

HANK N. ROVILLARD, ESQUIRE, LLC
ATTORNEYS AT LAW

31 N. Brighton Avenue
Atlantic City, New Jersey 08401

Telephone: (609) 347-7301
Facsimile: (609) 344-5044

HANK N. ROVILLARD
EDWARD O. LIND III (NJ & PA BAR)

E-mail: edwardlind@comcast.net
September 22, 2021

Casino Reinvestment Development Authority (CRDA)
Attn.: Robert L. Reid
Division of Land Use and Regulatory Enforcement
15 South Pennsylvania Ave.
Atlantic City, NJ 08401


Via Hand Delivery and by email to: rreid@njcrda.com

**Re: Appeal of Denial of Application for Certificate of Land Use Compliance
Atlantic 7, Inc. DBA Taboo
1544 Atlantic Ave.
Block 151 / Lot 2
Atlantic City, NJ 08401
CLUC Application No. 2021-08-3043**

Dear Mr. Reid:

Enclosed please find the completed and fully executed Land Use Application filed on behalf of the above referenced applicant along with one (1) check payable to CRDA in the amount of \$200.00 for the required filing fee and one (1) check payable to CRDA in the amount of \$1,500.00 for the required escrow payment. As I am sure you are already aware, the applicant's request for the issuance of a CLUC had been denied, an appeal of that denial has been timely filed, and the enclosed application is submitted according to the instructions of counsel for CRDA that this filing is required in order that the appeal of the denial of the CLUC may proceed. If there is anything further which you may require, please contact my office. Thank you for your time and consideration of this matter.

Sincerely,


Edward O. Lind III, Esq.

cc: M. Kaminsky
B. Kaminsky
S. Kaminsky
I. Kankanamalage
S. Collins, Esq.

WELLS FARGO BANK

8013 ATLANTIC AVE MARGATE CITY, NJ 08402

1001

66-751/691

DATE 9/22/2021

CRDA

PAY TO THE ORDER OF

One Thousand Five Hundred ^{xx}/₁₀₀

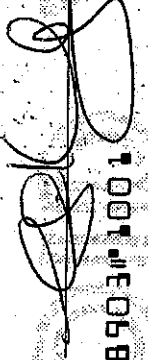
\$ 1,500 ^{xx}/₁₀₀

DOLLARS

MYRON KAMINSKY
SCOTT KAMINSKY
4 S DERBY AVE
VENTNOR CITY NJ 08406-2720

1544 Atlantic Ave -

⑆063107513⑆1010019488903⑆1001



WELLS FARGO BANK

8013 ATLANTIC AVE MARGATE CITY, NJ 08402

1002

66-751/691

DATE 9/22/2021

CRDA

PAY TO THE ORDER OF

Two Hundred ^{xx}/₁₀₀

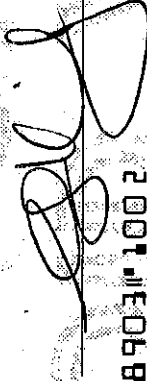
\$ 200 ^{xx}/₁₀₀

DOLLARS

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4 S DERBY AVE
VENTNOR CITY NJ 08406-2720

1544 Atlantic Ave.

⑆063107513⑆1010019488903⑆1002



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: 1544 Atlantic Ave.

Tax Map	Page _____	Block <u>151</u>	Lot(s) <u>2</u>
	Page _____	Block _____	Lot(s) _____
	Page _____	Block _____	Lot(s) _____

Dimensions Frontage 17.3' Depth 96.1' Total Area 1,662.5

Zoning District CBD

2. APPLICANT

Name Atlantic 7 Inc. DBA 'Taboo'

Email NYC7inc@gmail.com

Address 7701 Boulevard East, North Bergen, NJ 07047

Telephone Number (609) 3477301

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 Myron Kaminsky

Email MKamins30@gmail.com

Address 217 N. Argyle Ave., Margate NJ 08402

Telephone Number 1-215-266-6053

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 _____ Address _____ Interest _____
 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: General retail with non primary use
which includes sale or rental of adult materials/
novelties and operation of ten (10) vending booths, continuous
since 1997.

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 Edward O. Lind 3rd Esq.

Email edwardlind@comcast.net

Address 31 N. Brighton Ave., Atlantic City NJ 08401

Telephone Number (609) 347-7301

FAX Number (609) 344-5044

7. Applicant's Engineer N/A

Email _____

Address _____

Telephone Number _____

FAX Number _____

8. Applicant's Planning Consultant N/A

Email _____

Address _____

Telephone Number _____

FAX Number _____

9. Applicant's Traffic Engineer N/A

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 W/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 _____ 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] N/A

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

Requirements: [attach additional pages as needed] As described and set forth in the Settlement Agreement between owner and Atlantic City dated March, 1999 and attached previously to Appeal of denial of CEUC.

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] NO changes. Continuous use since 1997

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? N/A

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

	Yes	No	Date Plans Submitted
Atlantic City Municipal Utilities Authority	_____	_____	_____
Atlantic County Health Department	_____	_____	_____
Atlantic County Planning Board	_____	_____	_____
Atlantic County Soil Conservation Dist.	_____	_____	_____
NJ Department of Environmental Protection	_____	_____	_____
Sewer Extension Permit	_____	_____	_____
Sanitary Sewer Connection Permit	_____	_____	_____
Stream Encroachment Permit	_____	_____	_____
Waterfront Development Permit	_____	_____	_____
Wetlands Permit	_____	_____	_____
Tidal Wetlands Permit	_____	_____	_____
Potable Water Construction Permit	_____	_____	_____
Other	_____	_____	_____
NJ Department of Transportation	_____	_____	_____
Public Service Electric & Gas Company	_____	_____	_____

24. Certification from the Tax Collector that all taxes due on the subject property have been paid. *N/A - Submitted previously with Notice of appeal of denial of CLUC & application for CLUC.*

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

Quantity	Description of Item
<u>1</u>	<u>Settlement agreement submitted previously</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 N/A

Attorney _____

Engineer _____

CERTIFICATIONS

27. I Indira S. Kan Kamalage 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
22nd day of September, 2021

PATRICIA P. COOKE
Notary Public, State of New Jersey
My Commission Expires
September 07, 2022

Patricia P. Cooke
NOTARY PUBLIC

[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
22nd day of September, 2021

PATRICIA P. COOKE
Notary Public, State of New Jersey
My Commission Expires
September 07, 2022

Patricia P. Cooke
NOTARY PUBLIC

[Signature] P.O.A.
SIGNATURE OF OWNER

29. I understand that the sum of \$ 1,500⁻ 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.

9/22/21
Date

[Signature]
SIGNATURE OF APPLICANT

ESCROW SETUP INFORMATION

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

Applicant's Name: Atlantic 7, Inc.

Applicant's Address: 7701 Blvd. East, North Bergen, NJ 07047

*Applicant's Signature: 

Applicant's Phone No.: 1 917-284-4019

Applicant's Email Address: NYC7Inc@gmail.com

Applicant's Date of Birth: 07/17/1973

Tax Identification or Social Security Number: 330-31-7135

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: lacevedo@njcrda.com
609-347-0500

NOTICE SERVED ON PROPERTY OWNERS
WITHIN 200 FEET OF SUBJECT PROPERTY

Notice is hereby given that a written application has been filed by the undersigned with the Casino Reinvestment Development Authority for a _____

in and upon the property shown as Block(s) _____, Lot(s) _____
on the official map of the City of Atlantic City, known as _____

A public hearing on the above-mentioned application has been scheduled for the ____ day of _____, 20__, at _____ a.m/p.m. Said hearing shall take place at:

The public is invited to attend this meeting.

The application and all plans relative thereto have been filed with the Land Use Administrative Official:

Casino Reinvestment Development Authority, Division of Land Use and Regulatory Enforcement, 15 S Pennsylvania Avenue, Atlantic City, NJ 08401,

OR

City of Atlantic City

and are available for inspection Monday through Friday, 9:00 a.m. to 5:00 p.m.

This notice is given in compliance with the requirements of Section 163-198 of the Land Use Development Code of the City of Atlantic City, NJAC 19:66-14.1 of the Tourism District Land Development Rules and the N.J.S.A. 40:55D-12.

Name of Applicant: _____

Publication Date: _____

AFFIDAVIT OF SERVICE

I, _____ of full age, being duly sworn according to law upon oath depose and say:

1) That on , September, 2021 , which was at least ten (10) days prior to the hearing date, did give notice by personal service or certified mail to all property owners within 200 feet of the premises located on Block(s) 151 Lot(s) 2 . All as shown on the tax map of the City of Atlantic City, County of Atlantic, and State of New Jersey. The premises are further identified as 1544 Atlantic Avenue (street address). In addition, notice was provided by personal service or certified mail to Public Utilities, Cable Television Companies and Local Utilities, as required by law, the City of Atlantic City and the Atlantic County Planning Board.

2) Notices were also served upon (Check if applicable):

- State Planning Commission
- New Jersey Department of Transportation
- Clerk of Adjoining Municipalities

3) A copy of said notice is attached hereto and marked "Exhibit A".

4) Notice was also published in the Press of Atlantic City, Legal Section. A copy of the Affidavit of Publication is attached hereto and marked "Exhibit B".

5) A copy of the certified list of property owners within 200 feet of the premises provided by the City of Atlantic City is also attached hereto and marked "Exhibit C"

Signature of Applicant

Sworn and subscribed to
before me this _____ day of _____, 20____