

City of Atlantic City LAND USE APPLICATION

City of Atlantic City: (Check where applicable)

AC Planning Division Jurisdiction
 City of Atlantic City Planning Board
 1301 Bacharach Boulevard
 City Hall-Suite 508
 Atlantic City, NJ 08401
 609-347-5404

CRDA: (Check where applicable)

NJ CRDA LURED Jurisdiction
 Casino Reinvestment Development Authority
 15 S Pennsylvania Avenue
 Atlantic City, NJ 08401
 609-347-0500

To be completed by staff only.

Date Filed 6/20/22 Application No. 2022-06-3220
 Application Fees: \$300.00 Escrow Deposit \$3000.

Scheduled for:
 Review for Completeness _____ Hearing: _____

1. SUBJECT PROPERTY

Location: 311a - 3114 Atlantic Ave
 Tax Map Page _____ Block 182 Lot(s) 4
 Page _____ Block _____ Lot(s) _____
 Page _____ Block _____ Lot(s) _____

Dimensions Frontage _____ Depth _____ Total Area _____

Zoning District CBD

2. APPLICANT

Name Local Distribution LLC
 Email mbalou@aol.com
 Address 533 New Jersey Ave Atlantic
 Telephone Number 609-335-4987
 Applicant is a: Corporation Partnership Individual
LLC

3. If Owner is other than the applicant, provide the following information on the Owner(s):

Owner's Name 3112 Atlantic Ave Holdings LLC
 Email _____
 Address 300 N _____ Margate NJ 08402
 Telephone Number 609- _____

4. DISCLOSURE STATEMENT

Pursuant to N.J.S 40:55D-48.1 [Application by corporation or partnership; list of stockholders owning 10% of stock or 10% interest in partnership.] Disclosure of owners of organization and property subject to application. [A corporation or partnership applying to a governing body of a municipality]Any organization making an application for development under this act [for permission to subdivide a parcel of land into six or more lots, or applying for a variance to construct a multiple dwelling of 25 or more family units or for approval of a site to be used for commercial purposes] shall list the names and addresses of all members, stockholders or individual partners (collectively, "interest holders") [owning at least 10% of its stock of any class or at least 10% of the interest in the partnership], including any other organization holding at least a 10% ownership interest in the organization, and shall also identify the owner of the property subject to the application, including any organization holding at least a 10% ownership interest in the property [as the case may be]. In accordance with 40:55D-48.2 [Disclosure of 10% ownership interest of corporation or partnership which is 10% owner of applying corporation or partnership.] Listing of names and addresses of interest holders of applicant and owner organization. If [a corporation or partnership] an organization owns an interest equivalent to 10% or more of another organization the stock of a corporation, or 10% or greater interest in a partnership, subject to the disclosure requirements hereinabove described, [pursuant to section 1 of this act that organization shall list the names and addresses of its interest holders holding 10% or greater interest in the [partnership, as the case may be, and] organization. [This requirement shall be followed by every corporate stockholder or partner in a partnership, until the names and addresses of the stockholders and individual partners, exceeding the 10% ownership criterion established in this act, have been listed.] In accordance with recently added 40:55D-48.3 Disclosure of all officers and trustees of a non-profit organization. A non-profit organization filing an application for development under this act shall list the names and addresses of all officers and trustees of the non-profit organization. In accordance with 40:55D-48.4 [Failure to comply with act; disapproval of application.] Approval of application. a. No municipal planning board, board of adjustment or [municipal] governing body shall approve the application of any [corporation or partnership] organization or non-profit organization which does not comply with this act. Any approval not in compliance with this act shall be voidable in a proceeding in lieu of prerogative writ in the Superior Court. b. Any party, including any member of the public, may institute a proceeding in lieu of prerogative writ in the Superior Court to challenge any PROPOSED AMENDMENTS TO MUNICIPAL LAND USE LAW approval granted by a municipal planning board, board of adjustment or governing body on the grounds that such action is void for the reasons stated in subsection a. of this section, and if the court shall find that the approval was not in compliance with this act, the court may declare the approval to be void. In accordance with 40:55D-48.5 [Concealing names of owners;] Organization or non-profit organization failing to disclose; fine. Any [corporation or partnership which conceals] organization or nonprofit organization failing to disclose in accordance with this act, [the names of stockholders owning 10% or more of its stock, or of individual partners owning a 10% or greater interest in the partnership, as the case may be,] shall be subject to a fine of \$1,000 to \$10,000, which shall be [recovered] recoverable in the name of the municipality in any court of record in the State in a summary manner pursuant to the "Penalty Enforcement Law" (N.J.S.A. 2A:58-1 et seq.).

Name	<u>Low Freedman</u>	Address	<u>202 N. Dwyer Ave Mezate</u>	Interest	<u>25%</u>
Name	<u>Rachon White</u>	Address	<u>16 Timberwind Drive BHT</u>	Interest	<u>"</u>
Name	<u>Holly Greh</u>	Address	<u>707 15th St Abrecon</u>	Interest	<u>"</u>
Name	<u>Jason Lentz</u>	Address	<u>1523 Emerson Ave AC</u>	Interest	<u>"</u>
Name	_____	Address	_____	Interest	_____

5. PROPERTY INFORMATION:

Restrictions, covenants, easements, association by-laws, existing or proposed on the property:
 Yes [attach copies] _____ No Proposed _____
 Present use of the premises: Call center + Two vacant floors

Note: All deed restrictions, covenants, easements, association bylaws, existing and proposed must be submitted for review and must be written in easily understandable English in order to be approved.

6. Applicant's Attorney Daniel J. Gallagher
 Email d.gallagher@djgallagherac1.com
 Address 336 N. Appleton Ave AC NJ 08901
 Telephone Number 609-541-8856
 FAX Number 609-541-4871

7. Applicant's Engineer Colliers - Tim Kerns
 Email _____
 Address 2000 Midstate Drive Suite 100 Mt Laurel NJ 08054
 Telephone Number 856-777-0412
 FAX Number _____

8. Applicant's Planning Consultant / Architect - William M'Leec
 Email wmcleec@wmacarch.net
 Address 5 MacArthur Blvd Somerset NJ 08854
 Telephone Number 609-927-0888
 FAX Number _____

9. Applicant's Traffic Engineer N/A
 Email _____
 Address _____
 Telephone Number _____
 FAX Number _____

10. List any other **Expert** who will submit a report or who will testify for the Applicant: [Attach additional sheets as may be necessary]

Name Collins - Jim Keran & William Mcleer
Field of Expertise _____
Email _____
Address _____
Telephone Number _____
FAX Number _____

11. APPLICATION REPRESENTS A REQUEST FOR THE FOLLOWING:

SUBDIVISION:

_____ Administrative Review of Minor Subdivision Plan
_____ Administrative Review of Major Subdivision Plan
_____ Minor Subdivision Approval
_____ Major Subdivision Approval [Preliminary]
_____ Major Subdivision Approval [Final]
Number of lots to be created _____ Number of proposed dwelling units _____
(including remainder lot) (if applicable)

SITE PLAN:

_____ Administrative Review of Minor Site Plan
_____ Administrative Review of Major Site Plan
_____ Minor Site Plan Approval
_____ Major Preliminary Site Plan Approval [Phases (if applicable) ____]
_____ Major Final Site Plan Approval [Phases (if applicable) ____]
_____ Amendment or Revision to an Approved Site Plan
Area to be disturbed (square feet) _____
Total number of proposed dwelling units _____
 Request for Waiver From Site Plan Review and Approval
Reason for request: NO SITE IMPROVEMENTS PROPOSED

MISC:

_____ Administrative Review
_____ Appeal decision of an Administrative Officer [N.J.S. 40:55D- 70a]
_____ Map or Ordinance Interpretation of Special Question [N.J.S. 40:55D-70b]
_____ Variance Relief (hardship) [N.J.S. 40:55D-70c(1)]
_____ Variance Relief (substantial benefit) [N.J.S. 40:55D-70c(2)]
 Variance Relief (use) [N.J.S. 40:55D-70d]
_____ Conditional Use Approval [N.J.S. 40:55D-67]
_____ Direct issuance of a permit for a structure in bed of a mapped street, public drainage way, or flood control basin [N.J.S. 40:55D-34]
_____ Direct issuance of a permit for a lot lacking street frontage [N.J.S. 40:55D-35]

12. Section(s) of Ordinance from which a variance is requested and justification for said request: [attach additional pages as needed] Cdd# 5 microbusiness / Superior
is requested

13. **Waivers Requested** of Development Standards and/or Submission and justification for request.
Requirements: [attach additional pages as needed] _____

14. Attach a copy of the Notice to appear in the official newspaper of the municipality and to be mailed to the owners of all real property, as shown on the current tax duplicate, located within the State and within 200 feet in all directions of the property, which is the subject of this application. The Notice must specify the sections of the Ordinance from which relief is sought, if applicable.
The publication and the service on the affected owners must be accomplished at least 10 days prior to the date scheduled by the Administrative Officer for the hearing. An affidavit of service on all property owners and a proof of publication must be filed before the application will be complete and the hearing can proceed.

15. Explain in detail the exact nature of the application and the changes to be made at the premises, including the proposed use of the premises:
[attach pages as needed] Convert Vacant 7th Floor to
Cdd# 5 micro business / Superior

16. Is a public water line available? Yes

17. Is public sanitary sewer available? Yes

18. Does the application propose a well and septic system? NO

19. Have any proposed new lots been reviewed with the Tax Assessor to determine appropriate lot and block numbers? NO

20. Are any off-tract improvements required or proposed? NO

21. Is the subdivision to be filed by Deed or Plat? NO

22. What form of security does the applicant propose to provide as performance and maintenance guarantees? N/A

23. Other approvals, which may be required and date plans submitted:

	Yes	No	Date Plans Submitted
Atlantic City Municipal Utilities Authority	_____	<input checked="" type="checkbox"/>	_____
Atlantic County Health Department	_____	<input checked="" type="checkbox"/>	_____
Atlantic County Planning Board	_____	<input checked="" type="checkbox"/>	_____
Atlantic County Soil Conservation Dist.	_____	<input checked="" type="checkbox"/>	_____
NJ Department of Environmental Protection	_____	<input checked="" type="checkbox"/>	_____
Sewer Extension Permit	_____	<input checked="" type="checkbox"/>	_____
Sanitary Sewer Connection Permit	_____	<input checked="" type="checkbox"/>	_____
Stream Encroachment Permit	_____	<input checked="" type="checkbox"/>	_____
Waterfront Development Permit	_____	<input checked="" type="checkbox"/>	_____
Wetlands Permit	_____	<input checked="" type="checkbox"/>	_____
Tidal Wetlands Permit	_____	<input checked="" type="checkbox"/>	_____
Potable Water Construction Permit	_____	<input checked="" type="checkbox"/>	_____
Other	_____	<input checked="" type="checkbox"/>	_____
NJ Department of Transportation	_____	<input checked="" type="checkbox"/>	_____
Public Service Electric & Gas Company	_____	<input checked="" type="checkbox"/>	_____
_____	_____	<input checked="" type="checkbox"/>	_____

24. Certification from the Tax Collector that all taxes due on the subject property have been paid.

25. List of Maps, Reports and other materials accompanying the application (attach additional pages as required for complete listing).

Quantity	Description of Item
<u>5</u>	<u>Floor plan, Architectural Plan, Security Plan</u>
_____	<u>to be registered</u>
_____	_____

26. The Applicant hereby requests that copies of the reports of the professional staff reviewing the application be provided to the following of the applicant's professionals:

Specify which reports are requested for each of the applicant's professionals or whether all reports should be submitted to the professional listed.

Applicant's Professional Reports Requested _____
 Attorney _____
 Engineer _____

CERTIFICATIONS

27. I Louis Friedma certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the Corporation or that I am a general partner of the partnership applicant.

[If the applicant is a corporation, this must be signed by an authorized corporate officer. If the applicant is a partnership, this must be signed by a general partner.]

Sworn to and subscribed before me this

14 day of June, 20 22



NOTARY PUBLIC
COLLEEN JO HIGGINS
A Notary Public of New Jersey
My Commission Expires January 18, 2024



SIGNATURE OF APPLICANT

28. I certify that I am the Owner of the property which is the subject of this application, that I have authorized the applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.

[If the owner is a corporation, this must be signed by an authorized corporate officer. If the owner is a partnership, this must be signed by a general partner.]

Sworn to and subscribed before me this

14 day of June, 20 22



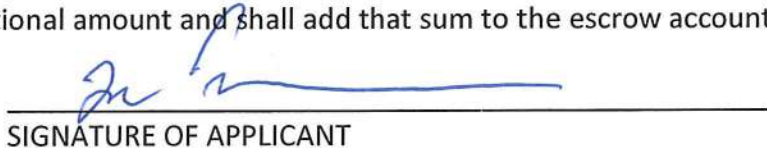
NOTARY PUBLIC
COLLEEN JO HIGGINS
A Notary Public of New Jersey
My Commission Expires January 18, 2024



SIGNATURE OF OWNER

29. I understand that the sum of \$ 3,000 has been deposited in an escrow account (Builder's Trust Account). In accordance with Land Use Fees and Escrow Deposit Requirements, I further understand that the escrow account is established to cover the cost of professional services including engineering, planning, legal and other expenses associated with the review of submitted materials and the publication of the decision by the Board. Sums not utilized in the review process shall be returned. If additional sums are deemed necessary, I understand that I will be notified of the required additional amount and shall add that sum to the escrow account within fifteen (15) days.

June 14, 2022
Date


SIGNATURE OF APPLICANT

NARRATIVE

The proposed property owners are requesting a use variance for a micro dispensary at 3112-3114 Atlantic Avenue, Atlantic City, New Jersey. The proposed use as micro dispensary of recreational marijuana is not defined as a legal use as in the subject zone although under the control of the CRDA. However, the requested use is a permitted use according to recent legislation passed. The operating LLC of the property is a recognized minority entity in the State of New Jersey.

A cursory review of the case law and facts indicates the positive impacts far outweigh the negative criteria. The subject site has plenty of parking and was formerly operated as an office building and retail. The first floor of the property has been vacant for a long time. The applicant plans on cleaning the premises, providing a new design, providing lighting and maintaining the property which would include 24/7 security until the above referenced issues are fully addressed.

Although only a subsection a. of N.J.S. 40:55D-2 refers to the "general welfare," meeting any of the other purposes listed in that section has been consistently construed as serving the general welfare. However, as the Court in *Kohl v. Mayor and Council of Fair Lawn*, 50 N.J. 268, 279-280 (1967) made clear "there must be a finding that the general welfare is served because the use is peculiarly fitted to the particular location for which the variance is sought. [citations omitted]. This is so because nearly all lawful uses of property promote, in greater or lesser degree, the general welfare." This requirement has been consistently reiterated by New Jersey courts, most notably by *Medici v. BPR, Co.*, 107 N.J. 1, 4 (1987). See Also *Stop & Shop v. Springfield Tp. Bd. Of Adj.*, 162 N.J. 418, 431 (2000); *New Brunswick Cellular v. Bd. Of Adj.* 160 N.J. 1,6 (1999); *Smart SMR v. Fair Lawn Bd. Of Adj.*, 152 N.J.309, 323 (1998); *Burbridge v. Mine Hill Tp.*, 117 N.J. 376, 386 (1990); *Saadala v. E Brunswick Zoning Bd.*, 412 N.J. Super. 541, 550-551 (App. Div. 2010); *Saddle Brook Realty v. Saddle Brook Zoning Bd. Of Adj.*, 388 N.J. Super. 67, 76 (App. Div. 2006). See discussion of the site suitability component of the positive criteria at 32-4.1. Also note there the discussion of whether the site suitability test applies or should apply inherently beneficial uses.

The general welfare purpose is frequently found to be promoted by uses deemed "inherently beneficial," such as hospitals and schools. See further discussion at 32-5.

Although not set forth as a specific purpose of zoning as it had been in the prior zoning law (N.J.S. 40:55-32), the Supreme Court has stated that the preservation of the character of a neighborhood and conservation of neighborhood values are still proper zoning purposes, relying particularly on the general welfare purpose, as well as N.J.S. 40:55D-2e and i. *Home Builders League of So. Jersey, Inc. v. Tp. Of Berlin*, 81 N.J. 127, 145 (1979).

Promotion of a State policy has also been held to advance the general welfare and thus serve as the basis for the grant of a use variance. *Anfuso v. Seeley*, 243 N.J. Super. 349 (App. Div.1990). The subject request promotes a use approved by the State, cleans a formerly vacant property which makes the neighborhood safer and cleaner and provides a significant ratable to the tax base. Hence, the Petitioner respectfully suggests that the suggested use is a vast improvement over the lack of activities at this location.

ESCROW SETUP INFORMATION

The Information below is necessary to initially set up your Escrow Account.

Applicant's Name: Legal Distribution LLC

Applicant's Address: 512-314 Atlantic Ave AC NJ

*Applicant's Signature: _____

Applicant's Phone No.: 609-35 _____

Applicant's Email Address: mbdlou@ _____

Applicant's Date of Birth: _____

Tax Identification or Social Security Number: 8 _____

Assigned Escrow #: _____

Should you require assistance or have any questions, please do not hesitate to contact:

Atlantic City Planning:

Lisa D'Alessandro, Board Secretary
City of Atlantic City Planning
1301 Bacharach Boulevard
City Hall-Suite 508
Atlantic City, NJ 08401
Email: LDAlessandro@cityofatlanticcity.org
609-347-5404

CRDA:

Loreta Acevedo, Project Officer
Casino Reinvestment Development Authority
15 S Pennsylvania Avenue
Atlantic City, NJ 08401
Email: lacevedo@njcrda.com
609-347-0500