

CASINO REINVESTMENT DEVELOPMENT AUTHORITY  
LAND USE REGULATION AND ENFORCEMENT DIVISION  
PUBLIC HEARING

**RE: CORY PARKING, LLC**  
**2016-06-1944**

Thursday - June 30, 2016

CASINO REINVESTMENT DEVELOPMENT  
AUTHORITY PUBLIC HEARING, taken in the offices  
of CASINO REINVESTMENT DEVELOPMENT AUTHORITY, 15  
South Pennsylvania Avenue, Atlantic City, New  
Jersey, before Karen Winkler, a Certified Court  
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1 above date, commencing at 10:00 A.M., there  
2 being present:

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APPEARANCES:

LANCE B. LANDGRAF, JR.,  
Hearing Officer

RYKER, DANZIG, SCHERER, HYLAND  
& PERRETTI, LLP  
BY: SCOTT G. COLLINS, ESQUIRE  
Attorney for CRDA

ROBERT REID,  
Land Use Regulation and  
Enforcement Officer

1 APPEARANCES - CONTINUED:

2

3

4

5

JUSTIN AUCIELLO, PP, AICP  
COFONE CONSULTING GROUP, LLC

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CALLAGHAN, THOMPSON & THOMPSON,  
P.C.

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BY: BRIAN J. CALLAGHAN, ESQUIRE  
Attorney for Applicant

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1                   LANCE LANDGRAF: Call to order the  
2 June 30th special meeting of the Land Use  
3 Regulation and Enforcement Division hearing  
4 today, for June 30.

5                   Would you, please, rise and join in  
6 the Pledge of Allegiance?

7                   (At this time, the Pledge of  
8 Allegiance is being recited.)

9                   LANCE LANDGRAF: Thank you.

10                  This hearing has been noticed in  
11 accordance with the Senator Byron M. Baer Open  
12 Public Meetings Act.

13                  As I said, this is a special  
14 meeting today to hear these applications.

15                  The agenda is a little bit changed  
16 this morning.

17                  We've had one of them withdrawn.

18                  Right, Brian?

19                  BRIAN CALLAGHAN: No. That's going  
20 back on it.

21                  LANCE LANDGRAF: Okay. It's back  
22 on.

23                  All right. So, I have to get that  
24 file.

25                  The first item is application

1 2016-06-1944, Cory Parking, LLC. That is the  
2 1713 to 1715 Pacific Avenue site.

3 And you also have 2016-06-1945,  
4 also Cory Parking, 147 South Martin Luther King  
5 Boulevard.

6 And then the last one that I  
7 thought was withdrawn is now still on?

8 BRIAN CALLAGHAN: Correct.

9 LANCE LANDGRAF: And that is  
10 2016-06-1946, 18 South Martin Luther King  
11 Boulevard.

12 And I'll have to get that file  
13 because the last I spoke, we had taken that off.

14 So, those are the three.

15 The first one we're going to hear  
16 is the 1713 to 1715 Pacific Avenue, which is  
17 application 1944, for Cory Parking.

18 BRIAN CALLAGHAN: Good morning.  
19 Brian Callaghan, of the law firm of Callaghan,  
20 Thompson & Thompson.

21 LANCE LANDGRAF: When Rob gets  
22 back, I will ask him to confirm that proper  
23 notice has been made on this application.

24 BRIAN CALLAGHAN: We'd like to take  
25 the opportunity to say thank you for scheduling

1 this meeting to handle these three applications.

2 The 1713-1715 Pacific Avenue, we've  
3 had a chance to review Christine Cofone's  
4 consulting report and we've also had a chance to  
5 meet with your land use administrator, Rob Reid,  
6 today, and the only real discrepancy that we  
7 believe is the test year is not 1979. It has no  
8 impact on this particular application because it  
9 appears that, based on our documents that we've  
10 submitted, aerial photographs, et cetera, that  
11 the parking lots were in existence in 1970 and  
12 1957. So, they precede the 1979 test year that  
13 Miss Cafone said.

14 However, I hate to say it, I had a  
15 dream about this case, because my property is  
16 located on the corner of Florida and Atlantic.  
17 And up until a number of years ago, I was in an  
18 RS zone, not an RS-C zone.

19 So, I went back and I took a look  
20 at my 2006 book, and stand-alone parking lots  
21 were permitted in the CBD and the RS zone, not  
22 in the RS-C zone.

23 Talked with Mr. Barnhart this  
24 morning so we could get a number of maps to take  
25 a look at, asked Mr. Reid to pull his old maps,

1       because it appears that the CBD zone, based on  
2       the map that we had, and the RS zone, were  
3       existing at least as of 1995, going forward. So  
4       that these lots --

5                 The test year, at a minimum,  
6       probably should be 1995.

7                 We believe that it's really about  
8       2004 when the city changed it from RS to RS-C.

9                 So, for this particular project, it  
10      has no impact whatsoever.

11                LANCE LANDGRAF: Let's go through  
12      that one first. Because we do want to keep  
13      these separate.

14                BRIAN CALLAGHAN: On this  
15      particular project --

16                We believe that the test year is  
17      really 1995 rather than 1979. But,  
18      irregardless, the lots meet the test year as  
19      they existed in 1957 and 1970.

20                So, on that particular project,  
21      1713-1715, we believe that we meet the test  
22      year, as the parking lots were in existence  
23      prior to 1979, certainly prior to 1995.

24                There's also a continuation of  
25      mercantile history on those projects, where the

1 City of Atlantic City has issued mercantiles  
2 from -- we have from 2008 right through 2015.

3 LANCE LANDGRAF: Okay. If I could  
4 just take a step back.

5 Rob's back in.

6 We have proper notice on this  
7 application, Rob?

8 ROBERT REID: Yes, we do.

9 LANCE LANDGRAF: Okay. All right.  
10 You want to have Mr. Barnhart sworn to go  
11 through those items?

12 BRIAN CALLAGHAN: Yeah. I'll just  
13 have him, Jon, show the maps.

14 LANCE LANDGRAF: These are new?  
15 Do you need an easel?

16 JON BARNHART: Actually, yeah. I  
17 wasn't planning on showing these, but I  
18 certainly can.

19 LANCE LANDGRAF: The test year  
20 doesn't --

21 BRIAN CALLAGHAN: That should be  
22 lots 29, 30, 31, 32.

23 JON BARNHART: Yep.

24 (

25 ((JON BARNHART, sworn.)



1

2 SCOTT COLLINS: Will you be  
3 testifying as an expert? In what field?

4

JON BARNHART: Licensed  
5 professional planner, licensed professional  
6 engineer.

7

LANCE LANDGRAF: No, no problem at  
8 all.

9

SCOTT COLLINS: Jon has been  
10 qualified before the board many times before.

11

JON BARNHART: Thank you.

12

I'll just give you 30 seconds of  
13 the existing conditions of the parcel.

14

Brian gave you the location of the  
15 site. It is an existing parking lot that has  
16 100-foot frontage on Pacific Avenue.

17

The lot has 47 existing parking  
18 spaces. It is fully equipped with adequate  
19 circulation onto -- or into and out of Pacific  
20 Avenue, with two driveways.

21

All of the existing conditions will  
22 remain.

23

There is a proposal to install some  
24 additional landscaping and to clean up the  
25 parcel, provide a security booth, to allow the

1 lot to continue to function as a stand-alone  
2 parking facility.

3

4 EXAMINATION BY MR. CALLAGHAN:

5 Q. You've had an opportunity to read  
6 Ms. Cofone's Consulting Group report, indicating  
7 that tax records --

8 The original building was  
9 demolished in 1970. And lot 29 was a parking  
10 lot in 1957. And that would appear to match up  
11 to what the city's records were?

12 A. That's my understanding. That's  
13 correct.

14 We also did some of our own  
15 research to look at some prior aerial photos and  
16 things, and this lot has been a parking lot  
17 prior to '79.

18 Q. And the aerial photographs we  
19 submitted were from '77, '83, I believe it was  
20 '89, 2006, 2007? Once again, all showing  
21 parking lot in existence?

22 A. Correct.

23 BRIAN CALLAGHAN: Mr. Landgraf, I  
24 presume you don't need me to go into the  
25 difference of zoning test years for this

1 particular application?

2 LANCE LANDGRAF: No, because this  
3 was in existence, from what I understand.

4 We're okay with this one, Rob?

5 ROBERT REID: Yes.

6 LANCE LANDGRAF: This one meets the  
7 proofs of nonconformity. It existed prior to  
8 the dates on this particular site.

9 And the reason we're trying to keep  
10 these straight is they are all -- all of the  
11 applications today are from the same applicants,  
12 but we do want to keep them separate, for that  
13 reason.

14 BRIAN CALLAGHAN: We agree.

15 LANCE LANDGRAF: There's some  
16 issues with some of the other ones we're trying  
17 to work through.

18 BRIAN CALLAGHAN: Yes.

19 I don't have any other testimony.

20 LANCE LANDGRAF: Okay. Justin, do  
21 we have anything on our end on this one?

22 JUSTIN AUCIELLO: Yeah. I tend to  
23 agree with you, despite the fact that there  
24 might be some dispute with the test year, but  
25 it's not relevant in this application because we

1 believe -- and it showed from CRDA's research --  
2 that we do meet -- the applicant does meet the  
3 proofs for a certification of nonconformity.

4 So, we take no exception, and we  
5 agree with your testimony.

6 LANCE LANDGRAF: Okay. With that,  
7 do you have anything, Scott?

8 SCOTT COLLINS: No.

9 LANCE LANDGRAF: I'll open this up  
10 to the public at this point.

11 Anybody here, please state your  
12 name.

13 And everybody needs to sign in as  
14 well, if there's anybody here that wants to make  
15 a statement on this application.

16 Mr. Santoro, do you have anything  
17 on this one?

18 MR. SANTORO: Not on this one, no.

19 LANCE LANDGRAF: Anybody else from  
20 the public?

21 Seeing none, we'll close the public  
22 portion, bring it back to the CRDA.

23 Anything from us, Rob?

24 ROBERT REID: No.

25 LANCE LANDGRAF: No other

1 additional testimony, Mr. Callaghan, on this?

2 BRIAN CALLAGHAN: Nothing else on  
3 this one.

4 LANCE LANDGRAF: The next meeting  
5 I'm going to be able to get this on. I will try  
6 for July 19th, for our full board.

7 From that aspect, I know this one,  
8 we may be able to do a proceed-at-your-own-risk  
9 letter.

10 BRIAN CALLAGHAN: That would be  
11 fine.

12 LANCE LANDGRAF: I will try and do  
13 that. I will talk to our director and our board  
14 chairman, see if that's something we can do.  
15 Because this lot's been there. This is not,  
16 really, a big deal.

17 All right. It's --

18 July 19th is our next meeting,  
19 which is pushing it a little bit, but I will try  
20 and get that on. These are pretty simple to get  
21 on.

22 Are you okay with that?

23 SCOTT COLLINS: Yeah.

24 LANCE LANDGRAF: All right. I'll  
25 close the testimony on this matter.

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(The hearing was concluded at 10:10  
A.M.)

# CSR ASSOCIATES

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