

1 CASINO REINVESTMENT DEVELOPMENT AUTHORITY

2 LAND USE REGULATION ENFORCEMENT DIVISION

3 APPLICATION NO: 2024-08-3686

4 STARBOARD INDUSTRIES 2 NJ, LLC

5
6
7
8 APPLICANT SEEKS AMENDED SITE PLAN APPROVAL TO
9 ADD CANNABIS OUTLET LLC, ELIMINATION OF THE
10 DISPENSARY USE AND CONTINUE MANUFACTURING USE AT
11 1810 BALTIC AVENUE, 122, 124, 128 NORTH INDIANA
12 AVENUE, 1809, 1811, 1813, 1815 GARFIELD AVENUE INTO
13 CANNABIS DISPENSARY AND CULTIVATION AREA WITH
14 OFFICE.

15
16
17 THE PROPERTY IS ALSO KNOWN AS BLOCK 329, LOTS
18 2 TO 11 ON THE TAX MAP FOR THE CITY OF ATLANTIC
19 CITY, LOCATED WITHIN THE CENTRAL BUSINESS DISTRICT
20 (CBD) AND SUBJECT TO THE 1810 BALTIC AVENUE
21 REDEVELOPMENT PLAN.

22 THURSDAY, NOVEMBER 7, 2024

23 10:09 A.M.

24 CSR COURT REPORTING SERVICES, LLC
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Atlantic City, New Jersey 08401
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Public Hearing in the above-referenced matter
conducted at the CASINO REINVESTMENT DEVELOPMENT
AUTHORITY, 15 South Pennsylvania Avenue, Atlantic
City, New Jersey, taken before Michelle Gruendel, a
Certified Court Reporter and Notary Public of the
State of New Jersey, on Thursday, November 7, 2024
commencing at 10:09 a.m.

A P P E A R A N C E S:

CASINO REINVESTMENT DEVELOPMENT AUTHORITY:

LANCE D. LANDGRAF, JUNIOR
CHAIRMAN
DIRECTOR, PLANNING DEPARTMENT

ROBERT L. REID
LAND USE ENFORCEMENT OFFICER

PROFESSIONALS TO THE BOARD:

SCOTT G. COLLINS, ESQ.
RIKER DANZIG

CHRISTINE COFONE, PP

CHRISTOPHER MORRIS, PE

COUNSEL FOR THE APPLICANT:

JACK PLACKTER, ESQ.
FOX ROTHSCHILD

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EXHIBITS MARKED AND/OR REFERRED TO:

A-1, B-1

1 [COURT REPORTER'S NOTE: THE FOLLOWING
2 TRANSCRIPT WAS PRODUCED FROM THE
3 AUDIO/VIDEO TAKEN BY THE VIDEOGRAPHER
4 PRESENT AT THE HEARING.]

5 LANCE LANDGRAF: Now we get into the
6 meatier applications.

7 Application 2024-08-3686, Starboard
8 Industries 2 New Jersey, LLC. The applicant seeks
9 amended site plan approval to add Cannabis Outlet,
10 LLC, elimination of dispensary use and continuing
11 manufacturing use at 1810 Baltic Avenue, 122, 124
12 and 128 North Indiana Avenue, 1809, 1811, 1813 and
13 1815 Garfield Avenue into cannabis dispensary and
14 cultivation area with office.

15 The property is also known as Block 329,
16 Lots 2 and -- to 11 on the tax map of the City of
17 Atlantic City. It is in the Central Business
18 District and subject to the 1810 Baltic Avenue
19 Redevelopment Plan.

20 Rob, we have proper notice on this?

21 ROBERT REID: Yes.

22 LANCE LANDGRAF: Why don't we swear in
23 these guys.

24 SCOTT COLLINS: Raise your right hands,
25 please.

1 CHRISTINE COFONE, PP, having been first duly sworn
2 according to law, testified as follows:

3 CHRISTOPHER MORRIS, PE, having been first duly
4 sworn according to law, testified as follows:

5 SCOTT COLLINS: Thank you.

6 And Lance, for the record, recognize
7 their credentials as experts in the field of
8 planning and engineering?

9 LANCE LANDGRAF: Correct. For Christine
10 and Chris, yes.

11 SCOTT COLLINS: Thank you.

12 LANCE LANDGRAF: And we're complete on
13 the application? We recommend it for completeness?

14 ROBERT REID: Yes, we are.

15 LANCE LANDGRAF: All right. Mr.
16 Plackter.

17 JACK PLACKTER: Good morning. How is
18 everybody?

19 LANCE LANDGRAF: Good. We have two
20 retired attorneys appearing before us today so
21 it's --

22 JON BARNHART: I was laughing when you
23 were talking about your new rules and I was gonna
24 say, Brian might be retired by then but probably
25 not.

1 LANCE LANDGRAF: No. No.

2 JON BARNHART: I told both of these
3 guys, stop telling me about it. I'm tired of
4 hearing it.

5 LANCE LANDGRAF: Exactly. It was nice
6 having you in front of us.

7 (Multiple parties speaking.)

8 JACK PLACKTER: -- to pay back the
9 money.

10 In any event, good morning, everybody.
11 We're here today representing Starboard Industries
12 2, LLC. As Mr. Landgraf correctly stated, it's an
13 amendment to the preliminary and final major site
14 plan approval to amend Resolution 23-83 to, among
15 other things, add Cannabis Outlet, LLC, they're a
16 sub-tenant, to the approval and resolution. The
17 reason for that request is it's required by the
18 state licensing board. Their name needs to be on
19 the resolution in order to get their state license.
20 And also, originally we had three uses -- three
21 different types of cannabis operations at the
22 premises. We had manufacturing, cultivation and a
23 dispensary. When it came time we decided to
24 eliminate the dispensary so -- and fill that up as,
25 you know, Mr. Barnhart will testify to, with

1 manufacturing. So we're gonna have -- we're going
2 from three separate cannabis uses down to two.
3 They're existing non-conformities but they're
4 really not affected by this application. There's
5 no real changes to the site plan at all other than
6 the interior floor plan. The CRDA correctly picked
7 that up when we were asking for some other
8 approvals and that's why we're here. The property
9 is known and identified as 1810 Baltic Avenue and
10 others and we did cause notice of this hearing to
11 be published in the Courier-Post on October 27th
12 and also sent proper notice to all property owners
13 on October 28th.

14 We have our expert here, Jon Barnhart.
15 We'd like to get him sworn in so he can testify.

16 JON BARNHART: Good morning.

17 JON BARNHART, PE, PP, having been first duly sworn
18 according to law, testified as follows:

19 SCOTT COLLINS: Thank you.

20 JACK PLACKTER: Mr. Barnhart, you've
21 been engaged by the applicant to give testimony in
22 this application; is that correct?

23 JON BARNHART: That's correct.

24 JACK PLACKTER: You've been before the
25 CRDA on a number of occasions and you've been

1 accepted as an expert in both engineering and
2 planning and you do hold licenses in both of those
3 disciplines; is that correct?

4 JON BARNHART: Yes.

5 JACK PLACKTER: I would offer Mr.
6 Barnhart as an expert in engineering and planning,
7 if the board would accept him.

8 LANCE LANDGRAF: Of course.

9 JON BARNHART: Thank you.

10 JACK PLACKTER: And as I said, you were
11 engaged by the applicant -- do you need to swear
12 him in?

13 SCOTT COLLINS: Before you get started,
14 I just want to make sure. We like to mark the
15 application -- everything that was submitted as the
16 application materials as A-1, and then do you
17 anticipate showing anything new or that wasn't
18 included in that package?

19 JACK PLACKTER: These are things all
20 from the application?

21 JON BARNHART: Yes. No. I don't think
22 so. The plan I have in front of you right now is
23 the plan that was approved as part of the initial
24 site plan, and then the other exhibit that we are
25 going to show I believe was also submitted. It's

1 the --

2 LANCE LANDGRAF: Floor plans.

3 JON BARNHART: -- the architectural
4 floor plans, yeah.

5 JACK PLACKTER: They were previously
6 submitted.

7 JON BARNHART: Nothing new.

8 SCOTT COLLINS: Thank you.

9 JACK PLACKTER: You were engaged by the
10 applicant to give testimony; is that correct?

11 JON BARNHART: Yes.

12 JACK PLACKTER: And in connection with
13 that testimony have you been to 1810 Baltic on one
14 or more occasions?

15 JON BARNHART: Yes.

16 JACK PLACKTER: Have you also had
17 occasion to review the plans that were prepared by
18 you under your direction?

19 JON BARNHART: Yes.

20 JACK PLACKTER: And have you looked at
21 the -- by the way, is there any letter other than
22 the deficiency letter that we got? Is there a new
23 planning letter that was generated by any of the
24 professionals?

25 CHRISTINE COFONE: October 30th, '24

1 letter. Do you have that?

2 JACK PLACKTER: No. I don't know that I
3 do. Was this when we were declared incomplete?

4 LANCE LANDGRAF: No.

5 CHRISTINE COFONE: No.

6 LANCE LANDGRAF: This was --

7 (Multiple parties speaking.

8 Unintelligible.)

9 LANCE LANDGRAF: Can we give him a copy
10 of that?

11 JACK PLACKTER: Any chance we can get a
12 copy of that?

13 CHRISTINE COFONE: I can give you my
14 copy.

15 LANCE LANDGRAF: We have it. We have
16 it.

17 CHRISTINE COFONE: You have a copy?

18 LANCE LANDGRAF: Well, all right. Make
19 her a copy of that, if you could.

20 CHRISTINE COFONE: I can give you --

21 JACK PLACKTER: Do you have an extra
22 one?

23 CHRISTINE COFONE: Yeah. I can give you
24 that one and we can proceed -- Chris and I can
25 share.

1 JACK PLACKTER: Thank you.

2 CHRISTINE COFONE: I know what it says.

3 JACK PLACKTER: Yeah, I'm sure you do.

4 So I was gonna ask you, I guess you did
5 not review the professional report but --

6 CHRISTINE COFONE: We'll give you a
7 minute.

8 JACK PLACKTER: You reviewed the
9 Tourism --

10 JON BARNHART: I read pretty fast.

11 JACK PLACKTER: You reviewed the Tourism
12 District regulations and you reviewed now the
13 professional report?

14 JON BARNHART: Yes.

15 JACK PLACKTER: Okay. All right. Would
16 you describe what we're seeking today?

17 JON BARNHART: Yes. It's a rather
18 simple application. So the plan that's before you
19 on the screen right now is the site plan as it was
20 approved and then eventually received final plan
21 compliance and was eventually -- and it has been
22 constructed. It included the renovation of the
23 existing building, as Mr. Plackter mentioned, for
24 basically three aspects of cannabis, cultivation,
25 manufacturing and dispensary. It also included

1 utility structures, the gray shaded area that you
2 see here, and then utility structures up Ohio
3 Avenue as far as exterior is concerned and the
4 parking lot as existed was to remain in its -- in
5 its condition with doing some clean up and some
6 upgrades.

7 JACK PLACKTER: Can you just point out
8 where the dispensary use was that we're
9 eliminating?

10 JON BARNHART: Sure. So the building on
11 this plan that was approved was broken up into a
12 few parts. If you look up on Baltic Avenue, you'll
13 see there was about a 2,500 square foot area that
14 was called out as office space on the approved plan
15 and then to the right of that, which is the longer
16 piece of the building, was a 7,300 square foot area
17 which was called out as the dispensary. Both of
18 those spaces essentially now come together and
19 become the manufacturing element of the -- of the
20 facility. So from a dispensary perspective, there
21 will be no dispensary proposed any longer on the
22 project. It will just be cultivation and
23 manufacturing. So we're essentially eliminating
24 one of the uses that was previously approved.

25 JACK PLACKTER: And, of course, one of

1 the main questions is going to be in terms of
2 traffic, customers coming to the site and
3 employees, can you compare the two and which has
4 more of an impact, the dispensary retail use or the
5 manufacturing use in terms of employees and
6 traffic?

7 JON BARNHART: Sure. So we consulted
8 with our client about that topic because, as you
9 know, the manufacturing and the cultivation uses
10 really don't have a very well defined parking
11 standard in any ordinance at this point. Many
12 ordinances point to where the housing and other
13 things within their standards, but the intended
14 employee count for the -- for the facility as a
15 dispensary was 20 -- 20 employees and the intended
16 employee count for the manufacturing, they believe
17 probably no more than 15 employees, so they're
18 gonna actually go down in employee count, but the
19 bigger aspect of it is that we -- that it
20 eliminates the customers coming to the site. So,
21 you know, the dispensaries, you know, if they're
22 doing well, they can be very busy. It creates a
23 lot more trips generated in and out, in and out of
24 the parking area. It creates a lot more need
25 for -- or demand for parking. It would -- it would

1 put potential burden on any existing on-street
2 parking. So the elimination of that retail
3 legalese is a lessening in the intensity of the use
4 on the subject site, and I'm not so sure that
5 Atlantic City needed another dispensary, so I think
6 the idea of eliminating this dispensary at this
7 location because they're able to develop this
8 property or finish the development of this property
9 in a fashion that will be successful for them makes
10 a lot of sense for a lot of reasons.

11 JACK PLACKTER: So can you say within a
12 reasonable degree of both engineering and planning
13 certainty that the traffic and customer impact will
14 be less with the change than it would have been
15 under the previously approved --

16 JON BARNHART: That's correct.

17 JACK PLACKTER: -- project?

18 JON BARNHART: Yes.

19 JACK PLACKTER: Okay. Good.

20 Also, as to the addition of the name to
21 the approval, Cannabis Outlet, LLC, approvals, as
22 we know, and Scott and I have discussed this at
23 length -- not at length but on a few occasions,
24 they do run with the land but the reason, again,
25 why we're asking, there's no real change to the

1 application, it's just that because of the
2 peculiarities of the state licensing procedure, we
3 need to have their name on the resolution, so we're
4 also asking for that.

5 Now, have you had occasion to review the
6 planning and engineering report?

7 JON BARNHART: I'm working on it.

8 JACK PLACKTER: Why don't you guys tell
9 me, is there anything in there -- I mean, we'll
10 agree to everything. Is there anything that
11 we're --

12 CHRISTINE COFONE: There is nothing in
13 there, in my opinion, that would be objectionable
14 to you. If Mr. Barnhart would just like to comment
15 that -- something along the lines of this will
16 not -- this will actually have a positive impact on
17 the parking variance that was previously granted.
18 I would think it would, right?

19 JON BARNHART: Yes. Yes. Absolutely.
20 From a -- as I indicated, with the reduction in
21 employees and the elimination of customers coming
22 to the site, this will be a positive impact. The
23 parking variance was granted before --

24 CHRISTINE COFONE: A pretty substantial
25 one.

1 JON BARNHART: Yes. That is correct.
2 So this application actually reduces the intensity
3 of the variance that was previously granted.

4 CHRISTINE COFONE: I would agree with
5 that.

6 JACK PLACKTER: Okay.

7 JON BARNHART: And I would -- just
8 quickly, I don't see anything else.

9 JACK PLACKTER: So we can agree that
10 we'll work with the professionals and comply with
11 any conditions in the report, as well.

12 CHRISTOPHER MORRIS: Was there any
13 changes to the signage that was proposed?

14 JON BARNHART: No.

15 JACK PLACKTER: No. Nothing, and
16 there's really no change to the site plan other
17 than a change in that internal floor plan.

18 LANCE LANDGRAF: Jack, the one thing we
19 want to be clear on is, is this Cannabis Outlet,
20 LLC is part of the applicant, correct, just so
21 it's --

22 JACK PLACKTER: Yes, but it's a
23 sub-tenant. Yes.

24 LANCE LANDGRAF: Okay.

25 JACK PLACKTER: We did submit the lease

1 with our application.

2 LANCE LANDGRAF: All right. That should
3 cover it.

4 SCOTT COLLINS: Are we including them as
5 the applicant or as the sub-tenant? I want to get
6 it absolutely clear.

7 JACK PLACKTER: Yeah. We would like to
8 say that we're including them as part of the
9 applicant.

10 SCOTT COLLINS: Okay.

11 LANCE LANDGRAF: You'll amend your
12 application to have them as part of the applicant,
13 it's Starboard and --

14 SCOTT COLLINS: Co-applicant, right?

15 LANCE LANDGRAF: Yeah.

16 Cannabis Outlet, LLC, good. Agri-Kind
17 and then the manufacturing is Cannabis Outlet, LLC.
18 Okay. And then you have Hearth Wellness, LLC, as
19 well.

20 JACK PLACKTER: Yeah. They are not part
21 of the --

22 LANCE LANDGRAF: Okay. All right.

23 JACK PLACKTER: -- resolution.

24 LANCE LANDGRAF: They're just leasing
25 space from you?

1 JACK PLACKTER: Correct.

2 LANCE LANDGRAF: All right. Good.

3 But Agri-Kind and Cannabis Outlet should
4 all be --

5 JACK PLACKTER: Yes, as well as
6 Starboard.

7 LANCE LANDGRAF: As well as Starboard.
8 You got that?

9 SCOTT COLLINS: Yeah. The one that
10 should be -- should be -- (Unintelligible.)

11 LANCE LANDGRAF: Agri-Kind and Cannabis
12 and Starboard.

13 SCOTT COLLINS: Makes it easy.

14 LANCE LANDGRAF: Co-applicants. Is that
15 right, Jack?

16 JACK PLACKTER: I think we only need --
17 you know what, let me -- I'm gonna check with the
18 client and how about I get back to you, Scott? I
19 think we only really need Starboard and Cannabis
20 Outlet.

21 SCOTT COLLINS: Okay. Just let me know
22 so we --

23 JACK PLACKTER: I will let you know.

24 SCOTT COLLINS: -- don't have to do this
25 again.

1 LANCE LANDGRAF: Right. That's been the
2 hardest part of this whole --

3 JACK PLACKTER: The client was gonna be
4 here but I told him because of the late -- we were,
5 like, fourth on the agenda and I said you probably
6 don't have to get here until 10:30 so --

7 LANCE LANDGRAF: Yeah. The first three
8 were just CNCs.

9 JACK PLACKTER: Right.

10 ROBERT REID: Nine minutes total.

11 SCOTT COLLINS: Since we're clarifying,
12 Jon, you said that there's a 7,300 square foot
13 dispensary. How big was the office space?

14 JON BARNHART: The office was -- give me
15 one second. I just want to report the exact
16 numbers that were on the -- on the plan.

17 So the office -- the reported office
18 space on the -- on the original was 2,506 square
19 feet.

20 SCOTT COLLINS: And those are both being
21 merged into what will now be a manufacturing area?

22 JON BARNHART: That's correct.

23 SCOTT COLLINS: Okay. Thank you.

24 JON BARNHART: Yes. It was 7,300 on the
25 retail and 2,506, so you have -- so you'd have --

1 9,806 is merged into the re -- or into the
2 manufacturing. I mean, there is office space
3 within that but it's all part of the
4 manufacturing --

5 SCOTT COLLINS: Okay.

6 JON BARNHART: -- element.

7 SCOTT COLLINS: Thank you.

8 LANCE LANDGRAF: All right. Anything
9 else, Mr. Plackter?

10 JACK PLACKTER: No. Other than to thank
11 Scott and the professionals and everybody for
12 working with us on the amendment to the
13 application.

14 LANCE LANDGRAF: I know we've already
15 talked briefly about it, but we're gonna mark the
16 ARH report of October 30th as B-1.

17 JACK PLACKTER: I can answer the
18 question now.

19 LANCE LANDGRAF: Okay. Good.

20 JACK PLACKTER: This is Dr. McHugh
21 (phonetic), part of the applicant.

22 Do we need to be on the resolution? Is
23 it just Starboard and Cannabis Outlet, LLC? We
24 don't need Agri-Kind and we don't need Hearth
25 Wellness?

1 UNIDENTIFIED SPEAKER: Correct. Hearth
2 Wellness is a completely different company that
3 we're leasing to and it will be -- Cannabis Outlet
4 is one of our affiliates.

5 JACK PLACKTER: All right.

6 LANCE LANDGRAF: So it's just those two,
7 Starboard and Cannabis Outlet?

8 UNIDENTIFIED SPEAKER: Yes, sir.

9 JACK PLACKTER: While Dr. McHugh is
10 here, do you have any questions of him? We can
11 just swear him in, but I --

12 LANCE LANDGRAF: I don't know that we
13 do. I mean, do you guys need any testimony from
14 him at all --

15 CHRISTINE COFONE: No.

16 LANCE LANDGRAF: -- on your report?

17 CHRISTINE COFONE: But thank you.

18 JACK PLACKTER: Again, we thank you on
19 behalf of Starboard. We thank you for working with
20 us.

21 LANCE LANDGRAF: We're all good. This
22 cleans -- not -- shouldn't say cleans the site up,
23 but it makes it more clear what's happening there
24 and approves it all as one site, amended site plan.

25 I don't see any -- do you guys want to

1 go through anything on your report or do you
2 want --

3 CHRISTINE COFONE: No. I think Jon
4 addressed our comments in his direct testimony and
5 commented on the degree of impact of the previously
6 granted variance relief, so I'm comfortable that
7 this actually scales the intensity on the site back
8 a little bit.

9 JACK PLACKTER: Thank you.

10 LANCE LANDGRAF: Chris, anything?

11 CHRISTOPHER MORRIS: No comments. We
12 just request review and revised site plan with the
13 new floor areas and parking calculations.

14 JACK PLACKTER: Not a problem.

15 LANCE LANDGRAF: Okay. If there's
16 nothing else, I'll open it up to the public.
17 Anybody with any comments or questions, please step
18 forward and ask any questions or comments, make
19 your comments.

20 Seeing none, we'll close the public
21 portion.

22 We're good on our end, right?

23 SCOTT COLLINS: All set. Yeah.

24 LANCE LANDGRAF: We'll close the
25 testimony on this matter.

1 JACK PLACKTER: Thank you, very much.

2 LANCE LANDGRAF: For the public's
3 benefit, the CRDA's next scheduled land use hearing
4 is on November 21st, 2024 at 10 a.m.

5 No other matters to be discussed, we'll
6 close the meeting and we are adjourned.

7 (At 10:24 a.m. proceedings were
8 concluded.)

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CERTIFICATE

I, MICHELLE GRUENDEL, a Certified Court Reporter and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically and digitally at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

Michelle Gruendel



MICHELLE GRUENDEL, C.C.R.
C.C.R. License No. 30X100190500
Notary Public of the
State of New Jersey

A	application	B	C.C.R 24:19, 20
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