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January 11, 2023

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

Re: CCAM Realty, LLC
Density Variance,
Parking Variance,
Site Plan Waiver,
With Bulk Variances Application
2805 Atlantic Avenue
Block 271, Lot 20
Atlantic City, NJ
CRDA Application # 2022-12-3346

Dear Mr. Landgraf:

An Application for a Density Variance, Parking Variance and Site plan waiver with Bulk Variances has been received for the subject premises:

Applicant Information:

Applicant and Owner:
CCAM Realty, LLC
C/O Kristopher J. Facenda, Esquire
2408 New Road, Suite 2,
Northfield NJ 08225

Engineer and Planner:

Jason T. Sciallo, PE, PP
153 S. New York Avenue
Atlantic City, NJ, 08401

Attorney:

Kristopher J. Facenda, Esquire



Documents Reviewed:

1. Cover Letter dated 11/09/2022;
2. Land Use Application, 11/09/2022;
3. "C" Variance Checklist, dated 11/09/2022;
4. Survey dated 03/11/2011;
5. Photographs of Property, dated 11/09/2022;
6. Variance Justification Report, no date;
7. Deed, dated 10/02/2020;
8. Proof of Taxes Paid, dated 10/25/2022;
9. Escrow Setup Information Page;
10. Sanborn Map Co. Atlas, Plate 26, dated 1921, updated 1926;
11. Sanborn Map Co. Atlas, Plate 26, dated 1952, updated 1964;
12. Property Record Cards 1961 to 1982;
13. Survey dated 01/17/1995;
14. Sanborn Map Co. Atlas, Plate 26, dated 1997;
15. Atlantic City Zoning Board of Adjustment Resolution # 122 of 2004;
16. Architectural Plans dated 02/10/2020.

Completeness Review

The application was reviewed for completeness, and it appears that the Applicant has provided adequate information for the application to be reviewed with two exceptions. A current survey that more accurately depicts the limit of the 4th floor be provided*, and information / testimony is offered during the public hearing regarding the existing surrounding land use patterns; inventory of existing residential density surrounding the subject property.

There is no objection to the Application being deemed complete, provided that the Applicant provides the testimony regarding the density variance in the public hearing. The current survey referenced above can be provide as a condition of approval.

Technical Review #1

A. Project Description and Background

The site is located in the Central Business Zoning District (CBD) and fronts on Atlantic Avenue. The property is a four-story brick and frame building with two (2) commercial units on the first floor and three (3) residential apartments on the second, third and fourth floor. No parking or loading areas are on site. The zone district permits commercial and multi-unit residential with a maximum density of 25 dwelling units per acre [NJAC 19:66-5.12, (a) 1. iv. (13)].

*See Exhibit A – Survey dated 03/11/2011 and Exhibit B Architectural plans date 02/10/2020 Attached.



The following timeline summary is offered:

Plate 26 of Atlas of Atlantic City by Sanborn Map Company, dated 1921, updated 1926 shows 1, 2 and 3 story brick and frame building with office at first floor.

Plate 26 of Atlas of Atlantic City by Sanborn Map Company, dated 1952, updated 1964, shows 1, 2 and 3 story brick and frame building with two (2) stores at first floor.

Building Record Card / Property Record Card dated 1961 to 1982, indicates two (2) residential units with two (2) bathrooms, two (2) toilet rooms, two (2) kitchen sinks. Two (2) stores on first floor.

Property survey prepared by Arthur W. Ponzio PLS 28314, dated 1/17/1995, shows 2805 Atlantic Avenue as a three (3) story building.

Plate 26 of Atlas of Atlantic City by Sanborn Map Company, dated 1998, shows 1, 2 and 3 story building with two (2) stores at first floor.

On 12/16/2004 the Atlantic City Zoning Board of Adjustment granted Certificate of Non-Conformity to allow two (2) residential units.

On 3/16/2020 Armando Martinez (CCAM Realty LLC) submitted application for CLUC for two (2) commercial units and three (3) residential units. The application represented that the three (3) residential units were existing at the site. Plans prepared by Architect depicted three (3) residential units and two (2) commercial units in an existing four (4) story building.

On 3/16/2020 CLUC # 2020-03-2821 was issued for two (2) commercial units and three (3) residential units based on representations made by the applicant. Architectural plans dated 02/10/2020, provided show four (4) floors with three (3) apartments existing. THE CLUC WAS ISSUED WITH THE RELIANCE ON INFORMATION PROVIDED BY THE APPLICANT THAT THE 3 APARTMENTS LAWFULLY EXISTED. "THE CLUC ISSUED INCLUDES THE FOLLOWING NOTATION: THIS CERTIFICATE IS ISSUED BASED ON TRUE AND ACCURATE INFORMATION BEING PROVIDED BY THE APPLICANT AND MAY BE RESCINDED IF IT IS DETERMINED THAT VIOLATIONS EXIST."

On 10/05/2020 CCAM Realty LLC / Armando Martinez purchased property from Me Sun Min.

On 4/9/2021 received email from adjoining property owner stating the fourth (4) floor and third (3) unit was added without proper approvals.

Researched history of land use of the subject property and revealed that the 3rd apartment and 4th floor did not secure proper approvals. No record was found of the required prerequisite land use approval for the third residential unit or 4th floor on file. It appears that the 3rd residential unit was added sometime after the Atlantic City Zoning Board of Adjustment granted Certificate of Non-Conformity to allow two residential units in 2004.

CLUC # 2020-03-2821 dated 03/16/2021 was rescinded and property owner was issued Notice of Violations on 4/20/2021.

(See Land Use Timeline dated 11/28/2022 attached for more detail.)

The Applicant proposes to legalize the third unit and fourth floor with this Application. The result of the additional unit increases the site density to 52.3 dwelling units per acre, requiring the density variance and a parking variance.



B. Variance Review

1. Section 19:66-5.12(a)(1)(iv)(1) of the Land Development Rules permits a minimum lot area of 5,000 Sq. Ft., where 2,500 Sq. Ft. is existing / proposed. Please note that this is a pre-existing, non-conforming bulk condition that will not be exacerbated by the proposed development.
2. Section 19:66-5.12(a)(1)(iv)(4) of the Land Development Rules requires a minimum lot width of 50 feet where 25 feet is provided. Please note that this is a pre-existing, non-conforming bulk condition that will not be exacerbated by the proposed development.
3. Section 19:66-5.12(a)(1)(iv)(5) of the Land Development Rules requires a minimum lot frontage of 50 feet where 25 feet is provided. Please note that this is a pre-existing, non-conforming bulk condition that will not be exacerbated by the proposed development.
4. Section 19:66-5.12(a)(1)(iv)(6) of the Land Development Rules permits a maximum building coverage of 30% where 100% is existing / proposed. Please note that this is a pre-existing, non-conforming bulk condition that will not be exacerbated 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% where 100% is existing / proposed. Please note that this is a pre-existing, non-conforming bulk condition that will not be exacerbated 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 where 0 feet is provided. Please note that this is a pre-existing, non-conforming bulk condition that will not be exacerbated by the proposed development.
7. Section 19:66-5.12(a)(1)(iv)(13) of the Land Development Rules permits a maximum dwelling density (dwelling units per acre) of 25 DU/Acre where 52.3 DU/Acre is proposed. Consequently, a d(5) use variance is required. For use variances it is the Applicant's burden of proof to present "positive" and "negative" criteria to justify the variance. Variance Pursuant to N.J.S.A. 40:55D-70(d)(5):

Positive Criteria

For variances requested pursuant to N.J.S.A. 40:55D-70(d)(5), an applicant must demonstrate through evidence and testimony that the site will accommodate problems associated with a proposed use with greater density. See *Price v. Himeji, LLC*, 214 N.J. 263, 296-297 (2013). Here, the Applicant requires a variance pursuant to N.J.S.A. 40:55D-70(d)(5) for density to provide approximately 52.3 units per acre where a maximum of 25 units per acre is permitted.

Negative Criteria

The applicant must provide evidence and testimony demonstrate that the grant of the requested variance will not create any detriment to the public good and will not create a substantial detriment to the public good and will not substantially impair the purpose and intent of the Authority's Tourism District Master Plan and Tourism District Land Development Rules.

8. Section 19:66-7.3(a) of the Land Development Rules requires a minimum number of loading spaces per this chapter no loading spaces are provided. Please note that this is a pre-existing, non-conforming bulk condition that will not be exacerbated by the proposed development.

9. Section 19:66-7.6(a) of the Land Development Rules requires that a landscape plan be submitted with all applications for new construction, additions, and site improvements. Please note that this is a pre-existing, non-conforming bulk condition that will not be exacerbated by the proposed development.

10. Section of 19:66-5.8(a) the Land Development Rules requires parking for each residential unit on-site. The subject property was granted a Certificate of Non-Conformity by the City of Atlantic City Zoning Board of Adjustment for two (2) residential units with no mention of parking. The subject property has no on-site parking for the two (2) existing commercial units or the three (3) existing residential units. The public record shows that a three (3) story building with commercial on the first floor and two (2) residential units existed prior to the parking requirements were adopted in 1979. The additional third (3) residential unit on fourth (4) floor requires relief from the parking requirements.

11. With respect to "c" variance and /or design waiver relief, the applicant must demonstrate that the strict application of the 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. The Applicant should provide testimony regarding residential entrance lighting. The proposed lighting levels (i.e. isolux information) should be illustrated on the Site Plans for the sidewalk / pedestrian travel areas.

2. The Applicant shall provide testimony on the proposed method for handling and storage of trash and recycling. Trash enclosure on-site or trash room should be illustrated on the Site Plan in accordance with NJAC 19:66 -7.12 (c.) requiring trash to be screened from view by neighboring property and public streets and NJAC 19:66 -7.12 (k) requiring solid waste area be enclosed.

3. The following outside permits and approvals are required:

- a. Atlantic City Building Code Official
- b. Atlantic City Fire Department, Fire Prevention Bureau
- c. All others as necessary by regulatory authorities having jurisdiction.



RECOMMENDATION:

With the review the relief sought, consideration should be given with the understanding that it appears that the owner/applicant was not aware of the prior owner constructing the third unit and the fourth floor without proper prior approvals, and the owner/applicant relied on the Certificate of Land Use Compliance (CLUC) issued for the three units prior to settlement. It also should be understood that the CLUC that was issued for the three (3) residential units was based on the reliance that the information that the three (3) units lawfully existed, and that true and accurate information was provided at the time the application was made.

Should the Board wish to consider approval of this application, it is the recommendation is 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 the CRDA for the approval to take effect.

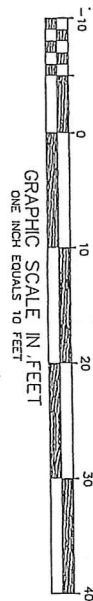
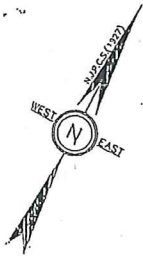
Additional comments may be offered in response to any revised plans or reports submitted, or testimony offered at the hearing.

Respectfully Submitted,

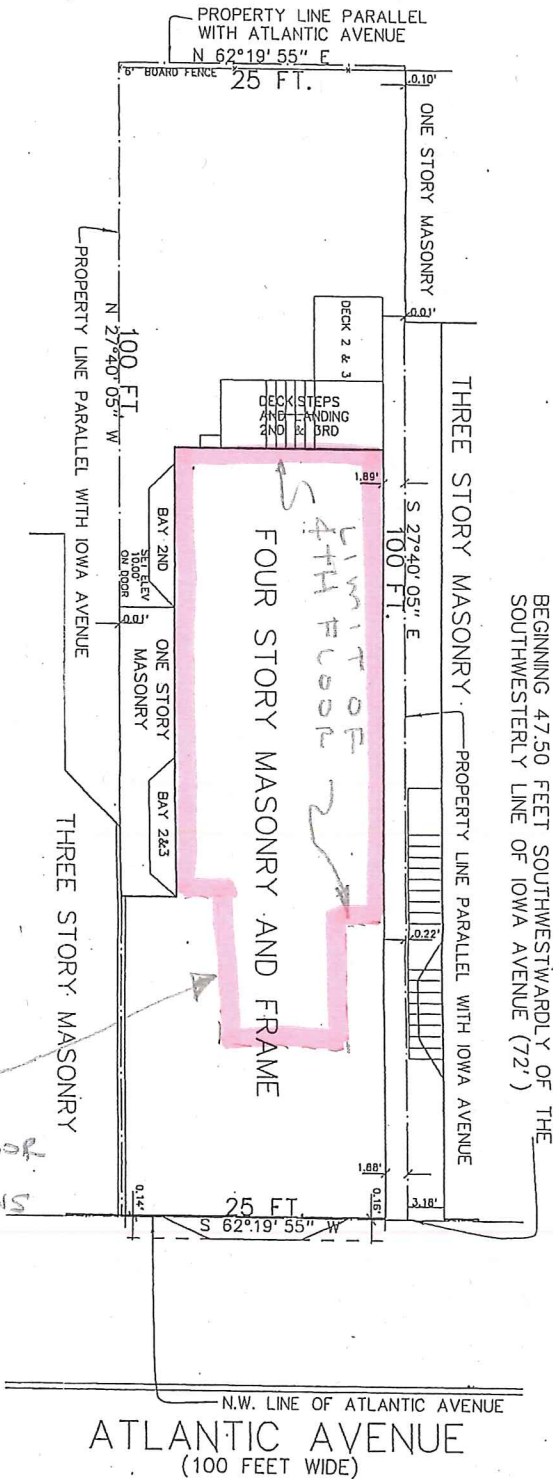
Robert L. Reid, AICP, PP
Land Use Regulation Enforcement Officer

Cc: Kristopher J. Facenda, Esq
Jason T. Sciuillo PE, PP

EXHIBIT "A"



APPROXIMATED
LIMIT OF 4TH FLOOR
AS TAKEN FROM
ARCHITECTURAL PLANS
PREPARED BY
HARRY S. HARPER
DATED 2/10/2020



TO Me Sun Min

its successors and/or assigns, however their interests may appear, OR ANY INSURER OF TITLE relying hereon, and any other PARTY now or hereafter, in consideration of the FEE paid for making this SURVEY, I hereby CERTIFY to its ACCURACY, except such easements, if any, that may be located below the surface of the lands, or on the surface of the lands and not visible as an ENCUMBRANCE, for and INSURER OF TITLE to insure the title of the LAND and PREMISES shown hereon.

All measurements shown hereon are in feet, and are accurate as of the latest date noted, unless specified otherwise. This certification is made only to the parties for purchase and mortgage of herein delineated property of this transaction. No responsibility or liability is assumed by surveyor for use of SURVEY for any other purpose including but not limited to use of survey for SURVEY AFFIDAVIT, resale of property, or any other person not listed in certification either directly or indirectly.

No fee has been paid for the mapping of STATE WETLANDS, FRESHWATER OR SALTWATER WETLANDS, or any other environmentally sensitive areas, either above or below the surface of the lands.

--- DENOTES permanent marker either found or set in accordance with N.J.A.C. 13:40-5.1 as amended.

--- DENOTES property corner not marked due to obstruction or other reason.

Robert J. Catalano
LS18612
ROBERT J. CATALANO LICENSED LAND SURVEYOR #18612
PROFESSIONAL PLANNER # 1600

N.W. LINE OF ATLANTIC AVENUE
ATLANTIC AVENUE
(100 FEET WIDE)

LAND TITLE SURVEY

2805 Atlantic Avenue Block 271 Lot 20
Atlantic City, New Jersey March 11, 2011
ATLANTIC COUNTY, NEW JERSEY

ROBERT J. CATALANO AND ASSOCIATES P.A.
LAND SURVEYORS AND PLANNERS
2805 ATLANTIC AVENUE-ATLANTIC CITY, N.J. 08401
(THE GARAGE AT GORDON'S ALLEY)
(609) 345-1887 FAX (609) 345-3511

ROBERT J. CATALANO - LS 18612 P.P. 1600

DRAWN BY
HP 735

CHECKED
BY R.J.C.

DATE

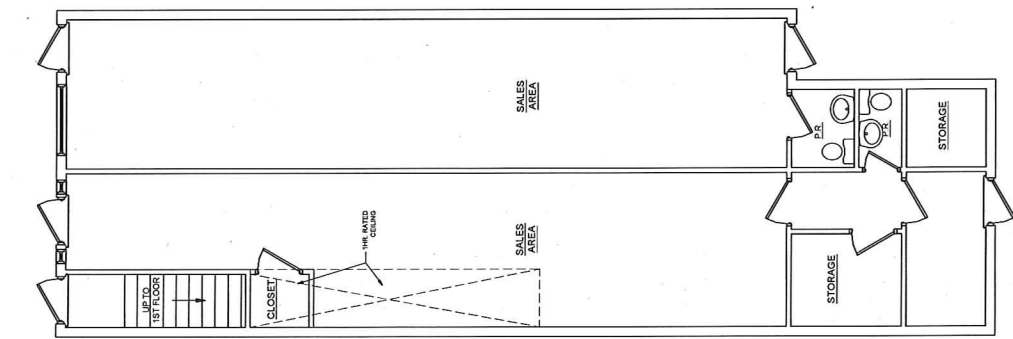
www.catsurveys.com
email <catsr@catsurveys.com>

SCALE

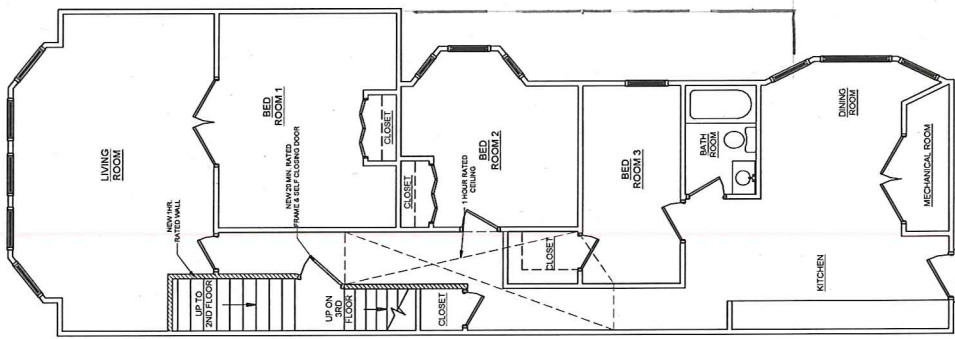
SHEET 1 OF 1

EXHIBIT "B"

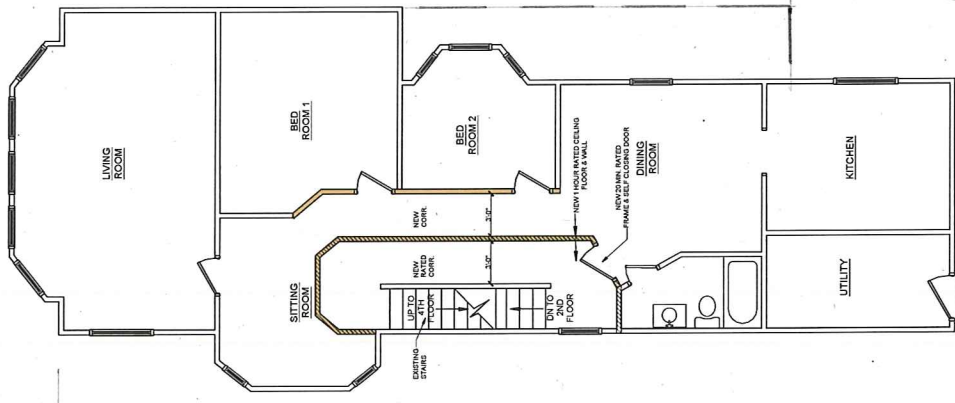
Property line taken from survey dated 3/11/2011.



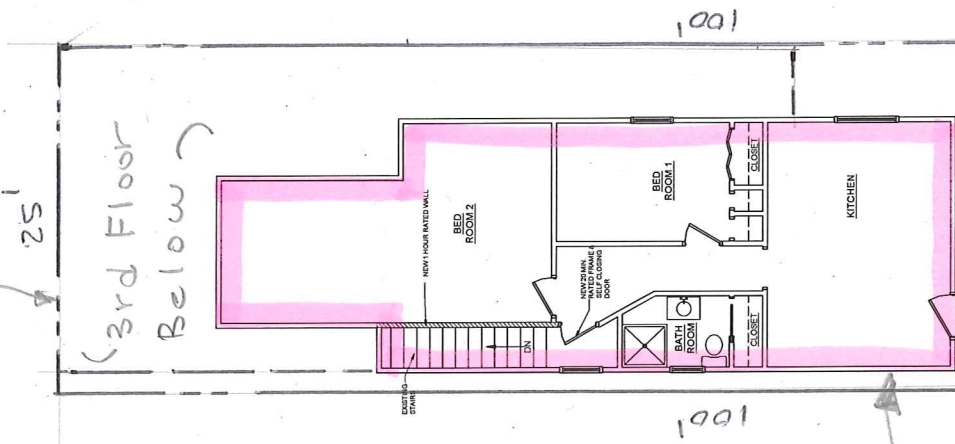
GROUND LEVEL
1/8"=1'-0"



2ND FLOOR PLAN
1/8"=1'-0"



3RD FLOOR PLAN
1/8"=1'-0"



4TH FLOOR PLAN
1/8"=1'-0"

(3rd Floor Below)

25'

100'

100'

25'

Limit of 4th Floor

ITEM	Date	Applicant or Owner	Address/blk/lot	CLUC / Land Use Approval	Remarks
1	1921, updated 1926		2805 Atlantic Avenue		Plate 26 (portion) Atlas of Atlantic City by Sanborn Map Company shows 1, 2 and 3 story brick and frame building with office at first floor at 2805 Ave.
2	1952 – updated 1964		2805 Atlantic Avenue		Plate 26 (portion) Atlas of Atlantic City by Sanborn Map Company shows 1, 2 and 3 story brick and frame building with two stores at first floor at 2805 Ave.
3	05/18/1961 - 1982		2805 Atlantic Ave / old CA 4 / 45		Building Record Card / Property Record Card indicates 2 residential units with two bathrooms, toilet rooms, two kitchen sinks. Two stores on first floor. Third floor – 1,248 SF
4	01/17/1995		2805 Atlantic Ave.		Property survey prepared by Arthur W. Ponzio PLS 28314 shows 2805 Atlantic Avenue as a 3-story building
5	1998		2805 Atlantic Ave.		Plate 26 (portion) Atlas of Atlantic City by Sanborn Map Company shows 1, 2 and 3 story building with two stores at first floor at 2805 Ave.
6	12/16/2004	Me Sun Mim	2805 Atlantic Avenue		Atlantic City Zoning Board of Adjustment granted Certificate of Non-Conformity to allow two residential units.
7	05/22/2007		2805 Atlantic Ave / 271 / 20		Building Record Card / Property Record Card indicates 3 apartments with three bathrooms, three kitchen sinks. Commercial on first floor. 4th floor.
8	03/16/2020	CCAM Realty LLC / Armando Martinez	2805 Atlantic Ave. / 271 / 20	CLUC # 2020-03-2821 was issued for 2 commercial units and 3 apartments	THE CLUC WAS ISSUED WITH THE RELIANCE ON INFORMATION PROVIDED BY THE APPLICANT THAT THE 3 APARTMENTS LAWFULLY EXISTED. "THE CLUC ISSUED INCLUDES THE FOLLOWING NOTATION: THIS CERTIFICATE IS ISSUED BASED ON TRUE AND ACCURATE INFORMATION BEING PROVIDED BY THE APPLICANT AND MAY BE RESCINDED IF IT IS DETERMINED THAT VIOLATIONS EXIST." Architectural plans provided show 4 floors with 3 apartments existing.
9	10/05/2020	CCAM Realty LLC / Armando Martinez	2805 Atlantic Ave. / 271 / 20		CCAM Realty LLC / Armando Martinez purchased property from Me Sun Min.
10	04/09/2021	CCAM Realty LLC / Armando Martinez	2805 Atlantic Ave. / 271 / 20		Received email from adjoining property owner stating the fourth floor and third unit was added without proper approvals.
11	04/20/2021	CCAM Realty LLC / Armando Martinez	2805 Atlantic Ave. / 271 / 20		RLR Researched history of land use of the subject property and revealed that the 3rd apartment and 4th floor did not secure proper approvals.

12	04/20/2021	CCAM Realty LLC / Armando Martinez	2805 Atlantic Ave. / 271 / 20	CLUC # 2020-03-2821 dated 03/16/2021 was rescinded	Letter sent UPS notifying owner.	
13	4/20/2021	CCAM Realty LLC / Armando Martinez	2805 Atlantic Ave. / 271 / 20		Issued First Offense NOVs	
14	4/27/2021		2805 Atlantic Ave. / 271 / 20		Received list of Permits from City – List included 15 separate permits issued between 1993 to 2020. No mention of 3 rd residential unit or 4 th floor.	
15	8/11/2021	CCAM Realty LLC / Armando Martinez	2805 Atlantic Ave. / 271 / 20		Issued Second Offense NOVs	
16	10/12/2021	CCAM Realty LLC / Armando Martinez	2805 Atlantic Ave. / 271 / 20		Issued Third Offense NOVs	
17	11/05/2021	CCAM Realty LLC / Armando Martinez	2805 Atlantic Ave. / 271 / 20		Lien Filed with City Tax collector	
18	12/13/2021	CCAM Realty LLC / Armando Martinez	2805 Atlantic Ave. / 271 / 20		CRDA withdrew lien and CCAM Realty agreed to pay first offense violation and submit application to legalize the 3 apartment units within 30 days.	
	09/21/2022	CCAM Realty LLC / Armando Martinez	2805 Atlantic Ave. / 271 / 20		Re-issued second and third offense NOVs	
	11/09/2022	CCAM Realty LLC / Armando Martinez	2805 Atlantic Ave. / 271 / 20		Lien Filed with City Tax Collector	
	11/09/2022	CCAM Realty LLC / Armando Martinez	2805 Atlantic Ave. / 271 / 20		Application Filed to legalize the 3 apartment units.	
	11/28/2022	CCAM Realty LLC / Armando Martinez	2805 Atlantic Ave. / 271 / 20		CCAM Realty LLC Paid fines to AC Tax Office	