

January 7, 2014

Elizabeth A. Terenik, PP, AICP
CASINO REINVESTMENT DEVELOPMENT AUTHORITY
15 South Pennsylvania Avenue
Atlantic City, NJ 08401

Re: *Minor Site Plan (1st Review)*
Block 386, Lots 3 & 4; Block 387, Lots 9 & 10
Sunset Avenue
Applicant: Robert Boselli, Jr.
Zone: MUR, Mixed Use Recreation District
Application No 2013-12-897
Our File No CRDA13009



Dear Ms. Terenik:

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

1.0 Project Description

1.1 Applicant's Proposal

The applicant seeks site plan approval to construct a five-story, mixed use building with parking at-grade both inside the building and across Sunset Avenue. The structure will include eight residential units on the upper three floors and three commercial units including 2 bar/restaurants and a water taxi service on the first and second floors. Waterfront improvements are also proposed, including a new bulkhead and floating dock. In order to achieve this development the applicant proposes to demolish the existing warehouses and other improvements.

1.2 Existing Conditions

The property in question is Block 386, Lots 3 and 4 and Block 387, Lots 9 and 10 and is located on Sunset Avenue. The property is zoned MUR, Mixed Use Recreation District. The property contains a one-story brick building consisting of garages on the south side of Sunset Avenue and a frame and stucco structure on the north side. Otherwise, the property is vacant and possibly contaminated from an adjacent, former manufactured gas plant. The applicant has entered into a remediation agreement with South Jersey Gas Company, the adjoining property owner, who has entered into an Administrative Consent Order with the New Jersey Department of Environmental Protection.

1.3 Adjacent Land Uses

Next to the garages are apartments above storage units and behind these structures is the former manufactured gas plant which may

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Kingsway Commons
Suite 100
935 Kings Highway
Thorofare, NJ 08086

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have caused the contamination. To the southwest is a residential neighborhood and to the north the Beach Thorofare.

2.0 Materials Reviewed

We have reviewed the referenced submission, received by our office on December 9, 2013, December 11, 2013 and December 23, 2013 consisting of the following:



<u>Sheet</u>	<u>Title</u>	<u>Date</u>
---	Correspondence from Raymond J. Went, Esq.	December 5, 2013
---	Application Form	December 5, 2013
---	Proposed 200' Property Owners Notice	---
---	Proposed Affidavit of Service	---
---	Escrow Setup	---
1 of 5 (C-1)	Title Sheet	Last Revised October 30, 2013
2 of 5 (C-2)	Property Survey	Last Revised October 30, 2013
3 of 5 (C-3)	Previously Approved Application Plan	Last Revised October 30, 2013
4 of 5 (C-4)	CAFRA/Waterfront Development Plan	Last Revised December 3, 2013
5 of 5 (C-5)	Site Details	Last Revised October 30, 2013
1 of 3 (A-1)	Renderings & Aerials	Last Revised September 19, 2013
2 of 3 (A-2)	Floor Plans	Last Revised September 19, 2013
3 of 3 (A-3)	Elevations	Last Revised September 19, 2013
--	Electronic Format of Submission	---
--	Correspondence from Stephen Hankin, Esq.	December 23, 2013
---	Agreement between SJ Gas Company and Robert R. Boselli, Jr.	October 11, 2006
---	Environmental Easement, Declaration and Restrictive Covenant	October 11, 2006

The site plans are signed and sealed by Arthur W. Ponzio, Jr., P.P., P.L.S. and Jon J. Barnhart, P.E. of Arthur W. Ponzio Co. & Associates, Inc. (AWP). The schematic design plans are prepared by Stephen J. Fenwick, R.A. of Fenwick Architects.

3.0 Submission Requirements

- 3.1 Requirements for Completeness are included in Chapter 163 of the Code of the City of Atlantic City, Land Use and Development. Based upon our review of the submitted items, we have determined that the site plan application is incomplete unless the following submission item(s) are granted a waiver for completeness or deferred by the CRDA Board to be provided as a condition of approval:

§ 163-97 - Application for Preliminary Site Plan/Subdivision Plan



C. The application shall be in such form and shall contain such information and documentation as shall be prescribed from time to time by the Land Use Administrator, but shall in all instances, unless an order of the Planning Board entered pursuant to § 163-82C or 163-90B provides otherwise, contain at least the following information and documentation, which information and documentation, taken together, shall constitute a preliminary site plan/subdivision plat:

- (5) The names and addresses of all owners of property located within 200 feet of the subject property as shown in the latest property tax records.
- (6) The zoning classification and present use of the subject property.

Note: The correct zone is MUR, Mixed Use Recreation District.

- (8) Evidence that the applicant has sufficient control over the subject property to effectuate the proposed development, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or commitment for title insurance.
- (9) A written statement generally describing the proposed development and the market which it is intended to serve; its relationship to the Master Plan, the capital improvements program and the Official Map; and how the proposed development is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of this chapter. The statement shall include a description of the applicant's planning objectives, the approaches to be followed in achieving those objectives and the rationale governing the applicant's choices of objectives and approaches.
- (10) A written statement addressing each of the standards set forth in §§ 163-127 through 163-133 of this Part 5 and stating specifically how the proposed development relates to or meets each such standard.
- (11) For any proposed development subject to special standards or conditions beyond those set forth in §§ 163-127 through 163-133 of this Part 5, a written statement addressing each such standard or condition and stating specifically how the proposed development relates to or meets each such standard.
- (12) A statement of the applicant's intent with respect to the ownership, sale and leasing of the various completed units, structures, spaces and areas within the proposed development.
- (15) Evidence of the financing plan the applicant proposes to use to complete the proposed development. Evidence of the applicant's prior successful completion of projects of similar scope may, if found sufficient by the Planning Board, be accepted in satisfaction of this requirement.
- (16) Traffic, transit and pedestrian circulation studies indicating the relationship of the proposed development to existing and projected

transit, vehicular and pedestrian traffic volumes and use in the immediate area, based upon both existing and proposed or planned traffic, transit and pedestrian systems and use and indicating any proposals of the applicant for upgrading those systems.

- (17) Studies indicating the adequacy of existing or proposed public improvements, public sites and rights-of-way and essential public or quasi-public facilities and services, such as transportation, police and fire protection, social and health services, education, recreation, sanitation and energy facilities and supplies, and indicating any proposals of the applicant for upgrading those improvements, sites, services and facilities. Such studies shall, when required by the Planning Board, include a full energy impact assessment prepared in accordance with the Board's regulations pertaining thereto.
- (21) A preliminary site plan or subdivision plat based on the latest Tax Map information and of a standard size not less than 15 x 21 inches as required by the Map Filing Act. (Editor's Note: See N.J.S.A. 46:23-9.9 et seq.) drawn to a scale of not more than 100 feet to the inch, on one or more sheets, illustrating the proposed development and use and including the following:
- (c) Survey. The plan or plat shall include a survey, certified by a registered land surveyor, showing the property boundary lines and dimensions, available utilities and easements, roadways, rail lines and public rights-of-way crossing and adjacent to the subject property.
 - (h) Soil erosion. A soil erosion and sedimentation control plan, pursuant to the requirements of N.J.S.A. 4:24-39 et seq., and the standards for Soil Erosion and Sediment Control in New Jersey adopted by the Cape-Atlantic Soil Conservation District.
 - (k) Existing water bodies. The plan or plat shall show location, extent and normal high, normal low and mean water level elevation of all existing or proposed water bodies on or within 200 feet of the subject property. Swamps or swampy areas, whether permanent or seasonal, marshes and wetlands are to be designated. [Amended 6-15-1988 by Ord. No. 1-1988]
 - (l) Storm drainage. The plan or plat shall also show or be accompanied by plans and computations for any storm drainage systems, including the following:
 - [1] Drainage patterns: existing and proposed overland drainage patterns.
 - [2] Storm sewer details: all existing or proposed storm sewer lines on or within 200 feet of the subject property, showing size of lines, direction of flow, slope and the location of each catch basin, inlet and manhole, if any.
 - [3] Dry wells and water control: the location and extent of any existing or proposed dry wells, groundwater recharge



basins, retention or detention basins or other water control or conservation divides. Percolation test results for the area of any proposed dry well shall be submitted.

- (m) Sanitary facilities. The plan or plat shall show or be accompanied by plans showing existing and proposed sanitary sewerage facilities serving the proposed development, including the following:
 - [1] Sanitary sewer distributor: the location, size, direction of flow and slope of all existing and proposed sanitary sewer lines and pumping stations serving the proposed development and all existing and proposed connections to existing facilities.
 - [2] On-site treatment or holding facilities: the location, size, type and capacity of any proposed on-site sanitary sewage treatment or holding facilities.
 - [3] Percolation tests: if on-site sewage disposal is contemplated, results of percolation tests at suitable locations within the tract showing location, logs and elevations of all test holes.
- (n) Water supply. The plan or plat shall show existing and proposed connections to the public water system and existing and proposed water mains serving the proposed development and distribution lines on the subject property.
- (o) Public utilities. The plan or plat shall show all existing and proposed gas, electric and telephone lines, mains and related facilities serving the proposed development.
- (p) Proposed development. The plan or plat shall contain at least the following details with respect to the proposed development:
 - [1] The location, size, use and arrangement of proposed buildings and existing buildings which will remain, if any, including outside dimensions, height in stories and feet, floor area ratio, total floor area, total square feet and percent of ground area coverage and the number and size of dwelling units, rooming units and individual commercial, resort or industrial units.
- (q) Surrounding development. The plan or plat shall show the location, use, size and height, in stories and feet, of structures and other land uses on properties within 200 feet of the subject property and all access points to such uses.
- (r) Development summary. The plan or plat shall include a tabulation of the following information:
 - [7] Such other and further information or documentation as the Planning Board may deem necessary or appropriate to



a full and proper consideration and disposition of the particular application.

- (22) Energy impact statement. Such statement shall include the following:
- (a) An analysis, with documentation, of the annual energy demand anticipated to be generated by the proposed development in terms of Btu's, the type and quantity of fuels and the energy systems which would meet this demand.
 - (b) Information on energy conservation measures which the proposed project would employ and other pertinent data as needed for the assessment of the energy-conserving conserving potential of the project.
 - (c) Identification of the constraints, if any, which would restrict the energy conservation potential of the development.
- (23) A certificate from the City Tax Collector certifying that no taxes or assessments are due or delinquent on the subject property. [Added 6-15-1988 by Ord. No. 1-1988]



4.0 Zoning Requirements

4.1 Permitted Uses

1. In accordance with § 163-59A(4), the Mixed Use Recreation District has been established to integrate residential, commercial, cultural, transportation and transient oriented uses. Water-based uses that provide alternative modes of transportation to other locations throughout the City are encouraged. Public access along the waterfront is a major component of the district plan, to provide a scenic venue and pedestrian links to The Walk.
2. In accordance with § 163-59B, Schedule III, multiple-family dwellings at second floor or above (163 Attachment 8), restaurants (163 Attachment 12) and marinas (163 Attachment 25) are principal permitted uses in the MUR District.
3. The applicant should be prepared to address whether the proposed water taxi use is considered a marina and/or accessory to the restaurant/apartment uses.

4.2 Bulk Requirements

1. **Maximum Height:** The maximum permitted principal building height is 60 feet and accessory building height is 15 feet. The plan conforms to this requirement, proposing a 5-story building at a height of 60 feet.



2. **Minimum Front Yard Setback:** The minimum required front yard setback is 5 feet to a height of 35 feet and 10 feet above a height of 35 feet. The plan conforms to this requirement, proposing a front yard of 10 feet.
3. **Minimum Side Yard Setback:** The minimum required side yard setback is 10 feet. The plan conforms to this requirement, proposing side yards of 10.0 and 10.9 feet.
4. **Minimum Rear Yard Setback:** The minimum required rear yard setback is 10 feet. The plan conforms to this requirement, proposing a minimum rear yard of 10.1 feet.
5. **Maximum Lot Coverage:** The maximum permitted lot coverage is 90%. The plan conforms to this requirement, proposing coverage of 61%.
6. **Maximum Floor Area Ratio:** The maximum permitted floor area ratio is 4.0. The plan conforms to this requirement.

4.3 Off-Street Parking and Loading

1. In accordance with § 163-70A(1)(c)[4], 100% of required parking shall be provided on-site. The plan does not conform to this requirement. As proposed, a variance is required.
2. In accordance with § 163-70A(2)(a)[2][a], no part of any parking lot, other than driveways for ingress and egress, shall be located closer to a street than the minimum front yard setback required for a one-story principal building in the relevant district or the face of the principal building on the lot in question facing such street, whichever is greater. The plan does not conform to this requirement, proposing parking on the property line of Lots 9 and 10. As proposed, a variance is required.
3. In accordance with § 163-70A(2)(a)[2][b], no part of any parking lot other than driveways for ingress and egress, shall be located in any required side yard or between a side lot line and the side of any principal building on such lot, unless located to the rear of the rear of such building. The plan does not conform to this requirement, proposing parking within 3 feet of the side lot lines on the south side of Sunset Avenue and within 5 feet on the north side. As proposed, a variance is required.
4. In accordance with § 163-70A(2)(b)[1][a], a perimeter landscaped open space of a width of at least 10 feet shall be provided along every street line. The plan does not conform to this requirement, proposing approximately 2 feet of



- landscaping along Lots 3 and 4 and no landscaping along Lots 9 and 10. As proposed, a variance is required.
5. In accordance with § 163-70A(2)(b)[1][d], shade trees shall be provided at a ratio of one tree for every 10 parking spaces. The plan does not conform to this requirement, as only 2 ornamental trees and no shade trees are proposed. As proposed, a variance is required.
 6. In accordance with § 163-70A(2)(b)[1][e], no parking and no screening shall be located or designed as to obstruct any sight triangle required by § 163-131 of this chapter. A sight triangle in conformance with this section should be added to the plan.
 7. In accordance with § 163-70A(2)(b)[2], a perimeter landscaped open space of a width of at least 15 feet is required for parking lots adjoining residential uses. The plan does not conform to this requirement, proposing parking within 3 feet of a lot line to a residential use. As proposed, a variance is required.
 8. In accordance with § 163-70A(2)(c)[1], each required off-street parking space shall have a vertical clearance of at least 6 ½ feet. For 90° parking, a minimum width of 9 feet, length of 19 feet and aisle width of 24 feet are required. The parking on Lots 9 and 10 conform to these requirements. The parking in the garage does not conform to these requirements, proposing 18 foot long spaces within the parking garage. As proposed, a variance is required.
 9. In accordance with § 163-70A(2)(c)[3], each parking space shall be provided with a sufficient backup area to permit egress in one maneuver consisting of one backward and one forward movement. The plan does not conform to this requirement, proposing parking on Lots 9 and 10 where the driver must backup into the public right-of-way. As proposed, a variance is required.
 10. In accordance with § 163-70A(2)(c)[5], every off-street parking lot shall be surfaced with an asphaltic or Portland cement binder pavement providing an all-weather, durable and dustless surface and shall be graded and drained to dispose of surface water accumulation by means of a positive stormwater drainage system connected to a public sewer system. The plan does not conform to these requirements, proposing no means of stormwater drainage. See Section 5.1 below for more detail. As proposed, a variance is required.
 11. In accordance with § 163-70A(2)(c)[7], car stops or curbs shall be provided. The parking on Lots 9 and 10 conforms to this



requirement. The parking in the garage does not indicate curbs or car stops. As proposed, a variance is required.

12. In accordance with § 163-70A(3)(a), off-street parking spaces shall be provided in accordance with the required off-street parking spaces set forth in Schedule IV, Schedule of Required Off-Street Parking Spaces. In addition to the number of spaces shown on the schedule, each use having employees on the premises shall provide one space for each 1 ½ employees. Eight (8) apartment units are proposed. In accordance with the RSIS, two-bedroom apartments require 2.0 spaces per unit. Therefore, 16 spaces are required for the residential aspect of the project. The applicant proposes a restaurant and bar and water taxi service as well as the residences. The applicant must provide the proposed restaurant capacity in order to calculate the number of parking spaces required (1 space per 30% of the capacity). However, considering only 4 spaces over the spaces devoted to the residents are proposed it is clear that the plan does not conform to the minimum parking requirements. In addition, the water taxi business will also require some number of parking spaces. The applicant should be prepared to address the lack of parking proposed. The plan does not conform to this requirement, proposing 20 spaces. As proposed, a variance is required.

13. In accordance with Schedule V, one (1) loading space is required. A loading area is not shown on the plans. The applicant should be prepared to address where loading/unloading will occur and how the plan conforms to Schedule V and §163-70B. As proposed, a variance is required.

4.4 Signs

1. Two (2) business signs are indicated on the provided plans. Details of the signs should be provided to address conformance with §163-71D.
2. A total area of 272 square feet of signage is proposed on the southern façade. The plans indicated that the sign area is 3.3% of the wall area and therefore conforms to the requirements of §163-71I(4)(c).

4.5 Performance Standards

1. In accordance with § 163-59J(1), all uses established in any commercial district shall comply with the performance standards set forth in § 163-73.



2. No outdoor display or storage of merchandise or equipment shall be permitted in any commercial district unless located to the rear of the principal building on the lot in question.
3. In accordance with § 163-73H(1), in no event shall the sound-pressure level of noise radiated continuously from a use or activity in any district exceed, at the lot line, the values given in the Maximum Sound Level Table (found in the code) in any octave band of frequency. However, where the lot line adjoins or lies within 25 feet of the boundary of a residential district, the sound-pressure levels of noise radiated shall not exceed, at the lot line, the values given in the Residential Sound Level Table (found in the code) in any octave band of frequency.

Note: The applicant and applicant's engineer should be prepared to provide testimony as to the proposed sound levels anticipated including, but not limited to, sounds originating from music (live or recorded), water taxi, outdoor crowd noise, etc.

4.6 Urban Design Standards

1. In accordance with § 163-74G(1), at least 50% of the total exposed surface of all flat roofs, including but not limited to decks, balconies and parking garage roofs, shall be landscaped as roof gardens. The landscaping may be either distributed on every exposed roof surface or concentrated in selected areas.

Note: The applicant should be prepared to address this requirement.

2. In accordance with § 163-74G(2), the balance of flat surfaces should be developed in such a manner as to be totally acceptable from an aesthetic point of view and built of nonreflective materials in order to secure agreeable visual conditions in the roofscaping of the City. Rooftops at the level of 385 feet above sea level are not subject to landscape treatments since they are not visible.

Note: The applicant should be prepared to address this requirement.

3. In accordance with § 163-74G(3), side surfaces should be treated with nonreflective materials. The use of reflective materials may be allowed, provided that reflective surfaces do not have adverse impacts on surrounding uses, such as increasing the cooling loads of the structures upon which they reflect heat, causing visual discomfort and the like.

Note: The applicant should be prepared to address this requirement.

5.0 Design Standards



5.1 Stormwater Management

According to the plan submitted, 8,580 square feet of impervious surfaces and less than 1 acre of total disturbance is proposed. As such, the NJDEP Stormwater Management Rules (NJAC 7:8) are not triggered. However, proper stormwater drainage must be addressed. No inlets, catch basins, or stormwater piping are shown. It appears that there is a proposed low spot (elev. 6.21) near the entrance to the parking garage. Sunset Avenue also appears to have a low point adjacent to the proposed driveway. The applicant's engineer should address this issue. In addition, the proposed parking lot across Sunset Avenue is proposed where a building currently exists. The applicant's engineer should address how the current drainage patterns, volume, and quality compares to the proposed and how it will affect Sunset Avenue.

5.2 Utilities

No existing or proposed sewer or water utilities are shown. This information should be added to the plan.

5.3 Landscaping

As addressed in 4.3.4 above, the plan does not conform to the parking lot shade tree requirement. In addition, the applicant should consider additional evergreen screening around the proposed trash enclosure. The following landscape notes should be added to the plan and the landscape details revised accordingly.

- a. All areas not landscaped or improved shall be seeded or sodded.
- b. All plant material shall be twice transplanted, nursery-grown, and conform to the standards of the American Association of Nurserymen.
- c. A minimum of 4" of shredded mulch shall be placed in all planting beds.
- d. Each plant to be at the top of its size class after shearing and pruning.
- e. Each plant to be free from disease, insect infestation, and mechanical injuries and in all respects be suitable for field planting.
- f. Size of plantings as noted in the landscape schedule is at the time of planting.



- g. The applicant shall be responsible for all plant material for a period of two (2) years from the date of planting. Any such material that dies within this period must be removed including the stump and replaced by materials of similar size and species at the expense of the applicant.

5.4 Lighting

Pole, wall mounted, and bollard lighting is proposed and acceptable.

5.5 Street Improvements

No Sunset Avenue street improvements are proposed. However, the plan proposes site improvements abutting the existing cartway and within the public right-of-way. The condition of the existing cartway and drainage facilities should be addressed. The CRDA Land Use Regulation Board may require off-tract improvements per § 163-128 and § 163-130. Consideration should be given to provide curb along the northwest side of Sunset Avenue.

6.0 General Comments

- 6.1 The following construction details should be added to the plan set.

- a. Wheel Stop
- b. Handicap ramps

- 6.2 The paving detail should be updated to use the current asphalt nomenclature per NJAPA Asphalt Paving Design Guide.

7.0 Fees, Contributions and Obligations

7.1 Approval Process

Upon receipt of CRDA approval, resolution compliance and outside agency approvals, copies of the approvals along with eleven (11) sets of the site plan should be submitted to this office for signature.

7.2 Performance Bond and Inspection Escrow

The applicant's engineer should submit a schedule of quantities to be reviewed and utilized for the purpose of preparing a cost estimate for the installation of all improvements. Such estimate shall be the basis for the applicant to furnish performance and maintenance guarantees in accordance with § 163-136. In addition, an inspection escrow account shall be established.

7.3 Escrow

The applicant must contact the CRDA Land Use Administrative Official to settle any outstanding review escrow accounts prior to the plans being signed.

8.0 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 Land Use Regulation Board.

- Atlantic City Municipal Utilities Authority;
- Atlantic City Fire Official;
- Cape-Atlantic Soil Conservation District;
- Atlantic County Planning Board;
- Atlantic County Utilities Authority;
- New Jersey Department of Environmental Protection; 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: Rose Ann Lafferty, Land Use Regulation & Enforcement Officer
Paul Weiss, Esquire
Scott Collins, Esquire
Robert Boselli, Jr.
Raymond J. Went, Jr., Esq.
Arthur W. Ponzio, Jr., P.L.S., P.P.
Stephen J. Fenwick, R.A.

