

CASINO REINVESTMENT DEVELOPMENT AUTHORITY

LAND USE REGULATION and ENFORCEMENT DIVISION

BOARDWALK 1000, LLC

HARD ROCK HOTEL AND CASINO

SEEKING PRELIMINARY AND FINAL SITE PLAN APPROVAL

FOR PHASE II BEACH BAR

BLOCK 1, LOTS 143, 144, 145

1000 Boardwalk and Virginia Avenue

Atlantic City, NJ

Application Number 2018-05-2415

Thursday - June 7, 2018



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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 10:29 A.M., there being present:
15
16
17

18 APPEARANCES:

19 CASINO REINVESTMENT DEVELOPMENT AUTHORITY:

20

21 LANCE B. LANDGRAF, JR.

Chairman

22 Director, Planning Department

23

24 ROBERT L. REID

Land Use Enforcement Officer

25

1 PROFESSIONALS TO THE BOARD FOR THIS HEARING:

2

3 SCOTT G. COLLINS, ESQUIRE

RIKER, DANZIG, SCHERER, HYLAND & PERRETTI

4

5 CHRISTINE COFONE

COFONE CONSULTING

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7 WILLIAM ENGLAND

ADAMS, REHMANN & HEGGAN

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1 COUNSEL FOR THE APPLICANT:

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3 JACK PLACKTER, ESQUIRE

FOX, ROTHSCHILD, LLP

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WITNESS(ES)

PAGE NO.

JON BARNHART

By: Jack Plackter

10

EXHIBITS MARKED AND/OR REFERRED TO:

A1

A2

B1

1 (Time noted: 10:29 A.M.)

2

3 LANCE LANDGRAF: And we'll start
4 the next application, which is Application
5 2018-05-2415, also, Boardwalk 1000, LLC. This
6 is the beach bar.

7 JACK PLACKTER: Okay. Good
8 morning.

9 LANCE LANDGRAF: Mr. Plackter.

10 JACK PLACKTER: Yes. May it please
11 the --

12 LANCE LANDGRAF: May I say one
13 thing real quick?

14 With Rob, we've got our notices?

15 JACK PLACKTER: Sure.

16 LANCE LANDGRAF: We're good on this
17 one?

18 ROBERT REID: Yes. I've reviewed
19 the documents submitted by Mr. Plackter's
20 office, and we have jurisdiction to hear this
21 application.

22 LANCE LANDGRAF: Good. Thank you
23 very much.

24 SCOTT COLLINS: I'll jump in at
25 this point, too.

1 The application materials we'll
2 mark A1.

3 JACK PLACKTER: Okay.

4 SCOTT COLLINS: Do you intend to
5 refer to anything that is not included in the
6 application materials?

7 JACK PLACKTER: No.

8 SCOTT COLLINS: Okay. Then we'll
9 call our review letter, --

10 LANCE LANDGRAF: June 4th.

11 CHRISTINE COFONE: June 4th.

12 SCOTT COLLINS: -- the June 4th ARH
13 review letter B1.

14 JACK PLACKTER: Okay. May it
15 please the -- may it please the board, Jack
16 Plackter, for Boardwalk 1000, LLC.

17 This is for site plan approval for
18 a beach bar and other amenities, including
19 approximately 154 restaurant, bar and cabana
20 seats accessory to the Hard Rock Hotel Casino.

21 The property is known and shown as
22 Block 1, Lots 143, 144 and 145, also known as
23 Beach Lease Parcel 35. We did lease this parcel
24 from the City of Atlantic City.

25 The property is located in the

1 beach zone.

2 And we did cause proper notices to
3 be published in the Atlantic City Press on May
4 28th, 2018, and sent property -- notice to all
5 property owners within 200 feet on May 25th.

6 There's no taxes due on this
7 property so they're current, since it's owned by
8 the City of Atlantic City.

9 We're seeking approval, actually,
10 for Phase II of the beach bar. The CRDA worked
11 with us and was kind enough to allow us to do
12 this in two phases, because once you get over a
13 certain number of seats, there's a parking
14 requirement and, also, it no longer qualifies
15 for administrative approval.

16 So, we kept it under the 80 seats
17 for Phase I.

18 And thankfully, the beach bar is
19 under construction.

20 What you see before you -- and
21 Mr. Barnhart will testify -- is the full
22 buildout, including Phases I and II, even though
23 we're only asking for the Phase II plan.

24 Now, there was an issue about
25 parking, and we did -- and we'll go through it

1 -- you know, submitted a parking study, which
2 shows that, without the beach bar, the required
3 parking is 6,067 spaces, and we currently have
4 an additional -- almost 300 additional spaces,
5 which, as you'll hear in testimony, is more than
6 enough to take care of the parking. We actually
7 have 6 -- 6,348 parking spaces.

8 And the beach bar, as I said, has a
9 total of 154 seats.

10 So, at this point, I'd just like to
11 call Jon Barnhart, who has been previously
12 sworn. I don't -- we don't need to swear him in
13 again.

14 LANCE LANDGRAF: No. Mr. Barnhart
15 has been sworn already today, and his
16 credentials are, again, still acceptable.

17 JACK PLACKTER: Okay.

18 Do you need a minute? Do you guys
19 need a minute to --

20 I think he has to get --

21 Would you excuse us for just a
22 minute? He has to get one number.

23 LANCE LANDGRAF: Yeah. Sure.
24 We'll take a couple minute recess.

25 JACK PLACKTER: Okay.

1 (A brief recess was taken.)

2 LANCE LANDGRAF: Back on the
3 record. Thank you.

4

5 DIRECT EXAMINATION

6 BY JACK PLACKTER:

7 Q. So, Mr. Barnhart, you've been
8 previously sworn. Is that correct?

9 A. Yes.

10 Q. All right. And you, again, were
11 engaged by Boardwalk 1000 to provide testimony.
12 Is that correct?

13 A. That's correct.

14 Q. All right. And you have been to
15 the location of the beach bar on one or more
16 occasions, you've reviewed the Tourism District
17 regulations, and you're familiar with this,
18 having submitted both a site plan and also a
19 CAFRA application.

20 And there is a CAFRA approval for
21 this facility. Is that correct?

22 A. That's correct.

23 Q. Okay. Well, based upon that, then,
24 would you tell us what the proposal is and --
25 for this and whether we meet all the criteria?

1 A. Sure. As Jack already mentioned,
2 the -- the plan you have before you is the
3 Hard Rock summer of 2018 beach bar facility.

4 The project was submitted to the
5 CRDA and approved under your administrative
6 process for exactly what you see on the exhibit
7 here but for some additional seating.

8 Again, as Jack pointed out, the
9 original application was -- or the Phase I
10 application was for 5 -- 65 seats within the
11 structure that you see on the exhibit, and what
12 we're -- what we're here for this morning is to
13 go beyond the 80 seat threshold to add 89 seats,
14 for a total of 154 seats at the beach bar
15 facility.

16 We have -- we have reviewed the
17 requirements of the Phase I application, the
18 technical requirements, and we can certainly --
19 we can comply and will comply and are complying
20 with all of the requirements in that Phase I
21 application.

22 Q. All right. So, just for purposes
23 of the record, there was a letter issued by
24 Ms. Cofone and Mr. England for Phase I, which
25 has a number of conditions. And that should be

1 incorporated in this approval because we do have
2 to still comply. And we are amenable, are we
3 not, to complying with each and every one of
4 those conditions?

5 A. Yes. We've gone through them with
6 the project architect, and the -- a number of
7 things have to do with utilities and the -- and
8 the MEP consultant for the -- on the team, and
9 we will comply with all the comments.

10 Q. Please continue.

11 A. So, this morning's application is
12 relatively simple, because, really, it's for
13 adding seats to a structure that's been already
14 approved as -- as the -- as the Phase I
15 structure.

16 So, really, the only -- the only
17 discussion item, in our mind, because we're not
18 really -- we're not requesting any variances, is
19 with regard to making you comfortable that we do
20 meet the parking needs of the app -- of the
21 site. So...

22 Q. Now, the use of this beach bar is
23 going to be primarily -- it will be for patrons
24 of Hard Rock, but a lot of the people that are
25 using this are going to be Hard Rock guests. Is

1 that correct?

2 A. Yeah. It --

3 I mean, we've done a lot of these
4 beach bars. And you get a mix, but what -- what
5 you -- what you get is you get the guest --

6 You might not -- it might not be
7 just guests of Hard Rock. It might be --

8 Q. Right.

9 A. -- guests of a neighboring
10 property, --

11 Q. Sure.

12 A. -- you -- you generally get guests
13 of the -- of the town.

14 They're -- they're -- I mean,
15 frankly speaking, they're not the easiest thing
16 to get to if you do want to come by car. Right?
17 Because they're out on the beach, and the best
18 part of them is, generally, at night. You know,
19 if you're a beach-goer, they're nice during the
20 day as well, but they do very well at night.
21 So, they really are, largely, used by guests.

22 There is some -- you know, there is
23 some demand, from a parking standpoint. There
24 are those few people that will come and park in
25 the garage and walk out to go to -- to go to the

1 beach bar, but the likelihood is, they're all --
2 also going to the casino and doing some other
3 things. So, there's a lot of shared parking
4 consideration with this application.

5 But, putting all of that aside, if
6 you look at the -- the parking calculation or an
7 analysis that was done by SOSH architects --
8 Jack already mentioned some of the numbers.

9 The total parking required, based
10 on the current facility, not including the beach
11 bar, is 6,067 spaces, and the total parking
12 provided is 6,348 spaces. So, by the current --
13 by the current operation of the facility and by
14 the current parking garage and surface lots,
15 they do have an excess of 281 parking spaces.

16 If you -- so, if you take the beach
17 bar and -- and -- and take it out of the mix and
18 -- and act like it's on its own, right, and you
19 -- and you go right to your regulations -- I
20 have to get comfortable with not calling it
21 ordinance. Right? It's your regulations.

22 CHRISTINE COFONE: Thank you.

23 LANCE LANDGRAF: Trust me. Paul
24 corrects me on a --

25 CHRISTINE COFONE: Yeah.

1 JACK PLACKTER: I just want to -- I
2 just want to approach and give you this, because
3 you may want to -- we may -- I think we did
4 provide this, but you may want to mark this. We
5 didn't provide it, I don't think, with the
6 original application.

7 ROBERT REID: Right.

8 CHRISTINE COFONE: So,
9 Mr. Barnhart, --

10 JACK PLACKTER: So...

11 ROBERT REID: Yeah.

12 CHRISTINE COFONE: -- not to
13 interrupt you, --

14 JON BARNHART: Sure.

15 CHRISTINE COFONE: -- but what
16 you're saying is, if we took a parking -- if we
17 went in the parking garage --

18 JON BARNHART: Yes.

19 CHRISTINE COFONE: -- and we put
20 little placards that said Reserved for the Beach
21 Bar, Reserved for the Beach Bar, Reserved for
22 the Beach Bar, we could accommodate the parking
23 requirement that would be generated --

24 JACK PLACKTER: Sure.

25 CHRISTINE COFONE: -- in the

1 existing parking garage if we dedicated only
2 spots generated from the beach bar parking
3 requirement and we would not cause the balance
4 of the facility to go into a deficiency?

5 JON BARNHART: That's correct.

6 CHRISTINE COFONE: I understand.

7 JON BARNHART: That's correct.

8 BY JACK PLACKTER:

9 Q. And how did you arrive at that?

10 A. So, how we arrived at that is we
11 looked -- if you look at your regulations,
12 there's two ways --

13 Again, if we -- if -- if you look
14 at a hotel casino and you -- you could go to the
15 non-hotel casino criteria for calculating
16 parking, but I -- what -- what I did is I looked
17 at the restaurant/bar, acting like it's on its
18 own, it's on the beach, it has nothing to do
19 with the facility.

20 So, if you go by seat count, you're
21 required to have 30 percent of the seats for
22 parking, which calculates out to 45 spaces.

23 Our excess is 281.

24 If you go by square footage, as I
25 understand it, the way that it works, a hundred

1 square feet of floor area, if you go by square
2 footage, the -- the area of that space is -- is
3 only about 5,310 square feet. So, by that math,
4 you're only at like 35 spaces, as required.

5 Now, let's be honest. I mean, we
6 -- these -- these beach bar facilities, I mean,
7 they -- they get a lot of people on them. So,
8 even if you -- even if you were to double that
9 number, from a practical standpoint, we're still
10 in excess in our garage with -- with what would
11 be required by your -- by your ordinance.

12 So, there is no -- there is no
13 parking variance necessary. The property is
14 more than comfortable that they can serve --
15 that they can serve the parking needs of the
16 facility because, as we know, if they can't,
17 then they -- they -- they're less successful as
18 a result of it.

19 So, we don't see any issue with
20 regard to a site plan approval for this
21 application by adding the additional seats.

22 As I have already stated, all the
23 structures have already been approved and -- and
24 then construction is underway at this point.

25 Q. And, to the best of your knowledge,

1 you've reviewed the bulk requirements, and there
2 are no variances required for this proposal.

3 Correct?

4 A. Yeah. We did not see any variances
5 that would be required.

6 Q. Okay. And, similarly, I asked you
7 a question about Ms. Cofone's and Mr. England's
8 reports for Phase I. And you reviewed the
9 reports for Phase II?

10 A. Yes. The Phase II report
11 references the technical comments in Phase I,
12 and, yes, we will comply.

13 Q. Okay. Fine.

14 And based upon the facts you
15 testified to, do you believe the applicant is
16 required -- or is qualified for site plan
17 approval for Phase II of the beach bar?

18 A. We do, yes.

19 Q. Okay. Thank you.

20 LANCE LANDGRAF: Okay.

21 SCOTT COLLINS: Just before we move
22 on, the -- the document that was submitted
23 previously that we're going to mark A2, we'll
24 just call that parking analysis prepared by the
25 applicant.

1 JACK PLACKTER: Thank you.

2 LANCE LANDGRAF: And that was done
3 by SOSH?

4 JON BARNHART: Yes.

5 JACK PLACKTER: Yes.

6 LANCE LANDGRAF: Do you want that?

7 SCOTT COLLINS: I'd like a copy of
8 it.

9 LANCE LANDGRAF: Why don't you just
10 scan it to me?

11 SCOTT COLLINS: Okay.

12 LANCE LANDGRAF: Thank you.
13 Let's start off with -- with Bill
14 this time.

15 WILLIAM ENGLAND: Thank you,
16 Mr. Chairman.

17 CHRISTINE COFONE: Maybe it will
18 wake him up a little bit.

19 WILLIAM ENGLAND: Yeah. Exactly.

20 The applicant has testified that --
21 that he's going to comply with all the technical
22 requirements as shown in the Phase I review
23 letter. After that, I have no other comments.

24 JACK PLACKTER: Thanks, Bill.

25 LANCE LANDGRAF: Okay.

1 WILLIAM ENGLAND: Thank you.

2 LANCE LANDGRAF: Pretty simple.

3 CHRISTINE COFONE: I think that the
4 parking, as presented, is adequate.

5 I would also note that that would
6 be, in my opinion, an unbelievably conservative
7 way to calculate parking here, because I think
8 that there is no way that that beach bar will be
9 a stand-alone use and that you will see
10 crossover from the guests. So, the fact that
11 you could park independent of what's there, I
12 think, certainly provides a comfort level that
13 there's more than adequate parking to
14 accommodate that use.

15 JACK PLACKTER: Thank you.

16 LANCE LANDGRAF: One thing I just
17 want to reiterate, and it's from Christine's
18 comments. It's under Planner's Review Comments
19 1, item 2. And I'm just going to read right
20 from -- from her report. "We reiterate that we
21 consider the beach bar an accessory use to the
22 overall Hard Rock Casino facility. The
23 principal use and the majority of patrons will
24 be coming from the Hard Rock Casino facility."

25 So, that's -- I want to get that in

1 the record. And that --

2 JACK PLACKTER: Sure.

3 LANCE LANDGRAF: -- that's coming
4 right from -- from our review of it as well.

5 So, from that standpoint, I -- I
6 think that's -- that's a good way to look at
7 this.

8 Okay. With that, if there's
9 nothing else from us, I'm going to open to the
10 public -- open it to the public, for anybody
11 that wants to comment. Please step forward.

12 Again, seeing no one jumping out of
13 their seat, we'll close the public portion.

14 Any final comments?

15 ROBERT REID: No.

16 LANCE LANDGRAF: Are you good?

17 JACK PLACKTER: Well, thank you
18 very much.

19 LANCE LANDGRAF: Again --

20 JACK PLACKTER: We'd just like to
21 thank the staff and the outside professionals
22 for -- I know we've given a lot of requests, and
23 you've processed them very quickly. You've --
24 you know, you haven't taken the full 45 days
25 that you're allowed under the Municipal Land Use

1 Law, and, on behalf of Hard Rock, we really
2 appreciate that, --

3 LANCE LANDGRAF: Good.

4 JACK PLACKTER: -- because we're
5 trying to open.

6 LANCE LANDGRAF: I know.

7 CHRISTINE COFONE: Yeah. We know.

8 LANCE LANDGRAF: We're looking
9 forward to it. It's --

10 JACK PLACKTER: Thanks so much.

11 LANCE LANDGRAF: -- it's a
12 spectacle walking down that --

13 I walked the Boardwalk yesterday
14 with someone from out of the area, --

15 JACK PLACKTER: Yeah.

16 LANCE LANDGRAF: -- and everybody
17 stops on the Boardwalk.

18 CHRISTINE COFONE: Yeah.

19 LANCE LANDGRAF: And I wish Anthony
20 was here, too. You look at the wheel.

21 JACK PLACKTER: Yep.

22 LANCE LANDGRAF: You look at what
23 you guys are doing.

24 And it's -- it's amazing the -- the
25 amount of people that are working on that

1 project.

2 JACK PLACKTER: Yeah. Oh, it's --
3 it's unbelievable.

4 LANCE LANDGRAF: And how fast.

5 ROBERT REID: Did they get the
6 guitar up yet?

7 LANCE LANDGRAF: No.

8 CHRISTINE COFONE: I didn't see it,
9 no.

10 LANCE LANDGRAF: When they -- when
11 they set that guitar, we need notice, because I
12 want to be there.

13 ROBERT REID: I'm gonna be there
14 for that.

15 CHRISTINE COFONE: Yeah.

16 JACK PLACKTER: We don't know when
17 it's going to be, but --

18 Thanks very much.

19 LANCE LANDGRAF: Thanks, guys.

20 ROBERT REID: Have a great day.

21 LANCE LANDGRAF: With that, we will
22 -- let's see.

23 Our next land use hearing is June
24 21st, 2018, at 10 A.M.

25 As I said before, we will make

1 every effort to get both of these applications
2 -- I'm more concerned about the -- the first one
3 -- on our June 19th, 2018 board, for action.

4 This one is already under
5 construction, so I'm not as worried about that.
6 As Phase I is really --

7 SCOTT COLLINS: Yeah.

8 LANCE LANDGRAF: -- what they
9 wanted first.

10 So, we're more focused on the
11 signage.

12 SCOTT COLLINS: Yeah.

13 So, we'll get that up and ready.

14 With that and no other public
15 comment, we'll close the meeting.

16 And we're adjourned.

17

18 (This public hearing concluded at

19 10:43 A.M.)

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