

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 Fees: \$ 300.00 (CK# 293895)

Application No. 2015-12-1768
Escrow Deposit \$ 2000.00 (CK# 293894)

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

1. SUBJECT PROPERTY

Location: Portion of the Borgata Hotel, Casino and Spa at 1 Borgata Way

Tax Map Page _____ Block 576 Lot(s) 1.05, 1.07, 1.08, 1.10, 1.12
Page _____ Block _____ Lot(s) _____
Page _____ Block _____ Lot(s) _____

Dimensions Frontage N/A** Depth N/A Total Area 1.39 acres*

Zoning District Huron North Redevelopment Area

2. APPLICANT

Name Marina District Development Company, LLC

Email TerriSandland@TheBorgata.com

Address 1 Borgata Way, Atlantic City NJ 08401

Telephone Number 609-317-7448

Applicant is a: Corporation Partnership Individual

* Minor utility work and improvements on Lots 1.05, 1.07, 1.08, and 1.10.

** Not Applicable

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 | <u>Provided as Attachment E</u> | 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 _____
Email _____
Address _____
Telephone Number _____

5. PROPERTY INFORMATION:

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

Yes [attach copies] _____ No Proposed _____

Present use of the premises: Subject property is the existing Borgata Outdoor Event Area.

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 Jack Plackter, Esq; Fox Rothschild LLP
Email jplackter@foxrothschild.com
Address 1301 Atlantic Avenue, Suite 400, Atlantic City, NJ 08401
Telephone Number 609-572-2200
FAX Number _____

7. Applicant's Engineer Mark Herrmann, PE; PS&S
Email mherrmann@psands.com
Address 1909 Route 70 East, Suite 307, Cherry Hill NJ 08003
Telephone Number 856-335-6002
FAX Number _____

8. Applicant's Planning Consultant Walter Judge, PE, PP, PMP; PS&S
Email wjudge@psands.com
Address 67B Mountain Boulevard Extension, PO Box 4039, Warren, NJ 07059
Telephone Number 732-584-0245
FAX Number 732-271-4890

9. Applicant's Traffic Engineer Not Applicable

Email _____
Address _____
Telephone Number _____
FAX Number _____

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 _____
Field of Expertise _____
Email _____
Address _____
Telephone Number _____
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) 45,010

Total number of proposed dwelling units 0

_____ 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] _____

13. **Waivers Requested** of Development Standards and/or Submission and justification for request.

Requirements: [attach additional pages as needed] _____

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] _____

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? Not Applicable

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

21. Is the subdivision to be filed by Deed or Plat? No

22. What form of security does the applicant propose to provide as performance and maintenance guarantees? Bond or letter of credit in accordance with New Jersey

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

| | 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>Concurrent with this Application</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 | _____ | _____ | _____ |
| NJ Department of Transportation | _____ | _____ | _____ |
| Public Service Electric & Gas Company | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

24. Certification from the Tax Collector that all taxes due on the subject property have been paid. Provided as Attachment I.

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

| Quantity | Description of Item |
|----------|--|
| _____ | List provided in the Site Plan Application text. |
| _____ | _____ |
| _____ | _____ |

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 |
|--------------------------|-------------------|
| _____ Attorney | _____ |
| _____ Engineer | _____ |
| _____ | _____ |
| _____ | _____ |

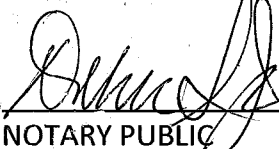
CERTIFICATIONS

27. I Auggie Cipollini 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.]

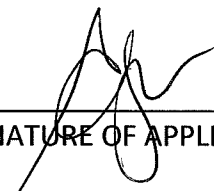
Sworn to and subscribed before me this

16th day of December, 2015



NOTARY PUBLIC

DEBRA SEGERS-JACKSON
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires July 12, 2019



SIGNATURE OF 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

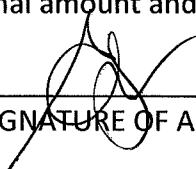
___ day of _____, 20 ___

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.

December 16, 2015
Date



SIGNATURE OF APPLICANT