

1 CASINO REINVESTMENT DEVELOPMENT AUTHORITY
2 LAND USE REGULATION ENFORCEMENT DIVISION HEARING
3

4 APPLICATION NO: 2024-05-3649
5

6 ZAZA DISPENSARY, LLP
7 12 SOUTH VIRGINIA AVENUE
8 SITE PLAN FOR CANNABIS RETAIL

9 APPLICANT SEEKS SITE PLAN APPROVAL ALONG WITH
10 C VARIANCE RELIEF FOR ADULT USE RETAIL SALES OF
11 CANNABIS.

12 THE PROPERTY IS LOCATED AT 12 SOUTH VIRGINIA
13 AVENUE, ALSO KNOWN AS BLOCK 136, LOT 7 ON THE TAX
14 MAP FOR THE CITY OF ATLANTIC CITY, LOCATED WITHIN
15 THE RESORT COMMERCIAL DISTRICT (RC).

16 THURSDAY, JANUARY 16, 2025
17

18 10:11 A.M.
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20
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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, January 16, 2025, commencing at 10:11 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

CAROLYN FEIGIN, PE, PP
ARH ASSOCIATES

PROFESSIONALS FOR THE APPLICANT:

DANIEL J. GALLAGHER, ESQ.
LAW OFFICE OF DANIEL J. GALLAGHER

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EXHIBITS MARKED AND/OR REFERRED TO:

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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: All right. Dispense
6 with the quick applications and we move into site
7 plan for application 2024-05-3649, Zaza Dispensary,
8 LLP, 12 South Virginia Avenue, site plan for
9 cannabis retail. Application is for site plan with
10 C variance relief for adult use retail sales of
11 cannabis. As indicated, it's located at 12 South
12 Virginia Avenue, known as Block 136, Lot 7. It is
13 also in the RC District.

14 Rob, we're good on notice with this?

15 ROBERT REID: Yes. I reviewed the proof
16 of service provided by the applicant and we do have
17 jurisdiction to hear the application.

18 LANCE LANDGRAF: All right. Carolyn,
19 we're good on completeness, as well?

20 CAROLYN FEIGIN: Yes. We are good.

21 LANCE LANDGRAF: You have been sworn
22 already for this meeting.

23 Mr. Callagher -- Callagher -- I almost
24 said Callaghan. I think I did that the last time
25 you were here.

1 DANIEL GALLAGHER: That's okay. Not the
2 first time.

3 Daniel J. Gallagher on behalf of the
4 applicant. With me is Mr. Jon Barnhart and Dashnay
5 Holmes, who is the applicant. I don't know if you
6 need to swear them in.

7 LANCE LANDGRAF: When they speak, yeah,
8 we'll bring them --

9 BRIAN CALLAGHAN: I'm gonna have Jon
10 walk through the application. This is a property
11 right around the corner, 12 South Virginia Avenue.
12 It's been vacant, I think, since 2006. Actually, a
13 little bit -- it was vacant for a long time before
14 that. If you remember the guy who used to run the
15 horses on the beach, he rented out of there. You
16 remember that?

17 LANCE LANDGRAF: I don't, no. That's
18 more Rob's era than mine.

19 DANIEL GALLAGHER: The guy who ran the
20 horses on the beach -- I guess I'm dating myself,
21 huh -- he had an office there. Before that it was
22 vacant. It was part of the Gordon's Alley.
23 They're gonna take it up. They plan on -- it's in
24 the Green Zone. I've gone over with my applicant,
25 which I am sure some of the questions you're gonna

1 have is, another cannabis place, et cetera, et
2 cetera. She has a different marketing technique.
3 She thinks that she's gonna -- well, I'll let her
4 explain about the arts and the culture that she
5 plans on bringing.

6 So with that, I'll have Jon explain the
7 application.

8 JON BARNHART: Sure.

9 LANCE LANDGRAF: Mr. Barnhart.

10 SCOTT COLLINS: Good morning, Jon.

11 JON BARNHART: Good morning.

12 SCOTT COLLINS: Raise your right hand,
13 please.

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

16 SCOTT COLLINS: Okay. Lance, we'll
17 recognize Jon as an expert in the field of
18 professional engineering and professional planning?

19 LANCE LANDGRAF: Correct.

20 SCOTT COLLINS: He's appeared here many
21 times.

22 LANCE LANDGRAF: He has.

23 JON BARNHART: Thank you.

24 So I have on the projector right now,
25 it's just an aerial -- a Google image of the area

1 with the -- the little yellow rectangle in the
2 middle is the subject property, known as 12 South
3 Virginia Avenue. You have a real mix of land uses
4 in the area. We're all very familiar. We are --
5 we are between Pacific and Atlantic Avenues. We
6 are just under 200 feet from the intersection of
7 Atlantic Avenue and Virginia Avenue. We have a
8 mixture of commercial uses on our side of the
9 property. Across the street we have the bank and
10 what I believe is the Housing Authority building
11 across the street, and then as you go towards the
12 beach, the majority of the property from Pacific
13 Avenue to the Boardwalk, as we know, is the Hard
14 Rock Casino hotel. Going across Atlantic Avenue,
15 again, we have a mixture of land uses. The site is
16 in the Green Zone and the proposal is to utilize
17 the existing building which, as Mr. Gallagher just
18 described it, has been vacant since about 2006, and
19 to revitalize the building, renovate a portion of
20 the interior of the building and utilize the
21 building as a dispensary.

22 The architectural plans were submitted.
23 I identified the details of the building
24 improvements both inside and out, but there is no
25 change with regard to the building footprint.

1 There is no expansion to the building in any
2 fashion. There are no -- there are no new entry or
3 exit points. At the front of the building the
4 entry points, as they are, with the exception of
5 one new -- or with a new door element that's being
6 put into the new space will remain as it is. Along
7 Gordon's Alley, which is the rear of the building
8 although it's on the street, there will be the
9 inclusion of a loading area which will be
10 installation of a garage door so that deliveries
11 can be securely -- can securely take place off of
12 Gordon's Alley. A vehicle would come down Gordon's
13 Alley from Pacific. As we know, Gordon's Alley is
14 one way towards Atlantic. Would come down Gordon's
15 Alley toward Pacific, pull into the -- into the
16 garage space, whether -- if they're bringing
17 product, and then they would leave by heading back
18 out. They would back out of the garage area and
19 then head out to Atlantic Avenue. That operation
20 will be completely separate from the customers in
21 that the only customer access in and out of the
22 building is from Virginia Avenue.

23 The site -- the project does not propose
24 any parking with the application. This property
25 has not had parking throughout its history. We did

1 analyze or take a look at, you know, what parking
2 is available, you know, because obviously if you're
3 going to develop this site as a dispensary, you
4 want it to get -- to have the benefit of being
5 successful, so you do have a number of parking
6 opportunities even though there is no on-site
7 parking. First of all, Virginia Avenue, while it's
8 a divided highway -- or a divided roadway, I should
9 say, there is on-street parking for the entirety of
10 this block from Pacific to Atlantic Avenue. We
11 also anticipate ride share, Uber, Lyft, things of
12 that nature for folks. We also -- as I mentioned,
13 we are a hundred -- about 195 feet from the
14 intersection of Virginia and Atlantic Avenues and
15 there is a bus stop actually right on the corner of
16 Virginia and Atlantic Avenue which, again, gives
17 you an option for public transportation. And then,
18 of course, you know -- and I'm sure that our client
19 will discuss this, you know, there's target markets
20 based on our location and we are just a very, very
21 short walk from probably the largest hotel casino
22 property in the city, but for maybe Borgata, in
23 that -- the Hard Rock. So you have a lot of
24 density, both commercial and residential, in a
25 very, very short distance and folks could easily

1 walk to this facility. So we don't anticipate the
2 fact that we don't have on-street -- I'm sorry --
3 on-site parking as being a concern or an issue for
4 the success of the business.

5 With regard to the requests this
6 morning, we have essentially a list, as you can see
7 from the professional report, of existing
8 non-conformities. The building does not comply
9 with regard to any setbacks. The building does not
10 comply with regard to coverage, both building and
11 lot. As was pointed out, we identified conforming
12 setback with regard to the front yard but the
13 building actually is greater than 35 feet in height
14 so technically it would have to step back once you
15 hit 35 feet. Again, that's an existing
16 non-conformity with no change proposed, but that
17 was -- that was pointed out in the report -- excuse
18 me -- so I did want to mention it.

19 With regard to the building facade, if
20 you -- if you looked at it recently, if you -- I
21 looked at some old, dated pictures and then -- and
22 then drove in again recently. The building facade
23 has already been cleaned up and completely -- the
24 building's been completely repainted along the
25 front. And one of the things that was also

1 mentioned in the report is that there is no
2 proposal for signage with the current application.
3 Obviously the property will have a sign, does need
4 a sign to be identified and successful. The intent
5 there is to have a -- have a wall sign that will
6 meet the requirements of the CRDA regulations. As
7 we know, wall signs are permitted to be up to
8 25 percent of the wall area, which is way more than
9 this facility would ever need because the front
10 facade on Virginia Avenue is roughly 50 feet wide
11 and I'm gonna approximate the building at about
12 50 feet high, so they have a large sign area to
13 work with that would not require any variances. So
14 we will have a sign, it is yet to be designed, but
15 it will comply and of course it will be part of a
16 certificate of land use application.

17 So with regard to the deviations that
18 we're asking for this morning, we -- we believe
19 that this qualifies under the C(2) criteria, where
20 the benefits of the deviations outweigh the
21 potential detriments. We believe, first of all,
22 the application promotes the general welfare. We
23 can say that because we think it advances the
24 purposes of the Green Zone plan, reutilization of
25 an existing building, revitalization of the area,

1 bringing people to the community, bringing people
2 to this block of Virginia Avenue. We also believe
3 it promotes the purposes of the CRDA Tourism
4 District master plan by reinvigorating this area.
5 Again, this building has sat vacant and not in
6 great shape for a number of years and our client
7 proposes to change that. So because we meet the
8 purposes of the Green Zone Plan and the CRDA
9 Tourism Plan, we believe that the general welfare
10 is certainly advanced with the application.

11 With regard to the negative criteria, is
12 there a substantial detriment to the zone plan.
13 This is a permitted use in the zone and all of the
14 bulk standards, while we don't comply, none of them
15 are being changed and they have all existed for
16 many, many years so we do not see a substantial
17 detriment to the zone plan or the zoning ordinance.
18 The second prong of the negative criteria is
19 whether there is a substantial detriment to the
20 public good. This is a permitted use. This is
21 a -- used to be a very highly traveled area with
22 regard to commercial space but has not been in
23 recent times because there's been a number of
24 vacancies. We're hopeful that this actually
25 benefits this block by reactivating this building

1 and we see that as really only a benefit to the
2 public by -- through the renovation and the use of
3 the structure.

4 So we believe the positive and the
5 negative criteria are clearly advanced with this
6 application and the benefits clearly outweigh any
7 of the potential detriments of the utilization of
8 this site as a dispensary.

9 There are a number of questions in the
10 professional report with regard to operational and
11 we'll let our client kind of go through those
12 topics, but other than that, that pretty much sums
13 up my testimony.

14 DANIEL GALLAGHER: Just to --

15 LANCE LANDGRAF: Question for -- go
16 ahead.

17 DANIEL GALLAGHER: We haven't cut a deal
18 yet, but the Bank of America over here has excess
19 spaces that they do lease out to people. We plan
20 on discussing that with them. I know that some of
21 those buildings over there in Gordon's Alley used
22 to lease spaces on this side of the parking lot and
23 I don't know if those are available or not.

24 LANCE LANDGRAF: So we used to lease
25 this side. We have not done that in quite some

1 time.

2 DANIEL GALLAGHER: This side used to be
3 leased when this was not the CRDA building.

4 LANCE LANDGRAF: Gotcha. So we used to
5 lease some spaces to a law firm behind us. That
6 stopped when we had issues with the bar that used
7 to be behind us. We had to stop that. However, we
8 did just put out to bid to put this parking lot up
9 for operation by our parking lot group that -- Park
10 Place or whoever.

11 DANIEL GALLAGHER: The old Boland?

12 LANCE LANDGRAF: Boland's facility. So
13 they manage all of our lots. This site will
14 eventually, hopefully in the next 30 to 60 days,
15 end up being a leased parking lot.

16 DANIEL GALLAGHER: So I'll call Bill.
17 Perfect.

18 LANCE LANDGRAF: So that space will be
19 for daily parking or you can lease spaces or
20 whatever so -- to activate that space. We'll move
21 our trailers out.

22 DANIEL GALLAGHER: Okay. With that,
23 Dashnay Holmes, she's gonna be --

24 LANCE LANDGRAF: One question for Jon,
25 before you jump into the applicant.

1 DANIEL GALLAGHER: Okay.

2 LANCE LANDGRAF: The loading --

3 JON BARNHART: Yes.

4 LANCE LANDGRAF: -- so everybody loads
5 off Gordon's Alley. It's not a -- it's how it
6 happens back there. My concern is pulling in head
7 first and then backing out. I think that's gonna
8 be harder to do. I think maybe a suggestion would
9 be to back in through that, Carolyn?

10 CAROLYN FEIGIN: Yeah. It's just so
11 narrow. The 20 foot width of the alleyway, it's
12 gonna be tricky for somebody to back out and have
13 proper site lines on both sides.

14 LANCE LANDGRAF: Yeah. Give me the --

15 CAROLYN FEIGIN: There's not really --
16 (Cross-talk. Unintelligible.) -- required here --

17 LANCE LANDGRAF: Right.

18 CAROLYN FEIGIN: -- because it's --

19 LANCE LANDGRAF: I'm not as concerned
20 with pedestrian traffic because there's not a lot.
21 There's hardly any traffic on the roadway, on the
22 alley, but I would suggest that maybe that sprinter
23 van -- they are sprinter vans, correct? That's
24 what you're using?

25 JON BARNHART: Yeah.

1 (Unintelligible) -- vehicles, sprinter vans, yeah.

2 LANCE LANDGRAF: Let it back into that
3 space and then it's easier to pull out.

4 JON BARNHART: Yeah. I don't think you
5 would have an issue with that. Would you? No.

6 LANCE LANDGRAF: Typically when you're
7 getting deliveries, you know, your on-site security
8 guard or there's two people in the van, someone's
9 out there helping guide them in, making sure no
10 pedestrians are in the way. We would ask for that
11 to be included in the security plan, that
12 deliveries would happen with a second person
13 assisting in that aspect.

14 Okay? Verbal.

15 JON BARNHART: Yes. That's fine. That
16 works.

17 LANCE LANDGRAF: The nods, they're hard.
18 They pick up on the camera but not the transcript.

19 Okay. Go ahead.

20 DANIEL GALLAGHER: Before we get into
21 the hours and security, let her explain about the
22 product storage and stuff -- with me is Dashnay
23 Holmes. I think she's got to get sworn in.

24 SCOTT COLLINS: Yes, please.

25 Good morning.

1 DASHNAY HOLMES: Good morning.

2 SCOTT COLLINS: Raise your right hand,
3 please.

4 DASHNAY HOLMES, having been first duly sworn
5 according to law, testified as follows:

6 SCOTT COLLINS: Thank you.

7 DANIEL GALLAGHER: Before -- Dashnay,
8 before you get into the details, why don't you tell
9 the board a little bit about yourself and your
10 businesses and your experience in business.

11 DASHNAY HOLMES: My name is Dashnay
12 Holmes. I have been in business for essentially a
13 little bit over 10 years. I started in the
14 financial industry and then I got into retail. I
15 owned a few smoke shops in North Jersey -- I'm
16 originally from North Jersey -- and then I got the
17 opportunity to start the license process for the
18 cannabis and learn more about it and because of my
19 experience I feel like and I know that I could do
20 well in this industry.

21 DANIEL GALLAGHER: All right. Again,
22 before we get into the hours and security and the
23 product storage, I think it's important for you to
24 tell the board why you think that you're going to
25 be successful here and your game plan for being

1 successful where so many other businesses have not
2 made it.

3 LANCE LANDGRAF: And we've got 12 open
4 already.

5 DANIEL GALLAGHER: Right.

6 LANCE LANDGRAF: And from what we have
7 been told, not what we hear, what we've been told,
8 most of them are not making any money.

9 DASHNAY HOLMES: Right.

10 LANCE LANDGRAF: So just be aware of
11 that going in.

12 DANIEL GALLAGHER: We explained that
13 from day one.

14 LANCE LANDGRAF: Okay. There's -- we've
15 had meetings as recent as last week with several of
16 them that have indicated that they are struggling.

17 DASHNAY HOLMES: Okay. Well, my -- in
18 business I've been able to -- myself, without
19 any -- with -- using my own marketing strategies,
20 to scale my business to seven to eight figures on
21 my own, so I have been -- I am very resourceful
22 when it comes to marketing. I'm very, you know --
23 I'm -- I do well in marketing and I do well at
24 finding, you know, where the need is and what needs
25 to be done to remain, you know, consistent in the

1 market.

2 What I did decide to do, because I
3 noticed that a lot of dispensaries -- I don't know
4 any dispensaries doing this. I did decide to
5 incorporate arts. So what I decided was -- is it
6 okay if I read, because I don't want to
7 skip anything?

8 LANCE LANDGRAF: Absolutely.

9 DASHNAY HOLMES: Okay. So our
10 dispensary will feature local artists' work,
11 providing a platform for them to showcase their
12 talent. This not only beautifies our space but
13 also supports the local art scene. We also tend to
14 -- I'm sorry. We also intend to incorporate
15 cultural events. So we will host and sponsor local
16 music and cultural events, contributing to Atlantic
17 City's vibrant cultural landscape and attract more
18 visitors to the area.

19 Couple more things I would like to add,
20 as well, is we do plan to implement sustainable
21 practices, such as energy efficient lighting,
22 reducing waste through recycle and composing,
23 utilizing sustainable packaging for our products,
24 partnerships with local sustainability initiatives.
25 We will collaborate with local environmental groups

1 that participate in clean-up events or educational
2 programs about sustainability and cannabis and
3 cultivation and retail. So I feel like what this
4 does is it not only sets us in a position where the
5 city knows about us but, you know, other -- other
6 organizations, other people, tourists, not just the
7 residents, once we incorporate other businesses in
8 the community, as well.

9 DANIEL GALLAGHER: Okay. Can you
10 briefly, because they have it in the package, just
11 go over the hours the place is going to be open,
12 your plans for security and your plans for product
13 storage?

14 DASHNAY HOLMES: Okay. I wrote them
15 down. I'm sorry.

16 All right. So as the owner of the
17 dispensary I'm committed to operating a safe,
18 efficient and customer friendly business that
19 prioritizes both compliance and customer
20 experience. So as far as product storage, we plan
21 to implement strict protocols for product storage
22 to ensure the safety and quality of our cannabis
23 products. Our storage area will be secured and
24 temperature controlled, preventing any degradation
25 of product quality. All products will be stored in

1 locked cabinets or safes, which we usually call the
2 vault but I didn't know if you guys knew what the
3 vault was.

4 LANCE LANDGRAF: This is the 40th
5 application.

6 DASHNAY HOLMES: Oh, okay.

7 LANCE LANDGRAF: We're very well
8 familiar with these businesses.

9 DASHNAY HOLMES: All right.

10 DANIEL GALLAGHER: You're familiar with
11 the vault.

12 DASHNAY HOLMES: All products will be
13 stored in locked cabinets for safes -- or safes
14 that are accessible only to authorized personnel.
15 Inventory management will be conducted using a
16 sophisticated tracking system to ensure we maintain
17 accurate records of all incoming and outgoing
18 products. As far as security, safety is a top
19 priority for us. We will implement a comprehension
20 security plan, including 24/7 video surveillance
21 throughout the premises in the secure interest that
22 limits access to authorized individuals only. Our
23 staff will undergo thorough training in security
24 protocols, including how to handle emergencies and
25 maintain a safe environment. Additionally, we will

1 work closely with law enforcement to ensure that
2 our security measures meet community standards and
3 expectations.

4 LANCE LANDGRAF: That will be a
5 condition of our approval. We ask you to submit
6 that plan to ACPD.

7 DASHNAY HOLMES: Okay.

8 LANCE LANDGRAF: Captain -- I forget the
9 captain's last name, but they have a captain that
10 does most of that for all businesses in the city.

11 DASHNAY HOLMES: Okay.

12 LANCE LANDGRAF: And what they'll do is
13 they'll provide us a letter saying that we
14 submitted it, it's approved or any tweaks. That's
15 been very successful --

16 DASHNAY HOLMES: Okay.

17 LANCE LANDGRAF: -- and the police
18 appreciate it so --

19 DASHNAY HOLMES: Okay.

20 DANIEL GALLAGHER: Does anybody have any
21 questions?

22 CAROLYN FEIGIN: I don't know if I
23 missed it. Did you indicate the hours of
24 operation?

25 DASHNAY HOLMES: Yes. I wrote down my

1 hours. I just want to make sure that they --

2 CAROLYN FEIGIN: Okay.

3 DASHNAY HOLMES: -- aren't -- give me
4 one second.

5 CAROLYN FEIGIN: Okay. No problem.

6 DASHNAY HOLMES: I just wanted to
7 confirm the hours were within the law.

8 LANCE LANDGRAF: That's fine.

9 CAROLYN FEIGIN: No problem.

10 DASHNAY HOLMES: All right. So we plan
11 to open seven days a week from 10 a.m. -- 10 a.m.
12 to 6 or 7 p.m., depending on, you know --

13 CAROLYN FEIGIN: Thank you.

14 I just have a -- if you don't mind.

15 LANCE LANDGRAF: Yeah. We'll -- let's
16 put your report into the record as B-1 dated
17 January 13th, 2025. If you'd go through that, that
18 would be helpful.

19 CAROLYN FEIGIN: Sure.

20 SCOTT COLLINS: Or we --

21 (Unintelligible.)

22 LANCE LANDGRAF: Yup.

23 CAROLYN FEIGIN: Sorry. One second.

24 Okay. Some of these questions are maybe
25 for Mr. Barnhart. Just one other -- the

1 deliveries, obviously as Lance said, we've had 40
2 applications so we know these are scheduled and
3 there's a security protocol where you'll have
4 somebody -- it's at a specific time. There's
5 somebody there to receive it. We'll make sure that
6 they're safely getting it to the back, into the
7 loading zone. Okay. So that was one of the items.

8 Inside the building you have separate
9 areas dedicated or allocated for the cannabis waste
10 and that's separated from the general waste and
11 that will also be picked up separately. Just want
12 to have that on the record.

13 DASHNAY HOLMES: Yes.

14 CAROLYN FEIGIN: It looks like there's
15 different rooms located in the architectural floor
16 plan so that's what has to be -- just make sure
17 that, you know, those have to be kept separate --

18 DASHNAY HOLMES: Yes.

19 CAROLYN FEIGIN: -- and treated
20 differently and removed differently from regular
21 general waste.

22 DASHNAY HOLMES: Okay.

23 CAROLYN FEIGIN: Let's see. I guess we
24 didn't have the -- do you have your state license
25 yet, the NJCRC? I don't know if that was in the

1 package here. I don't remember seeing it.

2 DASHNAY HOLMES: Oh, we have our
3 conditional and we are on the -- we're on the list
4 for February 6th for the annual conversion.

5 CAROLYN FEIGIN: Okay. So that's on --

6 LANCE LANDGRAF: Typically what they
7 have when they come here, once you get our
8 approval, I think that's what happens.

9 CAROLYN FEIGIN: Okay. Then that's the
10 last step.

11 (Multiple parties speaking.
12 Unintelligible.)

13 DANIEL GALLAGHER: -- in February. We
14 just -- it's part of the package.

15 LANCE LANDGRAF: Gotcha.

16 CAROLYN FEIGIN: Okay. All right. So
17 it's pending and it's where it should be to be
18 heard at the CRDA hearing right now?

19 LANCE LANDGRAF: I believe so.

20 CAROLYN FEIGIN: Okay. Let's see. We
21 talked about the signage. I think that's all I
22 have for you. I may ask a couple more questions of
23 you, Mr. Barnhart, but I don't know if you have
24 anything else.

25 LANCE LANDGRAF: Just one.

1 No consumption on site --

2 DASHNAY HOLMES: Not at this time.

3 LANCE LANDGRAF: -- consumption lounge?

4 Okay.

5 DASHNAY HOLMES: Later on if we want to
6 incorporate it, we just come back, right?

7 LANCE LANDGRAF: Yes. Yup.

8 DASHNAY HOLMES: Okay.

9 LANCE LANDGRAF: Because it's permitted.

10 DASHNAY HOLMES: Okay.

11 LANCE LANDGRAF: I think at least the
12 use is permitted. I don't think the CRC has
13 finalized their rules on it.

14 DASHNAY HOLMES: They haven't started
15 accepting application -- well, they start I think
16 April 2nd for the applications.

17 LANCE LANDGRAF: Okay. All right. Do
18 you have anything else, Carolyn?

19 CAROLYN FEIGIN: I just wanted to say
20 from a planning perspective with the parking issue,
21 anything that's gonna happen in this building is
22 clearly gonna be in a safe condition. It's
23 gonna -- there's an existing shortfall of parking,
24 maybe 17 spaces. I'm not exactly sure how that was
25 tabulated, but either way, there's clearly gonna be

1 a parking issue with any application that would be
2 heard here. So with Mr. Barnhart's testimony about
3 all the other options, I don't think there's going
4 to be a problem with that. And I know -- it's not
5 really a question so much, but we talked -- I
6 talked to Mr. Barnhart a while back about the -- a
7 couple of little grading, topographic things, he
8 said we'll submit that after the fact.

9 JON BARNHART: Yeah. We will -- we will
10 address that. I mean, the threshold topic with
11 buildings like this is whether you're gonna end up
12 being classified as a substantial renovation and
13 have to address the flood hazard standard.

14 CAROLYN FEIGIN: Right.

15 JON BARNHART: In this case we will
16 not -- we will not breach that threshold so we
17 won't have to address the flood hazard standard.

18 CAROLYN FEIGIN: Right.

19 JON BARNHART: But we will make sure in
20 the compliance plans that we show you the elevation
21 and the ADA compliance, that the front entry will
22 provide the finished floor elevation and the
23 things -- all the things that are in your report.

24 CAROLYN FEIGIN: Yeah. There's not
25 much. There was just a couple -- there's very

1 little. There's really no site improvements. It's
2 just the two entranceways, making sure they work
3 and they're ADA compliant and that's it. So
4 there's -- I don't know if we talked about
5 lighting, actually. Oh, proposing wall-mounted
6 sconce lighting, yes.

7 Okay. I think that's about it. The
8 building pretty much takes up 100 percent of the
9 lot so there's no landscaping, all existing
10 conditions, so --

11 LANCE LANDGRAF: Okay.

12 CAROLYN FEIGIN: -- I'm good.

13 LANCE LANDGRAF: And the testimony on
14 the variances and the existing non-conformities was
15 sufficient, you believe, for the granting of those
16 variances?

17 CAROLYN FEIGIN: Yup. Exactly.
18 There's -- you know, those are all existing. No --
19 nothing is being exacerbated so I don't think
20 there's too much we can do about those and they're
21 gonna remain. As Mr. Barnhart indicated, the
22 building is higher than 35 feet so the setback
23 should be 20 feet but --

24 LANCE LANDGRAF: Above the 35.

25 CAROLYN FEIGIN: Yes, but -- so that is

1 not conforming but existing condition.

2 LANCE LANDGRAF: All right. Question
3 for you on that. Does that -- is that measured
4 from base flood elevation?

5 JON BARNHART: So I think, yeah, I would
6 argue that it is. I'm not sure it's clear either
7 in the city's regulations or the CRDA's regulations
8 as to where that should be measured.

9 LANCE LANDGRAF: We defer to the city's
10 floodplain regs.

11 JON BARNHART: They measure building
12 height based on -- (Unintelligible) -- and then --
13 so when they give a building -- when they give a
14 height and they're scheduling, you would say that
15 it's from the -- (Technical interruption.
16 Unintelligible.)

17 LANCE LANDGRAF: Okay.

18 JON BARNHART: But even still --

19 LANCE LANDGRAF: It's not relevant here
20 but it was a question that popped into my head.

21 CAROLYN FEIGIN: Yeah. It is actually
22 from the VFB. What -- the building height appears
23 to be 49.5 feet so the VFB I think here is 9, so
24 either way, unless the bottom floor was in the
25 ground, I don't think there's any way we -- this

1 would be --

2 LANCE LANDGRAF: Still needs relief.

3 CAROLYN FEIGIN: Yeah.

4 LANCE LANDGRAF: Okay.

5 CAROLYN FEIGIN: We tried to, like, make
6 it relative and move it up and down but now I think
7 it's going to be higher than 35 feet no matter how
8 we look at it.

9 LANCE LANDGRAF: Mr. Callaghan, do you
10 have anything else? Callaghan, did it again.
11 Mr. Gallagher, jeez, I'm sorry. I apologize.

12 DANIEL GALLAGHER: I have nothing
13 further.

14 LANCE LANDGRAF: Okay. With that, we'll
15 open this up to the public for any comments or
16 questions. Please step forward, state your name
17 and make your comment or ask your question. Got to
18 come up front.

19 Thank you, sir.

20 JOSHUA LEVIN: Good morning. Joshua
21 Levin. I'm a property owner on Gordon's Alley.

22 LANCE LANDGRAF: Good to see you again,
23 Josh.

24 JOSHUA LEVIN: The question I have is,
25 how large is the building? How many square feet is

1 it and how much parking would actually be required
2 when they utilize the whole property? Because
3 obviously parking is a big issue on Gordon's Alley.
4 It always has been.

5 LANCE LANDGRAF: Yeah. From what
6 Carolyn said, it would require 17 parking spaces as
7 is for any retail or any kind of use.

8 JOSHUA LEVIN: What's the square footage
9 of the building?

10 CAROLYN FEIGIN: This application is
11 only for a small portion of the building. It looks
12 like the property is 100 by 50 so around 5,000
13 square feet, but all they're looking to develop is
14 about 2,500 square feet.

15 JOSHUA LEVIN: But there are multiple
16 floors in the building, as I remember.

17 CAROLYN FEIGIN: Yeah. Yeah, which --
18 nothing to do with this application.

19 JOSHUA LEVIN: Is that gonna restrict
20 future use of this building? Because if you occupy
21 the whole building we could be talking a hundred
22 parking spots.

23 CAROLYN FEIGIN: For the Class 5 retail
24 license you have to be limited to 2,500 square feet
25 of retail use and that's all they're proposing.

1 It's not this sheet but maybe if you show the --
2 there's a floor plan showing the actual amount of
3 usage for the bottom -- for the lowest floor, just
4 for this cannabis use.

5 JOSHUA LEVIN: My concern is when they
6 occupy the remaining of the building, it's gonna
7 put that much more stress on the property.

8 LANCE LANDGRAF: So I think I got --
9 what he's asking is if the rest of the building is
10 occupied with another use, how would that impact
11 parking? Well, it's never had parking.

12 CAROLYN FEIGIN: Right.

13 LANCE LANDGRAF: So it would have the
14 same impact that it did when it was being fully
15 occupied so --

16 CAROLYN FEIGIN: Right.

17 JOSHUA LEVIN: But the use is changing,
18 though, correct?

19 CAROLYN FEIGIN: The use --

20 LANCE LANDGRAF: For this it is, yes.

21 CAROLYN FEIGIN: Yeah.

22 LANCE LANDGRAF: But any building that
23 comes in that encompasses an entire lot, that has
24 historical parking deficiencies, and we've been
25 very lenient on allowing those to happen because

1 you won't get anything to develop in these
2 buildings if you don't.

3 JOSHUA LEVIN: Oh, I understand.

4 ROBERT REID: You understand this
5 building has existed before 1977? There was no
6 parking requirements in the City of Atlantic City
7 before 1977.

8 LANCE LANDGRAF: Right.

9 ROBERT REID: So this property and many
10 others along Atlantic Avenue have a grandfathered
11 shortfall of parking because they existed before
12 the ordinance required parking be adopted.

13 LANCE LANDGRAF: What we're hoping is
14 making this lot available --

15 JOSHUA LEVIN: Yeah.

16 LANCE LANDGRAF: -- which I know we've
17 talked about quite a few times over the past, what,
18 10 years, Josh.

19 JOSHUA LEVIN: Sure. Absolutely.

20 LANCE LANDGRAF: I'm hopeful that that
21 will help that, will help your space, as well.

22 JOSHUA LEVIN: Yeah.

23 LANCE LANDGRAF: We've been trying to
24 get that done and finally we're able to do that.

25 JOSHUA LEVIN: Yeah. No. I'm very

1 happy with that.

2 LANCE LANDGRAF: I'm hopeful that -- and
3 they'll be a gate there that people come in and out
4 from Gordon's Alley to get through there so --

5 CAROLYN FEIGIN: And also, just to,
6 like, wrap that up, the application is only for
7 2,500 square feet. I don't know if the rest of the
8 building will remain unoccupied and vacant. Is
9 that -- at this point you don't have any intentions
10 to develop the rest of that?

11 DANIEL GALLAGHER: No. No.

12 CAROLYN FEIGIN: So we're only really
13 entertaining only the 2,500 square feet for the
14 cannabis at this point, not the rest of the
15 building.

16 LANCE LANDGRAF: And they would have to
17 come in for any other occupancy of that building so
18 there would be public notice on it and you'd get
19 notification.

20 JOSHUA LEVIN: Sure.

21 Is there any passway that goes from
22 Gordon's Alley to Virginia Avenue or do people have
23 to walk around if they were to park in this lot?

24 LANCE LANDGRAF: I don't know that
25 there's any way to walk through from the alley

1 to -- yeah. They would have to park -- to use this
2 lot, they would have to walk around probably.

3 DANIEL GALLAGHER: I think there used to
4 be but --

5 LANCE LANDGRAF: The courtyard where our
6 offices used to be used to have access through but
7 I don't know that that still does.

8 JOSHUA LEVIN: Pretty sure that's owned
9 by Local 54.

10 LANCE LANDGRAF: Right.

11 JOSHUA LEVIN: They own that, and Bank
12 of America will not lease any spots. We've tried
13 for years to do that. They just lease a couple
14 to -- (Cross-talk. Unintelligible.)

15 LANCE LANDGRAF: Yeah. They would have
16 to walk around that space to get to the front door.

17 JOSHUA LEVIN: Okay. Thank you, very
18 much.

19 LANCE LANDGRAF: Thanks, Josh.

20 Mr. Gallagher, could you just go through
21 the standard conditions of the cannabis, you
22 know -- they're our conditions?

23 SCOTT COLLINS: Yeah. They're our
24 conditions, but just a couple things I like to put
25 on the record. We have done 40 of these before so

1 I just like to get representations from the
2 applicant.

3 I think you already said this. You're
4 gonna coordinate with the ACPD and you're gonna
5 make your cameras available for them to review?

6 JON BARNHART: Yes.

7 SCOTT COLLINS: And all of your trash
8 removal will be in accordance with CRC regulations?

9 JON BARNHART: That's correct.

10 SCOTT COLLINS: And your security plan
11 will be in accordance with the CRC regulations?

12 DASHNAY HOLMES: Yes.

13 SCOTT COLLINS: And the Green Zone
14 architecture.

15 LANCE LANDGRAF: Right.

16 SCOTT COLLINS: You realize it's a
17 subject to review under the Green Zone
18 architectural plans?

19 DANIEL GALLAGHER: Yes.

20 SCOTT COLLINS: Thank you.

21 DANIEL GALLAGHER: Welcome.

22 LANCE LANDGRAF: Yeah. What we ask you
23 to do is submit those plans to the city --

24 DANIEL GALLAGHER: Right.

25 LANCE LANDGRAF: -- copy us on it. They

1 will review it, provide any comments back to you
2 and then we get a sign-off from them saying they're
3 in compliance with their rules in the redevelopment
4 area.

5 DASHNAY HOLMES: We just e-mail you?

6 DANIEL GALLAGHER: I'll take care of it.

7 DASHNAY HOLMES: Okay.

8 LANCE LANDGRAF: Rob, anything from you?

9 ROBERT REID: No. I'm good.

10 LANCE LANDGRAF: Anything else, Carolyn?

11 CAROLYN FEIGIN: No. I'm satisfied.

12 Thank you.

13 LANCE LANDGRAF: All right. Mr.
14 Gallagher -- I almost did it again -- anything in
15 closing?

16 DANIEL GALLAGHER: No, Mr. Reid.

17 LANCE LANDGRAF: Thanks. Thanks.
18 Well-played. Well-played. Nice. Nice.

19 With that, we'll close the hearing on
20 this matter and we will try to get this on for
21 February. We've got quite a few on that hearing
22 already but we're gonna shoot for that.

23 DANIEL GALLAGHER: Okay. Thank you.

24 LANCE LANDGRAF: Thank you.

25 (At 10:41 a.m. proceedings were

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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.

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