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September 14, 2023
31623 45

Re: The THC Shop, LLC, (CRDA Application #2023-01-3383)
Minor Site Plan w/ Variances
Review #1
Block 156, Lot 29
1740 Atlantic Avenue
Atlantic City, NJ, 08401

Lance B. Landgraf, Jr., AICP, PP, Director of Planning & Development
Casino Reinvestment Development Authority
15 South Pennsylvania Avenue
Atlantic City, NJ 08401

Dear Mr. Landgraf:

An Application for a Minor Site Plan with Variances has been received for the subject premise:

Applicant Information

- Applicant: The THC Shop, LLC
Attn: Karen Melchionda
1 Maple Shade Drive
Whippany, NJ 07981
- Owner: Chelsea Atlantic Equities, LLC,
c/o Uri Jacobson
100 Easton Road, #108
Wyncote, PA 19095
- Engineer: Jason T. Sciallo
Sciallo Engineering Services
137 S. New York Avenue, Suite 2
Atlantic City, NJ, 08401
- Planner: Same as Engineer
- Traffic: N/A

- Attorney: Jeffrey P. Barnes, Esquire
2600 New Road
Northfield, NJ, 08225
- Architect: William McLees Architecture
5 MacArthur Boulevard
Somers Point, NJ 08244

Documents Submitted

1. Application Cover Letter, prepared by Jeffrey P. Barnes, Esquire, Applicant’s Attorney, dated June 29, 2023.
2. City of Atlantic City Land Use Application signed June 28, 2023.
3. Project Narrative, “The THC Shop, LLC”, 1740 Atlantic Avenue
4. NJ CRDA- Minor Site Plan Checklist (Form #5).
5. NJ CRDA-“c” Variance Checklist (Form #12).
6. Floor Plan, Security Plan for “The THC Shop, LLC” prepared by William C. McLees, AIA, LEED, AP, last dated March 30, 2023, and consisting of the following sheets:
 - a. Sheet A1.00 Floor Plan, Security Plan
 - b. Sheet A2.00 Elevations
7. Site Plan for “The THC Shop, LLC” prepared by Jason T. Sciallo, PE, PP, Sciallo Engineering Services, LLC dated April 17, 2023, and consisting of one page:
8. Resolution No. 497 of the City of Atlantic City Council, adopted July 27, 2022.
9. Lease Agreement between Chelsea Atlantic Equities, LLC and The THC Shop, dated September 1, 2022
10. Limited Liability Company Agreement signed by Karen Melchionda and William Abbott, dated November 23, 2022.
11. Zoning Determination Letter from Robert L. Reid, AICP, PP to “The THC Shop, LLC”, 1740 Atlantic Avenue

Completeness Review / Submission Waivers Required

Submission waivers are required from Item Nos. 20 (missing FEMA Flood Zone), 23, 24, 25, 26, 27, 28, 29, 32, 34, 35, and 36 of the Minor Site Plan Checklist (Form # 5) and Item Nos. 9, 19, and 20 of the “c” Variance Checklist (Form # 12).

We have no objection to granting the waivers, on the condition that testimony is provided by the Applicant / supplemental information regarding the comments related to the Site Plan Review comments below. We have no objection to the Application being deemed complete, provided that the Applicant submits the supplemental information requested in this letter or that it is addressed via testimony.

TECHNICAL REVIEW #1

The following comments are offered:

A. Project Description and Background

The Applicant proposes a tenant fit out to convert the first floor and former “Popeyes Louisiana Kitchen” restaurant into a Class 5 cannabis dispensary.

An application (#2023-06-3472) for the subject property proposing to convert an eight-bedroom rooming house into three (3) separate second-floor apartments and to convert an existing first-floor apartment into a storage area for the second-floor apartments was heard on August 3, 2023, by the Land Use Regulation and Enforcement Division of the Casino Reinvestment Development Authority.

The proposed development is located within the Central Business (CBD) Zoning District, within the Tourism District and is also located within the Green Zone Redevelopment Area. The site fronts on the southeast corner of Atlantic Avenue and South Indiana Avenue.

The Applicant now seeks to replace the restaurant with a Class 5 cannabis dispensary.

B. Bulk Variance Review

1. § 19:66-5.12(a)1.iv.(6) of the Land Development Rules permits a maximum building coverage of 30% within the Central Business District (CBD), whereas 98.7% is proposed. This is a pre-existing, non-conforming condition. We defer to CRDA’s attorney if a bulk variance is required.
2. § 19:66-5.12(a)(1)(iv)(7) of the Land Development Rules permits a maximum impervious coverage of 80% within the CBD Zone, whereas 100% is proposed. This is a pre-existing, non-conforming condition. We defer to CRDA’s attorney if a bulk variance is required.
3. § 19:66-5.12(a)(1)(iv)(8) of the Land Development Rules requires a minimum front yard setback of 5’ within the CBD Zone, whereas 0’ is provided along Atlantic Avenue, 0.12’ is provided along South Indiana Avenue, and 1.37’ is provided along Van Nest Place. These are all pre-existing, non-conforming conditions. We defer to CRDA’s attorney if a bulk variance is required.
4. § 19:66-5.8(a) of the Land Development Rules requires that on-site, off-street residential parking shall be provided in accordance with the requirements of the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21) resulting in a requirement of six (6) parking spaces required as per the table below, whereas zero (0) spaces are proposed. A de-minimus exception to the RSIS standards was required and addressed for the aforementioned previous application (#2023-06-3472). It should be noted that this application does not alter that application’s demand for the demand of six (6) spaces. We defer to CRDA’s attorney if additional relief is required.

5. § 19:66-5.8(b)1 of the Land Development Rules requires a minimum of thirty-six (36) total off-street, on-site parking spaces for the second-floor residential uses and first-floor uses, as per the table below, whereas zero (0) spaces are proposed. This is a pre-existing, non-conforming condition that is not being exacerbated by the proposal. This matter was addressed under Application #2023-06-3472 for the aforementioned second-floor residential. We defer to CRDA’s attorney if any bulk variance relief is required.

TENANT	AREA	PARKING REQUIRED	STATUS
Second Floor Residential	N/A	6	ENC
Food 4 Less	1,034 / 300 SF	3.5	ENC
Pawn Broker	1,792 / 300 SF	4.5	ENC
“The THC Shop”	2,420 / 150 SF	16.14	ENC
Storage (adjacent tenant space)	737 / 500 SF	1.5	ENC
TOTAL PARKING REQUIRED		36	

6. § 19:66-5.8 (c) of the Land Development Rules requires a loading space and no loading space exists or is proposed. This is a pre-existing, non-conforming condition. The Applicant should provide testimony regarding how the loading and unloading of any delivered product(s), cash, etc. will be achieved considering the absence of a dedicated loading space and what types and sizes of vehicles are anticipated to execute such deliveries. We defer to CRDA’s attorney if a bulk variance is required.
7. § 19:66-7.2(a)1. (Parking Lot Design Standards) of the Land Development Rules require that all parking facilities shall be located off-street and on the same lot occupied by the use served. This is a pre-existing, non-conforming condition. We defer to CRDA’s attorney if a bulk variance is required.
8. § 19:66-7.3(a)2. (Loading Area Design Standards) of the Land Development Rules require all required loading facilities shall be located off-street and on the same lot occupied by the use served. No loading zone exists or is proposed. This is a pre-existing, non-conforming condition. We defer to CRDA’s attorney if a bulk variance is required.
9. Section 19:66-7.6 (a) of the Land Development Rules requires that a landscape plan be submitted with all applications for site improvements and no landscape plan is proposed. This is a pre-existing, non-conforming condition. Any approval granted should be conditioned upon the Applicant replacing any dead or dying street trees in accordance with ASLA standards and the installation of tree grates. This matter was also addressed under application #2023-06-3472 for the aforementioned second-floor residential. We defer to CRDA’s attorney if a bulk variance is required for the absence of the landscape plan.
10. Section 5.1.2.d.7.q. limits the number of signs to two per site in the Green Zone Redevelopment Plan. This site has six (6) existing signs, we defer to CRDA’s attorney if a bulk variance is required for the associated existing non-conformities. A variance is required if the Applicant wishes to install the proposed blade signs on each street frontage. A summary of the proposed / existing signage is as follows:

BUSINESS	LOCATION	AREA (SF)	TYPE
Pawn Broker	1736 Atlantic Ave.	35	Wall Sign
Pawn Broker	1736 Atlantic Ave.	24 each side	Projection Sign
Food 4 Less	1738 Atlantic Ave.	9 each side	Projection Sign
Food 4 Less	1738 Atlantic Ave.	60	Wall Sign
The THC Shop	1740 Atlantic Ave.	<i>Not Provided</i>	Wall Sign
The THC Shop	South Indiana Ave.	<i>Not Provided</i>	Wall Sign

11. With respect to Item Nos. 1 through 10, for "c" variances the applicant must demonstrate that the strict application of the zoning regulations to the property create a hardship or result in exceptional practical difficulties by reason of the exceptional shape of the property or the exceptional topographic conditions uniquely affecting the property. In addition, the applicant will have to demonstrate that the benefits of granting any variance outweigh the detriments.

C. Site Plan Review / General Comments

1. A licensing agreement from the City of Atlantic City is required for all signs, awnings, light fixtures, etc. encroaching upon / projecting into the City’s right-of-way.
2. The Applicant should repair or replace any broken or deficient sidewalks as determined necessary by the City of Atlantic City.
3. The Applicant should replace any dead or dying street trees as directed by the City of Atlantic City, or its representatives, according to ASLA standards. Consideration should be given to providing tree grates to protect the root system of the trees.
4. The Applicant shall provide testimony on the façade improvements to “The THC Shop” portion of the structure, such as but not limited to the color and type of windows proposed, in order to advance the Statement of Objectives of the New Jersey CRDA Atlantic City Tourism District Master Plan, Volume 4, April 2017 (Objective 12, Page 5).
5. The Applicant shall provide testimony on the nature and volume of as well as the proposed method(s) for handling and storage of trash and recycling. Sections 19:66-7.12(c) and 19:66-7.12(k) of the Land Development Rules stipulate the design requirements for outdoor trash and recycling areas. Considering that the building covers the entire lot, a trash/recycling storage area should be provided within the building for the purpose of staging these items prior to their collection.

E. Outside Agency Permits and Approvals

1. The following permits and approvals are required:
 - a. Atlantic City Building Code Official
 - b. City of Atlantic City – Green Zone Redevelopment Zone Design Standards
 - c. City of Atlantic City – any proposed encumbrances into the City right-of-way
 - d. Atlantic City Police Department
 - e. All others as necessary

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If you require any additional information or have any questions, please contact the undersigned. We are pleased to be of service.

Sincerely yours,



G. Jeffrey Hanson, PE, CME
CRDA Land Use Board Engineering and Planning
Consultant

GJH/djb

Cc: William Abbott, The THC Shop, LLC, Email: billa@pcgwireless.com
Chelsea Atlantic Equities, LLC, urij@me.com
Jeffrey P. Barnes, Esq., Applicant's Attorney, Email: jpbarne@king-barnes.com
Jason T. Sciullo, PE, PP, Email: jsciullo@sciulloengineering.com
William McLees, Email: bmclees@wmarch.com
Rob Reid, AICP, PP, CRDA Land Use Regulation Enforcement Officer
Scott Collins, Esquire, CRDA Land Use Board Attorney

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