

October 29, 2018

ALP 001.03

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

**RE: 133 S. Tennessee Avenue, LLC, c/o Mark Callazzo**  
**Tennessee Avenue Beer Hall Variances**  
**133 South Tennessee Avenue**  
**Block 54, Lots 13 & 15**  
**Minor Site Plan Administrative Review Application #2018-09-2510**

Dear Mr. Landgraf:

Sciullo Engineering Services, LLC ("SE") is assisting the Applicant, 133 S. Tennessee Avenue, LLC, with the subject project. This letter is being provided in response to the review letter from Environmental Resolutions, Inc. dated October 12, 2018 for the Bulk Variance Application submitted for the project.

Below is a point-by-point response to the comments in the review letter. For ease of reference, the review comments are included below in *italicized* text, followed by our responses in **bold**. Only those comments requiring a response are included:

*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.*  
**The Applicant and their professionals will provide testimony in support of the variance relief requested at the November 1, 2018 CRDA Land Use hearing.**
- 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.*

**The Applicant and their professionals will provide testimony in support of the variance relief requested at the November 1, 2018 CRDA Land Use hearing.**

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.*

**The Applicant and their professionals will provide testimony in support of the variance relief requested at the November 1, 2018 CRDA Land Use hearing.**

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.*

**Understood. The Applicant and their professionals will provide testimony in support of the variance relief requested at the November 1, 2018 CRDA Land Use hearing.**

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.*

**The turf will be installed without any additional drainage features. The turf has perforations to allow runoff to infiltrate through it and it is laid on the existing sandy soil surface, which is highly permeable. The surface will be graded to ensure no runoff is directed towards neighboring buildings and is compliant with the low impact techniques outlined in 19:66-7.5(a)3.ii, iv and vi.**

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.*

**The fire pit is fueled by natural gas piped to the pit so no fuel source that could create embers will be utilized. The applicant will provide a trash screen over the fire pit to prevent debris that could create embers from entering the fire pit. Testimony will be provided at the November 1, 2018 CRDA land use hearing.**

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.*

**The Applicant will obtain necessary building permits for construction of the 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.*

**As noted on the submitted plan, a root guard was installed around the planters to prevent the bamboo from spreading beyond the planter. A detail of the guard, as installed, will be added to the plans as a condition of approval.**

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.*

**The Applicant agrees to secure the necessary access rights or eliminate the gate should those rights not be granted, as a condition of approval.**

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*

**The Applicant understands it is their responsibly to obtain the necessary City approvals in order to complete construction. As you know, in order to obtain the City agency approvals (generally building permits), CRDA must issue a Certificate of Land Use Compliance which acknowledges**

**their approval conditions have been satisfied. As such, proof of those outside agency approvals cannot be provided prior to CRDA final compliance/sign-off.**

The Applicant and their professionals will provide additional testimony at the November 1, 2018 CRDA land use hearing and will provide any necessary plan or document revisions as a condition of approval, should the variance relief requested be granted.

Should you have any questions or require additional information, please feel free to contact me at (609) 300-5171 or [jsciullo@sciulloengineering.com](mailto:jsciullo@sciulloengineering.com).

Sincerely,

**Sciullo Engineering Services, LLC**



Jason T. Sciullo, P.E., P.P.  
Principal Engineer

Enclosures

Cc: Mark Callazzo, 133 Tenn Ave, LLC  
Nick Talvacchia, Esq., Cooper Levenson