



# Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

## EXHIBIT "A" TO RESOLUTION 23- , ADOPTED 9/19/2023

**TO:** Members of the Authority

**FROM:** Lance B. Landgraf, Jr., Land Use Hearing Officer

**COPY:** Sean Pattwell, Executive Director

**SUBJECT:** Hearing Officer's Report and Recommendation  
Application #2022-11-3329  
Baking Bad Group, Inc.  
Minor Site Plan Approval  
2834 Atlantic Avenue  
Block 176, Lot 1  
Central Business (CB) Zoning District  
Green Zone Redevelopment Area

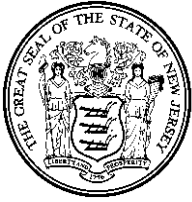
**DATE:** August 21, 2023

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### EXECUTIVE SUMMARY

On July 20, 2023, the Casino Reinvestment Development Authority (the "Authority") heard testimony and public comment on the above-subject application. The Applicant, Baking Bad Group, Inc. (the "Applicant"), seeks Minor Site Plan Approval to permit the operation of a Class 5 micro-dispensary for the sale of adult use recreational cannabis at the subject property. The facility will occupy a portion of the retail space on the ground floor of the existing Brighton Towers. Other than signage, no physical changes to the exterior of the building are proposed.

The Applicant demonstrated by evidence and testimony that the development proposal generally conforms to the site plan standards and technical requirements of the Authority's Tourism District Land Development Rules. Therefore, for the reasons more fully outlined below, the Hearing Officer recommends that the Application be approved by the Authority.



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## INTRODUCTION

### Application Information

Baking Bad Group, Inc.  
Minor Site Plan Approval  
2834 Atlantic Avenue  
Block 176, Lot 1  
Central Business (CB) Zoning District  
Green Zone Redevelopment Area

A hearing on the Application was conducted in accordance with the requirements of the Open Public Meetings Act, the Municipal Land Use Law and P.L. 2011, c. 18.

The Applicant seeks Minor Site Plan Approval to permit the operation of a Class 5 micro-dispensary for the sale of adult use recreational cannabis at the subject property. The facility will occupy a portion of the retail space on the ground floor of the existing Brighton Towers. Other than signage, no physical changes to the exterior of the building are proposed.

### Evidence List

- A-1 Application Materials
- B-1 Letter from ARH Associates dated June 29, 2023

## FINDINGS OF FACT

The Applicant seeks Minor Site Plan Approval to permit the operation of a Class 5 micro-dispensary for the sale of adult use recreational cannabis at the subject property. The facility will occupy a portion of the retail space on the ground floor of the existing Brighton Towers. Other than signage, no physical changes to the exterior of the building are proposed.

The attorney for the Applicant, Christopher Baylinson, Esq., introduced the application generally and provided background regarding the specific relief sought by the Applicant.

The Applicant presented the testimony of Dominique Landry, who is a consultant for the Applicant. Ms. Landry provided testimony regarding the location of the site, existing conditions and the development proposal, including layout, operations, ingress and egress and security. She noted that there is ample interior space for customers to que inside the facility rather than on the street. Ms. Landry testified that inventory and cash will be loaded



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and unloaded through a secure door at the rear of the site, and there will be a designated loading space. She explained that customers could place orders remotely and pick up purchases at a “quick pick-up window”. She testified that there will be no curb-side pick-up or on-site consumption of cannabis products. Ms. Landry explained that trash will be stored inside of the building and disposed of in accordance with the Brighton Towers condominium procedures. She testified that the Applicant anticipates being open from 10 am until 8 pm daily, or as permitted under City ordinances.

The Applicant presented the testimony of Micheal Reid, who is a consultant for the Applicant. Mr. Reid provided testimony regarding proposed interior design and upgrades to plumbing, electrical and HVAC systems. He noted that the Applicant intends to hire local residents to staff the operation.

The Applicant presented the testimony of Tiffany Morrisey, P.P., who was qualified as an expert in the field of professional planning. Ms. Morrisey explained that the Applicant intends to refit the interior of an existing commercial space. She testified that the property has several pre-existing, non-conforming conditions that are not exacerbated or impacted by the development proposal. Although there is a grand-fathered parking shortfall, she testified that there is amply on-street and surface lot parking available to meet the Applicant’s parking needs.

Justin Auciello, P.P. was qualified as an expert in the field of professional planning and provided testimony on behalf of the Authority. Carolyn A. Faigin, P.E. was qualified as an expert in professional engineering and provided testimony on behalf of the Authority. In response to questioning by Authority staff and consultants, the Applicant to provide detailed lighting and signage plans, a survey depicting the location of parking and loading areas and awning signs, as well as evidence of a license from the City for the awning signs to encroach into the public right of way, as a condition of any approval. Mr. Auciello and Ms. Feigin supported approval of the Application.

Finally, the Applicant agreed to the following as a condition of any approval:

- Comply with all standards and requirements of the Green Zone Redevelopment Plan, including architectural standards. These items will be reviewed by the City of Atlantic City.
- Provide security on site at least one hour prior to the daily opening to manage crowds.
- Have its security plan approved by the Atlantic City Police Department.
- Make all security cameras subject to monitoring by the Atlantic City Police Department.
- Comply with all requirements of the Cannabis Regulatory Commission.



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- The applicant will obtain a revocable license from the City of Atlantic City for the existing awning that extends over the property line into the city's right of way.

Several members of the public appeared and offered public comment in opposition to the application.

### **CONCLUSIONS OF LAW**

#### **Minor Site Plan Approval**

A land use agency's authority in reviewing an application for site plan approval is limited to determining whether the development plan conforms to the zoning ordinance and the applicable provisions of the site plan ordinance. See Pizzo Mantin Group v. Township of Randolph, 137 N.J. 216 (1994).

Here, based on the evidence and testimony, the Applicant has demonstrated that development plan generally conforms to the site plan standards and technical requirements of the Tourism District Land Development Rules.

### **RECOMMENDATION**

For all of the foregoing reasons, the Hearing Officer recommends that the Application for Minor Site Plan Approval to permit the operation of a Class 5 micro-dispensary for the sale of adult use recreational cannabis at the subject property be approved. The grant of approval of this Application shall be expressly conditioned upon the Applicant complying with all conditions of prior approvals, satisfying all representations made by the Applicant or by others on its behalf during the course of the hearing on this matter before the Hearing Officer.

The grant of approval shall be further conditioned upon compliance with all applicable requirements of the Tourism District Land Development Rules, Atlantic City Ordinances, and the requirements of any City agency, board or authority. Any approval granted in accordance herewith shall be further expressly conditioned upon the Applicant obtaining all other necessary governmental approvals, and compliance with all Federal, State and local laws.