

*file*

**RICHARD F. DELUCRY**  
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Direct Phone (609) 572-7606  
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FILE NO. 57789/00001

August 3, 2016

Robert L. Reid, AICP, PP  
Land Use Regulation Enforcement Officer  
Casino Reinvestment Development Authority  
15 South Pennsylvania Avenue  
Atlantic City, NJ 08401

Re: CLUC Application  
Site: 181 S. South Carolina Avenue (and) 1243 Boardwalk Block 59, Lot 2  
Owner: O&S Management, LLC

Dear Mr. Reid:

Enclosed in accordance with your July 29, 2016 email is the revised CLUC application package for the above-referenced property.

Please let me know if you have any questions.

As we discussed, the one item which we cannot complete before the August 4, 2016 deadline for this filing is the approval of an air-rights license from Atlantic City Council, for the three signs which extend into the City's air space. We have retained Arthur Ponzio's firm to prepare the necessary documentation and legal description of the affected air space, and we will file a license application with the City as soon as we have that information.

I understand you are willing to carry the air-rights license as a condition to the CLUC. I will keep you advised of all developments regarding that application.

Thank you.

Very truly yours,

  
Richard F. DeLucry

RFD/kdp  
Enclosures  
CLAC 3661679.1



15 South Pennsylvania Avenue  
Atlantic City, NJ 08401

**APPLICATION FOR CERTIFICATE OF LAND USE COMPLIANCE**

(PLEASE PRINT CLEARLY)

Fees: Commercial: \$50.00. Residential: \$32.00\*

\*Fees in accordance with Resolution 11-60 dated 6/21/11 and Resolution 15-24 dated 3/3/15.  
Check or Money Order Payable To "Casino Reinvestment Development Authority". No cash.

**BUSINESS NAME:** \_\_\_\_\_  
Applicant's Name: O&S Management, LLC Phone: \_\_\_\_\_  
Applicant's Address: 4A Arthur Court, Montvale, NJ 07645  
Applicant's Email: \_\_\_\_\_  
Applicant's Signature: \_\_\_\_\_

**PROPERTY INFORMATION**

Street Address: 181 S. South Carolina (and) 1243 Boardwalk Unit# \_\_\_\_\_  
Zoning District: RS-C Block(s) 59 Lot(s) 2 Qualifier No. \_\_\_\_\_  
Prior Use (Include total number of units, number of seats if restaurant and /or bar, describe fully.): \_\_\_\_\_

Please see attached "Addendum"

Proposed Use (Fully describe proposed use and/or signage, including total number of units, number seats if restaurant and / or bar attach sheets if necessary.): \_\_\_\_\_

Same as existing - no change

**CERTIFICATION IN LIEU OF OATH ( OWNER OR AGENT )**

**Owner Section** (To be completed by the owner in fee of the property that is the subject of this application.)

Owner's Name: O&S Management, LLC Phone: \_\_\_\_\_  
Owner's Address: 4A Arthur Court, Montvale, NJ 07645  
Owner's Email : \_\_\_\_\_

I hereby certify that I am the owner in fee of the property that is the subject of this application.

Property Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Agent Section** (To be completed if owner in fee has authorized an agent for this application.)

Agent's Name: Richard DeLucry, Esquire  
Agent's Title: Attorney for Applicant/Owner  
Agent's Address: Cooper Levenson, P.A., 1125 Atlantic Ave., Atlantic City, NJ 08401  
Agent's Email: rdelucry@cooperlevenson.com

I hereby certify that I have been authorized by the owner in fee to make this application as his/her agent.

Agent's Signature: \_\_\_\_\_ Date: August 2, 2016

Notice: 1) THIS CERTIFICATION MAY NOT BE THE ONLY APPROVAL REQUIRED NOR DOES IT SUBSTITUTE FOR A CERTIFICATE OF NON-CONFORMITY, BUILDING PERMIT, PERMITS REQUIRED IN FLOOD HAZARD AREAS, MERCANTILE LICENSE, LICENSE TO OCCUPY PUBLIC PROPERTY, LICENSE TO OCCUPY THE PUBLIC RIGHT OF WAY OR OTHER STATE AND LOCAL PERMITS. 2) THE AGENT BY THEIR SIGNATURE REPRESENTS THAT THE PROPERTY OWNER HAS GRANTED CONSENT TO THE AGENT TO SIGN ON THEIR BEHALF. 3) THE CERTIFICATE WILL NOT BE ISSUED IF VIOLATIONS OF CHAPTER 163 EXIST. 4) THIS CERTIFICATE IS ISSUED BASED ON TRUE AND ACCURATE INFORMATION BEING PROVIDED BY THE APPLICANT AND MAY BE RESCINDED IF IT IS DETERMINED THAT VIOLATIONS OF CHAPTER 163 EXIST.

**FOR OFFICE USE ONLY**

Approved \_\_\_\_\_ Denied \_\_\_\_\_

Conditions of Approval: Subject to applicant's satisfaction of all applicable requirements of the City of Atlantic City's Land Use Ordinances and regulations and compliance with all Federal, State and Local laws.

Application Number: \_\_\_\_\_ Fee Received: \_\_\_\_\_

Date Filed: \_\_\_\_\_ Date Issued: \_\_\_\_\_

Authorization: \_\_\_\_\_  
Robert L. Reid, AICP, PP, Land Use Regulation Enforcement Officer

**Distribution (City Departments):**

Construction Division \_\_\_\_\_ City Engineer \_\_\_\_\_ Code Enforcement \_\_\_\_\_ Fire Department \_\_\_\_\_  
Police Department \_\_\_\_\_ Mercantile Office \_\_\_\_\_ Tax Assessor \_\_\_\_\_ Health Department \_\_\_\_\_  
CDBG Program \_\_\_\_\_ Other \_\_\_\_\_

Include the following if applicable with the completed form:

1. Fee Payable to CRDA – CHECK OR MONEY ORDER – NO CASH
2. PROPERTY OWNER'S INFO. AND SIGNATURE (or AGENT'S) SIGNATURE
3. Copy of fully executed lease
4. APPLICANT'S INFO. AND SIGNATURE
5. If LLC, copy of Operating Agreement documenting authorization for individual to sign on behalf of LLC for either and/or both applicant and owner.
6. If Corporation, copy of written authorization for individual to sign on behalf of Corp. for either and/or both applicant and owner.
7. Two copies of Sign plans including rendition of sign with dimensions and the dimensions of the façade of the building. Per Atlantic City Mercantile no Mercantile License will be issued without sign information, BANNERS ARE NOT PERMITTED.
8. Copy of floor plan
9. Sealed Site Plans (If applicable)
10. Fully describe prior uses including square feet of commercial use, number of units, number of seats if restaurant and/or bar use.
11. Fully describe proposed uses including square feet of commercial use, number of units, number of seats if restaurant and/or bar use.
12. Any prior approvals (If applicable) (Resolutions, CLUC from AC or Cert. of Nonconformity)
13. Any other documentation pertinent to the application.
14. SIGN PLAN MUST ACCOMPANY APPLICATION. Rendition of sign with dimensions and square footage of façade of building. Business name and Sign information must match.

#### Sign Information and Regulations

##### Prohibited Signs [163-71 G]

Signs specifically prohibited in all districts. The following signs are prohibited in all districts and shall not be erected, maintained or permitted to continue in any district:

1. Animated or moving signs. Animated or moving signs, except as expressly authorized by specific district regulations.
2. Portable signs. Portable signs, except advertising vehicle signs to the extent permitted by 163-71 F (16) Advertising vehicle signs - only on public transportation vehicles.
3. Temporary signs. Temporary signs, except as expressly authorized in this section.
4. Miscellaneous prohibited signs.
  - a. Any sign on a tree or utility pole or painted on or otherwise directly affixed to any rock, ledge or other natural feature, whether on public or private property.
  - b. Signs which contain statements, words or pictures of an obscene character or which contain advertising matter which is untruthful.
  - c. A-frame sandwich board, sidewalk and curb signs, except as specifically authorized by specific district regulations.

##### Sign maintenance. [163-71 D (11)]

1. In the case of advertising signs as defined in 163-71 E (1)(a), the owner of a sign and, in the case of all other signs, the owner of a sign and the owner of the premises on which such sign is located shall be jointly and severally liable to maintain such sign, including its illumination sources, in a neat and orderly condition and good working order at all times and to prevent the development of any rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign.
2. Unsafe signs; unsightly, damaged, deteriorated signs; or signs in danger of falling shall be put in order or removed upon written notice. Immediate compliance is expected for the repair or removal of unsafe signs. If compliance is not achieved within the time period specified in such notice, the sign shall be repaired or removed by the City and the costs assessed to the property owner.

##### Window signs. [163-71 F (8)]

1. Window signs are only permitted as Temporary non-illuminated window signs advertising coming events, special sales, contests, promotional activities and civic or political activities maintained for a period of no longer than 45 days before such event nor more than three days after such event and, Permanent Window signs are only permitted as non-illuminated window signs calling attention to compliance with standards, association with credit groups or premium stamp promotions and the like, provided that the aggregate area of all window signs shall not exceed 33% (1/3) of the area of the window in which they are exhibited nor block any window area required for light, ventilation or emergency exit by any applicable code.

##### Other Prohibited Uses/Activities [163-68 F (2)]

Outdoor display or storage of merchandise or equipment, except in rear yards located in commercial and industrial districts.

COOPER LEVENSON, P.A.  
1125 ATLANTIC AVENUE - THE THIRD FLOOR  
ATLANTIC CITY, NEW JERSEY 08401  
ATTORNEY BUSINESS ACCOUNT

583853

CHECK #

**Fulton Bank**  
of New Jersey  
LISTENING IS JUST THE BEGINNING®  
55-763/312

AMOUNT

\$50.00

DATE  
08-02-16

PAY  
THE  
AMOUNT OF FIFTY AND 00/100

PAY TO

CASINO REINVESTMENT DEVELOPMENT AUTHORITY

  
AUTHORIZED SIGNATURE

⑈ 583853⑈ ⑆ 03 207636 ⑆ 0008307393⑈

COOPER LEVENSON, P.A.  
1125 ATLANTIC AVENUE - THE THIRD FLOOR  
ATLANTIC CITY, NEW JERSEY 08401  
(609) 344-3161

*Karen*

583853

11135 CASINO REINVESTMENT DEVELOPMENT AUTHORITY

INVOICE	INV. DATE	DESCRIPTION	VOUCHER I.D.	NET AMOUNT
080116A/KDP	08-01-16	57789.00001	302861	50.00

Details on back.

ADDENDUM TO  
CERTIFICATE OF LAND USE COMPLIANCE APPLICATION

Applicant/Owner: O&S Management, LLC

Site: 181 S. South Carolina (and) 1243 Boardwalk  
Block 59, Lot 2

Zone: RS-C

Current Use:

- A. Gift/Souvenir Stores (“Lucky Star” and “Ocean Star”)
- B. Pizza Restaurant (“Poppa T’s Pizza”)
- C. Bar/Tavern (“Lace”)
- D. Dance and Entertainment Club (“Stiletto”)
- E. 2<sup>nd</sup> Floor Residential Apartments
- F. Business and Identification Signs

Compliance Summary:

- A. Gift/Souvenir Stores: Are permitted under Schedule III, “General Retail Sales and Related Service Uses” as a “gift, novelty, and souvenir” store.
- B. Pizza Restaurant: Is permitted under Schedule III, “Food and Beverage Service Uses” as a “restaurant, excluding dancing and entertainment.”
- C. Bar/Tavern: Is permitted under Schedule III, “Food and Beverage Service Uses” as a “restaurant, excluding dancing and entertainment.”
- D. Entertainment Club: Is permitted under Schedule III, “Cultural, Recreational and Entertainment Uses” as a “Dance and Entertainment Club.”
- E. Two 2<sup>nd</sup> Floor Residential Apartments: Are permitted pursuant to a “Certificate of Nonconformity” issued in March 2006 by the Atlantic City Zoning Board, in accordance with Board Resolution 15 of 2006. (copies attached)
- F. Site Signage: Attached is a photographic inventory of existing site signage. “Business and Identification” signs are permitted in the RS-C zone under Section 163-71-J(1) of the Land Use Ordinance. There are no limits on the number of such signs but they can occupy no more than 25% of the total wall surface per elevation. The existing signs comply.

The signage inventory consists of twelve (12) photos numbered on the rear of each picture:

- 1. Sign on the rear of the building
- 2-3. Blank sign and canopy on South Caroline frontage

4-8. South Carolina Avenue frontage from ramp to front of building

9-1. Boardwalk frontage – stores

12. Second-floor sign on Boardwalk frontage

\*Three signs require an air rights license from the City. An application for that license is being prepared and will be filed as soon as possible.

**CERTIFICATE OF NONCONFORMITY**  
**CITY OF ATLANTIC CITY**  
**ZONING BOARD OF ADJUSTMENT**

March 23, 2006

RE: STREET ADDRESS: 131 S. South Carolina Avenue

BLOCK(S): 19 LOT(S): 58

I HERBY CERTIFY THAT THE ABOVE REFERENCED PROPERTY HAS BEEN DETERMINED TO CONTAIN A LEGAL, NONCONFORMING USE AND/OR STRUCTURE BY THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF ATLANTIC CITY PURSUANT TO N.J.S.A. 40:55D-68.

ATTACHED HERETO IS ZONING BOARD OF ADJUSTMENT RESOLUTION NO. #15 of 2006 DATED Feb. 23 / 2006, WHICH SETS FORTH THE PARAMETERS OF THE NONCONFORMITY AND AUTHORIZES THE ISSUANCE OF THIS CERTIFICATE BY THE UNDERSIGNED.

*Walter L. Collette*  
WALTER L. COLLETTE, CHAIRMAN  
ZONING BOARD OF ADJUSTMENT  
CITY OF ATLANTIC CITY

CITY OF ATLANTIC CITY  
CITY CLERK'S OFFICE  
2007 MAR 23 PM 1:47

**RESOLUTION OF FINDINGS AND CONCLUSIONS**

**ZONING BOARD OF ADJUSTMENT  
OF ATLANTIC CITY**

**RESOLUTION #15 OF 2006**

WHEREAS, it has been determined factually by the Zoning Board of Adjustment of the City of Atlantic City that O & S MANAGEMENT, LLC has applied to the Zoning Board of Adjustment of the City of Atlantic City to obtain a Certificate of Non-Conformity pursuant to N.J.S.A.40:55D-68 in order to legitimize a pre-existing nonconforming use and structure on the site of two second floor apartments at 181 S. South Carolina Avenue, Block 19, Lot 58, which premises is located in a RS-C Zone;

WHEREAS, the applicant was represented by Scott Silver, Esquire; and testimony was offered by Regina Armstrong, Assistant Director of the Atlantic City Division of Planning; and

WHEREAS, the Board, after carefully considering the evidence presented by the applicant and of the adjoining property owners and general public, has made the following additional factual findings:

- (1) The applicant is the owner of the subject property;
- (2) Notice requirements were met;
- (3) From 1979 to 2006 the area was Zoned RS-C by the Atlantic City Zoning Ordinance which did not permit two apartments on this site.
- (4) From 1929 to 1979 the area was Zoned B-2 Commercial by the Atlantic City Zoning Ordinance which permitted two apartments on this site.



- (5) The 1961 Property Record Card of the City of Atlantic City indicates two apartments on this site.
- (6) The 1981 Property Record Card of the City of Atlantic City indicates two apartments on this site.
- (7) The property was constructed in 1959.
- (8) The testimony that was presented to the Board indicated that the property had never been illegally expanded.

AND WHEREAS, a Resolution to grant the subject application was Introduced by Mr. Hoffman and Moved by Mr. Tuohy;

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the City of Atlantic City on this 23<sup>rd</sup> day of February, 2006, that approval of the application of O & S MANAGEMENT, LLC to obtain a Certificate of Non-Conformity pursuant to N.J.S.A.40:55D-68 in order to legitimize a pre-existing nonconforming use and structure on the site of two second floor apartments, as aforementioned, be granted.

ROLL CALL VOTE: Seven (7) in Favor, None (0) Opposed

Those in Favor: Tuohy, Davis, Reyes, Hoffman, Campbell, Capella, Collette

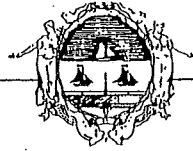
Those Opposed: None

ZONING BOARD OF ADJUSTMENT  
OF ATLANTIC CITY

BY: Walter L. Collette  
WALTER L. COLLETTE, CHAIRPERSON

DATED: FEBRUARY 23, 2006

CITY OF ATLANTIC CITY



DIVISION OF PLANNING  
CITY HALL - SUITE 508  
ATLANTIC CITY, NEW JERSEY 08401  
(609) 347-5404  
FAX: (609) 347-5345

CERTIFICATE OF LAND USE COMPLIANCE

FEE: COMMERCIAL \$32.00 RESIDENTIAL: \$16.00  
CHECKS OR MONEY ORDER PAYABLE TO CITY OF ATLANTIC CITY

NOTE: This Certificate does not substitute for a Certificate of NonConformity, Building Permit, Mercantile License or other Federal, State or local permit or approval required.  
Form revised: 6/94

TO BE COMPLETED BY APPLICANT

Applicant's (Your) Name: OES MANAGEMENT, LLC Phone: 609-927-0800  
Applicant's (Your) Address: % SCOTT N SILVER, P.C. 524 MAPLE AVE., LINWOOD, NJ 08221  
Owner's Name: OES MANAGEMENT, LLC Phone: 609-927-0800  
Owner's Address: % SCOTT N SILVER, P.C. 524 MAPLE AVE., LINWOOD, NJ 08221  
Owner's Signed Consent: [Signature] Date: 9/17/07  
AUTHORIZED REPRESENTATIVE  
Name and Address of Professional Consultant(s):  
ATTORNEY - SCOTT N SILVER 524 MAPLE AVE. LINWOOD, NJ 08221  
ARCHITECT - WILLIAM M'CEES 732 SHORE RD. SOMERS POINT, NJ 08244  
Street Address of Subject Property: 185 S SOUTH CAROLINA AVE  
Zoning Classification: RSC Block(s) 59 Lot(s) 2  
Present Use (include total number of units, describe fully):  
BAR (PART OF THE BAR OPERATING AT 181-183-185 S. SOUTH CAROLINA AVE.)

This Application is For (fully describe proposed use and or signage, including total number of units):  
BAR (TO BE SEPARATED FROM EXISTING BAR, AND TO OPERATE AS A  
DISTINCTLY SEPARATE SPORTS BAR UNDER SEPARATE OWNERSHIP).  
THE SQUARE FOOTAGE OF THE USABLE AREA OF THE PROPOSED SPORTS BAR IS  
2,850 sq. ft. (SEE ATTACHED LETTER OF ARCHITECT WILLIAM M. LEES)

FOR OFFICE USE ONLY  
APPROVED: \_\_\_\_\_ DENIED \_\_\_\_\_

Conditions of Approval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Application Number: 073103 Fee Received: \$32.00  
Date Filed: 9/19/07 Date Issued: 10/30/07  
Authorization: [Signature]  
Jay T. Fledler: Land Use Administrator, City of Atlantic City

Distribution: Building Department   
Code Enforcement   
Mercantile Office \_\_\_\_\_  
V.I.P. Program \_\_\_\_\_  
City Engineer \_\_\_\_\_  
Fire Department \_\_\_\_\_  
Tax Assessor \_\_\_\_\_  
Other [Signature]