

# CALLAGHAN & THOMPSON

ATTORNEYS AT LAW

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April 16, 2023

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

**RE: Daniel Fast LLC**  
**10 S. New Hampshire Ave**  
**Block 126, Lots 12, 13, 60**  
**Our File No.: 06398 BJC**

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Dear Rob:

Please be advised that we represent Daniel Fast LLC with respect to 10 S. New Hampshire Avenue. The applicant's intention is to take the existing lot and subdivide it into eight fee simple single family homes. Please find enclosed the following:

1. Five copies of the application
2. Five sets of plans prepared by Arthur Ponzio
3. Five sets of architectural plans prepared by Thomas/Bechtold
4. Check in the amount of \$3,550.00 representing application fees
5. Check in the amount of \$7,600.00 representing the escrow fee
6. Escrow set up statement
7. One Digital Drive/email

Please note that we are forwarding two sets to Arlene Wilkerson at the Atlantic City Planning Department.

Please advise as to who the CRDA will be using as their attorney and who will be representing the CRDA as their planner so that I can prepare the necessary packages and forward to them also.

Thank you once again. We await your early advices.

Cordially,  
Callaghan & Thompson

BY /s/ Brian J. Callaghan  
Brian J. Callaghan

BJC/ad

Enc.

cc: Arthur Ponzio  
Thomas/Bechtold  
Keith Groff

# 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: 10 S. New Hampshire Avenue  
 Tax Map Page \_\_\_\_\_ Block 126 Lot(s) 12, 13, 60  
 Page \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_  
 Page \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_

Dimensions Frontage 100 Depth 150 Total Area 15,000 sq ft

Zoning District LH-1

**2. APPLICANT**

Name Daniel Fast LLC  
 Email keg7777@yahoo.com  
 Address 56 Sleepy Hollow Drive, Tabernacle, NJ 08088  
 Telephone Number 609-634-1789  
 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 Same as above.  
 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	<u>Keith Groff</u>	Address	<u>56 Sleepy Hollow Drive, Tabernacle, NJ 08088</u>	Interest	<u>87 1/2 %</u>
Name	<u>Dave Goral</u>	Address	<u></u>	Interest	<u>12 1/2 %</u>
Name	<u></u>	Address	<u></u>	Interest	<u></u>
Name	<u></u>	Address	<u></u>	Interest	<u></u>
Name	<u></u>	Address	<u></u>	Interest	<u></u>

**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: Vacant

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** Brian J. Callaghan

Email bjclaw@comcast.net

Address 419 W. White Horse Pike, Egg Harbor City, NJ 08215

Telephone Number (609) 348-5300

FAX Number (609) 348-3071

**7. Applicant's Engineer** Arther W. Ponzio

Email aponzio@aponzio.com

Address 400 N. Dover Avenue, Atlantic City, NJ

Telephone Number 609-344-8194

FAX Number

**8. Applicant's Planning Consultant** Arther W. Ponzio

Email aponzio@aponzio.com

Address 400 N. Dover Avenue, Atlantic City, NJ

Telephone Number 609-344-8194

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 Thomas/Bechtold  
Field of Expertise Architect  
Email www.gdthomas.net  
Address 599 Shore Road, Somers Point, NJ  
Telephone Number 609-927-5050  
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 8 Number of proposed dwelling units 8  
(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] See attached.

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

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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] See attached.

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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? No

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

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? As required.

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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>	_____
_____	_____	<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>Site Plan; Subdivision Plan; Variance Plan; and Architect plan</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 <u>Brian J. Callaghan</u>	_____
Engineer <u>Arthur W. Ponzio</u>	_____
Architect: <u>Thomas/Bechtold</u>	_____

Narrative

Attachment to 10 S. New Hampshire Avenue  
Block: 126  
Lots: 12, 13, 60

The applicant is applying to the CRDA for a use variance to create eight fee simple single family homes on Block 126, Lots 12, 13 and 60. The applicant will require the following relief.

- a. Use variance as the property is currently in the LH-1 Zone, which does not permit single-family.
- b. Major subdivision approval
- c. Preliminary and final site plan approval
- d. Bulk variances

The applicant believes that the use variance can be granted as it will advance the purposes of NJSA40:55D-2 in that it will:

- a. Encourage municipal action to the development of all land in a matter that will promote public health, safety, morals and general welfare.
- b. We will also provide safety from fire, flood and other natural man-made disasters.
- c. We will provide adequate light, air and open space.
- d. We will promote the establishment of an appropriate population density and concentrations that will contribute to the well-being of persons, neighborhoods and community.
- e. We will provide and promote a desirable visual environment.

The applicant also believes that it is a particularly well-suited, as the area is in the process of being developed for single and two story family homes in the surrounding areas.

With respect to the negative criteria, the applicant believes that there will be no substantial detriment to the zone plan, and/or to the character of the neighborhood, as it will enhance the development of very much needed middle and upper middle class homes in the area.

BY /s/ Brian J. Callaghan  
Brian J. Callaghan  
4/17/2027  
Date



**CERTIFICATIONS**

27. I Keith Groff, Managing Member 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  
17<sup>th</sup> day of APRIL, 2023

Diane L Weiss

NOTARY PUBLIC

B.T. Callahan

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  
17<sup>th</sup> day of APRIL, 2023

Diane L Weiss

NOTARY PUBLIC

B.T. Callahan

SIGNATURE OF OWNER

29. I understand that the sum of \$ 7,600.00 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.

17<sup>th</sup>, APRIL 2023  
Date

B.T. Callahan

SIGNATURE OF APPLICANT

DIANE L. WEISS  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
MY COMMISSION EXPIRES APRIL 11, 2026

DIANE L. WEISS  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
MY COMMISSION EXPIRES APRIL 11, 2026

**ESCROW SETUP INFORMATION**

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

Applicant's Name: Daniel Fast LLC

Applicant's Address: 56 Sleepy Hollow Drive, Tabernacle, NJ 08088

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

Applicant's Phone No.: 609-634-1789

Applicant's Email Address: keg7777@yahoo.com

Applicant's Date of Birth: N/A

Tax Identification or Social Security Number: 88-4186548

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