

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: _____ 300 Georgia Avenue _____

Tax Map _____ Page _____ Block 387 Lot(s) 2 - 4

Page _____ Block _____ Lot(s) _____

Page _____ Block _____ Lot(s) _____

Dimensions Frontage _____ Depth _____ Total Area _____

Zoning District _____

2. APPLICANT

Name _____ Outdoor Income, Richard Grieves _____

Email _____ grieves.richard@gmail.com _____

Address _____ 1420 Hunsick Road, Lancaster PA 17601 _____

Telephone Number _____ 410-924-3999 _____

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 _____ Duell Service Corp. _____

Email _____

Address _____ 300 N. Georgia Avenue, Atlantic City, NJ 08401 _____

Telephone Number _____

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.).

Name	Richard B. Grieves	Address	28370 St. Michaels Rd Easton, MD 21601	Interest	70.5%
Name	Katherine G. Perkins	Address	226 Bean Rd, Warner, NH 03278	Interest	12.8%
Name	Wakefield Investments, LLC	Address	1420 Hunsicker Rd	Interest	10.2%
Name	c/o William Spires	Address	Lancaster, PA 17601	Interest	
Name		Address		Interest	

5. PROPERTY INFORMATION:

Restrictions, covenants, easements, association by-laws, existing or proposed on the property:

Yes [attach copies] ☒ No ☐ Proposed ☐

Present use of the premises: Two 1,000 sf (each) static billboards at 52' in height

****Please see attached Addendum for additional information****

Note: All deed restrictions, covenants, easements, association bylaws, existing and proposed must be submitted for review and must be written in easily understandable English in order to be approved.

6. Applicant's Attorney Tara Vargo

Email tarav@govargo.com

Address 2771 Delsea Drive, PO Box 370, Franklinville, NJ 08322

Telephone Number 856-694-0800

FAX Number 856-694-5042

7. Applicant's Engineer Jason Sciallo, Sciallo Engineering Services, LLC

Email jsciallo@scialloengineering.com

Address 137 S. New York Avenue, Suite 2, Atlantic City, NJ 08401

Telephone Number 609-300-5171

FAX Number _____

8. Applicant's Planning Consultant _____

Email _____

Address _____

Telephone Number _____

FAX Number _____

9. Applicant's Traffic Engineer _____

Email _____

Address _____

Telephone Number _____

FAX Number _____

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 _____
Field of Expertise _____
Email _____
Address _____
Telephone Number _____
FAX Number _____

11. APPLICATION REPRESENTS A REQUEST FOR THE FOLLOWING:

SUBDIVISION:

_____ 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:

_____ 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:

_____ 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)]
X _____ 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] 19:66-5.7(j)4ii & 5vi for electronic billboard sign area and height ****Please see attached Addendum for additional information****

13. **Waivers Requested** of Development Standards and/or Submission and justification for request.

Requirements: [attach additional pages as needed] Form 12 Item 20 for current survey

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] Removal of one 1,000 sf billboard and elevation of another existing 1000 sf billboard from 52' to 80' in height and conversion to LED face. ****Please see attached Addendum for additional information****

16. Is a public water line available? Yes

17. Is public sanitary sewer available? Yes

18. Does the application propose a well and septic system? No

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? No

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	_____	<u> x </u>	_____
Atlantic County Health Department	_____	<u> x </u>	_____
Atlantic County Planning Board	_____	<u> x </u>	_____
Atlantic County Soil Conservation Dist.	_____	<u> x </u>	_____
NJ Department of Environmental Protection	_____	<u> x </u>	_____
Sewer Extension Permit	_____	<u> x </u>	_____
Sanitary Sewer Connection Permit	_____	<u> x </u>	_____
Stream Encroachment Permit	_____	<u> x </u>	_____
Waterfront Development Permit	_____	<u> x </u>	_____
Wetlands Permit	_____	<u> x </u>	_____
Tidal Wetlands Permit	_____	<u> x </u>	_____
Potable Water Construction Permit	_____	<u> x </u>	_____
Other	_____	<u> x </u>	_____
NJ Department of Transportation	_____	<u> x </u>	_____
Public Service Electric & Gas Company	_____	<u> x </u>	_____
_____	_____	_____	_____

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
_____	Site plan by Sciullo Engineering
_____	_____
_____	_____

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 All

Engineer All

CERTIFICATIONS

27. I Richard B. Grieves 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.

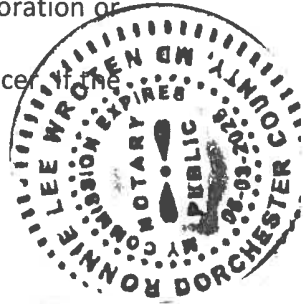
[If the applicant is a corporation, this must be signed by an authorized corporate officer. If the applicant is a partnership, this must be signed by a general partner.]

Sworn to and subscribed before me this

7 day of December, 20 22

Ronnée Lee Wroten
NOTARY PUBLIC

Richard B. Grieves
SIGNATURE OF 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

SIGNATURE OF OWNER

29. I understand that the sum of \$_____ 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

CERTIFICATIONS

27. I John Dewell 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

12 day of 3rd, 2022

NOTARY PUBLIC

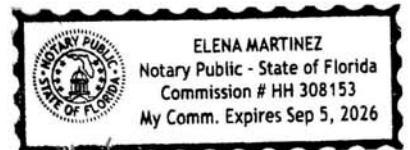
SIGNATURE OF APPLICANT

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

12 day of 3rd, 2022





NOTARY PUBLIC

John H Dewell

SIGNATURE OF OWNER

29. I understand that the sum of \$_____ 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

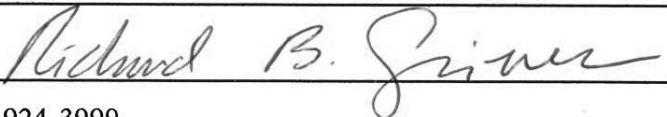
SIGNATURE OF APPLICANT

ESCROW SETUP INFORMATION

The Information below is necessary to initially set up your Escrow Account.

Applicant's Name: Outdoor Income Partners LLC, by Richard Grieves, Member

Applicant's Address: 1420 Hunsick Road, Lancaster, PA 17601

*Applicant's Signature: 

Applicant's Phone No.: 410-924-3999

Applicant's Email Address: grieves.richard@gmail.com

Applicant's Date of Birth:

redacted

Tax Identification or Social Security Number: 27-0509727

Assigned Escrow #: _____

Should you require assistance or have any questions, please do not hesitate to contact:

Atlantic City Planning:

Lisa D'Alessandro, Board Secretary
City of Atlantic City Planning
1301 Bacharach Boulevard
City Hall-Suite 508
Atlantic City, NJ 08401
Email: LDAlessandro@cityofatlanticcity.org
609-347-5404

CRDA:

Loreta Acevedo, Project Officer
Casino Reinvestment Development Authority
15 S Pennsylvania Avenue
Atlantic City, NJ 08401
Email: lacevedo@njcrda.com
609-347-0500

NOTICE SERVED ON PROPERTY OWNERS
WITHIN 200 FEET OF SUBJECT PROPERTY

Notice is hereby given that a written application has been filed by the undersigned with the Casino Reinvestment Development Authority for a _____
variance to replace an existing billboard with a taller, LED face billboard

in and upon the property shown as Block(s) 387, Lot(s) 2-4
on the official map of the City of Atlantic City, known as 300 Georgia Avenue

A public hearing on the above-mentioned application has been scheduled for the ____ day of
_____, 20__, at _____ a.m/p.m. Said hearing shall take place at:

The public is invited to attend this meeting.

The application and all plans relative thereto have been filed with the Land Use Administrative
Official:

☒ Casino Reinvestment Development Authority, Division of Land Use and Regulatory
Enforcement, 15 S Pennsylvania Avenue, Atlantic City, NJ 08401,

OR

☐ City of Atlantic City

and are available for inspection Monday through Friday, 9:00 a.m. to 5:00 p.m.

This notice is given in compliance with the requirements of Section 163-198 of the Land Use
Development Code of the City of Atlantic City, NJAC 19:66-14.1 of the Tourism District Land
Development Rules and the N.J.S.A. 40:55D-12.

Name of Applicant: Outdoor Income

Publication Date: _____

AFFIDAVIT OF SERVICE

I, _____ of full age, being duly sworn according to law upon oath depose and say:

1) That on , _____, 20____, which was at least ten (10) days prior to the hearing date, did give notice by personal service or certified mail to all property owners within 200 feet of the premises located on Block(s) 387 Lot(s) 2-4 . All as shown on the tax map of the City of Atlantic City, County of Atlantic, and State of New Jersey. The premises are further identified as 300 Georgia Avenue (street address). In addition, notice was provided by personal service or certified mail to Public Utilities, Cable Television Companies and Local Utilities, as required by law, the City of Atlantic City and the Atlantic County Planning Board.

2) Notices were also served upon (Check if applicable):

- ☐ () State Planning Commission
- ☐ () New Jersey Department of Transportation
- ☐ () Clerk of Adjoining Municipalities

3) A copy of said notice is attached hereto and marked "Exhibit A".

4) Notice was also published in the Press of Atlantic City, Legal Section. A copy of the Affidavit of Publication is attached hereto and marked "Exhibit B".

5) A copy of the certified list of property owners within 200 feet of the premises provided by the City of Atlantic City is also attached hereto and marked "Exhibit C"

Signature of Applicant

Sworn and subscribed to

before me this _____ day of _____, 20____

LAW OFFICE OF TARA L. VARGO

2771 Delsea Drive
P.O. Box 370
Franklinville, NJ 08322

MEMBER NJ & PA BARS

tel: 856-694-0800
fax: 856-694-5042
tarav@govargo.com

**ADDENDUM TO LAND USE APPLICATION OF
OUTDOOR INCOME
ATLANTIC CITY BLOCK 387, LOTS 2-4**

5. PROPERTY INFORMATION:

This property received Zoning Board approval in 2002 to construct a 2,000 sq. ft. pole-mounted advertising sign at a maximum height of 52 feet on this location (Resolution #39-2002 - attached). Part of the justification for the height allowance was that it screened an undesirable viewshed (a fuel tank) for the traveling public coming into Atlantic City via the Expressway. A condition of approval was that if the fuel tank were removed, the applicant must come back to the zoning board for review.

In 2008, this property received amended site plan approval to permit the sign to remain at a total advertising area of 2,000 sq. ft. with the Board's knowledge that the fuel tank was scheduled to be removed. In addition, permission was granted to convert the message board faces to Light-emitted diode (LED). (Resolution #16-2008 - attached).

The State of New Jersey issued a permit in 2008 to allow the sign at this location to be multmessage, which permit has been validly maintained to date.

Building permits were issued in 2010 for the conversion of the message boards from static to LED (permit 10-0334), however, the work was not done at that time.

12. JUSTIFICATION FOR VARIANCES REQUESTED

- a. Variance from the provisions of N.J.A.C. 19:66-5.7 (j) 4ii to allow 1,000 s.f. of display area where a maximum of 650 s.f. of display area is allowed for electronic billboard signs

This application seeks permission for a 1,000 s.f. LED display area. This is a reduction from the overall visual impact of the currently-permitted 2,000 square feet of LED display area. This application will bring the existing permitted use closer into conformance with the current regulations for electronic billboard signs. To the extent that the current signage is already approved by the Zoning Board and the State of New Jersey as an electronic sign, this variance may be arguably thought of as a pre-existing condition.

- b. Variance from the provisions of N.J.A.C. 19:66-5.7 (j) 5vi to allow a maximum electronic billboard sign height of 80 feet where 40 feet is allowed.

As can be seen from the photo presented on the site plan accompanying this application, the view of the advertising sign while traveling on the eastbound Atlantic City Connector has become obscured by light standards and telephone poles to the point that these significantly interfere with the view of the existing sign. In addition, due to the nature of the Atlantic City Connector as an elevated road, the perceived height of the sign will be comparable to the perceived height of the roadway overhead highway directional signs. Permitting the advertising sign to be raised to a maximum height of 80 feet will allow for clearer, safer viewing of the sign by the traveling public.

15. EXPLAIN IN DETAIL THE EXACT NATURE OF THE APPLICATION AND CHANGES TO BE MADE AT THE PREMISES

Please refer to the discussion above for a detailed understanding of the changes to be made at the premises.

RESOLUTION OF FINDINGS AND CONCLUSIONS

**ZONING BOARD OF ADJUSTMENT
OF ATLANTIC CITY**

RESOLUTION #39 OF 2002

WHEREAS, it has been determined factually by the Zoning Board of Adjustment of the City of Atlantic City that DEULL SERVICE CORPORATION has applied to the Zoning Board of Adjustment of the City of Atlantic City for Preliminary and Final Site Plan Approval and "D" Variance relief for deviating from the conditional use standards for gross surface area, maximum height and proximity to a residential zone in order to construct a 2000 sq. ft. pole-mounted advertising sign which is presently an oil distribution center at 334 N. Georgia Avenue, Block 387, Lot 2, which premises is located in an HC Zone; and

WHEREAS, the applicant was represented by Damon Tyner, Esquire; also appearing were Stephen Hankin, Esquire, who represented Robert Bocelli, an adjoining land owner, as well as Jack Plackter, Esquire, who appeared on behalf of the Borgata Casino/Hotel; and ten exhibits were presented on behalf of the applicant namely A-1, an aerial photograph of the site; A-2, a list of reasons for approval of this site; A-3, photographs of various 60 sq. ft. signs throughout the City of Atlantic City; A-4, a colored rendering of the site plan; A-5, a section of proper screening for a sign; A-6, an aerial

RECEIVED

JUN 28 2002

City Clerk's Office
Atlantic City, N.J.

AND WHEREAS, the Board has determined that special reasons do exist for the relief sought by the applicant for the following reasons:

- (1) Approval of the proposed application will promote the public good as studies have shown that outdoor advertising promotes the growth of the Atlantic City Casino Industry.
- (2) The site is particularly well-suited for the proposed use as it is adjacent to the newly constructed "connector."
- (3) The height of the proposed sign is appropriate at this location because it will improve vehicular safety on this roadway.

AND WHEREAS, the Board has determined that the relief requested by the applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Ordinance of the City of Atlantic City for the following reason:

- (1) The sign has been designed and buffered in such a way that it will have no impact on the surrounding residential area.

AND WHEREAS, a Resolution to grant the subject application was Introduced by Mr. Pirillo and Moved by Mr. Roderick.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the City of Atlantic City on this 29th day of May, 2002, that approval of the application of

- (9) The applicant must provide a Maintenance Guarantee calculated at 15% of the Engineer's Cost Estimate. The Maintenance Guarantee shall remain in effect for two years after completion of the work.
- (10) The pole supporting the proposed signs shall be painted white.
- (11) All the lots shall be consolidated.
- (12) In the event that the existing oil tank is removed, the applicant shall either lower the sign to conform to the ordinance standards, or reapply to the ACZBA.

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

Those in Favor: Pirillo, Roderick, Turner, Hoffman,
Campbell, McWhorter, Collette

Those Opposed: None

ZONING BOARD OF ADJUSTMENT
OF ATLANTIC CITY

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

DATED: MAY 29, 2002

RESOLUTION OF FINDINGS AND CONCLUSIONS

**ZONING BOARD OF ADJUSTMENT
OF ATLANTIC CITY**

RESOLUTION #16 OF 2008

CITY OF ATLANTIC CITY
2008 APR 25 AM 11:54

WHEREAS, it has been determined factually by the Zoning Board of Adjustment of the City of Atlantic City that DUELL SERVICE CORPORATION /Carand Outdoor Advertising, LLC has applied to the Zoning Board of Adjustment of the City of Atlantic City for an Amendment to Final Site Plan Approval and "D" Variance relief for the type of sign in order change the message board to a light emitting diode (LED) advertising sign at 300 N. Georgia Avenue, Block 387, Lot 2, which premises is in an H-C Zone; and

WHEREAS, the applicant was represented by Peter Sarkos, Esquire; expert testimony was presented by Arthur W. Ponzio, Jr., a licensed Professional Planner; additional testimony was presented by Frank Formica, a neighbor who testified in favor of the application and Maury Rosenberg, owner of Yellow Cab Company who testified in favor of the application; and the report of the Atlantic City Division of Planning was read into the record by Regina Armstrong, Assistant Director of the Atlantic City Division of Planning; and the report of the City Engineer was read into the record by John Kenny; 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 have been met;

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

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the City of Atlantic City on this 13th day of March, 2008, that approval of the application of DUELL SERVICE CORPORATION/Carand Outdoor Advertising, LLC for an Amendment to Final Site Plan Approval and "D" Variance relief for the type of sign in order change the message board to a light emitting diode (LED) advertising sign, as aforementioned, be granted, subject however to the following conditions:

- (1) The final plan shall be amended to illustrate the site without the fuel tank as it will be removed by order of the Atlantic City Fire Department
- (2) The applicant has proposed to add landscape treatments, but the site plan does not include any details. Accordingly, a schematic of the proposed improvements shall be presented to the Board and included on the final plans for certification.
- (3) A sprinkler system shall be installed to maintain the proposed landscaping.
- (4) Subsequent to final approval and prior to the issuance of any construction permits, the applicant must submit six (6) sets of revised plans for final plan certification.
- (5) The applicant shall provide lighting intensity and maximum size of the text on the proposed signage.