

Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

EXHIBIT "A" TO RESOLUTION 16- , ADOPTED 9/20/2016

TO: Members of the Authority

FROM: Paul G. Weiss, Esq., Land Use Hearing Officer

COPY: John F. Palmieri, Executive Director

SUBJECT: Hearing Officer's Report and Recommendation
Application 2016-07-1988
Polo North Country Club, Inc.
Amended Site Plan Approval
Block 62, Lots 1 & 2; Block 68, Lot 3.02
Revel Redevelopment Area

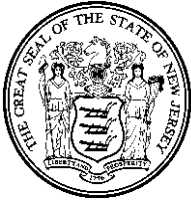
DATE: September 15, 2016

EXECUTIVE SUMMARY

On August 18 and September 8, 2016, the Casino Reinvestment Development Authority (the "Authority") heard testimony and public comment on the above-subject application. Polo North Country Club, Inc. (the "Applicant") seeks Amended Site Plan Approval to reopen the former Revel casino resort complex (the "Facility") with changes to the site access and circulation plan and the addition of an outdoor ropes course located in the porte-cochere area which is in the entrance to the existing valet drop-off area. The valet drop-off area is proposed to be moved to the existing valet pick-up area. In order to accomplish these modifications to the Facility, the "Revel Boulevard" approach to Oriental Avenue will have an exclusive left-turn lane designated for valet parking, two through-lanes designated for self-parking and an exclusive right-turn lane. The middle existing lane from the new valet drop-off will be converted to a "flex lane" when peak inbound conditions warrant additional valet queuing area. Signage and pavement striping will be included to implement the access and circulation changes.

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The Applicant demonstrated by evidence and testimony that the development proposal generally conforms to the site plan standards and technical requirements of the land use ordinances of the city of Atlantic City, as well as the Revel Redevelopment Area. Therefore, for the reasons more fully outlined below, the Hearing Officer recommends that the Application be approved by the Authority subject to the conditions set forth herein.

INTRODUCTION

Application Information

Polo North Country Club, Inc.
Amended Site Plan Approval
Block 62, Lots 1 & 2; Block 68, Lot 3.02
Revel Redevelopment Area

A hearing on the Application was conducted in accordance with the requirements of the Open Public Meetings Act, the Municipal Land Use Law and P.L. 2011, c. 18.

The Applicant seeks Amended Site Plan Approval to reopen the former Revel facility with changes to the site circulation plan and the addition of a ropes course located in the porte-cochere area which is in the entrance to the existing valet drop-off area. The valet drop-off area is to be moved to the existing valet pick-up area. In order to accomplish these modifications to the Facility, the "Revel Boulevard" approach to Oriental Avenue will have an exclusive left-turn lane designated for valet parking, two through-lanes designated for self-parking and an exclusive right-turn lane. The middle existing lane from the new valet drop-off will be converted to a "flex lane" when peak inbound conditions warrant additional valet queuing area. Signage and pavement striping will be included to implement the access and circulation changes.

Evidence List

- A-1 Application
- A-2 Aerial of Revel Site
- A-3 Site Plan Sheet C-1
- A-4 Revised Circulation Plan
- A-5 Revised Circulation Plan with additional detail

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A-6 Letter from Shropshire Associates, LLC regarding Meeting Minutes and Traffic Responses dated September 7, 2016

A-7 Letter from Shropshire Associates, LLC regarding Supplement to Meeting Minutes and Traffic Responses dated September 7, 2016

B-1 Letter from Adams, Rehmann & Heggan Associates, Inc. dated August 8, 2016

B-2 Letter from Adams, Rehmann & Heggan Associates, Inc. dated September 7, 2016

C-1 Letter from City Engineer Russell D. Cipolla, P.E., C.M.E dated September 7, 2016

FINDINGS OF FACT

The Applicant seeks Amended Site Plan Approval to reopen the former Revel facility with changes to the site circulation plan and the addition of a ropes course located in the porte-cochere area which is in the entrance to the existing valet drop-off area. The valet drop-off area is to be moved to the existing valet pick-up area. In order to accomplish these modifications to the Facility, the “Revel Boulevard” approach to Oriental Avenue will have an exclusive left-turn lane designated for valet parking, two through-lanes designated for self-parking and an exclusive right-turn lane. The middle existing lane from the new valet drop-off will be converted to a “flex lane” when peak inbound conditions warrant additional valet queuing area. Signage and pavement striping will be included to implement the access and circulation changes.

The attorney for the Applicant, Nicholas Talvacchia, Esq., introduced the application generally and provided background regarding the specific relief sought by the Applicant. He noted that the development proposal includes the operation of an existing approximately 1900-room hotel and may include approximately 100,000 square-foot casino with associated dining and amenities. The facility is served by an approximately 7,700-space structured parking garage.

The Applicant presented the testimony of David R. Shropshire, P.E., P.P., who was qualified as an expert in the field of traffic engineering. Mr. Shropshire described the location of the site, existing conditions, development proposal, site layout and design. Mr. Shropshire explained that the purpose of the application is to relocate valet and taxi



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drop-off points from the porte-cochere to the existing valet pick-up area located inside of the building. He stated that the intent of the proposed site plan changes is to shield guests from weather conditions during drop-off, as well as eliminate noise associated with such operations.

Mr. Shropshire testified that, in order to accomplish these modifications to the Facility, certain changes to site access and circulation are proposed. Specifically, the "Revel Boulevard" approach to Oriental Avenue will have an exclusive left-turn lane designated for valet parking, two through-lanes designated for self-parking and an exclusive right-turn lane. The inside existing lane from the new valet drop-off will be converted to a "flex lane" when peak inbound conditions warrant additional valet queuing area. Mr. Shropshire also testified as to signage and pavement striping that will be included in order to implement the access and circulation changes.

Mr. Shropshire testified that the relocated valet pick-up/drop-off will accommodate queuing for approximately 40 to 45 vehicles, the taxi drop-off/pick up can accommodate approximately 50 vehicles, and that there is adequate space within the building to accommodate additional vehicles. He opined that the site access and circulation is adequate to safely and efficiently accommodate all anticipated traffic to the Facility. Mr. Shropshire also testified that he had conducted a site visit with the City Engineer, representatives of the Atlantic City Police Department and the Authority's consulting engineer to review site access and circulation. He testified that the proposed access and circulation plan addresses all concerns raised at this on-site meeting. Finally, Mr. Shropshire testified that the Applicant will submit a Traffic Management Plan indicating how circulation and parking can be modified to accommodate circulation and parking needs during peak events as a condition of any approval of the Application.

The Applicant presented the testimony of Jon Barnhart, P.E., P.P., who was qualified as an expert in the field of professional engineering. Mr. Barnhart described the location of the Facility, existing conditions and development proposal with respect to the ropes course. Specifically, Mr. Barnhart testified that the Applicant will abandon the existing porte-cochere and replace such space with a ropes course amusement. He indicated that the use is permitted under zoning and subject to regulation and oversight by the New Jersey Department of Community Affairs. He further testified that there will not be any vehicular access to the proposed ropes course from Oriental Avenue, and that current access will be blocked by removable bollards. A pedestrian link from Oriental Avenue



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will remain, but the ropes course itself will be fenced and pedestrian access directly to the ropes course will be prohibited.

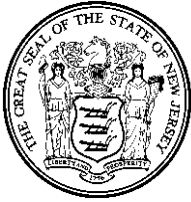
With respect to the planning and engineering review letter of Adams, Rehmann & Hegan Associates, Inc. dated August 8, 2016, the Applicant represented at the hearings that it would comply with all conditions of the letter. Such representations are further set forth in the letters from Shropshire Associates, LLC captioned Meeting Minutes and Traffic Responses dated September 7, 2016 and Supplement to Meeting Minutes and Traffic Responses dated September 7, 2016.

Mr. Glenn Straub appeared and offered testimony on behalf of the Applicant. He testified that the Applicant acquired the Facility through bankruptcy proceedings and that there was outstanding work under prior approvals that had not been completed by the previous owner. He testified that the Applicant will complete all such work required under the prior approvals in order to obtain a permanent Certificate of Occupancy from the city of Atlantic City. Mr. Talvacchia further acknowledged and agreed that the Applicant is legally obligated to comply with all conditions of all prior approvals.

In response to concerns raised by local residents, Mr. Straub testified that the Applicant will complete all work required under prior approvals to minimize noise emanating from the power plant associated with the Facility. Specifically, Mr. Straub testified that noise concerns will be addressed through mechanical maintenance, baffling, and the installation of a picket wall, if required.

In response to concerns raised by Mr. Robert Reid, the Authority's Land Use Enforcement Officer, Mr. Straub testified at the August 18, 2016 Hearing that the Applicant will restore the landscaping on site in conformance with the originally-approved landscaping plan for the site. Subsequently, at the September 8, 2016 hearing, Mr. Straub withdrew this representation.

Mr. Russell Cipolla, Engineer for the city of Atlantic City, offered comment on the application and his letter dated September 7, 2016 was marked into evidence. He testified that he attended a site visit with the Authority's engineering consultant, representatives of the Applicant and representatives of the Atlantic City Police Department. He testified that he does not take any exception to the proposed improvements or modifications in relation to traffic flow, safety issues or any other



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applicable traffic issues. He further testified that he is satisfied with emergency vehicle ingress and egress to the Facility.

Justin Auciello, P.P., was qualified as an expert in professional planning and provided testimony on behalf of the Authority. William M. England, P.E., P.P., C.M.E., C.P.W.M was qualified as an expert in professional engineering and planning and provided testimony on behalf of the Authority. The application review letters of Adams, Rehmann & Heggan Associates, Inc. dated August 8, 2016 and September 7, 2016 were marked into evidence.

Mr. Auciello questioned the Applicant regarding the operation of the ropes course and opined that he is satisfied with the application from a planning standpoint. Mr. England noted the extensive comments in the review letters and the fact that representatives of the Applicant had conducted a site visit with Mr. England, the City Engineer and representatives of the Atlantic City Police Department. He testified that all issues raised in the review letters have been addressed in revisions to the proposed site plan and as set forth in the in the letters from Shropshire Associates, LLC captioned Meeting Minutes and Traffic Responses dated September 7, 2016 and Supplement to Meeting Minutes and Traffic Responses dated September 7, 2016.

Several members of the public appeared and offered comment on the application. Many members of the public were supportive of the reopening of the facility, but voiced concerns about impacts associated with the operation of the Facility, in particular members of the public expressed concern about noise emanating from the power plant associated with the Facility, traffic issues, hours of operation of the proposed ropes course, noise associated with taxis queuing outdoors, traffic patterns and rooftop screening.

CONCLUSIONS OF LAW

Site Plan Approval

A land use agency's authority in reviewing an application for site plan approval is limited to determining whether the development plan conforms to the zoning ordinance and the applicable provisions of the site plan ordinance. See Pizzo Mantin Group v. Township of Randolph, 137 N.J. 216 (1994).

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Here, based on the evidence and testimony, the Applicant has demonstrated that its development proposal generally conforms to the site plan standards and technical requirements of the land use ordinances of the city of Atlantic City, as well as the Revel Redevelopment Area.

RECOMMENDATION

For all of the foregoing reasons, the Hearing Officer recommends that the Application for Amended Site Plan Approval be approved, expressly subject to and conditioned upon the following:

1. The Applicant must satisfy all representations made by the Applicant or by others on its behalf during the course of the Hearing;
2. The Applicant shall comply with all conditions of all prior approvals for the Site;
3. The Applicant must complete all work required in order to obtain a permanent Certificate of Occupancy from the city of Atlantic City under the prior approvals;
4. The Applicant shall comply with all representations set forth in the letters from Shropshire Associates, LLC captioned Meeting Minutes and Traffic Responses dated September 7, 2016 and Supplement to Meeting Minutes and Traffic Responses dated September 7, 2016;
5. The Applicant must submit a Traffic Management Plan for the review and approval of the Authority's consulting engineer within 75 days of the grant of any approval;
6. The Applicant shall install and/or restore the landscaping improvements on site in conformance with the originally-approved landscaping plan for the Site, or submit a new landscaping plan to the Authority for administrative review and approval; and
7. Applicant shall pay all outstanding CRDA Special Improvement District assessments.

The grant of approval set forth herein shall be further conditioned upon the Applicant's compliance with all applicable requirements of the city of Atlantic City Land Use Ordinances, or other City Ordinances, and the requirements of any City agency, board or authority. Any approval granted in accordance herewith shall be further expressly conditioned upon the Applicant obtaining all other necessary governmental approvals, and compliance with all Federal, State and local laws.

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