

Christine A. Roy

Richard G. Scott  
Member NJ, NY, and PA Bars

Of Counsel

Michael K. Rutter

Mark Stevens

Richard B. Tucker, Jr.

Monica N. Stahl  
Member NJ and NY Bars

Russell E. Watson (1909-1970)  
A. Dudley Watson (1917-1990)  
Edward L. Webster Jr. (1950-1987)

April 19, 2024

**By FedEx and Email [kevin.appelget@dep.nj.gov]**

Kevin Appelget, Compliance Officer  
Office of Transactions and Public Land Administration  
Public Land Compliance  
New Jersey Department of Environmental Protection  
401 East State Street, 7<sup>th</sup> Floor  
P.O. Box 420, Mail Code 401-07  
Trenton, New Jersey 08625

Re: Atlantic Shores Offshore Wind Project 1, LLC  
Atlantic Shores Offshore Wind Project 1  
Supplement to Green Acres Pre-Application

Dear Mr. Appelget:

As you know, we represent Atlantic Shores Offshore Wind Project 1, LLC (“Atlantic Shores”) in connection with its Atlantic Shores Offshore Wind Project 1 (the “Project”). The purpose of this letter is to provide (1) an update about the Project’s efforts since the submittal of the Pre-Application in November 2023 and the January 15, 2024 submittal by PS&S to avoid and minimize permanent and temporary impacts; (2) an analysis establishing that there are no reasonable, feasible or available alternatives to the proposed route across Pete Pallitto Field and/or Bader Field in order to traverse Inside Thorofare in the City of Atlantic City (“City”); and (3) an update concerning the proposed compensation for the diversion. As discussed below, the proposed compensation will provide an exceptional recreation and/or conservation benefit in an area of the City that is not presently encumbered or accessible to the public. Atlantic Shores respectfully requests the New Jersey Department of Environmental Protection’s (“NJDEP”) concurrence that there are no reasonable or feasible alternatives to the Pete Pallitto Field and/or Bader Field diversions. The City has reviewed this supplement and has expressed its support for the Project but defers the project routing to Atlantic Shores and the NJDEP.

In order for Atlantic Shores to begin construction in 2025 and to make first power in 2027, it must receive approval of the Green Acres diversion application no later than September 2024.

To that end, Atlantic Shores respectfully requests permission to submit the first part of the final application as soon as possible.

### **Minimization of Impacts**

Since the submittal of the Pre-Application, Atlantic Shores has reduced the permanent impacts on the following Green Acres-encumbered parcels owned by the City of Atlantic City (collectively the “Properties”) as follows:

- (1) Beach/Boardwalk parcels (Block 1, Lots 57, 58, 59 and 60) from 1.69 acres to 1.35 acres;
- (2) Pete Pallitto Field parcels (Block 370, Lots 2 and 2.01) from 0.29 acres to 0.19 acres; the Boat House parcel (Block 370, Lot 1.01) from 0.11 acres to 0.07 acres; and;
- (3) Bader Field parcel (Block 794, Lot 1) from 0.27 acres to 0.19 acres.

Taken together, the total acreage of permanent easements needed on the Properties was reduced by 0.56 acres from 2.36 acres to 1.8 acres. Copies of revised drawings depicting both the updated permanent easement areas and workspace are attached hereto as Exhibit A.

In addition, Atlantic Shores was able to significantly reduce and, on certain parcels, eliminate, the temporary workspace from the scope of the Project as follows:

- (1) Beach/Boardwalk parcels from 8.11 acres to 0.0 acres;
- (2) Pete Pallitto Field parcels from 1.56 acres to 0.5 acres;
- (3) Boat House parcels from 0.52 acres to 0.0 acres; and
- (4) Bader Field parcel from 2.09 acres to 1.49 acres.

The total amount of temporary easement acreage impacts on the Properties was substantially reduced by 10.29 acres from 12.28 acres to 1.99 acres. See Exhibit A.

It was previously confirmed by you during our call on February 29, 2024, and again by Judeth Yeany during a call on March 5, 2024, that Atlantic Shores could install temporary safety fencing on the Properties to protect the public during the construction of the Project without the need to obtain temporary workspace easements. As a result, Atlantic Shores was able to eliminate the temporary workspace proposed on either side of the 10-foot permanent easement area where the horizontal directional drill (“HDD”) path will cross the Properties. Atlantic Shores will restore all temporary workspace areas back to their original or better condition.

### **Supplemental Alternatives Analysis**

The NJDEP identified and requested an analysis in accordance with Green Acres rules of four additional alternatives to the Atlantic Shores proposed onshore transmission route. The proposed alternatives would relocate the Inside Thorofare crossing in Atlantic City and avoid Pete Pallitto Field and/or the encumbered portion Bader Field. Atlantic Shores has reviewed these



additional alternatives to determine whether they are feasible, reasonable, and available, as defined in N.J.A.C. 7:36-26.9(e). For the reasons fully explained below, and as previously set forth in Atlantic Shores' Pre-Application and the January 15, 2024 submittal, there are no feasible reasonable, and available alternatives to the proposed route.

It is important to review the alternatives in the context of New Jersey's need to satisfy the Offshore Wind Economic Development Act, L. 2010, c. 57 (codified at N.J.S.A. 48:3-87.1 et seq.) ("OWEDA"), which required the New Jersey Board of Public Utilities ("BPU") to establish a program for Offshore Wind Renewable Energy Certificates ("ORECs") to incentivize the development of offshore wind facilities. By order dated June 30, 2021, the BPU selected and approved Atlantic Shores 1,510 megawatts ("MW") Project as a qualified offshore wind project to receive an OREC as defined in OWEDA. The Project will also contribute to meeting the goals of Executive Order 8 (2018), which set a goal of 3,500 MW of renewable energy by 2030, Executive Order 92, which in November 2019 increased the goal to 7,500 MW by 2035, and Executive Order 307, which in September 2022 increased New Jersey's offshore wind goal by nearly 50% to 11,000 MW by 2040. As noted in Atlantic Shores' Pre-Application, the Project will provide long-term, clean renewable energy from offshore wind and will generate 1,510 MW, which will generate enough energy to power over 700,000 households each year or approximately 20% of all New Jersey households. The Legislature, in amending OWEDA in 2021, specifically acknowledged the overarching public interest in constructing these projects, by authorizing qualified offshore wind projects ("QOWPs") such as Atlantic Shores to, among other things, (1) construct their projects in public road right-of-way and (2) obtain easements owned by a municipality, county, or other political subdivisions of the State, including Green Acres encumbered properties, that are reasonably necessary for the construction and operation of a qualified offshore wind project.<sup>1</sup> See N.J.S.A. 48:3-87.1f. Atlantic Shores' Project route, especially as to the crossing of Bader Field, is consistent with the mandates and underlying policy set forth by the Legislature in its amendments to OWEDA.

Also important to the alternatives analysis is that almost all Atlantic City is an overburdened community as defined under New Jersey's Environmental Justice Law. In enacting the Environmental Justice Law, the Legislature acknowledged "that, historically, New Jersey's low-income communities and communities of color have been subject to a disproportionately high number of environmental and public health stressors". N.J.S.A. 13:1D-157. While the Project does not constitute a "facility" that would trigger the requirements of the law, Atlantic Shores is sensitive to the temporary construction impacts that its Project will have on overburdened communities and Atlantic City in particular and has been in consultation with the City for 1.3 years to ensure the proposed route is the most direct route through Atlantic City and minimizes environmental impacts and quality of life impacts during construction. Further, the Bureau of Ocean Energy Management, in its Draft Environmental Impact Statement prepared pursuant to the National Environmental Policy Act, 42 U.S.C. §§ 4321 et seq., analyzed impacts of the Project on environmental justice populations, including in Atlantic City, and determined the proposed route

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<sup>1</sup> The Legislature expressly references "land preserved for recreation and conservation purposes, as defined in section 3 of P.L.1999, c.152 (C.13:8C-3)".

would have minor to moderate adverse impacts as a result of land disturbance and noise. See DEIS at Section 3.6.4. In addition, Atlantic City has endorsed the proposed route as memorialized via Resolutions 699, 700, 705, and 706.

Below is the analysis for each of the four identified alternatives. These alternatives are depicted on the aerial drawings attached hereto as Exhibit B.

1. Casino Reinvestment Development Authority (“CRDA”) Parking Lot Alternative

For this alternative, the HDD entry point would be relocated from Pete Pallitto Field to a parking lot owned by the CRDA identified as Block 389, Lot 1 in Atlantic City. See Exhibit B. The drill path would travel west towards Bader Field. The length of the HDD would be approximately 2,750 linear feet and cross multiple properties, including a contaminated property owned by South Jersey Gas (discussed below) as well as commercial buildings and private residential lots along the waterfront area (Block 387, Lot 7 & 8, Block 386, Lots 1, 3, 4, 5) that are not available.

Additionally, according to the New Jersey Division of Fish and Wildlife’s Endangered and Nongame Species Program (“ENSP”) Landscape Project, the northern shoreline of Bader Field is mapped as foraging habitat for the following species:

State Endangered:

- Black Skimmer
- Least Tern

State Threatened:

- Cattle Egret
- Black-crowned Night-heron
- Tricolored Heron
- Glossy Ibis
- Snowy Egret

In addition, this area also includes mapping of an osprey nest, which is also a State-Threatened species. These avian species are sensitive to human activity. A project route along the northern shoreline will result in a notable increase in potential impacts to threatened and endangered species habitat in comparison to the preferred route.

While this route may be technically feasible, it is not reasonable as defined under the Green Acres rules. Given that the path of the HDD for this alternative would need to traverse directly under commercial buildings and residences, the drill could impact the integrity of these aged structures and potentially require the removal of the residences resulting in the displacement of residents. As such, this alternative is not reasonable as it “would result in adverse social, economic or environmental impacts of extraordinary magnitude, including, but not limited to, serious community disruption.” N.J.A.C. 7:36-26.9(e)2iv.

Moreover, given the location of the landfall of this alternative on Bader Field, the route would greatly increase the project footprint on that property, and would constrain elements of the City's eagerly anticipated Bader Field redevelopment. By way of background, pursuant to Ordinance No. 42-2008, the City Council of Atlantic City adopted the Bader Field Redevelopment Plan, dated May 7, 2008 (a copy of which is attached as Exhibit C), which provides the overall redevelopment plan for the 142-acre site.

This alternative would significantly impact Atlantic City's ability to redevelop this property and would interfere with future development plans. Compared to this alternative, the preferred route would occupy only a small area, the corner of the property), would have limited surface impacts due to the use of HDD construction, and would allow Bader Field to be redeveloped to the maximum extent possible. The preferred route represents the least impact to the development potential of Bader Field as it would have temporary surface impacts and the export cables would be entirely underground. In addition, the export cables will not limit any public access to the area and will enable the City and any current or future redeveloper to take maximum advantage of the development potential of the remainder of Bader Field. Furthermore, the State has invested significant resources in furthering Atlantic City's redevelopment, and the redevelopment of Atlantic City has been a goal of Statewide importance for decades. As such, the crossing of Bader Field for this alternative "[w]ould create unique problems, including, but not limited to, unusual negative outcomes, unfair distribution of burdens, extraordinary costs or the loss of irreplaceable community resources" and, therefore, is also not reasonable. N.J.A.C. 7:36-26.9(e)2v. Moreover, the potential need to remove structures and/or displace residents would represent a substantial cost to Atlantic Shores. Taken together, this alternative would result in Atlantic Shores "incurring ... additional construction costs of an extraordinary magnitude" that are "disproportionate to the overall project cost." N.J.A.C. 7:36-26.9(e)2ii.

Lastly, this alternative is not available as Atlantic Shores cannot acquire rights from unwilling landowners. For this alternative, there are several commercial and residential landowners that would need to grant easements to Atlantic Shores. Many of these properties, including the property owned by South Jersey Gas, are contaminated sites under the supervision of NJDEP. If a private landowner does not voluntarily convey the necessary rights to Atlantic Shores, then Atlantic Shores has no other legal mechanism to acquire the land rights needed for this alternative.

For these reasons, this alternative is neither reasonable nor available as defined under the Green Acres rules.

## 2. South Jersey Gas Alternative

For this alternative, the HDD entry point would be relocated from Pete Pallitto Field to a property owned by South Jersey Gas identified as Block 389, Lot 1, in Atlantic City. See Exhibit B. This property is just west of the CRDA parking lot identified above and, therefore, would have virtually the same impacts as the CRDA Parking Lot Alternative. However, the entry point and HDD rig would be located even closer to the residences along Sunset Avenue and Turnpike Road.

Given these impacts and those identified above in connection with CRDA Parking Lot Alternative, this alternative is not reasonable since it “would result in adverse social, economic or environmental impacts of extraordinary magnitude, including, but not limited to, serious community disruption.” N.J.A.C. 7:36-26.9(e)2iv. It would also result in “the incurring of additional construction costs of an extraordinary magnitude” that are “disproportionate to the overall project cost and/or the benefit to be obtained by the proposed project.” N.J.A.C. 7:36-26.9(e)2ii. Similarly, this alternative is not available given the redevelopment plans for Bader Field, and because Atlantic Shores would not be able to acquire the property rights needed in the area for the HDD.

### 3. Street Ends – Sunset Avenue/N. Sovereign Avenue.

This alternative would relocate the entry point of the HDD from Pete Pallitto Field to the street end at the intersection of Sunset Avenue and North Sovereign Avenue. See Exhibit B. The route would cross the Inside Thorofare from the street end to Bader Field and run along the easterly boundary of the Green Acres-encumbered portion of Bader Field. This alignment would also increase the project footprint on Bader Field and is anticipated to create an even greater constraint to the City’s efforts to redevelop Bader Field as this alignment is situated in a central area of Bader Field rather than being located near the perimeter of the property.

This alternative is also not technically feasible as there is not enough workspace in the Sunset Avenue/N. Sovereign Avenue right-of way (“ROW”) to accommodate two HDDs at this location. Atlantic Shores’ HDD contractor requires 40 feet distance between the two drills to maintain cable ampacity and prevent overheating as well as safely accomplish the HDD across Inside Thorofare. However, the width of the ROW at Sovereign Avenue is fifty (50) feet. There is also inadequate space for construction equipment and cable pulling. As such, this alternative is not feasible as it “[c]annot be carried out using sound engineering principles and practices and current construction methods, technologies and practices.” N.J.A.C. 7:36-26.9(e)1i.

Even if this alternative were technically feasible, it is not reasonable since it “would result in adverse social, economic or environmental impacts of extraordinary magnitude, including, but not limited to, serious community disruption.” N.J.A.C. 7:36-26.9(e)2iv. The location of the HDD rigs within the road would impede access to the Boys and Girls Club Recreation Center and nearby residences and contribute to additional traffic, noise, and dust, which would potentially create serious community disruption.

This alternative would also result in the Project “incurring ... additional construction costs of an extraordinary magnitude” that are “disproportionate to the overall project cost and/or the benefit to be obtained by the proposed project.” N.J.A.C. 7:36-26.9(e)2ii. As explained above, this alternative would significantly impact Atlantic City’s ability to redevelop Bader Field and it is not an available alternative for the Project.

#### 4. Pete Pallitto Field to Non-Encumbered Bader Field Alternative

For this alternative, Atlantic Shores would maintain the HDD entry points on Pete Pallitto Field but would adjust the angle of the drills so that the route, once it crosses Inside Thorofare, would run along the easterly boundary of the Green Acres-encumbered portion of Bader Field. See Exhibit B. While this route is technically feasible, it is not reasonable for the reasons fully set forth above in the street ends analysis above. This alternative would significantly impact Atlantic City's ability to redevelop Bader Field.

#### **Compensation**

As you know, the Green Acres rules require land replacement as compensation for a major diversion at a minimum ratio of 2:1 pursuant to N.J.A.C. 7:36-26.10(i). The total acreage of permanent easements needed on the Properties is 1.8 acres. As compensation for the diversion of the permanent easements, the City agrees to encumber, for recreation and conservation purposes, approximately twenty (20) acres of City-owned land north of West End Avenue identified as Block 758, Lot 1, Block 757 Lot 1, Block 756 Lot 1, Block 755, Lot 1, Block 754, Lot 1, Block 752, Lot 1, Block 751, Lot 1, Block 750, Lot 1 Block 749, Lot 1 (plus all the adjacent paper streets which will be vacated by the City) (together "Replacement Land"). In addition, Atlantic Shores, at its sole cost and expense, will acquire all necessary permits and construct public enhancements (e.g. walkway and viewing platform) on the Replacement Land, the design of which will be approved by the City. The Replacement Land is of reasonably equivalent or superior quality to the parkland to be diverted including the value for ecological natural resource and conservation resources consistent with N.J.A.C 7:36-26.10(d)6. The proposed compensation will provide an exceptional recreation and/or conservation benefit in an area of the City that is not presently encumbered or accessible to the public. In the event that NJDEP determines that there is a shortfall in market value of the Replacement Land, Atlantic Shores agrees to pay sufficient monetary compensation to fully compensate the City pursuant to N.J.A.C. 7:36-26.10(d)7.

Furthermore, Atlantic Shores will also pay the City rent for the use of temporary workspace on the Properties. Finally, in accordance with N.J.A.C. 7:36-26.10(c)4, Atlantic Shores will pay monetary compensation in the amount of \$355,200, which reflects the estimate from the NJDEP-approved consulting forester, Michael LaMana, NJLTE, BCMA, RCA, of LaMana Consulting Foresters, which is based on the cost for the installation and establishment of 296 nursery-grown trees measuring between 3.5 and 4.0-inch caliper, watering costs, and warranty over the 24-month-long establishment period.

#### **Conclusion**

In conclusion, Atlantic Shores has worked extensively since the filing of its Pre-Application in November 2023 and its January 15, 2024 submission, consistent with the Green Acres regulations, to avoid and minimize Project impacts to the Green Acres encumbered Properties owned by the City of Atlantic City and the City's active recreational programming on the Properties. Specifically, the total acreage of permanent easements on the Green Acres Properties was reduced by 0.56 acres and the total amount of temporary easement acreage impacts was reduced by 10.29 acres. In addition, Atlantic Shores has demonstrated herein that there are no

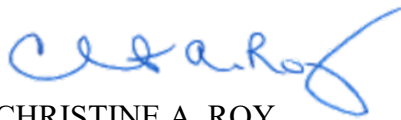
Kevin Appelget  
April 19, 2024  
Page 8

reasonable, feasible or available alternatives to the preferred route across Pete Pallitto Field and/or Bader Field. Finally, the proposed compensation will provide an exceptional recreation and/or conservation benefit in an area of the City that is not presently encumbered or accessible to the public and, therefore, will satisfy the Green Acres rules.

Please let me know if you have any questions about this supplemental alternative analysis. As noted above, Atlantic Shores respectfully requests NJDEP's concurrence that there are no feasible, reasonable, or available alternatives to the preferred route. Atlantic Shores also requests NJDEP's approval to proceed with the submittal of the first part of the final application so that it may maintain the Project schedule.

If you have any questions, please contact me at (732) 462-1990.

Very truly yours,



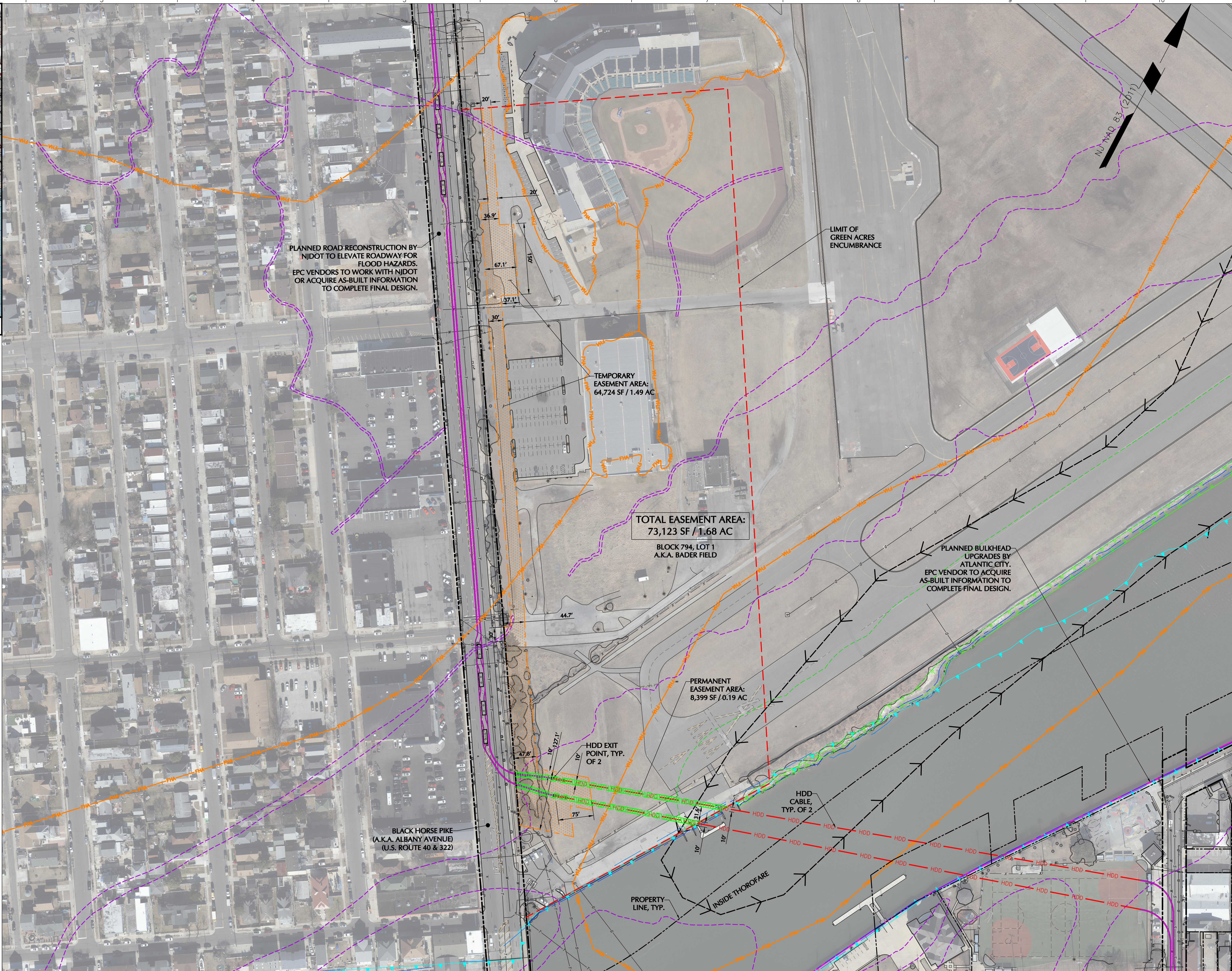
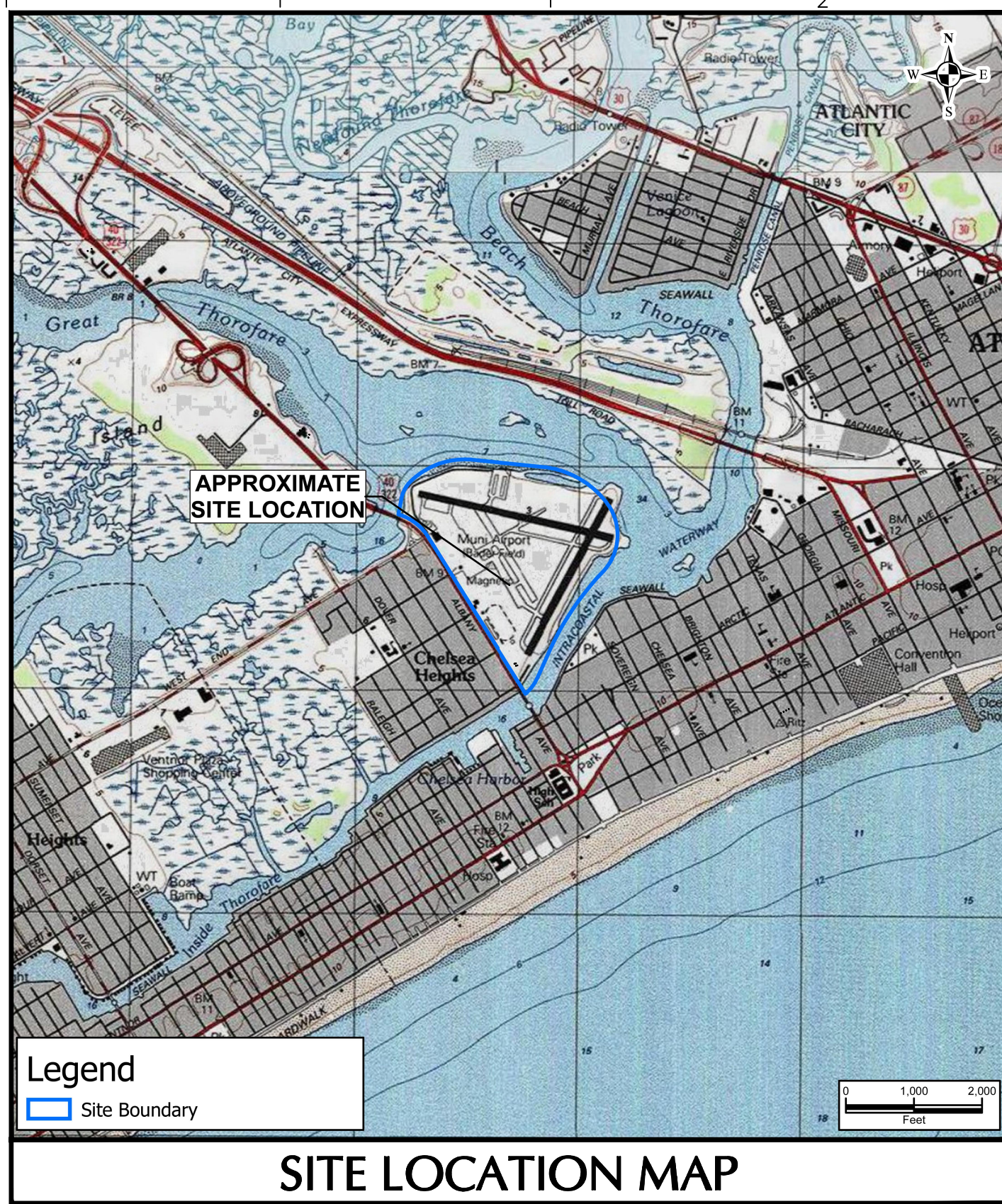
CHRISTINE A. ROY

Enclosures

cc: (by electronic mail only)  
Jacques Howard, Atlantic City Director of Planning and Development  
Catherine Ward, Esq. Stradley Ronan  
Andy Levine, Esq. Stradley Ronan  
Judeth Yeany, Assistant Director, Office of Transactions and Public Land Administration  
Jennifer Daniels, ASOW Development Director  
Bhavini Doshi, Esq. ASOW Senior Counsel  
Michele Kropilak, ASOW NJ Permitting Lead  
Brian McPeak, P.P., AICP, PS&S

# **Exhibit A**





**REFERENCE NOTE:**

- ENVIRONMENTAL CONSTRAINTS (TOP OF BANK, MEAN HIGH WATER LINE, ETC.) OBTAINED FROM CAD FILES PROVIDED BY ENVIRONMENTAL DESIGN & RESEARCH, LANDSCAPE ARCHITECTURAL, ENGINEERING & ENVIRONMENTAL SERVICES, D.P.C. ON 31 MAY 2023 AND 10 OCTOBER 2023.
- EXISTING BOUNDARY, PLANIMETRIC, AND TOPOGRAPHIC INFORMATION PROVIDED ELECTRONICALLY BY MATRIX NEW WORLD ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE, P.C. ON 5 JANUARY 2024.

**LEGEND**

	PROPOSED HVAC EXPORT CABLES		1975 COASTAL WETLAND LINE
	RIGHT-OF-WAY / PROPERTY LINE		FRESHWATER WETLAND LINE
	PROPOSED HORIZONTAL DIRECTIONAL DRILL EXPORT CABLES		FEMA FLOOD HAZARD AREA LINE
	PROPOSED PERMANENT EASEMENT AREA		LIMIT OF MODERATE WAVE ACTION
	PROPOSED TEMPORARY CONSTRUCTION EASEMENT AREA		MEAN HIGH WATER LINE
			TOP OF BANK
			TIDELANDS CLAM LINE
			BULKHEAD REPLACEMENT LIMITS
			LIMIT OF GREEN ACRES ENCUMBRANCE

Date	Description	No.
3/14/24	REVISED EASEMENT AREAS	7.
1/18/24	REVISED PER UPDATED HDD DESIGN	6.
12/13/23	REVISED PER UPDATED HDD DESIGN	5.
8/31/23	REVISED PER UPDATED HDD DESIGN	4.
7/20/23	REVISED EASEMENT AREAS PER GREEN ACRES ENCUMBRANCE	3.
7/10/23	REVISED TEMPORARY EASEMENT WIDTH	2.
6/28/23	REVISED PERMANENT EASEMENT WIDTH	1.

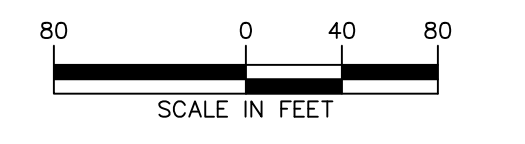
Revisions

**ATLANTIC SHORES**  
 offshore wind  
**LANGAN**  
 Langan Engineering and Environmental Services, Inc.  
 300 Kimball Drive, Parsippany, NJ 07054  
 T: 973.560.4900 F: 973.560.4901 www.langan.com  
 NJ CERTIFICATE OF AUTHORIZATION NO. 24GAZ7996400

Project  
**TRANSMISSION LINE**  
 ATLANTIC CITY TO  
 CARDIFF SUBSTATION  
 CITY OF ATLANTIC CITY  
 CITY OF PLEASANTVILLE  
 EGG HARBOR TOWNSHIP  
 ATLANTIC COUNTY NEW JERSEY

Drawing Title  
**BADER FIELD**  
**SOUTH GREEN**  
**ACRES EXHIBIT**

Project No.	101036401	Drawing No.	EXH-6
Date	6/12/2023	Checked By	BMW
Drawn By	BMW	Sheet	2 of 2
Checked By	FD		







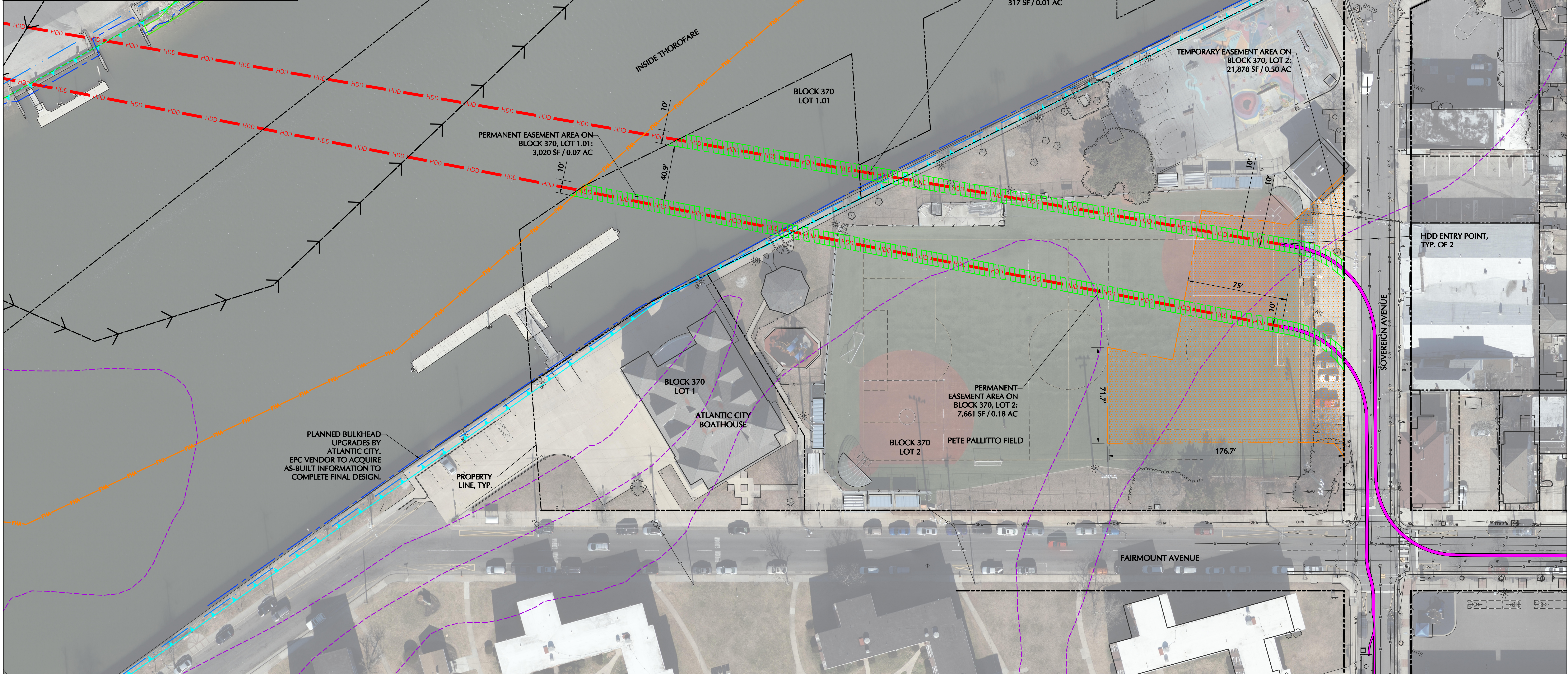
**EASEMENT AREA SUMMARY BY PROPERTY:**

**PALLITTO FIELD (BLOCK 370, LOTS 2 AND 2.01):**  
 PERMANENT EASEMENT: 7,978 SF / 0.18 AC  
 TEMPORARY EASEMENT: 21,878 SF / 0.50 AC

**BOARD OF EDUCATION (BLOCK 370, LOT 1.01):**  
 PERMANENT EASEMENT: 3,020 SF / 0.07 AC  
 TEMPORARY EASEMENT: 0 SF / 0 AC

**NO EASEMENTS PROPOSED ON LOT BLOCK 370, LOT 1**

**TEMPORARY EASEMENT AREA:**  
 21,878 SF / 0.50 AC  
**PERMANENT EASEMENT AREA:**  
 10,998 SF / 0.25 AC  
**TOTAL EASEMENT AREA:**  
 32,876 SF / 0.75 AC



**REFERENCE NOTE:**

- ENVIRONMENTAL CONSTRAINTS (TOP OF BANK, RIPARIAN ZONE, ETC.) OBTAINED FROM A FILE TITLED "2023-05-11\_ASOW\_Cordiff\_GIS\_Shopfiles for Permitting" PROVIDED BY ENVIRONMENTAL DESIGN & RESEARCH, LANDSCAPE ARCHITECTURAL, ENGINEERING & ENVIRONMENTAL SERVICES, D.P.C. ON 31 MAY 2023.
- EXISTING BOUNDARY, PLANIMETRIC, AND TOPOGRAPHIC INFORMATION PROVIDED ELECTRONICALLY BY MATRIX NEW WORLD ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE, P.C. ON 5 JANUARY 2024.

**LEGEND**


Date	Description	No.
3/14/24	REVISED EASEMENT AREAS	7.
1/18/24	REVISED PER UPDATED HDD DESIGN	6.
8/31/23	REVISED PER UPDATED HDD DESIGN	5.
7/25/23	REVISED PER PS&S COMMENTS	4.
7/20/23	REVISED EASEMENT AREAS PER LOT 2 & 2.01 BOUNDARY REVISION	3.
7/10/23	ADDED BULKHEAD UPGRADES	2.
6/28/23	REVISED PERMANENT EASEMENT WIDTH	1.

**ATLANTIC SHORES**  
 offshore wind  
**LANGAN**  
 Langan Engineering and Environmental Services, Inc.  
 300 Kimball Drive, Parsippany, NJ 07054  
 T: 973.560.4900 F: 973.560.4901 www.langan.com  
 NJ CERTIFICATE OF AUTHORIZATION NO. 24GAZ7996400

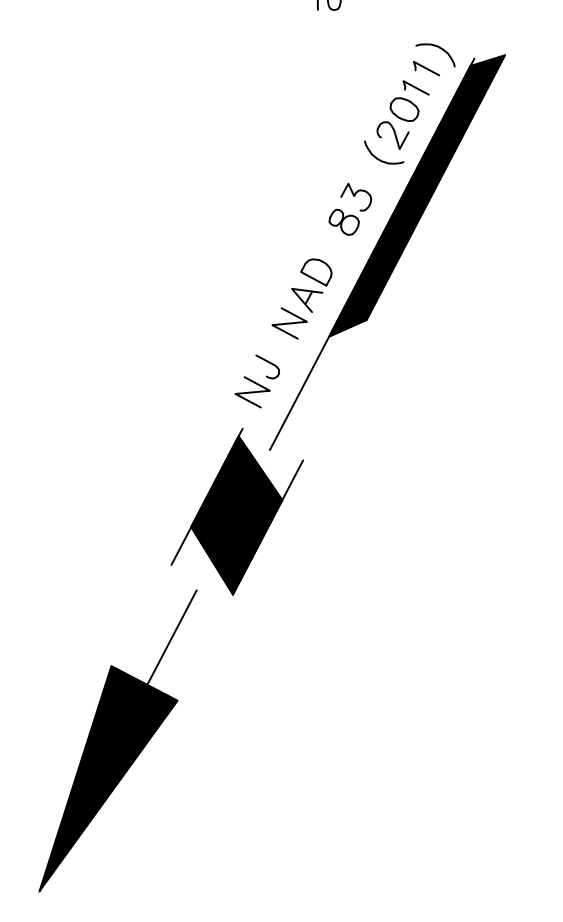
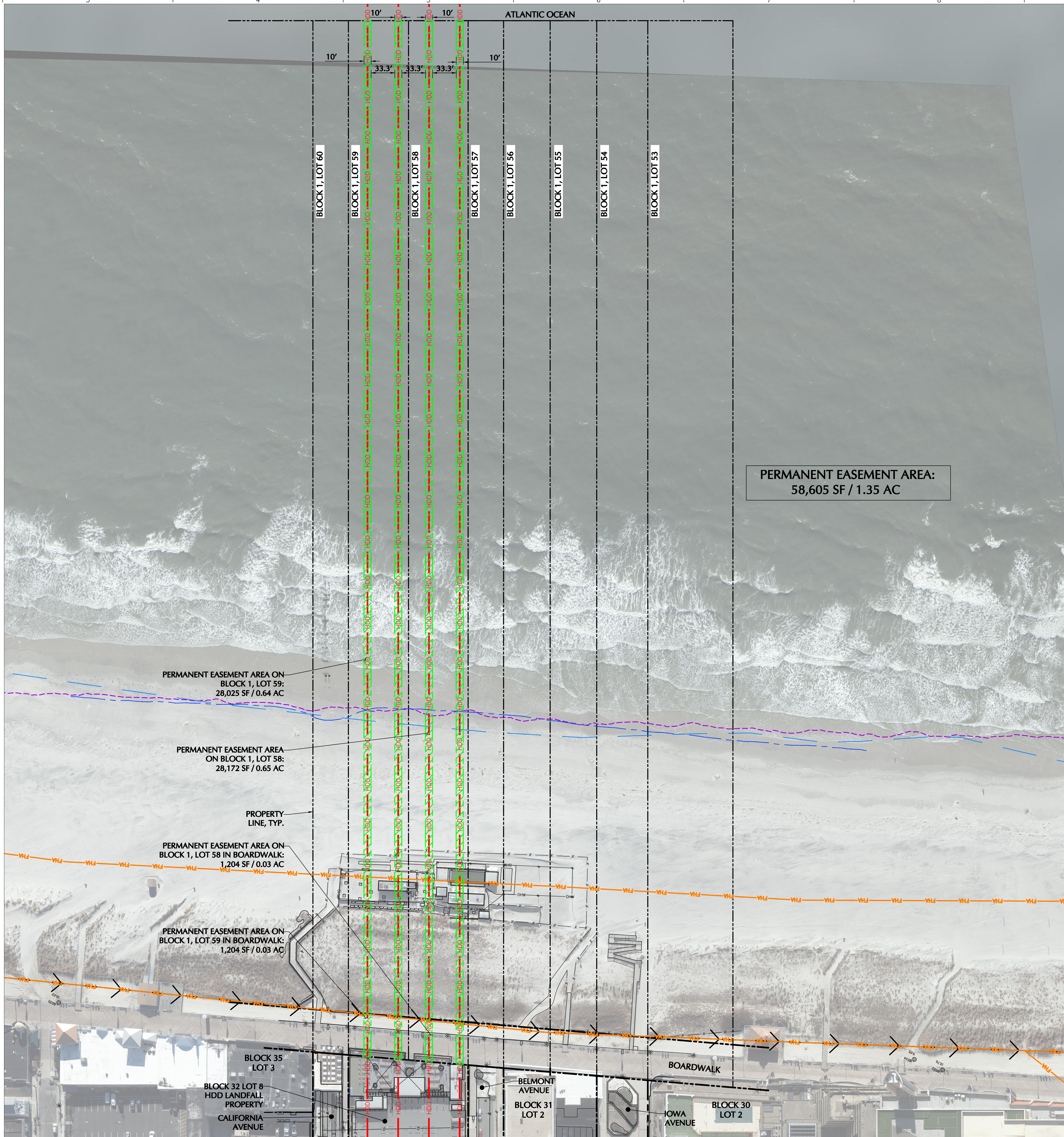
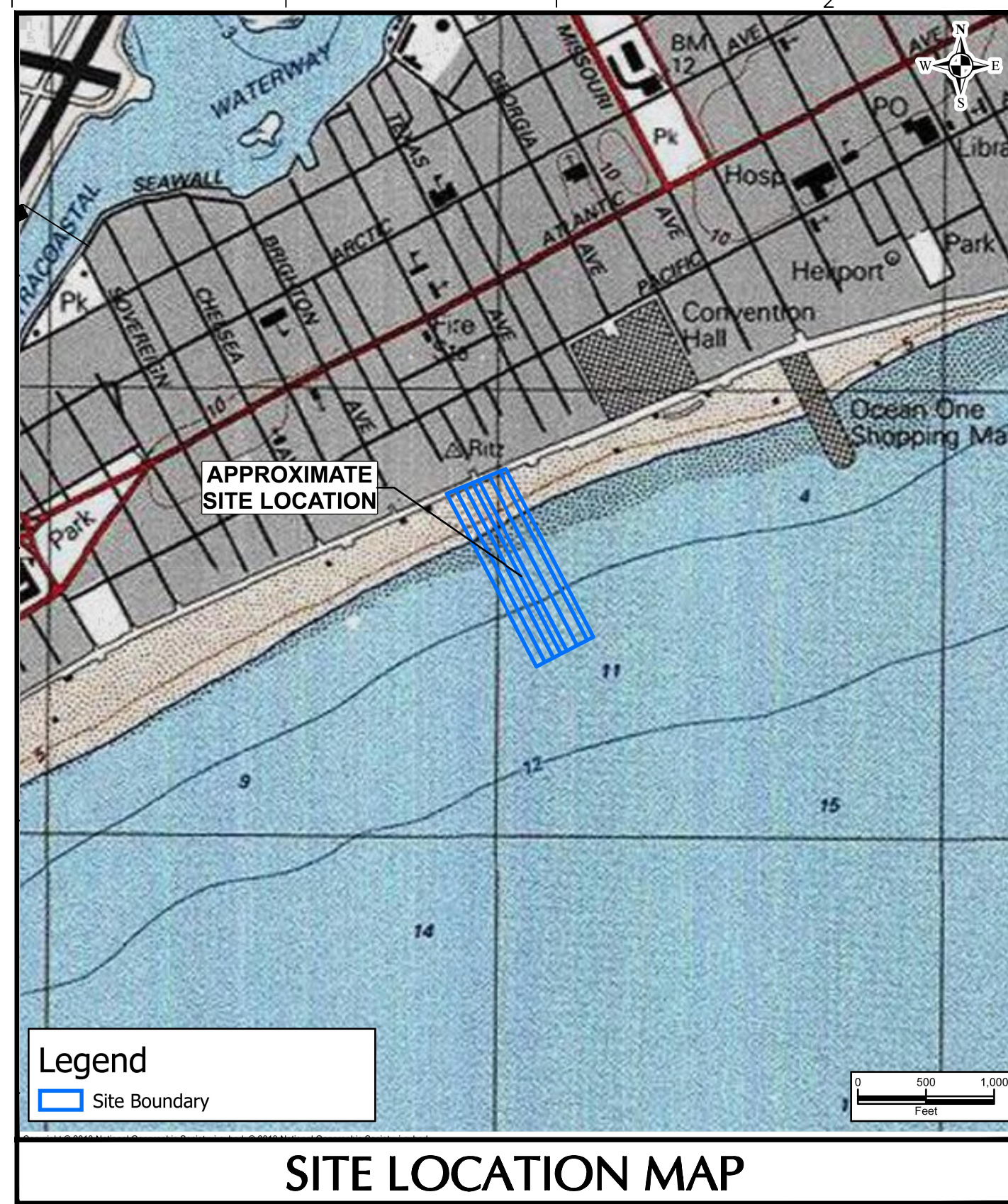
Project: **TRANSMISSION LINE ATLANTIC CITY TO CARDIFF SUBSTATION**  
 City of Atlantic City  
 City of Pleasantville  
 Egg Harbor Township  
 ATLANTIC COUNTY NEW JERSEY

Drawing Title: **PALLITTO FIELD AND BOATHOUSE GREEN ACRES EXHIBIT**

Project No. 101036401  
 Date: 1/18/2024  
 Drawn By: BMW  
 Checked By: FD  
 Drawing No. EXH-7  
 Sheet 1 of 1







**REFERENCE NOTE:**

- ENVIRONMENTAL CONSTRAINTS (TOP OF BANK, RIPARIAN ZONE, ETC.) OBTAINED FROM A FILE TITLED "2023-05-11\_ASOW\_Cardiff GIS\_Shopfiles for Permitting" PROVIDED BY ENVIRONMENTAL DESIGN & RESEARCH, LANDSCAPE ARCHITECTURAL, ENGINEERING & ENVIRONMENTAL SERVICES, D.P.C. ON 31 MAY 2023.
- EXISTING BOUNDARY, PLANIMETRIC, AND TOPOGRAPHIC INFORMATION PROVIDED ELECTRONICALLY BY MATRIX NEW WORLD ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE, P.C. ON 5 JANUARY 2024.

**LEGEND**

	PROPOSED EXPORT CABLES (HDD)		FEMA FLOOD HAZARD AREA LINE
	RIGHT-OF-WAY / PROPERTY LINE		LIMIT OF MODERATE WAVE ACTION
	PROPOSED HDD CABLE		MEAN HIGH WATER LINE
	PROPOSED PERMANENT EASEMENT AREA		TOP OF BANK
			TIDELANDS CLAM LINE
			RIPIARIAN ZONE

Date	Description	No.
3/14/24	REVISED EASEMENT AREAS	4.
1/18/24	REVISED PER UPDATED HDD DESIGN	3.
6/28/23	REVISED PERMANENT EASEMENT WIDTH	2.
6/20/23	REVISED PERMANENT EASEMENT WIDTH	1.

**ATLANTIC SHORES**  
offshore wind  
**LANGAN**

Langan Engineering and Environmental Services, Inc.  
300 Kimball Drive, Parsippany, NJ 07054  
T: 973.560.4900 F: 973.560.4901 www.langan.com  
NJ CERTIFICATE OF AUTHORIZATION NO. 24GAZ7996400

Project  
**TRANSMISSION LINE  
ATLANTIC CITY TO  
CARDIFF SUBSTATION**

Drawing Title  
**ATLANTIC CITY  
BEACH AND  
BOARDWALK GREEN  
ACRES EXHIBIT**

Project No.  
**101036401**

Date  
**1/18/2024**

Drawn By  
**BMW**

Checked By  
**FD**

Project  
**CITY OF ATLANTIC CITY  
CITY OF PLEASANTVILLE  
EGG HARBOR TOWNSHIP**

ATLANTIC COUNTY  
NEW JERSEY

Drawing No.  
**EXH-8**

Sheet 1 of 1



## **Exhibit B**





**Legend**

- CRDA Parking Lot Alternative
- Pallitto Field to Bader Field Alternative
- - - South Jersey Gas Alternative
- - - Sunset Ave
- Preferred Route
- Upper Wetland Boundary
- State Wetland
- Open Space

Note:  
 The wetlands data is displayed for screening purposes only. The Land Use Regulatory Program (LURP) of the NJDEP determines the extent and final determination of wetlands in the State of New Jersey on a case by case basis.

Sources:  
 NJDEP 2012 Land use/Land cover Update, 2015  
 NJDEP, State, Local, & Nonprofit Open Space, 2023  
 NJDEP, Upper Wetland Boundary, 2002  
 Esri, StreetMap USA, 2012  
 NearMap Imagery, 2023



3 MOUNTAINVIEW ROAD  
 WARREN, NEW JERSEY 07059  
 PHONE: (732) 560-9700  
 CERTIFICATE OF AUTHORIZATION NO. 24GA28032700

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**PROJECT TITLE**

Bader Field Alternative Analysis  
 City of Atlantic City  
 Atlantic County, New Jersey

**SHEET TITLE**

**WETLANDS MAP**

PROJ. NO. **06646.0007**  
 DATE 3/21/2024  
 DRN. BY DM  
 CHK. BY DS  
 SCALE 1" = 500'

FIGURE NO. 1

Path: P:\06646\0007\DWG\GIS\Map\Alternatives\Fig01 - Wetlands 2024.03.20\_01.mxd





Rank 3 - Cattle Egret, Black-crowned Night- heron, Osprey  
 Yellow-crowned Night-heron  
 Rank 4 - Black Skimmer, Least Tern

Rank 3 - Black-crowned Night- heron, Osprey  
 Yellow-crowned Night-heron  
 Rank 4 - Black Skimmer, Least Tern, Peregrine Falcon

**Legend**

- South Jersey Gas Alternative
- Sunset Ave
- CRDA Parking Lot Alternative
- Pallitto Field to Bader Field Alternative
- Preferred Route

**Species-Based Habitat - Atlantic Coastal**

- Rank 3 - State Threatened
- Rank 4 - State Endangered

Note:  
 Rank 3 - assigned to species-specific patches containing one or more occurrences of State threatened species.  
 Rank 4 - assigned to species-specific habitat patches with one or more occurrences of State endangered species.

Sources:  
 NJDEP Division of Fish & Wildlife Endangered Nongame Species Program, NJDEP Landscape Version 3.3, 05/2017  
 Esri, StreetMap USA, 2012  
 NearMap Imagery, 2023



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**PROJECT TITLE**  
 Bader Field Alternative Analysis  
 City of Atlantic City  
 Atlantic County, New Jersey

**SHEET TITLE**  
 LANDSCAPE PROJECT MAP

PROJ. NO. **06646.0007**  
 DATE 3/21/2024  
 DRN. BY DM  
 CHK. BY DS  
 SCALE 1" = 500'

FIGURE NO. 2

Path: P:\06646\0007\DWG\GIS\Map\Alternatives\Fig02\_Landscape\_20240320\_01.mxd





Path: P:\06646\0007\DWG\GIS\Map\Alternatives\Fig03\_SchoolChurch\_20240320\_01.mxd

**Legend**

- South Jersey Gas Alternative
- Sunset Ave Alternative
- CRDA Parking Lot Alternative
- Pallitto Field to Bader Field Alternative
- Preferred Route
- School and School Property
- Church or Charitable Property

Note:  
Church or Charitable Properties extracted from parcel property class codes.

Sources:  
Parcels Composite of New Jersey, NJOIT-OGIS, 2023  
NJOIT, Schools, 2023  
Esri, StreetMap USA, 2012  
NearMap Imagery, 2023



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**PROJECT TITLE**

Bader Field Alternative Analysis  
City of Atlantic City  
Atlantic County, New Jersey

**SHEET TITLE**

**SCHOOL, CHURCH, &  
CHARITABLE PROPERTY MAP**

PROJ. NO. **06646.0007**

DATE 3/21/2024

DRN. BY DM

CHK. BY DS

SCALE 1" = 500'

FIGURE NO. 3





**Legend**

- South Jersey Gas Alternative
- Sunset Ave
- CRDA Parking Lot Alternative
- Pallitto Field to Bader Field Alternative
- Preferred Route
- Tidelands Claim Line



Sources:  
 NJDEP, Tidelands Claim Line of NJ, 2019  
 Esri, StreetMap USA, 2012  
 NearMap Imagery, 2023



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**PROJECT TITLE**

Bader Field Alternative Analysis  
 City of Atlantic City  
 Atlantic County, New Jersey

**SHEET TITLE**

**TIDELANDS MAP**

PROJ. NO. **06646.0007**

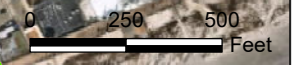
DATE 3/21/2024

DRN. BY DM

CHK. BY DS

SCALE 1" = 500'

FIGURE NO. 4



Path: P:\06646\0007\DWG\GIS\Map\Alternatives\Fig04\_Tidelands\_20240320\_01.mxd





Path: P:\06646\0007\DWG\GIS\Map\Alternatives\Fig05 - Historic 20240320\_01.mxd

**Legend**

- CRDA Parking Lot Alternative
- Pallitto Field to Non-Encumbered Bader Field Alternative
- - South Jersey Gas Alternative
- - Sunset Ave./N. Sovereign Ave. Alternative
- Preferred Route
- Historic Fill
- Historic Property

Sources:  
 NJDEP, SHPO, Historic Properties, 2023  
 NJDEP, Historic Fill of NJ, 2018  
 Esri, StreetMap USA, 2012  
 NearMap Imagery, 2023



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**PROJECT TITLE**

Bader Field Alternative Analysis  
 City of Atlantic City  
 Atlantic County, New Jersey

**SHEET TITLE**

**HISTORIC MAP**

PROJ. NO. **06646.0007**

DATE 3/21/2024

DRN. BY DM

CHK. BY DS

SCALE 1" = 500'

FIGURE NO. 5





Path: P:\06646\0007\DWG\GIS\Map\Alternatives\Fig06\_KnownContaminated\_20240320\_01.mxd

**Legend**

- CRDA Parking Lot Alternative
- Pallitto Field to Non-Encumbered Bader Field Alternative
- - - South Jersey Gas Alternative
- - - Sunset Ave./N. Sovereign Ave. Alternative
- Preferred Route
- Known Contaminated Site

Sources:  
 NJDEP Known Contaminated Sites, 2024  
 Esri, StreetMap USA, 2012  
 NearMap Imagery, 2023



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**PROJECT TITLE**

Bader Field Alternative Analysis  
 City of Atlantic City  
 Atlantic County, New Jersey

**SHEET TITLE**

**KNOWN CONTAMINATED SITES MAP**

PROJ. NO. **06646.0007**

DATE 3/21/2024

DRN. BY DM

CHK. BY DS

SCALE 1" = 500'

FIGURE NO. 6



## **Exhibit C**

# Ordinance

Ordinance No. 42

OF THE  
CITY OF ATLANTIC CITY, N.J.

Date..5-21-08.....  
Date to Mayor.6-12-08

Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified to by

City Solicitor /s/ Kathleen M. Kissane

Business Administrator /s/ Dr. Carol A. Fredericks

Prepared by the City Solicitor's Office

Council Members MASON & MOORE

Present the following Ordinance:

## AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR THE BADER FIELD REDEVELOPMENT AREA

**WHEREAS**, under the provisions of the State of New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., specifically N.J.S.A. 40A:12A-4(a)(3), a municipal governing body has the power to adopt a Redevelopment Plan in an Area in Need of Rehabilitation pursuant to N.J.S.A. 40A:12A-7; and

**WHEREAS**, In 1994 the City Council of the City of Atlantic City ("Governing Body"), pursuant to Resolution No. 889 of 1994 and N.J.S.A.40A:12A-1 et seq., declared the entirety of the City of Atlantic City as an Area in Need of Rehabilitation. On April 9, 2008, the Governing Body pursuant to Resolution No. 422 of 2008 directed the Atlantic City Planning Board ("Planning Board") to prepare a Redevelopment Plan for an area within the Rehabilitation Area generally bounded by Albany Avenue (U.S. Route 40/322) to the west, Inside Thorofare to the south and Beach Thorofare to the north and east. The area is identified as Block 794, Lot 1 and commonly known as Bader Field.

**WHEREAS**, the Planning Board held a hearing on May 7, 2008, and issued a report recommending that the Council adopt the Bader Field Redevelopment Plan (attached hereto) in accordance with N.J.S.A. 40:12A-7e; and

**WHEREAS**, the Planning Board report found it to be consistent with the Redevelopment Plan and the current Master Plan.; and

**WHEREAS**, this Council is familiar with the Redevelopment Area and the historical overview of the Area as stated in Section I.2 of the Redevelopment Plan. It is also familiar with the stagnation of development in the Area, as a result of the decommissioned airport, and the lack of full utilization of the land comprising much of the Redevelopment Area. The adoption of this Redevelopment Plan is intended to be a mechanism to remedy those existing conditions; and

**WHEREAS**, the Council recognizes that the City is in the process of updating the current Master Plan and that certain recommendations have been made by City professionals in the proposed new Master Plan that would be more consistent with the Redevelopment Plan than the current Master Plan;

**WHEREAS**, as conditioned by N.J.S.A. 40A:12A-15, a Redevelopment Plan within an Area in Need of Rehabilitation cannot authorize the use of eminent domain for property acquisition and no such authority from the City is contemplated herein; and

**WHEREAS**, City Council has duly considered the Bader Field Redevelopment Plan referenced herein and the report, recommendations of the Planning Board; and

**WHEREAS**, it is the desire of a majority of City Council to adopt by ordinance the said Redevelopment Plan;

**NOW, THEREFORE**, the City Council of the City of Atlantic City does **ORDAIN**:

Section 1. That, pursuant to N.J.S.A. 40A:12A-4(a)(3), the Redevelopment Plan for the Bader Field Redevelopment Area, which document is annexed hereto and which is also on file with the City Clerk's Office, is hereby adopted by this Ordinance.

Section 2. That the zoning district map of the City of Atlantic City shall be amended to identify the Bader Field Redevelopment Area in the area noted above and more specifically on the Plan and to reflect the building controls and other applicable provisions of the Redevelopment Plan;

Section 3. All Ordinances which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

Section 4. Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction such a decision shall not affect the remaining portions of this Ordinance.

Section 5. This Ordinance shall take effect upon final passage, adoption and publication in a manner prescribed by law.

dle September 29, 2010 12:18:33 PM

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FINAL PASSAGE

COUNCIL MEMBER	AYE	NAY	N.V	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
MANCUSO	X						SCHULTZ	X					
MASON	X				X		SMALL				X		
MOORE	X					X	TIBBITT	X					
ROBINSON	X						WARD	X					
MARSH, PRESIDENT								X					
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second													

Adopted on first reading at a meeting of the Council of the City of Atlantic City, N.J. on ...MAY 21, 2008.....

Adopted on second and final reading after hearing on.....JUNE 11, 2008.....

Approved By.../s/...SCOTT EVANS.....Date...JUNE 13, 2008.....By Council.....Ride \_\_\_\_\_  
 Mayor \_\_\_\_\_ Aye \_\_\_\_\_ Nay \_\_\_\_\_

This is a Certified True copy of the Original Ordinance on file in the City Clerk's Office.

.../s/...ROSEMARY ADAMS.....City Clerk

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FIRST PASSAGE

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
MANCUSO				X			SCHULTZ	X					
MASON	X					X	SMALL	X					
MOORE	X				X		TIBBITT	X					
ROBINSON	X						WARD	X					
MARSH, PRESIDENT								X					
X-Indicates Vote    NV-Not Voting    AB-Absent    MOT-Motion    SEC-Second													

Adopted on first reading at a meeting of the Council of the City of Atlantic City, N.J. on ...MAY 21,2008.....

REDEVELOPMENT PLAN FOR THE  
BADER FIELD REDEVELOPMENT AREA

CITY OF ATLANTIC CITY, NEW JERSEY  
SCOTT EVANS, MAYOR

Prepared for:  
The Atlantic City Planning Board

Prepared by:  
The Atlantic City Division of Planning

Dated: May 7, 2008

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## **1. INTRODUCTION**

### **1.1 AUTHORIZATION**

In 1994 the City Council of the City of Atlantic City ("Governing Body"), pursuant to Resolution No. 889 of 1994 and N.J.S.A.40A:12A-1 et seq., declared the entirety of the City of Atlantic City as an Area in Need of Rehabilitation. On April 9, 2008, the Governing Body pursuant to Resolution No. 422 of 2008 directed the Atlantic City Planning Board ("Planning Board") to prepare a Redevelopment Plan for an area within the Rehabilitation Area generally bounded by Albany Avenue (U.S. Route 40/322) to the west, Inside Thorofare to the south and Beach Thorofare to the north and east. The area is identified as Block 794, Lot 1 and commonly known as Bader Field.

### **1.2 PURPOSE**

1.2.1 Having undertaken the prescribed process to determine that the City and, in particular, the Redevelopment Area contains conditions which meet the statutory criteria for an "Area in Need of Rehabilitation" and acknowledging that such conditions are amendable to correction and amelioration by the concerted effort of responsible public bodies and are not likely to be corrected or ameliorated solely by public effort, the purpose for the declaration of an Area in Need of Rehabilitation was to provide a mechanism for the orderly planning and redevelopment of the Redevelopment Area consistent with certain municipal goals and objectives as stated herein.

1.2.2 Upon adoption by the Governing Body, the Redevelopment Plan shall satisfy all statutory requirements and constitute the legal prerequisite for the redevelopment actions outlined herein.

## **2. HISTORICAL OVERVIEW**

Bader Field was opened in 1910 and was authorized to provide passenger service in 1911. The first known usage of the term "air-port" appeared in a newspaper article in 1919, in reference to Bader Field.

It was the founding location of the Civil Air Patrol in 1941. Scheduled air service was available into the 1980s. However, by the 1990s, activity at Bader Field declined significantly in favor of Atlantic City International Airport, located approximately 9 miles (14 km) northwest.

Bader Field was officially closed to aviation traffic in September 2006. Since that time although the airport has remained closed, the approximately 6000 seat Bernie Robbins baseball stadium and Flyers Skate Zone indoor hockey rink continue to operate at Bader Field.

### 3. DEFINITIONS

For the purposes of this Redevelopment Plan, the terms:

3.1 "City" shall mean the City of Atlantic City, a body corporate and politic, and unless otherwise indicated its Governing Body, elected officials, officers and staff.

3.2 "Destination Resort" shall mean an entertainment and recreation complex which may include casino hotels, hotels, condo hotels, residential multi-unit facilities, retail, restaurant, entertainment, and non-gaming attractions and other amenities.

3.3 "Land Use Development Ordinance" shall mean Chapter 163 (Land Use Development) of the Atlantic City Code, as may be amended from time to time.

3.4 "Local Redevelopment and Housing Law" shall mean N.J.S.A. 40A:12A-1 et. seq.

3.5 "Lot Coverage" shall mean the percentage of lot area occupied by the principal and accessory buildings on such lot at grade level or above, excluding roof overhangs, architectural features, balconies, signage and similar building projections.

3.6 "Redeveloper" shall mean the corporation, partnership or other entity designated by the Redevelopment Entity as Redeveloper pursuant to N.J.S.A. 40A:12A-1 et. seq. for the purpose of advancing this Redevelopment Plan.

3.7 "Redevelopment Area" shall mean Block 794 Lot 1 within the City of Atlantic City.

3.8 "Redevelopment Entity" shall mean the City Council, acting as the implementing agent for this Redevelopment Plan in accordance with and under the provisions of N.J.S.A. 40A:12A-1 et. seq.

3.9 "Redevelopment Plan" shall mean this document entitled Redevelopment Plan for Bader Field Redevelopment Area.

3.10 "Redevelopment Project" shall mean the Destination Resort proposed for development in all or portion of the Redevelopment Area.

3.11 "State" shall mean the State of New Jersey and shall include all applicable agencies and instrumentalities thereof.

3.12 "Temporary Use" shall mean those uses, either directly or indirectly related to a permanent Redevelopment Project, and not intended to be permanent uses.

4. REDEVELOPMENT AREA

4.1 SITE CONTEXT

4.1.1 The Redevelopment Area is specifically delineated on Bader Field Map Nos. 1 & 2.

4.1.2 The entire Redevelopment Area is located in the City's Resort Commercial Development District ("RS-C" Zone), permitting casino-hotel development.

4.1.3 The Redevelopment Area consists of approximately 142 acres of land in the form of one tax parcel known as Block 794, Lot 1.

4.2 BOUNDARIES

The Project Boundary Map (Bader Field Map No. 2) delineates the boundaries of the Redevelopment Area.

5. STATEMENT OF PURPOSE AND INTENT

5.1 GENERAL STATEMENT

This document constitutes a Redevelopment Plan under the provisions of the Local Redevelopment and Housing Law for the purpose of facilitating the development of a Destination Resort. General redevelopment plan objectives are more particularly described as follows:

- A. To provide a mechanism for a public/private partnership leading to the development of a Destination Resort in the Redevelopment Area.
- B. To foster development of a Destination Resort, and to make available such assistance as may be reasonably necessary to aid development.
- C. To improve the Redevelopment Area and to encourage the development of the area for its highest and best use;
- D. To promote the redevelopment of an area which would not otherwise occur solely by public effort.

5.2 REDEVELOPMENT PLAN OBJECTIVES

5.2.1 To stimulate private development by allowing maximum flexibility in land use, project design and building regulations.

5.2.2 To provide land and incentives as permitted by N.J.S.A. 40A-12A-1 et.seq. to promote growth of new private sector development in the form of a Destination Resort which will strengthen and diversify the City's economic base.

5.2.3 To maximize tax revenue and generate new tax ratables by constructing on lands not currently on the roles.

5.2.4 To return to productive use currently unutilized or underutilized land which is not likely to be developed or redeveloped without the active participation of a public/private partnership.

5.2.5 To stimulate private development by allowing maximum flexibility in land use, project design and building limit controls. In keeping with this objective, more moderate building setbacks, coverage standards and other building controls in favor of innovative and functional design solutions are particularly important.

### 5.3 DESIGNATION OF REDEVELOPER

5.3.1 Subsequent to the City Council's adoption of this Redevelopment Plan, the Council acting in its capacity as the Redevelopment Entity and pursuant to a formal Request for Proposals/Qualifications shall designate a Redeveloper. The Redeveloper selected by the City shall, in the opinion of the City, be qualified to successfully develop the Redevelopment Area consistent with the Public Policy Goals and Redevelopment Plan Objectives outlined herein. The City's general guidelines for designation of a Redeveloper are as follows:

- A. The purchase price, sale or lease, offered for the Bader Field Redevelopment Area, in whole or part.
- B. Financial capability and ability to obtain the financing required to develop the type of Destination Resort envisioned by this Redevelopment Plan.
- C. Organizational strength, business reputation and professional capability to operate the type of Destination Resort envisioned by this Redevelopment Plan.
- D. Ability to comply with the Public Policy Goals and Objectives of this Redevelopment Plan.

## 6. REDEVELOPMENT PLAN

### 6.1 REDEVELOPMENT AGREEMENT INTENTION

Upon designation of the Redeveloper, it is the intent of this Redevelopment Plan that the Redeveloper proceeds to develop the Redevelopment Area in accordance with the

Redevelopment Plan, the Redevelopment Agreement and other issues specified herein. Such Redevelopment Agreement shall include, at a minimum:

- A. The development concept(s) and description of project elements for the undertakings proposed.
- B. The Redeveloper's plan for compliance with the Public Policy Goals and Objectives of this Redevelopment Plan.
- C. The Redeveloper's financial commitment for all infrastructure improvements including site access, utilities and storm water management.
- D. Development phasing plan outlining the schedule for completion of all phases if applicable, and the built-out project.

## 6.2 LAND USE PLAN

The Land Use Plan is comprised of the Land Use Standards, Building Controls, Utility Controls, and Additional Controls.

### 6.2.1 General

- A. The controls and regulations governing land use specified herein are designated to promote the redevelopment of the Redevelopment Area in accordance with the Statement of Purpose and Intent of this Redevelopment Plan and are intended to provide a setting within which the Redeveloper and its architects are encouraged to generate plans in order to produce a Redevelopment Project of outstanding design and superior quality.
- B. The development concepts and description of project elements proposed for the Redevelopment Area will be reviewed and approved by the Redevelopment Entity.
- C. The Planning Board shall review and approve the development plans of the Redeveloper in accordance with the requirements for review and approval of subdivisions and site plans as set forth by ordinance adopted pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et.seq.).

### 6.2.2 Land Use Standards

The Redevelopment Area shall be governed by the Land Use standards contained herein including standards contained in the Atlantic City Land Use Development Ordinance referenced herein.

These Provisions are intended to provide for and foster the development of a Destination Resort.

A. Permitted Uses

Permitted Uses within the Redevelopment Area, may include, but shall not be limited to: hotels; casino-hotels; condo hotels; residential multi-family facilities; convention meeting space; retail space; restaurants; bars; museums; spas; nightclubs; entertainment uses including, but not limited to, theaters, arenas, amusement parks, theme parks, water parks, active/passive recreation facilities, cultural facilities and other like and similar attractions; and support uses including, but not limited to, laundry, office, storage and parking including, but not limited to, surface and structured parking. Permitted accessory uses in the Redevelopment Area shall include all customary accessory uses, including, but not limited to, heliports, heating and cooling facilities and other support uses.

B. Temporary Uses

In addition to Permitted Uses, this Redevelopment Plan permits the Redeveloper to utilize the land within the Redevelopment Area for such Temporary Uses as may be proposed from time-to-time, provided that such uses do not conflict with nor adversely impact the construction or operation of any permanent Redevelopment Project. Temporary Uses may include, but shall not be limited to, open-air or indoor uses housed in a temporary structure constructed for such purpose, and may include amphitheaters, skating rinks, circus/carnival attractions, miniature-golf courses, parade staging, film shooting or like and similar attractions, including parking, or may include support elements for Permitted Uses such as ancillary parking and shall be subject to compliance with the Section 163-69 A, B, C, D, F, G and H of the Land Use Development Ordinance.

C. Construction Staging

Staging for construction conducted in the Redevelopment Area, including parking and all other activities normally attendant thereto, shall be permitted, subject to compliance with the provisions set forth in Section 163-69(D)(3) of the Land Use Development Ordinance.

D. Land Use Approvals

Land use approval is required by this Redevelopment Plan and by Section 163-81 of the Land Use Ordinance. The Land Use Administrator shall have the authority pursuant to Section 163-207 of the Land Use Development Ordinance to issue certificates of land use compliance when approval pursuant to this Section is not required.

### 6.2.3 Building Controls

The following regulations, controls and restrictions provide standards for the physical development of the Redevelopment Area. The Redeveloper and its designers are encouraged to exercise maximum ingenuity, creativity and freedom of design consistent with the Statement of Purpose and Intent of this Redevelopment Plan.

#### A. Redevelopment Area

##### 1. Site Coverage:

The maximum impervious coverage within the Redevelopment Plan Area shall be ninety (90%) percent.

##### 2. Building Setbacks (Bader Field Map No. 3)

Setbacks are required where indicated on the attached Bader Field Map No. 3 and are described below. Setbacks shall be a clear space measured at a right angle between a right-of-way line and a building limit line or parking limit line as applicable except as otherwise noted herein. Setbacks shall be unoccupied and unobstructed from grade to sky, except for the following Permitted Encroachments: awnings, canopies, flag poles, ornamental architectural features, street furniture, fences, pedestrian bridges, signage, landscaping, lighting, benches, trash receptacles, walkways, access drives, and the like.

- A. Albany Avenue: Two hundred (200') feet from the right-of-way line established at the time of Final Site Plan approval by the Planning Board. The setback area shall be designed to provide for decorative landscape treatment including pedestrian friendly open space, plazas and the like.
- B. Inside Thorofare/Beach Thorofare: One hundred (100') feet from the upland edge. A pedestrian walkway shall be established along the entire length of the waters edge terminating at the Albany Avenue setback area.
- C. The Planning Board at its sole discretion may decrease any of the setback provisions or allow for encroachments not specified herein for a project of superior design.

##### 3. Building Height

- A. Maximum building height shall be eight hundred and fifty (850') above grade (see Bader Field Map No. 3) provided, however, that mechanical rooms/equipment, architectural and similar features may extend to a height of nine hundred and fifty (950') feet above grade.



- B. The Planning Board at its sole discretion, may increase any of the height provisions for a project of superior design provided that such increase does not negatively impact the site or the surrounding area.

4. Floor Area Ratio

Maximum floor area ratio shall be ten and zero-tenths (10.0) excluding floor area devoted to off-street parking and calculated in relation to the redevelopment as a whole within the Redevelopment Area.

5. Signage

Signage shall be subject to compliance with Section 163-71 of the Land Use Development Ordinance as it relates to the RS-C District.

6. Parking and Loading

A. Parking shall be subject to compliance with Section 163-70 A(2)(a){1} and {2} {a}, 9b) {1}{a}-{3}{b}, (c){1}-{11}, (3)(a), B(1)(a)-(e), (2)(a)}-3}, (c){1}-{5} and (3) of the Land Use Development Ordinance:

B. All parking for residential dwellings shall conform to the New Jersey Residential Site Improvement Standards pursuant to N.J.A.C. 5:21-1.1 et. seq. including waiver provisions.

C. An adequate area, internal to the property, shall be provided for taxi and limousine staging.

7. Performance Standards

The project shall be subject to Section 163-73 of the Land Use Development Ordinance.

8. Urban Design Standards

The project shall be subject to the following:

A. All horizontal flat surfaces shall be developed in such a manner as to be aesthetically acceptable in order to secure agreeable visual conditions in the roofscaping of the City; provided, however, that this requirement shall not apply above a height of three hundred eight five feet (385') above grade.

B. Vertical surfaces may be treated with reflective surfaces provided that they do not have an adverse impact on surrounding uses causing visual discomfort or any other adverse impact.

- C. The lateral separation of any two towers that exist within the same plans shall be a distance of no less than 25% of the height of the tallest tower.

B. Planning Board Authority:

Consistent with Section 9.3 of this Redevelopment Plan, the Planning Board, at time of site plan review and without formal amendment to this Redevelopment Plan, may approve modifications in or changes to these Building Limit Controls if requested by Redeveloper.

6.2.4 Utility Controls

- A. The Redevelopment Area is serviced by access to all required utilities, including electric, gas, sewer, water, communications (telephone) and cable television systems.
- B. Distribution lines for all utility systems within the Redevelopment Area shall be placed underground. All easements shall comply with City requirements. Exact locations for utility lines and easements shall be established at time of Planning Board site plan review and approval. Existing above ground utilities shall be incorporated into the underground systems at the boundaries of the Redevelopment Area in the areas where improvements are undertaken.

6.2.5 Additional Controls

- A. Loading, mechanical equipment, storage and similar uses as well as any vehicles in the valet operation and/or vehicle activity in the portè-cochere area shall not be visible by pedestrians on the public street or on-site pedestrian-way.
- B. Interpretation of and modifications to these provisions shall be made by the Planning Board at time of site plan review and approval.

6.2.6 Standards and Controls of General Applicability

- A. Jurisdiction

The provisions of this Redevelopment Plan are those of the City and do not substitute for any law, code, rule or regulation established by any State or Federal agency.

B. Applicability of Other Standards

1. In addition to the standards set forth in this Redevelopment Plan, all development within the Redevelopment Area shall comply with the applicable laws, codes, rules and regulations established by any State or Federal agency.
2. The above notwithstanding, whenever local codes or regulations (other than those found in the Land Use Development Ordinance) contain comparable but more restrictive provisions or requirements than set forth in this Redevelopment Plan, the standards set forth herein shall govern.
3. The provisions of the Land Use Development Ordinance, except as specifically provided for in this Redevelopment Plan, shall not be applicable within the Redevelopment Area.

7. **EQUAL OPPORTUNITY**

No covenant, agreement, lease, conveyance or other instrument shall be effected or executed by the Redevelopment Entity or by the Redeveloper (or any successors in interest) whereby the land or improvements in the Redevelopment Area is restricted, either by the Redevelopment Entity or the Redeveloper (or any successors in interest) in violation of any State or Federal anti-discrimination law. The foregoing restrictions, as well as the applicable provisions of N.J.S.A. 40:A12A-9 shall be implemented by appropriate covenants or other provisions in the Redeveloper's Agreement and/or disposition instruments as covenants running with the land.

8. **PROVISIONS NECESSARY TO MEET STATUTORY REQUIREMENTS**

The Redevelopment Plan satisfies the statutory requirements under the Local Redevelopment and Housing Law as follows:

8.1 Redevelopment Plan Outline

The Redevelopment Plan is an outline for the planning, development, and redevelopment of the Redevelopment Area sufficient to indicate:

A. Appropriate Land Uses

The Redevelopment Plan provides for land uses consistent with the RS-C district which comprises the entirety of the Redevelopment Area.

B. Density of Population

The Redevelopment Plan permits residential uses. Residential uses and any increase in population associated with such residential uses are consistent with the redevelopment of the City.

C. Traffic and Circulation

It is anticipated that development of a destination resort at Bader Field will require significant new and/or upgraded roadway servicing the site as well as surrounding areas. Roadway improvements will be such that site access as well as overall traffic flow will facilitate the safe and efficient movement of traffic.

D. Public Utilities

The Redevelopment Area is served by public utilities which may require upgrade in order to adequately service the proposed uses set forth in the Redevelopment Plan.

E. Recreational and Community Facilities and Other Public Improvements

The development intended within the Redevelopment Area will provide for significant public improvements, including creating a waterfront promenade, increasing and improving the right-of-way along Albany Avenue, creating street/landscaped features along the right-of-way areas, improving traffic flow, and providing for a host of uses which will foster the continued redevelopment of Atlantic City.

8.2 Proposed Land Uses and Building Requirements

The proposed land uses outlined herein are consistent with the RS-C district and will help foster the redevelopment of Atlantic City. The proposed building requirements are either in conformance with the current municipal code or are consistent with other recently adopted redevelopment plan building controls for casino hotel developments within the City.

8.3 Provisions for Temporary and Permanent Relocation

The Redevelopment Plan does not require any relocation of residents.

#### 8.4 Property to be Acquired

The Redevelopment Plan does not require the acquisition of any privately owned property other than that which may be necessary for roadway improvements. Acquisition of City owned property is the responsibility of the Redeveloper.

#### 8.5 Significant Relationships of the Redevelopment Plan to Other Plans

The Redevelopment Plan is consistent with New Jersey State public policy in that the Redevelopment Plan seeks to foster redevelopment of the City consistent with express goals of the State Constitutional amendment authorizing casino gaming in Atlantic City. It is also consistent with the goals and objectives of the New Jersey State Planning Commission, N.J.S.A. 52:18A-196 et. seq. in that it encourages development, redevelopment and economic growth in a location that is well situated to support the development and with the goals of the Atlantic County 2000 Master Plan for diversification and strengthening of the County's economy. Finally, this Redevelopment Plan is consistent with the goals of the current and proposed City Master Plans in that it provides an opportunity for the continued growth of the City's resorts and casinos.

#### 8.6 Overriding Effect

The Redevelopment Plan expressly supersedes the applicable provisions of the Land Use Development Ordinance except as expressly set forth in the Redevelopment Plan. The Redevelopment Plan further amends the zoning district map with respect to the Redevelopment Area.

### 9. **AUTHORITY AND PLAN INTERPRETATION**

9.1 Pursuant to N.J.S.A. 40:A:12A-13, the Planning Board shall have the sole authority to determine conformance of a Redeveloper's concept and design with this Redevelopment Plan.

9.2 Subject to the provisions of this Redevelopment Plan herein, the Planning Board shall have sole authority for the interpretation or clarification of any provisions of this Redevelopment Plan.

9.3 Planning Board has authority to grant waivers or variances from building limit controls contained within this Redevelopment Plan provided that any such variance or waiver shall not deviate by more than 20% of the applicable building code which shall necessitate a formal amendment to this Redevelopment Plan in accordance with law.

10. **GENERAL CONSTRUCTION AND APPLICATION OF PLAN PROVISIONS**

All provisions of this Redevelopment Plan, including all building controls, regulations and/or restrictions imposed shall be applicable to all real property and improvements within the Redevelopment Area.

11. **DURATION OF PROVISIONS AND EFFECTIVE DATE**

11.1 This Redevelopment plan, as it may be amended from time to time, shall be in effect until the goals of the Redevelopment Plan are satisfied and the Redevelopment Area is fully redeveloped to the maximum extent permitted under the Redevelopment Area.

11.2 Upon completion of construction and the issuance by the City of all permanent Certificate(s) of Occupancy for individual portions or all of the Redevelopment Project, and at the request of the Redeveloper, (or Temporary Certificate(s) of Occupancy with the consent of the City, which consent shall not be unreasonably withheld) the City shall issue the Redeveloper a 'Certificate of Completion and Compliance' for the entire Redevelopment Project or such portions thereof as the Redeveloper shall have completed, certifying that the Redevelopment Project or the specific portions thereof were completed in accordance with this Redevelopment Plan and further certifying that the applicable provisions of the Redevelopment Agreement, if applicable, including provisions related to N.J.S.A. 40a:12a-9A, have been satisfied.

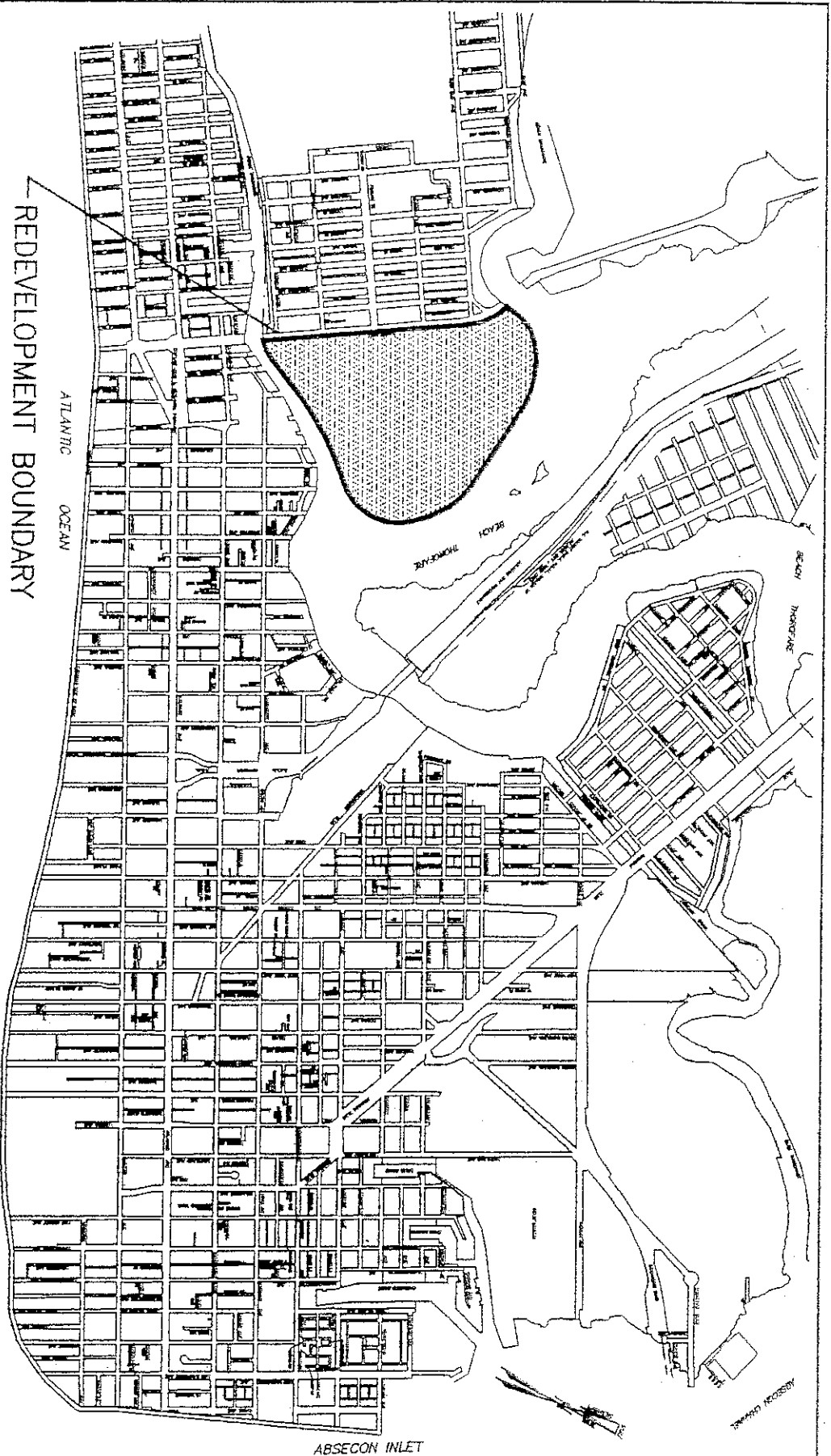
12. **PROCEDURES FOR AMENDING THE APPROVED REDEVELOPMENT PLAN**

This Redevelopment Plan may be amended from time to time upon compliance with all applicable laws and statutes and upon approval of the Governing Body. In addition to any other requirements, including but not limited to those imposed by N.J.S.A. 40A12A-13, mutual agreement between the City and the Redeveloper is required where a Redevelopment Agreement is in place and where an amendment would change the controls governing the use of land under such Redevelopment Agreement.

13. **LIST OF EXHIBITS**

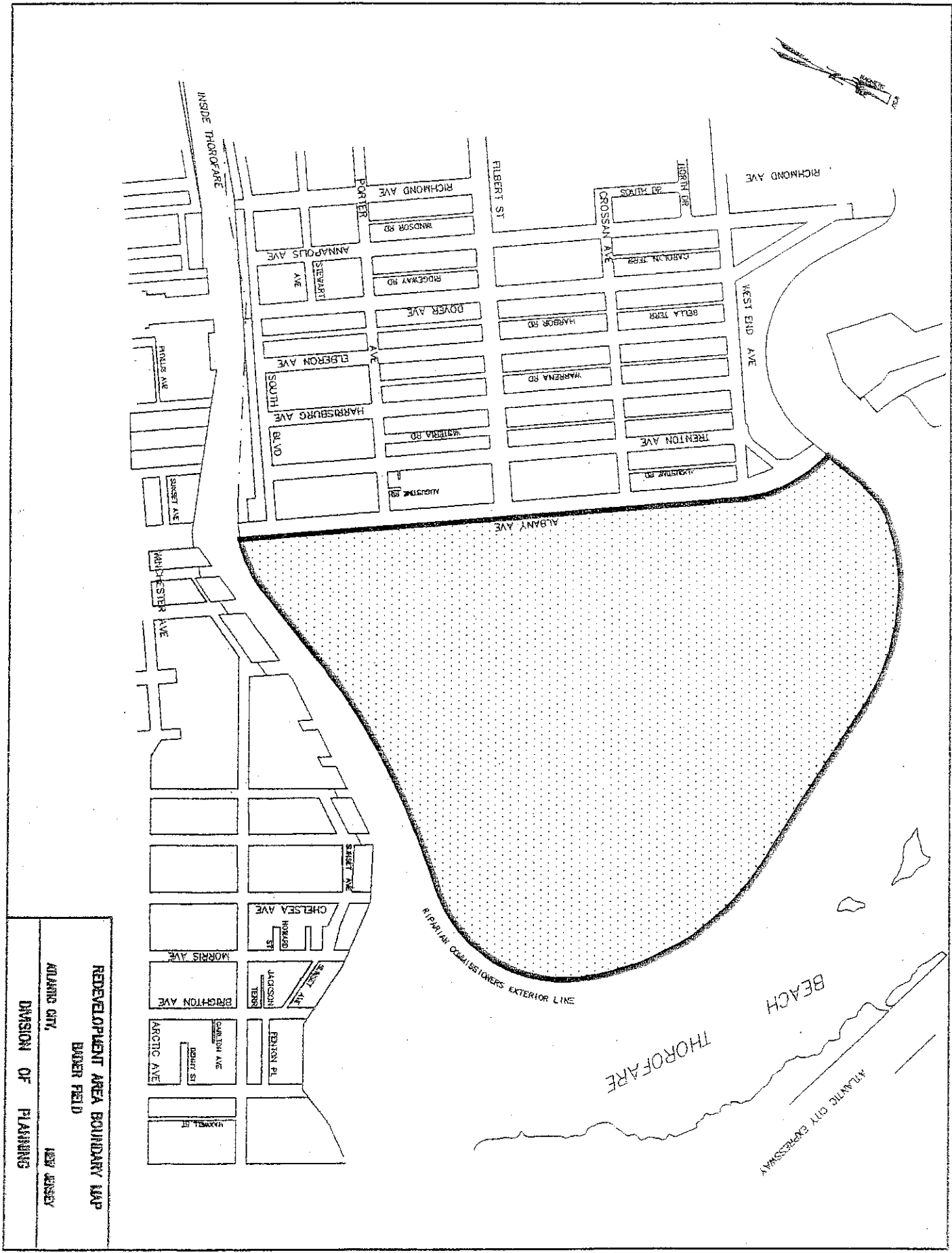
MAP NO. 1	REDEVELOPMENT AREA MAP, SITE LOCATOR
MAP NO. 2	REDEVELOPMENT AREA BOUNDARY MAP
MAP NO. 3	BUILDING SETBACKS





REDEVELOPMENT AREA MAP, SITE LOCATOR  
 BADER FIELD  
 ATLANTIC CITY,  
 NEW JERSEY  
 DIVISION OF PLANNING

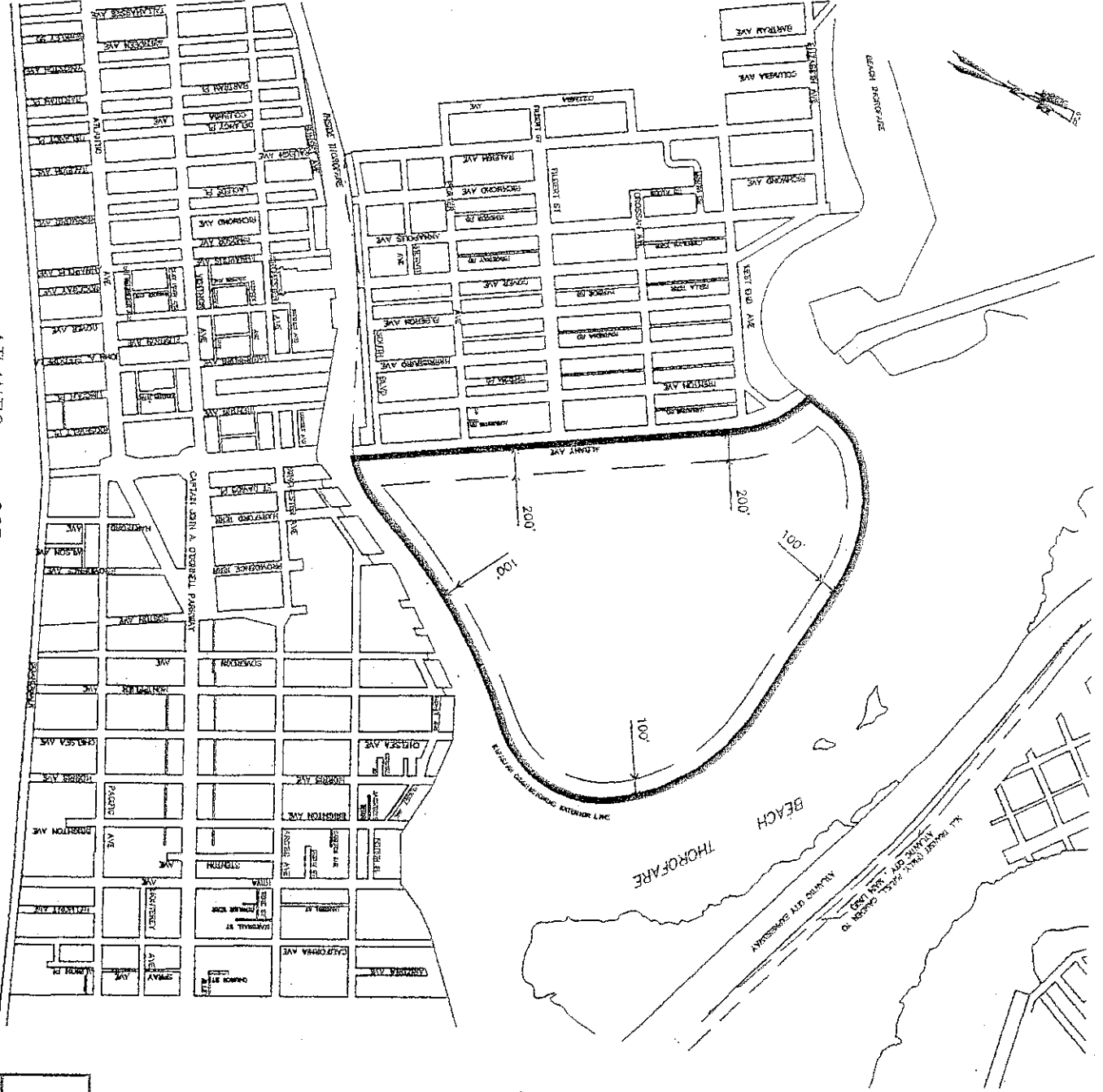
BADER FIELD MAP NO. 1: REDEVELOPMENT AREA MAP,  
 SITE LOCATOR



**REDEVELOPMENT AREA BOUNDARY MAP**  
**BADER FIELD**  
 ATLANTIC CITY, NEW JERSEY  
 DIVISION OF PLANNING

**BADER FIELD MAP NO. 2: REDEVELOPMENT AREA**  
**BOUNDARY MAP**

ATLANTIC OCEAN



**BUILDING SETBACKS**  
**BADER FIELD**  
 ATLANTIC CITY,  
 DIVISION OF PLANNING  
 NEW JERSEY

BADER FIELD MAP NO. 3: BUILDING SETBACKS