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HUDSON COUNTY
PLANNING BOARD

RE:

REGULAR MEETING : TRANSCRIPT OF
OF THE :
HUDSON COUNTY PLANNING : PROCEEDINGS
BOARD :
:

O P E N S E S S I O N

Bergen Square Center
Floor 9A
830 Bergen Avenue
Jersey City, New Jersey
Tuesday, May 17, 2022
5:30 p.m.

V I A Z O O M:

SAMANTHA LUGO, Chairwoman
RUSHABH MEHTA, Commissioner
YRAIDA APONTE-LIPSKI, Commissioner
FRANCES KENNY, Commissioner
FLOYD JETER, Commissioner
THOMAS MALAVASI, PE, Commissioner

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

JENNIFER BOGDANSKI, ESQ., Board Counsel
FRANCESCA GIARRATANA, PP, AICP, Secretary
MARCELLA TRAINA, Assistant Planner
PAUL D. CRAY, PE, PP, CME
GREGORY GITTO, PE

1 CHAIRWOMAN LUGO: Good evening,
2 everybody. I would like to call the May 17th Hudson
3 County Planning Board meeting to order. Has the
4 meeting been properly advertised?

5 MS. CURLEY: Yes. It appeared in the
6 -- Marchella, can you help me out?

7 MS. TRAINA: Yes. It appeared in the
8 Jersey Journal and in the Star Ledger.

9 CHAIRWOMAN LUGO: Thank you. May I
10 have a roll call, please.

11 MS. GIARRATANA: Yes, Chairwoman.
12 Commissioner Allen.

13 COMMISSIONER ALLEN: Present.

14 MS. GIARRATANA: Commissioner
15 Aponte-Lipski.

16 COMMISSIONER APONTE-LIPSKI: Here.

17 MS. GIARRATANA: Commissioner Choffo,
18 absent. Commissioner Glembocki, absent.
19 Commissioner Jeter.

20 COMMISSIONER JETER: Present.

21 MS. GIARRATANA: Commissioner Kenny.

22 COMMISSIONER KENNY: Present.

23 MS. GIARRATANA: Commissioner
24 Malavasi.

25 COMMISSIONER MALAVASI: Here.

1 MS. GIARRATANA: Commissioner Mehta.

2 COMMISSIONER MEHTA: Here.

3 MS. GIARRATANA: Commissioner Ng,
4 absent. Commissioner Walker, absent -- oh, my
5 apologies.

6 COMMISSIONER WALKER: Yes.

7 MS. GIARRATANA: Commissioner Walker
8 is present, okay. And Chairwoman Lugo.

9 CHAIRWOMAN LUGO: Present.

10 MS. GIARRATANA: Chairwoman, we have
11 a quorum. Thank you.

12 CHAIRWOMAN LUGO: Can we please stand
13 for the flag salute?

14 (Flag salute.)

15 CHAIRWOMAN LUGO: Commissioners, has
16 everyone had the opportunity to read the minutes
17 from our last meeting? And if so, can I get a
18 motion?

19 COMMISSIONER JETER: Motion.

20 COMMISSIONER MEHTA: Second.

21 MS. GIARRATANA: On a motion made by
22 Commissioner Mehta and seconded by Commissioner
23 Jeter.

24 Commissioner Allen.

25 COMMISSIONER ALLEN: Abstain.

1 MS. GIARRATANA: Commissioner
2 Aponte-Lipski.

3 COMMISSIONER APONTE-LIPSKI: Aye.

4 MS. GIARRATANA: Commissioner Choffo,
5 absent. Commissioner Jeter.

6 COMMISSIONER JETER: Aye.

7 MS. GIARRATANA: Commissioner Kenny.

8 COMMISSIONER KENNY: Aye.

9 MS. GIARRATANA: Commissioner
10 Malavasi.

11 COMMISSIONER MALAVASI: Aye.

12 MS. GIARRATANA: Commissioner Mehta.

13 COMMISSIONER MEHTA: Aye.

14 MS. GIARRATANA: Commissioner Walker.

15 COMMISSIONER WALKER: Yes.

16 MS. GIARRATANA: Chairwoman Lugo.

17 CHAIRWOMAN LUGO: Aye.

18 MS. GIARRATANA: The motion has
19 passed. The next item on the agenda is No. 5,
20 Matters Scheduled for Public Hearing. The first
21 item is Site Plans, Subdivisions and Other Matters
22 Scheduled for Hearing. The first application is
23 2022-014-SP; The Story Dispensary of Hoboken, LLC;
24 at 51-53 14th Street; Block 245, Lot 10; in Hoboken.
25 It's a site plan application to renovate an existing

1 mixed-use building to operate an adult-use cannabis
2 retail establishment. Before we begin our attorney
3 would like to say a few words before the public
4 hearing and if you have some items on my side,
5 please. All Commissioners stay on camera throughout
6 the public hearing and please, please, mute
7 yourself, you know, when you're not speaking.

8 MS. CURLEY: So good evening,
9 everyone. Amanda Curley here, Hudson County
10 Planning Board Attorney. I just want to quickly go
11 over some rules and ground rules tonight because I
12 do know that this is an application that we do have
13 public commentary on. So I just wanted to start
14 with a statement about the Board and its review
15 jurisdiction.

16 This is a county planning board, and the
17 powers derive from the County Planning Act N.J.S.A.
18 40:25-1, et seq. Our jurisdiction is limited to the
19 impact on County drainage and County roads. That's
20 really it. It's not our job to review the use or
21 determine whether or not the use is permitted or
22 that it is appropriate. That is for the Municipal
23 ordinances and the City of Hoboken to determine.

24 So this evening when we talk about the
25 application, please be guided by the fact that the

1 issue here, the issue is traffic. That is what our
2 jurisdiction is coming in, because the location of
3 this proposed dispensary is at the corner of two
4 County roads, which is 14th Street and Hudson. Any
5 issues you have related to the use, if you don't not
6 like the use or like the use, not really where
7 you're supposed to be having those comments. That's
8 really for the Hudson County Planning -- no, sorry.
9 The Hoboken Planning Board, and you are free to
10 attend the public hearing that I'm sure will occur
11 at a later date.

12 Also, I'm aware that there is counsel here
13 from the condo association that also brought up some
14 issues arising out of the New Jersey Condo
15 Association Act. Obviously he has documents.
16 Again, this is not the right venue to speak about
17 those issues. This is again traffic and drainage
18 and in this instance, it's really traffic. There is
19 no impact on drainage. They are outfitting an
20 existing site.

21 So with that, we'll let the application
22 put on their experts. If you have questions of the
23 professional after they testify, you are permitted
24 to ask questions. If you're represented by counsel,
25 you have to speak through counsel, and if you want

1 general public comment, we will open those at the
2 end of the testimony, and you'll be allowed five
3 minutes. We are going to limit all public
4 commentary. Each person will speak for five
5 minutes, and that is for general public comment, and
6 that will be at the end. So again, you can ask
7 questions, or questions about something that came up
8 in the testimony. We'll open it up to that after we
9 let the Commissioners have their questions. It's
10 not for public comment, general public comment, and
11 not specific questions. That will be at the end.

12 And with that I'm going to let Francesca
13 go ahead with the housekeeping.

14 MS. GIARRATANA: Thank you so much,
15 Amanda. And in terms of public comment, to make it
16 as efficient and as smooth as possible, we would
17 like to ask anyone who would like to provide those
18 public comments to sign up in the chat box with
19 their name. We will compile a list in the order
20 that we receive the name, and we are going to have
21 the deadline to sign up will be at 6:30, and then
22 the list will be complete for public comment.

23 Again, if you would like to ask the expert
24 a question on their testimony, you can use the Raise
25 Your Hand function. Thank you so much. And Amanda,

1 I believe there will be some -- there will be
2 Commissioners recusing themselves, one or two,
3 before we begin the full hearing.

4 MS. CURLEY: Okay. Great. Yes. I
5 believe that we have looked at this and two of our
6 Commissioner are going to be recusing themselves.
7 While we do not believe there is a conflict, just so
8 if there is any appearance or potential of
9 impropriety, we are going to ask two Commissioners
10 to sit out of the hearing, and that would be
11 Commissioner Jeter.

12 COMMISSIONER JETER: I will recuse
13 myself.

14 MS. CURLEY: Thank you. And then the
15 other would be Commissioner Walker.

16 COMMISSIONER WALKER: Yes, I will
17 recuse myself.

18 MS. CURLEY: Thank you so much. You
19 guys can sign off. And I think that might be it on
20 our end. I think the applicant can -- is the
21 attorney for the applicant on? I believe it's
22 Jennifer Porter.

23 MS. PORTER: Yes, I'm here. Good
24 evening.

25 MS. CURLEY: Good evening.

1 MS. PORTER: Yes, Jennifer Porter,
2 the law firm, Chiesa Shahinian & Giantomasi, and I'm
3 here today on behalf of the applicant, Story
4 Dispensary of Hoboken, LLC. The applicant is here
5 this evening in connection with its proposed use of
6 property located at 51-53 14th Street, which as
7 previously indicated is designated as Block 245, Lot
8 10 on your tax map with the City of Hoboken.

9 More specifically, the applicant is the
10 proposed lessee of a commercial condominium unit
11 which is located within the existing mixed-use
12 commercial and residential units, a building
13 existing at the site and seeking approvals for the
14 proposed operation of the adult-use cannabis retail
15 establishment in the accordance with the applicable
16 ordinances of the city of Hoboken as well as
17 N.J.A.C. 17:13, and related provisions.

18 In connection with this proposed
19 operation, the applicant is proposing site
20 improvements, and to discuss their application in
21 greater detail this evening, we intend to call the
22 following the witnesses. I would like to disclose
23 at the outset that we do have our traffic consultant
24 with us but unfortunately he has a conflict this
25 evening. We intended to get another traffic

1 engineer as well, but they were also conflicting.
2 He is on this call and can certainly address some of
3 the remaining items that were identified by the
4 County reviewers, and he's happy to address the
5 questions posed by T & M, and certainly we rely upon
6 the basis of his underlying traffic impact
7 statement, as well as his written responses to the
8 initial comments received from the County and its
9 reviewers.

10 CHAIRWOMAN LUGO: Great. Thank you.

11 MS. PORTER: So I would like to first
12 Mr. Masol.

13 MR. MASOL: Hi.

14 MS. CURLEY: Can you raise your right
15 hand and let me swear you in.

16 (The witness is sworn.)

17 MS. CURLEY: And please state your
18 full name for the record.

19 MR. MASOL: Yes. My name is William
20 Masol. M as in Mary, A-S-O-L.

21 MS. CURLEY: Great. Thank you.
22 Jennifer.

23 MS. PORTER: Great. Thank you.
24 Mr. Masol, can you please state to the Board your
25 professional background so that you can be qualified

1 as an expert in the field of traffic engineering,
2 starting with your educational and professional
3 background.

4 MR. MASOL: Sure. I actually am a
5 graduate of Steven's Institute of Technology in
6 Hoboken. I have a bachelor's of engineering, civil
7 engineering from there. I am a licensed
8 professional engineer in the state of New Jersey and
9 a certified municipal engineer. I have been
10 licensed since 2013. For the entirety of my 15-year
11 career, I have worked in transportation engineering
12 and municipal engineering.

13 MS. PORTER: And your license is
14 still current?

15 MR. MASOL: Yes, it is.

16 MS. PORTER: And you've previously
17 testified in front of boards?

18 MR. MASOL: Yes. I have testified in
19 front of several boards. I'm presently the township
20 engineer in Chester Township, as well as municipal
21 engineer in Cranford Township.

22 MS. PORTER: Great. We ask that the
23 Board recognize Mr. Masol in the field of traffic
24 engineering.

25 CHAIRWOMAN LUGO: Unless any other

1 Commissioners have objections, he's accepted.

2 MS. PORTER: Great. Thank you.

3 Mr. Masol, you had said that you prepared a traffic
4 impact statement in connection with this proposed
5 project that was submitted previously to the County?

6 MR. MASOL: That's correct.

7 MS. PORTER: Is it also your
8 understanding in connection with a comment letter
9 which was received from the County from T & M
10 Associates, that you prepared a written response
11 dated May 16, 2022, which addressed many of the
12 items in that comment letter, and then specifically
13 referred to additional comments that would be
14 addressed by the applicant or would have to be
15 addressed by the applicant in connection with their
16 use and their operations at the site?

17 MR. MASOL: That is correct as well.

18 MS. PORTER: Great. And did you
19 today with the three additional questions that were
20 a response to the written comments that has been
21 provided from T & M Associates which specifically
22 asked you to address the response letter and the
23 45-percent figure regarding all peak hour trips that
24 would occur, be it public transit, bike or via
25 walking?

1 MR. MASOL: Yes. I was made aware of
2 that comment letter.

3 MS. PORTER: Okay. Now, can you
4 please address that specific comment? And it's our
5 understanding that as far as you recall, you did
6 rely upon specific information provided that
7 45 percent of all peak hour trips would be via
8 public transit, bike or via walking? Could you
9 address that comment?

10 MR. MASOL: Yes. That was
11 information taken from the neighborhood impact
12 statement which was by the applicant, City of
13 Hoboken Planning Board. They based information on
14 market research that they had done. Our response
15 simply highlighted the fact that was the figure that
16 they had come up with, more so than leaning into it
17 as a hard and fast sort of data analysis that would
18 result in that 45 percent figure.

19 MS. PORTER: And for the purposes of
20 the Board and for the public in this regard, it is
21 this applicant's intention to call a representative
22 of the applicant who will give further testimony as
23 to how that information was derived, where it was
24 derived from and how the usage has come into the
25 site. Now, the second question that was provided to

1 us from T & M Associates, which was a follow-up
2 question, again, in connection with the written --
3 written responses you had provided to earlier
4 comments, indicated that there was no loading area
5 shown on the plans and that no loading area was
6 referenced in the MTA letter. Could you please
7 address that particular item as it relates to the
8 need for a loading area and how the applicant has
9 addressed that with respect to their application.

10 MR. MASOL: Sure. My understanding
11 is based upon that same neighborhood impact
12 statement that was submitted by the applicant to the
13 city planning board, is that the applicant intends
14 to have their loading and unloading done via parking
15 in a nearby garage and escorting the appropriate
16 staff with their security personnel.

17 MS. PORTER: Okay. And for the
18 benefit of the Board, again, we will have the
19 applicant's representative, Mr. Epstein, who will
20 provide further clarification to the Board exactly
21 how deliveries will be navigated at this site. And
22 how that will be accommodated.

23 Now, the third and final question that was
24 raised by T & M Associates was with respect to
25 dropoff locations and a concern with respect to

1 proximity to crosswalks. Could you address that
2 item specifically, the County issue in that regard?

3 MR. MASOL: Yes. So the specify
4 question had to do with dropoffs for people riding
5 it looks like via ride share. There is obviously
6 on-street parking throughout all of Hoboken and
7 either may result in somebody's ability to
8 necessarily pull into a parking lane or a shoulder.
9 Our response to that indicated that at the corner,
10 you know on two of the approaches to the corner,
11 there are drive traffic lanes that abut right up to
12 the curb. However, on the others there is a space
13 that is outlined by Title 39, the State statutes
14 which prohibits parking within 25 feet of a
15 crosswalk or curb extension if there is no
16 crosswalk.

17 We indicated that given the nature of the
18 quick turnaround and dropping off those spaces will
19 be used often. It's my understanding that that was
20 not up to the response that T & M was looking for.
21 I can look at the surrounding areas. There are
22 various curb cuts or driveways on adjacent
23 properties that could be pulled into at a point to
24 drop people off. The reality of the situation when
25 it comes to Lyft or Uber or other ride share, it's

1 very hard to govern. While the applicant may be
2 able to make use of a -- have the ability for people
3 to be dropped our here or there, there is no one
4 from the applicant's staff sitting in their vehicle
5 saying, Hey, this is where you have to park for this
6 particular set. That's the problem not just for
7 this site but for any business or use that may be
8 put in somewhere.

9 MS. PORTER: And in connection I
10 guess with this potential question, that it is
11 certainly applicant's intention, we'll have
12 testimony from the applicant himself as to how he
13 will control traffic coming to the site in terms of
14 his security personnel with regards to the traffic
15 in general, and so that will be addressed further in
16 the operations testimony as well.

17 If the Members of the Board have any
18 further questions and follow up with regard to the
19 three items, I realize this is difficult in terms of
20 presenting our application, but unfortunately, very
21 important to have the traffic consultant address the
22 remaining open items so he can go into his
23 additional hearing. If there are any questions from
24 T & M Associates, otherwise we would like to rely
25 upon all of the prior written submissions to the

1 Board in connection with our original application
2 and traffic reports, and all of the written
3 responses we provided to the Board in connection
4 with this application.

5 MR. GITTO: I have no further -- this
6 is Greg Gitto from T & M. I have no further
7 questions other than what was just discussed in
8 addition to the written responses to the applicant's
9 engineer's letter.

10 MS. PORTER: I think with that, the
11 applicant would like to move forward with the
12 testimony that was originally planned for this
13 evening. Starting with Mr. Epstein, Aaron Epstein
14 is a representative of the applicant. He will
15 testifying specifically with regards to all of the
16 questions concerning the operations at the site. He
17 will walk the Board through how deliveries are
18 obtained.

19 MS. CURLEY: I don't want to
20 interrupt but I do -- one quick thing, can we just
21 see if any Commissioners have questions for
22 Mr. Masol?

23 MS. PORTER: Absolutely. Does anyone
24 have any questions?

25 MS. CURLEY: I just want to make sure

1 everyone has an opportunity because he's going to
2 go, and we're not going to be able to talk to him
3 again.

4 COMMISSIONER MALAVASI: I just have a
5 question for Mr. Masol, Madam Chair. Mr. Masol, you
6 mentioned that the loading in terms of security
7 helping them navigate. I believe that's in the
8 impact statement. The impact statement would have
9 to be revised. That is the secondary plan, that the
10 impact statement says that they would like to have a
11 lane for loading. Part of your testimony is
12 obviously there is a wide lane there, there is a
13 left turn lane, the rest of the lane and a yellow
14 curb which I believe they may or may not be loading.
15 The question is and maybe the applicant can address
16 this, that's not an area to load their vehicles.
17 That is part of the street.

18 MR. MASOL: In terms of additional
19 conversations with that I am aware of them, I tend
20 to defer to the actual applicant on whether or not
21 that may have been...

22 COMMISSIONER MALAVASI: You are aware
23 that the curb in front of the establishment, the
24 yellow curb does not allow parking?

25 MR. MASOL: Correct, yes.

1 COMMISSIONER MALAVASI: Thank you
2 very much.

3 MS. GIARRATANA: Okay. Chairwoman,
4 if I may, I have a question.

5 CHAIRWOMAN LUGO: Yeah.

6 MS. GIARRATANA: Yes. Bill, do you
7 mind a clarification for the Commissioners and the
8 public just explain the traffic counts, and you
9 know, how they were derived using ITE, and
10 ultimately the assumption of their being vehicular
11 trips, and you know just to clarify for the Board?

12 MR. MASOL: Sure. So the way that we
13 conducted a traffic impact assessment is essentially
14 we prepared the recently approved use and the
15 anticipated trips generated by that use to whatever
16 the proposed use and take a look at the difference
17 between the two. In this case, we used a high
18 turnover, sitdown restaurant, which from the
19 Institute of Transportation Engineer Trip Generation
20 Manual had the trip generation rate a thousand
21 square foot floor area for the former bar restaurant
22 use that was in that facility.

23 We then did the same exact using the land
24 use code for a marijuana dispensary, the same ITE
25 Trip Generation Manual, and we just compared the two

1 anticipated trips generated. The ITE data is in no
2 way perfect, however, it is really the best source
3 of data that we can provide in traffic engineering.

4 MS. GIARRATANA: And Bill, just for
5 clarification that would be under the -- all of
6 those trips are under the assumption that all of
7 those customers would be driving?

8 MR. MASOL: Right.

9 MS. GIARRATANA: So that doesn't
10 count the road share public transit; is that
11 correct?

12 MR. MASOL: Correct. ITE does have
13 some information on particular uses. Marijuana
14 dispensary is such as new use that they do not have
15 any sort of empirical data available for us to look
16 at.

17 MS. GIARRATANA: Thank you.

18 MS. CURLEY: And just -- I want to
19 just make sure that no more Commissioners or anyone
20 on the Board has questions, and then if not, if a
21 member of the public has a question related directly
22 to his testimony, then this is the time for
23 questions only. So please put your name in the chat
24 and you will be called. I do not have the ability I
25 think unmute, so I need whoever at the County does

1 to monitor the chat.

2 CHAIRWOMAN LUGO: Commissioner Mehta.

3 COMMISSIONER MEHTA: Yes. Just
4 quick, one question relating to parking. Like what
5 type of delivery, it will be like a box truck
6 delivery or like a big truck? Is there any parking
7 for loading?

8 MR. MASOL: I believe we touched on
9 that related to the loading zone, but in terms of
10 the type of truck there, at least it's been my
11 experience that those are box trucks or trucks to
12 get money from a particular site. There may be a
13 security vehicle for that purpose. I would really
14 defer to the applicant on the specifics of that
15 operation but.

16 MS. PORTER: And the applicant will
17 be providing specific information regarding
18 deliveries to the site.

19 MS. CURLEY: Jennifer, feel free if a
20 question is asked that there will be testimony on
21 later, feel free to just to indicate that so that I
22 can tell the public. So I'm seeing hands raised.
23 Are there any other questions for Commissioners?

24 MR. GITTO: Mrs. Chairwoman, if I
25 may, one question.

1 MR. MASOL: I'm not the Chairwoman.
2 I'm the board attorney.

3 MR. GITTO: I know. I was asking.
4 William, just on the traffic trip generation
5 increase from the dispensary use to the -- from the
6 restaurant use to the dispensary use, could you
7 explain the peak maximum expected peak hour trip
8 increase and just the scale of that?

9 MR. MASOL: Sure. So what we found
10 was that actually during the Saturday peak hour that
11 we were seeing the largest change. Unfortunately,
12 I'm driving at the moment, so I don't have those
13 numbers directly in front of me, and I don't want to
14 testify a number that would be incorrect, but what
15 we're finding -- unfortunately, we then proposed
16 numbers and we then compared it to DOT traffic count
17 data that they had available which was from a point
18 in 2019, so pre-pandemic, '19.

19 What we found is that the expected
20 increase on the County roads, 14th Street, was
21 approximately -- this is only from weekday data.
22 Unfortunately, the DOT did not have weekend traffic
23 counts. During the weekday peak hours, those
24 numbers were in the line of anywhere from one to
25 three percent depending how the peak hour increased.

1 MR. GITTO: So the weekday peak hour
2 was approximately one to three percent of an
3 increase?

4 MR. MASOL: Correct.

5 MR. GITTO: And then it looks like I
6 guess based on the revised trips that the Saturday
7 impact was about a hundred trips or so on the
8 Saturday peak hours?

9 MR. MASOL: That sounds correct.
10 Like I said I don't want to testify to an actual
11 number that I don't have in front of me.

12 MR. GITTO: Understood. Understood.

13 MS. PORTER: And we would
14 respectfully question that the Board and the
15 consultant rely upon the information contained in
16 our written response to the accuracy of the specific
17 count data.

18 MR. GITTO: Understood. I'm just
19 trying to get a general -- have the public
20 understand the general scale of what we're talking
21 about in trips?

22 MS. PORTER: Absolutely.

23 MR. GITTO: No further questions.

24 MS. GIARRATANA: Any other
25 Commissioners? Chairwoman, if you wouldn't mind I

1 could go through the names of the individuals that
2 have a specific question for the expert and unmute
3 them.

4 CHAIRWOMAN LUGO: Sure.

5 MS. GIARRATANA: In order. So I see
6 first here is Robert Conrad.

7 MS. CURLEY: And I just want to note
8 if you're represented by counsel and he is speaking
9 you are -- that is who you speak through. So if
10 you're represented by counsel, you're a member of
11 the condo association and Becker Law Firm is
12 representing you, they are the appropriate party to
13 speak.

14 MR. CABALAR: Ms. Curley, could I
15 just address that momentarily. It's Martin Cabalar
16 from Becker.

17 MS. CURLEY: Yeah.

18 MR. CABALAR: So I don't actually
19 represent any of the individuals homeowners. I only
20 represent the corporation which is a nonprofit condo
21 association responsible for the common elements of
22 that building. Individuals homeowners are not my
23 clients and any time I appeared before planning
24 boards, individual homeowners were permitted to
25 speak provided I didn't represent them, and I was

1 not in this case retained by a group of homeowners.
2 I was retained by a corporation that operates
3 through its board. I just want to make sure that
4 it's clear to you.

5 MS. CURLEY: So you just represent
6 the association. You don't represent the individual
7 unit holders?

8 MR. CABALAR: Correct, I do not.

9 MS. CURLEY: Okay. Well then they
10 will be permitted to ask questions only.

11 MR. CABALAR: Thank you. I just
12 wanted to make sure that was clear.

13 MS. GIARRATANA: Okay. Then
14 speaking, we have Robert Conrad.

15 MR. CONRAD: Okay. There you go.
16 And this does relate to some of what was just
17 discussed when we spoke to other candidates about
18 other locations, the unit owners business owners --

19 MS. CURLEY: Excuse me, Mr. Conrad.
20 Can you just quickly say your name and address for
21 the record?

22 MR. CONRAD: My name is Robert
23 Conrad. 1000 Hudson Street, Hoboken, New Jersey.
24 And I'd like to tie into what just discussed
25 regarding traffic because the people who we listened

1 to last night had a very clear understanding of the
2 number of transactions their locations were going to
3 generate.

4 MS. CURLEY: This is questions only,
5 please. So ask a question.

6 MR. CONRAD: My question would be, do
7 we know that about this business how many
8 transactions do they anticipate generating in a
9 week, a month, a year, and how does that reconcile
10 with the estimates that we have for vehicles or foot
11 traffic? I think that's a good basis to report, and
12 they provided that elsewhere. I would like to know
13 if that's exists and if not, how would we get that?
14 That's it.

15 MR. MASOL: So that is not data that
16 I was provided with.

17 MS. PORTER: That's is information is
18 going to be addressed by the applicant during their
19 testimony.

20 MR. CONRAD: I think that that's
21 important because they had to use that to develop
22 their business plan so those two things should
23 reconcile at some level.

24 MS. GIARRATANA: Martin, do you have
25 a question?

1 MR. CABALAR: Yes. I have a number
2 of them because I believe they're relying on the
3 April 11, 2022 letter. So I have a number of
4 questions about the submission by Mr. Masol.

5 MS. GIARRATANA: It's your turn to
6 ask your questions, sir.

7 MR. CABALAR: Okay. Great. Thank
8 you. Mr. Masol, my name is Martin Cabalar. I'm an
9 attorney with Becker & Poliakoff, and I represent
10 the 51-54 14th Street Condominium Association. I
11 took a look at your April 11th, 2022 letter in this
12 matter, and when you're talking about an impact
13 study that you did, you're making reference to that
14 letter, correct?

15 MR. MASOL: Correct.

16 MR. CABALAR: Okay. And the title of
17 that letter was A Limited Traffic Study for Story
18 Dispensary of LLC -- of Hoboken LLC, correct?

19 MR. MASOL: I believe so, yes.

20 MR. CABALAR: Okay. And in
21 connection preparation that April 11th letter, did
22 you ever visit the property?

23 MR. MASOL: Not in direct connection
24 with this particular application other than being
25 familiar with that area.

1 MR. CABALAR: But the opinions that
2 are set forth in this letter aren't based on any
3 visit that you took to the property, correct?

4 MR. MASOL: A site specific visit,
5 no.

6 MR. CABALAR: And did you conduct any
7 studies in connection with authoring that letter of
8 existing traffic at that location?

9 MR. MASOL: Out of the existing trip
10 gen calculations in that letter, no.

11 MR. CABALAR: Okay. Nothing other
12 than the ITE's Trip Generation Manual study that's
13 referenced in this letter, correct?

14 MR. MASOL: Correct.

15 MR. CABALAR: And then your letter
16 then has a section that's entitled Trip Generation
17 Analysis. What is the general purpose of that
18 section of your letter?

19 MR. MASOL: As I said I'm driving
20 right now, so I don't know exactly.

21 MR. CABALAR: I appreciate that, and
22 one thing I want to put on the record is I think we
23 ought to have an opportunity for the witness to have
24 the report in front of him. I understand he's got
25 to time constraints tonight, but again, I may ask

1 for a continuance.

2 MS. CURLEY: Martin, that does not --
3 the County Planning Act says we have to render a
4 decision in 30 days, so an adjournment, that would
5 be a complicating factor. We do intend to hear the
6 testimony today so I would ask the questions.

7 MR. CABALAR: Sure. Okay. So the
8 trip generation analysis that you did, that's
9 entirely based on ITE Trip Generation Manual,
10 correct?

11 MR. MASOL: Correct.

12 MR. CABALAR: And no other testing or
13 analysis of actual traffic conditions at this
14 location, correct?

15 MR. MASOL: Correct.

16 MR. CABALAR: Okay. And Table 1 of
17 that letter that you submitted, that has estimate of
18 trip generations based on this ITE Trip Generation
19 Manual of this location when it was previously
20 operated as a restaurant, correct?

21 MR. MASOL: Correct.

22 MR. CABALAR: Okay. And again, all
23 of those figures they're derived entirely from ITE's
24 Trip Generation Manual, right?

25 MR. MASOL: Correct.

1 MR. CABALAR: Can you explain to me
2 what is meant in the report by "high turnover" and
3 then in parens "sitdown restaurant," which was the
4 figure or category that you used to determine trip
5 generations when the property was operated as a
6 restaurant?

7 MR. MASOL: Sure. So in ITE a
8 variety of things, they break down restaurants in
9 several different ways, and based on a review of the
10 various definitions that were in there, that
11 particular classification for restaurant use was the
12 most appropriate. That's our understanding of the
13 prior use.

14 MR. CABALAR: As you sit here today,
15 are you able to tell me what that definition was?

16 MR. MASOL: In detail off the top of
17 my head, no. I can tell you that it operates as
18 closely to a bar slash restaurant type use as any of
19 the land uses you'll find in there.

20 MR. CABALAR: And -- okay. And did
21 you conduct any research to determine the actual
22 amount of trip generations at this location when it
23 was operated as the Hudson Tavern?

24 MR. MASOL: No. I'm not sure it's
25 been operational.

1 MR. CABALAR: And so you don't know,
2 for example, if that information exists out there
3 somewhere, correct?

4 MR. MASOL: Not that I was able to
5 locate anywhere.

6 MS. PORTER: Okay. And I think you
7 talked about this earlier, but the figures in the
8 table, those trip generations those are just vehicle
9 traffic?

10 MR. MASOL: Right.

11 MR. CABALAR: And would you agree
12 that in an urban neighborhood such as Hoboken, local
13 residents are able to easily walk to this location
14 when it was operated as a restaurant?

15 MR. MASOL: Not only when it operated
16 as a restaurant, but also when it was operated as
17 anything.

18 MR. CABALAR: As it was your
19 understanding -- do you have any understanding as to
20 how people frequented this facility when it was
21 operated as a restaurant?

22 MR. MASOL: In terms of how it
23 operated?

24 MS. PORTER: Correct.

25 MR. MASOL: I mean again I would

1 assume it operates as practically any other business
2 in Hoboken, where a majority of traffic was going to
3 be bicycle and public transit.

4 MR. CABALAR: And does ITE Trip
5 Generation Manual, does that take into consideration
6 the locality of the restaurant as being located in
7 Hoboken, New Jersey?

8 THE COURT REPORTER: I can't
9 understand what he's saying sorry.

10 MR. CABALAR: Yeah. Mr. Masol, the
11 reception is kind of a little bit choppy there.

12 MR. MASOL: (Inaudible.) Hello?

13 MR. CABALAR: Mr. Masol, we weren't
14 able to get the response on the record. There seems
15 to be a little bit of interference on the line.

16 MR. MASOL: Are you able to hear me
17 now?

18 MR. CABALAR: Yeah. Do you remember
19 what the question was?

20 MR. MASOL: If you're able to repeat
21 it, that would be great.

22 MR. CABALAR: Sure. ITE's trip
23 generation manual, does that take into consideration
24 the locality of the restaurant as being located in
25 Hoboken, New Jersey.

1 MR. MASOL: It does not.

2 MR. CABALAR: Okay. And so it
3 doesn't take consideration the fact that perhaps a
4 good number of people who go to the restaurant
5 arrive by foot and not by vehicle, correct?

6 MR. MASOL: It would not take that
7 into account regardless of the use.

8 MR. CABALAR: And would you agree
9 that in a location such as Hoboken for a restaurant,
10 the frequented use or the frequent way to get to
11 that establishment is going to be by foot, rather
12 than by vehicle, correct?

13 MR. MASOL: I think within Hoboken, I
14 would say that is true.

15 MR. CABALAR: Okay. And hold on one
16 second. You answered some of these questions
17 already. Oh, do you know what hours the Hudson
18 Tavern operated?

19 MR. MASOL: I do not.

20 MR. CABALAR: Okay. And I take it
21 then that you didn't factor that into your analysis,
22 correct? Mr. Masol, are you able to hear us? I
23 know you were having some difficulties with your
24 connection.

25 MR. MASOL: No. That information is

1 typically built into the --

2 THE COURT REPORTER: No. I can't
3 hear you. Sorry.

4 MR. MASOL: I apologize. Madam
5 Chair? Anybody can hear me or?

6 MS. CURLEY: We can hear you.

7 MR. MASOL: Okay. What I began
8 saying was that the ITE Trip Generation Manual for a
9 particular land use code does take into
10 consideration the facts of businesses.

11 MR. CABALAR: And did your analysis
12 take into consideration that the Hudson Tavern was
13 operated on Mondays and Thursday from four to eleven
14 p.m.?

15 MR. MASOL: Like I said I did not
16 look into the hours of operation of the Hudson
17 Tavern, no.

18 MS. CURLEY: Any further questions?

19 MR. CABALAR: Yes. I have more
20 questions.

21 MS. CURLEY: I would like you to
22 know, we do have limited time, and we have a lot of
23 people raising their hand so.

24 MR. CABALAR: Understood. He did
25 author a multipage report though, and it's important

1 to, you know, my client --

2 MS. CURLEY: Please continue. Thank
3 you.

4 MR. CABALAR: Sure. After counting
5 the estimated trip generation for the prior
6 restaurant use at this location using solely ITE
7 trip generation, you next did the same thing for a
8 marijuana dispensary, correct?

9 MR. MASOL: Right.

10 MR. CABALAR: Do you know whether
11 ITE's Trip Generation Manual relies on any data for
12 marijuana dispensaries in New Jersey?

13 MR. MASOL: I do not believe that the
14 trip generation manual has data for dispensaries in
15 New Jersey at this time, no.

16 MR. CABALAR: Okay. And in your
17 analysis did you rely on any data or comparative
18 analysis for marijuana dispensaries that are
19 actually operating in New Jersey?

20 MR. MASOL: No.

21 MR. CABALAR: And similar to the trip
22 generation for a restaurant, your trip generation
23 for a dispensary was entirely based on ITE's Trip
24 Generation Manual, correct?

25 MR. MASOL: Correct.

1 MR. CABALAR: And the figures for
2 dispensary they were determined by utilizing a total
3 area square footage wise of 1,430 -- 1,438 square
4 feet. Does that sound accurate to you?

5 MR. MASOL: In the April 11th report?

6 MR. CABALAR: Yeah.

7 MR. MASOL: There was a response
8 letter that was issued dated May 16th, from our
9 office to T & M, which adjusts those calculations to
10 deal with the entirety of the 6,000 square feet
11 first floor area for both the preexisting restaurant
12 use and the proposed dispensary.

13 MR. CABALAR: I'm going to ask for a
14 copy of that letter. I'm going to follow-up for
15 that. And what was the result when you increased
16 the square footage using 6,000 square feet as
17 opposed to 1,400 square feet?

18 MR. MASOL: As I stated before, I
19 don't have the report in front of me. There was
20 definitely an increase in those, but as stated in
21 the questions earlier, we found them to be within
22 one to three percent of the existing peak hour
23 volume from the County roadway.

24 MS. PORTER: And if necessary, the
25 applicant can certainly read in their specific

1 responses into the record tonight to the extent
2 there are any questions regarding the additional
3 findings set forth in the report due to his conflict
4 and inability to present testimony.

5 MR. CABALAR: Thank you. Mr. Masol,
6 a restaurant and a cannabis dispensary, those are
7 two different uses, correct?

8 MS. CURLEY: This is related to
9 traffic. Can you reframe that?

10 MR. CABALAR: Sure. The next
11 question will be regarding specifically with respect
12 to traffic.

13 MS. CURLEY: All questions to have to
14 be specifically with regard to traffic right now.
15 Thank you.

16 MR. CABALAR: Thank you. So a
17 restaurant and a cannabis dispensary, Mr. Masol, two
18 very different uses in terms of foot traffic and
19 vehicular traffic that will frequent those
20 establishments, are they not?

21 MR. MASOL: Yes. I have demonstrated
22 in the calculations, yes.

23 MR. CABALAR: Okay. At a
24 restaurant -- that's because at a restaurant you can
25 make a reservation, sit down, eat dinner and you'll

1 generally be there for a longer period of time,
2 correct?

3 MR. MASOL: Yes.

4 MR. CABALAR: Okay. Whereas, at a
5 dispensary, that's more transactional, so it's going
6 to be frequented from the perspective of traffic
7 more often on a regular basis, correct?

8 MS. PORTER: Excuse me. I would like
9 to interject to ask if this is testimony being
10 specifically provided by Mr. Cabalar versus actual
11 questions regarding the traffic analysis that was
12 performed, the characterizations of the findings as
13 opposed to specific questions?

14 MS. CURLEY: Please limit your
15 questions to really question as to traffic and not
16 testifying. Thank you.

17 MR. CABALAR: Sure. Again,
18 Mr. Masol, did you do any comparative analysis as to
19 the anticipated number of customers that will come
20 to the dispensary versus the anticipated number of
21 customers that went into the Hudson Tavern
22 restaurant?

23 MR. MASOL: Calculation were
24 completed based upon the ITE Trip Generation Manual.

25 MR. CABALAR: Okay. Nothing else

1 though, correct?

2 MR. MASOL: Correct.

3 MS. PORTER: This question was
4 specifically asked and addressed four prior times
5 during Mr. Masol's testimony this evening.

6 MR. CABALAR: Thank you. Mr. Masol,
7 you stated in your report it was your opinion that
8 the proposed development is minor in nature and will
9 have minimal impact on the traffic conditions of the
10 adjacent roadway network. Do you recall that?

11 MR. MASOL: Yes.

12 MR. CABALAR: What did you do to exam
13 and determine the existing traffic conditions of the
14 adjacent roadway network?

15 MR. MASOL: As testified earlier we
16 took a look at the available ITE traffic count data
17 and compared that to the expected increase in
18 traffic volume for the proposed use.

19 MR. CABALAR: What did the available
20 traffic data show you in terms of the significance
21 of current use of the adjacent roadway network?

22 MS. CURLEY: I recommend that you
23 wrap this up a little quicker. Continue, Mr. Masol.
24 William, you can respond. I just would like
25 Mr. Cabalar to hurry up his testimony a little bit.

1 MR. CABALAR: Sure. I can appreciate
2 that. I was interrupted a little bit by the
3 connection issues, Mr. Masol not being available to
4 testify when he's the traffic engineer.

5 MS. CURLEY: Mr. Cabalar, I have your
6 point. Thank you.

7 MR. CABALAR: I just want to make
8 sure it's clear.

9 MS. CURLEY: Please respond to
10 Mr. Cabalar.

11 MR. MASOL: Sure. I would be forced
12 to use roundabout figures since I don't have the
13 data siting in front of me directly. From what I
14 recall the average annual daily traffic flow on 14th
15 Street, three and a half blocks from the proposed
16 use was in the line of about 17,000 vehicles per
17 day, and during the peak hours t,he figures were
18 close to 1200 and 1300 vehicles per day, I cannot
19 recall off the top of my head the peak hour.

20 MR. CABALAR: Okay. And in terms of
21 that data what is the significance of that? Do you
22 have any opinion as whether or not the adjacent
23 roadway network is at its limit, is overstressed, or
24 anything like that?

25 MR. MASOL: Oh, that would require a

1 much larger scale traffic study that's, you know,
2 from a regional perspective.

3 MR. CABALAR: And no larger call
4 traffic study has been performed by your group,
5 correct?

6 MR. MASOL: Not my office, no.

7 MR. CABALAR: You didn't do a traffic
8 impact report, correct?

9 MR. MASOL: I did a report, correct.

10 MR. CABALAR: And that was a limited
11 traffic study, that's what it's titled, correct?

12 MR. MASOL: Correct.

13 MR. CABALAR: It's not the typical
14 traffic impact report you would prepare for a
15 planning board, correct?

16 MR. MASOL: It's -- we were to
17 determine that the number of trips were considered
18 insignificant. Second, what you have in front of
19 you is what I worked on. If I felt that the number
20 of trips were significant, we would take it to the
21 next level of doing an analysis of the traffic in
22 the area, the roadway network in the immediate
23 vicinity.

24 MR. CABALAR: And the only way to
25 determine whether or not it was significant would be

1 to know and understand whether or not it's at its
2 current height or its current peak, correct?

3 MR. MASOL: Not necessarily. There
4 is a variety of manners in which you can make that
5 determination.

6 MR. CABALAR: And that's one of the
7 factors though, correct?

8 MR. MASOL: It can be.

9 MR. CABALAR: Okay. And that's a
10 factor you haven't analyzed, correct?

11 MR. MASOL: If the existing roadway
12 is network is at capacity, no, we have not analyzed
13 that.

14 MR. CABALAR: And if it were at
15 capacity, any increase would be significant,
16 correct?

17 MR. MASOL: Not necessarily.

18 MR. CABALAR: Okay. And why do you
19 say that?

20 MR. MASOL: There is a whole section
21 of the New Jersey Department of Transportation
22 Access Code that you would use for roads that are at
23 capacity, and that's not considered significant.

24 MR. CABALAR: And if the roadways in
25 those scenarios are at capacity, would you likely as

1 part your report propose some type of change to be
2 able to handle that capacity?

3 MR. MASOL: Depends on the situation.
4 Very vague question.

5 MS. PORTER: Okay. The testimony
6 here was that the impact was not significant and
7 that was the basis for the analysis, so a line of
8 questioning that relates to a hypothetical, if it
9 were to be significant, is not relevant to the
10 testimony that was presented.

11 MR. CABALAR: Well, Ms. Porter,
12 actually the testimony is that the impact is not
13 significant but that includes an underlying
14 assumption that has -- it does not have a conclusion
15 as to what is the actual current roadway network
16 like.

17 MS. CURLEY: Mr. Cabalar, let me just
18 clarify this. Do my professionals who reviewed this
19 traffic study, do they feel the need for any further
20 regional traffic study? Because it's the Board that
21 can request that. So I just want to let me just ask
22 my engineer, do we feel the need that these trips
23 are significant enough for us to do a regional
24 traffic study?

25 MR. GITTO: Based on what we've been

1 given so far, I don't think that a full analysis is
2 necessary. We're talking about approximately a
3 hundred additional trips during the Saturday peak
4 hour. So in my opinion, that's not necessary to
5 trigger a whole traffic report.

6 MS. CURLEY: Thank you. Mr. Cabalar,
7 are you finished?

8 MR. CABALAR: No, I'm not. I have a
9 couple more questions for Mr. Masol actually.

10 Mr. Masol, in your report you reference
11 the Story Neighbor Impact Plan, correct?

12 MR. MASOL: Yes.

13 MR. CABALAR: Okay. And you reviewed
14 that in connection with authoring your report,
15 correct?

16 MR. MASOL: Correct.

17 MR. CABALAR: And in that, the
18 applicant acknowledges that, quote, many of its
19 visitors from other areas will arrive by car. Do
20 you recall that?

21 MR. MASOL: I do not recall that
22 specific line in the report, no.

23 MR. CABALAR: How did the applicant's
24 statement, many of its customers visiting from other
25 areas will arrive by car, factor into your analysis?

1 MR. MASOL: It did not.

2 MR. CABALAR: Okay. Did you conduct
3 any study or analysis to determine how many
4 customers will arrive by car?

5 MR. MASOL: Outside of what I had
6 presented in front of you, there is nothing
7 additional.

8 MR. CABALAR: And the application
9 listed three parking options nearby, and you
10 discussed that in your report, potential parking
11 garages nearby, correct?

12 MR. MASOL: Correct.

13 MR. CABALAR: And those garages, they
14 are not dedicated for use by Story and its
15 customers, correct?

16 MR. MASOL: My understanding is no
17 they're not solely dedicated to this use.

18 MR. CABALAR: And in connection with
19 authoring your report, did you conduct any analysis
20 as to the availability of parking at those locations
21 on a regular basis?

22 MS. PORTER: That will be testimony
23 by the applicant with respect to parking demand as
24 it relates specifically to parking demand, as it
25 relates specifically to parking, that will be

1 provided, and regarding availability of parking in
2 the adjacent garages in connection with this
3 application, the applicant can answer any questions
4 in that regard posed by Mr. Cabalar, particularly
5 since that was the basis upon which that information
6 was arrived upon by Mr. Masol, and he made it clear
7 in his written response that information was
8 obtained from the applicant. So the applicant is
9 available and ready to testify in that regard.

10 MR. CABALAR: Thank you, Ms. Porter.
11 Mr. Masol, did you conduct any analysis as to ready
12 availability of parking at those locations, you
13 personally?

14 MR. MASOL: No.

15 MR. CABALAR: Okay. The applicant
16 also states in that neighborhood impact report which
17 you reviewed in connection with your report that
18 they are mindful of potential flow of delivery
19 vehicles and customers circling and/or
20 double-parking. Did that factor in your analysis at
21 all?

22 MR. MASOL: No.

23 MR. CABALAR: And did you personally
24 conduct any analysis of the potential flow of
25 delivery vehicles and/or the customers circling

1 and/or double-parking?

2 MR. MASOL: No. I like to assume
3 that people follow the law.

4 MR. CABALAR: Okay. But you didn't
5 conduct any such analysis, correct?

6 MR. MASOL: No.

7 MR. CABALAR: Okay. I will wrap up
8 shortly. Your report indicates that you are, quote,
9 confident that the proposed change in use will not
10 result any significant impacts to the surrounding
11 roadway network, correct?

12 MR. MASOL: Correct.

13 MR. CABALAR: And that confidence
14 that you have in that report, is that based solely
15 on ITE's manual and not any actual conditions,
16 correct?

17 MR. MASOL: Correct. I used the ITE
18 manual. I don't make up numbers.

19 MR. CABALAR: Sure. And it has the
20 limitations that we discussed here tonight, correct?

21 MR. MASOL: Correct.

22 MR. CABALAR: Okay. So that
23 confidence, again, is without you personally
24 conducting any traffic studies, correct?

25 MR. MASOL: There is a traffic study

1 in front of you. That's not correct.

2 MR. CABALAR: Okay. So the traffic
3 study in front of me, again, being just limited to
4 just the ITE manual, right?

5 MR. MASOL: Correct.

6 MR. CABALAR: You didn't go out to
7 the property with that confidence and conduct any
8 on-site analysis of the traffic in the area, right?

9 MR. MASOL: Right.

10 MR. CABALAR: Did you didn't count
11 cars for example, correct?

12 MR. MASOL: Correct.

13 MR. CABALAR: And so the confidence
14 that you have in your report that is also without
15 conducting any analysis into traffic that actually
16 frequented the Hudson Tavern, correct?

17 MR. MASOL: Correct.

18 MR. CABALAR: Okay. And the
19 confidence that you have in your report, that's
20 without comparing the use in traffic generating by
21 any other cannabis dispensaries in New Jersey,
22 correct?

23 Mr. Masol, did you hear the question?

24 MR. MASOL: No. I can hear you now
25 though.

1 MR. CABALAR: Okay. Great. Sorry
2 about that. I'll repeat it. The confidence that
3 you have in your report, again, that is without
4 comparing use of and traffic generated by any other
5 cannabis dispensaries in New Jersey, correct?

6 MR. MASOL: Correct.

7 MR. CABALAR: And that confidence is
8 also without knowing how many parking spaces the
9 applicant has secured from any local parking
10 facilities, correct?

11 MR. MASOL: Correct.

12 MR. CABALAR: And without knowing the
13 availability of parking in nearby garages, correct?

14 MR. MASOL: Correct.

15 MR. CABALAR: Okay. And last series
16 of questions. In your report you write, quote, the
17 applicant has done everything in their power to
18 reduce the on-street parking demand associated with
19 the proposed use. Do you recall that?

20 MR. MASOL: That particular phrase, I
21 do not, however I'll take your word for it if you're
22 reading it.

23 MR. CABALAR: Okay. So I'll
24 represent to you the exact quote. It doesn't say
25 the applicant, but it refers to the applicant, and

1 the quote starts, has done everything in their power
2 to reduce the on-street parking demand associated
3 with the proposed use. My question for you is, what
4 is the on-street parking demand associated with the
5 proposed use.

6 MS. PORTER: Parking demand will be
7 specifically addressed by the applicant and in the
8 written response that was submitted to the County
9 with respect to any comments regarding operations.
10 It was specifically indicated that that testimony
11 would be provided by the applicant. The applicant
12 is here this evening and will be answering those
13 questions.

14 As indicated by the traffic consultant in
15 his written response, he deferred specifically to
16 the applicant and their statements with regard to
17 the use and operations as it related to parking, the
18 availability of parking and parking demand, and that
19 that was specifically the basis in his report. So
20 with respect to this line of questioning, all of
21 this can be addressed and specifically referred to
22 by the applicant.

23 MR. CABALAR: Thank you Ms. Porter.
24 Again, my question for Mr. Masol is based on the
25 statement in his report that is written there, and

1 you can go look at it. It's on page 5.

2 MS. PORTER: Again, there was a
3 written response that was provided that explains the
4 basis for that information in his report and that's
5 not being acknowledged as part of these questions.
6 You're simply ignoring that information and going
7 back to the original report which all of that
8 information was already specifically addressed as to
9 what the source of that information was and who
10 could specifically provide testimony on it.

11 MR. CABALAR: Thank you, Ms. Porter.
12 Mr. Masol, again, your report states, has done
13 everything in their power to reduce the on-street
14 parking demand associated with the proposed use.
15 That is an opinion stated your report, correct?

16 MR. MASOL: Regarding the ability to
17 reduce parking demand, yes, that is stated in the
18 report.

19 MS. CURLEY: Mr. Cabalar, I think it
20 was very clear that someone else was going to be
21 talking to it, so if there is any more line of
22 questioning for this, please do not continue.

23 MR. CABALAR: Well, let me be clear,
24 Ms. Curley, because that's an opinion in his report,
25 so I want to ask him the basis of that opinion. Are

1 you telling me I can't ask him the basis of an
2 opinion in a report?

3 MS. CURLEY: I have a feeling that
4 you are missing some pieces to the puzzle because
5 there have been additional reports submitted by the
6 traffic engineer, and we are happy to provide a copy
7 of that.

8 MR. CABALAR: And I would be happy to
9 hear the witness tell me the pieces that I'm missing
10 in response to my question, which is what is the
11 on-street parking demand associated for the proposed
12 use. He has an opinion that they have done
13 everything in their power to reduce the on-street
14 parking demand associated with the proposed use, so
15 in order to have that opinion, he must have some
16 answer as to what --

17 MS. CURLEY: Mr. Cabalar, another
18 thing I would like to note, we're traffic. We're
19 not parking. Parking would be Hoboken.

20 MR. CABALAR: Thank you. And parking
21 has significance to the amount of traffic that's
22 coming into the community.

23 MS. CURLEY: Then reframe your
24 question and please give an opportunity for others
25 to ask questions.

1 MR. CABALAR: Thank you, Ms. Curley.
2 And again, I'm only asking questions based on what
3 is written in his limited traffic study. That's a
4 direct quote from the limited traffic study.

5 MS. CURLEY: Have you reviewed the
6 further -- the first reports that he has now
7 submitted?

8 MR. CABALAR: No, I have not because
9 in response to my request for the submissions, that
10 was not provided to us, Ms. Curley. However,
11 regardless of whether there were further
12 submissions, he can answer the question. It's a
13 written statement in his report, and I'm asking him
14 a question about it. It's a fair question.
15 Mr. Masol.

16 MR. MASOL: The question relates
17 directly to a reduction in parking demand, right?

18 MR. CABALAR: My question is, do you
19 know what is the on-street parking demand associated
20 with the proposed use?

21 MR. MASOL: I can tell you that the
22 parking demand in general based upon the written
23 response that we've given to the County Planning
24 Board is that 14 parking spots are required to be
25 obtained within a five block radius at garages.

1 MR. CABALAR: So you don't know what
2 the on-street parking demand associated for this
3 proposed use?

4 MR. MASOL: One would say that it's
5 zero based upon the ordinance requirement.

6 MR. CABALAR: And what is that based
7 upon, which ordinance?

8 MR. MASOL: That's based upon Hoboken
9 city ordinance parking requirement.

10 MR. CABALAR: So there is no
11 on-street parking demand associated with a cannabis
12 dispensary, is that your testimony?

13 MR. MASOL: My testimony is that
14 Hoboken city ordinance requires for this particular
15 use 14 parking spaces to be obtained at the parking
16 garage within a five block radius of the proposed
17 location.

18 MR. CABALAR: And do you think that's
19 sufficient for a cannabis dispensary?

20 MS. CURLEY: Mr. Cabalar, I'm going
21 to stop you now. Parking is by city ordinance.
22 That is for Hoboken to determine. That is not for
23 us to determine.

24 MR. CABALAR: Sure. Mr. Masol, one
25 last question. Given all these limitations that

1 we've discussed in your report, are you still
2 comfortable testifying under oath the proposed
3 change in use will not result in any significant
4 impacts on the surrounding roadway network?

5 MR. MASOL: I am.

6 MR. CABALAR: Okay. I have no
7 further questions. Thank you, Mr. Masol, for your
8 time.

9 MR. MASOL: You're welcome.

10 MS. CURLEY: Now for the public.
11 We're going to do three minutes max for questions,
12 and then we will go onto our next witness, so -- and
13 please if you're represented, if you're a member of
14 the condo association represented by Mr. Cabalar, I
15 do not want the same questions. There should be
16 different questions.

17 MS. GIARRATANA: Amanda, can I just
18 chime in?

19 MS. CURLEY: Sure.

20 MS. GIARRATANA: I just want to note
21 we had put in the chat box the deadline to sign up
22 for public comment was 6:30, but I just wanted to
23 take one last call. I have 15 individuals signed up
24 for this time for general comment.

25 MS. CURLEY: And I did see there that

1 someone say they had to speak before seven p.m. I
2 am sorry we cannot do that. We cannot go out of
3 order. Public comment has to be at the end after
4 all the witnesses have been called.

5 MS. GIARRATANA: Okay. Thank you.

6 MS. CURLEY: So who is up next for a
7 question?

8 MS. GIARRATANA: I think I had Parker
9 Dixon first.

10 MS. CURLEY: Okay. Parker Dixon,
11 questions only. You have three minutes.

12 MR. DIXON: Thank you. I'm going to
13 pass actually. A lot of my questions were taken
14 care of. I still want to comment at the end.

15 MS. CURLEY: You can.

16 MS. GIARRATANA: The next would be
17 Tiffanie Fisher.

18 MS. FISHER: I'm trying to be really
19 quick. I have two grouping of questions, simple
20 questions. One is just a follow-up on the last
21 person to ask questions. I think just to give the
22 context, I think that the community that lives in
23 this neighborhood just feels the intensity of use is
24 being misrepresented. The existing use or the prior
25 use is being misrepresented and overstated, so it's

1 a neighbor restaurant. Not open for breakfast.
2 Only open for lunch a couple days a week, not open
3 very late.

4 So I guess my question, Mr. Masol, is if
5 you had used a different definition, if you had used
6 quality restaurant which is another definition in
7 ITE, would that have resulted, how would that have
8 resulted, in lower counts, the same counts, for this
9 particular?

10 MR. MASOL: Off the top of my head, I
11 can't look at the ITE trip generation. I do not
12 what those trip generations rates are. So I will be
13 guessing what you have outlined there. I can't
14 really be sure per se. I can say we did look at the
15 definitions of all of the restaurant uses, and we
16 felt that the high turnover, sitdown restaurant use
17 was the most comparable to the bar and restaurant
18 use that was there previously.

19 MS. FISHER: Yeah. Although I
20 appreciate that, I would say that the high turnover
21 restaurant, and I think most of the people in this
22 area would disagree with you, the quality
23 restaurant, this is a reservation only, people
24 staying an hour, hour and a half. It's not a
25 franchise. It is not open for breakfast. It is not

1 open for 24 hours. And all of those things I just
2 mentioned are in the high turnover restaurant.

3 So I think that's where our questions are.
4 This one to three-percent difference that you're
5 talking about, I guess if you had used a different
6 definition, the quality restaurant, is there a
7 chance that that gap between intensity of use and
8 trip generation could potentially have been much
9 larger?

10 MR. MASOL: I mean there -- like I
11 said, I don't know the trip generation rates off the
12 top of my head, but they would obviously be
13 different than the exact trip generation.

14 MS. FISHER: Right. And just the
15 second kind of category, are you aware that the
16 County is redoing the intersection actually soon, in
17 the next months, and they're putting bump-outs,
18 significant bump-outs directly in front of this unit
19 around three of the corners?

20 MR. MASOL: That information was not
21 provided to me, no.

22 MS. FISHER: So I guess the question
23 is when some of the comments you provided earlier
24 when questions were asked about where dropoffs would
25 occur, you mentioned kind of this travel lane close

1 to the corner that currently you can't stop in the
2 middle of that part of the corner, is actually going
3 to be a significant bump-out, and actually I think
4 will eliminate those travel lanes. So if that is
5 the case, and I think Mr. Malavasi is on, and he can
6 probably confirm this. What would that do to the
7 ability to drop off to deliveries, you know, not
8 deliveries for product for your inventory, but the
9 delivering part of the business? Where do those
10 people stop if that whole corner is now blocked off?

11 MR. MASOL: So I believe that the
12 applicant itself going to be testifying regarding
13 their delivery operation.

14 MS. PORTER: There will be specific
15 testimony addressing those questions with respect to
16 how deliveries would be achieved, and we can
17 specifically address the issue that you just raised?

18 MS. GIARRATANA: Sorry. Time.

19 MS. CURLEY: Ms. Fisher,
20 unfortunately your three minutes are up. Do you
21 want to do one last question?

22 MS. FISHER: You mentioned that
23 people potentially could stop in the curb cuts in
24 front of a fire zone. In your opinion as a traffic
25 engineer, do you think that that is acceptable?

1 MR. MASOL: I definitely did not say
2 the people are going to stop in front of a fire
3 hydrant or fire zone. That would be something I
4 very clearly avoid, and I know I never said. So if
5 someone pulled over in front of a driveway use, I
6 mean, I've lived in the city for many years. I
7 lived in Jersey City for many years. That's a very
8 common occurrence in that area. I definitely
9 understand your concern regarding drop-off areas,
10 when you're dealing with street level parking.
11 That's just kind of the reality of the location
12 unfortunately.

13 MS. CURLEY: All right. Next up.

14 MS. GIARRATANA: Next I had was Lisa
15 Baldowski.

16 MS. BALDOWSKI: I'm sorry. I don't
17 know if this is the appropriate person to ask the
18 question to, but I'm a resident at 1400 Hudson
19 Street, and we have a garage that's actually on the
20 Hudson Street side of the building, and right now, I
21 don't know who approved you all to not put in the
22 kind of drop-off area in front of this building.
23 They have two large buildings and right now Hudson
24 Street is backed up constantly with Amazon
25 deliveries, Uber Eats, Uber drivers park here

1 because they're waiting to get people to pick up or
2 whatever, and you can barely see when you're coming
3 out of the driveway.

4 MS. CURLEY: Really, these are
5 questions related to the professional's testimony.
6 So if your question is not related to his testimony
7 or something that came from reading his report, then
8 it should be reserved for public commentary at the
9 end.

10 MS. BALDOWSKI: I just had one quick
11 question. I can wait and see if it's another expert
12 that I can ask this to. But are they going to put
13 anybody in the street like directing traffic?
14 Because right now it's a dangerous corner as it is.
15 And with more traffic coming, I was wondering if
16 they were going to -- like if there was a plan to
17 have someone.

18 MS. CURLEY: I think that question
19 might be more appropriately toward the operator,
20 Ms. Porter?

21 MS. BALDOWSKI: Okay. Ms. Porter.

22 MS. CURLEY: No. No. Ms. Porter is
23 the attorney. I believe she has a representative of
24 the operator who will be coming on to talk. This is
25 strictly traffic questions related to Mr. Masol. I

1 keep saying his name wrong. His testimony as to the
2 ITE trip generation and his traffic report.
3 Anything he said tonight about traffic or anything
4 he put in his report, those are the questions.

5 MS. BALDOWSKI: Okay. Then no
6 questions. I think that it was all covered already.
7 I'll wait to the other person comes on to see if we
8 cannot kill anybody with anymore traffic in this
9 area.

10 MS. CURLEY: Thank you. Next up?

11 MS. GIARRATANA: Next I have -- my
12 apologies. I didn't get their name, SX June 16.
13 Yes, that's you.

14 MS. AKIAN: Hi, sorry.

15 MS. CURLEY: Can you state your name?

16 MS. AKIAN: Suzanne Akian. One
17 Independence Court, Apartment 105. Shipyard in
18 Hoboken.

19 MS. CURLEY: What question do you
20 have?

21 MS. AKIAN: So my question for the
22 civil engineer --

23 MS. CURLEY: Traffic engineer?

24 MS. AKIAN: Okay. Yes. From what I
25 understand these establishments are expecting three

1 to 400 transactions per day at six minutes a
2 transaction. Certainly that's not a restaurant.
3 From using your engineering background, can you
4 deduce vehicular traffic from that? Also, the
5 restaurant was locals, some out-of-towns but not as
6 many as there will be because many of the
7 surrounding towns have opted out. Seventy percent
8 of municipalities in New Jersey have opted out for
9 dispensaries, so this is going to be a destination
10 for, you know, accessing.

11 And then one last question is, who's
12 responsible being that it's a County road is it for
13 the safety of pedestrians walking and crossing that
14 intersection? I know we only have vision zero.
15 This is contradictory so. Those are the question
16 for the traffic engineer.

17 MR. MASOL: The only question I heard
18 in there was whether or not the number of
19 transaction is something that I could -- sounds like
20 on the fly.

21 MS. AKIAN: Well, you could get back
22 to us. It's what they expect, what they anticipate.
23 And I guess it's commensurate with other states,
24 three to 400 transactions a day at six minutes of
25 transactions to use that data from restaurants that

1 you know on average you stay an hour, hour and 15
2 minutes. That doesn't seem comparative to me. So
3 I'm asking can you get back to us with that
4 information using the data that the applicant has
5 given.

6 MR. MASOL: I believe we've discussed
7 the idea that, you know, the County Planning Board
8 will get some sort of judgment on this with the data
9 that we are proposing.

10 MS. GIARRATANA: Chairwoman, if I
11 may?

12 CHAIRWOMAN LUGO: Sure.

13 MS. GIARRATANA: In terms of
14 additional information following this hearing, it is
15 correct what Mr. Masol said about making a decision
16 and determination tonight. However, I would like to
17 propose to the Commissioners a possible
18 post-approval condition that the applicant submit an
19 additional traffic statement to the County Planning
20 Board within three months of full operations to
21 compare with what they had anticipated in terms of
22 how their customers would arrive and their travel
23 modes in order for us to do a comparison.

24 MS. AKIAN: Well, wouldn't that be
25 too late to rectify?

1 MS. GIARRATANA: We can only -- we
2 can only ask for the information once it's fully
3 operational.

4 MS. AKIAN: But there are fully
5 operational recreational dispensaries across the
6 country that have data.

7 MS. CURLEY: I believe, and I'm going
8 to allow their attorney to let me know, I believe
9 they used the ITE Trip Generation Manual.

10 MS. PORTER: That's correct. That is
11 the full basis of our report, and that was the basis
12 under which Mr. Masol testified and all of the
13 responses all of the trip generations provided for
14 this site, the basis for his testimony. With
15 respect to the potential condition, the applicant
16 would agree to a condition of approval, and I
17 believe that would sufficiently address any concerns
18 regarding the actual traffic generated by the
19 proposed use.

20 We have a lot of hypothetical scenarios
21 about what type of traffic will be generated. At
22 this point in time, many of the question relate to,
23 you know, the site is currently vacant, so in terms
24 of the ability to count traffic for that use, it's
25 no longer being utilized. It's a vacant site. They

1 relied on the industry standard on ITE data. That
2 was the basis for the report, and the applicant will
3 be happy to provide actual counts, which we believe
4 would satisfy any concerns regarding what the actual
5 generation would be.

6 And specifically in the hearing and
7 further testimony this evening, we will walk you
8 through specific efforts that they are undertaking
9 to encourage pedestrian and public transportation
10 traffic to the site rather than vehicular trips.
11 There will be specific measures that will be put
12 into place to specifically encourage that as well as
13 to keep records in connection with that. So
14 unfortunately, we're not at the point in our
15 testimony where we can establish this.

16 We have indicated that, again, we will
17 have the operator who can specifically walk through
18 all of the measures that will be done, and I think
19 that will provide a lot of clarity to the Board.
20 But yes, at this time we are happy and willing to
21 agree to that condition, and we believe that should
22 satisfy any concerns that are related by the public
23 or potentially that would remain unanswered in
24 connection with traffic impact.

25 MS. AKIAN: And what would be -- what

1 would be the, you know, result if it has like that,
2 if it is backed up because Pier 13 as you know, I
3 mean anyone who is intimately, you know, aware of
4 this neighborhood understands the traffic just
5 getting home just here and during the summer
6 particularly.

7 MS. CURLEY: I just want to cut you
8 off. I'm sorry you asked your question, and we let
9 you go a little further. We are aware that there is
10 traffic. We are aware that it's Hoboken. This is
11 Hudson County, and we have their traffic engineer.
12 He provided us numbers, and our engineer is not
13 concerned about the numbers. So --

14 MS. AKIAN: Is that engineer a
15 Hoboken resident? You know, I mean, there's going
16 to be out-of-town people coming.

17 MS. CURLEY: That's enough. We're
18 going to mute you.

19 MS. AKIAN: Figures.

20 MR. MASOL: So very quickly it's been
21 brought up several times. I do have a conflict.
22 I'm very sorry about this.

23 MS. PORTER: To the extent that there
24 are further questions relating to the basis in the
25 report, I'm happy to read into the record the

1 specific written statement provided by the traffic
2 engineer which were provided to the Board in advance
3 of tonight's hearing and which are part of the
4 record and the basis upon which he relied, and
5 again, I would like to agree to a condition of
6 approval that traffic counts will be taken, and I
7 think it's also important to note again that all of
8 the traffic data, the analysis was reviewed by the
9 Board consultant and I'm happy to hear whatever
10 additional information or questions that they may
11 have regarding traffic, but I believe all of those
12 comments have been sufficiently addressed.

13 MS. CURLEY: Okay. So we're going to
14 have to move onto our next witness. Unfortunately
15 mister -- I keep saying it wrong, Masol is the T.V.
16 show.

17 MR. MASOL: Masol, it is.

18 MS. CURLEY: Oh, it is. Well, thank
19 you, Mr. Masol, for your testimony tonight. For the
20 members of the public, sit tight. We're going to
21 have other witnesses.

22 MR. MASOL: Thank you.

23 MS. CURLEY: Ms. Porter, you can call
24 up your next witness.

25 MS. PORTER: At this time I would

1 like to call Mr. Aaron Epstein.

2 MR. EPSTEIN: Hello.

3 MS. PORTER: Mr. Epstein, for the
4 benefit of the Board, could you please explain your
5 affiliation with the applicant, Story Dispensary
6 LLC?

7 MR. EPSTEIN: Yes. Thank you for
8 having me today. My name is Aaron Epstein. I'm a
9 partner at EMNJ Management. My partner and Tom
10 McClane are engaged to oversee the management and
11 operations at the dispensary. My prior experience
12 is a COO with multiple cannabis companies across
13 five states, including a number of cultivation
14 facilities, manufacturing facilities and three
15 dispensaries in New Jersey.

16 MS. PORTER: Okay. And how long have
17 you been affiliated with this particular applicant?

18 MR. EPSTEIN: Since earlier this year
19 in February.

20 MS. PORTER: Okay. And in terms of
21 your familiarity, are you familiar with the general
22 operations of a cannabis retail facility and the
23 operations that are going to be proposed to occur at
24 this site?

25 MR. EPSTEIN: Yes, absolutely.

1 MS. PORTER: Okay. Can you please
2 provide the Board with some general background
3 regarding the applicant's proposed operations at
4 this site?

5 MR. EPSTEIN: Yeah. So as the
6 application sets forth, it's going to be a retail
7 cannabis dispensary, which allows consumers over the
8 age of 21 to come into the facility at the outset
9 and have to check in at a secured entrance, which
10 would be maintained by a security guard and present
11 identification. Once identification is approved,
12 they will be allowed to queue in our lobby until a
13 register or a position on our sales floor is open.
14 At that point they would proceed to the sales floor
15 and make their purchase, and they will exit the
16 facility.

17 What we're seeing a lot in Hoboken -- I'm
18 sorry. In the cannabis industry since COVID is that
19 a lot of those orders are being placed in advance,
20 so we will have an online ordering systems where
21 patrons can navigate our menu before arriving and
22 then their order will be prepared in advance to
23 their arrival, and that significantly reduces the
24 transaction time. Also, we intend to have delivery
25 services where patrons or consumers would be able to

1 order their cannabis ahead of time and deliver it
2 accordingly to their respective place of business.

3 MS. PORTER: And will this facility
4 have an area where patrons can consume cannabis that
5 they purchase?

6 MR. EPSTEIN: No. This was an issue
7 that we have gone over multiple time with the
8 cannabis review board, and we have no intention of
9 ever seeking a consumption lounge as it's called by
10 the CRC or any consumption areas within the
11 facility. In fact, our security will be instructed
12 to monitor both the interior and exterior of the
13 facility which specifically prohibits any tobacco
14 consumption or cannabis consumption.

15 MS. PORTER: Okay. What are the
16 proposed hours of operation?

17 MR. EPSTEIN: They would be in
18 accordance with Hoboken ordinance which is eight
19 a.m. to ten p.m.

20 MS. PORTER: Okay. That's consistent
21 with the conditional use criteria by Hoboken
22 ordinance?

23 MR. EPSTEIN: Yes.

24 MS. PORTER: In terms of anticipated
25 occupancy, I believe that the architect will be

1 giving testimony with respect to the maximum
2 occupancy, but in terms of encouraging patrons to
3 come during nonpeak hours, what is going to
4 incentivize them, if you could explain that for the
5 Board?

6 MR. EPSTEIN: Yeah. So generally
7 cannabis, unlike some other businesses, are
8 generally scattered fairly evenly for purchasing
9 trends. You do see some peak purchasing on Fridays
10 and Saturdays, and companies get creative to try to
11 spread that out. So what you see common in this
12 industry is to offer special or sales on days that
13 don't have as high patronage such as, you know, like
14 a Monday you might have a specific discount that
15 applies to a number of products versus offering no
16 peak hour during peak days.

17 MS. PORTER: Okay. So let's talk
18 about this. A lot of attention and discussion, and
19 I'm sure you were listening with respect to some of
20 the public questions and Board comments raised with
21 regard to trips to the site. So I was interested in
22 hearing about ways in which the applicant is
23 encouraging alternate means of transportation.
24 Could you please speak to other means by which you
25 as the applicant would be encouraging other methods

1 of transportation or access to the site that may be
2 available?

3 MR. EPSTEIN: Yes. So this is
4 something that we took really seriously in the
5 neighborhood impact plan, and I would hopefully
6 think you will get a sense of, you know, all of the
7 different steps we're taking to try to mitigate any
8 potential traffic impact or parking impact. You
9 kind of divide it into two different section, one
10 you have your employees and two you have your
11 consumers.

12 For the employees we have a number of
13 steps we're taking such as, again, we're going to
14 encourage taking public transportation by
15 subsidizing a portion of any MTA card or other form
16 of public transportation that they would take. We
17 also have lockers on-site so if they are taking a
18 bike or walk, they can store whatever belongings
19 they might have, and we're also going to provide
20 information. You know, that's going to be really
21 key, essentially giving our employees the
22 information they need to really reduce the reliance
23 on vehicles.

24 Now, when it comes to -- Oh, I'm sorry.
25 We're also going to hire local. It's our intention

1 to hire the majority, the overwhelming majority of
2 our employees locally which would mitigate a lot of
3 the driving traffic by an employee.

4 Now when it comes to consumers, we are
5 also taking steps to mitigate the number of persons
6 that are driving to our facility. One is plan or
7 offering discounts to people that don't drive to us.
8 If you walk, take a bike, we'll come up with some
9 ideas of how to monitor that such as obviously
10 people who bring their bike to the facility will be
11 afforded a discount or another means of
12 transportation without driving.

13 We are also going to be implementing some
14 plans that involve essentially providing all of the
15 necessary details of how to get to our facility on
16 our public web site, through our social media
17 accounts. So once again getting that information
18 out to patrons is going to be essential to us in
19 letting them know all of the ways that they can
20 access us through public transportation or other
21 means. We also plan to have a bike rack on the
22 facility site up to ten spots so people that do have
23 bikes can have a place to park them at the site and
24 so forth.

25 MS. PORTER: Now, is it your

1 testimony that in terms of the incentives that are
2 being put into place in terms of incentivizing foot
3 or bike or public transportation, that coupled with
4 the accessibility that you planned in terms of
5 accessing this site, that is the basis for the
6 information contained in the neighborhood impact
7 study, that half of the traffic to be generated at
8 the site would be attributable to accessing in one
9 of those ways, foot traffic, traffic by public
10 transportation or by bus?

11 MR. EPSTEIN: Yeah, and we think
12 that's actually conservative. You know, this is a
13 use that you're not going to see a lot of, you know,
14 down the line you're not going to see a lot of
15 people not from the community utilizing this
16 facility, kind of like a liquor store. You know,
17 people that are going to buy a bottle of wine in
18 Jersey City or a beer from a liquor store from
19 Jersey City, they're not going to travel to uptown
20 Hoboken to go purchase that beer.

21 And we have a lot of surrounding areas,
22 like Jersey City has no cap on dispensaries.
23 Edgewater has dispensaries. Secaucus today just
24 approved a dispensary. So as a lot of these other
25 retail facilities that are more easily accessible by

1 vehicle get up and running, you have a
2 17000-square-foot facility right at the entrance to
3 the Holland Tunnel. So as a lot of those other
4 facilities that are better accessed by car, and
5 we're all carrying the same products. It's just not
6 in this line of business natural for people to
7 target, or you know, come to our facility, bring a
8 vehicle. You know, it's just going to be mostly
9 local consumption.

10 MS. PORTER: And with respect to
11 there are have been some comments with respect to
12 this being the first dispensary in this particular
13 area or within Hoboken, could you please address?
14 Is there other dispensaries that you're aware of in
15 terms of medical dispensaries and the ability for
16 transition to adult use in connection with this
17 particular location and accessibility as it relates
18 to overall demand within the area?

19 MR. EPSTEIN: Yeah. You've got two
20 dispensaries that are going to open prior to this,
21 one in downtown Hoboken, and likely a number in
22 Jersey City, and you have one in Secaucus as
23 Edgewater. so you know it's going to be at best the
24 third dispensary to open in Hoboken and in a less
25 convenient area to access by car. So you know, we

1 will anticipate that, you know, unfortunately have a
2 first mover advantage with those other dispensaries
3 in Hoboken, but you know, obviously that's positive
4 when it comes to the impact on traffic. So we think
5 that the competition will mitigate a lot of those
6 concerns.

7 MS. PORTER: And as far as some of
8 the incentives and some of the methods by which you
9 will attract the specific types of users to the site
10 that we spoke about in terms of bike trips or foot
11 traffic or public transportation, in terms of
12 driving that 45 percent of trips would that be from
13 market research or data in terms of utilizing or in
14 reference to certain Hoboken infrastructure
15 improvements or the use of public transportation?

16 MR. EPSTEIN: A lot of it is based on
17 data from other similar markets. It's really tough
18 to anticipate, you know, at this point because right
19 now there's 13 retail dispensaries open in the state
20 of New Jersey, and by the time we open, we're likely
21 to have over a hundred and there is no cap in the
22 state. I heard someone earlier mention 300 to 400
23 to patrons a day. You know, we don't have anywhere
24 near that expectation. That's likely in limited
25 license jurisdictions. You know, New Jersey is has

1 not put a cap on the amount of retail facilities so
2 I think you're going to see a lot more disbursement
3 among the retailers.

4 MS. PORTER: And can you also speak
5 to the likelihood of usage of ride share or taxis at
6 the site as another alternative means of accessing
7 the site?

8 MR. EPSTEIN: Yeah. I think one
9 thing we can certainly do in addition to offering a
10 discount for people who don't drive, offering a
11 similar discount for someone who uses ride share to
12 promote those uses as well. So we really have
13 everything on the table with regards to mitigating
14 our traffic, and we're happy to comply as need.

15 MS. PORTER: And is it your opinion
16 that with respect to there is no parking area at the
17 intersection of 14th and Hudson where taxis could
18 stop to pick up passengers, that it is unlikely that
19 it would interfere with safe operations and traffic
20 at that location?

21 MR. EPSTEIN: Yes. Because mostly
22 once we have engaged Little Man Parking, which one
23 of the neighboring parking garages to provide a
24 minimum of 15 parking spaces for our specific use.
25 And on top of that we also inquired -- similar to

1 the way all the other businesses in the area do
2 which is to validate parking, and you know asked him
3 if we had 30, 40, 50 patrons at one time, and
4 parking is not a problem we can accommodate all of
5 them. So we have absolutely no doubt that there
6 would be zero impact on local parking because we
7 have enough spots available at local garages to
8 accommodate all of our patrons.

9 MS. PORTER: So in terms of
10 out-of-town trips, I know you touched upon this
11 previously. Do you have any idea as to the proposed
12 number of out-of-town transcripts or why there would
13 be less or more as a result of, you know, on-site
14 demand in particular locations?

15 MR. EPSTEIN: Yeah. Like I said,
16 it's really tough to predict. I don't have a
17 specific number, you know, based on other
18 jurisdictions like Jersey City that don't have a cap
19 on dispensaries. We anticipate that people won't be
20 traveling from out of town to New Jersey to come to
21 us. Its just not a destination when those exact
22 same products are going to be available at their
23 local dispensaries or other places that are more
24 accessible.

25 So while at the onset you might see a

1 little bit higher number as the industry kind of
2 ramps up, as these dispensaries get into the
3 hundreds as New Jersey is anticipated to open, we
4 really anticipate minimum, minimum out-of-town
5 traffic as you would see with any like, you know,
6 general liquor stores.

7 MS. PORTER: Okay. Let's move onto
8 security and safety at the site. You previously
9 testified that no consumption area is proposed and
10 that consumption is prohibited on the site; is that
11 correct?

12 MR. EPSTEIN: Correct.

13 MS. PORTER: Okay. What specifically
14 is the policy of the applicant with regard to
15 loitering on-site?

16 MR. EPSTEIN: Yeah. There is no
17 loitering. It's also you know within the CRC
18 regulations that you have monitor for loitering. So
19 essentially we have cameras placed throughout the
20 interior and exterior at the facility, in addition
21 to the security guard that will be outside the
22 facility doing rounds consistently. So you know
23 they'll be monitoring for people that loiter on the
24 property and remove them.

25 MS. PORTER: Will security also be

1 ensuring that the site is free of litter and debris?

2 MR. EPSTEIN: Yes. And as opposed to
3 the alternative use, you know, was a bar and
4 restaurant, you're going to see a significant amount
5 of reduction when it comes to general nuances like
6 trash and litter. There is very minimal trash
7 generated by this business. You're not going to see
8 cigarettes butts all over the outside of the
9 facility. It's just going to be a much cleaner
10 operation than what was previously there.

11 MS. PORTER: Okay. So moving back to
12 security, how does security relate in terms of bike
13 riders coming to the site in terms of pedestrian
14 traffic? Will security be addressing any concerns
15 with regard to the movement of pedestrian traffic at
16 the site as it relates to freely accessing the site?

17 MR. EPSTEIN: Yeah. I believe the
18 bike path is a block away. We're going to post on
19 our web site and our social media that we encourage
20 patrons to use the bike path and not use sidewalks
21 as a primary way of getting to the facility on a
22 bike, and we'll have our security monitor for that.
23 We can't unfortunately monitor the entire walkway,
24 so you know, down the street, so we're going to do
25 our best to make sure that consumers have all the

1 information they need to safely get there and not
2 impact any pedestrian traffic.

3 MS. PORTER: And what, if anything,
4 would the applicant be doing to direct cars that may
5 be idling who are coming to visit the site? Will
6 that also be addressed by security?

7 MR. EPSTEIN: Well, it's the same.
8 Any cars that are idling in front of our business
9 are going to be asked to remove themselves, you
10 know. I think we'll have a positive impact on that.
11 You know, one thing I will note, I've been to that
12 facility a number of times now, and if you go there
13 on a weekday morning, you'll see four or five box
14 trucks delivering liquor and other supplies to bars.

15 That's not going to be common to our
16 business. Our deliveries will be done in something
17 more similar to a Sprinter van. We have dedicated
18 parking spots for them. They will be escorted to
19 our facility. So you know, the alternative use of
20 having a bar where you would normally see four or
21 five big box trucks on the street on a given weekday
22 morning, you won't have to deal with that.

23 MS. PORTER: And will that be
24 coordinated through the garage in terms of those
25 designated spots?

1 MR. EPSTEIN: I mean they will just
2 be part of the spots that we have available.

3 MS. PORTER: Got it. Now, in terms
4 of the methods to eliminate wait time, facility
5 queuing -- let's back up for a minute. You had
6 given some overall testimony with regard to how the
7 products sold at the premises are delivered, but
8 could you specifically go back over the testimony
9 with regard to the packaging of the goods as it
10 relates specifically to what's being sold at the
11 premises. Meaning that are -- is the product that
12 is being sold packaged and will it in any way be
13 touched or changed or processed as it's being sold
14 to consumers?

15 MR. EPSTEIN: Well, on the
16 packaging -- I think somebody unmuted themselves.
17 So all of the product is delivered to the facility
18 packaged. As part of CRC regulations, there has to
19 be tamper-evident security features on the package,
20 and they have to be smell proof and a number of
21 other requirements. So all of the packages will be
22 sealed and delivered to the dispensary in that
23 manner, and then they'll be dispensed in the same
24 way without any opening by our staff or anyone else
25 prior to sale.

1 MS. PORTER: Okay. Let's go in terms
2 of individuals coming to the site to purchase the
3 product. Can we specifically talk about queuing and
4 the potential for their -- you know, there have been
5 concerns addressed with regard to a line of
6 individuals extending out of the building, a line
7 going down the street and how specifically the
8 applicant will address any potential concerns
9 regarding the potential for there to be a volume of
10 customers at any given time. Can you explain what
11 the applicant is doing to address that?

12 MR. EPSTEIN: Yeah. So well, there
13 won't be any outdoor queuing. One of the ways
14 that -- the preventive measures I touched upon
15 before which is a lot of the preordering, we really
16 encourage that, so you knock your transaction times
17 down so you don't have people waiting in line for a
18 long time.

19 Let's say there is a moment in time where
20 you have a large influx of consumers at one time.
21 We've already represented to the cannabis review
22 board that we will not have any exterior queuing but
23 what we would likely do is take down a contact
24 number for the person that is on line, ask them to
25 leave the facility, and we plan on setting up some

1 deals with neighboring businesses where patrons of
2 ours can hopefully get a discount at other local
3 businesses while they wait, and then they would
4 receive a text message or similar form of
5 communication went it's their turn and when there is
6 available space in the facility, to return to the
7 facility. But there will be no queuing outside the
8 building and will be maintained by our security.

9 MS. PORTER: And can you please
10 describe the amount of space that would be dedicated
11 to queuing within the lobby or address the number of
12 sale systems that would be provided.

13 MR. EPSTEIN: Yeah, I believe there
14 is I don't know according to the most recent plan
15 360 square feet approximately of lobby space, and
16 obviously, there is upwards almost a thousand square
17 feet of retail space, so we're complying as was
18 discussed. There is about 1,400 square feet of
19 available space for patrons, and we estimate that we
20 can fit 55 people in that lobby which I don't think
21 we'll ever need.

22 MS. PORTER: Okay. And in terms of
23 the number of registers that could attend to
24 customers at any given time?

25 MR. EPSTEIN: I think on the most

1 recent plan we had upwards of I think it was ten
2 registers available.

3 MS. PORTER: Okay. We already spoke
4 about the advance online ordering systems and the
5 waiting and notification system. Let's move to
6 loading. A number of questions came up with respect
7 to loading operations and the potential need for
8 loading space versus having deliveries at a site
9 within the parking garage. Could you please address
10 how the loading at the site how delivery personnel
11 will be utilizing either street parking or
12 specifically parking within a garage in order to
13 access the site and deliver the product for sale?

14 MR. EPSTEIN: Are you saying
15 deliveries to us from other companies?

16 MS. PORTER: Correct.

17 MR. EPSTEIN: So yeah, all in
18 accordance with CRC regulations, all deliveries have
19 to be scheduled ahead of time so we would have
20 essentially a record or the manifest of the planned
21 delivery from other cannabis businesses. We accept
22 about five to seven per week and essentially they
23 would come they would have a spot dedicated for
24 them. Our security personnel would be in constant
25 communication of when they're arriving and escort

1 the delivery personnel from the garage to our
2 facility, and these products are very small. So
3 you're not talking about pallets of alcohol or food
4 or anything. You're talking about fairly small
5 packages that come in, and they will escorted into
6 the facility in our products area, and the products
7 will be locked into our inventory management system
8 and inspected and brought directly into our vault.

9 MS. PORTER: Okay. Now moving to
10 refuse and how trash would be handled at the site, I
11 know you also touched upon that briefly in terms of
12 the site generating minimal waste. Do you know
13 approximately how frequent garbage pickup will be
14 and how it will be facilitated on site?

15 MR. EPSTEIN: Yes. So we contacted
16 the City of Hoboken, who is responsible for the
17 trash pickup. I believe that trash pickup in this
18 area is three times a week, recycling is once a
19 week, and it will be handled like normal trash.
20 Like I said, it's a very minimal amount of waste
21 because there is no consumption on-site, so you're
22 talking about general like an office or pharmacy.
23 So we're not expecting a significant amount of
24 trash. We do have a room dedicated in the facility
25 to handle or trash so that way we wouldn't have any

1 bins outside essentially until they were ready for
2 pickup.

3 MS. PORTER: So I know in your prior
4 testimony that all of the operations with regard to
5 sale and storage otherwise would be conducted
6 entirely within the premises and that queuing would
7 be limited so that customers would be located solely
8 within the premises. So in all respects is it fair
9 to say that the applicant will be addressing all
10 on-site operations within the premises of the
11 building as opposed to maintaining any type of
12 external operations in connection with the propose
13 use?

14 MR. EPSTEIN: Yeah. Right now we're
15 not entertaining anything outside the building other
16 than the delivery, the delivery transactions.

17 MS. PORTER: Right, which you
18 previously indicated will take place in a dedicated
19 space?

20 MR. EPSTEIN: Well, I'm talking to
21 patrons at their residence.

22 MS. PORTER: To. Okay. Understood.
23 So in terms of recycling, approximately how many
24 times a week would you anticipate for recycling
25 pickup?

1 MR. EPSTEIN: I believe it's once.
2 Three times would be for trash. Also sometimes
3 people ask about cannabis disposal. I think that is
4 a risk. Under CRC regulations we are permitted to
5 dispose of cannabis. It's not very often that you
6 have to, but what you do, the term is you render it
7 unusable. So you will take let's say a jar of
8 cannabis is returned. You will take that product
9 you would mix with 50 waste material which would
10 cardboard or paper, put it into some type of
11 shredder such as a food processing machine, we take
12 the extra step of spraying with some kind of
13 solution like bleach, and then you can dispose of in
14 the regular trash.

15 All of that has to be accounted for in
16 your inventory management system. The State has
17 full access to that. But like I said that's really
18 minimal, any type of recall or anything, which will
19 incur a significant amount of returns probably,
20 typically those types of returns would be forwarded
21 back the to manufacturer or cultivation facility so
22 we don't anticipate any type of waste in large
23 numbers from cannabis.

24 MS. PORTER: Okay. Thank you. I
25 have no further questions, Mr. Epstein, but I'm sure

1 the Board and public may have further questions with
2 regard to some of the issues that were raised
3 previously by the public and relates specifically to
4 some of the comments with regard to operations as
5 well as potentially as it relates to means for
6 exiting the site.

7 MS. GIARRATANA: Chairwoman, if I may
8 before questions begin?

9 CHAIRWOMAN LUGO: Yes.

10 MS. GIARRATANA: I would just like to
11 address a comment in the chat box. As I mentioned
12 several times that the chat box will not be on the
13 record, but I'll just put the comment on the record
14 Michael Alicastro said for the record, earlier
15 commented for Mr. Masol to provide further
16 information post-approval and after the business is
17 fully operational. It was disheartening to hear
18 that the decision of the committee was predetermined
19 tonight, and this was the community's waste of time.

20 I would like to address that and mention
21 that I was simply making a suggestion for the
22 Commissioners for their consideration since we were
23 in midst of a discussion that there was a desire for
24 follow-up information. A condition of approval does
25 not mean the Commissioners have rendered any sort of

1 decision at this point. It only means that if it
2 was approved, that it would be a condition to ensure
3 our Board would have an opportunity to request
4 information after the fact. Thank you.

5 CHAIRWOMAN LUGO: Thank you,
6 Francesca. Any Commissioners have any questions for
7 this witness?

8 COMMISSIONER MEHTA: Yes, Chairwoman.

9 CHAIRWOMAN LUGO: Yes. Commissioner
10 Mehta.

11 COMMISSIONER MEHTA: Yes. This is
12 a -- the purpose this will be on just for taking the
13 merchandising and just sell it or it will be
14 processing the cannabis there also?

15 MR. EPSTEIN: No. There is no
16 production on-site, this is purely a Class 5 retail
17 license, which doesn't give us the ability to
18 manufacturer or cultivate cannabis.

19 COMMISSIONER MEHTA: Okay. And are
20 you -- how many times a week are you expecting a
21 delivery?

22 MR. EPSTEIN: Like I said about five
23 to seven deliveries a week, relatively small just
24 based on the size of product, and we'll have parking
25 garage spaces for each of the deliveries.

1 COMMISSIONER MEHTA: And how many
2 employees will be operating there?

3 MR. EPSTEIN: We think a maximum of
4 20 at a time because we anticipate that our sales
5 will be relatively low at the onset, but based on
6 estimation, a maximum of 20 employees at a time.

7 COMMISSIONER MEHTA: And it will be
8 seven days a week, or what will be the business
9 hours?

10 MR. EPSTEIN: Seven days a week.

11 COMMISSIONER MEHTA: Is this
12 application approved by Hoboken?

13 MR. EPSTEIN: I'm sorry. Are you
14 asking if we've been approved by Hoboken.

15 COMMISSIONER MEHTA: Yes. My
16 question is this application approved from the
17 Hoboken board or is it waiting for hearing?

18 MR. EPSTEIN: We're approved by the
19 cannabis review board.

20 MS. PORTER: It's pending by Hoboken
21 by the planning board.

22 COMMISSIONER MEHTA: So it's been
23 approved by the New Jersey Cannabis Association for
24 the license?

25 MR. EPSTEIN: I missed part of that.

1 MS. PORTER: The question is
2 specifically from the cannabis board in Hoboken, or
3 are you asking about the site plan approval process
4 by the planning board?

5 COMMISSIONER MEHTA: I'm asking
6 whether it was licensed from New Jersey state if it
7 was required.

8 MR. EPSTEIN: Oh, yes, it was. It
9 will have to have a State license provided from the
10 CRC. We have not received that yet.

11 COMMISSIONER MEHTA: So that is also
12 in process right now?

13 MR. EPSTEIN: Yes.

14 COMMISSIONER MEHTA: And I assume
15 that there is also in the future let's say we do a
16 condition of approval, it will be subject to the
17 Hoboken local board and if anything will happen, it
18 will get approval?

19 MS. CURLEY: Yes. Any approval is
20 that is -- any determination tonight hypothetically
21 if it was approved it is contingent on the
22 application receiving properly licenses an approval
23 from the City of Hoboken.

24 COMMISSIONER MEHTA: So I just wanted
25 to make sure that applicant will have all of it as

1 well as the participants of the public is aware
2 about it. Thank you.

3 CHAIRWOMAN LUGO: Thank you. Any
4 other Commissioners have questions before we open it
5 to the public? Okay, Amanda.

6 MS. CURLEY: So I believe I'm sure
7 Mr. Cabalar, you represent the condo association so
8 why don't you go first and ask questions?

9 MR. CABALAR: Yes. Thank you,
10 Ms. Curley. Give me one second I've just got to
11 move my screen over here. Good evening,
12 Mr. Epstein. How are you doing?

13 MR. EPSTEIN: Good evening.

14 MR. CABALAR: I introduced myself
15 earlier. My name is Martin Cabalar, and I'm
16 attorney representing one of the condominium
17 associations in the area. You talked about part of
18 Story's plan would be offer discounts to customers
19 to arrive by foot, bike or public transportation.
20 Do you recall that?

21 MR. EPSTEIN: Yes.

22 MR. CABALAR: Okay. And in
23 connection with this application, no parking lot is
24 being proposed to be constructed, correct?

25 MR. EPSTEIN: I'm sorry? Are you

1 asking if we're going to build a parking lot?

2 MR. CABALAR: Yeah. Are you going to
3 build a parking lot?

4 MR. EPSTEIN: No, we're not building
5 a parking lot.

6 MR. CABALAR: Right. Understanding
7 that you're not building a parking lot, how does
8 Story propose to monitor who arrives by foot or
9 public transportation as opposed to coming in by --
10 coming into Hoboken by vehicle?

11 MR. EPSTEIN: Well, the discount for
12 arriving by foot or bike or public transportation
13 will be less than the validation, so you would think
14 that if people came and utilized their parking
15 space, they would want to validate versus getting
16 the discount.

17 MR. CABALAR: Okay. And for those
18 who don't use the parking garage but use another
19 area in Hoboken to park, there is no way to evaluate
20 whether or not they just walk in?

21 MR. EPSTEIN: We kind of tossed
22 around some ideas of how we could potentially
23 monitor. We're trying to figure that out.

24 MR. CABALAR: Okay. And this was
25 discussed in that neighbor impact plan that you

1 brought up earlier, right?

2 MR. EPSTEIN: I believe.

3 MR. CABALAR: Were you the author of
4 that document?

5 MR. EPSTEIN: I participated in it.

6 MR. CABALAR: Who were the authors in
7 that document?

8 MR. EPSTEIN: I don't know exactly
9 all the people that participated in it.

10 MR. CABALAR: Okay. And that plan
11 much like your testimony tonight stated that Little
12 Man Parking has been engaged and that Story intends
13 to rent parking spots. Do you recall that?

14 MR. EPSTEIN: Yes.

15 MR. CABALAR: Is there an actual
16 contract that currently exists documenting that
17 transaction between Little Man and Story?

18 MR. EPSTEIN: I don't believe so. I
19 believe there was a direct communication from one of
20 our lawyers with the -- with Little Man Parking, and
21 they talked about their capacity, and we talked
22 about our ability to rent spots from them.

23 MR. CABALAR: So they have not yet
24 been engaged though, correct?

25 MR. EPSTEIN: Engaged in

1 conversation, yes.

2 MR. CABALAR: But not in contract,
3 correct?

4 MR. EPSTEIN: There is no contract.

5 MR. CABALAR: No actual agreement
6 with them, correct?

7 MR. EPSTEIN: Correct. And we
8 wouldn't contract with them until we had an opening
9 date, which you know is months away.

10 MR. CABALAR: Sure. In the
11 neighborhood impact report that you participated in,
12 there is a portion of that that talks about there
13 being an estimated maximum of 121 vehicle trips
14 being generated during the weekday evening peak
15 hour, and 101 during the Saturday peak hour. Are
16 you familiar with that?

17 MR. EPSTEIN: Uh-huh.

18 MR. CABALAR: Is that a determination
19 that you made personally?

20 MR. EPSTEIN: No. I believe that was
21 based on some anecdotal data collected on behalf of
22 the group, you know, from other jurisdiction, and
23 like I said, this is something that's really tough
24 to anticipate especially New Jersey, where I think
25 right now you have 13 dispensaries and likely when

1 we open, there's going to be well over a hundred.
2 So you know, we thought that that was an estimate
3 that, you know, Hoboken review board would probably
4 like to see. But it's a really tough estimate to
5 put forward when you don't really know what the
6 market or industry is going look like at the time of
7 opening.

8 MR. CABALAR: Sure. And this
9 anecdotal data, what did that consist of?

10 MR. EPSTEIN: Like I said I believe
11 it was looking at other markets.

12 MR. CABALAR: What other markets were
13 looked at?

14 MR. EPSTEIN: I would guess other
15 recreational markets.

16 MR. CABALAR: At different states?

17 MR. EPSTEIN: Yes.

18 MR. CABALAR: Do you know which
19 states?

20 MR. EPSTEIN: I don't offhand.

21 MR. CABALAR: Okay. Was anything
22 done to independently verify that statement as to
23 those estimated amounts?

24 MR. EPSTEIN: Independently verify
25 them? Well, I mean we might have hired an engineer

1 to conduct the traffic study that was just
2 presented.

3 MR. CABALAR: Okay. And that
4 statement that's contained in there, that was not a
5 statement from a traffic engineer, correct?

6 MR. EPSTEIN: No.

7 MR. CABALAR: Okay. You're not a
8 traffic engineer, correct?

9 MR. EPSTEIN: No.

10 MR. CABALAR: And you're not a
11 licensed engineer, correct?

12 MR. EPSTEIN: No.

13 MR. CABALAR: And you also testified
14 tonight that you would be relying on Little Man
15 Parking for the vans that would be used to deliver
16 product to your store, and then the product would
17 then be escorted to your store; is that correct?

18 MR. EPSTEIN: Correct.

19 MR. CABALAR: Okay. And prior to
20 tonight you gave testimony about this application to
21 the cannabis review board in Hoboken, correct?

22 MR. EPSTEIN: Uh-huh.

23 MR. CABALAR: Do you happen to recall
24 your testimony before the cannabis review board
25 where you testified that you would not be relying on

1 Little Man for parking of vans, and then delivering
2 the product to the store?

3 MR. EPSTEIN: Well, I think similar
4 to our initial application, at the time we were
5 hoping for a loading zone, but it seems like that's
6 unavailable at this time. You know similar to a
7 number of things with the application, we've had to
8 kind of revisit based on comments from the City, and
9 you know, come up with a new plan. So you know,
10 it's unfortunately we have to use the parking
11 because we're unable to get a loading zone. They
12 don't want to see any impact to street parking which
13 is understandable. So you know, we've had to pivot.

14 MR. CABALAR: Understood. And I
15 apologize for cutting you off. I thought you were
16 done. Have you advised the cannabis review board in
17 Hoboken of that pivot or that change?

18 MR. EPSTEIN: I don't know.

19 MR. CABALAR: And do you intend to
20 advise them?

21 MR. EPSTEIN: That would be up to our
22 lawyers and/or --

23 MS. PORTER: This will be
24 specifically addressed as the application process
25 continues as it is currently pending with the City,

1 and the applicant will be appearing for a public
2 hearing in connection with this application in two
3 weeks time.

4 MR. CABALAR: Thank you, Ms. Porter.
5 And Mr. Epstein, just one last question. You said
6 this was a less convenient to area to access by car
7 than some other nearby dispensaries that either
8 currently exist or may exist in the future. Why is
9 this a less convenient area to access by car?

10 MR. EPSTEIN: Well, you're going to
11 have a number of dispensary in Downtown Hoboken and
12 there is a 17000-square-foot facility right at the
13 entrance to the Holland Tunnel that's being built.
14 So they're just going to have other dispensaries
15 that are easier to get to from major drivable
16 thoroughfares than ours.

17 MR. CABALAR: And are those
18 dispensaries are easier to get to due to existing
19 congestion already at this locate?

20 MR. EPSTEIN: No. I think it's just
21 closer to major highways.

22 MR. CABALAR: So that's the reason
23 for that statement, nothing to do with the existing
24 congestion that already exists at this location?

25 MR. EPSTEIN: I don't live in Hoboken

1 so I'm not too familiar with the existing
2 congestion, but I have seen a lot of alcohol box
3 trucks sitting at those corners when I'm there in
4 the mornings.

5 MR. CABALAR: Thank you. No further
6 questions.

7 MS. CURLEY: Thank you. All right.
8 So now I'm going to open up to the public questions
9 only. It has to be related to the testimony, and
10 we're going to put a time limit on this. There is
11 three minutes. When you get to public commentary at
12 the end, you'll get five minutes. So public, who is
13 up first?

14 MS. GIARRATANA: I think, Amanda,
15 we're going to need to go through the screen because
16 everyone's hand has been up for a while. Can I
17 confirm that everyone's hand who is up right now
18 would like to ask a question to this expert? Okay.
19 I'll take that as yes. So we'll start with Roberto
20 then.

21 MS. CURLEY: Roberto, you should be
22 able to unmute. Again it's question only.

23 MR. VERTHELYI: Yeah. First I was
24 unable to join at the beginning, but I imagine this
25 person has been sworn in?

1 MS. CURLEY: You know what? You're
2 right. Mr. Epstein, we did not swear you in.
3 Please raise your right hand. Can you state your
4 name for the record?

5 MR. EPSTEIN: Aaron Epstein.

6 (The witness is sworn.)

7 MS. CURLEY: So thank you, Roberto.

8 MR. VERTHELYI: It's okay. Okay. Do
9 you remember your testimony in February when you
10 presented to the cannabis review board in Hoboken,
11 you stated that you would not permit smoking in
12 front of the store, if they went next door then it
13 would be a question of calling the police?

14 MS. CURLEY: Roberto, this is not the
15 proper forum to discuss the use and any comments as
16 to the use or any documents that were made in
17 connection with the municipal approval. It has been
18 stated this applicant will need to get municipal
19 approval.

20 MR. VERTHELYI: Okay.

21 MS. CURLEY: The questions are very
22 appropriate for that venue. This venue are
23 questions, our jurisdiction is limit to traffic.

24 MR. VERTHELYI: Okay. I mean the on
25 the traffic situation, which he has stated a person

1 prefers to go to the facility by the Hudson Tunnel,
2 so I would like to ask, do you think that people are
3 going to restaurant or Pier 13 are going to go to
4 the Hudson Tunnel to buy the cannabis and then come
5 to New York City or New York state, that they will
6 buy the cannabis where it's more convenient to the
7 rest of their evening plans and what would be that
8 impact on traffic?

9 MR. EPSTEIN: So I think the question
10 is if I understand correctly, if they're going to be
11 in the vicinity of the area for any reason, what's
12 the likelihood that they purchase cannabis from us?
13 Is that the question?

14 MR. VERTHELYI: Right.

15 MR. EPSTEIN: I hope that they would.
16 You know, it's you know like I said, there is going
17 to be a lot of competition. There is going to be
18 six dispensaries in Hoboken, and an uncapped number
19 in Jersey City, so I think there is always a chance.

20 MR. VERTHELYI: Let me see if these
21 questions are appropriate or not. Because you
22 talked a little bit about traffic, but most of the
23 stuff you talked, you made statements that are in
24 the record that are not entirely accurate. As far
25 as I know, his experiences are in medicinal cannabis

1 in New Jersey not in recreational cannabis. As far
2 as I know and correct me if I'm wrong, Secaucus has
3 only approved medicinal cannabis and not
4 recreational cannabis so these are not alternatives.
5 This is not an alternative for people coming to look
6 for recreational cannabis, and therefore, his
7 assertions are no valid.

8 MS. CURLEY: These are not questions
9 you're asking. These are statements.

10 MR. VERTHELYI: Well, I mean let me
11 ask you a very simple question, since -- since you
12 stated a couple of times that you saw a bunch of
13 trucks in the morning delivering liquor at the
14 corner, I would like to know how that is possible
15 when the restaurant has been closed for months? So
16 when were you here that you were actually watching
17 that? Years ago?

18 MR. EPSTEIN: No. This is a video
19 from May 4th.

20 MS. PORTER: Again, that specific
21 testimony was based on the ITE data in terms of
22 talking about specific traffic utilization at the
23 site based on the former and the current uses that
24 was provided by the traffic engineer to which he
25 answered on several occasions specifically how that

1 information was derived from ITE data.

2 MR. VERTHELYI: Does the ITE data
3 take into consideration the post office or the
4 postal trucks that are right next to the facility?
5 And also you're giving the traffic, and does the ITE
6 also take into consideration for the people like us
7 who park on Hudson Street on Wednesday and Fridays
8 when we have to move a considerable amount of
9 traffic in excess of the normal traffic?

10 MR. EPSTEIN: Just -- I'm not a
11 traffic expert. My comment on the alcohol box
12 trucks is simply an observation from the surrounding
13 bars and other restaurant establishments that have
14 such an incredible negative impact on the businesses
15 because they do have deliveries and residents
16 because they have deliveries from these huge box
17 trucks, which as you can see from the video is just
18 readily available and evident from being there a
19 short time. So it was really just my personal
20 opinion and observation. I'm not a traffic expert.

21 MS. CURLEY: There we go, Roberto. I
22 believe your three minutes are up. So we're going
23 to move on.

24 MS. GIARRATANA: Yes. And my
25 colleague at the County office right now will be

1 taking time, and she'll chime in when the three
2 minutes are up. So next we have Rita F. Rita F.,
3 would you like to ask a question to the expert?

4 MS. F.: Yes. Sorry, I was on my
5 mute. Yes, I live at 200 Hudson Street. I would
6 like to note that all of my questions will related
7 to traffic only and not seem like that first. So my
8 first question will be, do you have a card
9 acceptance agreement with Visa, MasterCard and/or
10 American Express? And do you anticipate all or a
11 large volume of your transactions to be cash-based?

12 MR. EPSTEIN: So right now in the
13 industry, credit cards are not really used. Major
14 credit card companies don't allow for cannabis
15 purchases from my experience. In the medical
16 cannabis industry, a lot of patrons do use debit
17 cards. So you'll see about 50 percent of the
18 transactions that are debit, and 50 percent of the
19 transactions are cash. Every cannabis business in
20 the State is required to have banking, so you
21 deposit your cash just like any other business
22 would, actually probably more frequently. So every
23 single day you will have secure transport of cash to
24 the bank, just like any other business would.

25 MS. F.: And will this retail store

1 maintain an ATM on-site? If so, are reoccurring
2 armored vehicle cash dropoffs accounted for in the
3 community impact report?

4 MR. EPSTEIN: No. Technically those
5 deposits are, you know, handled by security
6 personnel. I've never used armored vehicle
7 transport.

8 MS. F.: Thank you. And then given
9 that 80 percent of retail transactions occur with
10 the use of -- although you have acknowledged debit
11 is accepted, even though you will not have credit
12 acceptance agreement with either Visa, MasterCard or
13 American Express, do you anticipate delayed
14 transaction times due to customers needing to
15 withdraw cash from ATMs that are on-site or at
16 nearby ATMs such as Wells Fargo, Chase, or
17 Cardtronic ATMs in the nearby area, and has been
18 accounted for in the estimated average shopping trip
19 times, particularly given, you know, given the
20 possibility that patrons may have to make additional
21 stops in the area in connection with the transaction
22 that will occur at the store?

23 MR. EPSTEIN: In my experience I
24 haven't, you know one -- like I said since COVID, we
25 receive a lot of preorders which includes

1 prepayment, so a significant amount of transactions
2 are not only ordered but paid for prior to the
3 arrival of patrons using a debit card online, and
4 also, they have cashless debit. So what that means,
5 it essentially kinds of works like a credit card
6 reader at the point of purchase. But instead of
7 using a credit card, using a debit and putting a
8 pin, and I haven't seen any significant lag, you
9 know, as it would relate to entry versus credit card
10 spacing.

11 MS. F.: So you wouldn't anticipate
12 more cash transactions at a recreational cannabis
13 dispensary relative to what you would see in a
14 restaurant?

15 MR. EPSTEIN: I don't work in
16 restaurants.

17 MS. F.: That was it.

18 MR. EPSTEIN: Thank you.

19 MS. GIARRATANA: Thank you. The next
20 individual that can ask a question is Leslie
21 Bradley.

22 MS. BRADLEY: Good evening. Can you
23 hear me, okay?

24 MS. GIARRATANA: Yes, we can.

25 MS. BRADLEY: Thank you very much.

1 Good evening, Mr. Epstein. My name is Leslie, and I
2 live upstairs in the building that your dispensary
3 proposes to operate. Our first meeting was I
4 believe February 24th, and I just want to go over a
5 few things. Am I correct that this is your first
6 experience with a cannabis dispensary in a
7 residential building in a residential neighborhood;
8 is that correct?

9 MS. CURLEY: Ms. Bradley, how is this
10 related to traffic?

11 MS. BRADLEY: In 30 seconds if you
12 just allow me this question.

13 MR. EPSTEIN: Yes.

14 MS. BRADLEY: Thank you very much,
15 Mr. Epstein. So would it be also appropriate to say
16 this is your first experience with traffic in a
17 residential neighborhood?

18 MR. EPSTEIN: Traffic in a
19 residential neighborhood. I don't know. I don't
20 know if I understand the question. Traffic in a
21 residential neighborhood?

22 MS. BRADLEY: To clarify, I'm asking
23 since this is your first experience operating a
24 cannabis dispensary in a residential building in a
25 residential neighborhood, how much experience do you

1 have talking about traffic in a residential
2 neighborhood?

3 MR. EPSTEIN: I mean a lot of the
4 cannabis dispensaries happen in a neighborhood or
5 residential area.

6 MS. BRADLEY: Your experience, what's
7 your experience?

8 MR. EPSTEIN: My experience?

9 MS. BRADLEY: Yes.

10 MR. EPSTEIN: I have operated
11 dispensaries in a number of different areas that
12 have included residential areas. I don't know if
13 you're talking about the -- or comparing one level
14 of residential area to the next. That's a tough
15 assessment for me to make.

16 MS. BRADLEY: Fair enough. So I
17 understand that you were part the group that put
18 together the neighbor impact report for Story
19 Dispensary LLC; is that correct?

20 MR. EPSTEIN: Yes.

21 MS. BRADLEY: Thank you. And under
22 the summary of potential traffic and parking impact,
23 it says in terms of trip generation, retail
24 marijuana is similar to fast food in some ways, it's
25 fairly constant traffic. Do you recall this?

1 MR. EPSTEIN: Yeah. It was more just
2 the pace of the transaction that that was referring
3 to.

4 MS. BRADLEY: Thank you very much.
5 How familiar are you with the business operation
6 that operated there for many decades before you?

7 MR. EPSTEIN: Hudson Tavern?

8 MS. BRADLEY: Yeah. In terms of
9 traffic if it had -- was it a lot of locals? Was it
10 a lot of visitors? Was it high impact? Was it low
11 impact? Was it high turnover? How familiar are
12 you?

13 MR. EPSTEIN: You know to be honest,
14 I frequented it a few times when I was living in
15 Hoboken. It was one of the establishments, you
16 know. I read some reviews online that it was poorly
17 maintained and in disrepair when it got shut down.
18 That's pretty much the extent that I know of it.
19 I'm not an expert on that business by any means.

20 MS. PORTER: And with respect to this
21 line of questioning, there was question-specific
22 answers given and provided by the traffic expert,
23 and it related how the data was collected and
24 written report was provided.

25 MS. BRADLEY: Thank you. Ms. Porter,

1 that person, Mr. Masol was not available to be on
2 screen, and I couldn't hear a lot of what he said.
3 So I'm just trying to get answers because to be
4 quite frank as a resident in this building and in
5 this neighborhood, it's very difficult to get clear
6 answers, and I would just really like to open a
7 dialogue where everybody can be open and
8 transparent. That is my only question. Thank you.

9 MS. GIARRATANA: Thank you, Leslie.
10 That's time. The next speaker is Toni.

11 MS. CURLEY: And I just wanted to
12 say, Ms. Bradley, if you would like us to send you
13 all of the traffic reports via e-mail, we are more
14 than happy to do so.

15 MS. BRADLEY: I have the traffic
16 reports, but your expert was not available to talk
17 to. He left, correct?

18 MS. CURLEY: No. This is Amanda
19 Curley, and it wasn't my expert. My expert is Greg
20 Gitto on the line who viewed all of the documents.
21 Greg is the Hudson County engineer, and I'm the
22 Hudson County Planning Board Attorney.

23 MS. BRADLEY: Fair enough. Well, I
24 would like to ask Mr. Masol further questions, and I
25 would like to continue my conversation with

1 Mr. Epstein just for the record.

2 MS. CURLEY: For the record I just
3 want again to say that Mr. Masol is not our
4 engineer. Our engineer is Greg Gitto. Thank you.

5 MS. GIARRATANA: Toni, you have three
6 minutes.

7 MS. TOMARAZZO: Yes. Thank you. Mr.
8 Mr. Epstein, Toni Tomarazzo. A lot of people have
9 asked a lot of questions, so I want to stay focused
10 on just one topic since our time is so limited. I
11 believe you said there was a potential for off-label
12 discounts during certain periods. Can you explain,
13 and this relates to traffic, Counsel, can you
14 explain when those discounts might be offered and
15 how they would work?

16 MR. EPSTEIN: Yeah. So it's common
17 practice in this industry to offer discounted
18 products during nonpeak hours. So for example, if
19 your peak days or Fridays or Saturdays, a lot of
20 times companies will offer discounts on Mondays and
21 Tuesday on specific products to drive business and
22 spread out the business to those other days.

23 MS. TOMARAZZO: Mr. Epstein, I'm
24 interested in your specific plan. When did you plan
25 to offer discounts? What time during those weekdays

1 or weekends, whatever it may be?

2 MR. EPSTEIN: At this point no
3 specific plans.

4 MS. TOMARAZZO: You just stated that
5 it's common business to have discounts available
6 during nonpeak periods that certainly makes sense,
7 it's utilize in almost every business you can think
8 of in the United States and elsewhere. Would it be
9 possible that these nonpeak hours that you would
10 identify could be weekdays?

11 MR. EPSTEIN: I would say they would
12 likely be weekdays.

13 MS. TOMARAZZO: Could they be weekday
14 times when there might be other traffic that could
15 be impaired? For example, this is in a residential
16 neighborhood where there are children that are going
17 to school or coming home from school on a weekday.
18 Would it be possible that that might be a time when
19 a discount could be offered?

20 MR. EPSTEIN: I don't know enough
21 about traffic patterns in Hoboken to comment on
22 that.

23 MS. TOMARAZZO: School lets out at
24 three o'clock. Is it possible that there might be a
25 discount at three o'clock during the week at your

1 establishment?

2 MR. EPSTEIN: I mean, likely it would
3 be a day and not a specific time.

4 MS. TOMARAZZO: Is it possible that
5 during the weekday at three o'clock, it might be one
6 of the times that you offer a discount?

7 MR. EPSTEIN: If we offered, it would
8 be the day.

9 MS. TOMARAZZO: I think the answer is
10 yes based on your response. In terms of these
11 discounts, do you anticipate that that drives
12 increased traffic to the area, and that's your
13 intent, right?

14 MR. EPSTEIN: Like I said in our -- a
15 significant portion of our plan has been dedicated
16 to mitigating any traffic. So you know, our goal
17 while of course we want to do business is to
18 generate business without any negative impact on
19 traffic patterns.

20 MS. TOMARAZZO: Well, your testimony
21 a moment ago was that the purpose of the discount is
22 drive people to the establishment?

23 MR. EPSTEIN: Correct.

24 MS. TOMARAZZO: So during periods of
25 discounts you anticipate more traffic --

1 MR. EPSTEIN: I'm sorry. Could you
2 repeat the question?

3 MS. TOMARAZZO: My question was,
4 during the offering of a discount, the purpose is to
5 drive people to your establishment that would
6 otherwise not have taken advantage of that time
7 period to be there?

8 MR. EPSTEIN: Correct.

9 MS. TOMARAZZO: That's the purpose.
10 So that would drive additional traffic to an area
11 during a time when there would be less traffic
12 anticipated at this location, correct?

13 MS. GIARRATANA: Out of time, Toni,
14 my apologies. Next up is Tiffanie.

15 MS. TOMARAZZO: Counsel. I
16 appreciate your time. I'll just ask counselor that
17 when a question is asked, that I think your rule, I
18 would ask you to -- please respond to the answer. I
19 don't think I was given during my time period an
20 actual answer to my questions, but I appreciate your
21 giving me the opportunity.

22 MS. GIARRATANA: Thank you.

23 MS. FISHER: Thanks for all your
24 testimony.

25 MS. CURLEY: Can you just announce --

1 every time you come up, you guys have to announce
2 your name, I'm sorry, and address would be helpful.

3 MS. FISHER: My name is Tiffanie
4 Fisher. I'm a City Council representative for this
5 area of Hoboken. I live at 1500 Hudson Street,
6 which is about a block and a half away from this
7 location.

8 MS. CURLEY: Thank you.

9 MS. FISHER: So the -- when you talk
10 about -- basically when you talk about people that
11 are coming to this location, they're either coming
12 by foot, they're coming by a bicycle or they're
13 coming in some sort of car. And you may have
14 mentioned previously about including car sharing.
15 What percentage of your total visits to your store
16 are coming in some sort of vehicle that is not
17 walking and not a bicycle.

18 MR. EPSTEIN: It's really tough to
19 anticipate. I think that that number is going to go
20 down as more facilities open, similarly like you
21 would have a liquor stores. Like I said, there is
22 no cap in Jersey City. There is going to be a ton
23 of other facilities open in the area that are
24 selling the exact same products as ours. So while
25 we anticipate, you know, some higher demands when we

1 open at the onset even though it's going to be
2 nothing like you see today when there's 13 retail
3 dispensaries versus well over a hundred by the time
4 we open, as that number grows, similarly like you
5 have -- nobody is going to go to Sparrow Hill from
6 Edgewater to buy a case of beer. That's going to be
7 local traffic.

8 So that's kind of retail model that we
9 foresee for this store is that eventually there is
10 going to be a significant majority of our patrons
11 are going to be local, just based on the type of
12 business we have. It's tough to put an exact number
13 because we have no idea what the number of
14 facilities is going to look like at the time we open
15 versus a year from when we open. It's tough to
16 anticipate.

17 MS. FISHER: Are you familiar with
18 the area in that there is a number of bars that
19 because between Pier 13 and the bars on 14th? It's
20 kind of a critical mass of drinking institutions
21 that attract people. A majority of people that go
22 there are actually from out of town. Pier 13
23 definitely and probably half the people at the other
24 restaurants are from out of town. Are you familiar
25 with that already?

1 MR. EPSTEIN: I've been to Pier 13,
2 but I'm not too familiar with the traffic patterns.

3 MS. FISHER: So I guess the question
4 is do you see the -- the way we see it is that the
5 cannabis dispensary in between multiple bars is an
6 additional attraction to an area, and it's actually
7 going to not only attract people coming specifically
8 to purchase cannabis, but also just know there is a
9 multiple reasons come into this area. They can
10 purchase cannabis. They can drink all day at Pier
11 13 and consume it on the waterfront and just
12 increase volumes because you're already in an area
13 that is attracted to tourism. Do you think of this
14 area as a residential area, or do you think of this
15 area as a tourism area?

16 MR. EPSTEIN: I'm not an expert on
17 who frequents these bars, but one thing I would say,
18 you know, living in Hoboken for a number of years,
19 you know, it's Hoboken has a problem with bars, and
20 you know, that's why I think this is a good thing
21 for the area to have an establishment that is not a
22 place where people are going to get drunk, and you
23 know, be violent and cause disruption. You know, so
24 I think that the fact that you know a lot of people
25 relate those types of behaviors to bars and alcohol,

1 this should be a refreshing alternative to the
2 typical establishments in this location and cause
3 those types of problems like you're describing.

4 MS. GIARRATANA: It's time,
5 Councilwoman. And Chairwoman, if I may, I see that
6 Commissioner Allen is raising hand. Can we have
7 him -- allow him to ask his question before we move
8 on?

9 CHAIRWOMAN LUGO: Go ahead.

10 COMMISSIONER ALLEN: Thank you,
11 Chairwoman. Ms. Porter, I've heard this area
12 characterized as both residential and commercial in
13 testimony and any questions. Can you clarify what
14 is this area actually zoned for?

15 MS. PORTER: This area falls within
16 the C3 zoning district, that is commercial in nature
17 so it's essentially a business district. And 14th
18 Street itself is primarily characterized by
19 commercial businesses, and there is a mixed-use
20 district, but essentially business in nature. That
21 is the zoning classification under the building code
22 of home.

23 MS. FISHER: It's a neighborhood
24 commercial. For clarity it's a neighborhood
25 commercial and it --

1 MS. PORTER: It's a commercial zone.

2 MS. FISHER: Commercial, and it's
3 various, specifically different than Hoboken Central
4 District, which are C1 and C2, for clarity, and
5 there is a whole history. If you actually read the
6 master plan you will see that the uses here are
7 meant specifically to support the local
8 neighborhood.

9 MS. CURLEY: Ms. Fisher, I know
10 you're a Councilwoman. Just for my point of
11 clarification so I want to ask you, this use is
12 permitted in this zone by the City of Hoboken?

13 MS. FISHER: It is certainly not. We
14 changed the law. It was changed from a moment in
15 time to accommodate the Mayor of Jersey City, and
16 we -- no one saw it. And it was never supposed to
17 be added. It was never thought to be added.

18 MS. PORTER: The use is conditionally
19 was permitted, thereby allowing the applicant to
20 proceed with the applicant under the time of
21 application law. The application was deemed
22 complete.

23 MS. CURLEY: Thank you, Ms. Porter.
24 As of today, it is a permitted use -- not as of
25 today, as of the time submitted the application.

1 MS. PORTER: At the time of
2 application under the time of application law, this
3 was a conditionally permitted use, and the applicant
4 submitted an application that fully complied with
5 all of the conditional use criteria, thereby making
6 it permitted.

7 MS. CURLEY: Thank you.

8 COMMISSIONER ALLEN: Thank you,
9 Ms. Porter. Thank you, Chairwoman.

10 MS. GIARRATANA: Moving on we have
11 Andrea next. You have three minutes.

12 MS. ARONOFF: Thank you my name is
13 Andrea Aronoff. I live at 51-53, 14th Street in
14 Hoboken. Mr. Epstein, have you projected estimates
15 of the number of the deliveries that your store will
16 be providing on an average business day?

17 MR. EPSTEIN: We hadn't. We don't
18 know the exact numbers.

19 MS. ARONOFF: Where do you plan to
20 have your delivery vehicles parked while they were
21 picking up product from the store to deliver to
22 customers?

23 MR. EPSTEIN: In our reserved parking
24 garage.

25 MS. CURLEY: And I'm sorry, Andrea.

1 Did you announce your name and where you live?

2 MS. ARONOFF: I did. I said my full
3 name and provided my full address. I'm happy to
4 repeat it.

5 MS. CURLEY: No, thank you. I just
6 wanted to make sure it was on the record. You may
7 continue.

8 MS. ARONOFF: Sorry. Mr. Epstein,
9 where are your dedicated parking spots?

10 MR. EPSTEIN: As I stated previously,
11 there is an engagement with Little Man Parking, and
12 also a number of other parking garages in the area
13 that we plan to engage in contract with, you know,
14 to have parking for not only our employees, delivery
15 vehicles, but deliveries comes to our facility and
16 all of our consumers.

17 MS. ARONOFF: That's all I have at
18 this time. Thanks.

19 MS. CURLEY: Thank you. Very
20 quickly, in the chats, again guys the chats are not
21 part of the record, but we can see them, and again,
22 as I stated in the beginning, we're not here today
23 talk about how appropriate this use is in this
24 location. That is not our job. That's not our
25 jurisdiction. You are more than welcome to talk to

1 the City of Hoboken and Planning Board there about
2 that. Here our jurisdiction is truly limited to
3 County drainage and impact on County roadways. And
4 this application I think is 6,000 square feet total,
5 and there is no change to existing drainage pattern
6 because they are going to occupy a building that's
7 already existing. It is akin to a change of use.
8 You're find that in other municipalities, so they're
9 changing from a restaurant use, which was a
10 permitted use then, to a new use that at the time
11 they submitted their application it was a permitted
12 use.

13 The Hudson County Planning Board cannot
14 determine whether or not this use appropriate.
15 That's outside all of our jurisdiction. We simply
16 have to decide impact on County roadways, and that
17 is our process. So I understand that there might be
18 some issues with the use, but this is not the right
19 venue to bring those issues up unless you want to
20 talk about traffic.

21 MS. GIARRATANA: Thank you, Counsel.
22 We have Marianne next.

23 MS. VANDOORN: Marianne Vandoorn,
24 1500 Hudson Street. I have a question about the
25 former not rundown Hudson Tavern which was not

1 rowdy. I'm wondering, Mr. Epstein, you mentioned
2 that you were going to have 20 employees all day, is
3 that from eight a.m. to ten p.m., the time that you
4 have set out.

5 MR. EPSTEIN: That was our estimate
6 of what would be our maximum.

7 MS. VANDOORN: Would those be there
8 every hour?

9 MR. EPSTEIN: I don't believe so.
10 That's a maximum just based on, you know, our
11 operations. I think that most of the time, it will
12 be less than that.

13 MS. VANDOORN: Right. So given that
14 and giving discounts for your lesser business hours
15 to increase traffic, I'm wondering who is going to
16 monitor the traffic, to monitor the lines if there
17 is a line outside? You said there may not be a line
18 but there may be a line. Who will be responsible
19 for monitoring traffic outside your store?

20 MR. EPSTEIN: I'm sorry, but I think
21 there is two things there. I think one the queue
22 and two is traffic.

23 MS. VANDOORN: Well, I'm calling
24 people traffic as well.

25 MR. EPSTEIN: So you're talking about

1 the queue. So there won't be a queue outside.
2 Every minute that our business is open, there will
3 be security personnel on-site, and it's their job to
4 monitor any exterior impact on the operation. You
5 know, if people are congregating outside or
6 loitering, they will be asked to leave. And like I
7 said, if there is a queue unusually large in the
8 facility, then we have a plan in place to send them
9 out of the building, and then notify them when they
10 can come back.

11 MS. VANDOORN: Given your hopes for a
12 large business, who will monitor -- will you get
13 your employees involved to monitor that?

14 MR. EPSTEIN: Yeah. I mean I have a
15 couple of employees that kind of will monitor the
16 queue. Obviously, on the dispensary floor and the
17 registers, you'll have the dispensary technicians
18 and the bud tenders, you know, kind of monitoring
19 what's going on on the floor. You'll have a front
20 desk person that, you know, is greeting people that,
21 you know has, their eyes on the queues, and then
22 you'll also have security personnel at the front
23 desk as well monitoring so we have a number of
24 employees that kind of work to manage that process.

25 MS. VANDOORN: You mentioned the

1 security personnel, so I'm just wondering are they
2 the employees that are on the sales floor, or are
3 they specifically security people to monitor
4 traffic? Are they security, just security?

5 MR. EPSTEIN: The security personnel
6 are exclusively there to provide security. They
7 won't conduct transactions.

8 MS. VANDOORN: Eight a.m. to ten,
9 right?

10 MR. EPSTEIN: Actually beyond that
11 because they'll arrive before we open and stay until
12 after we close.

13 MS. GIARRATANA: My apologies.
14 That's time. Next we have Buz Keenan.

15 MS. KEENAN: Hi. Thank you for your
16 time, everybody. I think when, Mr. Epstein, when
17 you said you don't know much about the traffic
18 patterns in Hoboken, when you mentioned about using
19 the Little Man Parking, that happens to be where I
20 park. Oh, by the way, my name is Sue Keenan, and
21 I'm on Bloomfield Street, and I'm a resident who
22 went to Hudson Tavern for the last 30 years.

23 So where you're intending to have these 15
24 spots is where I park my car on a daily basis, and
25 far as traffic goes, if you have never been there on

1 a Friday, Saturday, Sunday, I would suggest with the
2 weather looking for this weekend, you may be take a
3 field trip there since you don't live in Hoboken,
4 and see that I -- you have to park at the very top.
5 It is unbelievable. Between Pier 13, the
6 out-of-towners come in, the cruise ships that leave
7 from there, and just people enjoying Hoboken, it's
8 also impossible to park in the spot if they're
9 overwhelmed with parking. So I will say what's your
10 plan with that?

11 And also the second question is, when
12 people are ordering online, and it's going to take
13 I'm guessing approximately five minutes for them to
14 pick up their order, I'm assuming they're going to
15 circle the block and keep looking for parking, like
16 the applicant knows this because she lives in Jersey
17 City, so she's going to continue -- people are going
18 to continue to circle the block. And what's your
19 plan for that? Because you won't be able to
20 double-park. I hope that that makes sense to you.

21 MR. EPSTEIN: Yeah. So you know
22 that's the first part of the question which relates
23 to the available parking in the parking garages, I
24 don't own or operate those garages. All I can do is
25 attest to the conversations that have taken place,

1 you know, which they assured us that they would be
2 able to accommodate the number of the consumers that
3 we're expecting at any given time. We certainly
4 identified not just Little Man but a couple other
5 garages in the area so that we hope to mitigate any
6 possible impact of busy weekends or stuff that
7 you're describing.

8 I'm sorry. What was the second part of
9 the question?

10 MS. KEENAN: The second part is how
11 do you plan to handle the delivery people that are
12 coming in to pick up the online orders or the people
13 who ordered online, and they're not going to want to
14 go two blocks away to Little Man? And by the way,
15 if you've never been uptown on the weekend, I really
16 strongly suggest to go there to see what it's about.
17 The traffic according to the Planning Board probably
18 has it. It's a very busy, densely populated with
19 young families, strollers, all of that.

20 MS. GIARRATANA: My apologies. It's
21 not time for comment. I want you to be able to get
22 your answer in in your time.

23 MR. EPSTEIN: Like I said we're going
24 to create incentives for people not to come by car.
25 You know, that's really the point. We're going to

1 try to incentivize people to take local
2 transportation, walk, bike.

3 MS. KEENAN: However -- however, I
4 know my time is short, having said that, I
5 understand what you're saying, but when most of the
6 towns surrounding us have opted out of these because
7 they're so the densely populated.

8 MS. GIARRATANA: I'm sorry. That's
9 your time. Next we have Nicole.

10 MR. BRENNAN: Good evening. My name
11 is Tom Brennan. I live at 1134 Bloomfield Street.
12 I'm the former owner of the Hudson Tavern.

13 MS. CURLEY: Whoever is cursing,
14 please mute. Thank you.

15 MR. BRENNAN: Anyway, Mr. Epstein,
16 good to see you again. I know you spoke at the
17 February 24th application hearing. You had
18 mentioned earlier tonight and also you had mentioned
19 during that testimony that you were associated with
20 three locations in New Jersey; is that correct?

21 MR. EPSTEIN: Three retail locations,
22 yes.

23 MR. BRENNAN: I believe you said
24 Woodbridge, New Jersey, Eatontown and Union,
25 correct?

1 MR. EPSTEIN: Correct.

2 MR. BRENNAN: They're all on major
3 roads, correct?

4 MR. EPSTEIN: Correct. Woodbridge is
5 on Route 1, Union was on Route 22 and Eatontown is
6 on Route 35.

7 MR. BRENNAN: Right. So it's a
8 little bit different than a local city street,
9 correct?

10 MR. EPSTEIN: The type of locations
11 are different than the proposed location at Hoboken,
12 yes.

13 MR. BRENNAN: And also at those three
14 locations they have on-site parking available right
15 in front of or adjacent to the locations?

16 MR. EPSTEIN: Yeah, correct. But one
17 thing I just want to emphasize, Hoboken is not the
18 first populated urban area to have cannabis. This
19 is a common use in other jurisdictions that are not
20 on major highways. So while it is different than
21 the other establishments that I ran, this is a very
22 common thing in our cities.

23 MR. BRENNAN: Well, I understand, but
24 we're talking about your experience, okay? Also,
25 Union, New Jersey, there aren't sidewalks around on

1 Route 22, so it's really not impacting the concerns
2 of the local residents as far as crossing the street
3 with the added traffic. I'm sure you can understand
4 people's concerns that these are local roads that
5 are heavily foot traveled by pedestrians. So I
6 think -- so with your expert opinion, you can see
7 the difference, correct, and the concerns of the
8 local community, correct?

9 MR. EPSTEIN: You know, I
10 respectfully disagree with those concerns. I think
11 based on our mitigation measures of, you know,
12 trying to encourage people not to drive and just the
13 type of business, you know, where people won't
14 travel from out of town to come to us as the
15 industry matures, I just respectfully disagree with
16 those concerns.

17 MS. GIARRATANA: Thank you, Aaron.
18 That's time. That's time. We have two more
19 individuals with their hands raised, and that will
20 be it for the questions on the expert. Michael is
21 first.

22 MR. ALICASTRO: Good evening,
23 everyone, Michael Alicastro, 14th Street. I just
24 have one question, Mr. Epstein. You're saying that
25 this business is going to be most comparable to a

1 liquor store. You referenced it probably a dozen
2 times in your testimony. Do you think in your
3 opinion it would have been more appropriate for I
4 forget his name, but the traffic engineer expert to
5 use the use group of a liquor store rather than a
6 restaurant?

7 MR. EPSTEIN: I can't comment on the
8 process that he went through. I'm not a traffic
9 engineer.

10 MS. PORTER: That's outside the scope
11 as what the witness has testified about that was
12 specifically addressed in terms of the basis for
13 that testimony by the traffic consultant when he was
14 previously on the call.

15 MR. ALICASTRO: Okay. Second, if
16 you're not able to arrange for parking with Little
17 Man Parking, is there a backup plan to arrange for
18 at least 15 dedicated spots for your business? If
19 you can't arrange that, it seems like you have no
20 way to deliver product to your business, and I don't
21 know what is your backup plan. It sounds like you
22 don't have a backup plan?

23 MR. EPSTEIN: I mean that we've been
24 in communication with them.

25 MR. ALICASTRO: Well, it's not a

1 contract. Nothing is certain.

2 MS. CURLEY: I would just like to
3 interrupt Mr. Alicastro, parking, that's Hoboken
4 ordinance for whatever parking that's required for
5 them to provide without seeking relief or a
6 variance. That's a Hoboken Municipal ordinance.

7 MR. ALICASTRO: Of course it will
8 impact traffic if you can't arrange parking.

9 MR. EPSTEIN: Yeah. I mean they told
10 us there's no problem that they can accommodate all
11 of our consumers, and you know, plenty of businesses
12 in the surrounding area do the same with validating
13 parking, you know. I don't -- beyond that, I don't
14 know how to answer.

15 MR. ALICASTRO: Do you know how much
16 parking was validated at Hudson Tavern?

17 MR. EPSTEIN: I don't.

18 MR. ALICASTRO: Do you think you
19 could have found out that information when doing
20 studies pretty easily?

21 MR. EPSTEIN: I don't know. We
22 didn't seek that information. At least I didn't.

23 MR. ALICASTRO: Got it. I have no
24 further questions. Thanks, everyone.

25 MS. GIARRATANA: Next we have Parker.

1 MR. DIXON: Yes, Parker. My name is
2 Francis Dixon. I live at 13-14 Hudson Street. My
3 first question, sir, was it your testimony that
4 there would be no queuing outside, that everything
5 would be done to avoid queuing outside; is that
6 correct?

7 MR. EPSTEIN: Correct.

8 MR. DIXON: And it was your testimony
9 that you anticipate roughly, I believe, you
10 anticipate less than the 400 customers' traffic
11 coming from 14th Street and Hudson Street on any
12 given day, correct?

13 MR. EPSTEIN: I'm sorry. The
14 question is are we expecting 400 customers per day
15 or less?

16 MR. DIXON: Yeah. You were playing
17 the numbers down. Is that sort of my understanding
18 of your testimony?

19 MR. EPSTEIN: I think that's a high
20 estimate.

21 MR. DIXON: You do think that's a
22 high estimate? Okay. How many registers do you
23 plan on having at your dispensary.

24 MR. EPSTEIN: In the current plan
25 there's ten which would be narrow.

1 MR. DIXON: And remind me in your
2 application or on your initial traffic assessment or
3 impact report, you did liken this establishment to a
4 fast food restaurant, correct?

5 MR. EPSTEIN: Uh-huh.

6 MR. DIXON: Across the street there
7 is a pizzeria. It's approximately, I don't know,
8 probably 1,200 square feet, not as big as your
9 establishment if you were to go there. How many
10 registers do they have?

11 MR. EPSTEIN: I don't know.

12 MR. DIXON: They have one. And there
13 a Poke Bowl right across the street on the other
14 side of Hudson Street, do you know how many
15 registers they have?

16 MR. EPSTEIN: I don't.

17 MR. DIXON: They only have two. So
18 I'm just kind of wondering how you can square the
19 math with me because I just don't find it very
20 convincing. I just want to share that. If you can
21 square the math, and you have a way to help me,
22 please, but right now it just doesn't really add up
23 in my mind that ten registers inside an
24 establishment like that is not going to have a very
25 bigger impact than the prior establishment okay.

1 MR. EPSTEIN: Is there a question?

2 MR. DIXON: I mean I'm trying to
3 square the math. That's all. No worries. Thank
4 you.

5 MS. CURLEY: That's it?

6 MS. GIARRATANA: Yep. In terms of
7 individuals looking to ask the expert questions.

8 MS. CURLEY: Ms. Porter, I believe
9 you have one more witness.

10 MS. PORTER: I would like to call
11 Michael Tormey, our architect.

12 MR. TORMEY: Good evening.

13 (The witness is sworn.)

14 MS. CURLEY: And can you please state
15 your name for the record?

16 MR. TORMEY: Michael Tormey, address
17 238 Clark Street in Westfield, New Jersey.

18 MS. PORTER: Okay. Mr. Tormey, can
19 you please provide the Board with your professional
20 and educational background?

21 MR. TORMEY: So starting with
22 educational background, I've got to go way back. I
23 graduated from Pratt Institute in 1985, with a
24 bachelor of architecture. I've been a licensed
25 architect since 1989, in New York and '91, in New

1 Jersey. And I had my licenses in good standing all
2 of those years. I've had construction experience
3 for about 45 years actually.

4 MS. PORTER: Have you been qualified
5 as an expert in architecture before planning and
6 zoning boards in the state?

7 MR. TORMEY: Yes.

8 MS. PORTER: Okay. And you mentioned
9 your license is still current?

10 MR. TORMEY: That's correct.

11 MS. PORTER: Okay. Did you prepare
12 the architectural plans that were submitted to the
13 Board in connection with this application?

14 MR. TORMEY: I did.

15 MS. PORTER: Can you please describe
16 for the Board the proposed improvements by giving
17 them a brief overview of the property that forms the
18 subject of this application?

19 MS. CURLEY: Just before I just want
20 to make sure, Chairwoman, is he qualified?

21 CHAIRWOMAN LUGO: Yes. Unless there
22 is any objection by any other Commissioner.

23 MS. CURLEY: Looks like you qualify.
24 Go ahead, Mr. Tormey.

25 MR. TORMEY: Okay. As we heard the

1 subject property is on the corner of 14th and Hudson
2 Streets. It's in the C3 zone. It's an existing
3 four-story building, mixed-use building, commercial
4 on the first floor. We're not proposing to increase
5 the lot coverage any. The existing lot is roughly
6 50 by 72 feet, and it's currently a hundred percent
7 covered with the existing building.

8 With the exterior, which I'll mainly
9 address because it's -- we're not really doing much
10 to the exterior. The improvements that we are
11 undertaking are going to be starting with -- okay as
12 part of the Hudson County Planning Board
13 application, we've added a tree along 14th Street
14 which was a requirement. We've added a stormwater
15 retention planter on the Hudson Street side, and as
16 part of the previous applications, we're just adding
17 one light at the entrance to improve lighting and
18 then we're also adding an ADA ramp in the front.
19 That's actually required by codes and land law.

20 MS. PORTER: So in connection with
21 that the handicapped ramp, just to kind of take some
22 of these items and address them further, you
23 particularly responded to some of the comments you
24 received from the Board's consultants. Can you
25 specifically address the location of the new ramp

1 and compliance with ADA and N.J.A.C. requirements?

2 MR. TORMEY: Sure. So the ramp is
3 actually -- it's in a location that there is an
4 existing fence, wrought iron fence that is there.
5 It's been I think it's been there 20, 30 years. So
6 as part of the CHB application, I was advised that
7 we needed to keep that, so we proposed an ADA ramp
8 that is actually going to be in that portion of the
9 sidewalk. So this new proposed ramp is not
10 impacting, it's not encroaching upon the active
11 sidewalk along 14th Street. The entrance is on 14th
12 Street which is really a direction from the zoning
13 department so that's -- that's where the ramp which
14 has to be at the primary entrance needed to be.

15 MS. PORTER: The property the
16 existing facility is contained within the entirety
17 of the site, meaning that the handicapped ramp and
18 anything proposed to the exterior that you just
19 described is within the County right-of-way and not
20 within the subject property; is that correct?

21 MR. TORMEY: That's correct. It's
22 totally -- yeah, the improvements for the ramp is in
23 the County right-of-way. It's not in the lot. The
24 lot is entirely covered.

25 MS. PORTER: And also I believe there

1 was a comment that was requested in order for the
2 applicant to agree to replace portions of the public
3 sidewalk due to potential tripping hazards due to
4 the condition of that sidewalk, and that was
5 something that the applicant was willing to do; is
6 that correct?

7 MR. TORMEY: Yeah, that is correct.
8 And when we looked at it closer at those spots, it
9 was necessary to replace a majority of it.

10 MS. PORTER: And then you also
11 mentioned street trees. Those are all also within
12 the County right-of-way outside the exterior of the
13 property?

14 MR. TORMEY: That is correct. And
15 it's important to note we're not increasing the
16 stormwater runoff. We're installing retention
17 channels so that it helps with the stormwater in the
18 area. It's a small part, but it's a benefit.

19 MS. PORTER: And a bicycle rack will
20 be provided, that will also be outside the property?

21 MR. TORMEY: That's correct. There
22 will be a bicycle rack around the corner there, and
23 it should hold approximately eight to ten bikes.
24 That's something that would be on agreement with the
25 County.

1 MS. PORTER: So is it your
2 understanding as far as you're aware that the
3 applicant intends to enter into the franchise
4 agreement for any of the work that is proposed
5 within the County right-of-way?

6 MR. TORMEY: That is my
7 understanding.

8 MS. PORTER: Okay. Now, previously
9 there was exterior signage and additional lighting
10 that has been proposed, and they have been removed
11 by the applicant; is that correct?

12 MR. TORMEY: Yes, yes. That was part
13 of the CHB application so we removed the facade
14 sign. There is not going to be a facade sign
15 anymore.

16 MS. PORTER: And it is your testimony
17 that with respect to the street trees that were
18 requested to be added to the plan, that the
19 applicant would comply with the street tree?

20 MR. TORMEY: Yes, and one of the
21 basic requirements is has to be a deciduous tree.
22 It's a minimum three-inch caliper, which is the
23 diameter of the trunk, and then also that has a
24 street pit that is five foot by five foot square.

25 MS. PORTER: And with respect to the

1 County comment letter regarding stormwater, is it
2 your understanding that the site is one hundred
3 percent impervious and would remain one hundred
4 percent impervious as a result of the proposed
5 project?

6 MR. TORMEY: That's basically the
7 case. We're actually going to improve it slightly
8 by having this stormwater retention channel garden
9 it's like a 20-square-foot or so.

10 MS. PORTER: So that additional
11 provision is being provided even though there is no
12 anticipated increase in runoff; is that correct?

13 MR. TORMEY: Correct.

14 MS. PORTER: Okay. And then to go
15 back in terms of the replacement of the sidewalk,
16 would the coordination of the sidewalk improvement
17 be coordinated with the County engineer?

18 MR. TORMEY: Yes.

19 MS. PORTER: And with respect to the
20 existing utilities, will the applicant be utilizing
21 existing utilities for the operation?

22 MR. TORMEY: That is correct.

23 MS. PORTER: So is it your testimony
24 that the applicant can comply or will comply with
25 all of the requests specifically set forth in the

1 review letter by the County?

2 MR. TORMEY: That is correct, yes.

3 MS. PORTER: Thank you. I have no
4 further questions.

5 MS. CURLEY: Now I'll ask the
6 Commissioners. Commissioners, if you have any
7 questions, this would be the time. All right. And
8 now we have the public. Do any members of the
9 public have any questions for Mr. Tormey, the
10 architect? It looks like we have one. It's Michael
11 Alicastro. That's the person that popped up on
12 my --

13 MS. GIARRATANA: And one from
14 Roberto.

15 MS. CURLEY: So we'll go in order.

16 MS. GIARRATANA: Michael, you could
17 begin?

18 MR. ALICASTRO: Thank you. Really
19 quick and maybe I missed it. Is the ADA ramp --

20 MS. CURLEY: Michael, very quickly
21 you've got to say your name and where you live
22 again.

23 MR. ALICASTRO: Sure, no problem.
24 Michael Alicastro 53 14th Street.

25 MS. CURLEY: Thank you. Go ahead.

1 MR. ALICASTRO: Is the ADA ramp is
2 going to be Hudson Street or 14th?

3 MR. TORMEY: 14th Street.

4 MR. ALICASTRO: And so the 14th
5 Street entrance would be the ADA entrance?

6 MR. TORMEY: That is correct.

7 MR. ALICASTRO: Got it. Thanks.
8 That's all. You're welcome.

9 MS. CURLEY: Thank you. So now
10 Roberto.

11 MR. VERTHELYI: Yes. I have a
12 question.

13 MS. CURLEY: Name and --

14 MR. VERTHELYI: Robert Verthelyi, 2
15 Constitution Court in Hoboken.

16 MS. CURLEY: Thank you.

17 MR. VERTHELYI: The bicycle rack you
18 said is going to be around the corner on Hudson
19 Street, right?

20 MR. TORMEY: Correct.

21 MR. VERTHELYI: Now, would that be at
22 the curb taking a parking spot, or will that be on
23 the sidewalk and what -- what amount of space will
24 it take for the ten bikes?

25 MR. TORMEY: So it won't take up much

1 space. It's going to be on the sidewalk. It's
2 going to be located within the inner sidewalk
3 meaning between the existing fence and the building.
4 That's where the bicycle rack is going to be
5 located.

6 MR. VERTHELYI: Okay. So there will
7 be no narrower sidewalk for pedestrians?

8 MR. TORMEY: Correct. Correct.
9 That's true through out Hudson Street and 14th
10 Street sides.

11 MR. VERTHELYI: Okay. That's it.
12 Thank you.

13 MS. GIARRATANA: Next is Nicole.

14 MR. BRENNAN: It's Thomas Brennan
15 again, 134 Bloomfield Street. I'm sorry, sir. You
16 had mentioned the planting of another tree on the
17 location?

18 MR. TORMEY: Yes.

19 MR. BRENNAN: And where would that
20 be?

21 MR. TORMEY: That's going to be it's
22 part of the requirement that it goes on the 14th
23 Street side.

24 MR. BRENNAN: Okay. I don't know.
25 There is a traffic signal on there right now, a turn

1 signal. Would that not interfere with the view?

2 MR. TORMEY: Yeah. There is
3 actually -- so there is -- there is actually four or
4 five poles here for the traffic signal, so the
5 location of the tree is actually away from the
6 traffic light and the street signs and things like
7 that. It's going to be on the western corner of the
8 street.

9 MR. BRENNAN: Years ago I thought
10 about putting a tree there myself, but I was told I
11 couldn't do it.

12 MS. CURLEY: All right. Thank you.
13 That's all. It looks like we have one more, Leslie.
14 I can't unmute anyone. I don't have the power. So
15 Leslie Bradley, you are up next if you would like to
16 unmute yourself to speak. Okay. Going once Leslie,
17 going twice, all right. So imagine that would be it
18 for your experts, Jennifer?

19 MS. PORTER: That's correct.

20 MS. CURLEY: Okay. Let's get into
21 the closing and public comment. Oh, Leslie you're
22 unmuted. Did you want to speak?

23 MS. BRADLEY: I've save it for public
24 comment. Thank you very much.

25 MS. CURLEY: So Francesca and the

1 Board, I would say this is my first Planning Board
2 hearing as counsel. Just for the sake of order,
3 what did you typically do first, closings or public
4 comment?

5 MS. GIARRATANA: I believe we should
6 do the public comment.

7 MS. CURLEY: Let's move onto public
8 comment, everyone. You'll get five minutes. Each
9 person will be limited to five minutes.

10 MS. GIARRATANA: Yeah, I have a list
11 here. First is Michael Alicastro.

12 MR. ALICASTRO: Thanks. This is
13 again Michael Alicastro 53, 14th Street.

14 MS. CURLEY: For the record it's
15 8:38. You may start.

16 MR. ALICASTRO: Thanks. I just
17 wanted to say I've lived on this corner for a couple
18 of years now, a lot of people on this case have
19 lived here for decades, so they can probably testify
20 better than I can, but it's a very busy corner
21 thoroughfares in Hoboken, a lot of congestion
22 particularly on the weekends, a lot of little
23 parking double-parking, traffic up at the light.
24 Pedestrians, sidewalks filled with families and that
25 you know it's the committee's job to really, really

1 oversee traffic and do what's in the best interest
2 of traffic for the community. There is no way
3 you'll let this go through and feel good about it
4 and be reckless, and if you've done your homework
5 and you're not relying on the bogus report and
6 unsubstantiated facts quoted in the report, then you
7 wouldn't think twice about it. You would shut this
8 down today. So I just wanted to go on record saying
9 that, and that you know, I really hope you consider
10 all the feedback you had tonight and not just a
11 bunch of stats pulled out of thin air on a piece of
12 paper with no backup. Thank you, good night.

13 MS. CURLEY: Really quickly, Michael,
14 since I didn't get to that. Let me just swear you
15 in because the public comment really should be sworn
16 in. So just raised your right hand.

17 (The witness is sworn.)

18 MS. CURLEY: Thank you. Next person.
19 Who is number two?

20 MS. GIARRATANA: My apologies. I
21 believe Sue has passed on her spot. Next I would
22 have Tom Brennan, who is under the name Nicole.

23 (The witness is sworn.)

24 MS. CURLEY: All right. It's 8:41.
25 You have five minutes. Go.

1 MR. BRENNAN: Okay. Once again, my
2 name is Thomas Brennan and I was the owner of Hudson
3 Tavern, and before that Lady Jane's. I started
4 working at Lady Jane in 1985. I purchased the
5 business in 1994. The restaurant has been a staple
6 of the community for close to 40 years. In the last
7 20 years the entire residential neighborhood has
8 been created literally at the doorstep of the
9 restaurant. It is now in the center of the most
10 densely populated residential area of Hoboken.

11 As such, the customer base which I had
12 relied upon has been become more local than ever.
13 With this in mind, I would like to address the study
14 that is before us tonight because I don't think it
15 is reflective of my experience with the business.
16 Keep in mind the time frame that I'm referencing
17 would be the three years prior to the pandemic, 2017
18 to 2019. This is of course regarding the traffic.

19 So regarding my staff, my restaurant
20 wasn't open for business during the day, Monday
21 through Thursday. I would open at five o'clock, so
22 therefore at most two cars brought into the
23 neighborhood to bring the kitchen staff to work
24 during those hours. In the evening hours between
25 four and eleven Monday through Thursday, possibly

1 another three vehicles may be utilized by the floor
2 staff to get them two and from work. My other
3 employees either biked or walked to work. Friday
4 through Sunday between the hours of eleven a.m. to
5 eleven p.m., a total of approximately eight vehicles
6 transported both my kitchen and floor staff to and
7 from work.

8 Now, addressing deliveries, during my many
9 years of operation, we never had in-house delivery
10 services or contracted out a delivery service.

11 Therefore, there was not way to traffic into the
12 neighbor that way. I did do a takeout business so
13 perhaps an average of two cars per day picked up
14 their food orders in this manner. Maybe it should
15 be asked of every future business that is relying on
16 pickup or delivery service where would they pull
17 over and I think they might have been tried to
18 address, but I don't think there was any really
19 answers as there is no designated zone. Do they
20 pull over in the turn lane on 14th Street or in
21 front of the fire hydrant or Hudson Street?

22 Now regarding parking, I had an
23 arrangement with Little Man parking garage for
24 validated parking to my customers for three years
25 prior to the pandemic. I was averaging 50 vouchers

1 per month. If you break that down over a daily
2 basis, that's two cars per day. The majority of
3 vouchers were used on weekends for parties such as
4 baby showers, rehearsal dinners, baptisms and
5 repast, et cetera, when people came in for a party,
6 they generally stayed for at least three hours. So
7 in summation I cannot stress enough that I relied on
8 my neighbors as my customer base. The business was
9 a restaurant with a bar and my vast menu especially
10 pre-pandemic were variable.

11 So in the year 2017 to 2019 my food sales
12 averaged 55 percent of my total sales. A typical
13 dinner guest would dine with us for hour and a half.
14 I could say with gratitude that I would see some of
15 my regulars coming in at least three times a week.
16 Moms would tell me that we were their second
17 kitchen. That's part of what's special about
18 Hoboken. People can walk in to have dinner or get
19 it to go. This is not to say some customers didn't
20 use a car service to get to or from a restaurant,
21 from what I witnessed, the majority of customers
22 walk because most of them were in the immediate
23 neighborhoods.

24 So again in closing, the only increase
25 I've noticed over the past several years in out of

1 town traffic coming to this neighbor has been
2 generated by Pier 13, especially on Saturdays. This
3 is a popular destination, something like it was not
4 available in all surrounding towns. As restaurants
5 can be found in all surrounding neighborhoods and
6 municipalities, recreational cannabis dispensaries
7 cannot. The fact is that neighboring towns such as
8 Weehawken and Union City have not allowed
9 dispensaries because it will only increase traffic
10 to this already congested neighborhood. Thank you
11 for your time.

12 MS. GIARRATANA: Thank you, Tom.

13 MS. CURLEY: Thank you, Tom.

14 MS. GIARRATANA: Katie Morse.

15 MS. MORSE: Hello.

16 MS. CURLEY: Katie Morse, name
17 address, and I'll swear you in.

18 MS. MORSE: Hi, Katie Morse, 1115
19 Willow, Hoboken.

20 (The witness is sworn.)

21 MS. CURLEY: Go ahead. You have five
22 minutes?

23 MS. MORSE: Perfect. I'll take less
24 time than that. I'm not along term Hoboken
25 resident. I in fact just moved here in the week

1 that Hoboken shut down for the pandemic. My view of
2 Hoboken is probably a lot different from a lot of
3 people on this call. But one of the reason I love
4 Hoboken so much as probably every one knows,
5 everyone knows we're all about all of the various
6 feelings that we all have and passion for the
7 community. I lived in Brooklyn for ten years before
8 this, and I really love living in a smaller town.

9 So with regards to why I love living in a
10 smaller town, one of the things that could be
11 traffic, namely running into people that I know from
12 my building, people who live in my community on the
13 street. One thing I keep thinking about during all
14 of this conversation is that there are existing
15 businesses like this business that are in fact on
16 14th Street in Hoboken already, and one that I walk
17 by all the time. I do own a car, and I do rely on
18 foot traffic to get to. I have yet to see in my
19 personal experience of walking by this business, a
20 line outside the establishment, litter outside the
21 establishment, any upheaval.

22 And I'm also noticing in some of the
23 public commentary when we're questioning the experts
24 and questioning the people who are coming up with
25 their reports of traffic impact, I'm noticing that

1 we're asking these people who might not live in
2 Hoboken if they visited Hoboken, I would also wonder
3 have the residents who are asking these questions
4 ever visited a retail dispensary? Because I have
5 found when I visited a retail dispensary outside of
6 the New Jersey area in other cities and other
7 municipalities, where it has been recreational and
8 legal that the experience is oftentimes very
9 different than I might have been thought previous to
10 visiting.

11 So again, for the sake of conversation and
12 for the sake of what we're discussing which is
13 traffic and impact on the community where we all
14 live very close to each other and we all interact, I
15 just thought it would be worth bringing up those two
16 points as a resident. I walk on 14th Street all the
17 time myself. And that concludes my comments.

18 MS. GIARRATANA: Thank you, Katie.
19 Next we have Mike Giunta. Are you still on?

20 MR. GIUNTA: I'm still on. I'm Mike
21 Giunta. I live over at 71 Jefferson Street.

22 (The witness is sworn.)

23 MS. CURLEY: Go ahead. You have five
24 minutes.

25 MR. GIUNTA: I think it's ridiculous

1 that we're even arguing this. Hoboken sits in
2 between two of the large ingress and egress points
3 of New York City, Lincoln Tunnel and the Holland
4 Tunnel. And then the fact that we have one of most
5 densely populated bars per square mile means that
6 anyone who is going to be using or going to the
7 dispensary is already here, already passing through.
8 The idea that one dispensary is going to create so
9 much of a traffic problem to disrupt everyone's life
10 is absurd to me.

11 Hoboken has a parking problem, and no
12 matter what you put into this location, there is
13 always going to be Ubers coming in and out of it,
14 and there is going to be people double-parking in
15 front of it just like in every other part of
16 Hoboken. So what's the grievance with this
17 establishment over any other establishment that goes
18 in there? Thank you. I appreciate it.

19 MS. CURLEY: Thank you. And I think
20 we have next up our Councilwoman, Hoboken
21 Councilwoman Tiffanie. Tiffanie, again name address
22 and I'll swear you in.

23 MS. FISHER: I'm not going to be your
24 Councilperson as well. My name is Tiffanie Fisher.
25 I'm Second Ward Councilwoman in Hoboken. This is in

1 the Second Ward, and live at 1500 Hudson Street.

2 (The witness is sworn.)

3 MS. CURLEY: Thank you. Go ahead.

4 MS. FISHER: I have lived in this
5 area -- I have lived in Hoboken for 28 years. I
6 lived in the Second Ward for 20 years. I've been
7 Councilperson for 16 1/2 years. And the issue that
8 I feel, the biggest issue that I feel in this area,
9 that is that cannabis tourism would be changing the
10 residential neighborhood that has grown over the
11 last 15 years, that has the highest residential
12 density in the City of Hoboken, approximately
13 fifteen percent of all Hoboken residents live in
14 this corner.

15 And what we're doing is bringing cannabis
16 tourism into this area, and cannabis tourism isn't
17 necessarily a bad thing, but as a Councilperson, I
18 can tell you that the top two issues that I hear
19 about with cannabis are pedestrian safety and impact
20 of tourism in this corner. We have alcohol tourism.
21 We have alcohol tourism because we have Pier 13 on
22 the waterfront. We have a number of bars, and
23 people just want to come and enjoy the waterfront.
24 We have people that come from outside of Hoboken who
25 don't know what the rules of the streets are, who

1 don't know what the rules of the sidewalks are.
2 They don't know the rules on the waterfront. They
3 circle for parking and take up a considerable amount
4 of the parking spaces that our residents really rely
5 on. And what this location, exactly what the
6 applicant wants from this location is exactly what
7 our concerns are, which is a type of like Orlando.
8 We already have enough visitors, let's add Epcot.
9 We already have a tremendous amount of people from
10 outside of Hoboken that are often reckless and not
11 respectful of the surrounding area, including
12 driving through stoplights, driving through stop
13 signs, you know, riding bicycles on sidewalks,
14 scooters on sidewalks that is mainly in this area,
15 and all that dispensary does is give visitors
16 another reason to come here, and it's not
17 necessarily just to buy the cannabis. It's to come
18 and go to the bars.

19 We've learned through this process that
20 the dispensary get 75 percent of their sales from 25
21 to 35-year-olds. That's what we already see in this
22 corner of Hoboken and now we're talking about
23 doubling it. That is not the makeup of this corner.
24 This dispensary is absolutely going to draw more
25 people that want to party in this area, and the

1 impact on traffic and the impact getting behind the
2 wheel, getting on a bike and putting residents of
3 Hoboken at risk, as well as putting their own, as
4 visitors, their own lives at risk, it's a huge
5 problem. I think I just want to technically for the
6 record, we didn't get to do a deep dive in traffic
7 because the applicant said to you there is only a
8 one to three-percent increase in trip generations
9 between the Hudson Tavern and this dispensary. And
10 embedded in there, if it had been any greater, they
11 would have done a deep dive they would have had to
12 do a traffic impact report.

13 But embedded in that analysis to get to
14 the one to three percent, they felt that the Hudson
15 Tavern was a high turnover restaurant. A high
16 turnover restaurant is open 24/7. It's very, very
17 fast paced. You don't need reservations, and as you
18 heard Tom, the former owner of the Hudson Tavern,
19 that's just not what it was. It was a sleepy local
20 neighbor restaurant that had a little bit more
21 activities on Friday -- Thursday, Friday, Saturday
22 nights. If the applicant has been more honest with
23 their assumptions, they would have chose a lower
24 impact restaurant and the precise increase of the
25 traffic counts would not be three percent,

1 50 percent. That is what all my neighbors are
2 trying to tell you. It's what we feel. It's what
3 we know.

4 Their traffic report is based on the wrong
5 assumptions, and we're asking you to either continue
6 this hearing one more month. If this applicant is
7 not allowing you, then you should turn them down
8 tonight, but ask them to continue it. Have them do
9 a full traffic report so you as the owners and the
10 managers of the County roads and us as residents, we
11 can look at the right information, make the right
12 decision so that we can protect the residents and
13 the visitors of that area. I am telling you that
14 what the applicant is telling you is just not true.

15 I know that there is a heavy hands on that
16 application, trust me, because of Mayor Fulop's
17 economic interest, you know as landlord to this. I
18 get it. But I really, really hope that you guys
19 have a great opportunity to do the right thing for
20 the county and to do the right thing for the
21 residents of Hoboken, and I really ask that you do
22 that. Thank you.

23 MS. GIARRATANA: Thank you
24 Councilwoman. Andrea, you're next.

25 MS. ARONOFF: Hi again for the record

1 it's Andrea Aronoff. I live at 53 14th Street.

2 (The witness is sworn.)

3 MS. ARONOFF: Thank you. So without
4 repeating everything that has been said thus far, I
5 just want to echo all of the settlements of the
6 witness who just was before, Ms. Fisher. It seems
7 like the applicant has provided at best a
8 half-hearted traffic impact estimate and at worse,
9 the witness is one that is not entirely honest about
10 the preexisting nature of the traffic and the
11 expected nature of the traffic impact based upon the
12 proposed use of the property.

13 Specifically, as Ms. Brenann had I think
14 very compellingly described, I believe it was an
15 incredibly small, I would say minimal amount of
16 actual traffic was generated by this prior use of
17 this location as a restaurant. And as Ms. Fisher
18 said, merely by mischaracterizing or categorizing
19 the nature of the restaurant as one that should have
20 been considered a high quality restaurant and not a
21 high turnover restaurant as they did, they basically
22 eliminated having to go forward to perform a more
23 detailed traffic impact study, and I think the
24 residents of the Hoboken and I would think this
25 Council or this Planning Board would have an

1 interest to ensure that the study was done properly
2 and with the correct information. By contrast, they
3 appear to have dramatically understated the amount
4 of traffic from the proposed improvement.

5 It's notable that while other proposed
6 establishments in the area have been able to provide
7 projected numbers, this applicant has asserted, I
8 think it was Mr. Epstein that said that the number
9 that was somewhere between 300 and 400 transactions
10 per day was a higher conservative estimate, and yet
11 they provide a store with ten cash registers and
12 even giving them the benefit of the doubt with each
13 transaction taking ten minutes, that comes to 60
14 transactions per hour, and on a 12-hour-day, that
15 amounts to 840 transactions per day. So they have
16 designed the dispensary to field 840 transactions.

17 And I would say the assertions that most
18 of the customer base would come from local foot
19 traffic and local residents, is really why all the
20 other neighboring communities have declined to have
21 recreational cannabis ordinances that would permit
22 this type of use in their town, and I believe like
23 many other resident, that we will get an increase in
24 cannabis tourism. And I've lived on this corner for
25 17 years. I have seen what happened when any one

1 street within Hoboken gets backed up. The entirety
2 of this one-square-mile town gets backed up.

3 So I just encourage the Planning Board to
4 really reconsider making any determination today, to
5 require the applicant to do a detailed impact study
6 that would allow you to more reasonably assess the
7 merits of this application.

8 MS. GIARRATANA: Thank you. Next we
9 have Martin.

10 MS. CURLEY: No, Martin. You are the
11 attorney. You can do a closing after public
12 commentary.

13 MR. CABALAR: That's all right.
14 Thank you. I wanted to make sure. Thank you.

15 MS. GIARRATANA: Alex Cobin. Are you
16 still on, Alex?

17 Next we have Leslie Bradley.

18 MS. BRADLEY: Thank you.

19 MS. CURLEY: Name and address and
20 I'll swear you in.

21 MS. BRADLEY: Hand is up. Name is
22 Leslie Bradley; address is 53 14th Street, Hoboken.
23 New Jersey.

24 (The witness is sworn.)

25 MS. BRADLEY: So I would just like to

1 say this has been a very frustrating night where you
2 know three minutes to ask questions when a large
3 part of that time are people who are testifying to
4 the contrary to the applicant does not seem to be
5 fair. I have been told multiple times by the
6 Hoboken cannabis -- Hoboken Cannabis Commission our
7 voices have very little merit or that you know,
8 actually by the lawyer of the CHB, unless we spit in
9 their face, no big deal. And I don't want to do
10 that.

11 I would just like to have an honest
12 conversation with transparency and consideration to
13 the people who live in this neighbor. That is
14 really all my husband and I are asking as residents
15 who lived here for six years. I am very there is
16 somebody who is unmuted, I think that is actually
17 you, Ms. Curley?

18 MS. CURLEY: Oh, yeah.

19 MS. BRADLEY: Thank you. My husband
20 and I are very frustrated that we cannot ask our
21 questions to Mr. Masol. There is one, two, three
22 existing versus proposed land use trip generation
23 comparisons in the application, weekday peak hour
24 trips. So the existing restaurant had 29 trips
25 versus the proposed cannabis had 16, but because

1 they have no knowledge of this neighborhood and what
2 actually went on here, do they know that the Hudson
3 Tavern was closed until 5:00 p.m.? Where are these
4 trips coming from? It should be zero, the actual
5 fact because there were not trips.

6 My husband and I have lived here as I said
7 for six years, and we purchased property in Hoboken
8 specifically because it was a residential
9 neighborhood where we felt safe -- where we felt
10 safe and comfortable and our really our deepest
11 desire was to be resident of this town for the long
12 term. We knew every single employee's name
13 downstairs, and they knew ours down to the details
14 that I look extra ice in my drink and my husband for
15 some inexplicable reason likes to eat his ice cream
16 with a teaspoon, bizarre.

17 But they were the center of this
18 community. This Hudson Tavern was an anchor for
19 social and communicate interaction. This new
20 application, as much as Mr. Epstein said it was some
21 sort of like rundown restaurant they're saving,
22 excuse my language but it's BS. Mr. Epstein, also I
23 want to put on the record at two hours and seven
24 minutes and ten seconds into the CRV -- CRB meeting
25 on February 24, in Hoboken, also said that Story

1 Dispensary is by definition not a normal retail
2 business. In fact, he said it's a high threat
3 business.

4 I know this is not the proper -- I know
5 this is not traffic, but I also just want to say my
6 biggest concern is I know what's going to happen
7 here tonight. I have no doubt, but I want to put on
8 the record that what you do here tonight could
9 change the fabric of this community, a community
10 that my husband and I -- I'm Canadian, he's English.
11 We want to stay here for the rest of our lives. Now
12 we're very scared because all of this tonight where
13 Mr. Masol is either not available or you can't hear
14 him or he's not able to answer questions or you
15 doesn't know that in the application weekday peak
16 hour trips generated, there is zero, not 29. Not
17 29. This is completely fabricated. This is not the
18 community.

19 I want to put on the record the Hudson
20 Tavern was run exquisitely. My husband and I used
21 to play a game of how many kids' strollers were there
22 tonight when we went downstairs to have dinner, and
23 whoever got the closest number got to buy dinner --
24 I'm sorry. Whoever missed the closest number got to
25 buy dinner. Anyways, I know what's going to happen

1 tonight, and I'm reading the comments. I just want
2 to say I'm very dismayed at the process, and I
3 really hope that you vote for the residents of
4 Hoboken. I really hope that you hear us tonight
5 because thus far we have not been heard. Thank you
6 very much.

7 MS. GIARRATANA: Thank you, Leslie.
8 Suzanne, you're next.

9 MS. AKIAN: Suzanne Akian, One
10 Independence Court, Hoboken, Shipyard Complex.

11 (The witness is sworn.)

12 MS. AKIAN: So pretty much everything
13 has been said tonight, but with that said, it does
14 definitely feel that this Board, you know, the
15 Planning Board, that the decision was made before it
16 even was discussed. It feels that way, and the
17 reason it feels that way is as soon as I asked the
18 question about impact, three months after the
19 establishment is in business we can ask them for a
20 report. So that to me I feel like the decision has
21 been made.

22 And I think it's really unfortunate
23 because nobody here in our area was canvased. You
24 know, we found out about this establishment being in
25 our neighborhood well past their application.

1 Nobody knew. None of the other cannabis retailers
2 in town that are applying have already been going
3 around canvassing and hosted days and all kinds of
4 things. This application did not do that. The
5 other thing that I find very unsettling, and correct
6 me if I'm wrong, but if this applicant were to apply
7 today in current law, current ordinances or whatever
8 zoning, as of today in Hoboken, it wouldn't even be
9 heard. So why are they being offered this
10 opportunity? Because they applied on a technicality
11 before they changed the C3 zoning.

12 Nothing has been built. Nothing is there
13 now. It's not like we're shutting down a business,
14 a business that doesn't technically have the right
15 to be operating in the way that it's going to be
16 operating in this area. You have to ask yourself
17 why the current law doesn't support it. Because it
18 shouldn't be there. So that's how I feel, and I
19 think that this Board, Hudson County Planning Board,
20 should really kind of put themselves in our shoes.
21 People that live in this densely populated area with
22 three nurseries, you know, preschools, within a
23 couple of blocks it's just --

24 And also having an operation from eight
25 a.m. to ten p.m., it's every gamut and of every age

1 range of every pedestrians of this town. So I hope
2 that you guys reconsider. Thank you.

3 MS. CURLEY: Thank you. I just want
4 to follow-up on that. Again, we do not control
5 whether the use is permitted or not permitted by
6 municipal ordinance. That is not us. That is not
7 our decision. And even if they needed to get a use
8 variance and come before us, it would not be our
9 decision. So I understand frustration with the use.
10 I understand there may be some frustration with the
11 City of Hoboken, but the Hudson County Planning
12 Board, the use whether it was permissible or not
13 permissible, it is not a subject of this application
14 here; one.

15 And then two, conditions of approval, just
16 because it is suggested by one of our professionals
17 that we could add a condition of approval to
18 ameliorate some of the concerns does not mean that's
19 getting approved. It happens in many land use cases
20 or many boards. It is not an indicator. It is
21 simply a recommendation that if it is approved that
22 we're going to add that as a condition, but it does
23 not mean that there was some secret meeting where we
24 agreed about it. It just said that was suggested in
25 the middle of the public hearing there where traffic

1 conditions and the traffic engineer was unable to
2 continue, so we as a condition we recommended that
3 if the Board acts favorably on this application, we
4 will as a condition of approval request that do a
5 traffic study. I just want to make those two very
6 clear responses, and I don't need a response. Thank
7 you.

8 MS. AKIAN: I think you do need the
9 response, but thank you.

10 MS. GIARRATANA: Laurie Michaelson
11 his.

12 MS. MICHAELSON: My name is Laurie
13 Michaelson. I'm at 1124 Washington Street.

14 (The witness is sworn.)

15 MS. MICHAELSON: I own a business at
16 1124 Washington Street, and it was really great for
17 my customers when we switched over to parallel
18 parking, and we got meters uptown because a lot less
19 complaints where there was not availability of
20 parking. It was always a really big problem for us.
21 Very oftentimes my business is open some days eleven
22 to seven, some days ten to seven, and then on the
23 weekends it's nine to five, and on the days where I
24 have guests and clients coming in at nine, parking
25 is impossible, as it is also very impossible at the

1 parking garage on the weekends, they'll just
2 randomly charge \$30 for the day when people are only
3 coming in for a few hours.

4 So it's kind of interesting that there is
5 going to be 15 spots taken up. It's just -- I also
6 find it interesting as I listened to most of these
7 applications, and I did hear Mr. Epstein that they
8 still yet were not approved yet by the State, but
9 Hoboken approved them? I thought the State had to
10 get approval first before the town, so that's really
11 confusing to me, and I just kind of wonder. It
12 seems to be a big concern that the Mayor of Jersey
13 City's wife is involved. So that just really is
14 kind of a drag for me and brings a lot of concern.
15 That's my two cents. Thank you.

16 MS. GIARRATANA: Thank you Laurie.
17 Parker, you're next. Parker Dixon.

18 MR. DIXON: France Dixon, 1314 Hudson
19 Street. Here's my hand.

20 (The witness is sworn.)

21 MR. DIXON: My wife and
22 three-year-old son and I live adjacent to the
23 property. I would like to thank Andrea Aronoff, who
24 took the words, many of them, right out of my mouth.
25 I won't waste anybody else's time about the cash

1 registers' element, but to me it belies something
2 very important about what the reality of traffic is
3 going to really look like, versus what the supposed
4 assessment currently is right now.

5 And also I want to add that nowhere in
6 tonight's presentation by the applicant was there a
7 discussion about New York City being a simple boat
8 ride away, and the traffic impact of that. We live
9 ten minutes away from the largest city on earth,
10 where recreational marijuana isn't readily
11 available. The current traffic estimates which were
12 testified to be more than more to be boilerplate
13 basically for the wrong type of restaurant are
14 clearly out of line with what the reality is
15 probably going to be.

16 If you guys move forward with this it's a
17 potentially dangerous step you're take in regards to
18 the traffic impact in this area. We know approval
19 without a more deliberate and accurate traffic
20 assessment that isn't boilerplate and isn't about
21 the long-time establishment and one that is
22 transparently created with access to the author
23 that's driving around in his car, you know, because
24 he didn't get good notice on the hearing. It's not
25 really governance. And that's simple to me, and I

1 think there is enough people here speaking and great
2 common sense, and we just need to, you know, be more
3 deliberate and get a more deliberate and accurate
4 traffic assessment about this because if we go
5 forward with this, and God forbid, God forbid there
6 is an explosive traffic situation on our hands, and
7 somebody one night might get really grievously hurt,
8 you know, that's not going to be a good thing and
9 you know what? People can look back at these
10 videos, and you're going to see a lot of people
11 mentioning this stuff beforehand, and they're going
12 to also see that this initial assessment, that this
13 initial assessment really doesn't stand up very well
14 to scrutiny I would say.

15 That's my opinion, and I just want
16 everybody to let's look ahead. Look ahead to the
17 worst-case scenario and do the math in your own
18 heads. Like don't be so risky with this.
19 Deliberate assessment transparently done. Let's get
20 this done right. Let's get this done deliberately
21 so that everybody is all on one page because God
22 forbid something happens. Everybody is going to see
23 this meeting and decide they're going to want to
24 drink. You know, it's also going to be a thing
25 where, you know, like not everybody is going to have

1 a good look. That's all I'm saying.

2 MS. CURLEY: I just have a follow-up
3 question because I don't know the answer. Can you
4 buy marijuana in New Jersey and go back to New York?
5 I think it's for the attorney. If your question is
6 we're going to explosive traffic from all of these
7 New Yorkers coming in, I do believe so, but I would
8 like confirmation. Can I come in from New York?

9 MS. PORTER: No.

10 MR. ALICASTRO: Who is going to stop
11 them?

12 MS. PORTER: Again, that would remain
13 illegal just like it would be in New Jersey for
14 residents in Pennsylvania to come across the border
15 in order to purchase, you know, something which is
16 illegal within that state. It's a jurisdictional
17 issue, which would be enforced by that jurisdiction.

18 MS. CURLEY: Thank you. It was just
19 a question because the last public comment was that,
20 you know, there might be more traffic that was
21 not -- This is a very important question. My
22 question is that should those numbers be included in
23 the traffic report, or is that illegal to do? So if
24 I'm a New York resident, and I'm in the New York
25 City, can I drive in, buy marijuana and drive back?

1 Is that legally permissible?

2 MS. BRADLEY: I believe that's your
3 choice.

4 MS. CURLEY: Okay. All of the public
5 members that are unmuteing and then answering the
6 question who do not actually have the information as
7 to the laws, I'm not looking for your opinion. This
8 is a legal question. Can a New York resident truly
9 drive over and buy marijuana and drive back New
10 York?

11 MR. EPSTEIN: I'm a lawyer. That's
12 illegal. You can't cross state lines with cannabis
13 purchased in New Jersey.

14 MS. CURLEY: Thank you, Aaron.

15 AUDIENCE MEMBER: Except that they
16 do.

17 MS. CURLEY: Everyone, you can stop.

18 MS. PORTER: Again, a specific
19 statement was made by the applicant on the record
20 specifically addressing the legality of that issue
21 by someone who is within the industry and would know
22 the legality of that question.

23 MS. CURLEY: Thank you. Because
24 that's a question that I wanted to know. I think
25 Commissioners would serve to know. My question is

1 simply that. So thank you. So the answer is no, I
2 cannot legally, if I am a New York resident living
3 in Manhattan, I cannot driving here, buy weed and
4 drive back. That would be illegal.

5 MS. TOMARAZZO: Amanda, this is Toni
6 Tomarazzo. I'm also a lawyer, and I would add that
7 caveat that does not apply to medicinal cannabis.

8 MS. CURLEY: Is there a medicinal
9 cannabis? Is this recreational cannabis? Toni, I
10 don't need your response. I need the applicant's
11 response.

12 MS. PORTER: This application is for
13 adult use.

14 MS. CURLEY: Thank you. So
15 recreational.

16 MS. TOMARAZZO: No, that's not
17 correct, Amanda. You're incorrect with that
18 statement. You should ask the applicant, and I
19 won't answer. If someone has a medical marijuana
20 license that comes to New Jersey from New York or
21 any jurisdiction, you name your poison, are they
22 permitted to purchase it? There is no distinction
23 between recreational or medicinal.

24 MS. CURLEY: But this is for adult
25 use. Let's not talk about the medicinal, I

1 understand but how many medicinal dispensaries? I
2 don't get into that. My question is if I'm in New
3 York and I'm coming over just to buy weed in New
4 Jersey, can I buy it and go back? And I think the
5 applicant indicated that that would be illegal.

6 MR. ALICASTRO: If you have a car or
7 two legs you can do that, yes.

8 MS. CURLEY: No. If the public is
9 going to continue to do this thing where they just
10 unmute themselves and talk, we're going to end the
11 public comment section. So please stop. Please
12 stop. My question is very simple one. We had a
13 question from a member of the public. He's saying
14 that the traffic report doesn't talk about all of
15 the New York people that are going to come over. My
16 question is, can they even do that? I thought the
17 answer was no, that's illegal. Can someone confirm
18 that?

19 MR. EPSTEIN: Yes, that's correct.
20 It would be illegal to cross state lines with
21 cannabis purchased in New Jersey or any other state,
22 and we will look to protections under our retail
23 agreement.

24 MS. CURLEY: Thank you. Okay. Let's
25 move onto our next public members.

1 MS. GIARRATANA: The next public
2 member is Lisa. Lisa, are you still on the call?

3 MR. WARDEN: Hi. Sorry. This is
4 Lisa's husband. She step away, but I will take the
5 time if I could still do it?

6 MS. GIARRATANA: Yeah, that's fine.

7 MS. CURLEY: Name and address,
8 please.

9 MR. WARDEN: Tom Warden. 1400 Hudson
10 street. Yes, I am holding up my right hand. Yes, I
11 am swearing to tell the truth, the whole truth and
12 nothing but the truth.

13 MS. CURLEY: Thank you.

14 MR. WARDEN: So I know this has kind
15 of been mentioned, but I've been wanted to bring it
16 up for a while. We all know that in Hoboken one of
17 the ways that people manage to frequent businesses
18 throughout the City when driving is through the use
19 of double-parking. I'm going to say that's not
20 necessarily legal in the town, but it does happen
21 all the time everyone anecdotally has seen it occur,
22 you know, on Washington Street. The police have
23 taken to stopping people from doing that when there
24 is creative license down there.

25 Giving that in the beginning of the

1 presentation, there was a lot of talk about how
2 there would be assigned spaces for this location on
3 14th and Hudson and the fire hydrant, post office,
4 loading zone, whatever, we feel that potential
5 exists for double-parking because if you just did
6 some quick math, that you were talking about three
7 or 400 people, which gives us the magic number of
8 your discussion, 25 percent of those people, hundred
9 people a day driving by, six minutes a person,
10 that's roughly potentially ten hours of
11 double-parking a day at that corner, is that going
12 require some kind of mitigation plan? Is that going
13 to required extra law enforcement to keep people
14 moving there it just seemed like it could jam really
15 quickly.

16 Again totally anecdotal, not scientific
17 based, but just based on what I see around the town.
18 I've lived here for several years. I was just
19 wondering if there was anything, there was any kind
20 of plan, and I'll save the rest of my time after
21 that. Did I freeze?

22 MS. CURLEY: No, that's it.

23 MR. WARDEN: Sorry. I thought I lost
24 someone. Okay. Thank you.

25 MS. GIARRATANA: Thank you. Next we

1 have Roberto.

2 MR. VERTHELYI: Hi. Roberto
3 Verthelyi. I live at 2 Constitution Court.

4 MS. CURLEY: You have your left hand
5 up.

6 (The witness is sworn.)

7 MR. VERTHELYI: Okay. I live at 2
8 Constitution Court, which is a couple of blocks from
9 this facility, and my wife and I have a car and we
10 park in the street. Mainly on Hudson being the
11 block between -- on Hudson Street between 14 and 12
12 is Friday on one side and Wednesday on the other.
13 From ten to eleven, the machine passes around 10:15,
14 and by 10:20, 10:25 all the spots are taken. That's
15 with Hudson Tavern, which was never really a problem
16 at that time of the day except very rarely and being
17 closed so essentially that tells you how much the
18 traffic is difficult in this area to find parking.

19 So essentially right behind the machine
20 there is a line of cars every week try to park right
21 after the cleaning gets done. Secondly, many
22 mornings and afternoons, we get deliveries for the
23 Walgreen's or the Sbaro or the Supermarket Kings
24 because Shipyard Lane, is which is normally where
25 they deliver gets stuck because if there is one

1 traffic that can't move or there is one truck that
2 is parked somewhat, you know, it blocks so people
3 are trying to go on Hudson Street. The amount of
4 noise pollution we get from you know people, and you
5 know, beeping is quite considerable so this would be
6 increase even more.

7 I mean we already have issues with traffic
8 on weekends where people park wherever. You can
9 have yellow zone, you know, handicapped parking,
10 anything seems to be fair game on Saturday and
11 Sunday nights. But even during the week there are
12 times like you know you can try to come and park in
13 this area after four o'clock you might spend an hour
14 going around. We have done that many times and of
15 course you know this tells you what is going to
16 happen when people come and arrange delivery for the
17 six minutes, they're going to double-park because
18 they're not going to go circling an hour to go six
19 minutes. This is already in this equation.

20 I also -- this is the first time I've gone
21 to these meetings, and I understand that you only
22 deal with traffic, but if you only deal with traffic
23 and sewage, I would request that you follow
24 procedures and the people who are questioning the
25 witnesses. The applicant the witnesses talked about

1 a lot of other things that were not traffic-related
2 so when we started to try to counter the arguments
3 they were -- we were told this is only traffic. Why
4 can they and we can't talk about this stuff? They
5 should be only restricted to testimony as to traffic
6 only.

7 And the last thing is, you know, there was
8 an assertion by the lawyer that this was approved.
9 I want to make it in the record that this was
10 approved in a five-hour meeting in which they were
11 four hours and 30 minutes of people who didn't want
12 it and that without proper noticing, and I don't
13 know how they actually took it because they were
14 only the entity that did not notice people within
15 200 feet, so procedurally this is the worst
16 procedure of any that I've seen and the disparaging
17 comments towards the tavern, which all of us who
18 live in the area have -- this just shows the bad
19 place and bad character of this applicant that is
20 using all kinds of testimony that is misleading.
21 Like talking of Secaucus, which is only medicinal.
22 And talking about experience when they only have
23 medicinal experience in New Jersey.

24 And there are a number of things that the
25 witnesses said and that were contradictory that were

1 inaccurate and that's all the way --

2 MS. GIARRATANA: My apologies.

3 That's time.

4 MR. VERTHELYI: Thank you.

5 MS. GIARRATANA: Thank you. And
6 Robert Conrad, you hadn't signed up, but I know your
7 hand has been raised the whole time, so I wanted to
8 give you the time if you would like to speak.

9 MR. CONRAD: Thank you very much.

10 MS. CURLEY: I'm sorry, Mr. Conrad.
11 Robert Conrad. Mr. Conrad, I need you so say your
12 name and address.

13 MR. CONRAD: Robert Conrad, 1000
14 Hudson Street, 35 years.

15 (The witness is sworn.)

16 MR. CONRAD: There you go. Okay. So
17 I would just like to concur with what has been said
18 so eloquently, but a couple of things. One is we've
19 spoken about this specific location which is closest
20 to me and the traffic patterns and disruption it
21 will cause. Inevitable, it can't not happen. We're
22 going to get a lot of traffic through here that we
23 don't have right now. It will be greater than what
24 we got at the tavern. It's almost a given. What
25 we're not talking about is the fact that we want six

1 of these and if you take the cumulative affect on
2 the traffic, and I don't know what roads are yours
3 and what roads are the city's, but the cumulative
4 effect of this on the quality of life in this town
5 is going to be enormous, and I'm not so sure that
6 that's been thought through. Andrea made a comment
7 about people moving to other streets. Roberto was
8 talking about that as well.

9 People -- traffic patterns around here are
10 already challenged. This is going to make it worse,
11 and then the next one is going to make it worse and
12 the next one. There is three to 400 visits a day in
13 this one dispensary. We think we didn't get good
14 data from these guys tonight, but multiply that by
15 six and we've got 2,000 to 2,500 transactions a day
16 happening that aren't happening now, and a lot of
17 the people we believe will be coming from elsewhere.

18 So from a quality-of-life standpoint, I
19 would advocate for us to just pause because if we
20 were starting this whole process over again we
21 wouldn't go for six. We would probably start with
22 two and see how it goes, but starting with six would
23 put a great strain on the infrastructure on the
24 town, the traffic patterns, not just on Hudson
25 Street although that's primary, but the whole rest

1 of the town, and I do not believe it's a good thing
2 with the town. Thank you. Everything I said was
3 true and as I know it.

4 MS. GIARRATANA: Thank you. I
5 believe, Amanda, Martin will be last?

6 MS. CURLEY: My experience usually
7 the objector goes and then the attorney, but if this
8 Board has a different protocol.

9 MS. GIARRATANA: No, I defer to you
10 on it.

11 MS. CURLEY: Martin, do you agree to
12 go next and Jennifer will end it?

13 MR. CABALAR: That's fine. The order
14 doesn't matter to me.

15 MS. CURLEY: Okay. So Martin, why
16 don't you go ahead, and you can do your closing.

17 MR. CABALAR: Thank you, Madam
18 Chairwoman and Commissioners. As you've heard
19 tonight, obviously the applicant is seeking to
20 construct and operate a cannabis dispensary on the
21 ground floor commercial space of an existing
22 residential condominium building in Hoboken.
23 However, as you've also heard, the application is
24 not complete and it should be denied as such.

25 Here, the applicant has not submitted a

1 traffic impact report in support of its application.
2 Instead the applicant elected to maintain that there
3 is no significant change in use, and therefore, rely
4 solely on what the applicant's only expert report
5 titled A Limited Traffic Study. This Limited
6 Traffic Study is just that, it's limited at best and
7 at worst, it's entirely inaccurate. Now, while
8 Mr. Masol states in his limited traffic study that
9 he is confident that the proposed change in use will
10 not result in any significant impacts on the
11 surrounding roadway network, end quote, that
12 confidence unfortunately for the applicant is
13 ultimately based on skewed ITE manual analysis by
14 improperly selecting a high turnover restaurant as
15 opposed to a quality restaurant, to generate its
16 trip analysis.

17 That confidence also comes with -- I'm
18 sorry, also comes without conducting any existing
19 traffic studies to understand the actual current use
20 of the adjacent roadways which the traffic engineer
21 testified could be done. That confidence comes
22 without any analysis into traffic that actually
23 frequented the prior use as a restaurant which we
24 heard from the owner of that restaurant, information
25 we got here tonight, none of that was taken into

1 consideration that information was out there and
2 available had they done some research on it.

3 That confidence is also without comparison
4 of the use of vehicular traffic generated by any
5 other cannabis dispensaries in New Jersey. That
6 confidence is also without knowing how many parking
7 spaces can be secured from nearby facilities.

8 Finally that confidence is also without conducting
9 any analysis outside that skewed ITE analysis to
10 determine how many customers will arrive by vehicle
11 on a regular basis. The author is careful to call
12 its study A Limited Traffic Study because that is
13 precisely what it is, limited.

14 This limited traffic study should not be
15 accepted by the Planning Board to overcome the
16 applicant's requirement to demonstrate the proposed
17 use will not have a significant impact on traffic on
18 the County roads. Now, as for the expert, I
19 understand that everyone is busy and that Mr. Masol
20 had another commitment that prevented him from
21 giving his full attention to this matter. That
22 happens. Life happens. It's understandable. But
23 there was a solution to that. The applicant could
24 have requested an adjournment to proceed at a later
25 date if they knew they were not fully prepared. The

1 applicant chose not to do so, and in doing so,
2 failed to recognize that the traffic issue was a
3 significant one to all of your County residents, I'm
4 certain that this is an important issue to you as
5 well.

6 The fact alone that the applicant's expert
7 was not able to answer all questions on his report
8 during the public question period that people still
9 wanted to ask him cut his availability short before
10 everyone had a chance to question him and even had
11 to generalize some of his responses to some of the
12 questions because -- because of that other
13 commitment he was driving and was not able to look
14 at his report, look at the screen or look at any
15 other documents. All of that alone should result in
16 the application being denied at this juncture.

17 You might recall that engineer stated on
18 the record he was only notified of this hearing on
19 Friday. The applicant simply was not prepared for
20 this hearing. It was clearly rushed on their part
21 and worse cut short due to the sudden unavailability
22 of their traffic engineer. I would submit that for
23 all of these reasons, the application should be
24 denied as incomplete, and the applicant should have
25 to submit a new application for consideration.

1 To the extent that the Board is
2 considering accepting the limited traffic study, my
3 client, the association, would respectfully request
4 that the applicant be required to supplement its
5 study and calculation, the use of the prior
6 operation as a quality restaurant pursuant to ITE as
7 opposed to the high turnover definition that was
8 chosen. It is our argument that a quality
9 restaurant designation may result in a difference as
10 much as 40 to 50-percent increase traffic from the
11 Hudson Tavern to know what this intended use is as a
12 cannabis dispensary, and that would just be use the
13 ITE study alone, no other factors that the applicant
14 has not taken into consideration as testified to by
15 the applicant's traffic engineer.

16 We would also request at this juncture if
17 you're considering accepting the limited traffic
18 study a continuance. It doesn't need to be more
19 than 30 days. It could be a week or two, so that
20 the folks here could be provided with the
21 opportunity to retain their own expert to rebut the
22 the limited traffic study which was only just
23 supplemented as I understand yesterday in some
24 respects and has not been provided to some of the
25 folks here that were in attendance tonight.

1 And finally I just want to comment on the
2 New York traffic issue from the perspective of the
3 New Yorkers coming into New Jersey. Yes, it's
4 illegal for a New York resident to come to New
5 Jersey and bring the cannabis back to New York. I
6 can understand why the traffic engineer therefore
7 would not include that in their analysis. However,
8 it's not illegal for them to stay in New Jersey and
9 consume it before they return. So to the extent
10 that the traffic study does not include or consider
11 that issue, we think it should. Or perhaps the
12 applicant should require a New Jersey license to
13 purchase or otherwise limit that traffic if it's not
14 going to include it in its study so we know what the
15 real numbers are.

16 Commissioners, again, for all of the
17 reasons I stated earlier, we urge you to deny this
18 application as incomplete. Thank you.

19 MS. CURLEY: Thank you, Martin. Also
20 we went to law school together. We took a tax class
21 together just as an FYI.

22 MR. CABALAR: Yeah, I noticed that.
23 I looked up the name, and I saw that. Nice to see
24 you again. It's been a long time.

25 MS. CURLEY: It's been a while. So

1 Ms. Porter, you can go ahead and give me your
2 closing.

3 MS. PORTER: Yes. Thank you
4 everybody for hearing this application this evening.
5 I realize it's been a long evening. There's been
6 four hours straight of testimony and receipt of
7 public comments and addressing questions, and you
8 know, addressing concerns by members of the public.
9 However, in the context of this application a few
10 points remain which are worth repeating, and I think
11 have direct bearing on the nature and scope of this
12 application and the jurisdiction of this Board and
13 what information is before it in order for it to
14 make a determination this evening.

15 So number one as to the nature and scope
16 of this proposal, this is a very limited proposal
17 within the jurisdiction of this reviewing body.
18 This is a use proposed within an existing building
19 that will not expand the footprint of that building
20 in any way, shape or form. The proposed use will
21 entirely exist within the confines of that existing
22 building as was alluded to earlier, essentially a
23 change of use in connection with this application.
24 It's very important to restate that there will be no
25 on-site consumption associated with the use. It is

1 for retail sales only to be utilized off-site, and
2 so that's a very important aspect of the use.

3 In terms of the scope of this reviewing
4 body as to any improvements which are located
5 outside the building, we specifically addressed in
6 our architectural testimony that you were
7 incorporating handicapped ramp which is being done
8 specifically to address and comply with ADA
9 accessible requirements. Likewise, we will be
10 installing a bike rack. Again, this is to address
11 and accommodate potential utilization on-site for
12 customers coming to would like to use an alternative
13 means of accessing the site as opposed to traffic,
14 as opposed to creating additional traffic in that
15 respect.

16 In addition, we talked about the
17 willingness of the applicant to comply with the
18 County requirement to improve and redo the sidewalks
19 within that area, as well as to add street trees per
20 the County request as well as to add an additional
21 strip in order to address stormwater, even though
22 again, the site is going or rather remaining one
23 hundred percent impervious to one hundred percent
24 impervious, and therefore, no additional runoff is
25 going to be created.

1 Now, most specifically about traffic in
2 this application, you heard from our traffic expert
3 who provided testimony and was available for the
4 first hour and a half of this proceeding to address
5 questions specifically -- to provide testimony
6 specifically addressed by the Board traffic
7 consultant, from any Members of the Board and from
8 members of the public.

9 Now, I understand there was a limited time
10 frame in which he could provide testimony, but it's
11 important and critical to note for the record that
12 he provided a written traffic report well in advance
13 of tonight's proceeding. That report was reviewed
14 by the County experts on engineering and traffic who
15 provided specific comments as to the traffic
16 engineer which were then specifically addressed in
17 writing, which again, is part of the public record
18 and available for review by any member of the public
19 in connection with this application, and despite a
20 conflict, made himself available to address any
21 remaining comments that the County's traffic
22 consultant had concerning the nature of the traffic
23 report and the findings set forth in the report
24 which were the two specific items which were
25 addressed at the beginning of tonight's hearing.

1 It is important to note that the review
2 and testimony by our traffic consultant was done by
3 an expert and was based specifically on ITE data
4 that is an industry standard, and the limited nature
5 of his report as was identified is common and
6 standard for applications such as this where it's
7 involving a change in use and related specifically
8 to comparison of existing use standards versus the
9 proposed use as the anticipated traffic generation
10 as a result of the comparison of those two uses and
11 the traffic demand.

12 It's critical to note with respect to that
13 report that when the County commented on the
14 findings set forth in that report, it was not
15 disputed how the existing or prior use rather was
16 calculated versus a comparison against the data for
17 the proposed use. So again, the nature of those
18 counts and the two uses that were compared was not
19 called into question by the County's traffic
20 consultant, rather he did raise a very specific
21 question with regard to the area, the total floor
22 area which should be counted in that calculation,
23 which was specifically addressed and responded to in
24 the written comment response letter that was
25 submitted back to the County.

1 So again, all of the specific traffic data
2 was not only included in the report, but then any
3 specific questions by one expert of another expert
4 were addressed in writing and submitted for review
5 by both the Board and by both the public and the
6 Board's consultant. Importantly, all of the
7 comments we heard this evening by others with
8 respect to this application, it involved a lot of
9 theorizing with respect to what the standard should
10 be what the criteria should be, what the count
11 should be, what the anticipate traffic demand should
12 be.

13 But the fact of the matter is, we had an
14 expert prepare a report, submit it, it was subject
15 to review by another expert who specifically
16 reviewed it and asked questions additional data was
17 provided and that data was again additionally
18 reviewed by that expert and is he available and has
19 been advising the County Board this evening in
20 connection with this application. So you know I
21 would respectfully request that the County defer to
22 its own experts and consultants with respect to
23 whether it believes that the information has been
24 provided, and then additional information that was
25 provided to those questions adequately addresses the

1 traffic needs in connection with this site, as it
2 relates to the two County roadways surrounding this
3 site.

4 Beyond traffic testimony it's important to
5 note that, you know, as we heard tonight, I think
6 with the public, it was an issue of much debate is
7 the fact there are some unknowns, so yes, because of
8 the fact that this is a new use that is an emerging
9 use and that may change as a result of additional
10 similar facilities coming into the area in the time
11 frame in which this application may or may not be
12 approved, but ultimately, when it goes into
13 operation, that may impact the ultimate amount of
14 usage of the site.

15 And so for that reason and not because it
16 was something done in a sinister move to you know
17 facilitate the application, pass through an approval
18 but rather a very real condition was created and
19 proposed which the applicant is willing to accept
20 which says because of the fact that there may be
21 unknowns, and because of the fact that there is a
22 potential for the future traffic to potentially
23 change, and there may be questions by the public,
24 that the applicant is willing to agree to redo the
25 counts based on the actual usage of the site, and

1 that is a very, very, very important consideration
2 because what we're saying is that we will be bound
3 by a condition of this approval that the actually
4 counts on this count will match the criteria or be
5 less than the criteria set forth in the findings of
6 our report.

7 So I think again that's an important
8 detail that the applicant is willing to comply with,
9 and that should at least you know allay the
10 considerations being made by the Board this evening
11 as to what potential traffic impact there would be
12 because it will be bound to do additional studies to
13 confirm the findings that are set forth that forms
14 the basis for the report and for the testimony
15 that's offered this evening.

16 So in addition to that, we also provided
17 testimony on the proposed operations of the site
18 related to trips that are being made to the site and
19 different ways in which individuals can come to the
20 site whether it be by foot traffic, by bike, by
21 public transportation, whether it's New Jersey
22 Transit, or car, by using ride share and otherwise,
23 and the ways in which the applicant will attempt to
24 disburse traffic by virtue of offering incentives
25 and discounts, not to drive additional traffic, but

1 in fact, the opposite, as the applicant testified
2 to, to disburse traffic coming to the site, to
3 encourage users to gather throughout the day as
4 opposed to concentrating within peak period of
5 times. So again, it's a method by which the
6 applicant some using consideration of incentives or
7 otherwise to allow as a traffic calming device
8 essentially or traffic calming measures.

9 So some of the other thing we talked about
10 is the fact that this site will have extensive
11 security efforts on-site in queuing control. So
12 again, it ties in with the fact that not only is
13 there no on-site consumption, there is no tolerance
14 for any activities that will be conducted or could
15 potentially be conducted on the exterior of the
16 premises. You've heard from the applicant's sworn
17 testimony that they will have the security team to
18 do everything it can to ensure that any exterior
19 activities in terms of queuing or in terms of
20 traffic issues related specifically to the operation
21 of the site will be sufficiently controlled.

22 And there has also been a lot of testimony
23 about parking and the fact that there has been
24 specific discussions and a verbal agreement in
25 connection with the, you know, adjacent garage

1 facilities that will and can accommodate this use,
2 and it is standard for these agreements to be verbal
3 until such time as the approvals are in place at
4 which time they can then be effectively put into
5 writing, and that's something that's common and done
6 in our applications where you enter into a verbal
7 agreement subject to the receipt of approval and
8 then follow that up with a written document.

9 So finally our architect addressed the
10 very limited nature of the proposed improvements of
11 the site, and the change of use within the existing
12 building and then the limited scope of exterior work
13 that's fully contained within the right-of-way, and
14 as I mentioned before, that work within that
15 right-of-way will be subject to a franchise
16 agreement and other agreements that's concurrently
17 with the County Engineer, subject to their review
18 and subject the review considerations by the County
19 of that franchise agreement and any particular
20 additional requirements that it may impose in that
21 regard.

22 I would note that the vast majority of the
23 comments received this evening, although very
24 important comments, have nothing to do with the
25 scope of review and the jurisdiction of this Board.

1 They relate specifically to, by and large, to the
2 propose use and stem from generalized opposition to
3 that use. Many of the other comments which were not
4 directly to the use related to other aspects, other
5 aspects of the proposed site, and while important,
6 are not appropriately brought under the purview of
7 this Board, and so for example, all of the impacts
8 that were discussed that relate specifically to site
9 operations and/or to the use. Those should be
10 specifically to site operations or to the use.
11 Those should be specifically directed to the Hoboken
12 Planning Board.

13 This is not by any means the last
14 opportunities for the public to be heard and
15 specifically, the applicant welcomes the opportunity
16 for the public to address these issues or concerns
17 with the planning board. That would be the
18 appropriate forum to address these other site-
19 related impacts. We respectfully request that on
20 the basis of the information that has been provided
21 to this Board, as well as the responsive comments
22 which address and agree to comply with all of the
23 requirements and requests set forth in the comment
24 letter received by the County's consultants in
25 connection with their review of this application

1 that the County respectfully approves that
2 application. Thank you.

3 MS. CURLEY: Thank you. And now I'm
4 going to let the Board begin their discussions. So
5 I'm going to be quiet unless I'm asked something.

6 CHAIRWOMAN LUGO: Commissioners, are
7 there any other final comments? If not then we need
8 to determine if anyone has a motion.

9 COMMISSIONER ALLEN: Madam
10 Chairwoman, I would like to make a statement.

11 CHAIRWOMAN LUGO: Sure.

12 COMMISSIONER ALLEN: I'd like to
13 thank the members of the public, all of whom are
14 well-intentioned and many are my neighbors in the
15 Second Ward of Hoboken. I live actually a block
16 away from the proposed location. It is apparent
17 however --

18 MS. CURLEY: Wait a minute. You live
19 a block away?

20 COMMISSIONER ALLEN: Well, about a
21 block away.

22 MS. CURLEY: Let's hold on and let me
23 just check to see if you --

24 COMMISSIONER ALLEN: I live at One
25 Independence Court.

1 MS. CURLEY: Can we just take a
2 five-minutes break? I just want to make sure
3 that -- I just want to make sure that this is
4 appropriate. I know under the municipal land use
5 law, there are rules about Commissioners listening
6 or Planning Board Members hearing cases within a
7 certain distance of their home, and this was not
8 brought to my attention until right now, and I need
9 to check.

10 COMMISSIONER ALLEN: Thank you.

11 (At this point in the proceeding, a
12 brief recess is taken.)

13 MS. CURLEY: Hello. I'm back. So
14 I'm looking at municipal land use law provisions,
15 not the County Planning Act. I believe Commissioner
16 Allen, you can speak are you -- do you know if you
17 live within 200 feet?

18 COMMISSIONER ALLEN: I am not within
19 200 feet.

20 MS. CURLEY: Then please move
21 forward.

22 COMMISSIONER ALLEN: Thank you very
23 much for your clarification. So as I was saying,
24 it's apparent based on some of the comments that
25 were made this evening that there is a significant

1 amount of misinformation, and I'll take this
2 opportunity to address some of those falsehoods that
3 have been unfortunately promulgated.

4 First, it's been repeated many times, but
5 it bears repeating one more, the jurisdiction and
6 scope of review by this Board is very limited and
7 narrow, specifically the Board may appropriately
8 review three issues, two of which for our purposes
9 tonight is entirely irrelevant. So that leaves only
10 the review on the impact on traffic, about which
11 there was much testimony this evening.

12 Second, to be clear no member of this
13 Board is representative of any local Hudson County
14 mayor. All members of this Board but for the ex
15 officio members who are County employees are
16 appointed by the County Executive and confirmed by
17 the Board of Commissioners. Any suggestion that
18 there was a mayoral representative is a falsehood.
19 Calling anyone on the Board an appointee of the
20 mayor is in other words a lie.

21 Accordingly, I can't substitute my
22 personal preferences or the preference of anyone
23 else for that matter, for my statutory obligation to
24 limit my analysis to the narrow scope of review
25 permitted by the jurisdiction of this Board, which

1 brings me to my third point of clarification. The
2 venue in which personal preferences and judgment
3 should have been considered was at Hoboken City
4 Council, the body which crafted and approved the
5 ordinance allowing the operation of a dispensary at
6 the location in question. The local Hoboken
7 ordinance permitting a dispensary as set forth was
8 voted by the Hoboken City Council multiple times.
9 Now, I understand the Second Ward Councilperson
10 regrets not paying closer attention to this
11 ordinance at the time before voting multiple times
12 to approve it.

13 This explanation is proffered to in the
14 face of political opposition to the proposed
15 location, however strange, because somehow despite
16 admittedly not paying attention at the time the same
17 Councilperson managed to carve out her own home
18 Hudson Tea Building retail space from allowing a
19 dispensary from operating there, despite that retail
20 space sitting in the C-3 zone just like the location
21 at issue at night. This, to be kind, is irony. And
22 moving forward, I hope my elected legislators at
23 bare minimum read the legislation before they vote
24 on it to avoid situations like this in the future.

25 So by virtue of the City Council's

1 adoption of this ordinance permitting the operation
2 of a dispensary at that location and because of the
3 jurisdictional limits set by statutes on this Board,
4 even if I were so inclined to say no, my hands and
5 the hands of the other Commissioners are tied.
6 Therefore, based on the testimony provided tonight,
7 upon careful review of the documents and based on
8 the local ordinance, and the fact that this location
9 is in a commercial corridor, I will be voting yes.

10 I was one of vast majority of Hoboken
11 residents who voted to legalize adult-use cannabis
12 primarily because of the social justice and equity
13 reasons. I'm not afraid of outsiders coming to
14 Hoboken, and I'm proud to yes, in my backyard. As a
15 neighbor living close to the location, I welcome
16 them to the neighborhood. Thank you.

17 CHAIRWOMAN LUGO: Thank you,
18 Commissioner. Any other Commissioners?

19 COMMISSIONER MEHTA: Yes. I would
20 like to make a comment. And I will support my
21 Commissioner Allen. And our attorney also mentioned
22 that County Planning Board has very, very limited
23 jurisdiction, and that is why a local town has
24 jurisdiction, and they can review the application in
25 detail, each and every application is on merit,

1 merit. We don't go on the vote on a bulk of
2 applications and hear whatever, whatever the six
3 applications or six dispensaries. We are not
4 worried about it. We are worried about this current
5 application, and we are thinking about this current
6 application which is in front of us right now.

7 And on that basis, I agree with fellow
8 Commissioner Allen, that our hands are tied, that's
9 why they go with the local administration and County
10 administration and the State administration. So if
11 for whatever reason, everybody acts on this
12 application and if it comes back to the Hoboken and
13 Hoboken does not approve, our approval will be null
14 and void.

15 CHAIRWOMAN LUGO: Thank you,
16 Commissioner. Any other Commissioners? Do I have a
17 motion?

18 COMMISSIONER ALLEN: So moved.

19 COMMISSIONER MALAVASI: I'll second
20 that motion. As previously stated conditions that
21 we have, I would put the six-month time frame on the
22 updated traffic analysis to determine the level of
23 traffic, how many people come by vehicle and other
24 means so we can verify the traffic information
25 provided; that there be provided to the Board the

1 written agreement for the parking with the garage
2 that was stated. Then I believe they stated there
3 was -- they're redoing some of the sidewalk and
4 other sidewalk be building handicapped accessible,
5 and they'll retain a franchise agreement for any
6 encroachments into the right-of-way. Those are the
7 conditions that I can think of. If anybody else has
8 any, feel free.

9 MS. GIARRATANA: On a motion made by
10 Commissioner Allen and seconded by Commissioner
11 Malavasi.

12 Commissioner Allen.

13 COMMISSIONER ALLEN: Aye.

14 MS. GIARRATANA: Commissioner
15 Aponte-Lipski. Commissioner Aponte-Lipski, you're
16 muted.

17 COMMISSIONER APONTE-LIPSKI: Aye.

18 MS. GIARRATANA: Commissioner Kenny.

19 COMMISSIONER KENNY: Aye.

20 MS. GIARRATANA: Commissioner
21 Malavasi.

22 COMMISSIONER MALAVASI: Aye.

23 MS. GIARRATANA: Commissioner Mehta.

24 COMMISSIONER MEHTA: I vote aye on
25 the basis Commissioner Malavasi suggested, and that

1 attorney also Jennifer Porter said this they would
2 do the traffic study, and on that basis I am voting
3 aye.

4 MS. GIARRATANA: Thank you. And
5 Chairwoman Lugo.

6 CHAIRWOMAN LUGO: Aye, with all of
7 contingencies that Commissioner Malavasi had
8 previously mentioned.

9 MS. GIARRATANA: The motion has
10 passed. Thank you.

11 MS. PORTER: Thank the Board for
12 their consideration this evening on this
13 application.

14 MS. GIARRATANA: Thanks. We do have
15 a few find exemptions on agenda to go through
16 quickly. Applicants to be exempt. Application
17 2022-010-SP; T-Mobile Northeast, LLC 313-315 Pine
18 Street; Block 17505, Lot 6.01; in Jersey City. It's
19 a telecommunications application not along a County
20 road.

21 Application 2022-019-SD; Parcel 1-3 at
22 Port Imperial, LLC; at 100 Port Imperial Boulevard;
23 Block 64.01, Lot 3.03; in Weehawken. It's a
24 subdivision application not along a County road.

25 Application 2022-022-SP; Coles Jersey

1 Development Co., LLC; 286 and 298 Coles Street;
2 Block 6003, Lot 1, 2.02, 2.03; in Jersey City. It's
3 A site plan application not along a County road.

4 Application 2022-023-SP; it's also Coles
5 Jersey Development Co., LLC; 305 Coles Street; Block
6 6004, 6005, Lot 1.01; in Jersey City. It's a site
7 plan application not along a County road.

8 Application 2022-025-SD; Bayonne Partners
9 Urban Renewal LLC; at Memorial Boulevard; Block
10 6083004, 6005, Lot 1.05; in Bayonne. It's a
11 subdivision application not along a County road.

12 Application 2022-026-SP; Ekrem Bermek; 148
13 East 5th Street; Block 359, Lot 7; in Bayonne. A
14 site plan application not along a County road.

15 Application 2022-028-SP; 179 Pine Realty
16 LLC; 179 Pine Street; Block 20201, Lot 90.02 in
17 Jersey City. A site plan application not along a
18 County road.

19 On a motion made by Commissioner Mehta and
20 seconded by Commissioner Lugo.

21 Commissioner Allen.

22 COMMISSIONER ALLEN: Aye.

23 MS. GIARRATANA: Commissioner
24 Aponte-Lipski.

25 COMMISSIONER APONTE-LIPSKI: Aye.

1 MS. GIARRATANA: Commissioner Kenny.

2 COMMISSIONER KENNY: Aye.

3 MS. GIARRATANA: Commissioner
4 Malavasi.

5 COMMISSIONER MALAVASI: Aye.

6 MS. GIARRATANA: Commissioner Mehta.

7 COMMISSIONER MEHTA: Aye.

8 MS. GIARRATANA: And Chairwoman Lugo.

9 CHAIRWOMAN LUGO: Aye.

10 MS. GIARRATANA: Chairwoman, we have
11 no new business or old business. Our next meeting
12 is on June 21st at 5:30 p.m.

13 MS. CURLEY: I just wanted to thank
14 everyone. I know this is my first meeting. I'm
15 sorry for talking so much. I'm hopeful that from
16 now on, I don't need to speak so much.

17 CHAIRWOMAN LUGO: Thank you so much,
18 Amanda. Thank you, everybody, for your time.

19 COMMISSIONER MEHTA: Motion to
20 adjourn the meeting.

21 CHAIRWOMAN LUGO: Second. All in
22 favor? Good night.

23 (Whereupon the proceeding is then
24 concluded at 10:10 p.m.)

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C E R T I F I C A T I O N

I, SHARI CATHEY, CCR, RPR, License No.
30XI00234700, and Notary Public of the State of New
Jersey, hereby certify that the proceedings herein
are from the notes taken by me of a Regular Meeting
of the Hudson County Planning Board, held on
Tuesday, May 17, 2022; and that this is a correct
transcript of the same.



, CCR, RPR

A NOTARY PUBLIC of the
State of New Jersey

I.D. No. 2283786

Commission Expires 2/4/27

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