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FILE NO. 52477/00009

September 28, 2022

Via Hand Delivery and E-mail

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

Re: Garden State Outdoor, L.L.C., as agent for NJ Transit
Block 472, Lot 2, immediately adjacent to the Atlantic City Expressway
Atlantic City, New Jersey

Dear Mr. Reid:

On behalf of our client, Garden State Outdoor, L.L.C., agent for New Jersey Transit ("Applicant"), please accept this application for administrative review in connection with the above-captioned property. The Applicant proposes to replace the existing 960 s.f. double-sided static sign face with a new up to 960 s.f. double-sided digital sign face to be operated pursuant to New Jersey D.O.T. Regulations. The current double-sided static billboard was approved in 2006 by the Atlantic City Planning Board pursuant to N.J.S.A. 40:55D-31 (review and recommendation) (resolution attached).

In support of the application, enclosed please find the following documents for your review:

1. Original and two (2) copies of the application;
2. Three (3) copies of Atlantic City Planning Board Resolution 4-2006;
3. Three (3) copies of Sciallo Engineering Services LLC, Existing Billboard Replacement Plan dated September 8, 2022;
4. One (1) copy of redacted License Agreement between Applicant as agent for Owner;

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5. One (1) thumbnail drive with an electronic copy of the proposed plan; and
6. Our law firm check in the amount of \$50 for the administrative review fee.

Please feel free to contact me should you have any questions or require any additional information.

Thank you for your attention to this matter.

Very truly yours,

Cooper Levenson, P.A.



Nicholas F. Talvacchia

NFT/ln
Enclosures

cc: Lance B. Landgraf, Director of Planning, CRDA (*w/Enclosures, via E-mail*)
Garden State Outdoor, L.L.C.
Jason T. Scullo, PE, PP (*w/ Enclosures, via E-mail*)

City of Atlantic City
LAND USE APPLICATION

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

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

To be completed by staff only.

Date Filed _____ Application No. _____
Application Fees: _____ Escrow Deposit _____

Scheduled for:
Review for Completeness _____ Hearing: _____

=====

1. SUBJECT PROPERTY

Location: Lot 2 in Block 472, immediately adjacent to the AC Expressway Atlantic City, NJ 08401

Tax Map Page 81 Block 472 Lot(s) 2
Page _____ Block _____ Lot(s) _____
Page _____ Block _____ Lot(s) _____

Dimensions Frontage _____ Depth _____ Total Area _____

Zoning District CBD

2. APPLICANT

Name Garden State Outdoor, L.L.C. as agent for NJ Transit

Email c/o ntalvacchia@cooperlevenson.com

Address 2 Convention Boulevard, Suite 100, Atlantic City, NJ 08401

Telephone Number (NFT) 609-572-7544

Applicant is a: Corporation Partnership Individual

3. If Owner is other than the applicant, provide the following information on the Owner(s):

Owner's Name NJ Transit

Email _____

Address 1 Penn Plaza East, Newark, NJ 07105

Telephone Number 973-491-7000

4. DISCLOSURE STATEMENT

Pursuant to N.J.S 40:55D-48.1 [Application by corporation or partnership; list of stockholders owning 10% of stock or 10% interest in partnership.] Disclosure of owners of organization and property subject to application. [A corporation or partnership applying to a governing body of a municipality]Any organization making an application for development under this act [for permission to subdivide a parcel of land into six or more lots, or applying for a variance to construct a multiple dwelling of 25 or more family units or for approval of a site to be used for commercial purposes] shall list the names and addresses of all members, stockholders or individual partners (collectively, "interest holders") [owning at least 10% of its stock of any class or at least 10% of the interest in the partnership], including any other organization holding at least a 10% ownership interest in the organization, and shall also identify the owner of the property subject to the application, including any organization holding at least a 10% ownership interest in the property [as the case may be]. In accordance with 40:55D-48.2 [Disclosure of 10% ownership interest of corporation or partnership which is 10% owner of applying corporation or partnership.] Listing of names and addresses of interest holders of applicant and owner organization. If [a corporation or partnership] an organization owns an interest equivalent to 10% or more of another organization the stock of a corporation, or 10% or greater interest in a partnership, subject to the disclosure requirements hereinabove described, [pursuant to section 1 of this act that organization shall list the names and addresses of its interest holders holding 10% or greater interest in the [partnership, as the case may be, and] organization. [This requirement shall be followed by every corporate stockholder or partner in a partnership, until the names and addresses of the stockholders and individual partners, exceeding the 10% ownership criterion established in this act, have been listed.] In accordance with recently added 40:55D-48.3 Disclosure of all officers and trustees of a non-profit organization. A non-profit organization filing an application for development under this act shall list the names and addresses of all officers and trustees of the non-profit organization. In accordance with 40:55D-48.4 [Failure to comply with act; disapproval of application.] Approval of application. a. No municipal planning board, board of adjustment or [municipal] governing body shall approve the application of any [corporation or partnership] organization or non-profit organization which does not comply with this act. Any approval not in compliance with this act shall be voidable in a proceeding in lieu of prerogative writ in the Superior Court. b. Any party, including any member of the public, may institute a proceeding in lieu of prerogative writ in the Superior Court to challenge any PROPOSED AMENDMENTS TO MUNICIPAL LAND USE LAW approval granted by a municipal planning board, board of adjustment or governing body on the grounds that such action is void for the reasons stated in subsection a. of this section, and if the court shall find that the approval was not in compliance with this act, the court may declare the approval to be void. In accordance with 40:55D-48.5 [Concealing names of owners;] Organization or non-profit organization failing to disclose; fine. Any [corporation or partnership which conceals] organization or nonprofit organization failing to disclose in accordance with this act, [the names of stockholders owning 10% or more of its stock, or of individual partners owning a 10% or greater interest in the partnership, as the case may be,] shall be subject to a fine of \$1,000 to \$10,000, which shall be [recovered] recoverable in the name of the municipality in any court of record in the State in a summary manner pursuant to the "Penalty Enforcement Law" (N.J.S.A. 2A:58-1 et seq.).

10. List any other **Expert** who will submit a report or who will testify for the Applicant: [Attach additional sheets as may be necessary]

Name N/A
Field of Expertise _____
Email _____
Address _____
Telephone Number _____
FAX Number _____

11. APPLICATION REPRESENTS A REQUEST FOR THE FOLLOWING:

SUBDIVISION:

 N/A Administrative Review of Minor Subdivision Plan
_____ Administrative Review of Major Subdivision Plan
_____ Minor Subdivision Approval
_____ Major Subdivision Approval [Preliminary]
_____ Major Subdivision Approval [Final]
Number of lots to be created _____ Number of proposed dwelling units _____
(including remainder lot) (if applicable)

SITE PLAN:

 N/A Administrative Review of Minor Site Plan
_____ Administrative Review of Major Site Plan
_____ Minor Site Plan Approval
_____ Major Preliminary Site Plan Approval [Phases (if applicable) ____]
_____ Major Final Site Plan Approval [Phases (if applicable) ____]
_____ Amendment or Revision to an Approved Site Plan
Area to be disturbed (square feet) _____
Total number of proposed dwelling units _____
_____ Request for Waiver From Site Plan Review and Approval
Reason for request: _____

MISC:

 X Administrative Review
_____ Appeal decision of an Administrative Officer [N.J.S. 40:55D- 70a]
_____ Map or Ordinance Interpretation of Special Question [N.J.S. 40:55D-70b]
_____ Variance Relief (hardship) [N.J.S. 40:55D-70c(1)]
_____ Variance Relief (substantial benefit) [N.J.S. 40:55D-70c(2)]
_____ Variance Relief (use) [N.J.S. 40:55D-70d]
_____ Conditional Use Approval [N.J.S. 40:55D-67]
_____ Direct issuance of a permit for a structure in bed of a mapped street, public drainage way, or flood control basin [N.J.S. 40:55D-34]
_____ Direct issuance of a permit for a lot lacking street frontage [N.J.S. 40:55D-35]

12. Section(s) of Ordinance from which a variance is requested and justification for said request: [attach additional pages as needed] N/A

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

14. Attach a copy of the Notice to appear in the official newspaper of the municipality and to be mailed to the owners of all real property, as shown on the current tax duplicate, located within the State and within 200 feet in all directions of the property, which is the subject of this application. The Notice must specify the sections of the Ordinance from which relief is sought, if applicable.

The publication and the service on the affected owners must be accomplished at least 10 days prior to the date scheduled by the Administrative Officer for the hearing. An affidavit of service on all property owners and a proof of publication must be filed before the application will be complete and the hearing can proceed.

15. Explain in detail the exact nature of the application and the changes to be made at the premises, including the proposed use of the premises:

[attach pages as needed] Replacing existing 960 s.f. double-sided static outdoor advertising sign face with a new up to 960 s.f. double-sided digital outdoor advertising sign face.

16. Is a public water line available? N/A

17. Is public sanitary sewer available? N/A

18. Does the application propose a well and septic system? N/A

19. Have any proposed new lots been reviewed with the Tax Assessor to determine appropriate lot and block numbers? N/A

20. Are any off-tract improvements required or proposed? N/A

21. Is the subdivision to be filed by Deed or Plat? N/A

22. What form of security does the applicant propose to provide as performance and maintenance guarantees? N/A

23. Other approvals, which may be required and date plans submitted:

	Yes	No	Date Plans Submitted
Atlantic City Municipal Utilities Authority	_____	X	_____
Atlantic County Health Department	_____	X	_____
Atlantic County Planning Board	_____	X	_____
Atlantic County Soil Conservation Dist.	_____	X	_____
NJ Department of Environmental Protection	_____	X	_____
Sewer Extension Permit	_____	X	_____
Sanitary Sewer Connection Permit	_____	X	_____
Stream Encroachment Permit	_____	X	_____
Waterfront Development Permit	_____	X	_____
Wetlands Permit	_____	X	_____
Tidal Wetlands Permit	_____	X	_____
Potable Water Construction Permit	_____	X	_____
Other	_____	X	_____
NJ Department of Transportation	_____	X	_____
Public Service Electric & Gas Company	_____	X	_____
_____	_____	_____	_____

24. Certification from the Tax Collector that all taxes due on the subject property have been paid.

25. List of Maps, Reports and other materials accompanying the application (attach additional pages as required for complete listing).

Quantity	Description of Item
3	Plan prepared by Sciuillo Engineering Services LLC
_____	_____
_____	_____

26. The Applicant hereby requests that copies of the reports of the professional staff reviewing the application be provided to the following of the applicant's professionals:
Specify which reports are requested for each of the applicant's professionals or whether all reports should be submitted to the professional listed.

Applicant's Professional Reports Requested All
 Attorney _____
 Engineer _____

BRIANA M. SIMON
Commission # 50103179
Notary Public, State of New Jersey
My Commission Expires
April 18, 2024

CERTIFICATIONS

27. I Nicholas F. Talvacchia, Esquire certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the Corporation or that I am a general partner of the partnership applicant.

[If the applicant is a corporation, this must be signed by an authorized corporate officer. If the applicant is a partnership, this must be signed by a general partner.]

Sworn to and subscribed before me this

28 day of September, 20 22

Briana M. Simon

NOTARY PUBLIC



SIGNATURE OF APPLICANT

Nicholas F. Talvacchia, Esquire, Attorney for Applicant

28. I certify that I am the Owner of the property which is the subject of this application, that I have authorized the applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.

[If the owner is a corporation, this must be signed by an authorized corporate officer. If the owner is a partnership, this must be signed by a general partner.]

Sworn to and subscribed before me this

_____ day of _____, 20 _____

NOTARY PUBLIC

By: _____

SIGNATURE OF OWNER

29. I understand that the sum of \$ N/A has been deposited in an escrow account (Builder's Trust Account). In accordance with Land Use Fees and Escrow Deposit Requirements, I further understand that the escrow account is established to cover the cost of professional services including engineering, planning, legal and other expenses associated with the review of submitted materials and the publication of the decision by the Board. Sums not utilized in the review process shall be returned. If additional sums are deemed necessary, I understand that I will be notified of the required additional amount and shall add that sum to the escrow account within fifteen (15) days.

Date

SIGNATURE OF APPLICANT

CITY OF ATLANTIC CITY
PLANNING BOARD

RESOLUTION NO. 4-2006

RE: New Jersey Transit
Block 472, Lot 2
Freestanding Advertising Sign

Application for Positive Review
and Recommendation pursuant to
N.J.S.A. 40:55D-31
GRANTED with Recommendations
Hearing Date: January 4, 2006

This matter having been heard by the Planning Board of the City of Atlantic City on Wednesday, January 4, 2006, at a duly scheduled meeting at Council Chambers, City Hall, Atlantic City, New Jersey, and a hearing having been conducted with a quorum present on the application by New Jersey Transit to construct a double-faced freestanding advertising sign on Block 472, Lot 2, immediately adjacent to the Atlantic City Expressway; and

WHEREAS, New Jersey Transit was represented at the hearing by Nicholas F. Talvacchia, Esquire who presented testimony by Arthur W. Ponzio, Professional Planner of the State of New Jersey and Jerry Mosca, Regional Vice President of All Vision, LLC, agent for New Jersey Transit; and

WHEREAS, in accordance with the regulations set forth in the New Jersey Municipal Land Use Law at N.J.S.A. 40:55D-31, New Jersey Transit is presenting the project to the Planning Board for its review and recommendation prior to the expenditure of public funds; and

WHEREAS, public notice of the hearing was given by Applicant pursuant to N.J.S.A. 40:55D-12; and

WHEREAS, Applicant submitted a letter brief dated December 9, 2005 setting forth the basis for the subject application together with a completed Planning Board application form; and

WHEREAS, the Board considered the evidence presented and made the following findings and conclusions, which are reflected in the record:

- 1) Applicant introduced the following exhibits:
 - A-1 Aerial Photo;
 - A-2 Photo of nearby sign comparison;
 - A-3 Photo of proposed sign from bridge.
- 2) Each sign face of Applicant's proposed sign will measure 960 square feet and extend to a height of 96 feet from grade to the top of the sign.
- 3) The subject property is located in HWC (highway-commercial) district, which permits advertising signs as conditional uses. However, since the sign will be constructed on property owned by the State of New Jersey, it is subject to compliance with regulations set forth in N.J.S.A. 40:55-D31 and therefore submitted to the Planning Board for review and recommendation.
- 4) The Division of Planning has reviewed the sign plan prepared by Schoor DePalma Engineers dated November 15, 2005.
- 5) New Jersey Transit has site control by virtue of a long-term lease with the Sports & Exposition Authority, the owner of the site.
- 6) Mr. Ponzio identified the location of the proposed sign and located the two other signs in the area and testified to the Board's satisfaction that the height of this sign is in proportion to the other neighboring signs when measured from the elevated roadway

as compared to measurements of the height from grade, and that the proposed sign will not block the convention center sign for at least 1,000 feet.

7) During the public portion of the hearing, Sherri Elder made a statement regarding appropriate content of future advertising. Mr. Mosca responded that New Jersey Transit has veto power over the content of all advertising on the sign.


8) The Planning Board found that the application is consistent with the Master Plan.

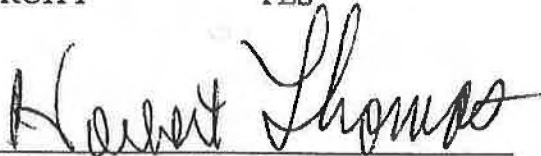
NOW, THEREFORE, BE IT RESOLVED by the PLANNING BOARD OF THE CITY OF ATLANTIC CITY, that it does hereby recommend to the appropriate governmental agencies and pursuant to N.J.S.A. 40:55D-31, the expenditure of public funds for this worthwhile project, subject to the following recommendations;

- 1) Compliance with the conditions set forth in the Division of Planning memorandum dated December 27, 2005, as modified at the hearing, attached.
- 2) Compliance with the conditions set forth in the City Engineer's memorandum dated January 3, 2006, as modified at the hearing, attached.
- 3) Applicant agreed to offer the advertising space at no charge to New Jersey Transit and the Convention Center during times that the sign is vacant.
- 4) The Board recommends that the advertising space on the proposed sign shall not be leased for advertising for gaming in other jurisdictions.

MOTION BY: SCHULTZ and OUTTEN
SECONDED BY: LEVY

LEVY	-	YES
SCHULTZ	-	YES
CRANE	-	YES
GRADY	-	YES
FALDETTA	-	YES
OUTTEN	-	YES
THOMAS	-	YES
TRUITT	-	YES


Arlene Wilkerson, Secretary


Herbert Thomas, Vice Chairperson

ALL VISION ADVERTISING LICENSE
FOR NJ TRANSIT PROPERTIES

540 Madison Avenue New York, NY 10022

Phone: (212) 909-7650

Fax: (212) 644-2010

ALL VISION APPLICATION NO. _____

OUTDOOR CO. LEASE NO. _____

ALL VISION LICENSE NO.

NJT-1062

NJDOT APPLICATION NO.

NJDOT-69104

ALL VISION LLC, New York, NY, hereinafter called All Vision, or Licensor, as agent for the New Jersey Transit Corporation, hereinafter called NJ TRANSIT, pursuant to their Contract No. 04-039B, authorizes:

Garden State Outdoor, L.L.C. 1125 Atlantic Avenue, Suite 712, Atlantic City, New Jersey 08401

hereinafter called the Licensee, to construct, maintain, and use for advertising purposes only, outdoor advertising location(s) situated in Atlantic City, New Jersey and described as follows:

N/S Atlantic City Expressway MP. 0.2 Block 472, Lot 2, ~~_____~~

_____ on property of NJ TRANSIT, for a period of twenty (20) year(s) effective JANUARY 1, 2006 and thereafter as may be extended by ALL VISION, on behalf of NJ TRANSIT, for

AM
2007
(11/20/06)
E.L.
12/4/06

Accepted: Dec. 19, 2005

All Vision LLC

BY:

[Signature]
Senior Vice President

Accepted: Dec 15, 2005

Licensee Garden State Outdoor, LLC

BY:

[Signature]
Emanuel Levin

TITLE

Managing Member

ADDRESS

Suite 712 1125 Atlantic A.
Atlantic City N.J., 08401

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

637543

CHECK #

DATE
09-27-22

Fulton Bank^{NA}

60-142/313

AMOUNT
\$50.00

PAY
THE
AMOUNT OF FIFTY AND 00/100

PAY TO

CRDA
15 SO. PENNSYLVANIA AVE.
ATLANTIC CITY, NJ 08401


AUTHORIZED SIGNATURE

⑈637543⑈ ⑆031301422⑆ 0008307393⑈

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

637543
11135CASINO REINVESTMENT DEVELOPMENT AUTHORITY

INVOICE	INV. DATE	DESCRIPTION	VOUCHER I.D.	NET AMOUNT
LKN/A/0926	209-26-22	52477.00009	369309	50.00

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