

CASINO REINVESTMENT DEVELOPMENT AUTHORITY  
LAND USE REGULATION ENFORCEMENT DIVISION

APPLICATION NO: 2024-05-3638

TAMBRE, LLC

1217 PACIFIC AVENUE - CANNABIS RETAIL

APPLICANT SEEKS SITE PLAN APPROVAL ALONG WITH  
C VARIANCE RELIEF FOR CLASS 5 CANNABIS RETAIL  
DISPENSARY AND CONSUMPTION LOUNGE.

THE PROPERTY IS LOCATED AT 1217 PACIFIC  
AVENUE, ALSO KNOWN AS BLOCK 141, LOT 9 ON THE TAX  
MAP FOR THE CITY OF ATLANTIC CITY, LOCATED WITHIN  
THE RESORT COMMERCIAL DISTRICT (RC).

WEDNESDAY, JULY 3, 2024

10:06 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 Wednesday, July 3, 2024,  
commencing at 10:06 a.m.

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

CASINO REINVESTMENT DEVELOPMENT AUTHORITY:

LANCE D. LANDGRAF, JUNIOR  
CHAIRMAN  
DIRECTOR, PLANNING DEPARTMENT

ROBERT L. REID, PP  
LAND USE ENFORCEMENT OFFICER

PROFESSIONALS TO THE BOARD:

SCOTT G. COLLINS, ESQ.

G. JEFFREY HANSON, PE, CME

COUNSEL FOR THE APPLICANT:

JACK PLACKTER, ESQ.  
FOX ROTHSCHILD

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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: Good morning. I'm  
6 gonna call to order the July 3rd, 2024 CRD Land  
7 Use -- CRDA Land Use Regulation Enforcement  
8 Division Hearing.

9 Would everyone please rise for the  
10 Pledge of Allegiance?

11 (Pledge of Allegiance is recited.)

12 LANCE LANDGRAF: Thank you. That is  
13 most definitely the most boisterous we've ever had  
14 that. Thank you for that.

15 This hearing has been noticed in  
16 accordance with the Senator Byron M. Baer Open  
17 Public Meetings Act.

18 We have just one item on our list today.  
19 You know what, since we have a lot of people here,  
20 now I'm going to introduce myself. My name is  
21 Lance Landgraf. I'm the director of planning here  
22 at the CRDA and I also host these meetings as the  
23 hearing officer. To my left is Scott Collins, our  
24 solicitor. To my right is Rob Reid, our zoning  
25 officer, and Jeff Hanson is our engineer and

1 planner on this matter.

2 We have one item on the agenda. That's  
3 Application 2024-05-3638, Tambre, LLC. It's at  
4 1217 Pacific Avenue. The applicant seeks site plan  
5 approval with C variance relief for Class 5  
6 cannabis retail dispensary and consumption lounge.  
7 The property, as I said, is located at 1217 Pacific  
8 Avenue. It's also known as Block 141, Lot 9 on the  
9 tax map of the City of Atlantic City. It's located  
10 within the Green Zone Redevelopment Area and the  
11 Resort Commercial District.

12 Rob, we have proper notice on this  
13 application?

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

17 LANCE LANDGRAF: Great.

18 Would you swear in Jeffrey, please?

19 SCOTT COLLINS: Raise your right hand,  
20 please.

21 G. JEFFREY HANSON, PE, CME, having been first duly  
22 sworn according to law, testified as follows:

23 LANCE LANDGRAF: Jeff, we're good on  
24 completeness? We have what we need?

25 G. JEFFREY HANSON: We determined

1 completeness prior to our technical review letter  
2 and everything is in order.

3 LANCE LANDGRAF: Great.

4 Mr. Plackter --

5 JACK PLACKTER: Thank you.

6 LANCE LANDGRAF: -- welcome.

7 JACK PLACKTER: Good morning. For the  
8 record, may it please the board, my name is Jack  
9 Plackter. I'm an attorney with the firm of Fox  
10 Rothschild with offices at 1301 Atlantic Avenue,  
11 Atlantic City, New Jersey. I represent the  
12 applicant today, Tambre, in connection with the  
13 application.

14 Welcome to members of the church. I  
15 just want to give a little background of, you know,  
16 I guess how we got here. I'd like to start off by  
17 saying that we certainly appreciate your attendance  
18 and you'll have an adequate opportunity to say  
19 whatever you want to say about our application.  
20 Just for purposes of the record, though, I want to  
21 point out that we're seeking minor site plan and  
22 variance approval but it's an existing permitted --  
23 it's a permitted use under the Green Growth  
24 Redevelopment Plan. In other words, cannabis is  
25 permitted, and as you know, we're next to -- you

1 know, we're taking over the AC Bar and Grill and  
2 we're gonna eliminate alcohol. Alcohol is not  
3 permitted in a cannabis lounge. So essentially  
4 what was done is we're trading cannabis for  
5 alcohol, and I know and I respect -- I'm not a user  
6 of cannabis myself and I know people have a moral  
7 objection to it, but it is legal in the State of  
8 New Jersey. I did receive a call from Mr. Arthur  
9 Freeman, and I don't know if he's here today -- oh,  
10 hello, Mr. Freeman. How ya doing? He asked me a  
11 number of questions and I don't know if he shared  
12 with you, and we'll discuss it, on July -- on  
13 June 24th we did a comprehensive e-mail and  
14 memorandum to him about the impact of our site  
15 and -- because we do have a lot of respect for the  
16 church and we think we can be a good neighbor and,  
17 you know, no matter what happens today, we're  
18 willing to, you know, sit down with the church and  
19 see if there's certain things we can do to be a  
20 really good neighbor. So, for example -- I'll give  
21 you some examples. Right now you have an  
22 unregulated bar and restaurant that's open 24 hours  
23 a day, be open 24 hours a day with no security --  
24 LANCE LANDGRAF: Pause one second. Can  
25 you silence that for us, sir?

1 Thank you. Appreciate it.

2 UNIDENTIFIED SPEAKER: No worries.

3 JACK PLACKTER: So we can be open 24  
4 hours -- they can be open 24 hours a day, you know,  
5 and you know the things -- I do frequent bars and  
6 restaurants and, you know, a bar late at night can  
7 be pretty rowdy and there can be all kinds of  
8 impacts. Unlike a bar, cannabis is highly  
9 regulated by the State of New Jersey. We have  
10 full-time security. Our security expert is here.  
11 He's gonna testify. Security, we have full-time  
12 security. We have cameras. We can even talk to  
13 the church about the schedule. So, for example, we  
14 noticed on your website that you have about three  
15 events a week. I don't know if that's correct but  
16 that's what's on the website, and you have a Sunday  
17 service that starts at 11:00 and we're willing to  
18 sit down with the church and talk to you about  
19 maybe us opening later so it doesn't interfere with  
20 that and those kind of things. We're also willing  
21 to talk about certain support to be a good neighbor  
22 with the church, as well, so I don't want you to  
23 think -- I know it's going to make it a little  
24 adversarial in your mind, I know you have signs  
25 saying no, you don't want this, but it is permitted



1 and we have the right to go forward. The question  
2 is, are the -- are we better off going forward  
3 together as neighbors, which is what we'd like to  
4 do. So just with that brief introduction -- again,  
5 we appreciate and respect your ability to be heard  
6 at this meeting. So with that brief introduction,  
7 we have three witnesses, if we can maybe swear them  
8 in now.

9 LANCE LANDGRAF: Step forward, please.

10 JACK PLACKTER: Jay Sciullo, who's our  
11 professional engineer and planner, Rae Gartino,  
12 who's a member of Tambre, LLC and we have Tony  
13 Gallo, who's our security expert.

14 SCOTT COLLINS: Good morning. Raise  
15 your right hands, please.

16 JASON T. SCIULLO, PE, having been first duly sworn  
17 according to law, testified as follows:

18 SHERRY GARTINO, having been first duly sworn  
19 according to law, testified as follows:

20 TONY GALLO, having been first duly sworn according  
21 to law, testified as follows:

22 SCOTT COLLINS: Thank you.

23 LANCE LANDGRAF: You have the names?

24 SCOTT COLLINS: Jack, who are you  
25 calling first?

1 JACK PLACKTER: Rae Gartino.

2 LANCE LANDGRAF: Just spell your last  
3 name for us so it's on the record.

4 SHERRY GARTINO: Sure. So for the  
5 purposes of legality, my real name is Sherry, so  
6 Sherry Gartino's my legal name. Rae is my  
7 nickname.

8 JACK PLACKTER: Again, Rae, you were  
9 previously sworn. Tell us what your relationship  
10 is with the applicant, Tambre, LLC.

11 SHERRY GARTINO: I'm one of the three  
12 partners for Tambre.

13 JACK PLACKTER: So you're one of the  
14 owners?

15 SHERRY GARTINO: Yes.

16 JACK PLACKTER: You're familiar with the  
17 site and you're familiar with this application,  
18 correct?

19 SHERRY GARTINO: Quite extensively, yes.

20 JACK PLACKTER: Okay. So just tell us a  
21 little bit about what -- the nature of your  
22 investment and what you'd like to do here with the  
23 former AC Bar and Grill.

24 SHERRY GARTINO: Sure. So our team has  
25 selected Atlantic City. We discussed it, it's been

1 a year, a couple years now in the making that we  
2 decided to come to Atlantic City. Working with the  
3 mayor, as his desire was to make it, you know, one  
4 of the cannabis, you know, hubs of the East Coast,  
5 we recently had selected this building. It's the  
6 Atlantic City Bar and Grill. It's an existing  
7 restaurant, historical landmark that's been in the  
8 community for some time now. We met with the  
9 owners and they had -- were interested in selling  
10 us the building so we decided to move forward  
11 because it was within the Green Zone and it was a  
12 permitted use that was, you know, within the  
13 respective boundaries of Atlantic City for the use.

14 JACK PLACKTER: And also, do we have a  
15 resolution from City Council and a letter of  
16 support from the mayor as part of this application?

17 SHERRY GARTINO: Yes. My partner,  
18 Cheryl, worked with the mayor and we have the  
19 resolution from the mayor. The mayor, you know,  
20 granted us access to the space, as well as with the  
21 city.

22 SCOTT COLLINS: Was that submitted with  
23 the application materials?

24 JACK PLACKTER: It was.

25 SCOTT COLLINS: Okay. Just before we

1 get too far, let's just mark everything that was  
2 submitted as part of the application package as A-1  
3 and then anything new --

4 JACK PLACKTER: That's fine.

5 SCOTT COLLINS: -- that comes up, please  
6 identify -- if it's something new, please identify  
7 it.

8 JACK PLACKTER: Okay. Good.

9 LANCE LANDGRAF: That was Resolution 443  
10 and it looks like it was dated June 12th of 2024.

11 JACK PLACKTER: Correct. And also,  
12 there's a mayor's letter, as well, that we  
13 submitted, which was dated April 25th, 2024.

14 So as the city and council have endorsed  
15 this application and the location, tell us a little  
16 bit about your timeline for development and the  
17 operation of the facility.

18 SHERRY GARTINO: Sure. So with regards  
19 to the timeline, we understand that we have to  
20 follow the respective timeline that the city and  
21 the state have imposed upon us. We are approved as  
22 minority business owners. We do have -- you know,  
23 the state has granted us the annual license as long  
24 as we have city approval, so we've already gone  
25 through that. It's been two -- a little over two

1 and a half years that we've been working on this,  
2 this project. With regards to this, we stand  
3 before you today asking for the approval for the  
4 location. Next steps would then be going to  
5 planning, working with our architects and engineers  
6 to continue development of the project.

7 JACK PLACKTER: Tell us about the hours  
8 of operation and number of employees.

9 SHERRY GARTINO: So the hours of  
10 operation, we're really wanting to work with our  
11 neighbors and make any sort of concessions that may  
12 be needed to accommodate the, you know, the block's  
13 needs, as well as the church, but we were typically  
14 looking 9 to 8, so 9 a.m. to 8 p.m. for our hours  
15 of operation, and on Sundays, I don't know if it's  
16 respectful to say but we are going to keep Sundays  
17 open so we can discuss with them, you know, to be a  
18 good neighbor. Again, trying to accommodate and be  
19 respectful of the neighbor that we have next door,  
20 so Sundays has not been set in stone yet.

21 JACK PLACKTER: And how many employees  
22 do you anticipate?

23 SHERRY GARTINO: We're looking -- I  
24 would roughly say, I mean, on average anywhere  
25 between 25, you know, up, 20 employees, if not more

1     than that to accommodate different shifts,  
2     different needs. For us as business owners it's  
3     extremely important to work within the community,  
4     work with local, you know, colleges, local business  
5     organizations to really help bring some new jobs,  
6     provide proper training for our staffing. We  
7     understand in order for our business to be  
8     successful, as in our prior business  
9     opportunities -- my partner, Cheryl, holds DEA  
10    licenses and part of her footprint, which is  
11    engrained in her, has always been to do proper  
12    education, training and development, so for us -- I  
13    also come from the Florida market, opening several  
14    dispensaries. For us, we do not just want to have,  
15    you know, any sort of cashier at the register. We  
16    want to ensure that people are being properly  
17    educated on, you know, respectful and responsible  
18    use and, you know, product knowledge to make sure  
19    they're making wise and educated choices and that  
20    holds to our employees. Attractive wages, so  
21    again, we can bring money and income into the  
22    community to support jobs, you know, and career  
23    opportunities because, again, cannabis is legal in  
24    New Jersey, so with regards to education and  
25    experience, it's bringing somebody in, investing in

1     them, making sure that they're qualified, they're  
2     educated, they're trained and then they can have a  
3     potential career path in the industry.

4             JACK PLACKTER:   How about -- how many  
5     deliveries of product do you expect during the week  
6     and how does that work?

7             SHERRY GARTINO:   So deliveries or sales?  
8     So --

9             JACK PLACKTER:   Deliveries of the  
10    product from, you know --

11            SHERRY GARTINO:   I'm sorry.

12            JACK PLACKTER:   Yeah.   Deliveries, truck  
13    traffic, truck traffic.

14            SHERRY GARTINO:   Oh, we're hoping -- I  
15    mean, literally deliveries would be, you know,  
16    maybe one, one to two a week initially.   There's  
17    gonna be probably an excess amount in getting and  
18    building up the store but after that it should be a  
19    very minimal amount of deliveries that would be  
20    coming.   Cash pickups, but again, cash is not a  
21    priority with regards to it's not the main source  
22    of payment of cannabis.   If you look at the  
23    industry as a whole, most people will use apps,  
24    such as CanPay, so we're not expecting a large  
25    amount of cash to be the main source that the

1 clients will be paying for.

2 JACK PLACKTER: Now, with respect to the  
3 consumption lounge which is on the second floor --

4 SHERRY GARTINO: Yes, sir.

5 JACK PLACKTER: -- what are you going to  
6 do about potential order control?

7 SHERRY GARTINO: So for -- our team has  
8 decided to implement and the state-of-the-art --  
9 what do you call it?

10 JASON SCIULLO: Filtration.

11 SHERRY GARTINO: -- filtration system.  
12 I apologize. We plan to use the state-of-the-art  
13 filtration systems, again, to reduce any sort of  
14 extending and permeating smells that would be  
15 released. Similar to a cigar bar, we would be  
16 putting in state-of-the-art filtration systems to  
17 minimize any, you know, permeating odors that would  
18 be as a result. On the main floor, which is the  
19 sales floor, there is no use downstairs so the main  
20 floor does not need anything because there is no  
21 consumption on the first floor in the sales, in the  
22 sales retail area.

23 JACK PLACKTER: Now, you have before you  
24 an e-mail that I believe you were part --

25 SHERRY GARTINO: Yes, sir.



1 JACK PLACKTER: Can you explain how that  
2 arose and talk about some of the substance of that  
3 e-mail?

4 SHERRY GARTINO: Sure. So when we  
5 identified this building, we literally did an  
6 inventory of the neighbors and we did an inventory  
7 of those that would be around us and impacted, in  
8 essence, by our building. I've worked personally  
9 with several different states, you know, at least  
10 four different states with regards to real estate  
11 acquisitions in the cannabis space and our  
12 neighbors are always something we take into  
13 consideration. We received a phone call, I believe  
14 from Mr. Freeman, our attorney did, and his  
15 concerns were, you know, with regards to, you know,  
16 after receiving notice, you know, why we were gonna  
17 be in that space. So my partner and I, Cheryl, we  
18 drafted an e-mail with regards to our commitment to  
19 the church community and that extends, you know,  
20 far beyond just being a building owner. We really  
21 want to solidify our partnership to the community.  
22 We want to solidify our partnership to, you know,  
23 those that would be consumers. We want to solidify  
24 our partnership to the effect of cannabis within  
25 the community in any capacity that we can. So we

1 sent over an e-mail with regards to doing a  
2 comparison between the current bar and grill and  
3 then our cannabis dispensary. So we addressed  
4 issues, I believe there were seven different  
5 issues, and I won't go through them in length but  
6 we addressed the fact that there's no alcohol, so  
7 with regard to there's no drunk driving. We're not  
8 permitted to sell any sort of alcohol. There's no  
9 sort of stigma that goes with a bar or a grill  
10 that's gonna be there. We addressed enhanced  
11 security. Part of cannabis, we have to have an  
12 extensive security platform and portfolio, which  
13 our security director will be prepared to address,  
14 but security is of the utmost and you don't have  
15 that right now with the bar and the grill. So not  
16 only do we have cameras but there's going to be  
17 actual live security guards there providing and  
18 protecting that block of the community. Let's see.  
19 Surveillance and modern -- (inaudible) -- I just  
20 went through that. Noise levels, bar and grill,  
21 there's no restrictions, there's no legal  
22 restrictions that a bar and grill has a noise  
23 ordinance other than what the city imposes. Bars  
24 are open until anywhere between 11 and 2 a.m. So  
25 with regards to cannabis, we have specific hours

1 that we're only permitted to function in, as well  
2 as the noise levels would not be there from a bar  
3 and grill because there's outside seating or  
4 outside people, you know, moving from location to  
5 location. Ours is gonna be comparable to a  
6 Walgreens or a CVS. You pull in, you go in to  
7 receive your product and you leave. Consumption  
8 lounge would be you go in, you go to the second  
9 floor, you're permitted to consume and then you  
10 leave. So again, it's going to be shorter times.  
11 It's not gonna have that same impact or footprint  
12 that a bar would have. Traffic and parking, with  
13 regards to traffic and parking, again, we have our  
14 own parking lot compared to a CVS or a Walgreens.  
15 You pull in, you get your medication and your  
16 product and you leave. Regulatory input, there are  
17 lists and rules and rules and rules that we have to  
18 follow with regards to regulatory compliance, from  
19 the quality of our product to the times that we're  
20 permitted to sell to the footprint of our store and  
21 the security measures that go within it, so from  
22 the regulatory compliance, there is none for a bar  
23 and grill. Clients can come in, hopefully the  
24 bartender checks their ID. So again, from a  
25 serving to a minor perspective, we have a security

1 guard that's gonna be there checking everyone's ID,  
2 making sure that nobody underage is going to be  
3 going in to purchase a product. Community  
4 engagement and contribution, this is something that  
5 is just really important to us, is to have a  
6 footprint on the community. We want to hold the  
7 events. We want to hold training and education to  
8 the community members, you know. Those that may  
9 have been impacted or affected by, you know, prior,  
10 you know, drug issues, we really want to be there  
11 to offer any sort of support that we can to be a  
12 part of this community. And in conclusion, we're  
13 confident that these measures will address your  
14 concerns most respectfully. We do ask for your  
15 support for this permitted use. We would -- we did  
16 ask to sit down prior to this meeting with the  
17 church community but we did not hear back from Mr.  
18 Freeman with regards to that, but again, that is  
19 something that we wholeheartedly would love, to be  
20 able to have a chance to sit with your community  
21 and discuss how we can be a good neighbor and  
22 address any of your specific concerns, because  
23 we're open and willing to do anything that we can  
24 do to possibly have an amicable partnership. Some  
25 things -- I understand that you guys use the

1 freezer of the restaurant, you know. There's  
2 things that we would still love to be able to  
3 support the church's initiatives.

4 JACK PLACKTER: Thank you.

5 SHERRY GARTINO: Welcome.

6 JACK PLACKTER: I'd just like to submit  
7 this as an exhibit.

8 LANCE LANDGRAF: Mark that as A-2.

9 JACK PLACKTER: Mark it as A-2.

10 SCOTT COLLINS: Please. And this is an  
11 e-mail dated -- to/from, dated?

12 LANCE LANDGRAF: It is a June 24th,  
13 2024, it is from Rae Gartino, Cheryl McDaniel on  
14 behalf of Tambre, LLC to Mr. Freeman, trustee.  
15 A-2?

16 SCOTT COLLINS: A-2.

17 SHERRY GARTINO: If I can just clarify,  
18 it's sort of like my real name is Sherry but people  
19 always call me Shelley so I just want to correct  
20 it. It's actually called Tambre and Tambre is  
21 actually spelled T-I-M-B-E-R but there's a play on  
22 the words. Tambre's actually something from John  
23 Coltrane, where it talks about what resonates  
24 within, so that's what Tambre actually is. When  
25 you hear the sound of a trumpet, it's what

1 resonates within you, so we thought that that was a  
2 fitting name for the company, but it's called  
3 Tambre.

4 LANCE LANDGRAF: I will endeavor to  
5 pronounce it correctly.

6 SHERRY GARTINO: That's okay. I just  
7 wanted -- it's been how many -- how many meetings  
8 that we've had and I've never corrected you guys,  
9 but that actually is the foundation of it. It's  
10 from John Coltrane. I was taking a CEO class for  
11 minority leaders and they played an episode from  
12 John Coltrane and then that whole thing kind of  
13 came to birth from there.

14 LANCE LANDGRAF: Okay. Thank you.

15 SHERRY GARTINO: You're welcome, sir.

16 JACK PLACKTER: Any questions from the  
17 board?

18 LANCE LANDGRAF: No. Not at this time.

19 JACK PLACKTER: You were previously  
20 sworn, correct?

21 TONY GALLO: Correct.

22 JACK PLACKTER: And by whom are you  
23 employed, sir? In what capacity?

24 TONY GALLO: Sapphire Risk Advisory  
25 Group. I am the managing partner.

1 JACK PLACKTER: Okay. Tell us a little  
2 bit about what Sapphire does.

3 TONY GALLO: So Sapphire is the oldest  
4 national security consultant company in the  
5 cannabis industry. We'll be celebrating our 11th  
6 year in August and in that time we've designed the  
7 security for over 800 cannabis facilities in 37  
8 states, including over 25 in New Jersey we've been  
9 involved with, and what we look at is we design --  
10 when we design the security it's a very proactive  
11 security plan. It's where we want to prevent any  
12 issues from occurring and then go from there -- go  
13 forward from there. I'm originally from Carteret,  
14 New Jersey. Exit 12 on the turnpike, for those  
15 that want to know where that is. Graduated from  
16 New Jersey City University with a Bachelor's Degree  
17 in Criminal Justice. I was the director of  
18 security for Sears in New Jersey, Macy's in New  
19 Jersey, R&S Strauss Auto Parts and several other  
20 New Jersey locations in that time. Now with  
21 Sapphire, most of our security designs involve the  
22 physical security, video alarms access control, but  
23 not only that, but the policies and procedures,  
24 cash management, employ honesty, emergency  
25 planning.

1 JACK PLACKTER: So tell us, have you  
2 been to the site of the proposed cannabis facility  
3 on one or more occasions?

4 TONY GALLO: I have.

5 JACK PLACKTER: Good. And have you ever  
6 observed the operation of the AC Bar and Grill, as  
7 well, as it currently operates?

8 TONY GALLO: I have not.

9 JACK PLACKTER: Okay. Tell us about the  
10 specific security plan for cannabis facility.

11 TONY GALLO: So when we design the  
12 security for a cannabis facility we basically  
13 design it like the layers of the onion. It's not  
14 just one security that prevents everything from  
15 having not -- from having or preventing problems  
16 from happening and we look from the outside in.  
17 Our very first focus always is what does the  
18 outside of the building look like. If you go to a  
19 lot of restaurants or bars or whatever, you'll  
20 notice that the parking lot sometimes is dirty or  
21 there might be graffiti on the walls. We make sure  
22 that that does not occur. The parking lot is  
23 always to remain clean from a security point of  
24 view and we always have a guard that will patrol  
25 the parking lot periodically during their shift to



1 make sure that there's no one that's staying in the  
2 parking lot. It's against state laws to consume  
3 any cannabis in the parking lots so anyone that is  
4 in there will have to move and not, not be allowed  
5 to stay in there. The main role is to come in,  
6 purchase the product and then, and then leave.  
7 From there we have a camera system throughout the  
8 parking lot area that is able to observe all  
9 locations. If you look at the floor plan, the  
10 first floor shows you the camera coverage outside  
11 the building, which will allow us to view any  
12 activity that goes on throughout the building. As  
13 you enter into the building you have to enter an  
14 area that's in green, if you can see it on the map,  
15 on the floor plan, which is the right first floor.  
16 State law requires that you have to be 21 years  
17 old. You have to show ID. You're not able to  
18 enter the dispensary until you actually show that  
19 ID. That has greatly reduced robbery problems from  
20 occurring because obviously you're not having  
21 access much like you would a jewelry store or a  
22 pawn shop. We do a lot of high risk businesses,  
23 jewelry stores, pawn shop, liquor stores,  
24 convenience stores and the crime rate in a cannabis  
25 facility is much lower than those locations

1 nationwide, simply because of that issue where  
2 you're not able to rush into a location to commit  
3 any kind of theft. You have to show ID. Once you  
4 show that ID -- which, you know, there are cameras  
5 in there, there's an actual alarm system, a panic  
6 system -- you will then enter into the facility  
7 where you conduct your business and then there are  
8 cameras throughout there, an alarm system  
9 throughout there and also access control that  
10 restricts access from movement. If you go up to  
11 the consumption lounge there will be a guard at  
12 that location just like there's one on the first  
13 floor and same situation would occur there. The  
14 third floor is restricted. They'll be no access to  
15 the public. The third floor is really used for  
16 storage and for office locations. At the end of  
17 the night all of the cannabis product is stored in  
18 a secure room, which has a 9 gauge wire meshing.  
19 It's the same meshing that you would see at a  
20 prison, from the outside, restricting anyone from  
21 breaking in and trying to gain access into the room  
22 to get any of the product. The CRC, which is the  
23 New Jersey regulatory agency, has reviewed that for  
24 our floor plan designs throughout New Jersey and  
25 has approved that floor plan throughout. Knock on

1 wood, in the four years, three years that I've been  
2 working in New Jersey, we have not had any criminal  
3 activity from the outside.

4 JACK PLACKTER: So when you compare this  
5 use, this cannabis use to the existing bar and  
6 restaurant, from your general knowledge, which  
7 would have more of a negative impact on the  
8 community?

9 TONY GALLO: Well, if you think about it  
10 from a -- it would be the bar primarily simply  
11 because now we're taking an establishment that was  
12 serving alcohol, that had patrons going in and out,  
13 that did not have really any kind of security,  
14 there may be a bouncer at the door occasionally but  
15 for the most part did not have any kind of security  
16 and we're moving it to a retail environment. If  
17 you look at cannabis, you know, it's very similar  
18 to a liquor store would be or a CVS might be or  
19 anything of that nature. We call high risk  
20 businesses so when we put cannabis -- we put it in  
21 the same category as tobacco, alcohol, firearms, to  
22 that nature and we provide that kind of level of  
23 security. So from a, from a neighborhood point of  
24 view, a bar would have substantially higher crime  
25 than a retail environment and the cannabis industry

1 and the dispensary here is, for essence, really, a  
2 retail environment.

3 JACK PLACKTER: So given the security  
4 that we have, the security cameras and the on-site  
5 security, there will not be any outside use of  
6 cannabis allowed. You can't smoke marijuana or  
7 cannabis in the parking lot, correct?

8 TONY GALLO: Correct. So CRC  
9 requirements are that you cannot consume outside of  
10 the building and that is something that we have to  
11 enforce at all times. Like I said, the parking lot  
12 to me is really our very first layer of security  
13 and a guard will be periodically out there ensuring  
14 that no one is consuming and we also have cameras  
15 out there that could be monitored if anyone is  
16 sitting in their car for an extended period of  
17 time, and then in addition to that, that parking  
18 lot will have to be cleaned every night not only  
19 from a business point of view but also from a  
20 security point of view.

21 JACK PLACKTER: Okay. And so if the  
22 church or leadership of the church had any  
23 problems, they could certainly contact our security  
24 to make sure that there's no adverse impact on  
25 their operation; is that correct?

1                   TONY GALLO: Yeah. So on many occasions  
2 we work very closely with the community. We have  
3 to from a security point of view. We really need  
4 to make sure not only are we providing adequate  
5 security, that's why the lighting needs to be a  
6 certain way outside, that's why the cameras need to  
7 be out there, that there needs to be some emergency  
8 planning out there but, you know, we get input all  
9 the time. In fact, from a security point of view,  
10 the community is my best security eyes there  
11 because at 2:00 in the morning we want someone to  
12 be able to pick up the phone who lives in that area  
13 and say something is not going right at your  
14 location or there's an issue at your location more  
15 so and that's why we, we make sure that everyone  
16 has contact information. It's required by CRC.  
17 It's 100 feet within the location everyone would  
18 have access to somebody 24 hours.

19                   JACK PLACKTER: Thank you.

20                   Any questions for the hearing officer?

21                   LANCE LANDGRAF: Mr. Gallo, have you  
22 supplied this security plan to the Atlantic City  
23 Police Department?

24                   TONY GALLO: I have not.

25                   LANCE LANDGRAF: Okay. You will do that

1 as a condition of any approval and tie those  
2 cameras into ACPD's system?

3 TONY GALLO: Correct.

4 LANCE LANDGRAF: Okay. That's something  
5 we do ask. The one ask that we have in the past  
6 but we have kind of backed off of it is having  
7 security there an hour before you open. We really  
8 haven't seen a need. There has -- the lines that  
9 we had anticipated queuing up before opening times  
10 has not revealed itself, so we don't really need  
11 that security. You're gonna have someone there  
12 when you open. We think that's enough. We've  
13 addressed that in the last few applications so --

14 TONY GALLO: From the security point of  
15 view, though, we are gonna start with one hour  
16 prior to opening with one hour after opening and we  
17 find that the employees appreciate that a lot from  
18 a security point of view, that at the end of the  
19 night somebody is going to walk them out to their  
20 cars and someone's gonna be there when they open.  
21 We have a pretty good opening and closing procedure  
22 that we have designed. Quickly, someone stays in  
23 the car while the rest of the individuals open the  
24 store and at closing it's reverse, ensuring that if  
25 somebody actually rushed them at that location,

1     somebody would be able to dial 911 immediately and  
2     that's been pretty effective.

3                 LANCE LANDGRAF:   Great.   Thank you.  
4     Appreciate that.

5                 JACK PLACKTER:    I see my friend, Vice  
6     Chair and Council is in the audience.   I know it's  
7     a little irregular but, I mean, I have no problem  
8     if you want to go.

9                 COUNCILMAN KALEEM SHABAZZ:   I'd like to,  
10    just for the record --

11                JACK PLACKTER:    It's up to you.

12                LANCE LANDGRAF:   Well, Council, we  
13    typically have the public portion but if the  
14    applicant is willing to -- I mean, their  
15    presentation isn't finished.

16                COUNCILMAN KALEEM SHABAZZ:   Oh, I'm  
17    sorry.   I apologize.

18                LANCE LANDGRAF:   So we have their -- but  
19    if you have -- do you have to leave?

20                COUNCILMAN KALEEM SHABAZZ:   I have to  
21    leave and I'm late and I apologize.

22                JACK PLACKTER:    Why don't you go ahead,  
23    then.

24                COUNCILMAN KALEEM SHABAZZ:   Okay.   Thank  
25    you.   Thank you guys.

1 For the record --

2 LANCE LANDGRAF: Well --

3 COUNCILMAN KALEEM SHABAZZ: -- Kaleem  
4 Shabazz. I am the --

5 LANCE LANDGRAF: You know what, if we  
6 could, I'm gonna ask to take just a moment break --

7 COUNCILMAN KALEEM SHABAZZ: Sure.

8 LANCE LANDGRAF: -- because I want to do  
9 something before we have any public comment.

10 COUNCILMAN KALEEM SHABAZZ: Sure.

11 LANCE LANDGRAF: So if we could just  
12 take a five minute break.

13 JACK PLACKTER: We have another witness.

14 LANCE LANDGRAF: I understand.

15 JACK PLACKTER: Okay.

16 (A brief restrictions was taken.)

17 LANCE LANDGRAF: Okay. We'll call the  
18 meeting back to order.

19 Councilman Shabazz.

20 COUNCILMAN KALEEM SHABAZZ: Thank you,  
21 Jack, for allowing me to make a presentation.

22 Kaleem Shabazz, I'm the representative  
23 from the Third Ward and Vice President of City  
24 Council.

25 Two things -- three things, really.



1 First of all, this is next to a church and I was  
2 just informed that the council -- and we are  
3 derelict in this. Lance had asked for buffers for  
4 areas next to schools and churches and other areas  
5 and it looks like the city government did not  
6 install those buffers so, therefore, we are  
7 negligent to that fact, that extent, but let me say  
8 this, even though that is an actual fact -- two  
9 things. Unfortunately, Judge Jackson, as you know,  
10 passed away. Judge Jackson is a lawyer -- was a  
11 lawyer for Asbury Methodist Church and he was a  
12 member of Asbury Methodist Church and I am quite  
13 sure that he would have been here if he had lived,  
14 obviously, to represent them, so that is a factor  
15 in their presentation, because they're without  
16 counsel because of his untimely death, so we want  
17 to put that on the record and say that the use of  
18 this, which may be a permitted facility, next to a  
19 church is something I think does violence to public  
20 policy. Obviously the cannabis business is a legal  
21 business in the State of New Jersey. It was voted  
22 in. Many of us were against it but the rules are  
23 the majority goes forward, so that is something  
24 that you have to consider. I would only say this,  
25 I think that the church needs to be considered,

1     also. The buffer should have been enacted. It  
2     wasn't and that's on the government, failure of  
3     local government, but even having said that, I want  
4     to introduce -- I gave this to Mr. Plackter --  
5     Bridge of Faith, which is interfaith group, asked  
6     that this not go forward. I understand the  
7     business impact of this, and this gentleman is in  
8     business's corporation, it's in business, but I  
9     think we have to look at how this affects a church  
10    and I would argue that it affects a church in a  
11    negative way. Even though this gentleman, without  
12    knowing him -- I do know Mr. Plackter and I know  
13    Mr. Plackter would not represent if he's not a good  
14    citizen and a good business person, but even having  
15    said that, with all of the safeguards, I think that  
16    it's not going to be a good fit for the church, and  
17    the churches can speak for themselves, but I think  
18    that we have a dangerous precedent. I'ma go back  
19    to city hall now, Lance, to see -- we need to  
20    revisit your suggestion with redresses. We cannot  
21    have -- in my opinion as an elected official, we  
22    can't have cannabis facilities next to religious  
23    institutions.

24                   UNIDENTIFIED SPEAKER: Amen.

25                   COUNCILMAN KALEEM SHABAZZ: And if the

1 city government makes a mistake, we have to own up  
2 to that. We're still -- at the bottom line, the  
3 end, we can't have -- it doesn't make a difference  
4 if it was a church or a mosque or synagogue, we  
5 can't have that. And Lance, you to be commended  
6 for the buffer strategy. We to be castigated, the  
7 council and the administration, for not taking that  
8 up. But having said that, I still say for the  
9 record before the public that putting cannabis  
10 facilities, even though they are legal, next to  
11 religious institutions, right next to religious  
12 institutions is the wrong thing. Obviously you  
13 have to make your decision. And I still say that  
14 even though Mr. Plackter is supposed to be heard  
15 today and he's doing his job, that the church needs  
16 to have the ability to have a legal counsel speak  
17 on their behalf. And again, it's nobody's fault.  
18 Nobody's fault that Judge Jackson passed away.  
19 Like I said before, I come to the conclusion that  
20 if Judge Jackson was alive he would be here  
21 today --

22 UNIDENTIFIED SPEAKER: Amen.

23 COUNCILMAN KALEEM SHABAZZ: -- and he  
24 would make his presentation as a -- not only the  
25 counsel for Asbury Church, a member of Asbury

1 Church and a leader of Asbury Church, so I just  
2 wanted to put that on the record for your  
3 consideration. I apologize for being late. I was  
4 at another meeting but I did want to put that on  
5 the record, and the fact that people are against  
6 this and I stand with them against it.

7 LANCE LANDGRAF: Councilman, thank you  
8 for your presentation.

9 COUNCILMAN KALEEM SHABAZZ: Thank you,  
10 Jack. I appreciate it.

11 LANCE LANDGRAF: A couple of things.

12 JACK PLACKTER: I just want to ask you a  
13 questions or two.

14 Am I allowed?

15 LANCE LANDGRAF: Absolutely.

16 COUNCILMAN KALEEM SHABAZZ: No hard  
17 questions, Jack.

18 JACK PLACKTER: We go back a long way.

19 COUNCILMAN KALEEM SHABAZZ: Right.

20 JACK PLACKTER: I have the utmost  
21 respect for you.

22 Just a couple questions. You weren't  
23 here when we started our presentation but -- so you  
24 didn't hear the fact that we offered to change our  
25 hours of operation so to not interfere or maybe

1 open after the Sunday service.

2 COUNCILMAN KALEEM SHABAZZ: I didn't  
3 hear that.

4 JACK PLACKTER: You, unfortunately,  
5 didn't hear that. I don't know if that would have  
6 changed your opinion, anyhow.

7 COUNCILMAN KALEEM SHABAZZ: Right.

8 JACK PLACKTER: Similarly, you know, the  
9 existing use is a bar and restaurant and a bar and  
10 restaurant, unregulated, people in there all hours  
11 of the day and night, stuff happens in the parking  
12 lot, as we all know and -- you know, had you  
13 considered that in your opposition, the fact that  
14 it's an existing bar and restaurant and that  
15 cannabis, you know, might be more regulated and a  
16 better alternative?

17 COUNCILMAN KALEEM SHABAZZ: I really  
18 hadn't. I think -- that's a fair question, Jack --  
19 Mr. Plackter.

20 JACK PLACKTER: You can call me Jack.

21 COUNCILMAN KALEEM SHABAZZ: Jack.

22 LANCE LANDGRAF: All friends here.

23 COUNCILMAN KALEEM SHABAZZ: Yeah. I  
24 think my position based on three things, the strong  
25 opposition of the church.

1 JACK PLACKTER: Sure.

2 COUNCILMAN KALEEM SHABAZZ: When I came  
3 into -- the church has a JS Vesper session on  
4 Sunday.

5 JACK PLACKTER: Correct.

6 COUNCILMAN KALEEM SHABAZZ: One of the  
7 church leaders handed me the letter that -- you're  
8 legally bound to send that. That's how I found out  
9 about it. So I hadn't factored that in. I really  
10 didn't have a chance to even see that, but based on  
11 their, the church's opposition, based on the fact  
12 that I really don't think that these businesses  
13 need to be that close to a church, or any facility,  
14 not just a church, any religious facility, I think  
15 that that probably wouldn't sway it, but I did not  
16 know that.

17 JACK PLACKTER: And also, I just wanted  
18 to let you know -- I mean, just a statement --  
19 that, you know, in the opening, you know, we  
20 obviously have a lot of respect for the church and  
21 I know ladies and gentlemen are against it, but we  
22 still, regardless of what happens, we do offer to  
23 sit down and work on our management plan and see if  
24 there's ways we can support the church. It  
25 probably isn't acceptable but we're -- we just want

1 to let you know we're willing to do that. We want  
2 to try to be a good neighbor.

3 COUNCILMAN KALEEM SHABAZZ: I know Jack  
4 Plackter forever and he is an honorable and decent  
5 man and if he gives his word, he'll keep it, and so  
6 I will say that without fear of failure, but I did  
7 want to put that on the record. Again, I apologize  
8 for being late. Thank you.

9 JACK PLACKTER: That's all. Thanks for  
10 coming.

11 COUNCILMAN KALEEM SHABAZZ: Lance, thank  
12 you.

13 LANCE LANDGRAF: Thank you, Councilman.

14 JACK PLACKTER: Always a pleasure.

15 LANCE LANDGRAF: Just one brief  
16 statement. So with this being a permitted use --

17 COUNCILMAN KALEEM SHABAZZ: Yes.

18 LANCE LANDGRAF: -- our hands are  
19 somewhat tied here.

20 COUNCILMAN KALEEM SHABAZZ: Yeah.

21 LANCE LANDGRAF: Once the City of  
22 Atlantic City created the redevelopment area and  
23 permitted that use, there's really not a lot of  
24 options for us to deny an application, unless they  
25 are creating a safety issue with traffic,

1 deliveries. This is an application that you're  
2 very well aware of was at another location that did  
3 create one of those types of issues.

4 COUNCILMAN KALEEM SHABAZZ: Lance,  
5 that's what I brought the point -- not to be  
6 argumentative. That's why I brought the point, the  
7 church really needs to have a chance for a legal  
8 advocate to make those arguments. I'm a lay  
9 person.

10 LANCE LANDGRAF: Right.

11 COUNCILMAN KALEEM SHABAZZ: Jack is a  
12 qualified, accomplished lawyer. The church doesn't  
13 have equity in that, in that manner -- again, I'm  
14 repeating myself -- but because Judge Jackson  
15 passed away.

16 LANCE LANDGRAF: Right.

17 COUNCILMAN KALEEM SHABAZZ: If he --  
18 even if your decision was different, at least the  
19 church would have had the opportunity to have a  
20 legal representative make their case, whatever that  
21 case would be and whatever your decision would be,  
22 but at least they would have had that opportunity.  
23 They don't have that opportunity because he's not  
24 here --

25 LANCE LANDGRAF: Right.



1 COUNCILMAN KALEEM SHABAZZ: -- and  
2 that's my only point and I just wanted to put that  
3 on the record.

4 LANCE LANDGRAF: I would ask Mr.  
5 Plackter, and I don't know what your thoughts are  
6 about tabling this application so they can get  
7 legal representation. You provided notice, you  
8 provided adequate notice to the applicant, to the  
9 neighboring property owners.

10 COUNCILMAN KALEEM SHABAZZ: He did. I'm  
11 not denying that, for the record. That's how I  
12 found out about it, but I'm saying, but they don't  
13 have a lawyer. That's still a fact. Might not be  
14 a factor to --

15 LANCE LANDGRAF: Just to be clear to the  
16 public, the request is that it is mailed 10 days  
17 prior to this hearing. They have met that notice  
18 requirement.

19 SCOTT COLLINS: Right.

20 LANCE LANDGRAF: So, I mean, I don't  
21 know that we're at a point where we can delay this  
22 without the applicant's agreement to that.

23 SCOTT COLLINS: I agree with that. And  
24 also, I mean, this is someone who speaks for the  
25 church?

1 COUNCILMAN KALEEM SHABAZZ: The pastor's  
2 here.

3 LANCE LANDGRAF: So we will have a  
4 public portion for that. We're -- we've allowed  
5 Councilman Shabazz to step in because he's got to  
6 get to another meeting. We do want to let the  
7 applicant finish their presentation and then we'll  
8 have ample time for the public to be heard.

9 PASTOR ANSON WILSON: Can I speak to the  
10 request to have a postponement?

11 LANCE LANDGRAF: Sure. Please identify  
12 yourself.

13 PASTOR ANSON WILSON: I'm Pastor Anson  
14 Wilson, pastor of Asbury United Methodist Church  
15 and Hamilton United Methodist Church and Venice  
16 Park United Methodist Church.

17 We just memorialized Judge Jackson on  
18 the 22nd and, you know, we receive -- I mean, so  
19 you mentioned that it takes -- the adequate notice  
20 is 10 days, but we literally didn't have time to  
21 get adequate counsel for this meeting simply  
22 because we memorialized Judge Jackson on the 22nd.  
23 I think it would be fair if we could have just a  
24 postponement so we can secure counsel because  
25 you're obviously an ace and we don't, we don't --

1     so we --

2                   LANCE LANDGRAF:   Exactly, Jack.

3                   PASTOR ANSON WILSON:   We need -- we just  
4     need just the ability to, you know, make our case  
5     and present it to, you know, present it to you with  
6     the correct legal counsel.   We're all -- I'm  
7     clergy.   We're all clergy here and, you know,  
8     regular town folk so --

9                   LANCE LANDGRAF:   Understood.   I do  
10    understand that.   You have to understand our  
11    position, as legal requirements have been met to  
12    hold this hearing.

13                  PASTOR ANSON WILSON:   Okay.

14                  LANCE LANDGRAF:   If counsel and the  
15    applicant were willing to defer, to table this  
16    application, then we could certainly agree to that,  
17    but without them agreeing to it -- and I'm gonna  
18    ask for probably another minute or two to talk to  
19    my counsel about this.   Is there something that we  
20    can do in that regard?   So I'm gonna ask for a  
21    couple minute recess, if I could, just to have a  
22    conversation.

23                  JACK PLACKTER:   Yeah.   Just for the  
24    record --

25                  LANCE LANDGRAF:   Stay back --

1 JACK PLACKTER: -- everybody's correct,  
2 we did send notices out on June 18th, which is well  
3 within --

4 LANCE LANDGRAF: All right. We're gonna  
5 take a two minute recess.

6 JACK PLACKTER: Sure.

7 (A brief recess was taken.)

8 LANCE LANDGRAF: We'll call the meeting  
9 back to order.

10 Mr. Plackter, I know you had a chance to  
11 talk with Councilman Shabazz and our church father  
12 so --

13 JACK PLACKTER: Yeah. I talked to my  
14 clients, too, and with respect to the church, you  
15 know, we've been at this a long time. This is not  
16 our first rodeo, so to speak, and we feel like, you  
17 know, we did everything properly and at this point  
18 we would like to proceed with our application and  
19 conclude the hearing.

20 LANCE LANDGRAF: Okay. We had talked  
21 about trying to finish your testimony and then  
22 tabling the public portion but you'd rather proceed  
23 fully today?

24 JACK PLACKTER: Yes.

25 LANCE LANDGRAF: All right. Council

1 Shabazz, we're kind of obligated here to move this  
2 forward.

3 COUNCILMAN KALEEM SHABAZZ: I  
4 understand.

5 LANCE LANDGRAF: What I will say is that  
6 when this comes to our full board -- this body here  
7 sitting here today does not make a decision.

8 COUNCILMAN KALEEM SHABAZZ: Right.

9 LANCE LANDGRAF: We prepare a report, we  
10 submit that to our full board.

11 COUNCILMAN KALEEM SHABAZZ: Right.

12 LANCE LANDGRAF: There is a public  
13 portion at that hearing so you will have adequate  
14 notice on that. It will be our September board  
15 meeting. We anticipate it will be on for our  
16 September board meeting, because we do not meet in  
17 August.

18 COUNCILMAN KALEEM SHABAZZ: Okay.

19 LANCE LANDGRAF: So you and the church  
20 will have a chance at least to speak at that time,  
21 as well. We will have a full public hearing today  
22 and we will move forward. I think Mr. Sciullo is  
23 up next on the --

24 JACK PLACKTER: Yeah.

25 LANCE LANDGRAF: -- as a witness.

1 JACK PLACKTER: Okay. Jay, you were  
2 previously sworn; is that correct?

3 JASON SCIULLO: I was.

4 JACK PLACKTER: And you're a licensed  
5 professional engineer and planner in the State of  
6 New Jersey, correct?

7 JASON SCIULLO: I am.

8 JACK PLACKTER: And you were engaged by  
9 the applicant, Tambre, to present testimony,  
10 correct?

11 JASON SCIULLO: Correct.

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

15 JASON SCIULLO: Yes. Many times.

16 JACK PLACKTER: Also looked at the Green  
17 Growth Redevelopment Plan?

18 JASON SCIULLO: Green Zone Redevelopment  
19 Plan, yes.

20 JACK PLACKTER: Have you looked at the  
21 Tourism District regulations?

22 JASON SCIULLO: Yes.

23 JACK PLACKTER: Have you also had  
24 occasion to review the professional report prepared  
25 by Mr. Hanson and his office?

1 JASON SCIULLO: I have.

2 JACK PLACKTER: And so based upon that,  
3 then, would you identify the site and what the  
4 proposal is for the site?

5 JASON SCIULLO: Sure.

6 Lance, you don't want qualifications,  
7 right?

8 LANCE LANDGRAF: Yeah. Just to -- for  
9 the record, Mr. Sciullo has appeared before us many  
10 times. We're very familiar with his expertise in  
11 planning and engineering and we recognize that for  
12 the record.

13 JASON SCIULLO: So in the question you  
14 asked about being to the site, so I'm from here.  
15 Our office is in Atlantic City and the owners of AC  
16 Bar and Grill are friends and we've been there, all  
17 of us, many times over the years, so this is kind  
18 of bitter sweet in a way for me personally because  
19 Ronnie's a really good friend and -- but I know he  
20 wanted to sell the property, this opportunity  
21 arose, and just the way the process has gone  
22 generally, before we get into the detail of the  
23 application, so going all the way back, in the end  
24 of 2022 when the city adopted the Green Zone  
25 Redevelopment Plan, that Green Zone Redevelopment

1 Plan included public notice, public discussion and  
2 the presentation of what that standard would be,  
3 and for the audience's benefit, and Lance and Rob  
4 can chime in, too, the way the process generally  
5 works, the CRDA has their own separate standards to  
6 follow but when the redevelopment plan was adopted  
7 by the city, the city takes action on that  
8 redevelopment plan. That becomes the standard that  
9 CRDA consents to and then enforces as part of their  
10 process. So in the CRDA base regulations, cannabis  
11 wasn't -- because it was adopted in 2018 so  
12 cannabis wasn't foreseen because it wasn't legal at  
13 the time. The city then created a redevelopment  
14 plan for the purpose of legalizing cannabis as a  
15 permitted use all over the section that we call the  
16 Green Zone, so generally Atlantic, Pacific and then  
17 the Orange Loop, where my office is, which is  
18 between generally New York and Tennessee, on the  
19 beach block. So back in September of 2022 when the  
20 resolution was adopted to formalize that as the  
21 regulatory standard, that's when the applications  
22 started coming in. The city supports pretty much  
23 every application that comes in. There's been a  
24 few around the way that maybe hadn't gone in and  
25 there's a city resolution that was passed. Now,



1     this is the second go-around that we have for this,  
2     where the -- you heard us mention that this  
3     applicant had been before the CRDA board on a  
4     separate application. They had a site down next to  
5     the hospital that ended up going through a lot of  
6     back and forth, I'll call it, and resulted in a  
7     denial. We then sought to find a new location  
8     because this operator is not only, you know, a  
9     valuable client to a lot of us but they also are of  
10    the top tier in operators for cannabis facilities.  
11    You heard Miss Gartino talk about facilities in  
12    Florida. For me personally, I've worked with  
13    operators and worked on many dispensaries here in  
14    town and outside of town with people who work in 39  
15    different states where it's legalized. I've seen  
16    it all, generally. Between the security protocols,  
17    there are standard operating procedures for the way  
18    they operate the business, the training they do,  
19    the community outreach and public safety in  
20    general, that's why we want to move forward,  
21    because we know that they will be the best neighbor  
22    you guys could have, and for us, we know that it  
23    completely conforms with all the regulatory  
24    standards, short of existing nonconformities which  
25    we'll go through, so that's generally why we want

1 to proceed. I want to make sure it's clear that  
2 this isn't something that just got dreamt up 10  
3 days ago or 15 days ago when the notice came in.  
4 This has been over two years of working on this,  
5 since before the Green Zone Redevelopment Plan was  
6 adopted, because everybody knew it was going to be  
7 legalized somewhere in Atlantic City, just didn't  
8 know the process. So there's been, you know, a lot  
9 of opinion that there's too many and, you know, we  
10 should slow down. The market determines who makes  
11 it. That's just, you know, the way it works. I  
12 mentioned they're really gonna operate here.  
13 They'd have been open already had the other site  
14 worked out, but there are a few that have opened  
15 that may not make it. There are a few that will  
16 open after this that may not make it. It's not  
17 gonna -- the market's gonna determine -- like I  
18 mentioned, it's gonna be saturated. It's gonna be  
19 what it's gonna be, but this operator, in my view,  
20 from everyone that we've worked with, not to say  
21 any of them aren't good operators, they're just not  
22 at the same level as these guys and a couple others  
23 that we work with. So again, as part of the  
24 process, aside from the Green Zone Redevelopment  
25 Plan being adopted and the CRDA's consent to it,

1     that a resolution enacting it -- or ordinance  
2     enacting, excuse me, then separate process, it goes  
3     to the city for endorsement. The way the process  
4     generally works to be able to get a CRC license up  
5     at the state, you have to get endorsed not from the  
6     city, not only from zoning, like this process here,  
7     but also from city council and the mayor's office,  
8     one or the other. They got both in this case. I  
9     have the resolution on the screen now. This one  
10    was mentioned. That's part of the submission of  
11    the application. You can see running down it  
12    there's, you know, there's really only one nay --  
13    two nays, excuse me, and it's not necessarily to  
14    say that they endorse everything but it's not a  
15    surprise. This and many others, as I mentioned,  
16    have been approved.

17                 JACK PLACKTER: And also the letter from  
18    the mayor, correct?

19                 JASON SCIULLO: And the letter from the  
20    mayor, yeah, for both locations. That's the same  
21    for both of them.

22                 So I'll start with the site plan, which  
23    this is part of exhibit A-1, as was that  
24    resolution, and I'll go to the site plan sheet.  
25    I'm gonna zoom in here. This is a lot of

1 information, but generally what this shows, for the  
2 public's benefit, is the compliance with the  
3 regulatory standard, comparison to existing  
4 conditions and how this use --

5 LANCE LANDGRAF: Just to make it clear,  
6 Jay, just a question from the solicitor, all of  
7 this was in -- was submitted with the application?

8 JASON SCIULLO: It is.

9 LANCE LANDGRAF: Good.

10 SCOTT COLLINS: The resolution of  
11 support and --

12 JASON SCIULLO: The resolution of  
13 support and this plan and the other plans that were  
14 presented.

15 SCOTT COLLINS: Thank you.

16 JASON SCIULLO: The rest of it I'll go  
17 through. I had a screen shot -- excuse me, street  
18 view aerial that was up that's not really a  
19 presentation piece or an exhibit. It's just, you  
20 know, was up there while they were doing the intro.

21 LANCE LANDGRAF: We'll label that as  
22 A-3. That was the aerial?

23 SCOTT COLLINS: Yeah.

24 JACK PLACKTER: Yup.

25 LANCE LANDGRAF: Aerial street shot.

1 JASON SCIULLO: Yup.

2 All right. So this site, again, is  
3 Atlantic City Bar and Grill. Current location,  
4 it's at the corner of Pacific and South Carolina  
5 Avenue. Pacific is two way running parallel with  
6 the beach. South Carolina Avenue is one way  
7 heading north, away from the beach. It's multi  
8 lane, has parking on the same side of the street as  
9 the bar and this proposed site. There is an  
10 existing driveway opening on South Carolina Avenue  
11 and a parking lot associated with it. In addition,  
12 around the site there is a security wall, we'll  
13 call it. It's a hard fence that runs not just on  
14 the perimeter of the parking lot but it goes all  
15 the way to the building, so there's no way to walk  
16 through the parking lot out to the street. It's --  
17 anyone in the parking lot enters to the side of the  
18 building. And you know, Lance, you've been to the  
19 site. You know exactly how it sits.

20 LANCE LANDGRAF: Umm-hum.

21 JASON SCIULLO: That will all remain.  
22 The doors that are on Pacific Avenue, Ronnie in  
23 recent years has left locked. We will have at  
24 least one of them open for patronage, for  
25 pedestrians coming through, which most of this, we

1 hope, is gonna be a mix of walk-up business, plus,  
2 you know, people driving to the site. This site  
3 benefits from the ability to have not only on-site  
4 parking but also loading that's on the site, and  
5 also trash enclosure that's existing. The site is  
6 in really, really nice shape. He kept it really  
7 well. It's been in operation since the late '70s.  
8 He's never had a hiccup other than Covid.  
9 Surprised that he wanted to leave. It's not like  
10 the business is failing. He just got to the age  
11 where they were -- they're ready to retire so he  
12 put it up for sale and, you know, he had an  
13 operation -- a couple other cannabis operators that  
14 were contracted to purchase it, didn't come  
15 through. We're hoping that through this process,  
16 should we gain approval, as the law generally says  
17 we should, that we'll close and move on to  
18 construction quickly. The loading zone that I  
19 mentioned is shown paralleling the side of the  
20 building. Today that's a couple undersized parking  
21 spaces that are just utilized by staff from the bar  
22 but we're going to convert that to a loading zone  
23 dedicated to this. And again, for the public's  
24 benefit, when a building is under 10,000 square  
25 feet, and this is 7,500 square feet, the law does

1 not require a loading zone to be provided. It's  
2 been past practice of the CRDA because of the  
3 concern with public safety and security that a  
4 dedicated loading space be provided for the purpose  
5 of cannabis delivery and also potential cash pickup  
6 and that's shown on this site. Again, beyond what  
7 the law requires but we are accommodating. It also  
8 has 16 parking spaces and that was the same or one  
9 less than what existing was that served the bar  
10 which had, just in round numbers, twice the parking  
11 demand as what the retail dispensary and  
12 consumption lounge will have. So there's a  
13 grandfathered shortfall of parking that we are  
14 reducing. Specific numbers -- Jeff, you and I  
15 talked about a little bit separately. In our  
16 original submission I had the building area  
17 oversized based on, I'll call it erroneous  
18 information from another consultant on the project  
19 team, but the building is about 2,500 square foot  
20 footprint. There's two floors that will serve --  
21 the first floor will be dispensary, the second  
22 floor will be the consumption lounge and the third  
23 floor is currently an office, will remain an office  
24 for Tambre's use. So of that 7,500 square feet,  
25 5,000 will be retail and consumption and we put the

1 parking demand together as though it was all retail  
2 because it's a higher number. So then it goes from  
3 a grandfathered existing requirement of 40 spaces,  
4 where 17 existed, so a proposed parking requirement  
5 of 23 spaces, where 16 are provided, so we only had  
6 a shortfall of seven in reality but the reduction  
7 in grandfathered shortfall of 17 spaces is  
8 significantly more than what -- where the  
9 restaurant requires significantly more than what we  
10 are required to provide by law and they operated  
11 well.

12 LANCE LANDGRAF: One question on the  
13 parking. The remote lot that they have is not part  
14 of this application, correct?

15 JASON SCIULLO: No. No. That's owned  
16 separate and not tied to this.

17 LANCE LANDGRAF: Okay.

18 JASON SCIULLO: Ronnie said he's --  
19 they're gonna keep that.

20 LANCE LANDGRAF: Just making sure.

21 JACK PLACKTER: Is there also public  
22 parking in the area?

23 JASON SCIULLO: There is. On South  
24 Carolina Avenue there's street parking on the same  
25 side as the -- as our site.



1                   G. JEFFREY HANSON: I have a couple -- a  
2 question or a clarification.

3                   JASON SCIULLO: Go ahead.

4                   G. JEFFREY HANSON: Dave, our planner,  
5 did scale it by hand versus electronically. He  
6 came up with 26 spaces. He included that fourth  
7 floor office space, as well. That was --

8                   (Multiple parties speaking. Inaudible.)

9                   JASON SCIULLO: Yeah. That upper  
10 storage floor --

11                   (Multiple parties speaking. Inaudible.)

12                   G. JEFFREY HANSON: -- square foot area  
13 on the fourth floor?

14                   JASON SCIULLO: The fourth, he's talking  
15 about, the one that's on the very top of the  
16 stairs. It was like --

17                   G. JEFFREY HANSON: Is it gonna be  
18 storage or --

19                   JASON SCIULLO: Well, it's roof access.  
20 It was -- I think it's a stairwell and a small  
21 storage area.

22                   G. JEFFREY HANSON: Okay.

23                   JASON SCIULLO: Well, if you want to  
24 count it in, then yeah, the number you had, 26  
25 spaces is what it would be, and that would also be

1 the same as existing.

2 G. JEFFREY HANSON: We had 26 including  
3 that fourth floor area so it's probably prudent, I  
4 assume a shortfall -- (inaudible) -- at the end of  
5 the day for the variance relief that's being  
6 sought, if you agree with that --

7 JASON SCIULLO: Still --

8 LANCE LANDGRAF: Okay.

9 JASON SCIULLO: -- the same --

10 G. JEFFREY HANSON: -- out of an  
11 abundance of caution.

12 JASON SCIULLO: That same additional  
13 space would have been required existing condition,  
14 so to just put numbers to it, 43 spaces would have  
15 been required under existing conditions and 26  
16 under proposed. Thank you, Jeff.

17 G. JEFFREY HANSON: Yup.

18 JASON SCIULLO: So the site  
19 improvements, we'll call them improvements, it's  
20 very limited to really just formalizing that  
21 loading zone. Everything else is in good shape, as  
22 I mentioned. The lights are there. The  
23 landscaping is there. There's a comment in Jeff's  
24 letter about dressing up the landscaping or  
25 freshening up the landscaping. It's in good shape.

1 They maintained it really well. We'll have to work  
2 with you on what that means because we think it's  
3 in good shape, but the idea obviously is to make it  
4 look really good, or keep it looking really good.

5 So related to existing conditions to  
6 remain, the site has a good bit of signage, which  
7 I'm gonna go back to that street view and I'll show  
8 it on the elevation, too. So here's that security  
9 wall that I mentioned that wraps the site, that  
10 goes all the way around the building, which you  
11 can't see behind the jitney, but it goes all the  
12 way into the building and then you'll notice  
13 there's this freestanding sign on the corner,  
14 there's a projecting sign on the front of the  
15 building on Atlantic -- or, sorry, Pacific Avenue,  
16 there's awning signs that run on the corner of the  
17 building and then there's this larger static sign  
18 that's over top of the one awning. All of those  
19 are remaining, will remain in proposed conditions  
20 and be refaced for the new tenant, for the new  
21 owner, Tambre. The only change, really, aside from  
22 the graphics is on top of the Atlantic City Bar and  
23 Grill freestanding sign there's a lobster, I don't  
24 know what you want to call it, logo, character,  
25 that's gonna go, so that sign will be lowered and

1 remains conforming but remains an existing  
2 condition other than taking the top of it off.

3 G. JEFFREY HANSON: Another quick  
4 question, Jay.

5 JASON SCIULLO: Sure.

6 G. JEFFREY HANSON: I'm sorry to  
7 interrupt you, but item 19 on page 5 of our letter,  
8 we did identify five signs and that sounds like  
9 that's consistent with what the testimony is.

10 JASON SCIULLO: Two awnings projecting  
11 and --

12 G. JEFFREY HANSON: Okay.

13 JASON SCIULLO: Yeah. Two awning signs,  
14 the projecting sign, a building sign and the  
15 freestanding sign.

16 G. JEFFREY HANSON: Got it. Okay. Just  
17 to make sure we get --

18 JASON SCIULLO: Well, wait. So that  
19 makes it -- well, if we consider the awning two  
20 different signs, because it's on the corner -- one,  
21 two, three, four -- that's five.

22 G. JEFFREY HANSON: We'll consider it  
23 two different. That's why we have --

24 JASON SCIULLO: Four building signs, one  
25 freestanding sign.

1           G. JEFFREY HANSON: The reason I was  
2 asking is because by our rules you're only  
3 permitted two signs per site. We just need --

4                   (Multiple parties speaking. Inaudible.)

5           JASON SCIULLO: In the Green Zone  
6 Redevelopment Plan two signs per site, not taking  
7 into account multi tenants or sites that have  
8 existing signage, so --

9           G. JEFFREY HANSON: They are existing  
10 signs but in these cases, since the change the use,  
11 with the change of use the business identification  
12 signs are gonna -- the nature of them is gonna  
13 change so I think we should affirm that variance.

14           JASON SCIULLO: Okay.

15           G. JEFFREY HANSON: It's not an existing  
16 condition. It's not an existing -- it is an  
17 existing nonconformity but we will reaffirm that  
18 variance. I think that's what we've done in the  
19 past.

20           JASON SCIULLO: I want to point out  
21 that -- we'll call it intensity but it's not really  
22 intense, but all of the activity for the site will  
23 be towards Pacific Avenue and the corner of South  
24 Carolina and Pacific, the parking lot on that side.  
25 There are no entrances, no windows, no connections

1 heading east towards our neighbor. The only  
2 abutting lot, which is the church, there will be no  
3 access on that side. There will be no openings on  
4 that side. Again, nothing will change in that  
5 little corridor between the buildings. The -- I  
6 think that's all I have for the site improvements,  
7 unless there's specific questions that you want me  
8 to touch on before I do the variance proofs.

9 JACK PLACKTER: Why don't we identify  
10 the variances.

11 JASON SCIULLO: All right. So Mr.  
12 Hanson did a really good job putting it all  
13 together based on the presentation in our zoning  
14 schedule and on the plans. So again, there were  
15 two letters that he prepared. The first one from  
16 June 5th for completeness we talked about. The one  
17 I'll reference is June 27th. We'll talk about  
18 these variances. So there are a few existing  
19 nonconforming conditions that we are not  
20 exacerbating and won't change as a result of this,  
21 and to put it into perspective, as we talked about  
22 many times in many applications, any use anywhere  
23 at the -- or any use at this site would need the  
24 same relief. It doesn't matter that it's cannabis.  
25 It doesn't matter that it's this applicant. It's

1 just the nature of the site, the hardship created  
2 by existing conditions. So one of them as an  
3 example -- and again, I talked about the creation  
4 of these standards. So up until 2018 the city  
5 ordinance is what was put in place and the land use  
6 ordinance enforced by the city was also enforced by  
7 CRDA. In 2018 new rules were adopted that affect  
8 only the CRDA Tourism District and in those rules  
9 they set standards that this site predates and  
10 doesn't conform to so we are just identifying what  
11 those nonconformities are. One of which is lot  
12 depth, which is required to be 150 feet and this  
13 existing lot is 139 feet on the longer leg, on the  
14 eastern side of it. The next one is maximum  
15 impervious coverage permitted of 80 percent,  
16 whereas 96 percent is existing and proposed to  
17 remain. Again, this is an existing condition that  
18 predates the ordinance or regulation. We are  
19 asking for relief from the section in the Green  
20 Zone Redevelopment Plan related to number of signs.  
21 As Jeff mentioned, two are permitted and we are  
22 asking four building mounted signs and one  
23 freestanding sign to remain, so a total of five.  
24 We have another section of the CRDA rule that says  
25 signs cannot project above the height of the second

1 floor windowsill which, again, that existing sign  
2 that's on the side of the building towards South  
3 Carolina, that exceeds that standard and it goes up  
4 to the third floor sill height so it's their  
5 opinion a variance is required and we respectfully  
6 request that. We talked about the parking already.  
7 That's another piece of relief to, again, reduce  
8 the grandfathered shortfall or reduce the amount of  
9 parking demand from the grandfathered shortfall to  
10 what's proposed, and then -- I believe that's all  
11 of them, Jeff, right?

12 G. JEFFREY HANSON: New variances, yes,  
13 the ones that you identified in your -- what we  
14 have in the letter and what we determined, as well,  
15 so that's consistent.

16 JASON SCIULLO: Okay. So then --

17 SCOTT COLLINS: So that's two for number  
18 of signs, two for number of signs and one for  
19 the --

20 G. JEFFREY HANSON: For the height of  
21 the -- what is it -- the windowsills or the --  
22 projecting sign, I'm sorry, they can't go above the  
23 second floor windowsill. This one, the existing  
24 and proposed are approximately at the third floor  
25 windowsill height, I believe, and then the parking



1     shortfall.

2                     SCOTT COLLINS:   Got it.

3                     JASON SCIULLO:   So --

4                     (Multiple parties speaking.   Inaudible.)

5                     G. JEFFREY HANSON:  -- on the parking  
6     shortfall, that the current shortfall that's  
7     proposed versus the ordinance requirement is -- has  
8     been reduced by this use versus the previous bar  
9     and grill use and a lot of other uses that would  
10    have been permitted at this site by-right, just for  
11    the record.

12                    LANCE LANDGRAF:   Okay.   Thank you.

13                    JASON SCIULLO:   Thank you.

14                    JACK PLACKTER:   So it's your testimony  
15    that these are all existing nonconformities that  
16    are not being exacerbated by --

17                    JASON SCIULLO:   So -- most of them.   So  
18    the sign height, the lot depth and the impervious  
19    cover are existing conditions that aren't changing.  
20    There are two pieces of relief that -- well, I'm  
21    sorry.   When I say sign height, I meant the  
22    projecting sign.   There are two pieces of relief  
23    that are a change, one being the parking being  
24    reduced and then the second one for the Green Zone  
25    Redevelopment Plan for number of signs, which is a

1 standard that was chosen, for whatever reason it  
2 was, didn't take into account existing conditions,  
3 so we are asking relief from that standard to be  
4 able to keep the signs on the site.

5 G. JEFFREY HANSON: Can I make one more  
6 clarification with regard to the parking, just  
7 because it was in the letter? I think we should  
8 put it on the record.

9 JASON SCIULLO: Sure.

10 G. JEFFREY HANSON: That the bar and  
11 grill use required 79 and had 17 and they -- but  
12 they also had, the same owner, the owner owned the  
13 lot across the street which provided 22 spaces.  
14 Even with that, the shortfall was still 40 spaces  
15 by ordinance and I understand that those spots  
16 aren't gonna be available for this use, but even  
17 without having those spots across the street, we  
18 still have a reduction shortfall of 30 -- the  
19 shortfall's been reduced by 30 spaces.

20 JASON SCIULLO: Yup.

21 G. JEFFREY HANSON: And it's my  
22 understanding through my conversation with you that  
23 they're not entertaining using that parking --  
24 parking on site seems to be adequate and they don't  
25 need --

1 JASON SCIULLO: It is.

2 G. JEFFREY HANSON: -- to have a lease  
3 agreement with Ron to lease spaces or anything,  
4 right?

5 JASON SCIULLO: Yeah. So Ronnie, they  
6 used it sporadically. It's not part of the deal to  
7 sell this so they're gonna hold on to it, but  
8 again, like you said, even with that parking added  
9 and the existing condition, they were still short  
10 more than we are short without using that lot.

11 G. JEFFREY HANSON: Okay.

12 JASON SCIULLO: And based on experience,  
13 of course, we don't have real issues with parking  
14 in town. We actually would welcome a parking issue  
15 here because that means things are successful and  
16 are active. The reality for most of these  
17 dispensaries is most of them that have been  
18 approved, again, going from retail to retail or  
19 some other use, whatever, some of them have no  
20 parking and they function. This one we think will  
21 be successful because of not only the way they  
22 operate but this ability for parking to be  
23 utilized, so this is a better condition than most  
24 of the dispensaries will have, and every other  
25 retail use that will come here, every other

1 restaurant use that could come here, it would be a  
2 similar condition. To put it into perspective, if  
3 another restaurant were to come and operate, they  
4 could do so without having to come for any relief.  
5 There's no change in use. It's a restaurant to a  
6 restaurant. It is what it is. They would just get  
7 a mercantile license and keep going. We have to be  
8 here because a minor site plan is required by the  
9 redevelopment plan and we're just generally  
10 legalizing existing nonconforming conditions and  
11 asking for sign relief.

12 JACK PLACKTER: Now, in your  
13 professional opinion as a planner, when you compare  
14 the cannabis use, and you heard the testimony of  
15 our experts and you're familiar with the  
16 application, compared to an existing or new bar and  
17 restaurant operation, which has more impact in  
18 terms of noise, traffic and so forth?

19 JASON SCIULLO: Well, this is -- for  
20 sure, the bar when it comes to everything. They  
21 have more deliveries. They have more -- they have  
22 larger trucks, more frequent deliveries. They have  
23 a larger employee count. They have more patronage,  
24 the hours they operate and the -- say not ruckus  
25 they cause but the crowds coming and going when

1 they're running successfully are much more of an  
2 impact than would be this retail operation with a  
3 cannabis lounge that, quite honestly -- it's gonna  
4 be, like they mentioned, a cigar club or cigar bar.  
5 There's already one in town and nobody really knows  
6 about it because it's pretty quiet and that's what  
7 we anticipate. It's gonna be a -- for lack of a  
8 better way to put it, it's gonna be a pretty chill  
9 environment. There's not going to be a lot of  
10 carrying on outside and meeting up with other  
11 people, walking in. It's just gonna be relaxing.

12 JACK PLACKTER: And how about the -- you  
13 heard the testimony about the enhanced security  
14 plan. Is that also -- did that also help you form  
15 your opinion?

16 JASON SCIULLO: Absolutely. Yeah, with  
17 impact, and it's mitigated, like, as Tony said,  
18 what we want to do is prevent it initially, but if  
19 something were to escalate and needs security  
20 input, we have it now when, again, the bar -- not  
21 to say that they were doing anything wrong, they  
22 weren't required to do it. They didn't have that  
23 type of security so you couldn't prevent anything  
24 the way we can with this use.

25 JACK PLACKTER: Okay. Now, with respect

1 to the variances that you testified about and you  
2 identified, do those variances either create a  
3 hardship or -- if they are not granted or would  
4 they further any purpose of the Tourism District  
5 rules?

6 JASON SCIULLO: Yes. So the Tourism  
7 District rules reference Municipal Land Use Law for  
8 the purpose of variance proofs and requirements  
9 under the law to justify this relief and the three  
10 variances that I mentioned related to existing lot  
11 depth, existing impervious cover and the existing  
12 sign, sign height are all existing nonconformities  
13 that we're not seeking to change and hardship is  
14 created through, like, the lot depth as an example  
15 and the lot coverage. To bring them into  
16 conformance with that not only undue cost to the  
17 applicant, we can't make the lot any deeper.  
18 There's no land around it available. To reduce  
19 impervious coverage would reduce parking and that  
20 was -- that would be a negative impact, especially  
21 since this is -- (inaudible) -- this paved  
22 condition since well before any of the regs were  
23 put in place, and the sign height, again, I think  
24 it's a benefit to have the signage because it's --  
25 (inaudible) -- expected. It identifies the use.

1 It won't be offensive or intrusive on the  
2 neighborhood so, to me, those three would qualify  
3 under a C(1) hardship variance because they're  
4 existing conditions that will remain and not be  
5 exacerbated by the proposal. The other two we're  
6 requesting related to the number of signs and the  
7 parking demand, the number of signs under the Green  
8 Zone Redevelopment Plan, I think there's a benefit  
9 under the C(2) criteria because purposes of zoning  
10 are advanced and it's not a negative impact to the  
11 zone plan or zoning ordinance or impact to the  
12 public good, negative impact to the public good  
13 because the existing signage, again, is there.  
14 We're just asking for relief to allow the signage  
15 to remain, identify this use, and signage is a key  
16 to success as long as it's done tastefully, which  
17 this will be, so I think it falls under the C(2)  
18 criteria, as does the parking reduction because  
19 we're actually creating an improvement, in that  
20 we're reducing the parking demand and we're  
21 providing the same number of parking spaces or more  
22 from a grandfathered shortfall perspective, more  
23 than what the bar was able to provide relative to  
24 what was required and what was provided, so I think  
25 that's a benefit and that falls under the C(2)

1 criteria because it creates a reduction in  
2 congestion, traffic congestion. Also, purpose (a)  
3 is advanced because of general welfare. This is a  
4 permitted use. We fully conform with any of the  
5 new proposal standards. It's gonna have full  
6 security. It's going to have full compliance with  
7 CRC regulations. They're gonna have public  
8 outreach, as mentioned. They're gonna coordinate  
9 and cooperate with the neighbors. So on balancing  
10 the entire project as a whole, I think provides  
11 more than enough public benefit and definitely  
12 advances purposes of zoning.

13 JACK PLACKTER: Can the -- do the  
14 benefits of the grant of the variance outweigh any  
15 detriment on this occasion for the grant of the  
16 variance?

17 JASON SCIULLO: Absolutely. Yeah. To  
18 be clear, the only detriment is -- well, it's not  
19 even a detriment. It's existing conditions will  
20 remain. Anything that comes in here, as I  
21 mentioned, would need the same relief, and the bar  
22 to operate, continue to operate would have more  
23 parking demand than what they could provide and it  
24 hasn't been an issue, so no, it's for sure going to  
25 be a benefit.



1 JACK PLACKTER: Can the variances be  
2 granted without --

3 UNIDENTIFIED SPEAKER: I didn't hear the  
4 detriments.

5 JASON SCIULLO: I'm sorry.

6 UNIDENTIFIED SPEAKER: Can you repeat  
7 what you said, your response to his question? I'm  
8 sorry.

9 JACK PLACKTER: Go ahead.

10 UNIDENTIFIED SPEAKER: I didn't hear the  
11 beginning of your response to his question. He  
12 asked you about detriments. I didn't hear it.

13 JASON SCIULLO: So the standard under  
14 the law is that there is -- if the benefits of  
15 granting the relief will outweigh any potential  
16 detriment and I characterized it as the detriment  
17 -- there is no detriment because it's existing  
18 conditions to remain, so -- and be improved, so  
19 there's no detriment to the public good because if  
20 we left it as existing conditions, the bar demands  
21 more parking, has the same number of signs, has the  
22 same coverage, same lot depth. Nothing is  
23 changing. So on balance, as I mentioned, the  
24 benefits of granting relief to allow the operation  
25 to continue outweighs any detriment because it

1 already exists.

2 JACK PLACKTER: Also, can the variances  
3 be granted without substantial detriment to the  
4 public good and without negative -- substantial  
5 negative impact to the zone plan or zoning  
6 ordinance?

7 JASON SCIULLO: So that's the negative  
8 criteria that Jack mentions and there's two prongs.  
9 The first one is to show that there's no negative  
10 impact or substantial detriment to the public good.  
11 What that generally means through case law is  
12 immediate -- impact to the immediately surrounding  
13 area, so that's based on the relief requested so,  
14 again, the lot depth, the coverage, the signage,  
15 the parking. The neighborhood will not be impacted  
16 by it. In fact, it will be a benefit for the  
17 reduction in parking demand associated with this  
18 use rather than a bar. The lot depth and the  
19 coverage are what they are. They're staying the  
20 same and the signage, again, is staying as it is,  
21 so there will be no negative impact or no detriment  
22 to the public good. And then for the second prong,  
23 the negative criteria, to show that it meets the  
24 spirit, purpose and intents in the zoning plan and  
25 zoning ordinance, again, the ordinance was adopted

1 after this site was constructed so the standards in  
2 place can't be accommodated simply because this  
3 site existed prior to them being created. So lot  
4 depth coverage, same information. So again, I  
5 don't think it defeats the spirit, purpose and  
6 intent of the zone plan and zoning ordinance  
7 because we are not making it worse. We're leaving  
8 it as existing.

9 JACK PLACKTER: You had a chance to  
10 review Mr. Hanson's report; is that correct?

11 JASON SCIULLO: I did.

12 JACK PLACKTER: And he has asked for  
13 certain conditions. Have you reviewed those  
14 conditions?

15 JASON SCIULLO: I have.

16 JACK PLACKTER: And are we amenable to  
17 complying with all of the conditions or most of the  
18 conditions?

19 JASON SCIULLO: Well, there's only one,  
20 Jeff, I think we probably need to talk about. You  
21 mentioned --

22 G. JEFFREY HANSON: You want to do it  
23 through the technical -- I've sort of been  
24 following along. You want to do it through the  
25 engineering related items --

1 JASON SCIULLO: Yeah.

2 G. JEFFREY HANSON: -- in my letter,  
3 Jay?

4 JASON SCIULLO: Yeah. Let's do that.

5 G. JEFFREY HANSON: I guess this is more  
6 of an operational question for Rae but -- so  
7 there's a loading zone shown in the rear, that you  
8 provide an on-site loading zone in the parking lot  
9 that's 13 by 40 feet, presumably for the  
10 off-loading of product and loading of cash. What  
11 types of -- what's the largest type of vehicle that  
12 you anticipate? Sprinter van?

13 JASON SCIULLO: I'll answer. I'll  
14 answer that because it's a -- I'm remiss to have  
15 said it because every application says the same  
16 thing because it's a requirement under CRC  
17 regulations. The only delivery vehicles for  
18 cannabis are vans, so they're generally a little  
19 bit larger than a passenger car but not by much.  
20 They will for sure fit in that parking space, that  
21 loading space without issue.

22 G. JEFFREY HANSON: Okay.

23 JASON SCIULLO: And for any kind of cash  
24 pick up, same thing. It goes over the road. The  
25 truck fits that will be used. It's wider. It's

1 not -- it's 10 feet wide and this is a 13 foot wide  
2 space, so it will fit with no issue.

3 G. JEFFREY HANSON: I think your  
4 security expert spoke to -- (inaudible) -- about  
5 loading zone, loading of product and cash. We  
6 talked about the security --

7 (Multiple parties speaking. Inaudible.)

8 JASON SCIULLO: Very infrequent.

9 G. JEFFREY HANSON: -- already. Number  
10 10 was regarding each floor of the building, that's  
11 been, that's been addressed. The existing masonry  
12 trash enclosure is gonna be -- what type of waste  
13 is gonna be stored there?

14 JASON SCIULLO: Yeah.

15 G. JEFFREY HANSON: Is it adequate for  
16 the volume of waste and recycling --

17 (Multiple parties speaking. Inaudible.)

18 JASON SCIULLO: It's a good question.  
19 So remember, this accommodated restaurant waste in  
20 its existing condition and continues to do so while  
21 they're operating, which is much more intense and  
22 of a type that would create potential nuisance than  
23 would be our domestic waste. So any cannabis  
24 related waste by law has to be stored inside the  
25 building, secured, picked up by licensed delivery

1 companies, so that's all inside the building. The  
2 only waste that will be stored outside is domestic  
3 waste, which in this case will be just like any  
4 office use. It will be cardboard and office  
5 products.

6 G. JEFFREY HANSON: Okay.

7 JASON SCIULLO: So it's more than  
8 adequate to accommodate.

9 G. JEFFREY HANSON: Are the totes gonna  
10 be walked out to the curb or is there gonna be a  
11 collection vehicle that comes into --

12 (Multiple parties speaking. Inaudible.)

13 JASON SCIULLO: So the way the  
14 restaurant operates, there's a can in the dumpster  
15 and the truck backs in and picks it up.

16 G. JEFFREY HANSON: Okay.

17 JASON SCIULLO: In the proposed  
18 condition there probably doesn't need to be a  
19 dumpster, we're not really sure, but it will be --  
20 at worst, it will be the same way they do it today,  
21 which will be backing into the driveway and picking  
22 it up.

23 G. JEFFREY HANSON: Okay. And you'll  
24 just show a turning temp? Is there any kind of  
25 turning template that would be --

1 JASON SCIULLO: We can, we can show a  
2 truck backing into that space.

3 G. JEFFREY HANSON: You can show a  
4 waste --

5 JASON SCIULLO: Umm-hum.

6 G. JEFFREY HANSON: -- right ways truck  
7 turning template on there --

8 JASON SCIULLO: Yup.

9 G. JEFFREY HANSON: -- just for the sake  
10 of edification. That would be great.

11 JASON SCIULLO: Sure.

12 G. JEFFREY HANSON: Number 12 would  
13 really be handled at the Green Zone architectural  
14 review phase by the city.

15 JASON SCIULLO: Right. Yup.

16 G. JEFFREY HANSON: I didn't know if  
17 their architect was going to be here to give some  
18 testimony so I think we would defer to them on that  
19 matter.

20 (Multiple parties speaking. Inaudible.)

21 LANCE LANDGRAF: -- Redevelopment  
22 Plan --

23 G. JEFFREY HANSON: Correct.

24 We also brought up -- I know there  
25 aren't any street trees on that side of Atlantic or

1 along Mississippi. It is Mississippi, correct?

2 JASON SCIULLO: No. It's Pacific and  
3 South Carolina.

4 G. JEFFREY HANSON: I'm sorry. South  
5 Carolina. I got the wrong state.

6 We just put in there for our -- our  
7 planner likes to see street trees whenever  
8 possible. Would that constrict pedestrian  
9 circulation? Any thought been given to trying  
10 to --

11 JASON SCIULLO: So the existing  
12 conditions, we have landscaping. You can see in  
13 the street view here, we have landscaping along  
14 South Carolina Avenue and trees that function as  
15 street trees. So South Carolina Avenue has no  
16 trees the entire length and we wouldn't propose  
17 any. There's utility in the way, I guess. On  
18 Pacific, there's some sporadically up and down  
19 Pacific on each side of the street. You'll see  
20 there's some on the other side, on Pacific here in  
21 front of the hotel. There are none existing in  
22 front of the bar now or the entire block so we  
23 don't propose any --

24 G. JEFFREY HANSON: Okay.

25 JASON SCIULLO: -- just because the



1 pedestrian way is kept clear.

2 G. JEFFREY HANSON: We just brought that  
3 up in case that was something the board would want  
4 to entertain.

5 LANCE LANDGRAF: With that, we'll defer  
6 that to the city.

7 G. JEFFREY HANSON: Okay.

8 LANCE LANDGRAF: It's in their  
9 right-of-way.

10 G. JEFFREY HANSON: It's their  
11 right-of-way, as well.

12 We already talked about the Green Zone  
13 Redevelopment Plan architectural. You're gonna  
14 need a licensing, a revocable licensing agreement  
15 from the city for the awning signs and the bay  
16 windows.

17 JASON SCIULLO: I'll look through the  
18 entire reports and see if they have one already.  
19 It's been there for quite a while, but if not, we  
20 will get a license from the city for  
21 the projecting --

22 G. JEFFREY HANSON: Okay. Any  
23 projections in the right-of-way, obviously.

24 JASON SCIULLO: -- signage.

25 G. JEFFREY HANSON: And then how's the

1     adequacy of the sight lighting? I mean, you  
2     obviously have been there before at night so you  
3     know what it's --

4                 JASON SCIULLO: Yeah. It's --

5                 G. JEFFREY HANSON: -- like in the  
6     existing condition.

7                 JASON SCIULLO: Yeah. It's adequate.

8                 G. JEFFREY HANSON: And you guys are  
9     amenable to doing a night light function test just  
10    to demonstrate the lighting levels?

11                JASON SCIULLO: Well, we can, but I want  
12    to make sure it's clear that the lighting in place  
13    is what existed prior to the CRDA rules being  
14    adopted and the CRDA rules have a little bit higher  
15    standard than what the city standard was.

16                G. JEFFREY HANSON: Okay.

17                JASON SCIULLO: So it's probably  
18    achieving half a foot candle in the parking lot,  
19    which is safety and security level that's, you  
20    know, nationwide is acceptable. The city -- or the  
21    CRDA standard is one foot candle. It may reach it,  
22    but if it doesn't -- but it's over a half a foot  
23    candle. We want to make sure it's clear that  
24    that's --

25                LANCE LANDGRAF: We've talked about

1 bringing that down --

2 JASON SCIULLO: -- acceptable.

3 LANCE LANDGRAF: -- because then you get

4 up above --

5 G. JEFFREY HANSON: It's pretty bright

6 there, right --

7 JASON SCIULLO: Yeah.

8 G. JEFFREY HANSON: -- with that big

9 sign -- with the sign?

10 LANCE LANDGRAF: Yeah.

11 G. JEFFREY HANSON: So we feel it's

12 adequate, that it's not gonna be --

13 LANCE LANDGRAF: I've been to the site

14 so --

15 (Multiple parties speaking. Inaudible.)

16 JASON SCIULLO: Yeah. We've all been.

17 If anything happens --

18 G. JEFFREY HANSON: -- requirement so --

19 (Multiple parties speaking. Inaudible.)

20 JASON SCIULLO: -- we'll repair them.

21 G. JEFFREY HANSON: As long as everybody

22 feels that it's adequate, then --

23 LANCE LANDGRAF: Yeah. With their

24 security plan, if they're gonna need more lighting,

25 they're gonna add more lighting.

1                   G. JEFFREY HANSON: Yeah. That's a good  
2 point.

3                   LANCE LANDGRAF: I think you hit  
4 everything in your letter, Jeff.

5                   G. JEFFREY HANSON: My letter's been --  
6 we already talked about the signage that's in  
7 comment number 19 which pretty -- you want me to  
8 just -- it is our letter, as Jay said, June 27th,  
9 2024.

10                  LANCE LANDGRAF: We'll mark that as B-1.

11                  ROBERT REID: The applicant information  
12 is listed on page 1 of that letter. Number two  
13 lists the documents submitted and gives the  
14 background of the project, which is simply, if I  
15 was to read this, would be a regurgitation of what  
16 various professionals and the applicant have put on  
17 so far. We talked about all the bulk variances,  
18 which is -- was covered on page 3 and on to page 4  
19 of the letter, including the existing  
20 nonconformities, and then we've been going through  
21 comments number 17 through 19 which are on pages 4  
22 and 5 of the letter and they've all been addressed,  
23 so I really don't have anything further as far as  
24 my letter goes, unless anybody has any questions or  
25 needs any clarifications on anything at this point.

1                   LANCE LANDGRAF: I think we've gone  
2 through the letter and I would agree. They've  
3 addressed or will address anything that's in that  
4 document.

5                   G. JEFFREY HANSON: They've agreed to  
6 work with us on it.

7                   LANCE LANDGRAF: Yup. Anything further?

8                   JACK PLACKTER: Based upon your  
9 testimony and your review of all the materials, can  
10 you opine as a reasonable degree of planning and  
11 engineering certainty whether this applicant is  
12 entitled to the minor site plan approval and  
13 variance approval for the cannabis facility?

14                  JASON SCIULLO: Absolutely are, yes.  
15 Thank you.

16                  JACK PLACKTER: The board would like to  
17 thank the public. You'll have a chance --  
18 (inaudible) -- but thank you, very much. That  
19 would conclude our direct presentation.

20                  LANCE LANDGRAF: Thank you, Jack.

21                  JACK PLACKTER: Yup.

22                  LANCE LANDGRAF: All right. So we  
23 heard, already heard the engineer's report. With  
24 that, we will open the meeting up to the public.  
25 Please come up, state your name, hopefully you've

1 already signed in, and raise your comments or ask  
2 questions. Those questions should be directed  
3 through myself and if it's appropriate we'll ask  
4 the applicant to address them.

5 Thank you, sir. Good morning.

6 PASTOR STAFFORD MILLER: Good morning.  
7 Raise my hand to swear in?

8 LANCE LANDGRAF: We don't have to swear  
9 you in.

10 PASTOR STAFFORD MILLER: Okay. Great.  
11 Just making sure.

12 My name is Stafford Miller. You got  
13 that? Great. I'm a former pastor of Asbury, a  
14 minister serving there. I just have a couple  
15 questions and a comment.

16 You did mention clearly that the hours  
17 of sale would be from, I think 8 or 9 to 6 or --  
18 what was the hours of sale?

19 SHERRY GARTINO: As of right now we had  
20 it listed as 9 a.m. to 8 p.m., however, we're going  
21 to make any --

22 PASTOR STAFFORD MILLER: Okay.  
23 Question, then. Those are the hours of the sale.  
24 What are the hours of the lounge? Is it the same  
25 hours?

1 SHERRY GARTINO: Yes.

2 PASTOR STAFFORD MILLER: So they'll be  
3 no lounge activity after 8 or 9? Is that --

4 SHERRY GARTINO: No.

5 PASTOR STAFFORD MILLER: Okay. That  
6 clears that.

7 The other question I have was the  
8 change, the purpose. When we were initially  
9 approached about Ron selling the building to a new  
10 owner, and we have no issue with anyone who wants  
11 to make a couple dollars in the city, there was  
12 nothing mentioned about changing the purpose. We  
13 were told everything would be the same, because we  
14 signed off even on the change of the liquor  
15 license. So he said to us, nothing will be,  
16 nothing will be different, nothing to worry about,  
17 we'll be working together and serving together and  
18 they'll be no interruptions of our relationship,  
19 and now we're getting something that says there has  
20 been a change and that's kind of a little deceptive  
21 to us. The other thing I do want to mention, we  
22 did mention the word partnerships. There was a  
23 word being the good neighbor, there was a word  
24 solidarity, working together and we've come because  
25 we want to be good neighbors but our first request

1 to our neighbor is can you give us a little more  
2 time to regroup and to revisit what our role could  
3 be working together and you say no. That, that  
4 doesn't start off a good way of walking together.  
5 That's not a good relationship. That's not how we  
6 build solidarity. That's not how we sustain  
7 working together. So I hope that this approval  
8 will be denied at this point, that we can get the  
9 two weeks or the three weeks, whatever we need, to  
10 really work out some of the concerns that the  
11 church has and that you have and then come back to  
12 the table and present our positions being good  
13 neighbors, because I'm always told the way you  
14 start off is the way you finish and as you can see,  
15 we're not starting off on the right foot. So thank  
16 you for listening to me.

17 LANCE LANDGRAF: Thank you, Pastor  
18 Miller.

19 JACK PLACKTER: I just want to reply to  
20 that. You know, I understand and that's a  
21 legitimate comment, but we've been at this a long  
22 time and we just wanted to proceed with our  
23 testimony. We're willing to meet with you in the  
24 interim, you know, and any lawyer to talk about,  
25 you know, any kind of partnership that you want to



1 build with us. I realize that you're offended that  
2 we didn't agree to continue but we are still  
3 willing to engage in dialogue with you and adapt or  
4 accept reasonable conditions.

5 PASTOR STAFFORD MILLER: But that's  
6 before the honeymoon.

7 JACK PLACKTER: No. I hear ya.

8 PASTOR STAFFORD MILLER: We want the  
9 honeymoon.

10 JACK PLACKTER: I hear ya. I'm not  
11 saying you're wrong. I'm just telling you -- I  
12 just wanted to clarify our position, to ensure that  
13 we'll still meet with you if you get a lawyer and  
14 talk to you.

15 PASTOR STAFFORD MILLER: Well, through  
16 the chair, you've been at it for a couple years.  
17 We're only about 10 days into it and so it would  
18 be -- I think a good neighbor would say okay, well,  
19 press the stop button, have our meeting, come  
20 together, then come back and sign saying yes, yes,  
21 yes, yes, yes versus no, no, no, no, no. Start  
22 something in a good way.

23 JACK PLACKTER: Thank you.

24 LANCE LANDGRAF: Anyone else?

25 PASTOR ANSON WILSON: My name is Anson

1 Wilson, Pastor Anson Wilson, pastor of Asbury. Is  
2 it all right if I pull a picture up here?

3 LANCE LANDGRAF: Sure.

4 PASTOR ANSON WILSON: Okay. Just want  
5 to put --

6 LANCE LANDGRAF: Just identify what  
7 you're pulling up when you get there.

8 PASTOR ANSON WILSON: Okay. Just a  
9 picture of our sanctuary here.

10 LANCE LANDGRAF: Welcome to the world  
11 of -- what do they call that -- two factor  
12 authentication. It's not like anybody's watching  
13 what you're bringing up. There, you go. That's  
14 pressure. You did pretty good under pressure,  
15 right?

16 JASON SCIULLO: That's not in your way,  
17 right? You're good?

18 PASTOR ANSON WILSON: So --

19 LANCE LANDGRAF: We'll mark this as O-1.

20 SCOTT COLLINS: Yes.

21 LANCE LANDGRAF: Pastor, could you tell  
22 us what this picture depicts?

23 PASTOR ANSON WILSON: Yes. So this --  
24 the picture depicts a couple of things. We have a  
25 lot of kids who come to our service, our youth

1 service. We represent -- we're the lead church in  
2 a three church circuit and when we had use events,  
3 you know, youth from all over the city and with the  
4 other two churches and sometimes other churches  
5 that come to our event, we had a, we had -- okay.  
6 We had a youth -- we had the events that are listed  
7 on our website but we also have events that, you  
8 know, happen outside of our regular operating  
9 hours. So we had a youth event once at -- Friday,  
10 7:00 and, you know, church full of kids, you know,  
11 full of kids worshipping and eating pizza and I  
12 just want you to -- I just want to think about the  
13 visual, you know. You have the kids coming out,  
14 they're just -- we're trying to bring our kids'  
15 spirituality up so, you know, growing them in faith  
16 formation and they come out and then they  
17 encounter, you know, different things that would --  
18 you know, the crowd that would frequent a building  
19 that, that sells marijuana, that allows for  
20 marijuana to be smoked in the building and I just  
21 want you to think, juxtapose those two images. You  
22 have kids trying to worship and then you have  
23 marijuana, a very pungent, very pungent substance.  
24 I also want you to look at the building. This is a  
25 historic building. This is a beautiful building.

1 This is where people get married. This is where  
2 people get buried. This is where people come to  
3 get inspiration. This is where people come to get  
4 healed and so we have that, that building right  
5 next to a building where other things are going on.  
6 I just want to say that this is why it's important  
7 for us that, you know, that there not be marijuana  
8 and cannabis sold next to our church. This is why  
9 I do like the idea of a buffer, because we want to  
10 protect our kids. We want to protect our people  
11 who need to get healed. We want to protect the  
12 people who come because they don't know what to do,  
13 they don't know what they're gonna do tomorrow but  
14 they need a word from the Lord, so this is, this is  
15 what we're protecting and we're, we're, we're not  
16 just protecting that but we're protecting our  
17 future, so -- and the future of Atlantic City, so  
18 that's my presentation and my exhibit.

19 LANCE LANDGRAF: Make sure you sign out  
20 of that so no one could get access.

21 PASTOR ANSON WILSON: Let's see. I'll  
22 make sure. Lord. Technology. Scroll down. Oh,  
23 sign out. There, we go.

24 LANCE LANDGRAF: If you could e-mail a  
25 copy of that photograph to my office so we could

1 put it in our file.

2 PASTOR ANSON WILSON: Okay. Will do.  
3 Thank you, so much.

4 LANCE LANDGRAF: That will be helpful.  
5 You can get our e-mail on the website.

6 Sir, just in answer to some of the  
7 comments, or comments on some of the comments that  
8 were made. So Councilman Shabazz was accurate in  
9 indicating we did ask for buffers to churches,  
10 schools, rehabilitation facilities, after-school  
11 meeting locations, playgrounds, all of those types  
12 of things. The city did not include them in the  
13 Green Zone Redevelopment Plan. So what you need to  
14 understand is we are stuck with those rules. This  
15 is a permitted use at that site. The variances you  
16 heard Mr. Sciullo and Mr. Plackter talk about, the  
17 majority of those are site specific because that  
18 site has been built for 70 years. It was designed  
19 many years ago so those -- the relief they're  
20 asking for really isn't a function of what they're  
21 proposing there. It's what's there now, so there  
22 is relief being requested but it's justifiable  
23 based on the fact that it's been there and they're  
24 reducing the parking impact. Your concerns with  
25 regard to cannabis being smoked next to a church

1     where children will be do not fall on deaf ears  
2     here. Our hands are tied. The rules are that this  
3     is a permitted use here with no buffers, so that's  
4     where we struggle with this. If you come to our  
5     board meeting in September when this will be on an  
6     agenda you will hear our board members say those  
7     very same words to you. Some may even vote no, but  
8     I will tell you, this use is a permitted use by  
9     right, so it is very difficult for that whole board  
10    to deny this application, just so you're aware of  
11    that going forward. No decision is made here  
12    today. What happens here today is we take  
13    testimony, we take application information and we  
14    make a recommendation to the board based on  
15    Municipal Land Use Law, planning law and good  
16    planning practice. Some of that gets blurred  
17    sometimes.

18                     Sir, please step forward and state your  
19    name.

20                     JEFF BLACKWELL: Jeff Blackwell, member  
21    Asbury United Methodist Church.

22                     I have one question. Why did -- they  
23    didn't utilize John Brooks? It's got parking over  
24    there, empty building.

25                     LANCE LANDGRAF: So that building was

1 sold to a developer.

2 JEFF BLACKWELL: Right. Okay.

3 LANCE LANDGRAF: They're going to be  
4 building housing there, apartments.

5 JEFF BLACKWELL: I just want to know  
6 because, you know, it's empty and you're not near a  
7 church and --

8 LANCE LANDGRAF: Okay. I think that's  
9 pretty close to a church, as well.

10 JEFF BLACKWELL: No. It's on the other  
11 side.

12 LANCE LANDGRAF: Right.

13 JEFF BLACKWELL: The church is on one  
14 side and John Brooks and McDonald's is 1300.

15 LANCE LANDGRAF: Right. It's half a  
16 block away, yeah. Not right next door, you're  
17 correct.

18 REVEREND WILLIAM GREENE: My name is  
19 Reverend William Greene and I am a former pastor  
20 and on the current pastoral staff at Asbury and I  
21 just have a brief question.

22 In your consideration for licensing  
23 approval how much consideration do you give to  
24 community impact for not just this facility but  
25 other facilities that sell cannabis within our

1 community? Because from our point of view it seems  
2 as if our community is being saturated with  
3 cannabis, cannabis sales and so I want for the  
4 record to know what consideration do you give to  
5 community impact, particularly when you talk about  
6 good community planning.

7 LANCE LANDGRAF: So from our standpoint,  
8 sir -- Pastor -- or Reverend Greene, I'm sorry, the  
9 city has made that decision, that they wanted to  
10 create a zone that allows cannabis in it. One of  
11 the other things we asked them to do was put a cap  
12 on the licenses. They have refused to do that. So  
13 again, I'll say this again, it is really out of our  
14 hands because the city has allowed it in this Green  
15 Zone. They created a zone down Atlantic and  
16 Pacific Avenues, bumps out to the Green -- the  
17 Orange Zone -- excuse me, the Orange Loop. They  
18 have not put a cap on these. I will tell you at  
19 our last meeting we approved the 29th one in the  
20 city. There are probably six more coming in the  
21 next two to three months before us. Not all of  
22 them will succeed. You heard the applicant testify  
23 to that, or at least make that statement. I hear  
24 your comments. What I would suggest you do is take  
25 these comments to city council, because those



1 are -- that is the body that created these rules  
2 and did not put the buffers on that we requested  
3 and did not put the caps on the number of licenses  
4 that they are granting.

5 REVEREND WILLIAM GREENE: Yes, sir. I  
6 hear your comment and I understand it, but my  
7 question to you was, what consideration does this  
8 board give to the impact on the community?

9 LANCE LANDGRAF: We are very limited in  
10 that because it is a permitted use. We are -- we  
11 certainly hear you and I'm emphatic -- or emphatic  
12 is not the word -- sympathetic towards your  
13 comments. I would rather see less and better  
14 product in this. Any time you have the number of  
15 facilities that are going to try and open in this  
16 community, it's going to saturate the market so you  
17 don't get good product there. You're gonna get  
18 just stuff on the shelf just to sell it and make  
19 their nickel. So I would rather see a more concise  
20 development done. These applicants have done a  
21 good job. They look like they know what they're  
22 doing. We've looked at their other properties in  
23 Florida as part of their history, but the impact to  
24 the community is something that is done with the  
25 planning process and the planning process here has

1     allowed this use, therefore, we can't -- it would  
2     be very difficult to say no to this application, as  
3     it has been with every other cannabis application.  
4     We've denied one. It happens to be for this  
5     applicant in a previous location because it created  
6     a traffic issue on a street. This site has  
7     off-site parking. It has off-site loading -- or  
8     on-site loading and on-site parking. Excuse me.  
9     That solves that concern. So I don't want you to  
10    feel that this is -- that I'm being flippant in my  
11    response, but we don't have a lot of say in this  
12    because it's being permitted, the use is permitted.

13                REVEREND WILLIAM GREENE: So no impact,  
14    that's what you're saying?

15                LANCE LANDGRAF: Again, I would suggest  
16    you take your concerns to city council.

17                Anyone else?

18                JAMES ADAMS: Good morning.

19                LANCE LANDGRAF: Good morning.

20                JAMES ADAMS: Good afternoon. I am  
21    James Adams. I am part of the Venice Park United  
22    Methodist Church, which is my pastor here, and he's  
23    also part of Hamilton and also Asbury. He's a  
24    great pastor to me and I really appreciate it.  
25    Now, we need -- we heard about medical mar --

1 medical marijuana and that's good for people that  
2 need it, hospitals need it in general, but we don't  
3 need it near no church. It doesn't matter what  
4 church it is, Venice Park, Hamilton or Asbury.  
5 That needs to go. Any church. Put the church  
6 first, like you said. Also, I'm also a member of  
7 another church which is a childhood church of mine  
8 and I don't want to see it there, neither, so  
9 please put the children first. Put the people that  
10 are members of the pastors of each church first.  
11 Concentrate on what you're doing. That is all.

12 LANCE LANDGRAF: Thank you, sir.

13 Anyone else?

14 Okay. With that -- ma'am, please. You  
15 almost missed the gavel.

16 CAROLYN PENDLETON: Thank you for  
17 allowing me to come up. My name is Carolyn  
18 Pendleton. I'm a member of the Asbury United  
19 Methodist Church here at 1213 Pacific Avenue.

20 In listening to the presentation made by  
21 prospective buyers, owners and included in the  
22 letter that was sent to Asbury dated June 18th,  
23 received June 24th, some of the comparisons in  
24 making sure that things would be better were not  
25 true. Example, we do not currently have traffic

1    jams with Atlantic City Bar and Grill, nor have we  
2    ever. There's no rowdiness that goes on when we  
3    enter, exit during the week and on Sunday mornings,  
4    so that would not be something that they would need  
5    to be concerned about. There was also speak of  
6    security, there's no current security at Atlantic  
7    City Bar and Grill other than maybe have somebody  
8    on the parking lot that -- who might be directing  
9    traffic, but there's really not that much traffic.  
10   Things have been, I guess in a colloquial way of  
11   saying, calm, cool and collected. The relationship  
12   has been excellent. They have worked along Asbury  
13   and Asbury has worked alongside Atlantic City Bar  
14   and Grill. There have been expectations that were  
15   mutual and we have had none of the expressed  
16   concerns that were listed in the letter that could  
17   be made better unless something's gonna happen, so  
18   there --

19                    LANCE LANDGRAF: What are you --

20                    CAROLYN PENDLETON: The letter that was  
21   addressed to the church.

22                    LANCE LANDGRAF: The notice, okay. All  
23   right.

24                    CAROLYN PENDLETON: Okay.

25                    LANCE LANDGRAF: I just want to be

1 clear.

2 CAROLYN PENDLETON: So it was a  
3 comparative of what currently is versus how it  
4 would be improved.

5 LANCE LANDGRAF: So just to refresh,  
6 what you're referring to is the letter from  
7 June 24th --

8 CAROLYN PENDLETON: That was sent to  
9 Asbury, yes.

10 LANCE LANDGRAF: -- from the applicant  
11 to Mr. Freeman?

12 CAROLYN PENDLETON: Yes.

13 LANCE LANDGRAF: Okay. Just want to be  
14 clear for the record.

15 CAROLYN PENDLETON: I'm just saying,  
16 when the presentation is made to accept, reject,  
17 they need to be -- that needs to be clarified  
18 because that's -- it doesn't exist is what I'm  
19 saying.

20 LANCE LANDGRAF: So just to be clear,  
21 what doesn't exist?

22 CAROLYN PENDLETON: So the mention that  
23 things would be better because of the current  
24 situation and I'm saying the current situation does  
25 not exist.

1 LANCE LANDGRAF: The current issues  
2 don't exist?

3 CAROLYN PENDLETON: Issues --

4 LANCE LANDGRAF: All right.

5 CAROLYN PENDLETON: -- do not exist is  
6 what I'm saying.

7 LANCE LANDGRAF: Now I'm clear. Thank  
8 you.

9 CAROLYN PENDLETON: Clear?

10 LANCE LANDGRAF: Yup.

11 CAROLYN PENDLETON: Okay. Thank you.

12 LANCE LANDGRAF: Okay. Anyone else?  
13 Last chance. All right. Actually, not your last  
14 chance. There will be a public hearing in  
15 September at our full board meeting. You can  
16 certainly come out and speak then.

17 With that, I'll close the public portion  
18 of this meeting. Jack, you have any comments in  
19 closing?

20 JACK PLACKTER: Just briefly. First of  
21 all, I'd like to thank the public and the board  
22 and, you know, again, we still pledge to work with  
23 the church. The hypothetical comparison was  
24 really, you know, even though it's an existing  
25 owner, may be a good neighbor, what we were trying

1 to point out was that a bar operation, since Mr.  
2 Garofalo is selling, is more disruptive than a  
3 cannabis operation with all the safeguards that we  
4 have put in. You know, we appreciate the board  
5 listening to our presentation. As you pointed out  
6 correctly, it's a permitted use and the applicant  
7 is allowed to rely on the regulations in effect at  
8 the time the application is filed. Again, thank  
9 you for listening to our presentation and hopefully  
10 we can have some further discussion with the  
11 church. Thank you, very much. Good afternoon.

12 LANCE LANDGRAF: Thank you, Mr.  
13 Plackter.

14 Do we have anything else? You're good  
15 on this side? Rob, we're good?

16 ROBERT REID: We're good.

17 LANCE LANDGRAF: All right. With that,  
18 we'll close the testimony on this matter. Our next  
19 land use hearing is scheduled for July 18th at  
20 10 a.m. in this room. No other comments, we'll  
21 close the meeting and we are adjourned. Thank you.

22 (At 12:00 p.m. proceedings were  
23 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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