



Fox Rothschild LLP
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JACK PLACKTER
Direct Dial: 609-572-2200
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March 14, 2022

VIA HAND DELIVERY

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

**Re: Atlantic Lofts, LLC
Block 146, Lot 1
1 South New York Avenue, Atlantic City, NJ**

Enclosed please find the materials in support of the above-reference Application.

1. Application Package for Land Use Approval, which is filled out and properly executed (1 original and 4 copies);
2. Application Rider (5 copies);
3. Proposed Notice of Public Hearing for Publication (to be supplied);
4. SOSH Plans consisting of ten (10) sheets (5 copies), together with 2 thumb drives containing the electronic format of same (password = Password1);
5. Art Ponzio Site Plan Development Plan consisting of one (1) sheet (5 copies), together with 2 thumb drives containing the electronic format of same;
6. Check payable to the Casino Reinvestment Development Authority for Application Fees in the total amount of \$900.00; and
7. Check payable to the Casino Reinvestment Development Authority for Escrow Deposit in the total amount \$4,840.00.

Please be advised that a request for Proof of Paid Taxes and Certified 200 ft list will be submitted to the appropriate office and submitted to you under separate cover. The signed and notarized Owner's certification will also be submitted under a separate cover. Please schedule this for the next monthly meeting.

Should you require anything further to process the Application, please contact my office. Thank you for your assistance in this matter and do not hesitate to reach out to me with any questions.

Very truly yours,

A handwritten signature in black ink that reads "Jack Plackter". The signature is written in a cursive style with a large, looped initial "J".

Jack Plackter

JP/sm

cc: Applicant (w/copy of Application only)
John J. Barnhart (w/copy of Application only)
Arthur W. Ponzio (w/copy of Application only)
Thomas Sykes (w/copy of Application only)
City of Atlantic City Planning Department (w/copy)
City of Atlantic City Engineering Dept (w/copy)

Atlantic Lofts LLC

1500 Market Street, Ste 3310E
Philadelphia, PA 19102

Hyperion Bank
199 W. Girard Avenue
Philadelphia PA 19123

238

**** FOUR THOUSAND EIGHT HUNDRED FORTY AND 00/100 DOLLARS

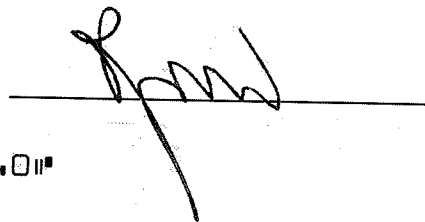
TO THE
ORDER OF

03/11/2022

\$4,840.00***

Void After 60 Days

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



⑈000238⑈ ⑆036018969⑆ 990076940⑈

DATE:03/11/2022 CK#:238 TOTAL:\$4,840.00*** BANK:Atlantic Lofts LLC(atlofts)
PAYEE:Casino Reinvestment Development Authority(casinorda)

Property Address - Code	Invoice - Date	Description	Amount
Atlantic Lofts LLC - atlantic	CRDA-Escrow Deposit	Block 146, Lot 1	4,840.00
			<hr/> 4,840.00

Security Features Included Details on back

Atlantic Lofts LLC

1500 Market Street, Ste 3310E
Philadelphia, PA 19102

Hyperion Bank
199 W. Girard Avenue
Philadelphia PA 19123

237

**** NINE HUNDRED AND 00/100 DOLLARS

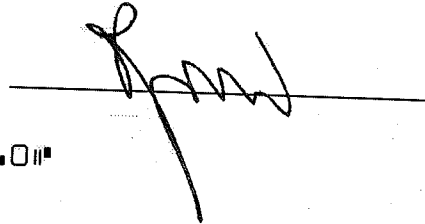
TO THE
ORDER OF

03/11/2022

\$900.00*****

Void After 60 Days

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



⑈000237⑈ ⑆036018969⑆ 990076940⑈

DATE:03/11/2022 CK#:237 TOTAL:\$900.00***** BANK:Atlantic Lofts LLC(atlofts)
PAYEE:Casino Reinvestment Development Authority(casinorda)

Property Address - Code	Invoice - Date	Description	Amount
Atlantic Lofts LLC - atlantic	CRDA-Application Fee	Block 146, Lot 1	900.00
			<u>900.00</u>

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 Fees: _____

Application No. _____
 Escrow Deposit _____

Scheduled for:
 Review for Completeness _____ Hearing: _____

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1. SUBJECT PROPERTY

Location: 1 South New York Avenue, Atlantic City, NJ

Tax Map	Page _____	Block <u>146</u>	Lot(s) <u>1</u>
	Page _____	Block _____	Lot(s) _____
	Page _____	Block _____	Lot(s) _____

Dimensions Frontage 48.67 ft Depth 150 ft Total Area 7300.5 sf

Zoning District CBD District

2. APPLICANT

Name Atlantic Lofts, LLC
 Email jkaplan@odinprop.com
 Address 1500 Market Street, Suite 3310E, Philadelphia, PA 19102
 Telephone Number 267-773-7537

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 N/A
 Email _____
 Address _____
 Telephone Number _____

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	Joel Pesin	Address	1282 Bobarn Drive, Narberth, PA 19072	Interest	_____
Name	Richard Balderston	Address	500 Walnut St., Apt. 701, Phila. PA 19106	Interest	_____
Name	Claudia Balderston	Address	500 Walnut St., Apt. 701, Phila. PA 19106	Interest	_____
Name	Philip Balderson	Address	1451 Brickell Ave., Apt. 3902, Miami, FL 33131	Interest	_____
Name	Justin Pesin	Address	831 Gatemore Rd., Bryn Mawr, PA 19010	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: Commercial on ground level remaining floors vacant/prior office use.

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 Jack Plackter, Esquire

Email jplackter@foxrothschild.com

Address 1301 Atlantic Avenue, Suite 400, Atlantic City, NJ 08401-7212

Telephone Number 609-572-2200

FAX Number 609-348-6834

7. Applicant's Engineer Arthur W. Ponzio Co. & Associates, Inc., c/o John J. Barnhart, P.E.

Email jbarnhart@awponzio.com

Address 400 North Dover Avenue, Atlantic City, NJ 08401

Telephone Number 609-344-8194

FAX Number 609-344-1594

8. Applicant's Planning Consultant Arthur W. Ponzio Co. & Associates, Inc.

Email aponzio@awponzio.com

Address 400 North Dover Avenue, Atlantic City, NJ 08401

Telephone Number 609-344-8194

FAX Number 609-344-1594

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 Thomas Sykes, AIA, PP
Field of Expertise Architect
Email tsykes@sosharch.com
Address 1020 Atlantic Avenue, Atlantic City, NJ 08401
Telephone Number 609-345-5222
FAX Number 609-345-7486

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] § 19:66-5.8 Onsite Parking and Loading Requirements
§ 19:66-5.12 Zoning District Rules; Central Business District, specifically (iv)(13) for density
variance See Attached Rider

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

Requirements: [attach additional pages as needed] N/A

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] Applicant proposes to renovate the existing building and utilize it as a mixed use retail & residential structure including 56 residential units & 2741 sf of retail at ground level

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? N/A

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? to be determined

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>5</u>	<u>SOSH Plans consisting of 10 sheets</u>
<u>5</u>	<u>Art Ponzio Site Plan Development Plan consisting of one (1) sheet</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 for all professionals listed in Sections 6, 7, 8 and 10

Attorney _____

Engineer _____

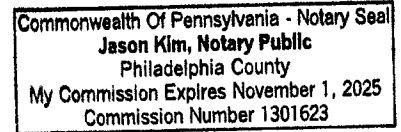
CERTIFICATIONS

27. I Justin Kaplan 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

11 day of March, 20 22



Jason Kim
NOTARY PUBLIC

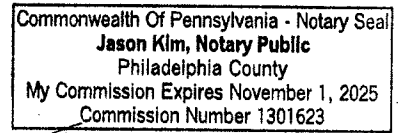
[Signature]
SIGNATURE OF APPLICANT

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

11 day of March, 20 22



Jason Kim
NOTARY PUBLIC

[Signature]
SIGNATURE OF OWNER

29. I understand that the sum of \$ 4,840.00 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 3/11/2022

[Signature]
SIGNATURE OF APPLICANT

ESCROW SETUP INFORMATION

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

Applicant's Name: Atlantic Lofts, LLC

Applicant's Address: 1500 Market Street, Suite 3310E, Philadelphia, PA 19102

*Applicant's Signature: _____

Applicant's Phone No.: 267-773-7537

Applicant's Email Address: jkaplan@odinprop.com

Applicant's Date of Birth: _____

Tax Identification or Social Security Number: 85-3309783

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

Rider

Applicant requires a potential parking variance. Applicant proposes no on-site parking spaces as there is adequate parking in the area including a large multi-story parking garage adjacent to the property. In addition, the conversion of the building from office used to residential apartments is a significant reduction in the parking requirements.

The office use required 94 parking spaces and the residential use only requires 46 parking spaces under RSIS standards. As a result, the conversion to residential use results in a 50% reduction in the parking requirement.

The density variance is justified in that the public health safety and welfare is further by a conversion of this property from a vacant dilapidated building to a vibrant residential development. It constitutes a rehabilitation of the vacant former office space. Having individuals live, work, and shop in the area will have a stabilizing and positive impact upon the central business district.