

CRDA

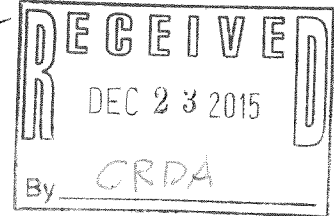
Casino Reinvestment Development Authority

www.njcrda.com



15 South Pennsylvania Avenue
Atlantic City, NJ 08401

APPLICATION FORM



The application, with supporting documentation, must be filed with the Land Use Administrative Officer for review at least fifteen [15] business days prior to the meeting at which the application is to be considered.

To be completed by CRDA staff only.

Date Filed 12/23/15 Application No. 2015-12-1763
Application Fees: \$1,950.00 (CK#10047) Escrow Deposit \$5,000.00 (CK#10048)

Scheduled for:
Review for Completeness _____ Hearing: 1/21/2016

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1. SUBJECT PROPERTY

Location: 151 S. Martin Luther King Dr. & 1637-1639 Boardwalk

Tax Map Page _____ Block 48 Lot(s) 13, 18 & 19
Page _____ Block _____ Lot(s) _____
Page _____ Block _____ Lot(s) _____

Dimensions Frontage 324.79 Depth 151 Total Area 53,486 sf

Zoning District Redevelopment Plan for the Boardwalk and MLK Boulevard

2. APPLICANT

Name ACB Ownership Limited Liability Company

Email ntalvacchia@cooperlevenson.com

Address 770 Lexington Ave, New York, NY 10065

Telephone Number 212-744-9675

Applicant is a: Corporation Partnership Individual
Limited liability Company

3. DISCLOSURE STATEMENT

Pursuant to N.J.S 40:55D-48.1 [Application by corporation or partnership; list of stockholders owning 10% of stock or 10% interest in partnership.] Disclosure of owners of organization and property subject to application. [A corporation or partnership applying to a governing body of a municipality]Any organization making an application for development under this act [for permission to subdivide a parcel of land into six or more lots, or applying for a variance to construct a multiple dwelling of 25 or more family units or for approval of a site to be used for commercial purposes] shall list the names and addresses of all members, stockholders or individual partners (collectively, "interest holders") [owning at least 10% of its stock of any class or at least 10% of the interest in the partnership], including any other organization holding at least a 10% ownership interest in the organization, and shall also identify the owner of the property subject to the application, including any organization holding at least a 10% ownership interest in the property [as the case may be]. In accordance with 40:55D-48.2 [Disclosure of 10% ownership interest of corporation or partnership which is 10% owner of applying corporation or partnership.] Listing of names and addresses of interest holders of applicant and owner organization. If [a corporation or partnership] an organization owns an interest equivalent to 10% or more of another organization the stock of a corporation, or 10% or greater interest in a partnership, subject to the disclosure requirements hereinabove described, [pursuant to section 1 of this act that organization shall list the names and addresses of its interest holders holding 10% or greater interest in the [partnership, as the case may be, and] organization. [This requirement shall be followed by every corporate stockholder or partner in a partnership, until the names and addresses of the stockholders and individual partners, exceeding the 10% ownership criterion established in this act, have been listed.] In accordance with recently added 40:55D-48.3 Disclosure of all officers and trustees of a non-profit organization. A non-profit organization filing an application for development under this act shall list the names and addresses of all officers and trustees of the non-profit organization. In accordance with 40:55D-48.4 [Failure to comply with act; disapproval of application.] Approval of application. *a.* No municipal planning board, board of adjustment or [municipal] governing body shall approve the application of any [corporation or partnership] organization or non-profit organization which does not comply with this act. Any approval not in compliance with this act shall be voidable in a proceeding in lieu of prerogative writ in the Superior Court. *b.* Any party, including any member of the public, may institute a proceeding in lieu of prerogative writ in the Superior Court to challenge any PROPOSED AMENDMENTS TO MUNICIPAL LAND USE LAW approval granted by a municipal planning board, board of adjustment or governing body on the grounds that such action is void for the reasons stated in subsection *a.* of this section, and if the court shall find that the approval was not in compliance with this act, the court may declare the approval to be void. In accordance with 40:55D-48.5 [Concealing names of owners;] Organization or non-profit organization failing to disclose; fine. Any [corporation or partnership which conceals] organization or nonprofit organization failing to disclose in accordance with this act, [the names of stockholders owning 10% or more of its stock, or of individual partners owning a 10% or greater interest in the partnership, as the case may be,] shall be subject to a fine of \$1,000 to \$10,000, which shall be [recovered] recoverable in the

name of the municipality in any court of record in the State in a summary manner pursuant to the "Penalty Enforcement Law" (N.J.S.A. 2A:58-1 et seq.).

Name See attached. Address _____ Interest _____
 Name _____ Address _____ Interest _____
 Name _____ Address _____ Interest _____
 Name _____ Address _____ Interest _____
 Name _____ Address _____ Interest _____

4. If Owner is other than the applicant, provide the following information on the Owner(s):

Owner's Name Boardwalk Piers 2, LLC and Boardwalk Piers 3, LLC
 Email _____
 Address 5050 Center Avenue, #510, Fort Lee, NJ 07024
 Telephone Number _____

5. PROPERTY INFORMATION:

Restrictions, covenants, easements, association by-laws, existing or proposed on the property:

Yes [attach copies] _____ No X Proposed _____

Present use of the premises: Surface parking and one story retail structure

Note: All deed restrictions, covenants, easements, association bylaws, existing and proposed must be submitted for review and must be written in easily understandable English in order to be approved.

6. Applicant's Attorney Nicholas F. Talvacchia, Esquire
 Email ntalvacchia@cooperlevenson.com
 Address 1125 Atlantic Ave., 3rd Floor, Atlantic City, NJ 08401
 Telephone Number 609-572-7544
 FAX Number 609-572-7545

7. Applicant's Engineer Arthur W. Ponzio Co. & Associates, Inc.
 Email jbarnhart@awponzio.com
 Address 400 North Dover Avenue, Atlantic City, NJ 08401
 Telephone Number 609-344-8194
 FAX Number 609-344-1594

8. Applicant's Planning Consultant Arthur W. Ponzio Co. & Associates, Inc.
 Email aponzio@awponzio.com
 Address 400 North Dover Avenue, Atlantic City, NJ 08401
 Telephone Number 609-344-8194
 FAX Number 609-344-1594

9. Applicant's Traffic Engineer Shropshire Associates LLC

Email _____
Address 277 White Horse Pike, Ste. 203, Atco, NJ 08004
Telephone Number 609-714-0400
FAX Number 609-714-9944

10. List any other **Expert** who will submit a report or who will testify for the Applicant: [Attach additional sheets as may be necessary]

Name John Fotiadis Architect PLLC
Field of Expertise Architect
Email john@jfa.nyc
Address 360 West 31st Street, Suite 700, New York, NY 10001
Telephone Number 212-479-5530
FAX Number _____

11. APPLICATION REPRESENTS A REQUEST FOR THE FOLLOWING:

SUBDIVISION:

_____ Minor Subdivision Approval
_____ Subdivision Approval [Preliminary]
_____ Subdivision Approval [Final]
Number of lots to be created _____ Number of proposed dwelling units _____
(including remainder lot) (if applicable)

SITE PLAN:

Site Plan Approval
 Preliminary Site Plan Approval [Phases (if applicable) _____]
 Final Site Plan Approval [Phases (if applicable) _____]
_____ Amendment or Revision to an Approved Site Plan
Area to be disturbed (square feet) 53,486 sf
Total number of proposed dwelling units N/A
_____ Request for Waiver From Site Plan Review and Approval
Reason for request: _____

MISC:

_____ Informal Review
_____ Appeal decision of an Administrative Officer [N.J.S. 40:55D- 70a]
_____ Map or Ordinance Interpretation of Special Question [N.J.S. 40:55D-70b]
_____ Variance Relief (hardship) [N.J.S. 40:55D-70c(1)]
_____ Variance Relief (substantial benefit) [N.J.S. 40:55D-70c(2)]
_____ Variance Relief (use) [N.J.S. 40:55D-70d]
_____ Conditional Use Approval [N.J.S. 40:55D-67]
_____ Direct issuance of a permit for a structure in bed of a mapped street, public drainage way, or flood control basin [N.J.S. 40:55D-34]
_____ Direct issuance of a permit for a lot lacking street frontage [N.J.S. 40:55D-35]

12. Section(s) of Ordinance from which a **variance is requested and justification for said request:** [attach additional pages as needed] See attached project narrative

13. **Waivers Requested** of Development Standards and/or Submission and justification for request.
 Requirements: [attach additional pages as needed] See attached project narrative

14. Attach a copy of the Notice to appear in the official newspaper of the municipality and to be mailed to the owners of all real property, as shown on the current tax duplicate, located within the State and within 200 feet in all directions of the property, which is the subject of this application. The Notice must specify the sections of the Ordinance from which relief is sought, if applicable.

The publication and the service on the affected owners must be accomplished at least 10 days prior to the date scheduled by the Administrative Officer for the hearing. An affidavit of service on all property owners and a proof of publication must be filed before the application will be complete and the hearing can proceed.

15. **Explain in detail the exact nature of the application and the changes to be made at the premises, including the proposed use of the premises:**
 [attach pages as needed] See attached project narrative

16. Is a public water line available? Yes

17. Is public sanitary sewer available? Yes

18. Does the application propose a well and septic system? No

19. Have any proposed new lots been reviewed with the Tax Assessor to determine appropriate lot and block numbers? N/A

20. Are any off-tract improvements required or proposed? No

21. Is the subdivision to be filed by Deed or Plat? N/A

22. What form of security does the applicant propose to provide as performance and maintenance guarantees? As required by municipal law

23. Other approvals, which may be required and date plans submitted:

	Yes	No	Date Plans Submitted
Atlantic City Municipal Utilities Authority	_____	<u>X</u>	_____
_____ Atlantic County Health Department	_____	<u>X</u>	_____
_____ Atlantic County Planning Board	_____	<u>X</u>	_____
_____ Atlantic County Soil Conservation Dist.	_____	<u>X</u>	_____
NJ Department of Environmental Protection	<u>X</u>	_____	<u>12/15/15</u>
Sewer Extension Permit	_____	<u>X</u>	_____
Sanitary Sewer Connection Permit	_____	<u>X</u>	_____
Stream Encroachment Permit	_____	<u>X</u>	_____

Waterfront Development Permit	_____	X	_____
Wetlands Permit	_____	X	_____
Tidal Wetlands Permit	_____	X	_____
Potable Water Construction Permit	_____	X	_____
Other	_____	X	_____
NJ Department of Transportation	_____	X	_____
Public Service Electric & Gas Company	_____	X	_____
_____	_____	_____	_____

24. Certification from the Tax Collector that all taxes due on the subject property have been paid. To be provided

25. List of Maps, Reports and other materials accompanying the application (attach additional pages as required for complete listing).

Quantity	Description of Item
5	Atlantic City Polercoaster prepared by Arthur W. Ponzio Co.& Associates, Inc. revised to Dec.22,2015
5	1637 and 1639 Boardwalk, 1 MLK Boulevard, prepared by John Fotiadis Architect PLLC dated Dec. 22, 2015
*5	Traffic Engineering and Air Quality Analysis prepared by Shropshire Associates LLC dated Dec. 14,2015

26. The Applicant hereby requests that copies of the reports of the professional staff reviewing the application be provided to the following of the applicant's professionals:

Specify which reports are requested for each of the applicant's professionals or whether all reports should be submitted to the professional listed.

Applicant's Professional	Reports Requested
X _____ Attorney	_____ All reports
X _____ Engineer	_____ All reports
X _____ Architect	_____ All reports
_____	_____
_____	_____

* 5 AC Polercoaster Stormwater Compliance Report prepared by Arthur W. Ponzio Co.& Associates, Inc. revised to Dec.10,2015

CERTIFICATIONS

27. I Nicholas F. Talvacchia, Esq. certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the Corporation or that I am a general partner of the partnership applicant.

[If the applicant is a corporation, this must be signed by an authorized corporate officer. If the applicant is a partnership, this must be signed by a general partner.]

Sworn to and subscribed before me this

23 day of Dec., 20 15

NOTARY PUBLIC MARY L. SPISSINGER

A Notary Public of New Jersey

My Commission Expires 06/10/2013 2015

SIGNATURE OF APPLICANT

Nicholas F. Talvacchia, Attorney for Applicant

28. I certify that I am the Owner of the property which is the subject of this application, that I have authorized the applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.

[If the owner is a corporation, this must be signed by an authorized corporate officer. If the owner is a partnership, this must be signed by a general partner.]

Sworn to and subscribed before me this

___ day of _____, 20 ___

See attached Lease

NOTARY PUBLIC

SIGNATURE OF OWNER

29. I understand that the sum of \$ _____ has been deposited in an escrow account (Builder's Trust Account). In accordance with Resolution 11-60 of the Casino Reinvestment Development Authority approving Land Use Fees and Escrow Deposit Requirements, I further understand that the escrow account is established to cover the cost of professional services including engineering, planning, legal and other expenses associated with the review of submitted materials and the publication of the decision by the Board. Sums not utilized in the review process shall be returned. If additional sums are deemed necessary, I understand that I will be notified of the required additional amount and shall add that sum to the escrow account within fifteen (15) days.

Date

SIGNATURE OF APPLICANT

Nicholas F. Talvacchia, Esq.

Atlantic City Polercoaster

Project Narrative

ACB Ownership Limited Liability Company (“Applicant”) proposes to develop a multilevel amusement-entertainment complex (“Complex”) in Atlantic City, New Jersey and requests site plan approval. The Complex will be located at the Boardwalk, at 151 S. Martin Luther King Blvd., 1637-1639 Boardwalk, block 48, lots 13, 18 and 19 (the “Property”). The Property is subject to the Redevelopment Plan for the Boardwalk and MLK Boulevard.

The Complex will have a total area of approximately 110,000 gross square feet and be comprised of a roller coaster attraction commercially known as the “Polercoaster”, which will consist of an approximately 350 ft. tall tower (above street level) with roller coaster rail attached and the Complex may include: a 2 car drop ride; a surf club and wave pool; other rides and attractions; amusement games and redemption areas; event space; retail space; and food areas located throughout the Complex.

The project is fully compliant with the Redevelopment Plan and no variances are requested for the project.

CORPORATE DISCLOSURE STATEMENT
PURSUANT TO N.J.S.A. 40:55D-48.1 AND 48.2

ACB Ownership Limited Liability Company

The individuals listed below have a 10% or greater interest in the above-referenced limited liability company:

The Bernard Friedman 2014 Grantor Trust

Leslie Friedman, Trustee

770 Lexington Avenue

New York, NY 10065

The Robert G. Friedman 2014 Grantor Trust

Micki Friedman, Trustee

770 Lexington Avenue

New York, NY 10065

Primos Polercoaster, LLC

2050 Center Avenue, Suite #400

Fort Lee, NJ 07024