

CASINO REINVESTMENT DEVELOPMENT AUTHORITY

LAND USE REGULATION and ENFORCEMENT DIVISION

BASS PRO SHOPS OUTDOOR WORLD, LLC
SEEKING AMENDED PRELIMINARY AND FINAL SITE PLAN
APPROVAL WITH VARIANCES AND WAIVERS FROM
SUBMISSION REQUIREMENTS TO EXPEND PARKING LOT TO
ADD 30 PARKING SPACES. SITE PLAN AMENDMENT
INCLUDES THE INSTALLATION OF PARKING CONTROL
BOOTHES, TICKET DISPENSER AND PARKING CONTROL
GATES.

BLOCK 281, LOTS 1-12
30 North Christopher Columbus Boulevard,
Atlantic City, NJ

1 Thursday - June 18, 2015

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Public hearing in the above-referenced matter, taken at the CASINO REINVESTMENT DEVELOPMENT AUTHORITY, 15 South Pennsylvania Avenue, Atlantic City, New Jersey, before Karen A. Haworth, a New Jersey Certified Court Reporter (CCR), nationally certified Registered Professional Reporter (RPR), nationally certified Certificate of Merit holder (CM), nationally certified Certified Realtime Reporter (CRR), a Delaware Certified Shorthand Reporter (CSR), nationally certified Certified LiveNote™ Reporter (CLR), and Notary Public of the State of New Jersey, on the above date, commencing at 10:01 a.m., there being present:

APPEARANCES:

CASINO REINVESTMENT DEVELOPMENT AUTHORITY:

ROBERT REID

Land Use Enforcement Officer

1 PROFESSIONALS TO THE BOARD FOR THIS HEARING:

2 SCOTT G. COLLINS, ESQUIRE

Briber, Danzig, Scherer, Hyland & Perretti

3

4 CHRISTINE COFONE

Cofone Consulting Group

5

6 WILLIAM ENGLAND

Adams, Rehmann & Heggan

7

8

9

10 COUNSEL FOR THE APPLICANT:

11 NICHOLAS F. TALVACCHIA, ESQUIRE

Cooper, Levenson, April, Niedelman &

12 Wagenheim

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16 ALSO PRESENT:

17 Eric Clements

General Manager, Bass Pro Shops

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I N D E X

WITNESS(ES)	PAGE NO.
JASON T. SCIULLO	
By: Mr. Talvacchia	9

EXHIBITS MARKED AND/OR REFERRED TO:

- A-1
- A-2
- A-3
- A-4
- A-5
- B-1

1 (Time noted: 10:01 a.m.)

2

3 ROBERT REID: Okay. I would like
4 to call this meeting to order.

5 This is a hearing before the Land
6 Use Regulation and Enforcement Division.

7 I would like you all to join me in
8 the pledge of allegiance to the flag, to start
9 off.

10 (The Pledge of Allegiance was
11 recited at this time.)

12 ROBERT REID: Okay. Thank you all.

13 This hearing has been noticed in
14 accordance with the Senator Byron M. Baer Open
15 Public Meetings Act.

16 The agenda today, first and only
17 item on the agenda, is application 2015-05-1493,
18 Bass Pro Shops Outdoor World, LLC, for
19 preliminary and final site plan -- amended
20 preliminary and final and site plan.

21 We do have evidence that the
22 applicant has satisfied the notice requirements
23 according to state law.

24 The site is Block 281, Lots 1
25 through 12, located at 30 North Christopher

1 Columbus Boulevard.

2 The project includes additional
3 parking with gatehouses and ticket dispensers
4 and control gates.

5 The proposed use is a permitted use
6 in the Commercial Business District.

7 And I will ask the representatives
8 of the applicant to step forward and present
9 their application.

10 NICHOLAS TALVACCHIA: Thank you.

11 Good morning, everyone. Nick
12 Talvacchia, on behalf of the applicant, Bass
13 Pro.

14 With me is Eric Clements, who is
15 the general manager of the Atlantic City
16 facility, and we have Jay Sciullo, who is our
17 engineer and planner.

18 As you know, this was approved back
19 in 2013 by Resolution 13-133 by the CRDA. And
20 at that time, Lot 11 was a contaminated parcel.
21 It's the former Manhattan Cleaners. And while
22 it was intended, originally, to be a part of the
23 Bass Pro project, it was not included at that
24 time because of the site contamination. CRDA
25 was the owner of the land at the time.

1 Since that time, that lot has been
2 cleaned. It's now available for development.

3 And so what we're really doing is
4 adding that lot to the project. So, with the
5 addition of the Manhattan Cleaners' lot, Lot 11,
6 the entire block is now the Bass Pro facility
7 and the entire block, bounded by Atlantic,
8 Arctic, Christopher Columbus Boulevard, and
9 Mississippi Avenue.

10 So, the addition of that lot allows
11 the applicant to add approximately 30 parking
12 spaces.

13 As Jay Sciullo will get into, we do
14 lose a few spaces as a result of the parking
15 control booths. So, it's not a net increase of
16 30; it's probably more of a net increase of 24.
17 But, he'll go through that.

18 The other change in the plan was,
19 on Arctic Avenue, to add a parking control
20 booth, for vehicles entering, to control
21 unauthorized parking, essentially, by having a
22 ticketing system, which Jay will also talk
23 about.

24 And with the addition of Lot 11,
25 the new parking lot, there's a booth also at --

1 near Mississippi Avenue.

2 So, they're, really, the changes.

3 There's no change to the actual
4 Bass Pro facility and, essentially, everything
5 is unchanged except for the new parking and some
6 minor changes we're going to discuss today at
7 Arctic Avenue, at the control booth.

8 As originally designed, it does not
9 allow cueing off of Arctic Avenue. After
10 discussions with Mr. Reid and Mr. England,
11 Mr. Sciullo has come up with a revised design
12 that would relocate the control arm inward into
13 the site, and that would create cueing for a
14 number of vehicles. And that, we think, will
15 address, adequately, any concerns or reality of
16 cueing on Arctic Avenue as vehicles pull in.

17 So, with that broad statement, I'd
18 like to introduce Jay Sciullo. Jay, I
19 anticipate being the only witness.

20 Mr. Clements is available for any
21 questions you may have, but testimony from
22 Mr. Sciullo.

23 Jay, if you could be -- rise, be
24 sworn and I'll qualify you.

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JASON SCIULLO,

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having been duly sworn in by Scott

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Collins, Esquire, was examined and

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testified as follows:

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EXAMINATION BY NICHOLAS TALVACCHIA:

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Q. And, Jay, by way of background, are

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you a New Jersey licensed engineer?

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A. I am a licensed engineer and

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planner.

13

Q. And planner.

14

And you previously testified at the

15

original hearing on this project. Right?

16

A. I did.

17

Q. So, you're well versed in the

18

project.

19

And you were involved in the

20

current amended site plan design. Correct?

21

A. Yes, sir.

22

Q. And you were qualified as both a

23

planning and engineering expert in the past?

24

A. I have.

25

NICHOLAS TALVACCHIA: Based on his

1 prior qualification, his licensures, et cetera,
2 I'd offer this witness as an expert.

3 ROBERT REID: We accept him as an
4 expert in his field. Yes.

5 NICHOLAS TALVACCHIA: Thank you.

6 THE WITNESS: Thank you.

7 BY MR. TALVACCHIA:

8 Q. So, Jay, if you could walk the land
9 use board through the application, the
10 amendments, specifically.

11 A. Sure. Sure. And I apologize for
12 the color. It seems to always happen with this
13 machine here. I've got to figure out a way to
14 not make it yellow, but ...

15 The first rendering that I'll go
16 through -- there's going to be a number of
17 slides; half a dozen or so. Most of them have
18 been submitted as part of the application. The
19 ones that have not I will identify as such.

20 NICHOLAS TALVACCHIA: Scott, do you
21 want to just mark what's not part of the
22 submission package or everything that we show?

23 SCOTT COLLINS: Let's mark the
24 submission package as A-1 and then, as we go
25 forward, we'll go from there.

1 THE WITNESS: A-1?

2 Actually, the couple sheets that
3 are in this, since they're slightly modified
4 with the parking arrangement --

5 NICHOLAS TALVACCHIA: So, what
6 we'll do is we'll make these additional exhibits
7 in addition to the application, because we did
8 revise the parking booth design somewhat.

9 SCOTT COLLINS: Okay.

10 NICHOLAS TALVACCHIA: So, that's
11 fair.

12 THE WITNESS: Okay. This first
13 slide is the overall site location map. This is
14 similar to one that we presented back -- last
15 August or two Augusts ago. Wow, it's 2013 when
16 we did this. It's crazy.

17 It shows the first three phases of
18 The Walk as, hopefully, all you remember.

19 This is, technically, the fourth
20 phase of The Walk, although not, you know, a
21 similar design to the rest of it. It's a single
22 user, as you know, with Bass Pro Shops.

23 You can see on this rendering the
24 colors that, hopefully, come out okay up there.
25 The green is Phase I. Blue is Phase II. The

1 reddish that's really purple is Phase III. And
2 then Bass Pro you'll see in color, on Block 281,
3 is Phase IV.

4 The next slide, this is the site
5 plan that was submitted, a colorized version of
6 the site plan that was submitted and approved as
7 part of the original application.

8 Some of the modifications you'll
9 see in the next slide and actually things that
10 happened before this application, you'll notice,
11 in the corner, the Christopher Columbus statue
12 was still shown in this parking lot at the time.
13 And since this time, that was revamped,
14 relocated, moved up to the -- behind the Nike
15 building up on the other side of Columbus
16 Boulevard, to gain a few spaces.

17 And you'll see on the far right
18 side of this sheet, along Atlantic Avenue, is
19 the cutout for where the Manhattan Cleaners site
20 is.

21 Let me see if I can do it this way
22 so that I can run the pointer.

23 All right. This site right in here
24 is the one I'm mentioning. It's Manhattan
25 Cleaners. You can see that the way the original

1 design was struck, we -- we had intended to
2 utilize the entirety of the site if Manhattan
3 Cleaners was available, but at the time, as Nick
4 explained, it was not. So, the building was
5 designed to wrap around that building and, if
6 you recall, designed to actually be built with
7 that building still standing.

8 We obtained setback variances to
9 allow some space between the building to be able
10 to construct it.

11 Right before we started work to
12 actually start raising this building -- or to
13 start building Bass Pro Shops, the Manhattan
14 Cleaners site was demolished and remediation
15 work started.

16 So, the building went up and
17 Manhattan Cleaners came down, and now that wall
18 is open and that area of the site is open.

19 You'll notice, too, that, along
20 Mississippi Avenue, there is a loading dock
21 shown on this plan that has since been removed
22 from the project.

23 Right in this area here, there's a
24 -- there was a loading area and trash receptacle
25 area for what was proposed as a restaurant to go

1 inside the building. The restaurant was removed
2 from the project based on future -- further
3 programming after the approval. Because of all
4 the other excellent restaurants in town, Bass
5 Pro didn't see any need to compete. So, the
6 restaurant was removed from the project, turned
7 back into retail, and this loading dock was not
8 constructed.

9 That loading dock had associated
10 with it, aside from the dock, two driveways on
11 Mississippi Avenue that also were not
12 constructed, originally, as part of the project.

13 So, this front corner of Atlantic
14 and Mississippi was pretty much left open for
15 what we propose currently, which you'll see now.
16 Hopefully, it's clear. Maybe it will be, on the
17 next slide, a little more.

18 So, the Manhattan Cleaners site on
19 this rendering is shown as removed, the building
20 is gone, and we propose a parking -- a row of
21 parking extended from the originally-approved
22 parking along Atlantic Avenue to come out to
23 Mississippi.

24 You'll notice that there's also a
25 driveway exit on Mississippi Avenue here. And

1 it's an exit only. So, you make a right, head
2 north.

3 The rest of the site generally
4 remains unchanged except for the connection to
5 get back to the -- or into the new -- connecting
6 the new and old parking lots.

7 You'll see a lot of landscaping
8 along the edge of the building and around the
9 corner, very similar to what we proposed and
10 constructed as part of the original project.

11 So, now we're going to get into the
12 detail of this.

13 All right. This is a portion of
14 the site plan sheet for the driveway at Arctic
15 Avenue. This is not -- this was not submitted
16 as part of the application. This is a
17 modification that we proposed as part of the
18 discussion Nick mentioned earlier with your
19 professionals.

20 NICHOLAS TALVACCHIA: But, the
21 application did include the addition of the
22 parking control booth. But, since the
23 submission, and based on comments, we've
24 redesigned it slightly.

25 THE WITNESS: Yeah. So, the booth

1 you'll see on the left side, against the
2 intersection -- or against the Arctic Avenue
3 driveway opening, the current -- or the original
4 proposal, original design, was to have the
5 control booth in the middle and then an entrance
6 and exit gate on each side of it. And you'll
7 see that the distance to that first gate, the
8 entrance gate, was about one car length. It was
9 observed as a potential issue for cars cueing on
10 Arctic Avenue while someone sat at that gate.

11 So, we propose to relocate that
12 gate -- or to reposition that gate further into
13 the site, as shown on the sketch, up to the
14 second parking island, which will create,
15 effectively, four spaces for cars to cue.

16 Now, one of the things that was
17 testified to in the original application and,
18 I'm sure, hasn't been lost on you, is Bass Pro
19 -- and you've seen it -- Bass Pro doesn't just
20 park cars on their lot and let people in the
21 store or whatever. There's outdoor events
22 periodically.

23 There is functions that will
24 require full movement at some of these openings.
25 So, rather than have this island become, you

1 know, an obstruction that's permanent, a cross
2 between these two, the parking booth and the
3 relocated control arm, we propose, instead, to
4 paint that area as a painted island and put a
5 removable bollard to prevent vehicles from being
6 able to cross between the gates and not, you
7 know, go through the proper pay process.

8 And now, similarly, because the
9 driveway opening that's between the Arctic
10 Avenue entrance and the new gate would be open,
11 potentially, we propose a temporary or
12 semipermanent blockade in the form of bollard
13 and chain and a removable bollard in the middle
14 of that to prevent vehicles from being able to
15 come into the site and turn into that first
16 driveway without paying or going through the
17 control gate.

18 That creates a potential dead-end
19 -- or a dead-end at that parking area. So,
20 you'll see that we propose also to paint the two
21 end spaces so that if someone were to make that
22 first right after they get through the gate and
23 realize there's no parking available, they have
24 a place to turn around, safely.

25 After discussions with Mr. England,

1 it was also clear that we needed to make sure
2 that the cars, when they do that -- that
3 turnaround, they don't back into that pedestrian
4 path that comes off of Arctic Avenue, which is
5 shown at the crosswalk right through the middle
6 of those islands.

7 So, you'll see that the way that
8 the parking is painted, it's arranged such that
9 someone could pull into either one of those
10 spaces, back straight up without going into that
11 pedestrian way and then pull out and continue on
12 their way.

13 The one thing I'll note, as
14 discussed with Mr. England, is we're going to
15 run a turning template out of this section of
16 the driveway here so that a car making a left,
17 back onto Arctic won't be able to -- there won't
18 be any conflict with that new island that we're
19 proposing with the control gate in it. So, that
20 may slide back toward Arctic a hair, but we're
21 still going to have enough room for four car
22 spaces between the right-of-way line and that
23 gate.

24 The next slide is a blowup of --
25 Or this is very similar to the site

1 plan that was submitted, the detailed site plan
2 for the portion of the parking lot that's being
3 expanded, with a slight modification to do
4 something similar to what we just discussed; to
5 paint the last space on the one row here so that
6 there's an area for vehicles to turn around
7 should they go into this area and realize
8 there's no parking available.

9 NICHOLAS TALVACCHIA: And they
10 don't want to leave.

11 THE WITNESS: And they don't want
12 to leave. Yeah. We'd rather keep them in the
13 site than run around the block, trying to find
14 parking.

15 So ...

16 SCOTT COLLINS: If I could just
17 interrupt for one second.

18 THE WITNESS: Sure.

19 SCOTT COLLINS: We haven't been
20 calling these out, but we're up to A-5 with that
21 one, the previous one.

22 THE WITNESS: Oh. You want to hit
23 them each individually?

24 SCOTT COLLINS: Yeah. Anything
25 that's different than what was submitted with

1 the application.

2 NICHOLAS TALVACCHIA: All right.

3 THE WITNESS: All right.

4 NICHOLAS TALVACCHIA: And we'll
5 submit an electronic version of this for your
6 file.

7 SCOTT COLLINS: Excellent. Thank
8 you.

9 THE WITNESS: Definitely.

10 And this is the last slide. So,
11 you'll see that this driveway that we propose,
12 as I mentioned previously, has a right out and
13 no left turn being allowed to come in from
14 Mississippi. It's an exit only.

15 This also has a parking control
16 booth. This is another pay station. The --

17 Overall, the way the site process
18 works for parking -- and I'll get into the rate
19 structure after I describe the process.

20 The patrons were -- they come in,
21 go to the ticket dispenser, take a ticket, go
22 park. Whatever amount of time they spend is
23 what dictates how much they pay upon exit.

24 So, the two exits, Arctic Avenue
25 and this Mississippi Avenue exit are the ones

1 with the parking control booth, where they
2 actually pay the fee.

3 NICHOLAS TALVACCHIA: On the way
4 out.

5 THE WITNESS: On the way out.

6 So, no one is shuffling to find
7 change or money on the way in; it's take a
8 ticket, continue through.

9 We know that there was a potential
10 issue -- or an issue with access to the site in
11 the recent past. We think the cause of that was
12 --

13 Bass Pro has been very -- very
14 publicly open and done a lot of outreach with
15 their customers and patrons to find out how to
16 make their experience the best that it can be.

17 The original approach to this was a
18 completely open parking facility. They
19 realized, partway through the opening process,
20 that people were starting to take advantage of
21 it in town, where they were coming in and
22 parking at Bass Pro and going wherever they felt
23 like going, and it was detracting from the
24 ability for patrons of the store to be able to
25 utilize the facility. It was not designed to be

1 public parking; it was designed to be -- or to
2 serve the store. So, they --

3 That's the reason for these parking
4 control gates; to make sure that access is
5 controlled so that only patrons utilize the site
6 for the purpose of going to Bass Pro.

7 When this came on, the original fee
8 structure was if you come into the store and
9 spend less than \$25, you paid \$10 to park. If
10 you spent between 25 and \$50, you paid \$3 to
11 park. Over \$50, you paid nothing, except if you
12 were in there -- or if you were in there for
13 longer than four hours.

14 So, some people would complain that
15 they would come into the store, you know, spend
16 15 or 20 minutes, less than an hour, and not
17 find what they wanted and have to pay \$10 to
18 leave. It started to fire people up. A big
19 Facebook war started. There was all kind of fun
20 comments. So, Bass Pro, reacting appropriately,
21 said you know what, the first hour is going to
22 be free.

23 So, now the original approach. Now
24 the second approach; first hour free, then the
25 same structure after that, up to four hours.

1 After that, you pay.

2 The experience when someone would
3 turn into the site would be they get up to the
4 gate --

5 And these aren't just unattended
6 booths and gates just hanging out, doing
7 nothing. There's attendants from a parking
8 control company you may know. Park Place, B & B
9 Parking. They were hired to control and manage
10 this site. They have attendants all over.

11 So, when someone would come in, the
12 attendants being, you know, very helpful, would
13 say do you understand how the parking rate
14 structure and fee structure works. Someone who
15 pulled in would say I don't, explain it to me.
16 So, they would get, you know, a two minute
17 dissertation on how it would all work. So, the
18 car would sit, not realizing that it,
19 potentially, would create a problem, on Arctic
20 Avenue, especially.

21 So, since that -- that was observed
22 as an issue, Bass Pro has instructed B & B, and
23 they have done so, to move patrons through and
24 explain the process, if they need to, further
25 into the site so cars continue moving.

1 They also improved the rate
2 structure, changed it so that instead of having
3 the, you know, complicated tiers, it's pretty
4 simple. You spend less than \$30, you pay \$10.
5 You spend more than \$30, you don't pay anything.
6 It's the same deal. Up to four hours. The
7 first hour is free. It makes it a little bit
8 easier.

9 Even if they do have to explain it,
10 it's, you know, two instead of three and they
11 don't say well, what happens if I only spend
12 this much and I'm here for three hours. All
13 that goes away.

14 So, now, the combination of that
15 fee structure changing, the process being
16 simplified and the addition of more cueing space
17 on Arctic Avenue we feel will greatly "improve"
18 the potential for any cars being backed up on
19 Arctic.

20 The Columbus Avenue entrance I
21 didn't mention because it's pretty simple, but
22 that also will have an access gate on it with a
23 ticket dispenser. It already has the same setup
24 as what the entrance on Arctic will have. That
25 has enough space to cue six cars before getting

1 out into Columbus Boulevard, which has never
2 been observed to be an issue because the cars
3 come in, they take the ticket, they continue on.
4 The --

5 A couple of the questions -- and I
6 don't want to delve too far into your letter,
7 Bill, but I want to hit a couple things related
8 to the parking -- or related to the access. The
9 --

10 I mentioned there's a lot of
11 attendants on the site. You know, there's
12 easily how many, Eric, a half a dozen at a time?
13 At least four, maybe five.

14 ERIC CLEMENTS: Peak times, yeah.

15 THE WITNESS: Yeah. It's --

16 And they're at every gate, they're
17 at every access, every exit.

18 So, when there's any issues, like
19 with, say, the gate mis -- malfunctioning, not
20 operating, they hit a button, they have a key.
21 They open it up. There's -- there's never going
22 to be a time when the gate fails, sits there
23 closed and people will back up for -- you know,
24 down the street a mile and a half or whatever.
25 The failed position will be open because of both

1 the attendant and the way the gates are
2 structured. We don't anticipate there being,
3 you know, any issues, but you never know. These
4 things, just like everything else, they're
5 electronic.

6 So, the attendants on site at all
7 times make it such that there would be no issue
8 with that.

9 Another question came up relative
10 to what happens if the lot is full, if somebody
11 comes up, doesn't realize it's full. There is
12 signage that will say it's full.

13 They also have a structure set up
14 with B & B so that there's valet.

15 And similar to what was done at The
16 Walk. If you've ever gone to The Walk in the
17 recent pass, there's very limited parking. It's
18 always been that way, but now they're set up
19 such that if you pull into the jug handle
20 pulloffs on Michigan or up at the Applebee's
21 parking lot, you can go in and they -- you can
22 validate it when you go in, but they'll --
23 they'll valet your car.

24 And B & B is set up to have leases
25 with multiple landowners. They have parking

1 lots everywhere in the city they can utilize.

2 So, there's always going to be
3 space open. They can bring as many people as
4 they want. They'll find a place to put them.
5 They utilize, now, the Applebee's lot, like I
6 mentioned. There's --

7 They might even be bringing in CRDA
8 to utilize the lot across from Angelo's. They
9 have space on surface lots off of Mississippi,
10 on the other side, with Atlantic. They have the
11 Rumsey parking lot that used to be Billow's, on
12 the corner of Ohio, two blocks away.

13 So, the cars --

14 If anyone comes in and they -- they
15 want to valet, they get -- they take their car
16 and they do whatever. They come back, pick it
17 up in a similar way. If they decide not to
18 valet and the lot's full, they just pull out and
19 continue on their way, find another space
20 somewhere else. Or if they see the sign that
21 says it's full, they keep going.

22 NICHOLAS TALVACCHIA: And, of
23 course, the garage is next door, the CRDA
24 garage.

25 THE WITNESS: Well, that's where

1 they would go. If they don't pay at the Bass
2 Pro lot, they would go to the CRDA garage, which
3 the patrons have been using -- and Eric can
4 testify to this, if need be. The --

5 One of the things we talked about
6 in the original application was Bass Pro's
7 program wanted a lot more surface parking spaces
8 on the lot, for two reasons. One, for their
9 patrons. Second, for outdoor events that they
10 have, to actually create the space. The --

11 And we knew, being, you know, that
12 Atlantic City has a lot of walkup, they've --
13 they've had a lot of traffic from walkup that
14 didn't necessarily surprise them, but it was,
15 obviously, a good thing. We know now that the
16 lot, while necessary, isn't the end of the world
17 if it's full. People will still come. They
18 always do. And they found their way and they
19 walk up, just like we thought they would in an
20 urban environment. It's worked out great.

21 Related to --

22 NICHOLAS TALVACCHIA: The
23 variances, the two variances.

24 THE WITNESS: Yeah. We --

25 The two variances -- let's jump

1 right into that, the transition, Nick.

2 The two variances that we are
3 requesting, the first one -- they're both
4 related to parking, so, actually, that's what
5 the application is for.

6 The first one may have been granted
7 in the original application as a waiver. I
8 don't remember now if --

9 NICHOLAS TALVACCHIA: Well, it's an
10 urban design standard. So, technically, it's a
11 variance.

12 THE WITNESS: Well, no. Not that
13 one. The size of the parking space. Was that
14 --

15 NICHOLAS TALVACCHIA: That's all --
16 Atlantic City doesn't have a
17 separate site plan, so it's all put into the
18 land use. I think, technically, they're all
19 variances. Like the Wawa decision. But ...

20 SCOTT COLLINS: Yeah. That's the
21 way it was in the past.

22 NICHOLAS TALVACCHIA: But, it's a
23 waiver in most places, the stall size.

24 THE WITNESS: Yeah. So, we --

25 Yeah. The stall size is the first

1 one. And that one, we mentioned waiver
2 variance. We're requesting it as a variance,
3 just to make sure that it's covered, you know,
4 to follow -- you know, to protect our client.

5 The size that we require -- that
6 the ordinance requires is 9 X 19. We proposed
7 the industry standard of 9 X 18, which was what
8 was approved as part of the original application
9 and has been approved multiple times on multiple
10 locations all over Atlantic City. We just want
11 to continue that same variance relief for these
12 additional parking spaces.

13 Similarly, as Nick had started to
14 mention, the urban design standards require that
15 the frontage of all roads be lobbies, retail and
16 access to storefront. The --

17 This site, as was testified
18 previously, and I'll continue again, has four
19 frontages. There's no way not to have parking
20 in the front yard.

21 What we propose is an extension of
22 parking that was already granted, a variance for
23 being in a front yard along Atlantic to utilize
24 the space which otherwise would be open and not
25 used.

1 The advance --

2 The purpose of the land use law is
3 advanced because parking in a commercial area is
4 -- is necessary. And there is no negative
5 impact by doing this because, as I said, the
6 rest of this area already has parking on the
7 frontages. It's heavily landscaped, dressed-up.
8 It looks very good.

9 The --

10 NICHOLAS TALVACCHIA: And the
11 parking stall, isn't that a more efficient use
12 of the parking by having that stall size, which
13 is more than adequate for most vehicles?

14 THE WITNESS: It is. It is. And
15 the --

16 It's absolutely more than adequate
17 for most every vehicle. I'm sure delivery
18 trucks, which, as I mentioned, we have a
19 separate loading dock. The loading dock that
20 was necessary here is no longer. The --

21 This also creates a better
22 circulation element by having a second exit.
23 The site as originally designed had the single
24 exit on Arctic Avenue, which worked, but this
25 works better, having two exits. It gives more

1 availability for options to leave and counts
2 traffic and --

3 CHRISTINE COFONE: And this is
4 going, Jay, where a building used to be. So,
5 the surface of a parking really has more light
6 area and open space and less massing than a
7 structure.

8 THE WITNESS: It does.

9 ROBERT REID: And there's other
10 mitigating design elements here. One, we have a
11 second point of exit, which I think is a
12 benefit.

13 THE WITNESS: Yep.

14 ROBERT REID: You have provided
15 pedestrian connection from Atlantic Avenue to
16 the display area. And that's something else
17 that you'd want to mention is that the -- what
18 was originally going to be outdoor seating for
19 the restaurant, you've now reallocated the use
20 for a display space with boats you have for
21 sale, which I think is an attractive thing to
22 have on Atlantic Avenue rather than a blank
23 wall.

24 THE WITNESS: Yeah. Absolutely.
25 And the landscaping adds to that, too.

1 And there's -- there's two other
2 things that I'll point out that, you know, help,
3 but they're not necessarily, you know, going to
4 be justification through the land use law.

5 I mentioned that we had setback
6 variances granted for the building, our
7 building, to wrap around Manhattan Cleaners.
8 Now that this site is brought into the project,
9 those variances are no longer necessary.
10 They're pretty much eliminated. They are
11 eliminated.

12 The second thing is, we -- during
13 the original application, I mentioned that,
14 aside from Bass Pro wanting a lot more parking
15 spaces, the ordinance, technically, required a
16 lot more than we proposed on this project.
17 There is the ordinance standard that if you're
18 along a public transit route, you can have a
19 reduction of up to 85 percent, but we still
20 requested a variance, to be covered. By adding
21 these parking spaces, we reduced that variance
22 relief from the original application by over ten
23 percent. So, we're adding a net of about 24
24 parking spaces with this development and the
25 original application requested relief to provide

1 211 parking spaces instead of -- or 209 instead
2 of 411, a reduction of 200 spaces, a little less
3 than 50 percent. Now we're adding 24 back.
4 It's -- that relief requested is now reduced.

5 NICHOLAS TALVACCHIA: A lot better
6 circulation and --

7 THE WITNESS: Better circulation.
8 That was the main purpose of this, was to get --

9 I mean, it utilized the space,
10 obviously, because it was open and empty and
11 especially when the building came down. So, now
12 we have additional parking, better circulation
13 and a better-looking facility now that this is
14 finished.

15 CHRISTINE COFONE: I also recall
16 testimony, in conjunction with the original
17 application, that the typical stay at the Bass
18 Pro Shops was longer than that of a typical
19 retailer. So, would you say that the smaller
20 space size here would be probably more desirable
21 rather than at a retailer, where you have a much
22 higher turnover of vehicles?

23 THE WITNESS: No. There is --

24 That's a very good point. There is
25 a lot less turnover. And we --

1 Most of the time, the --

2 And the longer parking space really
3 wouldn't do much for that. It's -- the width is
4 the same between the two. And that, you know,
5 for the turnover that we anticipate -- or that
6 we've experienced, technically, forever, you
7 know, for the last six months --

8 BY NICHOLAS TALVACCHIA:

9 Q. So, Jay, just to kind of wrap it up
10 on the variances, so from a C 2 better planning
11 alternative justification for the variances, do
12 you see the smaller stall size and the addition
13 of parking along the frontage a better planning
14 alternative than what would be required by the
15 ordinance, in an overall balance?

16 A. Yes.

17 Q. For the reasons you previously
18 stated?

19 A. Yes.

20 Q. Do you see any detriment to the
21 zone plan or public good if the variances were
22 to be granted?

23 A. No. Not at all.

24 Q. Do you see, actually, benefit to
25 the granting of the variances in this context?

1 A. Yes.

2 Q. Do you have any further discussion
3 about the application, beyond the variances?

4 A. No. I want to make sure that I
5 don't miss anything that Bill had mentioned.
6 You're going to go through his letter anyway.

7 NICHOLAS TALVACCHIA: I think we
8 just have to agree with his letter.

9 THE WITNESS: Yeah. I think that's
10 it, too. So ...

11 SCOTT COLLINS: Yeah. I'd like
12 that to be on the record; that you agree with
13 the report.

14 THE WITNESS: There were -- there
15 were a couple items that required -- aside from
16 what we just went through with the variances,
17 requiring testimony. There was also engineer's
18 review comments. There were a couple things
19 about testimony provided. And I think I hit
20 them with the fee structure and the parking
21 control. Yeah, I think I got them all, but just
22 in case, if you're going to go through your
23 letters, we'll hit them if any questions come
24 up.

25 ROBERT REID: Okay. Thank you,

1 Jay.

2 THE WITNESS: Thank you.

3 ROBERT REID: Christine, I'd like
4 to go to you.

5 SCOTT COLLINS: Just let me start,
6 just for the record, to make sure.

7 The CRDA has two consultants here;
8 Christine Cofone, who is a licensed professional
9 planner, William England, who is a licensed
10 professional engineer and professional planner,
11 both of whom have testified before this board,
12 have been sworn and have been qualified as
13 experts in their field.

14 NICHOLAS TALVACCHIA: We accept
15 their qualifications.

16 SCOTT COLLINS: Thank you.

17 CHRISTINE COFONE: Thank you.

18 ROBERT REID: Thank you, Scott.
19 Christine.

20 CHRISTINE COFONE: Yes.

21 Mr. Sciullo addressed the variance relief that
22 was required in our June 9th letter. So, I
23 appreciate that.

24 I think, for the record, so that
25 it's clear, it sounds like your reliance for the

1 purposes of the land use law would be criteria
2 H, which talks about the free flow of traffic,
3 as well as criteria M, which talks about an
4 efficient use of the land.

5 NICHOLAS TALVACCHIA: Exactly.

6 CHRISTINE COFONE: So, I would be
7 supportive, from a planning point of view, of
8 both of those purposes of the land use law being
9 advanced by this application. I think, based on
10 the testimony offered by Mr. Sciullo, it could
11 easily be concluded that those two purposes
12 would be advanced. So, I thank you for the
13 testimony.

14 THE WITNESS: Thank you.

15 CHRISTINE COFONE: I think both of
16 the variances were satisfactorily addressed by
17 the applicant.

18 NICHOLAS TALVACCHIA: Thank you.

19 THE WITNESS: Thank you.

20 SCOTT COLLINS: Let's just identify
21 that letter from June 9th, 2015 as B-1. Thanks.

22 ROBERT REID: Bill, if you may.

23 WILLIAM ENGLAND: Thank you.

24 Christine's and my letter were
25 combined, so my letter is also June 9th.

1 I believe Jay has hit all the real
2 key issues with respect to my concern relating
3 to the new gates and -- and how the traffic was
4 going to, you know, work on site. And I like
5 the plan, I like the circulation, I like the
6 additional exit.

7 Jay's new sketch -- sketches, I
8 should say, with respect to providing
9 turnarounds and that type of thing I agree with
10 wholeheartedly.

11 My comments, technical comments,
12 start on page 4. So, I think he's pretty much
13 addressed item number 4, with the exception, I
14 think, Jay, you and I had talked about possibly
15 some additional signage throughout the site.

16 THE WITNESS: Yes.

17 WILLIAM ENGLAND: I'll treat that
18 as -- unless you have some comments, but I'll
19 treat that as some detail that you and I can
20 work through.

21 THE WITNESS: That would be the
22 right way to handle it. Yeah.

23 WILLIAM ENGLAND: Because it is
24 street signage as well, and we have other
25 agencies that may or may not have input. I

1 think a quick phone call from you or I to those
2 agencies, we can decide if we can get those
3 signs up. And they would just be like No
4 Parking signs.

5 But, on Arctic Avenue, there
6 already is a bus stop. So, I think that may or
7 may not be necessary at this point.

8 So, we'll just have that
9 investigation, that conversation, just to make
10 sure.

11 And I'm comfortable working with
12 Jay on that issue.

13 ROBERT REID: Okay. That's good.

14 WILLIAM ENGLAND: As well as all
15 the other details.

16 So, from page 5 on, really, they're
17 just technical engineering items, which Jay and
18 I can work out on the site plan. And he,
19 obviously, will have to make some final -- you
20 know, final plans made available to us in the
21 final sets.

22 THE WITNESS: Absolutely.

23 WILLIAM ENGLAND: All right. I
24 just do have one question, Jay, and it's
25 something you and I didn't discuss, but I did

1 take a quick shot around this morning.

2 And the lighting. If I recall, the
3 lighting on the new parking lot area, were you
4 proposing a new light -- or new light?

5 THE WITNESS: I have a plan. I
6 want to say that that's probably right.

7 WILLIAM ENGLAND: So, if you can
8 just, maybe, take 30 seconds or whatever and
9 just kind of explain what your intent is to
10 light that area, the new parking lot area.

11 And I'll tell you where I'm going
12 with this so you're not trying to figure it out.
13 I see wall packs out there on the building. All
14 right. And my recollection of having previously
15 looked at this application and know the life, my
16 usual comment is I don't like wall packs. All
17 right?

18 So, I don't believe that those wall
19 packs were approved on the original application
20 or, if there is something new, I'll want to
21 raise a concern about the wall packs, because it
22 looks like they're shining out as opposed to
23 straight down. But, I don't know the models and
24 I haven't seen the models.

25 THE WITNESS: Along the wall that's

1 facing Atlantic.

2 WILLIAM ENGLAND: Along the wall
3 that's facing Atlantic. Correct.

4 THE WITNESS: Oh.

5 WILLIAM ENGLAND: There's --
6 there's multiple wall packs on that wall.

7 THE WITNESS: Well, I'm sure that
8 the --

9 From a site/civil standpoint, we
10 didn't really have them put on the building
11 line, but the Building Department, I'm sure,
12 approved that as part of the building permit
13 application when the building was built.

14 If -- if there's an issue with the
15 way that they're projecting light beyond the
16 site, we'll have to look at potentially getting
17 them modified to cut off or do something
18 different so that the --

19 WILLIAM ENGLAND: What I want to do
20 is explore that with you. And I just want it on
21 the record because, again, the standard in the
22 city, when we were looking at this stuff, was we
23 didn't have wall packs just as a glare in your
24 eyes. Okay. That was one thing we always
25 didn't want.

1 So, if the wall pack is modified so
2 it's more of a downward-facing and there's no
3 glare, that's fine, but you may still need
4 supplemental lighting at that point.

5 THE WITNESS: Yeah.

6 WILLIAM ENGLAND: So, just -- I
7 want you to just take a look at that.

8 And I'm okay working, again, with
9 Jay on that issue.

10 THE WITNESS: Yeah. We'll need,
11 just to clarify, too, the original intent -- or
12 the original project -- and this one, the same
13 thing -- their -- the lights that were in the
14 parking lot when SJTA had the lot, we reused
15 them, foundations and all. There was one left
16 over, and that was what was proposed to be used
17 here. It was salvaged, laying in the
18 contractor's yard. So, that's what we intended
19 to use.

20 WILLIAM ENGLAND: So, we will leave
21 the lighting plan and just work out --

22 THE WITNESS: Yeah.

23 WILLIAM ENGLAND: -- any of the
24 other details.

25 And, you know, if the

1 streetlighting helps light up that parking lot,
2 that's okay, too. I can work with you to settle
3 on what's appropriate for the area.

4 THE WITNESS: Okay. Great.

5 ROBERT REID: Thank you, Bill. I
6 appreciate that.

7 WILLIAM ENGLAND: And one last
8 comment would be that, of course, you know, my
9 report and Christine's comments will be part of
10 the official record --

11 ROBERT REID: Yes.

12 WILLIAM ENGLAND: -- in its
13 entirety -- to be accepted in its entirety.

14 ROBERT REID: Yes. That's
15 understood.

16 THE WITNESS: One thing that just
17 -- not an objection to it or anything, but just
18 a clarification. There was a question about if
19 we were going to add security cameras. I can't
20 remember which comment it was, now. Oh. It was
21 comment 4 A 2 under Engineer's Review.

22 I don't know --

23 I think that that side of the
24 building has cameras on it. I don't know that
25 the lot will get any.

1 WILLIAM ENGLAND: Yeah. And I
2 think the issue there was, if you're -- if
3 you're going to be putting in additional
4 cameras, then the lighting has to be appropriate
5 --

6 THE WITNESS: Yeah.

7 WILLIAM ENGLAND: -- for the use of
8 those cameras.

9 So, the lighting levels will change
10 if you use security cameras out there.

11 THE WITNESS: Okay.

12 WILLIAM ENGLAND: But, there's ones
13 that if -- you know, that you can do in concert
14 with that. If you were planning on other
15 cameras, let's get the right type of lighting
16 and also the right, you know, level of lighting.

17 THE WITNESS: Understood. Good.

18 WILLIAM ENGLAND: That's where that
19 comment came from.

20 THE WITNESS: Okay. Good.

21 ROBERT REID: Thank you, Bill. Is
22 there anything else?

23 WILLIAM ENGLAND: That's it.

24 Thank you.

25 ROBERT REID: Anything else from

1 the panel?

2 CHRISTINE COFONE: Not at this
3 time.

4 ROBERT REID: Any other comments
5 from the applicant?

6 NICHOLAS TALVACCHIA: There is a
7 comment about posting of bonds. I would
8 request, under the circumstances of this
9 application, that no bonding requirement be
10 required.

11 ROBERT REID: In lieu of that, I
12 would like to make a recommendation in the
13 hearing officer report that a bond may not be
14 necessary. However, what I will require -- will
15 recommend in the hearing officer report is that
16 you prepare a cost estimate of improvements, you
17 post the necessary inspection fee relative to
18 the cost estimate --

19 NICHOLAS TALVACCHIA: Mmm-hmm.

20 ROBERT REID: -- and that the minor
21 modifications necessary to this site; striping,
22 lighting modifications, the relocation of the
23 dispenser and gate be in place before you
24 utilize the rest of the parking.

25 So, it would be advantageous if

1 your design professional get those revised plans
2 over to our professionals to review and sign off
3 on as soon as possible.

4 NICHOLAS TALVACCHIA: So, Rob, to
5 be clear, if we do that prior --

6 I don't know when this will go to
7 the full board for approval.

8 ROBERT REID: Well, the full board
9 --

10 NICHOLAS TALVACCHIA: July 2 --

11 ROBERT REID: -- is, next, July
12 21st.

13 What I would suggest you do, get
14 revised plans to our professionals immediately,
15 get the cost estimate immediately, come up with
16 the inspection fee as soon as possible, and I
17 could possibly write a letter, similar to what
18 we've done in the past, regarding allowing you
19 to proceed at your own risk, subject to our
20 professionals accepting the modifications of the
21 plans and you actually physically making those
22 changes to it in advance of a formal, --

23 NICHOLAS TALVACCHIA: Formal board
24 approval?

25 ROBERT REID: -- understanding

1 there's no guarantee that the full board is
2 going to approve.

3 NICHOLAS TALVACCHIA: Thank you.
4 That would be very helpful. And we'll take our
5 chances with the board.

6 ROBERT REID: Okay. Now, before we
7 go any further, I want to open this to the
8 public.

9 Is there anyone from the public
10 that would like to make a comment or ask
11 questions?

12 Seeing none, I will close the
13 public portion. Thank you.

14 Is there anything else?

15 NICHOLAS TALVACCHIA: Just very
16 briefly. So, thank you for your time and
17 attention. We appreciate the reports of your
18 professionals.

19 Rob, we appreciate your input.

20 And we are seeking amended
21 preliminary and final site plan and variance
22 relief for stall size and to park -- have
23 parking within the front yard setback area where
24 it's normally not permitted.

25 So, that, I believe, is the extent

1 of our request today.

2 ROBERT REID: Okay. Thank you very
3 much.

4 Hearing no other comments, we will
5 close the testimony in this matter.

6 And for the benefit of the public,
7 the next scheduled land use hearing is July 2nd.

8 We will be preparing a hearing
9 officer report with recommendations to the full
10 board. And the next date of the full board is
11 July 21st.

12 And if there's no other comments,
13 I'd like to close this meeting.

14 NICHOLAS TALVACCHIA: Thank you
15 very much.

16 ROBERT REID: Thank you.

17

18 (This public hearing concluded at
19 10:40 a.m.)

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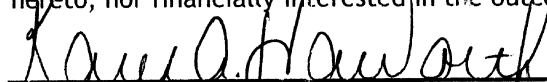
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