



# MARATHON

Engineering & Environmental Services

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December 30, 2018

SIF 001.02  
Hand Delivered

**Attn: Robert Reid, Land Use Enforcement Officer**  
**Casino Reinvestment Development Authority**  
15 South Pennsylvania Avenue  
Atlantic City, NJ 08401

**RE: Preliminary & Final Site Plan Application – Information to Perfect Approval**  
**1401 Boardwalk Commercial Project**  
**Applicant & Owner: Schiff Enterprises**  
**Block 53, Lot 14**  
**Tennessee Avenue and St. James Place**  
**Atlantic City, Atlantic County, New Jersey**  
**CRDA Application# 2017-06-2215**

Dear Mr. Reid:

Marathon Engineering & Environmental Services, Inc. (Marathon) is assisting the Applicant, Schiff Enterprises, on the preparation and approval of a Use Variance and Preliminary & Final Site Plan application for the above referenced project. The project received approval at the CRDA's May 3, 2018 public hearing. The following is a response letter in an effort to perfect the approval and address the items raised in ARH's April 27, 2018 review letter as well as the decisions made by the CRDA during the May public hearing. An item-by-item response is provided in response to the comments in ARH's review letter.

Please find enclosed the following materials in support of the perfection of our Use Variance and Major Site Plan Approval:

- 1) Revised Engineering Plans prepared by Marathon entitled "1401 Boardwalk, Block 53, Lot 14, City of Atlantic City, Atlantic County, New Jersey", Issue 4, dated 05/26/2017, last revised 12/28/2018 (5 sets, 8 sheets each);
- 2) "*Resolution of Findings and Conclusions, Zoning Board of Adjustment of City of Atlantic City, Resolution #53 of 2005*" (5 copies);
- 3) CAFRA Permit No. 0102-05-0011.1, dated November 23, 2015 (5 copies);
- 4) Existing and Proposed Drainage Divide Plan, prepared by Marathon, entitled "Pre and Post Drainage Patterns, 1401 Boardwalk" project, dated 12-28-2018, no revisions (5 copies);
- 5) Compact Disc containing a pdf version of the Issue #4 set with a file size smaller than 4 MB and the Drainage Divide plan is also provided on the CD. (one disc).

Technical Review:I. Planner's Review Comments

1. *The property is located in the CRDA Resort Commercial (RC) Zone District, which purpose is enunciated at N.J.A.C. 19:66-5.10 as follows: "The purpose of the RC Resort Commercial District is to provide an array of land uses that will capitalize on the zoning district's geographical advantages of the zoning district's proximity to the Boardwalk and the Atlantic Ocean. The Resort Commercial District also offers the highest intensity residential offerings within the Tourism District with a variety of supportive commercial and services uses. The vision is to create an environment where residential and resort offerings seamlessly integrate."*

**Response: No response required.**

2. *The Applicant shall provide testimony relative to how the proposal advances the purpose of the RC Zone District. We note that the property is surrounded by the RC Zone District on three sides and the B Beach Zone District on the eastern side.*

**Response: Testimony was provided at the public hearing on May 3, 2018 which met the MLUL standards for how the project will advance the purpose of the RC Zone.**

3. *The subject property is located within the Atlantic City Tourism District. Pursuant to the New Jersey CRDA Atlantic City Tourism District Master Plan, the overall intention and vision is to "reinvigorate Atlantic City in the near-term as the leading resort destination in the Northeast and beyond (Page 4, New Jersey CRDA Atlantic City Tourism District Master Plan). Among others, overarching objectives are to "develop an economically viable and sustainable tourism district" and "[expand] Atlantic City's tourism and economic bases" (Id, Page 1-2).*

**Response: No response required.**

4. *The Applicant shall provide testimony relative to how the proposal advances the intention and vision of the CRDA Atlantic City Tourism District Master Plan.*

**Response: Testimony was provided at the public hearing on May 3, 2018 that illustrated how the project advances the intention and vision of the CRDA's Master Plan.**

5. *In conjunction with Phase Two, the Application requires relief from N.J.A.C. 19:66:5.10(a).i.iv.(7) for exceeding the maximum impervious cover of 80% permitted in the RC District. 88.4% impervious cover is proposed. The Applicant provides the following rationale for the request: "The proposed cover is consistent with the valid CAFRA permit and previous municipal land use approvals. Based on review of historical photographs, the property was covered with nearly 100% impervious cover."*

**Response: Testimony was provided at the public hearing as to the history of the site's impervious coverage consistent with the statement above. The requested variance was granted with the Approval**

6. *The Municipal Land Use Law (MLUL) at NJSA 40:55D-70c sets forth the standards for variances from bulk regulations of a zoning ordinance. A "c(1)" variance is for cases of hardship due to factors such as shape and topography, or due to "an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon." A "c(2)" variance may be granted where the purposes of zoning are*

*advanced and the benefits of deviating from the ordinance requirements outweigh any detriments. The benefits derived from granting a "c(2)" variance must include benefits to the community as a whole, not just to the applicant or property owner. A "c" variance application also must address the "negative criteria."*

**Response:** Testimony was provided at the public hearing on May 3, 2018 to support the requested variances which addressed both the benefits and the negative criteria. The requested variances were granted with the Approval.

7. *The Applicant shall provide testimony relative to the proposed landscaping, hardscaping, and overall architecture. Due to the site's prominent location, we note that aesthetics is of utmost concern.*

**Response:** Agreed. Testimony was provided as to the general intent of the landscaping, architecture, and hardscaping improvements to be constructed for the Phases Two and Three improvements. The Applicant agreed at the hearing to provide the CRDA a detailed layout and site structure details of the Phase Two concrete deck improvements prior to construction of those improvements. The Applicant also agreed to provide architectural plans and details of the Phase Three building to the CRDA for review and approval prior to applying for building permits with the City. Two notes have been added to Sheet C0002 under section "G. Approval Notes", #4 and #5, which require the submission of Phase Two and Phase Three detailed plans and details to the CRDA for review and approval prior to construction.

8. *The Applicant shall provide testimony relative to the various uses proposed in Phase Two. The Applicant shall provide information about site operations, lighting, security, dealing with adverse weather, etc. Of particular interest is the interplay between the family amusement area and the bar/restaurant area.*

**Response:** Testimony was provided at the May hearing describing the proposed uses the Applicant intends to develop on the Phase Two concrete deck platform to the satisfaction of the Board. Those uses are consistent with what is shown on the engineering plans. As indicated on the plans, there will be a physical segregation provided between adult areas where alcohol will be served from other areas which are geared toward family entertainment.

9. *The Applicant shall provide testimony relative to the proposed construction and layout of the ±11,900 s.f. one-story building during Phase Three.*

**Response:** Testimony was provided at the May hearing regarding the intent of the proposed Phase Three building which was consistent with the conceptual architectural layout plan provided with the original application. As indicated in response #7 above, "G. Approval Notes, #5" has been added to Sheet C0002 indicating the Applicant's obligation to provide detailed architectural plans to the CRDA prior to construction.

10. *This office reserves the right to prepare additional comments, conditions, etc. based on additional information provided as requested in this letter or as a result of the public hearing.*

**Response:** No response required.

## II. Engineer's Review Comments

### Drawing C-0002

1. *Provide a copy of the Atlantic City Zoning Board Resolution 2005-53 per General Site Note Number 6.*

**Response: Copies of the cited Resolution have been enclosed.**

2. *Provide a copy CAFRA permit Number 0102-05-0011.1 per General Site Note Number 8.*

**Response: Copies of the cited CAFRA Permit have been enclosed.**

3. *Revise General Note Number 18 to include CRDA Engineer.*

**Response: Note #18 has been revised as requested.**

4. *Revise General Note Number 20 to add "CRDA and submit to the CRDA Engineer for concurrence."*

**Response: Note #20 has been revised as requested.**

5. *Revise Utility Note Number 5 as follows: "and ASTM requirements and as directed in the field by the City or CRDA engineer."*

**Response: Note #5 has been revised as requested.**

6. *Clarify Section F Flood Hazard Area Notes. Clearly show in chart form the survey plan flood hazard area elevations, plan elevations and Boardwalk elevations and datum used in this set of drawings. Document compliance with the City's BFE+2' requirement.*

**Response: The "F. Flood Hazard Area Notes" have been modified with revised language added to Note #2 and the addition of new Notes #3 and #4. Presently, the City's Construction Office requires the finished floor elevation (FFE) to be 2.0 feet above the 1983 Effective FEMA maps which would require the FFE to be 10.7 in NAVD88 datum, which is the datum provided on the engineering plans. However, the FFE elevation for the engineering design was based on the Preliminary Maps (not yet effective for Atlantic City) which would require a minimum FFE of 12.0 (10 ft. base flood elevation plus 2 feet) in NAVD88 datum. Hence, the finished floor elevation of 12.0 meets both the Effective FEMA map and the Preliminary Maps including the City's plus 2 foot added clearance. Please note that the conversion factor to change from the NGVD29 datum to the NAVD88 datum is provided in the revised plans notes.**

7. *Parking demand. The applicant has demonstrated that the parking demand for Phase 2 is 67 spaces and Phase 3 is 52 spaces. The site contains 144 spaces.*

**Response: Agreed.**

*Drawing C-0101 (Demolition)*

1. *Coordinate with the City and Public Works Boardwalk Division for location and attachment details for the relocated railing. The applicant shall incur all costs associated with this work, including the fees of any and all professionals necessary.*

**Response: This Phase One work has been completed and the Applicant did coordinate with the City as required.**

*Drawing C-0201*

1. *Provide a cross section and detail for the continuous concrete perimeter foundation footings for the future Phase 3 building. Show location and limits on the plan. What access points will be created to access the area under the slab? How will access be restricted, particularly from areas under the Boardwalk?*

**Response: As agreed to at the public hearing, the Applicant will provide detailed plans for CRDA review prior to construction. However, please note, there will be no open space (i.e. crawl space) beneath the concrete slab. The entire area within the continuous concrete foundation wall will be backfilled with fill and compacted. The concrete slab will sit atop the perimeter footing wall, the internal pilings, and fill.**

2. *Clarify how access will be retained by the City for repairs/maintenance of City owned ramps, etc. on Tennessee and St. James Place.*

**Response: The City's ramps will be accessible for mainenance via the public right-of-ways of Tennessee Avenue, St. James Place, and the Boardwalk.**

3. *Provide additional detail for the cantilevered concrete sidewalk. How will this sidewalk abut the Boardwalk at its existing edge? What modifications to the Boardwalk will be necessary (if any) and will Boardwalk crews be able to access this area for repairs and maintenance? Can the cantilevered concrete sidewalk be notched to accept the deck boards of the Boardwalk and to provide a proper nailer for the ends of the Boardwalk decking?*

**Response: As agreed to in the public hearing, the Applicant will provide architectural plans and construction details to the CRDA for review and approval prior to construction of the Phase Two deck. A note has been added to plan Sheet C0002, "G. Approval Notes, #1", indicating such.**

4. *The Applicant shall be responsible for all costs related to any modifications to the Boardwalk necessary to accommodate this project.*

**Response: A note has been added to plan Sheet C0002, "G. Approval Notes, #2" indicating such.**

5. *Any revisions or modifications to the Boardwalk must be reviewed and approved by the City and CRDA Engineer and the Public Works Boardwalk Division.*

**Response: A note has been added to plan Sheet C0002, "G. Approval Notes, #3" indicating such**

6. *The applicant shall address the overland drainage flow from the parking lot and the proposed perimeter foundation wall for the Phase 3 building being constructed under Phase 2.*

**Response:** The existing overland flow drainage patterns will not be disrupted due to the construction of the building foundation. The stormwater presently flows away from the Boardwalk and into the site in a northwesterly direction than splits with approximately half headed northeast to Tennessee Avenue and the rest flowing southwest to St. James Place. A "Pre and Post Drainage Patterns" plan has been provided to demonstrate the overland flow before and after construction of the building foundation. As demonstrated in the graphic, since the existing bituminous parking lot grades will not be modified, the water will continue to have a positive flow away from the new building's foundation and out to the inlets in the adjacent public right-of-ways.

#### *Drawing C-0202*

1. *Identify all existing and proposed drainage patterns.*

**Response:** A separate "Pre and Post Drainage Patterns" plan has been enclosed displaying the drainage patterns. Since architectural plans have not been prepared at this time, we have estimated that at the building's center jog, the roof leader system will break north and south. We estimate that approximately 1,365 s.f. of the existing southern drainage area will be diverted to the northern drainage area. This 1,365 s.f. has been depicted on the plan. We feel this modification to the drainage areas is inconsequential to the overall drainage of the area due to the proximity of the ocean. If the CRDA is not in agreement with the assessment, the roof drainage system could be modified to eliminate this minor alteration of drainage areas.

2. *There appears to be a conflict with fencing notes for the 60" high black decorative and the reuse of Boardwalk metal pipe railing. Clarify the notes and/or limits of each. Revise the note to read "St. James" rather than "Tennessee"?*

**Response:** The labeling conflicts have been rectified as required. The Applicant will be utilizing the new black decorative fence along the three sides of their Phase Two platform.

3. *Show, in schematic form, how the various structures will connect to the proposed sewer and water connections.*

**Response:** As agreed to at the meeting, the Applicant will construction details for the sewer and water connections into the building foundation to the CRDA for review and approval prior to construction.

4. *Provide a lighting plan showing the location of all proposed lights, support poles, electric control switching, etc. Provide and isolux light level plan.*

**Response:** As indicated on Plan Sheet C0202, commercial grade string lights will be utilized to illuminate the Phase Two deck platform similar to other outside non-residential venues along the Boardwalk. A note has been added to the detail indicating "Adequate light levels shall be determined by the CRDA

***post construction. Applicant agrees to work with the CRDA on meeting a mutually effective lighting levels on the concrete deck platform.”***

5. *Provide elevations of the controlled access points and overhead trellis for review by the Board at the time of presentation.*

**Response:** As agreed to at the public hearing, the Applicant will provide detailed layout and construction details to the CRDA for review and approval prior to construction. The Applicant intends to provide a barrier and controlled access points similar to the layout provided on the plans and in accordance with ABC standards.

*Drawing C-0203 – No Comment*

*Drawing C-0301*

1. *Show proposed grading of the loading/dumpster area and how it will affect or be affected by the existing parking lot drainage patterns.*

**Response:** The new concrete dumpster pad will meet the existing grade of the surrounding existing bituminous parking lot flush as indicated on the plan view. The contractor will provide a slope of  $\frac{1}{4}$ " to  $\frac{1}{2}$ " per foot (2%-4%) away from the new foundation wall and will build up the height of the dumpster pad against the solid back filled foundation wall as necessary to provide those slopes. Existing spot elevations are not available in the exact location of the proposed interface of the proposed concrete pad and the existing paving. However, since the existing topography is consistent with the proposed grading of the dumpster pad, we see no reason the contractor will have any issues providing the 2% to 4% grade away from the matchline as indicated on the plan. The following label has been added to the planview indicating, ***“Contractor shall raise proposed grade along proposed building foundation wall as needed to provide 2%-4% positive grade away from building and at the same time match new concrete elevations flush with existing bituminous parking lot.***

2. *Where will roof drainage be discharged? Provide details.*

**Response:** As agreed to at the public hearing, the Applicant will provide architectural plans with roof layouts and downspout locations to the CRDA for review and approval prior to construction. The preliminary architectural plans indicate the building will have a simple gable roof design with the majority of the roof's surface sloping to the northwestern side of the building (away from the Boardwalk). In an effort to maintain the current drainage patterns, it is expected that the building's roof and gutter system will collect and discharge the water to the rear of the building onto splash blocks. Roof drainage will not be discharged directly onto the Boardwalk. Based on the Pre and Post Drainage Patterns plan, there will be an estimated 1,365 s.f. of drainage area that will be directed away from the southwest drainage divide area and toward the northeast area.

3. *Provide elevations on all proposed additions.*

**Response:** As agreed to at the public hearing, the Applicant will provide complete architectural plans to the CRDA for review and approval prior to construction of the Phase Three building.

4. *Provide architectural elevations/cross sections for the walkway addition.*

**Response:** As agreed to at the public hearing, the Applicant will provide complete architectural plans to the CRDA for review and approval prior to construction of the Phase Three building.

5. *Provide architectural details of the dumpster enclosure, including the proposed gates, gate posts, etc.*

**Response:** As agreed to at the public hearing, the Applicant will provide complete architectural plans to the CRDA for review and approval prior to construction of the Phase Three building. This submission will include details of the dumpster enclosure. As shown on the engineering plans, most of the dumpster will back up to the proposed new building foundation wall with two sets of gates to screen the area from the parking lot.

#### *Drawing C-1101*

1. *Detail how the proposed fencing will need to be attached to the planters.*

**Response:** Note #7 has been added to the Timber Planter Box Details that indicates "Applicant shall provide a detail to the CRDA which illustrates the connection of the decorative fence to the wood planters." It is understood that the connection must be secure enough to withstand potential human vandalism or attempts to separate.

2. *All concrete shall be air entrained. Revise notes as needed.*

**Response:** The details have been revised to indicate the concrete will be air entrained.

3. *On site paving detail-change DGA to 3" thick.*

**Response:** The paving detail has been revised to indicate 3 inches of DGA.

4. *All class 57 stone shall be "choked", unless it is wrapped in filter fabric.*

**Response:** The detail has been revised to indicate that the stone shall be wrapped in filter fabric.

5. *Identify the filter fabric overlap in the sanitary sewer detail as 2'-0" minimum.*

**Response:** The detail has been revised to indicate a minimum 24 inch overlap of the filter fabric.



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### III. Standard Comments

1. *Provide cost estimated and bonding as required.*

**Response: A bond estimate will be prepared by Marathon and provided to the CRDA in the near future for review.**

2. *Provide updated plans as necessary.*

**Response: Agreed. Revised Issue #4 engineering plans have been enclosed for review.**

3. *Applicant shall schedule a preconstruction meeting with the CRDA Engineer and City Engineer at least 30 days prior to the anticipated start of construction.*

**Response: A note has been added to plan Sheet C0002, "G. Approval Notes, #6", indicating such.**

4. *Comply with all CRDA administrative requirements.*

**Response: Agreed.**

5. *Submit the proper number of plans required by the CRDA for signatures. Provide CAD and PDF files of the final plans.*

**Response: Agreed. Marathon will provide plans and pdf when plans have been deemed perfected as directed to by the CRDA.**

6. *This application is subject to the review and approval of various outside agencies. Copies of all approvals must be submitted to the CRDA and the CRDA Engineer prior to the signing of final plans and the start of construction.*

**Response: Agreed. A Soil Conservation District Certification is required and will be provided to the CRDA upon receipt.**

7. *All professional fees shall be paid and inspection escrow posted prior to construction.*

**Response: Acknowledged.**

8. *This office reserves the right to prepare additional comments, conditions, etc. based on additional information provided as requested in this letter or as a result of the public hearing.*

**Response: Acknowledged.**

If you have any questions or require additional information, please do not hesitate to contact me at (609) 437-2100 ext. 114 or via e-mail at Karen.ingram@marathonconsultants.com.

Sincerely,

**Marathon Engineering & Environmental Services, Inc.**



Karen Ingram, LLA  
Project Landscape Architect

Enclosures: 5

CC: Robert Schiff, Applicant & Owner (via e-mail)  
George Miller, Esq. for Applicant (via e-mail)  
David J. Fleming, PE, Marathon