



Principals
Richard Rehmann, GISP
Chris Rehmann, PE, CME, PP, PLS
Richard Heggan, PLS, PP
Robert Heggan, PLS, PP

January 31, 2023

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

Re: Land Use Application
MPX New Jersey LLC
120, 122 and 124 St. James Place
(Block 52 (Lots 37, 38, and 39))
Atlantic City, NJ 08401
ARH File: 24-10070

Dear Mr. Landgraf:

ARH ASSOCIATES has received the above captioned Application for review. The Applicant seeks Amended Minor Site Plan approval and a Variance for ground sign setback as well as an additional Variance for number of signs permitted. This site and subsequent Amended Site Plan and Variance approvals are referenced in CDRDA Resolution #21-75, adopted July 20, 2021 (CRDA #2021-04-2981).

Block 52 (Lots 37, 38, and 39) is located in Atlantic City's Resort Commercial (RC) Zoning District. The property's intended use is for Medical and Adult Use Retail Sales of Cannabis including delivery of such.

This report consists of a review of the Subject Application for conformance with Casino Reinvestment Development Authority checklists as well as N.J.A.C.19:66, the CRDA Tourism District Land Development Rules. 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

NJORANGEDEEDS, LLC
patfasano@verizon.net
1005 Main St., Asbury Park, NJ 07712
732-322-5523

APPLICANT

MPX New Jersey, LLC
ntalvacchia@cooperlevenson.com
420 LEXINGTON AVENUE, SUITE 414, NEW YORK, NY 10170
609-412-0173

ARH Associates

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II. SUBMITTALS

TITLE / DESCRIPTION	PREPARED / SIGNED / SEALED BY	DATE	DATE LAST REVISED
Cover Letter from Applicant's Attorney	Cooper Levenson	12/29/2022	
Request for 200-foot property owners list		12/21/2022	
Request for proof of payment of taxes			
CRDA Land Use Application	Owner / Applicant	Not Dated	
Escrow Setup Information			
Photographs of Site			
Minor Site Plan Checklist (Form #5)	Jason T. Sciuolo P.E., P.P., Sciuolo Engineering Services, LLC	12/20/2022	
"c" Variance Checklist (Form #12)		12/21/2022	
Orange Deeds Entertainment Complex Site Plan		12/06/2022	
Lease Agreement	NYORANGEDEEDS, LLC	07/06/2022	
Resolution of the City of Atlantic City	City of Atlantic City	06/23/2022	
Letter of Support from Mayor of the City of Atlantic City	Mayor Marty Small, Sr.	07/26/2022	
Exhibit "A" to Resolution 21-75, Adopted 7/20/2021	CRDA Board	12/29/2022	

III. CHECKLISTS

The following addresses conformance with the CRDA's list of Required Application items for Minor Site Plan and "c" Variance Checklists (forms #5 & #12) and does not reflect adequacy of submissions for review purposes. The correct number of copies are assumed to have been submitted. Column entries reflect **ARH's** review of Applicant's submissions.

Minor Site Plan Checklist (Form #5)

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Comments
1	Completed Land Use Application Form	X	X		
2	Payment of Required Application and Escrow Fees (19:66-3.4)	X	X		
3	Name and address, email address of property owner and applicant.	X	X		
4	Proof of real estate taxes and other assessments paid.	X	TBP		Request submitted; proof not yet provided.
5	Name, signature, license number, seal and address of each professional consultant, as	X	X		

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	applicable, involved in preparation of required documents.				
6	Project narrative describing existing conditions, surrounding uses and the proposed development including list of variance and design waiver relief sought, if any.	X	X		
7	Title block denoting type of application, tax map sheet, project address, block and lot, and street location.	X	X		
8	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		X	
9	Consent of property owner to applicant to development project.	X	X		
10	FOR ADMINISTRATIVE REVIEW AND APPROVAL: Certification from Applicant's licensed professional that the development proposed meets all requirements and no variance or design waivers are requested. (19:66-4.6)	X	N/A		
11	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	X		
12	Certified List of Property Owners within 200' Radius of the subject property by City of Atlantic City Tax assessor's Office.	X	TBP		Request submitted; list not yet provided.
13	Public Notice in compliance with NJSA 40:55D-12.	X	X		
14	North arrow, scale, and graphic scale	X	X		
15	Signature blocks for Hearing Officer, Land Use Regulation Enforcement Officer, Engineer and Planner.	X	X		
16	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	X		
17	List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc. as recorded or in recordable form if proposed.	X	N/A		

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18	List of development stages or phases, if any.	X		X	Previously Provided
19	List of approvals or permits required by other regulatory authorities having jurisdiction and the status of same.	X		X	Previously Provided
20	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		X	Previously Provided
21	Stormwater management plans and drainage calculations. (19:66-7.5).	X	N/A		Not a major development pursuant to NJAC 7:8
22	Site Plan depicting proposed buildings, structures, existing and proposed building setbacks, landscape areas, lighting / fixtures, lighting intensity, 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		
23	Grading Plan depicting direction of flow of surface run-off, spot elevations, contours within 1-foot intervals, stormwater management structures.	X		X	Previously Provided
24	Landscaping Plan, details, and plant schedule (19:66-7.6)	X		X	Previously Provided
25	Lighting Plan and details (19:66-7.10)	X		X	Previously Provided

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26	Soil Erosion and Sediment Control Plan. (Required for soil disturbance of 5,000 sq. ft. or greater)	X		X	Previously Provided
27	Plans of proposed utility layouts including sanitary sewer, water, gas, telephone, cable, and electricity and showing proposed connections to existing or any proposed utility systems.	X		X	Previously Provided
28	Road and paving cross-sections and profiles.	X		X	Previously Provided
29	Solid and liquid waste management plan.	X		X	Previously Provided
30	Vehicular and pedestrian circulation patterns, Traffic control signs, directional signs and Sight triangles	X		X	Previously Provided
31	Preliminary architectural plan and elevations, and areas and type of each proposed use.	X		X	Previously Provided
32	Estimate of costs of on-site improvements [19:66-3.4 (b)]	X	N/A		
33	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		
34	Performance guarantee [19:66-3.4 (b)]	X		X	
35	Maintenance guarantee (19:66-16.3)	X		X	
36	Inspection Fees (19:66-16.1)	X		X	

"c" Variance Checklist (Form #12)

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Comments
1	Completed Land Use Application Form	X	X		
2	Payment of Required Application and Escrow Fees (19:66-4.3)	X	X		
3	Name and address, email address of property owner and applicant.	X	X		
4	Proof of real estate taxes and other assessments paid.	X	TBP		Request submitted; proof not yet provided.
5	Name, signature, license number, seal and address of each professional consultant, as applicable, involved in preparation of required documents.	X	X		

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6	Color Photographs of site from four (4) different viewpoints.	X	X		
7	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	X		
8	Title block denoting type of application, tax map sheet, project address, block and lot, and street location.	X	X		
9	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	X		
10	Consent of property owner to applicant to development project.	X	X		
11	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	X		
12	Certified List of Property Owners within 200' Radius of the subject property by City of Atlantic City Tax assessor's Office.	X	TBP		Request submitted; list not yet provided.
13	Public Notice in compliance with NJSA 40:55D-12.	X	X		
14	North arrow, scale and graphic scale	X	X		
15	Signature blocks for Hearing Officer, Land Use Regulation Enforcement Officer, Engineer and Planner.	X	X		
16	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	X		
17	List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc. as recorded or in recordable form if proposed.	X	N/A		
18	List of development stages or phases, if any.	X		X	Previously Provided
19	List of approvals or permits required by other regulatory authorities having jurisdiction and the status of same.	X		X	Previously Provided

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20	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		X	Previously Provided
21	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		
22	Preliminary architectural plan and elevations, and areas and type of each proposed use.	X		X	Previously Provided
23	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		

IV. BULK REQUIREMENTS, RESORT COMMERCIAL DISTRICT (RC)

Standard	Required	Existing	Proposed	Complies?
Maximum Height (measured from BFE), Principal Structure (FT)	300	<300	38.5	C
Maximum Height (measured from BFE), Accessory Structure (FT)	35	N/A	<35	N/A
Minimum Lot Area (SF)	7,500	53,325	49,909	C
Minimum Lot Depth (FT)	150	75	NC	ENC
Minimum Lot Width (FT)	50	336	NC	C
Minimum Lot Frontage (FT)	50	336	NC	C
Maximum Building Coverage (%)	70	40	27.3	C
Maximum Impervious Coverage (%)	80	82	84.7	VG
Minimum Front Yard (FT) Up to 35' in Height	0	2.2	0	C
Minimum Front Yard (FT) Greater than 35'	20	N/A	10	VG
Minimum Rear Yard	20	N/A	5	VG
Minimum Side Yard Up to 35' in Height	0	0.5	NC	C
Minimum Side Yard Greater than 35'	20	N/A	5	VG
Floor Area Ratio	N/A	N/A	N/A	N/A
Open Space	N/A	N/A	N/A	N/A
Density	50	N/A	4	C
Parking	118	1	53	VG
Fence in Front Yard (FT)	Not Permitted	6	NC	VG
Fence Height in Side & Rear Yards (FT)	8	6	NC	C

C = COMPLIES

ENC = EXISTING NON-CONFORMING CONDITION

V = VARIANCE REQUIRED

TBP=TO BE PROVIDED

N/A = NOT APPLICABLE

NC = NO CHANGE FROM EXISTING

VG = VARIANCE GRANTED

V. SIGNAGE REQUIREMENTS

Standard	Permitted/ Required	Proposed	Complies?
Wall Signs Permitted	2	2	C
Ground Signs Permitted	1	1	C
Awning Signs Permitted	1	1	C
Projecting Signs Permitted	1	1	C
Max. Gross Surface Area Permitted	25% of Wall Surface for Elevation=250'	100 SF	C
Awning Sign Height	20' or 2 nd Floor Windowsill	< 20 FT and Below 2 nd Floor	C
Projecting Sign Height	20' or 2 nd Floor Windowsill	< 20 FT and Below 2 nd Floor	C
Ground Sign Height (FT)	5	5	C
Wall Sign Height	Roofline	<Roofline	C
Ground Sign Setback (FT)	5	0	V
Atlantic City Green Zone Redevelopment Plan Dated September 2022			
Number of Signs Permitted	2	5	V

C = COMPLIES

ENC = EXISTING NON-CONFORMING CONDITION

V = VARIANCE REQUIRED

N/A = NOT APPLICABLE

NC = NO CHANGE FROM EXISTING

VG = VARIANCE GRANTED

VI. REVIEW OF PLANS

a. Checklist Waivers

1. The Applicant has requested waivers from the Minor Site Plan Checklist (Form #5) and the 'C' Variance Checklist (Form #12). Below please find a list of the waivers requested from each respective checklist:

a. Form #5

- i. Item 8: 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.) *Previously provided.*
- ii. Item 18: List of development stages or phases, if any. *Previously provided.*
- iii. Item 19: List of approvals or permits required by other regulatory authorities having jurisdiction and the status of same. *Previously provided.*
- iv. Item 20: Land Title Survey and Topographic Survey. *Previously provided.*
- v. Item 23: Grading Plan. *Previously provided.*
- vi. Item 24: Landscaping Plan. *Previously provided.*
- vii. Item 25: Lighting Plan. *Previously provided.*
- viii. Item 26: Soil Erosion and Sediment Control Plan. *Previously provided.*

- ix. Item 27: Utility Plan. *Previously provided.*
- x. Item 28: Road and paving cross-sections and profiles. *Previously provided.*
- xi. Item 29: Solid and liquid waste management plan. *Previously provided.*
- xii. Item 30: Vehicular and pedestrian circulation patterns, traffic control signs, directional signs and sight triangles. *Previously provided.*
- xiii. Item 31: Preliminary architectural plans and elevations. *Previously provided.*
- b. Form #12:
 - i. Item 17: List of any existing or proposed deed restrictions, easements, covenants, Homeowner's Association Agreements, etc.
 - ii. Item 18: List of any development stages or phases, if any. *Previously provided.*
 - iii. Item 19: List of approvals or permits required by other regulatory authorities having jurisdiction and the status of same. *Previously provided.*
 - iv. Item 20: Land Title Survey and Topographic Survey. *Previously provided.*
 - v. Item 22: Preliminary architectural plan and elevations. *Previously provided.*

Please note that the items which were previously provided were submitted as part of the original approvals for the MPX Site Plan (CRDA #2021-04-2981) and have not been resubmitted with the Amended Site Plan application.

- b. Variances Required
 - 1. The Applicant is proposing a total of five (5) signs; whereas only two (2) signs are permitted per Atlantic City Green Zone Redevelopment Plan dated September 2022, Section 5.1.2.d.7.9.
 - 2. The proposed ground sign has a setback of zero (0') feet; whereas the minimum ground sign setback is five (5') feet, per NJAC 19:66-5.7(j)6.ii.
- c. Signage
 - 1. The Applicant shall provide testimony in support of the required variances for the proposed ground sign.
 - 2. The Applicant shall confirm that the proposed ground sign does not encroach upon any sight triangles from the intersections.
 - 3. The Applicant shall indicate if the proposed ground sign is internally illuminated and provide testimony regarding the sign's conformance with the Green Zone Redevelopment Plan.
- d. Miscellaneous
 - 1. The Applicant shall provide an overview of the status for each construction phase (A-D) as it appears several improvements have already been installed.
 - 2. The Applicant shall adhere to the conditions of all other resolutions and permits for the subject property, unless specifically noted in this application.

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COFONE CONSULTING REVIEW

Zoning Compliance

The property is located within the Green Zone Redevelopment Area under the jurisdiction of the CRDA, encompassing the RC Zone District. The proposed use is a principal permitted use in the Green Zone Redevelopment Area.

The intent of the Green Zone Redevelopment Area is for diversifying the local economy, increasing opportunities for private investment, increasing pedestrian traffic, with collateral reduction in crime, and reducing the existing commercial vacancy rate and abandoned commercial space along Atlantic Avenue and Pacific Avenue and in the Orange Loop.

As detailed in the engineering section of this review, two variances are required for the proposed signage package.

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 “c” variance, the Municipal Land Use Law (MLUL) at NJSA 40:55D-70c sets forth the standards for variances from the bulk regulations of a zoning ordinance. A “c(1)” variance is for cases of hardship due to factors such as shape or topography, or due to “an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.” A “c(2)” variance may be granted where the purposes of zoning are advanced and the benefits of deviating from the ordinance requirements outweigh any detriments. The benefits derived from granting a “c(2)” variance must include benefits to the community as a whole, not just to the applicant or property owner. A “c” variance application also must address the “negative criteria.”

We offer the following for your consideration in reviewing the Application:

- 1) The Applicant’s professional planner shall provide the required statutory proofs for the proposed variances.
- 2) The Applicant’s architect shall provide detailed testimony, including compliance with design guidelines per N.J.A.C. 19:66-7.1, the 2012 CRDA Tourism District Master Plan, Section 4.8, and the Green Zone Redevelopment Area storefront & façade design standards. The Redevelopment Area storefront and façade design standards include a focus on color, lighting, windows, doors,

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awnings, cornices, signage, and security.

- 3) The Applicant shall discuss how the application will advance the intent of the New Jersey CRDA Atlantic City Tourism District Master Plan, the Green Zone Redevelopment, and the Tourism District.
- 4) The Applicant shall comply with the conditions of all previous approvals received for the site.
- 5) The Applicant shall furnish any resolution and/or prior approvals from, and agreements with, the City of Atlantic City, if any.

POST APPROVAL CONSIDERATIONS

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

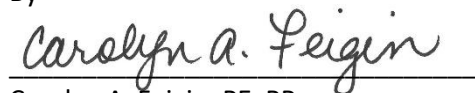
- A. Submit any required revisions to the Board as outlined above for review.**
- B. Obtain approvals from all outside agencies, if necessary. Provide copies to the Board.**
- C. Contact the Board Secretary to reconcile any outstanding review escrow accounts prior to Final Plan Certification, Signature, 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