

CASINO REINVESTMENT DEVELOPMENT AUTHORITY

LAND USE REGULATION and ENFORCEMENT DIVISION

DGMB CASINO, LLC

SEEKING PRELIMINARY AND FINAL MAJOR SITE PLAN
APPROVAL AND VARIANCE RELIEF TO EXPAND THE
EXISTING EMPLOYEE PARKING LOT "F" FRONTING SOUTH
CAROLINA AVENUE. APPLICANT PROPOSES TO
INCORPORATE THE ADDITIONAL PARCELS RECENTLY
ACQUIRED THAT ARE DIRECTLY ADJACENT TO THE
EXISTING 265 SPACE PARKING LOT. APPLICANT
PROPOSES TO ADD APPROXIMATELY 113 PARKING SPACES
AND TO IMPROVE THE LANDSCAPING AND LIGHTING FOR A
TOTAL OF 378 SPACES



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1 BLOCK 56, LOTS 14, 15, 20-25, 38, and 48-50
2 South Carolina Avenue and Ocean Avenue,
3 Atlantic City, NJ

4

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7 Thursday - February 7, 2019

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10 Public hearing in the
11 above-referenced matter, taken in City Council
12 Chambers, CITY OF ATLANTIC CITY, 1301 Bacharach
13 Boulevard, Atlantic City, New Jersey, before
14 Karen A. Haworth, a New Jersey Certified
15 Court Reporter (CCR), nationally certified
16 Registered Professional Reporter (RPR),
17 nationally certified Certificate of Merit holder
18 (CM), nationally certified Certified Realtime
19 Reporter (CRR), a Delaware Certified Shorthand
20 Reporter (CSR), nationally certified Certified
21 LiveNote™ Reporter (CLR), and Notary Public of
22 the State of New Jersey, on the above date,
23 commencing at 10:03 A.M., there being present:

24

25

1 APPEARANCES:

2 CASINO REINVESTMENT DEVELOPMENT AUTHORITY:

3

4 LANCE B. LANDGRAF, JR.

Chairman

5 Director, Planning Department

6

7 ROBERT L. REID

Land Use Enforcement Officer

8

9

10

11

12

13 PROFESSIONALS TO THE BOARD FOR THIS HEARING:

14

15 SCOTT G. COLLINS, ESQUIRE

RIKER, DANZIG, SCHERER, HYLAND & PERRETTI

16

17 G. JEFFREY HANSON, PE, CME

ENVIRONMENTAL RESOLUTIONS, INC.

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23 COUNSEL FOR THE APPLICANT:

24

25 NICHOLAS F. TALVACCHIA, ESQUIRE

I N D E X

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WITNESS(ES)

PAGE NO.

Jason Sciullo

Direct Examination

By: Nicholas Talvacchia

11

EXHIBITS MARKED AND/OR REFERRED TO:

A-1

A-2

B-1

1 (Time noted: 10:03 A.M.)

2

3 LANCE LANDGRAF: I'd like to call
4 to order the CRDA Land Use Regulation and
5 Enforcement Division hearing of January --
6 January 3rd -- of February 7th.

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

9

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

12

13 LANCE LANDGRAF: Thank you.

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. It's Application 2019-01-2577, DGMB
19 Casino, LLC, doing business as Resorts Casino
20 Hotel, South Carolina Avenue and Ocean Avenue,
21 Block 56, Lots 14, 15, 20 to 25, 38, and 48 to
22 50. It's in the RC, Resort Commercial,
23 district.

24 Mr. Talvacchia, I see you're here
25 today.

1 NICHOLAS TALVACCHIA: Yes. Good
2 morning.

3 LANCE LANDGRAF: One quick thing
4 with housekeeping.

5 Rob, we're good on notice?

6 ROBERT REID: Yes. I have --

7 LANCE LANDGRAF: Okay.

8 ROBERT REID: -- reviewed the proof
9 of service provided by the applicant, and we
10 have jurisdiction to hear this application.

11 LANCE LANDGRAF: Great. Thank you.
12 Now, Mr. Talvacchia. Sorry.

13 NICHOLAS TALVACCHIA: Good morning,
14 everyone.

15 On behalf of the applicant, DGMB
16 Casino, LLC, Nick Talvacchia, at Cooper
17 Levenson.

18 With me is the head of facilities
19 and development, Rocky Merrill.

20 LANCE LANDGRAF: Good morning, sir.

21 NICHOLAS TALVACCHIA: And we have,
22 as our planner and engineer, Jay Sciullo, from
23 Sciullo Engineering.

24 So, we're actually happy to be
25 here, because this represents one more

1 investment, one more commitment by Morris Bailey
2 and his family since 2012, when he bought this
3 property.

4 As you know, we were here last year
5 for a parking lot renovation and expansion,
6 which it's still in the works, but we're -- we
7 want to do everything together.

8 This land that we're talking about
9 today was actually purchased from the city in an
10 auction last year. It's immediately adjacent to
11 what has been a parking lot for many years for
12 Resorts. So, we're really just extending it.

13 No new entryway. It's going to be
14 the same internal entryway. It's solely an
15 employee parking lot, not public.

16 It will be good for the employees.
17 It will provide easy access and get some cars
18 off the street, too, we think.

19 The use is permitted. Accessory
20 parking is permitted off premises, off lot. So,
21 this is in close proximity.

22 Some minor variance relief; a fence
23 in the front yard that matches the existing,
24 very minor waivers, which Mr. Sciullo will go
25 through in some detail.

1 But, fundamentally, it's a
2 permitted use.

3 The existing parking lot was over
4 covered; 86 percentile, I think. This new
5 section's actually under; like 78 percentile.
6 On an aggregate basis, it's over, but the new
7 part is -- actually complies on coverage. And
8 we're making the condition, on an overall basis,
9 slightly less, although there will still be
10 more. I don't know that I actually need a
11 variance for that, but we asked for it. So...

12 Other than that, it's -- it's
13 pretty straightforward.

14 JEFFREY HANSON: Lance, would it be
15 appropriate?

16 LANCE LANDGRAF: Okay.

17 JEFFREY HANSON: We might as well.

18 LANCE LANDGRAF: Yeah.

19 I'd like to include, if we could --

20 NICHOLAS TALVACCHIA: Yeah. We'll
21 clean it up.

22 LANCE LANDGRAF: Yep.

23 NICHOLAS TALVACCHIA: That way, it
24 -- for the record, it will --

25 JEFFREY HANSON: Just -- just

1 because we're going to be over the 80 percent
2 overall, --

3 LANCE LANDGRAF: Okay.

4 NICHOLAS TALVACCHIA: Yeah.

5 JEFFREY HANSON: -- I think it
6 probably will be safe just -- since we're here
7 for another variance.

8 LANCE LANDGRAF: Okay.

9 NICHOLAS TALVACCHIA: Yeah. I have
10 no problem asking for it and just getting it
11 clean on the record that this overall lot will
12 be 82 point something percent.

13 So, with that --

14 I -- I don't want to go too far.
15 It's a pretty simple application.

16 So, I'll introduce Jay Sciullo and
17 have him sworn.

18 LANCE LANDGRAF: Scott, if you
19 could.

20 JASON SCIULLO: Good morning.

21 NICHOLAS TALVACCHIA: We're looking
22 for --

23 JASON SCIULLO: All right. Good
24 morning.

25 SCOTT COLLINS: Do you swear to

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

3 THE WITNESS: I do.

4

5 JASON SCIULLO, sworn.

6

7 SCOTT COLLINS: Okay. Thank you.

8 NICHOLAS TALVACCHIA: My --

9 SCOTT COLLINS: In this new year,
10 I'm going to try something different because we
11 get ahead of ourselves sometimes.

12 Could we start marking exhibits?

13 If you have --

14 We'll mark the application as A-1.

15 NICHOLAS TALVACCHIA: Sure.

16 SCOTT COLLINS: And it looks like
17 you're going to be using a --

18 THE WITNESS: Yeah.

19 SCOTT COLLINS: Is this a -- a
20 slide show?

21 THE WITNESS: No. It's just that
22 one sheet.

23 SCOTT COLLINS: Oh.

24 THE WITNESS: It's -- it's --

25 NICHOLAS TALVACCHIA: It has a

1 rendered version of the site plan.

2 THE WITNESS: It's different than
3 the one that was submitted because it shows more
4 area, but it is, essentially --

5 NICHOLAS TALVACCHIA: We'll call it
6 A-2, then?

7 SCOTT COLLINS: Okay.

8 THE WITNESS: Very good. Look at
9 you.

10 LANCE LANDGRAF: A little better?

11 NICHOLAS TALVACCHIA: Site plan and
12 surrounding area.

13 THE WITNESS: Yeah.

14 So, I forget what we even called
15 that sheet, but it's on the --

16 Site rendering, it's called?

17 SCOTT COLLINS: Okay. And then
18 while we're at it, I'm just going to mark B-1,
19 which is going to be our planning and
20 engineering consultant's letter dated January
21 31, 2019.

22 NICHOLAS TALVACCHIA: I'd like to
23 qualify Mr. Sciullo first.

24

25 DIRECT EXAMINATION

1 BY NICHOLAS TALVACCHIA:

2 Q. Mr. Sciullo, you are a licensed
3 engineer in the State of New Jersey and also a
4 licensed planner?

5 A. I am.

6 Q. Have you been qualified by the CRDA
7 Land Use Board --

8 A. Yes.

9 Q. -- in the past as an expert in both
10 those areas?

11 A. I have.

12 NICHOLAS TALVACCHIA: Based upon
13 his prior qualifications and his licensure, I'd
14 offer this witness as an expert in both fields.

15 LANCE LANDGRAF: We accept his
16 credentials. He's testified numerous times
17 here. Thank you.

18 THE WITNESS: Thank you.

19 BY NICHOLAS TALVACCHIA:

20 Q. So, Jay, why don't you just --
21 There's no need for me to ask you a
22 bunch of questions because I know you have an
23 outline. So...

24 A. Yep.

25 Q. Identify the site; --

1 A. Sure.

2 Q. -- where Pacific is, where the main
3 hotel is, the beach, and then --

4 A. Sure.

5 Q. -- and what's new versus what's
6 existing.

7 A. Okay. Thank you.

8 The application -- or the current
9 application is for the -- the parcel shown down
10 on the bottom of the screen here, surrounded in
11 yellow. (Witness indicating.)

12 That is South Carolina Avenue,
13 directly to our east. Ocean Avenue, to the
14 west.

15 This parking lot here is a large
16 surface lot. (Witness indicating.) We call it
17 the J&L lot. It's part of Resorts that most
18 people, when they come to visit, would park in.

19 There's the porte-cochere for
20 Resorts. (Witness indicating.) Pennsylvania
21 Avenue is on the other side. This is North
22 Carolina that runs into the porte-cochere.
23 (Witness indicating.) So, Resorts proper is
24 right here. (Witness indicating.)

25 You heard Nick mention previously

1 that we had, last year or the year before, come
2 in for an application for parking lot upgrades.
3 That's lot C, which is this in here. (Witness
4 indicating.) You can see it's a little bit out
5 of shape here, but --

6 That proposed information is not
7 shown on this plan, but this is directly
8 connected to it, other than crossing
9 South Carolina.

10 So, the proposed work is for,
11 specifically, Block -- Block 56, Lots 14, 15, 20
12 to 25, 38, and 48 to 50.

13 The large surface lot that exists
14 here is all on Lot 38. So, those other lots I
15 mentioned are pieces that were picked up through
16 --

17 Q. And that's shown as peach-colored,
18 the new areas. Correct?

19 A. That is. I'm sorry. Yeah.

20 Q. That is peach.

21 A. So, the --

22 Everything that's colored on this
23 plan is proposed work. So, we have the peach
24 color, which is going to be new asphalt. The
25 green is all landscaping.

1 Q. And, Jay, just so we set the
2 record, the existing number of parking spaces is
3 265.

4 A. I believe you.

5 Q. Yes. And --

6 A. I know the increase is 113. I did
7 write that down.

8 Q. The increase is 113.

9 A. Yes.

10 Q. And the total is 378.

11 A. Okay. Yeah.

12 So, now, the --

13 And I'll say "net increase,"

14 because there are --

15 When you count the spaces, it shows
16 as more than 113, but we have to remove a couple
17 spaces for driveway openings and cuts to be able
18 to connect the two lots. So -- one of the
19 sections of the lots.

20 So, it's in the RC zone, as Nick
21 mentioned.

22 Pursuant to 19:66-7.2(d)(2), this
23 parking accessory to the Resorts hotel, in the
24 same zone, is permitted. So...

25 But, it is accessory to that hotel.

1 The total site area shown bound in
2 yellow there is 150,940 square feet.

3 The total site disturbance, as we
4 show, you see that's additions to that lot, that
5 area is less than an acre. And I'm pointing it
6 out because it's important for the purpose of
7 stormwater management. We stay below the
8 thresholds requiring stormwater review or
9 stormwater analysis and, also, flood hazard
10 permitting at DEP because of staying below that
11 threshold.

12 The historic coverage on this site
13 is relatively large, so the increase in
14 impervious surface is also less than a quarter
15 acre.

16 As Nick mentioned earlier, we have
17 no new street access points proposed. We're
18 going to rely on the existing driveways.
19 There's one -- all right. There's one that's
20 directly across -- I'm sorry -- directly across
21 from the alley here, the existing entrance.
22 (Witness indicating.) There's one here, and
23 there's one there. (Witness indicating.) They
24 are the same entrances that will be used in the
25 future, moving forward.

1 The --

2 Otherwise, relatively simple. It
3 includes landscaping, lighting and fencing,
4 other than the paving.

5 The -- the fence leads to a --
6 leads to relief.

7 And I want to have a point of
8 clarification. Nick mentioned variance when he
9 opened -- in his opening, --

10 NICHOLAS TALVACCHIA: Waiver.

11 THE WITNESS: -- and when our
12 application was made, it might have said
13 variance, but it's --

14 The defense standard is in the
15 design standard section, Chapter 7 of the land
16 use rules. So, technically, it will be a -- a
17 waiver.

18 So, of the design waivers, I
19 mentioned that one. That's to allow a fence in
20 a front yard. And that's from -- a waiver from
21 section 7.7(a)(1).

22 We also have a design waiver to
23 allow a parking area without curb. And that's
24 from 7.2(c)(5).

25 Another waiver, to not provide

1 safety islands on the end of the parking space
2 bays. That's from 7.2(c)(10).

3 And there was one that -- I don't
4 know if we pointed it out, and Jeff may not have
5 caught it, either. There's a small section of
6 parking area here that has a four-foot buffer
7 rather than the ordinance standard of five. And
8 that's from section 7.6(g)(1). And --

9 JEFFREY HANSON: So, that's a
10 design waiver?

11 THE WITNESS: Design waiver, yeah.
12 It's in section 7.

13 JEFFREY HANSON: I didn't see that.

14 NICHOLAS TALVACCHIA: So, four feet
15 versus five feet.

16 THE WITNESS: Yeah.

17 Easy to miss. We did it, too,
18 until I went back and looked at it again just
19 recently, when I was prepping for this.

20 So, the --

21 JEFFREY HANSON: Which lot is that,
22 Jay? Do you know?

23 THE WITNESS: Ooh. I don't know.
24 I have the -- I actually have the plans here,
25 so ...

1 I could have checked your parking
2 numbers, too.

3 (Witness indicating.) That is on
4 Lot 15.

5 JEFFREY HANSON: Lot 15?

6 That would be the west side, I
7 guess? Is that facing northbound?

8 THE WITNESS: And north is towards
9 Pacific; south, towards the beach.

10 So, it would be the western end of
11 the project, down right here on Lot 15.

12 (Witness indicating.)

13 So --

14 All right. For those waivers, the
15 first one I'm going to hit is the construction
16 of the parking area without curb. We feel this
17 relief is reasonable given a couple factors, one
18 of which is it's -- the existing lot has no
19 curb, and we don't want to interrupt drainage
20 patterns by constructing curb, because, as you
21 guys know, when you put in curb, you have to
22 then put in inlets and everything gets
23 concentrated.

24 The way this arrangement is -- or
25 this lot is arranged, we would have, generally,

1 sheet flow leaving these parking areas and going
2 in the same direction it does currently, mostly
3 toward the roads.

4 We also don't really need it for
5 safety purposes because there's fence around all
6 the site, and to put in curbing for the purpose
7 of stopping people from driving through the
8 fence would -- is probably unreasonable.

9 And similarly, we --

10 In the standard, as you guys know,
11 there's safety islands required at the end of
12 parking space bays. That's a -- it's a
13 relatively new standard in Atlantic City. It
14 only came about when the land use rules were
15 adopted. So, a lot of these lots don't have
16 them, currently.

17 And this one, in particular,
18 because it's employee and semiprivate, other
19 than employees are, obviously, the public, it's
20 not open to the general public. Being that
21 these aren't high turnover lots, it's during
22 shift change, mostly, there's no reason to
23 really have safety islands because these
24 employees have parked in this lot for some time
25 and will continue to do so. So, we ask for that

1 relief as well.

2 The -- the next one, about the
3 buffer that I -- I mentioned, it's four parking
4 spaces wide and it's four feet instead of five
5 feet. And it's a product of the existing lot
6 geometry here and the travelway or the -- the
7 driveways to actually connect the lots.

8 If we were to try to propose -- or
9 to propose five feet, it would shorten -- or --
10 or lessen the width of that driveway opening,
11 which we think is a greater impact than would be
12 the one foot of relief we're requesting.

13 There's landscaping proposed in
14 that section.

15 And by far and large, the rest of
16 the surrounding buffer is greater than five
17 feet. We feel that that mitigates that
18 potential impact. It also faces the side of the
19 building with no access, wherein the existing
20 facility directly next door won't really be
21 impacted.

22 The last one is the waiver to allow
23 a fence in the front yard. The existing
24 frontage of South Carolina -- South Carolina
25 Avenue has a fence the whole length, as most of

1 these lots do. There's chain link that wraps
2 the rest of the site.

3 Now, in our original application,
4 we proposed to relocate and extend that chain
5 link fence to wrap around the new sections of
6 the parking lot.

7 Through discussions and -- and
8 Jeff's letter, it's also mentioned that -- or
9 asked that the fence that actually hits the
10 roadway frontage on Ocean Avenue be revised or
11 reconsidered to be decorative aluminum, similar
12 to what we have on South Carolina.

13 As we were speaking with Resorts,
14 we agree to do that. It probably won't be the
15 white fence that's up there because it's, maybe,
16 not as easy to get, but it will be aluminum
17 picket, similar to what is in the surrounding
18 area. It may be black, though.

19 But, in any case, it's surrounded
20 -- or has landscaping directly adjacent to it.
21 So, the fence is going to be mostly -- not
22 invisible, but not as visible as would be fence
23 without landscaping.

24 JEFFREY HANSON: I think there -- I
25 think we asked for parking bumper blocks there,

1 along that frontage, too. And I think we put up
2 the -- the metal fence. I don't --

3 I think that would eliminate the
4 requirement to put up the bumper --

5 THE WITNESS: Yeah. We call --

6 JEFFREY HANSON: -- blocks, Jay.

7 THE WITNESS: Yeah. We agree. We
8 don't -- we don't feel that the --

9 LANCE LANDGRAF: Unless anybody
10 sees any reason why --

11 THE WITNESS: -- parking blocks --

12 LANCE LANDGRAF: I'm not a feel --
13 fan of wheel stops.

14 JEFFREY HANSON: Me, either.

15 LANCE LANDGRAF: It becomes a
16 tripping hazard.

17 JEFFREY HANSON: With -- with chain
18 link fence, --

19 LANCE LANDGRAF: So, I'm okay with
20 that.

21 JEFFREY HANSON: -- I was just a
22 little bit concerned --

23 LANCE LANDGRAF: Yeah.

24 JEFFREY HANSON: -- that somebody
25 could go through that a lot easier than if

1 there's somebody on the sidewalk.

2 LANCE LANDGRAF: So, we're going to
3 have the -- the decorative fencing where it,
4 basically, abuts the sidewalk.

5 THE WITNESS: Yeah.

6 JEFFREY HANSON: Correct.

7 THE WITNESS: Where it runs
8 parallel with the road. Yep.

9 JEFFREY HANSON: Okay.

10 LANCE LANDGRAF: I think we're good
11 with that. I think that -- that's -- that's a
12 good compromise there. Something that's going
13 to be really visible.

14 So, we'd really like to have that
15 as the -- the decorative fence.

16 So, thank you. I appreciate that.

17 THE WITNESS: Sure. Thank you.

18 NICHOLAS TALVACCHIA: Rocky's
19 paying for it, so he --

20 MALE MEMBER FROM THE AUDIENCE
21 (ROCKY MERRILL): You're welcome.

22 THE WITNESS: Well, we wanted to --

23 LANCE LANDGRAF: See, now, he told
24 us you were, so...

25 MALE MEMBER FROM THE AUDIENCE

1 (ROCKY MERRILL): It will cost me double.

2 THE WITNESS: Yeah. It's 350 feet
3 of fence. It's -- it's going to be -- it's
4 going to look good. This -- this parking lot is
5 going to have --

6 You know, a -- a lot of this
7 landscaping that we propose --

8 Because the frontage of South
9 Carolina is already completely landscaped.

10 LANCE LANDGRAF: Right.

11 THE WITNESS: That will be
12 maintained.

13 So that the remainder of it right
14 now is completely open. This will be a huge
15 improvement visually and/or aesthetically. Yes.

16 LANCE LANDGRAF: I saw some
17 comments in -- in Jeff's letter regarding
18 changing out some of the different types of
19 planting.

20 And everybody's okay with that?

21 THE WITNESS: Yeah. That's fine.

22 LANCE LANDGRAF: Yeah.

23 THE WITNESS: Yeah.

24 LANCE LANDGRAF: I think --

25 We've -- we've had some experience

1 with our SID Department, where certain plants
2 have worked, certain ones have not. So, we're
3 trying to get consistent with that.

4 And that's -- that was a good
5 recommendation, I think, with that.

6 THE WITNESS: Yeah. Most of the --
7 most of the stuff we would spec are the plant
8 that's just -- you know, no cultivar; just, you
9 know, Rugosa Rose or whatever. And then they
10 picked out, you know -- make sure it's this
11 cultivar because it's hardier and whatever it's
12 called.

13 LANCE LANDGRAF: Right.

14 THE WITNESS: So, yeah. We'll do
15 that.

16 LANCE LANDGRAF: So, we've had
17 better success with some of the stuff that
18 Jeff's recommended. And that's all we ask
19 there.

20 THE WITNESS: Yep. No issue.

21 LANCE LANDGRAF: It's lower
22 maintenance. That's why.

23 THE WITNESS: Yeah.

24 But, we have issues with survival,
25 as you know, with the wind. I mean, these trees

1 get topped because of the wind.

2 LANCE LANDGRAF: Exactly.

3 THE WITNESS: So, the ones we
4 spec'd should survive well.

5 And then the cultivar they picked
6 is a little better. So, it's good.

7 JEFFREY HANSON: Are you guys okay
8 with what -- with comment number 5, regarding
9 the landscaping that was -- adding some
10 shrubbery to the front -- frontage of 48 through
11 50 along South Carolina?

12 If you look there, it has that row
13 of hedges, and then, on the new lot, they have
14 the white fence, but there's -- there's no
15 landscaping there.

16 THE WITNESS: On the end, down
17 here? (Witness indicating.)

18 JEFFREY HANSON: Up there. Yeah,
19 Jay.

20 THE WITNESS: I thought that was
21 continuous. Maybe, you know, looking at it in
22 the field.

23 Because the fence actually -- the
24 existing fence that runs the edge of this only
25 goes to like here. (Witness indicating.) So,

1 we're sliding it over. So that, yeah, you're
2 right, there is a short section that doesn't
3 have some landscaping.

4 JEFFREY HANSON: You'll continue
5 those hedges there?

6 THE WITNESS: Yeah.

7 JEFFREY HANDSON: Okay.

8 THE WITNESS: We will.

9 JEFFREY HANSON: Thank you.

10 THE WITNESS: So, now, the --

11 Unless you have any questions on
12 the waivers, I'm going to hit the variance now.

13 LANCE LANDGRAF: No. I think we're
14 good.

15 THE WITNESS: Okay. Thank you.

16 All right. So, the bulk variance
17 requested. And Nick mentioned previously, it's
18 from 5.10(a)(1) lower case Roman numeral (iiiiv),
19 7 to allow an aggregate site coverage of 84 and
20 a half percent where a maximum of -- site
21 coverage of 80 percent is permitted. And I say
22 "aggregate" because, as Nick had mentioned, the
23 -- the existing Lot 38 that's the existing
24 parking lot right now is 87-ish percent
25 coverage.

1 What we propose with the newer
2 extensions is that these lots, if they were to
3 stand alone, there's 80 percent -- or a little
4 less than 80 percent site coverage proposed for
5 the expansion.

6 NICHOLAS TALVACCHIA: Which would
7 comply.

8 LANCE LANDGRAF: Right.

9 THE WITNESS: It would comply.

10 LANCE LANDGRAF: Right. Because
11 you're adding it to the whole lot, it -- it
12 pushes you up to the 82 percent? Is that the
13 number?

14 THE WITNESS: Eighty-four and a
15 half.

16 NICHOLAS TALVACCHIA: Eighty-four
17 and a half.

18 But, overall, Jay, the point is,
19 coverage comes down from where --

20 THE WITNESS: It does.

21 NICHOLAS TALVACCHIA: -- it exists
22 today.

23 THE WITNESS: It does.

24 On the --

25 Yeah. In the -- in the developed

1 portions of the property, yes, it will be
2 reduced.

3 So, if we were to reduce the
4 entirety of the project site to 80 percent, it
5 would -- it would, obviously, reduce the -- the
6 yield substantially.

7 In this historic grandfathered
8 legal coverage, we wouldn't want to have that
9 negatively impact, you know, obviously, anything
10 going forward.

11 So, --

12 JEFFREY HANSON: You did --

13 THE WITNESS: -- I think this is a
14 really good compromise.

15 JEFFREY HANSON: You did provide
16 testimony that the net increase in the
17 impervious surface was --

18 THE WITNESS: Less than a quarter
19 acre.

20 JEFFREY HANSON: -- less than a
21 quarter acre.

22 Correct?

23 THE WITNESS: It is.

24 JEFFREY HANSON: And that the
25 overall disturbance is less than a acre?

1 THE WITNESS: Yes.

2 JEFFREY HANSON: So, it would have
3 been required under N.J.A.C. 7:8, which is the
4 stormwater management rules. It wouldn't
5 require a review as a major development.

6 LANCE LANDGRAF: Okay. Good.

7 THE WITNESS: Yeah. Any analysis
8 --

9 JEFFREY HANSON: So, that gives you
10 some flexibility as far as --

11 LANCE LANDGRAF: Right.

12 JEFFREY HANSON: -- what you can
13 require.

14 THE WITNESS: And similarly,
15 because it's not a major project, it also
16 qualifies for a flood hazard permit by rule --
17 permit by rule 9, which allows general
18 construction activities in a tidal flood hazard
19 area, as long as it's not a major project. And
20 this will qualify for that.

21 Certain minor conditions that have
22 to be met. You know, like things that don't
23 apply here. Fill a floodway, things like that.
24 So, we fully comply. We won't have to get a
25 formal approval from DEP.

1 So, for that -- for that bulk
2 variance relief, even though, technically, it,
3 maybe, isn't necessary, we're still, obviously,
4 requesting. I think that it's going to be a
5 (c.)(2) variance, where this board and the CRDA
6 board will have jurisdiction to -- where an
7 application relating to a specific piece of
8 property, the purpose of the act would be
9 advanced by the deviation from the ordinance
10 requirements. And these benefits would
11 substantially outweigh any potential detriment.

12 And then the negative criteria
13 being that we have to show that it doesn't
14 substantially impair the purpose and intent of
15 the zone plan and zoning ordinance or provide
16 any detriment or negative impact to the public
17 good.

18 So, I mentioned, on Lot 38, we have
19 almost 87 percent site coverage. Adding a
20 little under 80 percent to the portions that we
21 are developing yields an aggregate coverage of
22 84 and a half percent.

23 So, I feel like, generally, we're
24 just asking for the grandfathered coverage to be
25 legalized in this case. Also --

1 JEFFREY HANSON: Another
2 fabrication, though, is that you are -- the lots
3 that you're developing, the lots that aren't
4 predeveloped, they're going to be under 80
5 percent --

6 THE WITNESS: Under 80 percent.

7 NICHOLAS TALVACCHIA: Yes. Yes.

8 JEFFREY HANSON: -- impervious
9 coverage.

10 THE WITNESS: Yep.

11 JEFFREY HANSON: So, they're
12 actually improving the condition.

13 NICHOLAS TALVACCHIA: And, Jay,
14 from a broader perspective --

15 JEFFREY HANSON: I think they're
16 like 78, right, you said?

17 THE WITNESS: Yeah. It's in the
18 neighborhood of 78 and a half.

19 NICHOLAS TALVACCHIA: In terms of
20 --

21 JEFFREY HANSON: So, the only
22 reason they need the variance is because of the
23 existing condition --

24 NICHOLAS TALVACCHIA: Yeah.

25 JEFFREY HANSON: -- on the -- on

1 the existing parking lot.

2 NICHOLAS TALVACCHIA: And -- and
3 again, there's an argument we don't need the
4 variance, but I think we can help exact it in
5 the future. But, I --

6 On a broader perspective. So, the
7 project as a whole, which results -- which leads
8 to the variance, one, we're taking some
9 underutilized property that's been around
10 forever underutilized, utilizing it. We bought
11 it from the city in an auction, a tax auction.
12 We're beautifying it. We're getting more cars
13 off the street for the employees who are
14 potentially parking in the streets?

15 THE WITNESS: Correct.

16 NICHOLAS TALVACCHIA: That also
17 helps improve circulation by minimizing travel
18 times and, you know, having a dedicated area?

19 THE WITNESS: Yes.

20 NICHOLAS TALVACCHIA: So, that's --
21 in terms of the land use law, that -- that's
22 sufficient circulation, right; traffic flows?

23 THE WITNESS: It is, yeah. There's
24 -- there's four purposes of zoning, I think,
25 that are advanced at 40:55(d)(2).

1 LANCE LANDGRAF: Mmm-hmm.

2 THE WITNESS: The first one is
3 purpose "C": To provide adequate light, air and
4 open space. As mentioned, the -- the work we
5 propose is below the allowable coverage. And
6 the buffers we're providing are above what's
7 required by -- by ordinance or by the land use
8 law -- or land -- sorry -- land use rules.

9 So, I feel that that additional
10 open space that we provide with this specific
11 project advances that purpose.

12 And then purpose "H", which is what
13 you just mentioned, Nick, to make sure we
14 encourage the design of transportation routes
15 which will minimize blight and promote the free
16 flow of traffic.

17 We don't propose any impact to the
18 surrounding roadways with new driveway openings,
19 but having this additional parking, as Nick
20 mentioned, will get people off the street that
21 otherwise may have to park on the street to go
22 to work. So, this is a -- advances that
23 purpose.

24 Purpose "I", to promote a desirable
25 visual environment through creative development

1 techniques and a good civic design arrangement.
2 To mention, the larger landscape buffers fit
3 squarely in that purpose.

4 And then purpose "M", for the
5 efficient use of land. Nick had mentioned
6 underutilized properties.

7 In addition to that, it's also, as
8 -- as we mentioned a couple times now, a
9 connection to the existing lot makes it very
10 efficient in that we don't have to have any
11 off-site impact or any additional curb cuts.

12 So, this -- this land is probably
13 only really valuable to Resorts. And it worked
14 out well that we were able to create these
15 parking expansions based on the lots that have
16 come into ownership in the relatively recent
17 past.

18 So, we feel, for that reason, that
19 that purpose is advanced.

20 It also advances the goals of the
21 Tourism District master plan; specifically, to
22 provide facilities and support of an existing
23 successful business in Resorts.

24 For the negative criteria, this --
25 The requested coverage variance

1 will not negatively impact the public good. And
2 the -- the main reason, as we've said a couple
3 times now, is the existing overage is already
4 there. What we propose is within ordinance --
5 or rule requirements.

6 So, for that purpose, the -- for
7 that reason, we don't feel that it's going to
8 negatively impact the public.

9 In addition, all of the additional
10 landscape buffering we're proposing as part of
11 this project is a huge improvement over what's
12 out there now, both visually and --

13 And, you know, we're going to have
14 a buffer from potential headlight glare and
15 noise, due to that landscaping, as well.

16 And public safety will also be
17 enhanced here because, right now, these
18 properties are empty and barren. The fences are
19 secure enough, but people still have been able
20 to get over them. That's the reason we want to
21 fence the entire site, is for security purposes.
22 So, we feel that that also aids to -- or works
23 towards positive impact of the neighborhood.

24 Lastly, the zone plan and zoning
25 ordinance will not be impaired by this relief

1 that we're asking -- or seeking because, as I
2 said before, technically, it's probably not even
3 really necessary, but the coverage shown -- or
4 included in the land use rules is appropriate,
5 so a variance to allow coverage in this case is
6 appropriate rather than something like a zoning
7 change or amendment to that ordinance.

8 So, for those reasons, I feel that
9 this application can be granted since the
10 benefits of the relief outweigh a substantial
11 detriment and advance multiple purposes of the
12 zoning, will not negatively impact the general
13 public, surrounding area zone plan or zoning
14 ordinance.

15 NICHOLAS TALVACCHIA: In fact, Jay,
16 generally, this is all positive. I mean, do you
17 see any detriment?

18 THE WITNESS: Everything we do is
19 positive.

20 LANCE LANDGRAF: We have that
21 straight.

22 ROBERT REID: He's under oath.
23 That's under oath.

24 THE WITNESS: I think it's true.
25 It's not a lie if you believe it. You know that

1 now. It's not a lie. You know that.

2 Everything's -- everything is --
3 every job we've had in the recent past has been
4 excellent. Everything is going in the right
5 direction. You guys are doing a good job.

6 ROBERT REID: Does the project
7 include repairing damaged curb and sidewalk that
8 adjoin the new sections of parking?

9 THE WITNESS: In the street?

10 ROBERT REID: In the street. In
11 the street.

12 THE WITNESS: All right. So, some
13 of that is going to be in -- in, I guess, some
14 of the comments that Jeff has, too, with -- in
15 regard to replacement of some of the --

16 Right now, on Ocean Avenue, some of
17 these older -- or former developed properties
18 have driveway openings and aprons --

19 ROBERT REID: Yeah.

20 THE WITNESS: -- that go into it.

21 So, one of the comments was to
22 repair those or replace those with typical curb
23 and sidewalk. And we agree to do that.

24 ROBERT REID: Oh. One other
25 question I have is, the southwestern corner,

1 there's a little lot that --

2 THE WITNESS: Are you talking about
3 this? (Witness indicating.)

4 ROBERT REID: Yeah. Yeah. That --
5 is that just grass?

6 THE WITNESS: Yeah. That's -- that
7 --

8 They own it.

9 LANCE LANDGRAF: "Grass" would be a
10 strong word.

11 THE WITNESS: Yeah.

12 We don't plan to do anything with
13 it because it's only 24 feet wide or something.

14 LANCE LANDGRAF: Yeah. It's kind
15 of little.

16 ROBERT REID: Yeah.

17 LANCE LANDGRAF: So, we'd ask that
18 you maintain it. And I'm sure, once you guys
19 get out there, you're going to want to make it
20 nice and -- and clean. So, that -- that's all
21 we ask. Make sure the grass is cut and that
22 kind of stuff, the trash is cleaned up.

23 ROBERT REID: Is that area fenced
24 now?

25 LANCE LANDGRAF: It is, yes.

1 THE WITNESS: Yes.

2 LANCE LANDGRAF: I was out there
3 yesterday.

4 ROBERT REID: Oh.
5 Thank you.

6 THE WITNESS: Sure.
7 And --

8 LANCE LANDGRAF: Who owns some of
9 the -- the vacant adjoining properties; the one
10 that's right where we were just talking, to the
11 left of it?

12 NICHOLAS TALVACCHIA: Various
13 plans.

14 LANCE LANDGRAF: It's all over the
15 place? Yeah.

16 NICHOLAS TALVACCHIA: Right? I
17 mean, yeah, it's all over. It's -- it's amazing
18 we were able to cobble this together.

19 THE WITNESS: Yeah. These lots are
20 small.

21 LANCE LANDGRAF: That's a good
22 word, because that's what it's going to take to
23 -- to redevelop some of this --

24 NICHOLAS TALVACCHIA: Yeah. This
25 -- this took a long time to --

1 LANCE LANDGRAF: Yep.

2 NICHOLAS TALVACCHIA: -- assemble.

3 THE WITNESS: Well, these -- this
4 opening here is actually two lots, and they have
5 a -- an odd shape that actually bumps into the
6 parking lot a little bit that they're --
7 (Witness indicating.)

8 Each lot is like a -- you know, 11
9 and a half feet wide or something. It's --

10 I have no idea how they were
11 created back in the day.

12 You can see the little stub next to
13 it. Same thing. It's a tiny, little sliver.

14 So, we're -- we're looking to get
15 as much as we can, but for right now...

16 ROBERT REID: They were all created
17 before there was planning boards.

18 THE WITNESS: Probably.

19 ROBERT REID: That's why they're
20 the way they are.

21 LANCE LANDGRAF: Rob was there.

22 THE WITNESS: You grew up right
23 down the street from here.

24 One of the other comments in the
25 letter --

1 LANCE LANDGRAF: Let -- let me --

2 THE WITNESS: Yeah.

3 LANCE LANDGRAF: -- have Jeff go
4 through his stuff --

5 THE WITNESS: Yep.

6 LANCE LANDGRAF: If you guys are
7 done with your positive presentation, we'll --

8 NICHOLAS TALVACCHIA: Mmm-hmm.

9 LANCE LANDGRAF: -- have Jeff go
10 through the report.

11 Anything -- anything that Jay
12 hasn't hit you should mention.

13 JEFFREY HANSON: I'll try to make
14 it short and not regurgitate too much. But, as
15 they indicated, this is a preliminary and major
16 site plan application with a limited bulk
17 variance.

18 And it was three design waivers,
19 right, Jay?

20 THE WITNESS: Four.

21 JEFFREY HANSON: Oh. Four. Two
22 hundred and 65 spaces existing. They're adding
23 113, to make 378 total.

24 NICHOLAS TALVACCHIA: If I could
25 just --

1 Jay pointed out something; that
2 we're losing a few. So, I don't know if the 378
3 is accurate. Is that the full --

4 THE WITNESS: No. That's right.
5 Yeah.

6 JEFFREY HANSON: That's the total.
7 That's the net -- that's the net of 113.

8 NICHOLAS TALVACCHIA: The net.
9 Yeah. I wanted to clarify that.

10 JEFFREY HANSON: All right. I
11 think the site plans look good.

12 As you guys know, we have some
13 pending development there that we approved with
14 -- in that area of the Tennessee Beer Garden,
15 and I know there's some other applications that
16 are pending --

17 LANCE LANDGRAF: Mmm-hmm.

18 JEFFREY HANSON: -- that we're
19 really going to make some strides in that -- in
20 that corridor there.

21 I think this will be a good
22 addition.

23 And some of the testimony given,
24 what's depicted on the plans, it's really going
25 to clean these lots up and make them a lot more

1 slightly.

2 As far as the --

3 I think we already covered that
4 they're looking for a -- the variance. Jay gave
5 plenty of testimony. It's going to be 84.5
6 percent based on what was submitted at the
7 application.

8 The design waivers were for
9 allowing a fence in the front yard. That's
10 19:66-7.7(a)(1).

11 Also, the curbing in the parking
12 lot, 7.2(c)(5).

13 7.2(c)(10), which is the required
14 safety islands.

15 And the four-foot buffer versus
16 five-foot buffer along the west edge of Lot 15,
17 which is 7.6(g)(1).

18 And Jay gave plenty of testimony in
19 support of the variance and the four waivers.

20 You don't have a problem with
21 putting --

22 Now I'll go to the site plan review
23 comments. You don't have a problem putting
24 sight triangle easements on for the driveway --

25 THE WITNESS: No.

1 JEFFREY HANSON: -- entrances and
2 exits?

3 THE WITNESS: No. We'll do that.

4 JEFFREY HANSON: All right. It
5 will give you some spot grades for the
6 ADA-accessible ramp.

7 THE WITNESS: That was the one that
8 I was going to mention.

9 JEFFREY HANSON: Okay.

10 THE WITNESS: We don't propose any
11 accessible spaces in this lot. And the reason
12 for that --

13 JEFFREY HANSON: Because it's
14 employee parking?

15 THE WITNESS: Well, that. And
16 also, Resorts has an agreement with another
17 governmental agency where that --

18 And if you remember, maybe, there
19 was some testimony from when we did lot C
20 relative to this, because I had the same
21 situation.

22 The overall amount of accessible
23 parking they provide in other locations for this
24 entire development is adequate based on their
25 agreement or review by the other agency, which

1 --

2 NICHOLAS TALVACCHIA: Yeah. There
3 -- there was -- there was a whole issue --

4 THE WITNESS: -- name escapes me
5 now.

6 NICHOLAS TALVACCHIA: -- about the
7 required amount of accessible spots.

8 JEFFREY HANSON: So, with the 113
9 additional, you still have enough where you --

10 NICHOLAS TALVACCHIA: So, we're --
11 we're not -- we're not adding employees; we're
12 just adding more parking for them.

13 JEFFREY HANSON: Okay.

14 NICHOLAS TALVACCHIA: So, it's
15 driven by employees.

16 THE WITNESS: The number of people
17 that are already --

18 JEFFREY HANSON: So, you have
19 adequate --

20 NICHOLAS TALVACCHIA: Yeah. We
21 have more than adequate.

22 JEFFREY HANSON: More than
23 adequate?

24 NICHOLAS TALVACCHIA: This is
25 isolated. So, we try to keep that -- the

1 accessible spaces closer.

2 JEFFREY HANSON: Let's make sure we
3 have that on the record; that the ADA parking is
4 adequate.

5 NICHOLAS TALVACCHIA: We have
6 verified that with the general counsel of
7 Resorts --

8 LANCE LANDGRAF: Okay.

9 NICHOLAS TALVACCHIA: -- to make
10 sure.

11 JEFFREY HANSON: Okay. Jay gave
12 plenty of testimony regarding the drainage
13 improvements and that it's not necessary to have
14 a major review because it's less than a quarter
15 acre of net new impervious and less than an acre
16 of overall sight disturbance.

17 You talked about the chain link
18 fence is going to be replaced with metal fence
19 along the frontages of Ocean Ave. on the
20 newly-acquired properties. Correct?

21 THE WITNESS: Yes.

22 JEFFREY HANSON: You talked about
23 the shrubbery along the front of 48, 49 and 50
24 on South Carolina Avenue. They've agreed to
25 that.

1 You talked about the concrete
2 sidewalk and curbing to replace the existing
3 driveway aprons along Ocean Avenue.

4 How about lot consolidation? Are
5 you guys agreeable to consolidating the lots at
6 this time as a matter of --

7 NICHOLAS TALVACCHIA: I have just
8 -- I only -- I have to just verify if we used
9 the same entity to buy everything. We probably
10 did. I mean, that's the only -- would be the
11 only impediment. But...

12 I don't -- I don't see why we
13 wouldn't.

14 MALE MEMBER FROM THE AUDIENCE
15 (ROCKY MERRILL): I don't -- I don't see --

16 NICHOLAS TALVACCHIA: I don't see
17 why we wouldn't. If there's an issue, we'll --
18 we'll --

19 LANCE LANDGRAF: You'll let us know
20 if there's an issue with that.

21 ROBERT REID: Yeah. If there's an
22 --

23 NICHOLAS TALVACCHIA: But, I don't
24 -- I don't see an issue.

25 ROBERT REID: If it's something --

1 there's a financing issue --

2 NICHOLAS TALVACCHIA: Right. I
3 remember, years ago, we had one property that
4 had multiple lots with different mortgages and
5 different owners --

6 JEFFREY HANSON: You buy them from
7 different banks and all that kind of stuff.

8 NICHOLAS TALVACCHIA: -- and we
9 could not consolidate.

10 JEFFREY HANSON: All right. If
11 it's -- if it's feasible, I guess.

12 NICHOLAS TALVACCHIA: Yeah. That's
13 fine.

14 JEFFREY HANSON: Is that a good way
15 to put it, if it's feasible?

16 LANCE LANDGRAF: Yes. If it's
17 feasible, we'd ask for it.

18 NICHOLAS TALVACCHIA: Let's say
19 we'll do it unless we can't, and then we'll let
20 you know.

21 JEFFREY HANSON: Okay.

22 LANCE LANDGRAF: If you could find
23 that out before we get this on our board, that
24 would be helpful.

25 NICHOLAS TALVACCHIA: Okay.

1 LANCE LANDGRAF: Because that might
2 be included in --

3 If there's an issue, I -- we can
4 include it in the hearing officer report.

5 JEFFREY HANSON: I'll just make a
6 note. Unless there's a problem with
7 acquisition, et cetera. Good question. Put it
8 in the resolution like that or whatever you want
9 to do. And we'll try to get that resolved
10 before the --

11 The hearing's on the 19th, I would
12 imagine?

13 NICHOLAS TALVACCHIA: I'll try to
14 wrap that up this afternoon or tomorrow.

15 JEFFREY HANSON: Okay. Thanks.
16 How about the light fixtures along
17 Ocean? Are you going to try to --

18 THE WITNESS: Oh, yeah. I meant to
19 ask you this.

20 JEFFREY HANSON: -- make those the
21 decorative type versus the --

22 THE WITNESS: I want to clarify.
23 We don't propose any lights that are for the
24 sidewalk. But, you mean the ones that are
25 closest to it and visible from the sidewalk?

1 Yeah. I don't see a reason we wouldn't.

2 What we're trying to do --

3 The lights that -- that are out
4 there now aren't the latest standard, they're --

5 The new ones are going to be LED.

6 So, we want to make sure that we --

7 We'll do our best to get as close
8 to them in the areas.

9 JEFFREY HANSON: Okay. As close.

10 Yeah. It doesn't --

11 I mean, I -- I understand that it
12 can't be a perfect match, but just something
13 that looks a little --

14 THE WITNESS: Yeah. We know that
15 you guys don't like shoebox. So, we'll --

16 LANCE LANDGRAF: Well, I actually
17 think the city, along all of its right-of-ways,
18 is looking to put LEDs in. They've got a grant,
19 I think, to do a lot of that.

20 NICHOLAS TALVACCHIA: I -- well, I
21 see a lot of really bright streets around.

22 That's --

23 LANCE LANDGRAF: Yeah. That --
24 that's been a -- a goal of the city, is to do
25 that.

1 I don't know that this area's been
2 done yet, but I know they're working towards
3 that. So...

4 And they're -- they're a different
5 type of light --

6 NICHOLAS TALVACCHIA: Right.

7 LANCE LANDGRAF: -- style.

8 I don't think they use the
9 shoeboxes anymore.

10 THE WITNESS: They make some that
11 kind of look like it, but they're a lot smaller.

12 LANCE LANDGRAF: Yes.

13 THE WITNESS: They're just --

14 You know, because, obviously, the
15 -- the actual fixtures are a lot smaller.

16 Yeah. The lights do back up
17 towards Ocean Avenue on those areas. So, they
18 -- they don't face the sidewalk. They do --
19 they are close to it.

20 So, yeah, we'll make sure that they
21 look similar.

22 JEFFREY HANSON: Comments 9 through
23 19 on pages 5 and 6 were all related to
24 landscaping. I believe the testimony was that
25 they didn't have any objections and that they'll

1 comply with those comments.

2 THE WITNESS: Correct.

3 JEFFREY HANSON: And then number 20
4 is just a -- a usual thing, in that you'll get
5 your appropriate permits from the city before
6 you start construction.

7 THE WITNESS: Yes.

8 And the only -- only outside
9 agency, as you mentioned, is the --

10 JEFFREY HANSON: You'll need SES,
11 --

12 THE WITNESS: -- soil district.

13 JEFFREY HANSON: -- because you're
14 over 5,000 square feet of disturbance.

15 NICHOLAS TALVACCHIA: Right. Soil
16 conservation.

17 JEFFREY HANSON: And then the city
18 construction official.

19 I can't think of any other outside
20 agency approvals that you'd need, for once.

21 NICHOLAS TALVACCHIA: And for this
22 --

23 Is there any bonding of --

24 Is there anything that --

25 THE WITNESS: Nope.

1 NICHOLAS TALVACCHIA: Is the CRDA
2 following the new state bonding law?

3 LANCE LANDGRAF: I believe that's
4 --

5 We came to that conclusion, Scott.
6 Right?

7 SCOTT COLLINS: Yeah. Follow that.

8 LANCE LANDGRAF: So, there
9 shouldn't be anything with us.

10 SCOTT COLLINS: Yeah. Pretty much
11 --

12 LANCE LANDGRAF: Construction
13 escrows will be based on an estimate.

14 NICHOLAS TALVACCHIA: Right.
15 Correct. But, not the --

16 LANCE LANDGRAF: So, make sure it's
17 billed correctly.

18 NICHOLAS TALVACCHIA: Yeah. Jay,
19 you just do the --

20 THE WITNESS: Yep.

21 NICHOLAS TALVACCHIA: -- inspection
22 fees.

23 THE WITNESS: The normal -- normal
24 process. No problem.

25 JEFFREY HANSON: Pretty much

1 anything outside --

2 You can bond the landscape buffer
3 in as part of that state law --

4 NICHOLAS TALVACCHIA: If it's -- if
5 it's a landscape buffer, it can be required to.
6 Right.

7 JEFFREY HANSON: It can be
8 required, but that would --

9 THE WITNESS: Well, if it's --

10 JEFFREY HANSON: -- be at your
11 discretion.

12 But, pretty much anything outside
13 the right-of-way, at this point, doesn't require
14 -- as you know, doesn't require --

15 LANCE LANDGRAF: Right.

16 JEFFREY HANSON: -- as you know,
17 doesn't need to be bonded anymore.

18 LANCE LANDGRAF: Right.

19 NICHOLAS TALVACCHIA: Has to be --
20 Right. Anything in the
21 right-of-way or on site that's to be dedicated
22 to the government, --

23 JEFFREY HANSON: Yeah.

24 NICHOLAS TALVACCHIA: -- with the
25 exception of the landscape.

1 I don't know how that got --

2 JEFFREY HANSON: That's a weird one
3 that they --

4 I don't know why they threw that in
5 there.

6 SCOTT COLLINS: If the ordinance
7 says that, which ours --

8 NICHOLAS TALVACCHIA: Right.

9 Does not.

10 So...

11 SCOTT COLLINS: We're trying to
12 follow it as closely as we can.

13 JEFFREY HANSON: You also correctly
14 stated that the -- the escrow will be based off
15 the construction cost estimate, whether it's
16 bonded --

17 NICHOLAS TALVACCHIA: The engineer
18 wants to make sure he gets paid.

19 JEFFREY HANSON: Well, I'm not --
20 I'm not inspecting it. So...

21 NICHOLAS TALVACCHIA: Oh. Yeah.
22 You're not.

23 THE WITNESS: Well, who doesn't?

24 NICHOLAS TALVACCHIA: Who does the
25 inspections?

1 LANCE LANDGRAF: Yeah. Your guys
2 will.
3 NICHOLAS TALVACCHIA: Yeah.
4 JEFFREY HANSON: We're going to do
5 the inspections?
6 THE WITNESS: Yeah.
7 JEFFREY HANSON: Okay.
8 LANCE LANDGRAF: On -- on each
9 project that you -- you review.
10 JEFFREY HANSON: That's part of the
11 review process.
12 LANCE LANDGRAF: Yeah.
13 NICHOLAS TALVACCHIA: Yeah.
14 JEFFREY HANSON: Okay.
15 THE WITNESS: We'll get you on a --
16 JEFFREY HANSON: That's good for
17 us.
18 NICHOLAS TALVACCHIA: Yeah. Right.
19 LANCE LANDGRAF: All right.
20 Anything else from you guys?
21 Jeff, we're good?
22 JEFFREY HANSON: That completes
23 everything in my letter --
24 LANCE LANDGRAF: Okay.
25 JEFFREY HANSON: -- once you have

1 those --

2 NICHOLAS TALVACCHIA: We're --
3 we're good on our side.

4 LANCE LANDGRAF: You're okay with
5 everything in there that you've talk -- we've
6 talked about and you agreed to?

7 NICHOLAS TALVACCHIA: Yeah.

8 LANCE LANDGRAF: All right.

9 Rocky, are you good over there?

10 MALE MEMBER FROM THE AUDIENCE

11 (ROCKY MERRILL): Yes, sir.

12 LANCE LANDGRAF: All right.

13 Anything from us?

14 Rob, do you have anything else?

15 ROBERT REID: No. I'm good.

16 LANCE LANDGRAF: Scott?

17 SCOTT COLLINS: I'm good.

18 LANCE LANDGRAF: I'd open this up
19 to the public at this time. If anybody's here
20 to speak in favor or against the application,
21 please step forward, state your name.

22 Seeing no one in the room other
23 than that are involved with the application, I
24 will close the public portion at this time and
25 bring it back one last time.

1 Anything from us? We're good?

2 NICHOLAS TALVACCHIA: Do we have an
3 anticipated date of a board --

4 LANCE LANDGRAF: Yeah. The March
5 -- the March board meeting.

6 NICHOLAS TALVACCHIA: What's the
7 date of that?

8 LANCE LANDGRAF: The 19th.

9 NICHOLAS TALVACCHIA: That's 2 P.M.
10 Correct?

11 LANCE LANDGRAF: Correct.

12 ROBERT REID: Correct.

13 NICHOLAS TALVACCHIA: Okay. I
14 would like to thank you for your time and
15 attention and for the processing of this.

16 LANCE LANDGRAF: Thanks, Nick.
17 We'll close the testimony on this
18 matter.

19 Our next land use regulation
20 hearing is February 21st, in this room, at
21 10 A.M.

22 And as I said before, the board
23 hearing on this -- on this matter and others
24 will be March 19th.

25 We'll make every effort to get on

1 that agenda. And we should be good with this
2 one.

3 NICHOLAS TALVACCHIA: All right.

4 LANCE LANDGRAF: The other one we
5 were talking about might be a little harder to
6 get on, but...

7 With that said and there's no other
8 public comment, we're closed, we're adjourned.

9 Thank you.

10

11 (This public hearing concluded at
12 10:39 A.M.)

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