



Principals

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November 28, 2018

Lance B. Landgraf, Jr., P.P., AICP
Director of Planning
Casino Reinvestment Development Authority
15 South Pennsylvania Avenue
Atlantic City, New Jersey 08401

**Re: Preliminary & Final Major Site Plan Approval
DGMB Casino LLC
Block 1, Lots 142 & 142.01 and Block 60, Lots 14 & 15
1100 Boardwalk
CRDA Application #2018-11-2547
ARH Project #2410039.01**

Dear Mr. Landgraf,

On November 21, 2018 the applicant, DGMB Casino LLC, submitted an application for Preliminary/Final Site Plan Approval in addition to Variance Relief under N.J.S. 40:55D-70c(1) (hardship) and N.J.S. 40:55D-70c(2) (substantial benefit) for the renovation and expansion of the Landshark Bar & Grill. The property is zoned Tourist District Zone "B". The applicant also requests any other waivers or variances that may be deemed necessary and/or appropriate for the project.

A summary of the applicant's recent submission is as follows:

A. Documents Submitted:

1. Letter addressed to Robert Reid, Land Use Enforcement Officer from Nicholas F. Talvacchia, Esq. of Cooper Levenson, dated November 20, 2018.
2. CRDA Application Form with Project Narrative.
3. CRDA Major Preliminary Site Plan Checklist (Form #6).
4. CRDA Major Final Site Plan Checklist (Form #7).
5. Disclosure Statement.
6. "C" Variance Checklist (Form #12).
7. Sheet 1 Survey & Site Plan for Deck Expansion prepared by Jon J. Barnhart of Arthur W. Ponzio Co., & Associates, Inc. dated November 19, 2018.
8. A0 Coversheet, A1 Overall Floor Plan, A2 Overall Roof Plan, A3 & A4 Building Elevations, A5 Building Sections and A6 Perspectives prepared by Mark Petrella, A.I.A. of SOSH Architects, dated November 29, 2018.

B. Background:

The Landshark Bar and Grill is situated on the eastern side of the boardwalk and extends onto the beach, containing both interior and exterior spaces. The Applicant is seeking to convert 2,600 sf of the existing interior retail space into restaurant/bar space with 18 restaurant seats and 32 bar seats. The Applicant also proposes to add a new 2,300 sf deck with 94 dining seats on the landward side of Landshark.

ARH Associates

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COMPLETENESS REVIEW:

Engineer and Planner's Review Comments

Based on our review of the documents submitted, it is our opinion the application is complete for planning and engineering review.

TECHNICAL REVIEW:

Based upon our review of the submitted application and plans, we offer the following:

I. Planner's Review Comments

The property is located in the Beach (B) Zone District. As stated at CRDA Land Development Rules at N.J.A.C. 19:66-5.9, the purpose of the B District is as follows:

The purpose of the B Beach District is to capitalize on the unique land use attributes inherent of the proximity to the Atlantic Ocean through promotion and zoning controls that maximize the value of the zoning district.

The existing and proposed uses, all permitted, are listed in the B District as "Beach bars" and "Restaurants."

Variances are required for for the signage package, parking, and outdoor seating.

The CRDA Land Development Rules regulate signs at Section 19:66-5.7, titled "Signs," and as specific to the B District, at Section 19:66-5.7(j) titled "Sign rules for commercial and special purpose districts. Signs shall be permitted in the GWAY, RC, CBD, KAR, TWD, B, MARINA, GB, AI, and BADER zoning districts." However, the proposed roof mounted sign on the western façade is specifically prohibited as per Section 19:66-5.7(j)(2)(i).

The CRDA Land Development Rules regulate outdoor seating at Section 19:66-5.5, titled "Outdoor seating areas," specifically requiring: "The outdoor seating area for restaurants shall not exceed the maximum interior seating capacity, not including bar and lounge seating." A variance is required since the new outdoor seating exceeds the number of new indoor seating.

The CRDA Land Development Rules regulate parking at Section 19:66-5.8, titled "Onsite parking and loading requirements." The standard for "restaurants and bars" is "One space for each customer based upon 30 percent of building capacity or 150 square feet of floor area, whichever is greater." A variance is required since 0 parking spaces are proposed.

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).

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."

The applicant shall discuss the following in its testimony to the Board:

1. The Applicant states in its CRDA application form that it will be seeking the required variance relief through hardship (C-1) and substantial benefit (C-2) arguments. The Applicant shall provide such statutorily required testimony through a New Jersey licensed professional planner.
2. The Applicant shall provide detailed architectural testimony relative to the entire proposal and its relationship to the surrounding area. Specifically, discuss any potential adjustments to operations and security to accommodate the expanded areas.
3. The Applicant's professional planner should discuss the required variances in the context of the purposes of the site, immediate area, and consistency with land uses in the area.
4. As it relates to the parking, the Applicant is utilizing the parking standard for "hotels, motels, and hotels-casino" and not "restaurants and bars." It appears that the Applicant considers Landshark as a component of the Resorts Casino as opposed to a standalone use. The Applicant shall provide testimony relative to the parking standard, the hotel's parking availability, and off-site parking in the surrounding areas.

II. Engineer's Review Comments

General Comments

The applicant shall discuss the following in its testimony to the Board:

1. The applicant shall provide testimony regarding the amount of additional parking required and where this parking will be provided.
2. Provide a permit summary for this project. Provide copies of previous permits and copies of new/revised permits, as necessary.
3. The existing Boardwalk shall not provide any structural support for the new deck. Provide plans and details showing how the deck will be constructed in relation to the Boardwalk.
4. Provide access points to the City for maintenance of the Boardwalk, railing and ability to access under the Boardwalk as necessary for inspections, maintenance, etc.
5. Applicant shall be responsible to relocate any conduit or other structure on or under the Boardwalk should the need arise, during or after construction of the Decks.
6. Inventory the existing condition of the boardwalk deck and supporting structure prior to construction. This shall be completed by a Structural Engineer and a report submitted documenting same.
7. Prepare a boardwalk surface protection plan and substructure reinforcement plan for all equipment and delivery routes. Submit a report, vehicle specific, documenting the measures necessary for access and construction.
8. Coordinate with ACPD, Public Works Boardwalk Division, and Engineering Office. Obtain boardwalk access permits based on the access plan previously identified.
9. Provide testimony regarding the additional food, drink, and refuse / recycling trips that would be required as a result of the increased seating. Describe the current and proposed conditions.

III. Standard Conditions

Should the CRDA choose to approve this application, the following standard conditions shall be included:

1. Applicant shall comply with all CRDA administrative requirements.
2. Submission of the proper number plans required by the CRDA for signatures. Provide additional copies of the final plans in CAD and PDF format.
3. Should this application be subject to the review and approval of any outside agencies, evidence of these approvals must be submitted to this office prior to the signature of any final plans and the start of construction.
4. All professional fees shall be paid and inspection escrow posted prior to construction.

RECOMMENDATION:

Should the Board wish to consider approval of this application, it is the recommendation of this office that this letter, in its entirety, become part of the approval resolution. All items in this letter must be complied with to the satisfaction of this office and the CRDA prior to the start of construction.

We reserve the right to review and provide additional comment on the revised plans and reports. We are willing to meet with the applicant and his engineer to expedite the revisions, if requested.

Should you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,



William M. England, PE, PP, CME, CPWM
Board Engineer



Christine A. Nazzaro-Cofone, AICP, PP
Cofone Consulting Group, LLC

cc: Robert L. Reid, AICP, PP, Land Use Regulation Officer
Paul G. Weiss, Chief Legal Counsel
Christine A. Nazzaro-Cofone, Board Planner
Arthur W. Ponzio Co. & Associates, Applicant's Engineer
Benjamin J. Kaufman, Applicant's Attorney