



Principals
Richard Rehmann, GISP
Chris Rehmann, PE, CME, PP, PLS
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August 10, 2022

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

Re: Land Use Application
Legal Distribution LLC
3112-3114 Atlantic Avenue (Block 182 Lot 4)
Atlantic City, NJ, 08401
ARH File: 24-10064

Dear Mr. Landgraf:

ARH ASSOCIATES has received the above captioned Application for review. Applicant seeks Use Variance Relief to permit a micro dispensary of recreational marijuana on the site.

The Use Variance is as follows:

1. From NJAC 19:66-5.12(a)1i., General Use Limitations – no micro dispensary of recreational marijuana explicitly permitted on site

The property is located in Atlantic City's Central Business (CBD) Zoning District.

This report consists of a review of the Subject Application for conformance with Casino Reinvestment Development Authority checklists. Comments are limited to the information presented to date. The Applicant may present additional information and testimony at the Board hearing on this matter.

I. OWNER & APPLICANT INFORMATION

OWNER

3112 Atlantic Avenue Holdings LLC
3112 Atlantic Avenue, Atlantic City, NJ
mbdlou@aol.com
609-335-4987

APPLICANT

Legal Distribution LLC
555 New Jersey Avenue, Absecon, NJ
mbdlou@aol.com
609-335-4987

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II. SUBMITTALS

TITLE / DESCRIPTION	PREPARED / SIGNED / SEALED BY	DATE	DATE LAST REVISED
Cover Letter from Applicant’s Attorney	Law Office of Daniel J Gallagher, Esquire	7/19/2022	
CRDA Land Use Application	Applicant	Not Dated	
Cannabis “d” Variance Checklist	Not Submitted	N/A	
Variance Plan	Not Submitted	N/A	
Architectural Plan	William McLees Architecture	Not Dated	
Certification of Payment of Taxes	Not Submitted	N/A	
Letter of Support from the Mayor or the City of Atlantic City	Mayor Marty Small Sr.	7/26/2022	
Resolution of the City of Atlantic City	Council Member Marshall	4/20/2022	
Escrow Setup	Applicant	Not Dated	

III. VARIANCE

The following addresses conformance with the CRDA’s list of Required Application items for Cannabis “d” Variance Checklist (Form #13) and does not reflect adequacy of submissions for review purposes. Please note that the applicant did not provide the Cannabis “d” Variance Checklist. The information below was collected from the submittal documents. The correct number of copies are assumed to have been submitted. Column entries reflect **ARH’s** review of Applicant’s submissions.

Cannabis “d” Variance Checklist (Form #13)

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Comments
1	Lease or agreement of sale identifying location.	X	X		
2	Letter of Support from Mayor’s Office.	X	X		
3	Resolution from City Council endorsing location.	X	X		
4	Map demonstrating site is outside the DRUG FREE ZONE.	X			Map not provided, however, site is outside of Drug Free Zone
5	Compliance with Atlantic City Ordinance #51 of 2021	X	X		
6	Completed Land Use Application	X	X		

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ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Comments
7	Payment of Required Application and Escrow Fees (19:66-4.3)	X	X		
8	Name and address, email address of property owner and applicant.	X	X		
9	Proof of real estate taxes and other assessments paid.	X	X		
10	Name, signature, license number, seal and address of each professional consultant as applicable, involved in preparation of required documents.	X	X		
11	Narrative presenting justification for the "d" Variance relief sought that includes a statement of legal basis for granting of variance which must include: a) A list and explanation of the specific special reason(s) demonstrating that the proposed variance relief would not cause detriment to the intent and purpose of the municipality's zone plan and zoning regulations. b) Explanation of how requested variance would be consistent with goals and provisions of the Master Plan. c) Reasons why proposed development would pose no substantial harm to surrounding properties or the municipality in general.	X	X		
12	Color Photographs of the site from four (4) different viewpoints.	X			WR
13	Project narrative describing existing conditions, surrounding uses and the proposed development including a list of "c" variance(s) and design waiver relief sought, if applicable.	X	X		Narrative provided; possible existing non-conformities
14	Title block denoting type of application, tax map sheet, project address, block and lot, and street location.	X			Applicant to provide
15	Proof of ownership of property. (Report of title, copy of deed AS FILED with the Atlantic County	X	X		

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ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Comments
	Clerk's Office, affidavit or other documentation evidencing ownership.)				
16	Consent of property owner to applicant to development project.	X	X		
17	Zoning Schedule listing: Use, lot area, lot width, lot depth, yard setbacks, floor area ratio, density, building coverage, building height and parking requirements, including existing and proposed with conformity status of each.	X			Not Provided, possible existing non-conformities have not been identified
18	Certified List of Property Owners within 200' Radius of the subject property by City of Atlantic City Tax assessor's Office.	X			Applicant to provide
19	Public Notice in compliance with NJSA 40:55D-12.	X			Applicant to provide
20	North arrow, scale and graphic scale.	X			WR
21	Signature blocks for Hearing Officer, Land Use Regulation Enforcement Officer, Engineer and Planner.	X			WR
22	Key map(s) at a legible scale showing location of property with existing structures, uses, streets, public right of ways, municipal boundaries, public parks, beaches, environmental sensitive areas, zoning district boundaries within 200 feet of the subject property. Property tax lots within 200 feet of the subject property taken from the most recent municipal tax map records.	X			WR
23	List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc. as recorded or in recordable form if proposed.	X	X		
24	List of development stages, if any.	X	N/A		
25	List of approvals or permits required by other regulatory authorities having jurisdiction and the status of same.	X	X		

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ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Comments
26	Land Title Survey and topographic survey depicting existing conditions prepared by New Jersey licensed professional land surveyor. All elevations shall be based on NAVD 1988. The horizontal datum shall on the NJ State Plane Coordinate System (NAD 1983) Survey shall include all existing conditions, including buildings, structures, parking areas with parking space striping, driveways, walkways, fences, stoops, stairs, porches, easements, walls, patios, curbs, roof overhangs, overhead wires, bay windows, building setbacks of building on-site and adjoining the site, landscape areas, trees, utility poles, flag poles, directional and identification signs, spot elevations, contours in one foot intervals, FEMA Flood Zone, State Claim areas, utility poles, utilities such as water, sanitary sewer, storm sewer, electric, gas, cable, telephone, etc. Improvements in adjoining right-of-ways / roadways / streets including painted traffic markings.	X			Applicant to provide
27	Site Plan depicting proposed buildings, structures, existing and proposed building setbacks, landscape areas, location of identification signage and directional signs, trash enclosure, building setback lines (dashed) and their dimensions from the property lines, parking area plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions.	X		X	
28	Preliminary architectural plan and elevations, and areas and type of each proposed use.	X	X		Elevations not provided
29	Electronic copy of the full application including: application, photos, maps, reports, plans and other exhibits in pdf format. Maximum size of file(s) 4 MB.	X	X		

WR = Waiver Recommended by Reviewer

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IV. BULK REQUIREMENTS, COMMERCIAL BUSINESS DISTRICT (CBD)

Standard	Required	Existing	Proposed	Complies?
Maximum Height (measured from BFE), Principal Structure (FT)	65	Not Specified	Not Specified	Not Specified
Maximum Height (measured from BFE), Accessory Structure (FT)	35	Not Specified	Not Specified	Not Specified
Minimum Lot Area (SF)	5,000	Not Specified	Not Specified	Not Specified
Minimum Lot Depth (FT)	100	Not Specified	Not Specified	Not Specified
Minimum Lot Width (FT)	50	Not Specified	Not Specified	Not Specified
Minimum Lot Frontage (FT)	50	Not Specified	Not Specified	Not Specified
Maximum Building Coverage (%)	30	Not Specified	Not Specified	Not Specified
Maximum Impervious Coverage (%)	80	Not Specified	Not Specified	Not Specified
Minimum Front Yard (FT) – Westminster Avenue	5	Not Specified	Not Specified	Not Specified
Minimum Rear Yard	20	Not Specified	Not Specified	Not Specified
Minimum Side Yard	0	Not Specified	Not Specified	Not Specified
Floor Area Ratio	N/A	N/A	N/A	N/A
Open Space	N/A	N/A	N/A	N/A
Density	25	N/A	N/A	N/A
Parking	Not Specified	Not Specified	Not Specified	Not Specified

C = COMPLIES

N/A = NOT APPLICABLE

ENC = EXISTING NON-CONFORMING CONDITION

NC = NO CHANGE FROM EXISTING

V = VARIANCE REQUIRED

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V. REVIEW OF PLANS

1. A Proposed Floor Plan has been Prepared by William McLees Architecture, undated, unscaled and unsigned, sheet A1. No existing conditions, survey, or site plan have been submitted.
2. Public Notice:
 - a. Applicant shall submit a list of the property owners within a 200' radius of the subject property by City of Atlantic City Tax Assessor's Office.
 - b. Applicant shall submit a public notice in compliance with NJSA 40:50D-12.
3. Cannabis Regulations:
 - a. It should be noted that the applicant has not submitted a Drug Free Zone map demonstrating that their site is not located in a Drug Free Zone, however it has been determined by the reviewer that the property in question is not located in a Drug Free Zone.
 - b. Applicant shall submit compliance with Atlantic City Ordinance #51 of 2021.
4. Parking:
 - a. Applicant shall provide the required number of parking spaces for their use on this property as well as details on the conformity status of said parking.
5. Zoning:
 - a. Applicant shall provide zoning schedule and survey or existing conditions mapping to identify any existing non-conforming bulk requirements or any possible variances.
6. Grading:
 - a. Applicant shall provide the finished floor elevation of the building.
 - b. Applicant shall add a note to the plan providing the FEMA flood zone and base flood elevation, if applicable.
7. Photographs:
 - a. Applicant shall submit photographs of the site from four (4) different viewpoints.
8. Landscaping:
 - a. A Landscaping Plan is required in accordance with NJAC 19:66-7.6. No landscaping plan has been provided, and no details explaining the status of the impervious coverage on the site have been provided.
9. Miscellaneous:
 - a. Applicant shall discuss the hours of operation and general business operations.

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COFONE CONSULTING 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 in the Central Business District (CBD) Zone. As stated at CRDA Land Development Rules Section at N.J.A.C. 19:66-5.12, the purpose of the CBD District is as follows:

The purpose of the CBD is to accommodate a mixture of land uses within an expansion area in generally the center of the Tourism District. The CBD contains the most intensive retail business uses within the Tourism District.

The engineering review portion of this letter lists the required variance relief.

Planning Analysis and Issues for Consideration by the Board

In regard to the “d(1)” variance, the Municipal Land Use Law (MLUL) at NJSA 40:55D-70.d sets forth the standards for variances from the use regulations of a zoning ordinance. A “d(1)” variance is required when an applicant submits an application for a use that is not permitted in the list of permitted uses within a specific zoning district. The applicant must satisfy the *Medici* proofs:

- Is the site particularly suited for the proposed use?
- Does the proposed use advance special reasons and further the purposes of the Municipal Land Use Law (MLUL)?
- Does the proposal substantially impair the purpose and intent of the master plan, zone plan, and zoning ordinance? Does the proposal satisfy the enhanced quality of proof that the variance sought is not inconsistent with the intent of the master plan and zoning ordinance, proof which must reconcile the proposed use variance with the zoning ordinance's omission of the use from those permitted in the district?

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- Can a variance for this use be granted without substantial detriment to the public good?

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's professional planner should discuss the required use variance in the context of the site and the immediate area.
- 3) We acknowledge that the Applicant has submitted a detailed security plan. The Applicant shall provide brief testimony, for the purpose of the record, on the operation of the business, with a specific focus on staffing, product storage, patron access, on-site product consumption, security, etc.
- 4) The submitted Application does not contain a survey/existing conditions plan, and we are unable to determine if there are any existing non-conforming bulk, including setbacks, coverage, etc, or any possible variances. This shall be provided.
- 5) The Applicant has not provided the amount of parking needed for the use and conformity details. This shall be provided.
- 6) The Applicant shall discuss any proposed aesthetic improvements to the building.
- 7) No information on signage has been provided. The Applicant shall furnish testimony relative to the proposed sign package, if any, and the consistency with the purpose of NJAC 19-66:5.7(a).
- 8) The Applicant shall comply with the conditions of all previous approvals received for the site.
- 9) The Applicant shall furnish any resolution and/or prior approvals from, and agreements with, the City of Atlantic City, if any.

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POST APPROVAL CONSIDERATIONS

Should the Board grant the desired approval for this Application, Applicant, and/or its professionals must:

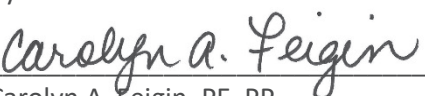
- A. Provide all information requested within this letter and per Board feedback.**
- B. Obtain approvals from all outside agencies, if necessary.**
- C. Contact the Board Secretary to reconcile any outstanding review escrow accounts prior to Final Plan Certification, Signature, or the issuance of building permits, as applicable.**

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

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