
4 residential population of the city.

5 So we think there's a lot of good public
6 policy reasons. We think the building is aesthetically
7 pleasing. And again, as you note, because the use is
8 not specifically committed, we do need many variances,
9 lot size, and setbacks, and all those things. But we
10 think the building fits perfectly in the zone. It's
11 actually much smaller than what could be permitted
12 because mid rise and high rise are permitted in the
13 zone. This is much lower scale than that.

14 So with all of that background said, I want to
15 introduce Jay Sciuillo, our planner and engineer, to
16 first get sworn in and talk about the site plan and the
17 variances and justifications.

18 So, Jay, are you ready?

19 If you could be sworn first.

20 SCOTT COLLINS: Morning, Jay.

21 JAY SCIULLO: Good morning.

22 SCOTT COLLINS: Do you swear to tell the
23 truth, the whole truth, and nothing but the truth in
24 your testimony here today?

25 JAY SCIULLO: Yes, sir.

1 SCOTT COLLINS: And will you be appearing as
2 both a professional engineer and a professional planner?

3 JASON SCIULLO: Yes. Not much engineering on
4 this one though, but just in case.

5 SCOTT COLLINS: Okay. We'll recognize him as--

6 LANCE LANDGRAF: Yes.

7 NICHOLAS TALVACCHIA: And just for the record,
8 you're a New Jersey Licensed Planner and Engineer,
9 correct, Jay?

10 JASON SCIULLO: Correct.

11 NICHOLAS TALVACCHIA: Okay. And you prepared
12 the site plan in your office and you're familiar with
13 it?

14 JASON SCIULLO: We did.

15 NICHOLAS TALVACCHIA: Okay. So why don't you
16 walk the land use for the project?

17 JASON SCIULLO: Sure. So this first rendering
18 you see is building elevation. That was done by the
19 architects involved on the pretty picture side of it.
20 I'm going to going to switch over to --

21 LANCE LANDGRAF: Just one second, Jay, I just
22 so happened that I popped open A-3 from the architect's
23 plan set that was submitted. And if you look at the
24 facade there, the roof line does, not that it matters,
25 but that roof line in the bottom right.

<p style="text-align: right;">Page 10</p> <p>1 JASON SCIULLO: Yeah.</p> <p>2 LANCE LANDGRAF: Doesn't match --</p> <p>3 NICHOLAS TALVACCHIA: I think we've updated</p> <p>4 it.</p> <p>5 LANCE LANDGRAF: Okay.</p> <p>6 NICHOLAS TALVACCHIA: Actually go back to the</p> <p>7 first one. Let's get that. It could change a little</p> <p>8 bit more, but it's been evolving. This is not part of</p> <p>9 the packet --</p> <p>10 JASON SCIULLO: No, this was provided by Milo.</p> <p>11 LANCE LANDGRAF: Mark that as A-1.</p> <p>12 SCOTT COLLINS: Well, let's do the packet,</p> <p>13 A-1.</p> <p>14 LANCE LANDGRAF: And A-2. Okay.</p> <p>15 It's not an issue with us. I just want to</p> <p>16 make sure. Just happened to flip open.</p> <p>17 JASON SCIULLO: So as Lance has pointed out</p> <p>18 though, what will happen is this flat facade or fascia</p> <p>19 here will just have a couple gables pop up.</p> <p>20 LANCE LANDGRAF: Okay.</p> <p>21 JASON SCIULLO: Doesn't change the building</p> <p>22 height overall, it just changes the angle.</p> <p>23 LANCE LANDGRAF: Essentially it'll match what</p> <p>24 has been marked as A-2?</p> <p>25 NICHOLAS TALVACCHIA: Yes.</p>	<p style="text-align: right;">Page 12</p> <p>1 propose with this on this undersized lot is existing</p> <p>2 condition is a paid parking lot. We're going to demo</p> <p>3 that parking lot and then construction of this, which</p> <p>4 going by CRDA definition, is technically an attached</p> <p>5 single family dwelling. Three units, as you'll see, the</p> <p>6 way that they're linear, they're stacked or sorry, side</p> <p>7 by side. So there's a clear break between the units</p> <p>8 vertically. They each have a garage on the facade.</p> <p>9 They have a driveway in front of it and the driveway</p> <p>10 connects to South Carolina Avenue. Small rear yard</p> <p>11 relative to what the zoning standards are, which is a 20</p> <p>12 foot rear. Just because again, the size of the lot.</p> <p>13 In Jeff's letter there's a couple noncompliant</p> <p>14 items noted based on the way we submitted the</p> <p>15 application that I'll clarify in a bit. But the</p> <p>16 specific relief is kind of narrowed at this point. The</p> <p>17 existing condition kind of creates a lot of need for</p> <p>18 this relief because of how small the lot is. As an</p> <p>19 example, the minimum lot size is 7,500 square feet</p> <p>20 pursuant to the RC standards. This lot as it sits is</p> <p>21 less than that. And the proposed lots range in size</p> <p>22 from 1,118 square feet to 1,937 square feet. You'll</p> <p>23 see the middle lot is 15.58 feet wide. That's the one</p> <p>24 that is the, I'll call, worst case when it comes to</p> <p>25 setbacks, coverage and -- standard compliance.</p>
<p style="text-align: right;">Page 11</p> <p>1 JEFFREY HANSON: So the height variances won't</p> <p>2 change then?</p> <p>3 JASON SCIULLO: Well, so we're going to get to</p> <p>4 that, but there is no height variance required.</p> <p>5 SCOTT COLLINS: Oh, that's -- okay.</p> <p>6 JASON SCIULLO: Either way. But there's also</p> <p>7 no setback variances required because of the height,</p> <p>8 which I'll clarify because some of that wasn't known</p> <p>9 when we submitted.</p> <p>10 JEFFREY HANSON: We had it at like feet, I</p> <p>11 think or something.</p> <p>12 JASON SCIULLO: Yeah, and it's lower than</p> <p>13 that.</p> <p>14 JEFFREY HANSON: Okay.</p> <p>15 JASON SCIULLO: So I'll run through that.</p> <p>16 LANCE LANDGRAF: Yeah, we really can't look at</p> <p>17 a phone and -- Which is fine. And we'll take that</p> <p>18 supplemental submission and I'm sorry to have brought it</p> <p>19 up.</p> <p>20 JASON SCIULLO: All right. So this, this is,</p> <p>21 I guess, part of A-1, submitted application. So as</p> <p>22 you'll see on the plans, the site is relatively small,</p> <p>23 which is a big part of why this use is proposed in the</p> <p>24 RC zone. It's contemplated as it will sit currently to</p> <p>25 have a much larger kind of development. So what we</p>	<p style="text-align: right;">Page 13</p> <p>1 NICHOLAS TALVACCHIA: I think you said one lot</p> <p>2 was 1,100.</p> <p>3 JASON SCIULLO: Right there.</p> <p>4 NICHOLAS TALVACCHIA: Oh, I missed that.</p> <p>5 1,188.</p> <p>6 JASON SCIULLO: 1,188.</p> <p>7 So as we went through this, it's very similar</p> <p>8 to the other plans, as Nick had mentioned. His opening</p> <p>9 was really good relative to how this came to be and how</p> <p>10 a lot of these townhouse developments have gone on. He</p> <p>11 mentioned a couple that were through redevelopment plan,</p> <p>12 another one on Westminster, and there's another one</p> <p>13 being built. It's probably the one that's farthest</p> <p>14 along, on the corner of Kentucky and Westminster near</p> <p>15 Pacific Avenue. There's 10 units in that first phase</p> <p>16 standing up now.</p> <p>17 Those buildings were substantially larger than</p> <p>18 this, but very similar in approach in that they're</p> <p>19 attached, they're townhouses. These are, for all</p> <p>20 intents and purposes, exactly like a townhouse, but</p> <p>21 three units instead of four, as defined in the CRD reg,</p> <p>22 which is an interesting thing. We talked about before</p> <p>23 townhouses are defined in the reg, but they're not</p> <p>24 permitted anywhere specifically.</p> <p>25 We understand now that there's rules that are</p>

1 going to be released for public comment imminently that
2 proposed --

3 LANCE LANDGRAF: They're out.

4 JASON SCIULLO: When did they get out.

5 LANCE LANDGRAF: 16th.

6 JASON SCIULLO: Two days ago. Good. So it's
7 contemplated to be adopted, I understand, by the
8 beginning of next year or around then. And at that
9 point this will generally be permitted or something very
10 similar to this.

11 So again, it's all -- We're all running in the
12 same direction. We want to have people living in town
13 in affordable -- Not -- A lot of the recent discussions
14 --

15 LANCE LANDGRAF: Housing that is is
16 affordable, not affordable housing.

17 JASON SCIULLO: There you go. So beach block,
18 beach town. This is obviously the wave of the future
19 here. We're going to have a lot more of this, not just
20 in this part of town, but other parts as well. So I
21 feel personally that being a landowner not far from
22 here, that this is what we need. We need people walking
23 the streets and living here patronizing businesses that
24 need the help and just generally getting activity.

25 So having said all that, it's all in a good

1 way. So this area, as Nick mentioned, historically had
2 a lot of residential homes. That's why these lots are
3 so small. So this isn't unusual. Directly to the north
4 of us, there's a multifamily building larger in scale
5 than this, but it's existed for quite a while and it's
6 on a lot of similar size. The -- That one has no
7 parking, still functions just fine. This one has
8 parking and it's fully compliant with RSI. In fact, it
9 exceeds it, which in an ironic turn of events, last year
10 DCA clarified that RSIs parking standards specifically
11 are the maximum that can be required by any reviewing
12 agency. It actually has language within it that says it
13 can be reduced from the table that's in the reg. We've
14 always assumed was a minimum, to be reduced from that
15 based on local conditions and the approving authority
16 determining that it's adequate with or without that
17 amount of parking stipulated in the table. It goes on
18 to further say at the end of the table, if you exceed
19 the amount in the table, you have to write to DCA and
20 tell them why. No one's going to do that. But in the
21 end we are still compliant either way.

22 If you consider these single family, which
23 technically they're attached single family, it's a three
24 bedroom unit, which each of these would be, two spaces
25 per unit. We have at least that between the garage and

1 the driveway.

2 As you see on this layout in the architectural
3 plan submitted, the driveway or the -- Excuse me, the
4 garage is open on the ground floor due to flood hazard
5 requirements. No storage. No living space. So you can
6 stack two cars within it. You could have three,
7 technically. We won't need that, we don't think. But
8 it is there and available. So if you consider these
9 townhouses, the three bedrooms RSI says maximum of 2.4
10 per unit. Again, we're over that. We're between two
11 and three. So we're not relying on any street parking,
12 but it is available on South Carolina Avenue. Not
13 directly in front of us because our driveways will take
14 that up, but up and down the strip that is available.

15 The only real site concerns relative to this
16 are things like trash storage and how that would end up
17 working. So as you'll see, there's a stairwell inside
18 the building and behind that stairwell there's going to
19 be open space. You can fit a couple cans. The idea is
20 to store the trash inside the building, take it out on
21 trash day.

22 Everything will be serviced by public
23 utilities. All the mains exist in the street. And
24 being the size of this parcel and the overall
25 disturbance, it doesn't trigger storm water management

1 requirements under the state rules, which are referenced
2 in CRDA rules and RSIs.

3 Nick mentioned all the amendments that are
4 coming. I talked on a little bit. So I guess we can
5 talk about the relief, unless you have questions about
6 some of the site layout. I feel it's relatively simple,
7 but is there any questions about how it's laid out?

8 LANCE LANDGRAF: No. Please proceed.

9 JASON SCIULLO: All right. So you'll see on
10 this plan we have 18 foot front setback to the building
11 structure itself. 11 feet to the top of the -- or to
12 the deck that overhangs the garage over the driveway.
13 On each side it's 7 feet to the outside unit to the side
14 lot lines and in the rear the minimum available feet.
15 Under the current version of the resort commercial
16 district rules the bulk standards, aside from the
17 minimum lot size, which I touched on, but I'll go
18 through in detail again, it also has a step setback
19 requirement and building height requirements. So again,
20 between 0 feet and 35 feet or I'll say up to 35 feet in
21 building height, you can have a 0 foot setback. Beyond
22 35 foot building height, it's got to be a 20 foot
23 setback. That's for the front and side. The rear is
24 always 20 feet independent of height.

25 In this case, these buildings are 32 feet in

1 height and that's measured from the ground from flood
2 hazard elevation. If less than that, it's 26, 27, but
3 again, well below 35 feet. So we could have 0 foot side
4 setback, 0 foot front setback. We proposed some
5 setback, it's compliant. It was noted in our original
6 submission that the building height would be over 40
7 feet. At the time, we weren't sure whether the job was
8 going to be two stories over parking or three. It's now
9 two, and mostly for fire protection reasons. So now
10 those two variances are identified.

11 JEFFREY HANSON: Just to clarify, as Jay was
12 saying, when they submitted the application they had a
13 building height of 43 feet. So we obviously in our
14 letter it identifies the front yard, each lot would need
15 a front yard setback and side yard setbacks on each side
16 based on the building being higher than 35 feet. As Jay
17 said, when you go below 35 feet, you can have a 0 foot
18 front yard and side yard setback.

19 LANCE LANDGRAF: And that's honestly where our
20 ordinance was focused -- Our regulations were focused on
21 honestly casino buildings or high rises. They didn't
22 want those buildings being 400 feet tall.

23 JEFFREY HANSON: Probably weren't
24 contemplating a 40 foot residential building. At any
25 rate, there's those, I believe, other nine variances

1 that were identified in our letter that would be
2 eliminated by virtue of the building being -- 18 through
3 23 in our letter on page six.

4 LANCE LANDGRAF: You said 18 through 23?

5 JEFFREY HANSON: Yeah. Comment -- zoning
6 comments number 18 through 23 on page six of my
7 September 10th review letter.

8 LANCE LANDGRAF: Got it.

9 JASON SCIULLO: You'll see that with those
10 side steps being greater than 5 feet we'll have operable
11 windows, and this will look and feel like a lot of other
12 beach homes all up and down New Jersey. So again,
13 exactly what we expect and what we desire.

14 So we talked about how a lot of these bulk
15 variances could be subsumed in the use variance. So the
16 price versus -- But still want to talk about them so you
17 guys are aware where we might not be compliant. We
18 talked about clarification on setbacks. Again, we have
19 from 19:66-510A1 Roman ET1 for principal use of a
20 townhouse or single family is not specifically
21 permitted. From 510 A1 Roman ET4.2 for minimum lot
22 size, where 7,500 square feet is required and the
23 proposed lots are between 1,188 square feet and 1,937
24 square feet. 510A1 Roman ET4.3 minimum lot depth, 150
25 feet is required, 76 feet exists and will continue in

1 this application in its existing condition. From 510 A1
2 Roman ET4.4 for minimum lot width and from 4.5 for
3 minimum lot frontage, both of which are required to be
4 50 feet, then we have between 15.58 feet, 22.21 feet in
5 width, which is typical for these pretty simple attached
6 lots. From 510 A1 Roman ET 4.5 -- no, 4.6, excuse me.
7 For maximum building coverage, where 75% is proposed for
8 the middle lot and 70% is permitted. And I'm saying the
9 middle lot because I want to clarify something that also
10 wasn't clear when we put this together. So the zoning
11 schedule we submitted showed what I mentioned was worst
12 case for the middle lot when it came to coverage for
13 both the building and impervious. When you look at each
14 lots individually, the other two, the outside lots, are
15 compliant with the building coverage and the impervious
16 coverage that are required or permitted, excuse me.
17 It's only the middle one that's not compliant. On the
18 whole, the entire job is fully compliant. And Jeff, in
19 your table --

20 JEFFREY HANSON: Yeah, because we didn't have
21 --

22 JASON SCIULLO: Yep. So for lot 7.01, maximum
23 building coverage is 53%. For the middle lot 7.02 at
24 75%. That was what was noted in our application, and
25 the outside lot, the larger one, 46 -- 46%.

1 JEFFREY HANSON: Okay.

2 JASON SCIULLO: And then for maximum impervious
3 coverage, which is under 510 A1 4.7, to be 80%. The
4 middle lot is 93%. So that one's over. The lot 7.01 is
5 65%. Lot 8.01 on the south is 56%.

6 JEFFREY HANSON: Okay. So we see building
7 coverage and impervious coverage on lot --

8 JASON SCIULLO: Just the middle one.

9 JEFFREY HANSON: -- it appears at 7.01 and 8.01
10 would comply with the bulk requirements for both
11 building coverage and impervious coverage.

12 JASON SCIULLO: And the overall for the site,
13 if you were to just ignore the lot lines, the building
14 coverage proposed for the entire parcel is 56% and the
15 maximum impervious for the entire parcel is 68. That's
16 how the math shakes out. So we do need it for that
17 middle lot or are not compliant for that middle lot.

18 And then I mentioned the minimum rear yard,
19 which is 510 A1 4.10. 20 feet is required and 8 feet is
20 proposed. And that's based on being able to fit a
21 reasonably sized unit with a driveway in front of it to
22 be able to provide parking. Eight feet is not unusual.
23 Most of the other applications we've submitted for
24 townhomes have similar, if not smaller setbacks. And
25 it's mostly related to the depth of the lot. If you

1 take the outside lot, the one on the far south, that has
2 20 feet for the rear line, it's just notch that's cut
3 out and the existing conditions that create that
4 situation. So for the variance --

5 LANCE LANDGRAF: Just one question.

6 JASON SCIULLO: Sure.

7 LANCE LANDGRAF: The last thing you said, Jay,
8 the where that lot jogs back, the rear lot line of -- to
9 rear nine, isn't there an eight and a half foot setback
10 to that corner?

11 JASON SCIULLO: Oh, where that notch is cut
12 out. Right?

13 LANCE LANDGRAF: I just want you to know that
14 I think you need a variance there. I don't want you to
15 --

16 JASON SCIULLO: Yeah, you're right. There is a
17 couple feet that's short there.

18 JEFFREY HANSON: I identified that to the --

19 LANCE LANDGRAF: Right.

20 JEFFREY HANSON: -- to the short corner back.
21 Same with lot depth on that. We didn't go all the way
22 back.

23 LANCE LANDGRAF: I'm just looking at like
24 that's a new one. If you don't get it now you'll be
25 back here in two months.

1 JASON SCIULLO: No. Good call.

2 JEFFREY HANSON: We identified that in comment
3 number 26.

4 LANCE LANDGRAF: Good.

5 JASON SCIULLO: Clearly it's better in our
6 view to have that little notch than to slide the
7 building over a couple feet to make that one lot
8 compliant.

9 LANCE LANDGRAF: I agree. I want it to be
10 covered. And I don't have an issue with it at all. I
11 just want to make sure that that gets covered. If it's
12 in your letter, it would have. I just want to make them
13 aware.

14 JEFFREY HANSON: No, it's better safe than
15 Sorry. Right?

16 LANCE LANDGRAF: Exactly. Sorry.

17 JASON SCIULLO: No. All good. Thank you. So
18 for variance proofs for -- Oh, just to clarify, I guess
19 there's a question on density. So if you take the --
20 The smallest lot as it sits and one unit at 1,188 square
21 feet, when you do the math, that comes out to 36 units
22 per acre, still under the permitted 50 per acre in this
23 zone. And that 50 is really tied to mixed use buildings
24 anticipated. So again, residential uses are
25 contemplated at a much higher density than we propose on

1 this, and for sure, higher unit count. The size of this
2 lot makes it difficult, but something more could be done
3 here. We're just not obviously being very aggressive.
4 We want something reasonable and fitting in with the
5 character of the neighborhood.

6 So for the variance proofs under D1 for use
7 40:55 D70 D11 for use variances, as you guys well know,
8 there are three ways that it can generally be
9 demonstrated that the positive criteria can be met.
10 That's first, where the use serves it's inherently
11 beneficial, serves the public good because of being
12 inherently beneficial, like schools, hospitals, things
13 like that. So that is not this.

14 The second one is that there's undue hardship.
15 We're compelled to use the property in compliance with
16 or conformity with the permitted uses in the zone.
17 We're kind of dancing on this one a little bit because
18 it is very difficult to do something that is fully
19 permitted on a lot this size.

20 But the third way that use variances are
21 justified where the use would serve the general welfare
22 because the site's particularly suitable, we feel that
23 one is more akin to what this development proposal
24 suggests. So we feel this is particularly suitable, I
25 do, excuse me, not only because of historic residential

1 use in the area and the desire to have residential use
2 in the area, but it fits in well on this side lot.
3 There's a residential use next door. It's on the beach
4 block in a beach town. Residential uses are
5 contemplated. And as we talked about multiple times,
6 your rules are in process of being updated to permit
7 this use.

8 So for that reason or those reasons, I feel
9 that the site is particularly suitable. There's also
10 multiple purposes of zoning advance which is listed by
11 letter at 40:55 D2, the purposes of the act. The
12 purpose -- of growth of the general welfare since the
13 site's suitable, and the rule amendment is going to
14 permit these uses or misuse, I feel that that purpose is
15 advanced, purpose C provide adequate light, air and open
16 space. Again, we're under what's the required or the
17 permitted coverage for building and lot coverage on the
18 whole. So I feel that that purposes advanced. Purpose
19 C to promote establishing appropriate population
20 densities and concentrations to contribute to well being
21 of the neighborhood and the environment. We've talked
22 about this before. This use variances and this proposed
23 use is proposed to bring new residents to the area of
24 the city. We want to create vibrant, walkable
25 neighborhoods. This is one lot in what we hope will be

1 a continuation of this type of approach. Not far away
 2 you have residential -- Ocean Ave right to the the west.
 3 And you get into the loop which has mixed use, more
 4 residential. You keep going to the west and we have
 5 more residential, again, on smaller lots, tighter fit.
 6 This is the way things seem to want to go. It
 7 complements this development pattern that's developing
 8 here.

9 Purpose G provides sufficient space and
 10 appropriate locations for a variety of uses. Again,
 11 this residential use will complement everything else in
 12 the neighborhood. All the residents or all the, excuse
 13 me, businesses that -- commercial businesses that have
 14 invested in town and need patronage to be able to
 15 survive. So it meets that purpose. And then purpose
 16 item -- desirable visual environment has shown the
 17 architecture is modern and tasteful and advances that
 18 purpose. When these improvements are viewed on the
 19 whole, they also contribute to the preservation of the
 20 neighborhood character and aesthetics and those purposes
 21 of zoning held by The Court to be appropriate
 22 consideration of variance relief.

23 Lastly, CRDA's master plan or actually tourism
 24 district rules, excuse me, for the RC Zone for the
 25 overall say, one of the goals is to encourage innovative

1 land uses and diversify the tourism district's economic
 2 base. Now, to be clear, this isn't a tourism draw and
 3 it's not exactly tourism related, but it'll diversify,
 4 strengthen the tourism district's economic base because
 5 it's going to bring back housing to what was
 6 historically residential and again patronized businesses
 7 in the area.

8 For the negative criteria, there are two
 9 prongs, as you well know. The first prong to
 10 demonstrate that the variance will be granted without
 11 substantial detriment to the public good. Focus of this
 12 prong has been determined by The Court to be an impact
 13 on the immediately surrounding area. We have a
 14 residential building to our north, so no impact to them.
 15 It's identical type of use. Everything else around us
 16 is parking lots to serve resorts. Used to be a hotel
 17 behind it. There is a hotel going off a little bit to
 18 the east up on North Carolina. But this use will
 19 definitely not negatively impact the neighboring area.
 20 In fact, it will probably strengthen it because now
 21 we'll have people that will live and care about the area
 22 and watch the other businesses and properties to make
 23 sure things are done properly.

24 The second prong in negative criteria, well,
 25 let me say too that the density we propose, the

1 development intensity overall that we propose is much
 2 less than what could be placed here. So again, no
 3 negative impact to neighbors.

4 The second prong is to demonstrate that relief
 5 can be granted without substantial, or excuse me,
 6 without impairing the purpose of the zone plan, purpose
 7 spirit or intent of the zone plan zoning ordinance. We
 8 don't feel that it does that as they sit now. But also
 9 we talked about the rule changes being contemplated.
 10 This will be fully permitted generally with that rule
 11 adoption. So we don't feel that the spirit, purpose,
 12 intent of the master plan or these updated rules or the
 13 current rules are impaired by granting of this relief.

14 So for those reasons, I feel that relief can
 15 be granted since the site's particularly suitable,
 16 benefits -- the relief, outweighs substantial detriment.
 17 The granting of relief will not -- or will advance
 18 multiple purposes of zoning, will not negatively impact
 19 the general public, surrounding areas, zone planners and
 20 workers.

21 And to hit Jeff's letter a little bit, if
 22 there's anything that we missed. I don't think there
 23 was.

24 JEFFREY HANSON: I'll go through the letter
 25 real quick.

1 JASON SCIULLO: If you want to do that --

2 JEFFREY HANSON: There were just a couple
 3 little things.

4 LANCE LANDGRAF: Yeah. Let's let Jeff put his
 5 testimony on the record, and you're referring to the --

6 JEFFREY HANSON: Letter dated September 10,
 7 2025, the first page of which identifies the applicant's
 8 information. Going on to page two, we talk about the
 9 document submitted, completeness review. And then there
 10 are some submission waivers that were required with this
 11 application that those would be numbers 24, 25, 29, 32,
 12 34, 35, 36 of the minor site plan checklist. That's
 13 Crete form number five. And then the B variance
 14 checklist item number six, which is form number 11.
 15 Crete form number 11. Number 24, 25, 29 on the minor
 16 site plan checklist are landscaping plans, lighting
 17 plans, and solid and liquid waste management plans.
 18 They already testified that the trash and recycling is
 19 going to be stored indoors until trash day, which is
 20 what we prefer. So I have no problem with that waiver.
 21 I asked Jay later in the letter to give some testimony
 22 about the lighting levels of the property. If he
 23 provides that, I have no objection to that waiver being
 24 granted, and I have no objection to the landscaping plan
 25 being waived. And then with 32, 34, 35, 36, they're all

1 related to bonding and inspection escrows. We would
2 just recommend that they wait for completeness only,
3 that those requirements be satisfied prior to the
4 issuance of a CLUC should the applicant gain approval
5 for the proposal and then the narrative for providing a
6 justification for the D relief sought that was already
7 covered under Jay's use fairness testimony. So although
8 we don't have a written narrative, we have that
9 information that can be unique as well.

10 Going on to the project description
11 background, I'll try not to regurgitate too much. It's
12 a pretty straightforward project as far as site plan
13 improvements go. Aside from the demolition of the
14 existing improvements and this new structure we really
15 just have new utility connections, concrete curb
16 sidewalk and driveway to serve the three townhouses.
17 And then they have to relocate an existing parking kiosk
18 along South South Carolina Avenue and then some fencing
19 and gates and associated improvements.

20 I won't go through the variance relief unless
21 you want me to go through each specific one. It's all
22 covered in the letter for.

23 LANCE LANDGRAF: Each one as well.

24 JEFFREY HANSON: So we did note that we only
25 need -- If you go to items 16 and 17 on page 6, that

1 they only need a building coverage variance for 75% on
2 lot 7.02 and impervious coverage on item 17, 93% for lot
3 7.02. And that 7.01, 8.01 do comply with the --
4 requirements of the RC zone for both building coverage
5 and impervious coverage. We're striking, in light of
6 testimony, that the building is less than 35 feet in
7 height we're striking items 18 through 23. Those
8 variances are no longer necessary. And we go on to ask
9 for the C variance relief testimony, which Jay already
10 provided. And then down to site plan review comments on
11 page 7 of the letter --

12 LANCE LANDGRAF: Go back. And this goes to
13 Jay and Nick, if you could update the zoning chart to
14 similar to what Jeff did. Put each lot in there. We
15 can plan just so then that shows those variances for
16 that center lot. That would be -- Thank you.

17 JEFFREY HANSON: We did -- There were a couple
18 typographical errors or misinformation on the Ponzio
19 plan. They'll revise that obviously too for the -- When
20 that gets perfected. He just had a couple of the -- Of
21 the dimensions wrong for, I believe it was lot 8.01, lot
22 frontage on 7.01, oh, and then on the lot width for lot
23 7.01 too also needs to be updated and --

24 JASON SCIULLO: We'll get that resolved.

25 JEFFREY HANSON: And you will put all three

1 lots on your --

2 JASON SCIULLO: In the zoning schedule, yeah.

3 JEFFREY HANSON: Then we go on to ask if the
4 blocking lot numbers are verified by the tax assessor's
5 office for the city. And the street address numbers
6 will be approved by the city, Atlantic City's 911
7 coordinator's office. You'll be responsible to obtain
8 road opening permits, any city approvals that are
9 necessary for working at the right-of-way, obviously.

10 JASON SCIULLO: Understood.

11 JEFFREY HANSON: Performance bond, inspection
12 escrow as well. And then can you talk about the
13 lighting levels of the exterior areas for pedestrian
14 visibility, et cetera?

15 JASON SCIULLO: Yeah. So there's no lighting
16 beyond building code minimum indoors that's proposed.
17 Maybe some accent lighting on the home, but nothing
18 that'll be projected into the right-of-way of any
19 substantive -- not measurable. So the house will be
20 safe. It'll be visible, but it's not going to light up.

21 JEFFREY HANSON: It'll be appropriate for
22 pedestrians, correct?

23 JASON SCIULLO: Yeah. So the streets already
24 have their street lights out there. There's lights on
25 the parking lot. It's pretty well lit up.

1 JEFFREY HANSON: Okay.

2 JASON SCIULLO: We're not going to impact any
3 of those. Just going to build in the lot, so --

4 JEFFREY HANSON: Okay. Thank you.

5 LANCE LANDGRAF: You're okay with any of the
6 requests that are in that letter?

7 JEFFREY HANSON: I think I covered it all.

8 JASON SCIULLO: And for the lot numbers and
9 street addresses, we'll work with city tax assessor,
10 engineer to get those sorted before we send the final
11 subdivision plan in for review. And here in the city,
12 even though this is a minor subdivision, the city
13 standard, I don't know if it matters, but the city
14 requires every subdivision be filed by plan. You can't
15 do it by deed. So you'll see a plan when we sign.

16 JEFFREY HANSON: I should note they do meet
17 their off parking requirement as far as the RC zone.
18 They're below the maximum in the RSIs requirement. It's
19 2.4, I believe, per unit. They're below the maximum,
20 but -- ordinance would be necessary.

21 LANCE LANDGRAF: Anything else, Mr.
22 Talvacchia?

23 NICHOLAS TALVACCHIA: We are finished. Thank
24 you.

25 LANCE LANDGRAF: Okay. With that, we'll open

1 this application up to the public. Anybody here speak
2 for, against, or make any comments, please step forward
3 and state your name.

4 Seeing none, we will close the public portion.

5 Any final comments from --

6 SCOTT COLLINS: I have what I need.

7 LANCE LANDGRAF: All right. We'll close the
8 matter -- Close the hearing on this matter and again,
9 we'll try and get it on our next board. Don't know
10 it'll make October. We'll certainly try and get it on
11 that agenda, if not.

12 For the public's benefit. Our next scheduled
13 land use hearing is October 2nd at 10:00 a.m. No further
14 matters to be discussed. We'll close the hearing, and
15 we are adjourned.

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18 (Hearing concluded at 10:40 a.m.)
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1 C E R T I F I C A T I O N
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4 I, Kara Hackett, Professional Court
5 Reporter and Notary Public, do hereby certify that the
6 foregoing is a true and accurate transcript of the
7 stenographic notes taken by me in the aforementioned
8 matter.
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21 DATE: September 18, 2025
22 Kara Hackett
23 Court Reporter
24
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