

March 4, 2024

VIA UPS GROUND DELIVERY & EMAIL (rreid@njcrda.com)

Robert L. Reid, AICP, NJPP
CASINO REINVESTMENT DEVELOPMENT AUTHORITY
Land Use Regulation and Enforcement Division
15 South Pennsylvania Avenue
Atlantic City, New Jersey 08401

RE: Application of Garden Organics, LLC
3112 Atlantic Avenue, Third Floor
Block 182, Lot 4
Atlantic City, New Jersey 08401
Our File No.: 12942-3

Dear Mr. Reid:

This firm represents Garden Organics, LLC (“Applicant”) with respect to this application to the Casino Reinvestment Development Authority (“CRDA”) for Use Variance Approval and a Waiver of Site Plan Approval.

The Applicant proposes to establish a Class 1 Cannabis Cultivation and Class 2 Cannabis Manufacturing facility on the third floor of the above-referenced property. The first floor currently is occupied by the owner of the property, 3112 Atlantic Avenue Holdings, LLC c/o Louis Freedman (“Owner”), operating a Class 5 Cannabis Micro Dispensary titled Legal Distribution, LLC, pursuant to an approval granted by the CRDA on August 18, 2023. A copy of the CRDA’s Resolution approving same is enclosed herewith. The second floor was previously approved for a cannabis consumption lounge, however, the Owner has not established such use at this time. The Applicant’s proposed use of the third floor is consistent with and compatible with the uses approved by the CRDA for the remainder of the building.

The property in question is located in the NC-2 Zoning District within the Green Zone Redevelopment Area (“GZRA”) within the CRDA Tourism District. Section 5.1.1 of the Green Zone Redevelopment Plan states that Cannabis License Classes 1-6 are permitted within the GZRA, but only within the RS-C Zoning District. As such, the Applicant requests a use variance

to permit the operation of a Class 1 Cannabis Cultivation and Class 2 Cannabis Manufacturing facility within the NC-2 Zoning District within the GZRA. A Project Narrative & Variance Justification Report is submitted herewith with further details and explanation. Testimony in support of the use variance application will be provided at the hearing.

In addition to the request for use variance relief, the Applicant requests a waiver of site plan review. A site plan waiver is requested because the Applicant does not propose any exterior site improvements, and only minimal interior renovations. There will be no change to the existing signage because the Applicant does not intend to invite retail sales and pedestrian traffic to its business. As such, the signage will remain focused upon the first floor tenant, Legal Distribution, LLC, and the Applicant will use the street address for deliveries and first responders. The Applicant's request for a waiver of site plan review is further supported by the fact that the other cannabis operator within the building, Legal Distribution, LLC, was granted a waiver of site plan review as part of its approvals issued by the CRDA. Please see the Project Narrative & Variance Justification Report for additional details. Testimony in support of the waiver of site plan review will be provided at the hearing.

In support of the within application, enclosed herein for filing please find the following:

1. Five (5) copies of City of Atlantic City Land Use Application for Use Variance Approval and Site Plan Waiver;
2. Five (5) copies of a Project Narrative & Variance Justification Report, prepared by Nehmad Davis & Goldstein, P.C. dated March 4, 2024;
3. Five (5) copies of the current Deed to the Subject Property;
4. Five (5) copies of a Letter of Intent between Applicant and Owner;
5. Five (5) copies of the CRDA Application for Use Variance and Site Plan Waiver, filed by Legal Distribution, LLC on June 20, 2022;
6. Five (5) copies of the CRDA Resolution No. 22-117 Granting Use Variance Relief and a Waiver of Site Plan Review for Legal Distribution, LLC, dated October 18, 2022;
7. Five (5) copies of the CRDA Certificate of Land Use Compliance, Issued on August 18, 2023 to Legal Distribution, LLC;
8. Five (5) copies of an Approval of Conversion from Conditional Class 1 Cannabis License to Annual Class 1 Cannabis License, issued to the Applicant by the Cannabis Regulatory Commission on February 9, 2023;

9. Five (5) copies of an Approval of Conversion from Conditional Class 2 Cannabis License to Annual Class 2 Cannabis License, issued to the Applicant by the Cannabis Regulatory Commission on February 9, 2023;

10. Five (5) copies of the Resolution of Municipal Support, issued by the City of Atlantic City on August 23, 2023;

11. Five (5) copies of a Certificate acknowledging Garden Organics, LLC as a Women Business Enterprise (“WBE”);

12. Five (5) copies of Photographs of the Site;

13. Five (5) copies of Applicant’s Proof of Paid Taxes;

14. Five (5) copies of a Certified 200’ Property Owners List;

15. One original and four (4) copies of Escrow Setup Information form completed by Applicant;

16. One original and four (4) copies of Applicant’s W-9; and

17. One (1) USB Flash Drive containing the submission materials in .pdf format.

Also enclosed are two (2) checks in the amounts of \$500.00 & \$3,000.00, representing the required application fee and escrow deposit, respectively.

As a courtesy, an electronic copy of the above-referenced materials can be accessed via the following Google Drive link for your convenience and ease of reference:

https://drive.google.com/drive/folders/1LOCV1cKg-_N2KgVMpGB2a66XCMK_DHk?usp=drive_link

Please do not hesitate to contact me should you require any additional documents or information in order to deem this application complete. Once deemed complete, please advise of the date of the hearing before the CRDA and our firm will, of course, provide the required public notices in advance thereof.

Thank you for your kind attention and courtesies.

Very truly yours,

NEHMAD DAVIS & GOLDSTEIN, P.C.

BY: *Cheryl Lynn Walters*
CHERYLLYNN WALTERS

CLW:ES:JS

Enclosures

cc: *All Copies via Email with Enclosures via Google Drive Link*

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