

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 - September 8, 2016

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 10:03 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: 10:03 A.M.)

2
3 PAUL WEISS: I'd like to call to
4 order the Land Use Regulation and Enforcement
5 Division of the Casino Reinvestment Development
6 Authority hearing for September 8th.

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

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

11 PAUL WEISS: Thank you.

12 This hearing has been called in
13 conformance with the Open Public Meetings Act,
14 the Municipal Land Use Law and the amendments to
15 the Casino Reinvestment Development Authority
16 Act at Public Law 2011, Chapter 18.

17 This hearing is a continuation of
18 the Land Use Regulation and Enforcement Division
19 hearing that was conducted on August 18, 2016.

20 The purpose of this continued
21 hearing is to allow the applicant the
22 opportunity to provide additional information
23 and documentation for review by CRDA
24 professionals, as well as members of the public
25 who wish to attend the hearing.

1 The application number for this
2 hearing is 2016-07-1988. The applicant is
3 Polo North Country Club, Inc.

4 The property that is being
5 adjudicated today is 500 Boardwalk. It's Block
6 62, Lots 1 and 2, and Block 68, Lot 3.02 as
7 reflected on the city of Atlantic City's tax
8 map. It's in the resort commercial development
9 district.

10 The applicant is seeking an amended
11 site plan approval to reopen the former Revel
12 facility with changes to the site circulation
13 plan and the addition of a ropes course. The
14 ropes course is to be located in the current
15 porte-cochere area, which is the existing main
16 entrance valet drop-off area of the former Revel
17 facility.

18 The valet drop-off area is proposed
19 to be moved to an existing valet pickup area.

20 The changes include redirecting
21 three lanes of traffic from the existing main
22 entrance to one lane of traffic at the current
23 facility exit, and this will require changing
24 the existing three-lane exit from the facility
25 to a one-lane exit with two exit lanes.

1 All the self-park traffic will
2 continue to enter the parking garage at the main
3 entrance.

4 That's just a brief overview of the
5 relief that the applicant is seeking today from
6 the authority.

7 The applicant is represented by
8 counsel. Mr. Talvacchia, I see, is here.

9 This application was duly noticed
10 in accordance with the Municipal Land Use Law.

11 And again, this is a continuation
12 of the original hearing from August 18th.

13 Mr. Talvacchia, are you ready to
14 present?

15 NICHOLAS TALVACCHIA: We are.

16 PAUL WEISS: Thank you. The floor
17 is yours.

18 NICHOLAS TALVACCHIA: Thank you.

19 Good morning, members of the land
20 use board. Good morning, members of the public,
21 city officials.

22 And we're here today. As you know,
23 this is a continuation of August 18th. This is
24 a site plan application to change the
25 circulation of the valet from the current entry,

1 which is off of -- directly off of Connecticut
2 or Revel Boulevard and to relocate the entry,
3 the valet drop-off into the building, where the
4 current valet pickup is.

5 The idea was to isolate -- or to
6 remove the drop-off, which is an area of high
7 winds and cold. And even in the summer, you get
8 windy and chilly up there. So, the idea was to
9 move that to the inside of the building.

10 Revel valet pickup has always been
11 inside the building. So, we now propose to use
12 that area for the drop-off area.

13 Self-park will continue to enter as
14 it always has; off the street.

15 We are also proposing to close off
16 the whole porte-cochere area. And the plans
17 indicate bollards, which have some removable
18 pieces in case there's an emergency vehicle, per
19 the request of the police department. The
20 bollards will prohibit vehicles from entering
21 what we'll call the former porte-cochere.

22 We're also -- and you can see it on
23 this exhibit -- and this will be a new exhibit
24 that was previously submitted yesterday to the
25 authority --

1 I don't know where we are in the
2 exhibits.

3 SCOTT COLLINS: We're on A-5.

4 NICHOLAS TALVACCHIA: A-5.

5 So, this is --

6 SCOTT COLLINS: Are you going to
7 have a witness --

8 NICHOLAS TALVACCHIA: Yeah.

9 SCOTT COLLINS: -- speak to it?
10 This is just your introduction?

11 NICHOLAS TALVACCHIA: Sure.

12 SCOTT COLLINS: We can do that when
13 we get the --

14 NICHOLAS TALVACCHIA: That's fine.

15 So, just as you can see, there's a
16 green area toward the bottom of the plan. That
17 is the queuing area or parking area for taxi
18 cabs.

19 So, we've moved the taxi parking
20 inside the building.

21 And then there's actually
22 additional queuing in the valet lane or the taxi
23 lane inside.

24 But, 50 vehicles is enough. And if
25 we had to, there's space for another 20. I

1 don't think there's more than 150 cab licenses
2 in the whole city, so we have a capacity for 50.
3 I -- I've never seen it go anywhere near that
4 high.

5 But, one key point -- and you heard
6 this from the folks at Bella -- was that they
7 would hear noise from cabs blowing their horns
8 in the porte-cochere. We think, by moving it in
9 the building and are controlled to make sure
10 they're not blowing their horns, we can, I
11 think, pretty much eliminate that issue with
12 noise from taxis in the porte-cochere; one, by
13 the physical location, and, two, we're going to
14 have a call-up system, have them know. They'll
15 be sitting in the spaces and they'll know when
16 the next cab would be called to pick somebody up
17 inside.

18 Again, the pickup will be inside
19 the new pickup and drop-off area. Well, the
20 existing pickup area remains the same.

21 That's the major change.

22 The other change is, in the
23 porte-cochere area, we have a ropes course
24 proposed, which is permitted. That -- that's
25 the first part of a longer term plan to turn

1 that into an outdoor area for people to relax
2 and enjoy. And as I mentioned, that
3 porte-cochere will no longer be used for
4 vehicular traffic.

5 So, the main change that we seek
6 today is approval to take traffic, valet
7 traffic, from Revel Boulevard or Connecticut
8 Avenue and have it turn left at Oriental and
9 then turn right into what we'll call the tunnel.

10 And what is now three lanes out
11 will, instead, be one lane out, one lane in with
12 a middle lane that's a flex lane that can be
13 adjusted either in or out, depending on traffic
14 loads.

15 And that was an issue discussed
16 with Mr. England, the city engineer and the
17 police department. And they heartily endorse
18 that issue of a flex lane. And that's shown in
19 the purple on the plan.

20 So, with that broad overview, this
21 is a permitted use. We seek no variances. As
22 you well know, the scope of review, we comply
23 with the requirements of the ordinance. The
24 site plan must be approved. We think we do
25 comply.

1 The board's job is to ensure safe
2 entry and exiting out of our facility. We think
3 we can demonstrate more than adequate queuing
4 within our building to do that.

5 And we had a meeting with the city
6 engineer, your engineer, two police officers and
7 the city traffic officer and Mr. Reid on site to
8 go over this entire plan that we're showing you
9 there. And I'm not going to talk for other
10 people, but I think there was general
11 concurrence of what we were talking about, in
12 terms of how the -- how it will function.

13 So, with that, I'd like to bring up
14 Dave Shropshire.

15 Now, he was previously qualified.
16 Do you want to qualify him again or swear him
17 again?

18 PAUL WEISS: No. I think --

19 Mr. Shropshire, you remain sworn
20 from the prior hearing of August 18th and the
21 authority recognizes your credentials.

22 So, please, Mr. Talvacchia, you can
23 proceed with your witness.

24 NICHOLAS TALVACCHIA: Sure.

25

1 EXAMINATION BY

2 NICHOLAS TALVACCHIA:

3 Q. So, Dave, we have the plan up
4 there.

5 NICHOLAS TALVACCHIA: I don't know
6 if we have a pointer. Is there a pointer in
7 there?

8 THE WITNESS: Well, I think, maybe,
9 the colors will --

10 BY NICHOLAS TALVACCHIA:

11 Q. Yeah. The color will suffice.

12 All right. Dave, you have analyzed
13 this site. You've walked it. You've met and
14 talked, in detail, with Mr. England, the city
15 engineer, police officers, the city traffic
16 official, and worked through a number of issues.

17 Now, let's be clear. The
18 circulation that we're proposing is the same as
19 August 18th?

20 A. That's correct.

21 Q. What would --

22 What this plan shows is additional
23 detail?

24 A. That's correct.

25 Q. Primarily, inside the building.

1 A. Correct.

2 Q. Okay. So, why don't we talk about
3 how circulation works today and how we're
4 proposing to change it?

5 A. Well, in terms of circulation, I'll
6 split it into the external circulation and the
7 internal circulation, since they're kind of
8 under different jurisdictions.

9 Externally, the current circulation
10 has four lanes of traffic coming in Revel
11 Boulevard as it approaches --

12 Q. Can I interrupt you for one second?

13 A. Sure.

14 NICHOLAS TALVACCHIA: I neglected
15 to mention Mr. Straub is sitting here on the
16 side.

17 BY NICHOLAS TALVACCHIA:

18 Q. Go ahead. Thank you.

19 A. Four lanes of traffic are coming in
20 Revel Boulevard, approaching Oriental. We -- we
21 will not be changing that, but we will be
22 changing the lane designations of that approach
23 to Oriental Avenue.

24 The left turn lane will be for --
25 and signed in advance -- for the valet entrance

1 to this, which will now be, as was explained, at
2 the -- opposite Massachusetts Avenue, converting
3 one of the outbound lanes today into an inbound
4 lane.

5 And then two through lanes, which
6 will be for the self-park to go directly into
7 the garage, as it has been historically.

8 And then an exclusive right turn
9 lane to turn right onto Oriental Avenue.

10 So, no physical changes. However,
11 striping changes out there.

12 One of the comments as we were
13 looking at our field view and evaluating what's
14 going to happen is, by doing a turning template
15 analysis, which we have agreed to do as a
16 condition of approval, we're also going to
17 specifically look at that intersection to see if
18 any of the stop bars will need to be moved back
19 for these new turning maneuvers that are
20 happening for the design vehicles in question.
21 So, that will be part of the turning analysis
22 done.

23 The only other external change
24 that's being done is we're proposing to increase
25 the radii on the eastbound side of Oriental

1 Avenue to make the right turn into the valet
2 lane on the inbound.

3 As we were standing out in the
4 field, it was very obvious that it's a
5 relatively -- maybe a ten-foot radii today, even
6 though it's coming from a 15-foot lane. And,
7 again, for the design vehicle, we had originally
8 put a 25-foot radius improvement out there when
9 we were out in the field and saw it. That may
10 also include modifying a traffic signal pole
11 that's there that had a pedestrian head on it
12 and a -- and a signal head facing the outbound
13 area for the casino hotel.

14 So, that's, really, the only
15 physical changes that are being done to the
16 circulation exterior to the building.

17 UNKNOWN MALE SPEAKER FROM THE
18 AUDIENCE: Could you point to that area for me,
19 please?

20 THE WITNESS: The -- the area --
21 If you see the purple at the very
22 top.

23 UNKNOWN MALE SPEAKER FROM THE
24 AUDIENCE: Okay.

25 PAUL WEISS: All right. Sir, if I

1 may stop you for a second. I appreciate your
2 question.

3 There is going to be a public
4 comment period.

5 We have a transcriber who is
6 taking, verbatim, everything that's said in this
7 hearing room. It's very difficult for her to
8 keep track of who's speaking and when if you're
9 not identified. She doesn't know who you are.
10 She has to record all that.

11 So, I would --

12 I appreciate your question.

13 The applicant needs to, hopefully,
14 figure out a better way to, you know, present
15 this information so that not only your question
16 but others can be answered.

17 To the extent that you have
18 questions, we will provide you with ample
19 opportunity to raise those questions during the
20 public comment period, where our stenographer
21 can then take your name and then properly record
22 your question for the record.

23 So, I --

24 NICHOLAS TALVACCHIA: Mr. Weiss, we
25 do have a hard copy that, at the appropriate

1 time, it would be very easy to show the public,
2 on this graphic, how it works.

3 A lot of times with that --

4 PAUL WEISS: Right. So that --

5 And --

6 I mean, there's got to be a way for
7 you all to be able to identify for the public as
8 well as for members of this hearing body.

9 I know the streets, but folks in
10 the public may not. So, I can follow you in my
11 brain. They may not be able to do as well. And
12 I appreciate that, and want to make sure that
13 your presentation is complete in that respect.

14 So, however you want to do that.
15 But, if you have to physically walk up to the
16 board and point with your finger, you know --

17 NICHOLAS TALVACCHIA: I'm trying to
18 get a pointer.

19 PAUL WEISS: Figure it out,
20 gentlemen, so that everyone knows what you're
21 talking about.

22 THE WITNESS: And my apologies. I
23 should have introduced the exhibits to begin
24 with and oriented everyone.

25 NICHOLAS TALVACCHIA: Yeah. Let's

1 do that now, just so everybody's clear.

2 So, this is an exhibit prepared by
3 our co-engineering -- Barnhart -- Ponzio &
4 Associates. Correct?

5 A. Correct.

6 Q. Under your direction, though.

7 A. Correct.

8 Q. You've reviewed it?

9 A. Yes.

10 Q. Okay.

11 NICHOLAS TALVACCHIA: So,
12 exhibit A-5?

13 SCOTT COLLINS: A-5 we're up to.
14 Yes.

15 BY NICHOLAS TALVACCHIA:

16 Q. And this, really, is substantially
17 similar to the exhibit presented -- I'm asking a
18 question.

19 Is this substantially similar to
20 the exhibit presented on August 18th?

21 A. Yes.

22 Q. And what's changed?

23 A. Oh. We added color to it and we
24 specified some of the -- some of the things that
25 we had testified to at the last hearing so it

1 could be specifically seen on the plan as -- and
2 maybe a little bit better seen.

3 NICHOLAS TALVACCHIA: Could we
4 darken the lights? Because this is working, but
5 we can't pick this up up there.

6 The curtain over there, I don't
7 know if we can get that. There we go. All
8 right.

9 BY NICHOLAS TALVACCHIA:

10 Q. All right. We now have an
11 electronic pointer.

12 So, why don't we orient everybody
13 to --

14 Start with the Boardwalk.

15 A. The Boardwalk is on the right side
16 of exhibit A-5. Ocean.

17 This is the existing casino hotel.

18 New Jersey Avenue to the bottom.
19 Oriental Avenue to the north sides of the casino
20 hotel. Revel Boulevard, --

21 Q. Four lanes in.

22 A. -- four lanes in coming into the
23 existing garage area, which is to the west of
24 the site.

25 And then Massachusetts Avenue. And

1 this is the area in question, which is going to
2 be converted internally.

3 We talked about Revel Boulevard and
4 striping changes, signage changes that will be
5 occurring to give advance warning for those lane
6 designations at the intersection.

7 And then we talked about the right
8 turn radii at Oriental and the new entrance.
9 And that's 25 feet where -- we're proposing,
10 where it's about 10 feet today so that we can
11 accommodate the design vehicle.

12 Q. And, Dave, just -- just to be very
13 clear, showing Revel Boulevard, how do vehicles
14 currently enter valet today, whether it's valet
15 or self-park?

16 A. Well, self-park goes directly into
17 the garage. Valet goes into the valet area.
18 That was the original proposal. So, everyone
19 enters this exit -- or entrance along Revel
20 Boulevard.

21 Q. And the exiting was on --

22 A. All done at Massachusetts.

23 Q. Three lanes out Oriental -- or at
24 New Jersey?

25 A. New Jersey. Correct.

1 Q. Okay. So, the change, then, is to
2 close off the porte-cochere, although vehicles
3 can still enter the self-park garage. Correct?

4 A. Correct.

5 Q. And then where does valet go?

6 A. Valet then will turn as -- a
7 designated left-turn lane -- or left onto
8 Oriental, right into an inbound lane. And this
9 is the valet area that is going to be utilized
10 for a full valet.

11 Q. All right. Now, today, that valet
12 area is used for what?

13 A. Pickup valet. It exists in the
14 building. It has --

15 It can accommodate 20 vehicles in
16 its existing condition. And we're looking to
17 increase that by providing the inbound valet
18 drive by converting one of those outbound lanes
19 to an inbound lane. And that will create the
20 additional opportunity for 20 to 25 vehicles.

21 And then we also are proposing, for
22 peak events, this purple area, being a flex
23 lane, flex lane being -- being able to be used
24 for inbound traffic when peak times require it.
25 Then convert it back to an exit lane for the

1 peak outbound activity that would happen for the
2 site.

3 So, we're proposing the purple, as
4 you can see on the diagram, that flex lane,
5 continue all the way through the valet area and
6 into the garage so that it can be converted for
7 inbound or outbound use.

8 Therefore, on the inbound side,
9 substantially increasing the capacity for
10 queuing vehicles and ensuring that there won't
11 be any opportunity for queued vehicles out onto
12 Oriental Avenue.

13 And then on the outbound side, to
14 increase the capacity of the outbound side to
15 allow vehicles to go outbound all the way from
16 the public -- the parking garage through to
17 Massachusetts Avenue.

18 Q. So, one of the --

19 In terms of putting the drop-off
20 valet inside, from the owner's perspective, that
21 keeps those people protected from weather.
22 Correct?

23 A. Correct.

24 And as we were doing our on-site
25 visit, it is completely protected in there.

1 Q. And it's completely enclosed?

2 A. Correct.

3 Q. So, no valet potential noise which
4 is now in the current valet. That will all be
5 internalized. Correct?

6 A. All internal. Correct.

7 Q. And also, any --

8 The taxi cabs that used to queue in
9 the old porte-cochere will now be internalized.
10 Is that correct?

11 A. That's correct.

12 And that's --

13 It looks green up here, but it's
14 actually blue in the coloring.

15 This is the taxi staging area. We
16 had shown that on the original plan, but now
17 this has just been highlighted to show an area
18 where 50 taxis could easily queue up, be within
19 the garage itself.

20 And then, to get to the valet area,
21 they have two lanes going up through here. It's
22 before the valet area. That would add another
23 20 taxis' queue distance, if needed.

24 So, there's -- there's a lot of
25 taxi capability to queue them. And we don't

1 anticipate any queuing out onto New Jersey
2 Avenue or any noise effects related to that.

3 Q. And, Dave, just to be clear, the
4 area around the taxi valet, that -- that is the
5 valet area. And there's several floors of that.
6 You can't see it, but there's several floors of
7 a ramp system.

8 A. Correct.

9 Q. And that's separated from the
10 self-park. Correct?

11 A. That is correct.

12 The first couple levels in the
13 parking garage are valet parking and employee
14 parking. And so that will continue.

15 And again, as you walk through the
16 garage, you can easily see where the ramping
17 system is and the parking spaces from our
18 on-site visit, and it's all --

19 This is the first floor of the
20 garage, as you can see the parking spaces.
21 That's for valet.

22 Q. All right. Now, let's talk about
23 what this means in terms of valet traffic.
24 There's been traffic studies done and analyses.
25 What percentage of the traffic coming to Revel

1 is valet and what does that translate into,
2 numbers, during the peak period?

3 A. Yeah. The --

4 Part of our -- and I testified at
5 the last hearing related to this -- part of our
6 kind of assessment of this was what do we think
7 that right turn volume is going to be for that
8 inbound lane during the peak times. And from
9 the traffic studies that were done for the full
10 buildout of this casino hotel, it showed that
11 the garage was going to reserve a little bit
12 less than 20 percent of the spaces for valet.
13 So, obviously, on a peak generation basis,
14 you're probably talking about 20 percent of the
15 traffic is going to be valet-oriented.

16 And when we looked at the peak
17 inbound and the peak outbound traffic, it ranged
18 from 650 to 670 vehicles per hour. Do the math.
19 140 to 150 valet vehicles are anticipated during
20 those peak times.

21 So, that means, for this new lane
22 area, we're talking about 140 or so vehicles
23 during -- 150, 140 to 50 -- during a peak hour.

24 What we were asked by Mr. England
25 was to update the traffic management plan that

1 was prepared for the original Revel, which we
2 have agreed to do. And within that traffic
3 management plan, specifically, we will be
4 looking at what manpower will be needed at the
5 valet area to address not only that hundred and
6 50 valet vehicles during a peak hour, but what
7 might happen if there's an event that might even
8 peak over top of that.

9 So, we'll be coming up with those
10 manpower estimates as part of the modified
11 traffic management plan for this, as requested
12 by the board.

13 Q. Dave, in your experience -- and you
14 have a lot of experience -- for the volume of
15 peak traffic we're talking about for valet, does
16 this facility have an adequate amount of queuing
17 and how does it compare to other experiences you
18 have?

19 A. It's got a substantial amount of
20 queuing and -- and it was very clear -- I
21 testified to this at the last hearing, but it
22 was even clearer when we all got to take a look
23 on site at what is out there today.

24 There is a substantial amount of
25 room in this building. I testified to what we

1 anticipate is going to be used on a regular
2 basis. But, in terms of if there's some big
3 event that is happening out there that we can't
4 anticipate right now, in addition to having two
5 lanes that can come into this area, which is, in
6 my opinion, more than sufficient, this system
7 could be converted to allow for the valet to
8 continue into the garage and use about 1,500
9 more feet of queue area before coming back into
10 the valet area. That almost doubles the amount
11 of queuing that you can have on site. And it
12 was, in my opinion, very easy to see, when
13 you're walking through the garage, the massive
14 space that's available to us for flexibility in
15 terms of managing these types of events that may
16 happen that we can't even anticipate right now.

17 So, a lot of flexibility in the
18 design of this building and a lot of flexibility
19 in the design of this valet area to increase it
20 and doing that by managing it.

21 Q. So, to be clear, then, if, for some
22 reason, it starts to back up in the normal queue
23 area, the valets could be directed to drive
24 straight through -- and if you point downward --
25 straight from the valet area into the garage.

1 Which is all at one level. Correct?

2 A. Correct.

3 Q. So, it's seamless. You go --

4 And you're saying that, within
5 these aisles, which is -- and, again, this is
6 the valet area, --

7 A. Correct.

8 Q. -- so it's not mixing public
9 traffic in there -- they can queue another --
10 how many vehicles?

11 A. 1,500 feet of vehicles. So, 1,500
12 feet is about another 75 vehicles.

13 Q. On top of the 60 -- or 80,
14 actually?

15 A. Yeah. It's a huge amount of
16 distance in there.

17 Q. Is that an unusual amount of
18 on-site stacking for any facility?

19 A. Yes, it is. And it's, again,
20 because of the size of the building footprint
21 and the connectivity of the circulation aisles.

22 I know, when Mr. England and I were
23 standing and looking down what looked like a
24 long canyon, from the top of the bend in the
25 entrance area through -- all the way to the

1 garage, you almost can't see the end of it.

2 And it is -- it's a substantial
3 distance, a substantial flexibility in terms of
4 how to manage this.

5 And it could be managed in
6 increments. In other words, one inbound lane.
7 If that starts to get queued up in any manner,
8 you can flip, then, to have the flex lane for an
9 inbound lane and you've immediately doubled the
10 capacity on the inbound side. If that gets
11 backed up for any reason, you can then implement
12 the queuing that goes through the garage and
13 comes back through it and you've doubled the
14 capacity again.

15 So, it's a manageable situation and
16 a lot of flexibility in the building.

17 Q. Are you really talking about
18 extreme situations?

19 A. I can't anticipate that kind of
20 thing happening. However, there are events that
21 happen that you can't plan for, initially. But,
22 this building has a lot of flexibility to handle
23 much higher demands than we anticipate.

24 Q. In terms of good traffic design, is
25 there -- does this design have -- comply with,

1 in your opinion, good traffic design for
2 circulation?

3 A. Yes. And there's two keys to this,
4 and we've tried to highlight it on the plan.
5 We've put a few notes based on our conversations
6 out in the field on how we would like to sign
7 this, how we would like to stripe this, how we
8 would like to have management happen with
9 movable stanchions, those types of things, and
10 then we'll come up with the manpower estimates
11 on top of that.

12 So, again, it's a plan that is
13 going to be updated for managing this system so
14 they can manage well and not have any issues
15 external to the building.

16 Q. And traffic management, that's a
17 function of every single hotel or event
18 facility. Correct?

19 A. Yes.

20 And I know, Mr. Talvacchia, you
21 mentioned seeing New York City, where huge
22 hotels have two spaces for a valet area, how
23 does that work. They manage it. That's how it
24 works.

25 And that's simply what can happen

1 here. We just have a lot of flexibility in how
2 we can manage this.

3 Q. Okay. So, is there anything about
4 the design that we're talking about here, in
5 your opinion, that does not comply with good
6 traffic design?

7 A. No. I believe it complies with
8 good traffic design.

9 Q. And how long have you been a
10 traffic engineer?

11 A. Since the early-'80s.

12 Q. Okay. And I think it important.
13 And who have you -- some of your clients been in
14 the past?

15 A. Minor league baseball stadiums,
16 million square foot shopping mall developers,
17 office parks, and down to your Wawas and your
18 assisted living facilities. I've reviewed many
19 of the casinos and worked with regard to doing
20 reviews for most of the casinos that have come
21 through Atlantic City, in terms of their on-site
22 activity and traffic impacts.

23 Q. In terms of on-site stacking
24 capability, is this better or worse than
25 average?

1 A. This is much better than average.

2 And I --

3 NICHOLAS TALVACCHIA: I didn't even
4 prompt him with the "much better"; I just said
5 better.

6 THE WITNESS: And the "much better"
7 relates to, again, the flexibility that this
8 building has based on the mass of the garage and
9 the ability to use that.

10 Many garages, on the first floor,
11 you don't have the ability to utilize that space
12 just based on how it's been designed and how it
13 was implemented. In this case, we can.

14 BY NICHOLAS TALVACCHIA:

15 Q. Okay. So, we've talked about the
16 traffic circulation, capacity, the percentages,
17 the peak traffic management.

18 The ropes course, which I think we
19 have an exhibit --

20 Well, we walked that the other day
21 --

22 A. Yes, we did.

23 Q. -- with the police.

24 And the only request there was to
25 put -- even though there was no vehicles, was to

1 ensure that there's enough radius around for
2 emergency vehicles; 16 foot clear.

3 A. That's correct.

4 Q. And can we do that?

5 A. Yes.

6 And it looked like there was going
7 to have to be some curb modifications from the
8 original valet area in order to maintain that
9 16-foot circulation around the ropes course.
10 So, those were --

11 Q. Is that easily done?

12 A. It appeared like it could easily be
13 done by the curb modifications.

14 Q. And then we also talked at the last
15 meeting, but also with the police department,
16 about how we would allow -- close off traffic
17 after the entrance to the garage, but then allow
18 for emergency vehicles.

19 And what did we talk about with the
20 police that they favored?

21 A. They favored, at the old
22 porte-cochere entrance, removable bollards so
23 that they can remove those bollards and, again,
24 use the old porte-cochere entrance area to get
25 into the 16-foot circulation aisle around the

1 ropes course.

2 And, again, all of that looked like
3 it could easily be accommodated just based on
4 the existing footprint of the valet area and
5 that there was vehicle activity on that to begin
6 with.

7 Q. So, this plan of the bollards
8 reflects the comments of the Atlantic City
9 Police Department?

10 A. That's correct.

11 Q. And in walking through the building
12 with the Atlantic City Police Department, were
13 there any objections that they had to the design
14 of the plan?

15 A. No, none that I could see.

16 And one thing that we have agreed
17 with and it was part of Mr. England's original
18 review -- and I testified to this last time --
19 is that we will sit down again with the Traffic
20 Bureau from Atlantic City to look at the traffic
21 signal timings along Oriental Avenue and, again,
22 either confirm or recommend changes to those
23 signal timings based on re-opening this
24 facility.

25 Q. And I know we had the city engineer

1 here. He was present at the meeting with the
2 police, so he can either confirm or clarify or
3 contradict what we said about the police
4 acceptance.

5 And Mr. Reid was there, too, so...

6 But, that's what they said.

7 So, are there any other comments on
8 circulation?

9 A. Well, the only other thing that I
10 want to mention that I think relates to Revel
11 Boulevard and Connecticut Avenue, Mr. England
12 and I were talking after the meeting. We talked
13 during the meeting and after the meeting. And
14 there is, apparently, some concern at the Bella
15 driveways with regard to, I guess, emphasizing
16 the one-way pattern of Revel Boulevard from the
17 outbound driveways of Bella.

18 And I think Mr. England said, while
19 he was out in the field, he actually saw
20 somebody make a right turn going the wrong way
21 on Revel Boulevard.

22 I went back out there this morning
23 after our discussions just to see what's out
24 there today, and there's one One Way sign that's
25 kind of opposite the -- I believe it's two

1 driveways at Bella. It's -- it looks like it
2 might have been hit and there used to be two and
3 now there's one.

4 I think some increased signage
5 there and, actually, maybe some arrow stripes in
6 the street itself can help enforce the one-way
7 directionality so that there aren't any issues
8 for anybody exiting the Bella.

9 We also discussed in the field --
10 one of our first conversations related to a
11 comment that was made at the last hearing
12 related to can Revel Boulevard be converted for
13 one lane northbound and three lanes southbound
14 between Oriental Avenue and -- and Pacific. And
15 it was collectively agreed, through the
16 engineering professionals, the city police, the
17 city engineer, that that would not be able to be
18 done safely or efficiently, just related to what
19 you would have to do with the transitions at
20 Pacific Avenue. It just is not an idea that's
21 going to be done -- be able to be done safely.
22 And it starts to really mess up the capacity of
23 the intersections by taking away lanes of
24 approaches into a major generator and also back
25 at Pacific Avenue, where you'll be taking time

1 away from the signal along Pacific to
2 accommodate those northbound vehicles.

3 So, it was collectively discussed
4 and also collectively decided that there would
5 not be a safe way to do that.

6 So, now with the emphasizing with
7 signage, signage and striping, the
8 directionality of Revel Boulevard would make a
9 lot of sense.

10 Q. Dave, I'd like you to go through
11 some of the discussion points -- or, actually,
12 all of them, in terms of things that we will do
13 or agree to do or have been done already to make
14 sure this works correctly.

15 A. And I believe all of these items
16 are shown on the plans that you have.

17 First is, we've agreed to keep
18 Oriental Avenue in its current condition, with
19 one wide lane in each direction.

20 Q. And that was agreed to, actually,
21 the 18th?

22 A. That's correct.

23 And we agreed to do the
24 modification to Revel Boulevard, approach to
25 Oriental Avenue, as discussed in terms of the

1 lane designations.

2 We've also agreed to the advance
3 signing for those lanes. And there are
4 currently three locations of overhead signs
5 along Revel Boulevard for the lane designations
6 and then signs directly on the -- for the lane
7 designations on the side of the road. And we
8 will be revising those signs for the new lane
9 designations and coordinating that as well.

10 Then number four would be the
11 turning radii that we discussed on the Oriental
12 approach to the new inbound valet lane.

13 The next thing we've agreed to do
14 is create that flex lane within the project and
15 how we will do that in terms of having roof LED
16 directional lights and the move -- the use of
17 movable traffic delineator stanchions in terms
18 of converting that lane when need be.

19 We also agreed to do curbing and
20 bollards around the columns that exist in the
21 transition area, because there's an area of
22 transition within the building itself that will
23 need to have some protection for those columns
24 to make this flex lane work effectively.

25 We've also talked about doing some

1 signing and/or striping on the outbound lane --
2 the outbound lanes to Massachusetts Avenue,
3 because, as we stood on site and took a look at
4 it, it was a long, straight stretch of street
5 there and you can anticipate folks can gather a
6 little bit of speed coming into the
7 intersection. And so we've acknowledged that we
8 will do some signing --

9 Q. That was brought up on the 18th.

10 A. -- and striping.

11 Q. One of the suggestions made -- I
12 think Stephanie made it -- was to put rumble
13 strips. We considered that. And I don't want
14 to put words in the engineers' mouths, but there
15 was a noise issue at the tunnel, that the rumble
16 strips would create noise to the public.

17 A. Correct.

18 Our fear would be it would be
19 similar to traffic activity that's in the
20 existing porte-cochere area, which kind of acts
21 as a tunnel. If you have those rumble strips,
22 it's a tunnel. And the outlet for that tunnel
23 would be Oriental Avenue. So, we think doing
24 signage and striping -- maybe the striping can
25 show a little bit narrowed lanes. Narrow lanes

1 usually influence people to drive a little bit
2 slower.

3 So, those are the types of things
4 that we're talking about doing internally to
5 create some traffic control.

6 Q. In addition to that, we would put
7 LED signage on the ceilings. Correct?

8 A. Correct.

9 Q. Which can be changeable and warn
10 people to slow down, stop or whatever?

11 A. Correct.

12 And that will be done as part of
13 the approval if --

14 Q. And that's shown on -- indicated on
15 the plan?

16 A. Yes, it is.

17 Q. You don't have to talk about the
18 queuing. We already talked about that.

19 A. Okay. Yeah.

20 Q. And the taxi we talked about.

21 A. The taxi we talked --

22 We've agreed to a taxi area.

23 Yeah. Something that I didn't
24 mention -- I did the last time -- but we
25 reviewed it out in the field -- is the

1 restriping that will be required for the
2 self-parking area, the two through lanes that
3 will come into the self-parking. We need to do
4 a little bit of restriping in this area to align
5 the lanes into the entrance lanes into the
6 garage. And there will be some crosshatch
7 striping. It is shown -- you can't see it real
8 well. Both on the inside and outside of that to
9 direct those lanes properly and influence what
10 would have been the old pattern through the
11 bollards that are now going to be put up for
12 emergency and make sure that there's good
13 signage and striping for that inbound into the
14 garage.

15 We talked about the bollards, which
16 we just talked about for emergency vehicles.

17 Fencing around the ropes course.

18 And also, the 16-foot emergency
19 circulation aisle around the ropes course and
20 what would have to be done to work with that.

21 Q. The ropes course does show fencing
22 today. And if we need to upgrade it, we will.
23 But, the other change that we indicated, we will
24 make the curb adjustments going around it.
25 There's only a few locations where the curbing

1 --

2 A. Correct.

3 Q. -- makes it less than 16 feet.

4 A. That's correct.

5 And it's really on the west and
6 east sides of the "rope" course.

7 And so those modifications can be
8 done, and it looks --

9 Q. Sure.

10 A. -- like they could be done fairly
11 simply.

12 Q. And that's only for emergency
13 vehicles. Right?

14 A. Correct.

15 Q. Emergency vehicles. Because they
16 also have access from the Boardwalk side, if
17 necessary?

18 A. Yes.

19 Q. Right.

20 A. They can -- they can access all the
21 way through.

22 Q. Right.

23 Okay. So, there's multiple points
24 of access?

25 A. There is.

1 And I believe that was the last of
2 the original things that we discussed.

3 I did put some supplemental
4 comments together. And most of these things
5 we've already talked about in -- in one form or
6 another.

7 The turning analysis will be done
8 for the design vehicle, and that will show how
9 that right turn inbound will work to the new
10 valet entrance.

11 And, also, if there needs to be any
12 modifications to the stop bars at Oriental and
13 Revel, that will be done.

14 And I already talked about the
15 additional signage along Revel for the -- the
16 Bella driveways for emphasizing the one-way
17 directionality of that roadway.

18 "Uplementing" the -- implementing
19 an update for the traffic management plan and
20 how and when that will be done.

21 And then we talked, again, about
22 the taxi spacing; that even though we're
23 providing 50, there's actually the room for 20
24 more in the two lanes that approach the valet
25 area.

1 And then additional signage that --
2 again, we're talking about advance signing for
3 the Revel Boulevard and the entrance so that the
4 proper lane designations are done.

5 So, the only other thing that kind
6 of is noted in the -- the information I put
7 together is our basic agreement with all the
8 comments that were traffic-related in the August
9 8th review letter by Mr. England. I specified
10 each one of our responses to that, but, again,
11 I'm confirming that, as a condition of approval,
12 all those responses will be provided for the
13 board.

14 Q. Right.

15 And in your opinion, is this
16 revised design by internalizing the valet
17 drop-off now and internalizing the taxi cabs,
18 does that make the site less -- have less impact
19 to our neighbors, in terms of noise and
20 disruption?

21 A. It's definitely controlled inside
22 as opposed to having an impact outside. And it
23 was --

24 When you walk on site, I think it's
25 -- it's much easier to appreciate what kind of

1 impacts there will be.

2 When we originally walked in the --
3 what will be the new entrance lane for the
4 valet, we were pretty much getting blown around
5 because of the focus of the wind coming through
6 that area. And even though it's enclosed, you
7 could tell there are exterior impacts.

8 When we came up to the existing
9 porte-cochere area, the wind was blowing all
10 over the place, and you can easily imagine
11 effects that would be thought to be
12 self-contained in the building actually can go
13 out of the building because of how the design
14 was done.

15 So, we are removing that entire
16 issue with regard to the vehicular traffic; both
17 taxi, valet. Self-parking now is all going to
18 be in the garage and self-contained. And I
19 think we're removing those external impacts that
20 could occur.

21 Q. And you're aware --

22 You've heard Mr. Straub talk about
23 how they're adding four check-in points,
24 including self-check-in kiosks. In your
25 opinion, would that cause more people to use the

1 garage and check in that way and --

2 A. Yes. That's the anticipation; that
3 more people will be using the self-parking
4 garage. And, again, that's kind of a balance
5 with regard to how many parking spaces are
6 reserved for valet versus self-parking. And --
7 and that can change if the demand exists to do
8 that.

9 Q. And for the record, the parking
10 garage has -- it was approved -- this is public
11 record -- approximately 7,800 parking spaces?

12 A. Correct.

13 Q. It was designed for 4,000 rooms.
14 Correct?

15 A. It's huge. Yes.

16 Q. And we're -- this approval is based
17 on 1,900 or less rooms?

18 A. That's correct.

19 Q. Right.

20 A. So, less than half.

21 Q. Right.

22 So, more than -- more than enough
23 parking?

24 A. More than enough parking.

25 Q. And anything like it on the east

1 coast; --

2 A. Not that I'm aware of.

3 Q. -- 7,000 parking spaces?

4 A. Not that I'm aware of.

5 Q. So, you have had the opportunity to
6 discuss various issues with Mr. England. Is
7 there anything that he has suggested to you that
8 we can't do or is not acceptable?

9 A. No.

10 Q. All reasonable?

11 A. Everything has been reasonable and
12 building on some of the ideas that we talked
13 about and then, I think, trying to respond to
14 some of the issues that were presented at the
15 last hearing.

16 NICHOLAS TALVACCHIA: All right. I
17 have nothing at this point -- nothing further.

18 I know Mr. England will have
19 comments and the city engineer will probably
20 have some comments and then the public will have
21 a lot of comments. So, we're here, ready to
22 respond.

23 PAUL WEISS: Okay. Can we mark as
24 exhibits --

25 Mr. Talvacchia, you referenced a

1 letter from --

2 NICHOLAS TALVACCHIA: Yes, we did.

3 PAUL WEISS: -- Mr. Shropshire.

4 If we could -- I want to mark that
5 for the record.

6 NICHOLAS TALVACCHIA: They were
7 submitted to the CRDA. They really just confirm
8 his testimony today, but in writing.

9 September 7th and September 7th
10 supplemental from Shropshire. They're
11 additional exhibits for today's hearing.

12 So, what would that be? 6 and 7?

13 SCOTT COLLINS: That is 6 and 7.

14 And just for the record, you're
15 agreeing to be bound by all the representations
16 made in those letters.

17 They are, essentially, a summary of
18 your testimony and this plan that you've
19 presented today?

20 THE WITNESS: That's correct.

21 SCOTT COLLINS: Thank you.

22 PAUL WEISS: I'd like to --

23 At this point, I --

24 Mr. Talvacchia, you made reference
25 to the meeting that was held on site and that

1 the city had a -- representatives --

2 NICHOLAS TALVACCHIA: Mmm-hmm.

3 PAUL WEISS: -- officials at that
4 meeting.

5 NICHOLAS TALVACCHIA: Yes.

6 PAUL WEISS: I'd like to hear from
7 those officials --

8 NICHOLAS TALVACCHIA: Sure.

9 PAUL WEISS: -- and understand --

10 NICHOLAS TALVACCHIA: I think
11 there's only one that's here today and --

12 Oh. For the record, just so we
13 have it on the record, the police officers who
14 were there were Lieutenant Pierce and
15 Sergeant Hersh, who handle traffic issues for
16 the city. But, --

17 PAUL WEISS: Okay.

18 NICHOLAS TALVACCHIA: -- with that,
19 I'll have --

20 PAUL WEISS: I'd like to hear from
21 representatives from the city to at least speak
22 to the city's point of view relative to the
23 application and, in particular, the traffic and
24 public safety issues that were, I guess,
25 addressed at this meeting.

1 Do you need to swear him?

2 SCOTT COLLINS: Yes.

3 PAUL WEISS: Go ahead.

4 Give us one second.

5 UNIDENTIFIED MALE SPEAKER: Sure.

6 No problem.

7 PAUL WEISS: Wait until we get our

8 --

9 UNIDENTIFIED MALE SPEAKER: Take
10 your time.

11 SCOTT COLLINS: Could you raise
12 your right hand, please?

13 Do you swear to tell the truth, the
14 whole truth and nothing but the truth in your
15 testimony before this body?

16 UNIDENTIFIED MALE SPEAKER: Yes, I
17 do.

18 SCOTT COLLINS: Could you just
19 state your name for the record?

20 UNIDENTIFIED MALE SPEAKER: Russell
21 Cipolla.

22 PAUL WEISS: Okay. Mr. Cipolla,
23 Mr. Talvacchia, on behalf of the applicant,
24 referenced a meeting that was held on site and
25 indicated that representatives from the city

1 were there at that meeting.

2 First of all, were you there?

3 RUSSELL CIPOLLA: Yes, sir.

4 PAUL WEISS: Okay. Did --

5 RUSSELL CIPOLLA: The whole time.

6 PAUL WEISS: Okay. Great.

7 If you could give us a sense of the
8 city's analysis of this application and, in
9 particular, you know, any particular -- any
10 issues or concerns that the city has or whether
11 there's complete concurrence with the
12 application and what the applicant's proposing
13 for the site?

14 RUSSELL CIPOLLA: Sure.

15 First of all, I'm -- I'm the
16 Atlantic City city engineer.

17 And we met at the site the other
18 day with Mr. England and, you know, Mr. Straub
19 and other -- other professionals.

20 I was not aware --

21 I had never been to the Revel
22 before, so I was not aware of any previous
23 traffic issues. I had no idea how the traffic
24 was before, so it was kind of an education for
25 me to go in there and see the building firsthand

1 and -- and see what -- what we had existing and
2 what is going to be proposed.

3 I was able to review the original
4 plan that was sent after the -- or during the
5 April -- I'm sorry --

6 NICHOLAS TALVACCHIA: August.

7 RUSSELL CIPOLLA: -- August 8th
8 meeting.

9 So, I was able to get a feel for
10 what they were proposing.

11 My main concern, as a city
12 engineer, was I did not want any traffic queuing
13 up on any city streets. We wanted a good
14 traffic flow, ingress and egress out of any of
15 the building, you know, entrances or exits. So,
16 that was my main focus and main concern.

17 I wasn't really interested in
18 knowing in detail what was going inside the
19 building, but I wanted to make sure that
20 whatever was going on inside the building didn't
21 affect what was happening outside the building
22 on a city street.

23 So, based on that meeting and based
24 on our discussions and based on the letter that
25 Mr. Shropshire presented, the September 7th

1 letter, I feel comfortable that the city -- the
2 city's, you know, wishes are being fulfilled.

3 And I don't personally take any
4 exception to the proposed improvements or
5 modifications in relation to traffic flow,
6 safety issues, current, you know, New Jersey DOT
7 standards or any other applicable traffic
8 issues.

9 PAUL WEISS: Okay. Have you --

10 Either at the meeting that was held
11 this past -- this week at the site or otherwise,
12 has the city satisfied -- you believe the city
13 is satisfied with the ingress and egress of
14 emergency vehicles at the site? And when I say
15 "emergency vehicles," I'll include not just, you
16 know, police vehicles, but EMS and/or fire
17 vehicles going in and out of the site to address
18 the new uses at the site as well as, hopefully,
19 what's contemplated as uses that were
20 pre-existing prior to the transfer of ownership
21 of this facility. Is the city satisfied you can
22 get a fire truck in there, you can get EMS
23 vehicles in there, you can get whatever you need
24 to get in there in order to address an emergency
25 at this facility?

1 RUSSELL CIPOLLA: Yes, I feel
2 confident. We had our Traffic Bureau
3 supervisor, Doug Pierce, and one of his
4 sergeants. They -- they were satisfied.

5 And, you know, we discussed the
6 bollards that they talked about, having
7 removable bollards.

8 It appears to be adequate room to,
9 you know, get any large emergency vehicles in
10 and out of the facility.

11 So, yes, as a city engineer, I am
12 satisfied with emergency vehicle ingress and
13 egress.

14 PAUL WEISS: Okay. Just give me a
15 second.

16 RUSSELL CIPOLLA: Sure.

17 PAUL WEISS: Okay. And I note, I
18 guess, for the record, Mr. Cipolla, that you
19 authored a letter to our land use enforcement
20 officer, Mr. Reid. It's dated September 7th,
21 2016. Essentially, outlining your analysis and
22 review of the application as well as -- and your
23 indication of -- well, I'll state it this way:
24 That, essentially, the city is not taking any
25 exceptions to the proposed plan; not that you're

1 concurring with anything, but you've certainly
2 reviewed this plan and you're satisfied, on
3 behalf of the city, that the plan is adequate
4 and addresses the city's needs and desires as to
5 the proposed improvements.

6 RUSSELL CIPOLLA: Yes. To the best
7 of my professional ability, it does, sir.

8 PAUL WEISS: Okay. All right. So,
9 we can, maybe, mark this C-1. We'll mark the
10 letter from the city engineer as C-1 for the
11 record.

12 NICHOLAS TALVACCHIA: Mr. Weiss,
13 for the record, we have not received a copy of
14 that, but -- I have no objection to it. We just
15 haven't received a copy of it.

16 PAUL WEISS: Okay. We'll make sure
17 that you get one. You are cc'd, by the way, on
18 the letter, although --

19 RUSSELL CIPOLLA: It might have
20 gone out in regular mail, you know.

21 PAUL WEISS: There is no telling
22 what may have happened. So, we'll certainly
23 provide a copy before the end of the day.

24 NICHOLAS TALVACCHIA: Thank you.

25 PAUL WEISS: And you're welcome to

1 walk out with one.

2 NICHOLAS TALVACCHIA: Thank you.

3 PAUL WEISS: Okay. I don't have
4 anything further for the city's engineer.

5 If you wouldn't mind, sir, sticking
6 around. I know -- I shouldn't say I know -- I
7 would suspect that, maybe, members of the public
8 would benefit by having you address any
9 questions they may have, --

10 RUSSELL CIPOLLA: Oh, sure.

11 PAUL WEISS: -- on behalf of the
12 city, from -- based on your professional
13 credentials as the city's engineer.

14 RUSSELL CIPOLLA: I intend to.

15 PAUL WEISS: Thank you very much.
16 I appreciate it.

17 RUSSELL CIPOLLA: You're welcome.
18 Thank you.

19 PAUL WEISS: Okay. Mr. Talvacchia,
20 any additional testimony on behalf of the
21 applicant?

22 I know, at the August 18th hearing,
23 there was testimony about the ropes course. I
24 don't know that we need to go back through that
25 testimony.

1 NICHOLAS TALVACCHIA: No. I think
2 that's pretty self --

3 I mean, that's regulated by the
4 DCA. The concern of the CRDA was that we have
5 some kind of fencing around it, and it's going
6 to be by code.

7 And the other concern was that
8 there be enough circulation for emergency
9 vehicles, with some minor changes to curbing.
10 That can be accomplished. And, frankly,
11 emergency vehicles could jump the curb. It's
12 not that high. But, we're going to make the
13 adjustment anyway. So, it will work fine.

14 PAUL WEISS: Okay. If I may,
15 Mr. Talvacchia --

16 I mean, we've been talking about
17 traffic circulation and we've been talking -- we
18 talked briefly about the ropes course,
19 certainly, maybe -- certainly, more at length at
20 the prior hearing. But, I think it would be
21 helpful, certainly, for this body, as well as
22 the public, to -- if you could briefly relate
23 what are the plans for this facility besides the
24 ropes course --

25 NICHOLAS TALVACCHIA: Oh. Well,

1 and, certainly, it's going to be --

2 PAUL WEISS: -- and lots of cars
3 going in and out?

4 NICHOLAS TALVACCHIA: It's going to
5 be a hotel. It may include a casino. It
6 probably will, but the plan is to --

7 There's only 1,399 rooms built, as
8 you know. We're seeking -- our traffic, though,
9 analysis is based upon 1,899, which will be the
10 full buildout at the unfinished floors, but
11 there's really 1,399.

12 There are, as you know, a number of
13 restaurants. We have tenant leases signed up
14 for, I would say, all of them. There are some
15 hotel-run restaurants, three of them.

16 So, when it's all said and done --
17 and I'm not saying immediately upon opening, but
18 the long-term plan is 1,399 rooms, which could,
19 at some point, increase to the full buildout,
20 and it could be 1,850, depending whether they're
21 suites or not. Because two rooms would be one
22 suite, for example. But, up to 1,899.

23 And a complement of restaurants.
24 The project was approved with -- for like 17
25 restaurants. 13 opened, initially. Some were

1 never opened. Some of those may open in the
2 future. But, that was all taken into account in
3 the original site plan approval.

4 If you're familiar with being in
5 Revel before, there are a number of retail
6 spaces that were never opened; they were -- just
7 have the -- closed off. The goal, obviously, is
8 to try to fill up all that retail space, and
9 we'll see how that happens over time.

10 There's an event center, as you
11 know, 5,000 seats. They are planning to use
12 that as it was used before.

13 So, this will be a resort hotel,
14 possibly including a casino. That's -- that's
15 the plan. With restaurants, health club,
16 swimming pools, the full gamut of uses that are
17 -- for those -- or most people who go to
18 Atlantic City, you know, hotel casino projects.

19 PAUL WEISS: And is there a sense,
20 at this juncture, as to the timing of those
21 improvements and the opening of those
22 improvements to the public?

23 NICHOLAS TALVACCHIA: Well, I'm not
24 sure I'm at liberty to discuss. I will say
25 this: We're working hard today to get this

1 approval. We're working hard to get the other
2 approvals. And we need all the approvals to
3 open. But, we're moving -- everything's moving
4 forward.

5 PAUL WEISS: Okay.

6 NICHOLAS TALVACCHIA: So...

7 The goal is to open it sooner than
8 later.

9 PAUL WEISS: That's our goal, too.

10 NICHOLAS TALVACCHIA: Yes.

11 PAUL WEISS: Okay. Thank you,
12 Mr. Talvacchia. Any other testimony on behalf
13 of the applicant at this point?

14 NICHOLAS TALVACCHIA: No. We're
15 here just to respond to any comments, --

16 PAUL WEISS: Okay.

17 NICHOLAS TALVACCHIA: -- if
18 necessary.

19 PAUL WEISS: Thank you.

20 At this point in the hearing, I'd
21 like to turn the hearing over to the CRDA's
22 professional engineer and planner to put into
23 the record their review of this application and
24 any other comments or questions they would have
25 to the applicant and the applicant's

1 professionals.

2 So, Mr. England, do you want to
3 take the oar or do you want the planner to take
4 the oar?

5 WILLIAM ENGLAND: I can certainly
6 start.

7 PAUL WEISS: Go ahead.

8 SCOTT COLLINS: Can you start with
9 the letter?

10 PAUL WEISS: And again, Mr. Bill
11 England is the CRDA's professional engineer.
12 He's been previously sworn and has attended
13 hearings on behalf of the authority numerous
14 times. And so unless the applicant objects --

15 NICHOLAS TALVACCHIA: We have no
16 objection.

17 PAUL WEISS: Okay. Please proceed.

18 WILLIAM ENGLAND: At our last
19 hearing, we had prepared an original letter,
20 which the applicant has addressed in totality.

21 And I believe also at that last
22 hearing, from the initial letter that we did,
23 they had agreed to all of the comments. And I
24 believe that was also restated here at this
25 hearing.

1 Subsequent to that, as was stated
2 previously, we did have a site visit with all
3 parties and all stakeholders on site, which was
4 held this week. And again, everything as far as
5 what we had discussed as well as the city and
6 their -- their professionals were all in
7 concurrence on the satisfactory nature of this
8 application.

9 So, I reviewed the Shropshire
10 memos, the original memo of September 7 and --
11 as well as the supplement.

12 I also reviewed the updated plan,
13 which had more detail. Even though there was a
14 plan submitted under the original application,
15 this plan now is more consistent with all of the
16 comments and all of the discussions we have had
17 over the past couple of weeks.

18 I have a letter to that effect that
19 I am satisfied that the documents and the
20 information that's been presented is, in fact,
21 satisfactory to -- to me. It's dated September
22 7th. And I believe that is now part of the
23 record.

24 NICHOLAS TALVACCHIA: Can we get a
25 copy of that, also?

1 PAUL WEISS: Sure.

2 SCOTT COLLINS: We'll mark that as
3 B-2.

4 NICHOLAS TALVACCHIA: All right.

5 WILLIAM ENGLAND: Just very
6 briefly, just in that letter I just referred to
7 the applicant, I referred to the documents from
8 Shropshire & Associates as well as the updated
9 plan. I also referred to the meeting that we
10 held this week both with the stakeholders as
11 well as some individuals, individual condo
12 owners from the Bella, and had some
13 recommendations, essentially, that all of our
14 review letters, all of the plans, all of the
15 discussion that we had at the last hearing as it
16 relates to this project all become conditions of
17 approval with respect to this application.

18 PAUL WEISS: Okay.

19 WILLIAM ENGLAND: Do you want a
20 copy of this?

21 ROBERT REID: This is B-2?

22 PAUL WEISS: Yeah.

23 WILLIAM ENGLAND: Other than that,
24 I have no -- no other specific comments, unless
25 there's something that comes up in the public.

1 PAUL WEISS: Okay. And from a
2 planning perspective?

3 JUSTIN AUCIELLO: Mr. Weiss, my
4 review of August 8th, 2016, which is the joint
5 review with Mr. England, I have nothing further
6 from -- for my testimony in my review in the --
7 in the meeting on August 18th.

8 I feel that the applicant has
9 worked with the CRDA board, has worked with the
10 city and has worked with Mr. England to address
11 a number of concerns that have come up in the
12 previous hearing.

13 From a planning standpoint, I am
14 satisfied on this application at this point.

15 PAUL WEISS: Give us a second,
16 Mr. Talvacchia, --

17 NICHOLAS TALVACCHIA: Sure. No
18 problem.

19 PAUL WEISS: -- to make sure we
20 don't miss anything.

21 Mr. Talvacchia, I just want to
22 review, for clarity and for the record, there
23 was discussion at the August 18th hearing about
24 prior conditions of the city's original approval
25 for this site. And some of those conditions

1 were still outstanding based on the -- my
2 understanding of the testimony from the 18th.
3 And that there was a representation, I believe,
4 in the transcript that I reviewed that indicated
5 that the applicant intended to satisfy those
6 conditions to the extent that they were not
7 already satisfied as part of the original
8 development.

9 NICHOLAS TALVACCHIA: Just
10 clarification. The only issue that I remember
11 specifically was the landscaping; to bring that
12 back to --

13 I'm not sure of any other
14 conditions that were not satisfied previously.
15 If there are any, obviously, we're subject to
16 the prior approvals, but just for the record,
17 I'm not aware of anything else.

18 And we also mentioned that, in
19 terms of the landscaping, we would work with
20 Mr. Reid, but would like flexibility to change
21 out some of the plant species that work better
22 in this environment. Some of the plant species,
23 we learned, died over time. And they just don't
24 work well in the salt environment. So...

25 And I think there was a general

1 agreement for that idea.

2 So, that's -- that's my comment on
3 that.

4 PAUL WEISS: Okay. So, to the
5 extent that -- and let's just talk landscaping
6 for a second.

7 To the extent that --

8 You know, obviously, landscaping is
9 an integral part of any site plan, that would be
10 a condition of approval. The applicant would,
11 obviously, have to present a landscape plan as
12 part of its overall plan for the facility.

13 NICHOLAS TALVACCHIA: Well, we have
14 the old landscape plan. I guess, to show any
15 changes. And to -- which we've agreed to work
16 with Mr. Reid to do that.

17 Where we think that, maybe, it's
18 appropriate to change out a plant or something,
19 to indicate that, I don't know that we need to
20 do --

21 It's a very elaborate landscape
22 plan.

23 PAUL WEISS: Well, it is. And I
24 would just suggest to the applicant -- and,
25 certainly, at the end of the day, it's going to

1 be the applicant's call as to what it intends to
2 plant and how many, but the prior plan, as I
3 understand it, there were tens of thousands of
4 plants contemplated for this site. I am not
5 suggesting that the applicant has to present a
6 landscaping plan that includes tens of thousands
7 of plants and species, but, certainly, there
8 should be a plan that's part of the application.

9 NICHOLAS TALVACCHIA: Could we have
10 one minute, please?

11 PAUL WEISS: Yeah. If you need to
12 take a break, --

13 NICHOLAS TALVACCHIA: Yeah.

14 PAUL WEISS: -- we can take five
15 minutes, if you need to discuss.

16 We're off the record for five
17 minutes.

18 (A recess was taken between 11:03
19 A.M. and 11:11 A.M.)

20 PAUL WEISS: Okay. If we could
21 reassemble and go back on the record, please,
22 for the hearing of this application.

23 NICHOLAS TALVACCHIA: Yeah. On the
24 landscaping, if I could be heard. This
25 application did not have a landscape plan. It

1 was not -- there was no review, there was no --
2 it is not even a requirement for this
3 application.

4 So, we're not really prepared to
5 address landscaping today.

6 PAUL WEISS: Well, and, again, for
7 the record, Mr. Talvacchia, a landscape plan is
8 part and parcel of a site plan review, just as
9 I'm sure you're aware. So, having a landscape
10 plan will be a condition of any approval that
11 the authority issues, as well as any other
12 condition that the -- that we feel is
13 appropriate. So, it's, you know --

14 The plan is --

15 NICHOLAS TALVACCHIA: All right.
16 We're withdrawing this application.

17 GLENN STRAUB: Another reason why
18 this isn't opening up, people. You can't put
19 government adding all this other kind of stuff.

20 Geez. You come in here with \$150
21 million to spend in your city and this is what
22 you come up with?

23 We're trying to help the customers
24 that are coming to Atlantic City so they don't
25 get their hats blown off of them and you come up

1 with these --

2 You're adding everything to these
3 things. Just keep it up.

4 PAUL WEISS: So Mr. -- Mr.
5 Talvacchia, --

6 GLENN STRAUB: You're gonna be shut
7 down forever.

8 PAUL WEISS: -- to be clear, you're
9 withdrawing the application?

10 GLENN STRAUB: I'm withdrawing it,
11 just like everything else. We're withdrawing
12 everything.

13 You're not going to blackmail us
14 into it.

15 So, where is your news media?
16 Because it's going to come up all the time.

17 You're blackmailing us adding all
18 these things in here.

19 All the engineers have been hired.
20 We've got \$200,000 in this simple application.
21 And you're now adding up landscaping? A hundred
22 thousand plants on that property?

23 We're not going to keep changing
24 things.

25 PAUL WEISS: For --

1 GLENN STRAUB: We'll leave it go
2 the way it is.

3 PAUL WEISS: Mr. Talvacchia, for
4 the record, for the record, just so we're clear,
5 the CRDA is not requiring this applicant to
6 plant a hundred thousand plants. What the CRDA
7 is asking is that the applicant produce, as is
8 required under the Municipal Land Use Law, a
9 landscaping plan.

10 Plant as many plants as you wish,
11 plant them -- at whatever variety you wish. We
12 want a plan that demonstrates compliance with
13 the law. That's all.

14 GLENN STRAUB: No. You're adding
15 --

16 PAUL WEISS: Nothing more or less
17 than that.

18 GLENN STRAUB: You're adding to it.

19 PAUL WEISS: If the -- if the
20 applicant wants to plant --

21 GLENN STRAUB: The application is
22 withdrawn.

23 PAUL WEISS: -- a hundred thousand
24 --

25 GLENN STRAUB: Let them come down

1 and deal with the bankruptcy judge.

2 The judge wanted that place opened
3 up again. That's what we did. We opened it up.
4 And for, now, over a year and a half --

5 Things like this is complicating
6 our life opening it up. Government, government,
7 government.

8 We'll deal with government the
9 right way. Shut it down.

10 PAUL WEISS: Mr. Talvacchia, if you
11 want to take a break and talk to your client,
12 we'll provide you with a break. It's your call.

13 NICHOLAS TALVACCHIA: Let's take a
14 break.

15 PAUL WEISS: Okay.

16 GLENN STRAUB: No. It's no break.

17 Come on, people. You see what's
18 happening. Government.

19 PAUL WEISS: All right. We're off
20 the record now. Let's take a few minutes.

21 (A recess was taken between 11:14
22 A.M. and 11:16 A.M.)

23 PAUL WEISS: Okay. We're back on
24 the record.

25 NICHOLAS TALVACCHIA: It is the

1 applicant's position that the prior approvals
2 were invalidated by the bankruptcy proceeding,
3 not subject to them. And, if necessary, we'll
4 go back to the bankruptcy court for that relief.

5 PAUL WEISS: Well, I -- again, for
6 the record, I don't agree -- or the authority
7 doesn't agree or disagree with that position.
8 That's a legal position that the applicant's
9 entitled to exercise.

10 It's not relevant to what is
11 required of a new site plan application.

12 NICHOLAS TALVACCHIA: Well, this is
13 an amended site plan application.

14 We need to change the landscaping.
15 We didn't show the landscaping. There's no
16 comment in any report about landscaping.

17 PAUL WEISS: Okay. But,
18 landscaping is part and parcel of a site plan
19 and the prosecution of any site plan in the
20 entire state of New Jersey. And so --

21 NICHOLAS TALVACCHIA: If it's in
22 the ordinance.

23 PAUL WEISS: -- to the extent --

24 NICHOLAS TALVACCHIA: If it's in
25 the ordinance.

1 PAUL WEISS: Well, I would -- I
2 would hazard that it's in the city's ordinance.

3 And I would also, you know, remind
4 the applicant that, at the hearing on the 18th,
5 it was stated that "Mr. Straub is agreeing to
6 the landscaping plan originally approved."

7 That landscaping plan requires the
8 planting of 105,506 plants.

9 And what the authority is
10 suggesting to the applicant is we're not looking
11 for the applicant to plant 105,506 plants; we're
12 looking for the applicant to simply have a
13 landscaping plan that is indicative of the -- a
14 -- the proposed uses of the site.

15 NICHOLAS TALVACCHIA: I have no
16 further comments.

17 PAUL WEISS: It's that simple.

18 GLENN STRAUB: I've got a comment.

19 NICHOLAS TALVACCHIA: Oh. My
20 client has a comment.

21 GLENN STRAUB: You have to give me
22 a chance. I'm trying to help you. What you're
23 trying to do is we came --

24 PAUL WEISS: Likewise, Mr. Straub.

25 GLENN STRAUB: -- we came in here.

1 I'm under oath. I was under oath
2 before.

3 And what we're trying to do is
4 because our customers coming in here having the
5 wind and the rain and the sleet hitting them, we
6 moved things to the -- to downstairs, six lanes
7 underneath the building. It cost us \$200,000
8 just for attorneys, experts and all your
9 engineers, which gave us approval already
10 before. But no. Now you had to move it up to
11 staff level because there's something
12 behind-the-scenes. There's something going on
13 here behind-the-scenes.

14 Why did you end up having urban
15 renewal take over a piece of property that's
16 only three years old? We've had to spend six
17 months on that.

18 We go ahead and we try to bring
19 generators in after they shut electricity down
20 after three days of being there, trying to run
21 and get a place running. A year and a half.

22 We're debt-free people. We'll live
23 -- we'll live with whatever happens. And
24 eventually, just like Miami. I blew up six
25 blocks of downtown Miami and leveled it because

1 I bought the arena because the city didn't want
2 to take and help us do amateur sports instead of
3 the Heat playing in there.

4 People, when are you going to have
5 investments? I'm here to bring investments in
6 here. I'm not here to run a building. That's
7 why I have 25-year leases on contracts with
8 casino operators, 25-year leases on hotels, 15
9 years on spas, 15 years on 13 restaurants.
10 We've been working our ass off.

11 And why do you --

12 You have an intention here of
13 turning something down. Who's it coming from?

14 We just had a press conference to
15 tell who it's coming from in this state. You're
16 --

17 I deal in five states, and it's not
18 so bad as here. This is ten times.

19 You are -- have got to get out of
20 the 20th century and get to the 21st century.

21 There's jobs out there. And I live
22 with them every day and I go out every night
23 with those people and I hear them.

24 You're going to have to get out of
25 these boards and say, oh, now we've going to go

1 ahead and change an application from trying to
2 help some customers come in so they don't have
3 rain and sleet and remember this city coming and
4 going out of the city to go ahead and to try to
5 handle it underneath, like my competitors do
6 with heat lamps, with everything else so they
7 can come in, get out of their car, get their
8 luggage, get their golf clubs out of here. No.
9 I go ahead and spend all this money to make an
10 application. Then, all of a sudden, the CRDA
11 describes it it's my authority.

12 The city says it's not your
13 authority. I work for the city.

14 But, no. I went and accommodated
15 the rights of the CRDA because you probably have
16 done a hundred good things before I got here.

17 But, don't let this kind of stuff
18 stop you from approving that --

19 This is an application for one
20 simple -- and we went along with it yesterday to
21 go ahead and move some streetlights that really
22 were not in the way.

23 Just either approve or disapprove.
24 I'll let the federal judges that convinced us
25 that we have no obligations.

1 And you look into your records and
2 that's what you're going to come up with. And
3 you're going to spend half a million dollars on
4 it for the CRDA. And I --

5 You just lost a \$30 million budget.
6 But, you're going to go ahead and spend another
7 half a million dollars and prove you're wrong,
8 that you lost the rights.

9 Don't just keep grabbing more and
10 more things from the city. The city will go
11 ahead and approve it.

12 The CRDA has certain things to pick
13 up; trash, to deal with the Boardwalk trash, to
14 go around and clean up some lots. We've got
15 plenty of arguments there. But, did you ever
16 hear anything from us? We cut all the lots that
17 they tell us to cut. Even though we don't own
18 them, we only own parts of them, we've done all
19 those things.

20 Don't keep doing --

21 Because I can't get investors in
22 here. That's my job.

23 I've got three other projects to do
24 here in the city. I'm not going to do them.
25 And you can put that in your -- where is she at?

1 She's a good writer. And she'll get --

2 I'm not going to take and -- take
3 on the \$21 million that you lose every year with
4 the Convention Center and the Boardwalk Hall.
5 Like we were down there last night. The Bader
6 Field.

7 It's a fiasco. You're going to
8 have to expedite things, get moving on doing
9 your job.

10 You sit on these boards. I sit on
11 lots of bank boards and everything. You get the
12 job done.

13 And having here -- telling me that
14 I now have to go ahead and make more
15 applications conditioned on a -- some kind of a
16 survey of plants and whatever else your
17 engineers come up with, it's going to be
18 conditioned on that?

19 I can't start tomorrow. I've got
20 to get this place open before the end of the
21 year. If not, I don't care about it.

22 Check us out. We buy every six
23 months. Sometimes we sit on things for six
24 years, we don't do anything, until the market
25 changes.

1 I'll wait around. I'll go back to
2 Miami, go back to Palm Beach, go back to Ohio
3 and West Virginia.

4 Why are you wanting to take and
5 defeat turning a city around?

6 How many other people are spending
7 money? How many other people spent \$10,000? I
8 spent a hundred and 50 million -- commit \$500
9 million to this city and what do I get? Not one
10 politician, not one person has ever called me to
11 say can I help you. I've been doing it all
12 myself because I did it five times before in my
13 life. But, it gets to a point to where -- I'm
14 70 years old and I'm tired of having government
15 stand in the way of what's going on here.

16 So, you guys do whatever you want
17 to, but maybe, some day, you'll think about -- a
18 year from now, two years from now, when
19 bankruptcy and bills -- and maybe somebody comes
20 in here and says, hey, I'm moving out of this
21 city, too, and you'll -- you'll see what it
22 looks like out there is a vacant city.

23 I've been there. Pittsburgh, West
24 Virginia, Youngstown, all the -- Weirton. All
25 the steel mills that they tried to tell us that

1 you couldn't do. We turned them around,
2 finally. They're finally living today because
3 we brought money into the area.

4 We're debt free and we can put our
5 money anyplace we want. And we don't even have
6 to spend it in the United States.

7 So, please. You see people like us
8 to come to help you, you're not taking that word
9 of advice.

10 And you want some kind of a public
11 opinion? I'll sit here and listen to it.

12 I've been out there 14 times,
13 trying to find this little whistle that is out
14 on the street. And all day yesterday we
15 couldn't find this whistle that's going on in
16 this plant. It's not coming from our building.
17 The power plant, when we bought the power plant,
18 it's not coming from there. I'll correct any
19 kind of --

20 That's the representations I said.
21 I'll put a wall up.

22 Thank you, but it looks like my
23 time is up.

24 Could I have my paperwork?

25 You have to do what you have to do.

1 Sorry, people.

2 PAUL WEISS: Mr. Talvacchia, are we
3 -- are we -- proceeding with an application or
4 are we --

5 NICHOLAS TALVACCHIA: Will you give
6 me one minute?

7 PAUL WEISS: Sure.

8 GLENN STRAUB: Let them tear it
9 down. I want the public to know.

10 NICHOLAS TALVACCHIA: We'll finish
11 the hearing, and then we'll go from there.

12 PAUL WEISS: Okay. So, anything
13 further to present, Mr. Talvacchia, on behalf of
14 the applicant?

15 NICHOLAS TALVACCHIA: We're here to
16 answer any questions.

17 PAUL WEISS: Fair enough.

18 Anything further from our experts,
19 CRDA's experts, on the engineering and planning?

20 WILLIAM ENGLAND: No, sir.

21 JUSTIN AUCIELLO: No, sir.

22 PAUL WEISS: Okay. At this point
23 in the hearing, I'd like to open the hearing to
24 the public for public comment. Any members of
25 the public may address this body.

1 Please state your name and address
2 for the record so we can properly reflect your
3 input at the hearing today.

4 UNKNOWN FEMALE MEMBER FROM THE
5 AUDIENCE: Good morning. My name is Stephanie
6 Segal Miller. I live at Bella condos, 526
7 Pacific Avenue.

8 Before I speak, I would like to
9 introduce -- our board president is here, and he
10 would like to make a few comments.

11 We also have a second board member.
12 So, I'd like to let them speak
13 first.

14 PAUL WEISS: That's fine. Thank
15 you.

16 Just your name and address for the
17 record, sir, so that we can properly record your
18 testimony.

19 UNKNOWN MALE MEMBER FROM THE
20 AUDIENCE: Aaron Cohen.

21 PAUL WEISS: You don't need to be
22 sworn.

23 MALE MEMBER FROM THE AUDIENCE
24 (AARON COHEN): Okay.

25 Good morning. My name is Aaron

1 Cohen. These are prepared statements.

2 Good morning. My name is Aaron

3 Cohen.

4 PAUL WEISS: Hang on. I'm sorry to
5 interrupt you. My --

6 SCOTT COLLINS: There's a lot going
7 on here, so --

8 PAUL WEISS: He wants to be --

9 In an abundance of caution, we're
10 going to swear you in.

11 MALE MEMBER FROM THE AUDIENCE

12 (AARON COHEN): Sure. All right.

13 SCOTT COLLINS: And also, just to
14 understand, what everyone's rule is, you're
15 going to be presenting your own testimony or
16 public comment?

17 MALE MEMBER FROM THE AUDIENCE

18 (AARON COHEN): I'm going to make a very brief
19 comment introducing more detailed comments from
20 public Bella folks.

21 SCOTT COLLINS: Okay. Just so that
22 we get everyone's comments down on their own,
23 they have their own --

24 MALE MEMBER FROM THE AUDIENCE

25 (AARON COHEN): Absolutely. But, I'll establish

1 that in whatever I say.

2 SCOTT COLLINS: Okay.

3 MALE MEMBER FROM THE AUDIENCE

4 (AARON COHEN): Okay.

5 SCOTT COLLINS: Please raise your
6 right hand.

7 Do you swear to tell the truth, the
8 whole truth and nothing but the truth in your
9 testimony before this body?

10 MALE MEMBER FROM THE AUDIENCE

11 (AARON COHEN): I do.

12 SCOTT COLLINS: Thank you.

13 MALE MEMBER FROM THE AUDIENCE

14 (AARON COHEN): Thank you.

15 Once again, good morning. My name
16 is Aaron Cohen. I'm a full-time resident at
17 Bella. And I'm the current president of Bella's
18 Condominium Association. So, I'm speaking to
19 you today as both a fiduciary for my community
20 and my neighbors and my house and, indeed, the
21 entire immediate locality in which we live and
22 which we have to move through, and also, as a
23 very concerned private citizen.

24 Due, in part, to the unfortunate
25 lack of vital and growth-promoting economic

1 activity in the north end of Atlantic City, by
2 the inlet, our area has been a very quiet
3 community for at least the last ten years, since
4 Bella was converted.

5 Throughout that time, Bella has
6 been a bold and brave and successful business
7 and residential anchor and a generator of
8 substantial tax revenues in what was otherwise a
9 very transitional part of town.

10 We come before you at this time to
11 seek acknowledgement and respect for that
12 history and to make sure that the needs and
13 concerns of our 200 families and several
14 businesses are taken into account as the city
15 develops and improves.

16 Indeed, we all hope that -- to see
17 that the north end of Atlantic City and the
18 inlet neighborhood develop and thrive. And
19 Bella is delighted and fortunate to be in the
20 position to be a central part of that growth.

21 We sit at what could be called the
22 gateway to the north end; the intersection of
23 the major thoroughfares, Connecticut and
24 Pacific, along the beach. And we appreciate the
25 opportunity to help anchor the future

1 revitalization of this area by being the first
2 major and well-maintained building that many
3 people encounter as they head up our way to
4 shop, eat, explore, vacation, gamble, return to
5 their homes or go to the beach.

6 But, beyond just Connecticut and
7 Pacific, our immediate grid also contains
8 Delaware, New Jersey, Massachusetts, Vermont,
9 Congress, Metropolitan, and other avenues
10 leading east and west and Oriental and Atlantic
11 as well as Pacific and then, of course, the
12 Boardwalk going north and south, which,
13 together, create over 20 intersections that
14 Bella and its residents and visitors need to
15 pass through safely and securely on a regular
16 basis.

17 My apartment happens to be on a
18 high floor on the northwest corner of the Bella
19 building, with exposure both in north and west
20 directions, and I can see and hear the activity
21 at about two-thirds of these 20 intersections.

22 During the short time that the
23 former Revel resort was previously open, I saw
24 and/or heard at least one auto accident at every
25 single one of those intersections and many

1 accidents at several of them, plus the hour or
2 two of disrupted activity that happens after
3 each one of those accidents from either a window
4 or a balcony in my apartment.

5 That sight and sound was a regular
6 and sickening part of my daily life in my home.
7 Not to mention, of course, the terrible costs
8 and consequences to the victims of these things,
9 who, no doubt, included both residents of the
10 area and visitors to the area.

11 Being on the north side of the
12 Bella building, my apartment also happens to
13 look down upon the former Revel power plant.

14 I happen to also be past president
15 of our region's professional symphony orchestra
16 and I also own a production company that
17 provides concert stage lighting, video and sound
18 reinforcement.

19 I've been interested in sound
20 spaces and sound propagation for my entire life
21 as a hobby and as a vocation, and you should
22 take my word for it, the power plant is loud.
23 And for some reason, so far, since being
24 recently fired up again, it's louder than it
25 even was a couple years ago, and we've been told

1 that some equipment has been dismantled and
2 taken out of that plant.

3 Also, for the record, that
4 whistling sound that we had been complaining of
5 is gone, but now there's an entirely new and
6 different set of sounds coming from that
7 building that are even worse.

8 We would like nothing more than for
9 the former Revel resort to be restored to life
10 and to help anchor the revitalization of the
11 entire north end of Atlantic City.

12 Personally, I loved walking across
13 the street and eating in the restaurants and
14 having, you know, a vital place to go there. It
15 was good for me, personally.

16 But, clearly, now is the time to
17 fully take stock of the logistical ramifications
18 of all of the issues involved, including traffic
19 and noise, but also extending to safety and
20 security issues and other problems and see to it
21 that a little bit of smart urban planning and
22 intelligent forethought at this time can and
23 would save -- will save a lot of discomfort and
24 security and danger and even lives, I daresay,
25 some day in the near future for the people who

1 populate and visit the north end and the -- and
2 the inlet.

3 We live here. We directly
4 experience the impact of everything going on
5 with the Revel project. And we have critically
6 important and highly useful observations that
7 should be considered.

8 As Bella's president, I urge you to
9 take the time to fully listen -- fully and
10 carefully listen and seriously consider all the
11 comments and admonishments you're hearing from
12 my friends and neighbors.

13 I've also authorized Stephanie
14 Miller, an active Bella resident and community
15 leader herself, to speak officially on our
16 behalf, as she has done extensive research on
17 all of the issues involved.

18 Thank you all for your attention
19 and serious consideration today and always.

20 PAUL WEISS: Thank you.

21 FEMALE MEMBER FROM THE AUDIENCE
22 (STEPHANIE SEGAL MILLER): Thank you.

23 We're going to hear just from one
24 more board member, and then I will proceed.

25 UNKNOWN MALE MEMBER FROM THE

1 AUDIENCE: I don't know if I have to --

2 PAUL WEISS: Yes, you do, sir.

3 SCOTT COLLINS: Do you swear --

4 Would you raise your right hand,
5 please?

6 Do you swear to tell the truth, the
7 whole truth and nothing but the truth in your
8 testimony before this body?

9 UNKNOWN MALE MEMBER OF THE

10 AUDIENCE: I do.

11 SCOTT COLLINS: Thank you.

12 PAUL WEISS: Just your name and
13 address for the record.

14 UNKNOWN MALE MEMBER OF THE

15 AUDIENCE: My name is Mark Eichhorn, and I am a
16 part-time summer resident of Bella, owner. And
17 I live in Doylestown, Pennsylvania.

18 I have a prepared statement that I
19 wish to have entered into the record.

20 Good morning. It is still morning.
21 I'm pleased to have the opportunity to read the
22 following statement into the record of today's
23 meeting. This statement is Linda, my wife's,
24 and I opinions and objectives alone. However, I
25 do think I fairly represent a majority of owners

1 at the Bella. And I wish to disclose that I am
2 a Bella board member and I sit as its treasurer
3 since January 2006.

4 As owners since the fall of 2007,
5 we can personally attest to the history of the
6 Revel complex over the nine-year period.

7 Linda and I were fully aware of
8 Revel prior to our purchase of a Bella condo and
9 were, of course, hopeful that even though we
10 were sure to lose our oceanfront view on the
11 11th floor, the excitement and possibilities
12 would play well for all of us at the Bella.
13 Yes, we drank the Kool-Aid.

14 Fast-forward and I think we can all
15 feel a bit sad. Hindsight is always
16 crystal-clear. Had all of us in this room known
17 that construction would start and then the
18 housing bubble would pop, but then construction
19 would start again, to see the Revel open, only
20 to go bust shortly after. Not a great short
21 history.

22 So, now we have the second largest
23 building in New Jersey with no realistic market
24 support. Wholly my -- my opinion. What should
25 we do now?

1 While we all applaud Mr. Straub's
2 enthusiastic plans to open the Revel and we at
3 Bella wish him nothing but success and
4 prosperity, we are owners of Bella and we need
5 to partner as neighbors to the benefit of the
6 surrounding community.

7 I will take the liberty to modify a
8 common phrase for some context of positioning.
9 When Revel sneezes, Bella gets hit full face by
10 a hurricane.

11 Bella has 200 units. This is not
12 an insignificant number of owners and families.
13 We collectively pay a significant amount of real
14 estate taxes to the city.

15 While we understand Revel is the
16 big dog on the block, many at Bella have to live
17 here 24/7, so noise, traffic, music, trash,
18 taxis, jitneys and pedestrians are going to be a
19 reality. We get it.

20 Where we insist that we be heard is
21 all things related to the environment of Revel
22 and the impact this has on its surroundings.

23 As noted prior, we at Bella have a
24 -- have the second largest building in New
25 Jersey in front of us and a monster power plant

1 to our left. We invite you to take a serious
2 look at a photo showing the view looking north
3 of the Bella. I can assure you the open land
4 available for development should be a forecast
5 of the development challenges you have ahead of
6 you.

7 We all want to see the surrounding
8 area developed, but how will you attract this
9 potential development without serious
10 consideration in noise and traffic control?

11 In closing, we want to be good
12 neighbors, but we have to defend our reasonable
13 request that it is possible to be done -- that
14 all is done to alleviate serious quality of life
15 needs at Bella.

16 I ask that this meeting place keen
17 thought regarding the following:

18 One: Minimize noise from the power
19 plant. What are the levels of noise going to be
20 at 25, 50 and a hundred percent online capacity
21 and how will each of those operating levels be
22 monitored and maintained to the lowest noise
23 output level possible?

24 Two: It is not reasonable that the
25 traffic patterns around the Bella should force

1 residential inconvenience and safety concerns.
2 We have 200 units with, in many cases, multiple
3 cars that need to exit the building. There are
4 four lanes on Connecticut Avenue, and the Bella
5 should have the northeast lane as one that it
6 can allow for right turns out of our two parking
7 areas, indoor and outdoor parking.

8 Three: Revel roof turbines.
9 Enclose them or build a sound barrier wall to
10 bounce the noise out to sea.

11 Four: Revel entertainment noise.
12 We have formally expressed concern about the
13 concept of outside entertainment within the
14 Revel tunnel -- within the Revel approach area.
15 This tunnel acts as a wind and sound
16 supercharger and cannot be underestimated as a
17 serious Bella noise problem. So, while we, as
18 good neighbors, delight in Mr. Straub's plan for
19 a ropes course, what will be the hours of
20 operation and how will the noise from such a
21 venue be eliminated?

22 Thank you for your consideration in
23 these matters. We look forward to peaceful
24 coexistence. This is possible if the city,
25 Revel and Bella work toward mutually respectful

1 engagement of known coming issues.

2 Thank you.

3 FEMALE MEMBER FROM THE AUDIENCE

4 (STEPHANIE SEGAL MILLER): Do you want to swear
5 me in?

6 PAUL WEISS: Yes.

7 And just to remind you that your
8 testimony -- the authority considers your
9 testimony as yours.

10 FEMALE MEMBER FROM THE AUDIENCE

11 (STEPHANIE SEGAL MILLER): That's fine.

12 PAUL WEISS: You're really not --
13 you're not representing any other organization
14 or individuals. Your --

15 FEMALE MEMBER FROM THE AUDIENCE

16 (STEPHANIE SEGAL MILLER): Okay.

17 PAUL WEISS: This is your
18 testimony.

19 FEMALE MEMBER FROM THE AUDIENCE

20 (STEPHANIE SEGAL MILLER): That's fine.

21 PAUL WEISS: Go ahead.

22 SCOTT COLLINS: Would you raise
23 your right hand, please?

24 Do you swear to tell the truth, the
25 whole truth and nothing but the truth in your

1 testimony before this body?

2 FEMALE MEMBER FROM THE AUDIENCE

3 (STEPHANIE SEGAL MILLER): Yes.

4 PAUL WEISS: Thank you.

5 SCOTT COLLINS: Could you just
6 state your name again for the record?

7 FEMALE MEMBER FROM THE AUDIENCE

8 (STEPHANIE SEGAL MILLER): Stephanie Segal
9 Miller, 526 Pacific Avenue.

10 There are several issues I'd like
11 to address, and I'm just going to start with the
12 ones that we talked about, first.

13 First of all, as Aaron Cohen and
14 Mark Eichhorn said, we want to be good
15 neighbors. We're looking forward to the
16 opening. And many of the things that have been
17 stated here we think are good things.

18 We are very happy to hear that the
19 taxis will not be coming up at the
20 porte-cochere, that they will be inside, on New
21 Jersey Avenue.

22 I just would like to note that it's
23 not on the -- on the plans, although it was
24 stated orally, that the taxis will travel inside
25 and not exit and go around Oriental Avenue. So,

1 just --

2 I don't know if that needs to be on
3 the plan. It was stated orally. But, I don't
4 believe the way they travel is on the map. If
5 I'm incorrect, no problem. But, I want to make
6 sure that they stay inside.

7 And then so much has been said
8 about the noise now being only internal, no
9 other external noise anticipated. So, the issue
10 is that, yes, it will eliminate a good amount of
11 the noise if they are inside.

12 However, there is an enormous
13 amount of honking at the traffic lights. Before
14 the light even turns, the car -- the taxis,
15 especially, start honking.

16 And what we are asking is that you
17 also consider either electronic or the flashing
18 signal-mounted signage at the main
19 intersections. We know you can't stop it
20 entirely, but we are suggesting that if you have
21 a sign, an illuminated sign that says No
22 Honking, that that will assist that people see
23 it. Not just a white sign, which people are
24 going to ignore, but the mounted signal ones.
25 That -- that is -- that is one idea.

1 And also, we're asking -- and this
2 benefits Polo North as well -- is that there is
3 some enforcement mechanism in the area,
4 especially inside the building, which is private
5 property, that the taxi drivers be instructed
6 and educated that the noise from the honking is
7 disturbing the -- is disturbing other places --
8 other residents in the area.

9 So, we're asking that that be
10 addressed because we know it's an issue. A lot
11 will be eliminated by moving inside, but you
12 still have all those major intersections coming
13 in and out of the casino. So, we're asking that
14 you please take that type of signage into
15 consideration.

16 The traffic patterns. We do have
17 over 200 cars, maybe 400 people. People have
18 multiple -- I mean, 200 units coming in and out
19 of the Bella. There are four lanes. And we
20 believe that because of the volume of cars
21 coming in, there would be a benefit to both
22 residents of our building and patrons coming in
23 that one of those four lanes be directionally
24 changed so that we can have bidirectional coming
25 out of the building and into the casino.

1 Now, I walked, yesterday, past the
2 Showboat, Trump Taj Mahal and Resorts. They all
3 have bidirectional streets in and out. They're
4 not one way. So...

5 And I brought photos if you'd like
6 to see. You may be aware of that. But, in
7 terms of the fact that it can be done, both the
8 lanes between Oriental and Pacific and Pacific
9 and Atlantic, we're asking for one of those
10 lanes to be turned so that we can -- we can make
11 a right out of the building.

12 The ropes course. At the last
13 hearing, Mr. Talvacchia said that they can
14 operate up to 24 hours a day in the
15 porte-cochere. We are asking that, as
16 Mr. Eichhorn stated, that there be some limits
17 on that.

18 We're thrilled for him to have the
19 ropes course, or he said he was going to do --
20 have concerts, but there need to be some limits
21 because of the -- the dynamics of the sound will
22 also reverberate. And I can't imagine, at
23 3 o'clock in the morning, even if he has to
24 comport with noise ordinances --

25 We would like to know, as

1 residents, that there is going to be something
2 taken into consideration for that.

3 The next thing I would like to talk
4 about is the energy plant, the power plant.

5 There are three sources of noise. And we talked
6 about this -- some of this already. Three known
7 sources of noise from the power plant and from
8 the building itself. There's noise from the
9 blowers on top of the Revel, noise from the
10 blowers on top of the power plant and also
11 ringing noise from the gas regulating station,
12 which is open. And I have pictures to show you
13 what those look like.

14 Mr. -- we were very happy to hear
15 that Mr. Talvacchia said, obviously, we're
16 subject to prior approvals. Because the
17 Division of Planning, there are two memos from
18 July 30th, 2008, where the documents show to the
19 Division of Planning that they anticipated
20 exterior noise in the mechanical equipment and
21 that it should be addressed. It has not been
22 addressed.

23 They also, on July 30th, 2008, page
24 2, number 4, they propose to install a fence to
25 shield the transformers. That has not been

1 done.

2 They were also to incorporate
3 screening techniques of the mechanical
4 equipment. That's from the November 2nd, 2007,
5 page 3, number 8. That also was not done,
6 although I was very happy to hear that
7 Mr. Straub said that he would build a wall.

8 As an additional point, on the
9 hearing transcript, December 15, 2011, starting
10 on page 32, the attorney asserts that regarding
11 the rooftops, we believe that they not only meet
12 the intent of the ordinance to have an
13 attractive roofscape, but far exceeds what the
14 ordinance requires. Further, that urban design
15 standard is about 35 years old and was really
16 designed to address the roofscapes from 40, 35
17 years ago, which were a mess. Event equipment,
18 mechanical equipment and things of that nature.

19 So, what I would like to know if
20 someone who has the thumb drive can pull up
21 those pictures for us so I can show you what the
22 roofscape looks like. It is a mess of
23 ventilation and mechanical equipment.

24 So, this was --

25 I may be wrong --

1 I didn't write it down. This may
2 be Mr. Talvacchia's testimony; that that was
3 old, you know, use of putting these things on
4 the top.

5 So, when you see these pictures,
6 you're going to understand what we -- what we
7 have.

8 But, moreover -- and then I would
9 like to --

10 On August 18th, at that hearing,
11 Mr. Talvacchia claimed that he had no idea there
12 was a noise issue and it was the first time that
13 he heard of it.

14 I also have the documents from 2007
15 and 2008, if you'd like to see them.

16 "It" said it was the first time he
17 was hearing about it.

18 However, in April or May of this
19 year, a walk-through was done by Mr. Reid and
20 Mr. Landgraf and they advised -- Mr. Landgraf
21 advised Mr. Straub and Mr. Talvacchia, during
22 the walk-through, of the noise issues.

23 So, the fact that he says he didn't
24 know, I'm just saying that he was advised of
25 those noise issues.

1 Moreover, in 2014, there was a
2 study that was conducted by the inlet district
3 -- by the Revel -- by the power plant company.
4 And I would like to show you, if you do not have
5 it already, it was sent to the city and to the
6 CRDA. But, I would like for you to see a copy
7 of this study, which was conducted by the power
8 plant.

9 And there are a number of fixes to
10 fix the noise issues, doable -- doable plans
11 that can be done to mitigate these noise issues.

12 And what we would say is that
13 because these documents already show that you
14 anticipated the noise issues, I would say that
15 you have a duty to -- to fix these before any
16 type of approval is given.

17 And again, Mr. Talvacchia said,
18 obviously, we're subject to prior approvals.
19 But, regardless, we know there are known noise
20 issues.

21 So, I would like to actually call
22 Dr. Richard Lynch, have him come and speak. I
23 would like to also give you a copy of the study
24 which we would like to review. If you don't
25 already -- if you don't already have it, here is

1 a copy. And we're going to go through it.

2 SCOTT COLLINS: I'm a little
3 confused. You're calling a witness?

4 FEMALE MEMBER FROM THE AUDIENCE
5 (STEPHANIE SEGAL MILLER): Well, I would like
6 him to testify. I'm going to give you his
7 background. Then you can ask him questions.

8 I think this is very relevant for
9 you to understand this study. And just here,
10 you can call it as facts, if you'd like. He is
11 an expert witness.

12 How about this: How about you let
13 me read you his bio and his resume and then you
14 can decide, but I would at least like you to --

15 NICHOLAS TALVACCHIA: Stephanie,
16 are you an attorney?

17 PAUL WEISS: No, no. I mean,
18 that's --

19 FEMALE MEMBER FROM THE AUDIENCE
20 (STEPHANIE SEGAL MILLER): I'm here as an
21 advocate from the building.

22 If you want to --

23 NICHOLAS TALVACCHIA: She can't act
24 like an attorney if she's not an attorney. She
25 --

1 People can speak on their own.

2 PAUL WEISS: Correct.

3 NICHOLAS TALVACCHIA: But, she
4 can't be an attorney --

5 FEMALE MEMBER FROM THE AUDIENCE
6 (STEPHANIE SEGAL MILLER): Okay. Fine. That's
7 fine. Mr. Lynch --

8 SCOTT COLLINS: Let him make his
9 point.

10 FEMALE MEMBER FROM THE AUDIENCE
11 (STEPHANIE SEGAL MILLER): That's fine. Mr.
12 Lynch -- Dr. Lynch is --

13 NICHOLAS TALVACCHIA: And I'd like
14 to know what was given to you. I don't have
15 that.

16 PAUL WEISS: Here.

17 FEMALE MEMBER FROM THE AUDIENCE
18 (STEPHANIE SEGAL MILLER): Oh, yes, you do. I
19 e-mailed it to you and you said I --

20 NICHOLAS TALVACCHIA: How would I
21 know what you were submitting just now? Now,
22 stop it, Stephanie. Don't be ridiculous. I had
23 no idea what you were handing them. You didn't
24 have the courtesy to tell me.

25 I'm not saying you didn't e-mail it

1 to me, but I didn't know what you were handing
2 them just now. Okay? So, don't be adversarial
3 with me.

4 And by the way, just for the
5 record, this is really going off course. They
6 can speak. I know you're going to let them.

7 We're subject to the New Jersey
8 state and Atlantic City noise code and
9 ordinance. That's it. Period. End of story.
10 There's no other code requirement that we have
11 to meet. The board can't impose it. This
12 is an enforcement issue if there is a violation.
13 Period.

14 So, we can talk all you want about
15 noise, but when it's all said and done, the
16 board can only say comply with the law. Period.
17 End of story.

18 I'm very familiar with this study.
19 I know this guy, this sound guy.

20 FEMALE MEMBER FROM THE AUDIENCE
21 (STEPHANIE SEGAL MILLER): Okay. Terrific.

22 Dr. Lynch?

23 Then I will let him introduce
24 himself.

25 SCOTT COLLINS: Just a point of

1 procedure here.

2 What we're doing here is getting
3 quite far off of public comment. If you have
4 comments on the subject matter of this
5 application, --

6 FEMALE MEMBER FROM THE AUDIENCE
7 (STEPHANIE SEGAL MILLER): Sure.

8 SCOTT COLLINS: -- you are welcome
9 to present them now.

10 When you are done, any other person
11 is welcome to also present their public comment
12 or testimony as to what they feel about the
13 subject matter of this application.

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

16 SCOTT COLLINS: This cannot be a Q
17 and A and a --

18 FEMALE MEMBER FROM THE AUDIENCE
19 (STEPHANIE SEGAL MILLER): Fine. No problem.

20 Those are my comments. We're
21 asking that you enforce the -- enforce the
22 Division of Plan -- the things that were already
23 accounted for.

24 The noise was anticipated. And I
25 read to you the things from the Division of

1 Planning memos that the noise was anticipated.
2 And -- and we're asking you to fix these things.
3 They're doable -- we have doable solutions.

4 And this study was conducted by the
5 power plant.

6 So, we --

7 Dr. Richard Lynch, he will go over
8 his own credentials. He'll tell you his reading
9 of the report, and you can ask him any questions
10 about that.

11 SCOTT COLLINS: And is your public
12 comment completed now?

13 FEMALE MEMBER FROM THE AUDIENCE
14 (STEPHANIE SEGAL MILLER): Yes.

15 SCOTT COLLINS: Okay.

16 Doctor?

17 Do you swear to tell the truth, the
18 whole truth and nothing but the truth in your
19 testimony before this body today?

20 UNKNOWN MALE SPEAKER FROM THE
21 AUDIENCE: I do.

22 SCOTT COLLINS: Thank you.

23 Can you just introduce yourself?

24 MALE SPEAKER FROM THE AUDIENCE (DR.
25 RICHARD LYNCH): I'm Dr. Richard Lynch. My

1 primary residence is in Burlington, New Jersey,
2 and I'm also an owner at the Bella.

3 Thank you for -- for this
4 opportunity to -- to share my perspectives on
5 the information that was presented, including
6 the report of 2014.

7 I agree with the last statement
8 that was just made, in that there are
9 regulations in New Jersey requiring control of
10 noise during daylight and nighttime hours. And
11 it is important to us at the Bella that those
12 regulations be complied with.

13 By way of background, in addition
14 to me being an owner, I am a -- I'm a certified
15 industrial hygienist with over 30 years of
16 experience in doing noise measurements and
17 measurements of chemical and biological
18 exposures.

19 I'm a former professor of
20 industrial hygiene and public health at Rutgers
21 University and the University of Medicine and
22 Dentistry of New Jersey. I'm also the former
23 acting program manager for the public employees
24 OSHA program at the New Jersey state Department
25 of Health. And I am currently functioning in

1 the role as a -- as a consultant to
2 manufacturing facilities, healthcare facilities
3 and the like. So, I have a lot of years in
4 evaluating and conducting noise studies,
5 including environmental noise studies.

6 I simply want to say to you, with
7 the report that you have in front of you here,
8 that this -- this noise study was conducted for
9 the power plant. And it's very important.

10 SCOTT COLLINS: I'm just going to
11 interrupt you for a second.

12 MALE SPEAKER FROM THE AUDIENCE (DR.
13 RICHARD LYNCH): Sure.

14 SCOTT COLLINS: There is -- there
15 is a noise study that was -- that was handed out
16 by Miss Miller. Is this what --

17 Are you presenting this as
18 something --

19 MALE SPEAKER FROM THE AUDIENCE (DR.
20 RICHARD LYNCH): This is what I'm referring to.

21 SCOTT COLLINS: -- that you want to
22 have marked as an exhibit and you are going to
23 discuss?

24 MALE SPEAKER FROM THE AUDIENCE (DR.
25 RICHARD LYNCH): Yes. Thank you.

1 SCOTT COLLINS: Okay. And can you
2 just identify it by -- just by title and date?

3 MALE SPEAKER FROM THE AUDIENCE (DR.
4 RICHARD LYNCH): 2014 High Frequency Noise
5 Source Identification for the Inlet District
6 Energy Center.

7 This was generated by MTA,
8 Incorporated. And the report date is October
9 2014.

10 NICHOLAS TALVACCHIA: Doctor, can I
11 just --

12 MALE SPEAKER FROM THE AUDIENCE (DR.
13 RICHARD LYNCH): Sure.

14 NICHOLAS TALVACCHIA: I want to
15 interpose an objection, then, and say to
16 everyone this is not relevant to the application
17 we have pending.

18 I'm familiar with that noise
19 report. I was the lawyer who did that
20 application in 2014.

21 It's a noise study. It was
22 submitted when there were changes to the thermal
23 plant -- I think it was before this board, in
24 fact -- in '14.

25 But, it has nothing to do with

1 today. Either there's compliance with the prior
2 approval or there's not.

3 And, as you know, this board
4 doesn't enforce anything. It just approves and
5 there's other agencies that do the enforcement.

6 So, you can talk about that report,
7 but I object to it being in the record because
8 it adds confusion to something that's not
9 relevant.

10 And I object to all of his
11 testimony to the extent it talks about noise
12 from the thermal plant.

13 The application today is about a
14 change in circulation and a ropes course.

15 That's my objection.

16 Thank you.

17 PAUL WEISS: Your objection is duly
18 noted, Mr. Talvacchia. Thank you.

19 NICHOLAS TALVACCHIA: Thank you.

20 PAUL WEISS: Please proceed, sir.

21 MALE SPEAKER FROM THE AUDIENCE (DR.
22 RICHARD LYNCH): Thank you.

23 So -- so, the reason that this
24 noise study was conducted was because there is
25 -- there was a concern over noise levels,

1 certainly by members of the -- of the Bella.

2 And I just want to point out -- and
3 I'm not going to take a lot of time with this
4 because I think you all -- but, I do want to
5 point out a few particular points in here just
6 so that, as you move forward with this -- with
7 the process, that you -- that the noise
8 ordinances are enforced.

9 And I also agree that the study was
10 done in a way that comports with the scientific
11 principles associated with noise measurement,
12 and the recommendations are infinitely
13 reasonable.

14 So, it seems to us that this should
15 be done.

16 And let me just point out a couple
17 of points so that you understand how to
18 interpret this study.

19 On page 1, in the "Executive
20 Summary" -- and I've highlighted a couple of
21 things -- and I'll go very quickly through this
22 -- there is a -- there is a high frequency
23 source of noise in the -- in the third paragraph
24 on page 1 in the "Executive Summary" that
25 becomes louder when online due to additional

1 pipelines being accessed, plus higher velocity
2 gas flow through the piping. And you see my
3 highlights there.

4 This study was done in 2014, when
5 the site was not fully online.

6 And the way that the system works,
7 it will get louder as the system goes online.
8 So, I just want to point that out.

9 There are recommendations for
10 permanent noise improvement. If I go to the
11 description on page 2, under the -- under the
12 first section, "Description of Site," the last
13 sentence simply says that, at the time of this
14 testing, the Revel Entertainment Complex was
15 closed, though some building ventilation systems
16 remained online.

17 I say that to you to understand
18 that -- so that you -- that you're certain to
19 understand that these noise levels that are
20 represented in this report will not reflect the
21 noise levels that will be emanating from the
22 facility once it is 25, 50, 75 percent, a
23 hundred percent online. These are the most
24 conservative estimates that were available at
25 the time that the study was done.

1 Skipping through the -- through
2 some of the details and going to page 5 of the
3 report -- and I -- I hope you appreciate I
4 respect your time.

5 On page 5 of the report, what they
6 -- what they determined was that the -- that the
7 high frequency noise, in the third full
8 paragraph on the page, under section 4, was
9 determined to emanate from inside the gas
10 pipeline field enclosure, which is an open on
11 top enclosure located just outside of the
12 facility to the north.

13 And -- and the -- and the final
14 sentence in that paragraph says that the results
15 of these measurements are shown in figure 6.
16 The temporary mitigation blankets reduce the
17 noise -- reduce the noise by ten decibels and it
18 became largely inaudible at that point.

19 And then finally, in the final
20 paragraph of that section, it recommends that
21 the pipe field noise be mitigated by at least 15
22 decibels, which could be conceptually achieved
23 with acoustic pipe wrapping, acoustic jackets,
24 improved enclosure. And they gave some
25 specifications for that.

1 If you -- if you were then to look
2 at what is figure 4 on -- on the -- within the
3 report and compare that to figure 6, it shows
4 the frequencies that the noise is being
5 generated at and where the -- which is the
6 frequency associated with the high frequency
7 from the -- from the piping. It shows that --
8 that the noise levels are substantial.

9 And it shows, on figure 6, the kind
10 of attenuation that was measured at, you know --
11 measured at the distance -- measured at the
12 Bella, at unit number 2201. And so it shows
13 that it can be controlled and it also shows that
14 it should be controlled.

15 You can look at this at your own
16 leisure.

17 I just want to point out to you
18 that the New Jersey Department of Environmental
19 Protection has a noise control ordinance that
20 requires that during -- N.J.A.C. 7:29-1.2, where
21 it talks about noise sources from industrial,
22 commercial or community service facilities. I
23 quote: "No person shall cause, suffer, allow or
24 permit sound from any industrial, commercial or
25 community service facility that, when measured

1 at any residential property line of any affected
2 person, is in excess of any of the following."

3 And there are two time periods; 7 A.M. to
4 10 P.M., which is typically the time of day that
5 people would be expected to be awake, and then
6 from 10 P.M. to 7 A.M., which is typically the
7 time that people are trying to sleep or rest.

8 And during the daytime, the 7 A.M.
9 to 10 P.M. hours, the continuous airborne sound
10 cannot exceed 65 decibels. And from 10 P.M. to
11 7 A.M., that noise should not -- or may not
12 exceed 50 decibels A-weighted, which is the way
13 that human beings hear noise. And it also
14 provides particular noise levels at various
15 frequencies.

16 I want to sort of wrap up my -- my
17 statements by saying that the combination of the
18 noise from the pipe -- from the pipe field, from
19 the rooftop turbines and from -- and from the --
20 from the cooling towers at the plant represent a
21 substantial threat to the quiet enjoyment of the
22 residents at the Bella, particularly on the --
23 what I will call the east and the north side,
24 although it's a little bit -- of the building
25 that are facing those sources.

1 The solutions to resolving these
2 noise problems that are identified in the power
3 plant's own study as well as some of the things
4 that I've seen even in some of the earlier
5 Planning Board documents going back as far as
6 2007, including barrier walls, et cetera, are
7 really fundamental and relatively inexpensive
8 fixes that could really make a difference for
9 us.

10 We are your most close, but we're
11 also the Revel's most vulnerable neighbor. And
12 we're only asking here -- and I'm speaking
13 technically -- that basic sound protection
14 measures to shield those roof turbines to -- so
15 that the noise doesn't move toward us, but
16 actually can go straight up in the air and out
17 to sea, that the -- that the controls for the
18 pipe field that are recommended in here, perhaps
19 an enclosure, as well as the -- the thermal
20 wrapping and the -- and the high frequency noise
21 baffling systems that are readily available, be
22 considered, especially given that this study was
23 done when the system wasn't running.

24 Yes. We're hoping that you can
25 handle these things before the building opens.

1 Certainly, you know, there's -- there's an
2 ordinance that, if it's not handled, there will
3 be complaints and, you know, we -- you know, not
4 only from us but from the surrounding area.

5 But, we're just asking, really,
6 humbly, that you consider the quiet enjoyment of
7 your 200 closest neighbors as you -- as you move
8 forward with the plans to open the building.

9 Thank you very much.

10 PAUL WEISS: Thank you, Doctor, for
11 your testimony.

12 Any other members of the public
13 wishing to testify, please, again, state your
14 name and address for the record so we can
15 properly record your testimony.

16 UNKNOWN MALE MEMBER FROM THE
17 AUDIENCE: My name is Joel Miller. I live at
18 the Bella.

19 PAUL WEISS: Would you please be
20 sworn?

21 MALE MEMBER FROM THE AUDIENCE (JOEL
22 MILLER): Oh. Sure.

23 SCOTT COLLINS: Do you swear to
24 tell the truth, the whole truth and nothing but
25 the truth in your testimony before this body?

1 MALE MEMBER FROM THE AUDIENCE (JOEL
2 MILLER): I do.

3 SCOTT COLLINS: I'm sorry. Would
4 you just repeat your name, please?

5 MALE MEMBER FROM THE AUDIENCE (JOEL
6 MILLER): Joel, J-O-E-L, Miller.

7 SCOTT COLLINS: Thank you.

8 MALE MEMBER FROM THE AUDIENCE (JOEL
9 MILLER): I would just like to say, when the --
10 when the Revel opened, we were very excited. We
11 were patrons of it. I put family in there, we
12 ate at the restaurants, we gambled, we helped
13 support the Revel. So, we're not anti-Revel.

14 And -- and I think the sentiment in
15 the Bella, in general, is in favor of opening
16 the property. But, we do have concerns.

17 Yesterday, I organized a petition,
18 which I'm going to read to you. We have 42 --

19 NICHOLAS TALVACCHIA: I object.
20 You can't submit a petition. They have to
21 actually be here.

22 MALE MEMBER FROM THE AUDIENCE (JOEL
23 MILLER): I have their signatures.

24 NICHOLAS TALVACCHIA: They have to
25 be here.

1 MALE MEMBER FROM THE AUDIENCE (JOEL
2 MILLER): I will read it. I signed it. Is that
3 okay?

4 SCOTT COLLINS: Yeah.

5 MALE MEMBER FROM THE AUDIENCE (JOEL
6 MILLER): And some of the people here signed it.
7 Can I --

8 SCOTT COLLINS: You can read the
9 petition, if you'd like. It will not be
10 evidentiary. You can read it into the record.

11 MALE MEMBER FROM THE AUDIENCE (JOEL
12 MILLER): All right. You're proud of yourself
13 over there, I bet.

14 This is a petition regarding Revel
15 traffic, noise and rooftop.

16 We residents of Bella condominium,
17 526 Pacific Avenue, support the following
18 regarding the Revel Polo North property: Taxis
19 should enter on New Jersey Avenue and queue,
20 pick up and discharge passengers within the
21 structure.

22 No Honking signage should be
23 installed on the streets surrounding the
24 property.

25 Connecticut Avenue should have a

1 lane in the westbound direction for right-hand
2 turn out of the building between Oriental and
3 Pacific avenues and between Pacific and Atlantic
4 avenues.

5 Enforce noise regulations at the
6 Energenic plant and on top of the Revel prior to
7 giving any operating licenses.

8 Urge the above to exceed
9 recommendations made in the Michael Theriault
10 acoustic study.

11 High frequency noise identification
12 for the Inlet District Energy Center, October
13 17th, 2014, a 43-page study available on
14 request, as these measurements were taken after
15 the Revel had closed and the plant was not
16 operating at full capacity.

17 Urge the Planning Board to ensure
18 the Energenic plant is in compliance with the
19 recommendations of the Division of Planning
20 memorandum of July 30th, 2008. It's a five-page
21 memorandum available on request. Wherein they
22 were to address the anticipated exterior noise
23 level of mechanical equipment at the site.

24 Enforce aesthetic requirements made
25 by the Division of Planning memorandum of

1 November 2nd, 2007. It's a nine-page
2 memorandum, available on request, to the
3 Planning Board, making, as a condition of final
4 site approval, a rooftop plan that incorporates
5 screening techniques of the garage and
6 mechanical equipment.

7 Require the above to address the
8 legal requirement that roofs below 385 feet have
9 an attractive roofscape and the misleading
10 information of 102-page transcript of Revel
11 zoning hearings 2011, December 15th, available
12 on request, the original owners and lawyers
13 provided to the city. They claim their design
14 addressed the traditional designs of 40, 35
15 years ago, which were a mass of vent equipment,
16 mechanical equipment and things of that nature,
17 and that we would see an attractive -- an
18 attractive roof, exceptionally clean. They
19 claimed the original design would have been a
20 negative architectural look and that everything
21 below 385 feet would far exceed the ordinance.
22 Not only is this untrue, but we suffer from the
23 noise atop the level, too.

24 Here are some pictures of what we
25 -- of what the original designs looked like.

1 Some screening on the top, like this, --

2 NICHOLAS TALVACCHIA: Can I ask a
3 question?

4 MALE MEMBER FROM THE AUDIENCE (JOEL
5 MILLER): -- which --

6 NICHOLAS TALVACCHIA: Is that the
7 approved design?

8 MALE MEMBER FROM THE AUDIENCE (JOEL
9 MILLER): I only have pictures that I -- that I
10 saw.

11 This -- this is what we get on top
12 of the Revel, here.

13 FEMALE MEMBER FROM THE AUDIENCE
14 (STEPHANIE SEGAL MILLER): Show the board
15 members also.

16 MALE MEMBER FROM THE AUDIENCE (JOEL
17 MILLER): Here.

18 Do we have a picture of the top of
19 the Revel? I have it on -- on disk.

20 FEMALE MEMBER FROM THE AUDIENCE
21 (STEPHANIE SEGAL MILLER): Do you want me to put
22 this up?

23 MALE MEMBER FROM THE AUDIENCE (JOEL
24 MILLER): If you want. If you'd like to see.

25 FEMALE MEMBER FROM THE AUDIENCE

1 (STEPHANIE SEGAL MILLER): Why don't you give
2 them the --

3 MALE MEMBER FROM THE AUDIENCE (JOEL
4 MILLER): I would say we're looking at a --

5 FEMALE MEMBER FROM THE AUDIENCE
6 (STEPHANIE SEGAL MILLER): Can we put our -- the
7 thumb drive in to show you the photos of what
8 the actual rooftop looks like?

9 NICHOLAS TALVACCHIA: I'm going to
10 object again. This is not about rooftop scape.
11 Either we comply with the approval for rooftop
12 or we don't. To go over it now is irrelevant to
13 the application. It's just irrelevant.

14 FEMALE MEMBER FROM THE AUDIENCE
15 (STEPHANIE SEGAL MILLER): This is a site plan
16 approval.

17 NICHOLAS TALVACCHIA: No, but --

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

20 NICHOLAS TALVACCHIA: It's an amend
21 --

22 FEMALE MEMBER FROM THE AUDIENCE
23 (STEPHANIE SEGAL MILLER): Amendment to the site
24 plan approval.

25 NICHOLAS TALVACCHIA: Yeah. It's

1 our amendment, not your amendment.

2 FEMALE MEMBER FROM THE AUDIENCE
3 (STEPHANIE SEGAL MILLER): Well, we have a right
4 to be heard, --

5 NICHOLAS TALVACCHIA: Not on this
6 issue.

7 FEMALE MEMBER FROM THE AUDIENCE
8 (STEPHANIE SEGAL MILLER): -- just like you do.

9 NICHOLAS TALVACCHIA: No, I don't
10 think you do on this issue. This is not subject
11 to the application.

12 If you believe that we don't comply
13 with what was approved, there's an enforcement
14 mechanism.

15 We're not changing what was
16 approved for the rooftop. We're not here for
17 that.

18 PAUL WEISS: So...

19 NICHOLAS TALVACCHIA: It can't be
20 changed as a part of this proceeding.

21 FEMALE MEMBER FROM THE AUDIENCE
22 (STEPHANIE SEGAL MILLER): There's something
23 wrong with it.

24 NICHOLAS TALVACCHIA: That's your
25 opinion.

1 PAUL WEISS: Folks --

2 MALE MEMBER FROM THE AUDIENCE (JOEL
3 MILLER): I would say to the board --

4 PAUL WEISS: Wait. Sir, one
5 second, please.

6 MALE MEMBER FROM THE AUDIENCE (JOEL
7 MILLER): Yep.

8 PAUL WEISS: Comments. One:
9 Mr. Talvacchia's objection is duly noted for the
10 record.

11 Two, you all can't step on each
12 other while you're talking. Our court reporter
13 can't possibly record your voices and have any
14 clear record of who said what and when. So,
15 please, as a matter of courtesy, allow the
16 person who's speaking an opportunity to finish
17 their discussion.

18 FEMALE MEMBER FROM THE AUDIENCE
19 (STEPHANIE SEGAL MILLER): Oh.

20 NICHOLAS TALVACCHIA: I didn't
21 think --

22 FEMALE MEMBER FROM THE AUDIENCE
23 (STEPHANIE SEGAL MILLER): I had asked if we
24 could put up our photos. I wasn't under the
25 impression this is his computer to put my thumb

1 drive in.

2 NICHOLAS TALVACCHIA: I'm not
3 objecting to using it; I just want you to be
4 aware of that.

5 FEMALE MEMBER FROM THE AUDIENCE
6 (STEPHANIE SEGAL MILLER): There's nothing
7 private on here. It's everything we --

8 NICHOLAS TALVACCHIA: I just wanted
9 you to be aware of it.

10 FEMALE MEMBER FROM THE AUDIENCE
11 (STEPHANIE SEGAL MILLER): But --

12 PAUL WEISS: The other comment I'll
13 make is to the extent that there are photos you
14 want us to review, we'll review the photos, but,
15 again, subject to Mr. Talvacchia's objection,
16 this is a limited application for an amended
17 site plan.

18 But, this is public comment. We
19 will entertain all public comment on the
20 application.

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

23 MALE MEMBER FROM THE AUDIENCE (JOEL
24 MILLER): So, you know, I would say --

25 There's an old adage. Fooled once,

1 shame on you, fooled twice, shame on me.

2 I feel like --

3 The Revel, when it was first
4 opened, the board said you need to do this. And
5 they were going to do this. But, I would say we
6 did not get any -- anywhere near the roof, a
7 clean architectural roof. We didn't -- we
8 didn't get it, even though they said they would.

9 They said they were going to give
10 us -- you know, take care of the noise issues.
11 They didn't take care of the noise issues.

12 So, we're just asking that, in your
13 consideration of giving them an approval to
14 proceed, you take this into consideration.

15 Thank you.

16 PAUL WEISS: Thank you, sir.

17 FEMALE MEMBER FROM THE AUDIENCE
18 (STEPHANIE SEGAL MILLER): Do you want to pull
19 up the photos or --

20 MALE MEMBER FROM THE AUDIENCE (JOEL
21 MILLER): If you want to see the photos --

22 I think people know.

23 FEMALE MEMBER FROM THE AUDIENCE
24 (STEPHANIE SEGAL MILLER): Ask him. Give them
25 those photos that you took.

1 MALE MEMBER FROM THE AUDIENCE (JOEL
2 MILLER): Oh. I can do that.

3 FEMALE MEMBER FROM THE AUDIENCE
4 (STEPHANIE SEGAL MILLER): And give them to
5 Mr. Talvacchia.

6 PAUL WEISS: Any other members of
7 the public wishing to comment on this
8 application? And I would ask you that if you
9 have additional comment. In other words, we've
10 heard plenty of testimony on noise. We've heard
11 testimony on the roofscape. We understand that
12 that is an issue for residents of the Bella.
13 So, I think we've heard you loud and clear.

14 If you have additional issues that
15 you'd like to inform or discuss at this hearing,
16 I'd ask you to please address those issues. And
17 again, state your name and address for the
18 record. You can go in any order you wish.

19 UNKNOWN MALE MEMBER FROM THE
20 AUDIENCE: My name is Stan Jacobs. I'm a
21 resident at Bella.

22 SCOTT COLLINS: Would you just
23 raise your right hand?

24 MALE MEMBER FROM THE AUDIENCE
25 (STANLEY JACOBS): Sure.

1 SCOTT COLLINS: Do you swear to
2 tell the truth, the whole truth and nothing but
3 the truth in your testimony before this body?

4 MALE MEMBER FROM THE AUDIENCE

5 (STANLEY JACOBS): I do.

6 SCOTT COLLINS: Thank you.

7 MALE MEMBER FROM THE AUDIENCE

8 (STANLEY JACOBS): I actually just have a couple
9 of questions regarding some of the information
10 that was given earlier, --

11 PAUL WEISS: Okay.

12 MALE MEMBER FROM THE AUDIENCE

13 (STANLEY JACOBS): -- if that's okay.

14 Just for clarification, is
15 directional traffic on New Jersey Avenue
16 changing at all?

17 DAVID SHROPSHIRE: No.

18 MALE MEMBER FROM THE AUDIENCE

19 (STANLEY JACOBS): Okay. So, that remains the
20 same?

21 I just want to make sure I
22 understood you correctly. You said valet cars,
23 at maximum, would be, roughly, 150 per -- per
24 hour?

25 NICHOLAS TALVACCHIA: Peak hour.

1 Peak hour.

2 MALE MEMBER FROM THE AUDIENCE
3 (STANLEY JACOBS): Okay. So, we're talking
4 three cars a minute.

5 And part of your study makes
6 recommendation to the owner for staffing. Did I
7 hear you say that?

8 DAVID SHROPSHIRE: That's going to
9 be done as part of the updated traffic
10 management plan.

11 MALE MEMBER FROM THE AUDIENCE
12 (STANLEY JACOBS): Okay. When you do your
13 traffic study, do you take into consideration
14 the potential for 200 and some cars coming out
15 of Bella? Is that part of your circulation
16 study?

17 DAVID SHROPSHIRE: It would have
18 been done as part of the original traffic counts
19 that were a basis for the whole study. Correct.

20 MALE MEMBER FROM THE AUDIENCE
21 (STANLEY JACOBS): Okay. And just one more
22 question. Does -- does the site plan at all
23 address pedestrian traffic from the west side of
24 Oriental, going through Revel to the Boardwalk,
25 in terms of safety for people crossing the

1 street and whether they will have access to the
2 Boardwalk from any points west, between --
3 between the parking structure and the -- and the
4 hotel?

5 NICHOLAS TALVACCHIA: From
6 Connecticut to the Boardwalk, there is a
7 pedestrian way, and there's stairs on the
8 Boardwalk. That's always been open. In fact,
9 by eliminating traffic, it will actually get
10 safer.

11 MALE MEMBER FROM THE AUDIENCE
12 (STANLEY JACOBS): So, the fencing that's on the
13 Boardwalk side will be opened up?

14 NICHOLAS TALVACCHIA: That's just
15 security fencing for right now.

16 MALE MEMBER FROM THE AUDIENCE
17 (STANLEY JACOBS): Yeah.
18 Okay. But, the plan is that anyone
19 walking from Oriental to the Boardwalk will be
20 able to walk --

21 NICHOLAS TALVACCHIA: That's my
22 understanding.

23 MALE MEMBER FROM THE AUDIENCE
24 (STANLEY JACOBS): -- between the parking garage
25 and --

1 NICHOLAS TALVACCHIA: Yeah. That's
2 always -- the way it's always been.

3 MALE MEMBER FROM THE AUDIENCE
4 (STANLEY JACOBS): Okay.

5 NICHOLAS TALVACCHIA: It was
6 designed that way.

7 MALE MEMBER FROM THE AUDIENCE
8 (STANLEY JACOBS): I just wanted to get
9 clarification.

10 NICHOLAS TALVACCHIA: And I want --
11 I want to make another point about New Jersey.

12 MALE MEMBER FROM THE AUDIENCE
13 (STANLEY JACOBS): Sure.

14 NICHOLAS TALVACCHIA: I know there
15 was a comment somewhere else.

16 It's our expectation that all the
17 taxis will now use New Jersey to enter the
18 garage rather than going down Connecticut. Now,
19 we can't force them to do that, but if I'm a
20 taxi driver -- and I used to be -- that would be
21 the easiest way to get to the taxi staging area.

22 So, I think a lot of that taxi
23 traffic will be moved just because we've
24 relocated the entry point.

25 MALE MEMBER FROM THE AUDIENCE

1 (STANLEY JACOBS): So, they'll go directly from
2 points west down New Jersey and then turn in
3 about midway on the parking garage.

4 NICHOLAS TALVACCHIA: It's closer
5 to the Boardwalk, the entry of it, but, yes, --

6 MALE MEMBER FROM THE AUDIENCE

7 (STANLEY JACOBS): Okay.

8 NICHOLAS TALVACCHIA: -- right now.

9 MALE MEMBER FROM THE AUDIENCE

10 (STANLEY JACOBS): That's all I have.

11 PAUL WEISS: Thank you, sir.

12 Any other members of the public who
13 wish to provide testimony on this application?

14 Ma'am, please.

15 UNKNOWN FEMALE MEMBER FROM THE
16 AUDIENCE: Hello. My name is Mary Ann Masucci.

17 Do you want me to swear?

18 PAUL WEISS: Yes, please.

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

22 FEMALE MEMBER FROM THE AUDIENCE

23 (MARY ANN MASUCCI): I do.

24 SCOTT COLLINS: Thank you.

25 FEMALE MEMBER FROM THE AUDIENCE

1 (MARY ANN MASUCCI): Thank you very much.

2 I'm an original owner of the Bella
3 as well. I've been here since fall 2007.

4 I live in London, England and
5 Manhattan. And trust me, I know what noise is.

6 I don't hear much noise. And I've
7 actually had the honor and privilege of
8 interviewing my brethren in the past several
9 days, of which are medical doctors, practicing
10 attorneys, students, writers, such as myself,
11 who really object to noise and just -- and
12 peaceful, quiet enjoyment. That's always been
13 my issue.

14 Now, of these 60 people, there are
15 also three other board members, one of which is
16 my personal friend, who is the developer. And I
17 have heard no such umbrage at all or et al.

18 So, I am here as a peaceful person,
19 as a diplomat.

20 I wish that we would let GS -- and
21 that means synonymous with Goldman Sachs, Glenn
22 Straub, where I also worked as well as an
23 investment B -- not W -- banker for many years.

24 I am here to say let Glenn go on,
25 do what he does best. Succeed, make money.

1 Open it up to all.

2 Let's all live in peace. Let's all
3 live in harmony.

4 We are all brethren. We are all
5 living together.

6 Now, I'm just here as the side of
7 logic, diplomacy, right and correctness.

8 Many of them said to say -- to come
9 in. I don't need to be here as well, like Glenn
10 does. I could be in Saint-Tropez right now. I
11 choose to be here because I'm friends with five
12 mayors, and I want this town to succeed and I
13 want it to succeed well.

14 And I agree with you. I come from
15 a humble as well and my father comes from a
16 humble. And let's just say, we're very akin to
17 cab drivers. He's akin to immigration.

18 So, let's all work in peace and
19 harmony.

20 And my record is -- noise levels,
21 my dad was an architect. I know about noise and
22 engineering. And I also have my brethren there
23 about noise and engineering. I'm here to attest
24 that the noise is a non-starter.

25 Thank you very much. Cheers. Have

1 a lovely day.

2 NICHOLAS TALVACCHIA: Thank you.

3 PAUL WEISS: Thank you, ma'am, for
4 your testimony.

5 Any other members of the public who
6 wish to address the hearing, please.

7 Sir, would you please raise your
8 right hand and be sworn?

9 UNKNOWN MALE MEMBER FROM THE
10 AUDIENCE: John Heinze. President of Triax
11 Streaming Networks.

12 SCOTT COLLINS: Do you swear to
13 tell the truth, the whole truth and nothing but
14 the truth in your testimony --

15 MALE MEMBER FROM THE AUDIENCE (JOHN
16 HEINZE): Yes, I do.

17 SCOTT COLLINS: -- before this
18 body?

19 MALE MEMBER FROM THE AUDIENCE (JOHN
20 HEINZE): Yes. Yep.

21 SCOTT COLLINS: Thank you.

22 MALE MEMBER FROM THE AUDIENCE (JOHN
23 HEINZE): My comment is related to a question
24 about the readiness of the property to open,
25 pending any approvals.

1 The reason I bring this up is I had
2 a unique opportunity, in early-June, to take a
3 private tour of the facility, along with the
4 mayor, city council president and the chair of
5 the planning and development committee. And
6 Mr. Straub had walked us around the property for
7 approximately two hours, which we were able to
8 capture all that footage.

9 What had struck me was that within
10 the public view was a question of the condition
11 of the property internally. People would say
12 oh, well, you know, when they closed it up, he
13 took all the stuff out, you know, it's not ready
14 to open, it's not --

15 I'm here to tell you firsthand --
16 and I have factual video evidence to support it
17 -- that that property is in a condition to open
18 very quickly. And that, frankly, it's -- the
19 various procedural elements, such as these
20 approvals, are the things that only delay that
21 opening. I was really surprised, you know, in
22 touring hotel rooms to restaurant spaces, back
23 of the house spaces.

24 And I do have a basis for this
25 because when the Revel was nearing completion

1 initially, I was a vendor that was responsible
2 for entertainment systems. So, I had access to
3 blueprints. I got to see a lot of areas that
4 the public wouldn't see.

5 And so when I had the opportunity
6 again to walk through those spaces and be able
7 to compare that to what my previous experiences
8 were, it -- it was very surprising that he
9 actually is very close.

10 And I do have additional intimate
11 knowledge, through my various business dealings
12 and boards that I sit on, that he is securing
13 appropriate relationships to get this property
14 successfully launched. I would be the first to
15 admit that he -- he's a bit eccentric, at times,
16 but I would also suggest that he's extremely
17 passionate.

18 And I bring this up because I would
19 not want to see additional delays upon delays
20 with this project to the sense where --

21 At the moment, he's got all the
22 pieces to come together to make this thing
23 actually launch. If we delay this too much
24 further down the road, impacts of what could
25 potentially happen with the city takeover, north

1 Jersey gaming, so on and so forth, could have
2 such a detrimental economic impact that the
3 project could, essentially, be abandoned. And I
4 think that that has to be a consideration as to
5 do we want to add a couple more months to this
6 process because of additional concern.

7 That's all I wanted to bring to it.

8 PAUL WEISS: Thank you, sir.

9 MALE MEMBER FROM THE AUDIENCE (JOHN
10 HEINZE): Mmm-hmm.

11 PAUL WEISS: We appreciate your
12 testimony.

13 Any other members of the public who
14 wish to address this hearing on --

15 MALE MEMBER FROM THE AUDIENCE (DR.
16 RICHARD LYNCH): I just have one really brief --

17 And I've already been --

18 Richard Lynch.

19 And it's -- it's a question for the
20 -- for the engineer.

21 It was mentioned that --

22 I'm sorry.

23 NICHOLAS TALVACCHIA: I'm a lawyer.

24 MALE SPEAKER FROM THE AUDIENCE (DR.
25 RICHARD LYNCH): It was mentioned that -- that

1 it was -- that it had been determined that it
2 was not reasonable for us to be able to make a
3 right out of the parking lot to go back up
4 because of traffic-related patterns. If I heard
5 your testimony correctly, it sounded like a peak
6 value of about 670 or so cars per hour, you
7 know, and 20 or 25 percent of that going through
8 valet, which leaves about 400 cars per hour
9 that, conceivably, could be coming down Revel
10 Boulevard.

11 It seems, to me, that, you know,
12 133 cars per hour for three lanes, it seems, to
13 me, that three lanes is more than adequate to
14 handle that and -- you know, to be able to give
15 us an opportunity not to have to sit in traffic;
16 to go around to get out.

17 It was mentioned --

18 That seems reasonable, to me.

19 But, the question is: It was
20 mentioned that there was -- there were problems
21 with giving us that access, making a -- you
22 know, coming back out to Pacific Avenue. And I
23 was hoping that some clarification could be made
24 as to what those barriers actually are.
25 Because, certainly, if we could change radiuses

1 on one street or other kinds of movements of --
2 of traffic lights, why can't we do that for your
3 closest residents?

4 DAVID SHROPSHIRE: To respond to
5 that --

6 NICHOLAS TALVACCHIA: Mr. Weiss,
7 would you like a response now? We're at the end
8 of -- close --

9 I'd rather do it at the end of the
10 public session.

11 PAUL WEISS: That's fine. That's
12 fine.

13 Just in the interest of efficiency,
14 I want to give the public the opportunity to
15 present all their testimony and comment, and
16 then I'll allow the applicant the opportunity to
17 then address the outstanding questions.

18 So, are there any other members of
19 the public who wish to address this application?

20 FEMALE MEMBER FROM THE AUDIENCE
21 (STEPHANIE SEGAL MILLER): I just have one -- I
22 just have a question.

23 Stephanie Segal Miller.

24 Depending on what is allowable and
25 what is not with these noise issues prior to

1 approval, can you tell us -- or how can I find
2 out what the procedure is for the -- for this to
3 be taken care of -- for the noise issues to be
4 mitigated and taken care of? I mean, Mr. Straub
5 said he would fix it. They said they would be
6 -- Mr. Talvacchia said he would be compliant
7 with the prior approvals.

8 PAUL WEISS: Mmm-hmm.

9 FEMALE MEMBER FROM THE AUDIENCE

10 (STEPHANIE SEGAL MILLER): So, I just need to
11 know what that procedure is or who I can speak
12 with after the hearing to find out how,
13 procedurally, we make sure that this is taken
14 care of and the regulations and the plans are
15 complied with. That's what I'd like to know.

16 PAUL WEISS: Thank you.

17 Any other members of the public
18 wishing to address this application?

19 Okay. Seeing none, Mr. Talvacchia,

20 --

21 NICHOLAS TALVACCHIA: Yes. Thank
22 you.

23 PAUL WEISS: -- does the applicant
24 have any additional --

25 NICHOLAS TALVACCHIA: Yeah. I --

1 PAUL WEISS: -- testimony?

2 I would like to --

3 NICHOLAS TALVACCHIA: Well, we're
4 going to have Dave address the doctor's
5 question.

6 But, I just wanted to, first of
7 all, say to the Bella people, there's no intent
8 to be disruptive to your lifestyle.

9 Revel is zoned for what it is. It
10 is a redevelopment project. Originally
11 contemplated to be an MGM Hotel, in 1995, on
12 that site. In fact, the government used eminent
13 domain. So, it's been the public policy that
14 that site should be a mega resort.

15 And with that, there's going to be
16 some traffic, but that's contemplated; to have
17 traffic. That's --

18 It's a permitted use. Off-site
19 traffic volumes are not relevant. It's how we
20 manage it in and out of the property, as we
21 talked about.

22 I think --

23 And we're well aware of noise as an
24 issue, generally, in land use problems, but
25 there's a mechanism to deal with that. There's

1 a state noise code. The doctor discussed it.
2 And there's an enforcement procedure. That's
3 not for today.

4 We said it last month. We'll say
5 it again. We have to -- we have to comply with
6 the noise requirements of the state. End of
7 story.

8 I don't know what was done and not
9 done in terms of baffles or non-baffles, whether
10 they were installed or not installed. I don't
11 know whether there's compliance now or not
12 compliance with the thermal plant. So...

13 But, the statement is, we're
14 sensitive to those issues. You heard what
15 Mr. Straub said last month about the noise.

16 On traffic, I think we have
17 testimony and concurrence by two engineers, two
18 public sector engineers; Mr. England and
19 Mr. Cipolla, that the revised traffic plan
20 works, complies, and we think it's actually
21 beneficial. And I think there's some testimony
22 by the residents at Bella that by rerouting the
23 traffic out of the porte-cochere to the internal
24 drop-off will actually reduce impacts to them
25 and moving the taxis to and entering New Jersey,

1 queue, and then go out Massachusetts would
2 reduce that issue. So, we think that, in many
3 ways, will benefit them.

4 Other than that, I will have Dave
5 come up in a moment.

6 But, it is a big building and that
7 -- there's going to be impacts, but we're going
8 to do -- we're going to --

9 We have to comply with the law, as
10 you know. And we're going to comply with
11 whatever requirements are applicable, whether in
12 the past or not. To the extent they're
13 applicable, we have to comply. There's no issue
14 about that. And we've said that at both
15 meetings; that, to the extent something is
16 applicable to us, we have to comply.

17 But, we're not going to agree to do
18 things that are not required by law. That's --

19 You can't expect that of a mega
20 project like this. It's --

21 There was a --

22 First of all, by the way, there was
23 an amended Revel redevelopment plan that really
24 sets forth the standards. We're really,
25 technically, not in the RS-C District.

1 The point is, it's been the public
2 policy of Atlantic City, since 1995, that this
3 site be developed for what is there today.
4 There were no use variances granted. Really, no
5 variances granted. It's exactly what the --
6 what the governing body, the elected officials,
7 wanted, and that's what you have.

8 Dave, could you address the comment
9 that the doctor made about the -- I guess, the
10 right -- repurposing or changing the lane of
11 direction of the lane closest to Bella?

12 DAVID SHROPSHIRE: All right. And
13 I'll preface my comments that this was discussed
14 at our on-site field meeting.

15 So, in concurrence with what I'm
16 about to say would be Mr. England, an engineer,
17 the city engineer, Mr. Cipolla, and in addition
18 to engineers, we had two police officers who
19 deal with traffic safety and also the traffic
20 Electrical Bureau, an individual who does the
21 traffic lights in the area.

22 I think your question more related
23 to capacity than it did so much the safety. In
24 other words, there's four lanes. You can just
25 give up one because the volume is only at X

1 level.

2 In all probability, that argument
3 would work, in that there's -- there's probably
4 enough capacity out there, given the existing
5 conditions, to convert one of those lanes.

6 The more relevant question is
7 safety. And I think that was the concern that
8 we all had; all of a sudden, introducing a
9 contraflow lane into a one-way pattern that is
10 for the accessibility of the Revel and in this
11 entire area. That is more unique than other
12 entrances to -- sole entrances to casinos, where
13 you would have a one-way inbound and outbound,
14 which I think was testified to also.

15 So, now, okay, how can we make this
16 more safe? We, all of a sudden, create a
17 contraflow lane, and that contraflow lane has to
18 intersect at Pacific Avenue. Okay. To do that,
19 you have to completely change the entire traffic
20 signal systems in order to accommodate that one
21 contraflow lane. And that one contraflow lane
22 is really serving one building.

23 Okay. Let's say you do the entire
24 signal system at Pacific and Oriental in order
25 to accommodate that contraflow lane. Well, you

1 have to transition across that intersection.

2 And you are correct. You would run right into a
3 lane that's coming right face on into your
4 contraflow lane. So, then you would have to
5 convert the next block to a one-way contraflow
6 lane to get up to Atlantic. So, then you'd have
7 to redo the entire traffic signal system at that
8 location in order to make that. And then that
9 falls into more impacts that we'll have to the
10 overall flow along Atlantic, along Pacific and
11 start taking away capacity at those locations.

12 The most efficient capacity
13 situation is one-way paired streets. When you
14 start adding contraflow lanes into that, you
15 start taking away capacity at intersections. It
16 has been a long-standing discussion, something
17 that I've evaluated many times for the city.
18 Pacific Avenue, Atlantic Avenue going to one-way
19 pairs, how would that work, can we throw a
20 contraflow lane in there. And it always gets
21 down to you really disrupt safety and you
22 disrupt capacity when you introduce a contraflow
23 lane.

24 The simplest way to say it is, when
25 you add conflicting movements, you've all --

1 you've increased the possibility of conflicting
2 accidents.

3 So, by adding a contraflow lane,
4 then you're inherently adding more conflict
5 points.

6 That's the -- the broad answer.

7 NICHOLAS TALVACCHIA: Can I mention
8 one thing? I think it's important. The --

9 PAUL WEISS: Sure.

10 NICHOLAS TALVACCHIA: The Revel
11 Boulevard and the outbound was really a public
12 project of CRDA. It's the South Inlet
13 Transportation project, something like that.
14 And there was a lot of traffic study, meetings
15 with the city. DOT, in fact. And the original
16 design was to do lanes in and out together. It
17 was changed to do the -- the pairing for traffic
18 reasons and, I'm assuming, traffic safety. But,
19 the original design was what was suggested; you
20 know, two in, two out, something like that.

21 And the consensus of all the
22 experts -- we're talking now 2006, 2007 -- was
23 to pair it. Eminent domain was used to widen
24 the roads.

25 So, that design wasn't done just

1 because --

2 Revel didn't suggest that design,
3 in other words. That design was suggested by
4 the government, the DOT officials, I think some
5 city officials, CRDA's experts. I was there on
6 behalf of Revel.

7 That was not our design, Revel's
8 design, at the time.

9 But, the point is, you've heard the
10 testimony. I think Mr. England and Mr. Cipolla
11 both agree that there are safety reasons why it
12 should not be changed.

13 I don't think I have anything
14 further to address.

15 I think, overall, we meet the
16 requirements for approval, and would ask for a
17 favorable recommendation from your board.

18 We know all the conditions. One
19 condition I can't agree to, but you're going to
20 impose it anyway. So, we'll leave it at that.

21 Thank you.

22 PAUL WEISS: All right. Thank you,
23 Mr. Talvacchia.

24 I'll bring the hearing back to the
25 hearing officer.

1 Any additional comments or
2 testimony from the CRDA's experts?

3 Mr. England?

4 WILLIAM ENGLAND: I have no
5 additional comments at this time.

6 JUSTIN AUCIELLO: No additional
7 comments at this time.

8 PAUL WEISS: Okay. Mr. Reid,
9 anything for the record?

10 ROBERT REID: No.

11 PAUL WEISS: Mr. Talvacchia, you
12 did reference conditions. You are correct that
13 there will be conditions to any recommendation
14 that the authority advances to its governing
15 body.

16 And for the record, just to be
17 clear, one of those conditions is that the
18 applicant satisfy its existing SID obligations
19 that are due and outstanding to the authority.
20 That will be a condition of any approval that
21 the governing body entertains.

22 NICHOLAS TALVACCHIA: And for the
23 record, we object to that condition because we
24 don't think --

25 PAUL WEISS: I'm --

1 NICHOLAS TALVACCHIA: -- you have
2 the legal authority to do that.

3 I just want to get it on the
4 record.

5 PAUL WEISS: Your objection is duly
6 noted.

7 NICHOLAS TALVACCHIA: Thank you.

8 PAUL WEISS: And to the extent that
9 the applicant is going to seek relief as to its
10 obligation to pay SID assessments, this is not
11 the forum for that.

12 NICHOLAS TALVACCHIA: I agree.

13 PAUL WEISS: Okay.

14 NICHOLAS TALVACCHIA: I also think
15 it's not the forum to impose that condition.

16 PAUL WEISS: Your objection is duly
17 noted. The --

18 Our expectation, for the public's
19 benefit and for the applicant's benefit, is that
20 there will be a report and recommendation
21 prepared for the authority's meeting on the 20th
22 of this month, which is the same date that was
23 anticipated that we would have a recommendation
24 to the authority's governing body. It is a
25 public meeting. It's not --

1 Just so the public's aware, the
2 intention of that review by the governing body
3 of the authority is not to rehash the
4 application. It's not a second or third
5 presentation; it's merely a matter of the
6 written record being prepared so that the
7 governing body can make a decision one way or
8 another on the recommendation that's advanced to
9 them at that point in time.

10 So, Mr. Talvacchia, any other
11 additional information from the applicant?

12 NICHOLAS TALVACCHIA: Not at this
13 time. Thank you.

14 PAUL WEISS: Okay. And then, if I
15 may, just for the record, Mr. Talvacchia, am I
16 correct in suggesting to you that the applicant
17 has not withdrawn its application?

18 NICHOLAS TALVACCHIA: Correct.

19 PAUL WEISS: Thank you.

20 All right. Unless there's any
21 additional testimony from the applicant or from
22 the authority, this hearing is adjourned.

23 Thank you all for your attendance
24 and participation.

25 NICHOLAS TALVACCHIA: Thank you.

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(This public hearing concluded at
12:32 P.M.)

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