



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

October 2, 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  
107 S. Kentucky Avenue LLC  
105, 107, 117, 123, 125, & 127 S. Kentucky Avenue,  
1514, 1514RR, 1516, & 1520 Pacific Avenue, and  
105, 107, & 109 Westminster Avenue  
Block 50, Lots 1-4 & Block 51, Lots 1-10  
Atlantic City, NJ 08401  
CRDA Application #: 2023-08-3512  
ARH File: 24-10089

Dear Mr. Landgraf:

**ARH ASSOCIATES** has received the above captioned Application for review. The Applicant seeks Minor Site Plan approval, "d" Use Variance and "c" Bulk Variance Relief.

Block 50, Lots 1-4 and Block 51, Lots 1-10 are located in Atlantic City's Kentucky Avenue Renaissance (KAR) (Block 5) and Resort Commercial (RC) (Block 51) Zoning Districts. It is proposed that 19 townhouses on Block 50 and 10 townhouses on Block 51 are to be constructed.

This report consists of a review of the Subject Application for conformance with Casino Reinvestment Development Authority checklists as well as NJAC19:66, 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**  
107 S. Kentucky Avenue, LLC  
faron@traxpartners.com  
1650 Limekiln Pike, Suite B19-1043, Dresher, PA 19025  
610-737-4855

## **ARH Associates**

Corporate Headquarters – 215 Bellevue Avenue – PO Box 579 – Hammonton, NJ 08037 – 609.561.0482 – fax 609.567.8909  
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 Atlantic City, NJ 08401  
 ARH File: 24-10089  
**Page 2**

## II. SUBMITTALS

TITLE / DESCRIPTION	PREPARED / SIGNED / SEALED BY	DATE	DATE LAST REVISED
CRDA Land Use Application	Applicant	Undated	
Escrow Setup Information			
Ownership Interests			
Deeds to Block 50 Lots 1-4 and Block 51 Lots 1-10		06/16/2023	
Major Preliminary Site Plan Checklist	Jason T. Sciuillo, P.E., P.P.	Undated	
Major Final Site Plan Checklist			
"d" Variance Checklist			
"c" Variance Checklist			
Site Plan		09/05/2023	
Architectural Plan	Harman, Deutsch, Ohler Architecture	08/28/2023	
Variance Justification Report	Nehmad Davis & Goldstein	09/06/2023	
Tax Map	City of Atlantic City	01/2016	
Proof of Taxes Paid Block 50, Lots 1-4		07/26/2023	
Proof of Taxes Paid Block 51, Lots 1-10			
200' Property Owners List		09/06/2023	

## III. CHECKLISTS

The following addresses conformance with the CRDA's list of Required Application items for Major Preliminary Site Plan, Major Final Site Plan, "d" Variance and "c" Variance Checklists (forms #6, #7, #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	Comments
17	List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc. as recorded or in recordable form if proposed.	X		X	"Project is for rental properties"
21	Stormwater management plans and drainage calculations. (19:66-7.5).	X		X	"(not required pursuant to NJAC 7:8-1.6)"

Land Use Application  
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 Block 50, Lots 1-4 & Block 51, Lots 1-10  
 Atlantic City, NJ 08401  
 ARH File: 24-10089

**Page 3**

Major Final Site Plan Checklist (Form #7)

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Comments
17	List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc. as recorded or in recordable form if proposed.	X		X	"Project is for Rental Properties."
21	Stormwater management plans and drainage calculations. (19:66-7.5).	X		X	"(not required pursuant to NJAC 7:8-1.6)"
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	

"d" Variance Checklist (Form #11)

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Comments
18	List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc. as recorded or in recordable form if proposed.	X		X	"Project is for rental properties."

"c" Variance Checklist (Form #12)

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Comments
17	List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc. as recorded or in recordable form if proposed.	X		X	"Project is for rental properties."

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 Atlantic City, NJ 08401  
 ARH File: 24-10089  
**Page 4**

#### **IV. BULK REQUIREMENTS, KENTUCKY AVENUE RENAISSANCE (KAR) BLOCK 50**

<b>Standard</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Complies?</b>
Maximum Height (measured from BFE), Principal Structure (FT)	300	N/A	45.7	C
Minimum Lot Area (SF)	7,500	26,250	NC	C
Minimum Lot Depth (FT)	150	210	NC	C
Minimum Lot Width (FT)	50	125	NC	C
Minimum Lot Frontage (FT)	50	125	NC	C
Maximum Building Coverage (%)	70	N/A	62	C
<b>Maximum Impervious Coverage (%)</b>	<b>80</b>	<b>57.7</b>	<b>91.5</b>	<b>V</b>
<b>Minimum Front Yard (FT)</b>	<b>20</b>	<b>N/A</b>	<b>3</b>	<b>V</b>
Minimum Rear Yard	20	N/A	N/A	N/A
<b>Minimum Side Yard</b>	<b>20</b>	<b>N/A</b>	<b>4</b>	<b>V</b>
Parking (Spaces)	50	N/A	57	C

**C = COMPLIES**

**ENC = EXISTING NON-CONFORMING CONDITION**

**V = VARIANCE REQUIRED**

**N/A = NOT APPLICABLE**

**NC = NO CHANGE FROM EXISTING**

**VG = VARIANCE GRANTED**

#### **V. BULK REQUIREMENTS, RESORT COMMERCIAL (RC) BLOCK 51**

<b>Standard</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Complies?</b>
Maximum Height (measured from BFE), Principal Structure (FT)	300	35	45.7	C
Minimum Lot Area (SF)	7,500	39,990	NC	C
Minimum Lot Depth (FT)	150	210	NC	C
Minimum Lot Width (FT)	50	194.71	NC	C
Minimum Lot Frontage (FT)	50	194.71	NC	C
Maximum Building Coverage (%)	70	N/A	23	C
Maximum Impervious Coverage (%)	80	78.9	78.5	C
<b>Minimum Front Yard (FT)</b>	<b>20</b>	<b>N/A</b>	<b>3</b>	<b>V</b>
Minimum Rear Yard	20	N/A	N/A	N/A
<b>Minimum Side Yard</b>	<b>20</b>	<b>N/A</b>	<b>0</b>	<b>V</b>
Maximum Density (DU/A)	50	N/A	10.9	C
Parking (Spaces)	25	N/A	29	C

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Block 50, Lots 1-4 & Block 51, Lots 1-10  
Atlantic City, NJ 08401  
ARH File: 24-10089

**Page 5**

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**N/A = NOT APPLICABLE**

**NC = NO CHANGE FROM EXISTING**

**VG = VARIANCE GRANTED**

## **VI. REVIEW OF PLANS**

### **a. Checklists**

#### **1. Major Preliminary Site Plan Checklist**

##### **a. The applicant has requested waivers on the following items:**

- i. Item 17: List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc. as recorded or in recordable form if proposed.**
- ii. Item 21: Stormwater management plans and drainage calculations. (19:66-7.5)**

#### **2. Major Final Site Plan Checklist**

##### **a. The applicant has requested waivers on the following items:**

- i. Item 17: List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc. as recorded or in recordable form if proposed.**
- ii. Item 21: Stormwater management plans and drainage calculations. (19:66-7.5)**
- iii. Item 34: Performance guarantee [19:66-3.4 (b)]**
- iv. Item 35: Maintenance guarantee (19:66-16.3)**
- v. Item 36: Inspection Fees (19:66-16.1)**

#### **3. "d" Variance Checklist**

##### **a. The applicant has requested waivers on the following items:**

- i. Item 18: List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc. as recorded or in recordable form if proposed.**

#### **4. "c" Variance Checklist**

##### **a. The applicant has requested waivers on the following items:**

- i. Item 17: List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc. as recorded or in recordable form if proposed.**

### **b. Zoning (KAR)**

#### **1. The applicant requires the following variances:**

- a. Maximum Impervious Coverage – 91.5% is proposed, where 80% is required per NJAC 19:66-5.20(a)1.iv.(7)**
- b. Minimum Front Yard – 3 FT is proposed, where 20 FT is required per NJAC 19:66-5.20(a)1.iv.(8).**
- c. Minimum Side Yard – 4 FT is proposed where 20 FT is required per NJAC 19:66-5.20(a)1.iv.(9).**
- d. Use Variance relief – where Low-rise multi-family residential use is not permitted in the KAR Zone.**

Land Use Application  
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Atlantic City, NJ 08401  
ARH File: 24-10089

**Page 6**

- c. Zoning (RC)
  - 1. The applicant requires the following variances:
    - a. Minimum Front Yard – 3 FT is proposed, where 20 FT is required per NJAC 19:66-5.10(a)1.iv.(8).
    - b. Minimum Side Yard – 0 FT is proposed where 20 FT is required per NJAC 19:66-5.10(a)1.iv.(9).
    - c. Use Variance relief – where Low-rise multi-family residential use is not permitted in the RC Zone.
- d. Parking
  - 1. Per RSIS Section 5:21-4.14, 4- and 5-bedroom single-family residential units require 2.5 and 3.0 parking spaces, respectively. Each townhome unit provides three (3) 9'x18' parking spaces as part of the garage; therefore, the parking requirement is satisfied.
- e. Grading/Drainage
  - 1. The project does not qualify as a “major development” as classified by N.J.A.C. 7:8, as it does not increase motor vehicle surfaces by ¼ acre or disturb over one (1) acre of land area; therefore, our office acknowledges that no stormwater attenuation is required for this project. The Applicant’s Engineer shall provide testimony that the proposed increase in impervious coverage will not negatively impact the surrounding properties or downstream drainage facilities. In addition, although not specifically required, the applicant shall consider drywells to mitigate the increase in impervious area.
  - 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 is located in the Tidal Flood Hazard Area (Flood Zone AE, Base Flood Elevation 10). The lowest finished floor elevation is set at Elevation 18.19
- f. Landscaping & Lighting
  - 1. The Applicant shall confirm landscaping meets the requirements set forth in NJAC 19:66-7.6.
  - 2. The Landscaping and Lighting Plan provided does not indicate any proposed light fixtures. The Applicant shall provide testimony to confirm the internal driveways will be adequately illuminated and/or if additional fixtures are required.
  - 3. The demolition plans indicates that two (2) existing light poles are to be removed along Kentucky Avenue. The Applicant shall provide testimony to confirm that the elimination of these fixtures will not negatively impact visibility along the property frontage and surrounding areas.

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Atlantic City, NJ 08401  
ARH File: 24-10089

**Page 7**

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.
2. It shall be confirmed that the proposed sanitary sewer laterals from the townhome units provide a minimum of three (3) feet of cover (as measured from the top of the pipe to the grade elevation).
3. The Applicant shall provide construction details for pavement repair for the proposed utility connections within the City ROW.

h. Miscellaneous

1. The Applicant shall confirm that all proposed sidewalks are ADA compliant. Safe pedestrian circulation shall be provided to each unit.
2. The Applicant shall provide testimony regarding the method of trash collection for the proposed units.
3. A construction detail for a Wood Panel Fence is included on Sheet C1101; however, the limits of the fence are not clearly identified on the plans. The Applicant shall clarify where the fencing is proposed.

**COFONE CONSULTING PLANNING REVIEW**

**Zoning Compliance**

Block 51, Lots 1-10 are 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 seamlessly integrate.

Block 50, Lots 1-4 are located within the Kentucky Avenue Renaissance (KAR) District. As stated at CRDA Land Development Rules Section at § 19:66-5.20, the purpose of the KAR District is as follows:

The purpose of the Kentucky Avenue Renaissance District is to honor the deep music and entertainment history in the neighborhood and provide land use controls that seek to spur an economic engine for the area.

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Atlantic City, NJ 08401  
ARH File: 24-10089

**Page 8**

Attached single-family dwellings (townhouses) are not a permitted use in the KAR and RC Districts. Accordingly, a Special Reasons Use Variance is required pursuant to N.J.S.A. 40:55D-70(d)(1). In addition, as specified in the engineering portion of this review, various bulk variances are required for deviation from the KAR and RC District regulations.

**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” variance, 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



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Block 50, Lots 1-4 & Block 51, Lots 1-10  
Atlantic City, NJ 08401  
ARH File: 24-10089

**Page 9**

variances.

- 2) While the Applicant's engineer has identified various "c" variance relief, since the zones do 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 discuss the impacts of the reconfigured parking lot on Block 51, Lot 1 and if the reduction in parking spaces will have a negative impact on any of the surrounding uses for which it serves.
- 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 all proposed exterior alterations and should provide elements that will enhance curb appeal.
- 7) 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.**

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ARH File: 24-10089

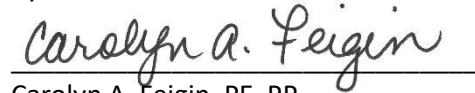
**Page 10**

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**

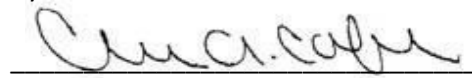
By



Carolyn A. Feigin, PE, PP  
CRDA Consulting Engineer

**COFONE CONSULTING GROUP**

By



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