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CITY OF ATLANTIC CITY
PLANNING BOARD

RESOLUTION NO. 5-2018

RE: SEEDS OF HOPE COMMUNITY
DEVELOPMENT, A NON-PROFIT
ORGANIZATION
C. Morris Cain Place
Block 401, Lots 21, 22, 30.01, 30.02
and 30.03

Application for Preliminary and
Final Major Subdivision Approval
with "c" Variances
GRANTED
Hearing Date: November 13, 2018

THIS MATTER having been heard by the Planning Board of the City of Atlantic City (the "Board") on Tuesday, November 13, 2018, at a duly scheduled regular meeting at Council Chambers, City Hall, Atlantic City, New Jersey, and a hearing having been conducted with a quorum present on the application of Seeds of Hope Community Development, a Nonprofit Organization (the "Applicant") seeking preliminary and final major subdivision and "c" variance approval to allow: (i) the subdivision of three (3) vacant lots located on C. Morris Cain Place at the intersection with Kentucky Avenue, said lot(s) being designated as Lots 30.01, 30.02 and 30.03 in Block 401 on the official Tax Map of Atlantic City into four (4) single family residential lots; and (ii) the consolidation of two (2) other lots located on C. Morris Cain Place, said lots being designated as Lots 21 and 22 in Block 401 on the official Tax Map of Atlantic City into one (1) lot (all of the aforereferenced lots are hereinafter referred to collectively as the "Property"), for the purpose of allowing construction of a total of five (5) new single-family, affordable residential homes on the Property (the "Project"); and

WHEREAS, the Applicant was represented by Brian J. Callaghan, Esquire of the Callaghan, Thompson and Thompson Law Firm, Atlantic City, New Jersey; and

WHEREAS, the Property is located in the RM-1 Residential Multi-Family Zoning District ("RM-1 District"); and

WHEREAS, the Applicant submitted an application dated September 4, 2018, together with a Major Subdivision Plan prepared by Robert J. Catalano, Professional Land Surveyor, dated August

10, 2018, for Lots 30.01, 30.02 and 30.03 in Block 401 (the "Major Subdivision Plan") and a Lot Consolidation Plan dated August 10, 2018, for Lots 21 and 22 in Block 401 (the "Lot Consolidation Plan"); and Architectural Plans dated July 13, 2018, prepared by Craig F. Dothe Architect, LLC; and

WHEREAS, testimony was presented on behalf of the Applicant at the hearing by Pastor Alexander Smith of Community Harvestors Church and Craig Dothe, a New Jersey licensed professional architect and planner; and

WHEREAS, with respect to the Application, the Board received a Memorandum from William D. Crane Associates, Inc. dated November 6, 2018, on behalf of the Atlantic City Division of Planning (the "Crane Memorandum"); and

WHEREAS, Applicant sent notices of the hearing to all property owners within 200 feet of the Property, and caused notice of the hearing to be published in the Atlantic City Press, and produced evidence that all taxes and application fees have been paid, all in accordance with the Municipal Land Use Law and the Atlantic City Land Use Ordinance; and

WHEREAS, at the public portion of the hearing, no one spoke either in favor or against the Application or the Project; and

WHEREAS, the Board, after considering the evidence presented made the following findings and conclusions which are reflected in the record:

1. Application has been made by Seeds of Hope Community Development, a Nonprofit Organization, through its attorney, Brian J. Callaghan, Esquire. Applicant is the owner of the Property which is comprised of three (3) lots located at the intersection of Kentucky Avenue and C. Morris Cain Place, being shown as Lots 30.01, 30.02 and 30.03 in Block 401 on the tax map of the City of Atlantic City, New Jersey, and two (2) lots located on C. Morris Cain Place, being shown as Lots 21 and 22 in Block 401 on the tax map of the City of Atlantic City, New Jersey (heretofore and hereafter collectively referred to as the "Property").

2. Notice requirements have been met.

3. Applicant is proposing to subdivide the three (3) lots located at the intersection of C. Morris Cain Place and Kentucky Avenue, designated as Lots 30.01, 30.02 and 30.03 in Block 401 on the official Tax Map of Atlantic City, into four (4) single family lots to be designated as Lots 30, 30.01, 30.02 and 30.03, and to consolidate two (2) lots located at the intersection of C. Morris Cain Place and Brooklyn Avenue, designated as Lots 21 and 22 in Block 401 on the official Tax Map of Atlantic City into one (1) lot, to be known as new Lot 21. (each of the aforementioned lots shall be hereinafter referred to individually as a "Lot" and collectively as "Lots"). The Applicant proposes to construct a new, single family residential structure on each of the Lots created by the Major Subdivision and Lot Consolidation Plan, together with one (1) off-street surface parking space on each Lot shown on the Major Subdivision Plan and Lot Consolidation Plan.

4. The Property is located in the RM-1 District which permits the proposed Major Subdivision and Lot Consolidation.

5. The Board reviewed the Application, the architectural plans (marked at the hearing as Exhibit "A-2"), the Major Subdivision Plan (marked at the hearing as Exhibit "A-3"), an aerial photograph of the Property and surrounding area (marked at the hearing as Exhibit "A-4"), and heard the testimony of Craig Dothe, a New Jersey Licensed Architect and Planner for the Project.

6. Mr. Dothe explained the many benefits of the proposed Major Subdivision Plan and Lot Consolidation Plan and how these vacant parcels of land will be developed by the Applicant with the assistance of students from the Atlantic County Institute of Technology, who will be involved with creating construction drawings and overseeing actual construction of the new single-family dwellings. Mr. Dothe further explained how the Applicant has the financial resources to undertake the construction of the Project, which will involve the construction of five (5) tiny homes on each Lot, containing approximately 400 SF, more or less, that will be marketed for sale or rent on an affordable basis to help people in need.

7. Mr. Dothe explained the variance relief required for the proposed Major Subdivision Plan and Lot Consolidation Plan. The proposed Major Subdivision Plan and Lot Consolidation Plan will require "c" or bulk variances from minimum lot area, minimum lot width, maximum lot

coverage, and minimum front, side and rear yard setbacks. Mr. Dothe explained that the prior residential structures on these streets had no front yard or side yard setbacks and accordingly, the setbacks proposed by the Project are an overall improvement to the community, will be aesthetically pleasing, will provide adequate light, air and open space, and will encourage and support home ownership.

8. In addition, Mr. Dothe confirmed that the new homes will be FEMA compliant.

9. The Board found that this Project will advance purposes of the New Jersey Municipal Land Use Law (the "MLUL") by effectively developing several undersized lots in an area in need of redevelopment, providing adequate light, air and open space, being an aesthetic enhancement to the neighborhood, providing educational benefits to the students at the ACIT, helping to reduce urban blight, being FEMA compliant and helping to encourage home ownership amongst lower income residents, all of which supporting the granting of the requested variances as "c(2)" variances under the MLUL.

10. The Board found that all of the "c" variances required for this Project can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinances of the City of Atlantic City.

11. The Board further found, based upon the recommendation of the Board Planner, that the waiver of the parking requirements under the New Jersey Residential Site Improvement Standards is justified due to the substantial benefits of the Project.

NOW, THEREFORE, a Motion having been made and seconded, and for all of the above reasons, the City of Atlantic City Planning Board hereby grants Preliminary and Final Major Subdivision Approval, "c" Variance Relief for minimum lot area, minimum lot width, maximum lot coverage, and minimum front, side and yard setbacks, and a waiver to allow one (1) parking space per Lot, with conditions as follows:

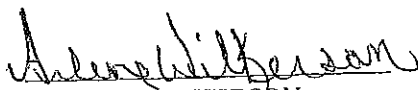
- 1). Applicant shall conform with all conditions and requirements set forth in the Board Planner's report dated November 6, 2018, a copy of which is annexed hereto as Exhibit "A" and by this reference made a part hereof, unless modified at the hearing and as modified by this Resolution.

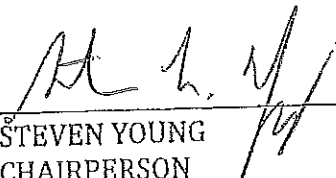
- 2). A Deed of Consolidation for Lots 21 and 22 in Block 401 to be combined into new Lot 21 shall be prepared by the Applicant and submitted to the Board Planner and Board Solicitor for review and approval prior to recording.
- 3). Applicant shall file amended plans showing all modifications to said plans made at the hearing.
- 4). Approval of the Major Subdivision Plan shall expire 95 days from the date of signing of the Major Subdivision Plan unless within such period, a plat in conformity with such approval is filed by Applicant with the County Clerk, City Engineer and City Tax Assessor. The Planning Board may, for good cause, extend the period of recording for an additional period not to exceed 190 days from the date of original signing of the Major Subdivision Plan.
- 5). Prior to the issuance of any construction permits, Applicant must submit six (6) sets of plans for final plan certification.
- 7). Prior to filing of the Major Subdivision Plan with the Atlantic County Clerk, the City Engineer's Office will assign lot numbers to the proposed Lots.
- 8). After filing of the Major Subdivision Plan with the Atlantic County Clerk, Applicant shall provide the City Engineer's Office with a filed copy of the Major Subdivision Plan. The filed Major Subdivision Plan shall have a recording sticker from the Atlantic County Clerk. The City Engineer's Office will then assign property addresses to the newly created Lots.
- 9). Applicant must comply with all other state, county and local agencies having jurisdiction over the Project.

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MOTION BY:
SECONDED BY:

SHABAZZ	
GILLIAM	
GILLIAM	- YES
WHITE	- ABSENT
SHABAZZ	- YES
YOUNG	- YES
TATUM	- YES
RASHEED	- ABSENT
BELTON	- ABSENT
BERNSTEIN	- ABSENT
SOLOMON	- YES


ARLENE WILKERSON
SECRETARY


STEVEN YOUNG
CHAIRPERSON

Date of Adoption: January 8, 2019

EXHIBIT "A"
Memorandum – William D. Crane Associates, Inc.
November 6, 2018

William D. Crane Associates, Inc.
Professional Planning
77 Marshall Drive, Egg Harbor Township, New Jersey 08224
(609) 290-0157
wdcraneassoc@aol.com

To: Chairmen and Members, Atlantic City Planning Board
From: William D. Crane, P.P., AICP
Date: November 6, 2018
Re: Application of Seeds of Hope Community Development, a Nonprofit Organization
Location: C. Morris Cain Place
Block 401, Lot(s) 21, 22, 30.01, 30.02 and 30.03
Status: Major Subdivision and (c) Variance Relief
Zoning District: RM-1, Multi-Family Zoning District

Background:

The applicant, Seeds of Hope Community Development, a Nonprofit Organization, proposes to subdivide property fronting C. Morris Cain Place known as Block 401, Lot(s) 21, 22, 30.01, 30.02 and 30.03 into five (5) single family lots, (four (4) lots located at C. Morris Cain Place and Kentucky Avenue and one (1) lot at C. Morris Cain Place and Brooklyn Avenue. The five (5) newly created lots will provide five (5) single family detached affordable homes. The property is situated in the RM-1, Multi-Family zoning district which permits the single family use subject to compliance with the applicable provisions of the Atlantic City Land Use Development Ordinance. Accordingly, the project requires Preliminary and Final Major Subdivision approval together with (c) variance relief for minimum lot area, minimum lot width, maximum lot coverage, minimum front, side and rear yard setback, and off-street parking spaces.

The following plans and documents have been reviewed:

- Completed Planning/Zoning Board Application
- Written justification for variance relief

Land Use and Community Planning

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- Land Title Survey for Block 401, Lot(s) 21 and 22, prepared by Robert J. Catalano and Associates, P.A., dated August 15, 2017
- Land Title Survey for Block 401, Lot(s) 30.01, 30.02, 30.03, and 30.04, prepared by Robert J. Catalano and Associates, P.A., dated June 12, 2018
- Architectural Plans prepared by Craig F. Dothe Architect, LLC, dated July 13, 2018 and labeled Sheets Z-1 through Z-2

Comments:

1. As evidenced by the following tables, the proposed subdivision requires (c) variance from minimum lot area, minimum lot width, maximum lot coverage, and minimum front, side and rear yard setbacks. The tables provide specific variance relief for each of the newly created lots. Pursuant to the New Jersey Municipal Land Use Law at N.J.S.A. 40:55D-70 (c)(1), the applicant must demonstrate that by reason of exceptional narrowness, shallowness or shape of the property, or by reason of the exceptional topographic conditions or physical features uniquely affecting the property, or by reason of an exceptional and extraordinary situation uniquely affecting the property the strict application of the front yard setback regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of the property. In the alternative, pursuant to N.J.S.A. 40:55D-70 (c)(2), the applicant must demonstrate that one or more purposes of the M.L.U.L. would be advanced by a deviation from the zoning ordinance requirement and the variances can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

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Table 1 -- Proposed Lot A, Space, Bulk and Yard Regulations/ RM-1 Zoning District

Standard	Requirement	Project	Status
Max. Height	35 ft.	19.5 ft.	C
Lot Area	3000 s.f.	1048 s.f.	NC
Min. Lot Width	40 ft.	18.75 ft.	NC
Lot Coverage			
Principal	35%	39.27%	NC
Accessory	10%	-0-%	C
Aggregate	40%	39.27%	C
Front Setback			
C. Morris Cain	25 ft.	9.5 ft.	NC
Kentucky Ave.	25 ft.	3.2 ft.	NC
Side Setback	20 ft.	3.2 ft.	NC
Rear Setback	40 ft.	3.5 ft.	NC
Max. Density	26 du/ac	39 du/ac	ENC

C -- Compliance

ENC -- Existing Nonconforming

NC -- Non-Compliance -- Variance Required

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Table 2 - Proposed Lot(s) B, C, D - Spacing, Bulk and Yard Regulations/ RM-1 Zoning District

Standard	Requirement	Project	Status
Max. Height	35 ft.	13.5 ft.	C
Lot Area	3000 s.f.	1048 s.f.	NC
Min. Lot Width	40 ft.	18.75 ft.	NC
Lot Coverage			
Principal	35%	39.27%	NC
Accessory	10%	- 0-%	C
Aggregate	40%	39.27%	C
Front Setback			
C. Morris Cain	25 ft.	9.5 ft.	NC
Side Setback	20 ft.	3.2 ft.	NC
Rear Setback	40 ft.	3.5 ft.	NC
Max. Density	26 du/ac	39 du/ac	ENC

C - Compliance

ENC - Existing Nonconforming

Non- NC - Compliance - Variance Required

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Table 3 -- Proposed Lot E, Space, Bulk and Yard Regulations/ RM-1 Zoning District

Standard	Requirement	Project	Status
Max. Height	35 ft.	13.5 ft.	C
Lot Area	3000 s.f.	1362 s.f.	NC
Min. Lot Width	40 ft.	28.10 ft.	NC
Lot Coverage			
Principal	35%	29.91%	C
Accessory	10%	-0-%	C
Aggregate	40%	29.91%	C
Front Setback			
C. Morris Cain	25 ft.	1 ft.	NC
Brooklyn Ave.	25 ft.	5.4 ft.	NC
Side Setback	20 ft.	10.7 ft.	NC
Rear Setback	40 ft.	10 ft.	NC
Max. Density	26 du/ac	39 du/ac	ENC

C-- Compliance

ENC-- Existing Nonconforming

NC-- Non-Compliance -- Variance Required

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2. Schedule IV, Schedule of Off-Street Parking Spaces requires that the single family dwellings shall provide one (1) off-street parking space for each dwelling unit. However, the New Jersey Residential Site Improvement Standards provide that two (2) bedroom single family dwellings shall provide 1.5 off-street parking spaces per unit. Since the project provides only one (1) space per unit a deviation from the RSIS standards is required.

3. Section 163-128 of the Atlantic City Land Use Development Ordinance provides that:

No application for site plan/subdivision plat approval shall be granted unless the Planning Board shall find, pursuant to the provisions of this section, that the proposed use in the proposed location is or can and will be, by reason of the developer's compliance with conditions imposed pursuant to the provisions of this section, adequately served by and will not impose an undue burden upon the public improvements, sites and rights-of-way by which it will be served or benefited or which exist or are planned for installation within its boundaries or their immediate vicinity.

4. The New Jersey Municipal Land Use Law at N.J.S.A.40:55D-52 and 40:D-54 provides that final approval of a major subdivision shall expire 95 days from the date of signing of the plats unless within such period the plat shall have been duly filed by the developer with the county recording officer. The Planning Board may, for good cause shown, extend the period of recording for an additional period not to exceed 190 days from the date of the signing of the plat.

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5. Subsequent to final approval, the applicant shall file the Lot Consolidation Plan prepared by Robert J. Catalano and Associates P.A. together with the required forms with the City Tax Assessor for consolidation of Block 401, Lot(s) 21 and 22.

Recommendation:

We recommend that any approvals granted the application be conditioned upon compliance with the comments contained herein, subject to modification by the Planning Board.

ATLANTIC CITY ZONING BOARD OF ADJUSTMENT

CITY HALL - SUITE 506
ATLANTIC CITY, NEW JERSEY 08401
(609) 347-5404
(FAX) 347-5345

FINAL PLAN CERTIFICATION FORM

Applicant's Name: Seeds of Hope Community Development, A Non-Profit

Phone: 609-705-0647

Applicant's Address: 432 N. North Carolina Avenue, Atlantic City, NJ 08401

Owner's Name: See above

Owner's Address _____

Owner's Signed Consent: Bm J Cully

Date: 4/23/19

Street Address of Property: Intersection C. Morris Cain Place/Kentucky Avenue

Legal Description of Property Block(s): 401 Lots: 21,22,30.01, 30.02 and 30.03

Project Description: Major Subdivision

Date of Approval: February 15, 2019

FINAL APPROVAL
FOR OFFICE USE ONLY

THIS IS A TRUE COPY OF A PLAN APPROVED BY THE
ATLANTIC CITY ZONING BOARD

11/13/18
DATE OF APPROVAL

20, 21, 22-2
SHEET NUMBER(S)

Lot Consolidation Plan

DIVISION OF PLANNING

[Signature]
SIGNATURE

6/17/19
DATE

ENGINEER'S OFFICE

Distribution: Division of Planning
Division of Construction
Division of Environmental Health
Division of Fire Prevention
Office of the Tax Assessor
Office of the City Engineer

SIGNATURE _____ DATE _____