

10/30/2016

RE: Pre-Application Conference Draft Summary -- Wildwoods Co... - Joseph Lomax

RE: Pre-Application Conference Draft Summary -- Wildwoods Convention Center Hotel Project

Brunatti, Megan <Megan.Brunatti@dep.nj.gov>

Fri 10/28/2016 11:30 AM

To: Joseph Lomax <jlomax@lomaxconsulting.com>;

Cc: senvandrew@njleg.org <senvandrew@njleg.org>; John Siciliano <JSiciliano@WildwoodsNJ.com>; Peter Lomax <plomax@lomaxconsulting.com>;

 1 attachments (13 MB)

Standards for Bird Safe Buildings - 11-30-11.pdf;

Dear Mr. Lomax,

The Department representatives who attended the meeting have reviewed the draft meeting summary and had no comment. The meeting summary can be considered final.

Also, as discussed at the meeting and referenced in the summary, I have attached information on bird safe glass.

Finally, regarding water supply, in addition to dewatering, we briefly discussed demands, firm capacity, and physical connections, etc. Please feel free to contact Eugene Callahan for questions regarding these topics:

Eugene Callahan, Section Chief
Engineering South Section
Bureau of Water System Engineering
Phone: (609) 292-2957
Fax: (609) 633-1495

I look forward to continuing to work with you on this project.

Thank you,
Megan Brunatti

Megan Brunatti, Supervisor
Office of Permit Coordination & Environmental Review
New Jersey Department of Environmental Protection
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SUMMARY
of
PRE-APPLICATION CONFERENCE WITH NJDEP
for
WILDWOODS CONVENTION CENTER HOTEL PROJECT
Block: 267.01, Lot: 1, City of Wildwood, Cape May County, NJ

September 7, 2016

New Jersey Department of Environmental Protection
401 East State Street, 6th Floor, Large Conference Room

ATTENDEES:

On Behalf of Applicant:

Tom Byrne – Chairperson, Greater Wildwoods Tourism Improvement & Development Authority (GWTIDA)
John Siciliano -- Executive Director, GWTIDA
Robert McNicholas -- Accounting Manager/MIS, GWTIDA
Joseph Lomax – Executive VP, The Lomax Consulting Group
Aaron Baker – Analyst, The Lomax Consulting Group
Mark Petrella – Principal, SOSH Architects

NJDEP Representatives:

Megan Brunatti – Office of Permit Coordination & Environmental Review
Avi Argaman – Office of Water Resource Management Coordination
Alan Miller – Office of Water Resource Management Coordination
James Pontoriero – Bureau of Construction & Connection Permits
Andy MacDonald – Bureau of Water Allocation & Well Permitting
Akin Ode - Bureau of Water Allocation & Well Permitting
Jessica Patterson – Green Acres Program
Christopher Jones – Division of Land Use Regulation
Peter DeMeo – Division of Land Use Regulation

MEETING AGENDA

1. Introduction of participants and discussion of their respective roles
2. The proposed Hotel Project was introduced by John Siciliano, the Executive Director and Chief Operating Officer of the Convention Center. Mr. Siciliano discussed the history of the Wildwoods Convention Center and the operational constraint that is the basis for the proposed project.
 - o The Jones, Lang, LaSalle America Inc. critique “Convention Headquarter-Hotel Critical to Success” (attached) was distributed and discussed to clearly illustrate the purpose and need for this proposed Hotel Project.

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- The lack of Class A hotels, open year round, in close proximity to the Convention Center is having a detrimental impact on the convention businesses in the Wildwoods.
 - The proposed Hotel Project will support year-round, all-weather operations and a higher level of usage of the Convention Center, a State-owned facility.
 - Proposed project is a continuation of the Wildwoods Convention Center Project that received CAFRA approval in 1996. That CAFRA approval included the currently proposed Boardwalk retail, a canopy over the Boardwalk to provide all-weather access and Center-related development between the Boardwalk and Ocean Avenue.
 - A portion of the previously approved development, which was not constructed due to State funding limitations, has been included in the current proposed project. These components include: completion of the Boardwalk retail, additional meeting facilities and an all-weather canopy between the Boardwalk and the commercial facilities. In addition, space on-site had been reserved for a hotel, as illustrated in the 2003 site plan (attached). The envisioned hotel is essentially where it was proposed, albeit different in scale because of the recognized needs and purpose for this addition.
3. The proposed Project scope, including design criteria was presented by the project architect, Mark Petrella, using a power point presentation.
- Plans for the proposed Hotel Project (attached) had been previously submitted to NJDEP. They included the 18-story hotel complex layout and program. The project contains restaurants, retail, meeting rooms, recreation areas on a 6-story podium and 316 parking spaces and the 200-room hotel. The hotel was oriented perpendicular to the shoreline for regulatory compliance and to provide the maximum visual access to the shorefront.
 - The proposed hotel is on existing impervious surfaces and will maintain existing features, such as access drives and drop-offs, the Convention Center access tunnel, Boardwalk, and most of the existing greenspace.
4. The Pre-Application Submissions, including Permit Readiness Checklist, associated maps and plans and Coastal Zone Management Rules Checklist were presented by Joe Lomax, the project environmental consultant, along with the draft Permit Inventory.
- The Permit Inventory anticipated possible permits and included a confirmation that all utilities have capacity to supply the project. The water distribution and waste water collection systems will have to be evaluated for condition and capacity.
 - The previously approved CAFRA permit was discussed regarding the areas between the Boardwalk, while correctly used for parking, and Ocean Avenue that had been reserved for the Center Hotel Boardwalk retail, and Center-related development, in addition to Boardwalk all-weather cover.



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- The planned hotel has been developed to serve the functions of a Convention Center headquarters hotel, in addition to accommodating the tourist requirements during the peak season.
- Physical site restriction directed the design of the Hotel Project, along with the Coastal Zone Management Rules, to the maximum extent possible.
- 5. The NJDEP Review of Applicable Regulatory Programs, Required Approvals and Important Regulatory Considerations portion of the Conference was led by Megan Brunatti of the NJDEP office of Permits Coordination and Environmental Review. She introduced NJDEP staff to discuss the project in terms relevant to their programs.
 - a. Water Resource Management representative, Avi Argaman, confirmed that the project is located in an existing Sewer Service Area and provided confirming mapping (attached). Further, he indicated that their program did not have concerns from a water resource management perspective.
 - b. Treatment Works Approval representative, James Pontoriero, indicated:
 - Treatment Works Approval is required for connection to existing sewer lines located in Ocean Avenue.
 - He recommended confirmation consultation with the Wildwood City Engineer to determine if any potential off-site improvements (i.e. upgrade sewer/water lines, pump stations, or processing facilities) were required.
 - Further, applications for any off-site improvements are required to be submitted prior to final application approval.
 - Finally it was suggested that the hand delivery of the application to John Macelli would save time and facilitate the approval process.
 - c. Water Allocation and Demands representatives, Andy MacDonald & Akin Ode, confirmed that adequate water is available in Wildwood for average peak demands of 41,000 gallons per day and, based on their knowledge, existing infrastructure is not an issue. The program is interested in the potential maximum water demands, but those data are not required.
 - Water main extension authorization will be required to connect with existing infrastructure. Authorization falls under the 90 days Rules for approval.
 - If dewatering is required during construction, there are two options. If dewatering will be conducted for less than 30 days, a Permit-By-Rule is applicable. A Temporary Dewatering Permit for Construction can be authorized for up to 365 days. Limits for Dewatering Permits are 70 gallons per minute and 100,000 gallons per day.
 - A New Jersey Pollution Discharge Elimination System (NJPDES) permit is required for the discharge of water during construction.



- d. Green Acres Program representative, Jessica Patterson, indicated that the program is currently reviewing a past designation of a possible playground on a portion of the proposed project area in Recreation and Open Space Inventory prepared by the City.
 - Before the merging of lots to form Block 267.01, Lot 1, the City may have listed a playground on a portion of the site on their Inventory.
 - Green Acres Program is reviewing historic aerial photographs and working with the City to resolve the issue which the City has indicated was erroneously included in the Inventory; the area in question was never a playground.
 - If the playground is not eliminated from the City Inventory, a Diversion Application would be required to change the use of that portion of the site from a recreational use to the proposed Hotel Project.
- e. Land Use Regulatory Program, including the Coastal Zone Management Rules, was discussed by Christopher Jones & Pete DeMeo, P.E.
 - While the Program recognizes the importance of the Hotel Project to the success of the Convention Center, the regulatory details must be evaluated.
 - The podium, consisting of the first 6 floors of the proposed hotel, containing the lobby, administrative offices, parking garage, retail, and recreation facilities, extends to a height of 71 feet. Development with a height greater than 60 feet must be addressed under the High-rise Structures Rule (N.J.A.C. 7:7-15.14).
 - Since the podium exceeds 60 feet in height and is not perpendicular to the ocean, Mr. Jones encouraged evaluation of this portion of the building within the context of the Rule and its Rationale.
 - The limitations of the site for the Hotel Project and the intervening development of the existing Convention Center were discussed; however, the applicability of the High-rise Rule and adjustments in design were considered an important topic to be addressed.
 - The Scenic Resources and Design Rule (N.J.A.C. 7:7-16.10) states that the development "...that is visually compatible with its surroundings in terms of building and site design, and enhances scenic resources is encouraged..." and to the contrary "discouraged." Further, the setback, equivalent to two (2) times the height of the building from the Boardwalk, was discussed. Mr. Jones indicated that this setback is to avoid a "canyon" effect along the Boardwalk. Mr. Lomax noted the limited area of the site would make it impossible for the project to provide that setback. Mr. Siciliano offered that the Boardwalk all-weather canopy would eliminate this perception by visitors. The application of this Rule is under consideration and design evaluation



- The Flood Hazard Area (FHA) designation was discussed by Mr. DeMeo. The Letter of Map Amendment, previously approved for the site, removed the proposed project area from the V-zone, as reflected in the Preliminary FIRM. The Letter of Map Amendment will be included in the CAFRA application submission.
 - Since the proposed project area is located principally in an AE Flood Hazard Zone, the proposed hotel must meet FHA regulations for that zone. These regulations include the lowest habitable floor must be 1 foot or greater above the flood elevation and flood proofing measures must be incorporated in the plans for any enclosed areas below the flood elevation. The lobby and administrative facilities are considered habitable areas of the hotel that will need to be raised to comply with this Rule. Critical access components within the flood elevation area, such as elevators and stair wells, will require dry flood proofing. Retail uses will need appropriate flood proofing which can be dry or wet flood proofing. Flood proofing measures, details, and calculations will be submitted with the application.
 - The parking at street level (below the flood zone elevation), must display flood warning signs indicating that the area is subject to flooding.
 - It was recommended that waste disposal containers be secured to prevent movement or toppling during flood events if they are stored on a level designated flood-prone elevation.
 - Regarding Storm Management, Mr. DeMeo indicated that the proposed project will be constructed on an existing impervious surface; therefore, stormwater management is not a concern for the Department. In fact, the parking area will be covered in the Hotel Project and the roof runoff will replace runoff from the surface parking area.
 - There were no issues raised with respect to public access, parking, or impervious cover, as the plans illustrate compliance with these Rules. The routine traffic and air quality studies will be required to be submitted as a part of the application.
 - The proposed cover over the Boardwalk would not normally be permitted; however, since it was previously approved and it serves the critical purpose of providing all-weather access between the Hotel Project and the Convention Center, it can be permitted. Submission of the previous Hotel Project and the Convention Center approvals with the application is recommended to confirm this approval.
- f. A New Jersey Division of Fish and Wildlife comment was relayed by Megan Brunatti. It is recommended that “bird safe” glass be used on the exterior of the hotel to prevent bird strikes on the building during migrations, since this hotel is 241 feet high and is located in the Eastern Flyway. Ms. Brunatti will be



forwarding correspondence which includes information and a specific reference concerning “bird safe” glass.

6. Summary

The New Jersey Department of Environmental Protection assembled the representatives of the environmental/land use regulatory programs under their jurisdiction to provide guidance and comments to facilitate applications for requisite permits/approvals. Confirmation was presented that the required utilities have capacity, and that the relevant approvals in those programs is limited to ensuring that wastewater collection and water distribution systems are adequate to handle the flow rates and connections to the utilities are approved. Approvals for dewatering during construction and associated discharge of those waters only require standard applications prepared by the engineer.

The Green Acres issue related to the alleged erroneous listing of a playground on the City’s Recreation and Open Space Inventory requires resolution. The City should be able to remove it from the Inventory. If not, a Diversion approval will be required.

Regarding the Land Use Regulatory Program, the only applicable approval required is the Coastal Area Facility Review Act (CAFRA) permit. Review of more than 135 Rules relating to special areas, standards, land and water areas, location, uses and flood hazards revealed that only the following Rules or topic areas required design evaluations and considerations:

1. High-rise structures and the perpendicular orientation of the podium of the hotel building with respect to the oceanfront.
2. Scenic Resources and Design and the relationship of the hotel to the community development and the setback from public use facilities.
3. Flood Hazard Area and the documentation that the Hotel is outside of the V-zone is required. In addition, it is recommended that the lobby and administrative offices be relocated to a higher floor, that the required flood proofing is demonstrated and that appropriate signage is placed in the parking area.

It is compelling to consider that a headquarters hotel and associated commercial components are a limiting factor to fully utilizing the Wildwoods Convention Center – a State-owned facility. To serve the purposes of the Center, the State and the public, the proposed Hotel Project requires adjacency to the existing Convention Center. Environmentally, water quality is improved by replacing an existing inner-city impervious parking lot with the hotel and its covered parking. Socio-economically, the Hotel Project fulfills the utilization of this public State-owned facility in the Wildwoods as established by the State legislation.

Finally, the creation of a hotel complex adjacent and attached to the Convention Center is the ultimate year-round venue for the City and will benefit and enhance both the Wildwoods businesses and the Wildwoods communities. A venue that is a complete facility, as designed, including the Center and a Hotel, offers both conventions and events for visitors and vendors alike -- the perfect proximity and the combination of



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rooms, restaurants, retail and parking, not to mention beach access, the Boardwalk and unlimited views, all of which attract visitors to the Center and the Wildwoods.

Prepared by:

Joseph L. Lomax, Executive Vice President

Aaron Baker, Environmental Analyst

PROJECTS\Active\10-180.2\Host Hotel\Rpts&Apps\Pre-App Hotel Project\Draft Summary of 9-7-16 Pre-App Meeting.doc



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Wildwoods Convention Center Hotel Project

The Wildwoods Convention Center Hotel Project has been analyzed for required land use and environmental approvals. The Hotel Project requires relatively few approvals because:

- The project is owned by New Jersey Sports and Exposition Authority, a State agency.
- The development is proposed on an existing paved parking lot and drive.
- No environmentally sensitive areas or resources will be impacted.
- The hotel is proposed adjacent to and in association with the existing Convention Center.

As such, the list of approvals was substantially reduced by not requiring City and County land use approvals. These two levels of government will receive plans and submissions to the agencies noted below. Further, their comments will be sought to ensure coordination on the local level.

In addition, the utilities providers were contacted to ensure that capacity and connectivity to existing facilities are available. Water, wastewater, electric, gas and cable have confirmed capacity and all except sewer connections have confirmed connectivity. The wastewater sewer lines are currently under evaluation.

The only relevant regional authority is the Cape Atlantic Conservation District which oversees the Soil Erosion and Sediment Control Certification process. This program operates under defined State Standards; therefore, certification must be issued for complete projects in thirty (30) days.

The New Jersey Department of Environmental Protection (NJDEP) held a pre-application conference to provide regulatory guidance from the relevant programs.

- The Water Resource Management program confirmed that the proposed project is within the Sewer Service Area.
- The Treatment Works Approval will be required for project connection to the wastewater collection system. This system is currently under evaluation.
- The Water Allocation and Demands program confirmed water availability for the project and that water main connection approval is required, in addition to an approval for dewatering during construction and discharge of these waters under the NJPDES program.



- The Green Acres program is coordinating with the City to correct the Recreation and Open Space Inventory to not include a small portion of the site on its list.
- The only comment from the New Jersey Division of Fish and Wildlife was the request to incorporate bird-safe glass on the Hotel.

The most comprehensive NJDEP approval process is under the Coastal Area Facilities Review Act (CAFRA). Of the 135 Coastal Zone Management and Flood Hazard Rules, 132 Rules are either not applicable or the project complies with those Rules. NJDEP has requested design modifications under the High-rise Structures Rule of the hotel podium. They have also recommended flood proofing the elevator and stairways in addition to ensuring that the lobby/administrative offices conform to Base Flood Elevations under the Flood Hazard Rules. Finally, the Scenic Resources and Design Rule requires review regarding setbacks and possible application of the Waiver Rule.

NJDEP recognizes the importance of the Hotel Project and the overall benefits the project offers to the public and the State. This year-round, all-weather Hotel Project can be expected to enhance the operation of the Wildwoods Convention Center and increase public access to the coastal features unique to the Wildwoods. These include the extensive public beach, Boardwalk and recreational opportunities, in addition to the Convention Center's year-round conventions and events.

No federal land use/environmental approvals are required.

Joseph L. Lomax
Partner and Executive Vice President
September 23, 2016

JLL/mcs