



**Principals**

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

December 15, 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  
Premier Entertainment AC, LLC  
1900 Boardwalk Avenue (Block 42, Lots 1.04, 6, & 7; Block 43, Lots 1 & 13; Block 44, Lots 4 & 4.02; Block 45, Lots 1, 3, & 5)  
Atlantic City, NJ, 08401  
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 5,100 square-foot beer hall structure in the courtyard, with outdoor seating and a 200 square-foot outdoor stage, and renovations to the former restaurant to include 6 blackjack tables. Also, the Applicant seeks bulk Variance relief from the following:

1. Maximum building coverage
2. Maximum impervious coverage
3. Required number of parking spaces
4. Maximum number of signs

Block 42, Lots 1.04, 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

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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	
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.	11/22/2021	
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		
7	Title block denoting type of application, tax map sheet, project address, block and lot, and street location.	X		

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<b>ITEM</b>	<b>TITLE / DESCRIPTION (Subdivision Application)</b>	<b>Submitted</b>	<b>Waiver Requested by Applicant</b>	<b>Waiver recommended by Reviewer</b>
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.	X		
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	X		

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	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.			
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	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	Applicant shall provide proposed utility connection locations
28	Road and paving cross-sections and profiles.	N/A		
29	Solid and liquid waste management plan.		X	
30	Vehicular and pedestrian circulation patterns, Traffic control signs, directional signs and Sight triangles	X		

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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	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		
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)	X		
11	Zoning Schedule listing: Use, lot area, lot width, lot depth, yard setbacks, floor area ratio, density, building coverage, building height and parking	X		

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	requirements, including existing and proposed with conformity status of each.			
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.	X		
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, 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 /	X		

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	roadways / streets including painted traffic markings.			
21	Stormwater management plans and drainage calculations. (19:66-7.5).	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	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)	N/A		
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	Applicant shall provide proposed utility connection locations
28	Road and paving cross-sections and profiles.	N/A		
29	Solid and liquid waste management plan.		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	Estimate of costs of on-site and off-site improvements [19:66-3.4 (b)]	TBP		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

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ITEM	TITLE / DESCRIPTION (Subdivision Application)	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
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		
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



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ITEM	TITLE / DESCRIPTION (Subdivision Application)	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
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.	X		
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, 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	X		

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ITEM	TITLE / DESCRIPTION (Subdivision Application)	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
	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	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.

**V. COFONE CONSULTING REVIEW**

**Zoning Compliance**

The property is located in the Resort Commercial (RC) District. As stated at CRDA Land Development Rules Section at N.J.A.C. 19:66-5.10, the purpose of the RC District is as follows:

*The purpose of the RC Resort Commercial District is 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. The Resort Commercial District also offers the highest intensity residential offerings within the Tourism District with a variety of supportive commercial and services uses. The vision is to create an environment where residential and resort offerings seamlessly integrate.*

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The proposed sign is permitted within the RC 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” variance, 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.”

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’s professional planner should discuss the required variances in the context of the site, immediate area, and consistency with land uses in the area.
3. The Applicant shall provide testimony relative to the entire proposal and its relationship to the surrounding area, particularly the proposed outdoor improvements’ integration with and connection to the building and boardwalk. The Applicant shall discuss how the proposal advances the purpose of the RC District and the Tourism District Master Plan.
4. 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.
5. The Applicant shall comply with the conditions of all previous approvals received for the site.

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6. The Applicant shall furnish all prior approvals from, and agreements with, the City of Atlantic City, if any.

## **VI. REVIEW OF PLANS**

1. Site Plan
  - a. Applicant shall provide a plan that clearly identified what will be demolished and/or removed from the site.
  - b. Applicant shall verify what proposed material will be used between the proposed structure and proposed outdoor lawn area. If this area is proposed to be impervious, please clearly define the limits and material type of the new impervious surface.
  - c. The Site Plan says to refer to the Architectural plans for sign information and details, however no details are provided in the Architectural plans. Sign details must be provided in either the Site Plan or Architectural plans showing conformance to all applicable regulations.
2. SESC Plan
  - a. A note shall be added to the plan, ensuring all sidewalk, handicap ramps will be installed to have no more than a 2% cross slope and must be in accordance with the ADA design standards.
  - b. Applicant shall provide additional information and detail in the plan that demonstrates how the area under the open-air bar will drain.
  - c. Applicant shall provide additional information and detail on how the area between the existing building and proposed structure will drain. In the existing condition stormwater appears to drain into the existing lawn area. It appears stormwater may impound against the buildings with the current design.
3. Utility Plan
  - a. Applicant shall provide a utility plan that shows all proposed utility connections (i.e. water, sanitary, electric, etc.) lines that will be servicing the proposed bar area.

## **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.**

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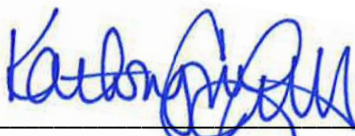
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Any resubmissions in response to this report should be accompanied by a point-by-point response to all items. To facilitate the Board's decision-making process, Applicants are strongly encouraged to resolve as many items as possible prior to the hearing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

Respectfully Submitted,

**ARH ASSOCIATES**

By

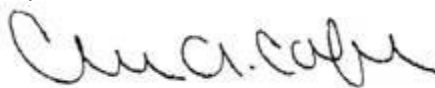


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Kathryn Cornforth, PE, CME  
CRDA Consulting Engineer

**COFONE CONSULTING GROUP**

by



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

KEC/mss

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