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*Executive Director*

August 6, 2021

Indika Subeappu Kankanamalage  
7701 Boulevard East  
North Bergen NJ 07047

RE: Certificate of Land Use Compliance Application for:  
Atlantic 7 Inc., DBA Taboo  
1544 Atlantic Avenue  
Block 151, Lot 2  
Atlantic City NJ 08401  
CLUC Application no. 2021-08-3043

The Certificate of Land Use Compliance (CLUC) application for the sale of adult merchandise, adult videos, adult books, adult magazines, adult novelties, etc. which meets the definition of "sexually oriented business" (SOB) found in Title 2C and CRDA Land Use Regulations – N.J.A.C. 19:66 " is hereby denied. (See copy of Denial attached)

The following is offered as to the reason for the denial:

The use "adult merchandise sales" or "sexually oriented business" has never been listed as a permitted use in the Atlantic City Land Use ordinance;

The use "adult merchandise sales" or "sexually oriented business" is not permitted at this location pursuant to N.J.S.A. 2C:34-7, effective 9/15/1995.

The use "adult merchandise sales" or "sexually oriented business" is not permitted at this location pursuant to N.J.A.C. 19:66, effective 1/2/2018.

The CLUC issued on 11/10/1997 for an "Adult Book Store" included a condition of approval as follows: "This approval does not address the applicability of N.J.S.A. 2C :34-7 or compliance herewith". The Land Use Administrator had no authority to issue a CLUC that permitted a use that was not listed as a permitted use in the Atlantic City Land Use code, nor had authority to issue CLUC which is inconsistent with N.J.S.A. 2C :34-7. (Copy of CLUC Attached)



N.J.A.C. 19:66-5.3 General use limitations, 3. Sexually orientated businesses as defined in N.J.S.A. 2C:34-6 shall not be permitted in any zoning district established in accordance with this chapter. [New Jersey Statutes Title 2C. The New Jersey Code of Criminal Justice 2C § 34-6 (N.J.S.A. §§ 2C:34-6 and 2C:34-7.)]

The "Property" did not lawfully operating on the effective date of 9/15/1995. The "Property" does not meet the location limitations as described in N.J.S.A. 2C:34-7. I, as the CRDA Land Use Regulation Enforcement Officer, do not have the authority to approve a non-conforming use.

Should you desire to file an appeal of this decision you may in accordance with the following:

§ 19:66-17.1 Administrative appeals

(a) Any person aggrieved by any decision, determination, interpretation, order, failure to act, or refusal based on or made in the administration or enforcement by the Authority official so charged with the administration or enforcement of this chapter, other than for applications for development requiring a hearing in accordance with N.J.A.C. 19:66-14.1 or penalty enforcement actions pursuant to N.J.A.C. 19:66-16.4, may file an administrative appeal with the Authority, which shall be determined by the hearing officer so designated by the Executive Director of the Authority.

(b) The person appealing the Authority's decision shall submit, by certified and electronic mail to the Authority, within 10 calendar days from the date of the Authority's action, a written notice of appeal containing a statement of all facts alleged to be at issue and the relevance of the facts to the Authority's decision. The hearing officer may request any additional information necessary to properly adjudicate the administrative appeal.

(c) A hearing on the administrative appeal shall be conducted in accordance with procedures as may be established by the Authority, which procedures may include the taking of live testimony, oral argument, or adjudicating the administrative appeal based on the applicant's written submission. Within 60 days of the conclusion of the hearing, the hearing officer shall issue a summary of his or her findings of fact and conclusions of law thereon, which shall constitute final agency action with respect to the administrative appeal.

(d) Administrative appeals under this provision are not contested cases subject to the requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., or the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

Please be guided accordingly.

Respectfully,

A handwritten signature in black ink, appearing to read "R. Reid", written over a white background.

Robert L. Reid, AICP, PP  
Land Use Regulation Enforcement Officer

Encl.


**CITY OF ATLANTIC CITY  
CERTIFICATE OF LAND USE COMPLIANCE (Zoning Permit)**

**City of Atlantic City: (Check where applicable)**  
 **AC Planning Division Jurisdiction**  
 City of Atlantic City Planning Board  
 1301 Bacharach Boulevard  
 City Hall - Suite 508  
 Atlantic City, NJ 08401  
 609-347-5404

Fee:  Residential \$25  
 Commercial \$50

**CRDA: (Check where applicable)**  
 **NJ CRDA LURED Jurisdiction**  
 Casino Reinvestment Development Authority  
 15 S Pennsylvania Avenue  
 Atlantic City, NJ 08401  
 609-347-0500

Fee:  Residential Condominium Unit or  
 Single Family \$32  
 Multi-Family/Commercial \$50

Business Name: Atlantic 7 Inc (DBA : Taboo)  
 Applicant's Name: Indika Subeappu Kankanamalage Phone: 917 284 4019  
 Applicant's Address: 7701 Boulevard East, North Bergen, NJ 07047  
 E-mail Address: nyc7inc@gmail.com  
 Applicant's Signature: 

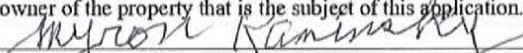
**PROPERTY INFORMATION**

Street Address of Subject Property: 1544 Atlantic Ave, Atlantic City, NJ 08401  
 Zoning District: CB-D Block(s) 151 Lot(s) 2 Unit # 1  
 Prior Use (include description of use, signage, total number of units, number of on-site parking spaces, seats if restaurant and or bar, describe fully):  
Sales of dry goods and adult merchandises including adult video sales, books, magazines, lingerie, shoes, pipes, video slot machines and novelties.

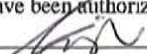
Proposed Use: (include description of use, signage, total number of units, number of on-site parking spaces, seats if restaurant and or bar, describe fully):  
Nothing proposed. (The Atlantic 7 Inc/Taboo store stays the same)

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

Owner's Name: Myron Kaminsky  
 Owner's Address: 217 No Argyle Ave, Margate, NJ  
 Owner's Email: mikamins30@gmail.com

I hereby certify that I am the owner of the property that is the subject of this application.  
 Property Owner's Signature: 

**Agent Section:** (To be completed and signed if owner in fee has authorized an agent for this application)  
 Agent's Name: Gunadasa Gamage  
 Agent's Address: 25 MLK Boulevard #3, Atlantic Ave, Atlantic City, NJ 08401  
 Agent's Email: gggamage4@gmail.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: 

**Notice:1) THIS CERTIFICATION (Zoning Permit) IS NOT THE ONLY APPROVAL REQUIRED NOR DOES IT SUBSTITUTE FOR A CERTIFICATE OF NON-CONFORMITY, BUILDING PERMIT, PERMITS REQUIRED IN FLOOD HAZARD AREAS, MERCANTILE LICENSE OR OTHER STATE AND LOCAL PERMITS. 2) BY PROVIDING A SIGNED CONSENT ABOVE THE OWNER ALSO AUTHORIZES THE RELEASE OF THE PROPERTY RECORD CARDS AND ANY OTHER DOCUMENTS TO THE APPLICANT. 3.) THE CERTIFICATE (Zoning Permit) WILL NOT BE ISSUED IF VIOLATIONS EXIST. 4.) THIS CERTIFICATE (Zoning Permit) IS ISSUED BASED ON TRUE AND ACCURATE INFORMATION BEING PROVIDED BY THE APPLICANT AND MAY BE RESCINDED IF IT IS DETERMINED THAT VIOLATIONS EXIST.**

**FOR OFFICE USE ONLY**

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

**CONDITIONS OF APPROVAL: SUBJECT TO APPLICANT'S OF ALL APPLICABLE REQUIREMENTS OF THE CITY OF ATLANTIC CITY'S CODE AND NJAC 19:66 LAND USE REGULATIONS AND COMPLIANCE WITH ALL OTHER FEDERAL, STATE, AND LOCAL LAWS (where applicable).**

**NJAC 19:66-5.3 DOES NOT PERMIT USE, N.J.S.A. 2C: 34-7 DOES NOT PERMIT USE AT LOCATION. SEE ATTACHMENTS.**

Application Number: 2021-08-3043 Fee Received: \$50.00 CK #1352  
 Date Filed: 8/6/2021 Date Issued: 8/6/2021

Authorization: 

Distribution:	Construction Division	_____	City Engineer	_____
	Code Enforcement	_____	Fire Department	_____
	Mercantile Office	_____	Tax Assessor	_____
	Health Department	_____	Other	_____
	Police Department	_____		



DIVISION OF PLANNING  
CITY HALL - SUITE 500  
ATLANTIC CITY, NEW JERSEY 08401  
(609) 347-5404  
FAX: (609) 347-5345

Form revised: 5/95

CERTIFICATE OF LAND USE COMPLIANCE

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

NOTES: 1) This Certificate does not substitute for a Certificate of NonConformity, Building Permit, Mercantile License or other Federal, State or local permit or approval required. 2) The Owner, by his "signed consent" (below), also authorizes the release of the Property Record Cards and any other documents to the Applicant.

TO BE COMPLETED BY THE APPLICANT

Applicant's (Your) Name: Bills sign & Lighting Phone: 652-8445  
Applicant's (Your) Address: 524 W. MARSH ST. RIVILLE NJ 08232  
Owner's Name: SOE KAMINSKY Phone: 622-6144  
Owner's Address: 217 N. ARGYLE AVE. MARGATE NJ 08402  
Owner's Signed Consent: [Signature] Date: 10/21/97  
Name and Address of Professional Consultant(s): \_\_\_\_\_

Street Address of Subject Property: 1544 ATLANTIC AVE ATLANTIC CITY  
Zoning Classification: CBD Block(s) 28 Lot(s) 61  
Present Use (include total number of units, describe fully): CD 20' X 100' DEEP  
ADULT BOOK STORE

This Application is For (fully describe proposed use and or signage, including total number of units):  
SIGNAGE PACKAGE AS PER ATTACHED SKETCH

FOR OFFICE USE ONLY

APPROVED: \_\_\_\_\_ DENIED

Conditions of Approval: THIS APPROVAL DOES NOT ADDRESS THE APPLICABILITY OF NJSPA 2C:34-7 OR COMPLIANCE THEREWITH.

Application Number: 10,972 Fee Received: \$32.00  
Date Filed: 10/21/97 Date Issued: 11.10.97

Authorization: [Signature]  
Jay T. Fiedler: Land Use Administrator, City of Atlantic City

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