



CHRISTINE A. COFONE, PP, AICP  
*Principal*

## COFONE CONSULTING GROUP, LLC

June 16, 2022

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

RE: **MPX New Jersey, LLC**  
**153 S. New York Avenue (f/k/a/ 157-159 South New York Avenue)**  
**Block 52, Lot 7**  
**Application #2022-06-3212**

Dear Mr. Landgraf:

We have deemed this application **complete** for review.

In the subject application, the Applicant is seeking use variance approval for the adult use retail sale of cannabis in an existing commercial space at 153 S. New York Avenue. The Applicant, currently approved for retail sales of cannabis, is a tenant that occupies commercial space on the first floor of the mixed-use building. The site is known as Block 52, Lot 7 within the Resort Commercial "RC" Zone District.

As part of our analysis, we undertook the following tasks: an inspection of the subject premises; a survey of surrounding land uses; review of the Casino Reinvestment Development Authority Tourism District Land Development Rules and Tourism District Zoning Map; and review of the Applicant's complete Application submission package, submitted to the CRDA on June 13, 2022.

We offer the following analysis and comments for your consideration.

### **Description of Site and Summary of Development Proposal**

The Site is located at 153 S. New York Avenue and contains a mixed-use building consisting of multi-family and commercial uses.

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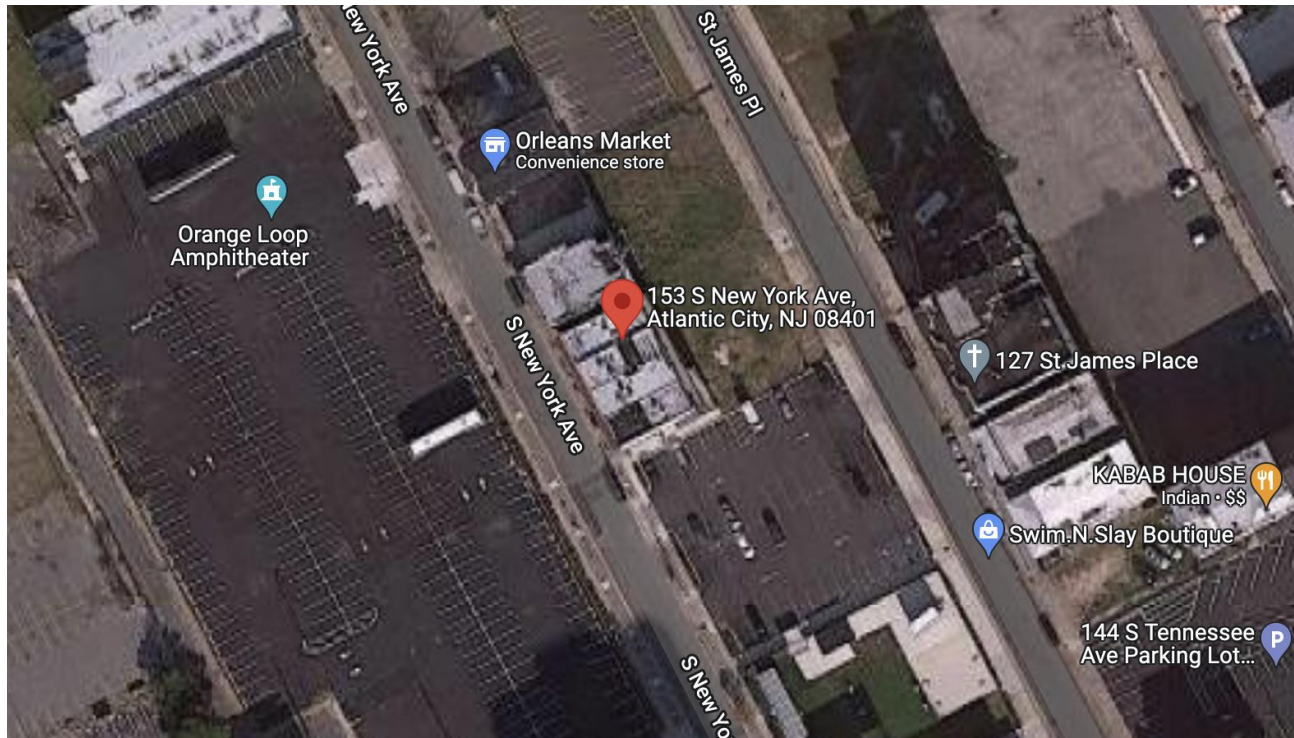
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The Applicant seeks approval for adult use cannabis retail sales. The Applicant is currently approved for retail sales of medicinal cannabis. The Applicant is seeking a site plan waiver since no changes are proposed to the building.

### **Surrounding Land Uses**

Surrounding uses include a mixture of surface parking lots, multi-family residential, and commercial uses.

### **Zoning Compliance**

The property is located in the Resort Commercial (RC) District. As stated at CRDA Land Development Rules Section at N.J.A.C. 19:66-5.10, the purpose of the RC District is as follows:

The purpose of the RC Resort Commercial District is to provide an array of land uses that will capitalize on the zoning district's geographical advantages of the zoning district's proximity to the boardwalk and the Atlantic Ocean. The Resort

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Commercial District also offers the highest intensity residential offerings within the Tourism District with a variety of supportive commercial and services uses. The vision is to create an environment where residential and resort offerings seamlessly integrate.

An adult-use retail cannabis dispensary is not listed as a permitted use in the RC District, nor in any CRDA zone district, and therefore a d(1) use variance is required.

### **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).

### **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?
- 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:

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- 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) The Applicant is seeking a site plan waiver since no changes are proposed to the building. We have no objection to this request.
- 4) The Applicant shall provide detailed testimony on the operation of the business, with a specific focus on staffing, product storage, patron access, on-site product consumption, security, etc.
- 5) A sign indicating "MPXNJ" currently exists at the site. The Applicant shall provide details of the sign and if any additional signs are proposed.
- 6) The Applicant's professional planner shall discuss parking availability for customers and staff.
- 7) The Applicant shall discuss any proposed aesthetic improvements to the building.
- 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.

We would be happy to address any questions or comments on the above at the public hearing.

Respectfully submitted,

Christine A. Nazzaro-Cofone, AICP, PP

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CRDA Consulting Planner

cc: Robert L. Reid, AICP, PP, CRDA Land Use Regulation Enforcement Officer  
Scott Collins, Esq., CRDA Board Attorney  
Carolyn Feigin, PE, PP, CRDA Board Engineer  
Applicant's Attorney  
Applicant's Planner/Engineer

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