

REGULAR MEETING OF THE EAST NEWARK PLANNING BOARD  
COUNCIL CHAMBERS  
BOROUGH HALL  
34 SHERMAN AVENUE  
EAST NEWARK, NEW JERSEY 07029  
SEPTEMBER 28, 2023  
**MINUTES**

PUBLIC STATEMENT

ADEQUATE NOTICE OF THIS MEETING BEING HELD ON THIS 28<sup>TH</sup> DAY OF SEPTEMBER, 2023 HAS BEEN PROVIDED BY THIS BOARD TO ALL APPLICABLE PARTIES, AGENCIES AND AUTHORITIES. THIS MEETING IS BEING HELD AND CONDUCTED IN ACCORDANCE WITH P.L. 1975, CHAPTER 231 OF THE LAWS OF THE STATE OF NEW JERSEY.

AGENDA

1. Approval of Minutes for September 28, 2023, Regular Meeting
2. New Business: Case 2023-02, Ervana Dispensary, LLC for property located at 710 Frank E. Rodgers Boulevard North, Block 4, Lot 1 in the Borough of East Newark, NJ.

MAYOR GRILO LED THE BOARD IN RECITING THE PLEDGE OF ALLEGIANCE.

GARY CUCCHIARA, ESQ. ADMINISTERED THE OATH OF OFFICE TO NEW PLANNING BOARD MEMBER, CATARINA GUIMARAES.

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SECRETARY MARY GAINES CALLED THE MEETING TO ORDER AT 7:10 P.M. THE PLEDGE OF ALLEGIANCE WAS RECITED. SECRETARY CALLED THE ROLL CALL.

MEMBERS	PRESENT	ABSENT
MAYOR DINA M. GRILO	X	
VICE CHAIR KELLY CORBLIES		X
COUNCILMEMBER CHRIS REIS	X	
BILLY EREZUMA	X	
RAY GRAHAM	X	
MICHAEL MANCINI		X
CATARINA GUI,MARAES	X	
ALTERNATE DONNA ODONNELL		X

As five (5) members of the East Newark Planning Board are Present, a QUORUM was established.

ALSO PRESENT: GARY J. CUCCHIARA, ESQUIRE, BOARD COUNSEL;  
McKINLEY MERTZ, BOARD PLANNER.AND VAHANE COSTANIAN, BARD  
ENGINEER.

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DUE TO THE ABSENCE OF THE CHAIRPERSON AND VICE CHAIRPERSON,  
MOTION WAS MADE BY MR. REIS AND SECONDED BY MR. EREZUMA TO  
NOMINATE MR. RAY GRAHAM AS TEMPORARY CHAIRPERSON FOR THIS  
MEETING.

REIS-AYE, EREZUMA-AYE, GUIMARAES-AYE, MAYOR GRILO-AYE, MOTION  
CARRIED.

\*\*\*

MOTION TO ACCEPT AGENDA FOR THE REGULAR MEETING OF SEPTEMBER  
28, 2023.

MOTION BY BOARDMEMBER REIS  
SECONDED BY BOARDMEMBER EREZUMA

ALL IN FAVOR VOTING AYE, MOTION WAS CARRIED

\*\*\*

APPROVAL OF MINUTES

WHEREAS, copies of the minutes of the following meeting have been provided to the  
members and reviewed by the members of the East Newark Planning Board:

Regular Meeting dated April 27, 2023.

NOW THEREFORE, BE IT RESOLVED, that all of the aforementioned minutes of said  
meeting be and are hereby approved.

MOTION BY BOARDMEMBER REIS. MR. REIS WAS THE ONLY MEMBER  
ELIGIBLE TO VOTE ON THE MINUTES FOR THIS MEETING. MOTION WAS  
CARRIED.

\*\*\*

RESOLUTIONS: None

\*\*\*

OLD BUSINESS: NONE

\*\*\*

NEW BUSINESS: Case 2023-02, Ervana Dispensary, LLC for property at 710 Frank E.  
Rodgers Boulevard North, Block 4, Lot 1.

Please refer to attached transcript prepared by Suzanne M. Carr-McGuire, a Certified Court Reporter and Notary Public of the State of New Jersey.of the firm McGuire Reporting, 485 Edgewood Place, Rutherford, NJ 07070.

\*\*\*

OPEN TO THE PUBLIC: Mr. Graham opened the meeting to the public.

Please refer to attached transcript prepared by Suzanne M. Carr-McGuire, a Certified Court Reporer and Notary Public of the State of New Jersey of the firm of McGuire Reporting, 485 Endgwood Place, Rutherford, NJ 07070.

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CLOSE TO THE PUBLIC. Motion by Board Member Erezuma, seconded by Board Member Reis to close the meeting to the public. All members voting AYE, meeting was closed to the public.

\*\*\*

Acting Chairperson Graham asked if there was a motion on this application. Mr. Reis made a motion to approve this application. Motion was seconded by Mr. Erezuma. . REIS-AYE, EREZUMA-AYE, GRAHAM- AYE, GUIMARAES –NAY, MAYOR GRILO – AYE, MOTION CARRIED.

\*\*\*

MOTION TO ADJOURN MEETING:

MOTION BY MAYOR GRILO  
MOTION SECONDED BY BOARDMEMBER REIS  
ALL IN FAVOR SAYING AYE.  
MOTION CARRIED

MEETING WAS ADJOURNED AT 10:27 P.M.

RESPECTFULLY SUBMITTED, MARY C. GAINES SECRETARY TO THE EAST  
NEWARK PLANNING/ZONING BOARD

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EAST NEWARK PLANNING/ZONING BOARD

Case 2023-02	)	
Ervana Dispensary, LLC	)	
710 Frank Rodgers, LLC	)	
710 Frank E. Rodgers Boulevard	)	
North, Block 4, Lot 1	)	TRANSCRIPT OF:
East Newark	)	
	)	PROCEEDINGS
-----	)	
	)	
	)	
	)	

TRANSCRIPT of the stenographic notes of the proceedings in the above-entitled matter, as taken by and before SUZANNE M. CARR-MCGUIRE, a Certified Court Reporter and Notary Public of the State of New Jersey, held at the 53 Sherman Avenue, East Newark, New Jersey, on September 28, 2023, commencing at 7:00 p.m.

MCGUIRE REPORTING  
Certified Court Reporting  
485 Edgewood Place  
Rutherford, New Jersey 07070  
201-933-2312  
Fax 201-933-2369

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

EAST NEWARK JOINT PLANNING & ZONING BOARD

Dina M. Grilo, Mayor  
Ray Graham, Chairman  
Christopher Reis, Councilman  
Billy Erezuma, Board member  
Caterina Guimaraes, Board member

Gary Cucchiara, Esq., Board Attorney

McKinley Mertz, Board Planner

Vahane Costanian, PE, Board Engineer

Law Office of John Williams  
John Williams, Esq.  
Attorneys for Applicant

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5 MS. GAINES: Good evening. This is the  
6 regular meeting of the East Newark Planning Board  
7 held at Council Chambers this 28th day of September  
8 2023. Adequate notice of this meeting has been  
9 provided by this board to all applicable parties,  
10 agencies and authorities. This meeting is being held  
11 in conducted in accordance with PL1975, Chapter 231  
12 of the laws of the State of New Jersey. Mayor, will  
13 you guide us in reciting the pledge.

14 (Whereupon, the Pledge of Allegiance is  
15 recited.)

16 CHAIRMAN GRAHAM: Secretary, will you  
17 like to swear in and administer the oath of office.

18 MR. CUCCHIARA: I, Caterina Guimares, do  
19 solemnly swear that I will support the Constitution  
20 of the United States and the Constitution of the  
21 State of New Jersey and that I will bear true faith  
22 and allegiance to the same and to the government  
23 established in the United States and this state under  
24 the authority of the people so help me God. I do  
25 further solemnly swear that I will impartially and

1 justly perform all of the duties of the office of  
2 member of the planning board of the Borough of East  
3 Newark, according to the best of my ability so help  
4 me God.

5 MS. GUIMARAES: I do.

6 MR. CUCCHIARA: Congratulations.

7 CHAIRMAN GRAHAM: Congratulations.

8 Secretary, please call the roll.

9 MS. GAINES: Councilman Reis.

10 MR. REIS: Present.

11 MS. GAINES: Kelly Corblies, absent.

12 Billing Erezuma.

13 MR. EREZUMA: Present.

14 MS. GAINES: Ray Graham.

15 MR. GRAHAM: Present.

16 MS. GAINES: Michael Mancini, absent.

17 Caterina Guimaraes.

18 MS. GUIMARAES: Present.

19 MS. GAINES: Mayor Grilo.

20 MAYOR GRILO: Present.

21 MS. GAINES: Also note that Gary  
22 Cucchiara and Vahane Costanian are also present.

23 MR. CUCCHIARA: Is McKinley here?

24 MS. GAINES: She's on her way.

25 MR. CUCCHIARA: At this time the members

1 of the public and of course the board knows that our  
2 chair, Carla Fernandez, has resigned and vice chair  
3 is not available this evening. I discussed this with  
4 our board secretary, Mary Gaines. I think it would  
5 be appropriate at this time for a motion to be made  
6 to have member, Ray Graham, who is the, my  
7 understanding, is our senior member, no offense, to  
8 be acting chairman or the chairperson of the meeting  
9 tonight. So if you make a motion to that effect and  
10 there could be a second and then the board can vote.

11 MR. REIS: Make a motion.

12 MR. EREZUMA: I'll second.

13 MS. GAINES: Councilman Reis.

14 MR. REIS: Aye.

15 MS. GAINES: Mr. Erezuma.

16 MR. EREZUMA: Aye.

17 MS. GAINES: Mr. Graham.

18 MR. GRAHAM: Aye.

19 MS. GAINES: Ms. Guimaraes.

20 MS. GUIMARAES: Aye.

21 MS. GAINES: Mayor Grilo.

22 MAYOR GRILO: Aye.

23 MS. GAINES: Motion carried.

24 MR. CUCCHIARA: Now I think it's my  
25 understanding that we're waiting for our board

1 planner before we begin so I think that's only going  
2 to take a --

3 MS. GAINES: We can do the minutes.

4 MR. CUCCHIARA: Please.

5 MS. GAINES: The meeting of April 27th  
6 2023 regular meeting that was prepared --

7 MR. REIS: Was I the only one here for  
8 that?

9 MS. GAINES: Two members that are here  
10 it would be yourself and actually you are the only  
11 member.

12 MR. REIS: Make a motion to approve  
13 those minutes.

14 MS. GAINES: Call the roll, Mr. Reis.

15 MR. REIS: Aye, yes.

16 MS. GAINES: Motion carried, thank you.  
17 McKinley is parking her car and on the way. I don't  
18 know if you want to wait a couple of minutes until  
19 she gets here to hear the application.

20 MR. CUCCHIARA: Okay. To the extent  
21 that you may provide testimony in this matter or  
22 comments in this proceeding do you swear or affirm to  
23 tell the truth, the whole truth and nothing but the  
24 truth.

25 MR. COSTANIAN: Yes.

1                   MR. CUCCHIARA: You are with the firm of  
2 Remington & Vernick Engineers.

3                   MR. COSTANIAN: Yes.

4                   MR. CUCCHIARA: Thank you. What I think  
5 we can do at this point is have Mr. Williams  
6 introduce himself.

7                   MAYOR GRILO: Off.

8                   CHAIRMAN GRAHAM: Motion to open to the  
9 public.

10                  MS. GAINES: Actually we are going to  
11 hear the case first, the new business. Case 2023-2  
12 Ervana Dispensary, LLC for property at 710 Frank E.  
13 Rodgers Boulevard, Block 4, Lot 1 in the Borough of  
14 East Newark.

15                  MR. WILLIAMS: Thank you. Good evening  
16 everyone. Thank you for having us. Attorney John  
17 Williams on behalf of the applicant Ervana  
18 Dispensary, LLC. Let me make some introductions for,  
19 who we can expect to hear from. This is the  
20 applicants have. We have Lukas Almeida, L-U-K-A-S,  
21 if I get anyone's spelling wrong correct me please  
22 so we have a correct record, A-L-M-E-I-D-A. His  
23 father John is here. Lukas is expected to testify.  
24 From GMV Consulting, Brian Sickora. Back there  
25 raising his hand, S-I-C-K-O-R-A. Dynamic

1 Engineering, Jonathan Zuluaga, J-O-H-A-N-T-H-A-N,  
2 Z-U-L-U-A-G-A. And then Craig Peregoy is here also,  
3 C-R-A-I-G and P-E-R-E-G-O-Y. And from Preferred  
4 Planning Group Donna Holmqvist, D-O-N-N-A,  
5 H-O-L-M-Q-V-I-S-T. Swear in now individually, group?

6                   Before we do that a couple of  
7 administrative items, copies proof of service, proof  
8 of publication, proper fulfillment of both. We had  
9 had an issue, which the town is aware, of payment of  
10 real property taxes where the system is not set up for  
11 the municipality, the borough to receive them. But I  
12 can show your, Counsel, and you can either provide  
13 them to the secretary or we can admit that if you  
14 want a statement from the property owner 710 Frank  
15 Rodgers, LLC, which is in fact owned by the  
16 applicants also that shows their loan billing  
17 statement, payment made in September to the lender.  
18 And if you look on there it's at the bottom, the  
19 second page, Gary, is the proof of payment, the  
20 receipt of the payment made and the first page shows  
21 the tax escrow currently for the month of September  
22 of 2,300. And then since the beginning of the loan  
23 which is the acquisition of the property March of  
24 escrow to cover the taxes. So we're between getting  
25 in your system here and the bank sending the check.

1 You do have an amount that's in escrow which is in  
2 escrow with the bank.

3 MR. CUCCHIARA: Appears to be in order.  
4 We can mark this as an exhibit. Have you marked  
5 exhibits? Because I took the liberty of marking  
6 them.

7 MR. WILLIAMS: I haven't, go ahead.

8 MR. CUCCHIARA: Since I already did mark  
9 exhibits prior to the meeting I'll mark this as A-9  
10 but I'll go through the others when you're ready.  
11 A-9 will be the Proof of Payment of Property Taxes in  
12 connection with this application, A-9.

13 MR. WILLIAMS: Go ahead.

14 MR. CUCCHIARA: If you have any  
15 objection or modification to the markings that I  
16 suggest, please let us know. So A-1 would be the  
17 Application dated August 11th, 2023.

18 MR. WILLIAMS: Okay.

19 MR. CUCCHIARA: A-2 would be the Proof  
20 of Publication and Service of Notice of the hearing.  
21 Which of course was adjourned from August 24, I  
22 believe 2023.

23 A-3 would be the Neighborhood  
24 Compatibility Plan prepared By Preferred Planning  
25 Group dated August 10, 2023.

1 MR. WILLIAMS: Okay.

2 MR. CUCCHIARA: A-4 would be the  
3 Resolution of the Borough of East Newark mayor and  
4 council resolution number 63-23 dated July 12th,  
5 2023.

6 MR. WILLIAMS: Okay.

7 MR. CUCCHIARA: A-5 would be the Survey  
8 prepared by Parker Engineering & Surveying dated  
9 February 6th, 2023.

10 MR. WILLIAMS: Go ahead.

11 MR. CUCCHIARA: A-6 would be Minor Site  
12 Plan prepared by Dynamic Engineering Consultants  
13 dated August 9, 2023. That was a last date -- was  
14 that that last revised date or the only date?

15 MR. WILLIAMS: Yes.

16 MR. CUCCHIARA: A-7 would be the  
17 Architectural Plans by Dontis Kortety Architecture  
18 dated August 8, 2023.

19 MR. WILLIAMS: Okay.

20 MR. CUCCHIARA: A-8 would be the  
21 response to the Heyer Gruel & Associates report dated  
22 August 25, 2023 which was comprised of a letter from  
23 you, Mr. Williams, as a cover letter dated September  
24 18th, 2023 and included a sign layout, a memo from  
25 Craig W. Peregoy, PE of Dynamic Engineering, which

1 was entitled a drive-through cue analysis which was  
2 dated September 13, 2023. And the revised Odor  
3 Mitigation Management Report dated September 12th,  
4 2023.

5 MR. WILLIAMS: Okay.

6 MR. CUCCHIARA: Did you have any other  
7 exhibits at this time you certainly can mark them  
8 later on.

9 MR. WILLIAMS: We may have probably as  
10 we come to them and see where you wind up.

11 MR. CUCCHIARA: Then for the board B-1  
12 would be the report of the board's planning  
13 consultant, Heyer Gruel & Associates, dated August  
14 25, 2023.

15 B-2 would be Heyer Gruel & Associates  
16 report, updated secondary report I should say, dated  
17 September 26th, 2023.

18 And B-3 would be the report of the  
19 board's engineering consultants Remington & Vernick  
20 Engineers dated September 23, 2023. And I forgot to  
21 mention you already marked it, I believe was A-9,  
22 which was a proof of payment of property taxes.  
23 That's all I have at this time.

24 MR. WILLIAMS: Okay. For the record, we  
25 have pursuant to cannabis code section 33-12 AH1 we

1 submitted to the borough's chief of police the  
2 business plan summary, security plan and employee and  
3 safety training plan under cover of correspondence of  
4 August 11th, 2023.

5                   And Lukas had some had some  
6 conversations with the chief which he'll address  
7 during his testimony.

8                   As to the relief sought the applicant  
9 this evening seeks minor site plan approval and  
10 conditional use approval pursuant to code section  
11 33-12A supplemental use regulations, cannabis  
12 oriented businesses, parking variances, an issue  
13 we'll go into tonight in-depth. Possible sign  
14 variance. I can't say for sure we need to have a  
15 conversation one or two signs and where they'd be.  
16 But at least that's on the radar. And probably  
17 address these as they come up maybe in the reports  
18 but clarification is probably the better word, it's  
19 not a variance, on the section on the 33-12A I2A  
20 additional license requirements requiring regarding  
21 license submission. And the same thing with the  
22 police approval. I think they're going to come up  
23 with it anyway, if not, I'll address them at the end.  
24 We'll move on to the testimony if you're ready to  
25 proceed.

1                   MR. CUCCHIARA: The only question I have  
2 and it's the obvious question is with, of course,  
3 conditional use application, all of the conditions  
4 pertaining to the use must be met. I understand that  
5 your consultants and experts probably with respect to  
6 planning and engineering will address the conditions  
7 raised in the board's consultant's reports, but  
8 obviously the concern is that if those conditions  
9 aren't met then a conditional use variance is  
10 necessary which would, of course, change the whole  
11 structure of this application. So I'm hopeful that  
12 they can be addressed. There's an indication that  
13 they can, certainly that will be the applicant's  
14 responsibility.

15                   With respect to the cannabis licensing  
16 we understand that that would be a pending  
17 application and that could be under these  
18 circumstances a condition -- condition of approval,  
19 but I'm presuming that the applicant is prepared to  
20 address all of the conditions pertaining to the  
21 conditional use. Is that right?

22                   MR. WILLIAMS: That's correct. Let me  
23 go into the application for what I mean by  
24 clarification, since you brought it up. So section A  
25 under 33-12 A2 says all cannabis businesses shall

1 provide a copy of any license application or license  
2 to the state or borough including any agreements or  
3 conditions of approval. It's not possible because  
4 you have to have local approval including zoning to  
5 go to CRC and submit your annual license application,  
6 which would be the next step for us.

7           So what we've been doing around the  
8 state is having approvals subject to the CRC issuing  
9 the license. And then also it's a nuance point, it's  
10 subject to us receiving an annual license so we can  
11 operate. And in terms of the license application  
12 that we submit to the state you will be receiving  
13 one. The borough receives one. When the CRC  
14 approves a cannabis business the CRC will send you a  
15 copy of the application. And it's important that it  
16 happens that way rather than us submit it because  
17 under the statute what we submit, which has  
18 tremendously private information about personal  
19 history, entity history, background, Social Security  
20 numbers, business structure, operational details that  
21 competitors will try to get in this industry so under  
22 CREMA is protected under OPRA. So you're going to  
23 get that, but you're going to get it from CRC so  
24 we'll have OPRA protection. We don't have that if we  
25 give it directly to you. You follow? So as long as

1 we make sure we have that clarification and  
2 understanding, okay.

3 MR. CUCCHIARA: Okay.

4 MR. WILLIAMS: Good. We might as well  
5 do it because it's in the same vein of this interplay  
6 and possible conflict and preemption issue with the  
7 states and municipalities. I'll have Lukas testify.  
8 You'll hear that he spoke police chief and the police  
9 chief is satisfied with the plan. Right now we have  
10 one potential conflict that we can't answer until the  
11 CRC comes out and inspects the site and looks at it.  
12 Where the ordinance speaks to window not being shaded  
13 so the police can see in the building but CRC may  
14 require some shading or may require some  
15 reorganization of us because of the inside. Because  
16 they have a provision that says you can't see  
17 cannabis product, it's a catch-all term for anything  
18 they sell in there, it can't be seen from the street.  
19 So many people are shading the dispensary windows.

20 So if we simply confirm and have in the  
21 resolution that that's subject to CRC and police  
22 approval. We'll absolutely work with the police.  
23 Lukas is already talking about work-arounds to that  
24 and even some of those work-arounds we don't know.  
25 Because it's like a good idea to us, but we need the

1 CRC's approval. Generally speaking I'll just add  
2 real quick for you, you're all familiar with the ABC.  
3 I don't know if you have liquor licenses in the town  
4 or not.

5 CHAIRMAN GRAHAM: We do.

6 MAYOR GRILO: We do.

7 MR. WILLIAMS: It's very similar in the  
8 sense you have the ABC. You are the presumptive  
9 Alcoholic Beverage Board is the local municipality,  
10 but the ABC is, you know, the state authority. So  
11 there's a sharing of the authority. It's very  
12 similar to that experience where there are some  
13 things that you do locally and then you look to the  
14 ABC to make a final decision or make the decision  
15 depending on the circumstances. Okay. So that's  
16 those two clarifications. And the lawyer is going to  
17 stop talking. This is the best part. Lukas come on  
18 up.

19 LUKAS ALMEIDA, having been duly sworn by the Notary  
20 Public, testified as follows:

21

22 DIRECT EXAMINATION BY MR. WILLIAMS:

23 Q. Lukas, your father John is with us this  
24 evening at the end of the aisle there and he's also  
25 part of the LLC as you are, you two are members on

1 the application?

2 A. Right.

3 Q. Give us the board, a background, I think  
4 you know many of them, but for the record, for the  
5 public just give a quick background introduction and  
6 your presence here in the town and nearby?

7 A. Well, as many of you know my father and  
8 I we operate Q-Tal Bar and Grill right around the  
9 corner. Part of the community since 2019 and we are  
10 excited and grateful for the opportunity to further  
11 serve the community with our new business Ervana  
12 Dispensary in East Newark.

13 Q. You purchased the premises in March of  
14 this year?

15 A. Correct.

16 Q. You're both the owner on the premises?

17 A. No, just John.

18 Q. And your mother, too? Are you on it,  
19 too? Is your wife on the property?

20 MR. J. ALMEIDA: Yes.

21 Q. And just quickly in terms of the  
22 business both you and your father are running the  
23 restaurant and bar operating under ABC regulation?

24 A. Correct.

25 Q. You're both familiar with them, you both

1 have operated in this highly regulated industry and  
2 you're aware of the requirements and have met them  
3 without incident, no charges there or anything like  
4 that?

5 A. Correct.

6 Q. For the record, the very first paragraph  
7 of the very first section of the statute is an  
8 acronym, CREMMA, it's a mouthful so I won't go  
9 through it. And the legislative intent and findings  
10 says the legislature declares legalizing a form of  
11 marijuana known as cannabis, which shall be regulated  
12 like alcoholic beverages.

13 So, again, there's going to be a lot of  
14 overlap and already has been in licensing, compliance  
15 and enforcement and it's going to feel very similar  
16 to you all and I wanted to point out the background.

17 The premises in general, take us  
18 through, you have what we marked as A-7, architect's  
19 floor plan. You need to take a look at it to take up  
20 through the premises?

21 Generally, not in detail, this is A-7  
22 the floor plan, which I don't have a blow-up of.  
23 Take us through the premises generally. I don't need  
24 details. Walk us through since no one has been  
25 there, tell us what it looks like and what someone

1 will experience walking in the front door and what's  
2 on the different floors.

3 A. So as all of you know it's an old bank.  
4 When you go in the front door you get into a customer  
5 area where people wait to get on line to go to  
6 tellers. There's a manager's office then you have  
7 all the tellers area behind the bullet proof glasses.  
8 You want downstairs, too?

9 Q. Yeah.

10 A. Then you go downstairs. There's the  
11 main vault you also have the break room for staff,  
12 staff bathrooms as well as the secondary vault and  
13 mechanical rooms. And also the driveway, I mean  
14 drive through first floor behind the teller area  
15 which well will use also.

16 Q. Cannabis product is stored in the large  
17 vault?

18 A. Main vault.

19 Q. This is a -- do you know the dimensions  
20 of the room? It's a big room?

21 A. Roughly speaking like so this is six  
22 feet, 12 by sick or --eight by 18, it's pretty large.

23 Q. That this is an old vault it's got one  
24 of the large --

25 A. Massive.

1 Q. Back in to push and close?

2 A. Yes.

3 Q. So it's very secure in other words. The  
4 second floor of the premises you will not be using  
5 that for any retail cannabis business. Correct?

6 A. No.

7 Q. And there's a second floor obviously?

8 A. We won't.

9 Q. Only for general storage?

10 A. General storage.

11 Q. Not any cannabis storage you might use  
12 it for storage for the dispensary or your restaurant  
13 possibly even?

14 A. Correct.

15 Q. And the hours you're going to operate  
16 just to confirm these during application nine a.m.  
17 to nine p.m. Monday to Saturday and 11 a.m. to eight  
18 on Sunday. Correct?

19 A. Correct.

20 Q. And after we submitted the three plans I  
21 mentioned to the chief of police, you spoke with him?

22 A. I spoke with Chief Montereio. I asked if  
23 he had any questions or concerns about our security  
24 plan and he didn't have any. He was pretty satisfied  
25 with the plans we submitted.

1 Q. And those plans all, not only comply  
2 with but they emanate, they come from the cannabis  
3 regulatory commission regulations?

4 A. Exactly.

5 Q. They actually call them rules instead of  
6 regulations. So the CRC rules you been working with  
7 your cannabis consultant on and me are really what  
8 the outline for those plans are?

9 A. Right.

10 Q. The property, tell us -- let's talk  
11 about the signage. What is it that you're looking to  
12 do and proposing to do with the signage? And we have  
13 that's an exhibit also, isn't it, Gary?

14 MR. CUCCHIARA: I believe.

15 MR. WILLIAMS: Trying to be efficient  
16 here. This is the way to do it.

17 A. I don't think it was, no, they were  
18 submitted, one of the enclosures to A-8.

19 MR. CUCCHIARA: I believe that was  
20 included in your response that we marked A-8. Is  
21 that correct?

22 MR. WILLIAMS: Yes, yeah. What I did is  
23 I didn't breakdown A-8. I'll show you what we  
24 submitted so we are accurate and we are all on the  
25 same page.

1 Q. You have two locations where signs could  
2 go. Right?

3 A. Yeah.

4 Q. And the one picture -- first of all A  
5 shows the dimensions of the sign?

6 A. Right.

7 Q. And the fonts and what you would use.  
8 Correct?

9 A. Yes.

10 Q. Did you bring this proposed sign  
11 material?

12 A. Yes.

13 Q. Can you get that for us and show it --

14 A. Want me to pass it around?

15 Q. Tell us about it first of all?

16 A. So it's an ACM composite material. It's  
17 two thin sheets, I believe .088 millimeter with a PVC  
18 core. It's very durable, self extinguishing. Just  
19 an overall durable material for signage.

20 MR. WILLIAMS: Shall we pass it around?

21 MAYOR GRILO: Sure.

22 MR. CUCCHIARA: Would you like to mark  
23 it? Do you need to mark it? I am not going to do  
24 that to you and your file.

25 Q. So as it being passed around. On the

1 side of the building on your renderings there's a B  
2 that's printed on there that's where the bank sign  
3 was. Right?

4 A. No, the bank sign was way up high like  
5 on the top.

6 Q. I mean that wall, excuse me, above the  
7 B?

8 A. Yes.

9 Q. And the sign you're proposing in terms  
10 of dimension and composite material would go on the  
11 wall there?

12 A. Right, correct.

13 Q. What we'd like to do, if possible, is  
14 have the sign on the front of the building?

15 A. Double face sign on the front.

16 Q. People can see the traffic coming down  
17 Frank E. Rodgers Boulevard?

18 A. If it's up high it's hard to see.

19 Q. Why can't you use a standing sign on one  
20 of those posts there? Are you going to use it for a  
21 mirror?

22 A. That's true. The post you see on the  
23 picture of the signage we're going to use to attach a  
24 convex mirror so that you can see when you pull out  
25 of the driveway that there's no pedestrians walking.

1           Q.       So this is where I said discussion or  
2 variance.  If the board were not inclined to grant a  
3 variance or feel like we haven't met the standard you  
4 have to pick one location for a sign, I could be  
5 wrong, I'm not even sure if the one on the front is  
6 compliant, and forgive me, would you go with the one  
7 up front as opposed to the one --

8           A.       Preferably the one on the front.

9           Q.       And the idea that's going to show people  
10 where the entrance is?

11          A.       Exactly.

12          Q.       That they can see on Frank E. Rodgers  
13 Boulevard.  It meets public safety factors, but it's  
14 sort of where we are.  And we think that the two  
15 signs would be appropriate, would be useful, would be  
16 beneficial.  We all want to succeed here because if  
17 the business succeed then the town succeeds because  
18 you get two percent of healthy retail sales.  So  
19 question --

20                   CHAIRMAN GRAHAM:  We are discussing the  
21 sign?

22                   MAYOR GRILO:  We are discussing the  
23 sign.  It looks fine.

24                   MS. MERTZ:  The issue here, even if the  
25 board decides that they like two signs that's going

1 to trigger the D variance. Because one of the  
2 conditions is that it has to meet the signage  
3 requirement and projecting signs are prohibited.

4 MR. CUCCHIARA: That's what I mentioned  
5 in the beginning of the proceedings because --

6 MAYOR GRILO: The only sign that --

7 MS. MERTZ: The banner sign that.

8 MAYOR GRILO: That one.

9 MS. MERTZ: That's what they would need  
10 to a get variance, it's one of the standards of your  
11 sign ordinance which is one of the conditional use  
12 standards.

13 MR. COSTANIAN: Can I ask a question?  
14 Is a mural considered a sign?

15 MS. MERTZ: Very good question.

16 MR. COSTANIAN: So if he happened to  
17 paint, if the applicant happened to paint something  
18 would that be considered a sign?

19 MAYOR GRILO: But this is not the issue,  
20 right. It's that. And I think he wants it out so  
21 when you're walking. This one -- I don't think that  
22 one is an issue that's on --

23 MS. MERTZ: That by itself is conforming  
24 I think there's also --

25 MAYOR GRILO: That's a problem.

1                   MS. MERTZ: This is a two step issue.  
2 We have the projecting sign which is very clearly  
3 prohibited in your ordinance. The second one there's  
4 a prohibition against two facade sides. So they're  
5 sort of tied together. I would say a projecting sign  
6 is, the facade sign needs to be flat on the building  
7 signs. But, again, one facade sign is permitted and  
8 no projecting sign is permitted. So even if they  
9 were to turn that's projecting sign on to the facade  
10 they would have two-sided.

11                   MAYOR GRILO: Can they put it on the  
12 glass doors? Like we have when you walk in --

13                   MR. CUCCHIARA: Mayor, if I may, and Ms.  
14 Mertz, if you can just -- since you seem to be making  
15 comments in the testimony that --

16  
17 MCKINLEY MERTZ, having been duly sworn, testified as  
18 follows:

19  
20                   MR. CUCCHIARA: Please state your name  
21 for the record and indicate your firm, please.

22                   MS. MERTZ: McKinley Mertz, M-E-R-T-Z,  
23 principle planner at Heyer Gruel & Associates. Thank  
24 you.

25                   MR. CUCCHIARA: Just so the board

1 understands it's something that we had discussed at  
2 the very beginning of the proceeding and not to  
3 interrupt the presentation but a conditional use is  
4 permitted in the borough subject to the specific  
5 conditions related to that use. And as Ms. Mertz was  
6 just stating all of those conditions are not met,  
7 then a conditional variance is required which, of  
8 course, has a whole different sets of proofs as you  
9 all are probably familiar with because it triggers a  
10 use variance. So that's why I mentioned it earlier.

11                   And, again, not to step on your toes,  
12 Mr. Williams, but unless we resolve that issue now we  
13 can't proceed only on the basis of a conditional use  
14 approval for, in this instance, a planning board  
15 would be able to approve. There can be bulk  
16 variances provided that all of the conditions of the  
17 conditional use are satisfied, okay.

18                   So that may be something you want to  
19 confer with your client about because if we cannot do  
20 that tonight then we may have a different situation,  
21 of course, and then we'd have to proceed based on a  
22 use variance analysis.

23                   MR. WILLIAMS: We want to avoid the  
24 conditional use variance so it's over formalizing  
25 things and, you know, getting to unnecessary hurdles

1 and barriers we have to go through. So any  
2 suggestions or preference ran for how we do that  
3 sign? You said -- can you go a facade out front and  
4 then paint the wall? Someone --

5 MS. MERTZ: Has there been and -- and I  
6 apologize since I'm new to you guys, have been there  
7 murals in the town before or any wall painting?

8 MAYOR GRILO: There's the one Tops did  
9 by the recreation center that looks really nice. So  
10 as long as it's nice and we have to look at it -- I  
11 don't think there's a problem.

12 MS. MERTZ: Would you be okay on the  
13 parking lot facing all --

14 MAYOR GRILO: The sign that's there is  
15 not bad the problem is the protruding one. Right?

16 MS. MERTZ: Correct.

17 MAYOR GRILO: So if he just takes that  
18 down, if he take the protruding one down and you can  
19 put it etched on the door. This is me not being an  
20 expert.

21 MR. COSTANIAN: Just for clarification  
22 what the house counsel is saying and the planner I  
23 believe is saying you're only allowed to have one  
24 side. So he can pick the sign that's protruding but  
25 then --

1 MS. MERTZ: No, no.

2 MR. COSTANIAN: Not.

3 MR. CUCCHIARA: That's also prohibited.

4 MR. COSTANIAN: So it's just one sign on  
5 the side of --

6 MS. MERTZ: Protruding signs are just  
7 prohibited period. Then there's a two facade sign  
8 issue. But I think what the mayor was saying there's  
9 been some wall paintings before that I guess did not  
10 qualify in the same signage category. So if they  
11 simply painted -- obviously they want people to find  
12 their front door so just painting entrance with the  
13 arrow and then they could have a flat sign on their  
14 frontage that would meet both criteria.

15 MR. REIS: I think the other thing the  
16 mayor was suggesting you can do sign on the side wall  
17 and then just have something on the door and that  
18 would be fine, too.

19 MAYOR GRILO: When you walk into our  
20 building we have etched in our seal something like  
21 that then that solves that issue. I'm a problem  
22 solver. Move on to the next issue.

23 MS. MERTZ: That might be a better  
24 solution because then you have your logo which is  
25 really more than the facade.

1                   MR. WILLIAMS: Two sets of doors.  
2 There's another set to go upstairs so making sure  
3 people have the right, correct entrance is important.

4                   MAYOR GRILO: You can always put  
5 entrance, arrow to --

6                   MR. WILLIAMS: On the wall we can paint.

7                   MAYOR GRILO: No, no, no, forget the  
8 wall. The wall is fine. We are good with that.  
9 Moving on to the front. You can't have a protruding  
10 sign. You got two sets of double doors. The first  
11 set you can always put an entrance that way, right,  
12 then the second set to the dispensary.

13                   MR. WILLIAMS: I see what you're saying  
14 I understand, okay. Is that acceptable?

15                 A.         Yes.

16                   MR. WILLIAMS: That's where we're at.

17                   MAYOR GRILO: It's usually Chris with  
18 all the ideas.

19                   MR. WILLIAMS: Okay. We dealt with the  
20 sign.

21                 Q.         Lukas, do you have some renderings or  
22 materials regarding the lighting you propose to put?

23                 A.         Yes.

24                 Q.         So let me just say, before he shows the  
25 lighting and shielding, I'm keenly sensitive to the

1 size of the borough and you all living here, so any  
2 input as to glare or not that comes from the lighting  
3 already at night, you have been there night at worked  
4 at the property you have been around it, the lighting  
5 that there's do you see it as creating a great deal  
6 of glare?

7 A. I don't see it as creating glare. I  
8 know the light is sufficient especially for security  
9 purposes. I mean being that it was a bank before  
10 they had the same thing in mind. So I think it's  
11 good to have that there.

12 Q. And you are -- you have some that you  
13 want to put up you have to deal with the aesthetics?

14 A. This is for the signage to do like goose  
15 neck. I'll pass these around. You want to take the  
16 whole thing and pass it around. That's just the  
17 lighting that we'll use.

18 Q. For the sign. I should make the  
19 distinction. Right now we're talking about the sign,  
20 but I also want to discuss the premises lighting also  
21 in the same vein of what would you like us to do, how  
22 do we work this out?

23 MR. EREZUMA: I have a question, would  
24 it be a protruding sign if, let's say, you guys were  
25 to put an awning --

1                   MR. L. ALMEIDA: I was thinking awning,  
2 too.

3                   MAYOR GRILO: Really at this point I  
4 think it's moot right, because I don't think we do  
5 awnings, it may have been grandfathered in. It's a  
6 dispensary, they don't need all that much advertising  
7 so do we really want to harp on a sign or move on.

8                   MS. MERTZ: People will find it.

9                   MAYOR GRILO: Now, the lighting you can  
10 talk about that's a security issue. I don't mean to  
11 shoot you down, Billy.

12                   MR. WILLIAMS: You want to mark that? I  
13 don't think there's technically a requirement on  
14 lighting the signs, but we want --

15                   MAYOR GRILO: I think that's a nice idea  
16 if lighting comes down.

17                   MR. CUCCHIARA: A-10.

18                   MR. WILLIAMS: We can mark it.

19                   MR. CUCCHIARA: How would you identify  
20 it, please?

21                   MR. WILLIAMS: Sign lighting. What did  
22 you call it?

23                   MR. L. ALMEIDA: Gooseneck sign  
24 lighting.

25                   MR. WILLIAMS: Is there something on

1 that, product name or something?

2 MS. GAINES: Venice wall mount.

3 MR. WILLIAMS: Steel lighting.

4 MR. CUCCHIARA: How do you spell steel?

5 MR. WILLIAMS: S-T-E-E-L. So that's okay  
6 basically. It's a question. I don't really anywhere  
7 we have to come to conclusion, any feedback,  
8 suggestions?

9 MAYOR GRILO: Sorry.

10 MR. WILLIAMS: Gooseneck lighting okay?

11 MAYOR GRILO: My opinion, as long as  
12 it's down and you cross the street and there's  
13 nothing pointing toward --

14 MR. CUCCHIARA: As long as it's not  
15 prohibited.

16 MAYOR GRILO: Sorry.

17 MR. CUCCHIARA: As long as it's not  
18 prohibited.

19 MAYOR GRILO: As long as it's not  
20 prohibited. But we could double check the awning to  
21 satisfy Billy's question.

22 MS. MERTZ: Double-checking, but I  
23 think --

24 CHAIRMAN GRAHAM: Mayor, can you check  
25 the awning.

1 MS. MERTZ: It has to be quote,  
2 sufficient to deter criminal activity. And from what  
3 you have shown here it looks like that will be  
4 sufficient.

5 MAYOR GRILO: I'm sorry, we are having  
6 an issue with our power outage and Scott needs to  
7 post on social media. We're luckily we are good, but  
8 most of the town is out.

9 MR. WILLIAMS: Okay.

10 Q. So for premises lighting there were some  
11 comments in the initial or supplemental planner's  
12 report, I may forget. Ultimately the issue is what  
13 would you all like to see there. We don't think that  
14 the lighting there creates a great deal of glare.  
15 But if you feel certain type of premises property  
16 lighting is necessary we're welcome to suggestions.

17 MR. REIS: Does the light still buzz?  
18 Does it make the buzzing noise?

19 MR. WILLIAMS: I don't hear a buzzing.

20 MR. REIS: My bedroom faced the bank my  
21 whole life growing up and that bank light used to  
22 buzz. Drove me nuts. Otherwise in terms of how much  
23 lighting is there it's fine.

24 MS. MERTZ: While I was searching for  
25 parking tonight I drove through your parking lot and

1 it seemed okay to me. I would hope that if in your  
2 security plan the police noted anything you would do  
3 that, so.

4 MAYOR GRILO: We are going to get that,  
5 right, because it wasn't provided with the proof of  
6 -- the police department.

7 MS. MERTZ: Have they responded yet, the  
8 police?

9 MR. WILLIAMS: We haven't gotten a  
10 written response.

11 MR. L. ALMEIDA: We spoke with them but  
12 we never got an actual --

13 MR. WILLIAMS: The chief said to you  
14 that he believes that the process is we get this  
15 approval and then he sends his report.

16 MR. L. ALMEIDA: I thought we needed to  
17 get this approval. I brought it up to him and he  
18 said, no, you got to get the approval from the  
19 planning board first and then he writes his letter.

20 MAYOR GRILO: Opposite way, but we'll  
21 get -- we'll make sure to get it.

22 Q. I jumped ahead with issue of the  
23 signage, for the lighting for the signage. But  
24 generally speaking, let me just introduce the  
25 testimony, lead it for a second. Lukas, for certain

1 properties aesthetic on the property, premises,  
2 certain look. On that issue just to clarify, we said  
3 it in the response to the initial planner's report  
4 but the fence along the property line with the  
5 neighbor, the premises that I think it's metal chain  
6 link fence, that's not your property?

7 A. No.

8 Q. But you're going to go ahead and put up  
9 a fence anyway?

10 A. Because it's going to look better, too,  
11 like a wooden fence. I don't know if any of you have  
12 been on the patio at Q-Tal but something similar like  
13 that.

14 Q. The same sort of color of the wood and  
15 design it will be the same thing with, jumping ahead,  
16 putting any guardrails there. And the idea would be  
17 to put up that fence you kind of have this nice  
18 aesthetic to the property where it's sort of a closed  
19 unit and it looks the same as maybe a darker color  
20 scheme or something. Correct?

21 A. Yes.

22 MAYOR GRILO: Where is the fence going?

23 MR. WILLIAMS: Along Presidential  
24 property.

25 MAYOR GRILO: Oh, where the chain is now

1 you're going to put a fence?

2 MR. WILLIAMS: Where the chain link  
3 fence is.

4 MR. L. ALMEIDA: It goes along the back  
5 wall --

6 MAYOR GRILO: Over the bridge.

7 MR. REIS: No, there's the green house.  
8 Green house on Sherman.

9 MAYOR GRILO: Oh that one, that one,  
10 okay.

11 MR. CUCCHIARA: Counsel.

12 CHAIRMAN GRAHAM: I'm a visual --

13 MR. REIS: Is that going to be on your  
14 property or have you discussed with the neighbors?

15 MR. L. ALMEIDA: That will on our  
16 property it's just going to be backed up against  
17 their fence.

18 MR. CUCCHIARA: I have a question. Will  
19 your experts be addressing the issues that we're  
20 covering now? Because I certainly don't want it to  
21 be it duplicated and obviously since the professional  
22 opinions of our engineer and planner are extremely  
23 important in this proceeding and not to interfere  
24 with Mr. Almeida's testimony, but I'm concerned about  
25 that.

1                   And the other thing I just want to  
2 mention to the board and it ordinarily, as you know,  
3 it might be best for the presentation to be made and  
4 then questions follow after that. Now, I understand  
5 Mr. Williams is looking for some feedback, but it  
6 certainly interferes with the flow, let's put it that  
7 way. So if there are not experts addressing these  
8 issues, Mr. Williams, then of course Mr. Almeida can  
9 continue. But it just seems to me since issues are  
10 being raised with regard to architecture and signage  
11 and the like, which might be more appropriate for an  
12 engineer or a planner to address, who could then  
13 address the questions raised in our board engineer's  
14 and planner's report it might be a more efficient way  
15 of doing it. That's my suggestion. You certainly  
16 can make the presentation as you see fit.

17                   MR. WILLIAMS: There's questions for  
18 Lukas. I'm done. He's complete. Those were the  
19 only issues we opine on a few things, had questions.  
20 But those were it and that's all.

21                   MR. CUCCHIARA: Thank you.

22                   MR. WILLIAMS: Any questions? No, okay.  
23 Have a seat. We need Brian Sickora, please, from GMV  
24 Consulting.

25

1 BRIAN SICKORA, having been duly sworn by the Notary  
2 Public, testified as follows:

3

4 DIRECT EXAMINATION BY MR. WILLIAMS:

5 Q. Brian, would you give the board the  
6 background of your experience on cannabis and  
7 qualifications.

8 A. Sure. I'm the cannabis guy that Lukas  
9 brought in about five months ago, six months ago to  
10 kind of help him go through how the process is going  
11 to work. They obviously have great experience in  
12 restaurant management, beautiful restaurant, great  
13 good, just ate there. I highly recommend it. But  
14 helping him talk through some of the operational  
15 things.

16 What I did for four years I was the  
17 general manager for a company called Anchorage  
18 Holdings. They own a line of stores called The  
19 Botanist and I was general manager of operations for  
20 New York and New Jersey. We had about 25 million  
21 dollars of revenue in both states, 150 employees.  
22 New York I had four dispensaries that I built, staff,  
23 oversaw cultivation of about 80,000 square feet and  
24 the same almost mirrored in New Jersey. We had a  
25 grow facility in Egg Harbor Township and the

1 dispensary there and the dispensary on the boardwalk  
2 in Atlantic City. I built one in Williamstown, New  
3 Jersey as well.

4                   Those were ground up builds, staffing,  
5 again, about 150 employees that I oversaw. So I was  
6 in charge of PNL for the corporation which is 13  
7 states across the country. So it's a big company.  
8 Big operation's. It's a public company. I left  
9 there in July, started consulting in January and have  
10 about a dozen clients that I'm helping, mostly with  
11 the application process, getting SOPs, the  
12 regulations.

13                   I have a business background. Before I  
14 started in cannabis I was CEO of two different public  
15 television networks, one in upstate New York and then  
16 a statewide TV/radio station in North Carolina and I  
17 did that for 15 years and made a crazy switch into  
18 cannabis late in my career. And I love it. It's a  
19 very exciting industry and really a new industry and  
20 I brought a lot of business acumen to the show.

21                   So I mostly help clients now with  
22 getting ready to open, or help them design the  
23 dispensary, help people design an efficient  
24 operation. So what I am going to talk to you to  
25 today is really top level about how the operations

1 going to work and time of transactions and things  
2 like that that you might have any concerns. And if  
3 there's any specific questions that you might have  
4 about anything related to the operation of the  
5 cannabis business I think I hopefully can answer  
6 those for you. But that's my background.

7 Q. One quick question in terms of  
8 background. At the facility in Little Egg Harbor The  
9 Botanist it was a very large site, right, very large  
10 warehouse formally --

11 A. It was 85,000 it was Trumps, warehouse  
12 for his casino and we converted it into a grow  
13 facility with 40,000 square feet of cultivation and  
14 then had a dispensary co-located there as well. We  
15 were medical only as all of them were in New Jersey  
16 for years. And then April of the year or so ago now  
17 we flipped to recreation. So I was there when we did  
18 the transition, went from seeing 250 people a day to  
19 750. So it was a big operation. That was just one  
20 of my facilities.

21 Q. Stay on that. So here's what I'm  
22 getting at. There was manufacturing there, too?

23 A. Yes.

24 Q. So you have experience with regard to  
25 designing, setting up, running, complying, working

1 with CRC, hiring people for cultivating,  
2 manufacturing and retail both medical and adult use  
3 with regard to the retail?

4 A. That's correct.

5 Q. Thank you.

6 A. In both New York and New Jersey, but  
7 nobody cares about New York. Their system is so  
8 screwed up they're never going to get launched.  
9 Anyhow, so what I want to do talk about real quickly  
10 kind of what we can do in the store just so you know  
11 what's going to happen there.

12 MAYOR GRILO: Excuse me.

13 MR. SICKORA: Sorry to interrupt there  
14 are two -- is anyone parked in the lot.

15 (Whereupon, there was an off-the-record  
16 discussion.)

17 MAYOR GRILO: Back on.

18 A. How are we going to secure and then kind  
19 of the operational flow. So I apologize if some of  
20 this is not new to you folks. I think sometimes it's  
21 good to reiterate exactly what we're going to do and  
22 move quickly as I can.

23 Permitted use of the facility it's  
24 basically a Class V retail so the only thing they can  
25 do there is sell cannabis and cannabis related

1 products, paraphernalia, it's glassware bong, it's  
2 anything you might use to consume cannabis.

3           What we can't do. I think it's  
4 important to remember this. Nobody under the age of  
5 21 can enter the premises. So they can't get through  
6 the front door. We will have an armed security guard  
7 at the front door for hand security given the nature  
8 of the business of this community that we would be  
9 hiring a third-party security service that's  
10 professionally trained and would provide security.  
11 They would be right at the door. If you're not 21,  
12 there's one little caveat. If you're under 21 with a  
13 legal guardian, yes, you can come in. I will be  
14 honest that doesn't happen very often. And we're  
15 very stringent, it can't be your older brother, it's  
16 got to be mother, father or legal guardian and you  
17 got to prove it. Nobody under 21 gets in.

18           There's no sale of food, tobacco,  
19 alcohol none of that is being sold in the store it's  
20 only cannabis related products and you can't consume  
21 cannabis, alcohol, tobacco on the premises. That  
22 includes the parking lot. A lot of folks worry about  
23 people sitting smoking in the parking lot. I've  
24 kicked people out of the parking lot because they  
25 decided to get the product and start smoking. I had

1 one guy say I thought the no smoking sign was just  
2 for cigarettes, I didn't realize it was for weed.  
3 I'm like come on man, you're at a dispensary. We  
4 could lose our license.

5           So you can lose your license if the  
6 state sees something like that happening and you're  
7 not taking action. And the reason the state might  
8 know, and I'll get into this in the security --  
9 actually pretty good transition into it now.

10           They have access to our cameras. So we  
11 have cameras everywhere. We have six external  
12 cameras around the corners of the building, one in  
13 the alcove kind of where the drive through is. You  
14 can see if there's any dead spots. We'll work with  
15 the security experts as we're putting these cameras  
16 out there to make sure every area of that premises,  
17 parking lot, sidewalk, the whole area is under  
18 coverage I should say.

19           Inside we have 26 cameras. So pretty  
20 much anywhere you can walk around with cannabis, in  
21 the regulations it's called a chain of custody, so  
22 anywhere cannabis is moved from the time we get a  
23 deliver to it goes out the door in a bag that's got  
24 to be under a camera. And the state can keep an eye  
25 on that, there's a dead spot. Cultivation that was a

1 big problem because you get big plants grown, and  
2 there's dead spots and they think people are in  
3 there, you know, pulling buds off of plants.

4           Dispensary is not as bad because there  
5 aren't that many dead spots, it's a commercial  
6 building. So you set up cameras, cameras in the  
7 corners. We have motion detectors in the appropriate  
8 spots. If something happens that they're not caught  
9 on the camera a motion detector will go off. There's  
10 two systems in any store. It's an intrusion system  
11 and a surveillance system.

12           So intrusion system is something that is  
13 tied in to immediate notification after hours for law  
14 enforcement. There's a caveat to that. We have at  
15 each location where you're selling product we have  
16 panic buttons. So if something happens, I guess  
17 similar to a bank, they're probably installed in the  
18 bank, but these panic buttons would be if something  
19 happen they would immediately notify law enforcement  
20 there's something going on here. So those steps are  
21 all tied together with the fire alarms. So when an  
22 alarm goes off the door opens and thing like that.  
23 So it's a pretty sophisticated security system that's  
24 included in these operations. And it's monitored by  
25 the state and, of course, monitored by the licensee.

1           The key fobs, like you would expect,  
2 will secure all the doors and only staff can get in  
3 authorized areas. And, again, the security guard is  
4 going to be there. A lot of my stores I didn't have  
5 armed security. I did in Atlantic City for obvious  
6 reasons, in Atlantic City on the boardwalk. But  
7 having that presence I think really makes a  
8 difference in a facility. And you've got to be the  
9 dumbest burglar alive if you're going to try to steal  
10 weed from this building because the bank vault  
11 downstairs I think is 12 inches thick. So it's a very  
12 secure building. We talked about they must have  
13 build the building around this vault because I don't  
14 know how they would have got that thing in there.  
15 But it's going to be very secure.

16           And one of the things I talk about a lot  
17 in these is people probably aren't coming to steal  
18 product they're probably coming to steal cash. There  
19 hasn't been, there's only one break-in in New Jersey.  
20 You see stuff on the west coast, but that's the west  
21 coast. There all kinds of craziness in Oakland where  
22 people were coming into the stores, it's mostly for  
23 the cash.

24           And cash will be maintained in that same  
25 ginornomus vault in a separate safe. You can't

1 comingle it with product but it can be in the same  
2 room. So that will be very secure. And we'll make  
3 sure that that's fine. So that, again, with security  
4 there I don't think there's going to be an issue.

5           Operational flow. Lukas talked a little  
6 bit about this. We originally estimate 180 customers  
7 a day, open 12 hours a day. You're talking about ten  
8 to 16 customers in an hour. A typical transaction  
9 type is about seven minutes. I'd like to drive that  
10 down to five. I have a million transactions that I  
11 think I analyzed over the last four years. We used  
12 to keep these metrics on every one of our staff and  
13 how many people you serve per hour. It turns out to  
14 be about a search minute transaction time. That will  
15 be very different for drive through.

16           The drive through, the way we're going  
17 to handle that is there's a third-party software  
18 that's out there. You can go on and sign up on the  
19 Internet and it's tied to your debit card. It's  
20 called CanPay. I can't remember the -- some of the  
21 names of the other ones. But you place your order  
22 on-line and you prepay. So we used to do this in one  
23 of my facilities we'd have about 20 to 25 percent of  
24 the customers a day would purchase in advance. We  
25 didn't make them prepay there but we're going to make

1    them do that here now that it's kind of much more --  
2    it's much easier to do that than it was two or three  
3    years ago when I implemented this because there's a  
4    lot of software out there that will do this.

5                    So you order at home.  You place your  
6    order, you pay for it, it will then pop up and says  
7    you can pick up your order after noon tomorrow, or  
8    however we decide to set that up.  Those will be  
9    bagged, they'll be tagged.  We called it bagged and  
10   tagged, they're ready to go.  So when you come  
11   through the drive through we won't take any orders.  
12   There's nobody going to say I'll take an eighth of  
13   this and french fries and there's none of that.  You  
14   are going to show up, show your ID.  You have to  
15   check the ID, because you always have to check the ID  
16   if you're going to the dispensary and checked again  
17   by the dispensary associates or budtender.  When it  
18   happens at the drive through, pull up, check the ID,  
19   ID matches, turn around and say Ms. Jones here's your  
20   bag, put it in the thing.  And I looked at it tonight  
21   when I was there, what's there is one of those push  
22   out things and comes out.  I think it's going to be  
23   perfectly fine to use what's there, it's a pretty big  
24   box.  So you put the product in there, take it and  
25   they go.  So maybe two minutes.  As long as it takes

1 for somebody to get their ID out. We'll have some  
2 sort of trigger so we know when nobody is at the  
3 window. If we just don't have somebody stationed  
4 there. Maybe we will have somebody stationed there  
5 all the time. But we'll have their product for them  
6 right there at the drive through right there. And  
7 we'll encourage people through coupons and things  
8 like that to do the pre-orders. We used to do one of  
9 my stores get ten percent if you order on-line and  
10 prepay. It just moves people through more quickly.  
11 You don't let them come up and change their mind,  
12 hey, can I have an eight of bud. You have to park  
13 and come back in. This line has got to move fast.  
14 That's kind of the way that's going to work.

15 MR. REIS: Can I stop you right there.  
16 So how is it going to be communicated that the drive  
17 through is strictly for prepay, right, because  
18 someone coming for the first time.

19 MR. SICKORA: We'll have a protruding  
20 sign on the side of the building. That's a good  
21 question. We're going to have put some Signagel. I  
22 don't know what it's going to be allowed, maybe it's  
23 painted on the side of the building, but somewhere we  
24 have to have a little sign maybe, I don't know, as  
25 you pull in.

1                   MR. REIS:   Station someone outside  
2 because --

3                   MR. SICKORA:   That's going to cause --  
4 because you get someone out there you got to get them  
5 out of the way in a hurry.  We're not doing that.  
6 That's a good question and we hadn't talked about  
7 that with signage, but that's really important to  
8 communicate.

9                   MS. MERTZ:   On a similar line if someone  
10 orders on-line for drive through you give them a  
11 timeframe to come pick it up so you don't end up --

12                   MR. SICKORA:   Yeah.

13                   MS. MERTZ:   Before a certain holiday  
14 packed in the driveway.

15                   MR. SICKORA:   We used to do times.  We  
16 didn't have a drive through window we had a prepaid  
17 pickup window and, you know, if you're A through H in  
18 the alphabet you can come in the morning.  If you're  
19 -- or this time.  We used to always schedule from 11  
20 to one because it was a slow time in the day and  
21 there's always the peak in the morning and dips then  
22 comes when people are coming home from work.  So  
23 there's creative ways to do that on-line.  If they  
24 show up and they're not in their window I'm not sure  
25 how we'll strict we'll be.  But we can really lay

1 down the law if it becomes a problem. Sorry, you got  
2 three hour to your bag hour.

3 MS. MERTZ: Some kind of window.

4 MR. SICKORA: Yes.

5 MS. MERTZ: Order on-line, given a  
6 window.

7 MR. SICKORA: Correct.

8 MS. MERTZ: That should help but I'm  
9 sure you have an engineer to control traffic on-site  
10 as well.

11 MR. SICKORA: We did things where if you  
12 order after nine o'clock it automatically goes to the  
13 next day, the staff comes in early in the morning and  
14 gets that all ready before you open for people to  
15 come in. But it's the most efficient way to do it.

16 We have a store in Chicago with my  
17 company that they just went to that only because it  
18 was a busy section of Chicago and traffic was an  
19 issue. They did pre-order, pre-paid so sales  
20 actually went up because people appreciated that they  
21 didn't have to wait in line for somebody to take 20  
22 minutes to pick out their strain of cannabis.

23 MR. WILLIAMS: Excuse me, you're  
24 familiar with the operation of the other retail  
25 dispensaries in New Jersey. Correct? And there are

1 others that have drive throughs. Is it your  
2 understanding that's consistent with the way they  
3 operate those drive throughs?

4 MR. SICKORA: I honest don't know.

5 MR. WILLIAMS: I think so.

6 MR. SICKORA: I would guess so, if they  
7 were smart. I don't know. I haven't been to the two  
8 that are --

9 MS. MERTZ: It's not very common.

10 MR. SICKORA: I think they're only in  
11 two place.

12 MR. WILLIAMS: I don't know anybody  
13 that's going to drive through there and order like  
14 Burger King. There's no boards. You couldn't put up  
15 prices, you couldn't display publically the board.  
16 That's against CRC regulations any sort of --  
17 anything out in the exterior, they look like some  
18 non-descript. And anecdotally just tell me if you  
19 agree as part of your testimony, I read over and over  
20 again through all the sources I'm also a cannabis  
21 attorney, the primary way people find dispensaries,  
22 that's why signs is not the biggest issue, we'd love  
23 for them to see it on Frank E. Rodgers Boulevard, but  
24 it's website, Internet, website, their website and  
25 put something on the website about pre-orders and

1 other websites.

2 MR. SICKORA: Weed maps.

3 MR. WILLIAMS: So you guys know what's  
4 coming, what's to expect. I want clarify since I'm  
5 up already, armed security is not planned here. It's  
6 not required under CRC rules. You may think New York  
7 medical requirement.

8 MR. SICKORA: We had decided that's what  
9 we would do.

10 MR. WILLIAMS: We're not going to be  
11 doing that. It's a very expensive price point and  
12 the indication from other dispensaries is there's no  
13 benefit, if anything, it could actually be harmful  
14 because of the excalation of matters. And there just  
15 aren't incidents happening where that's necessary.  
16 This is not a rock concert or something. This is a  
17 place that's extremely locked down with cameras  
18 everywhere, so.

19 MR. SICKORA: Generally crowd control is  
20 where the issues become with the security guards. So  
21 you hire people that are Sora certified. We always  
22 make sure people were certified. And it's  
23 deescalation skills, right, someone is mad, somebody  
24 cutted in the front of the line or taking too long o.

25 MR. WILLIAMS: A gun changes that. Not

1 to mention it's extremely expensive. We want the  
2 business to be projected first.

3 MR. REIS: I think the two biggest  
4 things you're going to find in terms of doing  
5 business in this municipality, whether the board is  
6 going to want to make the approval, what residents  
7 are going to have to say are going to be all about  
8 parking and traffic. Like those are the two things I  
9 think at least I personally want to hear the most  
10 about. That's why I'm asking about a drive through.  
11 I want to make sure there's going to be a flow, it's  
12 not going to back out the line out to Sherman Avenue  
13 and traffic going town in front of town hall. Like  
14 these are things that absolutely have to be avoided.

15 And then spillover parking like during  
16 peak hours. It looks like from the -- I think it was  
17 the engineer's report or the traffic report -- no, I  
18 think it was the engineer's, like 18 spots are  
19 required. You're starting off with 11. Like we're  
20 already kind of starting off of the wrong foot in a  
21 town where parking is a huge premium. So like those  
22 two things I want to hear the most about.

23 MR. SICKORA: Thank you for that. I'll  
24 circle back a little bit.

25 MR. COSTANIAN: Excuse me, Mr. Chairman.

1 Do we have the engineer, Dynamic? And I believe that  
2 would be expert testimony the board should hear  
3 before making any conclusions, so.

4 MR. SICKORA: I'll almost done here.

5 CHAIRMAN GRAHAM: Let the man finish the  
6 presentation and any questions well do then carry on.

7 MR. SICKORA: To your point, one of the  
8 things I mentioned, one of the things we looked at  
9 we'll have four or five budtender in the business.  
10 It's not micro which would restrict it to ten people  
11 or less so they can staff, you have to get people  
12 through as quickly as they can. If you got four or  
13 five of those windows covered people handle 28 to 35  
14 at seven per hour per person you're looking at 35  
15 transactions an hour.

16 If you consider that till you get out  
17 the car and get in the store even the worst case  
18 scenario it's a 15 minute wait. That traffic -- that  
19 parking space with turn over four or five times an  
20 hour. So I think there's ten, so that's 50 an hour  
21 that they could be handling. That assumes people  
22 come in every five minutes they don't come in all at  
23 once. I think given the demand the parking will  
24 handle it, certainly defer to the expert, but just  
25 the math that I've been able to do with kind of

1 looking how many people are going to come, how long  
2 it takes them to get in and out how, how many parking  
3 spaces are you going to have, I think we're in good  
4 shape.

5                   When they first open, yeah, we're going  
6 to get extra law enforcement there, make sure that  
7 people are handling it. When I did that when we get  
8 the rec people helping with traffic flow, it always  
9 slows down after a couple of weeks. So don't freak  
10 out if it's really busy the first couple of weeks.  
11 Trust me the bright shiny thing will dull over time  
12 that's it.

13                   One more point I want to talk about that  
14 comes up a lot, the product delivery. Deliveries to  
15 the store will be probably one or two a week. Their  
16 product comes in like a transit van, like talking  
17 about -- you know you can get 30, 40 pounds of weed  
18 in back of your van. It's usually those Tupperware  
19 things you can buy at Home Depot. They don't have to  
20 be secured. The van has to be secured. But most  
21 suppliers which supply dispensaries from my grow  
22 facility and manufacturing we had one of those Ford  
23 transit vans, we put a cage in the back so it meets  
24 the CRC regs. So you're not pulling up with a  
25 tractor trailer. They're not big off loading, two or

1 three bins, they go in you count it with the people  
2 that bring it in and they're on their way.

3 One of the things we try to do is to  
4 schedule those with the suppliers before they open or  
5 early in the day so they're not in the way of what's  
6 happening. It goes to the back door, not walking it  
7 in the front door, they're not going to interrupt  
8 with the customer flow. It's coming in the door  
9 that's marked on your plan, I think it's staff door,  
10 delivery door. That's one of the important things.  
11 Product will moved directly to the vault, it doesn't  
12 sit around upstairs. It goes directly down to the  
13 vault, once it's counted. If we didn't, the CRC, big  
14 brother could be watching that day, so you shouldn't  
15 be letting product sitting around, got to go directly  
16 to the vault. A lot of times you count it in the  
17 vault depending on how it's set it up.

18 I think we are going to talk a little  
19 bit about odor later on in the conversation, but  
20 these products come packaged, opaque per CRC, they're  
21 sealed, they're child proof package and there is no  
22 odor like walking down the grocery store you'd be  
23 smelling pickles and everything as you're going down  
24 the grocery store, you don't because they're sealed  
25 similar to way the product is sealed that comes to

1 us. And that's we can't accept product that the seal  
2 is broken. They're strictly in the regulations. We  
3 must comply with that. We are only licensed to  
4 purchase from other licensed plant manufacturers and  
5 suppliers. We're not going to get it from the guy  
6 down on the corner and we like some of the product we  
7 are going to sell it, you can't. So I think that's  
8 important to at least understand. And, yeah, I mean  
9 that's pretty much it. Any other questions that you  
10 might have for me.

11 MR. REIS: Since you have experience in  
12 terms of operationalizing other dispensaries, like I  
13 think it's a good call out that it's going to be  
14 busier the first couple of weeks because it's new  
15 people are going to want to check it out. Does it  
16 also pickup like Thanksgiving weekend, before  
17 Christmas, 4th of July? Like are there other times  
18 where we can expect to see those kind of peaks as  
19 well and what would be the plan to again to deal with  
20 traffic deal with parking?

21 MR. SICKORA: Absolutely. Holiday  
22 weekends you also see Friday and Saturdays are your  
23 big days. Sunday mildly. Monday, Tuesday it's dead.  
24 But what we used to do is run specials. So instead  
25 of everybody waiting until Friday on the 4th of July

1 assuming 4th of July is on a Sunday or something we  
2 would run specials Tuesday through Thursday, try to  
3 spread it out. Get people in, manage that through  
4 your pricing structure and other things. I'm sure  
5 you are going to get last minute folks that don't  
6 take advantage of it. We did a lot -- you can do a  
7 lot of things. When you come in the store, we  
8 haven't talked about this, but you want to have a QR  
9 code so someone can get on your mailing list. We  
10 can't blanket market people. We can permission based  
11 market. So once you sign up I'm going to send you a  
12 text, we are having a pop-up sale. We are doing  
13 this, doing that, beat the rush on Friday.

14                   But I'd be lying if I didn't say, yes,  
15 we'll be busier before on those weekends. And I  
16 think you just have to be smart and plan for it, and  
17 get staffing, maybe hire someone, make sure they're  
18 out in the parking lot keeping people moving and try  
19 to handle it. And the more we push people to  
20 pre-order and prepay and I believe you will be able  
21 to do that if you offer them a ten percent discount  
22 they're going to love it, pull up, get in, get it and  
23 there's gone. They're not going to have get to walk  
24 around the thing, figure out where the doors are, all  
25 that stuff. But it's -- you're absolutely right that

1 will be the case.

2 CHAIRMAN GRAHAM: Anybody want to ask  
3 him any more questions.

4 MS. GUIMARAES: I have never known a  
5 cannabis dispensary to accept any type of card  
6 payment it's always been a cash business. There's a  
7 new software.

8 MR. SICKORA: The software I was talking  
9 about, the question was about cash payment and using  
10 cards. The software I'm talking about is if you  
11 can -- you can basically prepay on-line. You can use  
12 CanPay, they're a service that you can sign up and  
13 get an account so it automatically -- basically it's  
14 like EZ Pass. EZ Pass takes the money out of your  
15 thing and it blocks it up so you can go through the  
16 things automatically deducting. It's the same kind  
17 of deal, go on, put two dollars on your CanPay  
18 account and walk into the store and use CanPay. You  
19 can also use debit cards. At one point you could do  
20 cashless debit. Fifty percent of our sales were  
21 non-cash, they were debit cards. So now the federal  
22 regulators have come against this, but if your  
23 product came to 820 bucks you could do a cashless  
24 debit for 85 and right there at the cash register  
25 then I hand you three dollars back. So that was

1 happening up until, John, you told me about six  
2 months ago the big banks were not too crazy about --

3 MS. GUIMARAES: Prepaid credit card, we  
4 won't every --

5 MR. SICKORA: It was a cashless debit so  
6 it typically was still a debit. Now the Safe Bank  
7 Act is supposedly moving through the senate. That's  
8 the big deal. And that will open restrictions on  
9 cannabis business so they can work with other banks  
10 which that means people like Visa and Mastercard I  
11 think with come along and that's going to have huge  
12 difference on the business. So look for that to  
13 happen maybe in the next month.

14 CHAIRMAN GRAHAM: Thank you, sir.

15 MR. WILLIAMS: Few questions for Brian.

16 Q. I want to go over the issue and move on  
17 to the parking, just go cover and forget it, the odor  
18 mitigation requirement G under 33-12A. You had  
19 different air quality with cultivating and  
20 manufacturing and different needs and different  
21 requirements. Correct?

22 A. Correct.

23 Q. Can you summarize those, generally?

24 A. I mean manufacturing and cultivation  
25 there's odor particulants in the air when the bud

1 starts to flower it smells. That all gets dried,  
2 plants get dried, then it gets packaged and packaged  
3 and sealed. So once that happens we had  
4 sophisticated odor mitigation in our cultivation  
5 centers. We had greenhouses where we were putting in  
6 quite a bit in there because of the porousness of the  
7 glass of the greenhouses. That's what you read about  
8 a lot in the newspapers, this stinks, this smells, I  
9 smell weed. It's cultivation centers with -- we had  
10 25,000 plants. Some of these cultivation centers  
11 have 50, 75,000 marijuana plants. I don't care how  
12 tight your building is, it's still going to smell.  
13 And manufacturing has things like chemicals, there's  
14 things to extract from the bud, carbon dioxide and  
15 whatever.

16 Q. And these required systems of air  
17 filtration?

18 A. That's correct.

19 Q. Expensive and complicated?

20 A. That is correct.

21 Q. Now, in retail dispensaries, not New  
22 Jersey out west, there is smell that emanates and  
23 there is because of -- you tell us why.

24 A. I mean part of it it's California so  
25 they don't have rules.

1 Q. Colorado same thing.

2 A. California they have what's called --  
3 it's like going in and picking cookies out of a  
4 cookie jar. Literally they have bud jars and they'll  
5 weigh the bud you buy. It's like you're at a  
6 farmer's market and buying marijuana, it's very open.  
7 The product is literally out on the counter in the  
8 interset and you see them, looks like grandma's  
9 cupboard behind you. I want to smell that, they take  
10 it out, they bring it out, lift it up lid, that's  
11 great, I'll take four nuggets of that stuff. And so  
12 there is an odor coming out of dispensaries there.  
13 And it's because also a lot of them allow people to  
14 smoke on the streets. I was out in Colorado  
15 depending where the dispensary is the first thing  
16 they do they're lighting up a joint. But you can't  
17 do that in New Jersey.

18 Q. So lot of those states dispensaries are  
19 clustered?

20 A. That's true. They're more in shopping  
21 centers, something like that. That's the beauty of  
22 this place is -- and the places I had had parking  
23 lots that you would police, you would literally --  
24 most people -- it's not that big of deal to be caught  
25 in the parking lot.

1 Q. Take it and I'll throw it out, I'll  
2 leave but in New Jersey there's no consumption?

3 A. Correct.

4 Q. In the dispensary or outside?

5 A. That's correct.

6 Q. And pursuant to your own ordinance?

7 A. Yes.

8 Q. Any product that leaves manufacturing in  
9 New Jersey is absolutely sealed pursuant to CRC  
10 regulations?

11 A. That's correct.

12 Q. CRC rules and any product delivered to  
13 the dispensary, retail dispensary is sealed in mylar  
14 bags or other containers?

15 A. Yes.

16 Q. Some there's no smell in a retail  
17 dispensary?

18 A. No.

19 Q. With no type of air filtration if you  
20 just had your normal system?

21 A. That is correct.

22 Q. If you had nothing, if you just had no  
23 HVAC in a cannabis retail facility in New Jersey  
24 would there be any odor generated from the facility  
25 that would be detectible from somebody outside of the

1 property?

2 A. No. I'm speaking from my experience of  
3 -- I had dispensary that was part of a cultivation so  
4 that one doesn't count because it would seep. Just  
5 retail the two I had there was no odor. We had just  
6 a regular air system, whatever the HVAC was, we  
7 converted with Verzon and a Starbucks.

8 MR. WILLIAMS: Nothing else for Mr.  
9 Sickora. I want to address this issue unless you  
10 have questions.

11 CHAIRMAN GRAHAM: Any question for the  
12 gentleman?

13 MR. WILLIAMS: What we propose, if I can  
14 address this issue now. I think it would be  
15 beneficial and we wont forget it. The odor  
16 mitigation, section G, really doesn't make a  
17 distinction. So we wanted to show you what we're  
18 proposing and make sure it's approved tonight. The  
19 cultivating and manufacture significant issue  
20 requiring systems. There's no need. There are none  
21 there are no requirements from the CRC, the expert in  
22 this area. There's none in sophisticated air  
23 filtration systems. So what we propose to do is have  
24 the current air handler be fitted out with -- Parvin  
25 you need to show us what it is.

1 MR. CUCCHIARA: Before we do that I  
2 don't know if the questioning was done, we have our  
3 board professional consultants. I don't know if they  
4 had questions for Mr. Sickora.

5 MR. WILLIAMS: I thought they were done.

6 MR. CUCCHIARA: No. The board members I  
7 believe are done but -- and certainly any member of  
8 the public would have questions from Mr. Sickora not  
9 to make any statements.

10 MS. MERTZ: I had a couple. I jumped in  
11 early on.

12 MR. COSTANIAN: None.

13 MAYOR GRILO: I have suggestions, but  
14 I'll wait the end.

15 MR. WILLIAMS: Show us. Come back up  
16 and tell us what you're going to be putting in.

17 MR. CUCCHIARA: Counsel, I have an  
18 objection -- not an objection, a question, I'm sorry.  
19 On the application I wasn't quite certain, I meant to  
20 mention this before with Mr. Almeida, who is the  
21 owner of the property?

22 MR. WILLIAMS: Owner of the property is  
23 listed -- the name on the deed.

24

25 JOAO ALMEIDA, having been duly sworn by the Notary

1 Public, testified as follows:

2 MR. CUCCHIARA: The reason I ask you may  
3 know and recall the application states that the owner  
4 is name 710 Frank Rodgers, LLC. Is that correct?

5 MR. WILLIAMS: Yes. I don't think he  
6 understood the difference. So the deed is in the LLC  
7 called 710 Frank Rodgers, LLC.

8 MR. J. ALMEIDA: Correct.

9 MR. WILLIAMS: And that LLC it's you and  
10 your wife?

11 MR. CUCCHIARA: You're the members of  
12 the LLC?

13 MR. J. ALMEDIA: LLC me and him. The  
14 LLC is myself and my wife.

15 MR. CUCCHIARA: As members of the 710  
16 Frank Rodgers, LLC, correct. I wanted to clear that  
17 up.

18 MR. WILLIAMS: So what we intended to  
19 do, given the testimony, the circumstances what's  
20 reasonable, what's industry practice there really is  
21 no need for anything unique because there is no  
22 smell, you don't need to filter an odor when there is  
23 no odor, but out of an abundance of caution Lukas had  
24 found basically charcoal filters. There would be  
25 four that would be in the premises with the air

1 handler and we have the product materials on that.

2 MR. L ALMEDIA: Pass them.

3 MR. WILLIAMS: We have extra copies, we  
4 can only pass one and I've give one to mark.

5 MR. CUCCHIARA: A-11.

6 MR. WILLIAMS: Questions. If that's  
7 acceptable to board then we'll move on to the next  
8 witness. Gary, you good?

9 MR. CUCCHIARA: Fine.

10 MR. WILLIAMS: Next we have the engineer  
11 from Dynamic Engineering.

12

13 JONATHAN ZULUAGA, having been duly sworn by the  
14 Notary Public, testified as follows:

15

16 DIRECT EXAMINATION BY MR. WILLIAMS:

17 Q. My question is sensitive to what the  
18 board wanted to focus on, seem to be most efficient  
19 way to go through the responses to the RV report of  
20 September 23rd many of them are very easy to go  
21 through that quickly would you like to go that way?

22 MR. CUCCHIARA: Qualify him.

23 MR. WILLIAMS: I will, let me get  
24 started.

25 Q. So would you give us the benefits of

1 your professional training, experience and  
2 qualifications?

3 A. Yes, absolutely. I'm a licensed  
4 professional engineer in the State of New Jersey. I  
5 have bachelor degree in science in engineering from  
6 N.J.I.T., graduated 2018. I have been working in the  
7 field of civil engineering for over six years in  
8 multiple commercial and residential and industrial  
9 buildings and I also have been accepted as an expert  
10 in providing testimony in front of different boards.

11 Q. Okay. Jonathan, you participated in the  
12 preparation of this site plan which was ultimately  
13 signed by Diego -- -

14 A. That is correct.

15 Q. Is it acceptable to move through the RVE  
16 report to make sure we cover everything in there if  
17 that is to everyone's liking and --

18 MR. CUCCHIARA: That's up to you if you  
19 wanted to make any comments with respect to the site  
20 plan that's fine.

21 MR. COSTANIAN: No.

22 Q. If you guys are willing to work with us  
23 on what's on the comments then that can be a  
24 condition of approval. But if you like we can walk  
25 us through the site if you don't mind some of the

1 questions that were asked about the cuing so you can  
2 have the board record.

3 A. Absolutely.

4 MR. CUCCHIARA: And site plan is marked  
5 A-6.

6 A. I would like to start with a brief  
7 description of the property. This is an aerial map  
8 that was previously submitted to the board and minor  
9 site plan application. I'm just going to go real  
10 quick.

11 The property is located in Block 4, Lot  
12 1 in the Borough of East Newark. The location is 710  
13 Frank E. Rodgers boulevard in the Borough of East New  
14 Newark in New Jersey. The property is located in a  
15 redevelopment area so you can see in the aerial map  
16 the property is in close proximity to the municipal  
17 boundary line which divides the East Newark and the  
18 township of Kearney by the northerly property line.

19 On the east we have the Township of  
20 Harrison and on the west and south it will be Borough  
21 of East Newark.

22 In terms of uses we have residential  
23 uses from the west. On the north we have residential  
24 uses as well. On the east we have Frank E. Rodgers  
25 Place as well as commercial uses and residential uses

1 beyond. I'm going to move on to the second sheet  
2 that was provided as well to the board which is the  
3 site plan. I am just going to go over existing  
4 conditions and review what was originally being  
5 produced.

6 MR. COSTANIAN: For clarity for the  
7 board and the record he said page 2. It's actually  
8 sheet number three.

9 MR. ZULUAGA: Sheet number three of the  
10 minor site plan application.

11 A. The existing conditions, the property is  
12 currently fully developed with the former National  
13 Valley National Bank. It has associated parking  
14 areas. Access to the property is through Sherman  
15 Avenue via driveway. It is one-way circulation with  
16 egress through Norfolk Street also known as Frank E.  
17 Rodgers.

18 The applicant is proposing to rebuilt  
19 the building for cannabis retail facility. As Lukas  
20 testified before the first floor and the basement  
21 will be allocated for the cannabis use. And the  
22 second floor will be utilized for storage. In terms  
23 of proposed site features we originally were  
24 proposing trash enclosure and one parking space.  
25 After we receive the review memo from the

1 professionals, from the board, we will like to  
2 obviously address all the issues to satisfy the  
3 comments. And I'm going to -- I would like to  
4 introduce as an exhibit, site plan exhibit for -- to  
5 address the comments from the board professionals.

6 I'm going to give a quick overview of  
7 what the changes are. I know some items were touched  
8 before in terms of signage, lighting. So we can tell  
9 the applicant is willing to work with the township,  
10 with the municipality professionals to address all  
11 issues that were brought up in the memo.

12 MR. CUCCHIARA: This is a new exhibit.  
13 Is that right?

14 MR. ZULUAGA: Yes.

15 MR. CUCCHIARA: We should mark it  
16 because it is now colorized. Is that correct?

17 MR. ZULUAGA: Yes. It's an overlay of  
18 the current site plan with proposed improvements to  
19 address this professionals' comments.

20 MR. CUCCHIARA: Mark that A-12, an  
21 overlay of the site plan for the purposes of  
22 responding to the Remington Vernick report. Is that  
23 correct? As well as the planner's report.

24 MR. ZULUAGA: Correct. Some of the  
25 items are addressed with these new layout.

1                   MR. CUCCHIARA: Just for the record the  
2 plan or revised or updated report was B-2 marked and  
3 Remington Vernick engineering report was B-3.

4           A.           In terms of existing non-conformity just  
5 to touch a little bit on sign requirements. There  
6 are not proposing improvements in terms of building  
7 footprint so the building with remain as is.  
8 Therefore, we have two existing non-conformities  
9 which is the minimal yard setback which the building  
10 is right along the property line. The minimum  
11 requirement is five feet. Therefore, we have zero  
12 feet of space since it's right on the property line.

13                   The other minimum yard setback variance  
14 or existing non-conformity, excuse me, with the side  
15 yard setback as well which is right along the  
16 property line as well. I know the board had some  
17 concerns about the parking. For requirements we are  
18 required to provide 18 parking spaces and existing  
19 conditions there are ten parking spaces. We are  
20 proposing an additional parking space to improve the  
21 existing conditions. The drive through lane actually  
22 alleviates the need of customers to utilize the  
23 parking as well. And I would like to confirm with  
24 the applicant, but the employees will not be  
25 utilizing the parking so the 11 parking spaces on

1 site will be limited to customers only.

2 MR. L. ALMEIDA: Correct.

3 MR. ZULUAGA: In terms of circulation we  
4 have our traffic expert but in terms from a civil  
5 perspective we don't anticipate issue with  
6 circulation. We are providing adequate dimensions  
7 and spacing for the parking spaces, which I believe  
8 was one of the comments of the engineer. We are  
9 meeting the minimal requirements of 18 by nine as  
10 well as typical parking with adequate drive aisles 24  
11 foot minimum. The drive through lane is 11 foot at  
12 the window and expands right when it goes into the  
13 egress lane.

14 There was also some comments regarding  
15 restricting left turn on the egress driveways, which  
16 the activity that are proposing show stop sign and  
17 stop bars and right turn only signalization to avoid  
18 any conflicts in circulation there as well as do not  
19 enter signs to prevent any vehicles coming into the  
20 egress lanes.

21 In terms of ADA accessible parking which  
22 was one of the comment in the engineering letter we  
23 are providing one van accessible parking at the  
24 corner of the property, southeasterly corner. There  
25 is enough area to provide adequate aisles for ADA and

1 access directly into the sidewalk along Frank E.  
2 Rodgers Boulevard right-of-way.

3 In terms of drainage and storm water  
4 management the site generally slopes south and east  
5 towards Sherman Avenue and Frank E. Rodgers. There  
6 was no evidence of ponding. We were on-site doing  
7 site observation evaluation pretty much reviewing if  
8 there was any concerns in terms of drainage and storm  
9 water. We didn't find any evidence. No storm water  
10 management facilities are present on-site at the  
11 moment as well as no drainage structures so all the  
12 runoff sheet flows into the right-of-way without  
13 being detained.

14 Utilities, the existing utilities  
15 servicing the building currently are going to remain  
16 as is and will continue to function as currently.

17 In terms of signage we talked about  
18 signage and lighting as well. The applicant, I  
19 believe there was a comment about buffering of the  
20 residential property line along the west we are  
21 proposing a fence as mentioned earlier to satisfy  
22 that comment. I believe that concludes my testimony.  
23 If there are any questions from the board or the  
24 public I'll be happy to respond.

25 MAYOR GRILO: I have to, just to clarify

1 stuff. So the exit, the entrance will be on Sherman?

2 MR. ZULUAGA: Correct.

3 MAYOR GRILO: Exit Frank E. Rodgers,  
4 Frank E. Rodgers right turn only?

5 MR. ZULUAGA: No.

6 MAYOR GRILO: No egress on Sherman.

7 MR. ZULUAGA: No egress, one-way traffic  
8 circulation.

9 MAYOR GRILO: You answered the question  
10 about the handicapped parking so that covers that.  
11 This is more of a recommendation, you said the  
12 employees are not going to park there. I find that  
13 hard to believe so we have to be clear on that,  
14 right, where are they going to park?

15 MR. ZULUAGA: There will be utilizing  
16 public transportation.

17 MAYOR GRILO: They'll be parking there,  
18 too. I get it it's like a pay day, when it was a  
19 bank on a pay day it was always busy. I'm going to  
20 equate it to that. I get it.

21 I just want to insure that I'm going to  
22 make the suggestion in any communication your website  
23 you have that, it's very clear that they should be  
24 parking in the parking lot, getting their stuff and  
25 leaving, avoid parking on the street. They do it.

1 We have a diner, they do it down there. We kind of  
2 worked on that. We do now have Park Mobile. I  
3 encourage in your communication, I would encourage  
4 the on-line pick-up. You can put lettering on the  
5 teller on-line order pick-up only. Every  
6 communication. The key here is communication.

7 We will obviously ask you to monitor it  
8 and peak times and adjust. I appreciate that, you  
9 know, this will be new, we'll be agile like the State  
10 of New Jersey is with cannabis overall and, you know,  
11 we want to be flexible and we know you worked with  
12 the community as the business owners. We know we  
13 will work together there, but communication of the  
14 drive through, I got to really encourage no parking  
15 on the street and all the communications that will go  
16 along the way. That's it for me on that. Then I  
17 have security questions, but.

18 CHAIRMAN GRAHAM: Does anybody have  
19 questions?

20 MR. COSTANIAN: Yes. Can you tell me  
21 what the drive aisles width is for the parking spaces  
22 proposed?

23 MR. ZULUAGA: Yes, 24 foot aisles.

24 MR. COSTANIAN: Okay, 24 drive aisle?

25 MR. ZULUAGA: Correct.

1                   MR. COSTANIAN:  What is the length of  
2  the parallel space?

3                   MR. ZULUAGA:  There are 22 by nine --  
4  eight, sorry.

5                   MR. COSTANIAN:  Just for the board's  
6  reference that does meet the standards for parallel  
7  parking spaces.  Just for the board and also drive  
8  aisles meets the standard for it.

9                   MAYOR GRILO:  They'll be clearly marked  
10 as suggested.

11                  MR. COSTANIAN:  I believe that.

12                  MR. ZULUAGA:  The striping is showing  
13 the restriping and configuration of the new parking  
14 layout.  I would like to also mention as recommended  
15 in your letter that the western parallel parking is  
16 seven foot wide not eight, which is the only one.

17                  MR. COSTANIAN:  I'm sorry, say that  
18 again.

19                  MR. ZULUAGA:  The western parallel  
20 parking is seven foot wide by 22 not eight by 22, to  
21 provide adequate entrance to that drive through lane.

22                  MR. COSTANIAN:  So what you're stating  
23 that's for a compact vehicle?

24                  MR. ZULUAGA:  As recommended on your  
25 letter.

1                   MS. MERTZ: They'll be a sign saying for  
2 compact vehicles only.

3                   MR. ZULUAGA: Yes. We can include that.

4                   MS. MERTZ: It's just very large trucks  
5 that would not fit into that space.

6                   MR. COSTANIAN: That's why I'm -- this  
7 space that's closest to the entrance off of Sherman  
8 Avenue I just wanted to point out to the board that  
9 I'd like to just maybe review that and maybe ten  
10 spaces rather than -- I believe you are proposing 11.

11                   MR. ZULUAGA: Yeah.

12                   MR. COSTANIAN: Due to potentially some  
13 turning issues. Do you believe that that's an  
14 adequate turning in to make that turn there?

15                   MR. ZULUAGA: Yeah. That space will be  
16 tough to get in. If you're trying to back in I think  
17 that will be adequate situation maneuver right there.

18                   MR. COSTANIAN: That would be a back-in  
19 space you're proposing.

20                   MR. ZULUAGA: Okay.

21                   MR. COSTANIAN: I wanted to let the  
22 board know.

23                   MS. MERTZ: I would put a sign on that  
24 one, too. I can see someone trying to get cute and  
25 try to do that turn. I'm not the engineer but I

1 would agrees the back-in would be better and I would  
2 sign it.

3 MR. COSTANIAN: I would put in back-in  
4 only.

5 MR. ZULUAGA: Will do, noted.

6 MR. REIS: A couple of other things that  
7 was in the engineering review. There was mention of  
8 pre-existing trees, one is dead and two more in poor  
9 condition and unshielded utility pole. Are these  
10 going to be addressed.

11 MR. ZULUAGA: In terms of landscaping  
12 the applicant is willing to comply with the planner's  
13 comment.

14 MR. WILLIAMS: One question on the trees  
15 though, our concern is strictly now with the signs to  
16 put too many tree up or too big in the front you are  
17 not able to see the entrance and could be a security  
18 issue. We would like a very clear entrance to the  
19 front so maybe if --

20 MAYOR GRILO: Well, the trees are dead  
21 so they're telling them to remove them.

22 MS. MERTZ: Can you replace them --

23 MAYOR GRILO: I wouldn't replace them  
24 with another tree, maybe a shrub or something.

25 MS. MERTZ: Something that won't --

1 maybe that's the -- could be worked out to make sure  
2 site triangle --

3 MR. WILLIAMS: No objection.

4 MAYOR GRILO: Some kind of greenery  
5 that's not an herb, but the trees are dead.

6 MR. WILLIAMS: He'll be in touch. Lukas  
7 is in touch so whatever you want.

8 MAYOR GRILO: We're good.

9 MR. CUCCHIARA: Whatever you propose you  
10 can submit to the board planner for review and  
11 approval with respect to that.

12 MR. ZULUAGA: We can coordinate with the  
13 planner to address the comments.

14 MS. MERTZ: That works for me.

15 MAYOR GRILO: What was the other?

16 MR. REIS: Unshielded utility pole.

17 MR. WILLIAMS: We'll comply. Right turn  
18 only, the mirror, large convex safety mirror. Good  
19 idea. We went through that. The rest of these,  
20 parking which we're going to go into. Pedestrian  
21 friendly crosswalk, we'll comply. And the guide  
22 rail, yes, and that we mentioned before timber guide  
23 rail. That's number 12, Gary. So we're going to do  
24 some type of timber guide rail, something like a  
25 timber guide rail. And same thing with number 13 I

1 think it's coextensive with number 12, we'll comply.

2           There's only one issue with number 14,  
3 steel post and poles, remove them, but for any that  
4 we need for existential exit signs and the mirror.  
5 Do you follow? They're already there. I think one  
6 of them a perfectly suited for the mirror for the  
7 convex.

8           MS. MERTZ: I am responding to --

9           MR. COSTANIAN: I'm lost. Where are  
10 you?

11           MR. CUCCHIARA: Would you refer  
12 specifically to the document so the board can follow  
13 along.

14           MR. WILLIAMS: Number 13.

15           MR. CUCCHIARA: Of the --

16           MR. REIS: B-3.

17           MAYOR GRILO: REV's report that's what  
18 we're asking.

19           MR. WILLIAMS: I'm sorry.

20           MS. MERTZ: Can you put it up on the  
21 plan as well. I'm unclear what part of the site plan  
22 you're talking about.

23           MR. ZULUAGA: Talking about 14 or 12?

24           MR. WILLIAMS: So 12 and 13 are sort of  
25 the same, two sides of the coin so I'm referring to

1 them together.

2 MR. ZULUAGA: There are guide rails  
3 along the southern property lines that loop around  
4 into almost the egress driveway. The other one is  
5 along the fence, along the weren't property line so  
6 those are guide rails that need to be inspected and  
7 confirm.

8 MR. COSTANIAN: As your professional  
9 opinion do you believe you need guide rail in this  
10 situation or do you believe you might use another  
11 traffic avoidance of running into the neighbor's  
12 fencing there? I don't believe guide rails --

13 MR. ZULUAGA: In terms of guide rails  
14 along the western property line I don't believe it's  
15 necessary, but I mean it's there. It can be removed  
16 if that's the board's preference, I would.

17 MR. COSTANIAN: I would make a  
18 recommendation to the board to remove the guide rail.  
19 It's not needed in this situation. Guide rail is  
20 typically used in a situation where a vehicle is  
21 unrecoverable in a situation where you're driving and  
22 you have a situation where someone cannot recover  
23 from a turn. So would you say this is a pretty flat  
24 location?

25 MR. ZULUAGA: It is.

1 MR. COSTANIAN: Would you say the  
2 vehicles are coming in at a high rate of speed?

3 MR. ZULUAGA: No.

4 MR. CUCCHIARA: All of the guide rails  
5 would be removed, is that my understanding or just on  
6 the western side?

7 MS. MERTZ: Are the guard rails supposed  
8 to be.

9 MR. L. ALMEIDA: I thought we were  
10 talking about the western.

11 MR. ZULUAGA: Western and there's also  
12 --

13 MR. L. ALMEIDA: Western makes sense to  
14 me.

15 MR. COSTANIAN: It's up to you however  
16 you would like it, but it should be noted the guide  
17 rail is not necessarily. If you need to put a  
18 shorter fence to keep people out of the parking lot I  
19 think that would be more visually aesthetically  
20 better for the municipality, but it's up to the board  
21 and these are just suggestions and I don't -- I'm not  
22 making a suggestion to trigger a variance.

23 MS. MERTZ: Nothing you're suggesting  
24 triggers that.

25 MR. REIS: If we get rid of the guide

1 rails that allow the spot to be a little wider, too.  
2 It should, right?

3 MR. COSTANIAN: You would have a deeper  
4 lot, yes. So depth-wise you have a larger depth.

5 MR. ZULUAGA: The guide rail on the  
6 southern property line is right along the property  
7 line so it wouldn't really make --

8 MR. COSTANIAN: I believe what he's  
9 saying --

10 MR. REIS: The western.

11 MR. ZULUAGA: The western.

12 MR. COSTANIAN: The mini spot would now  
13 be eight foot wide as supposed to seven considering  
14 the width of the guide rail and the buffer that's  
15 required.

16 MR. ZULUAGA: But we also got to  
17 remember we'll be installing the fence to buffer the  
18 residential. So we might have the room but we'll  
19 need to evaluate.

20 MR. COSTANIAN: Maybe, should the board  
21 approve this application, or make it subject to that  
22 it's reviewed but knowing that the lot layout is  
23 staying the same but there may be slight modification  
24 to either a fence or another guide rail.

25 MAYOR GRILO: I'm okay with that.

1 Anybody else?

2 MR. WILLIAMS: No objection. Good idea.

3 Thank you.

4 MR. COSTANIAN: I believe your engineer

5 --

6 MR. ZULUAGA: Additional questions.

7 MR. REIS: I wouldn't be opposed to  
8 getting rid of the southern one, too. It doesn't  
9 real do anything in terms of pedestrian. As a kid I  
10 used to jump on it and do stupid stuff. From a  
11 liability perspective it might be good idea.

12 MR. WILLIAMS: You okay with not having  
13 -- we don't have to have it. I felt the same way. I  
14 don't know that maybe use it --

15 MR. ZULUAGA: We'll remove the guide  
16 rails.

17 MR. COSTANIAN: I'm sorry, for clarity  
18 of the board I still think there should be a  
19 separation between the pedestrian walk and --

20 MR. REIS: Yeah, there definitely needs  
21 to be some kind of buffer so cars don't go into the  
22 sidewalk.

23 MR. COSTANIAN: So some type of fence  
24 and that meets the East Newark codes as far as  
25 height.

1                   MS. MERTZ: I'd say a definite fence  
2 also so we don't want to replace an unattractive  
3 guard rail with another unattractive fence.

4                   MR. COSTANIAN: That should be a subject  
5 item that you submit to us should it be approved by  
6 the board. If that's okay with the board.

7                   MAYOR GRILO: Fine with me.

8                   MR. WILLIAMS: No objection.

9                   CHAIRMAN GRAHAM: That's it. You're  
10 good.

11                   MR. WILLIAMS: So sorry, when I firing  
12 through them the other one was 14 removing the steel  
13 posts and poles. How about unless they're going to  
14 be used for an entrance/exit sign or the mirror that  
15 we are putting up. There's one of them that is going  
16 to be appropriate for the exit, the convex.

17                   MR. COSTANIAN: Can you point to that.

18                   MR. REIS: The ones on Frank E. Rodgers.

19                   MR. ZULUAGA: It's hard to see a steel  
20 post which will -- there are two over here which one  
21 can be utilized for the mirror to provide.

22                   MAYOR GRILO: You're talking about sign  
23 posts like --

24                   MR. REIS: No, the bank used to have a  
25 chain link -- a chain that hung from pole to pole.

1                   MAYOR GRILO: Oh, those poles. The  
2 poles will be replaced when that gets replaced if you  
3 put the fence in between --

4                   MR. L. ALMEIDA: I thought we were  
5 talking about the poles for the entrance and exit  
6 signs they are --

7                   MAYOR GRILO: Sign posts. I did the  
8 same thing, okay.

9                   MS. MERTZ: To put the mirror on.

10                  MR. L. ALMEIDA: To put the mirror on.

11                  MAYOR GRILO: Make a recommendation I  
12 need visuals. That doesn't work for me.

13                  MS. MERTZ: To put the mirror on.

14                  MR. REIS: If they're going to utilize  
15 the pole then get rid of the other.

16                  MR. ZULUAGA: Whatever isn't going to be  
17 utilized doesn't work with the layout of  
18 configuration it will be removed.

19                  MR. COSTANIAN: So clarification  
20 purposes, some of the steel posts -- just let's just  
21 be clear it appears that one of the steel posts are  
22 in the guide rail which is located to the southern  
23 portion of Frank E. Rodgers. Is that one of the  
24 poles that would be removed?

25                  MR. ZULUAGA: That one will be removed

1 to provide adequate -- -

2 MR. COSTANIAN: There's a shorter post  
3 fence, I believe a chain that was there, would that  
4 be removed as well.

5 MR. ZULUAGA: That one will be removed  
6 because it's currently in the way of egress driveway.

7 MR. COSTANIAN: Other one, there's two  
8 chains that was mentioned earlier by one of the board  
9 members that's located in the middle of your two  
10 drive aisles would that be moved.

11 MR. ZULUAGA: The northern one will be  
12 utilized for the mirror which is currently in the  
13 striping area.

14 MS. MERTZ: Can you point to it.

15 MR. ZULUAGA: Absolutely. It's right  
16 here. So this one will be utilized for the mirror  
17 which works with the new parking and drive aisle  
18 configuration. There's another one over here right  
19 in the middle of the southern egress drive that one  
20 will be removed. And there is another one over here  
21 close to guide rail on the south portion of the  
22 egress drive which will also be removed to provide  
23 adequate pedestrian situation from the ADA parking  
24 space.

25 MR. COSTANIAN: And the parking spaces,

1 just again for clarification, the depth of them  
2 are --

3 MR. ZULUAGA: It's 18.

4 MR. COSTANIAN: It's 18. Is the  
5 applicant proposing wheel stops so the front end of  
6 vehicles will not be hitting the proposed decorative  
7 fence.

8 MR. ZULUAGA: Correct. Since a guide  
9 rail will be removed then that will be a site  
10 improvement that we'll incorporate to the plan.

11 MR. COSTANIAN: I do have traffic  
12 engineering questions to ask.

13 MR. WILLIAMS: Just to add topically, it  
14 was addressed before and also curb stop along the  
15 line to make a demarkation with the parking on it  
16 that's what we put there, basic curb stops.

17 MR. COSTANIAN: Sorry.

18 MR. WILLIAMS: This is a drive through  
19 so curb stops here so nobody is pulling into the  
20 drive through from the parking.

21 MR. ZULUAGA: I believe John you're  
22 referring to the previous layout, correct, those will  
23 be removed to accommodate the parking space?

24 MS. MERTZ: Okay.

25 MR. WILLIAMS: Anything else particular?

1 Okay, no.

2 CHAIRMAN GRAHAM: Good. At this point  
3 we'd like to know if the public would like to address  
4 the board? Does anybody in the gallery want to speak  
5 to us about anything?

6 MR. CUCCHIARA: With regard to  
7 questions. With regard to questions. Come up and  
8 give your name.

9 MR. BADER: Khalid Bader.

10 CHAIRMAN GRAHAM: About what we're  
11 talking about.

12

13 KHALID BADER, having been duly sworn by the Notary  
14 Public, testified as follows:

15

16 MR. BADER: I'm in a different town, we  
17 rented to a dispensary, literally across the street.  
18 I don't know how the two towns are going to be.  
19 Traffic is going to be. I don't know what is going  
20 to happen. I just wanted to bring it up because it's  
21 not only going to affect them it's going to affect  
22 people who are renting.

23 MR. CUCCHIARA: That's fine, it's just  
24 that if you have comments, statements, testimony  
25 later on that will be fine. But do you have a

1 question for the engineer?

2 MR. BADER: I don't know if the traffic  
3 it was including the other dispensary. Because I'm  
4 trying to avoid other issues as well on my property  
5 that was my question.

6 MR. CUCCHIARA: Are you able to respond  
7 to that? I know the applicant has --

8 MR. ZULUAGA: I'll defer to the traffic  
9 expert.

10 CHAIRMAN GRAHAM: Let's adjourn for a  
11 little recess ten minutes.

12 (Whereupon, there is a brief recess.)

13 CHAIRMAN GRAHAM: Call this back to  
14 order.

15 MR. WILLIAMS: Craig Peregoy. State  
16 your name and spell your last Craig Peregoy.

17

18 CRAIG PEREGOY, having been duly sworn by the Notary  
19 Public, testified as follows:

20

21 DIRECT EXAMINATION BY MR. WILLIAMS:

22 Q. Would you give the board the benefit of  
23 your background in terms of education, training and  
24 qualifications.

25 A. Sure. The background I have a bachelors

1 degree in civil engineering from Virginia Tech. I'm  
2 a licensed professional engineer in New Jersey. I  
3 testify pretty much on a nightly basis and tonight I  
4 complete my Hudson County resume, the last  
5 municipality in Hudson County I haven't testified in.

6 MAYOR GRILO: Do you know we existed?

7 A. I never came here.

8 Q. In the process of your examination of  
9 the existing use and the proposed use and associated  
10 conditions you came to certain conclusions and in  
11 doing so you also reviewed these East Newark cannabis  
12 code. Correct?

13 A. Yes.

14 Q. Can you give us the benefit of your  
15 findings particularly regarding the parking cue and  
16 the drive through cue and parking?

17 A. In order to talk about the drive through  
18 cueing and the amount of parking you need to  
19 establish how much traffic is going to be generated  
20 by this. And typically traffic engineers use the  
21 ITE, Institute of Transportation Engineers Trip  
22 Generation Manual. Unfortunately the date for  
23 dispensaries is limited and it's out in Colorado.

24 So our firm took it upon ourselves to go  
25 out and take our own counts in New Jersey specific.

1 So we went to three locations in northern New Jersey  
2 and took our own counts and our own parking counts.  
3 It might have been a little too eager in doing that.  
4 We did that in August of last year when this was  
5 fairly new so it was -- a lot busier I think and  
6 there was some talk about before holidays or  
7 whatever. So I think our numbers are sort of  
8 representative of those busy time periods not your  
9 typical day. And we have endeavoring to go get more  
10 data, refine that. But for now I think we really  
11 have the highest numbers that you can imagine.

12 I'm more able to apply, based on the  
13 size of the facility, the data that we collected from  
14 the three sites in New Jersey to a facility such as  
15 this and project the amount of traffic and the amount  
16 of parking to establish those rates based on the  
17 counts that we have done.

18 What we are focusing on for this type of  
19 use you want to look at the busiest hour. So on the  
20 weekday, it's weekend afternoon or in the evening  
21 peak and Saturdays are going to be the busy, so  
22 Saturday in the middle of the day. So we're looking  
23 for the single busiest hour during the week and  
24 single busiest hour on the weekends to establish the  
25 peak customer demand.

1                   And if I take a look at what we counted  
2 at those other dispensaries, apply it here, we have  
3 between 27 and 28 customers in the evening in the  
4 busiest hour and 33 customers on -- I am sorry, I'm  
5 doing this backwards. We have 25 customers in the  
6 evening, 28 on a Saturday. I can compare that to  
7 what a bank would generate, that was the other use,  
8 they would have a little bit higher actually based on  
9 the ITE data. So if this was a bank, it would  
10 historically generate, it's very close, very similar  
11 amount of traffic volume generated by a bank to this  
12 but this is actually going to be a tick lower than  
13 the bank would potentially generate if that reopened.  
14 It's not something foreign to the area, obviously one  
15 point this was operating as a drive through bank and  
16 it was probably even busier back when Fridays and  
17 everyone would cash their paycheck, now you can just  
18 take a picture on your phone.

19                   So that establishes essentially the  
20 traffic volume. Again, based on that customer count,  
21 I've spoken with the applicant, he's confirmed and  
22 this seems very reasonable, about 20 percent of that  
23 traffic is going to use that drive through. They're  
24 going to prepay, pre-order and use the drive through.  
25 Some people may prepay and park and walk in, they're

1 mainly change orders or add something. But that's  
2 strict. You have to pickup what you order, prepay  
3 about 20 percent of the customers.

4 So again, Saturday would be the busiest  
5 at about 28 in an hour, evening 25 so it's close.  
6 We'll use the 28. If you assume 80 percent of them  
7 park and walk in and 20 percent use the drive through  
8 that break out to 22 parkers in the hour and six  
9 drive through customers.

10 So start with the drive through that was  
11 based on the letter in the report that we submitted.  
12 If you have six drive through customers in an hour  
13 we're able to, based on the volume and the service  
14 time at that drive through window, identify the  
15 probability of how big the cue would be. That's  
16 typically used for banks, fast foot restaurants where  
17 you can't really know who's coming, it's a randomized  
18 distribution. You heard from the prior testimony  
19 this is more controlled, it can segregate windows of  
20 time for these people to show up and pick up, and  
21 control that cue from extending.

22 From the model that we used assumes a  
23 randomized arrival rate, you heard a two minute  
24 service time. You show your ID, somebody to grab the  
25 bag. I mean when you go pick up Chipotle it takes

1 less time than that, but two minutes I think is  
2 outside the longer timeframe in order to pick up your  
3 food, pick up your package. So with that two minute  
4 service time and that six rate we run those numbers  
5 and the mathematical probability calculation and the  
6 chances of more than two vehicles being in that cue,  
7 so you have one parked at the window, one behind, no  
8 problem there. The chances of exceeding that are  
9 calculated out to .8 percent. So less than one out  
10 of a hundred times. It would take four cars to get  
11 backing out on Sherman where we have an issue. The  
12 third car might block the parking area. That's our  
13 applicant's problem not necessarily the town's  
14 problem. Backing out on Sherman would be the town's  
15 problem. The probability of that occurring is 0.03  
16 percent based on the randomized arrival. We are  
17 going to have, again, it staggered where there's a  
18 certain amount of appointment times at that pick-up  
19 window that will happen each hour so you make sure  
20 you don't have an over abundance of people using it  
21 one. That's the drive through side of it.

22                   The parking, you heard 22 vehicles per  
23 hour, seven minute transaction time. Let's say it  
24 takes you five minutes to get out of the car, walk in  
25 the store and get back so say 12 minutes you're

1 parked in that parking space so each space can turn  
2 over five times every hour. We have 11 parking  
3 spaces so we handle 55 we got 22 so more than double  
4 the availability.

5           Now we also did, as we mentioned,  
6 research counts elsewhere in New Jersey. We looked  
7 at parking, too, so this is the busiest day ever of  
8 parking. The parking rate for the PM for this would  
9 come to exactly 11 spaces based on our observations  
10 that ratio to size. The Saturday it's 14 but those  
11 places that we counted didn't have a drive through  
12 available. You take away 20 percent of that 14 it  
13 gets you to 11. So the worse case time of day if you  
14 do have 20 percent of people using the drive through  
15 you're at 11, just from a practical perspective 14  
16 would be the maximum number that we would see. We  
17 have 11 here. That overflow of three, I don't think  
18 that's the end of the world for the day before a big  
19 holiday or typical day, absolutely no problem. I  
20 have no -- total faith they'll be enough parking in  
21 this parking lot based on observations that I've  
22 seen.

23           Like I said, we are endeavoring to  
24 collect more data at smaller facilities like this  
25 because as I'm seeing them as I'm driving the ones

1 that we've counted before are not even half as busy  
2 as the days we were out there because smaller ones  
3 are popping up. You don't see lines like it was at  
4 the beginning. So I think we're starting to smooth  
5 things out. As you heard from prior testimony may be  
6 on the opening day, first couple of weeks it would be  
7 busier then it will calm down. That's what we're  
8 seeing just in general across the state. Based on  
9 even those high numbers that we saw back in August  
10 '22 this will work. I have full faith this will work  
11 for typical days of the week. And that's it.

12 CHAIRMAN GRAHAM: Any questions?

13 MR. COSTANIAN: I have just a question.  
14 On opening days and throughout the several times of  
15 year when you guys, and obviously it's up to the  
16 board to make a condition of approval to hire police  
17 officers to help mitigate potential traffic and  
18 coming in cuing, etcetera, etcetera, would that be  
19 something the applicant would consider and also just  
20 make that suggestion?

21 MAYOR GRILO: That was my comment at the  
22 end, but okay.

23 MR. COSTANIAN: This is traffic.

24 MR. WILLIAMS: Or just have extra staff  
25 on to take care of those issues.

1                   MR. COSTANIAN: I'm sorry, when it comes  
2 to traffic in the municipality.

3                   MR. WILLIAMS: Out in the street.

4                   MR. COSTANIAN: Yes.

5                   MR. WILLIAMS: I thought you meant to  
6 police the parking lot. I need you to answer that.

7                   MR. L. ALMEIDA: I'm confused.

8                   MR. SICKORA: Answer is yes.

9                   MR. WILLIAMS: I want you to be heard,  
10 too. You have no problem on opening day problem with  
11 hiring a traffic officer because -- to direct traffic  
12 like in the street?

13                   MR. L. ALMEIDA: Yeah, no problem with  
14 that.

15                   MR. WILLIAMS: No objection.

16                   MR. PEREGOY: That makes sense.

17                   MR. CUCCHIARA: What period of time  
18 would that be?

19                   MR. PEREGOY: The opening week, opening  
20 day.

21                   MR. COSTANIAN: I believe --

22                   MR. PEREGOY: There's no way to know.

23                   MS. GUIMARAES: Usually it's opening  
24 week.

25                   MR. COSTANIAN: I'm not a cannabis

1 opener, but I believe it should be --

2 MR. WILLIAMS: Can he ask someone that  
3 has opened.

4 MR. COSTANIAN: Let me finish if you  
5 don't mind for the board and for the municipality's  
6 sake it might be best that if high times occur and  
7 those high times may happen throughout the year the  
8 applicant would have to -- can you help me out.

9 MR. REIS: Shoulder the cost of making  
10 sure that --

11 MAYOR GRILO: I should have stopped you  
12 when you were talking about it, I was going to talk  
13 about it later, aside from our -- I was working with  
14 our police department you have extra duty, it's just  
15 on the high times. I know you were going to speak.  
16 This is just what we know. The high peak the week  
17 that it opens we would ask that you look at our  
18 officers for extra duty just to mitigate traffic.

19 MR. SICKORA: That's exactly what we  
20 used.

21 MAYOR GRILO: Again, this is new. I  
22 don't want to take up time. I think this is common  
23 sense. This is new. You're going to monitor, you're  
24 going to take the data, you're going to find out what  
25 you're getting on-line versus how much really coming

1 in. We're going to be flexible. You're going to  
2 work with us and we're going to work with you and  
3 talk about my work force later on, but, yeah.

4 MR. WILLIAMS: For the record, no  
5 objection by the applicant.

6 MR. REIS: I'm thinking along the same  
7 line but the success of this all seem dependent on 20  
8 percent of customers are going to on-line and do it  
9 which means that you are going to have to have a  
10 website that's going to allow, do a good job  
11 facilitating orders, good job scheduling orders.  
12 You're going to be dependent on customers using this  
13 CanApp that I've never heard of, signing up, putting  
14 cash on this app and going through this process.  
15 Like I could see this going south where, hey, and a  
16 third people who pull in need to go through the drive  
17 through that's prepaid orders only, I need to go park  
18 otherwise now I'm going to have to loop around the  
19 block or try to back out and get to a parking space.  
20 Like I can see easily turning into a traffic  
21 nightmare. That's my biggest concern.

22 MR. PEREGOY: Well, couple things. I  
23 think we talked about putting in some sort of  
24 notification in the drive through prepaid orders  
25 only. That comes with education. That's why it

1 makes sense when it first opens and people aren't  
2 sure how to access and operate, where they need to go  
3 to have somebody out there guiding that traffic. But  
4 ultimately it becomes repeat customers who figured it  
5 out what they want to do. I don't think you  
6 necessarily need to use that app to use the drive  
7 through you can preorder which whatever --

8 MR. REIS: You can't because it's cash  
9 only.

10 MR. SICKORA: There's multiple software  
11 packages out there. It's called CanPay not CanApp.  
12 CanPay you Google and three or four other ones now  
13 marketed heavily. And I have been using 20 percent  
14 at my one store we were doing 30 to 40, you can, we  
15 pushed, we pushed it hard. We let them come in  
16 because I didn't have a drive through, we still let  
17 them walk up pathway window so they go to an express.  
18 It's kind of social dynamic. When people see, oh,  
19 how quickly those guys are getting weed other people  
20 will say how do I get -- how can I get CanPay, how to  
21 get orders faster, how do I get ten percent, I use  
22 pre-pickup. You know, that's the play. The play is  
23 to get those people to drive the drive through to --

24 MR. REIS: Right. As the planning board  
25 we can't force you to be successful, that's my

1 concern. You can sit there and tell us you're going  
2 to have ten percent discount and you're going to  
3 encourage usage once you get approval not do any of  
4 that stuff then we got traffic.

5 MR. SICKORA: No, no.

6 MR. REIS: Make sure that --

7 MR. SICKORA: From the perspective as  
8 the business owner and managing that store I would  
9 say our goal is the same as your goal. Because our  
10 goal is to get people through there quickly as  
11 possible. I'm making sales in two minutes. Being  
12 crass capitalists that's my goal. I want \$112 order  
13 every two minutes coming through that drive through.  
14 If I got to give a ten percent discount, that's fine  
15 because I'm making it up on volume. You can't  
16 obligate me to run my busy efficiently, but we all  
17 win if we do. And if we don't people are going to  
18 get frustrated and go somewhere else. That's the  
19 beauty of an open market system at this point. Back  
20 in the day when there were only 12 dispensaries I had  
21 one of them you kind of cool and you get soft and it  
22 didn't matter, people found you to buy weed. People  
23 will always find you. And a lot of people that use  
24 the drive through are technological savvy age which is  
25 20 years younger than me that want to do that because

1 they want to get it cheapest and faster. You're  
2 right there's no way that we can assure that a  
3 hundred percent, but believe me that's our goal.

4 MS. MERTZ: I think one of the requests  
5 of the board one was the traffic police to help with  
6 in the right-of-way but also you've already mentioned  
7 you probably during opening week have additional  
8 staff literally outside on site to help direct  
9 people.

10 MR. SICKORA: Yeah, you're right.  
11 Because we hire, I don't know what you call it, it  
12 was guys off duty you slip them 25 bucks an hour  
13 they're happy hour.

14 MAYOR GRILO: Not that cheap.

15 MR. SICKORA: It wasn't staff it was  
16 police officers that were off duty so we're working  
17 with the local police report force. They actually  
18 bought some of their guys over in Egg Harbor because  
19 we had 700 people instead of 200. He all knew it was  
20 going to be big but it went wreck. You don't have  
21 staff out in the street trying to direct traffic.  
22 First of all, I don't -- they're not covered under my  
23 insurance if they're out on the road.

24 MR. COSTANIAN: Just -- I'm so sorry,  
25 just for the sake of clarity is your application as a

1 condition of approval for East Newark should traffic  
2 be an issue be okay to hire --

3                   MAYOR GRILO: I believe we cleared that  
4 up. I think we are pushing something. Let's move  
5 on. They made it very clear they were good. Let's  
6 move on. They're also clear on getting additional  
7 staff which I would guess to suggest at the end for  
8 work force development you have directional hire  
9 people from East Newark who need jobs and I know  
10 they'll work on it, does not have to be a condition.  
11 We can move.

12                   MR. COSTANIAN: Got it, okay.

13                   CHAIRMAN GRAHAM: Are you done with your  
14 presentation?

15                   MR. WILLIAMS: Yes.

16                   MR. RODRIGUEZ: I had a question  
17 regarding this.

18

19 STEVEN RODRIGUEZ, having been duly sworn by the  
20 Notary Public, testified as follows:

21                   MR. RODRIGUEZ: I know we were all  
22 referring to customers and traffic with customers but  
23 it wasn't reached or touched on congestion related to  
24 employees. I know you said this being a larger  
25 dispensary over going to have over ten employees at

1 any given time, ten to 20 so I believe these  
2 employees, I know you mentioned essentially an  
3 assumption they're going to take public  
4 transportation to get to this facility, what about  
5 the ones that are going to drive. And you know this  
6 is ten to 20 parking spaces from nine a.m. to nine  
7 p.m. that's also not them arriving earlier throughout  
8 the day taking up possibly ten to 20 parking space on  
9 Sherman alone does not have very many parking spaces.  
10 You can take up at least half those parking spaces on  
11 that one street alone just with these employees  
12 parking there because you can necessarily assume that  
13 they're going to be taking public transportation. Is  
14 that something that's going to be solved?

15 MR. PEREGOY: The numbers that I looked  
16 out when it did the parking count referenced were  
17 just parked cars they could be customers, they could  
18 have been employees, they didn't distinguish.

19 MR. RODRIGUEZ: Excuse me you said  
20 employees are not parking in the parking lot.

21 MR. PEREGOY: Let me finish. So  
22 employees are included in those numbers in that  
23 parking calculation. And all three of the ones we  
24 looked at were more highway oriented where you had  
25 drive. Here in East Newark there is public

1 transportation, you can walk to the facility. That  
2 goes for customers and employees. I think my numbers  
3 are looking at higher and still showing there's  
4 enough parking and that does --

5 MR. RODRIGUEZ: But the previous  
6 engineer did mention that employees will not be  
7 parking in the parking lot. So if they are driving  
8 in they will have to park in the street.

9 MR. PEREGOY: Not necessarily, why would  
10 employees.

11 MR. RODRIGUEZ: It was previously  
12 mentioned, was it not, how is something that's going  
13 to solve the situation --

14 MR. PEREGOY: The idea is to hopefully  
15 hire locally and people will --

16 MR. RODRIGUEZ: That's an assumption.

17 MR. L. ALMEIDA: We reimburse employees  
18 to take Uber.

19 MR. RODRIGUEZ: Did you mention --

20 MR. WILLIAMS: Are we into questions?

21 MR. RODRIGUEZ: That's Fine.

22 MR. WILLIAMS: I want to be clear I can  
23 Lukas up to testify, he can testify to what's been  
24 stated in our material, all right.

25 MR. REIS: Would you guys be willing to

1 set at least for in the lot, like you can patrol  
2 people do on the street, but at least for the lot set  
3 like a 20 minute limit on parking spaces, right? If  
4 you're turning them around in seven minutes, five  
5 minutes to get into and out of the car that's what  
6 13, 12 minutes, 20 minute limit on parking space  
7 leaving plenty of extra time.

8           MAYOR GRILO: The truth is I mean  
9 employees, even the employees of the borough we have  
10 to park outside so no matter what establish goes in  
11 there you're always going to have employees that will  
12 park on the street or not. That's why we implemented  
13 Park Mobile because of the outside folks and we don't  
14 charge East Newark residents, but we have to and I  
15 did correct the gentleman earlier when he did say  
16 it's like not really true. But factor in all of our  
17 businesses we have to permit employees. I mean some  
18 will come in preferably at some point maybe we will  
19 hire people in East Newark. I myself drive here like  
20 tonight and I shouldn't have. But we have to be fair  
21 and flexible to understand.

22           MR. RODRIGUEZ: Of course.

23           MAYOR GRILO: Officers, everyone here  
24 tonight. So I don't -- I want to be fair to any  
25 businesses because we want businesses here. But you

1 bring up a very good point.

2 MR. RODRIGUEZ: My other question was,  
3 so I know they were mentioning an appointment based  
4 like picking up their goods. You know, like I  
5 believe any other business people come early, they're  
6 going to be waiting, how do you deal with congestion  
7 of people waiting to possibly get into the parking  
8 lot, they might be double-parked in the street, they  
9 might be double-parked inside parking spots or  
10 waiting in the drive throughs how is that something  
11 that you are going to resolve, some type of system in  
12 place like get them out of the way or --

13 MR. PEREGOY: I don't know how the --

14 MR. RODRIGUEZ: If you have an  
15 appointment timeframe, one o'clock to two o'clock to  
16 pick up your product, you know, naturally the people  
17 come early in some case.

18 MR. PEREGOY: I'm sure they'll be  
19 product if they come a few minutes earlier you have  
20 to stay in the street to control the flow.

21 MS. MERTZ: There was testimony that  
22 they are going to give them the appointment windows,  
23 but they're not going to kick them out if they come  
24 earlier.

25 MR. RODRIGUEZ: I didn't hear that

1 point.

2 MS. MERTZ: It's a good point.

3 MAYOR GRILO: Good point.

4 CHAIRMAN GRAHAM: Park in park.

5 MR. CUCCHIARA: Is there a response to  
6 possibly have a signage in the parking lot indicating  
7 that the limit on time spent in the parking lot would  
8 be 20 minutes or something of that nature.

9 MR. WILLIAMS: My concern about that  
10 first of all being enforcement and there might be an  
11 individual that requires more than 20 minutes time.  
12 What comes to mind we have mentioned before, keep in  
13 mind you're serving medical patients, too. Because  
14 now under the adult use paradigm medical patients  
15 don't have a prescription that filled at a pharmacy,  
16 they just have medical dispensaries only. But if the  
17 doctor says cannabis is appropriate for you and go  
18 get it, right, there's no prescription to get ten  
19 joints, whatever adult use dispensaries is part of  
20 the beneficial until use, if you will of these  
21 dispensaries to municipalities, you have medical  
22 patients right that won't have to travel as far as  
23 they used to before.

24 MR. RODRIGUEZ: I don't want 11  
25 employees taking up 11 spots for eight hours because

1 that's the thing we are concerned about. So like we  
2 can come up with a resolution and agree upon where  
3 that doesn't occur that's fine.

4 MS. MERTZ: I think --

5 MR. WILLIAMS: All the testimony you  
6 heard leads to a reasonable conclusion that the  
7 paradigm of this business and the underpinning of  
8 this business are moving people through. It's based  
9 upon the expert testimony you've heard tonight,  
10 there's nothing contrary to that. It's the profit  
11 model. Also implicit with retail dispensaries is a  
12 very, very thin profit margin because of the tax  
13 structure, under section 2833 they can't deduct  
14 ordinary business expenses, there's really not  
15 margins that people think there are in these  
16 businesses.

17 So I would say that implicit in what's  
18 here. And I'm worried to do a requirement and have  
19 something specific like that. It doesn't seem to be  
20 based on anything cogent, any expertise, any  
21 testimony other than speculation. And in the  
22 contrary you have testimony, industry, you know,  
23 standards, and several testimony of parking analysis  
24 and Mr. Sickora that would say otherwise.

25 MS. MERTZ: I do still think if the

1 board is concerned, if this is a concern of the board  
2 it is a reasonable request it is 30 minutes. It's  
3 not one of those things where no one is going to put  
4 tick marks on people's tires. A lot of people do  
5 like to follow the rules. I am a very anxious person  
6 and he, therefore, I will not park there for more  
7 than 20 minutes. I don't think anyone would. If the  
8 board is inclined to it I still think it's reasonable  
9 because it will deter some people, they're not going  
10 to kick out a medical person who needs to stay longer  
11 to work with the --

12                   MAYOR GRILO: I think personally I think  
13 the bigger challenge they're going to have is people  
14 trying to park there and go everywhere else. That's  
15 where they have to -- that's where the company will  
16 have to hire, hopefully from East Newark, to monitor  
17 the lot to make sure. If you got six cars in your  
18 lot and two are employees and you have nobody in the  
19 store clearly that doesn't belong there. But I get  
20 what you're saying about deterring and I think  
21 communication. But I also think we've got to give  
22 this a chance, right. This is new. The bank was  
23 there. The bank was the same way. The bank was  
24 there, it was the same way. I think we need to -- we  
25 over emphasize on parking a lot and I know it is a

1 problem, we're not denying it.

2 I think we have to give it a chance and  
3 see and then make adjustments and we go. Right? If  
4 we see it starts becoming a problem we have a dialog  
5 and you have to adjust so that our residents in our  
6 community don't suffer any challenges.

7 CHAIRMAN GRAHAM: One lady in the back.  
8 Please come up.

9

10 STEPHANIE RODRIGUEZ, having been duly sworn by the  
11 Notary Public, testified as follows:

12

13 MS. RODRIGUEZ: So just one question is  
14 you're trying to compare this to a bank and I'm sure  
15 a bank during a busy hour did have 25 cars maybe  
16 going through parking some through the drive-in. But  
17 it's a very different thing because anyone coming to  
18 the bank they come on Saturday afternoon, Saturday  
19 noon, right, it's a little busy. You get there  
20 parking lot little busy, drive through a little  
21 backed up, what do you do? You go to your mobile  
22 app, or go to the phone, where's the next Valley  
23 National Bank, where's the next bank, I need some  
24 money. I could go to Chase, or maybe where is the  
25 nearest dispensary. And will the person actually go

1 X amount of miles to get the product if they didn't  
2 pre-order it on-line and they're just going into the  
3 store.

4                   MAYOR GRILO: Great scenario, we can get  
5 a bunch of scenario but I'll turn to the experts.  
6 But according to the gentleman probably across the  
7 street. And so we're also anticipating that it's  
8 going to be that busy, right. Again, we don't know  
9 what we don't know. And giving them an opportunity,  
10 and giving all the businesses -- like all our  
11 businesses on Central Avenue none of them have  
12 parking. Right? We just we're not a town built and  
13 we have to remember that. And we also are very lucky  
14 that economically we can all afford more than one  
15 car. I say this all the time, family of four living  
16 in a two-bedroom they have four to five cars. We  
17 weren't built for that. All these houses here, none  
18 of them have driveways, right. We are trying to  
19 solve, this is a separate conversation we're trying  
20 to solve separately with Kearny, something we -- we  
21 have to be open to the idea of businesses and  
22 thriving, right, because that helps us and that helps  
23 us with our taxes. We'll solve for it. We'll see  
24 how it goes, monthly checks and I'll be monitoring  
25 it. I do it now. I drive them crazy with all the

1 cars. But I think in all fairness every time the --  
2 parking is going to deter us from everything, we will  
3 never flourish in East Newark.

4 MS. RODRIGUEZ: I just think that a lot  
5 of businesses on Central Avenue that don't have  
6 parking they're catering to locals, right, whether  
7 it's a local restaurant or liquor store.

8 MAYOR GRILO: Not really. No. Have you  
9 ever gone to Picnic? All those cars nobody's from in  
10 town.

11 MS. RODRIGUEZ: They have parking.

12 MAYOR GRILO: Very little, nine spots,  
13 ten spots.

14 MR. REIS: They have a second lot.

15 MAYOR GRILO: They have outside dining.  
16 It's the same, right. They are the same.

17 MS. RODRIGUEZ: They cater not more to  
18 the local, the outside, again, where is nearest  
19 next --

20 MS. GUIMARAES: I don't think Kearny has  
21 one, and they're sort of in the direction of the  
22 Kearny and they don't have a dispensary, so.

23 MAYOR GRILO: Don't have cookies.  
24 That's worse than us, there's literally no parking.  
25 Thank you.

1                   CHAIRMAN GRAHAM:   Anybody else?   Thank  
2   you sir.

3

4   DONNA HOLMQVIST, having been duly sworn by the Notary  
5   Public, testified as follows:

6

7           DIRECT EXAMINATION BY MR. WILLIAMS:

8           Q.       Okay.

9           A.       My position is I'm the CEO and founder  
10   of Preferred Planning Group.   My business address is  
11   110 Chestnut Ridge Road, suite 192, Montvale, New  
12   Jersey.   We are an urban planning consulting firm.

13                   In terms of my qualifications, I'll just  
14   give those real quick.   I have a masters of urban  
15   planning from New York University and undergraduate  
16   degree from Rutgers University.

17                   I have been licensed as a professional  
18   planner and a member of AICP since 1990 and I worked  
19   for a variety of planning and engineering firms  
20   before I founded my own firm in 2018.

21                   I do work for cannabis clients.   This is  
22   probably my sixth to eighth application.   I also work  
23   for other developers on private matters.   I just  
24   completed a periodic re-examination and Master Plan  
25   for Riverdale in Morris County where I'm the

1 consulting planner. And my firm has also consulted  
2 for Livingston Township and Fairfield in Essex  
3 County.

4 I've qualified in superior court and tax  
5 court as well as municipal courts and I've also  
6 qualified as an expert before maybe a hundred  
7 municipal boards.

8 Q. And you prepared the neighborhood  
9 compatibility?

10 A. Yes. My firm participation in this  
11 matter was to prepare the neighborhood compatibility  
12 study, that's required by your ordinance for cannabis  
13 uses.

14 There was no checklist of items to be  
15 discussed in that document so we tried to pull  
16 something together that I think met with the approval  
17 of your consultants, because I didn't see any  
18 comments on that.

19 What I wanted to jump to further support  
20 the testimony of our traffic engineer, which you may  
21 or may not have seen in the document towards the  
22 back. We did produce a map called figure one, it's  
23 way at the back of the report, where the exhibits  
24 are. And we used (ph) which is a geographic service,  
25 it has the best information that you can get on

1 demographics and specific characteristics of  
2 geographic areas.

3           And so what this figure shows in the  
4 shaded purple/pink color is what a five-minute walk  
5 distance from this site is. And you can see that it  
6 extends very far north into Kearny, very far south  
7 and east into Harrison and encompasses the majority  
8 of the borough. We have other mappings in here that  
9 talks about the characteristics of businesses and  
10 also on figure three we have highlighted in orange  
11 circles on the map and with a blue star for the  
12 subject site the location of all the bus stops that  
13 are in reasonable walking distance to the site and  
14 there is very extensive transit service.

15           The last map that is required by your  
16 ordinance and that is the thousand foot boundary for  
17 a certain selected site, schools, parks, that type of  
18 thing and we identified the ones that show within a  
19 thousand feet of the site. Also to be conservative  
20 we extended that thousand feet beyond the boundaries  
21 of East Newark so the board would fully understand  
22 the positions of those facilities.

23           On page of the five the report also to  
24 support Craig's testimony on the adequacy and  
25 sufficiency of the parking amounts again we have a

1 section call neighborhood characteristics and again  
2 we relied on the ESRAY statics with that five-minute  
3 walking distance that showed graphically on the map  
4 that I just directed your attention to, obviously we  
5 are only about 250 feet from the municipal building.  
6 So I have to believe if there's a problem occurring,  
7 we hear the concerns about traffic and circulation,  
8 if there's a problem occurring the municipality will  
9 certainly know about it because of the close  
10 proximity.

11                   Also the owner of the restaurant, which  
12 is the applicant in this case is right over the  
13 bridge, and he certainly will be monitoring the  
14 situation. But getting into specifics on the  
15 adequacy of the parking the ESRA data shows that  
16 within that five-minute walking distance there is a  
17 population of over 6,000 people, residents. Now that  
18 extends beyond the boundaries of East Newark, but I  
19 think five minutes is a very comfortable walking  
20 distance for most people, unless they have an  
21 infirmity or a condition that precludes them. So I  
22 think we were very conservative just going that five-  
23 minute distance and showing you that there's a  
24 population over 6,000 people that could theoretically  
25 walk to this site and it would not be a difficult

1 walk as there are sidewalks and you're very compact  
2 walkable set of three communities adjoining one  
3 another.

4           The ESRA data shows that there are  
5 within that five-minute walking distance 92  
6 businesses and the estimate is 573 employees within  
7 that 500 -- within those 92 businesses within the  
8 five-minute walk.

9           So I think it's also conceivable that  
10 some of these people on the break time or lunchtime  
11 may also walk to the dispensary and pick-up what is  
12 needed. So I think that supports the data that our  
13 traffic year collected on actual cannabis  
14 dispensaries.

15           Now, you have what also have what I'll  
16 call the socio-economic framework to give you  
17 characteristics of the population within the  
18 five-minute walk. So I think it's entirely possible  
19 that we may have a lot of people arrive on foot and  
20 that's why we made the estimate the way we did in the  
21 Neighborhood Compatibility Study and that estimate of  
22 on-foot included transit and walking. And that is  
23 also supported by b NJ TOD produces a state-wide  
24 household travel survey and they update that  
25 periodically. And what that shows is that what I'll



1 deviation of the variance, I would propose to you  
2 that it fits under the C criteria, C-1 and C-2. We  
3 have a physical limitation on the site where the  
4 building exists as it is. It is the square footage  
5 of what exists. We are not expanding that in any way  
6 and we have a limited paved area that we can work  
7 with to reconfigure the parking and our engineer has  
8 tried to configure it to increase the capacity as  
9 best we can. So those physical limitations do exist  
10 here.

11 In terms of C-2 the benefits outweigh  
12 the detriments. Clearly the applicant is looking to  
13 improve the appearance of this property and is  
14 willing to work with the borough to achieve those  
15 aesthetic goals and I think for that reason we are  
16 consistent and compactible with sub-section I of the  
17 MUL purposes of planning which calls for improved  
18 aesthetics and a visual environment. And so that  
19 concludes my planning testimony. I'm happy to answer  
20 any questions from the board or the public.

21 CHAIRMAN GRAHAM: Any questions.

22 MS. MERTZ: Just to clarify, the parking  
23 variance that she was referring to when we count the  
24 main floor and second floor it's 17 space  
25 requirement. I do think they need to seek that

1 variance, even though they said they're not using  
2 that. Mayor, as you pointed out, the bank, they're  
3 not changing, you said yourself, they're not changing  
4 this building except what you're putting inside. The  
5 bank has operated with the same parking situation.  
6 If there's a concern that the board is concerned  
7 potentially with expansion of the use that's  
8 currently just using the main floor for customers,  
9 you can put a restriction on the upper floor as a  
10 condition of approval only that be used for storage.  
11 But that's only if you do have a concern, again, it  
12 has to be testified a lot, they're not changing the  
13 building and it's basically the parking arrangement  
14 is the same, but they do need to seek the C variance.  
15 It's not the D variance, just the bulk variance.

16 CHAIRMAN GRAHAM: Okay, we'll open to  
17 the public. Any questions concerning this subject.  
18 Sir, come up.

19 MR. CUCCHIARA: These are questions for  
20 the planner.

21 MR. TORAN: Yes. Because I have for the  
22 parking spot.

23 MR. CUCCHIARA: You have an opportunity  
24 to say anything like later.

25 MR. TORAN: It us parking lot right now.

1 Because what happens the customer try smoking in his  
2 car, you know, what are you doing making? Traffic?  
3 You have a school here one block. The children every  
4 morning coming for the street. I don't know what to  
5 do.

6 MAYOR GRILO: If you can answer that  
7 customer.

8 MR. TORAN: Burger King, McDonald's.

9 MAYOR GRILO: They're not allowed.

10 MR. SICKORA: We lose our license if we  
11 allowed people to smoke in our parking lots, that's  
12 considered part of our premises. And the CRC  
13 strictly prohibits smoking and consumption of alcohol  
14 or anything on the premises.

15 MR. TORAN: Somebody? You put security  
16 outside in the parking lot tell somebody no smoking.

17 MR. SICKORA: Yeah. We would basically  
18 ask them to leave immediately. And if they didn't  
19 then we call local law enforcement to say they're  
20 trespassing on private parking when we asked them to  
21 leave. Most people we go out and say we need you to  
22 leave. Most people just leave. And we'll have signs  
23 outside, more signs, that say, no smoking on the  
24 premises is what I usually use.

25 MR. TORAN: What happens half block.

1                   MR. SICKORA: I can't help you with  
2 that. It could be happening now.

3                   MR. TORAN: One block and here every  
4 morning I go see my mom. My mom 80 years old. My  
5 daughter living here, my six children is on street,  
6 you know, nobody say nothing about.

7                   MR. SICKORA: I don't know what the  
8 issue is besides --

9                   MR. TORAN: I'm businessman. I'm  
10 company welding and you are in business. I know  
11 you're business.

12                   MR. SICKORA: I'm trying to understand  
13 what you're concern is with children walking on the  
14 sidewalk.

15                   MR. TORAN: Smoking, making a lot of  
16 traffic.

17                   MR. SICKORA: What's the concern?

18                   MR. TORAN: Nobody going to street or  
19 security tell the guys no using in the parking or  
20 moving it?

21                   MR. SICKORA: We'll take care of that.  
22 Yes, that doesn't happen.

23                   MR. TORAN: Thank you so much.

24                   CHAIRMAN GRAHAM: Make a motion to close  
25 the public part of the meeting.

1                   MR. CUCCHIARA: Now would be an  
2 opportunity to open to the public for any comment.

3                   CHAIRMAN GRAHAM: That I think we did  
4 that.

5                   MR. CUCCHIARA: That was questions.

6                   CHAIRMAN GRAHAM: Somebody like to a  
7 make a motion for comments concerning this.

8

9 MS. M. RODRIGUEZ, having been duly sworn by the  
10 Notary Public, testified as follows:

11                   MS. M. RODRIGUEZ: Same thing. Same  
12 thing with this guy just said. There's a school  
13 here. People going to be smoking in the parking lot.  
14 Kids are going to the school. I have tenants over  
15 there they every has asthma going to be smell. I  
16 have passed by these places and it's a huge smell. I  
17 have to close my car windows. And especially with  
18 the school next to here, kids right here. Traffic  
19 blocking. It's traffic blocking already coming from  
20 Kearny. You can imagine what this business here. I  
21 get it, you said we have to give it an opportunity  
22 for this, for business, but this kind of business  
23 it's going to be bumper to bumper, can be accidents  
24 here. People are you going to come all over the  
25 place to buy this product here.

1                   MAYOR GRILO: I think -- Mr. Sickora.

2                   MR. SICKORA: You may want to clarify  
3 this. This is not a lounge. We are not allowing --

4                   MR. M. RODRIGUEZ: I think this will  
5 be --

6                   MAYOR GRILO: No, it's not permitted by  
7 our ordinance. Pick-up and go.

8                   MR. SICKORA: We pickup an go.

9                   MS. M. RODRIGUEZ: Well, you are not  
10 going to be there all the time. I pass here every  
11 day, I pass here every day and the traffic it's  
12 already horrible, people double-parking it's no  
13 parking and plus this people come from Jersey City  
14 going to come from Newark, come every where, how this  
15 going to be here?

16                   MS. GUIMARAES: I can comment really  
17 quick. So I understand where you're coming from  
18 because especially if there's no time limit given as  
19 you suggested, then what's to stop someone. Let's  
20 say, I'll use myself, I go, I park, I go inside where  
21 I buy an eighth, is there someone in the parking lot  
22 to monitor people in and out, who's going to stop me  
23 from just rolling up right in the car. And I'm just  
24 commenting.

25                   MS. M. RODRIGUEZ: Exactly. Who's going

1 to be there?

2 MS. GUIMARAES: Let me finish. So now  
3 I'll start rolling whatever, I'm throwing stuff out  
4 of the window and then I might not sit there and  
5 smoke the especially right down the street from the  
6 police department, but that smell would still be in  
7 the area, you know what I'm saying. It's things and  
8 you just walk through a parking lot, I have seen  
9 before where it's just like -- you just walk through  
10 a parking lot of a dispensary you do see a lot of  
11 litter on the floor. So I understand your concern  
12 and I hear you.

13 MS. M. RODRIGUEZ: Yes, and it's  
14 especially the school right here it's like --

15 MS. GUIMARAES: Children walk around a  
16 lot.

17 MS. M. RODRIGUEZ: This permit, I don't  
18 know how the town even issue this permit because it  
19 was in North Arlington they applied for this  
20 business. They did not accept it. They did not  
21 accept this kind of business in the town. This is so  
22 small town in here and how can this be? And then am  
23 I going to be accident here with this kind of  
24 traffic, bumper to bumper, hitting kids in the  
25 school. This is ridiculous. Thank you so much.

1                   MAYOR GRILO: Thank you.

2                   MR. CUCCHIARA: Does the applicant have  
3 any response?

4                   MR. WILLIAMS: My response is this  
5 borough made a decision to pass an ordinance after  
6 the citizens of New Jersey made a decision to make  
7 cannabis legal and many of those questions are  
8 answered by that. And you can take everything that  
9 was speculated to here and supplant liquor store or  
10 bar for cannabis business. You don't disallow a  
11 liquor store because, well, they could serve underage  
12 or somebody could drink on the public. Within the  
13 confines of our premises, both outside and inside, we  
14 are strictly regulated. I've done ABC licensing for  
15 30 years. New Jersey it's the most highly regulated  
16 state in the nation, hands down. There are some  
17 close. Nobody is more, right.

18                   I look at the regulations of the CRC.  
19 They are by a factor of three, probably five times,  
20 more onerous and intense than the ABC regulations.

21                   So you and the public have abundant, I  
22 would argue excessive, if we look at it rationally,  
23 but forget about that, restrictions, regulations, a  
24 camera recording 24 -- the CRC can turn on a camera  
25 look at your store. Tell me what other business has

1 that. You're jewelry stores, that's where the  
2 security issues are, that's what they're knocking  
3 off. How about your pharmacies with opioids and  
4 stuff. We don't do that. This is how we decided to  
5 deal with cannabis. You and the public have abundant  
6 protections and we will be responsible for those. We  
7 are not responsible for what goes on in the public  
8 and I don't know that we're going to control what is  
9 goes on in the public.

10                   However, if there's a question about the  
11 public space in East Newark, I don't know if you have  
12 an ordinance about public consumption of cannabis  
13 ordinance or not. Some municipalities have  
14 ordinances that address that and otherwise I'll also  
15 add that when you're thinking about that I'm not sure  
16 how it fits in there as far as overlay, but it does  
17 also tract that Smoke Free Air Act. You have the  
18 Smoke Free Air Act bans smoking and vaping in any  
19 public places and cannabis falls under the same  
20 restrictions. So I think you cover a lot of the  
21 territory. At this point these comments have to do  
22 with enforcement. It's not our obligation and  
23 they're speculative. You want to see if there's  
24 other questions?

25                   CHAIRMAN GRAHAM: Anybody else want to

1 make a comment?

2 MS. GUIMARAES: This is just a  
3 suggestion, what if like the police officer that are  
4 patrolling during the hours of operation just make  
5 sure to just, you know, I'm going to go down Sherman  
6 I feel if there's customer, see a police presence  
7 they will be less likely to do that in the parking  
8 lot to smoke down the street. You know, they would  
9 see officers and they would be like, oh, we just  
10 should get out.

11 MAYOR GRILO: There's direct patrol.

12 MR. EREZUMA: There's direct patrol.

13 MAYOR GRILO: They're going to be  
14 monitoring to have security, that will be a  
15 condition, right. They're going -- and they'll  
16 maintain their property and do it and the minute they  
17 don't you'll be getting fined to be honest with you.  
18 But, listen, they're smoking pot. My neighbors are  
19 now smoking pot in their backyard. We can't control  
20 that, unfortunately. But we can control it here  
21 because we don't allow it.

22 MS. GUIMARAES: More concerned with  
23 during the day while the children are out.

24 MAYOR GRILO: The kids go to school at  
25 8:00 and then they're there all day until three,

1 right. This doesn't open until nine. You're the  
2 crossing guard. It opens at nine. It's no different  
3 than -- like I shouldn't say any different, I  
4 understand the concerns. I hear it. But we have  
5 enforcement, is really what it comes down to. At the  
6 end of the day -- just like everything, he parked  
7 over the crosswalk, it's enforcement and our officers  
8 have to do it and they will bring in security.

9 MS. MERTZ: This site has a huge  
10 benefits as being incredibly visible to the public.  
11 I worked on a, as a board planner, a lot of  
12 applications for cannabis facilities in the parking  
13 lot at the back of a building and no one can see.

14 MR. CUCCHIARA: Please.

15 MR. REDONA: I don't speak English.

16 MR. CUCCHIARA: Sir, you just can't just  
17 interrupt. You can speak. Let me speak for the  
18 Chair for a second. Let me speak. If you want to  
19 come up.

20 MS. M. RODRIGUEZ: I live right across.

21 MR. CUCCHIARA: Does he want to speak?

22 MS. M. RODRIGUEZ: He doesn't really  
23 speak English. He says this is an unbelieve and he  
24 lives right across the street.

25 MR. CUCCHIARA: You can't do it this

1 way. We can't do it this way. You have to go to the  
2 microphone. Can you interpret for him?

3

4 ANGEL REDONA, having been duly sworn by the Notary  
5 Public, THROUGH MARIA RODRIGUEZ AS SPANISH  
6 TRANSLATOR, testified as follows:

7 (Following is translated from Angel  
8 Redona through Ms. Rodriguez)

9 He said his son died with this kind of  
10 drugs overdose, overdose. And he does not want this  
11 in his house. He lives right across the street. He  
12 doesn't want this in front of his house because his  
13 son, from this kind of drugs, overdose. Right. And  
14 this is embarrassing, he said. And this embarrassing  
15 for the town to put this kind of business in here.  
16 Other big town they did not issue this and why small  
17 town. That's what he says. Same thing. He said he  
18 has two little kids. He has two little grandkids  
19 over there going to school over here and he does not  
20 want this next to kids. The kids smoking drugs and  
21 this. And that even this town, because this kind of  
22 business over here that's what he said. And he says  
23 when this becomes famous, the drugs in this town, he  
24 says the town not even going to be worth anything.  
25 No one wants to come live in this town.

1                   And for myself also I have property run  
2 here. Am I going to have problem to rent my  
3 properties in this town because this kind of  
4 businessman. He says this same thing, he live right  
5 here across the street. Like I said, with other  
6 bigger towns they did not issue this permit. And why  
7 this small town have to issue this -- he is saying if  
8 you guys are going to, like, right next door from  
9 your house you have an office or a business selling  
10 drugs right next to your house, if you would like  
11 that. Because he lives right here. He has two  
12 little grandkids and he's not going to like this kind  
13 of business over here.

14                   And it's true, people are going to come  
15 all over and they going to be smoking that parking  
16 lot, that's not what they're saying, they're going to  
17 have security. This going to have this is all  
18 bullshit. They just want to issue the business. And  
19 the residents the ones that are going to suffer. The  
20 town itself is going to have problems because going  
21 to be problem, a lot of accidents. And who knows,  
22 can be lawsuits because this kind of business. He's  
23 done.

24                   MAYOR GRILO: Thank you.

25                   CHAIRMAN GRAHAM: Yes, come up. You're

1 already sworn in.

2 MR. S. RODRIGUEZ: My comments there's  
3 been several studies, I have studies here about, you  
4 know, dispensaries in town causing an increase in  
5 crime rate throughout those towns. There's studies  
6 performed by the College of Criminal Justice here.  
7 And its says, that there's street segments directly  
8 adjacent to the dispensaries cause increase 17  
9 percent of crimes related -- crimes related to drugs  
10 as well as another 28 percent disorderly conduct  
11 related to crime, that, you know, being right next to  
12 our elementary K through eight, you know, that can  
13 easily have an adverse effect or negative effect  
14 towards kids in the area, as well as communities.  
15 East Newark is a very tight knit community, very  
16 small community having that type of negative effect  
17 on this community. A 17 percent increase in crime  
18 could easily cause an impact especially for the kids,  
19 for the playground right there a block away from the  
20 dispensary. The school is right -- a block away from  
21 the dispensary. There's a lot of kids circulating  
22 around. Naturally people are going to be loitering  
23 around after the purchase of their products so kids  
24 are going to be seeing this type of stuff, they're  
25 going to be curious, that can possibly lead them down

1 the wrong path at such a young age. A lot of adverse  
2 effects of having a dispensary in such a type of  
3 small community like this.

4 CHAIRMAN GRAHAM: Thank you sir.

5 MR. REIS: Thank you.

6 CHAIRMAN GRAHAM: Any more comments?

7 Make a motion to close the public portion of our  
8 meeting. Someone make a motion.

9 MR. EREZUMA: I'll make a motion.

10 MR. REIS: Second.

11 MS. GAINES: All in favor.

12 (Whereupon, unanimous ayes are recited.)

13 MS. GAINES: Anyone opposed?

14 MS. GUIMARAES: Yes.

15 CHAIRMAN GRAHAM: You're opposed to  
16 closing the meeting of the public portion?

17 MS. GUIMARAES: Closing.

18 MS. GAINES: Motion carried.

19 CHAIRMAN GRAHAM: Any further comments,  
20 sir.

21 MR. WILLIAMS: No further testimony,  
22 questions for me. If not we would indicate that --

23 MR. CUCCHIARA: Anyone?

24 MS. MERTZ: They keep joking about the  
25 signs. But everything they were talking about if you

1 choose this signs about parking, about where the  
2 drive through is, those are qualified as directional  
3 signs and would not trigger any more variances. We  
4 still have jurisdiction.

5 CHAIRMAN GRAHAM: Come to our conclusion  
6 here.

7 MR. WILLIAMS: Based upon the  
8 documentation initially submitted, subsequently  
9 submitted, submitted tonight and the testimony this  
10 evening the applicant has satisfied the requirements  
11 of the conditional use, for conditional use approval  
12 in the borough ordinance 33-12A supplemental use  
13 regulation. If the bulk variance is required for the  
14 parking -- did we decide that it is?

15 MR. CUCCHIARA: It is.

16 MR. WILLIAMS: The testimony of the  
17 planner and the parking expert also on the cue  
18 analysis satisfies the conditions for the reasons  
19 stated by Ms. Holmqvist. I think that's it as far as  
20 relief. Everything else was addressed and formal, it  
21 requires a vote I think and I think it was  
22 encompassed in the testimony back and forth.

23 MR. CUCCHIARA: The only thing that I  
24 have, Mr. Chairman, reviewing my notes and I would  
25 certainly welcome the assistance of Mr. Costanian or

1 Ms. Mertz and certainly you, Mr. Williams, it appears  
2 as though if the board is inclined to approve this  
3 application as a conditional use there appears to be  
4 stipulations that not only in connection with the  
5 conditions required for the conditional use to be  
6 satisfied, but also primarily with a number of  
7 matters that we've already discussed. And I'm just  
8 going to go through them quickly.

9                   Obviously the ordinance requires  
10 approval from the Cannabis Regulatory Commission, the  
11 CRC, that's a matter of course as noted by Mr.  
12 Williams that they cannot provide that approval now.  
13 But the applicant, if the application, if approved,  
14 would be subject to the submission of that approval  
15 and anything related to it to the borough.

16                   With regard to the signage that Ms.  
17 Mertz just touched on. There will be no protruding  
18 sign? There will be one facade sign. Is that  
19 correct?

20                   MS. MERTZ: Yes.

21                   MR. CUCCHIARA: And I'm trying to do it  
22 fast. The parking spaces in the parking lot would  
23 be, it was modified to eight by 19 with the exception  
24 of one space, which I suggest would -- might be able  
25 to reach eight feet in width, the 11th space as we

1 referred to it, where the guardrail would be removed.  
2 But if not, then, of course, a variance would be  
3 required for that. But, of course, the other spaces  
4 would be conforming.

5                   There would be no parking for employees  
6 in the parking lot. That one space I referred to  
7 just now, which may be seven by 19, would be -- seven  
8 by 19 or seven by 18?

9                   MR. ZULUAGA: Seven by 22.

10                   MR. CUCCHIARA: Seven by 22, thank you  
11 for the correction. That would be a back-in space  
12 and, of course there were signage to that effect.

13                   With regard to the poles referred to by  
14 Mr. Costanian and also by the applicant they all be  
15 removed with the exception of one by the exit which  
16 will serve the purpose of the mirror on the post.

17                   The guardrail will be removed from the  
18 western side of the property. Is that correct?

19                   MR. ZULUAGA: As well as the southern.

20                   MR. CUCCHIARA: And southern. Western  
21 and southern, okay. And curb stops would be  
22 installed in the parking lot because of the removal  
23 of the guardrails in particular.

24                   At least for the first week of the  
25 operation of the business off-duty police officers

1 would be hired. My suggestion, and Mr. Chair, I  
2 would strongly recommend that whatever off-duty  
3 police officers utilized would be subject to the  
4 approval and/or recommendation of the police  
5 department of the borough.

6 I think that's all I had.

7 MS. MERTZ: They'll work with our office  
8 to replace the dead trees.

9 MR. CUCCHIARA: That's right. To  
10 replace -- the applicant will submit a proposal to  
11 the board planner to remove the dead trees and  
12 replace them with suitable shrubbery, again, which  
13 would be subject to their approval.

14 MS. MERTZ: We had talked about a fence  
15 along the southern line, but if your office was okay  
16 with the parking stops instead, the point was so the  
17 cars don't traverse into sidewalk that's fine.

18 MR. COSTANIAN: That's fine.

19 MR. CUCCHIARA: Did you have any others  
20 Mr. Williams?

21 MR. WILLIAMS: Landscaping? There was a  
22 landscaping pack, too, does that go along with the  
23 shrubbery?

24 MS. MERTZ: All combined.

25 MR. CUCCHIARA: So, Mr. Chair.

1 CHAIRMAN GRAHAM: It's time to vote.

2 MR. CUCCHIARA: If there is a motion to  
3 approve then it would be subject to those  
4 stipulations, which would also include in the motion  
5 to approve a bulk variance for the number of parking  
6 spaces which is less -- it is not conforming with the  
7 required number 17. Eleven will be provided.

8 CHAIRMAN GRAHAM: I'd like someone to  
9 entertain a motion for case 2023-402 the Ervana  
10 Dispensary. Would anybody make a motion.

11 MR. REIS: Make a motion to approve as  
12 the conditions outlined by our attorney.

13 CHAIRMAN GRAHAM: Do I have a second?

14 MR. EREZUMA: I'll second that.

15 MS. GAINES: Councilman Reis.

16 MR. REIS: Aye.

17 MS. GAINES: Board member Erezuma.

18 MR. EREZUMA: Aye.

19 MS. GAINES: Board member Graham.

20 CHAIRMAN GRAHAM: Aye.

21 MS. GAINES: Board member Guimaraes.

22 MS. GUIMARAES: Nay.

23 MS. GAINES: Mayor Grilo.

24 MAYOR GRILO: Aye.

25 MS. GAINES: Vote is four to one.

1 Motion carried.

2 MR. REIS: Thank you.

3 CHAIRMAN GRAHAM: Motion to adjourn the  
4 meeting.

5 MAYOR GRILO: Motion.

6 MR. REIS: Second.

7 MS. GAINES: All in favor.

8 (Whereupon, there are unanimous ayes  
9 recited.)

10 (Whereupon, proceedings conclude 10:27)

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CERTIFICATE

1  
2  
3 I, SUZANNE M. CARR-MCGUIRE, a Certified  
4 Court Reporter and Notary Public of the State of New  
5 Jersey, do hereby certify that the foregoing is a  
6 true and accurate transcript of the testimony as  
7 taken stenographically by and before me at the time,  
8 place and on the date hereinbefore set forth.

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

15  
16 \_\_\_\_\_  
Notary Public of the State of New Jersey

17 My Commission expires July 24, 2024

18 CCR License Number 30XI00148300  
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<b>\$</b>	<b>2</b>	114:2, 131:15 <b>30XI00148300</b> [1] - 145:18 <b>33</b> [1] - 96:4 <b>33-12</b> [2] - 12:25, 14:25 <b>33-12A</b> [4] - 13:11, 13:19, 62:18, 139:12 <b>35</b> [2] - 56:13, 56:14	<b>9</b>	<b>accidents</b> [2] - 128:23, 136:21 <b>accommodate</b> [1] - 91:23 <b>accordance</b> [1] - 4:11 <b>according</b> [2] - 5:3, 116:6 <b>account</b> [2] - 61:13, 61:18 <b>accurate</b> [2] - 22:24, 145:6 <b>achieve</b> [1] - 124:14 <b>ACM</b> [1] - 23:16 <b>acquist</b> [1] - 9:23 <b>acronym</b> [1] - 19:8 <b>Act</b> [3] - 62:7, 132:17, 132:18 <b>acting</b> [1] - 6:8 <b>action</b> [3] - 45:7, 145:11, 145:14 <b>activity</b> [2] - 35:2, 75:16 <b>actual</b> [2] - 36:12, 122:13 <b>acumen</b> [1] - 41:20 <b>ADA</b> [3] - 75:21, 75:25, 90:23 <b>add</b> [4] - 17:1, 91:13, 97:1, 132:15 <b>Additional</b> [1] - 87:6 <b>additional</b> [4] - 13:20, 74:20, 106:7, 107:6 <b>address</b> [18] - 13:6, 13:17, 13:23, 14:6, 14:20, 39:12, 39:13, 66:9, 66:14, 73:2, 73:5, 73:10, 73:19, 82:13, 92:3, 118:10, 123:9, 132:14 <b>addressed</b> [5] - 14:12, 73:25, 81:10, 91:14, 139:20 <b>addressing</b> [2] - 38:19, 39:7 <b>adequacy</b> [2] - 120:24, 121:15 <b>Adequate</b> [1] - 4:8 <b>adequate</b> [8] - 75:6, 75:10, 75:25, 79:21, 80:14, 80:17, 90:1, 90:23 <b>adjacent</b> [1] - 137:8 <b>adjoining</b> [1] - 122:2 <b>adjourn</b> [2] - 93:10, 144:3 <b>adjourned</b> [1] - 10:21 <b>adjust</b> [2] - 78:8, 115:5 <b>adjustments</b> [1] - 115:3	
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