

December 15, 2014

Lance B. Landgraf, Jr., P.P., AICP  
CASINO REINVESTMENT DEVELOPMENT AUTHORITY  
15 South Pennsylvania Avenue  
Atlantic City, NJ 08401

**Re: Preliminary and Final Site Plan (1<sup>st</sup> Review)**  
**Block 30, Lots 1 & 2; Block 1, Lots 48 thru 53**  
**2821-2901 Boardwalk & Adjacent Beach Parcels**  
**Applicant: Tropicana Atlantic City Corp.**  
**Zone: RS-C, Resort Commercial District and B, Beach District**  
**Application No 2014-10-1247**  
**Our File No CRDA14004**



Dear Mr. Landgraf:

The above referenced application is a request for preliminary and final site plan review.

## 1.0 Project Description

### 1.1 Applicant's Proposal

The applicant proposes to renovate the façade signage and lighting features along the Boardwalk frontage of the Tropicana Casino and Resort. The project proposes one (1) primary media pylon and five (5) supporting media pylon displays with HD RGB LED media screens. The area between the primary and secondary media features will be a layered architectural metal treatment with integrated RGB LED dynamic lighting that will be synchronized with the media features to create a dynamic environment. The applicant also proposes twelve (12) freestanding architectural metal fabricated "tree" structures to include RGB LED wash lighting. These "tree" structures will be located between the Boardwalk and the dunes. The façade, hotel towers and Boardwalk will be washed with RGB LED dynamic lighting as a supporting element to the multimedia display environment.

### 1.2 Existing Conditions

The subject property is Block 30, Lots 1 & 2 and Block 1, Lots 48 thru 53 and is located at 2821-2901 Boardwalk and adjacent beach parcels. The property is zoned RS-C, Resort Commercial District and B, Beach District. The property contains the Tropicana Casino and Resort, the Boardwalk and the beach immediately adjacent thereto.

### 1.3 Adjacent Land Uses

Adjacent uses are condominiums and hotels to the north and south and the Atlantic Ocean to the east.

J. Timothy Kernan, Inc.  
Kingsway Commons  
Suite 100  
935 Kings Highway  
West Deptford, NJ 08086

Phone 856.251.9500  
Fax 856.853.1310  
www.kernaneng.com

## 2.0 Materials Reviewed

We have reviewed the referenced submission, received by our office on November 26, 2014, December 10, 2014 and electronically on December 8, 2014, consisting of the following:

<u>Sheet</u>	<u>Title</u>	<u>Date</u>
---	Application Form	October 30, 2014
---	Disclosure Statements	October 30, 2014
---	Escrow Setup Information	---
---	List of Requested Variances	---
---	Project Narrative	---
---	Proof of Paid Property Taxes	November 13, 2014
---	Review Letter from Edward Dennis Jr., PE, City Engineer	December 3, 2014
---	Draft Affidavit of Service	---
---	Notice of Application	---
---	Response Letter from Jon Barnhart, AWP	December 8, 2014
A-000	Cover Sheet	October 30, 2014
A-100	Floor Plans	October 30, 2014
A-300	Exterior Elevations	October 30, 2014
A-301	Boardwalk Materials Elevation/Plan	October 30, 2014
A-500	Details	October 30, 2014
C-1	Title Sheet/ Area Maps	Revised to December 8, 2014
C-2	Property Survey	Revised to December 8, 2014
C-3	Existing Conditions Plan - Project Area	Revised to December 8, 2014
C-4	Site Development Plan	Revised to December 8, 2014
C-5	Soil Erosion & Sediment Control Plan	Revised to December 8, 2014
C-6	Public License Plan	Revised to December 8, 2014
---	CD of Revised Plans	December 8, 2014

The architectural plans are signed and sealed by William A. Salerno, AIA of SOSH Architects. The plans are signed by Arthur W. Ponzio, Jr., PP, PLS and Jon J. Barnhart, PP, PE of Arthur W. Ponzio Co. & Associates, Inc. (AWP).

## 3.0 Submission Requirements

The application for preliminary and final site plan was deemed conditionally complete by the Land Use Regulation and Enforcement Division (LURED) on December 4, 2014, subject to providing items § 163-97C.(5), (21)(b)[1] and [7], (21)(j), (21)(o), (21)(p)[2] and [3], (21)(r)[7] and



§ 163-111D.(13) on or before December 8, 2014. These items have been provided and the application can now be deemed complete.

Items § 163-111D.(6), (9), (11), and (16) were deferred and must be provided as a condition of approval.

#### 4.0 Zoning Requirements

##### 4.1 Use

1. In accordance with § 163-58I, signs are permitted in the RS-C, Resort Commercial District, subject to the provisions of § 163-71. In accordance with § 163-71J.(1), advertising signs are not listed as being permitted. The plan does not conform to this requirement, proposing an advertising sign. As proposed, a use variance is required.

*Note: Where permitted, advertising signs have a maximum gross surface area per sign face of 60 square feet, with the exception of the HW-C and L-I districts, where the maximum gross surface area permitted per sign face may be up to 700 square feet and a maximum height per pole sign of 30 feet. The proposed sign measure 15,340 square feet and has a height of 93 feet 10 inches.*

2. In accordance with § 163-63B.(1) and (2), the freestanding architectural metal fabricated "tree" structures are not listed as being principal or accessory permitted conditional uses. As proposed, a conditional use variance is required.
3. The applicant must demonstrate sufficient "special reasons" why the proposed use carries out a purpose of zoning, or how the refusal to allow the project would impose on the applicant an undue hardship. In addition, the applicant must demonstrate that the requested use variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

#### 5.0 Signs

- 5.1 In accordance with § 163-71D.(1), in no event shall a sign be illuminated by other than a shielded or otherwise indirect, nonflashing light, preferably a white light or a light from the interior of a sign with a translucent face. In no event shall an illuminated sign be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon any adjacent public or private premises so as to cause glare or reflection that may constitute a nuisance or traffic hazard. No illuminated sign located on a lot adjacent to or across the street from any







residential district and visible from such residential district shall be illuminated between the hours of 11:00 p.m. and 7:00 a.m., unless the use to which the sign pertains is open for business. The plan does not conform to these requirements. As proposed, a variance is required.

5.2 In accordance with § 163-71D.(8), no sign, except publicly-owned signs, shall be placed in or extend into or over any public right-of-way, unless a conditional use permit therefor shall have been issued in accordance with Part 5, Article XXVI, of this chapter. The plan does not conform to this requirement. As proposed, a conditional use permit is required.

5.3 In accordance with § 163-71D.(13), no projecting sign shall extend more than four feet from the wall nor shall be nearer the curblineline more than two feet. Projecting signs shall project from the wall at an angle of 90° and shall not project from any building corner. No part of any projecting sign shall extend lower than eight feet above grade. The plan does not conform to these requirements, proposing projections varying between five feet and 22 feet 3 inches. As proposed, a variance is required.

*Note: The site plan and architectural elevations don't agree.*

5.4 In accordance with § 163-71J.(4)(b), the maximum gross surface area of signs permitted is 25% of the total wall surface per elevation. The plan does not appear to conform to this requirement. As proposed, a variance may be required.

5.5 In accordance with § 163-71J.(5)(b), the maximum height of projecting signs is 20 feet or no higher than the second floor window sill, whichever is less. The plan does not conform to this requirement, proposing 93 feet 10 inches. As proposed, a variance is required.

5.6 In accordance with § 163-71J.(7)(d)[2][a], strobelights are prohibited. The plan does not conform to this requirement. As proposed, a variance is required.

## 6.0 Bulk Variance Analysis

### 6.1 Hardship

In accordance with N.J.S.A. 40:55D-70c(1), a variance may be granted where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property; or by reason of exceptional topographic conditions or physical features uniquely affecting the subject property; or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the



structures lawfully existing thereon, the strict application of any regulation pursuant to this act would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the developer of such property.

## 6.2 Substantial Benefit

In accordance with N.J.S.A. 40:55D-70c(2), a variance may be granted where the purposes of zoning would be advanced and the benefits of the deviation would substantially outweigh any detriment.

## 6.3 Negative Criteria

No variance may be granted without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.

## 6.4 The applicant should be prepared to provide testimony as outlined above.

## 7.0 General Comments

### 7.1 The applicant's engineer should contact me regarding questions in my review of the public license plan.

## 8.0 Fees, Contributions and Obligations

### 8.1 License Agreements and Permits

Evidence that all required license agreements and permits have been obtained should be provided to the Land Use Regulation Board.

### 8.2 Escrow

The applicant must contact the CRDA Land Use Administrative Official to settle any outstanding review escrow accounts prior to any approval taking effect.

## 9.0 Outside Agency Approvals

This application is subject to the review and approval of the following outside agencies with jurisdiction, if not already received, including but not limited to the following. Evidence of these approvals must be submitted to the LURED.

- New Jersey Department of Environmental Protection;
- Cape-Atlantic Soil Conservation District;

- Atlantic City Fire Official; and
- Any others as may be required.

The above comments and/or recommendations are submitted for your review and consideration. Should you have any questions with regard to this matter or require additional information, please do not hesitate to contact our office at (856) 251-9500.

Best regards,

J. TIMOTHY KERNAN, INC.



J. Timothy Kernan, P.E., P.P., C.M.E.  
President

JTK/rld

cc: Robert L. Reid, AICP/PP, Land Use Regulation & Enforcement Officer  
Scott Collins, Esquire  
Joseph R. Dougherty, Esquire  
Jon Barnhart, P.E., P.P.  
William Salerno, AIA  
Tropicana Atlantic City Corp.