

# City of Atlantic City LAND USE APPLICATION

**City of Atlantic City:** (Check where applicable)

**AC Planning Division Jurisdiction**

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

**CRDA:** (Check where applicable)

**NJ CRDA LURED Jurisdiction**

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

### To be completed by staff only.

Date Filed \_\_\_\_\_

Application No. \_\_\_\_\_

Application Fees: \_\_\_\_\_

Escrow Deposit \_\_\_\_\_

Scheduled for:

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

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### 1. SUBJECT PROPERTY

Location: Dewey Place, New Hampshire Avenue, Pacific & Boardwalk

Tax Map Page 15 Block 79 Lot(s) 3-7 & 9-21

Page \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_

Page \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_

Dimensions Frontage \_\_\_\_\_ Depth \_\_\_\_\_ Total Area \_\_\_\_\_

Zoning District Redevelopment Plan Blocks 72, 75, 77 & 79 Pacific Avenue, From Rhode Island Avenue to Absecon Inlet, South to Oriental Avenue, Atlantic City, N.J.

### 2. APPLICANT

Name K. Hovnanian Terraces at Absecon Inlet, LLC

Email tsiebold@khov.com

Address 110 Fieldcrest Avenue, 5th Floor, Edison, NJ 08837

Telephone Number 732-623-6880

Applicant is a: Corporation  Partnership  Individual

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

Owner's Name \*See Below

Email \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

\*Owners Name

Block 79, Lots 3-7,9,16-21- Block 79 QOZB, LLC, 1005 Main Street, Asbury Park, NJ 07712

Block 79, Lots 10, 14, 15- North Beach Holdings, 226 Woodward Ave., Rutherford, NJ 07070

Block 79, Lot 11- 221-235 Boardwalk, LLC, 1650 Limekiln B 19-1043, Drescher, PA 19025

#### 4. DISCLOSURE STATEMENT

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

Name See attached 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 Condition of approval \_\_\_\_\_  
 Present use of the premises: Vacant Land

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** Nick Talvacchia, Esq.; Cooper Levenson  
 Email ntalvacchia@cooperlevenson.com  
 Address 1125 Atlantic Avenue, Third Floor, Atlantic City, NJ 08401  
 Telephone Number 609-572-7544  
 FAX Number 609-572-7545

**7. Applicant's Engineer** Jason Sciuillo, Sciuillo Engineering Services, LLC  
 Email jsciullo@sciulloengineering.com  
 Address 137 S. New York Avenue, Suite 2, Atlantic City, NJ 08401  
 Telephone Number 609-300-5171  
 FAX Number \_\_\_\_\_

**8. Applicant's Planning Consultant** Tiffany Morrissey  
 Email tamorrissey@comcast.net  
 Address 7 Equestrian Drive, Galloway, NJ 08205  
 Telephone Number 856-912-4415  
 FAX Number \_\_\_\_\_

**9. Applicant's Traffic Engineer** Nathan Mosely, Shropshire Associates, LLC  
 Email nmosely@sallc.org  
 Address 277 White Horse Pike, Suite 203, Atco, NJ 08004  
 Telephone Number 609-714-0400  
 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 N/A  
Field of Expertise \_\_\_\_\_  
Email \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
FAX Number \_\_\_\_\_

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

**SUBDIVISION:**

\_\_\_\_\_ Administrative Review of Minor Subdivision Plan  
\_\_\_\_\_ Administrative Review of Major Subdivision Plan  
\_\_\_\_\_ Minor Subdivision Approval  
 Major Subdivision Approval [Preliminary]  
 Major Subdivision Approval [Final]  
Number of lots to be created 39 Number of proposed dwelling units 38  
(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] N/A

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13. **Waivers Requested** of Development Standards and/or Submission and justification for request.  
Requirements: [attach additional pages as needed] N/A

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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]** Thirty-eight (38) fee simple townshomes pursuant to Redevelopment Plan Blocks 72, 75, 77 & 79 from Rhode Island Avenue to Absecon Inlet, South to Oriental Avenue, Atlantic City, N.J. dated 4/11/24

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? not yet

20. Are any off-tract improvements required or proposed? yes, sanitary sewer

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

22. What form of security does the applicant propose to provide as performance and maintenance guarantees? Bond

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

	Yes	No	Date Plans Submitted
Atlantic City Municipal Utilities Authority	<u>X</u>	<u>      </u>	<u>      </u>
Atlantic County Health Department	<u>      </u>	<u>X</u>	<u>      </u>
Atlantic County Planning Board	<u>X</u>	<u>      </u>	<u>      </u>
Atlantic County Soil Conservation Dist.	<u>X</u>	<u>      </u>	<u>      </u>
NJ Department of Environmental Protection	<u>X</u>	<u>      </u>	<u>      </u>
Sewer Extension Permit	<u>X</u>	<u>      </u>	<u>      </u>
Sanitary Sewer Connection Permit	<u>X</u>	<u>      </u>	<u>      </u>
Stream Encroachment Permit	<u>      </u>	<u>X</u>	<u>      </u>
Waterfront Development Permit	<u>      </u>	<u>X</u>	<u>      </u>
Wetlands Permit	<u>      </u>	<u>X</u>	<u>      </u>
Tidal Wetlands Permit	<u>      </u>	<u>X</u>	<u>      </u>
Potable Water Construction Permit	<u>X</u>	<u>      </u>	<u>      </u>
Other	<u>      </u>	<u>X</u>	<u>      </u>
NJ Department of Transportation	<u>      </u>	<u>X</u>	<u>      </u>
Public Service Electric & Gas Company	<u>      </u>	<u>X</u>	<u>      </u>
<u>      </u>	<u>      </u>	<u>      </u>	<u>      </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>5</u>	<u>Vargo Survey</u>
<u>5</u>	<u>Sciullo Engineering Plans and Storm Report</u>
<u>5</u>	<u>KHov Architectural 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 all

Attorney all

Engineer all

**CERTIFICATIONS**

27. I Tracy Siebold 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 7<sup>th</sup> day of November 2024

KIM A. DONNELLY  
Notary Public, State of New Jersey  
My Commission Expires August 22, 2026

Kim A. Donnelly  
NOTARY PUBLIC

[Handwritten Signature]  
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 \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Block 79 QOZB, LLC

\_\_\_\_\_  
NOTARY PUBLIC

By: \_\_\_\_\_  
SIGNATURE OF OWNER

29. I understand that the sum of \$9,360 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.

November 4, 2024  
Date

[Handwritten Signature]  
SIGNATURE OF APPLICANT

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Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
SIGNATURE OF APPLICANT

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Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

North Beach Holdings, LLC

*Susannah M. O'Brien*  
NOTARY PUBLIC

Susannah M. O'Brien  
NOTARY PUBLIC  
State of New Jersey  
ID # 50015929  
My Commission Expires 5/15/2025

By: \_\_\_\_\_

*[Handwritten Signature]*

NOTARY PUBLIC

SIGNATURE OF OWNER

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Date

\_\_\_\_\_  
SIGNATURE OF APPLICANT

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Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
SIGNATURE OF APPLICANT



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[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 \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Caitlin B. Doran  
NOTARY PUBLIC

221-235 Boardwalk, LLC

By: [Signature]  
SIGNATURE OF OWNER

29. I understand that the sum of \$9,360 \_\_\_\_\_ 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.

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Date

\_\_\_\_\_  
SIGNATURE OF APPLICANT

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[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

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[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 \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

4<sup>th</sup> day of NOVEMBER 24  
Paula Geletei

\_\_\_\_\_  
NOTARY PUBLIC

City of Atlantic City

By: [Signature]  
SIGNATURE OF OWNER MARTY SMALL SR.  
MAYOR

**PAULA GELETEI**  
**NOTARY PUBLIC**  
**STATE OF NEW JERSEY**  
**MY COMMISSION EXPIRES FEB. 25, 2028**

29. I understand that the sum of \$9,360 \_\_\_\_\_ 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

## Disclosure of Ownership

- A. K. Hovnanian Holdings NJ, LLC, with a business address located at 90 Matawan Road, Floor 5, Matawan, New Jersey 07747 is the only person or entity that owns more than ten percent (10%) of the Applicant.
- B. K. Hovnanian Developments of New Jersey, Inc., with a business address located at 90 Matawan Road, Floor 5, Matawan, New Jersey 07747, is the only person or entity that owns more than ten (10%) percent of K. Hovnanian Holdings NJ, LLC.
- C. Hovnanian Enterprises, Inc. with a business address located at 90 Matawan Road, Floor 5, Matawan, New Jersey 07747, is the only person or entity that owns more than ten (10%) percent of K. Hovnanian Developments of New Jersey, Inc.
- D. Hovnanian Enterprises, Inc. is a publicly traded company and no person or entity owns more than ten (10%) percent of its stock.

Date: November 4, 2024



Signature of Applicant  
Title: Area Counsel