1   CASINO REINVESTMENT DEVELOPMENT AUTHORITY
      LAND USE REGULATION ENFORCEMENT DIVISION
2

3   **APPLICATION NO.** 2024-03-3608
                SCORE 420 DJ, INC.
4   1624 PACIFIC AVENUE - CANNABIS RETAIL

5

6   APPLICANT SEEKS SITE PLAN APPROVAL ALONG WITH
   "C" VARIANCE RELIEF FOR CANNABIS RETAIL.
7   THE PROPERTY IS LOCATED AT 1624 ATLANTIC
   AVENUE, ALSO KNOWN AS BLOCK 4801, LOT 2 ON THE TAX
8   MAP FOR THE CITY OF ATLANTIC CITY, LOCATED WITHIN
   THE RESORT COMMERCIAL DISTRICT (RC).
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12   THURSDAY, JUNE 6, 2024
                   10:23 A.M.
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1   Public Hearing in the above-referenced matter

2 conducted at the CASINO REINVESTMENT DEVELOPMENT

3 AUTHORITY, 15 South Pennsylvania Avenue, Atlantic

4 City, New Jersey, taken before Michelle Gruendel, a

5 Certified Court Reporter and Notary Public of the

6 State of New Jersey, on Thursday, June 6, 2024

7 commencing at 10:23 a.m.

8

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

10 CASINO REINVESTMENT DEVELOPMENT AUTHORITY:

11   LANCE D. LANDGRAF, JUNIOR
        CHAIRMAN
12   DIRECTOR, PLANNING DEPARTMENT
        ROBERT L. REID
13   LAND USE ENFORCEMENT OFFICER

14

15 PROFESSIONALS TO THE BOARD:

16

17   SCOTT G. COLLINS, ESQUIRE
        RIKER, DANZIG, SCHERER, HYLAND & PERRETTI
18   DAVID DiBENEDETTO, PP
        ARH ASSOCIATES

19

20 COUNSEL FOR THE APPLICANT:

21

        BRIDGET A. SYKES, ESQUIRE
22   FOX ROTHSCHILD, LLP

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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:** Next application is

6   Application 2024-03-3608, Score 420 DJ, Inc., 1624

7   Pacific Avenue. It's cannabis retail. Application

8   seeks site plan approval along with C variance

9   relief for cannabis retail. It's also known as

10   Block 4801, Lot 2 on the tax map. It's in the RC

11   District and the Green Zone.

12   Rob, are we good on completeness?

13   **ROBERT REID:** Lance, I reviewed --

14   **LANCE LANDGRAF:** Not completeness.

15   Proof of service.

16   **ROBERT REID:** Proof of service. I

17   reviewed proof of service provided by the

18   applicant and -- (inaudible).

19   **LANCE LANDGRAF:** Good.

20   You want to swear in --

21   DAVID DiBENEDETTO, PP, having been first duly sworn

22   according to law, testified as follows:

23   **SCOTT COLLINS:** And are you -- you're

24   qualified as a professional engineer or planner?

25   DAVID DiBENEDETTO: Planner.

1   **SCOTT COLLINS:** Planner, okay.

2   **LANCE LANDGRAF:** And we're good on

3 completeness, Dave?

4   DAVID DiBENEDETTO: Yes.

5   **LANCE LANDGRAF:** Okay.

6   **BRIDGET SYKES:** Good morning.

7   **LANCE LANDGRAF:** Good morning.

8   **BRIDGET SYKES:** For the record, Bridget

9 Sykes from Fox Rothschild representing the

10 applicant. I have three witnesses, if you'd like

11 to swear everyone in at once to make it easy.

12   **LANCE LANDGRAF:** Yup. We'll do that.

13   **BRIDGET SYKES:** Okay.

14   **LANCE LANDGRAF:** He's just finishing

15 taking his notes.

16   **BRIDGET SYKES:** Of course. Do you want

17 me to say everyone's name first for you or --

18   **SCOTT COLLINS:** How many are fact and

19 how many are experts?

20   **BRIDGET SYKES:** One fact, two experts.

21   **SCOTT COLLINS:** Okay. Yeah. If you

22 could just say everyone's name.

23   **BRIDGET SYKES:** Okay. We have Matthew

24 Kopelman, he will be representing the operator, and

25 then Jon Barnhart is our professional engineer and

1 planner, and William McLees is our architect.

2   **SCOTT COLLINS:** Got it.

3   If you could all just raise your right

4 hands, please.

5 MATTHEW KOPELMAN, having been first duly sworn

6 according to law, testified as follows:

7 JON BARNHART, PE, PP, having been first duly sworn

8 according to law, testified as follows:

9 WILLIAM McLEES, AID, LEED, having been first duly

10 sworn according to law, testified as follows:

11   **SCOTT COLLINS:** Thank you.

12   Jon -- Lance, Jon has obviously

13 testified before us --

14   **LANCE LANDGRAF:** Yes.

15   **SCOTT COLLINS:** -- many times as a

16 planner and an engineer.

17   **LANCE LANDGRAF:** Correct. We'll accept

18 his credentials as an expert in the field of

19 planning and engineering, and Mr. McLees, same

20 thing. We're very familiar with Mr. McLees and his

21 architectural experience.

22   **BRIDGET SYKES:** We'll start this morning

23 with Mr. Kopelman, who's a representative of the

24 operator. The applicant is 420 DJ, Inc. That is

25 the cannabis license, the applicant. He's also a

1 representative of Dad Boys, LLC, which is the

2 contract purchaser. We created a real estate

3 entity to purchase the property. So you did

4 receive a copy of our parking lease which was made

5 with the contract purchaser of the real estate but

6 they're related affiliated entities. Just putting

7 that on the record.

8   **LANCE LANDGRAF:** Okay. Thank you.

9   **SCOTT COLLINS:** Just before we get

10 started, for the record, could we mark as A-1 the

11 application materials that you submitted and --

12   **BRIDGET SYKES:** Yup.

13   **SCOTT COLLINS:** -- supplemented and then

14 anything new that comes up, just call it out,

15 please?

16   **BRIDGET SYKES:** Okay.

17   **SCOTT COLLINS:** Thank you.

18   **BRIDGET SYKES:** Okay. So Mr. Kopelman,

19 I went through your affiliation with the project.

20 Can you provide some background with your

21 experience in the cannabis industry?

22   **MATTHEW KOPELMAN:** Sure. Good

23 afternoon, Board -- I'm sorry. Good morning,

24 Board.

25   **LANCE LANDGRAF:** That's all right.

1   **MATTHEW KOPELMAN:** Just want to get that

2   out of the way.

3   I have been in the industry since 2014.

4   I started as a Washington State processor, 2014

5   until 2021. Then from there we -- I founded the

6   current company, Score 420, LLC in New Mexico with

7   only $200,000 initial deposit. Now we have eight

8   locations. We opened in June 3rd, 2022 and right

9   now we're looking to expand our operations here in

10 Atlantic City and in New Jersey.

11   **BRIDGET SYKES:** Okay. And can you

12 describe what the property development and project

13 scope is for this particular property?

14   **MATTHEW KOPELMAN:** We're just gonna take

15 the first floor, make it into a retail space with

16 all the -- you know, with everything we need to do,

17 alarms and security.

18   **BRIDGET SYKES:** Okay.

19   **MATTHEW KOPELMAN:** Everything that we

20 need to do for CRC approval.

21   **BRIDGET SYKES:** And for the record, so

22 you're purchasing under the Dad Boys, LLC entity

23 the entire building but the cannabis licensee is

24 only operating out of the first floor unit?

25   **MATTHEW KOPELMAN:** Correct.

1   **BRIDGET SYKES:** And the second and third

2   floors, right now you have no plans for use of --

3   **MATTHEW KOPELMAN:** It's just vacant

4   space.

5   **BRIDGET SYKES:** Yes. You've been in

6   there. There's no plumbing?

7   **MATTHEW KOPELMAN:** Nothing.

8   **BRIDGET SYKES:** It's -- we did submit

9   some photos in support of the application that

10 shows that it had been completely emptied and your

11 understanding from the sellers that this was

12 previously office space but you're not proposing to

13 use it for office space at this time, either?

14   **MATTHEW KOPELMAN:** No.

15   **BRIDGET SYKES:** Okay. Sir, can you

16 explain how you came to Atlantic City and what

17 benefits to the city you see the project and how

18 you think it will be successful here?

19   **MATTHEW KOPELMAN:** Well, I'm from

20 Harrisburg, Pennsylvania and we love to come here,

21 Atlantic City, on the weekends during the summer to

22 vacation and we love the city so we moved -- we

23 started this project. We knew Atlantic City was

24 open for cannabis retail so I came out here and

25 started researching and pulling together this

1   project. We just -- my family and I just recently

2   moved to Atlantic City about two months ago. We

3   plan on staying here for the long run and build

4   this company up.

5   **BRIDGET SYKES:** Okay. You live over in

6   the Inlet area, I think?

7   **MATTHEW KOPELMAN:** Yes. That's correct.

8   **BRIDGET SYKES:** Okay. And at this time

9   you have received your resolution support from the

10   city?

11   **MATTHEW KOPELMAN:** Correct.

12   **BRIDGET SYKES:** And we did originally

13   apply for that and received one back in August but

14   due to a need for change in location and some

15   issues with the city, it took until January for us

16   to get that --

17   **MATTHEW KOPELMAN:** Yeah.

18   **BRIDGET SYKES:** -- which is what delayed

19   this project?

20   **MATTHEW KOPELMAN:** Yeah. They put the

21   wrong address on there, the resolution.

22   **BRIDGET SYKES:** And right now you will

23   be filing your annual license application this

24   month with the CRC?

25   **MATTHEW KOPELMAN:** Correct.

1   **BRIDGET SYKES:** Okay. And everything

2   that you'll testify to operations-wise, while we

3   haven't filed the application, you will be

4   complying with all CRC regulations?

5   **MATTHEW KOPELMAN:** Absolutely.

6   **BRIDGET SYKES:** Any requirements that

7   are -- or changes that are provided after we file,

8   we will make those.

9   Okay. So let's talk about your

10   operations. We talked about the use of the

11   building. Can you talk about your planned hours of

12   operation?

13   **MATTHEW KOPELMAN:** Well, for right now

14   Atlantic City's from 10 to 10. That's the

15   permitted hours. We will be open within the

16   permitted hours. If they change the permitted

17   hours from 8 a.m. to midnight, that's what we'll

18   change it to.

19   **BRIDGET SYKES:** Okay.

20   **MATTHEW KOPELMAN:** We would love to be

21   as open late as -- most of -- late -- most hours of

22   day as possible.

23   **BRIDGET SYKES:** Okay. And can you talk

24   about how many employees you're proposing and the

25   shifts?

1   **MATTHEW KOPELMAN:** So right now we're

2   gonna start out with three employees per shift, two

3   shifts. One of the employees will be an owner and

4   a district manager that has experience from New

5   Mexico and we will be hiring our local bud --

6   budtenders locally.

7   **BRIDGET SYKES:** Okay. And you'll be --

8   your employees will be coming in at least an hour

9   before?

10   **MATTHEW KOPELMAN:** Yes. They will be

11   coming in an hour before to pull the product out

12   into the shelves. They'll be leaving an hour after

13   we close to make sure everything is secure and

14   placed back into the secured volt cage, all the

15   products.

16   **BRIDGET SYKES:** Okay. And let's talk

17   about the cannabis waste disposal.

18   **MATTHEW KOPELMAN:** Yes.

19   **BRIDGET SYKES:** So there was a shown --

20   as shown on the plans, which we will go through

21   with Mr. McLees, there is a separate designated

22   cannabis waste area located within the vault area?

23   **MATTHEW KOPELMAN:** Yes.

24   **BRIDGET SYKES:** And you're familiar with

25   cannabis waste disposal from your --

1   **MATTHEW KOPELMAN:** Yes, and I will note,

2   there will be very minimal waste because anything

3   that we would get that's defective, hopefully our

4   vendor will give us credit for it, so hopefully we

5   won't be destroying a lot of product. In our

6   retail space, this is in New Mexico, we mostly get

7   credit for 98 percent of the defective items.

8   **BRIDGET SYKES:** Okay. So the -- your

9   delivery would just take it right back?

10   **MATTHEW KOPELMAN:** Exactly.

11   **BRIDGET SYKES:** Disposal -- (multiple

12   parties speaking.)

13   **MATTHEW KOPELMAN:** Give us credit or a

14   swap.

15   **BRIDGET SYKES:** Okay. And then for

16   regular trash and recycle, this is one of the items

17   that came up during review and we're gonna talk

18   about how there's that back easement area behind

19   the property. We are locating all trash inside.

20   There's a designated trash on the property?

21   **MATTHEW KOPELMAN:** Correct.

22   **BRIDGET SYKES:** And then the plan is to

23   have -- on designated trash days it can be wheeled

24   right out down the easement area to the street for

25   pick up?

1   **MATTHEW KOPELMAN:** Correct.

2   **BRIDGET SYKES:** And then it will be

3   taken back in right after trash pick up?

4   **MATTHEW KOPELMAN:** Correct.

5   **BRIDGET SYKES:** Okay. And while we are

6   the contract purchaser, your understanding right

7   now, this is a completely vacant building, right?

8   **MATTHEW KOPELMAN:** Correct.

9   **BRIDGET SYKES:** So any trash that has

10   been located in that easement area is not related

11   to this particular property?

12   **MATTHEW KOPELMAN:** Correct.

13   **BRIDGET SYKES:** And that we will do

14   whatever we need to do with the other two property

15   owners that benefit from the easement area to keep

16   it clear?

17   **MATTHEW KOPELMAN:** Correct.

18   **BRIDGET SYKES:** Okay. That's my job, as

19   the attorney.

20   Okay. Let's go through the parking. So

21   I made reference to a parking lease. Obviously

22   this building is located with no parking lot,

23   however, you are proposing -- you have already

24   entered into a lease for parking on the corner of

25   the lot, correct?

1   **MATTHEW KOPELMAN:** Correct.

2   **BRIDGET SYKES:** Okay. And we have

3   currently leased out eight spaces, which is the

4   amount that is in for the retail?

5   **MATTHEW KOPELMAN:** Correct.

6   **BRIDGET SYKES:** And to the extent that

7   you ever do file an application for the upstairs,

8   to use it for any other purpose, will you agree to

9   get parking, additional parking spaces for those?

10   **MATTHEW KOPELMAN:** Yes.

11   **BRIDGET SYKES:** Okay. But at this time,

12   since it's vacant, you are not renting or leasing

13   any spaces for use for the upstairs?

14   **MATTHEW KOPELMAN:** No.

15   **BRIDGET SYKES:** Okay. We'll talk about

16   the deliveries. So can you just -- (inaudible) --

17   when deliveries occur?

18   **MATTHEW KOPELMAN:** Okay. We're

19   basically gonna have deliveries Monday through

20   Friday, 8 a. -- well, not a.m. because we won't

21   be -- probably from 10 till 6 p.m., because we're

22   going to be getting multiple deliveries from

23   different vendors throughout the week, especially

24   when you order products from vendors, they have

25   different delivery times and, you know, this and

1 that, there's a lot of variances, so -- but usually

2 most retail stores that operate, they have a

3 delivery intake from Monday through Friday from,

4 you know, 10 till 4, 5, 6 --

5   **BRIDGET SYKES:** Okay.

6   **MATTHEW KOPELMAN:** -- where we feel fit.

7   **BRIDGET SYKES:** So it's during daytime

8 hours?

9   **MATTHEW KOPELMAN:** Absolutely.

10   **BRIDGET SYKES:** On regular business

11 days?

12   **MATTHEW KOPELMAN:** Umm-hum.

13   **BRIDGET SYKES:** Okay. And the area

14 that's going to be used -- as you can see, the

15 property is located right next to Martin Luther

16 King Boulevard and there's a designated loading

17 space from the city that's on that -- do you

18 have -- can you show that?

19   **JON BARNHART:** The site plan?

20   **BRIDGET SYKES:** Yeah. Just so we can --

21   **LANCE LANDGRAF:** Is that space already

22 designated?

23   **BRIDGET SYKES:** It is designated under

24 the ordinance and we submitted a copy of the city

25 ordinance with reference to it.

1   **JON BARNHART** And we did confirm its

2   physical location as compared to the ordinance and

3   they do match.

4   **BRIDGET SYKES** Yes.

5   **LANCE LANDGRAF** That's always good.

6   **BRIDGET SYKES** As an attorney I was

7   reading it and I was like, does that math make

8   sense, the number of feet, but Jon said it does. I

9   trust him.

10   **LANCE LANDGRAF** It's far back from the

11   corner. It's surprising how far back it is.

12   **BRIDGET SYKES** I know.

13   So you can see that this is the

14   designated zoning -- the designated loading zone

15   and then right adjacent to that designated loading

16   zone is the entryway into this -- we've been

17   calling it an alley but it is an easement that

18   takes you to the back door of your property,

19   correct?

20   **MATTHEW KOPELMAN** Yes.

21   **BRIDGET SYKES** Okay. So let's go over

22   the delivery protocol that we're proposing. All

23   deliveries are scheduled?

24   **MATTHEW KOPELMAN** Correct.

25   **BRIDGET SYKES** So the delivery drivers

1 will notify an employee when they're arriving?

2   **MATTHEW KOPELMAN:** Absolutely.

3   **BRIDGET SYKES:** Okay. And then an

4 employee will go out to the designated loading zone

5 and will be escorting the delivery driver down

6 through the alleyway into the back entrance,

7 correct?

8   **MATTHEW KOPELMAN:** Correct.

9   **BRIDGET SYKES:** And that back entrance

10 is going to be fully secured?

11   **MATTHEW KOPELMAN:** Absolutely.

12   **BRIDGET SYKES:** Key card access only?

13   **MATTHEW KOPELMAN:** Yes.

14   **BRIDGET SYKES:** Okay. And we did show

15 it on some of the site photos, that there's going

16 to be security cameras on the building at the top

17 so that you have full view of the entire easement

18 area?

19   **MATTHEW KOPELMAN:** Yeah, and we'll also

20 have a monitor behind the back door so we can see

21 who's in front of the back door.

22   **BRIDGET SYKES:** Yes.

23   Okay. And then also motion sensor

24 lights will be --

25   **MATTHEW KOPELMAN:** Absolutely.

1   **BRIDGET SYKES:** -- located along that

2 area?

3   **MATTHEW KOPELMAN:** Yup.

4   **BRIDGET SYKES:** Okay. The deliveries

5 are during the daytime. From a security

6 perspective there will be full view of that area

7 24 hours a day --

8   **MATTHEW KOPELMAN:** Absolutely.

9   **BRIDGET SYKES:** -- and longer?

10   Okay. So the deliveries will come in

11 through that back door. That's already a secure

12 area, correct?

13   **MATTHEW KOPELMAN:** Yes.

14   **BRIDGET SYKES:** There's no access to the

15 public?

16   Then deliveries will go into the vault?

17   **MATTHEW KOPELMAN:** Correct.

18   **BRIDGET SYKES:** Process everything from

19 the vault?

20   **MATTHEW KOPELMAN:** Umm-hum. Counted and

21 all that, yup.

22   **BRIDGET SYKES:** Okay. And then the

23 employee will take the delivery driver back out to

24 the vehicle through the easement area before coming

25 back in, correct?

1   **MATTHEW KOPELMAN:** Yes.

2   **BRIDGET SYKES:** Okay.

3   **LANCE LANDGRAF:** One question on that.

4 You say employee, is that a security personnel

5 employee or is that just a staff member?

6   **MATTHEW KOPELMAN:** It would be actually

7 security --

8   **LANCE LANDGRAF:** Okay.

9   **MATTHEW KOPELMAN:** -- going -- yeah,

10 because when you're dealing with money and

11 product --

12   **LANCE LANDGRAF:** That's the point.

13   **MATTHEW KOPELMAN:** Yeah.

14   **BRIDGET SYKES:** Okay. So on that point,

15 let's go through some of the security plan. All

16 right. I don't know why I'm so afraid to touch

17 this. Can you take me to the architect's drawing?

18 I don't know. I just feel like I'm gonna break it.

19 Okay.

20   **LANCE LANDGRAF:** State property. Don't

21 do that.

22   **BRIDGET SYKES:** Okay. So we'll see --

23 Mr. McLees is going to testify and go over that we

24 did make a slight modification to the layout in the

25 front based off of the comments from Mr. Hanson in

1   his report about a recessed door requirement, so we

2   will talk about that.

3   This does look slightly different from

4   what was submitted with the application so if you

5   want to mark this as A-2, since it is different.

6   **SCOTT COLLINS:** Sure.

7   **LANCE LANDGRAF:** That is just a revised

8   architectural floor plan, A1.00.

9   **BRIDGET SYKES:** Yes.

10   **ROBERT REID:** What's the date of that

11   plan?

12   **WILLIAM McLEES:** Yesterday.

13   **BRIDGET SYKES:** June 5th.

14   **LANCE LANDGRAF:** 5th, yeah.

15   **BRIDGET SYKES:** June 5th.

16   **LANCE LANDGRAF:** Okay.

17   **BRIDGET SYKES:** So you'll see -- you can

18   see in the front area here, this is the entry to

19   the building. It was expanded from the existing

20   footprint and pushed back so that there is a

21   separation for security entry before going into the

22   retail space, correct?

23   **MATTHEW KOPELMAN:** Yes.

24   **BRIDGET SYKES:** Okay. And that will be

25   where all ID checks are done?

1   **MATTHEW KOPELMAN:** Correct.

2   **BRIDGET SYKES:** And then there will be

3   key card access to let people in to the, to the

4   retail area from the security section?

5   **MATTHEW KOPELMAN:** Yeah. Security will

6   let people in.

7   **BRIDGET SYKES:** Okay. And then we

8   submitted as part of our submission -- on the plan

9   you can see that there are -- all the security

10   cameras are located within the retail space?

11   **MATTHEW KOPELMAN:** Correct.

12   **BRIDGET SYKES:** And as discussed, once

13   this is reviewed by the NJ CRC and also by the

14   Atlantic City Police Department, if additional

15   cameras are required --

16   **MATTHEW KOPELMAN:** Yes. We will comply.

17   **BRIDGET SYKES:** Okay. And the camera

18   system is going to be electronic monitoring, it's

19   directly tied to the police department --

20   **MATTHEW KOPELMAN:** Yes.

21   **BRIDGET SYKES:** -- for notification?

22   **MATTHEW KOPELMAN:** Umm-hum.

23   **BRIDGET SYKES:** Okay. And as far as

24   retention, the CRC requires 30 day retention of all

25   security camera footage. Are you planning to do

```
 1   longer than that?

 2              MATTHEW KOPELMAN:  We're thinking about

 3   45 days.

 4              BRIDGET SYKES:  45 days?

 5              MATTHEW KOPELMAN:  Yeah.

 6              BRIDGET SYKES:  Okay.  And then --

 7              MATTHEW KOPELMAN:  Also, the alarm will

 8   be direct to the owners, too, to call us and the

 9   police, just to put that out there.

10              BRIDGET SYKES:  Okay.  And then all of

11   your employees will be background checked in

12   accordance --

13              MATTHEW KOPELMAN:  Absolutely.

14              BRIDGET SYKES:  -- with CRC regulations?

15              MATTHEW KOPELMAN:  Umm-hum.

16              BRIDGET SYKES:  And then the vault

17   access, can you describe the way -- the security of

18   the vault area?

19              MATTHEW KOPELMAN:  So basically we're

20   gonna use -- they call it a DEA cage.  It's a cage

21   that you can see through but it's wired, meshed,

22   steel wire with a lock.  We use them in all our

23   locations.  They're beautiful.  Has a ceiling on

24   it, too, so no one can jump in.  You know what I

25   mean?  So that's basically the security we're
```

1 looking at.

2 **BRIDGET SYKES:** Okay. And those will

3 all comply with the requirements of the New Jersey

4 CRC, as well?

5 **MATTHEW KOPELMAN:** Correct.

6 **BRIDGET SYKES:** Okay. And then there is

7 also a separation in the area between the front

8 retail into the back, right along this line, and

9 those will be all key card access only, correct?

10 **MATTHEW KOPELMAN:** That's right.

11 Limited access areas.

12 **BRIDGET SYKES:** Okay. So the security

13 plan involves the key card ac -- the key card

14 fobs --

15 **MATTHEW KOPELMAN:** Umm-hum.

16 **BRIDGET SYKES:** -- and you also have the

17 cameras?

18 **MATTHEW KOPELMAN:** Umm-hum.

19 **BRIDGET SYKES:** You have the floodlights

20 exterior?

21 **MATTHEW KOPELMAN:** And they'll be a sign

22 on the door saying limited access only.

23 **BRIDGET SYKES:** All right. I think

24 that's everything I had for you for operations.

25 **LANCE LANDGRAF:** I'll ask Bill, the

1 architect, on the floor plan about the trash.

2   **BRIDGET SYKES:** Okay. The locations?

3   **LANCE LANDGRAF:** Yeah.

4   **BRIDGET SYKES:** Okay.

5   **MATTHEW KOPELMAN:** Thank you.

6   **LANCE LANDGRAF:** Thank you.

7   **BRIDGET SYKES:** Okay.

8   **SCOTT COLLINS:** Let me just get standard

9 conditions.

10   **MATTHEW KOPELMAN:** Yes, sir.

11   **LANCE LANDGRAF:** Yes. We'll just go

12 through your standard --

13   **SCOTT COLLINS:** We can get you to make

14 some representations for us so that Mr. Barnhart

15 doesn't have to do it for you on your behalf.

16   **MATTHEW KOPELMAN:** Sure.

17   **SCOTT COLLINS:** All of our retails, we

18 have certain conditions that we ask applicants to

19 comply with. I think you hit some of them.

20 Obviously, you know, you'll be required to comply

21 with all CRC regulations.

22   **MATTHEW KOPELMAN:** Correct.

23   **SCOTT COLLINS:** The security plan will

24 be shared with the ACPD and reviewed by them?

25   **MATTHEW KOPELMAN:** Correct.

1   **SCOTT COLLINS:** And I think you just

2   said the cameras will be available to ACPD?

3   **MATTHEW KOPELMAN:** Yup. 45 days.

4   **SCOTT COLLINS:** And you're aware that

5   you'll need to comply with the Green Zone

6   Redevelopment Area architectural --

7   **MATTHEW KOPELMAN:** Correct.

8   **SCOTT COLLINS:** -- standards?

9   And are we still doing security an hour

10 before?

11   **LANCE LANDGRAF:** If they're gonna be

12 busy enough. What he's referencing is when we

13 first started these, before we had 27 of them

14 approved, we were asking -- if there was gonna be

15 long lines, we wanted security there a half hour,

16 45 minutes ahead of time. I drive by these places

17 all the time and there's nobody there so --

18   **MATTHEW KOPELMAN:** There's no line.

19   **SCOTT COLLINS:** We were initially

20 concerned about a rush on the places that are open.

21   **MATTHEW KOPELMAN:** Yeah. Probably in

22 the summer that might happen for some of these

23 stores but --

24   **LANCE LANDGRAF:** You'll address that on

25 a case by case --

1   **MATTHEW KOPELMAN:** Of course.

2   **LANCE LANDGRAF:** -- basis?

3   **MATTHEW KOPELMAN:** Yes.

4   **LANCE LANDGRAF:** We'll leave it at that.

5   **SCOTT COLLINS:** Thank you.

6   **LANCE LANDGRAF:** I just don't see the

7   need for security out there an hour ahead of time

8   anymore.

9   **SCOTT COLLINS:** Yeah.

10   **LANCE LANDGRAF:** Well, there's only 27

11 approved.

12   **BRIDGET SYKES:** I like the number 28.

13   **LANCE LANDGRAF:** All right. Through the

14 board.

15   **ROBERT REID:** Yeah. You're right.

16   **LANCE LANDGRAF:** Thank you.

17   **MATTHEW KOPELMAN:** Thank you.

18   **SCOTT COLLINS:** Thank you.

19   **BRIDGET SYKES:** Mr. Barnhart --

20   I didn't break it.

21   **LANCE LANDGRAF:** I've done that. I've

22 gotten up and walked away with that clipped to me.

23   **BRIDGET SYKES:** All right. So you've

24 already been qualified as an expert.

25   You've been to this site and you

1 prepared the plan that was submitted in support of

2 the application?

3   **JON BARNHART:** Yes.

4   **BRIDGET SYKES:** Okay. Can you just

5 describe the existing site conditions, site

6 development and uses for the property?

7   **JON BARNHART:** Sure. Okay. We'll start

8 with this exhibit. It's a Google image of the

9 area, just to give you some perspective as to where

10 the location of our site, our project is and also

11 the parking for the project.

12   Our site --

13   **SCOTT COLLINS:** Is this new?

14   **JON BARNHART:** I'm sorry.

15   **SCOTT COLLINS:** Is this a new exhibit?

16   **JON BARNHART:** This was not submitted

17 with the application, that's correct.

18   **BRIDGET SYKES:** A-3.

19   **LANCE LANDGRAF:** A-3, Google aerial.

20   **SCOTT COLLINS:** Sorry.

21   **JON BARNHART:** So just to give you some

22 context of our block, we are -- our site, you can

23 see in the yellow outline there, it's labeled

24 project site, is one property off of the

25 intersection of Martin Luther King Boulevard and

1 Pacific Avenue. Between us and our parking area

2 are essentially two structures. I guess it's

3 really three structures but one I don't believe is

4 currently occupied and then there's the -- what

5 I'll call high-rise structure, which is the Schultz

6 Professional Building right there, in the view

7 between our parking area and our site. The parking

8 area that I have outlined is the location of the

9 eight spaces that are being leased for use by our

10 client. Just to, again, put it into perspective,

11 there was some question about the parking being a

12 couple blocks away. I just took a quick dimension

13 as a person would walk from the furthest spot and

14 the closest spot. The furthest spot in that lot is

15 only about 400 feet from our front door and the

16 closest spot is 125 feet, so it's a very

17 conveniently located parking lot for this use. You

18 can see by this photo and if you visited the site

19 that the parking lot is pretty under-utilized for

20 the most part, so this is a good reuse of existing

21 parking rather than trying to build a new parking

22 somewhere else, where you have surface parking

23 right at this location.

24   **LANCE LANDGRAF:**As you can see from the

25 aerial, there's three other surface parking lots

1   within --

2   **JON BARNHART** Exactly. Right. I mean,

3   from a land use perspective, this is what you want

4   to take place, is that, is that small retailers or

5   offices like this seek out existing lots so you're

6   not just building parking for the purpose of

7   building it and having vacant lands all over the

8   place, so this was a -- that was a good plan by our

9   client, to be able to seek that out and meet his

10   parking needs.

11   As was described, the property -- the

12   project -- the property itself -- there, we go.

13   This is the application plan that was submitted.

14   There are no changes to it from the submission that

15   was made, but the property itself, as I mentioned,

16   sits one lot off of Martin Luther King Boulevard.

17   It is a small property. It is three stories. The

18   ground floor will be utilized for the retail

19   facility that was just described by our client.

20   The upper floors at this time are intended to be

21   considered vacant, not to be utilized at this

22   point. If they do move forward with utilization of

23   those spaces at some point, they would have to come

24   back to the board and address the parking standards

25   that may be necessary or appropriate for those

1 spaces. The site will be -- access to the site for

2 customers will be right off of the sidewalk of

3 Pacific Avenue. You heard the description, the

4 operational description of all loading, deliveries

5 and trash taking place in the rear of the building.

6 The site does have, fortunately, the benefit of an

7 access alley that takes you from the rear of this

8 property out to Martin Luther King Junior

9 Boulevard, which, as we already discussed, is the

10 location of an existing, legally existing by

11 ordinance loading space just beyond the corner of

12 Pacific Avenue. I visited the location on a number

13 of occasions. The loading space is -- I have not

14 seen it utilized yet. I've seen a couple of folks

15 legally parked in it but I have not seen the

16 loading space actually utilized yet, so this is the

17 perfect location to meet the needs of this

18 operation because of the fact that it's an existing

19 condition.

20   **BRIDGET SYKES:** And then on top of that,

21 just the size of that is large enough for a large

22 delivery truck, correct?

23   **JON BARNHART:** Yes. As I recall, it's

24 actually a 90 -- by ordinance, it's a 90 foot long

25 loading space, and as you hear with all of our

1 applications related to cannabis, you just don't

2 see -- especially for the retail dispensaries, you

3 just don't, you don't have deliveries in large

4 trucks. I mean, we joke, you know, you could put a

5 few million dollars of product in the back of a,

6 back of a trunk of a car. You have, you have

7 generally small --

8   **LANCE LANDGRAF:** Let's not use that

9 reference. Sprinter vans.

10   **BRIDGET SYKES:** Yeah.

11   **JON BARNHART:** But the delivery, the

12 delivery vehicles will be small vans, you know.

13 The biggest will probably be a box truck but not

14 even. They're generally small vans. They come to

15 the site. That -- because of the size of this

16 loading space, if somebody else needed to use the

17 space, it actually is large enough for more than

18 one vehicle because of its length. So this

19 location does work very well based on the existing

20 layout and the existing conditions of the site.

21 There are no proposed site plan changes at all

22 other than you heard about the lighting and the

23 security package that is proposed to be on the

24 building and also cover that alley space.

25   All of the items that are enumerated in

1 the professional report are existing nonconforming

2 conditions, all the setbacks, the lot area, the

3 entire list in the report. I could go through each

4 one of them individually if you want me to.

5   LANCE LANDGRAF: Before you do that --

6 you don't need to go through each of them. They're

7 listed out I think in both your application and in

8 our planner and engineer's report.

9   JON BARNHART: Umm-hum.

10   LANCE LANDGRAF: The question I do have

11 with regard to a setback is on your site plan it

12 shows there's a jog in of the building along the

13 alley, along that northern property line.

14   JON BARNHART: In the one corner?

15   BRIDGET SYKES: There is.

16   LANCE LANDGRAF: The floor plan doesn't

17 show that. It shows a break room and then a back

18 door at an angle and then by the janitor's closet.

19   BRIDGET SYKES: Bill will address that.

20   LANCE LANDGRAF: Okay.

21   BRIDGET SYKES: But there is, I believe,

22 and if you look at the -- it was the submission I

23 submitted with all the site photos, there is a

24 visual of that jog behind the building.

25   LANCE LANDGRAF: Do you have those? Can

1   I see those? I must have missed that.

2   Okay. And then also on the site plan

3   there's -- it says there's a trash area in that

4   easement.

5   **BRIDGET SYKES:**So we did submit a

6   revised site plan. I think, Jon, you put up the

7   old one.

8   **JON BARNHART:**Oh.

9   **BRIDGET SYKES:**But there was a final

10   revised site plan that was submitted that shows

11   trash area. Trash will be located indoors as shown

12   on the architect plan and that the AC unit was

13   being removed, was being --

14   **LANCE LANDGRAF:**I do see the existing

15   AC unit to be relocated but it still shows the

16   trash enclosures.

17   **BRIDGET SYKES:**Yeah. I think the trash

18   was the last -- a last iteration. There was quite

19   a few.

20   **LANCE LANDGRAF:**Yeah. That's the same

21   one I have.

22   **ROBERT REID:**Trash is not shown.

23   **LANCE LANDGRAF:**It has the same

24   revision date as the one I have but it still shows

25   the trash area outside.

1   **BRIDGET SYKES:** The one that I have

2   here --

3   **LANCE LANDGRAF:** I have the one you're

4   talking about but it has the same revision date.

5   **BRIDGET SYKES:** Mine has a note on it.

6   DAVID DiBENEDETTO: I think there were

7   two on the same date.

8   **ROBERT REID:** Yeah.

9   **LANCE LANDGRAF:** Yeah. That's my --

10   **ROBERT REID:** They didn't have a

11   revision date but you could see it was the case.

12   **JON BARNHART:** I think there was no

13   change to the revision date because I think the

14   revisions were both made on the same day. It was

15   like a -- make a change and then make another

16   change.

17   **BRIDGET SYKES:** Probably, yeah.

18   Probably. The most final one that I have does

19   say -- have a note on it that says note trash.

20   **LANCE LANDGRAF:** Correct. And I have

21   that --

22   **BRIDGET SYKES:** Okay.

23   **LANCE LANDGRAF:** -- one. That's the one

24   that was in -- that I printed from our file was --

25   had the existing AC units to be relocated to the

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 1  roof, which is great, but it still had the trash

 2  area.  So they're being removed.

 3            BRIDGET SYKES:  Oh, the -- (inaudible).

 4            LANCE LANDGRAF:  But I do have the one

 5  that shows it correctly.  What I was saying is that

 6  they're both dated the same.

 7            BRIDGET SYKES:  Oh, okay.

 8            LANCE LANDGRAF:  That's a problem.

 9            BRIDGET SYKES:  Now you're confusing me,

10  which isn't too hard but --

11            LANCE LANDGRAF:  This is the actual

12  plan.

13            BRIDGET SYKES:  Okay.

14            LANCE LANDGRAF:  How do we determine one

15  from the other?

16            ROBERT REID:  Is that the received date

17  on it?

18            SCOTT COLLINS:  Let's mark that as

19  another exhibit.

20            LANCE LANDGRAF:  It was received

21  May 1st, 2024.

22            ROBERT REID:  What's the date?

23            LANCE LANDGRAF:  The date, revision date

24  is 4-30-2024.

25            ROBERT REID:  So received date is the
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1 one that's --

2   **LANCE LANDGRAF:** Yeah. The one that --

3   **ROBERT REID:** -- the latest. That's

4 when I stamped it.

5   **LANCE LANDGRAF:** Yeah. That's correct.

6 That's how we'll --

7   **ROBERT REID:** Use it to differentiate.

8   **LANCE LANDGRAF:** So it's got a received

9 date from the CRDA Planning Department dated

10 May 1st, 2024 and that will be the record drawing.

11   **SCOTT COLLINS:** We'll call that A-4, so

12 it's clear.

13   **LANCE LANDGRAF:** Yup.

14   **BRIDGET SYKES:** And then what I was

15 referring to with that jog, it was the April 18th

16 submission in response to completeness review

17 number one.

18   **LANCE LANDGRAF:** Okay.

19   **BRIDGET SYKES:** And it was photo marked

20 page 28 in that submission that shows that jog,

21 that shows where the door entry is to the rear.

22   **LANCE LANDGRAF:** All right. We're gonna

23 have to work out the differentiation between the

24 floor plan and that.

25   **BRIDGET SYKES:** Yeah.

1   **LANCE LANDGRAF:** We'll talk to Bill

2 about that.

3   **BRIDGET SYKES:** Yeah.

4   **LANCE LANDGRAF:** Sorry. Go ahead.

5   **JON BARNHART:** Sure. So do you want me

6 to go through and talk all the existing

7 nonconformities? I mean, they are, they are

8 itemized in the report. We don't take any --

9   **LANCE LANDGRAF:** I don't think we have

10 to go through each one of them.

11   **JON BARNHART:** -- any objection to any

12 of them.

13   **SCOTT COLLINS:** No. That's not

14 necessary.

15   **JON BARNHART:** You know, although

16 technically this is a variance for parking because

17 there is no on-site parking, we believe that our

18 client has met the needs of the parking by being

19 able to lease the spaces almost immediately

20 adjacent to the site. As far as the project is

21 concerned, you know, from a variance perspective,

22 we believe that -- obviously this is a permitted

23 use in the zone. We believe that the purposes of

24 zoning are advanced by virtue of the fact that we

25 are renovating and occupying an existing structure,

1 which is a great adaptive reuse of the space. We

2 are not making any changes to the structure with

3 regard to bulk or area standards so there's no

4 greater impact on any of the surrounding

5 properties. And with this being a permitted use

6 and utilizing the structure, we believe that the

7 general welfare is promoted and preserved with the

8 application.

9   With regard to the negative criteria, we

10 believe that there is no substantial detriment to

11 the public good. Again, I go back to this being a

12 permitted use and you heard operationally how well

13 this site works with the operational needs of the

14 facility, again, because of its layout and the

15 existing conditions and the access to the rear of

16 the building. I know a number of these prop -- a

17 number of properties that have had storefront type

18 of locations for dispensaries on the avenues have

19 had some struggles because they don't have that

20 access for appropriate delivery. Things have to go

21 through the front door, which becomes problematic

22 from a security perspective and what have you.

23 That is not the case here, which is why our client

24 seeked out this specific location. So we believe

25 that there is no substantial detriment to the

1 public good. The second prong of the negative
2 criteria is whether there is a substantial
3 detriment to the zone plan or zoning ordinance.
4 This is a permitted use in the zone and we are not
5 making any changes to any bulk standards so we
6 believe there is no substantial detriment to the
7 zone plan or zoning ordinance. The project is
8 consistent with the master plan. You heard
9 testimony with regard, with regard to the standards
10 in the Green Zone and those items being met and
11 Mr. McLees will talk a little further about the
12 inner workings of the interior of the building.
13   We did review the professional report
14 that was provided and we are -- will comply with
15 all the technical comments in the report.
16   With that, I don't think I have anything
17 further.
18   **BRIDGET SYKES:** I believe that the --
19 any waivers that were requested were just premised
20 upon the fact that this is a preexisting building
21 and we weren't making any changes.
22   **JON BARNHART:** That's correct.
23   **LANCE LANDGRAF:** Okay. Thank you.
24   **BRIDGET SYKES:** Mr. McLees --
25   **JON BARNHART:** (Inaudible.)

1   **BRIDGET SYKES:** You guys are all so

2   short.

3   **WILLIAM McLEES:** Good morning.

4   **BRIDGET SYKES:** Good morning.

5   Okay. So you prepared the architectural

6   plans that were submitted, correct?

7   **WILLIAM McLEES:** We did.

8   **BRIDGET SYKES:** Okay. And as -- did you

9   zoom in or something?

10   **JON BARNHART:** No. There was a delay

11   going. It was taking a little bit.

12   **BRIDGET SYKES:** Oh. There, we go.

13   Yeah. Okay.

14   **JON BARNHART:** Here, we go.

15   **BRIDGET SYKES:** All right. So can you

16   go over the interior fit-out of this retail unit

17   and how it was designed?

18   **WILLIAM McLEES:** Sure. Taking you

19   through the plan from, I guess from the Pacific

20   Avenue frontage, obviously. We were -- with the

21   original application you saw we were trying to work

22   with the existing conditions as much as possible.

23   So we were utilizing the existing entrance door

24   that was at the property which swung out over the

25   property line, and that was one of the comments in

1   the report. So the plan that we're looking at

2   here, you can see the revision cloud. We recessed

3   that front entry door in so the door's not swinging

4   over the property line, so we're creating an alcove

5   that then takes you into the secured waiting area.

6   So we have a small waiting space inside the

7   building. The access from the waiting space into

8   the dispensary floor is going to be controlled, as

9   Matt pointed out, by security and that will be a,

10   you know, card access controlled door. That takes

11   you to the next area, which is the dispensary floor

12   itself that has display spaces, point of sale

13   locations along the lower portion of the plan,

14   which is actually a demising wall to the property,

15   and then to the top you'll see a small restroom and

16   to the left you'll see the check-out and assistance

17   space for the, for the employees. So that's really

18   the limitation of the public access of the

19   facility. And beyond that wall where the, where

20   the check-in counter is, from that point to the

21   left of the plan is all what I'll call back of

22   house or employee only space. So those spaces

23   include, again, that -- (inaudible) -- area, small

24   office, security room, the DEP -- DEA cage vault

25   area, which has been revised. If you look closely

1 at that vault area, we've carved out a portion of

2 it to the extreme left. That's gated off for trash

3 storage within that cage.

4   **BRIDGET SYKES:** For cannabis waste

5 storage?

6   **WILLIAM McLEES:** Correct. And beyond

7 that we have existing restroom, which we're

8 renovating, and a janitor's closet and surface

9 space is at the extreme end, accompanied by a break

10 room.

11   **BRIDGET SYKES:** Okay.

12   **WILLIAM McLEES:** So to reconcile the

13 plan, if we go to Jon's survey you'll see that

14 angled wall at the end of the recess. That angled

15 wall marries up with the angled door at the extreme

16 bottom of our plan. So there's actually additional

17 building space beyond the leased area that we

18 didn't have access to at the time and is not part

19 of this plan.

20   **LANCE LANDGRAF:** But it's still part of

21 the structure?

22   **WILLIAM McLEES:** It's part of the

23 structure.

24   **LANCE LANDGRAF:** I would ask that we

25 revise --

1   **WILLIAM McLEES:** Yeah. We can reconcile

2   that on the plans.

3   **LANCE LANDGRAF:** Yeah, just to show that

4   additional whatever feet it is.

5   **WILLIAM McLEES:** Yup.

6   **LANCE LANDGRAF:** Because I'm looking at

7   it, I'm like, wait a minute, one building is

8   stopping here --

9   **WILLIAM McLEES:** Right.

10   **LANCE LANDGRAF:** -- and the other is not

11 so --

12   **WILLIAM McLEES:** Right.

13   **BRIDGET SYKES:** Yeah.

14   **LANCE LANDGRAF:** All right. If we could

15 just show that on your floor plan, Bill, just

16 storage space --

17   **WILLIAM McLEES:** Yup.

18   **LANCE LANDGRAF:** -- label it. We got to

19 show it as something.

20   **WILLIAM McLEES:** Yeah. That's fine.

21   **BRIDGET SYKES:** Okay. And then I want

22 to point to -- so this is a three floor building

23 and you can see over on the -- at the top, right of

24 the architectural drawing --

25   **WILLIAM McLEES:** Yeah.

1   **BRIDGET SYKES:** -- that is completely

2   separate entrances that take you to the upstairs,

3   correct?

4   **WILLIAM McLEES:** That's correct. So the

5   extreme top right corner you'll see a door which

6   goes into a set of stairs that takes you up to the

7   apartments above, completely separate from the

8   entrance to the dispensary. The two work

9   independent.

10   **BRIDGET SYKES:** If you go to the

11   architectural elevation I believe you can show

12   where there's that separate door, right?

13   **WILLIAM McLEES:** That's right. So if I

14   zoom in on this, you'll see the two doors next to

15   each other. So dispensary door is shown as newly

16   constructed replaced door and this is the existing

17   entrance to the residential spaces.

18   **BRIDGET SYKES:** Okay. And initially we

19   had not submitted a signed package but we did

20   revise to show the signage refacing on the existing

21   sign base, correct?

22   **WILLIAM McLEES:** That's correct. The

23   intent was to reuse the existing sign square

24   footage that's there.

25   **BRIDGET SYKES:** Okay.

1   **WILLIAM McLEES:** So the original sign

2   was a -- was basically a sign cabinet, was

3   internally lighted, which is actually not permitted

4   in the Green Zone design requirements, so this will

5   be basically a flat sign base. It's gonna be

6   externally lighted to meet with the requirements.

7   **BRIDGET SYKES:** Okay. There were some

8   other comments that we had made revisions and notes

9   to regarding the glass and tinting.

10   **WILLIAM McLEES:** Yes. So the glass,

11   we're providing a film at the glass but we're gonna

12   maintain the 70 percent transparency requirement to

13   meet with the Green Zone requirements.

14   **BRIDGET SYKES:** The remainder of the

15   facade of the building is all existing?

16   **WILLIAM McLEES:** Existing at this time,

17   that's correct.

18   **BRIDGET SYKES:** And the extent that

19   under architectural review they require any

20   detailing, we will comply?

21   **WILLIAM McLEES:** We will, yeah. So

22   we've actually been working through that process to

23   prepare for the submission, so we'll provide the

24   additional dimensions and they're required for

25   glass areas and things like that.

1   **BRIDGET SYKES:** Okay. And then this

2 doesn't show it but there will be -- that front

3 facade, you'll see that door that was going to be

4 recessed as shown on the floor plan, correct?

5   **WILLIAM McLEES:** This actually does show

6 it.

7   **BRIDGET SYKES:** Oh, that does show it?

8   **WILLIAM McLEES:** Yeah. That's the new

9 configuration.

10   **BRIDGET SYKES:** Okay.

11   **WILLIAM McLEES:** So that's the portion

12 that's recessed.

13   **BRIDGET SYKES:** Okay. I believe

14 that's -- and then the only other comment was that

15 architecturally we are able to relocate that AC

16 condenser that's located in the back of the

17 building.

18   **WILLIAM McLEES:** Yeah.

19   **BRIDGET SYKES:** (Inaudible) -- right?

20   **WILLIAM McLEES:** That shouldn't be an

21 issue, to relocate it and extend the line sent to

22 the roof.

23   **LANCE LANDGRAF:** Okay. And then the

24 trash, you're moving that into that janitor's

25 closet space in there?

1   **BRIDGET SYKES:** Yes.

2   **WILLIAM McLEES:** Correct.

3   **LANCE LANDGRAF:** That will be brought

4   out on trash days?

5   **BRIDGET SYKES:** Yeah, and to the extent

6   we can, since I didn't realize it until you said

7   it, that it's not shown on the plan, that extra

8   area --

9   **WILLIAM McLEES:** It may exactly be -- we

10   weren't able to gain access to it at the time we

11   surveyed, but to the extent that that is trash

12   storage, which maybe it is, we would use that, as

13   well.

14   **BRIDGET SYKES:** As additional trash room

15   area. Okay.

16   **LANCE LANDGRAF:** One last question, and

17   I'm not sure who can -- well, last question -- one

18   other question.

19   When it comes to visibility of the

20   loading area, you're gonna have a camera that

21   shoots down that alley? You'll be able to see that

22   loading area from there?

23   **BRIDGET SYKES:** Yes. So you can -- in

24   the photo submission that we submitted where the

25   proposed camera's to be located, the wall of our

```
 1   property at the rear does jut.  There's like a --

 2   it jogs out beyond --

 3            LANCE LANDGRAF: Okay.

 4            BRIDGET SYKES: -- the one on the

 5   corner, so at the height of the third floor we did

 6   confirm that you could get visibility down through

 7   that entire --

 8            LANCE LANDGRAF: Okay.  Good.  Thank

 9   you.

10            WILLIAM McLEES: We can coordinate that

11   with the police department, as well.

12            LANCE LANDGRAF: Right.  Just because

13   it's off site, we want to make sure you have the

14   ability to visually see it.

15            WILLIAM McLEES: Yup.

16            BRIDGET SYKES: Yes.

17            LANCE LANDGRAF: All right.  Good.

18            Is that it?

19            BRIDGET SYKES: I believe that's

20   everything we have, unless you have any other

21   questions.

22            LANCE LANDGRAF: Okay.  I'll go to our

23   planner, take a review.

24            DAVID DiBENEDETTO:  Thank you.

25            LANCE LANDGRAF: We'll mark this letter,
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1   May 30th, 2024, as B-1.
2                SCOTT COLLINS:  Thank you.
3                DAVID DiBENEDETTO:  They seem to have
4   addressed all of our comments.  I only have -- one
5   thing that did occur to me was what happens if your
6   client cannot renew the lease on parking?
7                BRIDGET SYKES:  Cannot renew the lease?
8                DAVID DiBENEDETTO:  Yeah.  What if they
9   don't want to renew the lease?
10               BRIDGET SYKES:  I mean --
11               LANCE LANDGRAF:  You're gonna have to
12   come back.
13               BRIDGET SYKES:  We would have to come
14   back, yeah.  It's a condition that we have that
15   parking.  As far as -- just from experience, all
16   these public parking lots enter into leases for
17   this type of use.  That actually was -- my
18   understanding from the seller, they also leased
19   from that same lot for years for their law offices,
20   so it's been a longstanding lot that they've used.
21   As Mr. Landgraf pointed out earlier, there are
22   quite a few other public parking lots right in that
23   exact vicinity so obviously as a condition of
24   approval we'll maintain the eight spaces under the
25   lease either at that location or another location
```

1 in close proximity.

2   DAVID DiBENEDETTO: I just wanted to

3 make it clear that you would come back.

4   **BRIDGET SYKES:** Oh, yes. I understand.

5   DAVID DiBENEDETTO: They addressed the

6 issue of loading/unloading and they addressed the

7 door comment and trash. They addressed everything.

8   **LANCE LANDGRAF:** All right. Thank you.

9   Anything?

10   **SCOTT COLLINS:** I just have one

11 question. I may have missed it when I was taking

12 notes.

13   The retail first floor, there's two

14 floors above. They're vacant or they're apartments

15 or --

16   **BRIDGET SYKES:** They're vacant. So we

17 had submitted from the seller an oral history of

18 the property and there had been -- originally it

19 was residential many, many years ago, in the `40s,

20 then it was converted into a motel that operated

21 with day room rentals and then it was converted

22 into law offices that were occupied by the sellers,

23 Mr. Subranni (phonetic). When he relocated his law

24 offices to the first floor, the second and third

25 floors were just made vacant. There's file storage

1 up there. You can see from the photos that were

2 submitted it's been -- I mean, it's not occupiable.

3 There's no plumbing or --

4   **SCOTT COLLINS:** Okay.

5   **BRIDGET SYKES:** -- facilities in there

6 and we're not proposing any type of fit-out at this

7 time.

8   **LANCE LANDGRAF:** Any of those approvals,

9 I think, as it stands now, would have to come in

10 for relief.

11   **ROBERT REID:** I will tell you this, that

12 my review of the extensive history that was

13 provided and I did my own research and my

14 conclusion is that they could use it for office

15 space upstairs --

16   **LANCE LANDGRAF:** Yes.

17   **ROBERT REID:** -- which is a permitted

18 use.

19   **LANCE LANDGRAF:** Residential. There was

20 reference to apartments. That would have to come

21 back.

22   **BRIDGET SYKES:** Oh, yes. There's no --

23   **ROBERT REID:** That's --

24   (Multiple parties speaking.)

25   **BRIDGET SYKES:** That had been abandoned

1   for -- I mean, originally we thought maybe, but no,

2   that would have been probably 70 years since it was

3   apartment use.

4   **ROBERT REID:** There was no issue

5   because --

6   **LANCE LANDGRAF:** Office would come back

7   in, yeah, or storage for this use that --

8   **ROBERT REID:** Yeah, or storage. It

9   preexisted the parking requirements so there's not

10   an issue.

11   **LANCE LANDGRAF:** Okay. Good.

12   **SCOTT COLLINS:** Okay. So for now we'll

13   just say it's going to be vacant and if you want to

14   do something else, you'll come back again.

15   **BRIDGET SYKES:** Exactly.

16   **LANCE LANDGRAF:** Want to go through your

17   conditions so they're on the record?

18   **SCOTT COLLINS:** You probably already

19   heard me say this. For all the retail applicants

20   we ask for a number of -- we ask the applicant to

21   agree to a number of conditions.

22   **LANCE LANDGRAF:** We already did that.

23   We did it with the owner.

24   **SCOTT COLLINS:** We did. Okay. Never

25   mind.

1   **LANCE LANDGRAF:** All right. With that,

2   we'll open it up to the public. Anybody here with

3   any comments or questions, please step forward.

4   Sir, please come forward and state your

5   name.

6   **VINCE BARTH:** Vince Barth.

7   **LANCE LANDGRAF:** B-A-R-T-H.

8   **VINCE BARTH:** B-A-R-T-H.

9   **LANCE LANDGRAF:** All right. Your

10 address?

11   **VINCE BARTH:** 117 South Dr. Martin

12 Luther King Boulevard.

13   **LANCE LANDGRAF:** Okay.

14   **VINCE BARTH:** I came with -- I was

15 listening here and this probably cut into some of

16 this. There were requests for eight waivers and

17 variances and I haven't heard any of them

18 mentioned.

19   **LANCE LANDGRAF:** So what we did, Mr.

20 Barth, is they're listed in our engineer's report

21 and planning report. They are existing

22 nonconforming conditions. They are -- I'll go

23 through them real quick for you. One is lot area,

24 one is lot depth, one is lot width, minimum lot

25 frontage, maximum building coverage, maximum

1 impervious coverage, minimum rear yard setback.

2 The one they did request for relief for is a

3 parking variance. The existing building doesn't

4 have any parking and I think that's -- those are

5 the --

6   **VINCE BARTH:** Those are the eight?

7   **LANCE LANDGRAF:** Those are the eight.

8   **VINCE BARTH:** And you granted all those?

9   **LANCE LANDGRAF:** So we don't grant them

10 here. Our board would grant -- the only real

11 variance they need, in our opinion and how we've

12 handled all of these, is the parking variance. The

13 other ones are existing nonconforming. They are

14 not changing with this application. It's the size

15 of the lot, they're not changing that. It's

16 existing nonconforming. The building itself sits

17 on that lot. They're not moving. They're not

18 making it any larger.

19   **VINCE BARTH:** They're not gonna do

20 anything with them?

21   **LANCE LANDGRAF:** Correct. So while we

22 note them in our record, we typically don't require

23 variances for them.

24   **SCOTT COLLINS:** No, because it's an

25 existing condition. It's not required.

1   **LANCE LANDGRAF:** Right.

2   **VINCE BARTH:** Well, you have a backyard

3 of 20 feet. That's funny.

4   **LANCE LANDGRAF:** Correct, because the --

5 but the existing condition is 4 in one case.

6   **VINCE BARTH:** Four feet?

7   **LANCE LANDGRAF:** Correct.

8   **VINCE BARTH:** And where is this parking?

9 Where is this access coming in? I heard -- they're

10 talking about access.

11   **LANCE LANDGRAF:** Jon, if could go to

12 your site plan.

13   **JON BARNHART:** Sure.

14   **LANCE LANDGRAF:** Mr. Barth, I'm gonna

15 have the project engineer show it to you on his

16 plan.

17   **VINCE BARTH:** God, I can't see that.

18   **JON BARNHART:** So the access for

19 customers would be right off the sidewalk of

20 Pacific Avenue, like any of the --

21   **VINCE BARTH:** Your cars --

22   **JON BARNHART:** The access for

23 deliveries, there's a delivery zone right here

24 on -- along the sidewalk of Martin Luther King and

25 there's an existing alley that they would be able

1   to deliver stuff to the back of the property.

2   **VINCE BARTH:** Wait.

3   **JON BARNHART:** And then as far as the --

4   **VINCE BARTH:** Wait. This is the -- is

5   this the parking or the --

6   **JON BARNHART:** No. There's no parking

7   here, sir. The parking, the parking that we are

8   proposing to utilize --

9   **VINCE BARTH:** Is over there?

10   **JON BARNHART:** -- is -- correct. It

11 sounds like you're very familiar with the area

12 so --

13   **VINCE BARTH:** I've been there 47 years.

14   **JON BARNHART:** So then you definitely

15 are familiar with the area.

16   **LANCE LANDGRAF:** Let's show him the

17 aerial.

18   **JON BARNHART:** Yeah. That's what I'm

19 trying to go to here. There, we go. Let me just

20 blow this up for you a little bit.

21   So that's our site. This is MLK, right

22 here.

23   **VINCE BARTH:** Right.

24   **JON BARNHART:** Pacific, that's our site,

25 and then that parking lot next to the -- obviously

1 you know the Schultz building, then.

2   **VINCE BARTH** Yup.

3   **JON BARNHART** The parking lot next to

4 the Schultz building is where our client has leased

5 spaces. So they're parking --

6   **VINCE BARTH** Leased this way, across

7 Mt. Vernon Avenue.

8   **JON BARNHART** This lot right here --

9   **VINCE BARTH** Yeah.

10   **JON BARNHART** -- is the lot that

11 they're gonna utilize. The address of it is 16 --

12   **VINCE BARTH** This is the Schultz

13 building here?

14   **JON BARNHART** Yes, sir. That's the

15 Schultz building.

16   **VINCE BARTH** Okay. Then that's mine.

17   **JON BARNHART** Oh, this is -- that's

18 your building?

19   **VINCE BARTH** It's my building.

20   **JON BARNHART** Gotcha. Okay.

21   **VINCE BARTH** All right. Where are they

22 -- how are --

23   **JON BARNHART** Here's the --

24   (Multiple parties speaking.)

25   **JON BARNHART** Everybody here knows --

1   Mr. Barth is your last name?

2   **VINCE BARTH:** Yes.

3   **JON BARNHART:** Mr. Barth's building is

4   that, I'll call it mid-rise building directly

5   behind us.

6   **LANCE LANDGRAF:** Okay.

7   **VINCE BARTH:** It's a 10 story, 50

8   apartment building. I have 40 -- over 40 tenants

9   renting and that's why I'm concerned. Where is

10 this -- where is this access to the back of the

11 building?

12   **JON BARNHART:** There's an alley. Let me

13 see if I can -- I don't know if you'll be able to

14 see it on this, but there's an alley between your

15 building --

16   **VINCE BARTH:** Right there?

17   **JON BARNHART:** -- and the other building.

18 There's an alley right there.

19   **VINCE BARTH:** So 4 foot?

20   **JON BARNHART:** Correct.

21   **BRIDGET SYKES:** Just for clarity, the

22 question, so that would be pedestrian only. So the

23 customers for the site would be parking here, then

24 they'd be walking on Pacific, on the sidewalk to

25 come in through the front and then the delivery

1 trucks would use that loading zone here and they

2 would be walking down that 4 foot alley to get to

3 our back door with somebody from the site.

4   **VINCE BARTH:** Somebody's been through

5 there and observed that area?

6   **BRIDGET SYKES:** Yes, and we've

7 submitted --

8   **VINCE BARTH:** Because it's been a

9 troubled area for a long, long time.

10   **BRIDGET SYKES:** Yeah. We've been told.

11   **VINCE BARTH:** They put it on fire one

12 time and blew out my water supply system.

13   **LANCE LANDGRAF:** Well, the hope is that

14 with the improvement of this property and them

15 having to use that easement area --

16   **BRIDGET SYKES:** And the security cameras

17 that we're gonna put back there.

18   **LANCE LANDGRAF:** There's gonna be

19 security cameras there. There's gonna --

20   (Multiple parties speaking. Inaudible.)

21   **MATTHEW KOPELMAN:** -- making checks.

22 They'll be walking back there so --

23   **LANCE LANDGRAF:** We can't converse from

24 the audience. You got to come up and do that.

25   So the parking is --

1   **VINCE BARTH:** I just know that alley.

2   It's nothing -- they have garbage. They have,

3   like, a dumpster there --

4   **LANCE LANDGRAF:** So that was part of my

5   questions.

6   **VINCE BARTH:** -- and they set that on

7   fire before.

8   **LANCE LANDGRAF:** Right. So with this

9   application, all that trash enclosure there, the

10   trash dumpsters will be gone, they'll be inside the

11   building, and then on trash day they will bring

12   that outside. So this use --

13   **VINCE BARTH:** It needs to sit the way

14   four, four containers are now sitting --

15   **BRIDGET SYKES:** Yes.

16   **VINCE BARTH:** -- outside on the --

17   **LANCE LANDGRAF:** They won't be there

18   anymore.

19   **BRIDGET SYKES:** So we understand that

20   there's two other property owners that get to use

21   that, so our neighbors here and our neighbors here

22   also are allowed to --

23   **VINCE BARTH:** Well, nobody's in there.

24   Nobody's in -- (inaudible.)

25   **BRIDGET SYKES:** Just the corner one at

1   this time, yes. So we are conversing with them and

2   telling them, basically demanding that they remove

3   everything that they have back there because it's

4   not allowed to be restricted.

5   **VINCE BARTH:** What kind of people are we

6   going to encourage to come to this area with this

7   thing, with this cannabis?

8   **LANCE LANDGRAF:** Customers of the retail

9   cannabis business.

10   **VINCE BARTH:** Well, it was a great place

11 for 7,000 families that I ran for 30 years. We had

12 2,500 families a year come and stay at the Park

13 Lane, before New Jersey could spell time-share.

14   **LANCE LANDGRAF:** Right.

15   **VINCE BARTH:** It ended 30 years after

16 that time, when they tore the Sands down, and then

17 they lost -- we lost the Madison House, but that's

18 now -- someone is working on it right now.

19   **LANCE LANDGRAF:** I understand that, as

20 well. Yes.

21   **VINCE BARTH:** But I just don't want more

22 of the traffic that is already generated by the

23 Love Toys and the Madison, where the people come

24 and -- there are squatters in there. The police

25 have been there numerous times. It has improved

1 lately but it's still a long way. I kicked a girl

2 out of the dumpster, inside the dumpster yesterday.

3 Today I kicked somebody out that had broken into

4 our building from the seventh floor.

5   **LANCE LANDGRAF:** Well, those are police

6 matters, sir.

7   **VINCE BARTH:** I understand that.

8   **LANCE LANDGRAF:** I would suggest that

9 you call the ACPD on that. What the hope is here,

10 with them using this access way or easement, to use

11 as their loading area, they're going to have to

12 keep that clear, because they have deliveries every

13 week, so they are going to have to remove the

14 dumpsters and trash cans that are there now.

15   **VINCE BARTH:** So who's going to waive

16 all these restrictions?

17   **LANCE LANDGRAF:** So I've tried to

18 explain that once.

19   **VINCE BARTH:** Say it again.

20   **LANCE LANDGRAF:** So seven of those are

21 existing nonconforming conditions. They do not

22 require variances. They are listed on the

23 application. They do not require relief. The

24 building is where it is. The lot is as big as it

25 is. They're not changing any of that. So the rear

1 yard setback you talked about would be for new

2 construction. There's no new construction

3 happening here. The one variance they are asking

4 for is for parking and with the testimony that they

5 have provided, that they're gonna provide it off

6 site, which happens all over the city. Many uses

7 have off-site parking. That's why you have all the

8 surface parking lots.

9   **VINCE BARTH:** Don't we have a place down

10 at The Claridge, a big cannabis selling place?

11   **LANCE LANDGRAF:** There's eight of them

12 operating in the city right now, sir.

13   **VINCE BARTH:** Eight? I hear there's 27

14 in all.

15   **LANCE LANDGRAF:** There's 27 approved.

16 Eight of them are operating.

17   **VINCE BARTH:** Good luck.

18   **LANCE LANDGRAF:** I agree with your

19 sentiment, sir. That's one of the questions I ask

20 these guys all the time, are you aware that there

21 are 27 other approved cannabis applications.

22   **VINCE BARTH:** This is still a resort

23 town so we're busy three to four months a year.

24 The rest of the time --

25   **LANCE LANDGRAF:** Well, 250,000 people

1   come here every day so I think we're busy

2   year-round, so that's --

3   **VINCE BARTH:** I live in the city. I

4   live in that building and I know --

5   **LANCE LANDGRAF:** If you're going to

6   continue to testify, sir, you have to come up here

7   so we can pick you up on our recording.

8   **VINCE BARTH:** I live in that building.

9   I see what's going on every day. You have a

10 library which you put -- somebody put $25 million

11 into it and then they turned around and gave it to

12 Stockton. When they have a class in that building

13 you have guards outside for the people, so it's not

14 a great place and I just don't want to see more

15 people that are the ones that the cops are looking

16 for to congregate there.

17   **LANCE LANDGRAF:** The legal sales of

18 cannabis is permitted in this zone. It's permitted

19 by the city. It's permitted by the state. It's

20 permitted by the CRDA. It's a permitted use. It's

21 a legal operation of a retail business. Stockton

22 no longer accesses that building. That building is

23 now --

24   **VINCE BARTH:** They gave it up?

25   **LANCE LANDGRAF:** The City of Atlantic

1   City now owns it and they operate some offices out

2   of there, I believe. I'm not sure the exact use,

3   but the City of Atlantic City operates that

4   building now.

5   **VINCE BARTH:** Well, good luck.

6   **LANCE LANDGRAF:** Thank you.

7   **BRIDGET SYKES:** Thank you.

8   **LANCE LANDGRAF:** Thank you for your

9   comments, Mr. Barth.

10   **SCOTT COLLINS:** The Carnegie Library?

11   **LANCE LANDGRAF:** It is, yeah. He's

12   right, we did put $25 million into it.

13   Anything else on our side?

14   **ROBERT REID:** I'm good.

15   **LANCE LANDGRAF:** With that, I'll close

16   the public portion.

17   Miss Sykes, if you have anything else in

18   closing.

19   **BRIDGET SYKES:** No. I think that we

20   addressed all of the items in the report and our

21   testimony. We understand Mr. Barth and, as

22   indicated -- I mean, that easement area that's in

23   the back, there are three properties that benefit

24   from it. I know that the property owner to the --

25   towards the Schultz building did reach out because

1 they're also trying to repurpose that building and

2 have the same concerns. The Love Toy store on the

3 corner seems to be the ones that are doing a lot of

4 the activity back there that's not being properly

5 monitored and so we are going to use all of our

6 legal efforts to ensure that they clean up and

7 aren't violating the easement that we are the

8 beneficiary of, but obviously our client will be

9 complying with the use and will be monitoring it,

10 have security back there and that we hope that that

11 will actually address a lot of the concerns that

12 Mr. Barth had.

13   **LANCE LANDGRAF:** Great. What I would

14 ask is that maybe -- I don't know his first name.

15 If you could reach out to Mr. Barth and maybe try

16 to be good neighbors there and do that, that would

17 be helpful.

18   **MATTHEW KOPELMAN:** Well, what I was

19 gonna convey to him is that we're gonna have

20 security making perimeter checks. Number two, not

21 the scum of the earth always comes to cannabis

22 stores like this guy was suggesting. Yeah. He

23 says -- I understand where he's coming from, you

24 know, and, you know, there's families, I got a

25 family that I got to provide for, too. You know

1 what I'm saying? Like, there's plenty of apartment

2 buildings that -- you know, he's saying there's not

3 enough can -- there's too many cannabis. Well, I

4 can say there's too many apartment buildings. You

5 know what I mean? Like you said, it's permitted.

6   BRIDGET SYKES: But we'll be good

7 neighbors and --

8   MATTHEW KOPELMAN: Oh, absolutely. Yes.

9 I mean, we don't get -- we don't -- our company

10 doesn't get ahead by being bad neighbors,

11 especially with -- you know, we had issues, we had

12 issues in the past with odor. We took care of it

13 with our neighbors. You know what I mean? We

14 always have good relations with our neighbors.

15 Very important.

16   LANCE LANDGRAF: Okay. Thank you.

17 Appreciate it.

18   BRIDGET SYKES: Thank you.

19   MATTHEW KOPELMAN: Thank you, sir.

20   LANCE LANDGRAF: If there's nothing

21 further on our side --

22   BRIDGET SYKES: Nope.

23   LANCE LANDGRAF: Again, we'll try to get

24 those on our July board meeting for their

25 consideration.

1   **BRIDGET SYKES:** Thank you, very much.

2   **LANCE LANDGRAF:** That is also a public

3 hearing. If anybody wants to come to that, they

4 are certainly welcome to do so.

5   Make sure I got everything on my end.

6 We'll close the testimony on this matter. For the

7 public's benefit, our next meeting, our hearing

8 date is June 20th at 10 a.m. I understand the

9 agenda on that is CNCs so you won't have to be here

10 for that.

11   **SCOTT COLLINS:** There were things on.

12   **LANCE LANDGRAF:** Oh, Vince, you added

13 more, okay. So change that. Okay. You had asked

14 a --

15   **SCOTT COLLINS:** Yeah. I was confused.

16   **LANCE LANDGRAF:** All right. So we'll

17 have four items on that agenda.

18   All right. No other public comment, no

19 other comments at all, we'll close the meeting and

20 we are adjourned. Thank you.

21   (At 11:18 a.m. proceedings were

22   concluded.)

23

24

25

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, C.C.R.
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Notary Public of the
State of New Jersey

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