

Law Office of Daniel J. Gallagher, Esquire
336 N. Annapolis Avenue
Atlantic City, New Jersey 08401

Tel: (609)541-4956

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Email: dgallagher@dangallagheraclaw.com

○ Admitted in NJ and PA

○ LLM in Taxation

○ Licensed to Practice in US Tax Court
and Supreme Court

August 15, 2022

Robert L. Reid, AICP, NJPP
Land Use Regulation Enforcement Officer
NJ Casino Reinvestment Development Authority
15 South Pennsylvania Avenue
Atlantic City, New Jersey 08401

RE: Sunnytien, LLC
3004 Atlantic Avenue
Block 180 Lot 2

Dear Mr. Reid:

Enclosed herewith please find original and (2) copies of Land Use Application for the above property as well as two checks in the amounts of \$300.00 representing the fee application and \$3,000.00 representing the escrow deposit.

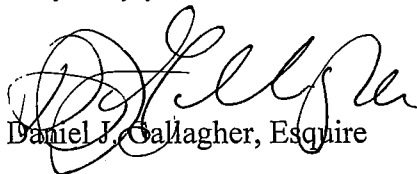
By copy of this letter I am also sending one copy of all application documents to the following:

Christine A. Nazzaro-Cofone, AICP/PP
Cofone Consulting Group, LLC
125 Half Mile Road - Suite 200
Red Bank, NJ 07701

Kathryn Cornforth, PE, CME
ARH Associates
215 Bellevue Avenue
PO Box 579
Hammonton, NJ 08037

Scott G. Collins Esq.
Riker Danzig Scherer Hyland & Perretti LLP
Headquarters Plaza
One Speedwell Avenue
Morristown, NJ 07962-1981

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. J. Gallagher', written in a cursive style.

Daniel J. Gallagher, Esquire

DJG:ch
Enclosures

SUNNY FRUITS AND VEGETABLES MARKET LLC

3004 ATLANTIC AVE
ATLANTIC CITY NJ 08401-6344

2921

55-33712 NJ
3057

DATE 8/8/22

PAY TO THE ORDER OF

CRDA

\$ 300

DOLLARS

Three hundred and 00/100

BANK OF AMERICA



ACH R/T 021200339

FOR SunnyFru 3004 Atlantic Ave

Basim

⑆00292⑆ ⑆021200339⑆ 381041774881⑆

SUNNY FRUITS AND VEGETABLES MARKET LLC

3004 ATLANTIC AVE
ATLANTIC CITY NJ 08401-6344

2922

55-33712 NJ
3057

DATE 8/8/22

PAY TO THE ORDER OF

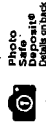
CRDA

\$ 3000

DOLLARS

Three thousands and 00/100

BANK OF AMERICA



ACH R/T 021200339

FOR SunnyFru 3004 Atlantic Ave

Basim

⑆00292⑆ ⑆021200339⑆ 381041774881⑆



15 South Pennsylvania Avenue

Atlantic City, NJ 08401

NJ CRDA – City of Atlantic City – Cannabis “d” Variance Checklist (Form #13)

REQUIRED APPLICATION ITEMS

Project Name: _____ Application # _____

Prepared by: _____ Title _____ date _____

Note : Five (5) copies of plans and supporting documents are required as the initial submission. Eleven (11) copies of plans are required for final sign-off and distribution.

| Item # | Description | REQUIRED | SUBMITTED | WAIVER REQUESTED BY APPLICANT | Waiver Recommended by Reviewer |
|--------|--|----------|-----------|-------------------------------|--------------------------------|
| 1 | Lease or agreement of sale identifying location | X | / | | |
| 2 | Letter of Support from Mayor's Office | X | / | | |
| 3 | Resolution from City Council endorsing location | X | / | | |
| 4 | Map demonstrating site is outside the DRUG FREE ZONE. | X | / | | |
| 5 | Compliance with Atlantic City Ordinance # 51 Of 2021 | X | / | | |
| 6 | Completed Land Use Application Form | X | / | | |
| 7 | Payment of Required Application and Escrow Fees (19:66-4.3) | X | / | | |
| 8 | Name and address, email address of property owner and applicant. | X | / | | |
| 9 | Proof of real estate taxes and other assessments paid. | X | / | | / |
| 10 | Name, signature, license number, seal and address of each professional consultant, as applicable, involved in preparation of required documents. | X | / | | |
| 11 | Narrative presenting justification for the “d” Variance relief sought that includes a | X | / | | |

| | | | | | |
|----|---|---|---|--|---|
| | <p>statement of legal basis for granting of variance which must include:</p> <p>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.</p> <p>b) Explanation of how requested variance would be consistent with goals and provisions of the Master Plan.</p> <p>c) Reasons why proposed development would pose no substantial harm to surrounding properties or the municipality in general.</p> | | | | |
| 12 | Color Photographs of site from four (4) different viewpoints. | X | / | | |
| 13 | Project narrative describing existing conditions, surrounding uses and the proposed development including list of "c" variance(s) and design waiver relief sought, if applicable. | X | / | | |
| 14 | Title block denoting type of application, tax map sheet, project address, block and lot, and street location. | X | / | | |
| 15 | Proof of ownership of property. (Report of title, copy of deed AS FILED with the Atlantic County Clerk's Office, affidavit or other documentation evidencing ownership.) | X | / | | |
| 16 | Consent of property owner to applicant to development project. | 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 | / | | |
| 18 | Certified List of Property Owners within 200' Radius of the subject property by City of Atlantic City Tax assessor's Office. | X | / | | |
| 19 | Public Notice in compliance with NJSA 40:55D-12. | X | / | | |
| 20 | North arrow, scale and graphic scale. | X | / | | |
| 21 | Signature blocks for Hearing Officer, Land Use Regulation Enforcement Officer, Engineer and Planner. | X | ↑ | | |
| 22 | Key map(s) at a legible scale showing location of property with existing structures, uses, streets, public right of ways, municipal | X | / | | |

| | | | | | |
|----|--|---|---|--|---|
| | 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. | | | | |
| 23 | List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc. as recorded or in recordable form if proposed. | X | / | | |
| 24 | List of development stages or phases, if any. | X | | | ✓ |
| 25 | List of approvals or permits required by other regulatory authorities having jurisdiction and the status of same. | X | / | | |
| 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 | / | | |
| 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 | / | | |
| 28 | Preliminary architectural plan and elevations, and areas and type of each proposed use. | X | / | | |
| 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 | / | | |

NARRATIVE

The proposed property owners are requesting a use variance for a micro dispensary at 3004 Atlantic Avenue, Atlantic City, New Jersey. The proposed use as micro dispensary of recreational marijuana is not defined as a legal use as in the subject zone although under the control of the CRDA. However, the requested use is a permitted use according to recent legislation passed. The operating LLC of the property is a recognized minority entity in the State of New Jersey. The subject property is outside of the City's established drug free zones.

A cursory review of the case law and facts indicates the positive impacts far outweigh the negative criteria. The subject site has parking and was formerly operated as an office building and retail. The first floor of the property has been vacant for a long time. The applicant plans on cleaning the premises, providing a new design, providing lighting and maintaining the property which would include 24/7 security until the above referenced issues are fully addressed.

Although only a subsection a. of N.J.S. 40:55D-2 refers to the "general welfare," meeting any of the other purposes listed in that section has been consistently construed as serving the general welfare. However, as the Court in *Kohl v. Mayor and Council of Fair Lawn*, 50 N.J. 268, 279-280 (1967) made clear "there must be a finding that the general welfare is served because the use is peculiarly fitted to the particular location for which the variance is sought. [citations omitted]. This is so because nearly all lawful uses of property promote, in greater or lesser degree, the general welfare." This requirement has been consistently reiterated by New Jersey courts, most notably by *Medici v. BPR, Co.*, 107 N.J. 1, 4 (1987). See Also *Stop & Shop v. Springfield Tp. Bd. Of Adj.*, 162 N.J. 418, 431 (2000); *New Brunswick Cellular v. Bd. Of Adj.* 160 N.J. 1,6 (1999); *Smart SMR v. Fair Lawn Bd. Of Adj.*, 152 N.J.309, 323 (1998); *Burbridge v. Mine Hill Tp.*, 117 N.J. 376, 386 (1990); *Saadala v. E Brunswick Zoning Bd.*, 412 N.J. Super. 541, 550-551 (App. Div. 2010); *Saddle Brook Realty v. Saddle Brook Zoning Bd. Of Adj.*, 388 N.J. Super. 67, 76 (App. Div. 2006). See discussion of the site suitability component of the positive criteria at 32-4.1. Also note there the discussion of whether the site suitability test applies or should apply inherently beneficial uses.

The general welfare purpose is frequently found to be promoted by uses deemed "inherently beneficial," such as hospitals and schools. See further discussion at 32-5.

Although not set forth as a specific purpose of zoning as it had been in the prior zoning law (N.J.S. 40:55-32), the Supreme Court has stated that the preservation of the character of a neighborhood and conservation of neighborhood values are still proper zoning purposes, relying particularly on the general welfare purpose, as well as N.J.S. 40:55D-2e and i. *Home Builders League of So. Jersey, Inc. v. Tp. Of Berlin*, 81 N.J. 127, 145 (1979).

Promotion of a State policy has also been held to advance the general welfare and thus serve as the basis for the grant of a use variance. *Anfuso v. Seeley*, 243 N.J. Super. 349 (App. Div.1990). The subject request promotes a use approved by the State, cleans a formerly vacant property which makes the neighborhood safer and cleaner and provides a significant ratable to the tax base. Hence, the Petitioner respectfully suggests that the suggested use is a vast improvement over the lack of activities at this location.

City of Atlantic City LAND USE APPLICATION

City of Atlantic City: (Check where applicable)
 AC Planning Division Jurisdiction
 City of Atlantic City Planning Board
 1301 Bacharach Boulevard
 City Hall-Suite 508
 Atlantic City, NJ 08401
 609-347-5404

CRDA: (Check where applicable)
 NJ CRDA LURED Jurisdiction
 Casino Reinvestment Development Authority
 15 S Pennsylvania Avenue
 Atlantic City, NJ 08401
 609-347-0500

To be completed by staff only.

Date Filed _____ Application No. _____
 Application Fees: _____ Escrow Deposit _____

Scheduled for:
 Review for Completeness _____ Hearing: _____

1. SUBJECT PROPERTY

Location: 3004 Atlantic Ave AC NJ 08401
 Tax Map Page _____ Block 180 Lot(s) 2
 Page _____ Block _____ Lot(s) _____
 Page _____ Block _____ Lot(s) _____

Dimensions Frontage _____ Depth _____ Total Area _____

Zoning District CBD

2. APPLICANT

Name Sunny Tien, LLC
 Email tiennhan708@hotmail.com
 Address 205 N. Sovereign Ave
 Telephone Number 609-271-8002
 Applicant is a: Corporation Partnership Individual
LLC

3. If Owner is other than the applicant, provide the following information on the Owner(s):

Owner's Name _____
 Email _____
 Address _____
 Telephone Number _____

4. DISCLOSURE STATEMENT

Pursuant to N.J.S 40:55D-48.1 [Application by corporation or partnership; list of stockholders owning 10% of stock or 10% interest in partnership.] Disclosure of owners of organization and property subject to application. [A corporation or partnership applying to a governing body of a municipality] Any organization making an application for development under this act [for permission to subdivide a parcel of land into six or more lots, or applying for a variance to construct a multiple dwelling of 25 or more family units or for approval of a site to be used for commercial purposes] shall list the names and addresses of all members, stockholders or individual partners (collectively, "interest holders") [owning at least 10% of its stock of any class or at least 10% of the interest in the partnership], including any other organization holding at least a 10% ownership interest in the organization, and shall also identify the owner of the property subject to the application, including any organization holding at least a 10% ownership interest in the property [as the case may be]. In accordance with 40:55D-48.2 [Disclosure of 10% ownership interest of corporation or partnership which is 10% owner of applying corporation or partnership.] Listing of names and addresses of interest holders of applicant and owner organization. If [a corporation or partnership] an organization owns an interest equivalent to 10% or more of another organization the stock of a corporation, or 10% or greater interest in a partnership, subject to the disclosure requirements hereinabove described, [pursuant to section 1 of this act that organization shall list the names and addresses of its interest holders holding 10% or greater interest in the [partnership, as the case may be, and] organization. [This requirement shall be followed by every corporate stockholder or partner in a partnership, until the names and addresses of the stockholders and individual partners, exceeding the 10% ownership criterion established in this act, have been listed.] In accordance with recently added 40:55D-48.3 Disclosure of all officers and trustees of a non-profit organization. A non-profit organization filing an application for development under this act shall list the names and addresses of all officers and trustees of the non-profit organization. In accordance with 40:55D-48.4 [Failure to comply with act; disapproval of application.] Approval of application. a. No municipal planning board, board of adjustment or [municipal] governing body shall approve the application of any [corporation or partnership] organization or non-profit organization which does not comply with this act. Any approval not in compliance with this act shall be voidable in a proceeding in lieu of prerogative writ in the Superior Court. b. Any party, including any member of the public, may institute a proceeding in lieu of prerogative writ in the Superior Court to challenge any PROPOSED AMENDMENTS TO MUNICIPAL LAND USE LAW approval granted by a municipal planning board, board of adjustment or governing body on the grounds that such action is void for the reasons stated in subsection a. of this section, and if the court shall find that the approval was not in compliance with this act, the court may declare the approval to be void. In accordance with 40:55D-48.5 [Concealing names of owners;] Organization or non-profit organization failing to disclose; fine. Any [corporation or partnership which conceals] organization or nonprofit organization failing to disclose in accordance with this act, [the names of stockholders owning 10% or more of its stock, or of individual partners owning a 10% or greater interest in the partnership, as the case may be,] shall be subject to a fine of \$1,000 to \$10,000, which shall be [recovered] recoverable in the name of the municipality in any court of record in the State in a summary manner pursuant to the "Penalty Enforcement Law" (N.J.S.A. 2A:58-1 et seq.).

ZHI TAN

| | | | | | |
|------|---------------------|---------|--|----------|--------------------|
| Name | Zhi Tan | Address | 4821 Van Rensselaer Ave AC | Interest | 51% 50% |
| Name | | Address | | Interest | |
| Name | Chia Bai | Address | 705-205 N. Brown Ave | Interest | 48% |
| Name | Nhi Luu | Address | 220 E. Magnolia Ave Galloway NS 08205 | Interest | 50% |

5. PROPERTY INFORMATION:

Restrictions, covenants, easements, association by-laws, existing or proposed on the property:

Yes [attach copies] _____ No Proposed _____

Present use of the premises: Wholesale fruit + vegetable

Note: All deed restrictions, covenants, easements, association bylaws, existing and proposed must be submitted for review and must be written in easily understandable English in order to be approved.

6. Applicant's Attorney Daniel J. Gallacher
 Email djgallacher@dan.gallacherandlaw.com
 Address 336 N. Magnolia Ave AC NS 08401
 Telephone Number 609-541-4956
 FAX Number 609-541-4971

7. Applicant's Engineer Collier
 Email _____
 Address 2000 Mutant Drive Suite 100 Mt Laurel NJ 08054
 Telephone Number 856-797-0412
 FAX Number _____

8. Applicant's Planning Consultant Craig Dothe
 Email _____
 Address 11
 Telephone Number _____
 FAX Number _____

9. Applicant's Traffic Engineer N/A
 Email _____
 Address _____
 Telephone Number _____
 FAX Number _____

10. List any other **Expert** who will submit a report or who will testify for the Applicant: [Attach additional sheets as may be necessary]

Name _____
Field of Expertise _____
Email _____
Address _____
Telephone Number _____
FAX Number _____

11. APPLICATION REPRESENTS A REQUEST FOR THE FOLLOWING:

SUBDIVISION:

- _____ Administrative Review of Minor Subdivision Plan
- _____ Administrative Review of Major Subdivision Plan
- _____ Minor Subdivision Approval
- _____ Major Subdivision Approval [Preliminary]
- _____ Major Subdivision Approval [Final]
- _____ Number of lots to be created _____ Number of proposed dwelling units _____
(including remainder lot) (if applicable)

SITE PLAN:

- _____ Administrative Review of Minor Site Plan
- _____ Administrative Review of Major Site Plan
- _____ Minor Site Plan Approval
- _____ Major Preliminary Site Plan Approval [Phases (if applicable) ____]
- _____ Major Final Site Plan Approval [Phases (if applicable) ____]
- _____ Amendment or Revision to an Approved Site Plan
- _____ Area to be disturbed (square feet) _____
- _____ Total number of proposed dwelling units _____
- _____ Request for Waiver From Site Plan Review and Approval
- Reason for request: _____

MISC:

- _____ Administrative Review
- _____ Appeal decision of an Administrative Officer [N.J.S. 40:55D- 70a]
- _____ Map or Ordinance Interpretation of Special Question [N.J.S. 40:55D-70b]
- _____ Variance Relief (hardship) [N.J.S. 40:55D-70c(1)]
- _____ Variance Relief (substantial benefit) [N.J.S. 40:55D-70c(2)]
- _____ Variance Relief (use) [N.J.S. 40:55D-70d]
- _____ Conditional Use Approval [N.J.S. 40:55D-67]
- _____ Direct issuance of a permit for a structure in bed of a mapped street, public drainage way, or flood control basin [N.J.S. 40:55D-34]
- _____ Direct issuance of a permit for a lot lacking street frontage [N.J.S. 40:55D-35]

12. Section(s) of Ordinance from which a variance is requested and justification for said request: [attach additional pages as needed] Standard class 5 retailer dispensary is requested with consumption lounge

13. Waivers Requested of Development Standards and/or Submission and justification for request.
Requirements: [attach additional pages as needed] _____

14. Attach a copy of the Notice to appear in the official newspaper of the municipality and to be mailed to the owners of all real property, as shown on the current tax duplicate, located within the State and within 200 feet in all directions of the property, which is the subject of this application. The Notice must specify the sections of the Ordinance from which relief is sought, if applicable.
The publication and the service on the affected owners must be accomplished at least 10 days prior to the date scheduled by the Administrative Officer for the hearing. An affidavit of service on all property owners and a proof of publication must be filed before the application will be complete and the hearing can proceed.

15. Explain in detail the exact nature of the application and the changes to be made at the premises, including the proposed use of the premises:
[attach pages as needed] Premises to be converted from wholesale fruit & vegetable to class 5 micro dispensary

16. Is a public water line available? Y

17. Is public sanitary sewer available? Y

18. Does the application propose a well and septic system? NO

19. Have any proposed new lots been reviewed with the Tax Assessor to determine appropriate lot and block numbers? NO

20. Are any off-tract improvements required or proposed? NO

21. Is the subdivision to be filed by Deed or Plat? N/A

22. What form of security does the applicant propose to provide as performance and maintenance guarantees? N/A

23. Other approvals, which may be required and date plans submitted:

| | Yes | No | Date Plans Submitted |
|---|-------|-------------------------------------|----------------------|
| Atlantic City Municipal Utilities Authority | _____ | <input checked="" type="checkbox"/> | _____ |
| Atlantic County Health Department | _____ | <input checked="" type="checkbox"/> | _____ |
| Atlantic County Planning Board | _____ | <input checked="" type="checkbox"/> | _____ |
| Atlantic County Soil Conservation Dist. | _____ | <input checked="" type="checkbox"/> | _____ |
| NJ Department of Environmental Protection | _____ | <input checked="" type="checkbox"/> | _____ |
| Sewer Extension Permit | _____ | <input checked="" type="checkbox"/> | _____ |
| Sanitary Sewer Connection Permit | _____ | <input checked="" type="checkbox"/> | _____ |
| Stream Encroachment Permit | _____ | <input checked="" type="checkbox"/> | _____ |
| Waterfront Development Permit | _____ | <input checked="" type="checkbox"/> | _____ |
| Wetlands Permit | _____ | <input checked="" type="checkbox"/> | _____ |
| Tidal Wetlands Permit | _____ | <input checked="" type="checkbox"/> | _____ |
| Potable Water Construction Permit | _____ | <input checked="" type="checkbox"/> | _____ |
| Other | _____ | <input checked="" type="checkbox"/> | _____ |
| NJ Department of Transportation | _____ | <input checked="" type="checkbox"/> | _____ |
| Public Service Electric & Gas Company | _____ | <input checked="" type="checkbox"/> | _____ |
| _____ | _____ | <input checked="" type="checkbox"/> | _____ |

24. Certification from the Tax Collector that all taxes due on the subject property have been paid.

25. List of Maps, Reports and other materials accompanying the application (attach additional pages as required for complete listing).

| Quantity | Description of Item |
|----------|---------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

26. The Applicant hereby requests that copies of the reports of the professional staff reviewing the application be provided to the following of the applicant's professionals:
Specify which reports are requested for each of the applicant's professionals or whether all reports should be submitted to the professional listed.

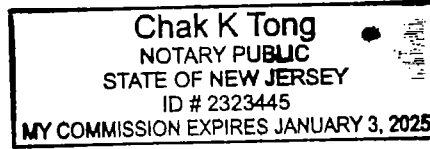
Applicant's Professional Reports Requested _____
 Attorney _____
 Engineer _____

CERTIFICATIONS

27. I Zhi Tan and Nhi Luu certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the Corporation or that I am a general partner of the partnership applicant.

[If the applicant is a corporation, this must be signed by an authorized corporate officer. If the applicant is a partnership, this must be signed by a general partner.]

Sworn to and subscribed before me this 5th day of August, 20 22



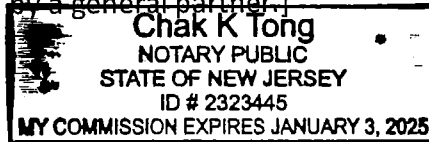
[Signature]
NOTARY PUBLIC

[Signature]
SIGNATURE OF APPLICANT

28. I certify that I am the Owner of the property which is the subject of this application, that I have authorized the applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.

[If the owner is a corporation, this must be signed by an authorized corporate officer. If the owner is a partnership, this must be signed by a general partner.]

Sworn to and subscribed before me this 5th day of August, 20 22



[Signature]
NOTARY PUBLIC

[Signature]
SIGNATURE OF OWNER

29. I understand that the sum of \$ 3000⁰⁰ has been deposited in an escrow account (Builder's Trust Account). In accordance with Land Use Fees and Escrow Deposit Requirements, I further understand that the escrow account is established to cover the cost of professional services including engineering, planning, legal and other expenses associated with the review of submitted materials and the publication of the decision by the Board. Sums not utilized in the review process shall be returned. If additional sums are deemed necessary, I understand that I will be notified of the required additional amount and shall add that sum to the escrow account within fifteen (15) days.

8/5/22
Date

[Signature]
SIGNATURE OF APPLICANT

ESCROW SETUP INFORMATION

The Information below is necessary to initially set up your Escrow Account.

Applicant's Name: Sunnytree LLC

Applicant's Address: 4024 Van Rensselaer Ave A.C

*Applicant's Signature: _____

Applicant's Phone No.: 609-271-8002

Applicant's Email Address: _____

Applicant's Date of Birth: _____

Tax Identification or Social Security Number: 88-1190159

Assigned Escrow #: _____

Should you require assistance or have any questions, please do not hesitate to contact:

Atlantic City Planning:

Lisa D'Alessandro, Board Secretary
City of Atlantic City Planning
1301 Bacharach Boulevard
City Hall-Suite 508
Atlantic City, NJ 08401
Email: LDAlessandro@cityofatlanticcity.org
609-347-5404

CRDA:

Loreta Acevedo, Project Officer
Casino Reinvestment Development Authority
15 S Pennsylvania Avenue
Atlantic City, NJ 08401
Email: lacevedo@njcrda.com
609-347-0500

Resolution of the City of Atlantic City

No. 275

Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified to by

Assistant City Solicitor /s/ Karl Timbers

Barbara Woolley-Dillon /s/ Director Planning & Development

Prepared by City Solicitor's Office

Council Member MARSHALL presents the following Resolution:

RESOLUTION IN SUPPORT FOR SUITABILITY OF CANNABIS BUSINESS SUNNYTIEN LLC

WHEREAS, operators of a proposed cannabis business are required to demonstrate local support for the suitability and appropriateness of its business location from a municipality pursuant to N.J.A.C. 17:30-5.1(g) and/or pursuant to the provisions of N.J.S.A. 24:6I-7.2(4); and

WHEREAS, pursuant to the provisions of N.J.S.A. 17:30-5.1, the City of Atlantic City has adopted Ordinance No. 51 of 2021 amending Chapter 163 to license and regulate cannabis businesses in designated zoning districts; and

WHEREAS, the applicant, SunnyTien, LLC (the "License-Applicant") has sought such a letter of support to apply for a state license to operate a licensed Class 5 retail cannabis dispensary business at the address 3004 Atlantic Avenue, located in the Zoning District CBD formerly the NC-2 District; and

WHEREAS, the City of Atlantic City has reviewed and considered the request of the License-Applicant to conduct the cannabis business at the location described above; and

WHEREAS, the City of Atlantic City has determined that it has authorized the type of cannabis business license being sought by the License-Applicant to operate within its jurisdiction subject to approval by the CRDA; and

WHEREAS, to the extent the City of Atlantic City has imposed a limit on the number of licensed cannabis businesses within its jurisdiction, the issuance of a license to the License-Applicant by the Cannabis Regulatory Commission would not exceed that limit as of the date of this Resolution; and

WHEREAS, the City of Atlantic City has determined that the proposed location is suitable and appropriate for the proposed activity subject to CRDA approval, related to the operations of the proposed cannabis business to be conducted by the License-Applicant; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Atlantic City hereby authorizes this resolution of local support for SunnyTien LLC and purpose described herein.

August 12, 2022 8:59 AM

| DO NOT USE SPACE BELOW THIS LINE | | | | | | | | | | | | | |
|--|-----|-----|-----|------|------|------|----------------|-----|-----|------|------|------|------|
| RECORD OF COUNCIL VOTE ON FINAL PASSAGE | | | | | | | | | | | | | |
| COUNCIL MEMBER | AYE | NAY | N.V | A.B. | MOT. | SEC. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | MOT. | SEC. |
| DUNSTON | X | | | | | | RANDOLPH | | X | | | | |
| KURTZ | | X | | | | X | SHABAZZ | X | | | | X | |
| MARSHALL | X | | | | | | WEEKES | | X | | | | |
| MORSHED | X | | | | | | ZIA | X | | | | | |
| TIBBITT, PRESIDENT | | | | | | | | X | | | | | |
| X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second | | | | | | | | | | | | | |

This is a Certified True copy of the Original Resolution on file in the City Clerk's Office.

DATE OF ADOPTION: APRIL 20, 2022

Paula Geletei

/s/ Paula Geletei, City Clerk