

Christopher J. Noll, PE, CME, PP
President & CEO

Barbara J. Fegley, AICP, PP
Sec./Treas. & Sr. Vice President

William H. Kirchner, PE, CME, N-2
Vice President



**ENVIRONMENTAL
RESOLUTIONS, INC.**

Engineers • Planners • Scientists • Surveyors

Rakesh R. Darji, PE, PP, CME, CFM, Vice President

Harry R. Fox, NICET III, CPSI

G. Jeffrey Hanson, PE, CME

Joseph R. Hirsh, PE, CME, CPWM

C. Jeremy Noll, PE, CME, CPWM

Joseph P. Orsino, Jr. CET

Marc H. Selover, LSRP, FG

Benjamin R. Weller, PE, CME, CPWM, S-3, C-3

November 3, 2021
31623 26

Re: Gem Liquors
**Bulk Variances Application
Review Letter #1**
Block 289, Lot 26
1737 Atlantic Avenue
Atlantic City, NJ
Application # 2021-09-3068

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: Dharmendrakumar H Patel d.b.a. Gem Liquors
1737 Atlantic Avenue
Atlantic City, NJ 08401
- Owner: Same as Applicant
- Engineer: None Noted
- Surveyor: Arthur W. Ponzio Co. & Associates
400 North Dover Avenue
Atlantic City, NJ 08401
- Planner: None Noted
- Traffic: None Noted
- Attorney: Brian J. Callaghan, Esq.
2428 Atlantic Avenue, Atlantic City, NJ 08401

Documents Submitted

1. Letter from Brian J. Callaghan, Esq. dated September 23, 2021.
2. CRDA Application Form, dated September 22, 2021.
3. CRDA Certificate of Land Use Compliance (Zoning Permit) undated.
4. City of Atlantic City Tax Payment Information.
5. The Gem Liquors Signage Inventory list prepared by CRDA.
6. Copy of Robert Reid signage diagram per 19:66-5.7(j)4.
7. Survey prepared by Arthur W. Ponzio Co. & Associates together with a Legal Description.
8. Copies of pictures of signage on the building.

Completeness Review

We have reviewed the Application for completeness, and it appears that the Applicant has not submitted the following checklist item: NJ CRDA-City of Atlantic – “c” Variance Checklist (Form #12), which is applicable. We have no objection to the application being deemed complete provided that the “c” Variance checklist is submitted by the Applicant

Technical Review #1

The following comments are offered:

A. Project Description and Background

The application is for Gem Liquor Store which, contains a liquor store together with storage and a vacant third floor. The site is located within the Central Business District (CBD) Zoning District. The Applicant is applying for signage variances to maintain the existing awnings which would be classified as three (3) separate awnings: (1) located along the Atlantic Avenue frontage; (2) located on the corner of Atlantic and Indiana Avenues; and (3) along the Indiana Avenue frontage. The Applicant is also seeking “c” variance relief to maintain the Bud Light signage along the Atlantic Avenue frontage as this sign is a sign where you cannot look inside the store, but you can look outside from within. The Applicant is also seeking to maintain a Coors Light sign along the Indiana frontage. Also, the Applicant has a portion of the building painted by one of the City of Atlantic City agencies which does not constitute appropriate signage and a variance is required.

B. Bulk Variance Review

1. Section 19:66-5.12(a)(1)iv(2) of the Land Development Rules requires a minimum lot area of 5,000 square feet in the CBD Zone where 1,364.79 square feet is provided. We defer to the CRDA’s Attorney on whether a bulk variance is required for this pre-existing, non-conforming bulk condition that will not be affected by the proposed development.

2. Section 19:66-5.12(a)(1)iv(3) of the Land Development Rules requires a minimum lot depth of 100 feet in the CBD Zone where 76.90 feet is provided. We defer to the CRDA's Attorney on whether a bulk variance is required for this pre-existing, non-conforming bulk condition that will not be affected by the proposed development.
3. Section 19:66-5.12(a)(1)iv(4) of the Land Development Rules requires a minimum lot width of 50 feet in the CBD Zone where 19.40 feet is provided. We defer to the CRDA's Attorney on whether a bulk variance is required for this pre-existing, non-conforming bulk condition that will not be affected by the proposed development.
4. Section 19:66-5.12(a)(1)iv(5) of the Land Development Rules requires minimum lot frontage of 50 feet in the CBD Zone where 19.40 feet is provided. We defer to the CRDA's Attorney on whether a bulk variance is required for this pre-existing, non-conforming bulk condition that will not be affected by the proposed development.
5. Section 19:66-5.12(a)(1)iv(7) of the Land Development Rules permits a maximum impervious coverage of 80% in the CBD Zone where 81% is provided. We defer to the CRDA's Attorney on whether a bulk variance is required for this pre-existing, non-conforming bulk condition that will not be affected by the proposed development.
6. Section 19:66-5.12(a)(1)iv(8) of the Land Development Rules requires a minimum front yard setback of 5 feet in the CBD Zone where 0 feet is provided. We defer to the CRDA's Attorney on whether a bulk variance is required for this pre-existing, non-conforming bulk condition that will not be affected by the proposed development.
7. Section 19:66-5.12(a)(1) (10) iv of the Land Development Rules requires a minimum rear yard setback of 20 feet in the CBD Zone where 0 feet is provided and an encroachment on Lot 96 exists. We defer to the CRDA's Attorney on whether a bulk variance is required for this pre-existing, non-conforming bulk condition that will not be affected by the proposed development.
8. Section 19:66-5.7(i)3ii of the Land Development Rules permits one window sign per use when accessory to a commercial use in the CBD Zone. The "Gem Liquors Signage Inventory", prepared by Rob Reid and dated 9/11/2021 indicates that eight (8) window signs exist at the site. A variance is required.
9. Section 19:66-5.7(j)3ii of the Land Development Rules permits one awning, canopy or marquee sign in the CBD Zone. The Narrative submitted by the Applicant's attorney indicates three (3) awning signs exist at the site. A variance is required.

10. Section 19:66-5.7(g)(10) of the Land Development Rules restricts the types of content that is permissible for accessory window signs. Beer / liquor advertisements are not listed among the permissible types of signage. A variance is required.
11. Awnings covering public sidewalks require a lease agreement with the City of Atlantic City. Such an agreement shall be sought and obtained by the Applicant as a condition of any approval granted.
12. With respect to Item Nos. 8, 9 and 10, 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.

Outside Agency Permits and Approvals

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



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

Cc: Dharmendrakumar H Patel, 1737 Atlantic Avenue Atlantic City, NJ 08401
Brian J. Callaghan, Esq., 2428 Atlantic Avenue, Atlantic City, NJ 08401
Rob Reid, AICP, PP, CRDA Land Use Regulation Enforcement Officer
Scott Collins, Esquire, CRDA Land Use Board Attorney

31623 26 - Review #1 - 11-03-21