



Principals

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

January 25, 2022

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
Premier Entertainment AC, LLC
1900 Boardwalk Avenue
Atlantic City, NJ, 08401
Block 1, Lots 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, & 105 (also known as beach lots 26, 27, & 28 and also known as beach lot 13)
Block 42, Lots 10.4 (f/k/a p/o lot 1), 6 & 7
Block 43, Lots 1 & 13
Block 44, Lots 4 & 4.02
Block 45, Lots 1, 3, & 5
ARH File: 24-10056

Dear Mr. Landgraf:

ARH ASSOCIATES has received the above captioned Application for review. Applicant seeks Major Preliminary and Final Site Plan Approval to permit the construction of a 14,000 square-foot volleyball stadium, with outdoor bleacher seating of approximately 1,017 seats and press box tent and other amenities. Also, the Applicant seeks bulk Variance relief from the following:

1. Heights of accessory structures
2. Maximum number and size of signs

Block 1, Lots 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, & 105 (also known as beach lots 26, 27, & 28 and also known as beach lot 13); Block 42, Lots 10.4 (f/k/a p/o lot 1), 6 & 7; Block 43, Lots 1 & 13; Block 44, Lots 4 & 4.02; Block 45, Lots 1, 3, & 5 is located in Atlantic City's Resort Commercial (RC) 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

OWNER & APPLICANT

Premier Entertainment AC, LLC d/b/a Bally's Atlantic City
1900 Pacific Avenue
Atlantic City, NJ 08401
856-827-4294
C/O Nicholas Talvacchia, ESQ
ntalvacchia@cooperlevenson.com

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

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II. SUBMITTALS

TITLE / DESCRIPTION	PREPARED / SIGNED / SEALED BY	DATE	DATE LAST REVISED
Cover Letter From Applicant’s Attorney	Applicant’s Attorney Cooper Levenson	11/24/2021	
CRDA Land Use Application	Owner / Applicant	11/24/2021	1/19/2022
Major Preliminary & Final Site Plan Checklist & “c” Variance Checklist	Arthur W. Ponzio Co. & Associates, Inc.	11/24/2021	
Major Site Plans	Arthur W. Ponzio Co. & Associates, Inc.	12/17/2021	1/13/2022
Architectural Plan	SOSH Architects	11/24/2021	
200’ Property Owners List	City of Atlantic City	11/22/2021	
Certification of Payment of Taxes	City of Atlantic City	11/17/2021	
Escrow Setup	Applicant	11/17/2021	

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 Site Plan Checklist (Form #6)

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
1	Completed Land Use Application	X		
2	Payment of Required Application and Escrow Fees (19:66-4.3)	X		
3	Name and address, email address of property owner and applicant.	X		
4	Proof of real estate taxes and other assessments paid.	TBP		
5	Name, signature, license number, seal and address of each professional consultant, as applicable, involved in preparation of required documents.	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		

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ITEM	TITLE / DESCRIPTION (Subdivision Application)	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
7	Title block denoting type of application, tax map sheet, project address, block and lot, and street location.	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	Applicant must provide proof of ownership prior to final approval
9	Consent of property owner to applicant to development project.	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. (19:66-4.6)	N/A		
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		
12	Certified List of Property Owners within 200' Radius of the subject property by City of Atlantic City Tax assessor's Office.	X		
13	Public Notice in compliance with NJSA 40:55D-12.	TBP		
14	North arrow, scale and graphic scale	X		
15	Signature blocks for Hearing Officer, Land Use Regulation Enforcement Officer, Engineer and Planner.	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		
17	List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc. as recorded or in recordable form if proposed.	X		
18	List of development stages or phases, if any.	N/A		
19	List of approvals or permits required by other regulatory authorities having jurisdiction and the status of same.	X		

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ITEM	TITLE / DESCRIPTION (Subdivision Application)	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
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		
21	Stormwater management plans and drainage calculations. (19:66-31).	N/A		
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		
23	Grading plan depicting direction of flow of surface run-off, spot elevations, contours within 1 foot intervals, stormwater management structures.	X		
24	Landscaping Plan, details and plant schedule (19:66-7.6)		X	
25	Lighting plan and details (19:66-7.10)		X	
26	Soil Erosion and Sediment Control Plan. (Required for soil disturbance of 5,000 sq. ft. or greater)		X	
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

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28	Road and paving cross-sections and profiles.	N/A		
29	Solid and liquid waste management plan.		X	X
30	Vehicular and pedestrian circulation patterns, Traffic control signs, directional signs and Sight triangles	N/A		
31	Preliminary architectural plan and elevations, and areas and type of each proposed use.	X		
32	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		

Major Final Site Plan Checklist (Form #7)

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
1	Completed Land Use Application	X		
2	Payment of Required Application and Escrow Fees (19:66-3.4)	X		
3	Name and address, email address of property owner and applicant.	X		
4	Proof of real estate taxes and other assessments paid.	TBP		
5	Name, signature, license number, seal and address of each professional consultant, as applicable, involved in preparation of required documents.	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		
7	Title block denoting type of application, tax map sheet, project address, block and lot, and street location.	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	Applicant must provide proof of ownership prior to final approval
9	Consent of property owner to applicant to development project.	X		

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ITEM	TITLE / DESCRIPTION (Subdivision Application)	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
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. (19:66-4.6)	N/A		
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		
12	Certified List of Property Owners within 200' Radius of the subject property by City of Atlantic City Tax assessor's Office.	X		
13	Public Notice in compliance with NJSA 40:55D-12.	TBP		
14	North arrow, scale and graphic scale	X		
15	Signature blocks for Hearing Officer, Land Use Regulation Enforcement Officer, Engineer and Planner.	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		
17	List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc. as recorded or in recordable form if proposed.	X		
18	List of development stages or phases, if any.	N/A		
19	List of approvals or permits required by other regulatory authorities having jurisdiction and the status of same.	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,	X		

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	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.			
21	Stormwater management plans and drainage calculations. (19:66-7.5).	N/A	X	
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		
23	Grading plan depicting direction of flow of surface run-off, spot elevations, contours within 1 foot intervals, stormwater management structures.	X		
24	Landscaping Plan, details and plant schedule (19:66-7.6)	N/A	X	X
25	Lighting plan and details (19:66-7.10)		X	X
26	Soil Erosion and Sediment Control Plan. (Required for soil disturbance of 5,000 sq. ft. or greater)		X	
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	All utility connections are from existing beach bar
28	Road and paving cross-sections and profiles.	N/A	X	
29	Solid and liquid waste management plan.		X	Existing management plan
30	Vehicular and pedestrian circulation patterns, Traffic control signs, directional signs and Sight triangles	N/A		

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ITEM	TITLE / DESCRIPTION (Subdivision Application)	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
31	Preliminary architectural plan and elevations, and areas and type of each proposed use.	X		
32	Estimate of costs of on-site and off-site improvements [19:66-3.4 (b)]		X	Applicant shall provide prior to final approval
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		
34	Performance guarantee [19:66-3.4 (b)]	TBP		Applicant shall provide prior to final approval
35	Maintenance guarantee (19:66-16.3)	TBP		Applicant shall provide prior to final approval
36	Inspection Fees (19:66-16.1)	TBP		Applicant shall provide prior to final approval

The following addresses conformance with the CRDA’s list of Required Application items for Major Preliminary Site Plan Checklist (Form #6) and Major Final Site Plan Checklist (Form #7), both do 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. VARIANCE

“c” Variance Checklist (Form #12)

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
1	Completed Land Use Application Form	X		
2	Payment of Required Application and Escrow Fees (19:66-4.3)	X		
3	Name and address, email address of property owner and applicant.	X		
4	Proof of real estate taxes and other assessments paid.	TBP		
5	Name, signature, license number, seal and address of each professional consultant, as applicable, involved in preparation of required documents.	X		

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ITEM	TITLE / DESCRIPTION (Subdivision Application)	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
6	Color Photographs of site from four (4) different viewpoints.		X	X
7	Project narrative describing existing conditions, surrounding uses and the proposed development including list of "c" variance(s) and design waiver relief sought, if applicable.	X		
8	Title block denoting type of application, tax map sheet, project address, block and lot, and street location.	X		
9	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	Applicant must provide proof of ownership prior to final approval
10	Consent of property owner to applicant to development project.	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		
12	Certified List of Property Owners within 200' Radius of the subject property by City of Atlantic City Tax assessor's Office.	X		
13	Public Notice in compliance with NJSA 40:55D-12.	TBP		
14	North arrow, scale and graphic scale	X		
15	Signature blocks for Hearing Officer, Land Use Regulation Enforcement Officer, Engineer and Planner.	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		
17	List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc. as recorded or in recordable form if proposed.	X		
18	List of development stages or phases, if any.	N/A		
19	List of approvals or permits required by other regulatory authorities having jurisdiction and the status of same.	X		

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ITEM	TITLE / DESCRIPTION (Subdivision Application)	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
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		
21	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		
22	Preliminary architectural plan and elevations, and areas and type of each proposed use.	X		
23	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		

The following addresses conformance with the CRDA’s list of Required Application items for “c” Variance Checklists (Forms #12) 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.

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V. COFONE CONSULTING REVIEW

Zoning Compliance

The property is located in the Beach (B) District. As stated at CRDA Land Development Rules Section at N.J.A.C. 19:66-5.9, the purpose of the B District is as follows:

The purpose of the B Beach District is to capitalize on the unique land use attributes inherent of the proximity to the Atlantic Ocean through promotion and zoning controls that maximize the value of the zoning district.

While bulk variances are required, the proposed signage package is permitted within the B District subject to certain requirements. The CRDA Land Development Rules at N.J.A.C. 19:66-5.7(a) provide for the following purpose of the "Signs" regulation:

The regulation of signs by this section is intended to promote and protect the public health, safety, and welfare of the Tourism District by creating a more attractive economic and business climate within the commercial, resort, and industrial areas of the Tourism District by enhancing and protecting the physical appearance of all areas of the Tourism District and by reducing the distractions, obstructions, and hazards to pedestrian and auto traffic caused by the indiscriminate placement and use of signs.

Master Plan Review

The subject property is located within the Atlantic City Tourism District. Pursuant to the New Jersey CRDA Atlantic City Tourism District Master Plan, the overall intention and vision is to "reinvigorate Atlantic City in the near-term as the leading resort destination in the Northeast and beyond (Page 4, New Jersey CRDA Atlantic City Tourism District Master Plan). Among others, overarching objectives are to "develop an economically viable and sustainable tourism district" and "[expand] Atlantic City's tourism and economic bases" (Id, Page 1-2).

Planning Analysis and Issues for Consideration by the Board

In regard to the "c" variances, the Municipal Land Use Law (MLUL) at NJSA 40:55D-70c sets forth the standards for variances from the bulk regulations of a zoning ordinance. A "c(1)" variance is for cases of hardship due to factors such as shape or topography, or due to "an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon." A "c(2)" variance may be granted where the purposes of zoning are advanced and the benefits of deviating from the ordinance requirements outweigh any detriments. The benefits derived from granting a "c(2)" variance must include benefits to the community as a whole, not just to the applicant or property owner. A "c" variance application also must address the "negative criteria."

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We offer the following for your consideration in reviewing the Application:

- 1) The Applicant shall provide such statutorily required testimony through a New Jersey licensed professional planner.
- 2) The Applicant shall provide testimony relative to the entire proposal, its relationship to the other uses on the site and surrounding area, as well as the proposed operational aspects. The Applicant shall discuss how the proposal advances the purpose of the B District and the Tourism District Master Plan.
- 3) The Applicant's professional planner shall discuss the required variances in the context of the site and immediate area. Variances are required for the heights of the accessory structures for the volleyball stadium (portable restrooms, bleachers, press tent, lighting, and electronic screen) and for the number of signs, the size of signs, and the type of signs for the volleyball stadium.
- 4) As to the operational aspects, the Applicant shall discuss security procedures, if there will be integration between the proposal area and Bally's Beach Bar, and if access will be controlled to the volleyball area. In particular, given the presence of metal bleachers, the Applicant shall discuss safety protocols in the event of threatening severe weather and lightning.
- 5) The Applicant shall furnish testimony about the signage package. The Applicant shall provide testimony relative to the sign package's compliance with N.J.A.C. 19:66-5.7(d), which sets forth the general standards that apply to all signs, as well as sign placement, colors, messaging, etc.
- 6) The Applicant shall comply with the conditions of any previous approvals received for the site.
- 7) The Applicant shall furnish any prior approvals from, and agreements with, the City of Atlantic City, if any.

VI. REVIEW OF PLANS

1. Site Plan

- a. Details shall be provided for all proposed site amenities including how the bleachers will be anchored and/or secured.
- b. Applicant shall provide testimony related to how the project will confirm with NJDEP General Permit #22 specifically related to:
 1. Confirming which structures will remain in place on a year-round basis
 2. Where temporary structures will be removed and relocated during severe weather events as defined by N.J.A.C. 7:7-6.22
 3. Where structures will be removed and relocated to during November 1st through April 30th if different than #2 above.
- c. Applicant shall confirm via testimony that there are no special areas as defined by N.J.A.C. 7:7-9 adversely impacted by this project.
- d. Applicant shall add the proposed coverage percentages to the plans.

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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. Obtain approvals from all outside agencies.**
- C. 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.**
- D. 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

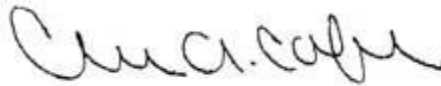
By



Kathryn Cornforth, PE, CME
CRDA Consulting Engineer

COFONE CONSULTING GROUP

by



Christine A. Nazzaro-Cofone, AICP, PP
CRDA Consulting Planner

KEC/mss

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