



**Principals**  
 Richard Rehmann, GISP  
 Chris Rehmann, PE, CME, PP, PLS  
 Richard Heggan, PLS, PP  
 Robert Heggan, PLS, PP

February 1, 2021

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

Re: Land Use Application  
 Showboat Renaissance LLC  
 801 Boardwalk, 800, 804, & 810 Pacific Avenue, 160 & 170 S. New Jersey Avenue (Block 61, Lots 22-28)  
 Atlantic City, NJ, 08401  
 ARH File: 24-10044

Dear Mr. Landgraf:

**ARH ASSOCIATES** has received the above captioned Application for review. Applicant seeks Major Subdivision Approval to consolidate existing Lots 24-26 into proposed lot A (187,451.65 s.f.) and Lots 27-28 into proposed lot D (126,116.60 s.f.). The remaining lots shall be broken down into Lots B, C, & E. Additional Variance requests for Lot Depth, Lot Coverage and any other variances deemed necessary have been included.

Block 61 is located in Atlantic City’s Resort Commercial (RC-S) Zoning District.

This report consists of a review of the Subject Application for conformance with Casino Reinvestment Development Authority checklists. Comments are limited to the information presented to date. The Applicant may present additional information and testimony at the Board hearing on this matter.

**I. OWNER & APPLICANT INFORMATION**

Showboat Renaissance LLC  
 1719 Rittenhouse Sq.  
 Philadelphia, PA 19103  
 215.467.4600  
[jharvey@towerdev.com](mailto:jharvey@towerdev.com)

**II. SUBMITTALS**

TITLE / DESCRIPTION	PREPARED / SIGNED / SEALED BY	DATE	DATE LAST REVISED
CRDA Land Use Application	Owner / Applicant	1/14/2021	
Escrow Information	Owner/ Applicant	N/A	
Title Report – Schedule A	First American Title Insurance Company	5/28/2020	
CRDA Minor Subdivision Application Checklist	Kevin D. Sheehan, Esq.	1/15/2021	
Subdivision Plan	Arthur W. Ponzio, PP, LS	4/8/2019	
“c” Variance Checklist	Kevin D. Sheehan, Esq.	1/15/2021	

**ARH Associates**

Corporate Headquarters – 215 Bellevue Avenue – PO Box 579 – Hammonton, NJ 08037 – 609.561.0482 – fax 609.567.8909  
 Bloomfield Office – 2 Broad Street – Suite 602 – Bloomfield, NJ 07003 – 973.337.8562 – fax 973.337.8876

[www.arh-us.com](http://www.arh-us.com)

**III. COMPLETENESS REVIEW**

The following addresses conformance with the Board’s Checklists and does not reflect adequacy of submissions for review purposes. The correct number of copies are assumed to have been submitted. Column entries reflect **ARH’s** review of Applicant’s submissions.

***This office recommends that this Application be deemed Complete at this time. Applicant is asked to address submission deficiencies as follows:***

Major Preliminary Subdivision Application Checklist (Form #9)

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
1	Completed Land Use Application	X	X		
2	Payment of Required Application and Escrow Fees (19:66-4.3)	X	X		
3	Name and address, email address of property owner and applicant.	X	X		
4	Proof of real estate taxes and other assessments paid.	X	X		
5	Name, signature, license number, seal and address of each professional consultant, as applicable, involved in preparation of required documents.	X	X		
6	Project narrative describing existing conditions, surrounding uses and the proposed development including list of variance and design waiver relief sought, if any.	X	X		
7	Title block denoting type of application, tax map sheet, project address, block and lot, and street location.	X	X		
8	Proof of ownership of property. (Report of title, copy of deed AS FILED with the Atlantic County Clerk’s Office, affidavit or other documentation evidencing ownership.)	X	X		
9	Consent of property owner to applicant to development project.	X	X		
10	FOR ADMINISTRATIVE REVIEW AND APPROVAL: Certification from Applicant’s licensed professional that the development proposed meets all requirements and no variance or design waivers are requested. (19:66-9)	X	X		
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	X		

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
12	Certified List of Property Owners within 200' Radius of the subject property by City of Atlantic City Tax assessor's Office.	X	X		
13	Public Notice in compliance with NJSA 40:55D-12.	X	X		
14	North arrow, scale and graphic scale	X	X		
15	Signature blocks for Hearing Officer, Land Use Regulation Enforcement Officer, Engineer and Planner.	X	X		
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, beaches, 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	X		
17	List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc. as recorded or in recordable form if proposed.	X	X		
18	List of development stages or phases, if any.	X			X (N/A to application)
19	List of approvals or permits required by other regulatory authorities having jurisdiction and the status of same.	X	X		
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 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.	X	X		

<b>ITEM</b>	<b>TITLE / DESCRIPTION (Subdivision Application)</b>	<b>Required</b>	<b>Submitted</b>	<b>Waiver Requested by Applicant</b>	<b>Waiver recommended by Reviewer</b>
21	Stormwater management plans and drainage calculations. (19:66-31).	X			X (N/A to application)
22	Site Plan depicting proposed buildings, structures, existing and proposed building setbacks, landscape areas, 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			X (N/A to application)
23	Grading plan depicting direction of flow of surface run-off, spot elevations, contours within 1-foot intervals, stormwater management structures.	X			X (N/A to application)
24	Landscaping Plan, details and plant schedule (19:66-32)	X			X (N/A to application)
25	Lighting plan and details (19:66-36)	X			X (N/A to application)
26	Soil Erosion and Sediment Control Plan. (Required for soil disturbance of 5,000 sq. ft. or greater)	X			X (N/A to application)
27	Plans of proposed utility layouts including sanitary sewer, water, gas, telephone, cable and electricity and showing proposed connections to existing or any proposed utility systems.	X			X (N/A to application)
28	Road and paving cross-sections and profiles.	X			X (N/A to application)
29	Solid and liquid waste management plan.	X			X (N/A to application)
30	Vehicular and pedestrian circulation patterns, Traffic control signs, directional signs and Sight triangles	X			X (N/A to application)
31	Preliminary architectural plan and elevations, and areas and type of each proposed use.	X			X (N/A to application)
32	Preliminary Plan of Lots prepared by New Jersey Licensed professional land surveyor depicting lot layout, area and dimension of each lot to be created, street layout, setback lines, easements, open space, lands to be dedicated to the municipality.	X	X		

Land Use Application  
 Showboat Renaissance LLC  
 801 Boardwalk (Block 134, Lot 1; Block 61, Lots 22-28; Block 302, Lots 1,2 & 4)  
 Atlantic City, NJ, 08401  
 (ARH File: 24-10044)  
**Page 5**

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
33	Electronic copy of the full application including: application, photos, maps, reports, plans and other exhibits in pdf format. Maximum size of file(s) 4 MB.	X	X		

**Major Final Subdivision Application Checklist (Form #10)**

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
1	Completed Land Use Application	X	X		
2	Payment of Required Application and Escrow Fees (19:66-4.3)	X	X		
3	Name and address, email address of property owner and applicant.	X	X		
4	Proof of real estate taxes and other assessments paid.	X	X		
5	Name, signature, license number, seal and address of each professional consultant, as applicable, involved in preparation of required documents.	X	X		
6	Project narrative describing existing conditions, surrounding uses and the proposed development including list of variance and design waiver relief sought, if any.	X	X		
7	Title block denoting type of application, tax map sheet, project address, block and lot, and street location.	X	X		
8	Proof of ownership of property. (Report of title, copy of deed AS FILED with the Atlantic County Clerk's Office, affidavit or other documentation evidencing ownership.)	X	X		
9	Consent of property owner to applicant to development project.	X	X		
10	FOR ADMINISTRATIVE REVIEW AND APPROVAL: Certification from Applicant's licensed professional that the development proposed meets all requirements and no variance or design waivers are requested. (19:66-9)	X	X		
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	X		

<b>ITEM</b>	<b>TITLE / DESCRIPTION (Subdivision Application)</b>	<b>Required</b>	<b>Submitted</b>	<b>Waiver Requested by Applicant</b>	<b>Waiver recommended by Reviewer</b>
12	Certified List of Property Owners within 200' Radius of the subject property by City of Atlantic City Tax assessor's Office.	X	X		
13	Public Notice in compliance with NJSA 40:55D-12.	X	X		
14	North arrow, scale and graphic scale	X	X		
15	Signature blocks for Hearing Officer, Land Use Regulation Enforcement Officer, Engineer and Planner.	X	X		
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, beaches, 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	X		
17	List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc. as recorded or in recordable form if proposed.	X	X		
18	List of development stages or phases, if any.	X			X (N/A to application)
19	List of approvals or permits required by other regulatory authorities having jurisdiction and the status of same.	X	X		
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 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.	X	X		

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
21	Stormwater management plans and drainage calculations. (19:66-31).	N/A			X (N/A to application)
22	Site Plan depicting proposed buildings, structures, existing and proposed building setbacks, landscape areas, 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			X (N/A to application)
23	Grading plan depicting direction of flow of surface run-off, spot elevations, contours within 1-foot intervals, stormwater management structures.	X			X (N/A to application)
24	Landscaping Plan, details and plant schedule (19:66-32)	X			X (N/A to application)
25	Lighting plan and details (19:66-36)	X			X (N/A to application)
26	Soil Erosion and Sediment Control Plan. (Required for soil disturbance of 5,000 sq. ft. or greater)	X			X (N/A to application)
27	Plans of proposed utility layouts including sanitary sewer, water, gas, telephone, cable and electricity and showing proposed connections to existing or any proposed utility systems.	X			X (N/A to application)
28	Road and paving cross-sections and profiles.	X			X (N/A to application)
29	Solid and liquid waste management plan.	X			X (N/A to application)
30	Vehicular and pedestrian circulation patterns, Traffic control signs, directional signs and Sight triangles	X			X (N/A to application)
31	Preliminary architectural plan and elevations, and areas and type of each proposed use, if applicable.	X			X (N/A to application)
32	Final Plan of Lots prepared in accordance with the New Jersey Map Filing Law (M. J. S. 46:23-9), prepared by a Licensed professional land surveyor	X	X		X (N/A to application)
33	Estimate of costs of on-site and off-site improvements [19:66-3.4 (b)]	X			X (N/A to application)

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
34	Electronic copy of the full application including: application, photos, maps, reports, plans and other exhibits in pdf format. Maximum size of file(s) 4 MB.	X	X		
35	Performance guarantee [19:66-3.4 (b)]	TO BE PROVIDED			
36	Maintenance guarantee (19:66-16.3)	TO BE PROVIDED			
37	Inspection Fees (19:66-16.1)	TO BE PROVIDED			

The following addresses conformance with the CRDA’s list of Required Application items for Major Preliminary Subdivision Checklist (Form #9) and Major Final Preliminary Subdivision Checklist (Form #10), which does not reflect adequacy of submissions for review purposes. The correct number of copies are assumed to have been submitted. Column entries reflect **ARH**’s review of Applicant’s submissions.

**IV. CHECKLIST COMPLIANCE**

There are a number of checklist items noted above that are required, however our office is deeming them not applicable based on the nature of the application. this application only proposes to consolidate seven (7) lots into five (5) lots. The application makes no other proposed improvements. We would kindly request that the applicant officially ask for a waiver from these requirements.

**V. PLANNING ANALYSIS COMPLETED BY ARH**

The subject property is located within the Atlantic City Tourism District. Pursuant to the Atlantic City Tourism District Master Plan, the intent of the Tourism District is to *“reinvigorate Atlantic City in the near-term as the leading resort destination in the Northeast and beyond.* Among the Master Plan’s objectives is to *“develop an economically viable and sustainable tourism district”* and to *“[expand] Atlantic City’s tourism and economic bases”*

A. Use

Subject is located in the City’s Resort Commercial (RC) Zoning District, which is governed by N.J.A.C 19:66-5.10, whose stated purpose is, in pertinent part, *“to provide an array of land uses that will capitalize on the zoning district’s geographical advantages of the zoning district’s proximity to the boardwalk and the Atlantic Ocean.”*

Permitted Uses in the RC Zone (N.J.A.C 19:66-5.10(a)1i are:

- (1) Hotels, including condotels;
- (2) Casino hotels;
- (3) Professional and medical offices, except narcotic/psychiatric/alcohol treatment facilities;
- (4) General offices;
- (5) Recreation;
- (6) Retail sales;
- (7) Indoor and outdoor restaurants, including sidewalk cafes;



- (8) Bars and craft breweries and distilleries;
- (9) Entertainment;
- (10) Recreation;
- (11) Amusement rides;
- (12) Educational uses, college, and instructional uses;
- (13) Institutional uses;
- (14) Catering services;
- (15) Hospitals;
- (16) Parks;
- (17) A combination of one or more of (a)1i(1) through (16) above;
- (18) Personal services, except for secondhand goods shops, cash for gold stores, and pawn shops;
- (19) Pop-up uses;
- (20) Multi-family residential mid-rises and high-rises; and
- (21) Mixed uses.

Permitted Accessory Uses in the RC Zone (N.J.A.C 19:66-5.10(a)1ii are:

- (1) Public and private garages;
- (2) Outdoor vending machines (a maximum of two machines within the front yard area);
- (3) Other uses customarily incidental to the principal permitted uses and on the same lot; and
- (4) Wireless telecommunications antennas mounted to existing or new buildings and existing towers.

The Waterpark use is therefore permitted in the RC-S Zone.

**B. Area & Bulk Standards**

ITEM	REQUIRED	PROPOSED					STAT
		LOT A	LOT B	LOT C	LOT D	LOT E	
MINIMUM LOT AREA (SF)	7,500 SF	187,451.65	29,313.23	38,332.72	126,116.6	450,234.9	C
MINIMUM LOT DEPTH	150 FT	885 FT	291.61 FT	100.86 FT	266 FT	1369.53 FT	V (lot C only)
MINIMUM LOT WIDTH	50 FT	165.14 FT	85 FT	57 FT	455.12 FT	292 FT	C
MINIMUM LOT FRONTAGE	50 FT	266 FT	N/A	57 FT	455.12 FT	292 FT	C
MAXIMUM BUILDING COVERAGE	70%	0.54%	77.9%	74.8%	0%	76.8%	V (lots B, C, & E)
MAXIMUM IMPERVIOUS COVERAGE	80%	91.5%	95.6%	99.4%	0%	98.6%	V (lots A, B, C,& E)
MINIMUM FRONT YARD	N/A	N/A	N/A	165.14 FT	N/A	N/A	C
MINIMUM SIDE YARD	0 UP TO 35FT IN HT. THEN 20 FT	0 FT	0 FT	0 FT	0 FT	0 FT	C
MAXIMUM REAR YARD	N/A	N/A	N/A	0 FT	0 FT	N/A	C

## **VI. VARIANCE(S)**

A. Applicant requires relief under N.J.S.A. 40:55D-70(c) (commonly referred to as a ‘c’ or ‘bulk’ variance) for:

1. Proposed Lot A: Impervious Coverage.
2. Proposed Lot B: Building Coverage and Impervious Coverage.
3. Proposed Lot C: Lot Depth, Building Coverage, and Impervious Coverage.
4. Proposed Lot E: Building Coverage and Impervious Coverage.

*Please refer to Subdivision Plan dated 04-08-19 for proposed lot locations.*

While the law requires specific justifications for each of the several types of Variances permitted under N.J.S.A. 40:55D-70, the following is offered.

In order for a Board to grant a variance, an Applicant must demonstrate, to the Board’s satisfaction, that: (1) such action will relieve peculiar and exceptional practical difficulties or exceptional and undue hardship upon the developer of the subject property resulting from the strict application of the zoning ordinance (typically known as a Hardship Variance); **OR** (2) that granting a variance to allow departure from the zoning ordinance would advance one of the purposes of the *Municipal Land Use Law* (N.J.S.A. 40:55D-1 et seq. [MLUL]) and that the benefits of the deviation would substantially outweigh any detriment (typically known as the Positive Criteria). Collectively, these are known as the Positive Criteria.

An Applicant must also demonstrate, to the Board’s satisfaction, that such variance can be granted without substantial detriment to the public good. This is known as the Negative Criteria.

Both the Positive Criteria and Negative Criteria must be satisfied in order for the Board to grant Variance relief. The grant of a ‘d’ Variance requires 5 affirmative votes. The grant of a ‘c’ Variance requires a majority vote of the members present.

The MLUL defines “peculiar and exceptional practical difficulties” and “exceptional and undue hardship” as:

- (a) *[where] by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation... would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property...[N.J.S.A. 40:55D-70c(1)]*

Under N.J.S.A. 40:55D-2, the MLUL enumerates as its purposes:

- a. *To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;*
- b. *To secure safety from fire, flood, panic and other natural and man-made disasters;*

- c. *To provide adequate light, air and open space;*
- d. *To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the County and the State as a whole;*
- e. *To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;*
- f. *To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;*
- g. *To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;*
- h. *To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;*
- i. *To promote a desirable visual environment through creative development techniques and good civic design and arrangement;*
- j. *To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;*
- k. *To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;*
- l. *To encourage senior citizen community housing construction;*
- m. *To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;*
- n. *To promote utilization of renewable energy resources;*
- o. *To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.*

The application package has requested submission variances for several items in the Area & Bulk Standards. Based on the proposed project elements, it is our opinion that the variances can be approved by the board.

## **VII. REVIEW OF SUBDIVISION PLAN**

Upon review of the subdivision plan our office is having difficulty verifying that two of the lots close, and we seem to have minor discrepancies with total lot areas on some of the lots. Please verify all information shown on the plan (i.e. bearings, distances, curves, lot areas, etc.) to ensure the information is accurate. Please also provide the lot closure information for each lot for our office to review.

## **VIII. POST APPROVAL CONSIDERATIONS**

Should the Board grant the desired approval for this Application, Applicant, and/or its professionals must:

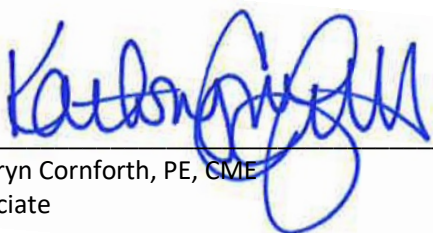
- A. Make all appropriate plan revisions as directed by the Board.**
- B. Contact the Board Secretary to reconcile any outstanding review escrow accounts prior to Final Plan Certification, Signature, or the issuance of building permits, as applicable.**
- C. Address all issues identified above.**

Any resubmissions in response to this report should be accompanied by a point-by-point response to all items. To facilitate the Board's decision-making process, Applicants are strongly encouraged to resolve as many items as possible prior to the hearing on this matter.

Respectfully Submitted,

**ARH ASSOCIATES**

by



---

Kathryn Cornforth, PE, CME  
Associate