



**Principals**  
Richard Rehmann, GISP  
Richard Heggan, PLS, PP  
Jeffery MacPhee, PLS

June 29, 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  
Baking Bad Group Inc.  
2834 Atlantic Avenue units C1 and C2  
Block 176, Lot 1  
Atlantic City, NJ 08401  
CRDA Application #: 2022-11-3329  
ARH File: 24-10083

Dear Mr. Landgraf:

**ARH ASSOCIATES** has received the above captioned Application for review. The Applicant seeks Minor Site Plan approval.

Block 176, Lot 1 is located in Atlantic City's Central Business District (CBD). It is proposed that interior of the property is to be renovated and operate as a retail cannabis dispensary. The property is currently known as Brighton Towers, with retail space throughout the first floor and residential above.

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/APPLICANT**

Baking Bad Group Inc.  
2834 Atlantic Avenue, Units C1 and C2, Atlantic City, NJ 08401  
Email: [bakingbadgroupinc@gmail.com](mailto:bakingbadgroupinc@gmail.com)  
Phone: 267-908-9166

### **ARH Associates**

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Tinton Falls Office – 97 Apple Street – Suite 1 – Tinton Falls, NJ 07724 – 609.561.0482 – fax 609.567.8909

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**II. SUBMITTALS**

TITLE / DESCRIPTION	PREPARED / SIGNED / SEALED BY	DATE	DATE LAST REVISED
Cover letter	Perskie, Mairone, Brog, Barrera & Baylinson Counselors at Law	06/08/2023	
Minor Site Plan Checklist (Form #5)	Christopher M. Baylinson Esq.	06/07/2023	
CRDA Land Use Application	Owner / Applicant	undated	
Escrow Setup Information		undated	
Photographs of Site		05/19/2023	
200 ft Owners Notice	City of Atlantic City	05/16/2023	
Map of Area			
Utility Companies that Service Area		Undated	
Architectural Plans	Colliers Engineering & Design Unsigned	03/20/2023	
Deed to Property	Michael R. Mosca, Esq.	12/14/2022	

**III. CHECKLISTS**

The following addresses conformance with the CRDA’s list of Required Application items for Minor Site Plan Checklist (form #5) 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	Waiver Recommended by Reviewer
4	Proof of real estate taxes and other assessments paid.	X	TBP		
5	Name, signature, license number, seal and address of each professional consultant, as applicable, involved in preparation of required documents.	X			
7	Title block denoting type of application, tax map sheet, project address, block and lot, and street location.	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	

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ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver Recommended by Reviewer
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	
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	
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 encloser, 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	
25	Lighting Plan and details (19:66-7.10)	X		X	
28	Road and paving cross-sections and profiles.	X		X	
29	Solid and liquid waste management plan.	X		X	

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Land Use Application  
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 Block 176, Lot 1  
 Atlantic City, NJ 08401  
 ARH File: 24-10083  
**Page 4**

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver Recommended by Reviewer
30	Vehicular and pedestrian circulation patterns, Traffic control signs, directional signs and Sight triangles	X		X	

**IV. BULK REQUIREMENTS, CENTRAL BUSINESS DISTRICT (CBD)**

Standard	Required	Existing	Proposed	Complies?
Maximum Height (measured from BFE), Principal Structure (FT)	65	Not Specified	NC	Not Specified
Maximum Height (measured from BFE), Accessory Structure (FT)	35	Not Specified	NC	Not Specified
Minimum Lot Area (SF)	5,000	2,980	NC	ENC
Minimum Lot Depth (FT)	100	Not Specified	NC	Not Specified
Minimum Lot Width (FT)	50	Not Specified	NC	Not Specified
Minimum Lot Frontage – Atlantic Ave (FT)	50	Not Specified	NC	Not Specified
Minimum Lot Frontage – Brighton Ave (FT)	50	Not Specified	NC	Not Specified
Maximum Building Coverage (%)	30	Not Specified	NC	Not Specified
Maximum Impervious Coverage (%)	80	Not Specified	NC	Not Specified
Minimum Front Yard (FT)	5	Not Specified	NC	Not Specified
Minimum Rear Yard	20	Not Specified	NC	Not Specified
Minimum Side Yard	0	Not Specified	NC	Not Specified
Parking	6	0	0	ENC/V
Number of Awning Signs Per Street Frontage	1	N/A	1	Yes
Maximum Awning Sign Height (FT)	20	N/A	<20	Yes

**C = COMPLIES**

**ENC = EXISTING NON-CONFORMING CONDITION**

**LIC = LICENSE AGREEMENT REQUIRED**

**NC = NO CHANGE FROM EXISTING**

**VG = VARIANCE GRANTED**

**V = VARIANCE REQUIRED**

The Applicant has omitted information regarding compliance with the bulk standards of the Central Business District. Identification of any existing non-conforming condition shall be provided in testimony.

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## **V. REVIEW OF PLANS**

### a. Checklist Waivers (Form #5):

1. The applicant has requested the following waivers:
  - i. Item 7: Title Block
  - ii. Item 14: North Arrow
  - iii. Item 15: Signature Blocks
  - iv. Item 16: Key Maps
  - v. Item 20: Land Title Survey
  - vi. Item 21: Stormwater Management Plans and Calculations
  - vii. Item 22: Site Plan
  - viii. Item 23: Grading Plan
  - ix. Item 24: Landscaping Plan
  - x. Item 25: Lighting Plan
  - xi. Item 27: Utility Plan
  - xii. Item 28: Road Cross-Sections and Profiles
  - xiii. Item 29: Waste Management Plan
  - xiv. Item 30: Traffic Pattern

Our office has no objection to these waivers shall the board decide to grant them. Given the nature of the project where most of the work will be performed within the building, these items are not necessary for review and/or approval. However, an understanding of any existing non-conforming conditions must be provided so that they can properly be recorded.

### b. Zoning:

1. The Application form provided only refers to the property as located within the NC-2 Zoning District. The NC-2 is the City's general zone and is not applicable to this Authority's review of the application. The subject property is located within the Central Business District (CBD) as part of the City's Tourism District.
2. The Applicant has omitted information regarding conformance with the bulk requirements of the CBD District. Existing non-conforming conditions shall be identified in testimony, and it should be confirmed that no proposed improvements exacerbate an existing non-conforming condition.

### c. Green Zone Redevelopment Plan

1. On page 5 of the Application form, the Applicant requests variance relief from the Green Zone Redevelopment Ordinance; however, no section is referenced nor is justification provided. The Applicant shall clarify this request in testimony.
2. The Applicant shall provide compliance with all minimum required separation distances from this use to schools, parks, etc.

3. The Applicant shall provide testimony in regard to the proposed awning and building façade modifications to ensure compliance with the Green Zone Redevelopment Plan.
- d. Parking
    1. Per NJAC 19:66-5.8(b)1, retail uses require 1 parking space for each 300 square feet of floor area; therefore, six (6) parking spaces are required ( $\pm 1,800$  total square feet). No parking is proposed as part of this application. The Applicant shall provide testimony regarding how parking will be accommodated and the adequacy of existing parking within the area. It appears that parking is located at the rear of the building, however, it is unclear if this parking is permitted for the retail uses.
  - e. Loading
    1. Per NJAC 19:66-5.8(c)1, a loading zone is not required for buildings under 10,000 SF, however, testimony shall be provided regarding how site deliveries will be accommodated, specifically where delivery vehicles will unload, what size vehicles and the expected time of deliveries, to ensure pedestrian and vehicular safety.
  - f. Lighting
    1. The Applicant has requested a waiver from providing a Lighting Plan. Testimony shall be provided regarding the adequacy and safety of the existing site lighting and if any additional exterior features are proposed. Site lighting shall be provided in accordance with NJAC 19:66-7.10 and the standards of the Green Zone Redevelopment Plan.
  - g. Signage
    1. The Applicant is proposing the company logo to be displayed on the proposed awning for both street frontages. This signage is compliant with NJAC 19:66-5.7(j) and the Green Zone Redevelopment Plan. The Applicant shall confirm if any other signage is proposed as part of this Application.
  - h. Utilities
    1. The Applicant shall confirm if there will be any modifications to the existing utilities as part of this Application.
  - i. Miscellaneous
    1. The submitted Architectural plans and renderings are unsigned, unsealed and do not provide the name and information regarding the professional consultant that prepared them. Signed and sealed plans with appropriate title block must be provided.
    2. The Applicant shall provide testimony regarding trash collection and the location of trash receptacles/trash room on the interior and exterior of the building. It is required that trash is handled internally, and the floor plans do not designate any trash locations.
    3. The applicant shall provide testimony regarding the hours of operation, number of employees, and a general business statement of operations, including security.

Land Use Application  
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ARH File: 24-10083  
**Page 7**

## **COFONE CONSULTING GROUP PLANNING COMMENTS**

### **Zoning Compliance**

The property is located within the Green Zone Redevelopment Area, encompassing the CBD Central Business 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.

The engineering review portion of this letter lists required variance relief, if applicable.

### **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” variances, 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 states that no "c" variances are required since "Baking Bad is occupying an existing established retail space which is grandfathered as to all existing conditions." The inference from this statement is that there are existing non-conformities on the site; however, without a zoning compliance schedule and land title survey it is impossible to determine the non-conformities and the degree of non-compliance. The Applicant should provide testimony about existing non-

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conformities and submit a zoning schedule and land title survey as a condition of approval.

- 2) The Applicant's professional planner shall provide the required statutory proofs for any required variance relief.
- 3) The Applicant shall provide detailed testimony on the operation of the business, with a specific focus on product storage, patron access, on-site product consumption, security, etc.
- 4) 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, awnings, cornices, signage, and security.
- 5) The Applicant's engineer shall provide testimony about the functionality and type of the existing and proposed (if any) site lighting and refuse storage and collection.
- 6) The Applicant's engineer or architect shall provide testimony about the proposed signage, which appears to be part of the proposed entry canopies, including dimensions and illumination.
- 7) We note that there is off-site parking available throughout the area, as well as a well-defined pedestrian circulation network along with the availability of public transit and ride-sharing.
- 8) 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.
- 9) The Applicant shall comply with the conditions of all previous approvals received for the site.
- 10) 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 all required information and 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.**

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ARH File: 24-10083

**Page 9**

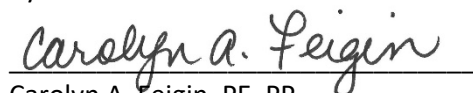
**C. Contact the Board Secretary to reconcile any outstanding review escrow accounts prior to Final Plan Certification, Signature, or the issuance of building permits, as applicable.**

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**

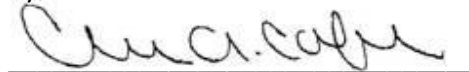
By



Carolyn A. Feigin, PE, PP  
CRDA Consulting Engineer

**COFONE CONSULTING GROUP**

By



Christine A. Nazzaro-Cofone, AICP, PP  
CRDA Consulting Planner

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