



January 26, 2024

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: DGMB Casino, LLC and IMCMV Atlantic City, LLC
Located South of 1133 Boardwalk
Block 1, Lots 142 & 142.01
Atlantic City, NJ 08401
ARH File: 24-10074.02

Dear Mr. Landgraf:

ARH ASSOCIATES has received the above captioned Application for review. The Applicant seeks Minor Site Plan approval to construct a dry storage area and relocate the roof sign ancillary to the Landshark Bar & Grill. It shall be noted that an application for this site was heard before the CRDA Board on March 3, 2022 and was approved under Resolution #22-37, dated April 19, 2022 and again on April 6, 2023 and was approved under Resolution #23-54, dated April 18, 2023.

Block 1, Lots 142 & 142.01 is located in Atlantic City's Beach (B) Zoning District. The proposed uses are permitted within the Beach Zone. The Applicant requests bulk variance relief from signage requirements associated with this Application.

This report consists of a review of the Subject Application for conformance with Casino Reinvestment Development Authority checklists as well as NJAC 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

DGMB Casino, LLC
1133 Boardwalk, Atlantic City, NJ 08401
609-340-7955
nmoles@resortsac.com

APPLICANT

IMCMV Atlantic City, LLC
4901 Vineland Road, Suite 600, Orlando, FL 32811
609-572-7544
ntalvacchia@cooperlevenson.com

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 ARH File: 24-10074.02
Page 2

II. SUBMITTALS

TITLE / DESCRIPTION	PREPARED / SIGNED / SEALED BY	DATE	DATE LAST REVISED
Cover Letter from Applicant's Attorney	Cooper Levenson	01/05/2024	
Request for 200-foot property owners list		01/04/2024	
CRDA Land Use Application	Owner / Applicant	01/05/2024	
Escrow Setup Information			
Project Narrative			
Corporate Disclosure Statement			
Landshark Bar & Grill Alterations & Addition CRDA Submittal Set – Site Plan	Arthur Ponzio Co.	11/29/2023	
Minor Site Plan Checklist (Form #5)	Arthur Ponzio Co.	01/05/2024	
Policy Compliance Report NJAC 7:7E-8.7 Stormwater Management	Arthur Ponzio Co.	12/21/2023	
Resorts Landshark Bar & Grill Addition & Alterations – Architectural Plans	SOSH Architects	11/29/2023	
Deed Instrument No. 2010073603	City of Atlantic City	12/10/2023	

III. CHECKLISTS

The following addresses conformance with the CRDA's list of Required Application items for Minor Site Plan Checklist (form #5) and "c" Variance Checklist (Form #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.

Minor Site Plan Checklist (Form #5)

ITEM	Minor Site Plan	Required	Submitted	Waiver Requested by Applicant	Comments
12	Certified List of Property Owners within 200' Radius of the subject property by City of Atlantic City Tax assessor's Office.	X			Not Submitted to this Office. See Comment V.m.1. below
21	Stormwater management plans and drainage calculations. (19:66-7.5).	X		X	Plan Not Submitted. Stormwater Compliance Report Submitted. See Comments

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Page 3

ITEM	Minor Site Plan	Required	Submitted	Waiver Requested by Applicant	Comments
					in V.h. Below
22	Site Plan depicting proposed buildings, structures, existing and proposed building setbacks, landscape areas, lighting / fixtures, lighting intensity, 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			See Comments In V.e. Below
23	Grading Plan depicting direction of flow of surface run-off, spot elevations, contours within 1-foot intervals, stormwater management structures.	X			Not Submitted See Comments in V.g. Below
24	Landscaping Plan, details, and plant schedule (19:66-7.6)	X		X	See Comments in V.k. Below
25	Lighting Plan and details (19:66-7.10)	X		X	See Comment V.l. Below
29	Soil Erosion and Sediment Control Plan. (Required for soil disturbance of 5,000 sq. ft. or greater)	X		X	

"c" Variance Checklist (Form #12)

*This checklist has not been provided to our office, however our office completed this checklist to the best of our knowledge.

ITEM	"c" Variance	Required	Submitted	Waiver Requested by Applicant	Comments
2	Payment of Required Application and Escrow Fees (19:66-3.4)	X			This office is unaware of fees paid to date. CRDA to confirm all fees are paid to date.

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ITEM	"c" Variance	Required	Submitted	Waiver Requested by Applicant	Comments
6	Color Photographs of site from four (4) different viewpoints.	X			Not Submitted
12	Certified List of Property Owners within 200' Radius of the subject property by City of Atlantic City Tax assessor's Office.	X			Not Submitted to this Office. See Comment V.m.1. below
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			See Comments In V.e. Below

IV. BULK REQUIREMENTS, BEACH (B)

Standard – Dry Storage Building	Required	Existing	Proposed	Complies?
Maximum Height (measured from BFE) (FT)	100	N/A	23.25 (above BFE El. 10')	C
Minimum Front Yard (up to building height of 35') (FT)	0	N/A	TBP	C
Minimum Side Yard (up to 80' above Boardwalk) (FT)	12	N/A	19.4	C
Minimum Rear Yard (up to 80' above Boardwalk) (FT)	30	N/A	> 30	C
Sign Extending Above Roof Line	Not Permitted	N/A	Relocated Sign Extends Above Roofline	V

C = COMPLIES

ENC = EXISTING NON-CONFORMING CONDITION

V = VARIANCE REQUIRED

TBP = TO BE PROVIDED

N/A = NOT APPLICABLE

NC = NO CHANGE FROM EXISTING

VG = VARIANCE GRANTED

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V. REVIEW OF PLANS

- a. Land Use Application
 - 1. It shall be noted the incorrect zone of Resort Commercial (RC) is indicated on the Application form.
 - 2. It shall be noted in #12 of the application form a variance for the relocated sign is required. Further discussion on the sign variance is provided below.
- b. Checklists
 - 1. Minor Site Plan Checklist
 - a. The applicant has requested waivers on the following items:
 - i. Item 21: Stormwater management plans and drainage calculations. (19:66-7.5)
 - ii. Item 24: Landscaping Plan, details, and plant schedule (19:66-7.6)
 - iii. Item 25: Lighting Plan and details (19:66-7.10)
 - iv. Item 26: Soil Erosion and Sediment Control Plan. (Required for soil disturbance of 5,000 sq. ft. or greater)
 - b. This office takes no objection to waivers for Item 26 as the project will not disturb soils of an area 5,000 sq. ft. or greater.
 - c. Regarding Items 21, 24, and 25, please see further discussion below.
 - 2. "c" Variance Checklist
 - a. This checklist has not been provided to our office, however our office completed this checklist to the best of our knowledge and no items beyond what is already mentioned in the Minor Site Plan Checklist require attention.
- c. Zoning
 - 1. The property is located in the Beach (B) zone. This review is limited to the sign relocation, the proposed dry storage building and ancillary improvements only. The existing Landshark Bar & Grill with its associated outdoor amenities have not been reviewed.
- d. Parking
 - 1. As per N.J.A.C. 19:66-5.8(b)9., for general warehousing and storage facilities, one (1) parking space is required per 500 square feet of floor area. The exact SF of the dry storage building is unknown and shall be provided on the site plan. However, within the Project Narrative the Applicant states it is approximately 600 SF, which will require two (2) parking stalls. Although our office believes that the dry storage building will not facilitate the need for additional parking, testimony shall be provided on the potential relief from required parking spaces.
 - 2. The applicant shall provide testimony regarding EV parking as per N.J.A.C. 5:23-2.36
- e. Site Layout
 - 1. A dimension shall be provided from the Boardwalk to the proposed dry storage building. This will be considered the front yard setback for the proposed building.

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2. There is a dimension on the plan of 4' from the boardwalk to an unknown point and the Zoning Schedule on the plan indicates a front yard setback of 4'. There is also an existing deck setback 0' from the boardwalk. The 4' dimension shall be clarified on the plans as to what it is dimensioning to, or removed if not necessary, and clarify the front yard setback on the Zoning Schedule.
 3. The Zoning Schedule states the side yard setback is 20 feet whereas the site plan shows the proposed dry storage structure 19.4' from the side lot line. Furthermore, there appears to be portions of the existing structure closer than 19.4' to the side lot lines. The Applicant shall clarify what the side yard setback is and provide a matching dimension on the plan.
- f. **Building Height**
1. Building height is measured from the Base Flood Elevation (BFE) to the roof peak. The elevation views on the architectural plans shall provide an elevations for the roof peak of the proposed building. Please ensure that all elevation on the site plans and architectural plans are consistent with each other.
 2. Within the Beach Zone, a maximum building height of 100' is allowed on commercial or amusement piers, and a maximum building height of 20' for principal structures or 10' for accessory structures is allowed for structures directly on the beach. As this building is within the footprint of the former Steeplechase Pier, it is our understanding that the commercial pier building height of 100' maximum is applicable, although the building is proposed directly on the beach. Testimony shall be provided regarding the building height and appropriate designation.
- g. **Grading & Drainage**
1. The site plan shall be revised to provide legible existing contours.
 2. Testimony shall be provided on the roof runoff for the proposed dry storage building. It is unclear how roof runoff will be discharged. There is an adjacent existing roof structure at a lower elevation to the south of the proposed building. There does appear to be a small gap between the two roofs. Will the runoff from the proposed building discharge onto this lower adjacent roof or into the gap space?
 3. The site plan states the proposed dry storage building finished floor is to match the existing pier elevation. Various existing elevations of decks/landings are provided on the plan. The deck where entry is proposed into the dry storage building is at elevation 16.0' according to the site plan whereas the architectural plans has this at elevation 16.25'. This discrepancy shall be addressed.
- h. **Stormwater Management**
1. The Stormwater Management Policy Compliance Report contains numerous references to sections within N.J.A.C. 7:8 that appear to be outdated. The report shall be updated to refer to the current N.J.A.C. 7:8 sections, last revised July 17, 2023. Our office takes no objections

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to the policy compliance reasonings within the report and we are in agreement that no stormwater management measures are needed.

2. In the Water Quality section of the report, it states water quality will be addressed through infiltration areas as shown on the plan. However, the report further states water quality does not need to be addressed because only a building is proposed, and our office agrees. No infiltration areas have been labeled on the plan nor are they required. This discrepancy within the report shall be addressed.
- i. Flood Damage Prevention and Coastal Permitting
 1. The partial FEMA Preliminary FIRM on the Title Sheet shall be updated to provide the FIRM Map # and its date.
 2. It appears the dry storage structure is located within Flood Zone AE 10 immediately outside the limit of moderate wave action. It shall be noted that the limit of moderate wave action line coincides with the Flood Zone VE 11 boundary line, in which the majority of the Landshark Bar & Grill is located within. Testimony shall be provided on flood damage prevention measures for the proposed structure in conformance with FEMA standards.
 3. Applicant states an NJDEP Coastal General Permit approval is required for this project. Testimony shall be provided on the status of the permit with NJDEP. A copy of the permit shall be provided once obtained.
 - j. Signage
 1. The Applicant is proposing to relocate their existing roof sign from the main structure to the proposed dry storage building's roof. Per N.J.A.C. 19:66-5.7(j)5.v., wall signs shall be no higher than the roofline of the wall supporting the sign, whereas the proposed relocated sign will be placed above the roofline and a variance is required. Testimony shall be provided on regarding the sign variance. It shall be noted that the sign in its existing location was the subject of a prior approved variance.
 - k. Landscaping
 1. The architectural floor plans indicate existing landscaping that is to be relocated. A similar notation shall be incorporated within the site plan.
 2. The Applicant shall provide testimony on the existing landscaping that is to be relocated and the plan's conformance with N.J.A.C. 19:66-7.6.
 - l. Lighting
 1. The Applicant shall provide testimony on the existing lighting and conformance with N.J.A.C. 19:66-7.10. Will the proposed dry storage building be in conflict with any existing lighting, especially the walkway connected to the Boardwalk? Are there any proposed lights for the dry storage building?

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Atlantic City, NJ 08401
ARH File: 24-10074.02
Page 8

- m. Miscellaneous
 - 1. A 200' property owners list shall be provided on the site plans.
 - 2. The site plan indicates interior kitchen alterations are proposed and to refer to the architectural plans for said alterations. However, it is unclear within the architectural plans what these kitchen alterations entail. The Applicant shall provide testimony on the proposed kitchen alterations.

COFONE CONSULTING PLANNING REVIEW

Zoning Compliance

The property is located in the Beach (B) District. As stated at CRDA Land Development Rules Section at N.J.A.C. 19:66-5.9, the purpose of the B District is as follows:

The purpose of the B Beach District is to capitalize on the unique land use attributes inherent of the proximity to the Atlantic Ocean through promotion and zoning controls that maximize the value of the zoning district.

The existing and proposed uses are all permitted in the B District.

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 “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.”

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ARH File: 24-10074.02
Page 9

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

- 1) The Applicant shall provide such statutorily required testimony through a New Jersey licensed professional planner.
- 2) The existing roof sign is proposed to be relocated to the roof of the dry storage structure. While a variance was previously granted for the sign extending above the roof line, since the sign location is changing from the existing condition, a variance is technically required pursuant to N.J.A.C. 19:66-5.7(j)2. The Applicant's professionals shall provide testimony about the sign design, location, positioning, and appearance from the ground.
- 3) The Applicant shall provide testimony relative to the entire proposal and its relationship to the other uses on the site and surrounding area.
- 4) The Applicant shall discuss the operational aspects of the proposed dry storage area.
- 5) The Applicant shall discuss how the proposal advances the purpose of the B District and the Tourism District Master Plan.
- 6) The Applicant shall comply with the conditions of any previous approvals received for the site.
- 7) The Applicant shall furnish any prior approvals from, and agreements with, the City of Atlantic City, if any.

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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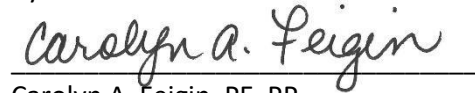
Land Use Application
DGMB Casino, LLC and IMCMV Atlantic City, LLC
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Block 1, Lots 142 & 142.01
Atlantic City, NJ 08401
ARH File: 24-10074.02
Page 10

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

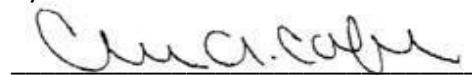
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Carolyn A. Feigin, PE, PP
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