

August 21, 2026

Atlantic City Planning Board  
City Hall - Suite 508  
1301 Bacharach Boulevard  
Atlantic City, NJ 08401

**Re: Chapman Real Estate Holdings, LLC  
Preliminary & Final Major Subdivision  
Application with Bulk Variances  
Planning & Engineering Review #3  
Block 343, Lot 12.02  
Location: 122 N. California Avenue  
Zone: R-3 Single Family Attached (Townhouse) Residential District  
Our File: 115.ACP0343.V01**

Dear Chairman and Board Members:

In accordance with your authorization, our office has reviewed the following information which was submitted in support of the above-referenced application for Preliminary & Final Major Subdivision approval with bulk variances:

- An August 20, 2026 email from Eric S. Goldstein, Esq to the Board addressing the comments to our August 20, 2026 review letter.

In addition to the above, our office previously received the following information as part of the original submission for this application:

- A Major Site Plan (2 sheets) prepared by Arthur J. Chew III, PE, PP with Arthur Chew Consulting LLC of Linwood, New Jersey and bearing a latest revision date of June 10, 2026;
- A set of Architectural Drawings (3 sheets) prepared by John Obelenus, RA with Obelenus Architecture, LLC of Atlantic City, New Jersey dated May 27, 2026;
- A completed Planning/Zoning Board Application Form;
- A copy of a Deed dated April 2, 2026, which conveyed Block 343, Lot 12.02 from Sunset Realty, LLC, to Chapman Real Estate Holdings, LLC. This Deed was recorded in the Atlantic County Clerk's office on June 8, 2026 as Instrument No. 2026025114.
- A copy of an August 5, 2026 Certification of Payment from the Tax Collector's Office which certifies that the real estate taxes for Block 343, Lot 12.02 are paid up to the date as of August 5, 2026.
- An August 7, 2026 letter from Arthur Chew, PE, to our office addressing the comments to our August 7, 2026 review letter.

Lastly, our office previously received the following information as part of a conceptual review regarding the same property:

- A Property Survey (1 sheet) prepared by James R. Boney, PLS with Polistina & Associates, LLC of Egg Harbor Township, New Jersey dated March 21, 2026;

#### **A. GENERAL COMMENTS**

Block 343, Lot 12.02 is an irregularly-shaped tract located on the westerly side of North California Avenue, approximately 150 feet from the intersection with Fairmount Avenue. In addition, a portion of the tract also fronts on the easterly side of Maxwell Avenue. It is located in the R-3 Single Family Attached (Townhouse) Residential District and has an area of 32,912.75 sf or approximately 0.756 acres. There is currently a two-story brick dwelling with an attached concrete deck and ramp. Additionally, there is a one-story steel canopy located in the rear of the property. It shows on Preliminary Flood Insurance Rate Map No. 34001C0452F having an effective date of May 30, 2014 that the property in question is located in Flood Hazard Zone AE having a base flood elevation of 9.



On July 24, 2025, the Zoning Board of Adjustment memorialized Resolution #15 of 2025 which granted Iowa Avenue, LLC approval to subdivide the pre-existing surrounding lots which resulted in the creation of the lot in question. In addition, the resolution granted approval to maintain the existing non-conforming use.

The Applicant is now seeking Preliminary & Final Major Subdivision approval with bulk variances to subdivide the property into nine (9) new lots each containing a proposed single-family detached dwelling. Other improvements include concrete driveways, sidewalk, granite curb, and attached outdoor showers.

## B. COMPLETENESS REVIEW

Based upon our review of the above information from a completeness standpoint, we find that the Applicant has addressed all of the submission items for this application. Therefore, we recommend that the application be deemed complete for consideration by the Board.

## C. ZONING REQUIREMENTS

The following are the minimum requirements in the R-3 Single-Family Attached (Townhouse) Residential District compared to what is proposed at the site:

|                                                            | Req.     | Existing Lot<br>12.02 | Prop.<br>Lot A | Prop.<br>Lot B | Prop.<br>Lot C | Prop.<br>Lot D | Prop.<br>Lot E | Prop.<br>Lot F |
|------------------------------------------------------------|----------|-----------------------|----------------|----------------|----------------|----------------|----------------|----------------|
| Maximum Building Height (Principal)                        | 35 ft    | <35 ft                | <35 ft         | <35 ft         | <35 ft         | <35 ft         | <35 ft         | <35 ft         |
| Maximum Building Height (Accessory)                        | 15 ft    | ?                     | N/A            | N/A            | N/A            | N/A            | N/A            | N/A            |
| Minimum Lot Area                                           | 3,000 sf | 32,912.8 sf           | 3,521.2 sf     | 3,888 sf       | 3,888 sf       | 3,888 sf       | 3,888 sf       | 4,037.4 sf     |
| Minimum Lot Area Per Unit                                  | 3,000 sf | 32,912.8 sf           | 3,521.2 sf     | 3,888 sf       | 3,888 sf       | 3,888 sf       | 3,888 sf       | 4,037.4 sf     |
| Minimum Lot Depth                                          | N/A      | 230 ft                | 114.262 ft     | 144 ft         | 144 ft         | 144 ft         | 144 ft         | 150 ft         |
| Minimum Lot Width                                          | 40 ft    | 104.67 ft             | 24.387 ft (V)  | 27 ft (V)      | 27 ft (V)      | 27 ft (V)      | 27 ft (V)      | 26.92 ft (V)   |
| Minimum Lot Width Along the Front Lot Line                 | 32 ft    | 104.67 ft             | 27.5 ft (V)    | 27 ft (V)      | 27 ft (V)      | 27 ft (V)      | 27 ft (V)      | 27 ft (V)      |
| Maximum Lot Coverage (Principal)                           | 35%      | 28.5%                 | 27.6%          | 25.0%          | 25.0%          | 25.0%          | 25.0%          | 24.1%          |
| Maximum Lot Coverage (Accessory)                           | 10%      | 2.8%                  | 0%             | 0%             | 0%             | 0%             | 0%             | 0%             |
| Maximum Lot Coverage (Aggregate)                           | 40%      | 30.7%                 | 29.5%          | 26.8%          | 26.8%          | 26.8%          | 26.8%          | 25.8%          |
| Minimum Front Yard Setback (N. California Ave.) (Steps)    | 10 ft    | N/A                   | 7.17 ft (V)    | 7.17 ft (V)    | 7.17 ft (V)    | 7.17 ft (V)    | 7.17 ft (V)    | 7.17 ft (V)    |
| Minimum Front Yard Setback (N. California Ave.) (Porch)    | 10 ft    | N/A                   | 19.5 ft        | 19.5 ft        | 19.5 ft        | 19.5 ft        | 19.5 ft        | 19.5 ft        |
| Minimum Front Yard Setback (N. California Ave.) (Dwelling) | 10 ft    | 0.0 ft                | 27.5 ft        | 27.5 ft        | 27.5 ft        | 27.5 ft        | 27.5 ft        | 27.5 ft        |

|                                                     | Req.  | Existing Lot<br>12.02 | Prop.<br>Lot A | Prop.<br>Lot B | Prop.<br>Lot C | Prop.<br>Lot D | Prop.<br>Lot E | Prop.<br>Lot F |
|-----------------------------------------------------|-------|-----------------------|----------------|----------------|----------------|----------------|----------------|----------------|
| Minimum Front Yard Setback (Maxwell St.) (Steps)    | 10 ft | N/A                   | N/A            | N/A            | N/A            | N/A            | N/A            | N/A            |
| Minimum Front Yard Setback (Maxwell St.) (Porch)    | 10 ft | N/A                   | N/A            | N/A            | N/A            | N/A            | N/A            | N/A            |
| Minimum Front Yard Setback (Maxwell St.) (Dwelling) | 10 ft | N/A                   | N/A            | N/A            | N/A            | N/A            | N/A            | N/A            |
| Minimum Side Yard Setback (Dwelling)                | 5 ft  | 12.0 ft               | 5.0 ft         | 5.0 ft         | 5.0 ft         | 5.0 ft         | 5.0 ft         | 5.0 ft         |
| Minimum Side Yard Setback (Steps)                   | 5 ft  | N/A                   | 3.5 ft (V)     | 3.0 ft (V)     | 3.0 ft (V)     | 3.0 ft (V)     | 3.0 ft (V)     | 3.0 ft (V)     |
| Minimum Side Yard Setback (Aggregate)               | 12 ft | 12.0 ft               | 8.5 ft (V)     | 8.0 ft (V)     | 8.0 ft (V)     | 8.0 ft (V)     | 8.0 ft (V)     | 8.0 ft (V)     |
| Minimum Rear Yard Setback (Dwelling)                | 25 ft | 73.6 ft               | 66.6 ft        | 66.6 ft        | 66.6 ft        | 66.6 ft        | 66.6 ft        | 72.6 ft        |
| Minimum Rear Yard Setback (Shower)                  | 25 ft | N/A                   | 61.6 ft        | 61.6 ft        | 61.6 ft        | 61.6 ft        | 61.6 ft        | 67.6 ft        |
| Maximum Density (Dwelling Units Per Acre)           | 24.2  | 1.3                   | 12.4           | 11.2           | 11.2           | 11.2           | 11.2           | 10.8           |

|                                            | Req.     | Existing Lot<br>12.02 | Prop.<br>Lot G | Prop.<br>Lot H | Prop.<br>Lot I |
|--------------------------------------------|----------|-----------------------|----------------|----------------|----------------|
| Maximum Building Height (Principal)        | 35 ft    | <35 ft                | <35 ft         | <35 ft         | <35 ft         |
| Maximum Building Height (Accessory)        | 15 ft    | ?                     | N/A            | N/A            | N/A            |
| Minimum Lot Area                           | 3,000 sf | 32,912.8 sf           | 3,804.0 sf     | 3,010 sf       | 3,010 sf       |
| Minimum Lot Area Per Unit                  | 3,000 sf | 32,912.8 sf           | 3,804.02 sf    | 3,010 sf       | 3,010 sf       |
| Minimum Lot Depth                          | N/A      | 230 ft                | 80 ft          | 86 ft          | 86 ft          |
| Minimum Lot Width                          | 40 ft    | 104.67 ft             | 44.08 ft       | 35 ft (V)      | 35 ft (V)      |
| Minimum Lot Width Along the Front Lot Line | 32 ft    | 104.67 ft             | 34.67 ft       | 35 ft          | 35 ft          |
| Maximum Lot Coverage (Principal)           | 35%      | 28.5%                 | 26.3%          | 33.3%          | 33.3%          |

|                                                            | Req.  | Existing Lot<br>12.02 | Prop.<br>Lot G | Prop.<br>Lot H | Prop.<br>Lot I |
|------------------------------------------------------------|-------|-----------------------|----------------|----------------|----------------|
| Maximum Lot Coverage (Accessory)                           | 10%   | 2.8%                  | 0%             | 0%             | 0%             |
| Maximum Lot Coverage (Aggregate)                           | 40%   | 30.7%                 | 26.9%          | 33.9%          | 33.9%          |
| Minimum Front Yard Setback (N. California Ave.) (Steps)    | 10 ft | N/A                   | N/A            | N/A            | N/A            |
| Minimum Front Yard Setback (N. California Ave.) (Porch)    | 10 ft | N/A                   | N/A            | N/A            | N/A            |
| Minimum Front Yard Setback (N. California Ave.) (Dwelling) | 10 ft | 0.0 ft                | N/A            | N/A            | N/A            |
| Minimum Front Yard Setback (Maxwell St.) (Steps)           | 10 ft | N/A                   | 3.75 ft (V)    | 3.75 ft (V)    | 3.75 ft (V)    |
| Minimum Front Yard Setback (Maxwell St.) (Porch)           | 10 ft | N/A                   | 12.25 ft       | 12.25 ft       | 12.25 ft       |
| Minimum Front Yard Setback (Maxwell St.) (Dwelling)        | 10 ft | N/A                   | 20.0 ft        | 20.0 ft        | 20.0 ft        |
| Minimum Side Yard Setback (Dwelling)                       | 5 ft  | 12.0 ft               | 13.83 ft       | 5.0 ft         | 5.0 ft         |
| Minimum Side Yard Setback (Steps)                          | 5 ft  | N/A                   | N/A            | N/A            | N/A            |
| Minimum Side Yard Setback (Aggregate)                      | 12 ft | 12.0 ft               | 13.83 ft       | 15.08 ft       | 15.08 ft       |
| Minimum Rear Yard Setback (Dwelling)                       | 25 ft | 73.6 ft               | 26.0 ft        | 26.0 ft        | 26.0 ft        |
| Minimum Rear Yard Setback (Shower)                         | 25 ft | N/A                   | 21.0 ft (V)    | 21.0 ft (V)    | 21.0 ft (V)    |
| Maximum Density (Dwelling Units Per Acre)                  | 24.2  | 1.3                   | 11.5           | 14.5           | 14.5           |

? – Information Not Provided

(V) – Variance Required

#### D. PLANNING COMMENTS

1. The Applicant requires a variance to permit a lot width of 24.387 ft for proposed lot A whereas a minimum lot width of 40 ft is required.
2. The Applicant requires a variance to permit a lot width of 27 ft for proposed lots B, C, D, and E whereas a minimum lot width of 40 ft is required.
3. The Applicant requires a variance to permit a lot width of 26.92 ft for proposed lot F whereas a minimum lot width of 40 ft is required.

4. The Applicant requires a variance to permit a lot width of 35 ft for proposed lots H and I whereas a minimum lot width of 40 ft is required.
5. The Applicant requires a variance to permit a lot width along the front lot line of 27.5 ft for proposed lot A whereas a minimum lot width (measured along the front lot line) of 32 ft is required.
6. The Applicant requires a variance to permit a lot width along the front lot line of 27 ft for proposed lots B, C, D, E, and F whereas a minimum lot width (measured along the front lot line) of 32 ft is required.
7. The Applicant requires a variance to permit a front yard setback for the steps of 7.17 ft for the proposed lots fronting N. Carolina Avenue whereas a minimum front yard setback of 10 ft is required.
8. The Applicant requires a variance to permit a front yard setback for the steps of 3.75 ft for the proposed lots fronting Maxwell Avenue whereas a minimum front yard setback of 10 ft is required.
9. The Applicant requires a variance to permit a side yard setback for the steps of 3.5 ft for proposed lot A whereas a minimum side yard setback of 5 ft is required.
10. The Applicant requires a variance to permit a side yard setback for the steps of 3 ft for proposed lots B, C, D, E, and F whereas a minimum side yard setback of 5 ft is required.
11. The Applicant requires a variance to permit an aggregate side yard setback of 8.5 ft for proposed lot A whereas a minimum aggregate side yard setback of 12 ft is required.
12. The Applicant requires a variance to permit an aggregate side yard setback of 8 ft for proposed lots B, C, D, E, and F whereas a minimum aggregate side yard setback of 12 ft is required.
13. The Applicant requires a variance to permit a rear yard setback for the proposed outdoor shower of 21 ft for the proposed lots fronting Maxwell Avenue whereas a minimum rear yard setback of 25 ft is required.
14. The Applicant should provide testimony to the Board setting forth the reasons why the required variances should be granted. Please refer to the attached Planner's Report at the end of this letter for further details.

#### **E. FINAL PLAT COMMENTS**

1. The Applicant should address the Board regarding whether the major subdivision will be perfected by filing of the plan or by deed. We have performed our review based on the assumption that the Applicant intends to file the Major Site Plan.
2. A note should be added to the plans which states that the properties will be graded in such a manner as to not discharge runoff onto the adjoining properties.
3. The proposed block and lot numbers and street addresses must be approved in writing by the Tax Assessor. In addition, the proposed street addresses must be shown on the plan.
4. The Zoning Table on Sheet 1 of the Major Site Plan must be revised in order to match the table above.
5. Sheet 1 of the Major Site Plan must be revised to depict a minimum of 3 corners around each tract with coordinate values indicated. In addition, the coordinate base, either assumed or based on the New Jersey Plane Coordinate System, shall be indicated on the plan.
6. The survey error of closure must be noted on the plan.

7. A monument must be set at each intersection of an outside boundary of a newly created lot or lots with the right of way line of any side of an existing street. Therefore, the Major Site Plan must be revised to show that a monument will be installed at the intersection of the proposed line between new lots A, B, C, D, E, and F and the right-of-way line of N. California Avenue, and the intersection of the proposed line between new lots G, H, and I and the right-of-way line of Maxwell Street.
8. If the monument is not set prior to the plan being recorded, then a Municipal Clerk's certification must be added to the plan which states "I certify that a bond has been given to the municipality, guaranteeing the future setting of the monuments as designated and shown on this map". We note that the required bond will be \$500 per monument.
9. The Major Site Plan must be revised in order to include the Municipal Engineer's certification stating, *"I have carefully examined this map and to the best of my knowledge and belief find it conforms with the provisions of 'the map filing law', resolution of approval and applicable municipal ordinances and requirements"*.
10. The Major Site Plan must be revised to include a Planning Board Secretary's certification which states that the proper authority has approved the map, the map complies with the provisions of the Recordation Act and sets forth the date by which the map is required to be filed.

#### **F. ENGINEERING COMMENTS**

1. The property in question is located in Flood Hazard Zone AE having base flood elevations of 9. The Applicant should provide testimony to the Board to demonstrate that the proposed construction will be in conformance with the Flood Damage regulations in Chapter 132 of the City Code.
2. The Applicant should provide testimony to the Board regarding if the development will be constructed in stages. If so, a construction schedule should be provided.
3. The Applicant submitted Architectural Plans of a proposed dwelling which appears to be meant to reflect the proposed dwellings fronting N. California Avenue. Therefore, Architectural floor plan and elevation drawings must be submitted regarding the proposed dwellings fronting Maxwell Street.
4. The Architectural Plans show a proposed dwelling with a scaled depth of 55', whereas the depth of the proposed dwellings shown on the Site Plans are either 50' or 40'. This discrepancy must be resolved.
5. The Survey should be revised in order to indicate the correct direction for the North arrow.
6. The Survey shows three (3) trees located along N. California Avenue, whereas the existing conditions on the Major Site Plan does not show any. The proposed plot on the Major Site Plan depicts four (4) trees located along N. California Avenue, therefore the Applicant should clarify whether trees are to be removed or added.
7. The Survey and the Major Site Plan show what was determined to be approximately 125' of chain-link fence fronting Maxwell Avenue. The plan should be revised to indicate the limits of which this fence is going to be removed.
8. The Survey and Major Site Plan show what was determined to be a concrete block wall, approximately 120 ft in length. The plan should be revised to indicate the limits of which this fence is going to be removed.
9. The Tax Map on sheet 1 of the Major Site Plan must be revised to include a north arrow.

10. The Soil Map on sheet 1 of the Major Site Plan is not legible. Therefore, the Plan must be revised in order to provide a clear, legible Soil Map.
11. Sheet 1 of the Major Site Plan shows a callout of an inlet located off of N. California Avenue on the existing conditions. The proposed condition should be revised to show this inlet and any proposed work if needed.
12. Sheet 2 of the Major Site Plan includes a 6' fence detail. Therefore, the plans should be revised to indicate the location(s) of the proposed fence.
13. We note that the tax map was not updated to represent the changes in Resolution #15 of 2025. The Applicant should provide testimony to the Board on when the tax map will be updated.
14. The Site Plan should be revised to clarify the limits of the proposed curb, sidewalk, driveway, and landscaping.
15. The Site Plan must be revised in order to include a dimension from the side yard to the steps at the northerly face of lots A-F.

**G. OUTSIDE AGENCY APPROVALS**

This application may be subject to the following outside agency approvals:

- a) Atlantic City Planning Board
- b) DelAtlantic Conservation District
- c) All other outside agency approvals as may be required.

Artheon reserves the right to present additional comments pending the receipt of revised plans and/or the testimony of the Applicant before the Board.

We recommend that any approval granted this application by the Planning Board be conditioned upon the Applicant accepting the above noted items as conditions, and that they become part of the approval resolution.

If you have any questions with regard to the above matter, please feel free to call.

Very truly yours,



**ARTHEON**

**Zachary Jordan, PE, CME, CFM**  
*Office of the Planning Board Engineer*

ZMJ/dc

cc: Brian Kempf – Director, Department of Planning & Development  
Carol N. Goloff, Esq. – Planning Board Attorney  
Chapman Real Estate, LLC – Applicant  
Eric S. Goldstein, Esq. – Applicant's Attorney  
Arthur J. Chew, III, PE – Applicant's Engineer

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### Attachment to Planner's Report

#### Positive Criteria

In order for the Board to grant a '**c**' **variance**, an Applicant and/or experts must demonstrate, to the Board's satisfaction, that: (1) such action will relieve peculiar & exceptional practical difficulties or exceptional & undue hardship upon the developer of the subject property resulting from the strict application of the Zoning Ordinance (typically known as a Hardship Variance); **OR** (2) that granting a variance to allow departure from the zoning ordinance would advance one of the purposes of the **NJ Municipal Land Use Law (N.J.S.A. 40:55d-1 et seq. [MLUL])** and that the benefits of the deviation would substantially outweigh any detriment (typically known as the Special Reasons). Collectively, these are known as the Positive Criteria.

The MLUL defines "peculiar & exceptional practical difficulties" and "exceptional & undue hardship" as:

- (a) [where] by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation... would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property...[N.J.S.A. 40:55D-70c(1)]

Under N.J.S.A. 40:55D-70c(2), the MLUL enumerates as its purposes:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- b. To secure safety from fire, flood, panic and other natural and man-made disasters;
- c. To provide adequate light, air and open space;
- d. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
- e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- f. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- h. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;
- j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;
- k. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;

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- l. To encourage senior citizen community housing construction;
  - m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;
  - n. To promote utilization of renewable energy resources; and
  - o. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.