

CASINO REINVESTMENT DEVELOPMENT AUTHORITY

LAND USE REGULATION and ENFORCEMENT DIVISION

STEEL PIER ASSOCIATES, LLC

MINOR SITE PLAN TO EXPAND BOARDWALK ON SOUTHWEST  
SIDE FOR AMUSEMENT RIDES, FACILITIES AND  
OBSERVATION WHEEL, WITH WAIVERS AND VARIANCES  
REQUESTED.

BLOCK 1, LOTS 144, 145, 146, and 147  
1000 Boardwalk, Atlantic City, NJ

Monday - October 20, 2014

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<p style="text-align: right;">Page 2</p> <p>1 Public hearing in the  2 above-referenced matter, taken at the CASINO  3 REINVESTMENT DEVELOPMENT AUTHORITY, 15 South  4 Pennsylvania Avenue, Atlantic City, New Jersey,  5 before Karen A. Haworth, a New Jersey Certified  6 Court Reporter (CCR), nationally certified  7 Registered Professional Reporter (RPR),  8 nationally certified Certificate of Merit holder  9 (CM), nationally certified Certified Realtime  10 Reporter (CRR), a Delaware Certified Shorthand  11 Reporter (CSR), nationally certified Certified  12 LiveNote™ Reporter (CLR), and Notary Public of  13 the State of New Jersey, on the above date,  14 commencing at 10:03 a.m., there being present:  15  16  17  18 APPEARANCES:  19 CASINO REINVESTMENT DEVELOPMENT AUTHORITY:  20  21 LANCE LANDGRAF  Chairman  22  23 ROSE ANN LAFFERTY  Land Use Enforcement Officer  24  25</p>	<p style="text-align: right;">Page 4</p> <p>1 COUNSEL FOR THE APPLICANT:  2  3 STEPHEN HANKIN, ESQUIRE  Hankin, Sandman, Palladino &amp; Weintrob, Esquires  4  5  6  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p>
<p style="text-align: right;">Page 3</p> <p>1 ALSO PRESENT FROM THE CRDA:  2  3 PAUL G. WEISS, ESQUIRE  4  5  6  7 PROFESSIONALS TO THE BOARD FOR THIS HEARING:  8 SCOTT G. COLLINS, ESQUIRE  Riker, Danzig, Scherer, Hyland &amp; Perretti  9  10 TIMOTHY KERNAN  Kernan Consulting Engineers Associates  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p>	<p style="text-align: right;">Page 5</p> <p>1 I N D E X  2  3 WITNESS(ES) PAGE NO.  4 JON J. BARNHART  5 Direct Examination  By: Mr. Hankin 9  6  7 WILLIAM CATANOSO  8 Direct Examination  By: Mr. Hankin 22  9  10  11  12 EXHIBITS MARKED AND/OR REFERRED TO:  13 A-2  14  15  16  17  18  19  20  21  22  23  24  25</p>

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1 (Time noted: 10:03 a.m.)  
 2  
 3 LANCE LANDGRAF: I'd like to call  
 4 our hearing to order this morning. It's a  
 5 special meeting of the CRDA Land Use Regulation  
 6 and Enforcement Division hearing, on October  
 7 20th.  
 8 Will you please rise and join me in  
 9 the Pledge of Allegiance?  
 10  
 11 (The Pledge of Allegiance was  
 12 recited at this time.)  
 13  
 14 LANCE LANDGRAF: Thank you.  
 15 This hearing has been noticed in  
 16 accordance with the Senator Byron M. Baer Open  
 17 Public Meetings Act.  
 18 Today's agenda is really limited to  
 19 just one application, and it's a continuation of  
 20 our September 18th hearing on the Steel Pier  
 21 Associates, LLC application.  
 22 We have evidence that this  
 23 application has been satisfied on the notice  
 24 requirements. Correct, Rose?  
 25 ROSE ANN LAFFERTY: Yes.

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1 LANCE LANDGRAF: Okay. The  
 2 application is the Steel Pier Associates, LLC,  
 3 CRDA application number 2013-06-679. And the  
 4 full application is for a preliminary and final  
 5 site plan approval with a variance for height.  
 6 It's Block 1, Lots "145" through 147, located at  
 7 1000 Boardwalk.  
 8 The hearing is being held,  
 9 actually, to clarify and obtain an additional  
 10 variance for the observation wheel and support  
 11 structure on the site. The Atlantic City beach  
 12 redevelopment plan limits the height of  
 13 structures to 200 feet and this structure will  
 14 be actually 203 feet, 11 inches. So, we're  
 15 going to clarify that and make sure we hear the  
 16 testimony on that particular variance.  
 17 The applicant also requests any  
 18 variance waivers and design exceptions that may  
 19 be required.  
 20 Mr. Hankin.  
 21 STEPHEN HANKIN: Thank you very  
 22 much.  
 23 I'd first like to thank everybody  
 24 very sincerely for scheduling this special  
 25 meeting. I think it's a continuation of the

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1 last hearing, but with renote. And everything  
 2 has been submitted in terms of Affidavit of  
 3 Service and publication.  
 4 We're going to make it as brief as  
 5 we can, but Jon Barnhart, who is our licensed  
 6 engineer and planner, is here to testify, and  
 7 I'd like him to start off with the technical --  
 8 technical aspects.  
 9 LANCE LANDGRAF: Very briefly,  
 10 we'll have him sworn again. And he's --  
 11 STEPHEN HANKIN: Thank you.  
 12 LANCE LANDGRAF: -- been before  
 13 this board in the past.  
 14 STEPHEN HANKIN: Yes.  
 15 LANCE LANDGRAF: He's a  
 16 professional planner and licensed engineer.  
 17 We would accept his credentials and  
 18 swear him in.  
 19 STEPHEN HANKIN: Thank you.  
 20 SCOTT COLLINS: You remain under  
 21 oath. If you would just acknowledge that.  
 22 LANCE LANDGRAF: Thank you.  
 23  
 24  
 25

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1 JON J. BARNHART,  
 2 having been previously sworn, was examined  
 3 and testified as follows:  
 4  
 5 DIRECT EXAMINATION  
 6 BY STEPHEN HANKIN:  
 7 Q. Jon, would you please explain to  
 8 the board the technical aspects and factual  
 9 aspects, physically?  
 10 A. Sure.  
 11 Mr. Landgraf, would you like --  
 12 This is a continuation, correct?  
 13 LANCE LANDGRAF: Correct.  
 14 JON BARNHART: So, is there any  
 15 reason for me to go through any of my prior  
 16 testimony or --  
 17 LANCE LANDGRAF: Not necessarily  
 18 about the site. We're aware of the layout of  
 19 the site and what's on it. If you could just --  
 20 really, just touch base on the height of the  
 21 wheel, --  
 22 JON BARNHART: Okay. I just wanted  
 23 to confirm that.  
 24 LANCE LANDGRAF: -- indicating that  
 25 it's one entire structure, --

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1 JON BARNHART: Okay. So --  
 2 LANCE LANDGRAF: -- the support  
 3 building and the wheel.  
 4 So ...  
 5 JON BARNHART: Perfect.  
 6 So, what you're looking at --  
 7 Wait. Back up.  
 8 What we're looking at today is an  
 9 exhibit of a rendering of the -- of the pier  
 10 structure. As --  
 11 We provided testimony on the  
 12 expanded deck -- Boardwalk deck area. We  
 13 provided testimony last time on this -- on the  
 14 -- what I'll call the at -- at-Boardwalk  
 15 structure that surrounds -- that supports and  
 16 surrounds the proposed Ferris wheel that I'm  
 17 highlighting on the exhibit that I have before  
 18 you. (Witness indicating.)  
 19 The reason we're here before you  
 20 this morning is that, in our -- in the prior  
 21 testimony, we discussed the idea -- the topic of  
 22 the structure at the Boardwalk level being  
 23 considered an accessory structure. We discussed  
 24 testimony with regard to supporting that -- the  
 25 variance necessary for that -- that portion of

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1 -- of the structure as an accessory structure.  
 2 What we've, you know, further  
 3 discussed is that -- is that, really, that was  
 4 not necessarily the -- an accurate description  
 5 of what -- of what the structure is.  
 6 This is actually a Ferris wheel  
 7 structure that has a ground -- a ground floor  
 8 area -- or support, and it really acts as one  
 9 principal structure.  
 10 So -- so, the reason we're here  
 11 before you this morning is to discuss the fact  
 12 that the Ferris wheel itself, together with that  
 13 ground -- that ground area building, is a  
 14 principal structure that does require a variance  
 15 because the maximum permitted height in the  
 16 redevelopment plan for this project is 200 feet.  
 17 What we propose is a structure that is 203 feet,  
 18 11 inches above the Boardwalk elevation -- the  
 19 existing Boardwalk elevation. That's the  
 20 entirety of why we're here this morning is to  
 21 just make that clarification.  
 22 So, obviously, we have to justify  
 23 that -- that c. variance. It's --  
 24 As we know, principal structure  
 25 height variances can be a d. or a c. variance.

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1 As long as they are within ten percent of the  
 2 permitted height, they are classified as a  
 3 c. variance. In this case, we are well within  
 4 that -- that permitted allowance, with being  
 5 only three feet, 11 inches -- for round numbers,  
 6 we'll say four feet above the requirement, where  
 7 ten percent would be 20 feet.  
 8 So, why is this justified? Well, I  
 9 think this -- I put a lot of testimony on the  
 10 record last time with regard to positive  
 11 criteria, which really hold true for this  
 12 application, but I think that this is an  
 13 application that clearly falls under the  
 14 c(2) criteria, where the benefits of the  
 15 deviations substantially outweigh any potential  
 16 detriments. The benefits being, obviously,  
 17 we're promoting general welfare here. We're  
 18 providing a -- an amazing attraction to the  
 19 City of Atlantic City, an iconic type of  
 20 attraction that will help promote tourism at  
 21 this site. It will, hopefully, be something you  
 22 can see from wherever you are in the city.  
 23 There's --  
 24 The positives for providing  
 25 something like this to the Boardwalk to help

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1 continue the resurgence of the Atlantic City  
 2 Boardwalk, we think, is critical to the success  
 3 of Atlantic City.  
 4 So, for all those reasons, we think  
 5 the general welfare is served and the benefits  
 6 of this deviation are proven.  
 7 BY STEPHEN HANKIN:  
 8 Q. Jon, one question on that.  
 9 A. Yes.  
 10 Q. In terms of the structural aspects,  
 11 is the height of the structural aspects  
 12 absolutely required to house the wheel?  
 13 A. The height is required, yes.  
 14 Q. It is required --  
 15 A. Yes.  
 16 Q. -- as a matter of structural  
 17 necessity?  
 18 A. Yes. In order to have all the  
 19 needed support, amenities at the ground -- at  
 20 the Boardwalk level, together with the wheel  
 21 height that they are proposing to achieve, --  
 22 Q. Yes.  
 23 A. -- that additional height is  
 24 required.  
 25 That's correct.

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1 So, looking at the negative side of  
 2 -- of this type of application, we're asking for  
 3 a deviation of -- of just under four feet in  
 4 total height.  
 5 When you look at it on a percentage  
 6 basis, I would defy anybody that is walking by  
 7 this wheel to tell me that this wheel is going  
 8 to be three feet, ten inches higher than what  
 9 the redevelopment plan permitted. It's -- it's  
 10 an immeasurable height, given the total scope  
 11 and scale of this -- of this project.  
 12 When you look at height, you look  
 13 at things like blockage of air, light and open  
 14 space, are there massing issues with regard to  
 15 the size of the structure. This is an open  
 16 wheel. It's not going to block air, light and  
 17 open space. It's going to help -- it's going to  
 18 create an additional interesting feature to the  
 19 Atlantic City skyline.  
 20 So, the negatives associated with  
 21 height in this particular application, we  
 22 believe, do not exist.  
 23 And this is -- this is, in my  
 24 opinion, the definition of the word de minimis  
 25 when it comes to land use. This is,

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1 essentially, immeasurable. It's something that  
 2 they need, to get that additional four feet --  
 3 or three foot, 11 inches. It makes everything  
 4 work appropriately with regard to the structure  
 5 and the building, but it is something that the  
 6 -- an individual person will never even  
 7 recognize.  
 8 So, for those reasons, we believe  
 9 that the benefits do outweigh any potential  
 10 detriments.  
 11 We believe that the positive and  
 12 the negative criteria are established for a  
 13 c(2) variance in this case.  
 14 And unless, Lance, you have any  
 15 specific questions, that's really the extent of  
 16 my testimony.  
 17 LANCE LANDGRAF: Okay.  
 18 SCOTT COLLINS: For the record,  
 19 Mr. Barnhart, the graphic that you've been  
 20 referring to, that is something that was  
 21 previously submitted and was discussed at the  
 22 prior hearing?  
 23 JON BARNHART: It was. And it  
 24 would have been -- we would have referred to it  
 25 as A-2 at that time.

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1 STEPHEN HANKIN: Yes.  
 2 SCOTT COLLINS: Okay. Thank you.  
 3 JON BARNHART: Yes.  
 4 LANCE LANDGRAF: With that, I'll go  
 5 to our engineer and planner.  
 6 Tim, any additional comments from  
 7 --  
 8 TIMOTHY KERNAN: Just a -- yeah.  
 9 Just a couple.  
 10 First of all, I would agree with  
 11 almost everything Mr. Barnhart said about the  
 12 justification for the variance. The only  
 13 exception would be I heard a little testimony  
 14 about it; perhaps a hardship that -- from a  
 15 structural standpoint, it has to be above 200  
 16 feet. I don't know if he meant to say that, but  
 17 I don't think there's a hardship. I would agree  
 18 that it's a flexible c(2) variance.  
 19 STEPHEN HANKIN: Right.  
 20 JON BARNHART: No. It is clearly  
 21 not a hardship variance.  
 22 TIMOTHY KERNAN: You were asked a  
 23 question by Mr. Hankin, --  
 24 JON BARNHART: Yes.  
 25 TIMOTHY KERNAN: -- structurally,

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1 do you have to be at that height, and you said  
 2 yes.  
 3 But ...  
 4 JON BARNHART: Right. It's  
 5 necessary to meet the needs -- the intended  
 6 needs of the developer.  
 7 TIMOTHY KERNAN: Right.  
 8 JON BARNHART: However, it is not a  
 9 hardship.  
 10 TIMOTHY KERNAN: Yeah.  
 11 Anyhow --  
 12 STEPHEN HANKIN: No, it's clearly  
 13 not.  
 14 This is a c(2).  
 15 TIMOTHY KERNAN: Yeah. And I agree  
 16 with that. I looked at it also as a c(2)  
 17 variance.  
 18 I actually wrote down some notes,  
 19 and de minimis was one of them, even though,  
 20 yes, under -- for planning purposes, land use  
 21 terms, we don't use that phrase.  
 22 So, I agree with his testimony and  
 23 I do support the variance that's been requested.  
 24 STEPHEN HANKIN: We'd like to have  
 25 some brief testimony of Mr. Catanoso on the

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1 issue of negative criteria --  
 2 LANCE LANDGRAF: Sure.  
 3 STEPHEN HANKIN: -- because the  
 4 board may want to be aware of the height of the  
 5 prior uses on this pier, --  
 6 LANCE LANDGRAF: That would be  
 7 great.  
 8 STEPHEN HANKIN: -- which were  
 9 certainly higher.  
 10 ROSE ANN LAFFERTY: Okay. I would  
 11 just -- before he starts, I would just like to  
 12 have a clarification.  
 13 You said three feet, ten inches and  
 14 you said three feet, 11 inches. Which is it?  
 15 JON BARNHART: The SOSH plan  
 16 actually calls out, I believe, three feet, ten  
 17 inches.  
 18 STEPHEN HANKIN: I think, though,  
 19 because, you know, we're talking --  
 20 Once it's in place, I think that we  
 21 ought to have some flexibility in our request  
 22 here. Because once it's in place, if it's a  
 23 foot or two. And I would ask it be at a height  
 24 of under ten percent. Because once we get in  
 25 the field, if something happens; a bracket is --

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1 a support bracket is higher, you know, I don't  
 2 want to have to come back and burden you or  
 3 burden my client with it. That's the problem.  
 4 LANCE LANDGRAF: If it --  
 5 Yeah.  
 6 STEPHEN HANKIN: I mean, if a  
 7 field measurement happens to be different.  
 8 LANCE LANDGRAF: If it's --  
 9 Then we need to make clear what  
 10 that height is at this point. We can't be  
 11 flexible. We have to be one height or below  
 12 that.  
 13 STEPHEN HANKIN: Well, it's very  
 14 difficult to get within three inches or six  
 15 inches or something like that. So ...  
 16 LANCE LANDGRAF: So, we round it to  
 17 205. 205.  
 18 STEPHEN HANKIN: I think that would  
 19 be safer.  
 20 PAUL WEISS: Well, if I may, the  
 21 applicant's engineer needs to tell us what the  
 22 height is.  
 23 LANCE LANDGRAF: Yeah.  
 24 STEPHEN HANKIN: He did.  
 25 But, what I'm telling you is that,

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1 what's designed, once it gets in the field, if  
 2 there needs an adjustment for two -- several  
 3 feet, I really don't want to come back.  
 4 PAUL WEISS: Then you need -- then  
 5 you need to come back.  
 6 ROSE ANN LAFFERTY: You'd have to  
 7 come back.  
 8 STEPHEN HANKIN: We need to come  
 9 back?  
 10 ROSE ANN LAFFERTY: Yes.  
 11 LANCE LANDGRAF: Or ask for that  
 12 number now, if Mr. Barnhart knows what it is.  
 13 STEPHEN HANKIN: I'm asking for  
 14 that number now.  
 15 LANCE LANDGRAF: What is it?  
 16 STEPHEN HANKIN: What do we have?  
 17 PAUL WEISS: What is it?  
 18 STEPHEN HANKIN: Say 205.  
 19 JON BARNHART: I mean, ten percent,  
 20 that's adding 20 feet.  
 21 STEPHEN HANKIN: No. Let's say  
 22 205, just for --  
 23 LANCE LANDGRAF: Okay.  
 24 JON BARNHART: So, the request  
 25 would then be for a wheel with a maximum height

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1 of 205 feet. Okay.  
 2 And all the testimony that I just  
 3 provided is identical. It's --  
 4 Again, at that -- at that height,  
 5 --  
 6 STEPHEN HANKIN: Right.  
 7 JON BARNHART: -- a five-foot  
 8 deviation from height is, essentially,  
 9 immeasurable.  
 10 STEPHEN HANKIN: We just want to be  
 11 careful.  
 12 JON BARNHART: So, the request  
 13 would be 205 versus the 200 permitted.  
 14 LANCE LANDGRAF: Okay.  
 15 STEPHEN HANKIN: I appreciate that.  
 16 Because it's very difficult --  
 17 LANCE LANDGRAF: Your request will  
 18 be amended to reflect the 205, maximum --  
 19 STEPHEN HANKIN: Yeah. max.  
 20 LANCE LANDGRAF: -- elevation.  
 21 STEPHEN HANKIN: Thank you.  
 22 Just some brief testimony from Bill  
 23 Catanoso, --  
 24 LANCE LANDGRAF: Okay.  
 25 STEPHEN HANKIN: -- if you will.

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1 LANCE LANDGRAF: Do you want to  
 2 swear him in?  
 3  
 4  
 5  
 6 WILLIAM CATANOSO,  
 7 having been duly sworn in by Scott G.  
 8 Collins, Esquire, was examined and  
 9 testified as follows:  
 10  
 11 DIRECT EXAMINATION  
 12 BY STEPHEN HANKIN:  
 13 Q. Bill, would you explain your  
 14 position with respect to Steel Pier Associates?  
 15 A. I'm one of the owners of Steel Pier  
 16 Associates.  
 17 Q. Okay. And would you explain the  
 18 history of the height of the rides on the pier?  
 19 A. We had rides operated up to 260  
 20 feet. We currently have rides that operate 240  
 21 feet now. So, there's -- this is -- you know,  
 22 this is well below that.  
 23 Q. Which rides are at 2 -- which ride  
 24 or rides are at 240 now?  
 25 A. The Slingshot.

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1 Q. Okay. Could you point that out?  
 2 A. Yeah. The two red towers there.  
 3 When the ride is operating, the ride is --  
 4 reaches heights of 240 feet.  
 5 STEPHEN HANKIN: Let the record  
 6 reflect that Mr. Catanoso was pointing to  
 7 Exhibit A-2.  
 8 JON BARNHART: Those towers right  
 9 there. (Indicating.)  
 10 WILLIAM CATANOSO: Those are the  
 11 towers.  
 12 LANCE LANDGRAF: The other --  
 13 If I may --  
 14 I don't know -- I don't know what  
 15 the name of the other one is, the spinning one.  
 16 JON BARNHART: This? (Indicating.)  
 17 LANCE LANDGRAF: That one there.  
 18 How high does that one go up?  
 19 WILLIAM CATANOSO: This is the --  
 20 the Mix ride. The Mix ride is approximately --  
 21 no -- it's exactly 148 feet.  
 22 LANCE LANDGRAF: Okay.  
 23 STEPHEN HANKIN: That's the only  
 24 thing I want to do.  
 25 WILLIAM CATANOSO: But, that ride

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1 is -- that's its maximum height as it sits.  
 2 LANCE LANDGRAF: Right.  
 3 WILLIAM CATANOSO: It doesn't get  
 4 any higher just spinning around.  
 5 LANCE LANDGRAF: Right.  
 6 Okay. Thank you.  
 7 STEPHEN HANKIN: Thank you.  
 8 WILLIAM CATANOSO: Thank you.  
 9 LANCE LANDGRAF: Anything else from  
 10 Tim? We're good?  
 11 TIMOTHY KERNAN: Yeah. I still  
 12 recommend the variance.  
 13 LANCE LANDGRAF: Okay.  
 14 Rose, do you have anything?  
 15 ROSE ANN LAFFERTY: I'm good.  
 16 LANCE LANDGRAF: Okay. We'll open  
 17 the hearing up to the public.  
 18 Not seeing any, we'll close the  
 19 hearing to the public.  
 20 Nothing else from here. If there's  
 21 no additional testimony, we'll close the  
 22 application at this point.  
 23 STEPHEN HANKIN: Thank you.  
 24 LANCE LANDGRAF: And this will be  
 25 on the agenda tomorrow.

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1 STEPHEN HANKIN: I appreciate it.  
 2 10 o'clock again tomorrow?  
 3 LANCE LANDGRAF: Yes.  
 4 STEPHEN HANKIN: Thank you very  
 5 much.  
 6 PAUL WEISS: No.  
 7 LANCE LANDGRAF: No. No. No.  
 8 It's --  
 9 ROSE ANN LAFFERTY: No.  
 10 LANCE LANDGRAF: 2.  
 11 PAUL WEISS: It's an afternoon  
 12 meeting.  
 13 LANCE LANDGRAF: It's in the  
 14 afternoon; 2 o'clock.  
 15 STEPHEN HANKIN: It's an afternoon  
 16 meeting tomorrow?  
 17 Thank you.  
 18 PAUL WEISS: But, there's no  
 19 further testimony from the applicant at that  
 20 meeting, right?  
 21 LANCE LANDGRAF: Right.  
 22 STEPHEN HANKIN: We appreciate it.  
 23 Thank you again.  
 24 LANCE LANDGRAF: We'll reserve  
 25 decision and prepare a written report and

1 recommendation to the CRDA's governing body.  
2 Thank you, Mr. Hankin.  
3 STEPHEN HANKIN: Thank you very  
4 much. Everybody. I appreciate the cooperation.  
5 ROSE ANN LAFFERTY: And be sure to  
6 sign in, please.  
7 STEPHEN HANKIN: Yes. Thank you.  
8 LANCE LANDGRAF: And we'll close  
9 the hearing.  
10 Thank you.  
11  
12 (This public hearing concluded at  
13 10:17 a.m.)  
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