

CASINO REINVESTMENT DEVELOPMENT AUTHORITY

LAND USE REGULATION and ENFORCEMENT DIVISION

DECTRINITY, LLC

SEEKING SITE PLAN APPROVAL FOR OUTDOOR

RESTAURANT/BAR WITH VARIANCES

BLOCK 32, LOT 8

2701 Boardwalk, Atlantic City, NJ

APPLICATION: 2017-04-2159

Thursday - April 20, 2017

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

14

15

16

17 APPEARANCES:

18 CASINO REINVESTMENT DEVELOPMENT AUTHORITY:

19

20 LANCE B. LANDGRAF, JR.

Chairman

21 Director, Planning Department

22

23 ROBERT L. REID

Land Use Enforcement Officer

24

25

1 PROFESSIONALS TO THE BOARD FOR THIS HEARING:

2

3 SCOTT G. COLLINS, ESQUIRE

RIKER, DANZIG, SCHERER, HYLAND & PERRETTI

4

5 JASON L. FICHTER, PE, PP, CFM, CME

INSITE ENGINEERING

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1 COUNSEL FOR THE APPLICANT:

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3 NICHOLAS F. TALVACCHIA, ESQUIRE

COOPER, LEVENSON, APRIL, NIEDELMAN

4 & WAGENHEIM, ESQUIRES

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I N D E X

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WITNESS(ES)	PAGE NO.
JON BARNHART	10
JASON L. FICHTER	36
NICHOLAS DOUNOULIS	72

EXHIBITS MARKED AND/OR REFERRED TO:

- A-1
- A-2
- A-3
- A-4
- A-5
- B-1

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

2

3 LANCE LANDGRAF: We will -- we will
4 jump to item C on my agenda, which is
5 Dectrinity, LLC.

6 Mr. Talvacchia, I'll give you a
7 minute to set up there. I'll -- I'll just read
8 the rest of the application.

9 NICHOLAS TALVACCHIA: Thank you.

10 LANCE LANDGRAF: 2701 Boardwalk.
11 Block 32, Lot 8. It's in the "RS-C," Resort
12 Development Commercial District.

13 Seeking site plan approval for an
14 outdoor restaurant and bar.

15 And from what I understand, the
16 variances have been eliminated. We discussed
17 that with Mr. Talvacchia --

18 NICHOLAS TALVACCHIA: Yes.

19 LANCE LANDGRAF: -- in the opening.
20 Rob, proper notice?

21 ROBERT REID: Yes. I've reviewed
22 the proof of service provided by the applicant,
23 and we have jurisdiction to hear the
24 application.

25 LANCE LANDGRAF: Okay.

1 Mr. Talvacchia, the floor is yours.

2 NICHOLAS TALVACCHIA: Thank you
3 very much.

4 Good morning Mr. Landgraf, members
5 of the authority.

6 Nick Talvacchia, on behalf of
7 Dectrinity, the applicant here.

8 And we're here, seeking site plan
9 approval for an outdoor restaurant, which is a
10 permitted use in the zone.

11 As the authority knows, it approved
12 an outdoor carry-out restaurant two years ago,
13 the food truck.

14 This is not food trucks, but it's
15 also outdoor, and it does meet the requirements
16 as a permitted use.

17 I want to just start on some
18 procedural issues.

19 We looked at a couple things.
20 There's that -- the portable bathroom. We can
21 relocate that to meet the ten-foot setback. So,
22 that variance goes away.

23 We requested a variance for two
24 principal uses on one lot because there was some
25 confusion about that. So, in an abundance of

1 caution, we noticed for that, but after
2 discussion with administrative staff here, that
3 is not a requirement. So, we're withdrawing the
4 request for that variance.

5 There is a parking variance.
6 However, the ordinance allows for an 85 percent
7 reduction based on proximity to a transit route.
8 We have two transit routes: Pacific Avenue and
9 the Boardwalk, which now has the trams.

10 So, there's a remaining requirement
11 of 14.55 spaces. Round that up to 15. And the
12 ordinance permits us to lease those spaces in a
13 commercial zone. We expect we will lease them
14 from our landlord right behind the facility in
15 their parking lot. So, we've asked the parking
16 variance to go away.

17 And, oh, there's an urban design
18 standard which was referenced in the report, but
19 that -- and I think at -- the consensus is that
20 that is applicable to a -- 30 percent of
21 restaurant space or frontage is applicable to
22 hotels and larger buildings that have multiple
23 uses but does not apply to a stand-alone
24 restaurant. So, we're not asking for that.
25 We've -- we --

1 It was raised. We had further
2 discussion with your administrative staff. And
3 the interpretation is that that does not apply
4 here.

5 So, I think we're variance-free.
6 We need some submission waivers and whatnot,
7 minor things, but, essentially, it's a permitted
8 use site plan.

9 And you can see on the screen this
10 --

11 We'll talk about this exhibit after
12 I swear in Mr. Barnhart.

13 And we also have Mr. Salerno here,
14 from the design team, to answer any additional
15 questions, but we expect Mr. Barnhart will be
16 able to go through the whole application.

17 And we also have the owners, the
18 Dounoulis family. The Dounoulises have entered
19 into a lease, which we have made -- provided a
20 copy for the authority for that land there.

21 LANCE LANDGRAF: Okay.

22 NICHOLAS TALVACCHIA: It's -- it's
23 a lot that includes the parking lot, but we're
24 leasing that front part.

25 We also have the right to three

1 parking spaces in the lot to use for, you know,
2 portable bathroom and whatever. We have that
3 right.

4 And we also have the right of
5 circulation through the parking lot for loading
6 and unloading in our facility.

7 So, with that, let me introduce
8 Mr. Barnhart and have him qualified.

9 LANCE LANDGRAF: Mr. Barnhart's
10 been here numerous times. He's certainly
11 qualified as a planner and an engineer.

12 Swear him in.

13 NICHOLAS TALVACCHIA: All right.
14 Do you want to swear him in?

15 SCOTT COLLINS: Good morning.

16 JON BARNHART: Good morning.

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

20 JON BARNHART: I do.

21 SCOTT COLLINS: Thank you.

22

23 DIRECT EXAMINATION

24 BY NICHOLAS TALVACCHIA:

25 Q. So, Jon, just for the record,

1 you're a licensed planner in the State of New
2 Jersey and also a licensed engineer.

3 A. Correct.

4 Q. All right. Did your firm, working
5 with the Stakes, O'Connor, Salerno, Hazeveh firm
6 -- SOSH -- work to develop this site plan?

7 A. Yes.

8 Q. Okay. So, you're familiar with it?

9 A. Yes.

10 Q. And you're familiar with the
11 ordinance?

12 A. Yes.

13 Q. Okay. So, can you describe on that
14 exhibit --

15 NICHOLAS TALVACCHIA: And, Scott,
16 do you want to mark this as A-1?

17 SCOTT COLLINS: Are you gonna have
18 anything that you'll be showing --

19 NICHOLAS TALVACCHIA: Well, we have
20 five exhibits, all in this --

21 JON BARNHART: Well, I have --

22 Within this -- within this exhibit
23 package I have all the plans that were
24 submitted.

25 In addition to that, I have this

1 rendering, an existing aerial and, also, another
2 plan that is -- that is modified from the -- the
3 submission package.

4 SCOTT COLLINS: Okay. Well, let's
5 call the submission package A-1 and then go
6 through as -- as new things pop up. This is a
7 new thing.

8 NICHOLAS TALVACCHIA: Fine.

9 BY NICHOLAS TALVACCHIA:

10 Q. This is new, Jon?

11 A. That was actually on the cover
12 sheet of the SOSH plan as well, but it's -- it's
13 an independent exhibit at this point. So...

14 SCOTT COLLINS: Okay. We'll call
15 this A-2, then.

16 JON BARNHART: Okay.

17 BY NICHOLAS TALVACCHIA:

18 Q. So, artist's rendering aerial view
19 of proposed project. Correct, Jon?

20 A. Correct.

21 Q. All right. So, describe what's
22 there, please.

23 A. Yeah. I'm actually gonna --
24 I should put it in a slightly
25 different order.

1 I'm actually gonna start with the
2 existing conditions, which I guess we'll call
3 A-3, then, Scott?

4 SCOTT COLLINS: Yeah. Okay.

5 BY NICHOLAS TALVACCHIA:

6 Q. All right. This is an aerial, Jon.
7 Does this accurately represent the site and the
8 surrounding area?

9 A. Yeah. So, what you're looking at
10 here is the --

11 The subject of the site is what I'm
12 highlighting here. It's the Boardwalk frontage
13 of the block that runs from Belmont Avenue to
14 California Avenue. As we know, the entirety of
15 that block is a surface parking lot all the way
16 out to -- from Pacific to the Boardwalk but for
17 this frontage.

18 This frontage has been the subject
19 of a number of applications before the board,
20 including a -- a retail building. Then the
21 Atlantic City Alliance built the art -- the art
22 decoration that's -- that still sits there
23 today. There --

24 This was the subject of a food
25 truck application for operation last summer.

1 And we are here for the -- the beer garden on
2 that site.

3 What we propose as part of the
4 application -- and now I'm jumping back to what
5 we have --

6 NICHOLAS TALVACCHIA: A-2.

7 THE WITNESS: -- what we've marked
8 as A-2, is -- is the proposal for the -- for the
9 reutilization of the space to be -- to be named
10 the Bungalow Beer Garden.

11 It's, essentially, an activation of
12 an existing outdoor space, a beautification of
13 that space and a utilization of the space for a
14 couple of -- or for a -- a few different
15 elements.

16 And I'll just kind of walk you
17 through it. So, if you're coming in off the
18 Boardwalk, the main entrance would be right
19 here, at the center of the site, with -- you've
20 got a little overhead canopy that you'd be
21 walking -- walking under to enter the site.

22 The preponderance of the center
23 area here is just various types of seating and
24 lounging areas, outdoor lounging areas.
25 Obviously, in the nice weather months,

1 especially in the summertime, it's -- it's gonna
2 be a very interesting, unique space with the
3 landscaping that they propose. And it gives
4 people a lot of different opportunities for
5 sitting, lounging, whatever they want to do
6 within the -- within the area.

7 Toward the back of the site, the --
8 what you see -- you see the roof area there.
9 That is a bar area for service to "peoples" that
10 are sitting around the bar as well as service to
11 anybody sitting within the -- within the
12 confines of the beer garden.

13 To the left on this plan, toward
14 Belmont Avenue, is -- that structure there is
15 the -- is a kitchen area. And in the back, it's
16 -- it's kind of hidden by some landscaping here
17 -- there is a walk-in box and some storage area
18 for -- for -- in support of the facility.

19 Going toward California Avenue or
20 the right side of this plan, that is an existing
21 land -- grass area now. The proposal is to
22 maintain it and utilize it for, you know,
23 outdoor games; bean bag toss, things of that
24 nature, and then also, potentially, some fire
25 pit area.

1 The perimeter of the site along the
2 Boardwalk frontage will contain a -- a land -- a
3 landscape planter along the entirety of the
4 frontage, and there will be two access points.
5 This will be the -- the main access. This is a
6 secondary egress, really, for -- to meet the
7 emergency egress requirements. This is the main
8 access --

9 Q. Jon, --

10 A. -- out of the -- of the site.

11 Q. -- let me interrupt you.

12 A. Yes.

13 Q. There's a question raised about the
14 seating and the landscaping being in the first
15 ribbon of the Boardwalk.

16 A. Yes.

17 NICHOLAS TALVACCHIA: Atlantic City
18 has an ordinance that allows restaurants to
19 have, by right, the ability to utilize the first
20 ribbon. There's a payment to the city. And so
21 we're showing that, but every -- not everybody,
22 but it's done throughout the Boardwalk. And
23 again, it's by ordinance. You're entitled to
24 it. It doesn't have to go to council. And
25 there's a fee per linear foot to do that. So,

1 we're showing it because we intend to do it.

2 Technically, I'm not sure it's part of the
3 application. It's just outdoor seating that's
4 authorized in the city as --

5 LANCE LANDGRAF: I think it's part
6 of the site plan.

7 NICHOLAS TALVACCHIA: Yeah.

8 LANCE LANDGRAF: And appropriately
9 shown.

10 NICHOLAS TALVACCHIA: Yeah. Fine.

11 So, I just wanted to clarify that.
12 Although we don't own it, we will get that
13 license from the city.

14 And again, it's a by right license.

15 LANCE LANDGRAF: We would just make
16 that a condition of any approval our board would
17 grant.

18 NICHOLAS TALVACCHIA: Absolutely.

19 We can do that.

20 BY NICHOLAS TALVACCHIA:

21 Q. Yes. Go ahead, Jon.

22 A. So, as I was mentioning, the access
23 points, there will be no other access for
24 customers or -- or patrons of the facility other
25 than from the Boardwalk area.

1 With regard to loading and trash,
2 the -- as part of the lease agreement to utilize
3 this space, our -- our client has the -- the
4 right to come into the parking lot by -- into
5 the parking lot to enter for purposes of loading
6 and picking up trash at the back of the site,
7 which is behind that existing -- the wall that
8 exists that will -- that will remain.

9 With regard to lighting, as you can
10 see, there is a -- there is a series of -- of --
11 I hate to call them Christmas lights, but
12 there's a series of overhead -- string lights
13 we'll call them -- throughout the area that
14 create an ambience and create a light level
15 that's appropriate for -- for the customers
16 during the evening hours, but there also exists
17 -- and there's no intention to remove it --
18 security lighting. Three security lights along
19 -- that are mounted to the existing wall along
20 the back of the structure and then security
21 lights at both corners of this area, both at the
22 -- at the ramp near Belmont and the ramp near
23 California Avenue. Those lights will also be
24 available for use from a security standpoint.
25 So, the site will be well lit for purposes of --

1 of evening ambience and will also have a -- I'll
2 say a backup of security lighting throughout the
3 facility because of the -- because it's already
4 there.

5 Q. Jon, could you talk about the rest
6 room location and relocation?

7 A. Sure.

8 You can see in this rendering the
9 blue structure. It's close to California
10 Avenue. That is the location of the rest room
11 facility.

12 This rendering was done in the
13 original -- in the initial phase, where you see
14 we had -- we were proposing a three and a half
15 foot side yard -- or, I'm sorry, front yard
16 setback to California Avenue.

17 I'm gonna -- I'm gonna move now to
18 -- I guess we would be at A --

19 SCOTT COLLINS: 4.

20 JON BARNHART: -- 4.

21 What you'll see is that we have
22 modified that so that we're able to provide a
23 ten-foot setback from California Avenue to that
24 -- to the sidewall of that structure, and the
25 structure then goes toward -- you know, into the

1 parking lot. So, we're able to develop that
2 with -- without any variance as a result of the
3 modification that the -- that the SOSH plan
4 shows on this exhibit.

5 And I'll just quickly walk through
6 this. This is -- this is, basically, the floor
7 plan of the area, that being the -- that being
8 the bathroom facility we just talked about. To
9 the right here is the games area that I just
10 mentioned -- that I just discussed adjacent to
11 California Avenue. You could see the seating,
12 the various types of seating coming in off the
13 Boardwalk. You could see the main bar area
14 right at this location.

15 There is a walk-in box proposed
16 behind the bar area, which is -- that's the one
17 and only portion of that existing structural
18 wall that will be eliminated to allow that
19 walk-in box to sit in that position.

20 BY NICHOLAS TALVACCHIA:

21 Q. Okay.

22 A. And then going, you know, toward
23 Belmont Avenue, there's -- there's the -- the
24 kitchen area, and then there's the support,
25 storage and walk -- and a second walk-in box

1 area.

2 There's no proposed changes to the
3 ramps at Belmont or California Avenue. As I
4 mentioned, the -- those planters will be
5 developed down both sides and along the frontage
6 to create, you know, a secure and also beautiful
7 environment, you know, both from the Boardwalk
8 and from within the beer garden area.

9 I think that pretty much covers the
10 -- the proposed improvements.

11 Q. The site plan?

12 LANCE LANDGRAF: I have a couple
13 questions.

14 JON BARNHART: Sure.

15 LANCE LANDGRAF: The rest room.

16 JON BARNHART: Sure.

17 LANCE LANDGRAF: Is it going to be
18 connected to sanitary sewer and water?

19 JON BARNHART: Yes.

20 LANCE LANDGRAF: It's not
21 self-contained?

22 JON BARNHART: It is not. We've --
23 we've discussed a lot of different options with
24 that. And our client has experience with the
25 self-contained and is tired of dealing with

1 them. And we are proposing a water and a sewer
2 connection to that building.

3 LANCE LANDGRAF: We would make that
4 a condition. That's --

5 JON BARNHART: That's fine.

6 LANCE LANDGRAF: That's not
7 something --

8 I've seen how they work out at
9 Scales, Scales or Gardner's Basin, and it's
10 awful.

11 JON BARNHART: Yeah. They start
12 out okay and they end up --

13 LANCE LANDGRAF: You should have 20
14 minutes after --

15 JON BARNHART: Right.

16 UNIDENTIFIED MALE MEMBER OF THE
17 AUDIENCE: We've been figuring --

18 LANCE LANDGRAF: The second
19 question I have is the trash.

20 JON BARNHART: Yes.

21 LANCE LANDGRAF: I see you have a
22 small -- very small area dedicated for trash.
23 I'm not seeing how that's gonna be accessed by
24 trash removal vehicles.

25 JON BARNHART: Yeah. So, you're

1 talking about the area that -- Lance, that
2 they're showing right now in that area?

3 LANCE LANDGRAF: Yes.

4 JON BARNHART: There's -- the --
5 there's the existing -- it's not showing here,
6 but there's an existing trash enclosure, which
7 is -- which is -- it looks like it's been
8 broken. I was there yesterday. But, they're --
9 they're gonna --

10 You're gonna continue to utilize
11 that.

12 So, there's -- there's a -- much
13 larger enclosure at this location that, as part
14 of their agreement, they -- they are still
15 permitted to maintain and use. So, that is
16 where the -- the -- the trash --

17 The Dumpster will sit within that
18 enclosure, and then it can easily be pulled out
19 so the trash truck could pick it up.

20 LANCE LANDGRAF: Okay. And you'll
21 modify the plan to show that?

22 NICHOLAS TALVACCHIA: We'll modify
23 --

24 JON BARNHART: We'll add that back
25 onto the plan. Yes.

1 LANCE LANDGRAF: That makes a lot
2 more sense from --

3 Where it is now is just not -- not
4 accessible by a vehicle --

5 JON BARNHART: Correct.

6 LANCE LANDGRAF: -- to move it.

7 Okay. Thank you.

8 NICHOLAS TALVACCHIA: Any other
9 questions on the site improvements?

10 JON BARNHART: I do want to --

11 I should probably walk through the
12 signage.

13 NICHOLAS TALVACCHIA: Oh, yeah.

14 Yeah. Signage.

15 JON BARNHART: There is signage
16 proposed at a couple different locations, which
17 I'll go to.

18 This is -- this plan was submitted
19 with the package, but it is -- this -- this is
20 different than what was submitted. So, this
21 will be exhibit A --

22 SCOTT COLLINS: A-5.

23 JON BARNHART: -- 5.

24 SCOTT COLLINS: A revised site
25 plan?

1 NICHOLAS TALVACCHIA: Site plan.

2 Yeah.

3 JON BARNHART: Yeah.

4 So, the signage is -- is pretty
5 simple and basic. I mean, you can actually --

6 If you look at these -- at these
7 elevations, it kind of tells the story. It's
8 not overwhelming by any fashion. It's -- it's
9 --

10 The proposal is, looking at the
11 lower elevation here, that would be the front
12 elevation of the beer garden if you were
13 standing on the Boardwalk, looking at it with
14 your back to the ocean.

15 There is a proposal to have a sign
16 which identifies the beer garden on the planter
17 wall to the left and then on the planter wall to
18 the right to -- identifying the -- the entrance
19 being -- being in the center.

20 What -- what we did for purposes of
21 comply -- of checking compliance, those --

22 Each one of those is 17 and a half
23 square feet. That one is 17 and a half and that
24 one is 17 and a half.

25 What I did is I calculated that --

1 that wall area. Because it's -- it's -- you
2 know, it is broken here. So, I just wanted to
3 be conservative. I calculated that wall area,
4 and that sign is less than ten percent of the
5 wall area. So, I think it fully complies.

6 NICHOLAS TALVACCHIA: 25 percent is
7 permitted per elevation.

8 JON BARNHART: Correct.

9 The same thing --

10 So, what I also did is -- is the
11 same thing on the right side, comparing it just
12 to that wall area. And again, I -- I calculated
13 it to be less than ten percent. So, that sign
14 also complies.

15 There is a third wall-mounted sign
16 which is proposed to be on the back of the rest
17 room facility -- oh. I'm sorry. I'm pointing
18 to the wrong one. Right here. The -- the idea
19 with that is, you know, if you -- if you happen
20 to be looking down from Pacific Avenue or, you
21 know, coming down California Avenue, you'll --
22 you'll be able to pick up that signage.

23 That sign area is 70 square feet.

24 That bathroom facility is ten-foot
25 high and 40-foot long. So, that calculated out

1 to just under 18 percent.

2 So, again, that sign also complies.

3 And then the final sign, there's a
4 -- there's a -- it looks like a marquee element
5 overtop of the front entrance, right here, and
6 then there's -- there's proposed to be lettering
7 on that marquee element. That lettering has a
8 total area of -- it's 2 X -- 2 X 10. So, it's
9 20 square feet. And it's eight foot ten inches
10 above the Boardwalk.

11 I'll be honest with you, Lance. I
12 wasn't exactly sure how to --

13 If you read the definitions of the
14 different sign types, --

15 LANCE LANDGRAF: Yeah.

16 JON BARNHART: -- I wasn't exactly
17 sure how to classify that sign.

18 NICHOLAS TALVACCHIA: It's probably
19 -- it's probably a wall sign because it's
20 attached to a structure which has been --

21 LANCE LANDGRAF: Right.

22 But, historically, what I think
23 we've done and the city's done, in its own
24 right, is to allow whatever facades you see
25 looking at that face of the building --

1 JON BARNHART: Uh-huh.

2 NICHOLAS TALVACCHIA: To count.

3 LANCE LANDGRAF: Bill Salerno's
4 shaking his head.

5 That -- that's how we're --

6 You know, different --

7 NICHOLAS TALVACCHIA: Yeah.

8 Anything you can see is elevation counts.

9 LANCE LANDGRAF: Exactly.

10 And that's how we've interpreted
11 that.

12 NICHOLAS TALVACCHIA: And I would
13 -- I would characterize that sign, Jon, as a
14 wall sign.

15 JON BARNHART: As a wall sign.

16 NICHOLAS TALVACCHIA: And I haven't
17 looked at the definition. It's either a sign
18 mounted to a building or a structure.

19 So, that's a structure.

20 LANCE LANDGRAF: I would agree with
21 that.

22 JON BARNHART: So, as -- with --
23 with that being the case, if you were to add
24 these three signs together and calculate out for
25 the total wall area, you've got -- I mean,

1 you've got that ten-foot wall for almost the
2 length of the property behind you. So, if that
3 --

4 You're gonna be well below the 25
5 percent.

6 LANCE LANDGRAF: One question.
7 Mr. Reid brought it up. Not a question, but a
8 comment. The --

9 I would make sure you include those
10 -- the beer garden signs on the -- on the short
11 wall, the low wall --

12 JON BARNHART: Mmm-hmm.

13 LANCE LANDGRAF: -- in your license
14 with the city.

15 NICHOLAS TALVACCHIA: We will do --

16 ROBERT REID: And -- and the one
17 over the arbor.

18 LANCE LANDGRAF: And the one over
19 the top, too. That's gonna be --

20 ROBERT REID: That all should be in
21 that lease agreement, because it's on their
22 property, not on --

23 NICHOLAS TALVACCHIA: Yeah.

24 Agreed. Agreed.

25 JON BARNHART: Okay.

1 LANCE LANDGRAF: It just makes it
2 cleaner for us, when they come in for the
3 permits, that they're in that document.

4 NICHOLAS TALVACCHIA: Oh. Yeah.
5 The -- the marquee sign.

6 LANCE LANDGRAF: That may be behind
7 it.

8 NICHOLAS TALVACCHIA: Yeah.

9 JON BARNHART: Yeah. We --
10 Yeah. There's been some --
11 We may --

12 NICHOLAS TALVACCHIA: That's on our
13 property.

14 LANCE LANDGRAF: Yeah.

15 JON BARNHART: They may -- the --
16 SOSH was looking at the design of
17 that. They may pull it back to the property --
18 to the property line.

19 ROBERT REID: Yeah. But, whatever
20 signage that is gonna be on the public
21 right-of-way, --

22 JON BARNHART: We should include
23 it.

24 NICHOLAS TALVACCHIA: Under --

25 ROBERT REID: -- put that in the

1 lease agreement.

2 JON BARNHART: Got it.

3 NICHOLAS TALVACCHIA: Anything
4 else, Jon?

5 JON BARNHART: Unless there's
6 something else you want me to touch on.

7 NICHOLAS TALVACCHIA: Okay. Jon --

8 JON BARNHART: Yeah. The other
9 comment is, I think, in -- in the -- in the
10 report, I think it was mentioned that building
11 heights were ten feet. And we just wanted to
12 clarify.

13 Based on the current design, the
14 buildings are 13 feet in height.

15 So, we just wanted to make sure
16 that that was --

17 NICHOLAS TALVACCHIA: That's
18 compliant to the ordinance --

19 JON BARNHART: Yes.

20 NICHOLAS TALVACCHIA: -- height.
21 Yes.

22 ROBERT REID: One other comment I
23 have. If you're gonna propose sandwich signs
24 for specials, dailies, things like that, that's
25 gonna be in that lease area, you should probably

1 add that in the lease agreement, too; that you
2 can have those signs.

3 NICHOLAS TALVACCHIA: Okay.

4 ROBERT REID: Because the way the
5 ordinance is written, they're not permitted to
6 be out there. But, if -- if you include them in
7 the lease, then it will be permitted.

8 NICHOLAS TALVACCHIA: Okay. Fair
9 point.

10 JON BARNHART: Thank you.

11 NICHOLAS TALVACCHIA: So, that --
12 that really completes our site plan description.
13 There's no testimony for variances.

14 I know that there's a report from
15 InSite, which we're happy to review and comment
16 upon.

17 A lot of it is just adding some
18 detail.

19 I would ask for -- one question --
20 or one comment. I would make a general comment.
21 A lot of the requirements are prior to board
22 approval. I'd like that to be prior to plan
23 certification, because board approval might come
24 before the final --

25 LANCE LANDGRAF: That's typically

1 how we do it anyway.

2 NICHOLAS TALVACCHIA: So, I would
3 just ask for that general change to that report;
4 prior to plan cert. Because sewer and water
5 might take a little longer than board action if,
6 hopefully, we get to the May board meeting,
7 Lance -- Mr. Landgraf.

8 LANCE LANDGRAF: We're working on
9 it.

10 ROBERT REID: And in this case,
11 plan certification would be the Certificate of
12 Land Use issue.

13 NICHOLAS TALVACCHIA: Right.
14 Right. That --

15 Which allows us to actually
16 operate. So...

17 I think that protects the authority
18 and gives us a little more flexibility.

19 LANCE LANDGRAF: One of the things
20 that -- and I know there's some public here that
21 -- that are gonna ask you guys questions about
22 it, so I'll -- I'll --

23 NICHOLAS TALVACCHIA: Sure.

24 LANCE LANDGRAF: -- set the table
25 or tee it up, if you will.

1 Noise is going to be a concern.

2 NICHOLAS TALVACCHIA: Right.

3 And there is a statement --

4 LANCE LANDGRAF: We have a
5 residential --

6 NICHOLAS TALVACCHIA: Right.

7 LANCE LANDGRAF: We have a
8 residential property right next door, the Ritz.

9 So, I know there's concern about
10 noise there. We'll talk about that a little
11 bit,

12 NICHOLAS TALVACCHIA: Yeah. So...

13 LANCE LANDGRAF: The activities
14 you're gonna have there.

15 NICHOLAS TALVACCHIA: In terms of
16 noise, there's no bands or deejay approved.

17 There's gonna be light background
18 music, I'll call it. Multiple speakers
19 throughout. Just some background.

20 And we are well aware of the
21 statement which says 65 dBA at the receiving
22 line during the day and 50 dBA after 10 o'clock
23 at night.

24 And that's the performance standard
25 we have to meet. It's also a city ordinance.

1 So, we will comply with that,
2 obviously. We have to.

3 This is not intended to be anything
4 like a beach bar. This is designed for, I'll
5 say, a somewhat older crowd, more laid back,
6 relaxed, food and drink. Really, a restaurant.

7 So --

8 And we are --

9 You know, I -- I know the people at
10 the Ritz have some concerns, but there's a
11 standard to govern this, and we will abide by
12 that.

13 LANCE LANDGRAF: Okay. Thank you.
14 Thank you.

15 Anything else, Rob, before I go to
16 Jay?

17 ROBERT REID: No, I do not.

18 LANCE LANDGRAF: Okay. Why don't
19 you go through your report? I know there was a
20 -- quite a few things in there that were --
21 waivers. It's kind of a hybrid site plan, if
22 you will.

23 JASON FICHTER: Yeah. Just a few
24 things.

25 SCOTT COLLINS: Let me interrupt --

1 JASON FICHTER: Yeah.

2 SCOTT COLLINS: -- so that
3 everyone's aware.

4 I'll swear you in.

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

8 JASON FICHTER: I do.

9 SCOTT COLLINS: And you are the
10 CRDA's consulting planner and engineer for this
11 application?

12 JASON FICHTER: Yes.

13 SCOTT COLLINS: And you've been
14 qualified as an expert in those fields
15 previously?

16 JASON FICHTER: Yes.

17 SCOTT COLLINS: Thank you.

18 JASON FICHTER: So, I can hit some
19 highlights here.

20 The first one is, I notice there's
21 some existing contours on there that aren't
22 really consistent with the proposed plan.
23 There's no proposed grading. That's something
24 that you guys can provide?

25 JON BARNHART: Yes.

1 JASON FICHTER: Okay. Utilities.
2 I heard, before, the bathroom is gonna connect
3 into the public utility. So, the plans will be
4 updated to show that, with details and all of
5 that?

6 JON BARNHART: That's correct.

7 JASON FICHTER: Okay. We talked
8 about lighting.

9 The fence. Let's see. There's an
10 existing ten-foot high fence there. I guess
11 that's an existing condition. We're viewing
12 that not so much as --

13 NICHOLAS TALVACCHIA: The wall
14 toward the back?

15 JASON FICHTER: Right.

16 NICHOLAS TALVACCHIA: That's
17 existing, yes.

18 JASON FICHTER: Yeah. More on
19 that, by the way. There's --

20 I -- I seemed to notice that --

21 There might have been a discrepancy
22 on the plans when I compared the existing
23 conditions and the proposed conditions.

24 There's that ten-foot wall behind
25 it. There's that diagonal bracing which

1 attaches to a concrete structure.

2 NICHOLAS TALVACCHIA: Mmm-hmm.

3 JASON FICHTER: And it seems like
4 there's a conflict between the existing and
5 proposed conditions.

6 The intention -- correct me if I'm
7 wrong -- is not to touch that concrete structure
8 or the bracing.

9 JON BARNHART: That's correct. If
10 you look at the --

11 Well, this is exhibit A-4, I think
12 is what it was. SOSH has -- has accounted for
13 that space.

14 So, that wall is in that area.
15 It's --

16 Your dimension -- I checked your
17 dimension of -- of the 7.2 feet in the field,
18 and it's -- it's right on.

19 So, those -- those structures that
20 you're talking about exist right along the back
21 of that -- that existing curb line.

22 So, they've been accounted for in
23 this plan.

24 JASON FICHTER: Okay. So, you
25 don't see a conflict with that? Is that it?

1 JON BARNHART: No.

2 JASON FICHTER: Okay. All right.

3 Is there any conflict with FEMA; flood zones,
4 DEP, anything like that?

5 JON BARNHART: We -- we -- we
6 actually reviewed that, and I checked it again
7 this morning, and -- and we're fortunate that
8 the site is relatively high --

9 JASON FICHTER: Mmm-hmm.

10 JON BARNHART: -- because of the
11 way it's been built up.

12 So, the existing ground is within a
13 few inches of meeting the two feet above base
14 flood elevation that the Atlantic City's Flood
15 Damage Prevention Ordinance requires.

16 So, we're gonna --

17 You know, when they -- when they
18 install these buildings, we're gonna have to
19 comply with the Flood Damage Prevention
20 Ordinance. Because they're commercial, we've
21 got a couple different options on how we comply,
22 obviously, but I think we're gonna be able to
23 meet the elevation and it will be -- it will
24 make it very simple.

25 JASON FICHTER: Okay. And all that

1 will be clarified on the grading plan when it's

2 --

3 JON BARNHART: Yes.

4 JASON FICHTER: Okay. Okay. Okay.

5 Oh. One of the plan sheets shows construction
6 access. It -- it seems that the access is gonna
7 come in over a property -- actually, two
8 properties that are not part of the application.
9 Is this common ownership or will easements be
10 required?

11 NICHOLAS TALVACCHIA: The -- that
12 whole parking lot is common ownership. Maybe
13 different entity names that there are landlords.

14 So, to the extent we need to --

15 I mean, that's the whole way we get
16 into the site; through Belmont.

17 To the extent we need something
18 from the owner, clarifying that, we will provide
19 that.

20 JASON FICHTER: Yeah. I would
21 think that would be appropriate in some regard.
22 Gotcha.

23 NICHOLAS TALVACCHIA: Yeah. So --
24 so, to clarify -- and Mr. Barnhart reminded me
25 -- the lease we have gives us the right to use

1 the lot for access.

2 So, we -- I -- we did provide a
3 redacted version of the lease to show we had
4 control, but we can show the part that gives us
5 those rights.

6 JASON FICHTER: Okay. All right.
7 That's fine. Those were my highlight questions.

8 LANCE LANDGRAF: Okay. And we just
9 eliminated the variances, you said.

10 JASON FICHTER: Right.

11 LANCE LANDGRAF: Scott?

12 SCOTT COLLINS: I was just gonna
13 take a minute to mark your review letter dated
14 April 14th, 2017 as B-1.

15 NICHOLAS TALVACCHIA: So, just --
16 There are a number of items listed
17 in the review letter to submit. We're asking
18 for waivers from a number of them, but some, I
19 think, we did submit. Like the request for a
20 200-foot list. That was in our submission
21 package.

22 Statement of intent. That was our
23 project narrative; saying that this will be a
24 restaurant.

25 So, some of these, I think, we've

1 complied with. Some --

2 You know, the city, traditionally,
3 has not requested like a transit plan. I mean,
4 it's --

5 The street, it's Pacific Avenue.
6 It's the Boardwalk. So, we would ask for a
7 waiver from that.

8 LANCE LANDGRAF: Why don't you go
9 through the list, the ones you've asked for a
10 waiver from --

11 NICHOLAS TALVACCHIA: Okay.

12 LANCE LANDGRAF: -- so that the
13 record's clear?

14 NICHOLAS TALVACCHIA: We go to page
15 2, item 1. Well, that's fine.

16 Item 2. We -- we'll add that to
17 the plan. That's 3. That's fine.

18 Number 3. We'll add that to the
19 plan.

20 Number 4 we did provide, but we can
21 add it to the plan if that's the request.

22 Number 5. We believe we complied
23 with that in our project narrative.

24 Number 6. It's not really a land
25 use issue, financing plan, but just a --

1 LANCE LANDGRAF: Waiver.

2 NICHOLAS TALVACCHIA: -- waiver.

3 Hopefully, that will be missing
4 from the next set of regulations.

5 LANCE LANDGRAF: Most likely.

6 NICHOLAS TALVACCHIA: 7 is --
7 again, we asked for a waiver from the transit
8 study. It serves no purpose in this case. We
9 know what's there.

10 8. Water and sewer is there and,
11 you know, we'll have that approval. We'll ask
12 for a waiver from actually providing that. I
13 think it's common knowledge that the road system
14 is there and water and sewerage are generally
15 available.

16 Number 9. There is no dislocation
17 of any business or resident. So, that's our
18 response to that. So, that's not really a
19 waiver. We're responding to that.

20 Provide a summary of public
21 improvements. There's no public improvements
22 proposed at this project. We're not building
23 new roads or anything of that nature. So,
24 there's no plans for that.

25 LANCE LANDGRAF: Not applicable.

1 NICHOLAS TALVACCHIA: Number 11.
2 We'll add the contact information for the owner.
3 So, that's fine.

4 Number 12. The size of the area,
5 excluding the Boardwalk, is approximately 7,600
6 square feet. It's irregularly sized. The add
7 of the Boardwalk, it's -- it's about 8,700
8 square feet. But, for our purposes, it's 7,600
9 square feet.

10 In terms of the circulation layout
11 and planting strips, I'm not sure --

12 I mean, the parking lot is not
13 ours. So, I -- we can't --

14 I mean, it's not our application,
15 the parking lot. So, if that's intended to be
16 for the parking lot, I would say that it's not
17 our --

18 LANCE LANDGRAF: I would say that's
19 not applicable.

20 NICHOLAS TALVACCHIA: Okay.
21 Contours we agreed to provide. So, that's no
22 waiver. We will provide.

23 Stormwater --

24 We would ask for a waiver from the
25 requirement --

1 We have that on the plan. That's
2 on the plan, isn't it, Jon?

3 JON BARNHART: The -- the
4 arrangement of the existing stormwater systems
5 is shown on the plan.

6 There is also --

7 When the -- when the Alliance built
8 the art facility, there was actually a trench
9 drain that -- along the whole frontage of the
10 Boardwalk -- that -- so that -- so the asphalt
11 that runs off didn't run the water out onto the
12 Boardwalk and it actually takes it down
13 underneath of the Boardwalk.

14 That's proposed to remain in place.
15 So, we would ask -- I guess we'll call it a
16 partial waiver.

17 We don't -- we don't intend to
18 provide any additional information on storm
19 sewer, unless you think it's necessary.

20 LANCE LANDGRAF: Is there
21 additional impervious area being added?

22 NICHOLAS TALVACCHIA: No.

23 LANCE LANDGRAF: Then I would say
24 that we're okay with that?

25 JASON FICHTER: Yes.

1 LANCE LANDGRAF: Jason?

2 JASON FICHTER: Yes.

3 LANCE LANDGRAF: It's an existing
4 system.

5 NICHOLAS TALVACCHIA: Right.

6 LANCE LANDGRAF: It's gonna be
7 maintained.

8 NICHOLAS TALVACCHIA: And it's
9 been, you know, previously reviewed by this
10 board in the prior application two years ago.

11 16. We -- we will provide the
12 location of the utilities.

13 Lighting detail. We -- Jon
14 described the lighting. I don't know if you
15 need more information than what --

16 JON BARNHART: We'll show the
17 position of all of the existing lights that are
18 out there. And then once the -- once the -- the
19 rope lighting is further developed, we can
20 certainly provide those details as well.

21 NICHOLAS TALVACCHIA: Okay.

22 LANCE LANDGRAF: I think we need
23 foot candle measurements on that?

24 JASON FICHTER: You know what? I
25 was listening to the testimony before. These

1 aren't the lights that would typically have that
2 information available.

3 LANCE LANDGRAF: Right. That's
4 what I'm --

5 JASON FICHTER: If it can be
6 provided, that would be great. If you have some
7 sort of indication of what, together, they can
8 provide, that would be great.

9 But, we do know, if you're looking
10 at those catenary lights, as I've heard them
11 referred to, although they place --

12 There's certainly going to be over
13 a half a foot candle -- probably over a foot
14 candle throughout. So...

15 NICHOLAS TALVACCHIA: Is it the
16 concern that we're too bright or not bright
17 enough --

18 JASON FICHTER: I guess, a little
19 bit --

20 NICHOLAS TALVACCHIA: -- or both?

21 JASON FICHTER: -- a little bit of
22 both.

23 Yeah.

24 LANCE LANDGRAF: Yeah. With the
25 new LEDs up there, you're not gonna be brighter

1 than what --

2 NICHOLAS TALVACCHIA: Well, that's
3 what I was saying. It's gonna be pretty -- it's
4 already pretty bright up along the Boardwalk
5 edge there.

6 So, we'll provide what we can, if
7 that's acceptable.

8 JASON FICHTER: Yes.

9 LANCE LANDGRAF: I think we're
10 good.

11 NICHOLAS TALVACCHIA: We asked for
12 a waiver from 18. I think everybody knows
13 what's around that location, as shown on our
14 aerial photo.

15 Energy impact statement. Every --
16 all the equipment will meet the requirement --
17 the energy standard requirements. And there's
18 no real construction here, so we ask for a
19 waiver from that statement.

20 I think we provided, but we
21 will, the statement of paid taxes. But, I'm
22 pretty sure we provided that in our application.

23 I don't know if you remember, Rob,
24 but I thought we --

25 ROBERT REID: I don't remember -- I

1 don't remember seeing it.

2 NICHOLAS TALVACCHIA: I know we
3 requested it.

4 ROBERT REID: I don't remember
5 seeing it.

6 NICHOLAS TALVACCHIA: We understand
7 that that's a requirement.

8 LANCE LANDGRAF: Okay.

9 NICHOLAS TALVACCHIA: Okay. I
10 think the rest are just --

11 We addressed all the variances.

12 Oh. Okay. There's some here where
13 you want us to add some more detail.

14 Okay. Number 24. That's
15 an existing wall feature, that ten feet. And we
16 don't, technically, consider it a fence because
17 it's nowhere near the property line. It's kind
18 of in the middle of the lot. So, we consider
19 that just a structure, the existing ten-foot
20 wall, which is below the height. So, I don't
21 know that that requires further discussion.

22 And, technically --

23 And mostly, frontages, right, front
24 lots.

25 But, again, because it's not near a

1 -- a property line, we -- we're -- we don't
2 consider that a fence, per se. It's just a
3 structure.

4 LANCE LANDGRAF: Okay.

5 NICHOLAS TALVACCHIA: 25. Again,
6 the wheel stops, not our parking lot.

7 JON BARNHART: Just as an aside,
8 they do exist. So, in the resubmission, we'll
9 show their existing locations.

10 NICHOLAS TALVACCHIA: Number 26, I
11 believe we complied with discussing the required
12 -- the loading areas.

13 JASON FICHTER: Loading --

14 NICHOLAS TALVACCHIA: Well,
15 actually, we're at --

16 JON BARNHART: We're at 10,000
17 square fee.

18 NICHOLAS TALVACCHIA: We're,
19 technically, not required to have a loading zone
20 because we're under 10,000 square feet.

21 LANCE LANDGRAF: But, you have a
22 loading. You can do it right in front of the
23 trash enclosure and the trucks can --

24 JON BARNHART: We have a plan for
25 it. We just -- we just don't -- aren't required

1 to and don't plan to stripe an actual loading
2 zone out.

3 LANCE LANDGRAF: Okay. All right.

4 NICHOLAS TALVACCHIA: We will add
5 the signage -- more detail on the signage, a
6 requirement to the zoning table. That's fine.

7 28. We're not aware of any
8 particular fire explosive hazards. Obviously,
9 we'll comply with the fire code.

10 LANCE LANDGRAF: The only thing
11 that I would make mention of is the fire pits.
12 Are they gonna be --

13 NICHOLAS TALVACCHIA: Propane.

14 LANCE LANDGRAF: -- individual
15 propane tanks --

16 NICHOLAS TALVACCHIA: Yeah.

17 LANCE LANDGRAF: -- or will they be
18 connected to a -- gas?

19 NICHOLAS TALVACCHIA: I think
20 they'll be individual tanks.

21 Right?

22 Yeah.

23 And we'll, obviously, have to get
24 fire department approval.

25 LANCE LANDGRAF: That's all we're

1 asking.

2 NICHOLAS TALVACCHIA: And that
3 could be a condition, --

4 LANCE LANDGRAF: Yeah.

5 NICHOLAS TALVACCHIA: -- obviously.
6 Number 29. I think --

7 Jon, on the grading plan, you'll
8 show the finish grades?

9 JON BARNHART: Yes.

10 NICHOLAS TALVACCHIA: Okay. Number
11 30. Again, we don't think that's applicable for
12 a stand-alone restaurant.

13 Number 31. For the -- for --

14 This is, maybe, a technical
15 requirement. We do have some minimal flat roofs
16 above 385 feet. We could --

17 Minimal. They're just solid color.

18 This is the roof garden issue,
19 traditionally.

20 JON BARNHART: Yeah.

21 NICHOLAS TALVACCHIA: Either a
22 decorative design or nothing.

23 JON BARNHART: I -- I would kind of
24 argue that if -- if you were to look at this
25 site from above -- I mean, that's the whole

1 point of it is, when you're looking down on a
2 site, --

3 LANCE LANDGRAF: Right.

4 JON BARNHART: -- that you don't
5 have these ugly roofs.

6 I mean, this whole site is
7 landscaped and beautified. There's just these
8 small, little buildings that -- that, honestly,
9 if -- depending on the maturity of the trees,
10 you may not even see the roofs.

11 LANCE LANDGRAF: Well, the
12 rendering I saw actually had something on top of
13 the rest room; landscape. Somebody had planters
14 on top of it.

15 NICHOLAS TALVACCHIA: That was some
16 --

17 JON BARNHART: That might have been
18 a canopy of a -- of a tree or something?

19 LANCE LANDGRAF: That could have
20 been.

21 NICHOLAS TALVACCHIA: In any event,
22 to be clear, we'd just ask for a waiver from
23 that, giving minimal impact, in this case, that
24 there was --

25 LANCE LANDGRAF: Yeah. Because the

1 roof structures here are really --

2 NICHOLAS TALVACCHIA: Minimal.

3 LANCE LANDGRAF: Yeah.

4 I don't -- I don't have an issue
5 with that.

6 NICHOLAS TALVACCHIA: 32. I mean,
7 we've described the project. I don't -- I don't
8 think there's anything that --

9 LANCE LANDGRAF: Yeah. I think the
10 only concern there we would have would be the
11 propane tanks for the fire pits.

12 NICHOLAS TALVACCHIA: All right.
13 So, I think we --

14 LANCE LANDGRAF: And the fire
15 department will inspect that and make sure
16 they're done.

17 NICHOLAS TALVACCHIA: So, I think
18 we addressed that.

19 And then engineering
20 considerations. Structural would be, of course,
21 we'll have to get the Building Department to
22 sign off on our building and our compliance with
23 the code. So, I think that's covered by the
24 International Building Code through the Building
25 Department. So, I would call that not -- not --

1 not applicable for land use purposes.

2 LANCE LANDGRAF: Okay.

3 NICHOLAS TALVACCHIA: We talked
4 about trash and loading.

5 LANCE LANDGRAF: One thing about
6 the frequency of pickup. It is a restaurant.
7 We'd ask that that be done more frequently than
8 --

9 NICHOLAS TALVACCHIA: I think,
10 daily for trash?

11 LANCE LANDGRAF: What's your
12 schedule anticipating?

13 NICHOLAS TALVACCHIA: Trash is
14 daily.

15 LANCE LANDGRAF: Daily. Good.

16 NICHOLAS TALVACCHIA: In-season, of
17 course.

18 LANCE LANDGRAF: And covered
19 containers?

20 NICHOLAS TALVACCHIA: I would --
21 Yes.

22 Fortunately, we have experienced
23 restaurateurs here.

24 LANCE LANDGRAF: Okay. That helps.

25 NICHOLAS TALVACCHIA: Okay. 35. I

1 believe we talked about lighting. Is that
2 satisfied?

3 LANCE LANDGRAF: I believe so, yes.

4 NICHOLAS TALVACCHIA: Okay. 36.
5 The planter stanchions --

6 I think, Jon, there was -- we
7 looked at that issue on number 36.

8 Give him a moment to just refresh
9 his memory.

10 JASON FICHTER: Yeah. That was the
11 spot right near where the bathrooms were shown.
12 It looked like they were coming over into that
13 parking space there. I'm looking in --

14 NICHOLAS TALVACCHIA: We are
15 entitled to three parking spaces that we can
16 occupy. So, I think, by moving it, we're using
17 those parking spaces.

18 LANCE LANDGRAF: They're actually
19 pushing that -- the rest room facility into
20 those two parking spaces to get it out of the
21 setback there.

22 NICHOLAS TALVACCHIA: Right.

23 So, we -- we have a right, under
24 our lease, --

25 JASON FICHTER: Yeah.

1 NICHOLAS TALVACCHIA: -- to utilize

2 --

3 JASON FICHTER: The revised plan
4 addresses it. Yeah.

5 LANCE LANDGRAF: Okay.

6 NICHOLAS TALVACCHIA: Okay. So,
7 that's good?

8 "34." We talked about this. We'll
9 provide evidence that the owner has given us
10 consent for circulation.

11 LANCE LANDGRAF: It's 37, you mean?

12 NICHOLAS TALVACCHIA: Yes.

13 I'm not sure if we need to provide
14 an easement if the lease gives us that right,
15 but just some --

16 LANCE LANDGRAF: The lease would be
17 fine.

18 NICHOLAS TALVACCHIA: Thank you.

19 38.

20 Jon, I think we discussed this
21 earlier.

22 JON BARNHART: Yeah. Yeah. We
23 already addressed that.

24 NICHOLAS TALVACCHIA: Jason, you're
25 satisfied we -- Jon talked about that? So, that

1 --

2 JASON FICHTER: Yeah. I just
3 wanted to make sure if we weren't altering that
4 structure. That's a pretty significant
5 structure there. I just want to make sure we
6 weren't touching that and, --

7 JON BARNHART: Yeah. Oh. The only
8 --

9 JASON FICHTER: -- if we were, how.

10 JON BARNHART: The only area that's
11 being altered, as I mentioned, is there --
12 there's a partial -- a removal of just this
13 portion of it for the walk-in box.

14 JASON FICHTER: Okay.

15 NICHOLAS TALVACCHIA: Jon, 38.
16 Will there be any increase or change in
17 stormwater change -- runoff as a result of the
18 project?

19 JON BARNHART: No.

20 NICHOLAS TALVACCHIA: No change.

21 LANCE LANDGRAF: Okay.

22 NICHOLAS TALVACCHIA: 40. We
23 talked about that.

24 JON BARNHART: We'll -- we'll
25 comply with the Flood Damage Prevention

1 Ordinance.

2 NICHOLAS TALVACCHIA: Okay. 41 is
3 ADA standards.

4 JASON FICHTER: That would be part
5 of your grading plan, I would think? You'll --

6 JON BARNHART: Correct.

7 JASON FICHTER: -- show spot grades
8 for all that?

9 JON BARNHART: Yes.

10 JASON FICHTER: Okay.

11 NICHOLAS TALVACCHIA: 42. Traffic
12 impacts.

13 Jon, you're -- you're the engineer,
14 but will this --

15 Since this is a permitted use,
16 obviously intended to generate traffic, but --

17 So, I don't know what the answer to
18 that is. We're not seeking a use variance here.
19 Traffic is anticipated and, in fact, desired.
20 That's what we want. Right? To the resort.
21 But...

22 JON BARNHART: Yeah. This is the
23 -- this is the type of use that is largely --
24 the traffic is largely gonna be pedestrian.

25 NICHOLAS TALVACCHIA: Right.

1 JON BARNHART: I mean, it's -- it's
2 gonna be -- it's going to be people that are
3 already on the Boardwalk, people that are coming
4 from the beach, they parked somewhere else,
5 they're coming here.

6 NICHOLAS TALVACCHIA: Right. And
7 that's why the ordinance recognizes the 85
8 percent reduction for, you know --

9 Virtually no use on the Boardwalk
10 has parking, which is why there's foot traffic.
11 So...

12 LANCE LANDGRAF: Well, the casinos
13 have parking.

14 NICHOLAS TALVACCHIA: What was
15 that?

16 LANCE LANDGRAF: The casinos have
17 parking.

18 NICHOLAS TALVACCHIA: No. I meant
19 the non-casino bars, restaurants and whatnot.
20 Jon, do you want to talk about 43,
21 fencing?

22 JON BARNHART: Yeah.

23 So, I described the planter area
24 around the three sides. I discussed this,
25 actually, further with our client this morning.

1 They -- they do not intend to put fence -- any
2 new fencing along the ramp areas. The -- the
3 planters are gonna create their barrier for the
4 ramp areas and the Boardwalk frontage. And then
5 they've got the wall in the back. And then just
6 some small areas that they'll have to fence from
7 the wall to the planter to keep the area secure.

8 I think that probably addresses the
9 concern.

10 LANCE LANDGRAF: One question I
11 have.

12 JON BARNHART: Yes.

13 LANCE LANDGRAF: Will --

14 The two access areas on the
15 Boardwalk, will they be closed up when the
16 facility is closed?

17 NICHOLAS TALVACCHIA: Yeah. Yes.

18 JON BARNHART: Yes.

19 UNIDENTIFIED MALE MEMBER OF THE
20 AUDIENCE: We have a -- security 24 hours a day.

21 NICHOLAS TALVACCHIA: Yeah. All
22 right.

23 LANCE LANDGRAF: You can't speak
24 from the audience.

25 NICHOLAS TALVACCHIA: You can't

1 speak.

2 We have 24 hour security.

3 LANCE LANDGRAF: Will there be a
4 gate brought across there?

5 UNIDENTIFIED MALE MEMBER OF THE
6 AUDIENCE: Yes.

7 NICHOLAS TALVACCHIA: All right.
8 We will have a gate.

9 And -- and just so you know, the
10 ABC will require us to secure the alcohol and
11 all that.

12 LANCE LANDGRAF: Right.

13 NICHOLAS TALVACCHIA: So...
14 But, yeah, we'll have the security.

15 LANCE LANDGRAF: So, you can show
16 us what that gate's gonna look like?

17 NICHOLAS TALVACCHIA: We'll have
18 cameras.

19 We'll -- we'll -- we'll put a note
20 on the plans.

21 LANCE LANDGRAF: Well, I'd like to
22 see what the gates are gonna look like.

23 NICHOLAS TALVACCHIA: Okay.

24 JON BARNHART: Sure.

25 LANCE LANDGRAF: If you can show a

1 detail of that.

2 And I'm really just spinning off of
3 that same question. Hours of operation? What
4 are we talking about?

5 NICHOLAS TALVACCHIA: 11 A.M. to
6 2 -- 2 A.M.?

7 UNIDENTIFIED MALE MEMBER OF THE
8 AUDIENCE: Mmm-hmm.

9 LANCE LANDGRAF: Typical?

10 NICHOLAS TALVACCHIA: Typical in
11 the peak season.

12 LANCE LANDGRAF: All right. Thank
13 you.

14 Contact the city about sewer fees.

15 NICHOLAS TALVACCHIA: We will work
16 with the Atlantic City Sewer Company on the
17 connection fees and pay whatever is required.

18 45. I -- I would ask, in this
19 case, that we -- the -- a waiver be granted from
20 submitting a cost estimate for the on-site
21 improvements. They're mostly brought in tables,
22 chairs, containers. There's really --

23 Fencing is --

24 I mean, there's virtually no
25 permanent improvements here.

1 LANCE LANDGRAF: Well, you've --
2 you've -- you've touted the landscaping in and
3 out of the site. That would be something that I
4 would ask for.

5 NICHOLAS TALVACCHIA: It's not
6 permanent, though. It's in -- it's in
7 containers. It's not planted.

8 LANCE LANDGRAF: Right. But, it's
9 being shown on the plan.

10 NICHOLAS TALVACCHIA: Right.

11 LANCE LANDGRAF: Whether they're in
12 planters or not, that landscaping is -- is part
13 of the aesthetics of the site.

14 NICHOLAS TALVACCHIA: Okay. So, we
15 need --

16 ROBERT REID: Yes. We would need
17 an estimate to determine the inspection also.
18 So, we need a --

19 NICHOLAS TALVACCHIA: So, you want
20 a performance guarantee for the landscaping?

21 LANCE LANDGRAF: Yes. We've been
22 consistent with that on other site plans. So,
23 we would ask for that.

24 And we won't inspect the sewer and
25 water connections, but the city -- the sewer

1 authority will.

2 NICHOLAS TALVACCHIA: Okay. We'll
3 -- we'll calculate the submitted cost and the
4 guarantee.

5 Number 46. We would, obviously,
6 agree with that. Yep.

7 LANCE LANDGRAF: It's standard and
8 --

9 NICHOLAS TALVACCHIA: Yeah.
10 And 47. Of course we agree with.
11 I think that covers each and every
12 item.

13 LANCE LANDGRAF: Okay. All right.
14 Thank you for going through that. I know that
15 was a little tedious, but I'd rather go through
16 each of them and -- and get them checked off so
17 we all know what we're required to do and --

18 NICHOLAS TALVACCHIA: Yeah. I
19 think it helps.

20 LANCE LANDGRAF: It helps us when
21 we come back --

22 NICHOLAS TALVACCHIA: All right.

23 LANCE LANDGRAF: -- to our
24 compliance plans.

25 All right. We'll open the meeting

1 up to the public.

2 If anybody here in the public wants
3 to speak, please stand, state your name and
4 provide your comments.

5 UNIDENTIFIED FEMALE MEMBER OF THE
6 AUDIENCE: My name is Jamie Greco.

7 LANCE LANDGRAF: Please come up.

8 FEMALE MEMBER OF THE AUDIENCE

9 (JAMIE GRECO): I'm sorry.

10 My name is Jamie Greco. General
11 manager of the Ritz Condominium.

12 LANCE LANDGRAF: Okay.

13 FEMALE MEMBER OF THE AUDIENCE

14 (JAMIE GRECO): I'm just looking at the plans,
15 and I was wondering, that area where the parking
16 lot is facing, towards the fence of the Ritz
17 Condominium, were any parking spaces being taken
18 up?

19 NICHOLAS TALVACCHIA: In the
20 parking lot?

21 FEMALE MEMBER OF THE AUDIENCE

22 (JAMIE GRECO): Yes. So, currently, we lease
23 the whole entire front area of the parking lot

24 --

25 NICHOLAS TALVACCHIA: Oh. Okay. I

1 didn't know that.

2 FEMALE MEMBER OF THE AUDIENCE

3 (JAMIE GRECO): -- from --

4 NICHOLAS TALVACCHIA: Jon, are we
5 removing any spaces from --

6 JON BARNHART: No.

7 Ma'am, are you talking about this
8 area that I'm highlighting?.

9 FEMALE MEMBER OF THE AUDIENCE

10 (JAMIE GRECO): Yes.

11 NICHOLAS TALVACCHIA: Closest to
12 the Ritz?

13 FEMALE MEMBER OF THE AUDIENCE

14 (JAMIE GRECO): Closest to the --

15 JON BARNHART: No.

16 FEMALE MEMBER OF THE AUDIENCE

17 (JAMIE GRECO): We have the two spots closest to
18 the Boardwalk as well.

19 JON BARNHART: None of those spaces
20 are being removed.

21 FEMALE MEMBER OF THE AUDIENCE

22 (JAMIE GRECO): Okay.

23 And as far as access to those
24 parking spots during construction, will our
25 residents have access to that?

1 JON BARNHART: Yeah. There's --
2 there is no intention to close the parking lot.
3 It will -- it will continue to function as it
4 currently does.

5 FEMALE MEMBER OF THE AUDIENCE
6 (JAMIE GRECO): During construction of the beer
7 garden?

8 JON BARNHART: Yes.

9 FEMALE MEMBER OF THE AUDIENCE
10 (JAMIE GRECO): Okay. I have no further
11 questions.

12 LANCE LANDGRAF: Okay. Thank you.
13 Mr. Pherribo, come on up.
14 The opposite side of the table here
15 now.

16 Mr. Pherribo has been a Planning
17 Board member in Hammonton for quite a long time.

18 UNIDENTIFIED MEMBER OF THE
19 AUDIENCE: Gordon Pherribo. I'm the president
20 of the Ritz Condominium Association.

21 I'm just here to -- just to clarify
22 some concerns that some of the residents have
23 and some questions.

24 One is with the -- the cooking. Is
25 that propane?

1 NICHOLAS TALVACCHIA: It's going to
2 be --

3 We're looking at doing a wood
4 burning, but it will be in a building and
5 ventilated. You know, like a -- like a pizza
6 oven.

7 MALE MEMBER OF THE AUDIENCE (GORDON
8 PHERRIBO): Okay. So, but it's gonna be wood,
9 not propane.

10 NICHOLAS TALVACCHIA: Yes.

11 UNIDENTIFIED MEMBER OF THE
12 AUDIENCE: We're still deciding. We're still
13 deciding on --

14 LANCE LANDGRAF: Nick, he's got to
15 come up and be sworn.

16 NICHOLAS TALVACCHIA: Oh. Nick --
17 Nick -- Nick, you have to get sworn.

18 UNIDENTIFIED MEMBER OF THE
19 AUDIENCE: Okay.

20 MALE MEMBER OF THE AUDIENCE (GORDON
21 PHERRIBO): Okay. And my whole concern about
22 that is because they're elevated and propane is
23 heavier than air and the Boardwalk is under
24 there. We have a basement across the street.
25 And there's also cars there. That if you do do

1 propane, that it be limited to 20-gallon tanks.
2 Because I don't really want a huge tank out
3 there.

4 If something happened and it leaks,
5 it's gonna flow -- it could flow into our
6 basement.

7 NICHOLAS TALVACCHIA: Yeah.

8 LANCE LANDGRAF: Do you want to
9 swear in --

10 NICHOLAS TALVACCHIA: Let me -- let
11 me --

12 There's -- there's codes for -- for
13 all this we have to comply --

14 LANCE LANDGRAF: I believe
15 Mr. Pherribo is very aware of those codes.

16 NICHOLAS TALVACCHIA: Yeah. I
17 mean, we're gonna comply --

18 LANCE LANDGRAF: That was his job.

19 NICHOLAS TALVACCHIA: It's gonna --
20 Oh. Okay. It's gonna be inspected
21 by the fire department. If we're allowed to do
22 it, we're allowed to do it and if we're not,
23 we're not.

24 MALE MEMBER OF THE AUDIENCE (GORDON
25 PHERRIBO): I know it's a --

1 Sometimes you're allowed to do
2 something. I'm asking for some --

3 NICHOLAS TALVACCHIA: The intent is
4 to use wood burning.

5 MALE MEMBER OF THE AUDIENCE (GORDON
6 PHERRIBO): Okay.

7 NICHOLAS TALVACCHIA: Yeah.

8 But, I don't want to preclude our
9 ability to do anything that's lawful, in terms
10 of how we -- the fuel we use. But, the intent
11 is to use -- is for wood.

12 LANCE LANDGRAF: Let me ask this
13 question.

14 NICHOLAS TALVACCHIA: Mr. Dounoulis
15 would like to speak.

16 LANCE LANDGRAF: Gordon --
17 Mr. Pherribo, is there anything to mitigate
18 that? Is there mechanisms that they can put in?

19 Certainly, there's -- if it's a
20 large tank. Say they put -- I don't know. I've
21 never seen a bigger tank than the smaller ones,
22 I guess they use for --

23 MALE MEMBER OF THE AUDIENCE (GORDON
24 PHERRIBO): Yeah. They use -- they have big
25 ones.

1 NICHOLAS TALVACCHIA: Yeah.

2 LANCE LANDGRAF: Is there anything
3 that could be done? Warning systems of a leak,
4 things like that that can be added if there's --

5 MALE MEMBER OF THE AUDIENCE (GORDON
6 PHERRIBO): Not that I know of.

7 And, you know, the issue is, if it
8 does leak, they might not be there, because it
9 could be at night.

10 LANCE LANDGRAF: Right.

11 NICHOLAS TALVACCHIA: Mr. Dounoulis
12 would like to address. If he could be sworn in.

13 Nick, if you can come up here,
14 please.

15 Raise your right hand.

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

19 NICHOLAS DOUNOULIS: I do.

20 SCOTT COLLINS: And could you just
21 state and spell your name, please?

22 MALE MEMBER OF THE AUDIENCE

23 (NICHOLAS DOUNOULIS): Nicholas Dounoulis,

24 D-O-U-N-O-U-L-I-S.

25

1 DIRECT EXAMINATION

2 BY NICHOLAS TALVACCHIA:

3 Q. And for the record, Mr. Dounoulis,
4 you are the proposed developer and operator of
5 this restaurant?

6 A. Yes, I am.

7 Q. And you also, currently, operate
8 the adjacent Bungalow Restaurant?

9 A. Yes, I do.

10 Q. All right. Okay. You can give
11 your response.

12 A. I first want to address the court
13 that our intentions are really very favorable to
14 our neighbors. And that's why, right now, I
15 said we don't know yet, we're still deciding
16 whether -- should it be wood or propane. But,
17 if there are concerns and it's a better way to
18 go with the wood burning, we would like that.
19 We would rather have wood burning, because
20 that's more safer, from what we understand, and
21 -- rather than propane. So, we would keep that.

22 As far as the noise situation,
23 we've complied. And we're still working on
24 every issue that we have so that we don't
25 interrupt the peacefulness for the Ritz people.

1 And then also, here -- this is like
2 Mr. Talvacchia said, it's -- it's a peaceful
3 place. It's more like a -- a grown-up meeting,
4 where it's not loud music. I, personally, don't
5 like loud music, either, so I --

6 Background music people can relate
7 to and enjoy while they're eating.

8 It's mostly a -- an exquisite
9 dining area sort of space. We would have food
10 that really isn't available here in the -- in
11 the city, by providing with the wood flavor and
12 -- and the open pits. That -- that is really
13 making it attractive.

14 Our intentions are truly sincere in
15 protecting the interests of the people that live
16 next to us and also, abiding by the law that the
17 city requires.

18 That's all.

19 NICHOLAS TALVACCHIA: Thank you,
20 Mr. Dounoulis.

21 MALE MEMBER OF THE AUDIENCE (GORDON
22 PHERRIBO): Okay. I think if what he says --
23 it's, basically, background music, I don't see
24 that we would probably have a problem with the
25 Ritz, as far as the noise goes, if it is

1 background music.

2 The -- the -- the other two issues
3 that I'd just like to ask --

4 We -- we talked about lighting.
5 And I have a concern about the lighting because
6 is it -- whether it's shining at residents'
7 windows. Is there any way like reflectors could
8 be on so that all of the lighting shines
9 downward as --

10 LANCE LANDGRAF: From what I
11 understand, the lighting that --

12 MALE MEMBER OF THE AUDIENCE (GORDON
13 PHERRIBO): Because I don't -- I haven't seen
14 any description of what the lighting was gonna
15 be like.

16 NICHOLAS TALVACCHIA: Mr. Barnhart,
17 could you just describe it again very quickly?

18 JON BARNHART: Sure.

19 The -- the proposed lighting is --
20 is rope lighting that will be hung between the
21 trees. It's really just --

22 NICHOLAS TALVACCHIA: Like
23 Christmas lights?

24 JON BARNHART: -- ambience type of
25 lighting.

1 NICHOLAS TALVACCHIA: Almost like
2 the Christmas lights you're showing now?

3 JON BARNHART: Yeah. Very nice
4 Christmas lights is, essentially, what it will
5 be.

6 So, it's really more ambience
7 lighting.

8 I mean, the -- their idea is to
9 actually have the lowest level that they can
10 have and still have it be safe enough for people
11 to move around within -- within the area.

12 So, they have no intention to light
13 it very bright.

14 There are security lights that are
15 on the existing wall in the back. I'm sure
16 you've probably seen those. That they don't
17 intend to take down, but I also don't think that
18 they intend to utilize them unless they --
19 unless they need to -- need to turn them on for
20 a security -- from a security standpoint.

21 So, we're gonna provide the -- the
22 lighting details to the -- to the CRDA.

23 But, there's no -- there's really
24 no bright lights proposed that would -- that
25 would require a shield because the light is all

1 gonna to be low-level.

2 MALE MEMBER OF THE AUDIENCE (GORDON
3 PHERRIBO): Okay.

4 LANCE LANDGRAF: I think what
5 they're looking at, Gordon, is -- is -- and I --
6 I forget which casino had it. I --

7 Tropicana had it for a little
8 while.

9 NICHOLAS TALVACCHIA: Across the
10 Boardwalk.

11 JON BARNHART: Tropicana had it.
12 Yeah.

13 LANCE LANDGRAF: Yeah. Across the
14 Board --

15 They're -- they're, basically,
16 light bulbs strung across the line of -- that
17 will go overtop of the site.

18 So, it will be low-level lighting,
19 if you will.

20 MALE MEMBER OF THE AUDIENCE (GORDON
21 PHERRIBO): Okay.

22 LANCE LANDGRAF: Something like
23 that.

24 I don't think it's gonna shine,
25 though --

1 MALE MEMBER OF THE AUDIENCE (GORDON
2 PHERRIBO): Because I couldn't see any details
3 anywhere. So, that, you know --

4 LANCE LANDGRAF: Yeah. So, you
5 could see --

6 JON BARNHART: These -- these --
7 See those strings? Those strings
8 are the -- are lights hanging from tree to tree.

9 LANCE LANDGRAF: Yeah.

10 JON BARNHART: Just to create a --
11 a mood and -- and enough light for -- for people
12 to safely be able to move around the area.

13 MALE MEMBER OF THE AUDIENCE (GORDON
14 PHERRIBO): Okay. And I -- and I think my last
15 question is with the -- the walk-in freezer, as
16 to the noise level that that's gonna generate.
17 Because that will be going on 24/7. And so we
18 just wanted to make sure that whatever freezer
19 you put in there, that the compressor doesn't
20 generate so much noise that it's gonna be --
21 interferes with the people that live at the
22 Ritz.

23 LANCE LANDGRAF: We'll have the
24 Matrix people turn up the volume on their TVs so
25 you won't be able to hear.

1 NICHOLAS TALVACCHIA: Mr. Landgraf,

2 --

3 LANCE LANDGRAF: I'm completely
4 kidding with that, for the record.

5 NICHOLAS TALVACCHIA: -- they're --
6 they're gonna order the -- the --

7 They come in a variety of types.
8 They have silent operating, very quiet operating
9 equipment because of --

10 They're gonna get that equipment or
11 commit to that. So, it's low-level in noise.

12 MALE MEMBER OF THE AUDIENCE (GORDON
13 PHERRIBO): Okay.

14 NICHOLAS TALVACCHIA: Very little
15 noise.

16 MALE MEMBER OF THE AUDIENCE (GORDON
17 PHERRIBO): Okay. Other than that --

18 I mean, because it's --

19 I understand it's a permitted use.
20 And I want them to do well, because if they do
21 well, the city does well. And let's face it.
22 We're all in this together, you know.

23 So, we just want to be -- everybody
24 to be good neighbors.

25 That's it.

1 NICHOLAS TALVACCHIA: Thank you.

2 MALE MEMBER OF THE AUDIENCE (GORDON
3 PHERRIBO): You okay?

4 LANCE LANDGRAF: Okay. Thank you.
5 Anyone else?

6 Okay. Hearing none, we'll bring
7 the meeting back to the board.

8 Hearing no more public comment,
9 we'll close that portion.

10 At the request of Mr. Talvacchia,
11 we will -- we will make every attempt to get
12 this on for our May 16th board meeting.

13 Scott --

14 SCOTT COLLINS: Yep

15 NICHOLAS TALVACCHIA: Scott said no
16 problem.

17 SCOTT COLLINS: We already talked
18 about it before.

19 NICHOLAS TALVACCHIA: He's gonna go
20 back to his office this afternoon.

21 LANCE LANDGRAF: It's not just
22 Scott. We have other --

23 NICHOLAS TALVACCHIA: I know.

24 LANCE LANDGRAF: -- other staff
25 that has to do some things and --

1 NICHOLAS TALVACCHIA: Yeah. Of --
2 of course. In all seriousness, Mr. --

3 LANCE LANDGRAF: We -- we want to
4 get you open as soon as possible. This is a --
5 I think --

6 NICHOLAS TALVACCHIA: Short season
7 and --

8 LANCE LANDGRAF: SOSH and those
9 guys have done a great job. And love -- love
10 the idea. This is something that's --

11 We've heard about two other ones of
12 similar nature coming soon. So, this is the
13 first one. Hopefully, you get open first.

14 NICHOLAS TALVACCHIA: And,
15 Mr. Landgraf, for a historical perspective --
16 you know, I grew up in Atlantic City -- that was
17 a restaurant which burned down in 1967 or so.
18 And it's been not a restaurant since then. So,
19 it's good to kind of get it back to a
20 restaurant.

21 LANCE LANDGRAF: I -- I like the
22 outdoor nature of it. I think it's an asset to
23 the Boardwalk.

24 So, good presentation today, guys.
25 Thank you.

1 NICHOLAS TALVACCHIA: Thank you.

2 LANCE LANDGRAF: We'll move on to
3 our next agenda item.

4 NICHOLAS TALVACCHIA: All right.
5 Thank you. Have a good day.

6 LANCE LANDGRAF: Thanks, Nick.
7 We'll take a two-minute recess
8 while the next guys get set up.

9
10 (This public hearing concluded at
11 10:55 A.M.)

12
13 (A recess was taken between 10:55
14 A.M. and 10:56 A.M.)

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