

CASINO REINVESTMENT DEVELOPMENT AUTHORITY
LAND USE REGULATION ENFORCEMENT DIVISION

APPLICATION: 2024-02-3592
MR. NICE GUYS AC, LLC
1622 ATLANTIC AVENUE - CANNABIS RETAIL

APPLICANT SEEKS SITE PLAN APPROVAL, ALONG
WITH C VARIANCE RELIEF FOR CANNABIS RETAIL AND
CANNABIS MANUFACTURING.

THE PROPERTY IS LOCATED AT 1622 ATLANTIC
AVENUE, ALSO KNOWN AS BLOCK 155, LOT 5 ON THE TAX
MAP FOR THE CITY OF ATLANTIC CITY, LOCATED WITHIN
THE CENTRAL BUSINESS COMMERCIAL DISTRICT (CBD).

THURSDAY, JUNE 20, 2024

10:46 A.M.

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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, June 20, 2024
commencing at 10:46 a.m.

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

CASINO REINVESTMENT DEVELOPMENT AUTHORITY:

LANCE D. LANDGRAF

CHAIRMAN

DIRECTOR, PLANNING DEPARTMENT

ROBERT L. REID

LAND USE ENFORCEMENT OFFICER

PROFESSIONALS TOP THE BOARD:

SCOTT G. COLLINS, ESQ.

G. JEFFREY HANSON, PE

COUNSEL FOR THE APPLICANT:

AMANDA MOSCILLO, ESQ.

FOX ROTHSCHILD

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EXHIBITS MARKED AND/OR REFERRED TO:

A-1, A-2, A-3, B-1

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

5 LANCE LANDGRAF: Everybody good to keep
6 moving?

7 Chris, you can bug out if you need to,
8 if you want to. You don't have to stay.

9 The next application is that of Mr. Nice
10 Guys, Application 2024-02-3592. It is located at
11 1622 Atlantic Avenue. It's a retail cannabis site.
12 Seeks site plan approval with C variance relief.

13 Rob, we're good on notice?

14 ROBERT REID: Yes. I've reviewed proof
15 of service and we have jurisdiction to hear the
16 application.

17 LANCE LANDGRAF: All right. You want to
18 swear in Jeffrey? He's doing this one.

19 G. JEFFREY HANSON, PE, having been first duly sworn
20 according to law, testified as follows:

21 SCOTT COLLINS: Recognize him as the --

22 LANCE LANDGRAF: Project engineer for
23 the CRDA.

24 SCOTT COLLINS: Yeah. I was gonna say
25 the board.

1 LANCE LANDGRAF: And we're good on
2 completeness, Jeff?

3 G. JEFFREY HANSON: We're good on
4 completeness. We issued a letter dated May 8th,
5 2024. We had a couple iterations and on the 8th of
6 May we deemed the application complete.

7 LANCE LANDGRAF: Okay. The floor is
8 yours.

9 AMANDA MOSCILLO: I know how to clear a
10 room, apparently.

11 Amanda Moscillo on behalf of the
12 applicant, Mr. Nice Guys AC, LLC. We're here today
13 for minor site plan, variance and waiver approval
14 to replace existing retail space at the property
15 with a Class 5 cannabis retail facility and Class 2
16 cannabis manufacturing facility.

17 As preliminary, we inadvertently
18 submitted an incorrect resolution of support. We
19 have a corrected resolution of support which has
20 both uses on it. I brought enough copies to
21 distribute if you want to mark it as exhibit A-1 --

22 LANCE LANDGRAF: That would be helpful.

23 AMANDA MOSCILLO: -- or whatever you want
24 to --

25 LANCE LANDGRAF: The application package

1 will be A-1.

2 AMANDA MOSCILLO: Okay.

3 LANCE LANDGRAF: So this will be A-2.

4 AMANDA MOSCILLO: Okay. I can also --

5 G. JEFFREY HANSON: The resolution
6 includes, just to clarify, the Class 2, as well as
7 the Class 5?

8 AMANDA MOSCILLO: Yes.

9 G. JEFFREY HANSON: And I guess whoever
10 would be the delivery entity would need their own
11 Class 6. How does that -- I'll let you --

12 AMANDA MOSCILLO: So we're gonna get
13 into that. That's gonna be part of the operations.
14 We're not gonna have the third-party delivery,
15 which was contemplated in the initial application.
16 It's gonna be part of the operations there, which
17 we'll get into that.

18 G. JEFFREY HANSON: Okay.

19 AMANDA MOSCILLO: I think that's think
20 that's enough copies.

21 ROBERT REID: Thank you, very much.

22 AMANDA MOSCILLO: No problem.

23 SCOTT COLLINS: Thanks, Amanda.

24 AMANDA MOSCILLO: As you are aware,
25 there are some existing nonconformities, which I'm

1 not gonna run through right now, but the two new
2 variances are the -- allow the height of the wall
3 sign to be greater than the roof line and to allow
4 the exterior door on Mt. Vernon Avenue for the back
5 vestibule to swing out on to the sidewalk. Jay's
6 gonna give testimony about those variances and our
7 justification for same.

8 The property is located at 1622 Atlantic
9 Avenue, designated as Block 155, Lot 5 and it's in
10 the Central Business District of the Atlantic City
11 Tourism District, which -- and this is a permitted
12 use under the Green Zone Redevelopment Plan.

13 I have with me Ellie Siegel and
14 obviously Jay, who just testified. Ellie's gonna
15 testify first, if you want to swear her in.

16 LANCE LANDGRAF: We have the pleasure
17 today of having two of my wife's former students
18 here. One is Mr. Talvacchia's daughter and one is
19 Ellie, so --

20 ELLIE SIEGEL: That's funny. I didn't
21 realize that.

22 LANCE LANDGRAF: I didn't, either, until
23 I saw you sitting over there.

24 ELLIE SIEGEL: Yeah.

25 LANCE LANDGRAF: Two different areas of

1 her teaching career.

2 ELLIE SIEGEL: Beginning and end, right?

3 LANCE LANDGRAF: Exactly.

4 ELLIE SIEGEL: That's funny.

5 SCOTT COLLINS: Good morning. Can you
6 just raise your right hand, please?

7 ELLIE SIEGEL, having been first duly sworn
8 according to law, testified as follows:

9 SCOTT COLLINS: Thank you.

10 AMANDA MOSCILLO: Ellie, can you set
11 forth your affiliation with the applicant?

12 ELLIE SIEGEL: I am the CEO of Longview
13 Strategic. We are adjacent to the applicant
14 because Hook Up Promotions owns the property
15 affiliated with the applicant, which is Mr. Nice
16 Guys AC, LLC and we are engaged by that applicant
17 to assist them through the process of getting
18 licensure.

19 AMANDA MOSCILLO: And the applicant has
20 given you permission to appear today on their
21 behalf and you're familiar with their operations to
22 give testimony?

23 ELLIE SIEGEL: That's correct.

24 AMANDA MOSCILLO: All right. And can
25 you set forth your experience in the cannabis

1 industry?

2 ELLIE SIEGEL: Sure. So I have been in
3 the cannabis industry myself since 2015. Longview
4 Strategic was formed in 2016 to assist applicants
5 just of this nature through this process and
6 through operating successfully, staying compliant
7 and in some cases either, you know, continuing to
8 operate and expanding or, you know, just continuing
9 to run a great business. That's, you know,
10 normally the trajectory.

11 AMANDA MOSCILLO: Can you describe this
12 property and what we're proposing and detail the
13 deliveries, just because there was some confusion
14 because we did have the third-party deliveries in
15 the initial application?

16 ELLIE SIEGEL: Absolutely. So the way
17 the licensing works at the state level, the Class 5
18 includes the ability to deliver to your own
19 customers the orders that they place from this
20 particular retail location and the applicant does
21 intend to use the license to its full extent but in
22 terms of the Class 6 delivery, which is a different
23 license type that allows third-party deliveries to
24 be done, that is not part of this applicant's plan
25 at this time, so it's just the Class 5.

1 G. JEFFREY HANSON: -- (inaudible) --
2 delivery, quote-unquote?

3 ELLIE SIEGEL: Exactly. You got it.
4 Just the Class 5 delivery.

5 (Multiple parties speaking.)

6 G. JEFFREY HANSON: (Inaudible) -- Mr.
7 Nice Guys, LLC will use whatever --

8 ELLIE SIEGEL: You got it, right, and
9 only to the customers that are purchasing from the
10 Mr. Nice Guys retail site.

11 AMANDA MOSCILLO: Can you explain why
12 the applicant was interested in Atlantic City and
13 some of the benefits that this project will bring
14 to the city?

15 ELLIE SIEGEL: Yeah. So it's --
16 Atlantic City had sort of announced itself, you
17 know, as a cannabis location, where cannabis would
18 be friendly with the community, it would be a
19 business that would be accepted and so my clients
20 in particular, I think, saw the opportunity to do
21 something that they know how to do well in a place
22 that it would be accepted and that would also have
23 tourism and, you know, provide a robust volume of
24 consumers, so it's a very nice fit in that regard.
25 The benefits to the city of our client opening up

1 at this location is that they'll be providing jobs,
2 they'll be looking to do local hiring, they're
3 gonna generate tax revenues, sales -- through their
4 sales revenue and sales in general and they are
5 choosing to invest and purchase a property rather
6 than lease. That's important, I think, because it
7 shows that they have a stake in the success of that
8 location, that they're looking to do it there and
9 stay there and be a part of the fabric of that
10 community. The renovation and occupancy of this
11 building will be a benefit to that area as in
12 general, you know, many are not in use at this
13 point, and this operator is familiar with the
14 industry and the highly competitive market so we
15 expect them to do well, that this will be a
16 location that will excel and, you know, thrive.

17 Additionally, one thing that I think is
18 important to say, you know, from this moment and
19 for, you know, it to be known, a percentage of the
20 business is directly owned by an Atlantic City
21 native, so I think that's something that's just a
22 very wonderful facet of the project, that we layer
23 in both the cannabis experience of successful
24 operators, but we also have the local who's a
25 compliance professional in the casino industry,

1 fire command officer, you know. She's also
2 somebody who's a very well-respected member of this
3 community, so we expect it to be very good for the
4 area.

5 AMANDA MOSCILLO: Have we applied for
6 the annual license?

7 ELLIE SIEGEL: We have.

8 AMANDA MOSCILLO: When is the goal to be
9 operational by?

10 ELLIE SIEGEL: The goal is to be
11 operational by the end of the year at this site.

12 AMANDA MOSCILLO: Okay. Can you just
13 detail the hours of operation, the number of
14 employees and the truck traffic?

15 ELLIE SIEGEL: Sure. So the plan is to
16 operate Monday to Thursday, 10 a.m. to 10 p.m.,
17 Friday and Saturday from 10 a.m. to midnight, and
18 from Sunday 10 a.m. to 8 p.m. We don't expect a
19 ton of truck traffic, you know. Deliveries will
20 not be from trucks. It will be vans and we expect
21 about 12 to 15 employees, so shift maximum of about
22 eight. And in terms of, you know, the volume of
23 traffic coming and going at the same time, we don't
24 expect it to be very high.

25 AMANDA MOSCILLO: Can you just detail a

1 little bit about the delivery process? Are they
2 going to be during daytime hours?

3 ELLIE SIEGEL: Yes. So daytime -- well,
4 business hours, you know, daytime or evening, and
5 the deliveries will occur on no set schedule. For
6 security purposes we don't normally set a schedule
7 of when we will deliver, you know, or have
8 deliveries occur. It won't be coordinated in that
9 way but it will be coordinated to avoid a backlog
10 in the sense that, you know, it will be managed
11 properly to ensure that deliveries are handled
12 appropriately. The delivery driver will call the
13 team, you know, if there's deliveries coming in, to
14 bring deliveries. If a delivery is going out we
15 would obviously know and it would be coordinated
16 appropriately.

17 AMANDA MOSCILLO: Can you explain some
18 of the security protocols for the deliveries for
19 the incoming and the outgoing?

20 ELLIE SIEGEL: Sure. So if a delivery
21 is incoming, the delivery driver would call our
22 team, it would be connected to a specific receiving
23 manager who would equip, you know, the plan. The
24 plan includes -- so an SOP for a delivery includes
25 a panic button, which is a mobile panic button that

1 they have with them when they go out to meet
2 somebody delivering. They meet the driver outside
3 at the designated spot. The drivers are always
4 under GPS surveillance by their team, you know,
5 that's part of the requirements at the state level,
6 and they must have a working cell phone for that
7 exact communication moment when they sync up with
8 us. They'll always be under surveillance and in no
9 case would a door be left open. So in that sense
10 we would have the mobile panic button, you know.
11 When you come out the door would open. They would
12 either come through or the employee would come out.
13 No doors are open or held open or left open at any
14 time. The delivery driver locks their vehicle
15 every time they handle a delivery, so the delivery
16 vehicles are not left open. Deliveries are also
17 typically on hand trucks. We're not talking about,
18 you know, massive trucks delivering, you know, huge
19 pallets of things. We're talking about Sprinter
20 vans delivering things that are, you know, wheeled
21 on hand trucks. So that's, you know, typically
22 what you'll see, unless it's an even smaller volume
23 that doesn't require a hand truck. The driver
24 signed in as a visitor, escorted at all times. The
25 deliveries are made directly to either the

1 manager's office or to the appropriate vault space,
2 if they're already inventoried. No cash is
3 exchanged as part of that delivery and a log is
4 created. So each delivery, there's a log.
5 There's -- it's signed by the receiving manager and
6 the driver. For the state's compliance process all
7 of this is handled in a very standard procedure
8 that is laid out and is, you know, run in that way
9 both for the safety of the employees and the
10 delivery driver and their company staff, as well.

11 AMANDA MOSCILLO: And regarding
12 security, there's obviously requirements in the
13 Green Zone Redevelopment Plan laid out and we also
14 plan to comply with those and they have
15 specifically an electronic alarm system that
16 automatically notifies the employees and the
17 business owner, it has to be installed and that's
18 our intention to do so, correct?

19 ELLIE SIEGEL: Absolutely.

20 AMANDA MOSCILLO: Can you also go over
21 how cannabis waste will be disposed?

22 ELLIE SIEGEL: Yes. No problem. So the
23 cannabis waste is something that's also regulated
24 at the state level. The manufacturing unit will
25 produce a very minimal amount of cannabis waste, as

1 all of the material used generally is used in the
2 creation of the product. When cannabis waste is
3 produced it will be stored in a secured section of
4 the vault space for manufacturing and held until a
5 dedicated third-party service authorized to destroy
6 cannabis picks it up. Again, there's not a lot of
7 it, but that is the process and that is what would
8 be done. In the event that there's a defective or
9 recalled packaged retail product, you know, that's
10 a different kind of cannabis waste, in a sense. If
11 that contains cannabis that must be destroyed. It
12 will be returned to the cultivator or the
13 manufacturer that it came from and that's destroyed
14 according to the state's regulations by them. So
15 in that sense there's a couple different types of
16 waste that occur that are handled within the
17 regulations. In the rare event that Mr. Nice Guys
18 must destroy cannabis and create cannabis waste, if
19 there's something as a result of a manufacturing
20 process that causes the need to be that kind of
21 occurrence, it would be rendered completely
22 unusable, meeting regulations again. According to
23 the CRC regulations, there's a manner in which it
24 must be rendered unusable and then destroyed by a
25 third-party destruction service. So that's

1 essentially the different types of waste and how we
2 would ensure that they're handled.

3 AMANDA MOSCILLO: I do not have any more
4 questions for Ellie right now, unless you have
5 anything to add.

6 ELLIE SIEGEL: No. I think that's it.

7 AMANDA MOSCILLO: Or if anybody has any
8 questions.

9 LANCE LANDGRAF: I have a couple
10 questions.

11 No grow here at all?

12 ELLIE SIEGEL: No.

13 LANCE LANDGRAF: So plant, flower will
14 come and it will be processed here?

15 ELLIE SIEGEL: Yes, and the processing
16 can be a process as simple as rolling it.

17 LANCE LANDGRAF: Prerolls and things
18 like that?

19 ELLIE SIEGEL: Prerolls, but that is
20 considered a process because it's, you know,
21 changing the modality.

22 LANCE LANDGRAF: Manufacturing of
23 edibles would also --

24 ELLIE SIEGEL: Yes.

25 LANCE LANDGRAF: -- occur here?

1 ELLIE SIEGEL: Correct.

2 LANCE LANDGRAF: So there's more than
3 one -- a couple things. So odor mitigation.

4 ELLIE SIEGEL: Yes.

5 LANCE LANDGRAF: Talk a little bit about
6 that, because when you're doing that process there
7 is an odor released --

8 ELLIE SIEGEL: Absolutely.

9 LANCE LANDGRAF: -- and how we're gonna,
10 you know, vent outside that it's --

11 ELLIE SIEGEL: Yup. So this is, again,
12 a matter of compliance, has to be mitigated under
13 our odor mitigation plan, which is an HVAC system
14 intended to mitigate these exact types of odors.
15 The retail site, as you guys probably know, in
16 general has a minimal amount of odor, you know.

17 LANCE LANDGRAF: Right.

18 ELLIE SIEGEL: That's, you know, the
19 case in general. When you have the flower being
20 even moved, you know, there's some odor. It's
21 just, you know, even if you don't put it into a
22 chemical process, just moving flower can produce a
23 little bit of odor. All of that will be mitigated
24 in the relatively small manufacturing space. We
25 don't expect the odor to be massive. Like I said,

1 it would be a minimal amount of odor that's
2 generated by nature of the processing that's
3 happening in there. The HVAC system is for sure
4 capable of handling that level of odor, but the
5 higher levels of odor are often when you have, like
6 you said, cultivation, where you're curing the
7 plants. It produces a lot of odor. There would be
8 a larger HVAC system in those kind of conditions.
9 In this case, because it's manufacturing, it is
10 slightly more than retail and so that will be
11 addressed in how the HVAC system is configured, but
12 it's still not the level of odor mitigation that
13 would be required at the far end of the spectrum.
14 So they'll never have a problem with external odor.
15 That will not be an issue. Even inside the store,
16 when you have someone come in, you shouldn't smell
17 emanating odor from the manufacturing, you know,
18 into the general retail space.

19 LANCE LANDGRAF: Under the CRC rules if
20 there is that odor they have to correct it.

21 ELLIE SIEGEL: Correct.

22 LANCE LANDGRAF: Kind of like noise
23 violations.

24 ELLIE SIEGEL: Exactly.

25 LANCE LANDGRAF: There is an issue that

1 comes up subsequent to the approvals.

2 ELLIE SIEGEL: Outside the facility,
3 right, and so we, we understand that to be outside
4 of the actual establishment. Inside the
5 establishment, as doors may open and close, you may
6 have somebody --

7 LANCE LANDGRAF: Right.

8 ELLIE SIEGEL: -- you know, handling
9 plant for materials.

10 LANCE LANDGRAF: Not a lot of concern
11 about internal.

12 ELLIE SIEGEL: That's what I was gonna
13 say, and you may have somebody sitting in the lobby
14 that will smell it as they're waiting.

15 LANCE LANDGRAF: They're there for a
16 reason.

17 ELLIE SIEGEL: That's right. They're
18 there to purchase the product.

19 (Multiple parties speaking.)

20 ELLIE SIEGEL: That's what I was gonna
21 say, they're there to purchase the product being
22 made so I think they're okay. We're all agreed on
23 that.

24 LANCE LANDGRAF: Just touching base on
25 the security real quick, your video cameras will

1 comply with what's required and then they'll be
2 tied to the Atlantic City PD? That's something
3 that we ask for.

4 ELLIE SIEGEL: Absolutely.

5 LANCE LANDGRAF: We've gotten away from,
6 honestly, asking for the security personnel to be
7 there prior to opening and after opening --

8 ELLIE SIEGEL: Yup.

9 LANCE LANDGRAF: -- because, honestly,
10 with -- there's eight of these, maybe nine now open
11 in the city. There really isn't the issues we were
12 worried about with lines --

13 ELLIE SIEGEL: That's right.

14 LANCE LANDGRAF: -- so we dropped that
15 as a condition.

16 SCOTT COLLINS: Yup.

17 LANCE LANDGRAF: What I will say, and
18 this is something I was thinking about, if it does
19 come to that, if there are excessive crowds, you'll
20 have appropriate security on site?

21 ELLIE SIEGEL: Absolutely. We would, we
22 would be responsive to anything that arose like
23 that, but we agree with you, in general, it's not
24 the sort of sensation, you know, that it once was
25 for the first store that opened so you don't tend

1 to see that queuing issue.

2 LANCE LANDGRAF: Actually, on that line
3 of thought, I mean, how do you see you guys, your
4 particular store, Mr. Nice Guys -- you know, this
5 will be the 30th one I think we've approved.

6 ELLIE SIEGEL: Yes, sir.

7 LANCE LANDGRAF: How are you going to
8 make this work?

9 ELLIE SIEGEL: Yup.

10 LANCE LANDGRAF: What I hope we don't
11 see is that a lot of these businesses come in and
12 then shut down.

13 ELLIE SIEGEL: I agree.

14 LANCE LANDGRAF: Because then we're
15 gonna be right back to what's sitting up on that
16 screen right now --

17 ELLIE SIEGEL: I agree with you.

18 LANCE LANDGRAF: -- with closed up
19 businesses. I mean, really I'm just -- there's no
20 real answer you can give me for that.

21 ELLIE SIEGEL: I hear ya.

22 LANCE LANDGRAF: What I'm saying is,
23 we're putting you on notice that there is going to
24 be a lot of these things in the city.

25 ELLIE SIEGEL: Competition will be

1 fierce.

2 LANCE LANDGRAF: It will. So that's
3 something that I'm just trying to make applicants
4 aware of.

5 ELLIE SIEGEL: I appreciate it.

6 LANCE LANDGRAF: Because there's an
7 expensive process that you're going through.

8 ELLIE SIEGEL: Yup.

9 LANCE LANDGRAF: Not only with this
10 process but through the city and getting their host
11 fees.

12 ELLIE SIEGEL: Yup.

13 LANCE LANDGRAF: They're going to be
14 significant at the end of this when you go to get
15 your final license.

16 ELLIE SIEGEL: Yup.

17 LANCE LANDGRAF: It's not a couple
18 dollars. It's a significant amount of money. So
19 just making sure everybody's aware of the process.

20 ELLIE SIEGEL: No, and we appreciate
21 that. You know, the experience that the operator
22 has, they feel strongly that that will factor into
23 their ability to compete in a market, you know,
24 that is saturated, definitely going to be saturated
25 and they come to it knowing that. That said, I

1 feel the same as you, that their -- the probability
2 that all will succeed is not extremely high. We
3 hope that the community, you know, in Atlantic City
4 will be one where there's collaboration amongst
5 operators. We intend to be a great member of the
6 community and would collaborate, you know, as best
7 we can with the cannabis community at large in
8 Atlantic City, but I do expect that there will be
9 some failures in general and that's not --

10 LANCE LANDGRAF: Some of the ones that
11 are open are already having a difficult time.

12 ELLIE SIEGEL: Yeah, and I think that's
13 a -- it's a testament to a lot of different
14 decisions that were made along the way and I think
15 that, you know, in the sense that there is an
16 abundance of interest, I think it's a matter of how
17 you connect with the customer, how you move the
18 product, you know, from your shelves in that sense.
19 It's a retail issue like any other and at one time
20 when I was growing up there was a lot of active
21 retail, you know, on a lot of blocks and a lot of
22 things thrived at the same time. This is a
23 different time in Atlantic City and so you don't
24 see as much brick and mortar retail in general as
25 you did decades ago and I think the same is true

1 with cannabis. There's only so many brick and
2 mortar retail that, you know, will survive in a
3 particular geography. We like to think this one is
4 situated very well geographically, has --

5 LANCE LANDGRAF: Good.

6 ELLIE SIEGEL: -- you know, the
7 approachability of, you know, a location that
8 people will find easy to get to and that their
9 cannabis experience, you know, in the industry,
10 competing in other saturated markets will help them
11 to succeed, but I share your concerns, Lance, I do,
12 in the sense that the volume, you know, in this
13 immediate vicinity doesn't necessarily, you know,
14 jibe with the numbers, but I do think there will be
15 success stories and Mr. Nice Guys AC certainly
16 intends to be one.

17 LANCE LANDGRAF: Okay. Good.

18 Jeff, you had a question?

19 G. JEFFREY HANSON: My question was the
20 same as yours, about the odor mitigation.

21 LANCE LANDGRAF: All right. Good.

22 G. JEFFREY HANSON: I'll just add that
23 if you look at the -- as far as the queuing goes,
24 if you look at the Vizzi (phonetic) plan there,
25 there's a vestibule when you walk in.

1 LANCE LANDGRAF: Yes.

2 G. JEFFREY HANSON: It looks like
3 there's ample room for --

4 LANCE LANDGRAF: Yup.

5 ELLIE SIEGEL: And that, that --

6 G. JEFFREY HANSON: Over 15 people could
7 probably fit in there.

8 ELLIE SIEGEL: And that might be a
9 nicely smelling area for those that want to
10 purchase the product and that, you know, that said,
11 we will make sure that it doesn't emanate out the
12 front door.

13 LANCE LANDGRAF: Won't be lavender.

14 ELLIE SIEGEL: Yeah, and it won't be
15 something that becomes, you know, something that
16 isn't a space where people would consume, you know,
17 but yes, the idea is that they can queue. We are
18 actually talking about, you know, different
19 interesting things that, you know, could be a
20 little bit different than what's done, you know, in
21 other retail spaces. Since the manufacturing is
22 right there, we can, you know, do some creative
23 things with that, but from that standpoint it's
24 really about having the ability to, you know, be in
25 a spot where people want the product, deliver it to

1 them in a compliant fashion and have something
2 that, you know, is basically being made in-house in
3 realtime that, you know, adds to the leverage that
4 the operator has to compete. That's, you know,
5 obviously part of the design of the business plan
6 here.

7 AMANDA MOSCILLO: Thank you, Ellie. If
8 nobody has any other questions, Jay come up.
9 Ellie's gonna stay here so if anything comes up she
10 will be here to answer any questions.

11 LANCE LANDGRAF: All right.

12 AMANDA MOSCILLO: I know Jay has already
13 been qualified as an expert. We don't have to
14 qualify him again, unless you want to.

15 SCOTT COLLINS: You remain under oath.

16 LANCE LANDGRAF: You're still sworn in.

17 AMANDA MOSCILLO: Thank you.

18 JASON SCIULLO, having been previously sworn,
19 testified as follows:

20 JASON SCIULLO: Thank you.

21 So I'm just gonna hit the high points --

22 AMANDA MOSCILLO: Go.

23 JASON SCIULLO: -- because you guys have
24 heard, as you mentioned, so many of these, and a
25 lot of them from me. So Ellie did a really good

1 job describing the process and the operations
2 facility so I'll talk about a lot of the site
3 features that make it work really well.

4 So first thing is, looking at the screen
5 now, this is the existing space from the street
6 view on Google. It's at the intersection of
7 Atlantic and the side street is a one way alley
8 from the beach heading north. It's called Mt.
9 Vernon. This corner has been, as you've seen in
10 the photo, Khan's Discount Store for a bit and now
11 vacant and purchased by these folks. One of the
12 things that we know, we talked about a bunch,
13 loading zones aren't specifically required in any
14 of the regulatory process but it's been the CRDA's
15 position for the last several months that loading
16 zones are a necessity based on safety. So one of
17 the things about this site that's attractive, and
18 I'm gonna zoom in, there's a loading zone that you
19 can see directly in front of the facility, directly
20 outside their door. That area's painted off
21 when -- and happened to be my former firm, we
22 worked on the road project that went from Kentucky
23 Avenue down past this site that this new work,
24 you'll see the bike rack and the landscaping and
25 this new paint that's here, this loading zone has

1 been here for quite a while. It's in the
2 ordinance. The city ordinance has a loading zone
3 for this strip. It's more or less the entirety of
4 this block. So we intend to utilize that loading
5 space in front. The loading door that was
6 mentioned as potential relief being needed and
7 that's -- serves double duty. It will be used for
8 loading into the rear of the building and also for
9 emergency exit. That's an existing condition with
10 the door swinging out on to the sidewalk. Our
11 understanding is building code requires it to swing
12 out for fire protection purposes, so we ask for
13 relief to be able to let that remain.

14 G. JEFFREY HANSON: We did identify that
15 as a variance. I don't -- it's a pre -- I guess
16 that's a preexisting condition but considering -- I
17 was just conservative because of the new use.

18 LANCE LANDGRAF: The door swinging out
19 is a variance? I don't think that -- I don't think
20 we --

21 G. JEFFREY HANSON: Do we call that a
22 design waiver or what do we want to call that?

23 JASON SCIULLO: I don't know. It was
24 identified in the letter.

25 LANCE LANDGRAF: I don't think we can

1 control that. It's not --

2 ROBERT REID: Is it even in our
3 regulations?

4 G. JEFFREY HANSON: Dave identified it
5 in the regulations. I don't know exactly where.

6 LANCE LANDGRAF: I saw that in there and
7 I'm puzzled by that, because that's --

8 JASON SCIULLO: Actually, it's probably
9 from the --

10 (Multiple parties speaking.)

11 G. JEFFREY HANSON: -- (inaudible) --
12 5.1.2.B.4.K, yeah. It's in the Green Zone.

13 LANCE LANDGRAF: Oh, okay. The Green
14 Zone, all right. So that will be a design waiver
15 of the --

16 G. JEFFREY HANSON: Call it a design
17 waiver, not a variance?

18 LANCE LANDGRAF: And have the city --
19 because that's in their --

20 JASON SCIULLO: Well, sort of. So just
21 like the signage we've had in the past --

22 LANCE LANDGRAF: Right.

23 JASON SCIULLO: -- where they have the
24 standards as two signs total.

25 LANCE LANDGRAF: So they want us to

1 relieve -- grant the relief, too.

2 JASON SCIULLO: Okay.

3 LANCE LANDGRAF: Well, it's a safety
4 requirement to have it open out.

5 JASON SCIULLO: Yeah. It's a building
6 code conflict. It just is what it is. It doesn't
7 matter what the use is.

8 G. JEFFREY HANSON: Are we gonna
9 identify that as a variance or a design waiver at
10 that point, then?

11 LANCE LANDGRAF: Where did Dave pick it
12 up? It's in the Redevelopment Plan?

13 G. JEFFREY HANSON: It's in the Green
14 Zone Plan, 5.1.2.3.4 --

15 LANCE LANDGRAF: I'm gonna say that's a
16 variance. It's not in the design standards. All
17 right. That's a variance, yeah, loading door
18 opening out.

19 JASON SCIULLO: Yeah. I'm not sure.
20 Like, in that section of the code that there --
21 there are discussions in the Green Zone
22 Redevelopment Plan that say they want doors
23 recessed off the sidewalk for entrance and exit,
24 like the main door is recessed.

25 LANCE LANDGRAF: Right. Yeah.

1 JASON SCIULLO: This is secondary access
2 not by the public, emergency use only and loading,
3 if there's delivery that takes place during
4 business hours where there's patrons in the waiting
5 area.

6 LANCE LANDGRAF: The city's gonna let
7 you keep the loading zone on Atlantic, correct?

8 JASON SCIULLO: Yeah. It's in the
9 ordinance.

10 G. JEFFREY HANSON: Can you provide a
11 copy of the ordinance just for --

12 AMANDA MOSCILLO: I have a -- I do. I
13 brought extra copies.

14 (Multiple parties speaking.)

15 G. JEFFREY HANSON: Thank you. Very
16 helpful.

17 JASON SCIULLO: I looked -- I wanted --
18 I tried to find in the Phase 2 of the Road Diet
19 Plan on the website here, the CRDA website. Not
20 all of them were posted and I can't get it from any
21 other public sources. I've asked the city for it
22 and --

23 LANCE LANDGRAF: Don't raise the Road
24 Diet here.

25 JASON SCIULLO: I'm just saying --

1 LANCE LANDGRAF: Seriously, I can't even
2 talk about it so --

3 JASON SCIULLO: All right. So -- but
4 yeah, the loading zone exists. It's in the
5 ordinance. It's gonna remain. We don't intend to
6 change it but we will utilize it.

7 The security cameras --

8 LANCE LANDGRAF: You'll mark this as
9 A --

10 SCOTT COLLINS: I think it's A-2. Just
11 make sure.

12 AMANDA MOSCILLO: I think the
13 application was A-1, then the resolution --

14 SCOTT COLLINS: A-3, yup. You're right.

15 JASON SCIULLO: So security cameras will
16 be around this corner on the front of the building,
17 down the side of the building, covering all doors,
18 so any movement, deliveries, anything will be
19 completely covered.

20 The odor mitigation was discussed so
21 there's really no -- as you see, there's no site
22 improvements proposed other than facade
23 improvements, which are going to be under the
24 jurisdiction of the city. We intend to comply with
25 all the standards except for the doors mentioned

1 and for the actual front, the facade that faces
2 Atlantic, there's discussion of the signage being
3 potentially an issue. So it's interesting in that
4 it's a technicality, clearly. The building -- this
5 is, again, part of one of the facade improvement
6 projects that ran up and down Atlantic Avenue and
7 this sign has been in this condition as you see
8 since prior to our client's purchase of the
9 property. Khan's utilized the higher portion as
10 their sign. Mr. Nice Guys intends to use it -- I
11 got to grab the other -- utilize that same sign
12 board. I'm gonna zoom in on this. And this logo
13 may look pretty familiar to you guys if you are a
14 fan of Dave Chappelle and Jim Breuer.

15 SCOTT COLLINS: I'm familiar with --
16 (inaudible) --

17 JASON SCIULLO: It's pretty good, right?

18 So they're just gonna rephrase. So one
19 of the things that was questioned in the letter,
20 too, was about the paint in the facade. So you'll
21 see this generic note about paint for the facade to
22 match adjacent facade. So the existing building
23 was white with that blue and white sign. So this
24 photo just puts the sign over top of it. They're
25 gonna paint it a different color. That's not been

1 decided and it will part of the Green Zone reveal.

2 G. JEFFREY HANSON: You do intend to
3 comply with that 5.1.2.E.1.B with the -- where it
4 talks about three to five colors for the facade?

5 JASON SCIULLO: Yes. Exactly.

6 G. JEFFREY HANSON: Okay.

7 JASON SCIULLO: So we are requesting
8 relief for this sign which is under the permitted
9 area by a good bit, but it is technically above
10 the, you know, majority of the roof, I guess that
11 back parapet and on that --

12 LANCE LANDGRAF: Well, they're changing
13 it.

14 G. JEFFREY HANSON: It's an existing
15 condition so I -- out of an abundance of caution I
16 identified --

17 LANCE LANDGRAF: I get it.

18 G. JEFFREY HANSON: -- that as a
19 variance but I'll defer to you guys, obviously, on
20 that.

21 LANCE LANDGRAF: All right. I think
22 we've included it in as a variance but
23 justification, it's there now, it's just changing
24 the text out, honestly.

25 G. JEFFREY HANSON: I think that's

1 improved.

2 JASON SCIULLO: And most of the other
3 potential relief that was listed in the review and
4 in our application is existing conditions related
5 to lot area, lot width, lot frontage, building
6 coverage, maximum impervious, all which aren't
7 changing. Minimum front yard, again, not changing.
8 And for parking we have a grandfathered shortfall
9 that exceeds the proposed parking demand because
10 it's changing from retail to manufacturing for that
11 middle portion. So I guess technically it would be
12 a new variance because it's changing, but it will
13 not be in excess of what's required today and it
14 has no parking currently.

15 LANCE LANDGRAF: So what's the
16 requirement?

17 G. JEFFREY HANSON: It's 10 spaces based
18 on one per 300 square feet. It's about 3,000
19 square feet so it's 10 for the use. What was the
20 grandfathered shortage? It's listed here as --
21 (inaudible) -- to the existing demand for the
22 retail 250, typically.

23 JASON SCIULLO: Well, no. 300 is
24 retail, one per 300. The manufacturing would be
25 one per 500, probably. I think 5 or 8. It's more.

1 G. JEFFREY HANSON: We just treated it
2 all as --

3 JASON SCIULLO: We just said it was all
4 retail for the purpose of -- because it's existing
5 retail. Proposed is retail and a little bit of
6 manufacturing, so it is less in the proposed
7 condition, but to the extent that a variance is
8 needed, we would respectfully request it.

9 AMANDA MOSCILLO: And there's parking
10 available in the immediate area, right? We don't
11 foresee --

12 JASON SCIULLO: No.

13 AMANDA MOSCILLO: -- an issue with the
14 parking at the site?

15 JASON SCIULLO: No.

16 G. JEFFREY HANSON: Where do you --
17 there's lots?

18 AMANDA MOSCILLO: The parking garage on
19 New York Avenue, I believe, Jay, is less than a
20 five minute walk away; is that correct?

21 JASON SCIULLO: Yeah. For sure.
22 There's --

23 LANCE LANDGRAF: There's on-street
24 metered parking in the area.

25 JASON SCIULLO: Mt. Vernon has parking

1 right adjacent to the site.

2 ROBERT REID: -- (inaudible) -- has a
3 large parking lot and a two minute walk.

4 JASON SCIULLO: Yeah. Down here, yeah.
5 There's quite a bit.

6 LANCE LANDGRAF: The building across
7 Mount Vernon is what?

8 JASON SCIULLO: St. Nick's Church, Greek
9 church.

10 LANCE LANDGRAF: Greek church, all
11 right.

12 G. JEFFREY HANSON: So in addition to
13 the six preexisting nonconformities that aren't
14 being exacerbated it looks like we have a parking
15 variance, a variance to allow the height of the
16 wall sign to be above the roof line and then the
17 Green Zone Redevelopment Plan variance for the door
18 to swing out. Those are the three that I have
19 identified.

20 JASON SCIULLO: Yup. We agree with
21 that.

22 There was also a comment in your letter
23 about awning signage, I guess because some propose
24 it. We don't intend to have any awning signage so
25 we're not asking for any relief related to that.

1 For the trash and recycling, we showed it's an --
2 Ellie alluded to or mentioned how it's stored
3 inside. Both domestic and cannabis waste will be
4 stored inside, as shown on that floor plan.
5 There's not going to be much produced.

6 G. JEFFREY HANSON: It's just going to
7 be wheeled out in totes, I guess?

8 JASON SCIULLO: That's the only way it
9 can be done. There's no storage outside. It's
10 just like the old store had. There is an alley
11 behind us. I forget the name of it. It's --
12 (inaudible) -- or something that -- it looks like
13 hardly anybody uses it. It's really small. It's
14 probably other facilities that store out in the
15 back but we don't intend to do that.

16 G. JEFFREY HANSON: Okay.

17 JASON SCIULLO: I think that's it,
18 unless you have any questions.

19 LANCE LANDGRAF: I don't have any
20 questions more than that. Did you put on your
21 variance testimony?

22 JASON SCIULLO: Oh, yeah. I guess for
23 the parking.

24 Well, all right. So the three we
25 identified. The door, we mentioned that's a

1 hardship because we have to comply with building
2 code, so I'll say that's a C(1). For the signage,
3 that -- excuse me -- is, again, an existing
4 condition. We're just refacing the sign to the
5 extent that it's needed because of the building
6 facade and the way that it's shaped, to try to
7 lower the sign would make it look a little weird,
8 so to me it's an aesthetic issue. It's not
9 exceeding the sign area that's permitted so I feel
10 like C(2) is warranted for that one. The benefit
11 of the architectural appeal under purpose (i) would
12 be advanced. And then for parking, to the extent a
13 variance is needed, it's a grandfathered shortfall
14 that we're reducing the amount of parking demand,
15 so that's a benefit under C(2). And for negative
16 impact -- negative criteria, excuse me, clearly we
17 meet the spirit, purpose and intent of the zoning
18 ordinance by the use that's permitted and making
19 existing conditions either remain as they are or
20 get better and for impacts immediately surrounding
21 area, you know, could be minimal retails, retail,
22 it's always been retail. The manufacturing
23 component will not be open to the public, will not
24 be advertised, so it's really only half the space
25 that we utilize so, in theory, half the intent --

1 (inaudible) -- it was previously as far as
2 patronage and public impact. So I feel that this
3 overall is a -- this relief can be granted. It's
4 reasonable and under the board's jurisdiction.
5 There will be no negative impact to the surrounding
6 area or impairment to the zone plan or zoning
7 ordinance.

8 LANCE LANDGRAF: Okay. That it?

9 JASON SCIULLO: Yup. That's all we got.
10 Thank you.

11 LANCE LANDGRAF: All right. Jeff, why
12 don't we mark your report, which is dated June --

13 G. JEFFREY HANSON: June 13th, 2024, for
14 the record.

15 LANCE LANDGRAF: That's B-1.

16 G. JEFFREY HANSON: Amanda and Jay and
17 Ellie all did a great job. They covered everything
18 in the letter. I just wanted to -- the only thing
19 I didn't note is that there were submission waivers
20 required from items number 17, 24, 27, 28, 32, 34,
21 35 and 36 of the minor site plan checklist. That's
22 Form 5, CRDA Form 5. In light of the testimony
23 that was provided by the applicant and the
24 professionals, we can support the submission
25 waivers that are sought and required.

1 LANCE LANDGRAF: Okay.

2 G. JEFFREY HANSON: Other than that,
3 everything else -- unless anybody has any specific
4 point or on the letter, it was covered via
5 testimony and questioning.

6 LANCE LANDGRAF: Okay. You're satisfied
7 with his testimony on the planning of the variances
8 and then that -- those issues and you're in
9 agreement with anything in the letter that's not
10 been provided, you'll supply that information.

11 AMANDA MOSCILLO: Yes.

12 JASON SCIULLO: Yes.

13 LANCE LANDGRAF: Anything else from you
14 guys before we go to public?

15 AMANDA MOSCILLO: No.

16 LANCE LANDGRAF: All right. We'll open
17 it up to the public. Anybody wishes to make any
18 comments or make any statements, ask any questions,
19 please step forward, state your name.

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

22 Anything from us?

23 SCOTT COLLINS: Nope.

24 LANCE LANDGRAF: Rob?

25 ROBERT REID: No. I'm good.

1 LANCE LANDGRAF: All right. We'll close
2 the hearing on this matter. Like you heard in the
3 previous application, this will most likely be on
4 for our September board meeting because they do not
5 meet in August.

6 AMANDA MOSCILLO: Thank you.

7 LANCE LANDGRAF: We will close the
8 testimony.

9 For our next meeting, it will be
10 July 3rd, correct, Rob?

11 ROBERT REID: Yes.

12 LANCE LANDGRAF: July 3rd at 10 a.m.
13 There will not be a meeting on July 4th. We moved
14 it back to a Wednesday. The meeting after that is
15 our July 18th hearing. No further public comment,
16 we will close the meeting and we are adjourned.

17 (At 11:23 a.m. proceedings were
18 concluded.)

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CERTIFICATE

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

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

Michelle Gruendel



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

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