

Sea Isle City Zoning Board of Adjustment	Applicant's Last Name: 42nd Place, LLC
	Property Address: 118 40th Street
	Date Submitted to ZB Secretary:

Application Check List

This Application Check List is provided to assist you in submitting a complete application package to the Zoning Board. A complete Application Package shall consist of:

One (1) copy of this Checklist (on top), plus one (1) copy each of the following items:

- Check for Application Fees, made payable to "City of Sea Isle City" (first check)
- Check for Escrow Fees, made payable to "City of Sea Isle City" (second check)
- W-9 form, completed, and signed by the APPLICANT (one copy, only)
- ZB-3 Application Fees and Escrow Fee Calculation Sheet
- ZB-4 Certification and Proof of Payment of Taxes

**** Plus, TWENTY (20) copies of Application submitted via one (1) complete original hardcopy that must include ALL items listed above and below, one (1) ELECTRONIC COPY via Email or USB & eighteen (18) hardcopies with each set compiled of the documents below:**

- ZB-1 SICZB current Application form, including signed & dated verification
- ZB-2 Survey, Plan, or Plat Affidavit
- ZB-5 Notice of Application for Development
- ZB-6 Certification of Service
- ZB-7 Proposed letter to the "200 foot list"
- Copy of 200 foot list obtained from Sea Isle City Tax Assessor
- All plans, drawings, surveys, photographs, and similar documents upon which the Applicant proposes to rely in presenting the Application.
- Undersized lot cases only:* Attach documentation of Applicant's offer to purchase property from or sell property to adjoining property owners, and all responses.
- Site plan approval and/or subdivision approval, also include:*
ZB-11 Applications Involving Subdivisions and/or
ZB-12 Applications Involving Site Plans

NOTE:

Application Packages must be submitted to the Board Clerk consisting of **twenty (20) application sets as outlined above****. Plans/drawings and similar documents must be folded (not rolled), and each set shall be bound together (rubber band, large clip or stapled). Component parts of the Application Package cannot be submitted separately; such Applications will be returned to the Applicant for completion and may result in delays and additional costs for processing. The Board Secretary is not responsible for assembling your application. It is the applicant's responsibility to assemble each required copy of the application which must be collated and ready for distribution to board members and board professionals.

SEA ISLE CITY ZONING BOARD OF ADJUSTMENT
APPLICATION / APPEAL FORM

Date of Application / Appeal: _____

1. **Location of premises that are the subject of this matter:**
 Street address: 118 40th Street
 Tax Block: 40.03 Lot(s): 1.04, 4, 12, 20, 21, 22, 23 & 24
 Zoning District in which premises are located: C-5 Motel Business Zone

2. **Name, address, phone nos. for Applicant(s):** [see Notes page]
42nd Place, LLC
4009 Landis Avenue
Sea Isle City, NJ 08243

Designate a contact person:
 Name: Michael J. Malinsky, Esquire
Best method(s) to reach the contact person:
 Telephone Cell Fax e-mail regular mail
609-572-2331 mmalinsky@foxrothschild.com

3. Applicant is (check one): property owner contract purchaser
 If contract purchaser, you must attach a copy of the contract to the application.
4. Check here if the Applicant is a corporation or partnership.
 [If so, you must attach a separate sheet to this Application listing names and addresses for all stockholders, members, shareholders, partners or similar persons or entities owning 10% or more of the corporation or partnership, and indicate the percentage ownership interest of each person or entity] **See attached Disclosure Statement.**
5. Are you represented by an attorney OR assisted by a land use professional in connection with this application? If so, please provide that person's name and contact information here:
 [Note: Corporations and partnerships must be represented by an attorney. All others may represent themselves.]

Name: Michael J. Malinsky, Esq.
 Address: 1301 Atlantic Avenue, Suite 400
Atlantic City, NJ 08401
 Telephone: (609) 572-2331 Fax: (609) 348-6834

Did an attorney or other land use professional assist you in the preparation of this application? Yes No

6. **Type of application presented** (check all that apply):

- Appeal from decision of Zoning Official NJSA 40:55D-70a
- Interpretation of Zoning Ordinance or Map NJSA 40:55D-70b
- Hardship variance, "c" or "bulk" variance NJSA 40:55D-70c(1)
- Flexible "c" variance NJSA 40:55D-70c(2)
- Use variance or "D" variance NJSA 40:55D-70d
 - (1) Use or principal structure not permitted in zoning district
 - (2) Expansion of non-conforming use
 - (3) Deviation from conditional use standard
 - (4) Increase in permitted floor area ratio
 - (5) Increase in permitted density
 - (6) Height of principal structure to exceed maximum permitted height by greater than 10 feet or 10%
- Permit to build in street bed NJSA 40:55D-34
- Permit to build where lot does not abut street NJSA 40:55D-35
- Site plans NJSA 40:55D-76
 - Major site plan review
 - Preliminary site plan approval
 - Final site plan approval
 - Minor site plan review
 - Waiver of site plan
- Subdivision NJSA 40:55D-76
 - Minor subdivision
 - Major subdivision
 - Preliminary approval
 - Final approval
 - Waivers from subdivision and/or site plan standards
- Other

7. **Existing conditions at the property.**

Structures. At the present time, the property is (check all that apply):

- vacant lot
- developed with the following Principal Structure(s):
 - single family dwelling
 - two family dwelling
 - triplex
 - commercial building: _____
 - public building: _____
 - other: _____
- other multi-unit residential structure [number of units: _____]

The Principal Structure was originally built (date) N/A-property is currently vacant

The most recent structural changes were made (date) _____ and consisted of N/A-property is currently vacant

Accessory structures. At present, the following are on the property:

- detached garage storage shed dock(s)
- swimming pool other: _____

Lot area and dimensions. At present, the lot is:

- Less than 3,500 square feet (substandard non-buildable)
- Between 3,500 square feet and minimum lot area permitted in zoning district (substandard buildable).
- Equal to or greater than minimum lot area.

Parking. At present, parking for this property consists of:

- No on-site parking is available.
- Number of on-site parking spaces: N/A-property is currently
- How many are stacked parking? vacant

Number and location of driveways: _____

Elevation level.

Flood elevation of the property is: BFE +9.0' NAVD

Elevation at top of curb, street frontage is: highest top of curb +5.03' NAVD

This property is is not on the FEMA list.

Use of the Property. The property is currently used as (check all that apply):

- single family dwelling restaurant
- two family dwelling store
- three family dwelling public building
- other multi-family dwelling office
- other (describe) Please see attached Project Narrative.

The property has been used in this manner since _____
Before that time, the property was used as _____

Please see attached Project Narrative.

- 8. **Proposed structure or use.** Applicant wishes to (check all that apply):
 - change the size, bulk or location of existing structure.

- change the **use** of the property or existing structure.
- remove existing structures and build new structure.
- other:

Describe your proposed changes:

Please see attached Project Narrative.

9. **Variance Relief Requested.** The changes Applicant wishes to make will require variances from the following Sections of the Sea Isle City Zoning Ordinance: Use Variance. See attached Project Narrative.

If you are proposing to change the **use** of the structure, please describe the proposed use and note whether it is listed as a permitted use in the zoning district.

Please see attached Project Narrative.

The Applicant also seeks relief from the following Sea Isle City Ordinances (indicate specific part of ordinance):

- Land Use Procedures, Sec. XXIX N/A
- Site Plan Review, Sec. XXX
Please see Project Narrative.
- Land Subdivision, Sec. XXXII N/A
- Signs, Sec. XXXIII
N/A

10. **Existing and Proposed Conditions.** Supply the following information.

Note: All pertinent information requested must be supplied here. It is not sufficient to simply reference an attached plan. If any requested information is not applicable to the property, insert "N/A".

	<u>EXISTING CONDITIONS</u>	<u>REQUIRED BY ORDINANCE</u>	<u>PROPOSED</u>	<u>VARIANCE REQUIRED YES/NO</u>
<u>Zoning District:</u> C5 Motel Business Zone				
<u>LOT AREA/DIMENSIONS:</u> 40th St: 250'				
Lot Frontage	Landis: 220' JFK: 200'	N/A	40th St: 250' Landis: 220' JFK: 200'	No
Lot Depth	250'	100'	250'	No
Lot Area (s.f.)	49,500 sf	5,000 sf	49,500 sf	No

PRINCIPAL STRUCTURE

For the principal structure on the property, indicate the following: Note: "SB" = setback
 73.38' from 40th Street
 14.27' from Landis Ave
 128.62' from JFK Blvd

Front Yard SB	N/A	0-5'		No
Side yard SB #1	N/A	N/A	N/A	N/A
Side yard SB #2	N/A	N/A	N/A	N/A
Total SYSB	N/A	N/A	N/A	N/A
Rear Yard SB	N/A	5'	159.75'	No
Building Height	N/A	N/A	N/A	N/A

ACCESSORY STRUCTURES

For all accessory structures on the property, indicate the following:

Front Yard SB	N/A	N/A	N/A	N/A
Side Yard SB #1	N/A	N/A	N/A	N/A
Side Yard SB #2	N/A	N/A	N/A	N/A
Rear Yard SB	N/A	N/A	N/A	N/A
Distance to other buildings	N/A	N/A	N/A	N/A
Building Height	N/A	N/A	N/A	N/A

	<u>EXISTING CONDITIONS</u>	<u>REQUIRED BY ORDINANCE</u>	<u>PROPOSED</u>	<u>VARIANCE REQUIRED YES/NO</u>
--	----------------------------	------------------------------	-----------------	---------------------------------

LOT COVERAGE

Principal building (%)	<u>N/A</u>	<u>95%</u>	<u>0.09%</u>	<u>No</u>
Accessory building (%)	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

FLOOR AREA RATIO

Principal bldg	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Accessory bldg	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

PARKING

Location	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
No. spaces on-site	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>No</u>
Driveway	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

SIGNS

Dimensions	<u>less than 80 sf</u>	<u>80 sf</u>	<u>80 sf</u>	<u>No</u>
Number	<u>1</u>	<u>1</u>	<u>1</u>	<u>No</u>
Location Type (Freestanding or Building Mounted)	<u>freestanding</u>	<u>freestanding</u>	<u>freestanding</u>	<u>No</u>

11. Has there been any previous appeal, request or application to this Board or to the Planning Board involving these premises? If yes, state the nature of the application, date of application, date of hearing and result received from Board.

Yes, please see attached copy of Planning Board Resolution SICP-2024-09-01.

Please see attached Project Narrative

12. **For all applications:** Attach to this application a statement of facts showing why the relief sought can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Sea Isle City Master Plan and Zoning Ordinance. State why variance relief can be granted

without substantial harm to the neighborhood and without significant overturning of the Master Plan.

13. **For "c(1)" Variances:** Attach to this application a statement specifying the hardship/exceptional conditions of the specific property involved that justify the granting of a variance pursuant to N.J.S.A. 40:55D-70c. State what is unique about your specific piece of property, noting such things as an exceptionally narrow, deep, or otherwise unusually shaped lot; physical features located on the lot that prevent its use in a normal manner that would be allowed by the existing zoning; or the specific location of existing structures that limit compliance with the required zoning. Note how the circumstances relating to your particular lot differ from other lots in the neighborhood. State what hardships would result should the variance not be granted to you. Please note that monetary hardship is considered a personal hardship, and is NOT A REASON for this type of variance relief.

14. **For "c(2)" Variance:** Attach to this application a statement setting forth the facts supporting your position that the purposes of the Municipal Land Use Law would be advanced by a deviation from the Zoning requirements in question, and that the benefits of that deviation would substantially outweigh any detriment to the zoning ordinance or master plan, pursuant to N.J.S.A. 40:55D-70c(2). Among the purposes of the Municipal Land Use Law are the following: promotion of public health, safety and welfare; provision of adequate light, air and open space; establishment of appropriate population densities; provision of sufficient space for agricultural, residential, recreational, commercial and industrial uses and open space; promotion of a desirable visual environment; conservation of historic sites, districts, open space and natural resources; encouragement of senior citizens housing. Cite which of these apply to your application and further, cite the characteristics of your land that will present an opportunity for improved zoning and planning to benefit the community.

15. **For Use and other "d" Variances:** Attach to this application a statement setting forth the special reasons for granting this variance pursuant to N.J.S.A. 40:55D-70d. "Special reasons" exist where a proposed project carries out a purpose of zoning (such as those noted in Section 14 above), or where the refusal to allow the project would impose an undue hardship on you (note that a personal hardship, such as monetary hardship or a hardship you create, cannot form the basis for granting a variance). If you are seeking a use variance, you should also state why the property at issue cannot reasonably be developed with a use permitted by the Zoning Ordinance.

16. **For all applications, if an application was first submitted to and denied by the Zoning Official:** Set forth specifically the determination of the Zoning

Official from which an appeal has been filed and the basis for the appeal (N.J.S.A. 40: 55D-70a), or attach a copy of the Zoning Official's letter to you.

N/A

17. **For Interpretation Requests:** Set forth specifically the Zoning Ordinance section and provisions and/or the portion of the Zoning Map for which an interpretation is sought. Explain what interpretation you are seeking. (N.J.S.A. 40:55D-70b).

18. List all professionals employed by the applicant in completing the application to the Zoning Board of Adjustment and/or intended to be called as witnesses at the hearing on the application.

Name	Address	Phone	Fax
Andrew Bechtold, R.A.	599 Shore Road, Somers Point, NJ	(609) 927-5050	(609) 927-3330

VERIFICATION OF APPLICATION

I, Michael J. Malinsky, Esquire, do hereby certify to the following:

Attorney for

1. I am the applicant whose name appears in the attached application to the Sea Isle City Zoning Board of Adjustment.
2. I am over the age of 18.
3. I have personal knowledge of the facts stated herein and in the application.
4. I am the (circle one) owner contract purchaser of the subject property.
5. I have reviewed the application, and I verify to the Sea Isle City Zoning Board of Adjustment that all of the information presented in this application is true and accurate to the best of my knowledge.
6. I am aware that I am subject to punishment under New Jersey law if any of the statements made by me in this application are willfully false.

3/20/26
(date)


(Signature of Applicant; print name beneath)
Michael J. Malinsky, Esquire
Attorney for Applicant

Note: a separate Verification must be submitted for each owner of the property. For condominiums, you must submit a signed verification from each member of the condominium association, or, if more than four units in the condominium, a resolution from the condominium Board of Directors indicating its consent to the application.

From: [Neil Byrne](#)
To: [Malinsky, Michael J.](#)
Cc: [Moscillo, Amanda R.](#); andrew.previti@collierseng.com; [Genell Ferrilli](#); [Construction](#)
Subject: [EXT] RE: Site Plan Application for Enclosed Tavern
Date: Friday, February 27, 2026 3:36:39 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Mike

Thank you for your email. This reply shall fulfill your obligation to contact the Floodplain Administrator to determine your Flood Zone. The property is located an AE9 zone. This requires all first floors to be located at or in the case of commercial buildings to be flood proofed to a minimum Elevation of BFE 9 + 5 ' NAVD 88. This takes into consideration the FEMA Base Flood Elevation of 9 plus the 4' required by the NJ State CAFÉ + 1' of UCC required free boards.

Should you have any other questions please feel free to contact me.

Thank You
Neil Byrne

Cornelius R. Byrne CFM
Sea Isle City
Construction Official
Zoning Officer
Telephone 609.263.1166 ext #4
Fax 609.263.1366
nbyrne@seaislecitynj.us

This e-mail transmission may contain confidential or legally privileged information that is intended only for the individual or entity named in the e-mail address. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or reliance upon the contents of this e-mail is strictly prohibited. If you have received this e-mail transmission in error, please reply to the sender, so that the City of Sea Isle City can arrange for proper delivery, and then please delete the message. Thank You

From: Malinsky, Michael J. <mmalinsky@foxrothschild.com>
Sent: Friday, February 27, 2026 11:53 AM
To: Neil Byrne <nbyrne@seaislecitynj.us>
Cc: Moscillo, Amanda R. <AMoscillo@foxrothschild.com>
Subject: Site Plan Application for Enclosed Tavern

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

PROJECT NARRATIVE
42ND PLACE, LLC
118 40th Street
Block 40.03, Lots 1.04, 4, 12, 20, 21, 22, 23 & 24

Applicant, 42nd Place, LLC (“Applicant”) is the owner of the above referenced property (the “Property”) in the City of Sea Isle City. The Property is presently vacant. Applicant seeks Use Variance, Preliminary and Final Major Site Plan and Waiver approval to develop the Property with a 468 square foot bar with 4,960 square foot outdoor area. The Applicant previously received approval to allow twenty-six (26) one bedroom hotel units, twenty (20) fee simple condominiums and hotel amenities including a restaurant with indoor/outdoor bar, pool, and bakery/coffee shop at the Property (the “Prior Planning Board Approval”). See Prior Planning Board Approval attached hereto. The Applicant is not abandoning the Prior Planning Board Approval but rather seeks to develop the Property with the bar and outdoor area until construction starts in accordance with the Prior Planning Board Approval. A bar is not a permitted use in the C-5 Motel Business Zoning District.

The Applicant requires use variance approval because a bar with outdoor area is not a permitted use in the C-5 Motel Business Zoning District. The proposed bar will be 468 square feet and will be enclosed by garage doors that can be opened and closed depending on the time of day.

The proposed use is in character with the surrounding area, and the property is suitable for the use as there are other restaurants and bars in close proximity to the Property. In addition, the proposed use would not have a negative impact on the area. The Property was previously approved to construct a hotel, condominiums, restaurant with an indoor/outdoor bar area, pool and coffee shop. The proposed bar will be temporary in nature and only exists until the Applicant begins construction pursuant to the Prior Planning Board Approval. The benefits of the grant of the variance will outweigh any detriment that will occur from the grant of the variance. The Property is located on a main thoroughfare in Sea Isle and it therefore would be an eyesore for the Property to remain vacant through the summer. There will not be a substantial detriment to the public good as there are other bars in close proximity to the Property such as Dead Dog Saloon and Ocean Drive Bar & Restaurant. The project will not substantially impair the public good or the intent and the purpose of the zone plan and zoning ordinance as a fully enclosed tavern with liquor license is permitted at the Property. The proposed use cannot be defined as a fully enclosed tavern due to the size of the outdoor area, but the proposed use is similar to this permitted use.

While the Applicant does not believe any other variances are required, the Applicant is requesting any and all other waivers, variances, ordinance interpretations, and/or any other relief which may be deemed necessary by the Board in order to allow the proposed development of the Property.

Applicant seeks a waiver from checklist items #9, 23, and 34 as the Property is presently vacant land and will provide further testimony in support of these waivers during the hearing.

SITE PLAN REVIEW

30 Attachment 1

City of Sea Isle City

EXHIBIT A

SITE PLAN CHECKLIST REQUIREMENTS

(Subsection 30-1.1)

[Ord. No. 1510 (2011) § 38; amended 11-14-2023 by Ord. No. 1707]

(No application will be deemed complete until all of the following has been provided except for which waiver has been sought and granted)

- | | |
|---|---|
| 1. Completed application forms with all information provided. | X |
| 2. Site Plan with the following requirements: | X |
| 1. Give title and location of development and the name and address of record owner and/or development applicant, and site planner preparing the site development plan. | X |
| 2. Indicate proposed use or uses of the land and buildings. | X |
| 3. Site plans should be presented at a scale no smaller than 1" = 50', nor larger than 1" = 20'; size of sheets should not exceed 36 inches x 24 inches. | X |
| 4. Scale and graphic scale. | X |
| 5. North arrow in same direction on all sheets. | X |
| 6. Submit survey of the property prepared by a licensed surveyor of New Jersey, showing boundaries of properties, line of all existing streets and roads, easements, rights-of-way and areas dedicated to public use within 200 feet of the development. Also indicated on this sheet will be the north arrow, scale feet and graphic scale, name and address and professional license number and seal of the surveyor who prepared the survey. | X |
| 7. Give names of all owners of record of all adjacent properties with lot and block number, parcel number, tax map number, within 200 feet of the property. | X |
| 8. Show existing and proposed buildings with dimensions; showing, with first floor elevation, present and finished grade elevations at all corners and entrances. Present buildings and structures to be removed are to be indicated. | X |

SEA ISLE CITY CODE

- | | |
|---|---------------|
| 9. Submit topographic map to delineate existing contours at two foot intervals, up to ten feet beyond property lines, as well as proposed grading and contours, wooded areas, trees (where six inches or greater in diameter), flood plains, ponds, streams and drainage ditches, etc. | <u>Waiver</u> |
| 10. Indicate the location of all existing and proposed structures, i.e., walls, fences, culverts, bridges, roadways, etc., with grade elevations for each structure. | <u>X</u> |
| 11. Indicate existing zones of the development site and of zones within 200 feet of the property. | <u>X</u> |
| 12. Show all existing schools and special district boundaries within 200 feet of the property. This should be shown on a separate map or as a key map on the site plan map itself. | <u>N/A</u> |
| 13. Indicate the distance of the property line (measured along the centerline of existing streets abutting the property) to the nearest intersection which should be shown. | <u>X</u> |
| 14. Show the boundaries of the property, building and setback lines, lines of existing streets, lots, reservations, easements and areas dedicated to public use. | <u>X</u> |
| 15. Indicate locations of all utility structures and lines, existing and proposed stormwater drainage on site and off site and from buildings and structures, as well as telephone, power and light, water hydrant locations, sewer, gas, etc., whether privately or publicly owned, with manholes, inlets, pipe sizes, grade inverts and directions of flow. | <u>X</u> |
| 16. Show location, size and nature of the entire lot or lots in question of contiguous lots owned by the applicant or owner of record, or in which the applicant or owner of record, or in which the applicant has a direct interest even though a portion of the entire property is involved in site plan development. Provide on a key map, if necessary. | <u>X</u> |
| 17. Show all proposed elements and public and community areas. | <u>N/A</u> |
| 18. Indicate all means of vehicular ingress and egress to and from the site on to public streets, showing the size and location of driveways, curb cuts and curbing, and site lines. | <u>X</u> |

SITE PLAN REVIEW

- | | |
|---|--|
| 19. Show location and design of off-street parking areas, showing their size, and the location of internal circulation, traffic patterns, parking space, aisles, driveways, curbing, barriers, and wearing surface finishes and construction. | <u>X</u> |
| 20. Show location, arrangement and dimensions of truck loading and unloading platforms and docks. | <u>X</u> |
| 21. Indicate provisions for refuse and garbage disposal. Insure that such areas are not exposed to view, are unpolluting, covered from weather and are secure from vandalism. Incineration or burning units will be of such design and construction as to be approvable by the State Department of Health and Environmental Protection. Compactor units will ensure completely sealed operation. Open dump areas for garbage or refuse should be prohibited but where they are deemed necessary they must be enclosed and constructed with view to sight, fire protection, sanitation and security. | <u>X</u> |
| 22. Show provisions for screening or storage of equipment, attached or separate from buildings. | <u>X</u> |
| 23. Indicate all existing or proposed exterior lighting (freestanding and/or building) for size, nature of construction, lumens, heights, area and direction of illumination, footcandles produced, as well as time controls proposed for outdoor lighting and display. | Waiver
<u> </u> |
| 24. Note all existing and proposed signs and their sizes; nature of construction and locations, height and orientation, including all identification signs, traffic and directional signs and arrows, freestanding and facade signs and time control for sign lighting. | <u>X</u> |
| 25. Indicate locations, dimensions and construction of off-site sidewalks, on-site exits, walks and sidewalks. Provision should be made for pedestrian safety, access ways and, where necessary, a bicycle system and racking. | <u>X</u> |
| 26. Show proposed screening of green areas and landscaping and fencing, including a planting plan and schedule, and trees, off site and along road, etc. Provision should be made for maintenance. | <u>X</u> |
| 27. Show improvements to adjoining streets and roads, and traffic control devices necessary in streets or highways. Acceleration and deceleration lanes, paving, land dedication or acquisition for roads should be considered. | <u>X</u> |
| 28. Copies of any covenants and deed restrictions intended to cover any of the development site should be submitted. | <u>N/A existing deed restriction to remain</u> |

SEA ISLE CITY CODE

- | | |
|---|---------------|
| 29. A detailed written description, sketch, rendering or picture of any new buildings or structures should be presented. | <u>X</u> |
| 30. Preliminary architectural floor plans and elevations should be submitted, with the name, address, professional number and seal of the architect. | <u>X</u> |
| 31. Supply appropriate places for signature and date of approval of the Chairman and Secretary of the Board and its engineer. | <u>X</u> |
| 32. In fire prevention, consideration must be shown for service lines, hydrants, Siamese connections, automatic sprinkler system, fire zones, "no parking fire zones" and pavement and wall signs. | <u>N/A</u> |
| 33. The applicant shall submit a letter from the Zoning Officer with the application confirming whether the relief sought constitutes a substantial improvement and confirming the FEMA flood zone and design flood elevation for the property. The flood zone and design flood elevation shall be placed on all plans. | <u>X</u> |
| 34. Final lot grading plan. | Waiver |
| 35. Show house numbers for each building lot on the final site plan plot only. | <u>N/A</u> |
| 36. A detailed written list of any additional permits required from the municipality, County, State or Federal agencies. | <u>X</u> |
| 37. Show proposed art (murals, sculptures, etc.) that would be visible from a public street. | <u>N/A</u> |
| 38. Show all requirements under the Americans with Disabilities Act of 1990 for parking and pedestrian and vehicular movement. | <u>X</u> |

42ND PLACE, LLC, a New Jersey limited liability company

March 2026

DISCLOSURE STATEMENT

LIST OF NAMES AND ADDRESSES OF MEMBERS OR
INDIVIDUALS OWNING 10% INTEREST IN CORPORATION
PURSUANT TO N.J.S.A. 40:55D-48.1 AND 48.2

The members of 42nd Place LLC are:

1. TI Land Holdings, LLC, a New Jersey limited liability company, having an address of 4009 Landis Avenue, Sea Isle City, New Jersey 08243.

The members of TI Land Holdings, LLC having a 10% or greater interest are:

- i. Christopher Glancey, having an address at 4009 Landis Avenue, Unit 3, Sea Isle City, New Jersey 08243.
 - ii. Robert Morris, having an address of 108 Cathcart Road, Gwynedd Valley, Pennsylvania 19437.
2. William Rhoda, having an address at 66 Cedar Hill Lane, Media, Pennsylvania 19063

42ND PLACE, LLC

By: _____



Michael J. Malinsky, Esq.
Attorney for 42nd Place LLC

SEA ISLE CITY ZONING BOARD OF ADJUSTMENT
SURVEY/PLAN/PLAT AFFIDAVIT

State of NEW JERSEY :
 : ss.
County of ATLANTIC :

Name of Appellant/Applicant: 42nd Place, LLC
Address of Subject Property: 118 40th Street
Tax Block: 40.03 Lot(s): 1.04, 4, 12, 20, 21, 22, 23 & 24

Michael J. Malinsky, Esquire _____, being duly sworn according to law, upon his/her oath, deposes and says:

Attorney for

1. I am the owner of the property identified above, located in the City of Sea Isle City, New Jersey. I am the appellant/applicant for development in this matter.
2. I verify that the attached sealed survey/plan/plat prepared by Andrew Bechtold, R.A. and dated _____ accurately reflects the physical condition of the property as of the date of this affidavit, and there have been no changes or alterations to the property since the date of the signed survey/plan/plat.
3. I make this affidavit in support of an appeal / application for development before the Sea Isle City Zoning Board of Adjustment and understand that said Board shall rely on this Affidavit and the current accuracy of the said survey/plan/plat in considering the appeal/application for development of the property.

Michael J. Malinsky
Signature of Owner/Appellant/Applicant
Michael J. Malinsky, Esquire
Attorney for Applicant/Owner

Sworn and subscribed to before me
this 20th day of March, 2026

Nicole Rivera
Notary Public



SEA ISLE CITY **ZONING BOARD OF ADJUSTMENT** / SEA ISLE CITY PLANNING BOARD
SCHEDULE OF APPLICATION FEES AND ESCROW FEES

NAME of Appellant/Applicant: 42nd Place, LLC

Address of Subject Property: 118 40th Street

Tax Block: 40.03

Lot(s): 1.04, 4, 12, 20, 21, 22, 23 & 24

Please review the following schedule*, check ALL types of approvals sought, and total the amount due. At the time of filing your appeal or application, submit this completed form along with separate checks for total Application Fee(s) and total Escrow Fee(s), each check along with separate checks for total Application fee(s) and total Escrow Fee(s), each check made payable to "City of Sea Isle City". You must also submit a completed W-9 form. Thank you.
 [*per Sea Isle City Land Use Ordinance No. 1598 (2016) Chapter XXVIII]

DESCRIPTION or TYPE of APPROVAL(S) SOUGHT	x	APPLICATION FEE	+	ESCROW FEE (ESTIMATES)	AMOUNT DUE
VARIANCES					
1. Appeals (40:55-70a)		\$ 350.00	+	\$ 1,000.00	
2. Interpretations (40:55D-70b)		\$ 350.00	+	\$ 1,000.00	
3. Hardship or Bulk (40:55D-70c)		\$ 500.00	+	\$ 1,500.00	
4. Use Variance (40:55D-70d) (Incl. floor area ratio)		\$ 200.00	+	\$ 1,500.00	\$1,700.00
5. Permits (40:55D-34 & 35)		\$ 200.00	+	\$ 1,000.00	
6. Appeals (City Ordinances)		\$ 250.00	+	\$ 1,000.00	
PLANNING BOARD					
Each informal review		\$ 100.00	+	\$ 1,500.00	
SUBDIVISION					
1. Preliminary plat (major subdivision)		\$ 500.00	+	\$ 600.00 per lot	
2. Final plat (major subdivision)		\$ 450.00	+	\$ 1,500.00	
3. Minor subdivision (no more than 3 lots)		\$ 350.00	+	\$ 2,000.00	
4. Tax Map Maintenance Fee (per line)		\$ 100.00		n/a	
SITE PLANS					
1. Preliminary		\$ 500.00	+	\$ 3,000.00	3,500.00
2. Final Plan		\$ 750.00	+	\$ 1,500.00	2,250.00
3. Minor Site Plan		\$ 250.00	+	\$ 1,200.00	
OTHER					
Any special meeting at the request of appellant/applicant		\$ 400.00	+	\$ 1,200.00	
TOTALS		\$ 1,450.00	+	\$ 6,000.00	= \$ 7,450.00

** Special meetings are held only with prior Board approval and solely at the Board's discretion **

[[SICPB/ZB Fees Form effective 2/21/17 as per Ordinance No. 1598 (2016) Page 1 of 1]]

PLEASE NOTE: When calculating fees, one payment will be for **TOTAL APPLICATION FEES** only and one payment will be for **TOTAL ESCROW FEES** only. Application fees and Escrow fees are separate, handled individually, and therefore should not be added together.)

**SEA ISLE CITY ZONING BOARD OF ADJUSTMENT
CERTIFICATION OF PAYMENT OF TAXES AND MUNICIPAL LIENS**

Name of Appellant/Applicant: 42nd Place, LLC

Address of Subject Property: 118 40th Street

Tax Block: 40.03 Lot(s): 1.04, 4, 12, 20, 21, 22, 23 & 24

The above-named appellant or applicant hereby certifies as follows:

Attorney for

1. I am the owner of the property identified above, located in the City of Sea Isle City, New Jersey. I am the appellant/applicant for development in this matter.
2. I verify that all real estate taxes for the property are current as of the date of this appeal or application, and that they will be current as of the date of the Zoning Board hearing.
3. I verify that all municipal charges against the property, such as water and sewer charges are current as of the date of this appeal or application, and that they will be current as of the date of the Zoning Board hearing.
4. I have obtained a certification from the Sea Isle City Tax Collector, attached hereto, attesting to the status of real estate taxes and municipal charges against the property.
5. I understand that I have a continuing obligation to satisfy any municipal lien against this property.
6. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing is willfully false, I am subject to punishment.



Signature of Owner/Appellant/Applicant
Michael J. Malinsky, Esquire
Attorney for Owner/Applicant

***Attach the certification of paid taxes provided by the
Sea Isle City Tax Collector to this form.***

NOTICE OF HEARING
SEA ISLE CITY ZONING BOARD

PLEASE TAKE NOTICE that upon the application of 42nd Place, LLC (“Applicant”), the City of Sea Isle Zoning Board shall conduct a public hearing on April 6, 2026, commencing at 7:00 p.m., or as soon thereafter as the matter may be reached, in City Hall of Sea Isle City, Council Chambers, Third Floor, 233 John F. Kennedy Blvd., Sea Isle City, NJ 08243, to consider the Applicant’s request for Use Variance, Preliminary and Final Major Site Plan and Waiver Approval for property located at 118 40th Street and more particularly identified as Block 40.03, Lots 1.04, 4, 12, 20, 21, 22, 23 & 24 on the official tax map of the City of Sea Isle (the “Property”). The Property is located in the “C-5” Motel Business District.

The Property is presently vacant land. Applicant seeks Use Variance, Preliminary and Final Major Site Plan and Waiver Approval to develop the Property with a 468 square foot bar and 4,960 square foot outdoor area. The Applicant previously received approval to allow twenty-six (26) one bedroom hotel units, twenty (20) fee simple condominiums and hotel amenities including a restaurant with indoor/outdoor bar, pool, and bakery/coffee shop at the Property (the “Prior Planning Board Approval”). The Applicant is not abandoning the Prior Planning Board Approval but rather seeks to use the Property as a bar with outdoor area until construction starts in accordance with the Prior Planning Board Approval. The Applicant requires use variance approval because a bar with outdoor area is not a permitted use in the C-5 Zoning District.

The Applicant is also seeking any and all other waivers, variances, ordinance interpretations, and/or any other relief which may be deemed necessary by the City of Sea Isle Zoning Board in order to allow the proposed use and development of the Property.

At the public hearing on April 6, 2026, at 7:00 PM, when the application is called, you may appear either in person, or by agent or attorney, and present any objection which you may have to granting the application. Copies of the application, plans, supporting documentation, and reports are on file with the Zoning Board Clerk, within the Construction Office of Sea Isle City’s Municipal Services – 2nd Floor, 233 John F. Kennedy Blvd., Sea Isle City, NJ and may be reviewed during normal business hours.

This Notice is being published in compliance with the requirements of the Zoning Ordinance of the City of Sea Isle and the New Jersey Municipal Land Use Law.

MICHAEL J. MALINSKY, ESQUIRE
FOX ROTHSCHILD LLP
1301 Atlantic Avenue
Suite 400
Atlantic City, NJ 08401
ATTORNEYS FOR APPLICANT
(609) 348-4515

NOTICE OF HEARING
SEA ISLE CITY ZONING BOARD

PLEASE TAKE NOTICE that upon the application of 42nd Place, LLC (“Applicant”), the City of Sea Isle Zoning Board shall conduct a public hearing on April 6, 2026, commencing at 7:00 p.m., or as soon thereafter as the matter may be reached, in City Hall of Sea Isle City, Council Chambers, Third Floor, 233 John F. Kennedy Blvd., Sea Isle City, NJ 08243, to consider the Applicant’s request for Use Variance, Preliminary and Final Major Site Plan and Waiver Approval for property located at 118 40th Street and more particularly identified as Block 40.03, Lots 1.04, 4, 12, 20, 21, 22, 23 & 24 on the official tax map of the City of Sea Isle (the “Property”). The Property is located in the “C-5” Motel Business District.

The Property is presently vacant land. Applicant seeks Use Variance, Preliminary and Final Major Site Plan and Waiver Approval to develop the Property with a 468 square foot bar and 4,960 square foot outdoor area. The Applicant previously received approval to allow twenty-six (26) one bedroom hotel units, twenty (20) fee simple condominiums and hotel amenities including a restaurant with indoor/outdoor bar, pool, and bakery/coffee shop at the Property (the “Prior Planning Board Approval”). The Applicant is not abandoning the Prior Planning Board Approval but rather seeks to use the Property as a bar with outdoor area until construction starts in accordance with the Prior Planning Board Approval. The Applicant requires use variance approval because a bar with outdoor area is not a permitted use in the C-5 Zoning District.

The Applicant is also seeking any and all other waivers, variances, ordinance interpretations, and/or any other relief which may be deemed necessary by the City of Sea Isle Zoning Board in order to allow the proposed use and development of the Property.

At the public hearing on April 6, 2026, at 7:00 PM, when the application is called, you may appear either in person, or by agent or attorney, and present any objection which you may have to granting the application. Copies of the application, plans, supporting documentation, and reports are on file with the Zoning Board Clerk, within the Construction Office of Sea Isle City’s Municipal Services – 2nd Floor, 233 John F. Kennedy Blvd., Sea Isle City, NJ and may be reviewed during normal business hours.

This Notice is being sent to you in compliance with the requirements of the Zoning Ordinance of the City of Sea Isle and the New Jersey Municipal Land Use Law.

MICHAEL J. MALINSKY, ESQUIRE
FOX ROTHSCHILD LLP
1301 Atlantic Avenue
Suite 400
Atlantic City, NJ 08401
ATTORNEYS FOR APPLICANT
(609) 348-4515



City of Sea Isle City

MUNICIPAL SERVICES - 2ND FLOOR

233 JOHN F. KENNEDY BLVD.

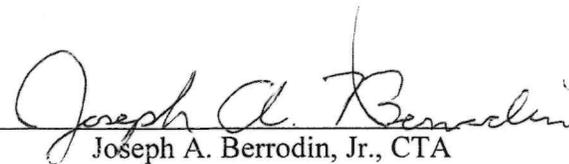
SEA ISLE CITY, NJ 08243

609-263-4461

I, Joseph A. Berrodin, Jr., CTA, Tax Assessor of the City of Sea Isle City, New Jersey, hereby certify that the attached is a list of owners within two hundred (200) feet of Block 40.03 - Lot 20, 21-241.04, 4.12, as determined by the official Tax Map and Tax Duplicate of the City of Sea Isle City, New Jersey.

Note: If this is an application for subdivision or site-plan approval, the applicant must notify the corporate secretary of all public utilities and the general manager of all cable television companies that own land or any facilities that possess a right-of-way or easement within two hundred (200) feet of the applicant's property.

Dated 02-27-26



Joseph A. Berrodin, Jr., CTA
Tax Assessor

UTILITY COMPANIES LISTED BELOW MUST ALSO BE NOTIFIED:

SOUTH JERSEY GAS COMPANY
CORPORATE HEADQUARTERS
1 SOUTH JERSEY PLAZA
FOLSOM, NJ 08037

VERIZON ENGINEERING DEPT.
10 TANSBORO ROAD FLR 2
BERLIN, NJ 08009

CAPE MAY CO. MUNICIPAL UTILITIES AUTHORITY
ATTN: CORPORATE SECRETARY
P.O. BOX 610
CAPE MAY COURT-HOUSE, NJ 08210

COMCAST CABLE
ATTN: GREGORY SMITH, PROJECT MANAGER
901 WEST LEEDS AVE
ABSECON, NJ 08201

ATLANTIC CITY ELECTRIC COMPANY
5100 HARDING HIGHWAY SUITE 399
MAYS LANDING, NJ 08330

SEA ISLE CITY MUNICIPAL WATER AND SEWER
ATTN: CITY CLERK
4501 PARK ROAD
SEA ISLE CITY, NJ 08243

TO ALL APPLICANTS:

PLEASE BE ADVISED THAT IT IS THE APPLICANT'S BURDEN TO DETERMINE WHETHER THE CAPE MAY COUNTY PLANNING AND/OR THE COMMISSIONER OF THE NJ DEPARTMENT OF TRANSPORTATION MUST BE PROVIDED NOTICE IN ACCORDANCE WITH NJSA 40:55D-12.

Block Lot Qual	Property Location Additional Lot Additional Lot	Property Class	Owner Address City, State	Zip Code
39.02 1	3915 LANDIS AVE 2	4A	CURRENT OWNER 3909 LANDIS AVE SEA ISLE CITY, NJ	08243
39.02 3.01	27 40TH ST 3.02	4A	CURRENT OWNER 3909 LANDIS AVE SEA ISLE CITY, NJ	08243
39.02 8.01	3907 LANDIS AVE 9.01	4A	CURRENT OWNER 3909 LANDIS AVE SEA ISLE CITY, NJ	08243
39.03 4.01 C-A	135 40TH ST FRONT 3.02	2	CURRENT OWNER 216 GASKILL ST PHILADELPHIA, PA	19147
39.03 4.01 C-B	135 40TH ST REAR 3.02	2	CURRENT OWNER PO BOX 26 SEA ISLE CITY, NJ	08243
39.03 4.02	133 40TH ST	2	CURRENT OWNER 1252 WILLIAM PENN DR BENSALEM, PA	19020
39.03 5.01	131 40TH ST	2	CURRENT OWNER 703 MARKET ST MT EPHRAIM, NJ	08059
39.03 5.02	129 40TH ST	2	CURRENT OWNER 4 HILLCREST DRIVE NEWTOWN SQUARE, PA	19073
39.03 6 C-1A	127 40TH ST 7,8,9	2	CURRENT OWNER 127 40TH ST UNIT 1A SEA ISLE CITY, NJ	08243
39.03 6 C-1B	127 40TH ST 7,8,9	2	CURRENT OWNER 1215 VICTORIA LN WEST CHESTER, PA	19380
39.03 6 C-1C	127 40TH ST 7,8,9	2	CURRENT OWNER 4527 POST ROAD VINELAND, NJ	08360
39.03 6 C-1D	127 40TH ST 7,8,9	2	CURRENT OWNER 673 PADDOCK RD HAVERTOWN, PA	18903
39.03 6 C-1E	127 40TH ST 7,8,9	2	CURRENT OWNER 149 PORTSMOUTH CIR GLEN MILLS, PA	19342

Block Lot Qual	Property Location Additional Lot	Property Class	Owner Address City, State	Zip Code
39.03 6 C-1F	127 40TH ST 7,8,9	2	CURRENT OWNER 442 TAVISTOCK BLVD HADDONFIELD, NJ	08033
39.03 6 C-2A	123 40TH ST 7,8,9	2	CURRENT OWNER 50 THORNWOOD DR GLASSBORO, NJ	08028
39.03 6 C-2B	123 40TH ST 7,8,9	2	CURRENT OWNER 1633 NORRISTOWN RD AMBLER, PA	19002
39.03 6 C-2C	123 40TH ST 7,8,9	2	CURRENT OWNER 106 SHIPPEN RD GLENSTONE, PA	19038
39.03 6 C-2D	123 40TH ST 7,8,9	2	CURRENT OWNER 123 40TH ST UNIT 2-D SEA ISLE CITY, NJ	08243
39.03 6 C-2E	123 40TH ST 7,8,9	2	CURRENT OWNER 58 ARGYLE AVE BLACKWOOD, NJ	08012
39.03 6 C-2F	123 40TH ST 7,8,9	2	CURRENT OWNER 120 BRAKEL LA MEDIA, PA	19063
39.03 6 C-3A	119 40TH ST 7,8,9	2	CURRENT OWNER 1408 ST JOHN ROAD ROSLYN, PA	19001
39.03 6 C-3B	119 40TH ST 7,8,9	2	CURRENT OWNER 106 AMBER CT MULLICA HILL, NJ	08062
39.03 6 C-3C	119 40TH ST 7,8,9	2	CURRENT OWNER 623 WARWICK RD FAIRLESS HILLS, PA	19030
39.03 6 C-3D	119 40TH ST 7,8,9	2	CURRENT OWNER 104 KARENLYNN DR FRANKLINVILLE, NJ	08322
39.03 6 C-3E	119 40TH ST 7,8,9	2	CURRENT OWNER 9 LAURIE LANE OAKLYN, NJ	08107
39.03 6 C-3F	119 40TH ST 7,8,9	2	CURRENT OWNER 400 MAPLE AVE GLENSTONE, PA	19038

Block Lot Qual	Property Location Additional Lot Additional Lot	Property Class	Owner Address		Zip Code
			City, State	City, State	
39.03 6 C-4A	115 40TH ST 7,8,9	2	CURRENT OWNER 4527 POST RD VINELAND, NJ		08360
39.03 6 C-4B	115 40TH ST 7,8,9	2	CURRENT OWNER 550 BRIARWOOD RD GLENSTONE, PA		19038
39.03 6 C-4C	115 40TH ST 7,8,9	2	CURRENT OWNER 1828 AUTUMNCREST DR VINELAND, NJ		08361
39.03 6 C-4D	115 40TH ST 7,8,9	2	CURRENT OWNER 802 GOSHEN RD WEST CHESTER, PA		19380
39.03 6 C-4E	115 40TH ST 7,8,9	2	CURRENT OWNER 4101 FARMSIDE DR NOTTINGHAM, MD		21236
39.03 6 C-4F	115 40TH ST 7,8,9	2	CURRENT OWNER 980 TOWNSHIP LINE RD PLYMOUTH MEETING, PA		19462
39.03 10 C-01	3918 LANDIS AVE 11.01,11.02,12.01, 12.02,23.03,24.03	2	CURRENT OWNER 1 HOPE CORSON RD OCEAN VIEW, NJ		08230
39.03 10 C-02	3918 LANDIS AVE 11.01,11.02,12.01, 12.02,23.03,24.03	2	CURRENT OWNER 107 HARVARD BLVD BERLIN, NJ		08009
39.03 10 C-03	3918 LANDIS AVE 11.01,11.02,12.01, 12.02,23.03,24.03,	2	CURRENT OWNER 2102 HALF MILE POST N GARNET VALLEY, PA		19060
39.03 10 C-04	3918 LANDIS AVE 11.01,11.02,12.01, 12.02,23.03,24.03	2	CURRENT OWNER 1002 VILLAGE WAY UPPER CHICHESTER, PA		19061
39.03 10 C-05	3918 LANDIS AVE 11.01,11.02,12.01, 12.02,23.03,24.03	2	CURRENT OWNER 59 COUNTRY LANE DR PHILADELPHIA, PA		19115
39.03 10 C-06	3918 LANDIS AVE 11.01,11.02,12.01, 12.02,23.03,24.03	2	CURRENT OWNER 6 GRANT WOOD WAY MARLTON, NJ		08053
39.03 10 C-07	3918 LANDIS AVE 11.01,11.02,12.01, 12.02,23.03,24.03	2	CURRENT OWNER 6 GRANT WOOD WAY MARLTON, NJ		08053

Block Lot Qual	Property Location Additional Lot	Property Class	Owner Address City, State	Zip Code
39.03 10 C-08	3918 LANDIS AVE 11.01,11.02,12.01, 12.02,23.03,24.03	2	CURRENT OWNER 5910 STONY HILL RD NEW HOPE, PA	18938
39.03 10 C-09	3918 LANDIS AVE 11.01,11.02,12.01, 12.02,23.03,24.03	2	CURRENT OWNER 50 BAY HARBOR BLVD BRICK, NJ	08723
39.03 10 C-10	3918 LANDIS AVE 11.01,11.02,12.01, 12.02,23.03,24.03	2	CURRENT OWNER 703 PRESTON RD ERDENHEIM, PA	19038
39.03 10 C-11	3918 LANDIS AVE 11.01,11.02,12.01, 12.02,23.03,24.03	2	CURRENT OWNER 2001 HAMILTON ST #928 PHILADELPHIA, PA	19130
39.03 10 C-12	3918 LANDIS AVE 11.01,11.02,12.01, 12.02,23.03,24.03	2	CURRENT OWNER 16 E NARBERTH TERRACE COLLINGSWOOD, NJ	08108
39.03 10 C-13	3918 LANDIS AVE 11.01,11.02,12.01, 12.02,23.03,24.03	2	CURRENT OWNER 309 SOLLY AVE PHILA, PA	19111
39.03 10 C-14	3918 LANDIS AVE 11.01,11.02,12.01, 12.02,23.03,24.03	2	CURRENT OWNER 6236 CRAFTON ST PHILADELPHIA, PA	19149
39.03 10 C-15	3918 LANDIS AVE 11.01,11.02,12.01, 12.02,23.03,24.03	2	CURRENT OWNER 425 RIDGE RD SPRING CITY, PA	19475
39.03 10 C-16	3918 LANDIS AVE 11.01,11.02,12.01, 12.02,23.01	2	CURRENT OWNER 301 CLEARFIELD DR LINCOLN UNIVERSITY, PA	19352
39.03 10 C-17	3918 LANDIS AVE 11.01,11.02,12.01, 12.02,23.03,24.03	2	CURRENT OWNER 123 BYRON TERRACE CHERRY HILL, NJ	08003
39.03 10 C-18	3918 LANDIS AVE 11.01,11.02,12.01, 12.02,23.03,24.03	2	CURRENT OWNER 604 N WASHINGTON AVE MOORESTOWN, NJ	08205
39.03 10 C-19	3918 LANDIS AVE 11.01,11.02,12.01, 12.02,23.03,24.03	2	CURRENT OWNER 4 FARMHOUSE LN MAPLE SHADE, NJ	08052
39.03 10 C-20	3918 LANDIS AVE 11.01,11.02,12.01, 12.02,23.03,24.03	2	CURRENT OWNER 616 BRUMAR DR HATBORO, PA	19040

Block Lot Qual	Property Location Additional Lot	Property Class	Owner Address City, State	Zip Code
39.03 10 C-21	3918 LANDIS AVE 11.01,11.02,12.01, 12.02,23.03,24.03	2	CURRENT OWNER 8625 CRISPIN ST PHILADELPHIA, PA	19136
39.03 10 C-22	3918 LANDIS AVE 11.01,11.02,12.01, 12.02,23.03,24.03	2	CURRENT OWNER 105 CRAB APPLE LN HATBORO, PA	19040
39.03 10 C-23	3918 LANDIS AVE 11.01,11.02,12.01, 12.02,23.03,24.03	2	CURRENT OWNER 1404 SUMMERWINDS LN JUPITER, FL	33458
39.03 10 C-24	3918 LANDIS AVE 11.01,11.02,12.01, 12.02,23.03,24.03	2	CURRENT OWNER 4 FARMHOUSE LN MAPLE SHADE, NJ	08052
39.03 10 C-25	3918 LANDIS AVE 11.01,11.02,12.01, 12.02,23.03,24.03	2	CURRENT OWNER 130 HUNTINGDON CT PHOENIXVILLE, PA	19460
39.03 17 C-E	130 39TH STREET EAST	2	CURRENT OWNER 915 PHILLIPS RD WARMINSTER, PA	18974
39.03 17 C-W	130 39TH ST WEST	2	CURRENT OWNER 37 KATHMERE RD HAVERTOWN, PA	19083
39.03 18 C-E	126 39TH ST EAST	2	CURRENT OWNER 50 BRYN MAWR AVE POTTSVILLE, PA	17901
39.03 18 C-W	126 39TH ST WEST	2	CURRENT OWNER 44 PIN OAKS DR PHOENIXVILLE, PA	19460
39.03 19 C-E	122 39TH ST EAST	2	CURRENT OWNER 735 E BUTLER PIKE AMBLER, PA	19002
39.03 19 C-W	122 39TH ST WEST	2	CURRENT OWNER 235 PINE VALLEY LANE SEWELL, NJ	08080
39.03 20.01	118 39TH ST	2	CURRENT OWNER 116 39TH ST SEA ISLE CITY, NJ	08243
39.03 20.02	116 39TH ST	2	CURRENT OWNER 116 39TH ST SEA ISLE CITY, NJ	08243

Block Lot Qual	Property Location Additional Lot Additional Lot	Property Class	Owner Address City, State	Zip Code
39.03 21.01	114 39TH ST	2	CURRENT OWNER 727 SCOTT LN WALLINGFORD, PA	19086
39.03 21.02	112 39TH ST	2	CURRENT OWNER 1597 GREY LN WARMINSTER, NJ	18974
39.03 22 C-A	110 39TH ST EAST	2	CURRENT OWNER 1 BRIAR ROAD ORELAND, PA	19075
39.03 22 C-B	110 39TH ST WEST	2	CURRENT OWNER 110 39TH ST W SEA ISLE CITY, NJ	08243
39.03 23.01	3900 LANDIS AVE 23.02, 24.01, 24.02	4A	CURRENT OWNER 444 ROBERTS AVE GLENSIDE, PA	19038
40.02 1.01 C-A	4015 LANDIS AVE UNIT A 2.01	4A	CURRENT OWNER 228 42ND ST SEA ISLE CITY, NJ	08243
40.02 1.01 C-B	4015 LANDIS AVE UNIT B 2.01	4A	CURRENT OWNER 228 42ND ST SEA ISLE CITY, NJ	08243
40.02 1.01 C-C	4015 LANDIS AVE UNIT C 2.01	4A	CURRENT OWNER 228 42ND ST SEA ISLE CITY, NJ	08243
40.02 1.01 C-D	4015 LANDIS AVE UNIT D 2.01	4A	CURRENT OWNER 228 42ND ST SEA ISLE CITY, NJ	08243
40.02 1.02 C-01	4009 LANDIS AVE UNIT 1 2.02,3.02,3.05,4.04, 8.01,9.01,10.02	15F	CURRENT OWNER 4009 LANDIS AVE UNIT 1 SEA ISLE CITY, NJ	08243
40.02 1.02 C-02	4009 LANDIS AVE UNIT 2 2.02,3.02,3.05,4.04, 8.01,9.01,10.02	2	CURRENT OWNER 662 EMPIRE DR DOWNINGTOWN, PA	19335
40.02 1.02 C-03	4009 LANDIS AVE UNIT 3 2.02,3.02,3.05,4.04 8.01,9.01,10.02	2	CURRENT OWNER 4009 LANDIS AVE UNIT #3 SEA ISLE CITY, NJ	08243
40.02 1.02 C-04	4009 LANDIS AVE UNIT 4 2.02,3.02,3.05,4.04, 8.01,9.01,10.02	2	CURRENT OWNER 926 MUHLENBERG DR TRAPPE, PA	19426

Block Lot Qual	Property Location Additional Lot Additional Lot	Property Class	Owner Address City, State	Zip Code
40.02 1.02 C-05	4009 LANDIS AVE UNIT 5 2.02,3.02,3.05,4.04, 8.01,9.01,10.02	2	CURRENT OWNER 820 FORST AVE NORRISTOWN, PA	19401
40.02 1.02 C-06	4009 LANDIS AVE UNIT 6 2.02,3.02,3.05,4.04, 8.01,9.01,10.02	2	CURRENT OWNER 4009 LANDIS AVE #6 SEA ISLE CITY, NJ	08243
40.02 1.02 C-07	4009 LANDIS AVE UNIT 7 2.02,3.02,3.05,4.04, 8.01,9.01,10.02	2	CURRENT OWNER 10 JULIET AVE TOPTON, PA	19562
40.02 1.02 C-08	4009 LANDIS AVE UNIT 8 2.02,3.02,3.05,4.04, 8.01,9.01,10.02	2	CURRENT OWNER 114 BIRCH DR DOWNTOWN, PA	19335
40.02 1.02 C-09	4009 LANDIS AVE UNIT 9 2.02,3.02,3.05,4.04,	2	CURRENT OWNER 100 GARDEN ALY UNIT 2 DOYLESTOWN, PA	18901
40.02 1.02 C-10	4009 LANDIS AVE UNIT 10 2.02,3.02,3.05,4.04 8.01,9.01,10.02	2	CURRENT OWNER 118 MOUNT VERNON DR CINNAMINSON, NJ	08077
40.02 1.02 C-11	4009 LANDIS AVE UNIT 11 2.02,3.02,3.05,4.04, 8.01,9.01,10.02	2	CURRENT OWNER 49 JOSEPHINE ST STATEN ISLAND, NY	10314
40.02 1.02 C-12	4009 LANDIS AVE 1ST FLR N 2.02,3.02,3.05,4.04 8.01,9.01,10.02	4A	CURRENT OWNER PO BOX 48 SEA ISLE CITY, NJ	08243
40.02 1.02 C-13	4009 LANDIS AVE 1ST FLR S 2.02,3.02,3.05,4.04 8.01,9.01,10.02	4A	CURRENT OWNER 4009 LANDIS AVE #13 SEA ISLE CITY, NJ	08243
40.02 3.01	27 JFK BLVD	4A	CURRENT OWNER 124 ASPEN DR CAPE MAY COURT HOUSE, NJ	08210
40.02 3.03 C-C1	25 JFK BLVD UNIT 1 3.04,4.01,4.02,4.03	4A	CURRENT OWNER 411 RTE 49 WOODBINE, NJ	08270
40.02 3.03 C-C2	25 JFK BLVD UNIT C2 3.04, 4.01,4.02,4.03	4A	CURRENT OWNER 145 MARTIN RD HOPEWELL JUNCTION,NY	12533
40.02 3.03 C-R1	4010 PLEASURE AVE R1 3.04,4.01,4.02,4.03	2	CURRENT OWNER 220 HELEN ST DUNMORE, PA	18512

Block Lot Qual	Property Location Additional Lot Additional Lot	Property Class	Owner Address City, State	Zip Code
40.02 3.03 C-R2	4010 PLEASURE AVE R2 3.04,4.01,4.02,4.03	2	CURRENT OWNER 491 GOLDEN GATE DR RICHBORO, PA	18954
40.02 3.03 C-R3	4010 PLEASURE AVE R3 3.04,4.01,4.02,4.03	2	CURRENT OWNER 410 GLEN AVE EGG HARBOR TWP, NJ	08234
40.02 8.02	4005 LANDIS AVE 9.02	4A	CURRENT OWNER 4005 LANDIS AVE SEA ISLE CITY, NJ	08243
40.02 8.03	4001 LANDIS AVE 9.03	4A	CURRENT OWNER 4001 LANDIS AVE SEA ISLE CITY, NJ	08243
40.02 9.04	28 40TH ST 10.01	2	CURRENT OWNER 141 SYLVAN DR BROOMALL, PA	19008
40.02 10.03	26 40TH ST	2	CURRENT OWNER 205 TODD ST BELMONT, NC	28012
40.03 1.01	143 JFK BLVD 2.01	15C	CURRENT OWNER 143 JFK BLVD SEA ISLE CITY, NJ	08243
40.03 1.03	125 JFK BLVD 3	15C	CURRENT OWNER 4416 LANDIS AVE SEA ISLE CITY, NJ	08243
40.03 2.02	137 JFK BLVD 1.02,2.03,16.01, 17.03,18.04	4A	CURRENT OWNER 137 JFK BLVD SEA ISLE CITY, NJ	08243
40.03 15	138 40TH ST	2	CURRENT OWNER 1032 LONEY ST PHILADELPHIA, PA	19111
40.03 16.02 C-A	134 40TH ST 1ST FLR	2	CURRENT OWNER 134 40TH ST 1ST FL SEA ISLE CITY, NJ	08243
40.03 16.02 C-B	134 40TH ST 2ND FLR	2	CURRENT OWNER 134 40TH ST #B SEA ISLE CITY, NJ	08243
40.03 17.01	130 40TH ST	2	CURRENT OWNER 4625 LANARK RD CENTER VALLEY, PA	18034

Block Lot Qual	Property Location Additional Lot	Property Class	Owner Address City, State	Zip Code
40.03 17.02	126 40TH ST	2	CURRENT OWNER 1209 VILLANOVA AVE FOLSOM, PA	19033
40.03 18.01	122 40TH ST 18.02	2	CURRENT OWNER 427 LAUREL RIDGE PATH COCHRANVILLE, PA	19330
40.03 18.03 C-E	120 40TH ST EAST 19	2	CURRENT OWNER 404 WINCHESTER TERR MULLICA HILL, NJ	08062
40.03 18.03 C-W	120 40TH ST WEST 19	2	CURRENT OWNER 4001 S WARNER RD LAFAYETTE HILLS, PA	19444
40.03 20	118 40TH ST 21-24, 1.04, 4, 12	1	CURRENT OWNER PO BOX 48 SEA ISLE CITY, NJ	08243
41.02 10.01	4101 LANDIS AVE	4A	CURRENT OWNER 116 45TH ST SEA ISLE CITY, NJ	08243
41.02 11.01	30 JFK BLVD 10.02	4A	CURRENT OWNER P.O. BOX 145 SEA ISLE CITY, NJ	08243
41.09 13	135 JFK BLVD	15C	CURRENT OWNER 233 JFK BLVD SEA ISLE CITY, NJ	08243



Cape May County
Document Summary Sheet



2018057071 Bk D3795 Pgs 177-181
Recorded County of Cape May, NJ
Consideration \$7,300,000.00
Realty Transfer Fee \$158,805.00
Date 06/01/2018 09:48:32 By JK
Rita Maria Fulsiniti, County Clerk
Recording Fees \$83.00

CAPE MAY COUNTY CLERK PO BOX 500 7 NORTH MAIN STREET CAPE MAY COURT HOUSE NJ 08210-5000	Return Name and Address State Line Title Agency of Sea Isle City 4110 Lands Avenue, Suite C Sea Isle City, NJ 08243 609-486-5427 SLSI-1198-18
--	---

Official Use Only

Submitting Company	State Line Title Agency of Sea Isle City
Document Date (mm/dd/yyyy)	5/25/2018
Document Type	Deed
No. of Pages of the Original Signed Document (including the cover sheet)	4
Consideration Amount (if applicable)	\$7,300,000.00

First Party <i>(Grantor or Mortgagor or Assignor)</i> <i>(Enter up to five names)</i>	Name(s)	<i>(Last Name First Name Middle Initial Suffix)</i> <i>(or Company Name as written)</i>	Address (Optional)
	TO-GLO, CORPORATION, a Corporation of New Jersey		

5
JW

Second Party <i>(Grantee or Mortgagee or Assignee)</i> <i>(Enter up to five names)</i>	Name(s)	<i>(Last Name First Name Middle Initial Suffix)</i> <i>(or Company Name as written)</i>	Address (Optional)
	42nd Place, LLC, a Limited Liability Company		

Parcel Information <i>(Enter up to three entries)</i>	Municipality	Block	Lot	Qualifier	Property Address
	City of Sea Isle	40.03	20, 21, 22, 23, 24, 1.04, 4, 12		118 40th Street, Sea Isle City, NJ 08243

Reference Information <i>(Enter up to three entries)</i>	Book Type	Book	Beginning Page	Instrument No.	Recorded/File Date

***DO NOT REMOVE THIS PAGE.**
COVER SHEET [DOCUMENT SUMMARY FORM] IS PART OF CAPE MAY COUNTY FILING RECORD.
RETAIN THIS PAGE FOR FUTURE REFERENCE.

Prepared by:

DONALD A. WILKINSON, ESQUIRE

DEED

This Deed is made on _____, 2018.

BETWEEN TO-GLO, Inc., New Jersey Corporation, whose address is 17720 Gulf Boulevard, Apartment 804, Reddington Shores, Florida 33708, referred to as the Grantor,

AND 42nd PLACE, LLC, a New Jersey Limited Liability Company, whose address is P.O. Box 48, Sea Isle City, New Jersey 08243 referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) her interest in the property described below to Grantee. This transfer is made for **SEVEN MILLION THREE HUNDRED THOUSAND DOLLARS** (\$7,300,000.00). The Grantor acknowledges receipt of said consideration.

Tax Map Reference. (N.J.S.A. 46:26 A-3(a)(5)(b) Municipality of the **City of Sea Isle City**

Block No.40.03 Lot No(s) 20, 21, 22, 23, 24, 1.04, 4 & 12 Qualifier No. Account No.

Property. The property consists of the land and all the buildings and structures on the land in the **City of Sea Isle City**, County of Cape May and State of New Jersey. The legal description is:

TRACT #1- BEGINNING at the intersection of the Southwesterly line of 40th Street with the Northwesterly line of Landis Avenue; thence

1. Southwestwardly along said line of Landis Avenue a distance of 160 feet to the division line between lot 1 and Lots 12, 4 ½ & 4; thence
2. At right angles to said Landis Avenue, Northwestwardly along said division line a distance of 200 feet; thence
3. Northeastwardly along the division line between lot 3 and Lot 4, which is parallel to said Landis Avenue, a distance of 50 feet; thence
4. Northwestwardly along the division line between lot 3 and Lot 20, which is parallel to 40th Street, a distance of 50 feet; thence
5. Northeastwardly along the division line between Lot 19 and Lot 20, which is parallel to Landis Avenue, a distance of 110 feet to said side of 40th Street; thence
6. Southeastwardly along said line of 40th Street a distance of 250 feet to the place of BEGINNING.

BEING Lots 4, 12, 20, 21, 22, 23 & 24, Block 40.03 on the Official Tax Map of Sea Isle City, New Jersey, 1939.

TRACT #2- BEGINNING at the intersection of the Northwesterly line of Landis Avenue with the Northeasterly line of John F. Kennedy Blvd. (formerly 41st Street); extending thence Northeastwardly, along said Northwesterly line of Landis Avenue, 60 feet in front or breadth and of that width extending Northwestwardly, between parallel lines, one being said Northeasterly line of John F. Kennedy Blvd, 200 feet in length or depth.

BEING Lot 1.04, Block 40.03 as shown on the Official Tax Map of the City of Sea Isle City.

PURSUANT to Public Laws of 2011, Chapter 217 (N.J.S.A. 46:26 A-3(a)(5)(b) the above premises are also known as **Lot(s) 20, 21, 22, 23, 24, 1.04, 4, 12** in **Block 40.03** on the Official Tax Map of the **City of Sea Isle City**, New Jersey.

UNDER AND SUBJECT to any and all covenants, conditions, rights, reservations, restrictions and easements of record, if any.

PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM BEFORE COMPLETING THIS AFFIDAVIT.

STATE OF NEW JERSEY } SS COUNTY CAPE MAY	County Municipal Code 0509	FOR RECORDER'S USE ONLY Consideration \$ <u>7,300,000.00</u> RTF paid by Buyer \$ <u>73,000.00</u> Date <u>6-1-18</u> By <u>[Signature]</u>
---	-------------------------------	--

MUNICIPALITY OF PROPERTY LOCATION; City of Sea Isle *Use symbol "C" to indicate that fee is exclusively for county use.

(1) PARTY OR LEGAL REPRESENTATIVE (See Instructions #3 and #4 on reverse side) Last 3 Digits in Grantee's Social Security Number

Deponent, 42nd Place, LLC, a Limited Liability Company, being duly sworn according to law upon his/her oath,
deposes and says that he/she is the Christopher Glancey in a deed dated 5/25/2018 transferring
(Grantee, Legal Representative, Corporate Officer, Officer of Title Company, Lending Institution, etc.)
real property identified as Block number 40.03 Lot number 20, 21, 22, 23, 24, 1.04, located at
118 40th Street, Sea Isle City and annexed thereto.

(2) CONSIDERATION \$7,300,000.00 (See Instructions #1, #5 and #11 on reverse side)

Entire consideration is in excess of \$1,000,000:

PROPERTY CLASSIFICATION CHECKED BELOW SHOULD BE TAKEN FROM THE OFFICIAL ASSESSMENT LIST (A PUBLIC RECORD) OF THE MUNICIPALITY WHERE THE REAL PROPERTY IS LOCATED IN THE YEAR THAT THE TRANSFER. REFER TO N.J.A.C. 18:12-2.2 ET SEQ.

(A) When Grantee is required to remit the 1% fee, complete (a) by checking off appropriate box or boxes below

- Class 2 - Residential Class 4A - Commercial Properties (if checked, calculation in (E) required below)
- Class 3A- Farm property (Regular) and any other real property transferred to same grantee in conjunction with transfer of Class 3A property Cooperative unit (four families or less) (See C. 46:8D-3.) Cooperative units are Class 4C.

(B) Grantee is not required to remit the 1% fee (one or more of following classes being conveyed), complete (b) by checking off appropriate box or boxes below:

Property Class. Circle applicable class(es): 1 3B 4B 4C 15
Property classes: 1-Vacant Land; 3B Farm property (Qualified) 4B-Industrial properties; 4C-Apartments; 15 Public Property, etc. (N.J.A.C. 18:12-2.2 et seq.)

- Exempt Organization determined by federal Internal Revenue Service/Internal Revenue Code of 1986, 26 U.S.C. s. 501.
- Incidental to corporate merger or acquisition; equalized assessed valuation less than 20% of total value of all assets exchanged in merger or acquisition. If checked, calculation in (E) required and MUST ATTACH COMPLETED RTF-4.

(C) When grantee transfers properties involving block(s) and lot(s) of two or more classes in one deed, one or more subject to the 1% fee (A), with one or more than one subject to the 1% fee (B), pursuant to N.J.S.A. 46:15-7.2, complete (C) by checking off appropriate box or boxes and (D).

Property class. Circle applicable class or class 1 2 3B 4A 4B 4C 15

(D) EQUALIZED VALUE CALCULATION FOR ALL PROPERTIES CONVEYED, WHETHER THE 1% FEE APPLIES OR DOES NOT APPLY
Total Assessed Valuation + Director's Ratio = Equalized Valuation

Property Class <u>4A</u>	\$4,994,900.00	÷	101.15	% = \$	5,052,341.35
Property Class _____	\$ _____	÷	_____	% = \$	_____
Property Class _____	\$ _____	÷	_____	% = \$	_____
Property Class _____	\$ _____	÷	_____	% = \$	_____

(E) REQUIRED CALCULATION OF EQUALIZED CALCUATION FOR ALL CLASS 4A (COMMERCIAL) PROPERTY TRANSACTIONS: (See Instructions #6 and #7 on reverse side)

Total Assessed Valuation + Director's Ratio = Equalized Assessed Valuation
\$4,994,900.00 ÷ 101.15 % = \$ 5,052,341.35

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed valuation. If Director's Ratio is equal to or exceeds 100%, the assessed valuation will be equal to the equalized value.

(3) TOTAL EXEMPTION FROM FEE (See Instruction #8 on reverse side)

Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through Chapter 33, P.L. 2006, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail.

(4) Deponent makes Affidavit of Consideration for Use by Buyer to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith pursuant to the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me this 15 Day of May 2018
[Signature]
Signature of Deponent
118 40th Street, Sea Isle City
Deponent Address

42nd Place, LLC, a Limited Liability Company
Grantee Name
118 40th Street, Sea Isle City
Grantee Address at Time of Sale
State Line Title Agency of Sea Isle City
Name/Company of Settlement Officer

County recording officers: forward one copy of each RTF-1EE to:

STATE OF NEW JERSEY - DIVISION OF TAXATION
PO BOX 261
KATHLEEN M. SUNDMAN 86695-0261
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES OCT. 20, 2019

FOR OFFICIAL USE ONLY
Instrument Number _____ County _____
Deed Number _____ Book _____ Page _____
Deed Dated _____ Date Recorded _____



State of New Jersey
SELLER'S RESIDENCY CERTIFICATION/EXEMPTION

GIT/REP-3
(9-2015)

(Please Print or Type)

SELLER'S INFORMATION

Name(s)

TO-GLO, Inc., by Anthony Giampietro, President

Current Street Address

17720 Gulf Blvd, Apt 804

City, Town, Post Office Box

Reddington Shores

State

FL

Zip Code

33708

PROPERTY INFORMATION

Block(s)

40.03

Lot(s)

20, 21, 22, 23, 24, 1.04, 4 & 12

Qualifier

Street Address

118 40th Street

City, Town, Post Office Box

Sea Isle City

State

NJ

Zip Code

08243

Seller's Percentage of Ownership

100%

Total Consideration

\$7,300,000.00

Owner's Share of Consideration

\$7,300,000.00

Closing Date

SELLER'S ASSURANCES (Check the Appropriate Box) (Boxes 2 through 14 apply to Residents and Nonresidents)

1. Seller is a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to the New Jersey Gross Income Tax Act, will file a resident gross income tax return, and will pay any applicable taxes on any gain or income from the disposition of this property.
2. The real property sold or transferred is used exclusively as a principal residence as defined in 26 U.S. Code section 121.
3. Seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. Seller, transferor, or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. Seller is not an individual, estate, or trust and is not required to make an estimated gross income tax payment.
6. The total consideration for the property is \$1,000 or less so the seller is not required to make an estimated income tax payment.
7. The gain from the sale is not recognized for federal income tax purposes under 26 U.S. Code section 721, 1031, or 1033 (CIRCLE THE APPLICABLE SECTION). If the indicated section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale and report the recognized gain.
 Seller did not receive non-like kind property.
8. The real property is being transferred by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this State.
9. The real property being sold is subject to a short sale instituted by the mortgagee, whereby the seller agreed not to receive any proceeds from the sale and the mortgagee will receive all proceeds paying off an agreed amount of the mortgage.
10. The deed is dated prior to August 1, 2004, and was not previously recorded.
11. The real property is being transferred under a relocation company transaction where a trustee of the relocation company buys the property from the seller and then sells the house to a third party buyer for the same price.
12. The real property is being transferred between spouses or incident to a divorce decree or property settlement agreement under 26 U.S. Code section 1041.
13. The property transferred is a cemetery plot.
14. The seller is not receiving net proceeds from the sale. Net proceeds from the sale means the net amount due to the seller on the settlement sheet.

SELLER'S DECLARATION

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein may be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box I certify that a Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

5/25/2018
Date

Signature
(Seller) Please indicate if Power of Attorney or Attorney In Fact

Date

Signature
(Seller) Please indicate if Power of Attorney or Attorney In Fact

Jon D. Batastini, Esquire
Attorney ID 025972000
GARRETT & BATASTINI
A Professional Association
3318A Simpson Avenue
Ocean City, New Jersey 08226
(609) 399-0035

Attorney for City of Sea Isle City Planning Board

City of Sea Isle City Planning Board

Sea Isle Planning Board Resolution SICP 2024 – 09 - 01

APPLICATION OF: **42nd Place, LLC**

PROPERTY: **Block: 40.03, Lots: 1.04, 4, 12, 20, 21, 22, 23, & 24**
 4000 Landis Avenue

WHEREAS, 42nd Place, LLC, is the Applicant of the referenced property; and

WHEREAS, the Applicant submitted an application for Preliminary and Final Site Plan Approval along with variances and waiver relief from site plan scale; and

WHEREAS, the property is located at 4000 Landis Avenue and is located in the City's C-5 District; and

WHEREAS, the parcel has 200 foot of frontage on John F. Kennedy Boulevard, 220 foot of frontage on Landis Avenue and 250 foot of frontage along 40th Street; therefore, the parcel is surrounded on three (3) sides by County and Municipal Right of Ways; and

WHEREAS, the overall parcel has a lot area of 49,500 sq. ft., and therefore complies with the minimum lot area requirement of 5,000 sq. ft. as required in the C-5 District; and

WHEREAS, the lot is vacant; and

WHEREAS, the Applicant is proposing to construct a twenty-six (26) unit hotel facility

and twenty (20) fee-simple condominium units along with hotel amenities including a restaurant with indoor/outdoor bar, a pool and a bakery/coffee shop; and

WHEREAS, the application has been accompanied by the following documents which have been utilized to review this application:

Drwg. Title	Prepared By	Date	Revision
PB-1 Title Sheet	George W. Thomas	11/17/23	07/23/2024
PB-2A Site & Parking Garage, Geometry	George W. Thomas	11/17/23	07/23/2024
PB-2B Building Geometry Plan	George W. Thomas	11/17/23	07/23/2024
PB-3 Landscape & Lighting Plan	George W. Thomas,	11/17/23	07/23/2024
PB-4 Grading & Drainage Plan	George W. Thomas,	11/17/23	07/23/2024
PB-5 Utilities & Signage Plan	George W. Thomas	11/17/23	07/23/2024
PB-6 First Floor Plan	George W. Thomas	11/17/23	07/23/2024
PB-7 Second Floor Plan	George W. Thomas	11/17/23	07/23/2024
PB-8 Third Floor Plan	George W. Thomas	11/17/23	07/23/2024
PB-9 Roof Plan	George W. Thomas	11/17/23	07/23/2024
PB-10 Restaurant	George W. Thomas	11/17/23	07/23/2024
PB-11 Landis Ave & Kennedy Blvd Elevations	George W. Thomas	11/17/23	07/23/2024
NOTE: Incorrectly Noted on Plans as 44th Street PB-12 Left Side & Rear Elevations	George W. Thomas	11/17/23	3/12/24
PB-13 Flood Proofing Plan	George W. Thomas	11/17/23	3/12/24
V101 Survey of Premises	HDG Engineering	6/29/18	

WHEREAS the project requires the following variances:

Parameter	Permitted	Proposed	Variance	Section
1. Building Height	39 Ft. above Local Design Flood Elevation	42 ft	10 inches 3 ft.' – 10 inches	26-56.9.a
2. Total Sign Area	80 s.f.	243 s.f.	163 s.f.	26-28.3.a

3. Number of Freestanding Signs On JFK Per Street Frontage	1	2	1	26-25.3.j.1
4. Max. Area of Freestanding Signs 3 Separate Freestanding Signs	30 s.f.	60 s.f.	30 s.f.	26-28.3.j.1
5. Setback of Freestanding Signs	5 ft.	1.75 ft.	3.25 ft.	26-28.3.j.2
6. Max Front Yard Setback JFK Property Line	5 ft.	60 ft. from	55 ft.	26-56.5.a.2

Note: Deed Restriction requires that sixty (60) feet of property measured from the JFK Blvd. property line not be used for building purposes.

7. Transparency % Glass	33%	Less than 5% along 40th St.	28%	26-42.3.d
8. Windowsills Not More than 3 ft above grade	6 ft above on Landis Ave. 8 ft above on JFK		3 ft. 5 ft.	26-42.3.d.3
9. Stacked Parking	Prohibited Except for Single or 2-Family Dwellings	20 Stacked Spaces	20 Stacked Spaces	26-23.5
10. Street Trees	1 tree for Every 40 feet Of frontage	JFK – 5 Landis 6 40th St. 6	JFK 4 Landis 2 40th St. 6	1 Trees 4 Trees 0 Trees
11. On-Site Trees* * Removed.	1 per 2,000 sf. Of Lot Area 25 Required	4 Trees	21 Trees	26-25.5.c

Parameter	Permitted	Proposed	Variance	Section
12. Buffer Plantings Trees	5 Shade per	JFK - 0 Trees	10 Trees	26-25.7.(d)
	100 ft. of St.	Landis 0 Trees	11 Trees	26-25.7.(d)
	Frontage	40th - 0 Trees	13 Trees	26-25.7.(d)
	JFK	10 Trees		
	Landis - 11 Trees			
	40th St. - 13 Trees			
13. Parking Area Landscape Buffer	5 ft.	1 foot	4 ft.	26.25.7.a

WHEREAS, the Applicant was represented by Michael J. Malinsky, Esquire; and

WHEREAS, Terry Thomas, R.A., P.P., P.E., was accepted as the Applicant's Architect, Engineering, and Planning Professional; and

WHEREAS, Andrew Bechtold, R.A., was accepted as the Applicant's architectural professional; and

WHEREAS, Christopher Clancey was sworn in as a representative of the Applicant; and

WHEREAS, Andrew Bechtold, R.A., testified that:

The project is located at the former LaCosta business.

The project will consist of 26 hotel suites with eighteen (18), three (3) bedroom suites; four (4), two (2) bedroom suites; and, four (4), one (1) bedroom suites.

The hotel suites would only be offered to hotel guests as complete suites such that none of the bedrooms in the three (3) and two (2) bedroom suites would not be offered for single bedroom stays.

The project also has twenty (20) fee-simple condominium units of such size so not to require more than two (2) parking spaces per condominium unit.

The project will also include a restaurant with an indoor/outdoor bar, a pool, and a bakery/coffee shop.

The property would have pedestrian access primarily from Landis Avenue and would have vehicular access from both John F. Kennedy Boulevard and 40th Street.

Traffic to the site will primarily come from JFK Boulevard.

Trash removal shall be at 40th Street.

The exterior siding for the project will be Hardie® Board or similar fiber cement product.

The uses on the property are permitted and no (d) variance is required.

There is a total of ninety-four (94) physical parking spaces.

There are seven (7) EV charging spaces and four (4) of those spaces count twice under the New Jersey Model EV Ordinance that applies in the City of Sea Isle; thus totaling ninety-eight (98) spaces.

The parking spaces for the twenty (20) fee-simple condominium units shall be stacked - one (1) behind the other.

The twenty (20) fee-simple condominium parking spaces shall be identified for residential uses only.

There are fifty-four (54) actual parking spaces for the commercial uses.

The sign variances are necessary: to provide directional information related to the multiple uses; the building is very large in scale and the smaller signs will not be sufficient enough; multiple signs are necessary for the designation of the multiple commercial uses; and the larger signs are necessary since the building is set back from the street.

The off-site tree and buffer planting of trees variances are necessary because: of the limited space on the site; the site triangles; and, reduction of the tree planting and buffer allows for greater visibility of the multiple uses on the property.

The maximum front yard set back variance is necessary to allow for better parking and traffic flow patterns.

The Applicant will comply with the on-site tree requirements to be approved by the Board Engineer.

The increased height of the windowsills protects the improvements from flood waters.

The lack of glass transparency along 40th Street is requested because even though the wall is not glazed the wall has a sufficient opening meeting the spirit of the ordinance.

The HVAC systems are located on the roof and the parapet will conceal the mechanicals, which parapet necessitates the height variance.

There is adequate building and landscaping screening as well as distance for the truck loading and unloading area so no variance is needed.

The stacked parking is permitted in residential areas; and, here the stacked parking is solely for the residential uses and the variances should be granted.

The Applicant will install a six (6) foot vinyl fence along the residential district that borders Lot 19 (not already having a fence) and further improve the buffer area along the four parking spaces with landscaping to be approved by the Board Engineer.

The Applicant seeks variance relief under the c(2) criteria since:

The site is particularly suited for the project since the uses are permitted and

the size of the lot supports the project.

The architectural features to include the parapet screening of the HVAC units, the use of roof cupolas, plantation shutters, oversized trim, cable rail or trex signature rod rail, standing metal roof, and decorative trim caps promotes a desirable visual environment through creative development techniques and good civic design and arrangement.

The project provides for a vibrant year-round commercial attraction by offering event space for large groups as well as needed hotel suites; thus, providing sufficient space for a variety of residential, recreational, and commercial uses and open outdoor space for food, music and drink to meet the needs of all New Jersey citizens.

The project replaces an older, non-code compliant, unsightly building with significant impervious coverage area in order to provide safety from fire, flood, panic and other natural and man-made disasters.

The project does not negatively impact the neighborhood for the reasons set forth under c(2) criteria; and, further the increase is greenspace, use of approved landscaping species, and additional parking and buffering enhances the neighborhood.

The project does not substantially impair the intent of the zone plan and zoning ordinance as these are all permitted uses, the project will increase tourism, which is a major goal of the Master Plan, by offering year round residential and hotel uses, event space, dining and entertainment thus promoting an increase in pedestrian traffic to support the neighboring business as well.

A balancing of the positive and negative criteria under the MLUL weighs in favor of the

positive impact on the community.

WHEREAS, Terry Thomas, R.A., P.P., P.E., testified as a Professional Planner that the positive and negative criteria advance by Andrew Bechtold, R.A., to support the variances was accurate and appropriate; and

WHEREAS, Christopher Clancey testified that:

The project provides for multiple uses expected to be open all year to encourage tourism via event space, hotel suites for tourists and provide recreational and dining experiences.

The hours of operations and noise levels shall be in accordance with the City of Sea Isle City ordinances and all other regulatory requirements.

The indoor operations for dining and entertainment are likely to be open from 10 am to 2 am but subject to regulatory requirements.

Music and entertainment are expected eight (8) months a year.

The Applicant chooses not to provide Affordable Housing on site and given the mixed uses on the property is not a viable option to provide the Affordable Units on site; therefore, the Applicant agrees to provide payment in lieu of providing the affordable housing unit on site or elsewhere as required pursuant to the City of Sea Isle municipal code; and

WHEREAS, this application was deemed complete at the Planning Board hearing; and

WHEREAS, the Board has considered the plan submitted and the testimony of the Applicant and public comment; and

WHEREAS, the Board reviewed the Board engineer's report and recommendation dated May 3, 2024 and updated on August 19, 2024; and

WHEREAS, the Applicant agreed to the comments and the recommendation in the Board

WHEREAS, the Board reviewed the Board engineer's report and recommendation dated May 3, 2024 and updated on August 19, 2024; and

WHEREAS, the Applicant agreed to the comments and the recommendation in the Board engineer's report and as set forth above and below; and

WHEREAS, members of the public commented in favor of the application and further requested that specific care and attention as to the construction phasing take into consideration the neighbors; and

NOW, THEREFORE, BE IT RESOLVED by the City of Sea Isle City Planning Board at its meeting on September 9, 2024, agreed that the testimony given by the Applicant's professionals and representatives are factual and conclude those facts support approval of Preliminary and Final Site Plan with variances and waiver from site plan scale as set forth herein this Resolution; and *Mr. Hooper* made the motion and *Ms. Steelman* seconded the motion.

Further conditioned that there be no deviation in the design, construction material or building elevation from that which was presented to the Board as a part of the application other than minor changes as determined after the review of the Zoning Officer.

Further conditioned that no subsequent additions, alterations or changes can be made without further review by the Board.

Further conditioned that the Applicant shall provide cost estimates for the on-site and off-site improvements in the event the Board Engineer deems same appropriate as well as providing adequate performance guarantees if required.

Further conditioned that the Applicant provide seventy-two hour notice to the Board Engineer for all inspections.

Further conditioned that the Applicant shall comply with Code Section 26-43.4 Non-Residential Affordable Housing Fees.

Further conditioned upon compliance with the agreements made by the Applicant as noted above as well as the site plan review, recommended conditions of approval, recommendations and comments as noted in the Engineering and Planning report by Andrew A. Previti, P.E., dated May 3, 2024 and updated on August 19, 2024.

Further conditioned upon:

The Applicant will install a six (6) foot vinyl fence along the residential district that borders Lot 19 (not already having a fence) and further improve the buffer area along the four parking spaces with landscaping to be approved by the Board Engineer.

The Applicant shall satisfy to the Construction Officer of the City of Sea Isle City that project meets the requirements of CAFRA.

The Applicant will comply with State of New Jersey Model EV Codes and Regulations for development.

The Applicant shall provide a Master Deed for the property to be approved by the Board Solicitor.

The Applicant shall deed restrict that the Hotel Suites shall not be converted or offered as residential units and shall be only used and occupied as a hotel, which deed shall be approved by the Board Solicitor.

The Applicant shall deed restrict that no ovens or stoves shall be installed in the hotel suites, which deed shall be approved by the Board Solicitor.

The Hotel Suites shall be offered only as complete suites; and, the individual

bedrooms within the three (3) and two (2) bedroom suites shall not be offered or used as individual bedrooms.

The Applicant shall comply with the City of Sea Isle City Municipal Code, Section 26-43, Affordable Housing and specifically confirm in writing from the State of New Jersey the total number of units to be designated as Affordable Units and the recommended payment in lieu of construction of said Affordable Units, currently estimated at \$182,859.00 per unit.

The Applicant shall revise the site plans and landscaping plans to be approved by the Board Engineer.

The Applicant shall meet with the Director of the Public Works Department review all utility connections to the municipal system.

Further conditioned upon agreement by the Applicant to specific items not contained within this Decision and Resolution, but which were otherwise set forth in the record of the hearing, which are incorporated herein by reference though not set forth at length herein.

The Applicant shall comply with all provisions of the City of Sea Isle City Planning Board and Land Development Ordinance and any and all municipal, County, State and/or Federal Laws or Regulations relating or applicable to the proposed project, including but not limited to a Treatment Works approval.

The Applicant shall confer and comply with the recommendation of the Sea Isle City Police, Public Works and Construction Departments as well as the Board Engineer regarding the staging of the construction to set construction timelines that have the least reasonable construction impact on the neighborhood as this is a heavily traveled commercial and residential area.

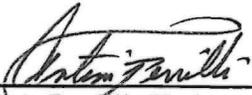
The Applicant shall confer and comply with the recommendation of the Sea Isle City Public

of controls for the fire suppression systems.

The Applicant shall confer and comply with the recommendation of the Sea Isle City Public Works Department as well as the Board Engineer regarding the trash enclosure location, types of trash receptacles, and trash pick-up schedules, which the Board understands may make the commercial units smaller than approved.

Dated: 10/21/24.

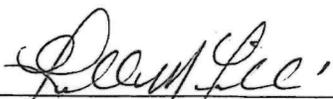
City of Sea Isle City Planning Board

/s/ 
Antimo Ferrilli, Chairperson

/s/ N/A
Rodney Greco, Vice Chairperson

The foregoing is a true copy of the Resolution adopted by the City of Sea Isle City Planning Board at its meeting on the 15th day of October 2024 as held at said meeting.

Dated: 10/21/2024


Genell M. Ferrilli, Secretary
City of Sea-Isle City Planning Board





1301 Atlantic Avenue
Midtown Building, Suite 400
Atlantic City, NJ 08401
☎ 609.348.4515 📠 609.348.6834
WWW.FOXROTHSCHILD.COM

MICHAEL J. MALINSKY
Direct No: 609.572.2331
Email: mmalinsky@foxrothschild.com

March 20, 2026

VIA EMAIL AND HAND DELIVERY

Ms. Genell Ferrilli
Board Secretary
233 John F. Kennedy Blvd
Sea Isle City, NJ 08243

Re: 42nd Place, LLC Application to the Sea Isle City Zoning Board
118 40th Street
Block 40.03, Lots 1.04, 4, 12, 20, 21, 22, 23 & 24

Dear Ms. Ferrilli:

The undersigned represents 42nd Place, LLC (the “Applicant”) relative to its application before the City of Sea Isle Zoning Board of for use variance and preliminary and final major site plan approval for the above referenced property in the City of Sea Isle (the “Application”). Enclosed please find the following in support of the Application:

1. One (1) Completed Application Checklist;
2. Check in the amount of \$1,450.00 for the Application fee;
3. Check in the amount of \$6,000.00 for the Escrow fee;
4. One (1) Completed form W-9;
5. One (1) copy of Certification of Payment of Taxes and Municipal Liens; and
6. One (1) Completed Application Fees and Escrow Fees Calculation Sheet.

Further, please find the following in support of the Application, which have been collated into twenty (20) packets:

1. One (1) original and nineteen (19) copies of the Zoning Board of Adjustment Application/Appeal Form with Project Narrative;
2. Site Plan Checklist;
3. February 27, 2026 correspondence from Cornelius R. Byrne, CFM;

A Pennsylvania Limited Liability Partnership



4. Survey, Plan, or Plat Affidavit;
5. Deed transferring ownership of the Property to 42nd Place, LLC;
6. Proposed Notice of Hearing for Publication;
7. Proposed Notice of Hearing for Property Owners located within 200 feet;
8. 200 Foot List;
9. Corporate Disclosure Statement;
10. Sea Isle Planning Board Resolution SICP 2024 - 09 – 01;
11. Image of the Site;
12. 11” x 17” survey prepared by The Hyland Group dated January 22, 2026; and
13. Variance Plan prepared by Andrew Bechtold, R.A., of Thomas Bechtold Architecture & Engineering dated March 10, 2026.

The Certification of Service will be provided five (5) days prior to the hearing. Please list this application for consideration on the April 6, 2026, hearing date. Should you need anything else to process the Application please contact my office. Thank you.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Michael J. Malinsky".

Michael J. Malinsky

MJM:

Enclosures