

1 CASINO REINVESTMENT DEVELOPMENT AUTHORITY
2 LAND USE REGULATION AND ENFORCEMENT DIVISION
3

4 APPLICATION: 2023-09-3521
5 THE HEALING SIDE, LLC

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

9 THE PROPERTY IS LOCATED AT 2415-2417
10 PACIFIC AVENUE, ALSO KNOWN AS BLOCK 164, LOTS 54,
11 56, 57, 65 AND 66 ON THE TAX MAP FOR THE CITY OF
12 ATLANTIC CITY, LOCATED WITHIN THE RESORT COMMERCIAL
13 DISTRICT (RC).

14 THURSDAY, OCTOBER 19, 2023
15 10:50 A.M.

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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 October 19, 2023 commencing at 10:50 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.
 CHAIRMAN
12 DIRECTOR, PLANNING DEPARTMENT

13 ROBERT L. REID
 LAND USE ENFORCEMENT OFFICER

14

15 PROFESSIONALS TO THE BOARD FOR THIS HEARING:

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

17 CHRISTINE COFONE, PP
 COFONE CONSULTING GROUP, LLC

18

19 CAROLYN FEIGIN, PE, PP
 ADAMS, REHMANN AND HEGGAN

20 COUNSEL FOR THE APPLICANT:

21 DANIEL J. GALLAGHER, ESQUIRE

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I N D E X

WITNESS	PAGE
TIMOTHY KERNAN, PE	
BY DANIEL GALLAGHER	7

EXHIBITS MARKED AND/OR REFERRED TO:
A-1, A-2, A-3, A-4, 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: Okay. We'll bring the
6 meeting back to order.

7 The second application on our agenda is
8 Application Number 2023-09-3521, The Healing Side,
9 LLC. Seeks minor site plan approval with (C)
10 variance relief for adult use retail sales of
11 cannabis.

12 I will note that this application was
13 the first to get a use variance prior to the Green
14 Zone Redevelopment Plan. It is in that zone but
15 they did get a use variance several months ago.

16 The property is located at 2415, 2417
17 Pacific Avenue, also known as Block 174, Lots 54,
18 56, 57, 65 and 66. It's located in the Resort
19 Commercial District, and as I said, it is in the
20 Green Redevelopment Zone.

21 Rob, we have proper notice on this?

22 ROBERT REID: Yes. I reviewed the proof
23 of service provided and we have jurisdiction to
24 hear the application.

25 LANCE LANDGRAF: Okay. And

1 completeness, we're good?

2 CHRISTINE COFONE: Yes.

3 CAROLYN FEIGIN: We are.

4 LANCE LANDGRAF: Okay. Before we bring
5 you back on -- you want to mark your exhibits now?

6 SCOTT COLLINS: Oh, yeah. Let's start
7 with A-1, would be the application package, and
8 then do you plan on offering anything that wasn't
9 part of the submission?

10 TIMOTHY KERNAN: Maybe some signage.

11 SCOTT COLLINS: Well, if you do we'll
12 deal with that.

13 LANCE LANDGRAF: All right. Mr.,
14 Mr. Gallagher, I almost called you Mr. Callaghan.
15 I got the Irish contingent here today.

16 DANIEL GALLAGHER: I've heard that
17 before.

18 LANCE LANDGRAF: Very good.

19 DANIEL GALLAGHER: Before we start, if
20 anybody's familiar with the site, it was -- we used
21 to call it the Papa John's site. It's actually a
22 huge site with a ton of parking. It's -- out of
23 all the things I've worked on with regard to
24 cannabis, it's probably the best fitted for this
25 particular use. It's in between Georgia and

1 Florida Avenue. It was not a great place. I would
2 ask that, you know, you guys take a chance -- if
3 you get the chance, to drive by and see what
4 they've actually done with the property. 100 times
5 better than what it was, particularly behind the
6 building, where there was a lot of activity, we'll
7 say, but it's all been cleaned up. Our expert
8 today is going to be Tim Kernan. I would ask that
9 you accept his credentials as a professional.

10 LANCE LANDGRAF: Why don't we have
11 everybody sworn in who's going to testify and then
12 we'll do that.

13 SCOTT COLLINS: Good morning, everyone.
14 Raise your right hands.

15 TIMOTHY KERNAN, PE, PP, having been first duly
16 sworn according to law, testified as follows:

17 SONALI PATEL, having been first duly sworn
18 according to law, testified as follows:

19 CHINTAN SHAH, having been first duly sworn
20 according to law, testified as follows:

21 SCOTT COLLINS: And Mr. Gallagher, Mr.
22 Kernan will be testifying as an expert in
23 engineering?

24 TIMOTHY KERNAN: Engineering and
25 planning.

1 SCOTT COLLINS: And planning.

2 And Lance, you recognize --

3 LANCE LANDGRAF: Yes. Most certainly.

4 SCOTT COLLINS: And then the other two
5 will be fact witnesses?

6 DANIEL GALLAGHER: Yes.

7 SCOTT COLLINS: Okay. Thank you.

8 DANIEL GALLAGHER: I'll ask the board
9 before we start, one of the items addressed in Miss
10 Cofone's letter to the board was the hours of
11 operation, security and things of that nature. We
12 put that on the record before with regard to the
13 use variance. Is it necessary that we go over it
14 again for purposes of this application?

15 LANCE LANDGRAF: As long as your
16 security plan is compliant with what Atlantic City
17 is looking for. The one thing we have been adding,
18 and I'm not sure if we were doing it during the use
19 variance phase of this project, is that we have
20 security on site at least 45 minutes to an hour
21 before the opening --

22 DANIEL GALLAGHER: Right.

23 LANCE LANDGRAF: -- in case there's
24 lines queuing. We hope you're greatly successful.
25 We want to make sure there's somebody there, making

1 sure they're queued up properly.

2 DANIEL GALLAGHER: As part of the
3 security plan, the plan, I will say on the record,
4 has been approved by the city, it's been approved
5 by the state, so --

6 LANCE LANDGRAF: Okay. Good.

7 DANIEL GALLAGHER: So nothing's gonna
8 change.

9 LANCE LANDGRAF: That will satisfy --

10 CHRISTINE COFONE: Yes. Absolutely.

11 DANIEL GALLAGHER: Nothing's gonna
12 change, the hours of operation, the number of
13 employees are going to be consistent with a micro
14 dispensary for the first year, in accordance with
15 the state statutes, so what we put on the record
16 for the use variance, to say that testimony, it's
17 all the same.

18 LANCE LANDGRAF: And this is going to be
19 a micro facility?

20 DANIEL GALLAGHER: Yes.

21 All right, Tim.

22 TIMOTHY KERNAN: The site plan is
23 simple. We're just taking the existing parking lot
24 on the east side of the building and eliminating a
25 number of spaces. Currently it's not really

1 striped that well. It's old and outdated. It
2 needs repair, but currently fits about 52 cars.
3 We're bringing that down to 38 cars and the way
4 we're bringing that down is we're adding three
5 islands. There's a kiosk coming off of Pacific
6 Avenue, that's going to be eliminated. There's a
7 bunch of bollards and equipment on the ground in
8 that area that are going to be eliminated. In its
9 place will be a curbed island with vegetation and a
10 tree. Then at the end of the building, back right
11 corner, we're going to add another curbed island
12 with a tree and that will kind of protect the
13 loading area. Loading, when I say loading, not
14 tractor trailers, as you've had a bunch of these.

15 LANCE LANDGRAF: Sprinter vans.

16 TIMOTHY KERNAN: Cannabis vans, but that
17 island at the end of the building will protect that
18 row of parking and the vans that are coming and
19 going for deliveries. New trash enclosure behind
20 the building. At Georgia Avenue we're just going
21 to stripe out so you can't park so that creates,
22 like, a building for people to maneuver in and out
23 of the parking spaces there. And then one more
24 island we're going to create, a curbed island with
25 landscaping where the parking lot turns 90 degrees

1 to the rear, so that will protect the cars that are
2 parked on either row from cars making that turn
3 into the back parking area. Other than that -- and
4 then it's all going to be sealcoated and restriped,
5 handicapped parking, signage, everything, new
6 landscaping and new curbed islands, little skinny,
7 like, islands along the sidewalk on Pacific Avenue,
8 replacing what's currently there. New signage
9 using the same location, the same pole that's out
10 there, the same box, I believe, and just knew face
11 for the sign there. And then facade signage, which
12 I don't know if that was part of the application
13 package or not so that might be another exhibit to
14 put into the record, is the facade signage.

15 DANIEL GALLAGHER: And just for the
16 record, the Ventnor side of the building, we'll
17 call it, the parking over there is for the tenants
18 and then there's --

19 LANCE LANDGRAF: Residential component
20 that's on the site.

21 DANIEL GALLAGHER: Yeah. So that
22 there's enough parking there, on the Ventnor side,
23 for its employees and for the tenants. One thing
24 that's really magnificent with regard to this site
25 is the amount of parking that comes with it.

1 That's one of the reasons they chose that location.

2 LANCE LANDGRAF: That number of parking
3 spaces is in the 38 that Tim testified to?

4 DANIEL GALLAGHER: No. It's in
5 addition.

6 LANCE LANDGRAF: Oh, in addition to it,
7 all right.

8 DANIEL GALLAGHER: Like I said, there's
9 a ton of parking there.

10 TIMOTHY KERNAN: On the other side of
11 the building?

12 DANIEL GALLAGHER: Yeah.

13 TIMOTHY KERNAN: Yeah. I didn't even
14 mention that side.

15 DANIEL GALLAGHER: Why don't you just --

16 TIMOTHY KERNAN: Because that's --
17 remember when we were here for the use a
18 year-and-a-half ago, we had to separate out that
19 side because there's residential units to the rear.

20 DANIEL GALLAGHER: Right.

21 TIMOTHY KERNAN: So that's considered
22 part of their -- we'll call it the residential
23 side.

24 LANCE LANDGRAF: I think the city has
25 since removed the prohibition of having cannabis

1 and residential on the same site so --

2 TIMOTHY KERNAN: Okay.

3 LANCE LANDGRAF: -- at this point it
4 doesn't matter anymore but it's good that the
5 parking is separated from it. But the employees
6 will park on that side, you're saying?

7 DANIEL GALLAGHER: Yeah. There's enough
8 room for the employees and the tenants.

9 LANCE LANDGRAF: How many staff at a
10 time will be on the site?

11 CHINTAN SHAH: It's going to be a
12 maximum of 10. There won't be more than 10.

13 LANCE LANDGRAF: Okay. At one time?

14 CHINTAN SHAH: Yes.

15 LANCE LANDGRAF: All right.

16 DANIEL GALLAGHER: One question I have
17 before we get into the signage. I noted in Miss
18 Cofone's report there was reference to an electric
19 charging station. Is that because of the amount of
20 spaces?

21 LANCE LANDGRAF: The new state
22 requirements.

23 CHRISTINE COFONE: Right.

24 LANCE LANDGRAF: Yeah.

25 TIMOTHY KERNAN: Anything over 25, but

1 since it's an existing parking lot.

2 LANCE LANDGRAF: Doesn't matter.

3 CHRISTINE COFONE: I think that's a --
4 (inaudible).

5 LANCE LANDGRAF: Yeah.

6 DANIEL GALLAGHER: I'm sorry. That's
7 what?

8 CHRISTINE COFONE: It's a good one. It
9 has to have them.

10 TIMOTHY KERNAN: Even if it's
11 preexisting parking?

12 LANCE LANDGRAF: Yup.

13 TIMOTHY KERNAN: Okay.

14 CHRISTINE COFONE: I think we only need
15 one.

16 DANIEL GALLAGHER: I was just
17 questioning if it was a -- if it would get
18 grandfathered in.

19 (Multiple parties speaking.)

20 TIMOTHY KERNAN: Make-ready or actually
21 put the equipment in?

22 CHRISTINE COFONE: Make-ready is fine.
23 I'm sorry.

24 TIMOTHY KERNAN: Make-ready is fine?

25 LANCE LANDGRAF: Is it just make-ready?

1 CHRISTINE COFONE: Make-ready would
2 comply with the statute so --

3 TIMOTHY KERNAN: Gotcha. All right. So
4 we would pick one of them probably along the facade
5 of the building, because getting electricity there
6 --

7 CHRISTINE COFONE: Of course. Right.

8 TIMOTHY KERNAN: -- would be easier than
9 digging up the parking lot and patching it and all
10 that.

11 LANCE LANDGRAF: Yeah.

12 TIMOTHY KERNAN: It may end up near the
13 front, you know, in the area where the handicapped
14 spots are, maybe the first spot past the island or
15 we slide the -- well, we don't want to slide this
16 island because of the kiosk, then we'd have to put
17 new asphalt down and all that in that area.

18 LANCE LANDGRAF: I think that will work,
19 yup.

20 DANIEL GALLAGHER: Okay.

21 LANCE LANDGRAF: I know --

22 TIMOTHY KERNAN: That's it.

23 LANCE LANDGRAF: -- there are other
24 locations with parking over 25 that have had to
25 have at least make-ready for a charging station.

1 DANIEL GALLAGHER: Okay. I think the
2 only other issue to be addressed is really the
3 signage.

4 TIMOTHY KERNAN: Yeah.

5 DANIEL GALLAGHER: You're getting that?

6 TIMOTHY KERNAN: Okay. So the site plan
7 package had the sign that's out in that curb strip
8 along Pacific Avenue. It shows the existing sign
9 with what's going in its place and then -- on the
10 face but it probably, the facade signage, is not on
11 the -- in the application on the record. So how
12 many do we have of each? I have handouts that
13 show --

14 DANIEL GALLAGHER: Four.

15 TIMOTHY KERNAN: -- the facade signage
16 as a rendering on a photograph, then also
17 dimensional drawings showing the dimensions of the
18 facade signage, and then even what it looks like
19 from a side view with how far it sticks out from
20 the wall and so forth, so I'll just bring them all
21 up.

22 LANCE LANDGRAF: Okay.

23 TIMOTHY KERNAN: These are -- you're --
24 (inaudible) -- these?

25 DANIEL GALLAGHER: Yeah.

1 TIMOTHY KERNAN: Maybe we can get one
2 back. We don't need it.

3 DANIEL GALLAGHER: I don't need it. I
4 can just print them out again. That's all.

5 SCOTT COLLINS: We'll call that A-2.
6 Can you describe it? Is it a sign?

7 LANCE LANDGRAF: So the first I'm
8 looking at is, it looks like a detail of the sign.
9 We'll mark that as A-2. It's two pages and it's
10 both a front facing and a profile view of the
11 facade sign.

12 SCOTT COLLINS: Okay.

13 LANCE LANDGRAF: What we'll mark as A-3
14 is a photographic view -- enhanced photographic
15 review of the freestanding sign. Shows its
16 dimensions and that consists of -- actually, it's
17 three pages of the same thing. I think the other
18 one was the same. No. That was -- A-2 is two
19 separate pages.

20 SCOTT COLLINS: Okay.

21 LANCE LANDGRAF: This will be A-3. Give
22 them to them.

23 CHRISTINE COFONE: Thank you.

24 LANCE LANDGRAF: That's another copy of
25 A-2, and then you got another one, it looks like

1 it's a rendering of the facade. This would be A-4.

2 CAROLYN FEIGIN: These are actually in
3 the plans.

4 LANCE LANDGRAF: Oh, are they?

5 CAROLYN FEIGIN: The last --

6 LANCE LANDGRAF: Okay. Tim, these are
7 just blow-ups of what was in the plan?

8 TIMOTHY KERNAN: Yeah.

9 LANCE LANDGRAF: Oh, okay. Then we
10 don't need to mark them, then.

11 SCOTT COLLINS: I don't have them.

12 LANCE LANDGRAF: Even the facade? Even
13 the picture of the facade?

14 TIMOTHY KERNAN: Facade's not on the
15 plan, I don't believe.

16 CAROLYN FEIGIN: These ones are.

17 LANCE LANDGRAF: Okay.

18 TIMOTHY KERNAN: Those are.

19 LANCE LANDGRAF: I'm just gonna keep my
20 numbers going. I'm not gonna change what I just
21 did.

22 TIMOTHY KERNAN: If you look at that
23 signage it's like the leaf, the leaves or the,
24 whatever you call them, one leaf has a number of
25 chutes off of it. They're not jagged like you

1 would -- like a cannabis --

2 CHRISTINE COFONE: Cannabis, yeah.

3 TIMOTHY KERNAN: -- leaf actually is
4 very jagged on the leaves. This is a little bit
5 different. It's more like a --

6 CHRISTINE COFONE: Like a round --

7 CAROLYN FEIGIN: Like a Lotus bloom.
8 It's almost like a Lotus bloom.

9 TIMOTHY KERNAN: It's a sun. It's
10 really --

11 DANIEL GALLAGHER: This is not to be
12 funny but there's -- my client's home country is
13 India. They're called The Healing Side. They're
14 all pharmacists. There's a plant called the sunn
15 hemp. It originated in India. It's indigenous to
16 India. They're starting to use it in the United
17 States. They're actually growing crops of it in
18 Alabama and other southern states. It's used for
19 blood disorders. So that's more akin to a sunn
20 hemp than a traditional cannabis plant, which
21 you'll see has pointy leaves with jagged edges. If
22 you look -- we have pictures of the sunn hemp if
23 you want to see it or you can just go on the
24 internet and look at it.

25 CHRISTINE COFONE: That's what I'm doing

1 right now.

2 DANIEL GALLAGHER: Yeah.

3 CHRISTINE COFONE: They're more pointy,
4 like that.

5 DANIEL GALLAGHER: Right. These are
6 more rounded leaves, more akin to what's called a
7 sunn hemp.

8 LANCE LANDGRAF: Surprised how quickly
9 you were able to get to that site.

10 DANIEL GALLAGHER: That's pretty
11 impressive.

12 CHRISTINE COFONE: It's the same number
13 of leaves but the leaves are not -- yeah.

14 DANIEL GALLAGHER: It's the same number
15 of leaves.

16 LANCE LANDGRAF: So I guess the concern
17 was that -- and you guys in our previous
18 conversation indicated that the CREAMMA rules don't
19 say that anymore.

20 CHRISTINE COFONE: Right.

21 LANCE LANDGRAF: Or do they?

22 CHRISTINE COFONE: I don't think they
23 do.

24 LANCE LANDGRAF: Okay. So then our
25 concern is, is there something local that we're

1 concerned about that it has the appearance of a
2 cannabis leaf?

3 CAROLYN FEIGIN: Actually, this
4 resolution, 22-112, is not in effect anymore,
5 you're saying?

6 LANCE LANDGRAF: Is that our rule or is
7 that the state's?

8 CAROLYN FEIGIN: It's a CRDA resolution.

9 CHRISTINE COFONE: It's the CRDA.

10 LANCE LANDGRAF: We took that out of
11 the --

12 CHRISTINE COFONE: Of the local --

13 CAROLYN FEIGIN: Okay.

14 LANCE LANDGRAF: Yeah.

15 CHRISTINE COFONE: So it's not a state.

16 CAROLYN FEIGIN: Okay.

17 LANCE LANDGRAF: But I think the
18 testimony is that it is not a cannabis leaf, it is
19 a sunn hemp.

20 DANIEL GALLAGHER: Right.

21 LANCE LANDGRAF: With what looks like,
22 to me, two hands holding it up.

23 DANIEL GALLAGHER: It's actually a
24 pretty neat design.

25 LANCE LANDGRAF: I would not disagree.

1 Pretty modernistic look of it.

2 TIMOTHY KERNAN: And the sign
3 manufacturer, when designing the facade sign, which
4 you now have before you, took into consideration
5 your regulations as far as area and --

6 LANCE LANDGRAF: You're compliant?

7 CHRISTINE COFONE: Right.

8 TIMOTHY KERNAN: We are compliant.

9 LANCE LANDGRAF: Compliant with the
10 signage.

11 CHRISTINE COFONE: Right. And don't
12 forget, when this originally came through it wasn't
13 permissible so our regulations have changed from
14 the original resolution.

15 TIMOTHY KERNAN: So we believe we're
16 good from a signage standpoint. I guess the only
17 other open item, before you go through your
18 professionals, would be the vacation of the alleys,
19 the potential consolidation of the lots and then
20 access to former Delilah's Den. Actually, the
21 Delilah's Den building encroaches on to the subject
22 property --

23 LANCE LANDGRAF: Okay.

24 TIMOTHY KERNAN: -- before you today
25 by -- there's like a jog in that building and it

1 encroaches maybe a foot or so just for maybe like
2 20 feet, the first couple parking spaces and then
3 the building has a jog back and then straightens
4 out and heads --

5 LANCE LANDGRAF: From our local
6 historian, there used to be a building on that lot
7 and I think it was a party hall so that's
8 why the --

9 DANIEL GALLAGHER: Actually, if you go
10 by it today there's, like, electric meters where it
11 juts out on the side of the building and --

12 LANCE LANDGRAF: Yup.

13 DANIEL GALLAGHER: -- for the record,
14 the vacations of the easements, which I went
15 through with the title company, to go over how to
16 get rid of those, and that's through a
17 resolution -- actually, an ordinance from the
18 city --

19 LANCE LANDGRAF: From the city.

20 DANIEL GALLAGHER: -- which they've
21 agreed to do. It's just going through the process.

22 LANCE LANDGRAF: We would just make it a
23 condition of any approval. That's all.

24 DANIEL GALLAGHER: What -- we recently,
25 and I wasn't -- I explained to Lance, we recently

1 granted an access easement to make -- to the CRDA
2 to make repairs on that property. I don't know if
3 you want to make it part of this application.

4 LANCE LANDGRAF: I really don't want to
5 meddle with that at this point because that's --

6 DANIEL GALLAGHER: Just for the record,
7 we're willing to work with --

8 LANCE LANDGRAF: -- different attorneys
9 so I got to keep --

10 DANIEL GALLAGHER: We're willing to work
11 with whoever on it because I think that we should
12 kind of grant an access easement because it's the
13 only way to get to that facade, that roof, is
14 through the parking lot.

15 LANCE LANDGRAF: Yeah.

16 DANIEL GALLAGHER: So, you know, it's
17 not part of the application but we're willing to
18 work with anybody.

19 LANCE LANDGRAF: Okay. Good.

20 DANIEL GALLAGHER: It's probably gonna
21 be better because the only way to get to that roof
22 or the facade is either Pacific Avenue or the
23 parking lot.

24 LANCE LANDGRAF: Or the parking lot, all
25 right. Thank you.

1 DANIEL GALLAGHER: Yup.

2 LANCE LANDGRAF: So from a zoning
3 standpoint or area and bulk requirements,
4 everything here is existing nonconforming, from
5 what I'm understanding.

6 DANIEL GALLAGHER: That's correct.

7 LANCE LANDGRAF: Lot frontage,
8 impervious coverage isn't changing. It's actually
9 coming down.

10 TIMOTHY KERNAN: Yeah.

11 LANCE LANDGRAF: 99 to 92.9.

12 TIMOTHY KERNAN: By adding these
13 islands.

14 LANCE LANDGRAF: Front yard existing
15 nonconforming and the same with the rear and sides
16 and we're compliant with parking, which is good.

17 All right. Is that it on your end?

18 DANIEL GALLAGHER: That's it on our end,
19 unless you guys have any questions.

20 LANCE LANDGRAF: Okay. We'll go to --
21 Carolyn, you want to go through your report, which
22 is dated October 13th?

23 CAROLYN FEIGIN: Yes. Thank you.

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

25 CAROLYN FEIGIN: Thank you, very much.

1 Again, we'll just note that there are a
2 list of major preliminary site plan checklist
3 waivers that were requested and we had no objection
4 with any of the requests there so just put that on
5 the record.

6 DANIEL GALLAGHER: And we thank you.

7 CAROLYN FEIGIN: Thank you. Sometimes,
8 you know, a lot of this -- I mean, you know, these
9 apply to different types of developments. It's all
10 inclusive and not applicable to every application,
11 of course.

12 Okay. So moving on to page 5(c) for the
13 site plan, we -- there's supposed to be a 2 foot
14 landscaped open space between the building and the
15 actual parking lot. These are existing conditions
16 and the parking lot butts right up to the building
17 so as it's an existing condition I don't know if we
18 need to do anything about it or just note that it's
19 an existing nonconforming. There's no real relief
20 required. I just wanted to make a note of that.

21 LANCE LANDGRAF: Do we put it on the
22 record as a waiver, you think?

23 CAROLYN FEIGIN: I mean, I said it may
24 require a design waiver. Legally, I don't know.
25 They're not changing anything. It's already like

1 that.

2 LANCE LANDGRAF: Right.

3 SCOTT COLLINS: It's an existing
4 condition.

5 CAROLYN FEIGIN: It's an existing
6 condition, right.

7 SCOTT COLLINS: We can just note the
8 existing condition.

9 TIMOTHY KERNAN: If I can comment,
10 Carolyn. We are proposing wheel stops against the
11 building just so that the drivers know to stop and
12 not --

13 CAROLYN FEIGIN: Don't drive right
14 through, yes.

15 We have a comment later in the letter,
16 if you can give us a detail of the wheel stops, but
17 yes, agree, that's gonna help a lot.

18 TIMOTHY KERNAN: And the aisle is
19 33 feet.

20 CAROLYN FEIGIN: Yeah. Right.

21 TIMOTHY KERNAN: So it's a wide aisle.

22 LANCE LANDGRAF: Good.

23 CAROLYN FEIGIN: Okay. Number two of
24 C2, just the landscaped island. Again, that's what
25 the last application did. There's just one space

1 where you need it and I think you just said you
2 were gonna give it -- I know we spoke yesterday and
3 we were talking about the --

4 TIMOTHY KERNAN: So we have an island
5 proposed here --

6 CAROLYN FEIGIN: Yes.

7 TIMOTHY KERNAN: -- which is back by the
8 loading and the trash area.

9 CAROLYN FEIGIN: Yes.

10 TIMOTHY KERNAN: Were you referring --

11 CAROLYN FEIGIN: That one.

12 TIMOTHY KERNAN: -- to here?

13 CAROLYN FEIGIN: Exactly where you are
14 right there. To the west of the bank of seven
15 parking spaces, yeah.

16 TIMOTHY KERNAN: We prefer to not put
17 another island here --

18 CAROLYN FEIGIN: Okay.

19 TIMOTHY KERNAN: -- just because from
20 snow removal and so forth.

21 CAROLYN FEIGIN: You don't want to have,
22 okay.

23 TIMOTHY KERNAN: And the fact that only
24 vans are used for deliveries, that I don't think a
25 car parked here is going to be in danger of a van

1 hitting it. It's such a long loading area.

2 CAROLYN FEIGIN: But that's not -- is
3 that the refuse area, though?

4 TIMOTHY KERNAN: The refuse area is back
5 here.

6 CAROLYN FEIGIN: Yes. Okay. So --

7 TIMOTHY KERNAN: We have an island over
8 here at the back of the building.

9 CAROLYN FEIGIN: All right. I don't
10 really know if we're going to need a waiver for
11 that, then. I think we probably do. To the west
12 of that bank of seven there isn't an island there
13 so -- and that's item C2. I don't have any problem
14 with it not having an island but it's just a
15 waiver.

16 TIMOTHY KERNAN: It's well passed the
17 drive aisle. Anyone pulling out, we even have
18 turning movements, is not going to get near there.
19 I guess if you're -- you know, if the trash truck
20 is --

21 CAROLYN FEIGIN: That's more what I was
22 thinking of --

23 TIMOTHY KERNAN: -- backing up --

24 CAROLYN FEIGIN: -- the trash truck.

25 TIMOTHY KERNAN: -- and making this

1 maneuver, he's kind of in that area here.

2 LANCE LANDGRAF: Instead of an island
3 where you would lose space, what about a couple of
4 bollards there that are high enough that they can
5 see when they're driving? Because I've seen places
6 like Wawa put in bollards that are so low you can't
7 see them with some of the big trucks --

8 TIMOTHY KERNAN: Out here?

9 LANCE LANDGRAF: -- and they drive into
10 it.

11 CAROLYN FEIGIN: Like, along the
12 perimeter of the --

13 LANCE LANDGRAF: Like right at the end
14 of those --

15 CAROLYN FEIGIN: Yeah.

16 LANCE LANDGRAF: Yeah.

17 CHRISTINE COFONE: They have nice
18 decorative bollards. You don't have to make them
19 yellow.

20 LANCE LANDGRAF: Not at the perimeter.
21 Just right at the end next to the parking space.

22 TIMOTHY KERNAN: Right here?

23 LANCE LANDGRAF: Yeah.

24 CAROLYN FEIGIN: Yeah. The edge of the
25 striped aisle, the perimeter of the striped aisle.

1 LANCE LANDGRAF: Just to protect the
2 back end of that car. That's all.

3 TIMOTHY KERNAN: Okay.

4 CAROLYN FEIGIN: That was more what I
5 was talking about, like that maneuver you just
6 said, the garbage or refuse truck backing and
7 getting in to access the trash enclosure there on
8 the corner.

9 TIMOTHY KERNAN: We agree, but I just
10 want to talk it through just for one or two more
11 minutes. Probably when the trash is being picked
12 up there's, there's --

13 CAROLYN FEIGIN: No cars?

14 TIMOTHY KERNAN: -- there's no cars. If
15 there's a bollard sitting out there --

16 LANCE LANDGRAF: Right. Someone's gonna
17 run --

18 TIMOTHY KERNAN: -- it may be more of a
19 hazard.

20 (Multiple parties speaking.)

21 LANCE LANDGRAF: I withdraw that
22 request.

23 CAROLYN FEIGIN: Okay.

24 LANCE LANDGRAF: I think the trash is
25 most likely gonna get picked up early mornings or

1 after hours.

2 DANIEL GALLAGHER: Yeah. It would be
3 early mornings and -- what are the hours? 11?

4 CHINTAN SHAH: 11 to 9.

5 TIMOTHY KERNAN: We don't want to give
6 these truck drivers something to aim for.

7 DANIEL GALLAGHER: I'm pretty good at
8 hitting bollards, too, by the way.

9 CAROLYN FEIGIN: C3 with the line of
10 sight triangle, please provide that.

11 TIMOTHY KERNAN: Agreed.

12 CAROLYN FEIGIN: I think we talked
13 pretty well about the parking. As far as the
14 numbers, you have plenty of parking. You have an
15 excess. There was some, I guess -- I don't even
16 want to say confusion but there were a couple of
17 different parking tabulations, one for 250, one for
18 500 but -- I guess I wasn't part of the application
19 when this came before for the use variance, it was
20 only a planning review, so I didn't really realize
21 all of the residential component. I think that
22 makes more sense now with all the parking that's
23 there.

24 Okay. And you said you'll do the
25 make-ready EBCS. Landscaping, I mean, I don't want

1 to put words in your mouth but if you're good with
2 all these comments, one and two, there's not much.
3 Just making sure nothing is in the line of sight,
4 exceeds 30 inches in height where we have
5 landscaping at the entrance and then just checking
6 on the size for the planting material.

7 TIMOTHY KERNAN: Agreed.

8 CAROLYN FEIGIN: Okay.

9 TIMOTHY KERNAN: Carol, before you go to
10 the next page, back on the parking, so what is the
11 -- I think we had it right. It's one per 500 for
12 cannabis --

13 CAROLYN FEIGIN: Yes.

14 TIMOTHY KERNAN: -- which seems like a
15 light requirement for a cannabis dispensary, in my
16 opinion, but we even meet the one per 250.

17 CAROLYN FEIGIN: Yeah.

18 TIMOTHY KERNAN: I think we actually may
19 meet it for the entire building, not just the 2,500
20 square feet devoted to the -- did you do the -- or
21 the whole square footage, 7,500?

22 CAROLYN FEIGIN: Yes. Exactly. If we
23 did the 7,450 -- hang on. Let me go back to that.
24 I think we have it in here. Did we do it?

25 LANCE LANDGRAF: Yeah. For the entire

1 building it was a retail use, they're providing
2 adequate parking for it.

3 CAROLYN FEIGIN: Yeah. I guess you have
4 two different tabulations and the one that says
5 parking requirements, the smaller table says one
6 per 250 of floor space but then underneath it it
7 also says one per 500 so I just didn't know which
8 one you were trying -- it complies no matter what.
9 I guess it was just a --

10 TIMOTHY KERNAN: Yeah. I'm a bit
11 confused. I'm not sure which one we meant to have
12 on there, but the reason I'm bringing it up is the
13 applicant would actually like to use the back space
14 at a later date as a consumption lounge --

15 CAROLYN FEIGIN: Okay.

16 TIMOTHY KERNAN: -- and I don't know if
17 they -- I know they have to go to CRC or Cannabis
18 Control Commission.

19 LANCE LANDGRAF: You'll most likely come
20 in here for a change of use application.

21 TIMOTHY KERNAN: But not a full site
22 plan?

23 LANCE LANDGRAF: Probably not a full
24 site plan.

25 TIMOTHY KERNAN: That's why I bring it

1 up partly.

2 DANIEL GALLAGHER: Yeah. There's plenty
3 of space in the back there. I think Rob was the
4 one who explained that used to be a nightclub back
5 in the day and --

6 LANCE LANDGRAF: He's busy redesigning
7 your parking lot.

8 TIMOTHY KERNAN: Thinking about those
9 days back when it was a nightclub.

10 CHRISTINE COFONE: Well, since we're on
11 the parking I'm just gonna chime in here. Are you
12 going to have a situation where you're going to
13 have a designated pick-up spot for on-line orders?
14 Because we usually ask -- a lot of the other
15 facilities in town are contemplating that or have a
16 spot designated for that, so if somebody orders
17 on-line, there's a spot that they're gonna utilize
18 for that.

19 DANIEL GALLAGHER: It's not contemplated
20 right now but it's definitely something we can use
21 in the future. There's enough space here pretty
22 much to do what they want.

23 TIMOTHY KERNAN: We can do that and sign
24 -- come up with a sign for it and show that on the
25 revised plan.

1 CHRISTINE COFONE: Just so we have --

2 CAROLYN FEIGIN: 15 minute or --

3 CHRISTINE COFONE: Right.

4 CAROLYN FEIGIN: -- 30 minute.

5 CHRISTINE COFONE: Particularly whether
6 you are or not going to have a lounge in the future
7 with increased parking demand, it would be nice to
8 keep track of that on the site.

9 LANCE LANDGRAF: Carolyn, is that good?

10 CAROLYN FEIGIN: Yup.

11 DANIEL GALLAGHER: We can put that where
12 the EV charging space is. No. I'm joking,
13 seriously.

14 TIMOTHY KERNAN: The amount of time it
15 takes to go in and purchase their product and
16 leave, it's under 10 minutes. No one's gonna be
17 charging in 10 minutes.

18 LANCE LANDGRAF: It doesn't make any
19 sense.

20 CHRISTINE COFONE: No, but if you have a
21 lounge they might.

22 TIMOTHY KERNAN: If there's a
23 consumption lounge they may need 20 charging
24 stations.

25 LANCE LANDGRAF: Christine, you have

1 your comments?

2 CHRISTINE COFONE: I do, but my comments
3 have all been addressed.

4 CAROLYN FEIGIN: I was just gonna say, I
5 just wanted to -- that was the first page of my --

6 CHRISTINE COFONE: Oh.

7 CAROLYN FEIGIN: I'm going to the second
8 with the Green Zone.

9 LANCE LANDGRAF: Oh, right.

10 CAROLYN FEIGIN: I think we're good on
11 everything there because you talked about all of
12 these items, the sign, the security plan, fewer
13 than 10 employees, all of that. We talked about
14 the vacation of the alleys, hours of operation.
15 Okay. So for deliveries, again, I'm guessing
16 they're going to be off hours but I don't know
17 if you just said the Sprinter vans as far as the
18 vehicle, will they just use the parking spaces to
19 sit in a stall while they go in and run in and make
20 deliveries? For the deliveries there is no
21 specific loading zone or anything?

22 LANCE LANDGRAF: No. They have one in
23 the back.

24 CAROLYN FEIGIN: That's the whole --

25 TIMOTHY KERNAN: Yeah, and there's a

1 back door right over here.

2 CAROLYN FEIGIN: Okay.

3 TIMOTHY KERNAN: Yeah. So that -- the
4 same area for the trash is also for the deliveries.

5 CAROLYN FEIGIN: I think in my mind that
6 was dedicated to the trash but that makes perfect
7 sense that it's the loading zone. Thank you.

8 TIMOTHY KERNAN: Yeah.

9 CAROLYN FEIGIN: And that's it. The
10 detail of the wheel stops. I'm good with my
11 engineering. Thank you.

12 TIMOTHY KERNAN: Christine, before you
13 go there. Carolyn, you also mentioned about
14 possibly consolidating Lots 54 and 56. Is that --

15 CAROLYN FEIGIN: Oh, yeah. That was
16 kind of like when those alleys get vacated, what
17 happens to that square footage, that area? Where
18 will they go? Will that just be absorbed into one
19 or both of those surrounding lots there?

20 DANIEL GALLAGHER: Probably absorbed in
21 both of the surrounding lots.

22 CAROLYN FEIGIN: Okay. I didn't know if
23 there was going to be a consolidation or it just
24 goes into one or the other, whichever.

25 DANIEL GALLAGHER: Follow the deed of

1 consolidation. Get a metes and bounds description
2 and follow deed of consolidation.

3 TIMOTHY KERNAN: Does it make sense to
4 consolidate all of this into one?

5 ROBERT REID: You probably should.

6 LANCE LANDGRAF: I would like to see
7 that, yeah.

8 (Multiple parties speaking.)

9 SCOTT COLLINS: Utilizing one parking
10 lot.

11 LANCE LANDGRAF: I would like to see it
12 consolidated. That way --

13 DANIEL GALLAGHER: Put that as a
14 condition. That's fine.

15 TIMOTHY KERNAN: The building is one lot
16 and then this is another lot and there's two more
17 lots.

18 LANCE LANDGRAF: All one.

19 TIMOTHY KERNAN: We connect, like, four
20 or five lots.

21 LANCE LANDGRAF: We would make that a
22 condition of approval.

23 TIMOTHY KERNAN: All?

24 DANIEL GALLAGHER: It actually makes
25 sense.

1 TIMOTHY KERNAN: All right. Consolidate
2 all.

3 CAROLYN FEIGIN: Okay.

4 ROBERT REID: Lance, I have one comment.
5 Lot 64 is owned by the Schiff brothers. Do you
6 guys have an arrangement with them, since two of
7 the parking spaces are on land owned by the Schiff
8 brothers?

9 TIMOTHY KERNAN: Which lot is that?

10 ROBERT REID: Lot 64.

11 TIMOTHY KERNAN: We researched. Are you
12 sure that's owned by --

13 ROBERT REID: According to the notice
14 you sent out it is. The tax records shows it that
15 way. It's not part of the application. I'm just
16 saying, I think you better, like, make some kind of
17 arrangement with the Schiff brothers, since they
18 own those two parking spaces.

19 LANCE LANDGRAF: They own anything
20 adjacent to it?

21 TIMOTHY KERNAN: Can you spell their
22 name?

23 LANCE LANDGRAF: S-C-H-I-F-F.

24 DANIEL GALLAGHER: I got it.

25 LANCE LANDGRAF: S-C-H-I-F-F.

1 ROBERT REID: They have access through
2 that alley that is going to remain.

3 LANCE LANDGRAF: They have no
4 surrounding ownership?

5 DANIEL GALLAGHER: Yeah. We'll talk to
6 Abe or Bob.

7 LANCE LANDGRAF: Okay.

8 DANIEL GALLAGHER: I'm not so sure the
9 city's records comply or meet with what's on the
10 title report.

11 LANCE LANDGRAF: All right. So you'll
12 have that clarified up, as well.

13 ROBERT REID: You understand your
14 application did not include that?

15 DANIEL GALLAGHER: Lot 64?

16 TIMOTHY KERNAN: It may not exist.

17 DANIEL GALLAGHER: We'll deal with it.

18 TIMOTHY KERNAN: I know we had worked on
19 this a year or so ago.

20 ROBERT REID: I just know on the tax
21 records it says it so I'm responding to that.

22 LANCE LANDGRAF: All right.

23 TIMOTHY KERNAN: Schiff. Schiff.

24 DANIEL GALLAGHER: Surprise, surprise.

25 SCOTT COLLINS: You want to pull a few

1 spaces off the application?

2 LANCE LANDGRAF: Yeah. I think for now
3 we're going to have to pull two spaces out of this
4 until that gets resolved.

5 DANIEL GALLAGHER: Okay.

6 TIMOTHY KERNAN: So then we'd be
7 providing 36.

8 LANCE LANDGRAF: 36.

9 TIMOTHY KERNAN: Yup.

10 ROBERT REID: Which is still enough,
11 right?

12 LANCE LANDGRAF: Yup.

13 CHRISTINE COFONE: Yup.

14 LANCE LANDGRAF: When that easement's
15 extinguished --

16 ROBERT REID: Unless that's remaining.

17 LANCE LANDGRAF: Oh, that one is
18 remaining.

19 ROBERT REID: That's remaining --

20 LANCE LANDGRAF: These up here --

21 ROBERT REID: -- it services all these
22 properties.

23 TIMOTHY KERNAN: Yeah. The highlighted
24 one is to remain.

25 ROBERT REID: Yeah.

1 TIMOTHY KERNAN: It's just what's in
2 this portion and in the parking area.

3 LANCE LANDGRAF: All right.

4 Christine --

5 TIMOTHY KERNAN: It's really --

6 LANCE LANDGRAF: -- you're good with the
7 planning aspect of it.

8 CHRISTINE COFONE: Yup.

9 LANCE LANDGRAF: All right. With that,
10 we'll open the meeting up to the public. If
11 anybody's here to make any comments, please stand
12 up, state your name, make your comments.

13 Seeing none, we'll close the public
14 portion and come back to -- Scott, anything else?

15 SCOTT COLLINS: Nothing from me.

16 LANCE LANDGRAF: Rob, we're good?

17 ROBERT REID: Yes, sir.

18 LANCE LANDGRAF: Ladies, you're good?

19 CHRISTINE COFONE: We are good.

20 LANCE LANDGRAF: All right. Mr.

21 Callaghan -- Mr. Callaghan, I did it again.

22 Mr. Gallagher --

23 DANIEL GALLAGHER: I've been called
24 worse.

25 LANCE LANDGRAF: All right. We will try

1 and get this on, like I said, for November. No
2 promises because there's a lot coming on that
3 agenda.

4 So with that, that is --

5 CAROLYN FEIGIN: Thank you.

6 LANCE LANDGRAF: -- a completion of our
7 applications.

8 DANIEL GALLAGHER: Nice one out there.

9 LANCE LANDGRAF: For the public's
10 benefit, the next scheduled Land Use hearing is
11 November 2nd at 10 a.m. Today's items are
12 anticipated to be on our November 21st board
13 meeting. No other public comment, we'll close the
14 meeting. We are adjourned.

15 DANIEL GALLAGHER: Thank you.

16 LANCE LANDGRAF: Good luck.

17 (At 11:22 a.m. proceedings were
18 concluded.)

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CERTIFICATE

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

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

Michelle Gruendel



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

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