

CASINO REINVESTMENT DEVELOPMENT AUTHORITY

LAND USE REGULATION and ENFORCEMENT DIVISION

CORY PARKING, LLC

SEEKING USE VARIANCE AND SITE PLAN APPROVAL TO
ALLOW THE USE AS A FREESTANDING SURFACE
PARKING LOT

BLOCK 47, LOTS 1-18

1746 Pacific Avenue, Atlantic City, NJ

Thursday - July 7, 2016

Public hearing in the

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1 above-referenced matter, taken at the CASINO
2 REINVESTMENT DEVELOPMENT AUTHORITY, 15 South
3 Pennsylvania Avenue, Atlantic City, New Jersey,
4 before Karen A. Haworth, a New Jersey Certified
5 Court Reporter (CCR), nationally certified
6 Registered Professional Reporter (RPR),
7 nationally certified Certificate of Merit holder
8 (CM), nationally certified Certified Realtime
9 Reporter (CRR), a Delaware Certified Shorthand
10 Reporter (CSR), nationally certified Certified
11 LiveNote™ Reporter (CLR), and Notary Public of
12 the State of New Jersey, on the above date,
13 commencing at 10:02 A.M., there being present:
14
15
16

17 APPEARANCES:

18 CASINO REINVESTMENT DEVELOPMENT AUTHORITY:

19
20 LANCE B. LANDGRAF, JR.

Chairman

21 Director, Planning Department
22
23

24 ROBERT L. REID

Land Use Enforcement Officer
25

1 PROFESSIONALS TO THE BOARD FOR THIS HEARING:

2
3 SCOTT G. COLLINS, ESQUIRE

RIKER, DANZIG, SCHERER, HYLAND & PERRETTI

4
5
6 WILLIAM M. ENGLAND, PE, PP, CME, CPWM

ADAMS, REHMANN & HEGGAN ASSOCIATES, INC.

7
8
9 CHRISTINE NAZZARO COFONE, PP

COFONE CONSULTING GROUP

1 COUNSEL FOR THE APPLICANT:

2
3 BRIAN J. CALLAGHAN, ESQUIRE

CALLAGHAN, THOMPSON & THOMPSON, P.A.

I N D E X

WITNESS(ES)

PAGE NO.

JON BARNHART

By Brian Callaghan

11

EXHIBITS MARKED AND/OR REFERRED TO:

A-1

B-1

A-2

B-2

B-3

1 (Time noted: 10:02 A.M.)

2

3 LANCE LANDGRAF: I'll call to order
4 the CRDA Land Use Regulation and Enforcement
5 Division hearing for July 7th.

6 Please rise for the Pledge of
7 Allegiance.

8

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

11

12 LANCE LANDGRAF: Thank you.

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

16 We have two items on the agenda,
17 both with Cory Parking, LLC. The second one is
18 a carryover item from last week's meeting.

19 But, first is the use variance and
20 site plan approval for the freestanding surface
21 parking lot.

22 The second was a certificate of
23 non-conforming application. I think we have
24 additional information on it that has cleared
25 that up a little bit.

1 ROBERT REID: Yes.

2 LANCE LANDGRAF: So, without
3 further ado, I'll ask --

4 Mr. Callaghan, you have both of
5 these today.

6 So, we'll start with the use
7 variance and get that one out of the way.

8 BRIAN CALLAGHAN: Good morning.
9 Brian Callaghan, of the law firm Callaghan,
10 Thompson & Thompson, on behalf of Cory Parking,
11 LLC.

12 The property is Block 47, Lots 1
13 through 18.

14 We're here today for a surface
15 parking lot, which will require a use variance.
16 Stand-alone parking lots are not permitted in
17 the RS-C zone. Together with preliminary and
18 final site plan approval, we believe that we may
19 need some additional variances and/or checklist
20 waivers, as shown in the Adams Rehmann report.

21 LANCE LANDGRAF: Okay. I'd like to
22 confirm with Rob that we have proper notice on
23 the application?

24 ROBERT REID: Yes. I've reviewed
25 the service, and we have jurisdiction to hear

1 this application.

2 LANCE LANDGRAF: Okay.

3 BRIAN CALLAGHAN: Just a little
4 bit, historically. This is about an eight-acre
5 site. It held the Sands Casino Hotel at one
6 point in time, which also, as part of the Sands
7 Casino Hotel, had 150 to 250 parking spaces on
8 site at the same time that the Sands Casino was
9 there.

10 Pinnacle then purchased the Sands.
11 It's been demolished.

12 CRDA then built their artwork
13 there.

14 We gave the CRDA notice, oh, six,
15 seven months ago, the artwork has been removed.

16 The purpose for us is to create --

17 It's a surface parking lot, but it
18 will be temporary in nature. The clients --

19 And I have Mr. Popper here, who is
20 one of the owners. And I have Cory Nagelberg,
21 who is gonna be the operator. He's also an
22 employee.

23 The purpose is, we're out
24 soliciting end users for the overall property.
25 We own about 20 acres.

1 As you know, the Polercoaster has
2 come before you, which will be on the next site
3 over. So, that's being developed at the present
4 time. Contracts are being finalized. Monies
5 have been put up.

6 So, while that's going on, the
7 owners are out talking to other prospective
8 purchasers, owners, operators, tenants for the
9 balance of the property.

10 So, what we're attempting to do, in
11 the interim, is provide a center city surface
12 parking area, because not only do we think it's
13 needed, but -- because it is needed --

14 And we've already had -- as I think
15 the CRDA knows, we had the food festival trucks
16 in, which was trying to get a special event
17 permit, but we weren't ready and operational for
18 them.

19 We have airshows coming in, beach
20 concerts coming in.

21 So, we think, based on its
22 location, it's probably centrally located, in
23 doing that, for parking.

24 Jon Barnhart is here. I'll have
25 him sworn in. And he can walk you through the

1 exhibits and we'll go through why we think the
2 use variance is permitted and how we intend to
3 use the lot.

4 Jon?

5 JON BARNHART: Mmm-hmm.

6 LANCE LANDGRAF: Swear him in,
7 Scott?

8 SCOTT COLLINS: Raise your right
9 hand, please. Do you swear to tell the truth,
10 the whole truth, and nothing but the truth in
11 your testimony before this board?

12 JON BARNHART: I do.

13 SCOTT COLLINS: Thank you.

14
15
16
17 JON BARNHART,
18 having been duly sworn in by Scott
19 Collins, Esquire, was examined and
20 testified as follows:

21
22 LANCE LANDGRAF: We can let the
23 record reflect that Mr. Barnhart's been
24 qualified before this board.

25 SCOTT COLLINS: Okay. As an --

1 LANCE LANDGRAF: Engineer and
2 planner.

3 SCOTT COLLINS: -- engineer and a
4 planner.

5

6 EXAMINATION

7 BY BRIAN CALLAGHAN:

8 Q. Jon, why don't you familiarize them
9 with the site and then give them an overview of
10 what we intend to do this morning?

11 A. Okay.

12 Okay. I think Mr. Callaghan had
13 already pointed out, the property is known as
14 Block 47. It's Lots 1 through 18. It is
15 bordered by Martin Luther King, Jr. Boulevard to
16 the right, on this plan, and Indiana Avenue to
17 the left, and is also then bordered by Pacific
18 Avenue to the top of the plan and then the
19 Boardwalk down at the bottom.

20 The site is about eight and a half
21 acres.

22 And the exhibit that you have
23 before you is the -- is the prior Sands Casino
24 development that sat on this parcel for a great
25 number of years.

1 You can see, you know, the Sands
2 main facility to the front. And then to the
3 rear, I'll say ironically or -- we're back --
4 basically, put back a good share of what was
5 here at one point. There was a surface parking
6 lot, which was a -- which was a lot that was for
7 pay. You could pull into that lot and pay to
8 utilize that lot and go use one of the -- one of
9 their -- or go to one of the Boardwalk merchants
10 or the beach or whatever the case may be.

11 As you know, that site -- that site
12 was demolished a good number of years ago, and
13 then sat vacant.

14 And I'll just go to another
15 exhibit. This is another aerial photo, which is
16 the point in which the site became an art
17 feature. It was -- I believe it was known as
18 Artlantic, done by the Atlantic City Alliance.
19 You can see the artwork feature and the vacant
20 nature of the site, although the Boardwalk --
21 all the Boardwalk elements, the buildings along
22 the Boardwalk, remain, and they're still there
23 today.

24 Mr. Callaghan mentioned that the
25 art feature has been since removed. The site is

1 currently vacant and graded.

2 And we're here this morning for the
3 development of a surface parking facility.

4 So, what we're requesting this
5 morning is a site plan approval, together with a
6 use variance, and a variance with regard to tree
7 count, and a waiver for the parking surface,
8 which I'll discuss.

9 But, the proposal is to develop the
10 site as a very regimented --

11 What's going on over here? I guess
12 the screen's --

13 LANCE LANDGRAF: It looks like it's
14 not centered or something.

15 JON BARNHART: Yeah. I don't know.
16 That one's being cut off, but that one's fine.

17 LANCE LANDGRAF: Yes.

18 JON BARNHART: All right. I'll
19 just --

20 Is it all right if I point to one,
21 then?

22 LANCE LANDGRAF: Yes.

23 CHRISTINE COFONE: Sure.

24 JON BARNHART: Okay.

25 It's a regimented parking facility

1 that, you know, basically, encompasses the
2 entire parcel. It bifurcates, a little bit, the
3 Boardwalk stores and the parking behind the
4 Boardwalk stores and becomes a stand-alone
5 parking facility for 703 spaces.

6 We've set the lot up so that it has
7 two forms of egress and ingress off of Martin
8 Luther King Boulevard and it has two forms of
9 ingress and egress off of Indiana Avenue.

10 This lot does go all the way out to
11 Pacific Avenue, as you can see.

12 The perimeter of the lot will be
13 developed with a -- with infiltration --
14 sand-bottom infiltration swales in order to meet
15 the requirements and the needs of the NJDEP
16 stormwater regulations and to promote stormwater
17 quality because of the asphalt that we're
18 proposing.

19 The existing chain link fence that
20 is out there will remain. It is actually a very
21 substantial chain link fence in very, very good
22 condition that was put up as part of the
23 Artlantic project.

24 LANCE LANDGRAF: What chain link
25 was that? It's the black chain link?

1 JON BARNHART: Yes. Yeah. It's
2 black-coated. It's -- it's one of the nicest
3 chain link fences I've ever seen. It's -- it's
4 a substantial fence.

5 LANCE LANDGRAF: The CRDA pays for
6 something.

7 JON BARNHART: Yeah. When you guys
8 paid for that, you got your money's worth.

9 CHRISTINE COFONE: Okay.

10 JON BARNHART: Immediately behind
11 the fence there will be a row of landscape,
12 which will consist of low shrubs interrupted by
13 street trees along all three of the street
14 frontages to beautify the perimeter of the site
15 that will sit behind the fence.

16 Behind that landscape element will
17 be the sand-bottom infiltration basins. And
18 then the parking facility will drain toward
19 those sand-bottom infiltration basins.

20 So, it works out -- it works very
21 nicely. It meets the DEP requirements, but will
22 still give you an aesthetic element along the
23 perimeter of the site.

24 The function of the site will be
25 such that at the -- all the access points will

1 have gates that will be closeable and lockable
2 in the evening. During the day hours, you know,
3 depending on the intensity and the amount of
4 operation, the operator will determine which --
5 which entrances to open.

6 The lot, when it is open, will be
7 attendant controlled. And the number of
8 attendants on the site will be dictated by the
9 events that are happening and -- you know, and
10 the intensity of the use of the facility on --
11 at any given time.

12 Customers that would come to the
13 lot would be able to come by way of Indiana or
14 MLK Boulevard. They will -- when they pull into
15 the lot, they will be immediately approached by
16 an attendant. The attendant will direct them
17 where to park and collect their money -- collect
18 their money. And then they will be able to
19 leave whenever they choose.

20 The site is laid out to meet all
21 the ordinance standards with regard to parking
22 requirements. The stalls are 19 feet deep.
23 They are nine feet wide. The parking area has
24 sufficient handicapped-compliant spaces in
25 accordance with ADA guidelines. All of the

1 parking -- or all of the driveway aisles are a
2 minimum of 24 feet. All of the buffer distances
3 from the parking to the street frontages all
4 comply with the ordinance.

5 The only deviation that we're
6 requesting this morning, really, is that, as we
7 know, stand-alone parking facilities are not a
8 permitted use in the RS-C District. It's
9 interesting because, as we know, there are
10 parking facilities all over the RS-C District,
11 but they are -- they are not permitted.

12 So, we're here requesting a use
13 variance as part of the application this
14 morning.

15 In talking about the justifications
16 of the use variance, when you look at the
17 special reasons that would be advanced with this
18 application, I think, first and foremost, we can
19 -- the special reason A, which is the promotion
20 of the general welfare, is, clearly, advanced
21 with this application. The reason I could say
22 that is because we believe that it advances the
23 purposes of the CRDA Tourism District and the
24 master plan, and we also believe it -- although
25 it's not a permitted use, if you read the

1 definition -- and I always say this, but
2 Miss Cofone always does a great job of doing my
3 homework for me in her reports -- if you look at
4 the definition of the RS-C zoning district, it
5 specifically says: "It is intended to apply to
6 establish resort areas in the city. Its purpose
7 is to provide for the city's main industry,
8 consisting, predominantly, of transient and
9 tourist-oriented uses at such intensity as is
10 justified by the city's limited land resources,
11 high values -- high land values and
12 infrastructure capacity."

13 What we're proposing to do is to
14 develop a parking lot that, in fact, supports
15 that tourist-oriented area by having surface
16 parking that is convenient, is brand new, is
17 safe, is lit, is landscaped, and is only a
18 couple hundred feet from -- from what we believe
19 is the city's gem, being the Boardwalk and the
20 beach.

21 All of the uses on the Boardwalk
22 will have the benefit of people parking here.

23 Obviously, the Polercoaster
24 project, which is just to the top of this plan
25 that was recently approved and will, hopefully,

1 start construction shortly, will be a
2 beneficiary of being able to utilize this lot.
3 The beach-goers will be a beneficiary of
4 utilizing this lot.

5 So, for all of those reasons, we
6 think that the general welfare is clearly
7 advanced with this application.

8 Secondly, I think we can also
9 discuss the promotion of free flow of traffic as
10 a -- as a special reason that advanced -- that
11 this project advances the purposes of zoning.
12 We're providing a parking facility that is --
13 that meets all of the ordinance standards with
14 regard to its dimensional and bulk requirements.
15 It has very simple access by two public rights
16 of way. Those access points are kept clear of
17 Pacific Avenue to make certain we don't create
18 congestion at the intersections. And they're
19 also kept clear of the Boardwalk to make certain
20 that we don't tangle with any loading operations
21 or things that have to happen at the street ends
22 for the Boardwalk merchants.

23 So, I -- we think that the design
24 of the facility as well as providing this
25 additional parking within this tourist area

1 clearly advances that purpose of zoning.

2 With a use variance, we have to
3 talk about site suitability; is this site
4 particularly well suited for the proposed use.
5 Well, I think, if you look at our prior -- our
6 prior land use, you could see that this is a use
7 that's -- that was here for many, many years.
8 And over -- or approximately 50 percent of this
9 site was a surface parking lot and it was -- it
10 was, essentially, utilized as a stand-alone
11 surface parking lot because you could come and
12 pay, just as we are proposing with this
13 application.

14 So, I think the location of the
15 site makes it particularly well suited because
16 it is -- it is gonna be a very convenient
17 parking area to support the surrounding land
18 uses and the Boardwalk. And I think the history
19 of the site shows it is particularly well
20 suited, because it was a parking lot for a
21 number of years.

22 With regard to -- I'm sorry. Just
23 back up for one second.

24 So, based on that testimony, we
25 believe that the positive criteria for this

1 application for the (d) variance is established.

2 With regard to the negative
3 criteria, there are two items that we have to
4 discuss. The first is, is there any substantial
5 detriment to the zone plan or the zoning
6 ordinance.

7 I would argue that --

8 I read the intent and purpose of
9 the RS-C District. We think that this
10 application meets the intent of the zone plan
11 and zoning ordinance because we think that it is
12 entirely in character with the purpose of the
13 RS-C zoning district.

14 And with regard to the ordinance
15 itself, all the bulk standards for a parking
16 facility are met.

17 It's interesting that -- in my
18 opinion, it's interesting that stand-alone
19 parking facilities weren't permitted in the
20 RS-C District because there are so many of them,
21 and they do work well with -- with the uses that
22 are permitted in the district.

23 With regard to the second prong of
24 the negative criteria, that being, is there any
25 substantial detriment to the public good, again,

1 I would argue that this is a benefit to the
2 public. It's for public use. Obviously, it is
3 for pay. It has no negative impact to the
4 surrounding land uses. Many of those parcels
5 are actually owned by the applicant. But, it
6 has no negative impact to the surrounding land
7 uses, and it's available for those uses -- for
8 the customers of those uses to utilize this lot.

9 So, we believe that both the
10 positive criteria are established and the
11 negative criteria are established and that the
12 use variance can be granted with the
13 application.

14 There are a couple other quick
15 items that I want to discuss.

16 Mr. England pointed out, there are
17 some discrepancies in the number of street trees
18 that we show on our plan.

19 What we would -- what we would like
20 to propose is, we have 32 trees shown. We --

21 That's the --

22 And the requirement, I believe, is
23 71? 71 trees are required per the land use
24 ordinance.

25 And I think everybody's familiar

1 with the -- with the issue that street trees in
2 the -- in the beach block are very, very
3 difficult to keep alive. They're very difficult
4 to maintain. So, what we would like to do is
5 cut down to the 32 trees that are -- to the 32
6 trees that are required so that we can focus on
7 the maintenance of them. And, you know, it's
8 just -- it's -- historically, street trees in
9 Atlantic City, especially, have been nearly
10 impossible to maintain. You know, between the
11 salt condition and the wind condition, it's just
12 a very harsh environment. And in our
13 experience, you really have a struggle getting
14 street trees to do very well until you get
15 beyond Atlantic Avenue, in fact.

16 But, having said that, we want to
17 let -- we want the lot to look like, we want --
18 we want it to be beautiful. It is right next to
19 a tremendous development that's gonna take place
20 in the short-term. It is right up on Pacific
21 Avenue. So, we do want to provide some
22 landscaping, and we'll focus our efforts on
23 maintaining that landscaping.

24 And then the second -- the -- or I
25 guess it would be a design waiver that we would

1 request, is, Mr. England's report requests that
2 we increase the thickness of our -- of our
3 proposed pavement section.

4 We have -- we've proposed a
5 four-inch dense graded aggregate base and an
6 inch and a half asphalt base. That is -- I
7 don't want to use the word "substandard," but it
8 is a lesser section than you would -- than you
9 would install for a long-term parking lot.

10 You heard Mr. Callaghan's comments
11 in the beginning that this is -- this is not
12 intended to be a long-term parking lot. There
13 -- they have -- the owner has much grander plans
14 for this property.

15 So, what we would like to do is
16 provide a surface that's functional, safe. It's
17 gonna be nice and stable. And, to be utilized,
18 what it's gonna -- what it is gonna do is it's
19 gonna require maintenance. If, for some reason,
20 the lot should end up lasting for, you know, 15
21 years or something, it's gonna require
22 maintenance or, potentially, repaving, as
23 opposed to providing that 20 or 25-year pavement
24 section initially.

25 So, what we're asking to do is to

1 go to that lesser asphalt section. Because we
2 fully intend that this will be a relatively
3 short-term use for this lot. And it just,
4 obviously, reduces the financial burden. But,
5 in our opinion, it doesn't reduce the quality of
6 the parking lot; it just reduces the longevity
7 of that parking surface into the future.

8 And then, lastly, we want to
9 discuss, briefly --

10 You'll see on this exhibit, we -- I
11 struck two yellow lines. And it divides the lot
12 into thirds. The applicant would like to --
13 would like to -- I'm gonna call it a phasing,
14 but based on -- based on, you know, the way that
15 we're hopeful that this lot's gonna function,
16 these phases may happen relatively fast. But,
17 what we would like to do is build the two
18 parking -- or the two drive entrances and the
19 first piece, up closest to the Boardwalk,
20 immediately, which is 203 spaces. And then,
21 assuming the lot is working well and warrants
22 the additional -- the additional parking would
23 go to the second phase, and then, jump to the
24 third phase. So, the lot is, essentially, split
25 in three.

1 Our clients haven't made a
2 decision. They may come in and build the entire
3 thing in one shot. But, we would like the
4 ability -- and that's why we wanted to put it on
5 the record -- to do it in kind of three spaces,
6 so that they could build those first 203 spaces
7 and get open, and then, you know, start
8 generating revenue, and then continue on to the
9 -- to phases two and three. So, that's
10 something that we would like you to consider
11 this morning as part of the site plan
12 application.

13 LANCE LANDGRAF: Just a question on
14 that, Jon. What would be the barrier that they
15 would put up after they would build that first
16 phase?

17 JON BARNHART: It would be a fence.

18 LANCE LANDGRAF: Okay.

19 ROBERT REID: And what would be the
20 condition of the exposed soil on the other two
21 phases? Because, technically, you have to
22 stabilize that, according to soil erosion
23 requirements.

24 Is that gonna be -- is that gonna
25 be stabilized to comply with that requirement?

1 JON BARNHART: Depending on the
2 time frame of how fast these phases happen, it
3 would have to be, as you said, by --

4 ROBERT REID: Yeah.

5 JON BARNHART: -- by Cape Atlantic.

6 ROBERT REID: Yeah.

7 LANCE LANDGRAF: I've noticed some
8 significant soil erosion coming off there just
9 last week. The streets are filled with muddy
10 water, which is not normal for Atlantic City.

11 JON BARNHART: Right.

12 LANCE LANDGRAF: That's a slight
13 concern.

14 But, I don't have a problem with
15 the phasing of that. That seems reasonable and
16 easily enough done, I think. Right, Bill?

17 WILLIAM ENGLAND: Yeah. I have no
18 problem with it.

19 JON BARNHART: Yeah. The way we've
20 all worked it out is it lays out so that those
21 spaces happen along the head of a -- of a row of
22 parking spaces.

23 LANCE LANDGRAF: Right.

24 JON BARNHART: So, it's very easily
25 controlled and developed that way and doesn't --

1 You can operate the one piece
2 without -- you know, you can start construction
3 on the second piece without any interruption to
4 the first piece. It works well.

5 There are some -- there are some
6 waivers -- some completeness waivers that we've
7 requested that are all identified in the report.

8 We have gone through the ARH
9 report, Miss Cofone's comments and Mr. England's
10 comments, and we can address -- other than the
11 ones that I specifically provided testimony on,
12 the other elements we can all easily address.

13 If there's anything with regard to
14 the other waivers that are enumerated that you
15 -- that you would like specific testimony on, we
16 can certainly supply that.

17 But, I think that pretty much wraps
18 up my testimony, unless anybody has any
19 questions.

20 BRIAN CALLAGHAN: The only thing I
21 would like to add to it is that, as the report
22 indicates, we have filed the redevelopment plan,
23 which would make stand-alone parking lots a
24 permitted use within that redevelopment plan.
25 We are scheduled before city council on July

1 13th and we're scheduled back before the --
2 assuming we get the recommendations out of
3 referral from city council, we're back before
4 the Planning Board on August 2nd, in
5 Atlantic City Planning Board.

6 So, those -- that will be
7 proceeding through.

8 The CAFRA application has been
9 filed with the state of New Jersey, because,
10 once again, we're gonna need a flood hazard
11 permit from them to proceed. We're hoping that
12 we can get -- I don't want to call it a partial
13 CAFRA permit, but that's what we're looking for,
14 based upon the historical nature that there was
15 already parking facilities already on site with
16 the Sands Casino, so that it's not considered a
17 brand new application coming in to them for
18 something that hasn't already been there. So,
19 that's also proceeding as we're -- as we're
20 proceeding here.

21 LANCE LANDGRAF: Okay. Why don't
22 we go to our professionals' report?

23 Bill, do you want to start or --

24 WILLIAM ENGLAND: Yeah. I'll --

25 SCOTT COLLINS: Can I -- can I just

1 say this for a second?

2 LANCE LANDGRAF: Oh. Sorry.

3 SCOTT COLLINS: Let's mark the
4 application materials that we've been referring
5 to as A-1.

6 And we've referred to it a few
7 times, but I think what we're going to discuss
8 in detail, now, is your report. That's the
9 review letter dated June 22nd, 2016. Mark that
10 as B-1.

11 Sorry to --

12 WILLIAM ENGLAND: B-1 or A-1?

13 ROBERT REID: And --

14 SCOTT COLLINS: B-1.

15 WILLIAM ENGLAND: B-1.

16 ROBERT REID: Scott, we should also
17 identify the exhibit of the phasing plan that --
18 you know, that's been added lately.

19 LANCE LANDGRAF: But, that's not --

20 SCOTT COLLINS: That was not part
21 of the materials that were submitted.

22 LANCE LANDGRAF: That's not in the
23 materials.

24 ROBERT REID: Okay.

25 SCOTT COLLINS: Well, then A-2

1 would be the construction phasing.

2 ROBERT REID: We'd like to get an
3 electronic copy.

4 BRIAN CALLAGHAN: Yes.

5 JON BARNHART: All the -- every --
6 I mean, all of the digital exhibits I have here
7 were not part of the submission. So, I guess
8 they'd all be one exhibit?

9 SCOTT COLLINS: Oh. I thought you
10 were just referring to the plans.

11 Okay. Yeah. Let's call them all
12 A-2, will be the electronic exhibits today.

13 ROBERT REID: Please provide us
14 with copies of that.

15 JON BARNHART: Yes. Absolutely.

16 ROBERT REID: In the size that's --

17 JON BARNHART: Can't you guys
18 increase your size as opposed to us? It's tough
19 to make files that small, you know.

20 LANCE LANDGRAF: The --

21 Okay. Bill?

22 WILLIAM ENGLAND: Okay. Thank you,
23 Mr. Chairman. I'll be brief.

24 Most of the comments, I believe the
25 applicant has already accepted.

1 And with respect to the trees and
2 the request -- the waiver to, you know, reduce
3 them down to 32 or 31 trees, depending on how we
4 do the count, I'm okay with that.

5 LANCE LANDGRAF: Okay.

6 WILLIAM ENGLAND: And I understand
7 the issues of the wind and the trees living in
8 this area.

9 And also, based on the
10 representation of the applicant that this is
11 gonna be a temporary parking lot and not a
12 long-term parking that's gonna remain, you know,
13 for quite a few years.

14 So, along with that, the
15 cross-section that they originally proposed, the
16 inch and a half on four, I don't have a problem
17 with that at this point.

18 LANCE LANDGRAF: Okay.

19 WILLIAM ENGLAND: Again, with the
20 fact that they've represented that it is a
21 temporary parking lot.

22 LANCE LANDGRAF: Okay.

23 WILLIAM ENGLAND: And the phasing
24 plan, I have no problems on that. I don't have
25 any objection to that, from an engineering

1 perspective.

2 LANCE LANDGRAF: All right.

3 WILLIAM ENGLAND: Other than that,
4 I have no further comments.

5 LANCE LANDGRAF: Okay. The concern
6 I would have is if the -- if the lot does end up
7 staying. We all want it to be something
8 different. And I'm sure you guys do, too.
9 Higher, better use.

10 Maybe there's something we can put
11 in there that, if it does become a maintenance
12 issue 12, 15 years down the road, that's in the
13 records, that they have to maintain it in a safe
14 and operable --

15 WILLIAM ENGLAND: Yeah. And I
16 think the Atlantic City property code does have
17 a little --

18 LANCE LANDGRAF: Okay. All right.

19 WILLIAM ENGLAND: -- bit of
20 leverage in that respect, too.

21 But, I --

22 You know, not to say that it
23 shouldn't be in the resolution, but let's make
24 sure that --

25 LANCE LANDGRAF: Just to make note

1 of it.

2 WILLIAM ENGLAND: -- it's clear
3 that it's temporary.

4 LANCE LANDGRAF: Yeah.

5 WILLIAM ENGLAND: That's fine.

6 LANCE LANDGRAF: I have a couple
7 questions. And maybe it's, maybe, just some
8 details on the plan.

9 Some of the dimensions. Like the
10 two larger access points closer to the
11 Boardwalk. You know, 50 foot to the outside of
12 the radius of the curbing, but you don't have
13 dimensioned in there --

14 I'm assuming it's 30 feet?

15 JON BARNHART: The drive aisle
16 itself?

17 LANCE LANDGRAF: Well, it's labeled
18 between the parking spaces, but not in the
19 throat, where the access points are.

20 JON BARNHART: You're talking about
21 in here?

22 LANCE LANDGRAF: Yes.

23 JON BARNHART: Yeah. The two
24 larger ones would be 30 feet.

25 LANCE LANDGRAF: Okay. And are

1 there gates going to be put there?

2 JON BARNHART: Yes.

3 LANCE LANDGRAF: Okay. On all
4 four?

5 JON BARNHART: All of the access
6 points will be gated.

7 LANCE LANDGRAF: Okay. Bill, we're
8 good on the -- I'm gonna say on the Martin
9 Luther King side, the driveway there closer to
10 Pacific Avenue, that's okay with that --

11 It looks like there's a driveway
12 access across the street.

13 WILLIAM ENGLAND: Yeah. I looked
14 at that and --

15 LANCE LANDGRAF: We're good?

16 WILLIAM ENGLAND: -- I think we're
17 fine on it.

18 Yeah.

19 LANCE LANDGRAF: Okay. Good. I
20 don't have that -- a problem, either. I just
21 wanted to make sure you took a look at it.

22 WILLIAM ENGLAND: Yep. I saw that.

23 BRIAN CALLAGHAN: Mr. Landgraf, the
24 reason for the access points being gated, we
25 were -- that was part of our discussion last

1 week with Mr. Santoro.

2 LANCE LANDGRAF: I think they need
3 to be gated.

4 BRIAN CALLAGHAN: Right.
5 Absolutely.

6 LANCE LANDGRAF: So...

7 BRIAN CALLAGHAN: So, if we're not
8 --

9 LANCE LANDGRAF: I didn't -- I
10 didn't see a detail on here.

11 BRIAN CALLAGHAN: Right.
12 If we're not operational, we want
13 to have -- make sure --

14 LANCE LANDGRAF: Right.

15 BRIAN CALLAGHAN: -- that they're
16 locked and gated --

17 LANCE LANDGRAF: Absolutely.

18 BRIAN CALLAGHAN: -- so we don't
19 get into the problem with Mr. Santoro then
20 having to find people with -- cooking out there
21 and diapers out there, et cetera.

22 LANCE LANDGRAF: Agreed. I was
23 hoping that they --

24 BRIAN CALLAGHAN: Yep.

25 LANCE LANDGRAF: If you'd just add

1 a detail of the gate on the plan.

2 JON BARNHART: Yes. We will.

3 LANCE LANDGRAF: And label it on
4 each of those points, then it will be gated.

5 I think that's all the comments I
6 had.

7 Bill, you were good with the
8 stormwater? They were all interconnected?
9 That's all at one question in there?

10 WILLIAM ENGLAND: Yeah. We'll --
11 I'll work out any other details with Jon.

12 He has to go through CAFRA. I'm
13 sure there will be some other revisions. And we
14 can coordinate both.

15 JON BARNHART: Yeah.

16 But, they are -- just to let you
17 know, they are all interconnected.

18 WILLIAM ENGLAND: Thank you.

19 LANCE LANDGRAF: Okay. Christine.

20 CHRISTINE COFONE: Jon, thank you.
21 Always a great, comprehensive presentation,
22 addressing all the proofs. So, that's
23 appreciated. Thank you.

24 Just one question. And I'm sorry
25 if I missed the detail on the fence. I know you

1 had testified that you believed it would be an
2 extremely attractive chain link fence, the
3 nicest you've ever seen. Do you have a detail
4 that you could provide us so that your version
5 of the nicest fence and our version of the
6 nicest fence is consistent?

7 JON BARNHART: As far as the -- on
8 the compliance plans?

9 CHRISTINE COFONE: I just need you
10 to submit it.

11 JON BARNHART: Yeah. Sure.

12 CHRISTINE COFONE: I don't think --
13 I didn't see it on the plans.

14 LANCE LANDGRAF: It's there.

15 JON BARNHART: Well, it's there.

16 CHRISTINE COFONE: It is?

17 JON BARNHART: Yeah. That's what
18 I'm saying. It's --

19 LANCE LANDGRAF: We put it up when
20 we did the art park.

21 JON BARNHART: But, we're not --
22 The site is fully fenced. The
23 fence is only a couple years old.

24 CHRISTINE COFONE: Right. And
25 that's the fence that's gonna stay?

1 JON BARNHART: Yes.

2 CHRISTINE COFONE: I'm sorry. I
3 misunderstood you.

4 JON BARNHART: Yeah. Yeah.

5 CHRISTINE COFONE: I thought you
6 were taking that fence down --

7 JON BARNHART: No.

8 CHRISTINE COFONE: -- and putting
9 up another fence --

10 JON BARNHART: No.

11 CHRISTINE COFONE: -- that you felt
12 was more attractive.

13 LANCE LANDGRAF: It's like \$150,000
14 worth of fence there.

15 BRIAN CALLAGHAN: Oh. Absolutely.

16 CHRISTINE COFONE: Correct. Okay.

17 BRIAN CALLAGHAN: I mean --

18 JON BARNHART: Oh, easily. Yeah.

19 BRIAN CALLAGHAN: And what Jon
20 said, I mean, it is. It is the --

21 Other than, possibly, your fence
22 around your building here, which is the same
23 fence, --

24 CHRISTINE COFONE: It's nice.
25 Right.

1 BRIAN CALLAGHAN: -- that is the
2 nicest fence in Atlantic City.

3 CHRISTINE COFONE: Right. Right.

4 WILLIAM ENGLAND: Did I hear you
5 were gonna reimburse them for that fence?

6 LANCE LANDGRAF: That's actually --

7 WILLIAM ENGLAND: I'm kidding.

8 CHRISTINE COFONE: No.

9 I have no further comments.

10 LANCE LANDGRAF: All right. At
11 this point, I'll open it up to the public. Any
12 comments from the public on this application?

13 Elaine? Nothing? Okay. You're
14 our only public most of the time, so...

15 All right. With that, anything
16 from us?

17 ROBERT REID: No.

18 LANCE LANDGRAF: No?

19 We're good?

20 ROBERT REID: It's covered.

21 LANCE LANDGRAF: We're good on our
22 end?

23 All right. I don't know that I'm
24 gonna be able to get this on for the July board
25 meeting. We will try, but we're pretty --

1 It's the 19th, --

2 BRIAN CALLAGHAN: Right.

3 LANCE LANDGRAF: -- and we're
4 pretty close to that.

5 So...

6 We will at least try and run it up
7 that flagpole.

8 So, with that, we'll close the
9 testimony on this matter.

10

11 (This public hearing concluded at
12 10:31 A.M.)

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