



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

EXHIBIT "A" TO RESOLUTION 25- , ADOPTED 5/20/2025

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 #2024-03-3620
Puffsie, LLP
Preliminary and Final Major Site Plan Approval
1536 Atlantic Avenue
Block 151, Lot 3
Central Business (CBD) Zoning District
Green Zone Redevelopment Area

DATE: April 24, 2025

EXECUTIVE SUMMARY

On April 3, 2025, the Casino Reinvestment Development Authority (the "Authority") heard testimony and public comment on the above-subject application. The Applicant, Puffsie, LLP (the "Applicant"), seeks Preliminary and Final Major Site Plan Approval to permit the operation of a Class 5 dispensary for the sale of adult use recreational cannabis on the first floor of the existing 3-story structure at the subject property. With the exception of signage and lighting, no exterior improvements are proposed. 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 standards and technical requirements of the Authority's Tourism District Land Development Rules and Green Zone Redevelopment Plan. Therefore, for the reasons more fully outlined below, the Hearing Officer recommends that the Application be approved by the Authority.



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INTRODUCTION

Application Information

Puffsie, LLP
Preliminary and Final Major Site Plan Approval
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Central Business (CBD) Zoning District
Green Zone 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 Preliminary and Final Major Site Plan Approval to permit the operation of a Class 5 dispensary for the sale of adult use recreational cannabis on the first floor of the existing 3-story structure at the subject property. With the exception of signage and lighting, no exterior improvements are proposed. 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
- B-1 Letter from ARH Associates dated April 1, 2025

FINDINGS OF FACT

The Applicant seeks Preliminary and Final Major Site Plan Approval to permit the operation of a Class 5 dispensary for the sale of adult use recreational cannabis on the first floor of the existing 3-story structure at the subject property. With the exception of signage and lighting, no exterior improvements are proposed. The property has several pre-existing, non-conforming conditions that are not exacerbated or impacted by the development proposal.

The attorney for the Applicant, Amanda Moschillo, Esq., introduced the application generally and provided background regarding the specific relief sought by the Applicant. She noted that the application has been significantly revised in response to issues raised by Authority staff and consultants. Most notably, the Applicant now proposes a designated loading space along Kentucky Avenue.



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The Applicant presented the testimony of Donna Bullock, P.E., who was qualified as an expert in the field of professional engineering. Ms. Bullock described the location of the site, existing conditions and development proposal. She described proposed layout, floor plan and operations plans.

Ms. Bullock noted that the property is a fully-developed interior lot with an existing three-story structure. The Applicant proposes interior improvements to operate an approximately 1,200 square foot adult use recreational cannabis on the first floor of the structure. Ms. Bullock acknowledged, on behalf of the Applicant, that the second and third floors shall remain vacant and shall be the subject of a new land use application of any occupancy is proposed.

Ms. Bullock explained that the Applicant proposes to re-use the existing sign faces on the property and make lighting improvements. She testified that loading will be accomplished via a dedicated loading space along Kentucky Avenue. She agreed, on behalf of the Applicant, that the loading zone will be covered by security cameras. She testified that trash would be stored inside the building and hauled away by a commercial trash removal service.

Ms. Bullock testified that the property has several pre-existing, non-conforming conditions that are not exacerbated or impacted by the development proposal. Notably, the development proposal requires four (4) on-site parking spaces where zero are proposed. She testified, however, that the overall property has a grandfathered parking shortfall and no parking variance is required. She further testified that there is adequate on-street parking in the vicinity of the property to accommodate parking needs. In addition, she testified, the property may be accessed via public transportation and rideshare services.

The Applicant presented the testimony of Ernest Caldwell, who is a representative of the Applicant. He explained his experience in the cannabis industry and why the Applicant wants to locate in Atlantic City.

Mr. Caldwell testified regarding operational features for the proposed facility, including security procedures, product storage and inventory management. He testified the facility will be open from 10 am to 9 pm seven days a week. Mr. Caldwell testified that there will be approximately five (5) employees on site. Deliveries are anticipated approximately two (2) times per week. He testified that security personnel will be present on site one half-hour before the facility opens and one hour after it closes.

Mr. Caldwell testified that the Applicant will agree to the following as a condition of any approval:

- Comply with all standards and requirements of the Green Zone Redevelopment Plan, including architectural standards.



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- Have its security plan approved by the Atlantic City Police Department.
- Make all security cameras subject to monitoring by the Atlantic City Police Department.
- [Comply with all requirements of the CRC.](#)
- [Security camera must have the ability to monitor the offsite loading space.](#)

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Carolyn Feigin, P.E., P.P. was qualified as an expert in the field of professional engineering and provided testimony on behalf of the Authority. In response to questioning by Ms. Feigin, the Applicant agreed to obtain licenses for any encroachments into the public right of way or adjoining properties. She confirmed that no variance is required for on-site parking in light of the grandfathered parking shortfall. She otherwise supported 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 asked that the Applicant be required to provide cameras on the loading zone as a condition of any approval. She otherwise supported approval of the application.

CONCLUSIONS OF LAW

Preliminary and Final 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 Preliminary and Final Site Plan Approval to permit the operation of a Class 5 dispensary for the sale of adult use recreational cannabis at the subject property 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.



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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.

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