

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: _____

=====

1. SUBJECT PROPERTY

Location: 1723 Pacific Avenue

Tax Map	Page 29	Block 156	Lot(s) 36
	Page _____	Block _____	Lot(s) _____
	Page _____	Block _____	Lot(s) _____

Dimensions Frontage 39 ft Depth 175 ft Total Area 11,922 sf

Zoning District RC

2. APPLICANT

Name Marvin's Gardens, LLC

Email ron@ronstenger.com

Address 5 Greentree Centre, 525 Route 73 North, Suite 104, Marlton, NJ 08053

Telephone Number (417) 848-2414

Applicant is a: Corporation ☐ Partnership ☐ Individual ☐
X Limited Liability Company

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

Owner's Name NJEC Associates, LLC c/o Jeffrey Feil

Email RBriskin@fellorg.com

Address 7 Penn Plaza, Suite 1100, New York, NY 10001

Telephone Number 203-856-7793

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	Patricia Fowler	Address	177 E. Country Club Drive, Westhampton,	Interest	100%
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: Retail pharmacy _____

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 Damon G. Tyner, Esq.
 Email dytyner@tynerlawteam.com
 Address 114 Rainbow Trail, Egg Harbor Township, NJ 08234
 Telephone Number 609-299-1250
 FAX Number _____

7. Applicant's Engineer Jason Sciallo, Sciallo Engineering Services, LLC
 Email jsciallo@scialloengineering.com
 Address 137 South New York Avenue, Suite 2, Atlantic City, NJ 08401
 Telephone Number 609-300-5171
 FAX Number _____

8. Applicant's Planning Consultant _____
 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 Craig Dothe
Field of Expertise Architecture
Email craig@cfidarchitect.com
Address 33 N. Brighton Avenue, Atlantic City, NJ 08401
Telephone Number 609-348-2236
FAX Number 609-348-0118

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
☐ Major Preliminary Site Plan Approval [Phases (if applicable) ____]
☐ 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)]
☐ 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] 19:66-5-10(a) 1.iv (4), (5), (7) For existing non-conforming conditions that will not change 19:66-5.8(b) for parking partially for existing non-conforming conditions and to make accessible space compliant with current standards.

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

Requirements: [attach additional pages as needed] See below

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] Renovation of existing building and occupation with Class 5 retail cannabis facility.

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? no

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? n/a no public improvements proposed

Submission waivers:

Minor site plan checklist 23. grading plan, 24. landscaping plan, 25. lighting plan, 27. utility plan 28. paving cross-sections since no changes are proposed.

Applicant also respectfully requests waivers to defer site work cost estimate, performance guarantee, maintenance guarantee and inspection escrow to be conditions of approval.

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

	Yes	No	Date Plans Submitted
Atlantic City Municipal Utilities Authority	_____	<u>X</u>	_____
Atlantic County Health Department	_____	<u>X</u>	_____
Atlantic County Planning Board	_____	<u>X</u>	_____
Atlantic County Soil Conservation Dist.	_____	<u>X</u>	_____
NJ Department of Environmental Protection	_____	<u>X</u>	_____
Sewer Extension Permit	_____	<u>X</u>	_____
Sanitary Sewer Connection Permit	_____	<u>X</u>	_____
Stream Encroachment Permit	_____	<u>X</u>	_____
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>2</u>	<u>Site plans prepared by Sciallo Engineering</u>
<u>2</u>	<u>Architectural plans prepared by Dothe</u>
<u>2</u>	<u>Survey prepared by Back and Clark</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 Patricia Fowler 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
____ day of _____, 20 ____

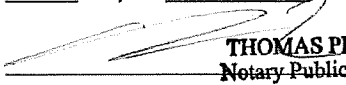
NOTARY PUBLIC

SIGNATURE OF APPLICANT

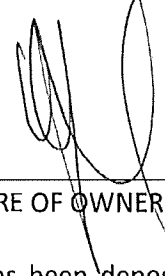
28. I certify that I am the Owner of the property which is the subject of this application, that I have authorized the applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.

[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
23rd day of April, 20 24


THOMAS PETER RUGGIERO
Notary Public, State of New York
No. 02RU6239658
Qualified in New York County
Commission Expires July 25, 2027

NOTARY PUBLIC



SIGNATURE OF OWNER

29. I understand that the sum of \$ 3000 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.

Date

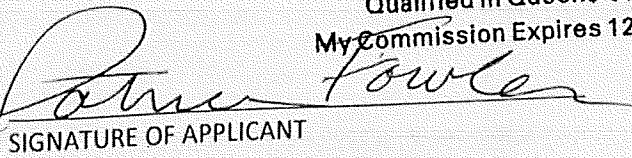
SIGNATURE OF APPLICANT

CERTIFICATIONS

27. I Patricia Fowler 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
23 day of April, 20 24


NOTARY PUBLIC

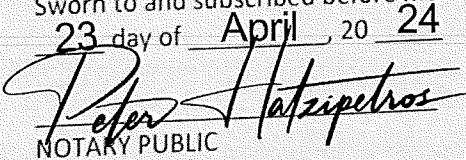

SIGNATURE OF APPLICANT

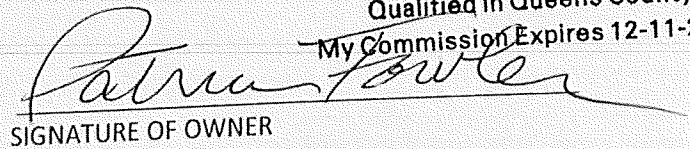
PETER D. HATZIPETROS
NOTARY PUBLIC-STATE OF NEW YORK
No. 02HT6368234
Qualified in Queens County
My Commission Expires 12-11-2025

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
23 day of April, 20 24

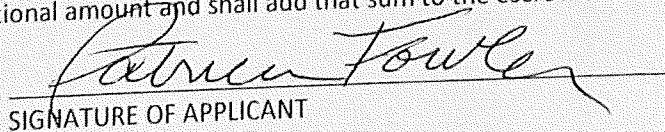

NOTARY PUBLIC


SIGNATURE OF OWNER

PETER D. HATZIPETROS
NOTARY PUBLIC-STATE OF NEW YORK
No. 02HT6368234
Qualified in Queens County
My Commission Expires 12-11-2025

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4/23/24
Date

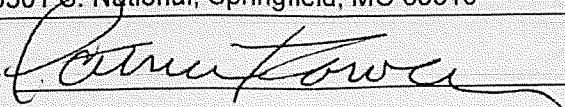

SIGNATURE OF APPLICANT

ESCROW SETUP INFORMATION

The Information below is necessary to initially set up your Escrow Account.

Applicant's Name: Marvin's Gardens, LLC

Applicant's Address: 5301 S. National, Springfield, MO 65810

*Applicant's Signature: 

Applicant's Phone No.: (417) 848-2414

Applicant's Email Address: ron@ronstenger.com

Applicant's Date of Birth: _____

Tax Identification or Social Security Number: 92-4014333

Assigned Escrow #: _____

Should you require assistance or have any questions, please do not hesitate to contact:

Atlantic City Planning:

Lisa D'Alessandro, Board Secretary
City of Atlantic City Planning
1301 Bacharach Boulevard
City Hall-Suite 508
Atlantic City, NJ 08401
Email: LDAlessandro@cityofatlanticcity.org
609-347-5404

CRDA:

Loreta Acevedo, Project Officer
Casino Reinvestment Development Authority
15 S Pennsylvania Avenue
Atlantic City, NJ 08401
Email: lancevedo@njcrda.com
609-347-0500