

# CRDA

Casino Reinvestment Development Authority  
www.njcrda.com



**15 South Pennsylvania Avenue**  
**Atlantic City, NJ 08401**

## **APPLICATION FORM**

The application, with supporting documentation, must be filed with the Land Use Administrative Officer for review at least fifteen [15] business days prior to the meeting at which the application is to be considered.

**To be completed by CRDA staff only.**

Date Filed 6/29/15

Application No. 2015-06-1550

Application Fees: CK# 1622 4950

Escrow Deposit CK# 1623 452547

Scheduled for:  
Review for Completeness \_\_\_\_\_ Hearing: \_\_\_\_\_

=====

### 1. SUBJECT PROPERTY

Location: 2405 Atlantic Avenue

Tax Map Page \_\_\_\_\_ Block 279 Lot(s) 45, 46 & 48-52  
Page \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_  
Page \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_

Dimensions Frontage 130.1' Depth 175' Total Area 22,585 sq ft

Zoning District NC-2 & R-3

### 2. APPLICANT

Name Dock's Oyster House, Inc.

Email jdougherty@jdnjlaw.com

Address 2405 Atlantic Avenue, Atlantic City, NJ 08401

Telephone Number 609-345-0092

Applicant is a: Corporation  Partnership  Individual

### 3. 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	<u>Joseph R. Dougherty</u>	Address	<u>5409 Winchester Ave, Ventnor, NJ</u>	Interest	<u>50%</u>
Name	<u>Frank Dougherty</u>	Address	<u>8703 Atlantic Ave, Margate, NJ</u>	Interest	<u>50%</u>
Name	_____	Address	_____	Interest	_____
Name	_____	Address	_____	Interest	_____
Name	_____	Address	_____	Interest	_____

4. If Owner is other than the applicant, provide the following information on the Owner(s):

Owner's Name \_\_\_\_\_  
Email \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone Number \_\_\_\_\_

**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: Restaurant and parking lot  
there is a current license agreement with the City for the existing encroachments

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** Joseph R. Dougherty, Esq  
Email jdougherty@jdnjlaw.com  
Address 5409 Winchester Avenue, Ventnor, NJ 08406  
Telephone Number 609-572-2251  
FAX Number 609-569-0482

**7. Applicant's Engineer** Jon Barnhart- Arthur W. Ponzio & Associates  
Email jbarnhart@awponzio.com  
Address 400 North Dover Avenue, Atlantic City, NJ 08401  
Telephone Number 609-344-8194  
FAX Number \_\_\_\_\_

**8. Applicant's Planning Consultant** same as #7  
Email \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
FAX Number \_\_\_\_\_

**9. Applicant's Traffic Engineer** \_\_\_\_\_

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 Chris Menchin, SOSH Architects  
Field of Expertise Architecture  
Email cmenchin@sosharch.com  
Address \_\_\_\_\_  
Telephone Number 609-345-5222  
FAX Number 609-345-7486

**11. APPLICATION REPRESENTS A REQUEST FOR THE FOLLOWING:**

SUBDIVISION:

\_\_\_\_\_ Minor Subdivision Approval  
\_\_\_\_\_ Subdivision Approval [Preliminary]  
\_\_\_\_\_ Subdivision Approval [Final]  
Number of lots to be created \_\_\_\_\_ Number of proposed dwelling units \_\_\_\_\_  
(including remainder lot) (if applicable)

SITE PLAN:

Site Plan Approval  
\_\_\_\_\_ Preliminary Site Plan Approval [Phases (if applicable) \_\_\_\_\_ ]  
\_\_\_\_\_ 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:

\_\_\_\_\_ Informal 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)]  
\_\_\_\_\_ 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] A use variance is requested to permit commercial parking in the R-3 zone (163-55) and a variance is requested to permit the applicant to re-create one of the historic signs for the business (163-71)

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

Requirements: [attach additional pages as needed] \_\_\_\_\_

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.**

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

16. Is a public water line available? yes

17. Is public sanitary sewer available? yes

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? Bond/LOC

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

	Yes	No	Date Plans Submitted
Atlantic City Municipal Utilities Authority	_____	X	_____
_____ Atlantic County Health Department	_____	X	_____
_____ Atlantic County Planning Board	_____	X	_____
_____ Atlantic County Soil Conservation Dist.	X	_____	_____
NJ Department of Environmental Protection	_____	X	_____
Sewer Extension Permit	_____	X	_____
Sanitary Sewer Connection Permit	_____	X	_____
Stream Encroachment Permit	_____	X	_____

Dock's Oyster House  
Restaurant Expansion Project  
Attachments to Land Use Application

**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:**

The approvals requested will permit a substantial expansion of Atlantic City's oldest restaurant. By way of background, Dock's was opened in 1897, in or about the same year as Steel Pier, the Atlantic City Country Club and the Atlantic City Hospital, by Harry Dougherty, great grandfather of the current Dock's principals. It moved from its original location at 1817 Atlantic Avenue to its current location at 2405 Atlantic Avenue when the Convention Hall was under construction and it has expanded once and been renovated several times in that location since that move in or about 1929.

The current proposed Project will allow Dock's to significantly expand the bar area and add seats to the first floor dining area. It will add dining space and private dining space opportunities on the second and third floor as well. As importantly, it will permit the renovation of the entire kitchen which was last fully upgraded in the 1960's. The proposal requires the grant of a use variance to permit commercial parking in an R-3 zone because the Project straddles two zones, NC-2 and R-3, with the rear two lots, owned by Dock's and proposed for inclusion in the Project for the parking lot expansion, being in the residential zone. The applicant is also requesting variance relief to permit the installation of a sign that re-creates one of the traditional signs used for the business in the 1940's and 1950's.

Waterfront Development Permit	_____	<u>  x  </u>	_____
Wetlands Permit	_____	<u>  x  </u>	_____
Tidal Wetlands Permit	_____	<u>  x  </u>	_____
Potable Water Construction Permit	_____	<u>  x  </u>	_____
Other	_____	<u>  x  </u>	_____
NJ Department of Transportation	_____	<u>  x  </u>	_____
Public Service Electric & Gas Company	_____	<u>  x  </u>	_____
_____	_____	_____	_____

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

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

Quantity	Description of Item
_____	<u>  see attached site plans  </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.

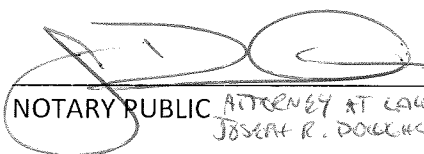
Applicant's Professional	Reports Requested
<u>  x  </u> Attorney	<u>  all  </u>
<u>  x  </u> Engineer	<u>  all  </u>
_____	_____
_____	_____


**CERTIFICATIONS**

27. I FRANK DOUGHERTY 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  
26 day of JUNE, 2015

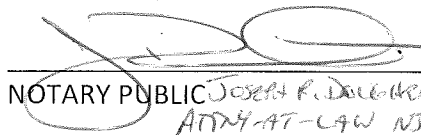
  
NOTARY PUBLIC ATTORNEY AT LAW - NJ  
JOSEPH R. DOUGHERTY

  
SIGNATURE OF APPLICANT FRANK DOUGHERTY  
HOUSE, INC.

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.]

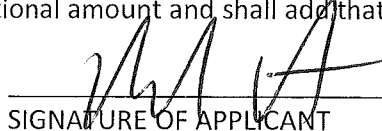
Sworn to and subscribed before me this  
26 day of JUNE, 2015

  
NOTARY PUBLIC JOSEPH R. DOUGHERTY  
ATTORNEY AT LAW - NJ

  
SIGNATURE OF OWNER FRANK DOUGHERTY  
HOUSE, INC.

29. I understand that the sum of \$ 6690- has been deposited in an escrow account (Builder's Trust Account). In accordance with Resolution 11-60 of the Casino Reinvestment Development Authority approving 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.

6-26-15  
Date

  
SIGNATURE OF APPLICANT