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CASINO REINVESTMENT DEVELOPMENT AUTHORITY

LAND USE REGULATION and ENFORCEMENT DIVISION

STARBOARD INDUSTRIES NJ, LLC

APPLICANT SEEKS MAJOR PRELIMINARY AND MAJOR SITE PLAN APPROVAL TO DEVELOP A CLASS 1 AND CLASS 2 CANNABIS BUSINESS IN A 125,000 SQUARE FOOT BUILDING WITH ACCESSORY FREESTANDING PARKING LOT IN ACCORDANCE WITH N.J.S.A. 40:55D-70.

THE PROPERTY IS LOCATED AT 1705-1717 ATLANTIC AVENUE, 1714 ARCTIC AVENUE, 1736 ARCTIC AVENUE, 19 NORTH DR. MARTIN LUTHER KING, JR. BOULEVARD, ALSO KNOWN AS BLOCK 289, LOTS 1, 9, 12, 14, AND BLOCK 290,

CSR COURT REPORTING SERVICES, LLC
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1125 Atlantic Avenue
Suite 543
Atlantic City, New Jersey 08401
609-641-7117 Fax 609-641-7640

2	<p>1 LOTS 2, 3, 4 ON THE TAX MAP FOR THE CITY OF 2 ATLANTIC CITY, LOCATED WITHIN THE CENTRAL 3 BUSINESS DISTRICT. 4 5 BLOCK 289, LOTS 1, 9, 12, 14, 6 BLOCK 290, LOTS 2, 3, 4 7 8 1705-1717 ATLANTIC AVENUE 9 1714 ARCTIC AVENUE 10 1736 ARCTIC AVENUE 11 19 NORTH DR. MARTIN LUTHER KING, JR. BOULEVARD 12 13 Thursday - December 1, 2022 14 ----- 15 Public hearing in the 16 above-referenced matter, conducted at the 17 CASINO REINVESTMENT DEVELOPMENT AUTHORITY, 15 18 South Pennsylvania Avenue, Atlantic City, New 19 Jersey, before Karen A. Haworth, a New Jersey 20 Certified Court Reporter (CCR), nationally 21 certified Registered Professional Reporter 22 (RPR), nationally certified Certificate of Merit 23 holder (CM), nationally certified Certified 24 Realtime Reporter (CRR), a Delaware Certified 25 Shorthand Reporter (CSR), nationally certified Certified LiveNote™ Reporter (CLR), and Notary Public of the State of New Jersey, on the above date, commencing at 10:00 a.m., there being present:</p>	4
3	<p>1 APPEARANCES: 2 CASINO REINVESTMENT DEVELOPMENT AUTHORITY: 3 4 LANCE B. LANDGRAF, JR. 5 Chairman 6 Director, Planning Department 7 8 ROBERT L. REID 9 Land Use Enforcement Officer 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	5
2	<p>1 PROFESSIONALS TO THE BOARD FOR THIS HEARING: 2 3 RUDY S. RANDAZZO, ESQUIRE 4 RIKER, DANZIG, SCHERER, HYLAND 5 & PERRETTI, ESQUIRES 6 7 8 CAROLYN FEIGIN, PE, PP 9 ADAMS, REHMANN AND HEGGAN 10 11 12 13 14 15 ALSO PRESENT FOR CRDA: 16 John - Unidentified Last Name 17 Information Technology Specialist 18 19 20 21 22 23 24 25</p>	4
3	<p>1 COUNSEL FOR THE APPLICANT: 2 3 JACK PLACKTER, ESQUIRE 4 FOX ROTHSCHILD, ESQUIRES 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	5

6	<p style="text-align: center;">I N D E X</p> <p>1 I N D E X</p> <p>2</p> <p>3 WITNESS(ES) PAGE NO.</p> <p>4 MARC BYERS</p> <p>5 By: Jack Plackter 13</p> <p>6</p> <p>7 THOMAS SYKES</p> <p>8 By: Jack Plackter 37</p> <p>9</p> <p>10 NATHAN MOSLEY</p> <p>11 By: Jack Plackter 46</p> <p>12</p> <p>13 JON COHN</p> <p>14 By: Jack Plackter 49</p> <p>15</p> <p>16 JON BARNHART</p> <p>17 By: Jack Plackter 56</p> <p>18</p> <p>19 CAROLYN FEIGIN 82</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	8
7	<p>1 EXHIBITS MARKED AND/OR REFERRED TO:</p> <p>2 B-1</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	9

[COURT REPORTER'S NOTE:
The following transcript was
produced from the audio taken by the
videographer present at the hearing.]

(Time noted: 10:00 a.m.)

LANCE LANDGRAF: Good morning and
welcome to the CRDA's Land Use Regulation and
Enforcement Division hearing on December 1st.
If everyone could please rise for
the Pledge of Allegiance.
(The Pledge of Allegiance was
recited at this time.)

LANCE LANDGRAF: Thank you. And,
again, good morning.
This hearing has been noticed in
accordance with the Senator Byron M. Baer Open
Public Meetings Act.
We have two items on the agenda
today.
The first is Application
2022-10-3319, Starboard Industries New Jersey.
They seek major preliminary and
major final site plan approval to develop a

Class 1 and Class 2 cannabis business in a
hundred and 25,000 square foot building with
accessory freestanding parking, in accordance
with N.J.S.A. --
That was the first one. That was
the --
So, that --
I don't -- I don't need to go
through the N.J.S.A. part of it, because that's
the -- because there's no variances associated
with this.

UNIDENTIFIED MALE SPEAKER:
Correct.

LANCE LANDGRAF: Okay. So, this is
just the site plan, not -- not --

UNIDENTIFIED MALE SPEAKER: Yep.

LANCE LANDGRAF: -- the variance.
I can delete that.
With that, Mr. Plackter, if you
want to introduce yourself and your team.

JACK PLACKTER: Absolutely.
Good morning, Mr. Landgraf,
Mr. Reid.
May it please the board, my --
LANCE LANDGRAF: You know what?

10	<p>1 Jack, if I could --</p> <p>2 One thing --</p> <p>3 JACK PLACKTER: Sure.</p> <p>4 LANCE LANDGRAF: -- I forgot to do.</p> <p>5 And I always forget to do this.</p> <p>6 Can we confirm we have</p> <p>7 jurisdiction?</p> <p>8 ROBERT REID: Yes. I have reviewed</p> <p>9 the Proof of Service provided by the applicant,</p> <p>10 and we have jurisdiction to hear the</p> <p>11 application.</p> <p>12 LANCE LANDGRAF: And, Carolyn, we</p> <p>13 have completeness on the application as well?</p> <p>14 CAROLYN FEIGIN: Yes, we do.</p> <p>15 LANCE LANDGRAF: Okay. Thank you.</p> <p>16 All right. Sorry about that, Jack.</p> <p>17 JACK PLACKTER: No worries at all.</p> <p>18 LANCE LANDGRAF: Jumping the gun.</p> <p>19 JACK PLACKTER: Good morning,</p> <p>20 everyone.</p> <p>21 May it please the board, Jack</p> <p>22 Plackter, appearing for Starboard Industries New</p> <p>23 Jersey, LLC.</p> <p>24 This is an application, as you</p> <p>25 correctly stated, for preliminary and final site</p>	12	<p>1 On November 7th, 2022, the firm</p> <p>2 caused to be served, via certified mail, written</p> <p>3 notice on all property owners within 200 feet.</p> <p>4 And on November 9th, 2022, we</p> <p>5 caused to notice this hearing to be published in</p> <p>6 The Press.</p> <p>7 We did submit --</p> <p>8 Taxes are current as well, and we</p> <p>9 did submit proof to Mr. Reid, who's confirmed</p> <p>10 that we have jurisdiction to proceed.</p> <p>11 So, I'm gonna go a little bit out</p> <p>12 of order. I was going to do it a little</p> <p>13 differently, but --</p> <p>14 Do you want to swear in all the</p> <p>15 potential witnesses now or do -- would you like</p> <p>16 to do it was -- as we proceed?</p> <p>17 LANCE LANDGRAF: We can do them as</p> <p>18 -- as they appear.</p> <p>19 JACK PLACKTER: Okay. So, you</p> <p>20 know, based on your suggestion, Mr. Landgraf,</p> <p>21 we're gonna start with Mr. Byers, who's on the</p> <p>22 Zoom.</p> <p>23 Marc Byers is the CEO and founder</p> <p>24 of Byers Scientific.</p> <p>25 And we should swear him in. And</p>
11	<p>1 plan approval to develop the 1700 block of</p> <p>2 Atlantic Avenue and an associated parking lot on</p> <p>3 Martin Luther King Boulevard for a Class 1 and</p> <p>4 Class 2 cannabis business facility.</p> <p>5 The proposed cannabis grow and</p> <p>6 manufacturing facility is 125,000, more or less,</p> <p>7 square feet, and will have approximately 75</p> <p>8 parking spaces.</p> <p>9 Just for the board's -- refreshing</p> <p>10 your recollection is the -- we previously</p> <p>11 appeared before this board and received both a</p> <p>12 -- a use variance and bulk variances on October</p> <p>13 18th, 2022. And that approval was memorialized</p> <p>14 by CRDA Resolution 22 of -- 22-118.</p> <p>15 The property's known as 105 -- 1705</p> <p>16 to 1717 Atlantic Avenue, 1714 Arctic Avenue, and</p> <p>17 19 North Martin Luther King Boulevard,</p> <p>18 Atlantic City, New Jersey, and designated as</p> <p>19 Block 289, Lots 1, 9, 12, 14, and Block 290,</p> <p>20 Lots 2, 3 and 4 on the official tax map of the</p> <p>21 city of Atlantic City.</p> <p>22 The property's located in the CBD</p> <p>23 zone, but subject to the green growth</p> <p>24 redevelopment plan that everybody's familiar</p> <p>25 with.</p>	13	<p>1 then I'll qualify him and allow him to -- and we</p> <p>2 can allow him to testify.</p> <p>3 So, if you want to swear Mr. Byers</p> <p>4 in, we can do that.</p> <p>5 RUDY RANDAZZO: Sure thing.</p> <p>6 Sir, would you raise your right</p> <p>7 hand, please?</p> <p>8 Do you swear, under penalty of</p> <p>9 perjury, the testimony you're about to give is</p> <p>10 true to the best of your knowledge, information</p> <p>11 and belief?</p> <p>12 MARC BYERS: I do.</p> <p>13 LANCE LANDGRAF: Okay. Thank you.</p> <p>14 [Indiscernible - overtalking]</p> <p>15</p> <p>16 DIRECT EXAMINATION</p> <p>17 BY JACK PLACKTER:</p> <p>18 Q. Marc, good morning.</p> <p>19 You know, just tell us a little bit</p> <p>20 about Byers Scientific and -- and the type of</p> <p>21 odor mitigation services and strategies that you</p> <p>22 provide.</p> <p>23 A. Hi. Okay. Thank you.</p> <p>24 Good morning. Good morning.</p> <p>25 As stated, my name is Marc Byers.</p>

14

1 I'm the [indiscernible - crackling noise] and
 2 founder of Byers Scientific. We are, primarily,
 3 a manufacturing company.
 4 It's a very niche specialty. We
 5 focus on industrial odor mitigation. And we
 6 have a -- a particular application in the
 7 cannabis field.
 8 We are leaders, world leaders in
 9 the research -- mitigation strategies for the
 10 cannabis plant and gas emissions.
 11 I have two Ph.D. scientists on
 12 staff.
 13 For instance, we were the first
 14 company in the world to successfully isolate and
 15 identify a primary odor-causing compound in
 16 cannabis. It's a particular sulfur.
 17 We can get into greater detail in
 18 -- in the presentation.
 19 We're in the solid waste industry
 20 as well. We build carbon scrubbers that are
 21 highly evolved, not your old-fashioned carbon
 22 scrubber.
 23 We have a very unique technology
 24 for air purification and a patented vapor phase
 25 system as well.

15

1 LANCE LANDGRAF: Okay.
 2 BY JACK PLACKTER:
 3 Q. And you were engaged by the
 4 applicant, Starboard Industries, to provide
 5 testimony today. Is that correct?
 6 A. That's correct.
 7 Q. And you've also looked at the
 8 plans, you've looked at the facility and its
 9 location in the city of Atlantic City, and
 10 you're -- you have made, based upon your study,
 11 certain recommendations of how to mitigate the
 12 potential odors that come from this facility.
 13 Correct?
 14 A. That's correct.
 15 Every -- every case that we are
 16 presented, we look at that as a stand-alone
 17 case. We take a number of different
 18 measurements, emission measurements, of the
 19 potential canopy involving metric considerations
 20 with the building. And all of that goes into
 21 the calculation of what it will take to
 22 completely sequester odors within the building.
 23 Q. Right.
 24 So, then if you would just explain
 25 to the board --

16

1 LANCE LANDGRAF: Let me --
 2 We have to recognize him as an
 3 expert in the field of odor mitigation.
 4 Is that -- would that be accurate,
 5 Mr. Byers?
 6 JACK PLACKTER: I -- I would say --
 7 MARC BYERS: Yes.
 8 LANCE LANDGRAF: -- his firm is.
 9 Yes, mm-hmm.
 10 LANCE LANDGRAF: The firm is.
 11 Okay. All right. Then we
 12 recognize him as a representative of that firm
 13 that is an expert in odor mitigation;
 14 specifically, in the cannabis industry.
 15 JACK PLACKTER: Yes.
 16 LANCE LANDGRAF: Okay.
 17 BY JACK PLACKTER:
 18 Q. Then would you explain the scope of
 19 your study, Mr. Byers, and your recommendations
 20 for Starboard industry -- Industries' facility
 21 in the city of Atlantic City?
 22 A. Sure. Sure.
 23 And just, point of order, we had
 24 discussed potentially showing a quick
 25 four-minute video --

17

1 Q. Mm-hmm.
 2 A. -- that does a tremendous job of
 3 explaining, in very deep detail, how it is that
 4 we approach this.
 5 And I wonder if it might be
 6 appropriate to show that now.
 7 Q. Sure.
 8 A. That will make my subsequent
 9 discussion have a lot more color and -- and
 10 accuracy around it.
 11 Is that fine?
 12 LANCE LANDGRAF: That would be
 13 great. Thank you.
 14 MARC BYERS: All right. Let me
 15 just launch this.
 16 LANCE LANDGRAF: It's not often we
 17 get movie day here at CRDA, so...
 18 JACK PLACKTER: Anybody have
 19 popcorn?
 20 LANCE LANDGRAF: We do, upstairs.
 21 UNKNOWN MALE SPEAKER: We do have
 22 popcorn.
 23 MARC BYERS: Let me see here. I'm
 24 trying to --
 25 LANCE LANDGRAF: John, did we offer

18

1 him --

2 Did we allow him to get the screen

3 share?

4 **UNKNOWN MALE SPEAKER:** Mm-hmm.

5 **LANCE LANDGRAF:** Okay.

6 [Indiscernible - overtalking]

7 **MARC BYERS:** Yeah. Now --

8 Yeah. Now I'm not seeing --

9 Let me see here.

10 **UNKNOWN MALE SPEAKER:** There we go.

11 **LANCE LANDGRAF:** There it goes.

12 **UNKNOWN MALE SPEAKER:** We can see

13 it.

14 **MARC BYERS:** There we go.

15 Okay. Everyone can see a full

16 screen video that says Byers Scientific?

17 **LANCE LANDGRAF:** Yes.

18 **UNKNOWN MALE SPEAKER:** Yep.

19 **MARC BYERS:** All right.

20 **LANCE LANDGRAF:** We don't hear

21 sound on it.

22 **JACK PLACKTER:** I think it's muted,

23 though, Marc. I think you've got it on mute,

24 the Byers -- the video.

25 **UNKNOWN MALE SPEAKER:** We don't

19

1 hear sound on that. So...

2 **MARC BYERS:** Let me just pause for

3 --

4 **UNKNOWN MALE SPEAKER:** Yeah.

5 **MARC BYERS:** Pardon me?

6 **LANCE LANDGRAF:** We're not hearing

7 any sound.

8 [Indiscernible - overtalking]

9 **MARC BYERS:** What's that?

10 **JACK PLACKTER:** The video's muted.

11 **MARC BYERS:** Hmm. Well, how do we

12 accomplish that?

13 **JACK PLACKTER:** I think, if you

14 click on the -- is it --

15 **LANCE LANDGRAF:** When it was --

16 **JACK PLACKTER:** -- image, it shows

17 the microphone --

18 **LANCE LANDGRAF:** Yeah.

19 **JACK PLACKTER:** -- being muted.

20 **MARC BYERS:** Yeah. I -- I have

21 that.

22 **UNKNOWN MALE SPEAKER:** It's in the

23 share settings.

24 [Indiscernible - overtalking]

25 **MARC BYERS:** It is important to be

20

1 able to -- to hear everything here.

2 **UNKNOWN MALE SPEAKER:** Reshare your

3 -- close it down, reshare your screen, and there

4 should be a little box in the lower left corner

5 that says also share audio.

6 **MARC BYERS:** Okay. Can -- can you

7 say that one more time?

8 [Indiscernible - overtalking]

9 **LANCE LANDGRAF:** Re -- reshare --

10 reshare your screen. In the lower left-hand

11 side, there's a box that says also share audio.

12 **UNKNOWN MALE SPEAKER:** When you

13 pick which -- which thing you're sharing, you

14 select the audio box as well.

15 **MARC BYERS:** I'm just told maybe go

16 to my earbuds.

17 **UNKNOWN MALE SPEAKER:** That could

18 be, too.

19 **MARC BYERS:** I apologize for --

20 It's a great video.

21 **JACK PLACKTER:** It's taken years.

22 **CAROLYN FEIGIN:** Promise.

23

24 [At this time, a video was played

25 through the Zoom platform.

21

1 Note: Throughout this video,

2 there was video background music playing.]

3 **MALE VOICE FROM VIDEO:** ...three

4 divisions; Byers Submissions Analysis, Byers

5 Mitigations --

6 [Playing of the video stopped.]

7 **MARC BYERS:** In that case, let me

8 just start from the beginning. It's just 20

9 seconds.

10 [At this time, a video was played

11 through the Zoom platform.

12 Note: Throughout this video,

13 there was video background music playing.]

14 **MALE VOICE FROM VIDEO:**

15 ...greenhouses support with sustainable

16 agricultural practices by creating a controlled

17 and efficient growing environment.

18 However, controlling odor emissions

19 has proven a challenge for many cultivators.

20 We have solved this problem by

21 harnessing the combined strength of our three

22 divisions; Byers Emissions Analysis, Byers

23 Mitigation Solutions, and Byers Intelligent

24 Systems.

25 Here's how it works. All plants

<p style="text-align: right;">22</p> <p>1 evolve gas at a measurable rate. When it comes 2 to cannabis plants, these gases can contain 3 objectionable odors. During the day, these 4 odors release continuously through a 5 greenhouse's enrichments, but at night, when the 6 light deprivation curtains and vents are 7 typically closed, gas and associated odors build 8 up. That large collection of gas, suddenly 9 released in the morning, when the ridge vents 10 are opened, is the most common source of local 11 odor complaints.</p> <p>12 Fortunately, Byers Scientific, has 13 developed a patented technology and system to 14 make those complaints a thing of the past.</p> <p>15 It all starts with a very important 16 first step.</p> <p>17 Analysis. As mentioned, all plants 18 off gas at a measurable rate. In the case of 19 cannabis plants, there can be up to 200 unique 20 compounds present, making odor assessment 21 extremely complex.</p> <p>22 The Byers Emissions Analysis 23 Division is one of the only research teams in 24 North America with the ability to calculate the 25 unique gas phase emission rate for any size of</p>	<p style="text-align: right;">24</p> <p>1 the greenhouse, our MT-6 units remove nearly 100 2 percent of odorous gases as they are emitted 3 from the canopy.</p> <p>4 Then, as light deprivation curtains 5 are retracted and roof vents are opened, our 6 patented waterless Vapor-Phase System gets to 7 work.</p> <p>8 Odor compounds that aren't already 9 sequestered in the carbon scrubber phase are 10 mitigated as they pass through a virtual curtain 11 of dry vapor emitted along each ridge vent.</p> <p>12 This ecosystem of odor and emission 13 solutions helps cultivators achieve compliance, 14 operate efficiently, still smoothly, and, most 15 importantly, have happy neighbors.</p> <p>16 The best part about this 17 revolutionary technology? You control it all 18 from the palm of your hand by way of Byers' 19 Intelligence Systems. Our cloud-based platform 20 allows our proprietary hardware and software to 21 communicate seamlessly with one another, as well 22 as with a greenhouse or any other facility's 23 control system. This achieves a highly 24 orchestrated, fully integrated, odor control 25 solution.</p>
<p style="text-align: right;">23</p> <p>1 canopy.</p> <p>2 Our team of globally recognized 3 scientists assess this rate along with the size 4 and environment of each facility to provide a 5 customized compliance solution that measures 6 emissions, mitigates odors, and streamlines 7 industrial operations.</p> <p>8 Now let's talk hardware. Byers' 9 state of the art technology consists of two key 10 components: Molecular filtration, also known as 11 carbon scrubbers, and our patented dry 12 vapor-phase technology.</p> <p>13 Based on our emission assessment, 14 we start by calculating the appropriate number 15 of Byers MT-6 carbon scrubbers necessary for the 16 facility.</p> <p>17 The MT-6 carbon scrubbers rely on a 18 physical reaction called absorption. During 19 this crucial phase, the scrubbers intake odorous 20 gases and, via absorption, sequester 21 odor-causing compounds at the molecular level, 22 and then return the scrubbed air to the 23 greenhouse.</p> <p>24 By continuously scrubbing the 25 interior air while it is effectively trapped in</p>	<p style="text-align: right;">25</p> <p>1 At Byers Scientific, we know that, 2 when it comes to cultivation facilities, one 3 size does not fit all.</p> <p>4 We deliver a personalized solution 5 backed by science, innovation and custom 6 analysis, all accessible from wherever you are, 7 whenever you need it.</p> <p>8 [Video ends.]</p> <p>9 MARC BYERS: Okay. So, you can see 10 there what our basic approach is. Right? 11 As -- as we say in the video, the 12 first step is analysis.</p> <p>13 And what you saw there was 14 Dr. Guenther. He's a globally-recognized air 15 chemist. He was taking measurements in that 16 particular canopy.</p> <p>17 That leads to the gas phase 18 emission analysis that we do, which is, 19 basically, we want to go in and understand the 20 size of the canopy, the plant count, the number 21 of different measurements. And we have the 22 ability to effectively go in and assess how's 23 that thing going to breathe. Right? What's the 24 off-gassing rate gonna be and what is gonna be 25 the quantity.</p>

26

1 We can look at that in a number of
 2 different measurements.
 3 When we know that, then we can
 4 consider the volumetric consideration, right,
 5 square footage by height, then we can back in
 6 the number of scrubbers that are necessary to
 7 get the number of exchanges in order to
 8 sequester odor. It's fairly straightforward in
 9 that regard.
 10 One thing I would point out is,
 11 this video was focused on a greenhouse. And you
 12 can imagine. Greenhouses are venting to
 13 atmosphere, et cetera.
 14 If we can be successful in a
 15 greenhouse, clearly, we're very successful in
 16 enclosed spaces.
 17 We also encourage the use of air
 18 curtains, for example, which are extremely
 19 effective.
 20 If you're familiar when, you know,
 21 you go into Starbucks, for instance, and your
 22 hair gets blown to death, that's also very
 23 successful at keeping heat in and -- and -- and
 24 anything in that building.
 25 So, by extension, those keep odor

27

1 in.
 2 So we do those around man doors,
 3 roll-up doors, et cetera.
 4 So, that gives you, really, a -- a
 5 -- a pretty clear idea of how we approach this.
 6 I found it's most effective, when
 7 we present this, to just start to ask -- or --
 8 or allow for some questions that maybe certain
 9 holes didn't get filled in.
 10 **BY JACK PLACKTER:**
 11 Q. Marc, just one thing. Could you
 12 relay to the board the Santa Barbara experience
 13 that you talk -- you told me about; how -- what
 14 you did there and how you intend to do the same
 15 sort of thing here in the city of Atlantic City
 16 for the Starboard facility?
 17 **A. Sure. Absolutely.**
 18 **So, I'm --**
 19 **But --**
 20 **And I realize that Santa Barbara**
 21 **County, California is one of the largest**
 22 **concentrations of cannabis cultivation in North**
 23 **America and -- and, just anecdotally, that has**
 24 **to do with the fact that a number of Dutch**
 25 **immigrants settled there a couple of generations**

28

1 ago and built millions of square feet, just
 2 hundred and hundred of acres, of greenhouses,
 3 where they did cut flowers.
 4 **In 2016, because of the cut flower**
 5 **business being decimated by South American**
 6 **imports, they were able to switch crops to**
 7 **cannabis.**
 8 **We have a significant market share**
 9 **in that particular market.**
 10 **The video you saw is an**
 11 **installation where, if you noticed on the -- the**
 12 **drone video, we have houses within a hundred**
 13 **feet or less on two different sides. That's six**
 14 **acres of canopy. Our --**
 15 **We have a full scrubber array along**
 16 **with our vapor system in there. And we are on**
 17 **record from the code enforcement agent for Santa**
 18 **Barbara County, as having no odor complaints for**
 19 **the past two years.**
 20 **LANCE LANDGRAF:** Hmm.
 21 **BY JACK PLACKTER:**
 22 Q. Okay. And -- and it's our
 23 intention, of course, to use your technology in
 24 connection with this facility. We're gonna use
 25 best management practices to make sure that

29

1 there are no odors that emanate from this
 2 facility.
 3 And we do have principals in the
 4 back, Mr. Cohn and Chad, to -- you know, to
 5 verify that to the extent you want to.
 6 **LANCE LANDGRAF:** Okay. Just a
 7 couple questions, Mr. Byers, if you -- if I
 8 could.
 9 The -- the examples you talked
 10 about in the greenhouse-type. So, as you said,
 11 this should be a little simpler because it's an
 12 enclosed building.
 13 (Interruption in the hearing for
 14 an incoming cellular telephone call for
 15 the witness.)
 16 **MARC BYERS:** Sorry.
 17 **LANCE LANDGRAF:** That's okay.
 18 **MARC BYERS:** Let me just set this
 19 on --
 20 I apologize.
 21 **LANCE LANDGRAF:** So --
 22 **MARC BYERS:** That's the problem
 23 with --
 24 Go ahead. I apologize.
 25 **LANCE LANDGRAF:** That -- that's

<p style="text-align: right;">30</p> <p>1 okay.</p> <p>2 So, the application that you would</p> <p>3 put into this building, this -- this closed</p> <p>4 environment, how is that different? Do --</p> <p>5 Will you still use that -- that dry</p> <p>6 vapore, which is a phrase I've never heard of</p> <p>7 in my life. So...</p> <p>8 [Indiscernible - overtalking]</p> <p>9 Maybe explain that a little bit.</p> <p>10 And how -- how it would function on</p> <p>11 -- on an enclosed property, where, I guess, you</p> <p>12 would have a one or two or I don't know how many</p> <p>13 outlets of -- of these gases that you would have</p> <p>14 to clean or scrub.</p> <p>15 MARC BYERS: Right.</p> <p>16 So, in this application, we won't</p> <p>17 be using a vapor system. That's -- that's more</p> <p>18 for ambient air, like the experience you saw at</p> <p>19 a greenhouse, for instance.</p> <p>20 Wherever we're treating straight to</p> <p>21 atmosphere, that's when a vapor system or,</p> <p>22 potentially, misting system, depending --</p> <p>23 I say misting system, because we do</p> <p>24 apply a very small misted droplet on exhaust</p> <p>25 fans sometimes, because that -- that's not a --</p>	<p style="text-align: right;">32</p> <p>1 There's a lot more beneath the</p> <p>2 surface here. I'm -- I'm sort of saying it high</p> <p>3 level.</p> <p>4 We test the carbon on a regular</p> <p>5 basis.</p> <p>6 As you can imagine, the carbon does</p> <p>7 fill up. That's the whole point of it. Right?</p> <p>8 As these odorous gases are -- are going through,</p> <p>9 through this physical reaction that we call</p> <p>10 adsorption, they are finding seats in the carbon</p> <p>11 and getting stuck in there. And after a while</p> <p>12 --</p> <p>13 It's interesting, by the way. You</p> <p>14 take a -- a 24-inch carbon cylinder with virgin</p> <p>15 carbon the day we install it, it weighs about</p> <p>16 seven and a half pounds.</p> <p>17 In -- in six months, we'll take a</p> <p>18 sample of that carbon. It will go to a lab.</p> <p>19 We'll do a couple of different tests on it.</p> <p>20 Those tests will tell us, then, what's the</p> <p>21 expected useful life, remaining life. It's a --</p> <p>22 it's a -- it's a curve. Right? It's not a</p> <p>23 linear relationship.</p> <p>24 So, then we'll do that again in ten</p> <p>25 to 11 months. And we'll probably find at that</p>
<p style="text-align: right;">31</p> <p>1 that's a -- a -- a typical sort of approach.</p> <p>2 That's not the case in this</p> <p>3 particular application.</p> <p>4 This particular application is --</p> <p>5 really, the -- the -- the least challenging that</p> <p>6 we face because everything is indoors.</p> <p>7 Everything is indoors.</p> <p>8 And so, if you understand, the</p> <p>9 canopy has a measurable rate which -- off gases.</p> <p>10 And then we know that we can measure --</p> <p>11 It's a very simple calculation. If</p> <p>12 you have a box within a box and that smaller box</p> <p>13 is sucking air, right, you could very quickly</p> <p>14 understand how many times per hour, for</p> <p>15 instance, you can exchange air in there. Right?</p> <p>16 It's pretty straightforward.</p> <p>17 And so we will size enough</p> <p>18 scrubbers so that we know that we are staying</p> <p>19 ahead of that emission rate. So...</p> <p>20 And that's what we've already done.</p> <p>21 We've established how many scrubbers are</p> <p>22 necessary for this particular location.</p> <p>23 And it -- it really is a question</p> <p>24 of -- of, really, just scrubbing the interior</p> <p>25 air; just at the proper rate with proper carbon.</p>	<p style="text-align: right;">33</p> <p>1 point that that carbon has been completely</p> <p>2 filled.</p> <p>3 What's sort of fascinating is, if</p> <p>4 you take that carbon then, that cylinder, and</p> <p>5 weigh it, it will gain about two pounds, which,</p> <p>6 to me, is just fascinating, because that's just</p> <p>7 gas going through there. But, about two pounds</p> <p>8 of -- of gas or -- or -- or compounds have been</p> <p>9 trapped in that carbon. So...</p> <p>10 LANCE LANDGRAF: Hmm. Okay. Thank</p> <p>11 you.</p> <p>12 So, Jack, your -- your client would</p> <p>13 not have a -- an issue if we put a condition on</p> <p>14 that -- this type of system -- I'm not gonna say</p> <p>15 this particular one because that's a brand name</p> <p>16 -- would be required as part of this.</p> <p>17 And the testing that Mr. Byers just</p> <p>18 talked about on a six month --</p> <p>19 [Indiscernible - overtalking]</p> <p>20 -- and an annual basis?</p> <p>21 JACK PLACKTER: Yeah. That's our</p> <p>22 representation.</p> <p>23 LANCE LANDGRAF: Okay.</p> <p>24 JACK PLACKTER: We are going to use</p> <p>25 odor-mitigating strategies.</p>

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1 **BY JACK PLACKTER:**
 2 Q. And just one final question.
 3 If I'm walking by so that, you
 4 know, the common -- I like to keep it simple,
 5 stupid because I'm not that smart. But, if I'm
 6 walking by on Atlantic Avenue, Mr. Byers, I'm a
 7 pedestrian outside, what -- am I gonna really
 8 experience any type of odor at all, based -- if
 9 we use your technology?
 10 **A. Our position is if our -- if -- if**
 11 **any applicant, if any customer of ours installs**
 12 **our system the way we've designed it, applies**
 13 **all standard operating procedures, which means**
 14 **operating the air curtains, not leaving the**
 15 **window open, not leaving the door open, that we**
 16 **test the carbon and change the carbon per the**
 17 **schedule and -- and -- and simply runs the**
 18 **system as designed, then our statement is, no,**
 19 **we would not expect any odors to emit from the**
 20 **building.**
 21 Q. Thank you.
 22 **LANCE LANDGRAF:** Okay.
 23 **JACK PLACKTER:** Any other questions
 24 from the board?
 25 **LANCE LANDGRAF:** Carolyn, do you

35

1 have anything?
 2 **CAROLYN FEIGIN:** No. I'm okay.
 3 Thank you.
 4 **LANCE LANDGRAF:** Rudy, you good?
 5 **CAROLYN FEIGIN:** That was good.
 6 Yeah. Thank you.
 7 **LANCE LANDGRAF:** Rob, we're good?
 8 **ROBERT REID:** No.
 9 **LANCE LANDGRAF:** No?
 10 Okay. Mr. Byers, thank you.
 11 **JACK PLACKTER:** Thank you very
 12 much, Mr. Byers.
 13 **LANCE LANDGRAF:** I --
 14 This was a -- this was a first for
 15 us --
 16 **MARC BYERS:** Thank you.
 17 **LANCE LANDGRAF:** -- doing a video
 18 testimony.
 19 So, I appreciate your effort to --
 20 to provide that.
 21 And thanks, John, for coordinating
 22 it. I appreciate it.
 23 **JACK PLACKTER:** I'd like to call --
 24 **MARC BYERS:** Thank you.
 25 **JACK PLACKTER:** Thank you very

36

1 much, Mr. Byers. Have a great day.
 2 **MARC BYERS:** Should I sign off?
 3 **JACK PLACKTER:** Yeah, I think.
 4 **LANCE LANDGRAF:** You can.
 5 **JACK PLACKTER:** Unless --
 6 **LANCE LANDGRAF:** Unless --
 7 You know what? If there's public
 8 here, --
 9 **JACK PLACKTER:** If there's any
 10 members of the public, --
 11 **LANCE LANDGRAF:** -- there might be
 12 questions.
 13 Yeah.
 14 **JACK PLACKTER:** -- they might ask
 15 questions or --
 16 **LANCE LANDGRAF:** If -- if you could
 17 just hang out, that would be good.
 18 We probably have to turn you --
 19 Well, he'll be still on the
 20 computer. He just won't be on the screens?
 21 **UNKNOWN MALE SPEAKER:** Uh-huh.
 22 Yeah. He can stay on here.
 23 **MARC BYERS:** I can -- I --
 24 Yeah. I'll be here.
 25 **LANCE LANDGRAF:** Okay. We'll do

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1 that.
 2 **JACK PLACKTER:** Okay.
 3 **LANCE LANDGRAF:** Just in case.
 4 **JACK PLACKTER:** Mr. Sykes?
 5 Do we need to swear in Mr. Sykes?
 6 **LANCE LANDGRAF:** Yep.
 7 **RUDY RANDAZZO:** Sure.
 8 Thank you, sir.
 9 **THOMAS SYKES:** Mm-hmm.
 10 **RUDY RANDAZZO:** Do you swear, under
 11 penalty of perjury, that the testimony you're
 12 about to give is true to the best of your
 13 knowledge, information and belief?
 14 **THOMAS SYKES:** I do.
 15 **LANCE LANDGRAF:** We're very well
 16 aware of Mr. Sykes' --
 17 **JACK PLACKTER:** Right.
 18 **LANCE LANDGRAF:** -- credentials,
 19 and we would accept him as a expert in the field
 20 of architecture and planning.
 21 And rowing, apparently.
 22 **JACK PLACKTER:** Yeah.
 23
 24 DIRECT EXAMINATION
 25 **BY JACK PLACKTER:**

<p style="text-align: right;">38</p> <p>1 Q. Good morning, Tom. 2 Would you just take us through a 3 description of the facility and -- and -- you 4 know, that you guys prepared on behalf of 5 Starboard and -- and tell us about the 6 architectural part of the project -- 7 [Indiscernible - overtalking] 8 A. Absolutely. 9 So, we -- we -- we've had previous 10 hearings, so we're -- you're familiar with the 11 envelope of the building. 12 And it's going through some 13 maturity and -- 14 Q. Mm-hmm. 15 A. -- getting the site plan approval. 16 We understand the situation is much 17 better. 18 And our perimeter is very much the 19 same. Our perimeter is very much the same. 20 I'm gonna jump ahead to the 21 perspectives. I think that will give a -- a 22 little bit better look. 23 Our -- our intent was to provide a 24 -- a simple, strong recognition of this 25 building.</p>	<p style="text-align: right;">40</p> <p>1 participation of the identification of those 2 exact panels. 3 We've used a Martin Luther King 4 theme on Martin Luther King Boulevard. 5 There were comments in the 6 engineer's report, which we welcomed, saying 7 perhaps some other breaks should be provided. 8 And we could do a very similar thing on Arctic 9 Avenue, -- 10 LANCE LANDGRAF: Mm-hmm. 11 THOMAS SYKES: -- if that's 12 acceptable to the CRDA and to the engineer's 13 review. 14 And Jon and -- and his team have 15 said that's -- that's acceptable. 16 This is, again, a -- 17 Setbacks are -- are pretty much 18 determined. 19 Jon will testify -- Jon Barnhart -- 20 that we have some modifications from CAFRA that 21 we have to accommodate for drainage now, an 22 aspect we've never seen in Atlantic City before, 23 but they've added that control to this project. 24 And Jon will testify to that. And it, I think, 25 will actually help some of our landscaping</p>
<p style="text-align: right;">39</p> <p>1 We are approximately 40 feet to the 2 roofline and another ten foot of screening. 3 This -- this complex has a variety 4 -- 5 And we use the roof plan because we 6 wanted the roof plan to be designed just like a 7 facade. Because we're a town of towers and 8 people are gonna be looking down on this, and we 9 want it to be an organized roof. 10 We also wanted to screen the view. 11 And that's what we're demonstrating with these 12 perspectives. 13 With the height of the actual 14 equipment that's built to the models, we 15 designed the screening aspects to try to hide 16 that, the majority of those, from -- from grade. 17 It's a very -- 18 It's a simple pre-engineered metal 19 siding. We break it up with a ribbing effect 20 that has some panels ribbed, some not. So, we 21 try to modulate that as we go down the side. 22 On the Martin Luther King side, we 23 have an extensive mural. And we've -- we've 24 looked for help from the local arts commission 25 and help from the CRDA, and we -- we welcome the</p>	<p style="text-align: right;">41</p> <p>1 issues and our -- and our presentation along the 2 street. 3 A very important part of it, to us, 4 is along Atlantic Avenue. The storefronts along 5 Atlantic Avenue present as storefronts, but what 6 they really do is they introduce in the plan -- 7 in the plan, they introduce us to -- to a public 8 gallery, a public entrance. 9 And we expect this to get a lot of 10 -- a lot of activity. A theater, a -- public 11 demonstrations in five zones in here, and a -- 12 and, again, a theater, a gift shop, and an 13 information center. And this will be open to 14 the public. 15 Our employee entry is adjacent and 16 a controlled entry that gets you right into the 17 plant, separate access and a separate door. And 18 very strict controls. 19 There are camera locations on the 20 full perimeter of this building. It's an 21 extremely well monitored building, to put it 22 lightly. 23 We have loading and off-site -- or 24 -- or off -- on -- on-site loading, but off the 25 street area, with full access in, turn around</p>

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1 capability inside the -- the -- inside the yard.
 2 The building itself is a very
 3 simple structure, and we have it -- and we learn
 4 we needed to keep it that way. But, we accented
 5 Atlantic Avenue, we accented MLK.
 6 And if it would please the board,
 7 we could do very similar things along Arctic
 8 Avenue.
 9 It -- it's a -- a --
 10 The package, the high part of our
 11 ridge, is at 50 feet above average grade.
 12 Our grade actually changes about
 13 four feet from one side to -- from Arctic to
 14 Atlantic. It's actually a -- a raised site and
 15 dropping toward Arctic. And that will actually
 16 help us a little bit, too, with some of these
 17 bioswales and things Jon will introduce.
 18 I'm glad to answer any other
 19 questions.
 20 [Indiscernible - overtalking]
 21 **JACK PLACKTER:** Any questions of
 22 Mr. Sykes at this point?
 23 **LANCE LANDGRAF:** I don't think so
 24 from an architectural standpoint.
 25 Carolyn?

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1 **CAROLYN FEIGIN:** No.
 2 I -- I appreciate you offering to
 3 do something with the other two sides, because
 4 they're a little plain looking.
 5 **THOMAS SYKES:** Yep.
 6 **CAROLYN FEIGIN:** So, thank you.
 7 **THOMAS SYKES:** I think those were
 8 good comments. Thank you.
 9 **CAROLYN FEIGIN:** Okay.
 10 **JACK PLACKTER:** Okay.
 11 **LANCE LANDGRAF:** All right.
 12 **JACK PLACKTER:** Thanks.
 13 Now, we have --
 14 Mr. Mosley's here in the audience.
 15 He testified at the last hearing. I mean, he
 16 presented traffic testimony.
 17 Is there any need to --
 18 Do you want to hear more from him?
 19 Do you want to hear any --
 20 **LANCE LANDGRAF:** I don't know. I
 21 mean, we've --
 22 **JACK PLACKTER:** -- have questions
 23 at all?
 24 **LANCE LANDGRAF:** A report was
 25 provided? Right? As I recall.

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1 **JACK PLACKTER:** Yes.
 2 **CAROLYN FEIGIN:** Yes.
 3 **LANCE LANDGRAF:** I don't think you
 4 brought up anything on traffic in this one.
 5 **CAROLYN FEIGIN:** No. I don't think
 6 so.
 7 **LANCE LANDGRAF:** The only thing.
 8 With the --
 9 **CAROLYN FEIGIN:** Well, the parking
 10 a little bit, but I don't think that's really
 11 gonna be --
 12 **LANCE LANDGRAF:** It's more
 13 landscaping --
 14 **CAROLYN FEIGIN:** -- Mr. Mosley.
 15 **LANCE LANDGRAF:** -- buffering.
 16 **CAROLYN FEIGIN:** Yeah. Right.
 17 And the loading zone and the way
 18 the trucks enter. Like, they have to do the
 19 Martin Luther King backup and get into --
 20 **LANCE LANDGRAF:** Maybe we could
 21 have him go over that just a little bit --
 22 [Indiscernible - overtalking]
 23 **JACK PLACKTER:** Sure.
 24 **LANCE LANDGRAF:** -- before we --
 25 **CAROLYN FEIGIN:** That's one of the

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1 --
 2 [Indiscernible - overtalking]
 3 **LANCE LANDGRAF:** Yeah.
 4 **CAROLYN FEIGIN:** -- concerns.
 5 But, I think --
 6 **JACK PLACKTER:** We did cover that
 7 last time, but let's, yeah, swear him in and
 8 have him briefly address that while he's here.
 9 **RUDY RANDAZZO:** He's talking.
 10 **LANCE LANDGRAF:** He's chatting.
 11 **RUDY RANDAZZO:** Sir. That's all
 12 right.
 13 Do you swear, under penalty of
 14 perjury, that the testimony you're about to give
 15 is true to the best of your knowledge,
 16 information and belief?
 17 **NATHAN MOSLEY:** I do.
 18 **LANCE LANDGRAF:** Is that a new
 19 swearing-in phrase? I --
 20 That's the first I've heard that.
 21 **JACK PLACKTER:** It's a little --
 22 it's a little intimidating, but --
 23 **LANCE LANDGRAF:** A little nuance.
 24 [Indiscernible - overtalking]
 25 It's the Rudy nuance. I like it.

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1 **RUDY RANDAZZO:** It's a little more
 2 in-depth. I don't --
 3 [Indiscernible - overtalking]
 4 **LANCE LANDGRAF:** Okay. All right.
 5 A little different -- a little different in
 6 public hearings. Right, Eric? I don't know.
 7 I'd not heard the perjury thing.
 8 I've got to check my license a little bit here.
 9 Wow.
 10
 11 **DIRECT EXAMINATION**
 12 **BY JACK PLACKTER:**
 13 Q. You -- you heard Mr. Landgraf's
 14 question and the question from ARH about the
 15 backing in of the trucks and so forth. So,
 16 could you just, basically, go over that and --
 17 A. Yes.
 18 **LANCE LANDGRAF:** Mr. Mosley's been
 19 accepted as an expert in traffic engineering
 20 before this board before. So, we accept him
 21 continuously.
 22 **NATHAN MOSLEY:** Thank you.
 23 Yeah. So, we talked about this, I
 24 think, some last time as well. But, the
 25 majority of the -- the -- the delivery

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1 activities that are gonna be happening are gonna
 2 be smaller, like Sprinter-size --
 3 **LANCE LANDGRAF:** Right.
 4 **NATHAN MOSLEY:** -- vans.
 5 A lot of the product that goes out
 6 to some of the retail establishments in the
 7 areas and the -- and the -- the materials coming
 8 in are really through those types of delivery
 9 vehicles.
 10 So, those vehicles can make a right
 11 turn into that location off of Martin Luther
 12 King, you know, maneuver within the interior
 13 space off the street, and then, you know, pull
 14 back out and make a right turn out.
 15 Occasionally, there may be a larger
 16 tractor trailer size vehicle that will have to
 17 maneuver, reverse into that -- into that
 18 facility from Martin Luther King, but those will
 19 be -- vary infrequently. And they can make that
 20 maneuver. They'll -- they'll be on the roadway
 21 for probably 15 or 20 seconds as they maneuver
 22 back in. But, given the fact that there's
 23 multiple lanes there, I believe that, you know,
 24 they're not gonna have a significant impact.
 25 And the fact that they're very infrequent,

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1 they're not gonna have any kind of real impact
 2 to that existing roadway network and the traffic
 3 that's out there today.
 4 **LANCE LANDGRAF:** As -- as I recall,
 5 I think that's when they bring in the soil or
 6 the material that the plants will be grown in,
 7 --
 8 **NATHAN MOSLEY:** Right.
 9 **LANCE LANDGRAF:** -- pretty much, at
 10 the --
 11 **NATHAN MOSLEY:** Yeah. And that
 12 does not get turned over, --
 13 **LANCE LANDGRAF:** Right.
 14 **NATHAN MOSLEY:** -- you know, at the
 15 same frequency as the -- the other --
 16 **LANCE LANDGRAF:** I think that was
 17 the testimony the last time.
 18 **NATHAN MOSLEY:** Yeah.
 19 **LANCE LANDGRAF:** So, I -- I do
 20 recall that.
 21 Right?
 22 **CAROLYN FEIGIN:** Yes, I do.
 23 I guess, one of the things we can
 24 ask is if we could restrict the times of those
 25 deliveries so, that way, it's not during, you

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1 know, the --
 2 I -- I don't know if there's any
 3 type of schedule that you would have. Would
 4 they be able to come in the morning so, that
 5 way, there's not as much, you know, activity or,
 6 you know, some other down time, --
 7 **NATHAN MOSLEY:** Yeah.
 8 **CAROLYN FEIGIN:** -- if that's
 9 possible?
 10 **NATHAN MOSLEY:** I -- I mean, I
 11 would just defer that to the operators, if
 12 there's any issues relative to --
 13 **UNKNOWN MALE SPEAKER:** Yeah. I
 14 mean, we could certainly --
 15 **JACK PLACKTER:** You need to be
 16 sworn in.
 17 **JON COHN:** Oh. Sorry.
 18 **LANCE LANDGRAF:** Jon, come on up.
 19 **RUDY RANDAZZO:** Sir, please raise
 20 your right hand. Thank you.
 21 Do you swear, under penalty of
 22 perjury, that the testimony you're about to give
 23 is true to the best of your knowledge,
 24 information and belief?
 25 **JON COHN:** If I have to. Yes.

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1 **LANCE LANDGRAF:** Jon, just identify
2 yourself, please.
3 **JON COHN:** Jon Cohn. CEO of
4 Agri-Kind New Jersey and Starboard Industries.
5 So, the -- the answer is, we could
6 certainly publish requested delivery windows.
7 **CAROLYN FEIGIN:** Okay.
8 **JON COHN:** We just don't have full
9 control over -- over the companies.
10 **CAROLYN FEIGIN:** Okay.
11 **NATHAN MOSLEY:** So, it's -- it's --
12 **JACK PLACKTER:** We'll -- we'll
13 attempt to --
14 **LANCE LANDGRAF:** So, I would ask
15 more, probably knowing that street, it's a major
16 artery coming into the city. Work force coming
17 in --
18 Atlantic City's a different animal
19 because we have the casinos. The hours are
20 different.
21 **NATHAN MOSLEY:** Right.
22 **LANCE LANDGRAF:** But, probably
23 mid-day is better --
24 **NATHAN MOSLEY:** Mm-hmm.
25 **CAROLYN FEIGIN:** Okay.

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1 **LANCE LANDGRAF:** -- than mornings.
2 **CAROLYN FEIGIN:** Okay.
3 **LANCE LANDGRAF:** Only because a lot
4 of people do come in in the morning typical
5 commute times. But, that would --
6 We would ask, you know, not between
7 7 and 9 a.m.
8 **NATHAN MOSLEY:** Okay.
9 **LANCE LANDGRAF:** Any other times I
10 think would be -- would be fairly easy.
11 **CAROLYN FEIGIN:** You can make it
12 work. Okay.
13 **NATHAN MOSLEY:** Yeah. I think
14 that's doable.
15 **LANCE LANDGRAF:** Okay.
16 **CAROLYN FEIGIN:** Okay.
17 **LANCE LANDGRAF:** I appreciate that.
18 **CAROLYN FEIGIN:** Okay. Thank you.
19 **JACK PLACKTER:** One -- one final
20 question just while you're up there.
21 **THOMAS SYKES:** Sure.
22 **JACK PLACKTER:** And that is -- you
23 know, last time you testified.
24 But, based upon your study, do you
25 see any adverse impacts upon surrounding traffic

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1 or levels of service as relates to this
2 facility?
3 **THOMAS SYKES:** No. Based upon the
4 traffic study that we did, which included counts
5 in August of the existing roadway conditions out
6 there today, I -- the traffic that would be
7 generated by this site will not have any kind of
8 an impact with regards to levels of service on
9 the nearby study intersections to the -- on --
10 on -- on Martin Luther King and Arctic and
11 Atlantic that was shown in your report.
12 **LANCE LANDGRAF:** One thing before
13 Mr. Mosley sits down.
14 **JACK PLACKTER:** Sure.
15 **LANCE LANDGRAF:** And I think we
16 briefly talked about this. And it's not
17 necessarily traffic. It's more pedestrian from
18 the parking lot.
19 **JACK PLACKTER:** Mm-hmm.
20 **LANCE LANDGRAF:** Would he be better
21 to speak about that or Mr. Barnhart?
22 **JACK PLACKTER:** Either one. You
23 can --
24 **NATHAN MOSLEY:** I mean, as far as
25 --

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1 **LANCE LANDGRAF:** Let me ask it and
2 see where --
3 **NATHAN MOSLEY:** Yeah. As far as
4 pedestrian access from that parking lot to the
5 facility for the employees?
6 **LANCE LANDGRAF:** Yes.
7 **NATHAN MOSLEY:** Yeah. They'd be
8 able to go down Martin Luther King to the signal
9 at Atlantic and cross the street there at the --
10 **LANCE LANDGRAF:** Okay. The.
11 **NATHAN MOSLEY:** -- signalized
12 intersection.
13 **LANCE LANDGRAF:** That -- that would
14 be a nuance to Atlantic City. Because that
15 really doesn't happen here.
16 **NATHAN MOSLEY:** I understand.
17 **LANCE LANDGRAF:** So, we're --
18 What -- what I would ask for is --
19 is -- and this is more for Mr. Cohn than anybody
20 else.
21 The operations of this would --
22 Maybe some signage in the parking
23 lot? And I'm not a fan of putting too much
24 signage.
25 **NATHAN MOSLEY:** Yeah.

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1 **LANCE LANDGRAF:** But, asking
 2 employees to please cross at an intersection,
 3 not walk through the middle of the block.
 4 And then maybe some educational
 5 stuff in your break rooms of -- of that nature.
 6 **NATHAN MOSLEY:** Mm-hmm.
 7 **LANCE LANDGRAF:** That is a heavily
 8 traveled road coming into the city and
 9 pedestrians crossing mid-block is a problem.
 10 **NATHAN MOSLEY:** Mm-hmm.
 11 **LANCE LANDGRAF:** So, I would just
 12 ask that we encourage them to walk to --
 13 **JACK PLACKTER:** Sure.
 14 **LANCE LANDGRAF:** -- either Atlantic
 15 or back to Arctic.
 16 They're kind of right in the
 17 middle. So...
 18 **CAROLYN FEIGIN:** Yeah.
 19 **JACK PLACKTER:** Well, the entrance
 20 will be on Atlantic, I think. So, you know --
 21 **LANCE LANDGRAF:** The employee
 22 entrance will be?
 23 **JACK PLACKTER:** Yeah.
 24 **CAROLYN FEIGIN:** Yeah.
 25 **LANCE LANDGRAF:** All right. Good.

55

1 [Indiscernible - overtalking]
 2 All right. That -- that -- that
 3 helps a little bit.
 4 **NATHAN MOSLEY:** Yeah.
 5 **LANCE LANDGRAF:** But, that would be
 6 something that -- that would be a concern for
 7 me; pedestrians crossing mid-block.
 8 **JACK PLACKTER:** Yep.
 9 **LANCE LANDGRAF:** Jaywalking seems
 10 to be --
 11 **JACK PLACKTER:** Thank you, Mr.
 12 Mosley.
 13 **LANCE LANDGRAF:** -- somewhat of an
 14 issue.
 15 **NATHAN MOSLEY:** Thanks.
 16 **JACK PLACKTER:** Mr. Barnhart?
 17 **LANCE LANDGRAF:** Thanks, Nathan.
 18 **NATHAN MOSLEY:** Yep.
 19 **JACK PLACKTER:** Under penalties of
 20 perjury.
 21 **RUDY RANDAZZO:** Would you please
 22 raise your right hand for us?
 23 Sir, do you swear the testimony
 24 you're about to give will be -- is true to the
 25 best of your knowledge, information and belief?

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1 **JON BARNHART:** I do.
 2 **RUDY RANDAZZO:** Thank you.
 3 I -- I dropped --
 4 No perjury.
 5 **JACK PLACKTER:** No perjury.
 6 **NATHAN MOSLEY:** It looks like I'm
 7 -- it looks like I'm free to do a little bit --
 8
 9 DIRECT EXAMINATION
 10 **BY JACK PLACKTER:**
 11 Q. Mr. Barnhart, you're a licensed
 12 professional engineer and planner in the state
 13 of New Jersey. Correct?
 14 **A. Correct.**
 15 Q. Okay. And you were engaged by
 16 Starboard to give testimony.
 17 And you've prepared certain plans
 18 for preliminary and final site plan approval.
 19 Is that correct?
 20 **A. That's correct. Yes.**
 21 Q. Well, then, if you would --
 22 **JACK PLACKTER:** And I would offer
 23 --
 24 [Indiscernible - overtalking]
 25 **LANCE LANDGRAF:** We would accept

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1 his credentials, actually.
 2 **JACK PLACKTER:** -- Mr. Barnhart as
 3 a professional engineer and planner.
 4 **LANCE LANDGRAF:** Yes.
 5 **JON BARNHART:** Thank you.
 6 **JACK PLACKTER:** Yeah.
 7 **BY JACK PLACKTER:**
 8 Q. And would you describe the existing
 9 conditions and the proposals for the project?
 10 **A. Sure.**
 11 **This is kind of a continuation of**
 12 **my lengthy testimony from the first hearing.**
 13 **I'll try to be a little bit more brief today.**
 14 **The -- the site as we -- as -- as**
 15 **it exists today, as I'm sure you know, is -- is**
 16 **-- is a vacant parcel of land and with the**
 17 **project proposal being to develop a 125,000**
 18 **square foot building in kind of a U-shaped**
 19 **configuration that you see on the -- on the**
 20 **screen right now.**
 21 **That --**
 22 **The plan that is in front of you**
 23 **now is the site plan that was submitted with the**
 24 **application with -- with no change to the plan.**
 25 **The -- the second portion of the**

<p style="text-align: right;">58</p> <p>1 project is the -- is the redevelopment of an 2 existing surface parking facility to the -- on 3 the north side of Martin Luther King, Jr. 4 Boulevard. To improve upon that, we actually 5 were able to pick up a few additional spaces by 6 -- by striping it in a little - a little more 7 efficient manner and -- to utilize that for the 8 employees of the facility, which, as you know, 9 we -- we talked about at length during the -- 10 the initial project.</p> <p>11 What we're here to talk about this 12 morning is -- is -- is the site plan issues and 13 -- and aspects of the project. So...</p> <p>14 Well, first, we'll start with 15 circulation. Nathan touched on it, but we'll 16 just kind of jump through -- run through each of 17 the items.</p> <p>18 Vehicular circulation, obviously, 19 for employees will be to go in and out of the 20 lot by way of Martin Luther King Boulevard.</p> <p>21 We are -- we are identifying or -- 22 or channel -- channelizing the two driveways 23 much better than they exist now.</p> <p>24 We are proposing small -- small 25 landscape curb planters along the frontage of</p>	<p style="text-align: right;">60</p> <p>1 JON BARNHART: So, as Nathan 2 pointed out, pedestrian circulation coming -- 3 for employees coming from, the goal was to take 4 them to the Atlantic Avenue intersection, bring 5 them across. And then the pedestrian -- or the 6 employee entrance is here, on the side of the 7 building.</p> <p>8 So, I -- while I agree with you, 9 Mr. Landgraf, that there will be folks that will 10 try to cut across Martin Luther, the two things 11 we do have going for us is that the -- is that 12 the -- the employee entrance is toward Atlantic 13 Avenue. And also, you do have the median here. 14 So, they have to get through the median if they 15 do want to cross here.</p> <p>16 So, there will still be some that 17 will try it. But, I think we have a couple 18 things going to our benefit that will, 19 hopefully, promote employees going down to the 20 intersection and crossing.</p> <p>21 Vehicular circulation on the site 22 itself is really just limited to the loading 23 area, which is that -- that U-shaped area right 24 in the middle of the building. Vehicles will 25 come in and out onto -- onto Martin Luther King</p>
<p style="text-align: right;">59</p> <p>1 that -- of that facility, which are kind of 2 broken up. There's one there now, but they're 3 kind of broken up and -- and need some 4 rehabilitation.</p> <p>5 The balance of the lot will be -- 6 will be seal coated and restriped in the 7 configuration that you -- that we -- that we 8 show on this -- on this plan.</p> <p>9 We are proposing to add lighting as 10 necessary as well as ADA-compliant parking 11 spaces.</p> <p>12 And the ARH report did -- did bring 13 up the issue of EV charging stations, which, as 14 we know, we have to comply with. So, that -- 15 that will be complied with.</p> <p>16 LANCE LANDGRAF: So -- 17 And you can point to this one. I 18 see the public's trying --</p> <p>19 JON BARNHART: Sure.</p> <p>20 LANCE LANDGRAF: -- struggling to 21 see it.</p> <p>22 So, I -- I -- I know the plan.</p> <p>23 JON BARNHART: Okay. No problem.</p> <p>24 LANCE LANDGRAF: I can figure out 25 what you're pointing at.</p>	<p style="text-align: right;">61</p> <p>1 Boulevard.</p> <p>2 As Nathan described, the majority 3 of vehicles will be passenger size vans. 4 Sprinter vans, things of that nature, will have 5 more than enough room for access -- to come in, 6 park, load, unload, maneuver and -- and pull 7 head out. The only time that there may be a 8 backing in condition is when we have a -- you 9 know, a -- a WB-62 type vehicle that brings a 10 lot of materials.</p> <p>11 We did run turning templates to 12 know that it is a -- it's a pull forward and 13 single backing in maneuver to get in. So, it's 14 not a -- you know, it's not a seven-point turn 15 out of Martin Luther King Boulevard, causing a 16 backup of traffic.</p> <p>17 And then Mr. Landgraf's comment 18 about trying to move the -- move that delivery 19 to times that are more advantageous to the 20 traffic stream, obviously, makes a lot of sense.</p> <p>21 That loading area will also be used 22 for trash and recyclables.</p> <p>23 Trash trucks can easily pull in, 24 head in. They'll be able to pick up the trash 25 and recyclables and leave pulling head out of</p>

<p style="text-align: right;">62</p> <p>1 that space as well.</p> <p>2 So, circulation as far as the site</p> <p>3 is concerned is -- is -- is very simple because</p> <p>4 it all takes place in one location.</p> <p>5 Public. Patrons of the facility</p> <p>6 that are coming to the facility to -- to -- to</p> <p>7 go to the museum, see a tour, that -- that all</p> <p>8 takes place up on Atlantic Avenue, as we know.</p> <p>9 Mr. Sykes did a wonderful job of</p> <p>10 celebrating Atlantic Avenue to create a -- an</p> <p>11 interesting retail-looking front facade of the</p> <p>12 building. And the entrance to that will be by</p> <p>13 way of some stairs and some ramps to get up to</p> <p>14 the flood elevation that will be flanked by</p> <p>15 elevated raised planters to have a really,</p> <p>16 really, nice aesthetic appeal to the public that</p> <p>17 comes into the building on Atlantic Avenue.</p> <p>18 The other elements on the site</p> <p>19 itself, the entire perimeter of the site will --</p> <p>20 will get -- will get street trees.</p> <p>21 The entire perimeter of the site</p> <p>22 will have a new lighting plan.</p> <p>23 The -- the little triangular space</p> <p>24 between the building and the backs of the</p> <p>25 adjacent -- the buildings that are up on the</p>	<p style="text-align: right;">64</p> <p>1 curb at the back of sidewalk and then</p> <p>2 landscaping from that curb to the face of the</p> <p>3 building.</p> <p>4 We are currently working through a</p> <p>5 -- an NJDEP CAFRA application. The CAFRA</p> <p>6 application was submitted a couple of months</p> <p>7 ago.</p> <p>8 We recently received some comments</p> <p>9 specific to stormwater. And the DEP is</p> <p>10 requiring that we address the quantity standard</p> <p>11 for this project, which has -- which has created</p> <p>12 some challenges. It's not -- it's not something</p> <p>13 that we've -- that we've had to do on many</p> <p>14 projects in Atlantic City.</p> <p>15 Typically, when a project is in a</p> <p>16 tidal flood hazard area -- or a tidal flood</p> <p>17 zone, the -- the quantity standards are not</p> <p>18 required. But, there -- there are some</p> <p>19 standards in the regs that -- that allow the DEP</p> <p>20 to apply them if they feel that there could be</p> <p>21 some potential downstream negative impacts with</p> <p>22 regard to stormwater.</p> <p>23 They are requiring them to be</p> <p>24 applied to this.</p> <p>25 So, we've been working with the</p>
<p style="text-align: right;">63</p> <p>1 corner of Atlantic and Indiana Avenue, we are</p> <p>2 developing that with an enclosed -- a fenced-in</p> <p>3 area for both electric transformers and switch</p> <p>4 gear that -- the -- the items necessary to power</p> <p>5 the facility.</p> <p>6 As I said, they will have a fence</p> <p>7 with a locked gate. They will have landscaping</p> <p>8 in front of the fence to create a -- a buffer or</p> <p>9 screen from that equipment.</p> <p>10 We are fortunate enough at that</p> <p>11 location, as I'm sure you see throughout the</p> <p>12 city, especially when you have ground-mounted</p> <p>13 transformers, sometimes they end up up in the</p> <p>14 air and -- and -- and they're -- they're kind of</p> <p>15 unsightly.</p> <p>16 We're fortunate enough that this</p> <p>17 portion of -- of the -- of the site is actually</p> <p>18 rather high. These -- these structures will</p> <p>19 only sit about 18 to 24 inches above existing</p> <p>20 grade. So, it works -- it works well with that</p> <p>21 location and we will still be able to screen</p> <p>22 them as well.</p> <p>23 The entire perimeter of the site</p> <p>24 between the building and the back of sidewalk is</p> <p>25 landscaped. It was proposed to have a six-inch</p>	<p style="text-align: right;">65</p> <p>1 DEP. What we are going to do -- which I</p> <p>2 actually think, at the end of the day, creates</p> <p>3 even a more aesthetic site, is we are going to</p> <p>4 -- to utilize all of the landscape areas around</p> <p>5 the perimeter and we're gonna -- we are gonna</p> <p>6 construct, as opposed to a six-inch curb --</p> <p>7 LANCE LANDGRAF: Do you have a</p> <p>8 landscape plan you could point to to -- to show</p> <p>9 us that?</p> <p>10 JON BARNHART: I actually did not</p> <p>11 bring that as an exhibit.</p> <p>12 LANCE LANDGRAF: Okay. That's</p> <p>13 fine.</p> <p>14 JON BARNHART: It's in the -- I</p> <p>15 mean, it's in the plans.</p> <p>16 LANCE LANDGRAF: I know. I saw it</p> <p>17 on there, but just --</p> <p>18 Okay.</p> <p>19 JON BARNHART: All of the area --</p> <p>20 Yeah. I'm just gonna highlight</p> <p>21 them. It's the location right there, there,</p> <p>22 wrapping all the way around the building here,</p> <p>23 and then all the way around -- all the way along</p> <p>24 the Indiana frontage. That's all landscaping.</p> <p>25 And it -- and it -- as -- as</p>

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1 proposed, that's the way that it is.
 2 Right now, it's, as I said, at the
 3 back of sidewalk, it's -- it was proposed to
 4 have a six-inch high curb that develops a
 5 landscaped space that's -- that's, basically,
 6 six -- starts at six inches above the sidewalk.
 7 What we're proposing to do to
 8 address the quantity -- the stormwater standard
 9 is to develop a garden wall. At its highest
 10 point, it would be 42 inches. And it would --
 11 it would, essentially, create a more aesthetic
 12 look along the entire perimeter of the site.
 13 And behind that garden wall would
 14 be for stormwater storage, but it would also
 15 still be a fully planted space along the entire
 16 perimeter of -- of the building.
 17 So, you'll -- you'll have kind of a
 18 more stepped effect as opposed to the flat
 19 landscaping space that came off the back of
 20 sidewalk and then the vertical wall going up.
 21 We would now have this garden wall at the back
 22 of sidewalk, landscaping within that space that
 23 -- that holds stormwater and allows stormwater
 24 to overflow into the municipal system while
 25 reducing the -- both the quantity and rate,

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1 which is what's required by the DEP standards.
 2 And then backed by that would be the building
 3 wall.
 4 **LANCE LANDGRAF:** The --
 5 On the --
 6 Again, planner, talking drainage.
 7 It's always a challenge.
 8 The concern there would be if the
 9 --
 10 How -- how will those drain out?
 11 Will they infiltrate through the bottom?
 12 **JON BARNHART:** So, we -- we are
 13 proposing a -- an -- an under-drained bio --
 14 bioretention system.
 15 So, the way that it works is, we
 16 store the water quality storm for infiltration.
 17 **LANCE LANDGRAF:** Mm-hmm.
 18 **JON BARNHART:** That drains through
 19 a sand -- a sand -- a sand bed and has -- has
 20 under-drain pipes below it that are tied to an
 21 overflow, which goes to the --
 22 **LANCE LANDGRAF:** Okay.
 23 **JON BARNHART:** -- municipal system.
 24 Larger storms above the water
 25 quality storm will have discharge --

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1 We're gone actually use a weir
 2 system --
 3 **LANCE LANDGRAF:** Okay.
 4 **JON BARNHART:** -- at two different
 5 locations.
 6 We'll have a discharge so that the
 7 maximum water that could ever be in that space
 8 is only about 12 inches deep. And that would be
 9 at -- if you had a -- had a large storm event.
 10 A water quality storm will -- will fully
 11 infiltrate. Every other storm will fully
 12 discharge.
 13 **LANCE LANDGRAF:** Okay. I -- I -- I
 14 just don't want a moat.
 15 **JON BARNHART:** Correct. I don't,
 16 either.
 17 **CAROLYN FEIGIN:** So, will you be
 18 able to provide those calculations? Although --
 19 **JON BARNHART:** Absolutely.
 20 **CAROLYN FEIGIN:** -- I know you're
 21 going through CAFRA and --
 22 **JON BARNHART:** It's -- it --
 23 This has been going on as recently
 24 as --
 25 **CAROLYN FEIGIN:** Okay.

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1 **JON BARNHART:** -- yesterday
 2 morning.
 3 **CAROLYN FEIGIN:** Understood. Okay.
 4 **JON BARNHART:** Fortunately, we were
 5 able to get to a point where we believe the DEP
 6 is comfortable with it and I can talk to you
 7 about it this morning.
 8 **CAROLYN FEIGIN:** Okay.
 9 **JON BARNHART:** So...
 10 But, yes. We will --
 11 **CAROLYN FEIGIN:** Okay.
 12 **JON BARNHART:** -- I will be
 13 providing -- we'll be providing details of the
 14 wall, details of the weirs, detail --
 15 **LANCE LANDGRAF:** Yeah.
 16 **JON BARNHART:** Yeah. Everything.
 17 Yes.
 18 **CAROLYN FEIGIN:** Okay. A full
 19 stormwater report.
 20 **JON BARNHART:** As --
 21 We --
 22 **CAROLYN FEIGIN:** Okay.
 23 **JON BARNHART:** Correct.
 24 We -- we -- we would anticipate to
 25 give that to you as part of the compliance

<p style="text-align: right;">70</p> <p>1 submission. 2 CAROLYN FEIGIN: Okay. Sounds 3 good. 4 And I'm glad to hear that you're -- 5 One of my comments in there was to 6 -- 7 [Indiscernible - overtalking] 8 JON BARNHART: It -- it fully 9 addresses -- 10 [Indiscernible - overtalking] 11 CAROLYN FEIGIN: -- are you going 12 to CAFRA. 13 JON BARNHART: Correct. 14 CAROLYN FEIGIN: And you are. 15 JON BARNHART: It fully addresses a 16 couple of your comments, actually. 17 CAROLYN FEIGIN: Yeah. Okay. 18 Excellent. Thank you. Okay. 19 JON BARNHART: So, it does not 20 change the landscaping area at all. What it 21 does is, with regard to the landscape, is it 22 changes some of the species and things. 23 LANCE LANDGRAF: Yeah. One more 24 water tolerant. 25 JON BARNHART: Correct.</p>	<p style="text-align: right;">72</p> <p>1 the -- if you have a bunch of existing 2 impervious coverage and things like that, -- 3 LANCE LANDGRAF: Yeah. 4 JON BARNHART: -- then they don't 5 necessarily apply it. 6 But, unfort -- fortunately, we have 7 a site that has been vacant for a long -- so 8 long that they -- 9 They only do about a five-year look 10 back. So... 11 And on -- and the aerial photos 12 that they're using on the five-year look back, 13 it's a big lawn. 14 CAROLYN FEIGIN: Grass. All grass, 15 unfortunately for you. 16 JON BARNHART: Yeah. 17 Right now, it actually is -- is -- 18 has been graded and there's some millings and 19 things. But, the five-year look back that they 20 do, it's -- 21 CAROLYN FEIGIN: Yeah. 22 JON BARNHART: From a -- from an 23 engineer's perspective that has to design 24 stormwater, it's the worst case scenario. 25 CAROLYN FEIGIN: Of course.</p>
<p style="text-align: right;">71</p> <p>1 But, I think it's gonna create -- I 2 think it's gonna create, actually, a -- a -- 3 more of an aesthetic to the site. You know, 4 it's gonna be something of interest as you're 5 walking by. 6 You know, the -- the garden wall 7 itself will create, as I said, kind of a tiered 8 effect from the back of sidewalk as you go up 9 toward the building. So, I think it -- I think 10 it kind of -- 11 While it's a -- a little bit 12 onerous on the developer, it -- it -- it's gonna 13 create, I think -- 14 It's a good solution, and I think 15 it will actually help the -- the aesthetic of 16 the site. 17 LANCE LANDGRAF: Okay. This seems 18 like it's gonna be a precursor to the NJ PAC 19 that's coming out, the new -- the new regs. 20 JON BARNHART: Yeah. Yeah. Yeah. 21 LANCE LANDGRAF: That's probably 22 where they're pulling this from. 23 JON BARNHART: Yeah. 24 And -- and they -- they -- 25 Depending on the site, you know,</p>	<p style="text-align: right;">73</p> <p>1 Well, woods. Woods would have been 2 a little worse, I -- 3 JON BARNHART: What's that? 4 CAROLYN FEIGIN: If it was woods, 5 it would have been -- 6 [Indiscernible - overtalking] 7 JON BARNHART: Well, that's true. 8 But, I don't think we're gonna find that in the 9 city. 10 LANCE LANDGRAF: We don't have a 11 lot. 12 JON BARNHART: So, that -- so, 13 that's stormwater. 14 So, where was I? 15 So, we -- we talked -- we talked 16 about trash. We talked about lighting. We 17 talked about landscaping. We talked about 18 circulation. 19 Other elements. We did review the 20 ARH report in detail. With regard -- 21 This is -- this more gear -- is 22 geared toward the parking lot itself. 23 There are -- there are two of the 24 landscape items that are mentioned that we would 25 like to request waivers from. You know, we are</p>

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1 -- we are, we think, improving upon that lot
 2 dramatically by cleaning it up and -- and
 3 restriping it and repaving -- or I'm sorry --
 4 and seal coating it and by building a new
 5 planter space that would be backed by a fence
 6 along Martin Luther King Boulevard, but there
 7 would be --
 8 There's really no other great space
 9 for landscaping based on the latest this -- that
 10 -- that parking lot lays out. So, we are asking
 11 for waivers from -- I'll just go --
 12 If we could just key my waiver
 13 request to the report in the landscaping section
 14 E, which is on page 11, we -- we are requesting
 15 waivers from items 3 and 5.
 16 And item 6, I would --
 17 You -- you know, after reviewing it
 18 again, I -- it's kind of like a partial waiver.
 19 There's -- there's -- there's one item in item
 20 -- one portion of item 6 that we can't comply
 21 with with the proposal.
 22 **LANCE LANDGRAF:** What's the fence
 23 look like around the parking lot on the -- on
 24 the three sides -- well, the three sides and the
 25 back? Is it chain link?

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1 **JON BARNHART:** As -- as exists or
 2 as proposed?
 3 **LANCE LANDGRAF:** As proposed.
 4 **JON BARNHART:** We were proposing
 5 the black ornamental.
 6 **LANCE LANDGRAF:** Okay. All right.
 7 I was looking for something that --
 8 But, I would rather have that.
 9 That's more attractive than chain link.
 10 **JON BARNHART:** Mm-hmm.
 11 **LANCE LANDGRAF:** Because then you
 12 could put screening in the chain link. But,
 13 that tends to be a problem.
 14 I'm -- I'm fine with the -- with
 15 the so-called SID fencing.
 16 **JON BARNHART:** Yeah.
 17 **LANCE LANDGRAF:** Yep.
 18 **JON BARNHART:** Yeah.
 19 I discussed lighting.
 20 Obviously, we -- we addressed all
 21 of the -- all of the variances and the use and
 22 all those -- and everything related to any real
 23 needed planning testimony in -- in the first
 24 hearing.
 25 So, we're really just here to

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1 discuss preliminary and final major site plan
 2 approval.
 3 **LANCE LANDGRAF:** Jon, if I could,
 4 just to go back to fences. Well, item F. It
 5 talks about a -- a waiver, possibly, for
 6 six-foot fence in front yard. Isn't that a
 7 variance? Item F-1 in -- in your report.
 8 **JON BARNHART:** Yeah. It was listed
 9 as a waiver, as is --
 10 [Indiscernible - overtalking]
 11 **CAROLYN FEIGIN:** Yeah.
 12 **LANCE LANDGRAF:** Just so we know
 13 what we're looking at here. The --
 14 We're looking at the ARH letter of
 15 November 10th.
 16 We'll mark that as B-1.
 17 I just want to get it right. I
 18 don't want to do a waiver if it needs a
 19 variance.
 20 Jack, you noticed for any and all
 21 --
 22 **JACK PLACKTER:** We did.
 23 **LANCE LANDGRAF:** Okay. You should.
 24 Okay.
 25 **JON BARNHART:** And that -- just --

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1 That fence that Mr. Landgraf is
 2 talking about right now is the fence that fences
 3 in the -- the electrical equipment.
 4 **LANCE LANDGRAF:** Okay. Everything
 5 else --
 6 **JON BARNHART:** I -- I believe
 7 that's the one you were speaking about in that
 8 comment. Correct?
 9 **CAROLYN FEIGIN:** There's actually
 10 two. There's a six foot one in front of the
 11 parking lot and an eight foot fence around the
 12 electrical equipment.
 13 So, there's two.
 14 Because they're --
 15 It's --
 16 24 inches in front yards is the
 17 maximum height. And so...
 18 **LANCE LANDGRAF:** I think --
 19 Yeah. 24 is right.
 20 **JON BARNHART:** But, the landscape
 21 section requires a --
 22 **CAROLYN FEIGIN:** Screen.
 23 **JON BARNHART:** -- a screen fence of
 24 --
 25 **LANCE LANDGRAF:** Yeah. Well,

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1 there's --

2 **JON BARNHART:** -- a minimum of four

3 feet.

4 **LANCE LANDGRAF:** -- your

5 justification.

6 **CAROLYN FEIGIN:** Okay. All right.

7 **LANCE LANDGRAF:** There's a

8 justification for the relief.

9 **JON BARNHART:** So, the two are kind

10 of contradicting one another.

11 **CAROLYN FEIGIN:** Yeah. Yeah.

12 **LANCE LANDGRAF:** But, that's a

13 variance. Right?

14 **CAROLYN FEIGIN:** You need the

15 screening.

16 **LANCE LANDGRAF:** That's not --

17 [Indiscernible - overtalking]

18 So, just -- just to note for the

19 record that item F-1, fences and walls, --

20 **CAROLYN FEIGIN:** It's actually --

21 **LANCE LANDGRAF:** -- Section

22 19:66-7.7A(1) is a variance, not a waiver.

23 **CAROLYN FEIGIN:** Okay. Sorry about

24 that.

25 **JON BARNHART:** Okay.

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1 **LANCE LANDGRAF:** And, Jon, you just

2 put on the record the reasoning of that is for

3 security, one, for the Indiana Avenue.

4 **JON BARNHART:** That's great.

5 **LANCE LANDGRAF:** And you put it on

6 the record before.

7 **JON BARNHART:** Yes.

8 **LANCE LANDGRAF:** And screening as

9 required by another section of our regs.

10 **JON BARNHART:** Correct.

11 **CAROLYN FEIGIN:** Okay.

12 **LANCE LANDGRAF:** And we're

13 comfortable with -- with those?

14 **CAROLYN FEIGIN:** Yes, I am, for

15 sure.

16 **LANCE LANDGRAF:** Okay.

17 **CAROLYN FEIGIN:** It's better with

18 the fences than without them.

19 **LANCE LANDGRAF:** Right.

20 **CAROLYN FEIGIN:** And at that

21 height, it's appropriate. So, I think --

22 **LANCE LANDGRAF:** Yep.

23 Okay. Sorry to interrupt.

24 **JON BARNHART:** No. Not at all.

25 I -- I don't really have anything

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1 else.

2 Obviously, I'm happy to any --

3 "ask" [stated incorrectly] any questions.

4 **JACK PLACKTER:** I just have a few.

5 **JON BARNHART:** Yep. Go ahead.

6 **JACK PLACKTER:** So, just a few

7 other questions.

8 **BY JACK PLACKTER:**

9 Q. So, based upon your testimony,

10 other than the one variance identified by

11 Mr. Landgraf, there are no variances required or

12 they were granted with -- in connection with the

13 previous hearing. Is that correct?

14 **A. That's correct.**

15 Q. Okay. And the access that you told

16 us about and described, you believe, in your

17 professional opinion, that it's safe for both

18 regular and emergency vehicles?

19 **A. I do, yes.**

20 Q. And the utilities that you told us

21 about, are they adequate to serve the 125,000

22 square foot facility?

23 **A. Yes. We have --**

24 **As far as utilities are concerned,**

25 **we've contacted both the water and sewer**

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1 **companies. We've been in full contact with the**

2 **electric company and -- all the -- all the**

3 **entities that need to serve the building.**

4 Q. Okay. And the drainage that you

5 told us about, does that comply with the

6 regulations of CRDA as well as the New Jersey

7 Department of Environmental Protection

8 stormwater management regulations?

9 **A. Yes.**

10 Q. Okay. And the landscaping, does

11 that comply, to the best of your knowledge, with

12 the CRDA requirements?

13 **A. With the exception of the waivers**

14 **that I've requested, yes.**

15 Q. And other than the waivers that you

16 testified about, the -- there's the ARH report

17 of November 10th, 2022. Does this applicant

18 agree to comply with and work with ARH to

19 address any of the concerns and comments in the

20 report?

21 **A. Yes. I think we've touched on most**

22 **if not all of the items in the report already,**

23 **but to the extent that there's something we**

24 **haven't mentioned, we -- we can comply.**

25 Q. Okay. And then finally, based upon

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1 the testimony and the comments of the
 2 professionals, have you formed an opinion,
 3 within a reasonable degree of engineering
 4 certainty and planning certainty, whether we're
 5 entitled to preliminary and final site plan
 6 approval for this application?
 7 **A. Yes. I believe that we have**
 8 **satisfied the standards for preliminary and**
 9 **final later site plan approval.**
 10 Q. Okay. Thank you.
 11 **JACK PLACKTER:** No further
 12 questions.
 13 **LANCE LANDGRAF:** Okay. Thank you,
 14 Jack.
 15 **JACK PLACKTER:** Yep.
 16 **LANCE LANDGRAF:** Thank you, Jon.
 17 Carolyn, do you want to go through
 18 what's left --
 19 **CAROLYN FEIGIN:** Sure.
 20 **LANCE LANDGRAF:** -- of your report?
 21 **CAROLYN FEIGIN:** Sure.
 22 **LANCE LANDGRAF:** And we should
 23 probably swear her in as well.
 24 **RUDY RANDAZZO:** Do you swear the
 25 testimony you're about to give is true to the

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1 best of your information, knowledge and belief?
 2 **CAROLYN FEIGIN:** I do.
 3 Okay.
 4 **LANCE LANDGRAF:** And we recognize
 5 -- certainty recognize Carolyn Feigin as our
 6 planner and engineer on this application.
 7 **CAROLYN FEIGIN:** Thank you.
 8 Okay. Jon --
 9 Sorry. I know you just sat down,
 10 but I'll just --
 11 A couple questions just to touch
 12 on.
 13 I know you said you agree to
 14 everything.
 15 And again, just to put it on the
 16 record, the application already received the use
 17 variance and multiple bulk variances or setbacks
 18 and -- and whatnot. Everything there is
 19 compliant with the plan that was provided for
 20 the use variance.
 21 Just as far as the sight triangle
 22 easements, you'll add those on --
 23 I'm just gonna touch on a couple
 24 things in the letter. I know you --
 25 [Indiscernible - overtalking]

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1 **JON BARNHART:** Yeah.
 2 **CAROLYN FEIGIN:** -- agreed to --
 3 **JON BARNHART:** We will add the
 4 actual sight triangle --
 5 **CAROLYN FEIGIN:** Okay.
 6 **JON BARNHART:** -- at all -- at all
 7 intersections --
 8 **CAROLYN FEIGIN:** Okay.
 9 **JON BARNHART:** -- and make sure
 10 that nothing is -- is impeding the sight
 11 triangle.
 12 **CAROLYN FEIGIN:** Okay.
 13 And then, actually, I'm just gonna
 14 go back a little bit more.
 15 But, under 5A, the parking, I know
 16 you're just gonna request waivers for these, but
 17 just to put it on the record, as far as
 18 providing the five-foot minimum safety island
 19 and the two-foot landscaped, we're gonna request
 20 waivers from all of those.
 21 **JON BARNHART:** Correct.
 22 **CAROLYN FEIGIN:** Okay. The detail
 23 for the loading zone.
 24 We talked about stormwater.
 25 Okay. You'll provide the details

85

1 that we need for the lighting, just to
 2 demonstrate compliance?
 3 **JON BARNHART:** Yes.
 4 **CAROLYN FEIGIN:** Okay. EVCS and
 5 ADA. We're good.
 6 Mr. Sykes said we'll put up some
 7 more -- something a little more decorative or --
 8 of some type of aesthetic visual interest on the
 9 blank walls.
 10 You're working on CAFRA.
 11 Oh. And the last thing is just the
 12 easements that are all gonna be vacated. You'll
 13 provide documentation that all of that is -- has
 14 been completed, vacated and --
 15 **JON BARNHART:** Yes.
 16 **CAROLYN FEIGIN:** -- the property is
 17 --
 18 [Indiscernible - overtalking]
 19 **JON BARNHART:** So that, actually,
 20 all -- all three of the public rights of way
 21 within the site --
 22 **JACK PLACKTER:** They've been
 23 vacated.
 24 **JON BARNHART:** -- have now been
 25 vacated.

<p style="text-align: right;">86</p> <p>1 CAROLYN FEIGIN: Okay.</p> <p>2 JON BARNHART: And we already have</p> <p>3 the ordinance. And we could supply you a copy</p> <p>4 of that.</p> <p>5 CAROLYN FEIGIN: Okay. That's all</p> <p>6 of my comments.</p> <p>7 And I'd love a copy of the CAFRA</p> <p>8 permit once you actually obtain it.</p> <p>9 And thank you. That's it.</p> <p>10 The stormwater is -- was one of the</p> <p>11 concerns. And having to let the hundred 25,000</p> <p>12 square foot roof area go without providing any</p> <p>13 reductions --</p> <p>14 You know, since it is tidally</p> <p>15 influenced, our -- our hands were tied with</p> <p>16 that. So, I'm sorry to hear that CAFRA's</p> <p>17 implementing that. But, it will be better,</p> <p>18 obviously, for the surrounding areas.</p> <p>19 JON BARNHART: Agreed.</p> <p>20 CAROLYN FEIGIN: Okay. Thank you.</p> <p>21 LANCE LANDGRAF: Thanks, Carolyn.</p> <p>22 CAROLYN FEIGIN: I'm -- I'm good,</p> <p>23 Lance. Thank you.</p> <p>24 LANCE LANDGRAF: All right. With</p> <p>25 that, any other testimony from --</p>	<p style="text-align: right;">88</p> <p>1 And we thank everybody for their</p> <p>2 time this morning.</p> <p>3 LANCE LANDGRAF: Okay.</p> <p>4 JACK PLACKTER: Thank you.</p> <p>5 LANCE LANDGRAF: Great. Thank you.</p> <p>6 CAROLYN FEIGIN: Thank you.</p> <p>7 LANCE LANDGRAF: And thank you,</p> <p>8 everyone.</p> <p>9 We can release Mr. Byers from the</p> <p>10 --</p> <p>11 JACK PLACKTER: Yep.</p> <p>12 LANCE LANDGRAF: -- from the Zoom.</p> <p>13 So, all right. Well, thank you.</p> <p>14 We'll close the meeting on this</p> <p>15 matter.</p> <p>16 And as said, Jack, we -- as we</p> <p>17 spoke, we're gonna try and get this on for our</p> <p>18 December meeting.</p> <p>19 JACK PLACKTER: Thank you very</p> <p>20 much.</p> <p>21 LANCE LANDGRAF: We'll do our best</p> <p>22 to do that.</p> <p>23 That's probably why Scott didn't</p> <p>24 come today, because you might have to do this</p> <p>25 one.</p>
<p style="text-align: right;">87</p> <p>1 Rudy, do you have anything?</p> <p>2 RUDY RANDAZZO: No.</p> <p>3 LANCE LANDGRAF: All right. Rob,</p> <p>4 we're good from your end?</p> <p>5 ROBERT REID: We're good. We're</p> <p>6 good.</p> <p>7 LANCE LANDGRAF: All right. With</p> <p>8 that, I'll open it up to the public. Anyone</p> <p>9 here that wishes to speak on this application,</p> <p>10 please step forward, state your name, and</p> <p>11 provide any comments or questions.</p> <p>12 Seeing none, we'll close the public</p> <p>13 portion on this application.</p> <p>14 Jack, are you complete today?</p> <p>15 JACK PLACKTER: Yeah.</p> <p>16 I'd just like to thank the board</p> <p>17 professionals, attorney for -- for listening to</p> <p>18 our testimony. We appreciate it.</p> <p>19 And we're excited about trying to</p> <p>20 proceed with this project. We think it's a</p> <p>21 great economic development tool for the city of</p> <p>22 Atlantic City to take a former, you know, 40</p> <p>23 year vacant lot and turn it into something</p> <p>24 productive. It will provide ratables, jobs, and</p> <p>25 a boost to the economy.</p>	<p style="text-align: right;">89</p> <p>1 So, we will work our best to get</p> <p>2 that done.</p> <p>3 JACK PLACKTER: Much appreciated.</p> <p>4 LANCE LANDGRAF: All right.</p> <p>5 JACK PLACKTER: Have a great day.</p> <p>6 LANCE LANDGRAF: Thank you, guys.</p> <p>7 With that, we will move on to our</p> <p>8 second item.</p> <p>9 Is everybody good without a break?</p> <p>10 RUDY RANDAZZO: Yeah. Yeah.</p> <p>11 CAROLYN FEIGIN: I'm gonna step out</p> <p>12 and --</p> <p>13 LANCE LANDGRAF: Okay. All right.</p> <p>14 I'll give them a minute to --</p> <p>15 Because we have a swapping of</p> <p>16 engineering here.</p> <p>17 The second application on our</p> <p>18 agenda is Application 2022-10-3313, 155 South</p> <p>19 Tennessee QOZB, LLC.</p> <p>20 The applicant seeks preliminary and</p> <p>21 final site plan approval, along with certain</p> <p>22 "C" variance relief.</p> <p>23 We'll pause until everybody takes</p> <p>24 off, because it's getting hard to hear.</p> <p>25 ROBERT REID: Take care now.</p>

1 **LANCE LANDGRAF:** See you. Thanks,
 2 guys. Nice meeting you.
 3 I'll restart after the --
 4 I should have taken a two minute
 5 recess.

6
 7 (This public hearing concluded at
 8 the time indicated on the videotape
 9 operator's equipment.)

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