



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

EXHIBIT "A" TO RESOLUTION 25- , ADOPTED 1/21/2025

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 #2024-08-3686
Starboard Industries 2 NJ LLC
Amended Site Plan Approval
1810 Baltic Avenue
122, 124, 126 & 128 North Indiana Avenue
1809, 1811, 1813 and 1815 Garfield Avenue
Block 329, Lots 2 to 11
Central Business (CBD) Zoning District
1810 Baltic Avenue Redevelopment Area

DATE: December 5, 2024

EXECUTIVE SUMMARY

On November 7, 2024, 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 Amended Site Plan Approval to convert previously approved cannabis dispensary space and office space into cultivation and manufacturing space at the subject property. Cannabis cultivation and manufacturing operations were previously approved and constructed. No exterior improvements are proposed. The Applicant also seeks to amend the prior approval to include "Cannabis Outlet, LLC" as a Co-Applicant.

The property has several pre-existing, non-conforming conditions that are not exacerbated or impacted by the development proposal. The impacts of a prior variance pursuant to N.J.S.A. 40:55D-70(c) for parking are reduced as a result of the development proposal.

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 1810 Baltic Avenue Redevelopment Plan.



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

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
Amended Site Plan Approval
1810 Baltic Avenue
122, 124, 126 & 128 North Indiana Avenue
1809, 1811, 1813 and 1815 Garfield Avenue
Block 329, Lot 2 to 11
Central Business (CBD) Zoning District
1810 Baltic Avenue 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 Amended Site Plan Approval to convert previously approved cannabis dispensary space and office space into cultivation and manufacturing space at the subject property. Cannabis cultivation and manufacturing operations were previously approved and constructed. No exterior improvements are proposed. The Applicant also seeks to amend the prior approval to include “Cannabis Outlet, LLC” as a Co-Applicant.

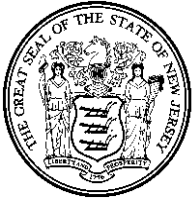
The property has several pre-existing, non-conforming conditions that are not exacerbated or impacted by the development proposal. The impacts of a prior variance pursuant to N.J.S.A. 40:55D-70(c) for parking are reduced as a result of the development proposal.

Evidence List

- A-1 Application Materials
- B-1 Letter from ARH Associates dated October 30, 2024

FINDINGS OF FACT

The Applicant seeks Amended Site Plan Approval to convert previously approved cannabis dispensary space and office space into cultivation and manufacturing space at the subject property. Cannabis cultivation and manufacturing operations were previously approved and constructed. No exterior improvements are proposed. The Applicant also seeks to amend the prior approval to include “Cannabis Outlet, LLC” as a Co-Applicant.



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

The property has several pre-existing, non-conforming conditions that are not exacerbated or impacted by the development proposal. The impacts of a prior variance pursuant to N.J.S.A. 40:55D-70(c) for parking are reduced as a result of 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. He noted that a development proposal for the construction and operation of a cannabis dispensary, cultivation and manufacturing use at the subject property had previously been approved by the Authority by Resolution 23-83. He stated that the Applicant now seeks to convert the approved retail and office portions of the operation to manufacturing. The Applicant also seeks to include "Cannabis Outlet, LLC" as a Co-Applicant.

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 and development proposal. He described proposed layout, floor plan and operations features.

Mr. Barnhart explained that the Applicant proposes changes to the floor plan to convert previously approved cannabis dispensary space and office space into cultivation and manufacturing space. Specifically, he testified that approximately 7,300 of space previously dedicated to the dispensary use and approximately 2,500 square feet of space previously dedicated to office use will be merged into the cultivation and manufacturing uses. No exterior improvements are proposed.

Mr. Barnhart testified that the conversion of the space will result in the net reduction in employees of approximately 5 employees and the elimination of customers visiting the property. Accordingly, he testified, the development proposal will reduce parking demand and any impacts associated with the parking variance granted pursuant to the prior approval.

Christopher Morris, P.E. was qualified as an expert in the field of professional engineering and provided testimony on behalf of the Authority. Mr. Morris testified that he supports the approval of the Application. Christine Cofone, P.P. was qualified as an expert in the field of professional planning and provided testimony on behalf of the Authority. Ms. Cofone testified that the development proposal will result in a significant reduction in parking demand and that she supports approval of the Application.



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

CONCLUSIONS OF LAW

Amended 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 and Green Zone Redevelopment Plan.

RECOMMENDATION

For all of the foregoing reasons, the Hearing Officer recommends that the Application for Amended Site Plan Approval 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 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.

4863-7149-2601, v. 1