



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

EXHIBIT "A" TO RESOLUTION 24- , ADOPTED 7/16/2024

TO: Members of the Authority

FROM: Lance B. Landgraf, Jr., Land Use Hearing Officer

COPY: Eric Scheffler, Executive Director

SUBJECT: Hearing Officer's Report and Recommendation
Application #2024-04-3629
Hammerhead Manufacturing Co. NJ, LLC
Minor Site Plan Approval
112 Park Place
Block 44, Lot 1
Resort Commercial (RC) Zoning District
Green Zone Redevelopment Area

DATE: July 1, 2024

EXECUTIVE SUMMARY

On June 6, 2024, the Casino Reinvestment Development Authority (the "Authority") heard testimony and public comment on the above-subject application. The Applicant, Hammerhead Manufacturing Co. NJ, LLC (the "Applicant"), seeks Minor Site Plan Approval to permit the operation of a Class 2 cannabis manufacturing facility at the subject property. The existing structure is the Claridge Garage and has an existing a Class 5 dispensary for the sale of adult use recreational cannabis on the first floor. The proposed manufacturing facility will be located on the fifth floor. The Applicant will also utilize office space on the third floor. No physical changes to the site plan are proposed.

The Applicant demonstrated by evidence and testimony that the development proposal generally conforms to the site plan standards and technical requirements of the Authority's Tourism District Land Development Rules and the Green Zone Redevelopment Plan. Therefore, for the reasons more fully outlined below, the Hearing Officer recommends that the Application be approved by the Authority.

INTRODUCTION



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Application Information

Hammerhead Manufacturing Co. NJ, LLC
Minor Site Plan Approval
112 Park Place
Block 44, Lot 1
Resort Commercial (RC) Zoning District
Green Zone Redevelopment Area

A hearing on the Application was conducted in accordance with the requirements of the Open Public Meetings Act, the Municipal Land Use Law and P.L. 2011, c. 18.

The Applicant seeks Minor Site Plan Approval to permit the operation of a Class 2 cannabis manufacturing facility at the subject property. The existing structure is the Claridge Garage and has an existing a Class 5 dispensary for the sale of adult use recreational cannabis on the first floor. The proposed manufacturing facility will be located on the fifth floor. The Applicant will also utilize office space on the third floor. No physical changes to the site plan are proposed.

Evidence List

- A-1 Application Materials
- B-1 Letter from ARH Associates dated 5/10/2024

FINDINGS OF FACT

The Applicant seeks Minor Site Plan Approval to permit the operation of a Class 2 cannabis manufacturing facility at the subject property. The existing structure is the Claridge Garage and has an existing a Class 5 dispensary for the sale of adult use recreational cannabis on the first floor. The proposed manufacturing facility will be located on the fifth floor. The Applicant will also utilize office space on the third floor. No physical changes to the site plan are proposed.

The attorney for the Applicant, Theodore Flowers, Esq., introduced the application generally and provided background regarding the specific relief sought by the Applicant.

The Applicant presented the testimony of Jason Sciuillo, P.E., P.P., who was qualified as an expert in the fields of professional engineering and professional planning. Mr. Sciuillo described the location of the site and existing conditions. He explained that the property has an existing a Class 5 dispensary for the sale of adult use recreational cannabis on the first floor. The proposed manufacturing facility will be located on the fifth floor. He testified that the Applicant will also utilize office space on the third floor.



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Mr. Sciullo explained site access, circulation, pedestrian entrance deliveries and loading. The Applicant will lease eight parking spaces in the garage structure and have a striped loading zone. He described the floor plan and layout. He testified that there will be no exterior changes, no signage and no public access. The only people with access to the site will be employees of the Applicant.

Mr. Sciullo testified that domestic waste will be disposed of in the Claridge's interior waste facility. Cannabis waste will be disposed of in accordance with Cannabis Regulatory Commission regulations.

The Applicant presented the testimony of Austin Crissmany, who is the CEO of the Applicant. He described the development proposal and business operations generally. He testified that the Applicant intends to manufacture edible cannabis products at the facility. He provided an overview of the manufacturing process, security procedures and loading. He testified that there will be four to six employees on site at any given time, and that the facility will operate during normal business hours.

Mr. Crissmany testified that the Applicant would agree to the following as a condition of any approval:

- Have its security plan approved by the Atlantic City Police Department.
- Make all security cameras subject to monitoring by the Atlantic City Police Department.
- Comply with all requirements of the Cannabis Regulatory Commission.

Justin Auciello, P.P., was qualified as an expert in professional planning and provided testimony on behalf of the Authority. Mr. Auciello testified that he supports approval of the Application.

Carolyn Feigin, P.E., was qualified as an expert in professional engineering and provided testimony on behalf of the Authority. She requested that the Applicant provide testimony regarding odor mitigation. In response, the Applicant testified that odor mitigation will be provided through carbon filtration and ionization.

CONCLUSIONS OF LAW

Minor Site Plan Approval

A land use agency's authority in reviewing an application for site plan approval is limited to determining whether the development plan conforms to the zoning ordinance and the applicable provisions of the site plan ordinance. See Pizzo Mantin Group v. Township of Randolph, 137 N.J. 216 (1994).



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Here, based on the evidence and testimony, the Applicant has demonstrated that development plan generally conforms to the site plan standards and technical requirements of the Tourism District Land Development Rules and Green Zone Redevelopment Plan.

RECOMMENDATION

For all of the foregoing reasons, the Hearing Officer recommends that the Application for Minor Site Plan Approval to permit the operation of a Class 2 cannabis manufacturing facility at the subject property. The grant of approval of this Application shall be expressly conditioned upon the Applicant complying with all conditions of prior approvals, satisfying all representations made by the Applicant or by others on its behalf during the course of the hearing on this matter before the Hearing Officer.

The grant of approval shall be further conditioned upon compliance with all applicable requirements of the Tourism District Land Development Rules, Atlantic City Ordinances, and the requirements of any City agency, board or authority. Any approval granted in accordance herewith shall be further expressly conditioned upon the Applicant obtaining all other necessary governmental approvals, and compliance with all Federal, State and local laws.