

1 CASINO REINVESTMENT DEVELOPMENT AUTHORITY
2 LAND USE REGULATION AND ENFORCEMENT DIVISION

3 APPLICATION: 2023-01-3383

4 THC SHOP, LLC

5
6 APPLICANT SEEKS MINOR SITE PLAN APPROVAL
7 ALONG WITH "C" VARIANCE RELIEF FOR ADULT USE RETAIL
8 SALES OF CANNABIS.

9 THE PROPERTY IS LOCATED AT 1740 ATLANTIC
10 AVENUE, ALSO KNOWN AS BLOCK 156, LOT 1 ON THE TAX
11 MAP FOR THE CITY OF ATLANTIC CITY, LOCATED WITHIN
12 THE CENTRAL BUSINESS DISTRICT (CBD).

13 BLOCK 156, LOT 1
14 1740 ATLANTIC AVENUE
15 ATLANTIC CITY, NEW JERSEY

16 THURSDAY, SEPTEMBER 21, 2023

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1 Public Hearing in the above-referenced
 2 matter conducted at the CASINO REINVESTMENT
 3 DEVELOPMENT AUTHORITY, 15 South Pennsylvania
 4 Avenue, Atlantic City, New Jersey, before Michelle
 5 Gruendel, a Certified Court Reporter and Notary
 6 Public of the State of New Jersey, on Thursday,
 7 September 21, 2023, commencing at 10:45 a.m.

8

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

10 CASINO REINVESTMENT DEVELOPMENT AUTHORITY

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

14 ROBERT L. REID
 15 LAND USE ENFORCEMENT OFFICER

16 PROFESSIONALS TO THE BOARD FOR THIS HEARING:

17 SCOTT G. COLLINS, ESQUIRE
 18 RIKER, DANZIG, SCHERER, HYLAND & PERRETTI

19 G. JEFFREY HANSON, PP
 20 ENVIRONMENTAL RESOLUTIONS, INC.

21 COUNSEL FOR THE APPLICANT:

22 JEFFREY BARNES, ESQUIRE

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I N D E X

WITNESS	PAGE NO.
WILLIAM ABBOTT	
BY JEFFREY BARNES	9
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JASON SCIULLO, PE, PP	
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EXHIBITS MARKED AND/OR REFERRED TO:

A-1, A-2, 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. As noted
6 before, the second item on our agenda has been
7 tabled to 10-19.

8 The third item is Application
9 2023-01-3883, THC Shop, LLC. The Applicant seeks
10 minor site plan approval with (C) variance relief
11 for adult use retail sales of cannabis. The
12 property is located at 1740 Atlantic Avenue, also
13 known as Block 156, Lot 1. It's in the Central
14 Business District and within the Green Zone.

15 Rob, we have proper notice on this one?

16 ROBERT REID: Yes. Yes, we do.

17 LANCE LANDGRAF: Okay. Thanks.

18 See ya later, guys.

19 And complete? Jeff, we're good on
20 completeness?

21 G. JEFFREY HANSON: We're good on
22 completeness, as long as they give testimony
23 regarding some of the items that we asked for in
24 our letter.

25 LANCE LANDGRAF: All right. Sir, floor

1 is yours.

2 JEFFREY BARNES: Good morning. Jeffrey
3 Barnes on behalf of the applicant, the THC Shop,
4 LLC. The owner is the Chelsea Atlantic Equities,
5 LLC. The property is located at 1740 Atlantic
6 Avenue. It's on the southeast corner of Atlantic
7 and Indiana Avenues. It's Lot 1, Block 156. It's
8 located in the CBD, Central Business Zone. It's
9 also the Tourism District and also the site of the
10 Green Zone Redevelopment Area.

11 The dimensions of the property are 60 by
12 130, for a total of 7,800 square feet. What
13 currently exists now is the place formerly known as
14 Popeyes Louisiana Kitchen. There are two other
15 adjacent commercial properties and above that is
16 residential housing units. I believe there were
17 eight bedroom rooming house that I think Mr.
18 Callaghan was in here maybe two rotations ago --

19 LANCE LANDGRAF: Yup.

20 JEFFREY BARNES: -- asking for relief to
21 put in three residential units above.

22 LANCE LANDGRAF: Correct, and I think
23 our board just approved that.

24 JEFFREY BARNES: Okay. We didn't see
25 the resolution but --

1 LANCE LANDGRAF: You won't yet.

2 JEFFREY BARNES: Okay.

3 G. JEFFREY HANSON: It's a rooming house
4 conversion to the three second floor apartments --

5 LANCE LANDGRAF: Yup.

6 G. JEFFREY HANSON: -- and there was a
7 first floor storage area. I believe we approved
8 that, as well.

9 LANCE LANDGRAF: Correct. Correct.

10 JEFFREY BARNES: So this particular
11 project would take place just in the property
12 formerly known as Popeyes Louisiana Kitchen. It's
13 2,353 square feet and there's 330 square feet of
14 storage. The applicant is seeking approval in
15 order to permit the operation of a retail cannabis
16 business pursuant to a Class 5 cannabis license
17 within the portion of the building known as
18 Popeyes.

19 The applicant requires minor site plan
20 approval, as well as variances. So the variances
21 deal with the number of projected signs outside and
22 the number of total signs. There's also multiple
23 preexisting nonconformities that exist. That would
24 be building coverage, lot coverage, front yard
25 setback, rear yard setback, number of on-street

1 parking spots, number of on-site loading and there
2 are some information that went back and forth as it
3 relates to landscaping.

4 LANCE LANDGRAF: Mr. Barnes, one quick
5 question.

6 JEFFREY BARNES: Sure.

7 LANCE LANDGRAF: Just to be clear,
8 because we sometimes get this mixed up, is this a
9 micro license or no, classified micro or not?

10 JEFFREY BARNES: No.

11 LANCE LANDGRAF: Okay. Good. Thank
12 you. Sorry to interrupt. Go ahead.

13 JEFFREY BARNES: No worries.

14 The applicant will also need to get a
15 license agreement or encroachment agreement with
16 the city as it relates to any signs, awnings, light
17 fixtures or projections into the city right-of-way.

18 As far as the building is concerned,
19 there isn't going to be major adjustments to the
20 building. I think what you're going to see is a
21 face-lift to the outside, that being through
22 painting and some window treatments to spruce that
23 up and then internally there's going to be
24 obviously changes made to allow for this retail
25 operation to take place.

1 As far as what has happened so far, we
2 have from the City of Atlantic City Resolution
3 Number 497 adopted in 2022 supporting the
4 suitability and appropriateness of the location.
5 We got a letter from the mayor in 2022 supporting
6 the project, a zoning determination we got from the
7 CRDA in 2023, as well as the State of New Jersey
8 Cannabis Regulatory Commission approval of the
9 annual license application, which was issued in
10 September of 2023.

11 With me this -- I was gonna say this
12 evening because I seem to do these --

13 LANCE LANDGRAF: We throw you through a
14 loop for having these in the morning, right?

15 JEFFREY BARNES: With me this morning, I
16 have Bill McLees, who's the project architect; I
17 have Jason Sciullo, the engineer; I also have
18 William Abbott, one of the members of the LLC. He
19 will provide testimony as it relates to his
20 experience in the retail business, as well as the
21 cannabis business. We'll also provide some
22 testimony as it specifically relates to the
23 operation, and when I say the operation, I don't
24 mean just what goes on inside but what goes on
25 outside, as well. I'll take you through the

1 security process, gaining access, the security that
2 they have located inside and the measures that
3 they're going to take to make this as a first class
4 operation.

5 Having said that, I think it's probably
6 most important to hear from the applicant first to
7 give you a better idea of what his experience is
8 and what is going to happen inside. After that we
9 can hear from Mr. McLees briefly about the outside
10 and the exterior and then we'll hear from Mr.
11 Sciullo as it relates to the variances that are
12 being requested, as well as attempt to address the
13 issues raised by your board engineer.

14 Having said that, Mr. Abbott needs to
15 get sworn in. You can come up.

16 LANCE LANDGRAF: Scott, you want to
17 swear him in.

18 SCOTT COLLINS: Morning, sir. Could you
19 please raise your right hand?

20 WILLIAM ABBOTT, having been first duly sworn
21 according to law, testified as follows:

22 SCOTT COLLINS: Thank you.

23 JEFFREY BARNES: Put your stuff down
24 here if you want.

25 WILLIAM ABBOTT: Thanks.

1 SCOTT COLLINS: Oh, I'm sorry. Could
2 you state your full name and spell it for the
3 record?

4 WILLIAM ABBOTT: Yeah. William Abbott,
5 A-B-B-O-T-T, and I go by Bill.

6 LANCE LANDGRAF: Okay.

7 JEFFREY BARNES: We're good?

8 LANCE LANDGRAF: Floor is yours.

9 JEFFREY BARNES: Sure. So could you
10 give the board the benefit of your work background
11 as it specifically relates to retail?

12 WILLIAM ABBOTT: Sure. So I've been in
13 the wholesale -- (inaudible) -- business for the
14 last 34 years. We have independent retailers
15 throughout the country and we help train them and
16 get them up to speed. Much like the CRC in the
17 cell phone industry, the carriers require certain,
18 for lack of a better term, regulations that the
19 sub-dealers must adhere to and so we ensure that
20 all of them are trained properly. We had
21 approximately 3,700 retailers throughout the
22 country and we did approximately 38 to 42,000 a
23 month. Subsequent to that I got involved in the
24 Arizona cannabis market back in 2010 and I started
25 a dispensary, a cultivation and infusion center in

1 2013. Our dispensary was ranked in the top five in
2 the state in terms of not only volume but also in
3 terms of regulatory compliance. In fact, we were
4 the first dispensary when we were, when we were
5 investigated that got 100 percent on that
6 compliance test. We always strive to follow all
7 the regulations. We actually love regulations
8 because it gives us a road map and allows us to do
9 what we can do best in terms of serving the
10 customers and the public.

11 JEFFREY BARNES: As it relates to the
12 sites that you had in Arizona, explain how similar
13 they are to what's being proposed today by way of
14 square footage and what your plan of operation or
15 business model is going to be for this location.

16 WILLIAM ABBOTT: Absolutely. Most
17 dispensaries in Arizona, depends on the city,
18 because each city is zoned differently, but range
19 anywhere from 1,550 square feet to 3,000 square
20 feet and so the landscape is very similar as far as
21 that goes.

22 JEFFREY BARNES: Got it.

23 And based upon your experience there --
24 and you don't need to go into details. Instead,
25 I'm gonna draw into what's being proposed now and

1 how you took what you've learned in Arizona and
2 moved it over to Atlantic City. So let's just talk
3 about the outside first. One of the biggest
4 concerns I suspect in any municipality where you're
5 going to have this type of business or activity
6 take place is order and one way to have order is to
7 ensure that you don't have massive queuing outside
8 of this establishment, where you have people in a
9 tourism driven community seeing people lined up to
10 go and buy cannabis. So what type of procedures
11 did you implement in Arizona and plan to implement
12 here in New Jersey to stop that queuing from
13 occurring?

14 WILLIAM ABBOTT: Absolutely. So we're
15 planning on having a security guard be in the front
16 of the building at least one hour before we open
17 and that way they can just maintain order in the
18 front of the dispensary. We open at 10. We have
19 another security guard on the inside who will then
20 usher the people to the inside and stage them
21 accordingly so we always have a clean thoroughfare
22 in the front.

23 JEFFREY BARNES: Got it.

24 So there won't be any queuing outside,
25 it won't be permitted?

1 WILLIAM ABBOTT: No.

2 JEFFREY BARNES: The security guard will
3 prevent that from happening, but as far as gaining
4 access, I think that's important, too. It's not an
5 open door policy, correct?

6 WILLIAM ABBOTT: Correct.

7 JEFFREY BARNES: So the security guard
8 will not only eliminate any queuing but the
9 security guard will ensure that appropriate
10 identification is provided?

11 WILLIAM ABBOTT: That is correct.

12 JEFFREY BARNES: And once that's done,
13 then to get into the facility itself the security
14 guard will have an appropriate swipe card --

15 WILLIAM ABBOTT: Correct.

16 JEFFREY BARNES: -- for lack of a term
17 and that will allow access into the facility?

18 WILLIAM ABBOTT: That is correct.

19 JEFFREY BARNES: And that will be
20 maintained during all hours of operation, correct?

21 WILLIAM ABBOTT: That is correct.

22 JEFFREY BARNES: Got it.

23 And so once they enter inside, the
24 customers enter inside the building, will there be
25 security inside, as well?

1 WILLIAM ABBOTT: Yes. We'll have
2 another security guard on the inside of the
3 facility to maintain order and stage the customers
4 in a line so they can be served.

5 JEFFREY BARNES: Got it.

6 So security operators are the first line
7 of, like, presence and I think having people there
8 helps deter any type of what's called negative
9 behavior, but in addition to that you have other
10 security, right?

11 WILLIAM ABBOTT: We do.

12 JEFFREY BARNES: You're gonna have some
13 cameras?

14 WILLIAM ABBOTT: Yes, we do. In fact, I
15 brought something for the parties.

16 JEFFREY BARNES: Okay. This was not
17 submitted as our package so we're going to have to
18 mark this as an exhibit, if that's okay.

19 SCOTT COLLINS: Let's step back a minute
20 and mark the application submission packet itself
21 A-1.

22 JEFFREY BARNES: Okay. So I'll make
23 this A-2?

24 SCOTT COLLINS: Yes. I'm sorry. What
25 is it?

1 JEFFREY BARNES: So we'll explain it to
2 you.

3 SCOTT COLLINS: Okay.

4 JEFFREY BARNES: What is actually in the
5 packet, sir?

6 WILLIAM ABBOTT: So basically it's --
7 we're gonna be using a company by the name of
8 Atlantic Coast Alarm and this is a redacted quote
9 that's showing the various equipment that we're
10 proposing to put in the building and outside the
11 building.

12 LANCE LANDGRAF: Attach the sheet and
13 she'll pass it around.

14 JEFFREY BARNES: I was shocked when I
15 heard how many cameras that you're actually going
16 to have. How many are there?

17 WILLIAM ABBOTT: So there's literally
18 going to be eight exterior cameras and 35 interior
19 cameras. That's in a 2,600 square foot facility.
20 We're going to have more cameras in this building
21 and outside of the building than a normal bank
22 would.

23 JEFFREY BARNES: Let's talk about the
24 exterior first. I'm trying to stay on the exterior
25 and then move to the interior based on how the

1 presentation goes.

2 You said eight on the exterior?

3 WILLIAM ABBOTT: That is correct.

4 JEFFREY BARNES: And that's based upon
5 your experience in Arizona, correct?

6 WILLIAM ABBOTT: It is.

7 JEFFREY BARNES: And that takes you
8 around the perimeter of the building, at least
9 where customers could be, correct?

10 WILLIAM ABBOTT: That is correct.

11 JEFFREY BARNES: And that goes into a
12 central monitoring system?

13 WILLIAM ABBOTT: It does.

14 JEFFREY BARNES: And so you can see
15 what's happening.

16 The system itself that you have is going
17 to record?

18 WILLIAM ABBOTT: Yes, and we've actually
19 calculated that on page 3 as a slide. We're gonna
20 have 45 days of coverage and that's if we include
21 an additional camera system, so up to 52 cameras
22 just in case we need more. We've calculated that.
23 I know the -- I believe the stipulation is 30 days.
24 We feel that 45 days is more sufficient.

25 JEFFREY BARNES: When you say 30 days,

1 that's coming from the Casino Regulatory
2 Commission?

3 WILLIAM ABBOTT: That or the CRC.

4 JEFFREY BARNES: Excuse me. Cannabis
5 Regulatory Commission. I forgot where I was.

6 All right. And then this system itself,
7 is it going to a third party operator or monitor?

8 WILLIAM ABBOTT: It's allowed to, yeah.

9 JEFFREY BARNES: Got it.

10 Now, inside itself, you did say there
11 would be a security guard. Is there going to be
12 point of sale systems?

13 WILLIAM ABBOTT: Yes.

14 JEFFREY BARNES: And how many do you
15 propose?

16 WILLIAM ABBOTT: We're looking right now
17 at five to six.

18 JEFFREY BARNES: Got it.

19 And as far as menuing is concerned --
20 actually, go back to the point of sale system.

21 The point of sale system is going to
22 also be directly linked to the State of New Jersey
23 system, correct?

24 WILLIAM ABBOTT: Correct. So we're
25 looking at point of sale providers right now, we

1 want to make sure that they're fully integrated
2 with what's called Metric. That's the system that
3 the state's using to keep track of cannabis inflows
4 and outflows.

5 JEFFREY BARNES: So in Arizona they had
6 multiple systems and they didn't necessarily speak
7 for themselves, meaning your system in Arizona kind
8 of didn't meet together, they clashed instead?

9 WILLIAM ABBOTT: They did.

10 JEFFREY BARNES: Right?

11 WILLIAM ABBOTT: The state had their own
12 system and wouldn't allow remote access and so,
13 therefore, the point of sale providers couldn't
14 integrate the two systems, which made it very
15 difficult, because our patient care providers would
16 get into the state to make sure they're eligible
17 for the cannabis, then they get into our PS and do
18 the actual sale, so it was very cumbersome so we're
19 really excited about this seamless approach.

20 JEFFREY BARNES: The importance of this
21 Metric system is that when -- and we'll get to
22 delivery in a little bit, but when deliveries come
23 they get scanned, correct?

24 WILLIAM ABBOTT: They do. All product
25 coming in the building that's cannabis related gets

1 scanned.

2 JEFFREY BARNES: Got it.

3 And so that goes into the Metric system?

4 WILLIAM ABBOTT: That is correct.

5 JEFFREY BARNES: And then when there's a
6 sale it comes out of the Metric system?

7 WILLIAM ABBOTT: Correct.

8 JEFFREY BARNES: So the State of New
9 Jersey can see what's coming in and what's going
10 out on a basically real-time basis?

11 WILLIAM ABBOTT: That is correct. As a
12 footnote, a lot of dispensaries only do their
13 inventory once a month. We do it twice a day. So
14 before we open in the morning we do a full
15 inventory count and at the close of business we do
16 a full inventory count so that way we can compare
17 what we entered with yesterday versus what we
18 started with today to make sure there aren't any
19 discrepancies.

20 JEFFREY BARNES: While we're talking
21 about delivery, mine as well get to that now.

22 One of the issues that's raised is that
23 there is not a delivery zone at this particular
24 site, correct?

25 WILLIAM ABBOTT: Correct.

1 JEFFREY BARNES: All right. So making a
2 delivery I think in Atlantic City just in and of
3 itself is somewhat challenging and I think some
4 delivery people unilaterally decide where they're
5 going to park their vehicles and create their own
6 intentional traffic nightmares for people. In this
7 particular case, because of the product that you're
8 using, you've decided that it's important that all
9 deliveries take place either before or after hours;
10 is that accurate?

11 WILLIAM ABBOTT: That is accurate.
12 We'll be opening at 10 a.m. so all deliveries will
13 be scheduled between 8 and 9:45.

14 JEFFREY BARNES: Got it.

15 And how does a delivery normally work?

16 WILLIAM ABBOTT: So the security guard
17 will already be out front and they'll --

18 JEFFREY BARNES: And they'll have notice
19 that a delivery is happening?

20 WILLIAM ABBOTT: Absolutely, and then
21 the delivery individual with the product will be
22 allowed in the building and then will be escorted
23 back to the back of the house where we will do a
24 physical count, make sure all the product is there,
25 was on the PO, and then we provide payment and scan

1 it in the Metric.

2 JEFFREY BARNES: Got it.

3 And you can't predict how often you're
4 going to have deliveries simply because you don't
5 know how often, how much product you're going to
6 sell?

7 WILLIAM ABBOTT: Based on amount.

8 JEFFREY BARNES: Right, but you're going
9 to do this before hours or after hours?

10 WILLIAM ABBOTT: Before.

11 JEFFREY BARNES: Precisely.

12 And that's the way it's going to work
13 while you're in control of this business, correct?

14 WILLIAM ABBOTT: Yes.

15 JEFFREY BARNES: Got it.

16 Let's get back to inside. When you're
17 inside you're gonna have these point of sale
18 systems, you're gonna have the menus, there's going
19 to be cameras on all the point of sale systems,
20 correct?

21 WILLIAM ABBOTT: Correct.

22 JEFFREY BARNES: But it's also important
23 that people aren't going in there to buy, like,
24 Snickers bars or something, they're buying
25 something that is unique to the state and

1 relatively new. So having said that, it's
2 important that people that are behind the point of
3 sale system, meaning the ones that are receiving
4 the funds, actually have some knowledge of the
5 industry; is that accurate?

6 WILLIAM ABBOTT: Very accurate.

7 JEFFREY BARNES: All right. So what
8 kind of training goes on in your facility? Before
9 you get to that, how many people do you think are
10 going to be employed?

11 WILLIAM ABBOTT: We're looking to have
12 approximately 15 to 22 full-time and part-time
13 positions.

14 JEFFREY BARNES: Got it.

15 So let's talk about training. How does
16 it work?

17 WILLIAM ABBOTT: So the on-boarding
18 process is an extensive three day training program
19 where we go from the types of flowers and strains
20 and Sativas and Indicas and hybrids and
21 concentrates and edibles and virtually all the
22 aspects of, number one, what cannabis can do or
23 help, as well as what are the effects, and that
24 will be very extensive program that we rolled out
25 in Arizona and we'll be re-rolling that out here.

1 JEFFREY BARNES: Then are you going to
2 have ongoing training, as well?

3 WILLIAM ABBOTT: Absolutely. Every
4 month every employee will be -- it will be
5 mandatory that they complete a monthly training
6 program, where after the training they will also
7 sign their name at the bottom of the form so we can
8 make sure that everyone's trained properly.

9 JEFFREY BARNES: Another concern is that
10 of potential theft. The area where the product is
11 going to be sold -- and I can only surmise and you
12 can inform the board, there's going to be some
13 product that's displayed, correct?

14 WILLIAM ABBOTT: Very small samples,
15 correct.

16 JEFFREY BARNES: And I assume there's a
17 smelling area?

18 WILLIAM ABBOTT: That is correct. In
19 the front there is a, basically an area where our
20 customers can look at the product. They can't
21 touch it. They can smell it and they can see it
22 and that's it.

23 JEFFREY BARNES: But a percentage of the
24 total amount of inventory that you have, it's a
25 slight percentage, right? It's under --

1 WILLIAM ABBOTT: One half of one
2 percent.

3 JEFFREY BARNES: Got it.

4 And the remainder of that percentage is
5 going to be in what you called the back room
6 earlier, correct?

7 WILLIAM ABBOTT: Yes. In a vault and
8 also in a DEA cage.

9 JEFFREY BARNES: Explain to the board
10 what a DEA cage is, because when I first heard of
11 it I'm like, it sounds like drug enforcement.

12 WILLIAM ABBOTT: It is. The DEA
13 actually uses cages when they have narcotics, to
14 properly store them, and we're gonna have the same
15 thing inside our vault, just to make sure we have
16 double protection on all the products that we have
17 in the building.

18 JEFFREY BARNES: So another issue, then,
19 is because of the fact that cannabis, the state and
20 the federal government are not necessarily on the
21 same page, there are issues as it relates to how
22 the product is paid for, correct?

23 WILLIAM ABBOTT: Correct.

24 JEFFREY BARNES: And most likely that
25 means you can't accept credit card payments,

1 correct?

2 WILLIAM ABBOTT: Correct.

3 JEFFREY BARNES: So that, then,
4 generates a cash business?

5 WILLIAM ABBOTT: That is correct.

6 JEFFREY BARNES: Which becomes, I don't
7 want to say unsafe, but it's something that people
8 that do bad things might target; fair?

9 WILLIAM ABBOTT: Fair.

10 JEFFREY BARNES: Okay. What kind of
11 mechanism are you going to have in place to attempt
12 to at least prevent any type of theft or at least
13 minimize it?

14 WILLIAM ABBOTT: So we've had a
15 wonderful relationship with a bank called First
16 Fidelity Bank and we are gonna be putting in what's
17 called a smart safe and that's where -- when you
18 get the cash, you actually feed it into the safe
19 and the safe automatically counts it and reports it
20 back to the bank and then we deposit it the next
21 day. We will not have access to that cash. Only
22 the carrier when they pick it up has access to the
23 cash.

24 JEFFREY BARNES: And that's a safe
25 that's bolted, they install it and it's -- I don't

1 want to say it's foolproof but it's close to that?

2 WILLIAM ABBOTT: Absolutely.

3 JEFFREY BARNES: Okay. Also, because of
4 the fact that you can't use a credit card and not
5 everybody that's necessarily going to your
6 establishment is aware of that, an average
7 purchase, I think you said or indicated was
8 somewhere between 100 and \$110?

9 WILLIAM ABBOTT: Correct.

10 JEFFREY BARNES: They're going to need
11 access to cash so as a way to prevent them from
12 leaving the store and then reentering the store,
13 you are going to have a MAC machine inside the
14 premises?

15 WILLIAM ABBOTT: Yes. We're going to
16 have at least one --

17 LANCE LANDGRAF: That's an old
18 reference, MAC machine.

19 JEFFREY BARNES: Yeah.

20 LANCE LANDGRAF: For the millennials
21 that are in the room, that's an ATM.

22 WILLIAM ABBOTT: I was gonna say, we're
23 going to have at least one ATM and maybe two.
24 There's also --

25 JEFFREY BARNES: I wanted to see if

1 anyone was listening.

2 LANCE LANDGRAF: I still call it that.

3 WILLIAM ABBOTT: Also, across the street
4 is a bank that customers can go to prior to
5 entering our building, as well.

6 JEFFREY BARNES: Great. So let's talk
7 about the ATM machine inside. That's not going to
8 be your machine, that's going to be through a third
9 party?

10 WILLIAM ABBOTT: Third party.

11 JEFFREY BARNES: Explain to the board
12 how sophisticated it is now back from -- like,
13 before it was MAC to now ATM, the difference in the
14 quality of service and how it's monitored.

15 WILLIAM ABBOTT: So yeah. That's also
16 bolted into the floor and the machine is property
17 of the ATM provider and it actually communicates to
18 the ATM provider, tells them exactly how much
19 change is available and the courier would then get
20 a text and come and take the cash out and put more
21 in.

22 JEFFREY BARNES: So it's seamless?
23 You're not calling them, saying I think we need
24 more money?

25 WILLIAM ABBOTT: No. No.

1 JEFFREY BARNES: It's all just done
2 electronically?

3 WILLIAM ABBOTT: That is correct.

4 JEFFREY BARNES: Trash, the area that
5 we're talking about doesn't necessarily have a
6 whole lot of room for any type of trash. Why don't
7 you explain to the board how much trash is
8 generated at an establishment like this based on
9 your experience.

10 WILLIAM ABBOTT: It's really like a
11 typical retailer. You know, occasionally you're
12 gonna have some samples that we were using for the
13 smell bar, for lack of a better term. We'll take
14 that material and we'll grind it up and then we'll
15 mix it with kitty litter on a ratio of at least
16 45 percent cannabis to 55 percent kitty litter and
17 then that will be stored in a locked container so
18 it's rendered non usable or non smokeable at that
19 point.

20 JEFFREY BARNES: But it's not outside?

21 WILLIAM ABBOTT: No. Everything will be
22 stored inside in our trash collector on a schedule
23 who will let us know when they're coming and then
24 we will put all the material out to them.

25 JEFFREY BARNES: So your trash collector

1 is not going to be the city, it's going to be a
2 private third party that you contract with
3 directly?

4 WILLIAM ABBOTT: That's correct.

5 JEFFREY BARNES: And they will tell when
6 they're coming, there will be communications so
7 that there's no time where any of your trash is on
8 the curb area, instead it's going to be seamless,
9 they're going to pull up, the trash can go into the
10 trash truck and the trash will go back -- the
11 container will go back to the facility?

12 WILLIAM ABBOTT: That's correct.

13 JEFFREY BARNES: Perfect.

14 As far as inside is concerned, after a
15 transaction occurs, and that is a customer
16 purchases product from your company, is consumption
17 permitted inside of the facility?

18 WILLIAM ABBOTT: Absolutely not, nor
19 outside.

20 JEFFREY BARNES: And so how do you
21 prevent it from occurring inside?

22 WILLIAM ABBOTT: Well, we have security
23 guards, number one, and employees, number two, and
24 we're gonna do a perimeter monitor around the
25 outside of the building every, like, two hours just

1 to make sure there's no activity going on that we
2 didn't know about.

3 JEFFREY BARNES: Got it.

4 And then when a customer is handed the
5 product, it's not loose?

6 WILLIAM ABBOTT: No.

7 JEFFREY BARNES: How does it work?

8 WILLIAM ABBOTT: No. It's just like
9 when you go to Walgreens. We'll put it in a bag
10 and we'll staple it, you know. If the CRC changes
11 those guidelines, then we'll adapt accordingly, but
12 that's what we plan on doing.

13 JEFFREY BARNES: The idea behind putting
14 it in a bag and stapling it, along with the
15 employee telling the customer, simply to say you
16 can't open this inside of the facility, nor
17 outside, go to your house or wherever --

18 WILLIAM ABBOTT: That is correct.

19 JEFFREY BARNES: -- you go?

20 WILLIAM ABBOTT: You can't do that in a
21 public area. You have to be in your private home.

22 JEFFREY BARNES: Perfect.

23 Another issue of concern has to do with
24 things that may occur after dark and that is the
25 potential for, again, some form of robbery. I know

1 you have all these camera detectors, but are you
2 also going to add motion detectors?

3 WILLIAM ABBOTT: Absolutely. Yeah. In
4 fact, if you go back on the quote, I want to say we
5 have 10.

6 JEFFREY BARNES: Got it.
7 And what is the purpose of a motion
8 detector?

9 WILLIAM ABBOTT: To alert us to any
10 activity either inside or outside.

11 JEFFREY BARNES: Got it.
12 So that would be, like, vibrations, if
13 someone was attempting to cut through a wall, for
14 instance?

15 WILLIAM ABBOTT: Yup. And also, we have
16 glass break sensors, as well.

17 JEFFREY BARNES: Okay. Perfect.
18 Is there anything else that you think is
19 important that I missed that you would like to tell
20 the board about this facility?

21 WILLIAM ABBOTT: No. Just that when I
22 started the holistic center in 2013, in 2018 we
23 were actually purchased by a Canadian firm and they
24 retained me and I then became responsible for four
25 dispensaries, three cultivations in Arizona and one

1 in Nevada. Then, after that, another Canadian
2 com -- or actually, an American company bought the
3 Canadian company and they retained me as a
4 consultant, so I'm very involved with the cannabis
5 business and I have a lot to offer Atlantic City.

6 JEFFREY BARNES: So this isn't a one and
7 done thing for you and that is you're getting this
8 approval, making a nice presentation and then
9 rolling, right? You're gonna stay involved in this
10 company and monitor it on a daily basis?

11 WILLIAM ABBOTT: Absolutely.

12 JEFFREY BARNES: The system that you
13 have in place, in the event that you're not at the
14 Atlantic City store, you have the ability to
15 monitor it wherever you are, right?

16 WILLIAM ABBOTT: Anywhere in the world.

17 JEFFREY BARNES: Got it.

18 WILLIAM ABBOTT: And our CEO and my
19 partner also lives in -- was born here in New
20 Jersey and she'll be here in the state.

21 JEFFREY BARNES: Got it.

22 And you also have the ability to
23 communicate directly with employees based upon the
24 system that you have, correct?

25 WILLIAM ABBOTT: Absolutely.

1 JEFFREY BARNES: Perfect.

2 Before you sit down, I know this board
3 has heard many of these applications so they might
4 have questions that -- do you?

5 LANCE LANDGRAF: I want to hear from the
6 architect. You mentioned a coup -- and the site
7 engineer. You mentioned deliveries. I don't see
8 any location or doorways where these deliveries are
9 going to occur.

10 JEFFREY BARNES: The front door.

11 LANCE LANDGRAF: Okay.

12 JEFFREY BARNES: Correct?

13 Yes.

14 WILLIAM ABBOTT: Pre-business.

15 JEFFREY BARNES: That's why we're doing
16 it before business. It's not going to be
17 disruptive.

18 LANCE LANDGRAF: The trash, where is
19 that coming in and out?

20 WILLIAM ABBOTT: Coming in or going out?

21 LANCE LANDGRAF: Going out.

22 WILLIAM ABBOTT: So we will have a
23 storage area inside the back office and we will
24 retain it there until the trash --

25 JEFFREY BARNES: Right. So all -- no

1 trash is going outside until the actual third
2 party, the contracted trash company comes and it
3 will go out the front door and they're not gonna
4 have it occur during --

5 G. JEFFREY HANSON: Third party pick-up?

6 JEFFREY BARNES: Yeah. And it won't
7 occur during business hours. The idea is when
8 they're open for business, there's no deliveries,
9 no trash --

10 LANCE LANDGRAF: Okay.

11 JEFFREY BARNES: -- no third party
12 anything going on. It's just business during
13 operation.

14 WILLIAM ABBOTT: Correct.

15 LANCE LANDGRAF: All right. I guess the
16 engineer or the architect will talk about where
17 that delivery truck is going to park and that
18 information?

19 JEFFREY BARNES: Yes.

20 LANCE LANDGRAF: All right. And then
21 your next witness, then.

22 JEFFREY BARNES: Perfect.

23 WILLIAM ABBOTT: Thank you. Thanks for
24 your time.

25 JEFFREY BARNES: Next we'll hear from

1 Mr. McLees.

2 WILLIAM McLEES: Good morning.

3 SCOTT COLLINS: Good morning.

4 WILLIAM McLEES: Good morning.

5 WILLIAM McLEES, AIA, having been first duly sworn
6 according to law, testified as follows:

7 SCOTT COLLINS: Thank you.

8 LANCE LANDGRAF: We're familiar with Mr.
9 McLees' licensing. He's an expert in the field of
10 architecture.

11 WILLIAM McLEES: Thank you.

12 JEFFREY BARNES: Perfect.

13 Can you give the board the benefit of
14 your role in this project, please?

15 WILLIAM McLEES: Sure. Mr. Abbott had
16 contacted us about designing the fit-out
17 improvements for the property at 1740 Atlantic
18 Avenue so we've been working with him in that
19 capacity for approximately 12 months.

20 JEFFREY BARNES: All right. So why
21 don't we start with the exterior and then move our
22 way inside.

23 WILLIAM McLEES: Sure. Let me get down
24 to the exterior sheet. Okay. There, we go.

25 What we are looking at is the exterior

1 elevations and renderings which were included in
2 the submission package. The top right of the page
3 obviously is the rendering, the view of the corner
4 there, and then we have the Atlantic Avenue
5 elevation to the left of that and then the Indiana
6 Avenue elevation along the bottom of the page. The
7 building largely is staying as it is. The awnings
8 will be improved. We're going to do work to the
9 storefront and the gates there because they're in
10 somewhat disrepair to kind of rehab that and bring
11 it back into proper working order and then the
12 building itself is going to be painted with
13 elastomeric paint throughout.

14 JEFFREY BARNES: The awnings themselves
15 are similar to the awnings by way of dimensions and
16 locations --

17 WILLIAM McLEES: Yes. Same exist. Just
18 replacing. They're kind of a little tired.

19 JEFFREY BARNES: Got it.

20 G. JEFFREY HANSON: And what's the
21 request for the other licensing agreement to the
22 city?

23 WILLIAM McLEES: Yes.

24 G. JEFFREY HANSON: You'll provide it
25 for those -- (inaudible) --

1 WILLIAM McLEES: Sure.

2 G. JEFFREY HANSON: And any signage,
3 lights, etcetera, as per -- I have a number of
4 (C)(1) in my review letter on page --

5 WILLIAM McLEES: Correct. Just with
6 regard to the exterior and the signage, just to
7 touch on that, I don't know if it was deceit or
8 confusing in the elevations, it's actually four
9 signs. There's one wall-mounted and one blade sign
10 on each frontage, but you're seeing one of the
11 blade signs in elevation when you look at the
12 elevation so it might look like there's three per
13 side. It's actually two per side.

14 G. JEFFREY HANSON: There's one blade
15 sign each side, one wall sign each side?

16 WILLIAM McLEES: Correct. The wall sign
17 is approximately 40 square feet. The blade sign
18 would be 4 square feet.

19 G. JEFFREY HANSON: Okay.

20 JEFFREY BARNES: Four signs total?

21 WILLIAM McLEES: Four signs total, a
22 total of 88 square feet of signage area.

23 G. JEFFREY HANSON: Do we know how
24 that's broken down as far as the wall is?

25 WILLIAM McLEES: Oh, in terms of

1 percentage of wall?

2 G. JEFFREY HANSON: No. I mean, is it
3 40?

4 WILLIAM McLEES: It's equal. 40 -- 44
5 and 44.

6 G. JEFFREY HANSON: What portion is the
7 blade? What portion is the wall sign?

8 WILLIAM McLEES: The wall sign is 40.

9 G. JEFFREY HANSON: Okay.

10 WILLIAM McLEES: And the blade is 4.

11 G. JEFFREY HANSON: Okay. Thanks.

12 WILLIAM McLEES: Sure.

13 JEFFREY BARNES: Now, the exterior color
14 that is provided, is that the color of the --

15 WILLIAM McLEES: We're working through
16 the final palette but obviously the colors are
17 gonna comply with the requirements in the city for
18 their review board so --

19 JEFFREY BARNES: So is that something
20 you're deferring to the board on the color? Are
21 you presenting this color saying we like it?

22 WILLIAM McLEES: No. We're gonna -- I
23 think, I think what we're providing is exactly what
24 is permitted to be provided per the municipal
25 requirements.

1 JEFFREY BARNES: Got it.

2 In the event the review board wants a
3 different color --

4 WILLIAM McLEES: Of course.

5 JEFFREY BARNES: -- you'll comply?

6 LANCE LANDGRAF: That will fall to
7 Atlantic City's --

8 WILLIAM McLEES: Correct.

9 LANCE LANDGRAF: -- redevelopment
10 architect review, architectural review, so we rely
11 on them to give any recommendation on color.

12 JEFFREY BARNES: What about lighting
13 outside?

14 WILLIAM McLEES: So there would be
15 security lighting that's going to be installed on
16 both frontages and the existing lighting that is in
17 place, I believe there's some that's underneath the
18 canopy that will be rehabilitated.

19 JEFFREY BARNES: And the lighting itself
20 for the business that is being proposed will be
21 sufficient?

22 WILLIAM McLEES: Yes. Absolutely.

23 JEFFREY BARNES: In addition to being
24 sufficient for the business being proposed, is it
25 going to be disruptive to the neighborhood? I

1 think that's important, as well.

2 WILLIAM McLEES: No. Those will be
3 shielded lights.

4 JEFFREY BARNES: What does that mean?

5 WILLIAM McLEES: That they'll have,
6 they'll have shields on the fixtures themselves to
7 just divert the light from, from shining into
8 adjacent properties.

9 JEFFREY BARNES: Next of probably
10 importance to this board and the city has to do
11 with your ability to see inside of this retail
12 store here.

13 WILLIAM McLEES: Yes.

14 JEFFREY BARNES: What is being proposed
15 to stop people from being able to see what's going
16 on?

17 WILLIAM McLEES: Right. So the intent
18 there is to film the glass so it would be obscured
19 glass when we are finished with the development, so
20 you won't be able to see into the display area.

21 JEFFREY BARNES: All right. So in the
22 rendering that was provided, on the Atlantic Avenue
23 side there appears to be, like, white. What is
24 that?

25 WILLIAM McLEES: That is, that's

1 probably a relic. I think what we're talking about
2 is a black film so it would just be -- it would
3 appear like black glass.

4 JEFFREY BARNES: Got it.

5 So you wouldn't see that white?

6 WILLIAM McLEES: That's correct.

7 JEFFREY BARNES: Got it.

8 So it would just be all blacked out?

9 WILLIAM McLEES: That's correct.

10 JEFFREY BARNES: Perfect. Any questions
11 about the exterior before we go into the interior?

12 LANCE LANDGRAF: No. Go ahead, please.

13 JEFFREY BARNES: All right.

14 WILLIAM McLEES: So with regard to the
15 interior, if we look at the plan, this is sheet
16 A1.00 from the submission set. Along the bottom of
17 the plan you'll see basically the proposed floor
18 plan. The area to the front, which would be all
19 the way to the left of that plan, would be the
20 public access area. So you'll see the door in the
21 lower left corner of the plan, that's the door off
22 of the street that we've already talked about. It
23 would be controlled access with -- manned by
24 security guards. Once you're let into the space
25 there is some bench seating for queuing and there

1 is the smell bar which is kind of located in the
2 middle of that area. Along the top of the plan in
3 the public area there will be monitors where you're
4 able to kind of, I guess educate yourself, browse
5 the selection and find out more about the products
6 while you're waiting, and then counter areas, that
7 L-shaped area which is where the transaction would
8 take place.

9 JEFFREY BARNES: So it's not that
10 dissimilar of an arrangement to that of, like, an
11 Apple store to a certain degree?

12 WILLIAM McLEES: Yes. Similar, yes.
13 Similar in function, I suppose.

14 And you touched a little bit on the
15 trash. The trash will be stored inside. There is
16 a door that's shown that opens out that's existing,
17 that opens out on to Indiana Avenue. That could
18 potentially be used both for loading, for incoming
19 deliveries, as well as for trash so it doesn't have
20 to go out the front door. The space does go all
21 the way to the rear, although I think it's -- we
22 have to work through the landlord whether we can
23 get access to that rear alley space with a door.
24 That remains to be seen.

25 JEFFREY BARNES: Does the board have any

1 recommendations as to what they would like to see?

2 LANCE LANDGRAF: Yeah. No one's talked
3 about where these delivery trucks are gonna park.
4 I am not -- and we have been consistent of not
5 allowing these to occur on Atlantic Avenue or even
6 the side streets, for the most part, without a
7 loading area, so you're gonna need to talk to
8 somebody about getting access to that public alley
9 because that's not really a through street. It may
10 go through but it's not consistently used as --
11 with heavy traffic. Atlantic Avenue, certainly no
12 loading is gonna occur from Atlantic Avenue.
13 Indiana Avenue is a through street to the casinos.
14 I'm not looking at that as being a good street to
15 have -- how many lanes is that?

16 WILLIAM McLEES: Indiana?

17 LANCE LANDGRAF: Yeah.

18 WILLIAM McLEES: I believe it's two. I
19 think it's two with a striped out.

20 JASON SCIULLO: Let me -- swear me in so
21 I can tell you about the loading. You're gonna run
22 in circles.

23 LANCE LANDGRAF: Right. So you'd be
24 blocking that right-hand lane that has right turn
25 and straight through only to deliver product.

1 That's not acceptable.

2 JASON SCIULLO: Well, we -- no. No.
3 Swear me in and I'll tell you, please.

4 LANCE LANDGRAF: Okay. Please, Mr.
5 Sciullo.

6 JASON SCIULLO, PE, PP, having been first duly sworn
7 according to law, testified as follows:

8 SCOTT COLLINS: Will you be testifying
9 as an engineer and planner?

10 JASON SCIULLO: I will.

11 SCOTT COLLINS: Lance, you --

12 LANCE LANDGRAF: Yes. We accept his
13 credentials.

14 JASON SCIULLO: Thank you.

15 So you can pop up the street view in
16 Google if we need to, but right along the
17 project -- I should actually back up and say with a
18 different firm we did the streetscape improvement
19 project across the section of Atlantic Avenue and
20 at this corner along -- directly in front of the
21 project frontage, you can see it on -- I'll pull up
22 an aerial view but there's a loading zone already
23 painted there. That's right at the corner.

24 LANCE LANDGRAF: On Atlantic Avenue?

25 JASON SCIULLO: On Atlantic, yeah.

1 LANCE LANDGRAF: We're not doing loading
2 on Atlantic Avenue.

3 JASON SCIULLO: It's a loading zone,
4 though. You just said --

5 LANCE LANDGRAF: I'm gonna have to --
6 you got to show me that. I'm not -- loading on a
7 public street for cannabis is just no longer gonna
8 be something we're gonna be amenable to. There's
9 gonna have to be some other way to do this.

10 JASON SCIULLO: Well, the -- this is
11 interesting because now --

12 LANCE LANDGRAF: Whose loading zone is
13 it?

14 JASON SCIULLO: It's the public loading
15 zone. The city painted that. Everybody on the
16 street --

17 LANCE LANDGRAF: That entire plan is
18 under changes right now with this road diet
19 debacle. Show me -- I got to see where it is.
20 That plan in front of me is not telling me where
21 that is.

22 JASON SCIULLO: Yeah.

23 JEFFREY BARNES: Is this the one?

24 JASON SCIULLO: Yeah. That's the one,
25 but I got to go to Google Maps and bring it up.

1 JEFFREY BARNES: Here's the Google.

2 JASON SCIULLO: Yeah. That's the --
3 it's the same thing. What's this address, 1740?

4 WILLIAM McLEES: 40, yeah.

5 LANCE LANDGRAF: You're just going to
6 Google Maps, an aerial of the site, right?

7 JASON SCIULLO: Yup.

8 See it here with the yellow stripe on
9 it?

10 LANCE LANDGRAF: Who is that designated
11 for?

12 JASON SCIULLO: It's not. It's a public
13 loading zone.

14 LANCE LANDGRAF: All right. Well --

15 JASON SCIULLO: It's the one that all of
16 the other businesses use.

17 LANCE LANDGRAF: But is this being
18 changed with the proposed road diet?

19 JASON SCIULLO: I haven't seen that to
20 see what that loading zone would be.

21 LANCE LANDGRAF: Okay. So --

22 JEFFREY BARNES: Can I approach?

23 LANCE LANDGRAF: Sure.

24 JEFFREY BARNES: This is what it
25 actually looks like. You think this is --

1 LANCE LANDGRAF: Off of Van Ness. Yeah.
2 I mean, that street's in terrible shape. What I
3 would rather see this -- instead of coming in
4 through the front door, I'd rather see it coming in
5 the back.

6 JASON SCIULLO: We did.

7 LANCE LANDGRAF: Granted, you can't
8 block that street, either.

9 ROBERT REID: (Inaudible.)

10 LANCE LANDGRAF: Right. They'd have to
11 back into there. Van Ness goes back into there.
12 How far does that go down? Past their property?

13 ROBERT REID: Past their property, yeah.
14 It goes back three more lots. It dead-ends. That
15 may be more appropriate.

16 LANCE LANDGRAF: Yeah. Let me ask a
17 question on the deliveries. This may go to Bill.
18 About how long is the delivery truck there?

19 WILLIAM McLEES: That's the conversation
20 we just had. It's basically a cargo van.

21 LANCE LANDGRAF: I know how long -- I
22 meant time.

23 WILLIAM McLEES: Oh. Oh. Oh.

24 JEFFREY BARNES: The duration from when
25 they pull to up to when they leave.

1 LANCE LANDGRAF: Yeah.

2 WILLIAM ABBOTT: Typically, like, 12 to
3 20 minutes max.

4 LANCE LANDGRAF: Okay. 15, 20 minutes,
5 all right.

6 I'm concerned about the loading on
7 Atlantic Avenue. That is closer to the front door,
8 which is obviously better, and if there is a
9 loading area there, I guess they can use it. We've
10 done that on other streets where they have a
11 loading area, as long as we can get confirmation
12 from the city that that's gonna remain.

13 JASON SCIULLO: Well, it's interesting,
14 because this isn't unique in that every corner
15 either has this or a bus stop as you go down the
16 land.

17 LANCE LANDGRAF: Right.

18 JASON SCIULLO: And one of the things
19 about the road diet that was complicated in the
20 beginning of that conversation was, you know,
21 bumping out sidewalks and taking parking lanes and
22 whatever, is how deliveries and loading -- I'm
23 sorry, bus operations will work, so to me it's
24 interesting. I was just telling Jeff when we were
25 talking, the CRDA reg, not that -- whatever. The

1 CRDA reg for loading says within it that loading
2 spaces are required for buildings 10,000 square
3 feet and higher. So under 10,000 square feet don't
4 require a loading zone. CRC regs also are silent
5 on loading zones and where they occur. We
6 understand completely the safety implication of not
7 having a place to do this.

8 LANCE LANDGRAF: Right.

9 JASON SCIULLO: We don't want people in
10 the street, but being that this loading zone exists
11 and it has existed in the city, I think, when you
12 do the road diet, if they take that away, it
13 doesn't just harm this business, the whole street
14 doesn't have a place to do this.

15 LANCE LANDGRAF: One of the reasons they
16 shouldn't do the road diet.

17 JASON SCIULLO: Yeah. And there's a,
18 you know, there's a public outcry, anyway, but
19 Indiana, if somehow it can be worked out, it's two
20 lanes but it's oversized. The loading zone could
21 be created there with a re-stripe without a whole
22 lot of headache but it goes through stuff that --

23 LANCE LANDGRAF: Let's go back to the
24 one on Atlantic. If there's one on Atlantic and
25 you can get a letter or something from the city

1 saying that you're fine to use that, it's right by
2 the front door, I guess that's --

3 JASON SCIULLO: We can have cameras
4 directly on it. That's part of the reason why it
5 works so well.

6 JEFFREY BARNES: However, in an effort
7 to attempt to not return here, although everyone's
8 wonderful, what's the back-up plan that you'd like
9 to see?

10 JASON SCIULLO: Well, we can get the
11 letter as a condition but --

12 LANCE LANDGRAF: Yeah. I mean, a
13 condition of approval is fine. You don't need to
14 come back to show me that, as long as you get --

15 JEFFREY BARNES: I'm saying if they said
16 no for some reason, what would you prefer?

17 LANCE LANDGRAF: Something workable on
18 Van Ness Place in the rear. Do you have a doorway?

19 JASON SCIULLO: Yes.

20 JEFFREY BARNES: Yes.

21 LANCE LANDGRAF: You might want to show
22 that on the plan. There's no -- there's just no
23 doorway going out there, because ideally that would
24 be great for trash, as well.

25 WILLIAM McLEES: Right. We verified

1 that the access is permitted from the landlord, so
2 that door can be there and that loading is --

3 LANCE LANDGRAF: Ideally I'd rather see
4 it --

5 JASON SCIULLO: Back here?

6 WILLIAM McLEES: Yup.

7 LANCE LANDGRAF: -- the trash definitely
8 back there.

9 WILLIAM McLEES: Right.

10 LANCE LANDGRAF: Having the deliveries
11 on Atlantic Avenue in the morning, probably not
12 that -- because you've got loading space there.

13 JASON SCIULLO: It's only a van.

14 LANCE LANDGRAF: It's a little safer.

15 JASON SCIULLO: It's not like it's a big
16 truck, you know.

17 LANCE LANDGRAF: More eyes on the
18 street, you pull in an alley, just make it a little
19 safer for the deliveries or the pick up of cash out
20 front.

21 Same timeline with cash pick up --

22 JEFFREY BARNES: Correct. Yes.

23 LANCE LANDGRAF: -- Mr. Abbott? I
24 couldn't think of his last name.

25 JEFFREY BARNES: Correct.

1 LANCE LANDGRAF: All right. As long as
2 we can verify that that loading space is gonna stay
3 out front, or if we can work on something in the
4 back, definitely for the trash. I'd like to see
5 the trash come out in that alley instead of being
6 rolled through the store. Trash trucks, they don't
7 always follow schedules. They don't want rolling
8 trash through the property while business is
9 operating.

10 JEFFREY BARNES: Exactly.

11 LANCE LANDGRAF: All right. Mr. Barnes,
12 you got any -- what else do you have for Mr.
13 Sciullo? The variance testimony, I'm assuming.

14 JEFFREY BARNES: Yes, but do you need to
15 testify any more about the inside layout or you're
16 good?

17 WILLIAM McLEES: I think we covered. I
18 mean, it's, you know, it's pretty simple, but if
19 there's other questions, obviously we can address
20 them.

21 LANCE LANDGRAF: I don't think so.
22 Other than the fact that if we move that trash to
23 that rear space that seems to be kind of dead in
24 the back of the building, that little leg that
25 sticks up around the tenant area, that would just

1 be a floor plan change.

2 WILLIAM McLEES: Yes.

3 LANCE LANDGRAF: All right. That's all
4 I have for you, Bill.

5 JEFFREY BARNES: The man who was so
6 eager to speak, the floor is yours.

7 JASON SCIULLO: Good morning again. For
8 the record, Jay Sciullo. I didn't say it before,
9 when I started with the loading zone discussion.
10 I'll keep my testimony brief, since we covered a
11 lot of the stuff really well. I just wanted to
12 generally explain the function of the roadway
13 system. We talked about the loading, but Indiana
14 is one way north away from the beach and that's to
15 our west side. Atlantic Avenue is two lanes in
16 each direction, a center turn lane and then the
17 parking aisle. We talked about that, also, and the
18 loading zone. We propose no changes to that
19 arrangement. We also propose no changes to the
20 footprint of the building or the existing
21 nonconformities that were identified in the review
22 letter by Mr. Hanson. I don't know that there's a
23 lot to talk about relative to site function other
24 than what's been covered previously, but I want to
25 just go through a couple comments in the letter and

1 also variance testimony if it's needed.

2 First thing, sort of related to variance
3 but not completely is we talked about parking
4 demand and this use not changing. I just want to
5 make sure it's clear, the previous use of the
6 restaurant has twice the parking requirement as
7 does this retail use. It's treated as retail just
8 like any other retail.

9 Mr. Hanson, in your letter on page 4,
10 just so the record's clear, you have the THC Shop
11 parking requirement is based on 150 square feet per
12 space. That's the restaurant requirement. When it
13 turns to retail it turns to 300 square feet per
14 space so it gets dropped. So the total parking
15 required in the existing condition is 36 spaces and
16 the proposed condition is 28, so we have a
17 reduction in the grandfathered shortfall of parking
18 because this site has no off-street parking and
19 that goes for the residential that's here.

20 G. JEFFREY HANSON: (Inaudible) --
21 oversight on that.

22 JASON SCIULLO: No worries. All good.

23 The residential that was in a couple
24 meetings ago hasn't changed, as you know, and then
25 the other retail spaces that are in the same

1 building on the same lot but not part of this
2 application, they don't change as shown in this
3 letter, and that's item five on page 4.

4 For the other nonconformities, existing
5 nonconformities that Jeff had talked about in the
6 beginning for building coverage, impervious
7 coverage, front yard, the loading space we talked
8 about which, again, the CRDA rules I think are
9 clear, that anything under 10,000 square feet
10 doesn't have to have one technically. All of these
11 are existing nonconformities that are either
12 improving or not changing so I think they fall
13 under (C)(1) hardship variances to make changes to
14 them to be compliant. As you all know, this lot,
15 this use, this building -- not the use. I'm sorry.
16 This previous use, this building existed prior to
17 the Tourism District rules being adopted so any
18 nonconformities related to the buildings kind of
19 are what they are. I don't know if we do need
20 relief because with past applications we just
21 identified them as existing conditions that aren't
22 changing.

23 SCOTT COLLINS: Yeah, Jay. What we've
24 been doing is identifying what they are,
25 preexisting nonconforming, not required to be

1 varianced, but separately there is -- there are
2 some new variances here, right? Is that just
3 related to signage?

4 JASON SCIULLO: Signage, that's the last
5 thing.

6 G. JEFFREY HANSON: These are the only
7 new variances, quote/unquote, right?

8 JEFFREY BARNES: Yes.

9 JASON SCIULLO: Say it again. I'm
10 sorry.

11 G. JEFFREY HANSON: Those are the only
12 new variances, quote-unquote?

13 JASON SCIULLO: Yes.

14 G. JEFFREY HANSON: The loading zone one
15 we're just gonna treat as an existing
16 nonconformity?

17 SCOTT COLLINS: I believe so.

18 JASON SCIULLO: Yes.

19 G. JEFFREY HANSON: Even though with the
20 change of use, we don't want to reaffirm that?

21 LANCE LANDGRAF: Well, I think we'll
22 worry -- it's still retail.

23 SCOTT COLLINS: You have a retail,
24 that's a good point.

25 JASON SCIULLO: So for the signage, this

1 is compliant with the CRDA Tourism District rules
2 relative to signage. We're allowed to have what's
3 proposed. The difference between a typical
4 application and this one is related to the
5 redevelopment plan and the relief required from
6 that. In preparation of the redevelopment plan,
7 it's not clear. It says two signs per site, so we
8 don't have -- this is a corner so we have two
9 frontages. We also have other uses in the building
10 so there are clearly more signs than just the two
11 so we are requesting relief as mentioned in
12 previous testimony to not only have our four signs
13 that are proposed but also the existing signs that
14 remain which you've identified in your letter,
15 Jeff, on page 5 under item 10. They fall under the
16 total square footage that would be permitted by
17 CRDA regulations of 25 percent of the facade, so we
18 just need relief from the total number. I want to
19 make sure it's clear, too, if it matters, the
20 existing condition, there were two -- well, I don't
21 know if we count that as one or two.

22 JEFFREY BARNES: Do you count these
23 as --

24 JASON SCIULLO: It has the Popeyes and
25 then the Louisiana Kitchen or whatever they call

1 it. It was separate but --

2 LANCE LANDGRAF: It was separate?

3 JASON SCIULLO: Separate boxes but --

4 LANCE LANDGRAF: We would have probably
5 drawn one box around --

6 JASON SCIULLO: I would think so.

7 G. JEFFREY HANSON: I would think so,
8 yeah. One sign, in my opinion, would be --

9 JASON SCIULLO: So it's more or less --
10 I mean, it's gonna be the same general arrangement
11 with the signage over the door. Our signs I think
12 are smaller than those existing signs and we're
13 adding two blade signs. It's really just those two
14 blade signs.

15 G. JEFFREY HANSON: We're talking about
16 eight total signs for the site with two permitted
17 by the redevelopment plan?

18 JASON SCIULLO: Yes. Yes.

19 G. JEFFREY HANSON: Okay.

20 JASON SCIULLO: I want to make sure it's
21 clear, too. I don't know if it's gotten back to
22 you guys, word has gotten back to you guys yet. As
23 part of the city's redevelopment plan for
24 architectural standards, one of the last ones that
25 was done for MPX, which is already open

1 temporarily, their new space on St. James received
2 a letter from the reviewer from the city denying
3 the application based on the number of signs, even
4 though CRDA granted relief for it, so --

5 LANCE LANDGRAF: I haven't heard that
6 one yet.

7 JASON SCIULLO: Yeah. It just came up a
8 couple weeks ago.

9 LANCE LANDGRAF: So honestly, that's
10 outside of their purview so --

11 JASON SCIULLO: Yeah. Yeah. So we're
12 just gonna say coordination will have to happen. I
13 don't know if that has to be, you know, somehow
14 made clear to them. Separate from that, they also
15 had a standard, or it's in the redevelopment plan
16 related to the color of the glass and apparently
17 the city redevelopment plan conflicts with a CRC
18 regulation which may have changed between when it
19 was adopted. They denied based on that, as well.
20 We're gonna have an almost identical situation here
21 where we have more signs and dark glass so just --

22 LANCE LANDGRAF: Send me a copy of that
23 letter that you received.

24 JASON SCIULLO: I will. I will.

25 LANCE LANDGRAF: They don't copy -- they

1 should copy us on those but that's a condition of
2 our approval.

3 JASON SCIULLO: So this one's
4 interesting. I'd like to comment, Jeff, but
5 it's -- so there's -- along Atlantic Avenue the
6 sidewalks are brand new so that's not broken.
7 Along Indiana, if there's anything that's fallen
8 into disrepair, we'll replace it.

9 G. JEFFREY HANSON: We require -- I'll
10 just note that we requested the same thing at the
11 Chelsea Atlantic Equities application that came
12 before us for the same site back in -- I believe
13 was that August we heard that one?

14 LANCE LANDGRAF: Yes. Yup.

15 G. JEFFREY HANSON: It's a little bit of
16 a redundancy as long as whoever -- I mean, it's the
17 same site owner so there is -- I just want to
18 reaffirm that, you'll work with the planners and
19 the sidewalk as granted by the city.

20 JASON SCIULLO: Okay. To be clear,
21 there's no sidewalk on the alley so there's
22 nothing --

23 LANCE LANDGRAF: Right. It's
24 right-of-way.

25 JASON SCIULLO: Yeah.

1 LANCE LANDGRAF: Cartway. Excuse me.

2 JASON SCIULLO: Yeah, just cartway. And
3 then the dead or dying street trees, they were
4 installed new. I hope they're not -- somebody
5 should be taking care of them but we will make sure
6 they're in good shape moving forward.

7 The facade improvements, as Bill
8 mentioned, more or less replacement of the awnings
9 and compliance with the Green Zone Redevelopment
10 Plan standards. To the extent they don't conflict
11 with CRC regs, that will be part of the application
12 to the city.

13 We talked about trash and recycling in
14 your last comments so I think unless there's
15 anything more that you all would like to hear from
16 us, I have nothing further.

17 LANCE LANDGRAF: Maybe just -- you
18 talked about the signs but did you put
19 justifications on for the signage?

20 JEFFREY BARNES: We will.

21 LANCE LANDGRAF: Okay. Sorry.

22 JEFFREY BARNES: Unless there's anything
23 else, that's the last thing.

24 JASON SCIULLO: So to be clear, the
25 signage complies with CRDA land use rules so the

1 underlying zoning is compliant. The issue I think
2 is the standard created in the Green Zone
3 Redevelopment Plan maybe didn't contemplate dual
4 frontage, plus also additional uses at the site,
5 not just the cannabis use, because it says per
6 site. Clearly, if there's -- in this case we have
7 four existing signs on the site already for other
8 uses that are at the site. If we weren't able to
9 put signage in to generally replace the existing,
10 the business would -- it's a hardship for the
11 business to try to operate without signage.
12 Clearly every building and use needs signage in
13 this retail world.

14 JEFFREY BARNES: Especially if it's
15 signage that's similar to what already exists.

16 JASON SCIULLO: Yeah. Generally a
17 replacement of it along with blade signs which, you
18 know, to me they make much more of a difference in
19 our urban pedestrian environment than your building
20 mounted signage because you see them as you're
21 walking down the street, they hang and you feel the
22 view and they're usually pretty modest. In this
23 case 4 square feet is the size of the way-finding
24 sign.

25 JEFFREY BARNES: And you would agree

1 that would promote the public health, safety and
2 general welfare?

3 JASON SCIULLO: It does, yeah. Purpose
4 (a) of the Municipal Land Use Law, planning
5 standards, rules of planning that, you know, for
6 the purpose of guiding people to the retail use
7 safely.

8 JEFFREY BARNES: Help people through
9 pedestrian traffic and then deal with any
10 collateral other businesses that exist, it's easily
11 identifiable?

12 JASON SCIULLO: Absolutely, it is.

13 JEFFREY BARNES: Provides sufficient
14 space in a variety of locations for a variety of
15 uses?

16 JASON SCIULLO: Yeah. These -- it's
17 interesting, because now there's been talk of what
18 they call too many cannabis operations but ones
19 that are run well will survive. I think the market
20 needs to determine that. So for a variety of uses
21 this, I think, fits that purpose.

22 JEFFREY BARNES: And to promote a
23 desirable and visual environment through a creative
24 development technique in the zone?

25 JASON SCIULLO: Yeah. I think the

1 architectural upgrades and signage upgrades that
2 we've shown are tasteful and architecturally
3 pleasing and meet that standard and that purpose.

4 JEFFREY BARNES: Won't substantially
5 impact the surrounding neighborhood and owners?

6 JASON SCIULLO: No. We have a reduction
7 in parking demand and this is a pedestrian centric
8 section of town that I think this use will fit in
9 really well for that reason.

10 JEFFREY BARNES: It won't substantially
11 impact the zone plan or zoning ordinance?

12 JASON SCIULLO: No. All the
13 nonconformities that are being requested were, if
14 we are, they're predating the ord -- the
15 regulation, and the signage, as I mentioned, is
16 compliant with CRDA's regulations, just the
17 conflicting standard created in the Green Zone
18 Redevelopment Plan that didn't contemplate corner
19 shops with multiple uses.

20 JEFFREY BARNES: The granting of the
21 variance will not in any way, shape or form -- it
22 will be better and outweigh any of the detriments?

23 JASON SCIULLO: Yeah. The benefits of
24 granting this relief outweigh any potential
25 detriments, absolutely.

1 JEFFREY BARNES: All right. Anything
2 else you want to add?

3 JASON SCIULLO: No. Thank you.

4 JEFFREY BARNES: Board may have some
5 questions.

6 LANCE LANDGRAF: No. I think we're good
7 on the testimony. We'll have Jeff go through his
8 report. We'll mark the September 14th, 2023
9 Environmental Resolution, Inc. as B-1.

10 SCOTT COLLINS: Note for the record that
11 Jeff has previously been sworn and qualified as the
12 Authority's expert in professional engineering.

13 LANCE LANDGRAF: Yes.

14 G. JEFFREY HANSON: As Lance alluded to,
15 I have a letter dated September 14th, 2023. I'll
16 try not to be too reiterative, as I think they
17 covered everything in the letter.

18 The applicant information is on the
19 first page. Documents submitted on the second
20 page. There were several submission waivers that
21 were noted. We don't have any objection to
22 granting any of those submission waivers based on
23 the testimony that was provided and the
24 supplemental information that was provided. I just
25 wanted to note that this application was here, or

1 there was a prior application from Chelsea Atlantic
2 Equities, I know we covered it, to convert the
3 rooming house to three second floor apartments and
4 a first floor storage area. There were, I believe
5 eight preexisting nonconformities. Jay covered the
6 sign variances that are required with this
7 application. The bulk variance review is on pages
8 3 and 4 of the letter. And then moving on to the
9 site plan review comments, we just touched upon the
10 fact that they agreed to get a licensing agreement
11 from the city for all encumbrances into the city
12 right-of-way. They'll repair the sidewalks along
13 the Indiana and Atlantic Avenue frontages as
14 required by the city and also replace the trees and
15 provide grates. The facade improvements will be
16 covered under the Green Zone Redevelopment Plan,
17 reviewed by the city's architectural consultant.
18 All of the Green Zone design items are covered
19 under that review at this point so that will be a
20 condition of approval, as well. And then I think
21 we already covered the trash. It's going to be
22 stored at the back until the time that it's picked
23 up. They talked about loading that in the back,
24 along Van Ness Place, I believe was the resolution
25 to that. That pretty much covers everything in my

1 letter, unless there's any specific questions.

2 JASON SCIULLO: One question I forgot
3 about and when I read the letter it jumped out at
4 me and I forgot to mention it, the tree grate
5 thing. So I mentioned we had done the street
6 improvement work prior and there was purposeful
7 conversation about not putting in tree grates
8 because they were getting stolen.

9 G. JEFFREY HANSON: Okay.

10 JASON SCIULLO: I know you want to do it
11 to protect the root base but they were the only
12 ones that would have it along our frontage so we
13 respectfully request not to install them.

14 G. JEFFREY HANSON: What can you do
15 to --

16 JASON SCIULLO: So there's --

17 G. JEFFREY HANSON: -- root damage?

18 JASON SCIULLO: There's a metal curb
19 that kind of sticks up around them. It's
20 decorative. Maybe 2 or 3 inches tall that prevents
21 people from being able to walk in it.

22 G. JEFFREY HANSON: Okay.

23 JASON SCIULLO: So that's -- so we would
24 just leave it.

25 LANCE LANDGRAF: I would -- okay. I

1 would suggest that that conversation be had with
2 the city engineer.

3 G. JEFFREY HANSON: Okay. I agree.

4 LANCE LANDGRAF: That little metal is
5 causing some issues with trip hazards so I would
6 have that -- I would defer that to the city. It's
7 in their right-of-way. Just reach out to them, see
8 what they want you to do.

9 JASON SCIULLO: Okay.

10 LANCE LANDGRAF: I would agree, they
11 probably don't want you to use grates, but let's
12 see what they want you to do, if anything.

13 JEFFREY BARNES: When we ask for the
14 license I'll bring that up.

15 LANCE LANDGRAF: Yeah. Probably
16 different department but --

17 JEFFREY BARNES: Yup.

18 LANCE LANDGRAF: -- Gene Kirby or Uzzo.

19 JEFFREY BARNES: Thank you.

20 LANCE LANDGRAF: Talk to those two guys
21 and see what they want to have happen. We're fine
22 with whatever they suggest on that.

23 G. JEFFREY HANSON: Just one more, the
24 security and surveillance measures will have to be
25 vetted by the police department, obviously. I

1 think that's part of your CRC approval, anyway.

2 JASON SCIULLO: Yeah. It was already
3 done because they have their CRC --

4 G. JEFFREY HANSON: Okay.

5 JASON SCIULLO: -- annual license
6 already.

7 G. JEFFREY HANSON: That's all I have.

8 LANCE LANDGRAF: Okay. Thank you, Jeff.

9 Couple questions. One, what's the time
10 frame of getting the full licensure and getting up
11 and open?

12 WILLIAM ABBOTT: Give or take, three to
13 four-and-a-half months.

14 LANCE LANDGRAF: All right. We did talk
15 about -- testimony was provided on security and
16 that they'll be there an hour ahead of time. I
17 appreciate you putting that on the record because
18 that's something we've been requiring. I like the
19 fact that the queuing is going to happen inside,
20 you're gonna get everybody inside and not waiting
21 outside. You have a large lobby area which I think
22 works well to get everybody inside.

23 You have anything?

24 ROBERT REID: Just one thing. It may
25 have been discussed but I may not have gotten it

1 written down. Question for the applicant. Are
2 these cameras going to be tied into the ACPD?

3 WILLIAM ABBOTT: They have that
4 capability.

5 LANCE LANDGRAF: We would ask -- we
6 would put that as a condition, that they be tied to
7 the ACPD's office.

8 WILLIAM ABBOTT: The answer's yes.

9 ROBERT REID: Thank you.

10 WILLIAM ABBOTT: You're welcome.

11 LANCE LANDGRAF: Chief Sarkos would be
12 contact for that. Jay, you can put them in touch
13 for that.

14 JASON SCIULLO: Yup. I think it's in
15 the redevelopment plan.

16 LANCE LANDGRAF: It is, yeah. It's a
17 requirement on that redevelopment.

18 Rob, you got anything else?

19 ROBERT REID: No. I'm good.
20 Everything's good.

21 LANCE LANDGRAF: Okay. Thank you.
22 Again, we hope to have this on for our October
23 board meeting which, just to give you a heads-up
24 when that date will occur, it looks like
25 October 17th is our board meeting. We'll get our

1 hearing officer report done for that and on that
2 agenda.

3 All right?

4 JEFFREY BARNES: Sure. Thank you.

5 LANCE LANDGRAF: With that we'll
6 close -- oh, wait a minute. Public, we have to
7 open to the public. Forgot about that.

8 If we have anybody that has any comments
9 on this application, please step forward, state
10 your name, ask any questions or make any comments.
11 Please step forward.

12 Seeing none, we'll close the public
13 portion.

14 We're good on our end so we'll close
15 testimony on this matter. We'll take about a five
16 minute break until we bring on the next
17 application, which is A Perfect Bud, LLC.

18 All right?

19 JEFFREY BARNES: Thank you.

20 LANCE LANDGRAF: We'll take a few
21 minutes. Thank you, guys.

22 (At 11:58 a.m. proceedings were
23 concluded.)

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CERTIFICATE

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

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

Michelle Gruendel



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

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