

**CASINO REINVESTMENT DEVELOPMENT AUTHORITY**

**LAND USE REGULATION and ENFORCEMENT DIVISION**

**2018-11-2555**

**NYOrangeDeeds, LLC**

SEEKING PRELIMINARY AND FINAL SITE PLAN APPROVAL  
AND "C" VARIANCE FOR A PROPOSED MIXED USE  
COMPLEX, WHICH INCLUDES RETAIL SPACE, FOUR (4)  
APARTMENTS, OUTDOOR ENTERTAINMENT AREA, TEN (10)  
UNIT HOTEL and 51 SPACE PARKING LOT  
BLOCK 52, LOTS 11-18 And LOTS 30-40

Thursday - January 3, 2019

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1                   Public hearing in the  
2   above-referenced matter, taken at ATLANTIC CITY  
3   CITY COUNCIL CHAMBERS, Second Floor, 1301  
4   Bacharach Boulevard, 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 10:00 A.M., there being present:

15

16

17

18   APPEARANCES:

19   CASINO REINVESTMENT DEVELOPMENT AUTHORITY:

20

21   LANCE B. LANDGRAF, JR.

Chairman

22   Director, Planning Department

23

24   ROBERT L. REID

Land Use Enforcement Officer

25

1 PROFESSIONALS TO THE BOARD FOR THIS HEARING:

2

3 RIKER, DANZIG, SCHERER, HYLAND & PERRETTI

BY: SCOTT G. COLLINS, ESQUIRE

4

5 COFONE CONSULTING GROUP, LLC

BY: CHRISTINE COFONE

6

7 ADAMS, REHMANN & HEGGAN ASSOCIATES, INC.

BY: WILLIAM ENGLAND

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1 COUNSEL FOR THE APPLICANT:

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3 COOPER, LEVENSON, APRIL, NIEDELMAN

& WAGENHEIM, ESQUIRES

4 BY: NICHOLAS F. TALVACCHIA, ESQUIRE

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WITNESS(ES)

PAGE NO.

PATRICK FASANO

By: Nicholas Talvacchia

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JASON SCIULLO

By: Nicholas Talvacchia

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CHRISTINE COFONE

By: Nicholas Talvacchia

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WILLIAM ENGLAND

By: Nicholas Talvacchia

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EXHIBITS MARKED AND/OR REFERRED TO:

A-1

A-2

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B-1

1 (Time noted: 10:00 A.M.)

2

3 LANCE LANDGRAF: We'll call to  
4 order the Land Use Regulation and Enforcement  
5 Division hearing of January 3rd.

6 If you would please rise and join  
7 me in the Pledge of Allegiance.

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

10 LANCE LANDGRAF: Thank you.

11 I'm going to apologize in the  
12 beginning with my voice. It's -- it's there,  
13 but not very -- not fully there.

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

17 We just have one item on the agenda  
18 today, and that is the NYOrangeDeeds, LLC.  
19 Application Number 2018-11-2555. South New York  
20 Avenue, Block 52, Lots 11 to 18 and Lots 30 to  
21 40. Resort Commercial District.

22 Mr. Talvacchia, I see you're here.

23 NICHOLAS TALVACCHIA: Yes.

24 LANCE LANDGRAF: You represent the  
25 applicant?

1                   NICHOLAS TALVACCHIA: I am.  
2                   Good morning, everyone. Happy New  
3 Year.

4                   CHRISTINE COFONE: Good morning.

5                   LANCE LANDGRAF: Happy New Year,  
6 Nick.

7                   WILLIAM ENGLAND: Happy New Year.

8                   NICHOLAS TALVACCHIA: I'm Nick  
9 Talvacchia. Law from: Cooper Levenson. On  
10 behalf of the applicant.

11                   I'm really pleased to be here  
12 today. Not only do I like to see development in  
13 general, but this in particular. This is a  
14 gentleman, Pat Fasano, who I'll bring up in a  
15 moment, who is from Asbury Park. He's done a  
16 lot of development there and successfully. He's  
17 been part of a wave of bringing Asbury Park  
18 back. And a year or -- a year or two ago, he  
19 looked at Atlantic City. He sees a lot of  
20 opportunity here, which I think is very  
21 promising for us.

22                   And as you also know, there's --

23                   LANCE LANDGRAF: One minute, Nick.  
24 I'm sorry.

25                   Rob, if you could just make sure

1 that we have notice to --

2 ROBERT REID: Yes. I had a --

3 LANCE LANDGRAF: -- proper notice.

4 ROBERT REID: I had an opportunity  
5 to review the proof of service provided by the  
6 applicant, and we have jurisdiction to hear this  
7 application.

8 NICHOLAS TALVACCHIA: Thank you.

9 LANCE LANDGRAF: Thank you.

10 Sorry, Mr. Talvacchia.

11 NICHOLAS TALVACCHIA: Oh. No  
12 problem.

13 So, as I know the -- the Authority  
14 is aware, there's other development in and  
15 around this area. There's the MADE Chocolate  
16 retail store that opened, there's Hayday Coffee,  
17 the Beer Hall that recently opened. And this is  
18 in close proximity.

19 So, we know that this area, Saint  
20 James, Tennessee, New York has been really  
21 underutilized for many, many years. And now  
22 we're finally starting to see some new  
23 investment.

24 Mr. Fasano has put his money down.  
25 He owns the property. And he's making the



1 investments.

2 So, we're excited about this.

3 We are in discussions with a major  
4 retailer for the building that we're proposing,  
5 which we'll talk about, but we're now proposing  
6 to make it slightly bigger; 10,000 square feet,  
7 and making it all retail.

8 And the Blue Ray restaurant, which  
9 is already operational, has been doing very  
10 well. And what we're proposing will supplement  
11 that restaurant, in terms of outdoor venues and  
12 entertainment, plus the convenience parking of  
13 51 spaces. And then, of course, the retail  
14 building.

15 So, it all works. It will help  
16 drive people to the area, which will not only  
17 benefit Mr. Fasano's properties, but we think  
18 the whole neighborhood, because now you start to  
19 create that mass of restaurants, bars and other  
20 uses, which, you know, we know is critical to  
21 build a dynamic urban environment.

22 So, we do have some variances.  
23 We're going to seek variance relief from  
24 parking. We think we can justify that. We're  
25 going to talk about the so-called Uber effect.

1 We're going to talk about the abundance of  
2 parking in the area, including metered spaces,  
3 garage spaces, and the fact that many, many  
4 people will come to this area already in town,  
5 staying somewhere else.

6 So, what we don't want to do is  
7 have a sea of asphalt parking lots that, for the  
8 most part, other than, maybe, some peak periods,  
9 will not be utilized. We'd rather have dynamic  
10 uses. And, you know, people in an urban  
11 environment figure out where to park.

12 And so we're going to ask for some  
13 parking relief, and we have some minor bulk  
14 variances, very minor.

15 Again, the uses are all permitted.

16 With that, I'd like to just  
17 introduce Mr. Fasano to talk about his vision  
18 for this project and then a little more broadly  
19 for Atlantic City.

20 Mr. Fasano.

21 LANCE LANDGRAF: Scott, please --  
22 swear him in, please.

23 SCOTT COLLINS: Raise your right  
24 hand, please.

25 Do you swear to tell the truth, the

1 whole truth and nothing but the truth in your  
2 testimony today?

3 PATRICK FASANO: Yes, I do.

4 NICHOLAS TALVACCHIA: And --

5 SCOTT COLLINS: And would you just  
6 spell your name for me?

7 PATRICK FASANO: The last name is  
8 Fasano, "F," as in Frank, A-S-A-N-O. First  
9 name, Patrick.

10

11 DIRECT EXAMINATION

12 BY NICHOLAS TALVACCHIA:

13 Q. And, Mr. Fasano, just for the  
14 record, you are NYOrangeDeeds?

15 A. Yes.

16 Q. All right.

17 A. Yes.

18 Q. And you are the owner/developer?

19 A. I'm the owner and developer.

20 That's correct.

21 Q. Talk -- talk to the board a couple  
22 minutes about your view of this development and  
23 overall Atlantic City.

24 A. Yeah. Well, I mean, I started a  
25 little -- a little north of 20 years ago in

1 Asbury Park when it was boarded-up buildings,  
2 nothing but boarded-up buildings. In fact, one  
3 of the first buildings that I bought was from  
4 the -- from a bank for 5 -- \$5,000 was -- it was  
5 a dollar per square foot, to give you an idea  
6 how desperate things were.

7 And, you know, where -- where we  
8 have our restaurant complex now, I bought that  
9 building from the City of Asbury Park. It's  
10 about 16,000 feet. I paid 70,000 for it. So,  
11 that gives you an idea. I think the tax  
12 assessment right now is three and a half million  
13 on that building that I bought for \$70,000. So,  
14 the city's done very well also with their tax  
15 revenue.

16 Q. And you have four venues in that  
17 one building.

18 A. Yeah. So, yeah. We built a -- a  
19 complex of bars and restaurants. And -- and  
20 I'll -- I'll tell you a little brief antidote.  
21 When I opened my first bar in Asbury Park, oh,  
22 more than a decade ago, we chose the smallest  
23 building, because there weren't any people and I  
24 wanted it to look busy. So, we opened the Bond  
25 Street Bar & Grill. And, you know, we -- we

1 were very popular right away with the locals.  
2 We were like the Cheers of Asbury Park.  
3 Everyone would come for \$5 hamburgers and \$2  
4 beers, which we still have today. And, you  
5 know, there's no place -- a basket of fries and,  
6 you know -- real healthy menu, as you can  
7 imagine.

8 But, you know, as the city built  
9 and competition came in, people would come in  
10 and say, oh, you know Johnny Mac is coming from  
11 Brooklyn, he's going to hurt your business. And  
12 we got busier.

13 And then -- and then, oh, the  
14 Biergarten's coming from Jersey City, they're  
15 going to hurt your business. We had to expand.  
16 I mean, it's incredible, I mean.

17 So, now it --

18 I -- I know everybody. I can't  
19 even get a table some of the time. I've got to  
20 go out to dinner 6 o'clock to get a table.

21 This past weekend was crazy. We  
22 had, you know, Santathon. We had 30,000 Santa  
23 Clauses walking the street. We got this zombie  
24 fest. We got 30, 40,000 zombies. I mean, it's  
25 just incredible what we built there.

1                   And, you know, I started it with  
2                   just a small group of guys. It was like me and  
3                   Pat Schiavino and the Ranoro brothers, just --  
4                   just -- just a hand -- handfull of guys, like  
5                   we're doing right now in this area.

6                   And, you know, we had a vision to  
7                   bring the city back and, you know, one thing led  
8                   to another and now we're on the map.

9                   And I think that Atlantic City has  
10                  ten times the potential that Asbury Park has.

11                  But, what we didn't have was a  
12                  walkable downtown. Like the main street was not  
13                  really a walkable downtown.

14                  So, when I started looking at  
15                  Atlantic City, I came across the Tennessee  
16                  Avenue project, and I met Evan, Zenith and Mark  
17                  Callazzo. And they, basically, ran with a  
18                  Rutgers study that identified this area as like  
19                  the best potential to build this area out. And  
20                  it -- and we didn't need to do any  
21                  gentrification because it was all vacant  
22                  buildings and vacant lots. So, we didn't have  
23                  to impact residents.

24                  So, we're going into an area that  
25                  we now call the Orange Loop. We're getting a

1 lot of notoriety behind this Orange Loop  
2 concept.

3 And we want to build a hip area  
4 for, you know, the younger set to come and hang  
5 out and -- that are not necessarily going to the  
6 casinos and -- and -- and interested in the  
7 gambling, but I think the casinos are also going  
8 to benefit because they'll be able to extend the  
9 nights of stay. And, you know, maybe the father  
10 wants to gamble but the wife and the teenage  
11 kids are more interested in the beach and the  
12 amusements.

13 And we're going to create a  
14 walkable area, pedestrian friendly area, that,  
15 you know, will benefit the entire city.

16 And it's contagious. What we do is  
17 contagious. When we started in Asbury, we  
18 started on Cookman Avenue. Just one block.  
19 Okay. Then it went to Lake and Bangs and  
20 Mattison. And now the whole city is thriving.

21 And that's what happens. Because  
22 competition comes into the area. They buy  
23 surrounding property and they build off of  
24 success.

25 And that's what we want. We want

1 everyone pulling in the same direction and  
2 building, you know, restaurants like -- you  
3 know, one restaurant's good, three are better,  
4 ten is great. I think we have 50 now in Asbury  
5 Park. When I got there, there was Jimmy's, on  
6 Main -- on Asbury Avenue and Frank's Deli, and  
7 that was about it. And now, you know, you've  
8 got 50 restaurants.

9           So, I mean, Atlantic City has a lot  
10 of restaurants, but most of them are in the big  
11 boxes and they're not walkable and pedestrian  
12 friendly. And, to me, when I'm at the beach in  
13 the summer, I want to be outside.

14           So, that's why we -- with this  
15 development, you have a lot of green space, a  
16 lot of green space, because I think it's  
17 important to get the people outside in  
18 activities, because that's where they want to  
19 be. They don't -- they don't want to be locked  
20 in a big box and have to ask three times where  
21 the exit is. They want to be able to, you know,  
22 walk and bounce from place to place. And that's  
23 what we're going to do.

24           We're going to build a downtown in  
25 these three blocks. I'm focusing on this



1 particular block and, you know, Mark and Evan  
2 and Zenith, they're working on Tennessee, and  
3 we're -- we're continuing to expand our  
4 footprint. In fact, since this application,  
5 we've acquired all the properties opposite.  
6 There's half a dozen properties opposite that  
7 grid. We acquired all those properties on New  
8 York Avenue as well.

9 Q. Right behind your --

10 A. Directly behind.

11 Q. -- retail.

12 A. So, we now own 25 contiguous  
13 properties.

14 And, you know, because this is in  
15 the opportunity zone, this is -- has encouraged  
16 me to move my capital into this area.

17 Currently, there's very little  
18 financing on this property. It's all paid for.  
19 And the money for the improvements is going to  
20 come from sales of other assets I have, and I'll  
21 be able to have tax benefits by moving money  
22 from sales of other property into this area  
23 because of the opportunity zone.

24 So, this is a shovel-ready project.  
25 I'm not going to require any financing. I'm not

1 going to require any public money. This is all  
2 going to be done with my private money. And,  
3 you know, because I'm old, I now have money.  
4 I'll be really rich the day I die. So...

5 CHRISTINE COFONE: I'm sure you  
6 have been mortgaged --

7 PATRICK FASONE: That's -- that's  
8 the way it works. When you -- as the hair gets  
9 gray, the mortgages get paid and now I can do  
10 what I want.

11 BY NICHOLAS TALVACCHIA:

12 Q. Mr. Fasano, I do want to touch on  
13 --

14 We're going to request a parking  
15 variance. We're required --

16 A. Yeah.

17 Q. -- to have a hundred and 20 spaces.  
18 We have 51 we're adding. We have  
19 two. So, we have 53.

20 A. Yes.

21 Q. You have a strong view about that.

22 A. Absolutely. I mean, you know, the  
23 one thing that Asbury Park does not have and  
24 Atlantic City has an abundance of, it's the park  
25 -- it's parking. Okay? So, you know, what --

1 what you have is not a parking problem. You've  
2 got a peak demand problem. You can't build  
3 parking for the 4th of July or, you know, Black  
4 Friday at a shopping center, you know.

5 And -- and it --

6 There's so much underutilized  
7 parking. Just a block away is the suburban lot  
8 with 800 spots that are vastly vacant. I know  
9 Bart has 4,000 empty spots at the Showboat. I  
10 mean, so --

11 I mean, it's just a matter of  
12 everybody having a little group hug and talking  
13 about how we work this out, because there's an  
14 abundance -- abundance of structured parking,  
15 and the vast majority of it is vacant. And I've  
16 never known anyone to say, hey, let's go to a  
17 city and look at all their parking lots. What  
18 you want is buildings. And you -- we really  
19 need to have less or no parking requirement,  
20 really, for the commercial and let the  
21 commercial pay for parking in -- in, you know,  
22 city-run lots, perhaps, or something like that.  
23 That's a bigger conversation down the road.

24 But, certainly, to build a downtown  
25 and make it exciting, you know, I have to do

1 things that are hip and cool and trending. And

2 --

3 Like my daughter calls me hipster  
4 dad because like she lived in Brooklyn for four  
5 years and we -- you know, we'd walk around and  
6 we'd go to all the spots and, oh, we've got to  
7 do this, we've got to do this, we've got to do  
8 this while --

9 I mean, the shipping containers, I  
10 mean, I was -- I built the project in Mamila  
11 Antonio, Costa Rica, at the entrance of the  
12 park. And my neighbor built a shipping  
13 container hotel. And I was so jealous. I'm  
14 like, I want a shipping container hotel and this  
15 is so cool.

16 And, you know, Asbury Park, you  
17 know, they don't really get it, but  
18 Atlantic City, you guys are hip and cool and  
19 trending and you're going to get it, and it's  
20 going to be exciting.

21 And that's what, you know, people  
22 want. They want to see things that are  
23 different, that are visually interesting.

24 So, we do a lot of work with  
25 reclaimed materials and, you know, repurposing.

1 And that's what's -- that's what's cool and hip  
2 and trending. And that's what we're going to  
3 do. We're going to make this like --

4 I think someone just sent me an  
5 article that AAA magazine just called us Hip AC.  
6 Okay? So, it -- it's working. They're buying  
7 into it. Okay. So, we're now Hip AC, the  
8 Orange Loop, with the Beer Hall and Blue Ray and  
9 -- and MADE and Hayday.

10 And now, with the, you know,  
11 container hotel, which is going to be a very,  
12 you know -- it's going to be a vending hotel.  
13 You're going to sell vend. Okay. You're going  
14 to be able to use apps and access your own  
15 rooms. It's -- this is like the latest thing.  
16 This is --

17 Everything's like --

18 Your Uber app, you're going to have  
19 a hotel app. You're going to be able to find  
20 your hotel room. You're going to be able to pay  
21 online. You're going to be able to check in  
22 yourself and get a room code. And you'll be  
23 able to vend yourself these hotel rooms. So,  
24 it's going to be something that's really hip and  
25 cool, and that -- that's what we're going to go

1 after. And --

2 Q. Mr. Fasano, so, on the parking  
3 issue, --

4 A. Yes.

5 Q. -- it's in your best interests to  
6 ensure that there's enough parking to make your  
7 businesses successful.

8 A. Oh. Absolutely.

9 Q. Are you satisfied that, with the  
10 parking available, Uber, with the parking you're  
11 providing and public parking, metered parking,  
12 there will be sufficient parking?

13 A. Yeah. I mean, those 50 spots, what  
14 we envision is to -- having a two-hour limit for  
15 those 50 spots. Because if you're coming to my  
16 restaurant, if you're going to the retail,  
17 you're not going to be there for more than two  
18 hours. This is not for people to park and spend  
19 the day at the beach and go to the amusements.  
20 So, we'll --

21 You know, the signs will be posted,  
22 and we'll monitor it for two-hour parking.

23 And it will be parking similar to  
24 the way, you know, Hayday and Beer Hall are  
25 doing it now. You post a sign, parking for

1 these businesses, two-hour limit.

2 And -- and we expect a turnover.  
3 This isn't something that, you know, is going to  
4 be a long-term parking. There's no residential  
5 proposed in this project. Residential does  
6 require, you know, overnight parking. But, this  
7 is for tourism. We're attached to the  
8 boardwalk. We're going to promote tourism. We  
9 want people in and out, in and out, in and out.

10 And a vast majority of our  
11 customers are going to walk to the business. I  
12 think there's 24 million people a year walking  
13 down the boardwalk from place to place. And I  
14 wouldn't be able to feed and give enough beer to  
15 that many people, so I hope there's other  
16 businesses to take care of them as well.

17 Q. Thank you, Mr. Fasano.

18 A. Thank you.

19 Q. I'm sure we'll have some questions  
20 for you.

21 A. No problem.

22 NICHOLAS TALVACCHIA: I'd like to  
23 introduce our engineer and planner, Jason  
24 Sciullo.

25 JASON SCIULLO: Good morning.

1                   NICHOLAS TALVACCHIA: Will you  
2 swear in Mr. Sciullo?

3                   SCOTT COLLINS. Good morning.

4                   JASON SCIULLO: Good morning.

5                   SCOTT COLLINS: Would you raise  
6 your right hand, please?

7                   Do you swear to tell the truth, the  
8 whole truth and nothing but the truth in your  
9 testimony here today?

10                  JASON SCIULLO: I do.

11                  SCOTT COLLINS: Thank you.

12                  JASON SCIULLO: Thank you.

13

14 DIRECT EXAMINATION

15 BY NICHOLAS TALVACCHIA:

16                  Q. Mr. Sciullo, for the record, you  
17 are a New Jersey licensed planner and a licensed  
18 engineer. Is that correct?

19                  A. I am. Yes.

20                  Q. Have you been qualified by the CRDA  
21 Land Use board as an expert in those fields?

22                  A. Yeah. A couple times.

23                  LANCE LANDGRAF: For the record, we  
24 recognize Jay's expertise in the profession of  
25 engineering and planning.



1                   NICHOLAS TALVACCHIA: Thank you.

2                   THE WITNESS: Thank you.

3 BY NICHOLAS TALVACCHIA:

4           Q.       Mr. Sciullo, you -- you know what  
5 Mr. Fasano said, and we already had a  
6 presentation. I would just ask you to, first of  
7 all, orient the -- the Authority to the site.  
8 Where is the boardwalk? Where is Pacific  
9 Avenue? What are the streets? And then go from  
10 there.

11          A.       Sure. Sure. So, now this is a --  
12                   The first slide that I'm going to  
13 present, which I --

14                   And, Scott, I don't know if you  
15 want to mark the whole slide show as an exhibit,  
16 but --

17                   NICHOLAS TALVACCHIA: We have -- we  
18 have 21 total --

19                   SCOTT COLLINS: Okay.

20                   NICHOLAS TALVACCHIA: -- slides.

21                   THE WITNESS: Yeah. There's --  
22                   It's going to be a couple  
23 renderings, a couple pictures.

24                   NICHOLAS TALVACCHIA: We'll go  
25 through them all, but we'll mark them at the

1 end.

2 SCOTT COLLINS: Is anything  
3 different than what was previously --

4 NICHOLAS TALVACCHIA: Yes.

5 SCOTT COLLINS: -- submitted?

6 NICHOLAS TALVACCHIA: Yeah.

7 THE WITNESS: Yeah.

8 NICHOLAS TALVACCHIA: We have  
9 photos, color --

10 THE WITNESS: It's not necessarily  
11 different, it's just additional.

12 NICHOLAS TALVACCHIA: Additional.

13 SCOTT COLLINS: Well, let's just  
14 mark what was initially submitted as the  
15 application, --

16 NICHOLAS TALVACCHIA: Okay.

17 SCOTT COLLINS: -- A-1, and then we  
18 could --

19 THE WITNESS: Okay. And I'll  
20 explain, as we get through them, which ones are  
21 included.

22 And, Rob, I'll get you this whole  
23 thing for the -- the website, eventually.

24 NICHOLAS TALVACCHIA: I think, --

25 ROBERT REID: Thank you.

1                   NICHOLAS TALVACCHIA: -- unless you  
2 have an objection, we could just mark this as  
3 A-2, the whole 21, so we don't have to --

4                   SCOTT COLLINS: That works.

5                   NICHOLAS TALVACCHIA: -- figure out  
6 --

7                   THE WITNESS: Okay.

8                   NICHOLAS TALVACCHIA: -- what's --  
9 what's added or not added.

10 BY NICHOLAS TALVACCHIA:

11                 Q.       Go ahead.

12                 A.       All right. So, this is a -- a  
13 colored version of the site plan that was  
14 submitted as part of the application, and it's  
15 overlaid on an aerial photo available from DEP.

16                   So, the -- the road that's on the  
17 top part of the sheet is Saint James. The one  
18 on the bottom is New York. North Pacific Avenue  
19 is on the left side and the beach and boardwalk  
20 are on the right.

21                   We're immediately flanked by the  
22 parking lot that serves Irish Pub. And then  
23 this parking lot on this end is the Best Western  
24 that's on the corner of Pacific and Saint James.

25                   So, the existing Blue Ray

1 restaurant is on our southern end and this  
2 existing patio that serves it, all of which has  
3 been operational since the summer and very  
4 successful, as previously mentioned.

5 And you -- you heard Pat say he  
6 bought other properties. They are these right  
7 here. This is the building that has Mama Mott's  
8 in it. There's a -- a deck here. And then this  
9 is a residential building that has 12 units,  
10 total, in it.

11 Q. But, these -- these additional  
12 properties are not part of this application.

13 A. No. He acquired them after this  
14 application was submitted. But, now we do have  
15 control of those properties.

16 Q. And, Jay, just because I think it's  
17 important to the context, --

18 A. Sure.

19 Q. -- the Irish Pub is right to the  
20 right.

21 A. To the right. Yep.

22 Q. And Best Western to the left.

23 And then Beer Hall, MADE and Hayday  
24 are where?

25 A. Tennessee is on the other -- just

1 off the sheet, up here. And you might recognize  
2 this as the bus parking lot that connects  
3 between Saint James and Tennessee. So, they are  
4 just to the left of that.

5 This building here used to be The  
6 Pittsburgh.

7 Q. So, they're all -- they're all  
8 within --

9 LANCE LANDGRAF: Maloney's Uptown  
10 and then --

11 NICHOLAS TALVACCHIA: Yeah.  
12 Maloney's Uptown.

13 They're all within walking distance  
14 is the point. They all connect.

15 THE WITNESS: Yes. That's the  
16 intent.

17 And now, one of the things with  
18 this layout, our parking lot that we propose is  
19 right dead center of the site here. And you'll  
20 notice that there's four driveway openings.  
21 They're intended to connect these streets and  
22 have free flow of traffic. We -- we're going to  
23 make it a one-way loop operation so that you  
24 don't have to cross travel lanes to be able to  
25 circulate within the parking lot.

1           But, this layout, because we're on  
2 the long beach block, to get from Tennessee  
3 Avenue over to this site -- or any site, any  
4 direction, towards Resorts or whatever, we would  
5 -- in the past, because there are connections  
6 between these parking lots but they're not  
7 intended to really connect pedestrian links,  
8 people would either walk to the boardwalk or  
9 walk to Pacific Avenue, which just wasn't  
10 happening.

11           When Maloney's Uptown was popular  
12 and then, after that, when it opened back up as  
13 Perfectly Innocent, whatever they called it,  
14 that was the only thing on that block.

15           So, when you leave here, going back  
16 towards the boardwalk wasn't so bad. Walking  
17 back all the way up on this vacant strip, up to  
18 the corner where the church is and Columbus  
19 building is, was -- not sketchy, but if you  
20 didn't live here, it was uncomfortable.

21           So, we don't want that situation to  
22 exist any longer. That's the intent of -- of  
23 all this development, you know, reasonably and  
24 cohesively; to create links between all these  
25 properties.

1           So, now, you'll also recall that  
2   Resorts owned a piece of ground -- or owns a  
3   piece of ground next to the Pic-a-Lilli. We're  
4   hoping we can do the same kind of thing there  
5   and make this the through connection as we go,  
6   very similar to what the Rutgers study you  
7   mentioned was.

8           On the other side of New York  
9   Avenue here, where B & B has the big parking  
10  facility, there's snake alley, Westminster Ave.,  
11  that wraps or goes to Kentucky. The same kind  
12  of deal. We'll be able to create a pedestrian  
13  loop that goes all the way down through there.  
14  This is the beginning of that.

15           So, this parking lot arrangement is  
16  intentional for that purpose; to be able to  
17  connect these two roads and make it so that  
18  people can roam freely.

19  BY NICHOLAS TALVACCHIA:

20           Q.       And then there are pathways, right,  
21  connecting the two streets?

22           A.       There are, yeah. There's a  
23  sidewalk that runs right through here.

24           LANCE LANDGRAF: While we're on  
25  that, just a couple of questions.

1 THE WITNESS: Sure.

2 LANCE LANDGRAF: So --

3 I'm going to point something out  
4 real quick.

5 So, instead of having this as a  
6 drive through area, you're going to have four  
7 more parking spaces here?

8 THE WITNESS: That's all parking.  
9 Yes.

10 LANCE LANDGRAF: All right. So,  
11 the cars will come out onto --

12 THE WITNESS: New York.

13 LANCE LANDGRAF: -- this is New  
14 York and -- to go back around if they want to  
15 loop --

16 Say they see a space over here and  
17 they came in this way. They're going to have to  
18 go out and come back in.

19 THE WITNESS: Yes.

20 Now --

21 LANCE LANDGRAF: Bill, are we okay  
22 with that?

23 THE WITNESS: -- we're going to  
24 sign it one-way.

25 LANCE LANDGRAF: Everything's okay?



1 WILLIAM ENGLAND: Yeah. We're all  
2 right.

3 THE WITNESS: And having --  
4 Well, full driveway openings on  
5 these roads. Because these aren't through  
6 streets, as you know. They're dead-ended --

7 LANCE LANDGRAF: Right.

8 THE WITNESS: -- due to the  
9 boardwalk.

10 Having --

11 Creating more dead ends is  
12 problematic.

13 And you see the Irish Pub has the  
14 same kind of situation. They -- they block the  
15 one opening pretty regularly to keep people from  
16 cutting through, but we don't care if people cut  
17 through.

18 So, we want to make it so that, if  
19 you come down the street, you don't have to do a  
20 K-turn at the end. This is the way to do it, we  
21 believe.

22 LANCE LANDGRAF: While we're on --  
23 while we're on that parking comment, Pat made a  
24 comment that it's going to be limited parking.

25 THE WITNESS: Yeah.

1                   LANCE LANDGRAF: What about for the  
2 hotel rooms?

3                   NICHOLAS TALVACCHIA: They will be  
4 the excep -- that will be the exception.

5                   LANCE LANDGRAF: Okay.

6                   NICHOLAS TALVACCHIA: So, the idea  
7 is, from an app, you'll get your room, you'll  
8 get, probably, a code to enter your room. So,  
9 there's no office. You'll just go. There will  
10 be instructions where to park. And either  
11 you'll give -- we haven't set this up, yet, Pat,  
12 but you'll either provide the car you're  
13 bringing and the license plate so that  
14 management will know you're in the hotel --

15                   PATRICK FASANO: Yeah. Hanging.

16                   NICHOLAS TALVACCHIA: -- or they'll  
17 provide a placard in your room that you just put  
18 in your car.

19                   LANCE LANDGRAF: Okay.

20                   NICHOLAS TALVACCHIA: So,  
21 technically --

22                   LANCE LANDGRAF: So, someone  
23 staying in a hotel has a place to park.

24                   NICHOLAS TALVACCHIA: Exactly.

25                   PATRICK FASANO: Yes. It's --

1 LANCE LANDGRAF: Okay. Good.

2 THE WITNESS: And there's --

3 So, we can segue to the next slide.

4 So, that -- that parking lot I  
5 mentioned is going to be the first phase of  
6 construction.

7 And these phases are -- are set up  
8 not necessarily because we intend to take time  
9 between them, but just so you're aware of how  
10 this will probably get built.

11 So, Phase A, the first phase --  
12 well Blue Ray was technically, I guess --

13 BY NICHOLAS TALVACCHIA:

14 Q. Blue Ray is operating today?

15 A. That's operating.

16 Q. Right.

17 A. And this parking lot was going to  
18 be the next phase, Phase A of this project.

19 That will be, obviously, for serving Blue Ray  
20 and the rest of the development as it goes on.

21 And the second phase will be the  
22 retail building here, which we should clarify.

23 The application, when submitted,  
24 had that building as mixed use with retail on  
25 the ground floor and residential units on the

1 second floor. We now want to amend the app to  
2 make this entirely retail, because we're in  
3 discussions, negotiation, for a nationwide  
4 publicly-traded company to come in and -- and  
5 lease that space. They want both floors as of  
6 today.

7 Q. And they also want the building to  
8 be slightly --

9 A. 10,000 square feet. Right now,  
10 it's -- it's shown as 45 X 95 for the main mass  
11 of the building, with a five foot wide balcony  
12 on Saint James and a ten foot wide balcony on  
13 the rear of the building, where we're  
14 requesting, today, the setback relief. That  
15 balcony was for the residential use. Since it  
16 won't be there any longer, we're going to remove  
17 that balcony and push the building out slightly.

18 We -- if we have any setback  
19 encroachment with the future building, it will  
20 be minimal. But, we're still going to request a  
21 variance today for what we submitted, because we  
22 feel it's appropriate. In the event that that  
23 lease doesn't work out, we want to do the  
24 residential in that building.

25 Q. What -- what would be the --

1                   NICHOLAS TALVACCHIA: I'm sorry.

2                   LANCE LANDGRAF: What's the --  
3 what's the intended use of that retail building?

4                   NICHOLAS TALVACCHIA: Well, we were  
5 in negotiations for just --

6                   It would be permitted, but we  
7 really don't want to discuss that publicly.

8                   LANCE LANDGRAF: So, it's permitted  
9 uses?

10                  NICHOLAS TALVACCHIA: Absolutely.

11                  THE WITNESS: Oh, yeah. Yeah. We  
12 won't have any issues with the use.

13 BY NICHOLAS TALVACCHIA:

14                  Q.        And, Jay, so, to be clear, by  
15 taking off the rear deck and pushing the  
16 building out, we're not really changing the  
17 setback.

18                  A.        No. We're going to decrease it.  
19 Actually --

20                  So --

21                  Q.        Well, someone asked for the  
22 variance.

23                  A.        Oh. I'm sorry. "Increase" [stated  
24 incorrectly] the setback. Increase the relief  
25 requested.

1 Q. Right.

2 A. Yes.

3 Q. But, the building itself will get a  
4 little bigger. So, what are the --

5 A. Slightly.

6 Q. -- proposed dimensions of the new  
7 building?

8 A. Fifty by a hundred, where, today,  
9 it's 45 X 95.

10 Q. Okay.

11 A. So, gross -- well, whatever it was.  
12 1,600 square feet or something.

13 Q. Right. And -- and that changes the  
14 parking demand from --

15 A. It does.

16 Q. -- 107 spaces to 120 spaces?

17 A. One hundred and 20. Yeah.

18 Q. And what we're --

19 We have 53 total proposed.

20 A. We do. There's 51 in this new  
21 parking lot and then two exist that Blue Ray has  
22 on the beach side of the building.

23 Q. All right. We'll get into the  
24 variance a little later, after you're done --

25 A. Yeah.

1 Q. -- describing the --

2 A. So, along with the slight change of  
3 the building, we're also going to slide it  
4 closer to the parking lot.

5 You heard me mention that Pat now  
6 owns this piece here. We're going to have an  
7 entrance that comes off of Saint James to there.  
8 So, we want to create a landscape feature on  
9 this end. So, we're going to slide the building  
10 over so we'll have a larger setback towards the  
11 neighboring piece to the north. And the  
12 building will be smaller in total footprint than  
13 what's shown here, but very similar.

14 NICHOLAS TALVACCHIA: So, to  
15 clarify the record, we're going to --

16 Today, I'm going to ask for  
17 preliminary approval, --

18 THE WITNESS: Yes.

19 NICHOLAS TALVACCHIA: -- submit  
20 revised plans, and come back for final.

21 THE WITNESS: And on those --

22 LANCE LANDGRAF: I think that's a  
23 good idea.

24 THE WITNESS: And on those --

25 NICHOLAS TALVACCHIA: Yeah.

1 THE WITNESS: And on those final  
2 plans we'll address all the comments in the  
3 review letter and these minor items that we're  
4 going to show you now.

5 LANCE LANDGRAF: Just one second,  
6 Jay.

7 Christine, are we okay with the --  
8 not knowing the exact use of that retail  
9 building at this point?

10 CHRISTINE COFONE: As long as they  
11 want to stipulate that they're permitted uses,  
12 they are -- I have no problem with that.

13 NICHOLAS TALVACCHIA: If for some  
14 reason it's not permitted, --

15 CHRISTINE COFONE: You'll be back  
16 in with other plans.

17 NICHOLAS TALVACCHIA: -- we'll be  
18 back.

19 LANCE LANDGRAF: Yeah. Good.

20 THE WITNESS: So, that will be for  
21 A and B.

22 And then if anyone's been to Blue  
23 Ray already, I mentioned this outdoor patio  
24 area. There's seating there now. And we also  
25 have from the corner of the building out to



1 here. That yard area has been approved --

2 Remember, Pat mentioned about  
3 wanting to be outside, especially in the warmer  
4 months. If you've been there, which I hope you  
5 all have, Christine, the -- there's a garage  
6 door, overhead door, that's in this wall that  
7 pretty much makes the building go right out into  
8 the open space. It's awesome.

9 BY NICHOLAS TALVACCHIA:

10 Q. And there's a bar right next to the  
11 door.

12 A. There's a bar right on it. That's  
13 the way it's supposed to be.

14 Q. It feels like summer in there, --

15 A. That's correct.

16 Q. -- inside.

17 A. So, now we're going to build on  
18 that, literally, and expand that outdoor  
19 entertainment area to be the whole New York  
20 Avenue frontage of the section from the proposed  
21 parking lot to the edge of Blue Ray's existing  
22 patio.

23 So, there's a seasonal concession  
24 bar here. And what I mean by that is similar --  
25 like the beach bars. That will be a repurposed

1 intermodal container, and it will be open during  
2 the warmer months and then winterized when, you  
3 know, the season's --

4 Q. That's a permanent structure, but  
5 --

6 A. A permanent structure --

7 Q. -- seasonally operated.

8 -- that's seasonally operated.

9 Similarly, there are two -- well,  
10 it's -- it's four containers total, but  
11 separated into two different structures for  
12 concession stands for what we envision to be  
13 some kind of -- I'll say different type of food.  
14 Like a -- like an ethnic vendor will come in and  
15 rent the space so that there will be options  
16 beyond Blue Ray.

17 As Pat mentioned, competition is  
18 good. These won't be necessarily competition,  
19 but something different that will be in those  
20 two structures.

21 LANCE LANDGRAF: Almost like a food  
22 truck, but with a permanent --

23 THE WITNESS: Exactly.

24 CHRISTINE COFONE: Permanent.

25 THE WITNESS: Exactly.

1 LANCE LANDGRAF: -- permanent  
2 structure.

3 BY NICHOLAS TALVACCHIA:

4 Q. And the opening will face inward,  
5 not toward --

6 A. Inward. Absolutely.

7 And then --

8 LANCE LANDGRAF: But, it will have  
9 something on the outside that will look nice.

10 THE WITNESS: Oh, yeah. For sure.  
11 I'll -- I'll get to the pictures of what these  
12 containers can look like. And I --

13 There's other ones that I didn't  
14 dig up, but they --

15 The only way you know they're  
16 containers is because we're telling you. It's  
17 really interesting.

18 You do keep certain features of it  
19 to make sure it is known that it's container,  
20 but it doesn't look like it's sitting on a truck  
21 or standing on the site.

22 So, we have those four containers  
23 that are repurposed to be concession.

24 We have two more containers stacked  
25 end-to-end for restrooms on this edge. We're

1 going to have a stage --

2 LANCE LANDGRAF: Connected to  
3 sanitary sewer and water. Correct?

4 THE WITNESS: Absolutely.  
5 Absolutely. The whole structure -- everything  
6 in here will be.

7 This stage here, for outdoor  
8 entertainment. So, not just music, but, also,  
9 potentially, small art sessions or plays,  
10 something along those lines. The space is  
11 intended to be flexible. So, we have this  
12 gathering space, open space, right next to it  
13 for that purpose.

14 So, the cutoff between that phase,  
15 C, and we'll call it Phase D, which would be  
16 this space here, which is the hotel, is  
17 generally in line with the rear of Blue Ray.

18 Now, that last phase -- which this  
19 may all get done together, like I mentioned, but  
20 we're calling it the last phase, is a ten-room  
21 hotel/motel complex that's made of repurposed  
22 intermodal containers.

23 I have a slide show. I --

24 We submitted, actually, as part of  
25 the application, renderings that were provided

1 by the applicant for those units.

2 And we actually have real-world  
3 examples of the hotel that Pat mentioned in  
4 Costa Rica that we'll show you, generally, what  
5 this will be very similar to.

6 BY NICHOLAS TALVACCHIA:

7 Q. And, Jay, the hotel's actually  
8 broken into those two components. Right?

9 A. Two separate pieces.

10 So, there's going to be four rooms  
11 in containers stacked end-to-end with a zero  
12 setback, again, Saint James, which is permitted,  
13 and then we're going to have another six rooms,  
14 which will be, generally, double-wide trailers.  
15 So, they'll be 20 feet deep, 16 feet wide, which  
16 is two eight-foot trailers put together, with  
17 the center wall not necessarily cut out, but,  
18 you know, an opening between them.

19 So, those rooms will be stacked so  
20 that they face the back of Blue Ray and into the  
21 parking lot.

22 And there are two floors on each of  
23 those. So, we'll have --

24 You know, obviously, the buildings  
25 will be elevated to deal with the flood hazard

1 requirements, and then we'll have two stories --  
2 two floors of hotel rooms in those containers.

3           Along with the containers, we also  
4 have a ramp and small terraced area that it's  
5 right in front of the -- the structure. It  
6 serves two purposes. One, we have to get, as I  
7 mentioned, from grade, which is existing at  
8 about elevation seven, up to the finish floor of  
9 these new buildings, which will be 12. So, that  
10 five feet of grade is made up with a ramp that  
11 runs in front of the building here.

12           And on the second level of that  
13 ramp --

14           Well, let me back up and say that  
15 the accessible route will generally be --

16           There's accessible parking here.  
17 It will come out onto the sidewalk, go up along  
18 the public sidewalk, into a gate that's here,  
19 and down this paved walkway, along a boardwalk  
20 and paved area here, up this ramp, and then up  
21 to this area here, which is generally where it  
22 splits to go to either one building or the  
23 other. Two floors.

24           So, the bottom floor will be  
25 barrier-free. The upper floor will be accessed

1 by steps, so it won't be barrier-free, which is  
2 permissible by code.

3 So, that second section where we  
4 ramp --

5 That first section ramp comes up.  
6 So, figure, split the grade. So, two and a half  
7 feet up or a foot and a half up. Then there's a  
8 terraced section here that has fire pits,  
9 seating area, general gathering space. Not  
10 huge, but it's there.

11 And then the second ramp will go up  
12 and get to the main corridor, where you access  
13 the buildings.

14 CHRISTINE COFONE: Are those spaces  
15 only for the container hotel patrons or can  
16 anyone use them?

17 THE WITNESS: That's actually a  
18 great question. I don't know. I mean, we --

19 PATRICK FASANO: The outdoor area?

20 CHRISTINE COFONE: Yes.

21 THE WITNESS: Yeah. We're not  
22 limited. Right?

23 PATRICK FASANO: No. No. It's --

24 We're going to license the whole  
25 area, and it will be open to the public.

1 THE WITNESS: And to clarify, what  
2 he means by "license," we're going to expand the  
3 liquor license for Blue Ray and then go all the  
4 way to this edge. So, it will all be served in  
5 this area, which is part of the reason for one  
6 of the variances; requesting the fence around  
7 the entire property for that reason.

8 So, the gathering spaces in the  
9 front here can be used by anyone that's  
10 patronizing the entire complex.

11 CHRISTINE COFONE: Thank you.

12 THE WITNESS: Also included is a  
13 lawn area that's between that terrace and Blue  
14 Ray. Multipurpose. You know, we're envisioning  
15 it as -- as space during weddings and people  
16 just generally gathering and doing what people  
17 do outside; hanging out. So, it's nice and  
18 flexible. The --

19 So, in totality, we have Blue Ray,  
20 which, by ordinance, requires 51 parking spaces.  
21 The hotel has ten rooms, which is ten parking  
22 spaces. Then there's in the neighborhood of  
23 about -- let me get the number right -- I can't  
24 zoom in on this now -- I want to say it's 12,000  
25 square feet of non-hotel space, which requires



1 24 parking spaces. And then the retail  
2 building, which, with, now, 10,000 square feet,  
3 will be about 33 parking spaces. So, in total,  
4 we have a hundred and 20 required for the  
5 property pursuant to the ordinance. And we  
6 propose 51 in this new lot and have two existing  
7 over here.

8 In addition to the vehicle parking,  
9 there's also an existing loading space that's in  
10 this section for Blue Ray, and we have striped a  
11 space that's just about midpoint within this  
12 building for loading. We --

13 NICHOLAS TALVACCHIA: That's for  
14 the retail.

15 THE WITNESS: For the retail  
16 building.

17 The hotel use itself, since it's  
18 serviced by Blue Ray --

19 And -- and you heard testimony  
20 previously from Pat that there's not going to be  
21 a management office for the hotel. Anything  
22 that's done to access the facility will be done  
23 electronically, but if there were an issue,  
24 obviously, you can't just, you know, pick up  
25 your phone and hope that somebody fix --

1                   So, they do have the -- or they  
2 will have the management of the restaurant  
3 managing the hotel for any purpose, like if  
4 someone says that they have an issue of whatever  
5 need. So, there's going to be directions to be  
6 able to get into the restaurant and understand  
7 who you're supposed to talk to. So --

8                   LANCE LANDGRAF: So, essentially,  
9 the manager of the restaurant -- Diana?

10                  PATRICK FASANO: Yes.

11                  LANCE LANDGRAF: -- will be the  
12 person that, if there's an issue --

13                  THE WITNESS: Yes.

14                  LANCE LANDGRAF: -- whoever the  
15 manager is on duty.

16                  And I just want to get this on the  
17 record that this will not be set up as a  
18 boarding or rooming house.

19                  PATRICK FASANO: No.

20                  THE WITNESS: Oh. Absolutely not.

21                  LANCE LANDGRAF: Okay. I just want  
22 to make sure that's absolutely clear.

23                  THE WITNESS: Crystal-clear. Thank  
24 you.

25                  So, this complex --

1                   For sure, these two are absolutely  
2 a hundred percent intermingled. There's going  
3 to be a large overlap of use between the hotel,  
4 the restaurant and the entertainment area.

5                   The retail building will also be,  
6 likely, utilized by the same patrons, but it's  
7 not directly connected.

8                   NICHOLAS TALVACCHIA: Or it could  
9 be totally independent.

10                  THE WITNESS: It could be. It  
11 could be.

12                  So, I didn't even look at my  
13 testimony outline, but the --

14                  So, for the -- the phasing, before  
15 I move on to the technical part of it --

16                  So, if you guys have any questions  
17 about the function of the site or the  
18 constructed features --

19                  LANCE LANDGRAF: No.

20                  THE WITNESS: All right.

21                  LANCE LANDGRAF: We're good. Thank  
22 you.

23                  THE WITNESS: So --

24                  Because I have more that I should  
25 show you.

1           So, now, this slide, the next one,  
2    this is a rendered version of the retail  
3    building. And this is what was built in Asbury  
4    Park by Pat, so that you'll see the name there,  
5    the Getty. That's not what we're going to call  
6    this building. But, this is very similar to  
7    what this will end up looking like.

8           So, this is the street view. So,  
9    this would be Saint James. This would be the  
10   parking lot where Best Western is, and Blue Ray  
11   is on this end.

12           So, you'll see there's balconies up  
13   in the -- the front of the building and then  
14   access from the street.

15           Asbury has a very similar situation  
16   that we do as far as flood hazard. It's not  
17   quite as severe. So, now, we don't show it  
18   here, but there will be steps to access this  
19   from the front. The building is not right on  
20   the lot line or the right-of-way lines. It's  
21   five feet setbacks. So, we're going to have  
22   steps within that five feet to access the  
23   building. And the accessible entrances will be  
24   in the rear.

25           So, I'll go back to the first

1 slide, where I --

2 That access -- accessible section  
3 will be in the rear, here. So, we're going to  
4 come off the sidewalk in the -- from the street,  
5 and the parking lot to get in. And then,  
6 similarly, on the other side we'll have access  
7 from the street.

8 So, that's that retail building.

9 Now, these are the renderings that  
10 were submitted for the hotel and entertainment  
11 area as part of the original application, but I  
12 included them in the slide show so we can talk  
13 through them.

14 So, here's, generally, a  
15 bird's-eye, with the parking lot on the left,  
16 Blue Ray on the right. You'll see the hotel  
17 containers here, the seasonal bar, the  
18 concession stands, the restroom, stage, the  
19 seating area I mentioned, and the lawn.

20 So, the next slide, this is the  
21 hotel's -- hotel rooms -- I'm sorry -- from the  
22 parking lot side. So, Saint James on the right,  
23 New York -- I'm sorry -- on the left. New York  
24 on the right, beach and boardwalk in front of  
25 us.

1           You'll notice the -- these features  
2 here, vertical features. They are also  
3 containers. So, we have the two stories of  
4 hotel rooms -- motel rooms, and then we're going  
5 to take containers and stand them up to be just  
6 an architectural feature. They're not going to  
7 be utilized for any space above the second floor  
8 here in this section here. Maybe storage, if  
9 it's accessible for that, but it won't be --

10           NICHOLAS TALVACCHIA: It's really  
11 architectural.

12           THE WITNESS: It's architectural.  
13 And it -- it won't be habitable. The --

14           And that -- that will also contain  
15 signage. We didn't submit a signage package as  
16 part of the application. We will refine that  
17 and submit it as part of final.

18           We have very permissive sign  
19 standards in the RC zone, so we won't have any  
20 issue with compliance. But, we will have  
21 signage on the building.

22           There will also be lighting around  
23 these buildings for not only the doorways,  
24 required by building code, but, also, site  
25 lighting that we haven't shown on the plans yet.

1 We will as part of the submission of the final.

2 CHRISTINE COFONE: Is there any  
3 lighting on those architectural features, the  
4 two containers?

5 THE WITNESS: Within them there  
6 will be something that makes them look sharp.  
7 Like the -- the signage will be lit and --

8 I hope you can see.

9 All right. So, see that it's kind  
10 of like a --

11 CHRISTINE COFONE: Like a dong.

12 THE WITNESS: -- like a belfry or a  
13 belltower or whatever.

14 There's going to be light in there  
15 to make it -- it won't be glaring light, but it  
16 will light the structure so it looks --

17 LANCE LANDGRAF: So, it's  
18 architectural type of lighting?

19 THE WITNESS: Architectural  
20 lighting.

21 LANCE LANDGRAF: Okay.

22 THE WITNESS: So, the next slide is  
23 a -- another bird's-eye from the other side.  
24 We'll call this from, you know, generally, like  
25 standing at Atlantic Palace, looking down.

1           So, you'll see that -- that walkway  
2     I mentioned with the terrace. So, the  
3     accessible route will be down the sidewalk  
4     that's in the shadow of the building there, up  
5     this section, and then along this --

6           So, this terraced area up to the  
7     second part, that's fire pits and gathering  
8     space. So, this is a little slope area that  
9     we're going to landscape. And it will look  
10    pretty good.

11           NICHOLAS TALVACCHIA: And the --  
12    the hotel units, you'll notice, have balconies  
13    on the ocean side so people can --

14           THE WITNESS: Yes.

15           NICHOLAS TALVACCHIA: -- be in  
16    their rooms, look down and see the fire pit  
17    area.

18           THE WITNESS: But, you'll notice  
19    that there's no access to these rooms from this  
20    side. All the access is from the parking lot  
21    side. So, these are just balconies. And what  
22    they actually will do is take the -- the access  
23    door to the container and swing them out, and  
24    they create the -- the balcony space.

25           You also see that the containers



1 that are stacked on --

2 NICHOLAS TALVACCHIA: Saint James.

3 THE WITNESS: -- Saint James,  
4 they're not solid.

5 We have openings between them for  
6 architectural appeal. So, there will be  
7 visibility corridors, potentially, through  
8 those, depending on how that all works out, but  
9 the intent is to make this not look like just a  
10 straight wall along Saint James.

11 The next slide. From the other  
12 side, Saint James side, looking down. So,  
13 you'll see, again, the courtyard area and those  
14 balconies and the frontage of Saint James. And  
15 you'll see the stage opening here, facing into  
16 the facility.

17 LANCE LANDGRAF: Jay, the -- the  
18 fire pits, they'll be gas-fired?

19 THE WITNESS: Yes. Yes, with the  
20 --

21 LANCE LANDGRAF: Fully compliant  
22 with the AC Fire Department, --

23 THE WITNESS: Yeah.

24 LANCE LANDGRAF: -- I'm sure.

25 THE WITNESS: Not unlike the one

1 that's at the Beer Hall now.

2 LANCE LANDGRAF: Correct.

3 THE WITNESS: A little bit sharper.

4 We're probably going to do something that's  
5 square and pre -- not precast. Cast in place.

6 The --

7 Pat had some examples that he  
8 showed us yesterday that it's going to be --

9 LANCE LANDGRAF: Just make sure you  
10 coordinate that with the fire department --

11 THE WITNESS: For sure.

12 LANCE LANDGRAF: -- so that they  
13 clear it.

14 Because I don't know that that fire  
15 pit was shown on the original plans for the Beer  
16 Hall, and they were --

17 CHRISTINE COFONE: Yeah.

18 LANCE LANDGRAF: -- they had to do  
19 some -- jump through some hoops.

20 You're aware. So, make sure you  
21 coordinate with -- with Scott Evans' office.

22 THE WITNESS: Yeah. Okay.

23 And I failed to mention, but you  
24 see there's six rooms here. There's also a  
25 storage building that's connected to this for

1 service of the stage and other outdoor features.  
2 You see the benches and things in the front  
3 here. So, this --

4 Every space is set up so that it's  
5 not -- never -- necessarily wide open, but it's  
6 open enough that all of it will be  
7 interconnected. So, there's different  
8 experiences as you go through this section.

9 It's a -- it's a really efficient  
10 use of a small space we have. A lot of green,  
11 as we mentioned. And these, you know, unique  
12 features that -- that will be, you know,  
13 utilized out here are going to make this a very  
14 unique experience.

15 But, hopefully, we will only have  
16 it in AC, unless you want to go somewhere else  
17 with it, too, Pat.

18 So, now you see that architectural  
19 feature, the tower I mentioned? This is  
20 perfect. Standing on the roof of the Blue Ray,  
21 looking in.

22 And this has a very good view of  
23 that access to the corridor that gets up to the  
24 rooms. So, you see the steps that run here and  
25 the second floor access here? So, that's --

1 that's where all of it will happen to get to the  
2 hotel rooms.

3 All right. So, now, these slides  
4 are from a hotel in -- or an hotel in Costa  
5 Rica, called El Faro, made out of containers.  
6 Very different landscape, as you can imagine.  
7 It's on the side of a hill.

8 So, the reason they wanted to go  
9 with containers, according to their website, is  
10 for minimal environmental impact, structural  
11 stability. Obviously, it's, here, made to go  
12 over the road and -- and out at sea for months  
13 at a time. So, they're much more structurally  
14 sound than would be stick built construction and  
15 modified and welded up. Everything is --

16 I mean, this -- this thing is, you  
17 know, centuries it's going to be sitting here.

18 So, you'll see this has some  
19 features that are different. It's stacked much  
20 higher than we plan. This --

21 I wanted to use this to show you  
22 how much higher these things could go. They  
23 have, you know, covered -- a little bit of  
24 covered parking down on the bottom here.

25 This one, they have a pool, but,

1 you know, I -- we're not going to put a pool in.  
2 But, I wanted to show you how the balconies end  
3 up laying out looking out overtop of it. It's  
4 very similar to what ours will look like, but  
5 figure we're going to be pretty much just this  
6 little block right here sticking out.

7 This is the inside of one of them.  
8 Eight foot wide, as I mentioned. You'll see the  
9 access here and the way it's laid out.

10 And the finishes, when you're  
11 inside, you won't know it's a container. That's  
12 the intent. But, it provides sufficient space  
13 and a unique experience that we want to utilize  
14 here as well.

15 Another one. That's the bedroom  
16 side of it. And you see the balcony. In this  
17 case, they look over -- straight over the beach  
18 because of the height. I guess we probably will  
19 have a pretty good shot at seeing over the dune  
20 with our second floor, past the -- the edge of  
21 Irish Pub, out -- out the street end,  
22 potentially.

23 You're going to --

24 CHRISTINE COFONE: Who is going to  
25 make those tower features and that swan if you

1 don't have people at the hotel?

2 LANCE LANDGRAF: Jay's wife.

3 CHRISTINE COFONE: How will guests  
4 have those?

5 LANCE LANDGRAF: Jay's wife's going  
6 to take care of them.

7 THE WITNESS: Yeah. I have them --  
8 I have like 50 of them in my garage.

9 CHRISTINE COFONE: As long as you  
10 have a provision for that so that those guests  
11 will have those tower features that you showed  
12 us.

13 LANCE LANDGRAF: A condition of  
14 approval. Right?

15 THE WITNESS: Yeah.

16 There's another one with flowers.  
17 We'll -- we'll guarantee that at some point.

18 So, here's one where you see the --  
19 the bed is pretty large, and there's enough  
20 room, still, to get by with the balcony.

21 CHRISTINE COFONE: Yeah. Yeah.

22 THE WITNESS: Here's some of the  
23 living space with --

24 This is one of the side units, so  
25 they have access to a deck on the side as well.

1 Another one for the inside, with  
2 the bedroom.

3 Here's a good shot of the balcony.  
4 And this is -- you know, this is on the west  
5 coast of Costa Rica.

6 Right?

7 So, they get a good sunset. So,  
8 we'll get sunrise. But, you know -- you know  
9 how it goes. Very similar as you look out the  
10 balcony.

11 All right. So, these ones are the  
12 existing site. And this is more for the -- into  
13 the comments for the engineering.

14 So, I'm going to start getting into  
15 the -- a little bit of technical stuff and  
16 building some of the record.

17 BY NICHOLAS TALVACCHIA:

18 Q. Jay, before we get into --

19 A. Sure.

20 Q. -- the review letter, I'd like to  
21 just do the variances, if we could.

22 A. That's what I'm going to do.

23 Q. Okay.

24 A. So, I'm going to go over all of it.

25 Q. And --

1                   Okay.

2           A.       So, the stormwater management  
3 facilities at the site, we aren't required to  
4 provide any pursuant to state rule and the CRDA  
5 rules, which mention state rule, because we have  
6 less than one acre disturbance and less than a  
7 quarter acre increase over historic impervious  
8 coverage.

9                   We will have utilities, public  
10 utilities, at the site.

11                   Lance, you had asked about sewer.

12                   LANCE LANDGRAF: Right.

13                   THE WITNESS: We will have  
14 everything connected. It will be a sanitary  
15 sewer, public water, --

16                   LANCE LANDGRAF: Good.

17                   THE WITNESS: -- gas, electric,  
18 everything.

19                   Lighting will be provided  
20 throughout the site.

21                   The plans, as submitted, did show  
22 lighting in the parking lot. We will update  
23 that to show the lighting in the open space  
24 areas and around the buildings.

25                   And then landscaping. On the --



1           Let me go back to the first slide.

2           So, the landscaping that we show is  
3 compliant with the ordinance. I had a lot of  
4 stuff in the plans relative to the landscape  
5 schedules and -- and compliance with those  
6 sections.

7           One major point I want to make sure  
8 is known is the CRDA rules have within them an  
9 impervious cover limit of 90 -- or -- I'm sorry  
10 -- 80 percent. DEP allows 90 percent. We show  
11 72 percent in this layout, the way it sits now.

12           So, it doesn't seem like a lot, but  
13 it's, generally, ten percent than -- or ten  
14 percent of what's required -- ten percent less  
15 than what's required -- or no -- what's  
16 permitted. I'm sorry.

17           We have requested -- requested  
18 relief for landscape buffer width along the two  
19 roadway frontages for the parking lot, and I  
20 feel that it's mitigated substantially by the  
21 amount of landscaping we provide at the site.

22           There's also street trees. And  
23 when I got to that one slide at the end here,  
24 for New York Avenue, you'll see that there's  
25 also an existing fence and landscape planter

1 that runs along the length of the site that  
2 we're going to keep. That was by -- done by  
3 SID, along with both sides of New York Avenue,  
4 with the pavers and the lighting, some years  
5 ago. And that feature provides plenty of visual  
6 buffer along the roadway.

7 So, we provide three and a half  
8 feet where five feet's required by Section  
9 7.6(G)(1) for landscape buffer.

10 And then that -- that fence in the  
11 front yard, pursuant to Section 7.7(A)(1) of the  
12 CRDA rules, no fence is permitted in a front  
13 yard. We propose to have this existing fence  
14 remain and, generally, be reconfigured to match  
15 the driveway openings we're putting in.

16 And then we're also going to put a  
17 small section of fence on Saint James that  
18 doesn't exist today to --

19 NICHOLAS TALVACCHIA: A very small  
20 section.

21 THE WITNESS: A very small piece  
22 that will wrap right on the edge of the corner  
23 here, from Blue Ray to the edge of the hotel to  
24 --

25 NICHOLAS TALVACCHIA: What's the

1 approximate length of that additional --

2 THE WITNESS: Fifteen feet.

3 NICHOLAS TALVACCHIA: Fifteen feet?

4 And this is to provide security for

5 --

6 THE WITNESS: For security.

7 NICHOLAS TALVACCHIA: -- the

8 alcohol beverage license?

9 THE WITNESS: So --

10 Yeah. ABC requires us to fence the  
11 area that's going to be -- have alcohol served.

12 And right now, Blue Ray's patio was  
13 already fenced. This whole section of New York  
14 Avenue was already fenced.

15 We are going to have a fence that  
16 runs inside the site, perpendicular to the  
17 roads.

18 The frontage of Saint James will be  
19 mostly the hotel building, and then a small  
20 section with the fence and gate to completely  
21 secure it.

22 So, we need relief of -- you know,  
23 a design waiver to allow a six-foot high fence  
24 in the front yard where none is permitted.

25 NICHOLAS TALVACCHIA: And then that

1 is to ensure security for the --

2 THE WITNESS: For the use.

3 NICHOLAS TALVACCHIA: -- alcohol  
4 use?

5 THE WITNESS: Yes.

6 NICHOLAS TALVACCHIA: And it's a  
7 small section. And it's consistent with the  
8 overall design of the existing --

9 THE WITNESS: And -- and the  
10 surrounding area.

11 The -- the section I mentioned --  
12 New York Avenue, no doubt. There's  
13 fence that runs all along this frontage right --  
14 almost identical to what we have along this  
15 section that already exists.

16 And this small section that we're  
17 putting here will be generally -- I mean, it  
18 will blend into the -- the background  
19 completely.

20 The building will be right on the  
21 right-of-way line. The fence is slightly set  
22 back. You won't even really notice it. It will  
23 just look like a -- a small gate.

24 LANCE LANDGRAF: It will be similar  
25 type fencing as what the outer fence --

1 THE WITNESS: Similar fencing is  
2 what we intend.

3 We're hoping to reclaim some of it.  
4 Because we don't necessarily need the fence  
5 along the parking lot here. So, that section,  
6 we're hoping to just pop a couple pieces and use  
7 it over here, and then we'll try to match the  
8 best we can through that section with a black  
9 aluminum fence for the parts that are open.

10 Some of this may not even need  
11 fence, because we have grade relief here that  
12 the building, being elevation 12, as I  
13 mentioned, out into their parking lot, which, at  
14 its high points in the 8s, we're going to have  
15 to slope it down to potentially put a retaining  
16 wall along that edge that will prevent people  
17 from being able to get in. So, really, it's  
18 only going to be a short section of fence  
19 between the buildings here, and then here for a  
20 gate.

21 NICHOLAS TALVACCHIA: So, you think  
22 a design waiver is warranted under all those  
23 circumstances?

24 THE WITNESS: Absolutely. Yeah.  
25 The --

1                   NICHOLAS TALVACCHIA: For both the  
2 buffer and the fence.

3                   THE WITNESS: Yeah.

4                   So, now, one of the things that's  
5 interesting about the buffer, too, is part of  
6 it's visual, obviously, and we have a lot of  
7 that visual appeal with the rest of the  
8 landscaping proposed at the site. So, I think  
9 that completely is addressed.

10                  The other would be separation and  
11 screening for like headlight glare and -- and  
12 things along those lines. Since these spaces  
13 are parallel with the road, we won't have  
14 headlight glare out into the street. And so we  
15 don't really need landscaping for that purpose.  
16 It's really just for beautification. And the  
17 three and a half feet is enough to do that,  
18 along with everything else, at the site as a  
19 whole.

20                  We'll have street trees as shown  
21 here. There's a -- existing trees that are out  
22 there now. And a few of them haven't made it as  
23 -- like very few in the city have made it over  
24 the years, it seems. We're going to replace  
25 those.

1                   And we're also going to increase  
2     the size of the planting beds for the tree  
3     wells. Right now, we're showing them five foot  
4     square. We're going to go with 5 X 8. Very  
5     similar to what we did at a former firm when we  
6     did streetscape for Atlantic Avenue. There's  
7     larger planting beds there for the trees, and  
8     they seem to be doing better because of that.  
9     So, we're going to do the same here.

10                   So, now we're going to have a five  
11    foot wide strip -- or five foot wide sidewalk  
12    for passing through the site here, and in  
13    between the trees, obviously, it will widen up  
14    to ten feet of width. And --

15                   NICHOLAS TALVACCHIA: Overall  
16    sidewalk width is ten feet.

17                   THE WITNESS: Overall --

18                   Right-of-way line to curb is ten  
19    feet. At least five of that will be wide open  
20    for pedestrian access, and then the five foot  
21    amenity strip between that travel walkway and  
22    the curb will have --

23                   Yeah. There's already signage and  
24    -- and hydrants and lights, things like that.

25                   We're going to have the tree wells

1 put back in. Right now, New York already has  
2 the trees. Saint James has old wells that are  
3 empty. So, we'll end up, just as shown on this  
4 plan, putting in the trees to -- to bring that  
5 -- that layout back.

6 We are -- we are not continuing  
7 them along Blue Ray because this is all used for  
8 access. It's, right now, a driveway opening for  
9 almost the entire length, which we intend to  
10 remain.

11 And, Nick, that thing you had  
12 mentioned. We have two variances. We mentioned  
13 previously one of them is a rear setback  
14 variance for this building here on the northern  
15 end of the property.

16 NICHOLAS TALVACCHIA: The retail  
17 building.

18 THE WITNESS: The retail building.

19 So, we are asking for 15 feet in  
20 lieu of 20 feet is required by Section 5.0(A)(1)  
21 lower case Roman numeral IV, 10.

22 And also, to provide 53 parking  
23 spaces on site in lieu of the one hundred and 20  
24 required for the calculation I mentioned  
25 previously at 5.8(B) 4 is what -- I think the



1 section. It may be broken down farther, but  
2 5.8(B).

3 NICHOLAS TALVACCHIA: Let's talk  
4 about the setback first --

5 THE WITNESS: Yep.

6 NICHOLAS TALVACCHIA: -- and then  
7 we'll do the parking.

8 So, one, you have -- we have an  
9 unusually-shallow lot -- block depth. Right?

10 THE WITNESS: Yeah.

11 So, in the submitted documents, you  
12 saw that we have those two non-conformities that  
13 I mentioned, which are proposed. Then we have  
14 one existing non-conformity, which is for lot  
15 depth. The RC zone, the standards that were  
16 adopted in January have -- or last January -- I  
17 can't -- I forgot we're in '19 now. Happy  
18 birthday, CRDA rules. The --

19 LANCE LANDGRAF: Yesterday.

20 NICHOLAS TALVACCHIA: Yeah.  
21 Yesterday.

22 THE WITNESS: Yeah.

23 So, the -- the requirement is a  
24 hundred and 50 feet of lot depth. The total we  
25 have for this block is 125 between these two

1 roads.

2                   NICHOLAS TALVACCHIA: Does that  
3 create a hardship, to some extent?

4                   THE WITNESS: It does, especially  
5 on this end, where we have 75 here, and then  
6 this lot that we did acquire but is not part of  
7 the project, is another 50.

8                   NICHOLAS TALVACCHIA: Because the  
9 block's not evenly split.

10                  THE WITNESS: No, it's not. Yes.

11                  NICHOLAS TALVACCHIA: Right.

12                  THE WITNESS: And you'll notice  
13 that every other property along --

14                         Like this lot line that runs here,  
15 Blue Ray has zero setback. These lanes through  
16 here all have zero setback because the old C  
17 standard was a zero setback for rear.

18                         It also had much larger lot area  
19 required. Today, we're 7,500 square feet as a  
20 minimum lot size. So, obviously, when the rules  
21 were written, it recognized there's a lot of  
22 smaller lots in the area. We're larger than  
23 that. But, because of the dimensional  
24 constraint with the -- the depth of the lot, we  
25 have --

1           You know, what we're -- what we're  
2 requesting, we have a lot that's effectively 75  
3 feet shallower than what is permitted -- or  
4 required in the zone. We're only asking for  
5 five feet of relief.

6           So, we feel that this arrangement  
7 has utilized this space and accommodated that  
8 standard really well relative to the hardship or  
9 shortfall we have in lot depth.

10           LANCE LANDGRAF: And your client  
11 owns the adjoining property.

12           THE WITNESS: They do.

13           So, now that setback will be for --

14           Requesting the impact will be on  
15 properties that they own, properties that,  
16 today, have no rear yard, properties that,  
17 today, have no one in that rear yard that could  
18 be impacted by the view of this building. Those  
19 buildings are taller than our building, they're  
20 closer to the lot line than our building. And  
21 we intend to regrade that rear yard so that it  
22 does all mesh well. But, most likely, being  
23 that Pat now owns those properties, that rear  
24 yard area will really only be used for access  
25 for --

1                   NICHOLAS TALVACCHIA: So, Jay --

2                   THE WITNESS: -- lot sensibilities.

3                   NICHOLAS TALVACCHIA: -- so the --  
4 the -- the lack of lot depth is unique to this  
5 area. It's not a common trait throughout the  
6 city. Correct?

7                   THE WITNESS: That's correct.

8 Because we have -- most --

9                   Saint James is unique in that it's  
10 not a through street. It's dead-end  
11 T-intersection at Pacific. So, most every other  
12 block is double this width. So, you'll see, you  
13 know, New York to Tennessee, and then Saint  
14 James splits. The next one, from New York to  
15 Kentucky, we have the same -- or similar kind of  
16 split with Westminster coming in. And then  
17 Tennessee, we have a short section of Ocean.  
18 But, all those lots are -- are -- they're  
19 similar in -- in depth, but they're configured  
20 differently than what we have in this area.

21                   So, this residential use, that will  
22 remain, although previously was not permitted in  
23 the zone, but now it is.

24                   We feel that this arrangement will  
25 -- will not negatively impact that facility.

1 Also, it will enhance their ability to actually  
2 use that rear yard area, because we now own the  
3 common ground between us. And our fire escapes  
4 can be redone properly and access in that rear  
5 area will be maintained.

6 NICHOLAS TALVACCHIA: So -- so, the  
7 five foot is being driven by physical  
8 constraints and also, the need to design a  
9 building that is economically viable for  
10 prospective --

11 THE WITNESS: Absolutely. Yeah.

12 One of the things that's -- that's  
13 interesting about it -- and this goes into the  
14 next piece of relief with the parking, too, you  
15 think about how --

16 Like just using a retail building  
17 as an example. The parking requirement is one  
18 space for every 300 square feet of building  
19 space. One parking space with the driveway  
20 behind it is about 270 square feet. So, pretty  
21 much, half of your site is lost to parking if  
22 you follow the standard to the letter.

23 So, if we were to propose the  
24 amount of parking required by ordinance, we  
25 wouldn't be able to fit most of this

1 development, because it would be, generally,  
2 almost three times -- or two and a half times  
3 the size of this lot, which would take up just  
4 about everything.

5 NICHOLAS TALVACCHIA: But, Jay,  
6 that -- but, the rationale for the parking  
7 variance, it's really not necessary.

8 THE WITNESS: That's exactly right.  
9 Yeah.

10 But, now --

11 So, I'm just getting into the  
12 framework of, dimensionally, this lot --

13 NICHOLAS TALVACCHIA: So, finishing  
14 -- finishing the setback variance, --

15 THE WITNESS: Yeah.

16 NICHOLAS TALVACCHIA: -- it's five  
17 foot --

18 THE WITNESS: Five foot --

19 NICHOLAS TALVACCHIA: It's 15  
20 instead of 20 --

21 THE WITNESS: So, 15 feet.

22 NICHOLAS TALVACCHIA: -- driven by  
23 a hardship of the lot configuration.

24 THE WITNESS: So, I think it falls  
25 within the (c.)(1) criteria for hardship

1 variance.

2                   NICHOLAS TALVACCHIA: And could you  
3 also argue it's a (c.)(2) --

4                   THE WITNESS: Yes.

5                   NICHOLAS TALVACCHIA: -- that we  
6 get -- end up with a better design?

7                   THE WITNESS: Absolutely. So,  
8 pursuant to Section 13.1 of the CRDA rules and  
9 then Municipal Land Use Law 40:55D-70(c), as you  
10 know, there are two standards by which bulk  
11 variances can be granted.

12                   The first one we call (c.)(1),  
13 which is a hardship variance, generally driven  
14 by the exceptional narrowness, shallowness,  
15 which we have here, or shape, or by reason of  
16 accessible topographic conditions or physical  
17 features or by reasons of an extraordinary and  
18 exceptional situation uniquely affecting a  
19 specific piece of property for strict  
20 application of the rules would create a  
21 hardship, which we have. I think this falls  
22 squarely in that. This lot depth we can't  
23 control.

24                   Now that Pat owns the other pieces  
25 behind it, it's not exactly the same as not

1 being able to control them, but those existing  
2 properties are developed. We're not going to be  
3 taking them down to provide rear yard. And the  
4 building as it sits does not overwhelm the site.  
5 The setback we provide is -- is, for sure,  
6 sufficient for fire access and pedestrian access  
7 and -- and other things that --

8 NICHOLAS TALVACCHIA: We're well  
9 within the permitted height, too.

10 THE WITNESS: By a lot. Yes.

11 NICHOLAS TALVACCHIA: Which --  
12 which softens the impact of the setback  
13 variance. Correct?

14 THE WITNESS: Absolutely. Yeah.

15 And now I mentioned, too, we're  
16 going to move the building slightly south. So,  
17 you know, the neighboring piece will be impacted  
18 even less by the small bit of encroachment that  
19 they would have in that rear corner.

20 NICHOLAS TALVACCHIA: So, from the  
21 (c.)(1) variance, do you see any detriment to  
22 the zone plan or public good --

23 THE WITNESS: No.

24 NICHOLAS TALVACCHIA: -- if the  
25 variance were granted?



1 THE WITNESS: Public good, for  
2 sure, we're not, because we have, like I  
3 mentioned, zero setback on the other properties.  
4 And the rest of the neighborhood is very similar  
5 in this layout.

6 For the -- the potential impairment  
7 and the intent and purpose of the zone plan or  
8 zoning ordinance, being that this is unique in  
9 -- in shape, a variance is appropriate instead  
10 of doing something like a zone change or -- or a  
11 standard bulk variance change -- or bulk  
12 standard change. I'm sorry.

13 So, yeah, I feel that the public  
14 good is protected and there's no substantial  
15 impairment of the -- or the intent or purpose of  
16 the zone plan or zoning ordinance.

17 NICHOLAS TALVACCHIA: And in terms  
18 of the (c.)(2) criteria, the better planning  
19 alternative, do you see a (c.)(2) variance  
20 argument here?

21 THE WITNESS: For the setback.

22 NICHOLAS TALVACCHIA: Yeah.

23 THE WITNESS: Yes. Yeah, I do.

24 The --

25 We --

1 Adequate light, air and open space,  
2 purpose C of -- of 40:55D2 is, for sure,  
3 advanced, because we are, as I mentioned, far  
4 below the impervious coverage that's permitted.

5 We also have --

6 Well, the next is for the parking  
7 lot.

8 So, that -- that one purpose, for  
9 sure, is advanced by this arrangement for the  
10 parking, per the setback.

11 NICHOLAS TALVACCHIA: And this  
12 design allows us to have a -- an economically  
13 viable infill development based upon the  
14 comments of the proposed tenant.

15 THE WITNESS: Absolutely. Yeah.

16 NICHOLAS TALVACCHIA: This -- this  
17 is driven by the market, this design.

18 THE WITNESS: It is. Yeah.

19 The 10,000 square feet is a -- a  
20 very typical size for retail. And most retail  
21 spaces, such as -- like those at The Walk and  
22 things, they're 60 foot deep buildings. We  
23 didn't ask for 60. We asked -- we're now asking  
24 for 50. It's -- it works. It's not ideal, but  
25 it's -- it works for this site. So, we feel it

1 is appropriate.

2 NICHOLAS TALVACCHIA: So --

3 Okay. So, then, again, any  
4 substantial detriment to the zone plan or public  
5 good, it's that -- if the variance were granted,  
6 under the (c.)(2) criteria?

7 THE WITNESS: No.

8 NICHOLAS TALVACCHIA: For the same  
9 reasons as --

10 THE WITNESS: The same reasons as  
11 -- as previously testified.

12 NICHOLAS TALVACCHIA: Okay. Do you  
13 want to move on to the parking variance?

14 THE WITNESS: Sure.

15 So, for the parking, you heard Pat  
16 mention we don't have a parking issue in town,  
17 we have a potential peak parking demand, not  
18 issue. But, that's -- that's when we see  
19 potential for the maximum amount of parking to  
20 be utilized and -- and more in line with what's  
21 required by the ordinance.

22 On an average daily basis, for  
23 sure, this amount of parking on our site is  
24 going to be adequate. And I'll -- I'll tell you  
25 why I think that's true.

1           First, based on Pat's experience,  
2 he mentioned Asbury Park. He's been there for  
3 30 years -- 20 plus years, where they have no  
4 parking in any of these facilities. And he has  
5 16,000 square feet of restaurant space?

6           How many seats, approximately,  
7 Hundreds. Three hundred?

8           PATRICK FASANO: Hundreds.

9           THE WITNESS: Yeah.

10          PATRICK FASANO: Four hundred,  
11 maybe.

12          THE WITNESS: Four hundred seats.  
13 With no parking. And they work fine.

14          They have less street parking than  
15 we do. Not to say that it's the same, but to  
16 show that what we're asking for is, for sure,  
17 not out of character with what is usually  
18 experienced with these types of facilities.

19          Secondly, the -- the lot frontage  
20 we have here is generally extensive. And  
21 there's parking permitted all along New York.  
22 It's pay parking, but it's there. That's what's  
23 utilized today to access a lot of the area.

24          We also have --

25          NICHOLAS TALVACCHIA: Saint James

1 has paved parking also.

2 THE WITNESS: One side.

3 NICHOLAS TALVACCHIA: Yeah.

4 THE WITNESS: One side. Not our  
5 side. But --

6 NICHOLAS TALVACCHIA: Yeah. But,  
7 it's there.

8 THE WITNESS: But, it's there.

9 Also, there's a large existing  
10 parking facility that B & B has across the  
11 street. Not to say that it will never be  
12 redeveloped, but it's available today.  
13 Underutilized. We've seen the picture. The  
14 northern half of it is empty.

15 Then we also have -- you heard Pat  
16 mention the parking garage. So --

17 NICHOLAS TALVACCHIA: The New York  
18 Avenue parking --

19 THE WITNESS: New York Avenue on  
20 the other side of Pacific. SJTA controls the  
21 800-space parking deck that, today, is mostly  
22 utilized for the courthouse, which doesn't  
23 happen every day. There's some transient use,  
24 but, overall, it's generally wide open.

25 We have been in discussions with

1 SJTA representatives, and they have a -- a  
2 program for validation if someone were to use it  
3 and Pat were to want to utilize the -- the  
4 service.

5 NICHOLAS TALVACCHIA: If we needed  
6 it.

7 THE WITNESS: If we needed it.

8 NICHOLAS TALVACCHIA: Yeah. Okay.

9 THE WITNESS: What we don't want to  
10 have happen is --

11 As you know, the CRDA regs do allow  
12 off-site parking as -- as part of the demand,  
13 but, typically, CRDA has requested that we have  
14 a lease or some other arrangement. We don't  
15 want to be bound to a lease and tell our patrons  
16 where they have to park. We truly believe that  
17 when -- and just like we have all done for years  
18 and years -- when you come here --

19 I've never had -- in 25 years of  
20 goofing around in the city, I've never had an  
21 issue finding parking. People complain about  
22 wanting to have -- or having to pay sometimes,  
23 but when you're talking a couple dollars, like  
24 we have here, up to, maybe, \$10, it's not the  
25 end of the world.

1           The second thing is, people think  
2   it's a really far walk to cross two blocks, but  
3   they'll gladly go to the Hamilton Mall and walk  
4   for miles from one end of the parking lot to the  
5   other end of the mall because they don't cross a  
6   street and they don't feel the same way.

7           And 20 years ago, when we did the  
8   first phase of The Walk, we did a study.  
9   Because that had no parking. We were taking  
10  parking lots and making them retail. There were  
11  10,000 spaces within less than 500 feet of that  
12  site because of the parking garages and the  
13  other surface lots.

14           And people still --

15           To this day, people I know from  
16  right offshore will complain that, oh, there's  
17  nowhere to park. You have the garage CRDA owns,  
18  you have the --

19           NICHOLAS TALVACCHIA: Caesars.

20           THE WITNESS: -- Sheraton.

21           Caesars is so convenient for that.

22   Like when we go --

23           Everybody goes to -- to -- the name  
24  is escaping -- Los Amigos. We never had any  
25  parking there. They did on the side, in the

1 dirt, before we built the one --

2 Now everybody parks in the end of  
3 Caesars and walks down. It's -- it's been the  
4 way it's -- it's gone on for --

5 NICHOLAS TALVACCHIA: And, Jay, in  
6 this case, close proximity to Resorts, close  
7 proximity to Hard Rock, close proximity to  
8 Ocean. They all have --

9 THE WITNESS: And they have --

10 NICHOLAS TALVACCHIA: -- gigantic  
11 garages.

12 THE WITNESS: And not only do they  
13 have their gigantic garages, but we feel,  
14 realistically, that a lot of the people that are  
15 going to come to our facility are already here.  
16 They're not coming here just to park in that lot  
17 and go to Blue Ray. It's all of us that are  
18 here during the day, going to lunch. It's the  
19 people that are staying at the other hotels and  
20 want to get something different. So, we feel a  
21 lot of the -- the activity we're going to see is  
22 pedestrian.

23 NICHOLAS TALVACCHIA: And also, we  
24 have jitneys right up the street on Pacific.

25 THE WITNESS: We have jitneys on



1 Pacific, taxis --

2 NICHOLAS TALVACCHIA: We have trams  
3 on the boardwalk.

4 THE WITNESS: Transit -- trams on  
5 the boardwalk.

6 We have New Jersey Transit on  
7 Atlantic. And again, the --

8 Atlantic to Pacific isn't as long a  
9 block as this to get from the boardwalk to  
10 Pacific, but we have -- on every end, every  
11 direction, there's either parking or public  
12 transit. And now a pedestrian connection that  
13 we're creating.

14 And then you mentioned the Uber  
15 effect.

16 NICHOLAS TALVACCHIA: The Uber  
17 effect.

18 THE WITNESS: This -- this one --

19 NICHOLAS TALVACCHIA: I'd like to  
20 introduce --

21 THE WITNESS: It's really  
22 interesting.

23 NICHOLAS TALVACCHIA: -- for the  
24 record an article from Fortune magazine that was  
25 --

1 THE WITNESS: February --

2 NICHOLAS TALVACCHIA: -- 2/24/18,  
3 less than a year ago.

4 And, Jay, if you could kind of  
5 summarize --

6 THE WITNESS: Sure.

7 NICHOLAS TALVACCHIA: -- the  
8 article.

9 THE WITNESS: So --

10 LANCE LANDGRAF: Give it to Scott.

11 THE WITNESS: So, that article --

12 SCOTT COLLINS: We'll mark this  
13 A-3.

14 NICHOLAS TALVACCHIA: Okay. Thank  
15 you.

16 THE WITNESS: So, that article was  
17 not necessarily authored, but the interview was  
18 of a gentleman who runs a -- a parking facility  
19 operator that has 750 locations nationwide. And  
20 they go from pay to -- pay to park lots to valet  
21 to restaurants to all sorts of facilities. And  
22 they've said that they've noticed, at a lot of  
23 their facilities, there's up to a 25 percent  
24 reduction in parking required.

25 NICHOLAS TALVACCHIA: At

1 restaurants.

2 THE WITNESS: Yeah. At restaurants  
3 due to use of Uber and similar -- Uber and Lyft  
4 and similar services. So, I don't know if  
5 there's any others that we know of right now.

6 But, clearly, it's not hard science  
7 the way it sits now, but that person is an  
8 authority on parking. And we all know -- we  
9 were just talking about it before the hearing --  
10 how people utilize it substantially here,  
11 especially the younger generation, which is the  
12 focus that we're trying to draw here. We're --  
13 we're trying to get that -- that generation of  
14 -- of the app users, the Uber guys, to come in  
15 to this facility.

16 NICHOLAS TALVACCHIA: And, Jay, I  
17 think everybody knows that the millennials tend  
18 to not have cars. They want to do ride sharing,  
19 they want to do more Uber, more Lyft.

20 THE WITNESS: And we have other  
21 things coming into town that now we --

22 Everybody talked about Stockton and  
23 the kids over there. That's a pretty good haul  
24 from here, but not -- well, maybe it's not.  
25 It's not very dissimilar from the other --

1                   NICHOLAS TALVACCHIA: A very quick  
2     jitney ride, frankly.

3                   THE WITNESS: And --

4                   Or the tram in the summer. No  
5     problem at all.

6                   So, now we also have Barrai  
7     building 250 units, which you guys all know  
8     about, right in front of Ocean that we're going  
9     to have residents here that we haven't had in a  
10    long time.

11                  There's other residential  
12    facilities smaller in scale that have been  
13    successful, like the ones that Longacre did  
14    across the street here on New York, stuff that  
15    Callazzo had done down on Boston or wherever it  
16    is on the other end of town where now younger  
17    people are coming and renting and staying in  
18    town. Not necessarily buying homes, but they're  
19    here and they're living.

20                  So, we hope that and we plan that  
21    those types of facilities -- or those types of  
22    residents -- I'm sorry -- will utilize this  
23    facility and not necessarily drive from where  
24    they live a short distance away. They will take  
25    public transit or walk, especially during the

1 warmer weather.

2 So, in total, all those things and  
3 -- not that it applies now, but you want --

4 You will recall, for years, we used  
5 the city ordinance to develop the parking  
6 requirement before the CRDA rules were adopted.  
7 In that ordinance, there's an 85 percent  
8 reduction allowable for commercial parking if  
9 it's along -- or within 300 feet of a transit  
10 route, such as jitneys or -- or  
11 New Jersey Transit, the trams. Like I said, it  
12 doesn't apply strictly here, but it recognized  
13 that, in an urban environment, there is, for  
14 sure, a reduction in typical parking demand as  
15 you would have in other places. Like the  
16 parking standards within the CRDA rules are not  
17 dissimilar from what you have in Egg Harbor  
18 Township or Galloway or suburbia, and people do  
19 drive.

20 One space per 300 square feet of  
21 retail is -- is substantial. One space per  
22 three seats in a restaurant is what you see at  
23 the mall or, you know, whatever, Outback or --  
24 or wherever. It's -- it's not fully fitting to  
25 this exact use.

1           So, we feel that the 53 we provide  
2 on site is far in excess of what a lot of other  
3 restaurants that are very successful in town  
4 provide, and, for sure, it would be adequate for  
5 this.

6           NICHOLAS TALVACCHIA: So, Jay, this  
7 is a (c.)(2) argument. Is that right?

8           THE WITNESS: It's absolutely  
9 (c.)(2).

10          So --

11          NICHOLAS TALVACCHIA: And -- and is  
12 it a better planning alternative to have  
13 adequate parking as opposed to a sea of surface  
14 lots that, --

15          THE WITNESS: Yeah. Absolutely.

16          NICHOLAS TALVACCHIA: -- for the  
17 most part, are vacant and underutilized?

18          THE WITNESS: And I -- I mentioned  
19 just the simple math of what it would take if we  
20 were to try to do all hundred and 20 spaces on  
21 this site. It would wipe out everything.

22          So, similarly, there's other --

23          All around. As you see the one  
24 directly across the street on New York. You go  
25 one block over on Kentucky and both sides of

1 Kentucky, all the way up are parking lots. Some  
2 of it's just vacant ground that's utilized for  
3 parking. There's a lot of parking there.  
4 There's a big lot up against the boardwalk and  
5 MLK. There's -- there are surface lots all over  
6 town. And it's detracted from the value of the  
7 beach block, but also usage of it, obviously.  
8 You --

9 As -- as Pat mentioned, you don't  
10 hear anybody talk about I can't wait to go to  
11 Atlantic City for the parking lots. You -- you  
12 don't -- you do it for the other features; the  
13 buildings, the uses.

14 So, we feel that utilizing the  
15 existing parking in the area is a better  
16 planning alternative than -- than building out  
17 this site with more parking that's really  
18 unnecessary.

19 NICHOLAS TALVACCHIA: Do you see  
20 any substantial detriment to the zone plan or  
21 public good --

22 THE WITNESS: No. For the --

23 NICHOLAS TALVACCHIA: -- if the  
24 Authority were to grant that parking variance?

25 THE WITNESS: Before we hit that,

1 the positive criteria. The -- the three  
2 purposes of zoning, I think, that we advance.

3 I mentioned, previously, purpose C,  
4 for adequate light, air and open space with the  
5 reduction or -- or less impervious cover  
6 proposed than what's permitted.

7 We also have purpose H, which is to  
8 encourage location, design and transportation  
9 routes which will promote the free flow of  
10 traffic.

11 This parking arrangement, as I  
12 mentioned, not just vehicle traffic, with the  
13 circulation pattern, and this layout maximizes  
14 the amount of parking we can fit within this  
15 space. If we were to have a dead-end driveway  
16 -- or not dead end, but looped driveway that  
17 would come through it, we'd lose, you know, at  
18 least four parking spaces, maybe more, probably  
19 six on this end. So, this arrangement provides  
20 not only more parking, but a better flow of  
21 traffic.

22 And from pedestrian perspectives, I  
23 mentioned, this gives a connection between the  
24 roads, but not unsafe. I'm not saying we need  
25 crosswalks, because the traffic on these streets



1 is not heavy. We hope it will be busier, but  
2 not cars.

3 So --

4 From a traffic perspective, too.  
5 So, we know, New York Avenue, when you leave  
6 this section and we hit the next block, New York  
7 Avenue going away from the site is two-way.  
8 Tennessee -- I'm sorry -- Saint James is  
9 dead-end.

10 So, really, most of the traffic we  
11 anticipate will be coming down New York, unless  
12 you're already in town, running up and down  
13 Pacific. So, this arrangement makes it so that  
14 people can get in from either direction and not  
15 have to go --

16 If we were to do, like I mentioned,  
17 you know, dead-end either side of this, we'd  
18 only be able to get in on one street. And  
19 depending on which street it was, it may be  
20 limited by the amount of traffic that can come  
21 in. Like New York Avenue doesn't have a left  
22 turn from Atlantic. There's a lot of things  
23 that, in a reasonable basis, this arrangement  
24 provides a better flow of traffic.

25 And then promote a desirable visual

1 environment through creative development  
2 techniques and good civic design arrangement.  
3 The parking lot itself isn't necessarily  
4 visually appealing, but the project, in  
5 totality, this container hotel and the slides I  
6 showed you before, this is something very  
7 unique. And we feel it's a creative development  
8 technique, without a doubt. It falls squarely  
9 within this purpose.

10 And also, it sort of advances  
11 purposes -- purpose 0 with use of recycled  
12 materials because of the reclamation of these  
13 intermodal containers.

14 These -- most of these are one-way  
15 shipping containers. And what I mean by that  
16 is, we ship raw material over to China, they  
17 make all kinds of gadgets, then sell it back to  
18 us for ten times that value, and they make so  
19 much money, they just say keep the container, we  
20 don't care. So, those containers are piled up  
21 all over. And now we're going to utilize them.  
22 We can cut them up and scrap them, but that's  
23 not fun. We want to build buildings with them.

24 All right. So, Pat mentioned how  
25 this area is starting to gain momentum as a hip

1 destination. He -- he said AAA magazine. So,  
2 to put it in perspective, that's a circulation  
3 of two and a half million people.

4 We're starting to gain momentum.  
5 And this project will get us even farther.

6 And I don't know. They didn't have  
7 that project -- this project in that. I mean,  
8 they didn't know. And they didn't solicit it.  
9 They didn't even know about it. We found out  
10 through Evan's grandmother, actually.

11 NICHOLAS TALVACCHIA: Who lives out  
12 in Washington.

13 THE WITNESS: Washington. Yeah.

14 So, it's happening.

15 Now for the negative criteria. You  
16 had asked, Nick, about that.

17 So, the -- this -- the parking  
18 variance will not negatively impact the public  
19 good. We're adding parking to an area that is  
20 already probably overserved. It's --

21 Between all the surface lots and  
22 the garages around it, we could probably get  
23 away with no parking, but we do want to have  
24 some convenience parking. So, we thought --

25 CHRISTINE COFONE: All right. Even

1 if --

2 Jay, if those surface lots were  
3 developed, I think you would probably --

4 The 53 spaces you're providing may  
5 be all of the already on-street parking. Would  
6 you agree that, even if those surface lots were  
7 to redevelop for something and that parking  
8 wasn't available, that you would still meet your  
9 parking demand?

10 THE WITNESS: Absolutely.

11 CHRISTINE COFONE: All right.

12 THE WITNESS: Especially, too, with  
13 the SJTA garage and the street parking, as you  
14 mentioned. So --

15 NICHOLAS TALVACCHIA: And the  
16 casino garages.

17 THE WITNESS: Casino garages.

18 There's --

19 CHRISTINE COFONE: I think, if you  
20 actually did a calculation and took the 30  
21 percent reduction of the parking demand, even  
22 though you're not entitled to it by ordinance,  
23 it's certainly a well-established planning  
24 principle --

25 NICHOLAS TALVACCHIA: Yeah.

1 CHRISTINE COFONE: -- that when you  
2 have availability of on-street -- or of mass  
3 transit or other opportunities in a unique urban  
4 area, the parking demand can be reduced.

5 I think, if you looked at that 30  
6 percent reduction and you actually counted the  
7 on-street parking spaces, you probably would be,  
8 oh, minimally deficient to the ones that you  
9 require.

10 THE WITNESS: Yeah. I agree.

11 And you'll see in that article we  
12 gave you, too, that the operator of that  
13 nationwide facility -- or nationwide parking  
14 firm is saying that there's a lot of  
15 municipalities, a lot of districts that are now  
16 reducing the parking requirements because of the  
17 impact of --

18 CHRISTINE COFONE: Well --

19 NICHOLAS TALVACCHIA: What -- what  
20 was the stadium that's being expanded --

21 THE WITNESS: Miami.

22 NICHOLAS TALVACCHIA: Miami. It's  
23 in the article.

24 THE WITNESS: It's dated back over  
25 six --

1 CHRISTINE COFONE: I would agree  
2 with you. And I don't think that that's just an  
3 urban trend.

4 I'm sure Mr. Fasano may be familiar  
5 with Val's Tavern, which is an iconic restaurant  
6 in Rumson. And I was there with my class. I  
7 teach classes for Monmouth University. And  
8 Val's was there one night, arguing for an  
9 expansion. They want to have outdoor seating  
10 and they're expanding their restaurant. They  
11 probably have four parking spaces for their site  
12 right now. So, they were expanding. And one of  
13 the things that they testified to, when they  
14 were putting their testimony on, was that many  
15 of their clients Uber to the restaurant and say  
16 --

17 You know, it's a local haunt. It's  
18 been in Rumson for years. Rumson's a pretty  
19 sleepy suburban residential community. And they  
20 said, in their experience, they --

21 So, I --

22 And -- and having represented  
23 restaurants and developers throughout the state,  
24 I would think that that is not something that's  
25 just being seen in the urban area. And I think

1 suburban communities are also seeing a reduced  
2 demand on parking due to the Uber and Lyft  
3 effect.

4 NICHOLAS TALVACCHIA: Yep.

5 THE WITNESS: And here's -- here's  
6 one of those intangibles that I want to bring  
7 up. You heard Pat mention, when he -- when he  
8 did the first bar, he made sure it was small so  
9 it looked really busy.

10 CHRISTINE COFONE: Yeah.

11 THE WITNESS: When you go by any of  
12 the --

13 Like around here, you go by the  
14 malls and you see the empty parking lot, you're  
15 like, man, this is -- it's getting so beat.  
16 But, then when you go inside, there's still  
17 people. So --

18 Not that they're Ubering to the  
19 mall, but it shows that less people are driving.  
20 And it's -- it is reality now.

21 So, I agree completely. And I  
22 appreciate that. So...

23 NICHOLAS TALVACCHIA: You were on  
24 the negative criteria.

25 PATRICK FASANO: Jay --

1 THE WITNESS: Yeah.

2 PATRICK FASANO: Jay, when you  
3 serve alcohol, especially, people do not want to  
4 drive.

5 NICHOLAS TALVACCHIA: That's true.

6 PATRICK FASANO: Yeah.

7 THE WITNESS: A hundred percent  
8 accurate. And something that, now --

9 Think about this, too. If people  
10 were to have an incling to, potentially, want to  
11 drive and they say, I don't know how much  
12 parking, let's Uber.

13 You know, I -- I'm a hundred  
14 percent in agreement that people -- obviously,  
15 they should not be driving. And it has  
16 culturally become much more available and -- and  
17 accepted to not drive. I mean, you don't leave  
18 your vehicle places because you don't bring it.  
19 So...

20 Now, you -- you mentioned, Nick,  
21 the -- the negative criteria, the second prong.  
22 So, I feel that the requested relief also  
23 doesn't impair the intent or purpose of the zone  
24 plan or zoning ordinance since use of off-site  
25 parking is permitted by the regulations. The



1 only difference with this, as I mentioned  
2 previously, is we're asking not to be bound to  
3 one specific location to utilize. We want to  
4 give flexibility. And we feel that this amount  
5 of parking on site is adequate.

6 NICHOLAS TALVACCHIA: The zone plan  
7 is just to ensure that each use has enough  
8 parking. In your opinion, each use --

9 THE WITNESS: Each use --  
10 Absolutely.

11 NICHOLAS TALVACCHIA: This use --  
12 these uses will have enough parking in the area?

13 THE WITNESS: Yep. They do and  
14 they will. Yes.

15 And the --

16 So, again, just to tie it all up,  
17 it's my professional opinion that the requested  
18 relief can be granted since the benefits of the  
19 relief outweigh any substantial detriment, it  
20 will advance multiple purposes of zoning, and  
21 will not negatively impact the general  
22 public/surrounding area's zone plan or zoning  
23 ordinance.

24 NICHOLAS TALVACCHIA: Thank you.

25 THE WITNESS: Thank you.

1                   NICHOLAS TALVACCHIA: I think that  
2 completes our presentation.

3                   We know that there was a review  
4 letter by your professionals, which we are  
5 prepared to respond to.

6                   LANCE LANDGRAF: We'll go into that  
7 now.

8                   Bill?

9                   Christine, do you want to start?

10                  SCOTT COLLINS: Let's just mark it  
11 in before you get started.

12                  B-1 will be the December 17th, 2018  
13 letter from ARH.

14                  NICHOLAS TALVACCHIA: Did you say  
15 17th, Scott? Yeah.

16                  CHRISTINE COFONE: Yes.

17                  SCOTT COLLINS: Yes.

18                  NICHOLAS TALVACCHIA: All right.

19                  CHRISTINE COFONE: It's a joint  
20 letter, so I can address my planning comments  
21 now.

22                  As always, a very comprehensive  
23 presentation from Mr. Sciullo.

24                  I agree with you. I think that  
25 this is an undersized lot. Without some

1 reasonable variance relief, this lot would be  
2 zoned into -- in utility. So, I think,  
3 certainly, the applicability of the (c.)(1)  
4 statutory criteria is appropriate here.

5 I think, given -- in addition to  
6 the purposes of the land use law that you cited,  
7 I think that you can also rely on criteria G,  
8 which talks about sufficient space in  
9 appropriate locations for a variety of uses.  
10 Because even though the lot is deficient with  
11 respect to size, I do think it's an appropriate  
12 size. You've been able to buffer it and you've  
13 been able to provide some parking. And I think  
14 the uses are very appropriate.

15 From a planning point of view, I  
16 think it's absolutely critical to --

17 Just like you would when you're  
18 doing housing plans, you offer a variety of  
19 housing options, I think it's great if you want  
20 to create a variety of resort destinations. So,  
21 there are people who might not want to go to the  
22 big boxes, as you call them. So, I think this  
23 is a really unique use that creates just another  
24 -- another opportunity for people to visit the  
25 city who might not be interested in the casino

1 gaming. So, I think that this is exactly the  
2 type of development that the Resort Commercial  
3 encourages.

4 The uses, as you indicated, for the  
5 RC zone are going to be permitted for the retail  
6 options. And I think the uses are pretty  
7 permissive in that with respect to retail.

8 So, I think, overall, you could  
9 also rely on, like I said, criteria G.

10 And I also think you could rely on  
11 criteria M, which talks about an efficient use  
12 of land.

13 I think that you did an excellent  
14 job of trying to lay the site out and balance  
15 the site constraints, but also buffer it, park  
16 it and put on really interesting-looking  
17 buildings.

18 I know that you showed us some  
19 samples as to what the buildings are going to  
20 look like, but I would be interested to see what  
21 they're actually going to look like. You made a  
22 representation that you're not going to have a  
23 blank wall on Saint James.

24 THE WITNESS: Mmm-hmm.

25 CHRISTINE COFONE: So, I'm not

1 exactly sure how you accomplish that as a  
2 condition of approval, but I do think that that  
3 should be a condition of approval.

4 LANCE LANDGRAF: When they come  
5 back for final, we can see.

6 CHRISTINE COFONE: It works out  
7 perfect.

8 LANCE LANDGRAF: Because we're only  
9 looking for preliminary today.

10 CHRISTINE COFONE: Yeah. That's  
11 the only concern, is that --

12 I mean, I understand that that's  
13 your representation here today, but I do think  
14 that there needs to be a mechanism just to  
15 ensure that that is -- that we're not left with  
16 a blank monolithic wall along --

17 LANCE LANDGRAF: Absolutely.

18 CHRISTINE COFONE: -- south --

19 LANCE LANDGRAF: A simple --

20 A much smaller scale, but a similar  
21 application in an adjoining community,  
22 Brigantine, that I represent now, where they  
23 came in and they -- they used two shipping  
24 containers to create a -- there goes the voice.

25 CHRISTINE COFONE: Yeah.

1 THE WITNESS: I know what you're  
2 talking about. Yeah.

3 LANCE LANDGRAF: -- to create a --  
4 Chatterley's did it. Yeah.

5 CHRISTINE COFONE: Yeah. It's sort  
6 of --

7 LANCE LANDGRAF: It's kind of a --  
8 it's -- it's not a restaurant, but it's like a  
9 surface restaurant. It's like a kibold, --

10 CHRISTINE COFONE: Mmm-hmm.

11 LANCE LANDGRAF: -- that kind of  
12 thing, smoothies.

13 CHRISTINE COFONE: Yep.

14 LANCE LANDGRAF: And it's literally  
15 in a parking lot. And it just sits there. It's  
16 just a little --

17 The exterior treatment of it is  
18 just --

19 It can be really nice.

20 CHRISTINE COFONE: Oh. It's --  
21 Chris Cole's doing it in Red Bank.

22 LANCE LANDGRAF: Yeah.

23 NICHOLAS TALVACCHIA: Yeah.

24 CHRISTINE COFONE: I mean, I think  
25 it's fabulous. I really do.

1                   NICHOLAS TALVACCHIA: Yeah. I was  
2 just talking to Mr. Fasano. He has some ideas.  
3 We'll show you.

4                   CHRISTINE COFONE: I'm sure he  
5 does. Yes.

6                   NICHOLAS TALVACCHIA: It's going to  
7 be some cool artistic designs on the side of the  
8 building.

9                   CHRISTINE COFONE: Yeah. I just --  
10 I --

11                   But, again, I mean, while that's --

12                   LANCE LANDGRAF: If we can have  
13 examples when you come in for final, that would  
14 be great.

15                   CHRISTINE COFONE: It would be  
16 great.

17                   So, that's really just --

18                   THE WITNESS: We'll have some  
19 opportunity, too, with the ground level.  
20 Because, remember now, when you're walking down  
21 the street, the street's -- that will be even --  
22 notice I'm saying -- the street's elevation is  
23 six and a half or seven.

24                   CHRISTINE COFONE: Right.

25                   THE WITNESS: The building's going

1 to be 12. So, they're going to be head high  
2 even before you hit the floor. So, we have a  
3 space that --

4 NICHOLAS TALVACCHIA: You have --

5 CHRISTINE COFONE: Yeah.

6 THE WITNESS: So...

7 CHRISTINE COFONE: You have some  
8 opportunity there to do something neat.

9 THE WITNESS: Yeah.

10 CHRISTINE COFONE: So, I just want  
11 to make sure that we have our conference and we  
12 need to make sure that that happens and -- and  
13 see it.

14 So, other than that, I agree with  
15 the statutory criteria that you've proffered. I  
16 -- like I said, I would add those two more  
17 criteria; G and criteria M.

18 And the land use law does not hold  
19 you or any other applicant to the standard of  
20 proof that there be no detriment to the zone  
21 plan; just that the benefits outweigh the  
22 detriment. And here, I think the purpose of the  
23 RC zone and -- together with the revitalization  
24 and invigoration of this area will more than  
25 outweigh any detriments. I don't see any



1     detriments --

2                   THE WITNESS:   No.   There's not.

3                   CHRISTINE COFONE:  -- to the zone  
4     plan or to the negative -- to the public good if  
5     this application is approved.

6                   I think you've really infused some  
7     great vitality for planning for the use of the  
8     area.

9                   THE WITNESS:   Thank you.

10                  CHRISTINE COFONE:  You're welcome.

11                  LANCE LANDGRAF:  Bill?

12                  THE WITNESS:   Do you -- do you want  
13     to hit every comment or do you want me to just  
14     say that we're in agreement?

15                  LANCE LANDGRAF:  If you guys are  
16     good with everything, it's in the letter.

17                  CHRISTINE COFONE:  Yeah.

18                  THE WITNESS:   The -- the only --

19                  There's only one -- one comment,  
20     really, for the engineer's review that I wanted  
21     to just go over.  And I mentioned it to  
22     Mr. England before the meeting.

23                  But, we have no issue with his  
24     comments on drawing C0101, which is on page 1, 2  
25     -- sorry -- on page 3 of the letter.

1 I think I hit your other stuff,  
2 Bill, but you have to --

3 All right. So, number 3 on drawing  
4 C0201 is relative to the grading in the rear  
5 yards. We're going to regrade so that we don't  
6 have an issue with functionality of the -- the  
7 swales and rain garden.

8 The other ones are fine.

9 Item 7, the last one on the third  
10 page. Where provisions have been made to  
11 prevent flotation of the concession structure,  
12 seasonal structure. They're going to be vented  
13 to flood waters, because they're going to be  
14 resilient.

15 LANCE LANDGRAF: What I would also  
16 suggest -- and maybe take a ride over to  
17 Brigantine and see what they did there.

18 THE WITNESS: The chaser stone?

19 LANCE LANDGRAF: They're -- they're  
20 actually tied down. They have --

21 There's stakes into the ground.

22 THE WITNESS: Yeah.

23 LANCE LANDGRAF: Big, heavy eyelets  
24 so they don't float away.

25 THE WITNESS: There's --

1                   And from a building cover

2    perspective, this --

3                   LANCE LANDGRAF:   You're going to  
4    need it.

5                   THE WITNESS:   We're going to need a  
6    lot of things to be worked out like that;  
7    strapping and whatever.

8                   LANCE LANDGRAF:   And just to be  
9    clear, that --

10                  THE WITNESS:   Yep.

11                  LANCE LANDGRAF:   -- goes through  
12   the City of Atlantic City's building office, --

13                  THE WITNESS:   Right.

14                  LANCE LANDGRAF:   -- just to make  
15   sure you're aware of that.

16                  It's a simple tie-down mechanism.  
17   It just bolts.

18                  NICHOLAS TALVACCHIA:   Right.

19                  LANCE LANDGRAF:   It bolts right  
20   into the ground.   So...

21                  THE WITNESS:   All right.   So, for  
22   the lighting, drawing C0501 --

23                  NICHOLAS TALVACCHIA:   We'll --  
24   we'll update that for the final.

25                  THE WITNESS:   Yeah.   I mentioned

1 that.

2 But, I want to just point out one  
3 thing just --

4 This is for not just this project,  
5 but for all of them. The lighting standards --  
6 the current lighting standards in the CRDA rules  
7 are a little more stringent than typical.

8 What I mean by that is we have one  
9 acre -- or one foot candle minimum in the  
10 parking lots where most places is a half a foot  
11 candle. We also have two foot candles at the  
12 driveways. And the -- the comment is, it spills  
13 over into the road. It's going to be hard to  
14 light the driveway to two foot candles without  
15 getting some spillover. So, I just want to make  
16 sure that it's clear that we're going to have --

17 LANCE LANDGRAF: It's actually good  
18 that it spills over --

19 THE WITNESS: Yeah.

20 LANCE LANDGRAF: -- into the road.

21 THE WITNESS: Probably.

22 ROBERT REID: Right.

23 WILLIAM ENGLAND: As long as the  
24 two foot candles isn't too much.

25 LANCE LANDGRAF: Okay.

1 WILLIAM ENGLAND: I mean, in my  
2 opinion, I think we can probably drop it down a  
3 little bit --

4 LANCE LANDGRAF: All right.

5 WILLIAM ENGLAND: -- so it just  
6 does -- isn't as --

7 THE WITNESS: We're open to that,  
8 because, obviously, that means we have less  
9 fixtures in there.

10 LANCE LANDGRAF: Okay. What I  
11 would ask -- and this is not just for this  
12 application -- for you guys -- and I'll -- I'll  
13 ask our other consultants, too -- now that we're  
14 here a year with our regs, is to look at some  
15 things we might want to tweak. Because I've got  
16 a list. Rob's got a list.

17 CHRISTINE COFONE: Okay.

18 LANCE LANDGRAF: Parking is one.

19 THE WITNESS: We've got lists.

20 LANCE LANDGRAF: And then make a --

21 THE WITNESS: We should have given  
22 you the list earlier. It's all full.

23 LANCE LANDGRAF: Mike, do you got a  
24 list?

25 So, what I would ask, probably in

1 the next three to four months, we're going to  
2 come together with -- with something that will  
3 eliminate some of these little hitches that we  
4 have.

5 The parking for beach bars. The  
6 lighting standards, if they're a little bit too  
7 high, we can -- we can knock them down a little  
8 bit. Certainly, we want clear and -- and bright  
9 entrances to places, but when it becomes too  
10 much, I -- I get that. So, if we could get that  
11 in the next month or so.

12 WILLIAM ENGLAND: Sure.

13 LANCE LANDGRAF: Just your ideas on  
14 what to change.

15 WILLIAM ENGLAND: Sure.

16 CHRISTINE COFONE: Mmm-hmm.

17 THE WITNESS: All right. And the  
18 only other comment that I wanted to just go over  
19 so that you guys are aware, I -- I showed this  
20 picture of New York Avenue, which shows it has  
21 granite curb. It's in real good shape. The  
22 sidewalk has some spots we're going to replace.  
23 No problem.

24 So, this is related to --

25 NICHOLAS TALVACCHIA: One of Bill's

1 comments.

2 THE WITNESS: Number comment --

3 It's on page 4, drawing --

4 NICHOLAS TALVACCHIA: And we'll

5 replace the trees where there's grates.

6 THE WITNESS: Oh. It says

7 "Miscellaneous."

8 So, New York, we're fine.

9 Saint James. The comment that  
10 Mr. England made is replace the granite curb.  
11 The curb that's out there today isn't granite.  
12 It's a mix of concrete and the old blue slate  
13 that's like used in the alleys and other places.

14 So, this first slide that I'm  
15 showing you here, this is from street view on  
16 Google Earth -- or Google Maps, whatever.  
17 You'll see that there's driveway openings that  
18 are strewn along the frontage and there's little  
19 bits and pieces of a mix of blue slate and  
20 there's some concrete.

21 So, along our frontage, it's  
22 fragmented. But, then, more importantly, when  
23 you go down the street --

24 This is towards Pacific, looking  
25 down Saint James, towards the beach. It's all

1 concrete, both sides. So, you have it in front  
2 of the intersection, all the way down around the  
3 curve, all the way to the end of this parking  
4 lot at Best Western, then concrete running all  
5 the way down -- actually, all the way to that  
6 trailer, which is on the next slide, all the way  
7 up to the light that's over here. It's all  
8 concrete. And all concrete down to here.  
9 There's a trench drain that comes out of the  
10 parking lot right there. Then we have some  
11 busted-up curb on our side. So, it's all  
12 concrete leading to it.

13           Then, when you go to the other  
14 side, on -- this is the parking lot for Irish  
15 Pub. There's the side of Blue Ray. It's  
16 concrete at Irish Pub, too.

17           The other side of the street has  
18 that blue slate that's in better shape. What --  
19 what we want to do, instead of replacing it with  
20 granite, which doesn't match either side, being  
21 that it's concrete on both ends, we'd rather use  
22 concrete, if permissible, between our project  
23 frontage at the edge of Blue Ray all the way  
24 down to the Best Western that's concrete as  
25 well.



1                   NICHOLAS TALVACCHIA: You're  
2 talking about -- you're talking about Saint  
3 James now.

4                   THE WITNESS: Saint James. Yes.  
5                   And we'll match the sidewalk  
6 pattern, which looks like it's two foot squares  
7 or so, which is what we wanted to do anyway.

8                   NICHOLAS TALVACCHIA: So, it will  
9 be all new concrete, new curbing?

10                  THE WITNESS: It will all have to  
11 be redone because of the --

12                  NICHOLAS TALVACCHIA: The gutters?

13                  THE WITNESS: -- the driveway  
14 openings, anyway.

15                  NICHOLAS TALVACCHIA: And the  
16 gutters?

17                  THE WITNESS: Well, the gutter will  
18 probably come out because of the curb and get  
19 replaced. If it's damaged, it will get  
20 replaced.

21                  So, this will be curb-to-curb,  
22 generally, in this development, but we want to  
23 make sure that it's not granite for this  
24 section. It's unreasonable added cost when  
25 there's no granite anywhere on the block.

1                   LANCE LANDGRAF: All right. We'll  
2 take that under -- under consideration.

3                   THE WITNESS: Thank you.

4                   NICHOLAS TALVACCHIA: So, we can  
5 address that at final?

6                   WILLIAM ENGLAND: All right. Other  
7 than that, Jay always has, you know, done a  
8 comprehensive presentation which addressed all,  
9 you know, if not all of my comments.

10                   And since this is only going to be  
11 a preliminary and there are going to be site  
12 changes, --

13                   LANCE LANDGRAF: Right.

14                   WILLIAM ENGLAND: -- we'll get  
15 another shot at final.

16                   LANCE LANDGRAF: Okay.

17                   WILLIAM ENGLAND: So, I have no  
18 other comments. I think everything has been  
19 addressed at this point.

20                   LANCE LANDGRAF: Okay.

21                   NICHOLAS TALVACCHIA: Is there any  
22 --

23                   Procedurally, I'd just like to --  
24 since we've done all the testimony for the  
25 waivers and variances, I'd like to conclude that

1 today so --

2 LANCE LANDGRAF: Absolutely.

3 NICHOLAS TALVACCHIA: Right. So,  
4 that's --

5 And I assume you'll do two  
6 different approvals by the board; the  
7 preliminary and then the final?

8 LANCE LANDGRAF: Depending on how  
9 quickly you get back in here. You're going to  
10 be on my February agenda. So, if you can get  
11 back in --

12 NICHOLAS TALVACCHIA: Do you think  
13 we can, Jay?

14 LANCE LANDGRAF: -- before that, I  
15 can do it by --

16 NICHOLAS TALVACCHIA: We don't have  
17 to notice for final. Right?

18 LANCE LANDGRAF: You do not.

19 THE WITNESS: The second meeting in  
20 February shouldn't be --

21 NICHOLAS TALVACCHIA: Yeah.

22 THE WITNESS: -- should only be --

23 NICHOLAS TALVACCHIA: The second?

24 THE WITNESS: Well, I -- I guess a  
25 better question is --

1 LANCE LANDGRAF: I'll have to put  
2 it on my agenda then.

3 THE WITNESS: -- on how long you  
4 guys need to review.

5 WILLIAM ENGLAND: Oh, geez.

6 LANCE LANDGRAF: Yeah. If you're  
7 not here the first meeting or the second in  
8 January or the first meeting in February, I  
9 wouldn't be able to get you on for February.

10 NICHOLAS TALVACCHIA: For --

11 THE WITNESS: Oh. You mean --

12 NICHOLAS TALVACCHIA: For --

13 You mean the preliminary?

14 THE WITNESS: -- the first meeting  
15 in February?

16 ROBERT REID: The full board.

17 LANCE LANDGRAF: Oh. The full  
18 board, you'll be on for preliminary, definitely.

19 NICHOLAS TALVACCHIA: Yeah. I -- I  
20 really want to start the clock on the variances.  
21 I'm not --

22 LANCE LANDGRAF: That's fine.

23 NICHOLAS TALVACCHIA: -- too  
24 concerned for --

25 LANCE LANDGRAF: Okay.

1                   NICHOLAS TALVACCHIA:  -- the site  
2 plan.

3                   LANCE LANDGRAF:  All right.  The  
4 final site plan, to me, is just really coming  
5 back in --

6                   NICHOLAS TALVACCHIA:  Yeah.

7                   LANCE LANDGRAF:  -- with -- with a  
8 plan.

9                   We'll have a quick hearing.

10                  NICHOLAS TALVACCHIA:  Yeah.  I'm  
11 not worried about it.

12                  LANCE LANDGRAF:  The variances will  
13 be taken care of at that point.

14                  NICHOLAS TALVACCHIA:  Yeah.  I was  
15 --

16                  LANCE LANDGRAF:  That's just the  
17 final plan.

18                  NICHOLAS TALVACCHIA:  If we could  
19 just cut off the variances today and waivers so  
20 that that can --

21                  LANCE LANDGRAF:  Absolutely.

22                  NICHOLAS TALVACCHIA:  -- get done  
23 in February.

24                  LANCE LANDGRAF:  We'll -- we'll  
25 move that forward to our board for the February

1 hearing.

2 NICHOLAS TALVACCHIA: That's  
3 perfect. Yeah.

4 ROBERT REID: I have two comments.  
5 One, in regards to the artwork on the facade of  
6 the containers, --

7 NICHOLAS TALVACCHIA: Mmm-hmm.

8 ROBERT REID: -- just take into  
9 consideration we want it to be human scale,  
10 pedestrian scale so that it's not overwhelming.  
11 So, think of that; you know, pedestrian scale --

12 CHRISTINE COFONE: Of course.

13 ROBERT REID: -- type of design.

14 And in regards to the parking, as  
15 I've said many times, the --

16 You're selling convenience at the  
17 same time selling retail goods and offering food  
18 and beverage. So, part of convenience is  
19 parking. It's self-policing, in my opinion. If  
20 you don't provide adequate parking, they'll just  
21 go somewhere else.

22 So, I think it's a no-brainer that  
23 you're going to provide adequate parking.

24 NICHOLAS TALVACCHIA: Okay.

25 ROBERT REID: And even -- even if

1 all these parking lots were built that -- that  
2 are privately owned, there's hundreds of parking  
3 spaces within a four-minute walk of this place,  
4 --

5 NICHOLAS TALVACCHIA: Right.

6 ROBERT REID: -- even if they were  
7 all developed.

8 You know, public parking.

9 NICHOLAS TALVACCHIA: So, let the  
10 record reflect that Mr. Reid is also a licensed  
11 planner.

12 LANCE LANDGRAF: So noted.

13 ROBERT REID: Thank you. I think  
14 it's a great project.

15 NICHOLAS TALVACCHIA: For the  
16 record --

17 I guess that's it. Right? We're  
18 good? Jay?

19 THE WITNESS: I'm good.

20 NICHOLAS TALVACCHIA: Yeah. We're  
21 good.

22 THE WITNESS: Thank you.

23 LANCE LANDGRAF: Do we have  
24 anything else from the panel, CRDA? Anything  
25 else?

1 CHRISTINE COFONE: No, not at this  
2 time.

3 WILLIAM ENGLAND: I think we're  
4 good.

5 LANCE LANDGRAF: Scott?

6 All right. At this time, I'll open  
7 the meeting up to the public.

8 Anyone having any comment on this  
9 application, please step forward, state your  
10 name and provide your comments.

11 Mr. Lopez, do we address you as  
12 Mr. AC Mike or --

13 UNIDENTIFIED MALE MEMBER FROM THE  
14 AUDIENCE: Hey. You don't have to do all that.  
15 Thank you.

16 Thank you for having an open  
17 meeting.

18 "Josh," [stated incorrectly]  
19 excellent. Excellent. That --

20 I didn't think it was going to be  
21 that entailed.

22 I happened to be in the building,  
23 had some -- a couple hours.

24 And fantastic.

25 LANCE LANDGRAF: Karen, this is



1 Mike Lopez, just --

2 MALE MEMBER FROM THE AUDIENCE

3 (MICHAEL LOPEZ): Mike Lopez. I'm sorry. Mike  
4 Lopez. 9 North New Hampshire Avenue,  
5 Atlantic City.

6 Just --

7 When the project was started --  
8 I'll take a few minutes -- with Tennessee Avenue  
9 and whatnot, and having my background in law  
10 enforcement and retiring and coming to  
11 Atlantic City full-time, 2008, you hear this  
12 stuff, you hear these stories and people want to  
13 do things and whatnot. And then when he talked  
14 about Tennessee Avenue, I got that -- The Rock  
15 Eye. I was like, are you guys serious?

16 But, to see it happen and then  
17 action.

18 You know, my dad used to say all  
19 the time willingness without action is fantasy.  
20 You hear all these stories.

21 And just seeing it happen. What  
22 happened a couple months ago, the opening at  
23 Barrai. Walking over to Tennessee Avenue,  
24 packed house all over, that whole thing. And  
25 then now, working for the Camden Diocese, I

1 spend a lot of time at Saint Nick's. So, seeing  
2 that -- that element that's been there starting  
3 to move. You know, it's got to go to different  
4 places and --

5 Because there's people, there's  
6 activity.

7 So, I -- I applaud you. I've  
8 checked you out, Pat. I met Pat a few months  
9 ago. So --

10 And I went to -- you know, have  
11 been going to Asbury Park. I didn't know he was  
12 part of it back then. But, went back to just  
13 see what's going on.

14 And -- and the -- the containers  
15 and just the -- the live action. It's out  
16 there. From absolutely nothing, I would say, to  
17 -- to it's thriving.

18 And again, this man, again, I just  
19 met him. And I say it so positive. Action,  
20 passion. It's for real. It's not tired. He's  
21 here. So --

22 And listening to "Josh," [stated  
23 incorrectly] when you talk security --

24 LANCE LANDGRAF: It's Jay.

25 MALE MEMBER FROM THE AUDIENCE

1 (MICHAEL LOPEZ): Or -- or Jay.

2 LANCE LANDGRAF: Jay.

3 MALE MEMBER FROM THE AUDIENCE

4 (MICHAEL LOPEZ): I'm sorry.

5 I'm thinking of Josh, where I just  
6 left.

7 So, you know, hearing the security,  
8 the -- the fences and whatnot, it's -- it's not  
9 a bad thing. Some people think fences are --  
10 are a -- a horrible thing. You know, I go back  
11 to the jail. But, it's not. It's -- it's a  
12 presence. It's -- it's proactive.

13 So, in working with the Revel back  
14 in the -- the buildup, working construction site  
15 security after I retired from the county jail, I  
16 just saw how that was done, although this is a  
17 different type. But, it was out there.  
18 Construction. Welcoming the way they did it  
19 other than their wall.

20 It's -- it's -- it's going to keep  
21 the bad guy away. And I don't mean to say it  
22 like that. The action, the people. It's --  
23 it's a win-win. Again, I just --

24 I didn't know it was going to be  
25 this entailed, what you did. I can do nothing

1 but applaud it.

2 Again, on that street, whether it  
3 was the CRDA SID, with the parish, it's a --  
4 it's a win.

5 And I hope you guys continue to  
6 work together.

7 And the way you fellows and ladies  
8 work together between the loop and what you're  
9 doing is amazing. So, keep it up. I love it.

10 I'm very positive, but not naive.  
11 So, thank you for the opportunity. And -- and  
12 anything I can do.

13 That's it.

14 LANCE LANDGRAF: Thank you, Mike.

15 ROBERT REID: Thank you.

16 LANCE LANDGRAF: Happy New Year to  
17 you.

18 MALE MEMBER FROM THE AUDIENCE

19 (MICHAEL LOPEZ): Happy New Year.

20 LANCE LANDGRAF: With that, seeing  
21 no one else in the public, I'll close the public  
22 portion at this time.

23 Anything else, Mr. Talvacchia?

24 NICHOLAS TALVACCHIA: Can I -- we  
25 do a ten-second pause?

1 I want to ask you a procedural  
2 question, just --

3 LANCE LANDGRAF: Sure.

4 Would you hold the record for one  
5 second? He has a question for our attorney.

6 (Discussion held off the record.)

7 LANCE LANDGRAF: Okay. Go back on  
8 the record, please.

9 Just so the record is clear, we  
10 want to swear in both of our consultants.

11 SCOTT COLLINS: Both raise your  
12 right hand. Raise your right hand.

13 Do you swear that the testimony  
14 that you give before this board is the truth,  
15 the whole truth and nothing but the truth?

16 CHRISTINE COFONE: Yes.

17 WILLIAM ENGLAND: Yes.

18 SCOTT COLLINS: Thank you both.

19 LANCE LANDGRAF: Thank you.

20 NICHOLAS TALVACCHIA: Thank you.  
21 Thanks for your attention.

22 LANCE LANDGRAF: I'll bring it back  
23 to the CRDA land use board.

24 Anything further?

25 CHRISTINE COFONE: Not at this

1 time.

2 WILLIAM ENGLAND: No.

3 LANCE LANDGRAF: Okay. We have no  
4 other applications, no additional testimony.  
5 We'll close the testimony on this matter.

6 As I said, Mr. Talvacchia, our next  
7 -- or we would anticipate the board meeting that  
8 this will be on will be February 19th.

9 NICHOLAS TALVACCHIA: Mmm-hmm.

10 LANCE LANDGRAF: Our next land use  
11 hearing is January 17th, at 10 A.M.

12 Correct, Rob?

13 ROBERT REID: Yes.

14 LANCE LANDGRAF: We're good with  
15 the times from now on?

16 ROBERT REID: Yes.

17 LANCE LANDGRAF: Okay.

18 ROBERT REID: They're all at 10,  
19 even.

20 LANCE LANDGRAF: All right. Good.  
21 This meeting and all future  
22 meetings will be held at Atlantic City council  
23 chambers.

24 And as I indicated, we'll make  
25 every effort to get you on for February 19th,

1 our full board agenda --

2 NICHOLAS TALVACCHIA: All right.

3 LANCE LANDGRAF: -- for your  
4 preliminary and your variance application.

5 So, let's go up to that. We'll  
6 handle the final.

7 NICHOLAS TALVACCHIA: Right. As  
8 soon as we can get it in and --

9 LANCE LANDGRAF: Absolutely.

10 NICHOLAS TALVACCHIA: All right. I  
11 appreciate it.

12 Thank you very much.

13 LANCE LANDGRAF: Thank you, Nick.

14 ROBERT REID: Thank you.

15 LANCE LANDGRAF: If there is no  
16 further public comment, we'll close the meeting.

17 We are adjourned.

18

19 (This public hearing concluded at  
20 11:29 A.M.)

21

22

23

24

25

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