



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

EXHIBIT "A" TO RESOLUTION 14- , ADOPTED 1/20/2014

TO: Members of the Authority

FROM: Lance B. Landgraf, Jr., Land Use Hearing Officer

COPY: John F. Palmieri, Executive Director

SUBJECT: Hearing Officer's Report and Recommendation
Application 2014-10-1247
Tropicana Atlantic City Corp. and City of Atlantic City
Block 30, Lots 1 & 2, Block 1, Lots 48 through 53
2821-2901 Boardwalk and Adjacent Beach Parcels
Preliminary and Final Site Plan with Variances Pursuant to N.J.S.A.
40:55D-70(c) and (d)

DATE: January 13, 2015

EXECUTIVE SUMMARY

On December 18, 2014, the Casino Reinvestment Development Authority (the "Authority") heard testimony and public comment on the above-subject application. The Applicant, Tropicana Atlantic City Corp. (the "Applicant"), seeks preliminary and final site plan approval with variances pursuant to N.J.S.A. 40:44D-70(c) and (d) for its proposal to renovate the facade, signage and lighting improvements at the existing Tropicana Casino Hotel Resort in the city of Atlantic City. Specifically, the Applicant proposes one (1) primary media pylon and five (5) supporting media pylon displays with HD RGB LED media screens. The area between the primary and secondary media features will be layered with architectural metal treatment with integrated RGB LED dynamic lighting that will be synchronized with the media features. The Applicant also proposes twelve (12) freestanding architectural metal fabricated "tree" structures to

Page 1 of 12

CONFIDENTIALITY NOTICE: This Memorandum may contain confidential information that is subject to the attorney-client privilege or is attorney work product. Any disclosure, copying, distribution or use of any of the information contained in or attached to this Memorandum is strictly prohibited. If you receive this Memorandum in error, please immediately contact the CRDA Law Department at 609-347-0500.

4548116v1
4567698v1



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

include RGB LED wash lighting that will be located on the beach between the Boardwalk and the dunes.

During the hearing, the Applicant presented adequate evidence and testimony to satisfy the requirements of the Municipal Land Use Law for the grant of the requested relief. Specifically, the evidence and testimony demonstrated that the development proposal generally conforms to the site plan standards and technical requirements of the land use ordinances of the city of Atlantic City. In addition, the Applicant demonstrated by evidence and testimony that the grant of the requested variances is warranted. Therefore, for the reasons more fully outlined below, the Hearing Officer recommends that the Application be approved by the Authority.

INTRODUCTION

Application Information

Tropicana Atlantic City Corp.
Block 30, Lots 1 & 2, Block 1, Lots 48 through 53
2821-2901 Boardwalk and Adjacent Beach Parcels
RSC-Resort Commercial District and B-Beach District

A hearing on the Application was conducted in accordance with the requirements of the Open Public Meetings Act, the Municipal Land Use Law and P.L. 2011, c. 18.

The Applicant seeks preliminary and final site plan approval with variances pursuant to N.J.S.A. 40:44D-70(c) and (d) for its proposal to renovate the facade, signage and lighting improvements at the existing Tropicana Casino Hotel Resort in the city of Atlantic City.

Evidence List

- A-1 Architectural Rendering by SOSH and Yesco
- A-2 Site Plan Sheet 1.03
- A-3 Color Version of Site Plan
- A-4 Site Plan Sheet A-300
- A-5 Excerpt from Authority Master Plan

Page 2 of 12

CONFIDENTIALITY NOTICE: This Memorandum may contain confidential information that is subject to the attorney-client privilege or is attorney work product. Any disclosure, copying, distribution or use of any of the information contained in or attached to this Memorandum is strictly prohibited. If you receive this Memorandum in error, please immediately contact the CRDA Law Department at 609-347-0500.



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

- A-6 Excerpt from Authority Master Plan
A-7 Letter from Arthur W. Ponzio Co. & Associates, Inc. dated December 17, 2014
B-1 Letter from Kernan Consulting Engineers dated December 15, 2014

FINDINGS OF FACT

The Applicant seeks preliminary and final site plan approval with variances pursuant to N.J.S.A. 40:44D-70(c) and (d) for its proposal to renovate the facade, signage and lighting improvements at the existing Tropicana Casino Hotel Resort in the city of Atlantic City. Specifically, the Applicant proposes one (1) primary media pylon and five (5) supporting media pylon displays with HD RGB LED media screens. The area between the primary and secondary media features will be layered with architectural metal treatment with integrated RGB LED dynamic lighting that will be synchronized with the media features. The Applicant also proposes twelve (12) freestanding architectural metal fabricated “tree” structures to include RGB LED wash lighting that will be located on the beach between the Boardwalk and the dunes.

The attorney for the Applicant, Joseph Dougherty, Esq., introduced the application generally and provided background regarding the specific relief sought by the Applicant. He also advised that the Applicant has obtained all necessary licenses from the city of Atlantic City permitting the location of the proposed “tree” structures on property owned by the city.

The Applicant presented the testimony of William Salerno, a licensed architect, who was qualified as an expert in architecture. Mr. Salerno testified that the purpose of the development project is to create a feature attraction at the south end of the Boardwalk with signage and lighting that will serve as a “beacon” to visitors to Atlantic City and the Boardwalk.

Mr. Salerno testified that the centerpiece of the development will be a two-sided sign that will be approximately 94 feet high and located at the centerline of Tropicana’s frontage along the Boardwalk. The development will also include five (5) smaller versions of the sign, known as bullnoses, that will be bolted to the façade of the Tropicana at pedestrian level. In between the bullnoses, the façade will be treated with an illuminated material.

CONFIDENTIALITY NOTICE: This Memorandum may contain confidential information that is subject to the attorney-client privilege or is attorney work product. Any disclosure, copying, distribution or use of any of the information contained in or attached to this Memorandum is strictly prohibited. If you receive this Memorandum in error, please immediately contact the CRDA Law Department at 609-347-0500.



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

Together, the improvements will provide a coordinated light show between the centerpiece sign, the bullnoses and the illuminated façade treatment.

Mr. Salerno also testified that the Applicant proposes to locate twelve (12) “tree” structures on the beach between the Boardwalk and the dunes. He testified that the “trees” will be metal framed structures with open mesh fabric that will be illuminated and will be approximately 35 feet high at their highest point.

The Applicant presented the testimony of Bruce Hodum, the electronics project manager for the development proposal employed by Yesco. He testified that Yesco is an LED lighting company that has worked on large-scale lighting projects as proposed by the Applicant for various casinos in Las Vegas, as well as Revel in Atlantic City. He testified that most of the proposed lighting, with the exception of lighting that will be directed at the sky, will be LED.

Mr. Hodum explained that the intensity of the proposed lighting will be controlled by computer and uses dimming probes that adjust for ambient lighting conditions such as day/night, sunny/cloudy. The lighting intensity can also be programmed to adjust based on time of day. He testified that Yesco constructed an existing sign on the Tropicana property and that the lighting intensity is controlled by the same technology. Finally, he testified that the development proposal does not include any strobe lighting.

The Applicant presented the testimony of Jon Barnhart, P.E., P.P., who was qualified as an expert in the field of professional planning. Mr. Barnhart described the location of the site, existing conditions and development proposal.

Mr. Barnhart testified that the “marquee” sign will be approximately 94 feet high, and will have a clearance beneath of 14.5 feet to provide adequate clearance for pedestrians and emergency services equipment. The marquee sign will project approximately twelve (12) feet into the Boardwalk right of way. He testified that the bullnose signs will have a maximum height of 41 feet, 3 inches and will project approximately ten (10) feet into the Boardwalk right of way. He further testified that the metal mesh façade treatment will project a maximum of five (5) feet into the Boardwalk right of way.

With respect to the illuminated “tree” structures, Mr. Barnhart testified that such structures will have a maximum height of 35 feet. He noted that the Boardwalk is

CONFIDENTIALITY NOTICE: This Memorandum may contain confidential information that is subject to the attorney-client privilege or is attorney work product. Any disclosure, copying, distribution or use of any of the information contained in or attached to this Memorandum is strictly prohibited. If you receive this Memorandum in error, please immediately contact the CRDA Law Department at 609-347-0500.



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

approximately five (5) feet above grade, so the structures will be a maximum of 30 feet above the Boardwalk. He indicated that the structures encroach into the Boardwalk right of way in some areas at a minimum height of 15 feet to provide adequate clearance for pedestrians and emergency services equipment.

Mr. Barnhart identified the variance relief sought in connection with the application. Specifically, the Applicant seeks the following variances:

- A variance pursuant to N.J.S.A. 40:55D-70(d)(1) to permit advertising signs in the RSC-Resort Commercial zoning district where advertising signs are not permitted.
- A variance pursuant to N.J.S.A. 40:55D-70(d)(1) to permit illuminated “tree” structures in the B-Beach zoning district where such structures are not permitted.
- A variance pursuant to N.J.S.A. 40:55D-70(d)(3) to permit signs to extend into a public right of way.
- A variance pursuant to N.J.S.A. 40:55D-70(c) to permit illuminated signage.
- A variance pursuant to N.J.S.A. 40:55D-70(c) to permit signs to project from the wall up to approximately 22.25 feet where a maximum projection of four (4) feet is permitted.
- A variance pursuant to N.J.S.A. 40:55D-70(c) to permit sign surface area of approximately 60% of the façade area where 25% of the façade is permitted.
- A variance pursuant to N.J.S.A. 40:55D-70(c) to permit a projecting sign with a height of approximately 94 feet where a maximum height of 20 feet is permitted.

Mr. Barnhart provided extensive testimony in support of the requested variances. He indicated that the justifications for the grant of the variances pursuant to N.J.S.A. 40:55D-70(d)(1) apply to and support the grant of all of the variances.

Mr. Barnhart testified that the application advances the purposes of the Municipal Land Use Law by promoting the general welfare. He testified that the lighting, light shows and advertising opportunities for events along the Boardwalk and in the city make the area a vibrant, exciting and safe location for pedestrians. He further testified that the application advances the goals of the Authority Master Plan, which suggests large-scale attractions themed with light and sound, and exciting facades that activate the Boardwalk.

Mr. Barnhart also testified that the application advances the purposes of the Municipal Land Use Law by promoting a desirable visual environment through creative design

CONFIDENTIALITY NOTICE: This Memorandum may contain confidential information that is subject to the attorney-client privilege or is attorney work product. Any disclosure, copying, distribution or use of any of the information contained in or attached to this Memorandum is strictly prohibited. If you receive this Memorandum in error, please immediately contact the CRDA Law Department at 609-347-0500.



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

techniques. He testified that the proposed signage will be much more than advertising, and will light the area and provide an attraction. He reiterated that the application is nearly identical to the vision depicted in the Authority's Master Plan.

Mr. Barnhart testified that the application will not result in any substantial detriment to the public good, but rather will be a benefit to the area by attracting pedestrians. He further testified that the application "meets every aspect of the intent of the master plan...[and]...does not fly in the face of the zoning ordinance or zone plan."

Timothy Kernan was qualified as an expert in professional engineering and planning and provided testimony on behalf of the Authority. Mr. Kernan supported the development proposal and the grant of the requested relief. He noted that the application is consistent with the Authority's Master Plan for the area. He requested that the grant of any approval of the development proposal be conditioned upon the Applicant coordinating with him to clarify some of the dimensions on the application materials.

CONCLUSIONS OF LAW

Preliminary and Final Site Plan Approval

A land use agency's authority in reviewing an application for site plan approval is limited to determining whether the development plan conforms to the zoning ordinance and the applicable provisions of the site plan ordinance. See Pizzo Mantin Group v. Township of Randolph, 137 N.J. 216 (1994).

Here, based on the evidence and testimony, the Applicant has demonstrated that development proposal generally conforms to the site plan standards and technical requirements of the land use ordinances of the city of Atlantic City.

Variances

Variances Pursuant to N.J.S.A. 40:55D-70(d)(1)

The Applicant seeks variances pursuant to N.J.S.A. 40:55D-70(d)(1) to permit advertising signs in the RSC-Resort Commercial zoning district where advertising signs are not permitted and to permit illuminated "tree" structures in the B-Beach zoning

Page 6 of 12

CONFIDENTIALITY NOTICE: This Memorandum may contain confidential information that is subject to the attorney-client privilege or is attorney work product. Any disclosure, copying, distribution or use of any of the information contained in or attached to this Memorandum is strictly prohibited. If you receive this Memorandum in error, please immediately contact the CRDA Law Department at 609-347-0500.

4548116v1
4567698v1



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

district where such structures are not permitted. It is well-established that “[v]ariations to allow new nonconforming uses should be granted only sparingly and with great caution since they tend to impair sound zoning.” Burbridge v. Twp. of Mine Hill, 117 N.J. 376, 385 (1990) (quoting Kohl v. Mayor & Council of Fair Lawn, 50 N.J. 268, 275 (1967)). Consequently, although deference must be given to any decision by a board of adjustment, a reviewing court gives less deference to a grant than to a denial of a use variance. Funeral Home Mgmt., Inc. v. Basralian, 319 N.J. Super. 200, 208 (App. Div. 1999). In reviewing the grant of a use variance, a court must consider whether a board of adjustment “in the guise of a variance proceeding, [has] usurp[ed] the legislative power reserved to the governing body of the municipality to amend or revise the [zoning] plan” Vidal v. Lisanti Foods, Inc., 292 N.J. Super. 555, 561 (App. Div. 1996) (quoting Feiler v. Fort Lee Bd. of Adjustment, 240 N.J. Super. 250, 255 (App. Div. 1990), certif. denied, 127 N.J. 325 (1991)) (internal quotations omitted). To sustain a use variance, a reviewing court must find both that the “Board’s decision comports with the statutory criteria and is founded on adequate evidence.” Burbridge, supra, 117 N.J. at 385.

A land use board is authorized to grant a use variance only “[i]n particular cases and for special reasons.” N.J.S.A. 40:55D-70(d). This is sometimes referred to as the positive criteria for the grant of a use variance. Smart SMR of New York, Inc. v. Borough of Fair Lawn Bd. of Adjustment, 152 N.J. 309, 323 (1998). “Special reasons” is not specifically defined, but has been broadly interpreted to mean reasons which advance the purposes of the Municipal Land Use Law. New Jersey case law recognizes three categories of circumstances in which the “special reasons” required for a use variance may be found: (1) where the proposed use inherently serves the public good, such as a school, hospital or public housing facility, see Sica v. Bd. of Adjustment of Wall, 127 N.J. 152, 159-60 (1992); (2) where the property owner would suffer “undue hardship” if compelled to use the property in conformity with the permitted uses in the zone, see Medici v. BPR Co., 107 N.J. 1, 17 n.9 (1987), and (3) where the use would serve the general welfare because “the proposed site is particularly suitable for the proposed use.” Smart SMR, supra, 152 N.J. at 323 (quoting Medici, supra, 107 N.J. at 4).

In addition, an applicant for a use variance must show that the variance “can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.” N.J.S.A. 40:55D-70. This is sometimes referred to as one of the “negative” criteria for the grant of a variance. Smart SMR, supra, 152 N.J. at 323.

CONFIDENTIALITY NOTICE: This Memorandum may contain confidential information that is subject to the attorney-client privilege or is attorney work product. Any disclosure, copying, distribution or use of any of the information contained in or attached to this Memorandum is strictly prohibited. If you receive this Memorandum in error, please immediately contact the CRDA Law Department at 609-347-0500.



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

Positive Criteria

In this case, the Applicant must demonstrate that the use would serve the general welfare because “the proposed site is particularly suitable for the proposed use.” The test is whether the public benefits because of the community’s need for the use itself. See Funeral Home Mgmt., Inc., supra, at 210.

In considering whether the purposes of the Municipal Land Use Law are advanced by a showing of special reasons, the Hearing Officer concludes that the Applicant has demonstrated that the application advances the purposes of the Municipal Land Use Law by promoting the general welfare. The lighting, light shows and advertising opportunities for events along the Boardwalk and in the city make the area a vibrant, exciting and safe location for pedestrians. The application advances the goals of the Authority Master Plan, which suggests large-scale attractions themed with light and sound, and exciting facades that activate the Boardwalk.

The application also promotes a desirable visual environment through creative design techniques by lighting the area and serving as an attraction in a manner that is nearly identical to the vision depicted in the Authority’s Master Plan.

Negative Criteria

To assure that a land use agency does not usurp the governing body’s statutory authority to determine the municipality’s zoning, an applicant for a use variance must show by “an enhanced quality of proof . . . that the variance sought is not inconsistent with the intent and purpose of the master plan and zoning ordinance [,]” and the Board must make “clear and specific findings” that this showing has been made, Medici, 107 N.J. at 21. “The applicant’s proofs and the board’s findings . . . must reconcile the proposed use variance with the zoning ordinance’s omission of the use from those permitted in the zoning district.” Ibid.

Here, the Hearing Officer concludes, based on the evidence and testimony, that the grant of the application will not result in any substantial detriment to the public good is not inconsistent with the intent and purpose of the master plan and zoning ordinance. Indeed,

CONFIDENTIALITY NOTICE: This Memorandum may contain confidential information that is subject to the attorney-client privilege or is attorney work product. Any disclosure, copying, distribution or use of any of the information contained in or attached to this Memorandum is strictly prohibited. If you receive this Memorandum in error, please immediately contact the CRDA Law Department at 609-347-0500.



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

the approval of the application will enable the implementation of the Authority's Master Plan.

Variance Pursuant to N.J.S.A. 40:55D-70(d)(3)

Applicant seeks variance pursuant to N.J.S.A. 40:55D-70(d)(3) to permit signs to extend into a public right of way. In Coventry Square v. Westwood Zoning Board of Adjustment, 138 N.J. 285, 297 (1994), our Supreme Court determined that in the deciding a d(3) conditional use variance the traditional special reasons standard applied to nonpermitted uses was "plainly inappropriate". This is because of the "significant differences between prohibited uses, on the one hand, and conditional uses that do not comply with more or more of the conditions imposed by an ordinance, on the other." Id. When dealing with nonpermitted uses, "the high standard of proof required to establish special reasons for a use variance is necessary to vindicate the municipality's determination that the use ordinarily should not be allowed in the zoning district." Id.

However, in case of conditional uses, the municipality has already decided that the use is permitted in the zoning district, subject to certain conditions. Thus, a conditional use applicant's inability to comply with one or more of the ordinance's conditions "need not materially affect the appropriateness of the site for the conditional use." Id. Consequently, the standard of proof to support a conditional use variance "should be relevant to the nature of the deviation from the ordinance." Id. at 297-98 (emphasis added).

Positive Criteria

The Coventry Court held that the standard as to the positive criteria applicable to the conditional use variances requires proof sufficient to satisfy the board of adjustment that the site proposed for the conditional use, in the context of the applicant's proposed site plan, continues to be an appropriate site for the conditional use notwithstanding the deviations from one or more conditions of the ordinance. Id. at 298.

The standard focuses both the applicant's and the board's attention on the specific deviation from the conditions imposed by the ordinance, and will permit the board to find special reasons to the support the variance only if it is persuaded that the non compliance

CONFIDENTIALITY NOTICE: This Memorandum may contain confidential information that is subject to the attorney-client privilege or is attorney work product. Any disclosure, copying, distribution or use of any of the information contained in or attached to this Memorandum is strictly prohibited. If you receive this Memorandum in error, please immediately contact the CRDA Law Department at 609-347-0500.



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

with the conditions does not affect the suitability of the site for the conditional use. Id. 298-89 (emphasis added).

Negative Criteria

The negative criteria, as well, are changed by Coventry Square. With respect of the first prong of the negative criteria, that the variance can be granted “without substantial detriment to the public good,” N.J.S.A. 40:55D-70, the focus is on the effect on surrounding properties of the grant of variance for the specific deviations from the conditions imposed by ordinance. “The board of adjustment must evaluate the impact of the proposed [conditional] use variance upon adjacent properties and determine whether or not it will cause such damage to the character of the neighborhood as to constitute ‘substantial detriment to the public good.’ ” Medici, supra, 107 N.J. at 22 n.12 (quoting Yahnel, supra, 79 N.J. Super. at 519, explaining weighing function of board of adjustment in respect to the negative criteria)). With respect to the second prong, that the variance will not “substantially impair the intent or purpose of the zone plan and zoning ordinance,” N.J.S.A. 40:55D-70(d), the board of adjustment must be satisfied that the grant of the conditional use variance for the specific project at the designated site is reconcilable with the municipality’s legislative determinations that the condition should be imposed on all conditional uses in that zone district. 138 N.J. at 299 (emphasis added).

Here, the Applicant seeks variance pursuant to N.J.S.A. 40:55D-70(d)(3) to permit signs to extend into a public right of way. Viewing the application in its totality, and taking into account that the application seeks to implement the vision of the Authority’s Master Plan by creating an attraction to enliven the Boardwalk, and the scale necessary to accomplish this goal make the encroachment into the public right of way, i.e. the Boardwalk itself, nearly unavoidable. Thus, the Hearing Officer concludes that that the site continues to be suitable for the use despite non-compliance with the conditional use standard.

Variations Pursuant to N.J.S.A. 40:55D-70(c)

For variances requested pursuant to N.J.S.A. 40:55D-70(c)(2), an applicant must demonstrate through evidence and testimony that the positive and negative criteria of the statutory requirements have been met.

CONFIDENTIALITY NOTICE: This Memorandum may contain confidential information that is subject to the attorney-client privilege or is attorney work product. Any disclosure, copying, distribution or use of any of the information contained in or attached to this Memorandum is strictly prohibited. If you receive this Memorandum in error, please immediately contact the CRDA Law Department at 609-347-0500.



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

Positive Criteria

The positive criteria for variances requested pursuant to N.J.S.A. 40:55D-70(c)(2) is satisfied if one or more purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of that deviation would substantially out-weigh any detriment to the public good. Ketcherick v. Bor. Mountain Lakes, 256 N.J. Super. 646 (App. Div. 1992); Green Meadows v. Planning Board, 329 N.J. Super. 12 (App. Div. 2000).

The Applicant seeks several "C" bulk variances in connection with the application as set forth herein. Based on the evidence and testimony demonstrates that the requested variances can be justified because the grant of the variances will promote the purposes of the Municipal Land Use Law. Specifically, the grant of the variances will promote the public health, safety and general welfare (Purpose "A"); and promote a desirable visual environment through creative development techniques and good civic design (Purpose "I").

Negative Criteria

Relief under N.J.S.A. 40:55D-70(c)(2) cannot be granted unless the negative criteria is satisfied. The negative criteria required for all "C" variances is that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and the zoning ordinance.

The evidence and testimony demonstrate that the grant of the requested variances will not create any detriment to the public good, and will not substantially impair the purpose and intent of the zone plan and zoning ordinance.

RECOMMENDATION

For all of the foregoing reasons, the Hearing Officer recommends that the Application for preliminary and final site plan approval be approved. The grant of approval of this Application shall be expressly conditioned upon the Applicant complying with all conditions of prior approvals, satisfying all representations made by the Applicant or by others on its behalf during the course of the hearing on this matter before the Hearing Officer.

Page 11 of 12

CONFIDENTIALITY NOTICE: This Memorandum may contain confidential information that is subject to the attorney-client privilege or is attorney work product. Any disclosure, copying, distribution or use of any of the information contained in or attached to this Memorandum is strictly prohibited. If you receive this Memorandum in error, please immediately contact the CRDA Law Department at 609-347-0500.



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

The grant of approval shall be further conditioned upon compliance with all applicable requirements of the city of Atlantic City Land Use Ordinances, or other City Ordinances, and the requirements of any City agency, board or authority. Any approval granted in accordance herewith shall be further expressly conditioned upon the Applicant obtaining all other necessary governmental approvals, and compliance with all Federal, State and local laws.

CONFIDENTIALITY NOTICE: This Memorandum may contain confidential information that is subject to the attorney-client privilege or is attorney work product. Any disclosure, copying, distribution or use of any of the information contained in or attached to this Memorandum is strictly prohibited. If you receive this Memorandum in error, please immediately contact the CRDA Law Department at 609-347-0500.