

CASINO REINVESTMENT DEVELOPMENT AUTHORITY

LAND USE REGULATION and ENFORCEMENT DIVISION

133 SOUTH TENNESSEE AVENUE, LLC

TENNESSEE AVENUE BEER GARDEN

SEEKING SITE PLAN APPROVAL, "C" VARIANCES FOR
SETBACKS FOR SITE IMPROVEMENTS AND CONSTRUCTION OF
BUILDING WITHOUT PRIOR APPROVALS

BLOCK 54, LOTS 13, 15

133 South Tennessee Avenue,
Atlantic City, NJ

Thursday - November 1, 2018



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1 Public hearing in the
2 above-referenced matter, taken at Council
3 Chambers, Room 206, CITY OF ATLANTIC CITY, CITY
4 HALL, 1301 Bacharach Boulevard, Atlantic City,
5 New Jersey, before Karen A. Haworth, a New
6 Jersey Certified Court Reporter (CCR),
7 nationally certified Registered Professional
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11 Certified Shorthand Reporter (CSR), nationally
12 certified Certified LiveNote™ Reporter (CLR),
13 and Notary Public of the State of New Jersey, on
14 the above date, commencing at 10:23 A.M., there
15 being present:

16

17

18

19 APPEARANCES:

20 CASINO REINVESTMENT DEVELOPMENT AUTHORITY:

21

22 LANCE B. LANDGRAF, JR.

Chairman

23 Director, Planning Department

24

25 ROBERT L. REID

1 PROFESSIONALS TO THE BOARD FOR THIS HEARING:

2

3 RUDY S. RANDAZZO, ESQUIRE

RIKER, DANZIG, SCHERER, HYLAND & PERRETTI

4

5 JEFFREY HANSON

HANSON PLANNING

6

7

8

9

10

11 ALSO PRESENT:

12

13 CHRISTINE COFONE

COFONE CONSULTING GROUP

14

15

16

17

18

19 COUNSEL FOR THE APPLICANT:

20 NICHOLAS F. TALVACCHIA, ESQUIRE

COOPER LEVENSON APRIL NIEDELMAN

21 & WAGENHEIM, ESQUIRES

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I N D E X

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WITNESS(ES)	PAGE NO.
JAY SCIULLO	
By: Mr. Talvacchia	12
MARK CALLAZZO	
By: Mr. Talvacchia	40

EXHIBITS MARKED AND/OR REFERRED TO:

- A-1
- A-2
- B-1

1 (Time noted: 10:23 A.M.)

2

3 LANCE LANDGRAF: The next
4 application. We'll take a minute to let the
5 next applicant come up. But, that application
6 is 2018-10-2520, 133 South Tennessee Avenue,
7 LLC.

8 Mr. Talvacchia.

9 NICHOLAS TALVACCHIA: Yes.

10 LANCE LANDGRAF: Okay. Just while
11 you're coming up, I'll ask Rob to confirm that
12 we have jurisdiction to hear the application.

13 ROBERT REID: Yes. I have reviewed
14 the proof of service provided by the applicant,
15 and we have jurisdiction to hear the
16 application.

17 LANCE LANDGRAF: And I think
18 Mr. Sciullo is on this one as well?

19 NICHOLAS TALVACCHIA: Yeah.

20 LANCE LANDGRAF: You're still
21 sworn. And your credentials are -- they haven't
22 changed since the last hearing. Right?

23 THE WITNESS: I'm -- I'm much
24 better.

25 NICHOLAS TALVACCHIA: He's more

1 experienced now.

2 THE WITNESS: Yeah. More
3 experienced.

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

6 For the record, Nick Talvacchia,
7 Cooper Levenson, on behalf of the applicant.

8 We're actually pretty happy to be
9 here. This is a continuation of the
10 redevelopment of Tennessee Avenue. And one of
11 the persons in the forefront of that
12 redevelopment is Mark Callazzo, sitting there.
13 He is -- he is the applicant. He is 133
14 Tennessee Avenue, LLC.

15 So, this project, as I think you
16 know, was originally approved by a Certificate
17 of Land Use Compliance by the authority, but
18 under the prior Atlantic City regulations last
19 year.

20 And it -- it involves the
21 renovation of a prior restaurant and then the
22 outdoor parcel being converted to an outdoor
23 beer garden, all packaged as one facility.

24 During the course of construction,
25 the applicant decided to make some design

1 changes; adding a roof to the bar area in order
2 to secure and protect it from elements in the
3 outdoor bar area, some fencing, and some other
4 issues. Plus, when those changes were made, we
5 became subject to the new regulations that
6 became effective in January of 2018.

7 Mr. Sciullo will go through that in
8 detail. But, we are, again, really pleased
9 because we think this will be a tremendous asset
10 to the city, to that renovation on Tennessee
11 Avenue, the so-called orange loop.

12 The -- the uses are permitted. The
13 variances are very minor; three "C" variances.

14 We would like to note for the
15 record that we're requesting that the current
16 installed four-foot fence along the frontage be
17 increased to six foot. We think that will
18 provide -- and Mr. Sciullo will go through this
19 -- a little more buffer to the community. Plus,
20 it's in the area of alcohol service -- proposed
21 alcohol service.

22 So, in addition to the one-foot
23 rear setback and the seven-foot fence, which is
24 perpendicular in the front yard to cover the
25 utilities, we're requesting a variance to go to

1 the six-foot fence.

2 We requested -- we're requesting a
3 waiver from site plan submission requirements.
4 This is a little unusual, procedurally, because
5 we got the Certificate of Land Use Compliance,
6 essentially, for the site as it largely exists
7 today.

8 So, the application was really --
9 is a -- is a variance application. Arguably,
10 site plan would be required under your
11 regulations, but in this case, we would ask for
12 a waiver of the submission requirements.

13 We did notice for site plan and/or
14 site plan waiver, along with the variances. So,
15 however you want to handle that, but --

16 LANCE LANDGRAF: Are you good with
17 that, Rudy? Are you okay with that?

18 RUDY RANDAZZO: I think so.

19 LANCE LANDGRAF: Okay. I don't --
20 I don't have an issue with it.

21 We've reviewed this site quite a
22 few times.

23 NICHOLAS TALVACCHIA: Right.

24 LANCE LANDGRAF: So, it's moving
25 forward. We don't want to be the -- the --

1 NICHOLAS TALVACCHIA: Sure.

2 Are we treating it as a site plan
3 waiver or a waiver -- or a site plan, but a
4 waiver of submission requirements, or --

5 LANCE LANDGRAF: I think that's the
6 way that I'd like to handle it; a waiver of
7 submission requirements.

8 NICHOLAS TALVACCHIA: So, it will
9 be a site plan, but a waiver of submission
10 requirements.

11 LANCE LANDGRAF: Right.

12 JEFFREY HANSON: I believe there
13 were only -- if I may, there were only three
14 items that were submitted, as far as site plan
15 goes --

16 NICHOLAS TALVACCHIA: Yeah. Your
17 variance checklist --

18 JEFFREY HANSON: -- 17, 18 and 19?

19 NICHOLAS TALVACCHIA: Your variance
20 checklist was fairly comprehensive, in terms of
21 tracking the site plan requirements, anyway.
22 So...

23 LANCE LANDGRAF: Yeah. So, I
24 think, if we just waive those three items.

25 If you could -- Jeff, if you could

1 tell us what those are.

2 JEFFREY HANSON: The three items on
3 the "C" variance checklist that were being
4 waived were number 17, which lists any existing
5 proposed -- or any existing or proposed deed
6 restrictions, easements, covenants, homeowners'
7 associations agreements, et cetera, as recorded
8 or in recordable form, if proposed.

9 18: List of development stages or
10 phases, if any.

11 And number 19: List of approvals
12 or permits required by other regulatory
13 authorities having jurisdiction and status of
14 same.

15 NICHOLAS TALVACCHIA: Yeah.
16 Realistically, --

17 JEFFREY HANSON: Sorry about that.

18 NICHOLAS TALVACCHIA: -- we can
19 probably address those anyway.

20 I'll just say on the --

21 We're not proposing any deed
22 restrictions. There was an issue raised in the
23 report. There's an alley behind us. Whether or
24 not we have an easement, we have the title.
25 Mark sent it to me. It's about an inch and a

1 half thick.

2 What we'll say is, if we have the
3 easement to use it, we'll use it; if we don't,
4 we won't. It's a back alley.

5 JEFFREY HANSON: They're going to
6 allow you to make the gate. Right?

7 NICHOLAS TALVACCHIA: Hum?

8 JEFFREY HANSON: They're going to
9 allow you to make the gate at the back if they
10 don't?

11 NICHOLAS TALVACCHIA: Yeah. Yeah.
12 Exactly.

13 In terms of other approvals, you
14 know, other than building permits, this does not
15 trigger CAFRA. We're not on a county road. So,
16 other than --

17 THE WITNESS: It's flood hazard
18 permit, by rule.

19 NICHOLAS TALVACCHIA: Flood hazard.

20 THE WITNESS: So, we don't need
21 formal approval.

22 NICHOLAS TALVACCHIA: Right. Flood
23 hazard.

24 So, other than that, we think we're
25 pretty much covered.

1 And what was the third waiver?

2 Anything?

3 THE WITNESS: Listing of
4 development stages or phases, which we --

5 NICHOLAS TALVACCHIA: Yeah. There
6 are no phases. So...

7 JEFFREY HANSON: Okay.

8 NICHOLAS TALVACCHIA: All right.
9 With that, I'm going to have Mr. Sciullo come up
10 and walk you through it.

11

12 DIRECT EXAMINATION

13 BY NICHOLAS TALVACCHIA:

14 Q. Again, for the record, you're a
15 licensed engineer and planner in the State of
16 New Jersey and qualified by this board?

17 **A. Yes.**

18 Q. Okay. So, this is Exhibit A-1,
19 Jay?

20 **A. A-1. Yep.**

21 Q. Is this the site plan that was
22 submitted but rendered with color?

23 **A. That's exactly right.**

24 Q. I thought so.

25 NICHOLAS TALVACCHIA: Okay. So,

1 I'd like to admit that into the record. Again,
2 it's exactly as in your package, except that he
3 added some color for it.

4 LANCE LANDGRAF: If you could send
5 that -- that color rendering to us in digital
6 format so we can add it to our online file for
7 the -- for the project.

8 NICHOLAS TALVACCHIA: Okay.

9 LANCE LANDGRAF: And we'll mark
10 that as A-1, as you said.

11 NICHOLAS TALVACCHIA: A-1.

12 BY NICHOLAS TALVACCHIA:

13 Q. All right. Mr. Sciullo, could you
14 --

15 This Tennessee Avenue, between the
16 boardwalk and --

17 A. Pacific.

18 Q. -- Pacific -- a little closer to
19 Pacific, then?

20 A. No. It's --

21 Yeah. Call it closer to Pacific.

22 Yeah. You know it better than me.

23 Q. He's going to argue with me.

24 All right. Go ahead, Jay.

25 A. Oh, no worries.

1 Behind us you'll see, too, to the
2 -- to the east is Ocean Avenue. And there's
3 residential structures that front Ocean Avenue.

4 The existing building that was
5 renovated, as Nick had mentioned, from -- it
6 used to be Wandy's Restaurant to, now, the beer
7 hall is on the left side of the project site.

8 The portion that's colored green
9 here is the outdoor area. And then we have this
10 brown-ish color here that was approved under the
11 CLUC, as previously mentioned, as an outdoor bar
12 with a cold storage unit next to it that, now,
13 we propose to have a roof structure over it, not
14 just, you know, open air.

15 That was -- that creates one
16 variance that we mentioned, which is the rear
17 setback off of that -- that alley that Nick had
18 mentioned runs between the two sections of the
19 block behind the residential unit. So, it's a
20 -- a foot off that alley.

21 The previous CLUC plan that was
22 submitted was very similar to this in many
23 forms. The changes since then, they're very
24 minor. I won't call them site plan items, but
25 they're just for cleanup. So, we have them

1 listed.

2 The -- the trash enclosure on this
3 corner here, originally, we proposed to just be
4 an open fenced enclosure. Now, because of
5 Health Department standards, the city is
6 requiring us to put a roof over that structure.
7 So, that will have a small corrugated metal roof
8 pitched away from the road.

9 We also showed, originally, on the
10 plan, potted planters all around the site
11 because of the -- the soil conditions in place.
12 They're -- they're not conducive to many plants
13 making it. The guys from the beer hall did some
14 research and were comfortable that if they put
15 in a lot of Arugula, we could put bamboo around
16 this edge and create a visual screen and, also,
17 something that would make it with the soil the
18 way it is. So, that's this darker green strip
19 that we show.

20 Q. Jay, for clarification, the trash
21 area with the roofs, does that trigger a
22 variance in the --

23 A. It does not.

24 Q. It does not.

25 A. It did in the old standard.

1 Q. Under CRD --

2 A. It does not now.

3 Q. But, it's a Health Department
4 requirement?

5 A. It's a Health Department
6 requirement.

7 Q. Thank you.

8 A. Correct.

9 We also had a fire pit added,
10 generally in the middle of the site, where this
11 orange color is. That's gas fuel. So, there's
12 no -- no -- nothing that we burned in it that
13 could potentially create embers or anything that
14 would create a fire hazard.

15 You see the highlighted purple
16 around the site is the fence. We -- when we
17 made the original submission -- original
18 submission, there were no variances required.
19 And as the job evolved, we realized that the
20 utility meters on the corner of the building,
21 here, are set pretty high because of flood. So,
22 they were visible inside the fence. And we
23 didn't want anyone tampering with them if
24 they're in there or walking around, so we -- the
25 applicant built a section of that fence that

1 runs, originally, perpendicular to Tennessee and
2 then cuts back to the building a foot or two off
3 of it -- or two feet off of it that's seven-feet
4 high. So, we requested that variance as part of
5 the application.

6 We also are requesting that the
7 fence that runs parallel to Tennessee Avenue, up
8 to the edge of the trash enclosure and around
9 the enclosure match the height of the fence that
10 matches the rest of the -- or wraps the rest of
11 the site, at six feet. There are two reasons
12 for that. One is security. Because of ABC
13 requirements, we have to fence it no matter
14 what. There's no need for a fence in the front
15 yard.

16 JEFFREY HANSON: Is that standard?

17 THE WITNESS: And the height, we
18 think, accomplishes two things. With security,
19 first, and, second, it will -- although mostly
20 it's from the road, it will buffer the use.

21 You know, we're trying to create a
22 balance of activating the street, because that's
23 what we want in the Tourism District, but we
24 have to be sensitive to the surrounding
25 residential uses and other things that are not

1 yet tourism-centric yet.

2 So, we think that having that
3 six-foot high fence is the -- the happy medium.
4 We'll be able to do what we want to accomplish,
5 we'll meet the ABC requirements, and it will
6 look really well -- or look really good. The --

7 If anyone's been by to see it --

8 We originally proposed it as a
9 border wall (phonetic) fence. These guys have
10 managed -- managed to get some pretty good
11 shaped pallet with a reclaim, and they have --
12 they built a fence so that it's got solid wood
13 posts, of course, and then a treated plywood
14 core with the pallet wood overtop of it, and
15 it's stained to have, you know, like a -- I
16 don't know what you want to call it. It's --
17 it's a mix of natural look and a little bit of
18 black. It's pretty sharp. I was really
19 impressed by it.

20 And the gates are going to be
21 corrugated metal. So, it's an industrial kind
22 of look. This frontage will be improved
23 substantially because of this fence.

24 It's also not going to, you know,
25 pile into the road too much. It's set back from

1 the buildings. All the buildings along this
2 frontage are zero setback. So, when you're
3 looking down the sidewalk, it's all buildings
4 against the edge. This fence is set in a foot,
5 so it's not going to dominate the frontage.
6 It's not going to do anything that looks out of
7 character. In fact, it will enhance the area.

8 Q. Jay, what is the front setback at
9 that location?

10 A. For the fence?

11 Q. For buildings.

12 A. Oh. For the buildings? A
13 requirement is zero feet for a height of up to
14 35 feet, and then --

15 Q. Right.

16 A. -- 20 feet anything taller.

17 Q. So --

18 But, a fence would not be permitted
19 at that height on a property line?

20 A. The current standard doesn't allow
21 fence in a front yard except in residential
22 districts.

23 Q. Okay. But --

24 Okay. So, the point is, though,
25 you could have a building there at zero. So,

1 we're proposing a six-foot fence.

2 **A. Yep.**

3 Q. The -- the -- part of the -- what
4 you're calling the fence around the utilities,
5 that's seven feet, right, --

6 **A. It is.**

7 Q. -- as opposed to six.

8 **A. Yep.**

9 Q. And that --

10 So, that is not only to protect
11 guests from interfering or tampering with
12 utilities, but a visual barrier for the guests
13 --

14 **A. Yes.**

15 Q. -- not to see.

16 So, while it's a fence, it's more
17 of a -- it's really an enclosure for the
18 utilities.

19 **A. Yeah. And there's --**

20 **It's -- it's interesting, because**
21 **one of the things I --**

22 **You know, we were talking about**
23 **fence in the front yard. There's no front yard**
24 **required. So, when you're saying it's in front**
25 **of the building, there's no building.**

1 I -- I understand we need relief.

2 This one, it's not really in the
3 front yard, because once it turns into the site,
4 in my opinion, it turns into not a front yard.
5 But, to be clear and to make sure that it's --

6 It's visible in front of the
7 building, so we're going to call it the front
8 yard, except for the fence that needs relief.

9 Q. But, the rest of the fence will be
10 six foot.

11 A. Correct.

12 Q. Okay. I just wanted to make sure
13 that's clear on the record.

14 So, there's three variances, then?
15 The roof in the -- in the back is one foot --

16 A. Yeah. The setback --

17 Q. -- from the rear property line.

18 A. Yeah. The setback -- the rear
19 setback relief from --

20 And I'll go through what the
21 standard is. It is from Section 19:66-510 A:1,
22 lower case, Roman numeral IV 10. Where a
23 minimum rear yard of 20 feet is required, one
24 foot exists for this existing building. And
25 we're matching that with the roof enclosure.

1 Q. And -- and, Jay, would it be --
2 We had to meet the 20-foot setback.
3 Where would you --

4 You really couldn't --

5 A. We're going to have --

6 Q. -- have a bar, then.

7 Right?

8 A. It's probably hard to -- it's hard
9 to see from up there, but there's an egress
10 door, an existing door, that comes out of the
11 building right on the outside edge of where the
12 -- the street side of that enclosure.

13 And then, also, I mentioned,
14 previously, utility meters. If we were trying
15 to move this enclosure down, we would impact
16 both of those features.

17 And there's a kitchen in here that
18 we'd have --

19 It would not work at all. We'd
20 have to either substantially reduce the size of
21 it --

22 Which, just to be clear, too, the
23 total depth of the lot is less than what's
24 required by ordinance.

25 Q. So, that's an existing --

1 **A.** **It's an existing non-conformity.**

2 **So, we would --**

3 **It's an existing non-conformity.**

4 **It's only 50 feet deep. So, if we have a**
5 **20-foot setback, it leaves only 30 feet to --**

6 Q. What is the -- what is the
7 requirement for lot depth?

8 **A.** **A hundred and 50.**

9 Q. So, we have an existing condition
10 with a 50-foot depth where one --

11 **A.** **150.**

12 Q. -- what is it -- 150 is required.

13 **A.** **Yeah.**

14 Q. So, is there a condition of the
15 land that creates a hardship?

16 **A.** **There is, yeah. Obviously, the**
17 **size of it, the available land area.**

18 Q. And given the design of the
19 existing building and locating the bar, is this
20 a better design --

21 **A.** **It is. And --**

22 Q. -- than -- than an alternative
23 design?

24 **A.** **It is, in my opinion.**

25 **And as I mentioned before, that --**

1 Tennessee Avenue has zero setback. All along
2 this back edge, most all of these buildings butt
3 right up against that lot line. There's almost
4 no rear yards, including the residential
5 structures behind this.

6 Q. So, would that -- would that
7 one-foot setback, then, meet the standards for
8 both a (c.)(1) variance, which is a hardship --

9 A. Hardship.

10 Q. -- created by a condition of the
11 land unique to the applicant and -- or this area
12 and the lot depth requirement, which it's not
13 even close to meeting, and, also, would it
14 provide a better planning alternative given
15 existing site conditions and existing patterns
16 of development?

17 A. Yeah. That's correct.

18 And it -- it also advances at least
19 one of the purpose of zoning, which is purpose
20 "I," enumerated at 40:55D-2, is to promote a
21 desirable visual environment. Not just the
22 appearance of the structure and the fence,
23 because they do look at it architecturally, but,
24 also, because these -- these buildings behind us
25 here are -- they're three-story, and they do

1 have some balconies on the rear. We --

2 Although they'll see activity out
3 here anyway, enclosing this bar area from, you
4 know, the weather and, also, a visual barrier
5 would be an improvement and promote that -- that
6 purpose.

7 Q. Does it promote the efficient use
8 of land?

9 A. It does, yeah.

10 Again, to be clear, too, the
11 existing condition -- or previously existing
12 condition was vacant, but this -- there was --
13 or were buildings in this location. There was a
14 makeshift parking lot.

15 And also, as Nick mentioned earlier
16 with the fence, we could have a building through
17 this whole thing and -- and, potentially, be
18 compliant. You know, we would be able to cover
19 --

20 But, we want it to be outdoors.
21 So, we end up, because it's outdoors, which is
22 permitted, we end up with variance relief
23 necessary to be able to make it work.

24 Q. Okay. And we'll do the negative
25 criteria at the end, because I think --

1 **A. Sure.**

2 Q. -- it applies to all of them.

3 And the second variance is for the
4 seven-foot -- what I'll call screening for the
5 utilities. Right?

6 **A. Yes. And that's from**
7 **19:66-7.7 A:1, to allow fence in a front yard**
8 **and for that fence to be seven feet tall.**

9 Q. And this, to me, seems to fit,
10 arguably, under (c.)(1), but, really, (c.)(2),
11 because it -- it, one, provides a visual screen
12 to utilities to the -- to the public. Correct?

13 **A. Yes.**

14 Q. Also, it protects potential users
15 from interfering -- or tampering with utilities.
16 Which is desirable.

17 **A. Correct.**

18 Q. So, we agree that meets the
19 (c.)(2) criteria for --

20 **A. It does, yeah.**

21 Q. -- desirable --

22 **A. It promotes that purpose "I" that I**
23 **mentioned previously.**

24 Q. Yeah. A desirable visual
25 environment?

1 **A. Yes.**

2 Q. Okay. And then the third variance
3 is to increase the fence height along the
4 Tennessee Avenue frontage from four feet to six
5 feet.

6 **A. Yes. And that's from that same**
7 **ordinance section that I mentioned; 7.7 A:1 or**
8 **land use rule section.**

9 **And similarly, purpose "I's"**
10 **advanced with that.**

11 Q. And -- and --

12 Correct. So, if we were to have a
13 conforming fence, it would have to be set back
14 in front of the property line. Right? Because
15 you can't --

16 **A. Yeah. And I --**

17 Q. -- have one in a front yard?

18 **A. -- I don't really know how we would**
19 **even make it conforming here because there's --**
20 **We'd have to put it back --**

21 **I guess we could line it up with**
22 **the building back here, but then, obviously,**
23 **you'd lose half a block.**

24 Q. You lose the use.

25 So, again, is the lot depth

1 deficiency, the existing condition, driving this
2 variance?

3 A. And it makes it a hardship. Yeah.
4 And, of course, having to have the
5 site fence to meet ABC standards. It's
6 impossible to avoid.

7 Q. Okay. Now, let's talk, just
8 generally, about the negative criteria. So, is
9 there any substantial detriment to the public
10 good from the grant of any of these "C" variance
11 -- three "C" variances?

12 A. No. We have the uses permitted.
13 There's going to be activity here that's going
14 to be observable from the neighboring
15 properties. I think what we've done here is
16 created a balance of -- you know, enclosing this
17 bar to minimize the -- where most of the
18 activity will be.

19 And then, also, the fence, as
20 mentioned previously, will buffer the use, at
21 least from ground level, from most of the
22 neighboring properties, but still making it
23 clear that there's something going on there and
24 invite people in.

25 Q. Plus, you could have a -- a zero

1 setback building to 35 feet height.

2 **A. We could. Yeah.**

3 Q. We had a --

4 Instead of a six-foot fence.

5 **A. Correct.**

6 Q. Right.

7 **A. Yeah. So, there's no negative.**

8 Q. So, it's not truly out of character
9 for what's permitted in the zone, in terms of
10 bulk.

11 **A. Correct.**

12 Q. And then the second standard is the
13 no substantial detriment to the zone plan.

14 **A. Correct.**

15 Q. Can you talk about that a little
16 bit?

17 **A. Yeah. I -- I think that variance
18 relief is -- is appropriate in this case
19 because, as mentioned a couple times now, we
20 have the requirement that the ABC requires
21 fence. So, to change the ordinance and say that
22 commercial uses could have fences in front yards
23 probably isn't appropriate because not every
24 commercial use will need a fence in the front
25 yard, such as this.**

1 Q. This is a unique condition?

2 A. **This is unique.**

3 So, I -- I -- I believe that this
4 variance relief is appropriate in this case.

5 Q. And the underlying use is
6 permitted.

7 A. **It is.**

8 Q. And is it consistent with the goals
9 of the CRDA Tourism District master plan?

10 A. **Yeah, I think that it is. We're --**
11 **Let me see. I have that section**
12 **here. We --**

13 **Well, it's going to enhance the --**
14 **Creating enhancements to an already**
15 **approved business that we know will be**
16 **successful in the Tourism District and improve**
17 **security, appearance and functionality of the**
18 **site.**

19 Q. This really serves as an adaptive
20 reuse of a prior use. This is not --

21 A. **Yeah. Completely. Yeah.**

22 Q. -- ground up construction.

23 A. **We --**

24 **During the CLUC process, we went**
25 **through a lot of effort to, you know, research**

1 the grandfathered parking shortfall by going
2 through tax records here in city hall.

3 As mentioned previously, this used
4 to be a restaurant with dwellings up top. We're
5 doing the same thing. We're keeping the number
6 of seats in the restaurant and bar area below
7 what was approved or existing previously. So,
8 it was intentionally designed to not have an
9 impact in the neighborhood --

10 Q. So, in your --

11 A. -- other than positive.

12 Q. -- in your opinion as a licensed
13 planner, do you believe the authority has the
14 legal authority to grant a request for relief?

15 In other words, we meet the
16 requirements for the bulk variance relief, both
17 from a positive criteria and a negative
18 criteria?

19 A. Absolutely.

20 Q. Do you have anything else on -- on
21 --

22 I know we have a report to go over.

23 A. Yeah. We -- we --

24 Q. In terms of the variances, are you
25 done?

1 **A. Yeah. We're good.**

2 Q. Okay.

3 NICHOLAS TALVACCHIA: Any comments
4 on the variances?

5 LANCE LANDGRAF: Just, maybe, a
6 couple of questions.

7 CHRISTINE COFONE: I didn't review
8 this one.

9 NICHOLAS TALVACCHIA: Oh. Okay.

10 CHRISTINE COFONE: I'm just
11 listening.

12 NICHOLAS TALVACCHIA: Do you have
13 any comments anyway?

14 CHRISTINE COFONE: I think you did
15 an excellent job.

16 NICHOLAS TALVACCHIA: Thank you.

17 RUDY RANDAZZO: Mr. Talvacchia, one
18 procedural question.

19 I totally understand --

20 NICHOLAS TALVACCHIA: You're a
21 licensed planner.

22 RUDY RANDAZZO: Mr. Talvacchia, --

23 NICHOLAS TALVACCHIA: Yeah.

24 RUDY RANDAZZO: -- you requested
25 that Lance hear this as the waiver of site plan

1 submissions.

2 Is that correct?

3 NICHOLAS TALVACCHIA: We --

4 Well, we'll do whatever you want.

5 I think it's almost -- given there was only
6 three standards.

7 So, we --

8 Waiver of site plan submission
9 requirements.

10 RUDY RANDAZZO: Okay.

11 THE WITNESS: Well, let's put it
12 differently. If we didn't have this variance
13 relief, we wouldn't probably need a site plan
14 approval. So...

15 CHRISTINE COFONE: It would be
16 administrative.

17 LANCE LANDGRAF: Right. Okay.

18 NICHOLAS TALVACCHIA: Yeah. We had
19 --

20 LANCE LANDGRAF: It would be
21 administrative.

22 NICHOLAS TALVACCHIA: It was a
23 quirky thing, in that, under -- through the
24 CRDA, but under the city's prior ordinance,
25 which was in effect before 2018, we were -- this

1 site, because there were no variances, qualified
2 for an administrative approval Certificate of
3 Land Use Compliance. It was the minor changes;
4 adding the roof, increasing the fence height and
5 adding the screening, that triggered variances.
6 And under the CRDA regs, that -- arguably,
7 triggers -- you know, that sell the site plan
8 review.

9 But, given that the site was pretty
10 much approved by CLUC, we think this case would
11 --

12 I think I want to ask for a site
13 plan approval, but a waiver of submission
14 requirements. I think --

15 LANCE LANDGRAF: I think that's the
16 cleaner way to do this.

17 RUDY RANDAZZO: Okay. Yes.

18 LANCE LANDGRAF: It puts it on --
19 on the record that --

20 NICHOLAS TALVACCHIA: And we have a
21 site plan approval.

22 LANCE LANDGRAF: -- we have a site
23 plan approval.

24 We've got a site plan, --

25 NICHOLAS TALVACCHIA: Right.

1 LANCE LANDGRAF: -- except for
2 three items that would -- which they're asking
3 --

4 NICHOLAS TALVACCHIA: Which we
5 addressed, effectively. And --

6 LANCE LANDGRAF: And they're
7 administrative items. They're not detailed --

8 The plans are very detailed. We
9 have that on the record. That will be on file.
10 So, that -- that works --

11 NICHOLAS TALVACCHIA: Yeah. We'll
12 have that.

13 LANCE LANDGRAF: -- perfectly for
14 us.

15 NICHOLAS TALVACCHIA: Yeah. Then
16 we'll have a record ten years from now there was
17 a site plan approval and --

18 LANCE LANDGRAF: Exactly.

19 NICHOLAS TALVACCHIA: -- three
20 variance requests.

21 JEFFREY HANSON: The plans have it
22 retained that they would require if --

23 LANCE LANDGRAF: Exactly.

24 JEFFREY HANSON: -- prematurely, it
25 would require if there was a site plan approval.

1 NICHOLAS TALVACCHIA: Correct.

2 JEFFREY HANSON: So, --

3 NICHOLAS TALVACCHIA: Yeah.

4 JEFFREY HANSON: -- I think that's
5 the way to go.

6 LANCE LANDGRAF: A couple -- a
7 couple of questions.

8 And I know, Jeff, you brought it up
9 in your report.

10 Jay, if you could just talk a
11 little bit about the turf area --

12 THE WITNESS: Yeah. Yeah.
13 So-called.

14 LANCE LANDGRAF: -- and the
15 drainage characteristics of that -- that turf
16 area.

17 THE WITNESS: Sure.

18 JEFFREY HANSON: That's -- that's
19 my main concern, --

20 LANCE LANDGRAF: Okay. And that's
21 --

22 JEFFREY HANSON: -- was the
23 drainage of that turf area.

24 NICHOLAS TALVACCHIA: Yeah.

25 BY NICHOLAS TALVACCHIA:

1 Q. And, Jay, what was there before
2 this proposal?

3 A. The --

4 It was a combination of buildings
5 and a makeshift parking area.

6 And then the CLUC --

7 Q. And was that largely impervious?

8 A. Yes. There was --

9 The -- the portion that was a
10 makeshift parking was gravel, but it was
11 compacted under the coastal rules to be
12 considered impervious. So, yeah, pretty much.

13 Q. Mmm-hmm.

14 A. The --

15 And the CLUC was approved with
16 gravel or pea gravel for that surface. And then
17 Mark's group happened on the ability to reclaim
18 some turf, artificial turf, from a ball field
19 somewhere else, and thought it would be a good
20 fit here. And when you go out on it, it is --
21 it works really well.

22 So, for the drainage concern --

23 JEFFREY HANSON: How thick is that
24 pea gravel area, Jay?

25 THE WITNESS: How thick was it?

1 Well, we don't have it in there now. It was
2 going to --

3 JEFFREY HANSON: Okay.

4 NICHOLAS TALVACCHIA: This
5 substitutes for the pea gravel.

6 THE WITNESS: Yeah. So, now the --
7 the existing, you know, open soil surface that
8 was cleaned up, took all the junk out of it.
9 That's what's under it now. And it's beach
10 sand.

11 JEFFREY HANSON: Okay.

12 THE WITNESS: So, it's very highly
13 permeable.

14 JEFFREY HANSON: Did you --
15 How deep was it excavated to see
16 what was underneath? It's all sand?

17 THE WITNESS: They -- they took out
18 like a foot-ish --

19 UNIDENTIFIED MALE MEMBER FROM THE
20 AUDIENCE: Yeah.

21 THE WITNESS: -- to get rid of the
22 junk.

23 JEFFREY HANSON: Okay.

24 THE WITNESS: Yeah.

25 JEFFREY HANSON: Was sand

1 underneath that, too?

2 UNIDENTIFIED MALE MEMBER FROM THE
3 AUDIENCE: Yeah.

4 JEFFREY HANSON: With the recent
5 rains --

6 LANCE LANDGRAF: Hold on.

7 NICHOLAS TALVACCHIA: Wait a
8 second. He has to be sworn in.

9 THE WITNESS: Yeah. That's my
10 fault. Sorry.

11 RUDY RANDAZZO: Okay. Sir, state
12 your name, please?

13 UNIDENTIFIED MALE MEMBER FROM THE
14 AUDIENCE: Mark Callazzo.

15

16

17

18 MARK CALLAZZO,

19 having been duly sworn in by Rudy

20 Randazzo, Esquire, was examined and

21 testified as follows:

22

23 MALE MEMBER FROM THE AUDIENCE (MARK

24 CALLAZZO): I do.

25

1 DIRECT EXAMINATION

2 BY NICHOLAS TALVACCHIA:

3 Q. For the record, Mark, you're the
4 owner and the applicant?

5 A. Correct.

6 Q. The company -- the entity is your
7 entity?

8 A. Correct.

9 Q. And you're familiar with the site?
10 You've been there virtually every day?

11 A. I have, yes.

12 Q. And you, personally, witnessed what
13 was removed from --

14 A. Yeah. So, there was about a foot
15 taken down.

16 I mean, obviously, there was some
17 historic fill that's throughout the city here,
18 but -- with some of the old brick. But,
19 underneath that was just sand.

20 JEFFREY HANSON: Okay. Since you
21 removed all that and placed the turf and
22 everything, during these rains -- we've had a
23 lot of rain lately -- is it -- is it holding
24 water?

25 MALE MEMBER FROM THE AUDIENCE (MARK

1 CALLAZZO): Yeah. Jay and I had a conversation
2 about that. That -- that recent rain that we
3 had that was crazy, everything drained right
4 through. So...

5 JEFFREY HANSON: Okay. And what --
6 Approximately how long? Pretty
7 quick?

8 MALE MEMBER FROM THE AUDIENCE (MARK
9 CALLAZZO): I wasn't there during the rain, but
10 the next day, when I got there, there was no
11 puddling, --

12 JEFFREY HANSON: It was dry?

13 MALE MEMBER FROM THE AUDIENCE (MARK
14 CALLAZZO): Yeah. It was dry.

15 JEFFREY HANSON: Okay.

16 NICHOLAS TALVACCHIA: Anything else
17 for Mr. Callazzo?

18 LANCE LANDGRAF: I don't think so.

19 NICHOLAS TALVACCHIA: Thanks.

20 MALE MEMBER FROM THE AUDIENCE (MARK
21 CALLAZZO): Thank you.

22 LANCE LANDGRAF: Thanks,
23 Mr. Callazzo.

24 I had --

25 I'm just going through some of my

1 notes. You discussed the parking demand and
2 that it was a prior 102-seat restaurant and
3 you're less than that now, --

4 THE WITNESS: Yes.

5 LANCE LANDGRAF: -- so the parking
6 demand is -- is not increased.

7 NICHOLAS TALVACCHIA: That's deemed
8 to be grandfathered, the parking.

9 LANCE LANDGRAF: Right. It is.
10 Right.

11 The -- the two roof structures that
12 are -- that are being added, one over the
13 Dumpster, that's a Health Department
14 requirement. And I also believe that the Health
15 Department has now required the freezer boxes or
16 the -- where they're going to put the -- the
17 kegs are now required, the cooler boxes are
18 required to be roofed as well. So, that would
19 have even triggered this variance on its own.

20 THE WITNESS: Yeah. There's a lot
21 of mechanical and electrical equipment in there
22 --

23 LANCE LANDGRAF: Right.

24 THE WITNESS: -- that would have to
25 be covered.

1 LANCE LANDGRAF: So, that -- that
2 would have triggered this as well by adding that
3 roof. You just expanded it over the bar area,
4 which -- which I understand. I don't
5 necessarily have too much of an issue with that
6 shown on -- how it's shown on the plan there.

7 The fencing in the front, the seven
8 foot, I agree with Jay. I think that's more of
9 a -- of a -- kind of a safety issue and not
10 necessarily in the front yard.

11 Going to six foot -- from four to
12 six foot in that front yard, I'm a little
13 concerned that it's going to kind of cordon this
14 area off, but I understand that the ABC requires
15 the fencing.

16 When -- when you extend that up,
17 will you leave the fence that's there and just
18 extend that top two feet?

19 NICHOLAS TALVACCHIA: Mr. Callazzo,
20 what's the plan?

21 MALE MEMBER FROM THE AUDIENCE (MARK
22 CALLAZZO): So, we -- we were going to use a
23 different material to kind of break it up so
24 it's not just a --

25 LANCE LANDGRAF: Okay.

1 MALE MEMBER FROM THE AUDIENCE (MARK
2 CALLAZZO): -- a six-foot wall.

3 And we talked about --

4 You know, if you -- if you come out
5 there now, the -- the reclaimed pallet wood that
6 we have --

7 LANCE LANDGRAF: Mmm-hmm.

8 MALE MEMBER FROM THE AUDIENCE (MARK
9 CALLAZZO): -- is perpendicular -- horizontal.

10 LANCE LANDGRAF: Right.

11 MALE MEMBER FROM THE AUDIENCE (MARK
12 CALLAZZO): And we were going to, maybe, make
13 something go horizontal to kind of break up the
14 look of it so it just doesn't look like this
15 massive six-foot wall.

16 But, we also have a big gate area.

17 THE WITNESS: Yeah.

18 MALE MEMBER FROM THE AUDIENCE (MARK
19 CALLAZZO): Do you have the size of the gate?

20 THE WITNESS: You can -- you can
21 see, generally, on the plan, where the gap is in
22 the purple highlighter -- highlighted area.

23 So, during operation, the activity
24 will be noticeable because of -- you know, you
25 can hear it, but, also, that gate will be open,

1 and that's -- I think we have it as more than
2 ten foot wide. Maybe 12 feet.

3 LANCE LANDGRAF: It looks like it's
4 12 on the plan. Yeah.

5 JEFFREY HANSON: Double six.

6 LANCE LANDGRAF: Yeah. Double six
7 foot.

8 JEFFREY HANSON: Double six foot.

9 MALE MEMBER FROM THE AUDIENCE (MARK
10 CALLAZZO): Yeah. So, it's -- and it's gonna --

11 LANCE LANDGRAF: And that's the
12 corrugated metal?

13 MALE MEMBER FROM THE AUDIENCE (MARK
14 CALLAZZO): That's corrugated metal. Yeah.

15 LANCE LANDGRAF: Maybe the top two
16 feet could be that corrugated metal as well.

17 MALE MEMBER FROM THE AUDIENCE (MARK
18 CALLAZZO): That's something else we were
19 talking about, too. Yeah.

20 LANCE LANDGRAF: Yeah. Because
21 that -- that would kind of tie in that gate.
22 Not that I'm designing your site, but --

23 MALE MEMBER FROM THE AUDIENCE (MARK
24 CALLAZZO): Yeah.

25 LANCE LANDGRAF: -- the site of a

1 six-foot high fence, solid like that --

2 MALE MEMBER FROM THE AUDIENCE (MARK
3 CALLAZZO): Yeah.

4 LANCE LANDGRAF: I like the fact
5 that you're trying to break that up for
6 aesthetics.

7 MALE MEMBER FROM THE AUDIENCE (MARK
8 CALLAZZO): Yeah.

9 LANCE LANDGRAF: So, I do -- I do
10 appreciate that.

11 MALE MEMBER FROM THE AUDIENCE (MARK
12 CALLAZZO): We were also looking to incorporate
13 some artwork on the fence, as well. So...

14 LANCE LANDGRAF: Okay.

15 MALE MEMBER FROM THE AUDIENCE (MARK
16 CALLAZZO): We've got a lot of art on the inside
17 and --

18 LANCE LANDGRAF: Yeah.

19 MALE MEMBER FROM THE AUDIENCE (MARK
20 CALLAZZO): -- we want to make local art a part
21 of the whole project.

22 So...

23 LANCE LANDGRAF: Great. Great.

24 That's the end of my questions.

25 Jeff, why don't you go through your

1 report real -- real quick?

2 Thank you, Mr. Callazzo.

3 JEFFREY HANSON: I prepared a
4 letter dated October 12th, 2018.

5 LANCE LANDGRAF: We'll mark that
6 B-1.

7 JEFFREY HANSON: The applicant
8 information's on the first page. Documents
9 submitted on the second page.

10 I think we just went through the
11 completeness review and covered the -- we're
12 going -- we're going to do this as a site plan
13 with a waiver -- or waiver -- waiver of three
14 submission requirements.

15 I believe the applicant gave a
16 pretty thorough project description and
17 background.

18 Is there anything else that you'd
19 like me to cover there, Lance?

20 LANCE LANDGRAF: I don't think so.
21 As long as you're comfortable with the testimony
22 you've heard, your letter kind of stands as --
23 as your comments on -- on the application.

24 JEFFREY HANSON: Right.

25 LANCE LANDGRAF: I don't think I

1 need anything detailed, as long as you're
2 comfortable with the testimony you heard on the
3 variance applications.

4 JEFFREY HANSON: I'm very
5 comfortable with the testimony I heard on the
6 variance applications, and I think it meets the
7 (c.)(1) and (c.)(2) criteria, as the applicant
8 demonstrated.

9 LANCE LANDGRAF: We also --
10 Just for --

11 JEFFREY HANSON: Do you want me to
12 go through the site plan review?

13 LANCE LANDGRAF: Yeah.
14 Just to also put it on the record.
15 And I'll mark it A-2 is a letter from
16 Mr. Sciullo dated --

17 NICHOLAS TALVACCHIA: I was just
18 going to do that.

19 LANCE LANDGRAF: -- October 29th.

20 NICHOLAS TALVACCHIA: Responding to
21 your comments.

22 LANCE LANDGRAF: Yeah. That goes
23 through each of them -- each of your comments
24 and then has their response.

25 And you're comfortable with each of

1 those so far?

2 JEFFREY HANSON: I'm comfortable
3 with that.

4 The -- the one that was the fly in
5 the ointment, so to speak, was the -- about the
6 turf.

7 LANCE LANDGRAF: Okay.

8 JEFFREY HANSON: And I think the
9 testimony that was given clearly demonstrates
10 that the site is draining. And that's much
11 preferable to just channeling it into the
12 street.

13 LANCE LANDGRAF: Right.

14 JEFFREY HANSON: We want to get
15 infiltration wherever we can.

16 So, if that's functioning properly,
17 I think that's a good solution.

18 You'll put a -- you'll put a detail
19 on the plan, though, Jay, just to show what's
20 there?

21 THE WITNESS: Yeah, I can. Yeah.

22 JEFFREY HANSON: Okay. That would
23 be preferable, just so we have it.

24 THE WITNESS: Yeah.

25 JEFFREY HANSON: As far as the fire

1 pit goes, you -- you did give testimony. It's
2 going to be gas fueled and that there's going to
3 be a trash screen over it so that there's no
4 biohazard and that you'll -- you'll get prior --
5 or you'll get the appropriate approval from the
6 fire marshal and whoever else would have to
7 bless that?

8 MALE MEMBER FROM THE AUDIENCE (MARK
9 CALLAZZO): That's correct.

10 JEFFREY HANSON: Okay.

11 NICHOLAS TALVACCHIA: Typically,
12 that would just be the fire code official --

13 JEFFREY HANSON: Mmm-hmm.

14 NICHOLAS TALVACCHIA: -- in
15 Atlantic City.

16 Typically, the fire department
17 doesn't look at any of that stuff. But, it will
18 have to meet the code.

19 JEFFREY HANSON: And you're
20 comfortable with number 5. Okay. Number 5, as
21 far as the bamboo and the planter goes, you're
22 comfortable that the planter can contain --

23 NICHOLAS TALVACCHIA: Jay?

24 JEFFREY HANSON: As you -- as you
25 know, bamboo's not island invasive. You

1 wouldn't want that spreading into the outer --

2 THE WITNESS: Yeah. We put a -- we
3 put a two-foot -- two-foot deep root garden that
4 --

5 JEFFREY HANSON: As a contained --

6 THE WITNESS: Yes.

7 Well, no. It didn't -- it won't go
8 down and under.

9 JEFFREY HANSON: No. I mean, the
10 planter itself, what's that constructed out of?

11 THE WITNESS: The soil material
12 that's in it?

13 JEFFREY HANSON: No. The -- like
14 the perimeter -- or the actual planter itself.

15 THE WITNESS: Oh.

16 NICHOLAS TALVACCHIA: It's in the
17 -- it's in the ground. It's in a straight in,
18 down.

19 JEFFREY HANSON: It's in the
20 ground? Okay.

21 THE WITNESS: Yeah.

22 NICHOLAS TALVACCHIA: So, there's
23 --

24 THE WITNESS: It's --

25 NICHOLAS TALVACCHIA: There's no

1 planter box.

2 JEFFREY HANSON: You're comfortable
3 with the root guard containing that from
4 spreading to the back property?

5 MALE MEMBER FROM THE AUDIENCE (MARK
6 CALLAZZO): Yes. We did a lot of research, and
7 I -- I can't remember the name of the guy. It's
8 the bamboo guru of the area.

9 LANCE LANDGRAF: There is such a
10 thing?

11 MALE MEMBER FROM THE AUDIENCE (MARK
12 CALLAZZO): There is such a thing.

13 JEFFREY HANSON: He wasn't
14 available to give testimony this morning?

15 MALE MEMBER FROM THE AUDIENCE (MARK
16 CALLAZZO): You know, I don't -- I don't know
17 the exact gauge mil of the -- the guard, but
18 it's -- it's a very --

19 JEFFREY HANSON: It's specifically
20 --

21 MALE MEMBER FROM THE AUDIENCE (MARK
22 CALLAZZO): It's specifically made for bamboo
23 and --

24 You know, we -- we made sure we
25 installed it to the right depth and --

1 JEFFREY HANSON: Okay.

2 MALE MEMBER FROM THE AUDIENCE (MARK
3 CALLAZZO): -- and everything.

4 So, I'm -- I'm comfortable.

5 LANCE LANDGRAF: The depth is 24
6 inches, I think I saw on the --

7 MALE MEMBER FROM THE AUDIENCE (MARK
8 CALLAZZO): Yes.

9 LANCE LANDGRAF: Okay. I've seen
10 that used before, and -- and it's been
11 successful.

12 JEFFREY HANSON: I don't have any
13 experience with it, but it seems like it's
14 appropriate in this case. So, I don't have any
15 problem with that.

16 And I think that --

17 We -- we covered the easement along
18 the back for the alley that's -- where the --
19 that provides pedestrian access for the
20 apartments. If you can't secure that easement
21 or you're going to eliminate that, you'll
22 eliminate the gate?

23 THE WITNESS: Yes.

24 JEFFREY HANSON: Like the back
25 there that was going to provide access to that?

1 MALE MEMBER FROM THE AUDIENCE (MARK
2 CALLAZZO): Yes.

3 JEFFREY HANSON: Have everybody
4 come through the front?

5 MALE MEMBER FROM THE AUDIENCE (MARK
6 CALLAZZO): Correct.

7 JEFFREY HANSON: Okay.

8 THE WITNESS: And there are two
9 gates in the front, just to be clear. So, we
10 have fire protection covered with another gate
11 near the trash enclosure.

12 JEFFREY HANSON: Great.

13 And I think that covers all the
14 technical points in my letter, unless anybody
15 has any questions or comments for me at this
16 point.

17 NICHOLAS TALVACCHIA: I just want
18 to note for the record, we didn't discuss
19 loading. This site has never had loading. It
20 was deemed to be grandfathered. I'd just like
21 the record to reflect that so, five years from
22 now, ten years from now, nobody's going to be
23 looking for a loading spot. It's going to be
24 done like most businesses in Atlantic City; off
25 the street.

1 JEFFREY HANSON: I think that was
2 included in the application and materials that
3 were submitted to -- that --

4 NICHOLAS TALVACCHIA: Yeah. We
5 talked about parking. I wanted to just add to
6 that. There's no on-site loading.

7 JEFFREY HANSON: Okay.

8 LANCE LANDGRAF: Okay. I'm just
9 looking at my notes. I think I've got
10 everything.

11 And this point, I'll open this
12 hearing up to the public. If anybody wants to
13 say anything on this application, please step
14 forward.

15 Seeing none --

16 Dave, you're not going to jump up
17 and speak?

18 UNIDENTIFIED MALE MEMBER FROM THE
19 AUDIENCE: I'm good.

20 LANCE LANDGRAF: Okay. We'll close
21 the public portion at this time.

22 Rob, do you have anything on this
23 application?

24 ROBERT REID: No. I think it's
25 actually an improvement over what we previously

1 approved. So, thank you for that.

2 LANCE LANDGRAF: Okay. Jeff, you
3 good?

4 JEFFREY HANSON: Nothing further.

5 LANCE LANDGRAF: Rudy, we're good?

6 RUDY RANDAZZO: We're good.

7 LANCE LANDGRAF: Christine, any
8 comments from the peanut gallery?

9 CHRISTINE COFONE: I think you met
10 a (c.)(1) and (c.)(2) statutory criteria.

11 NICHOLAS TALVACCHIA: And you're a
12 licensed planner. Correct? I want that on the
13 record.

14 CHRISTINE COFONE: Still.

15 ROBERT REID: Still.

16 NICHOLAS TALVACCHIA: I have
17 nothing further.

18 LANCE LANDGRAF: All right. Thank
19 you, Mr. Talvacchia.

20 NICHOLAS TALVACCHIA: Thank you.

21 LANCE LANDGRAF: With that, we'll
22 close the hearing on this application, as well.

23 As I said, we'll most likely have
24 this on our December agenda.

25 MALE MEMBER FROM THE AUDIENCE (MARK

1 CALLAZZO): Thank you.

2 LANCE LANDGRAF: This will not hold
3 up --

4 You can proceed at your own risk
5 with the opening of -- of the structure or your
6 -- your business.

7 MALE MEMBER FROM THE AUDIENCE (MARK
8 CALLAZZO): Thank you. Hope to see you all out.

9 THE WITNESS: We will be there.

10 NICHOLAS TALVACCHIA: Lance, what
11 is the December date, if you know, off the top
12 of your head?

13 LANCE LANDGRAF: I think it's the
14 18th. I believe it's the 18th. It's right
15 around then. I'm checking with our general
16 counsel right now. I know November's the --

17 You know what? I have it in my
18 notes. I'll tell you. I'm sorry.

19 I have December 18th. Okay. So,
20 it will be on December 18th.

21 NICHOLAS TALVACCHIA: Perfect.

22 LANCE LANDGRAF: If there's nothing
23 else, we'll close this matter today.

24 Thank you very much.

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10:55 A.M.)

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