

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

RE: MARINA DISTRICT DEVELOPMENT COMPANY, LLC
2015-12-1768

Thursday - January 21, 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
Reporter and Notary Public of the State of New
Jersey, on the above date, commencing at 10:00
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1 APPEARANCES:

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LANCE B. LANDGRAF JR.
Hearing Officer

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RYKER, DANZIG, SCHERER, HYLAND
& PERRETTI, LLP

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BY: SCOTT G. COLLINS, ESQUIRE
Attorney for CRDA

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ROBERT REID,
Land Use Regulation and
Enforcement
Officer

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CHRISTINE COFONE, Professional
Planner

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COFONE CONSULTING GROUP

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1 APPEARANCES-CONTINUED:

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WILLIAM ENGLAND,
ADAMS, REHMAN & HEGGAN ASSOCIATES
Senior Project Manager

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FOX ROTHSCHILD, LLC
BY: JACK PLACKTER, ESQUIRE
Counsel for the Applicant

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1 LANCE LANDGRAF: Okay. I'd like to
2 call to order the January 21st, 2016 hearing.
3 If everyone will please rise and join me in the
4 Pledge of Allegiance.

5 (At this time the Pledge of
6 Allegiance is being recited.)

7 LANCE LANDGRAF: Thank you.

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

11 We have two items on the agenda
12 today. Application 2015-12-1768, the Marina
13 District Development Company, LLC, Borgata, with
14 an amended site plan. And we have application
15 2015-12-1763, ABC Ownership Limited Liability
16 Company, Atlantic City Polercoaster, on Martin
17 Luther King Boulevard.

18 First application will be the
19 Marina District Development Company.

20 Mr. Plackter?

21 JACK PLACKTER: Good morning. May
22 it please the board, Jack Plackter, from Fox,
23 Rothschild.

24 LANCE LANDGRAF: One thing. Can we
25 make sure --

1 ROBERT REID: Yes. I have reviewed
2 the proof of service provided by Mr. Plackter's
3 office and everything is in order. We have
4 jurisdiction to hear the application.

5 LANCE LANDGRAF: So we're good with
6 notice?

7 ROBERT REID: Yes.

8 JACK PLACKTER: Jack Plackter, for
9 Fox, Rothschild, appearing for Marina District
10 Development Company, LLC. Application for a
11 major amendment to our initial and final site
12 plan for outdoor event area for an addition, to
13 include a 3,200-square-foot swimming pool,
14 concrete pool deck, VIP/entertainment platform,
15 modular service building containing restroom
16 facilities and food/beverage service, and lounge
17 chairs, new cabanas and planters and it's going
18 to be placed on the site of the former Festival
19 Park, and it will be operating seasonally from
20 May till September or October.

21 The pool addition will be designed
22 to accommodate approximately 1,150 patrons, so
23 right now if you're familiar with the Borgata,
24 they do have one outdoor pool. It's adjacent to
25 the Water Club and it's a rather small pool.

1 There's a pool deck and actually when we came
2 before this board and enlarged the pool deck
3 because we couldn't handle the demand. This
4 will accommodate that and allow us to fully
5 accommodate our patrons and also have other
6 exciting events which will further enhance the
7 tourism and visitation to the city of Atlantic
8 City.

9 Property's known and identified as
10 block 576, lot 1.12. But also there's
11 supporting minor utility work and improvements
12 on adjacent lots 1.05, 1.07, 1.08, 1.10 on the
13 official tax map of the city of Atlantic City,
14 and as you know, the property's generally
15 bounded by Huron Avenue and Brigantine
16 Boulevard. The zone is Huron North
17 Redevelopment Area and recreation facilities in
18 connection and adjacent to casino/hotels and
19 other hotels and tourism things are permitted
20 uses under the plan.

21 As pointed out by Mr. Reid, I just
22 want to, for the record, state the dates.

23 On January 6, 2016, we published a
24 notice of this hearing in the Atlantic City
25 Press. On January 8th, 2016, we mailed notice

1 to all property owners within 200 feet and also
2 we did produce a letter indicating that all our
3 taxes are current.

4 As I indicated, we're very excited
5 about this exciting addition. I have two
6 witnesses. One is going to be Auggie Cipollini.
7 He's here just from the Borgata to answer any
8 questions that either members of the board have
9 or the professionals, and Jennifer Gorini who's
10 a licensed professional planner who's going to
11 give the planning testimony.

12 LANCE LANDGRAF: Just by way of
13 introduction, Christine and Bill both pointed
14 out to me that this looks a little different
15 than the plans we filed.

16 CHRISTINE COFONE: We thought we
17 missed something.

18 JACK PLACKTER: That is correct. I
19 just want to point out the differences. We're
20 going to submit full plans. Really doesn't
21 change the operation or the use significantly,
22 but in designing a pool, this pool shape is more
23 rectangular. It was originally circular, but
24 the circular pool doesn't provide as much area
25 for patrons and guests and cabanas. So this is

1 a much more sufficient layout. The size of the
2 pool is still 3,200 square feet, so that didn't
3 change.

4 There's some other minor changes,
5 where we eliminated the VIP entertainment
6 platform which was roughly in this area. The
7 pool equipment and building which were shown,
8 again, in this area are now inside the valet
9 garage. So, again, to utilize the space more
10 efficiently.

11 There was a parking lot
12 modification over in this area, but that's no
13 longer part of this application.

14 And then finally, by doing those
15 modifications we were able to add this park area
16 so there's actually a little more green space
17 and finally, as I indicated, we did change the
18 pool shape.

19 So if you would allow my two
20 witnesses to be sworn in we can proceed with our
21 brief testimony.

22 LANCE LANDGRAF: Okay.

23 SCOTT COLLINS: Good morning.

24

25 (JENNIFER GORINI and AUGGIE

1 CIPOLLINI, sworn.)

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3

4

5 JACK PLACKTER: Okay.

6 LANCE LANDGRAF: Jack, could you
7 introduce her? I have not seen her before us
8 before.

9 JACK PLACKTER: Yes, we're going to
10 qualify her. This is Jennifer Gorini.

11

12 BY MR. PLACKTER:

13 Q. Jennifer, please state your full
14 name.

15 A. Jennifer Gorini.

16 Q. By who are you employed?

17 A. I work for PS&S.

18 Q. And the materials you're going to
19 testify from today, were they prepared by you or
20 in connection with your firm and under your
21 direction?

22 A. Yes.

23 Q. Okay. And you're a licensed
24 professional planner in the state of New Jersey,
25 is that correct?

1 A. I am.

2 Q. Okay. And in connection with the
3 preparation for your testimony today did you
4 have occasion to review all the materials
5 submitted on behalf of the applicant?

6 A. I did. I prepared the modification
7 to site plan application.

8 Q. Did you also have occasion to
9 review the Atlantic City zoning ordinance?

10 A. I did, yes.

11 Q. Did you also have occasion to look
12 at the North Huron Avenue Redevelopment Plan?

13 A. Yes.

14 Q. Similarly, did you also have a
15 chance to review a professional letter which I
16 think was a joint letter from ARH, Adams, Rehman
17 & Heggan, dated January 11, 2016?

18 A. Yes.

19 Q. Based upon that, would you describe
20 the existing site conditions and what would
21 comprise it?

22 A. The existing site conditions are
23 the Festival Park which was constructed in early
24 2015 and was in operation during the summer
25 season of 2015. It is surrounded by the surface

1 parking lot and the north addition of the
2 Borgata, as well as the parking garages that you
3 see on the plan.

4 We are proposing now to modify
5 Festival Park to be the pool addition. The pool
6 addition will include about a 3,200-square-foot
7 pool and also about 2,300 square feet of the
8 service building that will include restrooms and
9 beverage and food service.

10 LANCE LANDGRAF: Jack, if we could.
11 We didn't really qualify her. I would put that
12 on the record now that she is a licensed planner
13 in the state of New Jersey and qualified as a
14 professional in that field.

15 JACK PLACKTER: I would move that
16 we accept her as an expert in professional
17 planning based upon her license.

18 LANCE LANDGRAF: We would do so.
19 Just want to make sure that's on the record.

20 JACK PLACKTER: No problem. We
21 have brief video to give this body a perspective
22 of how the pool's going to work, so we'd like to
23 play that with your permission.

24 LANCE LANDGRAF: Go ahead.

25 JACK PLACKTER: Thanks.

1 SCOTT COLLINS: The video's not
2 something that was submitted with the
3 application. This is new?

4 JACK PLACKTER: This is new.

5 SCOTT COLLINS: We'll mark the
6 application materials generally as A-1 and
7 reference this as A-2.

8 JACK PLACKTER: Thank you. You can
9 give a narrative while it's playing. If you
10 want to narrate it.

11 LANCE LANDGRAF: I was expecting
12 music and --

13 JACK PLACKTER: We're a low-budget
14 operation. We have to save our money here for
15 obvious reasons.

16 MS. GORINI: You'll see there's the
17 existing small event area and bar which is off
18 the screen now. This is the proposed pool
19 addition. The service building is straight
20 ahead with the beverage and food service.
21 There's the existing small bar area, small event
22 area. That will not change. That is open to
23 the public. The pool addition will be for hotel
24 patrons. It will accommodate about 1,100
25 patrons. About 300 lounge chairs that will be

1 there only seasonally during the summer.

2 JACK PLACKTER: Can you hear the
3 water? It's a nice touch.

4 MS. GORINI: The facilities to
5 support the pool will be within the existing
6 parking garage. And the small park area you'll
7 see to the back here.

8 LANCE LANDGRAF: Synthetic grass,
9 I'm assuming?

10 MS. GORINI: Yes. It will be turf
11 grass. This is where the existing stage is.
12 That's an existing platform that's already on
13 the site.

14 LANCE LANDGRAF: This is separate
15 from -- you said the bar area's open to the
16 public and this is just for the hotel patrons?

17 MS. GORINI: Yes.

18 LANCE LANDGRAF: There's a fence
19 along there I think I saw that separates the two
20 areas.

21 MR. CIPOLLINI: The pool's
22 primarily for hotel guests and, of course, like
23 anything else, we want to just maximize folks
24 coming in here, so if there's space and we want
25 to bring in nonhotel guests, that would still be

1 an option.

2 LANCE LANDGRAF: For special events
3 or whatever. And that's under your control.
4 More of a question for myself. That's all.

5 MR. CIPOLLINI: Exactly.

6 JACK PLACKTER: So as you can see,
7 obviously, from the video and the materials,
8 like everything else that Borgata does, it looks
9 like a first-class operation. I think it will
10 be a credit to the community.

11

12 BY MR. PLACKTER:

13 Q. So you had an occasion to review
14 the bulk -- first of all, you reviewed the
15 redevelopment plan and the Atlantic City zoning
16 ordinance. In your professional opinion as a
17 licensed planner, is this a permitted use within
18 the Huron North Redevelopment Area?

19 A. Yes.

20 Q. Also, have you had occasion to
21 review the bulk requirements?

22 A. Yes. Municipal requirements,
23 setbacks here 50 feet. Meets that. The height
24 is 560 feet. So it does meet the height
25 requirements. Also meets the performance

1 standards and the parking requirements. After
2 consideration of this as a nonhotel use on a
3 hotel property, for the overall site they're
4 still in excess of 2,000 parking spaces.

5 Q. Have you had occasion to review the
6 professionals' letter dated January 11th, 2016?

7 A. Yes.

8 Q. And there's certain conditions.
9 Now, in my production I indicated that we're
10 going to submit revised plans showing this new
11 configuration, correct?

12 A. Yes.

13 Q. Is the applicant willing to agree
14 to all the conditions in the January 11, 2016
15 report?

16 A. Yes. We are amenable to all the
17 conditions in the report.

18 Q. Okay. Thank you. Based upon the
19 facts that you have that you've testified to and
20 subject to what the professionals have to say,
21 do you believe this applicant has met the
22 requirements for modification to its preliminary
23 and final site plan approval?

24 A. I do believe it has met the
25 requirements.

1 JACK PLACKTER: Thank you.

2 Any questions of Jennifer at this
3 point?

4 LANCE LANDGRAF: Maybe we'll -- I
5 don't have any at this point. We'll go through
6 our consultants' reports and I don't know if
7 there's too much.

8 CHRISTINE COFONE: I'll start,
9 since it's pretty straightforward. It's a
10 permitted use in the zone and you meet all of
11 the requirements. So I think to that extent
12 you're certainly consistent with the zoning
13 ordinance. You certainly achieve many of the
14 goals that are in the redevelopment area for
15 this project and I think it's great. Very nice,
16 very well done. Nice job on the testimony.

17 JACK PLACKTER: Thank you.

18 WILLIAM ENGLAND: No objection to
19 the revised plans at this point and they've
20 already told us that they accept the conditions
21 in our letter. But I just ask the applicant
22 since we haven't had a chance to look at the
23 revised plans, should we come up with a tweak or
24 a comment or a change, would they be amenable to
25 making those changes?

1 JACK PLACKTER: Yeah, absolutely.
2 When we submit the revised plans, obviously, any
3 comments that you have or questions we'll be
4 happy to comply with.

5 CHRISTINE COFONE: And you've
6 testified that the revised plans trigger no
7 variances, because the ones that we reviewed --
8 so just stipulate on the record there are no
9 variances to the plan that was produced today?

10 MS. GORINI: Correct.

11 WILLIAM ENGLAND: I have no other
12 comments.

13 LANCE LANDGRAF: Thank you. We'll
14 enter the report into the record.

15 SCOTT COLLINS: We'll call that
16 P-1. And we should mark, we did reference the
17 revised plan. Call that A-3.

18 JACK PLACKTER: It's dated 1/18/16.
19 We call it A-3?

20 SCOTT COLLINS: Yeah.

21 JACK PLACKTER: Thank you.

22 LANCE LANDGRAF: The changeover
23 from the plans that were submitted to this
24 doesn't go outside that area at all? It's
25 actually reduced it, because you pulled out some

1 of the improvements in the parking area?

2 JACK PLACKTER: Correct, same area.

3 LANCE LANDGRAF: All right. We'll
4 open up to the public. If anybody from the
5 public has any comments, please come forward now
6 and state your name.

7 Seeing none, we'll close the public
8 portion of the meeting and come back.

9 Rob, do you have anything?

10 ROBERT REID: No. I think it's a
11 great project.

12 LANCE LANDGRAF: Jack, I think
13 that's it. We'll prepare a hearing officer
14 report. Please get those plans to us as soon as
15 you can so we can review them. I do want to get
16 this on the first board agenda that week.

17 JACK PLACKTER: We obviously want
18 to be open for the summer. We appreciate it.

19 LANCE LANDGRAF: Thank you.

20 JACK PLACKTER: Thank you very much
21 for your time. We appreciate it.

22 LANCE LANDGRAF: We'll take a
23 couple-minute recess to let the second applicant
24 get set up and move forward. Thank you.

25 (The public hearing was concluded

1 at 10:12 a.m.)
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<p style="text-align: center;">A</p> <p>ABC 4:15 able 8:15 about 7:5 11:6,7 12:24,25 above 1:19 absolutely 17:1 accept 11:16 16:20 accommodate 5:22 6:4,5 12:24 accordance 4:9 achieve 16:13 Act 4:10 actually 6:1 8:16 17:25 Adams 3:6 10:16 add 8:15 addition 5:12,21 7:5 11:1,5,6 12:19,23 adjacent 5:24 6:12,18 After 15:1 again 8:8,9 agenda 4:11 18:16 agree 15:13 ahead 11:24 12:20 Allegiance 4:4,6 allow 6:4 8:19 along 13:19 already 13:12 16:20 amenable 15:16 16:24 amended 4:14 amendment 5:11 answer 7:7 anybody 18:4 anything 13:23 18:9 APPEARANCES 2:1 APPEARANCES-CONTL... 3:1 appearing 5:9 applicant 3:13 10:5 15:13,21 16:21 18:23 application 4:12,14,18 5:4,10 8:13 10:7 12:3,6 appreciate 18:18,21 approval 15:23 approximately 5:22 area 5:12 6:17 7:24 8:6,8,12 8:15 12:17,21,22 13:6 14:18 16:14 17:24 18:1,2 areas 13:20 area's 13:15 ARH 10:16 ASSOCIATES 3:6 assuming 13:9 Atlantic 1:16 4:16 6:7,13,24 10:9 14:15 Attorney 2:12 Auggie 7:6 8:25 AUTHORITY 1:1,14,15 Avenue 1:16 6:15 10:12</p>	<p>A-1 12:6 A-2 12:7 A-3 17:17,19 a.m 1:20 19:1</p> <hr/> <p style="text-align: center;">B</p> <p>B 2:6 back 13:7 18:8 Baer 4:9 bar 12:17,21 13:15 based 10:19 11:17 15:18 before 1:17 6:2 9:7,8 behalf 10:5 being 1:20 4:6 believe 15:21,24 beverage 11:9 12:20 Bill 7:13 block 6:10 board 4:22 6:2 7:8 18:16 body 11:21 Borgata 4:13 5:23 7:7 11:2 14:8 both 7:13 Boulevard 4:17 6:16 bounded 6:15 brief 8:21 11:21 Brigantine 6:15 bring 13:25 building 5:15 8:7 11:8 12:19 bulk 14:14,21 Byron 4:9</p> <hr/> <p style="text-align: center;">C</p> <p>cabanas 5:17 7:25 call 4:2 17:15,17,19 came 6:1 CASINO 1:1,13,15 casino/hotels 6:18 certain 15:8 certainly 16:12,13 Certified 1:17 chairs 5:17 12:25 chance 10:15 16:22 change 7:21 8:3,17 12:22 16:24 changeover 17:22 changes 8:4 16:25 Christine 2:23 7:13,16 16:8 17:5 Cipollini 7:6 9:1 13:21 14:5 circular 7:23,24 city 1:16 4:16 6:7,8,13,13,24 10:9 14:15 close 18:7 Club 5:25 COFONE 2:23,24 7:16 16:8 17:5 COLLINS 2:12 8:23 12:1,5</p>	<p>17:15,20 come 16:23 18:5,8 coming 13:24 commencing 1:19 comment 16:24 comments 17:3,12 18:5 community 14:10 Company 1:6 4:13,16,19 5:10 comply 17:4 comprise 10:21 concluded 18:25 concrete 5:14 conditions 10:20,22 15:8,14 15:17 16:20 configuration 15:11 connection 6:18 9:20 10:2 consideration 15:2 consistent 16:12 constructed 10:23 consultants 16:6 CONSULTING 2:24 containing 5:15 control 14:3 correct 7:18 9:25 15:11 17:10 18:2 Counsel 3:13 couple-minute 18:23 course 13:22 Court 1:17 CRDA 2:12 credit 14:10 current 7:3</p> <hr/> <p style="text-align: center;">D</p> <p>DANZIG 2:11 date 1:19 dated 10:17 15:6 17:18 dates 6:22 deck 5:14 6:1,2 demand 6:3 describe 10:19 designed 5:21 designing 7:22 Development 1:1,6,13,15 4:13 4:19 5:10 differences 7:19 different 7:14 direction 9:21 District 1:6 4:13,19 5:9 DIVISION 1:2 doing 8:14 done 16:16 during 10:24 13:1</p> <hr/> <p style="text-align: center;">E</p> <p>early 10:23 efficiently 8:10 either 7:8</p>	<p>eliminated 8:5 employed 9:16 Enforcement 1:2 2:18 ENGLAND 3:6 16:18 17:11 enhance 6:6 enlarged 6:2 enter 17:14 entertainment 8:5 equipment 8:7 ESQUIRE 2:12 3:12 event 5:12 12:17,21 events 6:6 14:2 everyone 4:3 everything 5:3 14:8 Exactly 14:5 excess 15:4 excited 7:4 exciting 6:6 7:5 existing 10:20,22 12:17,21 13:5,11,12 expecting 12:11 expert 11:16 extent 16:11</p> <hr/> <p style="text-align: center;">F</p> <p>facilities 5:16 6:17 13:4 facts 15:19 familiar 5:23 feet 7:1 8:2 11:7 14:23,24 fence 13:18 Festival 5:18 10:23 11:5 field 11:14 filed 7:15 final 5:11 15:23 finally 8:14,17 firm 9:20 first 4:18 14:14 18:16 first-class 14:9 folks 13:23 food 11:9 12:20 food/beverage 5:16 former 5:18 forward 18:5,24 Fox 3:12 4:22 5:9 from 4:22 5:19 7:7 9:19 10:16 13:15 14:7 17:23 18:4 full 7:20 9:13 fully 6:4 further 6:6</p> <hr/> <p style="text-align: center;">G</p> <p>G 2:12 garage 8:9 13:6 garages 11:2 generally 6:14 12:6 give 7:11 11:21 12:9 go 11:24 16:5 17:24 goals 16:14</p>
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<p>going 5:17 7:6,10,20 9:9,18 11:22 15:10 good 4:21 5:5 8:23 Gorini 7:9 8:25 9:10,15 12:16 13:4,10,17 17:10 grass 13:8,11 great 16:15 18:11 green 8:16 GROUP 2:24 guests 7:25 13:22,25</p>	<p>know 6:14 16:6 known 6:9</p>	<p>modification 8:12 10:6 15:22 modifications 8:15 modify 11:4 modular 5:15 money 12:14 more 7:22 8:1,9,16 14:4 morning 4:21 8:23 move 11:15 18:24 much 7:24 8:1 16:7 18:20 Municipal 14:22 music 12:12 myself 14:4</p>	<p>overall 15:3 owners 7:1 Ownership 4:15</p>
L			
<p>handle 6:3 happy 17:4 hear 5:4 13:2 hearing 1:3,14 2:6 4:2,8 6:24 18:13,25 Heggan 3:6 10:17 height 14:23,24 her 9:7,7,10 11:11,16,17 hotel 12:23 13:16,22 15:3 hotels 6:19 Huron 6:15,16 10:12 14:18 HYLAND 2:11</p>	<p>LANCE 2:6 4:1,7,24 5:5 7:12 8:22 9:6 11:10,18,24 12:11 13:8,14,18 14:2 16:4 17:13 17:22 18:3,12,19,22 Land 1:2 2:17 LANDGRAF 2:6 4:1,7,24 5:5 7:12 8:22 9:6 11:10,18,24 12:11 13:8,14,18 14:2 16:4 17:13,22 18:3,12,19,22 layout 8:1 let 18:23 letter 7:2 10:15,16 15:6 16:21 Liability 4:15 license 11:17 licensed 7:10 9:23 11:12 14:17 like 4:1 11:22 13:22 14:8,9 Limited 4:15 little 7:14 8:16 LLC 1:6 3:12 4:13 5:10 LLP 2:11 longer 8:13 look 10:11 16:22 looks 7:14 14:8 lot 6:10 8:11 11:1 lots 6:12 lounge 5:16 12:25 low-budget 12:13 Luther 4:17</p>	<p>name 9:14 18:6 narrate 12:10 narrative 12:9 new 1:16,18 5:17 9:24 11:13 12:3,4 15:10 nice 13:3 16:15,16 none 18:7 nonhotel 13:25 15:2 north 6:16 10:12 11:1 14:18 Notary 1:18 notice 5:6 6:24,25 noticed 4:8</p>	<p>park 5:19 8:15 10:23 11:5 13:6 parking 8:11 11:1,2 13:6 15:1 15:4 18:1 part 8:13 patrons 5:22 6:5 7:25 12:24 12:25 13:16 Pennsylvania 1:16 performance 14:25 permission 11:23 permitted 6:19 14:17 16:10 PERRETTI 2:11 perspective 11:21 placed 5:18 Plackter 3:12 4:20,21,22 5:8,8 7:18 9:5,9,12 11:15,20,25 12:4,8,13 13:2 14:6,12 16:1 16:17 17:1,18,21 18:2,17,20 Plackter's 5:2 plan 4:14 5:12 6:20 10:7,12 11:3 14:15 15:23 17:9,17 planner 2:23 7:10 9:24 11:12 14:17 planning 7:11 11:17 plans 7:15,20 15:10 16:19,23 17:2,6,23 18:14 planters 5:17 platform 5:14 8:6 13:12 play 11:23 playing 12:9 please 4:3,22 9:13 18:5,14 Pledge 4:4,5 point 7:19 16:3,5,19 pointed 6:21 7:13 Polercoaster 4:16 pool 5:13,14,21,24,25 6:1,2 7:22,22,24 8:2,7,18 11:5,5,7 12:18,23 13:5 pool's 11:22 13:21 portion 18:8 preliminary 15:22 preparation 10:3 prepare 18:13 prepared 9:19 10:6 present 1:20 Press 6:25 pretty 16:9 primarily 13:22 problem 11:20 proceed 8:20 produce 7:2 produced 17:9 production 15:9</p>
M			
<p>identified 6:9 improvements 6:11 18:1 include 5:13 11:6,8 indicated 7:4 8:17 15:9 indicating 7:2 initial 5:11 inside 8:8 introduce 9:7 introduction 7:13 items 4:11</p>	<p>M 4:9 mailed 6:25 major 5:11 make 4:25 11:19 making 16:25 Manager 3:7 many 16:13 map 6:13 Marina 1:6 4:12,19 5:9 mark 12:5 17:16 Martin 4:16 materials 9:18 10:4 12:6 14:7 maximize 13:23 May 4:21 5:20 Maybe 16:4 meet 14:24 16:10 meeting 18:8 Meetings 4:10 meets 14:23,25 members 7:8 met 15:21,24 minor 6:11 8:4 missed 7:17</p>	<p>name 9:14 18:6 narrate 12:10 narrative 12:9 new 1:16,18 5:17 9:24 11:13 12:3,4 15:10 nice 13:3 16:15,16 none 18:7 nonhotel 13:25 15:2 north 6:16 10:12 11:1 14:18 Notary 1:18 notice 5:6 6:24,25 noticed 4:8</p>	<p>objection 16:18 obvious 12:15 obviously 14:7 17:2 18:17 occasion 10:4,8,11 14:13,20 15:5 October 5:20 off 12:17 office 5:3 officer 2:6,18 18:13 offices 1:14 official 6:13 Okay 4:1 8:22 9:5,23 10:2 15:18 one 4:24 5:24 7:6 ones 17:7 only 13:1 open 4:9 12:22 13:15 18:4,18 operating 5:19 operation 7:21 10:24 12:14 14:9 opinion 14:16 option 14:1 order 4:2 5:3 ordinance 10:9 14:16 16:13 originally 7:23 other 6:5,19 8:4 17:11 out 6:21 7:14,19 17:25 outdoor 5:12,24 outside 17:24 over 8:12</p>
N			
<p>Jack 3:12 4:21,22 5:8,8 7:18 9:5,6,9 11:10,15,20,25 12:4 12:8,13 13:2 14:6 16:1,17 17:1,18,21 18:2,12,17,20 January 1:11 4:2 6:23,25 10:17 15:6,14 Jennifer 7:9 8:25 9:10,13,15 16:2 Jersey 1:17,19 9:24 11:13 job 16:16 join 4:3 joint 10:16 JR 2:6 jurisdiction 5:4 just 6:21 7:7,12,19 11:19 13:16,23 16:21 17:8</p>	<p>known 6:9</p>	<p>name 9:14 18:6 narrate 12:10 narrative 12:9 new 1:16,18 5:17 9:24 11:13 12:3,4 15:10 nice 13:3 16:15,16 none 18:7 nonhotel 13:25 15:2 north 6:16 10:12 11:1 14:18 Notary 1:18 notice 5:6 6:24,25 noticed 4:8</p>	<p>overall 15:3 owners 7:1 Ownership 4:15</p>
O			
<p>Karen 1:17 King 4:17</p>	<p>known 6:9</p>	<p>name 9:14 18:6 narrate 12:10 narrative 12:9 new 1:16,18 5:17 9:24 11:13 12:3,4 15:10 nice 13:3 16:15,16 none 18:7 nonhotel 13:25 15:2 north 6:16 10:12 11:1 14:18 Notary 1:18 notice 5:6 6:24,25 noticed 4:8</p>	<p>overall 15:3 owners 7:1 Ownership 4:15</p>
P			

<p>professional 2:23 7:10 9:24 10:15 11:14,16 14:16 professionals 7:9 15:6,20 project 3:7 16:15 18:11 proof 5:2 property 7:1 15:3 property's 6:9,14 proposed 12:18 proposing 11:4 provide 7:24 provided 5:2 PS&S 9:17 public 1:3,14,18 4:10 12:23 13:16 18:4,5,7,25 published 6:23 pulled 17:25 put 11:11 P-1 17:16</p>	<p>ROBERT 2:17 5:1,7 18:10 Rothschild 3:12 4:23 5:9 roughly 8:6 RYKER 2:11</p>	<p>sufficient 8:1 summer 10:24 13:1 18:18 support 13:5 supporting 6:11 sure 4:25 11:19 surface 10:25 surrounded 10:25 swimming 5:13 sworn 8:20 9:1 Synthetic 13:8</p>	<p style="text-align: center;">W</p> <p>want 6:22 7:19 11:19 12:10 13:23,24 18:15,17 water 5:25 13:3 way 7:12 week 18:16 well 11:2 16:16 were 8:7,15 9:19 17:23 we'll 12:5 16:4,5 17:3,13,15 18:3,7,13,22 we're 5:5 7:4,19 9:9 12:13 15:9 while 12:9 WILLIAM 3:6 16:18 17:11 willing 15:13 Winkler 1:17 witnesses 7:6 8:20 work 6:11 9:17 11:22</p>
<p style="text-align: center;">Q</p> <p>qualified 11:13 qualify 9:10 11:11 question 14:4 questions 7:8 16:2 17:3</p>	<p style="text-align: center;">S</p> <p>same 18:2 save 12:14 saw 13:19 SCHERER 2:11 SCOTT 2:12 8:23 12:1,5 17:15,20 screen 12:18 season 10:25 seasonally 5:19 13:1 second 18:23 see 11:3 12:16 13:7 14:6 Seeing 18:7 seen 9:7 Senator 4:9 Senior 3:7 separate 13:14 separates 13:19 September 5:20 service 5:2,15,16 11:8,9 12:19 12:20 set 18:24 setbacks 14:23 shape 7:22 8:18 showing 15:10 shown 8:7 significantly 7:21 Similarly 10:14 since 16:9,22 site 4:14 5:11,18 10:7,20,22 13:13 15:3,23 size 8:1 small 5:25 12:17,21,21 13:6 some 8:4 17:25 something 7:17 12:2 soon 18:14 South 1:16 space 8:9,16 13:24 spaces 15:4 special 14:2 square 8:2 11:7 stage 13:11 standards 15:1 start 16:8 state 1:18 6:22 9:13,24 11:13 18:6 still 8:2 13:25 15:4 stipulate 17:8 straight 12:19 straightforward 16:9 subject 15:20 submit 7:20 15:10 17:2 submitted 10:5 12:2 17:23</p>	<p style="text-align: center;">T</p> <p>take 18:22 taken 1:14 tax 6:13 taxes 7:3 testified 15:19 17:6 testify 9:19 testimony 7:11 8:21 10:3 16:16 Thank 4:7 12:8 15:18 16:1,17 17:13,21 18:19,20,24 Thanks 11:25 thing 4:24 things 6:19 think 10:16 13:19 14:9 16:11 16:15 18:10,12 thought 7:16 through 16:5 Thursday 1:11 till 5:20 time 4:5 18:21 today 4:12 9:19 10:3 17:9 told 16:20 touch 13:3 tourism 6:7,19 trigger 17:6 turf 13:10 tweak 16:23 two 4:11 7:5 8:19 13:19</p>	<p style="text-align: center;">Y</p> <p>Yeah 17:1,20</p>
<p style="text-align: center;">R</p> <p>rather 5:25 RE 1:6 really 7:20 11:11 reasons 12:15 recess 18:23 recited 4:6 record 6:22 11:12,19 17:8,14 recreation 6:17 rectangular 7:23 redevelopment 6:17 10:12 14:15,18 16:14 reduced 17:25 reference 12:7 17:16 Regulation 1:2 2:17 Rehman 3:6 10:16 Reid 2:17 5:1,7 6:21 18:10 REINVESTMENT 1:1,13,15 report 15:15,17 17:14 18:14 Reporter 1:18 reports 16:6 requirements 14:21,22,25 15:1,22,25 16:11 restroom 5:15 restrooms 11:8 review 10:4,9,15 14:13,21 15:5 18:15 reviewed 5:1 14:14 17:7 revised 15:10 16:19,23 17:2,6 17:17 right 5:23 18:3 rise 4:3 Rob 18:9</p>	<p style="text-align: center;">Z</p> <p>zone 6:16 16:10 zoning 10:9 14:15 16:12</p>	<p style="text-align: center;">1</p> <p>1,100 12:24 1,150 5:22 1.05 6:12 1.07 6:12 1.08 6:12 1.10 6:12 1.12 6:10 1/18/16 17:18 10:00 1:19 10:12 19:1 11 10:17 15:14 11th 15:6 15 1:15</p>	
		<p style="text-align: center;">U</p> <p>under 6:20 9:20 14:3 use 1:2 2:17 7:21 14:17 15:2 16:10 uses 6:20 utility 6:11 utilize 8:9</p>	<p style="text-align: center;">2</p> <p>2,000 15:4 2,300 11:7 200 7:1 2015 10:24,25 2015-12-1763 4:15 2015-12-1768 1:7 4:12 2016 1:11 4:2 6:23,25 10:17 15:6,14 21 1:11 21st 4:2</p> <p style="text-align: center;">3</p> <p>3,200 8:2 3,200-square-foot 5:13 11:6 300 12:25</p>
		<p style="text-align: center;">V</p> <p>valet 8:8 variances 17:7,9 very 7:4 16:15,16 18:20 video 11:21 14:7 video's 12:1 VIP 8:5 VIP/entertainment 5:14 visitation 6:7</p>	

<hr/> <p style="text-align: center;">5</p> <hr/> <p>50 14:23 560 14:24 576 6:10</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6 6:23</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8th 6:25</p>			
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