

# 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: 1408 Atlantic Avenue, between NY and Tenn Aves.

Tax Map Page 28 Block 146 Lot(s) 9  
 Page \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_  
 Page \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_

Dimensions Frontage 25 feet Depth 150 feet Total Area 3,750 s.f.

Zoning District CBD - central business district

**2. APPLICANT**

Name Honesty Wellness LLC  
 Email james@fbylaw.com  
 Address 1408 Atlantic Avenue, Atlantic City, New Jersey 08401  
 Telephone Number 248-891-5265  
 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 Atallah, Inc.  
 Email fourman@hotmail.com  
 Address 140 E. Nightingale Way, Galloway Township, NJ 08205  
 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 Christopher Yatooma Address 1615 S. Telegraph Rd, Bloomfield Hills, MI 48302 Interest approx 90%  
 Name Magdy Atallah Address \*\*see below Interest approx 10%  
 Name \_\_\_\_\_ Address \_\_\_\_\_ Interest \_\_\_\_\_  
 Name \_\_\_\_\_ Address \_\_\_\_\_ Interest \_\_\_\_\_  
 Name \_\_\_\_\_ Address \_\_\_\_\_ Interest \_\_\_\_\_  
 \*\*140 E. Nightingale La, Galloway Twp NJ 08205

**5. PROPERTY INFORMATION:**

Restrictions, covenants, easements, association by-laws, existing or proposed on the property:  
 Yes [attach copies] \_\_\_\_\_ No x Proposed none  
 Present use of the premises: retail

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** Tara L. Vargo, Esq.  
 Email tarav@govargo.com  
 Address 2771 Delsea Drive, PO Box 370, Franklinville, New Jersey 08322  
 Telephone Number 856-694-0800  
 FAX Number 856-694-5042

**7. Applicant's Engineer** Jason T. Sciuolo, PE, PP, Sciuolo Engineering Services  
 Email jsciullo@sciulloengineering.com  
 Address 137 South New York Ave, Suite 2, Atlantic City, New Jersey 08401  
 Telephone Number ofc: 609-300-5171 ; mobile: 609-287-3027  
 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 \_\_\_\_\_  
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] 19:66-5.12(a)1iv multiple technical technical variances for pre-existing non-conforming bulk and parking conditions in CBD zone; see zoning schedule on enclosed site plan.

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

Requirements: [attach additional pages as needed] Form #5, Items 6, 20, 21, 23, 24, 25, 27, 28, 32, 34, 35, 36 (no changes proposed from existing conditions. Form #12, Items 7, 20 (no change from existing conditions)

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]** Establishment of a Class 5 cannabis retail sales facility in accordance with state and local law

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 applicable

20. Are any off-tract improvements required or proposed? no

21. Is the subdivision to be filed by Deed or Plat? not applicable

22. What form of security does the applicant propose to provide as performance and maintenance guarantees? not applicable

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. Tax payment record attached. Tax Collector certification will be provided immediately prior to hearing.

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 Plan" prepared by Jason T. Sciuлло, PE, PP last revised 1/24/23</u> |
| _____        | <u>and noted as Project No. FYB 001.01</u>                                   |
| _____        | <u>see attachment for complete list of submitted materials</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 Christopher Yatooma 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 12<sup>th</sup> day of August, 2022



NOTARY PUBLIC



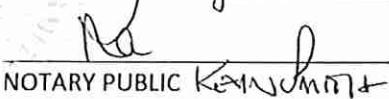
SIGNATURE OF APPLICANT

MARINA MANCINI  
NOTARY PUBLIC - STATE OF MICHIGAN  
COUNTY OF MACOMB  
My Commission Expires August 19, 2026  
Acting in the County of Oakland

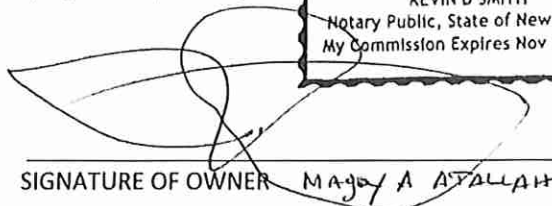
28. I certify that I am the Owner of the property which is the subject of this application, that I have authorized the applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.

[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 12 day of August, 2022



NOTARY PUBLIC Kevin D Smith

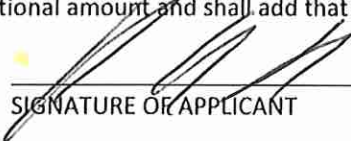


SIGNATURE OF OWNER Maja A ATALLAH

KEVIN D SMITH  
Notary Public, State of New Jersey  
My Commission Expires Nov 1, 2026

29. I understand that the sum of \$ 3,000.00 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.

August 12, 2022  
Date




SIGNATURE OF APPLICANT

**ESCROW SETUP INFORMATION**

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

Applicant's Name: Honesty Wellness LLC

Applicant's Address: 1408 Atlantic Avenue, Atlantic City, New Jersey 08401

\*Applicant's Signature:  \_\_\_\_\_

Applicant's Phone No.: 248-891-5265

Applicant's Email Address: james@fyblaw.com

Applicant's Date of Birth: applicant is an LLC

Tax Identification or Social Security Number: 87-3535446

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 site plan approval for the establishment of a Class 5 retail cannabis store, plus technical variances for pre-existing bulk and parking conditions and any waivers or variances the Casino Reinvestment Development Authority may deem necessary in order to give full effect to the Applicant's request,

in and upon the property shown as Block(s) 146, Lot(s) 9  
on the official map of the City of Atlantic City, known as 1408 Atlantic Avenue

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: Honesty Wellness LLC

Publication Date: \_\_\_\_\_

## AFFIDAVIT OF SERVICE

I, Tara L. Vargo, Esq. of full age, being duly sworn according to law upon oath depose and say:

1) That on , \_\_\_\_\_, 20\_\_\_\_ , 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) 146 Lot(s) 9 . 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 1408 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\_\_\_\_