

**RESOLUTION OF THE CASINO REINVESTMENT DEVELOPMENT
AUTHORITY APPROVING AN AMENDED SITE PLAN FOR THE
PROPERTY LOCATED AT 1810 BALTIC AVENUE, 122, 124, 126 AND 128
NORTH INDIANA AVENUE, AND 1809, 1811, 1813 AND 1815 GARFIELD
AVENUE, BLOCK 329, LOTS 2 TO 11, IN THE CITY OF ATLANTIC CITY
UNDER APPLICATION #2024-08-3686**

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, and Cannabis Outlet LLC, Sub-tenant, (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 located at 1810 Baltic Avenue, 122, 124, 126 and 128 North Indiana Avenue, 1809, 1811, 1813 and 1815 Garfield Avenue, Block 329, Lots 2 to 11 on the Tax Map of Atlantic City, located in the Central Business District (CBD) Zoning District, within the 1810 Baltic Avenue Redevelopment Area; and

WHEREAS, on November 7, 2024, the Authority’s Land Use Regulation and Enforcement Division convened a public hearing on Application 2024-08-3686 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 December 5, 2024 (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 December 5, 2024.

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 Amended Site Plan under Application 2024-08-3686 is hereby approved in accordance with the Hearing Officer's Report and Recommendation dated December 5, 2024.
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 25-06 of the Casino Reinvestment Development Authority.


MICHAEL BESON, SECRETARY

MEETING OF JANUARY 21, 2025



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



Principals
Richard Rehmann, GISP
Richard Heggan, PLS, PP
Jeffery MacPhee, PLS
Carolyn A. Feigin, PE, PP

October 30, 2024

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

Re: TECHNICAL REVIEW #1: CRDA # 2024-08-3686
Amended Minor Site Plan Approval
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 # 2410081.03

Dear Mr. Landgraf:

ARH ASSOCIATES has reviewed the following information towards issuance of Amended Site Plan Approval for the above-referenced Application:

TITLE / DESCRIPTION	PREPARED / SIGNED / SEALED BY	DATE	DATE LAST REVISED
CRDA Land Use Application	Owner / Applicant	08/05/2024	
Escrow Setup Information			
W-9			
Project Narrative			10/11/2024
Disclosure Statement		10/11/2024	
Minor Site Plan Checklist (Form #5)			
Deeds and Lease Agreements		Various	
CRDA Resolution #23-83	CRDA	06/20/2023	
Response letter	Fox Rothschild LLP	10/11/2024	
Current Floor Plan of Property	Connor Construction	Undated	
Property Survey/Variance Plan	Jon J. Barnhart, PE, PP & Arthur W. Ponzio, PP, PLS of Arthur Ponzio Co.	05/01/2023	
Architectural Site Plan	Thomas J. Sykes, AIA, PP of Sosh Architects	05/01/2023	10/22/2024

Per this information, our office offers the following comments:

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

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I. PROJECT INFORMATION & CONTACT INFORMATION

The Applicant seeks Amended Minor Site Plan Approval to the previously approved application to eliminate the cannabis dispensary use on the site and convert it to manufacturing use.

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. CRDA approved a Site Plan, as described in Resolution #23-83, dated June 20, 2023, for the property to renovate and convert the existing building on the property into a cannabis dispensary and cultivation area as well as office space and other supporting spaces throughout the building. Additionally, our office recommended Administrative Approval to allow manufacturing use in the office space as per our letters dated August 17, 2023 and August 22, 2023.

Below please find the contact information for the responsible parties associated with this Application:

APPLICANT / OWNER

Starboard Industries 2, LLC
740 Springdale Drive Suite 130
Exton, PA 19341
Phone: 609-572-2200
Email: jcohn@agri-kind.com

ENGINEER / PLANNER

Jon J. Barnhart, PE, PP
Arthur Ponzio Co.
400 N. Dover Avenue,
Atlantic City, NJ 08401
Phone: 609-344-8194
Fax: 609-344-1594
Email: jbarnhart@ponzio.com

ARH Associates

ATTORNEY
Jack Plackter, Esq. Fox Rothschild LLP 1301 Atlantic Avenue, Suite 400 Atlantic City, NJ 08401 Phone: 609-572-2200 Fax: 609-348-6834 Email: jplackter@foxrothschild.com

II. ZONING REVIEW

The subject property is situated within the Lighthouse 2 (LH-2) zoning district. The Applicant is proposing cannabis manufacturing use in lieu of the previously approved dispensary use. It shall be noted cannabis manufacturing use was provided elsewhere on the site on the previously approved plan and is an allowed use in the zone. The below table summarizes the changes in the parking demand:

PARKING	REQUIREMENT	PREVIOUSLY REQUIRED	CURRENTLY REQUIRED	PREVIOUSLY PROPOSED
Retail	1 space per 300 sf of GFA	24 spaces (7,300 SF)	TBP	-
Office	1 space per 400 sf of GFA	6 spaces (2,506 SF)	NC	-
Warehouse (Manufacturing)	1 space per 500 sf of GFA	29 spaces (14,238 SF)	TBP	-
TOTAL		59 spaces	TBP (See Comment III.2 below)	25 Spaces (PGV)

N/A = Not Applicable; NC = No Change; ENC = Existing Non-Conformity;

NP = Not Provided; TBP = To Be Provided; PGV = Previously Granted Variance, **V = Variance Required**

The following variances were previously granted under Resolution #23-83, dated June 20, 2023:

- a. N.J.A.C. 19:66-5.8 – Where 60 parking spaces are required, whereas 25 parking spaces are proposed.

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- b. N.J.A.C. 19:66-5.7.(j)5— where the sign height shall be no higher than the roofline of the wall supporting the sign, whereas proposed sign is mounted above the roofline.

Subsequently, our office recommended administrative approval per our review letters, dated August 17, 2023 and August 22, 2023, for the following changes to the parking variances above:

- a. Where the change of 2,506 SF from office space to manufacturing space reduces the overall number of required spaces by one (1), down from 60 to 59 spaces required, and 25 parking spaces remain proposed.

The Applicant should be prepared to provide testimony to the Board regarding the impact of their previously granted variances with their current submittal.

III. ENGINEERING COMMENTS

1. The following are a list of tenant/subtenants with their respective use on the site as provided by the Applicant:
 - a) Agri-Kind NJ LLC (Cultivation)
 - b) Cannabis Outlet LLC (Manufacturing)
 - i. The Cannabis Regulatory Commission requires that Cannabis Outlet LLC be added to the project approval in order to process their license request.
 - c) Hearth Wellness LLC (Leases Space for External Manufacturing)
2. The Applicant shall revise/amend the previously approved plans, last revised May 1st, 2023, to provide the following:
 - a) Delineation of proposed manufacturing use in place of previously proposed cannabis use.
 - b) Revised parking calculations and analysis. See Comment III.2 below for analysis of the existing dispensary
3. The previously approved plans, last revised May 1st, 2023, indicate a dispensary space of +/- 7,300 sf, Resolution #23-83 mentions +/- 5,400 sf of dispensary use via testimony, and the current Architectural Site Plan, last revised October 22nd, 2024, proposes 4,600 sf of manufacturing use in the area

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of the previously proposed dispensary space. These discrepancies in areas shall be clarified. The Applicant shall provide testimony if it is their intent to eliminate the previous dispensary use and propose manufacturing use entirely within its space.

4. The Applicant shall provide testimony regarding if there are to be any changes to the proposed sign that was proposed on the northerly façade of the dispensary use. Is this sign to remain or be removed? Any changes to the size, height, illumination, or graphics of the sign?

IV. 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 the required variance relief.

Planning Analysis and Issues for Consideration by the Board

The subject property is located within the Atlantic City Tourism District. Pursuant to

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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).

Planning Analysis and Issues for Consideration by the Board

In regard to the “c” variance, 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, security, etc. Will there be access to anyone other than staff?
- 3) The Applicant shall provide a detailed security plan and stipulate the proposed hours of operation.
- 4) The Applicant shall provide testimony on how additional parking is to be accommodated. While a variance is still required, I note there is a reduction in parking demand with the elimination of the retail component. There is also availability of on- and off-street parking and ride sharing services.

- 5) 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.
- 6) The Applicant shall comply with the conditions of all previous approvals received for the site.
- 7) The Applicant shall furnish any resolution and/or prior approvals from, and agreements with, the City of Atlantic City, if any.

V. 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.**

TECHNICAL REVIEW #1: CRDA # 2024-08-3686

Amended Minor Site Plan Approval

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 # 2410081.03

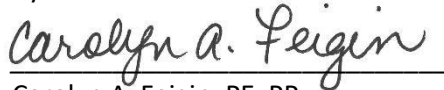
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Any resubmissions in response to this report should be accompanied by a point-by-point response to all items. To facilitate the Board's decision-making process, Applicants are strongly encouraged to resolve as many items as possible prior to the hearing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

Respectfully Submitted,

ARH ASSOCIATES

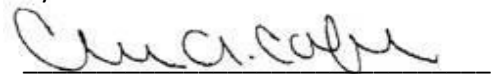
By



Carolyn A. Feigin, PE, PP
CRDA Consulting Engineer

COFONE CONSULTING GROUP

By



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

cc: Robert L. Reid, AICP, NJPP
Christine A. Nazzaro-Cofone, AICP, PP
Scott Collins, Esq.
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DATE: JANUARY 21, 2025

STARBOARD INDUSTRIES 2 NJ, LLC - RESOLUTION OF THE CASINO REINVESTMENT DEVELOPMENT AUTHORITY APPROVING AN AMENDED SITE PLAN FOR THE PROPERTY LOCATED AT 1810 BALTIC AVENUE, 122, 124, 126 AND 128 NORTH INDIANA AVENUE, AND 1809, 1811, 1813 AND 1815 GARFIELD AVENUE, BLOCK 329, LOTS 2 TO 11, IN THE CITY OF ATLANTIC CITY UNDER APPLICATION #2024-08-3686

Motion: WS

Second: DC

Michael Beson	<u>N</u>
Chris Brown <i>for the DCA Commissioner</i>	<u>Y</u>
Daniel Cosner	<u>Y</u>
Christopher Glaum <i>for the State Attorney General</i>	<u>Y</u>
Michael Hanley	<u>Y</u>
Michael Laughlin	<u>Y</u>
Brett Matik	<u>Absent</u>
William Mullen	<u>Y</u>
Paulina O'Connor	<u>Y</u>
James Plousis	<u>Y</u>
Mayor Marty Small, Sr.	<u>Absent</u>
William Sproule	<u>Y</u>
Robert Tighue <i>for the State Treasurer</i>	<u>Absent</u>
Joseph Tyrrell	<u>Y</u>
Chairman Mo Butler	<u>Y</u>