



Richard M. King, Jr., Esquire
Jeffrey P. Barnes, Esquire

June 29, 2023

TJ Mooney, Esquire
Marisa J. Hermanovich, Esquire
Member Pennsylvania and Florida Bar
Stefanie Malone-Zeitz, Esquire
LLM Taxation, Estate Planning Certificate
Tina M. Cortese, Estate Paralegal

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

RE: Owner: Chelsea Atlantic Equities, LLC
Applicant: The THC Shop, LLC
Premises: 1740 Atlantic Avenue
Atlantic City, NJ 08401
Lot 1 in Block 156

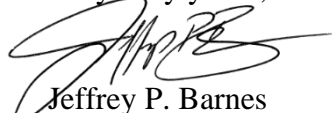
Dear Mr. Reid:

As you know, Mr. Nicholas F. Talvacchia, Esquire, of Cooper Levenson, has transferred this application to my office. Enclosed please find the following documents as it relates to an application for minor site plan approval and 'C' variances in order to operate a proposed retail cannabis business pursuant to a Class 5 cannabis license at the referenced property:

- Check for \$750.00 representing the Application fee (\$400 for Minor Site Plan Approval plus \$350.00 for 'C' variances)
- Check for \$4,005.00 representing the Escrow fee (\$1,605.00 for Minor Site Plan Approval plus \$2,400.00 for 'C' variances)
- (1) CD-ROM with a digital copy of the submission;
- (5) CRDA Land Use Application Packages including:
 - Application Packet (*Includes Application Form, Escrow Setup Information Sheet, Project Narrative, Draft Legal Notice, Draft Affidavit of Publication and Service, and Checklists*)
 - 200' Radius List – *Updated 200' List to be obtained prior to mailing notices;*
 - Proof of Paid Taxes;
 - Resolution No. 497 dated July 27, 2022 of the City of Atlantic City;
 - Mayor's Letter of Support dated August 23, 2022;
 - CRDA Zoning Determination Letter dated January 24, 2023;
 - Operating Agreement;
 - Lease Agreement;
 - Site Photos;
 - Variance Plans prepared by Sciuillo Engineering Services LLC; and
 - Architectural Drawings prepared by McLees Architecture.

Please contact me if you have any questions or comments.

Very truly yours,



Jeffrey P. Barnes

JPB/ms

Tel: 609.522.7530 | Fax: 609.522.7534 | KINGBARNES.COM

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 PROPERTYLocation: 1740 Atlantic Avenue

Tax Map	Page <u>29</u>	Block <u>156</u>	Lot(s) <u>1 (Portion)</u>
	Page _____	Block _____	Lot(s) _____
	Page _____	Block _____	Lot(s) _____

Dimensions Frontage 60' (Atlantic Ave) Depth 130' Total Area 7,800 SF
*Corner lot *Proposed project is limited to 2,353 SF of retail space plus 330 SF of storage space

Zoning District CBD Zone and Green Zone Redevelopment Area**2. APPLICANT**Name The THC Shop LLCEmail billa@pcgwireless.comAddress 1 Maple Shade Drive, Whippany, NJ 07981Telephone Number (602) 618-3333Applicant is a: Corporation ☒ Partnership ☐ Individual ☐**3. If Owner is other than the applicant, provide the following information on the Owner(s):**Owner's Name Chelsea Atlantic Equities LLC (C/o Uri Jacobson)Email C/o Jeffrey P. Barnes, jpbarnes@king-barnes.comAddress 100 Easton Road, #108, Wyncote, PA 19095Telephone Number C/o Jeffrey P. Barnes, (609) 522-7530

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.).

Name	<u>William Abbott</u>	Address	<u>6575 North 39th Way Paradise Valley, AZ 85253</u>	Interest	<u>49%</u>
Name	<u>Karen Melchionda</u>	Address	<u>1 Maple Shade Drive</u>	Interest	<u>51%</u>
Name	_____	Address	<u>Whippany, NJ 07981</u>	Interest	_____
Name	_____	Address	_____	Interest	_____
Name	_____	Address	_____	Interest	_____

5. PROPERTY INFORMATION:

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

Yes [attach copies] _____ No X Proposed _____

Present use of the premises: _____

Mixed-Use Commercial (Popeyes Louisiana Kitchen Restaurant) and Residential Dwelling Units

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 Jeffrey P. Barnes, Esquire, King Barnes LLC

Email jpbarnes@king-barnes.com

Address 2600 New Road, Northfield, NJ 08225

Telephone Number (609) 522-7530

FAX Number (609) 522-7532

7. Applicant's Engineer Sciullo Engineering Services, LLC

Email jsciullo@sciulloengineering.com

Address 137 South New York Avenue, Suite 2, Atlantic City, NJ 08401

Telephone Number (609) 300-5171

FAX Number N/A

8. Applicant's Planning Consultant Sciullo Engineering Services, LLC

Email jsciullo@sciulloengineering.com

Address 137 South New York Avenue, Suite 2, Atlantic City, NJ 08401

Telephone Number (609) 300-5171

FAX Number N/A

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 William McLees Architecture

Field of Expertise Architect

Email bmclees@wmarch.net

Address 5 Macarthur Boulevard, Somers Point, NJ 08244

Telephone Number (609) 927-0888

FAX Number (609) 927-0889

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] Number of projecting signs (19.66-5.7(j)),
Number of signs per site (Green Zone Redevelopment Plan 5.1.2.d.7.q), and
multiple existing nonconforming conditions as set forth in the Project Narrative
attached hereto.

13. **Waivers Requested** of Development Standards and/or Submission and justification for request.

Requirements: [attach additional pages as needed] N/A

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. See draft Notice attached hereto.

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. See draft Affidavit of Publication & Service attached hereto.

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] Applicant is seeking to permit permit the operation of a retail cannabis business pursuant to a Class 5 cannabis license at a portion of the existing building. See Project Narrative attached hereto.

16. Is a public water line available? Yes

17. Is public sanitary sewer available? Yes

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? N/A

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	_____	<u>X</u> _____	_____
Atlantic County Health Department	_____	<u>X</u> _____	_____
Atlantic County Planning Board	_____	<u>X</u> _____	_____
Atlantic County Soil Conservation Dist.	_____	<u>X</u> _____	_____
NJ Department of Environmental Protection	_____	<u>X</u> _____	_____
Sewer Extension Permit	_____	<u>X</u> _____	_____
Sanitary Sewer Connection Permit	_____	<u>X</u> _____	_____
Stream Encroachment Permit	_____	<u>X</u> _____	_____
Waterfront Development Permit	_____	<u>X</u> _____	_____
Wetlands Permit	_____	<u>X</u> _____	_____
Tidal Wetlands Permit	_____	<u>X</u> _____	_____
Potable Water Construction Permit	_____	<u>X</u> _____	_____
Other	_____	<u>X</u> _____	_____
NJ Department of Transportation	_____	<u>X</u> _____	_____
Public Service Electric & Gas Company	_____	<u>X</u> _____	_____
_____	_____	<u>X</u> _____	_____

24. Certification from the Tax Collector that all taxes due on the subject property have been paid. See Proof of Paid taxes attached hereto.

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

	5 Lease Agreement	5 Operating Agreement
Quantity	Description of Item 5 Architectural Plans prepared by William McLees Architecture	
<u>5</u>	<u>Site Plan prepared by Sciullo Engineering Services LLC</u>	
<u>5</u>	<u>Resolution No. 497 5 Sets of Site Photographs</u>	
<u>5</u>	<u>Mayor's Letter of Support 5 Cannabis Zoning Determination Letter</u>	

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 All

Attorney All

Engineer All

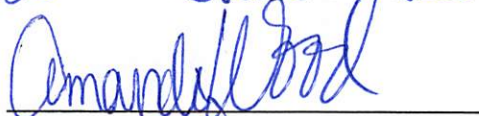
Architect: All

CERTIFICATIONS

27. I Jeffrey P. Barnes, Esquire 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
28th day of June, 2023



NOTARY PUBLIC



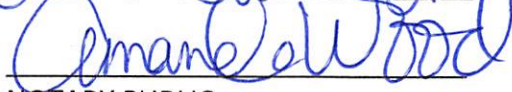
SIGNATURE OF APPLICANT

Jeffrey P. Barnes, Attorney for 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
28th day of June, 2023



NOTARY PUBLIC

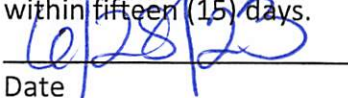


SIGNATURE OF OWNER

Jeffrey P. Barnes, Attorney for Applicant

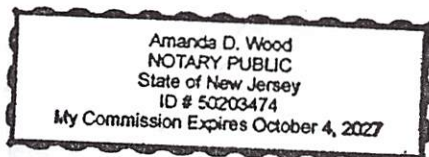
29. I understand that the sum of \$ 4,005.00 has been deposited in an escrow account (Builder's Trust Account). In accordance with Land Use Fees and Escrow Deposit Requirements, I further understand that the escrow account is established to cover the cost of professional services including engineering, 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.

Date



SIGNATURE OF APPLICANT

Jeffrey P. Barnes, Attorney for Applicant




ESCROW SETUP INFORMATION

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

Applicant's Name: The THC Shop LLC

Applicant's Address: 1 Maple Shade Drive, Whippany, NJ 07981

*Applicant's Signature: 

Applicant's Phone No.: (602) 618-3333

Applicant's Email Address: billa@pcgwireless.com

Applicant's Date of Birth: 5/17/1958

Tax Identification or Social Security Number: 87-340185

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

NOTICE SERVED ON PROPERTY OWNERS
WITHIN 200 FEET OF SUBJECT PROPERTY

Notice is hereby given that a written application has been filed by the undersigned with the Casino Reinvestment Development Authority for a _____

in and upon the property shown as Block(s) _____, Lot(s) _____
on the official map of the City of Atlantic City, known as _____

A public hearing on the above-mentioned application has been scheduled for the ____ day of _____, 20__, at _____ a.m/p.m. Said hearing shall take place at:

The public is invited to attend this meeting.

The application and all plans relative thereto have been filed with the Land Use Administrative Official:

☐ Casino Reinvestment Development Authority, Division of Land Use and Regulatory Enforcement, 15 S Pennsylvania Avenue, Atlantic City, NJ 08401,

OR

☐ City of Atlantic City

and are available for inspection Monday through Friday, 9:00 a.m. to 5:00 p.m.

This notice is given in compliance with the requirements of Section 163-198 of the Land Use Development Code of the City of Atlantic City, NJAC 19:66-14.1 of the Tourism District Land Development Rules and the N.J.S.A. 40:55D-12.

Name of Applicant: _____

Publication Date: _____

AFFIDAVIT OF SERVICE

I, _____ of full age, being duly sworn according to law upon oath depose and say:

1) That on , _____, 20____ , which was at least ten (10) days prior to the hearing date, did give notice by personal service or certified mail to all property owners within 200 feet of the premises located on Block(s) _____ Lot(s) _____. All as shown on the tax map of the City of Atlantic City, County of Atlantic, and State of New Jersey. The premises are further identified as _____ (street address). In addition, notice was provided by personal service or certified mail to Public Utilities, Cable Television Companies and Local Utilities, as required by law, the City of Atlantic City and the Atlantic County Planning Board.

2) Notices were also served upon (Check if applicable):

- ☐ State Planning Commission
- ☐ New Jersey Department of Transportation
- ☐ Clerk of Adjoining Municipalities

3) A copy of said notice is attached hereto and marked "Exhibit A".

4) Notice was also published in the Press of Atlantic City, Legal Section. A copy of the Affidavit of Publication is attached hereto and marked "Exhibit B".

5) A copy of the certified list of property owners within 200 feet of the premises provided by the City of Atlantic City is also attached hereto and marked "Exhibit C"

Signature of Applicant _____

Sworn and subscribed to

before me this _____ day of _____, 20____

**Project Narrative
The THC Shop LLC
1740 Atlantic Avenue, Block 156 Lot 1**

The Applicant, The THC Shop LLC, is seeking minor site plan approval in order to permit the operation of a retail cannabis business pursuant to a Class 5 cannabis license within a portion of the existing building at 1740 Atlantic Avenue also known as Lot 1 in Block 156 (the "Property"). Additionally, the Applicant is seeking variances for the number of projecting signs proposed at the site and the total number of signs at the site. The site contains multiple existing nonconforming conditions, including building coverage, impervious coverage, number of onsite parking spaces, and onsite loading, as further described below and in the zoning conformance schedule on the site plan prepared by Sciuillo Engineering Services LLC. The Property is located on the corner of Atlantic Avenue and S. Indiana Avenue. The Property is located in the CBD zone, the Tourism District and the Green Zone Redevelopment Area.

The proposed retail cannabis shop will be located in a portion of the existing building. The existing building is mixed-use and is currently the site of the Popeye's Louisiana Kitchen restaurant and residential dwelling units. The Applicant's lease is for a 2,353 square foot area of retail space where the proposed use will be located plus 330 square feet of storage space. No changes to the building are proposed other than signage replacement and interior renovations. Any building improvements will comply with Section 5.1.2.d of the Green Zone Redevelopment Plan.

The City of Atlantic City adopted Resolution No. 497 supporting the suitability and appropriateness of the location and acknowledged that it has authorized the Class 5 license that is being sought by the Applicant. The Applicant also received a Zoning Determination from the CRDA as well as a Letter of Support from the Mayor.

The project results in the following building data:

	Permitted	Existing	Proposed	Conforming
Use	Retail	Retail	Retail Cannabis	Yes
Principal Building Height	65' above BFE Max.	<65'	<65'	Yes
Lot Area	5,000 SF Min.	7,800 SF	7,800 SF	Yes
Lot Depth	100' Min.	130'	130'	Yes
Lot Width	50' Min.	60'	60'	Yes
Lot Frontage	50' Min.	60'	60'	Yes
Building Coverage	30% Max.	100%	100%	ENC
Impervious Coverage	80% Max.	100%	100%	ENC
Front Yard Setback	5' Min.	0'	0'	ENC
Side Yard Setback	0' Min.	0'	0'	Yes
Rear Yard Setback	20' Min.	0'	0'	ENC
Floor Area Ratio	N/A	N/A	N/A	N/A
Open Space	N/A	N/A	N/A	N/A
Onsite Parking	1 Space/300 SF of Floor Area Min.	0 Spaces	0 Spaces	ENC
Onsite Loading	1 Min.	0	0	ENC
Number of Wall Signs	2	4	2	Yes*
Number of Awnings, Canopies or Marquee Signs	1	0	0	Yes

Number of Projecting Signs	1	0	2	No
Number of Window Signs	1	Up to 5	0	Yes
Number of Billboard Signs	1	N/A	N/A	N/A
Total Area of All Wall Signs	25% of Wall Surface per Elevation	<25% of Façade Area	<25% of Façade Area	Yes
Total Area of Electronic Billboard Sign	650 SF	N/A	N/A	N/A
Max. Awning, Canopy or Marquee Sign Height	20'	N/A	<20'	Yes
Projecting Sign Height	20'	N/A	<20'	Yes
Ground Height	5'	N/A	N/A	N/A
Pole Sign Height	20'	N/A	N/A	N/A
Wall Sign Height	Roofline	Below Roofline	Below Roofline	Yes
Electronic Billboard Sign Height	40'	N/A	N/A	N/A
Ground, Pole and Electronic Billboard Setback	5'	N/A	N/A	N/A
Signs per Site	2	2	4	No

ENC indicates existing nonconforming condition

*Nonconforming condition removed

The Applicant is seeking the following:

1. Minor site plan approval pursuant to the Land Use Development Ordinance of the City of Atlantic City, the CRDA Tourism District Land Development Rules, the Green Zone Redevelopment Plan, and the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-46 and N.J.S.A. 40:55D-50;
2. Variance relief from the Land Use Development Ordinance of the City of Atlantic City, the CRDA Tourism District Land Development Rules, the Green Zone Redevelopment Plan, and the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-70(c), as follows:
 - a. Maximum number of projecting signs on site, wherein 1 projecting sign is permitted, 0 projecting signs exist and 2 projecting signs are proposed;
 - b. Maximum number of signs on site, wherein 2 signs are permitted under the Green Zone Redevelopment Plan, 2 signs exist and 4 signs are proposed;
 - c. Maximum permitted building coverage, wherein 30% is permitted and 100% exists which is a preexisting nonconforming condition and will not change as a result of the proposed project;
 - d. Maximum permitted impervious coverage, wherein 80% is permitted and 100% exists, which is a preexisting nonconforming condition and will not change as a result of the proposed project;
 - e. Minimum required onsite parking, wherein 1 space is required per 300 square feet of floor area, and zero spaces exist, which is a preexisting nonconforming condition and will not change as a result of the proposed project;
 - f. Minimum onsite loading, wherein 1 onsite loading space is required, and zero onsite loading spaces exist, which is a preexisting nonconforming condition and will not change as a result of the proposed project.

3. Any other bulk, dimensional and accessory variance relief or exceptions from the Land Use Development Ordinance of the City of Atlantic City, the CRDA Tourism District Land Development Rules, the Green Zone Redevelopment Plan, and the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-70(c), which may be required, including, but not limited to, side yard setbacks, front yard setbacks, rear yard setbacks, building coverage, lot coverage, building height, number of stories, curb cuts, and parking at the Property in conjunction with the Residential Site Improvement Standard; and
4. The Applicant may also apply for such variance relief, exceptions, waivers, permits, approvals or licenses that are deemed necessary or appropriate by the Applicant or the Board, which may arise during the course of the hearing process.

Under the c(2) or flexible standards, variances can be granted where there is no substantial detriment to the public good, the purposes of the MLUL would be advanced by the requested deviation from the requirements of the zoning ordinance, and the benefits of the deviation would substantially outweigh any possible detriment. Usually these planning benefits relate to zoning scheme, existing development patterns on surrounding lots. Basically, the purposes of the Municipal Land Use Law (MLUL) would be advanced by a deviation from the literal requirements of the zoning ordinance. This is the essence of a c-2 or flexible variance.

This application can be granted without substantial detriment to the public good because it satisfies multiple of the purposes of zoning or positive criteria found in N.J.S.A. 40:55D-2. Sixteen purposes are stated in letters a through p. This application advances the purposes listed in letters a, e, g and i, as well as preservation of the neighborhood character and aesthetics. The rationale is listed below:

The first purpose "a" is to promote the public health, safety, and general welfare. The property is located in the Green Zone Redevelopment Area, where the proposed use is permitted. Public health, safety and general welfare are preserved as the size and location of the site is appropriate for the proposed use. The retail space is of sufficient size for the proposed use. The proposed use will advance the purpose of the Green Zone Redevelopment Plan, which is to create "additional incentives for private investment and tourism in Atlantic City with the introduction of recreational cannabis, and to support the revitalization, economic diversification, and the investment of private capital in the City's main commercial and tourism corridors." The proposed project advances the Green Zone Redevelopment Plan's goals of diversifying retail opportunities, recapturing disposable income and providing employment opportunities for local residents. By contributing to the City's goals surrounding cannabis for economic development, the proposed project promotes the general welfare. As stated in the redevelopment plan, increased commercial occupancy, sought partially through new cannabis businesses, will increase pedestrian traffic with collateral reduction in crime. The proposed use will not create any odor and adequate security measures will be implemented. Moreover, no schools are located within 200 feet of the Property and no other cannabis facilities are located within 20 feet of the Property.

The second purpose "g" is to provide sufficient space in a variety of locations for a variety of uses. The proposed use will add to the variety of retail uses in the surrounding area while remaining in character with the surrounding neighborhood. The surrounding area currently

consists of retail stores, restaurants and fast food, hair and nail salons, liquor stores, offices, and mixed use commercial/residential buildings. The proposed use will be located in a mixed use structure. The proposed use will not negatively impact the residential dwelling units at the Property. The proposed use will bring new foot traffic to this section of Atlantic Avenue, generating business for nearby businesses.

The third purpose "i" is to promote a desirable visual environment through creative development techniques and good civic design and arrangements. The proposed project will be an upgrade and enhancement for the Property as it presently exists. The proposed improvements will result in an updated appearance for the existing property and thereby an updated appearance for the neighborhood. The project does not involve any structural changes to the existing building. Nevertheless, the interior and façade improvements will demonstrate creative development techniques and good civic design and arrangements. The project contributes to advancing the Green Zone Redevelopment Plan's goals of improving existing storefront facades and ensuring property maintenance. Despite the need for variance relief for the number of projecting signs and total number of signs on site, the proposed number of signs is appropriate for the size and corner configuration of the Property, as the structure has two street facing walls. Moreover, the proposed design reduces the total number of wall signs from 4 to 2, removing an existing nonconformity. Additionally, despite the need for variances related to signage, the proposed signage is compliant with the percentage of wall area used for signage. The design will be consistent with the façade and design standards of the redevelopment plan. The improvements will provide for a desirable visual environment for the immediate surrounding neighborhood and the City as a whole.

When the proposed construction is viewed on the whole, it will also contribute to the preservation of the neighborhood character and aesthetics. These are two (2) additional purposes of zoning held by the Courts to be appropriate in consideration of variance relief.

With respect to the negative criteria, the proposed development as stated previously, will not meet certain criteria contained in the Zoning Ordinance. However, the Applicant is proposing an enhancement to this property. The requested relief will not substantially impact any other surrounding property owners. It also will not substantially impact the zone plan or the Zoning Ordinance. The benefits of granting the requested variances will outweigh any potential negative impacts as a result of the proposed improvements.

LEGAL NOTICE

PLEASE TAKE NOTICE that the undersigned, The THC Shop LLC (the "Applicant") has made application to the Casino Reinvestment Development Authority (the "CRDA") for a property commonly known as 1740 Atlantic Avenue, Atlantic City, New Jersey 08401, and more specifically designated as Lot 1 in Block 156 (the "Property") on the Tax and Assessment Map of the City of Atlantic City, Atlantic County, New Jersey, in order to permit the operation of a retail cannabis business pursuant to a Class 5 cannabis license at a portion of the existing building at the Property. The Property is located in the CBD zone and the Green Zone Redevelopment Area. The Applicant is seeking the following:

1. Minor site plan approval pursuant to the Land Use Development Ordinance of the City of Atlantic City, the CRDA Tourism District Land Development Rules, the Green Zone Redevelopment Plan, and the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-46 and N.J.S.A. 40:55D-50;
2. Variance relief from the Land Use Development Ordinance of the City of Atlantic City, the CRDA Tourism District Land Development Rules, the Green Zone Redevelopment Plan, and the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-70(c), as follows:
 - a. Maximum number of projecting signs on site, wherein 1 projecting sign is permitted, 0 projecting signs exist and 2 projecting signs are proposed;
 - b. Maximum number of signs on site, wherein 2 signs are permitted under the Green Zone Redevelopment Plan, 2 signs exist and 4 signs are proposed;
 - c. Maximum permitted building coverage, wherein 30% is permitted and 100% exists which is a preexisting nonconforming condition and will not change as a result of the proposed project;
 - d. Maximum permitted impervious coverage, wherein 80% is permitted and 100% exists, which is a preexisting nonconforming condition and will not change as a result of the proposed project;
 - e. Minimum required onsite parking, wherein 1 space is required per 300 square feet of floor area, and zero spaces exist, which is a preexisting nonconforming condition and will not change as a result of the proposed project;
 - f. Minimum onsite loading, wherein 1 onsite loading space is required, and zero onsite loading spaces exist, which is a preexisting nonconforming condition and will not change as a result of the proposed project.
3. Any other bulk, dimensional and accessory variance relief or exceptions from the Land Use Development Ordinance of the City of Atlantic City, the CRDA Tourism District Land Development Rules, the Green Zone Redevelopment Plan, and the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-70(c), which may be required, including, but not limited to, side yard setbacks, front yard setbacks, rear yard setbacks, building coverage, lot coverage, building height, number of stories, curb cuts, and parking at the Property in conjunction with the Residential Site Improvement Standard; and

4. The Applicant may also apply for such variance relief, exceptions, waivers, permits, approvals or licenses that are deemed necessary or appropriate by the Applicant or the Board, which may arise during the course of the hearing process.

The application is now on the calendar of the CRDA. The initial public hearing has been set for _____TBD_____, 2023 at 10:00 a.m. in the Board Room of the CRDA located at 15 South Pennsylvania Avenue, Atlantic City, NJ 08401. Any person affected by this application will have the opportunity to present any objections to the proposed development. All documents relating to this application may be inspected by the public Monday through Friday, between the hours of 9:00 a.m. and 5:00 p.m. with the Land Use Administrative official, Casino Reinvestment Development Authority, Division of Land Use and Regulatory Enforcement, 15 South Pennsylvania Avenue, Atlantic City, NJ 08401.

KINGBARNES, LLC

Jeffrey P. Barnes/S/

Jeffrey P. Barnes, Esquire on behalf of
The THC Shop LLC

Dated: June 26, 2023

**AFFIDAVIT OF PUBLICATION AND SERVICE
THE THC SHOP LLC
CASINO REINVESTMENT DEVELOPMENT AUTHORITY
LAND USE REGULATION AND ENFORCEMENT DIVISION
CITY OF ATLANTIC CITY, ATLANTIC COUNTY, NEW JERSEY**

I, Jeffrey P. Barnes, Esquire, being of full age and being duly sworn according to law deposes and says:

1. I am an attorney-at-law of New Jersey and a partner of the law firm of KingBarnes, LLC, 2600 New Road, Northfield, New Jersey, attorneys for The THC Shop LLC, who has made application to the Casino Reinvestment Development Authority (the "CRDA") for a property commonly known as 1740 Atlantic Avenue, Atlantic City, New Jersey, and more specifically designated as Lot 1 in Block 156 (the "Property") on the Tax and Assessment Map of the City of Atlantic City, Atlantic County, New Jersey, in order to permit the operation of a retail cannabis business pursuant to a Class 5 cannabis license at a portion of the existing building at the Property. The Property is located in the CBD zone, the Tourism District and the Green Zone Redevelopment Area.

2. The public hearing in connection with this application is scheduled for _____: TBD _____ at 10:00 a.m.

3. With regard to public notice, the undersigned obtained a radius list from the City of Atlantic City which listed all property owners and interested parties within 200 feet of the Property in the City of Atlantic City as well as a listing of all utility companies and other interested parties that are entitled to a notice of the hearing, such as public utilities, cable television companies, local utilities, the City of Atlantic City and the Atlantic County Planning Board. A true copy of the list is attached hereto as **Exhibit "A"**.

4. On _____TBD_____, which was at least 10 days prior to the hearing date, representatives of my office mailed to all property owners on the City of Atlantic City Radius List within 200 feet of the subject property and to all of the utility companies, and other interested parties entitled to notice by Certified Mail, Return Receipt Requested, a Notice of Hearing for the CRDA that the Applicant was seeking the following:

- a. Minor site plan approval pursuant to the Land Use Development Ordinance of the City of Atlantic City, the CRDA Tourism District Land Development Rules, the Green Zone Redevelopment Plan, and the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-46 and N.J.S.A. 40:55D-50;
- b. Variance relief from the Land Use Development Ordinance of the City of Atlantic City, the CRDA Tourism District Land Development Rules, the Green Zone Redevelopment Plan, and the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-70(c), as follows:
 - i. Maximum number of projecting signs on site, wherein 1 projecting sign is permitted, 0 projecting signs exist and 2 projecting signs are proposed;
 - ii. Maximum number of signs on site, wherein 2 signs are permitted under the Green Zone Redevelopment Plan, 2 signs exist and 4 signs are proposed;
 - iii. Maximum permitted building coverage, wherein 30% is permitted and 100% exists which is a preexisting nonconforming condition and will not change as a result of the proposed project;
 - iv. Maximum permitted impervious coverage, wherein 80% is permitted and 100% exists, which is a preexisting nonconforming condition and will not change as a result of the proposed project;
 - v. Minimum required onsite parking, wherein 1 space is required per 300 square feet of floor area, and zero spaces exist, which is a preexisting nonconforming condition and will not change as a result of the proposed project;
 - vi. Minimum onsite loading, wherein 1 onsite loading space is required, and zero onsite loading spaces exist, which is a preexisting nonconforming condition and will not change as a result of the proposed project.
- c. Any other bulk, dimensional and accessory variance relief or exceptions from the Land Use Development Ordinance of the City of Atlantic City, the CRDA Tourism District Land Development Rules, the Green Zone Redevelopment Plan, and the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-70(c), which may be required, including, but not limited to, side yard setbacks, front yard setbacks, rear yard setbacks, building coverage, lot coverage, building height, number of stories, curb cuts, and parking at the Property in conjunction with the Residential Site Improvement Standard; and
- d. The Applicant may also apply for such variance relief, exceptions, waivers, permits, approvals or licenses that are deemed necessary or appropriate by the Applicant or the Board, which may arise during the course of the hearing process.

A copy of said notice is attached hereto to as **Exhibit "B"**. The original white certified mail postal receipts are attached hereto as **Exhibit "C"**.

5. With regard to the requirement for publication in a newspaper of general circulation, attached hereto as **Exhibit "D"** is a copy of the Affidavit of Publication from the Press of Atlantic City, for the Notice having been published on _____TBD_____.

Jeffrey P. Barnes, Esquire

Sworn and subscribed to before me this ____ day
of _____, 2023.



15 South Pennsylvania Avenue

Atlantic City, NJ 08401

NJ CRDA – City of Atlantic City - Minor Site Plan Checklist (Form # 5)

(An Application for Development that does not exceed one acre in size, maximum building gross floor area of 10,000 square feet, a maximum of three stories and no more than twenty-five parking spaces)

REQUIRED APPLICATION ITEMS

Project Name: The THC Shop Application # _____

Prepared by: Jason Sciuillo, Sciuillo Engineering Services Title Principal Engineer date _____

Note : Five (5) copies of plans and supporting documents are required as the initial submission. Ten (10) copies of plans are required for final sign-off and distribution.

Item #	Description	REQUIRED	SUBMITTED	WAIVER REQUESTED BY APPLICANT	Waiver Recommended by Reviewer
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.				
5	Name, signature, license number, seal and address of each professional consultant, as applicable, involved in preparation of required documents.	X	X		
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	X		
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	N/A		
19	List of approvals or permits required by other regulatory authorities having jurisdiction and the status of same.	X	N/A		

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, site lighting/fixtures, 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	
21	Stormwater management plans and drainage calculations. (19:66-7.5)	X	N/A		
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	
24	Landscaping Plan, details and plant schedule (19:66-7.6)	X		X	
25	Lighting plan and details (19:66-7.10)	X		X	
26	Soil Erosion and Sediment Control Plan. (Required for soil disturbance of 5,000 sq. ft. or greater)	X		X	

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	
28	Road and paving cross-sections and profiles.	X		X	
29	Solid and liquid waste management plan.	X	X		
30	Vehicular and pedestrian circulation patterns, Traffic control signs, directional signs and Sight triangles	X	X		
31	Preliminary architectural plan and elevations, and areas and type of each proposed use.	X	X		
32	Estimate of costs of on-site and off-site improvements [19:66-3.4 (b)]	X		X	
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	



15 South Pennsylvania Avenue

Atlantic City, NJ 08401

NJ CRDA – City of Atlantic City – “c” Variance Checklist (Form #12)

REQUIRED APPLICATION ITEMS

Project Name: The THC Shop Application # _____

Prepared by: Jason Sciuillo, Sciuillo Engineering Services Title Principal Engineer date _____

Note : Five (5) copies of plans and supporting documents are required as the initial submission. Ten (10) copies of plans are required for final sign-off and distribution.

Item #	Description	REQUIRED	SUBMITTED	WAIVER REQUESTED BY APPLICANT	Waiver Recommended by Reviewer
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	X		
5	Name, signature, license number, seal and address of each professional consultant, as applicable, involved in preparation of required documents.	X	X		
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	X	X		

	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.				
12	Certified List of Property Owners within 200' Radius of the subject property by City of Atlantic City Tax assessor's Office.	X	X		
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	N/A		
19	List of approvals or permits required by other regulatory authorities having jurisdiction and the status of same.	X	N/A		
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	

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		
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		