

CASINO REINVESTMENT DEVELOPMENT AUTHORITY

LAND USE REGULATION and ENFORCEMENT DIVISION

BOARDWALK 1000, LLC

HARD ROCK HOTEL AND CASINO

SEEKING MINOR SITE PLAN APPROVAL and BULK

VARIANCE(S) FOR SIGNAGE

BLOCK 1, LOT 146; BLOCK 61, LOT 29
1000 Boardwalk and Virginia Avenue,
Atlantic City, NJ

Application Number 2018-05-2398

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 10:01 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

2 PROFESSIONALS TO THE BOARD FOR THIS HEARING:

3

4 SCOTT G. COLLINS, ESQUIRE

RIKER, DANZIG, SCHERER, HYLAND & PERRETTI

5

6 CHRISTINE COFONE

COFONE CONSULTING

7

8 WILLIAM ENGLAND

ADAMS, REHMANN & HEGGAN

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2 COUNSEL FOR THE APPLICANT:

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4 JACK PLACKTER, ESQUIRE

FOX, ROTHSCHILD, LLP

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I N D E X

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WITNESS (ES)

PAGE NO.

5

JON BARNHART

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By: Jack Plackter

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ANTHONY CATANUSO

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By: Jack Plackter

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EXHIBITS MARKED AND/OR REFERRED TO:

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(Time noted: 10:01 A.M.)

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LANCE LANDGRAF: I'll call the June 7th Land Use Regulation and Enforcement Division hearing to order.

7

8

9

We have a couple items on the agenda today. But, first we'll please rise for the Pledge of allegiance.

10

11

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

12

13

LANCE LANDGRAF: Thank you.

14

15

This hearing has been noticed in accordance with the Senator Byron M. Baer Open Public Meetings Act.

16

17

We have two items on the agenda, both from Boardwalk 1000, LLC.

18

19

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The first is Application Number 2018-05-2398, Boardwalk 1000, LLC, Hard Rock Hotel and Casino. This is the signage application, the minor site plan for the signage.

23

JACK PLACKTER: Correct.

24

LANCE LANDGRAF: Okay.

25

Mr. Plackter, if you would --

1 JACK PLACKTER: Yes.

2 Good morning. May it please the
3 board, Jack Plackter, from Fox, Rothschild. I
4 am counsel for Boardwalk 1000, a New Jersey
5 Limited Liability Company.

6 As you see before you, basically,
7 this is kind of a partnership, almost, between
8 Steel Pier -- and we have Mr. Catanuso, who's
9 the principal of Steel Pier.

10 The Hard Rock, we were going to
11 have a representative of Hard Rock, but they're
12 so -- they're so busy trying to open that they
13 don't have time to go anywhere, and they have a
14 June 28th opening.

15 But, I think what's really exciting
16 about his application is that, as we all know,
17 when you look at that end of the Boardwalk, it's
18 been dead for several years.

19 You know, Steel Pier has a very
20 significant investment there. We believe that,
21 synergistically, once Hard Rock opens and also
22 Ocean resort, it's gonna make that whole area
23 vibrant.

24 And what the purpose of this
25 application is, is, on this bridge sign, which

1 is over the Boardwalk, the bridge which spans
2 the Boardwalk and the structure that also sits
3 on the Boardwalk, we wanted to create some
4 excitement to draw people who are walking down
5 the Boardwalk. Even though not all the people
6 come from the Boardwalk, it's still the major
7 pedestrian way, it's a public street, and we
8 wanted to be able to draw people down to that
9 area of the Boardwalk.

10 So, we believe that this particular
11 proposal promotes a number of purposes of the
12 Tourism District, in terms of -- and you'll hear
13 Mr. Barnhart testify about that, but we believe
14 that it promotes several purposes.

15 LANCE LANDGRAF: Jack, if I could.
16 I forgot to ask Mr. Reid to -- just to confirm
17 we've got proper notice here. So...

18 JACK PLACKTER: Yeah. I was going
19 to do that, but...

20 LANCE LANDGRAF: Okay. All right.
21 Go ahead.

22 JACK PLACKTER: Yeah.

23 So, we believe that it -- I'll do
24 that now for you.

25 So, in accordance with New Jersey

1 Municipal Land Use Law, we did cause a notice of
2 this hearing to be published in the
3 Atlantic City Press on May 28th, and also sent
4 certified mail notices to all property owners
5 within 200 feet on May 25th.

6 We did produce an attorney
7 affidavit to Mr. Reid, and we'll just ask him to
8 indicate whether we have jurisdiction for the
9 hearing.

10 ROBERT REID: Yes. I've reviewed
11 the documents submitted by Mr. Plackter, and we
12 have jurisdiction to hear the application.

13 LANCE LANDGRAF: Good. Thank you.

14 JACK PLACKTER: Thank you.

15 LANCE LANDGRAF: Go ahead.

16 JACK PLACKTER: So, in talking
17 about, you know, the excitement, we think that
18 this is going to, you know, reinvigorate the
19 area.

20 We believe it promotes a number of
21 purposes of the Tourism District, which include
22 but are not necessarily limited to, when you
23 look at the purposes in your own ordinance, it
24 advances the purpose of the Atlantic City
25 Tourism District by enabling the opening and

1 promotion of two world-class, you know, tourist
2 destinations, meaning Steel Pier activities, as
3 well as Hard Rock.

4 It creates an improved resort
5 experience through new and dynamic offerings,
6 which is purpose number 3, in that we're going
7 to be advertising -- not only identifying
8 Hard Rock, but advertising what's going on at
9 Steel Pier. Also, what's advertised at
10 Hard Rock.

11 In addition -- and I just want to
12 be clear, that electronic billboard sign, we
13 would like permission to also -- it's going to
14 be minimal, but we'd also like permission, and
15 we advertised for it, to be able to include
16 third-party advertising. But, that's going to
17 be minimal. It's going to be about 90 percent
18 probably, predominantly, Hard Rock, but there
19 will be some Steel Pier.

20 And that requires, you know, a
21 d. variance. Because, technically, if it was a
22 freestanding advertising sign, that would
23 require a d. And in our notice, we did call
24 that out; that we were asking permission for an
25 advertising sign rather than a business

1 information sign.

2 We also think that it promotes
3 purpose 3 -- 5, encourages innovative land uses
4 to stimulate new markets and strengthens the
5 Tourism District's economic base. We believe
6 these signs will ensure -- although we think
7 we're going to both be successful, we think
8 they'll ensure that as well.

9 And then a utilization of flexible
10 development controls to spur market-friendly
11 development that promotes a desirable visual
12 environment.

13 So, those are the purposes that we
14 think it promotes.

15 What we're asking for is, if you
16 look at the plans that were filed that are up on
17 the display, there's four signs. There's two --

18 LANCE LANDGRAF: Excuse me for one
19 second.

20 JACK PLACKTER: Yes.

21 LANCE LANDGRAF: Can you dim the
22 lights on that end so that --

23 Thank you.

24 JACK PLACKTER: So, the first
25 elevation, which is on top, demonstrates the

1 elevation that you would be -- you would see if
2 you're approaching from -- you know, from
3 Resorts, if you're walking down the Boardwalk
4 and you're going toward Hard Rock and Steel
5 Pier. So, there's a badge sign.

6 And we were very conservative. We
7 took not only the logo, which you do have to box
8 out rectangularly, but we also -- there's a wrap
9 that goes around. When we also --

10 Mr. Barnhart's going to -- included
11 that in the square footage.

12 It's really not a sign, but we
13 just, to be conservative, you know, put that
14 forth as well as part of the square footage.

15 Similarly, there's a -- I guess, a
16 mirror image of that Hard Rock badge sign on the
17 other side of the bridge, which is on the lower
18 elevations. So, those are two of the four
19 signs.

20 The other two signs are a Steel
21 Pier sign, which you can see below, and then, of
22 course, there's that electronic billboard.

23 And there's actually two separate
24 parts. You have the bridge structure, and then
25 you have the base structure that goes, you know,

1 on the other side of the bridge.

2 So, that's how we're going to
3 testify.

4 At this time, I'd like to have
5 Mr. Barnhart sworn in, who will testify about
6 the signage.

7 Mr. Barnhart.

8 Would you swear him in?

9 SCOTT COLLINS: Do you swear to
10 tell the truth, the whole truth and nothing but
11 the truth in your testimony before this board?

12 JON BARNHART: I do.

13 SCOTT COLLINS: Thank you.

14 JACK PLACKTER: Also, I guess we
15 can assume that the board professionals have
16 been previously sworn, or do you want to swear
17 them in as well?

18 SCOTT COLLINS: They have been
19 previously sworn.

20 JACK PLACKTER: Okay. Fine.
21 Thanks.

22 LANCE LANDGRAF: We would stipulate
23 to Mr. Barnhart's credentials in this case.

24 JACK PLACKTER: Okay. Yes.

25 SCOTT COLLINS: Thank you.

1

2 DIRECT EXAMINATION

3 BY JACK PLACKTER:

4 Q. So, Mr. Barnhart, you're a licensed

5 --

6 SCOTT COLLINS: As both a planner
7 and a engineer?

8 JON BARNHART: Yes.

9 SCOTT COLLINS: Okay.

10 JON BARNHART: Thank you.

11 SCOTT COLLINS: Sorry.

12 BY JACK PLACKTER:

13 Q. You're a licensed planner and
14 engineer in the State of New Jersey. Is that
15 correct?

16 A. Yes.

17 Q. And you're employed by Art Ponzio &
18 Associates. Correct?

19 A. That's correct.

20 Q. Okay. And were you engaged by
21 Boardwalk 1000 to present testimony today?

22 A. Yes.

23 Q. And in connection with that
24 testimony, have you been to Steel -- the site of
25 Steel Pier and the site of the Hard Rock on the

1 Boardwalk on at least one or more occasions?

2 A. Yes.

3 Q. Okay. Similarly, in connection
4 with your testimony, were these plans that
5 you're going to testify from either prepared by
6 you or under your direction and are you familiar
7 with them?

8 A. I'm familiar with them. The plans
9 were prepared by SOSH architects.

10 Q. Okay.

11 A. And John DeRichie is -- is here.

12 JACK PLACKTER: We do have John
13 here in case there's any architectural
14 questions.

15 BY JACK PLACKTER:

16 Q. In addition, have you had occasion
17 to review the Tourism District regulations in
18 connection with your testimony?

19 A. Yes.

20 Q. And finally, have you reviewed the
21 professional reports prepared by the board
22 planner?

23 A. Yes.

24 Q. Okay. Now, based upon that, then,
25 would you describe the existing conditions?

1 A. Sure. I think everybody's familiar
2 with -- with -- with what the facility currently
3 looks like.

4 The location of the project is the
5 skybridge that connects the former Taj Mahal,
6 soon to be Hard Rock Casino, with the structure,
7 the building structure, that sits on the Steel
8 Pier. And then the -- and then the other -- and
9 then two of the signs, both, are proposed to
10 actually sit on the face of that Steel Pier
11 building that you -- is the structure that you
12 walk through before you get out to the amusement
13 portion of the pier.

14 The proposal this morning is to
15 develop that area with three different signs
16 kind of for three different purposes, we'll say.

17 The first that I'll talk about is
18 the sign that you can see on the exhibit that is
19 up for Hard Rock Casino, which will be on the
20 bridge.

21 As -- as submitted, the -- what you
22 can see there, that -- the bridge facade -- and
23 I'm just going to put some numbers into the
24 record for -- to make sure we're all on the same
25 page.

1 The bridge facade has a total
2 calculated area of 2,067 square feet.

3 What is proposed is the Hard Rock
4 emblem logo that you can see in that exhibit.
5 And then you can -- you also see the -- the red
6 outlined rectangular shape that goes from one
7 side of the bridge to the other. That is an
8 applied skin that will have a graphic -- will
9 potentially have a graphic on it. I don't think
10 they've determined what the graphic will be.
11 So, what they have -- what they have requested,
12 to be conservative, is that that entire
13 Hard Rock emblem, boxed out, together with that
14 -- with that rectangular shape going from
15 end-to-end on the pier be classified as a sign,
16 which is what the -- which is what -- what
17 calculates to be 52.4 percent of the -- of the
18 facade of that pier -- I'm sorry -- of that
19 skybridge.

20 So, what you -- what you see,
21 really, is that -- what you see, really, is that
22 the actual Hard Rock sign itself, if you
23 calculate out the box around the Hard Rock sign,
24 that sign actually calculates to only 32 percent
25 of the facade. And if you take an even more

1 strict approach to modifying the box to just
2 around the lettering and -- and the structure
3 itself, it actually drops it down under 20
4 percent.

5 So, the Hard Rock sign itself is
6 actually -- all by itself, actually would
7 comply, but the entire -- the entire emblem with
8 the -- with the wrap that runs from one side of
9 the bridge to the other is what creates the 52
10 percent and what creates the deviation from the
11 land use ordinance.

12 The other two signs, as Jack
13 already pointed out, are on the face of the
14 structure of the Steel Pier building.

15 The -- the lower of the two signs
16 is the Steel Pier identification sign you can
17 see there. That has a total square foot area of
18 -- to be exact, 478.5 square feet.

19 And then the structure -- the sign
20 above it is a proposed LED sign, which will be
21 multi-message. It will be -- it would be a
22 changeable LED sign, which, I believe, by your
23 ordinance, is classified as an electronic
24 billboard, by definition. That structure area
25 is proposed to be 600 square feet.

1 If you calculate the area of the
2 billboard -- the electronic billboard together
3 with the Steel Pier structure and you put that
4 against the square footage of the facade, the
5 total of the facade of that building, I do need
6 to make one point of clarity: That we recognize
7 that the -- these -- the purported square
8 footage on this plan of that facade is actually
9 less -- less than what it -- what it -- what it
10 actually is. So, we do need to clarify that.

11 The facade of that Steel Pier
12 structure is actually 3,842 square feet.

13 So, when you do the math, the total
14 area of those two signs as compared to the
15 facade calculates out to 28 percent of that
16 building facade. So, it's actually -- it's
17 actually a lesser degree of a variance than what
18 we had originally contemplated.

19 Q. And also, did you have occasion to
20 take a look at the Steel Pier as a structure,
21 since it's connected?

22 A. Yeah. So, interestingly enough --
23 and we've done a number of these. I think we've
24 actually had this conversation in front -- in
25 front of -- of this board before. How you

1 calculate what the facade of a building is is --
2 is -- is interesting because you get different
3 projections of things. But --

4 Although we're -- we're recognizing
5 it's a variance, because we do have a defined
6 building here, if you were to step back and look
7 -- look toward the pier, you've got the front
8 piece of the building, which is in line with the
9 build -- with the -- with the pier structure,
10 which has a depth of about five or six feet for
11 the whole length of the pier, all in that same
12 plane. So, if you took the literal definition
13 of facade, these signs would actually more than
14 comply. If you added in that -- you know, that
15 five foot dimension for the -- what is it --
16 almost a thousand feet long of a pier, you'd be
17 getting the -- the benefit of -- of a lot more
18 square footage of your facade. So, your 25
19 percent number would actually be -- would
20 actually permit much more signage. But...

21 LANCE LANDGRAF: Right. But,
22 there's other signs on that --

23 JON BARNHART: Correct. Correct.

24 So -- so, my -- but, my -- so, my
25 point being that we've -- we've taken the

1 conservative and, we think, appropriate approach
2 that we're just looking at this structure and
3 the signs that we're putting on this structure,
4 and that's what we're -- that's the relief that
5 we are requesting.

6 LANCE LANDGRAF: I would -- I would
7 agree with that. That's how I would couch this.

8 JON BARNHART: But, as -- as a
9 person --

10 The idea of the -- of sign -- of
11 the 25 percent, as I -- we understand it, is --
12 is to avoid sign proliferation on the side of a
13 building.

14 When you do step way back from this
15 pier and you're looking at the signs, you've got
16 the giant amusements. You've got a lot going
17 on. So -- so, from a justification standpoint,
18 we think that the request, although it is a
19 deviation, is -- is a de minimis request because
20 it really does not overtake this Steel Pier in
21 any fashion whatsoever.

22 BY JACK PLACKTER:

23 Q. All right. And similarly, if you
24 look at the elevation of Hard Rock -- and we --
25 you can see the signs are going up, and they --

1 they look great, I think.

2 But, if you look at the total
3 square footage of the facades of Hard Rock, we
4 would be nowhere near the 25 percent if you --

5 A. If you applied the full facade --

6 Q. Correct.

7 A. -- of that side of the building
8 from Hard Rock.

9 Q. Right. Correct.

10 JACK PLACKTER: But, again, we're
11 still asking for the variance. We're just
12 pointing out we don't need it --

13 JON BARNHART: Because it's just
14 from the bridge.

15 JACK PLACKTER: The overall
16 proliferation of signs.

17 BY JACK PLACKTER:

18 Q. Please continue.

19 A. Okay. So -- so, that's the
20 technical details of what it is we are -- we are
21 requesting.

22 As Jack pointed out, on the Steel
23 Pier building, the lower sign is a -- you know,
24 is a -- a box sign, internally lit sign, that
25 will just -- that will -- that will say Steel

1 Pier, as you see on the exhibit.

2 The sign above is proposed to be an
3 LED multi-message sign, which is not permitted,
4 as you know, as per land use ordinance.

5 And then the position of that sign,
6 as pointed out in the report, is higher than
7 what an electronic billboard is permitted to be.
8 An electronic billboard is permitted to be 40
9 feet. This bill -- this billboard is actually
10 56.25 feet above grade.

11 Because it is, by definition, an
12 electronic billboard, the height is then limited
13 to the 40 feet, but as a matter of, I guess,
14 practicality, I believe that the intention --

15 Typically, when you think of an
16 electronic billboard, you're thinking of an
17 electronic billboard on a pole or some kind of
18 structure.

19 This sign is not above the roof.
20 It meets all the requirements for its position
21 and height for a wall-type sign.

22 So, although we need the variance,
23 I don't think that the -- that the height,
24 really, with -- with this specific location,
25 creates any real -- any real negative impact on

1 anybody.

2 So, that's kind of the -- the
3 technical side of it.

4 So, we'll get into the
5 justifications of the variance.

6 Q. Okay. And also, let's address the
7 -- how that electronic billboard is going to be
8 used.

9 A. Sure. So, as it was described
10 already, the sign is -- 90 percent of the time
11 of the sign, of the multi-message sign, as we
12 understand, is anticipated to be used for -- for
13 Hard Rock.

14 Q. And Steel Pier -- or Steel Pier.

15 A. And Steel Pier. Yeah.

16 And the -- and the balance of it
17 may be used for advertisement of -- of other --
18 other things, whether it be goods, services or
19 other -- other locations.

20 Q. Mmm-hmm.

21 A. But, it's just going to be a minor
22 portion of the sign usage.

23 Q. Okay.

24 A. So, with regard to the
25 justification, Jack already pointed -- pointed a

1 couple of things out and so does Ms. Cofone's
2 report, but I just want, you know, to put them
3 all into the record.

4 The -- we believe that the
5 application certainly does promote the purpose
6 of the Tourism District. And I'm just going to
7 go right back through them.

8 Number one, it advances the purpose
9 of Atlantic City's Tourism District Act by
10 enabling the opening of a world-class tourist
11 destination. These signs are just one small
12 component of -- of helping to make these
13 facilities successful; by identifying them, by
14 letting patrons that are coming down the
15 Boardwalk see where they are, by providing some
16 excitement on the Boardwalk with these -- with
17 these well -- you know, these -- these
18 well-detailed and lit sign structures. So, we
19 believe that that purpose is advanced.

20 Second, it creates an improved
21 resort experience through new and dynamic
22 offerings. Again, it's -- it's a -- this is a
23 well thought out, very tasteful signage package
24 which -- which works with the two adjacent
25 properties -- which works with the two adjacent

1 properties. And although there are a lot of
2 controls on signage and, specifically, LED
3 signage is not -- an electronic billboard is not
4 permitted, if you look to the Atlantic City --
5 I'm sorry -- the CRDA master plan -- and I
6 actually have it with me -- Volume II of the
7 master plan, there are some -- there are some
8 potential exhibits in that Volume II of the
9 master plan that show potential Boardwalk
10 signage. And it has exciting signage on it, all
11 -- all different types of signage to help -- to
12 help create a very lively, bright and vibrant
13 type of atmosphere on the Boardwalk.

14 We think that although these signs
15 are not enormous, we think that they have at
16 least three different signs nicely identifying
17 these properties, with the option of the
18 multi-message sign, helps to bring that forward.
19 So, it advances that -- that purposes -- purpose
20 of -- of -- of the master plan.

21 The third item is to encourage
22 innovative land uses to stimulate new markets
23 and strengthen the Tourism District and economic
24 base. Obviously, that is the whole -- the --
25 the goal of both of these really key projects in

1 the City of Atlantic City; being Hard Rock and
2 the Steel Pier.

3 And then finally, utilization of
4 flexible development controls to spur
5 market-friendly development that promote a
6 desirable visual environment. I kind of already
7 touched on that. You know, we think that these
8 signs help -- help to create some liveliness in
9 this area of the Boardwalk, and then, obviously,
10 most importantly, identify the uses that they
11 are supporting.

12 So, you know, with regard to the
13 special reasons or purposes of building in the
14 Municipal Land Use Law, the -- the items that I
15 just went through kind of go hand-in-hand with
16 those, but I think that this is an application
17 that certainly provides a desirable visual
18 environment through creative design techniques,
19 and I think that it also is an application that
20 promotes the general welfare because it does --
21 it does support these uses; that -- that people
22 coming to the community will utilize and will be
23 able to identify, as they do utilize the
24 Atlantic City Boardwalk facility.

25 With --

1 Q. Go ahead.

2 A. Oh. With regard to the negative
3 criteria for the app -- for the variances, is
4 there a substantial detriment to the zone plan
5 or zoning ordinance. I would argue that there
6 is not. I think that, as, again, if you look --
7 talking about the size, the shape, the height,
8 if you step back and you look at these
9 properties as a whole, if you look at the Steel
10 Pier, you look at -- you look at Taj Mahal,
11 which is over a 20 acre piece of property, the
12 Steel Pier is a thousand feet or so long, you're
13 talking about, together, one of the largest
14 structures in the City of Atlantic City. And
15 when you look at that -- at that facade,
16 especially the -- the Hard Rock side, there is
17 -- there is really not that much signage on it.

18 So, this is -- this is, we think,
19 key identification of two -- of two very, very
20 important projects in the City of Atlantic City
21 that's being done in a tasteful manner that does
22 not overtake the Boardwalk and does --
23 certainly, does not overtake the buildings
24 themselves. So, we believe that there is no
25 substantial detriment to the zone plan or zoning

1 ordinance.

2 With regard to a substantial
3 detriment to the public good, frankly, this is a
4 location where there is, really, no residential
5 to impact. There -- this is a location that --
6 that these signs really are for the public.
7 They're for the purpose of people coming down
8 the Boardwalk. Oh, there is -- there it is, we
9 can see the -- we see Hard -- Hard Rock's right
10 up ahead, we see Steel Pier's right up ahead.
11 That's where they're going. It's really -- it's
12 really for the -- for the public to actually be
13 able to -- to glean the information and be able
14 to know where it is that they want to go. So,
15 we believe that there is no substantial
16 detriment to the public good because there's
17 really no negative impact to any of the
18 surrounding properties or to the public in
19 general.

20 Q. If these variances are granted,
21 will they be either inconsistent with the master
22 plan or zoning ordinance of the City of Atlantic
23 City or the Tourism District regulations?

24 A. I do not believe they will, for all
25 the reasons I've already stated.

1 Q. Okay. And also, you're familiar
2 with the Boardwalk.

3 A. Yes.

4 Q. I mean, this LED sign, for example,
5 will not be anything unique. In fact, there's
6 LED signs almost every block leading up to Steel
7 Pier and the Hard Rock. Correct?

8 A. Yeah. There -- there was an LED
9 sign project done on the Boardwalk, as we know,
10 that creates a series of LED signs as you walk
11 down the Boardwalk, on the ocean side edge of
12 the Boardwalk itself. So, yes, LED --

13 These -- this LED sign would not be
14 something that is new to the Boardwalk.

15 We did -- as you know, we did a --
16 an application for Tropicana to create an LED
17 experience on the front of their building.

18 Again, I go back to -- and we look
19 at it all the time -- the CRDA master plan. The
20 idea of the Boardwalk was to make it bright,
21 light, exciting, you know. And while one sign
22 doesn't do that, you keep doing these and, all
23 of a sudden, you get that -- you get that
24 appearance. Then that's, I think, the key to a
25 project like this.

1 If you take just the billboard, the
2 LED billboard, on the Steel Pier by itself,
3 okay, it's nice, it provides information, but it
4 doesn't give you what you're looking for in
5 total. But, as these projects come forward and
6 they want to do these things, then you finally
7 do, eventually, get that experience that, I
8 think, the master plan has been looking for.

9 Q. And have you reviewed the
10 professional reports that were issued by
11 Ms. Cofone?

12 A. Yes.

13 Q. And do we have any problems with
14 any of her conditions?

15 A. I do not.

16 Where is my copy?

17 Q. Here it is, right here.

18 A. Oh.

19 Q. I took it from you.

20 A. Oh.

21 No. We've -- we've reviewed
22 Ms. Cofone's report. Once Ms. Cofone and -- or
23 Mr. England go through their comments, we can
24 certainly provide any additional information
25 or testimony that's necessary, but we'll -- we

1 have no -- we take no exception to anything in
2 the report.

3 Q. Yeah. And finally, based upon the
4 facts you testified, your review of the
5 professional reports, have you formed an opinion
6 whether this applicant's entitled to a minor
7 site plan approval as well?

8 A. I believe they are. I mean, there
9 really are no site plan issues, per se. There's
10 no change to any of the site operations or
11 function or circulation or anything. This is
12 purely a sign application.

13 Q. All right. Thank you.

14 LANCE LANDGRAF: Mr. Plackter, I
15 have one --

16 JACK PLACKTER: Sure.

17 LANCE LANDGRAF: -- comment and --
18 before we get to Christine's report.

19 I think there may be an additional
20 variance needed for that wrap over the windows.
21 Because they are windows, there's a section of
22 our -- our regulations, 19:665.7G9, window
23 signs, --

24 JACK PLACKTER: Mmm-hmm.

25 LANCE LANDGRAF: -- you can only

1 cover 25 percent of those windows.

2 JACK PLACKTER: Yeah.

3 LANCE LANDGRAF: So, it looks like
4 you're going to wrap the whole thing on both
5 sides.

6 JACK PLACKTER: Yeah.

7 LANCE LANDGRAF: So, we can amend
8 that application to include that.

9 CHRISTINE COFONE: I don't have
10 that variance.

11 UNIDENTIFIED MALE SPEAKER FROM THE
12 AUDIENCE: You can move the variance --

13 JACK PLACKTER: Yeah. So...

14 LANCE LANDGRAF: I know.

15 JACK PLACKTER: Yeah. I don't know
16 if you want to swear in Mr. Catanuso, but ...

17 LANCE LANDGRAF: All of these --
18 these glass pane windows is a stretch --

19 JACK PLACKTER: Right.

20 LANCE LANDGRAF: -- because they're
21 -- they're kind of opaque.

22 You can't really --

23 JACK PLACKTER: Actually, I would
24 concur with you. We do need --

25 And we did -- we did have a

1 catchall provision.

2 LANCE LANDGRAF: I'm sure you did.
3 just seeing it today, I'm like, you know what --

4 JACK PLACKTER: No. I appreciate
5 that.

6 We had talked about that. And,
7 yeah, I think you're correct.

8 LANCE LANDGRAF: And the aesthetic
9 improvement that alone will create is a -- is a
10 positive for that. The windows have been up a
11 long time and they haven't -- they haven't fared
12 well.

13 JACK PLACKTER: I think that may be
14 why they just wanted to wrap it, because they
15 otherwise --

16 JON BARNHART: Isn't that why
17 they're doing that?

18 LANCE LANDGRAF: Yeah. They'd have
19 to replace them all.

20 JACK PLACKTER: Yeah.

21 JON BARNHART: They're doing the
22 wrap to make it look nicer. Yeah.

23 LANCE LANDGRAF: I won't disagree.

24 CHRISTINE COFONE: Which is
25 certainly consistent with one of the positive

1 criteria in the land use law; a desirable visual
2 environment.

3 So, I think that there's definitely
4 justification for that variance, but it's
5 probably a technical variance.

6 JACK PLACKTER: Correct. Thank you
7 for pointing that out.

8 JON BARNHART: Thank you.

9 LANCE LANDGRAF: With that, I'll
10 ask Christine if you want to go through your
11 report real quick.

12 CHRISTINE COFONE: Yep.

13 So, thank you. Mr. Barnhart, as he
14 always does, certainly walked through the proofs
15 that we requested in our report.

16 My only concern at this point would
17 be with the advertising, the off-site
18 advertising, that percentage of the sign. I
19 mean, certainly, with all the things that you
20 testified to this morning, wanting to have these
21 signs and bring vitality to Atlantic City, we
22 would just want to make sure -- and I think we
23 brought this up in Tropicana as well -- that we
24 don't want any off-site advertising that's going
25 to conflict with any of our restaurants,

1 amusement piers, anything going on in
2 Atlantic City. Like we certainly wouldn't want
3 anybody advertising that there's a wine festival
4 in Smithville or something today. So, I think
5 it would be important. And I would recommend
6 that as a condition, because that is a
7 d. variance. So, I do think we have the right
8 to impose reasonable conditions. And I do
9 think, given the goals of the Tourism District
10 that you cited here today, --

11 JACK PLACKTER: Absolutely.

12 CHRISTINE COFONE: -- I think that
13 there should be a requirement that that off-site
14 not include -- that any off-site advertising not
15 include any competition of any business in
16 Atlantic City.

17 JACK PLACKTER: Well, yeah.

18 Mr. Canuso -- Mr. Catanuso -- excuse me -- is in
19 the audience, and he shook his head, but if you
20 want to testify -- if you want him to be sworn
21 in, he can certainly testify to that; that
22 that's acceptable.

23 LANCE LANDGRAF: I think that would
24 be helpful. Yes.

25 SCOTT COLLINS: Would you raise

1 your right hand, please?

2 Do you swear to tell the truth, the
3 whole truth and nothing but the truth in your
4 testimony before this board?

5 UNIDENTIFIED MALE SPEAKER FROM THE
6 AUDIENCE: I do.

7 SCOTT COLLINS: Thank you.

8 JACK PLACKTER: So, first of all,
9 that sign, just for the record, is going to be
10 owned by Steel -- Steel Pier. That -- that's
11 your sign.

12 MEMBER FROM THE AUDIENCE (ANTHONY
13 CATANUSO): That's our sign.

14 JACK PLACKTER: So, Mr. Catanuso
15 controls that.

16 CHRISTINE COFONE: Great.

17 JACK PLACKTER: So, just -- if you
18 can briefly just describe what you see as the
19 operation of that sign.

20 MEMBER FROM THE AUDIENCE (ANTHONY
21 CATANUSO): Yeah. Primarily, we -- we wanted it
22 up there to advertise what we -- we had going
23 on; run our commercial, our events.

24 We have vendors up there. We have
25 -- you know, we have Coke, we have liquor

1 companies, beer companies, food companies. They
2 all may want to advertise, but it's all -- you
3 know, that's all contained in -- on our
4 property.

5 When we showed this sign to Jim
6 Allen at Hard Rock, when we were negotiating for
7 the bridge, he had said, well, look, we -- you
8 know, we'll -- if you're doing advertising,
9 we'll take 90 percent of it.

10 And we assume. With 300 live
11 events, I doubt if we'll -- Steel Pier will have
12 five percent of the sign.

13 CHRISTINE COFONE: Right. Right.

14 MEMBER FROM THE AUDIENCE (ANTHONY
15 CATANUSO): And, you know, that -- it -- it will
16 be an income-producing sign for us, which is,
17 you know, our goal.

18 So, between Hard Rock and Steel
19 Pier, it will be swallowed up. We're not going
20 to -- we don't want to take anyone off the
21 property. I don't want to send people to the
22 Marina District or down the Boardwalk.

23 CHRISTINE COFONE: Right. Right.

24 MEMBER FROM THE AUDIENCE (ANTHONY
25 CATANUSO): So, you know, we've been in the dark

1 ages for a few years. We want to keep them down
2 our end.

3 JACK PLACKTER: And you, in the
4 audience, you heard Ms. Cofone's condition; that
5 she doesn't want us to advertise for third
6 parties, something that would be inconsistent
7 with --

8 MEMBER FROM THE AUDIENCE (ANTHONY
9 CATANUSO): Yes.

10 JACK PLACKTER: -- things going on
11 --

12 CHRISTINE COFONE: In
13 Atlantic City. Or promoting uses elsewhere
14 other than Atlantic City.

15 JACK PLACKTER: Yeah.

16 MEMBER FROM THE AUDIENCE (ANTHONY
17 CATANUSO): Yeah.

18 CHRISTINE COFONE: Because I think
19 that that would impair the -- would be a
20 substantial detriment or have a negative
21 criteria on the application.

22 JACK PLACKTER: And that
23 condition's acceptable to you?

24 MEMBER FROM THE AUDIENCE (ANTHONY
25 CATANUSO): Yeah. Like I said, I think we'll be

1 fighting for the five percent --

2 CHRISTINE COFONE: Yeah.

3 MEMBER FROM THE AUDIENCE (ANTHONY
4 CATANUSO): -- from Hard Rock to keep Steel Pier
5 on there. So...

6 CHRISTINE COFONE: Fair enough.

7 MEMBER FROM THE AUDIENCE (ANTHONY
8 CATANUSO): Yeah. We're -- we're okay with
9 that.

10 CHRISTINE COFONE: Thank you.

11 LANCE LANDGRAF: We don't need any
12 Wildwood amusement rides on there.

13 CHRISTINE COFONE: Right.

14 MEMBER FROM THE AUDIENCE (ANTHONY
15 CATANUSO): I don't think you'll see me
16 advertising Wildwood. So...

17 CHRISTINE COFONE: We don't want to
18 see anybody ever --

19 LANCE LANDGRAF: I just wanted to
20 make sure.

21 MEMBER FROM THE AUDIENCE (ANTHONY
22 CATANUSO): Yeah.

23 LANCE LANDGRAF: So, thank you.

24 CHRISTINE COFONE: Thank you.

25 MEMBER FROM THE AUDIENCE (ANTHONY

1 CATANUSO): All right.

2 JACK PLACKTER: Thanks. Next time.

3 LANCE LANDGRAF: Are we good?

4 CHRISTINE COFONE: Mmm-hmm. Yep.

5 That's it.

6 LANCE LANDGRAF: All right. Thank
7 you.

8 With that, I'll open the meeting up
9 to the public. If anybody here in the public
10 wanted to speak, please step forward, state your
11 name.

12 Seeing no one jumping to their
13 feet, we'll close the public portion and bring
14 it back to the board.

15 Scott, do you have anything?

16 SCOTT COLLINS: I just wanted a
17 housekeeping -- jump back and mark the
18 application materials A1.

19 JACK PLACKTER: Sure.

20 SCOTT COLLINS: And the exhibit
21 that's been referred to --

22 JACK PLACKTER: That was part of
23 the application package, but we can mark it if
24 you'd like.

25 SCOTT COLLINS: If it's part of the

1 application package, then we'll just leave that
2 as that.

3 And then the June 4th, 2018 ARH
4 letter will be B1.

5 LANCE LANDGRAF: Okay. Anything
6 else, Christine? Nothing?

7 CHRISTINE COFONE: Not at this
8 point.

9 LANCE LANDGRAF: Bill, you didn't
10 want to do anything on this?

11 WILLIAM ENGLAND: Just one comment,
12 which was incorporated in the letter. So...

13 CHRISTINE COFONE: Yeah.

14 LANCE LANDGRAF: Okay. Good.
15 Rob, are we good?

16 ROBERT REID: Yeah. I just wanted
17 to say that, historically, the Steel Pier
18 building had substantially more signage on it
19 than it has today.

20 JACK PLACKTER: That is true.

21 ROBERT REID: Okay. Thanks.

22 LANCE LANDGRAF: If there's no
23 other testimony, we'll close the --

24 Well, one -- one thing. I am going
25 to try and get this on our June meeting. I

1 don't know that that's possible.

2 JACK PLACKTER: Okay.

3 CHRISTINE COFONE: Scott will go
4 write the report this weekend. It will be fine.
5 Scott will do it.

6 LANCE LANDGRAF: Our meeting's the
7 19th.

8 SCOTT COLLINS: That may be
9 possible.

10 LANCE LANDGRAF: So, we will try.
11 Because I know you guys are trying to get all
12 this done for the 28th. So...

13 I've got some hurdles to get
14 through to get that on that agenda, but I will
15 do my best.

16 JACK PLACKTER: We appreciate the
17 cooperation.

18 LANCE LANDGRAF: So, with that,
19 I'll close the testimony on this matter.

20

21 (This public hearing concluded at
22 10:29 A.M.)

23

24

25

<p style="text-align: center;">A</p> <p>able 8:8 10:15 27:23 29:13,13 about 7:16 8:13 9:17 10:17 13:5 16:17 20:10 28:7,13 34:6 above 2:13 18:20 23:2,10,19 above-referenced 2:2 Absolutely 36:11 acceptable 36:22 39:23 accordance 6:14 8:25 acre 28:11 Act 6:15 25:9 activities 10:2 actual 17:22 actually 12:23 16:10 17:24 18:3,6,6 19:8,10,12,16,17 19:24 20:13,19,20 23:9 26:6 29:12 33:23 ADAMS 3:8 added 20:14 addition 10:11 15:16 additional 31:24 32:19 address 24:6 adjacent 25:24,25 advanced 25:19 advances 9:24 25:8 26:19 advertise 37:22 38:2 39:5 advertised 10:9,15 advertisement 24:17 advertising 10:7,8,16,22,25 35:17,18,24 36:3,14 38:8 40:16 aesthetic 34:8 affidavit 9:7 again 22:10 25:22 28:6 30:18 against 19:4 agenda 6:8,16 43:14 ages 39:1 agree 21:7 ahead 8:21 9:15 28:1 29:10,10 allegiance 6:9,10 Allen 38:6 almost 7:7 20:16 30:6 alone 34:9 already 18:13 24:10,25 27:6 29:25 although 11:6 20:4 21:18 23:22 26:1,14 always 35:14 amend 33:7 amusement 16:12 36:1 40:12 amusements 21:16 AND/OR 5:13 ANTHONY 5:8 37:12,20 38:14,24 39:8,16,24 40:3,7 40:14,21,25 anticipated 24:12 anybody 24:1 36:3 40:18 41:9</p>	<p>anyone 38:20 anything 30:5 32:1,11 36:1 41:15 42:5,10 anywhere 7:13 app 28:3 appearance 30:24 APPEARANCES 2:18 APPLICANT 4:2 applicant's 32:6 application 1:16 6:18,21 7:16 7:25 9:12 25:5 27:16,19 30:16 32:12 33:8 39:21 41:18,23 42:1 applied 17:8 22:5 appreciate 34:4 43:16 approach 18:1 21:1 approaching 12:2 appropriate 21:1 approval 1:10 32:7 architects 15:9 architectural 15:13 area 7:22 8:9 9:19 16:15 17:2 18:17,24 19:1,14 27:9 argue 28:5 ARH 42:3 around 12:9 17:23 18:2 Art 14:17 asking 10:24 11:15 22:11 Associates 14:18 assume 13:15 38:10 Atlantic 1:14 2:4 9:3,24 25:9 26:4 27:1,24 28:14,20 29:22 35:21 36:2,16 39:13,14 atmosphere 26:13 attorney 9:6 audience 33:12 36:19 37:6,12 37:20 38:14,24 39:4,8,16,24 40:3,7,14,21,25 AUTHORITY 1:1 2:3,19 Avenue 1:13 2:4 avoid 21:12 A.M 2:14 6:2 43:22 A1 5:14 41:18</p> <hr/> <p style="text-align: center;">B</p> <p>B 2:21 back 20:6 21:14 25:7 28:8 30:18 41:14,17 badge 12:5,16 Baer 6:14 balance 24:16 Barnhart 5:5 8:13 13:5,7,12 14:4,8,10 20:23 21:8 22:13 34:16,21 35:8,13 Barnhart's 12:10 13:23 base 11:5 12:25 26:24 based 15:24 32:3 basically 7:6</p>	<p>beer 38:1 before 2:5 7:6 13:11 16:12 19:25 32:18 37:4 being 2:14 20:25 27:1 28:21 believe 7:20 8:10,13,23 9:20 11:5 18:22 23:14 25:4,19 28:24 29:15,24 32:8 below 12:21 benefit 20:17 best 43:15 between 7:7 38:18 bill 23:9 42:9 billboard 10:12 12:22 18:24 19:2,2 23:7,8,9,12,16,17 24:7 26:3 31:1,2 block 1:12,12 30:6 board 3:2 7:3 13:11,15 15:21 19:25 37:4 41:14 Boardwalk 1:8,13 6:17,19 7:4 7:17 8:1,2,3,5,6,9 12:3 14:21 15:1 25:15,16 26:9,13 27:9,24 28:22 29:8 30:2,9 30:11,12,14,20 38:22 both 6:17 11:7 14:6 16:9 26:25 33:4 box 12:7 17:23 18:1 22:24 boxed 17:13 bridge 7:25 8:1 12:17,24 13:1 16:20,22 17:1,7 18:9 22:14 38:7 briefly 37:18 bright 26:12 30:20 bring 26:18 35:21 41:13 brought 35:23 build 20:9 building 16:7,11 18:14 19:5 19:16 20:1,6,8 21:13 22:7 22:23 27:13 30:17 42:18 buildings 28:23 BULK 1:10 business 10:25 36:15 busy 7:12 Byron 6:14 B1 5:17 42:4</p> <hr/> <p style="text-align: center;">C</p> <p>calculate 17:23 19:1 20:1 calculated 17:2 calculates 17:17,24 19:15 call 6:4 10:23 Canuso 36:18 case 13:23 15:13 Casino 1:1,9 2:2,19 6:20 16:6 16:19 Catanuso 5:8 7:8 33:16 36:18 37:13,14,21 38:15,25 39:9 39:17,25 40:4,8,15,22 41:1 catchall 34:1</p>	<p>cause 9:1 CCR 2:6 certainly 25:5 27:17 28:23 31:24 34:25 35:14,19 36:2 36:21 Certificate 2:8 certified 2:5,6,8,9,9,10,11,11 9:4 Chairman 2:21 change 32:10 changeable 18:22 Christine 3:6 33:9 34:24 35:10,12 36:12 37:16 38:13 38:23 39:12,18 40:2,6,10,13 40:17,24 41:4 42:6,7,13 43:3 Christine's 32:18 circulation 32:11 cited 36:10 City 1:14 2:4 9:3,24 26:4 27:1 27:1,24 28:14,14,20,20 29:22,23 35:21 36:2,16 39:13,14 City's 25:9 clarify 19:10 clarity 19:6 classified 17:15 18:23 clear 10:12 close 41:13 42:23 43:19 CLR 2:12 CM 2:9 Cofone 3:6,6 31:11,22 33:9 34:24 35:12 36:12 37:16 38:13,23 39:12,18 40:2,6,10 40:13,17,24 41:4 42:7,13 43:3 Cofone's 25:1 31:22 39:4 Coke 37:25 COLLINS 3:4 13:9,13,18,25 14:6,9,11 36:25 37:7 41:16 41:20,25 43:8 come 8:6 31:5 coming 25:14 27:22 29:7 commencing 2:14 comment 32:17 42:11 comments 31:23 commercial 37:23 community 27:22 companies 38:1,1,1 Company 7:5 compared 19:14 competition 36:15 comply 18:7 20:14 component 25:12 concern 35:16 concluded 43:21 concur 33:24 condition 36:6 39:4</p>
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