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FILE NO. 61346/00001

January 19, 2022

HAND DELIVERY

Robert Reid,
Land Use Regulation Enforcement Officer
Casino Reinvestment Development Authority
15 South Pennsylvania Avenue
Atlantic City, NJ 08401

Re: Bally's Atlantic City Casino Resort
Applicant: Premier Entertainment AC, LLC
1900 Boardwalk
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 1.04 (f/k/a p/o lot 1), 6 and 7
Block 43, Lots 1 & 13
Block 44, Lots 4 & 4.02
Block 45, Lots 1, 3 & 5

Dear Mr. Reid:

As you are aware, we are the attorneys for the Applicant, Premier Entertainment AC, LLC, the owner of Bally's Atlantic City Casino Resort with respect to an application for preliminary and final major site plan approval and variance relief for a volleyball stadium on a portion of the beach lots at the above captioned property. At the request of the Casino Reinvestment Development Authority, we are hereby amending the previously submitted application to include additional beach lots that are included within the applicable beach lease with Applicant.

Enclosed please find:

1. Revised CRDA Land Use Application including Disclosure Statement and Project Narrative; and
2. Original and digital copies of the site plan prepared by Arthur W. Ponzio Co. & Associates, Inc entitled "Ballys Atlantic City, Preliminary & Final Major Site Plan Application, Bally's Beach Bar & Volleyball" consisting of three (3) sheets, C-1 through C-3, each dated December 17, 2021 and revised to January 13, 2022.

COOPER LEVENSON, P.A.

Robert Reid, Land Use Regulation Officer

January 19, 2022

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Thank you for your kind attention to this matter.

Very truly yours,

Cooper Levenson, P.A.



Nicholas F. Talvacchia

NFT/rel

Enclosures

cc: Scott G. Collins, Esquire (*w/Enclosures, via E-mail*)
Christine A. Nazzaro-Cofone, AICP, PP, Cofone Consulting Group, LLC (*w/ Enclosures, via E-mail*)
Kathryn Cornforth, PE, CME, ARH Associates (*w/Enclosures, via E-mail*)
Atlantic City Planning Dept. (*w/ Enclosures, via Hand Delivery*)
Atlantic City Engineering Department (*w/ Enclosures, via Hand Delivery*)
Premier Entertainment AC, LLC (*w/Enclosures, via E-mail*)
Jon Barnhart, PP, PE, CME (*w/Enclosures, via E-mail*)
John DeRiche, III, R.A., AIA, NCARB (*w/Enclosures, via E-mail*)

City of Atlantic City LAND USE APPLICATION

City of Atlantic City: (Check where applicable)

AC Planning Division Jurisdiction
 City of Atlantic City Planning Board
 1301 Bacharach Boulevard
 City Hall-Suite 508
 Atlantic City, NJ 08401
 609-347-5404

CRDA: (Check where applicable)

NJ CRDA LURED Jurisdiction
 Casino Reinvestment Development Authority
 15 S Pennsylvania Avenue
 Atlantic City, NJ 08401
 609-347-0500

To be completed by staff only.

Date Filed _____ Application No. _____
 Application Fees: _____ Escrow Deposit _____

Scheduled for:
 Review for Completeness _____ Hearing: _____

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1. SUBJECT PROPERTY

Location: 1900 Boardwalk (Beach lease lots 26, 27 & 28 and also known beach lot 13)

Tax Map	Page _____	Block 1	Lot(s) 94, 95, 96, 97, 98, 99, 100, 101, 102, 103,
	Page _____	Block 42	1.04 (f/k/a p/o lot 1), 6 and 7
	Page _____	Block 43	1 and 13
		44	4 and 4.02
		45	1, 3 and 5

Dimensions Frontage 558.60' Depth 563.5' Total Area 306,532 sf (7.03 ac) to wave run up line
 (for beach lots being developed)

Zoning District B

2. APPLICANT

Name Premier Entertainment AC, LLC d/b/a Bally's Atlantic City
 Email c/o ntalvacchia@cooperlevenson.com
 Address 1900 Pacific Avenue, Atlantic City, NJ 08401
 Telephone Number 1-877-827-4294

Applicant is a: Corporation Partnership Individual
XXXXXXXXXX
Limited liability company

3. If Owner is other than the applicant, provide the following information on the Owner(s):
 Owner's Name Same as Applicant
 Email _____
 Address _____
 Telephone Number _____

4. DISCLOSURE STATEMENT

Pursuant to N.J.S 40:55D-48.1 [Application by corporation or partnership; list of stockholders owning 10% of stock or 10% interest in partnership.] Disclosure of owners of organization and property subject to application. [A corporation or partnership applying to a governing body of a municipality] Any organization making an application for development under this act [for permission to subdivide a parcel of land into six or more lots, or applying for a variance to construct a multiple dwelling of 25 or more family units or for approval of a site to be used for commercial purposes] shall list the names and addresses of all members, stockholders or individual partners (collectively, "interest holders") [owning at least 10% of its stock of any class or at least 10% of the interest in the partnership], including any other organization holding at least a 10% ownership interest in the organization, and shall also identify the owner of the property subject to the application, including any organization holding at least a 10% ownership interest in the property [as the case may be]. In accordance with 40:55D-48.2 [Disclosure of 10% ownership interest of corporation or partnership which is 10% owner of applying corporation or partnership.] Listing of names and addresses of interest holders of applicant and owner organization. If [a corporation or partnership] an organization owns an interest equivalent to 10% or more of another organization the stock of a corporation, or 10% or greater interest in a partnership, subject to the disclosure requirements hereinabove described, [pursuant to section 1 of this act that organization shall list the names and addresses of its interest holders holding 10% or greater interest in the [partnership, as the case may be, and] organization. [This requirement shall be followed by every corporate stockholder or partner in a partnership, until the names and addresses of the stockholders and individual partners, exceeding the 10% ownership criterion established in this act, have been listed.] In accordance with recently added 40:55D-48.3 Disclosure of all officers and trustees of a non-profit organization. A non-profit organization filing an application for development under this act shall list the names and addresses of all officers and trustees of the non-profit organization. In accordance with 40:55D-48.4 [Failure to comply with act; disapproval of application.] Approval of application. a. No municipal planning board, board of adjustment or [municipal] governing body shall approve the application of any [corporation or partnership] organization or non-profit organization which does not comply with this act. Any approval not in compliance with this act shall be voidable in a proceeding in lieu of prerogative writ in the Superior Court. b. Any party, including any member of the public, may institute a proceeding in lieu of prerogative writ in the Superior Court to challenge any PROPOSED AMENDMENTS TO MUNICIPAL LAND USE LAW approval granted by a municipal planning board, board of adjustment or governing body on the grounds that such action is void for the reasons stated in subsection a. of this section, and if the court shall find that the approval was not in compliance with this act, the court may declare the approval to be void. In accordance with 40:55D-48.5 [Concealing names of owners;] Organization or non-profit organization failing to disclose; fine. Any [corporation or partnership which conceals] organization or nonprofit organization failing to disclose in accordance with this act, [the names of stockholders owning 10% or more of its stock, or of individual partners owning a 10% or greater interest in the partnership, as the case may be,] shall be subject to a fine of \$1,000 to \$10,000, which shall be [recovered] recoverable in the name of the municipality in any court of record in the State in a summary manner pursuant to the "Penalty Enforcement Law" (N.J.S.A. 2A:58-1 et seq.).

Name See attached Disclosure Statement Address _____ Interest _____
 Name _____ Address _____ Interest _____
 Name _____ Address _____ Interest _____
 Name _____ Address _____ Interest _____
 Name _____ Address _____ Interest _____

5. PROPERTY INFORMATION:

Restrictions, covenants, easements, association by-laws, existing or proposed on the property:
 Yes [attach copies] _____ No Proposed _____
 Present use of the premises: Beach and beach bar

Note: All deed restrictions, covenants, easements, association bylaws, existing and proposed must be submitted for review and must be written in easily understandable English in order to be approved.

6. Applicant's Attorney Nicholas F. Talvacchia, Esquire, Cooper Levenson, P.A.
 Email ntalvacchia@cooperlevenson.com
 Address 1125 Atlantic Ave., 3rd Floor, Atlantic City, NJ 08401
 Telephone Number 609-572-7544
 FAX Number 609-572-7545

7. Applicant's Engineer Jon Barnhart, PE, PP, CME, Arthur W. Ponzio Company & Associates, Inc.
 Email jbarnhart@awponzio.com
 Address 400 North Dover Avenue, Atlantic City, NJ 08401
 Telephone Number 609-344-8194
 FAX Number 609-344-1594

8. Applicant's Planning Consultant _____
 Email Same as Engineer
 Address _____
 Telephone Number _____
 FAX Number _____

9. Applicant's Traffic Engineer N/A
 Email _____
 Address _____
 Telephone Number _____
 FAX Number _____

10. List any other **Expert** who will submit a report or who will testify for the Applicant: [Attach additional sheets as may be necessary]

Name SOSH Architects, Inc.
Field of Expertise Architect
Email sosh@sosharch.com
Address 1020 Atlantic Avenue, Atlantic City, New Jersey 08401
Telephone Number 609.345.5222
FAX Number _____

11. APPLICATION REPRESENTS A REQUEST FOR THE FOLLOWING:

SUBDIVISION:

_____ Administrative Review of Minor Subdivision Plan
_____ Administrative Review of Major Subdivision Plan
_____ Minor Subdivision Approval
_____ Major Subdivision Approval [Preliminary]
_____ Major Subdivision Approval [Final]
Number of lots to be created _____ Number of proposed dwelling units _____
(including remainder lot) (if applicable)

SITE PLAN:

_____ Administrative Review of Minor Site Plan
_____ Administrative Review of Major Site Plan
_____ Minor Site Plan Approval
X _____ Major Preliminary Site Plan Approval [Phases (if applicable) ____]
X _____ Major Final Site Plan Approval [Phases (if applicable) ____]
_____ Amendment or Revision to an Approved Site Plan
Area to be disturbed (square feet) _____
Total number of proposed dwelling units _____
_____ Request for Waiver From Site Plan Review and Approval
Reason for request: _____

MISC:

_____ Administrative Review
_____ Appeal decision of an Administrative Officer [N.J.S. 40:55D- 70a]
_____ Map or Ordinance Interpretation of Special Question [N.J.S. 40:55D-70b]
_____ Variance Relief (hardship) [N.J.S. 40:55D-70c(1)]
X _____ Variance Relief (substantial benefit) [N.J.S. 40:55D-70c(2)]
_____ Variance Relief (use) [N.J.S. 40:55D-70d]
_____ Conditional Use Approval [N.J.S. 40:55D-67]
_____ Direct issuance of a permit for a structure in bed of a mapped street, public drainage way, or flood control basin [N.J.S. 40:55D-34]
_____ Direct issuance of a permit for a lot lacking street frontage [N.J.S. 40:55D-35]

12. Section(s) of Ordinance from which a **variance is requested and justification for said request:** [attach additional pages as needed] See attached Project Narrative

13. **Waivers Requested** of Development Standards and/or Submission and justification for request.

Requirements: [attach additional pages as needed] See attached Project Narrative

14. Attach a copy of the Notice to appear in the official newspaper of the municipality and to be mailed to the owners of all real property, as shown on the current tax duplicate, located within the State and within 200 feet in all directions of the property, which is the subject of this application. The Notice must specify the sections of the Ordinance from which relief is sought, if applicable.

The publication and the service on the affected owners must be accomplished at least 10 days prior to the date scheduled by the Administrative Officer for the hearing. An affidavit of service on all property owners and a proof of publication must be filed before the application will be complete and the hearing can proceed. To be provided

15. **Explain in detail the exact nature of the application and the changes to be made at the premises, including the proposed use of the premises:**

[attach pages as needed] See attached Project Narrative

16. Is a public water line available? Yes

17. Is public sanitary sewer available? No

18. Does the application propose a well and septic system? No

19. Have any proposed new lots been reviewed with the Tax Assessor to determine appropriate lot and block numbers? N/A

20. Are any off-tract improvements required or proposed? No

21. Is the subdivision to be filed by Deed or Plat? N/A

22. What form of security does the applicant propose to provide as performance and maintenance guarantees? As required by Municipal Land Use Law

23. Other approvals, which may be required and date plans submitted:

	Yes	No	Date Plans Submitted
Atlantic City Municipal Utilities Authority	<u> </u>	<u>X</u>	<u> </u>
Atlantic County Health Department	<u>X</u>	<u> </u>	<u>TBP</u>
Atlantic County Planning Board	<u> </u>	<u>X</u>	<u> </u>
Atlantic County Soil Conservation Dist.	<u> </u>	<u>X</u>	<u> </u>
NJ Department of Environmental Protection	<u>X</u>	<u> </u>	<u>TBP</u>
Sewer Extension Permit	<u> </u>	<u>X</u>	<u> </u>
Sanitary Sewer Connection Permit	<u> </u>	<u>X</u>	<u> </u>
Stream Encroachment Permit	<u> </u>	<u>X</u>	<u> </u>
Waterfront Development Permit	<u> </u>	<u>X</u>	<u> </u>
Wetlands Permit	<u> </u>	<u>X</u>	<u> </u>
Tidal Wetlands Permit	<u> </u>	<u>X</u>	<u> </u>
Potable Water Construction Permit	<u> </u>	<u>X</u>	<u> </u>
Other	<u> </u>	<u>X</u>	<u> </u>
NJ Department of Transportation	<u> </u>	<u>X</u>	<u> </u>
Public Service Electric & Gas Company	<u> </u>	<u>X</u>	<u> </u>

24. Certification from the Tax Collector that all taxes due on the subject property have been paid. TBP

25. List of Maps, Reports and other materials accompanying the application (attach additional pages as required for complete listing).

Quantity	Description of Item
<u>5</u>	<u>Preliminary and Final Major Site Plan entitled "Bally's Beach Bar & Volleyball" prepared by Arthur W. Ponzio Co. & Associates, Inc. consisting of 3 sheets each dated 12/17/21 and revised to 1/13/22</u>
<u>5</u>	<u>Architectural plans entitled "Bally's Beach Volleyball" prepared by SOSH Architects consisting of 3 sheets each dated 12/17/21</u>

26. The Applicant hereby requests that copies of the reports of the professional staff reviewing the application be provided to the following of the applicant's professionals:

Specify which reports are requested for each of the applicant's professionals or whether all reports should be submitted to the professional listed.

Applicant's Professional Reports Requested All

Attorney All

Engineer All

CERTIFICATIONS

27. I Nicholas F. Talvacchia, Esquire certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the Corporation or that I am a general partner of the partnership applicant.

[If the applicant is a corporation, this must be signed by an authorized corporate officer. If the applicant is a partnership, this must be signed by a general partner.]

Sworn to and subscribed before me this
19th day of January, 2022

Briana Simon
NOTARY PUBLIC


SIGNATURE OF APPLICANT
Nicholas F. Talvacchia, Attorney for Applicant

28. I certify that I am the Owner of the property which is the subject of this application, that I have authorized the applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.

[If the owner is a corporation, this must be signed by an authorized corporate officer. If the owner is a partnership, this must be signed by a general partner.]

Sworn to and subscribed before me this
19th day of January, 2022

Briana Simon
NOTARY PUBLIC


SIGNATURE OF OWNER
Nicholas F. Talvacchia, Attorney for Owner

29. I understand that the sum of \$ 4,040.00 has been deposited in an escrow account (Builder's Trust Account). In accordance with Land Use Fees and Escrow Deposit Requirements, I further understand that the escrow account is established to cover the cost of professional services including engineering, planning, legal and other expenses associated with the review of submitted materials and the publication of the decision by the Board. Sums not utilized in the review process shall be returned. If additional sums are deemed necessary, I understand that I will be notified of the required additional amount and shall add that sum to the escrow account within fifteen (15) days.

1/19/22
Date


SIGNATURE OF APPLICANT
Nicholas F. Talvacchia, Esq., Attorney for Applicant

BRIANA M. SIMON
Commission # 50103179
Notary Public, State of New Jersey
My Commission Expires
April 18, 2024

BRIANA M. SIMON
Commission # 50103179
Notary Public, State of New Jersey
My Commission Expires
April 18, 2024

**DISCLOSURE STATEMENT
LIST OF NAMES AND ADDRESSES OF OFFICERS, DIRECTORS, AND
INDIVIDUALS OR ENTITIES OWNING 10% OR MORE INTEREST IN THE
APPLICANT
(N.J.S.A. 40:50D-48.1 and 48.2)**

Premier Entertainment AC, LLC

The persons or entities with a 10% or greater interest in applicant, Premier Entertainment AC, LLC ("Applicant"):

Twin River Management Group Inc.
a Delaware corporation- Sole Member
100 Twin River Road
Lincoln RI 02865

Ownership of Twin River Management Group Inc.
Bally's Corporation- Shareholder 100%
100 Westminster Street
Providence, RI 02903

Bally's Corporation is a publicly traded entity on the New York Stock Exchange.

PROJECT NARRATIVE

1900 Boardwalk, Atlantic City

Block 1, Lots 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104 & 105 (beach lots)
(also known as beach lots 26, 27 & 28 and also known as beach lot 13)

Block 42, Lots 1.04 (f/k/a p/o lot 1), 6 and 7

Block 43, Lots 1 & 13

Block 44, Lots 4 & 4.02

Block 45, Lots 1, 3 & 5

December 20, 2021

Revised- January 19, 2022

Premier Entertainment AC, LLC d/b/a Bally's Atlantic City Casino Resort ("Applicant"), proposes to construct a beach volleyball stadium on a portion of the above captioned beach lots. The property currently consists of the preexisting beach bar and public beach. Applicant proposes to construct a beach volleyball stadium adjacent to the beach bar to accommodate beach volleyball tournaments throughout the summer. The stadium will include: bleacher and VIP seating to accommodate over 1,000 spectators; media tents; mobile lighting including required electrical infrastructure; signage around the stadium; a LED signage screen; and two (2) mobile bathroom trucks. Applicant intends to continue the beach bar use and does not propose any changes to the beach bar, its accessory structures or signage.

The property is located within the B zoning district where the uses are permitted uses. The Applicant requests preliminary and final site plan approval, together with bulk variances for the heights of 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.

Applicant believes that this project will provide a benefit to the City and its visitors by providing a unique sporting and entertainment experience. The project is consistent with the Tourism District legislation to promote tourism in Atlantic City. Additional testimony will be provided at the time of the hearing.

Applicant also requests any variances, waivers, exceptions or other relief that the Board deems necessary and/or appropriate.