

**CASINO REINVESTMENT DEVELOPMENT AUTHORITY**

**LAND USE REGULATION and ENFORCEMENT DIVISION**

POLO NORTH COUNTRY CLUB, INC.

THE APPLICANT IS SEEKING AMENDED SITE PLAN APPROVAL TO REOPEN THE FORMER REVEL FACILITY WITH CHANGES TO THE SITE CIRCULATION PLAN AND THE ADDITION OF A ROPES COURSE. THE ROPES COURSE IS TO BE LOCATED IN THE CURRENT PORTE-COCHERE AREA, WHICH IS THE EXISTING MAIN ENTRANCE VALET DROP-OFF AREA. THE VALET DROP-OFF AREA IS TO BE MOVED TO THE EXISTING



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1 VALET PICK-UP AREA. THE CHANGES INCLUDE  
2 REDIRECTING THREE LANES OF TRAFFIC FROM THE  
3 EXISTING MAIN ENTRANCE TO ONE LANE OF TRAFFIC AT  
4 THE CURRENT FACILITY EXIT. THIS WILL REQUIRE  
5 CHANGING THE EXISTING THREE-LANE EXIT FROM THE  
6 FACILITY TO A ONE-LANE ENTRANCE WITH TWO EXIT  
7 LANES. ALL SELF-PARK TRAFFIC WILL CONTINUE TO  
8 ENTER THE PARKING GARAGE AT THE MAIN ENTRANCE.

9  
10 BLOCK 62, Lots 1, 2, BLOCK 68, LOT 3.02  
11 500 Boardwalk, Atlantic City, NJ  
12  
13  
14

15 Thursday - August 18, 2016  
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16  
17 Public hearing in the  
18 above-referenced matter, taken at the CASINO  
19 REINVESTMENT DEVELOPMENT AUTHORITY, 15 South  
20 Pennsylvania Avenue, Atlantic City, New Jersey,  
21 before Karen A. Haworth, a New Jersey Certified  
22 Court Reporter (CCR), nationally certified  
23 Registered Professional Reporter (RPR),  
24 nationally certified Certificate of Merit holder  
25 (CM), nationally certified Certified Realtime

1 Reporter (CRR), a Delaware Certified Shorthand  
2 Reporter (CSR), nationally certified Certified  
3 LiveNote™ Reporter (CLR), and Notary Public of  
4 the State of New Jersey, on the above date,  
5 commencing at 10:04 A.M., there being present:  
6  
7  
8

9 APPEARANCES:

10 CASINO REINVESTMENT DEVELOPMENT AUTHORITY:  
11

12 PAUL G. WEISS, ESQUIRE

Chief Legal Officer

13 Chairman  
14  
15

16 ROBERT L. REID

Land Use Enforcement Officer  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 PROFESSIONALS TO THE BOARD FOR THIS HEARING:

2  
3 SCOTT G. COLLINS, ESQUIRE  
RIKER, DANZIG, SCHERER, HYLAND  
4 & PERRETTI, ESQUIRES  
5  
6

7 JUSTIN E. AUCIELLO  
COFONE CONSULTING GROUP, LLP  
8 Professional Planner  
9  
10

11 WILLIAM ENGLAND  
ADAMS, REHMANN & HEGGAN  
12 Professional Planner  
Professional Engineer  
13  
14  
15  
16  
17

18 COUNSEL FOR THE APPLICANT:  
19

20 NICHOLAS F. TALVACCHIA, ESQUIRE  
COOPER, LEVENSON, APRIL, NIEDELMAN &  
21 WAGENHEIM  
Attorney for the Applicant  
22  
23  
24  
25

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1 (Time noted: 10:04 A.M.)

2

3 PAUL WEISS: I'd like to call to  
4 order the Casino Reinvestment Development  
5 Authority, Land Use Regulation and Enforcement  
6 Division hearing for August 18th, 2016.

7 Please rise and join me in the  
8 Pledge of Allegiance.

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

11 PAUL WEISS: Okay. On today's  
12 agenda, there is one item scheduled. It's  
13 application 2016-07-1988. The applicant is  
14 Polo North Country Club, Inc. The address is  
15 500 Boardwalk. It's Block 62, Lots 1 and 2, and  
16 Block 68, Lot 3.02, as recorded on the tax maps  
17 of the City of Atlantic City. This is in the  
18 Resort Commercial Development District.

19 The purpose of this hearing is that  
20 the applicant is seeking amended site plan  
21 approval to reopen the former Revel facility,  
22 with changes to the site circulation plan and  
23 the addition of a ropes course. The ropes  
24 course is to be located in the current  
25 porte-cochere area, which is the existing main

1 entrance valet drop-off area of the former  
2 facility.

3 The valet drop-off area is to be  
4 moved to an existing valet pick-up area.

5 The changes include redirecting  
6 three lanes of traffic from the existing main  
7 entrance to one lane of traffic at the current  
8 facility exit. This will require changing the  
9 existing three-lane exit from the facility to a  
10 one-lane entrance with two exit lanes. And all  
11 self-park traffic will continue to enter the  
12 parking garage at the main entrance.

13 That's just a brief summary of what  
14 we're here to discuss today.

15 Is the applicant represented?

16 NICHOLAS TALVACCHIA: Yes,  
17 Mr. Weiss.

18 PAUL WEISS: Okay. Mr. Talvacchia,  
19 we'll let you go through and provide testimony  
20 on the applicant's behalf. So, the floor is  
21 yours.

22 NICHOLAS TALVACCHIA: Thank you.

23 Good morning, everyone. For the  
24 record, Nick Talvacchia, Cooper, Levenson, on  
25 behalf of Polo North, the applicant, and the

1 owner of the formal Revel Casino Hotel.

2 With me is Mr. Straub, although I  
3 do not expect him to testify today. We have our  
4 traffic consultant, Dave Shropshire, who I do  
5 expect to provide the bulk of the testimony. We  
6 also have Mr. Ponzio, who is a planner, and  
7 Mr. Barnhart, who is an engineer and planner.  
8 And they're available for any questions that  
9 might arise.

10 So, we can swear them all in either  
11 now or later or as they come up.

12 PAUL WEISS: Why don't we just  
13 swear in your witnesses now, Mr. Talvacchia?

14 NICHOLAS TALVACCHIA: Sure. So we  
15 have the three witnesses. If you'd get up.

16 SCOTT COLLINS: I'll do you each  
17 one at a time, though, because you're going to  
18 be testifying as witnesses.

19 Let's start with you, Mr. Ponzio.  
20 Would you raise your right hand and state your  
21 name?

22 MALE MEMBER FROM THE AUDIENCE:  
23 Arthur Ponzio.

24 SCOTT COLLINS: And do you swear to  
25 tell the truth, the whole truth and nothing but



1 the truth in your testimony before this board?

2 ARTHUR PONZIO: I certainly do.

3 SCOTT COLLINS: Thank you.

4 ARTHUR PONZIO: Thank you.

5 SCOTT COLLINS: Would you state  
6 your name, please?

7 MALE MEMBER FROM THE AUDIENCE:  
8 David Shropshire.

9 SCOTT COLLINS: Very good.

10 Do you swear to tell the truth, the  
11 whole truth and nothing but the truth in your  
12 testimony before this board?

13 DAVID SHROPSHIRE: I do.

14 SCOTT COLLINS: Thank you.

15 Mr. Barnhart.

16 MALE MEMBER FROM THE AUDIENCE: Jon  
17 Barnhart.

18 SCOTT COLLINS: Do you swear to  
19 tell the truth, the whole truth and nothing but  
20 the truth in your testimony before this board?

21 JON BARNHART: I do.

22 SCOTT COLLINS: Thank you.

23 NICHOLAS TALVACCHIA: Okay.

24 PAUL WEISS: Mr. Talvacchia, one  
25 thing, if I may, just as a housekeeping matter,

1 not to be overlooked. Has the applicant  
2 satisfied the notice requirements under the  
3 Municipal Land Use Law?

4 NICHOLAS TALVACCHIA: I submitted  
5 my affidavit to that effect. We published in  
6 the Press. We provided notice to the list  
7 provided to us by the CRDA, and we have all the  
8 white slips. We submitted my affidavit.

9 So, I believe we have.

10 PAUL WEISS: Mr. Reid, have you  
11 received the proper proofs of service you need  
12 from the file for this application?

13 ROBERT REID: Yes. We have  
14 received Proof of Service, and I've reviewed it,  
15 and it appears we have jurisdiction to hear this  
16 application.

17 PAUL WEISS: Okay. Thank you.

18 Please proceed, Mr. Talvacchia.

19 NICHOLAS TALVACCHIA: Thank you.

20 So, as you indicated, Mr. Weiss,  
21 when Mr. Straub --

22 The main part of this application  
23 is about a change in circulation for valet  
24 guests, arriving guests. The current plan has  
25 everybody, valet, arriving at what we'll call

1 the main porte-cochere area, next to the garage.

2 Mr. Straub, when he first bought  
3 the building, determined that it's -- it's windy  
4 and it's not an ideal environment for guests to  
5 be dropped off. And, in fact, we were there  
6 last week, in August, and it was windy.

7 So, there is a current and always  
8 has been a valet pick-up inside the building.  
9 And Mr. Straub looked at it and said, you know,  
10 I'd like to make that, also, the valet drop-off.

11 So, that's what this application is  
12 about. It's about adding valet drop-off to the  
13 valet pick-up area inside the building so you're  
14 protected from the elements.

15 Another part of the application is  
16 to add the ropes course, which is a permitted  
17 use in this type of building. I believe your  
18 planner opined to that.

19 And the current porte-cochere area  
20 will be abandoned for vehicular use. Only the  
21 part near Oriental Avenue, where cars enter the  
22 garage, will remain for vehicles. The balance,  
23 in toward the Boardwalk, will be closed off.  
24 And eventually, it will be developed with other  
25 amenities, but, for today, it's only the ropes

1 course.

2 So, I'm going to have  
3 Mr. Shropshire qualified as a traffic engineer  
4 expert.

5 But, the essence of the application  
6 is to move traffic from Revel Boulevard, or  
7 former Connecticut Avenue, turn left on Oriental  
8 -- this is only for the valet -- and then turn  
9 right into what is former Massachusetts Avenue,  
10 the so-called tunnel.

11 Now, a couple of points.

12 The original application was  
13 approved for 4,000 rooms. The traffic study  
14 showed 4,000 rooms and a 155,000 square foot  
15 casino. The rooms are going to be no more than  
16 1,899.

17 If we ever build a second tower, as  
18 a condition of approval, we would come back to  
19 this board for that tower. But, that's not on  
20 the table today.

21 So, we have almost a -- more than a  
22 50 percent reduction in rooms.

23 The casino is going to be a hundred  
24 thousand square feet instead of the 155,000 that  
25 was approved.

1                   So, there are two significant  
2           changes from what was approved in '08. The  
3           market has changed, and that's just a reality of  
4           the marketplace.

5                   And we'll have Mr. Shropshire do  
6           that.

7                   Mr. Shropshire has analyzed the  
8           traffic study from 2007, 2008 that the --  
9           actually, the Atlantic City Planning Board had  
10          reviewed and approved, and he'll go over that  
11          testimony.

12                   We've also had comments from your  
13          engineer, Mr. England, and he made a suggestion  
14          to keep the traffic from Revel Boulevard to  
15          Oriental one lane rather than two lanes. We  
16          concur with that. So, we are not proposing to  
17          change Oriental Avenue to two eastbound lanes.  
18          We're going to leave it at one eastbound lane,  
19          per Mr. England's suggestion. And I think that  
20          addresses a number of his comments.

21                   We also have no comments at all  
22          with respect to the report, the joint report,  
23          that was issued. We accept all the comments.

24                   And, you know, the suggestion he  
25          had made to us is to try to keep it one lane on

1 Oriental. He thinks that will reduce any  
2 potential confusion among drivers jockeying from  
3 one lane to the next.

4 So, we concur with that. We looked  
5 at that. And we actually have a revised plan  
6 today showing that detail.

7 Now, that doesn't change the  
8 internal operation; it just changes how the  
9 street system works, which, really, is not under  
10 our jurisdiction anyway; it was just our  
11 suggestion. That's, ultimately, CRDA and/or the  
12 city determines how that finally looks. But,  
13 that's --

14 We concur that it should be one  
15 lane. And the capacity is sufficient to handle  
16 the traffic.

17 So, I think I've covered the points  
18 I wanted to cover.

19 This, of course, is a permitted  
20 use, which is a small point. This is subject to  
21 the amended Revel redevelopment plan, which  
22 copies amending the standards from the RS-C  
23 zone, but its its own plan.

24 So, with that, if you're okay,  
25 Mr. Weiss, I'll bring up Mr. Shropshire.

1 PAUL WEISS: That's fine.

2

3 DIRECT EXAMINATION

4 BY NICHOLAS TALVACCHIA:

5 Q. Mr. Shropshire, I'd like --  
6 First of all, you've been sworn.  
7 Correct?

8 A. Correct.

9 Q. Now, can you give the board a  
10 little bit of your background and what qualifies  
11 you as an expert in traffic engineering?

12 A. I'm a professional engineer,  
13 professional planner in the state of New Jersey,  
14 specializing in traffic engineering and trench  
15 basin planning. I've been working since the  
16 early-'80s and have had my own firm for the last  
17 16 years.

18 We do traffic assessments and have  
19 done a number of them in Atlantic City. And  
20 I've represented clients before not only this  
21 body, but about 200 different municipalities  
22 throughout the state of New Jersey.

23 Q. Have you been qualified as an  
24 expert in traffic engineering in the past?

25 A. Yes.

1           Q.       On how many occasions,  
2       approximately?

3           A.       2,000.

4                   NICHOLAS TALVACCHIA:   And I think  
5       the board is familiar with Mr. Shropshire's  
6       credentials, so, without objection, I offer him  
7       as an expert in traffic engineering.

8                   PAUL WEISS:   The CRDA acknowledges  
9       the qualifications of your witness.

10                  NICHOLAS TALVACCHIA:   Thank you.  
11       BY NICHOLAS TALVACCHIA:

12           Q.       So, Mr. Shropshire, I mean, Jon is  
13       going to operate --

14                   We have the screen here.

15                   So, this is just an aerial to give  
16       people an overview.  It's not really designed  
17       for any other purpose other than orienting  
18       people.

19                  SCOTT COLLINS:   Can I just  
20       interrupt with an administrative matter?

21                   Are you going to have a lot of  
22       exhibits that you're going to be referring to?

23                  JON BARNHART:   Four or five.

24                  NICHOLAS TALVACCHIA:   Yeah.

25                  SCOTT COLLINS:   Okay.  Any other



1       than -- anything other than what's included in  
2       the --

3                   NICHOLAS TALVACCHIA:   Yes.   We did  
4       restripe the streets, per Mr. England's  
5       suggestion, to show just one lane on Oriental  
6       rather than two eastbound lanes.   So, that's  
7       part of what we're going to show you.

8                   SCOTT COLLINS:   Okay.   So, let's  
9       mark the application materials themselves A-1,  
10      and then, as we go through, let's try and be a  
11      little more specific --

12                  NICHOLAS TALVACCHIA:   Okay.   So...

13                  SCOTT COLLINS:   -- as to what we're  
14      referring to.

15                  NICHOLAS TALVACCHIA:   That's A-1.

16                  We'll call this A-2.   Simply, an  
17      aerial of the Revel site.

18      BY NICHOLAS TALVACCHIA:

19                  Q.       Does that fairly depict the site,  
20      Mr. Shropshire, from your observation?

21                  A.       Yes.

22                  Q.       Okay.   So, we can go to the next  
23      slide.   I don't think there's anything we need  
24      to talk about on this slide.   It's just for  
25      orientation.

1 All right. Now, this is the plan,  
2 I believe, that --

3 NICHOLAS TALVACCHIA: We submitted  
4 the package, Jon? Is that correct? Okay.

5 BY NICHOLAS TALVACCHIA:

6 Q. So, Mr. Shropshire, I would ask you  
7 to take the board through the proposed changes,  
8 the proposed amendment to site plan that we're  
9 here for today.

10 A. Yeah. The original plan was to  
11 alter Connecticut or Revel Boulevard as it  
12 approaches the self-parking area and the former  
13 porte-cochere to provide a dual left turn lane  
14 on Connecticut and convert the through lanes.

15 Mr. England had a suggestion to  
16 maintain the existing one lane in each direction  
17 or -- on Oriental Avenue, which was the first  
18 thing that was evaluated with regard to would  
19 there be sufficient capacity, with one lane on  
20 Oriental, to accommodate the new valet lane  
21 that's coming inbound, opposite Massachusetts  
22 Avenue.

23 As you probably know, currently,  
24 there's three outbound lanes coming from the  
25 property to Massachusetts Avenue. We will

1 maintain two of those outbound lanes, have one  
2 converted to an inbound lane for valet.

3 I looked at the traffic study that  
4 was produced back in 2006, 2007, looked at the  
5 volumes that were being generated for the full  
6 build-out of a 4,000-room casino hotel, prorated  
7 them for the proposed number of rooms, and came  
8 up with an estimate of somewhere between 650 to  
9 750 directional vehicles during a peak hour to  
10 and from the casino hotel.

11 With that volume, we then tried to  
12 determine what the valet component of that would  
13 be to determine whether this one lane would work  
14 on the inbound side and whether we needed two  
15 lanes on Oriental Avenue to make that work.

16 There are approximately a little  
17 bit less than 20 percent of the overall parking  
18 spaces within the garage of over 7,600 spaces --  
19 7,700 spaces that are designated for valet. So,  
20 the original idea was about -- a little less  
21 than 20 percent of the traffic that we generated  
22 on a -- on a maximum-type event would be  
23 valet-oriented.

24 Putting that 20 percent to 650 to  
25 670 -- or 650 to 750 vehicles, about 150 valet

1 vehicles are going to be coming in during a  
2 typical peak hour within that lane.

3 From that volume, Oriental Avenue,  
4 with one lane, is more than sufficient to  
5 accommodate that inbound movement.

6 And, therefore, we were able to  
7 accommodate Mr. England's suggestion to maintain  
8 one lane in each direction on Oriental Avenue.  
9 And that's shown on the revised plan that we put  
10 together.

11 JON BARNHART: Should I show that?

12 DAVID SHROPSHIRE: Yeah. You might  
13 as well show that.

14 NICHOLAS TALVACCHIA: Scott, now,  
15 are we going to name this as a separate exhibit  
16 because it's new?

17 SCOTT COLLINS: Yes. Definitely.

18 NICHOLAS TALVACCHIA: So, we'll  
19 call this A- --

20 SCOTT COLLINS: In fact, let's go  
21 back one.

22 The one that you were just  
23 referring to --

24 NICHOLAS TALVACCHIA: Yeah.

25 SCOTT COLLINS: -- would be A-3,

1 and that was sheet C-1 of the original --

2 NICHOLAS TALVACCHIA: Okay. So,  
3 the application package is A-1. The aerial is  
4 A-2.

5 SCOTT COLLINS: A-3 is the one that  
6 we just looked at.

7 NICHOLAS TALVACCHIA: The original  
8 submission, which is part of your submission  
9 package. Okay.

10 SCOTT COLLINS: Yeah.

11 NICHOLAS TALVACCHIA: And then A-4  
12 will be the revised circulation plan showing --  
13 which shows one lane of traffic on Oriental in  
14 the eastbound direction rather than two.  
15 Correct?

16 DAVID SHROPSHIRE: Correct.

17 NICHOLAS TALVACCHIA: Okay. So,  
18 that's A-4.

19 SCOTT COLLINS: Okay. Thank you.

20 DAVID SHROPSHIRE: It also shows  
21 several other suggestions/modifications. And,  
22 again, following some of the comments that were  
23 in Mr. England's letter, we have shown advanced  
24 signing changes along Revel Boulevard,  
25 connected.

1                   There's existing overhead signs,  
2           and we've shown some modifications to those  
3           signs so that if you're inbound, you're going to  
4           valet, you're getting to the left lane so that  
5           when you get to the designated left turn lane at  
6           Oriental Avenue, you know that's where you're  
7           supposed to be as a valet patron.

8                   So, all that signage changes have  
9           been done to the three overhead signs  
10          approaching the intersection.

11                   We've also changed the actual lane  
12          designation signs right at the intersection.  
13          So, that's shown on this plan.

14                   And then there's --

15                   For that inbound lane, the valet  
16          lane, we're looking at whether the --

17                   There's a radius increase that will  
18          need to be provided to safely accommodate the  
19          right turn movements from Oriental Avenue into  
20          the new inbound valet lane only.

21                   So, those are --

22          BY NICHOLAS TALVACCHIA:

23                   Q.       And that's a condition of  
24          Mr. England's report. If that radius has to be  
25          adjusted, it will. Correct?

1           A.       Correct.

2                   Mr. England specifically said to  
3       put together a -- turning templates on all of  
4       these movements and, as a condition of approval,  
5       that will be provided. So, there probably will  
6       be some additional tweaking that's done to this  
7       plan on the exterior to the site related to  
8       those types of issues when we put the turning  
9       templates on it.

10           Q.       And, Dave, just to -- so we don't  
11       go too far into the valet, the two center lanes  
12       will be signed how on Revel Boulevard?

13           A.       The two center lanes will be  
14       through movements going to the self-parking  
15       entrance to the garage.

16                   And as you can see, there's been a  
17       striping change. Again, the recommendation that  
18       came out of Mr. England's report. So that those  
19       two through lanes are designated into the two  
20       lanes entering the self-parking garage. So,  
21       restriping will be done on the inside to make it  
22       all work.

23           Q.       And then --

24           A.       And then the last lane or the  
25       outside lane on Connecticut will be a designated

1 right turn lane to turn onto Oriental Avenue.

2 Q. So, that's the four lanes.

3 A. That's correct.

4 Q. Okay. Now, getting back to --

5 So, the garage will still function  
6 as it -- function as it was originally approved,  
7 in terms of cars entering the garage directly  
8 from Revel Boulevard?

9 A. That's correct.

10 Q. And that's --

11 Over 80 percent of the car traffic  
12 will use the garage?

13 A. Based on the percentage within the  
14 garage. Correct.

15 Q. Okay. So, if you could continue,  
16 then, on how the revised valet circulation would  
17 work.

18 A. Well, in terms of the revised valet  
19 circulation, you come in the valet, one lane in,  
20 and then we have the ability to widen that out,  
21 once we reach the valet area, to two lanes. So,  
22 cars can separate out at that point.

23 And then there's two inbound lanes  
24 into that valet area; a circular motion around  
25 in the counterclockwise direction, with four



1       lanes available for the valet function itself,  
2       along with a bypass capability for anyone that's  
3       either exiting from the valet area in the garage  
4       or circulating around back to go into valet,  
5       into the garage.

6               So, it's, basically, a one-way  
7       circulation system for the valet function and  
8       then interconnections into the garage with  
9       movements in both directions.

10            Q.       So, there's free connection from  
11       the valet area into the garage through existing  
12       tunnel -- what I'll call tunnels, I guess?

13            A.       Correct.

14            Q.       And within the garage itself,  
15       there's, basically, a tremendous amount of  
16       queuing capacity, if necessary?

17            A.       Correct.

18               One of the things that --

19               We were having a discussion with  
20       Mr. England about his review letter, and one of  
21       the things that was asked for specifically is,  
22       okay, how much capacity is there, today, for the  
23       valet area and what are we proposing, in terms  
24       of reduction to that area, because there is a  
25       reduction. And there's about a 70 percent

1 reduction in terms of the overall area for  
2 queuing vehicles within this valet area.

3 The flexibility that we have is, we  
4 have a fairly substantial garage that's fairly  
5 underutilized, and especially on that ground  
6 level, to do some traffic management ideas,  
7 which, again, are suggested to -- not a  
8 recommendation, but something that was a  
9 condition of approval. We will be providing a  
10 traffic management plan update to what was  
11 originally done to demonstrate how, during  
12 events, where the traffic intensity may be a  
13 little bit greater, how we can use some of the  
14 garage's capacity to queue additional vehicles,  
15 store additional vehicles for that valet  
16 function.

17 So, those elements will all be part  
18 of the traffic management plan update that was  
19 requested as a condition of approval.

20 Q. Now, you had -- you had mentioned  
21 there's a reduction in the -- what I'll call the  
22 parking capacity in the valet area. But,  
23 there's still a significant queuing area from  
24 Oriental in. Correct?

25 A. Absolutely. There's over 600 feet

1 from Oriental, in, to where the beginning of the  
2 valet area would be. And as I said, there's the  
3 ability to increase that to two lanes. So,  
4 there's actually, for part of it, more than a  
5 two-lane -- or more than a one-lane capacity.

6 So, it's a -- it's a fairly  
7 substantial area. I don't see any issues with  
8 regard to standard operations. 150 vehicles in  
9 that valet lane, in effect.

10 The critical component of any valet  
11 operation is how many people you have there,  
12 doing the valet. So, there has to be the right  
13 staffing of that and the right operation of that  
14 to make sure that it flows.

15 Q. You're aware of the previous  
16 traffic management plan approved for this  
17 project?

18 A. That's correct.

19 Q. And there's a recommendation to  
20 update it for this. And we will agree to do  
21 that?

22 A. Yes.

23 Q. As a condition of approval.

24 And that's a standard booklet of  
25 how you operate any facility. Right?

1           A.       Yeah, it is.

2                   And when we say "standards," what  
3 we have been finding in our profession is  
4 traffic and parking management plans are a  
5 dynamic thing, because conditions change and  
6 adjustments need to be made.

7                   Most of those adjustments are made  
8 on the ground.

9                   I think the purpose of updating  
10 this traffic and parking management plan will be  
11 to show options for like increased intensity,  
12 especially related to events here; how the  
13 garage capacity can be utilized as part of the  
14 valet operation to make it all work.

15           Q.       In other words, if, for some  
16 reason, traffic were backing into the tunnel,  
17 cars could be, by the valet people, directed  
18 into the garage and they can actually loop  
19 around in the garage and go back so -- to create  
20 substantially greater capacity, if that were  
21 ever to occur?

22           A.       Correct. Exactly right.

23                   And then, also, you know,  
24 components of the plan to separate out where the  
25 taxis, limos are coming in and how that works to

1       --

2               Q.       Let's talk about that, because we  
3       have a comment from a Bella neighbor.

4                       Taxis will be directed down New  
5       Jersey now and park -- and stage -- not park,  
6       but stage in the garage ground floor?

7               A.       Correct.

8               Q.       And there will be a mechanism;  
9       either some kind of a light or, you know, a  
10      vocal system when the -- and when a taxi is  
11      needed, they will be called down to the valet  
12      area?

13              A.       Correct.

14              Q.       So, we'll internalize all that --

15              A.       Yeah. We were hearing comments  
16      with regard to honking horns and things that  
17      were occurring out on the street or in the  
18      existing porte-cochere, which, basically, is  
19      functioning as a tunnel, where, those type  
20      issues, we believe we can address them through  
21      having the taxi staging area within the garage  
22      proper itself. Then, basically, you're  
23      containing the noise and containing that  
24      operation.

25                      PAUL WEISS: Mr. Talvacchia, just

1 to get some clarification on your expert's  
2 testimony, are you testifying as to a  
3 previously-approved traffic plan in the porte,  
4 or has the applicant actually conducted and is  
5 going to submit its own traffic plan analysis  
6 and report?

7 NICHOLAS TALVACCHIA: No. What  
8 we're --

9 We've analyzed the original Revel  
10 plan and then analyzed it in terms of the  
11 projected flows of traffic.

12 What we're proposing to submit new  
13 is the traffic management plan that management  
14 will use to staff and -- where cars will go, you  
15 know, to cover special events. That's a  
16 standard document that many facilities use; how  
17 does management manage traffic; valets,  
18 self-park.

19 And there's one that was approved  
20 for Revel back in '07, '08, and Mr. England  
21 asked us to update it, and we've agreed to do  
22 that.

23 DAVID SHROPSHIRE: There's actually  
24 one more component to that, also. Mr. England  
25 specifically asked for traffic analysis updates

1 at -- I think, at a minimum, the Oriental  
2 intersections. And I would suggest also the  
3 Pacific intersections related to the existing  
4 traffic signal timing.

5 As we were discussing this, there  
6 may be some issues with power outages, changing  
7 the background cycle lengths and the way that  
8 those signals communicate with each other. We  
9 certainly don't want to have something  
10 malfunctioning and not be operating in the way  
11 that it was intended to operate for a much  
12 larger facility and assure that that is done  
13 correctly for this revised operation.

14 PAUL WEISS: And so when does the  
15 applicant anticipate submitting that written  
16 update to the authority?

17 NICHOLAS TALVACCHIA: About two  
18 weeks? Three weeks? I don't know.

19 DAVID SHROPSHIRE: Yeah. It's  
20 probably going to take about a month. Because  
21 part of that -- and again, something that we can  
22 agree to, as Nick said -- is to not only get  
23 input from the Atlantic City police, but the  
24 Atlantic City traffic folks and kind of have a  
25 comprehensive analysis.

1                   And we've also heard some comments,  
2     before the hearing this morning, from neighbors  
3     related to input that we would need on the  
4     safety side of things.

5                   NICHOLAS TALVACCHIA: But, the --  
6                   From a land use perspective, our  
7     obligation is to ensure that access in and out  
8     of the property is safe.

9                   There's not a capacity issue,  
10    because it's a permitted use. So, off-site  
11    traffic impacts are really not an issue here,  
12    although you want to try to make it as smooth as  
13    possible.

14                  Really, the board's authority,  
15    under the case in 1978 -- it goes way back -- is  
16    the -- I had it on the top of my head -- is to  
17    ensure that access in and out is safe. That's  
18    the goal here.

19                  And he is testifying -- I don't  
20    want to put words in your mouth, but will we be  
21    able to get cars in here and out of here without  
22    queuing on public streets?

23                  THE WITNESS: If it's managed  
24    properly, absolutely. And that's going to be  
25    part of a traffic management plan.



1 BY NICHOLAS TALVACCHIA:

2 Q. Okay. Now, "managed properly." Is  
3 that true of any facility that has a significant  
4 amount of --

5 A. Well, you know, we were talking  
6 about this a little bit before. There's --  
7 there's some places where you can't even manage  
8 it properly because it's just so tight. This --

9 We've got a lot of flexibility not  
10 only in what is being shown in terms of that  
11 valet entrance area, with its length and its  
12 distance, but within the garage proper, in terms  
13 of having event storage capability within the  
14 garage for those types of movements. So, it's  
15 -- there's a lot of flexibility here.

16 PAUL WEISS: And if I may, just to  
17 try to understand something that Mr. Shropshire  
18 testified to, if the -- if the traffic  
19 management plan is not properly implemented, the  
20 safety valve -- and those are my words, not  
21 yours -- is that you're going to cause people  
22 who -- cars who want to valet park to come up  
23 into the facility, go into the garage, then come  
24 back out onto Oriental Avenue and then come back  
25 around to the valet? Is that --

1 Am I misunderstanding what you  
2 testified to?

3 THE WITNESS: You --

4 Yeah. Actually, I'm sorry if I  
5 didn't explain that better.

6 There's actually capacity within  
7 the garage and interconnections within the  
8 garage to have them loop back into the passenger  
9 side drop-off area of the valet. So, in effect,  
10 you've just doubled or tripled the storage  
11 length within the garage during those events.

12 NICHOLAS TALVACCHIA: So, from my  
13 --

14 PAUL WEISS: Okay.

15 NICHOLAS TALVACCHIA: Yeah. From  
16 my --

17 Okay. We're talking about cars  
18 coming in off of the new Massachusetts. If it  
19 starts to back out, those cars can be pushed  
20 into the garage and then looped around in the  
21 garage itself.

22 PAUL WEISS: Inside the garage  
23 proper, --

24 NICHOLAS TALVACCHIA: Yes.

25 PAUL WEISS: -- and then they come

1 back around where the --

2 NICHOLAS TALVACCHIA: The drop-off  
3 is.

4 PAUL WEISS: -- former, I guess --

5 NICHOLAS TALVACCHIA: It will still  
6 be the pickup, but it's also the drop-off now.  
7 The area where the loop occurs.

8 PAUL WEISS: Right.

9 NICHOLAS TALVACCHIA: Right.

10 So, that --

11 You can see the interconnections.

12 So, that is a great advantage that this property  
13 has. It has so much --

14 It's a 20-acre site. It has so  
15 much ground floor space in that garage.

16 And the garage is way oversized, at  
17 7,758 spaces. And that was designed for 4,000  
18 rooms that we don't have.

19 So, there is tremendous opportunity  
20 to take that first level and use it for  
21 circulation.

22 That's the only point. The room is  
23 there to keep traffic off the public streets,  
24 which is what our obligation is. And it's your  
25 obligation to ensure that we can do that from

1       our physical design.

2                   SCOTT COLLINS: While you mention  
3       that, if I can just interrupt for a second.

4                   I know a lot of people in the room  
5       are familiar with the original approval and some  
6       people aren't. For purposes of the record, the  
7       2008 approval was for how many rooms?

8                   NICHOLAS TALVACCHIA: 4,000.

9                   SCOTT COLLINS: But, how many were  
10      actually built?

11                  NICHOLAS TALVACCHIA: 1,399, with  
12      12 floors unfinished.

13                  So, we're here today because we  
14      anticipate those 12 floors getting finished in,  
15      you know, some reasonable period of time. It  
16      will bring it up to a maximum of 1,899. It  
17      could be a little less, depending on a suite  
18      versus room, you know, a distribution.

19                  SCOTT COLLINS: Oh. Right.

20                  NICHOLAS TALVACCHIA: There's more  
21      suites.

22                  But, 1,899 would be the absolute  
23      maximum.

24                  When the traffic study was done, we  
25      just said 4,000, because, frankly, the building

1       wasn't fully designed when we got the approvals.

2               When it was fully designed, it was  
3       1,900 per tower, which would be 3,800.

4               And, in reality, it will be 1,899,  
5       max. It could be less. And right now, there's  
6       only 1,399 built.

7               SCOTT COLLINS: Okay. And in terms  
8       of the parking garage, what --

9               NICHOLAS TALVACCHIA: We built --  
10       believe it or not, they built the second phase  
11       in the garage, which was only supposed to have  
12       been built if the second tower was built. But,  
13       it was more economical to build it all together.

14               So, the garage is 7,758 spaces,  
15       which is way beyond what is required by the code  
16       for the 1,899 rooms, plus the restaurants and  
17       everything else.

18               SCOTT COLLINS: Okay. So, that was  
19       built in anticipation of the full buildout.

20               NICHOLAS TALVACCHIA: Of the second  
21       tower. Yeah.

22               SCOTT COLLINS: Okay. I just  
23       wanted to make sure that that's clear.

24               PAUL WEISS: Go ahead,  
25       Mr. Talvacchia.

1 BY NICHOLAS TALVACCHIA:

2 Q. Go ahead, Mr. Shropshire.

3 A. Yeah. I'm not sure there's much  
4 more that I can add to the discussion.

5 One of the other components from  
6 the traffic management plan will relate to the  
7 self-parking garage; New Jersey Avenue, how that  
8 will function, in terms of the exit from the  
9 self-parking garage and our capability in terms  
10 of bringing outbound traffic back to  
11 Massachusetts Avenue, you know, on that exiting  
12 event-type situation, where we have, maybe, a  
13 little bit more than we would anticipate during  
14 a normal peak hour. So, those are components  
15 that will go --

16 Q. So, from the garage, we can -- we  
17 can have traffic go out New Jersey or send it  
18 through the tunnel, out to Massachusetts?

19 A. Correct.

20 Q. There's flexibility?

21 A. Right.

22 And those things will be part of  
23 what's shown in the traffic management plan,  
24 which is, basically, the internal operations of  
25 the garage.

1           Q.       And that, in fact, is what was done  
2       for Taj Mahal years ago. They had options to  
3       send traffic on to Pennsylvania or -- I forget  
4       the other street. But, either side. And it was  
5       designed that way to accommodate events.

6                    So, that would happen in an event.  
7       Correct?

8           A.       Correct.

9           Q.       Normal traffic, you don't need to  
10       send garage traffic out Massachusetts?

11          A.       Correct.

12                   UNKNOWN FEMALE SPEAKER FROM THE  
13       AUDIENCE:   Can you clarify that?

14                   PAUL WEISS:   Just out of --  
15                   Ma'am, just one moment. We'll get  
16       to --

17                   UNKNOWN FEMALE SPEAKER FROM THE  
18       AUDIENCE:   Okay.

19                   PAUL WEISS:   We'll have ample  
20       opportunity for members of the public to  
21       question, either for the record or, certainly,  
22       question the applicant as well. So, if you  
23       could bear with us, --

24                   UNKNOWN FEMALE SPEAKER FROM THE  
25       AUDIENCE:   Okay.

1 PAUL WEISS: -- we'd appreciate it.

2 The traffic management plan, you  
3 referenced it as an update. There's an existing  
4 traffic management plan for this facility?

5 NICHOLAS TALVACCHIA: From 2007 or  
6 2008. Yes.

7 PAUL WEISS: And under that  
8 existing plan --

9 Well, obviously, what is being  
10 proposed here is substantially different than, I  
11 guess, what was proposed at the time for the --  
12 for the existing facility.

13 My question is: If you have  
14 valets, individuals who are going to serve as  
15 valet and provide valet parking services off of  
16 what is -- or what was the exit area of  
17 Massachusetts Avenue, the corner of  
18 Massachusetts and Oriental, and they're going to  
19 be valet parking vehicles in the existing  
20 garage, which is --

21 NICHOLAS TALVACCHIA: The valeters  
22 will not go out New Jersey.

23 PAUL WEISS: So, how --

24 NICHOLAS TALVACCHIA: That's garage  
25 people who are not valet. They can go out New



1 Jersey or, in a big event, they can be directed  
2 to go out Massachusetts.

3 PAUL WEISS: No, no, no. I --  
4 Fair enough.

5 NICHOLAS TALVACCHIA: Okay.

6 PAUL WEISS: But, I guess my --  
7 My question is, maybe, more as to  
8 the method of how you're going to accomplish  
9 this -- or how the applicant intends to  
10 accomplish this as part of a traffic management  
11 plan update.

12 You're having individuals parking  
13 cars from what I'll -- what I would suggest is  
14 from one extreme land -- end of the facility to  
15 another extreme end of the facility and then  
16 getting back --

17 NICHOLAS TALVACCHIA: Mmm-hmm.

18 PAUL WEISS: -- to the other  
19 extreme end of the facility in sufficient time  
20 so that you don't have cars queuing on Oriental  
21 Avenue.

22 That's the theory?

23 DAVID SHROPSHIRE: In terms of how  
24 a valet operation works? Absolutely. You have  
25 to have the right staffing for that valet and

1 the timing that it takes to get the valet  
2 parking space and for that valet to get back  
3 to the front.

4 NICHOLAS TALVACCHIA: And one other  
5 point. The valet parking area is segregated.  
6 It doesn't go all the way to New Jersey. It's  
7 closer to the center. And there's several  
8 floors of that. So...

9 PAUL WEISS: Okay. So --

10 And I don't see that identified on  
11 your plan.

12 NICHOLAS TALVACCHIA: Well, it's  
13 not shown, but that's --

14 PAUL WEISS: Right.

15 NICHOLAS TALVACCHIA: -- it is  
16 segregated, you know.

17 PAUL WEISS: Okay. So, at peak  
18 operation, how many staff do you need to keep  
19 people -- or keep cars from queuing off of  
20 Oriental Avenue?

21 NICHOLAS TALVACCHIA: That -- that  
22 will be, to some extent -- because nobody really  
23 knows. It really depends. It depends on  
24 whether it's just check-in for the hotel, which  
25 --

1 PAUL WEISS: Right. I'm talking  
2 valet.

3 NICHOLAS TALVACCHIA: It's not  
4 talking --

5 PAUL WEISS: I'm talking people  
6 dropping off their cars and saying to some guy  
7 here's my keys and valet park

8 NICHOLAS TALVACCHIA: Right.

9 But, what I'm saying, it does  
10 depend on whether you're checking in at a hotel  
11 or checking in just to go to an event and you're  
12 not going to a restaurant and you're not having  
13 baggage. It depends.

14 PAUL WEISS: Okay.

15 NICHOLAS TALVACCHIA: And then --  
16 and some people --

17 And there's also people going in  
18 that valet that will drop their significant  
19 other off and they'll leave and they'll --  
20 they'll just leave out Massachusetts after they  
21 drop.

22 So, there's -- there's different  
23 things happening at the same time.

24 It will depend upon the makeup of  
25 the customer who's coming or what the event is.

1 That will be learned.

2 BY NICHOLAS TALVACCHIA:

3 Q. And you correct me, Dave, but  
4 that's part of the plan, --

5 A. Right.

6 Q. -- is you make adjustments.  
7 And sophisticated parking  
8 operations make adjustments and they will add  
9 sufficient people.

10 There's no one, today, that can  
11 tell you if you need 50 or a hundred, but you  
12 need -- you need to have the correct amount.  
13 And that is learned through experience.

14 PAUL WEISS: Well, the --  
15 I'm presuming that the traffic  
16 management plan update is going to contemplate,  
17 I would imagine, the -- certainly, from the  
18 facility's point of view, the best case  
19 scenario, where you have 20 people coming in  
20 and, you know, making the facility profitable.

21 So, in that context, whether those  
22 are people checking in the hotel or whether  
23 those are people coming just for an event or  
24 whether those are people, you know, dropping  
25 someone off and looping around, the plans have

1 to accommodate all of that --

2 NICHOLAS TALVACCHIA: Sure.

3 PAUL WEISS: -- in some form or  
4 fashion.

5 NICHOLAS TALVACCHIA: Yeah.

6 PAUL WEISS: Is that correct?

7 NICHOLAS TALVACCHIA: Absolutely.  
8 And then --

9 PAUL WEISS: Okay. So...

10 NICHOLAS TALVACCHIA: And then I  
11 want Mr. Shropshire to explain that to the  
12 board.

13 PAUL WEISS: So, that being the  
14 case, whether it's a mix of those different  
15 types of customers or one particular type of  
16 customer as the most intense use of the  
17 facility's resources, again, how many people are  
18 needed to set -- to satisfy the critical mass  
19 where you have the highest peak performance  
20 expected for that service so that -- so that the  
21 circulation plan that you're proposing works?

22 DAVID SHROPSHIRE: You know, great  
23 question. And the way that we can do this is,  
24 well, we're going to make a projection of the  
25 peak hour volume that's going to be using the

1       valet area. And then from that, we'll come up  
2       with calculations of what the valet operation  
3       will be to make a recommendation, for "X" amount  
4       of vehicles, this is how many staff that you're  
5       going to need to make this operate safely. So,  
6       that will be a component of the traffic  
7       management plan. Specific recommendations with  
8       regard to you'll need "X" amount of staff  
9       members there for this level of activity. And,  
10      obviously, we'll take a look at what we believe  
11      will be the peak.

12                   PAUL WEISS: Okay. So -- so, just  
13      --

14                   DAVID SHROPSHIRE: And -- and if I  
15      can even go beyond that.

16                   PAUL WEISS: Sure.

17                   DAVID SHROPSHIRE: Because there's  
18      flexibility in terms of how this operates and  
19      using the garage capacity also, --

20                   PAUL WEISS: Mmm-hmm.

21                   DAVID SHROPSHIRE: -- there's  
22      probably going to be a recommendation about an  
23      event size that relates to, when you actually  
24      want to use that capacity, provide some sort of  
25      temporary measure to have everybody go into the

1 garage and back around.

2 And then that may change the  
3 staffing level that you need.

4 So, there's going to be some  
5 dynamics to the traffic management plan, which  
6 is really the way to do it.

7 PAUL WEISS: Okay. I know that  
8 will be, obviously --

9 I'm presuming, based on your  
10 testimony -- correct me if I'm wrong -- but that  
11 type of specificity is going to be in this plan  
12 that you're going to propose -- or present to  
13 the authority.

14 DAVID SHROPSHIRE: Yes. They're  
15 going to --

16 And based on not only your request,  
17 but Mr. England's specifics in his review.

18 PAUL WEISS: Well, Mr. England is  
19 serving the authority, so --

20 NICHOLAS TALVACCHIA: Right.

21 PAUL WEISS: Yeah. Fair enough.

22 NICHOLAS TALVACCHIA: So, and just  
23 to stress, it's a -- as he mentioned, it's a  
24 dynamic plan over time. It will change or need  
25 to be changed. It could be more people, less

1 people or just other things you learn through  
2 experience and depending on the type of  
3 clientele that will visit here.

4 I want to point out that the old  
5 valet drop-off is via tunnel off the  
6 porte-cochere. In some ways, this area is  
7 actually closer for valets to get to than the  
8 original. But, that's neither here nor there.

9 PAUL WEISS: How is that? Explain  
10 that to me. How --

11 I mean, I'm looking at the --

12 NICHOLAS TALVACCHIA: Because the  
13 existing --

14 PAUL WEISS: -- existing plan -- or  
15 the existing facility as it sits today.

16 NICHOLAS TALVACCHIA: Because then  
17 you have to take elevators and stairs or ramps  
18 to get up. This will be more direct.

19 Now, that doesn't mean, depending  
20 on how busy it is, there can't be greater  
21 distances, but, in a normal day, where people  
22 are valeting, the valet parking area will be  
23 actually closer rather --

24 Because the old one took you down a  
25 ramp.



1 But, I don't know --

2 PAUL WEISS: And --

3 NICHOLAS TALVACCHIA: -- if that's  
4 neither here nor there.

5 It's really not here nor there.

6 It's -- it's whether we have sufficient on-site  
7 capacity to prevent cars from -- from queuing  
8 onto the public right-of-way. That's our  
9 obligation as an applicant.

10 PAUL WEISS: Well --

11 NICHOLAS TALVACCHIA: How we manage  
12 the internal is really an applicant's decision.  
13 That's a management decision.

14 PAUL WEISS: Well, and circulation  
15 is an issue and the applicant is changing --

16 NICHOLAS TALVACCHIA: In and out --  
17 in and out is --

18 PAUL WEISS: -- changing the  
19 circulation.

20 NICHOLAS TALVACCHIA: In and out of  
21 the site, it is on a public right-of-way.

22 In the property, that's not really  
23 a site plan issue.

24 The definition of "circulation" in  
25 the MLUL is public streets. It doesn't mention

1 in the building.

2 PAUL WEISS: Mmm-hmm.

3 NICHOLAS TALVACCHIA: And the case  
4 law is clear. It's in and out of the building.

5 So, the testimony we've had is that  
6 there's sufficient queuing capacity in the  
7 building to accommodate the traffic. And if we  
8 don't do it and we haven't followed what -- you  
9 know, our traffic management plan, that's a  
10 zoning violation.

11 PAUL WEISS: Right.

12 NICHOLAS TALVACCHIA: But, we have  
13 testimony -- it's not been refuted -- about the  
14 capacity, the stack and managed vehicles in the  
15 building. How, exactly, we do that is really up  
16 to the applicant. And that will change over the  
17 time.

18 PAUL WEISS: Well, to be clear,  
19 Mr. Talvacchia, I'm not refuting your expert's  
20 testimony; I'm just trying to get clarity --

21 NICHOLAS TALVACCHIA: Yeah.

22 PAUL WEISS: -- as to what exactly  
23 the applicant intends to do in order to assure  
24 that circulation is going to be proper and  
25 managed.

1                   And that, there, it's practicable  
2       to conclude that if the valet services, both in  
3       and out of this facility, are on one end of the  
4       facility and the actual delivery and storage of  
5       cars is on the complete other end of the  
6       facility, that that system is going to allow the  
7       authority to come to a reasonable conclusion  
8       that you aren't going to be stacking cars on the  
9       public streets if this --

10                   NICHOLAS TALVACCHIA:   The valet  
11       pick --

12                   PAUL WEISS:   -- if this facility is  
13       wildly successful, which we all want it to be.

14                   NICHOLAS TALVACCHIA:   The valet  
15       pickup is always where it is today. That isn't  
16       changing. So, whatever distance that was, --

17                   PAUL WEISS:   Mmm-hmm.

18                   NICHOLAS TALVACCHIA:   -- that's the  
19       same.

20                   PAUL WEISS:   Right.

21                   NICHOLAS TALVACCHIA:   We're talking  
22       about just the -- I guess, the parking and then  
23       coming back. That was via tunnel going down off  
24       the porte-cochere, which has been abandoned,  
25       into the valet area, which is right next to

1       where we are.

2                       So, I mean, we didn't measure it.

3       I didn't measure it.

4                       All right. We -- we'll be able to

5       --

6                       The areas for parking are exactly  
7       the same for the valet. That's not being  
8       changed. Right?

9                       PAUL WEISS: And again, I --

10                      In the absence of that being  
11       designated, I don't know where those areas are.  
12       Maybe you can show us those areas here.

13                      NICHOLAS TALVACCHIA: It's on the  
14       originally-approved plans, which we're not  
15       changing. So, that's why we didn't show it.  
16       This is an amendment to an existing plan.

17                      PAUL WEISS: I know.

18                      Just, I'm looking at what you  
19       submitted, and this is -- it shows the existing,  
20       but this doesn't designate in the existing,  
21       unless I -- it's too small for me to read, which  
22       is possible, of where valet stacking occurs in  
23       the garage.

24                      NICHOLAS TALVACCHIA: Well, you  
25       don't have all the floors there. There's

1       several floors. Yeah.

2                   PAUL WEISS: True.

3                   NICHOLAS TALVACCHIA: We can show  
4       that on the plan.

5                   And, look, we had stated, when we  
6       got here, that we expect some of this technical  
7       stuff to be reviewed by your expert, which is  
8       common in these matters, but the details.

9                   PAUL WEISS: Mmm-hmm.

10                  NICHOLAS TALVACCHIA: The testimony  
11       that we have is that we have --

12                  And we thought a lot about how this  
13       works. We have capacity coming in, which could  
14       be made two lanes coming in, if necessary, on a  
15       peak event. And then if there is a problem with  
16       the so-called loop, --

17                  PAUL WEISS: Mmm-hmm.

18                  NICHOLAS TALVACCHIA: -- there's a  
19       direct connection.

20                  PAUL WEISS: Mmm-hmm.

21                  NICHOLAS TALVACCHIA: You can see  
22       it. I think some of your people have even been  
23       down there. You can see it right into the  
24       garage.

25                  And that garage is massive, as I --

1                   That's -- that's the point about  
2                   the 7,758 spaces. We can remove parking spaces  
3                   on that ground level and just make it  
4                   circulation. It's very simple. And we'll show  
5                   you that.

6                   The point is, can we "create" cars  
7                   from queuing onto the public right-of-way.  
8                   That's our legal obligation as an applicant.  
9                   And we have the testimony that we have  
10                  sufficient space to do it.

11                  Again, and not to be argumentative,  
12                  but it is the applicant's --

13                  You have a right to verify that  
14                  what we say we can do, we can do, but the  
15                  details of how we do it is really a management  
16                  plan.

17                  And I will tell you.

18                  PAUL WEISS: Mmm-hmm.

19                  NICHOLAS TALVACCHIA: Every  
20                  facility, over time, changes how their  
21                  circulation works. I've seen it a million times  
22                  in Atlantic City and other places. Because you  
23                  don't anticipate things, so you're flexible, you  
24                  change it.

25                  The great news here is we have the

1 flexibility on site with all the room to make  
2 all that. We don't have a very tight site, like  
3 some places do, where they don't have the  
4 physical room on their property to do any of  
5 these things. We have half the --

6 We have 20 acres, half of -- not  
7 half -- a little less than half, but we probably  
8 have eight acres of a garage floor that's  
9 available to help with circulation and queuing  
10 and capacity. That's the point we're trying to  
11 make today; --

12 PAUL WEISS: Okay.

13 NICHOLAS TALVACCHIA: -- that we  
14 could handle this.

15 It has to be done properly. No  
16 project will work unless it's done properly.

17 I know everybody's been to New York  
18 City. They queue on the public street, right,  
19 with 1,800 room hotels. The Grand Hyatt. 1,800  
20 rooms. There's no on-site queuing. You're  
21 parking and you're getting out on the public  
22 street with all the cabs there. That's how you  
23 do it. It works, somehow.

24 Fortunately, we have something far  
25 better than that. We can keep everybody inside.

1                   We're going to bring the cabs down  
2     New Jersey, bring them in -- into the garage,  
3     get them out of the porte-cochere, where they're  
4     honking horns and annoying people at Bella.  
5     That's going to be all internalized. We hope  
6     that problem will go away.

7                   We're trying to make this better.  
8     We're trying to make the customer experience  
9     better by keeping them out of the wind and the  
10    cold so that, when they come to Atlantic City,  
11    their first impression is not a windstorm and,  
12    you know, getting out.

13                  Mr. Straub is from Florida. So,  
14    when he came here, he said, my God, this is cold  
15    up here, I can't have this.

16                  And that was the genesis of the  
17    change in circulation. So...

18                  PAUL WEISS: Okay. Continue.

19                  DAVID SHROPSHIRE: I'm all  
20    finished with my presentation.

21                  NICHOLAS TALVACCHIA: I think  
22    that's it. I mean, I think what we would like  
23    to do is condition any recommendation by you, as  
24    the hearing officer, on compliance with the  
25    report, including the recommendations that



1 change the one-way, which, really, is not our  
2 jurisdiction, but they are recommendations.

3 Actually, you have the control of  
4 the rights-of-way under the Tourism District  
5 legislation. Correct?

6 PAUL WEISS: That's correct.

7 NICHOLAS TALVACCHIA: Flow of  
8 traffic?

9 PAUL WEISS: Correct.

10 NICHOLAS TALVACCHIA: So, that's  
11 your -- really, your decision.

12 But, we'll provide whatever  
13 technical detail is necessary.

14 We showed a signage plan. We're  
15 willing to change or modify or upgrade that to  
16 meet your conditions on some directional  
17 signage. That's not an issue.

18 But, we have shown, going from  
19 Atlantic Avenue in, valet left, garage center  
20 and right turn lane to the right.

21 We have a large building. We've  
22 reduced the number of rooms by roughly  
23 50-something percent.

24 DAVID SHROPSHIRE: 55.

25 NICHOLAS TALVACCHIA: 55 percent.

1 BY NICHOLAS TALVACCHIA:

2 Q. And in your experience in  
3 Atlantic City, based on all the traffic studies  
4 over the years, what is not the only driver of  
5 traffic, but the most significant factor that  
6 correlates to traffic?

7 A. Bridges.

8 Q. Number of rooms?

9 A. Number of rooms.

10 Q. So --

11 And that -- that was shown --  
12 that's been shown for years, by Schoor, DePalma,  
13 in six or seven different traffic studies.

14 So, the one factor that correlates  
15 most closely with traffic generation is number  
16 of rooms. So, we've reduced that one more than  
17 50 percent from what was approved in '08.

18 So, that's what --

19 I'm not -- we're not saying --  
20 don't misquote me. It's not the only -- only  
21 driver of traffic, but it's the one that  
22 correlates most in traffic generation, at least  
23 in the Atlantic City market.

24 Give me one moment.

25 PAUL WEISS: Sure.

1                   NICHOLAS TALVACCHIA: Anything  
2       else?

3                   DAVID SHROPSHIRE: No.

4                   NICHOLAS TALVACCHIA: Mr. Weiss, we  
5       really don't have anything more, other than to  
6       address comments and, obviously, questions from  
7       the public.

8                   PAUL WEISS: You have no other  
9       testimony of any of your experts?

10                  NICHOLAS TALVACCHIA: No. There's  
11       really --

12                  It's, really, just about traffic  
13       circulation.

14                  PAUL WEISS: What about the ropes  
15       course?

16                  NICHOLAS TALVACCHIA: The ropes  
17       course is a permitted use. It's regulated by  
18       the DCA. It doesn't have a DCA approval yet.

19                  It's got a fence around it.  
20       There's not going to be vehicular circulation  
21       there. Your planner said it's a permitted use.  
22       It's an amenity. It's like --

23                  You know, you really don't  
24       scrutinize restaurants in the building.

25                  I don't know what to say about it.

1       It's an amenity. It has a fence around it. And  
2       it has to get state approval.

3               PAUL WEISS: Well, okay. You have  
4       a --

5               You have, I think, the planning and  
6       engineering report that --

7               NICHOLAS TALVACCHIA: Yes.

8               PAUL WEISS: -- maybe --

9               And we'll get to --

10              You've indicated, at least on a  
11       couple of occasions, that the applicant intends  
12       to adhere to the recommendations listed in the  
13       planning and engineering report that was  
14       proffered by the authority.

15              For the record, we're going to go  
16       through that report.

17              NICHOLAS TALVACCHIA: Yep.

18              PAUL WEISS: I'm going to have our  
19       experts go through it, --

20              NICHOLAS TALVACCHIA: Sure.

21              PAUL WEISS: -- essentially, in  
22       detail so that we can get clarity to the extent  
23       we need clarity.

24              But, in that report, there is a --  
25       there's treatment of the ropes course. And, you

1 know, maybe the applicant would provide the  
2 authority with the benefit of its testimony --

3 NICHOLAS TALVACCHIA: Sure.

4 PAUL WEISS: -- as to, in  
5 particular, item 6 of that report, where the  
6 ropes course is addressed by the authority's  
7 planner.

8 So, if you have that in front of  
9 you, --

10 NICHOLAS TALVACCHIA: Yeah.

11 PAUL WEISS: -- maybe you can  
12 provide testimony that would enlighten us as to  
13 how the applicant intends to manage that.

14 NICHOLAS TALVACCHIA: It will be  
15 managed in accordance with DCA approval as a --  
16 and the manufacturer's recommendations. It's  
17 designed by a manufacturer, in terms of the  
18 safety and whatever requirements the  
19 manufacturer recommends.

20 Hours of operation: You know, it  
21 depends on business. It could be 24 hours, it  
22 could be 12 hours. It's all on site. There's  
23 no setback issues.

24 PAUL WEISS: Mmm-hmm.

25 NICHOLAS TALVACCHIA: The area --

1                   The ropes course has its own fence.  
2       And we have some photos. It may be difficult to  
3       see, but we do have some photos.

4                   PAUL WEISS: Well, maybe you can  
5       share those photos with us.

6                   NICHOLAS TALVACCHIA: There they  
7       are. And they're the part of --

8                   What do we have? Four, Jon, or --

9                   JON BARNHART: Four.

10                  NICHOLAS TALVACCHIA: Four or five  
11       photos.

12                  It's a little hard to see. It was  
13       taken with a cell phone camera.

14                  But, you can see there's a fence  
15       right there with the --

16                  That's part of the design of the  
17       course.

18                  Now, it will be managed. It's --  
19       you know, it's going to be always attended to  
20       when it's in operation, just like any amusement  
21       would be. New Jersey DCA regulates amusements.  
22       That's an amusement park. DCA regulations.

23                  PAUL WEISS: I understand.

24                  NICHOLAS TALVACCHIA: So, we'll  
25       follow -- but, we'll follow their regulations.

1                   And secured? I mean, I told you,  
2           there's a fence. The building is always -- the  
3           building has about 1,700 cameras, Glenn? 1,700  
4           security cameras and the building always has  
5           security. So, we don't see any unauthorized use  
6           happening there. We're certainly not going to  
7           allow it to happen.

8                   PAUL WEISS: And maybe you can  
9           provide some testimony just to clarify. Are  
10          patrons of the facility entering anywhere near  
11          where the ropes course is or is all the entrance  
12          and exits from the facility simply by way --

13                   NICHOLAS TALVACCHIA: You mean by  
14          vehicles?

15                   PAUL WEISS: Either by vehicles or  
16          pedestrian traffic.

17                   NICHOLAS TALVACCHIA: Well,  
18          pedestrian traffic today can go from Oriental to  
19          Boardwalk. And that was always designed. And  
20          there's the -- still the doors where the valet  
21          work will still be in operation.

22                   So, the idea is we want people in  
23          that area.

24                   PAUL WEISS: Mmm-hmm.

25                   NICHOLAS TALVACCHIA: The long-term

1 plan, not for today, is to put, maybe, some  
2 beach sand out there, make it kind of a bar  
3 area, volleyball. That's not all been designed  
4 and not submitted, but, that --

5 The idea in that covered area is to  
6 make it more entertainment and uses that people  
7 will enjoy.

8 PAUL WEISS: Okay.

9 NICHOLAS TALVACCHIA: But, yes, it  
10 will -- it will be free of vehicular traffic,  
11 but will have pedestrian traffic.

12 But, again, it has its own  
13 independent fence around it.

14 PAUL WEISS: And so there aren't --  
15 there aren't going to be cars passing by this  
16 ropes course through the -- as a result of valet  
17 service?

18 NICHOLAS TALVACCHIA: No, unless --  
19 unless we obtain approval for an interim plan,  
20 in which case the ropes course will not be used.

21 But, in terms of the new  
22 circulation plan, if it were to be approved,  
23 vehicular traffic is abandoned on that  
24 porte-cochere area from --

25 Really, from the point where cars



1 enter the garage up to the Boardwalk will be  
2 abandoned for vehicle use.

3 PAUL WEISS: And you have a fence,  
4 essentially separating those lanes of traffic  
5 between this -- the ropes course use and the --  
6 and where vehicles are going to be going back  
7 and forth?

8 NICHOLAS TALVACCHIA: Well --

9 PAUL WEISS: Is that where that  
10 fence is?

11 NICHOLAS TALVACCHIA: Well, again,  
12 there will be no vehicles there if this new  
13 circulation plan is approved.

14 So, that's abandoned. That becomes  
15 a pedestrian area only; no vehicles.

16 SCOTT COLLINS: Nick, I hate to be  
17 a stickler, but do you have a witness who can  
18 testify --

19 NICHOLAS TALVACCHIA: Yeah.

20 SCOTT COLLINS: -- to these things?

21 NICHOLAS TALVACCHIA: Well, I'm  
22 giving you facts. But, Mr. Barnhart can talk  
23 about some of these issues.

24 SCOTT COLLINS: Well, that would be  
25 great. Talk about where it is, how you get to

1       it, --

2

3       DIRECT EXAMINATION

4       BY NICHOLAS TALVACCHIA:

5             Q.       Jon --

6                     SCOTT COLLINS:  -- would be

7       helpful.

8       BY NICHOLAS TALVACCHIA:

9             Q.       Okay.  Let me ask you a few  
10       questions, then.

11                    Is it your understanding of the  
12       application that if the new circulation is  
13       approved, the current porte-cochere for vehicles  
14       is abandoned?

15             A.       That's correct.  Yeah.  The only --  
16       the only access --

17                    The porte-cochere, as we know,  
18       essentially started at Oriental Avenue and led  
19       -- led all the way up to the Boardwalk and then  
20       looped around.

21                    The only access by vehicles, once  
22       you cross Oriental Avenue, would be the double  
23       right turn lane, as a self-parker, into the  
24       garage.  From that point, --

25                    PAUL WEISS:  Okay.

1 JON BARNHART: -- all the way up to  
2 the Boardwalk will no longer be available for  
3 vehicular access of any kind.

4 PAUL WEISS: So, not going all the  
5 way up --

6 Okay. Right. And that's what --  
7 I was trying to get clarity.

8 So, again, you're --

9 JON BARNHART: Yes.

10 So, the whole -- the whole idea is  
11 that --

12 PAUL WEISS: The plan submitted is  
13 not -- doesn't articulate that, at least not --

14 NICHOLAS TALVACCHIA: Well, it's  
15 showing some existing conditions because that  
16 has not been -- and it's really --

17 It's showing tunnels that are like  
18 below grade that are in light.

19 PAUL WEISS: Right.

20 And, Mr. Talvacchia, with all due  
21 respect, it shows existing conditions. Your  
22 application is looking to change things. That's  
23 what I'm trying to get my arms around -- or my  
24 head around; --

25 NICHOLAS TALVACCHIA: Right.

1                   So, let me try to --

2                   PAUL WEISS:  -- what's changing.

3                   JON BARNHART:  Yeah.  So, that --  
4       as I mentioned, that -- that area --

5                   From that point, toward the  
6       Boardwalk, where -- will be closed off from any  
7       vehicular access.

8                   PAUL WEISS:  Okay.

9                   JON BARNHART:  And the intent is  
10      that that area, from that point all the way up  
11      to the Boardwalk, will become a number of  
12      different outdoor recreational-type uses, with  
13      the first one in place being the ropes course.

14                  PAUL WEISS:  Mmm-hmm.

15                  JON BARNHART:  It will --

16                  As Mr. Talvacchia mentioned, there  
17      is a pedestrian link from Oriental Avenue all  
18      the way through that, and I would imagine that  
19      that will continue to be maintained because it's  
20      a person -- it will be an exciting place.  You  
21      know, people will be able to walk through there.

22                  There are --

23                  The main point of entrance to the  
24      building, when this was a porte-cochere for  
25      vehicles, as you know, was up by the Boardwalk.

1 PAUL WEISS: Yes.

2 JON BARNHART: As I understand it,  
3 that -- those doors -- those accesses in and out  
4 of the building will be maintained, but they'll  
5 be coming out onto what may be a beach club  
6 area. We're not sure yet, exactly. If they  
7 came out of those doors, they'd also be looking  
8 at that ropes course right there.

9 PAUL WEISS: Right.

10 So, if someone was coming out of  
11 those doors, they're either looking at the ropes  
12 course, which is fenced in --

13 NICHOLAS TALVACCHIA: Mmm-hmm.

14 JON BARNHART: It has a -- it has a  
15 fence around its perimeter. Correct.

16 PAUL WEISS: Right. Okay.

17 And --

18 But, if they're walking away from  
19 that ropes course area and they're walking down,  
20 towards Oriental Avenue, is that going to be an  
21 area of ingress and egress for -- by pedestrian  
22 traffic?

23 JON BARNHART: For pedestrians.

24 Pedestrians would be able to go up and down --

25 PAUL WEISS: Up and down --

1 JOHN BARNHART: -- that area.

2 Yes.

3 PAUL WEISS: -- that former ramp  
4 area.

5 NICHOLAS TALVACCHIA: Well --

6 JON BARNHART: Correct.

7 And, likely, that -- as they're --  
8 as they were traversing from where the ropes  
9 course is, toward Oriental Avenue, --

10 PAUL WEISS: Right.

11 JON BARNHART: -- there will likely  
12 be other amenities or elements along the way.

13 PAUL WEISS: Okay.

14 BY NICHOLAS TALVACCHIA:

15 Q. Jon, there was always a pedestrian  
16 walkway.

17 A. Yeah. There's a pedestrian walkway  
18 that links from Oriental all the way up into the  
19 porte-cochere now.

20 PAUL WEISS: And that still exists.  
21 And do you intend to keep that?

22 JON BARNHART: That's correct.

23 PAUL WEISS: Okay. And someone  
24 coming out of the facility, going -- walking  
25 towards and past the ropes course and then down

1       towards Oriental, are they -- are they crossing  
2       the vehicular traffic that's going in and out of  
3       the garage from the valet service?

4               JON BARNHART: No. All that  
5       vehicular traffic of the garage is actually  
6       beneath that area.

7               PAUL WEISS: It's beneath that  
8       area.

9               JON BARNHART: Yeah. It's actually  
10      --

11              If you drive through the facility,  
12      it's a little bit deceiving. You feel as though  
13      you're down in a tunnel, --

14              PAUL WEISS: Mmm-hmm.

15              JON BARNHART: -- but that whole  
16      underside tunnel is actually all at grade.

17              It matches the existing perimeter  
18      grade.

19              PAUL WEISS: Right.

20              JON BARNHART: And then the  
21      porte-cochere ramps way up --

22              PAUL WEISS: Right.

23              JON BARNHART: -- the existing  
24      porte-cochere ramps way up, where the ropes  
25      course is up on that higher elevation.

1 PAUL WEISS: Got it.

2 JON BARNHART: All of the vehicular  
3 operation that we're talking about is below  
4 that.

5 PAUL WEISS: Is below it.

6 JON BARNHART: So, once you -- once  
7 you pass that garage self-park entrance, you  
8 won't be able to have any kind of conflict  
9 between pedestrian and vehicle.

10 PAUL WEISS: That's what I'm trying  
11 to get at.

12 ROBERT REID: Right.

13 And the revised plan will show a  
14 barrier that separates that vehicle traffic from  
15 pedestrian traffic?

16 JON BARNHART: Yeah. We can  
17 clarify that. Absolutely.

18 ROBERT REID: That's -- that needs  
19 to be --

20 JON BARNHART: Yeah.

21 ROBERT REID: -- clarified on the  
22 --

23 JON BARNHART: Yeah.

24 Once -- as I mentioned, once you  
25 make that right turn to the garage, that's it.



1       Nothing else vehicular happens beyond that  
2       point.

3                   JUSTIN AUCIELLO:   That was my  
4       primary concern; about the rations with  
5       pedestrians and circulation.

6                   My other question is:   How many  
7       access points are there for the ropes course?

8                   JON BARNHART:   You mean for  
9       customers of the ropes course?

10                  JUSTIN AUCIELLO:   Customers to go  
11       into --

12                  NICHOLAS TALVACCHIA:   You mean from  
13       the fenced area?

14                  JUSTIN AUCIELLO:   Yeah.

15                  NICHOLAS TALVACCHIA:   There's one.

16                  JON BARNHART:   I would say one.

17       It's very -- it's highly --

18                  I don't know if you've ever been to  
19       one.   They're big.   They've become wildly  
20       popular.   They're in malls.   They're all over  
21       the place now.

22                  But, they're highly controlled and  
23       very secure.   And you've got one point that you  
24       can come into, you know, with your ticket, and  
25       then they hook you up, and then you go through

1 the course, and then they monitor you the entire  
2 time until you actually leave -- till you come  
3 -- you come down. An attendant then unhooks you  
4 and you're escorted out of that -- of that area.

5 JUSTIN AUCIELLO: Okay. So, the  
6 entire time, someone is in the course. They're,  
7 number one, supervised, and, number two, they're  
8 connected on some sort of --

9 NICHOLAS TALVACCHIA: Under the  
10 rope.

11 JUSTIN AUCIELLO: -- the  
12 terminology I'm not sure.

13 NICHOLAS TALVACCHIA: Yeah. and  
14 you're always connected.

15 JUSTIN AUCIELLO: You're always  
16 connected.

17 JON BARNHART: Yeah. I don't -- I  
18 don't pretend to be an expert in ropes courses,  
19 but with my children, I've actually been on  
20 these a number of times.

21 It's --

22 I mean, there are even attendants  
23 that are actually up on the course itself, in  
24 the air, to help customers as they're -- as  
25 they're -- as they're traversing through.

1                   NICHOLAS TALVACCHIA: It's a  
2           minimum of two attendants at all times for the  
3           ropes course.

4                   JUSTIN AUCIELLO: And when this is  
5           closed, when it's not in operation, it's gated?  
6           There is no way that anyone can access this from  
7           any part of the facility?

8                   NICHOLAS TALVACCHIA: Not -- not --

9                   As I mentioned, there's a lot of  
10          cameras and there's always secured. I mean,  
11          these little things happen. Lots of security.

12                   So, yes.

13                   Well, it's business. It will be  
14          open 24 hours, but, you know, it probably won't  
15          be. It probably will be normal business hours.

16                   PAUL WEISS: And maybe Mr. Barnhart  
17          can provide testimony on behalf of the applicant  
18          as to how public safety and emergency vehicles  
19          or personnel would be able to enter into the  
20          ropes course to deal with someone who either --  
21          you know, accidentally or, you know, does  
22          otherwise untether themselves and get hurt. How  
23          does an EMS vehicle get up to the ropes course  
24          if the rampway going into -- off of Oriental is,  
25          essentially, going to be pedestrian only?

1                   NICHOLAS TALVACCHIA: Well, it's  
2 going to be gated, but those gates can be moved  
3 for an emergency.

4                   Jon, explain to --

5                   JON BARNHART: Yeah. I mean, I --  
6 you would --

7                   You know, as I mentioned, the  
8 entire -- the entirety of that area hasn't been  
9 fully designed, but for emergency vehicles --

10                  Actually, I would guess --  
11 realistically, I would say, operationally,  
12 probably the best thing for an emergency  
13 vehicle, like an ambulance, would be to go up  
14 the ramp on New Jersey Avenue, down the  
15 Boardwalk, and they would literally be right  
16 there at the ropes course.

17 BY NICHOLAS TALVACCHIA:

18                  Q. And, Mr. Barnhart, you were the  
19 engineer for the original Revel approval. Was  
20 that Boardwalk reinforced for emergency  
21 vehicles, including for fire?

22                  A. That Boardwalk was reconstructed  
23 for the entirety of the front of this site, and  
24 the design capacity was for emergency vehicles,  
25 including -- including fire apparatus.

1                   NICHOLAS TALVACCHIA: Yeah. And we  
2     can also -- if your experts want us to, we can  
3     design the entry -- where we would block off  
4     traffic, that can be designed to be removed for  
5     emergency equipment to drive right up.

6                   Because the rampway that's  
7     currently used is not being removed, so that  
8     will still be there. So, it could be used, if  
9     necessary.

10                  But, as Mr. Barnhart mentioned, we  
11     also have access off the Boardwalk.

12                  And we did have the police out  
13     there, looking at it last week. They thought it  
14     was fine closing that area off for vehicular  
15     traffic. And we should get a report from them.

16                  PAUL WEISS: Well, okay. And I  
17     don't see members of the city here today, city  
18     government.

19                  NICHOLAS TALVACCHIA: No. They --  
20     they were.

21                  PAUL WEISS: Maybe they'll come  
22     back and the city can help enlighten us on that  
23     particular safety issue.

24                  Okay. And --

25                  Okay. Fair enough. Any other

1 testimony, Mr. Talvacchia, from any of your  
2 witnesses or experts?

3 NICHOLAS TALVACCHIA: Well, we're  
4 going through your report, so, as necessary, we  
5 can have the appropriate person address any  
6 comments.

7 PAUL WEISS: Fair enough.

8 At this point in the hearing, I  
9 will want to receive, I guess, for the record,  
10 the report from the authority's engineering and  
11 planning experts of ARH and --

12 SCOTT COLLINS: Shall we call that  
13 B-1?

14 PAUL WEISS: Yeah. The --

15 Yeah. We'll call that B-1,  
16 exhibit B-1. It's the report dated August 8th,  
17 2016, which was provided to the applicant. And  
18 the applicant has referenced it through its  
19 testimony.

20 I'd ask the authority's engineer  
21 and planner to go through this report in detail  
22 and --

23 NICHOLAS TALVACCHIA: Can I make,  
24 then, one minor correction or comment about the  
25 report?

1 PAUL WEISS: Sure.

2 NICHOLAS TALVACCHIA: There's a  
3 notice of appeal dated -- or noted that we  
4 submitted, but that appeal had nothing to do  
5 with any substance; it had to do with procedure.  
6 I want to be clear on that. We were not denied  
7 anything, to date, --

8 PAUL WEISS: Well, and --

9 NICHOLAS TALVACCHIA: -- in terms  
10 of substance.

11 PAUL WEISS: Yes. And thank you,  
12 Mr. Talvacchia.

13 For the record, yes, the applicant  
14 has filed an appeal that the authority has  
15 agreed to stay -- actually, the authority and  
16 the applicant have agreed to stay, pending the  
17 outcome of the applicant's submission of an  
18 amended site plan through this process.

19 NICHOLAS TALVACCHIA: Right. All I  
20 wanted to be clear is we were not denied on a  
21 substantive basis.

22 PAUL WEISS: That's correct.

23 NICHOLAS TALVACCHIA: Yeah.

24 PAUL WEISS: That's correct.

25 NICHOLAS TALVACCHIA: And can you

1 correct my law firm spelling? No "I," just "E"  
2 at the end? Attorney. No big deal.

3 PAUL WEISS: I don't see that,  
4 Mr. Talvacchia.

5 NICHOLAS TALVACCHIA: It's right --  
6 it's there. No --

7 We'll get it later.

8 PAUL WEISS: We'll fix typos for  
9 sure. Not a problem.

10 Okay. At this point, I'd ask the  
11 authority's engineer and planner -- and you can  
12 decide who goes first, it doesn't matter to me  
13 -- to go through this report in detail. And  
14 then, also, we'll have the applicant address  
15 issues or questions accordingly.

16 NICHOLAS TALVACCHIA: Okay.

17 SCOTT COLLINS: Before we do that,  
18 for the purposes of the record and for  
19 Mr. Talvacchia's benefit, Mr. Auciello and  
20 Mr. England have both been -- have appeared on  
21 behalf of the authority before. They have both  
22 been qualified as experts in their respective  
23 fields, Mr. Auciello being planning, Mr. England  
24 being engineering. And we'll have them continue  
25 to be under oath for purposes of --



1                   NICHOLAS TALVACCHIA: We  
2       acknowledge that they are experts in their  
3       respective fields.

4                   SCOTT COLLINS: Thank you.

5                   JUSTIN AUCIELLO: Should I go  
6       first?

7                   PAUL WEISS: Please proceed. Yes.  
8       That's fine.

9                   JUSTIN AUCIELLO: Okay. So, let's  
10      start with planning. And this is on page -- I  
11      believe it's page 3.

12                   Technical Review. Master Plan  
13      Review. As everyone is aware, this site is  
14      located in the Tourism District. And I do cite  
15      some of the purposes of the Tourism District  
16      master plan. And this is just informational.

17                   And we do think that, you know,  
18      from a planning standpoint, what's proposed and  
19      to reinvigorate this property is consistent with  
20      the overall master plan.

21                   Zoning Compliance. This property  
22      is located in the Revel redevelopment area,  
23      which is controlled by the amended redevelopment  
24      plan for Revel, redevelopment area, issued  
25      February 2008.

1                   And, of course, this is a property  
2           that the applicant hopes to -- to reinvigorate.  
3           And it is -- it is consistent with the purpose  
4           and intent.

5                   As your attorney had previously  
6           said, as cited in this report, the proposed uses  
7           are all permitted.

8                   So, let's get into the planning  
9           issues, consideration by the board.

10                   Number 1 is informational.

11                   Number 2, for the record, no  
12           variance is required.

13                   The applicant submitted a  
14           supplement to the application checklist.

15                   And the applicant presents a  
16           response to various sections of the amended  
17           redevelopment plan for the Revel redevelopment  
18           area. We take no exception, from a planning  
19           standpoint, to its responses. And that is  
20           number 4.

21                   Number 5, we defer to Mr. England,  
22           the CRDA engineer, relative to the parking and  
23           site circulation review. However, the applicant  
24           shall provide testimony available to the  
25           design's impact on the depth and circulation

1       upon the safety.

2                   We have heard testimony from -- you  
3       know, from your traffic engineer and from your  
4       design engineer, and it's my understanding that  
5       you will be supplementing that testimony with a  
6       report post meeting.

7                   NICHOLAS TALVACCHIA: A traffic  
8       management plan.

9                   JUSTIN AUCIELLO: Traffic  
10      management plan.

11                  But, I'll defer -- defer, of  
12      course, to Mr. England on those issues.

13                  And number 6, we just heard about  
14      the functioning of the ropes course. And we did  
15      hear about how the course will interact with the  
16      overall property. I do believe that we will  
17      have some additional information that will be  
18      submitted relative to the functioning of this  
19      course when we do have the traffic management  
20      plan as well. So, I guess that is part and  
21      parcel to that plan.

22                  We have heard how the area will be  
23      secured and we have heard information about the  
24      hours of operation.

25                  From a planning standpoint, my

1 overall point with number 6 is, even though this  
2 is a permitted use, I did want to hear testimony  
3 about how this would interact with the property.  
4 My number one concern is safety and the access  
5 by pedestrians. But, I'm satisfied at this  
6 point, you know, pending the additional  
7 information, with that aspect of the property.

8 PAUL WEISS: Mr. Talvacchia, just  
9 before we get to engineering, I just want to  
10 make sure that, from the applicant's point of  
11 view, that the applicant concurs with the  
12 analysis of the authority's planner and agrees,  
13 to the extent that there's anything that needs  
14 to be implemented, the applicant intends to  
15 implement those.

16 NICHOLAS TALVACCHIA: Yeah. We  
17 have no comment. We think it's fine. We agree  
18 with it.

19 PAUL WEISS: Okay. Go ahead,  
20 Mr. England.

21 WILLIAM ENGLAND: Thank you.

22 Again, referring to the same letter  
23 -- and I believe we're up to page 4, engineering  
24 comments, the first comment we talked about --  
25 and we have had conversations with the

1 applicant's professionals with respect to these,  
2 and I believe many of the changes that were  
3 discussed and are outlined in this report have  
4 been addressed, at least verbally, with respect,  
5 but let's just go through them very quickly.

6 And it would probably be that the  
7 traffic engineer and/or Nick may want to just  
8 reconfirm the testimony for -- whether or not  
9 they agree or not, but we talked about the three  
10 southbound lanes on South Connecticut, which is  
11 also Revel -- you know, Revel Boulevard. And  
12 the plan has been revised, I think, to indicate  
13 two lanes directly into the parking deck and  
14 dedicated left turn lanes and right turn lanes  
15 on the outside of those two lanes.

16 So, essentially, we have one lane  
17 for valet parking going down Oriental into the  
18 existing traffic pattern that's there now. I  
19 assume that you're going to leave the existing  
20 traffic pattern.

21 Is that the case?

22 NICHOLAS TALVACCHIA: We concur  
23 with that. It's ultimately up to the government  
24 to change that. It is a public right-of-way.  
25 But, we think that's the right design.

1 WILLIAM ENGLAND: All right. And I  
2 think we also talked about or I heard testimony  
3 with respect to additional signage, as  
4 necessary, with respect to that. And,  
5 certainly, I would expect that the police  
6 department, the fire department and engineering  
7 from Atlantic City, as well as the Traffic  
8 Bureau will have comments with respect to that,  
9 as well. So, I think this -- this particular  
10 item still needs to be, you know, worked on and  
11 have some comments --

12 NICHOLAS TALVACCHIA: Yeah. And we  
13 did submit additional signage detail. But, we  
14 concur that we -- everybody should sign off and  
15 the appropriate authority --

16 WILLIAM ENGLAND: Yeah. I think  
17 there still has to be changes to that.

18 NICHOLAS TALVACCHIA: Okay.

19 WILLIAM ENGLAND: Because I think  
20 the signage was based on the original plan,  
21 which has since been revised. But, I think we  
22 need to, you know, amp that up a little bit.

23 NICHOLAS TALVACCHIA: Yeah. No  
24 objection.

25 PAUL WEISS: Just to be clear,

1 Mr. Talvacchia, has the applicant met with the  
2 city public safety officials and has the city  
3 given the applicant the sort of opinion --

4 NICHOLAS TALVACCHIA: We --

5 PAUL WEISS: -- or informal, you  
6 know, concurrence with what's proposed here, as  
7 far as traffic?

8 NICHOLAS TALVACCHIA: We submitted  
9 a complete application to the city when we  
10 submitted it to the authority. We have gotten  
11 no comments back.

12 PAUL WEISS: Okay.

13 NICHOLAS TALVACCHIA: On our own  
14 initiative and, actually, at the urging of  
15 Mr. Reid, we met with the police department, two  
16 officials, last week, at the site. They walked  
17 it, drove it, looked at it, and they said they  
18 had no objection to it. Now, they didn't get  
19 into the nitty-gritty about signage, but, --

20 PAUL WEISS: Right.

21 NICHOLAS TALVACCHIA: --  
22 conceptually.

23 We were hoping to have that report  
24 -- or letter today. I don't know --

25 You know, we can't make them write

1       it. But, I am certifying or -- to you that we  
2       met and they've expressed no objections to the  
3       revised circulation plan.

4                   PAUL WEISS: Okay. Go ahead,  
5       Mr. England.

6                   WILLIAM ENGLAND: We had talked  
7       about restriping and we had written in the  
8       restriping the entrance to the self-parking  
9       garage to accommodate the revised alignment that  
10      would be the case on Connecticut Avenue. And I  
11      believe, again, I heard the testimony that that  
12      would, in fact, be restriped.

13                   As a point of clarification, are  
14      there any changes that need to be made to the  
15      radiuses into the garage that need to be tweaked  
16      in order to make sure everyone can see, in terms  
17      of moving in?

18                   DAVID SHROPSHIRE: It didn't appear  
19      as if there were. It looks like we can use the  
20      existing elephant tracks, the beginning of them,  
21      and come from the curb radii that goes into the  
22      self-parking garage and change the elephant  
23      tracks.

24                   WILLIAM ENGLAND: Is there  
25      sufficient lighting to accommodate the revised



1 traffic pattern down there?

2 DAVID SHROPSHIRE: I think so,  
3 yes.

4 WILLIAM ENGLAND: Thank you.

5 The original plan called for having  
6 Oriental now have three lanes to -- I guess,  
7 eastbound lanes, if you will. And I believe we  
8 had testimony were, since that, we are now going  
9 to keep the original pattern, which is one lane  
10 in each direction.

11 And with traffic management, do you  
12 expect that the turning movements off of  
13 Oriental, into the Revel then can be managed  
14 properly? And you guys submit a plan  
15 accordingly. Correct?

16 NICHOLAS TALVACCHIA: Yes.

17 And the testimony by Mr. Shropshire  
18 is we ran the analysis. One lane has sufficient  
19 capacity and would work. And that was at the  
20 beginning of his testimony.

21 WILLIAM ENGLAND: And turning  
22 template analysis, I think there was some  
23 indication that we probably need to do something  
24 at Massachusetts Avenue to accommodate right  
25 turns in?

1                   DAVID SHROPSHIRE: Correct.

2                   WILLIAM ENGLAND: Okay.

3                   NICHOLAS TALVACCHIA: We are  
4 willing to make that adjustment to the radii.  
5 It's really on our property. I believe it's our  
6 property. But, in any event, we're going to  
7 adjust the curb radii, if necessary.

8                   WILLIAM ENGLAND: Okay. And then  
9 I'll, also, need to see additional detail as it  
10 relates to converting that middle lane, if you  
11 will, and how that's going to work. You said it  
12 was going to radiate -- it was going to be  
13 flexible.

14                  NICHOLAS TALVACCHIA: That would  
15 probably be on the traffic management plan.  
16 That will be only implemented under relatively,  
17 we think, rare --

18                  It's just, really, more flexibility  
19 to the design.

20                  WILLIAM ENGLAND: And since it was  
21 offered, I think we need to have some detail,  
22 because I'm a little concerned about some of the  
23 support structure in there and the ability to  
24 bring two lanes back into two lanes or even one  
25 lane at that point. So, I would really like to

1 see some more information with respect to that

2 --

3 NICHOLAS TALVACCHIA: Okay.

4 WILLIAM ENGLAND: -- traffic  
5 maintenance plan you suggest.

6 Item number 4. Again, we talked  
7 about the queuing, and I believe there was  
8 testimony with respect to that. There should be  
9 sufficient queuing in order to keep all vehicles  
10 off of Oriental Avenue.

11 I heard testimony with respect to  
12 the fact that there may be a blow-up or an  
13 overflow method for taking into the parking  
14 garage. I think I'd like to see some  
15 information with respect to how this is actually  
16 going to work in the parking garage and identify  
17 that. And again, I think that probably goes  
18 back to the traffic management plan that I  
19 understand you will provide as part of the  
20 information --

21 NICHOLAS TALVACCHIA: Correct.

22 WILLIAM ENGLAND: -- for us to  
23 review.

24 NICHOLAS TALVACCHIA: That is  
25 correct.

1 WILLIAM ENGLAND: Okay. Thank you.

2 Again, the turning templates.

3 That's all going to be done at the property just  
4 to make sure this new route is particularly  
5 suited for this.

6 Number 5. Traffic analysis. We  
7 certainly heard verbal testimony and I would  
8 expect that the testimony, as presented here and  
9 as amended, will be done in writing and  
10 submitted as a traffic report and summarizing  
11 everything that's been talked about today?

12 DAVID SHROPSHIRE: Good. Yes.

13 WILLIAM ENGLAND: Again, we talked  
14 about the turning template.

15 This one, item number 6, refers to  
16 a turning template analysis for the interior of  
17 the valet area -- valet area. Again, emergency  
18 vehicles, limousines, vans transporting large  
19 groups of people. Again, just to make sure that  
20 this revised location area is, in fact, going to  
21 be suited for everything that's coming down  
22 here. And again, if there's a problem with any  
23 type of vehicle, how are you going to handle  
24 that and how will they be directed on site and  
25 how will you do that.

1                   NICHOLAS TALVACCHIA: Yeah. We  
2     have all that.

3                   WILLIAM ENGLAND: Again, to avert  
4     all issues on Oriental.

5                   NICHOLAS TALVACCHIA: We have all  
6     that worked out.

7                   WILLIAM ENGLAND: Very good. Thank  
8     you.

9                   You mentioned item number 7, that  
10    there were some issues with the timing of the  
11    traffic signals on Pacific and Oriental as it  
12    relates to access down into this area, the Revel  
13    area, and also brought up the fact that I know,  
14    from my past experience in Atlantic City, that  
15    there were complaints about honking horns and  
16    some other traffic issues and things of that  
17    nature and other noise complaints. So, along  
18    with that, I expect that, you know, during the  
19    traffic analysis, that we will address all the  
20    traffic issues to avoid and then take that issue  
21    off the table. However, I'm not sure if there  
22    are other issues that we may hear from public  
23    testimony with respect to other issues from any  
24    of the surrounding community.

25                  Item number 8 is probably off the

1 table now because I brought up the fact that if  
2 you were going to have three lanes of traffic as  
3 opposed to the existing two, that the  
4 intersection of "Metropolitan" and Oriental was  
5 going to have some misaligned traffic lanes.  
6 So, I think, now, with leaving the roadway as it  
7 is, then item number 8 is no longer a concern.

8 PAUL WEISS: And I --

9 And again, just to be clear,  
10 Mr. Talvacchia, the applicant concurs that  
11 that's --

12 NICHOLAS TALVACCHIA: Number 8 is  
13 no longer applicable because we are agreeing to  
14 his recommendation to maintain one lane in each  
15 direction.

16 PAUL WEISS: Okay. Thank you.

17 WILLIAM ENGLAND: Okay. Item  
18 number 9 just goes -- I guess, reiterates some  
19 of the things we already talked about; that  
20 signage and modifications to the signals in the  
21 roadways were all going to be done in  
22 coordination with the Atlantic City Traffic  
23 Bureau, the police department, the fire  
24 department, the Bureau of Engineering, and any  
25 other agency that the city needs, since they

1 are, basically, in charge of the roadways.

2 Correct?

3 NICHOLAS TALVACCHIA: Say that  
4 again, Bill? I'm sorry.

5 WILLIAM ENGLAND: Okay. You're --  
6 We're going to work with the city  
7 and make sure we have all of the issues  
8 addressed. Correct?

9 NICHOLAS TALVACCHIA: Oh, yes.  
10 Yes.

11 WILLIAM ENGLAND: As far as traffic  
12 signs and modifications to the signals and  
13 anything else that --

14 NICHOLAS TALVACCHIA: There is a  
15 nuance to that. CRDA does have some  
16 jurisdiction over the streets under Tourism  
17 District legislation. So...

18 WILLIAM ENGLAND: I understood  
19 that. And after I said that, I realized that  
20 that's why you hesitated. So...

21 But, you still --

22 PAUL WEISS: Well, to be clear, for  
23 the record, just so there's no confusion between  
24 the authority, the applicant and the city -- and  
25 I wish that the city representatives had stayed,

1 but I understand they may have been called away  
2 -- under the Tourism District Act, the authority  
3 has certain jurisdiction over -- and I'll use  
4 the exact words of the act -- traffic flow. So,  
5 that does not obviate the city or supplant the  
6 city's jurisdiction over public safety.

7 So, to the extent that signage and  
8 modification to roadways are part of the  
9 municipal authority's right to maintain public  
10 safety on its right-of-ways, the authority would  
11 fully expect that the applicant would be  
12 conferring with and getting the approval of the  
13 city police department and any other agency of  
14 city government to ensure that the city's  
15 right-of-ways are being safely managed by the --  
16 by the activities are not -- stated a different  
17 way -- are not created unsafe by the activities  
18 of the applicant's project.

19 NICHOLAS TALVACCHIA: We concur.

20 PAUL WEISS: Okay.

21 NICHOLAS TALVACCHIA: Yep.

22 PAUL WEISS: Thank you.

23 WILLIAM ENGLAND: And just to  
24 further that, I mean, it is the city that  
25 responds to all of the issues with respect to



1 the traffic lights and signage and other issues  
2 with traffic problems. So, I just want to make  
3 sure that they're absolutely comfortable with  
4 what's going on here.

5 Under item number 10, we talked  
6 about taxi access locations. I believe the  
7 parties should take a look at and then have, as  
8 part of your traffic management plan, also, how  
9 the taxis are going to be taken care of and  
10 stacked.

11 NICHOLAS TALVACCHIA: As was  
12 testified to, we plan to bring them down New  
13 Jersey, into the garage and have them queue in  
14 the garage rather than -- my understanding is,  
15 to queue in the valet area.

16 There might be noise and there  
17 probably will be some testimony about that. We  
18 hope that will alleviate that issue by  
19 internalizing that -- those vehicles inside,  
20 essentially, a building.

21 PAUL WEISS: Mr. -- if I may,  
22 Mr. Talvacchia, just, maybe, you can have the  
23 applicant or its experts provide testimony. If  
24 you have the taxis queuing in the garage and I'm  
25 a driver of a taxi cab, how am I going to know

1       that someone from the facility wants a cab?

2                   NICHOLAS TALVACCHIA: Oh. That's  
3       -- that's easy. There are systems out there  
4       with a flash, they --

5                   PAUL WEISS: Okay.

6                   NICHOLAS TALVACCHIA: I mean,  
7       there's a lot of blind systems out there where  
8       the taxi cab can't see the pickup area.

9                   PAUL WEISS: Right.

10                  NICHOLAS TALVACCHIA: So, you have  
11       a system. That hasn't been selected. But,  
12       that's -- that's an easy one to address.

13                  PAUL WEISS: Is that going to be  
14       part of the applicant's traffic management plan  
15       update?

16                  NICHOLAS TALVACCHIA: I believe it  
17       would be.

18                  Right?

19                  Yes.

20                  PAUL WEISS: Okay. Thank you.

21                  WILLIAM ENGLAND: And as part of  
22       that, you would show on what floor the taxis  
23       would stack, --

24                  NICHOLAS TALVACCHIA: Yes. Yeah.  
25       We plan to show --

1 WILLIAM ENGLAND: -- what area is  
2 reserved for them, how many of them, and things  
3 of that nature?

4 NICHOLAS TALVACCHIA: Correct.

5 WILLIAM ENGLAND: Okay.

6 I think item 11 just addresses the  
7 fact that the traffic management plan needed to  
8 be updated, which we have been talking about,  
9 and I believe the applicant is going to do an  
10 update of that management plan as it relates to  
11 this application.

12 Correct?

13 PAUL WEISS: Mr. Talvacchia, is  
14 that correct?

15 NICHOLAS TALVACCHIA: Oh. In the  
16 traffic management? Yes. Yes.

17 PAUL WEISS: Thank you.

18 WILLIAM ENGLAND: And I believe  
19 it's in one of the other reports for this  
20 facility, there was some question or issues  
21 raised with respect to rooftop screening and  
22 dampening mechanical noise and visual impacts  
23 and things of that nature. Is the applicant  
24 going to address that at all under this  
25 application?

1                   NICHOLAS TALVACCHIA:   Excuse me.

2       One moment.

3                   PAUL WEISS:    Sure.

4                   NICHOLAS TALVACCHIA:   Yes.   We'll  
5       address that.   We understand --

6                   Mr. Straub was made aware of some  
7       noise of some -- one of the mechanical dampers  
8       wasn't operating properly.

9                   And certainly, we're going to  
10       comply with any noise requirements.   That's our  
11       obligation.   We're seeking to be good neighbors,  
12       so...

13                   He was aware of that issue and --

14                   By --

15                   A resident of the Bella advised him  
16       of that.

17                   WILLIAM ENGLAND:   Can we get a  
18       summary of what the issue was and how it was  
19       taken care of so we can understand what that  
20       was?   You say it was a damper.   You say it was  
21       taken care of, but I --

22                   NICHOLAS TALVACCHIA:   I'll have to  
23       Mr. Straub, then, testify to that.   He handled  
24       it himself.

25                   Mr. Straub, if you would be sworn,

1       please.

2                       Come over here.

3                       What's he have? Two minutes?

4                       SCOTT COLLINS: Could you state  
5       your name please, sir?

6                       UNKNOWN MALE MEMBER FROM THE  
7       AUDIENCE: Glenn Straub.

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

11                      THE WITNESS: Yes.

12                      SCOTT COLLINS: Thank you.

13

14       DIRECT EXAMINATION

15       BY NICHOLAS TALVACCHIA:

16               Q.       Mr. Straub, this is --

17                       The former Revel is now your  
18      building, you own it?

19               A.       My daughter is, but I'm the  
20      administrator of her estate.

21               Q.       All right. So...

22                       But, you're operating it?

23               A.       Yes.

24               Q.       Okay. So, there was a question  
25      asked, and you indicated to me a moment ago that

1       someone from Bella indicated there was some  
2       noise with some of the mechanical equipment in  
3       what I'll call the podium level of the building;  
4       the lower level, not the tower -- the top or  
5       tower. Is that accurate?

6           A.       It wasn't really a topic; it was a  
7       comment made by somebody that works here at  
8       CRDA; that their wife prepares food and could  
9       hear some kind of a noise off of five -- now, we  
10      have 94 Air Handlers, but there's five exhausts,  
11      and there was --

12                   We could never hear it on the  
13      street, but because they might have been  
14      parallel to it in their building it's that we  
15      had some kind of a noise coming from those five  
16      exhaust fans, which would have been a V-belt,  
17      what we call a V-belt, or a bearing.

18                   So far, we've gone over all 94 to  
19      make sure we're prepared for our soft opening  
20      and hard opening, yet, this year, and all of  
21      Siemens, Rockwell, all the big people, Velasca,  
22      have gone over all these things and replaced  
23      every filter, every V-belt, everything that's  
24      necessary.

25                   As a matter of fact, they're still

1 down there today, after six months of working on  
2 electronics, to make for -- make sure that the  
3 humidity in the rooms are even kept at the way  
4 the design was.

5 There was things. Because they  
6 went through bankruptcy, they wasn't able to  
7 complete, yet they got their TCO and everything  
8 else.

9 So, we -- we weren't ready for  
10 that. We did everything ourselves. Because we  
11 run 26 plants and -- or had -- had -- had 26  
12 plants.

13 So, we're very comfortable with  
14 making everything work, mechanically.

15 Because of --

16 I never heard it, but, likewise, it  
17 should have been corrected.

18 This was kind of a -- just a  
19 comment made at another hearing.

20 And if it's still there, we'll  
21 still take care of it. If it's not, then we  
22 can't take care of something that we don't know  
23 about.

24 We had some insulation blow off  
25 during a large windstorm here about eight months

1       ago. Maybe because the insulation came off of  
2       these --

3                   They're about the size of a car.  
4       Air ducts.

5                   It could be that the -- because the  
6       insulation was off, maybe some noise came off of  
7       it.

8                   But, since that time, we've  
9       installed the insulation.

10                  All we're planning on doing, if we  
11       have to, is to put a picket wall around it.  
12       Because you can't hear it even when you're on  
13       the roof. It's up where the heliport is right  
14       now, and the heliport is not going to be  
15       activated.

16                  But, we still know what the roof --  
17       50-year contracts are with the roof and the  
18       warranties and everything.

19                  So, we have to monitor that all the  
20       time. That's the only thing I can do.

21                  NICHOLAS TALVACCHIA: But, we're  
22       not abandoning any approvals. I want to make  
23       sure Scott gets that in the notes.

24                  I think he addressed --

25                  PAUL WEISS: But, to be --



1                   NICHOLAS TALVACCHIA:  -- we'll  
2       address the issues.

3                   PAUL WEISS:  But, to be clear, what  
4       I heard was that the mechanical noise issue will  
5       be addressed either through maintenance of the  
6       equipment that, apparently, is making some  
7       noise, and some baffling that is going to be  
8       installed around these units.  Is that --

9                   NICHOLAS TALVACCHIA:  If --

10                  PAUL WEISS:  Am I correctly  
11       summarizing your testimony that --

12                  THE WITNESS:  My testimony is that  
13       if we can ever find it or hear it, we'll do  
14       something about it.

15                  It was a comment.  And if -- if  
16       it's on your paperwork, you can tell us who made  
17       the comment.  It was somebody that worked for  
18       CRDA, so -- who lives in the Bella.  And we'll  
19       have them come up on the roof.  We have  
20       elevators that go up 50 stories in the air.  
21       We'll take them up there and please show us what  
22       it is.

23                  We're going to do it because  
24       everything in that building has to be brought up  
25       better than what it was, because, when they

1 filed bankruptcy the first time or the second  
2 time, there was still things that were not done.

3 Everybody approved the COs on that  
4 property and there's \$75,000 devices that were  
5 never installed, but then now they're requiring  
6 us to do it now, but they must not have had the  
7 money to do it at the time and they still issued  
8 the CO. I think they wanted to get the property  
9 up and running.

10 So, fine adjustments, that's going  
11 to happen all the time. Bearings do go bad.  
12 You don't grease them as much. You've got salt  
13 air down there.

14 If it's there, we're going to take  
15 care of it anyway. Because anybody can file a  
16 complaint at any time. It doesn't have to be  
17 before some permit holdings. We're not -- we're  
18 not that type of people.

19 PAUL WEISS: Thank you, sir.

20 NICHOLAS TALVACCHIA: Thank you.

21 PAUL WEISS: Go ahead, Mr. England.

22 WILLIAM ENGLAND: Thank you.

23 I'm coming to the end here.

24 Item number 13. We just made a  
25 mention that any of the other comments from

1 other previous approvals, be it the Atlantic  
2 City Planning Board or zoning board or CRDA,  
3 that all of those -- any of those outstanding  
4 items be addressed.

5 NICHOLAS TALVACCHIA: Yeah. I  
6 mean, I'm not aware of any, but yes. Obviously,  
7 we have to comply with any prior approval.  
8 So...

9 WILLIAM ENGLAND: Number 14. We  
10 request a lighting plan to demonstrate that  
11 there is adequate lighting at all entrances and  
12 exits, as part of the modified plan for  
13 vehicular and pedestrian access.

14 NICHOLAS TALVACCHIA: Excuse me.  
15 We will submit a plan showing that  
16 the lighting is adequate.

17 Just by way of reference, there is  
18 new lighting being added within the tunnel that  
19 is state-of-the-art LED lighting. But, as I  
20 understand, it's really lighting in and out to  
21 make sure the access points are --

22 So, we'll supply that.

23 WILLIAM ENGLAND: Okay.

24 PAUL WEISS: And again, that will  
25 be part of the traffic management plan update or

1       that's --

2                   NICHOLAS TALVACCHIA: That might be  
3       separate. While I think about it, the lighting  
4       plan is probably not part of the traffic  
5       management, but maybe parts of it is. We're  
6       going to submit it in some form.

7                   PAUL WEISS: Okay.

8                   WILLIAM ENGLAND: All right. I  
9       didn't get any details on the new valet sign. I  
10      think that was planned. I know we talked about  
11      realigning it, but I don't recall seeing it as  
12      part of the submission of detail; that valet  
13      sign.

14                  NICHOLAS TALVACCHIA: I thought we  
15      did submit some --

16                  Jon --

17                  WILLIAM ENGLAND: If I missed it, I  
18      apologize, but I don't remember seeing it.

19                  JON BARNHART: I --

20                  Dave did develop a new sign. It's  
21      a tiny exhibit. It's hard to see. But, we'll  
22      -- we'll send you an e-mail version of that plan  
23      so you can look at it in detail.

24                  WILLIAM ENGLAND: Okay. And my  
25      comment, initially, was to consider realigning

1       it, because right now, it looks like it's  
2       parallel with Oriental. I didn't know if a more  
3       perpendicular orientation might be more  
4       appropriate, but --

5               NICHOLAS TALVACCHIA: For the entry  
6       -- for the entry into the --

7               WILLIAM ENGLAND: Yeah.

8               NICHOLAS TALVACCHIA: I got it.

9               WILLIAM ENGLAND: You've got a new  
10       valet sign proposed here. So, I didn't know  
11       what it was. I wasn't sure how it was  
12       functioning. It appeared that, maybe, you know,  
13       reorienting it might be a little bit easier to  
14       notice the valet parking.

15              NICHOLAS TALVACCHIA: Mr. England,  
16       we have no objection to your sign-off on the  
17       final signage plan. And, of course, the city.

18              WILLIAM ENGLAND: Okay.

19              Mr. Chairman, I have no other  
20       comments.

21              ROBERT REID: Mr. Chairman, if I  
22       may, I'd like to hear some testimony on the  
23       on-site landscaping and the status of the  
24       replacement of material that has been removed  
25       because it died. I just want to hear something

1       about the maintenance of that and replacement of  
2       the dead material that's been removed. There's  
3       a lot of missing landscaping.

4               NICHOLAS TALVACCHIA: Mr. Straub  
5       can talk about the plans to reinvigorate the  
6       landscaping that's died or needs adjustment or  
7       cleanup or whatever.

8               GLENN STRAUB: One, I'm not  
9       prepared, in a traffic -- you know, brought up  
10      for -- to deal with landscaping, but if that's  
11      one of the agendas, I'm there five days a week  
12      for the last year and a half.

13              When dead plants occur on site, on  
14      the 20-acre site, we rip it out.

15              There is a change coming because of  
16      a new -- where the triple 7s were right directly  
17      across from the self-park area. I don't know of  
18      anything that's been ripped out from there, the  
19      power plant down -- I'm not sure what the street  
20      is to the north.

21              We trim up every day. If there's  
22      been something removed, it's been so minor; one  
23      percent of the total vegetation.

24              I'm not talking about up in the  
25      building itself, because we had lost power for

1 quite a few months.

2 We lost water for quite a few  
3 months. We would have to --

4 So, things inside the building,  
5 growing plants, I don't know if that has  
6 anything to do here, and I'm not prepared to  
7 address anything in the building because of the  
8 indirect sunlight and those kind of things  
9 coming through the --

10 ROBERT REID: No. I'm speaking --  
11 I'm speaking to the exterior on-site --

12 NICHOLAS TALVACCHIA: Yeah. Let me  
13 say this.

14 ROBERT REID: -- landscaping as  
15 part of the original site plan approval.

16 NICHOLAS TALVACCHIA: Right.

17 And that, really, is not a part of  
18 this hearing. It's an existing approval, and  
19 there's an enforcement issue, but it's not  
20 really --

21 We're not changing that.

22 ROBERT REID: Oh. Well, what I'm  
23 saying, it has been changed by --

24 There's been dead material removed  
25 and not replaced --

1                   NICHOLAS TALVACCHIA:   Okay.

2                   ROBERT REID:   -- and I believe you  
3   have a --

4                   NICHOLAS TALVACCHIA:   All I'm  
5   saying, it's not really a part of this hearing.

6                   ROBERT REID:   I'm suggesting that  
7   it should be a condition of this approval; that  
8   you reinvigorate that landscaping as to the  
9   prior approval.   Because there's a lot of  
10   landscaping that's appears to be missing.

11                  GLENN STRAUB:   It's not enough to  
12   talk about.   We would go ahead and --

13                  NICHOLAS TALVACCHIA:   Yeah.   That's  
14   fine.

15                  GLENN STRAUB:   The original plan --  
16                  Remember, a lot of these papers  
17   were lost.   We took over a bankrupt company that  
18   never had any --

19                  The computers were completely down  
20   for almost eight months before.   The contractors  
21   lost a half a billion dollars.   They weren't  
22   real happy with us coming on board when they  
23   were already owed many, many, many hundreds of  
24   thousands and millions of dollars.

25                  If someone can show us some kind of



1 a vegetation plan, then that's peanuts compared  
2 to what we're talking about here.

3 ROBERT REID: And that's --

4 NICHOLAS TALVACCHIA: So,  
5 Mr. Straub is agreeing to the landscaping plan  
6 originally approved.

7 ROBERT REID: That's all I'm  
8 asking.

9 NICHOLAS TALVACCHIA: Okay. That's  
10 fine.

11 PAUL WEISS: Just give us a minute.  
12 All right. Thank you.

13 At this point in the hearing, I'd  
14 like to -- in the absence of any further  
15 testimony from the authority's experts or the  
16 applicant's experts, I'd like to have this  
17 hearing open to the members of the public for  
18 public comment on this application.

19 If you intend to testify, just  
20 please give your name and address for the record  
21 and speak clearly so that our court reporter can  
22 properly record your testimony. So...

23 UNKNOWN FEMALE SPEAKER FROM THE  
24 AUDIENCE: Can I sit here or you would rather --

25 PAUL WEISS: Wherever you wish.

1 UNKNOWN FEMALE SPEAKER FROM THE  
2 AUDIENCE: It might be easier, just so I can  
3 write up if I have any questions.

4 PAUL WEISS: That's --  
5 Wherever you wish.

6 UNKNOWN FEMALE SPEAKER FROM THE  
7 AUDIENCE: Thank you very much. My name is  
8 Stephanie Segal Miller, and I live at 526  
9 Pacific Avenue, Atlantic City, at the Bella  
10 condominiums.

11 So, I wanted to thank you all,  
12 first, for your time.

13 I'm an owner, and I live across the  
14 street from the Revel. I've been there since  
15 2009.

16 And I think you'll find that I have  
17 some very useful information for  
18 decision-making, for safety, for traffic, as  
19 well as concerns we have in the -- in our  
20 neighborhood.

21 Is there any order you want me to  
22 start, whether it's the noise from the blowers  
23 on the -- on the rooftop or the ropes course or  
24 the traffic patterns?

25 PAUL WEISS: Ma'am, it's your --

1       this is your testimony.

2                   FEMALE MEMBER FROM THE AUDIENCE

3       (STEPHANIE SEGAL MILLER):   Okay.

4                   PAUL WEISS:   You feel free to start  
5       wherever you wish.

6                   FEMALE MEMBER FROM THE AUDIENCE

7       (STEPHANIE SEGAL MILLER):   Okay.   Let me start  
8       with the last thing.   Because I was very happy  
9       to hear Mr. Straub say that he wants to fix any  
10      of the issues with the noise.

11                   So, where the noise issues, from  
12      the power plant and the -- on top -- the blowers  
13      on top of the Revel started, one of the owners  
14      in my -- in our building filed a noise complaint  
15      with the city for the decibel levels.   And so  
16      the plant and the Revel were found to be over  
17      the acceptable limits for noise.

18                   And so the power plant did some  
19      remediation for the noise, but there are still  
20      many issues.

21                   And they commissioned --

22                   The city came out and measured  
23      everything, and then there was also a formal  
24      study done by the Energetic -- at the time,  
25      Energetic, whatever you call it, did a -- did a

1 study.

2 There are several issues that have  
3 not been fixed yet. One is the South Jersey Gas  
4 Company. There is --

5 The piping is causing a ringing  
6 noise. That has not been fixed. And we have  
7 sent e-mails to South Jersey Gas. We've sent  
8 them to the city and I sent information to the  
9 CRDA. That is something that the gas company  
10 can fix.

11 We had a meeting where Chris  
12 Filiciello, from the mayor's office, came, and  
13 Lance and Dale Finch, a number of people came to  
14 listen to the noise, the ringing noise, which is  
15 still there, which was completely --

16 When the -- when the plant was  
17 down, we did not have noise. But, even at a low  
18 level, there's a constant ringing noise. We --  
19 we can't really even leave our windows open to  
20 talk on a telephone because the blowers are so  
21 loud.

22 So, when the project was initially  
23 started, one of the --

24 The project manager actually lived  
25 at the Bella. And I said, why -- why can't they

1 do something about those blowers on top? He  
2 said there is, they didn't spend the money.

3 So, I'm happy to hear. I know  
4 there are things that can be done, whether it's  
5 the baffling.

6 And I'm thrilled to hear that  
7 Mr. Straub is going to help work with that,  
8 because it is loud and we had many city and CRDA  
9 officials come to our units to listen to the  
10 noise. And you can still hear it if you walk  
11 down by the power plant.

12 So, I want to make sure that we get  
13 notification and we're a part of this, that it  
14 does get fixed. Because we have over, you know,  
15 200 units in that building who are listening to  
16 this noise. It affects our property value and  
17 it affects our quality of life. And if there  
18 are things that can get done, we want to make  
19 sure that they are done.

20 So, I can provide the copy of that  
21 study if you would like to see that or if you  
22 have any other questions about that.

23 But, you still can hear the noise  
24 and it's still an ongoing problem for owners.

25 PAUL WEISS: Okay. One --

1                   NICHOLAS TALVACCHIA: I just want a  
2 clarification. The complaints, was that before  
3 Mr. Straub owned the building, with the city?

4                   FEMALE MEMBER FROM THE AUDIENCE  
5 (STEPHANIE SEGAL MILLER): It's been both.  
6 Both. We did it beforehand and we have sent  
7 them subsequently.

8                   NICHOLAS TALVACCHIA: We -- we --  
9 I'm not aware --

10                  FEMALE MEMBER FROM THE AUDIENCE  
11 (STEPHANIE SEGAL MILLER): Would you like --  
12 I can send everything to you, if  
13 you'd like.

14                  NICHOLAS TALVACCHIA: Yeah. But,  
15 I'm just saying, I'm not -- for the record, I'm  
16 not aware of any complaints from the city about  
17 noise.

18                  FEMALE MEMBER FROM THE AUDIENCE  
19 (STEPHANIE SEGAL MILLER): Mmm-hmm.

20                  NICHOLAS TALVACCHIA: That's all  
21 I'm saying.

22                  FEMALE MEMBER FROM THE AUDIENCE  
23 (STEPHANIE SEGAL MILLER): Okay.

24                  NICHOLAS TALVACCHIA: Under this  
25 ownership.

1 But, yeah. Send me --

2 I'll give you my card.

3 FEMALE MEMBER FROM THE AUDIENCE

4 (STEPHANIE SEGAL MILLER): That would be  
5 terrific.

6 So, that --

7 I'm happy --

8 That wasn't on the list, but I'm  
9 happy because we've been really trying for  
10 several years now to get this taken care of. We  
11 wanted --

12 We also --

13 We're very excited for the Revel --  
14 Polo North to be re-opening, but we want to make  
15 sure that our -- that our needs, since, of  
16 course, our building was there first, that we  
17 are still taken care of, even though this is a  
18 casino and it's a business.

19 PAUL WEISS: Mmm-hmm.

20 FEMALE MEMBER FROM THE AUDIENCE

21 (STEPHANIE SEGAL MILLER): Does anybody have any  
22 other questions about that?

23 PAUL WEISS: We do not. Go ahead.

24 FEMALE MEMBER FROM THE AUDIENCE

25 (STEPHANIE SEGAL MILLER): Okay. The ropes

1 course. I heard various things. I don't know  
2 that there was a specific answer as to what the  
3 hours were going to be. 24-hour operation, not  
4 okay. The noise that travels, it travels down  
5 to the building, and it gets louder as the  
6 floors go up. So, I would like to know what the  
7 hours of operation are going to be for that,  
8 whether --

9 Is there going to be music?

10 Because there were many city -- many complaints  
11 filed by people on the beaches and the  
12 neighborhood with the music coming from that --  
13 from the beach bar, that techno music. And so  
14 we hear everything outside of there.

15 So, I did not hear an answer for  
16 the -- for the hours and whether there's going  
17 to be music or what else is going to be on  
18 there. But, we would like notification of that  
19 --

20 PAUL WEISS: Okay.

21 FEMALE MEMBER FROM THE AUDIENCE  
22 (STEPHANIE SEGAL MILLER): -- and to find out  
23 what that's going to be.

24 PAUL WEISS: I just --

25 I'll have the applicant address



1       your concern.

2                       Mr. Talvacchia.

3                       NICHOLAS TALVACCHIA:   Yeah.

4                       PAUL WEISS:   Is there any testimony  
5       you would like to provide for the record?

6                       NICHOLAS TALVACCHIA:   Up to 24  
7       hours, and we'll comply with the state noise  
8       code and the city noise code.   That's it.   I  
9       mean --

10                      FEMALE MEMBER FROM THE AUDIENCE  
11       (STEPHANIE SEGAL MILLER):   Up to 24 hours?

12                      NICHOLAS TALVACCHIA:   We're not  
13       limited.   We have no obligation to limit it and  
14       we're not going to limit it.   We're going to  
15       meet the noise code requirements.

16                      Now, it probably won't be 24 hours,  
17       but, you know, we're allowed to.

18                      And it's not a mechanical ride.   I  
19       mean, it's all --

20                      People just walk on ropes.

21                      FEMALE MEMBER FROM THE AUDIENCE  
22       (STEPHANIE SEGAL MILLER):   No.   I understand  
23       that, but there is noise.   There is noise that  
24       comes through the -- through our decks and  
25       through our windows.   So, we are subjected to

1       that 24 hours a day.

2                   NICHOLAS TALVACCHIA:   There is a  
3       noise code.

4                   FEMALE MEMBER FROM THE AUDIENCE  
5       (STEPHANIE SEGAL MILLER):   And you're going to  
6       comply with that.

7                   NICHOLAS TALVACCHIA:   We have to.  
8       It's the law.

9                   FEMALE MEMBER FROM THE AUDIENCE  
10      (STEPHANIE SEGAL MILLER):   It's not just the  
11      mechanicals; it's also the --

12                   There is noise that we --

13                   I mean, we live there.   We know.   I  
14      would hope that the -- that the commission and  
15      the CRDA and the city are going to take into  
16      account that there are -- there are people who  
17      live in that neighborhood.

18                   NICHOLAS TALVACCHIA:   There cannot  
19      be a land use restriction on hours of operation.  
20      There's a noise code at --

21                   It doesn't even have to be a  
22      condition of approval.

23                   That's the law.   We have to comply  
24      with the noise code.

25                   FEMALE MEMBER FROM THE AUDIENCE

1 (STEPHANIE SEGAL MILLER): Do you have any other  
2 information about that?

3 PAUL WEISS: No. I think what  
4 Mr. Talvacchia is indicating to you is exactly  
5 what the standard is. The applicant and its  
6 operation of this facility has to comply with  
7 the law, including the city's noise ordinance.  
8 And so to the extent that they're complying with  
9 the city's ordinance, they are in compliance  
10 with the law.

11 FEMALE MEMBER FROM THE AUDIENCE

12 (STEPHANIE SEGAL MILLER): So, what's --

13 And is there any plan for music?  
14 Are we going to be hearing anything about that?

15 PAUL WEISS: I would --

16 That's something the applicant  
17 would have to testify to.

18 NICHOLAS TALVACCHIA: That's --

19 We have no --

20 That is not designed.

21 We're going to come back at a later  
22 date for a more elaborate design there.

23 At some point, it may even be  
24 closed off. I'm not -- I'm not promising that,  
25 but that's one of the discussions, so it's not

1 completely an issue.

2 FEMALE MEMBER FROM THE AUDIENCE

3 (STEPHANIE SEGAL MILLER): Mmm-hmm.

4 NICHOLAS TALVACCHIA: But, that's  
5 fluid. The goal today is to try to get  
6 circulation approved and the ropes course  
7 approved within the building.

8 FEMALE MEMBER FROM THE AUDIENCE

9 (STEPHANIE SEGAL MILLER): We're not opposed to  
10 the ropes course; we just want information,  
11 which I think is -- which is fair, that we're  
12 just trying to get information to understand how  
13 things are going to work, since we are --

14 We have not just 200 units, we have  
15 several hundred people who live there. And  
16 that's just one building in the area.

17 GLENN STRAUB: We don't want to --  
18 we don't to mislead anybody. There's --

19 Obviously, we prepared and laid out  
20 this area for concerts. So, you will have --

21 We have to make a separate  
22 application to the city to have free concerts  
23 there; the jazz on Saturday night.

24 Your customers in that building  
25 will be as much rewarded as everybody is. We're

1 not into --

2 That doesn't make us money. This  
3 is -- strictly was laid out, open so they can go  
4 ahead and allow people from the Boardwalk and  
5 the sandy area, which is nikki beach, to sit  
6 there and enjoy the summer concerts that we have  
7 in, pretty much, all of Florida that we put on.

8 So, that's going to happen. But,  
9 we're not prepared, because we haven't signed up  
10 the first person. And then we have to get a  
11 private application to the city, and that's when  
12 you would have a chance to speak to that.

13 And I would think your people would  
14 want to have that type of entertainment there.  
15 It's a nice, soothing type of thing for our  
16 customers to --

17 FEMALE MEMBER FROM THE AUDIENCE  
18 (STEPHANIE SEGAL MILLER): But, like I said,  
19 we're not -- we're not -- in theory, we're not  
20 opposed to the things that you're --

21 We just want information, because  
22 this has been a serious issue for us for many  
23 years.

24 NICHOLAS TALVACCHIA: The only  
25 thing we're before the board today is the ropes

1 course. We're not proposing anything else other  
2 than the ropes course.

3 FEMALE MEMBER FROM THE AUDIENCE

4 (STEPHANIE SEGAL MILLER): Well, the ropes  
5 course and the traffic patterns, --

6 NICHOLAS TALVACCHIA: Yes.

7 FEMALE MEMBER FROM THE AUDIENCE

8 (STEPHANIE SEGAL MILLER): -- which I haven't  
9 gotten to.

10 NICHOLAS TALVACCHIA: Well --

11 FEMALE MEMBER FROM THE AUDIENCE

12 (STEPHANIE SEGAL MILLER): And the ropes course  
13 is the ropes course, and there are issues of  
14 surrounding noise that affect us, as residents  
15 and owners there.

16 NICHOLAS TALVACCHIA: We're going  
17 to investigate the noise. That's all we can do.  
18 That's all we're required to do. There's a  
19 noise code and we're going to meet it. We have  
20 to meet it.

21 FEMALE MEMBER FROM THE AUDIENCE

22 (STEPHANIE SEGAL MILLER): Can I ask something  
23 about notice? When --

24 In the very beginning, you said  
25 that notice was given. What is the amount of

1 time to give notice for these hearings? Can  
2 someone advise me of that? Is it two days, ten  
3 days?

4 NICHOLAS TALVACCHIA: It's ten  
5 days.

6 ROBERT REID: It's ten.

7 FEMALE MEMBER FROM THE AUDIENCE  
8 (STEPHANIE SEGAL MILLER): Because we just got a  
9 notice two days ago. Now, that went to our  
10 building manager. And I need to find out why he  
11 is getting it and why we only got notification,  
12 as owners, two days ago.

13 This is the first of any of the  
14 plans of anything that any owner has received in  
15 our entire building.

16 PAUL WEISS: Mr. Talvacchia --

17 NICHOLAS TALVACCHIA: Ma'am, we  
18 mailed it out --

19 PAUL WEISS: Mr. Talvacchia, if you  
20 could please --

21 NICHOLAS TALVACCHIA: Yeah. We  
22 mailed --

23 PAUL WEISS: -- testify to --

24 NICHOLAS TALVACCHIA: Yes. The  
25 statute requires --

1                   PAUL WEISS:  -- if you could please  
2     testify to the requirement and what the  
3     applicant's efforts were to comply with the  
4     requirement.

5                   NICHOLAS TALVACCHIA:  Okay.  So, we  
6     requested a list of property owners within 200  
7     feet of the property, as required by law.  We  
8     were given that list by the CRDA, a certified  
9     list.

10                  We then mailed notice more than ten  
11     days before the hearing and published it in the  
12     Atlantic City Press.

13                  FEMALE MEMBER FROM THE AUDIENCE  
14     (STEPHANIE SEGAL MILLER):  No.  That wasn't my  
15     question.

16                  NICHOLAS TALVACCHIA:  When you get  
17     --

18                  No.  When you --

19                  I'm telling you what the law is.  
20     When you get it -- you could get it next week.  
21     It's really not, you know --

22                  We're still compliant.  I'm  
23     serious.  I'm dead serious.

24                  FEMALE MEMBER FROM THE AUDIENCE  
25     (STEPHANIE SEGAL MILLER):  So, ten days from



1 Atlantic City, and we got the notice two days  
2 ago.

3 NICHOLAS TALVACCHIA: I mailed it  
4 more than ten days ago.

5 FEMALE MEMBER FROM THE AUDIENCE  
6 (STEPHANIE SEGAL MILLER): Okay. I'm just  
7 trying to find out for my own information what's  
8 happening with our building manager, --

9 NICHOLAS TALVACCHIA: Yeah.

10 FEMALE MEMBER FROM THE AUDIENCE  
11 (STEPHANIE SEGAL MILLER): -- and I'd like to  
12 know --

13 NICHOLAS TALVACCHIA: You also --

14 FEMALE MEMBER FROM THE AUDIENCE  
15 (STEPHANIE SEGAL MILLER): -- how I can get  
16 access to the list, because the person who is  
17 getting the notices is not the one who was in  
18 charge in our building.

19 So...

20 NICHOLAS TALVACCHIA: It's the list  
21 that's supplied to the city for property tax  
22 purposes.

23 You can change that.

24 FEMALE MEMBER FROM THE AUDIENCE  
25 (STEPHANIE SEGAL MILLER): And how -- how do we

1 do that? And how do I find out who it is?

2 NICHOLAS TALVACCHIA: I'll --

3 After the hearing, I'll show --

4 FEMALE MEMBER FROM THE AUDIENCE

5 (STEPHANIE SEGAL MILLER): This is not a  
6 criticism of you. I'm trying to get information  
7 here.

8 NICHOLAS TALVACCHIA: After the  
9 hearing, I will give you the list, and you can  
10 look at it and you can see who's getting it.

11 FEMALE MEMBER FROM THE AUDIENCE

12 (STEPHANIE SEGAL MILLER): Fine.

13 NICHOLAS TALVACCHIA: And then you  
14 can go to the city and ask them to change it.

15 FEMALE MEMBER FROM THE AUDIENCE

16 (STEPHANIE SEGAL MILLER): Okay. I'm not trying  
17 to be difficult, but we --

18 You know, I represent over 200  
19 owners who live in the building, and we have  
20 been dealing with these issues for a long time.  
21 So, I feel like it is our right to be here to be  
22 able to make sure that things are taken care of.

23 PAUL WEISS: It's absolutely your  
24 right to be here and it's your right to provide  
25 whatever testimony you believe is relevant to

1 the application. So, please proceed.

2 FEMALE MEMBER FROM THE AUDIENCE  
3 (STEPHANIE SEGAL MILLER): Okay. The traffic  
4 situation with the --

5 In theory, we are -- we are in  
6 favor of the taxis being moved to New Jersey  
7 Avenue. This is fantastic.

8 There are some additional pieces I  
9 would -- I would like to ask to be investigated.  
10 One is the honking of the taxis. Preliminarily,  
11 there is nothing --

12 We looked into this, and every  
13 casino has a certain amount that are allowed to  
14 queue. There is nothing on the books, last --  
15 last I heard from investigating with the city  
16 officials and even with the taxi companies, for  
17 the number of taxis that can queue. I would  
18 suggest that's something that should be taken  
19 care of. If it's going to be inside, maybe it's  
20 not so much of an issue.

21 But, the -- the noise from the  
22 honking, it travels up. And so even if they are  
23 in the garage and they are honking, we are still  
24 going to hear that.

25 So, what I would like to propose or

1 to work with Mr. Straub and CRDA is what can be  
2 done about stopping them from doing this.

3 It's on the Revel's property. It's  
4 going to be better for their guests who are  
5 there, not to be having the taxis honking.

6 So, I would propose that even if  
7 they are inside --

8 First of all, there is no number  
9 that's set up that we know of. Last we checked,  
10 it was not ever done.

11 If they're not going to be lining  
12 up in front, in the porte-cochere, then maybe  
13 it's a moot issue.

14 But, I still worry about the taxis  
15 honking and the noise that travels up in the  
16 garage. Because what happens is, one of them  
17 falls asleep and they start laying on the horn  
18 and then, 3 o'clock in the morning, we're woken  
19 up because the taxis are falling asleep or  
20 someone hasn't moved up 20 feet. (Indicating.)

21 So, this is -- it's not --

22 But, this is what we've been living  
23 with. This --

24 PAUL WEISS: Yeah.

25 FEMALE MEMBER FROM THE AUDIENCE

1 (STEPHANIE SEGAL MILLER): And I know part of it  
2 is the culture and there's some things that  
3 you're not going to be able to change, but there  
4 are some things to do, which is to instruct  
5 them, if they're honking, they're going to be  
6 fined. You know?

7 It's their property. And then  
8 they're doing right by the neighbors who live  
9 there.

10 There's also a -- I don't know the  
11 name of the complex. Another complex that's  
12 right there is also going to be subjected to the  
13 noise.

14 So, there should be some type of --  
15 I don't know if it's a fine or instruction or  
16 signage that says No Honking.

17 And I just want people -- I want  
18 them to be aware that this is an issue.

19 So, in terms of -- and I may be  
20 throwing your whole plan off, but with the --  
21 with the traffic coming in on Revel and  
22 Connecticut Boulevard, we have over 200 cars  
23 that come in and out of that parking lot.

24 PAUL WEISS: If I could just stop  
25 you for a second, --

1 FEMALE MEMBER FROM THE AUDIENCE

2 (STEPHANIE SEGAL MILLER): Mmm-hmm.

3 PAUL WEISS: -- because I'd like  
4 the applicant to address the concern you raised  
5 about honking taxi cabs.

6 If you're done raising that  
7 concern, I'd like to have them respond for the  
8 record as to, you know, their sense of that --

9 FEMALE MEMBER FROM THE AUDIENCE

10 (STEPHANIE SEGAL MILLER): Sure.

11 PAUL WEISS: -- particular issue.

12 FEMALE MEMBER FROM THE AUDIENCE

13 (STEPHANIE SEGAL MILLER): Okay.

14 GLENN STRAUB: If the application  
15 is approved, all taxi cabs or anybody going into  
16 that staging area to drop off any person to the  
17 front door is completely being eliminated. So,  
18 I can only say that that has to eliminate 99  
19 percent. Where they're going into is 500 feet  
20 away, underground.

21 There will be 25 taxis in the  
22 building that you'll never, never hear, because  
23 we have to deal with Motorola radios even to  
24 talk to each other. And the rest of them will  
25 be on New Jersey and any kind of queuing that

1       you would have would be on New Jersey, which  
2       would be a good block away from where your  
3       property is anyway.

4               So, I would hope that that would  
5       not be something that would have to be  
6       addressed.

7               If you would just look at the  
8       drawings, we are eliminating that possibility  
9       for the administrator to give a recommendation  
10      for approval or not that we're eliminating all  
11      possibilities.

12              I didn't know it existed because I  
13      never --

14              FEMALE MEMBER FROM THE AUDIENCE  
15      (STEPHANIE SEGAL MILLER): Right.

16              GLENN STRAUB: -- visited the  
17      property.

18              FEMALE MEMBER FROM THE AUDIENCE  
19      (STEPHANIE SEGAL MILLER): That's okay.

20              GLENN STRAUB: But, if it is, it's  
21      completely eliminated now.

22              There might be a random person  
23      that's possibly going into self-park and backed  
24      up. But, that building was made more  
25      sophisticated than anything here in

1 Atlantic City, so you should be able to walk  
2 right into the self-park and go straight up.  
3 There should be --

4 There's no gates or anything else.  
5 You go in to self-park, right up to whatever  
6 floor you're getting into, the 13 floors. And  
7 they're all --

8 NICHOLAS TALVACCHIA: Your -- your  
9 complaint is only about taxi cabs.

10 FEMALE MEMBER FROM THE AUDIENCE  
11 (STEPHANIE SEGAL MILLER): No. No. Actually,  
12 it's a little more expansive.

13 What you -- what happened --

14 What is in theory and on paper is  
15 different than what happens, acoustically, in  
16 reality. One would think that being the long  
17 block away would prohibit the noise, but even at  
18 that taxi -- at that traffic light, where cars  
19 will still enter to go into the self-parking  
20 lot, there is honking.

21 I have one suggestion that I think  
22 is a simple one. Maybe you'd be amenable to  
23 this. Can we get a boxed flashing sign that  
24 says No Honking? It doesn't mean people aren't  
25 going to honk, but if we could eliminate some of



1 the honking. I know it's not going to be a  
2 hundred percent.

3 But, I will tell you that the  
4 reality of what we live with is different than  
5 what you have on paper. It's just different.

6 So, some of the things in terms of  
7 the tunnel, if you've been in there -- and I've  
8 driven it --

9 I had some suggestions that I  
10 brought up before that hadn't -- that hadn't  
11 been addressed, which I will share with you, for  
12 safety reasons, and that is because I'm a little  
13 obsessed with watching the traffic from our  
14 window, so I see the patterns, I see what's  
15 working, I see what's not working, we see -- we  
16 have seen many accidents, reported many to the  
17 police. I've sent suggestions.

18 So, I would request a flashing No  
19 Honking sign. It seems like maybe it won't do  
20 anything, but if it's a -- you know, it's not so  
21 much money and it's something that could, maybe,  
22 assist for the people who live in the area, we  
23 would be grateful. We just want it to be  
24 considered.

25 I understand one would think that,

1       inside that parking lot, you won't hear it, but  
2       when they went down -- even down, under that  
3       tunnel, in the porte-cochere, which was  
4       underneath, we heard the valets honking.

5               So, it's easy to say it's designed  
6       one way, but the reality is something that's  
7       very different.

8               And, you know, we had many owners  
9       who were -- who were complaining. I had --

10              We only found out about this  
11       hearing two days ago, and I was the person who  
12       was able to come.

13              I've also been very involved with  
14       sending reports to the CRDA and to the city.

15              So, I would like for that to be  
16       taken into consideration.

17              So, this --

18              The traffic pattern with three  
19       lanes. Right now, if we are coming off of  
20       Pacific Avenue, we have to cross three lanes to  
21       make a left into our parking garage. Three  
22       lanes. When we come out of the garage, we can  
23       only make a left because the -- it is one way,  
24       which means, to make a right-hand turn and avoid  
25       what's now going to be a valet drop-off, we have

1 to cross three lanes to make a right. And I am  
2 worried about the 200 plus cars coming out of  
3 our building, merging and crossing three lanes  
4 in both ways to be able to make turns here. I  
5 think that it is many accidents waiting to  
6 happen.

7 And what I am here to propose is --  
8 on behalf of myself and other owners in the  
9 building, is to consider actually making Revel  
10 Boulevard two directions -- two ways going in  
11 and one lane out. Okay? Because we have over  
12 200 cars coming in and out. It's worse -- going  
13 to be worse in the summer for everybody. And  
14 right now, you have to cross three lanes to make  
15 a right or a left turn in two of the three  
16 traffic options coming in there.

17 Does that make sense?

18 PAUL WEISS: So, you're -- so that  
19 you're talking about the parking facility at the  
20 Bella?

21 FEMALE MEMBER FROM THE AUDIENCE  
22 (STEPHANIE SEGAL MILLER): Correct.

23 PAUL WEISS: And when you're coming  
24 out onto Connecticut Avenue, --

25 FEMALE MEMBER FROM THE AUDIENCE

1 (STEPHANIE SEGAL MILLER): Mmm-hmm.

2 PAUL WEISS: -- in order to make a  
3 right turn onto Oriental Avenue, --

4 FEMALE MEMBER FROM THE AUDIENCE

5 (STEPHANIE SEGAL MILLER): You've got to cross  
6 three lanes.

7 PAUL WEISS: -- you're saying  
8 you're -- you're, essentially, crossing three  
9 lanes of traffic in order to make a right.

10 FEMALE MEMBER FROM THE AUDIENCE

11 (STEPHANIE SEGAL MILLER): That is correct.

12 PAUL WEISS: Does the applicant  
13 have any observations or testimony as to that  
14 particular issue you'd like to put into the  
15 record?

16 NICHOLAS TALVACCHIA: That's the  
17 way it was approved in '07, '08 and the way it  
18 was designed. I mean, Bella was at the  
19 hearings. We had informational sessions with  
20 them. We met with them at their condominium  
21 associations. And I don't believe you owned  
22 your unit at that approval, but we met.

23 We met with Tom Scannapieco, the  
24 developer. We met -- actually, we met at the  
25 Sheraton. I was there on a Saturday morning

1 with the Bella Condominium Association.

2 And they expressed some concerns,  
3 but, overall, they endorsed it. They liked the  
4 project. This was all --

5 They saw the whole plan. I mean, I  
6 don't know what to do now. The building is  
7 built. Their building is built. Our building  
8 is built.

9 PAUL WEISS: And you're not --

10 I guess, Mr. Talvacchia, it's your  
11 testimony the applicant in this hearing is not  
12 changing any of that which was previously  
13 approved? Is that the --

14 NICHOLAS TALVACCHIA: In terms of  
15 them getting over to the right lane to turn,  
16 we're not changing that, no. No. This --

17 FEMALE MEMBER FROM THE AUDIENCE  
18 (STEPHANIE SEGAL MILLER): We're asking for a  
19 possible change.

20 And I'd like to say something about  
21 Mr. Scannapieco. Our building was developer and  
22 bank-controlled for many years, and the owners  
23 have finally gained some semblance of control of  
24 the building. So, I would say that the  
25 circumstances have changed.

1                   And it was not always three  
2           directions -- three lanes in. It was changed  
3           more recently.

4                   So, I would say if the applicant is  
5           saying that he's analyzing the original plan, we  
6           all know things have changed. Things have to be  
7           fluid.

8                   I'm telling you now that this is an  
9           issue for our building. And I am more  
10          representative than Tom Scannapieco, who is not  
11          now our board -- chairman of our board.

12                  We have -- we have owners who are  
13          interested in the building. He is out and his  
14          interest is not the same as the owners here.

15                  And I have been communicating with  
16          our current board members, and they are also  
17          very unhappy about this.

18                  So, I'm asking you to consider. I  
19          don't know that it's such a bad thing. Why  
20          can't you have two lanes going in and that  
21          middle lane becomes straight and left? Because  
22          if you have -- if you have two lanes going in --  
23          and I assume -- I don't recollect what they were  
24          saying about the -- about going in.

25                  You still have two lanes racing to

1 get into that -- to that -- and I've seen it,  
2 because -- because I see all -- I see the entire  
3 traffic pattern; that cars can race into --

4 If you've got them both at the  
5 light, they're racing to get in. I don't know  
6 what they're racing for, but they're -- but,  
7 they do, to get in -- funneling into one lane.

8 So, I'm asking you to consider and  
9 to look at the pattern that, maybe, this is also  
10 something better. Because you've got -- we --

11 You have our building crossing  
12 three lanes to -- to be able to get in and out  
13 of our building.

14 NICHOLAS TALVACCHIA: Can I -- can  
15 I get some clarification? Because we're  
16 confused on our side.

17 FEMALE MEMBER FROM THE AUDIENCE  
18 (STEPHANIE SEGAL MILLER): Sure.

19 NICHOLAS TALVACCHIA: First of all,  
20 there have been no changes to the plan since  
21 '08. I did all the approvals. I did the --

22 FEMALE MEMBER FROM THE AUDIENCE  
23 (STEPHANIE SEGAL MILLER): The traffic pattern  
24 was --

25 That's not true. It changed to --

1                   It used to be -- it used to be in  
2   two directions, --

3                   NICHOLAS TALVACCHIA:   No.   No.   Not  
4   --

5                   FEMALE MEMBER FROM THE AUDIENCE  
6   (STEPHANIE SEGAL MILLER):   -- and when the Revel  
7   opened, it changed.

8                   NICHOLAS TALVACCHIA:   Right.   That  
9   was part of a Revel approval.

10                  Since the approval was approved --

11                  FEMALE MEMBER FROM THE AUDIENCE  
12   (STEPHANIE SEGAL MILLER):   Okay.   But, it  
13   changed.

14                  NICHOLAS TALVACCHIA:   -- in '07, it  
15   has not changed.

16                  FEMALE MEMBER FROM THE AUDIENCE  
17   (STEPHANIE SEGAL MILLER):   But, what's relevant  
18   is what the current situation is and is going to  
19   be.

20                  I understand your point; that that  
21   was the plan that was approved, but your -- but,  
22   many of your arguments were, today, well, we're  
23   going to see what happens when -- when things  
24   are in action.   Well, this is another thing that  
25   you have to take into consideration.



1                   You've got over 200 vehicles going  
2       in and out, crossing three lanes in both  
3       directions to make turns. And then you're  
4       asking people --

5                   I have also --

6                   The speed at which cars come down  
7       Connecticut Avenue is enormous.

8                   So, you've got cars --

9                   At one point, we got the city to  
10      put up like traffic signals for the speed limit,  
11      they were going so fast. So, you've got cars  
12      coming across here. You've got the jitneys,  
13      which are always in accidents in front of our  
14      building. And then you've got 200 cars and  
15      you've got all the cars coming in.

16                  And I think it needs to be  
17      evaluated that there is a safety issue with cars  
18      exiting our building, crossing three lanes.

19                  And I don't know that it's  
20      necessarily a bad thing for them to -- to have  
21      two lanes. One lane goes straight in and the  
22      other goes left, and the right one can be a  
23      dedicated.

24                  I'm no traffic expert, but I  
25      certainly have been watching these patterns for

1       several years now. So, it's a little different  
2       perspective.

3                   But, the reality of how things play  
4       out is also quite important to -- to what's  
5       happening in this situation and how it's going  
6       to affect all our residents.

7                   NICHOLAS TALVACCHIA: The original  
8       design, as I recall, was, from Bella, left-hand  
9       turn lane onto Connecticut or Revel Boulevard,  
10      left-hand turn lane onto Oriental, left-hand  
11      turn lane onto Massachusetts to leave.

12                  So, they're cutting across. That  
13      really wasn't the design. It wasn't what was  
14      contemplated.

15                  So, what she's saying is, we want  
16      to cut across three lanes and go to the right  
17      and we don't like cutting across three lanes.  
18      But, it wasn't really designed that way. It was  
19      designed left, left and left.

20                  And Mr. Scannapieco always had with  
21      him his board and members. It wasn't just  
22      Mr. Scannapieco speaking; it was board members  
23      and members who live there. That's who we met  
24      with.

25                  PAUL WEISS: Well, fair enough.

1                   And, ma'am, we've heard your  
2       testimony.

3                   FEMALE MEMBER FROM THE AUDIENCE  
4       (STEPHANIE SEGAL MILLER):   Okay.

5                   PAUL WEISS:   The applicant's heard  
6       your testimony and concern.

7                   You know, in many respects, we are  
8       bound by the previous city approval for this  
9       traffic pattern.

10                  But, we understand the concern  
11       you're raising and the applicant has heard it.  
12       It's a matter of the record now.   So...

13                  FEMALE MEMBER FROM THE AUDIENCE  
14       (STEPHANIE SEGAL MILLER):   Okay.   And then is  
15       there someone also --

16                  Then I will also make my concerns  
17       known to the city.   I think --

18                  You know, we're not --

19                  PAUL WEISS:   Yeah.

20                  FEMALE MEMBER FROM THE AUDIENCE  
21       (STEPHANIE SEGAL MILLER):   We want what's best  
22       for the area, but we also live there.

23                  PAUL WEISS:   Understood.

24                  FEMALE MEMBER FROM THE AUDIENCE  
25       (STEPHANIE SEGAL MILLER):   So, I have one other

1 question.

2 Now that the -- we called it the  
3 tunnel of death, because we -- yeah. The Revel  
4 tunnel. Because of all the accidents. If you  
5 --

6 Has anybody ever driven in there?  
7 Have you driven the tunnel?

8 NICHOLAS TALVACCHIA: Many times.  
9 Very safe.

10 FEMALE MEMBER FROM THE AUDIENCE  
11 (STEPHANIE SEGAL MILLER): Have you guys driven  
12 in there?

13 JON BARNHART: Yes.

14 FEMALE MEMBER FROM THE AUDIENCE  
15 (STEPHANIE SEGAL MILLER): Well, anyway, you  
16 didn't see all the accidents we saw.

17 But, there are some suggestions  
18 which I would like to propose. One is that  
19 there should be rumble strips in there. The  
20 speed at which people came out. If you're still  
21 going to have people exit there, I under --

22 There needs to be something done  
23 about the speed. We would watch the cars come  
24 out. We also watch them cross over three lanes  
25 to make a left-hand turn.

1                   So, if you come out of that tunnel  
2     and two lanes are going to be exiting on the  
3     right-hand side, what happens is the GPSs, we  
4     believe, will take people in different  
5     directions.

6                   So, while it would seem like a  
7     normal thing to go straight, right, on  
8     Massachusetts Avenue, what would happen is -- we  
9     watched it all the time -- from the right-hand  
10    lane, they would cross all three lanes and make  
11    a left.

12                  And so you can't always see people  
13    coming around that -- that tunnel.

14                  Some of this may be eliminated by  
15    the fact that the one lane in will now be a  
16    valet. But, what I would suggest is that there  
17    are painted arrows so that people know which  
18    direction and that you have to go straight.  
19    Because they will continue --

20                  The GPS, they'll come out on the  
21    right side and make a left and cross all three  
22    lanes.

23                  And I don't care what the studies  
24    say. I watch this happen. Through years we've  
25    watched them cross over.

1                   We reported it to the police. Like  
2                   we know it's a dangerous intersection. I don't  
3                   know why we couldn't get anything done. But, we  
4                   would hope, when you have guests and visitors  
5                   coming -- and it sounds, to me, like Mr. Straub  
6                   really wants to do what's best for the area --  
7                   that you take into consideration putting a few  
8                   safety -- safety measures in; the directional  
9                   arrows and the rumble strips on the way to get  
10                  people out.

11                 NICHOLAS TALVACCHIA: A couple of  
12                 points.

13                 PAUL WEISS: Mr. Talvacchia.  
14                 Please.

15                 NICHOLAS TALVACCHIA: The rumble  
16                 strips are fine. I'm not so sure about the  
17                 painting, but we want to work with Mr. England  
18                 on that.

19                 Certainly, there's going to be  
20                 signage. There's lighting. And I am advised --  
21                 and you could confirm this, Dave -- that the  
22                 two-way traffic will calm traffic compared to  
23                 three lanes out.

24                 Is that --

25                 DAVID SHROPSHIRE: It should be.

1                   And safety-wise, if people are  
2           making an illegal left turn from a right turn  
3           lane, they now only have two lanes to do that  
4           illegal movement from. So, it should be cleaned  
5           up.

6                   NICHOLAS TALVACCHIA: Okay. And  
7           the rumble strips will help to slow --

8                   DAVID SHROPSHIRE: It can. Yeah.

9                   NICHOLAS TALVACCHIA: Yeah.

10                  So, we'll -- we'll do that. We're  
11          trying to make this --

12                  We don't want people to have  
13          accidents.

14                  FEMALE MEMBER FROM THE AUDIENCE  
15          (STEPHANIE SEGAL MILLER): Of course. That's  
16          what I said. I'm not --

17                  I mean, I'm obviously, very  
18          passionate about what's going on in our area,  
19          but I believe that the -- the suggestions we  
20          have are not only going to help us, but they're  
21          also going to help you.

22                  NICHOLAS TALVACCHIA: We may not  
23          agree with all your suggestions, but we like the  
24          general tone. We understand you're trying to  
25          make this work for everybody. So...

1                   You'll find Mr. Straub is a very  
2     reasonable person.

3                   FEMALE MEMBER FROM THE AUDIENCE  
4     (STEPHANIE SEGAL MILLER): That's terrific. I  
5     was happy to hear that he's willing to take care  
6     of those things.

7                   So, we would like to, either myself  
8     and a board member, --

9                   NICHOLAS TALVACCHIA: I'll give you  
10    my card.

11                  FEMALE MEMBER FROM THE AUDIENCE  
12    (STEPHANIE SEGAL MILLER): -- to be in touch so  
13    that we make sure that we know about these  
14    things and we can take care of them before the  
15    hearing.

16                  NICHOLAS TALVACCHIA: I will give  
17    you my card and you can contact me.

18                  FEMALE MEMBER FROM THE AUDIENCE  
19    (STEPHANIE SEGAL MILLER): I have one more  
20    question.

21                  This --

22                  The fact that they're going to be  
23    submitting an -- additional information, will  
24    there be another hearing about this before it  
25    goes to the CRDA board?



1                   PAUL WEISS: We do not have -- and  
2           I was going to bring that point up after you  
3           finished your public comment, so --

4                   And I'll -- I'll answer your  
5           question in that respect once we get through  
6           public comment.

7                   FEMALE MEMBER FROM THE AUDIENCE  
8           (STEPHANIE SEGAL MILLER): Mmm-hmm.

9                   PAUL WEISS: And if you have more,  
10          please feel free. But, if you're finished,  
11          that's fine, too.

12                   And any other members of the public  
13          can then provide whatever testimony they wish to  
14          provide.

15                   Take your time. I see you have a  
16          list, so...

17                   FEMALE MEMBER FROM THE AUDIENCE  
18          (STEPHANIE SEGAL MILLER): I have a big list. I  
19          had a list, and then I had more when I listened.

20                   PAUL WEISS: The floor is yours,  
21          ma'am. So, go ahead.

22                   FEMALE MEMBER FROM THE AUDIENCE  
23          (STEPHANIE SEGAL MILLER): Okay.

24                   PAUL WEISS: We're here.

25                   FEMALE MEMBER FROM THE AUDIENCE

1 (STEPHANIE SEGAL MILLER): Just one more thing.

2 And I would --

3 I'm guessing that the  
4 Massachusetts, right now, is three ways -- is  
5 still all only one direction. Is there a term  
6 for that; one direction, the --

7 You know, is that --

8 Since people can now enter on that  
9 right-hand lane going into the -- going into the  
10 tunnel on Massachusetts, if they're going to  
11 enter from Oriental, does that mean that -- that  
12 Massachusetts will still be three lanes -- still  
13 all be one direction, all --

14 Because right now, --

15 NICHOLAS TALVACCHIA: Yes.

16 FEMALE MEMBER FROM THE AUDIENCE

17 (STEPHANIE SEGAL MILLER): -- it's all three --

18 NICHOLAS TALVACCHIA: We're not --  
19 we're not --

20 FEMALE MEMBER FROM THE AUDIENCE

21 (STEPHANIE SEGAL MILLER): You're not changing  
22 that?

23 NICHOLAS TALVACCHIA: No.

24 FEMALE MEMBER FROM THE AUDIENCE

25 (STEPHANIE SEGAL MILLER): Okay. And I think

1       that might be it. Let me make sure.

2               One of the questions you had asked  
3       about the staffing, which, you know, I didn't  
4       hear a firm answer on that, maybe, you know,  
5       it's going to be fluid; about what happens if  
6       it's not staffed properly -- Mr. Chairman, I  
7       think you asked that question -- how -- I would  
8       like to know where -- where we were -- where can  
9       we, if we see the cars lining up and the honking  
10      -- I don't care so much about the cars; I care  
11      about the honking. And that's what the people  
12      in our building care about is the noise that  
13      we're going to have.

14              So, how is that --

15              Are there going to be specific  
16      measures about how it's going to be staffed with  
17      events and will there be preparation for that.  
18      I guess that was my concern.

19              You brought the question up, and I  
20      agree. I'd like to know will there be extra  
21      staffing and how much room is in there to make  
22      sure that they don't queue up on Oriental.  
23      Because that's also going to bring a lot of  
24      noise to our -- to the community.

25              PAUL WEISS: Well, and again, the

1 testimony that the applicant provided to this  
2 hearing was that they intend to provide a -- or  
3 proffer a traffic management plan update so that  
4 that document can be evaluated by the  
5 authority's experts and -- and then commented on  
6 to determine whether or not there's any  
7 remaining issues as it relates to vehicles  
8 either queuing or stacking on the public  
9 streets.

10 So, you're correct. There wasn't a  
11 specific number issued -- or provided by the  
12 applicant, but I guess, at this juncture in the  
13 process of their work to finalize submissions to  
14 the authority, they don't have a number, but  
15 they understand that that's an issue that they  
16 have to address as part of their updated plan.

17 FEMALE MEMBER FROM THE AUDIENCE  
18 (STEPHANIE SEGAL MILLER): Right.

19 And will there be mechanisms in  
20 place to -- in order -- in place with what's  
21 passed so that it will be adjusted if it does  
22 need to be adjusted? I'd like to plan for the  
23 future. Maybe it will all be fine. I'll be  
24 happy. But, what I'd like to know is, because  
25 we have been dealing with this so long, I want

1 to make sure the mechanisms are in place that  
2 the things are going to get fixed if there is a  
3 problem and that we don't spend two -- you know,  
4 two or three years writing and calling and  
5 coming to meetings. That's what I want to make  
6 sure is going to happen.

7 PAUL WEISS: Your comment is  
8 understood. And, certainly, it would be the  
9 authority's expectation that the plan that the  
10 applicant proffers accommodates variances or  
11 changes for future demand of traffic flowing in  
12 and out of the facility.

13 FEMALE MEMBER FROM THE AUDIENCE  
14 (STEPHANIE SEGAL MILLER): Okay.

15 I have a question for the  
16 commissioners. Am I saying that right? You're  
17 the commissioners or the --

18 PAUL WEISS: Technically, no, but  
19 it doesn't matter.

20 FEMALE MEMBER FROM THE AUDIENCE  
21 (STEPHANIE SEGAL MILLER): Oh. Okay.

22 PAUL WEISS: If you have a  
23 question, you're more than -- we'll try to  
24 address it as much as we can.

25 FEMALE MEMBER FROM THE AUDIENCE

1 (STEPHANIE SEGAL MILLER): What I want to make

2 --

3 I would like to know, not only from  
4 the applicant's side about this traffic change  
5 with the three lanes and our 200 plus car -- you  
6 know, vehicles that come in and out, how is it  
7 going to be addressed on your end so that there  
8 is a -- there is also not just owners and my  
9 board members coming here to testify, that there  
10 is information about what is --

11 I don't really care what  
12 Mr. Scannapieco did and I know the -- I know  
13 what our board was. They did whatever he said.  
14 So, to me, that is -- there is no credence in  
15 that.

16 What I -- what I want to make sure  
17 for our current residents is that our current  
18 needs, not Mr. Scannapieco's needs and not the  
19 board that were his members, I want to make sure  
20 that that's -- that this point is being  
21 addressed.

22 And I don't think it's so terrible  
23 to have, you know, the two lanes.

24 And I would -- I would like to know  
25 now what's -- how that's going to be addressed

1       so that our position is also taken into account  
2       with the traffic studies and the engineers.

3               PAUL WEISS: Well, again, where the  
4       applicant is in its process is they have to  
5       provide updated information to the authority's  
6       experts.

7               FEMALE MEMBER FROM THE AUDIENCE  
8       (STEPHANIE SEGAL MILLER): Mmm-hmm.

9               PAUL WEISS: So, we have an updated  
10      traffic plan that we are looking to evaluate.  
11      And there is also other traffic analyses or  
12      reporting that needs to be provided to the  
13      authority so that the circulation that is being  
14      proposed for this development is in line with  
15      the requirements of the city's ordinances.

16              So, that information has to come to  
17      the authority, still.

18              FEMALE MEMBER FROM THE AUDIENCE  
19      (STEPHANIE SEGAL MILLER): Mmm-hmm.

20              PAUL WEISS: And to your -- to your  
21      earlier question about whether or not you or  
22      others who have been noticed for this particular  
23      application are going to have the opportunity to  
24      evaluate and hear testimony about those issues,  
25      it would be the authority's intention that this

1 matter be continued to a second hearing so that  
2 that additional information that the applicant  
3 has yet to provide can be properly vetted in a  
4 public forum so that members of the public have  
5 the ability to hear and understand the  
6 applicant's intentions.

7 So, that's -- that would be our way  
8 of managing and -- and providing the public with  
9 the opportunity to thoroughly understand the  
10 issues that you have raised and any other issues  
11 that any of the other property owners who have  
12 been noticed by this application can have the  
13 opportunity to speak their mind and -- either in  
14 support or raise questions and issues otherwise.

15 FEMALE MEMBER FROM THE AUDIENCE

16 (STEPHANIE SEGAL MILLER): Okay. Is there  
17 anything --

18 Just this is, really, on behalf of  
19 Mr. Straub, because, now, I understand, is going  
20 to delay what he wants to do -- and his attorney  
21 should be asking this, but I will, is there  
22 something that they can do in -- you know, if he  
23 gets his approvals to open, are they -- do they  
24 still have traffic --

25 I mean, we need the hearing, and



1       our board was very clear they wanted to make  
2       sure that we got that, which I'm very grateful  
3       and thankful that that will happen as part of  
4       the public process, but will they now have an  
5       opportunity to, just let's say, use New Jersey  
6       Avenue at any time?

7               PAUL WEISS: Well, again, the  
8       reason, from the authority's point of view, that  
9       this requires a more thorough vetting is because  
10      there is information that we don't have --

11              FEMALE MEMBER FROM THE AUDIENCE  
12      (STEPHANIE SEGAL MILLER): Mmm-hmm.

13              PAUL WEISS: -- that the authority  
14      needs to have in order to provide opinion and  
15      feedback back to the applicant.

16              FEMALE MEMBER FROM THE AUDIENCE  
17      (STEPHANIE SEGAL MILLER): Mmm-hmm.

18              PAUL WEISS: And it would be our  
19      view that that information should also be vetted  
20      in a public forum.

21              FEMALE MEMBER FROM THE AUDIENCE  
22      (STEPHANIE SEGAL MILLER): Okay. Okay.

23              PAUL WEISS: Do you have any other  
24      --

25              FEMALE MEMBER FROM THE AUDIENCE

1 (STEPHANIE SEGAL MILLER): I don't. I --

2 PAUL WEISS: -- comments or --

3 FEMALE MEMBER FROM THE AUDIENCE

4 (STEPHANIE SEGAL MILLER): No. I think that you  
5 either answered it during the --

6 You know, I think -- I think we're  
7 good till the next, and then we'll see how  
8 things play out for the -- for the next meeting.

9 But, I thank you all for your time  
10 and taking into consideration the residents who  
11 live -- live in the area.

12 PAUL WEISS: Thank you.

13 Any other members of the public who  
14 wish to address this body may do so at this  
15 time. Again, state your name and address for  
16 the record.

17 Hearing no further public comment,  
18 I bring the hearing back to the forwarding  
19 hearing officer.

20 Any other additional comment from  
21 the authority's experts on this application?

22 JUSTIN AUCIELLO: Mr. Chairman, I  
23 don't think I have any further comments.

24 WILLIAM ENGLAND: Mr. Chairman, I  
25 have nothing.

1                   PAUL WEISS: Okay. Mr. Talvacchia,  
2       does the applicant have any further testimony?

3                   NICHOLAS TALVACCHIA: No.

4                   But, I was listening to your  
5       comments about another hearing, and, frankly,  
6       I've looked at the Atlantic City land use  
7       ordinance. I don't find any standards  
8       applicable to this application, actually, in the  
9       ordinance.

10                  And the case law is quite clear  
11       that there has to be site plans there.

12                  So, we came here in good faith.

13                  But, we've given you enough  
14       information for this to go to a recommendation.  
15       The conditions are common to have the engineer  
16       look at later. It's done all the time.

17                  But, to make us come back for  
18       another hearing, it's unnecessary and, really,  
19       unwarranted, given the ordinance that  
20       Atlantic City has.

21                  Now, you know that you had the  
22       right to adopt a more detailed site plan  
23       ordinance in accordance with the MLUL. But,  
24       right now, you're working with the Atlantic City  
25       ordinance.

1                   And I've looked at the standards  
2     for site plan approval. There's nothing in  
3     there. It's all vague stuff. There's no  
4     standards that are applicable.

5                   So, we have unrefuted testimony  
6     that we're not going to cause traffic to queue  
7     into the public right-of-way. Under the case  
8     law, that's all we have to do, honestly.

9                   We're more than happy to work with  
10    the Bella, but to make like Connecticut Avenue  
11    two lanes, I mean, that was never thought about  
12    or approved, and it probably doesn't work with  
13    capacity. The things --

14                  The traffic management plan, I  
15    mean, yes, we'll show it to you, but I don't  
16    know that you're really approving it. That's an  
17    internal circulation management. That's beyond  
18    the purview.

19                  I've read the case law. Your  
20    obligation is to ensure that traffic doesn't  
21    back out into the public right-of-way. Even  
22    though the ordinance doesn't even say that, by  
23    the way, but we'll assume it's applicable in  
24    this case.

25                  The Atlantic City land use

1 ordinance is very deficient in providing  
2 standards for site plan review. Please take a  
3 look at the standards. You're like --

4 The ordinance was written in 1978,  
5 long before a lot of case law came out on what's  
6 permissible. There was the El Sheer case, as  
7 you may be aware of, which said well, the board  
8 has the authority to do what it thinks is right.  
9 Well, that was stricken by the Supreme Court in  
10 a later case. They said no, the only standards  
11 that are applicable to site plan review are the  
12 actual standards in the site plan ordinance.

13 There is not one standard in the  
14 Atlantic City site plan ordinance that we're  
15 violating. Not one.

16 So, we're here. We've given you  
17 unrefuted testimony that we will not cause our  
18 traffic to back up into Oriental Avenue. We  
19 have tremendous capacity.

20 And we're more than happy to  
21 provide detail for your engineer and  
22 professionals to look at, but to come back and  
23 have to go through another public hearing is,  
24 really, unnecessary.

25 And I've done, you know, hundreds

1 and hundreds of these applications. It's almost  
2 unprecedented, under the circumstances.

3 PAUL WEISS: Well, I would -- I  
4 would disagree, Mr. Talvacchia. It's not  
5 unprecedented for hearings to be continued. In  
6 fact, it's fairly common for hearings to be  
7 continued when the applicant's information is  
8 not thoroughly complete.

9 What I'm suggesting to you is that  
10 you had a review of an old 2007 or 2008 study  
11 that was done for this facility when it was  
12 contemplated to be something very different than  
13 what it's proposed to today.

14 And what the authority is  
15 suggesting to you is that that additional  
16 information warrants public review.

17 NICHOLAS TALVACCHIA: And to what  
18 standard are we trying to meet? Because I can't  
19 find it in the ordinance. Show me --

20 Tell me, so I can address it, what  
21 standard you're asking us to meet in the  
22 ordinance. Because that's what the case law  
23 demands.

24 PAUL WEISS: Well, I guess what I'm  
25 suggesting to you is that the authority wants

1       this to be an open and public vetting of the  
2       application. And to the extent that the  
3       applicant hasn't provided a full and complete  
4       application, we want to give the applicant the  
5       opportunity, for the applicant's benefit as well  
6       as the authority, to have that additional  
7       information that was not presented today to be a  
8       matter of the public record and to have the  
9       public -- give the public the opportunity to ask  
10      questions or to make comment on that additional  
11      information. I don't see why that is  
12      detrimental to this application.

13               NICHOLAS TALVACCHIA: Yeah. My  
14      only question to you is, show me the standard  
15      you want us to meet in the ordinance, as  
16      required by law.

17               PAUL WEISS: Okay. Well, I guess  
18      the standard I'm referring to is the standard  
19      that's required under the general New Jersey law  
20      which relates to the Open Public Meetings Act  
21      and the desire of all public officials and  
22      public units to provide the public an  
23      opportunity to have these types of matters  
24      vetted in a public forum.

25               NICHOLAS TALVACCHIA: And I agree

1 with that. But, the discussion has to be  
2 centered on showing information related to what  
3 we're required to meet.

4 SCOTT COLLINS: Mr. Talvacchia,  
5 there was a lot of testimony and a lot of  
6 answers to questions from the board for today,  
7 several times, and I wrote them down. "I think  
8 so."

9 NICHOLAS TALVACCHIA: Yeah, but --

10 SCOTT COLLINS: "I guess." "One  
11 would think."

12 And all we're asking for is the --

13 NICHOLAS TALVACCHIA: But, that's  
14 not --

15 There's no standards for those  
16 questions. You're asking us to provide the  
17 answers to things that probably --

18 SCOTT COLLINS: We want to  
19 understand the basis for the testimony. There  
20 was testimony. You said we have --

21 Your --

22 The public has heard testimony.

23 NICHOLAS TALVACCHIA: Can we -- can  
24 we have a five-minute recess so I can discuss it  
25 with my client? I think that will be easier.



1 PAUL WEISS: If you want a recess,  
2 that's fine.

3 NICHOLAS TALVACCHIA: Five minutes.

4 PAUL WEISS: Absolutely. That's  
5 fine.

6 We'll go off record for five  
7 minutes.

8 (A recess was taken between 12:14  
9 P.M. and 12:29 P.M.)

10 PAUL WEISS: All right. I'd like  
11 to call back to order the hearing of the Casino  
12 Reinvestment Development Authority, Land Use  
13 Regulation and Enforcement Division, on  
14 application 2016-07-1988.

15 This is the application of Polo  
16 North Country Club, Inc.

17 So, we're back on the record.

18 Mr. Talvacchia.

19 NICHOLAS TALVACCHIA: Yes.

20 Mr. Weiss, we'd request that this  
21 matter be carried to September 8th, that the  
22 date be announced, with the idea that this goes  
23 to the full board September 20th.

24 We understand the information we  
25 are required to provide. And we'll work with

1 Mr. England to get the satisfactory level of  
2 detail to him.

3 And just one other brief matter.  
4 Mr. Reid had mentioned, you know,  
5 re-establishing the landscaping. We would  
6 request, however, that --

7 Some of the landscaping we found to  
8 be unsustainable in this climate. That, working  
9 with Mr. Reid in your office, that we adjust  
10 some of the plant species to make something that  
11 works better, from a livability standpoint.

12 PAUL WEISS: That's fine,  
13 Mr. Talvacchia.

14 NICHOLAS TALVACCHIA: I didn't want  
15 to forget it, so I wanted to mention it.

16 PAUL WEISS: Fair enough.

17 We'll sort of -- we'll deal with  
18 these things in reverse order.

19 To the extent that the applicant  
20 has different species of plants that will  
21 survive the elements in Atlantic City,  
22 certainly, I can't imagine the authority not  
23 supporting changes to the landscape plan.

24 NICHOLAS TALVACCHIA: Yeah. I just  
25 wanted to make sure that we're not bound,

1 species-to-species, to what was shown in '07 or  
2 '08 and that we can walk, with Mr. Reid, the  
3 whole site, all 20 acres, with Arthur and  
4 Mr. Reid, and they can figure out what makes  
5 sense.

6 PAUL WEISS: We'll rely on the  
7 applicant's, you know, experts to determine what  
8 makes the most sense as far as planting goes so  
9 that --

10 The goal is, obviously, to not have  
11 things die and become unsightly. The goal, I'm  
12 sure, for the applicant, as well as the  
13 authority and the city, is to have the  
14 landscaped area around this property flourish in  
15 a way that makes it attractive for residents and  
16 visitors.

17 As to the carrying of this hearing,  
18 the authority agrees that we should carry the  
19 hearing to September 8th. That is not a  
20 regularly-scheduled hearing date for the land  
21 use regulation division, but the authority will  
22 notice that date through the appropriate notices  
23 under the Open Public Meetings Act.

24 NICHOLAS TALVACCHIA: And no more  
25 -- no further notice by the applicant.

1                   PAUL WEISS: No. The matter is  
2 carried. There's no further notice required of  
3 the applicant for the carrying of this hearing.

4                   And the next regularly-scheduled  
5 meeting of the authority's governing body is, as  
6 you indicated, September 20th. And the  
7 authority will make every effort, after the  
8 hearing on the 8th, to have recommendations to  
9 that governing body.

10                  NICHOLAS TALVACCHIA: Thank you.  
11 We are done.

12                  PAUL WEISS: Any other further  
13 comment from the applicant or from the  
14 authority's representatives?

15                  NICHOLAS TALVACCHIA: We are done.

16                  PAUL WEISS: Okay. And any other  
17 further public comment?

18                  Yes, ma'am.

19                  FEMALE MEMBER FROM THE AUDIENCE  
20 (STEPHANIE SEGAL MILLER): Will it be 10 A.M. on  
21 September 8th?

22                  PAUL WEISS: Yes, it will.

23                  FEMALE MEMBER FROM THE AUDIENCE

24 (STEPHANIE SEGAL MILLER): Okay.

25                  And I'm sorry to keep asking you

1       about this, but in terms of our issue with the  
2       -- with the three lanes or two lanes on  
3       Connecticut Avenue, is that going to be  
4       addressed from your end or is this also --

5               I mean, we, obviously, will be here  
6       with board members, but I also wanted to know if  
7       someone from the CRDA or the city is also going  
8       to address our issue about this --

9               PAUL WEISS: I --

10              FEMALE MEMBER FROM THE AUDIENCE

11       (STEPHANIE SEGAL MILLER): -- or at least  
12       investigate it, for safety reasons.

13              PAUL WEISS: Well, and, certainly,  
14       ma'am, we've heard your testimony about that  
15       concern.

16              What I can commit to you to do is  
17       that we'll have representatives from the  
18       authority reach out to the city's public safety  
19       officials --

20              FEMALE MEMBER FROM THE AUDIENCE

21       (STEPHANIE SEGAL MILLER): Mmm-hmm.

22              PAUL WEISS: -- and make them aware  
23       that this concern was raised at this hearing.

24              FEMALE MEMBER FROM THE AUDIENCE

25       (STEPHANIE SEGAL MILLER): Okay.

1                   PAUL WEISS: I would certainly, you  
2 know, state for the record we would encourage  
3 representatives of the city to attend the  
4 hearing on the 8th. And we will communicate  
5 with the city and make them aware that this  
6 hearing has been carried to the 8th.

7                   FEMALE MEMBER FROM THE AUDIENCE  
8 (STEPHANIE SEGAL MILLER): Okay. Terrific.

9                   And who is that person in public  
10 safety? Is there someone specifically in charge  
11 who will be contacted about that so I also have  
12 that information?

13                  PAUL WEISS: I don't know the name  
14 of the individual. Generally, we deal with the  
15 chief of police.

16                  FEMALE MEMBER FROM THE AUDIENCE  
17 (STEPHANIE SEGAL MILLER): The chief. Okay.

18                  PAUL WEISS: Mr. White.  
19                  There may be other individuals in  
20 the city's administration that deals with these  
21 particular kinds of issues, but the authority's  
22 interface, generally, is with the chief.

23                  FEMALE MEMBER FROM THE AUDIENCE  
24 (STEPHANIE SEGAL MILLER): Okay. That will be  
25 fine.

1                   And I understand there won't be  
2           additional notice, so I have the information,  
3           but will -- will -- how will I be able to know  
4           who is going to be speaking on behalf of the  
5           city or any other information? Will I be able  
6           to access that information ahead of time?

7                   PAUL WEISS: Again, I would refer  
8           you to the city. You can certainly inquire of  
9           the city who they intend to send.

10                   It's really up to the city to  
11           attend. It's up to the city to determine who  
12           they send to these hearings. They are certainly  
13           more than welcome, and they receive notices of  
14           these hearings.

15                   FEMALE MEMBER FROM THE AUDIENCE  
16           (STEPHANIE SEGAL MILLER): Who receives notice?  
17           Sorry. Who receives notice of this?

18                   PAUL WEISS: The applicant can --

19                   NICHOLAS TALVACCHIA: Elizabeth  
20           Terenik was provided --

21                   FEMALE MEMBER FROM THE AUDIENCE  
22           (STEPHANIE SEGAL MILLER): Elizabeth? Okay.

23                   NICHOLAS TALVACCHIA: -- a copy of  
24           the application.

25                   And I believe the --

1 FEMALE MEMBER FROM THE AUDIENCE

2 (STEPHANIE SEGAL MILLER): I'm just trying to  
3 find out who I need to be in touch with, also.

4 NICHOLAS TALVACCHIA: And I believe  
5 the city engineer was also given a copy of the  
6 application.

7 FEMALE MEMBER FROM THE AUDIENCE

8 (STEPHANIE SEGAL MILLER): Okay.

9 NICHOLAS TALVACCHIA: Thank you.

10 Are we done?

11 PAUL WEISS: Do we have --

12 Just as a housekeeping matter, I  
13 believe, if we don't already have electronic  
14 versions of your exhibits, would you please  
15 provide them so that we can upload them --

16 NICHOLAS TALVACCHIA: Yes.

17 PAUL WEISS: -- to the website, as  
18 we customarily do for all our applications?

19 NICHOLAS TALVACCHIA: Jon, can you  
20 just e-mail them to Rob, --

21 ROBERT REID: At Rob Reid, please.

22 PAUL WEISS: Yeah.

23 We appreciate this

24 NICHOLAS TALVACCHIA: It's --

25 What we had today, we'll send this.



1 ROBERT REID: Right. Please.

2 Right. Thank you.

3 NICHOLAS TALVACCHIA: Thank you.

4 PAUL WEISS: Thank you, gentlemen.

5 We are now closed and adjourned  
6 from this hearing of this application.

7

8 (This public hearing concluded at  
9 12:35 P.M.)

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