

Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

EXHIBIT "A" TO RESOLUTION 21- , ADOPTED 6/15/2021

TO: Members of the Authority

FROM: Lance B. Landgraf, Jr., Land Use Hearing Officer

COPY: Matthew J. Doherty, Executive Director

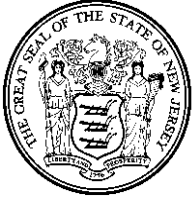
SUBJECT: Hearing Officer's Report and Recommendation
Application #2021-03-2958
Dock's Oyster House, Inc.
Amended Site Plan Approval
2405 Atlantic Avenue
Block 279, Lots 40, 44, 45, 46 and 48-50
DA-Ducktown Arts Zoning District

DATE: May 25, 2021

EXECUTIVE SUMMARY

On May 6, 2021, the Casino Reinvestment Development Authority (the "Authority") heard testimony and public comment on the above-subject application. The Applicant, Dock's Oyster House, Inc. (the "Applicant"), seeks Amended Site Plan Approval for the above-captioned properties in the city of Atlantic City. Applicant proposes to expand the existing parking lot and add an approximately 6' by 27' walk-in refrigeration unit to be used in connection with the operation of the existing restaurant. No variances are required.

The Applicant demonstrated by evidence and testimony that the development proposal generally conforms to the site plan standards and technical requirements of the Authority's Tourism District Land Development Rules. Therefore, for the reasons more fully outlined below, the Hearing Officer recommends that the Application be approved by the Authority.



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INTRODUCTION

Application Information

Dock's Oyster House, Inc.
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A hearing on the Application was conducted in accordance with the requirements of the Open Public Meetings Act, the Municipal Land Use Law and P.L. 2011, c. 18.

The Applicant seeks Amended Site Plan Approval to expand the existing parking lot and add an approximately 6' by 27' walk-in refrigeration unit to be used in connection with the operation of the existing restaurant. No variances are required.

Evidence List

- A-1 Application Materials
- B-1 Letter from ARH Associates dated April 14, 2021

FINDINGS OF FACT

The Applicant seeks Amended Site Plan Approval to expand the existing parking lot and add an approximately 6' by 27' walk-in refrigeration unit to be used in connection with the operation of the existing restaurant. No variances are required.

The attorney for the Applicant, Joseph Dougherty, Esq., introduced the application generally and provided background regarding the specific relief sought by the Applicant. Mr. Dougherty explained that the Applicant proposes to expand the existing parking lot onto two adjacent lots that were recently acquired by the Applicant. He noted that the Applicant also proposes to add a walk-in refrigeration unit at the rear of the properties.

The Applicant presented the testimony of Arthur Ponzio, P.P., P.L.S, who was qualified as an expert in the fields of professional engineering and professional land surveying. Mr. Ponzio described the location of the site, existing conditions, development proposal and site layout.



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Mr. Ponzio testified that the development proposal will add a total of 9 new parking spaces. All parking on site will be valet and there is an existing valet booth on site. He testified that all parking will be striped with parking bumpers will be included. The perimeter of the property will be fenced.

The proposal will also add an approximately 6' by 27' walk-in refrigeration unit. Mr. Ponzio noted that a light fixture previously been removed will be relocated within the public right of way in connection with the application. Mr. Ponzio opined that the addition of the parking spaces will stimulate business at the existing restaurant and help to reinvigorate the Tourism District. Finally, Mr. Ponzio noted that a design waiver is required to provide stacked parking on the site and explained that stacked parking is reasonable as the parking lot will be operated by valets.

Christin Cofone, P.P. was qualified as an expert in professional planning and provided testimony on behalf of the Authority. Ms. Cofone testified that the Applicant had provided sufficient testimony to address all issues raised in the review letter and that she supports approval of the Application. Kathryn Cornforth, P.E., was qualified as an expert in professional engineering and provided testimony on behalf of the Authority. Ms. Cornforth testified that the Applicant had provided sufficient testimony to address all issues raised in the review letter and that he supports approval of the Application.

CONCLUSIONS OF LAW

Amended Site Plan Approval

A land use agency's authority in reviewing an application for site plan approval is limited to determining whether the development plan conforms to the zoning ordinance and the applicable provisions of the site plan ordinance. See Pizzo Mantin Group v. Township of Randolph, 137 N.J. 216 (1994).

Here, based on the evidence and testimony, the Applicant has demonstrated that development proposal generally conforms to the site plan standards and technical requirements of the Authority's Tourism District Land Development Rules. In addition, the grant of the design waiver to permit stacked parking is appropriate as the parking lot will be operated by valets and there will be no risk of cars being blocked in.

RECOMMENDATION

For all of the foregoing reasons, the Hearing Officer recommends that the Application for Amended Site Plan Approval be approved. The grant of approval of this Application shall be expressly conditioned upon the Applicant complying with all conditions of prior



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approvals, satisfying all representations made by the Applicant or by others on its behalf during the course of the hearing on this matter before the Hearing Officer.

The grant of approval shall be further conditioned upon compliance with all applicable requirements of the Authority's Tourism District Land Development Rules, any applicable City Ordinances, and the requirements of any City agency, board or authority. Any approval granted in accordance herewith shall be further expressly conditioned upon the Applicant obtaining all other necessary governmental approvals, and compliance with all Federal, State and local laws.

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