

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

3 APPLICATION: 2023-03-3401

4 PPP DISPENSARY, LLC

5
6 THE 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 3001 ATLANTIC
10 AVENUE, ALSO KNOWN AS BLOCK 266, LOT 3 ON THE TAX
11 MAP FOR THE CITY OF ATLANTIC CITY, LOCATED WITHIN
12 THE CENTRAL BUSINESS DISTRICT (CBD).

13
14 THURSDAY, JANUARY 4, 2023

15 10:00 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 January 4, 2024 commencing at 10:00 a.m.

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 9

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

11 CASINO REINVESTMENT DEVELOPMENT AUTHORITY:

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

14 ROBERT L. REID
 15 LAND USE ENFORCEMENT OFFICER

16 PROFESSIONALS TO THE BOARD:

17 SCOTT G. COLLINS, ESQUIRE
 RIKER DANZIG, LLP

18 DAVID J. BENEDETTI, PP, AICP
 19 ENVIRONMENTAL RESOLUTIONS, INC.

20 COUNSEL FOR THE APPLICANT:

21 BENJAMIN T. BRANCHE, ESQUIRE
 SZAFTERMAN LAKIND

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EXHIBITS MARKED AND/OR REFERRED TO:

A-1, B-1

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

5 LANCE LANDGRAF: Good morning. We'll
6 call to order the January 4th, 2024 CRDA Land Use
7 Regulation Enforcement Division Hearing to order.

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

10 (Pledge of Allegiance is recited.)

11 LANCE LANDGRAF: Thank you, everyone,
12 and Happy New Year.

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

16 We just have one item on today's agenda
17 and that is Application 2023-03-3401, PPP
18 Dispensary, LLC. The applicant seeks minor site
19 plan approval, along with (C) variance relief for
20 adult use retail sales of cannabis. The site is
21 located at 3001 Atlantic Avenue, also known as
22 Block 266, Lot 3 on the tax map of the City of
23 Atlantic City. The site is located within the
24 Central Business District and within the city's
25 Green Zone Redevelopment Area.

1 Rob, we're good on notice?

2 ROBERT REID: Yes. I reviewed the proof
3 of service provided by the applicant and we have
4 jurisdiction to hear the application today.

5 LANCE LANDGRAF: All right. Dave, we're
6 good on completeness?

7 DAVID BENEDETTI: Yes.

8 LANCE LANDGRAF: All right. Good.

9 Mr. Sciullo and -- I don't know the
10 attorney's name. I'm sorry.

11 BENJAMIN BRANCHE: Ben Branche.

12 LANCE LANDGRAF: How are ya, Ben?

13 BENJAMIN BRANCHE: Good morning.

14 LANCE LANDGRAF: If you could stand next
15 to the podium there, because that's where our
16 microphones are.

17 BENJAMIN BRANCHE: Okay.

18 LANCE LANDGRAF: Introduce yourself and
19 your client and please proceed.

20 BENJAMIN BRANCHE: Good morning. Thank
21 you.

22 My name is Ben Branche. I'm an attorney
23 with the law firm of Szaferman Lakind. My client
24 is PPP Dispensary, LLC. The representative here
25 today from the company is Ron Murphy. He'll talk

1 about the business and answer any questions that
2 you have.

3 You gave a summary of the business
4 already. Just to give you a little bit more of an
5 update, it's on the corner of Morris and Atlantic
6 Avenue. The property is currently a vacant retail
7 space with an attractive storefront. It has a
8 number of parking spaces on the side and a loading
9 dock on the side of the building, as well. I see
10 that they're doing work on Atlantic Avenue which
11 will make it a little easier to get there after
12 that work is completed.

13 LANCE LANDGRAF: That might be your
14 opinion.

15 BENJAMIN BRANCHE: It's my hope.

16 I was just mentioning to Ron that I'm
17 glad I drive a Jeep when I was driving down there
18 this morning to check it out. Hopefully they
19 get --

20 LANCE LANDGRAF: The current project
21 stops at Tennessee Avenue.

22 BENJAMIN BRANCHE: Well, they're gonna
23 have to move that over a little bit.

24 LANCE LANDGRAF: Well --

25 BENJAMIN BRANCHE: My first witness I'd

1 like to bring up is Ron Murphy.

2 LANCE LANDGRAF: Okay. Ron, please step
3 forward and be sworn.

4 SCOTT COLLINS: Good morning. Raise
5 your right hand, please.

6 RONALD MURPHY, having been first duly sworn
7 according to law, testified as follows:

8 SCOTT COLLINS: Thank you.

9 BENJAMIN BRANCHE: Can you -- Ron, can
10 you tell us a little bit about the business and
11 your background --

12 RONALD MURPHY: Yeah.

13 BENJAMIN BRANCHE: -- and the background
14 of your partners with regard to the business?

15 RONALD MURPHY: So I have one other
16 partner. His name is Mr. Julio Perez. He wasn't
17 able to be here with us today. He's dealing with
18 some personal issues, but my partner, he has worked
19 for over 25 years in the wine and spirit industry
20 as a project manager and as a retail manager. I
21 personally -- I -- my background has been in
22 business consulting and operations. I have an MBA
23 in Management and a Master's Degree in Quality,
24 Quality Assurance and Regulatory Affairs.

25 BENJAMIN BRANCHE: And can you tell us a

1 little bit about the location?

2 Do we have these marked as exhibits?

3 LANCE LANDGRAF: We'll mark the
4 submission package as A-1.

5 SCOTT COLLINS: Yup. And anything new
6 that wasn't submitted, we can just do that as we
7 go.

8 LANCE LANDGRAF: Okay.

9 BENJAMIN BRANCHE: Okay.

10 SCOTT COLLINS: Thank you.

11 BENJAMIN BRANCHE: Can you -- how did
12 you guys come about deciding this property for this
13 project?

14 RONALD MURPHY: So we decided to go with
15 this particular site because of the location and at
16 the time when we initially started the process
17 there weren't any type of similar businesses in the
18 area. I know Atlantic City is -- launched this
19 initiative and I thought it would be a good
20 opportunity for us to come and, you know, do
21 business in the City of Atlantic City.

22 BENJAMIN BRANCHE: Can you explain to
23 your -- can you provide some details regarding the
24 operations of the facility, when customers will
25 come, what their experience is going to be and

1 operationally how you handle the customer side of
2 it first?

3 RONALD MURPHY: Okay. So our plan is --
4 so we wanted to be -- to have as small a footprint
5 as possible with regards to the existing businesses
6 and, you know, how it interacts with the community.
7 So our goal is to have all the customers within the
8 premises for ID check and, you know, greeting and
9 vetting and ID, again, ID check and things of that
10 nature.

11 BENJAMIN BRANCHE: And one of the issues
12 that were raised in the letter from the planner was
13 with regard to refuse. Can you talk a little bit
14 about how you plan to handle any refuse that's
15 associated with the actual project itself and then
16 any other refuse that is not actually directly
17 related to the product?

18 RONALD MURPHY: Sure. So because this
19 is a retail space there won't be much refuse as far
20 as cannabis products. It would be more items
21 dealing with the, with the employees, but that
22 being said, we do plan to harbor all of our refuse
23 inside the facility.

24 BENJAMIN BRANCHE: How would that be
25 taken away?

1 RONALD MURPHY: So we'll use a -- I
2 mean, we'll -- we're in the process of establishing
3 a rapport with a third-party trash removal company,
4 so that's the ultimate goalie.

5 LANCE LANDGRAF: It would be commercial
6 pick-up?

7 RONALD MURPHY: Yes.

8 LANCE LANDGRAF: Okay.

9 RONALD MURPHY: Yup, but again, there
10 won't be much. If this was a cultivating business
11 it would have a lot more of an impact on the
12 business and, you know, how that would be dealt
13 with, but it won't be much in -- along the lines
14 of --

15 LANCE LANDGRAF: So what we would ask in
16 that regard is on the floor plans that you
17 provided, just show an area where that trash is
18 gonna be stored inside the building. I'm assuming
19 it's gonna be in that open storage and work area in
20 the back.

21 RONALD MURPHY: Yes.

22 LANCE LANDGRAF: You got a --

23 RONALD MURPHY: That's exactly --

24 LANCE LANDGRAF: You have a loading door
25 there, you can bring the trash right out.

1 RONALD MURPHY: Yes.

2 LANCE LANDGRAF: I assume that's gonna
3 be where your loading space will be, as well.

4 RONALD MURPHY: Right. Right.
5 Absolutely.

6 BENJAMIN BRANCHE: Do you anticipate
7 having lines or queues outside of the building or
8 will it be primarily be inside the building?

9 RONALD MURPHY: So we, we kind of want
10 to stay away from the queuing outside of the
11 building. On the plan there is a vestibule space
12 and we plan to use that for the queuing. If,
13 however, that space is not sufficient, our plan is
14 to open it up a bit just so we have people indoors.
15 We don't want lines outside is what I'm getting at.

16 LANCE LANDGRAF: Okay. One of our
17 concerns -- and it's only typically when facilities
18 first open.

19 RONALD MURPHY: Umm-hum. Right.

20 LANCE LANDGRAF: -- there might be a
21 line before you open.

22 RONALD MURPHY: Right.

23 LANCE LANDGRAF: So what we've asked for
24 is that your security personnel are there 45
25 minutes to an hour ahead of time --

1 RONALD MURPHY: Absolutely.

2 LANCE LANDGRAF: -- to control any
3 outdoor pre-queueing, I'll call it.

4 RONALD MURPHY: Right.

5 LANCE LANDGRAF: You know, preopening
6 queueing.

7 RONALD MURPHY: Right.

8 LANCE LANDGRAF: That's what we've been
9 asking applicants to do, just to make sure.

10 RONALD MURPHY: Absolutely.

11 LANCE LANDGRAF: I think once several of
12 these get open -- I mean, we have two open now and
13 they have limited lines --

14 RONALD MURPHY: Right. Right.

15 LANCE LANDGRAF: -- pre -- you know,
16 Jay's office is right by one of them and they're --
17 when they first opened it was around the block --

18 RONALD MURPHY: Right.

19 LANCE LANDGRAF: -- but now it's a little
20 bit less, you know, when they, when they -- before
21 they open, so --

22 RONALD MURPHY: So as far as the
23 security goes, we actually want them to arrive even
24 before the employees get there just to ensure their
25 safety and to secure the building. So our goal is

1 to have two to three armed security personnel there
2 just to oversee the control points there.

3 LANCE LANDGRAF: Okay. And what would
4 be the hours?

5 RONALD MURPHY: We have not officially
6 locked down the hours but we're looking at about
7 12 hours, maybe, and the reason why I'm saying that
8 is because I haven't gotten a defined timeline as
9 to our oper -- our building to operate from the
10 city. So we're thinking probably like 10 to 8 --

11 LANCE LANDGRAF: Okay.

12 RONALD MURPHY: -- or 10 to -- yeah.

13 BENJAMIN BRANCHE: Can you talk a little
14 bit about the security procedures you have during
15 operating hours, checking in, that process?

16 RONALD MURPHY: Right. So as I said, we
17 plan to have, like, two to three security person,
18 armed security personnel there. The way the
19 process, based on the SOP that we have, which was
20 approved by the, the CRC, the New Jersey CRC, we'd
21 have an armed security guard at the front door and
22 we'd also have some of our staff there to check the
23 IDs and make sure everything is good there. We
24 have a security guard posted at the back door
25 because it's where you would want the flow of

1 traffic to go, so once they came in, they made
2 whatever purchase they make, they exit out the back
3 door into the parking area and we'd also have a
4 security guard back in our loading dock area to
5 secure those doors back there, the back doors.

6 BENJAMIN BRANCHE: Is there space within
7 the building in which you could have a queue once
8 they get through security? Once they get through
9 and show their ID, is there a space behind -- in
10 that area where they're actually gonna be
11 purchasing the product and looking at the product,
12 where if you needed a queue there you could have a
13 queue for lines there?

14 RONALD MURPHY: Yeah. Absolutely. So
15 our goal in addition to -- well, once the IDs be
16 checked -- are checked we plan on having someone
17 there to assist them with some mobile device. We
18 also want to have some kiosk that they could use,
19 some preordering ability so they can actually, if
20 they choose to, make purchases before they even --
21 well, sign in, before they actually get into the
22 building.

23 BENJAMIN BRANCHE: Can you talk about
24 some of the community involvement that you and your
25 partner have decided would be a good opportunity

1 here in Atlantic City?

2 RONALD MURPHY: Sure. So in our actual
3 proposal to city council we had expressed interest
4 in doing some mentor work, possibly some beach
5 clean up, you know, supporting some of the local
6 teams. I mean, in our most -- one of our primary
7 goals is to establish a means of employment for the
8 local residents here in Atlantic City. We've also
9 been in contact with some of the universities to
10 put together, like, a mentoring program for the
11 industry.

12 LANCE LANDGRAF: How many employees do
13 you think you'll have full-time?

14 RONALD MURPHY: Full-time, I'm gonna say
15 roughly 10.

16 LANCE LANDGRAF: Okay. Does that
17 include the security guards or no?

18 RONALD MURPHY: That doesn't include the
19 security guards, no.

20 LANCE LANDGRAF: Okay.

21 RONALD MURPHY: So I'm going to say 13
22 total.

23 LANCE LANDGRAF: Okay. Good. Thank
24 you.

25 BENJAMIN BRANCHE: Do you intend to make

1 any changes to the outside of the building or are
2 most of the changes going to be made towards the --
3 on the inside of the building?

4 Unless you're getting ready to open
5 that -- how about signage, what kind of signage are
6 you looking to have?

7 RONALD MURPHY: So we're just looking
8 for some basic signage, just something to attract
9 some customers, let people know that we're there.
10 It's gonna be nothing spectacular. Maybe some
11 boxes. Both -- I mean, whatever the CRDA and the
12 city sees fit, you know, we're willing to do.

13 LANCE LANDGRAF: So the exterior, just
14 so you're aware, we've deferred the exterior
15 improvements, other than the signage, we will
16 approve the signage size and location --

17 RONALD MURPHY: Umm-hum. Right.

18 LANCE LANDGRAF: -- and number, but the
19 city has an architectural review board as part of
20 this Green Zone Redevelopment Area --

21 RONALD MURPHY: Right.

22 LANCE LANDGRAF: -- and you'll have to
23 go back to them once you get this approval and ask
24 them -- you know, show them your architectural
25 renderings. I didn't really see anything on the

1 outside. I only saw --

2 RONALD MURPHY: Yeah. There's not much
3 to be done on the outside.

4 LANCE LANDGRAF: They're going to
5 require you to do some different lighting and
6 things like that so --

7 RONALD MURPHY: Right. Okay. Yeah.
8 That's not a problem.

9 Right now it's a brick facade out front.

10 LANCE LANDGRAF: I'm very familiar with
11 it. Both Jay and I's office used to be across the
12 street from it.

13 RONALD MURPHY: Oh, really?

14 LANCE LANDGRAF: Years ago.

15 RONALD MURPHY: Oh, okay. All right.

16 LANCE LANDGRAF: It was a library.

17 RONALD MURPHY: Okay.

18 LANCE LANDGRAF: It was an appliance
19 store. I can't think what the third use before we
20 moved out of there, Jay, was but it was -- it's
21 been a bunch of different things.

22 RONALD MURPHY: Why'd you guys move out
23 of there?

24 LANCE LANDGRAF: We weren't in that
25 building. We were across the street.

1 RONALD MURPHY: Oh, okay.

2 LANCE LANDGRAF: All right. So yeah,
3 you'll have to go through their architectural
4 review board --

5 RONALD MURPHY: Okay.

6 LANCE LANDGRAF: -- to get that
7 approval, but that seems --

8 DAVID BENEDETTI: There was one --

9 LANCE LANDGRAF: Why don't we have David
10 sworn in, just if he's gonna --

11 SCOTT COLLINS: Oh, yeah.

12 Can you please raise your right hand,
13 please?

14 DAVID J. BENEDETTI, PP, AICP, having been first
15 duly sworn according to law, testified as follows:

16 SCOTT COLLINS: And Lance, we recognize
17 David as a --

18 LANCE LANDGRAF: David Benedetti, he's a
19 planner with ERI and we certainly recommend and --
20 recognize his credentials as a planner.

21 DAVID BENEDETTI: All right. Yeah. The
22 only -- I just wanted to point out that -- there's
23 kind of a few different things.

24 Are you gonna have one or two signs?
25 Because the plan --

1 BENJAMIN BRANCHE: What we're looking to
2 do is get approval for -- ideally we'd like to have
3 a sign on Morris and a sign on Atlantic and that
4 total will be -- we don't know exactly. We're
5 looking to see one on Morris and Atlantic but it's
6 possible that we may -- we're looking to get
7 approval now so that we don't have to come back and
8 try to get -- (inaudible).

9 DAVID BENEDETTI: Okay. So you want
10 approval for Morris and Atlantic?

11 BENJAMIN BRANCHE: Right.

12 DAVID BENEDETTI: Because the plans only
13 show, the architectural plans only show Atlantic.

14 BENJAMIN BRANCHE: Right. We're looking
15 for approval on both.

16 DAVID BENEDETTI: Okay. And you will --
17 they will be a size that complies?

18 BENJAMIN BRANCHE: Absolutely.

19 RONALD MURPHY: Absolutely.

20 DAVID BENEDETTI: Okay.

21 LANCE LANDGRAF: And I think they're
22 permitted to have one on each facade. Correct?

23 DAVID BENEDETTI: Yes, they are.

24 LANCE LANDGRAF: Okay. Good. So no
25 signage relief is being requested. Okay. Good.

1 All right. Sorry to interrupt.

2 BENJAMIN BRANCHE: No. I don't have any
3 other questions at this moment.

4 LANCE LANDGRAF: Do we have anything for
5 the applicant?

6 SCOTT COLLINS: A couple, just to clear
7 up, if we could.

8 We talked about cannabis refuse. That
9 will be disposed of in accordance with the CRC
10 requirements?

11 RONALD MURPHY: Absolutely.

12 SCOTT COLLINS: Okay. And we just have
13 a couple of other things that we ask of all of our
14 applicants with a cannabis proposal. I just want
15 to walk through them with you. Lance hit on a
16 couple.

17 RONALD MURPHY: Sure.

18 SCOTT COLLINS: The security plan is --
19 I think you said this has been approved by the CRC?

20 RONALD MURPHY: Yes, sir.

21 SCOTT COLLINS: And you will have
22 security cameras. We usually ask that they be tied
23 to the ACPD for monitoring and review.

24 RONALD MURPHY: Right. Umm-hum.

25 SCOTT COLLINS: And, in fact, your

1 security plan was approved or has been reviewed by
2 the ACPD?

3 RONALD MURPHY: So -- well, no. Not by
4 the ACPD but by the CRC. I haven't been in touch
5 with the ACPD yet, as of yet.

6 LANCE LANDGRAF: We would ask you to
7 reach out to them --

8 RONALD MURPHY: Okay.

9 LANCE LANDGRAF: -- and just coordinate
10 with them. They're really -- they love getting
11 these cameras --

12 RONALD MURPHY: Okay. Gotcha.

13 LANCE LANDGRAF: -- for the inside and
14 out because it helps them in their whole mission in
15 the city.

16 RONALD MURPHY: Yeah. Well, our goal as
17 far as the surveillance goes, it's gonna be
18 overkill, just because we want to make sure that,
19 you know, the patrons are safe, the people in the
20 community are safe, the staff are safe, you know,
21 that's our goal.

22 LANCE LANDGRAF: We would just ask as a
23 condition to reach out to Chief Sarkos and get
24 that --

25 RONALD MURPHY: Okay.

1 LANCE LANDGRAF: -- review it and make
2 sure you guys are on board with connecting to their
3 system.

4 RONALD MURPHY: Absolutely.

5 LANCE LANDGRAF: Giving them access, I
6 should say.

7 RONALD MURPHY: Okay. Yeah.

8 SCOTT COLLINS: And then just a couple
9 more. I think we covered these, actually.

10 You will have a security guard out there
11 before opening. You'll agree to that as a
12 condition of approval?

13 RONALD MURPHY: Yes, sir.

14 SCOTT COLLINS: And the last is, and I
15 think we covered this, you acknowledge this will be
16 subject to the architectural review for the Green
17 Zone?

18 RONALD MURPHY: Absolutely.

19 SCOTT COLLINS: Thank you, so much.

20 RONALD MURPHY: Umm-hum.

21 BENJAMIN BRANCHE: I've got one more
22 question.

23 LANCE LANDGRAF: Sure.

24 BENJAMIN BRANCHE: I don't think we
25 touched on it. Yeah.

1 Can you talk about the delivery of
2 product, how that's gonna happen, how it's gonna be
3 brought into the building?

4 RONALD MURPHY: Absolutely. So our goal
5 is to have deliveries come in prior to opening for
6 business. We kind of want to stay away from -- and
7 this is best case scenario. We want to stay away
8 from having deliveries come in when people are
9 actually out and about. We, we want to strive to
10 have those -- the -- whatever delivery vehicles
11 come, pull directly into the building or as close
12 as possible so that there's nothing visibly being,
13 you know, handled or placed for public eye.

14 BENJAMIN BRANCHE: So there's, there's a
15 bay on the building that they can actually pull
16 into?

17 RONALD MURPHY: There is, yeah.

18 LANCE LANDGRAF: On the far side from
19 this, correct. Yeah.

20 RONALD MURPHY: Yeah.

21 LANCE LANDGRAF: So you would just put
22 cross-hatching in front of that so no one parks
23 there so the van could get in and out?

24 RONALD MURPHY: Right.

25 LANCE LANDGRAF: Okay.

1 RONALD MURPHY: We're gonna use the
2 space that's directly in front of that overhead
3 door solely for deliveries.

4 LANCE LANDGRAF: All right. So we'll
5 just amend the plan. Mr. Sciullo can amend the
6 plan to cross-hatch that area and show it as a
7 loading zone.

8 RONALD MURPHY: Okay. Yup.

9 BENJAMIN BRANCHE: Do you want to
10 strictly limit it to a loading zone?

11 RONALD MURPHY: I mean --

12 BENJAMIN BRANCHE: Would we
13 want parking?

14 RONALD MURPHY: -- parking is prime,
15 yeah.

16 JASON SCIULLO: Employee space.

17 RONALD MURPHY: Right. I'm gonna say
18 during our delivery times we --

19 LANCE LANDGRAF: Well, we're gonna ask
20 you to cross-hatch it. If an employee parks there,
21 then they can move it if a van shows up late, I'm
22 fine with that, but we're pretty detailed and
23 concerned about deliveries. Mr. Sciullo's very
24 aware of that.

25 RONALD MURPHY: Umm-hum.

1 LANCE LANDGRAF: That area has to be
2 either on site or very close to being on site. If
3 you're doing that, I would just ask that be
4 cross-hatched and, you know, the site manager can
5 park there because he knows when the deliveries are
6 coming in. If he has to move his car, he can move
7 his car.

8 RONALD MURPHY: Okay.

9 LANCE LANDGRAF: As long as it's an
10 employee car and, you know, restricted for
11 loading/employees, I think that would be a
12 reasonable condition.

13 SCOTT COLLINS: Agreed.

14 BENJAMIN BRANCHE: I don't have any
15 other questions. I welcome questions from the
16 board.

17 LANCE LANDGRAF: Anything from you, Rob,
18 going forward?

19 ROBERT REID: Yeah. A couple things.

20 The survey is 36-years-old so I'd like
21 to see an updated survey. The parking and loading
22 area should be striped so we don't have any parking
23 spaces.

24 LANCE LANDGRAF: Yeah.

25 ROBERT REID: The sign detail for the

1 second sign and show the trash area actually on the
2 architectural plan. That's what I would suggest.

3 LANCE LANDGRAF: Okay. Cool. Good
4 suggestions.

5 All right. I think that's all we have.
6 Dave, do you have anything for the applicant --

7 DAVID BENEDETTI: No.

8 LANCE LANDGRAF: -- before we hear from
9 the engineer?

10 DAVID BENEDETTI: The only thing that
11 I -- well, actually, I'll wait for the engineer.

12 LANCE LANDGRAF: Okay. All right.
13 Thank you.

14 BENJAMIN BRANCHE: Thank you.

15 RONALD MURPHY: I appreciate your time.

16 BENJAMIN BRANCHE: Next expert is Jay
17 Sciullo.

18 LANCE LANDGRAF: All right.

19 JASON SCIULLO: Good morning.

20 LANCE LANDGRAF: Good morning.

21 You want to swear him in when you get a
22 moment?

23 SCOTT COLLINS: Good morning, Jay.

24 JASON SCIULLO: Good morning.

25 JASON SCIULLO, PE, having been first duly sworn

1 according to law, testified as follows:

2 SCOTT COLLINS: Thank you.

3 And Lance, you recognize Jay's
4 credentials as a professional engineer and
5 professional planner?

6 LANCE LANDGRAF: I will, yes.

7 JASON SCIULLO: Thank you.

8 So the first exhibit which we referred
9 to a little bit when Ron was talking was the site
10 plan that was submitted as part of the application.
11 I just want to make sure that was clear before we
12 start.

13 So you want me to go or do you have
14 questions?

15 BENJAMIN BRANCHE: You've done this
16 before.

17 JASON SCIULLO: Yeah.

18 BENJAMIN BRANCHE: I'm gonna let you,
19 let you handle it.

20 JASON SCIULLO: Hopefully go easy.

21 So good morning again. Thanks for
22 hearing us.

23 This one's slightly different than the
24 other applications that we've had come in for
25 cannabis retail in that it's on a corner, which

1 some of them have been, but it also has parking, we
2 talked about a little bit, on Morris Avenue.
3 Lance, you're familiar with the site, obviously,
4 our old office catty-corner from it. So directly
5 next door to us is a Mexican restaurant. It's a
6 really good one, too. And then directly across the
7 street Dunkin Donuts, 2922 Atlantic catty-corner
8 and then on the same side of Atlantic, opposite
9 side of, opposite side of Morris, excuse me, is a
10 building that was recently renovated. You've seen,
11 probably, it was painted recently. It looks really
12 good. I'm not sure who the tenants are in it but
13 other commercial and retail above. Directly behind
14 us, away from us on Atlantic -- or up Morris Avenue
15 away from Atlantic is residential and is also the
16 limit of the Tourism District. Also on that north
17 side we're bordered by a 12 foot public alley
18 that's in the rear. I'll zoom in on it. There was
19 a question raised in Dave's letter about whether or
20 not that was going to be used for loading. So in
21 the zoning schedule there was a note about it, you
22 can see on the left side of the plan here, that
23 there's no loading space, as there wasn't a loading
24 space proposed on site, and that the alley was used
25 by the previous occupant and that's all that alley

1 is for and it is public but we don't intend to use
2 it for cannabis deliveries. For larger vehicles,
3 if ever there were one, we may go down that alley,
4 or they may go down that alley but for the cannabis
5 operation, and I'm gonna pull up an aerial in a
6 minute, there's an overhead loading door that's on
7 the end of the building closest to that alley,
8 which is the space that Ron mentioned, the vehicle
9 may be able to pull in, and we'll stripe in front
10 of that, for loading, employees only, so that will
11 be the space. The rest of the parking, Rob's good
12 call to stripe that out. We'll show that, that
13 parking. The main entrance for patrons will be the
14 front here on Atlantic Avenue, more or less center
15 in that frontage. As it sits today that frontage
16 has a traffic signal pull. There's a couple of
17 street trees. I think there's a mailbox, or at
18 least some other structure, there's a bench and the
19 bus stop right past it. We were aware of that and
20 in cognizance of that with the idea of queuing
21 outside. So the vestibule that's shown, as Ron
22 mentioned, that will be enlarged to accommodate
23 more patrons inside the building. As mentioned,
24 once they're through that security check, then they
25 can actually go inside the space. There's a lot of

1 room inside for, you know, over a dozen customers
2 at the same time. So the rear door that Ron
3 mentioned for exiting of the customers is hanging
4 over here, more or less in the corner of the
5 building. So more or less that line that runs at
6 the point where the building skinnies up is all
7 going to be staff in back of house. So you'll have
8 the storage and the vault, the workspace in the
9 rear, the real public access in that portion. The
10 trash storage, as mentioned, will be more or less
11 inside where that loading door is on that wall
12 inside and we'll show that on the revised plan.

13 A couple things I want to make sure that
14 we touched on. I mentioned there's street lights
15 at the intersection and there's a decorative pole
16 that's on the corner a little bit up Morris Avenue
17 and then along this building frontage -- which now
18 I'm going to go to an aerial, if it's all right.
19 I'm just gonna pop on to Google. The --

20 LANCE LANDGRAF: So what we're
21 referencing now is just a current aerial --

22 JASON SCIULLO: Yeah. It will just be a
23 moment.

24 LANCE LANDGRAF: -- from Google Maps?

25 JASON SCIULLO: Yeah. So on the

1 frontage of Morris Avenue, really where the parking
2 spaces are, there's building mounted lights. I
3 just want to show that they're gonna stay and that
4 between the street lights and that it will
5 accommodate or address the potential security
6 lighting concerns. So I mentioned that this is the
7 intersection of Morris Avenue and you're looking
8 into the site so you can see we have two street
9 lights at the intersection. There's a decorative
10 pole. Here's our building on the corner here. So
11 when you go up Morris Avenue, you'll see the
12 loading door over here on the right side and then
13 the building mounted lights that are shown on the
14 building there, they're gonna remain, they'll be
15 operational and they'll light the parking lot and
16 the sidewalk to meet security levels -- security
17 standards and you can see --

18 LANCE LANDGRAF: They'll be wall packs?
19 They look like they're just wall packs?

20 JASON SCIULLO: Yeah. Wall packs, yeah.
21 And you can see the overhead door here, as
22 mentioned, for loading.

23 From a parking perspective, so the
24 grandfathered shortfall -- the former retail use
25 required 13 spaces, as does this proposed retail

1 use. The existing condition is nine and that
2 includes that space that's now going to be striped
3 for employees, but I'm going to say it still counts
4 as a parking space. There's really no change. To
5 the extent that if any variance relief is needed,
6 we would respectfully request that. Based on the
7 grandfathered shortfall, we feel that it's
8 justified, and it is as -- you know, not to say
9 that we're gonna be compared to every other
10 application, but most of these, as you know, have
11 grandfathered short-falls of zero parking and we
12 have quite a bit. We anticipate during the peak of
13 the season which, when I say season, you noticed,
14 Lance, you just mentioned that the lines right now
15 are shortening or not existent. The winter seems
16 to be harboring a lot of business -- not harboring.
17 Whatever. It's a normal slow-down, but in the peak
18 of the season we anticipate -- you know, if anyone
19 is waiting to go into the store prior to opening,
20 if they drive here obviously they can sit in their
21 car. If they walk here, hopefully the queuing out
22 front is limited. The security guard will keep
23 that in place. There's also street parking all
24 over in this area. We don't anticipate any issues
25 with access or parking. In this part of town, as

1 you know from working over here, usually Morris
2 Avenue, especially, is usually open in the morning
3 after Dunkin clears out from their morning rush,
4 which is before 10:00, and they'll be opening
5 around 10:00 so it should work out really well
6 relative to that. To the extent we may need relief
7 for the parking, we respectfully request it based
8 on the availability in the street and the
9 grandfathered shortfall.

10 LANCE LANDGRAF: One question on the
11 parking, Jay.

12 JASON SCIULLO: Sure.

13 LANCE LANDGRAF: One of those spaces
14 will be ADA, painted out for ADA accessible,
15 correct?

16 JASON SCIULLO: It will have to be,
17 yeah. We'll have to stripe it out.

18 LANCE LANDGRAF: Probably the one right
19 by that --

20 JASON SCIULLO: Right by the rear door,
21 yeah. And the accessible route won't be
22 necessarily into that door. It will be on to the
23 sidewalk and around to the front --

24 LANCE LANDGRAF: Right.

25 JASON SCIULLO: -- so -- and that may be

1 where they exit to, is out the front, depending on
2 how that, that door, the grading of that door is.

3 LANCE LANDGRAF: Just to clarify, you
4 said you're gonna widen or expand the vestibule?

5 JASON SCIULLO: Yes.

6 LANCE LANDGRAF: Okay. So you'll send a
7 revised floor plan in with that?

8 JASON SCIULLO: We will.

9 LANCE LANDGRAF: All right. Good.

10 JASON SCIULLO: Yeah. I'm not sure. We
11 haven't, you know, talked through this. We haven't
12 determined how large it will actually be and how
13 many people we think it needs to queue. I guess we
14 can work it out. Between the architect, Ron and me
15 we'll figure out what the right numbers are gonna
16 be.

17 SCOTT COLLINS: Jay, can you just say
18 again what the grandfathered shortfall was for
19 parking?

20 JASON SCIULLO: 13 spaces.

21 SCOTT COLLINS: 13.

22 LANCE LANDGRAF: The requirement was 13
23 and you have --

24 JASON SCIULLO: Nine.

25 LANCE LANDGRAF: -- nine.

1 JASON SCIULLO: We have nine.

2 LANCE LANDGRAF: So the shortfall was
3 four.

4 JASON SCIULLO: Yeah, and -- well, you
5 know what, while we're talking about it --
6 (multiple parties speaking.)

7 SCOTT COLLINS: Because the ADA --

8 JASON SCIULLO: Exactly. Yeah. We may
9 end up losing one with the striping for the ADA
10 because the previous arrangement didn't have that,
11 yeah, so we may be down to eight.

12 LANCE LANDGRAF: Shortfall would be
13 five, right?

14 JASON SCIULLO: And to justify that
15 relief, you know, obviously the public benefit of
16 adding an accessible space, so we're keeping them
17 with that accessibility justifies that relief. The
18 intent is clearly to maximize the parking.

19 LANCE LANDGRAF: Like you said, many of
20 our applicants have not had parking at all so this
21 is --

22 JASON SCIULLO: Well, not only just the
23 cannabis side of it, every retail business all
24 over, all the restaurants, like, everything in the
25 strip has functioned here really well without it,

1 dedicated parking, so -- and there are pay to park
2 lots on the other side of Atlantic between Morris
3 and Chelsea that clearly can be utilized by
4 everybody.

5 For the signage, we talked about how
6 we're not seeking relief but we will show a detail
7 for the sign on the Morris Avenue facade. So that
8 facade is shortened by both the existing building
9 condition and the trees on that side. So I
10 don't -- Lance, I don't know if you remember when
11 the library was there and they had that, that
12 pretty attractive vertical sign on the corner. You
13 can kind of see the -- the outline of it is still
14 there.

15 LANCE LANDGRAF: Yeah, I do remember
16 that.

17 JASON SCIULLO: Against the wall here.

18 LANCE LANDGRAF: Yeah.

19 JASON SCIULLO: That's probably what
20 we'll end up doing.

21 LANCE LANDGRAF: Because the trees and
22 everything else, yeah.

23 JASON SCIULLO: Yeah, and we don't
24 really want to mess with taking them down.

25 LANCE LANDGRAF: One was almost wrapped

1 around either side of that corner would be kind
2 of --

3 JASON SCIULLO: Why don't we just put a
4 billboard on the roof.

5 LANCE LANDGRAF: No. Let's not go
6 there.

7 JASON SCIULLO: So no. I agree, we can
8 do that. So these two trees in the front, you can
9 see the reason we're replacing them, they're all
10 beat up, the top of them, so we're gonna try --
11 we're gonna put in trees that are thinner for the
12 purpose of making sure the facade is visible so
13 we'll work that out with the city. That was one of
14 the comments in the letter, too.

15 Talked about the rear loading door. I
16 don't know if there's anything else specifically
17 you guys wanted to discuss but in general, as
18 mentioned, most of the improvements are inside.
19 We're only really doing signage on the outside and
20 then the parking lot, whatever you want to call it,
21 formalization.

22 BENJAMIN BRANCHE: For the record, can
23 you just verify that there's not going to be any
24 other exacerbation of the nonconforming --

25 JASON SCIULLO: No. Yeah. Since the

1 existing nonconforming conditions related to
2 building setbacks, building coverage and site
3 coverage are not changing as a result of this
4 application and has existed in this condition for
5 quite some time, so I feel that if we need to seek
6 relief, it qualifies under the (C)1 criteria as a
7 hardship because to change it to make it compliant
8 would mean the demolition and rebuild, which isn't
9 reasonable. If we were coming in with another
10 retail use that wasn't cannabis we wouldn't really
11 have to be here. We'd just show up to the CDC and
12 do it in --

13 LANCE LANDGRAF: So really the only,
14 quote-unquote, relief is the parking and that's
15 grandfathered for the most part with one reduction
16 in the space.

17 JASON SCIULLO: Because of the
18 accessible space, yeah.

19 LANCE LANDGRAF: Okay. I don't have any
20 other questions.

21 Does anybody have anything?

22 ROBERT REID: No.

23 LANCE LANDGRAF: Do you, Rob?

24 ROBERT REID: I'm good.

25 LANCE LANDGRAF: Dave, you want to go

1 ahead and go through your -- you're finished?

2 JASON SCIULLO: Yeah. Yeah. All good.
3 Thank you.

4 LANCE LANDGRAF: Dave, if you want to go
5 through your guys' report, it will be helpful.
6 It's dated --

7 DAVID BENEDETTI: December 8th -- I'm
8 sorry. January 2nd.

9 LANCE LANDGRAF: Yup.

10 SCOTT COLLINS: We'll mark that as B-1,
11 please.

12 DAVID BENEDETTI: Jay has addressed the
13 issues for the submission waivers with the
14 description of a use and of the surrounding area
15 and on the other issues -- and we discussed the
16 signage. That was the other issue outstanding.
17 They're going to have a conforming sign on Morris
18 Avenue and so that -- there's no sign variances
19 there. Finally, on Section C, site plan review
20 comments, again, they discussed the queueing, how
21 that's going to work and I think it seems that
22 they're going to provide sufficient queueing by
23 enlarging the vestibule and, and the -- there are
24 no -- doesn't appear to be any encroachments into
25 the right-of-way because the signs are going to be

1 against the building. Also, we'd like to see the
2 two trees on Morris Avenue be replaced, as well,
3 and make sure you excavate the tree wells so that
4 they get decent soil for the trees to --

5 JASON SCIULLO: On Morris Avenue?

6 DAVID BENEDETTI: Yeah.

7 JASON SCIULLO: Because I was looking at
8 the condition, I can see in the photo here, they're
9 doing all right.

10 LANCE LANDGRAF: The ones on Atlantic
11 are the ones they were concerned about, right?

12 ROBERT REID: They were dying, yeah.

13 LANCE LANDGRAF: Were we thinking about
14 the ones on Atlantic, Dave? Is that those?

15 DAVID BENEDETTI: Yeah. Yes.

16 JASON SCIULLO: Actually, the one -- no.
17 You know what --

18 LANCE LANDGRAF: The one there in the
19 corner is pretty sketchy.

20 JASON SCIULLO: Yeah. Depending on the
21 day -- this one was, yeah, this was September.
22 This was --

23 ROBERT REID: That's sad looking, too.

24 JASON SCIULLO: Yeah. Well, that will
25 help with visibility of the sign, anyway, so -- all

1 right.

2 LANCE LANDGRAF: All right. So we'll do
3 three?

4 ROBERT REID: Yeah.

5 JASON SCIULLO: Yeah. That one, I guess
6 they let it go. That's a shame. Yeah. This one
7 still seems all right.

8 ROBERT REID: Yeah.

9 LANCE LANDGRAF: So we'll do three
10 street trees?

11 DAVID BENEDETTI: Okay. Also, the
12 applicant should repair or replace any broken or
13 deficient sidewalks, driveway apron along Morris
14 Avenue. They discussed the trash on number five
15 and how we're gonna handle the trash. And number
16 six, they also testified to the security measures
17 and they recognize they're gonna have to go before
18 the city for the design standards for the
19 architectural review. One thing, there should be a
20 night light function test that we can do or they
21 can give us a lighting plan, whatever.

22 LANCE LANDGRAF: Just for the exterior?

23 DAVID BENEDETTI: For the exterior.

24 LANCE LANDGRAF: So like a photometric?
25 You can go out there and do a hand-held.

1 JASON SCIULLO: I'll go out there and
2 make sure that's it's security level.

3 LANCE LANDGRAF: Just do a light near
4 with it. All right. You'll provide that as
5 additional for the CLUC.

6 JASON SCIULLO: Well, that's gonna be
7 tough because if it has to be repaired, we'll have
8 to create a lighting -- we'll figure it out. All
9 right.

10 LANCE LANDGRAF: Well, you can put a
11 note on the plan, light to be replaced --

12 JASON SCIULLO: Yeah.

13 LANCE LANDGRAF: -- if it needs be with
14 a higher wattage of whatever you need.

15 DAVID BENEDETTI: The only thing that
16 they need beyond outside agency approval are CRC,
17 Atlantic City Green Zone Design Standards Review,
18 City of Atlantic City CLUC, Atlantic City
19 Construction Department and Building Code Official,
20 Atlantic City Police Department for the security
21 plan and any others as necessary.

22 LANCE LANDGRAF: Just one correction.
23 There's no city of AC CLUC. That would be us.
24 That's CRDA. Item C in the report. No worries.
25 We're a different entity down here, Dave. It's a

1 strange world we live in in Atlantic City.

2 DAVID BENEDETTI: A new world.

3 LANCE LANDGRAF: It's a new world,
4 that's right. I like that description better.

5 What will happen is that comes back to
6 Rob with plan corrections and then we issue a CLUC.

7 DAVID BENEDETTI: Okay.

8 LANCE LANDGRAF: All right. You're
9 complete?

10 DAVID BENEDETTI: Yes.

11 LANCE LANDGRAF: Thanks.

12 Scott, you're good?

13 SCOTT COLLINS: I'm good.

14 LANCE LANDGRAF: Anything else, Ben?

15 BENJAMIN BRANCHE: No. Nothing else.

16 Thank you.

17 LANCE LANDGRAF: All right. With that,
18 we'll open it up to the public. Any comments from
19 the public, please step forward, state your name.

20 Jane, anything?

21 UNIDENTIFIED SPEAKER: No. I'm good.

22 LANCE LANDGRAF: All right. With that,
23 we'll close the public portion and bring it back
24 here.

25 Anything else?

1 ROBERT REID: Yeah. I just wanted to
2 say it's nice to see an application with plenty of
3 customer area, indoor trash and on-site loading.
4 All nice stuff.

5 LANCE LANDGRAF: It is. I would agree
6 with that.

7 BENJAMIN BRANCHE: Have there been many
8 with on-site loading?

9 ROBERT REID: What's that?

10 BENJAMIN BRANCHE: Have there been many
11 with on-site loading?

12 LANCE LANDGRAF: No.

13 ROBERT REID: There's been a few but --

14 LANCE LANDGRAF: There's been a few but
15 not very many. That's been an issue for many of
16 the applications. You're dealing with existing
17 conditions in a building that for the most part
18 deliveries happen in the street. That's what
19 happens in urban areas. That's just -- that's what
20 it is, so it's nice to have this off site.

21 So that will conclude the hearing on
22 this matter. What we will do is -- and Ben, you're
23 not kind of used to us, how we function here. We
24 will get this on our February board meeting.

25 BENJAMIN BRANCHE: Okay.

1 LANCE LANDGRAF: This board makes a
2 recommendation to our full board and that will be
3 on February -- I don't have the date. It's the
4 third Tuesday of February and we'll let you know
5 that, that date. Typically -- we used to do these
6 remotely but now we're back in person. Typically
7 we ask somebody from the applicant to be here in
8 case there's any questions from the board. Not
9 your whole team but certainly maybe yourself and
10 Mr. Sciullo attend that.

11 BENJAMIN BRANCHE: Sure.

12 LANCE LANDGRAF: Jane, what's our
13 February board meeting?

14 UNIDENTIFIED SPEAKER: It's the 20th.

15 LANCE LANDGRAF: Okay.

16 BENJAMIN BRANCHE: Around the 20th?

17 LANCE LANDGRAF: That sounds right.

18 BENJAMIN BRANCHE: Third Tuesday?

19 LANCE LANDGRAF: Yeah, third Tuesday.

20 So with that, our next land use hearing
21 is January 18th at the same time, same place.

22 With that, I will close the -- close our
23 meeting, our hearing today. Thank you. Thanks,
24 everyone.

25 SCOTT COLLINS: Thank you.

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BENJAMIN BRANCHE: Thank you.
(At 10:38 a.m. proceedings were
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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