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May 29, 2024
31623 55

Re: Marvin's Gardens, LLC (CRDA Application #2023-06-3481)
Minor Site Plan with Bulk Variances
Completeness Review #1
1723 Pacific Avenue
Block 156, Lot 36
Atlantic City, NJ, 08401

Lance B. Landgraf, Jr., AICP, PP, Director of Planning & Development
Casino Reinvestment Development Authority
15 South Pennsylvania Avenue
Atlantic City, NJ 08401

Dear Mr. Landgraf:

An Application for a Minor Site Plan with Variances has been received for the subject premise:

Applicant Information

- Applicant: Marvin's Gardens, LLC
5 Greentree Centre
525 Route 73 North, Suite 104
Marlton, NJ 08053
- Owner: NJEC Associates, LLC c/o Jeffrey Feil
7 Penn Plaza, Suite 1100
New York, NY 10001
- Attorney: Damon G. Tyner, Esquire
Damon G. Tyner, LLC
114 Rainbow Trail
Egg Harbor Township, NJ 08234
- Engineer: Jason Sciuillo
Sciuillo Engineering Services, LLC
137 South New York Avenue, Suite 2
Atlantic City, NJ 08401
- Planner: Same as Engineer
- Architect: Craig Dothe
33 N. Brighton Avenue
Atlantic City, NJ 08401

Documents Submitted

1. Application Cover Letter, prepared by Damon G. Tyner, Esquire, Applicant’s Attorney, dated April 29, 2024.
2. CRDA City of Atlantic City Land Use Application, dated April 23, 2024.
3. 200-foot Property List, dated March 4, 2024.
4. Project Narrative, 1723 Pacific Avenue, Marvin’s Gardens LLC, undated.
5. CRDA Minor Site Plan Checklist (Form #5).
6. CRDA “c” Variance Checklist (Form 12).
7. Site Photographs, Marvin’s Gardens LLC, 1723 Pacific Avenue, Atlantic City, Consisting of 3 pages, Undated and unsigned.
8. Site Plan titled “Marvin’s Gardens Dispensary, Minor Site Plan”, prepared by Sciullo Engineering, dated April 7, 2024.
9. Commercial Real Estate Lease Assignment for 1723 Pacific Avenue, Atlantic City, Consisting of 6 pages, dated June 20, 2023.
10. “Proposed Floor Plan”, 1 Sheet, prepared by Craig Dothe, RA, dated April 15, 2024.
11. “Proposed Elevations”, 1 Sheet, prepared by Craig Dothe, RA, dated April 15, 2024.
12. “Proposed Security First Floor Plan”, 1 Sheet, prepared by Craig Dothe, RA, dated April 15, 2024.
13. Resolution of Support by Atlantic City Council, Resolution No. 389, adopted May 24, 2023.
14. ALTA/NSPS Land Title Survey, by Richard C. Matthews, PLS, Stires Associates, dated June 1, 2018, Last Revised September 18, 2018.
15. Certification of Payment of Property Taxes for 1723 Pacific Avenue, Block 156 Lot 36, by Kacey B Johnson, Collector of Taxes, dated April 26, 2024.

Project Description and Background

The application was submitted by Marvin’s Gardens, LLC which is a proposed Class 5 Cannabis Retailer and requires licensing from the NJ Cannabis Regulatory Commission (CRC) in addition to appropriate land use approvals. The site is located on the northeast corner of Pacific Avenue and Indiana Avenue and has a total of nine (9) off-street parking spaces, including one (1) ADA accessible space. The Applicant is seeking Minor Site Plan with Bulk Variance approval.

The site is located within the Resort Commercial (RC) Zoning District and also within the Green Zone Redevelopment Area. The adopted Green Zone Redevelopment Plan permits the proposed Class 5 Cannabis Retailer. Aside from the interior building improvements it appears that building façade and business identification signage improvements, parking lot striping and signage are also proposed.

Zoning

The Applicant has indicated that several non-conforming existing conditions, including building coverage, impervious coverage, lot width and lot coverage exist and are not being exacerbated by the current proposal. Variance relief is being sought for the Green Zone Redevelopment business identification signage requirements and number of off-street parking spaces.

Completeness Review / Submission Waivers Required

The Applicant requires the following submission waivers from the Minor Site Plan Checklist (Form # 5):

1. Regarding Checklist Item No. 6, the project Narrative does not address the surrounding uses, an amended written narrative detailing the surrounding uses should be provided. Waiver not recommended.
2. Regarding Checklist Item No. 17, this item was listed as not applicable, there is no indication of the nature of any deed restrictions, easements, or covenants recorded or proposed. This information should be provided through submission of a title report, waiver not recommended.
3. Regarding Checklist Item No. 18, this item is listed as not applicable, a List of development stages or phases, if any. There are none proposed, the waiver can be granted.
4. Regarding Checklist Item No. 19, this item was listed as not applicable, however a Certificate of Occupancy is required from the Construction Official, approval from the City's Architectural Review professional for compliance with the Green Zone Redevelopment standards, issuance of the appropriate cannabis license from the City of Atlantic City, and all other outside agency approvals are required as a condition of any approval granted. The waiver should not be granted, all necessary outside agency approvals shall be sought and approved as a condition of any future approval granted.
5. Regarding Checklist Item No. 21, Stormwater management plans and drainage calculations. (19:66-7.5). There are no such improvements proposed, the waiver can be granted.
6. Regarding Checklist Item No. 23, Grading plan. There are no such improvements proposed, the waiver can be granted.
7. Regarding Checklist Item No. 24, Landscaping Plan. There are no such improvements proposed, the waiver can be granted.
8. Regarding Checklist Item No. 25, Lighting Plan, The waiver can be granted subject to a night light function test to illustrate compliance with ordinance lighting requirements.
9. Regarding Checklist Item No. 26, Soil Erosion and Sediment Control Plan. The minimum disturbance of 5,000 square feet is not met. This item is not applicable, the waiver can be granted.
10. Regarding Checklist Item No. 27, Utility Layouts. This item is not applicable, the waiver can be granted.
11. Regarding Checklist Item No. 28, Road Paving. This item is not applicable, the waiver can be granted.
12. Regarding Checklist Item No. 29, The Applicant should submit a narrative on what wastes will be generated on-site and how wastes and recyclables will be removed from the site. Additionally, if waste / recycling is proposed to be stored outside of the building in the current location an appropriate screened trash enclosure shall be provided. Turning templates should be provided on the site plan to demonstrate that the size of any vehicles that will be utilized for collection purposes have adequate room for such maneuvers.
13. Regarding Checklist Item No. 32, Cost Estimate of on-site improvements. This item is not applicable, the waiver can be granted.

14. Regarding Checklist Item No. 34, Performance Guarantee. This item is not applicable, the waiver can be granted.
15. Regarding Checklist Item No. 35, Maintenance Guarantee. This item is not applicable, the waiver can be granted.
16. Regarding Checklist Item No. 36, Inspection Fees. This item is not applicable, the waiver can be granted.

We recommend that the application be deemed incomplete until the following is provided:

1. Information related to Minor Site Plan Checklist Item Nos. 6, 17, and 29, should be provided as requested above.
2. The application requires a sign computation for the allowable sign area and a depiction of the proposed sign. The sign submitted with the application was for a different "Old Route 30 Dispensary".
3. The architectural plan should be revised to illustrate where cannabis waste will be securely stored until the time of disposal.
4. A written Security Plan (i.e. narrative) shall be provided detailing proposed security and surveillance measures, protocols for loading and unloading of product and cash, customer queuing control, video surveillance for critical areas, etc. shall be provided by the Applicant.
5. The proposed loading zone illustrated on the site plan appears that it may result in potential conflict with the adjacent trash and recycling storage area. Vehicle turning templates should be added to the site plan for the sizes of anticipated delivery / pickup vehicles to demonstrate that the appropriate maneuvers can be made without conflict.

We reserve the right to make further comments as revised submittals are received. Please contact the undersigned if you require any additional information or have any questions.

Sincerely yours,



G. Jeffrey Hanson, PE, CME
CRDA Land Use Board Engineering and Planning
Consultant

Cc: Marvin's Gardens, LLC, Email ron@ronstengsr.com
NJECA Associates, LLC c/o Jeffrey Feil, Email: bpmrealty@aol.com
Damon G. Tyner, Esquire, Email: dytyner@tynerlawteam.com
Jason Sciallo, Email: jsciallo@scialloengineering.com
Craig Dothe, Email: craig@cfidarchitect.com
Rob Reid, AICP, PP, CRDA Land Use Regulation Enforcement Officer
Scott Collins, Esquire, CRDA Land Use Board Attorney