

**RESOLUTION OF THE CASINO REINVESTMENT DEVELOPMENT AUTHORITY GRANTING PRELIMINARY AND FINAL SITE PLAN APPROVAL WITH VARIANCE PURSUANT TO N.J.S.A. 40A55D-70(c) TO PERMIT THE RENOVATION OF THE EXISTING BUILDING AT THE SUBJECT PROPERTY FOR THE CULTIVATION OF CANNABIS, THE RETAIL SALE OF ADULT USE RECREATIONAL CANNABIS AND SUPPORTIVE OFFICE SPACE ON THE SUBJECT PROPERTY LOCATED AT 1810 BALTIC AVENUE, 122, 124 & 128 N. INDIANA AVENUE, 1809, 1811, 1813 & 1815 GARFIELD AVENUE, BLOCK 329, LOTS 2 THROUGH 11 IN THE CITY OF ATLANTIC CITY UNDER APPLICATION #2023-05-3455**

**WHEREAS**, pursuant to P.L. 2011, c. 18, as amended (the “Act”), the Casino Reinvestment Development Authority (the “Authority”): (i) designated the Atlantic City Tourism District by Resolution 11-25, adopted April 19, 2011; (ii) established the Land Use Regulation and Enforcement Division to, among other matters, hear applications for development in the Tourism District by Resolution 11-33, adopted April 19, 2011; and (iii) adopted the master plan, zoning and land use ordinances and regulations, and zoning maps approved by the City by Resolution 11-34, adopted April 19, 2011; and

**WHEREAS**, pursuant to Resolution 12-14, adopted February 1, 2012, the Authority adopted the “New Jersey CRDA Atlantic City Tourism District Master Plan” prepared by Jones Lang LaSalle, LLC and dated February 1, 2012 (the “Master Plan”) (as affirmed and readopted pursuant to Resolution 12-23, adopted February 21, 2012), subject to further comment and revision, which master plan shall become effective upon the adoption of design, development and land use regulations on January 2, 2018; and

**WHEREAS**, Starboard Industries 2 NJ, LLC (the “Applicant”), seeks Preliminary and Final Site Plan Approval with Variance pursuant to N.J.S.A. 40:55D-70(c) to permit the renovation of the existing building at the subject property for the cultivation of cannabis, the retail sale of adult use recreational cannabis and supportive office space on the subject property located at 1810 Baltic Avenue, 122, 124 & 128 N. Indiana Avenue, 1809, 1811, 1813 & 1815 Garfield Avenue, Block 329, Lots 2 through 12, on the tax map for the City of Atlantic City, located in the Central Business (CBD) Zoning District within the 1810 Baltic Avenue Redevelopment Area; and

**WHEREAS**, on June 1, 2023, the Authority’s Land Use Regulation and Enforcement Division convened a public hearing on Application 2023-05-3455 in accordance with the requirements of the Open Public Meetings Act, the Municipal Land Use Law and the Act, and subsequently prepared and delivered a Hearing Officer’s Report and Recommendation dated June 8, 2023 (the “Report”), incorporated herein by this reference and appended hereto as Exhibit “A”; and

**WHEREAS**, the Authority intends to adopt the findings, conclusions, and recommendations of the Hearing Officer, as detailed in the Report dated June 8, 2023.

**NOW THEREFORE, BE IT RESOLVED** by the Casino Reinvestment Development Authority that:

1. The above recitals are incorporated herein, as if set forth in full.
2. Based on the record in this matter, the Minor Site Plan with Variance pursuant to N.J.S.A. 40:55D-70(c) under Application 2023-05-3455 is hereby approved in accordance with the Hearing Officer's Report and Recommendation dated June 8, 2023.
3. A copy of this Resolution shall be immediately transmitted to the Governor. This Resolution shall take effect immediately, but no action authorized herein shall have force and effect until the earlier of the passage of ten (10) days, Saturdays, Sundays, and public holidays excepted, after the delivery of the copy to the Governor, or the Governor's approval.

I hereby certify that this document is a true and correct copy of Resolution 23-83 of the Casino Reinvestment Development Authority.

  
MICHAEL BESON, SECRETARY

**MEETING OF JUNE 20, 2023**



# Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

## EXHIBIT "A" TO RESOLUTION 23- , ADOPTED 6/20/2023

**TO:** Members of the Authority

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

**COPY:** Sean Pattwell, Executive Director

**SUBJECT:** Hearing Officer's Report and Recommendation  
Application #2023-05-3455  
Starboard Industries 2 NJ, LLC  
Preliminary and Final Site Plan Approval and Variances Pursuant to  
N.J.S.A. 40:55D-70(c)  
1810 Baltic Avenue  
122, 124 & 128 N. Indiana Avenue  
1809, 1811, 1813 & 1815 Garfield Avenue  
Block 329, Lots 2 through 11  
Central Business (CBD) Zoning District  
1810 Baltic Avenue Redevelopment Plan

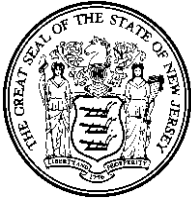
**DATE:** June 8, 2023

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### EXECUTIVE SUMMARY

On June 1, 2023, the Casino Reinvestment Development Authority (the "Authority") heard testimony and public comment on the above-subject application. The Applicant, Starboard Industries 2 NJ, LLC (the "Applicant"), seeks Preliminary and Final Site Plan Approval to permit the renovation of the existing building at the subject property for the cultivation of cannabis, the retail sale of adult use recreational cannabis and supportive office space. Variances pursuant to N.J.S.A. 40:55D-70(c) are required for parking and signage. The property has several pre-existing, non-conforming conditions that are not exacerbated or impacted by the development proposal.

The Applicant demonstrated by evidence and testimony that the development proposal generally conforms to the site plan and subdivision standards and technical requirements of the Authority's Tourism District Land Development Rules. In addition, the Applicant demonstrated by evidence and testimony that the grant of the requested variances is



## Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

warranted. Therefore, for the reasons more fully outlined below, the Hearing Officer recommends that the Application be approved by the Authority.

### **INTRODUCTION**

#### Application Information

Starboard Industries 2 NJ, LLC  
Preliminary and Final Site Plan Approval and Variances Pursuant to N.J.S.A. 40:55D-70(c)  
1810 Baltic Avenue  
122, 124 & 128 N. Indiana Avenue  
1809, 1811, 1813 & 1815 Garfield Avenue  
Block 329, Lots 2 through 11  
Central Business (CBD) Zoning District  
1810 Baltic Avenue Redevelopment Plan

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.

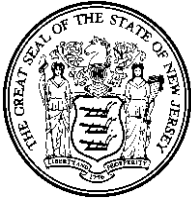
The Applicant seeks Preliminary and Final Site Plan Approval to permit the renovation of the existing building at the subject property for the cultivation of cannabis, the retail sale of adult use recreational cannabis and supportive office space. Variances pursuant to N.J.S.A. 40:55D-70(c) are required for parking and signage. The property has several pre-existing, non-conforming conditions that are not exacerbated or impacted by the development proposal.

#### Evidence List

- A-1 Application Materials
- A-2 Architectural Renderings and Floor Plans A-F
- B-1 Letter from ARH Associates dated May 26, 2023

### **FINDINGS OF FACT**

The Applicant seeks Preliminary and Final Site Plan Approval to permit the renovation of the existing building at the subject property for the cultivation of cannabis, the retail sale of adult use recreational cannabis and supportive office space. Variances pursuant to N.J.S.A. 40:55D-70(c) are required for parking and signage. The property has several pre-



## Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

existing, non-conforming conditions that are not exacerbated or impacted by the development proposal.

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

The Applicant presented the testimony of Thomas Sykes, R.A., an architect licensed in the State of New Jersey, who was qualified as an expert in the field of professional architecture. Mr. Sykes described the location of the site, development proposal and site layout. Mr. Sykes testified that there are three elements to the development proposal for the subject property consisting of: (1) the renovation of the first floor of the existing three-story building for use as an approximately 5,400 square foot dispensary (the use of the upper floors are not the subject of this Application); (2) an area to be leased to a third party for cannabis industry research/office space in the existing warehouse; and (3) a cannabis cultivation facility in the existing warehouse.

He testified as to architectural features and elevations, floor-plans, operational features, access, parking, loading, signage and security. He noted that mechanical equipment will be located on a raised deck. Mr. Sykes testified that the Applicant will paint a large mural depicting green flowers on the building façade facing the Atlantic City Expressway. In response to questioning from Authority staff and consultants, the Applicant agreed to consider a similar mural along the Baltic Avenue façade. Mr. Sykes testified that the development proposal meets or exceeds the design criteria of the 1810 Baltic Avenue Redevelopment Plan and agreed to obtain approval from the City indicating compliance with its architectural standards as a condition of any approval. He further testified that the exterior security cameras will be available for monitoring by the Atlantic City Police Department. Finally, Mr. Sykes testified that the existing perimeter fencing will be repaired and aesthetically enhanced, and that the existing Concertina wire will be removed.

The Applicant presented the testimony of Jon Barnhart, P.E., P.P., who was qualified as an expert in the fields of professional engineering and professional planning. Mr. Barnhart described the location of the site, existing conditions, development proposal and site layout.

Mr. Barnhart testified that the Applicant seeks a variance pursuant to N.J.S.A. 40:55D-70(c) to provide 25 on-site parking spaces where a minimum of 60 on-site parking spaces are required. Mr. Barnhart testified that this is an existing condition, and the variance is only required based on the change in the use of the property. He opined that the site is adequately served by on-street parking, public transportation and alternate modes of transportation such as rideshare services, bicycling and walking. Finally, he noted that the Applicant has the ability to add on-site parking if the need arises.



## Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

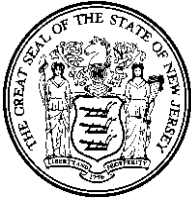
Mr. Barnhart testified that the Applicant seeks a variance pursuant to N.J.S.A. 40:55D-70(c) to permit a roof-mounted sign along Baltic Avenue where roof-mounted signs are not permitted. He noted that the sign is actually a blade sign affixed to the façade, but supported by a post from the roof and therefore may be considered a roof-mounted sign under the Authority's Tourism District Land Development Rules. He opined that the sign is a significant architectural feature of the development proposal. The Applicant agreed to obtain a license from the City for any encroachment into the public right of way as a condition of any approval.

Mr. Barnhart opined that the development proposal will promote the purposes of the Municipal Land Use Law (the "MLUL"). Specifically, he opined that the development proposal will promote the public health, safety and welfare (Purpose A) by reactivating and repurposing vacant structures. Mr. Barnhart further testified that the development proposal will promote the free flow of traffic (Purpose H) because the property is adequately served by parking and has on-site loading areas. He opined that the grant of the variance will not create a substantial detriment to the public good and will not substantially impair the purpose and intent of the Authority's Tourism District Master Plan and Tourism District Land Development Rules.

Finally, Mr. Barnhart agreed that the Applicant will comply with all requirements and recommendations of the ARH Associates letter dated May 26, 2023.

The Applicant presented the testimony of Jon Cohn, who is a principal of the Applicant. Mr. Cohen gave an overview of the Applicant's cannabis operations. He provided testimony regarding the regulation and licensing of the proposed use and represented that the Applicant will comply with all requirements of the Cannabis Regulatory Commission. He noted that the site will hold a Class 1 license for the cultivation of cannabis, at least one Class 2 license for the manufacture of cannabis and a Class 5 license for the retail sale of cannabis. He testified explained security procedures and testified that the exterior security cameras will be available for monitoring by the Atlantic City Police Department.

Mr. Cohn testified that he expects the retail facility to operate from 8 am until 10 pm, and the cultivation facility to operate from 7 am to 6 pm. He anticipates approximately 20 total employees working at the proposed retail facility, and approximately 35 total employees associated with the cultivation operation. He anticipates approximately 25 to 35 employees to be on site at any one time. On behalf of the Applicant, he agreed to provide security personnel outside of the retail facility for at least one hour before the facility opens in the morning as a condition of any approval. Finally, Mr. Cohen testified that the Applicant will implement air filtration and odor mitigation plans as required under the 1810 Baltic Avenue Redevelopment Plan.



## Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

Carolyn Feigin, P.E., P.P., was qualified as an expert in professional engineering and professional planning and provided testimony on behalf of the Authority. She requested that the Applicant replace damaged or destroyed trees on site, and provide measurements of existing parking lot lighting as a condition of any approval. Ms. Feigin testified that the Applicant had provided sufficient testimony to address all issues raised in the review letter and that she supports approval of the Application.

Christine Cofone P.P. was qualified as an expert in professional planning and professional planning and provided testimony on behalf of the Authority. Ms. Cofone testified that the Applicant had provided sufficient testimony to address all issues raised in the review letter and that she supports approval of the Application.

### **CONCLUSIONS OF LAW**

#### **Preliminary and Final Major 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).

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.

#### **Variances Pursuant to N.J.S.A. 40:55D-70(c)**

For variances requested pursuant to N.J.S.A. 40:55D-70(c)(1) and c(2), an applicant must demonstrate through evidence and testimony that the positive and negative criteria of the statutory requirements have been met.

##### **Positive Criteria**

The positive criteria for variances requested pursuant to N.J.S.A. 40:55D-70(c)(2) is satisfied if one or more purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of that deviation would substantially out-weigh any detriment to the public good. Ketcherick v. Bor. Mountain Lakes, 256 N.J. Super. 646 (App. Div. 1992); Green Meadows v. Planning Board, 329 N.J. Super. 12 (App. Div. 2000).

Here, the Applicant seeks variances pursuant to N.J.S.A. 40:55D-70(c) to provide 25 on-site parking spaces where a minimum of 60 on-site parking spaces are required, and to permit a roof-mounted sign along Baltic Avenue where roof-mounted signs are not



## Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

permitted. The evidence and testimony demonstrate that the development proposal will promote the public health, safety and welfare (Purpose A) by reactivating and repurposing vacant structures, and promote the free flow of traffic (Purpose H) because the property is adequately served by parking and has on-site loading areas.

### Negative Criteria

Relief under N.J.S.A. 40:55D-70(c)(2) cannot be granted unless the negative criteria is satisfied. The negative criteria required for all "C" variances is that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and the zoning ordinance.

The evidence and testimony demonstrate that the grant of the requested variances will not create any detriment to the public good, and will not substantially impair the purpose and intent of the Tourism District Mast Plan and the Tourism District Land Development Rules.

### **RECOMMENDATION**

For all of the foregoing reasons, the Hearing Officer recommends that the Application for Preliminary and Final Site Plan Approval with variances pursuant to N.J.S.A. 40:55D-70(c) be approved. 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 Authority's Tourism District Land Development Rules, any applicable 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.

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4865-0926-3977, v. 1





**Principals**  
Richard Rehmann, GISP  
Richard Heggan, PLS, PP  
Jeffery MacPhee, PLS

May 26, 2023

Lance B. Landgraf, Jr., P.P., AICP  
Casino Reinvestment Development Authority  
Division of Land Use and Regulatory Enforcement  
15 S Pennsylvania Avenue  
Atlantic City, NJ 08401

Re: Land Use Application  
Starboard Industries 2, LLC  
1810 Baltic Ave.; 122, 124, 126 & 128 N. Indiana Ave.; 1809, 1811, 1813 & 1815 Garfield Ave.  
Block 329, Lots 2-11  
Atlantic City, NJ 08401  
CRDA Application #: 2023-05-3455  
ARH File: 24-10081

Dear Mr. Landgraf:

**ARH ASSOCIATES** has received the above captioned Application for review. The Applicant seeks Major Preliminary and Final Site Plan approval and variance relief.

Block 329, Lots 2-11 is located in Atlantic City's Central Business (CBD) Zoning District, and also within the 1810 Baltic Avenue Redevelopment Plan area. It is proposed that the existing building on the property is to be renovated and converted into a cannabis dispensary and cultivation area as well as office space and other supporting spaces throughout the irregularly-shaped existing building.

This report consists of a review of the Subject Application for conformance with Casino Reinvestment Development Authority checklists as well as N.J.A.C.19:66, the CRDA Tourism District Land Development Rules. Comments are limited to the information presented to date. The Applicant may present additional information and testimony at the Board hearing on this matter.

## **I. OWNER & APPLICANT INFORMATION**

### **OWNER**

Alili, Redzep  
713 North Jerome Avenue, Margate, NJ 08402

### **APPLICANT**

Starboard Industries 2, LLC  
jCohn@agri-kind.com  
609-572-2200  
740 Springdale Drive Suite 130, Exton, PA

## **ARH Associates**

Corporate Headquarters – 215 Bellevue Avenue – PO Box 579 – Hammonton, NJ 08037 – 609.561.0482 – fax 609.567.8909  
Tinton Falls Office – 97 Apple Street – Suite 1 – Tinton Falls, NJ 07724 – 609.561.0482 – fax 609.567.8909

**www.arh-us.com**

Land Use Application  
Starboard Industries 2, LLC  
1810 Baltic Ave.; 122, 124, 126 & 128 N. Indiana Ave.; 1809, 1811, 1813 & 1815 Garfield Ave.  
Block 329, Lots 2-11  
Atlantic City, NJ 08401  
ARH File: 24-10081  
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## II. SUBMITTALS

TITLE / DESCRIPTION	PREPARED / SIGNED / SEALED BY	DATE	DATE LAST REVISED
CRDA Land Use Application	Owner / Applicant	undated	
Escrow Setup Information			
Deed to Property		05/15/2018	
Cover letter	Fox Rothschild LLP	05/02/2023	
"c" Variance Checklist (Form #12)		05/01/2023	
Major Preliminary Site Plan Checklist (Form #6)			
Major Final Site Plan Checklist (Form #7)			
200' Property Owner's List	City of Atlantic City	12/29/2022	
1810 Baltic Avenue Redevelopment Plan	James M. Rutala, PP, AICP	02/2023	
Property Survey/Variance Plan	Arthur W. Ponzio Jr.	05/01/2023	
Architectural Plan	SOSH Architects	09/29/2022	

## III. CHECKLISTS

The following addresses conformance with the CRDA's list of Required Application items for Major Preliminary Site Plan, Final Site Plan and "c" Variance Checklists (forms #6, #7 & #12) and does not reflect adequacy of submissions for review purposes. The correct number of copies are assumed to have been submitted. Column entries reflect **ARH's** review of Applicant's submissions.

### Major Preliminary Site Plan Checklist (Form #6)

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Comments
4	Proof of real estate taxes and other assessments paid.	X			To Be Supplied
21	Stormwater management plans and drainage calculations. (19:66-7.5).	X		X	
23	Grading plan depicting direction of flow of surface run-off, spot elevations, contours within 1 foot intervals, stormwater management structures.	X		X	
24	Landscaping Plan, details and plant schedule (19:66-7.6)	X		X	
25	Lighting plan and details (19:66-7.10)	X		X	
26	Soil Erosion and Sediment Control Plan. (Required for soil disturbance of 5,000 sq. ft. or greater)	X		X	

Land Use Application

Starboard Industries 2, LLC

1810 Baltic Ave.; 122, 124, 126 & 128 N. Indiana Ave.; 1809, 1811, 1813 & 1815 Garfield Ave.

Block 329, Lots 2-11

Atlantic City, NJ 08401

ARH File: 24-10081

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ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Comments
27	Plans of proposed utility layouts including sanitary sewer, water, gas, telephone, cable and electricity and showing proposed connections to existing or any proposed utility systems.	X		X	
28	Road and paving cross-sections and profiles.	X		X	

Major Final Site Plan Checklist (Form #7)

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Comments
4	Proof of real estate taxes and other assessments paid.	X			To Be Supplied
21	Stormwater management plans and drainage calculations. (19:66-7.5).	X		X	
23	Grading plan depicting direction of flow of surface run-off, spot elevations, contours within 1 foot intervals, stormwater management structures.	X		X	
24	Landscaping Plan, details and plant schedule (19:66-7.6)	X		X	
25	Lighting plan and details (19:66-7.10)	X		X	
26	Soil Erosion and Sediment Control Plan. (Required for soil disturbance of 5,000 sq. ft. or greater)	X		X	
27	Plans of proposed utility layouts including sanitary sewer, water, gas, telephone, cable and electricity and showing proposed connections to existing or any proposed utility systems.	X		X	
28	Road and paving cross-sections and profiles.	X		X	
32	Estimate of costs of on-site and off-site improvements [19:66-3.4 (b)]	X		X	
34	Performance guarantee [19:66-3.4 (b)]	X			To Be Supplied
35	Maintenance guarantee (19:66-16.3)	X			To Be Supplied
36	Inspection Fees (19:66-16.1)	X			To Be Supplied

Land Use Application  
Starboard Industries 2, LLC  
1810 Baltic Ave.; 122, 124, 126 & 128 N. Indiana Ave.; 1809, 1811, 1813 & 1815 Garfield Ave.  
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"c" Variance Checklist (Form #12)

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
4	Proof of real estate taxes and other assessments paid.	X			To Be Supplied
6	Color Photographs of site from four (4) different viewpoints.	X		X	
13	Public Notice in compliance with NJSA 40:55D-12.	X			To Be Supplied

**IV. BULK REQUIREMENTS, CENTRAL BUSINESS DISTRICT (CBD)**

Standard	Required	Existing	Proposed	Complies?
Maximum Height (measured from BFE), Principal Structure (FT)	220	<65	NC	C
Maximum Height (measured from BFE), Accessory Structure (FT)	N/A	N/A	N/A	N/A
Minimum Lot Area (SF)	5,000	62,920.8	NC	C
Minimum Lot Depth (FT)	100	353.7	NC	C
Minimum Lot Width (FT)	50	257 +/-	NC	C
Minimum Lot Frontage (FT)	50	109	NC	C
Maximum Building Coverage (%)	30	42	NC	ENC
Maximum Impervious Coverage (%)	80	68	73	C
Minimum Front Yard (FT)	5	0.1	NC	ENC
Minimum Rear Yard	20	N/A	N/A	N/A
Minimum Side Yard	0	1.1	NC	C
Floor Area Ratio	N/A	N/A	N/A	N/A
Open Space	N/A	N/A	N/A	N/A
Density (DU/Acre)	N/A	N/A	N/A	N/A
Parking	60	25	NC	V

**C = COMPLIES**

**ENC = EXISTING NON-CONFORMING CONDITION**

**V = VARIANCE REQUIRED**

**N/A = NOT APPLICABLE**

**NC = NO CHANGE FROM EXISTING**

**VG = VARIANCE GRANTED**

## **V. REVIEW OF PLANS**

### **a. Waivers**

1. The applicant has requested waivers from checklist items including a grading plan, lighting plan, landscaping plan, utility plan, soil erosion and sediment control plan, drainage calculations, etc., as outlined above. Our office takes no objection to the majority of these waiver requests, however, asks that some clarification and possible additional information be provided as discussed below, for items including landscaping and lighting.

### **b. Variances**

1. From NJAC 19:66-5.8, where 60 spaces are required and 30 are proposed. Further discussion is provided below.
2. From NJAC 19:66-5.7.(d).12, where a projecting sign shall extend no more than a maximum of four feet from the building wall, and the proposed projection sign extends more than permitted (dimension not provided). Further discussion is provided below.
3. Existing non-conforming conditions that will not be exacerbated by this application include a maximum building coverage of 42%, where 30% is permitted, and a front yard setback of 0.1 FT, where 5 FT is required. There will be no change to these conditions.

### **c. Signage**

1. The applicant has proposed one 60 SF internally illuminated wall sign, one 3,774 SF mural along the westerly building façade and one 30 SF projecting sign, to be set at 8 FT above grade and 2 FT from the curb line.
2. For the projecting sign, the applicant proposes that it extend more than the maximum permitted 4 FT from the building. **The Applicant has requested a variance** from NJAC 19:66-5.7.(d).12, however a dimension hasn't been provided for the total distance from the building wall. Testimony shall be provided.

### **d. Parking**

1. Per NJAC 19:66-5.8, retail uses require 1 parking space per 300 SF, or 24 spaces for 7,300 SF; office space requires 1 space per 400 SF, or 6 spaces for 2,506 SF; and warehouse space requires 1 space per 500 SF, or 30 spaces for 14,766 SF, for a total of 60 required parking spaces. 25 parking spaces are existing and to remain. **The applicant has requested a variance.** Testimony shall be provided as to the adequacy of the parking facilities and availability of other means to address the shortage, including off-site parking, ridesharing, etc. In addition, it appears that 528 SF of space was not included in the parking tabulation, thus the difference between 59 and 60 required spaces.
2. Per ADA regulations, one (1) accessible parking space is required for parking lots having 25 spaces or fewer, therefore, one (1) accessible parking space is required for this parking lot. Applicant shall provide a plan displaying the location of the required ADA compliant parking, including striping and signage.
3. Per the Redevelopment Plan, Section 5.1.2.b.4, zero emission vehicle facilities and charging infrastructure must be provided.

e. Loading

1. The location of both loading zones is along Ohio Avenue, which is considered to be a front yard of the property. Per NJAC 19:66-7.3(b)1., loading is not permitted in any front yard. This is an existing condition which is not being exacerbated by this application.
2. The southerly loading zone gate is not aligned with the curb opening. Testimony shall be provided regarding vehicle circulation and the ability to access the swing gate without conflict. Applicant shall provide testimony regarding the effect on traffic for the two loading zones adjacent to each other and the general operation at this area of the facility.

f. Landscaping

1. Applicant has requested a waiver from providing a landscaping plan per NJAC 19:66-7.6. As the site is fully developed, our office takes no objection to this request. However, we request that any shade trees which are missing and/or in poor condition along the property's frontages be replaced.

g. Fencing

1. Applicant shall provide testimony on the existing fences along Indiana Avenue, Baltic Avenue and Ohio Avenue as they relate to compliance with all sections of NJAC 19:66-7.7. The existing fence within the front yard of all streets exceeds the maximum height permitted for front yards, as well as contains razor wire along the top in sections. The condition of the fence and gates shall be discussed, as well as any intention to replace the fence, and whether or not the proposed fence would require relief.

h. Lighting

1. Per NJAC 19:66-7.10(a)3.i a parking lot must maintain an illumination level of 1.0 footcandles throughout the lot. Applicant shall provide a lighting plan and/or confirm that the parking lot will meet this requirement. Does the parking lot contain existing lighting, and if so, will it remain?
2. Per the Redevelopment Plan, Section 5.1.2.2.b, decorative lighting features are required. Testimony shall be required regarding compliance with this requirement.

i. Green zone

1. Applicant shall provide testimony on the compliance of the facility's security with the Green Zone Redevelopment Plan.

j. Miscellaneous

1. The applicant shall provide testimony regarding the use of the 2<sup>nd</sup> and 3<sup>rd</sup> story brick structure fronting Baltic Avenue.
2. The applicant shall provide testimony regarding hours of operation, internal operations, number of employees, trash pickup, compliance regarding odors, etc.

## **COFONE CONSULTING PLANNING REVIEW**

### **Master Plan Review**

The subject property is located within the Atlantic City Tourism District. Pursuant to the New Jersey CRDA Atlantic City Tourism District Master Plan, the overall intention and vision is to “reinvigorate Atlantic City in the near-term as the leading resort destination in the Northeast and beyond (Page 4, New Jersey CRDA Atlantic City Tourism District Master Plan). Among others, overarching objectives are to “develop an economically viable and sustainable tourism district” and “[expand] Atlantic City’s tourism and economic bases” (Id, Page 1-2).

### **Zoning Review**

The property is located within the 1810 Baltic Avenue Redevelopment Plan under the jurisdiction of the CRDA, encompassing the Central Business District (CBD) Zone District. The proposed use is a principal permitted use in the 1810 Baltic Avenue Redevelopment Plan.

The purpose of the 1810 Baltic Avenue Redevelopment Plan is to support the revitalization, economic diversification, and investment of private capital in midtown Atlantic City.

The engineering review portion of this letter lists all required variance relief, including those for parking and signage, as well as setback and building coverage variances for existing non-conforming conditions.

### **Planning Analysis and Issues for Consideration by the Board**

In regard to the “c” variances, the Municipal Land Use Law (MLUL) at NJSA 40:55D-70c sets forth the standards for variances from the bulk regulations of a zoning ordinance. A “c(1)” variance is for cases of hardship due to factors such as shape or topography, or due to “an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.” A “c(2)” variance may be granted where the purposes of zoning are advanced and the benefits of deviating from the ordinance requirements outweigh any detriments. The benefits derived from granting a “c(2)” variance must include benefits to the community as a whole, not just to the applicant or property owner. A “c” variance application also must address the “negative criteria.”

We offer the following for your consideration in reviewing the Application:

- 1) The Applicant shall provide such statutorily required testimony through a New Jersey licensed professional planner.
- 2) The Applicant shall provide detailed testimony on the operation of the business, with a specific focus on staffing, product production and storage, patron access, security, etc.
- 3) The Applicant shall provide a detailed security plan and stipulate the proposed hours of operation.
- 4) The Applicant’s architect shall provide detailed testimony, including compliance with design guidelines per N.J.A.C. 19:66-7.1, the 2012 CRDA Tourism District Master Plan, Section 4.8, and the 1810 Baltic Avenue Redevelopment Plan storefront & façade design standards established at Section 5.1.2. The Redevelopment Area storefront and façade design standards include a focus

Land Use Application  
Starboard Industries 2, LLC  
1810 Baltic Ave.; 122, 124, 126 & 128 N. Indiana Ave.; 1809, 1811, 1813 & 1815 Garfield Ave.  
Block 329, Lots 2-11  
Atlantic City, NJ 08401  
ARH File: 24-10081

**Page 8**

on color, lighting, windows, doors, awnings, cornices, signage, and security.

- 5) We note that the Applicant proposes a variety of improvements to the existing façade, including a mural. The Applicant shall provide details regarding the sign faces for the 30 sf illuminated blade sign and the 60 sf "sign #2".
- 6) The Applicant shall provide testimony on how additional parking is to be accommodated. We note the availability of on- and off-street parking and ride sharing services.
- 7) The Applicant shall discuss how the application will advance the intent of the New Jersey CRDA Atlantic City Tourism District Master Plan, the Green Zone Redevelopment, and the Tourism District.
- 8) The Applicant shall comply with the conditions of all previous approvals received for the site.
- 9) The Applicant shall furnish any resolution and/or prior approvals from, and agreements with, the City of Atlantic City, if any.

**POST APPROVAL CONSIDERATIONS**

Should the Board grant the desired approval for this Application, Applicant, and/or its professionals must:

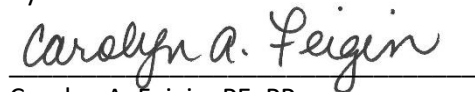
- A. Submit any required revisions to the Board as outlined above for review.**
- B. Obtain approvals from all outside agencies, if necessary. Provide copies to the Board.**
- C. Contact the Board Secretary to reconcile any outstanding review escrow accounts prior to Final Plan Certification, Signature, or the issuance of building permits, as applicable.**

Any resubmissions in response to this report should be accompanied by a point-by-point response to all items. To facilitate the Board's decision-making process, Applicants are strongly encouraged to resolve as many items as possible prior to the hearing on this matter.

Respectfully Submitted,

**ARH ASSOCIATES**

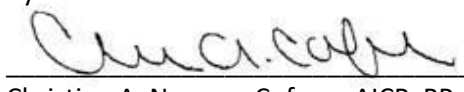
By



Carolyn A. Feigin, PE, PP  
CRDA Consulting Engineer

**COFONE CONSULTING GROUP**

By



Christine A. Nazzaro-Cofone, AICP, PP  
CRDA Consulting Planner





**STARBOARD INDUSTRIES 2 NJ, LLC – RESOLUTION OF THE CASINO REINVESTMENT DEVELOPMENT AUTHORITY GRANTING PRELIMINARY AND FINAL SITE PLAN APPROVAL WITH VARIANCE PURSUANT TO N.J.S.A. 40A55D-70(c) TO PERMIT THE RENOVATION OF THE EXISTING BUILDING AT THE SUBJECT PROPERTY FOR THE CULTIVATION OF CANNABIS, THE RETAIL SALE OF ADULT USE RECREATIONAL CANNABIS AND SUPPORTIVE OFFICE SPACE ON THE SUBJECT PROPERTY LOCATED AT 1810 BALTIMORE AVENUE, 122, 124 & 128 N. INDIANA AVENUE, 1809, 1811, 1813 & 1815 GARFIELD AVENUE, BLOCK 329, LOTS 2 THROUGH 11 IN THE CITY OF ATLANTIC CITY UNDER APPLICATION #2023-05-3455**

**MOTION**

**MB**

**SECOND**

**MH**

Paulina Banasiak	<u>Y</u>
Michael Beson	<u>Y</u>
Daniel Cosner	<u>Y</u>
Ed Gant	<u>Y</u>
Michael Hanley	<u>Y</u>
Michael Laughlin	<u>Y</u>
Brett Matik	<u>Y</u>
William Mullen	<u>Y</u>
Lt. Governor and DCA Commissioner Sheila Oliver (JS)	<u>Y</u>
James Plousis	<u>Y</u>
Dave Rebeck for the State Attorney General	<u>Y</u>
Mayor Marty Small	<u>Y</u>
William Sproule	<u>Y</u>
Robert Tighue for the State Treasurer	<u>Y</u>
Chairman Mo Butler	<u>Y</u>