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August 7, 2024
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Re: Marvin's Gardens, LLC (CRDA Application #2023-06-3481)
Minor Site Plan with Bulk Variances
Technical 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, PE, PP
Sciuillo Engineering Services, LLC
137 South New York Avenue, Suite 2
Atlantic City, NJ 08401
- Planner: Same as Engineer
- Architect: Craig Dothe, RA
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. Response to Completeness Letter, prepared by Jason Sciullo, PE, PP, dated July 8, 2024.
3. CRDA City of Atlantic City Land Use Application, dated April 23, 2024.
4. 200-foot Property List, dated March 4, 2024.
5. Project Narrative, 1723 Pacific Avenue, Marvin’s Gardens LLC, undated, preparer unspecified.
6. CRDA Minor Site Plan Checklist (Form #5), undated.
7. CRDA “c” Variance Checklist (Form 12), undated.
8. Site Photographs, 3 Sheets, undated.
9. New Jersey Cannabis Regulatory Commission (NJCRC) Approval of Annual License Application, dated January 22, 2024.
10. Site Plan titled “Marvin’s Gardens Dispensary, Minor Site Plan”, prepared by Sciullo Engineering Services, LLC, dated April 17, 2024, and last revised July 8, 2024.
11. Commercial Real Estate Lease Assignment for 1723 Pacific Avenue, Atlantic City, Consisting of 6 pages, dated June 20, 2023.
12. Architectural Plans titled “Mew Dispensary Located at 1723 Pacific Avenue, prepared by Craig Dothe, RA, consisting of the following sheets:
 - a. Sheet Z-1, Proposed Floor Plan, dated June 18, 2024 and last revised July 8, 2024.
 - b. Sheet Z-2, Proposed Building Elevations & Sign Elevations & Details, dated June 18, 2024.
 - c. Sheets SC-1, Proposed Security First Floor Plan, dated June 18, 2024.
13. Resolution No. 389 of 2023 of the City of Atlantic City, adopted May 24, 2023.
14. ALTA/NSPS Land Title Survey, prepare by Stires Associates PA, dated June 1, 2018, and last revised September 18, 2018.
15. “Title Report: Block 156 Lot 36, 1723 Pacific Avenue”, prepared by Jersey National Title, Inc., dated July 1, 2024.
16. “Marvin’s Gardens, LLC, Safety and Security Plan (Narrative)”, 9 pages, preparer unknown, undated.
17. 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.

A. 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 bituminous paved parking lot with nine (9) off-street parking spaces, including one (1) ADA-accessible space. Loading and unloading is proposed to occur in the driveway area of the parking lot, directly adjacent to the loading / service entrance at the rear of the building. Solid waste and recycling are proposed to be stored outside the facility within an existing trash enclosure prior to their collection. The Applicant is seeking a Minor Site Plan approval 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, building façade and business identification signage improvements, parking lot striping, and signage are also proposed.

B. Completeness Review / Submission Waivers Required

1. We recommended that the application be deemed complete in our Completeness Review Letter #2, dated July 22, 2024. The Applicant requires submission waivers from Item Nos. 17, 18, 19, 21, 23, 24, 25, 26, 27, 28, 29, 32, 34, 35 & 36 of the Minor Site Plan Checklist (Form # 5). We have no objection to the granting of these waivers, as many are not applicable, on the condition that the following comments are satisfactorily addressed via supplemental information and / or testimony.
2. Regarding Checklist Item No. 19, this item was listed as not applicable, however a Certificate of Occupancy is required from the Construction Official, approval is required from the City’s Architectural Review professional for compliance with the Green Zone Redevelopment design standards, issuance of the appropriate cannabis license is required from the NJCRC, and all other outside agency approvals are required as a condition of any approval granted. The waiver should not be granted.
3. 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. It should be noted that the Applicant has agreed to the performance of a night light function test as a condition of approval, as per the Sciuolo Engineering letter of July 8, 2024. Same should be affirmed by the Applicant via testimony.
4. Regarding Checklist Item No. 29, The Applicant should provide testimont regarding the nature and volume of waste and recycling that is anticipated to be generated by the proposed use how wastes and recyclables will be removed from the site. Additional information shall be provided to demonstrate that the outdoor trash enclosure complies with the requirements of Sections 19:66-7.12(c) and 19:66-7.12(k) of the Land Development Rules, which regulates the storage of waste and recycling and screening of same.

C. Zoning / Bulk Variance Review

1. The following is a summary of conformance with the bulk standards of the Resort Commercial (RC) Zoning District:

DIMENSION	REGULATION	REQUIRED	EXISTING	PROPOSED	STATUS
Max. Height (Feet)	19:66-5.10(a)1.iv (1)	300	19	19	C
Min. Lot Area (Sq Ft)	19:66-5.10(a)1.iv (2)	7,500	11,922	11,922	C
Min. Lot Depth (Feet)	19:66-5.10(a)1.iv (3)	150	175	175	C
Min. Lot Width (Feet)	19:66-5.10(a)1.iv (4)	50	39	39	ENC
Min. Lot Frontage (Feet)	19:66-5.10(a)1.iv (5)	50	39	39	ENC
Max. Bldg. Cover (%)	19:66-5.10(a)1.iv (6)	70	53	53	C
Max. Impervious Cover (%)	19:66-5.10(a)1.iv (7)	80	95	95	ENC
Min. Front Yard (Feet)	19:66-5.10(a)1.iv (8)	0	0.07	0.07	C
Min. Side Yard (Feet)	19:66-5.10(a)1.iv (9)	0	2	2	C
Min. Rear Yard (Feet)	19:66-5.10(a)1.iv (10)	20	30	30	C
Min. Off Street Parking Spcs.	19:66-5.8(b)	22	10	9	V
Max. # Signs per site	Green Zone 5.1.2.d.7.q	2	5	3	V

C – Conforms

ENC – Existing Nonconforming Condition

V – Variance Required

2. Section 19:66-5.10(a)(1)(iv)(4) of the Land Development Rules requires a minimum lot width of 50', whereas 39.0' is provided. This is an existing non-conforming condition that is not being exacerbated by the current proposal.
3. Section 19:66-5.10(a)(1)(iv)(5) of the Land Development Rules requires a minimum lot frontage of 50', whereas 39.0' is provided. This is an existing non-conforming condition that is not being exacerbated by the current proposal.
4. Section 19:66-5.10(a)(1)(iv)(7) of the Land Development Rules permits a maximum impervious coverage of 80%, whereas 95% is proposed. This is an existing non-conforming condition that is not being exacerbated by the current proposal.
5. Section 19:66-5.8(b)1. of the Land Development Rules requires a minimum of one (1) off-street parking space per 300 SF of floor space for retail uses, consequently twenty-two (22) parking spaces are required for this size structure (6,401 SF), whereas nine (9) spaces are proposed. A variance is required.
6. Green Zone Redevelopment Plan Section 5.1.2.d.7.q limits the maximum number of signs per site to two (2) total, whereas a total three (3) wall signs are proposed (2 along the Indiana Ave. frontage and 1 along the Pacific Ave. frontage). A variance is required. It should be noted that the existing site currently has five (5) total signs.
7. With respect to "c" variances the applicant must demonstrate that the strict application of the zoning regulations to the property creates a hardship or results in exceptional practical difficulties by reason of the exceptional shape of the property or the exceptional topographic conditions uniquely affecting the property. In addition, the applicant will have to demonstrate that the benefits of granting any variance outweigh the detriments.

D. Site Plan Review / General Comments

1. The Applicant should provide testimony regarding how the loading and unloading of the delivered products, cash, and any other products/supplies will be achieved safely and securely. The proposed loading / unloading area appears to potentially conflict with cars backing out of the off-street parking spaces. It may be preferable to designate one of the parking spaces for loading / unloading purposes to eliminate the potential conflict.
2. Approval of the design standards promulgated in the Green Zone Redevelopment Plan is required from the City of Atlantic City. The Applicant should provide testimony regarding the status of the City's review of this application.
3. Per the Green Zone Redevelopment Plan Section 5.1.d.8 which governs security and surveillance measures, an electronic alarm system that automatically notifies the police and the business owner shall be installed. The Applicant shall provide testimony / supplemental information regarding the proposed security and surveillance measures. It is recommended that any approval be conditioned upon the proposed measures being submitted to the City Police Department for their review and approval before the issuance of a Certificate of Land Use Compliance.

E. Outside Agency Permits and Approvals

1. The following permits and approvals are required:
 - a. Atlantic City Building Code Official
 - b. City of Atlantic City – Green Zone Redevelopment Zone Design Standards
 - c. Atlantic City Police Department
 - d. NJ Cannabis Regulatory Commission
 - e. All others as necessary

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 Consultant

gjh/djb

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NJEK Associates, LLC c/o Jeffrey Feil, Email: bpmrealty@aol.com
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Rob Reid, AICP, PP, CRDA Land Use Regulation Enforcement Officer
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