

CITY OF HOBOKEN
PLANNING BOARD
HOZ-19-8

- - - - - X
95 HUDSON STREET : July 14, 2020
Block 223, Lot 7.01, Zone C-1 : SPECIAL MEETING
Applicant: SBRE Realty Management : 7:40 p.m.
Commercial space on first floor for :
a state-approved medical cannabis :
dispensary :
- - - - - X

MEETING CONDUCTED VIA ZOOM

B E F O R E:

- Chairman Frank Magaletta
- Vice Chair Lea Cloud
- Commissioner Dini Ajmani
- Commissioner Gregory Francese
- Commissioner James Doyle
- Commissioner Anne Lockwood
- Commissioner Kelly O'Connor
- Commissioner Thomas Jacobson (1st Alternate)
- Commissioner Joan Allman (2nd Alternate)

A L S O P R E S E N T:

NISHUANE GROUP
By: George Wheatle Williams,
Board Planner

BOSWELL ENGINEERING
By: Christopher Nash,
Board Engineer

Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS
CERTIFIED SHORTHAND REPORTER
CERTIFIED REALTIME REPORTER
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10 BY: WILLIAM SULLIVAN, ESQ.
11 Attorneys for the Applicant.

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WITNESS

PAGE

Charles Heydt

17 & 57

Elizabeth Dolan

44

Shaya Brochandel

73

1 CHAIRMAN MAGALETTA: Pat, let me know
2 when you're ready.

3 MS. CARCONE: Ready, Phyllis?

4 THE REPORTER: Yes.

5 MS. CARCONE: Okay. Mr. Sullivan, who
6 are the people that you have? You have Mr. Heydt?

7 MR. SULLIVAN: Yes. That is what I was
8 looking on the -- on the grid here to see that I
9 have everybody.

10 I see Mr. Nastasi.

11 MR. NASTASI: I'm here.

12 MR. SULLIVAN: Dan McKillop is with my
13 office. Mr. Heydt is here. Shaya, my client, is
14 here.

15 THE REPORTER: How do you spell that
16 name?

17 MR. SULLIVAN: Yes. Shaya, S-h-a-y-a,
18 last name, B-r-o-d-c-h-a-n-d-e-l.

19 THE REPORTER: And who was from your
20 office?

21 MR. SULLIVAN: Dan Mc Killop. He's an
22 attorney in my office. He's observing.

23 THE REPORTER: How do you spell that,
24 Mc Killop?

25 MR. SULLIVAN: M-c capital K-i-l-l-o-p.

1 I see Gretta Hanson is here as part of
2 our team, who will not be testifying.

3 Betsy Dolan is here. You all know
4 Betsy, and I think that is everybody.

5 MS. CARCONE: Okay. Betsy and Gretta
6 are both here. Okay.

7 MR. SULLIVAN: Right.

8 MS. CARCONE: Okay.

9 MR. SULLIVAN: Okay. So I have --

10 MS. CARCONE: Let me just announce that
11 anyone that is not speaking, mute themselves.

12 CHAIRMAN MAGALETTA: All right. Pat,
13 do we have enough Commissioners?

14 We do, right?

15 MS. CARCONE: We do.

16 We have one, two, three --

17 CHAIRMAN MAGALETTA: Three, four, five,
18 six, seven, eight, nine. All right. We got nine.

19 MS. CARCONE: -- four, five, six,
20 seven, eight.

21 Yes. Atif told me he was not coming,
22 so --

23 CHAIRMAN MAGALETTA: Okay. Why don't
24 we get started then? We're good to good.

25 MS. CARCONE: -- I think we have --

1 CHAIRMAN MAGALETTA: We have enough.

2 MS. CARCONE: -- I think we have
3 everyone.

4 CHAIRMAN MAGALETTA: Yeah, we do.
5 All right. Let's just start the
6 meeting.

7 Please be advised that notice of this
8 meeting has been provided to the public in
9 accordance with the provisions of the Open Public
10 Meetings Act, and that notice was published in The
11 Jersey Journal and city's website. Copies were also
12 provided in The Star-Ledger, The Record, and also
13 placed on the bulletin board in the lobby of City
14 Hall.

15 Please call the roll.

16 MS. CARCONE: Commissioner Ajmani?
17 Dini --

18 CHAIRMAN MAGALETTA: Dini, unmute
19 yourself.

20 MS. CARCONE: -- oh, unmuted? No.
21 Dini, it looks like she is just
22 connecting.

23 CHAIRMAN MAGALETTA: All right.

24 MS. CARCONE: I will go around to
25 everybody else and I'll come back to Dini.

1 Commissioner Francese?

2 COMMISSIONER FRANCESE: Here.

3 MS. CARCONE: Commissioner Doyle?

4 Commissioner Doyle? Jim?

5 CHAIRMAN MAGALETTA: Just let me --

6 keep going. He's muted.

7 MS. CARCONE: Jim Doyle, you are muted.

8 Are you here, Jim Doyle?

9 CHAIRMAN MAGALETTA: You have a bad

10 connection I think.

11 COMMISSIONER DOYLE: Present.

12 MS. CARCONE: Oh. We didn't hear you.

13 CHAIRMAN MAGALETTA: That time we heard

14 you, yeah.

15 MS. CARCONE: Okay. Sorry.

16 Commissioner Cloud?

17 VICE CHAIR CLOUD: Here.

18 MS. CARCONE: Commissioner Lockwood?

19 COMMISSIONER LOCKWOOD: Here.

20 MS. CARCONE: Commissioner O'Connor?

21 COMMISSIONER O'CONNOR: Here.

22 MS. CARCONE: Commissioner Qadir is

23 absent.

24 Commissioner Jacobson?

25 COMMISSIONER JACOBSON: Here.

1 MS. CARCONE: Commissioner Allman?

2 COMMISSIONER ALLMAN: Here.

3 MS. CARCONE: Chairman Magaletta?

4 CHAIRMAN MAGALETTA: Here.

5 MS. CARCONE: Commissioner Ajmani?

6 All right.

7 CHAIRMAN MAGALETTA: Does somebody have
8 her phone and can they call her?

9 THE REPORTER: Is she there?

10 MS. CARCONE: Dini is trying to --

11 CHAIRMAN MAGALETTA: She is connecting.
12 She needs to call in on a separate phone line. It
13 happened last time. I want to wait until she is in
14 before we start.

15 COMMISSIONER DOYLE: Mr. Chairman, can
16 you hear me --

17 CHAIRMAN MAGALETTA: Yes, now we can.
18 It is a little --

19 COMMISSIONER DOYLE: Commissioner --
20 Chairman?

21 CHAIRMAN MAGALETTA: Now, we can. Yes,
22 I can. It's a little broken up, but I can hear you.

23 MS. CARCONE: Pat, are you giving Dini
24 a call?

25 MS. CARCONE: I am trying to text her.

1 CHAIRMAN MAGALETTA: Okay. Yes, that's
2 what I mean, just contact her.

3 MS. CARCONE: Yes. She said she is
4 having problems dialing in.

5 CHAIRMAN MAGALETTA: Okay. Give her
6 another minute. Yes, just give her another minute.

7 COMMISSIONER JACOBSON: Pat, this is
8 Tom.

9 MS. CARCONE: Yes.

10 COMMISSIONER JACOBSON: Just for the
11 record, I did read the transcript from the previous
12 review of the application.

13 MS. CARCONE: Oh, thank you, Tom.

14 CHAIRMAN MAGALETTA: Yeah. I was going
15 to ask everybody as soon as Dini connected, but
16 thanks for that, Tom.

17 Now, as far as signing certifications,
18 Scott, do they also have to sign a certificate, or
19 is a verbal here sufficient?

20 MR. CARLSON: I'll tell you what. Mr.
21 Jacobson, do you hereby certify that you read it?

22 COMMISSIONER JACOBSON: Yes, I do.

23 MR. CARLSON: All right.

24 MS. CARCONE: Joan Allman --

25 COMMISSIONER ALLMAN: And I read it as

1 well. This is Joan Allman.

2 CHAIRMAN MAGALETTA: Scott?

3 MR. CARLSON: Ms. Allman, under penalty
4 of perjury, do you certify that you read the
5 transcript?

6 COMMISSIONER ALLMAN: Yes, I did.

7 MR. CARLSON: We will proceed and we'll
8 just get -- we'll just collect the signed --

9 CHAIRMAN MAGALETTA: Wait, wait, wait.

10 Ms. Lockwood also has to --

11 COMMISSIONER LOCKWOOD: Yes.

12 MR. CARLSON: Yes, we'll get there.

13 I just wanted to say that we should
14 still collect the signed ones for the record, but we
15 can proceed.

16 CHAIRMAN MAGALETTA: Okay.

17 MS. CARCONE: Okay. I will send those
18 out. It's just getting statements signed is tough
19 right now.

20 MR. CARLSON: We can do that after the
21 fact.

22 Ms. Lockwood, do you certify under
23 penalty of perjury that you read the transcript?

24 COMMISSIONER LOCKWOOD: Yes, I do.

25 CHAIRMAN MAGALETTA: And how about

1 Greg? Were you -- you weren't on the Board at the
2 time, were you?

3 COMMISSIONER FRANCESE: I was.

4 MS. CARCONE: He was. He was there.

5 CHAIRMAN MAGALETTA: Okay. I don't
6 remember --

7 MS. CARCONE: Yes. It is just Dini
8 that is the other person that we have to --

9 COMMISSIONER AJMANI: Yeah. I was not
10 on the Board when I read the transcript.

11 CHAIRMAN MAGALETTA: Okay. Scott,
12 there we go. Wonderful. She's on.

13 MR. CARLSON: All right. Commissioner
14 Ajmani, do you certify under penalty of perjury that
15 you read this transcript?

16 COMMISSIONER AJMANI: I do.

17 MR. CARLSON: Wonderful.

18 CHAIRMAN MAGALETTA: Okay. Okay.
19 Good. The gang is all here.

20 All right. So the first and only item
21 of business today is the continued hearing of 95
22 Hudson Street. The file is HOP-19-8.

23 Appearance, please.

24 MR. SULLIVAN: William Sullivan,
25 Scarinci & Hollenbeck, on behalf of the applicant.

1 CHAIRMAN MAGALETTA: Thank you.

2 All right. Scott, go ahead.

3 COMMISSIONER DOYLE: No. This is
4 Councilman Jim Doyle.

5 CHAIRMAN MAGALETTA: Go ahead.

6 Is there a dial-in number that I can be
7 provided at this moment, so that -- because I feel
8 that the audio is going in and out where as, yeah,
9 the video is fine.

10 CHAIRMAN MAGALETTA: Yeah. Can you see
11 the screen?

12 Look at the screen. There is a 929
13 number.

14 COMMISSIONER DOYLE: Well, on my screen
15 I've got pictures, but I guess --

16 MR. CARLSON: Councilman, Councilman,
17 if you have copy of the agenda, there are a couple
18 of numbers provided there.

19 MS. CARCONE: You don't see that screen
20 right now?

21 COMMISSIONER DOYLE: I see a lot of the
22 screen, so --

23 CHAIRMAN MAGALETTA: Here is the phone
24 number -- look, here is the phone number to call in.
25 It's area code 1 -- I'm sorry -- 1-929-205-6099.

1 Then when you get there, the Meeting ID
2 Number is 92406449155 and then you hit pound.

3 Now, then it will ask you for an ID
4 number, like another number, so that you can link up
5 your audio with your video. I don't know if that's
6 going to -- I don't know what that number is, so I
7 can't tell you what that number is.

8 COMMISSIONER DOYLE: All right.
9 Well --

10 CHAIRMAN MAGALETTA: When you log on
11 the first time, it will have it. But I think there
12 is a way for Pat to link you up. I think that has
13 happened before. If not, you just have to bear with
14 it. Okay.

15 COMMISSIONER DOYLE: I will -- I
16 will -- I will continue as we are going, and if it
17 starts getting bad, I will try. I will not attempt
18 to do that at this point.

19 CHAIRMAN MAGALETTA: Okay. All right.
20 Thank you.

21 All right. Mr. Sullivan, I assure you,
22 we will get to you at some point tonight.

23 All right. So you are on. Go ahead.

24 Why don't you bring us up to date and
25 we can take it from there? Go ahead.

1 MR. SULLIVAN: Thank you, Mr. Chairman.

2 And we are all getting used to this, so
3 we all have to have patience.

4 This, as you know, is an application
5 for a conditional use approval for a medical
6 cannabis dispensary at 93 to 95 Hudson Street, Block
7 223, Lot 7.01 in the C-1 Zone.

8 As you know, and I know we have some
9 new members of the Board, and I really appreciate
10 their looking at the transcript and being ready to
11 go as we opened our case and presented most of our
12 testimony at the November 7th, 2019 hearing.

13 At that hearing an issue arose about
14 whether this type of use could be properly
15 characterized as a conditional use under the
16 ordinance that was in effect at that time, so we
17 agreed to adjourn the hearing until the ordinance
18 could be amended.

19 So while the Council considered the new
20 ordinance, the Board adjourned the hearing every
21 month since. We agreed to waive the automatic
22 approval deadline, and the Board agreed that no
23 further notice was required.

24 However, I will point out that in an
25 abundance of caution, we did do a new notice for

1 this hearing.

2 CHAIRMAN MAGALETTA: Okay.

3 MR. SULLIVAN: On June 17th, the
4 Council adopted a new ordinance, B-267, which is a
5 medical cannabis zoning and licensing and taxation
6 ordinance. That ordinance became effective
7 yesterday, and that ordinance makes clear that
8 medical cannabis dispensaries are conditional uses
9 in the C-1 Zone.

10 So therefore, we are here tonight to
11 complete our testimony in support of the conditional
12 use application. As you can see from the
13 transcript, we put on testimony of our applicant,
14 our architect, Mr. Nastasi, and the traffic expert.

15 We have all of those witnesses
16 available this evening in the event that someone has
17 a question for them. However, I do not have any
18 affirmative testimony for them to provide at this
19 time.

20 We have one last witness, who is
21 Charles Heydt, our professional planner, who will
22 explain how we satisfy the conditions that we must
23 satisfy under the ordinance to obtain conditional
24 use approval, so that's where we are --

25 CHAIRMAN MAGALETTA: Okay. Before

1 you -- okay. That is fine.

2 I think before you do that, I think
3 there was a parking requirement that has been added,
4 so I think you have to address that.

5 You know, as far as the other
6 conditions, I think your testimony may have been
7 sufficient, but I am not going to make that
8 determination right now. But I think the parking
9 issue, I think you need to address that. Everything
10 else I think has been, again, from my recollection
11 and my review of the transcript, so I think there
12 are two questions you got to answer about that, but
13 I will leave it to you.

14 MR. SULLIVAN: I agree.

15 We can address the parking through Mr.
16 Heydt, and he will wrap up some difficult planning
17 testimony, and he will wrap up and summarize the
18 testimony of others and offer his opinion that it
19 meets the conditional use criteria.

20 CHAIRMAN MAGALETTA: Oh, he will do
21 that. Okay.

22 MR. SULLIVAN: He will, yes.

23 (Laughter)

24 CHAIRMAN MAGALETTA: Okay. Go ahead,
25 please. Yeah.

1 MR. SULLIVAN: So I would like to call
2 as my first witness, Charles Heydt.

3 CHAIRMAN MAGALETTA: Okay.

4 MR. SULLIVAN: Charles, you can unmute
5 yourself.

6 MR. HEYDT: Can everybody hear me?

7 CHAIRMAN MAGALETTA: Yes.

8 MS. CARCONE: Do you want to share your
9 screen or do you want to --

10 MR. HEYDT: Yes. I was preparing to
11 share my screen. I probably can get sworn in.

12 MR. CARLSON: Mr. Heydt, since you were
13 sworn something along the lines of seven months ago,
14 I think I will swear you in and qualify you again,
15 if you don't mind.

16 Do you solemnly swear the testimony
17 you're about to give is the truth, the whole truth,
18 and nothing but the truth?

19 MR. HEYDT: I do.

20 C H A R L E S H E Y D T, having been duly sworn,
21 testified as follows:

22 MR. CARLSON: Would you update the
23 Board on your qualifications and experience, please?

24 THE WITNESS: Yes.

25 Hi, good evening, Board Members.

1 I am a licensed professional planner in
2 the State of New Jersey. I have a masters in City
3 and Regional Planning.

4 Since November, I have added, what is
5 it, six or seven more months of active planning.

6 I was also able to renew my license in
7 May, so that is in good standing.

8 And I have been involved with this
9 application since its prior hearing and have
10 monitored and reviewed the new ordinance, as well as
11 all of the application materials that were
12 submitted.

13 MR. CARLSON: If I may, Mr. Heydt, all
14 of the testimony you gave concerning your
15 qualifications during your initial appearance, that
16 all remains true?

17 THE WITNESS: Yes.

18 MR. CARLSON: Okay.

19 THE WITNESS: Yeah. Nothing has
20 changed.

21 CHAIRMAN MAGALETTA: Okay. You are
22 accepted.

23 Thank you, Mr. Heydt.

24 Continue, Mr. Sullivan.

25 MR. SULLIVAN: Mr. Heydt, you prepared

1 the neighborhood impact report that was submitted to
2 the Board as a part of this application, correct?

3 THE WITNESS: Yes, I did.

4 MR. SULLIVAN: And so if you wouldn't
5 mind using that report and subsequent investigation
6 and having heard the testimony of the other
7 witnesses, can you provide the Board with your
8 opinion regarding the conditions that must be met
9 under the ordinance for this conditional use and
10 whether this application satisfies those conditions?

11 THE WITNESS: Okay.

12 So I am going to -- there are really
13 two things I wanted to cover today. One is to
14 present this neighborhood impact report, which
15 substantively hasn't changed since its initial
16 application, and that is because really the plans
17 have not changed since the initial application
18 testimony.

19 What has changed is the ordinance that
20 the city recently adopted and the performance
21 standards.

22 We didn't update this because we were
23 able to confirm that it complied, and so I will walk
24 the Board through the impact report and then also
25 refer back to the new zoning ordinance to confirm

1 the details therein to just provide some of the
2 information to the Board.

3 So this neighborhood impact report, you
4 probably are well aware for site plan applications
5 to review the substantial impacts and any mitigation
6 measures. Just looking at the table of contents, we
7 run through specific issues of noise, glare, heat,
8 odor, vibration. Odor is another issue that
9 specifically comes up with the zoning ordinance, the
10 new zoning ordinance, and then also vehicle traffic,
11 and that really is generated based on employees and
12 the demand for parking.

13 So we did hear from the traffic expert
14 earlier, and we do have a traffic expert again
15 tonight, if any details are needed.

16 So essentially we are really adaptively
17 reusing an existing one-story building structure.
18 It has a brick facade.

19 To recap, the Board may remember that
20 part of the issue with this initial application was
21 dealt with at the Historic Preservation Board or
22 Commission at the local level. So we did propose at
23 one point a very modern artistic facade. We had
24 reverted back to retaining the existing brick
25 characteristics of the arched windows and working

1 within that existing framework to retain some of the
2 historical character, so that was something that was
3 revised. And in terms of planning, we were able to
4 bring it to closer characteristics and the
5 historical character of the neighborhood.

6 We are proposing a medical cannabis
7 dispensary. The subject property, as mentioned, is
8 a one-story, 5,000 square foot facility. There was
9 a previous urgent medical care space in the building
10 prior, and the proposed medical cannabis dispensary
11 will be operated by -- in operation by an outfit
12 that also was under State regulations.

13 We expect based on input from the
14 current applicant, who manages another facility in
15 Secaucus, that there will be a peak of 12-hour
16 employees per shift, and then we also were provided
17 with input and review of the parking and vehicular
18 traffic, some discussion on the projected vehicle
19 traffic impact.

20 This Board is well aware of the
21 location of 95 Hudson. It is right in the southeast
22 area of Hoboken, and there is a lot of transit
23 available between buses and the light rail, but
24 notwithstanding, there will be people who will be
25 visiting this facility by car. And I know there

1 were numbers provided to the Board in the last
2 hearing. Those projections have not changed. I
3 know we went through I think unique state and
4 national impact with COVID, but those numbers were
5 provided pre COVID, so I don't think there is any
6 reason to question the projections on traffic.

7 I will dovetail that into the zoning
8 ordinance, but I'll really put -- the new zoning
9 ordinance does also require parking, where the prior
10 zoning ordinance did not, so I will reference that
11 when I get to the new zoning ordinance.

12 The next section that we looked at was
13 the anticipated nuisances. Obviously I mentioned
14 earlier we are looking at noise, glare, heat, odor
15 and vibration.

16 In terms of noise, this facility is
17 designed to operate more of a retail. There's no
18 manufacturing. There's no distribution, so there
19 really isn't some sort of intensity related noise
20 issue.

21 In terms of any rooftop mechanical
22 equipment, they will be baffled in terms of the
23 noise and any potential impacts to adjacent land
24 uses, and they are very typical of any sort of
25 retail -- retail uses. It's not exceeding them to

1 meet the standards for the equipment on site.

2 In terms of glare, there is no real
3 light issues being proposed. We do have the
4 architect on hand to address any potential issues of
5 light spillage onto the rights-of-way, but I think
6 that was discussed in the prior application. But in
7 my opinion, there is really no substantial impact
8 with the glare created from any proposed lighting.

9 Again, heating, we really didn't see
10 any issue with respect to abnormal levels of heat
11 with any of the equipment being proposed. There is
12 no light or heavy industrial processes that would
13 really create that sort of situation, so that was
14 more or less a straightforward issue.

15 With respect to odor, we want to be
16 very clear. The State does require an enhanced
17 system if any sort of consumption is being offered
18 at a facility to mitigate any release of cannabis
19 related odors. But at this facility, with this kind
20 of application, there will be no consumption, and
21 that also does comply with the local ordinance as
22 well. Other than that, it's just typical emission
23 from any of mechanical equipment, which has really
24 little to no impact on odor.

25 The same issue with vibration. It is

1 really the standard equipment that is being
2 proposed, so there is really no enhanced vibrations
3 or any potential impacts from any of the equipment
4 that is being contemplated.

5 In terms of safety hazards, what we are
6 really looking at is impacts from construction. We
7 are looking to retain the existing building, so
8 there is a process to ensure that any work done
9 inside of the building in terms of the renovations
10 will meet any sort of construction requirements in
11 terms of timing and disposable debris and things
12 like that. So this wouldn't be any sort of
13 extraordinary construction process, and it would
14 conform to the requirements of the zoning ordinance
15 and the city as a whole.

16 In terms of future expansion, based on
17 the layout being proposed, this is a facility that
18 will be fully occupying the existing structure, so
19 there are no plans for proposed expansion of areas
20 on the property, and there's certainly no proposal
21 for a second floor or anything like that. Really
22 the intent here is to utilize the existing structure
23 and keep the setbacks and height of the building
24 one-story as is.

25 So with that, I really just arrived at

1 the conclusion. Given the fact that we are really
2 meeting the local elements of review here, and we
3 looked mostly at the new zoning ordinance, which I
4 will get into in a minute, that we do not pose any
5 sort of substantial impact on the neighborhood and
6 adjacent uses.

7 So as mentioned before, this operator
8 is currently permitted by the State, and they are
9 also still maintaining their permit and are aware of
10 all of the State level requirements and will comply
11 with them.

12 And for all intents and purposes, this
13 facility will really serve as a retail -- retail use
14 for a very specific type of product, so that is the
15 direct testimony on the report.

16 MR. SULLIVAN: Charlie, if I could just
17 interrupt you for a second.

18 THE WITNESS: Yes.

19 MR. SULLIVAN: Maybe you were going to
20 talk about it when you get to the ordinance. There
21 was the paragraph about security. You can do it now
22 or do it when you get into the ordinance compliance,
23 either way.

24 THE WITNESS: Yeah, I will do that in
25 ordinance compliance, because it doesn't come up in

1 the neighborhood impact.

2 MR. SULLIVAN: All right.

3 THE WITNESS: It is the critical
4 element of the zoning ordinance and also at the
5 State level.

6 MR. SULLIVAN: Thank you.

7 THE WITNESS: So I am just making sure
8 I find the right tab.

9 I will be referring to the architect's
10 floor plans that were prepared by John Nastasi.

11 Real quick, it is an existing building.
12 We are occupying the existing structure with this
13 single use. That is the first requirement.

14 We are also conforming with respect to
15 yard setbacks, so the front based on the zoning
16 table in the C-1 has a zero foot or prevailing. We
17 confirm with the existing at zero, and there is no
18 change there.

19 The side yards are to match existing or
20 for new construction by the requirements, so being
21 that we are an existing structure, we are matching
22 the existing side yards, where there is zero feet
23 required, and no change.

24 Lastly, the rear yard matches --
25 matches the existing or 20 percent for new

1 construction, given that we are retaining the
2 existing building, there is a two and a half foot
3 rear yard setback and no change there, so we do
4 comply with the setbacks. Those are really the two
5 main performance standards.

6 So I have moved on to the new ordinance
7 that was adopted recently in June. There is a
8 signature page, so this is what we have really been
9 working off of, the latest and greatest, as they
10 say.

11 In terms of the changes, really this
12 was an effort to add some more detail in terms of
13 the performance standards, but also to confirm that
14 the proposed medical cannabis use is permitted in
15 the specific zones, and I believe it is the I-1, I-2
16 and C-1 as conditional uses.

17 So, yeah, you see here, this is where
18 it permits these uses very discreet -- very
19 explicitly.

20 So as we mentioned earlier, we are in
21 the C-1 District along Hudson Street. That hasn't
22 changed since the earlier months, and really this is
23 just an effort, as I said, to confirm that it is a
24 permitted use, and we are going to walk through the
25 performance requirements.

1 So in this section, performance
2 standards, it really details what commonly we will
3 refer to as zoning -- zoning requirements, but it is
4 labeled "Performance Standards." This was added to
5 the zoning ordinance to release the specified, some
6 additional requirements above and beyond the C-1
7 standards.

8 As I mentioned, the building use shall
9 only be located on the ground floor of any building,
10 which is which -- of any building in which it has
11 been approved to be located unless the cannabis --
12 medical cannabis dispensary occupies the entire
13 building of -- on the property.

14 Very clearly we do occupy the entire
15 building on the property, so we comply with this,
16 and we are also on the ground floor.

17 CHAIRMAN MAGALETTA: And the basement
18 also?

19 THE WITNESS: Yes, correct.

20 The basement will be used for storage,
21 so most of the retail activity is on the ground
22 floor.

23 CHAIRMAN MAGALETTA: Okay.

24 THE WITNESS: With respect to setback
25 requirements, I ran through that earlier from the

1 plans in the zoning table, so we can comply with all
2 setback requirements.

3 With respect to display and storage,
4 this was one item that I did want to clarify, and it
5 caught my eye just based on my review.

6 On the front cover sheet, let me zoom
7 into the proposed rendering, and this is Sheet
8 G-100, we are showing or representing here the
9 courtyard, where you can see the trees, and then
10 there are windows here. You can see some of the
11 shelving and what looks like products, so this is
12 just something that we wanted to clarify.

13 We will be conforming with the
14 requirement that off the back, that there will be
15 no -- no medical cannabis products shall be visible
16 from the public sidewalk, public street or
17 right-of-way or any other public place.

18 So we will be complying with that in
19 terms of screening and not being able to
20 visually see, so just if anyone caught that, because
21 they are showing a view from the street, that this
22 would actually ultimately be screened.

23 MR. CARLSON: Mr. Heydt, just so I
24 understand correctly, within that view you said
25 going through, we won't be able to see any marijuana

1 products, any counters for display, anything of the
2 sort?

3 THE WITNESS: Correct.

4 MR. CARLSON: Thank you.

5 COMMISSIONER DOYLE: Mr. Chairman?

6 CHAIRMAN MAGALETTA: Yes, go ahead.

7 COMMISSIONER DOYLE: Mr. Heydt, I think
8 during the hearing in November, we were told that
9 there had been, you know, an updated plan that was
10 not -- that has not reflected the fact that -- I
11 believe the plan at the time indicated that there
12 were products that could be purchased in the first
13 area before you get into the actual dispensary, and
14 there was testimony that said there would be no
15 such -- I am not sure what these products would
16 be -- but, you know, people without prescriptions
17 could not go in and buy products that would be
18 accessory products to cannabis consumption, et
19 cetera. Does that continue to be the case?

20 THE WITNESS: Correct. There is no
21 ability for somebody walking by without a permit, a
22 medical permit, that would be allowed to enter in
23 and purchase as a typical -- as basic sales --
24 sales. You have to be holding a medicinal
25 marijuana --

1 CHAIRMAN MAGALETTA: Prescription, not
2 a permit, prescription.

3 THE WITNESS: -- prescription card,
4 yes.

5 COMMISSIONER DOYLE: But the testimony
6 in November was that, you know, you could accompany
7 someone to get into the initial area, and you know,
8 maybe assist someone in getting into the facility.
9 And then the non prescribed person would have to
10 wait in the front area, and there would be nothing
11 there -- nothing there that would be for sale in
12 that first kind of lobby area versus going beyond
13 that point into the, you know, through security into
14 the more -- so there are no baseball hats and thongs
15 or anything else for sale in the lobby is what I am
16 asking.

17 THE WITNESS: Correct.

18 COMMISSIONER DOYLE: Okay. Thank you.

19 CHAIRMAN MAGALETTA: Thank you.

20 Mr. Williams, you had a question?

21 MR. WILLIAMS: Yes. Thank you, Mr.
22 Chairman.

23 Mr. Heydt, can you just scroll up --
24 oh, wait -- to setbacks. So it is just a house
25 cleaning issue.

1 So you mentioned that you comply with
2 the local setback requirements. To your knowledge,
3 were there any State requirements for distance for
4 this particular use, and if so, do we meet those?

5 THE WITNESS: So, yes.

6 This is very specific in terms of
7 setback requirements and planning that statistic
8 between property line and the principal structure.

9 To my knowledge, there are no specific
10 State levels. When you say distance, there are
11 other measures to regulate the location of these
12 dispensaries, and I believe we comply with those
13 location distance requirements as well.

14 MR. WILLIAMS: Thank you.

15 MR. SULLIVAN: There are no State
16 setbacks or other zoning requirements?

17 THE WITNESS: Correct.

18 CHAIRMAN MAGALETTA: Okay. Continue.

19 THE WITNESS: If we don't have any
20 others, I'll just move ahead.

21 CHAIRMAN MAGALETTA: Go ahead.

22 THE WITNESS: Okay. Thank you.

23 So the Item D here, consumption,
24 consumption of medical cannabis products, including
25 smoking, taking of edibles or by any other means of

1 ingestion shall not be permitted on the premises or
2 adjacent ground of a medical cannabis dispensary
3 unless authorized and enforced by local and state
4 authorities in accordance with the applicable state
5 statute unless it obtains Hoboken endorsement.

6 So, again, the current application at
7 this time doesn't contemplate consumption on site,
8 so this really would be complied with because of the
9 lack of consumption, and if that were to change, we
10 would likely comply with this standard, and I don't
11 see another way forward, if they would want to
12 entertain consumption, so we would have to get the
13 appropriate endorsements.

14 MR. CARLSON: Mr. Heydt, it is my
15 understanding, as I read all of this, that you would
16 be required to appear for amended site plan
17 approval, if consumption were to be permitted. Do
18 you agree?

19 THE WITNESS: I think so, because you
20 would probably want to see where, and we would
21 probably need to account for that in the floor
22 plans.

23 MR. CARLSON: Understood, and I agree.

24 Thank you.

25 MR. WILLIAMS: As you see, the review

1 board would have to be involved.

2 THE WITNESS: Yes.

3 MR. CARLSON: I just want to make clear
4 that we are by no means approving an application for
5 consumption on site tonight.

6 MR. SULLIVAN: Understood.

7 Okay. Continue.

8 THE WITNESS: Yes. Thank you.

9 So with respect to Item E, odor, again,
10 this facility will be operated by an existing
11 business that operates another facility, as I
12 mentioned, so they are well aware of the
13 requirements to make sure that any release or
14 emissions from the building are appropriately
15 ventilated and scrubbed, and we detailed that in the
16 prior hearing in terms of the mechanical systems
17 that will process that, so we comply --

18 CHAIRMAN MAGALETTA: Before you move
19 on, hold on. Hold on.

20 Do you know if smoking -- will there be
21 any smoking permitted on site, like a regular
22 cigarette?

23 THE WITNESS: It's all under
24 conception, and I believe there is no indoor --

25 CHAIRMAN MAGALETTA: No. I mean even

1 like a regular tobacco cigarette, is that permitted
2 on site in this facility, Mr. Sullivan?

3 MR. SULLIVAN: I wouldn't think so.

4 Is smoking permitted indoors in retail
5 in general in Hoboken?

6 Probably not.

7 CHAIRMAN MAGALETTA: Probably not, but
8 I am just trying to find out.

9 THE WITNESS: No. I don't think there
10 is any special exception that would permit indoor
11 smoking.

12 CHAIRMAN MAGALETTA: Okay.

13 COMMISSIONER DOYLE: Mr. Chairman?

14 CHAIRMAN MAGALETTA: Yes.

15 COMMISSIONER DOYLE: I am sorry. I got
16 bumped out for about a minute right when Mr. Carlson
17 was following up on the question of consumption on
18 the premises, and I think Mr. Heydt testified that,
19 you know, I assume that he in my absence testified
20 typically that if any consumption were to be sought
21 in the future, that they would be coming back before
22 this Board or another Board. Is that correct?

23 MR. CARLSON: Councilman, if I may,
24 yeah, we just confirmed that we are not approving
25 tonight an application that would permit

1 consumption, or to be considering I should say, an
2 application that would permit consumption on site.
3 And since you dropped off, Mr. Heydt further
4 confirmed that there will be no smoking of any sort
5 permitted on the premises, such as cigarettes or
6 cigars.

7 COMMISSIONER DOYLE: Okay. Thank you.

8 CHAIRMAN MAGALETTA: And if they want
9 consumption, he said that they would maybe have to
10 go to the State to get that approval, so --

11 THE WITNESS: And it would have to come
12 back to this Board given any change in layout.

13 MR. CARLSON: The part I wanted to make
14 clear is that if an approval is granted tonight or
15 in the future, it is not for consumption, and
16 further Planning Board approval would be required.

17 CHAIRMAN MAGALETTA: Right.

18 Please continue.

19 THE WITNESS: Backtracking to
20 consumption, we touched on odor, just for the
21 benefit of Commissioner Dolan --

22 (Laughter)

23 -- Doyle, sorry.

24 Odor will be scrubbed with mechanical
25 equipment as per the State and local requirements,

1 and we don't, as I mentioned in the impact report,
2 we are seeing sort of no impact and we can comply
3 with this requirement as well.

4 In terms of noise, again, we would have
5 to comply with this local requirement, as well as
6 what were referenced in the State standards, and we
7 anticipate being able to comply with those or other
8 requirements and our methods of baffling sound
9 emitted from mechanical equipment.

10 This is one of the -- these last two
11 items, I believe, are more of a real focus of the
12 changes and updates. So with respect to security,
13 we are in both review of this section of this new
14 performance standard, and I can attest that in
15 discussions with the project team, we are fully
16 aware and will be complying with the security
17 requirements presented herein.

18 There are also security requirements at
19 the State level that we are aware of and will be
20 complying with, so there is really no issue or no
21 question unless the Board has anything that they
22 want to confirm, but based on us walking through all
23 of these requirements, one through four, we attest
24 that we are complying with them.

25 MR. SULLIVAN: And I would remind the

1 Board that Mr. Nastasi testified at the November
2 hearing about these security measures as well and
3 Mr. Brodchandel, the applicant, represented.

4 THE WITNESS: Which brings us to the
5 last issue, that I think the Chairman mentioned
6 initially, parking.

7 We did hear from the traffic engineer.
8 We do have someone on board tonight to address any
9 specific questions. It is an existing building.
10 There is no off-street parking being proposed on
11 site. I think that is very clear.

12 We are along Hudson Street in the
13 downtown area, southeast area of Hoboken, which is
14 very much of an urban environment, and there are
15 going to be a lot of people walking, using mass
16 transit, using buses, and we do benefit from the
17 location of a number of parking facilities in the
18 area. So for thoroughness, I am just going to
19 quickly read this requirement and then I will go
20 into detail how we understand that requirement.

21 So parking, Item H: One parking space
22 shall be provided for each five persons of occupancy
23 load after the first 20 persons rounded to the
24 closest whole number. The requirement -- the
25 requisite number of spaces should be secured from a

1 private or public parking facility not more than
2 five block lengths away. Spaces may be used by
3 staff and/or offered to patrons through validation.

4 So there are three components here.
5 First, I will just break down the requirement, and I
6 am going to refer back to the architect's set of
7 plans, G-100, and we did -- Mr. Nastasi did provide
8 an occupant load table.

9 So as we understand it, this is what we
10 are referring to when we are calculating this
11 requirement. It is a little bit unique because
12 usually there is a metric based on square footage
13 that you probably find for most other uses, retail,
14 one space per 500 square feet of retail, but here we
15 are looking at occupant load.

16 So we have broken this out, and that is
17 what we are relying on. This is all spaces within
18 the building. You can see everything broken down,
19 and we arrive at an occupant load of 123 people.

20 So when you are going through the
21 calculation, kind of work a little backwards, after
22 the first 20 persons, you basically subtract 20
23 people from that occupant load, and that arrives at
24 103 people of occupancy. And then you apply the
25 metrics for one space per five persons, which would

1 calculate to 20.6 parking spaces, and then you round
2 to the nearest whole number, which would be 21.

3 So I would be happy to walk the Board
4 through that again. It is relatively
5 straightforward to give you a little bit of a
6 formula, but 21 spaces are required. We are not
7 providing 21 spaces on site clearly.

8 So we are relying on the second
9 requirement: The requisite number of spaces should
10 be secured from a private or public parking
11 facility, not more than five block lengths away.

12 Based upon our location and our review
13 of available parking -- public parking decks in the
14 area, we have three garages north of the subject
15 property within the immediate blocks. We have
16 Garage B, Garage D, and the garage operated by
17 Hudson Park. Based on my knowledge, they all have
18 availability.

19 We also have four parking lots and
20 decks located south and southeast more or less along
21 Observer Highway, and those are the SP Bus parking
22 deck, the One Washington -- or that's a parking lot,
23 the One Washington Street parking lot, the Little
24 Man Parking Deck, and then the fourth one in that
25 area is the SP Parking.

1 Those are all within the five blocks.
2 In fact, most of them are closer within two and
3 three blocks, and based on my review of available
4 information that they had online, monthly parking is
5 available, and it is our offer to the Board that we
6 would be complying with this requirement because we
7 would be securing 21 spaces from one of those
8 vendors.

9 So really that is just some detail on
10 the breakdown requirement and how we are aiming to
11 comply. There probably would be some measure of
12 validation, and that would be coordinated with the
13 management and the future patrons --

14 CHAIRMAN MAGALETTA: So I guess how
15 would that -- I guess maybe that is not for you to
16 answer, but so those spaces, they don't have to be
17 exclusive for your clients and your patrons, but
18 they have to be secured, and you have a written
19 agreement with whichever facility that the applicant
20 agrees with, or contracts with, is that right?

21 THE WITNESS: There would have a be
22 formal arrangement, yes, and these spaces may be
23 used.

24 CHAIRMAN MAGALETTA: All right.

25 COMMISSIONER DOYLE: There will be a

1 validation type of system as opposed to a designated
2 21 spots setting at whatever company you chose to
3 use them, correct?

4 CHAIRMAN MAGALETTA: Right.

5 THE WITNESS: Correct.

6 CHAIRMAN MAGALETTA: Okay.

7 COMMISSIONER DOYLE: Based on your
8 knowledge and its availability, I mean, has anyone
9 checked? What do you base -- is that -- I
10 understand it could change tomorrow from yesterday,
11 but that doesn't sound like it is definitive that it
12 was actually confirmed.

13 THE WITNESS: So actually many of these
14 facilities do have their availability listed on
15 their website, and that is where I confirmed that
16 they do have monthly parking and hourly.

17 So I also, not during the lockdown, but
18 during some of the -- my projects in Hoboken I have
19 parked in many of these spaces, and I never had an
20 issue with availability for all of the times, so
21 personally my experience, and also just recently
22 reviewing some of the websites and available
23 connection for availability online.

24 CHAIRMAN MAGALETTA: Scott, let me ask
25 you a question.

1 Would it be appropriate to make it a
2 condition that there be a written agreement prior
3 to -- or to make that a condition of approval?

4 MR. CARLSON: Give a moment. I am just
5 re-reading the provision.

6 CHAIRMAN MAGALETTA: Okay.

7 COMMISSIONER AJMANI: If I may ask a
8 question in the meantime, this is Dini.

9 Can you hear me?

10 MR. CARLSON: Commissioner, I read
11 slowly, so give me a minute.

12 COMMISSIONER AJMANI: Okay. I'm
13 nobody, nobody.

14 So the peak hours will be in the
15 evening and on a daily basis, 300 visitors to this
16 place. Now, Secaucus is probably the closest one,
17 and I am guessing it has a parking lot. So what is
18 the expectation that out of those 300 people, how
19 many will show up during the peak hours, and are
20 they mostly Hoboken residents or in walking distance
21 from the dispensary?

22 How many cars are we expecting?

23 Because my feeling is even if the
24 Secaucus facility probably has a larger parking lot,
25 are we expecting most drivers to just go to other

1 facilities, that this is going to be mostly public
2 transportation and walking?

3 MR. SULLIVAN: I think I would like to
4 have Betsy Dolan answer that question.

5 MR. CARLSON: Yeah. I was going to
6 interrupt and say I think I saw Betsy Dolan in the
7 audience, so I probably need to swear her in at this
8 point.

9 MS. DOLAN: Yes, you do.

10 MR. CARLSON: All right.

11 Do you swear the testimony you're about
12 to provide is the truth, the whole truth, and
13 nothing but the truth?

14 MS. DOLAN: Yes, I do.

15 MR. CARLSON: Please state and spell
16 your name for the record, please.

17 E L I Z A B E T H D O L A N, having been duly
18 sworn, testified as follows:

19 THE WITNESS: Elizabeth Dolan,
20 D-o-l-a-n, with Dolan & Dean Consulting. 181 West
21 High Street in Somerville, New Jersey.

22 MR. CARLSON: Could you give the Board
23 the benefit of your qualifications and experience,
24 please?

25 THE WITNESS: Yes. I have a bachelor

1 of science degree in civil engineering from Rutgers.

2 I am a licensed registered engineer in
3 New Jersey, New York, Pennsylvania and Delaware, and
4 my license was recently renewed and is in good
5 standing.

6 For over 30 years I have practiced in
7 the field of traffic engineering, and I have
8 testified in over 250 municipalities throughout New
9 Jersey.

10 I have also as an addition to
11 representing many applications, I have also
12 represented Planning and Zoning Boards, been
13 reviewing traffic, parking and DOT aspects of
14 applications.

15 I have been accepted as an expert in
16 all cases. I have been in Hoboken, but it has been
17 many, many years since my last appearance here.

18 MR. CARLSON: We usually require 260
19 municipalities.

20 (Laughter)

21 CHAIRMAN MAGALETTA: We will accept
22 you, but that is your warning.

23 THE WITNESS: Thank you.

24 CHAIRMAN MAGALETTA: Go ahead.

25 Thank you and welcome.

1 THE WITNESS: Thank you.

2 To answer the question, we had talked
3 about, and it wasn't me at the last meeting, but the
4 report that we had put together and the testimony
5 was that maybe 28 to 45 patients, customers would
6 visit during the busiest hour. You heard testimony
7 from the applicant who said that mid weekends would
8 be a little bit --

9 CHAIRMAN MAGALETTA: Hold on. Hold on.
10 Let me stop you there.

11 Is it 28 customers or 28 trips because
12 sometimes they have more than one person with them,
13 so let's be careful with that.

14 THE WITNESS: Right.

15 So we are talking about 28 people, so
16 that is 20 in and 28 out is really 56 trips.

17 CHAIRMAN MAGALETTA: Okay.

18 THE WITNESS: So we structured our
19 report based on some of the ITE data that has been
20 collected at recreational dispensaries and also in
21 more suburban settings.

22 So the numbers that we calculated were
23 based partially on some of the data from ITE, but
24 also from those 200 to 300 people per day that are
25 projected, and as was discussed at the last meeting,

1 these are estimates.

2 If this site was located in a more
3 suburban setting, maybe I would say in round
4 numbers, we might get 40 cars in and 40 cars out in
5 a peak hour on a weekday or Saturday.

6 But in this instance we are in a very
7 urban setting, and as has been said many times, we
8 don't have a driveway, and we don't have parking, so
9 if you look at the ITE data for any use in a more
10 urban setting, you are talking about person trips as
11 opposed to vehicle trips. And with all of the mass
12 transit that's available, the walkability, the
13 biking, now we have got scooters and all of those
14 types of things, we don't have a percentage of
15 vehicles estimated versus non vehicle trips. But I
16 would certainly think that in this setting and
17 recognizing that the applicant has a facility that
18 people can drive to and park, if somebody is
19 interested in driving a car and not looking around
20 in Hoboken for an available spot, they can go to
21 Secaucus.

22 So I would think that maybe you will
23 have a handful of vehicles every hour of the day
24 looking for parking in the area. But for the most
25 part in this setting, we would expect use of mass

1 transit, biking, walking, scooters, et cetera.

2 Even if they were to be all vehicle
3 trips, this level of trip making is not considered
4 significant, and that is defined both in ITE and NJ
5 DOT, and the guideline is a hundred trips an hour,
6 so if you had 50 vehicles entering and 50 exiting in
7 one hour, that would be a threshold for performing a
8 real traffic impact analysis. But that could not
9 materialize on this site, because we don't have a
10 driveway.

11 So there may be trips to the general
12 area, trips to the parking areas that were just
13 testified to by our planner, but it is not a
14 significant amount of traffic and really wouldn't be
15 significantly different from what had been generated
16 by the prior use to the site.

17 CHAIRMAN MAGALETTA: Mr. Williams has a
18 question. He raised his hand and so did Mr.
19 Francese.

20 Hello?

21 MR. WILLIAS: Do you want me to go
22 first, Mr. --

23 CHAIRMAN MAGALETTA: Yeah. George you
24 go first and then Greg.

25 Go ahead.

1 MR. WILLIAMS: So Ms. Dolan answered
2 one of the questions, so I will go to the prior one,
3 and that was about the security as it pertains to
4 lighting and screening. Mr. Heydt testified that he
5 would comply.

6 Is there anything else that's going to
7 change in the plans to establish that compliance for
8 lighting and screening, or is it just as we have it
9 now?

10 THE WITNESS: I don't know that that is
11 a question for me.

12 MR. WILLIAMS: Oh, I'm sorry. No, I am
13 going way back to my question, so don't answer my
14 question about the parking.

15 (Laughter)

16 MR. HEYDT: I can answer that.

17 Generally with the new ordinance and
18 the state standards, my knowledge is based on how
19 the operation complies is that there will be a
20 security system that would alarm and notify the
21 local police.

22 There are cameras that are actively
23 monitored by the Department of Health, and there
24 will also be an armed guard, so that is really the
25 details of the security system.

1 MR. WILLIAMS: Perfect.

2 And lighting will remain as depicted on
3 the plans?

4 MR. SULLIVAN: Yes. There's no change
5 to the lighting, Mr. Williams.

6 MR. WILLIAMS: Thank you.

7 Thank you, Mr. Chairman.

8 Thank you, Mr. Heydt.

9 Mr. Sullivan, and, Mr. Chairman, sorry
10 for the confusion. My hand was up for a while, but
11 I'm good now. Thank you.

12 CHAIRMAN MAGALETTA: Yeah. I'm not --
13 while I was catching the hands up, I appreciate
14 that.

15 Okay. Mr. Francese and then Ms.
16 Ajmani.

17 Go ahead, Greg.

18 COMMISSIONER FRANCESE: Yeah.

19 My question is for Ms. Dolan. In your
20 review of other facilities similar or not similar
21 for that matter, have you seen a high level of
22 curbside loading and unloading?

23 For instance, this area has dedicated
24 on street parking, and it is a pretty narrow street,
25 and you could foresee a lot of vehicles or dropoff

1 vehicles parking in the lane, so I don't know if you
2 have any insight into whether or not you have seen
3 or you would recommend or suggest a loading zone in
4 this area.

5 THE WITNESS: I think that in this
6 particular case, there was a lot of testimony from
7 the applicant about the security and the
8 organization of the deliveries at this location, and
9 I think they were given questions from some of the
10 Board members about coordination with the local
11 police department, so it would seem to me that this
12 is going to be a very organized delivery type of
13 activity, and any deliveries are coming through the
14 front door, so I would think that they would want to
15 be able to park nearby and/or if there is an
16 interest in establishing a particular loading zone
17 and/or dropoff/pickup, that is something that is
18 becoming more and more common in applications, not
19 just for deliveries, but for Uber and taxi and Lyft
20 pickup/dropoff.

21 COMMISSIONER FRANCESE: Yeah. I was
22 asking about customers or I guess patients getting
23 dropped off, but it seems like that would also fall
24 into that loading category.

25 THE WITNESS: Right. And I think that

1 is something -- I don't know that the applicant can
2 control that because that would be a public street
3 designation, but certainly that is the trend is to
4 provide in more urban locations a zone every --
5 within each block generally to accommodate the Uber
6 drivers and the deliveries.

7 MR. SULLIVAN: We would have no problem
8 requesting that. Obviously we can't commit to
9 getting it. It has to be provided by the city, but
10 we would have no problem requesting a loading zone
11 as a condition of approval.

12 COMMISSIONER DOYLE: Mr. Chairman?

13 CHAIRMAN MAGALETTA: Yes, go ahead.

14 COMMISSIONER DOYLE: You know, I guess
15 Ms. Doyle or Ms. Dolan --

16 (Laughter)

17 -- there has been testimony I guess in
18 November and tonight about, you know, the proximity
19 to the transit hub, et cetera, but there was also
20 testimony based on a former commissioner saying, you
21 know, worried that 11 billion people from New York
22 City would be coming to Hoboken for their medicinal
23 cannabis, and it was clear that these, you know,
24 that the state license only applied to New Jersey
25 residents with prescriptions.

1 So, you know, number one, I would be
2 curious about your reaction to the question of, you
3 know, we are all talking about how we are near a
4 transit hub and people will be traveling on mass
5 transit and ferries, and the Path system and New
6 Jersey Transit, but, you know, if there -- I assume
7 the answer is that they are all commuters from New
8 Jersey leaving Manhattan and coming through Hoboken
9 on their way home and stopping because otherwise,
10 you know, a ferry to New York City doesn't do a
11 whole lot.

12 And my second question pertains to, you
13 know, by definition people who have prescriptions
14 for medicinal cannabis have, you know, they have --
15 there's pain. They are in need of medical
16 assistance, and they may not be the most ambulatory
17 group out there, you know, and the reason they have
18 their prescription is because they have trouble,
19 they may not be walking.

20 So I guess I question this notion that
21 because you are near a transit hub, that people
22 wouldn't be driving, and I'm suspect that they,
23 unlike most Hoboken establishments, like a pizzeria
24 or whatever, that there will be more drivers than a
25 typical Hoboken establishment and your views on

1 that.

2 THE WITNESS: Sure.

3 In answer to the first part of the
4 question, this is highly regulated. It is only New
5 Jersey patients who qualify and have the card that
6 are able to come into this establishment.

7 So I would agree that if there are
8 people who are commuting to the area on their way to
9 Manhattan, and they can stop for their prescription
10 on their way home, certainly that would be some of
11 the people that this particular site may cater
12 towards.

13 And I would also agree that there are
14 many patients who have limited mobility, and that is
15 where Secaucus would be a better fit for them versus
16 somebody who has got maybe more psychological
17 conditions that might be better suited or treated
18 with cannabis, and so they may be within the area
19 and can walk or bike or scooter to the site.

20 I think it is a very unique type use
21 for this location, because sure, there is going to
22 be an attraction, and so this use over another
23 retail type of use might generate a higher
24 percentage of vehicle trips to the area simply
25 because it is (a) more for a unique use, and it has

1 a specified target group, so those would be the
2 folks that would take advantage of the parking and
3 the public lots in the area.

4 CHAIRMAN MAGALETTA: Anything else, Mr.
5 Doyle?

6 COMMISSIONER DOYLE: No.
7 Thank you.

8 CHAIRMAN MAGALETTA: Okay.

9 Ms. Ajmani, your hand is up.

10 COMMISSIONER AJMANI: Yes. Thank you.
11 I am trying to figure out how to raise
12 my hand, so apologies for all of those rude
13 interruptions before.

14 My question about the parking spaces,
15 you said in this case that it takes 15 to 20 minutes
16 to fill a prescription. So a patient comes and
17 parks the car in one of the assigned parking spots,
18 walks over, now decides maybe they will grab dinner
19 or something and spend two extra hours in Hoboken.

20 Do they have to move their car?

21 I mean, how would it work?

22 Would they continue to occupy that spot
23 for two hours, or does the spot have a time limit
24 that you have to move your car in 15 minutes?

25 I am wondering about that.

1 THE WITNESS: Well, certainly if
2 someone parks a vehicle in a location with a time
3 limit, they are limited to that amount of time
4 regardless of where they are going.

5 If they are able to make a purchase at
6 the proposed dispensary and then move on and go to
7 dinner and pay for the parking for the amount of
8 time they occupy a space, I don't think that is any
9 different than using the parking space for going to
10 any other establishments in the area and --

11 COMMISSIONER AJMANI: I thought there
12 were assigned parking -- I thought it was assigned
13 spots, and there were --

14 THE WITNESS: Right.

15 COMMISSIONER AJMANI: -- and these are
16 the parking spots that were procured by the
17 applicant for the customers to the dispensary.

18 MR. SULLIVAN: Correct me, if I am
19 wrong, Ms. Dolan, but they are not specifically
20 identified and designated parking spaces.

21 COMMISSIONER AMJANI: Oh, I --

22 MR. SULLIVAN: You can park where you
23 want to park and then you get a validation.

24 COMMISSIONER AJMANI: Okay.
25 Understood. Thought they were marked for the

1 dispensary, but, okay.

2 MR. CARLSON: Ms. Ajmani, if I may, you
3 know, they can be validated by the dispensary and,
4 you know, they could thereafter go to dinner or
5 something. Unfortunately the law doesn't provide
6 for any more or any less than that, so, you know,
7 that is what is required by the law, and it sounds
8 like they are satisfying it.

9 COMMISSIONER AJMANI: Thank you.

10 MR. CARLSON: That's a good thought.

11 CHAIRMAN MAGALETTA: Okay.

12 Mr. Heydt?

13 C H A R L E S H E Y D T, having been previously
14 sworn, testified further as follows:

15 THE WITNESS: So really, you know, I am
16 happy that we were able to get confirmation and
17 details on the parking, because that really was the
18 last issue. So given that we walked through that
19 and understand it from the Board's perspective and
20 benefit, we offer to comply with that last
21 requirement.

22 You know, on just a quick personal
23 note, I want to remind this Board that this type of
24 use is really aimed at compassionate care.

25 My brother, Rudolph Heydt, suffered

1 from colon cancer, and he never smoked weed
2 recreationally, legally his whole life until the
3 diagnosis, and the relief and care that was provided
4 to him by Mr. Brodchandel was remarkable, and I just
5 want to from a personal level and from a
6 professional planning level say this project does
7 really aim to further that goal of providing
8 compassionate care for residents of New Jersey.

9 MR. SULLIVAN: Thank you, Charlie.

10 CHAIRMAN MAGALETTA: I'm sorry.

11 Hold on a second.

12 I want to thank you for that personal
13 comment. It is appreciated, and you know, we
14 understand that, and you know, as you know, we are
15 talking about land use here and part of it is the
16 purpose for this use, and we are mindful of it, and
17 we want to do everything we can under the stretch of
18 the law to make that happen. It is important to
19 remember the people involved in this, so I thank you
20 for that, and I thank you for your testimony as
21 well.

22 Do any members of the public have any
23 questions for Mr. Heydt?

24 I don't see any, so -- oh, hold on.

25 Who is that? Hello? Hello?

1 MR. CARLSON: It looked like Mr.
2 McNamara or Mr. Or Mrs. McNamara might have been
3 trying to log in.

4 MR. SULLIVAN: I don't believe so.
5 He's an attorney in my office. I don't believe so.

6 CHAIRMAN MAGALETTA: An attorney in
7 your office --

8 (Audio interference noise)

9 CHAIRMAN MAGALETTA: I am going to mute
10 him.

11 MR. CARLSON: I was going to say, tell
12 him to mute, or he is not going to get paid for
13 these hours.

14 (Laughter)

15 CHAIRMAN MAGALETTA: Okay. He heard
16 you.

17 All right. So seeing none, I am going
18 to close the public portion.

19 Do any members of the Board have any
20 questions for Mr. Heydt?

21 COMMISSIONER DOYLE: Yes, Chairman. I
22 have a question.

23 CHAIRMAN MAGALETTA: Go ahead, please.

24 COMMISSIONER DOYLE: If you -- I can't
25 control this screen, but can you put back up, Mr.

1 Heydt, the ordinance that was up that you were
2 reading from?

3 MR. HEYDT: Yes.

4 CHAIRMAN MAGALETTA: There you go.

5 MR. HEYDT: Any particular section?

6 COMMISSIONER DOYLE: Yeah. If you can
7 go up to I think one of the first sections. It
8 refers to amendments to the Section 36 of the code.
9 My vision is not good enough to tell you when you --
10 yeah, it is above the use chart, yup.

11 Keep going. It is like two or three.
12 Keep going. That's the tax part. Oh, keep going up
13 is what I am saying, so I think it is Section 1.
14 Would you keep going up?

15 MR. HEYDT: Section 2 we just passed,
16 so we are in Section 1 now, but I will get to it.

17 COMMISSIONER DOYLE: Yeah. There you
18 go. There you go. Stop.

19 (Laughter)

20 So 36-4, which is now down -- move it
21 down. Okay.

22 So my question is, and I am just asking
23 this, you know, we spent I don't know how much time
24 because I re-read the transcript, and it was a lot
25 of transcript pages, but I don't know how much

1 actual time it took, where going back and forth in
2 the last meeting, the last meeting, meaning the
3 November 7th I believe meeting, talking about, you
4 know, what the code said and which code was
5 superseded and so forth.

6 Now, in 36-4A, it talks about how this
7 review board will conduct a review, and then it
8 talks about before the Planning Board -- I am
9 looking as we read -- we will get a report from this
10 review board before the Planning Board acts, and I
11 just -- this review board because this law came into
12 existence yesterday, I don't know that it has been
13 constituted, and there is no report from them, and I
14 guess I am just asking -- I understand the
15 consumption endorsement is irrelevant.

16 So (a) is the site plan application
17 review. If you scroll down, I think -- well, to
18 (D) -- we don't need -- you are not seeking a
19 consumption endorsement, but the report, (d) shall
20 provide recommendations regarding the impact on the
21 public and I -- I'm asking public -- I am asking, am
22 I misreading this section -- I was reading it on my
23 phone, that there is -- isn't a requirement that
24 this review board act before the Planning Board can
25 act --

1 MR. CARLSON: There might be.

2 COMMISSIONER DOYLE: -- and it says for
3 site plan application, the review board shall have
4 45 days to issue its report. You know, it clearly
5 is talking about -- it seems to be talking about
6 something in advance of the Planning Board acting.

7 CHAIRMAN MAGALETTA: Yes. Mr. Carlson,
8 do you want to address that, please?

9 MR. CARLSON: I was to going to ask
10 Councilman Doyle if he wanted to hear from me or
11 Board counsel first, but it is now on me, so okay,
12 here we go.

13 Councilman Doyle, I may or may not have
14 anticipated that you were going to ask this
15 question. I may or may not have spent, I don't
16 know, four or five hours preparing for it just in
17 case.

18 (Laughter)

19 Here it goes. We used to have
20 something in New Jersey, you might remember, as the
21 time of decision law, and we operated under the time
22 of decision law for approximately four years, and
23 what that law said was that the law that was in
24 effect at the time of the decision of an application
25 was the law to be applied.

1 In short what that meant was somebody
2 could file an application, and if the governing body
3 didn't like that application, they could change the
4 zoning law, and there -- and then they would have to
5 comply with the new law instead of the old one.

6 At some point in around I am going to
7 guess ten years ago, 2010-ish, the legislature
8 decided this was patently unfair and changed the
9 time of decision law to the time of application law,
10 which is pretty much consistent with all
11 constitutional law in that you are entitled to
12 application of the law as it stood at the time of
13 the act or in this case, the time of the
14 application.

15 So we now operate under time of the
16 application law, and it is a littler broader than
17 that in that it entitles an applicant to either the
18 law at the time of application or the time of
19 decision, if the applicant feels it's favorable, the
20 applicant can proceed under whichever law it feels
21 is favorable, the original law or the later adopted
22 law.

23 Okay. So here we are. This
24 application was filed under the old ordinance, which
25 had both the land use procedure and the zoning

1 requirements, as well as taxation requirements.

2 All of those changed a month ago. So
3 we have new taxation requirements, new land use
4 procedure requirements and new zoning requirements
5 as regards to medical cannabis dispensaries.

6 The first major reaction I had when I
7 looked at this was: Well, can they avail themselves
8 of the favorable procedural requirements and the
9 favorable zoning requirements, if they have to
10 borrow from each of the old and new ordinances.

11 And unexpected to even myself, my
12 answer to that is yes, they can, and that is because
13 essentially what the new ordinance -- let's decide,
14 you know, the new ordinance, which is what is on the
15 screen right now, is essentially what is broken down
16 into three different ordinances, a taxation
17 ordinance, a land use procedural ordinance and a
18 zoning ordinance.

19 Now, you know, we could probably
20 attempt to write a thesis tonight as to whether or
21 not procedural requirements of land use law are
22 encompassed under the time of application law. That
23 is a question that remains somewhat open as I
24 understand it. I have not encountered that very
25 often, but regardless I see them as three different

1 ordinances, and yet the procedures have changed and
2 that is fine, but so has the zoning. And seeing as
3 those are three separate acts all contained on --
4 they just happened to be contained on the same
5 pages, the same document, I see it as three
6 different acts, and I do think that the applicant
7 can pick and choose at least in that regard. In
8 other regards I would disagree, but in that regard I
9 would agree.

10 Let me add to that two points. One,
11 that the application was deemed complete probably
12 something on the order of nine months ago, and that
13 is not an act that I think the governing body can
14 disturb.

15 And secondly, and I don't want to raise
16 a question as to this, but you know, the review
17 board as a prerequisite to completeness is something
18 that is not contemplated by the state statute in the
19 MLUL, and I don't know that you can alter the
20 procedures that were required on both the Board and
21 the applicant in the Municipal Land Use Law, a state
22 statute by ordinance.

23 That was long winded, and I hope it
24 answers your question.

25 COMMISSIONER DOYLE: Well, what I heard

1 was at least for part of it, you know, obviously we
2 are here to deal with the zoning code, not so
3 much -- certainly if there was a question about the
4 tax implications of this, the Planning Board does
5 not particularly have, you know, jurisdiction or a
6 dog in that fight, where as -- but Section 36,
7 you're kind of saying that's more of a procedural
8 non zoning issue, and so it can be divorced from --
9 I am having a hard time grasping the concept that
10 you can pick and choose provisions of the zoning
11 code, some of which work for you, and some of which
12 don't. But here I think 196 is very clear that this
13 is a conditional use now. The amendment made that
14 clear, and so this process from Section 36 and the
15 fact that it has not yet happened because I think it
16 became effective yesterday, you know, 20 days after
17 the June 19th Council meeting.

18 MR. CARLSON: Right.

19 COMMISSIONER DOYLE: As much as the
20 Government is efficient, you know, we haven't in a
21 day constituted a board and got a report out.

22 So you are saying that that is fine,
23 and I accept that. It was just a question, because
24 I know back in November, we were going back and
25 forth quite a bit about did the State have to give

1 an approval before we can hear it, or did we have to
2 give an approval before the State can hear it, and
3 it was sort of a, you know, obstante choice, or it
4 was circular logic whatever.

5 But the fact that we don't have a
6 review board report for the Planning Board to
7 declare completeness or prior to declaration
8 completeness is irrelevant because we declared it
9 complete many months before the review board came
10 into existence as required.

11 MR. CARLSON: Councilman, if I were a
12 judge sitting on this case, that is how I would
13 decide it, but I also would not be surprised if we
14 asked ten judges their opinion, we'd get five to go
15 one way and five to go the other, but I am giving
16 you my best, the one that I would feel comfortable
17 relying on.

18 MR. SULLIVAN: Mr. Chairman, could I
19 just weigh in on this --

20 CHAIRMAN MAGALETTA: I was going to ask
21 you, Mr. Sullivan, since this is your application.

22 The reason I asked Mr. Carlson is
23 because, you know, you are an advocate for your
24 client. It doesn't mean you're going to mislead us,
25 but you are an advocate of your client, and I wanted

1 Mr. Carlson to give his less varnished view.

2 Go ahead, Mr. Sullivan.

3 MR. SULLIVAN: I appreciate that, and I
4 thank Mr. Carlson for that analysis.

5 I just wanted to add one thing, that
6 because this application was deemed complete in
7 October, the Municipal Land Use Law, the state
8 statute, says that the Board has 120 days from that
9 date in order to render a decision on the
10 application, and I don't want to opine on whether or
11 not 36-4A is legally enforceable or not.

12 You may have an application behind us
13 that gets filed, and they -- the review board isn't
14 ready to act in 125 days, and you may have to face
15 that question of whether you have to vote on the
16 application whether or not the review board has
17 acted. But in this case you don't have that problem
18 because we already have vested rights. We already
19 have the rights to a decision by the Board because
20 the Board deemed us complete back in October, and so
21 we have a right to a decision by the Board, and it
22 certainly wouldn't be fair to ask the applicant to
23 indefinitely extend the 120-day period waiting for
24 the Board -- for the review board to be created and
25 act on the application, and I think that would be an

1 unreasonable condition or find it unreasonable.

2 So for that reason, you don't have to
3 make a decision on the enforceability of that part
4 of the ordinance to decide in this case that you
5 can't apply to retroactively and effectively rescind
6 the Board's declaration of completeness. You don't
7 have to get into the weeds of the ordinance in order
8 to say that you should go ahead and vote on our
9 application.

10 CHAIRMAN MAGALETTA: Thank you.

11 MR. CARLSON: Let me just add to that,
12 that the Board should be mindful in this
13 application, and I know there's new Board members,
14 so this is a good opportunity to talk about this,
15 that we are under a time constraint to decide all
16 applications and that is set by statute, and
17 customarily applicants, if an application is going
18 over that statutory period, customarily applicants
19 will extend that time period.

20 That said, you know, this applicant has
21 extended that time period by a period of 6 to 7
22 months while we awaited some clarifying action by
23 the governing body of the City of Hoboken, which we
24 can now proceed.

25 So, you know, to the degree that the

1 applicant expects to be decided in the near future,
2 I just wanted to give everyone some of the
3 background that they are not unreasonable in that
4 endeavor.

5 CHAIRMAN MAGALETTA: All right. Thank
6 you.

7 I think, Mr. Sullivan -- well, actually
8 I take it back.

9 Mr. Doyle, that was a question for Mr.
10 Heydt, and there is an opportunity, are there any
11 other questions that the Board members have for Mr.
12 Heydt at this point in time?

13 COMMISSIONER DOYLE: I only have 25 of
14 them.

15 CHAIRMAN MAGALETTA: Oh, good.

16 (Laughter)

17 Write him a memo.

18 Okay. Anybody else?

19 All right. Mr. Sullivan, what is your
20 next move here?

21 MR. SULLIVAN: I have no further
22 testimony to present. I will just reserve the right
23 to briefly sum up after the public has an
24 opportunity to comment.

25 CHAIRMAN MAGALETTA: Okay. Then we will

1 do that right now.

2 At this point in time, this is an
3 opportunity for any members of the public who are
4 listening to the meeting to give their position with
5 respect to this application.

6 I will give it a minute.

7 Does anybody want to be heard?

8 MR. SULLIVAN: They may, if calling in,
9 have to press star 9. I don't know if that's the
10 same on this platform.

11 CHAIRMAN MAGALETTA: Pat, I think there
12 is nobody in the waiting room.

13 If anybody wants in, they can just
14 unmute themselves, correct?

15 MS. CARCONE: No. I am going through
16 the Zoom call.

17 CHAIRMAN MAGALETTA: All right. So it
18 does not appear to be any members of the public
19 wanting to be heard, so we will close the public
20 comment portion.

21 All right, Mr. Sullivan?

22 (Loud noise)

23 CHAIRMAN MAGALETTA: What was that?

24 MR. SULLIVAN: Thank you, Mr. Chairman.
25 I will be brief.

1 Everyone knows the importance of this
2 application, the importance of this use. Nobody
3 could explain it better than Mr. Heydt did, and I
4 appreciate the fact that the city has been trying to
5 be very careful about the circumstances under which
6 the use will be permitted.

7 They now adopted the ordinance, and we
8 have now established that we meet the conditions
9 that the ordinance requires.

10 And in terms of the law, that is
11 actually pretty straightforward. The use is
12 permitted in the zone, and as long as we meet those
13 conditions, we have provided credible testimony that
14 we meet those conditions, we don't need any
15 variances or any other relief, and I submit that the
16 application should be approved.

17 CHAIRMAN MAGALETTA: Thank you.

18 You know what? I apologize. I did
19 have a couple more questions for Mr. Brodchandel.
20 You are not being prejudiced, but there are a couple
21 questions I just wanted to make sure they were
22 tightened up.

23 Would that be okay if he came up real
24 quickly?

25 MR. SULLIVAN: Sure.

1 CHAIRMAN MAGALETTA: I apologize. I
2 really do.

3 MR. SULLIVAN: Mr. Brodchandel, are you
4 available, please?

5 MR. BRODCHANDEL: Yes.

6 Can you hear me?

7 CHAIRMAN MAGALETTA: Yes, I can.

8 So the question -- and this was in your
9 testimony, what is the -- what is the LLC? What is
10 its role in this application? What is it?

11 MR. BRODCHANDEL: The applicant is a
12 hundred percent -- are you talking about SBRE?

13 CHAIRMAN MAGALETTA: I'm talking about
14 LLC versus Harmony. I mean, who is running the
15 business?

16 MR. BRODCHANDEL: I am 100 percent
17 owner of the LLC and it --

18 MR. CARLSON: Hold on. Hold on, if I
19 may.

20 CHAIRMAN MAGALETTA: He was sworn in,
21 so it's okay.

22 MR. CARLSON: No, I know. I just want
23 to remind you that you are still under oath from
24 seven months ago and your testimony that's being
25 given tonight is under oath.

1 CHAIRMAN MAGALETTA: Okay. Thank you,
2 Scott.

3 So you're under oath. Please continue.

4 S H A Y A B R O C H A N D E L, having been
5 previously sworn, testified as follows:

6 THE WITNESS: So the LLC is a hundred
7 percent owned by me, and it is a sublease to the
8 foundation Harmony, which is the applicant. It's a
9 shell company leasing and subleasing to the
10 operator.

11 CHAIRMAN MAGALETTA: So the LLC is
12 actually operating the business, is that correct to
13 state that?

14 THE WITNESS: Hum, that would be --

15 MR. SULLIVAN: The LLC is the tenant
16 subleasing to Harmony, which is the operator,
17 correct?

18 THE WITNESS: Yes.

19 CHAIRMAN MAGALETTA: Okay. Now I got
20 it. I'm sorry.

21 Thank you.

22 All right.

23 And what is as far as -- and then that
24 is fine as far as with respect to the statute having
25 one entity operate it while one entity is the

1 lessee, that is okay, Mr. Sullivan? I mean, I will
2 ask you then I guess.

3 MR. SULLIVAN: Yes.

4 CHAIRMAN MAGALETTA: Okay.

5 And then with the courtyard again, that
6 is only for the employees. There will be no
7 patients or customers going into the courtyard. Is
8 that correct?

9 THE WITNESS: The courtyard is a buffer
10 inside of our facility that will deal with any
11 lines. Instead of it being in the street, we want
12 to contain it within. It is not used for seating
13 and lounging. So that we already established it
14 will be there for patients to be contained inside,
15 if there are lines and for practical reasons.

16 CHAIRMAN MAGALETTA: All right. That
17 may be a condition that it will only be used just
18 for people waiting, but not be used for any kind
19 leisurely activity.

20 And there will not be a gift shop,
21 correct?

22 THE WITNESS: That is correct.

23 CHAIRMAN MAGALETTA: And then you had
24 stated in your testimony that there are no gifts or
25 accessories sold on site, but then you stated that

1 the process of patients to administer the medicine
2 itself will be available.

3 What is the distinction between from
4 accessories and products to assist patients to
5 administer the medicine? What is the distinction?

6 THE WITNESS: If I recall, we proposed
7 putting a gift shop in the entrance of the
8 dispensary initially, and then the dispensary, but
9 we have replaced the gift shop with a waiting area.
10 So right now that is the area where the patients
11 will come in, and they would wait for their turn to
12 go into the dispensary, and they could not purchase
13 any products, like paraphernalia, like a pipe, a
14 lighter.

15 Many of these accessories are sold in
16 the actual dispensary where the medicine was
17 contained.

18 CHAIRMAN MAGALETTA: Okay. So they
19 have accessories, but they are not -- it is not
20 going to be a gift shop. Okay. I understand now.

21 All right. And you also said that
22 there are people that are going to show up, if they
23 have a prescription, but that they don't necessarily
24 need an appointment. They can just walk up. Is
25 that correct?

1 THE WITNESS: That was the case pre
2 COVID in our last testimony, but we do not allow for
3 walk-ups. It is all appointments.

4 CHAIRMAN MAGALETTA: And post COVID, if
5 that should ever happen, what will be the procedure?

6 THE WITNESS: So post COVID, we imagine
7 to restore the days that you can walk into the
8 dispensary. However, I will mention another thing
9 significant has been added to the program now allows
10 for dispensaries to home deliver to patients,
11 which will provide the ability for dispensaries to
12 deliver as opposed to having all the traffic only
13 coming through our retail --

14 CHAIRMAN MAGALETTA: Okay. Home
15 delivery, because it is COVID, or is that expected
16 to go away?

17 THE WITNESS: It is in the law and has
18 been -- it's permanently. It will not go away.

19 CHAIRMAN MAGALETTA: Okay. Perfect.

20 THE WITNESS: And it has been I guess
21 brought to priority.

22 CHAIRMAN MAGALETTA: Okay. Thank you.
23 I appreciate that, and I apologize for taking you
24 out of order. Since you have answered a couple of
25 questions, do any members of the public have any

1 questions for you regarding your testimony?

2 I don't see any, so I will close it.

3 Do any Board members have any
4 additional questions for Mr. Brodchandel?

5 Thank you. I appreciate your time
6 again.

7 MS. CARCONE: Lea has a question.

8 CHAIRMAN MAGALETTA: Who did?

9 MS. CARCONE: Lea Cloud.

10 CHAIRMAN MAGALETTA: Okay. Go ahead,
11 Lea. I didn't see that. Go ahead.

12 VICE CHAIR CLOUD: Sorry. I just
13 raised my hand.

14 CHAIRMAN MAGALETTA: Yeah.

15 VICE CHAIR CLOUD: My question was:
16 When you were before us back in November, and you
17 explained that the kiosk area, if I remember
18 correctly, and excuse me if I don't, but it was
19 being able to package larger quantities for home
20 delivery or pickup. And given that the law has now
21 changed and you are able to do home delivery, will
22 the kiosk area actually come into play or is it
23 still a future -- an area for future development?

24 THE WITNESS: That is a good question,
25 revisited that with right now curbside that was

1 added, curbside pickup and delivery to the program,
2 so we imagine that there will not be much use of the
3 pickup, so we are hoping to remove it altogether
4 from the dispensary and either do delivery or
5 walk-ins, but we are not final with all of the
6 changes that have been as recent with the social
7 distancing and now deliveries, that we would
8 hopefully be implementing, we don't want to have too
9 many options. So I believe we will not have it, but
10 we are not confirmed yet. It is a pretty recent
11 stage.

12 VICE CHAIR CLOUD: Right, because it
13 does seem like the barrier that it provides you
14 given COVID actually has huge advantages, so I am
15 surprised to hear you are considering taking it
16 away.

17 THE WITNESS: We would encourage
18 delivering to patient's homes if they want quick
19 access or in -- for instance, in Secaucus, there is
20 parking and drive through, which is great to be, and
21 in addition that would be a better area for traffic,
22 cars and stuff for quick pickups.

23 VICE CHAIR CLOUD: Understood.

24 CHAIRMAN MAGALETTA: Okay.

25 VICE CHAIR CLOUD: Thank you.

1 CHAIRMAN MAGALETTA: Thank you.

2 All right. Anybody else?

3 Okay. Mr. Sullivan, I'm sorry about
4 that. Are there additional comments you want to
5 make in your closing?

6 MR. SULLIVAN: No, Mr. Chairman.

7 Thank you.

8 CHAIRMAN MAGALETTA: All right.

9 Do any members of the Board wish to
10 give an opinion regarding this application at this
11 point in time?

12 Anyone?

13 Go ahead.

14 COMMISSIONER DOYLE: I guess, yes, we
15 will just abstain.

16 (Laughter)

17 No. I think that the -- I mean,
18 notwithstanding the fact that the foundation that we
19 are standing on has shifted over the last 7 months
20 or, what, 7, plus two, 9 months, that I think the
21 applicant has satisfied all of the conditions that
22 are out there in the ever changing ordinances, and I
23 think that we should approve the application.

24 CHAIRMAN MAGALETTA: Okay. Anybody
25 else?

1 Thank you.

2 Ms. Cloud?

3 VICE CHAIR CLOUD: I wholeheartedly
4 support the application. I think potentially it is
5 a really good solution. I think the location is
6 ideal.

7 I would encourage the adding of a
8 loading zone as a condition of approval, but I think
9 that it is a good thing to have.

10 CHAIRMAN MAGALETTA: Okay.

11 MR. CARLSON: If I can just on the
12 loading zone condition, is that something that we
13 can just throw in or does that require -- I am not
14 asking the applicant, is that something we can add
15 in?

16 CHAIRMAN MAGALETTA: I think you have
17 to ask Greg.

18 MR. SULLIVAN: I believe you can
19 condition it -- you can condition that we make the
20 request to either the governing body or the City
21 Administration, whichever it is in Hoboken.
22 Obviously we have to make a request. We can't
23 guarantee the result.

24 MR. CARLSON: Is that --

25 (Mr. Carlson and Chairman Magaletta

1 speaking at the same time)

2 CHAIRMAN MAGALETTA: Or a loading zone,
3 yeah --

4 COMMISSIONER DOYLE: Is that a delivery
5 loading zone, or is that a patient, a prescription
6 holder dropoff --

7 CHAIRMAN MAGALETTA: Dropoff, yeah.

8 COMMISSIONER DOYLE: -- which is --

9 VICE CHAIR CLOUD: The one -- my
10 support was for a patient dropoff for them.

11 CHAIRMAN MAGALETTA: Okay.

12 MR. CARLSON: Is it deliveries or just
13 patient dropoff?

14 COMMISSIONER FRANCESE: I don't think
15 the ordinance --

16 CHAIRMAN MAGALETTA: Go ahead.

17 COMMISSIONER FRANCESE: -- I don't
18 think the ordinance has a distinction between the
19 two. It is just a loading zone.

20 CHAIRMAN MAGALETTA: All right.

21 And, Greg, as far as the process for
22 the applicant to make the request, to whom would it
23 go?

24 COMMISSIONER FRANCESE: Well, it would
25 have to be approved by the City Council, but the

1 Department of Transportation would write the
2 amend -- the ordinance I think.

3 CHAIRMAN MAGALETTA: Well, I think what
4 Mr. Sullivan said, the burden which is upon the
5 applicant would be to make a good faith application
6 for a loading zone, and then let the City Council
7 decide if it's appropriate. I think that's right.

8 MR. CARLSON: If I may intervene at
9 this point.

10 So we have the loading zone condition.
11 I would like to add the condition that there would
12 be no consumption on site, which I think we are all
13 agreed upon.

14 And there was one earlier before my
15 computer conked out, which I lost, and if anyone
16 recalls that, I would appreciate the recollection.

17 COMMISSIONER DOYLE: I think it was the
18 document of Frank Magaletta that we put up.

19 CHAIRMAN MAGALETTA: Yeah. That has
20 since been torn down, but it will be in bronze, of
21 course.

22 (Laughter)

23 MR. CARLSON: All right. If not, I am
24 going to simply add that all conditions agreed upon
25 on the record, and once we have the transcript, I

1 can sort through that.

2 MR. SULLIVAN: But, Scott, I think not
3 quite as dramatic as the statute is a written
4 agreement, you want a written agreement with the
5 parking.

6 MR. CARLSON: Yes. Thank you. Thank
7 you.

8 Can we get the statute, too, though?

9 CHAIRMAN MAGALETTA: Absolutely.

10 Bill, I mean, you are going to have to
11 make that work. I am sorry.

12 COMMISSIONER DOYLE: It's six inches
13 tall, Bill.

14 VICE CHAIR CLOUD: A miniature, a
15 miniature.

16 COMMISSIONER DOYLE: Right there in the
17 courtyard.

18 (All Commissioners laughing and talking
19 at once)

20 CHAIRMAN MAGALETTA: I mean, you can
21 make an accessory, and you can use one of the
22 products, you know, put a couple holes in it. That
23 is fine.

24 (Laughter)

25 All right. We are going too far afield

1 now.

2 And so those are the conditions in
3 addition to our typical ones. Is there anything
4 else, Scott, that you want to toss in there, or are
5 those three sufficient?

6 MR. CARLSON: No. That is all I have.

7 CHAIRMAN MAGALETTA: Okay.

8 Do any other Board members have any
9 comments, questions, they want to throw into this
10 mix?

11 Okay. I mean, I say as well, I think,
12 Mr. Heydt, I appreciate the purpose of this, you
13 know, and it is nice sometimes when you can do
14 something that also serves to really, you know,
15 really a strong need for a lot of people. I think
16 it is a good application, and I agree that you have
17 met the conditions, even the ones that have been
18 added, the applicant has met the conditions, and I
19 think it is appropriate to grant this application.

20 If there is no further comment, does
21 somebody want to make a motion with respect to this
22 application?

23 COMMISSIONER DOYLE: I make a motion to
24 the approve the application with the conditions as
25 so stipulated.

1 VICE CHAIR CLOUD: Second.

2 CHAIRMAN MAGALETTA: Is there a second?

3 VICE CHAIR CLOUD: Second.

4 CHAIRMAN MAGALETTA: Thank you.

5 Pat?

6 MS. CARCONE: Commissioner Ajmani?

7 CHAIRMAN MAGALETTA: Everybody has to

8 unmute.

9 MS. CARCONE: Dini, are you there?

10 All right. I am going to go back to

11 Dini.

12 Commissioner Francese?

13 COMMISSIONER FRANCESE: Yes.

14 MS. CARCONE: Commissioner Doyle?

15 COMMISSIONER DOYLE: Aye.

16 MS. CARCONE: Commissioner Cloud?

17 VICE CHAIR CLOUD: Yes.

18 MS. CARCONE: Commissioner Lockwood?

19 COMMISSIONER LOCKWOOD: Yes.

20 MS. CARCONE: Commissioner O'Connor?

21 COMMISSIONER O'CONNOR: Yes.

22 MS. CARCONE: Commissioner Jacobson?

23 COMMISSIONER JACOBSON: Yes.

24 MS. CARCONE: Commissioner Allman?

25 COMMISSIONER ALLMAN: Yes.

1 MS. CARCONE: Chairman Magaletta?
2 CHAIRMAN MAGALETTA: Yes.
3 MS. CARCONE: And Dini?
4 COMMISSIONER AJMANI: Yes.
5 MS. CARCONE: Commissioner Ajmani,
6 okay.
7 Great. Approved.
8 CHAIRMAN MAGALETTA: Thank you.
9 MR. CARLSON: Thank you.
10 CHAIRMAN MAGALETTA: Thank you. All
11 right. Congratulations and good luck.
12 MR. SULLIVAN: Thank you, Board
13 members.
14 MR. HEYDT: Everyone, have a good
15 evening.
16 CHAIRMAN MAGALETTA: Okay. Thank you
17 very much. Good luck.
18 A VOICE: Have a good evening,
19 everyone.
20 CHAIRMAN MAGALETTA: Thank you,
21 bye-bye.
22 MS. CARCONE: Frank, before we close --
23 CHAIRMAN MAGALETTA: Yes,
24 MS. CARCONE: -- we have to just talk
25 about the northwestern amendment.

1 CHAIRMAN MAGALETTA: Yes. There is an
2 amendment to the Northwest Redevelopment Plan,
3 which, George, you were supposed to have a report by
4 next week, but we have to have a special meeting
5 because the City Council is going to vote -- wants
6 to vote on it on July 29th. So Tuesday, July 28th,
7 at 6 pm.

8 Is that correct, Pat?

9 MS. CARCONE: Yes.

10 CHAIRMAN MAGALETTA: Okay. Do we
11 have --

12 COMMISSIONER DOYLE: Why do we have to
13 accommodate them?

14 THE REPORTER: Why do you have to do
15 what, Mr. Doyle?

16 COMMISSIONER DOYLE: I am actually not
17 kidding.

18 CHAIRMAN MAGALETTA: Well, because
19 there is a lawsuit and there is some kind of
20 deadline in conjunction with that lawsuit, which is
21 why we don't want to miss the deadline.

22 VICE CHAIR CLOUD: What's the date
23 again?

24 What's the date again?

25 CHAIRMAN MAGALETTA: On Tuesday, July

1 28th.

2 MS. CARCONE: At 6 p.m.

3 COMMISSIONER DOYLE: The Council is
4 meeting on the 29th, and it is a consistency review.
5 We just went through this particular, you know, this
6 is the one that we -- George has written five
7 reports on, if I am not mistaken.

8 CHAIRMAN MAGALETTA: Each one better
9 than the last. Okay.

10 (Laughter)

11 The change is going to be with respect
12 to the affordable housing element, so it should not
13 be a very long -- I shouldn't say that. I don't
14 anticipate it being an extremely long meeting, but
15 however, we have to address this issue.

16 So the question is: Will people have
17 it fit into their schedules. Does anybody have an
18 issue with that or not?

19 MR. CARLSON: I will be on vacation,
20 but I am able to join by Zoom.

21 CHAIRMAN MAGALETTA: As will I be.

22 COMMISSIONER JACOBSON: I'm available.

23 MS. CARCONE: And it's a 6 p.m. start
24 time because I have the Zoning Board at 7, so --

25 CHAIRMAN MAGALETTA: Right.

1 COMMISSIONER DOYLE: Pat, is it a
2 Tuesday or a Thursday, what's the day?

3 MS. CARCONE: It is a Tuesday.

4 CHAIRMAN MAGALETTA: So it will be
5 before your meeting.

6 VICE CHAIR CLOUD: We are hoping it
7 will be done in an hour.

8 MS. CARCONE: I couldn't imagine
9 tonight to have two simultaneous Zoom meetings.

10 COMMISSIONER DOYLE: Pat, I think we
11 should filibuster and make the Zoning Board wait for
12 us.

13 (Laughter)

14 CHAIRMAN MAGALETTA: I'd like that.

15 MS. CARCONE: I am going to figure this
16 out of being an admin on two Zoom meetings before
17 the 28th.

18 CHAIRMAN MAGALETTA: Okay. All right.

19 So what we will do right now is we will
20 have it for the 28th. If somebody has an issue,
21 please email Pat, and we will also confirm that we
22 have a quorum. But right now everybody should
23 anticipate being available, please, July 28th at 6
24 p.m. for this meeting, okay?

25 COMMISSIONER DOYLE: Okay.

1 CHAIRMAN MAGALETTA: Any further
2 business?

3 COMMISSIONER DOYLE: Motion to close.

4 CHAIRMAN MAGALETTA: Okay. Is there a
5 second?

6 VICE CHAIR CLOUD: Motion to close --
7 second.

8 CHAIRMAN MAGALETTA: All those in
9 favor?

10 (All Board members answered in the
11 affirmative)

12 MS. CARCONE: Thank you, everyone.

13 MR. WILLIAMS: Thanks.

14 CHAIRMAN MAGALETTA: Bye-bye. Thanks,
15 Pat. Have a good night.

16 MS. CARCONE: Thank you.

17 (The meeting concluded at 9:45 p.m.)

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C E R T I F I C A T E

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I, PHYLLIS T. LEWIS, a Certified Court Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the proceedings as taken stenographically by and before me at the time, place and date hereinbefore set forth.

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

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PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2020.
This transcript was prepared in accordance with
NJAC 13:43-5.9.