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December 22, 2022
31623 32

Re: Long River Atlantic, LLC (Application #2022-11-3333)
**Minor Site Plan with Use Variance
Review #1**
Block 289, Lot 32
1729 Atlantic Avenue
Atlantic City, NJ, 08401

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 Use Variance has been received for the subject premise:

Applicant Information

- Applicant: Long River Atlantic, LLC
2573 Larso Creek Way
Dulouth, GA 30087
- Owner: Same as Applicant
- Engineer: N/A
- Planner: Craig Dothe
33 North Brighton Avenue
Atlantic City, NJ, 08401
- Traffic: N/A
- Attorney: Brian J. Callaghan, Esquire
419 White Horse Pike
Egg Harbor City NJ, 08215
- Architect: Same as Planner

Documents Submitted

1. Application Cover Letter, prepared , Brian J. Callaghan Applicant’s Attorney, dated November 7, 2022
2. City of Atlantic City Land Use Application, undated, certifications signed July 26, 2022.
3. 200’ Property Owners’ List with Cover Letter from City of Atlantic City Department of Planning & Development, dated August 10, 2022.
4. W-9 Form for Long River Atlantic, LLC, undated.
5. Survey Of Block 289, Lot 32, prepared by James R. Boney, dated August 16, 2021.
6. Block 289 Lot 32 Plans, prepared by Craig F. Dothe Architect LLC, dated October 19, 2022, and consisting of the following sheets:
 - a. Sheet Z-0, Site Plan/Zoning Analysis/Signage Chart
 - b. Sheet Z-1, 200’ List/Zoning Map/200’ Radius Map
 - c. Sheet Z-2, Proposed Floor Plans/Elevation
 - d. Sheet Z-3, Existing Floor Plans/ Elevation/Photographs

Completeness Review

The Applicant shall prepare and submit a Minor Site Plan checklist (Form # 5) and a “d” Variance Checklist (Form #11). Once these Checklists have been submitted, we can determine whether the Application can be deemed complete.

Technical Review #1

The following comments are offered:

A. Project Description and Background

The proposed development is located within the Central Business (CBD) Zoning District and fronts on the north side of Atlantic Avenue between Indiana Avenue and Dr. Martin Luther King Boulevard. The Applicant proposes to convert the three-story property from ground floor commercial (restaurant) and four (4) total residential units on the second and third floors to ground floor commercial (restaurant) and two (2) total residential units on the second and third floors in order to provide proper ingress and egress. A use variance is required, as the CBD Zone permits multi-unit residential of three (3) units or more, whereas the Applicant is proposing only two (2) residential units.

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 (SF) whereas 2,169.31 SF is proposed. It should be noted that this is a pre-existing, non-conforming condition.

2. Section 19:66-5.10(a)(1)(iv)(4) of the Land Development Rules requires a minimum lot width of fifty feet (50') where 17.70' is provided. It should be noted that this is a pre-existing, non-conforming condition.
3. Section 19:66-5.10(a)(1)(iv)(5) of the Land Development Rules requires a minimum lot frontage of fifty feet (50') where 17.70' is provided. It should be noted that this is a pre-existing, non-conforming condition.
4. Section 19:66-5.10(a)(1)(iv)(6) of the Land Development Rules permits a maximum building coverage of thirty percent (30%), whereas 88.22% is proposed. It should be noted that this is a pre-existing, non-conforming condition.
5. Section 19:66-5.10(a)(1)(iv)(7) of the Land Development Rules permits a maximum impervious coverage of 80%, whereas 100% is proposed. It should be noted that this is a pre-existing, non-conforming condition.
6. Section 19:66-5.10(a)(1)(iv)(8) of the Land Development Rules requires a minimum front yard setback of 5', whereas 0' is provided and an encumbrance of 2.42' into the City right-of-way exists. It should be noted that this is a pre-existing, non-conforming condition.
7. Section 19:66-5.10(a)(1)(iv)(9) of the Land Development Rules requires a minimum side yard setback of 0', whereas 0' is provided and an encumbrance of 0.45' onto adjacent Block 289, Lot 14 exists. It should be noted that this is a pre-existing, non-conforming condition.
8. Section 19:66-5.10(a)(1)(iv)(10) of the Land Development Rules requires a minimum rear yard setback of 20', whereas 8.16' is provided. It should be noted that this is a pre-existing, non-conforming condition.
9. Section 19:66-7.3(a)(3) of the Land Development Rules requires a loading space and no loading space exists or is proposed. It should be noted that this is a pre-existing, non-conforming condition.
10. With respect to Item Nos. 1 through 9, 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.
11. The CBD Zone permits multi-unit residential of three (3) units or more, whereas the Applicant is proposing two (2) residential units. Consequently, a d(1) use variance is required.
12. The CBD Zone permits a maximum density of 25 dwelling units per acre (DU/A). The Cover Sheet of the plan set incorrectly lists the proposed density as 4.08 DU/A. The proposed density should be listed as 40.16 DU/A, which requires a d(5) use variance. It should be noted that the existing density is 80.32 DU/A and that the proposal constitutes a 50 percent reduction in density.

13. Regarding Item Nos. 11 and 12, for “d” variances it is the Applicant’s burden of proof to present “positive” and “negative” criteria to justify the variance. The Applicant must prove to the satisfaction of the Board that there are “special reasons” to exercise its jurisdiction to grant the requested relief, demonstrating that the site is particularly suited to the proposed use and that the proposal will advance the purposes of the Municipal Land Use Law and the Zoning Ordinance (POSITIVE). Additionally, the Applicant must show that the variance can be granted without substantial detriment to the public good and that the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinances (NEGATIVE).

C. Site Plan Review

1. The Applicant should provide testimony regarding whether the building entrances are to be lighted. If so, 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.
3. The Applicant does not propose any on site residential parking. A de-minimis exception to the Residential Site Improvement Standards (RSIS) is required. It should be noted that the property as it exists does not contain any parking spaces and that a grandfathered shortage of eighteen (18) spaces exists. The Applicant now proposes a shortage of fifteen (15) spaces.
4. The Applicant shall provide testimony as if any signage is proposed for the building. If so the size, type and location(s) of the signage shall be provided. Any proposed signage not conforming to the Land Development Rules shall require variance relief.
5. The Applicant is proposing bay windows and balconies extending beyond the property lines. License Agreements are required from the City of Atlantic City for all encumbrances onto the City right-of-way.
6. The existing building extends 0.45’ onto block 289 lot 14. The Applicant shall obtain permission from the adjacent property owner for this condition.

D. Site Photographs



Photo 1 – Site View Looking Northwest



Photo 2 – Site View Looking Southeast

E. Outside Agency Permits and Approvals

1. The following permits and approvals are required:
 - a. City of Atlantic City (for bay windows and balconies encumbrances)
 - b. Atlantic City Building Code Official
 - c. Atlantic City Board of Health
 - d. Atlantic City Fire Marshal
 - e. Owner of Block 289, Lot 14
 - f. 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 Engineering and Planning
Consultant

Cc: Long River Atlantic, LLC, 2573 Larso Creek Way, Dulouth, GA, 30087
Brian J. Callaghan, Esq., Email: bjclaw@comcast.net
Craig Dothe, Architect/Planner, Email: craig@cfdachitect.com
Rob Reid, AICP, PP, CRDA Land Use Regulation Enforcement Officer
Scott Collins, Esquire, CRDA Land Use Board Attorney