

NICHOLAS F. TALVACCHIA
Also Admitted to PA Bar
EMAIL: ntalvacchia@cooperlevenson.com

Direct Phone (609) 572-7544
Direct Fax (609) 572-7545
FILE NO.: 37595.1

June 9, 2021

Via Hand Delivery

Shurlana Stewart, Secretary
Zoning Board of Adjustment
City of Pleasantville
City Hall, 18 N. First Street
Pleasantville, New Jersey 08232

Re: **Minor Subdivision and Variance Application of AN Realty, LLC**
Block 59, Lot 19
400 W. Black Horse Pike

Dear Ms. Stewart:

Please be advised that this office represents AN Realty, LLC ("Applicant") regarding the above-captioned application. Applicant proposes to subdivide the above-captioned property to provide a separate lot for the portion of the property that contains the existing billboard. In addition to subdivision approval, the application also requires a modification of a previously granted use variance for the billboard and bulk variance relief for lot area, lot width, lot depth and lot coverage on the portion of the property that will contain the billboard. The remaining portion of the lot will meet the required bulk standards.

In support of the application, enclosed please find the following items:

1. One (1) original and fourteen (14) copies of the Application for Land Use Approval, together with the checklists A, D, H and I and the Project Narrative;
2. Fifteen (15) set of plans prepared by Arthur W. Ponzio Co. & Associates, Inc. entitled "Minor Subdivision Plan" consisting of one (1) sheet dated May 21, 2021;
3. Copy of the Certification of Paid Taxes;
4. Copy of the request for the Certified List of Property Owners;

Shurlana Stewart, Secretary
June 9, 2021
Page 2

5. W-9 Form; and

6. Checks in the amount of \$1,425.00 for the application fee and \$2,150.00 for escrow fee.

I believe the foregoing items are sufficient for the application to be deemed complete for a hearing. If you require any additional information, please contact me.

Thank you for your assistance in this matter.

Very truly yours,



Nicholas F. Talvacchia

NFT/rcf
Enclosures

cc: Brad Pogachefsky (*via e-mail w/ partial enclosures*)
Jon J. Barnhart, PE, PP (*via e-mail w/ partial enclosures*)

CLAC 6379898.1

A N REALTY LLC
400 W. BLACK HORSE PIKE
PLEASANTVILLE, NJ 08232

1490

55-33212 NJ
60353

DATE Jun 8 2021

PAY
TO THE
ORDER OF

City of Pleasantville

One Thousand Four Hundred & twenty five

\$ 1425

DOLLARS

Bank of America

ACH R/T 021200339

FOR Application

⑈001490⑈ ⑆021200339⑆ 381017373478⑈

Photo
Deposit
Check on back



A N REALTY LLC
400 W. BLACK HORSE PIKE
PLEASANTVILLE, NJ 08232

1491

55-33212 NJ
60353

DATE Jun 6 2021

PAY
TO THE
ORDER OF

City of Pleasantville

Two thousand one hundred & Fifty

\$ 2150

DOLLARS

Bank of America

ACH R/T 021200339

FOR Escrow

⑈001491⑈ ⑆021200339⑆ 381017373478⑈

Photo
Deposit
Check on back





APPLICATION PACKAGE
for
LAND USE APPROVAL
City of Pleasantville

FORM 4: APPLICATION FOR LAND USE APPROVAL

TO BE COMPLETED BY MUNICIPAL STAFF

Application Filed: ___/___/___ Application No.: _____
Received By: _____ Application Fees: _____
Application Found Complete: ___/___/___ Escrow Number: _____
Application Found Incomplete: ___/___/___ Escrow Deposit: _____

TO BE COMPLETED BY THE APPLICANT

Applicant

Applicant's Name: AN Realty LLC
Address: 326 Haddonfield Rd
Cherry Hill, NJ 08002
Phone No.: (609) 230-0000 Fax No.: N/A

Agent for Applicant (if applicable)

Agent's Name: Nicholas F. Talvacchia, Esq., Cooper Levenson, P.A.
Address: 1125 Atlantic Avenue, Third Floor
Atlantic City, NJ 08401
Phone No.: (609) 572-7544 Fax No.: (609) 572-7545

Subject Property

Street Address: 400 West Black Horse Pike
Pleasantville, NJ 08232
Block(s): 59 Lot(s): 19
Zoning Districts: RC Commercial District

Application is being made to:

() Zoning Officer () Zoning Board of Adjustment (☒) Planning Board

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

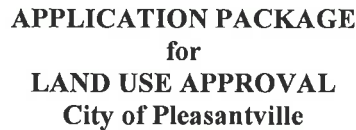
Signature of Applicant

Date

Nicholas F. Talvacchia, Esq., Attorney for Applicant

(insert revision date)

6/3/21



- () Zoning Permit under N.J.S.A. 40:55D-18
- () Preapplication Conference under N.J.S.A. 40:55D-10.1
- () Minor Site Plan Approval under N.J.S.A. 40:55D-46.1
- () Preliminary Major Site Plan Approval under N.J.S.A. 40:55D-46
- () Final Major Site Plan Approval under N.J.S.A. 40:55D-50
- () Waiver of (under N.J.S.A. 40:55D-10.3):
 - () Preliminary or
 - () Final Major Site Plan Approval, or
 - () Both
- (^x) Minor Subdivision Approval under N.J.S.A. 40:55D-47
- () Major Subdivision Approval under N.J.S.A. 40:55D-48
- (^x) Variance Relief under N.J.S.A. 40:55D-70(c)
- () Amendment or Revision to Existing Approval
- () Extension of Prior Approval under N.J.S.A. 40:55D-52
- () Certificate of Redevelopment Plan Conformance under N.J.S.A. 40A:12A-1 et seq.

- () Directing the issuance of a building permit for construction () in the bed of mapped street, public drainage-way, flood control basin or public area under N.J.S.A. 40:55D-60(b) or () on a lot not abutting an approved public street under N.J.S.A. 40:55D-60(c)
- () Appeal from action of the Administrative Officer under N.J.S.A. 40:5D-70(a)
- () Map or other Interpretation or Special Question under N.J.S.A. 40:55D-70(b)
- (x) Variance relief under N.J.S.A. 40:55D-70(d)
- () Certificate of Nonconformity under N.J.S.A. 40:55D-70(d)
- () Any of the foregoing where Application for Site Plan approval is to follow.

Signature of Applicant _____ Date _____
 Nicholas F. Talvacchia, Esq., Attorney for Applicant

2



APPLICATION PACKAGE
for
LAND USE APPROVAL
City of Pleasantville

FORM 5: OWNERSHIP INFORMATION & CORPORATE DISCLOSURE
(To be completed by the Owner of Record of the Subject Property)

Owner's Name: AN Realty LLC
Address: 326 Haddonfield Rd.
Cherry Hill, NJ 08002
Phone No.: (609) 230-0000 Fax No.: N/A
Email Address: N/A

Date Owner purchased the Subject Property: 04 / 22 / 2003

Was Subject Property purchased from the City of Pleasantville: ☐ Yes
☒ No

If not the Owner, Applicant's standing to bring Application:

☐ Lessee ☐ Contract Purchaser ☐ Other

Attach Lease, Contract to Purchase or other proof of relationship as applicable.

Applicant is a(n) (check one):

☐ Individual ☐ Corporation ☐ Partnership
☒ Limited Liability Corporation (LLC) ☐ Limited Liability Partnership (LLP)

If Applicant is not an individual,

Name of Corporation, Partnership, LLC or LLP: AN Realty LLC
Official empowered to complete this Disclosure on behalf of the Corporation, Partnership, LLC or LLP: Nicholas F. Talvacchia, Esq., Cooper Levenson, P.A., Attorney for Applicant
Address: 1125 Atlantic Avenue, Third Floor
Atlantic City, NJ 08401
Phone No.: (609) 572-7544 Fax No.: (609) 572-7545
Email Address: ntalvacchia@cooperlevenson.com

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

(insert revision date)

Nicholas F. Talvacchia, Esq., Attorney for Applicant
Signature of Applicant

6-3-21
Date



APPLICATION PACKAGE
for
LAND USE APPROVAL
City of Pleasantville

Pursuant to N.J.S.A. 40:55D-48.1, Applicants must disclose the names and addresses of all persons owning 10% or more of the stock in a corporate applicant or 10% or more interest in a partnership applicant. N.J.S.A. 40:55D-48.2 provides that such disclosure applies to any corporation or partnership which owns 10% or more interest in any entity subject to disclosure under N.J.S.A. 40:55D-48.1.

Where a corporation / partnership owns 10% or more of the stock / interest in the Applicant or in another corporation / partnership so reported, this requirement shall apply to all non-corporate stockholders / individuals / partners qualifying under the 10% ownership criterion.

NAME & ADDRESS OF QUALIFYING INDIVIDUAL / ENTITY		DATE OF BIRTH (as applicable)	TAX ID NUMBER (tin)	POSITION	% INTEREST
Brad Pogachefsky	326 Haddonfield Road	Cherry/Hill, NJ 08002		Manager	75%
Beth Melamed	1371 Beaconfield Lane Lancaster, PA 17601	/ /			25%
		/ /			
		/ /			
		/ /			
		/ /			
		/ /			

(use additional sheets if necessary)

Signature of official empowered to complete the following Disclosure on behalf of the Corporation, Partnership, LLC or LLP (if additional sheets are necessary, such signature shall appear on each sheet):

Signature

Date

Nicholas F. Talvacchia, Esq., Attorney for Applicant

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

Signature of Applicant

Date

Nicholas F. Talvacchia, Esq., Attorney for Applicant

(insert revision date)

6-3-21.



APPLICATION PACKAGE
for
LAND USE APPROVAL
City of Pleasantville

FORM 6: PROJECT INFORMATION

Project Name: Billboard Subdivision

Present Use of the Subject Property: Mixed use and billboard

Proposed Use of the Subject Property:

- ☐ Sale of Lot(s) (no construction proposed)
☐ Construction of owner-occupied residential dwelling
☐ Construction of ☐ rental or ☐ for-sale residential dwellings
☐ Construction of owner-occupied commercial or other use.

Specify: _____

- ☐ Construction of rental or for-sale commercial or other use.

Specify: _____

- ☒ Other. Specify: Minor subdivision of property used for billboard

For each category (as applicable), provide number and type of units. For residential projects, include number of bedrooms per unit. For commercial projects, include the s.f. per unit:

N/A

For residential projects, number of units to be deed restricted as "Affordable" under regulations established by the New Jersey Council on Affordable Housing (COAH): N/A

Estimated cost of construction of Proposed Project: \$ N/A

Have any of the lands within the Subject Property been classified by any State or Federal Agency as Environmentally Sensitive, Wetlands, Riparian Lands, Brownfield, Greyfields or other applicable designation? ☐ Yes ☒ No

If Yes, explain: _____

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

Signature of Applicant

Date

Nicholas F. Talvacchia, Esq., Attorney for Applicant

(insert revision date)

6-3-21



APPLICATION PACKAGE
for
LAND USE APPROVAL
City of Pleasantville

If No, is there any indication that the Subject Property might contain subsurface or groundwater contamination? () Yes (x) No

If Yes, explain: N/A

Other than what is required by the City of Pleasantville, are any other approvals required for the Proposed Project? () Yes (X) No

If yes, specify (as applicable)

GOVERNMENTAL AGENCY OR PRIVATE ENTITY	YES	NO	DATE SUBMITTED	STATUS OF APPROVAL
City of Pleasantville Storm / Wastewater Division		x	__ / __ / __	
Atlantic County Board of Health		x	__ / __ / __	
Atlantic County Health Department		x	__ / __ / __	
Atlantic County Planning Board		x	__ / __ / __	
Cape Atlantic Soil Conservation District		x	__ / __ / __	
NJ Department of Environmental Protection		x	__ / __ / __	
NJ Department of Transportation		x	__ / __ / __	
NJ Council on Affordable Housing		x	__ / __ / __	
Other		x	__ / __ / __	
Other		x	__ / __ / __	
Other		x	__ / __ / __	

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

Nicholas F. Talvacchia
Signature of Applicant

6-3-21.
Date

(insert revision date)

Nicholas F. Talvacchia, Esq., Attorney for Applicant



APPLICATION PACKAGE
for
LAND USE APPROVAL
City of Pleasantville

FORM 7: ZONING CONFORMANCE

(if multiple Principal buildings, provide information for all buildings)

Zoning District in which Subject Property is located:

Residential Zoning Districts

- ☐ Single-Family Residential 50 (SFR-50)
- ☐ Single-Family Residential 60 (SFR-60)
- ☐ Single-Family Residential 75 (SFR-75)
- ☐ Residential Duplex (R-D)
- ☐ Multi-Family (MF)

Commercial Zoning Districts

- ☐ Central Business District (CBD)
- ☐ Neighborhood Commercial (NC)
- ☐ General Commercial (GC)
- ☒ Regional Commercial (RC)
- ☐ Regional Shopping Center (RSC)
- ☐ Light Industrial (LI)

Specialty Zoning Districts

- ☐ Bayside Mixed-Use (BMU)
- ☐ Cemetery (CEM)
- ☐ Conservation (CONSERV)
- ☐ Waterfront Residential (WR)

Overlay Zoning Districts

- ☐ Bayside Mixed Use Overlay Zone
- ☐ City Center Support Overlay
- ☐ Franklin Boulevard Professional Office Overlay
- ☐ Main Street Neighborhood Commercial Overlay
- ☐ New Road Professional Office Overlay

Redevelopment Plans

- ☐ Block 189 Rehabilitation Area
- ☐ California Avenue Rehabilitation Area
- ☐ CARA Cambria Avenue Redevelopment Area
- ☐ CCRA Center City Redevelopment Area
- ☐ LBRA Lakes Bay Waterfront Redevelopment Area
- ☐ NARA Narcissus Avenue Rehabilitation Area
- ☐ WTRA Woodland Terrace Rehabilitation Area

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

Signature of Applicant

Date

Nicholas F. Talvacchia, Esq., Attorney for Applicant

(insert revision date)



**APPLICATION PACKAGE
for
LAND USE APPROVAL
City of Pleasantville**

Lot Regulations for Zoning District in which Subject Property is located:

	<u>Existing</u>	<u>Required</u>	<u>Proposed</u>	
			Lot 19.01	Lot 19.02
Lot Width (ft)	597.62 ft	200 ft	75 ft	196.1 ft
Lot Depth (ft)	220.15 ft	100 ft	66.56 ft	220.15 ft
Lot Size (s.f.)	3.14 acres	43560 sf	4940.55 sf (.11 ac)	132163.75 sf (3.03 ac)

Building Regulations for Zoning District in which Subject Property is located:

	<u>Existing</u>	<u>Required</u>	<u>Proposed</u>	
			Lot 19.01	Lot 19.02
Front Yard Setback (ft)	95.4 ft/89 ft	20 ft	10ft (sign)	95.4/96.8 ft
Side Yard Setback [L / R] (ft)	99.8 ft / 146.6 ft	20 ft /	10ft (sign)/	99.6/51.5 ft
Rear Yard Setback (ft)	49.7 ft	40 ft	14 ft (sign)	145.7 ft
Impervious Coverage (%)	94%	Lot: 80% max Bldg: 60% max	Lot: 100% Bldg.: 0%	Lot 94% (ENC) Bldg 15%

Height and number of stories for Principal Building (if multiple Principal buildings, provide information for tallest building): _____ feet _____ stories N/A

Does the Subject Project conform with all applicable requirements for the specific Zoning District in which the Subject Property is located as specified by the Pleasantville Land Management Code (Chapter 300)?
() Yes (☒) No

If No, explain nonconformities: See attached Project Narrative.

Have any variances, waivers of zoning interpretations been obtained as relates to the existing or proposed use of the Subject Property? (☒) Yes () No

If Yes, explain: Application/Resolution No. 897-2011- use and bulk variances and waiver of site plan to add auto collision center
Application/Resolution No. 928-2012- use and bulk variances to remove existing sign and replace larger digital billboard sign; and minor site plan approval to add a supplemental building
Application/Resolution No. 943-2014- use and bulk variances and minor site plan waivers for multiple uses on a single property; and bulk variance for a sign for the dialysis center
Application/Resolution No. 955-2015- use and bulk variances and minor site plan approval to add medical office use to the remaining portion of the building

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

Signature of Applicant

6-3-21.
Date

8

(insert revision date)

Nicholas F. Talvacchia, Esq., Attorney for Applicant



APPLICATION PACKAGE
for
LAND USE APPROVAL
City of Pleasantville

FORM 8: PROJECT PROFESSIONALS

(use additional sheets if necessary)

Project Attorney: Nicholas F. Talvacchia, Esq., Cooper Levenson, P.A.
Address: 1125 Atlantic Avenue, Third Floor
Atlantic City, NJ 08401
Phone No.: (609) 572-7544 Fax No.: (609) 572-7545
Email Address: ntalvacchia@cooperlevenson.com

Project Engineer: Jon Barnhart, Arthur W. Ponzio Co. & Associates
Address: 400 North Dover Avenue
Atlantic City, NJ 08401
Phone No.: (609) 344-8194 Fax No.: (609) 344-1594
Email Address: jbarnhart@awponzio.com

Project Planner: Jon Barnhart, Arthur W. Ponzio Co. & Associates
Address: 400 North Dover Avenue
Atlantic City, NJ 08401
Phone No.: (609) 344-8194 Fax No.: (609) 344-1594
Email Address: jbarnhart@awponzio.com


Project Architect: _____
Address: _____

Phone No.: _____ Fax No.: _____
Email Address: _____

Project Surveyor: _____
Address: _____

Phone No.: _____ Fax No.: _____
Email Address: _____

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



Signature of Applicant

6-3-21.

Date



APPLICATION PACKAGE
for
LAND USE APPROVAL
City of Pleasantville

FORM 10: CERTIFICATIONS

APPLICANT: I certify that the foregoing statements and the materials submitted are true. I further certify that I am that the individual Applicant or that I am an Officer of the Corporation who is the Applicant, and that I am authorized to sign the application for the Corporation, or that I am general partner of the partnership Applicant. If the Applicant is a Corporation, an authorized Corporate Officer must sign this Certification. If the Applicant is a Partnership, a General Partner must sign this Certification. If the Applicant is an LLC, the Managing Member must sign this Certification.

Applicant's Signature

Nicholas F. Talvacchia, Esq., Attorney for Applicant

Sworn to and subscribed before me this

3rd Day of June, 2021.

Mary L. Spissinger
Notary Public of New Jersey

MARY L. SPISSINGER
A Notary Public of New Jersey
My Commission Expires 06/10/2013

2023

PROPERTY OWNER WHERE NOT APPLICANT: 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 by the Applicant and the decision of the Board in the same manner as if I were the Applicant. If the owner is a Corporation, an authorized Corporate Officer must sign this Certification. If the owner is a Partnership, the General Partner must sign this Certification. If the owner is an LLC, the Managing Member must sign this Certification.

Applicant's Signature

Sworn to and subscribed before me this
____ Day of _____, 201____.

Notary Public of New Jersey

PROJECT NARRATIVE

Block 59, Lot 19

Applicant, AN Realty LLC, is the owner of the property located at 400 W. Black Horse Pike, Pleasantville, NJ, also known as block 59, lot 19 on the City of Pleasantville's tax map. The property currently contains multiple uses including a previously approved freestanding double sided billboard. Applicant proposes to subdivide the portion of the property that contains the double-sided billboard sign.

The property is located within the RC (Regional Commercial) zoning district, where the use as a billboard is not permitted. The application requires minor subdivision approval along with a modification of a previously granted use variance and bulk variance relief for the subdivided portion of land that will contain the billboard as it will not meet several of the required bulk standards. Specifically, the newly created lot for the billboard (lot 19.01) is proposed to have: a lot size of 4,940.55 sf where 43,560 sf is required; a lot width of 75 ft. where 200 ft. is required; a lot depth of 65.56 ft. where 100 ft. is required; and 100% lot coverage where 80% is the maximum lot coverage permitted. The existing sign will meet the setbacks required for freestanding signs. There are no new improvements proposed. The remaining lot will comply with the required setback and lot standards except for the existing, non-conforming lot coverage.

Applicant further requests any other variances, waivers, interpretations, exceptions and/or that the City of Pleasantville Planning Board may require.

The use variance for the billboard use can be justified as the billboard is already existing on the portion of the property that is intended to be subdivided and previously received use variance relief pursuant to Resolution No. 928-2012. This application is only seeking to separate the billboard from the remainder of the property by a minor subdivision resulting in the billboard being located on a smaller piece of property than what was originally contemplated. No changes to the billboard or the use are being proposed.

The bulk variances can be justified as this is a simple subdivision for the purpose of creating a lot solely for the existing billboard sign. The positive and negative criteria that were found to be satisfied pursuant to Resolution No. 928-2012 remain applicable and are still in effect. As there are no proposed changes to the existing structures or uses, the proposed subdivision will not impair the intent and purpose of the zone plan and zoning ordinance as the structure and use already exist.



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST A.

General Requirements & Instructions

See §300-26 and 27 for further details regarding submission requirements and procedures.

Each page of this Checklist must be signed and dated by the Applicant.

The following series of Checklists were crafted to provide the City and its professionals with detailed information pertinent to each of the specific types of approvals or relief available to applicants. Applicants shall complete this Checklist A. for all applications except Applications for Zoning Permits, and shall complete Checklists C. through L. as applicable. Applicants requesting multiple approvals shall complete the appropriate Checklist for each approval requested.

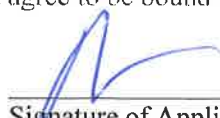
Applications for Zoning Permits need only complete Checklist B.

Site Plans which include design of drainage, pavement, curbing, walkways, embankments, horizontal and vertical geometrics, utilities and other pertinent structures shall be prepared, signed and sealed by a New Jersey licensed Professional Engineer. A New Jersey Registered Architect may prepare a Site Plan if limited to general locations.

Topographical and Boundary Survey information, including all subdivisions, shall be provided by or attributed to a New Jersey licensed Professional Land Surveyor.

- x 1. One (1) original and fourteen (14) copies of:
- x A. the completed Application Forms, all certifications and other components;
 - x B. all required checklist(s) in completed form; and
 - x C. all documents, reports, plats, plans, drawings and photographs relating to the Application.
- x 2. All plats, plans and drawings shall contain a Title Block, including:
- x A. The name and title of the Application / Project, City of Pleasantville, Atlantic County;
 - x B. The name, title, address, telephone and fax number of the Applicant;
 - x C. The name, title, address, telephone and fax number of the person who prepared the plat, plan or drawing, including the New Jersey License number and original embossed seal with signature if the preparer is a New Jersey Licensed Land Surveyor, Professional Engineer, Professional Planner or Architect;
 - x D. The name, address, telephone and fax number of the owner(s) of record of the Subject Property;

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.


Signature of Applicant

6-3-21.
Date

Nicholas F. Talvacchia, Esq., Attorney for Applicant



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST A.

General Requirements & Instructions

See §300-26 and 27 for further details regarding submission requirements and procedures.

Each page of this Checklist must be signed and dated by the Applicant.

- x E. Written and graphic (bar) scale in inches to feet;
- x F. North Arrow
- x G. The original date that the plans were prepared, the date of each subsequent revision thereof and a list of specific revisions entered on each sheet.
- x 3. Unless otherwise specified in Checklists C. through L., no plat, plan or drawings shall be accepted unless:
- x A. drawn to a scale of 1"=10', 1"=20', 1"=30', 1"=40', 1"=50' or 1"=60' for engineering drawings or 1/8"=1', 3/8"=1', 1/4"=1', 1/2"=1', 3/4"=1' or 1"=1' for architectural drawings, as per standard scales commercially available at any office supply store. **Items drawn to such scales but subsequently reduced or enlarged shall be summarily rejected.**
- x B. submitted on 24"x36" or larger sheet sizes, folded into eighths, with title block revealed. If one sheet is not sufficient to depict the entire tract, the plat, plan or drawing may be divided into sections and shown on separate sheets of equal size, with reference on each sheet as to the location of all adjoining sheets.
- x C. fully dimensioned to confirm conformity with all requirements.
- x D. dimensions are expressed to the nearest tenth of an acre when describing acreage or 2 decimal places when describing square feet of area or linear feet of distance. Bearings shall be given to the nearest 10 seconds and the error of closure shall not exceed 1 to 10,000.
- x 4. A Key Map showing the entire parcel to be developed, the proposed development and the proposed street pattern, if any, within it, and the relationship of the tract to the surrounding area, with the proposed development shown in place, including all intersections and waterways within 300', at a scale not less than 1"=100', based on the City's official tax map. Where the scale of the map results in a street name not appearing, the Applicant shall legibly hand-print the missing street name.
- x 5. Existing tax sheet with existing block and lot number(s) of the Subject Property(ies) as they appear on the current City Tax Map as well as all properties within 200' of the subject. Existing Street names of all streets bounding the subject property shall be clearly visible. Where the scale of the map results in a street name not appearing, the Applicant shall legibly hand-print the missing street name.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

Signature of Applicant

Nicholas F. Talvacchia, Esq., Attorney for Applicant

Date

6-3-21.



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST A.

General Requirements & Instructions

See §300-26 and 27 for further details regarding submission requirements and procedures.

Each page of this Checklist must be signed and dated by the Applicant.

- x 6. Existing Zoning Map with existing block and lot number(s) of the Subject Property(ies) as they appear on the current City Tax Map as well as all properties within 200' of the subject. Existing Street names of all streets bounding the subject property shall be clearly visible. Where the scale of the map results in a street name not appearing, the Applicant shall legibly hand-print the missing street name.

Matrix containing the requirements of the Zoning District(s) in which the Subject Property(ies) are located, including the use(s) proposed, the bulk requirements of such District(s), and whether or not the proposed project conform(s) to such regulations. Such information shall be indicated on the plot or plan as well as a separate table.

- n/a 7. Recent Aerial photograph depicting the Subject Property and one (1) block in each direction from the Subject Property, dated and showing the location and size of structures and from other land uses as well as all access points to such uses.

2007 aerial photography is available at no charge from the NJGIN Information Warehouse (https://njgin.state.nj.us/NJ_NJGINExplorer/IW.jsp?DLayer=NJ%202007%20Orthophotography). Should an applicant not be able to download such information, aerial photography from Google Earth, Microsoft Virtual Earth, Bing or other commercially available sources is acceptable.

- n/a 8. Neighborhood characteristic photographs depicting the Subject Property from the opposite side of the street as well as all properties fronting both sides of the street of the block on which the Subject Property is located.


Such photography shall be dated and keyed to a reproduction of the City's official tax map, at a scale of not less than 1"=60', with the Subject Property and all photographed properties indicated.

- x 9. A certified list of all property owners whose property is located within 200' of the extreme limits of the Subject Property, as they appear on the most recent tax list prepared by the Tax Assessor. Such list must be certified as current within three (3) months prior to the date of submission of the Subject Application. Such list shall include Owner's Name and Mailing Address as well as the Block number, Lot number and Property Address of the property within 200' of the Subject.

In addition to the Tax Assessor's (8½"x11") printout, such list shall be depicted on the plans.

- x 10. Certification that there are no outstanding uncollected fees or escrows resulting from past applications or prior submissions by the Applicant, or any entity now or previously related to the applicant, involving this property or any other properties connected with the Applicant within the City of Pleasantville. **No applications will be processed if the applicant owes the City or its professionals monies from previous applications.**

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.


Signature of Applicant

6-3-21
Date

3

(insert revision date)

Nicholas F. Talvacchia, Esq., Attorney for Applicant



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST A. General Requirements & Instructions

See §300-26 and 27 for further details regarding submission requirements and procedures.


Each page of this Checklist must be signed and dated by the Applicant.

- x 11. Certification from the Zoning Officer and/or City Engineer that any conditions required as a result of any prior approval granted for the Subject Property have been fulfilled.
- x 12. Certification from the City Tax Collector that all taxes and assessments are paid and current as of the date the Application is submitted, or that adequate provision for payments has been made in a matter satisfactory to the City.
- x 13. Statement regarding any prior Planning Board or Zoning Board of Adjustment appeal, approval or denial related to the Subject Property.
- n/a 14. Copies of protective covenants or deed restrictions affecting any portion of the Subject Property or any adjacent property (if obtainable).
- x 15. The location, width, legal (metes and bounds) description, use(s) for which they are intended, any limitations thereof and the manner of control or maintenance for all existing or proposed utility easements, right-of-way dedications and/or sight triangle dedication(s) affecting the Subject Property.

Items 14. and 15. are intended to address, but are not limited to, existing or proposed easements to telephone, electric, gas, water and sewer utilities; deed restrictions and covenants, master deeds and proposed by-laws of any homeowner's or community associations; proposed deeds to dedicate any portion of the affected property for public use or for ownership by any public body.

- x 16. **Detailed narrative** describing the existing use and condition of and the development proposed for the Subject property, addressing the individual lands and buildings therein, including a statement of the applicant's intent with respect to the ownership, sale and leasing of the project or the various components thereof.
- x 17. **Detailed narrative** justification for any requested waivers from any Checklist requirement. **Items which are not applicable shall be addressed as N/A.**
- x 18. **Detailed narrative** justification for any requested waiver(s) from any development standard and/or regulation where a variance is not required.
- x 19. Evidence that the Applicant has sufficient control over the Subject Property to effectuate the proposed development. Including, as appropriate:
- x
Owner A. Property Owner's authorization to file the application when the Owner is not the Applicant.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.


Signature of Applicant

6-3-21.
Date

4

(insert revision date)

Nicholas F. Talvacchia, Esq., Attorney for Applicant



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST A.

General Requirements & Instructions

See §300-26 and 27 for further details regarding submission requirements and procedures.

Each page of this Checklist must be signed and dated by the Applicant.

x B. Notarized signature of the Applicant or Agent for the Applicant.

x 20. All Application Fee(s) and Escrow Deposit(s), including Tax Map Update Fees for subdivisions or lot consolidations. **No application will be processed which does not include the appropriate Fees and Escrows.**

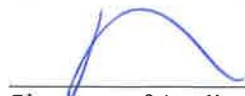
The Applicant shall be responsible to insure that Fees and Escrow Deposits are sufficient to address all approvals required, consistent with the Fee Schedule under §300-9. The City reserves the right to require additional Application Fees and Escrow Deposits should the review of the Application find that additional approvals are required.

Once such additional approvals have been identified, the City, and or its professionals shall immediately cease review of the subject application and issue a letter to the Board Secretary informing the Secretary of the situation. The Board Secretary shall immediately inform the Applicant of the necessity for additional funds. The review of the application shall not resume until the appropriate funds have been submitted.

x 21. The Zoning Officer, Planning & Redevelopment Advisory Committee, Planning Board or Zoning Board of Adjustment, through their respective professionals, reserves the right to require such additional information as may be deemed necessary and appropriate for a full consideration of the entirety of the Subject Application.

While no application shall be deemed Incomplete for the lack of such information, the entities so indicated reserve the right to delay the granting of approvals until such information has been submitted and appropriately reviewed.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



Signature of Applicant

6-3-21

Date

Nicholas F. Talvacchia, Esq., Attorney for Applicant

(insert revision date)



SITE PLAN WAIVER REQUESTED

PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST D.

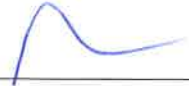
Minor Site Plans and Minor Subdivision Plats

See §300-26, 27 & 36 E. for further details regarding submission requirements and procedures.

Each page of this Checklist must be signed and dated by the Applicant.

- x 1. All General Checklist Requirements in such number as indicated in Checklist A.
- x 2. Plats or plans of the proposed project at a scale and paper size specified under Checklist A., item 2. B.
- x 3. Existing Conditions and Topographical Outbound Survey of the Subject Property, at a scale of not less than 1"=50', prepared by a New Jersey Licensed Land Surveyor, showing the property boundary lines and dimensions, structures, available utilities and easements, roadways, rail lines and public rights-of-way crossing and adjacent to the subject property.
- Survey shall include the distances between the proposed building(s) and any other buildings on adjacent lots (on both sides and the rear of the Subject Property).
- If Survey is dated more than 2 years prior to the date of submission of the Subject Application, an Affidavit of No Change, prepared by a New Jersey Licensed Land Surveyor, certifying that the submitted survey depicts the true existing conditions on the subject property.
- x 4. Lot area expressed both in acreage (to the nearest tenth of an acre) and square feet (to 2 decimal places), both with and without any area(s) located within any existing or proposed public rights-of-way.
- x 5. Computation of the area of the tract to be disturbed in square feet, the number of lots proposed and the area and dimensions of each proposed lot.
- n/a 6. Existing contours referenced to United States Geological Survey datum, with project site and proposed contours at 1' intervals plotted thereon, except in areas where the slope exceeds 5%, where intervals may be 5'. Any proposed regrading shall be shown.
- n/a 7. Existing and proposed spot elevations at all corners of the buildings and along the curbline.
- x 8. A soils map with project site plotted thereon.
- x 9. Existing tax sheet and existing block and lot number(s) of the lots to be subdivided or developed, as they appear on the current City Tax Map, with proposed block and lot numbers as provided by the City Tax Assessor.
- x 10. Subdivision or development boundary lines (heavy solid line), lot lines to be removed (faded) and new lots to be created.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.


Signature of Applicant

Nicholas F. Talvacchia, Esq., Attorney for Applicant

6-3-21.
Date

(insert revision date)



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST D.

Minor Site Plans and Minor Subdivision Plats

See §300-26, 27 & 36 E. for further details regarding submission requirements and procedures.

Each page of this Checklist must be signed and dated by the Applicant.

- x 11. The location of existing and proposed property lines (with bearings and distances), streets, structures, walls, fences, signs, culverts and bridges (with numerical dimensions, including height, to the nearest tenth of a foot).
- x 12. Parking spaces, loading areas, driveways, watercourses, railroads, bridges, culverts, drain pipes, any natural features such as wetlands and vegetated areas both within the tract and within 100' of its boundary.
- n/a 13. The location and width of all existing proposed utility easements, the use(s) for which they are intended and the manner in which they will be controlled.
- x 14. Delineation of flood plains, including floodway, flood fringe areas and lands subject to flooding, and the location of all natural features, including wetlands, water courses, vegetated areas and buffers both within the tract and within 100' of the boundaries thereof.
- x 15. The location and material of all existing and proposed monuments, including iron and copper pins.
- n/a 16. Right-of-way dedication(s) and improvement(s), as applicable.
- x 17. Sight triangle easements with dimensions, bearings and distances, as applicable.
- n/a 18. Plans of proposed site improvements and/or utility layouts as required by ordinance. Plans must show proposed connections to existing water supply and sanitary sewerage systems.
- x 19. Detailed site drawings, drawn to scale and fully dimensioned, depicting the size and location of all existing and proposed structures, signs and lighting, with height noted, and indicating if existing structures and uses will be retained or removed. All existing and proposed setbacks must be delineated on the plans.
- n/a 20. Detailed architectural and elevation drawings, drawn to scale and fully dimensioned, depicting all four (4) building elevations (labeled north, south, east and west, with street names as applicable), with colors and materials indicated on the plans. All proposed setbacks for structures must be delineated on the plans.
- n/a 21. Certification from appropriate state and county agencies and private providers as applicable, granting approval for the extension of utility service(s).
- n/a 22. Soil Erosion and Sediment Control Plan as required by N.J.S.A. 4:24-39 et seq., as applicable.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

Signature of Applicant

Date

2

(insert revision date)

Nicholas F. Talvacchia, Esq., Attorney for Applicant



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST D.

Minor Site Plans and Minor Subdivision Plats

See §300-26, 27 & 36 E. for further details regarding submission requirements and procedures.

Each page of this Checklist must be signed and dated by the Applicant.

n/a 23. Statement regarding details of any impact the proposed development may have on the City's Stormwater Management System in conformance with Chapter 251 of the City Code.

n/a 24. Plans and computations for any storm drainage systems required.

n/a 25. A Landscape Plan, depicting existing and proposed screening, buffering and landscape areas in conformance with §300-66.

The location of all proposed plantings shall be indicated on the Landscape Plan, which shall be keyed to a Plant Schedule listing the botanical and common names, the sizes of plant material at time of planting and the total quantity of each plant.

n/a 25. A Lightning Plan, addressing the proposed location, direction of illumination, power and type of proposed outdoor lighting, including details regarding light standards and fixtures, lumen pattern and foot-candles.

x 27. Tax Map Update Fees, to be submitted on a separate check calculated at \$65 per affected lot.

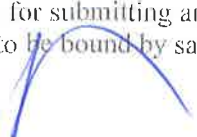
n/a 28. Trash/refuse and recycling storage plans, if applicable.

n/a 29. Signage Plan, with details addressing location, dimensions, area, height, illumination and materials for all signage.

x 30. Approval signature lines for the Board Chair, Board Secretary and City Engineer.

plat 31. Indication that Subdivision is to be filed by Deed or Plat.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



Signature of Applicant

6-3-21.

Date

Nicholas F. Talvacchia, Esq., Attorney for Applicant

(insert revision date)



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST H.

'c' Variances

Pursuant to N.J.S.A. 40:55d-70c

See §300-26, 27 & 37 C. for further details regarding submission requirements and procedures.

Each page of this Checklist must be signed and dated by the Applicant.

PLEASE READ THE FOLLOWING CAREFULLY BEFORE COMPLETING THE VARIANCE JUSTIFICATION NARRATIVE

Under N.J.S.A. 40:55D-70(c), 'c' variance relief is required to permit the deviation from the strict application of land use regulations (generally) governing the physical development of a piece of property.

In order for a Planning Board or Zoning Board of Adjustment, as the case may be, to grant a 'c' variance request, an Applicant must demonstrate, to the Board's satisfaction, that special reasons (broadly defined as relieving an undue hardship on the Applicant [commonly referred to as a 'c-1' variance] OR advancing the purposes of the Municipal Land Use Law [commonly referred to as a 'c-2' variance]) exist. This is known as the Positive Criteria. Additionally, no variance may be granted which will be detrimental to the public good or the City's Zone Plan or Zoning Ordinance.

The grant of a 'c' variance requires an affirmative vote by a simple majority of the Board members present.

In order to satisfy the Positive Criteria for 'c-1' variances, the applicant must prove that:

(a) 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..."

In order to satisfy the Positive Criteria for 'c-2' variances, the applicant must prove that the proposed development will achieve at least one (1) of the following Purposes of the Municipal Land Use Law:

- 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;

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

Signature of Applicant

Nicholas F. Talvacchia, Attorney for Applicant

Date

6-3-21.

(insert revision date)



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST H.

'c' Variances


Pursuant to N.J.S.A. 40:55d-70c

See §300-26, 27 & 37 C. for further details regarding submission requirements and procedures.

Each page of this Checklist must be signed and dated by the Applicant.

- 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's 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;

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.


Signature of Applicant

Nicholas F. Talvacchia, Attorney for Applicant

6-3-21.
Date



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST H.

'c' Variances

Pursuant to N.J.S.A. 40:55d-70c

See §300-26, 27 & 37 C. for further details regarding submission requirements and procedures.

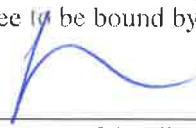
Each page of this Checklist must be signed and dated by the Applicant.

- 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;
- 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.

Applicants requesting 'c' variance relief must complete the following **Checklist G.**, along with the accompanying **Schedule of Requested 'c' Variance(s)** and **'c' Variance Justification Narrative** setting forth and describing the specific requirements of the Pleasantville Land Management Code from which relief is being sought. Applicants must also address the reasons why such relief is justified.

Applicants MUST submit variance justifications for all requested variances as part of this application process. Applications not containing the aforementioned detailed written narrative, addressing both the Positive Criteria required for 'c' variance relief and any impact the granting of the requested variance will have on the public good and the City's Zone Plan and Zoning Ordinance, shall be deemed INCOMPLETE.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



Signature of Applicant

6-3-21.

Date



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST H.

'c' Variances

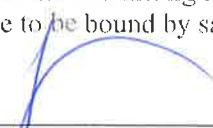
Pursuant to N.J.S.A. 40:55d-70c

See §300-26, 27 & 37 C. for further details regarding submission requirements and procedures.

Each page of this Checklist must be signed and dated by the Applicant.

- x 1. All General Checklist Requirements in such number as indicated in Checklist A.
- x 2. Plats, plans drawings of the proposed project at a scale specified under Checklist A., item 3.
A. Plats, plans or drawings prepared by a New Jersey Licensed Land Surveyor, Professional Engineer, Professional Planner or Architect shall be submitted on a paper size specified under Checklist A., item 3. B. Plats or plans prepared by the Applicant may be submitted on a sheet no smaller than 11"x17".
- x 3. Topographical Outbound Survey of the Subject Property, at a scale of not less than 1"=50', prepared by a New Jersey Licensed Land Surveyor. If Survey is dated more than 2 years prior to the date of submission of the Subject Application, an Affidavit of No Change, prepared by a New Jersey Licensed Land Surveyor, certifying that the submitted survey depicts the true existing conditions on the subject property, shall also be required. The Survey shall include the distances between the proposed building(s) and any other buildings on adjacent lots (on both sides and the rear of the Subject Property).
- x 4. Lot area expressed both in acreage and square feet, to the nearest tenth of an acre, both with and without any area(s) located within any existing or proposed public rights-of-way.
- x 5. Development boundary lines (heavy solid line).
- x 6. Detailed site drawings, drawn to scale and fully dimensioned, depicting the size and location of all existing and proposed structures, signs and lighting, with height noted, and indicating if existing structures and uses will be retained or removed. All existing and proposed setbacks for structures must be delineated on the plans.
- n/a 7. Detailed architectural and elevation drawings, drawn to scale and fully dimensioned, depicting all four (4) building elevations (labeled north, south, east and west, with street names as applicable), with colors and materials indicated on the plans. All proposed setbacks for structures must be delineated on the plans.
- x 8. Completed **Schedule of Requested 'c' Variances** attached to this Checklist.
- x 9. Detailed justification for the relief requested, including statement addressing the Positive Criteria required for 'c' Variance relief, and specifically addressing any detrimental impact the grant of such variance might have to the public good or the City's Zone Plan or Zoning Ordinance.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



Signature of Applicant

6-3-21

Date

(insert revision date)

Nicholas F. Talvacchia, Esq., Attorney for Applicant



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST H.

'c' Variances

Pursuant to N.J.S.A. 40:55d-70c

See §300-26, 27 & 37 C. for further details regarding submission requirements and procedures.

Each page of this Checklist must be signed and dated by the Applicant.

APPLICANTS MAY UTILIZE THIS FORM OR MAY CREATE THEIR OWN SCHEDULE AS LONG AS THE REQUIRED INFORMATION IS INCLUDED.

SCHEDULE OF REQUESTED 'c' VARIANCES		AS TO PROPOSED LOT 19.01	
Variance Number	Ordinance Reference (§300-)	Regulation / Requirement	Existing / Proposed Condition
1.	300-23E(5)	Lot Area/ 43,560 sf	4,940.55 sf (proposed)
2.	300-23E(5)	Lot Width/ 200 ft.	75 ft. (proposed)
3.	300-23E(5)	Lot Depth/ 100 ft.	65.56 ft. (proposed)
4.	300-23E(5)	Lot Coverage/ 80%	100% (proposed)
5.			
6.			
7.			
8.			
9.			
10.			

(use additional pages if necessary)

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

Signature of Applicant

Nicholas F. Talvacchia, Esq., Attorney for Applicant

Date

6-3-21.

(insert revision date)



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST H.

'c' Variances

Pursuant to N.J.S.A. 40:55d-70c

See §300-26, 27 & 37 C. for further details regarding submission requirements and procedures.

Each page of this Checklist must be signed and dated by the Applicant.

APPLICANTS MAY UTILIZE THIS FORM OR MAY CREATE THEIR OWN SCHEDULE AS LONG AS THE REQUIRED INFORMATION IS INCLUDED.

'c' VARIANCE JUSTIFICATION NARRATIVE	
Variance Number (from Schedule of Requested 'c' Variances)	Detailed Justification for Variance Request
1.	See Project Narrative
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

(use additional pages if necessary)

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

Signature of Applicant

Date

6-3-21

Nicholas F. Talvacchia, Esq., Attorney for Applicant

(insert revision date)



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST I.

'd' Variances

Pursuant to N.J.S.A. 40:55d-70d

See §300-26, 27 & 37 D. for further details regarding submission requirements and procedures.

Each page of this Checklist must be signed and dated by the Applicant.

PLEASE READ THE FOLLOWING CAREFULLY BEFORE COMPLETING THE VARIANCE JUSTIFICATION NARRATIVE

Under N.J.S.A. 40:55D-70 (d), 'd' variance relief is required to permit (1) the use of lands or buildings in areas of the City (Zoning Districts) where such use is not permitted, (2) to expand an existing non-permitted use, (3) to deviate from a conditional use standard as defined in the City's Land Management Code, (4) to develop beyond the floor area ratio permitted in a Zoning District, (5) to develop beyond the density permitted in a Zoning District, and (6) to develop at a building height 10' or 10% beyond that which is permitted in a Zoning District.

Generally, in order for the Zoning Board of Adjustment⁶⁵ to grant a 'd' variance request, an Applicant must demonstrate, to the Board's satisfaction, that special reasons (broadly defined as relieving an undue hardship on the Applicant OR advancing the purposes of the Municipal Land Use Law) exist. This is known as the Positive Criteria. The Applicant must also demonstrate that granting such relief will not substantially impair the purpose and intent of the City's Zone Plan or Zoning Ordinance, and that the relief requested will not be a substantial detriment to the public good. This is known as the Negative Criteria.

Both the Positive Criteria and the Negative Criteria must be satisfied in order for the Board to grant a 'd' variance request.

The grant of a 'd' variance requires an affirmative vote by five (5) Board members, regardless of how many members may be attending the meeting.

In order to satisfy the Positive Criteria for 'd' variances, the applicant must prove that:

- (a) 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

⁶⁵ Only a Zoning Board may grant 'd' variance relief

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

Signature of Applicant

Date

(insert revision date)

Nicholas F. Talvacchia, Attorney for Applicant

6-3-21.



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST I.

'd' Variances

Pursuant to N.J.S.A. 40:55d-70d

See §300-26, 27 & 37 D. for further details regarding submission requirements and procedures.

Each page of this Checklist must be signed and dated by the Applicant.

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..."

OR, the applicant must prove that the proposed development will achieve at least one (1) of the following Purposes of the Municipal Land Use Law:

- 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's 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, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

Signature of Applicant

Nicholas F. Talvacchia, Attorney for Applicant

Date

6-3-21



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST I.

'd' Variances

Pursuant to N.J.S.A. 40:55d-70d

See §300-26, 27 & 37 D. for further details regarding submission requirements and procedures.

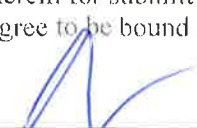
Each page of this Checklist must be signed and dated by the Applicant.

- 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;
- 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;
- 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.

Applicants requesting 'd' variance relief must complete the following **Checklist H.**, along with the accompanying **Schedule of Requested 'd' Variance(s)** and **'d' Variance Justification Narrative** setting forth and describing the specific requirements of the Pleasantville Land Management Code from which relief is being sought. Applicants must also address the reasons why such relief is justified.

Applicants MUST submit variance justifications for all requested variances as part of this application process. Applications not containing the aforementioned detailed written narrative, addressing both the Positive Criteria and Negative Criteria required for 'd' variance relief, shall be deemed INCOMPLETE.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



Signature of Applicant

6-3-21.
Date

(insert revision date)

Nicholas F. Talvacchia, Attorney for Applicant



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST I.

'd' Variances

Pursuant to N.J.S.A. 40:55d-70d

See §300-26, 27 & 37 D. for further details regarding submission requirements and procedures.

Each page of this Checklist must be signed and dated by the Applicant.

- X 1. All General Checklist Requirements in such number as indicated in Checklist A.
- X 2. Plats, plans drawings of the proposed project at a scale specified under Checklist A., item 3. A. Plats, plans or drawings prepared by a New Jersey Licensed Land Surveyor, Professional Engineer, Professional Planner or Architect shall be submitted on a paper size specified under Checklist A., item 3. B. Plats or plans prepared by the Applicant may be submitted on a sheet no smaller than 11"x17".
- X 3. Topographical Outbound Survey of the Subject Property, at a scale of not less than 1"=50', prepared by a New Jersey Licensed Land Surveyor. If Survey is dated more than 2 years prior to the date of submission of the Subject Application, an Affidavit of No Change, prepared by a New Jersey Licensed Land Surveyor, certifying that the submitted survey depicts the true existing conditions on the subject property, shall also be required. The Survey shall include the distances between the proposed building(s) and any other buildings on adjacent lots (on both sides and the rear of the Subject Property).
- X 4. Lot area expressed both in acreage and square feet, to the nearest tenth of an acre, both with and without any area(s) located within any existing or proposed public rights-of-way.
- X 5. Development boundary lines (heavy solid line).
- X 6. Variance requests under N.J.S.A. 40:55d-70d(3), (4) & (6) only:
- X A. detailed site drawings, drawn to scale and fully dimensioned, depicting the size and location of all existing and proposed structures, signs and lighting, with height noted, and indicating if existing structures and uses will be retained or removed.
- n/a B. detailed architectural and elevation drawings, drawn to scale and fully dimensioned, depicting all four (4) building elevations (labeled north, south, east and west, with street names as applicable), with colors and materials indicated on the plans.
- X 7. Completed **Schedule of Requested 'd' Variances** attached to this Checklist.
- X 8. Detailed justification for the relief requested, including statement addressing the Positive Criteria and Negative Criteria required for 'd' Variance relief.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.


Signature of Applicant

6-3-21.
Date

(insert revision date)

Nicholas F. Talvacchia, Attorney for Applicant



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST I.

'd' Variances

Pursuant to N.J.S.A. 40:55d-70d

See §300-26, 27 & 37 D. for further details regarding submission requirements and procedures.


Each page of this Checklist must be signed and dated by the Applicant.

APPLICANTS MAY UTILIZE THIS FORM OR MAY CREATE THEIR OWN SCHEDULE AS LONG AS THE REQUIRED INFORMATION IS INCLUDED.

SCHEDULE OF REQUESTED 'd' VARIANCES			
Variance Number	Ordinance Reference (§300-)	Regulation / Requirement	Existing / Proposed Condition
1.	300-23E(2)	Permitted uses- billboard not permitted	Mixed use property with billboard/ billboard
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

(use additional pages if necessary)

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



Signature of Applicant

6-3-21

Date

5

(insert revision date)

Nicholas F. Talvacchia, Attorney For Applicant



PLEASANTVILLE LAND MANAGEMENT CODE

CHECKLIST I.

'd' Variances

Pursuant to N.J.S.A. 40:55d-70d

See §300-26, 27 & 37 D. for further details regarding submission requirements and procedures.

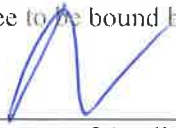
Each page of this Checklist must be signed and dated by the Applicant.

APPLICANTS MAY UTILIZE THIS FORM OR MAY CREATE THEIR OWN SCHEDULE AS LONG AS THE REQUIRED INFORMATION IS INCLUDED.

'd' VARIANCE JUSTIFICATION NARRATIVE	
Variance Number (from Schedule of Requested 'c' Variances)	Detailed Justification for Variance Request
1.	See Project Narrative
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

(use additional pages if necessary)

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



Signature of Applicant
Nicholas F. Talvacchia, Attorney for Applicant

6-3-21.

Date

(Insert revision date)



APPLICATION PACKAGE
for
LAND USE APPROVAL
City of Pleasantville

FORM 9: CERTIFICATION OF PAYMENT OF TAXES

Date: 5-25-21

Applicant's Name: Admiral Nissan

Subject Property

Address: 400 W. Black Horse Pike


Block: 59 Lot(s): 19 and 19 B01

Qualification Code(s):

TO BE COMPLETED BY THE PLEASANTVILLE TAX COLLECTOR

Taxes are paid and current through and including:	1Q	2Q	3Q	4Q	20 <u>21</u>
---	----	----	----	----	--------------

The following taxes are unpaid and delinquent: \$ 0 with interest
calculated until: N/A, 201 .


Flor M. Roman
Pleasantville Tax Collector

NO APPLICATION FOR LAND USE APPROVAL SHALL BE DEEMED COMPLETE WHERE
TAXES ARE DUE

NICHOLAS F. TALVACCHIA
Also Admitted to PA Bar
EMAIL: ntalvacchia@cooperlevenson.com

Direct Phone (609) 572-7544
Direct Fax (609) 572-7545

FILE NO. 37595/00001

May 25, 2021

City of Pleasantville
ATTN: TAX ASSESSOR'S OFFICE
City Hall, 18 N. First Street
Pleasantville, New Jersey 08232

Re: BLOCK 59, LOTS 19 AND 19 B01

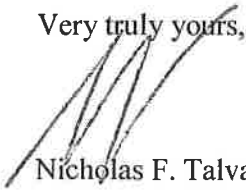
To Whom it May Concern:

We represent Admiral Nissan, Inc. in support of an application with regard to the above-captioned property and therefore request that you provide this office with a Certified List of Property Owners and Registered Utilities within a 200 foot radius of the subject property. Attached is our completed Form 12 from the Application Package for Land Use Approval.

Enclosed please find our firm check in the amount of \$10.00 for the cost of the list. For your convenience, we enclose a self-addressed stamped envelope to send us the requested information.

Please feel free to contact me with any questions. Thank you for your attention to this matter.

Very truly yours,



Nicholas F. Talvacchia

NFT/sjw
Enclosures

CLAC 6380386.1



APPLICATION PACKAGE
for
LAND USE APPROVAL
City of Pleasantville

FORM 12: REQUEST FOR
CERTIFIED LIST OF PROPERTY OWNERS

I, Nicholas F. Talvacchia, being the undersigned Applicant or individual authorized to act for the Applicant, hereby request the names and addresses of the owners of record of every block and lot within 200' of the boundaries of the property known as:

Block: 59 Lot(s): 19 and 19 B01

in the City of Pleasantville, Atlantic County, New Jersey.

I also request the name(s) and address(es) of:

- ☒ the Commissioner of the New Jersey Department of Transportation (if the Subject Property is located on a State Highway);
- ☒ the Atlantic County Planning Board (if the Subject Property is located on a County Highway);
- ☒ all public utility / CATV companies that may possess an easement or right-of-way within 200' of the Subject Property; and
- ☒ The municipal clerk for (if the Subject Property is located within 200' thereof);
 - ☒ City of Absecon
 - ☒ City of Atlantic City
 - ☒ City of Ventnor
 - ☒ City of Northfield
 - ☒ Egg Harbor Township

Requests for the Certified List shall be made by completing and delivering this form to the Pleasantville Tax Assessor. The List will be made available within 7 days from the date of this request.

Payment shall be made in the form of Check or Money Order, made payable to the City of Pleasantville, in the amount of \$10.00 for the first 40 names on the List plus an additional \$0.25 for each name thereafter.



Signature of Applicant
(or Authorized Representative)

5-25-21
Date

Nicholas F. Talvacchia, Esquire
on behalf of Applicant, Admiral Nissan

CHECK #

05-26-21

60-142/313

AMOUNT

\$10.00

PAY TO

PLEASANTVILLE, NJ 08232


AUTHORIZED SIGNATURE

 Details on back.

626866

83935271001

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

Print or type
See Specific Instructions on page 2.

Name (as shown on your income tax return)

AN Realty, LLC

Business name/disregarded entity name, if different from above

Check appropriate box for federal tax classification:

☐ Individual/sole proprietor ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate

☒ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) **P**

☐ Other (see instructions) ▶

Exemptions (see instructions):

Exempt payee code (if any) _____

Exemption from FATCA reporting
code (if any) _____

Address (number, street, and apt. or suite no.)

326 Haddonfield Road

City, state, and ZIP code

Cherry Hill, NJ 08002

Requester's name and address (optional)

List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number

			-			-			
--	--	--	---	--	--	---	--	--	--

Employer identification number

2	2	-	3	5	6	8	1	9	0
---	---	---	---	---	---	---	---	---	---

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below), and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign
Here

Signature of
U.S. person ▶



Date ▶

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. The IRS has created a page on IRS.gov for information about Form W-9, at www.irs.gov/w9. Information about any future developments affecting Form W-9 (such as legislation enacted after we release it) will be posted on that page.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, payments made to you in settlement of payment card and third party network transactions, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the

withholding tax on foreign partners' share of effectively connected income, and

4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct.

Note. If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.