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815 East Gate Drive • Suite 103 • Mount Laurel • New Jersey • 08054

Telephone (856) 235-7170 • Fax (856) 273-9239 • www.erinj.com

April 16, 2018
3162301

Re: Boardwalk Regency Corp.
Minor Subdivision with Bulk Variances
Use Variance
Review Letter #1

Block 157, Lots 1 through 6 & 9 through 15 and 21.02 through 39
2100 Pacific Avenue
Atlantic City, NJ
Application # 2018-04-2365

Lance B. Landgraf, Jr., AICP, PP, Director of Planning & Development
Casino Reinvestment Development Authority
15 South Pennsylvania Avenue
Atlantic City, NJ 08401

Dear Mr. Landgraf:

An Application for a Preliminary and Final Minor Subdivision with Bulk Variances has been received for the subject premises:

Applicant Information

- Applicant: Boardwalk Regency Corporation
Park Place & Boardwalk, Atlantic City, NJ 08401
- Owner: CRDA
- Engineer: Arthur W. Ponzio Co. & Associates
400 North Dover Avenue, Atlantic City, NJ 08401
- Planner: Same as Engineer
- Traffic: None Noted
- Attorney: Joseph R. Dougherty
5409 Winchester Avenue, Ventnor, NJ 08406

Documents Submitted

1. Letter from Joseph R. Dougherty, dated March 12, 2018.
2. Letter from CRDA, dated April 3, 2018
3. CRDA Application Form, dated April 2, 2018
4. Corporate Disclosure Statement
5. Notice of Application
6. 200 Foot Property Owners List
7. Escrow Setup Information
8. Minor Subdivision Plans, prepared by Arthur W. Ponzio Co. & Associates, Inc., dated February 1, 2018 and consisting of the following sheets:
 - a. Sheet C-1, Title Sheet
 - b. Sheet C-2, Property Survey
 - c. Sheet C-3, Minor Subdivision Plan

Completeness Review

We have reviewed the Application for completeness and it appears that the Application is complete, with the exception of the following items:

Minor Subdivision Checklist

4. Proof of real estate taxes and other assessments paid.
8. Proof of ownership of property
20. Topographic survey depicting existing conditions

"C" Variance Checklist

4. Proof of real estate taxes and other assessments paid.
6. Color photographs of site from four (4) different viewpoints.
9. Proof of ownership of property
20. Topographic survey depicting existing conditions
22. Preliminary architectural plan and elevations and areas and type of each proposed use

"D" Variance Checklist

4. Proof of real estate taxes and other assessments paid.
6. Narrative presenting justification for the "D" variance relief sought that includes a statement of legal basis for granting of the variance.
7. Color photographs of site from four (4) different viewpoints.
10. Proof of ownership of property
21. Topographic survey depicting existing conditions
23. Preliminary architectural plan and elevations and areas and type of each proposed use

With respect to the topographic survey and the preliminary architectural plan, we do not have any objection to the granting of the respective waivers as the information submitted is sufficient for the purposes of our review.

With respect to the remaining outstanding checklist items, we recommend that any approval granted be conditioned upon the Applicant satisfying the submission requirements.

Technical Review #1

The following comments are offered:

A. Project Description and Background

There is no construction proposed as a part of this Application. It is merely a realignment of property lines and consolidation of multiple lots into 2 tracts. Proposed Lot 21.03 will be owned by Boardwalk Regency Corp and Proposed Lot 21.04 will continue to be owned by the Casino Redevelopment Reinvestment Authority (CRDA). The site is in the Resort Commercial District (RC)

The Application and Plans have been reviewed for conformance to the Casino Reinvestment Development Authority Rules at N.J.A C 19:66 adopted and filed November 21, 2017, together with the Atlantic City Zoning & Tourism District Zones Map updated November 17, 2017.

B. Minor Subdivision Review

1. Title Sheet C-1:

- a. The Site location shown in the USGS Quad Sheet Site Locator should be expanded to encompass the entire property involved.
- b. The Tax Map Site locator appears to include existing Lot 21.01 in the project, which is inconsistent with the Survey on sheet C-2 and the Minor Subdivision Plan on Sheet C-3.
- c. The Zoning Map Site Locator is inconsistent with the Atlantic City Zoning & Tourism District Zone Map of 11/17/17 and should be corrected.
- d. The Atlantic City Tourism District Map Site Locator does not reflect the site consistent with the Minor Subdivision Plan C-3.

2. Property Survey Sheet C-2:

- a. The deed referenced on the Meridian should be cited and a copy provided for our review.
- b. A line runs from the one story brick building on existing Lot 21.01 into Indiana Avenue with no notation provided. It should be removed or identified.

3. Minor Subdivision Sheet C-3

- a. The ownership of Existing Lots 21.01 and 30 should be shown.
- b. The Surveyors Certification states that the outbound corners were marked. However, none were set and only three are proposed to be set. All of the existing corners and both ends of the division line should be set.
- c. Since a portion of the Parking Lot on existing Lot 21.02 will become a part of Proposed Lot 21.04, that will be of different ownership, an easement for access across Proposed lot 21.03 will be necessary for continued use of this parking area.
- d. If the applicant proposes to consolidate Proposed Lot 21.03 with existing Lot 21.01, this should be indicated on the Plan.
- e. The deed referenced on the Meridian should be cited.
- f. Legal descriptions reflecting the Lots created and consolidated by this Subdivision should be prepared by the Surveyor and submitted for our review prior to being incorporated in deeds perfecting the Subdivision.
- g. Closure reports should accompany the descriptions.
- i. There is no construction proposed as a part of this application, it is merely a realignment of property lines and consolidation of multiple lots into 2 tracts. Proposed Lot 21.03 will be owned by Boardwalk Regency Corp and Proposed Lot 21.04 will continue to be owned by the Casino Redevelopment Reinvestment Authority.

C. Bulk Variance Review

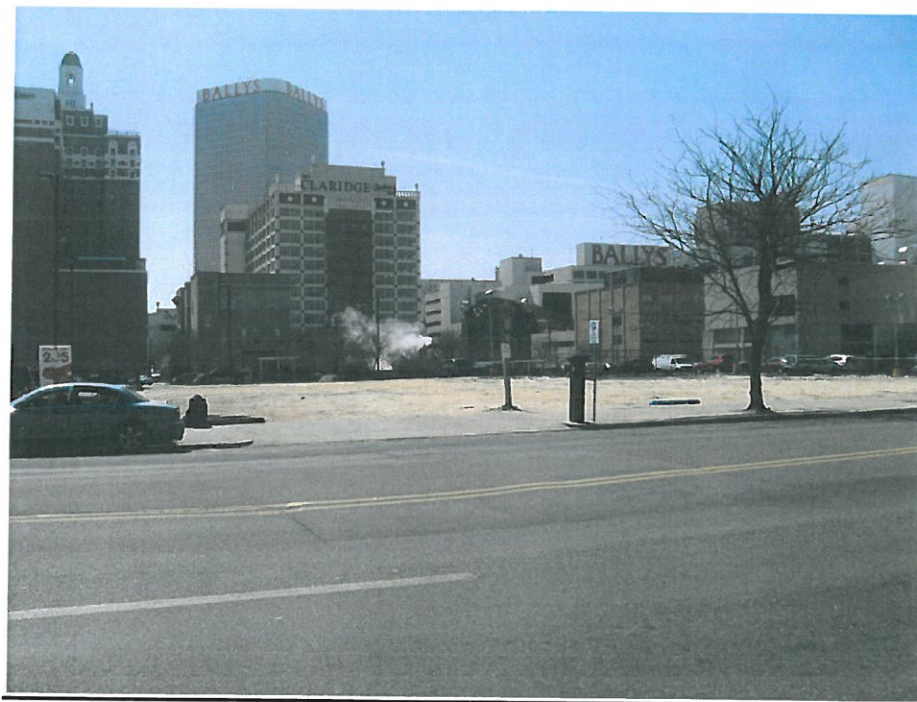
1. Impervious coverage is limited to 80% in the RC Zone. A variance is required. The lot appears to be almost 100% impervious, but no information has been provided by the Applicant with respect to actual proposed coverage. This information should be provided. The existing building and impervious coverage areas and percentages should be computed for proposed Lot 21.03 and 21.04 and reflected in the zoning requirements table for that lot.
2. The parking lots will have a zero (0) foot setback from the property lines. No variance is necessary.

3. With respect to Item Nos. 1 and 2, for "c" variances the applicant must demonstrate that the strict application of the zoning regulations to the property create a hardship or result in exceptional practical difficulties by reason of the exceptional shape of the property or the exceptional topographic conditions uniquely affecting the property.

D. Use Variance Review

1. Parking lots are not a permitted primary use in the RC Zone. A use variance is required. For use variances it is the applicant's burden of proof to present "positive" and "negative" criteria to justify the variance. The applicant must prove to the satisfaction of the Board that there are "special reasons" to exercise its jurisdiction to grant the requested relief, demonstrating that the site is particularly suited to the proposed use and that the proposal will advance the purposes of the Municipal Land Use Law and the Township's Master Plan and Zoning ordinances (POSITIVE). Additionally, the applicant must show that the variance can be granted without substantial detriment to the public good and that the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinances (NEGATIVE).

Photographs of Site



From Atlantic Avenue Looking East



From Ohio Avenue Looking Northeast



From Ohio Avenue Looking Northwest



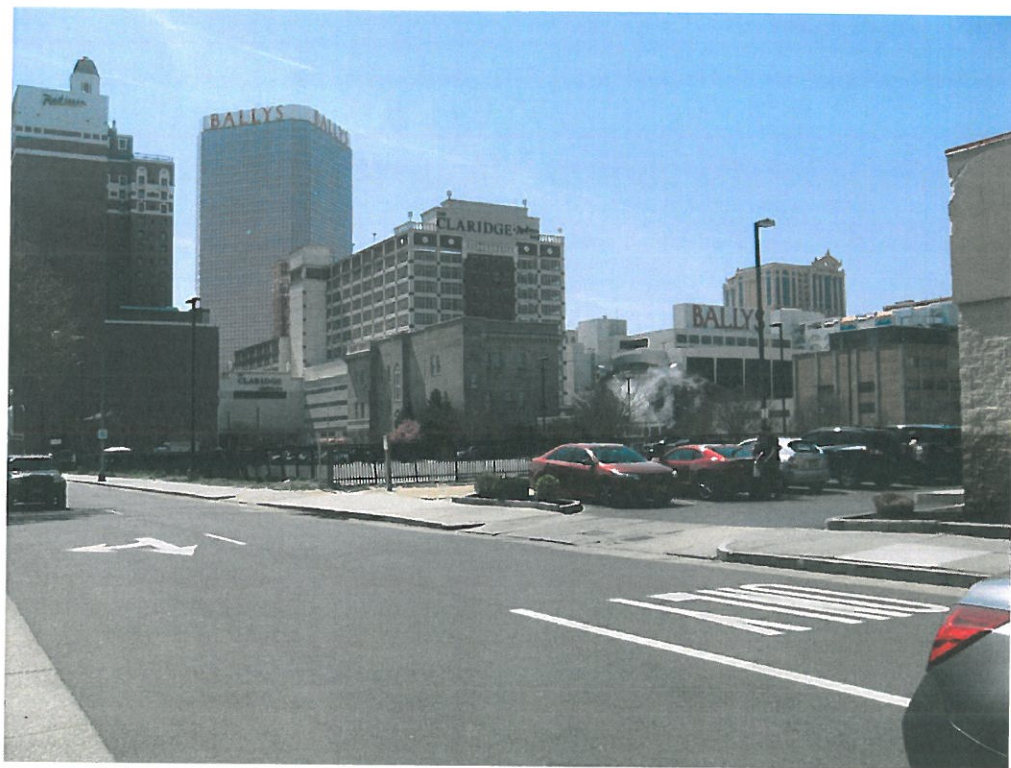
From Pacific Avenue Looking Northwest



From Pacific Avenue Looking Southwest



From Indiana Avenue Looking Southwest



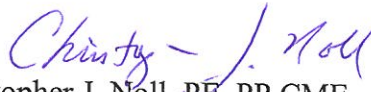
From Indiana Avenue Looking Southeast

Outside Agency Permits and Approvals

1. The following permits and approvals are required:
 - a. Atlantic County Planning Board
 - b. All others as necessary

If you require any additional information or have any questions please contact the undersigned. We are pleased to be of service.

Sincerely yours,


Christopher J. Noll, PE, PP CME
CRDA Land Use Board Engineer and
Planning Consultant

GJN:clw

Cc: Boardwalk Regency Corp.
Joseph R Dougherty, Esq.
Arthur W, Ponzio Co. & Associates, Inc.

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