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July 21, 2021
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Re: Setaara Restaurant
Minor Site Plan with Bulk Variances
Review Letter #1
Block 280, Lot 2
2322-2324 Arctic Avenue
Atlantic City, NJ
Application # 2021-03-2942

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 Minor Site Plan with Bulk Variances has been received for the subject premises:

Applicant Information

- Applicant: Mina Panah
2324 Arctic Avenue
Atlantic City, NJ 08401
- Owner: Abdullah & Minah Panah
2324 Arctic Avenue
Atlantic City, NJ 08401
- Engineer: None Noted
- Planner: Craig Dothe
33 N. Brighton Avenue
Atlantic City, NJ 08401
- Traffic: None Noted
- Attorney: Brian J. Callaghan, Esquire
2428 Atlantic Avenue
Atlantic City, NJ 08401

- Architect: Same as Planner
- Surveyor: Robert J. Catalano
12 S. Virginia Avenue
Atlantic City, NJ 08401
- Surveyor: Thomas H. Darcy
1 N. New York Road
Galloway, NJ 08205

Documents Submitted

1. Cover letter to Robert L. Reid, dated June 18, 2021, prepared by the Applicant's Attorney.
2. City of Atlantic City Land Use Application Form with Project Narrative, dated June 18, 2021, prepared by the Applicant's Attorney.
3. CRDA "c" Variance Checklist (Form #12), dated February 16, 2021, prepared by Applicant's Attorney.
4. CRDA Minor Site Plan Checklist (Form #5), dated February 16, 2021, prepared by Applicant's Attorney.
5. Copies of Deeds and consolidated legal description.
6. CRDA Application For Certificate of Land Use Compliance dated June 19, 2017.
7. CRDA Application For Certificate of Land Use Compliance dated November 5, 2017.
8. Copies of building permits issued for initial work done on restaurant.
9. Restaurant review from Craig LaBan.
10. CRDA Notices of Violations.
11. Land Title Survey prepared by Robert J. Catalano, PLS, dated December 1, 2020.
12. Certification of taxes paid.
13. Photographs of the property from four angles.
14. Site Plans titled "Setaara Restaurant, 2322-2324 Arctic Avenue", prepared by Craig Dothe, dated May 10, 2021 consisting of the following sheets:
 - a. Sheet Z-1, Site Plan / Zoning Analysis / Signage Calcs.
 - b. Sheet Z-2, 200' List / Maps.
 - c. Sheet Z-3, Images / Floor Plans.
 - d. Sheet Z-4, Section Elevations / Exterior Elevations.

Completeness Review

With the exception of the additional information, clarifications, etc. requested in this letter and any information deemed necessary by CRDA officials, the information submitted with the Application appears to be sufficient for the purposes of our review. We have no objection to the Application being deemed complete, provided that the Applicant provides appropriate information prior to the Board hearing or during the course of testimony at the Board hearing.

Technical Review #1

The following comments are offered:

A. Project Description and Background

The Applicant is seeking Minor Site Plan approval with Bulk Variances. The Applicant is the owner and operator of both buildings of the property known as 2322-2324 Arctic Avenue which has been consolidated into Block 280 Lot 2. The two buildings have restaurants on the first floor with residential dwellings on the second and third floors. The Applicant proposes adding 726 square feet of Courtyard space seating at the first and second floor deck levels of both buildings and adding deck/rooftop deck areas with outdoor seating to both buildings.

The site is located within the Ducktown Arts District (DA) and comprises 5,000± square feet (0.115± acres). Restaurants with residential dwellings above are permitted uses within the DA 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. Section 19:66-5.11(a)(1)(iv)(8) of the CRDA Rules requires a 5' minimum front yard setback in the DA Zone. The existing buildings extend into the right of way 0.3' at the southwest corner of the property and 0.49' into the right-of-way at the northeast corner of the property. These are pre-existing nonconformities that are not being exacerbated by the activities proposed in the current application, however a lease or an easement from the City is required.
2. Section 19:66-5.11(a)(1)(iv)(10) of the CRDA Rules requires a 20' minimum rear yard setback in the DA Zone. The buildings have a rear yard setback of 0.13' at the northeast corner of the property and 0.18' at the southwest corner of the property. This is a pre-existing nonconformity that is not being exacerbated by the activities proposed in the current application. However, the Applicant is proposing a two-story building with a roof deck utilizing the existing setback. Bulk variances are required.
3. Section 19:66-5.11(a)(1)(iv)(6) of the CRDA Rules limits building coverage to a maximum of 30% in the DA Zone, whereas 59% is existing and 72% is proposed. A bulk variance is required.
4. Section 19:66-5.11(a)(1)(iv)(7) of the CRDA Rules limits impervious coverage to 40% in the DA Zone where 100% is proposed. This is a pre-existing nonconformity that is not being exacerbated by the activities proposed in the current application.
5. Section 19:66-5.5(a)1 of the CRDA rules states that the outdoor seating area for restaurants shall not exceed the maximum interior seating capacity, not including bar and lounge seating. The Applicant has proposed 37 indoor seats and 106 outdoor seats. A bulk variance is required.

6. Section 19:66-5.5(a)3 of the CRDA Rules states that outdoor seating areas do not require compliance with any stipulated building setbacks, however, a minimum pedestrian accessway of five feet shall be maintained at all times. The width of the proposed access areas to the outdoor seating areas on the first floor and steps to the outdoor seating areas on the second floors and decks appear to be 2.5 feet or less. The access areas in the outdoor seating areas appear to be 3.5 feet or less in width. Bulk variances are required.
7. As per Section 19:66-5.8 of the CRDA Rules, the parking demand calculations result in a requirement of a minimum of seventy-five (75) total off-street spaces to be provided. The Applicant is proposing to provide zero (0) off-street spaces. A variance is required. It should be noted that the site has an existing parking deficiency of forty-two (42) spaces.
8. Section 19:66-5.7(i)4(i) of the CRDA Rules states that the maximum gross surface area of signs permitted is ten square feet per face for a wall sign or ground sign. The Applicant proposes 4 wall signs with a total of 75 square feet of wall signs. A bulk variance is required.
9. With respect to Item Nos. 1 through 8, 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. Sheet Z-1 of the Site Plans lists 2322-2324 Arctic Avenue as Block 280 Lots 2 and 3 and is based on a survey prepared by Robert Catalano & Associates dated December 1, 2020. The Lot Consolidation prepared by Thomas Darcy Associates is dated November 30, 2020 and is subject to the Zoning and Tax Assessor approvals. The City of Atlantic City Tax Lien dated May 1, 2021 indicates Block 280 and both Lots 2 and 3. The Applicant shall provide proof from the Tax Assessor the lots have been consolidated. If so, the Plans shall be updated to show the correct block and lot. Any approval granted shall be conditioned upon proof of consolidation of the lots. In addition, the Applicant shall identify the lien holder on these lots.
2. Section 19:66-7.6(a) of the CRDA Rules requires that a landscaping plan be submitted with all applications for new construction, additions, and site improvements. A landscaping plan should be submitted, or a waiver shall be sought and obtained.
3. All entrance and exit doors shall be recessed and open outwardly. In addition, the New Jersey Edition of the International Building Code (IBC) requires at least two means of egress from all spaces and buildings with few exceptions. Some spaces and buildings are permitted to have one means of egress if the travel distance to an exit is short and the occupant load is low. The Applicant now proposes at additional 106 outdoor seating to the existing 37 inside seating. The Atlantic City Fire Department and the Atlantic City Building Construction Official approval will be required for the proposed means of egress.
4. Details of all proposed moveable lounge furniture to be utilized in the outdoor seating area should be provided for CRDA review and approval prior to placement of any such items in the outdoor seating areas.

5. The Applicant shall provide a lighting plan for review and approval. Details of all lighting fixtures proposed should be provided for CRDA and City Construction Official review and approval prior to placement of any such items in the outdoor areas. In addition, all means of egress shall be lighted as required by City Building Code.
6. The Applicant shall provide testimony regarding the nature of and proposed hours of operations for all activities.
7. The Applicant shall provide testimony on the placement and timing of any sound systems, microphones, live music, and the anticipated level of sound generated in outdoor areas.
8. A solid and liquid waste management plan shall be provided. The Applicant shall provide proposed locations and details for the storage of used oil, trash, and recyclables.
9. The following details shall be provided on the Plans:
 - a. Lighting Details.
 - b. Landscaping Details.

D. Photographs of Site



Front View 2322 Arctic Avenue



Front View 2324 Arctic Avenue



Rear View 2322 Arctic Avenue



Rear View 2324 Arctic Avenue

E. Outside Agency Permits and Approvals

1. The following permits and approvals are required:
 - a. Atlantic City Building Construction Official
 - b. Atlantic City Board of Health
 - c. Atlantic City Fire Department
 - d. 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: Rob Reid, AICP, PP, CRDA Land Use Regulation Enforcement Officer
Abdullah & Minah Panah, Applicants; Email: Minapanah@gmail.com
Brian J. Callahan, Esquire, Applicant's Attorney
Craig Dothe, Applicant's Architect & Planner

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