

1 CASINO REINVESTMENT DEVELOPMENT AUTHORITY
2 LAND USE REGULATION ENFORCEMENT DIVISION

3
4 APPLICATION NO: 2024-04-3627

5 FARMERS NJ, LLC
6 1618-1622 PACIFIC AVENUE
7 CANNABIS RETAIL

8
9 APPLICANT SEEKS SITE PLAN APPROVAL ALONG WITH
10 C VARIANCE RELIEF FOR ADULT USE RETAIL SALES OF
11 CANNABIS.

12 THE PROPERTY IS LOCATED AT 1618-1622 PACIFIC
13 AVENUE, ALSO KNOWN AS BLOCK 48.01, LOTS 3 AND 4 ON
14 THE TAX MAP FOR THE CITY OF ATLANTIC CITY, LOCATED
15 WITHIN THE RESORT COMMERCIAL DISTRICT (RC).

16 THURSDAY, JULY 18, 2024

17 10:08 A.M.

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22 CSR COURT REPORTING SERVICES, LLC
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1 Public Hearing in the above-referenced matter
 2 conducted at the CASINO REINVESTMENT DEVELOPMENT
 3 AUTHORITY, 15 South Pennsylvania Avenue, Atlantic
 4 City, New Jersey, taken before Michelle Gruendel, a
 5 Certified Court Reporter and Notary Public of the
 6 State of New Jersey, on Thursday, July 18, 2024,
 7 commencing at 10:08 a.m.

8

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

10 CASINO REINVESTMENT DEVELOPMENT AUTHORITY:

11 LANCE D. LANDGRAF, JUNIOR
 12 CHAIRMAN
 13 DIRECTOR, PLANNING DEPARTMENT

14 ROBERT L. REID
 15 LAND USE ENFORCEMENT OFFICER

16 PROFESSIONALS TO THE BOARD:

17 JANE FONTANA, ESQ.

18 G. JEFFREY HANSON, PE

19 COUNSEL FOR THE APPLICANT:

20 DAMON G. TYNER, ESQ.

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EXHIBITS MARKED AND/OR REFERRED TO:
A-1, B-1

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

5 LANCE LANDGRAF: All right. Our next
6 application, I think this is also you, Mr. Tyner.

7 DAMON TYNER: Yes, it is. Thank you.

8 LANCE LANDGRAF: It is Application
9 2024-04-3627, Farmers New Jersey, LLC, 1618-1622
10 Pacific Avenue. If that address sounds familiar
11 it's the same one from the previous application.
12 They seek site plan approval and C variance relief
13 for the retail sales of cannabis. It is located in
14 the RC District, as well as the Green Zone
15 Redevelopment Area.

16 Rob, we have proper notice on this
17 application?

18 ROBERT REID: Yes. I reviewed the proof
19 of service provided by the applicant and we do have
20 jurisdiction to hear the application.

21 LANCE LANDGRAF: Would you swear in Jeff
22 for us?

23 JANE FONTANA: Sure.

24 G. JEFFREY HANSON, having been first duly sworn
25 according to law, testified as follows:

1 JANE FONTANA: Thank you.

2 LANCE LANDGRAF: Jeff, we're complete?
3 Good with completeness?

4 G. JEFFREY HANSON: We issued a
5 completeness letter. It was dated June 26th, 2024
6 recommending the issue of completeness.

7 LANCE LANDGRAF: Okay. Mr. Tyner, the
8 floor is yours. This one is a little bit more on
9 your side.

10 DAMON TYNER: Thank you, Mr. Landgraf.
11 At this time I would like to call up my
12 professionals so that they can be sworn. We have
13 Kevin Dixon, our engineer and planner, and we have
14 Craig Dothe, our architect.

15 LANCE LANDGRAF: Okay. You guys, come
16 on up.

17 JANE FONTANA: If you raise your right
18 hand.

19 KEVIN DIXON, having been first duly sworn according
20 to law, testified as follows:

21 CRAIG DOTHE, having been first duly sworn according
22 to law, testified as follows:

23 LANCE LANDGRAF: We would recognize both
24 of these gentlemen, in architecture for Mr. Dothe
25 and planning and engineering for Mr. Dixon.

1 DAMON TYNER: Okay. Thank you.

2 Actually, we will start with Mr. Dothe
3 today with respect to his architectural aspects
4 that he provided.

5 I would just open with a brief opening
6 statement, that in connection with this project, as
7 I indicated, this was -- the previous use was
8 Fischer Florist. It has always been a retail use
9 as far as I know. As a -- being born and raised
10 here in the city, I can remember fond memories of
11 going to the flower shop with my mother and father
12 in the early `70s and this was always an
13 interesting use because they would always have to
14 circle around and look for parking, find parking
15 and then go to the florist.

16 So this applicant seeks to sell a
17 different type of flower, but it is, in fact, as we
18 know, a permitted use within the Green Zone. It's
19 specifically intended for this use and, in addition
20 to that, we are aware of the committee and the
21 CRDA's full approval of our next door neighbor at
22 1624 of an application for a dispensary, as well,
23 so we will address that during our presentation.

24 So at this time, Mr. Dothe.

25 KEVIN DIXON: Bear with me, Mr.

1 Landgraf. I'll insert the flash drive.

2 LANCE LANDGRAF: Certainly. We'll mark
3 the submission as A-1.

4 Mr. Dixon, is there anything on that
5 you're gonna show us today that was not with the
6 application, that was not submitted with the
7 original application?

8 KEVIN DIXON: An aerial exhibit that
9 would be complimentary to the site plan would be
10 the only, the only document that was not originally
11 submitted.

12 LANCE LANDGRAF: Great. We'll mark that
13 as --

14 JANE FONTANA: A-2.

15 LANCE LANDGRAF: -- A-2, yup. Thank
16 you.

17 KEVIN DIXON: I'll rotate this. Free
18 seven day trial to rotate, what? I don't think
19 that -- that doesn't make sense. There, we go.

20 All right. Can everybody see?

21 LANCE LANDGRAF: Yup.

22 KEVIN DIXON: All right. I'm gonna help
23 Craig. I will advance the slides as he needs.

24 DAMON TYNER: Mr. Dothe, you've been
25 previously sworn and the board has recognized you

1 as an expert in the field of architecture.

2 You've obviously appeared before this
3 board and many other boards throughout South
4 Jersey, correct?

5 CRAIG DOTHE: Yeah.

6 DAMON TYNER: Okay. And specifically
7 we're here today on an application for a
8 dispensary, an adult use -- licensed adult use
9 recreational marijuana dispensary. Have you worked
10 on similar projects?

11 CRAIG DOTHE: Yes, I have.

12 DAMON TYNER: In connection specifically
13 with this project, 1618-1622 Pacific Avenue, could
14 you describe what you were charged to do?

15 CRAIG DOTHE: Okay. Basically what it
16 was -- we're looking at our drawing, A-1, this is
17 our proposed first floor plan, which was to modify
18 the store into a cannabis dispensary, including,
19 you know, initially laying out the parking and
20 getting the loading in the right place, that type
21 of thing. We went through the process of looking
22 at it from the securities perspective in terms of,
23 you know, up there at the entry lobby, putting the
24 security up in that area, being able to check
25 people in, you know, in order to come in. We have

1 one direction in, one direction out. We have a
2 very large area for people to congregate in the
3 center area, which adds additional security, then
4 through the door and up to the actual sales
5 counter, which is shaped in a similar manner as the
6 client's Missouri store. They found that this --
7 the individual shape actually benefited them
8 greatly. Then we located all of the secure areas
9 and employee areas immediately adjacent to it, so
10 then at that point we've been able to separate the
11 product from the people as well as possible. In
12 addition, based upon the unusual layout of the lot
13 and the existing building and the fact that it was
14 a flower store before, there's a garage in the back
15 that was previously used to store the flowers and
16 to park the truck that they use to run out and make
17 deliveries with. So they would load up their
18 flowers in this space. We propose to do the same
19 thing. It gives us an added security barrier,
20 because now the truck just drives in, nobody from
21 the outside can even see that something is being
22 delivered, so it makes this one actually more
23 secure, I believe, than most of them.

24 The upper floors, as Rob had indicated,
25 were residential. We worked on this building about

1 20 years ago, or I think we did, and when we did
2 that it was residential back then unused, okay, and
3 so the use was residential but it was unused at
4 that point. The reason it's unused is the way it's
5 laid out, as far as primary and secondary means of
6 egress, entry point to lobby, to be able to access
7 it for somebody on the outside. So it appears as
8 though it was -- traditionally the business owner
9 lived probably above his store long before any of
10 us were born, which is a very traditional way a lot
11 of these older buildings are developed, but they
12 don't lend themselves to somebody else moving in
13 and being upstairs and having the security issues
14 of the ground floor.

15 DAMON TYNER: You made some interesting
16 points. You said that this building -- the way
17 that this building was laid out as a result of its
18 prior use, you were able to successfully divide the
19 area where the product would be stored as opposed
20 to the retail space and you indicated that this was
21 a similar setup to the, to the owner's operation in
22 another state where they successfully operated.
23 Have you found this to be a particularly
24 well-suited location or site for this operation?

25 CRAIG DOTHE: Yeah. I think the loading

1 is kind of pretty exceptional as it relates to the
2 operation. The loading is such a convenient place
3 that the van can pull up right here and then go
4 right through this secure door and be right into
5 the safe storage area. So it's like, I couldn't
6 imagine it being any more secure than that. It's
7 got a couple of parking spaces, which is good
8 because some of these applications don't, and then,
9 you know, employees or somebody just dropping by
10 has to go park somewhere else. So this one's
11 fortunate enough to have some parking spaces. One
12 of the things is there's a sliding gate that, then,
13 can be locked off at night. It keeps, you know,
14 people out of the parking lot so that it's not --
15 it doesn't become a risk of potential break in from
16 that perspective, as well. As far as the
17 separation zones as you go through, it's multiple
18 layers of security and by the time you get back to
19 where the product is and you're actually purchasing
20 it in the dispensary area -- oh, thank you -- right
21 in this area right here, you know, you've already
22 gone through several zones of security so it's like
23 now you're actually purchasing it and at that point
24 it's about as safe as it could be, so I think it's
25 uniquely designed.

1 DAMON TYNER: Okay. With respect to the
2 remainder of the design, could you speak to the
3 appropriate number of bathrooms and any other
4 facilities that are convenient for patrons coming
5 into the property?

6 CRAIG DOTHE: Okay. Scroll to the --

7 KEVIN DIXON: Yes. Towards the front?

8 CRAIG DOTHE: Yeah.

9 KEVIN DIXON: Towards the front of the
10 building?

11 CRAIG DOTHE: Yeah.

12 Okay. So what we have is a person comes
13 in here. When they're in this -- the order center,
14 this is where we have kiosks across here, where the
15 ordering can take -- actually take place, so that
16 they can stay in this area while the -- their
17 purchase is being processed down in this area. At
18 the same time we put men's and women's room up
19 here. We made them both handicap accessible. We
20 made all the doors handicap accessible and we have
21 doors coming in, doors going out in terms of their
22 direction to assist people in their flow, so that
23 they don't start to come in and start to buy and
24 then somebody that's already leaving with their
25 product and then back out the door, so this, in my

1 opinion, is a very well-suited area. When we look
2 at this back section over here we, we can -- scroll
3 that way.

4 KEVIN DIXON: Which way?

5 CRAIG DOTHE: I want to see the bottom.

6 KEVIN DIXON: Towards the back, okay.

7 CRAIG DOTHE: Okay. Right in this area,
8 we located a bathroom back here in the employee
9 break room and a couple of offices, and that
10 bathroom serves not only the cashiers in this area
11 but also the people that are working the storage
12 area, but also any other employee can utilize this
13 one. So it's like we've separated the employee
14 bathroom needs from the patrons to add a little
15 more convenience to the whole operation.

16 DAMON TYNER: Okay. Thank you, very
17 much, Mr. Dothe, and Mr. Dothe will be here for any
18 questions.

19 LANCE LANDGRAF: I have a couple.

20 With the residential, the second floor
21 is going to be -- second and third are going to be
22 residential --

23 CRAIG DOTHE: Yeah.

24 LANCE LANDGRAF: -- per the previous
25 application?

1 CRAIG DOTHE: Yes.

2 LANCE LANDGRAF: So access to those two
3 floors, can you show me how that's going to be
4 separated from the cannabis use?

5 CRAIG DOTHE: Okay.

6 KEVIN DIXON: Zoom out a little bit.

7 CRAIG DOTHE: Yeah.

8 KEVIN DIXON: You got the stairs
9 right --

10 CRAIG DOTHE: Right here in the back
11 there's a stair that accesses the upper level and
12 we're just closing that off.

13 LANCE LANDGRAF: Okay.

14 CRAIG DOTHE: And then in the front
15 here, we're still gonna maintain that door because
16 some -- it's not gonna be occupied but the idea is
17 that you still have to gain access up there if you
18 have to fix a window or do some minor, you know,
19 maintenance and that can still take place in this
20 area and it's accessing the front security area, so
21 it's not like a workman has to come through a
22 sensitive area to gain access to the upstairs.

23 LANCE LANDGRAF: Okay.

24 CRAIG DOTHE: It seems to me that, you
25 know, we always design things based upon the

1 existing conditions and the existing needs right
2 now. It's a cannabis operation. Their existing
3 need is the ground floor operation, not the upper
4 floors, and that's very similar to the way Fischer
5 Flowers was run. They didn't use the upstairs,
6 either. So what ends up happening is we -- or I
7 envision that that will continue to go into the
8 future in that way. Now, if for some reason they
9 decide in their operation they want to reconfigure
10 the upstairs, make it a different use or something,
11 they would have to obviously come here, at which
12 point we would redesign the access points and
13 everything and get them to work as well as possible
14 for that use, and that would include -- like, let's
15 say, you know, for some reason it becomes a really
16 wonderful residential space, then what we'll do is
17 we'll do, like, some outside foyer type of design
18 that allows people to gain access to it without
19 conflicting with the cannabis use.

20 LANCE LANDGRAF: So from the outside of
21 the building how am I -- if I live upstairs how am
22 I getting in?

23 CRAIG DOTHE: Well, at this point no
24 one's gonna live upstairs.

25 LANCE LANDGRAF: Well, so I'm -- I'm

1 going back to the application that was just -- not
2 approved but was received to allow residential on
3 the second or third floor, so we have to plan for
4 that as part of this application.

5 DAMON TYNER: Is there a separate
6 entrance?

7 CRAIG DOTHE: No.

8 ROBERT REID: It's reasonable to expect
9 it was accessed from the outside.

10 CRAIG DOTHE: This is the entrance right
11 here and it's already indoors.

12 LANCE LANDGRAF: Right. So if you're
13 living upstairs you're gonna go through the
14 security area --

15 CRAIG DOTHE: Right.

16 LANCE LANDGRAF: -- for the cannabis but
17 you can show ID that you live upstairs, I guess
18 that would be the -- I mean, commingling those two
19 entrances seems to be a bit out of the ordinary, a
20 little odd.

21 DAMON TYNER: If anything, the purpose
22 for the nonconforming use application was to
23 preserve any rights that the property owner might
24 have. The reality of it is that it -- you know,
25 there are no intentions for it to be used as a

1 lounge or any other coexisting, you know, co-use
2 with this facility. If anything, it would be
3 utilized as area --

4 LANCE LANDGRAF: The lounge would
5 actually work in this configuration because you've
6 got access. Residential doesn't.

7 DAMON TYNER: It really would, yeah, but
8 at this time, like I said, there are no -- there
9 are no intentions for that.

10 LANCE LANDGRAF: We want to limit --

11 DAMON TYNER: If anything, we wanted to
12 maintain the flexibility --

13 LANCE LANDGRAF: Understood.

14 DAMON TYNER: -- to go back and, you
15 know, as this project flourishes and moves forward,
16 we didn't want to limit our ability to do anything.

17 LANCE LANDGRAF: Okay.

18 G. JEFFREY HANSON: Can I ask you
19 somewhat related question since we're on the
20 architecturals?

21 Are both residential units on the third
22 floor or is there one --

23 DAMON TYNER: The second.

24 G. JEFFREY HANSON: -- on the second
25 floor and one on the third floor?

1 DAMON TYNER: The second.

2 G. JEFFREY HANSON: Okay. I was just
3 confused. The architectural illustrations illustrate the
4 existing second floor is all, like, office space
5 and storage area. It doesn't make any mention of
6 the residential, which is fine. I just wanted to
7 clarify for the record whether it's two separate
8 residential units.

9 DAMON TYNER: Separate residential --

10 G. JEFFREY HANSON: One unit on the
11 second floor, one unit --

12 (Multiple parties speaking. Inaudible.)

13 G. JEFFREY HANSON: I was just -- I need
14 that for the parking count. We're gonna consider
15 them residential for the parking.

16 DAMON TYNER: That's just --

17 (Multiple parties speaking. Inaudible.)

18 G. JEFFREY HANSON: I needed to
19 determine the parking shortfall. That's all.

20 DAMON TYNER: Yup.

21 LANCE LANDGRAF: So how I think we're
22 going to move forward with this, what we'll
23 indicate is at this time there's no residential
24 being permitted upstairs. While the CNC is a
25 separate -- certificate of nonconformity is a

1 separate application, you know, the board will
2 address to continue that use, as Mr. Tyner
3 indicated, there's no access provided to it just
4 yet.

5 DAMON TYNER: That is correct. We would
6 be willing to come back to the board if we were
7 changing -- if we were, in fact, going to pursue a
8 residential use or any other use on the second and
9 third floor.

10 LANCE LANDGRAF: Trying to get away from
11 having you come back but I don't see -- I mean,
12 what I can see is where that closet is behind the
13 security, you can put a door out to the street
14 right there. That would be the residential access
15 so it's separate.

16 CRAIG DOTHE: And that could resolve the
17 issue, but every time we touch the building we're
18 gonna open up a can of worms.

19 LANCE LANDGRAF: It's an old building.
20 It happens.

21 CRAIG DOTHE: That will give us an
22 access so that solves one issue but it's only a
23 single means.

24 LANCE LANDGRAF: Correct.

25 DAMON TYNER: We have, we have egress,

1 as well.

2 CRAIG DOTHE: We're closing it off down
3 here. The reason being is we're coming into a
4 secured area.

5 LANCE LANDGRAF: All right. For this,
6 purpose of this hearing, we'll stick with just the
7 cannabis use. The residential we'll have to come
8 back in as -- when they come in for the CRUC for
9 it, they're gonna have to show proper access.
10 We'll handle it that way.

11 DAMON TYNER: Fine.

12 CRAIG DOTHE: All right. That's what we
13 looking for.

14 G. JEFFREY HANSON: I just have one
15 question related to that. For the parking
16 shortfall, we'll just consider those -- for the
17 parking demand are we gonna consider them vacant or
18 residential, just so we determine the correct --

19 LANCE LANDGRAF: I think residential,
20 because that's what the CNC is --

21 G. JEFFREY HANSON: Okay. Good enough.

22 ROBERT REID: Yeah. There's a shortfall
23 existing for those two.

24 G. JEFFREY HANSON: It's grandfathered.
25 We've got it at 19 spaces at this point.

1 ROBERT REID: And in regards to
2 certificate of nonconformity for the two units
3 upstairs, one of the next steps would be once
4 that's approved, in order to occupy it you have to
5 come in for certificate of land use and as part of
6 the certificate of land use application that I
7 would review, I would want to see a door out to
8 Pacific Avenue. That's all.

9 LANCE LANDGRAF: Correct.

10 JANE FONTANA: With regard to this
11 certificate of nonconformity, if they weren't and
12 have not been in use, does that have an impact on
13 the decision?

14 LANCE LANDGRAF: Yeah. That's something
15 I'm gonna review as part of the hearing officer
16 report, because showing that that second floor is
17 commercial, how do we now say that that's allow --

18 ROBERT REID: Well, I can say the
19 records I have, that I have reviewed indicate there
20 always was two residential units. Because it
21 wasn't rented out does not take away there's
22 physically two residential units that have been
23 there and they, in my opinion, have a right to
24 continue that based on all the information I've
25 reviewed.

1 LANCE LANDGRAF: We're gonna review that
2 as part of that application, because that's
3 confusing to me, as well.

4 G. JEFFREY HANSON: (Inaudible) --
5 correct? It's an abandonment criteria, correct?

6 LANCE LANDGRAF: Yeah. We're mixing
7 applications here. I don't want to do that so -- I
8 wish they were on completely different agendas.
9 That would have been a better --

10 All right. So that will be handled
11 under certificate of land use compliance when it
12 does come in for residential, or whatever use it
13 comes in for.

14 DAMON TYNER: And it may never.

15 LANCE LANDGRAF: Right.

16 Okay. Sorry.

17 DAMON TYNER: Okay. So moving
18 forward -- thank you, Mr. Dothe. Moving forward,
19 Kevin Dixon has been previously sworn and
20 recognized as an expert as a planner and engineer.

21 Mr. Dixon, you were retained, sir, to
22 review the property and prepare a site plan for an
23 adult marijuana dispensary, correct?

24 KEVIN DIXON: Correct.

25 DAMON TYNER: Okay. You have shown an

1 aerial photo. This has been previously marked as
2 A-2, which is being re-displayed at this point.
3 Could you give an idea of what we're looking at,
4 sir?

5 KEVIN DIXON: As soon as I can get a
6 handle on the Adobe. It's not working for me.

7 Good morning. By way of orientation --

8 LANCE LANDGRAF: Good morning.

9 KEVIN DIXON: -- I just wanted to give
10 you a sense of context just by showing you that the
11 subject property is located on Pacific Avenue.
12 Well-known to you, of course, Dr. Martin Luther
13 King Jr Boulevard. So in between the blocks of Mt.
14 Vernon Avenue and MLK Boulevard. On Pacific Avenue
15 we can see the former Sands site. Adjacent to
16 that, in between Indiana and MLK, former site of
17 the Midtown Motor Lodge, where I tended bar in
18 1977, and the Coachman Inn right there on Pacific
19 Avenue, so -- a block away. We also see, I just
20 want to point out very briefly, some parking, a
21 parking lot. The other side of Mt. Vernon is a
22 public parking lot and also additional parking in
23 the rear, which I believe holds a private parking
24 lot but -- so getting into -- I'll zoom in just a
25 little bit just so we can get a little better

1 handle on it. But there we have it, basic context
2 of the site. The Schultz Foundation next door
3 towards Mt. Vernon, and I believe you reviewed
4 another application very near this location very
5 recently. So let me please call up the site plan,
6 which is the same document that was submitted to
7 this, to this board and pull it up and I'll go
8 through it with you. I want to touch on also the
9 variances and also just a brief description of the
10 site and how it's all placed from a site
11 standpoint. Fairly simple from the standpoint of
12 the fact that it's an existing site. There are
13 basically minimal improvements to the site.
14 Certainly no ground disturbance to speak of and a
15 reorientation of the parking, some lighting,
16 handicapped access and that kind of thing.

17 So what we have is -- and if you bear
18 with me, let me just retrieve my notes here so I
19 can speak intelligently to this.

20 DAMON TYNER: So jumping ahead a little
21 bit, and I know you didn't get into it, essentially
22 we are requesting six variances that are all from
23 existing nonconformities, correct?

24 KEVIN DIXON: We are requesting six
25 variances. One of those is a conformity that

1 requires lot consolidation in order to be -- to
2 remain in conformity as a condition of this. This
3 site plan approval, if it, if it is to be granted,
4 would include the consolidation of Lots 3 and 4,
5 such that the lot area would then be complying. So
6 to the extent that that becomes a condition, I
7 suppose it's not a required variance but it was
8 listed under variance criteria and made sense to do
9 so depending upon how the conditions of any
10 approval that might be granted would be. It's a
11 nonconformity because the two lots are separate
12 right now.

13 G. JEFFREY HANSON: I think we would
14 still consider it an existing nonconformity until
15 they're consolidated, right?

16 LANCE LANDGRAF: Yeah.

17 KEVIN DIXON: It exists as a
18 nonconformity, I would agree, so that would be six
19 variances.

20 DAMON TYNER: Okay.

21 KEVIN DIXON: And beginning with lot
22 area, the consolidated tract size would be 8,208
23 square feet, which would be conforming. The lots
24 individually do not add up to, either one, 7,500
25 square feet, which is the minimum lot area, so a

1 variance would be required and, of course,
2 mitigating that variance could be the consolidation
3 of those lots.

4 DAMON TYNER: Just for the record, the
5 building, physical building itself spans both lots
6 already, correct?

7 KEVIN DIXON: It does. It does. It
8 is -- well --

9 G. JEFFREY HANSON: It's really not a
10 physical issue, per se. It's just a lot line.

11 DAMON TYNER: Correct.

12 G. JEFFREY HANSON: It's a line drawn on
13 the map.

14 KEVIN DIXON: It's an imaginary line
15 that needs to be erased.

16 G. JEFFREY HANSON: The site function is
17 one, the site function is one --

18 DAMON TYNER: It's one lot.

19 G. JEFFREY HANSON: -- on one property
20 versus two.

21 KEVIN DIXON: The building is outlined
22 in white on the plan and then the lot line runs
23 between the two lots in this general location.

24 G. JEFFREY HANSON: Thanks, Kevin.

25 KEVIN DIXON: So it cuts --

1 G. JEFFREY HANSON: Bifurcates.

2 KEVIN DIXON: It definitely cuts the
3 building pretty much in half. It is an offset
4 building.

5 We also are requesting a lot depth
6 variance, whereas 150 feet is required, 100 feet is
7 provided on one side. It is 150 feet but by
8 definition does not meet the definition of the
9 required lot depth.

10 By the same definition, or in the same
11 definitions is lot width. It is 50 feet -- it is
12 required to be 50 feet and one of the lots is 37.5.
13 That would be the lot width variance that would be
14 requested, and again, this is an irregularly shaped
15 lot, L shaped, if you will, so considering the
16 lots, you know, having been consolidated, we have
17 an L shaped lot. One of those legs is 37.5.

18 The rear yard setback is zero. The
19 building is -- and by the way, these are all
20 existing conditions. As I've mentioned, the
21 previous variances and the ones yet to be
22 mentioned, they are all existing and they will not
23 be revised in any manner.

24 DAMON TYNER: Or exacerbated?

25 KEVIN DIXON: Or exacerbated. The rear

1 yard setback is -- actual setback is zero. The
2 building is on the line. The requirement is
3 20 feet. We're asking for variance relief in that
4 regard.

5 The maximum allowable impervious
6 coverage is 80 percent. This site is virtually
7 100 percent, perhaps not virtually, perhaps
8 actually. I haven't found any green space on it
9 but -- it's pretty much paving and building from
10 stem to stern.

11 Finally, there's off-street parking and
12 as it's been calculated by Jeff, it would be 23
13 spaces required. I think we're still in that mode
14 because we're still looking at it as residential
15 for the second floor, so --

16 G. JEFFREY HANSON: Yeah. That's what
17 we discussed before, right?

18 KEVIN DIXON: That would be -- that
19 would be -- yes. That would be the number. That
20 would be the extent of the variances required.

21 G. JEFFREY HANSON: 19 for the cannabis
22 operation and then two each for each of the
23 residential.

24 KEVIN DIXON: Right. Right. And as you
25 see on the plan, four spaces are required. One of

1 them has been reconfigured to be handicap
2 accessible, including van accessible. We have
3 three spaces adjacent to that for a total of four
4 parking spaces. They are -- those four spaces are
5 embodied within the middle of what was previously
6 basically the parking area which was secured behind
7 a fence gate presently and which continues to be
8 secured, as well as at the time they were basically
9 undefined, unstriped, so it's just basically an
10 undefined parking area, so we're saying it's four
11 spaces. The area will remain four spaces.

12 DAMON TYNER: Can you talk a little
13 about the unique location that this area offers for
14 public transportation and public parking in the
15 near vicinity?

16 KEVIN DIXON: Well, with regard to the
17 parking issue itself -- and I want to get into the
18 variance testimony and the justifications for the
19 variances, but specifically with regard to the, to
20 the parking, as I mentioned in the, in the
21 introduction on the aerial, we see public parking
22 is essentially right around the corner. There is
23 kiosk, quote-unquote, metered parking on the side
24 streets, and this is similar to other businesses
25 along Pacific Avenue where there is no parking on

1 Pacific Avenue and very little parking off street
2 for a limited number of actual commercial
3 enterprises fronting on Pacific Avenue, so this
4 is -- I would consider this to be typical. It's
5 run of the mill and it's also a revitalization of a
6 commercial enterprise that's been abandoned, which
7 we know from just historical activity, Fischer
8 Flowers, it was a much more intensely used site
9 with flower deliveries in and out on a regular
10 basis and walk-up traffic was a regular thing. We
11 also have jitney and bus service right there on
12 Pacific Avenue, so we have access to this facility
13 by means of public transportation, so it's not
14 necessarily intended that this would necessarily
15 serve a walking population coming out of the near
16 neighborhoods, although it could, but because we're
17 in a commercial district, there are ample parking
18 and public transportation opportunities available
19 to the patrons and the employees of the facility.

20 So with regards to the variances -- and
21 I'd like to, if I could, provide testimony about
22 the variances in the aggregate with all the
23 variances being included due to the fact that they
24 are all based on existing conditions and as we have
25 changed the use of the building, we need to revisit

1 those variances as they relate to the new use and
2 variances are granted for the use for which they
3 are approved, for the approved use. So with that
4 in mind, the grant of the variances needs to be --
5 or the proofs that we are offering would be
6 commensurate with the use that is proposed. We're
7 looking at the hardship criteria and we look at by
8 reason of exceptional narrowness, shallowness or
9 shape of a specific piece of property. We have
10 narrow, very narrow conditions in here. We were, I
11 think, fortunate that we're able to squeeze in some
12 parking spaces on site, but otherwise we are
13 looking at an existing building that has very
14 little room outside those four parking spaces for
15 access for parking in particular, but the existing
16 conditions being what they are, the other bulk
17 variances come into play by reason of exception.
18 Topographic conditions are physical features
19 uniquely affecting a specific piece of property.
20 Of course the physical feature being buildings that
21 have been there for quite a while and they stretch
22 themselves to the limits beyond the bulk standards,
23 so that is an existing physical feature of the
24 site. Extraordinary and exceptional, exceptional
25 situation uniquely affecting a specific piece of

1 property or the structure's lawfully existing
2 thereon. So we're making the argument that the
3 structure is lawfully existing on the property and
4 I think it would be an extraordinary circumstance
5 to try to modify this site or the building to come
6 into conformance with the bulk standards that we've
7 just delineated here that require variance relief.

8 DAMON TYNER: Let me ask you this,
9 Kevin. Would any business, commercial operation
10 that's permitted within this area require the same
11 variances?

12 KEVIN DIXON: Well, unless it's an
13 extremely low intensity. If you're going to use
14 this building, the square footage that's allocated
15 for this commercial use for, you know, highest and
16 best use on a commercial application, any, any of
17 them would, and certainly with regard to the
18 physical setbacks of the building because it's
19 already there.

20 DAMON TYNER: Understood.

21 KEVIN DIXON: I'm speaking specifically
22 related to the parking, which is really the only
23 fungible, the only flexible variable out there and
24 that's not very flexible. We have a limited amount
25 of space to work with.

1 LANCE LANDGRAF: Kevin, would you say
2 the historic parking deficiency is similar demand
3 from the flower shop to the cannabis facility?
4 They're both retail.

5 KEVIN DIXON: They are both retail. I
6 would say the flower shop would be more because of
7 the increased deliveries on a regular basis from
8 the flowers, whereas deliveries here will be once
9 or twice a week.

10 LANCE LANDGRAF: Okay.

11 KEVIN DIXON: Twice a week product would
12 be delivered in a van and I would say daily flower
13 delivery vehicles would be in and out all day long.

14 LANCE LANDGRAF: Thank you.

15 KEVIN DIXON: So in summary, with regard
16 to the hardship criteria, the tight lot conditions,
17 existing building and site layout, it would be very
18 impractical to modify this site to try to bring it
19 into conformity. Basically, it would require
20 demolition of this site, which now renders this
21 site into inutility for compliance with the
22 variances and it would just -- and that -- and
23 therein lies the hardship.

24 I would like to also go towards the C(2)
25 criteria in addition to the C(1) and talk about the

1 benefits and the detriments. First we want to
2 share that we're advancing the purposes of the act
3 which would tend to contribute to the positive
4 criteria and give the proof of meeting the positive
5 criteria at least in regard to that aspect of it.
6 Of course, (a), to encourage municipal action to
7 guide the appropriate use and development of all
8 land of this state, and a -- (inaudible) -- which
9 will promote the public, health, safety, morals and
10 general welfare. It is our argument the
11 neighborhood, the City of Atlantic City and this
12 block in particular is well-served by bringing back
13 a permitted use into a longstanding, largely vacant
14 commercial property and will eliminate the eyesore
15 by the upgraded architectural and revitalize the
16 commercial aspect of this building by the grant of
17 this variance and the introduction of this
18 business.

19 DAMON TYNER: Kevin, with the exception
20 of the Schultz Hill building, would you say that
21 the remainder of the block, that the properties are
22 underutilized?

23 KEVIN DIXON: Underutilized, possibly
24 obsolete, possibly dilapidated, depending on your
25 perspective, I think those are judgment calls, but

1 certainly this building is in a dilapidated
2 condition, at least the -- (inaudible) -- 30
3 percent along Pacific Avenue. And I'm not
4 intimately familiar with the interior or the guts
5 of the building. I'm sure it's structurally okay
6 or Craig would have told us otherwise, but
7 certainly the facade is obsolete and dilapidated --

8 DAMON TYNER: Thank you.

9 KEVIN DIXON: -- and in desperate need
10 of revitalization.

11 Purpose (g), to provide sufficient space
12 and appropriate locations for a variety of
13 agricultural, residential, recreational, commercial
14 and industrial uses, and open space, both public
15 and private, for either respective environmental
16 requirements in order to meet the needs of all New
17 Jersey citizens. This is a permitted use, so it
18 certainly meets the sufficient space and
19 appropriate locations proof. It meets the
20 criteria. It requires the variance relief only due
21 to the existing conditions.

22 Finally, purpose (i), to promote a
23 desirable visual environment through creative
24 development techniques and good civic design and
25 arrangement, and again, as I said earlier, the

1 upgraded architecture will be a much needed
2 facelift on this building and a revitalized
3 building will add vitality to this block and to
4 this region or this portion of the commercial
5 district. That would be an asset to the
6 neighborhood, to this block and to the city
7 variances, so I think the benefits substantially
8 outweigh any detriment.

9 Now, I think that the only real
10 detriment that I would point to is the parking
11 deficiency, when you look at the extent of the
12 variance relief required, and again, this is --
13 we're talking about an existing condition and we're
14 talking about offset to that detriment by the
15 availability of public transportation and ample
16 parking on the side streets where the patrons can
17 park and just walk around the block. Many urban
18 environments, particularly Atlantic City and other
19 urban environments, if you're finding parking
20 spaces within a block, you're doing -- you're doing
21 good, and there's plenty of parking on the side
22 streets.

23 DAMON TYNER: Let me touch on something
24 briefly that I brought up in my opening. From a
25 planning perspective are there any issues with

1 respect to the fact that a -- the same permitted
2 use is approved next door to our location?

3 KEVIN DIXON: No. I think they could
4 make the same basic planning arguments and I don't
5 think that we have -- there's not an intensity
6 issue or something along those lines that would
7 preclude it. I mean, you can have --
8 (inaudible) -- of the same, of the same offerings
9 side by side.

10 DAMON TYNER: T-shirt shops on the
11 Boardwalk?

12 KEVIN DIXON: T-shirt, pizza and, yeah,
13 souvenir shops side by side on the Boardwalk,
14 exactly. So no, it's not -- it is not a negative
15 impact or negative factor in the development of
16 this particular use.

17 LANCE LANDGRAF: Just to -- along the
18 same lines, and Mr. Tyner, just so you're aware, as
19 of yesterday there's 32 cannabis facilities now
20 approved in the City of Atlantic City.

21 DAMON TYNER: Okay.

22 LANCE LANDGRAF: So it's gonna be a very
23 competitive market. I'm hopeful that most of these
24 can survive through that. Really just an awareness
25 thing. I want to make you guys aware that

1 there's -- as of yesterday, pending retail period,
2 there was 32 that have been approved, including the
3 one immediately next door.

4 DAMON TYNER: Absolutely.

5 KEVIN DIXON: I suspect that --

6 LANCE LANDGRAF: Survival of the
7 fittest.

8 KEVIN DIXON: Exactly. I am old enough
9 that I was here and I had the opportunity to do the
10 engineering site planning for six different casino
11 projects. At least three of them were never built.

12 LANCE LANDGRAF: Right.

13 KEVIN DIXON: And I'm aware back then at
14 the time there were 30 casino projects approved by
15 the Atlantic City Planning Board and ultimately the
16 maximum number that we ever built, ever existed, I
17 think 13 was the -- we topped out at 13 but I think
18 it took a while to get there. So to your point,
19 Mr. Landgraf, there's no guarantee that any one of
20 these will open or survive and it's just gonna be a
21 commercial enterprise, just like the same --
22 (inaudible). I'm sure we see that on the Boardwalk
23 on a regular basis. I'm not monitoring the
24 commercial successes, but again, if you're gonna
25 have 10 t-shirt shops, some of them are gonna do

1 well and probably better than others, and yeah,
2 nowhere -- (inaudible) -- but thank you for that
3 and really reminded me when I heard that because
4 Damon brought it up to me and that number stuck in
5 my mind.

6 LANCE LANDGRAF: I didn't know there was
7 30 casinos approved. I did not know that.

8 KEVIN DIXON: Yeah. I worked very
9 closely with a consultant that was involved in 28
10 of them, Gary Sawhill.

11 LANCE LANDGRAF: Oh, yeah. I remember
12 Gary.

13 KEVIN DIXON: Touching upon the negative
14 criteria, we touched on that very briefly, as
15 indicated, in the zone plan and substantial
16 impairments, but we don't -- we want to -- like to
17 demonstrate that this variance relief can be
18 granted without substantial detriment to the public
19 good or substantially impair the intent and purpose
20 of the zone plan and zoning ordinance as it relates
21 to the CRDA zoning criteria, but as I mentioned
22 before, this use will be less intense than the
23 former use just by nature of the two businesses.
24 One is going to be delivering twice a week, the
25 other one was probably delivering a half dozen

1 times a day with employees that would be there to
2 make full arrangements, cut, deliver and so it
3 would be much, much more intensive use and so with
4 regard to that being an existing and a permitted
5 use, we recognize that this will be a lesser
6 intensive use and certainly will not, will not be a
7 substantial detriment to the public good, and it's
8 a permitted use, so I think inherently we know
9 that. And with regard to the zone plan and zoning
10 ordinance, I just want to read three items out of
11 the purpose and intent of the Tourism District
12 regulations. To create zoning controls that will
13 enhance the Boardwalk, beach and nearby streets
14 through extensive entertainment and event
15 programming, create an improved street level
16 experience on major thoroughfares, and I add with
17 emphasis, offer new dynamic retail offerings,
18 increase cleanliness and safety and take advantage
19 of the Tourism District's frontage on the ocean
20 inlet, back bay and, finally, I emphasize to
21 provide for a variety of mixed uses. This is
22 actually a mixed use development if you consider
23 the residential above commercial. The second one
24 is to provide a zoning scheme generally consistent
25 with the Municipal Land Use Law that will catalyze

1 appropriate highly functional siting and rateable
2 producing development in an orderly and safe manner
3 within the Tourism District. I think we've shown
4 that that is the proposal here. And then finally,
5 to continue to use practical and flexible
6 development controls to spur the market friendly
7 development that promotes a desirable visual
8 environment and protects from natural forces. I
9 think we touched on many of those points, practical
10 and flexible development controls, market friendly
11 development, desirable visual environment, I think
12 we've touched on that. We're gonna revitalize a
13 vacant and abandoned building with this site plan
14 and we hope that the board is able to grant the
15 variances based on the proofs that are offered.

16 DAMON TYNER: I would offer Mr. Kevin
17 Dixon for any questions if you have any follow-up
18 questions.

19 LANCE LANDGRAF: I don't think so. I
20 think I asked him as he was going through. I
21 appreciate that.

22 A couple questions I may have -- I'm not
23 sure. Do you have another witness or --

24 DAMON TYNER: We do have available with
25 us a representative of Farmers NJ. That's Joe

1 Simmons. He's the East Coast manager for the
2 properties. As we indicated, we are a -- or aspire
3 to be a multistate operator. We have facilities
4 that are open in Missouri.

5 LANCE LANDGRAF: The questions I have
6 are number of employees, hours of operation, kind
7 of description of how you see the site functioning,
8 the internal functioning, so maybe --

9 DAMON TYNER: Come on up.

10 LANCE LANDGRAF: -- bring him up.

11 JANE FONTANA: Please raise your right
12 hand.

13 JOSEPH SIMMONS, having been first duly sworn
14 according to law, testified as follows:

15 DAMON TYNER: Joe, thank you for your
16 testimony today.

17 Could you just give the board a brief
18 background, your brief background?

19 JOSEPH SIMMONS: Absolutely. I spent --
20 first of all, good morning.

21 LANCE LANDGRAF: Good morning.

22 JOSEPH SIMMONS: I spent 14 years prior
23 to this in law enforcement, retired out of the
24 State of Missouri, and then five years ago I
25 started working for some cannabis companies in the

1 State of Missouri where I oversaw their compliance
2 and human resources.

3 DAMON TYNER: What is your title with
4 Farmers?

5 JOSEPH SIMMONS: I am the regional
6 manager for New Jersey.

7 DAMON TYNER: And specifically, you
8 moved out here in December to oversee these
9 projects in the State of New Jersey, correct?

10 JOSEPH SIMMONS: Correct.

11 DAMON TYNER: And you have a project
12 that's already open and operating in Plainfield,
13 New Jersey?

14 JOSEPH SIMMONS: Correct. Royal M
15 Dispensary in Plainfield.

16 LANCE LANDGRAF: Just for the record,
17 Joe's last name again?

18 JOSEPH SIMMONS: Simmons.

19 DAMON TYNER: Simmons.

20 LANCE LANDGRAF: Simmons. Thank you.

21 JOSEPH SIMMONS: Like Richard but less
22 enthusiastic.

23 DAMON TYNER: And alive.

24 LANCE LANDGRAF: And alive, yeah.

25 DAMON TYNER: Really not meaning to --

1 (inaudible).

2 Joe, you've heard Mr. Landgraf's general
3 question. How do you envision the site at
4 1618-1622 operating? How many employees?

5 JOSEPH SIMMONS: On payroll we'll have
6 no more than 30, I suppose, but obviously not
7 working at the same time. For speed, we would like
8 to have probably seven or eight registers open,
9 plus two security personnel on duty at all times
10 and probably a handful of inventory people, so less
11 than 20 people per day.

12 DAMON TYNER: Okay. And what do you
13 foresee the proposed hours of operation would be?

14 JOSEPH SIMMONS: We would right now be
15 open about 9:00 in the morning till about 8 or
16 9:00 at night.

17 LANCE LANDGRAF: That's seven days a
18 week?

19 JOSEPH SIMMONS: Seven days a week. On
20 Sundays we would close a little early for our
21 family based company, so we would close at 6:00 on
22 Sundays.

23 DAMON TYNER: And in connection with --
24 so you said 30 potential new jobs?

25 JOSEPH SIMMONS: Correct.

1 DAMON TYNER: And what would those jobs
2 entail besides cashiers?

3 JOSEPH SIMMONS: So other than that,
4 we've got people that would check customers into
5 the front. We have the inventory team, so they're
6 responsible for intake of product, making sure that
7 it's, you know, all legal and compliant and in
8 pricing that, putting it on the shelves. We're
9 looking at doing a home delivery service, as well,
10 so we would have delivery drivers and other people
11 like that.

12 DAMON TYNER: Okay. In connection with
13 this operation here on Pacific Avenue, you're
14 familiar with the location --

15 JOSEPH SIMMONS: Umm-hum.

16 DAMON TYNER: -- correct?

17 Does it inhibit your desire to develop
18 the site knowing that you will have competition up
19 and down Pacific Avenue?

20 JOSEPH SIMMONS: No. I think what's
21 gonna separate us is our business plan. I honestly
22 think that with our adherence to compliance and
23 safety and then customer service, I think that
24 we're gonna far outweigh everybody else.

25 DAMON TYNER: Okay. Mr. Landgraf,

1 anything else?

2 G. JEFFREY HANSON: I have a question
3 regarding -- you mentioned delivery service. Would
4 you partner with a third party that has a Class 6
5 license or would you seek the Class 6 license?

6 JOSEPH SIMMONS: We would likely partner
7 with another, yeah.

8 LANCE LANDGRAF: What was that question?
9 I'm sorry.

10 G. JEFFREY HANSON: I just asked if they
11 were planning on getting their own Class 6 license
12 through their LLC or whether they were gonna
13 partner with a third party for the -- they
14 mentioned deliveries.

15 LANCE LANDGRAF: Okay. So that is a
16 separate license.

17 G. JEFFREY HANSON: Yeah. Class 6 is
18 the separate license for delivery.

19 LANCE LANDGRAF: And you requested that
20 with the city?

21 JOSEPH SIMMONS: No. No. We would --

22 LANCE LANDGRAF: That would be a
23 separate --

24 JOSEPH SIMMONS: -- partner --

25 JANE FONTANA: That would be third

1 party, then.

2 (Multiple parties speaking. Inaudible.)

3 LANCE LANDGRAF: Third party on
4 deliveries.

5 Question on the deliveries to the site.
6 This may have to go back to Kevin for a minute on
7 that, but that's gonna happen inside, which is
8 great. How are the vehicles getting into the site?
9 I mean, are they pulling in head first? Are they
10 able to maneuver on the site and turn around?

11 DAMON TYNER: That's a Kevin question.

12 JOSEPH SIMMONS: Thank you.

13 KEVIN DIXON: So the idea would be that
14 it would be coordinated, generally speaking, off
15 hours. So they would be able to do a k-turn within
16 the parking lot because those spaces would not be
17 occupied. There would be maneuverability within
18 that parking area.

19 LANCE LANDGRAF: I guess my biggest
20 concern is they're gonna be pulling in and pulling
21 out on to Pacific Avenue head first.

22 KEVIN DIXON: We are not backing out on
23 Pacific Avenue, period.

24 LANCE LANDGRAF: You know the reason for
25 the question.

1 KEVIN DIXON: Oh, yes. Yes. Yes.
2 Thank you.

3 G. JEFFREY HANSON: It looks likes they
4 would have -- anybody that would park there, it
5 looks like they would be able to pull forward
6 towards the man door there to maneuver -- the
7 overhead door to be able to maneuver so that they
8 wouldn't have to back out.

9 LANCE LANDGRAF: Right. Good.

10 KEVIN DIXON: And as we know, the
11 handicapped space is vacant, it's gonna be vacant
12 90 to 95 percent of the time so it's always going
13 to be a k-turn area available just, you know,
14 temporary.

15 JANE FONTANA: Can I ask --

16 LANCE LANDGRAF: Go ahead. Sure.

17 JANE FONTANA: Did we see where we're
18 doing trash and refuse collection?

19 DAMON TYNER: Trash and refuse
20 collection.

21 KEVIN DIXON: So as the program has been
22 set up it is going to be handled internally and
23 then it will be picked up privately so that it
24 would be delivered out of doors when the truck
25 shows up and then it would be -- all collection

1 would take place indoors.

2 G. JEFFREY HANSON: Where is it gonna be
3 stored? I don't see that on the security plan.

4 KEVIN DIXON: I don't know that we
5 actually identified a spot. Craig may have that.

6 G. JEFFREY HANSON: (Inaudible) -- I'd
7 just add, I think the testimony that it's going to
8 be stored indoors is okay as far as I'm concerned
9 but the architecturals should show that.

10 CRAIG DOTHE: Yes.

11 LANCE LANDGRAF: There's a storage area
12 right in the front coming off of there.

13 G. JEFFREY HANSON: That's what I
14 thought might be the case but I'll let the
15 applicant --

16 CRAIG DOTHE: We'll show that on our
17 plan.

18 LANCE LANDGRAF: Okay. Please add that,
19 as well as a note saying it will be stored
20 internally and picked up privately.

21 CRAIG DOTHE: Okay.

22 LANCE LANDGRAF: Question. On the
23 security plan, has ACPD been able to approve that?

24 DAMON TYNER: That has been submitted to
25 you guys. We will, in fact, submit it to Atlantic

1 City Police Department --

2 LANCE LANDGRAF: All right.

3 DAMON TYNER: -- and have them review
4 it.

5 LANCE LANDGRAF: All right. All cameras
6 will be tied to their system, as well?

7 DAMON TYNER: That is accurate.

8 Joe, you can confirm that?

9 JOSEPH SIMMONS: Absolutely.

10 LANCE LANDGRAF: All right. Good.

11 Let me look at my notes. Deliveries,
12 you're gonna schedule them kind of off cycle
13 with -- you'll have security people there during
14 deliveries, you'll have staff there, but maybe not
15 retail operations going on, so before 9:00 in the
16 morning.

17 DAMON TYNER: Probably one or two
18 inventory people to help with -- (inaudible).

19 LANCE LANDGRAF: All right. Do you have
20 any questions?

21 ROBERT REID: No, I don't.

22 LANCE LANDGRAF: Want to go to your
23 report?

24 G. JEFFREY HANSON: I'd just like to
25 thank the applicant's professionals and the

1 applicant for giving some pretty thorough testimony
2 and information. I should be pretty quick with
3 this.

4 I have a review letter dated July 12th
5 2024. The first page simply lists the applicant
6 information. The second page goes on to list the
7 documents that were submitted.

8 LANCE LANDGRAF: We'll mark that as B-1,
9 for the record.

10 G. JEFFREY HANSON: We determined
11 completeness on June 26th, 2024. I think the
12 project background has been laid out. We'll move
13 on to page 3 here, unless there's anything that
14 needs to be regurgitated or any clarification, but
15 I think Kevin and Craig and Mr. Tyner did a good
16 job of being thorough with what's being sought here
17 as far as approvals.

18 There were the five exist -- or five
19 existing nonconformities that Kevin laid out, plus
20 the parking variance, so a total of six. I guess
21 we treat the parking as a new variance. That's
22 typically what we've done because of the change in
23 use.

24 LANCE LANDGRAF: Yes.

25 G. JEFFREY HANSON: And the other five

1 we would just treat as existing nonconformities, as
2 Kevin said, they're being exacerbated by this
3 application.

4 LANCE LANDGRAF: I think one goes away
5 once they consolidate the lots, correct?

6 G. JEFFREY HANSON: Once they
7 consolidate, correct, and then we would make
8 that -- it seems like the applicant's amenable to
9 that as a condition of approval, to consolidate the
10 lots, provide the legal description, etcetera.

11 LANCE LANDGRAF: I actually think those
12 lots had already been merged by --

13 (Multiple parties speaking. Inaudible.)

14 DAMON TYNER: We thought they were but
15 we got the information from the city still
16 recognizing --

17 LANCE LANDGRAF: Undersized lots under
18 one owner --

19 JANE FONTANA: They got --

20 (Multiple parties speaking. Inaudible.)

21 G. JEFFREY HANSON: Good opportunity to
22 clean that up now that we have an application.

23 ROBERT REID: The tax assessor has the
24 ability to do it but they fail to do it.

25 G. JEFFREY HANSON: Maybe something they

1 can address through the tax assessor's office.

2 LANCE LANDGRAF: We'll require the
3 consolidation and make it easy.

4 G. JEFFREY HANSON: Moving on on page 4
5 to the site plan comments, we covered that it's
6 going to be two residential units on the second
7 floor. Loading and unloading, number two is
8 covered. Did you make any ground up with the
9 relocation? It doesn't sound like you're using the
10 4 foot alley for much but did you make up any
11 ground trying to get that AC unit relocated in the
12 alley? I know it's not yours but --

13 DAMON TYNER: No. It's interesting that
14 you said that. So prior to this, when we were
15 going through the application process we were
16 advised by their counsel -- that's when we learned
17 that they, too, were also making an application.
18 So we did receive an e-mail back that said that
19 they were, in fact, going to work on moving that,
20 but as chance would have it, we have the
21 professional from that project here on another job,
22 Mr. Jon Barnhart, who advised that at the approval
23 hearing for that client they agreed to move the
24 unit to the roof.

25 G. JEFFREY HANSON: Okay.

1 DAMON TYNER: And that all easements
2 have been cleared.

3 ROBERT REID: Including the locked gate?

4 DAMON TYNER: Once again, not something
5 that we have to do with, but that's the owner of
6 the commercial establishment on the end, but we
7 have, in fact, notified them, as well, that that
8 has to remain clear.

9 G. JEFFREY HANSON: Number four is
10 outside agency approval. You'll go to the City of
11 Atlantic City for approval of the architectural and
12 other standards in the Green Zone Redevelopment
13 Plan. It's a separate review that's handled by the
14 city's consultant. I just made a note, number five
15 on page 4, that the proposed signage appears to
16 comply with CRDA rules and that we've already got a
17 resolution. They provided a resolution, number 438
18 of the City of Atlantic City. They grant a
19 revocable licensing agreement for the encumbrances
20 into the city's right-of-way along Pacific Avenue
21 there. Number six on page 5 we talked about.
22 Security and surveillance measures were discussed
23 and they already consented to get the blessing and
24 approval of Atlantic City Police Department for
25 same. And then we just discussed that the

1 architectural will be revised to explicitly call
2 out the waste and recycling storage area and then a
3 note will be added to the plan that all those items
4 will be stored indoors.

5 I believe that covers everything on the
6 letter, unless there's any questions or comments at
7 this time.

8 LANCE LANDGRAF: No. I think that's
9 fine.

10 Mr. Tyner, you read Mr. Hanson's report?
11 You agree with his comments and can comply with
12 those?

13 DAMON TYNER: Yes, we do.

14 LANCE LANDGRAF: Great.

15 G. JEFFREY HANSON: Thank you.

16 LANCE LANDGRAF: Thank you.

17 With that, we'll open this meeting up to
18 the public. Anybody here with any comments or
19 questions on the application, please step forward,
20 state your name and ask your question or make your
21 comment.

22 Seeing none, we'll close the public
23 portion. Mr. Tyner, as I indicated in the last
24 application, this will hopefully be on our
25 September agenda.

1 DAMON TYNER: Which date is that?

2 LANCE LANDGRAF: Let me check. I
3 believe it's the 17th.

4 DAMON TYNER: 17th.

5 LANCE LANDGRAF: I need to confirm, but
6 I believe it's the 17th. It's the third Tuesday of
7 the month. We'll confirm that. We will let you
8 know on that.

9 All right. With that, we'll close the
10 hearing on this matter and move to our last item on
11 the agenda, which is --

12 DAMON TYNER: On behalf of Farmers NJ,
13 thank you, very much, for your consideration.
14 Probably gonna be back at some point for another.

15 LANCE LANDGRAF: Okay. Good seeing you,
16 Kevin. Don't forget your flash drive there.

17 KEVIN DIXON: Got the flash.

18 (At 11:07 a.m. proceedings were
19 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
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State of New Jersey

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