

CASINO REINVESTMENT DEVELOPMENT AUTHORITY
LAND USE REGULATION AND ENFORCEMENT DIVISION

HEARING

RE: Garden Pier AC.LP

2017-09-2282

Thursday - December 7, 2017

CASINO REINVESTMENT DEVELOPMENT AUTHORITY
HEARING, taken in the offices of CASINO
REINVESTMENT DEVELOPMENT AUTHORITY, 15 South
Pennsylvania Avenue, Atlantic City, New Jersey,
before, Karen Winkler, a Certified Court Reporter
of the State of New Jersey, on the above
date, commencing at 10:00 A.M., there being present:



- All New Jersey Certified Court Reporters
- Realtime/Daily/Expedited/"Rough Draft"
- Litigation Support Realtime from Reporter
- Internet Realtime Depositions/CDs/DVDs
- E-Mail Transcripts for Immediate Delivery
- Condensed (minis) w/Word Index

1442 New Road, Northfield, New Jersey 08225

Phone (609) 641-7117 • Fax (609) 641-7640

www.CSRCourtReporters.com
E-Mail: csr@csrcourtreporters.com

- Videotaping/Courtroom Playback
- Videoconferencing
- Audio/Videotapes Transcribed/Copied
- Interpreters
- 24-hour Access to Owner
- Complimentary Conference Room

1 APPEARANCES :

2

3

4

5

6

LANCE B. LANDGRAF JR.,
Hearing Officer

7

8

9

10

11

RYKER, DANZIG, SCHERER, HYLAND
& PERRETTI, LLP

12

BY: SCOTT G. COLLINS, ESQUIRE
Attorney for CRDA

13

14

15

16

17

ROBERT L. REID,
Land Use Regulation Enforcement
Officer

18

19

20

21

22

CHRISTINE A. COFONE, PP, AICP
Cofone Consulting Group, LLC
Professional Planner

23

24

25

1 APPEARANCES - CONTINUED:

2

3

4

5

6

BRADLEY R. SLENN, ESQUIRE

Attorney for Tower Investments

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 MR. LANDGRAF: Good morning and welcome
2 to the December 7th Land Use Enforcement Division
3 hearing. Call to order. We've got --

4 Everyone, please, rise for the Pledge of
5 Allegiance. We haven't done this in a while.

6 (At this time the Pledge of Allegiance
7 is being recited.)

8 MR. LANDGRAF: Thank you. This hearing
9 has been noticed in accordance with the Senator
10 Byron M. Baer Open Public Meetings Act. Proper
11 notice has been submitted to the newspapers and
12 published on our bulletin board out front.

13 We have three items on the agenda today.
14 First is a minor subdivision. The second is a
15 certificate of nonconformity and the third is a
16 variance application for bulk and area requirements.

17 First one is Garden Pier AC.LP, 600
18 Boardwalk, block 1, lots 160 and 161.

19 Brian, I'm assuming you're here for that
20 one?

21 MR. SLENN: I have the certificate of
22 nonconformity, yes, sir. Let me see while --

23 MR. LANDGRAF: I thought Brian had that
24 one. Mr. Dase is testifying. Application number
25 2017-09-2282. Garden Pier AC.LP.

1 If you're ready, please, proceed.

2 MR. SLENN: Good morning. Brad Slenn
3 on behalf of Tower Investments who are -- on behalf
4 of Garden Pier AC.

5 In February -- well, we're here on a
6 10-foot encroachment on the Garden Pier. In February
7 when Garden Pier AC purchased the pier from the city,
8 a survey was done and turned out that there was a
9 10-foot encroachment on the property line that a part
10 of the agreement of sale, the city and the buyer
11 agreed that there would be some money kept in escrow.
12 The city would subdivide the encroachment to attach
13 it to the pier so that the pier would be whole,
14 realign the lines and then the money would be
15 released. So essentially we are just here to realign
16 those lines so that the pier will be whole, that the
17 money can be released in escrow -- from escrow to the
18 city, and that would be -- currently there's a
19 license for use for the -- for that encroachment
20 which would stay in place if there's no realignment
21 made, so there's no variance being requested.

22 MR. LANDGRAF: Okay.

23 MR. SLENN: No construction.

24 MR. LANDGRAF: So with that, Rob,
25 there's no notice required.

1 MR. REID: No notice required.

2 MR. LANDGRAF: If you come in after
3 January after, we hope, our new regs are approved,
4 you wouldn't even have to come to a public hearing.

5 MR. SLENN: I'll leave it to Tom to
6 explain the --

7 MR. LANDGRAF: Definitely, Tom, please.

8 MR. DASE: As you said, when it was
9 constructed and actually we dug up an old --

10 MR. COLLINS: Let me swear you in
11 before you begin your testimony.

12

13 THOMAS DASE, sworn.

14

15 MR. COLLINS: State your name for the
16 record.

17 MR. DASE: Thomas Dase, D-A-S-E.

18 MR. COLLINS: Thank you.

19 MR. DASE: When the pier was
20 constructed, obviously, the city owned both lots so
21 they weren't really paying attention to where any of
22 the lot lines were. The edge of the pier appeared
23 to line up just about perfectly with the curb line
24 of New Jersey Avenue and there's a ramp built from
25 New Jersey Avenue, the cartway that's adjacent to

1 the pier. That's since been removed, but the
2 10 feet between the building and that ramp remained
3 and over time has become part of the structure. Got
4 mechanicals on it now, so it's kind of an important
5 part of that pier. In fact, I believe the structure
6 of the pier itself extends out that 10 feet, the
7 foundation of it. So what we propose to do is carve
8 off actually 11 feet along the angled property line
9 into lot 160. It's an area of 20,458.2 square feet.
10 Like to merge that with lot 161. Maintain 160 and
11 161 with this new boundary line between them.

12 MR. LANDGRAF: Okay. Pretty simple.
13 Christine, I see you have your letter and there's
14 also a letter from Bill England on this one.
15 Anything in your letter you need to go through?

16 MR. COLLINS: I just want to jump in.
17 The plan that you're referencing is part of the
18 application materials that you submitted?

19 MR. DASE: Yeah. This is an exhibit
20 created from that, but reflects exactly what was on
21 that plan.

22 MR. COLLINS: So we'll mark the
23 application itself A-1 and then Christine's going to
24 introduce your letter which would be B-1. And
25 you're previously sworn.

1 MS. COFONE: So, good morning. B-1 is
2 my November 8th review of this application. It's a
3 very, as I understand it, straightforward
4 application. No improvements are proposed in
5 conjunction with the application. It is essentially
6 a lot line adjustment to correct a prior
7 encroachment issue, as I understand it. The lot
8 line adjustment is about 10 feet and it will not
9 trigger any variances or create any deficiencies or
10 cure any real deficiencies either, as I understand
11 it. So it's really a very benign minor subdivision
12 lot line adjustment which does correct the
13 encroachment which is reflected in my November 8th,
14 2017, very short, three-page review of the
15 application.

16 MR. LANDGRAF: Okay. Thank you,
17 Christine.

18 We'll also mark as B-2 Adams, Rehmann &
19 Heggan's letter dated November 21st, 2017.

20 MR. COLLINS: Okay.

21 MR. LANDGRAF: Just to touch base on
22 what that is, it basically indicates some
23 recommendations, five, to be exact, letter to be
24 included in approval of resolution. That's fine.
25 Submit request of documents, payment of all fees,

1 submit documentation and any other required
2 approvals, which I don't believe there will be, and
3 I don't believe there's any bonds that will be
4 needed for this, because there's no improvements, so
5 put that in the record.

6 Okay. With that, I know it's not a
7 public hearing, but I'll open it up just to make
8 sure. There's no one here to comment on this
9 application. Anybody from the public wishing to
10 speak, please, step forward. Seeing none, close the
11 public portion.

12 Anything else, Mr. Slenn?

13 MR. SLENN: No.

14 MR. LANDGRAF: Okay. All right. We
15 will get this on the January board meeting. Trying
16 to think what the date is, but it will be at our
17 January board, if we have a board meeting. I will
18 say that. There was talk yesterday at our
19 committees that we may not be having one. It
20 coincides with the governor being sworn in. We're
21 an authority of the governor's office, so it's a
22 little odd to be having a meeting that may start
23 with one governor and end with another. We may or
24 may not have a January board meeting, so if not,
25 we'll definitely get it on for February.

1 MR. SLENN: Thank you.

2 MR. LANDGRAF: I don't think we're
3 holding anything up with this application.

4 MR. SLENN: Great, thank you.

5 MR. LANDGRAF: Thank you.

6 MR. REID: Mr. Dase, this request, is
7 there a copy of that photograph available for our
8 file?

9 MR. DASE: I would have to make a copy
10 of that.

11 MR. REID: Okay. That's fine.

12 MR. DASE: Would you like a copy?

13 MR. REID: Yeah, we can make a Xerox
14 copy of it.

15 MR. DASE: Okay.

16 MR. LANDGRAF: Okay.

17 (The hearing was concluded at 10:07
18 A.M.)

19

20

21

22

23

24

25

CSR ASSOCIATES

Certified Court Reporters

1442 New Road
Northfield, New Jersey 08225

Phone (609) 641-7117

Fax (609) 641-7640

E-Mail csr@csrcourtreporters.com

- All NJ Certified Court Reporters (CCRs)
- 39 Years' Experience
- Nationally certified: Registered Professional Reporters (RPRs)
Certificate of Merit Reporters (CMs)
Certified Realtime Reporters (CRRs)
- Realtime/Daily/Expedited Transcript Delivery
- LiveNote™: Certified Reporters (CLRs)
Attorney Realtime Connection to Reporter
- "Rough Draft" Transcripts within 24 hours of proceeding
- Videotaping/Copies/Courtroom Playback/Videoconferencing
- Videosynchronization
- Internet Realtime Depositions
- Interpreters
- Condensed (minis) with Word Index
- Exhibit Attachment to Transcripts (including color copies, oversized)
- E-mail Transcripts Over Secure Connection
- 24 Hour Accessibility to Owner
- Audiotapes Transcribed/Copied
- ADA Computer Assisted Realtime Transcription (CART) Proceedings
- Conference Room

ESTABLISHED IN 1980

COURT REPORTER'S CERTIFICATION FOR THIS TRANSCRIPT

I, KAREN L. WINKLER, a New Jersey Certified Court Reporter (CCR) (License No. 1606), hereby certify that the proceedings were reported by me fully and accurately stenographically, reduced to typewritten form under my personal direction and supervision and that this is a true and correct transcript of the proceedings in this matter. I further certify that I am neither an attorney nor counsel of any of the parties in the subject proceedings, nor a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in the outcome of the subject matter.



KAREN L. WINKLER, CCR
NJ Certified Court Reporter
(License No. 1606)

NOTE: Certification of the within transcript does not apply to any reproduction of same by any means, unless under the direct control and supervision of the certifying court reporter.

DATE: 12/7/2017 WEEK 11th

SIGN IN SHEET

NAME	FIRM	ADDRESS 1	ADDRESS 2	PHONE NUMBER
Bryan Callaghan	Callaghan Group	2424 Atchafalok Ave		348-5300
Thomas Dose	AW Porzio	400 N. Dover Ave		344 8194
BRAD SEAN SLENN	TRW	817 W 35th PL		215 4674600
Bob Cat Alamo	Nicholas Survey	Virginia Ave		
Mark Rodio				