

**CITY OF EGG HARBOR  
MUNICIPAL LAND USE BOARD  
August 15, 2023  
7:00 P.M.**

The Regular meeting of the Egg Harbor City Municipal Land Use Board was held on August 15, 2023. Those in attendance were Mayor Lisa Jampetti, Council Representative Karl Timbers, Chairman Jack Peterson, Vice Chairman Todd Warker, Municipal Official John Garth, Regular Members; Dennis McKenna, Michael McKenna, Gladys Torres, Keith Mullineaux, Alternate #2 Shaun Hare, Leo Manos, Esquire, Land Use Board Engineer/Planner Ryan McGowan, and Secretary Donna Heffley. (Not present were the Mayors Representative Marie Johns, and Alternate #1 Joseph Kuehner.

**Pledge of Allegiance**

Chairman Peterson called the meeting to order and made the following announcement.

This meeting was advertised pursuant to the NJ Open Public Meetings Act N.J.S.A. 1:4-6 Seq. Notices were sent to official publications for the Egg Harbor City Municipal Land Use Board; the Press of Atlantic City and the Hammonton Gazette. A copy of the notice was posted on the bulletin board of the Egg Harbor City Municipal Building.

The Chairman directed the Secretary to enter this public announcement into the minutes.

**Roll Call:** Mayor Jampetti present, Mr. Timbers present, Mr. Peterson present, Mr. Warker present, Mr. Garth present, Mr. Mullineaux present, Dennis McKenna present, Mr. Michael McKenna present, Mrs. Torres present, Mrs. Johns absent, Mr. Kuehner absent, Mr. Hare present, Mr. McGowan present, Mr. Manos present and Secretary Donna Heffley present.

**Approval of Minutes:** June 20, 2023

Upon motion made by Mr. Warker, seconded by Mayor Jampetti and carried the June 20, 2023 Land Use Board minutes were approved. Chairman Jack Peterson abstained, he was not present at the June 20, 2023 Land Use Board Meeting.

**Approval of Resolutions:** none

**New Business:** #2-2023

Atlantic Flower, LLC  
118 White Horse Pike  
Egg Harbor City, NJ 08215  
Block 1, Lot 15  
Conditional Use Approval  
Request for Waiver from Site Plan Review and Approval

#3-2023

Social Dispensary, LLC  
827 White Horse Pike  
Egg Harbor City, NJ 08215  
Block 433, Lot 12

Conditional Use Approval  
Request for Waiver from Site Plan Review and Approval

Present were Brian Callaghan, Attorney at Law with Callaghan & Thompson representing the applicant Atlantic Flower, LLC, Joseph Mohnack, Licensed Engineer with DeBlasio and Associates, Nicole Landicini Managing Member of Atlantic Flower and Samir Ibrahim owner of the property located at 118 White Horse Pike, Egg Harbor City, NJ 08215.

Elias Manos, Esquire swore in Nicole Landicini and Joseph Mohnack.

Mrs. Landicini would like to open a Class 5 adult cannabis facility (micro business) at 118 White Horse Pike in Egg Harbor City, the former Waddell Liquor Store. There will be 3 employees working per shift with a total of 9 employees. The proposed hours of operation will be 10 a.m. to 8 p.m. Monday through Saturday and 2 p.m. to 8 p.m. on Sunday. Mrs. Landicini plans to repair and refurbish the building including; the roof, store front, replacing all windows and doors, painting the columns, repaving the parking lot, new sidewalks, new landscaping, replacing the Air Conditioning unit and relocating it to the back of the building, repair or replacing most of the signage. They will be keeping 4 out of the 5 existing signs removing the one in the parking lot. The brick is in good shape and will be repointed. Security shutters and security glaze will be added to the new windows.

Mrs. Landicini discussed loading. Delivery of product will be during closed hours and will be through one door and placed into a vault.

Ms. Landicini noted there is an existing fence around the trash which will be replaced with the type the City requires.

Mr. Callaghan discussed the trash.

Mr. McGowan noted a fireproof trash enclosure is required for any outdoor storage of trash and recycling.

Board Members and Professionals discussed the trash enclosure.

Mr. Mohnack with DeBlasio and Associates reviewed Ryan McGowan's report dated Aug. 11, 2023.

Mr. Mohnack gave a brief summary of the site. The site will be brought up to ADA performance with new ADA ramps, parking wheel stops, paving and relining of the parking lot, signage and lighting.

Mr. McGowan discussed with Mr. Callahan the additional parking lot that they were proposing and that it could require a Pinelands Certificate of Filing in order to move forward. The Applicant decided to withdrawal the proposed additional parking lot.

Samir Ibrahim was sworn in by Mr. Manos.

Mr. Ibrahim owner of the property, Board Members and Professionals discussed buffers between the site and the neighboring property.

Mr. Warker asked if they had any plans of what the site will look like after the improvements are made. Mrs. Landicini did not have any proposed plans showing the improvements for the site.

The Police and Fire department will receive plans for their review.

Councilwomen Kim Hesse, was present and inquired if people would be smoking on the property.

Mrs. Landicini stated there will be no consumption on the property at all, there will be a vault constructed inside the building for product and a security system on site. She discussed the rules for a micro business. Micro business limits the amount of product you can sell per month according to the size of the building.

Ms. Landicini is anticipating the renovations will take about 3 months.

Mr. Risley was sworn in by Mr. Manos.

Mr. Risley asked for photos of how the building will look after improvements. Mr. Risley noted the building needs a lot of work and photos would be helpful to Board Members and Professionals.

**Questions from the public:** none

Mr. Manos noted the stone parking area will be eliminated for now.

Mr. Peterson inquired how the applicant will take trash out to the road and how it will be picked up. Mr. McGowan discussed this matter further.

Mr. Callaghan noted he will have Mr. Mohnack coordinate with Mr. McGowan a design for a trash enclosure for the property.

Ms. Torres inquired about the leasing agreement for the property.

Mr. McGowan and Mr. Peterson discussed this site plan wavier. This is a conditional use and must come before the Board for approval.

Mr. McGowan reviewed his report dated August 11, 2023. Attached here to made part of these minutes is Mr. McGowan's Report.

Mr. Manos discussed the motion for a Conditional use approval. All conditions will be listed in the resolution prepared by Mr. Manos.

Upon motion made by Mr. Garth, seconded by Mr. Peterson

**Roll Call:** Mayor Jiampetti yes, Mr. Timbers yes, Chairman Peterson yes, Mr. Warker yes, Mr. Garth yes, Dennis McKenna yes, Michael McKenna yes, Mrs. Torres yes, Mr. Mullineaux yes,

Chairman Peterson called for a short recess.  
The meeting was called to order.

**New Business:** #3-2023

Social Dispensary, LLC  
827 White Horse Pike,  
Egg Harbor city, NJ 08215  
Block 433, Lot 12  
Conditional Use Approval  
Request for Waiver from Site Plan Review and Approval

Present were John Wiley the Applicants Attorney for Social Dispensary LLC with two witnesses Shyam Patel and Shivam Patel who are the principals of Social Dispensary LLC.

The Applicant would like to convert an existing liquor store to a class 5 retail dispensary.

Mr. Manos discussed that according to the ordinance only one establishment is allowed in the HC zone. Mr. Wiley is aware of this and noted it is a race for both applicants to obtain the state license and return to the City for approval. This matter was discussed further. Mr. Manos reviewed the Zoning Ordinance and discussed the permitted number of licenses allowed in specific zones.

Mr. Timbers expressed his concerns on this matter.  
Mr. McGowan expressed his concerns on this matter as well.

The Mayor expressed her concerns on this matter and noted once they get their license from the State then they can apply to the City.

Mr. Manos swore in Shyam Patel. Mr. Patel discussed the procedures for the final license.

Mr. Manos noted the City Attorney will be contacted on this matter concerning the Board hearing two applications for the final location and will be a condition of the approval. The Applicant is here tonight to get their conditional approval so they can proceed to the State. The Applicant would like to take this chance even though the other application was already approved for the final location.

The Board Chairman and Professionals proceeded with the application.

Mr. Wiley referred to Ryan McGowan's report dated August 15, 2023. Mr. Wiley discussed the requirements for the storage of trash and recycling. Mr. Patel noted he would like to store the trash and recycling inside the building. There will be no other uses in the building. Mr. Wiley discussed signage which would be upgraded.

Mr. Wiley discussed the applicants 6-month extension documentation and missing information.  
Mr. McGowan needs additional information provided.

Mr. Patel described the security for the site, 24-hour monitoring of all systems and Security guards on site. No one will be able to enter the retail space without being checked in first by Security and the front desk located in the lobby area.

Mr. Patel described their parking plan. They have a total of 18 spaces and 2 handicap spaces which will be sufficient. They expect Average transaction time will be about 3-4 minutes based on data with their service contractor who has dispensaries located in Colorado that have been successful for more than ten years. There will be no loitering or lines outside the building.

Mr. Timbers expressed his concerns on this matter and inquired how long this project will take before they will open.

Mr. Patel believes it will take less than 3 months.

Mr. Peterson discussed the dumpsters that are outside the building at the present time. He noted the owner is in violation of their resolution and the dumpsters must be removed. This matter was discussed further. Board Members are requiring the owner to construct a fire proof trash enclosure outside the building and have the dumpsters removed.

The Chairman requested the Owner contact the Zoning Official on this matter. The board is giving 90 days to construct a fire proof trash enclosure. The owner must submit two sets of Engineer signed sealed plans along with a zoning application and required permit application to the building department.

Mr. Patel stated the hours of operation will be 10 a.m. to 10 p.m. Monday through Saturday. Sunday hours will be 10 a.m. to 8 p.m. or will adjust hours to what the ordinance allows.

Ben Risley expressed his concerns on the second application that was heard tonight.

Mr. Samir Ibrahim, owner of the old Waddell's liquor store was sworn in by Mr. Manos. Mr. Ibrahim expressed his concerns on this matter.

Mr. McGowan reviewed his report dated August 15, 2023 attached here to made part of these minutes.

Mr. McGowan discussed the provided floor plan and the number of employees shown which is eight and if this was correct. A max of five employees is allowed for one shift.

Mr. Patel noted the plans will be revised there showing a reduced number of stations with three to four employees and one security guard.

Mr. McGowan noted Signage would use the same fixtures only changing the interface. No additional signage will be added.

**Questions and comments from the Board:** none

Mr. Manos reviewed the motion and conditions which will be listed in the resolution. This approval will be reviewed by the City Solicitor, that the intent is a race to who obtains the State License first or if the second application shouldn't have been heard, then the conditional approval will become void. The Applicant must provide additional documentation concerning the extension of their license to Mr. McGowan. The Applicant has agreed to a locked trash fire proof enclosure and will have the plan reviewed by Mr. McGowan.

Motion was made by Mr. Warker, seconded by Mr. Mullineaux

**Roll call:** Mayor Jiampetti yes, Mr. Timbers yes Mr. Peterson yes, Mr. Warker yes, Mr. Garth yes, Dennis Mckenna yes, Michael Mckenna yes, Mrs. Torres yes, Mr. Mullineaux yes

**Old Business:** The owner of the liquor store was present Tushar Patel and discussed the dumpsters. The owner will comply with what the City wants concerning the trash enclosure.

Mr. Garth suggested giving the owner 3 months to get the plans and paperwork into the office or the dumpster should be removed.

Mrs. Torres noted for now the dumpsters should go while they are submitting the proper permits.

Mr. Peterson noted Code Enforcement did go over and tell them that the dumpsters must go and get the proper permits for the trash enclosure.

Mr. Warker noted the dumpsters should go until they have the proper trash enclosure constructed.

Discussion on the Trash enclosure continued and Board members agreed to give the owner 90 days to submit a permit and construct a fire proof trash enclosure or in 90 days the dumpster will have to be removed.

Mr. McGowan discussed the trash enclosure and noted it must be a signed sealed plan and must be designed for each specific site. The same plan cannot be used for different sites.

Nanette Galloway was present and expressed her concerns about trees and that the Ordinance Committee is working on a n new ordinance to protect the City trees. Ms. Galloway explained some of the ideas that she is working on to preserve the City trees.

Mayor Jiampetti spoke about trees and landscaping that is required for site plans and when trees die they should be replaced. Dollar General has several dead trees that need to be replaced.

Councilwoman, Kim Hesse was present and would like to see more Code Enforcement Officials. Mrs. Hesse expressed her concerns and mentioned issues that need to be addressed. Mayor Jiampetti noted the Code Enforcement office is one of the busiest offices and they do a great job but need more help.

Mr. Risley expressed his concerns on this matter.

Mr. Michael McKenna expressed his concerns about the Spread the Gospel site on 234 St. Louis Avenue. He would like to see the site shut down due to continuous problems at the site and the conditions of the resolution not be followed.

Mr. Garth expressed his concerns about the Spread the Gospel site as well and agrees with Mr. McKenna.

Mr. Michael McKenna reviewed their resolution and conditions that are not being followed.

Chairman Peterson expressed his concerns about this site as well.

Mrs. Torres expressed her concerns on this matter.

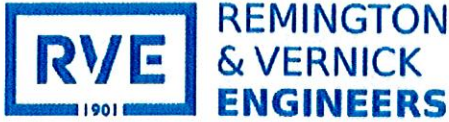
Mayor Jiampetti and Mr. McGowan addressed the concerns of Board members on this matter.

**Public comments:** none

**Questions and comments from the Board –** none

**Adjournment:** Upon motion made by Mrs. Torres, seconded by Mayor Jiampetti and carried the August 15, 2023 meeting was adjourned.

Respectfully Submitted,  
Donna Heffley, Land Use Board Secretary



845 North Main Street  
Pleasantville, NJ 08232  
O: (609) 645-7110  
F: (609) 645-7076

August 11, 2023

Donna Heffley, Board Secretary  
Egg Harbor City Planning Board  
500 London Avenue  
Egg Harbor City, NJ 08215

**Re: Application No. 2-2023  
Atlantic Flower LLC  
118 White Horse Pike (Block 1, Lot 15)  
City of Egg Harbor, Atlantic County, New Jersey  
Conditional Use Approval  
RVE File No. 0107-P-142**

Dear Board Members:

Please review the following report prepared for the above-referenced application based on the materials received by our office.

**I. Application Materials**

1. **Land Use Board Application No. 2-2023**, dated June 18, 2023.
2. **New Jersey Cannabis Regulatory Commission Conditional Approval** with October 15, 2023 expiration date.
3. **Lease Agreement to Property**, dated April 30, 2023.
4. **Egg Harbor City – Fees and Deposits**.
5. **W-9** request for taxpayer identification number and certification.
6. **Survey** prepared by DeBlasio & Associates dated May 16, 2023, and last revised to May 19, 2023.

This report consists of our review of the subject application for conformance with the Egg Harbor City Land Use Ordinance requirements and is limited to planning and engineering. Legal issues shall be deferred for review by the Board Solicitor. Our review is limited to the information presented to date. The Applicant may present additional information and testimony at the Board hearing.

**II. General**

The following general information has been provided for this application.

<b>Applicant:</b>	Atlantic Flower LLC 2796 Cedar Lane Hammonton, NJ 08037
<b>Owner:</b>	Samir Ibrahim 801 Curran Ct. Galloway, NJ 08205

**Project Attorney:** Brian J. Callaghan, Esq  
419 W. White Horse Pike  
Egg Harbor City, NJ 08215

**Location:** 118 White Horse Pike (Block 1, Lot 15)

**Zoning:** HC – Highway Commercial

The site is located in the Highway Commercial (HC) Zone. Retail stores are a permitted use in this zone. Adult use retail cannabis is a conditional use in the zone.

**Existing Use:** The previous use on site was a liquor store. Currently, the site is not occupied.

**Proposed Use:** Class 5 adult-use cannabis retailer.

**Proposal:** The applicant is seeking conditional use approval for Atlantic Flower LLC located on 118 White Horse Pike.

**Area, Yard & Bulk Regulations – HC Zone District:**

ITEM	REQUIRED	PROPOSED	CONFORMANCE
<b>Use</b>	<b>Highway Commercial</b>	<b>Cannabis Retail</b>	<b>Conditional Use</b>
<b>Minimum Lot Size</b>	15,000 SF	12,000 SF total	Does Not Conform
<b>Minimum Lot Width</b>	100 ft	150 ft	Conforms
<b>Minimum Lot Depth</b>	None	80	Conforms
<b>Principal Building Setbacks</b>			
<b>Front</b>	50 ft	Norfolk – 68.9 ft WHP – 22.9 ft 1 <sup>st</sup> Terrace – 46.7 ft	Does Not Conform
<b>Side</b>	15 ft	15.6 ft	Conforms
<b>Rear</b>	30 ft	15.6 ft	Does Not Conform
<b>Building Height</b>	4 Stories or 60 ft	<4 stories or 60'	Conforms
<b>Maximum Coverage of Lot by Buildings</b>	30%	<30%	Conforms
<b>Accessory Uses</b>	Accessory Parking Lots	Accessory Parking Lots	Conforms

**Zoning & Completeness**

The applicant is requesting a conditional use approval for a Class 5 adult-use cannabis retailer in the Highway Commercial (HC) zone. NJSA 40:55D-67 requires that applications for a conditional use provide a site plan to the Board for review. The applicant has requested a waiver of site plan since the application proposes to reoccupy an existing fully developed site. Given that the site is



fully developed, the applicant provided a limited site plan, and the proposed business is of a similar character to the previous use of the facility, a waiver of site plan appears to be appropriate.

The proposed retail cannabis use is a conditional use in the zone so the applicant must satisfy the conditions or seek a conditional use variance. The conditions established by the City for proposed retail cannabis uses are as follows:

1. The subject property is in a zone where retail cannabis is permitted.
2. The number of licenses permitted by the ordinance has not been exceeded.
3. The applicant has a conditional cannabis license from the State of New Jersey Cannabis Commission.

This application is proposed in a zone where cannabis retail is permitted, the one retail cannabis license in the HC zone is still available, and the Applicant has a conditional cannabis license from the State Cannabis Commission. The applicant, therefore, appears to meet the conditions established for the conditional use.

It should be noted that only one cannabis retailer is permitted in the HC zone by the current City cannabis ordinance. The City has taken the position of supporting all applicants to the State cannabis licensing board and has pledged to provide the City's single HC zone license to the first company based in the zone to receive an annual state retail license. Given this, the applicant should understand that approval from this board does not guarantee that a retail facility will qualify for cannabis retail license from the State or City.

### **Technical Review**

Our office has reviewed the submitted documentation regarding the proposed improvements. Given that the site is a fully developed existing site, a full review of the technical design standards was not conducted. The proposed use is the reoccupation of an existing facility which most recently operated as a retail liquor store. As noted above, the applicant has requested a waiver of site plan review in accordance with §170-27.C. of the Egg Harbor City Code. Minimal changes to the site are proposed and a full site plan does not appear to be necessary to accurately describe the proposed improvements. If the Board decides to deny the request for a site plan review waiver, additional documentation will have to be submitted by the applicant for review by the Board.

### **Pinelands Applicability**

This application has been filed with the Land Use Board without application to the Pinelands Commission. Since no application was filed with the commission, the Board may only hear the application if the proposed development is an exempt activity that does not require application to the Commission. A non-residential change of use with no additional development proposed would be an exempt activity. The addition of the proposed gravel employee parking area, as shown on the submitted plan, may not be exempt and may require application to the Commission. The applicant should consider eliminating the employee parking area to ensure that the application is exempt from the requirement to file an application with the Commission.

### **Parking**

Ordinance section 170-62, Note 10 requires 1 square foot of parking for each square foot of gross floor area of a retail facility. The existing building is approximately 1,250 SF so 1,250 SF of parking is required. The area of the proposed parking stalls is approximately 1,314 SF so the existing site meets that ordinance requirement for parking. Section 170-110 of the land development ordinance

requires an additional parking space for each employee that will be working concurrently. The applicant should discuss the maximum number of employees on a shift and discuss the adequacy of parking to support both employees and patrons simultaneously. The applicant should also discuss the unique nature of this business type and the potential for increased parking demand beyond that of a non-cannabis related retail use.

### **General Comments**

1. The applicant should discuss the condition of the existing site and whether any upgrades or improvements are proposed. For example, the existing pavement appears to be old and distressed.
2. The applicant should discuss whether any signage (freestanding or building mounted) is proposed. It appears that multiple free-standing signs were installed and partially removed at various points in time on the site. Any remnants of past site signage should be removed.
3. The applicant should confirm that the ADA parking stall, unloading zone, and accessible route to the building comply with all ADA regulations.
4. The applicant should improve any non-compliant ADA ramps on the site.
5. All broken and non-compliant sidewalk should be replaced.
6. The applicant should add a stop sign and stop bar to the exit driveway.
7. The applicant should consider enlarging the driveway entrance from Norfolk Avenue and making the entrance and adjacent drive aisle two-way to improve site access.
8. The applicant should discuss whether they have developed a safety and security plan for the facility. This should be reviewed by the Egg Harbor City Police and Fire departments.
9. The applicant should discuss the storage of trash and recycling on the site. The ordinance requires a fireproof trash enclosure for any outdoor storage of trash and recycling.

### **Other Approvals**

The applicant shall be required to obtain approvals and or permits from all other State and local agencies having jurisdiction over this project. This includes but is not necessarily limited to both State and Local cannabis retail licenses.

### **Recommendations**

It is recommended that the issues presented in this letter are addressed prior to any approvals and/or waivers be granted by the Planning Board. We may have further comments pursuant to testimony presented at the public hearing or the receipt of revised plans.

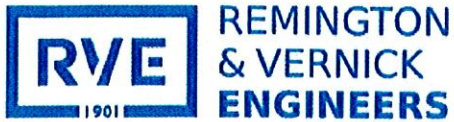
Very truly yours,

**REMINGTON & VERNICK ENGINEERS**



Ryan A. McGowan, PE, PP, CME, CFM

cc: Egg Harbor City Land Use Board Members  
Elias Manos, Esq., Planning Board Solicitor  
Brian J. Callahan, Applicant's Attorney  
Atlantic Flower, LLC, Applicant  
Charles Endicott, Applicant's Engineer



845 North Main Street  
Pleasantville, NJ 08232  
O: (609) 645-7110  
F: (609) 645-7076

August 15, 2023

Donna Heffley, Board Secretary  
Egg Harbor City Planning Board  
500 London Avenue  
Egg Harbor City, NJ 08215

**Re: Application No. 3-2023  
Social Dispensary LLC  
827 White Horse Pike (Block 433, Lot 12)  
City of Egg Harbor, Atlantic County, New Jersey  
Conditional Use Approval  
RVE File No. 0107-P-143**

Dear Board Members:

Please review the following report prepared for the above-referenced application based on the materials received by our office.

**I. Application Materials**

1. **Land Use Board Application No. 3-2023**, dated July 31, 2023.
2. **New Jersey Cannabis Regulatory Commission Conditional Approval** dated October 28, 2022
3. **New Jersey Cannabis Regulatory Commission Conditional Approval 6 month Extension** dated April 2023.
4. **Lease Agreement to Property**, dated July 31, 2023.
5. **Egg Harbor City – Fees and Deposits.**
6. **W-9** request for taxpayer identification number and certification.
7. **Survey** prepared by Robert J. Catalano and Associates P.A. dated June 8, 2017.
8. **Ground Level Design Plan** depicting a proposed interior floor plan prepared by Schroeder Architectural Studio dated 8/1/23.

This report consists of our review of the subject application for conformance with the Egg Harbor City Land Use Ordinance requirements and is limited to planning and engineering. Legal issues shall be deferred for review by the Board Solicitor. Our review is limited to the information presented to date. The Applicant may present additional information and testimony at the Board hearing.

**II. General**

The following general information has been provided for this application.

**Applicant:** Social Dispensary LLC  
94 New Brooklyn Road  
Edison, NJ 08817

**Owner:** Narayan Shree Real Estate LLC  
827 White Horse Pike  
Egg Harbor City, NJ 08215

**Project Attorney:** John Wiley  
216 Amboy Avenue  
Metuchen, New Jersey 08840

**Location:** 827 White Horse Pike (Block 433, Lot 12)

**Zoning:** HC – Highway Commercial

The site is located in the Highway Commercial (HC) Zone. Retail stores are a permitted use in this zone. Adult use retail cannabis is a conditional use in the zone.

**Existing Use:** The current use of the site is a liquor store.

**Proposed Use:** Class 5 adult-use cannabis retailer.

**Proposal:** The applicant is seeking conditional use approval for Social Dispensary located on 827 White Horse Pike.

**Area, Yard & Bulk Regulations – HC Zone District:**

ITEM	REQUIRED	PROPOSED	CONFORMANCE
<b>Use</b>	<b>Highway Commercial</b>	<b>Cannabis Retail</b>	<b>Conditional Use</b>
<b>Minimum Lot Size</b>	15,000 SF	15,000 SF	Conforms
<b>Minimum Lot Width</b>	100 ft	150 ft	Conforms
<b>Minimum Lot Depth</b>	None	80	Conforms
<b>Principal Building Setbacks</b>			
<b>Front</b>	50 ft	WHP – 45.1 ft Chicago – 45.9 ft 8 <sup>st</sup> Terrace – 39.1 ft	Does Not Conform
<b>Side</b>	15 ft	4.6 ft	Does Not Conform
<b>Rear</b>	30 ft	4.6 ft	Does Not Conform
<b>Building Height</b>	4 Stories or 60 ft	<4 stories or 60'	Conforms
<b>Maximum Coverage of Lot by Buildings</b>	30%	Unknown	Unknown
<b>Accessory Uses</b>	Accessory Parking Lots	Accessory Parking Lots	Conforms

### **Zoning & Completeness**

The applicant is requesting a conditional use approval for a Class 5 adult-use cannabis retailer in the Highway Commercial (HC) zone. NJSA 40:55D-67 requires that applications for a conditional use provide a site plan to the Board for review. The applicant has requested a waiver of site plan since the application proposes to convert the use on an existing fully developed site. Given that the site is fully developed, the applicant provided a site survey, and the proposed business is of a similar character to the previous use of the facility, a waiver of site plan appears to be appropriate.

The proposed retail cannabis use is a conditional use in the zone so the applicant must satisfy the conditions or seek a conditional use variance. The conditions established by the City for proposed retail cannabis uses are as follows:

1. The subject property is in a zone where retail cannabis is permitted.
2. The number of uses permitted by the ordinance has not been exceeded.
3. The applicant has a conditional cannabis license from the State of New Jersey Cannabis Commission.

This application is proposed in a zone where cannabis retail is permitted, the one retail cannabis license in the HC zone is still available\*, and the Applicant has a conditional cannabis license from the State Cannabis Commission. The applicant, therefore, appears to meet the conditions established for the conditional use\*.

It should be noted that only one cannabis retailer is permitted in the HC zone by the current City cannabis ordinance. The City has taken the position of supporting all applicants to the State cannabis licensing board and has pledged to provide the City's single HC zone license to the first company based in the zone to receive an annual state retail license. Given this, the applicant should understand that approval from this board does not guarantee that a retail facility will qualify for cannabis retail license from the State or City.

**\* - Please note that there is a hearing for another application scheduled prior to this application which could potentially secure the single permitted HC zone conditional use for retail cannabis. If that occurs, one of the conditional use standards could no longer be met for this application. The applicant would then require a "d(3)" use variance for relief from a conditional use standard.**

### **Technical Review**

Our office has reviewed the submitted documentation regarding the proposed improvements. Given that the site is a fully developed existing site which received a site plan approval on October 17, 2017, a full review of the technical design standards was not conducted. The proposed use is the conversion of an existing facility which presently operates as a retail liquor store. As noted above, the applicant has requested a waiver of site plan review in accordance with §170-27.C. of the Egg Harbor City Code. No changes to the site are proposed and a full site plan does not appear to be necessary to accurately describe the proposed improvements. If the Board decides to deny the request for a site plan review waiver, additional documentation will have to be submitted by the applicant for review by the Board.

### **Parking**

The most recent site plan approval, which was granted in 2017, addressed parking requirements at the site. There are 20 existing parking spaces and one loading space on the site. The proposed use is a high turnover retail use, similar to the liquor store use that was approved under the prior application. The same parking requirements apply both uses.

### **General Comments**

1. The applicant should discuss the storage of trash and recycling on the site. The ordinance requires a fireproof trash enclosure for any outdoor storage of trash and recycling. The city has observed outdoor trash storage at the site since the 2017 approval. This should be addressed and resolved.
2. The applicant should discuss whether any signage (freestanding or building mounted) is proposed.
3. The provided 6-month extension documentation does not appear to be dated and does not specifically reference the applicant or their conditional license. The applicant should provide supplemental documentation regarding their current cannabis license status and any granted extensions.
4. The applicant should discuss whether they have developed a safety and security plan for the facility. This should be reviewed by the Egg Harbor City Police and Fire departments.

### **Other Approvals**

The applicant shall be required to obtain approvals and or permits from all other State and local agencies having jurisdiction over this project. This includes but is not necessarily limited to both State and Local cannabis retail licenses.

### **Recommendations**

It is recommended that the issues presented in this letter are addressed prior to any approvals and/or waivers be granted by the Planning Board. We may have further comments pursuant to testimony presented at the public hearing or the receipt of revised plans.

Very truly yours,

**REMINGTON & VERNICK ENGINEERS**



Ryan A. McGowan, PE, PP, CME, CFM

cc: Egg Harbor City Land Use Board Members  
Elias Manos, Esq., Planning Board Solicitor  
John Wiley, Applicant's Attorney  
Social Dispensary LLC, Applicant