

RESOLUTION NO.: 2013-12

**RESOLUTION DISMISSING THE APPLICATION OF
GARDEN STATE OUTDOOR, LLC FOR
USE VARIANCE, BULK VARIANCES AND MINOR SITE PLAN APPROVAL FOR
BLOCK 177, LOT 2.02 WITHOUT PREJUDICE**

WHEREAS, Garden State Outdoor, LLC with address of 1616 Pacific Avenue, Suite 500, Atlantic City, NJ 08401, has made application through its attorney, Nicholas F. Talvacchia, Esq., with address of 1125 Atlantic Avenue, Third Floor, Atlantic City, New Jersey, 08401, for Use Variance, Bulk Variances and Site Plan Approval on Block 177, Lot 2.02 on the tax map of the Township of Elk; and

WHEREAS, Stacy A. DeClement, with address of, 203 Highland Terrace, Pitman, NJ 08071, is the owner of this property, and has consented to this application; and

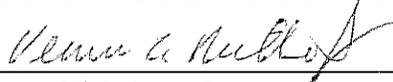
WHEREAS, The Property is zoned C-2 Commercial Highway District and the Application as submitted was not complete; and

WHEREAS, the Applicant has submitted correspondence to the Combined Planning/Zoning Board dated March 27, 2013 attached hereto as Exhibit "A" advising the Combined Planning/Zoning Board of its decision not to proceed with the application at this time; and

NOW, THEREFORE, BE IT RESOLVED, by the Elk Township Combined Planning/Zoning Board, that the application of Garden State LLC, for Use Variance, Bulk Variances and Site Plan Approval on Block 177, Lot 2.02 is hereby dismissed without prejudice. The applicant must pay any and all required fees that are due or may become due to Elk Township within seven (7) days notice thereof..

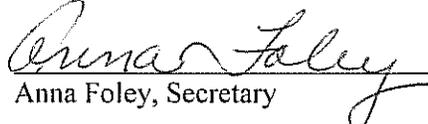
BE IT FURTHER RESOLVED, that the Combined Planning/Zoning Board Secretary is hereby directed to publish a brief notice of this action in the official newspaper, send a copy of this resolution to the applicant and its attorney, and file a copy of this resolution with the appropriate administrative officer pursuant to *N.J.S.A. 40:55D-10*.

ELK TOWNSHIP PLANNING BOARD



Chuck Nicholson, Chairman

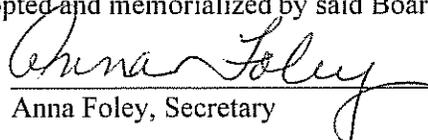
ATTEST:



Anna Foley, Secretary

Certification

The undersigned, Secretary of the Elk Township Combined Planning/Zoning Board, hereby certifies that the above is a true copy of a resolution adopted and memorialized by said Board on April 17, 2013.



Anna Foley, Secretary

COOPER LEVENSON
ATTORNEYS AT LAW

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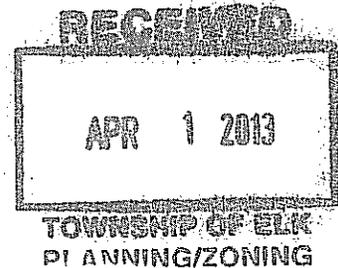
NICHOLAS F. TALVACCHIA
Also Admitted to PA Bar
EMAIL: ntalvacchia@cooperlevenson.com

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

FILE NO. 52477/00006

March 27, 2013

Via E-mail and Regular Mail
Anna Foley, Planning/Zoning Board Secretary
Township of Elk
667 Whig Lane Road
Monroeville, New Jersey 08343



Re: Garden State Outdoor, LLC
Use Variance & Minor Site Plan Application
Block 177, Lot 2.02
Elk Township, Gloucester County, New Jersey

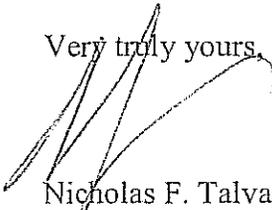
Dear Ms. Foley:

We are the attorneys for Garden State Outdoor, LLC in connection with the above-captioned application.

Please allow this letter to serve as a formal request to dismiss, without prejudice, the application for Garden State Outdoor, LLC. It is my understanding that we can refile without payment of new application fees.

Please feel free to contact me with any questions.

Very truly yours,


Nicholas F. Talvacchia

NFT/sjw
CLAC 2031133.1