



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: Ciocca Pleasantville LLC, a New Jersey  
limited liability company  
Address: 750 S West End Blvd.  
Quakertown, PA 18951  
Phone No.: 267-784-1685 Fax No.: \_\_\_\_\_

Agent for Applicant (if applicable)

Agent's Name: Paul Frank  
Address: 750 S. West End Blvd.  
Quakertown, PA 18951  
Phone No.: 267-784-1685 Fax No.: \_\_\_\_\_

Subject Property

Street Address: 401 W. Black Horse Pike  
Pleasantville, New Jersey 08232  
Block(s): 58 Lot(s): 3, 13, 40, 41, 44, 45 & 46  
Zoning Districts: RC (Regional Commercial)

Application is being made to:

( ) Zoning Officer (xx) 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

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**APPLICATION PACKAGE**  
**for**  
**LAND USE APPROVAL**  
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**APPLICATION IS BEING MADE FOR:**

- ( ) 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
- (xx) Waiver of (under N.J.S.A. 40:55D-10.3): ( ) Preliminary or  
( ) Final Major Site Plan Approval, or  
( xx) Both
- ( ) Minor Subdivision Approval under N.J.S.A. 40:55D-47
- ( ) Major Subdivision Approval under N.J.S.A. 40:55D-48
- ( xx) 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.

*[As relates solely to the jurisdiction of the Zoning Board of Adjustment]*

- ( ) 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)
- ( ) 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.

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

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APPLICATION PACKAGE  
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City of Pleasantville

FORM 5: OWNERSHIP INFORMATION & CORPORATE DISCLOSURE

(To be completed by the Owner of Record of the Subject Property)

Owner's Name: Ciocca Pleasantville LLC, a New Jersey  
limited liability company  
Address: 750 S. West End Blvd.  
Quakertown, PA 18951  
Phone No.: 267-784-1685 Fax No.:  
Email Address: pf@cioccadealerships.com

Date Owner purchased the Subject Property: 12 / 11 / 2020

Was Subject Property purchased from the City of Pleasantville: ( ) Yes  
(xx) No

If not the Owner, Applicant's standing to bring Application: N/A  
( ) 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  
(XX) Limited Liability Corporation (LLC) ( ) Limited Liability Partnership (LLP)

If Applicant is not an individual,

Name of Corporation, Partnership, LLC or LLP: Ciocca Pleasantville LLC, a New Jersey limited liability company  
Official empowered to complete this Disclosure on behalf of the Corporation, Partnership, LLC or  
LLP:  
Address: 750 S West End Blvd.  
Quakertown, PA 18951  
Phone No.: 267-784-1685 Fax No.:  
Email Address: c/o pf@cioccadelearships.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.

Signature of Applicant

Date

8/26/21

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**APPLICATION PACKAGE**  
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**City of Pleasantville**

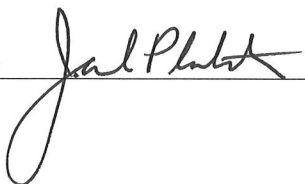
Pursuant to N.J.S.A. 40:55D-48.1, Applicants must disclose the names and addresses of all persons owning 10% or more of the stock in a corporate applicant or 10% or more interest in a partnership applicant. N.J.S.A. 40:55D-48.2 provides that such disclosure applies to any corporation or partnership which 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
Gregg R. Ciocca	750 S West End Blvd. Quakertown, PA 18951	/ /			greater than 10%
		/ /			
		/ /			
		/ /			
		/ /			
		/ /			
		/ /			

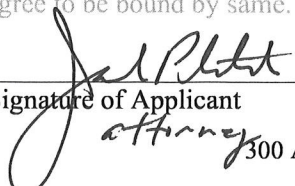
(use additional sheets if necessary)

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):

Jack Plackter, Esq.  
Signature 

Date 8/20/21

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  
*attorney*

Date 8/20/21





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FORM 6: PROJECT INFORMATION

Project Name: Additional Signage for Subaru Building

Present Use of the Subject Property: automobile dealership

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: same as present use  
\_\_\_\_\_

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:

_____	_____
_____	_____
_____	_____

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

Estimated cost of construction of Proposed Project: \$ \_\_\_\_\_

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: \_\_\_\_\_  
\_\_\_\_\_

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*John R. Hitt*  
Signature of Applicant

8/20/21  
Date



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

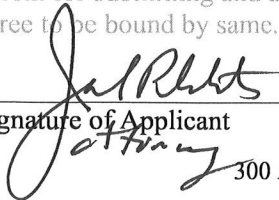
If Yes, explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

If yes, specify (as applicable)

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

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Signature of Applicant

8/20/21  
Date

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**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

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

	<u>Existing</u>	<u>Required</u>	<u>Proposed</u>
Lot Width (ft)	466.25 ft		466.25 ft
Lot Depth (ft)	316 ft		316 ft
Lot Size (s.f.)	4.26 acres		4.26 acres

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

	<u>Existing</u>	<u>Required</u>	<u>Proposed</u>
Front Yard Setback (ft)	8.98 ft / 22.15 ft	50 ft	8.98 ft/20 ft
Side Yard Setback [L / R] (ft)	n/a /	50' ft	n/a /
Rear Yard Setback (ft)	n/a	50 ft	n/a
Impervious Coverage (%)	94%	80%	94%

Height and number of stories for Principal Building (if multiple Principal buildings, provide information for tallest building): 30 feet one stories

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: The Applicant seeks relief from Section 300-62C3(b) to allow a total of twelve (12) signs where nine (9) are existing and one (1) sign is the maximum permitted per building elevation.

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: On May 29, 2018, the Application for a D Variance for an increase of 2' Front Yard Encroachment and C Variance with a Number of Signs as well as Technical C Variances and Waivers was granted. See attached Decision and Resolution.

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

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FORM 8: PROJECT PROFESSIONALS

(use additional sheets if necessary)

Project Attorney: Jack Plackter, Esq. Fox Rothschild LLP  
Address: 1301 Atlantic Avenue, Suite 400  
Atlantic City, NJ 08401  
Phone No.: 609-572-2200 Fax No.: \_\_\_\_\_  
Email Address: jplackter@foxrothschild.com

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

Project Planner: Arthur W. Ponzio, Jr.  
Address: 400 North Dover Ave.  
Atlantic City, NJ 08401  
Phone No.: 609-344-8194 Fax No.: \_\_\_\_\_  
Email Address: \_\_\_\_\_

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.

Jack Plackter  
Signature of Applicant  
Attorney  
300 Attachment 1:26

8/20/21  
Date



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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.

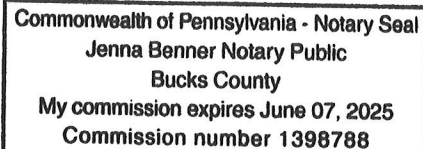
Ciocca-Pleasantville LLC

By: Tan O'Neil, Asst. Secretary  
Applicant's Signature

Paul Frank, Authorized Signatory

Sworn to and subscribed before me this  
18<sup>TH</sup> Day of AUGUST, 2021.

Jenna Benner  
Notary Public of New Jersey



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**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



## 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.

- XX 1. One (1) original and fourteen (14) copies of:
- XX A. the completed Application Forms, all certifications and other components;
  - XX B. all required checklist(s) **in completed form**; and
  - XX C. all documents, reports, plats, plans, drawings and photographs relating to the Application.
- XX 2. All plats, plans and drawings shall contain a Title Block, including:
- XX A. The name and title of the Application / Project, City of Pleasantville, Atlantic County;
  - XX B. The name, title, address, telephone and fax number of the Applicant;
  - XX 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;
  - W 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

  
Date





## 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.

- XX E. Written and graphic (bar) scale in inches to feet;
- W F. North Arrow
- XX 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.
- XX 3. Unless otherwise specified in Checklists C. through L., no plat, plan or drawings shall be accepted unless:
- XX A. drawn to a scale of 1"=10', 1"=20', 1"=30', 1"=40', 1"=50' or 1"=60' for engineering drawings or  $\frac{1}{8}$ "=1',  $\frac{3}{8}$ "=1',  $\frac{1}{4}$ "=1',  $\frac{1}{2}$ "=1',  $\frac{3}{4}$ "=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.**
- XX 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.
- XX C. fully dimensioned to confirm conformity with all requirements.
- XX 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.
- XX 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.
- XX 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

Date

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## 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.

- XX 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.

- XX 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](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.

- w 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.

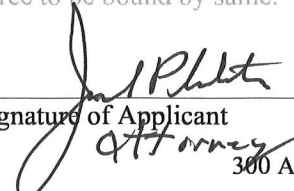
Such photography shall be dated and keyed to a reproduction of the City's official tax map, at a scale of not less than 1"=60', with the Subject Property and all photographed properties indicated.

- XX 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.

- XX 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

8/21/21  
Date

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## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST A.

#### General Requirements & Instructions

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

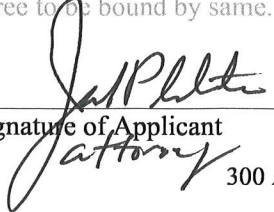
Each page of this Checklist must be signed and dated by the Applicant.

- W 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.
- XX 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.
- XX 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).
- N/A 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.

- XX 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.
- XX 17. **Detailed narrative** justification for any requested waivers from any Checklist requirement. **Items which are not applicable shall be addressed as N/A.**
- XX 18. **Detailed narrative** justification for any requested waiver(s) from any development standard and/or regulation where a variance is not required.
- XX 19. Evidence that the Applicant has sufficient control over the Subject Property to effectuate the proposed development. Including, as appropriate:
- N/A 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

8/20/21  
Date

4



## 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.

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

- XX 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.**

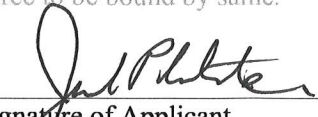

The Applicant shall be responsible to insure that Fees and Escrow Deposits are sufficient to address all approvals required, consistent with the Fee Schedule under §300-9. The City reserves the right to require additional Application Fees and Escrow Deposits should the review of the Application find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

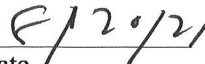
Once such additional approvals have been identified, the City, and or its professionals shall immediately cease review of the subject application and issue a letter to the Board Secretary informing the Secretary of the situation. The Board Secretary shall immediately inform the Applicant of the necessity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

- XX 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  
  
\_\_\_\_\_  
Attorney

  
\_\_\_\_\_  
Date





## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST D.

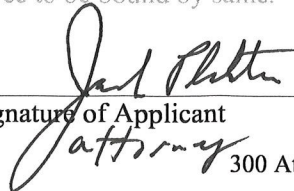
#### Minor Site Plans and Minor Subdivision Plats

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.

- XX 1. All General Checklist Requirements in such number as indicated in Checklist A.
- XX 2. Plats or plans of the proposed project at a scale and paper size specified under Checklist A., item 2. B.
- XX 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.
- XX 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.
- XX 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.
- W 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.
- W 7. Existing and proposed spot elevations at all corners of the buildings and along the curblin.
- W 8. A soils map with project site plotted thereon.
- XX 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.
- N/A 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

8/20/21  
Date

1





## 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.

- XX 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).
- XX 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.
- W 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.
- W 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.
- W 15. The location and material of all existing and proposed monuments, including iron and copper pins.
- W 16. Right-of-way dedication(s) and improvement(s), as applicable.
- W 17. Sight triangle easements with dimensions, bearings and distances, as applicable.
- XX 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.
- XX 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.
- XX 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.
- XX 21. Certification from appropriate state and county agencies and private providers as applicable, granting approval for the extension of utility service(s).
- W 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

*[Handwritten Signature]*

300 Attachment 1:42

Date

*8/20/12*

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## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST D.

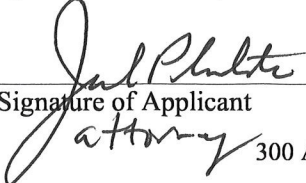
#### Minor Site Plans and Minor Subdivision Plats

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.
- W 24. Plans and computations for any storm drainage systems required.
- W 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.
- W 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.
- N/A 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.
- XX 29. Signage Plan, with details addressing location, dimensions, area, height, illumination and materials for all signage.
- XX 30. Approval signature lines for the Board Chair, Board Secretary and City Engineer.
- N/A 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

  
Date 8/20/21



## 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

Date

1





## 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

*John P. Peltz*  
*Attorney*

300 Attachment 1:52

Date

*8/20/21*

2

08 - 01 - 2012





## 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.

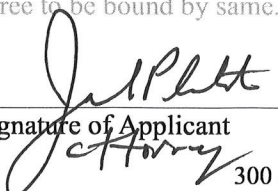
Each page of this Checklist must be signed and dated by the Applicant.

- 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

8/20/21  
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.

- XX 1. All General Checklist Requirements in such number as indicated in Checklist A.
- XX 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".
- N/A 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).
- XX 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.
- XX 5. Development boundary lines (heavy solid line).
- XX 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.
- XX 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.
- XX 8. Completed **Schedule of Requested 'c' Variances** attached to this Checklist.
- XX 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

Date

4



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.

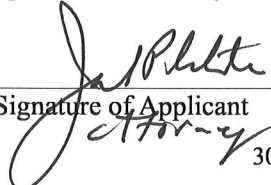
**Each page** of this Checklist must be signed and dated by the Applicant.

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

SCHEDULE OF REQUESTED 'c' VARIANCES			
Variance Number	Ordinance Reference (§300- )	Regulation / Requirement	Existing / Proposed Condition
1.	62C3(b)	Only 1 wall sign per building elevation	North side Elevation: Existing 2 wall signs, Proposed 2 additional wall signs
2.			South side Elevation - Existing 0 signs, Proposed 1 wall sign
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

8/20/21  
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.

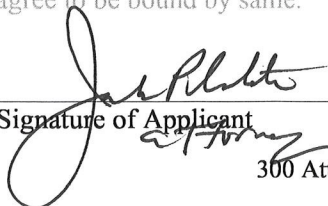
**Each page** of this Checklist must be signed and dated by the Applicant.

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

<b>'c' VARIANCE JUSTIFICATION NARRATIVE</b>	
<b>Variance Number (from Schedule of Requested 'c' Variances)</b>	<b>Detailed Justification for Variance Request</b>
1.	The Applicant, to be in compliance with the dealership requirements of Subaru, is proposing to add signage on various building elevations. Because Applicant is updating the dealership, this application
2.	promotes the public good and aesthetics and therefore furthers a valid zoning purpose of the Pleasantville Zoning Ordinance. Given the size of the buildings relative to the signage, there is no
3.	negative impact associated with the signage as the square footage of the signs are well under the permitted total wall surface of 20% for each elevation.
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

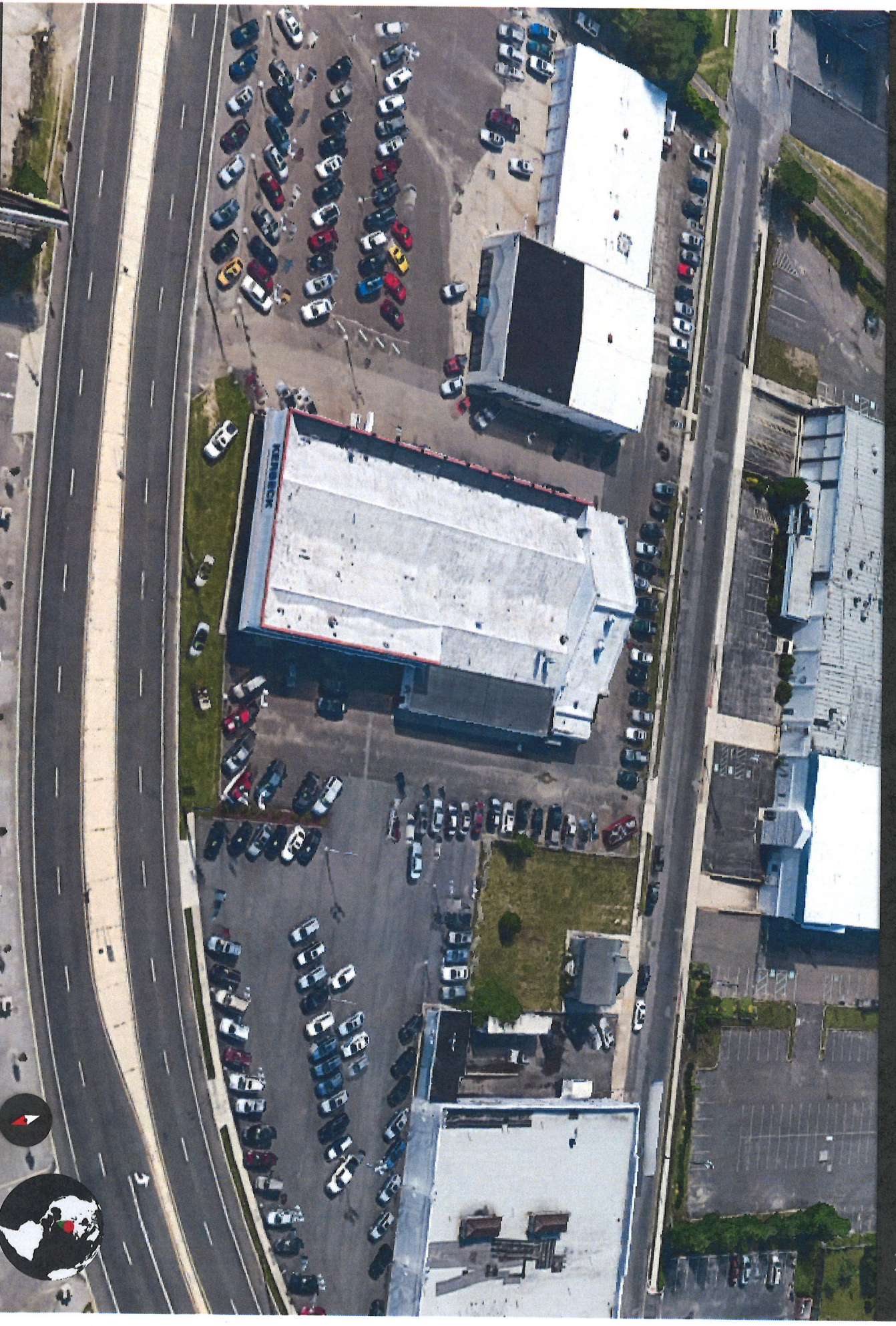
  
Date



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**City of Pleasantville  
Zoning Board of Adjustment  
Decision & Resolution**

In the Matter of  
CGF Associates  
Property: 401 Black Horse Pike  
Block 58 Lots 3, 13, 40, 41, 44, 45 & 46

Application No.: 976

Application for a D Variance for an Increase of  
2' Front Yard Encroachment and C Variance  
with a Number of Signs as well as Technical C  
Variances and Waivers

GRANTED

Hearing Date: May 29, 2018

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This matter came before the Zoning Board of Adjustment for the City of Pleasantville on May 29, 2018 with six members of the Board being present. The applicant's attorney was Jack Plackter with offices in Atlantic City, New Jersey. The applicant's planner was Jon Barnhart with offices in Atlantic City, New Jersey and Charles Kerbeck, a partner in the applicant partnership of CGF Associates and Adrian Corda of the sign company are all intending to testify. Mr. Barnhart, Mr. Kerbeck, and Adrian Corda, associated with a Philadelphia sign company which specializes in signing for Subaru were all sworn in.

By way of opening remarks, Mr. Plackter verified that all jurisdictional requirements had been complied with and that his client is seeking a D-3 variance to permit an 18' front yard setback as opposed to an existing 20' setback which now exists. The 20' setback predated an ordinance change requiring a 50' setback not in this zone for conditional uses. He verified that this was a conditional use which controls this particular project. They seek C variance for the number of signs permitted. This property contains a Subaru Automobile Agency. Subaru requires the items in this application in order to permit the applicant to maintain the agency on this property.

Mr. Kerbeck confirmed this information which was further established by the testimony of Adrian Corda associated with a Philadelphia sign company which has a contract with Subaru to



construct their signs at Subaru Agencies. Mr. Corda confirmed that Subaru requires the signage that is being requested in order for the applicant to maintain this particular agency.

Mr. Barnhart then described the property and where the particular uses are utilized by the agency would be located. He indicated that the property involved creates a hardship upon the applicant, not only because of the size and configuration of the property but because its existence predates the recent ordinance amendments and the applicant is involved not only with property itself but the various usages to which the agency provides. There is a service department in one building, a body shop and a sales area both inside the building which is the subject of this application and a service reception area in the third building. The balance of the property that is left open from the three buildings is for outdoor display of available vehicles. He maintains that the requirements of Subaru establish the need for a more inviting property within which to do business and which represents a benefit to the entire neighborhood because of its upgrades. With respect to the negative criteria, Mr. Barnhart testifies that the positives with respect to this application and with respect to the existing buildings and improvements made upon the property not only benefit the property and benefit the neighborhood but these benefits out way the negatives which may be involved. It is Mr. Barnhart's opinion that there are no negatives with respect to this property and the items included in the application. The granting of this application does not adversely affect the zoning ordinance or the zone plan of the City of Pleasantville.

The Board Planner, Ryan A. McGowan of the firm Remington & Vernick Engineers with offices in Pleasantville, New Jersey, presented a report dated May 14, 2018, a copy of which is to be considered as attached hereto and made a part hereof and may be viewed in the office of the Board Secretary during normal business hours. The property is 4.26 acres and contains seven designated lots on the municipal tax map, i.e., 3, 13, 40, 41, 44, 45 & 46 in block 58. He indicates

that the site is occupied by three (3) one-story auto dealership buildings. The applicant proposes a setback of 18' to the proposed tower addition on the main building fronting on Route 40 (Black Horse Pike). This does not comply with the setback requirement of 50' from any lot line but it should be noted that there is currently a setback of 20' at this particular location which preexists the change in the ordinance to 50'. He verifies that this request represents a request for a D-3 variance from a deviation from a conditional use standard. He further confirms that the applicant seeks a C variance for a number of wall mounted signs to be constructed so he verifies that the total square footage of all the signs is less than that which is otherwise permitted under the ordinance. He also recommends that a stop signs be provided at all exit driveways from the property.

The Board Engineer, Deborah Wahl of the firm Doran Engineering with offices in Pleasantville, New Jersey, submitted a report dated May 18, 2018, a copy of which is to be considered as attached hereto and made a part hereof and may be viewed in the office of the Board Secretary during normal business hours. Ms. Wahl confirmed that compliance with dealership requirements of Subaru the applicant is proposing which is to remove existing signage and replace it with new and additional signage on the various building elevations. In addition, the applicant is proposing an addition to a tower at dealership #1 as depicted on the property survey/plot plan which will decrease the setback on the Black Horse Pike from 22.15' to 18' requiring a D-3 variance.

#### **PUBLIC INPUT**

One member of the public spoke affirmatively with respect to the application.

### FINDINGS OF FACT

Based upon the documents filed, the reports of the Board Professionals and the testimony by and on behalf of the applicant, the Board made the following findings of fact:

1. The property is owned by CGF Associates, a partnership and is located at 401 Black Horse Pike in the City of Pleasantville, County of Atlantic and State of New Jersey.
2. The property is also known and designated as block 58, lots 3, 13, 40, 41, 44, 45 & 46 on the tax map for the City of Pleasantville.
3. The property in question is utilized as an automobile dealership for Subaru which is expanding the dealership as a result of which Subaru is requiring additional signage which gives rise to this application.
4. The applicant is proposing the addition of a tower to dealership building #1 which will decrease the front setback on the Black Horse Pike from 22.15' to 18'. This constitutes an expansion of an existing nonconforming use requiring the grant of a D-3 variance.
5. With respect to signage, Subaru is requiring the removal of the many existing signs to be replaced by new signs with more than one (1) mounted on the sides of buildings. A C variance is therefore required for the expanded number of signs on the property.
6. The increase of the number of signs and the location thereof constitutes the need for a C variance in light of the fact that they proposed more than one (1) wall sign on the outside of the buildings. It should be noted, however, that the total square footage of the proposed signs amounts to less than 50% of the allowable square footage in this zone.
7. The upgrade of the property is beneficial not only for the surrounding area but for the municipality as well. In light of the requirements of Subaru, and taking into consideration



the pre-existing buildings and the location thereof as well as the configuration of the real estate this constitutes a hardship with respect to any upgrade as proposed.

8. The positive criteria as it relates to the requirements of the law is satisfied as to both requested variances.
9. Based upon the testimony as presented, there is no detriment either to the zone plan or zoning ordinance and therefore both the positive and negative criteria have been adequately proven so as to comply with the requirements of the zoning statute for the State of New Jersey.

### LEGAL ANALYSIS

N.J.S.A. 39:55D-70(c) reads as follows:

"c(1) Where: (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 any regulation pursuant to ... {40:55d-62 et seq.} would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property, grant, upon application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship;

(2) Where in an application or appeal relating to a specific piece of property the purpose of this act would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation which substantially outweigh any detriment, grant a variance to allow departure from regulations pursuant to... {40:55d-62 et seq.}; provided, however, that the fact that a proposed use is inherently beneficial use shall not be dispositive of a decision on a variance under this subsection and provided that no variance from those departures enumerated in subsection d. of this section or shall be granted under this subsection; and provided further that the purposed development does not require approval by the planning board of a subdivision, site plan or conditional use, in accordance

with which the planning board has power to review a request for variance pursuant to subsection a. of ...{40:55d060}..."

N.J.S.A. 40:55D-70(d) sets forth the statutory requirements for the granting of a "use" variance as follows:

"d. In particular cases for special reasons, grant a variance to allow departure from regulations pursuant to {N.J.S.A. 40:55D-62 et seq.} to permit: (1) a use or principal structure in a district restricted against such use or principal structure; (2) an expansion of a non-conforming use; (3) deviation from a specification or standard pursuant to {N.J.S.A. 40:55D-67} pertaining solely to a conditional use; (4) an increase in the permitted floor area ratio as defined {N.J.S.A. 40:55D-4}, except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings, which lot or lots are either an isolated undersized lot or lots resulting from minor subdivision or (6) a height of a principal structure which exceeds by ten feet or 10% the maximum height permitted in the district for a principal structure. A variance under this subsection shall be granted only by affirmative vote of at least five members, in the case of a municipal court or 2/3 of the full authorized membership, in the case of a regional board....If an application for developments requests one or more variances but not a variance for purpose enumerated in subsection d of this section, the decision on the requested variance or variances shall be rendered under subsection c of this section. No variance or other relief may be granted under the terms of this section, including a variance or other relief involving an inherently beneficial use, without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and Zoning Ordinance....

As set forth in section 7-41 of Cox, "Because there is a strong legislative policy favoring land use planning by ordinance rather than by variance, the grant of use variance will always be the exception rather than the rule. (Citations Omitted) This policy is reflected in the fact that greater deference is ordinarily given by the courts to the denial of a variance rather than to a grant. (Citations omitted) It is also reflected in the statutory language which authorizes the grant of the use variance only in particular cases and for special reasons. (Citations Omitted)

Cox also goes on to state:

"Note that it is the applicant's burden to show "special reasons" in order for the board to exercise its jurisdiction to grant relief under subsection d. (In addition to showing special reasons, the applicant must always, of course, satisfy, "negative criteria"... "special reason" is a term difficult to define with exactitude. Very broadly, there are sufficient "special reasons" for the grant of a "D" variance where a proposed project carries out a purpose of zoning or the refusal to allow the project would impose on the applicant an undue hardship..." The purpose of zoning are found in the statement set forth in N.J.S.A. 40:55D-2 which reads as follows:

1. 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;
2. To secure safety from fire, flood, panic and other natural and manmade disaster;
3. To provide adequate light, air and open space;
4. 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;
5. 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;
6. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
7. 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 citizens;



8. 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;
9. To promote a desirable visual environment through creative development techniques and good civic design and arrangements;
10. 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;
11. 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;
12. To encourage senior citizen community housing construction;
13. 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;
14. To promote utilization of renewable energy resources; and
15. 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."

In addition to the above, alternative, special reasons may be demonstrated by proof of undue hardship which is that the property at issue cannot reasonably be developed with a conforming use.

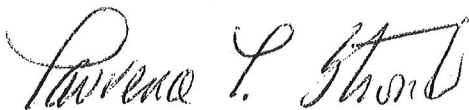
With respect to the negative criteria, they are dealing with the requirements of an enhanced quality of proof and clear and specific findings by the Board of Adjustment that the variance sought is not inconsistent with the intent and purpose of the master plan and zoning ordinance. The applicant's proofs and board's findings that the variance will not "substantially impair the intent and purpose of the zone plan and zoning ordinance" must reconcile the purposed use variance with the zoning variances omission of the use from those permitted in the zoning districts. Kohl v. Mayor and Council of Fairlawn, 50 NJ 268 (1967) as set forth in Cox, page 177 (section 7-5.2).

Based upon the findings of fact, this application may be granted and are consistent with the legal requirements.

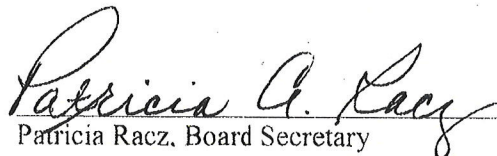
#### DECISION

It was voted and seconded to approve the D variance request for the front yard setback required by the encroachment of the tower subject to compliance with the requirements and suggestions set forth in the Board Professional reports which passed with a unanimous vote in favor.

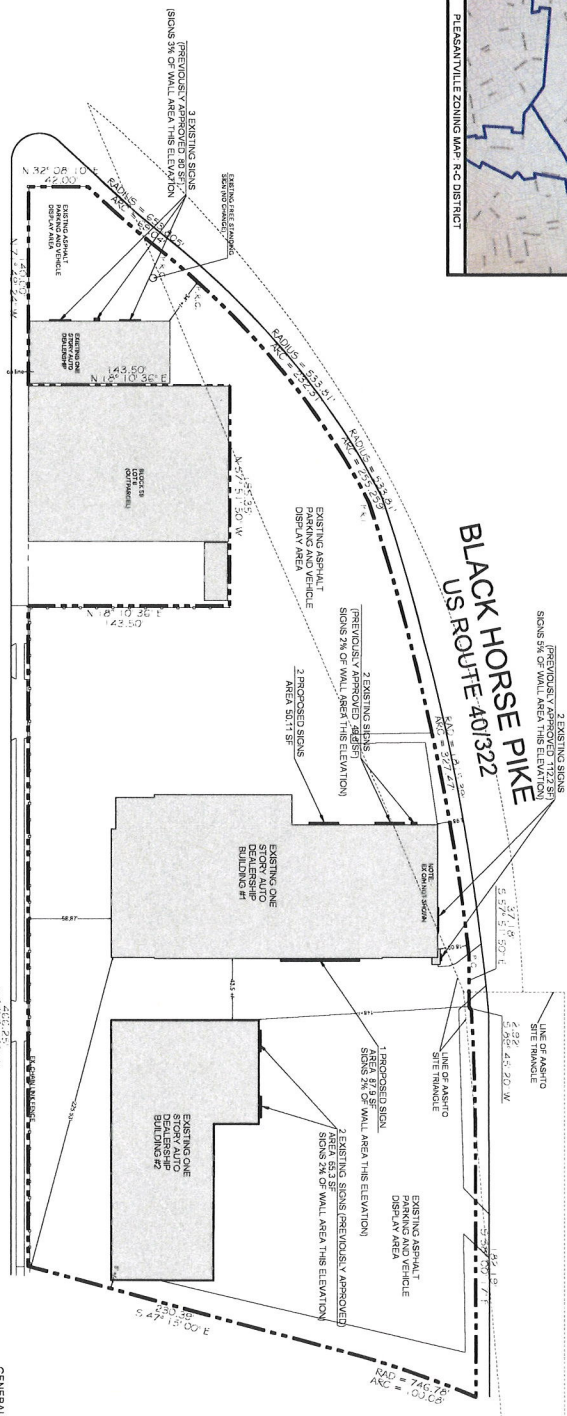
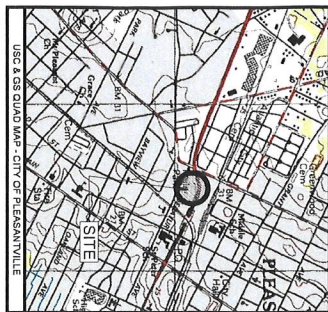
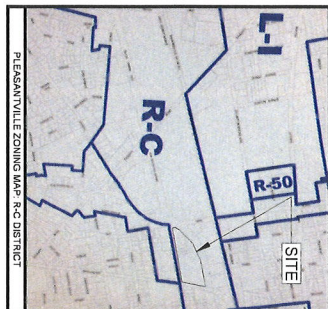
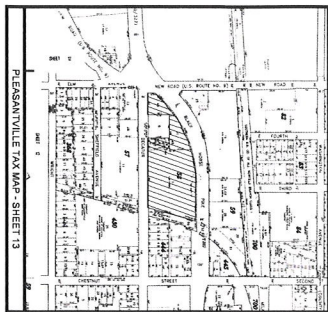
It was moved and seconded to grant the C variance for the number of signs and minor site plan approval together with technical variances and requested waivers all of which were approved by unanimous vote.



William Ward, Chairman



Patricia Racz, Board Secretary

[illegible]

•• SETBACKS REPORTED IN ZONING SCHEDULE REFERENCE BUILDING #1 ONLY. THE SUBJECT OF THIS APPLICATION

DECATUR AVENUE (50')

NOTE:  
SEE SIGNAGE PLANS  
FOR EXACT WALL SIGN LOCATIONS,  
SIZES, ETC

CHECKLIST "D" WAIVER REQUESTS:  
ITEM 6, ITEM 7, ITEM 8, ITEM 13, ITEM 14, ITEM 15, ITEM 16, ITEM 17,  
ITEM 22, ITEM 24, ITEM 25, ITEM 26,

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[illegible]

**ARTHUR W. PONZIO CO. & ASSOCIATES, INC.**  
SURETORS, PLANNERS, ENGINEERS  
400 NORTH DAVENPORT, ATLANTIC CITY, N. J. 08401  
PHONE: (609) 444-1934 FAX: (609) 444-1596  
NEW JERSEY STATE AUTH. NO.: 2400426071382

**JON J. BARNHART**  
PROFESSIONAL PLANNER N.J. NO. 331J0058  
PROFESSIONAL ENGINEER N.J. NO. GE43483

**ARTHUR W. PONDO, JR.**  
PROFESSIONAL PLANNER N.J. NO. 331002676  
PROFESSIONAL LAND SURVEYOR N.J. NO. 24GS02831

PROPERTY SURVEY / PLOT PLAN  
BLOCK 58 LOT 3, 13, 40, 41, 44, 45, 46  
CITY OF PLEASANTVILLE ATLANTIC COUNTY NEW JERSEY  
SCALE: 1" = 40'  
BY: JLB  
PROJ. NO.: 33734  
DATE: 8-2-21

STEWART NO.

## GENERAL NOTES

2. PROPERTY INFORMATION  
PROPERTY ADDRESS: A NEW JERSEY GENERAL PARTNERSHIP  
TOTAL LOT AREA = 4.28 ACRES (186,660 SF)  
FLOOD ZONE = "C"  
FLOOD ZONE SOURCE = COMMERCIAL CAR DEALERSHIP  
FLOOD ZONE SOURCE DISTRICT
3. INTENT OF APPLICANT  
APPLICANT REQUESTS TO INSTALL NEW CHANNEL  
LETTER BOXES ON EXISTING BUILDING AS SHOWN.
4. APPROVALS REQUIRED  
CITY OF FLORENCE FLOOD ZONING BOARD  
NOTE: THIS DRAWING IS INTENDED FOR  
MUNICIPAL AGENCY PURPOSES ONLY.

APPROVALS:

CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

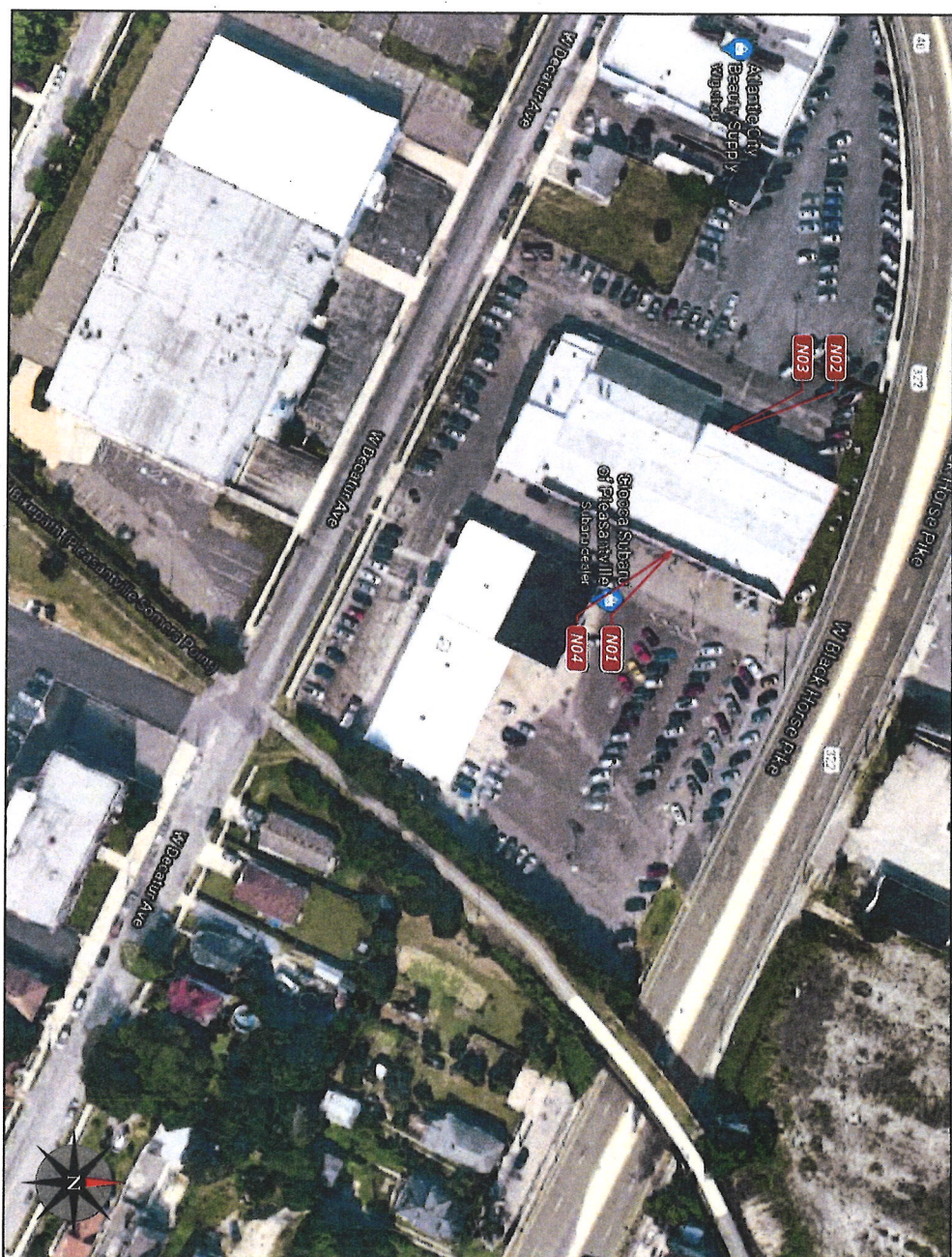
BOARD CHAIRPERSON \_\_\_\_\_ DATE \_\_\_\_\_


BOARD SECRETARY \_\_\_\_\_ DATE \_\_\_\_\_

TAX COLLECTOR \_\_\_\_\_ DATE \_\_\_\_\_



## ***Sign Inventory***

[illegible]

 <b>PHILADELPHIASIGN</b> BRINGING THE WORLD'S BRANDS TO LIFE	
<b>TITLE</b>	Subaru
<b>ADDRESS</b>	SUB403955 Cioocca of Pleasantville 401 West Blackhorse Pike Pleasantville, NJ 08232
<b>DWG BY</b>	ZAS
<b>DATE</b>	03.23.21
<b>DWG NUM</b>	B93805
<b>SHEET</b>	1
<b>DATE</b>	04.08.21
<b>REVISION</b>	Removed Options for N01, Added N03
	04.08.21
	Removed Options by P.S.C.A. if
	04.12.21
	ZAS
	Removed N01, Added N04
	04.12.21
	ZAS
	Removed N01, N04
	04.12.21
	ZAS
<b>DATE</b>	04.12.21
<b>BY</b>	ZAS
<b>DRAWING CREATED BY P.S.C.A. IF</b>	ZAS
<b>USE IN CONJUNCTION WITH A PRODUCT</b>	ZAS
<b>BEING PLANNED FOR USE BY P.S.C.A.</b>	ZAS
<b>IT IS NOT TO BE SHOWN TO ANYONE</b>	ZAS
<b>BEFORE IT IS USED, COPIED, REPRODUCED,</b>	ZAS
<b>OR ENTRIES IN ANY P.S.C.A.</b>	ZAS



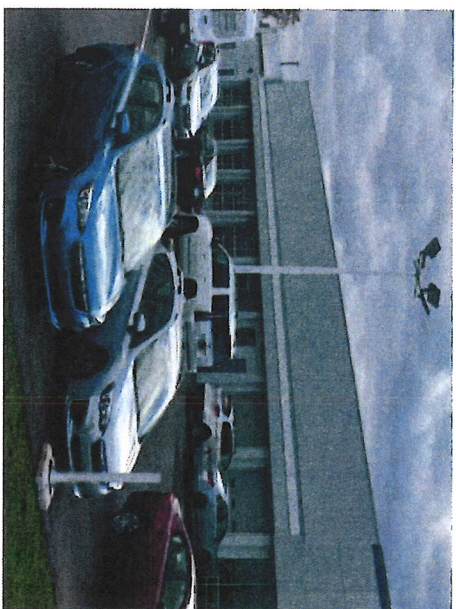
N01 24" Illum Blue Channel Letters "COLLISION CENTER" - 31'5-1/4" OAL (62.88 Sq Ft)  
 N04 24" Illum Blue Channel Letters "CIOCCA" - 12'6-1/8" OAL (25.02 Sq Ft)


Proposed



East Elevation

Existing



 <b>PHILADELPHIASIGN</b> BRINGING THE WORLD'S BRANDS TO LIFE		TITLE		SUBARU		DWG BY ZAS		DATE 03.23.21		DATE 04.13.21		REVISION		BY		THIS IS AN ORIGINAL, UNREPRODUCED DRAWING. IT IS THE PROPERTY OF PHILADELPHIASIGN. IT IS NOT TO BE LOANED, COPIED, REPRODUCED, OR ALTERED IN ANY MANNER.	
		ADDRESS		SUB403955 Ciocca of Pleasantville 401 West Blackhorse Pike Pleasantville, NJ 08232		DWG NUM B93805		SHEET 2		DATE 04.13.21		REVISION 04.13.21 Revised N01, N04 Revised N01, N04 Revised N01, N04		ZAS ZAS ZAS			
SUBARU Retailer Executive Manager Signature: _____ Date: _____																	



- N02 18" Illum Blue Channel Letters "COLLISION CENTER" - 23' 6-7/8" OAL (35.36 Sq Ft)  
 N03 18" Illum Blue Channel Letters "CIOCCA" - 9' 10" OAL (14.75 Sq Ft)


Proposed



West Elevation

Existing



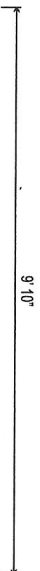
 <b>PHILADELPHIASIGN</b> BRINGING THE WORLD'S BRANDS TO LIFE		<b>TITLE</b> Subaru		<b>DWG BY</b> ZAS		<b>DATE</b> 03.23.21	
<b>ADDRESS</b> SUB403955 Ciocca of Pleasantville 401 West Blackhorse Pike Pleasantville, NJ 08232		<b>DWG NUM</b> B93805		<b>DATE</b> 04.08.21 04.12.21 04.18.21		<b>REVISION</b> Removed Options for N01, Added N03 Revised N01 Added N04 Revised N01, N04	
<b>SHEET</b> 3		<b>DATE</b> 04.08.21 04.12.21 04.18.21		<b>BY</b> ZAS ZAS		<b>THIS IS AN ORIGINAL, UNREPRODUCED DRAWING CREATED BY P.A.S.C. IT IS LOANED TO YOU FOR YOUR PERSONAL USE ONLY. IT IS NOT TO BE LOANED TO ANYONE ELSE. IT IS TO BE USED CORRECTLY, REMOVED, OR EXHIBITED IN ANY FASHION.</b>	

SUBARU Retailer Executive Manager Signature: \_\_\_\_\_ Date: \_\_\_\_\_

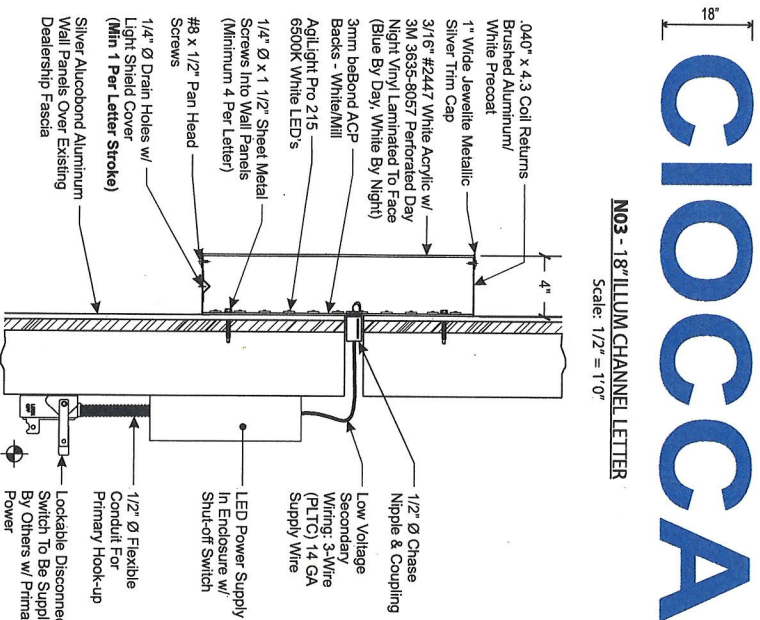
707 WEST SPRING GARDEN ST • PLANTER, NJ • 08055 • P: 856-423-1460 • F: 856-423-5549 • WEB: <http://www.philadelphiasign.com>



Scale: 1/2" = 1'0"



Scale: 1/2" = 1'0"



**LETTER CROSS SECTION**  
**SCALE: 1 1/2" = 1' 0"**

SCALE: 1 1/2" = 1'-0"

**NOTE:** Interior wireways &/or exterior parapet raceways are an extra cost where applicable to conceal or otherwise house letter to letter wiring & power supplies for illuminated letters &/or logos.

**ELECTRICAL LOAD**  
3.0 Amps @ 120 Volts  
**ELECTRICAL REQ'MTS**  
(1) 20 Amp/120 Volt Circuit

**STANDARD LETTER NOTES:**

1. Sufficient Primary Circuit in Vicinity Of Sign By Others.
2. Letter to Letter Wiring & Final Primary Hook-up By Sign Installer, Where Allowed By Local Code.
3. Sign Shall Be U.L. Listed.
4. Mounting Hardware By Sign Installer.
5. Full Size Drilling Template Furnished With Sign.
6. This Sign has been Designed with the Criteria as set forth in the IBC 2003 & IBC 2006. The Design Meets or Exceeds those Requirements for the Geographical Location in Which it is to be Erected.

