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October 12, 2018
31623 06

Re: Tennessee Avenue Beer Garden
**Bulk Variance Application & Revised Site Plan
Review Letter #1**
Block 54, Lots 13 and 15
133 South Tennessee Avenue
Atlantic City, NJ
Application # 2018-09-2510

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 Bulk Variances has been received for the subject premises:

Applicant Information

- Applicant: 133 S. Tennessee Avenue, LLC
c/o Mark Callazzo
133 S. Tennessee Ave., Atlantic City, NJ 08401
- Owner: Same as Applicant
- Engineer: Jason T. Sciullo
Sciullo Engineering Services, LLC
9615 Ventnor Avenue, Suite 3, Margate, NJ 08402
- Planner: Same as Engineer
- Traffic: None Noted
- Attorney: Nicholas Talvacchia
1125 Atlantic Avenue, Atlantic City, NJ 08401

Documents Submitted

1. Letter from Sciullo Engineering Services, LLC, dated September 21, 2018.
2. Letter from CRDA, dated September, 2018
3. CRDA Application Form, dated September 26, 2018
4. CRDA "C" Variance Checklist, dated September 26, 2018
5. Escrow Setup Information
6. Site Plans, prepared by Sciullo Engineering Associates, LLC, 2 Sheets, dated February 2, 2018 and last revised September 10, 2018.

Completeness Review

We have reviewed the Application for completeness and it appears that the Application is complete. The Applicant has not submitted the following checklist items, which are not applicable:

"C" Variance Checklist

17. List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc., as recorded or in recordable form if proposed.
18. List of development stages or phases, if any.
19. List of approvals or permits required by other regulatory authorities having jurisdiction and the status of same.

We have no objection to the Application being deemed complete.

Technical Review #1

The following comments are offered:

A. Project Description and Background

The Applicant received a Certificate of Land Use Compliance (CLUC #2018-01-2318) in February of 2018 for the conversion of the former Wandy's Restaurant into a beer hall / beer garden. The building is a four story building. The proposed beer hall is located indoors on the first floor of the building and was approved with 40 seats and the outdoor beer garden was approved with 60 seats, for a total of 100 seats. The proposal also included the conversion of four (4) apartment units on the second, third and fourth floors of the building into five (5) units. The former development contained no off street parking and none was proposed for the redevelopment of the site. Improvements proposed with the Application include the construction of an enclosed outdoor bar to serve the beer garden patrons, an outdoor fire pit, lighting, landscaping, fencing, business

identification signage, installation of a trash enclosure and other associated improvements. The Site Plan associated with the CLUC approval was reviewed for planning and engineering aspects by Cofone Consulting Group, by correspondence dated February 5, 2018 and February 8, 2018. All outstanding Site Plan issues were addressed by the Applicant's Engineer to the satisfaction of those review letters at that time.

Since the time that the CLUC was granted, the Applicant has made several revisions to the Site Plan. The revisions include the addition of a roof above the outdoor bar, the addition of a roof over the trash enclosure, the modification of the proposed fence from wood board-on-board to a custom made fence, addition of a fire pit in the outdoor beer garden areas, relocation of the trash enclosure closer to the Tennessee Avenue frontage, additional fence adjacent to the building to accommodate access to utility meters, elimination of a pedestrian gate at the southeastern corner of the site and associated sidewalk, supplemental landscaping around the perimeter of the beer garden and modification of the surface of the beer garden from pea gravel to artificial turf. The addition of the roof to the outdoor bar created the need to obtain bulk variance approval for rear yard setback. The revision to the layout of the fencing to accommodate the utility meters created the need to obtain a variance to permit a fence in a front yard.

The site is in the Resort Commercial District (RC), and comprises 7,500 square feet (0.172 acres). Restaurants and bars with outdoor seating are permitted uses within RC Zone.

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. Bulk Variance Review

1. The outdoor bar is located one foot (1') from the rear property line. As noted above a roof has been added to the bar, thusly it is considered a structure and is bound to the setback requirements of the zone. The required rear yard setback in the RC Zone is 20 feet, as per Section 19:66-5.10(a)(iv)(10) of the CRDA Tourism District Land Development Rules. A variance is required.
2. A 7' high fence is proposed at the front right (southwest) corner of the building, in order to screen and provide access to the utility meters. Section 19:66-7.7(a)(1) of the Land Development Rules prohibits fences in the front yards in the RC Zone. A variance is required.

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.

C. Site Plan Review

1. It should be noted that the modified improvements described in the Project Description and Background are already being constructed by the Applicant with no further approval. Should approval of any of the proposed modifications be denied, the site shall be constructed/restored to the conditions stipulated by the CLUC approval previously granted and to the extents and as per the details of the originally approved Site Plan at the sole expense of the Applicant.
2. A detail for the artificial turf surface, including drainage features should be added to the Site Plan. Testimony regarding proposed drainage features should be provided by the Applicant's Engineer at the Board hearing.
3. A fire pit has been added to the outdoor beer garden area. This was not included in the prior CLUC approval. We have concern with embers escaping the fire pit area and potentially creating a fire hazard with the surrounding artificial turf and other structures. The Applicant should provide detailed testimony regarding what fire prevention measures will be employed in the area of the fire pit in order to eliminate such hazards. It is recommended that details for the fire pit and associated fire prevention measures be added to the Site Plan and that the Applicant seek approval from the City Building Code Official and Fire Marshal for construction of the fire pit as a condition of any potential approval of the bulk variances and site plan.
4. The Applicant shall seek approval from the City Building Code Official and the Fire Marshal for the construction of the roofed outdoor bar structure.
5. A landscaping planter strip containing bamboo has been added along the interior east and south perimeters of the outdoor beer garden. A detail should be added to the Site Plan. Bamboo is a highly invasive species, and as such, the Applicant should provide testimony regarding what measures will be employed to ensure that the bamboo remains confined to the planters and that the root system will not impact any underground structures or utilities.

6. The concrete sidewalk that was constructed along east edge (back) of the property was constructed on land owned by the adjacent residential properties that front Ocean Avenue. This area is an historical easement that was dedicated to provide a pedestrian route along the rear of those dwellings for its residents. A gate providing access to the easement from the beer garden has been added to the Site Plan. The Applicant has not provided any evidence that he has been granted permission by the owner of the Ocean Avenue homes to utilize the easement to provide access to his property. As a condition of any approval, the Applicant shall obtain a cross access easement with the owner(s) of the adjacent properties to utilize the easement. Otherwise, the gate accessing the easement shall be eliminated.

Photographs of Site



From Tennessee Avenue Looking East



View of Outdoor Bar and Principal Structure Looking North



View of Fire Pit and Artificial Turf Surface



View of Bamboo Landscaping Planters



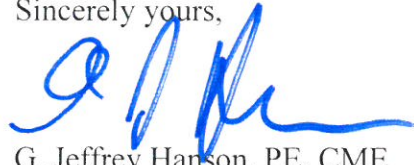
View of Pedestrian Access Easement Adjacent to East Property Line

Outside Agency Permits and Approvals

1. The following permits and approvals are required:
 - a. Atlantic City Building Code Official
 - b. Atlantic City Fire Marshal
 - c. 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,



G. Jeffrey Hanson, PE, CME
CRDA Land Use Board Engineer and
Planning Consultant

Cc: Mark Callazzo, 133 S. Tennessee Avenue, LLC
Nicholas F. Talvacchia, Esquire, Applicant's Attorney
Jason T. Sciullo, PE, PP. Applicant's Engineer

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