



Principals
 Richard Rehmann, GISP
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April 12, 2021

Robert L. Reid, AICP, PP, Land Use Regulation Officer
 Casino Reinvestment Development Authority
 Division of Land Use and Regulatory Enforcement
 15 S Pennsylvania Avenue
 Atlantic City, NJ, 08401

Re: Land Use Application
 Atlantic City Investment, LLC Phase 2
 10 S. New York Avenue (Block 151, Lot 15)
 Atlantic City, NJ, 08401
 ARH File: 24-10015.03

Dear Mr. Reid:

ARH ASSOCIATES has received the above captioned Application for review. The Applicant also seeks Minor Site Plan Approval for phase two (2), to renovate the existing second to fifth floors into residential units and a 6,002 square foot partial addition on the fifth floor on Block 151, Lot 15. As part of phase two (2) improvements variances will be required for minimum front, side, and rear yard setbacks, as well as maximum density. The parking requirements do not need variances since the parking shortfall is less than the original grandfathered parking shortfall.

Block 151, Lot 15 is in Atlantic City’s Resort Commercial (RC) Zoning District.

This report consists of a review of the Subject Application for conformance with Casino Reinvestment Development Authority checklists. Comments are limited to the information presented to date. The Applicant may present additional information and testimony at the Board hearing on this matter.

I. OWNER & APPLICANT INFORMATION

OWNER/APPLICANT

Atlantic City Investments LLC f/k/a Longacre New Jersey Properties, LLC
 1621 McKean Street
 Philadelphia, PA 19145
 609-572-7544

ntalvacchia@cooperlevenson.com

II. SUBMITTALS

TITLE / DESCRIPTION	PREPARED / SIGNED / SEALED BY	DATE	DATE LAST REVISED
CRDA Land Use Application	Owner / Applicant	3/30/2021	
Escrow Set Up Information	Owner/ Applicant	3/30/2021	
Certified 200’ Property Owners List	Barbra Allen Woodley-Dillion, PP, AICP	3/30/2021	
Land Development Rules Compliant Analysis	Sciullo Engineering Services, LLC	3/29/2021	
Certification of Paid Taxes	AC Tax Collector	3/29/2021	
Boundary Survey	Steven R. Kelly, PLS, PP	6/24/2015	
Architectural Plans	Paul Drzal, AIA NCARB	3/29/2021	

ARH Associates

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III. PLANNING REVIEW

A. Area & Bulk Standards (19:66-5.12)

ITEM	REQUIRED	EXISTING	PROPOSED	STATUS
19:66-5.10(a)1i(6),(20) and (21) USE	RETAIL & MULTIFAMILY MID-RISES	VACANT RETAIL & OFFICES	RETAIL & MULTIFAMILY MID-RISES	CONFORMS
MAXIMUM HEIGHT -PRINCIPAL -ACCESSORY	300 FT 35 FT	54 FT N/A	NO CHANGE N/A	CONFORMS
MINIMUM LOT AREA	7,500 SF	10,080 SF	NO CHANGE	CONFORMS
MINIMUM LOT DEPTH	150 FT	168 FT	NO CHANGE	CONFORMS
MINIMUM LOT WIDTH	50 FT	60 FT	NO CHANGE	CONFORMS
MINIMUM LOT FRONTAGE	50 FT	60 FT	NO CHANGE	CONFORMS
MAXIMUM BUILDING COVERAGE	70%	69.7%	NO CHANGE	CONFORMS
MAXIMUM IMPERVIOUS COVERAGE	80%	100%	NO CHANGE	EXISTING NON-CONFORMING
MINIMUM FRONT YARD	20 FT <35 FT HEIGHT	0 FT	0 FT (5 th FLOOR ADDITION)	VARIANCE REQUIRED
MINIMUM SIDE YARD NORTH SOUTH	20 FT <35 FT HEIGHT	0 FT 7 FT	7 FT (5 th FLOOR ADDITION)	VARIANCE REQUIRED
MAXIMUM REAR YARD	20 FT	5.90 FT	5.90 FT (5 th FLOOR ADDITION)	VARIANCE REQUIRED
FLOOR AREA RATIO	N/A	N/A	N/A	-
OPEN SPACE	N/A	N/A	N/A	-
MAXIMUM DENSITY (DWELLINGS PER ACRE)	50 DU/AC	N/A	138.3 DU/AC	VARIANCE REQUIRED
19:65-5.8(b) MIN. PARKING	80	0*	0**	EXISTING NON-CONFORMING

Notes:

1. There is a grandfathered shortfall of parking as follows:
 - a. The building formerly included 11,115 sf of classroom space. Pursuant to the Uniform Construction Code, each student requires 20 square feet which results in a maximum of 555 students. Pursuant to NJAC 19:66-5.8(b)10, instructional academies are required to provide 1 space for each six students, therefore the classroom parking deficiency is 92.5 parking spaces.
 - b. The building formerly contained 11,204 square feet of office space, Pursuant to NJAC 19:66-5.8(b)8, professional offices are required to provide 1 space for each 400 square feet of floor area, therefore the office space parking deficient is 28.01 parking spaces.
 - c. The building formerly contained 1,418 square feet of commercial/retail space. Pursuant to NJAC 19:66-5.8(b)1, retail uses must provide 1 space for each 300 square feet of floor area, therefore the retail parking deficiency is 4.73 spaces.
 - d. The total grandfathered parking deficiency is 125.24 parking spaces.

2. The proposed parking requirement for the total project including both Phases 1 and 2 is as follows:
 - a. The proposed residential dwellings on the second through fifth floors total three 2-bedroom apartment and 28 studio/1-bedroom apartments. Pursuant to NJAC 19:66-5.8(a), the NJ Residential Site Improvement Standards (RSIS) at NJAC 5:21 are required by reference. Pursuant to NJAC 5:21-4.14(b) and Table 4.4 of RSIS, garden apartment requirements apply. 1-bedroom garden apartments are required to provide 1.8 spaces/unit and 2-bedroom apartments are required to provide 2.0 spaces/unit. The total required residential parking for the project (Phase 1 and 2) is 1.8 spaces/unit x 28 units + 2.0 spaces/unit x 3 unit = 56.4 spaces.
 - b. Pursuant to NJAC 19:66-5.8(b)1, retail uses must provide 1 space for each 300 square feet of floors area. The 7,025 square feet of retail space on the ground floor is required to provide 23.4 parking spaces.
 - c. The total required parking for the entire project (both Phases 1 and 2) is 79.8 spaces, rounded up to 80 parking spaces.
3. The grandfathered shortfall of parking of 125.2 parking spaces exceeds the proposed demand of 80 parking spaces. No variance relief is needed for the existing 0 on-site parking spaces to remain. The proposed parking demand will be absorbed in surrounding surface lots, street parking, and the South Jersey Transportation Authority (SJTA) parking garage directly across New York Avenue from the site.

IV. COMPLETENESS REVIEW

The following addresses conformance with the Board’s Checklists and does not reflect adequacy of submissions for review purposes. The correct number of copies are assumed to have been submitted. Column entries reflect **ARH**’s review of Applicant’s submissions.

This office recommends that this Application be deemed Complete at this time. Applicant is asked to address submission deficiencies as follows:

Major Preliminary Site Plan Checklist (Form #6)

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
1	Completed Land Use Application	X	X		
2	Payment of Required Application and Escrow Fees (19:66-3.4)	X	X		
3	Name and address, email address of property owner and applicant.	X	X		
4	Proof of real estate taxes and other assessments paid.	X	X		
5	Name, signature, license number, seal and address of each professional consultant, as applicable, involved in preparation of required documents.	X	X		

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
6	Project narrative describing existing conditions, surrounding uses and the proposed development including list of variance and design waiver relief sought, if any.	X	Applicant shall provide a list of waiver relief sought after		
7	Title block denoting type of application, tax map sheet, project address, block and lot, and street location.	X	X		
8	Proof of ownership of property. (Report of title, copy of deed AS FILED with the Atlantic County Clerk's Office, affidavit or other documentation evidencing ownership.)	X	X		
9	Consent of property owner to applicant to development project.	X	X		
10	FOR ADMINISTRATIVE REVIEW AND APPROVAL: Certification from Applicant's licensed professional that the development proposed meets all requirements and no variance or design waivers are requested. (19:66-4.6)	X	N/A		
11	Zoning Schedule listing: Use, lot area, lot width, lot depth, yard setbacks, floor area ratio, density, building coverage, building height and parking requirements, including existing and proposed with conformity status of each.	X	X		
12	Certified List of Property Owners within 200' Radius of the subject property by City of Atlantic City Tax assessor's Office.	X	X		
13	Public Notice in compliance with NJSA 40:55D-12.	X	X		
14	North arrow, scale and graphic scale	X	X		
15	Signature blocks for Hearing Officer, Land Use Regulation Enforcement Officer, Engineer and Planner.	X		X	X
16	Key map(s) at a legible scale showing location of property with existing structures, uses, streets, public right of ways, municipal boundaries, public parks, beaches, environmental	X		X	X

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
	sensitive areas, zoning district boundaries within 200 feet of the subject property. Property tax lots within 200 feet of the subject property taken from the most recent municipal tax map records.				
17	List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc. as recorded or in recordable form if proposed.	X	X		
18	List of development stages or phases, if any.	X	X		
19	List of approvals or permits required by other regulatory authorities having jurisdiction and the status of same.	X	X		
20	Land Title Survey and topographic survey depicting existing conditions prepared by New Jersey licensed professional land surveyor. All elevations shall be based on NAVD 1988. The horizontal datum shall on the NJ State Plane Coordinate System (NAD 1983) Survey shall include all existing conditions, including buildings, structures, parking areas with parking space striping, driveways, walkways, fences, stoops, stairs, porches, easements, walls, patios, curbs, roof overhangs, overhead wires, bay windows, building setbacks of building on-site and adjoining the site, landscape areas, trees, utility poles, flag poles, directional and identification signs, spot elevations, contours in one foot intervals, FEMA Flood Zone, State Claim areas, utility poles, utilities such as water, sanitary sewer, storm sewer, electric, gas, cable, telephone, etc. Improvements in adjoining right-of-ways / roadways / streets including painted traffic markings.	X	X		
21	Stormwater management plans and drainage calculations. (19:66-7.5).	X	N/A		
22	Site Plan depicting proposed buildings, structures, existing and	X		X	X

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
	proposed building setbacks, landscape areas, location of identification signage and directional signs, trash enclosure, building setback lines (dashed) and their dimensions from the property lines, parking area plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions.				
23	Grading plan depicting direction of flow of surface run-off, spot elevations, contours within 1 foot intervals, stormwater management structures.	X		X	X
24	Landscaping Plan, details and plant schedule (19:66-7.6)	X		X	X
25	Lighting plan and details (19:66-7.10)	X		X	X
26	Soil Erosion and Sediment Control Plan. (Required for soil disturbance of 5,000 sq. ft. or greater)	X		X	X
27	Plans of proposed utility layouts including sanitary sewer, water, gas, telephone, cable and electricity and showing proposed connections to existing or any proposed utility systems.	X		X	X
28	Road and paving cross-sections and profiles.	X		X	X
29	Solid and liquid waste management plan.	X		X	X
30	Vehicular and pedestrian circulation patterns, Traffic control signs, directional signs and Sight triangles	X		X	X
31	Preliminary architectural plan and elevations, and areas and type of each proposed use.	X	X		
32	Electronic copy of the full application including application, photos, maps, reports, plans and other exhibits in pdf format. Maximum size of file(s) 4 MB.	X	X		

Major Final Site Plan Checklist (Form #7)

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
1	Completed Land Use Application	X	X		
2	Payment of Required Application and Escrow Fees (19:66-3.4)	X	X		
3	Name and address, email address of property owner and applicant.	X	X		
4	Proof of real estate taxes and other assessments paid.	X	X		
5	Name, signature, license number, seal and address of each professional consultant, as applicable, involved in preparation of required documents.	X	X		
6	Project narrative describing existing conditions, surrounding uses and the proposed development including list of variance and design waiver relief sought, if any.	X	Applicant shall provide a list of waiver relief sought after		
7	Title block denoting type of application, tax map sheet, project address, block and lot, and street location.	X	X		
8	Proof of ownership of property. (Report of title, copy of deed AS FILED with the Atlantic County Clerk's Office, affidavit or other documentation evidencing ownership.)	X	X		
9	Consent of property owner to applicant to development project.	X	X		
10	FOR ADMINISTRATIVE REVIEW AND APPROVAL: Certification from Applicant's licensed professional that the development proposed meets all requirements and no variance or design waivers are requested. (19:66-4.6)	X	N/A		
11	Zoning Schedule listing: Use, lot area, lot width, lot depth, yard setbacks, floor area ratio, density, building coverage, building height and parking requirements, including existing and proposed with conformity status of each.	X	X		

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ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
12	Certified List of Property Owners within 200' Radius of the subject property by City of Atlantic City Tax assessor's Office.	X	X		
13	Public Notice in compliance with NJSA 40:55D-12.	X	X		
14	North arrow, scale and graphic scale	X	X		
15	Signature blocks for Hearing Officer, Land Use Regulation Enforcement Officer, Engineer and Planner.	X		X	X
16	Key map(s) at a legible scale showing location of property with existing structures, uses, streets, public right of ways, municipal boundaries, public parks, beaches, environmental sensitive areas, zoning district boundaries within 200 feet of the subject property. Property tax lots within 200 feet of the subject property taken from the most recent municipal tax map records.	X		X	X
17	List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc. as recorded or in recordable form if proposed.	X	X		
18	List of development stages or phases, if any.	X	X		
19	List of approvals or permits required by other regulatory authorities having jurisdiction and the status of same.	X	X		
20	Land Title Survey and topographic survey depicting existing conditions prepared by New Jersey licensed professional land surveyor. All elevations shall be based on NAVD 1988. The horizontal datum shall on the NJ State Plane Coordinate System (NAD 1983) Survey shall include all existing conditions, including buildings, structures, parking areas with parking space striping, driveways, walkways, fences, stoops, stairs, porches,	X	X		

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
	easements, walls, patios, curbs, roof overhangs, overhead wires, bay windows, building setbacks of building on-site and adjoining the site, landscape areas, trees, utility poles, flag poles, directional and identification signs, spot elevations, contours in one foot intervals, FEMA Flood Zone, State Claim areas, utility poles, utilities such as water, sanitary sewer, storm sewer, electric, gas, cable, telephone, etc. Improvements in adjoining right-of-ways / roadways / streets including painted traffic markings.				
21	Stormwater management plans and drainage calculations. (19:66-7.5).	X	N/A		
22	Site Plan depicting proposed buildings, structures, existing and proposed building setbacks, landscape areas, location of identification signage and directional signs, trash enclosure, building setback lines (dashed) and their dimensions from the property lines, parking area plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions.	X		X	X
23	Grading plan depicting direction of flow of surface run-off, spot elevations, contours within 1 foot intervals, stormwater management structures.	X		X	X
24	Landscaping Plan, details and plant schedule (19:66-7.6)	X		X	X
25	Lighting plan and details (19:66-7.10)	X		X	X
26	Soil Erosion and Sediment Control Plan. (Required for soil disturbance of 5,000 sq. ft. or greater)	X		X	X
27	Plans of proposed utility layouts including sanitary sewer, water, gas, telephone, cable and electricity and showing proposed connections to	X		X	X

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
	existing or any proposed utility systems.				
28	Road and paving cross-sections and profiles.	X		X	X
29	Solid and liquid waste management plan.	X		X	X
30	Vehicular and pedestrian circulation patterns, Traffic control signs, directional signs and Sight triangles	X		X	X
31	Preliminary architectural plan and elevations, and areas and type of each proposed use.	X	X		
32	Estimate of costs of on-site and off-site improvements [19:66-3.4 (b)]	X		X	X
33	Electronic copy of the full application including application, photos, maps, reports, plans and other exhibits in pdf format. Maximum size of file(s) 4 MB.	X	X		
34	Performance guarantee [19:66-3.4 (b)]	X		X	X
35	Maintenance guarantee (19:66-16.3)	X		X	X
36	Inspection Fees (19:66-16.1)	X		X	X

The following addresses conformance with the CRDA's list of Required Application items for Major Preliminary Site Plan Checklist (Form #6), Major Final Site Plan Checklist (Form #7), and does not reflect adequacy of submissions for review purposes. The correct number of copies are assumed to have been submitted. Column entries reflect **ARH's** review of Applicant's submissions.

The application package has requested submission waivers for several items in the Major Site Plan checklists.

V. ENGINEERING REVIEW

- A. Applicant shall provide testimony, whether there is any proposed identification signage or not, if so additional information on the proposed signage shall be provided.
- B. Applicant shall provide testimony related to the ADA accessibility of the building entrance one renovations are complete.
- C. Applicant shall provide additional information related to existing lighting outside of the building.
- D. Applicant shall provide additional information/details related to the structural repairs and waterproofing that is proposed.
- E. Applicant shall provide additional information related to trash removal.
- F. Applicant shall clarify how residents access the building. Will the only entrance be off of New York Avenue, or will residents be able to enter the building from the stairwell in the rear of the building via the alley area?

VI. COFONE CONSULTING REVIEW

A. Zoning Compliance

The property is located in the Resort Commercial (RC) District. As stated at CRDA Land Development Rules Section at N.J.A.C. 19:66-5.10, the purpose of the RC District is 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.

B. Master Plan Review

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).

C. Planning Analysis and Issues for Consideration by the Board

In regard to the "d(4)" density variance, the Municipal Land Use Law (MLUL) at NJSA 40:55D-70.d sets forth the standards for variances from the use regulations of a zoning ordinance. In *Grubbs v. Slothower*, the Appellate Division extended the proofs under the Coventry Square case to density variances. The following are the proofs that must be met in furtherance of prevailing on a density variance:

- Will the Site accommodate the problems associated with the density even though the proposal does not comply with the conditions the ordinance established to address these problems?
- Does the proposed use advance purposes of the Municipal Land Use Law (MLUL)?
- Does the proposal substantially impair the purpose and intent of the master plan, zone plan, and zoning ordinance?
- Can a variance for this use be granted without substantial detriment to the public good?

In regard to the "c" variances, the Municipal Land Use Law (MLUL) at NJSA 40:55D-70c sets forth the standards for variances from the bulk regulations of a zoning ordinance. A "c(1)" variance is for cases of hardship due to factors such as shape or 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."

We offer the following for your consideration in reviewing the Application:

- 1) The Application requires a density variance and bulk variances. The Applicant shall provide such statutorily required testimony through a New Jersey licensed professional planner.
- 2) A Land Development Rules Compliance analysis, dated March 29, 2021 and prepared by Sciuolo Engineering Services, LLC, cites the availability of parking in the area of the site. The Applicant's engineer shall provide testimony relative to the area's parking availability.
- 3) The Applicant's architect shall provide testimony relative to the proposed floor plans and elevations.
- 4) The Applicant shall provide testimony how the Application will advance the intent of the New Jersey CRDA Atlantic City Tourism District Master Plan and the Tourism District.

VII. POST APPROVAL CONSIDERATIONS

Should the Board grant the desired approvals for this Application, Applicant, and/or its professionals must:

- A. Make all appropriate plan revisions as directed by the Board.**
- B. Contact the Board Secretary to reconcile any outstanding review escrow accounts prior to Final Plan Certification, Signature, or the issuance of building permits, as applicable.**
- C. Approvals from outside agencies as applicable.**

Any resubmissions in response to this report should be accompanied by a point-by-point response to all items. To facilitate the Board's decision-making process, Applicants are strongly encouraged to resolve as many items as possible prior to the hearing on this matter.

Respectfully Submitted,

ARH ASSOCIATES

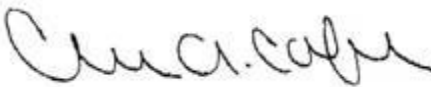
By



Kathryn Cornforth, PE, CME
CRDA Consulting Engineer

COFONE CONSULTING GROUP

by



Christine A. Nazzaro-Cofone, AICP, PP
CRDA Consulting Planner

cc: Lance B. Landgraf, Jr., P.P., AICPM, Director, Planning & Development