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October 25, 2023  
31623 47

**Re: Atlantic Cannabis, LLC  
Minor Site Plan w/ Bulk Variances  
Review #1  
Block 280, Lot 39  
2301 Atlantic Avenue  
Atlantic City, NJ  
Application # 2023-09-3522**

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 has been received for the subject premises:

**Applicant Information**

- Applicant: Atlantic Cannabis, LLC  
28 Farm Road  
Oakhurst, NJ 07755
- Owner: Suh Naksun  
205 Cynwyd Avenue  
Absecon NJ 08201
- Engineer: Jason Sciuillo, PE, PP  
Sciuillo Engineering Services, LLC  
137 S. New York Avenue  
Atlantic City, NJ 08401
- Surveyor: Daniel J. Ponzio, Sr. Company & Associates, LLC  
3910 South Boulevard  
Atlantic City, NJ 08401
- Architect: William C. McLees, AIA, LEED, AP  
5 Macarthur Boulevard  
Somers Point, NJ 08244

- Traffic: None Noted
- Attorney: Damon G. Tyner, Esq.  
114 Rainbow Trail  
Egg Harbor Township, NJ 08234

### **Documents Submitted**

1. Cover Letter from Damon G. Tyner, Esq., Applicant’s Attorney, dated October 3, 2023.
2. CRDA Application Form, dated May 23, 2023.
3. Complete and fully executed Land Use Application
4. Minor Site Plan Checklist
5. Bulk Variance Checklist
6. Proof of taxes paid
7. Lease agreement
8. 200 ft. Owners list as provided by the Tax Assessor
9. Business Plan and Management Profile
10. State of New Jersey Conditional Class 5 Retail Cannabis License
11. Project Narrative
12. Photographs of site
13. Resolution of Municipal Support
14. Plans entitled “Kattan Dispensary” prepared by William McLees Architecture, dated April 15, 2022.
15. Plan titled “Atlantic Cannabis, Minor Site Plan”, prepared by Scullo Engineering, dated October 2, 2023
16. A plan entitled “Survey and Topography of Premises situate 2301 Atlantic Avenue, City of Atlantic City, Atlantic County, New Jersey, Block 280, Lot 39” prepared by Daniel J. Ponzio Sr. Company and Associates, LLC, project 01332023, dated June 9, 2023.

### **Completeness Review / Submission Waivers Required**

Submission waivers are required from Item 23, 24, 25, 26, 27, 32, 34, 35, and 36 of the Minor Site Plan Checklist (Form # 5).

We have no objection to granting the waivers nor to deeming the application complete, on the condition that testimony is provided by the Applicant / supplemental information regarding the comments related to the Site Plan Review comments below.

### **Technical Review #1**

The following comments are offered:

#### **A. Project Description and Background**

This application is for Atlantic Cannabis, LLC dba/Kattan Dispensary, which is a Class 5 Cannabis Retailer and requires licensing from the Cannabis Regulatory Commission in addition to appropriate land use approvals. The proposed development is located within the Ducktown Arts (DA) Zoning District and is also located within the Green Zone Redevelopment Area. The adopted Green Zone Redevelopment

Plan allows the proposed Class 5 Cannabis Retailer. Aside from replacement of business identification signage, building improvements and façade improvements, it does not appear that any site improvements are proposed in conjunction with the application.

**B. Variance Review**

1. The zoning chart on the Site Plan prepared by Sciuolo Engineering appears to contain inconsistencies with the Zoning Chart for lot frontage and rear yard setback. The dimensions provided differ with those provided on the survey by Daniel J. Ponzio Sr. Company and Associates, LLC. Sheet C101 should be revised to reflect that the lot frontage is 34.3 feet and not 101.3 feet as shown on the Zoning Schedule on the Plan and to reflect that the rear yard setback is 0 feet and not 5 feet as shown on the Zoning Schedule on the plan.
2. The following is a summary of conformance with the bulk standards of the Ducktown Arts Zoning District. There are existing non-conformities for lot area, lot depth, lot width, lot frontage, building coverage, impervious coverage, front yard setback and rear yard setback. The existing non-conforming bulk conditions are not being exacerbated by the current proposal.

DIMENSION	REGULATION	REQUIRED	EXISTING	PROPOSED	STATUS
Height, Max. (Feet)	19:66-5.11(a)(1)iv(1)	35	35	35	C
Lot Area (Sq Ft)	19:66-5.11(a)(1)iv(2)	5,000	2,298	2,298	ENC
Lot Depth (Feet)	19:66-5.11(a)(1)iv(3)	100	67	67	ENC
Lot Width (Feet)	19:66-5.11(a)(1)iv(4)	50	34.3	34.3	ENC
Lot Frontage (Feet)	19:66-5.11(a)(1)iv(5)	50	34.3	34.3	ENC
Building Cover. Max. (%)	19:66-5.11(a)(1)iv(6)	30	94.6	94.6	ENC
Impervious Cover, Max. (%)	19:66-5.11(a)(1)iv(7)	80	100	100	ENC
Front Yard, Min. (Feet)	19:66-5.11(a)(1)iv(8)	5	0	0	ENC
Side Yard, Min. (Feet)	19:66-5.11(a)(1)iv(9)	0	0	0	C
Rear Yard, Min. (Feet)	19:66-5.11(a)(1)iv(10)	20	5	0	ENC

C – Conforms                      ENC – Existing Nonconforming Condition                      V – Variance Required

3. Section 19:66-5.8 (c) of the Land Development Rules does not require a loading space for commercial uses less than 10,000 SF and no loading space exists or is proposed. However, 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.
4. The following is a summary of the off-street parking requirements. Eight (8) spaces are required whereas zero (0) spaces are proposed. A grandfathered shortage of six (6) spaces exists for the current personal service use (1 space per 400 SF required). A variance is required.

USE	BUILDING SQUARE FEET	REQUIRED PARKING PER SQUARE FEET	PARKING REQUIRED	TOTAL PARKING PROVIDED	STATUS
First Floor					
Retail	2,175	300 Sq Ft	8	0	ENC

C – Conforming                      ENC – Existing Nonconforming Conditions                      V – Variance Required

5. According to the information submitted, currently, the property has eight (8) signs, including a roof sign that is partially on Atlantic Avenue and Mississippi Avenue, in addition, there are two (2) awning signs, four (4) window signs, and one (1) façade sign. The existing eight signs are to be removed, including the roof sign, and replaced with new signs for the cannabis retail store. Since the existing nonconforming roof sign must be removed to install the new roof signs, variances are required for the new roof signs. The existing roof sign has one message on both streets and the proposed roof signs have two distinct messages for each street, or two signs. Therefore, the applicant proposes to have a complete roof sign on each street, Atlantic Avenue, and Mississippi Avenue, and a façade/wall sign on Mississippi Avenue. The total number of signs proposed is three (3) and a maximum of two (2) are allowed. All signs exceed the allowable sign area of 10 square feet and the roof signs also exceed the sign height limit of 15 feet. Variances are required for the proposed signage as per the following table:

SIGN	REGULATION	NUMBER OF EXISTING SIGNS	ALLOWED SIGNS	PROPOSED SIGNS	STATUS
Atlantic Avenue					
Facade / Wall		1	1	1	C
Facade / Wall Area (SF)	19:66-5.7(i)4.i.		10	18.03	V
Awning Sign		1		REMOVED	
Window Sign		4		REMOVED	
Roof Sign	19:66-5.7(i)2.		0	1	V
Roof Sign, Area			0	24.33	V
Roof Sign Height	19:66-5.7(i)5.ii.		15 feet	>15 feet	V
Mississippi Avenue					
Awning sign		1		REMOVED	
Facade / Wall		0	1	0	
Roof Sign Area	19:66-5.7(i)4.i.		10	24.33	V
Roof Sign	5.12.d.7.w.	1	0	1	V
Roof Sign Height	19:66-5.7(i)5.ii.		15 feet	>15 feet	V
<b>TOTAL SIGNS</b>	5.12.d.7.q.	<b>8</b>	<b>2</b>	<b>3</b>	<b>V</b>

C – Conforms

V – Variance Required

§19:66-2.1 25. "Roof sign" means a sign that is mounted upon the roof of a building or which is wholly dependent upon a building for support and which projects more than six inches above the highest point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof or the deck line of a building with a mansard roof.

§19:66-5.3 General use limitations (a) Any use not expressly permitted in this subchapter shall be deemed prohibited in all zoning districts.

§19:66-5.7(i) Sign rules for predominantly residential zoning districts, the LH-1, LH-2, DA, and OS does not allow roof signs.

6. The Site Plan prepared by Sciullo Engineering calls out a projecting blade sign along the Atlantic Avenue frontage, but no such sign appears on the architectural plans. The Applicant shall verify that summary of proposed signage on the table above is correct and if any deviations exist from same the Applicant shall provide the information in advance of the hearing.

7. 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 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 majority of the lot, a trash/recycling storage area may need to be provided within the building for the purpose of staging these items prior to their collection.
4. Approval of the design standards promulgated in the Green Zone Redevelopment Plan is required from the City of Atlantic City. The Applicant should provide testimony regarding compliance with the design standards.
5. The applicant should install one (1) street tree on Atlantic Avenue and two (2) street trees on Mississippi Avenue. The species and planting details shall be as directed by the City of Atlantic City.

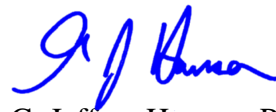
### **Outside Agency Permits and Approvals**

1. The following permits and approvals are required:
  - a. New Jersey Cannabis Regulatory Commission
  - b. City of Atlantic City Green Zone Design Standards Review
  - c. City of Atlantic City CLUC
  - d. Atlantic City Building Code Official
  - e. All others as necessary

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

31623 47 – Atlantic Cannabis, LLC  
Review #1  
October 25, 2023

Sincerely yours,



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

Cc: Atlantic Cannabis, LLC via email [rhondahope18@gmail.com](mailto:rhondahope18@gmail.com)  
Jason Sciuillo, PE, PP, Applicant's Engineer via email [jsciullo@sciulloengineering.com](mailto:jsciullo@sciulloengineering.com)  
William McLees, AIA, via email [bmclees@wmarch.net](mailto:bmclees@wmarch.net)  
Damon G. Tyner, Esq., Applicant's Attorney via email [dyner@tynerlawteam.com](mailto:dyner@tynerlawteam.com)  
Rob Reid, AICP, PP, CRDA Land Use Regulation Enforcement Officer  
Scott Collins, Esquire, CRDA Land Use Board Attorney

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