

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: 161-205 South New York Avenue & 120-142 St. James Ave.

Tax Map	Page _____	Block <u>52</u>	Lot(s) <u>11-18 & 30-39</u>
	Page _____	Block _____	Lot(s) _____
	Page _____	Block _____	Lot(s) _____

Dimensions Frontage 336' Depth 75' Total Area 49,909 sf

Zoning District RC (Resort Commercial)

2. APPLICANT

Name NYOrangedeeds, LLC

Email patfasano@verizon.net

Address 1005 Main Street, Asbury Park NJ 07712

Telephone Number 732-322-5523

Applicant is a: Corporation ~~Partnership~~ LLC Individual

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

Owner's Name 201-205 S. New York Avenue, LLC as to Block 52 Lots, 16,17, 18 & 30

Email patfasano@verizon.net

Address 1005 Main Street, Asbury Park, NJ 07712

Telephone Number 732-322-5523

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 Patrick Fasano Address 1005 Main St., Asbury Park 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: Existing Bourre restaurant approved under CRDA CLUC 2018-06-2444
and remainder is 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 Nicholas F. Talvacchia, Esquire, Cooper Levenson, P.A.
 Email ntalvacchia@cooperlevenson.com
 Address 1125 Atlantic Ave., 3rd Floor, Atlantic City, NJ 08401
 Telephone Number 609-572-7544
 FAX Number 609-572-7545

7. Applicant's Engineer Jay Sciuillo, Sciuillo Engineering Services, LLC
 Email jsciullo@sciulloengineering.com
 Address 17 South Gordon's Alley, Suite 3, Atlantic City, NJ 08401
 Telephone Number 609-300-5171
 FAX Number 609-487-5960

8. Applicant's Planning Consultant Sciuillo Engineering Services, LLC
 Email See above
 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 William McLees Architecture
Field of Expertise Architect
Email bmclees@wmarch.net
Address 5 MacArthur Blvd., Somers Point, NJ 08244
Telephone Number 609-927-0888
FAX Number 609-927-0889

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) 43,167.96 sf
Total number of proposed dwelling units 8
 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] See Project Narrative

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

Requirements: [attach additional pages as needed] Same as previously approved. See site plan.

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 Project Narrative

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? Will comply with requirements of MLUL

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> </u>	<u>X</u>	<u> </u>
Atlantic County Soil Conservation Dist.	<u>X</u>	<u> </u>	<u> </u>
NJ Department of Environmental Protection	<u> </u>	<u>X</u>	<u>FH Permit-By-Rule</u>
Sewer Extension Permit	<u> </u>	<u>X</u>	<u> </u>
Sanitary Sewer Connection Permit	<u>X</u>	<u> </u>	<u>Oct. 17, 2018</u>
Stream Encroachment Permit	<u> </u>	<u>X</u>	<u> </u>
Waterfront Development Permit	<u> </u>	<u>X</u>	<u> </u>
Wetlands Permit	<u> </u>	<u>X</u>	<u> </u>
Tidal Wetlands Permit	<u> </u>	<u>X</u>	<u> </u>
Potable Water Construction Permit	<u> </u>	<u>X</u>	<u> </u>
Other	<u> </u>	<u>X</u>	<u> </u>
NJ Department of Transportation	<u> </u>	<u>X</u>	<u> </u>
Public Service Electric & Gas Company	<u> </u>	<u>X</u>	<u> </u>
<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. TBP

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

Quantity	Description of Item
<u>5</u>	<u>Site Plan by Sciuillo Engineering Sevices, LLC dated Nov. 27, 2018 revised to 4/21/21</u>
<u>5</u>	<u>Architectural Plan for mixed use building prepared by William McLees Architecture dated March 22, 2021</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 Yes

Attorney All

Engineer All

CERTIFICATIONS

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

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

Sworn to and subscribed before me this

26th day of April, 2021



NOTARY PUBLIC

MARY L. SPISSINGER
A Notary Public of New Jersey
My Commission Expires 06/10/2023



SIGNATURE OF APPLICANT

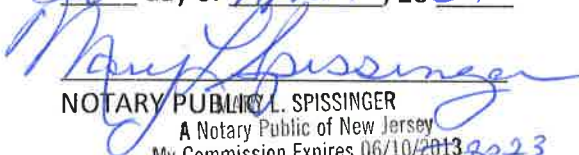
Nicholas F. Talvacchia, Attorney for Applicant

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

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

Sworn to and subscribed before me this

26th day of April, 2021



NOTARY PUBLIC

MARY L. SPISSINGER
A Notary Public of New Jersey
My Commission Expires 06/10/2023



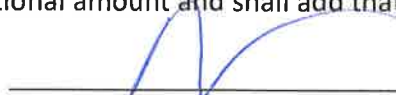
SIGNATURE OF OWNER

Nicholas F. Talvacchia, Attorney for Owner

29. I understand that the sum of \$ 4,400 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.

April 26, 2021

Date



SIGNATURE OF APPLICANT

Nicholas F. Talvacchia, Attorney for Applicant