

CASINO REINVESTMENT DEVELOPMENT AUTHORITY

LAND USE REGULATION and ENFORCEMENT DIVISION

SHOWBOAT RENAISSANCE, LLC

SEEKING USE VARIANCE RELIEF IN ACCORDANCE WITH

NJSA 40:55d-70D AND "C" VARIANCE RELIEF IN

ACCORDANCE WITH NJSA 40:55d-70C TO ALLOW MINOR

SUBDIVISION OF LAND

BLOCK 61, LOTS 22-26, BLOCK 134, LOT 1,

AND BLOCK 302, LOTS 1-2

801 Boardwalk,

Atlantic City, New Jersey

Thursday - May 2, 2019

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1 Public hearing in the
2 above-referenced matter, conducted in the
3 meeting room of the CASINO REINVESTMENT
4 DEVELOPMENT AUTHORITY, City of Atlantic City
5 Council Chambers, 1301 Bacharach Boulevard,
6 Atlantic City, New Jersey, before Karen A.
7 Haworth, a New Jersey Certified Court Reporter
8 (CCR), nationally certified Registered
9 Professional Reporter (RPR), nationally
10 certified Certificate of Merit holder (CM),
11 nationally certified Certified Realtime Reporter
12 (CRR), a Delaware Certified Shorthand Reporter
13 (CSR), nationally certified Certified LiveNote™
14 Reporter (CLR), and Notary Public of the State
15 of New Jersey, on the above date, commencing at
16 10:13 A.M., there being present:

17

18

19

20 APPEARANCES:

21 CASINO REINVESTMENT DEVELOPMENT AUTHORITY:

22

23 LANCE B. LANDGRAF, JR.

Chairman

24 Director, Planning Department

25

1 CASINO REINVESTMENT DEVELOPMENT AUTHORITY

2 (CONTINUED) :

3

4 ROBERT L. REID

Land Use Enforcement Officer

5

6

7

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10 PROFESSIONALS TO THE BOARD FOR THIS HEARING:

11

12 SCOTT G. COLLINS, ESQUIRE

RIKER, DANZIG, SCHERER, HYLAND & PERRETTI

13

14 G. JEFFREY HANSON, PE

Engineer and Planning Consultant

15 HANSON PLANNING

16

17 EDWARD E. FOX, III, AICP, PP

Senior Planner

18 ENVIRONMENTAL RESOLUTIONS, INC.

19

20

21

22

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24

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1 COUNSEL FOR THE APPLICANT:

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3 KEITH A. DAVIS, ESQUIRE

NEHMAD, PERILLO, DAVIS & GOLDSTEIN, ESQUIRES

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I N D E X

WITNESS(ES)	PAGE NO.
ARTHUR PONZIO	
By: Mr. Davis	10

EXHIBITS MARKED AND/OR REFERRED TO:

- A-1
- A-2
- A-3
- A-4
- B-1

1 (Time noted: 10:13 A.M.)

2

3 LANCE LANDGRAF: Thank you, Keith.

4 KEITH DAVIS: You're welcome.

5 LANCE LANDGRAF: So, I'll just
6 check with -- with Rob that proper notice has
7 been received on this application?

8 ROBERT REID: Yes, it is, and we
9 have jurisdiction to hear the application.

10 LANCE LANDGRAF: Thank you.

11 Mr. Davis, if you would proceed.

12 KEITH DAVIS: Thank you.

13 LANCE LANDGRAF: Introduce your
14 application and your client.

15 KEITH DAVIS: Good morning. For
16 the record, Keith Davis, Nehmad, Perillo, Davis
17 & Goldstein, on behalf of Showboat Renaissance,
18 LLC. And Ben Kaufman, in-house counsel for
19 Showboat Renaissance is here with me this
20 morning.

21 The application, obviously, affects
22 the existing Showboat property here in
23 Atlantic City, located at 801 Boardwalk,
24 designated on your tax map as Block 61, Lots 22
25 through 26, Block 134, Lot 1, and Block 302,

1 Lots 1 and 2.

2 It's a relatively straightforward
3 application. Very technical in nature. It's a
4 minor subdivision that we are proposing solely
5 for financing and future conveyancing purposes
6 that relates to one of the towers that comprises
7 the Showboat property. It's been referred to as
8 the Premiere Light Tower. That was the subject
9 of a previous site plan application before the
10 Authority.

11 The proposal is to establish a new
12 lot, what's shown as proposed Lot B on the plan
13 that's been prepared by Mr. Ponzio just for that
14 tower.

15 When we, hopefully, receive
16 approval for that minor subdivision to create
17 that lot, it will be landlocked, but we will
18 agree, as a condition of any approval, to
19 execute a series of cross-access easements to
20 allow for pedestrian access and other access to
21 that building on a going-forward basis so that
22 that tower and the balance of the property, the
23 other two lots that remain, will continue to
24 operate as one economic unit. And we'll have
25 your counsel review those easements in advance

1 of any recording.

2 But, there's no new construction.
3 This is merely drawing lot lines and
4 consolidating parcels as part of the minor
5 subdivision application.

6 It does give rise to several
7 variances that we'll discuss this morning, one
8 of which you identified, Mr. Landgraf, that we
9 can discuss further, if you'd like, is a
10 (d.) variance for density. It's not a use
11 variance because the uses here are, obviously,
12 permitted, but it is a density variance, because
13 when we create this one lot for the Premiere
14 Light Tower, we won't meet the density
15 requirements under the ordinance.

16 We think it's very technical in
17 nature, because when you look at the entirety of
18 the site and you don't pay attention to those
19 lot lines, which, in many ways, are there out of
20 technical reasons because the site will continue
21 to operate as one unit, we don't think there's
22 any negative impact associated with the density
23 variance and the site remains suitable for that
24 density variance.

25 It is a relaxed burden of proof.

1 It's not the Medici standard that you may be
2 accustomed to under a traditional use variance.
3 It falls under a case called Coventry Square,
4 where it's relaxed and we only need to
5 demonstrate that the site remains suitable for
6 the proposed use even though the density
7 requirement is not met.

8 There's also a section 36 variance,
9 which is a planning variance. We're creating a
10 lot that will not have improved street frontage.

11 As you'll hear from Mr. Ponzio,
12 there's no adverse public safety impacts
13 resulting from that variance. And that's really
14 the -- the key to that variance being granted.
15 And with the easements, there will be continued
16 access on a going-forward basis.

17 There's some bulk variances for
18 minimum lot frontage, building coverage,
19 impervious coverage, and side yard setbacks.
20 We, again, submit that those are very much
21 technical in nature. There's no adverse impact
22 to the zoning plan or to the public good because
23 they only impact lot lines that our client owns.
24 It's all surrounded by property owned by
25 Showboat Renaissance, LLC. So, they're the only

1 ones to be impacted by this.

2 So, that's the overview of the
3 application.

4 My witness this morning is
5 Mr. Ponzio. With your permission, I'd like to
6 have him sworn in.

7 LANCE LANDGRAF: Please.

8 Mr. Ponzio.

9 SCOTT COLLINS: Good morning.

10 ARTHUR PONZIO: Good morning.

11 SCOTT COLLINS: Do you swear that
12 the testimony that you give -- that -- that
13 you'll give here this morning will be the truth,
14 the whole truth and nothing but the truth?

15 ARTHUR PONZIO: Yes, I do.

16 SCOTT COLLINS: Thank you.

17 KEITH DAVIS: Could we stipulate to
18 Mr. Ponzio's qualifications as a planner and a
19 surveyor?

20 LANCE LANDGRAF: Most definitely.

21 KEITH DAVIS: Thank you.

22 ARTHUR PONZIO: Thank you very
23 much.

24

25 DIRECT EXAMINATION

1 BY KEITH DAVIS:

2 Q. Mr. Ponzio, you have prepared the
3 plan that we submitted as part of the
4 application?

5 A. I have.

6 Q. I gave a synopsis of what the
7 nature of the application is, but can you show
8 the board what we're proposing to do and where
9 these lot lines are that I discussed?

10 A. I will. Thank you.

11 I have three exhibits. The first
12 one is a drone aerial. I had it labeled as A-1.

13 KEITH DAVIS: Perfect.

14 ARTHUR PONZIO: Okay? Thanks,
15 Keith.

16 KEITH DAVIS: Yeah.

17 ARTHUR PONZIO: That's taken from
18 the ocean, shooting back toward the property.

19 As you can see, it's a very large
20 property. In total, we're talking about
21 approximately --

22 LANCE LANDGRAF: Excuse me for one
23 second.

24 Barbara, if you want to come up
25 here, since you're the only person in the

1 audience, --

2 FEMALE SPEAKER FROM THE AUDIENCE

3 (BARBARA WOOLLEY-DILLON): Well --

4 LANCE LANDGRAF: -- you're welcome
5 to sit at the corner here.

6 FEMALE SPEAKER FROM THE AUDIENCE

7 (BARBARA WOOLLEY-DILLON): And I'm just going to
8 put this on the record. And I'm so sorry for
9 the interruption, because I have to run upstairs
10 for another matter.

11 The city fully supports the
12 application. We have no problem with this. We
13 think it's a wonderful idea.

14 I understand the concept of having
15 to do the subdivision. I've had to deal with
16 this in other communities. It -- it's -- it's
17 not going to diminish the project in any way.
18 We think it helps achieve the goals of
19 redevelopment for the city.

20 So, we fully support it.

21 LANCE LANDGRAF: Okay. Just for
22 the record, Karen, that's Barbara
23 Woolley-Dillon. She's the director of planning
24 for Atlantic City.

25 FEMALE SPEAKER FROM THE AUDIENCE

1 (BARBARA WOOLLEY-DILLON): Yes.

2 So, thank you.

3 LANCE LANDGRAF: Thanks for
4 stopping in.

5 KEITH DAVIS: Thank you, Barbara.

6 ARTHUR PONZIO: That's a nice exit.
7 I like that.

8 KEITH DAVIS: Yeah. Can we sit
9 down now?

10 LANCE LANDGRAF: I think your
11 professional has to say that.

12 ARTHUR PONZIO: Okay. The subject
13 of the application, the Premiere Light Tower, is
14 right in that location. I say it's just about
15 in the center of the property. You'll see that
16 on the other exhibit.

17 That's the most recent tower that
18 was built on the property -- on the site.

19 This property has developed in
20 stages. The original Showboat that you can see
21 here, with the original tower and the
22 oceanfront, with the boardwalk in the lower
23 section of the photograph.

24 The second was the Orleans Tower.

25 And then the third, the last tower

1 built, well, the architect was Joe Manuel and
2 those guys at Friedmutter. That was the third
3 tower built on the property.

4 You see the parking garage in the
5 background.

6 Following across Pacific Avenue,
7 you have a surface parking lot bought at a much
8 later time and annexed to the property.

9 And later -- later than that, even,
10 north of Atlantic Avenue there was almost an
11 entire block purchased. There is a one-level
12 parking garage, parking structure, which was
13 constructed by the then owner of the property
14 primarily for their employees. It worked very
15 well for many, many years while the property was
16 open and operating.

17 In the front of that property there
18 was a day care center. The building's still
19 there. And that day care was for the employees
20 to -- to use that -- that worked in the
21 building.

22 So, it's really a -- a complete, if
23 you will, facility, as you can see.

24 There were properties to the east
25 side; that is, this parking lot, owned by the

1 housing authority, for years. That property was
2 subsequently purchased and annexed to the
3 overall site.

4 And lastly, most recently, after
5 Mr. Blatstein purchased the property a few years
6 back, that parcel of ground -- I call it the
7 CRDA volleyball court -- you're all very
8 familiar with that. The -- the property was
9 owned by the City of Atlantic City, and
10 Mr. Blatstein submitted an application and was
11 awarded that property. That is, he purchased
12 that property from the city.

13 So, as you can see, it's a very
14 complex piece of ground. Multiple uses on the
15 property. A full functioning casino for -- a
16 very viable casino for many, many, many years,
17 until Caesars decided one day to pull the plug
18 on it and shutter the building.

19 Let's go to the next exhibit. This
20 will be --

21 We have it labeled as A-2. Keith,
22 if you could do your --

23 KEITH DAVIS: My little sticker
24 here.

25 ARTHUR PONZIO: Thank you.

1 KEITH DAVIS: Mm-hmm.

2 ARTHUR PONZIO: This is the
3 subdivision plan. I added a little bit of color
4 for today just to enhance it so you could
5 clearly see it from this -- from that distance.

6 The property exists, as I
7 mentioned, about 20 acres, more or less, in
8 total, inclusive of the parking surface --
9 parking lot across Pacific Avenue.

10 We're sandwiched between -- or we
11 were sandwiched between two other dead
12 properties. That was the Taj Mahal to the
13 westerly side and the former Revel to the
14 easterly side. All magnificent properties, but
15 all at one time, believe it or not, shut down.

16 Revel now repurposed and -- and now
17 is open as the Ocean Beach casino. And, of
18 course, thank God, the Hard Rock likes -- likes
19 Atlantic City and they've come here, thank God.
20 They're now operating a magnificent facility
21 directly adjacent to Showboat, rejuvenating --
22 no question, rejuvenating this entire area.

23 Mr. Blatstein, when he purchased
24 the property, again, it was a closed-down
25 building. Through this short -- relatively

1 short period of time, I think he's made
2 remarkable progress in, A, reopening the
3 building and beginning to repurpose the building
4 for various uses. As you're very familiar with,
5 we've been before this board at least twice for
6 two different uses in the building. And they're
7 operating now and the fitness center is -- that
8 is in this building here and other restaurant
9 uses and things like that. So, the property's
10 becoming very viable, thank God.

11 Okay. So, the application here
12 today, as Mr. Davis mentioned, is to subdivide
13 the Premiere Light Tower, the shaded area that
14 you could see there in, more or less, the center
15 of the property, for purposes of Mr. Blatstein
16 as financing and economic and business purposes
17 for him -- him going forward with that.

18 We had appeared before the board --
19 and I have an exhibit I'll show you in a moment
20 -- the CRDA board a few months ago to receive
21 approval to take the hotel tower and convert
22 that into an apartment tower. That approval is
23 -- is in the -- in the -- in the bank, so to
24 speak. It's all approved. And that is driving
25 this application here today, as Mr. Blatstein

1 starts to think about the financing and whatever
2 to facilitate that -- that project.

3 Okay. So, when --

4 The proposal, again, is to
5 subdivide that tower off of the main parcel to
6 create a separate lot for that property.

7 That lot that we show in this
8 drawing is labeled as Lot B. It will contain
9 .63 acres.

10 Lot A; that is, the easterly side
11 of the property, the -- essentially, the parking
12 lot and the Orleans Tower of Lot A will contain
13 5.20 acres.

14 The remainder of the property and
15 exclusive of the -- I call it the volleyball
16 court property. Just --

17 We have not included that.
18 Exclusive of that, that remainder is Lot C, and
19 that property will have an area of 10.35 acres.

20 So, at the end of the day, assuming
21 that the CRDA would approve this application, we
22 will have three lots where five lots currently
23 exist today.

24 There was a question raised in the
25 -- in the professional report. Very interesting

1 there.

2 If you notice on the drawing, there
3 is this irregularly-shaped parcel. It's made up
4 of two lots. We actually worked on that years
5 and years ago when Showboat was owned by one of
6 the prior folks. That was created over land --
7 that -- that area was created over lands owned
8 by the housing authority.

9 So that when Showboat was
10 constructed, they built the Orleans Tower. They
11 needed a means to get service to the Orleans
12 Tower. They provided their loading bays here,
13 right at that location. (Witness indicating.)
14 If you notice, there's a driveway that still
15 exists today out to New Jersey Avenue. So,
16 loading came to the new Orleans Tower in that --
17 from that location over this --

18 So, they needed to get -- they
19 needed an easement to get into there because
20 they didn't own all that land. So, the easement
21 was created back from Pacific Avenue. It's more
22 a technical easement, not really ever used
23 because they use the access from New Jersey
24 Avenue. But, they -- that easement was created
25 in those days for that purpose.

1 It's long since not been used. It
2 just has existed for all these years as a tax
3 lot -- two tax lots, as you could see on the tax
4 map.

5 So, today, after this -- this is
6 done and, hopefully, approved, that would all
7 disappear. And so it -- it will go back to the
8 way it was before then.

9 JEFFREY HANSON: And that's the
10 access easement between Lots 24 and 26 --

11 ARTHUR PONZIO: Yes.

12 JEFFREY HANSON: -- referenced as
13 paragraph 3, I think, in the ERI report.

14 ARTHUR PONZIO: Correct.
15 Twenty-four is here up to a point, and then it
16 comes in at Lot 26. (Witness indicating.)

17 JEFFREY HANSON: The easement was
18 to the benefit of Orleans Tower?

19 ARTHUR PONZIO: It was for the
20 benefit of that, at one time, from the
21 Atlantic City Housing Authority.

22 JEFFREY HANSON: Okay.

23 ARTHUR PONZIO: Subsequently, that
24 property was purchased from the Atlantic City
25 Housing Authority, which --

1 JEFFREY HANSON: So, you own --
2 Okay.

3 ARTHUR PONZIO: Currently, all
4 owned.

5 JEFFREY HANSON: You purchased it.

6 ARTHUR PONZIO: Yeah.

7 JEFFREY HANSON: Okay. That --
8 that settles that question.

9 KEITH DAVIS: So, we'll extinguish
10 it as a condition of any approval.

11 ARTHUR PONZIO: Yep.

12 KEITH DAVIS: Okay.

13 ARTHUR PONZIO: Okay. As Mr. Davis
14 mentioned, we're not proposing any new
15 construction. This is merely a -- we -- I say
16 "merely." This is a -- a -- a shifting of the
17 lot lines to accommodate the owner's needs going
18 forward on the property.

19 A point of the access to this
20 property. We understand completely we are
21 creating, essentially, a landlocked piece of
22 ground. We need to provide access. The main
23 drive into the property from Delaware Avenue is
24 right here, highlighted in the red. (Witness
25 indicating.) That, obviously, will remain.

1 That's how all the folks get in and out of the
2 property today.

3 So that this property -- this
4 proposed Lot B would enjoy access to Pacific
5 Avenue. Just like everyone else does using this
6 property, there will be an easement created over
7 that drive area so the folks can come in. The
8 main entrance to the -- the Premiere Light Tower
9 is right in that location. So, the access is in
10 and out, unimpeded. It will not change the
11 access that you see out there today whatsoever;
12 it would just give the legal right for Lot B to
13 utilize that part of what is -- what will be Lot
14 A -- Lot C.

15 There's a second easement attached
16 to this building. This would --

17 The first easement would be for the
18 horizontal access.

19 The second is in the rear of the --
20 rear corner of the proposed Lot B. It is for
21 vertical access. That is the emergency stair
22 tower. When they constructed the Orleans Tower
23 first, this was a vacant parcel of ground. The
24 stair tower was built with the Orleans -- with
25 the Orleans construction.

1 The way this was designed for the
2 third tower; that is, the Premiere Light Tower,
3 they abutted that stair tower and utilized that
4 for both towers.

5 JEFFREY HANSON: So, that's to --

6 ARTHUR PONZIO: That was the
7 planning and the design at that point in time.
8 So...

9 JEFFREY HANSON: That's to the
10 south of the tower there?

11 ARTHUR PONZIO: To the south of the
12 tower.

13 JEFFREY HANSON: The rear tower,
14 we'll call that?

15 ARTHUR PONZIO: Say again?

16 JEFFREY HANSON: Rear slash --

17 ARTHUR PONZIO: The rear. We call
18 it the rear or the --

19 JEFFREY HANSON: Okay. We'll call
20 it an emergency access easement, Mr. Ponzio?

21 ARTHUR PONZIO: We will have that.
22 Yes. Correct.

23 JEFFREY HANSON: Okay. And that's
24 going to remain?

25 ARTHUR PONZIO: Correct.

1 JEFFREY HANSON: Okay.

2 ARTHUR PONZIO: So, that -- that --
3 that easement occupies the entirety of the stair
4 tower. It will run vertically from the ground
5 all the way up to the top of the building.
6 Interesting how that laid out.

7 There's a third easement, if you
8 will, for parking.

9 On the property, in total, there
10 are in excess of 2,900 parking spaces. We've
11 gone through a matrix of that before, when we
12 proposed this to the CRDA board for the
13 conversion to the apartments.

14 It was required at that time, for
15 the conversion, to have 248 spaces somewhere on
16 the property dedicated for that apartment use.
17 That's continuing to today's application.

18 And if you look at the northerly
19 side of Pacific Avenue, the surface parking lot
20 lays out very well for what we're talking about
21 here today.

22 The southerly half of the parking
23 lot contains 276 spaces. Mr. Blatstein's entity
24 is going to create a -- a cross-easement within
25 his ownerships so that these spaces would be

1 reserved for use by the occupants of the tower.

2 The requirement is 248 spaces based
3 on the prior approval. There's 276 spaces that
4 are allotted on that southerly side of that. It
5 leaves the northerly side open for other use on
6 the property without any -- without -- without
7 it being impacted whatsoever.

8 LANCE LANDGRAF: Mr. Ponzio, --

9 ARTHUR PONZIO: Yes.

10 LANCE LANDGRAF: -- a question on
11 that.

12 I seem to recall, during the site
13 plan approval, that the parking spaces were
14 going to be on that -- what I'll call the -- the
15 eastern --

16 ARTHUR PONZIO: Mm-hmm.

17 LANCE LANDGRAF: -- parking lot.

18 ARTHUR PONZIO: Here. (Witness
19 indicating.)

20 Originally, yes. Originally, that
21 was the conversation, that was the thought.
22 However, in the very recent operation of the
23 property --

24 If you noticed the property, you
25 come down into the drive. This property -- this

1 parking lot seems to be always occupied.
2 (Witness indicating.) The patrons that are
3 coming to the property are -- are really
4 enjoying that use rather than the garage. They
5 come straight in the driveway. You pull right
6 in the location here. (Witness indicating.)
7 You could park, surface park, and come into the
8 building.

9 We're creatures of habit, and it
10 seems that people like the surface parking more
11 than the garage.

12 Thus, for this application,
13 Mr. Blatstein has decided, you know, I don't
14 want to -- I don't want to mess with that. It's
15 working very well. Let's continue that the way
16 it is. We'll have the apartment use with the
17 parking right across Pacific on a surface lot
18 itself.

19 There's a garage under this
20 building, which -- which folks do use as well.
21 There's also a, more or less, valet. And then
22 you have the structured parking garage, which,
23 obviously, is going to remain right on Pacific
24 Avenue.

25 LANCE LANDGRAF: And that's open

1 and functioning?

2 ARTHUR PONZIO: That -- that's open
3 and functioning.

4 JEFFREY HANSON: So, there are
5 2,900 total spaces that are open and
6 functioning?

7 ARTHUR PONZIO: Yes. Correct.

8 LANCE LANDGRAF: I guess the
9 question I have is, does this then need to amend
10 that site plan approval that referenced those
11 spaces in that eastern lot? I don't know. It's
12 a question. I don't know if that --

13 JEFFREY HANSON: Ed, are you
14 familiar with the wording of that?

15 EDWARD FOX: I don't -- I don't --
16 I'm not familiar with the wording
17 of it, --

18 JEFFREY HANSON: Yeah. Let's look
19 at --

20 EDWARD FOX: -- but if it
21 specifically delineates a location, I would
22 think you might need to amend it.

23 Scott?

24 But, if it -- if the 2,900 are just
25 generally referenced --

1 LANCE LANDGRAF: Well --

2 EDWARD FOX: -- and that people can
3 park wherever, then, as long as the --

4 LANCE LANDGRAF: I seem to recall
5 that application having discussed the parking
6 being on that lot.

7 I don't have an issue with it being
8 across the street. I just want to make sure we
9 don't create something down the road that causes
10 a problem.

11 EDWARD FOX: Mm-hmm.

12 SCOTT COLLINS: Because we're now
13 subdividing.

14 LANCE LANDGRAF: Exactly.

15 ARTHUR PONZIO: Keith, do you have
16 the resolution there?

17 KEITH DAVIS: I do.

18 ARTHUR PONZIO: Okay.

19 KEITH DAVIS: Your findings of fact
20 note that the development proposal will result
21 in reduction of required parking spaces
22 associated with the structure from 522 to 248
23 spaces, which I think is what you just testified
24 to as well. That seems to be the only reference
25 --

1 LANCE LANDGRAF: Okay. So, if it
2 wasn't --

3 KEITH DAVIS: -- to parking.

4 LANCE LANDGRAF: -- specifically
5 stated, I think we're okay.

6 JEFFREY HANSON: Yeah. Another
7 thing we could do, if it was, we could -- we
8 could condition this approval, I would think, to
9 locate the -- to -- to denote the location of
10 the parking. But, it's not --

11 LANCE LANDGRAF: Well, they're --
12 they've already put it on the record that that's
13 going to be --

14 The space across --

15 JEFFREY HANSON: Okay.

16 KEITH DAVIS: Pacific Avenue.

17 LANCE LANDGRAF: -- Pacific Avenue
18 will be dedicated for these apartments.

19 And I think that's fine.

20 JEFFREY HANSON: We can see that in
21 their --

22 LANCE LANDGRAF: Yeah. Okay.

23 JEFFREY HANSON: If they get
24 approval, you can put that in the resolution.

25 LANCE LANDGRAF: Do you think that

1 covers that --

2 KEITH DAVIS: I do.

3 And -- and this notice covers all
4 the lots, not just the Premiere Light Tower lot.

5 LANCE LANDGRAF: Okay. Good.

6 KEITH DAVIS: It's all the lots
7 that comprised --

8 LANCE LANDGRAF: Yeah. We talked
9 about that. Yeah.

10 KEITH DAVIS: -- the Showboat
11 tract.

12 So, we were very conservative in
13 including all of those lots.

14 LANCE LANDGRAF: Okay. And if it
15 didn't say it in the resolution, then I'm
16 comfortable with that.

17 SCOTT COLLINS: I think that's
18 right.

19 ARTHUR PONZIO: And following that
20 conversation --

21 This is A-3. This is the site plan
22 that was submitted for the conversion to the
23 apartments.

24 It's not mentioned in the
25 resolution, as Keith just went through. There's

1 --

2 I don't see any mention of any
3 specific location on the -- on the site for the
4 parking --

5 LANCE LANDGRAF: Good.

6 ARTHUR PONZIO: -- with us, as
7 well.

8 LANCE LANDGRAF: I just don't want
9 to create a hurdle down the road.

10 ARTHUR PONZIO: Correct. Very
11 good. Very good point.

12 Just one other point of mention.
13 The orig -- the tower contains 544 hotel rooms.
14 The deconversion was into 264 apartment units.
15 That's quite a -- quite a reduction, as far as
16 that's concerned.

17 And the parking there was as I
18 mentioned. The requirement was 248.

19 By the way, the requirement for the
20 parking -- I'm -- I'm sorry. The parking
21 requirement for the hotel was over 500 spaces.
22 So, the parking requirement is drastically also
23 dropped.

24 Okay. So, Mr. Davis mentioned the
25 variances. Quickly, I'll go through the -- what

1 the variances are, and then we'll talk some
2 justifications, and then we can kind of wrap
3 this up and answer any questions that you may
4 have.

5 Okay. So, there are a few variance
6 --

7 (A brief recess was taken while the
8 court reporter plugged in her
9 steno equipment.)

10 LANCE LANDGRAF: Okay. We'll take
11 a two-minute break.

12 (A brief recess was taken.)

13 LANCE LANDGRAF: Back on the
14 record. Thank you.

15 ARTHUR PONZIO: So, I'll just
16 mention each of the variances. And correct me
17 if I -- if I miss anything along the way.

18 The one most operable variance,
19 obviously is the (d.) or (d.5), for the density
20 that we're requesting today. We are proposing
21 264 units on that site and the lot is .63 acres,
22 as I mentioned before. The density allowance in
23 the ordinance is 75 units per acre. So, you can
24 see we're well above the allotment that the
25 ordinance would provide. The --

1 LANCE LANDGRAF: What is that
2 calculation, Art, just so I know?

3 ARTHUR PONZIO: We would be
4 permitted 47 units or -- the density, if you
5 look at it that way. Or if you look at it the
6 other way, I think it's 419 units to the acre,
7 --

8 LANCE LANDGRAF: Is that what you
9 guys come up with?

10 ARTHUR PONZIO: -- if I remember
11 that right.

12 EDWARD FOX: You're correct. Yes,
13 sir.

14 ARTHUR PONZIO: That is right?

15 EDWARD FOX: Yes, sir.

16 ARTHUR PONZIO: Yeah.

17 Okay. So, you can look at that
18 either -- either way.

19 EDWARD FOX: All three parcels are
20 allotted 75 units per acre or 1,217.

21 KEITH DAVIS: Mm-hmm.

22 ARTHUR PONZIO: Say that again?
23 Once that --

24 EDWARD FOX: If you had all three
25 parcels at 75 units per acre, it would be 1,217.

1 ARTHUR PONZIO: Got it. Total
2 units permitted on the site.

3 EDWARD FOX: Yes.

4 ARTHUR PONZIO: Yeah. Very good.
5 Thank you.

6 Okay. And as we have mentioned,
7 myself and Keith, today, the -- obviously, the
8 reason for that variance is because of the --
9 we're trying to -- to partition off, if you
10 will, this particular piece of property. It
11 shortens the dimension of the property. But,
12 again, overall, when you look at the -- in
13 total, we're well -- well within the -- the
14 allowance, overall.

15 And there's no -- no structural
16 change whatsoever on the outside that's going to
17 occur.

18 The second variance would be the
19 lack of any lot frontage. As I mentioned
20 before, I think -- I believe -- that is my
21 opinion, anyway, but that is mitigated by the
22 fact that we are proposing to utilize the
23 existing easement, which gives full access,
24 unobstructed, and, as well, emergency access, as
25 Mr. Davis mentioned, out to Pacific Avenue

1 functioning the exact way the property functions
2 today.

3 EDWARD FOX: Mr. Ponzio, --

4 ARTHUR PONZIO: Yes, sir.

5 EDWARD FOX: -- if I could just
6 add.

7 Because us planners don't like the
8 -- the lawyers to come after us afterwards,
9 there's actually two variances there, as you
10 know.

11 ARTHUR PONZIO: Okay.

12 EDWARD FOX: One is from the -- the
13 ordinance itself, which requires a 50-foot
14 frontage, and the other was this -- the uncommon
15 -- you never really see it -- is the planning
16 variance from 40:55d-35, which requires that all
17 buildings must abut a street --

18 ARTHUR PONZIO: Mm-hmm.

19 EDWARD FOX: -- in the State of New
20 Jersey.

21 ARTHUR PONZIO: Mm-hmm.

22 EDWARD FOX: So, that's not a
23 variance from the city ordinance; it's a
24 variance from the Municipal Land Use Law.

25 ARTHUR PONZIO: Okay. I appreciate

1 that.

2 EDWARD FOX: So, I'd like to, if
3 you don't mind, --

4 ARTHUR PONZIO: Yep.

5 EDWARD FOX: -- just add that in.
6 Well, it's the same difference.

7 ARTHUR PONZIO: The same thing.
8 The interesting thing, if -- if
9 this -- the subdivision is -- was not proposed,
10 the building is one. The property is all
11 connected, essentially. This building's
12 connected to the rest. There is no variance.
13 We have full frontage on Pacific Avenue and
14 New Jersey Avenue, as well.

15 But, the technicality arises in
16 separating this particular piece of property.
17 Thus, it brings us into the category that we
18 just mentioned with the variances that are
19 needed.

20 Again, no structural change, no
21 functional change, no operational change, but,
22 technically, it -- it does rise to the variance
23 level that we have to seek today.

24 ROBERT REID: Mr. Ponzio, --

25 ARTHUR PONZIO: Yes, sir.

1 ROBERT REID: -- you're saying that
2 it's going to be -- it's really going to be
3 operated as one facility --

4 ARTHUR PONZIO: Yeah.

5 ROBERT REID: -- by the same
6 management group.

7 ARTHUR PONZIO: Essentially, yes.

8 Mr. Kaufman, am I saying that out
9 of place? That's fine?

10 BENJAMIN KAUFMAN: Yeah. Correct.

11 ARTHUR PONZIO: Okay. Yes.

12 The other variances, going down the
13 list, lot coverage and building coverage. There
14 was a question in the report. There was a
15 couple pieces of information that we needed to
16 add. I'll put that on the record today to help
17 a little bit there.

18 Once the subdivision would be
19 created, proposed Lot A would have a building
20 coverage of 14 percent. It's quite low.
21 Because it only would incorporate the Orleans
22 Tower as part of Lot A. The rest would be the
23 surface parking.

24 The lot coverage, impervious, would
25 be 87 percent for Lot A.

1 For Lot B, the site of the Premiere
2 Light Tower, the building coverage is proposed
3 at 84 percent. The lot coverage is proposed at
4 96 percent. As you can see, it's, essentially,
5 all building but for some minor setback areas
6 around the perimeter.

7 Lot C, the large lot, the Show -- I
8 call it the Showboat Hotel lot, would have a
9 resultant lot coverage of 76 percent -- I'm
10 sorry -- 98 percent and a building coverage of
11 76 percent. That is what's represented on the
12 drawings.

13 JEFFREY HANSON: I should -- I
14 should note, not to interrupt you, Mr. Ponzio,
15 --

16 ARTHUR PONZIO: Yep.

17 JEFFREY HANSON: -- that in the
18 application, they applied for building and lot
19 coverages on Lot B, but it sounds like, based on
20 the testimony, that they need impervious
21 coverage variances for A and C --

22 LANCE LANDGRAF: Right.

23 JEFFREY HANSON: -- because 80
24 percent is the max.

25 You've got 87 on A, 98 on C.

1 And then, for the building
2 coverage, A's okay. It's under 70 percent.

3 ARTHUR PONZIO: Yep.

4 JEFFREY HANSON: And then C's going
5 to require a building coverage variance as well,
6 because that's going to be above 70. That will
7 be at 76.

8 Just to clarify. That's what we're
9 --

10 LANCE LANDGRAF: Right.

11 ARTHUR PONZIO: Essentially,
12 they're existing conditions. But, you know,
13 nonetheless, I -- I agree with that. Thank you.

14 KEITH DAVIS: If we did --

15 JEFFREY HANSON: With the lot lines
16 being changed, though, it changes the --

17 ARTHUR PONZIO: Yeah. Yeah.

18 JEFFREY HANSON: So, I think we
19 should just --

20 It probably would be safer and
21 cleaner to --

22 KEITH DAVIS: That's fine.

23 JEFFREY HANSON: -- reaffirm those
24 variances.

25 KEITH DAVIS: We'll put those in

1 the resolution.

2 We did notice for them broadly in
3 connection with the overall subdivision.

4 JEFFREY HANSON: Okay. I figured
5 that.

6 KEITH DAVIS: So, I think we're
7 covered in that regard.

8 LANCE LANDGRAF: I believe so, yes.

9 ARTHUR PONZIO: Lastly, with the
10 variance list would be the setbacks. The lot,
11 the way its positioned and looking at the
12 ordinance description for setback, we don't --
13 do not have a front yard, we do not have a rear
14 yard, we have four side yards. Very
15 interesting. Unusual, but interesting.

16 And in looking at that, we would
17 require --

18 The -- the ordinance allows a zero
19 setback on the side up to 35 feet, and then an
20 offset of 20 feet as you go further toward the
21 sky. That is the requirement.

22 So, on the grade level, of course,
23 we -- we meet that around -- all the way around
24 the perimeter. As you get elevated with the
25 building -- you saw in the photograph -- the

1 building's, essentially, a vertical tower,
2 approximately 20 stories, more or less. So, we
3 would violate the setback as you get above 35
4 feet.

5 For the record, the setbacks to the
6 building from the property line on the northerly
7 side -- I'll call northerly Pacific, I'll call
8 ocean -- the ocean the southerly.

9 On the northerly side, the setback
10 is 6.02. On the southerly side, the setback is
11 zero, where the one tower abuts the other. On
12 the easterly or New Jersey Avenue side, the
13 setback is 9.19. And on the westerly side, the
14 setback is 7.67.

15 So, essentially, it's four side
16 yard setbacks -- setback variances all around
17 the property resulting from the subdivision.

18 The interesting thing with the
19 setbacks is, again, when the property is
20 considered in the whole, the way you measure the
21 setback is different from the way you measure it
22 by subdividing this Lot B out of it, out of the
23 property. That is, from the easterly side of
24 the property, that setback would be measured all
25 the way to New Jersey Avenue.

1 The setback from the northerly side
2 would be measured all the way to Pacific Avenue.

3 There would be no measurement for
4 the setback to the property line here because
5 that property would fall in the shadow line of
6 the other tower as like -- likely -- likewise,
7 on the westerly side, you would never measure --
8 not measure that setback as well. The setback
9 would be measured down here at this location.

10 (Witness indicating.)

11 But, we're here asking to
12 subdivide.

13 So, again, I --

14 Keith, you've used the word
15 "technical." I'm using it again.

16 It really is a technicality, if you
17 will, or a technical variance that we need to
18 request these setbacks because we are creating
19 these lines, and we would, technically, measure
20 to the lines we're creating, although if you
21 stood back on the corner and looked at the
22 property, the setback to the building is really
23 New Jersey Avenue and Pacific Avenue. But,
24 technically, we need to ask for that variance.

25 I believe that was the end of the

1 variance list.

2 Is that correct?

3 KEITH DAVIS: Yeah.

4 ARTHUR PONZIO: Okay. So --

5 Yeah. There are --

6 Do you want me to go into the

7 justification, --

8 KEITH DAVIS: Purposes of the

9 zoning? Right.

10 ARTHUR PONZIO: -- I can do that.

11 Okay. So, we believe there are, in

12 support of this application --

13 All variances. I'm going to kind

14 of lump them all together in one if -- if you

15 give me that latitude to do that rather than

16 individually justify them. If you want me to

17 come back on anything, I will, of course.

18 LANCE LANDGRAF: I think that's

19 fine.

20 ARTHUR PONZIO: Okay. Thank you.

21 LANCE LANDGRAF: Maybe at the end,

22 you may want to just touch on the (d.) a little

23 bit more, but I think that's fine, running them

24 all together.

25 Do you agree, Scott?

1 SCOTT COLLINS: I agree.

2 ARTHUR PONZIO: We think the
3 special reasons exist. And we found --

4 In going through the list in the
5 Municipal Land Use Law, I find two areas where,
6 I think, are -- are compatible to this
7 particular -- and relevant to this application.

8 One, of course, is the general
9 welfare. "A." "It is to encourage municipal
10 action to guide the appropriate use of
11 development of land in a manner which will
12 promote the general health, safety and welfare
13 of the community."

14 Again, we had a property that was,
15 essentially, a dead property, closed. It's been
16 reopened. It's been evaluated. It's ongoing,
17 this -- this plan to repurpose this property.
18 And we're at a point in time where the owner of
19 the property feels the better use for that
20 particular tower is not as a hotel use. He's
21 got ample opportunities for hotel rooms on the
22 property. To go back to the apartment use. And
23 -- and to enable that to happen, he needs a
24 subdivision so he can actually finance that
25 project and not tie that financing to the

1 remainder of the property.

2 This is a project that's going to,
3 essentially, stand on its own.

4 And that is correct as I said.

5 Okay. Thank you.

6 So, we think that the general
7 welfare of the community, because of this
8 repurposing of the -- of the building, the
9 reopening of the building and the -- the new use
10 that is being implemented here falls more into
11 line with the direction of development and use
12 in Atlantic City at this point in time, looking
13 forward.

14 So, I -- I think, without a doubt,
15 in many ways, the general welfare of the
16 community is -- is advanced.

17 Employment is one, certainly. That
18 is a significant part of all of this. And to
19 take this property as well as the properties in
20 the neighborhood, as I've mentioned, and put
21 folks back to work. Atlantic City's welfare is
22 -- is on the upswing, thank God, after many
23 years being dormant.

24 The second special reason would be
25 "M," to encourage coordination. And I think

1 this is very -- very appropriate here.

2 And I certainly appreciate all of
3 the efforts that this board -- this body does in
4 every application we come before it. It's such
5 a positive experience. I want to put that on
6 the record, for everyone to know how I
7 personally feel. Because I've been doing this
8 -- business in this town for 40 years, and the
9 -- the level of cooperation and the expediency
10 of getting before the board and getting
11 applications through and getting them approved
12 and the cooperation we get back from the board
13 and all of its professionals is absolutely
14 magnificent, and I want you to know that. I
15 want to put that on the record. And I -- I
16 appreciate it.

17 LANCE LANDGRAF: Thank you, Art.
18 We appreciate that, as well.

19 ARTHUR PONZIO: Yeah. Absolutely.
20 Thank you.

21 So, "M" would be "To encourage
22 coordination of the public and the private
23 procedures that shape land development with a
24 lessening of costs of such development and to
25 the more efficient use of land."

1 I think that hits directly to the
2 target in this application.

3 The lessening of costs and the more
4 efficient use of land. The repurpose of the
5 hotel tower that's largely unused and perhaps,
6 in the future, will continue that; to repurpose
7 that to a use that our client believes is going
8 to be fully functional, operable and successful
9 into the future. I think that's extremely
10 important. You need this -- this mesh of the
11 public and the private sectors that come
12 together through this body to help us achieve
13 that. So, I think that's very, very important.

14 As far as when it comes to the
15 lessening of the cost, also interesting.
16 There's plenty of land here. Mr. Blatstein
17 could have decided to take one of these lots
18 that he has open and let's just build a
19 residential tower. Well, we all know what the
20 -- the cost of doing that would be. And I will
21 tell you that at least get -- based on current
22 values of real estate in Atlantic City and rent
23 -- rent values, what you could get for rent, you
24 don't see a lot of brand new towers being paid
25 for by private folks and -- and built for

1 residential purposes. The market hasn't caught
2 up to that yet.

3 So, to build a brand new tower for
4 this use, in my opinion, as well as the opinion
5 of the -- of the applicant, would not be
6 financially feasible. But, to repurpose a
7 building when the nuts and bolts are all here,
8 and all we would need to do is go in and
9 deconvert rooms to apartments, it's much less
10 cost.

11 That, again, goes to the heart of
12 what I'm saying about this -- this special
13 reason that we're advancing with this
14 application.

15 And it does make that project
16 feasible. And we do need the cooperation of the
17 authority for us to achieve that.

18 KEITH DAVIS: Any negative impact?
19 Public good? Zone plan?

20 ARTHUR PONZIO: Yeah. Because of
21 the fact that the -- there's no construction
22 plan, there's no, in my opinion, intensification
23 of the use, again, to go from 544 rooms down to
24 264 apartments, to go from a demand of 522
25 parking spaces down to 264, I believe that, in

1 every way, that a -- a use that we're proposing
2 on this rather small lot is a -- is a reduction
3 in the overall intensity based upon that and the
4 fact that there's no outward construction, I
5 don't see any negative whatsoever that could
6 happen to any -- could be impacted, that is, to
7 any of the adjoining properties in -- in the
8 community. I just don't see it.

9 KEITH DAVIS: And as to the
10 (d.) variance, you're familiar with the Coventry
11 Square case?

12 ARTHUR PONZIO: Yep.

13 KEITH DAVIS: To relax the burden
14 of proof. Correct?

15 ARTHUR PONZIO: Yes.

16 KEITH DAVIS: It's not the Medici
17 standard?

18 ARTHUR PONZIO: Correct.

19 KEITH DAVIS: Does the site remain
20 suitable for all of the uses that are proposed
21 herein despite the fact that that (d.) variance
22 for density is required?

23 ARTHUR PONZIO: Yeah. It does, in
24 my opinion.

25 I'll go back, again, to the

1 photograph, very quickly. You can see how that
2 tower is positioned on the property, essentially
3 almost in the center of the property. It's a
4 fully integral part of this overall development.
5 I think that it -- it always was -- I don't
6 think it always was -- very functional,
7 operational, with no impact whatsoever, and very
8 suitable for this location. It will, obviously,
9 remain that into the future.

10 KEITH DAVIS: Have you had an
11 opportunity to review the ERI report dated April
12 --

13 ARTHUR PONZIO: I did.

14 KEITH DAVIS: -- 16th?

15 All right. You've already
16 addressed the access easement comment. We're
17 going to extinguish that. Correct?

18 ARTHUR PONZIO: Yes.

19 KEITH DAVIS: Can we agree to
20 everything else as a condition of approval?

21 ARTHUR PONZIO: I think we can,
22 yes.

23 EDWARD FOX: Let me see if I can
24 just go through it real quick with you. The --

25 KEITH DAVIS: Okay.

1 EDWARD FOX: Let me just look at
2 it. I'm not going to go through --

3 JEFFREY HANSON: I can also -- I
4 can also go through it when I go through my --

5 KEITH DAVIS: That's fine. And
6 we'll address it on a case-by-case basis, --

7 EDWARD FOX: Yeah.

8 KEITH DAVIS: -- but, I -- I think
9 it's safe to say that most if not all can be
10 agreed to.

11 JEFFREY HANSON: Yeah. We might
12 not need to -- I don't think we need to go
13 through everything.

14 ARTHUR PONZIO: No. I'm not going
15 to do that. But, there was --

16 Okay. The access easement was the
17 one.

18 KEITH DAVIS: Yeah. That's on page
19 --

20 ARTHUR PONZIO: There's some
21 technical items, things of that nature. The
22 monuments and whatnot.

23 KEITH DAVIS: Plan changes,
24 et cetera. We can accommodate all that?

25 ARTHUR PONZIO: Yeah. Yeah.

1 That's no problem.

2 I think that was it. Yeah.

3 KEITH DAVIS: Mr. Landgraf, that's
4 all we have.

5 SCOTT COLLINS: While they're
6 talking, maybe I can just jump in.

7 LANCE LANDGRAF: Sorry. Go ahead.

8 SCOTT COLLINS: Just for purposes
9 of the record, I think we got up to A-3. Why
10 don't we go back and just mark the application
11 packet itself as A-4?

12 KEITH DAVIS: Sure.

13 SCOTT COLLINS: And then we made
14 reference to the ERI letter dated April 16th,
15 2019. We'll call that B-1.

16 Thank you.

17 LANCE LANDGRAF: So, Jeff, do you
18 have anything else you need to add from your
19 report? Do you want to touch base on anything?

20 JEFFREY HANSON: Do you want me to
21 just --

22 LANCE LANDGRAF: Make some
23 comments. Yeah. Quickly, you can go over it.

24 JEFFREY HANSON: I'll make a quick
25 summary. I'll try.

1 I think Mr. Davis and Mr. Ponzio
2 gave a pretty good -- pretty good thorough
3 presentation.

4 As they said, the -- the purpose of
5 the application is for financing and conveying
6 of lots in the future. They're subdividing five
7 -- consolidating five lots down into three lots
8 with a slightly different configuration. It's
9 in the RC zone. The use is permitted there,
10 obviously.

11 There were -- I think there were
12 three submission waivers for the (c.) variance
13 and -- and four for the (d.). Three of them
14 were the same. It asked for a color. No color
15 photographs were provided. No site plan was
16 provided. No architecturals were provided.

17 I think the thorough display that
18 they presented today is sufficient.

19 And site plan, I don't have any
20 objection to the -- granting that waiver because
21 there's no exterior improvements that are shown.
22 We do have a minor subdivision plan to take care
23 of all of that.

24 The architecturals, since there's
25 nothing being changed architecturally.

1 Obviously, when they -- if they're -- when
2 they're going to convert these rooms into
3 apartments, they'll have to get their building
4 --

5 LANCE LANDGRAF: Right.

6 JEFFREY HANSON: -- permits from
7 the city, but that --

8 LANCE LANDGRAF: And at the site
9 plan time, we saw some -- some concept
10 architectural plans at that point; floor layouts
11 and things. So, we have that on file.

12 JEFFREY HANSON: Whatever the city
13 would need.

14 LANCE LANDGRAF: Yep. We'll need
15 --

16 For the architects, we'll need
17 building --

18 For the building permits, they'll
19 need architectural plans for that. So...

20 JEFFREY HANSON: I -- I think Art's
21 testimony regarding the (d.5) variance was
22 sufficient as well, so I don't have any -- any
23 objection to completeness.

24 I think I just gave, on page 3, the
25 -- a little bit of a refresher on the -- for a

1 regurgitation of the nature of the application.

2 Going to number 2 under the minor
3 subdivision review, we did identify the three
4 easements. One would be the access drive from
5 Pacific to utilize -- to utilize the -- the
6 access drive. Also, at the rear of the lot
7 there's the emergency access easement, which is
8 at the rear/south of the tower. And at the
9 north side, the parking lot, there's going to be
10 a cross-access easement for the park -- the 276
11 parking spaces, which exceeds the 248 that would
12 be required by your ordinance.

13 Mr. Ponzio did indicate that the --
14 the previous service easement for the Orleans
15 Tower, since his client has since purchased that
16 property, that will be eliminated. The plan
17 will be reflected accordingly.

18 ARTHUR PONZIO: Mm-hmm.

19 JEFFREY HANSON: And you did --

20 You didn't have any objection to
21 comments 4 through 12, which were mainly
22 clerical items, --

23 ARTHUR PONZIO: Very good.

24 JEFFREY HANSON: -- as far as the
25 plan, the minor subdivision plan goes.

1 ARTHUR PONZIO: They're all good.

2 JEFFREY HANSON: Are there any
3 particular comments between 4 and 12 there that
4 you'd like me to address?

5 LANCE LANDGRAF: No. And I'm just
6 running through them right now.

7 The only comment that I would have
8 -- and I'll give Mr. Reid credit for mentioning
9 it to me, maybe a blanket easement for
10 utilities. Because you're going to have
11 utilities all over the place, back and forth.

12 ARTHUR PONZIO: We will do that.
13 It's just been discussed. I went, whoa.

14 LANCE LANDGRAF: So, that that's a
15 good one --

16 ARTHUR PONZIO: Yep.

17 LANCE LANDGRAF: -- to maybe
18 include in there.

19 When you do the final subdivision
20 plans, get those easements set up for --

21 You're going to have everything.
22 You've got gas, water, electric.

23 ARTHUR PONZIO: Yep.

24 JEFFREY HANSON: I'm just going to
25 be -- I'm going to turn it over to Ed Fox, our

1 planner, who has appeared here previously, as
2 well.

3 LANCE LANDGRAF: Yep.

4 JEFFREY FOX: But, I'll just
5 summarize the bulk variances.

6 There was the (d.) variance for --
7 the (d.5) variance, obviously, for the --

8 Bulk variances, they're proposing
9 on Lot B zero frontage where 50's required.
10 That also triggers the additional variance from
11 the state ordinance that requires frontage for
12 all lots on streets.

13 Correct, Ed?

14 EDWARD FOX: Right.

15 JEFFREY HANSON: There are two
16 imper -- or building coverage variances
17 required. Lot B, and then pre-existing on Lot C
18 of 76 percent. Eighty-four percent on Lot B. A
19 is under.

20 And then impervious coverage
21 variances are needed for each of the lots, A, B
22 and C. Ninety-six percent on B, 87 percent on A
23 and 98 percent on C. These are pre-existing
24 conditions as well, obviously.

25 And then also, since the

1 configuration of the lot is such that we have
2 four side yards, there are four associated side
3 yard setback variances for Lot B. You require
4 20 feet. They're 6.02 feet on the north, 9.19
5 feet on the east, no setback on the south, and
6 7.67 on the west.

7 And I'll let Ed get into the
8 planning testimony now, unless anybody wants to
9 discuss anything in particular from an
10 engineering perspective.

11 LANCE LANDGRAF: I think we're
12 good.

13 JEFFREY HANSON: Okay.

14 LANCE LANDGRAF: Ed?

15 EDWARD FOX: Thank you,
16 Mr. Landgraf.

17 This was not in our letter, which I
18 apologize, and I apologize to Mr. Davis for not
19 discussing it earlier. But, if one considers
20 the use variance in the negative criteria, as I
21 mentioned previously, if you add all three lots
22 together, they're only built out at 76 units per
23 acre, which would be 1,217, roughly. And that's
24 great.

25 The current lot, what we're talking

1 about, Lot B, is having an extra of 217 units,
2 because, as you had mentioned, that's -- it's
3 264, but would be, otherwise, 47. It may be the
4 case. And historically, we have seen that just
5 because a property owner owns all three lots
6 now, they may not five years from now or ten
7 years from now.

8 And it may be for your
9 consideration, Mr. Landgraf, and for you,
10 Mr. "Smith" [stated incorrectly] of -- or your
11 client that they consider a -- a deed
12 restriction to prorate the remaining lots A and
13 C to have no more than the remainder of what the
14 normal density would be at 75 units per acre, to
15 have them no more than 953 units.

16 That way, the entire 75 units per
17 acre is maintained on all three lots.

18 Lot B would get what it's
19 requested, but there would be a -- the other 217
20 units that are being increased in Lot B would be
21 reduced in the other lots, A and C.

22 KEITH DAVIS: Well, if that were to
23 happen, that's going to be the subject of a
24 future application for site plan approval, to
25 establish those additional residential units.

1 And I think the board would have the opportunity
2 at that point to look at the -- what we're
3 proposing at the Premiere Light Tower and take
4 that into consideration.

5 What I don't want to do is hamper
6 Mr. Blatstein in his ability to rejuvenate this
7 property in any way by imposing some sort of a
8 deed restriction that would cap the density.
9 And then we'd have to go through a process of
10 extinguishing that instrument in the future.

11 I understand the goal that you're
12 trying to achieve. I would only ask that you
13 incorporate into the resolution that that's an
14 issue that might have to be examined on a future
15 site plan application if the density is
16 increased on A and C in the future. And when
17 that application is submitted, we will be
18 submitting any and all prior approvals affecting
19 the property in question, including this
20 approval that, hopefully, is granted today or at
21 the -- at the next CRDA board meeting. And it
22 will be looked at and it will be examined. It
23 can be incorporated into your report and dealt
24 with at that point in time as part of the proofs
25 that we have to satisfy for that future

1 application for development.

2 So...

3 EDWARD FOX: Thank you, Mr. Davis.

4 I -- I appreciate that, but as Mr. Ponzio
5 provided in his testimony, there's really no
6 issue because we're all considering this one big
7 super block and, therefore, it doesn't need all
8 the proofs that we need for the setbacks and
9 densities and all those other variances.
10 They're really not a negative effect to the
11 community because it's creating this one super
12 block.

13 I'm talking about in the future,
14 when it isn't. And there isn't any control if
15 one lot is sold. If Lot B is sold five years
16 from now, that -- the board has no authority to
17 diminish lots A and C. They would get their
18 full rights to 1,170 units.

19 KEITH DAVIS: What I -- what we can
20 do, we have to do cross-access easements --

21 EDWARD FOX: Mm-hmm.

22 KEITH DAVIS: -- as a condition of
23 approval.

24 We're proposing that.

25 Perhaps your attorney and I can

1 work on language in those cross-access easements
2 to accomplish the goal that you're achieving,
3 because those access easements are going to
4 require that all these lots operate as one
5 economic unit.

6 EDWARD FOX: I think that might be
7 a way to achieve it, Mr. Landgraf.

8 LANCE LANDGRAF: Yeah.

9 EDWARD FOX: I would rather --

10 KEITH DAVIS: I'm not making
11 decisions here; I'm just --

12 LANCE LANDGRAF: I would rather see
13 something along those lines. There's enough
14 deed restrictions on this property already.

15 KEITH DAVIS: Yeah.

16 LANCE LANDGRAF: So, we're all
17 aware of the deed restrictions that are on the
18 property.

19 And that does tend to stifle
20 development in some cases.

21 So, I'm not a fan of the deed
22 restriction in this case, but if we can get to
23 that point.

24 I understand the point, Ed. I
25 appreciate that. And maybe we can come to the

1 cross-easement language, that that might assist
2 that, or the mere mentioning of it, as -- as
3 Mr. Davis indicated, in the resolution; that
4 this has been raised as a concern. It doesn't
5 raise -- rise to the level of a deed restriction
6 in my mind yet. But, it's been raised, so we're
7 on notice when this would ever come back. I'm
8 hoping that it's not the case and I hope to see
9 this site develop as a -- a resort. As I think
10 Mr. Blatstein and Ben's office is aware, that's
11 what they're trying to do here.

12 So, we hope to encourage that. And
13 then putting a deed restriction on, I think,
14 could potentially limit -- just make another
15 hurdle. And you've heard me use that word a
16 couple times today. I'm not a fan of creating
17 hurdles for -- for development in the City of
18 Atlantic City. And that would be my
19 recommendation to our board; that we would not
20 deed restrict it and -- and just handle it
21 throughout -- through the approval process and
22 not a maybe in a resolution or future
23 applications.

24 EDWARD FOX: Thank you,
25 Mr. Landgraf.

1 And thank you, Mr. Davis. That
2 addresses my concern.

3 KEITH DAVIS: Thank you.

4 LANCE LANDGRAF: All right. Okay.
5 Anything from you, Scott?

6 SCOTT COLLINS: No, nothing from
7 me.

8 LANCE LANDGRAF: All right.
9 Anything else, Keith -- or Mr. Davis?

10 KEITH DAVIS: No. This is all
11 about new investment.

12 LANCE LANDGRAF: It is.

13 KEITH DAVIS: It's very technical
14 in nature.

15 We're trying to repurpose this
16 property, as Mr. Ponzio testified to.

17 We think the proofs have been ably
18 met on all the variances we're requesting; the
19 minor subdivision approval, the site plan
20 waiver, et cetera, and we respectfully ask for a
21 recommendation.

22 LANCE LANDGRAF: Okay. With that,
23 I'm going to open the meeting up to the public,
24 briefly.

25 Seeing no one here other than

1 Mr. Kaufman and Mr. Ponzio sitting in the
2 audience, we'll now close the public portion.

3 And Keith, if that's all you have.

4 KEITH DAVIS: That's all I have.

5 LANCE LANDGRAF: Okay. Nothing
6 else from us.

7 Then, as I indicated --

8 You -- you had requested we get on
9 the May board agenda. I don't know that that's
10 going to be possible. They have been -- "they."
11 Staff have been really strict on getting items
12 -- and it's not Scott; it's -- it's our board
13 administration getting items on an agenda have
14 to already be on before today's date. That date
15 was actually last week.

16 While this application and any land
17 use application does not go before a committee,
18 --

19 KEITH DAVIS: Mm-hmm.

20 LANCE LANDGRAF: -- that would be a
21 hearing without the public, so we don't do that,
22 we have to have our items ready for that agenda
23 prior to our -- prior to this meeting date. So,
24 it was last Friday, believe it or not.

25 So, I apologize for that. If I

1 can, I will. I will make the effort, make the
2 ask. If not, it will be on our June agenda,
3 which is the third Tuesday of that month. And I
4 don't have that date on me. June 18th.

5 KEITH DAVIS: If you can, we would
6 appreciate you asking, only because we did have
7 -- and it's my fault. We missed one resident --

8 LANCE LANDGRAF: I saw that.

9 KEITH DAVIS: -- on the first
10 notice go-round because we got this application
11 relatively quickly with your assistance, which
12 delayed us a month.

13 So, we're trying to stay on target
14 with our scheduling.

15 LANCE LANDGRAF: Understood.

16 KEITH DAVIS: I'm sure we could use
17 the time to clean up the plan, get the easements
18 done and hit the ground running after the
19 resolution's approved.

20 LANCE LANDGRAF: And what we've
21 done, if we can't get it on for -- for May and
22 it does go to June, there's that time period,
23 the governor's veto --

24 KEITH DAVIS: Mm-hmm.

25 LANCE LANDGRAF: -- of -- of ten

1 days beyond that.

2 KEITH DAVIS: Yep.

3 LANCE LANDGRAF: What I've done for
4 other applicants that have projects that have
5 been voted on and approved by our full board, we
6 give them a notice to proceed at their own risk.

7 And you can certainly go get your
8 permits with the city with that blessing. I
9 know I've -- I've done that at least four or
10 five times for applicants in the city; that
11 you've got board approval, it just has to go
12 through the -- the veto period. But, it gets
13 you guys started at least a couple weeks ahead
14 of time. Hopefully, that will help a little
15 bit. So...

16 KEITH DAVIS: Great. Whatever you
17 can do. I appreciate it.

18 LANCE LANDGRAF: With that, we will
19 close the hearing on this matter.

20 For the public's benefit, the next
21 hearing is May 16th, at 10 A.M., in this
22 building.

23 Rob, that is the date that there is
24 also an Atlantic City zoning hearing?

25 ROBERT REID: No. That's -- that's

1 --

2 LANCE LANDGRAF: In June.

3 ROBERT REID: Oh. That's right.

4 It's --

5 LANCE LANDGRAF: Is it on May 16th?

6 So, Atlantic City scheduled their
7 zoning hearing for the same day in a different
8 room. So, that should be an interesting day.

9 ARTHUR PONZIO: Yeah. I'll say.

10 LANCE LANDGRAF: So, with that,
11 with no other public comment, we'll close the
12 public meeting.

13 We are adjourned.

14 ARTHUR PONZIO: Thank you.

15

16 (This public hearing concluded at
17 11:05 A.M.)

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