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BRIAN J. CALLAGHAN, ESQ.

AUGUST 14, 2025

Via: HAND DELIVERY

Robert Reid
Lance Landgraf
Casino Reinvestment
Development Authority
15 S. Pennsylvania Avenue
Atlantic City, NJ 08401

RE: **Completeness Review CRDA #2025-073867**
Chowdhury d/b/a Fusion Gyms
170 S. New Jersey Avenue
Block: 61 Lot: 22.04
Our File No. 06729/BJC

Dear Rob and Lance:

Pursuant to Rob's email dated July 30, 2025 and ARH Associates Report of July 24, 2025 copies of which are enclosed. I have had the opportunity to sit down with the applicant, Martin Sizmur, Arthur Ponzio, and Jon Barnhart to review the project. The items discussed were site plan, grading plan, storm water management plan, parking analysis, and variance justification.

As part of the overall discussion an inquiry was made as to what prior approvals had been granted for this particular site since Showboat/Bart Blatstein was doing a major project. Arthur Ponzio and Jon Barnhart reacted in a positive manor and provided me with a copy of the executive summary and resolution where the CRDA granted preliminary and final major site plan approval together with variances for Block 61 Lots 22-28; Block 1 Lots 155-159 see copies attached. Mr. Ponzio also has a State DEP Permit which is still in existence and good standing see copy attached.

After you have a chance to review these documents, I would ask that we set up a face-to-face meeting as it would appear that the project that we are proposing is much less intense than the previous project that was approved; has less intensity for parking requirements and/or storm water management which was previously approved by the DEP for the larger project. It also appears that the prior project was 100% covered for multipurpose entertainment demands for this project. As indicated this is less intense and provides for a more open air, light and space.

Please review and give my office a call to set up the conference face-to-face.

Thank you once again.

Cordially,

Brian J. Callaghan, Esq.

Brian J. Callaghan

Brian J. Callaghan, Esq.

BJC: lms

Encls.

Cc: Tony Chowdhury via email
Martin Sizmur via email
Arthur W. Ponzio, Jr. via email
Jon Barnhart via email



Fusion Gym - 170 S NEW JERSEY AVE (CRDA # 2025-07-3868)

To Arthur W. Ponzio, Jr. <aponzio@aponzio.com> Copy Carolyn Feigin <cfeigin@arh-us.com> •
Justin Auciello <auciello@cofoneconsulting.com> • SCOLLINS@RIKER.com <scollins@riker.com> •
Brian Callaghan <bjclaw@comcast.net>

Hi Art,

We are hoping the documents you re-submit will allow the CRDA professionals to recommend completeness.

As you know, the site requires land use approval of a Site Plan in accordance with NJAC 19:66 and NJDEP approvals.

This requires a site grading plan and stormwater management plan with drainage calculations, etc.

(Please be advised that the rubberized backed artificial turf is considered an impervious surface.)

This requires an existing conditions plan signed by land surveyor, which includes property lot line survey, planimetric survey, topographic survey, etc.

Since all the improvements have been already constructed, the existing conditions plan will be the base plan for the site plan and grading plan that is required.

Variance justification narrative should be provided for the parking and bulk requirements that need relief.

A parking analysis with inventory of existing parking available and a required parking generation calculations for the proposed use.

This should include number of seats proposed, estimated capacity of the entire outdoor recreation area on the 2.89 acre site, etc.

Also an parking agreement between land owner of lot 22.04 and the owner of the parking garage /parking lots is required.

The aerial photograph with no date offered does not satisfy the submission requirements.

The Site Plan prepared by Menna Engineers dated 07-28-2025 offered does not satisfy the submission requirements.

Please refer to the CRDA Review letter dated 07-24-2025 and respond with the required documents along with a cover letter that addresses each outstanding items.

Please be guided accordingly.

Thank you,

Rob

Robert L. Reid, AICP, NJPP
Land Use Regulation Enforcement Officer
NJ Casino Reinvestment Development Authority
Land Use Regulation and Enforcement Division
15 South Pennsylvania Avenue

Atlantic City, NJ 08401
609-347-0500

From: Arthur W. Ponzio, Jr. <aponzio@aponzio.com>
Sent: Wednesday, July 30, 2025 8:13 AM
To: Robert Reid <rreid@njcrda.com>
Cc: Arthur W. Ponzio, Jr. <aponzio@aponzio.com>; Brian Callaghan (bjclaw@comcast.net)
<bjclaw@comcast.net>
Subject: FW: 170 S NEW JERSEY AVE, ATLANTIC CITY, NJ - FULL SET - 7-28-25

CAUTION: External email. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Rob

I received these plans from Martin – the applicant's other professional has updated their original work. Our office is going to going to label the aerial with the various uses and other project elements which will clearly show all of the existing site improvements.

With this plan set, our prior work and the new aerial do you think we have enough documentation to proceed?

FYI – yesterday we were able to partially topo the site and hope to have that work completed by the end of the week.

For the parking – as I mentioned – we're looking to Shropshire to provide that detail for the hearing.

Any remaining technical items hopefully can be accommodated for Final Plan Certification.

We've been playing catch-up with this as you can see – hopefully, we are now at a satisfactory point!

LMK – thank you
Art

-
- 7-28-2025 - 170 S NEW JERSEY AVE ATLANTIC CITY NJ - FULL SET.pdf (4 MB)
 - 42097 DRONE-Layout1.pdf (688 KB)
 - 2025-07-24 Completeness Letter #1.pdf (445 KB)



Principals
Richard Rehmann, GISP
Richard Heggan, PLS, PP
Jeffery MacPhee, PLS
Carolyn A. Feigin, PE, PP

July 24, 2025

Lance B. Landgraf, Jr., PP, AICP
Casino Reinvestment Development Authority
Division of Land Use and Regulatory Enforcement
15 S Pennsylvania Avenue
Atlantic City, NJ 08401

Re: COMPLETENESS REVIEW #1: CRDA # 2025-07-3868
Preliminary & Final Major Site Plan w/ Variance Approval
Fusion Gyms
Block 61, Lot 22.04
Atlantic City, NJ 08401
ARH # P2025.0518

Dear Mr. Landgraf:

ARH ASSOCIATES has reviewed the following information towards issuance of compliance with the required application items within the CRDA's Checklist(s) for the above-referenced Application:

TITLE / DESCRIPTION	PREPARED / SIGNED / SEALED BY	DATE	DATE LAST REVISED
Cover Letter from Applicant's Attorney	Brain J. Callaghan, Esq.	07/18/2025	
City Of Atlantic City Land Use Application	Applicant	07/17/2025	
Major Preliminary Site Plan Checklist (Form #6)	Arthur Ponzio Co.	07/17/2025	
Major Final Site Plan Checklist (Form #7)			
"c" Variance Checklist (Form #12)			
Preliminary & Final Major Site Plan	Arthur Ponzio Co.	07/16/2025	
Deed	Michael C. Epps, Esq.	02/10/2017	

Per this information, our office offers the following comments:

I. PROJECT INFORMATION & CONTACT INFORMATION

The site is located on New Jersey Avenue west of the Boardwalk. The site is presently vacant and occasionally used for outdoor seasonal events but was a former sand volleyball court. The Applicant now seeks approval for construction of outdoor

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COMPLETENESS REVIEW #1: CRDA # 2025-07-3868
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Fusion Gyms
Block 61, Lot 22.04
Atlantic City, NJ 08401
ARH # P2025.0518
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basketball courts, pickleball courts, a gym with free weights and exercise equipment, and two pop up bar areas in shipping containers complete with patio areas and seating.

Below please find the contact information for the responsible parties associated with this Application:

APPLICANT

Tony Chowdhury
2801 Grant Avenue
Philadelphia, PA 19114
Phone: 267-253-2366
Email: tony.fusiongyms@gmail.com

OWNER

Beachview AC c/o Tower Investments
1520 Locust Street
#300 Philadelphia, PA 19102

ENGINEER/PLANNER

Jon Barnhart
Arthur Ponzio Co.
400 N. Dover Avenue,
Atlantic City, NJ 08401
Phone: 609-344-8194
Email: jbarnhart@aponzio.com

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ATTORNEY
Brain J. Callaghan, Esq. 101 N. Washington Avenue, Ste. 14 Margate, NJ 08402 Phone: 609-348-5300 Email: bjcLAW@comcast.net

II. COMPLETENESS REVIEW

The following addresses conformance with the CRDA's Checklist(s) only and does not reflect adequacy of submissions for review purposes. The Applicant has requested waiver(s) from checklist(s) items as noted below:

Major Preliminary Site Plan Checklist (Form #6) & Major Final Site Plan Checklist (Form #7)

ITEM	MAJOR PRELIMINARY AND FINAL SITE PLAN CHECKLISTS	Not Provided	Waiver Requested	Comments
1	Completed Land Use Application Form	X		The provided application form is missing the escrow setup information sheet. <i>Page 12</i>
6	Project narrative describing existing conditions, surrounding uses and the proposed development including list of variance and design waiver relief sought, if any.	X		A project narrative has not been provided. <i>Page 7</i>
7	Title block denoting type of application, tax map sheet, project address, block and lot, and street location.	X		The type of application, tax map sheet #, and street address are not provided within the title block,
11	Zoning Schedule listing: Use, lot area, lot width, lot depth, yard setbacks, floor area ratio, density, building coverage, building height, and parking requirements, including existing and proposed with conformity status of each.	X		No parking analysis has been provided. <i>5</i>

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ITEM	MAJOR PRELIMINARY AND FINAL SITE PLAN CHECKLISTS	Not Provided	Waiver Requested	Comments
12	Certified List of Property Owners within 200' Radius of the subject property by City of Atlantic City Tax assessor's Office	X		No 200' list has been provided.
14	North arrow, scale, and graphic scale	X		North arrow is not provided on the plans.
16	Key map(s) at a legible scale showing location of property with existing structures, uses, streets, public right of ways, municipal boundaries, public parks, benches, environmental sensitive areas, zoning district boundaries within 200 feet of the subject property. Property tax lots within 200 feet of the subject property taken from the most recent municipal tax map records.	X		A key map of the tax map with a 200' radius around the lot has not been provided.
19	List of approvals or permits required by other regulatory authorities having jurisdiction and the status of same	X		The list of outside agency approvals on Sheet 6 of 10 of the Application Form has not been provided.
20	Land Title Survey and topographic survey depicting existing conditions prepared by New Jersey licensed professional land surveyor. All elevations shall be based on NAVD 1988. The horizontal datum shall on the NJ State Plane Coordinate System (NAD 1983) Survey shall include all existing conditions, including buildings, structures, parking areas with parking space striping, driveways, walkways, , fences, stoops, stairs, porches, easements, walls, patios, curbs, roof overhangs, overhead wires, bay windows, building setbacks of building on-site and adjoining the site, landscape areas, trees, utility poles, flag poles, directional and	X	X	The survey provided does not accurately depict existing site conditions.

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ITEM	MAJOR PRELIMINARY AND FINAL SITE PLAN CHECKLISTS	Not Provided	Waiver Requested	Comments
	identification signs, spot elevations, contours in one foot intervals, FEMA Flood Zone, State Claim areas, utility poles, utilities such as water, sanitary sewer, storm sewer, electric, gas, cable, telephone, etc. Improvements in adjoining right-of-ways / roadways / streets including painted traffic markings.			
21	Stormwater management plans and drainage calculations. (19:66-7.5).		X	Please see our concerns in the Recommendations Section of this letter.
22	Site Plan depicting proposed buildings, structures, existing and proposed building setbacks, landscape areas, lighting/ fixtures, lighting intensity, location of identification signage and directional signs, trash enclosure, building setback lines (dashed) and their dimensions from the property lines, parking area plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions.	X		The proposed site plan does not accurately depict existing conditions or layout of proposed structures currently under construction.
23	Grading plan depicting direction of flow of surface run-off, spot elevations, contours within 1 foot intervals, stormwater management structures.		X	Please see our concerns in the Recommendations Section of this letter.
29	Solid and liquid waste management plan	X		No refuse collection areas have been delineated on the plan.
31	Preliminary architectural plan and elevations, and areas and type of each proposed use.		X	No architectural plans or details have been provided for the proposed structures
32	Estimate of costs of on-site and off-site improvements [19:66-3.4 (b)]	TBP		These items are to be submitted as a condition of approval.
34	Performance guarantee [19:66-3.4 (b)]	TBP		

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ITEM	MAJOR PRELIMINARY AND FINAL SITE PLAN CHECKLISTS	Not Provided	Waiver Requested	Comments
35	Maintenance guarantee (19:66-16.3)	TBP		
36	Inspection Fees (19:66-16.1)	TBP		

"c" Variance Checklist (Form #12)

ITEM	"c" VARIANCE CHECKLIST	Not Provided	Waiver Requested	Comments
6	Color Photographs of site from four (4) different viewpoints.	X		The required number of colored photos has not been provided nor do the photos provided accurately depict the existing conditions on site.

Per our review of the Checklist, the Applicant has satisfied all other submission requirements, and no additional waivers appear necessary.

III. RECOMMENDATIONS

The following Checklist item(s) have been requested a waiver from or not provided on the plans and shall be addressed accordingly:

1. Checklist Item #1 – Completed Land Use Application Form. Not adequately provided. A completed escrow setup information sheet shall be provided.
2. Checklist Item #6 – Project narrative describing existing conditions, surrounding uses and the proposed development including list of variance and design waiver relief sought, if any. Not provided. A project narrative shall be provided.
3. Checklist Item #7 – Title block denoting type of application, tax map sheet, project address, block and lot, and street location. Not adequately provided. The type of application, tax map sheet #, and project address shall be provided in the title block on the plans.

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4. Checklist Item #11 – Zoning Schedule. Not adequately provided. No parking analysis has been provided demonstrating the required amount of parking on-site. Furthermore, it appears no parking is available on-site, a shared parking agreement from a neighboring property shall be provided if necessary.
5. Checklist Item #12 - Certified List of Property Owners within 200' Radius of the subject property by City of Atlantic City Tax assessor's Office. Not Provided. The certified 200' property owners list shall be provided.
6. Checklist Item #14 - North arrow, scale, and graphic scale. Partially not provided. The north arrow shall be provided on the plans.
7. Checklist Item #16 - Key map(s) at a legible scale showing location of property with existing structures, uses, streets, public right of ways, municipal boundaries, public parks, benches, environmental sensitive areas, zoning district boundaries within 200 feet of the subject property. Property tax lots within 200 feet of the subject property taken from the most recent municipal tax map records. Not Provided. The Tax Map with a 200' radius around the lot shall be provided as a key map on the plans.
8. Checklist Item #19 - List of approvals or permits required by other regulatory authorities having jurisdiction and the status of same. Not provided. The list of outside agency approvals, Section 23 on sheet 6 of 10 of the Application Form, shall be completed. In particular, the Applicant shall clarify if permits from NJDEP's Flood Hazard Area Rules - N.J.A.C. 7:13 and Coastal Zone Management Rules – N.J.A.C. 7:7 are required and provide a jurisdictional determination letter from these agencies.
9. Checklist Item #20 - Land Title Survey and topographic survey depicting existing conditions prepared by New Jersey licensed professional land surveyor. Not adequately provided. The Survey provided does not accurately depict existing conditions of the site. This discrepancy shall be addressed.
10. Checklist Item #21 - Stormwater management plans and drainage calculations. (19:66-7.5). Waiver requested. The Applicant has requested a waiver from providing stormwater management stating it is a seasonal operation. Our office does not suggest granting this waiver request. There is an increase in permanent

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impervious surfaces even if operations are to be seasonal. The Applicant shall demonstrate the proposed development's conformance with N.J.A.C. 7:14.

11. Checklist Item #22 - Site Plan depicting proposed buildings, structures, etc. Not adequately provided. The proposed site plan does not accurately depict existing conditions or layout of proposed structures currently under construction. This discrepancy shall be addressed.
12. Checklist Item #23 - Grading plan depicting direction of flow of surface run-off, spot elevations, contours within 1 foot intervals, stormwater management structures. Waiver Requested. The Applicant states no grade changes are proposed. Our office does not suggest granting this waiver request. It appears grade changes are proposed for this project due to the numerous surfaces and structures proposed. A grading plan shall be provided.
13. Checklist Item #29 - Solid and liquid waste management plan. Not provided. No refuse collection areas have been provided on the plans nor have any refuse collection operations have been mentioned. Refuse collection areas shall be provided on the plans.
14. Checklist Item #31 - Preliminary architectural plan and elevations, and areas and type of each proposed use. Waiver Requested. Our office does not suggest granting this waiver request. Architectural plans and/or details of the various structures, surfaces, and amenities on site shall be provided.
15. Checklist Item #6 ("*c*" Variance Checklist – Form #12) - Color Photographs of site from four (4) different viewpoints. Not adequately provided. The Applicant has provided less than the required number of photographs of the site and the photos provided do not accurately depict the existing conditions. Colored photographs from four different viewpoints accurately depicting the existing conditions of the site shall be provided.

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Preliminary & Final Major Site Plan w/ Variance Approval
Fusion Gyms
Block 61, Lot 22.04
Atlantic City, NJ 08401
ARH # P2025.0518
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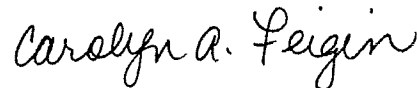
The Applicant shall address the deficiencies referenced in the checklist item(s) not submitted. We recommend that this application be deemed **INCOMPLETE**. No technical review will be performed until the application is deemed Complete. Additional commentary will be provided during the technical review portion of this project.

If the Applicant should have any questions or comments, please do not hesitate to contact me at 609-561-0482 ext. 5005 or by email at cfeigin@arh-us.com.

Respectfully Submitted,

ARH ASSOCIATES

By



Carolyn A. Feigin, PE, PP
CRDA Consulting Engineer

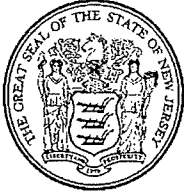
cc: Robert L. Reid, AICP, NJPP
Christine A. Nazzaro-Cofone, AICP, PP
Scott Collins, Esq.
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CAF\jmb
\\arh-us.com\enterprise\proposals\arh\2025\0518\2025-07-24 completeness letter #1.docx

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Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

EXHIBIT "A" TO RESOLUTION 21-39, ADOPTED 4/20/2021

TO: Members of the Authority

FROM: Lance B. Landgraf, Jr., Land Use Hearing Officer

COPY: Matthew J. Doherty, Executive Director

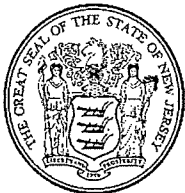
SUBJECT: Hearing Officer's Report and Recommendation
Application #2021-01-2916
Showboat Renaissance, LLC
Preliminary and Final Major Site Plan Approval with Variances Pursuant
to N.J.S.A. 40:55D-70(c)
801 Boardwalk, Atlantic City
Block 61, Lots 22 through 28
Block 1, Lots 155-159
Resort Commercial (RC) Zoning District

DATE: March 29, 2021

EXECUTIVE SUMMARY

On March 4, 2021, the Casino Reinvestment Development Authority (the "Authority") heard testimony and public comment on the above-subject application. The Applicant, Showboat Renaissance, LLC (the "Applicant"), seeks Preliminary and Final Major Site Plan Approval with variances pursuant to N.J.S.A. 40:55D-70(c) for the subject properties in the city of Atlantic City. Specifically, the Applicant proposes the construction of (i) an approximately 60,000 square foot multipurpose entertainment pavilion; (ii) an approximately 57,000 square foot outdoor food, beverages and entertainment venue; and (iii) an approximately 10,000 square foot expansion of the boardwalk for dining, entertainment and recreation.

The Applicant demonstrated by evidence and testimony that the development proposal generally conforms to the site plan standards and technical requirements of the Authority's Tourism District Land Development Rules. In addition, the Applicant demonstrated by evidence and testimony that the grant of the requested variances is warranted. Therefore, for the reasons more fully outlined below, the Hearing Officer recommends that the Application be approved by the Authority.



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

INTRODUCTION

Application Information

Showboat Renaissance, LLC
Preliminary and Final Major Site Plan Approval with Variances Pursuant to N.J.S.A.
40:55D-70(c)
801 Boardwalk, Atlantic City
Block 61, Lots 22 through 28
Block 1, Lots 155-159
Resort Commercial (RC) Zoning District

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 Preliminary and Final Major Site Plan Approval with variances pursuant to N.J.S.A. 40:55D-70(c) for the subject properties in the city of Atlantic City. Specifically, the Applicant proposes the construction of (i) an approximately 60,000 square foot multipurpose entertainment pavilion; (ii) an approximately 57,000 square foot outdoor food, beverages and entertainment venue; and (iii) an approximately 10,000 square foot expansion of the boardwalk for dining, entertainment and recreation.

Evidence List

A-1 Application Materials

B-1 Letter from ARH Associates dated March 1, 2021

FINDINGS OF FACT

The Applicant seeks Preliminary and Final Major Site Plan Approval with variances pursuant to N.J.S.A. 40:55D-70(c) for the subject properties in the city of Atlantic City. Specifically, the Applicant proposes the construction of (i) an approximately 60,000 square foot multipurpose entertainment pavilion; (ii) an approximately 57,000 square foot outdoor food, beverages and entertainment venue; and (iii) an approximately 10,000 square foot expansion of the boardwalk for dining, entertainment and recreation.

The attorney for the Applicant, Kevin Sheehan, Esq., introduced the application generally and provided background regarding the specific relief sought by the Applicant.

The Applicant presented the testimony of John Barnhart, P.E., P.P., who was qualified as an expert in the fields of professional engineering and professional planning. He described



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

the location of the site, existing conditions, development proposal and site layout. He noted that development proposal includes an approximately 60,000 square foot event venue with a retractable roof; an open air beer garden and entertainment space with food trucks, outdoor dining and temporary bathroom facilities; and a boardwalk expansion with open-air gazebos.

He testified that the development proposal is adequately served by utilities, stormwater management, parking, loading and access improvements that serve the existing Showboat facility. The Applicant agreed that any approval of the Application would be conditioned upon submission of revised plans addressing comments in the March 1, 2021 letter and an agreement that the outdoor restrooms would be tied into the existing sanitary sewer line along New Jersey Avenue in the event that issues associated with temporary restrooms cannot be mitigated to the satisfaction of the Authority.

Mr. Barnhart testified that the following variances pursuant to N.J.S.A. 40:55D-70(c) are required: (i) a variance to permit a front yard setback of 5' along New Jersey Avenue where a minimum front yard setback of 20' is required at heights above 35'; and a variance to permit a side yard setback of 0' where a minimum side yard setback of 20' is required.

Mr. Barnhart opined that the that the approval of the application for development would advance the purposes of the Municipal Land Use Law by promoting the public health, safety, morals and general welfare (Purpose A). With respect to the negative criteria, Mr. Barnhart testified that variances have minimal impact and the grant of the variances would not have any substantial detriment to the Tourism District Master Plan or Tourism District Land Development Rules.

Kathryn Cornforth, P.E., was qualified as an expert in professional engineering and provided testimony on behalf of the Authority. The Applicant agreed to comply with all conditions and comments in the letter from ARH Associates dated March 1, 2021. Ms. Cornforth testified that the Applicant had provided sufficient testimony to support approval of the Application.

CONCLUSIONS OF LAW

Preliminary and Final Major 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).



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

Here, based on the evidence and testimony, the Applicant has demonstrated that development proposal generally conforms to the site plan standards and technical requirements of the Authority's Tourism District Land Development Rules.

Variances Pursuant to N.J.S.A. 40:55D-70(c)

For variances requested pursuant to N.J.S.A. 40:55D-70(c)(2), an applicant must demonstrate through evidence and testimony that the positive and negative criteria of the statutory requirements have been met.

Positive Criteria

The positive criteria for variances requested pursuant to N.J.S.A. 40:55D-70(c)(2) is satisfied if one or more purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of that deviation would substantially out-weigh any detriment to the public good. Ketcherick v. Bor. Mountain Lakes, 256 N.J. Super. 646 (App. Div. 1992); Green Meadows v. Planning Board, 329 N.J. Super. 12 (App. Div. 2000).

Here, the Applicant seeks the following variances pursuant to N.J.S.A. 40:55D-70(c): (i) to permit a front yard setback of 5' along New Jersey Avenue where a minimum front yard setback of 20' is required at heights above 35'; and permit a side yard setback of 0' where a minimum side yard setback of 20' is required. The Applicant presented testimony that the approval of the application for development would advance the purposes of the Municipal Land Use Law by promoting the public health, safety, morals and general welfare (Purpose A).

Negative Criteria

Relief under N.J.S.A. 40:55D-70(c)(2) cannot be granted unless the negative criteria is satisfied. The negative criteria required for all "C" variances is that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and the zoning ordinance.

The evidence and testimony demonstrate that the grant of the requested variances will not create any detriment to the public good, and will not substantially impair the purpose and intent of the Tourism District Mast Plan and the Tourism District Land Development Rules.

RECOMMENDATION

For all of the foregoing reasons, the Hearing Officer recommends that the Application for Amended Preliminary and Final Major Site Plan Approval. The grant of approval of this Application shall be expressly conditioned upon the Applicant complying with all conditions of prior approvals, satisfying all representations made by the Applicant or by



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

others on its behalf during the course of the hearing on this matter before the Hearing Officer.

The grant of approval shall be further conditioned upon compliance with all applicable requirements of the Tourism District Land Development Rules, city of Atlantic 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.

5263415v1

CRDA BOARD TALLY

April 20, 2021

SHOWBOAT RENAISSANCE, LLC (801 BOARDWALK, BLOCK 61, LOTS 22 THROUGH 28 BLOCK 1, LOTS 155-159) - RESOLUTION OF THE CASINO REINVESTMENT DEVELOPMENT AUTHORITY GRANTING PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL WITH VARIANCES FOR THE CONSTRUCTION OF IMPROVEMENTS ON PROPERTY LOCATED AT 801 BOARDWALK (BLOCK 61, LOTS 22-28 AND BLOCK 1, LOTS 155-159) IN THE CITY OF ATLANTIC CITY UNDER APPLICATION #2021-01-2916

MOTION

MH

SECOND

BS

Modia Butler

Y

Debra DiLorenzo

Y

Ed Gant

Y

Michael Hanley

Y

Gary Hill

A

Howard Kyle

Y

Kim Holmes for the Lt. Governor & DCA Commissioner

Y

William Mullen

Y

James Plousis

Y

Eric Weiss for the State Attorney General

Y

Bob Shaughnessy for the State Treasurer

Y

Mayor Marty Small

Y

Shelley Williams

Y

Karen Worman

Y

Vice Chairman, Richard Tolson

Y

Chairman, Robert Mulcahy

Y

FW: Showboat

To Martin Sizmur (msizmur@acceleratedconstruction.net) <msizmur@acceleratedconstruction.net> •
Brian Callaghan (bjclaw@comcast.net) <bjclaw@comcast.net> •
tony.fusiongyms@gmail.com <tony.fusiongyms@gmail.com> • Arthur W. Ponzio, Jr. <aponzio@aponzio.com>
Copy Arthur W. Ponzio, Jr. <aponzio@aponzio.com>

Good evening

Together with the plans from this prior project, the attached Resolution certifies that the CRDA issues full site plan approval on this property in April 2021.

That project could be deemed more aggressive than what is presently being proposed by Tony.

In addition, we located the 2020 NJDEP CAFRA permit for that project which states, among other things that the project was found to meet the State's stormwater policy.

Brian – I believe it is worth a shot to meet with the CRDA – Reid and Lance – to go over these documents and all of the plans for the present project, and to ask that an administrative approval be given as a modification of the prior approval for all parts of Tony's project that do not require variance relief, so that he can open the facility asap! We would then make application to the CRDA to seek the needed variances, but if accepted this would allow Tony to open as soon as the authority could grant the administrative (or LUC) approval.

Please get back to me in the morning

Art

-
- Resolution - Beer Garden 4.20.21 4829-4445-4378 v.1.pdf (174 KB)

Robert Botto <robertbotto50@yahoo.com>

8/12/2025 2:24 PM

Re: 5125 Winchester Avenue

To Brian Callaghan <bjclaw@comcast.net>

Brian thank you for the update.

***Robert Botto
Botto's Italian Line Restaurant and Banquet Room
1411 Kings Highway
Swedesboro, NJ 08085
(856)467-1570***

On Tuesday, August 12, 2025 at 01:57:39 PM EDT, Brian Callaghan <bjclaw@comcast.net> wrote:

Please see attached.
Thank you.

The Law Office of Brian J. Callaghan
101 N. Washington Avenue, Suite 14
Margate, NJ 08402
609-348-5300

**RESOLUTION OF THE CASINO REINVESTMENT DEVELOPMENT
AUTHORITY GRANTING PRELIMINARY AND FINAL MAJOR SITE
PLAN APPROVAL WITH VARIANCES FOR THE CONSTRUCTION OF
IMPROVEMENTS ON PROPERTY LOCATED AT 801 BOARDWALK
(BLOCK 61, LOTS 22-28 AND BLOCK 1, LOTS 155-159) IN THE CITY OF
ATLANTIC CITY UNDER APPLICATION #2021-01-2916**

WHEREAS, pursuant to P.L. 2011, c. 18, as amended (the “Act”), the Casino Reinvestment Development Authority (the “Authority”): (i) designated the Atlantic City Tourism District by Resolution 11-25, adopted April 19, 2011; (ii) established the Land Use Regulation and Enforcement Division to, among other matters, hear applications for development in the Tourism District by Resolution 11-33, adopted April 19, 2011; and (iii) adopted the master plan, zoning and land use ordinances and regulations, and zoning maps approved by the City by Resolution 11-34, adopted April 19, 2011; and

WHEREAS, pursuant to Resolution 12-14, adopted February 1, 2012, the Authority adopted the “New Jersey CRDA Atlantic City Tourism District Master Plan” prepared by Jones Lang LaSalle, LLC and dated February 1, 2012 (the “Master Plan”) (as affirmed and readopted pursuant to Resolution 12-23, adopted February 21, 2012), subject to further comment and revision, which master plan shall become effective upon the adoption of design, development and land use regulations on January 2 2018; and

WHEREAS, Showboat Renaissance, LLC (“Applicant”) seeks Preliminary and Final Major Site Plan Approval with Variances pursuant to N.J.S.A. 40:55D-70(c) to permit construction of (i) an approximately 60,000 square foot multipurpose entertainment pavilion; (ii) an approximately 57,000 square foot outdoor food, beverages and entertainment venue; and (iii) an approximately 10,000 square foot expansion of the boardwalk for dining, entertainment and recreation at the site located at 801 Boardwalk (Block 61, Lots 22-28 and Block 1, Lots 155-159) located in the Resort Commercial (RC) in the City of Atlantic City; and

WHEREAS, on March 4, 2021, the Authority’s Land Use Regulation and Enforcement Division convened a public hearing on Application 2021-01-2916 in accordance with the requirements of the Open Public Meetings Act, the Municipal Land Use Law and the Act, and subsequently prepared and delivered a Hearing Officer’s Report and Recommendation dated March 29, 2021 (the “Report”), incorporated herein by this reference and appended hereto as Exhibit “A”; and

WHEREAS, the Authority intends to adopt the findings, conclusions and recommendations of the Hearing Officer, as detailed in the Report dated March 29, 2021.

NOW THEREFORE, BE IT RESOLVED by the Casino Reinvestment Development Authority that:

1. The above recitals are incorporated herein, as if set forth in full.

2. Based on the record in this matter, the Preliminary and Final Major Site Plan Approval with Variances pursuant to N.J.S.A. 40:55D-70(c) under Application 2021-01-2916 is hereby approved in accordance with the Hearing Officer's Report and Recommendation dated March 29, 2021.
3. A copy of this Resolution shall be immediately transmitted to the Governor. This Resolution shall take effect immediately but no action authorized herein shall have force and effect until the earlier of the passage of ten (10) days, Saturdays, Sundays and public holidays excepted, after the delivery of the copy to the Governor, or the Governor's approval.

I hereby certify that this document is a true and correct copy of Resolution 21-39 of the Casino Reinvestment Development Authority.



HOWARD J. KYLE, SECRETARY

MEETING OF APRIL 20, 2021


EXHIBIT "A"



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND RESOURCE PROTECTION
Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420
Telephone: (609) 777-0454 or Fax: (609) 777-3656
www.nj.gov/dep/landuse



PERMIT

<p>In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the terms, conditions, and limitations listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc." Violation of any term, condition, or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.</p>		Approval Date December 21, 2020
		Expiration Date December 20, 2025
Permit Number(s): 0102-02-0028.6 LUP190001	Type of Approval(s): CAFRA Individual Permit- Commercial/Industry/Public	Governing Rule(s): N.J.A.C. 7:7-1.1(a)
Permittee: Beachview AC, LP 1719 Rittenhouse Square Philadelphia, PA 19103	Site Location: Block(s) & Lot(s): [61, 27] [61, 28] Municipality: Atlantic City County: Atlantic	
Description of Authorized Activities: This document authorizes the construction of an outdoor event space consisting of a food hall with second story bar and beer garden, pop up vending areas, and a domed tent area in association with a commercial development on the parcel(s) referenced above. This project is authorized under and in conditional compliance with the applicable Coastal Zone Management Rules (N.J.A.C. 7:7-1.1 et seq.), as amended on February 20, 2020, provided that all conditions to follow are met.		
Prepared by: Joanne B. Davis, Supervisor		Received and/or Recorded by County Clerk:
If the permittee undertakes any regulated activity, project, or development authorized under this permit, such action shall constitute the permittee's acceptance of the permit in its entirety as well as the permittee's agreement to abide by the requirements of the permit and all conditions therein.		
This permit is not valid unless authorizing signature appears on the last page.		

STATEMENT OF AUTHORIZED IMPACTS:

The authorized activities allow for the permittee to undertake impacts to regulated areas as described herein. Additional impacts to regulated areas without prior Department approval shall constitute a violation of the rules under which this document is issued and may subject the permittee and/or property owner to enforcement action, pursuant to N.J.A.C. 7:7-2.1

PRE CONSTRUCTION CONDITIONS:

1. Within 30 days of permit issuance, and prior to site preparation, the permittee shall submit a letter from the Atlantic City MUA confirming adequate water capacity exists to service the site.

SPECIAL CONDITIONS:

1. Remediation of the site shall be conducted by the LSRP of record in accordance with the *Administrative Requirements for the Remediation of Contaminated Sites (N.J.A.C. 7:26C)*.
2. Any new, reconstructed, enlarged, or elevated structure within a flood hazard area shall be secured to resist flotation, collapse, and displacement due to hydrostatic and hydrodynamic forces from floodwaters.
3. The structures authorized under this permit shall not be enclosed with exterior walls such that they meet the definition of a building under N.J.A.C. 7:13-1.2.
4. The Department has determined that this project meets the requirements of the Stormwater Management rules at N.J.A.C. 7:8. Any future expansion or alteration of the approved site layout and/or land cover which would affect water quality, increase the rate or volume of stormwater leaving the site, affect the infiltration capacity on the site, or alter the approved low impact site design, shall be reviewed and approved by the Department prior to construction.

STANDARD CONDITIONS:

1. The issuance of a permit shall in no way expose the State of New Jersey or the Department to liability for the sufficiency or correctness of the design of any construction or structure(s). Neither the State nor the Department shall, in any way, be liable for any loss of life or property that may occur by virtue of the activity or project conducted as authorized under a permit.
2. The issuance of a permit does not convey any property rights or any exclusive privilege.
3. The permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under a permit.
4. A permittee conducting an activity involving soil disturbance, the creation of drainage structures, or changes in natural contours shall obtain any required approvals from the Soil Conservation District or designee having jurisdiction over the site.
5. The permittee shall take all reasonable steps to prevent, minimize, or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit.

6. The permittee shall immediately inform the Department of any unanticipated adverse effects on the environment not described in the application or in the conditions of the permit. The Department may, upon discovery of such unanticipated adverse effects, and upon the failure of the permittee to submit a report thereon, notify the permittee of its intent to suspend the permit.
7. The permittee shall immediately inform the Department by telephone at (877) 927-6337 (WARN DEP hotline) of any noncompliance that may endanger public health, safety, and welfare, or the environment. The permittee shall inform the Division of Land Resource Protection by telephone at (609) 777-0454 of any other noncompliance within two working days of the time the permittee becomes aware of the noncompliance, and in writing within five working days of the time the permittee becomes aware of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter. The written notice shall include:
 - i. A description of the noncompliance and its cause;
 - ii. The period of noncompliance, including exact dates and times;
 - iii. If the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and
 - iv. The steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
8. Any noncompliance with a permit constitutes a violation of this chapter and is grounds for enforcement action, as well as, in the appropriate case, suspension and/or termination of the permit.
9. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the authorized activity in order to maintain compliance with the conditions of the permit.
10. The permittee shall employ appropriate measures to minimize noise where necessary during construction, as specified in N.J.S.A. 13:1G-1 et seq. and N.J.A.C. 7:29.
11. The issuance of a permit does not relinquish the State's tidelands ownership or claim to any portion of the subject property or adjacent properties.
12. The issuance of a permit does not relinquish public rights to access and use tidal waterways and their shores.
13. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:
 - i. Enter upon the permittee's premises where a regulated activity, project, or development is located or conducted, or where records must be kept under the conditions of the permit;
 - ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit; and
 - iii. Inspect, at reasonable times, any facilities, equipment, practices, or operations regulated or required under the permit. Failure to allow reasonable access under this paragraph shall be considered a violation of this chapter and subject the permittee to enforcement action.

14. The permittee shall not cause or allow any unreasonable interference with the free flow of a regulated water by placing or dumping any materials, equipment, debris or structures within or adjacent to the channel while the regulated activity, project, or development is being undertaken. Upon completion of the regulated activity, project, or development, the permittee shall remove and dispose of in a lawful manner all excess materials, debris, equipment, and silt fences and other temporary soil erosion and sediment control devices from all regulated areas.
15. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit.
16. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect, so long as the regulated activity, project, or development, or any portion thereof, is in existence, unless the permit is modified pursuant to the rules governing the herein approved permits.
17. The permittee shall perform any mitigation required under the permit in accordance with the rules governing the herein approved permits.
18. If any condition or permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect public health, safety, and welfare, or the environment.
19. Any permit condition that does not establish a specific timeframe within which the condition must be satisfied (for example, prior to commencement of construction) shall be satisfied within six months of the effective date of the permit.
20. A copy of the permit and all approved site plans and supporting documents shall be maintained at the site at all times and made available to Department representatives or their designated agents immediately upon request.
21. The permittee shall provide monitoring results to the Department at the intervals specified in the permit.
22. A permit shall be transferred to another person only in accordance with the rules governing the herein approved permits.
23. A permit can be modified, suspended, or terminated by the Department for cause.
24. The submittal of a request to modify a permit by the permittee, or a notification of planned changes or anticipated noncompliance, does not stay any condition of a permit.
25. Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.
26. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, 401 East State Street, 4th Floor, PO Box 420, Mail Code 401-04C, Trenton, NJ 08625, at least three working days prior to the commencement of regulated activities.

Additionally, the permittee shall notify the Department in writing (at the address listed on page one of this permit) within five working days prior to commencement of operation of a CAFRA individual

permit. At this time, the permittee shall certify that all conditions of the permit that must be met prior to operation of the development have been met.

27. This permit is issued subject to compliance with N.J.A.C. 7:7-27.2 Conditions that apply to all coastal permits.

APPROVED PLAN(S):

The drawing(s) hereby approved consist of eight sheet(s) as follows:

Four sheets, Sheets C-01 through C-04, prepared by Arthur W. Ponzio Co. & Associates, Inc., dated 11/26/19, last revised 8/31/20, and entitled:

**“DUNES DECK & EVENT CENTER AT SHOWBOAT RESORT HOTEL BLOCK 61
LOT 27 & 28 ATLANTIC CITY ATLANTIC COUNTY NEW JERSEY CAFRA
INDIVIDUAL PERMIT APPLICATION PLAN”**

Four architectural sheets, Sheets 2.1 through 2.4, dated 8/13/20, unrevised, and entitled:

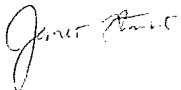
“SHOWBOAT EVENT SPACE—ATLANTIC CITY, NJ”

APPEAL OF DECISION:

Any person who is aggrieved by this decision may submit an adjudicatory hearing request within 30 calendar days after public notice of the decision is published in the DEP Bulletin (available at www.nj.gov/dep/bulletin). If a person submits the hearing request after this time, the Department shall deny the request. The hearing request must include a completed copy of the Administrative Hearing Request Checklist (available at www.nj.gov/dep/landuse/forms.html). A person requesting an adjudicatory hearing shall submit the original hearing request to: NJDEP Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, Mail Code 401-04L, P.O. Box 402, 401 East State Street, 7th Floor, Trenton, NJ 08625-0402. Additionally, a copy of the hearing request shall be submitted to the Director of the Division of Land Resource Protection at the address listed on page one of this permit. In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see www.nj.gov/dep/odr for more information on this process.

If you need clarification on any section of this permit or conditions, please contact the Division of Land Resource Protection's Technical Support Call Center at (609) 777-0454.

Approved By:



Digitally signed by Janet
Stewart
Date: 2020.12.21 13:21:43
-05'00'

Janet L Stewart, Section Chief
Division of Land Resource Protection

- c: Municipal Clerk, Atlantic City
Municipal Construction Official, Atlantic City
Agent (original) – Arthur Ponzio