

CASINO REINVESTMENT DEVELOPMENT AUTHORITY

LAND USE REGULATION and ENFORCEMENT DIVISION

CORY PARKING, LLC

SEEKING CERTIFICATE OF NON-CONFORMITY TO ALLOW THE
CONTINUED USE AS A FREESTANDING SURFACE

PARKING LOT

BLOCK 156, LOTS 17, 18, 19, 20, 21, 22, 23
18 South Martin Luther King, Jr. Boulevard,
Atlantic City, NJ

CONTINUING APPLICATION

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 10:31 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

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.

NONE

EXHIBITS MARKED AND/OR REFERRED TO:

NONE

1 (Time noted: 10:31 A.M.)

2

3 LANCE LANDGRAF: And we'll start
4 the carryover for the Application 2016-06-1946,
5 the continuation from the 6/30 hearing.

6 And, actually, I'm gonna --

7 Well, Brian, you can start off.

8 Then I'm gonna go right to Rob on it.

9 BRIAN CALLAGHAN: All right.

10 That's --

11 Brian Callaghan, of the law firm
12 Callaghan, Thompson & Thompson, on behalf of 18
13 South Martin Luther King.

14 Just very briefly, we were here
15 last week. We put on the proofs for why we
16 thought that the parking lot could be opened up.
17 We had discussion dealing with RSC versus CBD,
18 Schedule III, the various ordinances that were
19 shown up.

20 We went to Atlantic City. Rob went
21 to Atlantic City. And I'll turn it over to Rob.

22 ROBERT REID: Okay. Yeah. What we
23 -- what we had --

24 In continuation of comments made by
25 Brian, I did review the ordinances that are

1 listed on the Schedule III that was referenced
2 at the last hearing, and found there was no
3 reference to surface parking lots in any of
4 those ordinances relative to the CBD zone.

5 There was one ordinance that talked
6 about prohibiting surface parking lots in an
7 adjoining zone.

8 And based on that, I concluded that
9 the freestanding parking use was a permitted use
10 in 1992, when this subject property actually
11 started being used as a surface parking lot.

12 LANCE LANDGRAF: '92 or '82?

13 ROBERT REID: '82. I'm sorry.

14 1982.

15 LANCE LANDGRAF: Thank you.

16 ROBERT REID: Sorry.

17 So, it does -- it does meet the
18 merits for a certificate of non-conformity.

19 LANCE LANDGRAF: Okay.

20 ROBERT REID: So, that's been
21 confirmed.

22 LANCE LANDGRAF: And that was the
23 whole reason we tabled the application, was to
24 continue that research.

25 It was Mr. Callaghan's contention

1 that it was that way.

2 BRIAN CALLAGHAN: Right.

3 LANCE LANDGRAF: We needed some
4 proof.

5 BRIAN CALLAGHAN: We needed --
6 yeah. We needed to find out whether those
7 ordinances that were listed in that
8 Schedule III -- because there was like an '82
9 ordinance, an '83, an '88 -- whether that had
10 made any changes to the fact of switching a
11 permitted use to a non-permitted use, even
12 though the books, in 2006 and 2011, were still
13 showing it as a permitted use.

14 So, that was -- that was the
15 changeover.

16 LANCE LANDGRAF: Okay. Christine,
17 I don't think you got too much involved in this
18 one with --

19 CHRISTINE COFONE: We did not.
20 Right.

21 LANCE LANDGRAF: Okay. So, with
22 that, we'll amend that -- update that record --
23 not really amend it, but update that record and
24 prepare the hearing officer report accordingly.

25 ROBERT REID: Yeah.

1 LANCE LANDGRAF: It seems like it
2 does comply with the certificate of
3 non-conformity. And that's -- at this point,
4 that's how I'm going to make my recommendation.

5 We found the documentation. That
6 -- that's always good.

7 CHRISTINE COFONE: Right. I would
8 agree without Lance, though. Justin and I --

9 I mean, my firm did prepare --

10 BRIAN CALLAGHAN: Yes.

11 CHRISTINE COFONE: -- a report that
12 was introduced into the record.

13 And I know Justin did update me.
14 And Rob, also, sent us his report, his two-page
15 report that he did, dated June 30th.

16 WILLIAM ENGLAND: Oh.

17 CHRISTINE COFONE: So, we did have
18 an opportunity to review that in advance of
19 today. So, I am familiar.

20 And I would agree with you.

21 LANCE LANDGRAF: Okay.

22 BRIAN CALLAGHAN: And I would just
23 say we mark as an exhibit --

24 I think Rob has -- had a package of
25 all of the various ordinances that were sent

1 back to him, and then he wrote his report, a
2 secondary report. So, if we mark that as a B-2
3 as an -- exhibit-wise, I think we're in good
4 shape then.

5 SCOTT COLLINS: We're actually up
6 to 3.

7 BRIAN CALLAGHAN: B-3.

8 SCOTT COLLINS: Yeah.

9 That's the June 30th?

10 LANCE LANDGRAF: And then we should
11 --

12 SCOTT COLLINS: Yes.

13 LANCE LANDGRAF: -- incorporate
14 your documents into that.

15 ROBERT REID: Okay. I will.

16 LANCE LANDGRAF: So, we'll attach
17 those ordinances as pulled --

18 SCOTT COLLINS: To the memo.

19 LANCE LANDGRAF: -- to this memo,
20 and we'll -- that will be B-3.

21 SCOTT COLLINS: Perfect.

22 LANCE LANDGRAF: You got all that?
23 It's a lot of rigmarole for a
24 surface parking lot.

25 ROBERT REID: A surface parking

1 lot.

2 LANCE LANDGRAF: All right. With
3 that, nothing else on this one, Brian?

4 BRIAN CALLAGHAN: Nothing else.

5 LANCE LANDGRAF: Okay. And I think
6 we're clear here.

7 So, we'll close the hearing on that
8 matter.

9 And the next meeting is July 21st.

10 Do you have any items on the agenda
11 as yet?

12 ROBERT REID: No.

13 LANCE LANDGRAF: Okay. So, we may
14 or may not have a hearing on July 21st.

15 So, we will -- like I said, we will
16 try and get the last application on for the July
17 meeting.

18 BRIAN CALLAGHAN: That would be
19 great.

20 LANCE LANDGRAF: But, I can't make
21 any promises.

22 BRIAN CALLAGHAN: Right.

23 LANCE LANDGRAF: At worst, it will
24 be, you know, for our August meeting.

25 BRIAN CALLAGHAN: Thank you once

1 again.

2 LANCE LANDGRAF: All right. Thank
3 you.

4 ROBERT REID: Thank you.

5 CHRISTINE COFONE: Thank you.

6 LANCE LANDGRAF: If nothing else,
7 we'll close this hearing.

8 And have a great weekend, everyone.

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10 (This public hearing concluded at
11 10:36 A.M.)

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I further certify that I am neither an attorney nor counsel of any of the parties in the subject proceedings, nor a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in the outcome of the subject proceedings.

A handwritten signature in cursive script, reading 'Karen A. Haworth', is written over a horizontal line.

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