



Principals
Richard Rehmann, GISP
Richard Heggan, PLS, PP
Jeffery MacPhee, PLS

February 27, 2023

Lance B. Landgraf, Jr., P.P., AICP
Casino Reinvestment Development Authority
Division of Land Use and Regulatory Enforcement
15 S Pennsylvania Avenue
Atlantic City, NJ 08401

Re: Land Use Application
NYORANGEDEEDS, LLC
165 & 167 Westminster Avenue
Block 51, Lots 42 & 43
Atlantic City, NJ 08401
ARH File: 24-10071

Dear Mr. Landgraf:

ARH ASSOCIATES has received the above captioned Application for review. The Applicant seeks Preliminary and Final Major Subdivision approval, Preliminary and Final Major Site Plan approval, Use Variance Relief, and Bulk Variance Relief.

Block 51, Lots 42 & 43 are located in Atlantic City's Resort Commercial (RC) Zoning District. It is proposed that the applicant will be developing four (4) attached single-family townhomes within one (1) building.

This report consists of a review of the Subject Application for conformance with Casino Reinvestment Development Authority checklists as well as N.J.A.C.19:66, the CRDA Tourism District Land Development Rules. Comments are limited to the information presented to date. The Applicant may present additional information and testimony at the Board hearing on this matter.

I. OWNER & APPLICANT INFORMATION

OWNER/APPLICANT

NYORANGEDEEDS, LLC

patfasano@verizon.net

1005 MAIN STREET, ASBURY PARK, NJ 07712

732-322-5523

*LOT 42 OWNED BY 161-163 WESTMINSTER LLC A RELATED ENTITY

ARH Associates

Corporate Headquarters – 215 Bellevue Avenue – PO Box 579 – Hammonton, NJ 08037 – 609.561.0482 – fax 609.567.8909
Bloomfield Office – 2 Broad Street – Suite 602 – Bloomfield, NJ 07003 – 973.337.8562 – fax 973.337.8876
Tinton Falls Office – 97 Apple Street – Suite 1 – Tinton Falls, NJ 07724 – 609.561.0482 – fax 609.567.8909

www.arh-us.com

II. SUBMITTALS

TITLE / DESCRIPTION	PREPARED / SIGNED / SEALED BY	DATE	DATE LAST REVISED
Cover Letter from Applicant's Attorney	Cooper Levenson	02/07/2023	
CRDA Land Use Application	Owner / Applicant	Not Dated	
Photographs of Site			
Escrow Setup Information			
Map of Survey	Michael R. Vargo, Vargo Associates	03/08/2022	
Major Subdivision Plan		12/30/2022	
Westminster Avenue Quadplex Site Plan	Sciullo Engineering Services, LLC	01/18/2023	
Architecture Plan	William C. McLees AIA, LEED AP	01/19/2023	
Major Preliminary Site Plan Checklist (Form #6)	Jay Sciullo, Sciullo Engineering Services, LLC	01/16/2023	
Major Final Site Plan Checklist (Form #7)			
Major Preliminary Subdivision Application Checklist (Form #9)		Not Dated	
Final Major Subdivision Application Checklist (Form #10)			
Deed to Block 51, Lot 42	Joseph R. Dougherty, Esquire	08/01/2021	
Deed to Block 51, Lot 43		10/28/2020	
200' Property Owners List	City of Atlantic City	11/23/2022	
Certification of Payment of Taxes		02/06/2023	

III. CHECKLISTS

The following addresses conformance with the CRDA's list of Required Application items for Major Preliminary Site Plan, Major Final Site Plan, Major Preliminary Subdivision Application, and Final Major Subdivision Application, as well as "d" Variance and "c" Variance (forms #6, #7, #9, #10, #11 & #12) and does not reflect adequacy of submissions for review purposes. The correct number of copies are assumed to have been submitted. Column entries reflect **ARH's** review of Applicant's submissions.

Major Preliminary Site Plan Checklist (Form #6)

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
1	Completed Land Use Application	X	X		
2	Payment of Required Application and Escrow Fees (19:66-3.4)	X	X		
3	Name and address, email address of property owner and applicant.	X	X		
4	Proof of real estate taxes and other assessments paid.	X	X		

Land Use Application
 NYORANGEDEEDS, LLC
 165 & 167 Westminster Avenue
 Block 51, Lots 42 & 43
 Atlantic City, NJ 08401
 (ARH File: 24-10071)

Page 3

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
5	Name, signature, license number, seal and address of each professional consultant, as applicable, involved in preparation of required documents.	X	X		
6	Project narrative describing existing conditions, surrounding uses and the proposed development including list of variance and design waiver relief sought, if any.	X	X		
7	Title block denoting type of application, tax map sheet, project address, block and lot, and street location.	X	X		
8	Proof of ownership of property. (Report of title, copy of deed AS FILED with the Atlantic County Clerk's Office, affidavit or other documentation evidencing ownership.)	X	X		
9	Consent of property owner to applicant to development project.	X	X		
10	FOR ADMINISTRATIVE REVIEW AND APPROVAL: Certification from Applicant's licensed professional that the development proposed meets all requirements and no variance or design waivers are requested. (19:66-4.6)	X	N/A		
11	Zoning Schedule listing: Use, lot area, lot width, lot depth, yard setbacks, floor area ratio, density, building coverage, building height and parking requirements, including existing and proposed with conformity status of each.	X	X		
12	Certified List of Property Owners within 200' Radius of the subject property by City of Atlantic City Tax assessor's Office.	X	X		
13	Public Notice in compliance with NJSA 40:55D-12.	X	X		
14	North arrow, scale and graphic scale	X	X		
15	Signature blocks for Hearing Officer, Land Use Regulation Enforcement Officer, Engineer and Planner.	X	X		

Land Use Application
 NYORANGEDEEDS, LLC
 165 & 167 Westminster Avenue
 Block 51, Lots 42 & 43
 Atlantic City, NJ 08401
 (ARH File: 24-10071)

Page 4

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
16	Key map(s) at a legible scale showing location of property with existing structures, uses, streets, public right of ways, municipal boundaries, public parks, beaches, environmental sensitive areas, zoning district boundaries within 200 feet of the subject property. Property tax lots within 200 feet of the subject property taken from the most recent municipal tax map records.	X	X		
17	List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc. as recorded or in recordable form if proposed.	X	N/A		
18	List of development stages or phases, if any.	X	N/A		
19	List of approvals or permits required by other regulatory authorities having jurisdiction and the status of same.	X	X		
20	Land Title Survey and topographic survey depicting existing conditions prepared by New Jersey licensed professional land surveyor. All elevations shall be based on NAVD 1988. The horizontal datum shall on the NJ State Plane Coordinate System (NAD 1983) Survey shall include all existing conditions, including buildings, structures, parking areas with parking space striping, driveways, walkways, fences, stoops, stairs, porches, easements, walls, patios, curbs, roof overhangs, overhead wires, bay windows, building setbacks of building on-site and adjoining the site, landscape areas, trees, utility poles, flag poles, directional and identification signs, spot elevations, contours in one foot intervals, FEMA Flood Zone, State Claim areas, utility poles, utilities such as water, sanitary sewer, storm sewer, electric, gas, cable, telephone, etc.	X	X		

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
	Improvements in adjoining right-of-ways / roadways / streets including painted traffic markings.				
21	Stormwater management plans and drainage calculations. (19:66-7.5).	X	N/A		
22	Site Plan depicting proposed buildings, structures, existing and proposed building setbacks, landscape areas, location of identification signage and directional signs, trash enclosure, building setback lines (dashed) and their dimensions from the property lines, parking area plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions.	X	X		
23	Grading plan depicting direction of flow of surface run-off, spot elevations, contours within 1 foot intervals, stormwater management structures.	X	X		
24	Landscaping Plan, details and plant schedule (19:66-7.6)	X	X		
25	Lighting plan and details (19:66-7.10)	X	N/A		
26	Soil Erosion and Sediment Control Plan. (Required for soil disturbance of 5,000 sq. ft. or greater)	X	X		
27	Plans of proposed utility layouts including sanitary sewer, water, gas, telephone, cable and electricity and showing proposed connections to existing or any proposed utility systems.	X	X		
28	Road and paving cross-sections and profiles.	X	N/A		
29	Solid and liquid waste management plan.	X	N/A		
30	Vehicular and pedestrian circulation patterns, Traffic control signs, directional signs and Sight triangles	X	X		
31	Preliminary architectural plan and elevations, and areas and type of each proposed use.	X	X		

Land Use Application
 NYORANGEDEEDS, LLC
 165 & 167 Westminster Avenue
 Block 51, Lots 42 & 43
 Atlantic City, NJ 08401
 (ARH File: 24-10071)

Page 6

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
32	Electronic copy of the full application including application, photos, maps, reports, plans and other exhibits in pdf format. Maximum size of file(s) 4 MB.	X	X		

Major Final Site Plan Checklist (Form #7)

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
1	Completed Land Use Application	X	X		
2	Payment of Required Application and Escrow Fees (19:66-3.4)	X	X		
3	Name and address, email address of property owner and applicant.	X	X		
4	Proof of real estate taxes and other assessments paid.	X	X		
5	Name, signature, license number, seal and address of each professional consultant, as applicable, involved in preparation of required documents.	X	X		
6	Project narrative describing existing conditions, surrounding uses and the proposed development including list of variance and design waiver relief sought, if any.	X	X		
7	Title block denoting type of application, tax map sheet, project address, block and lot, and street location.	X	X		
8	Proof of ownership of property. (Report of title, copy of deed AS FILED with the Atlantic County Clerk's Office, affidavit or other documentation evidencing ownership.)	X	X		
9	Consent of property owner to applicant to development project.	X	X		
10	FOR ADMINISTRATIVE REVIEW AND APPROVAL: Certification from Applicant's licensed professional that the development proposed meets all	X	N/A		

Land Use Application
 NYORANGEDEEDS, LLC
 165 & 167 Westminster Avenue
 Block 51, Lots 42 & 43
 Atlantic City, NJ 08401
 (ARH File: 24-10071)

Page 7

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
	requirements and no variance or design waivers are requested. (19:66-4.6)				
11	Zoning Schedule listing: Use, lot area, lot width, lot depth, yard setbacks, floor area ratio, density, building coverage, building height and parking requirements, including existing and proposed with conformity status of each.	X	X		
12	Certified List of Property Owners within 200' Radius of the subject property by City of Atlantic City Tax assessor's Office.	X	X		
13	Public Notice in compliance with NJSA 40:55D-12.	X	X		
14	North arrow, scale and graphic scale	X	X		
15	Signature blocks for Hearing Officer, Land Use Regulation Enforcement Officer, Engineer and Planner.	X	X		
16	Key map(s) at a legible scale showing location of property with existing structures, uses, streets, public right of ways, municipal boundaries, public parks, beaches, environmental sensitive areas, zoning district boundaries within 200 feet of the subject property. Property tax lots within 200 feet of the subject property taken from the most recent municipal tax map records.	X	X		
17	List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc. as recorded or in recordable form if proposed.	X	N/A		
18	List of development stages or phases, if any.	X	N/A		
19	List of approvals or permits required by other regulatory authorities having jurisdiction and the status of same.	X	X		
20	Land Title Survey and topographic survey depicting existing conditions prepared by New Jersey licensed	X	X		

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
	<p>professional land surveyor. All elevations shall be based on NAVD 1988. The horizontal datum shall on the NJ State Plane Coordinate System (NAD 1983) Survey shall include all existing conditions, including buildings, structures, parking areas with parking space striping, driveways, walkways, fences, stoops, stairs, porches, easements, walls, patios, curbs, roof overhangs, overhead wires, bay windows, building setbacks of building on-site and adjoining the site, landscape areas, trees, utility poles, flag poles, directional and identification signs, spot elevations, contours in one foot intervals, FEMA Flood Zone, State Claim areas, utility poles, utilities such as water, sanitary sewer, storm sewer, electric, gas, cable, telephone, etc. Improvements in adjoining right-of-ways / roadways / streets including painted traffic markings.</p>				
21	Stormwater management plans and drainage calculations. (19:66-7.5).	X	N/A		
22	<p>Site Plan depicting proposed buildings, structures, existing and proposed building setbacks, landscape areas, location of identification signage and directional signs, trash enclosure, building setback lines (dashed) and their dimensions from the property lines, parking area plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions.</p>	X	X		
23	<p>Grading plan depicting direction of flow of surface run-off, spot elevations, contours within 1 foot intervals, stormwater management structures.</p>	X	X		
24	<p>Landscaping Plan, details and plant schedule (19:66-7.6)</p>	X	X		
25	<p>Lighting plan and details (19:66-7.10)</p>	X	N/A		

Land Use Application
 NYORANGEDEEDS, LLC
 165 & 167 Westminster Avenue
 Block 51, Lots 42 & 43
 Atlantic City, NJ 08401
 (ARH File: 24-10071)
Page 9

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
26	Soil Erosion and Sediment Control Plan. (Required for soil disturbance of 5,000 sq. ft. or greater)	X	X		
27	Plans of proposed utility layouts including sanitary sewer, water, gas, telephone, cable and electricity and showing proposed connections to existing or any proposed utility systems.	X	X		
28	Road and paving cross-sections and profiles.	X	N/A		
29	Solid and liquid waste management plan.	X	N/A		
30	Vehicular and pedestrian circulation patterns, Traffic control signs, directional signs and Sight triangles	X	X		
31	Preliminary architectural plan and elevations, and areas and type of each proposed use.	X	X		
32	Estimate of costs of on-site and off-site improvements [19:66-3.4 (b)]	X		X	
33	Electronic copy of the full application including application, photos, maps, reports, plans and other exhibits in pdf format. Maximum size of file(s) 4 MB.	X	X		
34	Performance guarantee [19:66-3.4 (b)]	X		X	
35	Maintenance guarantee (19:66-16.3)	X		X	
36	Inspection Fees (19:66-16.1)	X		X	

Major Preliminary Subdivision Checklist (Form #9)

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
1	Completed Land Use Application	X	X		
2	Payment of Required Application and Escrow Fees (19:66-4.3)	X	X		
3	Name and address, email address of property owner and applicant.	X	X		
4	Proof of real estate taxes and other assessments paid.	X	X		
5	Name, signature, license number, seal and address of each professional consultant, as	X	X		

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
	applicable, involved in preparation of required documents.				
6	Project narrative describing existing conditions, surrounding uses and the proposed development including list of variance and design waiver relief sought, if any.	X	X		
7	Title block denoting type of application, tax map sheet, project address, block and lot, and street location.	X	X		
8	Proof of ownership of property. (Report of title, copy of deed AS FILED with the Atlantic County Clerk's Office, affidavit or other documentation evidencing ownership.)	X	X		
9	Consent of property owner to applicant to development project.	X	X		
10	FOR ADMINISTRATIVE REVIEW AND APPROVAL: Certification from Applicant's licensed professional that the development proposed meets all requirements and no variance or design waivers are requested. (19:66-9)	X	N/A		
11	Zoning Schedule listing: Use, lot area, lot width, lot depth, yard setbacks, floor area ratio, density, building coverage, building height and parking requirements, including existing and proposed with conformity status of each.	X	X		
12	Certified List of Property Owners within 200' Radius of the subject property by City of Atlantic City Tax assessor's Office.	X	X		
13	Public Notice in compliance with NJSA 40:55D-12.	X	X		
14	North arrow, scale and graphic scale	X	X		
15	Signature blocks for Hearing Officer, Land Use Regulation Enforcement Officer, Engineer and Planner.	X	X		
16	Key map(s) at a legible scale showing location of property with existing structures, uses, streets, public right of ways, municipal boundaries, public parks, beaches, environmental sensitive areas, zoning district boundaries within 200 feet of the subject property. Property tax lots within 200 feet of the subject property taken from the most recent municipal tax map records.	X	X		
17	List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association	X	N/A		

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
	Agreements, etc. as recorded or in recordable form if proposed.				
18	List of development stages or phases, if any.	X	X		
19	List of approvals or permits required by other regulatory authorities having jurisdiction and the status of same.	X	X		
20	Land Title Survey and topographic survey depicting existing conditions prepared by New Jersey licensed professional land surveyor. All elevations shall be based on NAVD 1988. The horizontal datum shall on the NJ State Plane Coordinate System (NAD 1983) Survey shall include all existing conditions, including buildings, structures, parking areas with parking space striping, driveways, walkways, fences, stoops, stairs, porches, easements, walls, patios, curbs, roof overhangs, overhead wires, bay windows, building setbacks of building on-site and adjoining the site, landscape areas, trees, utility poles, flag poles, directional and identification signs, spot elevations, contours in one foot intervals, FEMA Flood Zone, State Claim areas, utility poles, utilities such as water, sanitary sewer, storm sewer, electric, gas, cable, telephone, etc. Improvements in adjoining right-of-ways / roadways / streets including painted traffic markings.	X	X		
21	Stormwater management plans and drainage calculations. (19:66-31).	X	N/A		
22	Site Plan depicting proposed buildings, structures, existing and proposed building setbacks, landscape areas, location of identification signage and directional signs, trash enclosure, building setback lines (dashed) and their dimensions from the property lines, parking area plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions.	X	X		
23	Grading plan depicting direction of flow of surface run-off, spot elevations, contours within 1-foot intervals, stormwater management structures.	X	X		
24	Landscaping Plan, details and plant schedule (19:66-32)	X	X		
25	Lighting plan and details (19:66-36)	X	N/A		
26	Soil Erosion and Sediment Control Plan. (Required for soil disturbance of 5,000 sq. ft. or greater)	X	X		

Land Use Application
 NYORANGEDEEDS, LLC
 165 & 167 Westminster Avenue
 Block 51, Lots 42 & 43
 Atlantic City, NJ 08401
 (ARH File: 24-10071)
Page 12

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
27	Plans of proposed utility layouts including sanitary sewer, water, gas, telephone, cable and electricity and showing proposed connections to existing or any proposed utility systems.	X	X		
28	Road and paving cross-sections and profiles.	X	N/A		
29	Solid and liquid waste management plan.	X	N/A		
30	Vehicular and pedestrian circulation patterns, Traffic control signs, directional signs and Sight triangles	X	X		
31	Preliminary architectural plan and elevations, and areas and type of each proposed use.	X	X		
32	Preliminary Plan of Lots prepared by New Jersey Licensed professional land surveyor depicting lot layout, area and dimension of each lot to be created, street layout, setback lines, easements, open space, lands to be dedicated to the municipality.	X	X		
33	Electronic copy of the full application including: application, photos, maps, reports, plans and other exhibits in pdf format. Maximum size of file(s) 4 MB.	X	X		

Final Major Subdivision Checklist (Form #10)

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
1	Completed Land Use Application	X	X		
2	Payment of Required Application and Escrow Fees (19:66-4.3)	X	X		
3	Name and address, email address of property owner and applicant.	X	X		
4	Proof of real estate taxes and other assessments paid.	X	X		
5	Name, signature, license number, seal and address of each professional consultant, as applicable, involved in preparation of required documents.	X	X		
6	Project narrative describing existing conditions, surrounding uses and the proposed development including list of variance and design waiver relief sought, if any.	X	X		

Land Use Application
 NYORANGEDEEDS, LLC
 165 & 167 Westminster Avenue
 Block 51, Lots 42 & 43
 Atlantic City, NJ 08401
 (ARH File: 24-10071)

Page 13

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
7	Title block denoting type of application, tax map sheet, project address, block and lot, and street location.	X	X		
8	Proof of ownership of property. (Report of title, copy of deed AS FILED with the Atlantic County Clerk's Office, affidavit or other documentation evidencing ownership.)	X	X		
9	Consent of property owner to applicant to development project.	X	X		
10	FOR ADMINISTRATIVE REVIEW AND APPROVAL: Certification from Applicant's licensed professional that the development proposed meets all requirements and no variance or design waivers are requested. (19:66-9)	X	N/A		
11	Zoning Schedule listing: Use, lot area, lot width, lot depth, yard setbacks, floor area ratio, density, building coverage, building height and parking requirements, including existing and proposed with conformity status of each.	X	X		
12	Certified List of Property Owners within 200' Radius of the subject property by City of Atlantic City Tax assessor's Office.	X	X		
13	Public Notice in compliance with NJSA 40:55D-12.	X	X		
14	North arrow, scale and graphic scale	X	X		
15	Signature blocks for Hearing Officer, Land Use Regulation Enforcement Officer, Engineer and Planner.	X	X		
16	Key map(s) at a legible scale showing location of property with existing structures, uses, streets, public right of ways, municipal boundaries, public parks, beaches, environmental sensitive areas, zoning district boundaries within 200 feet of the subject property. Property tax lots within 200 feet of the subject property taken from the most recent municipal tax map records.	X	X		
17	List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc. as recorded or in recordable form if proposed.	X	N/A		
18	List of development stages or phases, if any.	X	X		
19	List of approvals or permits required by other regulatory authorities having jurisdiction and the status of same.	X	X		

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
20	Land Title Survey and topographic survey depicting existing conditions prepared by New Jersey licensed professional land surveyor. All elevations shall be based on NAVD 1988. The horizontal datum shall on the NJ State Plane Coordinate System (NAD 1983) Survey shall include all existing conditions, including buildings, structures, parking areas with parking space striping, driveways, walkways, fences, stoops, stairs, porches, easements, walls, patios, curbs, roof overhangs, overhead wires, bay windows, building setbacks of building on-site and adjoining the site, landscape areas, trees, utility poles, flag poles, directional and identification signs, spot elevations, contours in one foot intervals, FEMA Flood Zone, State Claim areas, utility poles, utilities such as water, sanitary sewer, storm sewer, electric, gas, cable, telephone, etc. Improvements in adjoining right-of-ways / roadways / streets including painted traffic markings.	X	X		
21	Stormwater management plans and drainage calculations. (19:66-31).	X	N/A		
22	Site Plan depicting proposed buildings, structures, existing and proposed building setbacks, landscape areas, location of identification signage and directional signs, trash enclosure, building setback lines (dashed) and their dimensions from the property lines, parking area plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions.	X	X		
23	Grading plan depicting direction of flow of surface run-off, spot elevations, contours within 1-foot intervals, stormwater management structures.	X	X		
24	Landscaping Plan, details and plant schedule (19:66-32)	X	X		
25	Lighting plan and details (19:66-36)	X	N/A		
26	Soil Erosion and Sediment Control Plan. (Required for soil disturbance of 5,000 sq. ft. or greater)	X	X		
27	Plans of proposed utility layouts including sanitary sewer, water, gas, telephone, cable and electricity and showing proposed connections to existing or any proposed utility systems.	X	X		
28	Road and paving cross-sections and profiles.	X	N/A		
29	Solid and liquid waste management plan.	X	N/A		

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
30	Vehicular and pedestrian circulation patterns, Traffic control signs, directional signs and Sight triangles	X	X		
31	Preliminary architectural plan and elevations, and areas and type of each proposed use, if applicable.	X	X		
32	Final Plan of Lots prepared in accordance with the New Jersey Map Filing Law (M. J. S. 46:23-9), prepared by a Licensed professional land surveyor	X	X		
33	Estimate of costs of on-site and off-site improvements (19:66-4.3)	X		X	
34	Electronic copy of the full application including: application, photos, maps, reports, plans and other exhibits in pdf format. Maximum size of file(s) 4 MB.	X	X		
35	Performance guarantee (19:66-4.3, 19:66-58)	X		X	
36	Maintenance guarantee (19:66-58)	X		X	
37	Inspection Fees (19:66-73)	X		X	

"d" Variance Checklist (Form #11)

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
1	Completed Land Use Application Form	X	X		
2	Payment of Required Application and Escrow Fees (19:66-4.3)	X	X		
3	Name and address, email address of property owner and applicant.	X	X		
4	Proof of real estate taxes and other assessments paid.	X	X		
5	Name, signature, license number, seal and address of each professional consultant, as applicable, involved in preparation of required documents.	X	X		
6	Narrative presenting justification for the "d" Variance relief sought that includes a statement of legal basis for granting of variance which must include: a) A list and explanation of the specific special reason(s) demonstrating that the proposed variance relief would not cause detriment to the intent and purpose of the municipality's zone plan and zoning regulations.	X	X		

Land Use Application
 NYORANGEDEEDS, LLC
 165 & 167 Westminster Avenue
 Block 51, Lots 42 & 43
 Atlantic City, NJ 08401
 (ARH File: 24-10071)

Page 16

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
	b) Explanation of how requested variance would be consistent with goals and provisions of the Master Plan. c) Reasons why proposed development would pose no substantial harm to surrounding properties or the municipality in general.				
7	Color Photographs of site from four (4) different viewpoints.	X	X		
8	Project narrative describing existing conditions, surrounding uses and the proposed development including list of "c" variance(s) and design waiver relief sought, if applicable.	X	X		
9	Title block denoting type of application, tax map sheet, project address, block and lot, and street location.	X	X		
10	Proof of ownership of property. (Report of title, copy of deed AS FILED with the Atlantic County Clerk's Office, affidavit or other documentation evidencing ownership.)	X	X		
11	Consent of property owner to applicant to development project.	X	X		
12	Zoning Schedule listing: Use, lot area, lot width, lot depth, yard setbacks, floor area ratio, density, building coverage, building height and parking requirements, including existing and proposed with conformity status of each.	X	X		
13	Certified List of Property Owners within 200' Radius of the subject property by City of Atlantic City Tax assessor's Office.	X	X		
14	Public Notice in compliance with NJSA 40:55D-12.	X	X		
15	North arrow, scale and graphic scale	X	X		
16	Signature blocks for Hearing Officer, Land Use Regulation Enforcement Officer, Engineer and Planner.	X	X		
17	Key map(s) at a legible scale showing location of property with existing structures, uses, streets, public right of ways, municipal boundaries, public parks, beaches, environmental sensitive areas, zoning district boundaries within 200 feet of the subject property. Property tax lots within 200 feet of the subject property taken from the most recent municipal tax map records.	X	X		

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
18	List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc. as recorded or in recordable form if proposed.	X	N/A		
19	List of development stages or phases, if any.	X	N/A		
20	List of approvals or permits required by other regulatory authorities having jurisdiction and the status of same.	X			
21	Land Title Survey and topographic survey depicting existing conditions prepared by New Jersey licensed professional land surveyor. All elevations shall be based on NAVD 1988. The horizontal datum shall on the NJ State Plane Coordinate System (NAD 1983) Survey shall include all existing conditions, including buildings, structures, parking areas with parking space striping, driveways, walkways, fences, stoops, stairs, porches, easements, walls, patios, curbs, roof overhangs, overhead wires, bay windows, building setbacks of building on-site and adjoining the site, landscape areas, trees, utility poles, flag poles, directional and identification signs, spot elevations, contours in one foot intervals, FEMA Flood Zone, State Claim areas, utility poles, utilities such as water, sanitary sewer, storm sewer, electric, gas, cable, telephone, etc. Improvements in adjoining right-of-ways / roadways / streets including painted traffic markings.	X	X		
22	Site Plan depicting proposed buildings, structures, existing and proposed building setbacks, landscape areas, location of identification signage and directional signs, trash enclosure, building setback lines (dashed) and their dimensions from the property lines, parking area plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions.	X	X		
23	Preliminary architectural plan and elevations, and areas and type of each proposed use.	X	X		
24	Electronic copy of the full application including: application, photos, maps, reports, plans and other exhibits in pdf format. Maximum size of file(s) 4 MB.	X	X		

"c" Variance Checklist (Form #12)

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
1	Completed Land Use Application Form	X	X		
2	Payment of Required Application and Escrow Fees (19:66-4.3)	X	X		
3	Name and address, email address of property owner and applicant.	X	X		
4	Proof of real estate taxes and other assessments paid.	X	X		
5	Name, signature, license number, seal and address of each professional consultant, as applicable, involved in preparation of required documents.	X	X		
6	Color Photographs of site from four (4) different viewpoints.	X	X		
7	Project narrative describing existing conditions, surrounding uses and the proposed development including list of "c" variance(s) and design waiver relief sought, if applicable.	X	X		
8	Title block denoting type of application, tax map sheet, project address, block and lot, and street location.	X	X		
9	Proof of ownership of property. (Report of title, copy of deed AS FILED with the Atlantic County Clerk's Office, affidavit or other documentation evidencing ownership.)	X	X		
10	Consent of property owner to applicant to development project.	X	X		
11	Zoning Schedule listing: Use, lot area, lot width, lot depth, yard setbacks, floor area ratio, density, building coverage, building height and parking requirements, including existing and proposed with conformity status of each.	X	X		
12	Certified List of Property Owners within 200' Radius of the subject property by City of Atlantic City Tax assessor's Office.	X	X		
13	Public Notice in compliance with NJSA 40:55D-12.	X	X		
14	North arrow, scale and graphic scale	X	X		
15	Signature blocks for Hearing Officer, Land Use Regulation Enforcement Officer, Engineer and Planner.	X	X		
16	Key map(s) at a legible scale showing location of property with existing structures, uses, streets,	X	X		

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
	public right of ways, municipal boundaries, public parks, beaches, environmental sensitive areas, zoning district boundaries within 200 feet of the subject property. Property tax lots within 200 feet of the subject property taken from the most recent municipal tax map records.				
17	List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc. as recorded or in recordable form if proposed.	X	N/A		
18	List of development stages or phases, if any.	X	N/A		
19	List of approvals or permits required by other regulatory authorities having jurisdiction and the status of same.	X	X		
20	Land Title Survey and topographic survey depicting existing conditions prepared by New Jersey licensed professional land surveyor. All elevations shall be based on NAVD 1988. The horizontal datum shall on the NJ State Plane Coordinate System (NAD 1983) Survey shall include all existing conditions, including buildings, structures, parking areas with parking space striping, driveways, walkways, fences, stoops, stairs, porches, easements, walls, patios, curbs, roof overhangs, overhead wires, bay windows, building setbacks of building on-site and adjoining the site, landscape areas, trees, utility poles, flag poles, directional and identification signs, spot elevations, contours in one foot intervals, FEMA Flood Zone, State Claim areas, utility poles, utilities such as water, sanitary sewer, storm sewer, electric, gas, cable, telephone, etc. Improvements in adjoining right-of-ways / roadways / streets including painted traffic markings.	X	X		
21	Site Plan depicting proposed buildings, structures, existing and proposed building setbacks, landscape areas, location of identification signage and directional signs, trash enclosure, building setback lines (dashed) and their dimensions from the property lines, parking area plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions.	X	X		
22	Preliminary architectural plan and elevations, and areas and type of each proposed use.	X	X		

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
23	Electronic copy of the full application including: application, photos, maps, reports, plans and other exhibits in pdf format. Maximum size of file(s) 4 MB.	X	X		

IV. BULK REQUIREMENTS, RESORT COMMERCIAL DISTRICT (RC)

Standard	Required	Existing	Proposed	Complies?
Maximum Height (measured from BFE), Principal Structure (FT)	300	35	37.3	C
Maximum Height (measured from BFE), Accessory Structure (FT)	35	N/A	NC	N/A
Minimum Lot Area (SF)	7,500	1,500	987.50	V
Minimum Lot Depth (FT)	150	50	NC	ENC
Minimum Lot Width (FT)	50	30	19.75	ENC
Minimum Lot Frontage (FT)	50	30	19.75	ENC
Maximum Building Coverage (%)	70	N/A	81	V
Maximum Impervious Coverage (%)	80	52.9	99.5	V
Minimum Front Yard (FT)	20	N/A	0	V
Minimum Rear Yard (FT)	20	0	0.9	V
Minimum Side Yard (FT)	20	N/A	0	V
Floor Area Ratio	N/A	N/A	N/A	N/A
Open Space	N/A	N/A	N/A	N/A
Density (DUA)	50	N/A	41	C
Parking	2.4/Unit = 10	N/A	8 Garage	V

C = COMPLIES

ENC = EXISTING NON-CONFORMING CONDITION

V = VARIANCE REQUIRED

N/A = NOT APPLICABLE

NC = NO CHANGE FROM EXISTING

VG = VARIANCE GRANTED

V. REVIEW OF PLANS

a. Waivers

1. Applicant has requested waivers on items 33, 35, 36, & 37 of the Final Major Subdivision Checklist and 32, 34, 35, & 36 of the Major Final Site Plan Checklist (Forms #10 and #7). Those items are as follows:

a. Form #10

33. Estimate of costs of on-site and off-site improvements (19:66-4.3)

35. Performance guarantee (19:66-4.3, 19:66-58)
36. Maintenance guarantee (19:66-58)
37. Inspection Fees (19:66-73)
- b. Form #7
 32. Estimate of costs of on-site and off-site improvements (19:66-3.4)
 34. Performance guarantee [19:66-3.4 (b)]
 35. Maintenance guarantee (19:66-16.3)
 36. Inspection Fees (19:66-16.1)
- b. Variances
 1. Residential Single Family attached is not a permitted use in the RC Zone, a Use Variance has been requested. (19:66-5.10(a) 1.i)
 2. The following bulk variance relief has been requested by the applicant:
 - a. To permit a maximum height, principal building of 37.3 feet where 35 is permitted. (19:66-5.10(a)1.iv(1))
 - b. To permit a lot area of 987.5 square feet where 7,500 is required. (19:66-5.10(a)1.iv(2))
 - c. To permit a lot depth of 50 feet where 150 is required. (19:66-5.10(a)1.iv(3))
 - d. To permit a lot width of 19.75 feet where 50 is required. (19:66-5.10(a)1.iv(4))
 - e. To permit a lot frontage of 19.75 feet where 5 is required. (19:66-5.10(a)1.iv(5))
 - f. To permit a building coverage of 81% where 70% is required. (19:66-5.10(a)1.iv(6))
 - g. To permit an impervious coverage of 99.5% where a maximum of 80% is allowed. (19:66-5.10(a)1.iv(7))
 - h. To permit a rear yard setback of one (1) foot where 20 feet is required. (19:66-5.10(a)1.iv(10))
 - i. To permit 2 parking spaces per unit where 2.4 are required for each 3-BR townhome unit. (19:66-5.8(a))
 3. Applicant has requested variance relief to permit a maximum height, principal building of 37.3 feet where 300 feet is permitted. The proposed height meets the requirements of the RC District, thus no variance is necessary. Applicant shall confirm status of height requirements.
 4. The following bulk variance relief is not requested by the applicant, but is required:
 - a. To permit a front yard setback of 0 feet where 20 feet is required. (19:66-5.10(a)1.iv(8))
 - b. To permit a side yard setback of 0 feet where 20 feet is required. (19:66-5.10(a)1.iv(9))
- c. Subdivision Plan
 1. Our office has reviewed and accepts the Major Subdivision Plan in accordance with N.J.A.C. 19-8.1-15 and the Title Recordation Act (Map Filing Law), NJSA 46:26B.

- d. Stormwater Management
 - 1. The Applicant has not provided any stormwater management features for the proposed development. The project does not qualify as a “major development”, as classified per N.J.A.C. 7:8, as it does not increase motor vehicle surfaces by ¼ acre or disturb over one (1) acre of area; therefore, our office acknowledges that no stormwater attenuation is required for this project.
 - 2. The project is not subject to the NJ Coastal Zone Management Rules (N.J.A.C. 7:7) for CAFRA since proposed work is greater than 500 feet from the landward limit of dunes and proposes less than 75 units.
 - 3. The entire project site is located in the Tidal Flood Hazard Area (Flood Zone AE, Base Flood Elevation 10). The finished floor elevation for the proposed building is El. 16.50; therefore, no habitable area is proposed within the flood hazard area.

- e. Parking
 - 1. Testimony shall be provided regarding how guest parking will be accommodated. Safe pedestrian circulation shall be provided to each unit.

- f. Lighting
 - 1. The rear of the proposed building faces an existing parking lot. The Applicant shall confirm that no light spillage encroaches upon the residential area.

- g. Utilities
 - 1. The plans indicate that public sewer and water connections will be made to the existing mains within Westminster Ave for each unit. Copies of all applicable sewer and water permits shall be submitted to our office prior to final approval.

COFONE CONSULTING REVIEW

Surrounding Land Uses

Surrounding uses include a mixture of surface parking lots, multi-family residential and commercial uses.

Zoning Compliance

The property is located in the Resort Commercial (RC) District. As stated at CRDA Land Development Rules Section at N.J.A.C. 19:66-5.10, the purpose of the RC District is as follows:

The purpose of the RC Resort Commercial District is to provide an array of land uses that will capitalize on the zoning district’s geographical advantages of the zoning district’s proximity to the boardwalk and the Atlantic Ocean. The Resort Commercial District also offers the highest intensity residential offerings within the Tourism District with a variety of supportive commercial and services uses. The vision is to create an environment where residential and resort offerings

Land Use Application
NYORANGEDEEDS, LLC
165 & 167 Westminster Avenue
Block 51, Lots 42 & 43
Atlantic City, NJ 08401
(ARH File: 24-10071)

Page 23

seamlessly integrate.

While the RC District permits “multi-family residential mid-rises and high-rises”, single-family attached dwellings are not permitted. Therefore, a “d” variance is required for the proposed use, as well as multiple “c” variances.

Master Plan Review

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).

Planning Analysis and Issues for Consideration by the Board

In regard to the “d(1)” variance, the Municipal Land Use Law (MLUL) at NJSA 40:55D-70.d sets forth the standards for variances from the use regulations of a zoning ordinance. A “d(1)” variance is required when an applicant submits an application for a use that is not permitted in the list of permitted uses within a specific zoning district. The applicant must satisfy the *Medici* proofs:

- Is the site particularly suited for the proposed use?
- Does the proposed use advance special reasons and further the purposes of the Municipal Land Use Law (MLUL)?
- Does the proposal substantially impair the purpose and intent of the master plan, zone plan, and zoning ordinance? Does the proposal satisfy the enhanced quality of proof that the variance sought is not inconsistent with the intent of the master plan and zoning ordinance, proof which must reconcile the proposed use variance with the zoning ordinance's omission of the use from those permitted in the district?
- Can a variance for this use be granted without substantial detriment to the public good?

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.”

We offer the following for your consideration in reviewing the Application:

- 1) The Applicant’s professional planner shall provide the required statutory proofs for the proposed variances.

- 2) While the Applicant's engineer has identified various "c" variance relief, since the RC District does not contemplate the use and thus does not contain bulk requirements applicable to single-family attached residential, any identified "c" variances are subsumed by the "d" variance in accordance with *Price V. Himeji*.
- 3) The Applicant's architect shall provide detailed testimony relative to the proposed design, materials, lighting, landscape architecture, and curb appeal elements.
- 4) The Applicant's engineer shall confirm that all parking for the single-family attached units will be accommodated on each respective lot.
- 5) The Applicant shall provide information relative to whether the residential units will be rentals (site managed by the owner-operator) or sales. If sale, testimony shall be provided regarding property maintenance responsibilities.
- 6) The Applicant shall discuss how the application will advance the intent of the New Jersey CRDA Atlantic City Tourism District Master Plan and the Tourism District.

POST APPROVAL CONSIDERATIONS

Should the Board grant the desired approval for this Application, Applicant, and/or its professionals must:

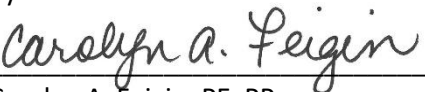
- A. Submit any required revisions to the Board as outlined above for review.**
- B. Obtain approvals from all outside agencies, if necessary. Provide copies to the Board.**
- C. Contact the Board Secretary to reconcile any outstanding review escrow accounts prior to Final Plan Certification, Signature, or the issuance of building permits, as applicable.**

Any resubmissions in response to this report should be accompanied by a point-by-point response to all items. To facilitate the Board's decision-making process, Applicants are strongly encouraged to resolve as many items as possible prior to the hearing on this matter.

Respectfully Submitted,

ARH ASSOCIATES

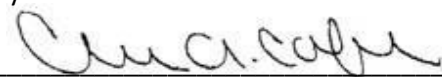
By



Carolyn A. Feigin, PE, PP
CRDA Consulting Engineer

COFONE CONSULTING GROUP

By



Christine A. Nazzaro-Cofone, AICP, PP
CRDA Consulting Planner